

**City Council Meeting**

**Date:** Monday, March 21, 2022

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

**Location:** Council Chambers, 1<sup>st</sup> 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 during a declared emergency. The minutes will reflect this accordingly. Any delegations will be participating electronically.

**MEMBERS:**

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Rino Bortolin

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Jeewen Gill

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

## ORDER OF BUSINESS

Item #	Item Description
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1.	<b>ORDER OF BUSINESS</b>
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| 1.1. | In the event of the absence of the Mayor, Councillor McKenzie has been Appointed Acting Mayor for the month of March, 2022 in accordance with By-law 176-2018, as amended. |
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2.	<b>CALL TO ORDER</b>
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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.	<b>DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>
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4.	<b>ADOPTION OF THE MINUTES</b>
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5.	<b>NOTICE OF PROCLAMATIONS</b>
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6.	<b>COMMITTEE OF THE WHOLE</b>
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7.	<b>COMMUNICATIONS INFORMATION PACKAGE</b> (This includes both Correspondence and Communication Reports)
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|------|--|
| 7.2. | 2021 Status Report regarding Cannabis Retail Store Applications Submitted to AGCO – City Wide ( <b>C 25/2022</b> ) |
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- |      |  |
|------|--|
| 7.3. | Mayor, Councillors and Appointees Statement of Remuneration and Expenses for 2021 ( <b>C 36/2022</b> ) |
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- 7.4. Council Question CQ 23-2019 - Payday Loan Establishments - City Wide (**C 187/2020**)  
**Clerk's Note:** Administration providing additional information memo dated December 6, 2021. (**AI 21/2021**)

8. **CONSENT AGENDA**

- 8.1. Ontario Regulation 406/2019 - Excess Soil Management on City Projects - City Wide (**C 37/2022**)
- 8.2. Purchase of One (1), Two Person Rear Loading High Density Refuse Truck for the Environmental Division to be utilized City Wide (**C 33/2022**)
- 8.3. Active Transportation Fund - Contribution program-Capital Project Stream (**C 35/2022**)
- 8.4. Funding Program for Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses (**C 29/2022**)
- 8.5. Amendment of Council Resolution CR21/2020 - Ward 1 (**C 31/2022**)
- 8.6. Reimagined Adie Knox Herman Recreation Complex Project Update and Revised Concept Plan - Ward 2 (**C 38/2022**)

**CONSENT COMMITTEE REPORTS**

- 8.7. Essex-Windsor Solid Waste Authority - Regular Board Meeting Minutes, November 2, 2021 (**SCM 56/2022**) (**SCM 17/2022**)
- 8.8. Minutes of the Windsor Bicycling Committee of its meeting held December 2, 2021 (**SCM 57/2022**) (**SCM 38/2022**)
- 8.9. Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway - Ward 4 (**SCM 58/2022**) (**S 9/2022**)
- 8.10. West End Transit Terminal - Completion Report (Ward 2) (**SCM 59/2022**) (**S 8/2022**)
- 8.11. Transit Windsor Master Plan 2021 Update - Year 1 - City Wide (**SCM 60/2022**) (**S 10/2022**)
- 8.12. Transit Windsor 2021 Service Performance Update - City Wide (**SCM 61/2022**) (**S 12/2022**)
- 8.13. Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7 (**SCM 69/2022**) (**S 2/2022**)  
**Clerk's Note:** Administration providing additional information memo dated February 22, 2022. (**AI 4/2022**)

- 8.14. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – 531 Pelissier Limited - 531 Pelissier Street– CDM 006-20 [CDM-6637]; Ward 3 (**SCM 70/2022**) (**S 26/2022**)
- 8.15. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005-20 [CDM-6636]; Ward 6 (**SCM 71/2022**) (**S 25/2022**)
- 8.16. Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4 (**SCM 72/2022**) (**S 22/2022**)
- 8.17. OPA & Rezoning – 1741078 Ontario Inc & 115664 Ontario Inc – 4845 Walker Road - OPA 155 OPA/6592 Z-040/21 ZNG/6591 – Ward 9 (**SCM 73/2022**) (**S 23/2022**)
- 8.18. 986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3) (**SCM 68/2022**) (**S 19/2022**)
- 8.19. Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN\_002-21 - Ward #3 (**SCM 65/2022**) (**S 4/2022**)
- 8.20. Brownfield Community Improvement Plan (CIP) application submitted by Mikhail Holdings Limited on behalf of the Property Owner (1174478 Ontario Ltd) for 2970 College Avenue (Ward 2) (**SCM 66/2022**) (**S 18/2022**)
- 8.21. Sandwich Town CIP Application, 357-359 Indian Road; Owners Cam Crowder and Sean Lavin (Owners of GBI Holding Company) (**SCM 67/2022**) (**S 20/2022**)

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

## 10. **PRESENTATIONS AND DELEGATIONS**

### **PRESENTATION** (10-minute maximum)

- 10.1. Essex Region Conservation Authority Draft 2022 Budget

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

- 11.1. Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide (**C104/2021**)  
**Clerk's Note:** Administration providing additional information memos dated January 13, 2022 and February 18, 2022. (**AI 3/2022**) (**AI 5/2022**)

- 11.2. Declaration of Improved Property Municipally Known as 1153 Ottawa Street Surplus and Authority to Offer for Sale - Ward 4 (**C 34/2022**)
- 11.3. Amendment of Council Resolution CR256/2011 to Update Sale Price - Ward 3 (**C 40/2022**)
- 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)
  - 12.2. Report of the Striking Committee of its meeting held January 31, 2022 (**SCM 62/2022**)
  - 12.3. Minutes of the Council Compensation Review Committee of its meeting held October 14, 2021 (**SCM 63/2022**)
- 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**

Diversity Committee  
Wednesday, March 16, 2022  
10:00 a.m., Zoom video conference

Housing & Homelessness Advisory Committee  
Tuesday, March 22, 2022  
10:00 a.m., Zoom video conference

Council Compensation Review Committee  
Tuesday, March 29, 2022  
3:00 p.m., Zoom video conference

Environment, Transportation & Public Safety Standing Committee  
Wednesday, March 30, 2022  
4:30 p.m., Zoom video conference

Development & Heritage Standing Committee  
Monday, April 4, 2022  
4:30 p.m., Zoom video conference

Community Services Standing Committee  
Wednesday, April 6, 2022  
9:00 a.m., Zoom video conference

21. **ADJOURNMENT**



**Council Report: C 25/2022**

**Subject: 2021 Status Report regarding Cannabis Retail Store Applications Submitted to AGCO – City Wide**

**Reference:**

Date to Council: March 21, 2022  
Author: Pina Ciotoli  
Executive Administrative Assistant  
Chief Administrative Office  
CAO Office  
Report Date: February 7, 2022  
Clerk's File #: GP/13047

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report of the Chief Administrative Officer regarding the 2021 cannabis retail store application submissions forwarded to the Alcohol and Gaming Commission of Ontario (AGCO) **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

During the Council Meeting on Monday, July 27, 2020 discussions ensued regarding Report C 149/2020: Application for a Cannabis Retail Store Authorization at 3514 Walker Road, Unit 2. Councillor Holt gave notice that he intended to introduce the following draft motion for Council's consideration at the August 4, 2020 meeting of Council, pending administrative comment at that meeting:

*"That with regards to the City of Windsor receiving requests for written submissions regarding an application for a Cannabis Retail Store Authorization, from the Alcohol and Gaming Commission of Ontario (AGCO), that Administration BE DIRECTED to follow provincial guidelines for locations of cannabis retail stores as the City of Windsor's new municipal guidelines, as well as the City of Windsor's zoning requirements, and to approve accordingly those applications that meet these minimum standards, without the need for Council approval; and further,*

*That Administration **BE DIRECTED** to report back to Council as communication items on the application submissions that have been forwarded to the AGCO.”*

Subsequent to the notice of motion, the Mayor and City Council requested additional information from Administration, specifically regarding what the City’s existing approved guidelines were on the matter in comparison to the provincial guidelines.

At the August 24, 2020 Council Meeting, Administration provided City Council with additional information for a Notice of Motion regarding Municipal Guidelines for Cannabis Retail Stores. The following was approved by City Council at that meeting by CR442/2020:

*“That with regards to the City of Windsor receiving requests for written submissions regarding an application for a Cannabis Retail Store Authorization, from the Alcohol and Gaming Commission of Ontario (AGCO), that Administration **BE DIRECTED** to follow provincial guidelines for locations of cannabis retail stores as the City of Windsor’s municipal guidelines, as well as the City of Windsor’s zoning requirements, and to approve accordingly those applications that meet these minimum standards, without the need for Council approval, and further,*

*That Administration **BE DIRECTED** to report back to Council as communications items on the application submissions that have been forwarded to the AGCO.”*

## **Discussion:**

From January 2021 to December 2021, Administration received, processed and submitted a total of sixteen (16) applications for a Cannabis Retail Store Authorization to the AGCO based on the Province’s guidelines for cannabis retail store applications.

Following the Province’s guidelines, the City will only object to applications that are within 150 metres of a school and those that are in a location where the zoning does not permit a retail store.

A listing of Cannabis Retail Store Applications for 2021 is attached to this report as Appendix A.

## **Risk Analysis:**

The level of risk is low. Comments to the AGCO must be submitted by the municipality within fifteen (15) days. If submissions are not received within this period, they will not be considered. However, the AGCO is the provincial authority in cannabis retail licenses and The Corporation of the City of Windsor has no recourse if the AGCO issues a license despite any objections made. Since the new resolution, there has been little issue in being able to submit comments to the AGCO within the public notice time frame.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

N/A

## **Consultations:**

George Robinson, Planner III

## **Conclusion:**

The annual status report is provided to City Council to fulfill an ongoing commitment for submitting comments regarding Cannabis Retail Store Applications to the AGCO on behalf of the municipality.

## **Planning Act Matters:**

N/A

## **Approvals:**

<b>Name</b>	<b>Title</b>
Jason Reynar	Chief Administrative Officer

## **Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

## **Appendices:**

## **2021 Cannabis Retail Store Applications**

	<b>STORE ADDRESS</b>	<b>STORE NAME</b>	<b>RESOLUTION</b>
1	1574 Howard Ave	High Tea Cannabis Co.	Approved by Administration
2	3222A Dougall Ave	Fika Windsor	Approved by Administration
3	1916 Wyandotte St W	ShinyBud Cannabis Co.	Approved by Administration
4	6050 Tecumseh Rd E	The We Store	Approved by Administration
5	286 Ouellette Ave	Uncle Sam's Cannabis	Approved by Administration
6	125 Tecumseh Rd W	Greenlight District	Approved by Administration
7	8061 Wyandotte St E	RC Bud	Approved by Administration
8	4140 Walker Rd, Unit 200 - 102	Canna Cabana	Approved by Administration
9	5540 Wyandotte St E	Endless Heights Cannabis Shop	Approved by Administration
10	3156 Sandwich St	Haight - Ashbury	Approved by Administration
11	4756 Tecumseh Rd. E.	On the Cannabis Side	Approved by Administration
12	2405 DOUGALL AVE UNIT 4	SHINYBUD CANNABIS CO. DOUGALL	Approved by Administration
13	1940 Tecumseh Rd W	Boondom West	Approved by Administration
14	286 Ouellette Ave	Uncle Sam's Cannabis	Approved by Administration
15	1115 Ouellette Ave, Suite 1103	Discounted Cannabis	Approved by Administration
16	1519 Drouillard Rd.	Greentown Cannabis Discount Hut	Approved by Administration





**Council Report: C 36/2022**

**Subject: Mayor, Councillors and Appointees Statement of Remuneration and Expenses for 2021**

**Reference:**

Date to Council: March 21, 2022

Author: Jocelyn De Luna

Financial Analyst

519-255-6100 Ext 6334

jdeluna@citywindsor.ca

Financial Accounting

Report Date: March 1, 2022

Clerk's File #: ACO/7090

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the report of the City Treasurer regarding the Mayor, Councillors and Appointees 2021 Statement of Remuneration and Expenses **BE RECEIVED** for information.

**Executive Summary:**

N/A

**Background:**

Statement of Remuneration

In compliance with the Municipal Act, each year the City Treasurer provides a report to Council that itemizes the remuneration paid and expenses reimbursed in the previous year to:

(a) each member of council in respect of his or her services as a member of the council or any other body, including a local board, to which the member has been appointed by council or on which the member holds office by virtue of being a member of council;

(b) each member of council in respect of his or her services as an officer or employee of the municipality or other body described in clause (a); and

(c) each person, other than a member of council, appointed by the municipality to serve as a member of any body, including a local board, in respect of his or her services as a member of the body.

Additionally, in order to fully reflect travel cost, the report also includes travel related expenses that were not reimbursed but paid directly by the municipality and attributable to an individual.

Furthermore, on April 16, 2012 Council Resolution M182-2012 directed as follows:

“That the report of the City Treasurer dated March 30, 2012 regarding Councillors and Appointees 2011 Statement of Remuneration and Expenses **BE RECEIVED** for information, and further, that Administration **BE DIRECTED**, on a go-forward basis, to **ENDEAVOR** to include in future reports, the same information currently collected for City Councillors, for City appointees to City agencies, boards and commissions, provided that they are not subject to any legislative restrictions.”

As required by Council Resolution M182-2012, the additional information collected is reflected in Appendix D – Schedule of Mayor, Council and Appointees Remuneration and Expenses for 2021 from City ABC’s (Direct Payments Made by the Listed Organizations) attached.

#### **Discussion:**

The following schedules are attached relative to the Statement of Remuneration requirements.

Appendix A – Schedule of Mayor and Council Remuneration for 2021

Appendix B – Schedule of Council and Appointees Expenses for 2021

Appendix C – Schedule of Appointees Remuneration for 2021

Appendix D – Schedule of Mayor, Council and Appointees Remuneration and Expenses for 2021 from City Agencies, Boards, Commissions

Appendix E – Schedule of Mayor’s Business and Travel Expenses for 2021

#### **Risk Analysis:**

Failure to provide this information to City Council would result in non-compliance with the Municipal Act.

#### **Climate Change Risks**

##### **Climate Change Mitigation:**

N/A.

##### **Climate Change Adaptation:**

N/A.

#### **Financial Matters:**

See Appendices.

**Consultations:**

Individuals consulted in the preparation of this report included:

1. Rachel Chesterfield, Payroll
2. Becky Murray, Council Services
3. Christine Chauvin, Mayor's Office

**Conclusion:**

This report is provided to Council for information purposes.

**Approvals:**

<b>Name</b>	<b>Title</b>
Dan Seguin	Deputy Treasurer - Financial Accounting and Corporate Controls
Joe Mancina	Commissioner Corporate Services - Chief Financial Officer & City Treasurer
Steve Vlachodimos	City Clerk
Jason Reynar	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
N/A		

**Appendices:**

Appendix A – Schedule of Mayor and Council Remuneration for 2021

Appendix B – Schedule of Council and Appointees Expenses for 2021

Appendix C – Schedule of Appointees Remuneration for 2021

Appendix D – Schedule of Mayor, Council and Appointees Remuneration and Expenses for 2021 from City Agencies, Boards, Commissions

Appendix E – Schedule of Mayor's Business and Travel Expenses for 2021

**THE CORPORATION OF THE CITY OF WINDSOR  
SCHEDULE OF MAYOR AND COUNCIL REMUNERATION FOR 2021**

NAME	BASE SALARY	TAXABLE BENEFITS	TAXABLE AMOUNT
<b>Mayor</b>			
DILKENS, ANDREW "DREW"	\$ 199,203.92	\$ 9,909.16	\$ 209,113.08
<b>Councillor</b>			
BORTOLIN, RINO	\$ 46,899.84	\$ 214.32	\$ 47,114.16
COSTANTE, FABIO	\$ 46,899.84	\$ 214.32	\$ 47,114.16
FRANCIS, FRED	\$ 46,899.84	\$ 214.32	\$ 47,114.16
GIGNAC, JO-ANNE	\$ 46,899.84	\$ 214.32	\$ 47,114.16
GILL, JEEWEN	\$ 46,899.84	\$ 214.32	\$ 47,114.16
HOLT, CHRIS	\$ 46,899.84	\$ 214.32	\$ 47,114.16
KASCHAK, GARY	\$ 46,899.84	\$ 214.32	\$ 47,114.16
MCKENZIE, KIERAN	\$ 46,899.84	\$ 214.32	\$ 47,114.16
MORRISON, JAMES	\$ 46,899.84	\$ 214.32	\$ 47,114.16
SLEIMAN, AOUNAD "ED"	\$ 46,899.84	\$ 214.32	\$ 47,114.16
<b>TOTAL COUNCILLORS</b>	<b>\$ 468,998.40</b>	<b>\$ 2,143.20</b>	<b>\$ 471,141.60</b>

**Note:**

(1) As of January 2019, the annual salaries no longer include the tax-free Municipal Officers Allowance.

**SCHEDULE OF COUNCIL AND APPOINTEES EXPENSES FOR 2021**

<b>Councillor</b>	<b>Description</b>	<b>Destination</b>	<b>From</b>	<b>To</b>	<b>Amount</b>	<b>Total</b>
<b>Bortolin, Rino</b>	(no amounts for 2021)					\$ -
<b>Costante, Fabio</b>	(no amounts for 2021)					\$ -
<b>Francis, Fred</b>	(no amounts for 2021)					\$ -
<b>Gignac, Jo-Anne</b>	(no amounts for 2021)					\$ -
<b>Gill, Jeewen</b>	(no amounts for 2021)					\$ -
<b>Holt, Chris</b>	(no amounts for 2021)					\$ -
<b>Kaschak, Gary</b>	(no amounts for 2021)					\$ -
<b>McKenzie, Kieran</b>	(no amounts for 2021)					\$ -
<b>Morrison, James</b>	(no amounts for 2021)					\$ -
<b>Sleiman, Aounad "Ed"</b>	(no amounts for 2021)					\$ -

**SCHEDULE OF COUNCIL AND APPOINTEES EXPENSES FOR 2021**

<b>Appointee</b>	<b>Description</b>	<b>Destination</b>	<b>From</b>	<b>To</b>	<b>Amount<sup>(1)</sup></b>	<b>Total<sup>(1)</sup></b>
<b>Balsamo, Giuseppe</b> <i>(Committee of Adjustment)</i>	Local Mileage	Windsor, ON	2019	2020	\$ 537.23	\$ <b>537.23</b>
<b>McMahon, Tom</b> <i>(Committee of Adjustment)</i>	Local Mileage	Windsor, ON	2021	2021	\$ 369.34	\$ <b>369.34</b>

(1) Paid in 2021

**SCHEDULE OF APPOINTEES REMUNERATION FOR 2021**

APPOINTEES	WINDSOR POLICE SERVICES BOARD	WINDSOR-DETROIT TUNNEL CORPORATION	TOTAL
Ghanam, Denise	6,500.04		6,500.04
DiCarlo, Aldo	6,500.04		6,500.04
de Verteuil, Robert	6,500.04		6,500.04
Pingle, Charles		180.00	180.00
<b>TOTAL</b>	<b>\$ 19,500.12</b>	<b>\$ 180.00</b>	<b>\$ 19,680.12</b>

**SCHEDULE OF MAYOR, COUNCIL AND APPOINTEES REMUNERATION AND EXPENSES FOR 2021 FROM CITY AGENCIES, BOARDS, COMMISSIONS  
( DIRECT PAYMENTS MADE BY THE LISTED ORGANIZATIONS \* )**

\* This information was provided by the organizations listed below. Amounts were paid by these organizations directly to or on behalf of these individuals.

(1) NAME	(2) POSITION WITHIN ORGANIZATION	REMUNERATION				ALL OTHER EXPENSES			(10)=(6)+(9) TOTAL OF REMUNERATION AND ALL OTHER EXPENSES
		(3) BASE RETAINER/ MEETING ATTENDANCE FEES ADHOC INDIVIDUAL MEETING PAYMENTS	(4) BOARD PAYMENTS	(5) TAXABLE BENEFITS	(6)=(3)+(4)+(5) SUBTOTAL OF REMUNERATION	(7) DESCRIPTION	(8) DATES (FROM/ TO)	(9) AMOUNT OF ALL OTHER EXPENSES	
Downtown Windsor Business Improvement Association									
Yeomans, Brian	Chair	\$ -			\$ -	OBIAA Conference	Sept 26-29, 2021	\$ 682.23	\$ 682.23
Yeomans, Brian	Chair	\$ -			\$ -	Business Meeting	May 10, 2021	\$ 50.00	\$ 50.00
Yeomans, Brian	Chair	\$ -			\$ -	Parking Tokens	Aug 11, 2021	\$ 25.00	\$ 25.00
Papadeas, Pat	Vice Chair	\$ -			\$ -	OBIAA Conference	Sept 26-29, 2021	\$ 682.23	\$ 682.23
Papadeas, Pat	Vice Chair	\$ -			\$ -	Parking Tokens	July 5, 2021	\$ 12.50	\$ 12.50
Horwitz, Larry	Past Chair	\$ -			\$ -	Parking Tokens	July 5, 2021	\$ 75.00	\$ 75.00
Zanetti, Geoff	Director	\$ -			\$ -	Parking Tokens	July 13, 2021	\$ 12.50	\$ 12.50
Enwin Utilities Ltd									
Taqtaq, Abe	Vice Chair	\$ 19,336.00			\$ 19,336.00			\$ -	\$ 19,336.00
Fenn, Garnett	Director	\$ 17,986.00			\$ 17,986.00			\$ -	\$ 17,986.00
Ioanidis, Gregory	Director	\$ 14,386.00			\$ 14,386.00			\$ -	\$ 14,386.00
Muzzati, Leo	Director	\$ 14,836.00			\$ 14,836.00			\$ -	\$ 14,836.00
Orr, Andrea	Director	\$ 16,636.00			\$ 16,636.00			\$ -	\$ 16,636.00
Wilkki, George	Director	\$ 6,068.00			\$ 6,068.00			\$ -	\$ 6,068.00
Roseland Golf & Curling Club (Note 1)									
McKenzie, Kieran	Board Member	\$ -			\$ -	Board Benefit-1 time	2021	\$ 94.00	\$ 94.00
Wintemute, Bruce	Board Member	\$ -			\$ -	Board Benefit-8 times	2021	\$ 752.00	\$ 752.00
Windsor Canada Utilities Ltd (includes ENWIN Energy Ltd)									
Laforet, Kevin	Director	\$ 16,636.00			\$ 16,636.00			\$ -	\$ 16,636.00
Udell, Jerry	Director	\$ 16,186.00			\$ 16,186.00			\$ -	\$ 16,186.00
Windsor Essex Community Housing Corp									
Clemens, Marina	Board Chair	\$ -			\$ -	Mileage	2021	\$ 289.87	\$ 289.87
Morris, Mark	Board Vice Chair	\$ -			\$ -	Mileage	2021	\$ 64.90	\$ 64.90
Meloche, Leo	Board Treasurer	\$ -			\$ -	Mileage	2021	\$ 33.31	\$ 33.31
Costante, Fabio	Board Director	\$ -			\$ -	Mileage	2021	\$ 7.56	\$ 7.56

Note:

1. Roseland Board Members have the option if they so choose , to golf once per week: 18 holes at Roseland with a guest and one golf cart or 9 holes at Little River with a guest and one cart.



**SCHEDULE OF MAYOR, COUNCIL AND APPOINTEES REMUNERATION AND EXPENSES FOR 2021 FROM CITY AGENCIES, BOARDS, COMMISSIONS  
( DIRECT PAYMENTS MADE BY THE LISTED ORGANIZATIONS \* )**

\* This information was provided by the organizations listed below. Amounts were paid by these organizations directly to or on behalf of these individuals.

(1) NAME	(2) POSITION WITHIN ORGANIZATION	REMUNERATION				ALL OTHER EXPENSES			(10)=(6)+(9) TOTAL OF REMUNERATION AND ALL OTHER EXPENSES
		(3) BASE RETAINER/ MEETING ATTENDANCE FEES ADHOC INDIVIDUAL MEETING PAYMENTS	(4) BOARD PAYMENTS	(5) TAXABLE BENEFITS	(6)=(3)+(4)+(5) SUBTOTAL OF REMUNERATION	(7) DESCRIPTION	(8) DATES (FROM/ TO)	(9) AMOUNT OF ALL OTHER EXPENSES	
Windsor Utilities Commission									
Hawkins, Julian	Commissioner	\$ 8,489.00			\$ 8,489.00			\$ -	\$ 8,489.00
Lawson, Doug	Commissioner	\$ 8,489.00			\$ 8,489.00			\$ -	\$ 8,489.00
Sonego, Mario	Commissioner	\$ 8,489.00			\$ 8,489.00			\$ -	\$ 8,489.00
Sovran, Egidio	Commissioner	\$ 8,489.00			\$ 8,489.00			\$ -	\$ 8,489.00
Your Quick Gateway (Windsor) Inc.									
Chisholm, John	Board Member	\$ 3,999.84			\$ 3,999.84	Meeting	2021	\$ 450.00	\$ 4,449.84
Discenza, Renato	Board Member	\$ 3,999.84			\$ 3,999.84	Meeting	2021	\$ 300.00	\$ 4,299.84
Ray, Michael	Board Member	\$ 3,230.64			\$ 3,230.64	Meeting	2021	\$ 300.00	\$ 3,530.64
Scislowski, Toni	Board Member	\$ 3,999.84			\$ 3,999.84	Meeting	2021	\$ 300.00	\$ 4,299.84
Virk, Kulveer	Board Member	\$ 3,999.84			\$ 3,999.84	Meeting	2021	\$ 450.00	\$ 4,449.84
Note 1: The following organizations reported zero amounts.									
Ford City BIA		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Invest Windsor Essex (formerly Windsor-Essex Economic Development Corp)		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Olde Riverside BIA		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Ottawa Street BIA		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Pillette Village BIA		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Sandwich Improvement Area (BIA)		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Transit Windsor		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Via Italia / Erie St. BIA		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Walkerville BIA		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Windsor-Essex County Health Unit		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Windsor-Detroit Borderlink Limited		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Windsor Police Services Board		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Windsor Public Library		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -
Wyandotte Town Centre BIA		\$ -	\$ -	\$ -	\$ -			\$ -	\$ -

**SCHEDULE OF MAYOR'S BUSINESS AND TRAVEL EXPENSES FOR 2021**

<b>MAYOR DREW DILKENS</b>					
<b>Description</b>	<b>Location</b>	<b>Date</b>		<b>Expense <sup>(1)</sup></b>	<b>Total City Expense <sup>(1)</sup></b>
		<b>From</b>	<b>To</b>		
Big City Mayors' Caucus (BCMC) and Ontario's Big City Mayors (OBCM) Conference	Ottawa & Burlington, ON	11-Oct-21	15-Oct-21	\$3,149.24	<b>\$4,956.39</b>
Minister Meetings & Affordable Housing Summit	Ottawa, ON	14-Dec-21	17-Dec-21	\$1,807.15	

Note:

(1) Amounts listed are Canadian Equivalent.



## Council Report: C 187/2020

### **Subject: Council Question CQ 23-2019 - Payday Loan Establishments - City Wide**

#### **Reference:**

Date to Council: March 21, 2022  
Author: Mark Nazarewich  
Senior Legal Counsel  
519-255-6100 ext 6427  
mnazarewich@citywindsor.ca  
Legal Services, Real Estate & Risk Management  
Report Date: 9/18/2020  
Clerk's File #: AL2020

**To:** Mayor and Members of City Council

#### **Recommendation:**

That City Council **RECEIVE** the response to CQ23-2019 for information.

#### **Executive Summary:**

Council asked Administration to provide options regarding regulation of payday loan establishments ("PLE's") in Windsor. This report describes the extent of municipal authority to regulate PLE's and the perspectives of various departments to assist Council in determining whether it should regulate PLE's and, if it does regulate them, the options available to Council.

#### **Background:**

On September 9, 2019, Councillor Bortolin asked the following question:

Assigned to City Solicitor

Asks that Administration report back on the potential options around licensing payday loan establishments with input from legal, licensing, zoning and social services. As well as how other jurisdictions have proceeded on this issue.

#### **Discussion:**

#### **Background to PLE's**

A payday loan is a fast, short-term loan with high fees. Payday loans appeared in the Canadian marketplace in the 1990s, operated by privately owned companies, to fill a gap in the finance sector. Approximately 1,400 payday loan establishments are operating in Canada (Buckland et. al, 2018). Payday loan establishments market the loans to cover a cash shortfall usually until the next paycheque. The most recent data indicates over 4.5 million short-term loans, valued at \$2.2 billion, were provided to Canadians in 2014, growing to over 6 million short-term loans by 2016 (Bond, 2016).

## **Laws Regulating Payday Loan Establishments**

Laws regulating payday loan lenders can be found across jurisdictions.

The Criminal Code of Canada, R.S.C. 1985, c. C-46 makes it a crime to offer payday loans unless regulated within a province (section 347.1(3)). The Criminal Code defines a "payday loan" as "advancement of money in exchange for a post-dated cheque, a pre-authorized debit or a future payment of similar nature but not for any guarantee, suretyship, overdraft protection or security on property and not through a margin loan, pawn broking, a line of credit or a credit card."

Ontario regulates payday loans through The Payday Loans Act, 2008. The regulation came about in 2018.

In 2015, the Ministry of Government and Consumer Services (MGCS) began consulting with municipalities across the province to strengthen consumer financial protection on payday loans, cheque cashing, money transfer services and experiences with debt collection agencies. The issues put forward for review by the MGCS often have an impact on people living on a low-income. Payday loans are the most expensive form of consumer loans in Ontario, making it difficult to repay in full by the next paycheque. Advocates have expressed caution towards payday loans because of their negative impact on low-income households.

The Community Development & Health Services (CDHS) Department worked closely with the MGCS to schedule, promote and invite stakeholders for input, including members of City Council, administration and local community organizations representing multiple sectors. On July 26 and July 27, 2015, representatives from the MGCS held consultations at MacKenzie Hall Cultural Centre in Sandwich Towne. The

feedback generated from the consultations led to Bill 156 - Alternative Financial Services Statute Law Amendment Act, 2016. Bill 156 never made it past second reading and was referred to the Standing Committee on Social Policy.

In August 2017, CDHS was again contacted by the MGCS to respond to proposals for changes to the regulations under the *Payday Loans Act, 2008* and the *Consumer Protection Act, 2002*. The proposed changes would implement Bill 59, the Putting Consumers First Act (Consumer Protection Statute Law Amendment), 2017. Although CDHS responded about organizing another community consultation, online comment was the only method permitted. CDHS and Pathway to Potential widely shared the online consultation survey and discussion paper through its network for community stakeholders' feedback. On December 19, 2017, CDHS was informed Bill 58 passed, and changes to Payday loans would become effective July 1, 2018.

This legislation defines a payday "lender" as a corporation, partnership, sole proprietor, association or other entity or individual that makes a payday loan to a borrower or that holds oneself out as available to make such a loan and brokers to be licensed in order to operate. Under the Act:

- PLE's cannot charge more than \$15 for every \$100 that is borrowed;
- PLE's cannot sell or offer goods or services in connection with payday loan;
- A contract for a payday loan can be cancelled within 2 business days without any penalty (e.g., without paying a fee) and without having to give a reason;
- "Rollover" loans are not allowed (You cannot roll what you owe on a payday loan into a second payday loan; you cannot get another payday loan from the same lender before paying your first loan in full).

Payday lenders must:

- Be licensed with the Government of Ontario and follow the rules set by the Payday Loans Act, 2008;
- Include the following information on the first page of a contract:
  - The amount borrowed;
  - The number of days that the loan is for; and
  - The cost of borrowing.
- Never ask for or accept payments by automatic deduction from a borrower's

paycheck (assignment of wages)

The provincial licensing scheme regulates the operation of establishments including their relationship with borrowers and creates a complaint process.

The provincial legislation does not prescribe how many establishments may operate in the province or in any given municipality or where the establishments may operate within a municipality.

The Ontario legislature amended the Municipal Act, 2001 on May 1, 2018 to give municipalities the power to:

- Define the area where PLE's may operate within the municipality and
- Limit the number of PLE's that may operate within a defined area, subject only that a municipality cannot prohibit the operation of all PLE's in the municipality.

Furthermore, municipalities continue to be able to require PLE's to obtain business licences under their licensing regimes.

### **How other municipalities regulate Payday Loan Establishments**

The Cities of Kingston and Hamilton restrict PLE's to one per ward while grandfathering existing establishments. They also restrict the transfer of business licences for PLE's.

It appears that the rationale in the above municipalities for restricting the number of PLE's per ward was to reduce their number in areas considered to be populated by low income persons. It is not clear how that restriction reduces the accessibility of low-income persons to PLE's.

The City of Kitchener restricts PLE's to two per ward to a maximum of ten citywide. It also requires a minimum of 150 metres between PLE's and 150 metres from gaming establishments and from any addiction or gambling counselling service. Kitchener's rationale for restricting PLE's, taken from its Administration report to Council, was "Not to prohibit these businesses but rather to find a balance between protecting consumers and allowing these businesses to operate for those who need them." No rationale is apparent for the distance restrictions.

The City of Brantford allows a maximum of ten PLE's. It requires minimum distancing of 150 metres from group correctional homes, mini-group homes, group homes, group residences, crisis residences, group correctional residences, medical clinics, schools and gaming establishments (unless the PLE was within the minimum distance at the time the by-law was passed). The rationale for the distance restriction other than to keep them away from "sensitive" areas.

The City of Toronto restricts the maximum number of PLE's in the municipality to that which existed on May 1, 2018. It also restricts the maximum number of PLE's in each ward to that which existed on May 1, 2018. It allows PLE's to relocate to another location within the City, subject to the above restriction regarding the maximum number of establishments within a ward. Toronto also restricts PLE's to be no closer than 500 metres to Woodbine Racetrack.

All of the above regulations are contained within the licensing by-laws of those jurisdictions.

The cities of Barrie and Ottawa have amended their zoning by-laws to set minimum buffer areas (150 metres to 500 metres) around existing PLE's to discourage clustering and also around gambling establishments, schools, body rub parlours and treatment centres or any combination of land uses where vulnerable populations are present.

### **Current PLE's in Windsor**

According to the Ministry of Government and Consumer Services, as of September 14, 2020, there were 17 PLE's licensed under the Payday Loans Act in Windsor.

Their street locations are identified in the attached Schedule "A". The number of establishments per ward is as follows:

Ward 1 ----- none

Ward 2 ----- 2

Ward 3 ----- 5

Ward 4 ----- none

Ward 5 ----- 2

Ward 6 ----- none

Ward 7 ----- none

Ward 8 ----- 4

Ward 9 ----- 1

## **Departmental input**

### **Legal**

The extent of municipal authority to regulate PLE's is described above. In summary, a municipality:

- Can restrict the maximum number of PLE's within its boundaries, subject to not banning PLE's outright within its boundary;
- Can restrict the number of PLE's within defined areas in a municipality, e.g. within a ward;
- Can restrict where PLE's operate within its boundaries.

Furthermore, should Council decide to restrict the number of PLE's, any existing PLE's licensed under the Payday Loans Act will be grandfathered and, assuming they are located in an appropriately zoned location, will be allowed to continue to operate in that location.

### **Licensing**

Ontario's Payday Loans Act, 2008 requires PLE's to obtain a provincial licence and operate in compliance with specific rules outlined under the Act. The legislation does not regulate the restriction on the number of PLE's or where these establishments can operate within the boundaries of a municipality.

The City's current licensing regime does not regulate PLE's. The Municipal Act provides the authority for the municipality to decide what types of businesses should obtain a licence. Generally speaking, municipal licences are issued to ensure health & safety, to provide consumer protection and to prevent public nuisance. Municipal business licences are often subject to various inspections and in almost all cases, require a zoning approval. Should Council decide that a municipal licensing program is required to further regulate these types of establishments, the costs associated would then need to be recovered under licence fees.

From a licensing perspective, capping can lead to monopolies and the benefits versus the costs of capping should be weighed.

### **Planning**



Under Windsor's current planning regime, PLE's are permitted wherever business offices are allowed. Section 3 of the City of Windsor's Zoning Bylaw 8600 defines a Business Office as any one or more of the following uses: commercial business, financial services including a bank, credit union, payday lender, savings and loan office and trust company; government; industrial business; non-profit or charitable organization; professional person.

There are two different beliefs when it comes to regulating land uses. One is to concentrate those uses into a single area, which limits any potential larger adverse impacts to the neighbourhood immediately surrounding those uses while eliminating adverse impacts everywhere else. There is also a better opportunity for policing and safety, and the concentration of uses may encourage competition.

The other is to spread them evenly citywide which usually means a lower adverse impact on the surrounding neighbourhood, but those lower adverse impacts may happen in several places instead of a single area. Having the PLEs spread out may discourage users from travelling to far flung locations. Instead, they have access to a PLE in their neighbourhood or nearby. Competition may be decreased and policing may be more difficult.

## **Social Services**

### **Literature Review by Social Services:**

Recent studies indicate that payday loans can negatively impact clients who cannot repay the original loan or multiple loans on time, leading to a cycle of stress and increased household debt. Epidemiologic research conducted in the United States shows users of payday loans had worse health across various health factors, including cardiovascular, metabolic and other general health indicators (Wysen, 2019). Another epidemiological study identified payday loan use was directly associated with higher blood pressure, body mass index, waist circumference and future healthcare usage (Sweet, Kuzawa, & Mcdade, 2018). Research from the United States indicates payday loan establishments strategically target the most vulnerable consumers, those without good credit or access to traditional banking options and cluster in neighbourhoods home to low-income or minority populations. (Sweet, Kuzawa, & Mcdade, 2018.).

In Canada, one report states, "data suggests (sic) that dependence on payday loans extends costs beyond the borrowing household. The financial strain, health effects, and hindrance to the upward economic mobility of the household increase the burden on our whole society due to costs associated with health care, policing, low-income support, and other social services" (Dijkema, 2016).

The Canadian Payday Loan Association (CPLA), responsible for representing payday lenders collected data on its customers. The data indicated the working poor, who work usually full-time but live near or below the poverty line, were the predominant customer utilizing their services (Momentum, 2014). A separate survey conducted by the Government of Canada, found payday loans are also used primarily by low-to-moderate income households (Canada, 2016. p. 2). Although higher-income households also utilize payday loans, low-income households are two times more likely to have used a

payday loan than their higher-income neighbour (Bond, 2016. p.45). In 2015, as part of the MGCS consultation process, MGCS surveyed 500 payday loan borrowers. The results found that 18 percent took out ten or more payday loans within the last 12 months, and slightly more than half used payday loans to cover recurring expenses. Their findings are consistent with additional research conducted across Canada.

Data collected by the Federal Government of Canada and a multi-provincial review of payday loans across British Columbia, Alberta and Manitoba indicate payday loans are utilized for a variety of factors. Consistent in both reports, the majority of customers identified borrowing using a payday loan to cover necessary expenses due to a lack of income (Canada, 2016). Other reasons included: unexpected expenses (34%), avoiding late charges on routine bills (22%), a temporary reduction in income (20%), and avoiding bouncing cheques and purchasing an item they wanted (13% respectively) (Dijkema, 2018).

The current annual percentage rate of a payday loan in Ontario is 390%. On the Ontario MGCS website, the government cautions individuals from accessing payday loans due to high costs and recommends pursuing other avenues to access capital, including family or friends, a bank or credit union, or credit card. In the Government of Canada's survey, respondents reported lower access to traditional financial services than the typical Canadian (Canada, 2016). In the report, several reasons for not accessing credit from a bank or credit union included:

- 27% said a bank or credit union would not lend them money;
- 15% said they did not have time to get a loan from a bank or credit union;
- 13% said they did not want to get money from a bank or credit union;
- 55% said payday lending offered the best customer service;
- 90% said payday lending was the fastest or most convenient option; and
- 74% said payday lending was the best option available to them.

Most significantly, a high number of respondents (35%) indicated they did not have access to a bank account at the time of their last payday loan, whereas 99% of Canadians reported having access to a bank account (Bond, 2016). Having a bank account is not a reality for some, even for recipients of Ontario Works. Thus, the Executive Director of Employment & Social Services continues to work with City staff and community partners like Family Services Windsor Essex to set up bank accounts and direct deposit for the approximate 12% to 13% of clients on the caseload receiving a physical cheque every month. Working towards a longer term solution regarding lack of access to bank accounts, the Ontario Works Department is launching a pilot with Reloadable Payment Cards. The pilot is supported by the Ministry of Children, Community and Social Services.

## **Active Payday Loan Establishment in the City of Windsor**

Geospatial representation of the City's 17 licensed PLE's illustrates the clustering and relationship between PLE's in Windsor and neighbourhoods with high levels of low-income. Although payday lending has moved to provide options online, 92 percent of licensed payday loans on both a volume and value basis occurs in physical "bricks and mortar" stores, with the remaining 8 percent occurring through online dealers (Bond, 2016).

Schedule B is a standard heat map showing the clustering of payday loans across the City. Within each heat map cluster, the number inside the circle represents how many PLE's are in the cluster. The larger the circle, the greater number of payday loans. Schedule C is a map that plots each PLE location in Windsor and overlays income data from the 2016 Canadian Census. Using the Low-Income Measure – After Tax (LIM-AT), the darker green areas have a higher prevalence of low-income, while the lighter shaded areas have a lower prevalence of low-income. Although the maps indicate where PLE's are located in Windsor, no local data is available about consumers and reasons for using payday loans.

Additional costs attributed to municipalities may be incurred due to an increase in social disorder, crime, and an increase in demand for human and social services (Dijkema, 2018, p.4). An analysis of crime incident reports by the Windsor Police Service associated with PLE's over five years (2015-2019) does not appear to generate an excessive quantity of incidents requiring police response and intervention. However, the data shows a quarter of all licensed PLE's are associated with more substantial volumes of police response in the same five-year span.

The nature of the incidents varies and, in no particular order, includes robbery (thefts that involved violence), disorderly conduct, fraud, threats, and suspicious persons. Although data across Canada do show a relationship between payday lending and adverse outcomes in both the community and individual household, the causal relationship is not clear (Dijkema, 2018).

### **Additional Considerations: Financial Awareness & Advocacy**

Consistent with the City of Windsor's 20 Year Vision, the Quality of Life pillar promotes:

- strengthening neighbourhoods to ensure that they are safe, caring and meet the needs of residents;
- creating the conditions to alleviate poverty and ensuring a high quality of life is accessible for all; and
- choices that support a healthy environment.

City Council could strategically partner with credit unions, banks, community organizations and financial counsellors working with low and moderate-income

households to provide information about alternative lending options. For example, a financial institution in Windsor launched a payday loan alternative in 2016.

This alternative has been cited as an example of a promising affordable alternative to expensive payday loans that other financial institutions could use as a model (Dijkema, 2019). However, a challenge for payday loan alternatives is the difficulty to effectively market its availability to prospective low and moderate-income clients (Dijkema, 2018).

Greater collaboration and information sharing amongst community partners could improve awareness of alternative financial options. Local data on payday loans usage and habits is not readily available. In order to provide a more complete picture of payday loan usage in Windsor, administration could conduct additional research with its existing community partners to better understand the opportunities and challenges associated with the short-term loan market in Windsor.

Although better payday alternative programs may help some with a time sensitive influx of cash to address an immediate need, these programs cannot be actively promoted by the Ontario Works Department to clients using the Reloadable Payment Cards.

## **Options**

We set out several options below. Before settling on any one option or combination of options, we suggest that Council needs to ask whether there is a problem with PLE's in the City that requires municipal regulation and, if so, what is the problem and how should it be addressed.

### **Regulatory Options for Payday Loan Establishments: Blanket, Targeted and Hybrid Approach**

Should Council decide to regulate PLE's, as to location or the permitted number, it could do so through amendments to its zoning by-law or licensing by-law. Zoning amendments to regulate establishments would involve a protracted process. The same result can be achieved expeditiously by amending the licensing by-law. Council has the authority to set a maximum number of payday loan establishments and prescribe where they are permitted to operate.

#### **Blanket Approach**

In a blanket approach, municipalities can establish a maximum number of payday loan establishments for the entire city. However, the legislation does not allow the City to regulate away the existing 17 PLE's. Instead, the existing lenders would be grandfathered and permitted to operate even if the maximum number of establishments permitted is set at less than the current number.

The City can also establish a maximum number of PLE's by ward. Some municipalities in Ontario have limited the maximum number of PLE's to one or two per ward (however, the existing grandfathered PLE's outnumber the new limit). Implementing a blanket approach by restricting the number of PLE's by ward or city may lead to negative

consequences in the future. Consumers will have less choice, especially those who are already in a financially vulnerable position (Bond, 2016).

### **Targeted Approach**

In a targeted approach, licensing or the zoning by-law can create buffer areas around specific land uses, such as casinos, addiction and treatment centres and areas where vulnerable populations reside. Buffering should be based on a legitimate land use planning rationale. Prohibiting PLE's from operating within specific districts such as a Downtown Urban Growth Centre has occurred in other municipalities.

### **Hybrid Approach**

A hybrid approach blends elements from both the blanket and targeted approach. Utilizing licensing or zoning by-law, PLE's are restricted to a specific number across the municipality or by ward. Further restrictions are implemented by identifying buffer areas around land uses that have the potential for an adverse impact on the populations in those land use areas.

### **Payday Loan License Restrictions**

In addition to the existing provincial licensing requirement, the City can require PLE's to become licensed with a fee set by Council. Further restrictions could prohibit the transfer of an existing license to another payday loan establishment, effectively reducing the number of active licenses.

### **Risk Analysis:**

The issues covered in this report do not raise issues of risk to the Corporation.

### **Financial Matters**

This report makes no recommendation as to future action. There is no financial impact associated with this report.

### **Community Impact Risks**

### **Climate Change Risks**

### **Climate Change Mitigation:**

Not applicable

**Climate Change Adaptation:**

Not applicable

**Consultations:**

Community Development & Health Services – Stephen Lynn, Acting Manager of Social Policy and Planning

Planning – Adam Szymczak, Senior Planner

Licensing – Craig Robertson, Supervisor of Licensing

**Conclusion**

For the majority of payday loan consumers, one common indicator is the lack of sufficient income. The lack of income to cover basic necessities requires help from someone or somewhere else. However, consumers without sufficient income, good credit or access to traditional financial services turn to the most expensive option, a payday loan, in a time of need.

Data shows PLE's currently fill a gap in the financial market and continue to experience increased demand. Although municipalities have new tools to restrict where PLE's can locate, changes to licensing or zoning by-laws should be seen as one action to protect financially vulnerable residents at risk of getting trapped in a cycle of debt, stress and physical and mental hardship. Stable and adequate household income, strengthening partnerships with community agencies to improve financial literacy and the promotion of local, more affordable financial alternatives could help stabilize residents seeking a short-term loan, rather than trapped in a cycle of debt.

If Council is resolved to regulate payday loan establishments, as to location or number or both, it could do so through amendments to its zoning by-law or to its licensing by-law.

Zoning amendments to regulate establishments would involve a protracted process. The same result can be achieved expeditiously by amending the licensing by-law. All other municipalities that have regulated payday loan establishments, of which we are aware, have done so through their licensing regimes. Therefore, if Council resolves to create a maximum number of PLE's within each ward and regulate the location, we suggest it be done in its licensing by-law.

The City cannot regulate away the existing payday loan establishments. Any existing establishment will be grandfathered and allowed to operate even if the City establishes a maximum number of establishments for the entire City at less than the total number existing in the City as of the date a by-law is passed. However the City can systematically reduce the number of establishments by licensing those currently in

operation and restricting the transfer of those licenses and on the issuance of additional licenses.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Mark Nazarewich	Senior Legal Counsel
Shelby Askin Hager	City Solicitor and Corporate Leader, Economic Development and Public Safety
Thom Hunt	City Planner / Executive Director of Planning & Building
Craig Robertson	Supervisor of Licensing
Jelena Payne	Community Development and Health Commissioner and Corporate Leader Social Development and Health
Onorio Colucci	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

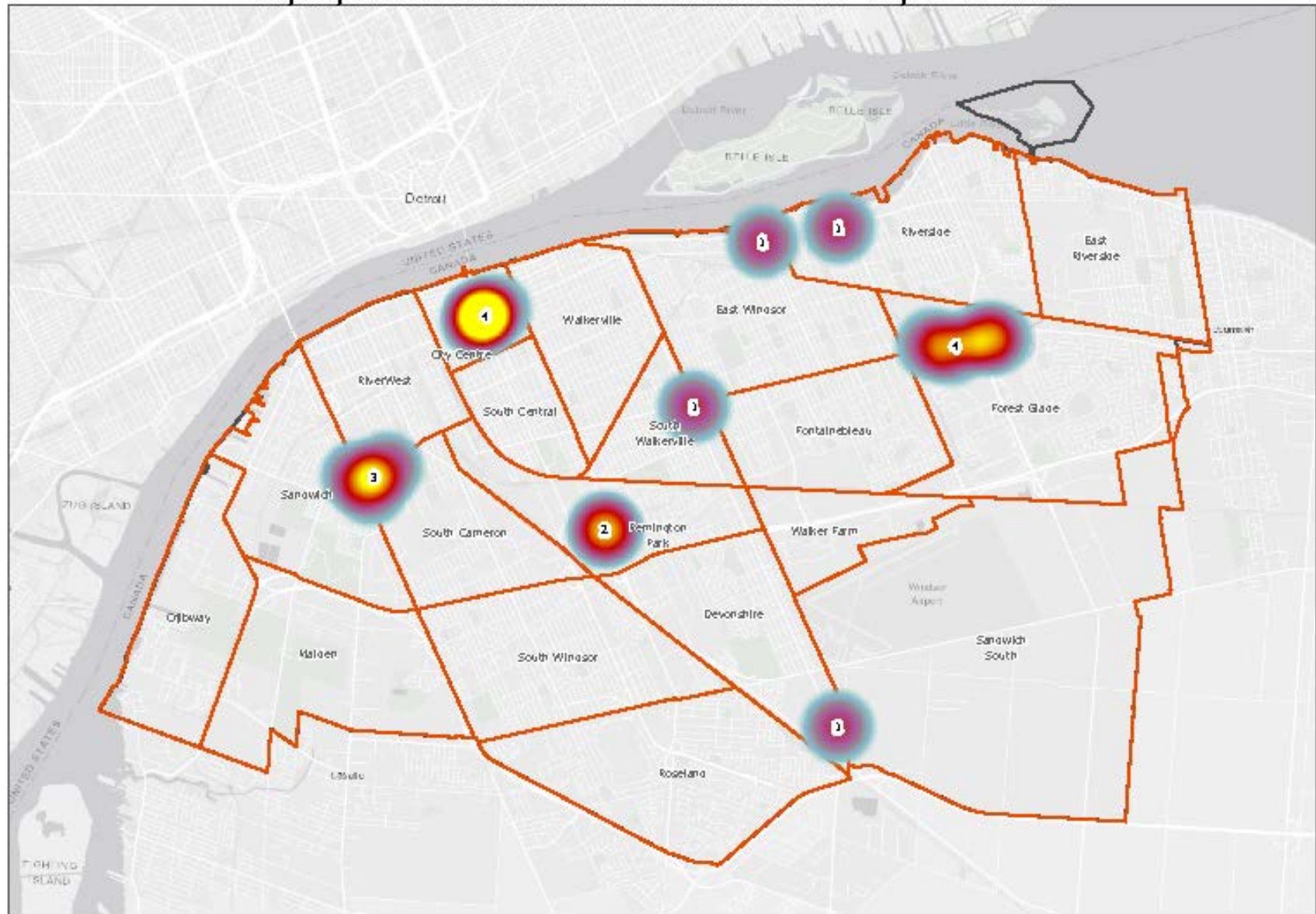
- 1 Schedule A - Payday Loans Establishments - location in Wards
- 2 Schedule B - Payday Loans Establishment Locations Heat Map
- 3 Schedule C - Payday Loans Establishment Locations and Poverty Rates - Low  
Income Status

Schedule A

Ward	No. of payday loan establishments (PLEs)	Addresses of PLEs
1	None	
2	2	<ol style="list-style-type: none"> <li>1375 HURON CHURCH ROAD WINDSOR, ON N9C 2B4</li> <li>1584 HURONCHURCH ROAD WINDSOR, ON N9C 2L1</li> </ol>
3	5	<ol style="list-style-type: none"> <li>48 WYANDOTTE STREET E UNIT 110 WINDSOR, ON N9A 3G6</li> <li>200 WYANDOTTE STREET EAST WINDSOR, ON N9A 3H4</li> <li>597 WYANDOTTE STREET E WINDSOR, ON N9A 3J1</li> <li>596 OUELLETTE AVENUE WINDSOR, ON N9A 1B7</li> <li>605 OUELLETTE AVENUE WINDSOR, ON N9A 4J4</li> </ol>
4	None	
5	2	<ol style="list-style-type: none"> <li>2301 TECUMSEH ROAD E WINDSOR, ON N8W 1E6</li> <li>4680 WYANDOTTE STREET E WINDSOR, ON N8Y 1H5</li> </ol>
6	None	
7	None	
8	4	<ol style="list-style-type: none"> <li>6574 TECUMSEH ROAD EAST WINDSOR, ON N8T 1E6</li> <li>6711 TECUMSEH ROAD E UNIT 135B WINDSOR, ON N8T 3K7</li> <li>7475 TECUMSEH ROAD E WINDSOR, ON N8T 1G2</li> <li>7755 TECUMSEH ROAD E UNIT 104 WINDSOR, ON N8T 1G3</li> </ol>
9	1	<ol style="list-style-type: none"> <li>4450 WALKER ROAD, UNIT #E6 WINDSOR, ON N8W 3T5</li> </ol>
10	3	<ol style="list-style-type: none"> <li>2726 HOWARD AVENUE WINDSOR, ON N8X 3X5</li> <li>2385 TECUMSEH ROAD W UNIT 3 WINDSOR, ON N9B 1W2</li> <li>2730 HOWARD AVENUE, UNIT #3 WINDSOR, ON N8X 3X6</li> </ol>

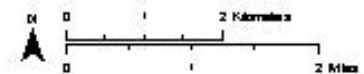


## Payday Loan Establishment Locations in the City of Windsor

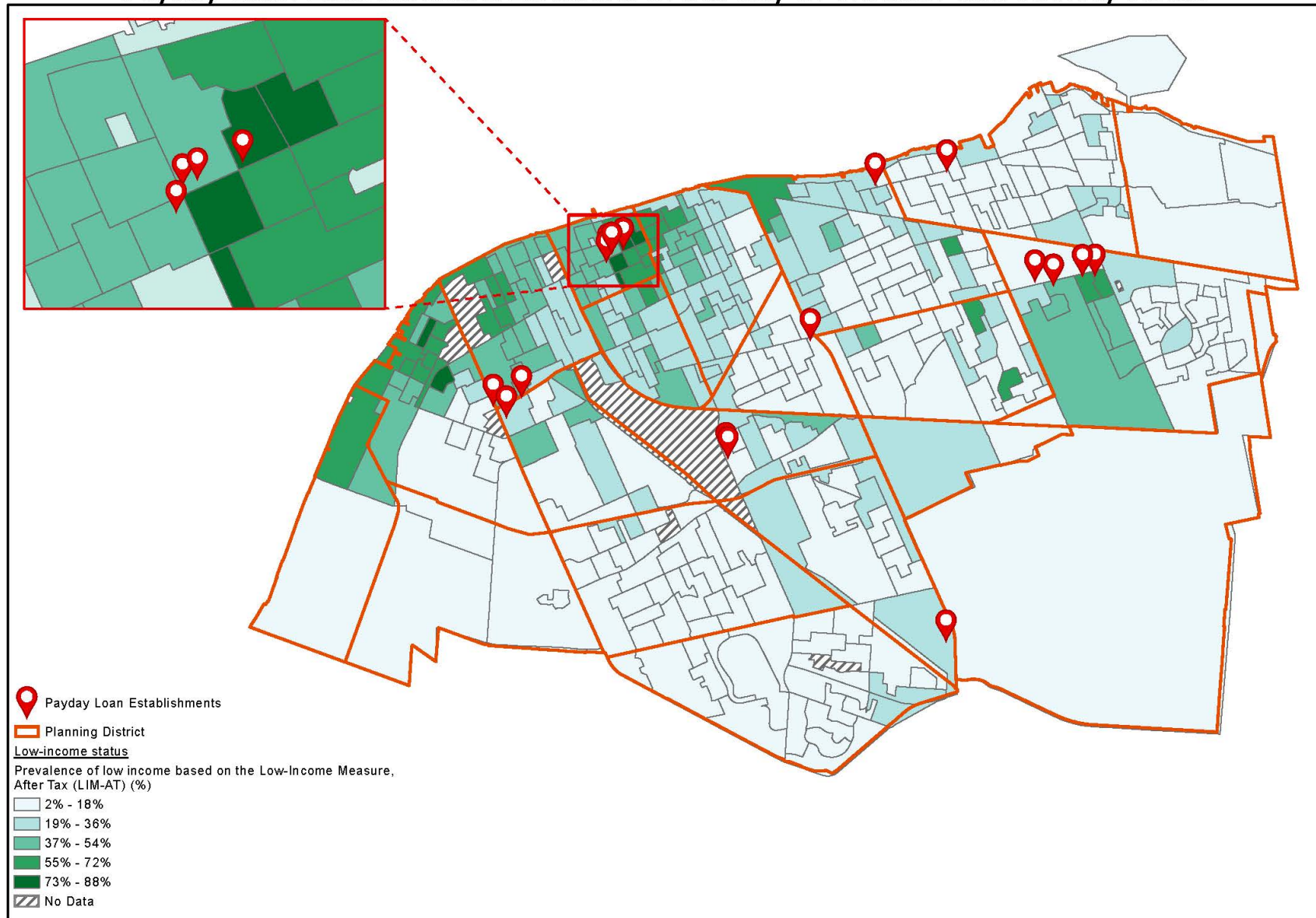


Planning District

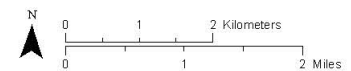
Payday Loan Establishments  
Sparse Dense



## Payday Loan Establishment Locations in the City of Windsor and Poverty Rates



Disclaimer: Information on this map was derived from 2016 Census Prevalence of Low Income. Best practices established by Statistics Canada's Data Quality and Confidentiality Standards and Guidelines were adhered to as it pertains to data suppression, random rounding, and postal code aggregation rules. Statistics Canada makes no representation or warranty as to, or validation of the accuracy of any postal code data submitted to Statistics Canada.



**Subject: Additional Information Regarding Report C187/2020 - Payday Loans - City Wide**

**Reference:**

Date to Council: March 21, 2022  
Author: Stephen Lynn  
Acting Manager of Social Policy and Planning  
519-255-5200 x 5302  
slynn@citywindsor.ca  
Administration  
Report Date: December 6, 2021  
Clerk's File #: AL2022

**To:** Mayor and Members of City Council

**Additional Information:**

That Council **RECEIVE** the response to CQ 23-2019 for information.

On November 9, 2020, the report dated September 18, 2020, entitled "Council Question CQ23-2019 – Pay day Loan Establishments" was deferred to a future meeting of Council as a regular agenda item. Administration was directed to provide additional information on options available with respect to education and other options available to help move people away from these (Payday) locations.

Should Council direct Administration, we would recommend a multi-pronged approach.

First, developing a cross-sectoral committee with community representatives from social services and settlement agencies would help acquire more local information. Canadian data on payday loans usage and habits are not readily available. In order to provide a complete picture of payday loan usage in Windsor, the committee could liaise with community partners to conduct a mixed-methods approach to the opportunities and challenges associated with the short-term loan market in Windsor.

Second, the committee would benefit from representatives from the financial services sector, including credit unions and community organizations, to share information and discuss solutions for improving access and awareness to alternative lending options. The committee would reach out to other financial institutions to ensure an exploration of all solutions is exhausted. Greater collaboration and information sharing amongst community partners could improve awareness of alternative financial options. For example, the Windsor Family Credit Union (WFCU) launched SmarterCash – A Pay Day Alternative in 2016. Promoted as a "better payday alternative," the WFCU's SmarterCash has been cited as an example of a promising affordable alternative to

expensive payday loans that other financial institutions could use as a model (Dijkema, 2019). However, a challenge for payday loan alternatives like SmarterCash is the difficulty to effectively market its availability to prospective low and moderate-income clients (Dijkema, 2018).

Third, developing education materials in addition to bolstering other financial options and disseminating the information through trusted agencies and organizations in the community who have relationships with assisting residents seeking financial support.

Finally, City Council could consider restricting the advertisement of Payday Loans on City of Windsor-owned property, including City Agency, Boards or Commissions.

Over the past two years, staff from across the Corporation have been redeployed or perpetually managing Covid-19 related issues, especially in the Human and Health Services Department. With the recent announcement by the Province to loosen restrictions and return to some form of normalcy, a backlog of work needs attention. However, financial literacy and security for residents are essential and incorporating them into current and future work plans may help residents struggling financially as the economy re-opens. City Council should be aware that progress will take longer due to competing priorities.

## **CONSULTATIONS:**

Craig Robertson – Acting License Commissioner

Mark Nazarewich – Senior Legal Counsel

## **Approvals:**

<b>Name</b>	<b>Title</b>
Stephen Lynn	Acting Manager of Social Policy and Planning
Michael Cooke	Acting City Planner
Craig Robertson	Acting Licence Commissioner/Deputy City Clerk
Jelena Payne	Commissioner, Human and Health Services
Shelby Askin Hager	Commissioner, Legal and Legislative Services
Jason Reynar	Chief Administrative Officer

## **Appendices:**





**Council Report: C 37/2022**

**Subject: Ontario Regulation 406/2019 - Excess Soil Management on City Projects - City Wide**

**Reference:**

Date to Council: March 21, 2022  
Author: Jane He  
Engineer III – Construction Standards Lead  
519 255-6257 ext. 6358  
jhe@citywindsor.ca  
Engineering  
Report Date: March 3, 2022  
Clerk's File #: EI2022

**To:** Mayor and Members of City Council

**Recommendation:**

That City Council **AUTHORIZE** the Commissioner of Infrastructure Services (or designate) to carry out necessary activities and make declarations on behalf of the Corporation of the City of Windsor, as Project Leader under Ontario Regulation 406/2019 – On-site and Excess Soil Management, to facilitate filing notices in the Excess Soil Registry for City projects; and,

That City Council **DIRECT** Clerks to update the Delegated Authority By-law accordingly.

**Executive Summary:**

N/A

**Background:**

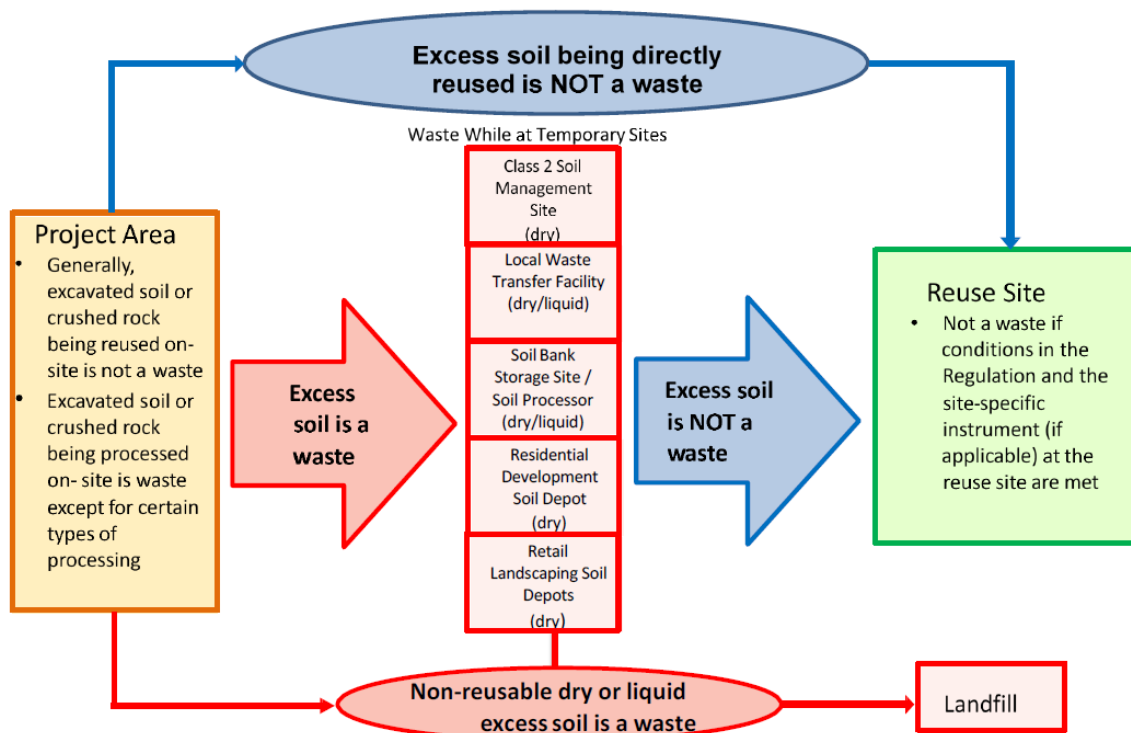
On December 4, 2019, the Ontario Ministry of Environment, Conservation and Parks (MECP) filed Ontario Regulation 406/19 On-site and Excess Soil Management (the Regulation), made under the *Environmental Protection Act*. The Regulation aims to improve the management of excess soil generated from construction and other projects. The Regulation recognizes excess soil as a resource and creates a framework to prevent the improper management and disposal of soil as waste. As part of this framework the province developed Rules for Soil Management and Excess Soil Quality Standards (the Rules) which provide users with technical criteria, procedures and excess soil quality standards. The Regulation is being implemented in phases, as outlined in Table 1 below, with the first phase in effect since January 1, 2021 (Reuse Rules and Waste Clarification) and, the second phase on January 1, 2022 (Planning Requirements and Hauling Records). A ban on landfill disposal of excess soil that

meets Table 2.1 Standards for Residential/Parkland/Institutional property uses in the Rules will take effect under the third phase as of January 1, 2025.

Phased Regulatory Implementation	Timing
<b>Reuse Rules and Waste Designation Clarification</b> - Including excess soil reuse standards	January 1, 2021
<b>Excess Soil Reuse Planning Requirements</b> - For larger or riskier generating projects (some exemptions) <ul style="list-style-type: none"> <li>- Assessment of past uses, and if required sampling and characterization</li> <li>- Destination assessment report</li> <li>- Tracking and registration</li> </ul> - Hauling record - Larger reuse site registration	January 1, 2022
<b>Restriction on the deposit of clean soil at landfill sites</b>	January 1, 2025

The overall process of the excavated soil from a Project Area that is not designated as a waste is shown in the following flowchart (Figure 1), which presents the general concept of the excess soil management process from the source site (the Project Area) to the reuse/landfill site (receiving sites).

## Waste Designation Flowchart



The Regulation puts clearer obligations for excess soil management on project owners, operators of project areas, haulers of excess soil and owners and operators of receiving sites. Through its definition of “project leader”, the Regulation places greater oversight responsibility on project owners in managing excess soil from its projects. This includes responsibility for retaining a Qualified Person (a person with a license or limited license under the *Professional Engineers Act* or the *Professional Geoscientists Act*) to carry out specific regulatory requirements and for filing project-specific information about soil management in the province’s registry. Unless otherwise exempt under the Regulation, the project leader will be responsible to have a Qualified Person make various required reports and conduct duties including but not limited to the following:

- excess soil reuse planning;
- project area registry;
- site-specified evaluation;
- project area dewater/solidify with natural/synthetic Polymers

The Regulation sets a number of criteria that soil must meet when being transferred to a site for reuse purposes. Soil that meets the criteria is exempt from being classified as waste and attracting waste management obligations in its handling and disposal. These criteria include written consent from the reuse site owner to receive the soil, that the soil be dry and that the amount and quality of soil are appropriate for the intended use. These criteria are intended to ensure that the excess soil will be reused at the reuse site for a beneficial purpose and that the quality and quantity of the excess soil to be deposited at the reuse site for final placement are appropriate for that purpose.

### **Discussion:**

From **January 1, 2022**, the Regulation requires project leaders and operators/owners of soil reuse sites to file notices containing details on soil management for certain projects in the Excess Soil Registry. This Registry was launched on December 1, 2021, is publicly accessible, and is administered by the province’s Resource Productivity & Recovery Authority.

A project leader is required to file a notice in the Registry before excess soil is removed from the source site and information in the notice must be finalized in the Registry within 30 days of completing soil movement activities on a project. The Regulation also requires updates to the Registry filing within 30 days where information changes during the project. The Regulation details the type of information that is required to be filed in the Registry.

The Regulation includes several exemptions from filing a notice on the Registry, as well as from all or some of the excess soil planning report requirements for a project. These exemptions generally apply to lower risk soil movement circumstances, for example small volumes of material and soil from areas where contamination is not likely.

As part of filing the notice a project leader is required to make declarations that:

- they have conducted reasonable inquiries to obtain all information relevant to compliance with the Regulation
- they have provided the required information, site access and the Qualified Person's declarations have been completed (where excess soil planning reports were required to be prepared by a Qualified Person or QP)
- the information being filed is complete
- they will develop and implement all procedures to ensure compliance with the Regulation

It would be appropriate to delegate some items to staff, including but not limited to a QP, like authorizing someone to file, revise notices and make the required declarations in the Registry.

To date, various environmental firms have been retained and designated as the QP for the City's infrastructure projects currently underway. Having the required in-house expertise to take on the role of QP is critical and cost effective. The recent realignment of the Engineering Department has facilitated the creation of a position (Environmental Compliance Coordinator) that will lead the Excess Soil portfolio as the Qualified Person under this Regulation.

Authorizing the Commissioner of Infrastructure Services (or designate) to make the required declarations and carry out the Registry filing activities on behalf of the City is necessary to ensure the City's day-to-day projects and operations involving soil management meet the Regulation requirements.

### **Risk Analysis:**

Not having City representative or designates in place would delay compliance of the Excess Soil regulation on City projects and would further delay the implementation of City projects.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The appointment of the Commissioner of Infrastructure Services as City's representative would not have any direct financial impacts.

Based on the Phase One implementation in 2021, the cost for geotechnical investigations and the Excess Soil reuse standard analysis has tripled.



The requirements to meet the Regulation will no doubt have financial impacts on the current and future capital budgets. Projects already underway for 2022 will be addressed through individual project budgets and variance reporting. A detailed review and adjustments will be included in the 2023 Capital Budget submission.

**Consultations:**

Alex Hartley, Senior Legal Counsel, Legal Department.

**Conclusion:**

Administration recommends the Commissioner of Infrastructure Services (or designate) be authorized to carry out activities and make the declarations on behalf of the City that are required by Ontario Regulation 406/19 to facilitate filing of notices with information on excess soil management in the Excess Soil Registry.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Fahd Mikhael	Manager of Design
France Isabelle-Tunks	Executive Director of Engineering / Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**



**Council Report: C 33/2022**

**Subject: Purchase of One (1), Two Person Rear Loading High Density Refuse Truck for the Environmental Division to be utilized City Wide**

**Reference:**

Date to Council: March 21, 2022  
Author: Chad Goebel  
Fleet Coordinator  
519-255-6560 x4235  
cgoebel@citywindsor.ca

Public Works - Operations  
Report Date: February 25, 2022  
Clerk's File #: SW/14318

**To:** Mayor and Members of City Council

**Recommendation:**

THAT City Council **APPROVE** the purchase of one (1), two person, rear loading high density refuse truck; and,

THAT the Purchasing Manager **BE AUTHORIZED** to issue a purchase order to Carrier Truck Centers Inc. in the amount of \$294,093.00 (excluding HST) for the purchase of the Rear Loading Refuse Truck identified in the request for proposal process, subject to approval as to technical content by the City Engineer and in financial content to the Chief Financial Officer and City Treasurer.

**Executive Summary:**

N/A

**Background:**

The existing unit is at the end of its useful life. This purchase is to replace one (1), tandem axle, 20 cu.yd., high density rear loading refuse truck in our Public Works Environmental Division scheduled for replacement in 2021.

**Discussion:**

The COVID pandemic has created many irregularities in the automotive manufacturing sector and its processes, resulting in delays in orders due to lack of product availability and creating an unstable market which results in a fluctuating or increased purchase price on equipment in many cases. The estimated budget for the truck was prepared in 2020 during the initial onset of the pandemic; therefore, the tendered price also reflects inherent price increases over 2 years in addition to the uncertainty of the pandemic. To select a replacement unit RFP # 180-21 was issued by the Purchasing Department on December 17<sup>th</sup>, 2021 and was originally scheduled to close on January 10<sup>th</sup> 2022. However, the proposal deadline was further extended to January 24<sup>th</sup> 2022 to allow vendors more time to submit. One submission was received and evaluated from Carrier Truck Centers Inc. Technical specifications were rated to verify and ensure overall suitability and compliance.

**Risk Analysis:**

The existing unit is at the end of its useful life. Any delay in replacement may result in costly repairs to the unit and the Environmental Division risks being able to provide the expected level of service.

**Climate Change Risks****Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

This unit has been approved by the Fleet Review Committee in consideration of forecasted fleet replacements and additions and by City Council during the 2021 capital budget process under CR B6/2021.

The price for the rear loading packer unit is \$294,093.00 excluding HST, \$299,269.04 including non-refundable HST. Funding of \$269,868 including non-refundable HST was approved for the replacement of this unit leaving a funding shortfall of (\$29,401.04).

There are additional surplus funds available in the project for emergency and unforeseen costs, approved in the total funding allotment for replacements for 2021.

Replacement cost of this unit will be charged to the 2021 Corporate Fleet Replacement Project 7211003.

**Consultations:**

Cindy Becker – Financial Planning Administrator – Public Works Operations

**Conclusion:**

Administration recommends the purchase of this one (1) rear loading refuse truck as per RFP 180-21 from Carrier Truck Centers Inc.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Cindy Becker	Financial Planning Administrator – Public Works Operations
Angela Marazita	Fleet Manager
Shawna Boakes	Executive Director of Operations
Chris Nepszy	Commissioner of Infrastructure Services, City Engineer
Alex Vucinic	Purchasing Manager
Joe Mancina	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Dan Countryman	(519) 360-6690	dancountryman@carriercenters.ca

**Appendices:**



**Council Report: C 35/2022**

**Subject: Active Transportation Fund – Contribution program for Capital Projects**

**Reference:**

Date to Council: March 21, 2022

Author: Kathy Roeder

Asset Coordinator

519-255-6100 x6255

kroeder@citywindsor.ca

Asset Planning

Report Date: March 1, 2022

Clerk's File #: GPG/14324

**To:** Mayor and Members of City Council

**Recommendation:**

- I) THAT City Council **APPROVE** Administration to submit the necessary capital project applications to the Active Transportation Fund; and,
- II) THAT the funding sources, including any pre-commitments, for the City's portion of the project as outlined in the Financial Matters section of this report **BE APPROVED**; and,
- III) THAT the Chief Administrative Officer **BE AUTHORIZED** to execute any agreements, declarations or approvals required to submit the applications to the Active Transportation Fund subject to all documentation being satisfactory in legal form to the City Solicitor, in financial content to the City Treasurer; and in technical content to the appropriate Executive Director and/or Commissioner for their respective projects; and,
- IV) THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action and sign any such documentation as may be required to effect the recommendations and funding for the Active Transportation Fund, subject to all documentation being satisfactory in legal form to the City Solicitor, in financial content to the City Treasurer; and in technical content to the appropriate Executive Director and/or Commissioner for their respective projects; and,
- V) THAT City Council **APPROVE** the following recommendations upon the City receiving written confirmation from the funding provider that one or any of the City's funding applications have been awarded the requested funding:

- a) That Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the projects submitted under the Active Transportation Fund, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to City Treasurer, and in technical content to the appropriate Executive Director or Commissioner for their respective projects; and,
- b) That the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the projects submitted to the Active Transportation Fund, satisfactory in legal form to the City Solicitor, in technical content to appropriate Executive Director or Commissioner for their respective projects and in financial content to the City Treasurer; and,
- c) That the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders / RFPs / RFTs / Contract Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in technical content to the appropriate Executive Director or Commissioner for their respective projects; in financial content to the City Treasurer; and further,
- d) THAT the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of claims and applicable schedules and other such documents required as part of the requirements for the awarded projects to the appropriate Executive Director or Commissioner for their respective projects, or designates, subject to financial content approval from the area's Financial Manager.

VI) THAT Council **DIRECT** Administration to submit annual maintenance budget requirements to maintain new active transportation assets to Operating Budget deliberations as required.

### **Executive Summary:**

N/A

### **Background:**

On February 10, 2021, the Prime Minister, Minister of Infrastructure and Communities, and Minister of Environment and Climate Change announced \$5.9 billion in new funding for public transit and active transportation over 5 years, beginning in 2021-22, with a permanent annual envelope of \$3B ongoing beginning in 2026-27. This funding included the creation of an Active Transportation Fund (ATF), a \$400 million, 5-year investment to fund projects that expand and enhance active transportation networks in communities of all types and sizes.

In late January, Administration received notification the Active Transportation Fund first application intake period was opening on January 27, 2022 and would close on March

31, 2022 however; Indigenous applications will be accepted on a continuous basis. Infrastructure Canada is responsible for managing and evaluating applications.

The ATF is providing this funding to support a modal shift away from cars and toward active transportation, in support of Canada's National Active Transportation Strategy. The ATF invests in projects that build new and expanded networks of pathways, bike lanes, trails and pedestrian bridges, as well as supports active transportation planning and stakeholder engagement activities. A minimum of 10% of the Fund is dedicated for Indigenous projects.

Project selection for the ATF is direct application based. Each funding stream has separate merit criteria, which will be evaluated through different application questions. The project does not need to meet all merit criteria however funding decisions will be undertaken with a view to balancing funding support by taking into consideration such factors as **regional distribution**. The final selection decision will remain at the sole discretion of the Minister of Infrastructure and Communities

The ATF has two streams, the capital projects stream and the planning projects stream. Eligible Recipients may submit applications for multiple Planning or Capital projects and similar projects can be bundled in a single application. Unlike other funding opportunities the ATF requires applicants to identify the source of all project funding in their application for both eligible and ineligible expenditures. Expenditures incurred prior to project approval or related to agreements and contracts signed prior to project approval are ineligible, with the exception being those expenditures related to Climate Lens assessments, or Indigenous consultation and engagement, which are eligible up to one year prior to the submission of the application. If construction is underway, the project is ineligible. However, applicants can apply for funding for future/subsequent phases of a project. All projects must be completed by March 31, 2026.

The Planning project streams is a grant program that funds up to 100% of eligible costs, to a maximum amount payable not greater than \$50,000. Applicants are responsible for funding 100% of ineligible project costs. 3% of the ATF has been notionally allocated for planning projects

The Planning project stream supports planning and design projects that reference the development or enhancement of formal active transportation strategic planning documents or stakeholder engagement, including Active Transportation Strategy documents that can be added to other planning documents, such as Official Community Plans, Sustainability Plans, and Transportation Plans. Examples of eligible projects include:

- Research
- Public and/or stakeholder engagement
- Policy
- Feasibility studies, business cases, and costing estimates
- Projects that support the implementation of the Active Transportation Strategy.

Unlike the Planning stream, the Capital projects stream is a contribution program. The capital stream will fund up to a maximum of \$50 Million; however, it is anticipated the majority of the awarded funding will be for amounts substantially lower than \$50M. The

ATF will fund up to 60% of eligible costs of municipal projects. Municipalities are responsible for funding the remaining 40% of eligible costs and 100% of all ineligible costs.

The type of projects that are eligible for this stream could include new infrastructure construction, enhancement of existing infrastructure, and fixed design and safety features that encourage increased active transportation. Eligible capital projects include:

- Building or enhancing infrastructure for active transportation, such as multi-use paths, sidewalks, footbridges, separated bicycle lanes, and connections to other roadways
- Enhancing active transportation infrastructure, including design considerations in which there may be no net gain in kilometers of infrastructure, but quality improvements that support greater usage
- Building or enhancing design features and facilities which promote active transportation, such as storage facilities, lighting, greenery, shade, and benches
- Building or enhancing safety features which promote active transportation, such as crosswalks, medians, speed bumps, and wayfinding signage.

The merit criteria for capital projects are:

- Improved Community Connectivity and Accessibility
- Economic Benefits
- Environmental and Climate Benefits
- Improved User Mobility and Support of a Safe and Secure Environment
- Viability

## **Discussion:**

Administration have reviewed the ATF guidelines and have determined three applications for the Capital Projects Stream can be submitted.

An application for the Capital Projects stream will be submitted by each the Parks, Transportation Planning and the Public Works Departments. Details associated with each project are outlined below, including project costs and expected estimated annual increase in maintenance costs to support the new active transportation infrastructure being constructed or enhanced as part of this funding initiative. It is expected this increase in maintenance costs will be addressed in future operational budgets

### **1. Parks Trails Projects**

The Parks team have identified two trail projects which will result in the submission of two separate applications.

One application will be for a project that involves expanding the Park trail network by adding 1.5 km of trails at the Robert McDonald Park. This project will include the planting of trees along the trail to help offset the effects of climate change.



The other application will outline the details of a 2.5 km trail rehabilitation project along the Central Riverfront trail from Huron Church Road to Church Street and spanning Assumption North, Centennial, and Legacy Parks.

Tendering for both these projects can start soon after a positive funding decision is received and it is anticipated construction will be completed within a 12 month period.

Currently these projects are 100% funded with approved/approved in principle capital and operating funds. These projects are being advanced as a result of this funding opportunity. If funding is not received for one or both of these projects, the unsuccessful project(s) will be completed in future years starting in 2024. The total cost of both trail projects is \$2,126,000. The contribution funding requested is \$1,215,600 with the remaining \$910,400 being funded with approved budget funding. (see financial section TABLE 1 for individual project cost breakdown)

Any annual increase in maintenance costs resulting from the construction of new trails at Robert McDonald Park will be managed within the Parks Department existing operating budget. It is anticipated no additional maintenance costs will result from the rehabilitation of the section of Central Riverfront Trails outlined in this report.

It is recommended these two projects be submitted to the ATF as two separate applications.

## **2. Public Works Sidewalk Replacements**

The PW Operations division has reviewed their list of sidewalk replacement needs and determine some outstanding projects can be addressed with funds from the ATF. This work will also help to reduce the current shortfall in funding levels to sustain our existing sidewalk network without placing 100% of the cost on the municipality.

This project bundles several sidewalk projects together into one application. All projects involve the rehabilitation of sidewalks and includes making the sidewalk AODA compliant. The sidewalks exist in various areas of the City and represent 7.6 km of sidewalks. Tendering for these sidewalk projects can start soon after a positive funding decision is received and it is anticipated construction will be completed within a 12 month period.

Currently these projects are 100% funded with approved in principle capital budget funds. This project work is being advanced as a result of this funding opportunity. If ATF funding is not received, the sidewalks included in this submission will be completed in 2024 under the sidewalk rehabilitation program. The total cost of this project is \$1,082,233. The ATF funding requested is \$649,340 with the remaining \$432,893 to be funded with approved in principle 2024 capital budget funding. (see financial section TABLE 1)

It is anticipated that no additional maintenance costs will result from the sidewalk replacement projects in scope for this funding.

It is recommended the various sidewalk projects be submitted to the ATF under one application.

### 3. Transportation Planning

The Transportation Planning team have reviewed the Active Transportation Master Plan and determine the below list of projects can be addressed with funds from the ATF. This work will also help increase the city's active transportation network.

A single application to be submitted will include the following projects:

- Kildare(Ottawa to Tecumseh)-local street bikeway, protected bike lane
- Shepherd (Janette to Kildare)-local street bikeway, bike boulevard
- California (Riverside to Totten)-local street bikeway, bike boulevard

Currently these projects are 100% funded with approved capital funding.

The total cost of this project is \$ 1,208,148. The ATF funding requested is \$387,219 with the remaining \$ 820,929 to be funded with approved capital budget funding, (see financial section TABLE 1 for details).

It is estimated that the annual increase in maintenance costs resulting from the projects included in this submission is \$74,136

Each of the projects outlined above have a traffic calming plan component. On Feb. 23, 2022 a report for the Kildare project (S 9/2022 Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway) was brought to the ETPS. The recommendations of ETPS were:

1. THAT implementation of the proposed traffic calming plan for Kildare Road between Ottawa Street and Tecumseh Road East **BE APPROVED**, and
2. THAT Administration **BE DIRECTED** to bring forward, at the appropriate time, a report to the Chief Administrative Officer for approval, pursuant to Delegation of Authority By-law 208-2002, of the amendments to Traffic By-law 9148 that will be necessary to implement the traffic calming plan;
3. That the annual operating cost requirements **BE REFERRED** to the 2023 budget.

A similar report will need to be brought to the ETPS for the Shepherd and California projects prior to the work beginning for these two identified projects.

It is recommended these projects be submitted to the ATF under one application.

At this time, the Transportation Planning Department is reviewing approved projects that are fully funded in 2022 against the eligibility requirements of the Planning Project stream. If a viable project is found and the decision to submit an application to this stream is made, a CAO report will be prepared requesting approval to submit an application. As previously noted, the Planning stream will fund 100% of eligible project costs to a maximum of \$50,000.

## **Risk Analysis:**

There is the potential risk that one or all projects submitted may not be awarded funding resulting in those projects requiring 100% City funding if they were to proceed. It is not easy to determine the level of risk associated with not being awarded funding as this is a competitive process and we have no clarity on what types of projects and or volume of projects and funding requests could be forthcoming from other eligible applicants.

There is the potential risk that one or more projects are not able to be completed by the March 31, 2026. This risk is very low as Administration has identified projects that can be completed much earlier than March 31, 2026

There is a risk that a project comes in over budget. The funding provider has confirmed that offsetting funding surpluses in projects from one successful application for one project from another successful application with a deficit is not permitted. This risk is being mitigated by including contingencies in the costing estimates however if unforeseen events occur and estimates are too low, additional city funding will need to be identified. If necessary, a council report will be brought to City Council to request additional funding.

There is a risk that the approval of the final design and traffic calming plan, inclusive of resident consultation, of the Transportation Planning projects could result in changes being made to the project components which may impact the cost estimates outlined in this report. Any changes in budget resulting in additional funding requirements will be brought forward to determine additional funding sources as required.

## **Climate Change Risks**

### **Climate Change Mitigation:**

The Active Transportation Fund is evaluated in part through identified environmental and climate benefits including greenhouse gas benefits. The Community Energy Plan estimated that a relatively modest elimination of 2 percent of average car/truck journeys will result in emissions reductions of about 8,000 tonnes CO<sub>2</sub>e annually. Additionally, early GHG estimates identified approximately 60,000 tonnes reduction annually upon reaching a 25% non-auto mode share. Achieving the mode share targets is directly connected to build out and maintenance of walking and cycling infrastructure as outlined in the Active Transportation Master Plan.

### **Climate Change Adaptation:**

The Active Transportation Fund is evaluated in part through identified environmental and climate benefits including the review of possible climate change impacts and measures proposed to address the risks. The proposed sidewalks, trails and bike lanes have been reviewed for climate risks including risk of surface flooding and extreme heat. Though no major climate risks have been identified, the funding application will draw attention to City programs already in place such as ongoing Sewer Master Plan initiatives and tree planting opportunities that may reduce the future impacts of climate change on these assets

## Financial Matters:

The City's portion of the estimated project costs is 40% of the total eligible project costs plus 100% of any ineligible project costs. The contribution from the ATF is 60% of eligible costs.

The table below outlines the total estimated project costs for each application and the recommended funding sources to cover the Municipal/City's portion of the project costs. Any funding that has been identified post 2022 will require Council approval to pre-commit funding, and interim financing costs will be applicable based on when the funds are used versus when the funding becomes available. All costs include non-refundable (non-recoverable) HST costs.

TABLE 1 – Estimated Project Costs and Funding Sources

Parks Applications	Total Eligible Project Cost	Total Ineligible Costs	Total Project Costs	Requested Contribution From ATF	Municipal funding Required	Funding Source
Park Multi Use Trail- Robert McDonald Park (individual application)	\$776,000	\$37,500	\$813,500	\$465,600	\$347,900	New Multi Use Trails Project 7221023 \$300,000  Tree Maintenance and Urban Forest Enhancement Program Project 7131021 \$10,400  Ineligible costs of \$37,500 will be covered by operating funding in year of construction
Park Trail- Central Riverfront Trail (individual application)	\$1,250,000	\$62,500	\$1,312,500	\$750,000	\$562,500	PFO-012-12 Parks Trails Capital Rehab Program <u>Pre-commitments:</u> 2024: \$100,000 2025: \$100,000 2026: \$300,000  Ineligible costs of \$62,500 will be covered by operating funding in year of construction
Parks Total	\$2,026,000	\$100,000	\$2,126,000	\$1,215,600	\$910,400	
Public Works Projects	Total Eligible Project Cost	Total Ineligible Costs	Total Project Costs	Requested Contribution From ATF	Municipal Funding Required	Funding Source
Various Sidewalks	\$1,082,233	\$0	\$1,082,233	\$649,340	\$432,893	OPS-004-07 Sidewalk Rehab <u>Pre-commitments:</u> 2024: \$649,340
Public Works Total	\$1,082,233	\$0	\$1,082,233	\$649,340	\$432,893	

Transportation Planning Projects	Total Eligible Project Cost	Total Ineligible Costs	Total Project Costs	Requested Contribution From ATF	Municipal funding Required	Funding Source
Kildare (Ottawa to Tecumseh)-local street bikeway, protected bike lane	\$174,000	\$129,675	\$303,675	\$104,400	\$199,275	Citywide Bikeway Development Initiatives Project 7111031 \$820,929
Shepherd (Janette to Kildare)-local street bikeway, bike boulevard	\$150,270	\$182,613	\$332,883	\$90,162	\$242,721	
California (Riverside to Totten)-local street bikeway, bike boulevard	\$321,094	\$250,496	\$571,590	\$192,657	\$378,933	
<b>Transportation Planning Total</b>	<b>\$645,364</b>	<b>\$562,784</b>	<b>\$1,208,148</b>	<b>\$387,219</b>	<b>\$820,929</b>	

As a result of the following there is a requirement to pre-commit the following funding amounts, in the years outlined below

#### **PFO-012-12 Parks Trails Capital Rehab Program**

2024: \$100,000

2025: \$100,000

2026: \$300,000

Total: \$500,000

#### **OPS-004-07: Sidewalk Rehab**

2024: \$649,340

In addition to the project costs noted above, estimated annual increases to maintenance costs required to support the new infrastructure constructed and/or the enhancements to existing infrastructure are as follows:

TABLE 2 – Estimated Increase in Maintenance Costs to support New/Enhanced Active Transportation Assets

Transportation Planning	Estimated Annual increases to Maintenance Costs
Kildare Protected bike lane	\$10,820
Shepherd-local street bikeway, bike boulevard	\$31,265
California local street bikeway, bike boulevard	\$32,051
<b>Total Transportation Planning</b>	<b>\$74,136</b>

Annual maintenance budget requirements to maintain new or enhanced active transportation assets will be submitted to the 2023 Operating Budget deliberations, as required.

### **Consultations:**

Juan Paramo - Transportation Planning Engineer

Jeff Hagan - Transportation Planning Senior Engineer

Rania Toufeili – Transportation Planning Policy Analyst

Roberta Harrison - Maintenance Coordinator

Luigi Congi – Program Manager, Asset Planning

Karina Richters - Supervisor, Environmental Sustainability and Climate Change

### **Conclusion:**

Approval to submit the three applications outlined in this report, to the Active Transportation Fund and approval of all recommendations is recommended

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Mark Friel	Financial Planning Administrator
Cindy Becker	Financial Planning Administrator
Natasha Gabbana	Senior Manager, Asset Planning
James Chacko	Executive Director, Parks & Facilities
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official
Shawna Boakes	Executive Director Operations/Deputy City Engineer
Ray Mensour	Commissioner Community Services
Chris Nepszy	Commissioner Infrastructure Services
Shelby Askin Hager	Commissioner Legal & Legislative Services
Joe Mancina	Chief Financial Officer
Jason Reynar	Chief Administrative Officer

### **Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
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### **Appendices:**



**Council Report: C 29/2022**

**Subject: Funding Program for Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses**

**Reference:**

Date to Council: March 21, 2022

Author: Sergio Colucci

Asset Coordinator

519-255-6257 ext. 6481

scolucci@citywindsor.ca

Asset Planning

Report Date: February 18, 2022

Clerk's File #: GPG2022

**To:** Mayor and Members of City Council

**Recommendation:**

l) THAT City Council **APPROVE** the following recommendations as a condition of receiving funding provided by the Ministry of Environment, Conservation and Parks - Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program:

- a. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action and sign any required documentation/agreement(s) in order to secure the funding noted above, satisfactory in legal form to the Commissioner of Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates; and,
- b. THAT the Chief Administrative Officer **BE AUTHORIZED** to delegate signing of all claims and applicable reports and other such documents, as required as part of receiving funding under the Ministry of Environment, Conservation & Parks – Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Program, to the Commissioner of Infrastructure Services or designate, subject to financial content approval from the area's Financial Planning Administrator or their manager or designates; and,

- c. THAT City Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the funded project, provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer; and in technical content to the Commissioner of Infrastructure Services, or designates; and,
- d. THAT the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specification being satisfactory in technical content to the Commissioner of Infrastructure Services and financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer, or designates; and,

II. THAT City Council **CONSIDER** and **PASS** by-law number XX-2022, being a by-law authorizing the execution of the Improving Monitoring and Public Reporting of Sewage Overflows and Bypasses Fund agreement; and,

III. THAT three readings of by-law XX-2022, the respective by-law, **BE CONSIDERED** at the March 21, 2022 meeting of Council.

### **Executive Summary:**

N/A.

### **Background:**

City of Windsor administration was recently notified that the Ministry of Environment, Conservation and Parks (MECP) has introduced the “Improving monitoring and public reporting of sewage overflows and bypasses” funding program.

The funding program is being provided to support wastewater monitoring and public reporting in order to improve transparency of sewage overflows and bypasses of municipal wastewater systems. The City is eligible to receive up to \$650,960 to implement enhanced monitoring and reporting of sewage overflows or bypass projects.

Funding will be provided to the City on a re-imbursement basis through Transfer Payment Ontario as we submit quarterly reports. The first quarterly report would be due by June 30, 2022 and every quarter after that until the end of the funding program, March 31, 2024.

The City of Windsor automatically meets eligibility requirements set out by the MECP therefore there is no application process; however, the by-law and agreement must be signed and submitted to the MECP by March 31<sup>st</sup>, 2022.



## Discussion:

The objective of this MECP funding program is to implement municipal monitoring and near real-time public reporting of sewage bypass and overflow events. A bypass event is when partially treated sewage is released into the natural environment instead of being fully treated at the pollution control plant. A sewage overflow event occurs when untreated sewage is released to the natural environment from a point in the sewage collection system or sewage treatment plant. These bypass and overflow events can occur due to wet weather events, equipment maintenance, power outages, or equipment failure.

Currently a bypass or overflow event is reported by the City to the MECP Spills Action Centre. In addition, notifications are emailed to the Windsor Essex Health Unit, Enwin Utilities, Administration, and downstream users. Under this funding agreement, the City has an opportunity to investigate, test, and implement additional monitoring, data collecting, and begin sharing real-time or near real-time data of bypass or overflow events with the public. Any real-time or near real-time public reporting would be a change to the City's current practice.

This funding program supports the following eligible activities:

- Purchasing and installation of monitoring devices.
- Purchasing and installation of modelling software/equipment.
- New and/or improved public reporting systems/approaches.
- Engineering/Consultant work.
- Other capital expenses related to the development and implementation of monitoring/modelling and public reporting of sewage overflows and bypasses
- New projects or not fully funded projects.
- Signage associated with public reporting of sewage overflows and bypasses.

According to the funding guidelines, suggested information that should be publicly reported for each sewage bypass or overflow event include:

- Start date and time of event.
- Receiving waterbody and other relevant location details.
- Cause of bypass/overflow event.
- Any level of treatment provided.
- Any public safety precautions that should be taken.
- Any steps taken to contain/mitigate the discharge.
- End date and time of event.
- Estimated volume released and duration of discharge.

Administration met to discuss funding details and possible projects meeting the eligibility requirements under this funding opportunity and is proposing to install a monitoring device at the emergency bypass at the Little River Pollution Control Plant. Additionally, Administration will investigate the possible implementation of new equipment/software

associated with the improvement of collecting and reporting on data that results from bypass or overflow events at other locations within the City.

Once agreements are signed and funding is secured, Administration will finalize specific project details including project start date, detailed costs, monitoring locations, options to improve upon current monitoring and reporting infrastructure, and potential enhanced reporting on the City's website.

Detailed project information would need to be provided to the MECP in our June 30<sup>th</sup> quarterly report.

### **Risk Analysis:**

If this by-law is not passed and agreements are not signed the City risks missing the March 31<sup>st</sup>, 2022 deadline and not receiving funding.

Public reporting of bypass and overflow events would be an additional responsibility to the City's current reporting practices. The public reporting component may lead to an increase in 311 calls from the public inquiring about bypass event information. These calls will need to be documented, addressed, and resolved by City staff.

Participation in this funding program would also require staff time to coordinate and implement the proposed bypass monitoring/reporting project within the funding timeframe. It is anticipated that project completion and costs incurred will be within the required two-year funding completion window.

Improvements and reconstruction to the emergency bypass pipe at Little River Pollution Control Plant are planned sometime in the future after the completion of this funding program in March 2024. There is a risk that if a monitor is purchased under this funding program and installed in the existing bypass pipe that it may not be compatible or be reusable with the new infrastructure installed under the future improvements. Efforts will be made by Administration to discuss this issue with monitor vendors to determine what course of action can be taken to reuse the monitor at the same location or relocate it to another monitoring site.

While bypass and overflow events are permitted under current ECA requirements, public reporting of overflow and bypass activity will result in the centralizing of data which may make these events more visible. The City currently takes all reasonable steps necessary to avoid overflows and bypasses and ensures that all information requirements of the Ministry are met and continues to review internal policies and practices to ensure compliance with the sampling/reporting/documentation requirements under the ECA for bypasses, overflows and spills. However, as a result of enhanced public reporting there may be increased pressure for the City to take further steps to reduce or eliminate their occurrence.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

The installation of monitoring equipment would have a negligible impact on the Corporate GHG inventory and energy use.

## **Climate Change Adaptation:**

Locally, climate change is expected to increase annual total precipitation as well as the intensity of storm events (e.g. approximately 40% increase in intensity in the 100 year storm event). These changes will likely result in a notable change in bypass and overflow events.

## **Financial Matters:**

Through initial discussions it is anticipated that project costs will fall within the \$650,960.00 that the City is eligible to receive. Once agreements are signed, Administration will meet to determine detailed project costs.

Funding must be used for equipment and construction and are considered eligible if they are capital in nature or if they are able to be capitalized based on standard accounting principles. Engineering, design, or other consultant costs are also eligible, however they cannot be the significant/sole expenditure of the project work.

Municipal staff time is not an eligible expense under the Program and will be considered as in-kind contributions to the funding agreement.

Expenses incurred prior to the date of the Municipality's execution of this Terms and Conditions are also ineligible.

Administration will report back to City Council should project costs exceed what is being provided through this funding program. All eligible costs incurred with the project will be recovered through the grant provider.

All project costs must be incurred on or before March 31, 2024.

## **Consultations:**

Chris Nepszy – Commissioner of Infrastructure Services

Jake Renaud – Senior Manager, Pollution Control

Alex Hartley – Senior Legal Counsel

Natasha Gabbana – Senior Manager, Asset Planning

Trevor Bennet – Manager, Business Process Modernization

## **Conclusion:**

Participating in this funding would involve researching, testing, and implementing new and/or enhanced public reporting systems and approaches. Proceeding with this project could add a public reporting component to the regular reporting undertaken by the City as a result of sewage bypass and overflow events.

This report and related by-law are provided on relatively short notice as it is driven by the timelines and requirements of the grant provider, which are outside of the control of the City. Approval of the report and passage of the by-law is recommended in order to secure funding provided by MECP.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Natasha Gabbana	Senior Manager, Asset Planning
Jake Renaud	Senior Manager, Pollution Control
Chris Nepszy	Commissioner of Infrastructure Services
Joe Mancina	Commissioner of Corporate Services, Chief Financial Officer/City Treasurer
Shelby Askin-Hager	Commissioner of Legal & Legislative Services
Jason Reynar	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**



**Council Report: C 31/2022**

**Subject: Amendment of Council Resolution CR21/2020 - Ward 1**

**Reference:**

Date to Council: March 21, 2022  
Author: Chris Carpenter  
Coordinator of Real Estate Services  
ccarpenter@citywindsor.ca  
519-255-6100 x6420  
Legal Services, Real Estate & Risk Management  
Report Date: February 23, 2022  
Clerk's File #: APM2022

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Council Resolution CR21/2020 adopted January 6, 2020 **BE AMENDED** as follows:

By **DELETING** from Resolution I the following in its entirety:

- a. Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
  - i. Enwin Utilities Ltd. the location of which is to be to the satisfaction of the Manager of Real Estate Services

**Executive Summary:**

N/A

**Background:**

In 2019, the Real Estate Division applied to close a portion of Havens Drive east of 613 Havens Drive to allow for its sale as a building lot. At the time of application, it was unknown whether an easement for Enwin was required. As a result, CR21/2020 (attached as Appendix A) included in the recommendation that an easement be granted to Enwin to the satisfaction of the Manager of Real Estate Services.

**Discussion:**

Following the approval of the closure, the Real Estate Division contacted a surveyor to identify whether the underground Enwin infrastructure was in a location that required an easement. In consultation with Enwin, it was determined that no easement is required. Therefore, Administration proposes that CR21/2020 be amended to remove the reference to the easement.

**Risk Analysis:**

Failure to amend CR21/2020 will prevent the registering of the closing by-law without the easement. The easement is not required and would reduce the value of the building lot.

**Climate Change Risks****Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

There is no cost related to the amending of CR21/2020.

**Consultations:**

Kate Tracey, Legal Counsel

**Conclusion:**

Amending Council Resolution CR21/2020 will allow for the registering of the by-law and the subsequent sale of the property.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Chris Carpenter	Coordinator of Real Estate Services
Frank Scarfone	Manager of Real Estate Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Council Resolution CR21/2020

## Appendix A

CR21/2020



### OFFICE OF THE CITY CLERK COUNCIL SERVICES

Phone: (519)255-6211

CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

Fax: (519)255-6868

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### City Council Decision Monday, January 06, 2020

Moved by: Councillor McKenzie

Seconded by: Councillor Morrison

Decision Number: CR21/2020 DHSC 119

- I. THAT the triangular portion of Havens Drive right-of-way abutting Block 63, 12M-364, shown as PART 1 on Drawing No. CC-1742 attached hereto as Appendix "A", **BE CLOSED AND CONVEYED** by The Corporation of The City of Windsor as a residential building lot, subject to the following:
  - a. Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Enwin Utilities Ltd. the location of which is to be to the satisfaction of the Manager of Real Estate Services
  - b. MTO Permits required prior to any development or changes to the property.
  - c. A Restrictive Covenant on title prohibiting the erection of opaque fences that would restrict available sight lines into the retention pond space.
- II. THAT the 0.3m wide by 40m long westerly portion of Havens Drive shown as PART 2 on the attached Appendix "A", **BE CLOSED AND RETAINED** for municipal purposes namely a 1 foot reserve to restrict driveway access along that portion of Havens Drive;
- III. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1742, *attached* hereto as Appendix "A".
- IV. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- V. THAT, upon the registration of the necessary by-laws, the following vacant parcels of land **BE DECLARED** surplus:
  - (1) **Property No. 1:** Triangular portion of Havens Drive right-of-way abutting Block 63, 12M-364, shown as PART 1 on Drawing No. CC-1742 *attached* hereto as Appendix "A";



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

- Legal Description: Part of Havens Drive R.O.W. as in 12M-364, to be further described on a new reference plan of survey.
- Approximate Lot Area: 900m<sup>2</sup>.

(2) **Property No. 2:** L-shaped parcel located on the south side of Havens Drive shown as Part 3 on Drawing No. CC-1742 *attached* hereto as Appendix "A";

- Legal Description: Block 63, 12M-364;
- Approximate Lot Area: 27.84m<sup>2</sup>.

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.

VIII. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the vacant parcels of land legally described as Part of Havens Drive R.O.W. along with Block 63, Plan 12M-364, all to be further described on a new reference plan of survey, for sale on MLS at a list price to be determined by the Manager of Real Estate Services or an independent appraisal, as appropriate.

Carried.

Report Number: SCM 474/2019 & S 199/2019  
Clerk's File: APM2019 8.18

*Steve Vlachodimos*

Deputy City Clerk/Senior Manager of Council Services  
January 10, 2020

### Department Distribution

Jeffrey Ren	Planning Policy Assistant
Justina Nwaesei	Senior Planner - Subdivisions
Chris Carpenter	Coordinator of Real Estate Services
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor / CLT





**Council Report: C 38/2022**

**Subject: Reimagined Adie Knox Herman Recreation Complex Project  
Update and Revised Concept Plan - Ward 2**

**Reference:**

Date to Council: March 21, 2022  
Author: Tracy Beadow  
Project Administrator, Corporate Projects  
(519) 255-6100 x 1734, (519) 919-7218  
tbeadow@citywindsor.ca  
Engineering  
Report Date: March 7, 2022  
Clerk's File #: SR/14319

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT City Council **ENDORSE** the Revised Conceptual Site Plan (dated March 2022) of the Reimagined Adie Knox Herman Recreation Complex (attached as Appendix A), including the revised parkland layout with the location of the park amenities including the playground and splash pad; and,
- II. THAT the following Request for Proposal for the construction of a playground in Wilson Park **BE ACCEPTED** and **AWARDED**:

PROPONENT: A.B.C. Recreation Ltd.  
RFP No.: 8-22  
Total Offered Price: \$391,993.53 (plus applicable taxes), including \$56,151.47 in provisional items

to be funded from Project ID# 7211050, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with A.B.C. Recreation Ltd. satisfactory in legal form to the Commissioner, Legal and Legislative Services, in technical content to the Commissioner of Community Services, and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,

- III. THAT the following Request for Proposal for the construction of a splash pad in Wilson Park **BE ACCEPTED** and **AWARDED**:

PROPONENT: Yard Weasels Inc.  
RFP No.: 9-22  
Total Offered Price: \$216,758.00 (plus applicable taxes)

to be funded from Project ID# 7211050, and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign a contract with Yard Weasels Inc., satisfactory in legal form to the Commissioner, Legal and Legislative Services, in technical content to the Executive Director of Parks and Facilities, and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,

- IV. THAT City Council **APPROVE** \$70,000 of placeholder funding from F169 in 2022 in REC-002-21 – Adie Knox Herman Reimagining for immediate use, for the construction of an outdoor multi-use trail for the splash pad and playground area; and,
- V. THAT Council **PRE-APPROVE** and **AWARD** any procurement(s) necessary that are related to the above project(s), provided that the procurement(s) are within approved budget amounts, pursuant to the Purchasing By-Law 93-2012 and amendments thereto; satisfactory in financial content to Commissioner, Corporate Services/Chief Financial Officer, in legal form to the Commissioner, Legal & Legislative Services; and in technical content to the Executive Director of Parks and Facilities; and,
- VI. THAT the Purchasing Manager **BE AUTHORIZED** to issue Purchase Orders as may be required to effect the recommendation noted above, subject to all specifications being satisfactory in technical content to the Executive Director of Parks and Facilities, and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,
- VII. THAT the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the projects, satisfactory in legal form to the Commissioner, Legal & Legislative Services, in technical content to the Executive Director of Parks and Facilities and in financial content to the Commissioner, Corporate Services/Chief Financial Officer; and,
- VIII. THAT Administration **BE DIRECTED** to proceed with the preliminary design investigations and **APPROVE** \$200,000 of placeholder funding from F169 in 2022 in REC-002-21 – Adie Knox Herman Reimagining for immediate use; and,
- IX. THAT the City Planner **BE DELEGATED** the authority to approve the Site Plan Control Application and **BE AUTHORIZED** to approve minor changes to the design.

### **Background:**

On June 21, 2021, Administration presented the Reimagined Adie Knox Herman Recreation Complex preliminary conceptual plan (attached as Appendix B) and cost estimates along with usage and operational details related to the existing pool and the Green and Inclusive Community Buildings (GICB) Grant opportunity offered through Infrastructure Canada to City Council. At that meeting, Council committed to moving the aquatic services at Adie Knox to the University of Windsor, directed Administration to submit an application to the

GICB program, committed to securing up to \$29.3M in capital funds as per the requirements of the grant, directed Administration to communicate the results of the grant application and funding plan to Council, directed Administration to undertake additional consultations, and to begin working on the outdoor playground and splash pad (CR274/2021 attached as Appendix C).

Public consultation sessions were completed in advance of the June 21, 2021 council meeting and the GICB grant submission. Additional public consultations were completed between August 2021 and October 2021 which resulted in the revised and updated Reimagined Adie Knox Conceptual Site Plan (attached as Appendix A).

The objective of the GICB program is to improve the availability and condition of community buildings in Canadian communities experiencing higher needs. On July 6, 2021, the City submitted an application under the GICB program. The City's application included \$25M in eligible costs, which based on the guidelines, if awarded would result in up to \$13.5M in funding under this grant. Any eligible costs above \$25M, as well as all ineligible costs, are 100% City costs, which resulted an estimated City funding requirement of \$29.3M at the time of the application submittal. During the June 21, 2021 council meeting, Council committed to securing capital funding up to a maximum of \$29.3M as per the GICB grant requirements.

## **Discussion:**

### **Green and Inclusive Community Buildings Grant Program**

As of the date of this report, the City's application is still under review and once a decision has been made, Infrastructure Canada will notify all applicants. It is anticipated that the federal government may select the successful applicant(s) by the summer 2022 but no precise timeline could be confirmed.

The grant only required a commitment to funding for the City's portion of the project costs. Should the grant not be awarded, Administration would seek out other grant funding opportunities to continue to pursue the vision established for the Adie Knox Complex.

## **Consultations**

The City of Windsor has conducted stakeholder engagement interactions in relation to the future vision of Adie Knox Herman Recreation Complex, to ensure that the new facility will meet the needs of the community and user groups. In the early stages, the Adie Knox project was identified in the City of Windsor's Recreation Master Plan, which was completed in 2019. At that time, extensive public consultations were completed regarding Recreation facilities and programming, including Adie Knox.

Specific to Adie Knox, a public consultation survey was conducted from June 8, 2021 to June 15, 2021 in advance of the June 21, 2021 Council meeting and the GICB grant submission deadline. A response rate of 958 surveys were completed by residents in all 10 wards as well as by non-residents. The survey provided some of the features and opportunities that were being considered for Adie Knox, and asked respondents to prioritize

the opportunities. The top choices included an outdoor splash pad with shade, a fitness centre, program rooms, and a soft surface playground.

A comprehensive public consultation process was conducted from August 2021 through October 2021. Online surveys were prepared which asked respondents a series of questions regarding the splash pad, the playground, and the conceptual plan for the Reimagined Adie Knox Herman Recreation Complex. Additionally, a presentation was prepared and presented by the architect to the community via three (3) live virtual public information meetings. The City prepared a dedicated webpage located within the Building Windsor's Future called the Reimagined Adie Knox Herman Recreation Complex, where a summary of the vision to transform the facility into a community hub and the concept plan and presentation were posted. Additionally, links to the three (3) online surveys and links to the online virtual presentations were also provided. Recordings of the online virtual presentations were posted following the presentations. The online surveys received a total of 1,383 responses.

The Windsor Accessibility Advisory Committee (WAAC) provided input on design considerations and features to ensure the Reimagined Adie Knox facility is a truly accessible feature to all users. Discussion included parking, change rooms, the arena, walking area, an accessibility room as well as recommendations for the entire facility. Additional consultations will be completed during the detailed design phase.

Various internal City departments were also consulted to ensure the new design would provide the best options for the operations planned for the facility. The preliminary concept plan was revised to accommodate as many comments and feedback as possible.

### **Revised Conceptual Plan**

The preliminary conceptual plan (dated June 2021 – attached as Appendix C) included all of the features detailed in CR631/2019, specifically a new full-sized gymnasium, program rooms and an indoor walking path incorporated into a new north-south galleria located along the western side of the arena. In addition to these features, the preliminary conceptual plan included the following provisional, or optional, items and upgrades:

- Repurposing of spaces, including areas for program rooms such as an art room, makerspace and music room, with attention to maintaining the look and characteristics of the historical sections of the building;
- Fitness centre;
- Commercial kitchen suitable to support events in the program spaces as well as instructional programming;
- Community hub lounge spaces with seating, charging stations and Wi-Fi access;
- Additional program room (1,340 sq. ft.)
- Outdoor amenities such as a basketball court, tennis/pickle ball courts, splash pad, playground, outdoor walking track, parking and drop-off areas.

Following public consultations (August 2021 – October 2021), the conceptual plan was revised (Revised Conceptual Site Plan, March 2022, attached as Appendix A) to

accommodate as many of the comments to the features presented on the plan as possible. The following list summarizes the changes that were made to the design from the preliminary conceptual plan:

- Reconfigured men's and women's change rooms and storage area for the gymnasium to maximize available space
- Moved the kitchen to be near the main galleria corridor, to be able to utilize it as a concession space, and added a vending area in the corridor outside of the kitchen
- Created a new washroom space near the south entrance, which can be accessed from the outdoors
- Increased length of outdoor walking track to 1/3 kilometers for ease of tracking walking distance and eliminated the short walking track indoors
- Reduced office space
- New parking area moved to the southeastern portion of the Site
- Outdoor features (play ground, splash pad, courts, walking track) moved to the southwestern portion of the Site
- Removed the driveway connecting both parking areas to increase green space
- Added a second entrance and bus drop off area to western parking lot

Once the status of the GICB grant is known, Administration will complete a detailed evaluation of the construction cost estimates, including the provisional items, along with potential funding sources and opportunities. A final design plan, including recommended provisional items, and a proposed funding plan, will be brought back to Council at that time.

### **Playground and Splash Pad**

The procurement for a playground and splash pad are underway. Request for Proposals (RFPs) for the playground and splash pad were issued in early January, and the successful proponents have been selected. Virtual renderings of the preliminary designs for the playground and splash pad are provided in Appendix D and E, respectively. Minor changes may be made to finalize the design prior to construction which is expected to begin in the spring, with the splash pad expected to be complete by the end of June, and the playground by the end of July. It should be noted that the construction schedule is subject to potential delays due to material and labour shortages currently being experienced in the industry.

Proceeding with the playground and splash pad in advance of the site wide construction work has identified additional work that is needed to support these features. The playground was designed to be situated within the outdoor recreational space, surrounded by the outdoor walking track, with access from the new parking lot east of the outdoor recreational area. As the playground is being constructed before the outdoor recreational space, walking track and new parking lot, there is no means for accessible access to the playground at this time. The playground and splash pad is separated from the existing parking lot to the north by a 10-ft slope, which makes access difficult. Therefore, a paved trail is recommended to connect the playground and the existing parking lot in advance of the other site work, as presented on the Playground and Splash Pad Plan (attached as Appendix F). This trail will remain in place once the site wide construction work is completed.

## **Preliminary Investigation Work**

The next stage of the design process is the detailed design, where the conceptual design plans are refined and detailed specifications and estimates are created. Preliminary field investigations are required to support the detailed design, including the geotechnical investigation, environmental investigation, and the archaeological investigation. As these preliminary investigations are not eligible costs under the GICB grant, Administration can proceed with these investigations to ready the project to a point where the detailed design can proceed as soon as the federal government informs applicants of their decision. The work is required whether the grant is successful or not.

### **Risk Analysis:**

#### **Timing Risk:**

Administration was anticipating communication from the federal government by the end of 2021, however no communication has been received to date. It is believed that successful applicants may be selected by the summer of 2022; however, a timeline has not been provided by the federal government.

If awarded the grant, final construction needs to be completed by March 2026. In order to meet that schedule, construction would need to begin by the spring of 2024. However, the federal government has indicated that projects with an earlier start of construction date would be scored more favourably. Furthermore, it is the preference of Council and Administration to complete this project as soon as possible.

There are some preliminary tasks that can be completed prior to finalization of the detailed design, such as the geotechnical and environmental investigation, and the archaeological assessment. The final design will have very little impact on the scope of these preliminary investigations, and therefore it is recommended that this work proceeds during the ideal summer months.

#### **Financial Risk:**

There are no substantial risk identified with installing the playground and splash pad at this time. The recommended layout was evaluated for both scenarios, with or without the grant.

There are no substantial risks with proceeding with the preliminary investigative work.

#### **Accessibility and Operational Risk:**

If the access trail to the playground and splash pad is not included at this time, the features will be non-compliant with the Accessibility for Ontarians with Disabilities Act (AODA).

## **Climate Change Risks**

### **Climate Change Mitigation:**

Upon approval of the revised layout, the detailed design shall include consideration for reducing energy use and greenhouse gas emissions. City Administration is still waiting the

results of the GICB grant which, if successful will support actions to significantly reduce energy use and greenhouse gas emissions. In the event that the City is not successful in the GICB, City Administration will report back with a review of energy efficiency measures that are both economically and environmentally feasible.

### **Climate Change Adaptation:**

Adie Knox is located in an area with a higher urban heat index, due to location along an arterial road with limited canopy cover and significant impervious area (i.e. rooftops, parking lots). The use of green space and building design to reduce the urban heat island effect should be considered.

The revised site plan does not affect the completed climate risk assessment. Final design and site works (e.g. Parks features) should consider the opportunities to improve the resiliency of the building, the overall site and the human interaction while at Adie Knox.

### **Financial Matters:**

#### **Wilson Park Playground and Splash Pad**

At the June 21, 2021 Council meeting, Council approved a pre-commitment of \$400,000 in 2022 from the Playground Replacement Program (PFO-002-15) and \$400,000 in 2023 from the Corporate Heating and Cooling project (PFO-009-11), totalling \$800,000, for immediate use on the implementation of a new playground and splash pad at Adie Knox Herman through CR 274/2021, attached as Appendix B. These contracts are being recommended for award as a result of separate and independent Request for Proposals – RFP No. 8-22 and RFP No. 9-22. The successful proponent's costs for these two projects are highlighted in Table 1 below:

**Table 1: RFP 8-22 and RFP 9-22 – Wilson Park Playground and Splash Pad Construction Costs**

<b>Vendor</b>	<b>Description of Work</b>	<b>Tender Amount (Exclusive of HST)</b>	<b>Non-Recoverable HST (1.76%)</b>	<b>Total Costs of Tender</b>
A.B.C. Recreation Ltd.	Design, Supply and Installation of Playground	\$391,993.53	\$6,899.09	\$398,892.62
Yard Weasels Inc.	Design, Supply and Installation of Splash Pad	\$216,758.00	\$3,814.94	\$220,572.94
<b>TOTALS</b>		<b>\$608,751.53</b>	<b>\$10,714.03</b>	<b>\$619,465.56</b>

The construction costs of the splash pad, playground and servicing costs (water, hydro, sanitary) and the ancillary costs (professional, contingency, miscellaneous) are within the available budget of \$800,000. However, as discussed previously, a multi-use access trail is required in order to provide accessible access to the playground as a result of constructing these outdoor features in advance of the sitewide construction works. The estimated budget

to complete the playground and splash pad, including these additional costs, by mid summer 2022 are detailed in Table 2 below and are inclusive of non-recoverable taxes.

**Table 2: Playground and Splash Pad Budget Estimate**

Budget Item	Budget Estimate
Playground & Splashpad	(including applicable taxes)
Base Construction Cost (including splashpad, playground, utility servicing, final site restoration & clean-up, etc.)	\$700,000
<i>Additional Construction Cost (paved outdoor multi-use trail)</i>	<i>\$70,000</i>
Professional Fees (including internal services)	\$35,000
Miscellaneous Costs (including financing charges, etc.)	\$8,000
General Contingency	\$57,000
<b>Total Budget Estimate</b>	<b>\$870,000</b>

Estimates contained in Table 2 above are based on current available information, preliminary estimates and assumptions. There may be changes to the financial impact as more accurate data becomes available.

An additional \$70,000 is required in order to proceed with the playground and splash pad construction works in advance of the sitewide construction work. Administration is recommending that these funds of \$70,000 come from placeholder funding from F169 in 2022 in REC-002-21 – Adie Knox Herman Reimagining. The funds were originally held as a placeholder pending the results of the grant application. It should be noted that the above mentioned costs are ineligible under the GICB grant program, and therefore if these works are initiated prior to grant award, it will not impact the total eligible costs that would be submitted to the federal government.

### **Preliminary Investigation Work**

If Council directs Administration to proceed with the preliminary investigation works, the detailed design and specifications could proceed as soon as the City is informed of the grant results, and once Council has approved a funding plan. The estimated budget to complete the preliminary investigation works are detailed in Table 3 below and are inclusive of non-recoverable taxes.



**Table 3: Preliminary Investigation Budget Estimate**

<b>Budget Item</b>	<b>Budget Estimate</b>
<b>Preliminary Investigation Work</b>	<b>(including applicable taxes)</b>
Professional fees (including geotechnical, environmental, archeological, internal services, etc.)	\$175,000
General Contingency	\$25,000
<b>Total Budget Estimate</b>	<b>\$200,000</b>

Estimates contained in Table 3 above are based on current available information, preliminary estimates and assumptions. There may be changes to the financial impact as more accurate data becomes available. Administration is recommending that these funds of \$200,000 come from placeholder funding from F169 in 2022 in REC-002-21 – Adie Knox Herman Reimagining. The funds were originally held as a placeholder pending the results of the grant application.

It should be noted that these preliminary costs are ineligible under the GICB grant program, and therefore if these works are initiated prior to grant award, it will not impact the total eligible costs that would be submitted to the federal government.

**Consultations:**

Tony Ardovini, Deputy Treasurer, Financial Planning  
Carrie McCrindle, Financial Planning Administrator  
Michael Dennis, Financial Manager, Asset Planning  
Luigi Congi, Asset Coordinator  
Emilie Dunnigan, Manager Development Revenue & Financial Administration  
Laura Ash, Project Administrator, Parks  
Natasha Gabbana, Senior Manager of Asset Planning  
Colleen Middaugh, Manager of Corporate Projects  
Wadah Al-Yassiri, Manager Parks Development  
Alex Vucinic, Manager of Purchasing  
Jen Knights, Executive Director, Recreation & Culture

**Conclusion:**

After additional consultation, Administration recommends that City Council endorse the Revised Conceptual Site Plan, dated March 2022 (attached as Appendix A) for the Reimagined Adie Knox Herman Recreation Complex, that the RFPs for the construction of the playground and splash pad be approved, that the outdoor multi-use trail construction proceed at this time, and that the preliminary investigation works be initiated. Upon notice of the GICB grant application results, Administration will report back to Council with recommendations for the final design, including selected provisional features, along with a proposed funding plan.

**Approvals:**

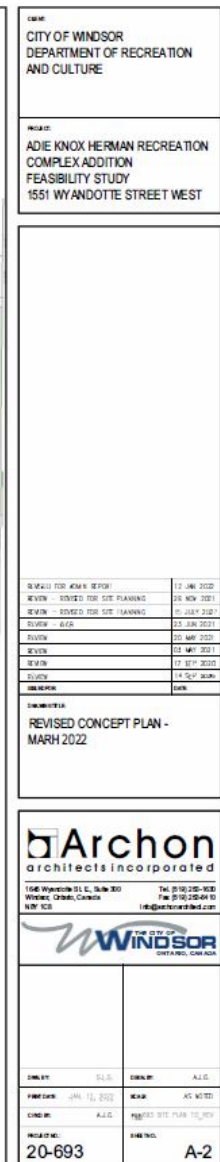
<b>Name</b>	<b>Title</b>
France Isabelle Tunks	Executive Director, Engineering/Deputy City Engineer
James Chacko	Executive Director, Parks & Facilities
Ray Mensour	Commissioner, Community Services
Thom Hunt	City Planner
Joe Mancina	Commissioner, Corporate Services/Chief Financial Officer/City Treasurer
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administrative Officer

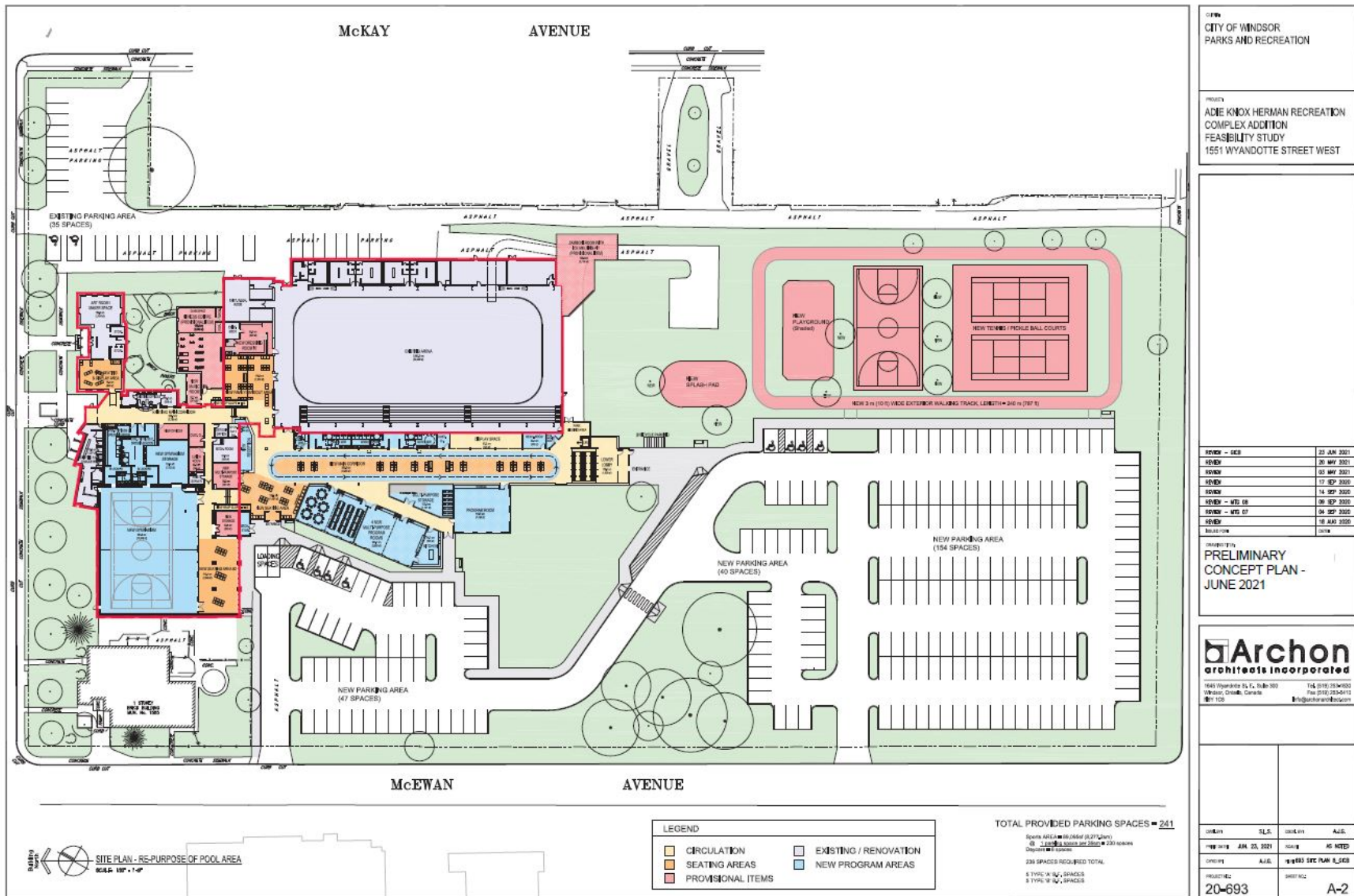
**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

Appendix A - Revised Conceptual Site Plan (dated March 2022)  
Appendix B - CR 274/2021  
Appendix C – Preliminary Conceptual Site Plan (dated June 2021)  
Appendix D – Preliminary Rendering of Playground  
Appendix E – Preliminary Rendering of Splash Pad  
Appendix F – Playground and Splash Pad Plan





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**City Council  
Decision  
Monday, June 21, 2021**

Moved by: Mayor Dilkens

Seconded by: Councillor Morrison

Decision Number: CR274/2021

That the report of the Acting Executive Director of Recreation and Culture dated June 3, 2021 entitled "Reimagined Adie Knox with Grant Opportunity and Partnership with the University of Windsor" **BE RECEIVED**; and further,

That Council **COMMIT** to moving the aquatic services at Adie Knox to the University of Windsor, under the terms contained in the subject administrative report;

That Administration **BE DIRECTED** to submit an application to the Green and Inclusive Community Buildings Grant, using the modified repurposing of the pool design for Adie Knox Recreation Complex, satisfactory in legal form to the City Solicitor, in technical content to the Executive Director of Recreation and Culture and financial content to the City Treasurer; and,

That Council **COMMIT**, as per the Green and Inclusive Community Building Grants requirement, to securing the necessary capital funding, up to a maximum of \$29,000,000 in order to proceed with the project (reconfiguration of Adie Knox to a community centre) should the grant application be successful, and that the results of the grant application **BE COMMUNICATED** to Council spelling out the plan if the city's application is successful or alternatively, if the application is not successful, to report back at budget deliberations on how the \$29,000,000 could be allocated for consideration towards Adie Knox; and further,

That Administration **BE DIRECTED** to undertake the following consultations on this subject:

- Results and outcomes of engaging third parties such as the Windsor Family Health Team, the Unemployed Help Centre, the YMCA, and others and determine their interest and if deals could be made with each party and the terms of each deal;



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- Engage with CUPE and the labour community to ensure that this is a collaborative approach and not an adversarial approach; and further,

That Administration **BE DIRECTED** to immediately begin working on outdoor projects, including the splash pad and playground, proceeding to activate those projects that are ineligible for the Green Inclusive Community Buildings Grant and more specifically that City Council **APPROVE** a pre-commitment of \$400,000 in 2022 from the Playground Replacement Program (PFO-002-15) and \$400,000 in 2023 from the Corporate Heating and Cooling project (PFO-009-11) for immediate use on the implementation of a new playground and splash pad at Adie Knox Herman; and further

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign any documents related to this matter, satisfactory in legal form to the City Solicitor, in technical content to the Executive Director of Recreation and Culture and in financial content to the City Treasurer.

Carried.

Councillors Bortolin and Holt voting nay.

Councillor Francis discloses an interest and abstains from voting on this matter.

Report Number: C 82/2021 & AI 3/2021

Clerk's File: SR/14134 8.1

*Steve Vlachodimos*

Deputy City Clerk/Senior Manager of Council Services

June 29, 2021

Department Distribution

Jen Knights	Executive Director of Recreation & Culture (A)
Ray Mensour	Commissioner, Community Services (A)
Joe Mancina	Commissioner, Corporate Services / Chief Financial Officer / City Treasurer
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Melissa Osborne	Senior Manager of Asset Planning
Jason Reynar	Chief Administrative Officer

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## Wilson Park

1161572-01-01-01 • 01.20.2022













**Committee Matters: SCM 56/2022**

**Subject: Essex-Windsor Solid Waste Authority - Regular Board Meeting Minutes, November 2, 2021**

Moved by: Councillor McKenzie  
Seconded by: Councillor Francis

Decision Number: **ETPS 880**

THAT the minutes of the Essex-Windsor Solid Waste Authority of its Regular Board Meeting held November 2, 2021 **BE RECEIVED**.

Carried.

Report Number: SCM 17/2022  
Clerk's File: MB2021

**Clerk's Note:**

1. Please refer to Item 7.1. from the Environment, Transportation & Public Safety Standing Committee Meeting held February 23, 2022.
2. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220301/-1/7302>



## **Committee Matters: SCM 17/2022**

**Subject: Essex-Windsor Solid Waste Authority - Regular Board Meeting Minutes,  
November 2, 2021**



## Essex-Windsor Solid Waste Authority Regular Board Meeting MINUTES

**Meeting Date:** Tuesday, November 2, 2021

**Time:** Regular Session – 4:00 PM

**Location:** Zoom Meeting

### Attendance

#### Board Members:

Aldo DiCarlo – Chair	County of Essex
Marc Bondy	County of Essex
Hilda MacDonald	County of Essex
Gary McNamara	County of Essex (Ex-Officio)
Leo Meloche	County of Essex
Gary Kaschak – Vice Chair	City of Windsor
Kieran McKenzie	City of Windsor
Jim Morrison	City of Windsor
Ed Sleiman	City of Windsor

#### EWSWA Staff:

Michelle Bishop	General Manager
Steffan Brisebois	Manager of Finance & Administration
Cathy Copot-Nepszy	Manager of Waste Diversion
Tom Marentette	Manager of Waste Disposal
Teresa Policella	Executive Assistant

#### City of Windsor Staff:

Anne Marie Albidone	Manager of Environmental Services
Tony Ardochini	Deputy Treasurer Financial Planning
Tracy Beadow	Project Administrator
Natasha Gabbana	Manager of Performance Measurement & Financial Administration

#### County of Essex Staff:

Mary Birch	Director of Council & Community Services/Clerk
Mike Galloway	County of Essex CAO
Sandra Zwiers	Director of Financial Services/Treasurer

**Absent:**

Drew Dilkens  
Cindy Becker  
Chris Nepszy

City of Windsor (Ex-Officio)  
Financial Planning Administrator (City of Windsor)  
City Engineer/Commissioner of Infrastructure  
Services

**Attendance****Others:**

Wes Muir  
Rusty Thomson  
Christina Nader  
Kim Verbeek  
Shawna Boakes

Veolia  
Bell Media  
Bell Media  
Councillor, Town of Essex  
City of Windsor

**1. Call to Order**

The Chair called the meeting to order at 4:06 pm.

**2. Roll Call of Board Members Present**

Marc Bondy – Present  
Aldo DiCarlo – Present  
Gary Kaschak – Present  
Hilda MacDonald – Present  
Kieran McKenzie – Present (arrived 4:16 pm)  
Gary McNamara – Present  
Leo Meloche - Present  
Jim Morrison – Present  
Ed Sleiman – Present

**3. Declaration of Pecuniary Interest**

The Chair called for any declarations of pecuniary interest and none were noted. He further expressed that should a conflict of a pecuniary nature or other arise at any time during the course of the meeting that it would be noted at that time.

**4. Approval of the Minutes****A. October 5, 2021 Regular Meeting Minutes**

Moved by Ed Sleiman  
Seconded by Marc Bondy

**THAT** the minutes from the Essex-Windsor Solid Waste Authority Regular Meeting, dated October 5, 2021, be approved and adopted.

**87-2021  
Carried**

**5. Business Arising from the Minutes**

No items were raised for discussion.

**6. Correspondence****A. Town of Essex****Resolution RE Alternative sites for Hosting Future Organic Waste Programs**

The General Manager stated that the Town of Essex is seeking receipt of the correspondence.

Moved by Gary Kaschak

Seconded by Leo Meloche

**THAT** the Board receive the correspondence from the Town of Essex.

**88-2021  
Carried**

**7. Delegations**

There were no delegations present.

**8. Waste Diversion****A. EWSWA Administration Appearing before Essex County Council on October 20, 2021**

The General Manager stated that per the request of the EWSWA Board, she appeared before County of Essex Council on October 20, 2021. An update on the progress of the project was provided to Council as well as a request for consideration from County of Essex Council for a Regional approach to the Food and Organics Waste Management Project as it relates to the participation from municipalities and report its decision back to the Essex-Windsor Solid Waste Authority no later than December 31, 2021. The members of County Council were also advised that the Authority will be seeking to visit each of the individual municipal councils to provide a presentation and give each of the Councils an opportunity to ask questions relating to the organics project.

The General Manager stated that the report presented to County Council was included in the agenda package. Many of the County Council members had similar concerns as EWSWA Board members as it relates to the cost of the project and the location of the facility. She acknowledged that the EWSWA Board members that are members of County Council provided valuable input. They confirmed why a regional approach should be considered as well as confirmed some of the challenges that the EWSWA has been facing as we

have gone through this process over the last year and a half. Ultimately, County Council approved the recommendation that Essex County Council consider a regional approach for a food and organics waste management project as it relates to participation from municipalities and report its decision back to the Essex-Windsor Solid Waste Authority no later than December 31, 2021.

Moved by Marc Bondy

Seconded by Hilda MacDonald

**THAT** the Board receive the report as information.

**89-2021  
Carried**

## **B. Status of the Organics Presentation at Municipal Councils**

The General Manager provided an update regarding the scheduled presentations to the County municipal Councils. As requested by the Board, presentations have been scheduled with the seven County municipalities. It was requested by Mayor Tom Bain of Lakeshore that the Authority try to first schedule the municipalities that do not have a current requirement and do not have representation on the Authority Board. The General Manager stated that the Authority has been able to accomplish this.

Authority Administration will be a delegation at each of the seven County municipal Council meetings and will be presenting a PowerPoint presentation. Hopefully, the presentation will provide information and facilitate discussion.

Mr. Morrison asked if there has been a date scheduled for the City of Windsor.

The General Manager stated that a date has not been scheduled at this time as Administration prioritized the County municipalities so they could respond by December 31, 2021.

Mr. Morrison noted the last presentation to LaSalle on December 14, 2021. He asked if this gives the municipalities enough time for them to evaluate their consideration on a very important decision.

The General Manager stated that many municipalities are reviewing their budgets at this time. All of the municipalities immediately responded with their availability. The challenge is that most of the Council meetings are on Mondays and Tuesdays, therefore based on availability, two of the municipalities had to be scheduled in December. She noted that this is not an ideal situation but this is when they were available.



Moved by Ed Sleiman

Seconded by Jim Morrison

**THAT** the Board receive the report as information.

**90-2021  
Carried**

## **9. Waste Disposal**

There are no Waste Disposal items for November 2, 2021.

## **10. Finance & Administration**

### **A. 2022 Budget Overview**

The General Manager referred to the budget report on page 37 of the agenda package. The purpose of the report is to recommend approval of the 2022 expenditure budget estimates as well as the budget estimates related to non-municipal revenue.

The report also recommends approval of a 4.1% increase to the 2021 amount budgeted to be assessed to the City of Windsor and the seven (7) County municipalities. This increase equals approximately \$536,000. This increase is comprised of two components. The first component is a \$1.00 increase on tipping fees assessed on waste delivered for disposal. The tipping fee will increase from \$39.00 to \$40.00 per tonne. This increase is approximately \$106,000. The other component is an increase on the fixed amount assessed to municipalities based on population which equates to approximately \$430,000.

The General Manager noted there has been an upward trend in municipal delivered refuse for disposal. Municipal tonnage is projected to increase from 106,400 tonnes in 2021 to 111,350 tonnes for 2022. If these tonnes are received and the trend continues, this would result in an increase of approximately \$200,000.

The General Manager presented in detail the balance of the 2022 Budget Overview report and identified the budget approval process, the 15-year forecast, operating expenditures, revenue sources and the breakdown between the City of Windsor and the seven (7) County municipalities. The 2021 budget included a deficit of approximately \$2.6 million. The 2021 projection is a surplus of \$1.6 million. In 2022, the deficit will be approximately \$1.2 million which is funded by the Rate Stabilization Reserve.

Mr. Meloche commented on the volatility of the recycling material market. He indicated concerns regarding market trends.

The General Manager stated that the 15-year forecast does have a conservative revenue estimate of \$3 million from the sale of recyclable material. There are two (2) numbers included in the 15-year forecast, the blue box funding and the recycling revenue. Between these two items combined, we have a \$5 million allocation of revenue. When the revenue goes down, the blue box funding goes up and when the revenue goes up, the blue box funding goes down. The intent of the blue box funding is to fund 50% of the net cost of the blue box program.

Mr. McKenzie asked how the volumes of material collected impacts recycling revenue.

The General Manager stated that for 2022, the Authority is projecting the same volume with a slight decrease in newsprint because the Authority is seeing roughly a 3% decrease annually due to less material being out in the market. Approximately 1,000 tonnes over the budget figure was collected but that is not driving the recycling revenue. It is strictly based on commodity prices. There are different ways to get higher tonnages or try to attract more material into the system and that is through either moving to a weekly recycling program and also providing a disincentive which would be moving to a bi-weekly garbage collection to try and force residents to put more material into their blue box. Normally you would not look at doing any type of disincentive program when it comes to waste until you have a weekly organics collection for kitchen waste. These would be the opportunities going forward. Unfortunately, the Blue Box Extended Producer Responsibility framework states that only bi-weekly recycling is going to be mandatory when the producers assume responsibility of the program.

Mr. Kaschak stated that are residents in his Ward that moved to the area from Toronto are discouraged by the recycling program. In Toronto, they are used to placing everything into one recycling container without separating. Mr. Kaschak asked if there has been a cost analysis done on placing everything in one container versus the cost of separating. He asked if this is something that we should look at in the future with these high commodity prices.

The General Manager referred the question to the Manager of Waste Diversion to provide information regarding dual versus single stream recycling.

The Manager of Waste Diversion stated that when you look at market prices in the recycling industry, a two-stream is preferred as less contamination is generated because the streams are segregated at the curb by the residents. Less contamination in the final product generates higher revenue prices. With the upcoming EPR, for us to move to a single stream would require a major retool and potentially even another processing facility. In Windsor, the Authority has two separate facilities, one for container material and the

other for fibre. If all the materials came in together and not separated, we would need another facility to further separate it before it could even enter the two facilities we have. At this point, with the EPR coming, it would not make sense to move to a single stream.

The General Manager described the increase in recycling revenue and referred to the Recycling Commodity Price chart on page 46 of the agenda package. She noted the budgeted price for aluminum in 2021 was approximately \$1,300 per tonne and currently we are receiving \$2,000 per tonne. The plastic pricing (HDPE) which includes hard sided containers is significantly higher. The Authority is also receiving record pricing for OCC (cardboard) and have never seen pricing closer to \$300 for OCC material in the history of the recycling program.

Mr. McNamara stated he sees commodity prices staying high. He sees a continued growth in terms of pricing on the plastics.

The General Manager referred to the Manager of Waste Diversion to comment on the market trend analysis and what she is hearing from the buyers.

The Manager of Waste Diversion stated that indications are that there will not be drastic decreases like what we saw in 2018 and 2019. Plastics prices have come down but they are still high.

The General Manager read the recommendations as follows:

1. Approve the Expenditure and Revenue budget figures included in the budget document as well as the municipal fixed costs assessment.
2. Increase the Total Waste Management Fee of \$1.00 per tonne, from \$39.00 to \$40.00 per tonne. This is the fee assessed to municipalities each time refuse is delivered for disposal.
3. An increase in the fixed cost to the City of Windsor and the seven (7) County municipalities based on the 2016 census population figures.

The General Manager noted that the 2021 updated census figures are scheduled to be published in 2022. While the total amount will not change, the allocation between the City of Windsor and the seven (7) County municipalities will change based on that population change. Once the final census numbers are received, a reconciling adjustment billing will be completed.

4. Approve the Fee Schedule.

5. That the 2021 surplus will be funded or be contributed to the Rate Stabilization Reserve.
6. That any deficit in 2022 would be contributed from the Rate Stabilization Reserve.

Mr. Sleiman stated that we always lose some customers with an increase in fees. He asked if we anticipate losing customers going to Detroit with the \$1.00 increase because it is cheaper to dispose of garbage across the border.

The General Manager stated that we have implemented a \$1.00 per tonne increase across the board. It's not our opinion that this is going to materially drive waste across the border. She does not believe a slight increase to our existing customer base will drive current customers away.

Mr. McKenzie asked if any thought was given to the reallocation of any of the surpluses to any of the other expenses or the rate increases that we are contemplating. The Rate Stabilization Reserve is \$8.3 million and projected to be \$7.2 in the following year and we are well ahead of schedule there. Mr. McKenzie asked what went into the decision making to bank those surpluses and what the Board is being recommended to do.

The General Manager stated that the Technical Staff Committee acknowledged that there is a significant surplus for this year. What led them to continue as scheduled with the 4.1% increase was the goal to get to a balanced budget. The Authority is still projecting large deficits going forward with the potential decrease in blue box funding and the significant increase in the hauling tender. The forecast includes a large deficit in the Rate Stabilization Reserve. The goal is always to have in excess of approximately \$4 million in the Rate Stabilization Reserve. So even on the path that we are on now, we are not going to be replenishing the Rate Stabilization Reserve until 2030. The Tech Staff looks at the 15-year forecast and scrutinizes it even closer than the actual budget document. With the potential of rolling out an organics program in 2025-2026, it was the committee's opinion to get to a balanced budget as well as start building up the Rate Stabilization Reserve. This was the rationale for the 4.1% increase.

Mr. McKenzie asked if the \$100,000 set aside in 2022 for the organics RFP is a sufficient amount to proceed.

The General Manager stated that in 2019, \$2 million was re-allocated from the Rate Stabilization Reserve to a new Waste Diversion Reserve. To date, expenses have been approximately \$187,000 for the GHD consultant and the peer review. There are adequate funds in the Waste Diversion Reserve for any 2022 costs. Any surplus that is left in this reserve would potentially

go to fund some of the costs at the onset, such as the purchase of bins for each household.

Mr. Morrison stated the Board has agreed early on to a 4.1% increase to achieve a balanced budget. He noted that the increase of \$39 to \$40 tipping fee added to the 4.1% increase would be a 5.3% increase to Windsor. He asked if this should be added on to the burden of the municipalities at this time.

The General Manager stated that when the Authority began the process four years ago, we discussed how increases in tonnes or growth of the municipalities would be handled. It was decided that individual municipal growth would be the cost borne by the municipalities and the municipality would be responsible for their own growth. This is not something new this year and is an estimate. If a municipality brings less than they don't have that additional cost.

Mr. McNamara stated the General Manager's explanation was good in terms of meeting the balanced budget. His biggest concern is if we are being conservative enough or not aggressive enough due to the increase cost of fuel and energy. There is no real reduction in the near future. Mr. McNamara stated that no one wants an increase but the cost of operating the landfill will go up. On the growth piece, he would be very hesitant in dipping in the reserve and diverting this into the future. We have to be cautious and cognizant that we have a large debt to pay.

The General Manager stated that in regards to the estimates that are being used in the 15-year forecast, there are potential risks especially with the increased CPI. She stated that the former General Manager and the Manager of Waste Diversion had a vision and were forward thinking in negotiating the most recent recycling contracts to ensure sure that the contracts were set prices instead of dependent on CPI. In regards to the million-dollar hauling cost increase, that has had a significant increase impact on the 15-year forecast.

Moved by Leo Meloche  
Seconded by Marc Bondy  
THAT the Board

1. Approve the 2022 **Expenditure and Revenue budget estimate figures** excluding the municipal Total Waste Management Fee (Tip Fee) and the municipal Fixed Cost Assessment.
2. Increase the **Total Waste Management Fee** by \$1.00 per tonne to \$40.00/tonne from \$39.00/tonne. This is the fee assessed to municipalities for each tonne of refuse delivered for disposal.

3. Increase the **fixed cost assessment** to Windsor and the 7 County municipalities based on the following chart. Fixed costs are assessed based on population.

	<b>2016** Census Population</b>	<b>2022 Amount</b>	<b>2021 Amount</b>	<b>Difference</b>
WINDSOR	217,188	\$5,096,764	\$4,862,678	\$234,086
AMHERSTBURG	21,936	514,773	491,131	23,643
ESSEX	20,427	479,362	457,345	22,016
KINGSVILLE	21,552	505,762	482,533	23,229
LAKESHORE	36,611	859,153	819,693	39,459
LASALLE	30,180	708,236	675,708	32,528
LEAMINGTON	27,595	647,574	617,832	29,742
TECUMSEH	23,229	545,116	520,080	25,036
TOTAL	398,718	\$9,356,740	\$8,927,000	\$429,740

\*\* Note – Updated 2021 census figures are scheduled to be published in Feb. 2022. A reconciling adjustment will be made at that time.

4. Approve the **Fee Schedule**, as attached to this report, exclusive of the municipal Total Waste Management Fee but inclusive of a \$1 per tonne rate increase for 2022.
5. That any resultant (deficit)/surplus from 2021 operations be contributed to or funded by the Rate Stabilization Reserve.
6. That any resultant (deficit)/surplus for 2022 be contributed to or funded by the Rate Stabilization Reserve.

**91-2021  
Carried**

**B. Legal Invoices**

Moved by Marc Bondy

Seconded by Gary McNamara

**THAT** the Board authorize the payment of the legal account as summarized.

**92-2021  
Carried**

**C. 2022 EWSWA Board Meeting Schedule**

Moved by Hilda MacDonald

Seconded by Kieran McKenzie

**THAT** the Board approve the 2022 EWSWA Board meeting schedule.

**93-2021  
Carried**

**11. Other Items**

No items were raised for discussion.

**12. By-Laws****A. By-Law 20-2021**

Moved by Gary McNamara

Seconded by Ed Sleiman

**THAT** By-Law 20-2021, being a By-law to confirm the Proceedings of the Board of the Essex-Windsor Solid Waste Authority be given three readings and be adopted this 2<sup>nd</sup> day of November, 2021.

**94-2021  
Carried**

**13. Future Meeting Dates**

December 7, 2021

**14. Other items**

Mr. Morrison referred to the resolution from the Town of Essex. He asked if this is something that the Board needs to address. He asked if Essex is saying that they will not accept an organic waste program and will this cause a cause a roadblock.

Mr. DiCarlo stated that the Town of Essex was seeking receipt of the resolution by the Board.

The General Manager stated that her communication with the Town of Essex was that the resolution be received. There was no request from the Town of Essex to appear as a delegation.

Mr. Morrison stated that the Landfill Liaison Committee (LLC) were not in favour of this. If we deem the Regional Landfill to be the site we would be looking at negotiations to host an organic site in addition to the landfill site. He asked if this is something that we should be looking at this time.

The General Manager stated that she believes this resolution to send the letter was the result of discussion at the LLC. The landfill site was identified in the consultant report as a potential option. If the site is considered, there will be an opportunity for discussions with the Town of Essex.

Mr. Bondy stated that it was brought up at the LLC in regards to odours. It was brought forward by Kim Verbeek, LLC Chair regarding the odour and birds and that they did not want the landfill to be the site for an organics facility. He noted that moving forward it will depend on what system will be used for the organics waste project.

## **15. Adjournment**

Moved by Gary Kaschak

Seconded by Ed Sleiman

**THAT** the Board stand adjourned at 5:11 pm.

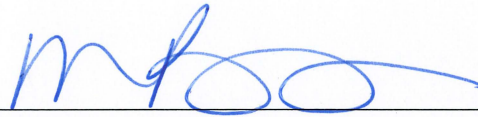
**95-2021  
Carried**



**All of which is respectfully submitted.**

A handwritten signature in blue ink, appearing to read "A. DiCarlo", written over a horizontal line.

**Aldo DiCarlo  
Chair**

A handwritten signature in blue ink, appearing to read "Michelle Bishop", written over a horizontal line.

**Michelle Bishop  
General Manager**



**Committee Matters: SCM 57/2022**

**Subject: Minutes of the Windsor Bicycling Committee of its meeting held December 2, 2021**

Moved by: Councillor Kaschak  
Seconded by: Councillor Costante

Decision Number: **ETPS 881**

THAT the minutes of the Windsor Bicycling Committee of its meeting held December 2, 2021 **BE RECEIVED**.

Carried.

Report Number: SCM 38/2022  
Clerk's File: MB2021

**Clerk's Note:**

1. The recommendation of the Advisory Committee and Standing Committee are the same.
2. Please refer to Item 7.2. from the Environment, Transportation & Public Safety Standing Committee Meeting held February 23, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220301/-1/7302>



**Committee Matters: SCM 38/2022**

**Subject: Minutes of the Windsor Bicycling Committee of its meeting held  
December 2, 2021**

## **Windsor Bicycling Committee**

Meeting held December 2, 2021

A meeting of the Windsor Bicycling Committee is held this day commencing at 4:30 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Kieran McKenzie, Chair  
Ken Acton  
Klaus Dohring  
Teena Ireland  
Jessica Macasaet-Bondy  
Erika Valvasori  
Ellen van Wageningen

### ***Guests in attendance:***

Doug Sartori, regarding *Item 5.1*  
Jana Jandal Alrifai and Sofie Waters, regarding *Item 4*

### ***Also present are the following resource personnel:***

Jeff Hagan, Transportation Planning Senior Engineer  
Rania Toufeili, Policy Analyst  
Kevin Morse, Windsor-Essex County Health Unit  
Karen Kadour, Committee Coordinator

## **1. Call to Order**

The Chair calls the meeting to order at 4:31 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

### **Addition to the Agenda**

Moved by E. Valvasori, seconded by J. Macasaet-Bondy,  
That Rule 3.3 (c) of the Procedure By-law 98-2011 be waived to add the following addition to the Agenda:

## **5.6 2022 Budget Deliberations Carried.**

## 2. Declaration of Conflict

None disclosed.

## 3. Adoption of the Minutes

Moved by E. Valvasori, seconded by E. van Wageningen,  
That the minutes of the Windsor Bicycling Committee of its meeting held April 20,  
2021 **BE ADOPTED** as presented.  
Carried.

## 4. Presentation – Windsor Youth Climate Council

Jana Jandal Alrifai, President and Sofie Waters, Windsor Youth Climate Council appear before the Committee and provide the following relating to the University Avenue separated bike lane proposal:

- Increasing the number of bike lanes has an environmental and social economic benefit to our community
- Chose University Avenue as it is located in the core of the city and is home to many low-income families and small businesses. The environmental assessment is currently underway on University Avenue and is an opportunity to gather more data for protected bike lanes in that area.
- More Canadians are biking or walking to work or using public transit.
- There is a need for bike and pedestrian safety infrastructure.
- The proposal is to have protected bike lanes along University Avenue for 2022 from the University of Windsor campus to downtown or at least to Crawford Avenue.

The Chair indicates that this is an exciting project, as University Avenue will be undergoing a major redesign over the next several years. By bringing forward this pilot project for separated bike lanes, we will see that uptake in use.

Moved by K. Acton, seconded by E. Valvasori,  
That the presentation by Jana Jandal Alrifai, President and Sofie Waters, Windsor Youth Climate Council regarding the University Avenue separated bike lane proposal **BE RECEIVED**.  
Carried.

## 5. Business Items

### 5.1 WBC 2021 Operating Budget

The Chair advises that the balance of the 2021 Operating Budget for the Windsor Bicycling Committee is \$8,600.

Doug Sartori, appears before the Committee on behalf of Hackforge, a non-profit organization, and provides the following comments relating to development of a cycling web app for hand held devices:

- Proposing to use their staff to develop a cycling tech interest group and the technical infrastructure required to encourage local investment in projects that create and enhance the tech tools available to cyclists in Windsor.
- Software development is expensive and risky. The dollars we are talking about are not enough to build an app from scratch and the risk of project failure is always present, unless you are prepared to invest whatever it takes.
- They have developed a strategy based on their capabilities and experience to achieve these goals in the most cost effective way with minimal risk by building on top of the existing assets.
- The strategy is built around leveraging open source data software.
- Several mature open source projects can be leveraged to achieve their goals.
- The key component of the strategy is Open Street Map or OSM.
- OSM is a community driven repository of cloud sourced map data.
- The cycling infrastructure in Windsor is well defined on OSM, which is a valuable starting point for this initiative.
- Identified three open source apps for cyclists that use OSM data.
- Proposal to commit staff resources to improve Windsor's footprint on OSM.
- The plan is to apply for Hackforge to host a local chapter of OSM and work with the community to improve the points of interest and amenity data on OSM.
- Will advocate for Windsor's GIS Department to upload new infrastructure data directly to OSM.
- Essex County will also be included as OSM is global and the data is global.
- Develop partnerships with local organizations and community institutions to improve the quality of data apps for cyclists, i.e. BIA's.
- Asking for \$5,000 with matching funds from Parallel 42.

E. Valvasori advises that she has much data stored on her Garmin and asks if that data can be incorporated into their proposed website. She also asks if police data can be incorporated into this app as it relates to bike theft.

D. Sartori responds if that data can be extracted from the device, then they can work with it. In terms of bike theft, they could reach out to the Cycling Safety App, and those who run that non-profit.

E. van Wageningen asks at what stage the public will be able to begin using these apps.

D. Sartori responds that this can be generated to the community rather quickly. The first thing is to establish the working group and to get the technical infrastructure built.

Moved by J. Brunet, seconded by K. Acton,

That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$5,000 for Hackforge to develop a Cycling App for the community and further, that a report identifying the outcomes of the initiative **BE PROVIDED** midway through the project along with a final completion report.

Carried.

Moved by E. Valvasori, seconded by J. Macasaet-Bondy,

That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$2,500 to assist in funding the Bike Windsor Essex Winter Wheels Program and further, that Bike Windsor Essex **BE REQUESTED** to report back on the success of the program.

Carried.

The Chair proposes a Community Recognition Cycling Award Program that will recognize groups, business and workplaces. He suggests a subcommittee be established to develop the criteria and public awareness of the program. J. Macasaet-Bondy, T. Ireland, E. Valvasori and K. Morse volunteer to sit on the subcommittee.

Moved by E. Van Wageningen, seconded by K. Acton,

That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$1,100 for the Community Recognition Cycling Program.

Carried.

## 5.2 Bike Parking Policy Update

Rania Toufeili, Policy Analyst reviews the memo dated November 26, 2021 entitled “Bicycle Parking Policy – Update and Next Steps” and provides the following comments:

- The following updates are currently underway for the development on the policy and changes to the zoning by-law.
- **Definitions** – have been created for bicycle, bicycle parking space, short-term and long-term bicycling parking. These are central to the formation of the policy and changes to the zoning by-law, as they will be used by developers and the City to provide the most appropriate facilities.
- **Bicycle Parking Supply Requirements** – The Bicycle Parking Policy will aim to redefine the requirements in order to promote active transportation and increase the available bicycle parking throughout the city.
- **Guidelines on Short-Term and Long-Term Bicycle Parking** – Guidelines are being created to outline what standards are expected when long-term or short-term bicycle parking is provided by developers or through the City. These

guidelines outline criteria such as design, sizes, materials, anchoring, security and appropriate locations for the spaces.

- **Next Steps** – The following updates are in the preliminary stages to be incorporated into the bike parking policy.
  - Temporary or Event Bicycle Parking (for public events)
  - Bicycle Parking Guidelines on City property (for city facilities and general community use).
- **Conclusion** – Next steps for the Bicycle Parking Policy include developing standards to be used for bike parking on city property and within the municipal right-of-way.

E. Valvasorii expresses concern that some of the definitions noted in the Bike Parking Policy are weak. J. Hagan responds that the definitions will be discussed with the Planning and Legal Departments.

Moved by E. Valvasori, seconded by T. Ireland,  
That the overview of the Bike Parking Policy Update provided by Rania Toufeili,  
Policy Analyst **BE RECEIVED**.  
Carried.

### 5.3 Bike Theft

This matter is deferred to the next meeting of the Windsor Bicycling Committee to allow for a representative from Windsor Police Services to be in attendance.

### 5.4 Kildare Road Traffic Calming & Bikeway Project

J. Hagan, Transportation Planning Senior Engineer provides the following comments relating to the Kildare Road Traffic Calming from Tecumseh Road East to Ottawa Street:

- This project came forward as both a traffic-calming request and a bike lane project.
- Asking the committee to provide feedback on this project.
- Looking at the corridor at Kildare between Tecumseh Road and Ottawa Street, north of Shepherd and south of Seneca.
- The signal at Kildare and Seneca is to be removed.
- There will be a 500-metre gap on Kildare between Shepherd and Seneca. For this project in that gap, Administration is recommending a road diet to bring the four lanes down to two lanes because traffic volumes have decreased significantly due to the closure of the GM Plant.
- Will be able to convert the curb lanes into pop-up bike protected lanes using the traffic calming curbs.



- North and south of Shepherd and Seneca are proposing a local street bikeway or bike boulevard as another traffic calming measure.

In response to a question asked by E. Valvasori regarding if the speedbumps will extend to the bicycle portion, J. Hagan responds that there is no bike lane and the entire street is a bike space, so the answer is yes.

E. van Wageningen refers to the pop-up protected bike lanes, and asks that if the roads are snow covered, will the snow be ploughed into the bike lanes.

J. Hagan responds that the divider between the general-purpose lane and the bike lane are between the traffic calming curbs so that provides enough space between those lanes.

E. Valvasori asks if the city clears the snow in the bike lanes.

J. Hagan indicates that eventually the city will require different equipment to clear the snow, as currently there are no sweepers to clear the protected bike lanes.

Moved by K. Acton, seconded by J. Macasaet-Bondy,

- That the proposal presented by Jeff Hagan, Transportation Planning Senior Engineer regarding the Kildare Road Traffic Calming & Bikeway Project **BE ENDORSED**, and further, that Administration **BE REQUESTED** to investigate further to implement safety measures along the corridor from Kildare between Tecumseh Road and Ottawa Street, north of Shepherd and south of Seneca.

Carried.

## 5.5 Confirm and Ratify Motion

Moved by E. Valvasori, seconded by E. van Wageningen,

That the following motion **BE CONFIRMED AND RATIFIED**:

That the Windsor Bicycling Committee enthusiastically supports the proposal to create a separated bike lane pilot project along University Avenue in 2022.

Carried.

## 5.6 2022 Budget Deliberations

The Chair advises that the full-time Active Transportation Position – Active Transportation Engineer is not being recommended in the 2022 budget.

Moved by K. Acton, seconded by J. Macasaet-Bondy,

That City Council **BE REQUESTED** to consider funding Budget Item 22-0171 – Addition of Active Transportation Position – Active Transportation Engineer.

Carried.

**6. Date of Next Meeting**

The next meeting will be at the call of the Chair.

**7. Adjournment**

There being no further business, the meeting is adjourned at 6:32 o'clock p.m.

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**CHAIR**

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**COMMITTEE COORDINATOR**



**Committee Matters: SCM 58/2022**

**Subject: Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway - Ward 4**

Moved by: Councillor Kaschak

Seconded by: Councillor McKenzie

Decision Number: **ETPS 882**

1. THAT implementation of the proposed traffic calming plan for Kildare Road between Ottawa Street and Tecumseh Road East **BE APPROVED**; and,
2. THAT Administration **BE DIRECTED** to bring forward, at the appropriate time, a report to the Chief Administrative Officer for approval, pursuant to Delegation of Authority By-law 208-2002, of the amendments to Traffic By-law 9148 that will be necessary to implement the traffic calming plan; and further,
3. THAT the annual operating cost requirements **BE REFERRED** to the 2023 budget.

Carried.

Report Number: S 9/2022

Clerk's File: ST2022

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 8.1. from the Environment, Transportation & Public Safety Standing Committee Meeting held February 23, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220301/-1/7302>

**Subject: Kildare Road (Ottawa to Tecumseh) Traffic Calming & Bikeway  
- Ward 4**

**Reference:**

Date to Council: February 23, 2022  
Author: Jeff Hagan  
Transportation Planning Senior Engineer  
519-255-6267 ext 6003  
jhagan@citywindsor.ca  
Planning & Building Services  
Report Date: January 27, 2022  
Clerk's File #: ST2022

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT implementation of the proposed traffic calming plan for Kildare Road between Ottawa Street and Tecumseh Road East **BE APPROVED**, and
2. THAT Administration **BE DIRECTED** to bring forward, at the appropriate time, a report to the Chief Administrative Officer for approval, pursuant to Delegation of Authority By-law 208-2002, of the amendments to Traffic By-law 9148 that will be necessary to implement the traffic calming plan;
3. That the annual operating cost requirements **BE REFFERED** to the 2023 budget.

**Executive Summary:**

N/A

**Background:**

Kildare Road was identified as a candidate for traffic calming based on two different processes:

- A resident traffic calming request (received in 2013)
- *Walk Wheel Windsor* (the Active Transportation Master Plan, approved in 2019), identified Kildare Road between Ottawa Street and Tecumseh Road East as a high- to medium-priority cycling route.
  - Based on the characteristics of Kildare Road and its priority for cycling infrastructure, it was identified as a candidate for bikeway traffic calming.

## **Kildare Road Traffic Calming Request**

In 2013, a traffic calming request was received for Kildare Road between Seneca Street and Tecumseh Road East. The request was one of a group of traffic calming requests that were placed on hold until the completion of the Traffic Calming Policy update underway at the time.

Following Council approval of the Traffic Calming Policy update in September 2015, Kildare Road was reviewed and confirmed to meet the speed and traffic volume thresholds for traffic calming on a local street. In accordance with the Traffic Calming Policy at the time, a petition form was sent to the requestor in February 2016. The completed petition was returned in March 2016. Additional traffic data was collected and a warrant/prioritization review for Kildare Road between Ottawa Street and Tecumseh Road East (extended beyond the original request area to major roads) was carried out in October 2016.

Based on its prioritization score relative to other traffic calming project locations, Kildare Road was not prioritized immediately for traffic calming plan development.

In January 2021, based on its score relative to other projects, Kildare Road moved forward for traffic calming plan development.

### **Active Transportation Master Plan Recommendations**

The recommendations of *Walk Wheel Windsor* (the Active Transportation Master Plan) for Kildare Road between Ottawa Street and Tecumseh Road East are summarized as follows:

- Classification: regional spine (i.e. major cycling route for longer-distance travel)
- AAA (All Ages and Abilities) Designation: AAA route
- Priority:
  - Ottawa to Shepherd: high priority
  - Shepherd to Tecumseh: medium priority

Kildare Road is shown in the context of the future cycling network in Figure 1 and Figure 2 below. The project area for this project will connect to a future north-south bikeway along Kildare Road as well as future east-west cycling routes at Ottawa Street, Shepherd Street, and Seneca Street.

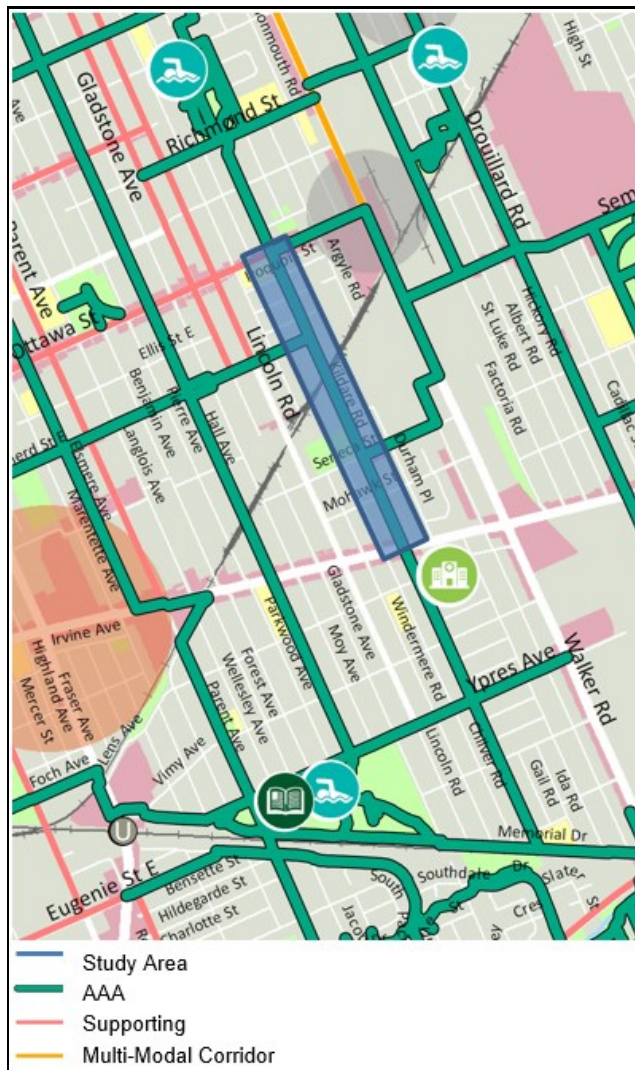


Figure 1: All Ages and Abilities Cycling Network

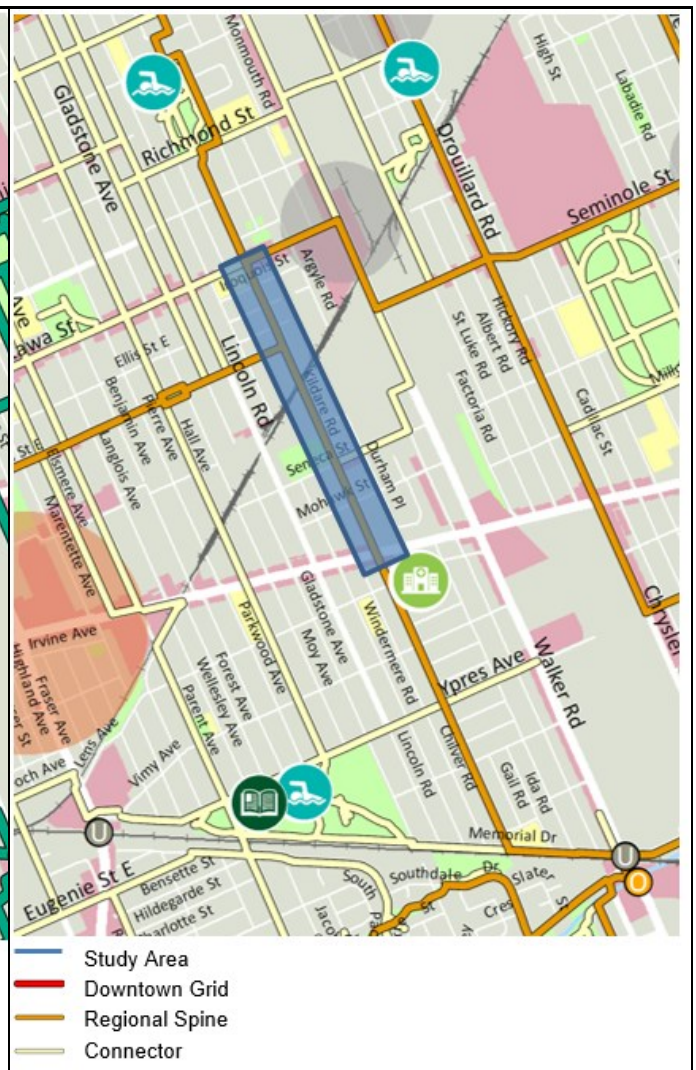


Figure 2: Cycling Network Route Classification

## Previous Reports

Report S 39/2015, "CQ44-2015 - Kildare Road Traffic Calming (Seneca to Shepherd)" responded to CQ 44/2015, asked by Councillor Holt:

### **CQ44-2015**

*"Asks administration to report back to Council with traffic calming options (reopen Munsee to through traffic, reduce number of vehicular lanes to two, etc.) on Kildare Road between Seneca Street and Shepherd Street East. With the reuse of General Motors Plant now impossible and the announced future closure of Met Hospital, the large capacity*

*of Kildare is no longer required and should be reverted back to the local residential road it is.”*

The report noted that, as of that report date:

- The former General Motors site was yet to be redeveloped. Its zoning would allow a range of land uses, some of them generating as much traffic as the General Motors plant did.
- A traffic calming review was underway but had not yet been completed.

The report was received for information.

Since the date of that report:

- Redevelopment has occurred on the former General Motors site. Site traffic volumes are reflected in recent traffic counts.
- The traffic calming review was completed.

Report S 117/2021, “Response to CQ-45-2011 Traffic Signal Removals” came before Council on October 4, 2021. This report recommended the removal of a number of traffic signals that no longer met warrant, including the traffic signal at Kildare Road and Seneca Street. This recommendation (with amendments not affecting the Kildare/Seneca intersection) was approved by Council.

## **Discussion:**

The following key issues were identified for the development of the traffic calming plan for Kildare Road between Ottawa Street and Tecumseh Road East:

- **Vehicle speeds:** 85<sup>th</sup> percentile speed is up to 9.5 km/h above the current speed limit
- **Traffic volumes:** daily traffic volumes vary from 3,600 to 6,700 vehicles per day along the corridor. The normal target for a local residential street is 1,000 vehicles per day
- **Cut-through traffic:** 66% of vehicles using the corridor are cut-through traffic.
- **Cycling:** Kildare Road has been identified as a regional spine (i.e. a major cyclist thoroughfare) and an AAA (all ages and abilities) cycling route.

The road character on Kildare Road varies significantly along the corridor, with three distinct sections, shown in Figure 3 and summarized in Table 1.



**Table 1: 3 Sections of Study Area**

Section	Predominant Land Use	Roadway Cross-section	On-Street Parking
1 – Ottawa to Shepherd	Residential	2 lanes, undivided	Parking both sides
2 – Shepherd to Seneca	Commercial and Industrial	4 lanes, undivided (north of Munsee) and divided (south of Munsee)	No parking
3 – Seneca to Tecumseh	Residential	2 lanes, divided	Parking both sides



**Figure 3: 3 Sections of Study Area**

The proposed traffic calming measures are summarized in Table 2. Drawings and additional details are provided in Appendix 1.

**Table 2: Proposed Traffic Calming Measures**

Section	Traffic Calming Measures
1 – Ottawa to Shepherd	<p><b>Local street bikeway:</b></p> <ul style="list-style-type: none"> <li>• Speed humps</li> <li>• Bikeway signs and pavement markings</li> <li>• Reduce speed limit to 30 km/h (from 50 km/h)</li> <li>• No changes to on-street parking</li> </ul>



Section	Traffic Calming Measures
2 – Shepherd to Seneca	<b>Pop-up protected bicycle lanes:</b> <ul style="list-style-type: none"> <li>• Reduce the number of travel lanes to 2 (from 4) by converting the curb lane to a pop-up protected bicycle lane</li> <li>• Bikeway signs and pavement markings</li> <li>• Reduce speed limit to 40 km/h (from 50 km/h)</li> </ul>
3 – Seneca to Tecumseh	<b>Local street bikeway:</b> <ul style="list-style-type: none"> <li>• Speed humps</li> <li>• Bikeway signs and pavement markings</li> <li>• Reduce speed limit to 30 km/h (from 50 km/h)</li> <li>• No changes to on-street parking</li> </ul>

In addition to the traffic calming plan, the following works are already planned in the project area:

- Remove the traffic signal at the Kildare/Seneca intersection and convert the intersection to an all-way stop,
- Construct a local street bikeway on Shepherd Street (Janette to Kildare), and
- Construct a multi-use trail on Seneca Street (Kildare to Walker at Seminole via Seneca, Turner & Munsee).

## Public Consultation

The proposed traffic calming plan was presented in an online public meeting on November 23, 2021. 8 residents attended the meeting live; presentation materials and a recording of the meeting were posted on the traffic calming page of the City website. In general, most responses received expressed support for the traffic calming plan; none expressed opposition to the plan, though some requestors asked for additional measures. Comments received at the meeting or in the 4-week comment period are summarized below:

- Concerns about the aesthetics of the proposed traffic calming plan, particularly the traffic calming curbs.
- Concerns about truck traffic and Windsor Regional Hospital shuttle buses using Kildare Road.
- Requests for additional measures (e.g. photo radar or radar speed feedback signs) to be added to the traffic calming plan.
- Concerns about vehicles failing to comply with the stop sign at the Shepherd/Kildare intersection.
- Concerns about vehicles using a private parking lot at the Ottawa/Kildare intersection to bypass the traffic signal.
- Questions asking for clarification of aspects of the plan.

To address resident concerns regarding aesthetics, 30 planters were incorporated into the plan.

The traffic calming plan was presented to the Windsor Bicycling Committee at its December 2, 2021 meeting. In response, the Committee adopted the following motion:

*That the proposal presented by Jeff Hagan, Transportation Planning Senior Engineer regarding the Kildare Road Traffic Calming & Bikeway Project BE ENDORSED, and further, that Administration BE REQUESTED to investigate further to implement safety measures along the corridor from Kildare between Tecumseh Road and Ottawa Street, north of Shepherd and south of Seneca.*

In response to the Committee's request for further investigation of safety measures along the corridor, the following comments are provided:

- A collision review for the project area was undertaken as part of development of the traffic calming and bikeway plan.
- The plan developed for Kildare Road reflects the guidance in the recently-updated bikeway guidelines in the Ontario Traffic Manual.
- Administration will carry out a follow-up traffic study after implementation to confirm that vehicle speeds and cut-through traffic volumes along the corridor have reduced as intended.
- The Shepherd Street local street bikeway project and the Seneca/Turner/Munsee/Walker multi-use trail project will include the Kildare/Shepherd and Kildare/Seneca intersections, respectively. As part of their scope, these projects will address cyclists turns between Kildare Road and these east-west bikeways.

## Next Steps

Since Kildare Road is identified as a bikeway in *Walk Wheel Windsor* and all elements of the proposed traffic calming plan are bikeway traffic calming elements, the process outlined in the Bikeways Traffic Calming Procedure to the Traffic Calming Policy can be followed, as summarized in Table 3.

**Table 3: Process Elements - Bikeway Traffic Calming**

Item	Requirement	Applicability for Kildare Road
Project Prioritization	Projects will be put forward based on the prioritization criteria provided in the Active Transportation Master Plan (ATMP).	Kildare Road has been identified as high priority in the ATMP.  Other local street bikeways identified as higher priority (Victoria Street and Shepherd Street) are proceeding in parallel to this project.

Item	Requirement	Applicability for Kildare Road
Resident & Stakeholder Involvement	Administration will notify the public when a Traffic Calming Plan is to be presented to Council for approval.	Addressed with this report and additional outreach (as summarized in “Consultations”, below).
Project Approval	Administration will present a report to Council for approval to fund and implement the Traffic Calming Plan.	Addressed with this report.

Under the Bikeways Traffic Calming Procedure, no public approval survey is required for the project to proceed.

Should Council approve the report recommendations, construction of the Kildare Road bikeway and traffic calming would proceed in 2022.

### **Risk Analysis:**

There are moderate timing risks associated with coordinating the Kildare bikeway and traffic calming project with other works (Kildare/Seneca intersection signal removal, Shepherd Street bikeway project, Seneca/Turner/Munsee/Walker bikeway). These risks can be mitigated by standard project management practices.

This project will include the first implementation in Windsor of two cycling infrastructure types (protected bicycle lane and local street bikeway). Because these infrastructure types are new to Windsor, the potential for variances in cost or resource demands is higher than for typical projects. The Active Transportation Master Plan calls for both infrastructure types to be used extensively in the City-wide network; therefore, it is recommended that these risks be tolerated in order to develop institutional experience with them. The size of the Kildare Road project makes it suitable as a pilot project to inform the design and planning of other, larger future bikeway projects.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

The Community Energy Plan 2017 supports the implementation of the Active Transportation Master Plan (Strategy 10); Council reaffirmed this strategy as a priority 1 mitigation action in the Acceleration of Climate Change Actions in response to the Climate Change Emergency Declaration (Council Resolution CR187/2020, report S 18/2020).

## Climate Change Adaptation:

A decrease in the number of winter days with temperatures below -10° Celsius has the potential to increase the attractiveness of cycling as a year-round transportation mode.

An increase in the number of summer days with temperatures above 30° Celsius has the potential to decrease the attractiveness of cycling during high temperature periods.

Typically, using local streets and park trails for cycling routes provides opportunities for urban greening. This urban greening can provide shade and mitigate urban heat island effects in ways that are often not available for cycling facilities along arterial roads and in “main street” areas.

## Financial Matters:

Estimated costs are summarized in Table 4.

Item		Traffic Calming Plan (as shown in Appendix 1)	Additional Cost – Optional Planters (based on 30 small planters)	Total Cost with Optional Planters
Initial Cost		\$198,550	\$13,060 [Note 1]	<b>\$211,610</b>
Annual Maintenance Cost	Signs and pavement markings	\$11,840 per year		
	Winter maintenance and sweeping	\$2,440 per year		
	Planters		\$4,430 per year	
	<b>Total Annual Operating Cost</b>	<b>\$14,280 per year</b>	<b>\$4,430 per year</b>	<b>\$18,710 per year</b>

Notes:

1. Includes first year of maintenance

Sufficient funds are available in the Bikeways Development capital project for the initial installation cost for the traffic calming plan and the initial installation of the optional planters.

Annual maintenance costs are not reflected in the current operating budget. Should Council direct that the project proceed, an increase to the operating budget is recommended to fund the required maintenance, beginning with the 2023 budget.

## **Consultations:**

### **Public Consultation**

An online public open house for the project was held on November 23, 2021, followed by a 4-week comment period. Comments received are summarized in “Discussion”, above.

### **Stakeholder Consultation**

The traffic calming plan was presented to the Windsor Bicycling Committee at its December 2, 2021. The Committee’s response is summarized in “Discussion”, above.

### **Staff Consultation**

Engineering: Fahd Mikhael, Adam Pillon

Operations: Dwayne Dawson, Phong Nguy, Roberta Harrison

Traffic Operations: Shawna Boakes, Shari Gabriel

Transit Windsor: Jason Scott

Windsor Fire & Rescue Service: John Lee, Michael Coste

Windsor Police Service: Insp. Jennifer Crosby, Sgt. Craig Judson, Sgt. Morgan Evans, Barry Horrobin

Essex Windsor EMS: Chris Grant

## **Conclusion:**

Bikeway and traffic calming improvements on Kildare Road between Ottawa Street and Tecumseh Road East are recommended for approval. These improvements will address resident concerns regarding traffic speed and cut-through traffic on Kildare Road and also provide an important connection in the future bikeway network envisioned in the Active Transportation Master Plan.

To address resident concerns regarding the aesthetics of the proposed protected bicycle lanes, planters were added to the plan following the project public meeting.

## **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
John Revell	Chief Building Official
Josie Gualtieri	Financial Planning Analyst
France Isabelle Tunks	Senior Manager, Engineering/Deputy City Engineer
Shelby Askin Hager	City Solicitor & Commissioner of Legal and Legislative Services
Chris Nepszy	City Engineer & Commissioner of Infrastructure Services
Joe Mancina	City Treasurer & Commissioner of Corporate Services
Jason Reynar	Chief Administrative Officer

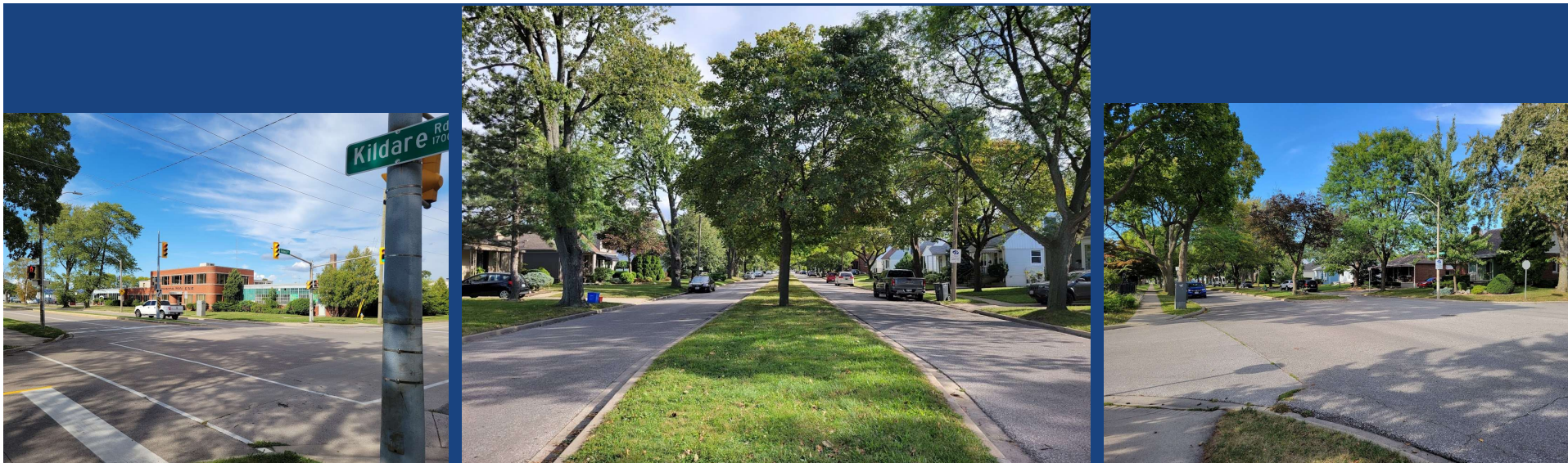
**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Windsor Bicycling Committee		
Windsor Accessibility Advisory Committee		
Area residents and project notification list <i>(list provided to Clerks)</i>		

**Appendices:**

- 1 Display Boards - Virtual Public Information Centre





# Kildare Road Traffic Calming

## Ottawa Street to Tecumseh Road East

November 23<sup>rd</sup>, 2021 – Public Information Centre  
6:30 PM – 8:30 PM

# AGENDA

- What is Traffic Calming?
- Background on Kildare Road
  - Original Concerns
  - Collection of Data
  - Active Transportation
- Proposed Concept
- Next Steps



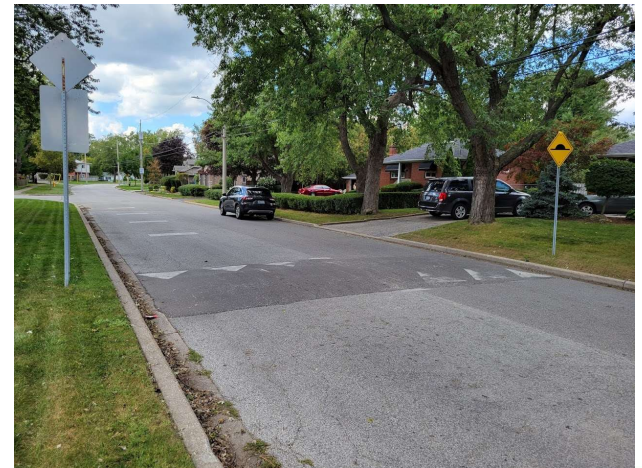
# What is Traffic Calming?

**Traffic Calming is the implementation of mainly physical measures to:**

- Reduce negative effects of motor vehicle use
- Alter driver behaviour
- Improve conditions for non-motorized street users

**The objective of Traffic Calming are to:**

- Reduce vehicle speeds
- Reduce cut-through traffic volume
- Reduce the number and severity of collisions
- Improve the neighbourhood environment



Bartlet Drive, Windsor, West of Mansfield Avenue  
(looking West)

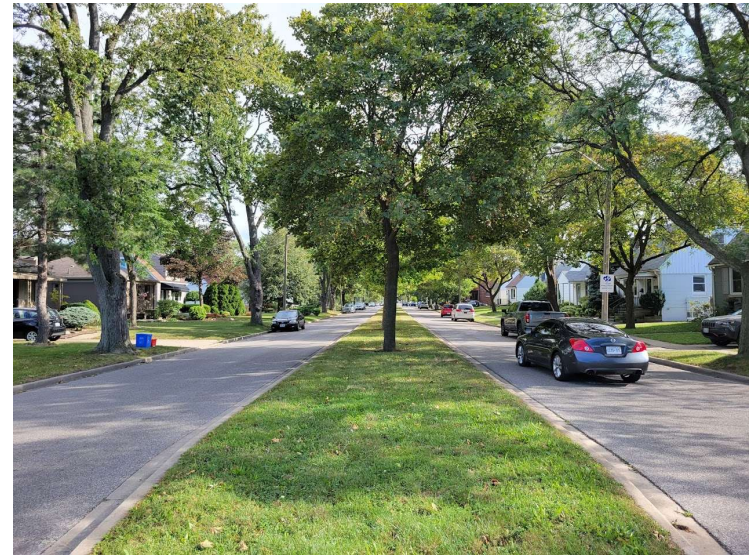


# Background on Kildare

The high traffic volume on Kildare Road from Seneca Street to Tecumseh Road E were the original concerns.

The most recent comment we have received was regarding the speeding.

The City reviewed the volume, speed, and other data such as collisions and general demographic of the area to determine that Kildare Road qualified for traffic calming measures.



Kildare Road South of Seneca Street (looking South)



Kildare Road North of Seneca Street (looking North)



Kildare Road North of Shepherd Street (looking North)



# Kildare Road - Collisions Data (2015-2019)





# Kildare Road - Speed & Volume Data

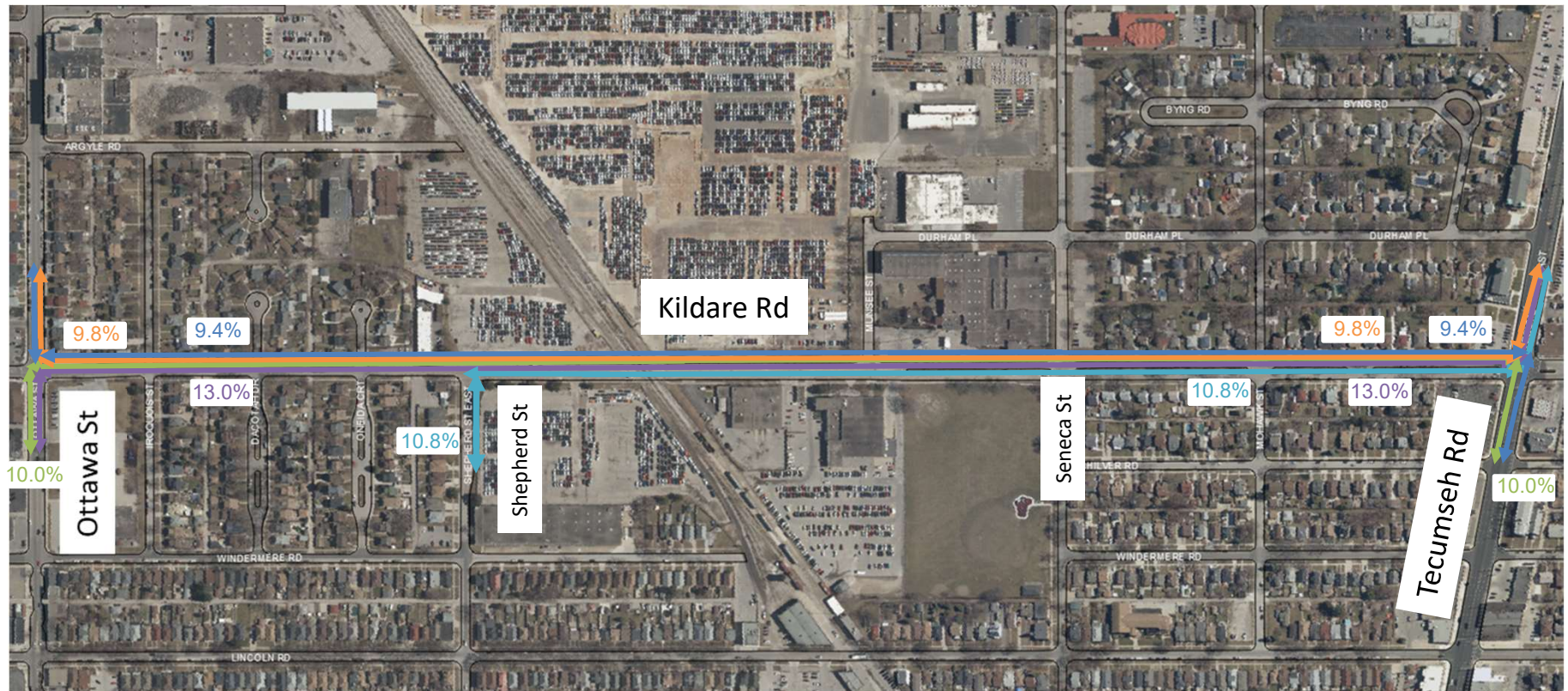
Vehicles Per Day	Speed Limit	85 <sup>th</sup> Percentile Speed
4,822	50 km/h	55.3 km/h





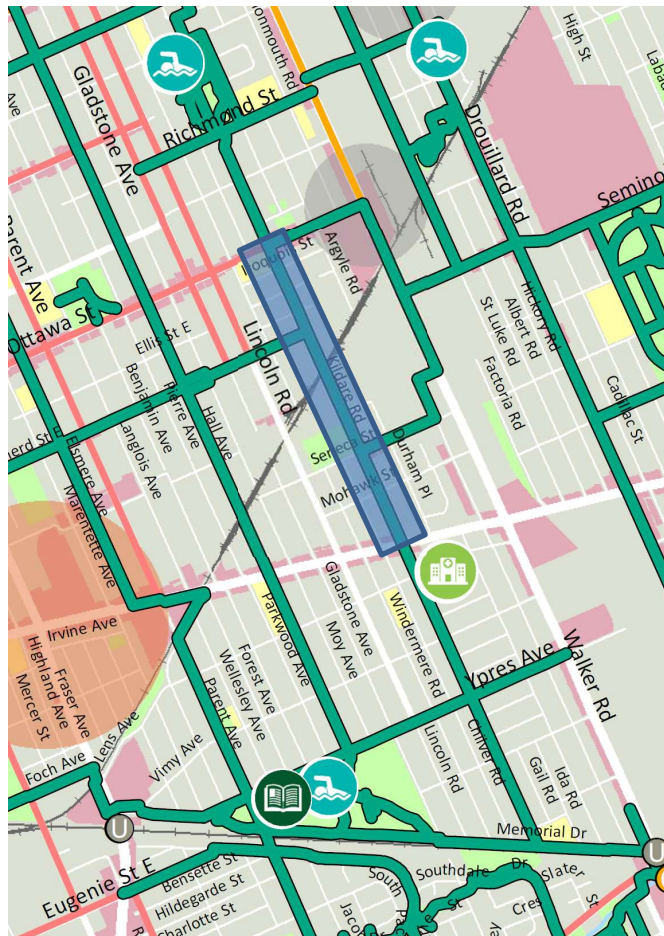
# Kildare Road - Cut Through Traffic

Based on our analysis we have found that 66% of the traffic volume is cut through traffic.

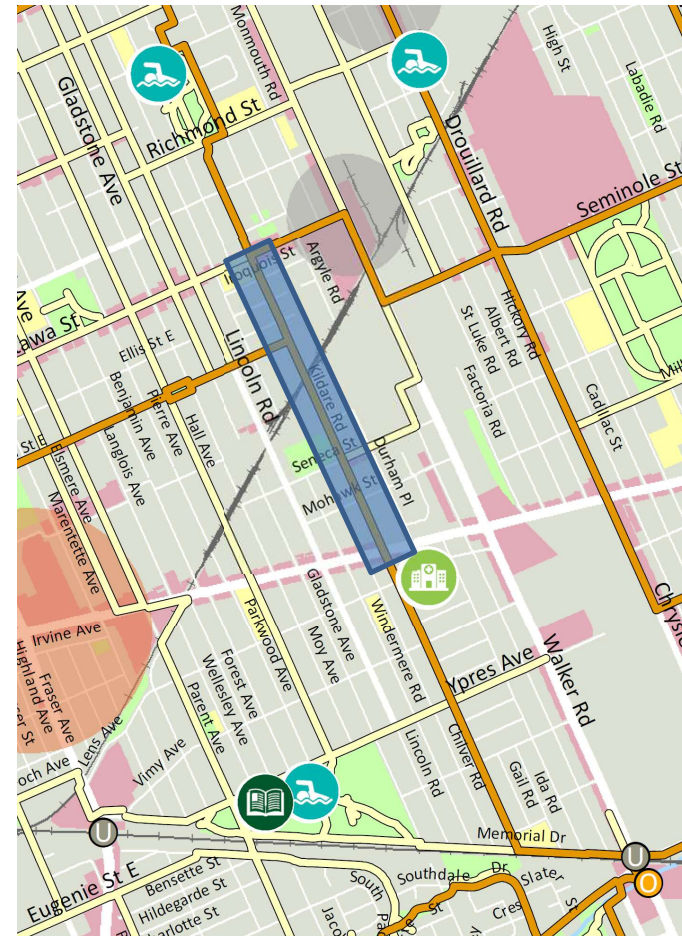




# Kildare Road - Active Transportation



- Study Area
- AAA
- Supporting
- Multi-Modal Corridor

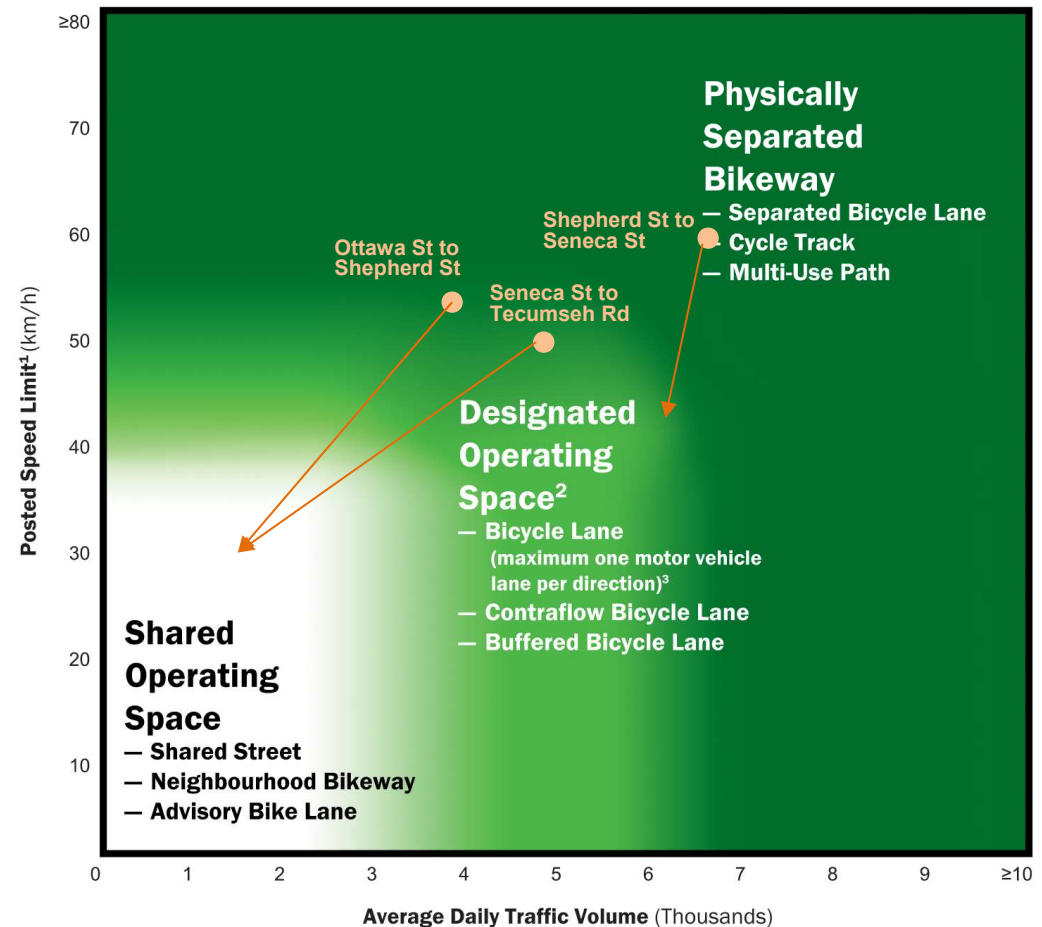


- Study Area
- Downtown Grid
- Regional Spine
- Connector

# Kildare Road - Active Transportation

## Desirable Cycling Facility Pre-Selection Nomograph Urban/Suburban Context (Step 1)

By following the facility selection procedure outlined from the Ontario Traffic Manual (OTM) Book 18, we selected both **Local Street Bikeway** and **Protected Bicycle Lanes** as the bike facility design for the corridor.



# Kildare Road - Active Transportation

## Local Street Bikeway Facility

Local Street Bikeway facilities also known as Neighborhood Bikeways incorporate five main elements to prioritize cyclist while discouraging trips from motor vehicles:

- **Traffic Reduction** (median islands, right in right out, diagonal diverters, etc.)
- **Speed Management** (speed tables, speed humps, raised cross walks, etc.)
- **Priority** (ex. providing a continuous bikeway without stop control for cyclists)
- **Intersection Treatment** (Bike boxes, advances stop bars, bicycle actuated signals)
- **Signs and Pavement Markings** (sharrows and share the road signages)



Speed Hump, Toronto



Sharrows, Portland OR  
[www.pedbikeimages.org](http://www.pedbikeimages.org) /Transportation Research and Education Center

"Share The Road" Signage,  
Malden Rd. Windsor





# Kildare Road - Proposed Concepts



--- STUDY AREA

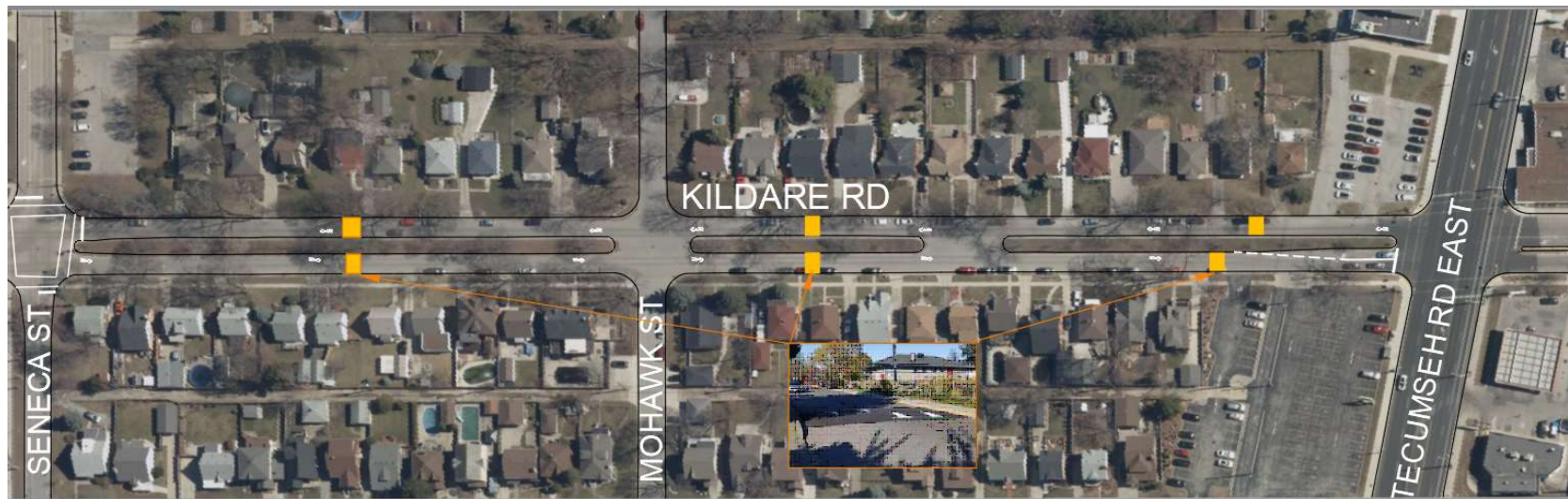
- Adding **speed humps** and a **local street bikeway** facility from Ottawa Street to Shepherd Street and from Seneca Street to Tecumseh Road East
  - Adding **protected bike lanes** that will be protected by **traffic calming curbs** from Shepherd Street to Seneca Street
  - Reducing the **speed limit** from **50km/h to 40km/h** from Shepherd Street to Seneca Street
  - Reducing the **speed limit** from **50km/h to 30km/h** from Ottawa Street to Shepherd Street and from Seneca Street to Tecumseh
- 
- The estimated construction cost is approximately \$ 198,550.00



## Kildare Road - Ottawa St to Shepherd St (Section 1)



## Kildare Road – Seneca St to Tecumseh Rd E (Section 3)



Speed humps

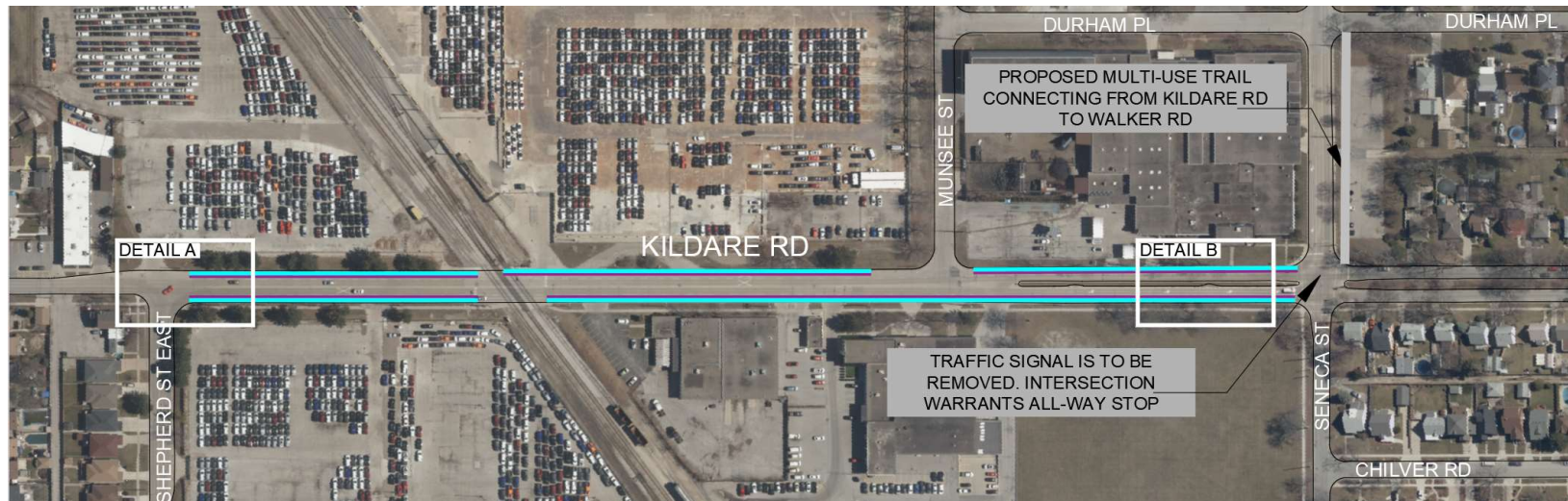


Example of a Speed Hump  
with signage - OTM Book 18





## Kildare Road – Shepherd St to Seneca St (Section 2)

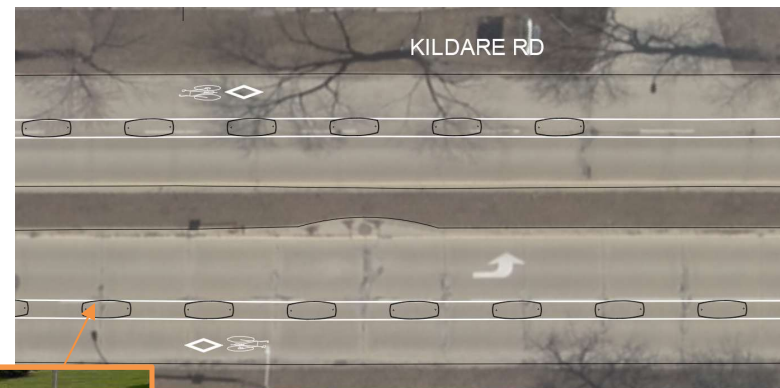


- PROTECTED BIKE LANE (2.5M)
- TRAFFIC CALMING CURB LANE (1M)

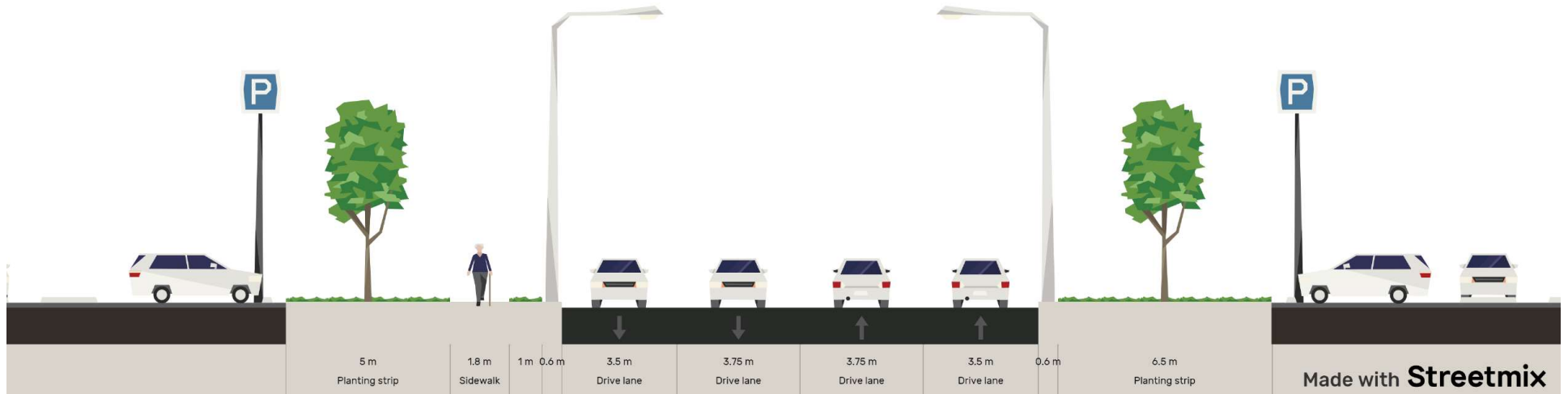
### Detail A



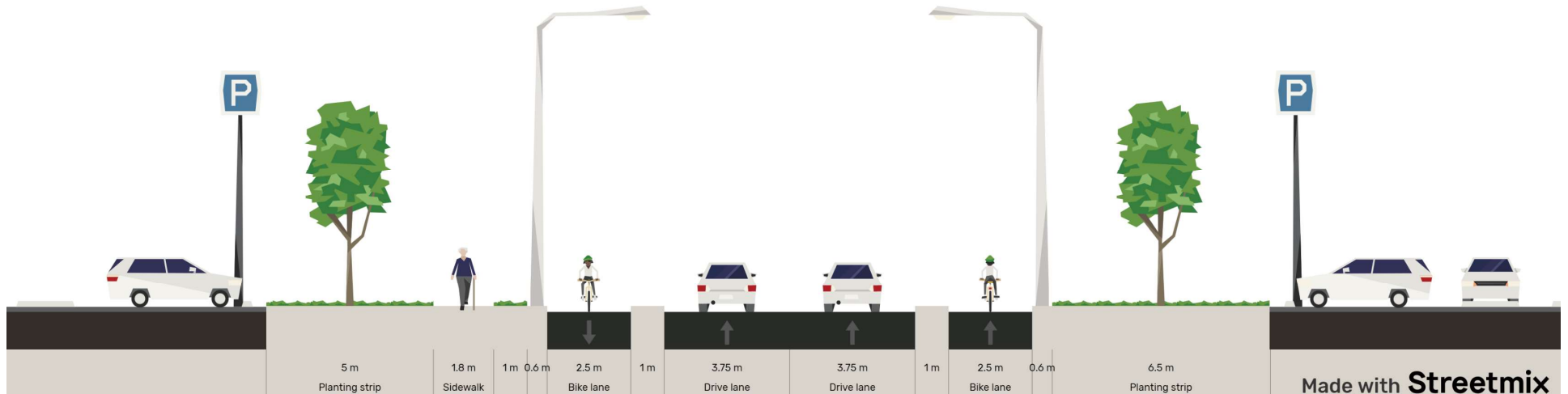
### Detail B



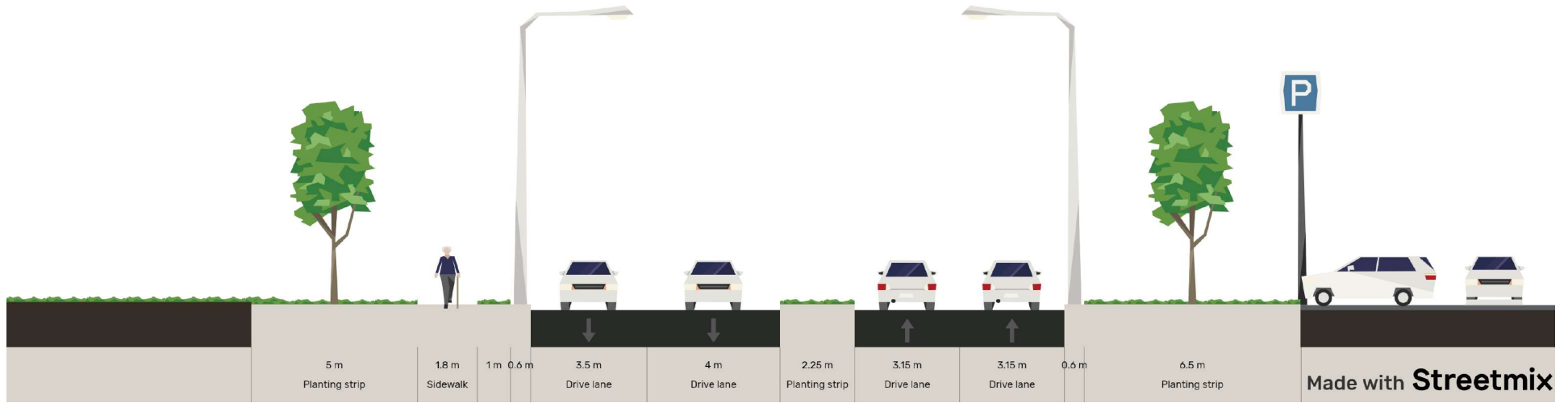
## Kildare Road – Shepherd St to Munsee St (Existing)



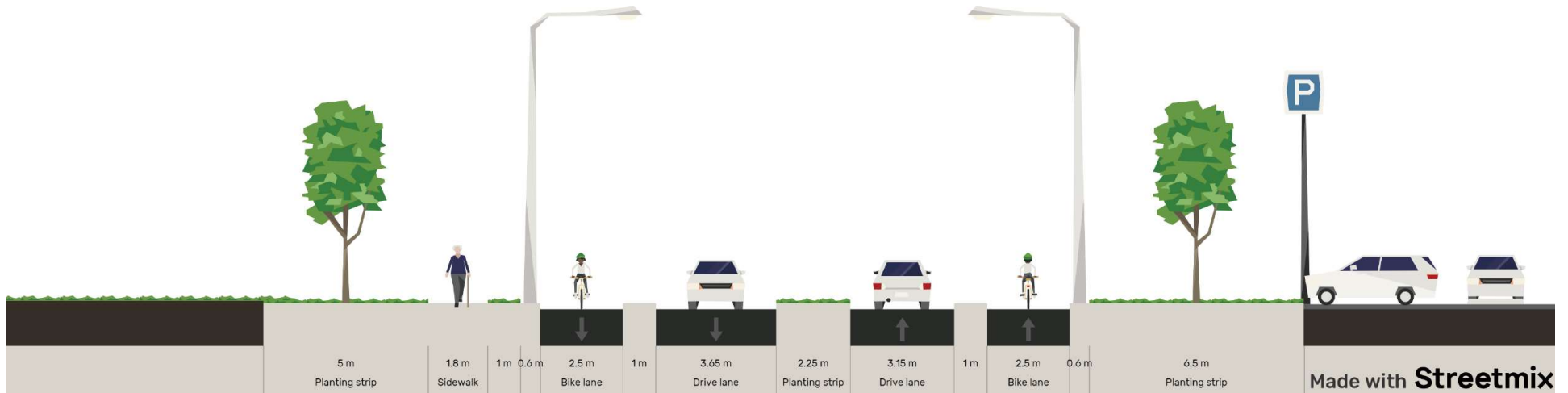
## Kildare Road – Shepherd St to Munsee St (Proposed)



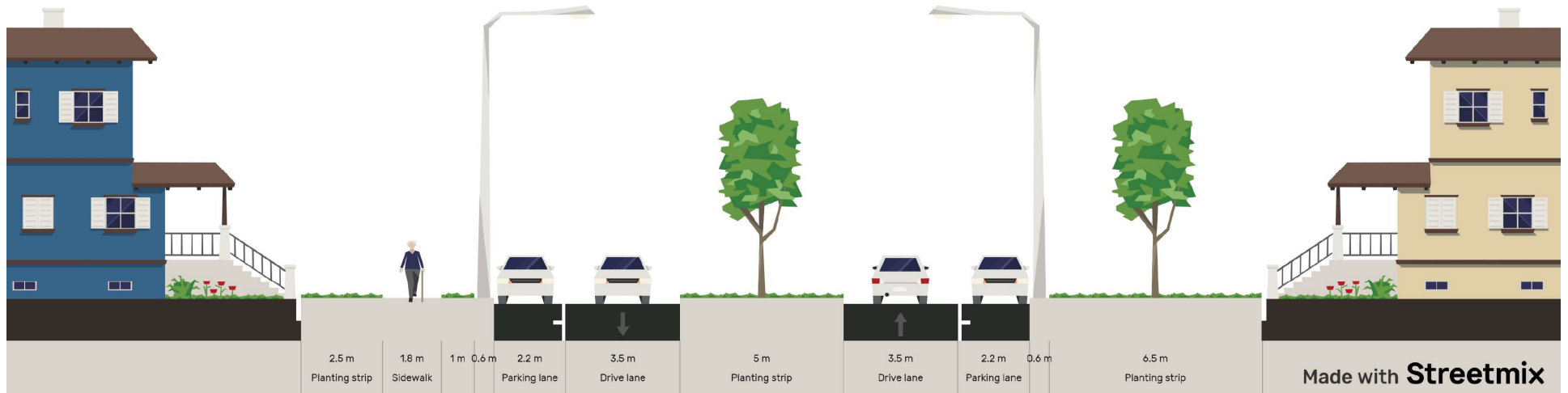
## Kildare Road – Munsee St to Seneca St (Existing)



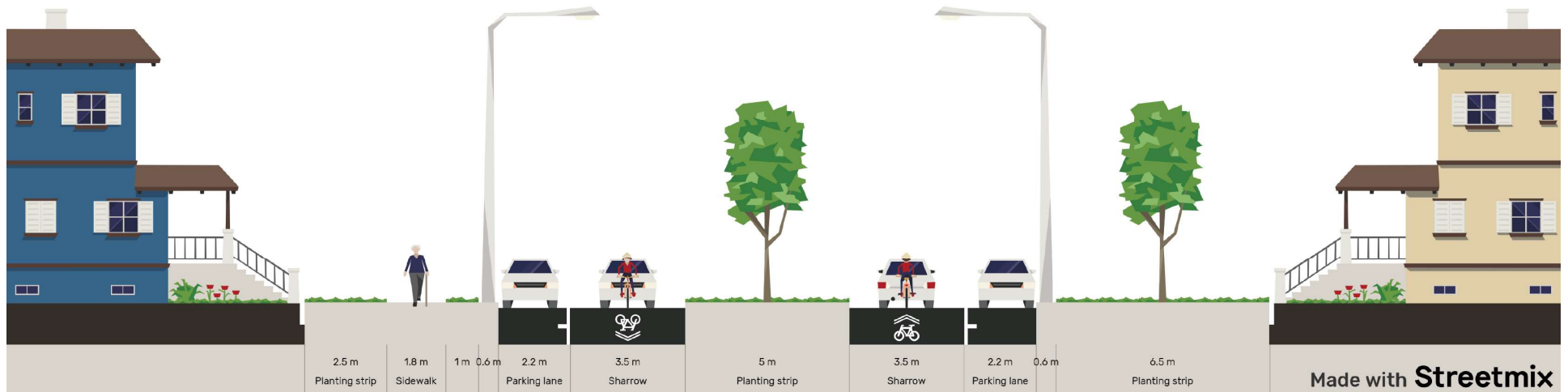
## Kildare Road – Munsee St to Seneca St (Proposed)



## Kildare Road – Seneca St to Tecumseh Rd (Existing)



## Kildare Road – Seneca St to Tecumseh Rd (Proposed)



# Kildare Road – Next Steps

Review feedback from residents and stakeholders

Feedback deadline: December 21, 2021

Finalize the Traffic Calming Plan

Report to Environment, Transportation and Public Safety Standing Committee

Council Approval

- Anticipated Construction: Summer 2022



# Thank You!



## Kildare Road Traffic Calming

Ottawa Street to Tecumseh Road East

Please provide comments by December 21<sup>st</sup> 2021



**Committee Matters: SCM 59/2022**

**Subject: West End Transit Terminal - Completion Report (Ward 2)**

Moved by: Councillor Kaschak  
Seconded by: Councillor Costante

Decision Number: **ETPS 883**

- I. THAT the report on the completion of the West End Transit Terminal project **BE RECEIVED** for information; and,
- II. THAT City Council **APPROVE** the creation of a new Reserve Account titled Transit Terminal Maintenance; and,
- III. THAT City Council **APPROVE** a transfer of \$40,000 from the TW (Transit Windsor) – West End Terminal project, 7171037, to a new project, for construction/renovation of a washroom for Transit Windsor employees at the Transit Windsor West End Terminal located at the Hotel-Dieu Grace Healthcare (Tayfour Campus) and at the completion of the works, any surplus funds be transferred to a new Transit Terminal Maintenance Reserve Account; and,
- IV. THAT City Council **APPROVE** the transfer of the remaining project surplus as outlined in the financial matters section, from the TW (Transit Windsor) – West End Terminal project, 7171037, to a new overall reserve account called Transit Terminal Maintenance Reserve Account, and that financial activity be reported to City Council annually as part of the year-end variance report; and,
- V. THAT Administration **BE AUTHORIZED** to amend the existing lease/sub-lease agreement with Hotel-Dieu Grace Healthcare (Tayfour Campus), to include the new interior washroom for Transit Windsor employees, and to engage in any resulting contract negotiations; and further,

- VI. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the resulting amended lease/sublease agreement subject to approval as to form and legal content by the Commissioner of Legal & Legislative Services, technical content by the Commissioner of Infrastructure Services, and to financial content by the Chief Financial Officer/City Treasurer.

Carried.

Report Number: S 8/2022  
Clerk's File: MT/13708

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 9.1. from the Environment, Transportation & Public Safety Standing Committee Meeting held February 23, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220301/-1/7302>

**Subject: West End Transit Terminal - Completion Report (Ward 2)**

**Reference:**

Date to Council: February 23, 2022

Author: Colleen Middaugh

Manager of Corporate Projects

519-255-6100 ext 6603

cmiddaugh@citywindsor.ca

Engineering

Report Date: January 27, 2022

Clerk's File #: MT/13708

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the report on the completion of the West End Transit Terminal project **BE RECEIVED** for information; and,
- II. THAT City Council **APPROVE** the creation of a new Reserve Account titled Transit Terminal Maintenance; and,
- III. THAT City Council **APPROVE** a transfer of \$40,000 from the TW (Transit Windsor) – West End Terminal project, 7171037, to a new project, for construction/renovation of a washroom for Transit Windsor employees at the Transit Windsor West End Terminal located at the Hotel-Dieu Grace Healthcare (Tayfour Campus) and at the completion of the works, any surplus funds be transferred to a new Transit Terminal Maintenance Reserve Account; and,
- IV. THAT City Council **APPROVE** the transfer of the remaining project surplus as outlined in the financial matters section, from the TW (Transit Windsor) – West End Terminal project, 7171037, to a new overall reserve account called Transit Terminal Maintenance Reserve Account, and that financial activity be reported to City Council annually as part of the year-end variance report; and,
- V. THAT Administration **BE AUTHORIZED** to amend the existing lease/sub-lease agreement with Hotel-Dieu Grace Healthcare (Tayfour Campus), to include

the new interior washroom for Transit Windsor employees, and to engage in any resulting contract negotiations; and,

VI. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the resulting amended lease/sublease agreement subject to approval as to form and legal content by the Commissioner of Legal & Legislative Services, technical content by the Commissioner of Infrastructure Services, and to financial content by the Chief Financial Officer/City Treasurer.

### **Executive Summary:**

N/A

### **Background:**

At its meeting of March 4, 2019, City Council approved the West End Transit Terminal Project by CR 113/2019 which states in part:

*THAT City Council **APPROVE** the overall project budget of \$1,628,000 for the design and construction of a new West End Transit Terminal to **BE FUNDED** as follows:*

- a) Previously approved funding of \$100,000 from the 2017 Capital Budget, Transit Windsor – West End Terminal (TRN-003-17, Project ID #7171037);*
- b) Previously approved PTIF grant funding of \$100,000 per CR 164/2017;*
- c) Pre-commit \$1,428,000 identified in the proposed 2019 7- year capital budget under the Transit Windsor – West End Terminal project (TRN-003-17);*

A copy of the full Council Resolution (CR 113/2019) is attached at Appendix A of this document.

### **Discussion:**

This project included the design and construction of a new bus terminal with four bus bays, concrete platform, two bus shelters, underground stormwater storage, LED site lighting, surveillance cameras, WiFi access points, real time signage, benches, bike racks and new landscape features.

An Executive Committee was established to oversee the implementation of the work plan and provide direction throughout the project. The City Engineer served as Project Sponsor. The Corporate Projects division of the City's Engineering Department administered the project alongside Transit Windsor.

A new site for the transit terminal was identified on the Hotel-Dieu Grace Healthcare (HDGH) Tayfour Campus located at 1453 Prince Road. City Council authorized Administration to negotiate a lease/licence agreement with the hospital for the new terminal site at this location. The lease agreement was finalized and formally executed on July 11, 2019.

On March 8, 2018, Transit Windsor hosted a public information meeting at the HDGH campus to discuss the proposed location and seek comments and suggestions for the new terminal site at HDGH.

Dillon Consulting was retained in March 2018 to provide consulting services, conduct public consultation & information sessions, and undertake the preliminary & detailed design for the proposed construction works at the West End Transit Terminal site.

As part of Dillon's scope, the Transit Project Assessment Process (TPAP), under Ontario Regulation 231/08, was initiated and the Notice of Study Commencement was filed. A TPAP acts as an expedited Environmental Assessment (EA) whereby the environmental effects of a transit project are analyzed. Based on its intended function in transferring passengers between routes, it was understood that the project qualified under the requirements of the TPAP.

A second public information meeting was held at MacKenzie Hall on July 31, 2018, to further discuss the proposed location for the new terminal, and to present the alternative design options being considered, along with the preferred site alternative.

In August 2018, the Ministry of Environment, Conservation and Parks (MECP) advised that due to the nature of the works, the project does not meet the requirements to proceed through the TPAP. Administration subsequently proceeded with the required steps to cancel the TPAP as required by the Regulation (i.e. Notice of Study Withdrawal).

Stage 1 and 2 archaeological site assessments were completed in October 2018 and December 2018 respectively. The Stage 2 investigation indicated that the project study area required no further archaeological assessment. These reports were submitted to the Ministry of Tourism, Culture and Sport and were subsequently deemed acceptable.

An application for site plan approval was submitted to the City's Planning Department in February 2019 and was approved in May 2019. The conditions of the corresponding agreement were fully satisfied in early July 2019.

Request for Tender ('RFT') No. 28-19 for general contracting services was made available on Friday May 31, 2019 and closed on Friday June 14, 2019. The successful proponent resulting from RFT No. 28-19 was Sterling Ridge Infrastructure. The Executive Committee was apprised of the costs associated with the construction tender and through negotiated changes with the low bidder, the contract amount was brought within budget. A report summarizing the tender results went before Council in August 2019.

Construction at the site commenced in July 2019. Due to a longer than anticipated lead-time for lighting materials there was a delay in completing the site lighting. Temporary lighting measures were established and the terminal became operational on October 11, 2019. The permanent lighting was subsequently completed in November 2019 and the project was substantially performed on November 26, 2019. This contract had a one-year general warranty, which expired on November 26, 2020. The plant



material and landscaping items had a two-year warranty, which expired on November 26, 2021.

A Project Closeout Evaluation with a summary of the project details, including successes and challenges, is attached as Appendix B.

As part of the current lease with HDGH there is one washroom available for the Transit Windsor bus operators. The plan was to construct an additional washroom to accommodate both men and women separately within the leased space, should funding become available. In a recent meeting with HDGH staff, they proposed an alternate solution to constructing an additional washroom. The hospital provided Transit Windsor with an option to renovate an existing space adjacent to the current leased space for the additional washroom. This option would save Transit Windsor considerable capital dollars compared to building an additional washroom, however it requires Transit Windsor to lease additional space at HDGH, and to revise the existing lease agreement.

### **Risk Analysis:**

As part of the project, a very large underground stormwater storage facility, complete with water quality chamber, was required to manage stormwater run-off and was constructed on the site. This facility requires ongoing inspection and maintenance. If the proposed Reserve Account is not approved, the maintenance of this system will negatively impact the Transit Windsor's operating budget.

### **Climate Change Risks**

**Climate Change Mitigation:** N/A

**Climate Change Adaptation:** N/A

### **Financial Matters:**

The table below outlines the approved funding for this project (CR 113/2019):

<b>Funding Source</b>	<b>Amount (\$)</b>
Funding from 2017 Capital Project Budget	\$100,000
PTIF Grant Funding (CR 164/2017)	\$100,000
Funding from Sewer Surcharge	\$50,000
Funding from 2019 Pay As You Go – Capital Reserve	\$1,378,000
<b>GROSS FUNDING/REVENUE</b>	<b>\$1,628,000</b>

The table below summarizes the project expenditures as of December 31, 2021.

Budget Item	Budget \$	Actual \$ (as at Dec 31, 2021)	Variance \$ (Surplus)
General (permits, approvals, advertising, financing, etc.)	\$26,542	\$12,712	\$13,830
Professional Fees	\$234,187	\$234,187*	\$0
Construction costs, (utility relocation, tree removals, fit-up, contingency, etc.)	\$1,367,271	\$1,166,760	\$200,511
<b>Total</b>	<b>\$1,628,000</b>	<b>\$1,413,660</b>	<b>\$214,341</b>

\*Includes minor outstanding commitments.

The project is expected to be completed with an **overall surplus of approximately \$214,000**, subject to the final billing of approximately \$2,700 in minor outstanding commitments.

Administration is recommending that this surplus funding be redirected as follows:

1. That \$40,000 of the project surplus funding be transferred to a new project, for construction of washrooms for Transit Windsor employees at the Transit Windsor West End Terminal located at the Hotel-Dieu Grace Healthcare (Tayfour Campus). As the construction of the washrooms are not part of the original scope of the West End Terminal project, Council approval is required. If approved, any surplus funds remaining after the completion of the washroom renovation work will be transferred to a newly created Transit Terminal Maintenance Reserve Account. There is more than sufficient funding remaining in the TW (Transit Windsor) – West End Terminal project to accommodate this work; and further,
2. That the remaining surplus of approximately \$174,000 (\$214,000 - \$40,000) be transferred to a Transit Terminal Maintenance Reserve Account to be used to fund terminal maintenance (including underground storage facility and water quality chamber maintenance, site furniture and amenity repair/replacement, landscaping upkeep, etc.) and that this transfer not take place until all final project related expenditures have been completed.

Ongoing operating expenses for the West End Transit Terminal site are included as part of Transit Windsor's operating budget.

### Consultations:

Tony Houad – Transit Windsor  
 Natasha Gabbana – Financial Planning  
 Sue Grimmett – Financial Planning  
 Poorvangi Raval - Financial Planning  
 Michael Dennis – Asset Planning  
 Alex Vucinic – Purchasing

## **Conclusion:**

The new terminal site offers enhanced customer service amenities, complete with real time signage; WiFi; new larger style shelters; benches; new LED lighting, etc., while also providing a functional break room for Transit Windsor staff. Furthermore, the proximity to HDGH allows for passengers with longer layover times to use the hospital facility as an indoor waiting area, complete with cafe. The project was completed within the specified timeframe and with a budget surplus of \$214,000.

Administration recommends that City Council approve the construction/renovations of a separate washroom at the West End Terminal for Transit Windsor staff, to be funded with \$40,000 in surplus funds remaining in the TW (Transit Windsor) – West End Terminal project, 7171037.

Further, Administration recommends utilizing the remaining project surplus funds to establish a Transit Terminal Maintenance Reserve Account.

**Planning Act Matters:** N/A

## **Approvals:**

<b>Name</b>	<b>Title</b>
Tyson Cragg	Executive Director, Transit Windsor
France Isabelle-Tunks	Senior Manager of Development, Projects and Right-of-Way
Chris Nepszy	Commissioner, Infrastructure Services – City Engineer
Shelby Askin Hager	Commissioner, Legal & Legal Services – City Solicitor
Joe Mancina	Commissioner, Corporate Services – CFO/City Treasurer
Jason Reynar	Chief Administrative Officer

**Notifications:** N/A

## **Appendices:**

- 1 Appendix A – CR 113/2019 (4 pages)
- 2 Appendix B - Project Closeout Evaluation (3 pages)



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

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CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

Fax: (519)255-6868

E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

### City Council Decision Monday, March 04, 2019

Moved by: Councillor Francis  
Seconded by: Councillor Kusmierczyk

Decision Number: CR113/2019 ETPS 665

That City Council **APPROVE** the overall project budget of \$1,628,000 for the design and construction of a new West End Transit Terminal to **BE FUNDED** as follows:

- a) Previously approved funding of \$100,000 from the 2017 Capital Budget, Transit Windsor – West End Terminal (TRN-003-17, Project ID #7171037);
- b) Previously approved PTIF grant funding of \$100,000 per CR 164/2017;
- c) Pre-commit \$1,428,000 identified in the proposed 2019 7- year capital budget under the Transit Windsor – West End Terminal project (TRN-003-17); and,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the requisite agreement, subject to the tender results falling within the approved budget satisfactory in legal form to the City Solicitor, in technical content to the City Engineer and in financial content to the City Treasurer, with a communication report to Council to follow; and,

That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign any agreement or applications necessary to achieve the above purposes, subject to the contract being within the approved budget, satisfactory in legal form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Engineer; and,

That the City Planner **BE DELEGATED THE AUTHORITY** to approve the Site Plan Control Application; and,

That the report of the Executive Director, Transit Windsor dated October 30, 2018 entitled Transit Windsor – West End Transit Terminal Relocation Project Update – City Wide **BE RECEIVED**; and further,

Phone: (519)255-6211

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WINDSOR, ONTARIO  
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E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

That CR 109/2018 be **AMENDED** to allow the flexibility of negotiating a licensing or lease agreement as follows:

- I. That Administration **BE AUTHORIZED** to negotiate either a licensing or lease agreement with Hotel-Dieu Grace Healthcare Hospital (Tayfour Campus) for a West End Transit Terminal and to engage in any resulting contract negotiations; and further,
- II. That the CAO and City Clerk **BE AUTHORIZED** to sign the resulting licensing or lease agreement subject to approval as to form and legal content by the City Solicitor, technical content by the City Engineer and to financial content by the City Treasurer.

Carried.

Councillors Costante and Bortolin voting nay.

Report Number: SCM 65/2019 & S 30/2019 & S 181/2018  
Clerk's File: MT/13046 11.2

*Steve Vlachodimos*

Deputy City Clerk/Senior Manager of Council Services  
March 20, 2019

Department Distribution

Pat Delmore	Executive Director, Transit Windsor
Colleen Middaugh	Project Administrator
France Isabelle-Tunks	Senior Manager, Development, Projects & Right of Way
Mark Winterton	City Engineer and Corporate Leader Environmental Protection and Infrastructure Services
Shelby Askin Hager	City Solicitor and Corporate Leader Economic Development and Public Safety
Joe Mancina	Chief Financial Officer and Corporate Leader of Finance and Technology
Tony Ardovini	Deputy Treasurer Financial Planning

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Pat Delmore	Executive Director, Transit Windsor
Colleen Middaugh	Project Administrator
Melissa Osborne	Senior Manager of Asset Planning
Thom Hunt	City Planner

**External Distribution**

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## Appendix B – Project Closeout Evaluation

PROJECT NAME:	West End Transit Terminal																																		
PROJECT ADMINISTRATOR:	Colleen Middaugh																																		
DATE:	January 21, 2022																																		
COUNCIL APPROVAL:	CR 113/2019 (March 4, 2019)																																		
BUDGET VS. ACTUAL	<div>The table below outlines the approved funding for this project (CR 113/2019):</div> <table><tr><th>Funding Source</th><th>Amount (\$)</th></tr><tr><td>Funding from 2017 Capital Project Budget</td><td>\$100,000</td></tr><tr><td>PTIF Grant Funding (CR 164/2017)</td><td>\$100,000</td></tr><tr><td>Funding from Sewer Surcharge</td><td>\$50,000</td></tr><tr><td>Funding from 2019 Pay As You Go – Capital Reserve</td><td>\$1,378,000</td></tr><tr><td>GROSS FUNDING/REVENUE</td><td>\$1,628,000</td></tr></table> <div>Below is a summary of the project expenditures:</div> <table><tr><th>Budget Item</th><th>Budget \$</th><th>Actual \$ (as of Dec 31, 2021)</th><th>Variance \$ (Surplus)</th></tr><tr><td>General Costs (permits, approvals, advertising, financing, etc.)</td><td>\$26,542</td><td>\$12,712</td><td>\$13,830</td></tr><tr><td>Professional Fees</td><td>\$234,187</td><td>\$234,187*</td><td>\$0</td></tr><tr><td>Construction Costs (utility relocation, tree removals, fit-up, contingency, etc.)</td><td>\$1,367,271</td><td>\$1,166,760</td><td>\$200,511</td></tr><tr><td>Total</td><td>\$1,628,000</td><td>\$1,413,660</td><td>\$214,341</td></tr></table> <div>*Includes approximately \$2,700 in minor outstanding commitments.</div> <div>The project was completed with an overall surplus of approximately <b>\$214,000</b> (as of December 31, 2021).</div>			Funding Source	Amount (\$)	Funding from 2017 Capital Project Budget	\$100,000	PTIF Grant Funding (CR 164/2017)	\$100,000	Funding from Sewer Surcharge	\$50,000	Funding from 2019 Pay As You Go – Capital Reserve	\$1,378,000	GROSS FUNDING/REVENUE	\$1,628,000	Budget Item	Budget \$	Actual \$ (as of Dec 31, 2021)	Variance \$ (Surplus)	General Costs (permits, approvals, advertising, financing, etc.)	\$26,542	\$12,712	\$13,830	Professional Fees	\$234,187	\$234,187*	\$0	Construction Costs (utility relocation, tree removals, fit-up, contingency, etc.)	\$1,367,271	\$1,166,760	\$200,511	Total	\$1,628,000	\$1,413,660	\$214,341
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DEADLINES / SCHEDULE	<table><tr><th>Milestone</th><th>Target Completion Date (per approved Project Charter)</th><th>Actual Completion Date</th></tr><tr><td>Design/ Development / Construction Documents / Tender</td><td>April 2019</td><td>June 2019</td></tr><tr><td>Construction</td><td>October 2019</td><td>October 2019</td></tr><tr><td>Start of Operations</td><td>October 2019</td><td>October 2019</td></tr><tr><td>Substantial Performance</td><td>--</td><td>November 26, 2019</td></tr><tr><td>End of Maintenance Period</td><td>--</td><td>November 26, 2021</td></tr></table> <div>The project remained on schedule despite delays in the design &amp; tendering period and challenges encountered during construction (various underground conflicts, long lead times for LED lighting, etc.). The construction schedule was monitored closely at the bi-weekly construction meetings.</div>			Milestone	Target Completion Date (per approved Project Charter)	Actual Completion Date	Design/ Development / Construction Documents / Tender	April 2019	June 2019	Construction	October 2019	October 2019	Start of Operations	October 2019	October 2019	Substantial Performance	--	November 26, 2019	End of Maintenance Period	--	November 26, 2021														
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<p><b>PROJECT SUCCESSES</b></p>	<p>Consultation activities were completed during the planning &amp; design stages of the project. Feedback was solicited, and comments were received from various Agencies, Indigenous Communities and the Public. Individual responses were provided to those who submitted comments.</p> <p>A traffic analysis was completed to document the existing traffic operations at the main access to HDGH, and the impact of introducing bus traffic to the access driveway following the proposed relocation of the Transit Terminal. The traffic analysis indicated that even with an increase in traffic volume due to buses, traffic will continue to operate well under capacity.</p> <p>The timing of the new West End Transit Terminal project strategically coincided with Transit Windsor's Service Delivery Review.</p> <p>The new terminal site offers enhanced customer service amenities, including real time signage, WiFi, new shelters &amp; benches, bicycle parking, etc.</p> <p>The project included unique design features such as: LED smart lighting, underground stormwater storage system, urban landscaping, etc. as well as the necessary accommodations for a break-room and washroom facilities exclusively for Transit Windsor employees.</p> <p>The location provides passengers with the unique opportunity to use the hospital facility as an indoor waiting area.</p> <p>The project resulted in a great partnership opportunity with Hotel Dieu Grace Healthcare (HDGH) and Windsor Regional Hospital (WRH).</p> <p>Excellent team effort and working relationship between Transit Windsor, the City (various departments), Consultant (Dillon), Contractor (Sterling Ridge) and the various Utility Companies (Enwin, Bell, etc.).</p> <p>The project was completed within the specified project timeframe and with an overall budget surplus of approximately <b>\$214,000</b> (as at December 31, 2021).</p>
<p><b>PROJECT CHALLENGES</b></p>	<p>Ambiguity related to the requirements of the Ministry of Environment, Conservation and Parks (MECP) with respect to the Muncipal Class Environmental Assessments process and/or Transit Project Assessment Process (TPAP). Subsequent to initiating the TPAP, it was confirmed that due to the nature of the works, the project did not meet the requirements to proceed through the TPAP and thus the City was required to formally withdrawl from this process.</p> <p>Smaller site posed challenges for bus turning and maneuverability during construction, particularly access and egress. Creative design and value engineering was implemented.</p> <p>Poor soil conditions including buried concrete, which was removed and hauled offsite. Additional costs were incurred.</p>

	<p>Unknown buried utility conflicts, which were accommodated however had an impact on the construction schedule.</p> <p>Long lead time for lighting and lighting equipment which resulted in the need for interim lighting infrastructure and subsequent coordination for the permanent lighting installation.</p> <p>Despite these challenges, the project end date remained fixed and the works were completed on budget.</p>
<b>INNOVATIONS / DELIVERABLES</b>	<p>The project included:</p> <ul style="list-style-type: none"> <li>- 4 bus bay platforms</li> <li>- 2 new (large) bus shelters</li> <li>- Underground stormwater storage unit</li> <li>- Concrete pavement</li> <li>- Fibre optic servicing</li> <li>- LED smart lighting</li> <li>- Real time signage</li> <li>- WiFi capabilities</li> <li>- Surveillance cameras</li> <li>- Bicycle parking</li> <li>- Urban landscaping</li> <li>- Ornamental fencing and site furniture that complements the existing HDGH site features.</li> <li>- Provisions for a new breakroom and washroom facilities within HDGH for Transit Windsor employees.</li> <li>- Design provisions for potential future expansion of the terminal to accommodate a possible expansion in services.</li> </ul>



**Committee Matters: SCM 60/2022**

**Subject: Transit Windsor Master Plan 2021 Update - Year 1 - City Wide**

Moved by: Councillor McKenzie

Seconded by: Councillor Francis

Decision Number: **ETPS 884**

THAT the Environment, Transportation and Public Safety Standing Committee, sitting as the Transit Windsor Board of Directors and City Council **RECEIVE FOR INFORMATION** Transit Windsor's annual Transit Master Plan update for 2021.

Carried.

Report Number: S 10/2022

Clerk's File: MT/13708

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 9.2. from the Environment, Transportation & Public Safety Standing Committee Meeting held February 23, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220301/-1/7302>

**Subject: Transit Windsor Master Plan 2021 Update - Year 1 - City Wide**

**Reference:**

Date to Council: February 23, 2022  
Author: Tyson Cragg, Executive Director  
Transit Windsor  
519-944-4141 ext 2232  
tcragg@citywindsor.ca  
Transit Windsor  
Report Date: January 31, 2022  
Clerk's File #: MT/13708

**To:** Mayor and Members of City Council

**Recommendation:**

That the Environment, Transportation and Public Safety Standing Committee, sitting as the Transit Windsor Board of Directors and City Council **RECEIVE FOR INFORMATION** Transit Windsor's annual Transit Master Plan update for 2021.

**Executive Summary:**

N/A.

**Background:**

Transit Windsor completed a service delivery review in 2018, which was brought to Council as the Transit Windsor Master Plan on January 27, 2020. This plan was approved through resolution number CR40/2020 and recommends Transit Service enhancements be implemented over the next eight (8) years. The master plan calls for an update to be provided on an annual basis to outline the accomplishments of that year in the implementation plan. This serves as the Transit Master Plan Year 1 update.

The following Master Plan initiatives were implemented in 2021:

- Route Transway 1C route alignment
- Introduction of Route 518X
- Preparations for social media launch
- Undertook an On-Demand system feasibility study
- Undertook a Garage (Transit Facility) Feasibility Study



## **Discussion:**

While the COVID-19 pandemic has caused many unanticipated pressures and delays, Transit Windsor was able to implement some important items contained in year 1 of the Transit Master Plan (TMP).

### **Route Transway 1C Route Alignment**

One of the early wins that was identified in the Transit Master Plan was a minor re-alignment for the Transway 1C route. The re-alignment for the Transway 1C, a main east-west corridor route across the City was to remove a diversion off Tecumseh Road East between Rivard Avenue and Roseville Garden Drive in both east and westbound directions, and instead remain on Tecumseh, thus providing improved service on Tecumseh, as well as providing a more direct trip. The change saw the Transway 1C abandon the following route segments:

- Rivard Avenue
- Rose Street
- Roseville Garden Drive

This change helped eliminate route duplication with the Ottawa 4, which travelled along the route segments outlined above, and straightened the Transway 1C route.

### **Route 518X Implementation**

Route 518X, implemented on September 7, 2021, is a 3-stop express route via the E.C. Row Expressway connecting St. Clair College to Tecumseh Mall, with an intermediate stop at Devonshire Mall. It provides a direct link from East Windsor to the College, which is a long-standing request from east-end residents and students to have more direct service to these areas of the City.

This route operates seven (7) days a week with a total ridership of approximately 23,000 from September 7 to December 31, 2021. Ridership was steadily increasing month to month until COVID restrictions were re-imposed at the end of the year. This route has met expectations under unique circumstances that have had negative impacts to transit ridership, including the University of Windsor and St. College offering primarily on-line classes, and the Windsor-Essex County Health Unit (WECHU) advising capacity restrictions on Transit Windsor buses of a maximum of 40 passengers per bus (roughly 66% of full capacity). This restriction has been in place since October 2020 when Transit Windsor returned to front-door boarding and fare collection. Most transit systems in Ontario are operating at full bus capacity; Windsor is one of the exceptions. This, along with COVID-19 restrictions including class limits at post-secondary institutions has had a negative effect on transit ridership industry-wide. When a new route is implemented, ridership growth is monitored in the first 18-24 months to ensure that industry productivity benchmarks are being met. The 518X, despite the challenges identified above has exceeded ridership expectations. As restrictions ease, it is expected that ridership growth will accelerate. Route performance will continue to be monitored and service adjustments will be made to ensure that service meets demand.

## **Implement Social Media Program**

As identified in the TMP, Transit Windsor began the process in 2021 to implement a social media program. Transit Windsor currently does not have unique social media accounts and this lacks the ability to engage directly and regularly with riders and the larger community via popular social media platforms. Transit Windsor is alone amongst our peers with no social media presence. As an operator of a 7-day-a-week, customer-facing service without a way to communicate in real time way to its customers, there is an identified communication gap. With the implementation of a social media program customers will be able to get more up-to-date information on items such as detours, service interruptions, general operational information, and updates and promotions. The expectation is to launch unique Transit Windsor Facebook and Twitter accounts in early 2022.

## **On-Demand Feasibility Study**

On-Demand service was identified as a priority in the TMP, but not until later years of the plan. On-Demand was advanced in response to pandemic-driven ridership changes. A feasibility study was conducted, with the assistance of Dillon Consulting, to identify a framework for a request for proposal (RFP) to be issued in 2022. This would allow Transit Windsor to purchase software for On-Demand service deployment. An On-Demand service option will be another tool that Transit Windsor can use for service delivery in pre-identified service areas or to improve existing service scenarios. Areas such as industrial/business parks and neighborhoods with low or no transit service are candidates for this type of service delivery. Scenarios such as low frequency evening/weekend service are also candidates for On-Demand service. In turn, the expectation is that ridership builds to a point where conventional service can then be introduced.

## **Garage/Transit Facility Feasibility Study**

The master plan identified that the current transit facility (garage), located at 3700 North Service Rd. East, and is a major component to the success of the plan. The current facility, opened in 1978 is currently at 120% of design capacity for bus storage, and does not support fleet electrification, articulated buses, and future fleet expansion. In addition, the current facility lacks accessibility features and sufficient employee parking. A feasibility study was undertaken to identify options for facility expansion/renewal for the existing service, and for implementation of the master plan. Further discussion will be included as part of a larger implementation plan later this year.

## **Risk Analysis:**

Most of the projects identified under the Transit Master Plan are dependent on leveraged grant funding (with a municipal contribution of 26.7%) through the Investing in Canada Infrastructure Program (ICIP), jointly administered by Infrastructure Canada and the Ontario Ministry of Transportation (MTO). At the time of drafting this report, all ICIP projects must be completed by 2027. Administration continues to monitor progress

on the various components of the TMP with a goal to leverage the maximum funding available within the required timelines established by the Province.

### Climate Change Risks

Increasing transit ridership and decreasing private automobile usage by making transit more effective and attractive are key goals of the TMP. These goals contribute to climate change mitigation efforts, and are at risk if the TMP is not implemented. One bus replaces over 40 single-occupant vehicles, reducing air pollution, greenhouse gas emissions, and road congestion, not to mention the need to continually expand existing roads. In addition, the greening of the transit fleet is dependent on many of the TMP projects moving ahead, including facility upgrades that will allow Transit Windsor to move away from fossil-fuel propulsion and facilitate future fleet electrification.

### Climate Change Mitigation:

N/A.

### Climate Change Adaptation:

N/A.

### Financial Matters:

The costs incurred on the Transit Master Plan initiatives implemented in 2021 are as follows:

Master Plan Initiative	Note #	Operating Costs Incurred	Capital Costs Incurred	Funding Source
Transway1C Route Alignment		Staff time plus \$700.00 in operating expenses	\$ -	Approved 2021 Operating Budget
Route 518X		\$180,000.00	\$ -	<b>Decision Number: B10/2021 ETPS:</b> One time Funding approved as part of 2021 Operating Budget - City's share \$90,000 plus one time funding from St Clair College of \$90,000.
Social Media		Staff time	\$ -	Approved 2021 Operating Budget
On Demand Study	1	\$ -	\$ 45,115.00	Audit and Accountability Grant Funding Capital # 7211015 - Audit & Accountability-On Demand.
Transit Garage Feasibility Study	1	\$ -	\$154,830.00	Approved 2020 Capital Budget Capital # 7201004 - TW Garage Feasibility Study.
Note1: Administration will bring forward Council Report in future stating the costs of garage and on-demand projects implementation.				

## Consultations:

Poorvangi Raval, Financial Planning Administrator for Transit Windsor, City of Windsor

Stephan Habrun, Manager of Operations, Transit Windsor

## Conclusion:

Important steps to advance the master plan were taken by Transit Windsor in 2021 all while facing another challenging year with the on-going pandemic. These projects build on the work already done in the early stages of the master plan. They help position Transit Windsor on a strong footing as we work towards re-building our service levels and ridership in the upcoming years. The challenges facing the Master Plan in future years are numerous: funding of the Plan for both operational and capital initiatives, when such funding competes with other municipal priorities, the ongoing COVID-19 pandemic and its impacts on ridership and revenue (and will certainly inform decisions made on initiatives such as on-demand service), an aging facility that must be addressed for any significant growth of the system to occur, and advances in technology that may change some of the assumptions in a plan that was drafted in 2019. In consideration of the above, Administration is currently developing a Transit Master Plan Implementation Process that will outline all of the elements including funding needs and strategies, a project timetable, the issue of the facility, on-demand transit, and electrification of the fleet. This report will come before the Board later in 2022.

## Planning Act Matters:

N/A.

## Approvals:

Name	Title
Tyson Cragg	Executive Director, Transit Windsor
Christopher Nepszy	Commissioner, Infrastructure Services
Joe Mancina	Commissioner, Corporate Services CFO/City Treasurer
Jason Reynar	Chief Administrative Officer

## Notifications:

Name	Address	Email

## Appendices:



**Committee Matters: SCM 61/2022**

**Subject: Transit Windsor 2021 Service Performance Update - City Wide**

Moved by: Councillor McKenzie  
Seconded by: Councillor Francis

Decision Number: **ETPS 885**

THAT the Environment, Transportation and Public Safety Standing Committee, sitting as the Transit Windsor Board of Directors and City Council **RECEIVE FOR INFORMATION** the 2021 service performance update report for Transit Windsor.

Carried.

Report Number: S 12/2022  
Clerk's File: MT/13708

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 9.3. from the Environment, Transportation & Public Safety Standing Committee Meeting held February 23, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220301/-1/7302>

**Subject: Transit Windsor 2021 Service Performance Update - City Wide**

**Reference:**

Date to Council: February 23, 2022

Author: Tyson Cragg

Transit Windsor

519-944-4141 ext 2232

tcragg@citywindsor.ca

Transit Windsor

Report Date: February 3, 2022

Clerk's File #: MT/13708

**To:** Mayor and Members of City Council

**Recommendation:**

That the Environment, Transportation and Public Safety Standing Committee, sitting as the Transit Windsor Board of Directors and City Council **RECEIVE FOR INFORMATION** the 2021 service performance update report for Transit Windsor.

**Executive Summary:**

N/A.

**Background:**

In past years, Transit Administration provided an annual Ridership Report that focussed primarily on ridership performance and trends for the previous year. Working towards an evolution of providing a more comprehensive picture of overall system performance, Administration has worked to produce a more value-added report that details (in addition to ridership) customer service performance, fleet performance, and motor vehicle collisions. This annual report is a work in progress, and will continue to evolve over future years to provide a full picture of Transit Windsor's service performance.

**Discussion:**

The overall performance of a transit system is about more than ridership. Customer service metrics (complaints and compliments), fleet performance and reliability, and collision statistics assist in measuring how well Transit Windsor is doing with respect to the service it provides. Customer service and safety are paramount in every aspect of how Transit Windsor delivers its service. The COVID-19 pandemic has had significant impacts on ridership and overall operations at Transit Windsor, and accordingly, this report focusses on system performance for the years 2020 and 2021. Given the significant disparities in operating statistics between the pre-pandemic period and the



past two years, any comparison to 2019 and earlier would be out of context with the current reality. However, on a go-forward basis, comparisons would occur over multiple years.

## Ridership

Transit Windsor collects ridership data on a regular basis via the electronic fare boxes on board each bus. Administration continually monitors ridership trends for various purposes such as service changes and budgetary implications, as well as reporting statistics to the Canadian Urban Transit Association (CUTA) and the Ontario Ministry of Transportation (MTO) for Gas Tax funding.

### Overall Ridership

Total ridership for 2021, was 2,487,237 compared to 3,553,630 for 2020. This represents a decrease of 30% or 1,066,393 one-way rides. This decrease was expected due to the COVID-19 pandemic impacts and reduced service levels. The transit industry as a whole has experienced significant ridership losses for 2020 and 2021 due to the current pandemic situation. In comparison to pre-pandemic ridership in 2019 (8,430,750), 2021 ridership represents a decrease of 5,943,513 (70%). This is consistent with what other peer agencies have experienced, and indeed all transit systems are facing the same challenges with respect to ridership.

Of note, January to March, 2020 were still pre-pandemic and represented normal ridership. These three months accounted for a total of 2,109,406 passengers, almost equalling the overall total for 2021. This shows the significant impact of COVID-19 on ridership.

The chart below indicates ridership categories and the changes in each ridership group:

<b>RIDERSHIP STATISTICS</b>				
<b>AS AT DECEMBER 31, 2021</b>				
<b>COMBINED CASH AND PASS</b>	<b>2020</b>	<b>2021</b>	<b>Inc.(Dec.)</b>	<b>% Inc./(Dec.)</b>
Adult	1,854,935	1,167,707	(687,228)	(37%)
Youth (Including Children)	83,773	517,806 <sup>1</sup>	434,032	518%
Senior	200,794	325,850	125,056	62%
Student	1,380,319	475,874	(904,444)	(66%)
Tunnel	33,809	0	(33,809)	(100%)
<b>Combined Total</b>	<b>3,553,630</b>	<b>2,487,237</b>	<b>(1,066,393)</b>	<b>(30%)</b>

1. Youth category not introduced until October, 2020.

All categories other than “Youth” and “Senior” experienced a significant decrease in ridership. The main reason for the “Student” category experiencing such a significant decrease is due to both the University of Windsor and St. Clair College offering primarily online classes for the majority of students for most of 2021. Secondary school students were also strictly online in January of 2021 and from April to June of 2021, resulting in the suspension of the School Extra routes. The “Senior” category has traditionally represented significant ridership for Transit Windsor, and this trend has remained consistent despite the pandemic conditions.

The Province of Ontario had imposed various “lockdown” and “stay-at-home” orders throughout 2021, especially in January and April to June. This resulted in a significant ridership decrease for the majority of categories. It should be noted that upon the return to regular domestic service in September, 2021, ridership growth of 49% was observed compared to the same period in 2020. Transit Windsor was running on an enhanced Saturday schedule from January to September, 2021, at which point regular service resumed. As a result of staffing shortages, service was reduced back to Enhanced Saturday effective November 22, 2021. A reduction in service hours unfortunately will automatically lead to reduced ridership, given that the frequency and quality of service has been reduced, which reduces the attractiveness of the service to riders, many of whom will find alternatives.

In addition to government-imposed restrictions, Transit Windsor has been advised by the Windsor-Essex County Health Unit to limit bus capacity to no more than 40 passengers, which is 65% of the design capacity for a 40-foot transit bus. This measure also has a negative impact on ridership, since drivers are often forced to leave passengers behind at stops to keep passenger loads within mandated levels. These are otherwise willing customers who are denied service because the bus is deemed to be at capacity. In 2021, there were 864 reports of overloads (bus had reached capacity of 40 passengers) by Transit Windsor drivers, most of which (822) occurred during the period of full service in the fall of 2021 (averaging 51 overload reports per week from Sept. 6 to Dec. 26). Notably, Windsor remains one of the only large transit systems in Ontario with capacity restrictions. When resources are available, additional buses are prioritized to assist in carrying the passenger loads.

The Tunnel Bus route had no ridership for 2021. The Tunnel Bus has been suspended since March 19, 2020 due to the Canada-United States border closure to non-essential traffic. This service suspension has continued into 2022 with no determination of a resumption date at this time as we continue to experience challenges with COVID-19-related border crossing requirements.

The newly created 518X Route, launched as a pilot in September 2021, has shown promising ridership performance since its introduction. For new route introductions, it takes time to build ridership, and industry best practices provide for an 18-24 month period to measure route performance. Ridership for the 518X was averaging 1,500-1,800 weekly prior to the introduction of the most recent pandemic restrictions at the end of December 2021, which exceeded expectations for new service, given the frequency of the route (35 minutes), existing capacity restrictions, and the fact that St. Clair College did not have 100% attendance on campus. As the TMP is implemented

and routes are changed and improved, this will in turn feed additional trips to the 518X as connections are further enhanced.

## Customer Service

Complaints, compliments, and suggestions related to transit service and customer service are logged through the Customer Service Request (CSR) database system, which is a shared system used by 311. All complaints received are investigated by Transit Windsor administration, and appropriate action is taken in all cases. The chart below provides a comparison on the various categories of complaints received from 2020 to 2021:

Categories	2020	2021	% Change	2020 Unsubstantiated	2021 Unsubstantiated
Driver's Skill (driving)	78	77	-1%	8	27
Schedule Adherence	66	79	20%	4	26
Operator/Passenger Conflict	36	38	6%	2	1
Passenger Bypass	106	68	-35%	2	15
Schedule Complaint	4	16	300%	4	1
Passenger Behaviour	4	8	100%	0	1
General Complaint	398	295	-26%	13	69
Route Suggestions	1	5	400%	0	0
Schedule Suggestion	2	4	100%	0	1
New Service Request	3	1	-67%	0	0
Bus Shelter Suggestions	12	16	33%	0	0
Compliments	28	37	35%	0	2
Bus Stop Suggestion	7	10	43%	0	13
Total	741	655	-12%	33	156
Verified Complaints per 100,000 riders	19.9	20.0	0.5%		

In 2021, Transit Windsor logged a total of 655 incidents, of which 156 were unsubstantiated (investigation revealed that the complaint was either invalid, or the complainant refused to provide further information). Although the raw number of customer contacts declined, the frequency per 100,000 riders remained flat. Of the 655 incidents logged, 6% were compliments, 5% were suggestions, and 89% were complaints. Compliments received increased by 35% over 2020. All compliments received are communicated to the driver responsible for recognition for a job well done.

The largest number of complaints fall into the “general” category, which are largely related to driver behaviour (attitude and treatment of passengers, speeding, etc.). These also account for the largest number of unsubstantiated complaints. Speeding complaints are investigated by use of the Automatic Vehicle Location software, where each bus is tracked by Global Positioning System (GPS) technology. In most cases, allegations of speeding prove to be false upon further investigation. Many of these complaints are a result of buses that are on detour due to road construction, and residents are unfamiliar and/or unhappy with buses being on their street. As mentioned above, driver behaviour incidents are reviewed and investigated by Operations management. The large number of “unsubstantiated” complaints relates to inadequate information provided, including dates, times, bus/route number, etc., or the complaint was found to be invalid upon further investigation. Schedule adherence complaints also remain high, likely a result of the changes in transit service levels that occurred throughout the year. During each schedule change, riders required time to adjust, required assistance to direct them to the correct schedules, and mainly demanded that transit service be returned to regular schedule.

Overall, given the challenging conditions under which Transit Windsor has been operating, customer issues are rare, and are handled efficiently by administration when received. Based on frequent industry discussion, Transit Windsor compares favourably to other peer transit systems on customer service metrics, and Transit Windsor strives to benchmark its own performance on industry best practices. All Transit Windsor drivers undergo a rigorous training program that focuses on safety and customer service. When new recruits are hired, previous customer service experience is emphasized.

## **Fleet Status**

Transit Windsor operates a fleet of 117 buses, all of which are 100% fully accessible. There are 29 diesel-electric hybrid buses, which represent approximately 25% of our fleet. The average age of the fleet in 2021 was 8.3 years, up from 7.0 years in 2020. Many of the buses in Transit Windsor’s fleet are over 15 years of age, and some are as old as 20 years of age. New fleet acquisitions received in 2020 (19) and planned deliveries for 2022 (24) will assist in reducing the average fleet age, which has a significant impact on maintenance costs, bus availability, and service reliability.

Due to the suspension of transit service in early 2020 and with a reduction in service to a Sunday schedule for most of the year, the total kilometres travelled in 2020 were 4,089,391. As Transit Windsor transitioned to an enhanced Saturday schedule for the majority of 2021, the total kilometres travelled increased to 4,779,817, an increase of 16.9%.

Fleet reliability has a direct impact on service reliability and customer satisfaction. Transit Windsor tracks in-service breakdowns and the reasons for same, in an effort to improve processes related to fleet maintenance and employ industry best practices in preventative maintenance programs. For 2021, the mean distance between failures (MDBF) was 18,313 kilometres, a significant improvement from 2020 where the MDBF was 10,540 kilometres. This improvement is attributable to better preventative

maintenance practices, as well as the replacement of 19 older buses (16% of the fleet) with new, modern equipment. The chart below details a breakdown of the reasons reported for bus change-offs in service, with virtually all categories showing reductions compared to 2020, despite a nearly 17% increase in fleet mileage:

<b>CHANGE OFF / IN-SERVICE DISRUPTION</b>			
		<b># of incidents</b>	
<b>Category</b>	<b>Description</b>	<b>2020</b>	<b>2021</b>
1	Brakes	13	14
2	Engine/Transmission	98	85
3	Fluids	42	21
4	No Heat/AC	13	2
5	Steering	2	4
6	Ramps/Wheelchair	14	8
7	Doors	16	12
8	Alarms/Batteries	10	9
9	Radio/Electrical	26	3
10	Tires	12	5
11	Suspension	4	3
12	Destination Signs	0	3
13	Accidents	3	5
14	Automatic Vehicle Location/Farebox	41	10
15	Vandalism	1	0
16	Biohazard Clean-Up	11	4
17	Miscellaneous	71	69
18	Air System	11	4
	<b>Total</b>	<b>388</b>	<b>261</b>

Towing - # of vehicles, reported above,

75

83

requiring a tow

Percentage of Towing to Change Offs

19.33%

31.80%

## Motor Vehicle Collisions

From 2020 to 2021 the total number of motor vehicle collisions (MVC) decreased by 36%. Of the incidents logged, the number of non-preventable collisions decreased by 33%. Non-preventable (not charged to a driver) collisions are incidents that occurred where the driver was assessed to have done everything reasonable in the circumstances to prevent the collision. These non-preventable collisions include incidents such as a bus being rear-ended because the vehicle behind was following too closely, the bus being struck while parked in a bus stop or bus bay, or an unsafe lane-change by a third-party vehicle resulting in a collision.

The major categories for preventable MVCs continue to be striking fixed objects (lamp posts, parked cars, etc.) sideswipes, and mirror strikes. Most collisions are minor, and do not result in bodily injury. As with customer complaints, fluctuations in service levels and hours year over year need to be taken into account when assessing trends with motor vehicle collisions.

The chart below provides a breakdown of preventable and non-preventable MVCs for 2020 and 2021:

Categories	2020	2021	% Change	Rate per 1,000,000 km 2020	Rate per 1,000,000 km 2021	Rate per 100,000 Service Hours 2020	Rate per 100,000 Service Hours 2021
Non-Preventable	36	24	-33%	10.1	9.6	22.5	12.2
Preventable	24	36	50%	6.8	14.4	15	18.2
Undetermined	7	5	-28%	1.9	2.0	4.4	2.5
Appeals (upheld)	1	0	-100%	-	-	-	-
Total	68	65	-4.4%	19.2	26.1	42.5	32.9

Total motor vehicle collisions declined over 2020; however, preventable MVCs increased compared to 2020. The increase in collisions can be partly explained by the increase in service hours and kilometres driven in 2021 compared to 2020, as well as an increase in traffic due to the stay-at-home and essential travel orders being lifted, and was a trend seen across the transit industry.



In 2020 and 2021, Transit Windsor saw the retirement of a significant number of experienced drivers, and the recruitment of many new operators, as well as the recall of all of the drivers placed on lay-off after the 2020 shut-down. Although training was conducted with all of the new and re-called staff, plans for additional defensive-driver training (now possible with the additional supervisory resource approved in the 2022 budget process) are in the works to ensure drivers have all of the tools necessary to avoid collisions.

**Risk Analysis:**

N/A.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A.

**Climate Change Adaptation:**

N/A.

**Financial Matters:**

Any increase in ridership will ultimately provide increased gas tax revenues in future years as the gas tax funding is based partly on ridership numbers. Windsor received \$4,546,653 in Provincial Gas Tax funding for the 2020/2021 year. The amount of gas tax funding to be received for the 2021/2022 year is \$4,537,529. The Ministry of Transportation will continue to monitor the impacts to key elements, such as municipal transit ridership and the availability of funding that is generated from the sale of gasoline, as these influence the Gas Tax allocations for the 2022-2023 program. With this in mind, it is difficult to determine what impacts COVID-19 may have on future gas tax funding for Transit Windsor. The Federal and Provincial Government did provide Transit Windsor with various grant funding allocations during 2020 to assist in offsetting the impacts of COVID-19 on transit. This grant funding included \$178,336 for enhanced cleaning, \$8,112,367 for Transit COVID-19 pressures experienced from April 1, 2020 to March 31, 2021 and \$5,691,300 for the period April 1, 2021 to December 31, 2021. At the time of writing this report, no additional funding has been announced for COVID-19 pressures to be experienced in 2022. Annual transit operating and capital budget variances are reported to City Council as part of the regular corporate variance reports.

**Consultations:**

Poorvangi Raval, Financial Planning Administrator for Transit Windsor, City of Windsor

Jason Scott, Planning Supervisor, Transit Windsor

Michael Duval, Operations Coordinator, Transit Windsor

Tony Houad, Senior Manager of Fleet & Support Services, Transit Windsor

## Conclusion:

Transit Windsor experienced substantial growth in 2019, and at that point in time, there was an expectation that the growth would continue to increase. However, 2020 and 2021 have been difficult years for the transit industry across the board, as no one could have anticipated the impacts of the pandemic on ridership and overall operations of the transit system. As detailed within this report, the impacts of the pandemic affected not only ridership, but also customer satisfaction and motor vehicle collisions. However, despite the challenges faced, Transit Windsor made improvements in fleet reliability and customer service metrics.

Transit Administration is hopeful that as 2022 progresses, and we return to a more “normal” life, that ridership will slowly start to rebound. The largest contributor to a ridership increase will be the resumption of in-person learning for the University of Windsor and St. Clair College. Around the world, the transit industry as a whole has experienced a significant loss in ridership as people have migrated to a work from home model, intermittent lockdown and stay-at-home situations, and fear from riders worried about contracting COVID-19 while taking transit. Transit Windsor will continue to work with industry associations such as the Ontario Public Transit Association and Canadian Urban Transit Association, as well as our industry partners to advocate for sustained funding for transit operations, to assist in rebuilding ridership and revenue. Moving forward, trends will continue to be monitored and service adjustments will be made as necessary to best meet the needs of riders and the wider community.

## Planning Act Matters:

N/A.

## Approvals:

Name	Title
Tyson Cragg	Executive Director, Transit Windsor
Christopher Nepszy	Commissioner, Infrastructure Services
Joe Mancina	Commissioner, Corporate Services CFO/City Treasurer
Jason Reynar	Chief Administrative Officer

## Notifications:

Name	Address	Email

## Appendices:





**Committee Matters: SCM 69/2022**

**Subject: Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7**

Moved by: Councillor Gill  
Seconded by: Councillor Holt

Decision Number: **DHSC 371**

- I. THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;
- II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

**16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)**

**16.10.1 PERMITTED USES**

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
<i>Commercial School</i>	<i>Place of Worship</i>
<i>Food Outlet - Take-Out</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Public Hall</i>
<i>Medical Office</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Restaurant</i>
<i>Micro-Brewery</i>	<i>Retail Store</i>

*9 or more dwelling units in a Combined Use Building with any of the above uses*

*Multiple Dwelling with 9 or more dwelling units*

*Residential Care Facility*

*Any use accessory to any of the above uses. An Outdoor Storage Yard is prohibited.*

### 16.10.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
  - For a *building* containing only non-residential uses 400.0 m<sup>2</sup>
  - For each *dwelling unit* 85.0 m<sup>2</sup>
- .4 Building Height – maximum 20.0 m
- .8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
- .15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.
- .16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback – minimum
  - a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of 10.0 m or less 0.0 m
  - b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m
  - c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m
  - d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m
- . 90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *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 north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

#### **“438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST**

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey *Combined Use Building* containing a maximum of 71 *dwelling units* plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m<sup>2</sup> minimum gross floor area with minimum parking requirement of

8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

- a) Section 16.10.5.15 of by-law 8600 shall not apply;
- b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
- c) *Dwelling units*, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;
- d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m<sup>2</sup> minimum gross floor area of non-residential use;
- e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use;
- f) 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
- g) 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/6323]



IV. 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) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
- b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
- c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
- d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
- e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
- f) Enbridge Gas minimum separation requirements;
- g) Adequate clearance from existing ENWIN's pole lines and power lines; and
- h) Canada Post multi-unit policy;
- i) SAR Snake mitigation measures as in the attached Appendix F to this report.

Carried.

Report Number: S 2/2022 & AI 4/2022

Clerk's File: ZB/14064 & ZO/14063

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are **not** the same.
2. Please refer to Item 7.1. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7**

**Reference:**

Date to Council: March 7, 2022  
Author: Justina Nwaesei, MCIP, RPP  
Senior Planner - Subdivisions  
519-255-6543, ext. 6165  
jnwaesei@citywindsor.ca

Planning & Building Services  
Report Date: January 14, 2022  
Clerk's File #: ZB/14064 ZO/14063

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;
- II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

**16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)**

**16.10.1 PERMITTED USES**

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
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<i>Medical Appliance Facility</i>	<i>Restaurant</i>
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*9 or more dwelling units in a Combined Use Building with any of the above uses*

*Multiple Dwelling with 9 or more dwelling units*

### *Residential Care Facility*

Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

#### **16.10.5 PROVISIONS**

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
  - For a *building* containing only non-residential uses 400.0 m<sup>2</sup>
  - For each *dwelling unit* 85.0 m<sup>2</sup>
- .4 Building Height – maximum 20.0 m
- .8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
- .15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.
- .16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback – minimum
  - a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of 10.0 m or less 0.0 m
  - b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m
  - c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m
  - d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m
- .90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *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 north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

#### **“438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST**

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), the following additional regulations shall apply:

- a) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*.

- b) 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.
  - c) 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/6323]

IV. 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:

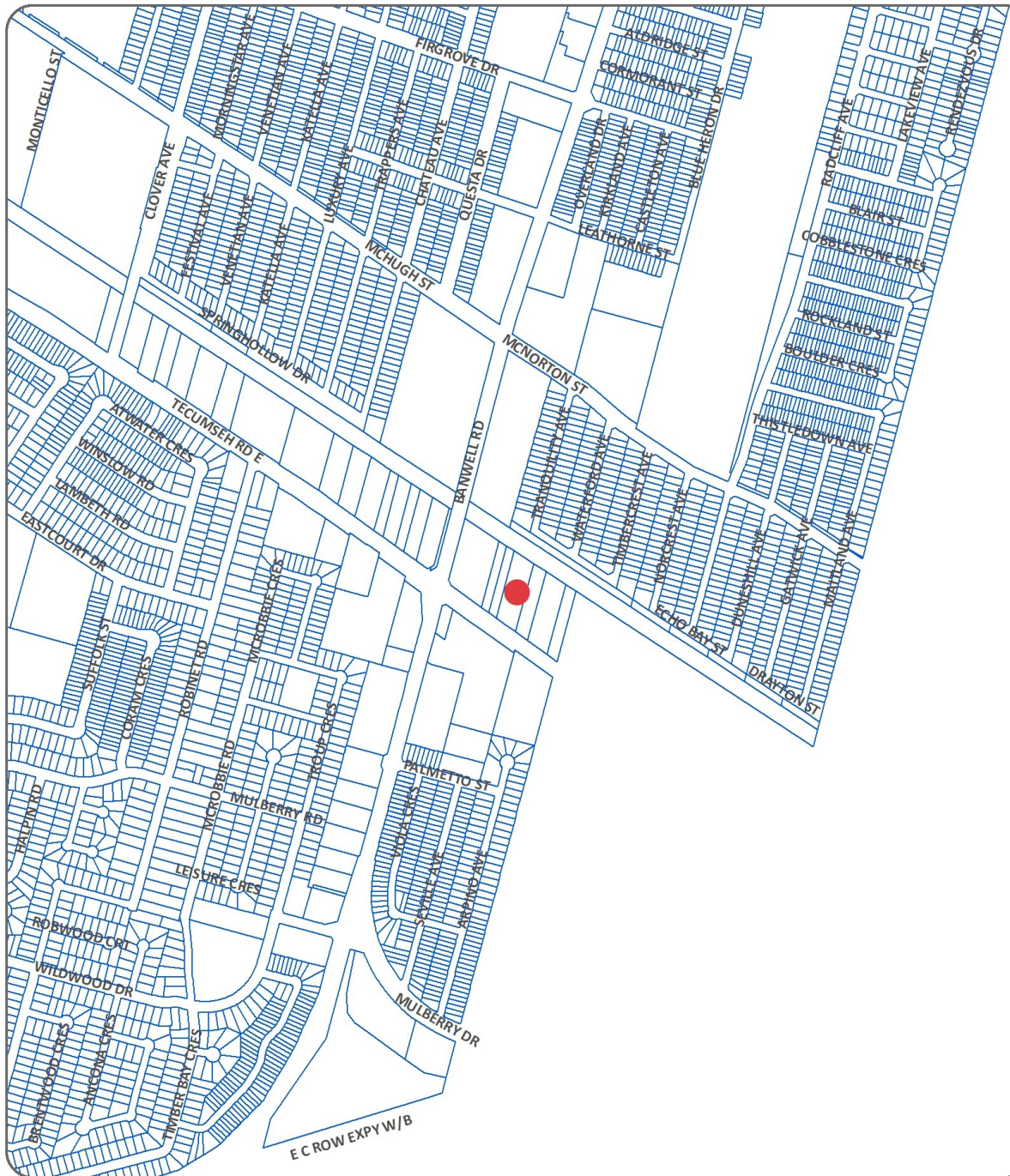
- a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
- b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
- c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
- d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
- e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
- f) Enbridge Gas minimum separation requirements;
- g) Adequate clearance from existing ENWIN's pole lines and power lines; and
- h) Canada Post multi-unit policy;
- i) SAR Snake mitigation measures as in the attached Appendix F to this report.

## **Executive Summary:**

N/A

## **Background:**

### **1. KEY MAP**



# KEY MAP - Z-005/21, ZNG-6323 & OPA 143 OPA-6324



● SUBJECT LANDS

## 2. APPLICATION INFORMATION

**LOCATION:** 11646 TECUMSEH ROAD E. [North side of Tecumseh Road E., west of the City's boundary with Town of Tecumseh; mid-block between Banwell and the City's east limit; municipally known as 11646 Tecumseh Road East.]

**APPLICANT:** Maple Leaf Homes Ltd. [c/o Bruno Cacilhas]

**AGENT:** ADA INC., ARCHITECT [c/o Tony Chau]

**PROPOSAL:** The applicant is requesting amendments to the Official Plan and Zoning By-law 8600 to permit a multi-unit residential development on the land municipally known as 11646 Tecumseh Rd. E.

The subject land is designated Industrial on Schedule D: Land Use, Official Plan Volume 1, and zoned Manufacturing District 1.2 (MD1.2) by Zoning By-law 8600. The applicant proposes to change the land use designation of the subject land from Industrial to Residential and change the zoning category from MD1.2 to RD3.1 to permit a 7-storey residential building (Condo development) with 90 residential units.

The applicant is also requesting the following site-specific zoning provisions:

1. *Decrease the minimum lot area from 9470m<sup>2</sup> to 6,258m<sup>2</sup>*
2. *Increase the maximum building height from 10m to 24.9m*
3. *Decrease the minimum front yard depth from 6m to 3m*
4. *Decrease the minimum side yard setback from 6m to 2.23m on the east side of the site*
5. *Decrease the minimum landscape from 35% to 25.3%*
6. *Decrease the minimum parking space requirement from 112 spaces to 90 spaces*
7. *No required visitor parking*

### SUBMISSIONS BY APPLICANT:

- Official Plan Amendment and Zoning Bylaw Amendment Application forms and fees;
- Concept Site Plan;
- Agreement of Purchase and Sale (signed Aug. 18, 2020);
- Employment Lands Review (dated Oct. 2021, prepared by Dillon Consulting Limited);
- Planning Rationale Report (dated Jan. 25, 2021, revised Oct. 24, 2021, prepared by Pilon-Abbs Inc.);
- Stormwater Management Report (dated Jan. 21, 2021, prepared by Aleo Associates Inc.);
- Transportation Impact Study (dated Jan. 2021, prepared by R C Spencer Associates Inc.);
- Noise Study (dated Jan. 11, 2021, updated Sep. 18, 2021, prepared by J.J Acoustic Engineering Ltd (JJA));
- Vibration Study (dated Jan. 11, 2021, prepared by Akoustik Engineering Limited);
- Tree Inventory and Preservation Study (dated Dec. 2020, prepared by Bezaire Partners);
- Topographic Survey (dated Dec. 7, 2020, prepared by Verhaegen Land Surveyors);
- Species at Risk Impact Assessment (dated Jan. 2020, prepared by Insight Environmental Solutions Inc).

## 3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
Industrial	Manufacturing District 1.2 (MD1.2) ZDM15	Vacant	Single Unit Dwellings (SUDs)
FRONTAGE	DEPTH	AREA	SHAPE
46.9m	Irregular	6,258 sq.m.	irregular
Note: All measurements are approximate			



4. REZONING MAP



## 5. NEIGHBOURHOOD CHARACTERISTICS

### NEIGHBOURHOOD MAP



## **SURROUNDING LAND USE**

The subject land is in an area with a mix of uses. There are commercial and industrial uses, plus two low profile residential developments of the single unit dwelling type (at 11744 & 11788 Tecumseh Rd E.) within the affected City block.

### **North** of the subject land:

VIA Rail Corridor and on the north side of the rail corridor are low Profile Residential developments (Single Unit Dwellings) and a Place of Worship (Banwell Community Church).

### **South** of the subject land:

Tecumseh Road right-of-way and on the south side of the municipal right-of-way are Financial Office, Funeral Home (Windsor Chapel) and a Retail Store (Metro).

### **East** of the subject land:

A repair garage with spray booths abuts the east lot line of the subject land; next east are a warehouse and 2 legal non-conforming single unit dwellings. Further east are developments in the Town of Tecumseh.

### **West** of the subject land:

A Pool Contractor's Office with accessory retail store abuts the west lot line of the subject land; next west is a vacant land, followed by a Pharmacy and Retail Store (Shoppers Drug Mart) abutting Banwell Road right-of-way.

## **MUNICIPAL INFRASTRUCTURE IN THE SUBJECT AREA**

- The City's records show that there is a 750mm diameter concrete pipe storm sewer and a 375mm diameter polyvinylchloride pipe sanitary sewer within Tecumseh Road East right-of-way, along the south side of the R.O.W. The sewers are available to service the subject land and other lands in the immediate area.
- On both sides of Tecumseh Road R.O.W, there are curb & gutter, concrete sidewalks, LED street lights, and hydro poles with overhead wires in the subject area.
- There are water mains, fire hydrants, and telecommunications & Fibre Optics in the subject area.
- 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 240 metres from the subject property.
- Tecumseh Road E. is classified as Class II Arterial Rd in the Official Plan.

## **Discussion:**

As a matter of background, the subject land is located within an employment area that is situated on the north side of Tecumseh Rd E., extending from the east limit of the City of Windsor to the Rail Corridor east of Jefferson Blvd. The subject broader area described above is designated in the official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. There are also some commercial lands within the noted area.

### **1. PROVINCIAL POLICY STATEMENT (PPS) 2020**

Provincial Policy Statement 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. This 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.

Section 2 of the Planning Act states 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 such as*

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development; ”*

This part of the discussion focuses on the relevant PPS policy directions regarding the above noted provincial interests in relation to the subject amendments:

**PPS Policy 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;*
- 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 subject land is situated midblock between Banwell Road and the east limit of the City and was previously occupied by two single unit dwellings that have been demolished; thereby, creating the opportunity for a more efficient use of the land. The proposed amendments will promote efficient development and land use pattern in the subject area.

The amendments will facilitate the redevelopment of an industrial land in a manner that promotes efficient development, such as the proposed multi-unit residential use, on the subject land. The recommended amendments 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 Traffic and Stationary Noise Impact Study, dated January 11, 2021 and updated September 18, 2021, by JJ Acoustic Engineering Ltd, indicate that the potential environmental noise impact from road traffic and stationary noise is significant. According to the Study, *“the proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components.”* The noise warning clauses will be required for each unit. These mitigation measures will be integrated into the Site Plan review and approval process for the proposed development on the subject site.



With respect to policy 1.1.1(d), there are existing developments abutting both sides of the subject land; therefore, the proposed amendments will **not** prevent the efficient expansion of the settlement areas (City of Windsor and Town of Tecumseh).

The subject land and area are currently serviced by existing infrastructure, electricity generation facilities, electricity transmission and distribution systems, and public service facilities per policy 1.1.1(g).

With respect to 1.1.1(i) – Existing active transportation, nearby public transit service and, the fact that people can live and work in their neighbourhood, all contribute to reduction in carbon footprint and 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 mostly 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) 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) adjacent to the subject land and transit services nearby on Banwell Road. The proposed redevelopment/infill development creates an increase in residential density, which in turn supports public transit. The subject land has frontage on Tecumseh 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. Perhaps, this phrase expects us to 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 amendments **have to be** designed in a manner that shows regard for existing building stock or area within the City of Windsor boundary.

The recommended amendments promote the opportunity for a transit-supportive development that can be designed to take into account existing building stock or areas. The subject 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 block within the City. Comment received from the abutting major facility (VIA Rail Canada) states that they are *“not enthused about the introduction of a new high-density residential development abutting our busy railway corridor due to the obvious incompatibility. New industrial, commercial or manufacturing would be our preferred adjacent land uses.”*

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 of Windsor propose to approve the residential land use applications, VIA requests that the Zoning Amendment include our 30m building setback requirement.”* In addition, VIA requires that *“any new residential development would be expected to address noise, vibration and safety measures to both the Municipality’s and the Railway’s satisfaction.”*

As noted already in this report, a noise report was submitted by the applicant. Please refer to the discussion under policy 1.1.1(c) above. One of the recommended warning clauses (WARNING CLAUSE E) pertains to the abutting Rail Corridor (VIA Rail). A vibration study was also submitted by the applicant. The measured vibration data demonstrated that the ground vibration levels due to rail traffic on the nearby rail corridor do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada’s criteria of 0.14 mm/s RMS velocity. The study concludes that vibration abatement is not required for the proposed development on the subject site. Berms and fences are additional safety measures typically required for developments on lands abutting rail corridors and yards. This report recommends those safety measures including the 30m separation requirement.

### **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 development 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 Report dated October 2021, prepared by Dillon Consulting Ltd. According to the report, a review of the designated employment lands in the City of Windsor reveals that approximately 982 hectares are deemed to be vacant and viable for development, which includes the subject site. The report further notes that *“The subject site requested for conversion total 0.63 hectares (1.56 acres), representing approximately 0.06% of the City’s estimated vacant employment lands inventory.”* According to Dillon Consulting’s October 2021, Employment Land Review, 981.37 hectares of vacant employment lands would remain available should the subject land be converted and removed from the employment lands inventory. Furthermore, the 2021 Employment Land Review by Dillon Consulting shows the projected demand for employment lands in the City of Windsor to the year 2026 is estimated to be between 400 and 500 hectares. In the opinion of the planning consultant, the Employment Land Review dated October 2021, *“demonstrates that the employment lands of the subject site are surplus to the supply by the City of Windsor over the 25 year planning period, and that the removal of the subject property from the Employment Lands inventory will have no adverse impact on the City’s ability to accommodate employment growth in the future.”*

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.

Based on the applicant’s development proposal, the planning analysis (5.0) in the Planning Rationale Report submitted for these amendments, the Employment Land Review by Dillon, and the discussion under policy 1.3.2.4 above, 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 use 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 redevelopment and infilling of a vacant industrial land previously occupied by two single unit dwellings that were demolished more than 14 years ago. These amendments will encourage commercial activities at street level, while accommodating residential use on the site.

The proposed multi-unit residential use 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 consistent with policy 1.6.6.2 of the PPS.

#### *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. In addition, stormwater management plan for the subject development is required to be completed in accordance with regional guidelines. Therefore, 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, required noise study and vibration study were submitted by the applicant as part of a complete application for the requested amendments. The Noise Study recommends mitigation measures, including ventilation requirements, special building components and noise warning clauses as summarized in the Study. The Vibration Study did not require any vibration abatement to reduce the vibration levels at the proposed development site.

#### 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 Jan 2020, prepared by Insight Environmental Solutions Inc., for the subject land, along with response letter from Ministry of Environment, Conservation and Parks (MECP). The conclusion and recommended mitigation measures for the Species at Risk Impact Assessment are included in Appendix F, attached to this planning report.

EXCERPT FROM MECP'S MARCH 26, 2021 RESPONSE TO THE APPLICANT'S BIOLOGIST: *"MECP notes that the proponent has committed to mitigation measures being implemented as part of the project to ensure that unanticipated impacts to SAR do not occur. We encourage the proponent to carry out these mitigation measures. Further, it is recommended that you and the proponent continue to monitor for SAR activity during the course of the project to document changes, in the event that there should be any".*

**Summary:** With respect to the PPS policies discussed in this report, I am of the opinion that the requested amendments are consistent with relevant policies of the PPS 2020 as shown in this report. 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 supports the employment land conversion.

## 2. OFFICIAL PLAN (OP)

The subject land is designated **Industrial** in the Land Use Schedule D of the OP Vol. 1.

Section 3.3.2, OP Vol. 1 states that Corridors represent the backbones of the urban network structure. City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. Tecumseh Road is classified as a *City Corridor* in the Urban Structure Plan, Schedule J, OP Vol. 1. These corridors are intended to provide services for those living in close proximity to the area but also those who may arrive by transit, bicycle and by car, (3.3.2.1, OP Vol. 1.) These City Corridors have higher density employment and residential opportunities, with a significant amount of retail to support everyday needs and needs beyond the day.

Section 4.2.1.5, OP Vol. 1 encourages a mix of housing types and services to allow people to remain in their neighbourhoods as they age.

Section 4.2.3.1, OP Vol. 1 encourages a mix of uses.

Section 4.2.3.4, OP Vol. 1 requests the accommodation of appropriate range and mix of housing.

Council's land use goals, in keeping with the Strategic Directions, are to achieve "*Housing suited to the needs of Windsor's residents*" (6.1.3, OP Vol. 1), "*The retention and expansion of Windsor's employment base*" (6.1.4, OP Vol. 1) and "*Pedestrian oriented clusters of residential, commercial, employment and institutional uses*" (6.1.10, OP Vol. 1), among others.

The Employment Land Review submitted by the applicant supports the proposed conversion of the 0.63 hectare (1.55 acres) employment land and states 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 Industrial to Mixed Use promotes Council's goals as shown in 6.1.3 and 6.1.10 of OP Vol. 1.

**Section 6.2.1.2 (OP Vol. 1): Types of Development Profile** – Development Profile refers to the height of a building or structure and it applies to all land use designations in Schedule D unless specifically provided elsewhere in OP Vol. 1. It should be noted that the existing building stock in the area between Banwell and the City of Windsor east limit generally have building heights no greater than three storeys. Based on the heights of surrounding structures in the subject area, compatibility in terms of massing, scale and height would be less challenging if a low or medium profile development is permitted on the subject land.

As noted already, the subject employment area is designated industrial in Schedule D: Land Use, Official Plan, Volume 1. Below are the relevant policies that guide the proposed conversion of employment lands to non-employment use:

6.4.2.7- Council **may support** the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:

- (a) the proponent can demonstrate that:
  - (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and
  - (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.

The Employment Land Review and Planning Rationale Report submitted by the applicant both indicate that the proposed redevelopment of the subject site would not be detrimental to other uses in the area and is in keeping with the long term transition of the entire area. The subject land is not within a Development Constraint Area per Schedule C, OP Vol.1. The environmental conditions of the site do not preclude development.

As shown below, the recommended amendment to this Plan (OPA 143) is consistent with the appropriate policies for the desired land use (the Mixed Use designation), per s.6.4.2.7 (c).

Following a detailed review of the relevant PPS policies and OP land use policies in the Primary Plan, it is my opinion that the conversion of the employment lands to a **Mixed Use land use designation** is more appropriate for the subject land in the subject Area. Analysis of the Mixed Use designation is provided below.

**6.9 – Mixed Use Land Use designation:** The lands designated as "Mixed Use" on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional,

open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following are relevant objectives and policies that help establish the framework for development decisions in Mixed Use areas.

**6.9.1 - *Mixed Use Objectives:***

6.9.1.1 - To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses

6.9.1.2 - To encourage a compact form of mixed use development.

**6.9.2 - *Mixed Use Policies:***

6.9.2.1 - ***Uses permitted*** in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, ***exclusive of small scale Low Profile residential development***. The recommended OPA#143 and ZBA do not permit small scale low profile residential developments.

6.9.2.2(a) - ***Form of Mixed Use Area - MIXED USE CORRIDORS*** which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade. This report recommends a *Mixed Use Corridor* form of development due to the land use pattern in the subject area. Note that a *Mixed Use Centre* is not appropriate form of Mixed Use in the subject area.

6.9.2.3 – ***Locational Criteria*** - see Appendix B attached to this report.

The locational criteria in s.6.9.2.3 are satisfied. The subject land has direct access to a Class II arteria Road (Tecumseh Rd E.); full municipal services are available in the subject area; transit Windsor Bus service is available within comfortable walking distance from the subject land; and the subject land is in an area with a mix of uses (employment, commercial and residential uses).

6.9.2.4 - ***Evaluation Criteria*** – see Appendix B attached to this report.

The applicant's Noise Study and Vibration Study for the proposed amendments suggest that the proposed residential development is feasible in the subject location, provided all recommended mitigation measures and warning clauses are adhered to. The subject area is not within a secondary plan. The evaluation criteria in sections 6.9.2.4(a) & (b), OP Vol. 1 are satisfied. Full municipal services are available in the area and emergency services can be provided. Therefore, s.6.9.2.4 (c), OP Vol. 1, is satisfied.

This report does not recommend a reduction in required parking spaces; therefore, the developer is required to provide parking in compliance with the Zoning By-law 8600. The applicant's conceptual development proposal does not fulfill the Official Plan off-street parking requirement, but the subject development can be designed to provide adequate off street parking per s.6.9.2.4 (d), OP Vol. 1.

The concept plan shows a pedestrian oriented design, which satisfies s.6.9.2.4 (e), OP Vol. 1. The recommended amendments contain provisions that would guide the design of a compatible development on the subject land per s.6.9.2.4 (f), OP Vol. 1. The scale, massing and building height require special design considerations in order to achieve compatibility with the abutting area. The compatibility requirement in policy 6.9.2.4 (f) of the OP, will be further examined through the Site Plan Review and Approval process.

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.

11.6.3.3 - Zoning By-law Amendment **Evaluation Criteria** – see Appendix B hereto attached.

This planning report considered the relevant evaluation criteria in the Land Use Chapter of the OP, as well as the recommendations and conclusions contained in the required support studies submitted by the applicant. The relevant provincial policies and comments and recommendations of municipal staff and circularized agencies were also considered in this report. A decision to approve the requested zoning by-law amendment could trigger the loss of employment uses and lands on adjacent or similar lands. However, based on the findings in the 2021 Employment Land Review submitted by the applicant, any request for conversion of adjacent lands to non-employment uses could similarly be accommodated.

Based on the above analysis of the relevant policies and objectives of the OP, together with the zoning analysis below, I am of the opinion that the recommended zoning by-law amendment will be in conformity with the Official Plan when OPA#143 comes into effect.

### 3. ZONING

As noted already in this report, the subject land is zoned Manufacturing District 1.2 (MD1.2) by the City of Windsor Zoning By-law 8600. Excerpts from Zoning By-law 8600 hereby attached as Appendix C to this report, show the MD1.2 zone does not permit residential use.

The applicant proposes to amend the zoning of the subject land from MD1.2 to RD3.1 (Residential District 3.1) to permit a *Multiple Dwelling* on the land. There is an accompanying Official Plan Amendment (OPA #143). Details of the proposal are found on page 5 of this report.

Upon a thorough review of the Zoning Categories in By-law 8600, along with the Mixed Use land use policies of OP Vol. 1, it was determined that a new zoning category would be required for the subject development because the RD3.1 zoning district is not suitable for the recommended Mixed Use designation. Furthermore, the existing zoning categories (CD3.2 and CD3.5) for mixed use developments permit *small scale low profile residential developments*, which are not permitted in the Mixed Use designation. Consequently, a new zoning district, Commercial District 3.10 (CD3.10) under By-law 8600, as shown in Recommendation II of this report, is being recommended for approval. In addition, site-specific provisions that are different from the applicant's request but implement the OP rail safety policies, are recommended for approval. See Recommendation III of this report.

The applicant's request for an increase in building height from 10 m to 24.9 m has been considered and a 20m maximum building height is being recommended in this report, so as to encourage a medium profile development with a maximum of 6 storeys (see OP section 6.2.1.2.) The recommended height allows for intensification while paying close attention to building height compatibility with surrounding uses in the subject area.

Since the applicant has challenges with provision of required parking for the proposed 90 dwelling units, it makes sense to anticipate a reduction in number of dwelling units. The recommended minimum lot area provision of 85 m<sup>2</sup> per dwelling unit is deemed appropriate for the subject land.

The applicant's request for reduction in the (i) minimum lot area (ii) minimum front yard depth (iii) minimum side yard setback on the east side of the site; (iv) minimum landscape open space, and (v) minimum parking space requirement, with zero visitor parking, would suggest that the proposed development is excessive for the subject site area. The proposed development as shown in the conceptual site plan is not compatible with the surrounding area (within the City) in



terms of scale, massing, height, setbacks, parking and amenity areas / landscape areas. Furthermore, the applicant's request for site-specific zoning provisions are based on their proposed RD3.1 zoning district for the subject land, but this report recommends the CD3.10 zoning district with other site-specific provisions. Therefore, the applicant's proposal would need to comply with CD3.10 and S.20(1)438 as found in this report. The recommended new zoning district with the recommended site-specific provisions are intended to lead to a development proposal that will conform with OPA#143 and other relevant OP policies.

Section 24.20.5.1 (Required Parking Spaces) of Zoning Bylaw 8600 contains the following:

*“Combined use building - Dwelling Units”* and *“Multiple dwelling containing a minimum of 5 dwelling units”*, the minimum required parking is 1.25 spaces for each dwelling unit.

In line with the above, 112 parking spaces minimum are required for the proposed 90 dwelling units. The required residential parking spaces shall be clearly marked and separated from the commercial parking spaces on the subject land. With respect to visitor parking requirements, a minimum of 15% of parking spaces shall be marked for visitor parking.

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 under OFFICIAL PLAN section of this report, the recommended amendment will conform with the OP when OPA#143 comes into effect; therefore, the draft by-law can be passed at the appropriate time.

#### 4. RESIDENTIAL INTERIM CONTROL BY-LAW

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. Residential Interim Control By-law 103/2020 (RICBL) came into effect in the City of Windsor on July 13, 2020.

On July 13, 2020, Council adopted CR364/2020 directing that land use study be undertaken to consider, among other things, residential density and the appropriate location for higher density residential uses in the City of Windsor. The study will review the Official Plan and Zoning By-laws 85-18 and 8600 with respect to land use policies and provisions related to higher density dwellings such as, but not limited to, Group Home, Lodging House, Residential Care Facility, Shelter, and any dwelling with five or more dwelling units within the City of Windsor.

“The main purposes of the study are to:

- 1) Review those definitions that relate to dwellings and dwelling units, or are residential in nature;
- 2) Review zones, zoning districts, and provisions to determine an appropriate range of permitted residential uses and provisions, including merging zones and zoning districts and to ensure that the zones, zoning districts and provisions are consistent with the Provincial Policy Statement 2020 (PPS), especially, but not limited to, Policy 4.4 that requires the implementation of the PPS in a *“manner that is consistent with the Ontario Human Rights Code”* – and are consistent with the policy direction of the Official Plan;
- 3) Ensure compatibility with existing development, while allowing or encouraging certain areas to evolve to a higher-density and/or higher profile residential development.”  
[excerpt from Report C141/2020]

Interim Control By-law (ICBL) 99-2021 came into effect on June 7, 2021 and extended the effective date of RICBL 103-2020 to July 13, 2022. The extension allows for the additional time required to complete the land use study commenced under the IRCBL 103-2020, and provides

the necessary time to implement, if deemed appropriate, the findings of the land use study including any amendments to the Official Plan and /or Zoning By-laws.

The following criteria are hereby deemed acceptable for determining if the proposed development can be exempt from the RICBL:

- *Conformity with the Official Plan* – As noted already in this report, the subject development will be in conformity with the Official Plan when OPA 143 is in effect.
- *Distance to Nearby Services and Amenities* – Neighbourhood Parks, Schools, Places of worship, restaurant and retail store are within a 1.4 km or less walk. The proposed development is within an acceptable distance to nearby services and amenities.
- *Distance to Public Transit* - Existing Lauzon 10 route runs along Banwell and provides service to the subject land and surrounding area. The closest existing bus stop is located at the northeast corner of Banwell and Tecumseh Rd E. The bus stop is approximately 240 metres from the subject property. The proposed development is within an acceptable distance to public transit.
- *Potential for impact on the Land Use Study* - The recommended Zoning By-law amendment meets the three criteria analyzed above. Furthermore, the subject area already has a mix of uses as noted in this report. The City's Urban Structure Plan classifies Tecumseh Rd as a City Corridor. Along City Corridors, the OP states that "*Residential development may include high profile, medium profile, and residential over retail at street.*" (see s.3.3.2.1, OP Vol. 1). Therefore, conflict between the proposed development and the land use study is not anticipated.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should the request for an amendment to Zoning By-law 8600 be approved, and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

## 5. 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 would be required.

Please note that Site Plan Control is the more appropriate planning tool for addressing the following requirements, among others, of municipal departments and external agencies contained in the attached Appendix D of this report as well as the recommendations contained in the Studies submitted by the applicant for these amendments:

- a) noise mitigation measures recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
- b) appropriate safety measures per section 7.2.8.8 (d), OP Vol. 1;
- c) redundant curb cuts, video inspections and existing sewers and connection;
- d) preservation of 2 existing Burr Oak (Tress #4 & #9 on applicant's Tree Preservation Plan) and one large Red Maple (Tree #6 on applicant's Tree Preservation Plan);
- e) provide necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge;
- f) provide and maintain a minimum separation of 0.3m from all of Enbridge plant;
- g) provide adequate clearance from existing ENWIN's pole lines and power lines;
- h) Canada Post's multi-unit policy; and
- i) SAR Snake mitigation measures as in Appendix F, attached.

## **Risk Analysis: Climate Change Risks**

### **Mitigation:**

- Encourage the use of existing public transit and promote active transportation (the use of existing & future sidewalks and bike lanes) in the area; thereby, reducing carbon footprint.
- Minimize run-off from impervious surfaces (e.g. 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. 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 has reservations about the introduction of a new high-density residential development abutting their busy railway corridor. If approved, VIA requests that the Zoning Amendment include their 30 m building setback requirement and appropriate safety measures. This report recommends the 30 m building setback requested by VIA and applicable safety measures.

#### **2. 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 OPINION AND CONCLUSION:**

The proposed medium density 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 proposal, provided there is consistency with the PPS and conformity with the OP.

The recommended Mixed Use designation and CD3.10 plus site-specific zoning provisions [s.20(1)438] will facilitate the proposed conversion of the subject employment land for a medium profile residential development. The recommended employment land conversion to non-employment use(s) is supported by Employment Land Review and Planning Rationale Report submitted by the applicant.

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 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.

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 143 comes into effect.

The amendments constitute good planning and 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

**SAH, Commissioner, Legal & Legislative Services**

**JR, Chief Administrative Officer**

### 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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

### Notifications:

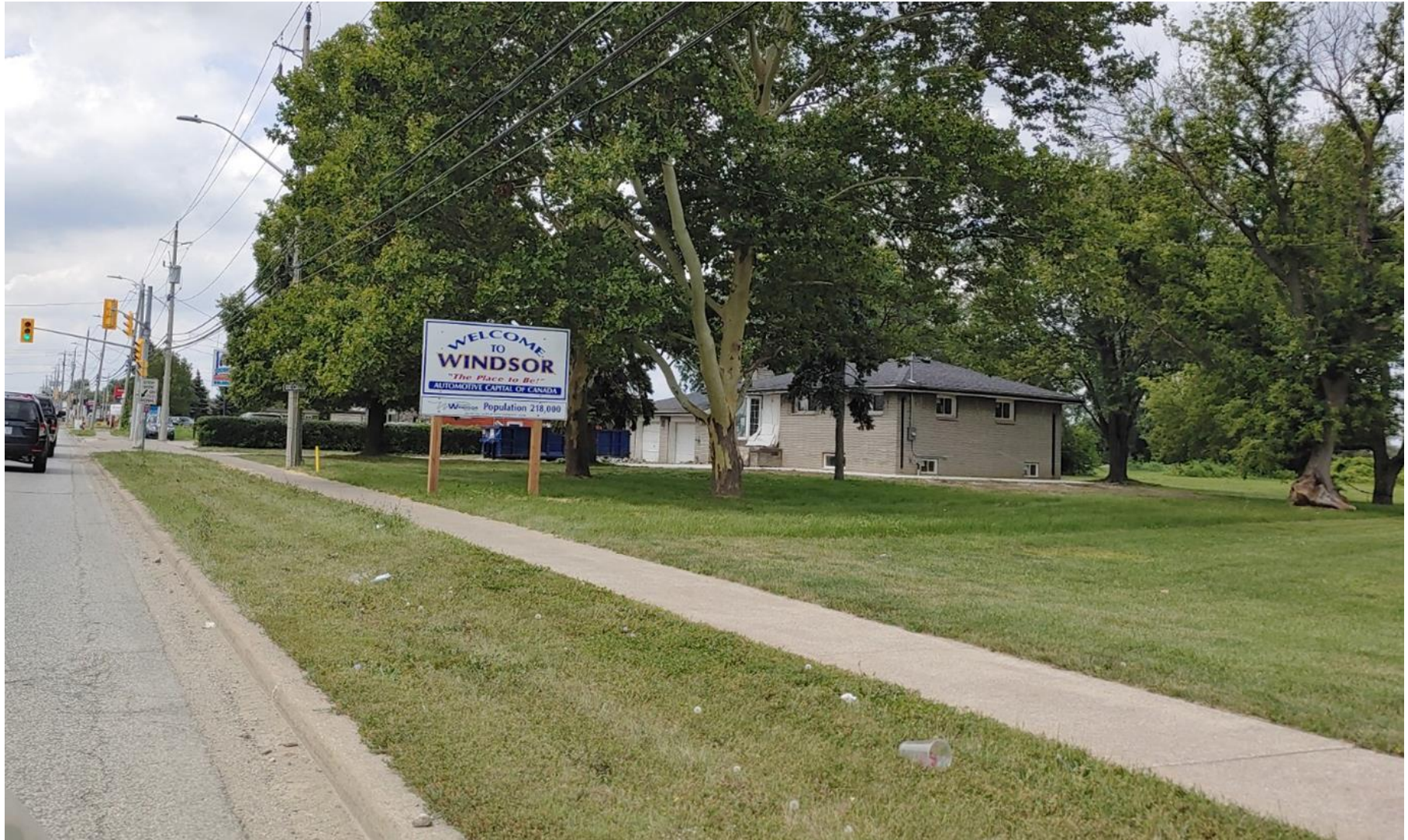
Name	Address	Email
Abutting property owners and tenants within 120 meter (400 feet) radius of the subject land		
<b>Neighbouring Municipality:</b> Town of Tecumseh (c/o Brian Hillman)	Town Hall, 917 Lesperance Road, Tecumseh, ON, N8N 1W9	<a href="mailto:info@tecumseh.ca">info@tecumseh.ca</a> and <a href="mailto:bhillman@tecumseh.ca">bhillman@tecumseh.ca</a>
<b>Applicant:</b> Maple Leaf Homes Ltd. (c/o Bruno Cacilhas)	1288 Hawthorne dr., Windsor ON N0R 1V0	<a href="mailto:Mapleleafhomes@live.ca">Mapleleafhomes@live.ca</a>
<b>Agent:</b> ADA Inc. Architect (c/o Tony Chau)	1670 Mercer Street, Windsor ON N8X 3P7	<a href="mailto:tchau@ada-architect.ca">tchau@ada-architect.ca</a>
<b>Planning Consultant:</b> Pillon-Abbs Inc. [c/o Tracey Pillon-Abbs]	23669 Prince Albert Rd., Chatham, ON N7M 5J7	<a href="mailto:tpillonabbs@gmail.com">tpillonabbs@gmail.com</a>
Councillor Jeewen Gill	350 City Hall Square West - Suite 220, Windsor, ON, N9A 6S1	<a href="mailto:jgill@citywindsor.ca">jgill@citywindsor.ca</a>

### Appendices:

- |  |  |
|--|--|
| 1 Appendix A, Site Photos                      | 6 Appendix E-2, Data for Concept Site Plan                             |
| 2 Appendix B, Excerpt from OP                  | 7 Appendix F, Excerpts from Reports and Studies submitted by applicant |
| 3 Appendix C, Excerpts from Zoning By-law 8600 | 8 Appendix G, DRAFT OPA 143  |
| 4 Appendix D, Consultations                    | 9 Appendix H - DRAFT Zoning By-law, Z-005-21                           |
| 5 Appendix E-1, Concept Site Plan              |  |



## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



### Windsor /Tecumseh Boundary

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## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



11744 Tecumseh Rd E.

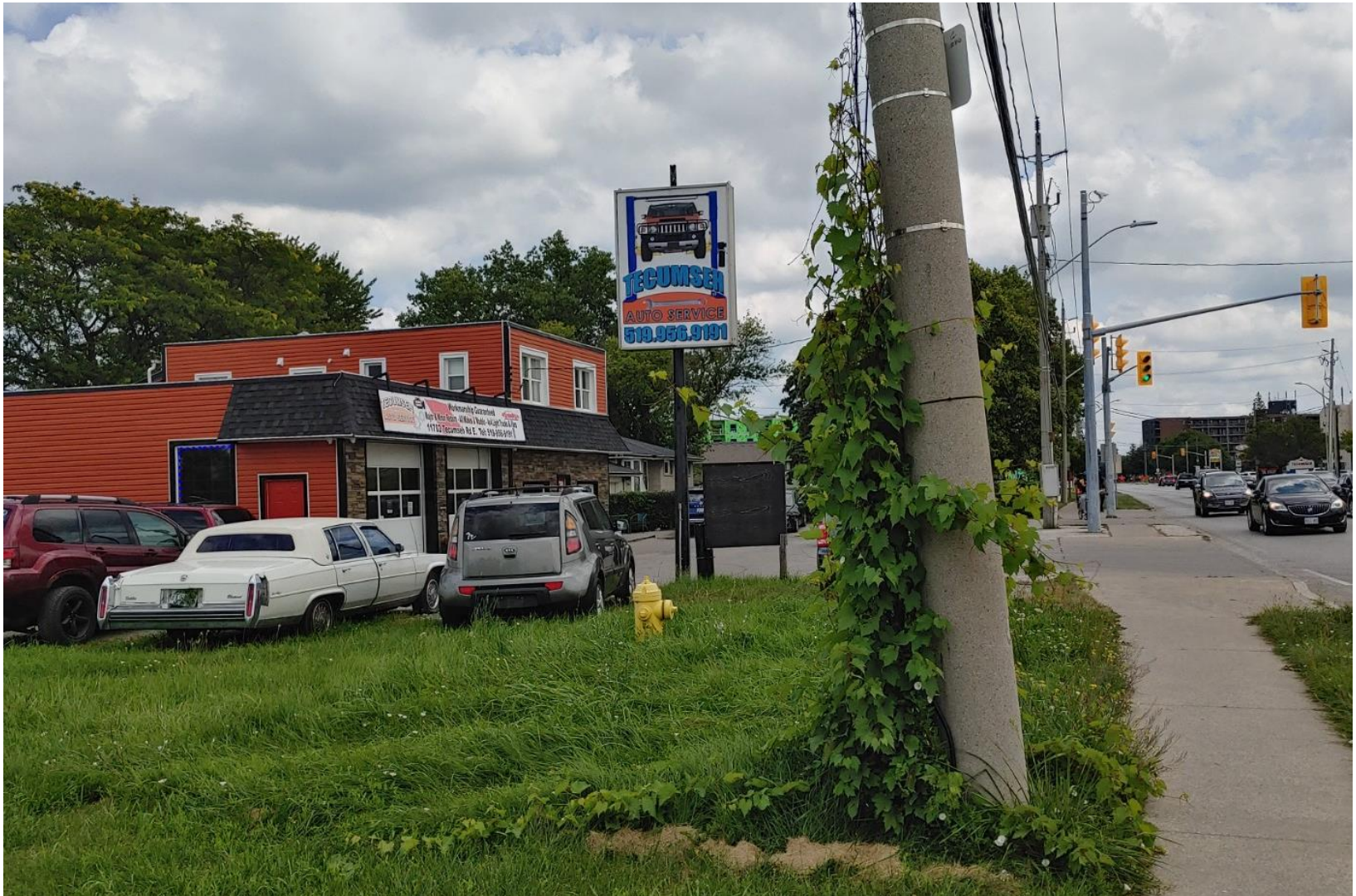
*These two are the remaining homes on the subject block between Banwell and the City's east limit*



11788 Tecumseh Rd E.



## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



11702 Tecumseh Rd E., abutting east of the subject land





**VACANT SUBJECT LAND**  
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## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit    Files Z-005/21 & OPA143



East wall of 11624 Tecumseh Rd E., abutting west of the subject land



## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit    Files Z-005/21 & OPA143



West view of 11624 Tecumseh Rd E., abutting west of the subject land



## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit    Files Z-005/21 & OPA143



Street view of Tecumseh Rd E. looking west of the subject land

## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



View of Tecumseh Rd & Banwell intersection, from the subject land



## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit    Files Z-005/21 & OPA143



Street view of Tecumseh Rd E. looking east from 11624 Tecumseh Rd E.



## APPENDIX A – SITE PHOTOS – August 7, 2021 site visit    Files Z-005/21 & OPA143



Street view looking east from the subject land

## APPENDIX B – EXCERPTS FROM OFFICIAL PLAN VOLUME 1

### OP Volume 1 – Primary Plan

## 6. Land Use

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### 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>VIALE AREAS</i>	6.4.1.9	To maintain and develop viable industrial areas.

*VISIBLE LOCATIONS*      6.4.1.10      To provide highly visible and attractive locations for business park development.

*COMPREHENSIVELY PLANNED*      6.4.1.11      To promote comprehensively planned employment areas.

## **6.4.2 General Policies**

*SUFFICIENT SUPPLY*      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.

*ATTRACT BUSINESS*      6.4.2.2      Council shall encourage businesses and industries to locate and expand in Windsor.

*CITY PARTICIPATION*      6.4.2.3      Council shall facilitate economic investment by:

- (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.

*SITE PLAN CONTROL*      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.

*HERITAGE CONSERVATION*      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.

*CONTAMINATED SITES*      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.

*AREAS IN TRANSITION*      6.4.2.7      Council may support the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:

- (a) the proponent can demonstrate that:

- HIGH QUALITY DESIGN*
- 6.4.2.8
- (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and
  - (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)

### 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.

- 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;

ANCILLARY  
USES

6.4.3.2

- (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)

In addition to the uses permitted above, Council may also permit the following ancillary uses in areas designated as Industrial on Schedule D: Land Use without requiring an amendment to this Plan:

- (a) Open Space uses;
- (b) convenience stores and restaurants provided that:
  - (i) by their size the uses are designed to serve the employees in the Industrial area; and
  - (ii) the evaluation criteria of policy 6.5.3.7 are satisfied.
- (c) 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
  - (ii) the evaluation criteria of policy 6.5.3.7 are satisfied, with the exception of the requirement that the proponent demonstrate that market impacts on other commercial areas is acceptable.
- (d) Motor vehicle sales; club; athletic or sports facility; wholesale store; the sale of goods produced by an industrial use and accessory thereto; retail sale of building supplies and materials, home improvement products, nursery products. (amended by OPA #22 – 07/16/02)

LOCATIONAL  
CRITERIA

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;
- (b) there is access to an arterial road;
- (c) full municipal physical services can be provided;
- (d) industry related traffic can be directed away from residential areas;



- (e) peak period public transportation service can be provided;  
and
- (f) there is access to designated truck routes.

## 6.9 Mixed Use

The lands designated as “Mixed Use” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use areas.

### 6.9.1 Objectives

<i>MULTI-FUNCTIONAL AREAS</i>	6.9.1.1	To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses.
<i>COMPACT FORM</i>	6.9.1.2	To encourage a compact form of mixed use development.
<i>SPECIAL IDENTITIES</i>	6.9.1.3	To provide opportunities to create and maintain special area identities and focal points within Windsor.
<i>STRATEGIC LOCATIONS</i>	6.9.1.4	To identify strategic locations which are highly visible and accessible for mixed use development.
<i>VIABLE AREAS</i>	6.9.1.5	To ensure the long term viability of Mixed Use areas.
<i>PUBLIC SPACES</i>	6.9.1.6	To provide public places for strolling, recreation, conversation and entertainment.
<i>TRANSPORTATION MODES</i>	6.9.1.7	To increase the use of walking, cycling and public transportation within the designated Mixed Use area by fostering a strong live-work-shopping-recreation relationship.

### 6.9.2 Policies

<i>PERMITTED USES</i>	6.9.2.1	Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.
<i>FORM OF MIXED USE AREAS</i>	6.9.2.2	For the purpose of this Plan, Mixed Use development is further classified as follows:

- (a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and
- (b) Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.

*LOCATIONAL  
CRITERIA*

6.9.2.3

Mixed Use development shall be located where:

- (a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and
- (d) the surrounding development pattern is compatible with Mixed Use development.

*EVALUATION  
CRITERIA*

6.9.2.4

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) 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) pedestrian oriented;
- (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (g) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

*DESIGN  
GUIDELINES*

6.9.2.5

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

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment;
- (c) at least one building wall should be located on an exterior lot line and oriented to the street to afford direct sidewalk pedestrian access from the public right-of-way;
- (d) permanent loading, service and parking areas should be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the public right-of-way or within a Mixed Use area;
- (e) mid-block vehicular access to properties is generally discouraged and is encouraged via a rear yard service road or alley;
- (f) parking areas shall be encouraged at the rear of buildings;
- (g) safe and convenient pedestrian access between buildings and public transportation stops, parking areas and other buildings and facilities should be provided;
- (h) the development is designed to foster distinctive and attractive area identity;
- (i) the public rights-of-way are designed to foster distinctive and attractive area identity and to provide for vehicle use, regular public transportation service as well as pedestrian and cycling travel; and
- (j) integration of the development with the surrounding uses to contribute to the unique character of the area.

*SITE PLAN  
CONTROL*

6.9.2.6

Council will require all development within areas designated Mixed Use to be subject to site plan control.

*REDUCED  
PARKING  
REQUIREMENT*

6.9.2.7

Council may establish off street parking standards to reflect public transportation supportive designs or shared parking arrangements in Mixed Use developments.

## 7.2.8 Rail Zoning By-law Amendment 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.

## 11.6.3 Zoning By-law Amendment Policies

*AMENDMENTS  
MUST CONFORM*

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.

*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 C – EXCERPTS FROM ZONING BY-LAW 8600

SECTION 18 - MANUFACTURING DISTRICTS 1. (MD1.)

18.2 MANUFACTURING DISTRICT 1.2 (MD1.2)

18.2.1 PERMITTED USES

- Ambulance Service

Building Materials Recycling Store

Bulk Storage Facility

Business Office

Contractor's Office

Equipment Rental Shop

Food Catering Service

Food Processing Facility

Laundry Plant

Manufacturing Facility

Medical Appliance Facility

Micro-Brewery

Public Parking Area

Repair Shop - Heavy

Repair Shop – Light

Self-Storage Facility

Towing Service

Warehouse

Water Transportation Facility

Welding Shop
- Any of the following *Ancillary Uses*:
- Automobile Sales Lot

Car Wash Automatic

Car Wash Coin Operated

Club

Food Outlet - Drive-through

Food Outlet - Take-out

Gas Bar

Health Studio

Restaurant

Restaurant with Drive-through

Retail Store – Equipment & Supplies

Veterinary Office

Wholesale Store
- Any of the following *Existing Uses*:
- Transport Terminal
- Any use accessory to any of the above uses, including a *Caretaker’s Residence* or a *Retail Store*

18.2.3 PROHIBITED USES

Outdoor storage of *aggregate*

18.2.5 PROVISIONS

- .4

Building Height – maximum

14.0 m

.5

Front Yard Depth – minimum

6.0 m

.7

Side Yard Width – minimum

a)

From a *side lot line* that abuts a *lot* on which a *dwelling* or *dwelling unit* is located

6.0 m

b)

From an *exterior lot line*:

3.0 m

.8

Landscaped Open Space Yard – minimum

15.0% of *lot area*

.10

Gross Floor Area – *Retail Store* – maximum

25.0% of the *GFA* of the *main building*

## SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

### 12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

#### 12.1.1 PERMITTED USES

<i>Double Duplex Dwelling</i>	<i>Residential Care Facility</i>
<i>Duplex Dwelling</i>	<i>Semi-Detached Dwelling</i>
<i>Lodging House</i>	<i>Single Unit Dwelling (Existing)</i>
<i>Multiple Dwelling</i>	<i>Townhome Dwelling</i>
<i>Religious Residence</i>	Any use accessory to any of the preceding uses

#### 12.1.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum  
For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines*:
  - a) For the first 5 *dwelling units* 540.0 m<sup>2</sup>
  - b) For each additional *dwelling unit* 67.0 m<sup>2</sup> per unitFor any other *lot*:
  - c) For the first 4 *dwelling units* 540.0 m<sup>2</sup>
  - d) For each additional *dwelling unit* 85.0 m<sup>2</sup> per unit
- .3 Lot Coverage – maximum 35.0%
- .4 Main Building Height – maximum
  - Corner Lot* 14.0 m
  - Interior Lot* 10.0 m
- .5 Front Yard Depth – minimum 6.0 m
- .6 Rear Yard Depth – minimum 7.50 m
- .7 Side Yard Width – minimum
  - a) Where a *habitable room window* of any *dwelling unit* faces a *side lot line* 6.0 m
  - b) Any other side yard 3.0 m
- .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
- .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]
- .55 A *Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling* having a maximum of 4 *dwelling units, Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.



## APPENDIX D: CONSULTATIONS TABLE

### Comments from Municipal Departments & External Agencies

#### **ASSESSMENT MANAGEMENT OFFICER – Mejalli, March 30, 2021**

No objection to the proposed land use designation change of the subject roll# from Industrial to Residential; to amend the zoning to permit a 7-storey residential building (Condo development) with 90 residential units dwellings.

#### **CANADA POST - Bruno DeSando, March 31, 2021**

Canada Post comments are found on pages 6 & 7 of this document.

#### **ENBRIDGE GAS (Operating as UNION GAS) *Analyst Land Support* – Barbara M.J. Baranow, March 30, 2021**

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

#### **ENBRIDGE GAS - Construction & Growth - *Drafter/Estimator* – Gord Joynson, March 30, 2021**

After reviewing the provided drawing at 11646 Tecumseh Rd 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 0.3m from all of our plant. 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.



Enbridge Gas pdf drawing

**ENGINEERING - DEVELOPMENT, PROJECTS & ROW** – Robert Crescenzi & Pat Winters, April 13, 2021

The subject lands are located at 11646 Tecumseh Road East, designated “Industrial” by the City of Windsor Official Plan and zoned Manufacturing District 1.2 (MD1.2) by Zoning By-Law 8600. The Applicant is proposing to change the land use designation from Industrial to Residential on the Official Plan and to change the zoning of the subject property from MD1.2 to RD3.1 to permit a 7-storey residential building (condo development) with 90 residential units. This department has previously provided comments on the proposed development under SPC002/21. Our comments remain consistent with those previously provided, which are included below for reference.

The site may be serviced by a 750mm concrete pipe storm sewer and a 375mm PVC sanitary sewer within Tecumseh Road 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.P 1.3.3. Boulevard to be restored to the satisfaction of the City Engineer. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan completed in accordance with the regional guidelines are required. There is also an open ditch bordering the north property line of the site.

Tecumseh Road East is classified as a Class 2 Arterial road requiring a 38m ROW width according to Schedule X. The current ROW width is 36.6m. However, this property is within the limits of the previously completed Tecumseh Road East Improvements Class Environmental Assessment Study which does not identify a need for land conveyance, therefore none is required.

Driveways are to 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 and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.

In summary, we have no objections to the proposed site plan 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.

**Redundant Curb Cuts** – The owner agrees to remove and replace the redundant curb cut on Tecumseh Road with full height curb to the satisfaction of the City Engineer.

**Existing Sewers and Connections** - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

If you have any further questions or concerns, please contact Robert Crescenzi, of this department by email at [rcrescenzi@citywindsor.ca](mailto:rcrescenzi@citywindsor.ca).

**ENWIN UTILITIES (Hydro Engineering)** – Technical Services Dispatch, April 13, 2021

Hydro Engineering: No Objection. However, ENWIN has an existing overhead distribution in the right of way along the south property boundary that include 27.6kV primary distribution and 120/240V & 600/347V secondary distribution. We recommend referring to the Occupational Health and Safety Act (Ministry of Labour) and the Building code to ensure that safe limits of approach and minimum clearance requirements are achieved both during and after construction.

**ENWIN UTILITIES (Water Engineering)** – Technical Services Dispatch, April 13, 2021  
Water Engineering Has No Objections.

**ESSEX REGION CONSERVATION AUTHORITY (ERCA)** – Vitra Chodha, April 12, 2021

See comment on pages 8 & 9 of this document.

**HERITAGE PLANNER**– Tang Tracy, on behalf of Kristina Tang, April 20, 2021

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 Heritage, Sport, Tourism and Culture Industries 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 Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

**Contacts:**

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711,

[mstaadegaard@citywindsor.ca](mailto:mstaadegaard@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

**LANDSCAPE ARCHITECT – Stefan Fediuk, April 30, 2021**

The Landscape Architect does not object to the rezoning from Industrial MD1.2 to Residential RD3.1. From a climate change and over-intensification perspective, the landscape architect supports the Planner's comments and does not support the site specific proposed reductions in landscape area and setbacks.

In addition, the Development Proposal in Section 3.1 of the Planning Rationale Report recognizes the existing trees along the north property boundary adjacent to the railway line, and appears to preserve the healthy trees. It is recommended that the applicant be required to preserve the 2 Burr Oak (Trees #4 & 9) along the north property boundary, as well as one large Red Maple (Tree #6) near the east property boundary, as identified on the Tree Preservation Plan provided with this application.

**MANAGER OF POLICY & REGULATORY SERVICES - Barbara Rusan, April 16, 2021**

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca).

**TRANSIT WINDSOR – Jason Scott, March 31, 2021**

Transit Windsor has no objections to this development. The closest existing transit route is with our Lauzon 10. The closest existing bus stop is located on Banwell at Tecumseh NE Corner. This bus stop is approximately 240 metres away from this property falling within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our Council approved Transit Master Plan as the current route is a one way loop where as the plan will introduce two way conventional transit service. Transit Windsor is pleased to see the building at the road, which will help promote active transportation, such as transit, by reducing the walking distance.

**TRANSPORTATION PLANNER – Rania Toufeili, April 20, 2021**

- The Official Plan classifies Tecumseh Road East as a Class II Arterial Road. The current right-of-way is sufficient as per the Tecumseh Road Environmental Assessment and Schedule X.
- The applicant will be responsible to remove any redundant curb cuts and accesses along the Tecumseh Road frontage.
- All new 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).
- Comments on the TIS will be provided to the planner in a separate memo.

**TRANSPORTATION PLANNING (Comment on Applicant's Transportation Impact Study (TIS)) – Jeff Hagan (Transportation Planning Senior Engineer) & Rania Toufeili (Transportation Planner) April 20, 2021**

We have reviewed the transportation impact study report for the above-noted application ("11646 Tecumseh Road East Transportation Impact Study" dated January 2021, by RC Spencer Associates).

Detailed comments are as follows:

1. **Overall:** The report establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network without off-site improvements.
2. ~~**Author:** The author of the TIS is not identified and the TIS is not stamped. The author of the TIS should be identified. The TIS should be signed and stamped by the professional engineer taking professional responsibility for its contents.~~ *[This matter has been resolved].*
3. **Parking Deficiency:** 113 parking spaces are required for this proposal as per the City of Windsor Zoning By-Law 8600. This proposal plans to provide 90 parking spaces to serve the development. The following information is required:
  - a. The study states that "based on local observations and proxy site studies, a 1:1 parking supply ratio should adequately accommodate the proposed higher-density mid-rise dwelling". The related studies and information must be provided to support this statement and the proposed parking reduction.
  - b. The study justifies the reduction in parking supply ratio as a means to encourage active transportation. Recommendations must be provided on how active transportation will be promoted or enhanced with this proposed development. Potential recommendations for this proposal include; secure bike parking and providing a bike room, a connection to the multi use trail off of Banwell Road, and promoting transit ridership within the area serving this development.

**VIA Rail Canada – John Walsh, P.Eng., August 9, 2021**

VIA is not enthused about the introduction of a new high-density residential development abutting our busy railway corridor due to the obvious incompatibility. New industrial, commercial or manufacturing would be our preferred adjacent land uses.

We acknowledge the pressure for the expansion of new residential development in urban areas throughout Ontario. As a result the major Railways developed appropriate noise, vibration and safety mitigation measures due to such pressures and historically defended their implementation at the OMB throughout Ontario, including Windsor.



Any new residential development would be expected to address noise, vibration and safety measures to both the Municipality's and the Railway's satisfaction. Should the City of Windsor propose to approve the residential land use applications, VIA requests that the Zoning Amendment include our 30m building setback requirement, especially in the event that neighbouring lands may seek similar Amendments in the future. The Official Plan Amendment should include wording that compels the proponent to have regard for railway noise, vibration and safety measures when adjacent to railway corridors. I believe such provisions may already exist for other locations within the City of Windsor. I trust the above clarifies VIA's concerns.



CANADA POST  
955 Highbury Ave N  
London ON N5Y 1A3  
CANADAPOST.CA

POSTES-CANADA  
955 Highbury Ave N  
London ON N5Y 1A3  
POSTESCANADA.CA

March 31, 2021

JUSTINA NWAESEI  
CITY OF WINDSOR  
350 CITY HALL SQUARE WEST, ROOM 210  
WINDSOR ON N9A 6S1

Re: **File No.: Z-005/21 & OPA 143**

Dear Justina,

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.

Regards,

*Bruno DeSando*

Bruno DeSando  
CANADA POST CORPORATION  
Delivery Planning  
955 Highbury Avenue  
LONDON ON N5Y 1A3  
tel: 519-494-1596  
fax: 519-457-5412  
e-mail: [bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)





ADDRESSING AND DELIVERY PLANNING  
CANADA POST CORPORATION  
CANADAPOST.CA

ADRESSAGE ET PLANIFICATION DE LA LIVRAISON  
SOCIÉTÉ CANADIENNE DES POSTES  
POSTESCANADA.CA

### **Lock-Box Assembly Requirements**

The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:  
[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)

### **Compartments Size**

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - o Residential compartments must be at least 12.5 x 13.5 cm
  - o Commercial compartments at least 13.5 x 30.5 cm
  - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

### **Heights**

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

### **Rear-loading Lock-boxes**

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

### **Access**

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

### **Numbering**

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

101	109	207	
102	110	208	
103	201	209	→
104	202	210	
105	203	301	→
106	204	302	
107	205	303	
108	206	304	→

### **Grade-level Components**

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

# Essex Region Conservation

the place for life



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

April 12, 2021

Ms. Justina Nwaesei, Senior Planner – Subdivisions  
City of Windsor, Development Services  
350 City Hall Square West  
Windsor, Ontario, N9A 6S1

Dear Ms. Nwaesei:

RE: Application for Official Plan Amendment OPA 143 [OPA 6324]  
and Zoning By-Law Amendment Z-005-21 [ZNG 6323]  
11646 TECUMSEH RD E  
ARN 373907073005850; PIN: 015970358  
Applicant: THE LALLY GROUP LTD

The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 143 [OPA 6324], and Zoning By-Law Amendment Z-005-21 [ZNG 6323] for a proposed 7 storey condominium.

## **DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH 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*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

## **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 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.



**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."

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: [SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)).

**FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment and Official Plan Amendment.

If you have any questions or require any additional information, please contact the undersigned.

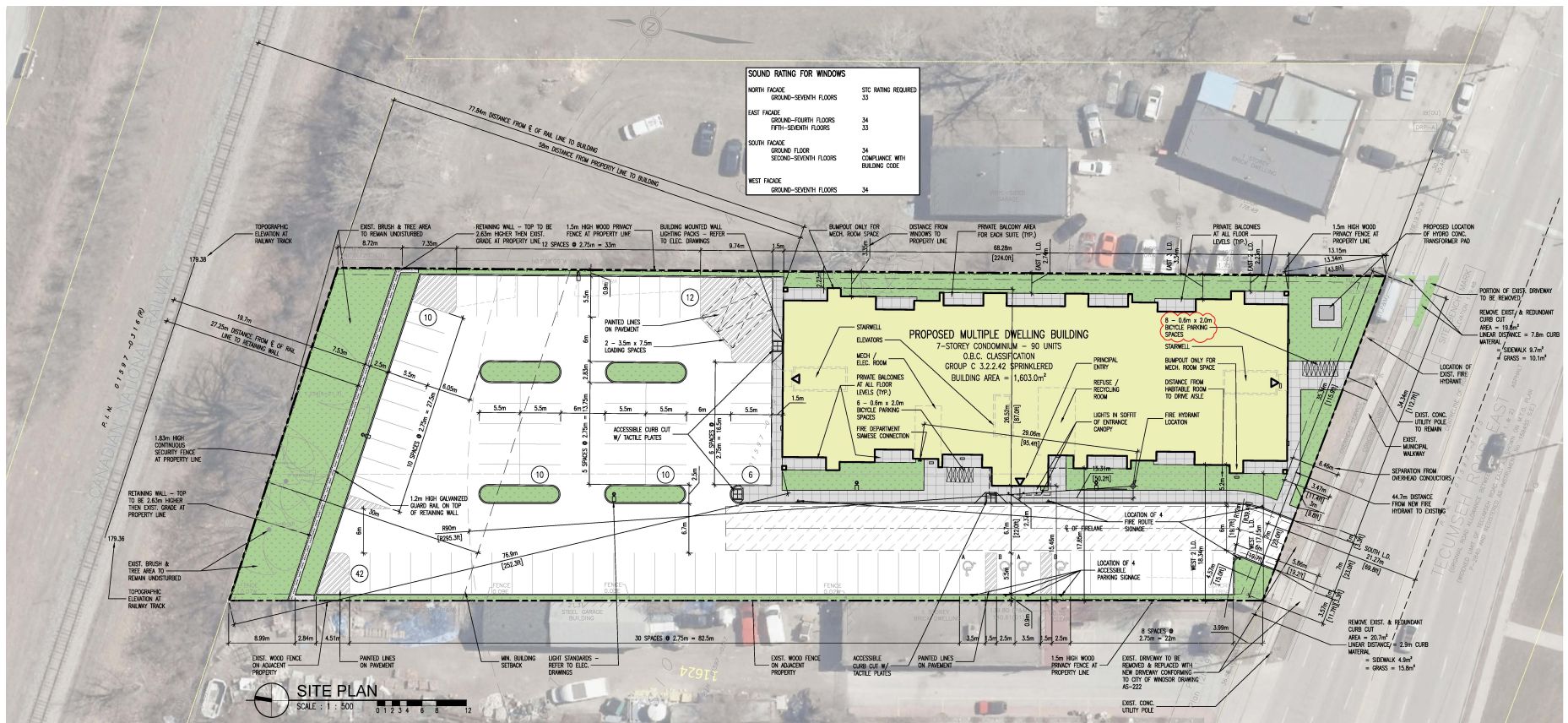
Sincerely,



Vitra Chodha  
Resource Planner  
/vc







ITEM	SITE DATA MATRIX				OBC REFERENCE	
1	PROJECT DESCRIPTION <input checked="" type="checkbox"/> NEW PROPOSED 7 STOREY MULTI DWELLING BUILDING – CONDO WITH 90 UNITS <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:		MD1.1 – TO BE REZONED			
3	EXISTING LAND USE:		NONE – CURRENTLY VACANT			
4	MAJOR OCCUPANCY(S):		PROPOSED MULTI-DWELLING			
5	BUILDING CLASSIFICATION:		GROUP C, DIVISION N/A 3.2.2.42			
6	SITE AREA		BUILDING AREA		GROSS AREA	
	EXISTING:	6,258.8 m <sup>2</sup>	EXISTING:	N/A	EXISTING:	N/A
	PROPOSED:	6,258.8 m <sup>2</sup>	PROPOSED:	1,603.0 m <sup>2</sup>	PROPOSED:	11,026.5 m <sup>2</sup>
	TOTAL:	6,258.8 m <sup>2</sup>	TOTAL:	1,603.0 m <sup>2</sup>	TOTAL:	11,026.5 m <sup>2</sup>
7	LOT COVERAGE		MINIMUM LOT WIDTH		BUILDING HEIGHT	
	MAXIMUM:	N/A	REQUIRED:	N/A	MAXIMUM:	N/A
	PROVIDED:	25.6 %	PROVIDED:	44.5 m	PROVIDED:	24.9 m
8	MINIMUM FRONT YARD DEPTH		MINIMUM REAR YARD DEPTH		MINIMUM SIDE YARD DEPTH	
	REQUIRED:	XXX.X m	REQUIRED:	XXX.X m	MAXIMUM:	XXX.X m
	PROVIDED:	3.0 m	PROVIDED:	58.0 m	PROVIDED:	2.23 m
9	PARKING		BICYCLE SPACES		LOADING SPACES	
	USE CLASSIFICATION:		EXISTING:		EXISTING:	
	EXISTING:		N/A		N/A	
	EXISTING:	N/A	PROPOSED:	6 SPACES	PROPOSED:	2 SPACES
	PROPOSED:	90 SPACES	REQUIRED:	6 SPACES	REQUIRED:	2 SPACES
	REQUIRED:	90 SPACES	TOTAL:	6 SPACES	TOTAL:	2 SPACES
10	LANDSCAPED AREA		CURBING LENGTH		SCREENING FENCE LENGTH	
	EXISTING:	N/A	EXISTING:	N/A	EXISTING:	0.0 m
	PROPOSED:	1,548.4 m	PROPOSED:	338.9 m	PROPOSED:	158.6 m
	TOTAL:	1,548.4 m	TOTAL:	338.9 m	TOTAL:	158.6 m
<p><i>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.</i></p> <p><i>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.</i></p> <p><i>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.</i></p>						

## **Excerpts from Reports / Studies received from the Applicant.**

### **A. STORM WATER MANAGEMENT REPORT by Aleo Associates Inc., Jan 21, 2021**

The proposed development has a drainage area of 5,866 m<sup>2</sup> (0.59 ha). The site drainage will discharge to the existing 750 mm diameter storm sewer located within the grass boulevard on the south side of Tecumseh Road East. The developed runoff coefficient for the stormwater management boundary area is 0.83 for both the 1:2 year and 1:100 year storm events.

We have carried out storm detention design for a 1:2 year and 1:100 year frequency storm event. The pre-development runoff coefficient was taken to be 0.25. The release rate from the site for both design storms is being restricted to the 1:2 year allowable discharge rate which is 23.6 L/s. The development flow will be restricted by a 100 mm diameter orifice installed on the 200 mm diameter storm outlet.

Storage has been provided above the catch basins on the surface of the asphalt paved parking lot, and within storm sewer pipe and structures. However, storage for the 1:2 year storm event will occur exclusively underground in storm pipe and structures. Please see the attached calculations showing the storage provided. The 1:2 year and 1:100 year storage elevations are 178.45 m and 178.66 m, respectively. The 1:100 year storage elevation is more than 0.3 m below the proposed floor elevation of 179.05 m. A total volume of 67 m<sup>3</sup> is required to be stored for the 1:2 year storm and 69 m<sup>3</sup> has been provided. A total volume of 211 m<sup>3</sup> is required to be stored for the 1:100 year storm and 215 m<sup>3</sup> has been provided.

Stormwater quality control is being accomplished by installing tee traps in all new catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system. Trapped oil and sediments will be removed during routine catch basin cleaning.

### **B. VIBRATION REPORT by Akoustik Engineering Limited, Jan 11, 2021**

#### **Purpose:**

condominium development at 11646 Tecumseh Road East, in the City of Windsor. The purpose of this study is to measure and report the ground-borne vibration levels resulting from the nearby railroad line on the proposed residential building. The revision reflects the updated location of the

#### **Rail Vibration Criteria**

There are no MECP guidelines for rail vibration limits on proposed sensitive land uses. Instead, the applicable guidelines for rail vibration impacts are given in the 2013 document published by the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC), "Guidelines for New Development in Proximity to Railway Operations". From this, the overall vibration levels from the railway operations should not exceed 0.14 mm/s RMS, measured minimally between the frequency range of 4 Hz and 200 Hz, on and above the first floor of the residential dwelling.

Given that the proposed building has not been constructed, the measurements are conducted on the ground at the perimeter of the proposed building nearest to the rail right-of-way. The 0.14 mm/s RMS limit is based on the threshold limit for human perception of ground-borne vibration and is intended to ensure that vibration levels from the passing trains will not cause discomfort to the building occupants.



## **Conclusion**

A vibration assessment of the nearby rail line operations, consisting of ground-borne vibration measurements, was carried out for the proposed 7-story residential condominium development to be located at 11646 Tecumseh Road East, in the City of Windsor. The measured vibration data has demonstrated that the ground vibration levels due to rail traffic on the nearby CP rail line do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada's criteria of 0.14 mm/s RMS velocity. Given that the measured vibration levels are within compliance to the guideline, and that vibration abatement is not required to reduce the vibration levels at the proposed development, it is recommended that the development be given approval with respect to vibration impacts from the CN/VIA rail line.

### **C. NOISE STUDY by JJ Acoustic Engineering Ltd., dated Jan. 11, 2021; updated Sep. 18, 2021**

The Study was prepared consistent with Ontario Ministry of the Environment, Conservation and Parks (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 traffic and stationary 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 and forecasted to 10 years from the date of this study.

#### **RECOMMENDED NOISE WARNING CLAUSES IN SECTION 6 OF THE STUDY**

**Warning Clause C:** "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments 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."

**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."

**Warning Clause E:** VIA Rail Canada Inc. or its assigns or successors in interest has or have a right-of-way within 300 meters 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 dwellings(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.

***Indoor Living Areas – Building Components (NPC 300, Section C7.1.3)***

## 6. Recommendations

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

- Warning Clause Type C for the South Façade from Levels 2 to Levels 7.
- Warning Clause Type D for all other façades and floors.
- Warning Clause Type E for all units within the building.
- Requirement for Air Conditioning for the entire building.
- A minimum of STC 34 windows for all windows on the North, East and West Facades as well as Level 1 on the South Façade.

These have been summarized in Attachment B under Table B1.

JJAE reviewed the noise impacts from the neighboring buildings and determined the noise impact to be below the NPC 300 requirements. Furthermore, JJAE reviewed the noise impact from the neighboring mechanic garage next door to the Site. JJAE had measured data for a similar sized mechanical garage on a previous project and added this data to our model. The data showed that with the garage door of the mechanic shop closed the noise impact was below the NPC 300 requirements and therefore, no further mitigation measures were required. Typically, these types of facilities operate with the garage door closed to minimize noise impacts as well as maintain temperate control. If the facility needs to operate with the garage door opens during hot days to minimize heat inside the garage space, an agreement should be made between the Site owner, the City, and the owner of the mechanic shop (called a Tri-party agreement) to have air conditioning installed at each of the garage locations (front and back locations) to ensure the garage doors remain closed. This process should be done at Site Plan and can be further discussed in the addendum reviewing the Site's mechanical equipment.

## 7. Conclusions

The results of this Study indicate that the potential environmental impact from road and rail traffic sources are significant. Mitigation measures will be required including ventilation requirements, special building components and noise warning clauses for each unit as summarized above.

### D. TRAFFIC INFORMATION STUDY by RC Spencer Associates, Jan 2021

#### **Purpose:**

The purpose of this study is to examine the implications of the proposed development on traffic operations in the area, particularly on Tecumseh Road East and its signalized intersection with Banwell Road. The study will also assess the need for geometric or traffic control improvements at area intersections.

#### **Conclusion:**

Using recently obtained turning movement counts and applying industry-standard trip generation and distribution methodologies, an analysis was completed to quantify the development's impact on area traffic operations. Site generated traffic volumes were applied to all horizon scenarios; area background traffic was increased by 2% per year for the 2025 and 2030 horizon years. Upon completion of the analysis, it was concluded that:

- The signalized intersection of Banwell Road at Tecumseh Road East is currently performing satisfactorily; in all peak hour traffic scenarios, it is anticipated that the intersection will exhibit an overall LOS C; the effect of site generated traffic is nominal;
- The proposed stop-controlled intersection of the site access at Tecumseh Road East will operate satisfactorily into the future; even in the most critical traffic scenario, adequate storage is provided on-site, so it is anticipated that a single egress lane will sufficiently accommodate the projected traffic demand;
- The intersection of the Metro Access at Tecumseh Road East is operating at very good levels of service; this is expected to continue in all horizon scenarios;
- There is sufficient sight distance for safe egress from the proposed site access;
- The developer's proposed 1:1 parking supply ratio is in line with provincial trends aiming to encourage increased active transportation and transit use; however, the developer should ensure that appropriate active transportation infrastructure is integrated into the final site plan to support and encourage non-auto modes of travel.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development, as presented, will not adversely affect area traffic operations.

E. **SPECIES AT RISK IMPACT ASSESSMENT**, by Insight Environmental Solutions Inc, Jan 2020

This report provides an overview of the existing site conditions and applicable *Endangered Species Act* (ESA), 2007 policies, identifies any environmental constraints and opportunities, and provides recommendations with respect to the proposed project. The goal of this report is to attain the Ministry of the Environment, Conservation and Parks (MECP) Species at Risk Branch (SARB)'s review of the project documentation to ensure that the project is not likely to contravene Section 9 (Species Protection) or Section 10 (Habitat Protection) of the ESA 2007.

## 5.0 MITIGATION TO AVOID IMPACTS

The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation. The various mitigation measures are further discussed below.



## 5.4 SPECIES AT RISK SNAKE MITIGATION

1. All on-site personnel must be made aware of the potential presence of SAR snakes, including Eastern Foxsnake, Massasauga and Butler's Gartersnake.
2. A construction barrier fence and/or a sediment and erosion control fence must be installed before any construction activity is to occur to ensure no harm to the natural system and to exclude snakes from the construction zone.
3. Specific features such as rotting logs or stumps, piles of organic material (such as compost, sawdust, or woodchips), rock piles, brush piles, and dump sites are likely to provide habitat functions for SAR snakes in the project area. If any of these features are found to occur, they must be protected from all disturbances that would result in damage or destruction of their habitat functions.
4. The development footprint should be visually marked with flagging tape to avoid encroachment into natural features.
5. 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 Eastern Foxsnake before (re)ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear.
6. 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.
7. If an Eastern Foxsnake, Massasauga or Butler's Gartersnake 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.
8. 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.

## 6.0 CONCLUDING STATEMENT

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

1. The proposed project at 11646 Tecumseth Road East, Essex County, Windsor, Ontario.
2. The project proposes to construct a seven-story condominium building consisting of 90 units with the associated servicing and parking.
3. the subject property does not support any natural heritage features nor do any natural heritage features exist within 120m of the subject property.
4. Review of the literature and available data suggests that the only SAR that has potential to occur within the vicinity of the subject property based on available habitats is Eastern Foxsnake.
5. The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation.

Based on Species at Risk information gathering efforts conducted by IES it is argued that the project is not likely to contravene Section 9 or Section 10 of the ESA 2007. The proposed development will have no impact on any Endangered or Threatened species or their habitat if the mitigation measures stated in this report are implemented during construction activities.

# **APPENDIX G**

## **DRAFT**

### **AMENDMENT NO. 143**

#### **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. 143.

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 purpose of this recommended amendment is to allow residential use on the subject land by converting the employment land to a non-employment designation that would permit residential use and allow the development of a multi-storey, multi-unit dwelling on the subject land.

**B. LOCATION:**

The amendment applies to the land generally described as located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road East.

**Ward: 7**

**Planning District: Forest Glade**

**ZDM: 15**

**C. BACKGROUND:**

The subject land is designated Industrial in the land use schedule of the Official Plan Vol. 1. *Residential use* is not listed as a permitted use or permitted ancillary use in the subject land use designation.

The applicant proposes to change the land use designation of the subject land from Industrial to Residential to allow *Residential use* as an additional permitted use on the land. A 7-storey residential building (Condo development) with 90 residential units is proposed on the subject land. However, after a detailed planning review of the supporting documents and relevant policies, it was determined that a Mixed Use designation would be more appropriate for the subject land in the subject area.

The recommended amendment seeks to change the land use designation from Industrial to Mixed Use designation to permit *residential use* as additional permitted use on the subject land. The recommended amendment will allow the development of commercial use(s) at street level, while accommodating residential units above commercial uses or, alternatively, above grade at the rear of the commercial use(s).

**D. DETAILS OF THE AMENDMENT:**

THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from INDUSTRIAL to MIXED USE.

**E. IMPLEMENTATION:**

- i. Amend Schedule D: Land Use, in Volume 1: The Primary Plan to add OPA #143.



- ii. This amendment shall be implemented through amendment to the Zoning By-law 8600 as recommended in Report Number S xxx/2021 (Z-005/21; ZNG-6323).
- iii. Site Plan Control shall be an additional implementation tool for this Official Plan Amendment (OPA #143).

## 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 meeting.

Following the (insert date later) DHSC meeting, another public meeting (Council meeting) was held on (insert date later) as noted below.

---

### **COUNCIL MEETING: (insert date later)**

A meeting of City Council was held on (insert date later), at which time the Official Plan Amendment application was considered along with the accompanying Zoning By-law Amendment application (File No. Z-005/21; ZNG/6232). The recommended OPA #143 was (insert Council decision) by CRxxx/2022, and the recommended amendment to the zoning by-law was (insert Council decision), by the same CRxxx/2022.

# SCHEDULE D



APPENDIX H

BY-LAW NUMBER -2022

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600  
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the            day of            , 2022.

**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 Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

**16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)**

**16.10.1 PERMITTED USES**

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

**16.10.5 PROVISIONS**

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

2. 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 Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City’s east limit.	143	MD1.2	CD3.10

3. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

**“438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST**

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), the following additional regulations shall apply:

- a) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*.
- b) 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.
- c) 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/6323]”

4. 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 Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City’s east limit.	143	S.20(1)438

DREW DILKENS, MAYOR

CLERK

First Reading - , 2022  
 Second Reading - , 2022  
 Third Reading - , 2022

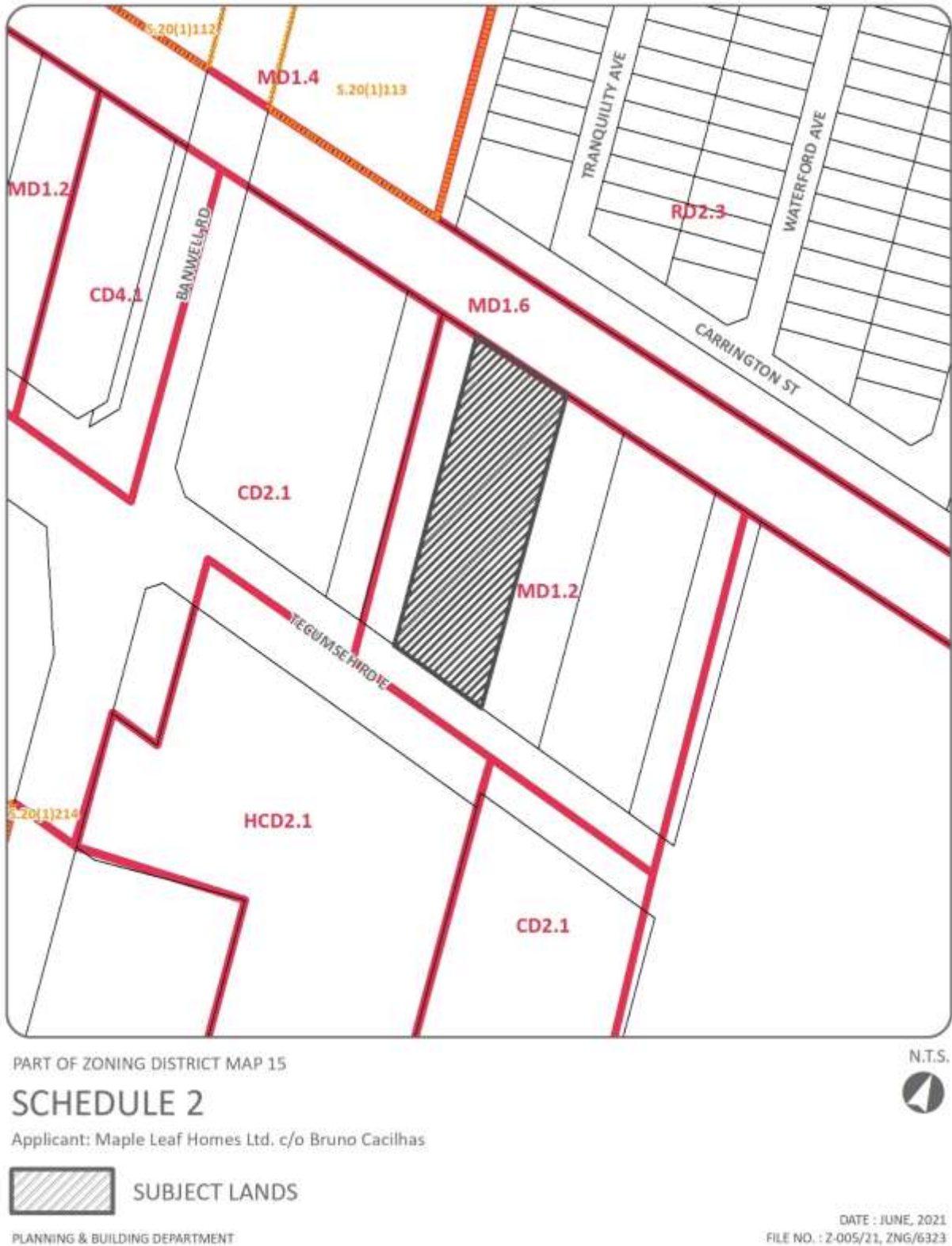
SCHEDULE 2

1. By-law \_\_\_\_\_ has the following purpose and effect:

To amend the zoning of the lands described as Part of Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City’s east limit, 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 residential units that will be accommodated on the subject land.

2. Key map showing the location of the lands to which By-law \_\_\_\_\_ applies.



# **PLANNING RATIONALE REPORT**

## **ADDENDUM**

### **OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT**

**11646 Tecumseh Road East  
City of Windsor, Ontario**

**February 6, 2022**

**Prepared by:**



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# 1.0 Introduction

I have been retained by the owner/applicant, Maple Leaf Homes Ltd. to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development located at 11646 Tecumseh Road East (herein the "Site") in the City of Windsor, Ontario.

This report is an addendum to the PRR dated October 24, 2021.

The purpose of this report is to respond to the Staff Report dated S 2/2022, which is being presented to the Development and Heritage Standing Committee at a public meeting dated February 7, 2022.

The Site is made up of one parcel located on the north side of Tecumseh Road East, located east of Banwell Road and west of the Town of Tecumseh municipal limits. The Site consists of a total area of approximately 6,258 m<sup>2</sup>, with 44.5 m of frontage along Tecumseh Road East and an irregularly shaped depth. The Site is currently vacant and is in an area of transition whereby fewer commercial and industrial activities are occurring, which is creating an attractive area for residential uses.

It is proposed to construct a 7 storey building with 90 residential units in the tenure form of a condominium. A 1.5 m high wood privacy fence is proposed at the property line on the east and west sides. A 2.5 m retaining wall is proposed along the north side of the Site. Parking will be provided on-site in addition to loading spaces and bicycle parking. Amenity spaces include private balconies, landscaping, open space, seating area, and common space. The property has access to municipal water, storm, and sanitary services.

A site-specific Official Plan Amendment (OPA) and site-specific Zoning By-law Amendment (ZBA) are required in support of the proposed development. Exemption from the provisions of Interim Control By-law 103/2020 is also requested if required.

Once the OPA and ZBA have been approved, the applicant will proceed with a Site Plan Control (SPC) Application and a Draft Plan of Condominium Application prior to the issuance of a building permit.

The proposed development is suitable intensification of residential, is consistent with the PPS, conforms to the intent and purpose of the City of Windsor OP, and represents good planning.

## 2.0 Official Plan Amendment

A site specific Official Plan Amendment (OPA) is required in support of the proposed residential development.

Staff have recommended that the OP be changed the land use designation from "Industrial" to "Mixed Use" which is located on Schedule D: Land Use.

There are no concerns with the proposed land use designation change. It is our understanding that a stand-alone residential use is permitted.

## 3.0 Zoning By-Law Amendment

A site-specific Zoning By-law Amendment (ZBA) is required in support of the proposed residential development.

Staff has recommended that the ZBL be changed from Manufacturing District 1.2 (1.2) category as shown on Map 15 to a new Commercial District 3.10 (CD3.10) category.

There are concerns with the proposed CD3.10 as it pertains to the proposed regulations.

Every effort has been made to comply with the proposed CD3.10 zone.

A revised concept plan has been prepared (see attached).

The revised concept plan includes a parking deck, adjusted setbacks, reduction in parking islands, reduction in parking space size, a decrease in building height, and an increase in proposed parking.

It is requested that a site-specific Commercial District 3.10 (CD3.10 - S.20(1)(XXX)) be approved in order to accommodate the revised concept plan.

Relief is required for the minimum lot area, minimum landscaped open space yard, permit a stand-alone residential building with no commercial use in the front, and defer the requirements of the berm at the time of site plan control approval.

A review of the proposed CD3.10 zone provisions is as follows:

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
Permitted Uses	Commercial Uses	Multiple Dwelling with 90 units	Complies

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	9 or more dwellings units in a combined use building  <b>Multiple Dwelling with 9 or more dwelling units</b>		The ZBA list of permitted uses will allow the proposed Multiple Dwelling.
Minimum Lot Frontage	18 m	44.5 m	Complies
Min Lot Area	For a building containing only non-residential uses 400.0 m <sup>2</sup>  <b>For each dwelling unit 85.0 m<sup>2</sup></b>  <b>90 x 85.0 m<sup>2</sup> = 7,650 m<sup>2</sup></b>	6,258.8 m <sup>2</sup>	Relief of 1,391.2 m <sup>2</sup> is required based on the proposed 90 units.  The Site is physically suitable for the proposed development and provides for on-site parking, open space, landscaping and the required setback from the railway.
Max Building Height	20 m	20.0 m	Complies
Minimum Landscaped Open Space Yard	30 % of the lot area  <b>6,258.8 m<sup>2</sup> @ 30% = 1,877.64 m<sup>2</sup></b>	29.4%  = 1,842.6 m <sup>2</sup>	Relief of 0.6% (35.04 m <sup>2</sup> ) is required.  The request is minor.  Private balconies, seating areas, landscaping, open space and a common room of 59 m <sup>2</sup> will be provided for appropriate amenity spaces to the residents.
For a Combined Use Building	all dwelling units, not including entrances thereto, shall be located above the non-residential uses.	N/A	Does not apply as no commercial proposed.
For a Multiple Dwelling	shall be located <b>above grade</b> , at the	No commercial proposed	The proposed building can be built above grade.

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	rear of non-residential use.		<p>Relief is required as no commercial is proposed.</p> <p>The proposed development is not suitable for commercial.</p> <p>The minimum required parking is provided for residential use. There is no parking relief.</p> <p>No additional parking can be provided on the Site for commercial use.</p> <p>It does not appear practical to require commercial use in a residential multiple building.</p>
Prohibited Walls	Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.	No exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.	Complies
Building Setback – minimum	a) From an exterior lot line abutting Tecumseh Road East, for that part of the building having a building height of 10.0 m or <b>less</b> 0.0 m	N/A	N/A – proposed height is 20 m
	b) From an exterior lot line abutting Tecumseh Road East, for that part of the building having a	6 m (south side)	Complies

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	building height of <b>more</b> than 10.0 m: 6.0 m		
	c) From an interior lot line where a habitable room window faces the interior lot line 6.0 m	15.67 m west side 6.0 m east side	West side complies. East side complies.
	d) From an interior lot line where a habitable room window does not face the interior lot line 3.0 m	54.9 m (north side)	Complies
Parking Spaces	Parking space is prohibited in the front yard and in any side yard within 6m of the <b>exterior</b> lot line.	6.0 m	Complies  Parking is proposed at the rear and interior side yard and will be located 6.0 m from Tecumseh Road.
438	A minimum separation of <b>30.0 m</b> shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use.	TBD	Shall be complied to.
	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	TBD	Request that this requirement be removed and dealt with at the time of SPC approval.



Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	maintained in good practice.		
	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	TBD	Request that this requirement be removed and dealt with at the time of SPC approval.
	A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use.	TBD	Shall be complied to.
Parking Spaces Required (Table 24.20.20.5.1)	Multiple Dwelling containing a minimum of 5 Dwelling units:  1.25 parking spaces required for each dwelling unit  <b>90 x 1.25 = 112.5 space (112 spaces, rounded down)</b>	115 spaces  (94 surface parking and 21 paces on a parking deck)	Complies.
Visitor Parking (24.22.1)	15 percent of parking spaces marked	15 percent of parking spaces marked  (21 parking spaces will be provided on the parking deck)	Complies

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
Bicycle Parking (24.30.1)	2 for the first 19 spaces plus 1 for each additional 20 parking spaces:  <b>2 + 4.8 = 6.8 spaces required</b> (6 rounded down)	14 spaces	Complies.  Extra bicycle parking is provided.
Accessible Parking Spaces Required (Table 24.24.1)	For 26-100 total number of Parking Spaces  Type A – 2 % parking spaces  Total B - 2 % parking spaces  <b>2.3 + 2.3 = 4.6 parking spaces</b> (4 rounded down)	4 spaces total	Complies
Loading (Table 24.50.1.5)	Over 1,000 m <sup>2</sup> to 7,500 m <sup>2</sup>  <b>1 required (based on proposed building size 1,603.0 m<sup>2</sup>)</b>	2 proposed	Complies

## 4.0 Site Plan Control

Site Plan Control (SPC) is required in support of the proposed residential development.

Staff has recommended SPC conditions.

There are no concerns with the proposed conditions.

A review of the proposed conditions is as follows:

Proposed Condition	Response
Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;	Mitigation measures will be implemented.
Safety measures per section 7.2.8.8 (d), OP Vol. 1;	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.
Redundant Curb Cuts, Video inspections, and Existing sewers and connections;	Shall be complied to.
Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;	Shall be complied to.
Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;	Shall be complied to.
Enbridge Gas minimum separation requirements;	Shall be complied to.
Adequate clearance from existing ENWIN's pole lines and power lines; and	Shall be complied to.
Canada Post multi-unit policy;	Shall be complied to.
SAR Snake mitigation measures as in the attached Appendix F to this report.	Mitigation measures will be implemented, per MECP Clearance.

## 5.0 Conclusion

The Site is ideally suited for residential development and the above-noted relief be included in the final approval.

Every effort has been made to comply with the proposed OPA and ZBA.

It is requested that a site-specific Commercial District 3.10 (CD3.10 - S.20(1)(XXX)) be approved in order to accommodate the revised concept plan.

Relief is required for the minimum lot area, minimum landscaped open space yard, permit a stand-alone residential building with no commercial use in the front, and defer the requirements of the berm at the time of site plan control approval.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.

The proposed development will be limited to a 7 storey, high-profile neighbourhood development, which is a compatible density with the surrounding area.

Noise and Vibration Studies have been completed with recommended mitigation measures such as ventilation requirements, special building components, and noise warning clauses for each unit.

The Site is capable of accommodating the proposed development in terms of scale, massing, height, and siting. Parking, fire route, and landscaping will be provided.

The proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to affordability and intensification requirements set out in the PPS and the OP.

The Site is not appropriate for industrial or commercial uses and should be converted to residential. An Employment Lands Review was prepared and concluded the proposed redevelopment will not impact the supply of employment lands and that the Site is no longer appropriate and desirable for industrial uses.

Residential use on the Site represents an efficient development pattern that optimizes the use of land. The Site currently has a vacant building and is underutilized. Further, the proposed redevelopment will enhance the area.

There will be no negative impacts on the municipal system as the proposed residential use will not add to the capacity in a significant way.

The topography, soil and environmental characteristics of the Site are able to accommodate an appropriate development that will minimize adverse environmental impacts.

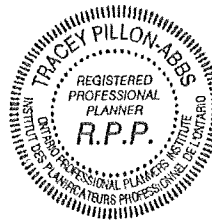
In summary, for the above reasons, it would be appropriate for the City of Windsor to approve the OPA and ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer residential in an area of transition.

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP  
Principal Planner**



## REVISED CONCEPT PLAN

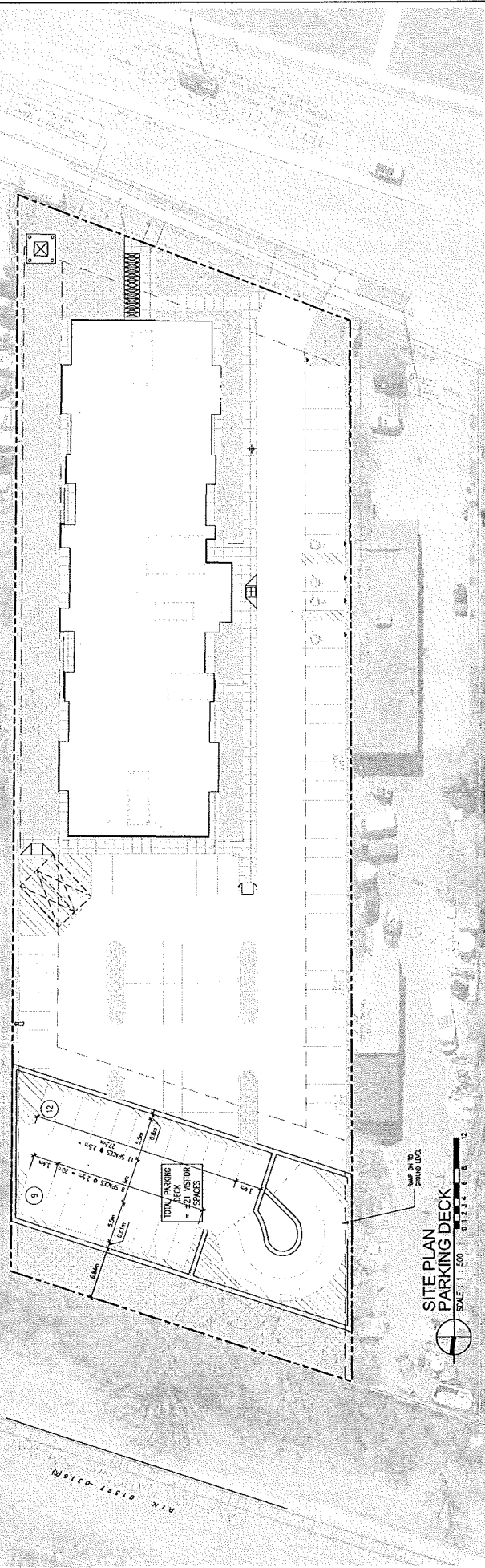
11646 Tecumseh Road East, Windsor, Ontario

12





ITEM	DESCRIPTION	UNIT	QTY	PRICE	TOTAL
1	PROPOSED 7-STORY CONDOMINIUM BUILDING	SQ. FT.	10,000	\$150.00	\$1,500,000
2	CONDO WITH 90 UNITS	UNIT	90	\$15,000.00	\$1,350,000
3	LANDSCAPING	SQ. FT.	10,000	\$10.00	\$100,000
4	MAJOR UTILITIES	LINEAR FT.	1,000	\$100.00	\$100,000
5	WALKWAY	SQ. FT.	10,000	\$10.00	\$100,000
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<b>inc. architectural</b> <b>D design</b> <b>A associates</b>	<b>project:</b> PROPOSED MULTIPLE DWELLING 7-STORY CONDOMINIUM BUILDING, WINDSOR, ONT. <b>client:</b> MAPLE LEAF HOMES LTD.	<b>date:</b> OCT. 2020 <b>drawn by:</b> TC <b>checked by:</b> SMB / TC	<b>sheet:</b> PARKING DECK SITE PLAN
	1670 mercer street windsor ontario canada n6k 3p7 ph: 519.254.3430 fax: 519.254.3542 email: info@architecturaldesignassociates.com	<b>drawn by:</b> TC <b>checked by:</b> SMB / TC	<b>sheet:</b> PARKING DECK SITE PLAN

**Subject: Planning Department's Response to Applicant's PRR  
Addendum re: Report S 2/2022, 11646 Tecumseh Rd E., OPA 143 and Z-005/21, Applicant: Maple Leaf Homes Ltd.; Ward 7**

**Reference:**

Date to Council: March 7, 2022  
Author: Justina Nwaesei, MCIP, RPP  
Senior Planner - Subdivisions  
519-255-6543, ext. 6165  
jnwaesei@citywindsor.ca

Planning & Building Services  
Report Date: February 22, 2022  
Clerk's File #: ZO/14063 ZB/14064

**To:** Mayor and Members of City Council

**Additional Information:**

At the Development & Heritage Standing Committee (DHSC) meeting of February 7, 2022, a Planning Rational Report (PRR) Addendum was tabled for consideration. The applicant's PRR addendum contained the following five issues/requests for consideration by the Committee members:

1. Relief from section 16.10.5.2, minimum lot area requirement of the CD3.10 zoning district;
2. Relief from 16.10.5.8, minimum landscape open space requirement of the CD3.10 zoning district;
3. Relief from 16.10.5.15 (combined use building provision) and 16.10.5.16 (multiple dwelling provision) of the CD3.10 zoning district – request to have no commercial use on the property;
4. Request to delete the berm provision from s.20(1)438 of By-law 8600 and table it for discussion at the site plan control stage; and
5. Request to delete the fence provision from s.20(1)438 of By-law 8600 and table it for discussion at the site plan control stage.

Below is the motion that resulted from the discussion at the DHSC meeting of February 7, 2022:

*Moved by: Councillor Sleiman  
Seconded by: Councillor Holt*

*THAT the report of the Senior Planner – Subdivisions dated January 14, 2022 entitled “Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7” **BE REFERRED** back to Administration to allow for Administration to provide clarification related to changes requested by the applicant; and further,*

*THAT this information **BE BROUGHT FORWARD** to the March 7, 2022 meeting of the Development & Heritage Standing Committee.*

*Carried.*

*Report Number: S 2/2022  
Clerk’s File: ZB/14064 & ZO/14063*

Since the February 7, 2022 DHSC meeting, the applicant’s planning team have been in constant communication with the author of Report S 2/2022, in an effort to find solutions to the five (5) issues noted above. There have been virtual meetings (February 9, 2022 and February 18, 2022) plus emails and phone calls between the applicant’s planning team and the staff Planner (author of Report S 2/2022). Appendix 1, hereto attached, contains some of the facts and figures used for discussions with the applicant’s team.

On February 18, 2022, staff Planner and the applicant’s team reached a consensus on the five outstanding issues. Consequently, the applicant’s Planner submitted the following materials to the Planning Department and Clerks:

- Memo dated February 18, 2022 (hereto attached as Appendix 2)
- Concept plan with data matrix (hereto attached as Appendix 3)
- Floor plans (hereto attached as Appendix 4A & 4B)

**WITHDRAWAL OF THE PRR ADDENDUM:** The above materials show that the items previously noted in the PRR Addendum have been resolved and, as such, a written request was submitted to withdraw the PRR Addendum. As also pointed out in the February 18, 2022 memo (attached as Appendix 2), the applicant has demonstrated that they can satisfy the provisions of CD3.10, except section 16.10.5.15 and/or 16.10.5.16.

**REVISED CONCEPT PLAN:** The applicant’s revised concept plan shows a proposed 6-storey, combined use building containing 71 dwelling units [13 dwelling units on each of the 5 upper floors, 6 dwelling units on the ground floor], amenity areas and other accessory uses to the dwelling units, along with non-residential uses (2 units) on the ground floor. A total of 96 off-street parking spaces for the combined use building; 88 of the parking spaces are for the 71 dwelling units proposed, while the remaining 8 parking spaces are reserved for the commercial units (A & B) shown on the concept plan.

**DENSITY REVIEW:** While it is desirable and necessary to have more housing in the City, it is equally important to ensure that the subject property has the capacity to provide basic amenities for future tenants and/or condo owners. The proposed development will have a density of 113 dwelling units per hectare, which is higher density than some nearby high-rise apartments (at 91 dwelling units per hectare) in Tecumseh Town. The nearby City of Windsor buildings along Tecumseh Road East are mostly non-residential uses and a few low density dwellings.

**OFFICIAL PLAN MIXED USE CORRIDOR POLICY REVIEW:** The revised concept plan received on February 18, 2022 shows 2 proposed non-residential units (Commercial Units A & B) with a combined

gross floor area (GFA) of 196 m<sup>2</sup>. The proposed non-residential units are located at street level, fronting Tecumseh Rd. E., along the south wall of the proposed 6-storey building. Conformity with the Mixed Use Corridor policy (6.9.2.2(a)) of the OP is maintained in a **creative and flexible** manner. Therefore, it is reasonable to allow the proposed form of combined use building, provided the two units for non-residential use will jointly maintain a minimum gross floor area (GFA) of 190m<sup>2</sup> and be occupied by one or more uses permitted under section 16.10.1 (CD3.10 permitted uses), by-law 8600.

Due to the discussions that occurred surrounding these non-residential units, it is important to stipulate that only permitted non-residential use(s) requiring a total of 8 or less minimum parking spaces shall be allowed in the proposed combined use building in order to avoid future parking issues on the site. Note that Mixed Use Development Evaluation Criteria (6.9.2.4 (e)) of OP Vol. 1 requires that proponents provide adequate off-street parking. The revised concept plan proposes to provide adequate off-street parking; thereby, maintaining conformity with s.6.9.2.4(e) of the OP.

**ZONING BY-LAW REVIEW FOR MATTERS OUTSTANDING IN THE PRR ADDENDUM:** The proposed combined use building meets the minimum lot area and minimum landscape requirements for the CD3.10 zoning district. The applicant indicates that the proposed development complies with all other provisions of the zoning by-law, except section 16.10.5.15 – “For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.”

This Additional Information Memo, AI 4, recommends a mix of commercial and residential units on the ground floor of the proposed building on the subject land, which resolves the issue of non-compliance with s.16.10.5.15.

Note that the required berm and chainlink fence issues have also been resolved. The two provisions will remain as special provisions in Zoning By-law 8600.

**CONCLUSIONS AND OPINION:** Based on the withdrawal of the PRR Addendum, along with the above discussion, it is no longer necessary to provide the requested clarification to the February 7, 2022 PRR Addendum.

This Additional Information Memo (AI 4) was prepared with a focus on the February 18, 2022 revised concept plan (and floor plans) and concludes that the recommendation section in Report S 2/2022 should be revised by adding a site-specific use and additional regulations to section 20(1)438 as shown below.

The recommended amendments to the OP and Zoning By-law will facilitate the proposed development of a 6-storey Combined Use Building with 71 dwelling units and indoor amenities, mixed with two commercial units fronting Tecumseh Road East, and 96 off-street parking spaces on the subject land. The recommended amendments are consistent with the PPS 2020.

Appropriate wording and regulations are recommended in the revised s.20(1)438 to ensure that the applicant's revised concept plan maintains conformity with the Official Plan policies for Mixed Use Corridors. Furthermore, the recommended amendment to the Zoning By-law will maintain conformity with the Official Plan when OPA 143 comes into effect.

Staff supports the applicant's revised proposal and advises that Recommendation III of Report S 2/2022 **be deleted and replaced** with the revised Recommendation III shown below:

- III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the

City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

**“438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST**

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey *Combined Use Building* containing a maximum of 71 *dwelling units* plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m<sup>2</sup> minimum gross floor area with minimum parking requirement of 8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

- a) Section 16.10.5.15 of by-law 8600 shall not apply;
- b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
- c) *Dwelling units*, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;
- d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m<sup>2</sup> minimum gross floor area of non-residential use;
- e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use;
- f) 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
- g) 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/6323]

**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

**SAH, Commissioner, Legal & Legislative Services**

**JR, Chief Administrative Officer**

**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



<b>Name</b>	<b>Title</b>
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

### **Appendices:**

- 1 Appendix 1 - Parking Information, Feb. 18, 2022
- 2 Appendix 2 - Applicant's Memo, Feb. 18, 2022
- 3 Appendix 3 - Revised Concept Plan, Feb. 18, 2022
- 4 Appendix 4A - Revised Floor Plan (Ground Floor), Feb. 18, 2022
- 5 Appendix 4B - Revised Floor Plan (2nd-6th Floors), Feb 18, 2022

Information from **TONY CHAU** [Senior Project Manager], ADA – Friday, February 18, 2022.

**PART 1 – Combined Use Building with two Commercial Units totalling 196m2 GFA**

- A. The correct floor area of the first floor of the proposed building = 1,306.42m<sup>2</sup>
- B. If 15% of ground floor area is set aside for commercial use = **195.9m<sup>2</sup>**
- C. The required number of motor vehicle parking spaces for
  - 1. medical office, 1 space per 13.5m<sup>2</sup> = 14 spaces rounded down
  - 2. restaurant, 1 space per 7.5m<sup>2</sup> = 26 spaces rounded down
  - 3. retail store or personal service store, 1 space per 22.5m<sup>2</sup> = 8 spaces rounded down
  - 4. health studio, 1 space per 36m<sup>2</sup> = 5 spaces rounded down
  - 5. professional studio or business office, 1 space per 45m<sup>2</sup> = 4 spaces rounded down
 if each of the above uses occupies the entire 195.9m<sup>2</sup> on the first floor of the building.
- D. The required number of motor vehicle parking spaces for the proposed 73 dwelling units = 91 spaces rounded down.
- E. Number of parking spaces provided = 96 spaces. Remaining for commercial use = 5 spaces.

**PART 2 - Combined Use Building designed with Commercial Units totalling 911.2m2 GFA** [This is more in compliance with provision 16.10.5.15, B/L 8600]

Taking out areas such as lobby/elevator/stairs/mech/elec/refuse/2 x stairs/common room, there is **911.2m<sup>2</sup>** remaining for a non-residential single occupant use.

- 1. medical office, 1 space per 13.5m<sup>2</sup> = 67 spaces rounded down
- 2. restaurant, 1 space per 7.5m<sup>2</sup> = 121 spaces rounded down
- 3. retail store or personal service store, 1 space per 22.5m<sup>2</sup> = 40 spaces rounded down
- 4. health studio, 1 space per 36m<sup>2</sup> = 25 spaces rounded down
- 5. professional studio or business office, 1 space per 45m<sup>2</sup> = 20 spaces rounded down

**PART 3: TABLE COMPARING ABOVE PARKING INFORMATION** (prepared by JN – Feb. 18, 2022)

Excerpt from s.24.20.5.1, Zoning By-law 8600 (some CD3.10 uses)	Required Parking shown in <b>PART 1</b>	Required Parking shown in <b>PART 2</b>	Effect of revised concept plan on required on-site parking	
Assessing non-residential Parking requirements for the proposed development			Parking Reduction	
1. medical office, 1 space per 13.5m <sup>2</sup> =	14 spaces	67 spaces	53 spaces	
2. restaurant, 1 space per 7.5m <sup>2</sup> =	26 spaces	121 spaces	95 spaces	
3. retail store or personal service store, 1 space per 22.5m <sup>2</sup> =	8 spaces	40 spaces	32 spaces	Recommendation in AI 4 will accommodate permitted uses requiring 8 spaces or less within the 196m2 space
4. health studio, 1 space per 36m <sup>2</sup> =	5 spaces	25 spaces	20 spaces	
5. professional studio or business office, 1 space per 45m <sup>2</sup> =	4 spaces	20 spaces	16 spaces	



23669 Prince Albert Road  
Chatham, ON N7M 5J7  
tpillonabbs@gmail.com  
www.tpillonabbs.ca  
226-340-1232

**February 18, 2022**

Corporation of the City of Windsor  
Suite 210, 350 City Hall Square West  
Windsor, Ontario N9A 7K6

Attention Clerks Department and Planning Department

**Re: 11646 Tecumseh Rd E., City of Windsor, Proposed Official Plan and Zoning  
By-law Amendments, Z-005/21 & OPA143, Staff Report S 2/2022**

Please be advised that the applicant for the above-noted property would like to withdraw the submitted February 6, 2022, Planning Rational Report (PRR) Addendum, as it pertains to the Official Plan and Zoning By-law Amendment applications.

The PRR was presented to the Development and Heritage Standing Committee at a public meeting dated February 7, 2022, which was then deferred.

The reason for this withdrawal is that after further review and design alterations, the proposed development can comply with the proposed Commercial District 3.10 (CD3.10) zoning.

It is now proposed to develop the subject lands with a 20.0 m (6 storey) combined use building with residential use on the main floor and above main floor commercial use. A total of 71 residential units and 2 commercial units are proposed.

However, relief is required to the proposed CD3.10 zone to permit the residential use on the main floor of the proposed combined use building. All other proposed CD3.10 can be complied with.

Please see attached revised floor plan, concept plan and site data matrix, prepared by ADA Inc. Architect, dated February 18, 2022.

Please do not hesitate to contact me if you require any further information

Yours Truly,

A handwritten signature in black ink, appearing to read "Tracey Pillon-Abbs".

Tracey Pillon-Abbs, RPP  
Principal Planner

**FILE 2020-80**

Sho's archaeological projects are 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.

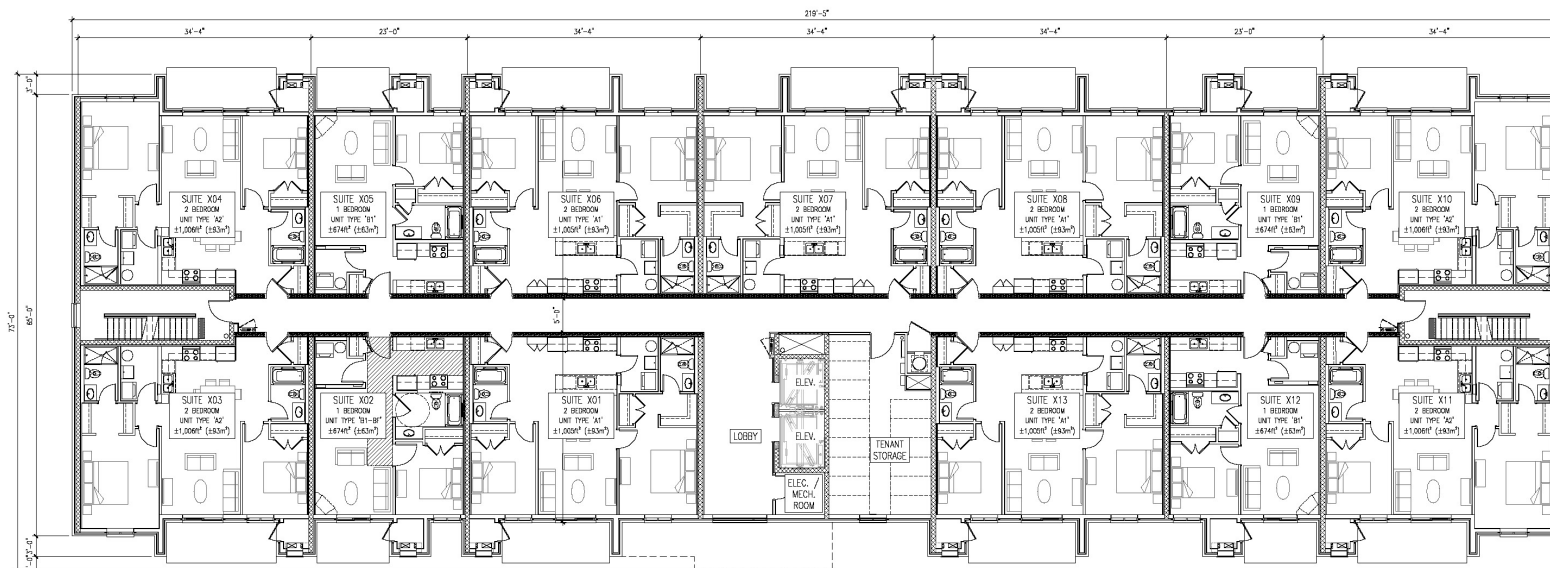
In the event that human remains are encountered during construction, all work in that area must be stopped immediately and the area secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Ministry of Community Services must then be notified, and clearance be given by the Ministry of Tourism, Culture and Sport.

A building shall not be located between existing above ground electrical conductors. Where a building is to be constructed in proximity to above ground electrical conductors, horizontal clearances between buildings and overhead conductors shall be maintained in accordance with the following table:





Regular City Council Agenda - March 21, 2022  
Page 262 of 762



<b>architectural inc.</b> <b>design</b> <b>associates</b>	1670 mercer street windsor ontario canada n6b 3p7 ph 519.254.3430 fax 519.254.3462 email info@architecturalinc.ca	project: PROPOSED MULTI-USE 6-STOREY CONDOMINIUM / COMM. BUILDING - 11646 TECUMSEH ROAD EAST, WINDSOR, ONT. client: MAPLE LEAF HOMES LTD.	floor plan	date: FEB. 2022 drawing no.: 2022-033 dsg. no.:
			drawn by: TC checked by: SMB / TC	sheet no.: A1.1b





**Committee Matters: SCM 70/2022**

**Subject: Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – 531 Pelissier Limited - 531 Pelissier Street– CDM 006-20 [CDM-6637]; Ward 3**

Moved by: Councillor Holt  
Seconded by: Councillor Morrison

Decision Number: **DHSC 372**

THAT the application of 531 Pelissier Limited for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24, and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 26/2022  
Clerk's File: Z/14297

**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 March 7, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – 531 Pelissier Limited - 531 Pelissier Street– CDM 006/21 [CDM-6637]; Ward 3**

**Reference:**

Date to Council: March 7, 2022  
Author: Jim Abbs  
Senior Planner - Subdivisions  
519 255 6543 x6317  
jabbs@citywindsor.ca

Planning & Building Services  
Report Date: February 15, 2022  
Clerk's File #: Z/14297

**To:** Mayor and Members of City Council

**Recommendation:**

THAT the application of 531 Pelissier Limited for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24, and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.

**Executive Summary:**

N/A.

**Background:**

**Application Information:**

**Location:** West side of Pelissier Street, North of Wyandotte Street West

**Ward:** 3                                      **Planning District:** 01- City Centre                      **ZDM:** 3 & 7

**Applicant:** 531 Pelissier Limited (Chris Macleod)

## Proposal:

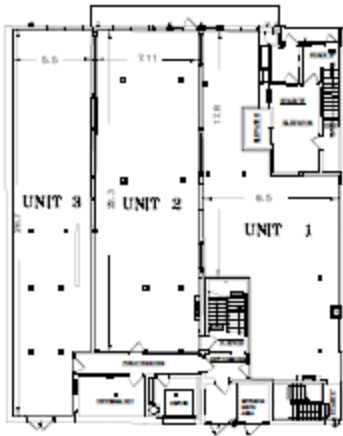
The applicant is applying for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium for in an existing Building to create 24 dwelling units and 3 commercial units.

The subject site has received Site Plan Approval (File SPC-034/17) registered as instrument CE854048, on October 15, 2018 which permitted a total of 24 dwelling units and 3 commercial units within an existing building. The Site Plan agreement covers a range of municipal and agency requirements to be completed by the owner including items such as the provision of landscaping, parking, parkland conveyance, levies and lighting, all required prior to the issuance of a construction permit.

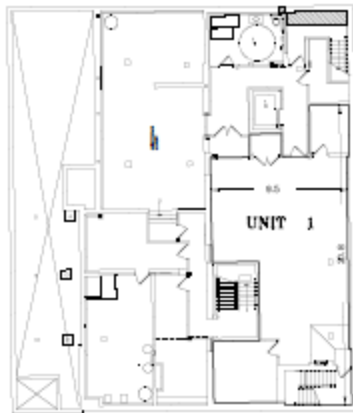


Figure 1: Location Map

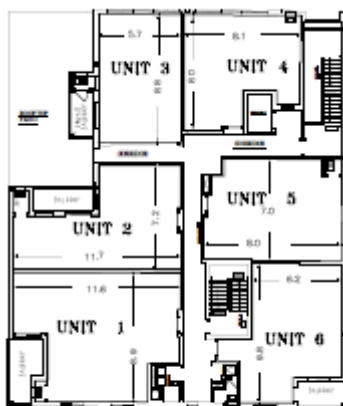
## Plan of Condominium:



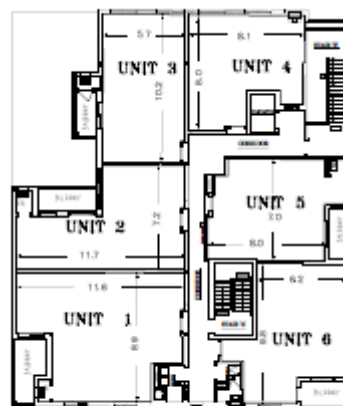
UNITS 1 to 3 (inclusive)  
(COMMERCIAL)  
LEVEL 1 (MAIN FLOOR)  
SCALE = 1:200



UNIT 1 (COMMERCIAL)  
LEVEL 1 (BASEMENT)  
SCALE = 1:200

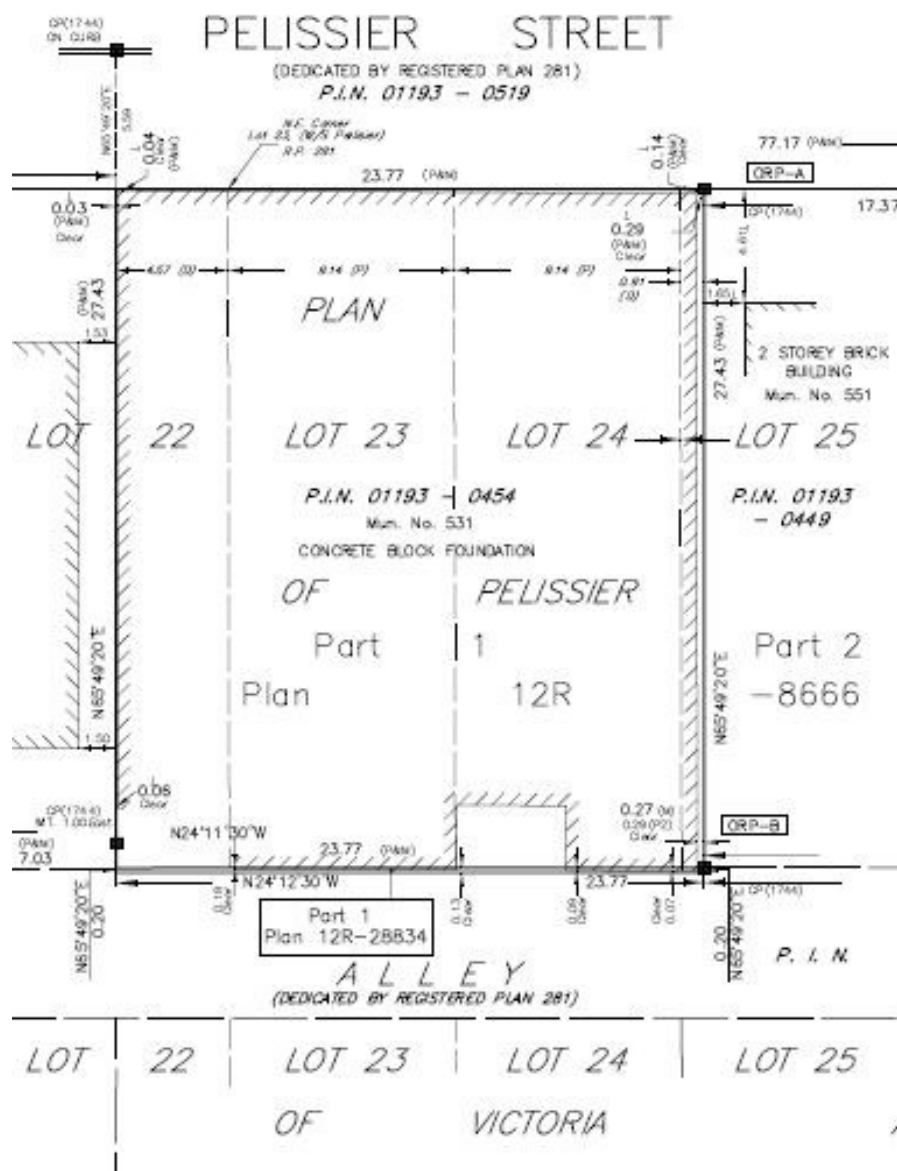


UNITS 1 to 6 (inclusive)  
(RESIDENTIAL)  
LEVEL 2  
SCALE = 1:200



UNITS 1 to 6 (inclusive)  
(RESIDENTIAL)  
LEVELS 3, 4 AND 5  
SCALE = 1:200

CDM-006/21-1



CDM-006/21-2

### Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Mixed Use - Medium Profile (Schedule E- City Centre)	Commercial District 3.6 (CD3.6)	Combined Use Building (Under Construction)	Commercial/Offices
LOT WIDTH	LOT DEPTH	AREA	SHAPE
23.77m	27.43m	652.18 m <sup>2</sup>	rectangular
All measurements are for the entire parcel and are approximate.			

**Neighbourhood Characteristics:**

The surrounding land uses consist of a mix of commercial businesses and offices consistent with a downtown core area.

Pelissier Street is a Class II Collector. Public transit is available via the Crosstown 2, and Central 3 buses on Wyandotte Street West and the Ottawa 4, Transway 1A and Transway 1C buses on Ouellette Avenue.

**Discussion:****Planning Analysis:****Statutory Regulations:**

Under Section 9 of the Condominium Act, an owner may request approval of a plan of condominium subject to Section 51 of the Planning Act (subdivisions). As such, the usual approval process for plans of subdivision is invoked, i.e. review by municipal and provincial agencies, public notification, draft plan approval, a condominium agreement and final registration.

The Condominium Act also provides that owners can be exempted from the above mentioned Planning Act provision if the approval authority (i.e. the City of Windsor) is of the opinion that "such exemption is appropriate in the circumstances". The reasons for exemptions are not specified, but usually applicants can be exempted if the following conditions are satisfied:

- (i) that all municipal requirements and conditions have been addressed (for example by an approved application for rezoning and/or site plan control); and
- (ii) that the building(s) is suitable for a condominium by virtue of design and amenities.

The proposed condominium complies with the above conditions.

**Official Plan:**

The subject property is designated "Mixed Use - Medium Profile" on Schedule E-City Centre of the City of Windsor Official Plan. The designation is intended to accommodate retail and service commercial establishments, offices, culture, entertainment and open space uses, and residential uses. The proposed development conforms with this policy.

The City of Windsor has policies in the Official Plan for approval of a plan of condominium with exemption under Section 9 of the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) a residential building is constructed or a building permit for its construction has been issued;
- (b) the development has received site plan control approval; and
- (c) the development (new proposed units) do not contain any occupied residential rental units.

The proposed condominium complies with the above conditions.



## **Zoning By-Law**

The property is zoned Commercial District (CD) 3.6. The proposed development is permitted under the CD3.6 category. Building permits have been issued and construction of the building is nearing completion

### **Risk Analysis:**

N/A

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

N/A

### **Consultations:**

Municipal and agency requirements have been addressed and implemented through the site plan control approval process, and the registration of a site plan agreement. (File SPC-034/17) registered as instrument CE854048, on October 15, 2018)

### **Public Notice:**

No public notification is required where exemptions are requested and the development is properly zoned for the permitted use. Nevertheless, notice was mailed to all property owners within 120 metres (400 feet) and notice was also given in the Windsor Star.

### **Conclusion:**

The application has been processed and evaluated with regard to both the Planning Act and the Condominium Act, as well as the City of Windsor Official Plan, and is in conformity with the zoning regulations and the City of Windsor Official Plan. Municipal requirements regarding this development have been addressed in the site plan control agreement and the draft plan of condominium is consistent with the approved site plan (File SPC-034/17 registered as instrument CE854048, on October 15, 2018)

It is recommended that this application for approval be exempted from Section 51 of the Planning Act (per Section 9(3) of the Condominium Act). This means that the owner can proceed directly to registration following submission of an approved final plan of condominium.

**Planning Act Matters:**

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

*Thom Hunt, City Planner*

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

SAH JR

**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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email
531 Pelissier Limited (Chris Macleod)	13405 Desro Drive, Tecumseh ON N9K 0B7	531pelissier@gmail.com

**Appendices: N/A**



**Committee Matters: SCM 71/2022**

**Subject: Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005-20 [CDM-6636]; Ward 6**

Moved by: Councillor Gill

Seconded by: Councillor Morrison

Decision Number: **DHSC 373**

THAT the application of Farhi Holdings Corporation for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 25/2022

Clerk's File: Z/14295

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 7.3. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005/21 [CDM-6636]; Ward 6**

**Reference:**

Date to Council: March 7, 2022

Author: Jim Abbs

Senior Planner - Subdivisions

519 255 6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: February 15, 2022

Clerk's File #: Z/14295

**To:** Mayor and Members of City Council

**Recommendation:**

**THAT** the application of Farhi Holdings Corporation for an exemption under Section 9(3) of The Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** South side of McHugh Street, East of Darfield Avenue

**Ward:** 6

**Planning District:** 19- Riverside

**ZDM:** 14

**Applicant:** Farhi Holding Corporation (Shmuel Farhi)

**Authorized Agent:** Dillon Consulting Limited (Karl Tanner)

## Proposal:

The applicant is applying for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium for 4 Multiple Dwelling structures containing a total of 232 dwelling units.

The subject site has received Site Plan Approval (File SPC-024/19) registered as instrument CE984878, on January 12, 2021 which permitted a total of 232 units within 4 multiple dwelling structures. The Site Plan agreement covers a range of municipal and agency requirements to be completed by the owner including items such as the provision of landscaping, parking, parkland conveyance, levies and lighting, all required prior to the issuance of a construction permit.

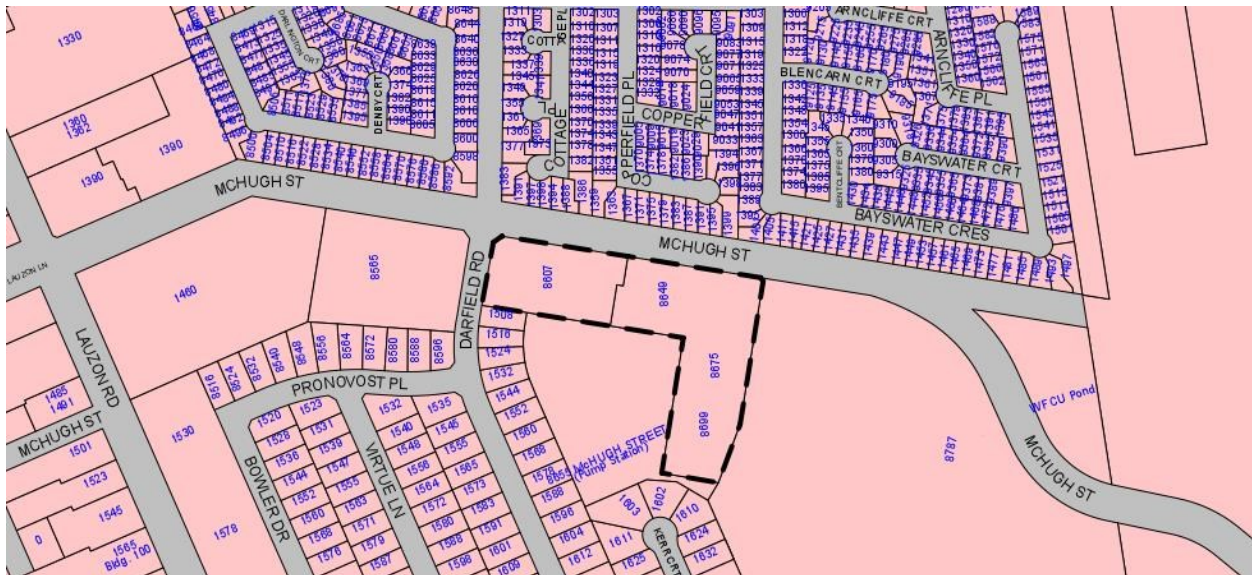
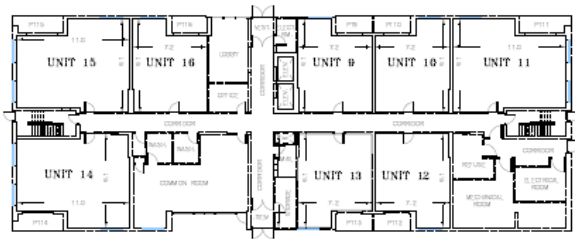


Figure 1: Location Map

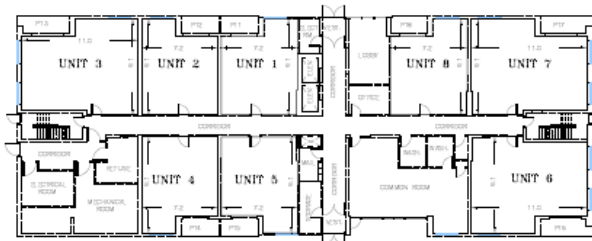
## Plan of Condominium:



UNITS 9 to 16 (incl.) and  
EXCLUSIVE USE PATIOS PT9 to PT16 (incl.)  
LEVEL 1  
(BUILDING 'B')  
SCALE = 1:200



UNITS 11 to 20 (incl.)  
LEVELS 2 to 6 (incl.)  
(BUILDING 'B')  
SCALE = 1:200



UNITS 1 to 8 (incl.) and  
EXCLUSIVE USE PATIOS PT1 to PT8 (incl.)  
LEVEL 1  
(BUILDING 'A')  
SCALE = 1:200



UNITS 1 to 10 (incl.)  
LEVELS 2 to 6 (incl.)  
(BUILDING 'A')  
SCALE = 1:200



UNITS 17 to 24 (incl.) and  
EXCLUSIVE USE PATIOS PT17 to PT24 (incl.)  
LEVEL 1  
(BUILDING 'C')  
SCALE = 1:200

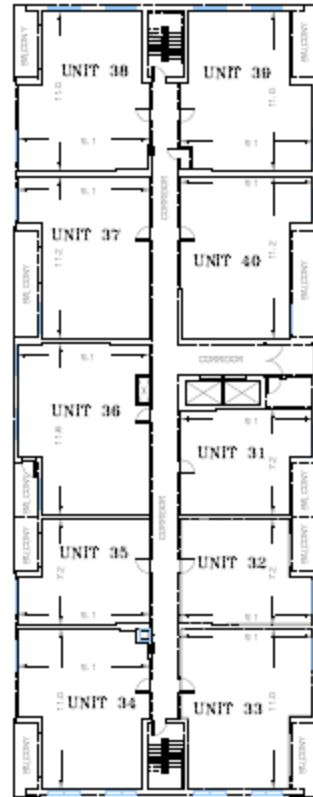


UNITS 21 to 30 (incl.)  
LEVEL 2 to 6 (incl.)  
(BUILDING 'C')  
SCALE = 1:200

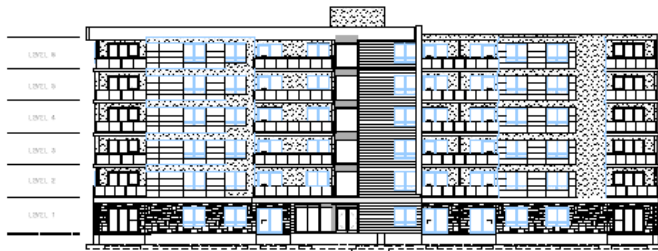




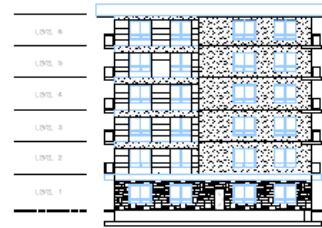
UNITS 25 to 32 (incl.) and  
EXCLUSIVE USE PATIOS PT25 to PT32 (incl.)  
LEVEL 1  
(BUILDING 'D')  
SCALE = 1:200



UNITS 31 to 40 (incl.)  
LEVEL 2 to 6 (incl.)  
(BUILDING 'D')  
SCALE = 1:200

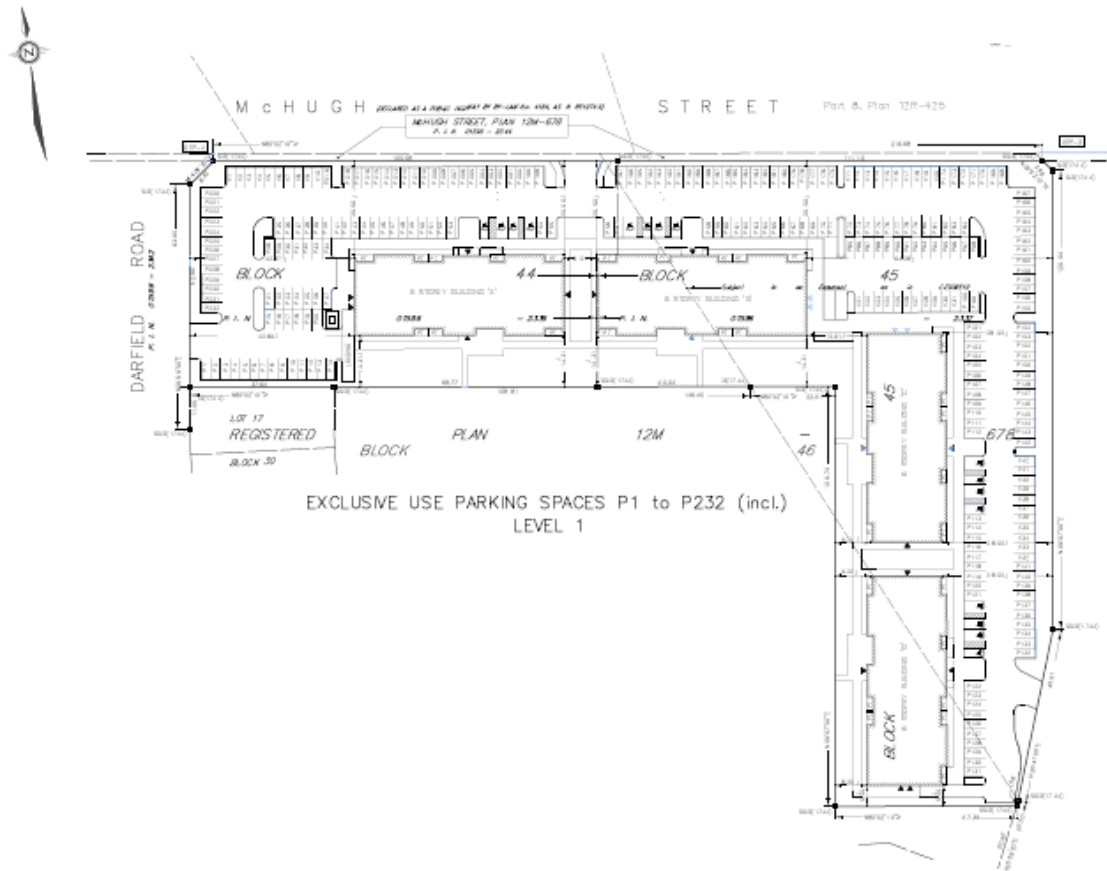


NORTH ELEVATION  
(BUILDING 'A')  
SCALE = 1:200



EAST ELEVATION  
(BUILDING 'A')  
SCALE = 1:200

CDM-005/21-1



CDM-005/21-2

### Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 3.1 (RD3.1)	Multiple Dwelling Building (Under Construction)	vacant
LOT WIDTH	LOT DEPTH	AREA	SHAPE
217m	167m	1.94 ha	Irregular
All measurements are for the entire parcel and are approximate.			

### Neighbourhood Characteristics:

The surrounding land uses consist of a mix of residential, commercial, and institutional/recreational uses. To the north are residential uses in the Little River Acres subdivision, A single detached unit subdivision is currently under construction to

the south, a commercial parcel is located west of the site and the parking area for the WFCU center is located to the east of the site.

McHugh Street is a Class II Arterial Road and Darfield Road is a Local Road. Public transit is available via the Lauzon 10 bus on McHugh Street immediately adjacent to the subject lands.

**Discussion:**

**Planning Analysis:**

**Statutory Regulations:**

Under Section 9 of the Condominium Act, an owner may request approval of a plan of condominium subject to Section 51 of the Planning Act (subdivisions). As such, the usual approval process for plans of subdivision is invoked, i.e. review by municipal and provincial agencies, public notification, draft plan approval, a condominium agreement and final registration.

The Condominium Act also provides that owners can be exempted from the above mentioned Planning Act provision if the approval authority (i.e. the City of Windsor) is of the opinion that "such exemption is appropriate in the circumstances". The reasons for exemptions are not specified, but usually applicants can be exempted if the following conditions are satisfied:

- (i) that all municipal requirements and conditions have been addressed (for example by an approved application for rezoning and/or site plan control); and
- (ii) that the building(s) is suitable for a condominium by virtue of design and amenities.

The proposed condominium complies with the above conditions.

**Official Plan:**

The subject property is designated "Residential" on Schedule "D" - Land Use of the City of Windsor Official Plan. The designation is intended to accommodate dwelling types that will contribute to the mix of housing forms, tenures and price levels in the area.

The City of Windsor has policies in the Official Plan for approval of a plan of condominium with exemption under Section 9 of the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) a residential building is constructed or a building permit for its construction has been issued;
- (b) the development has received site plan control approval; and
- (c) the development (new proposed units) do not contain any occupied residential rental units.

The proposed condominium complies with the above conditions.

## **Zoning By-Law**

The property was the subject of a recent rezoning application (Z004/19 ZNG5772) that applied the current Residential District (RD) 3.1 category. The Multiple Dwelling buildings are permitted under the RD3.1 category. Building permits have been issued and construction of the first building is nearing completion.

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

N/A

## **Consultations:**

Municipal and agency requirements have been addressed and implemented through the site plan control approval process, and the registration of a site plan agreement. (File SPC-024/19 registered as instrument CE984878, January 12, 2021)

### **Public Notice:**

No public notification is required where exemptions are requested and the development is properly zoned for the permitted use. Nevertheless, notice was mailed to all property owners within 120 metres (400 feet) and notice was also given in the Windsor Star.

## **Conclusion:**

The application has been processed and evaluated with regard to both the Planning Act and the Condominium Act, as well as the City of Windsor Official Plan, and is in conformity with the zoning regulations and the City of Windsor Official Plan. Municipal requirements regarding this development have been addressed in the site plan control agreement and the draft plan of condominium is consistent with the approved site plan (File SPC-024/19 registered as instrument CE984878, on January 12, 2021).

It is recommended that this application for approval be exempted from Section 51 of The Planning Act (per Section 9(3) of The Condominium Act). This means that the owner can proceed directly to registration following submission of an approved final plan of condominium.

**Planning Act Matters:**

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

*Thom Hunt, City Planner*

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

SAH JR

**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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

**Notifications:**

Name	Address	Email
Farhi Holdings Corporation	484 Richmond Street, Suite 200, London ON N6A 3E6	farhi@farhi.com
Dillon Consulting Limited, Karl Tanner	3200 Deziel Drive, Unit 608 Windsor Ontario N8W 5K8	ktanner@dillon.ca
Councillor Gignac		
Landowners within 120 m		

**Appendices: N/A**



Committee Matters: SCM 72/2022

**Subject: Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4**

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 374**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 84 to 87, Registered Plan 684, further described as Parts 1 to 4, Plan 12R-27198 (known municipally as 1913, 1925 & 1949 Devonshire Court; Roll No. 020-220-03903, 020-220-03906, 020-220-03901), situated at the southeast corner of Devonshire Court and Kildare Road, by deleting and replacing Section 20(1)340 with the following:

**340. SOUTHEAST CORNER OF DEVONSHIRE COURT AND KILDARE ROAD**

For the lands comprising Lots 84 to 87, Registered Plan 684 and further described as Parts 1 to 4, Plan 12R-27198. a *multiple dwelling* shall be an additional permitted use and:

1. For any *dwelling*, the following additional provisions shall apply:
  - a) An *access area* or driveway is prohibited in any *front yard* or exterior *side yard*. Access to a *parking space* shall be from an *alley*.
  - b) Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.
2. For a *single unit dwelling*, the following additional provisions shall apply:
  - a) Main Building Height – minimum 7.00 m
  - b) Front Yard Depth – minimum 7.50 m
3. For *multiple dwelling*, the following provisions shall apply:
  - a) Lot Width – minimum 35.0 m
  - b) Lot Area – minimum 2,152.0 m<sup>2</sup>
  - c) Lot Coverage – maximum 35.0%
  - d) Main Building Height – maximum 15.0 m
  - e) Building Setback – minimum
    1. From that part of the lot line abutting Kildare Road 2.62 m



- |   |                          |
|---|--------------------------|
| 2. From that part of the lot line abutting Devonshire Court | 3.39 m                   |
| 3. From the midpoint of the 20ft radius of Lot 87 RP 684    | 1.89 m                   |
| 4. From an interior lot line                                | 1.20 m                   |
| f) Landscaped Open Space Yard – minimum                     | 27.5% of <i>lot area</i> |
| g) Dwelling Units - maximum                                 | 23                       |
- [ZDM 7; ZNG/4715; ZNG/6571]

2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:
- The comments from City of Windsor - Office of the City Engineer - Engineering Department – Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving, Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
  - The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
  - The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
  - The comments of the City of Windsor – Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.
  - The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
  - The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

Carried.

Councillor Gill and Members Gyemi and Moore voting nay.

Report Number: S 22/2022  
Clerk's File: ZB/14241

**Clerk's Note:**

- The recommendation of the Standing Committee and Administration are the same.
- Please refer to Item 7.4. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
- To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949  
Devonshire Court - Z-034/21 ZNG/6571 - Ward 4**

**Reference:**

Date to Council: March 7, 2022  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: February 14, 2022  
Clerk's File #: ZB/14241

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 84 to 87, Registered Plan 684, further described as Parts 1 to 4, Plan 12R-27198 (known municipally as 1913, 1925 & 1949 Devonshire Court; Roll No. 020-220-03903, 020-220-03906, 020-220-03901), situated at the southeast corner of Devonshire Court and Kildare Road, by deleting and replacing Section 20(1)340 with the following:

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2. For a *single unit dwelling*, the following additional provisions shall apply:
  - a) Main Building Height – minimum 7.00 m
  - b) Front Yard Depth – minimum 7.50 m
3. For *multiple dwelling*, the following provisions shall apply:

- |    |   |                          |
|----|---|--------------------------|
| a) | Lot Width – minimum   | 35.0 m                   |
| b) | Lot Area – minimum  | 2,152.0 m <sup>2</sup>   |
| c) | Lot Coverage – maximum                                      | 35.0%                    |
| d) | Main Building Height – maximum                              | 15.0 m                   |
| e) | Building Setback – minimum                                  |                          |
|    | 1. From that part of the lot line abutting Kildare Road     | 2.62 m                   |
|    | 2. From that part of the lot line abutting Devonshire Court | 3.39 m                   |
|    | 3. From the midpoint of the 20ft radius of Lot 87 RP 684    | 1.89 m                   |
|    | 4. From an interior lot line                                | 1.20 m                   |
| f) | Landscaped Open Space Yard – minimum                        | 27.5% of <i>lot area</i> |
| g) | Dwelling Units - maximum                                    | 23                       |

**[ZDM 7; ZNG/4715; ZNG/6571]**

2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:

- a) The comments from City of Windsor - Office of the City Engineer - Engineering Department – Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving, Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
- b) The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
- c) The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
- d) The comments of the City of Windsor – Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.
- e) The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
- f) The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

## **Executive Summary:**

The Planning Department recommends that an amendment to Zoning By-law 8600 to permit a multiple dwelling as an additional permitted use subject to additional provisions be approved. Further direction for the Site Plan Approval Officer is also provided.

The applicant is 2811035 Ontario Inc. (Michael Spinetti and Vito Galifi) and the agent is Pillon Abbs Inc. (Tracey Pillon-Abbs, MCIP, RPP). The subject parcel is located in the Walkerville Heritage Area at the southeast corner of Devonshire Court and Kildare Road, and is vacant. The applicant proposes to construct a multiple dwelling with a maximum building height of 15 m containing 23 dwelling units over four storeys with a total of 30 parking spaces including two accessible spaces and one loading space.

The applicant submitted various documents including a Planning Rationale Report, Built Heritage Impact Assessment, Preliminary Stormwater Management Report, conceptual site plan, elevations & floor plans.

The parcel is located at the south end of a mostly low-density neighbourhood, consisting mostly of single unit dwellings, interspersed with semi-detached dwellings, townhome dwellings and multiple dwellings. Public transit, several elementary schools, a secondary school and municipal parks are located within walking distance. Ottawa Street is located immediately to the south and contains a mix of commercial and residential uses. Walker Road is located to the east and contains a mix of commercial, office and industrial uses and provides access to major such as Highway 401.

The proposed amendment to Zoning By-law 8600 has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity to the City of Windsor Official Plan. Based on the documents submitted by the applicant, comments from municipal departments and external agencies and the planning analysis in this report, it is the opinion of the Planner that requested amendment to Zoning By-law 8600 is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

Staff recommend that the existing site specific zoning exception be revised to allow the multiple dwelling as an additional permitted use subject to additional provisions.

Site plan control is the appropriate tool to incorporate the requirements, and consider the concerns, of municipal departments and external agencies. The Heritage Planner and Landscape Architect have provided preliminary comments for the applicant to consider as part of the site plan review process.

Exemption from Interim Control By-law 103-202 (RICBL) was also considered. RICBL prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. The proposed multiple dwelling was evaluated on five criteria and it was determined that it would not prejudice the Land Use Study.

The staff recommendation will permit a multiple dwelling at this location that, while not identical or similar to existing development in the area, is able to coexist with existing land uses in the Walkerville Heritage Area and in the immediate area surrounding the subject parcel.

The proposed multiple dwelling is an appropriate form of intensification and expands the range of dwelling types in an area dominated by single unit dwellings. It allows for residents of the proposed multiple dwelling to use alternative and active transportation modes such as walking, cycling and public transit.

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

**Background:**

**Application Information:**

**Location:** 1913, 1925 & 1949 Devonshire Court  
Southeast corner of Devonshire Court and Kildare Road  
Roll No.: 020-220-03903, 020-220-03906, 020-220-03901

**Ward:** 4      **Planning District:** Walkerville      **Zoning District Map:** 7

**Applicant:** 2811035 Ontario Inc. (Michael Spinetti and Vito Galifi)

**Agent:** Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

**Proposal:**

The applicant is requesting an amendment to Zoning By-law 8600 to allow a multiple dwelling as an additional permitted use subject to additional provisions. The applicant proposes to construct a multiple dwelling with a maximum building height of 15 m containing 23 dwelling units over four storeys.

A total of 30 parking spaces including two accessible parking spaces, 21 bicycle spaces (7 exterior and 14 interior), and one loading space are proposed. The parking area will have a single two-way access from the east-west alley which has access to Kildare Road to the west and Argyle Road to the east.

The main pedestrian entrance to the building will be located on the south building elevation adjacent to the parking area and will be accessible from Kildare via a walkway.

The conceptual site plan, elevations/perspectives and floor plans are subject to change. Any improvements such as street lights or benches in the public right-of-way are conceptual and for information purposes only. The proposed development is subject to site plan control. A Plan of Condominium application will be submitted in the future.

**Submitted Material:**

Attached to this report as an Appendix:

Site Plan, Perspectives (Revised) and Floor Plans – See Appendix A  
Planning Rationale Report and Addendum– See Appendix B  
Built Heritage Impact Study (Revised) – See Appendix C

**Not attached to this report but available online or via email:**

Deed

Plan of Survey  
Preliminary Stormwater Management Report  
Shadow Study (also included in Built Heritage Impact Study (Revised)  
Stormwater Detention Scheme  
Traffic Impact Study

All documents are available online via the Current Development Applications [page](#) – click on [Z-034/21](#) or via email at [aszymczak@citywindsor.ca](mailto:aszymczak@citywindsor.ca)



### Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.1 (RD1.1) S.20(1)267 S.20(1)340	Vacant Land	Place of Worship Public Hall
LOT FRONTAGE KILDARE ROAD	LOT FRONTAGE DEVONSHIRE COURT	LOT AREA	LOT SHAPE
39.8 m	51.1 m	2,152.4 sq m	Irregular
130.5 ft	167.6 ft	23,168.2 sq ft	
All measurements are based on data provided by applicant and are approximate. Lot frontage is measured to the half way point of the curve at Kildare and Devonshire.			

### Neighbourhood Characteristics:

Site images are attached as Appendix D to this report. The subject parcel is located at the southeast corner of Kildare Road and Devonshire Court, immediately north of Ottawa Street East and is currently vacant. It is located in the Walkerville Planning District, which includes the former Town of Walkerville, a town founded by Hiram Walker, the founder of the Hiram Walker and Sons Ltd. distillery. The Town of Walkerville was incorporated in 1890 and annexed into Windsor in 1935.

The parcel is located at the south end of a mostly low-density neighbourhood, consisting mostly of single unit dwellings, interspersed with semi-detached dwellings, townhome dwellings and multiple dwellings. To the north, across the street, are located three single unit dwellings (1912, 1924 and 1924 Devonshire Court). Continuing north is more low density, low-profile residential dwellings, including semi-detached dwellings at 1220-1224, 1228-1232 and 1236-1240 Kildare Road.

Further north is Willistead Park, a large regional municipal park (6 hectate / 15 acres) that includes historic Willistead Manor, a building owned and operated by the City of Windsor for weddings, meetings, banquets and community events. Immediately to the east of Willistead Park is Walkerville Secondary School, an English-language public high school. The area northeast of the subject lands consists of more low-density housing and St. Anne French Immersion Catholic Elementary School at 1140 Monmouth Road.

At the north end of the Walkerville area, between Wyandotte Street East, Monmouth Road, Tuscarora Street and Kildare Road are several Multiple Dwellings with 3 to 4 storeys located south of Wyandotte Street East (1920 & 1980 Tuscarora Street, 625 & 645 Argyle Road, 657, 673 & 693 Argyle Road, 686 Argyle Road). At the corner of Monmouth and Tuscarora is the Club Loft Condominium (2175 Wyandotte Street) which is former Hiram Walker warehouse that was converted into residential apartment building with 10 storeys (each dwelling unit spans two floors).

Immediately abutting the parcel to the east is Devonshire Park, a unique municipal park that consists of three separate parcels. These are located on the northeast and northwest sides of Devonshire Road at Devonshire Court and the larger parcel, similar in area to the subject parcel, on the south side of Devonshire Court. To the east of

Devonshire Park are more residential uses. Walker Road is a significant north-south road corridor and consists of residential, commercial, and industrial uses.

Ottawa Street is major east-west road between Howard Avenue to the west and Walker Road to the east with a mix of residential, institutional, recreational and commercial uses. The Windsor Market Square facility at the southwest corner of Ottawa and Walker, consists of commercial uses in various buildings, a farmer's market, and dwelling units.

South of the parcel is a paved east-west alley, a Tim Horton's with a drive-through, and Ottawa Street. At the southwest corner of Ottawa and Kildare is École Élémentaire L'envolée, a French-language elementary school. Further south is more low-density residential. To the west, is more low-density residential including a multiple dwelling on the west side of Kildare at 1287 Kildare Road.

Kildare Road, Devonshire Court, Devonshire Road and Argyle Road are classified as Local Roads on Schedule F: Roads and Bikeways, are paved with curbs. Kildare Road and Argyle Road have sidewalks on both sides. Devonshire Court has a sidewalk on the south side adjacent to the subject lands. Devonshire Road has no sidewalks. Ottawa Street is a Class I Collector with two lanes of parking, two lanes of traffic, curbs and sidewalks on both sides. Walker Road is a Class II Arterial and provides access to many major east-west arterials and to Highway 401.

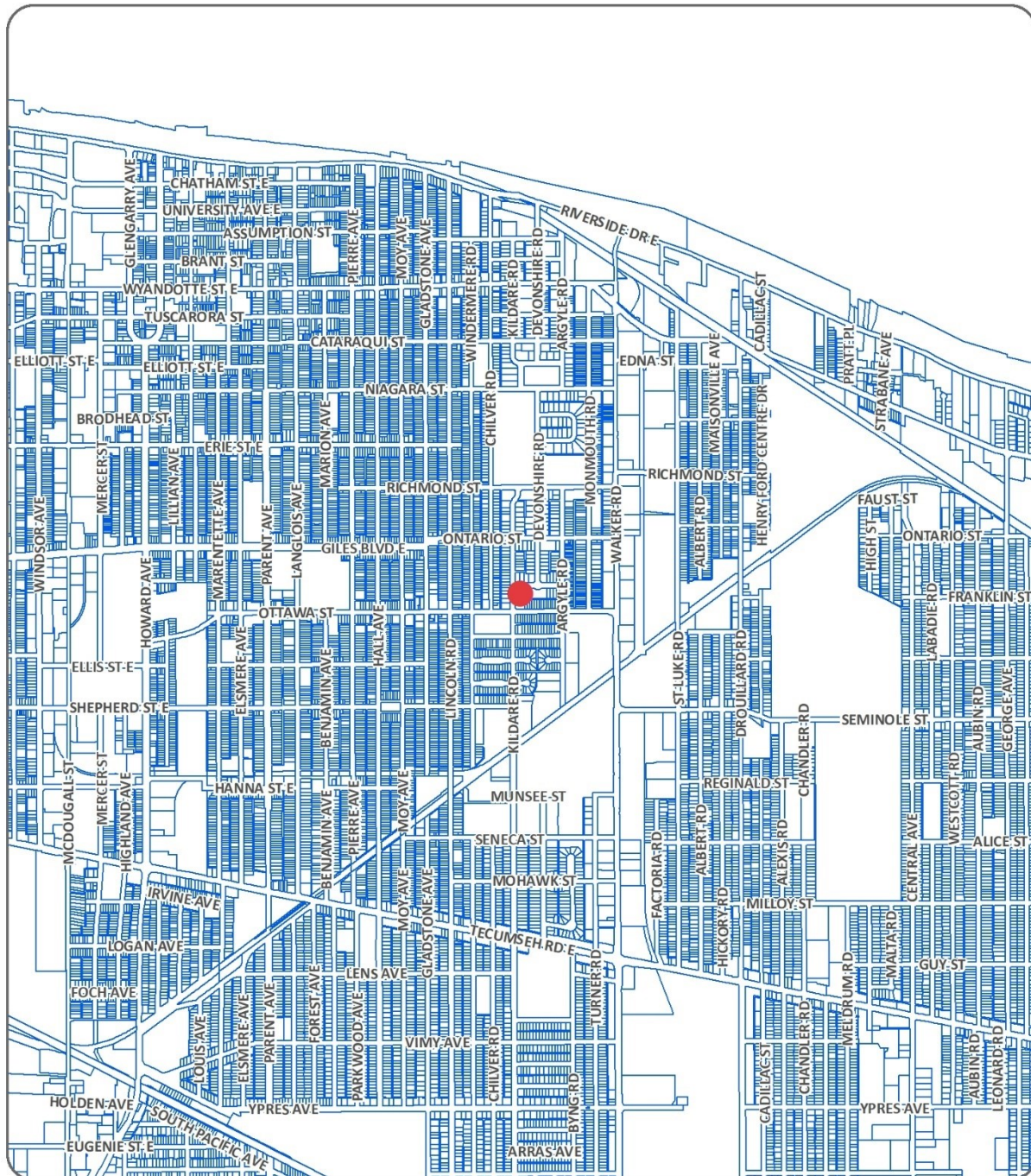
Gladstone Avenue & Lincoln Road, situated to the west, are classified as a Class I Collector and Bikeway north of Ottawa Street, and as a Class II Collector and Bikeway south of Ottawa Street. The intersection of Ottawa Street and Kildare, Ottawa Street and Monmouth and Ottawa Street and Walker Road all have traffic lights.

On-street bicycle lanes are available on Gladstone Avenue (southbound) and Lincoln Avenue (northbound), approximately 425 m to the west. Richmond Street, about 430 m to the north, is signed as an east-west bicycle route. The 2019 Active Transportation Master Plan identifies Kildare Road as a future Regional Spine in the bicycle network and future All Ages and Abilities cycling facilities.

Public transit is available via the Ottawa 4 bus route on Ottawa Street with stops at Kildare Road, approximately 70 m to the south, and the Walkerville 8 bus route on Gladstone Avenue and Lincoln Road to the west, with stops at Ottawa Street, approximately 425 m to the west, all within 1 km walking distance. The 2019 Transit Master Plan maintains similar transit access.

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

Figure 1: Key Map

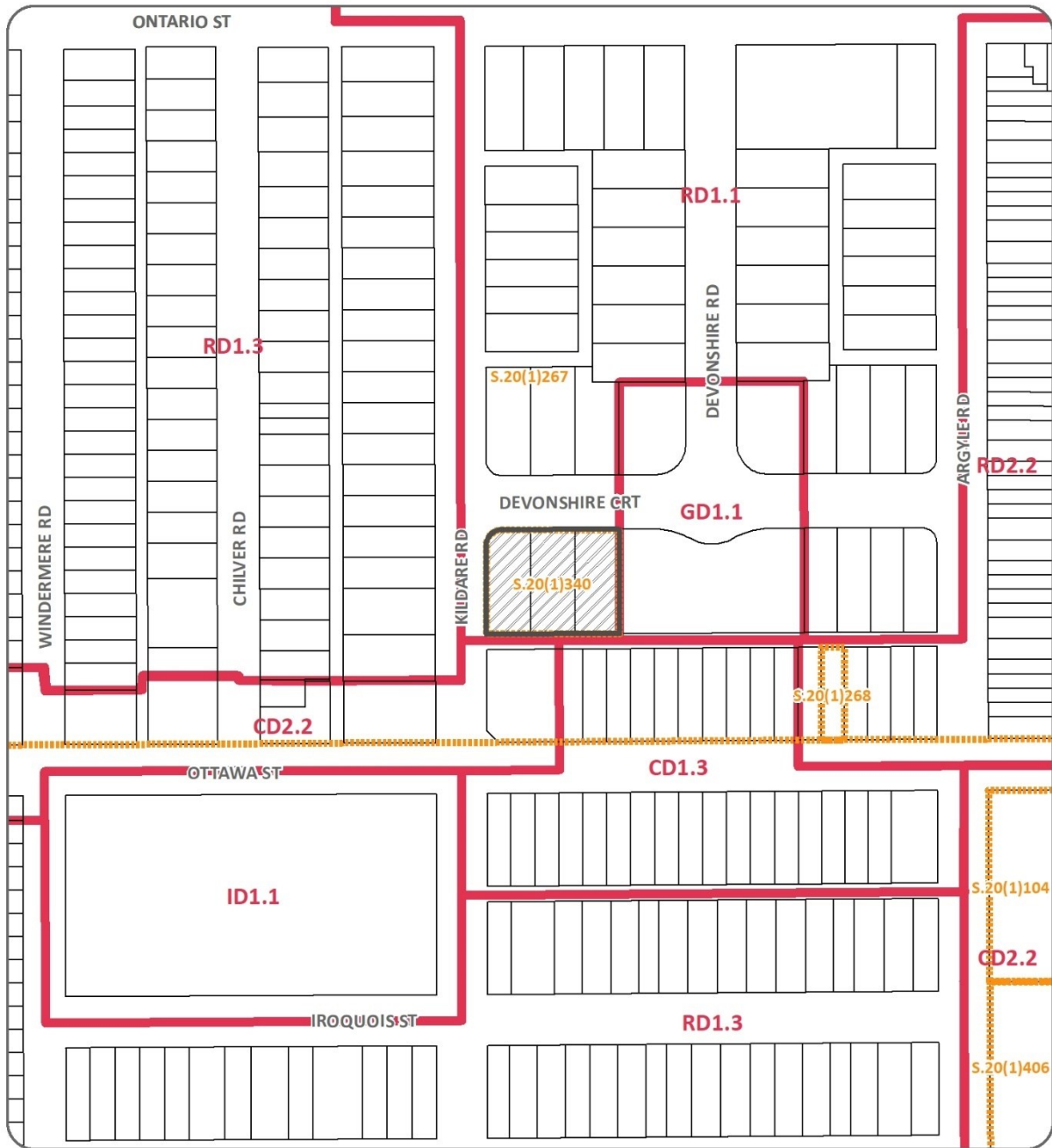


KEY MAP - Z-034/21, ZNG-6571



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAP 7

## REZONING

Applicant: 2811035 Ontario Inc



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

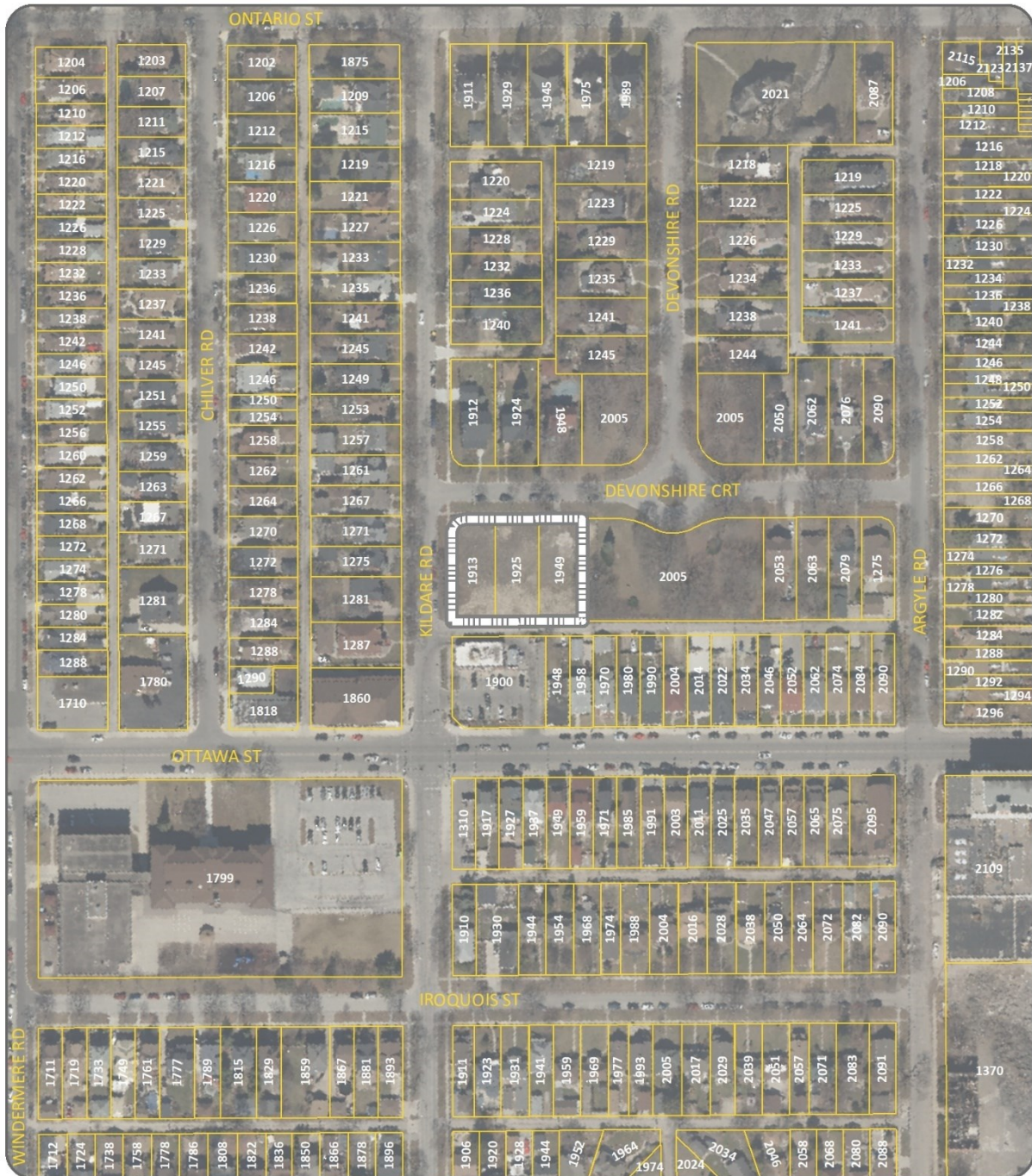
N.T.S.



DATE : SEPTEMBER, 2021  
FILE NO. : Z-034/21, ZNG/6571



**Figure 3: Neighborhood Map**



NEIGHBOURHOOD MAP - Z-034/21, ZNG/6571



SUBJECT LANDS



## **Discussion:**

### **Reports Submitted by Applicant:**

#### **Planning Rationale Report & Addendum (Pillon Abbs Inc. – Tracey Pilon-Abbs, MCIP, RPP)**

The Planning Rationale Report (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, including a zoning matrix on pages 49 to 53 are provided.

The PRR concludes that the *“site is ideally suited for residential development”*, that the proposed development is *“compatible with the existing built-up area, including the low profile residential uses along Devonshire Court and Kildare Road, and the overall character of the Walkerville Heritage Area”*, and that *“proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to a new housing choice and intensification requirements set out in the PPS and the OP.”*

An addendum was submitted during the review process. It summarizes the revised Built Heritage Impact Assessment which also contains the Shadow Study. The addendum also provides feedback from the applicant concerning preliminary comments from municipal departments and external agencies.

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

#### **Built Heritage Impact Assessment (MHBC - Revised February 3, 2022)**

The subject parcel does not contain any heritage resources; however, it is located within the Walkerville Heritage Area as identified in the Official Plan, and is within the vicinity of heritage properties listed on the Windsor Municipal Heritage Register. The City of Windsor requested a Built Heritage Impact Assessment (BHIA) to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

During the circulation for comments, the City's Heritage Planner and Landscape Architect requested that the BHIA be revised by including a Shadow Study and a visual character analysis. The analysis in this staff report is based on the revised BHIA dated February 3, 2022. The revised BHIA concludes that the proposed development will have no adverse impacts on nearby heritage properties or the Walkerville Heritage Area, and recommends no mitigation or conservation measures. The BHIA states that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

There is a shadow cast on the three parcels on the north side of Devonshire Court for about one hour or so on the winter equinox and one parcel on the west side of Kildare Road for about one hour on the summer equinox. Given this is a short period of time, the proposed building is not anticipated to create excessive shadows that would negatively impact the heritage resources.

The Heritage Planner and the Landscape Architect generally concur with the revised BHIA. This is an iterative process. Further feedback will be provided during the site plan control process. Both the Heritage Planner and the Landscape Architect provided preliminary site plan control comments for the applicant to consider.



## **Traffic Impact Study (RC Spencer Associates Inc – August 2021)**

Due to the small size of the proposed development, the City of Windsor did not request a Traffic Impact Study (TIS). However, traffic was raised as an issue during the open house held by the applicant in 2021 and the applicant submitted a TIS. City of Windsor Transportation Planning reviewed the TIS and had no concerns.

The TIS concludes that the intersections of Devonshire Court at Kildare Road and Kildare Road at Ottawa Street will not be affected by the addition of site generated traffic and that both intersections will continue to operate at a good level of service.

The TIS does note that existing trees and on-street parking may be problematic for site egress and the applicant and the City of Windsor verify all sight lines on-site to ensure that conditions are deemed “safe” for continued public use of the existing alley.

## **Preliminary Stormwater Management Report (Aleo Associates Inc. - August 2021)**

It is standard practice to request stormwater management reports for development or redevelopment on vacant parcels or where intensification in use is proposed.

The Preliminary Stormwater Management Report notes that stormwater storage has been provided on the asphalt surface above catch basins, and within storm sewer pipe and structures and that storage for the 1:5 year storm event will occur exclusively underground in storm pipe and structures only.

The report notes that *“stormwater quality control is being accomplished by utilizing catch basins with built-in goss gully traps in all catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system. Trapped oil and sediments will be removed during routine catch basin cleaning.”*

A final stormwater management report will be reviewed during site plan control.

## **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. The PPS is to be read in its entirety and the relevant policies are to be applied to each situation.

Section 5.1.1 in the Planning Rationale Report prepared by Pilon-Abbs Inc for the Applicant 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 and 1.1.3, the proposed multiple dwelling is an efficient development and promotes 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 sight-line analysis in the Traffic Impact Study submitted by the Applicant, noted *“that existing trees and on-street parking may be problematic for egressing motorists”* and that the Applicant and the City of Windsor developer and *“should verify all sight lines on-site to ensure that conditions are deemed ‘safe’ for continued public use of the existing alley.”* The sight line issue is an existing situation and site plan control is the appropriate process to verify sight lines.

The multiple dwelling is considered infill and intensification and is located well within the settlement area, and within walking distance of several bus routes, 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 of Kildare and Devonshire Court and Kildare and Ottawa Street will operate at *“good level of service”*. Elementary schools, a secondary school, and municipal parks are located within the neighbourhood. The preliminary Stormwater Management Report notes no issues with stormwater management. A final report 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 and redevelopment, provides a density and a use that makes efficient use of land and 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 and construction methods to promote energy efficiency and deal with climate change impacts.

The proposed 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 – a multiple dwelling with 23 units – that will optimize the use of existing infrastructure. Per Policy 1.6.6.7, stormwater management has been integrated into this process through the submission of a Preliminary Stormwater Management Report which 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 dwelling allows 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 multiple dwelling is a residential use that is responding to market-based needs and will provide a housing supply and option for a diverse workforce, that optimizes the use of land, resources, infrastructure and public service facilities, that being located near a mainstreet (Ottawa Street) will enhance the vitality and viability of that mainstreet, that encourages a sense of place by promoting a well-designed built form and reflecting the character, including built heritage resources and cultural heritage landscapes, 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.

Regarding Policy 1.8, which 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 dwelling represents 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 street trees will be protected and landscaping will be enhanced.

The proposed multiple dwelling is consistent with Policy 1.8.

Policy 2.6 provides direction on Cultural Heritage and Archaeology. The applicant submitted a revised Built Heritage Impact Assessment (BHIA) that concludes that the proposed development will have no impact on nearby heritage properties or the Walkerville Heritage Area. No mitigation measures are recommended.

The Heritage Planner notes that the BHIA is an iterative process. Preliminary comments for the Site Plan Approval process were also provided by the Heritage Planner.

The BHIA includes a shadow study for four seasons. For the spring, summer, and autumn equinox minimal to no shadow is cast on the heritage properties. The winter equinox (December 21) has some shadowing on the heritage properties on the north side of Devonshire Court during the morning from 9:30 am to 10:30 am and one parcel on the west side of Kildare Road from 7:26 am to 8:26 am on the summer equinox (June 21). Given the short durations of about 2 hours or less, the proposed multiple dwelling is not creating any excessive shadows that will adversely impact the heritage resources. There are some late afternoon shadows cast on Devonshire Park, however, they are short in duration and will not adversely impact any heritage attributes associated with the park.

The subject parcel is designated as having Low Archeological Potential in the Windsor Archeological Master Plan. During the Pre-Submission process, the Heritage Planner provided the applicant with a standard warning clause regarding the finding of any remains or archeological items on the parcel. Indigenous communities (Caldwell First Nation Community and Walpole Island First Nation) were circulated for comment in November 2021. No comments were received.

The development will be subject to Site Plan Control which will provide for further review and feedback regarding the conservation of built heritage resources.

The proposed multiple dwelling development is consistent with Policy 2.6.

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

### **City of Windsor Official Plan:**

Section 5.1.2 in the Planning Rationale Report prepared by Pilon-Abbs Inc for the Applicant 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 subject property is located within the Walkerville Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Regarding the Safe, Caring and Diverse Community component (Section 3.2.1) of the Development Strategy in Chapter 3, the proposed multiple dwelling 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. Ottawa Street is a central corridor that provides a focus of activities and services and is within convenient walking distance of the subject parcel.

The proposed multiple dwelling is being designed to complement the heritage area and heritage structures with the exterior consisting of at least 50 percent of brick, textured concrete block, stucco, stone or any combination thereof. Street trees are being maintained and new landscaping will be enhanced. The proposed multiple dwelling provides both indoor and outdoor bicycle parking and direct pedestrian access to Kildare Road. The BHIA concludes there will be no adverse impact on heritage resources.

The proposed multiple dwelling conforms 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 multiple dwelling 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 the ability 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 multiple dwelling 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, 6.1.3 - Housing suited to the needs of Windsor's residents, 6.1.5 - Convenient and viable areas for the purchase and sale of goods and services, and 6.1.10 - Pedestrian oriented clusters of residential, commercial, employment and institutional uses.

The proposed multiple dwelling introduces a housing type that creates a diverse neighbourhood, creates an environmentally sustainable development by redeveloping a serviced vacant parcel well within the settlement area, provides housing that is in demand, and adds potential customers to improve the viability of the commercial corridor along Ottawa Street and Walker Road while creating a pedestrian oriented cluster with a mix of uses along and near those corridors.

The proposed multiple dwelling conforms to Goals in Section 6.1.

Section 6.2.1.2 defines development profiles in the Residential land use designation. Low Profile developments are buildings or structures generally no greater than three storeys in height and Medium Profile developments are buildings or structures generally no greater than six storeys in height. Having a maximum building height of 15 m consisting of four storeys, the proposed multiple dwelling is considered a Medium Profile development, but is at the low end of Medium Profile and is closer to a Low Profile development.

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 single unit dwellings, semi-detached dwellings and townhome dwellings. The proposed multiple dwelling is a complementary housing form and broadens the range of housing types in the surrounding area and represents a redevelopment, infill and intensification initiative. At height of 15 m and having 23 dwelling units, the proposed multiple dwelling is a compact development which has access to alternative transportation modes such as walking and cycling and public transit.

The proposed multiple dwelling 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 dwelling is 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.

Ottawa Street 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 subject lands.

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.

The southerly wall of the proposed multiple dwelling is about 29 m north of the stacking spaces for the drive-through lane at the Tim Hortons. Zoning By-law 8600 requires that stacking spaces for a drive-through restaurant be located a minimum of 30 m from a dwelling or dwelling unit unless a 1.8 m high noise barrier is constructed. The order board is located about a further 12 m to the south and faces easterly, away from the proposed development. The 1 m difference does not create an adverse impact regarding noise.

Traffic generation and distribution was not a municipal concern. However, the applicant did submit a Traffic Impact Study that notes that the intersections of Kildare and Devonshire Court and Kildare and Ottawa Street will operate at “good level of service”. There is potential sight line problem with existing trees and on-street parking with the alley egress at Kildare. The sight line issue is not caused by the proposed development, but rather an existing situation that warrants further review to deem all sight lines as safe “for continued public use of the existing alley” per the recommendation in the Traffic Impact Study. The sight line review will occur during site plan approval process.

The subject parcel is located within the Walkerville Heritage District per Schedule G: Civic Image in the Official Plan and is located near, but adjacent to, heritage resources that are listed or designated on the Municipal Heritage Register. The applicant submitted a revised BHIA report to address heritage district and heritage resource concerns. The BHIA is an iterative process and remaining design matters will be finalized during site plan control. Municipal staff have provided preliminary site plan control comments to the applicant for their consideration.

Regarding the Shadow Study, the revised BHIA notes that:

*“For the spring, summer and autumn equinox minimal to no shadow is cast on any of the heritage properties. The winter equinox illustrates some shadowing on the heritage properties on Devonshire Ct during the morning, approximately 9:30am to 10:30am. Given this is a short period of time, the building is not anticipated to create excessive shadows that would negatively impact the heritage resources. There are also late afternoon shadows cast on Devonshire Park, however, they are only on a portion of the park for brief periods of time and would not negatively impact any heritage attributes associated with the park.”*

Page 24 BHIA



Regarding the impact on heritage resources, the revised BHIA notes the following:

*“The proposed development is compatible in terms of scale, building materials and land use within the broader Walkerville Heritage Area. The proposed development maintains the residential character of the area by providing multiple residential units, while simultaneously broadening housing options in an area dominated by single detached dwellings. Furthermore, the proposed development is generally consistent with the variety of building materials found throughout the Heritage Area by drawing on existing design elements and materials.”* Page 30, BHIA

*“Given the range of building heights found throughout the Walkerville Heritage Area, the proposed development it is not found to be disproportionately taller and is consistent with other built-forms.”* Page 33 BHIA

*The proposed development is not emulating existing buildings, but rather combining the many elements of existing built forms to provide a modern, yet compatible building that will maintain the character of the area.”* Page 33 BHIA

The BHIA concludes:

*“that the proposed development will improve the current aesthetic of the vacant subject lands. This report also concludes that the proposed development will not negatively impact nearby heritage properties or the broader Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or alternative development options are recommended.”* Page 34 BHIA

The subject parcel is not located within a secondary plan or guideline plan. The revised BHIA concludes that the proposed multiple dwelling is compatible with the surrounding area 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 City of Windsor Heritage Planner notes that:

*“The proposal has attempted to address and reduce the perception its building mass through vertical and horizontal articulation, projections and recessions, variety of glazing and building materials and colours. Common elements such as dormers, brick facade with cornice and window sills are used to match the surrounding Heritage Area.”*

The City of Windsor Landscape Architect/Urban Design *“supports the recommendations made by the Heritage Planner with respect to built form’s appropriateness to the character of the neighbourhood”* and that *“some urban design comments have been consolidated into the Heritage Planner’s recommendations”*.

Parking will be provided at the rear of the development which conforms to the prohibition on front yard parking in the Walkerville Heritage District and is consistent with the prohibition on an access area or driveway in the front yard or exterior side yard and with the zoning requirement that access to parking be from the alley. However, to accommodate the parking area adjacent to the alley, the building has been located

closer to both Devonshire Court and Kildare Road which requires a reduction in the minimum setback from the lot lines abutting those streets.

For the development as proposed, shadows are limited to a few dwellings for about an hour or so in the morning on the winter equinox and summer equinox. The City's Landscape Architect found the Shadow Impact Study to be satisfactory. At-grade and balconies provide amenity areas. Residents have access to the adjacent Devonshire Park for additional amenity area.

The character of the Walkerville Heritage Area is primarily residential and represented as single unit dwellings, semi-detached dwellings, and townhome dwellings with some multiple dwellings located in the edges of the area a block or so from major collector and arterial roads. The single unit dwellings are predominantly two storeys in height with considerably high rooflines, while the multiple dwellings range in height from three to four storeys. Given the range of building heights found throughout the Walkerville Heritage Area, the proposed development is consistent and compatible with those built forms.

The proposed multiple dwelling exceeds the parking required by the Zoning By-law and includes two accessible parking spaces. One on-site loading space is also provided reducing the need load and unload on the street.

Since the proposed parking area utilizes the existing east-west alley, no additional driveways are being created, which maximizes the availability of on-street parking. No deficiencies in municipal services have been identified.

Based on the revised BHIA, the comments of the City of Windsor Heritage Planner and the City of Windsor Landscape Architect, and the above analysis, the proposed multiple dwelling is able to coexist with existing land uses and is compatible in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

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

The proposed multiple dwelling 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), the optimal use of infrastructure (7.1.2), accessible, affordable and available transportation system (7.1.3), all modes of transportation play a balanced role (7.1.4), and the provision of infrastructure in a coordinated, efficient and cost-effective manner (7.1.5).

Applicable objectives in Section 7.2.1 include making efficient use of existing and planned 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 and restrict on-street parking to appropriate areas (7.2.1.9), restricting driveway access based on road classification and minimize the number of driveway access points (7.2.1.12), establishing and 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 at all developments (7.2.2.17), requiring the use of sustainable site design during the Site Plan Control process to ensure accessibility for all pedestrians and cyclists (7.2.2.19).

The proposed multiple dwelling makes use of the existing alley, streets, sidewalks, cycling facilities, and public transit and represents a density and use that reduces vehicle trips and supports alternative transportation modes. The Traffic Impact Study notes no issue with anticipated traffic volumes and the sight line issue is not related to the development. No issues with municipal sanitary or storm sewers have been identified. Off-street parking exceeds zoning requirements and an off-street loading space is provided. No new driveways are being created. The parking area design complies with the Zoning By-law.

Bicycle parking spaces exceeding zoning requirement is proposed and are located both inside and outside the building. Building access points and bicycle parking spaces will have convenient direct access to the public right-of-way via walkways to municipal sidewalks. The parking area does not adversely impact access to the proposed building.

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.

Regarding Pedestrian Network Policies in Section 7.2.3, the proposed development provides safe, barrier free, convenient and direct walking conditions for persons of all ages and abilities, has access to public transit facilities, and maintains the existing sidewalks with no driveways crossing them to encourage people to walk to work or school, for travel, exercise, recreation and social interaction.

The proposed multiple dwelling conforms to the policies in Section 7.2.3.

By providing a total of 21 bicycle parking spaces, when only 3 bicycle parking spaces are required by the zoning by-law, the proposed multiple dwelling satisfies the requirement that developments “provide facilities for cycling movement and parking” in Section 7.2.4.

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

Chapter 8 – Urban Design provides policy direction on the built form of the city. Applicable Goals in Section 8.1 include achieving pedestrian access to all developments (8.1.3), a high standard of design throughout Windsor (8.1.6), a functional and attractive streetscape (8.1.10), public safety (8.1.11), integrated design for the needs of persons of all ages and abilities (8.1.14).

Pedestrians can directly access the main entrance to the proposed multiple dwelling from Kildare Road. Being located within a heritage district and near heritage resources, the proposed multiple dwelling has been subject to a high standard of design through the submission of a Built Heritage Impact Analysis which provides justification for the design of the proposed building. City Staff including the Heritage Planner, Landscape Architect and Urban Designer, have provided feedback to the applicant on design and

landscape matters. This feedback will continue during the site plan control process. This also includes feedback on an attractive streetscape.

Public safety issues will be considered during site plan review, including any sight line issues. The floor plans show that the main pedestrian entrance is located at-grade and is directly connected to the sidewalk on Kildare Road. Secondary/emergency pedestrian access on Devonshire Court is also at-grade and directly connected to the sidewalk on Devonshire Court. Bicycle parking at-grade is proposed inside and outside the building. The building can be accessed by foot, bike or motor vehicle, integrating the needs of persons of all ages and abilities.

The proposed multiple dwelling achieves the goals of Section 8.1.

Sections 8.2.2.3 and 8.2.2.4 state that a proposed development “maintains, reinforces and enhances the character of Heritage Areas”. The BHIA concludes no impact on character of the heritage area and that the proposed multiple dwelling is compatible from a heritage viewpoint.

Section 8.7 provides direction on Urban Form. Applicable objectives include a varied development pattern which supports the urban experience (8.7.1.1), complementary design relationship between new and existing development, while accommodating an evolution of urban design styles (8.7.1.2), maximizing the variety and visual appeal of building architecture (8.7.1.3), integrating landscaping with the built form (8.7.1.4), enhancing the unique character of a district, neighbourhood, prominent building or grouping of buildings (8.7.1.5) and achieving external building designs that reflect high standards of character, appearance, design and sustainable design features. (8.7.1.7).

The proposed development represents a varied development pattern – multiple dwelling with four storeys – enhances the urban experience. The revised BHIA notes that:

*“the proposed development utilizes key design elements that are found throughout the Walkerville Heritage Area. These elements include the dormers, brick façade with cornice, and sills. The landscape features are complementary to the area and will improve circulation on the property as well as access to Devonshire Park...the proposed development is generally consistent with the variety of building materials found throughout the Heritage Area by drawing on existing design elements and materials.”* Page 30 BHIA

The proposed multiple dwelling conforms to the objectives in Section 8.7.1.

Section 8.7.2.3 lists the built form policies for an 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. Sections 5.3 and 5.3.1 in the revised BHIA provide a detailed analysis regarding the proposed multiple dwelling and massing, building height, architectural proportion, volumes of defined space, position relative to the road, the pattern, scale and character of existing development, and exterior building appearance. The Planning Department concurs with that analysis.

The proposed multiple dwelling conforms to the built form policies in Section 8.7.1.

Chapter 9 provides policy direction on Heritage Conservation. Objective 9.2.2 integrates the conservation of heritage resources into comprehensive planning and urban design initiatives. The submission of the BHIA was a requirement of the Planning Department.

The City's Heritage Planner and Landscape Architect have been involved throughout the process providing feedback. The revised BHIA provides an analysis of Heritage policies. A part of the Residential land use discussion covered heritage matters and applies to Chapter 9.

The proposed multiple dwelling and proposed amendment to Zoning By-law 8600 conform to the Heritage Conservation policies in Chapter 9.

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 E to this report. The subject lands are zoned Residential District 1.1 (RD1.1), S.20(1)267 and S.20(1)340. The RD1.1 zoning permits a single unit dwelling with a maximum building height of 10 m on a parcel with a minimum lot width of 15m and a minimum lot area of 450 m<sup>2</sup>. Maximum lot coverage is 45%.

S.20(1)267 is an area wide exception that applies to the Walkerville Heritage Area that prohibits front yard parking, save and except for front yard parking that existed prior to September 15, 2010.

S.20(1)340 is a site specific exception that applies to the subject parcel and that for a single unit dwelling additional provisions apply limiting the Main Building Height to 7.00m, requiring a minimum Front Yard Depth of 7.50 m, prohibiting an access area or driveway in a front yard or exterior side yard, with vehicular access being only from the alley, prohibiting exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall, and requiring a minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

The applicant is requesting an amendment to allow a multiple dwelling as an additional permitted use changing the zoning from RD1.1 to RD3.1 with a site specific exception with the following additional provisions:

1. Decrease the minimum front yard depth from 6.0 m to 1.9 m
2. Decrease the minimum rear yard depth from 7.5 m to 1.2 m
3. Increase the maximum building height from 14 m to 15 m
4. Decrease the minimum landscaped open space from 35% to 27%.

Planning recommends that instead of changing the zoning from RD1.1. to RD3.1 with a site specific exception, that the RD1.1 zoning be maintained and that the applicable provisions for the multiple dwelling be added to a revised S.20(1)340 as follows:

Clause 1 applies a prohibition on access area or driveway in any front yard or exterior side yard and on building materials, while requiring a minimum of 50% of the exterior wall be of specific building materials. This applies to any dwelling.

Clause 2 maintains the minimum main building height and minimum front yard depth for a single unit dwelling.

Clause 3 permits a multiple dwelling as an additional permitted use subject to the provisions listed.

This allows for a clearer presentation of additional permitted uses and specific prohibitions and provisions.

For the proposed multiple dwelling, the applicant is proposing to locate the parking area along the alley with access from that alley and provide 30 parking spaces and one loading space in that parking area. The location of the parking area is consistent with the prohibition on front yard parking and access areas in the front yard in S.20(1)267 and S.20(1)340.

To accommodate the proposed parking area and multiple dwelling, the building is located closer to both Devonshire Court and Kildare Road which requires a reduction in the minimum setback from the lot lines abutting those streets. The proposed building is setback 2.62 m from the lot line abutting Kildare Road and 3.39 m from the lot line abutting Devonshire Court.

The subject parcel is located on RP 684. This registered plan contains an unusual feature at the northeast and southeast corners of the intersection of Kildare Road and Devonshire Court. It is called a 20 foot radius. This complicates the setback measurement of the building from the northwest corner of Lot 87. To accommodate what is essentially a corner cut off and to avoid confusion with front, side and rear lot lines and yards, Planning proposes that a minimum building setback from the lot lines be prescribed as shown in Clause 3 e), and to specifically address this situation at Lot 87.

Along Devonshire Court, the building setback is measured from that part of the building wall containing HVAC equipment adjacent to each balcony. Most of the building wall is setback an additional 1 m or so from the 3.39 m setback. The building setback from lot line adjacent to Devonshire Park will have no adverse impact on the use and enjoyment of the park.

The applicant is requesting that the maximum building height be 15 m to allow building with four-stories. As previously stated, the shadow study concluded minimal adverse impact of one to two hours from shadowing on the winter and summer equinox. There are several multiple dwellings within the Walkerville Heritage Area with building heights in the range of three to four storeys.



The applicant is also requesting a slight decrease in minimum landscaped open space to accommodate a parking area that meets municipal requirements for parking spaces, accessible parking spaces and loading spaces. The landscaped open space provides an amenity area to the tenants. Each dwelling unit in the proposed multiple dwelling has a balcony with an area of 5.34 m<sup>2</sup> for a total of 122.8 m<sup>2</sup> for 23 dwelling units. Devonshire Park provides additional outdoor amenity area for future residents.

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. Specific design issues including built heritage concerns and requirements will be considered during site plan review. Recommendation 2 directs the Site Plan Approval Officer to consider comments from various municipal departments and external agencies during site plan review.

#### **Interim Control By-law 103-2020:**

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. The criteria below are used to evaluate the exemption:

**Consistency with the Official Plan** – Whether the proposed development is consistent with the land use designation and general policy direction of the Official Plan. Per the analysis in the Official Plan section, the proposed development is consistent with the Official Plan.

**Compliance with the Zoning By-law** – Whether the proposed development is a permitted use and complies with the provisions. Once the amending by-law is in force, the proposed development will comply with Zoning By-law 8600.

**Distance to Nearby Services and Amenities** – Whether residents have access to services and amenities such as a grocery store, a community or recreational facility, or other uses that meet their daily needs within a 1 km or less walk. Numerous services such as a market, retail stores, convenience stores, restaurants, clothing stores, and amenities are located on Ottawa Street, 100 m to south, and Walker Road, 500 m to east. A small park is immediately adjacent to the subject parcel, Willistead Park is 440 m to the north, and Lanspeary Park is 725 m to the west. École Élémentaire L'envolée, a French language elementary school, is 150 to the southwest, Walkerville Secondary Scholl is 600 m to the north, St. Anne French Immersion Catholic Elementary School is 650 m to the northeast, and King Edward Public School is 950 m to the northwest. Numerous commercial and institutional services and recreational amenities are located within a 1 km walk of the proposed development.

**Distance to Public Transit** – Whether residents have access to current and future public transit within an approximate 1 km or less walk. Transit Windsor operates the Ottawa 4 bus route on Ottawa Street with stops at Kildare Road, approximately 100 m to the south, and the Walkerville 8 bus route on Gladstone Avenue and Lincoln Road to the west, with stops at Ottawa Street, approximately 425 m to the west, all within 1 km walking distance. The 2019 Transit Master Plan maintains similar transit access.

**Potential impact on the Land Use Study** – This criterion considers if approval of the exemption may prejudice the Land Use Study. Typically, if the proposed development is consistent with the Official Plan, complies with the Zoning By-law, is within an acceptable distance of nearby services and amenities, and is, or will be, within an acceptable distance of public transit, there should be no impact on the Land Use Study. The proposed development will conform to the Official Plan, will comply to Zoning By-law 8600, and is within an acceptable distance of services, amenities, and public transit. The proposed development will not prejudice the Land Use Study.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should Council approve these applications and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

### **Risk Analysis:**

N/A

### **Climate Change Risks**

#### **Climate Change Mitigation:**

In general, intensification and a broader mix of uses 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, 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 a virtual informal public open house on May 20, 2021. A total of 116 properties were provided notice, representing a 120 m radius of the Site. In addition to City of Windsor Staff, the Mayor, the Ward Councillor, Planning Consultant (Agent), Developer, and Architect, a total of 33 people registered. Section 3.2 in the Applicant's Planning Rational 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 E. There are no objections and various requirements and concerns will be considered during site plan control.

**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 zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

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 that, while not identical or similar to existing development in the area, is able to coexist with existing land uses in the Walkerville Heritage Area.

The proposed multiple dwelling 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 residents of the proposed multiple dwelling to use alternative and active transportation modes such as walking, cycling and public transit.

Modern construction methods and building materials will allow the building 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. The Heritage Planner and Landscape Architect have provided preliminary comments for the applicant to consider as part of the site plan review process.

It is my opinion that the proposed multiple dwelling 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 by adding a site specific exception to allow the construction of a multiple dwelling.

### **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

**Approvals:**

<b>Name</b>	<b>Title</b>
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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Mike Spinetti 2811035 Ontario Inc	711 Kildare Road Windsor ON N8Y 3H2	
Vito Galifi		
Tracey Pillon-Abbs Pillon Abbs Inc.	23699 Prince Albert Road Chatham, ON N7M 5J7	
Tony Chau, Architectural Design Associates Inc.	1670 Mercer Street Windsor ON N8X 3P7	
Jerry Kavanaugh, Architectural Design Associates Inc.	1670 Mercer Street Windsor ON N8X 3P7	
Joanne & Michael Bashura		
Antonio Buttice		
Gary and Sharon Kelly		
Jessica Green		
Cherie Laughton		
Paul Bondy		
Raymond Colautti		
Councillor Holt		
Property owners and residents within 120 m of the subject lands		

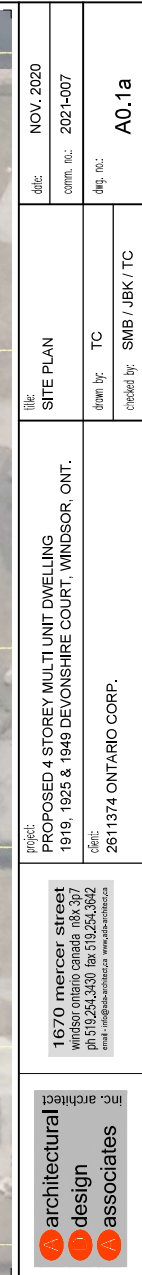
**Appendices:**

- 1 Appendix A - Site Plan, Perspectives Revised and Floor Plans
- 2 Appendix B - Planning Rationale Report and Addendum
- 3 Appendix C - Built Impact Heritage Assessment Revised
- 4 Appendix D - Site Images
- 5 Appendix E - Extracts from Zoning By-law 8600
- 6 Appendix F - Consultations

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 General must be notified, and 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.





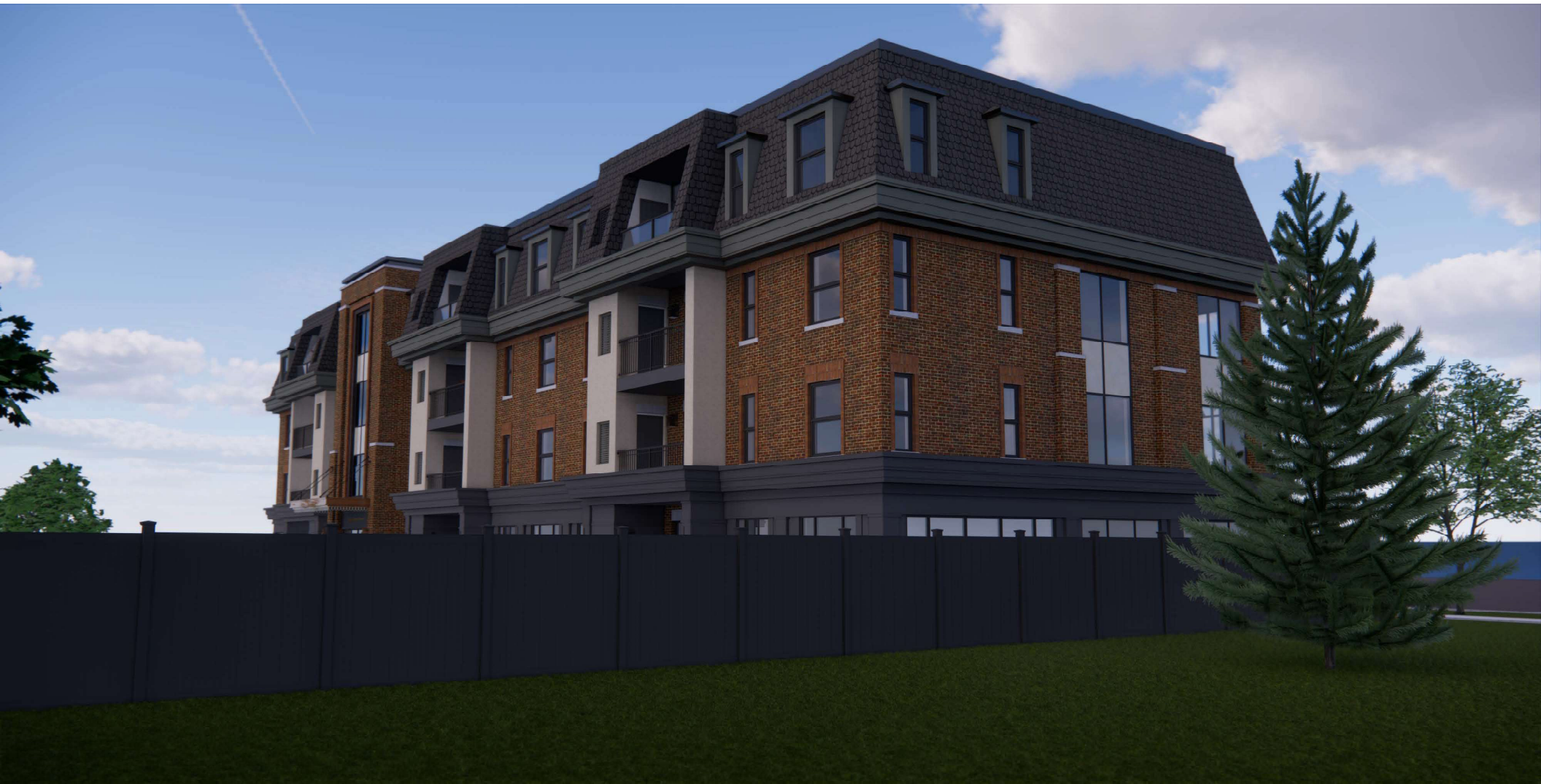






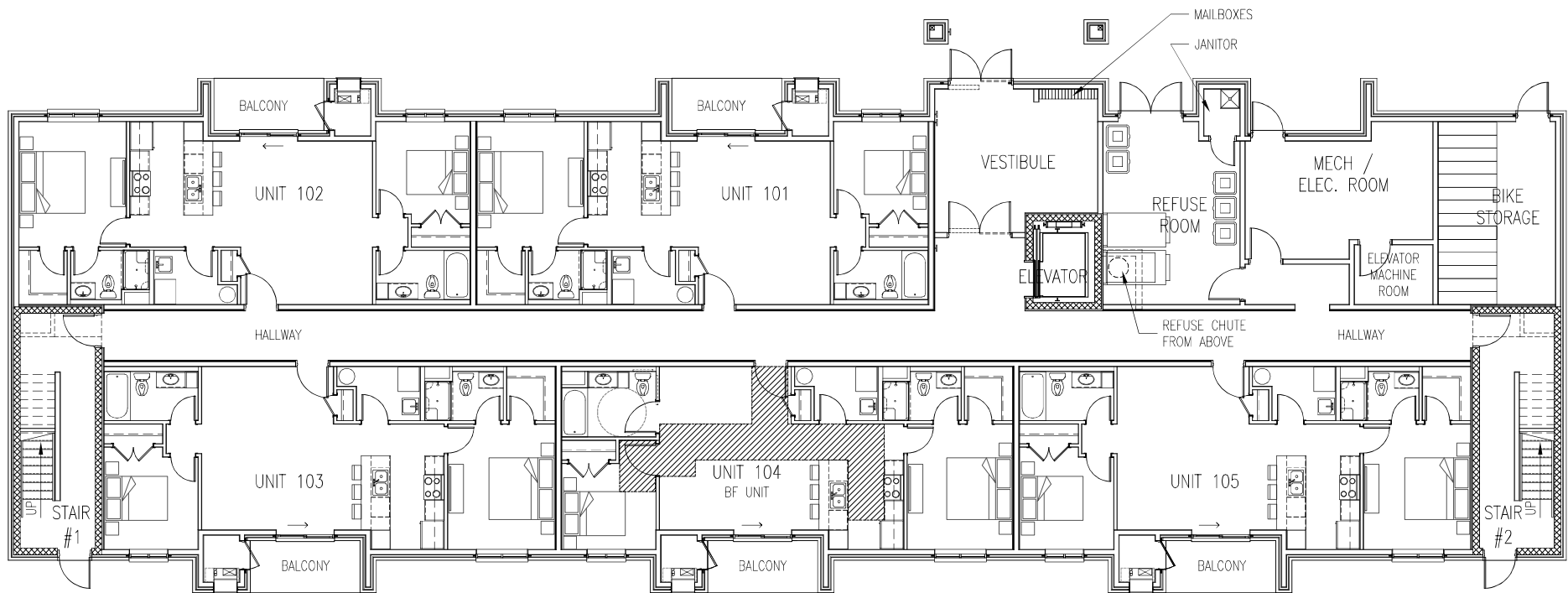










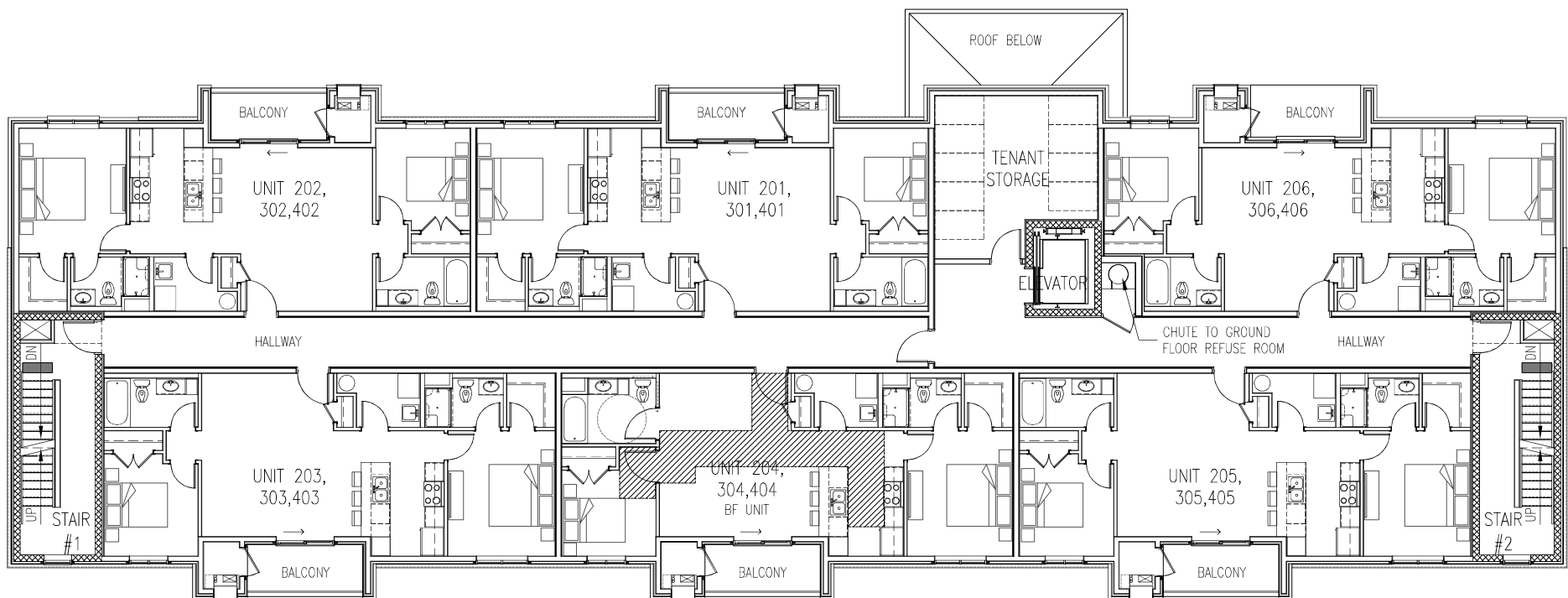


## GROUND FLOOR PLAN

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET

SUITE COUNT		
FLOOR	2 BED	TOTAL
GROUND	5	5
2ND-4TH	6/FLR	18
TOTAL	23	23 SUITES

	<b>1670 mercer street</b> windsor ontario canada n8x 3p7 ph 519.254.3430 fax 519.254.3642 email - info@ad-architects.ca www.ad-architects.ca	project: PROPOSED 4 STOREY MULTI UNIT DWELLING 1919, 1925 & 1949 DEVONSHIRE COURT, WINDSOR, ONT.	title: FLOOR PLAN	date: NOV. 2020
		client: SPINITY	drawn by: TC	comm. no.: 2021-007
			checked by: SMB / JBK / TC	dwg. no.: <b>A1.1a</b>



## SECOND-FOURTH FLOOR PLANS

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET

SUITE COUNT		
FLOOR	2 BED	TOTAL
GROUND	5	5
2ND-4TH	6/FLR	18
TOTAL	23	23 SUITES

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**design**  
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project:  
PROPOSED 4 STOREY MULTI UNIT DWELLING  
1919, 1925 & 1949 DEVONSHIRE COURT, WINDSOR, ONT.

client:  
SPINITI

file:  
FLOOR PLAN

drawn by: TC  
checked by: SMB / JBK / TC

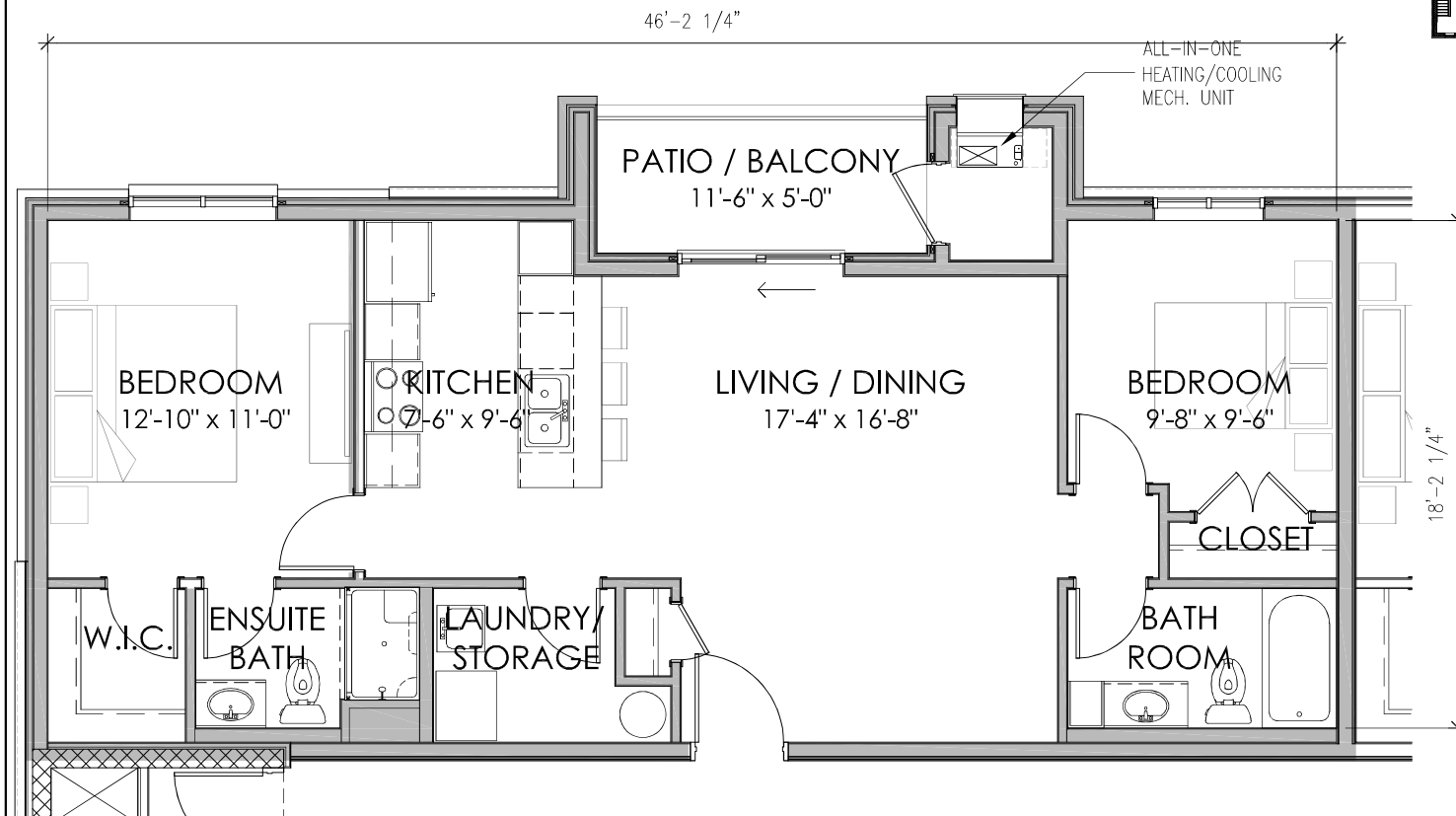
date: NOV. 2020  
comm. no.: 2021-007

dwg. no.:  
A1.2a



# UNIT A (SUITE 101, 102, 103, 105, 201, 202, 203, 205, 301, 302, 303, 305, 401, 402, 403, 405)

2 BEDROOMS - 2 BATHS - 828 GROSS SQUARE FEET (NOT INCLUDING 60 SQUARE FEET OF BALCONY OR PATIO)



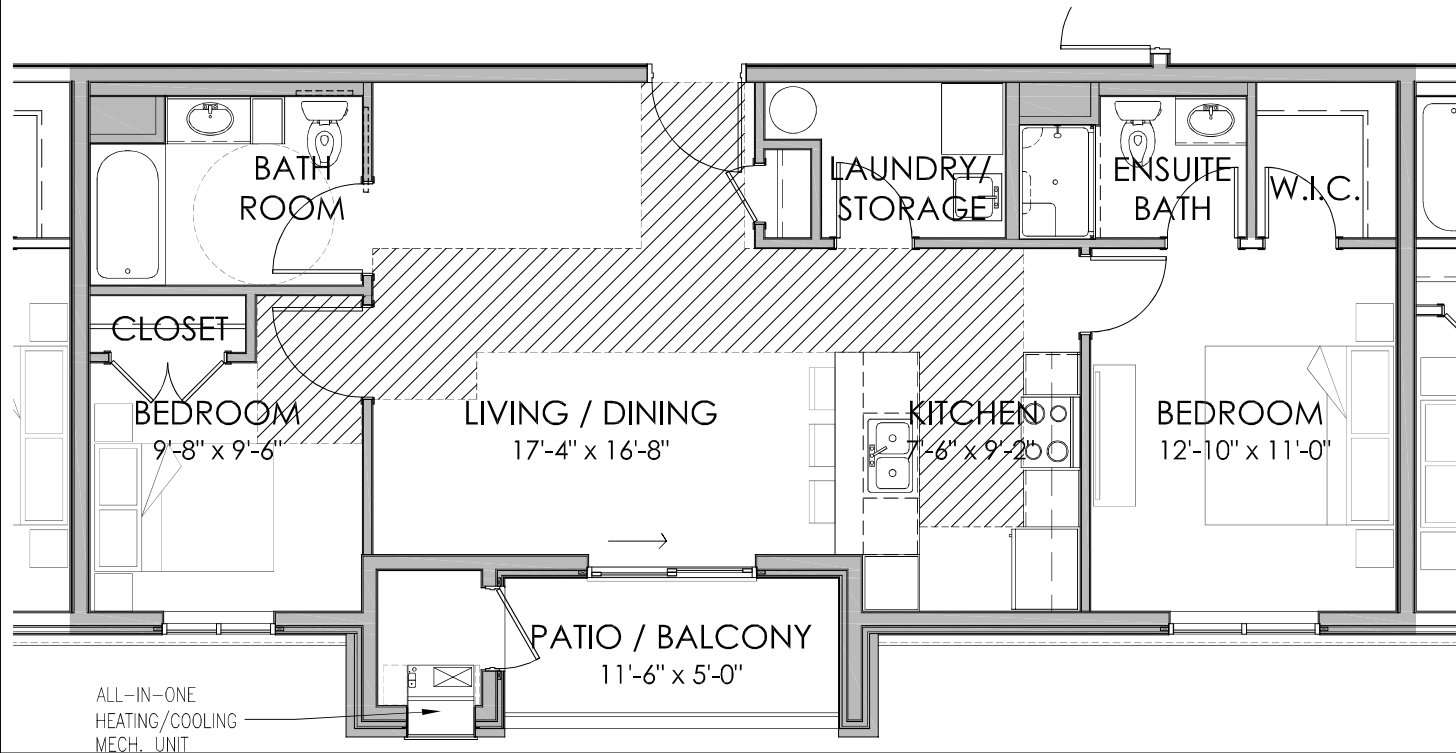
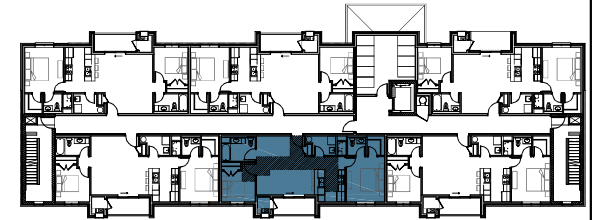
3/16" = 1'-0"  
SCALE

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## UNIT A BARRIER-FREE (SUITE 104, 204, 304, 404)

2 BEDROOMS - 2 BATHS - 828 GROSS SQUARE FEET (NOT INCLUDING 60 SQUARE FEET OF BALCONY OR PATIO)



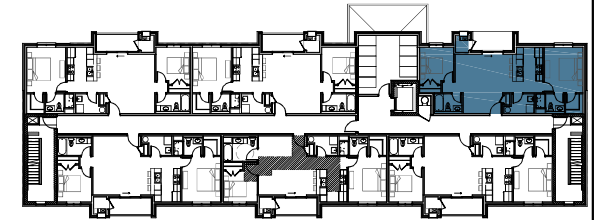
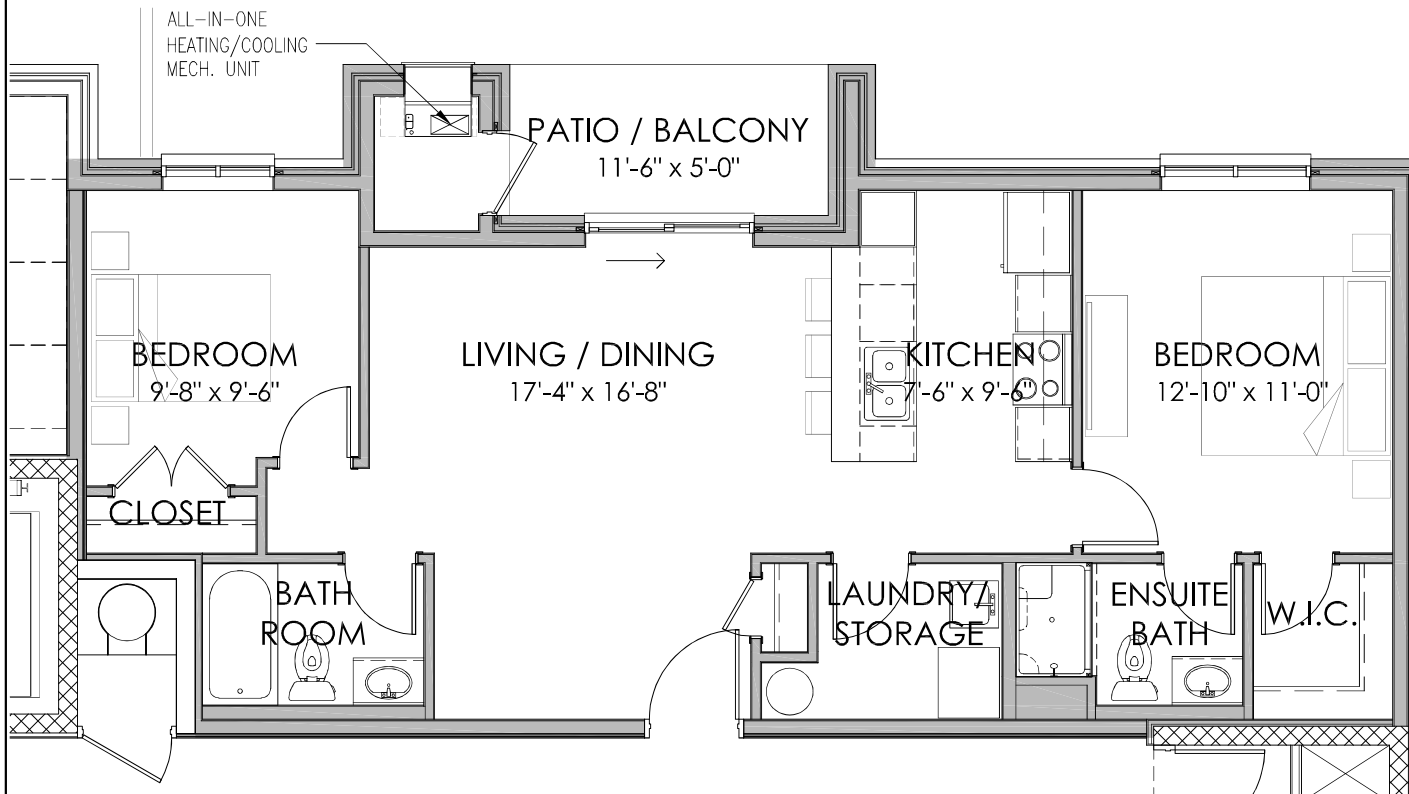
3/16" = 1'-0"  
SCALE

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## UNIT A1 (SUITE 206, 306, 406)

2 BEDROOMS - 2 BATHS - 828 GROSS SQUARE FEET (NOT INCLUDING 60 SQUARE FEET OF BALCONY OR PATIO)



3/16" = 1'-0"  
SCALE

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# **PLANNING RATIONALE REPORT**

## **ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT**

**1913, 1925 and 1949 Devonshire Court  
City of Windsor, Ontario**

**October 31, 2021**

**Prepared by:**



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# 1.0 INTRODUCTION

I have been retained by the owner/applicant, 2811035 Ontario Inc., to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development located at 1913, 1925 and 1949 Devonshire Court (herein the “Site”) in the City of Windsor, Ontario.

The purpose of this report is to review the relevant land use documents, including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

The Site is currently vacant and was previously used for institutional purposes (St George’s Church), which has since been demolished.

The Site provides for an infilling opportunity allowing a buffer/transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor. There are examples of this type of development in the area.

It is proposed to construct a 4-storey multiple dwelling with a total of 23 residential units. The units are proposed to be freehold.

Parking, bicycle storage and loading are provided on-site. Access to the parking area will be from an existing alley.

The Site will provide for a new housing choice in an existing built-up area, which is an example of “Missing Middle”, while respecting the existing built heritage resources within the Walkerville Heritage Area.

The Site was previously rezoned from institutional to low profile residential. A site specific Zoning By-law Amendment (ZBA) is required for medium profile residential in support of the proposed development of a multiple dwelling. Relief from zoning provisions are also being requested, including building height, front yard depth, rear yard depth and landscaping in order to accommodate the proposed development.

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements, then Draft Plan of Condominium in order to create the freehold units. A building permit will also be required prior to any construction or site alterations.

Pre-submission was completed by the applicant (City File #PS-086-20). Comments were received and have been incorporated into this PRR.

A Neighbourhood Open House was held as part of the public consultation strategy. A summary of comments received is included in this PRR.

This PRR will show that the proposed development is suitable intensification of residential, is consistent with the PPS, conforms to the intent and purpose of the City of Windsor OP and represents good planning.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Description of Site and Ownership

The Site is owned by 2811035 Ontario Inc. and made up of three (3) parcels located on the south side of Devonshire Court and the east side of Kildare Road (see Figures 1 – Site Location).



Figure 1 – Site Location (Source: City of Windsor GIS - area in red)

The Site is locally known as 1913, 1925 and 1949 Devonshire Court and is legally described as:

Address	ARN	Legal Description
1913 Devonshire Court	020-220-03903-0000	PLAN 684; LOT 87 & PT LOT 86; RP 12R27198; PART 1
1925 Devonshire Court	020-220-03906-0000	PLAN 684; PT LOT 86; RP 12R27198; PARTS 2 & 3
1949 Devonshire Court	020-220-03901-0000	PLAN 684; LOT 84 & PT LOT 85; RP 12R27198; PART 4

The three (3) parcels will merge as one (1) parcel as part of the proposed development.

## 2.2 Physical Features of the Site

### 2.2.1 Size and Site Dimension

The Site subject to the proposed development consists of a total area of 2,152.4m<sup>2</sup>, with 35.1m of lot width along Devonshire Court and an irregular lot depth of 46.33m along Kildare Road and 52.43m along the alley.

### 2.2.2 Existing Structures and Previous Use

The Site is currently vacant.

The previous use of the Site was for institutional purposes (St George's Church), which has since been demolished.

The Church was removed from the City of Windsor Municipal Heritage Register once it was demolished.

### 2.2.3 Vegetation

The Site has an open grassed area. There are mature trees located on the municipal Right of Way (R-O-W).

### 2.2.4 Topography

The Site is flat and is outside the regulated area of the Essex Region Conservation Authority (ERCA).

### 2.2.5 Other Physical Features

There is a 6.1m wide alley located on the south side of the Site between Kildare Road and Argyle Road. There is existing chain link fencing around the Site.

### **2.2.6 Municipal Services**

The property has access to municipal water, storm and sanitary services.

Devonshire Court and Kildare Road are 2 lane local roads with parking on one side of the roadway. The Site is located one block from Ottawa Street, which is an east/west collector road. The intersection of Kildare Road at Ottawa Street is a signalized intersection.

Streetlights and sidewalks are located on Devonshire Court and Kildare Road.

The closest fire hydrant is located at the corner of Devonshire Court and Kildare Road on the northeast corner.

The Site has access to transit with the closest bus stop located on Ottawa Street, east of Kildare Road, Stop ID:1557 (Bus #4).

The Site is in close proximity to major transportation corridors, including Walker Road.

### **2.2.7 Nearby Amenities**

There are several schools nearby, including Ecole Elementaire L'Envolee, Walkerville Montessori School, St. Anne French Immersion Catholic School and Walkerville Secondary School.

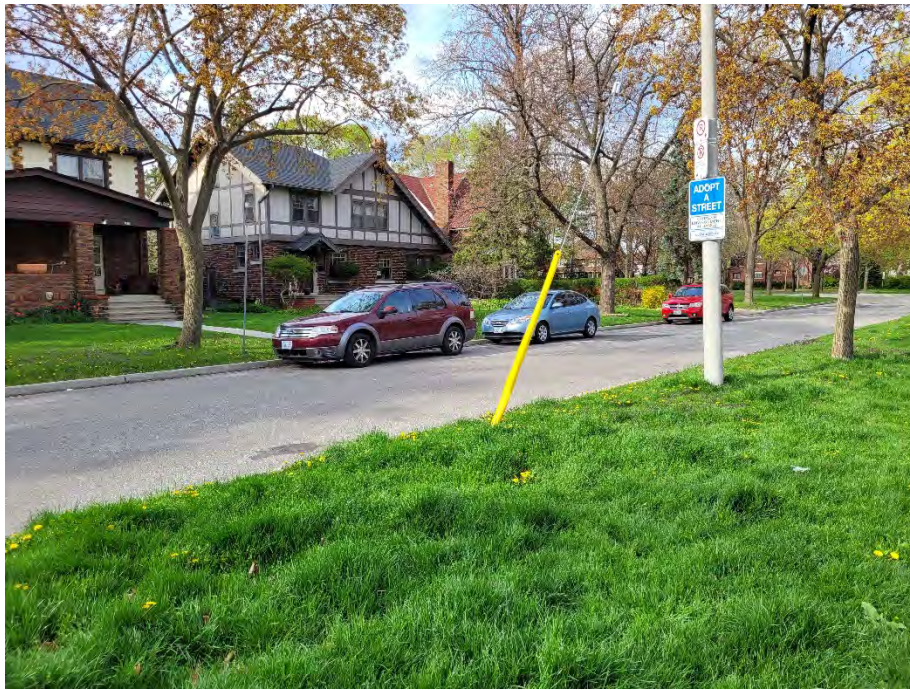
There are many parks and recreation opportunities in close proximity of the Site, including Devonshire Park, Willistead Park, Garry Dugal Park and Lanspeary Park.

There is nearby shopping in the form of plazas and malls as well as employment, places of worship and local/regional amenities.

## 2.3 Surrounding Land Uses

Overall, the Site is located in between commercial, recreation and residential uses within the Walkerville Planning District. A site visit was undertaken on April 18, 2021.

**North** – The lands directly north of the Site are used for low density residential (see Photos 1 - North). Those dwellings are located along Devonshire Court. Beyond Devonshire Court is low density residential along Kildare Road.







Photos 1 – North (Source: Pillon Abbs Inc.)

**South** – The lands directly south of the Site are used for commercial (Tim Hortons) and front onto Ottawa Street with access from Kildare Road (see Photos 2 - South). The alley is located in between the Site and the commercial corridor which runs along Ottawa Street. Beyond Tim Hortons is the Ottawa Street intersection and commercial corridor.







Photos 2 – South (Source: Pillon Abbs Inc.)



**East** – The lands east of the Site are used for recreation (Devonshire Park) and front onto Devonshire Court (see Photos 3 - East). In front of the park is a round-a-bout. Beyond the park is low density residential uses.



Photos 3 – East (Source: Pillon Abbs Inc.)

**West** – The lands west of the Site are used for low density residential and front onto Kildare Road (see Photo 4 - West).



Photo 4 – West (Source: Pillon Abbs Inc.)



## 3.0 DEVELOPMENT PROPOSAL

### 3.1 Proposal

It is proposed to construct a four (4) storey building with twenty-three (23) residential units. The building is considered a multiple dwelling. The units are proposed to be freehold.

A Concept Plan has been prepared (see Figure 2a – Concept Plan).

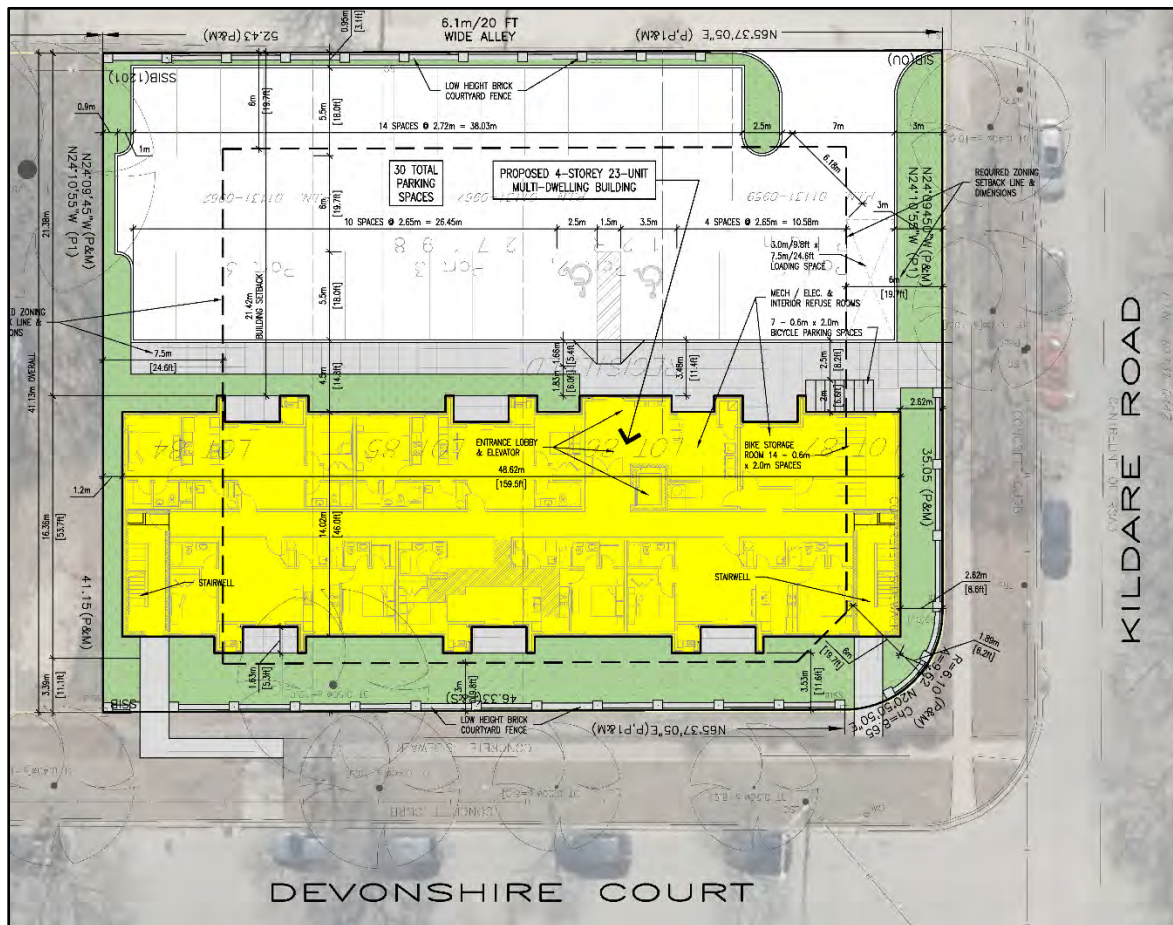


Figure 2a – Concept Plan

The building will be designed using both contemporary and traditional architectural styles. A mix of materials will be used to accent the building, including red brick, glass, and iron. There will be no vinyl siding.

The façade of the fourth storey units will be made entirely of glass. The proposal contemplates a flat roof. The building has been designed to address both street frontages, with no blank facades.

The total building area is proposed to be 711.4m<sup>2</sup> in size, which will result in a total lot coverage of 33.1%.

The proposed total net density will be 106.86 units/ha.

The proposed development will be brought to the edge of the municipal space. The building will be located on the northwest corner of the Site.

The main entrance will be located on the south side of the proposed building with two (2) exits on the north side (see Figure 2b – Elevations).



### **The Residences at Devonshire Court**

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Devonshire Court, Windsor, Ontario

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Figure 2b - Elevations

Devonshire Court, Windsor, Ontario

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Parking for 30 vehicles will be located on-site, including 2 barrier free parking spaces. Parking will be available for residents and visitors. Signage will be provided. The parking area will have appropriate lighting.

The entrance to the parking area will be from a 7m access off the alley. The Site includes a fire route.

A loading space will be located close to the main entrance of the building for pick up and deliveries.

A total of 7 bicycle parking spaces are provided outside and 14 bicycle parking spaces are provide inside the proposed building.

The Site will be professionally landscaped with greenspace located around the perimeter of the proposed building and the parking area. The total landscaped area will be 597.5m<sup>2</sup> (27.8% of the lot).

A low height brick decorative courtyard fence is proposed along the sides of the alley and roadways. Fencing is proposed along the public open space.

The Site will have sidewalks connecting the parking area to the entrances as well as a connection to Devonshire Court and Kildare Street.

The proposed development provides a buffer/transition between the existing established neighbourhood to the north and west along Devonshire Court and Kildare Road, a neighbourhood park to the east along Devonshire Court and an existing commercial corridor to the south along Ottawa Street. There are examples of this type of development in the area.

The main entrance of the building will lead to a lobby with an elevator. Centralized mail, mechanical room, garbage and recycling will be located indoors.

Amenity space for the residential dwellings includes a 5.574m<sup>2</sup> private patio/balcony for each unit, outdoor seating area and landscaped gardens.

All units will include 2 bedrooms and 2 bathrooms with individual laundry and storage and heating and cooling units.

Units will be 76.923m<sup>2</sup> in size, not including the patio/balcony area (see Figure 2c – Floor Plans).

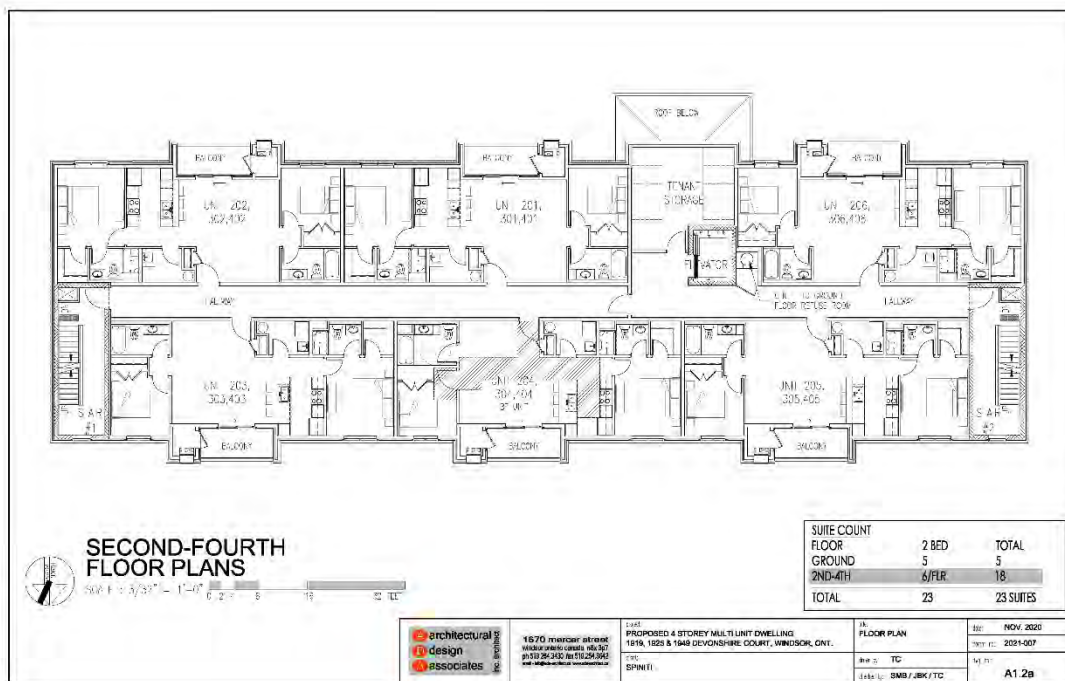
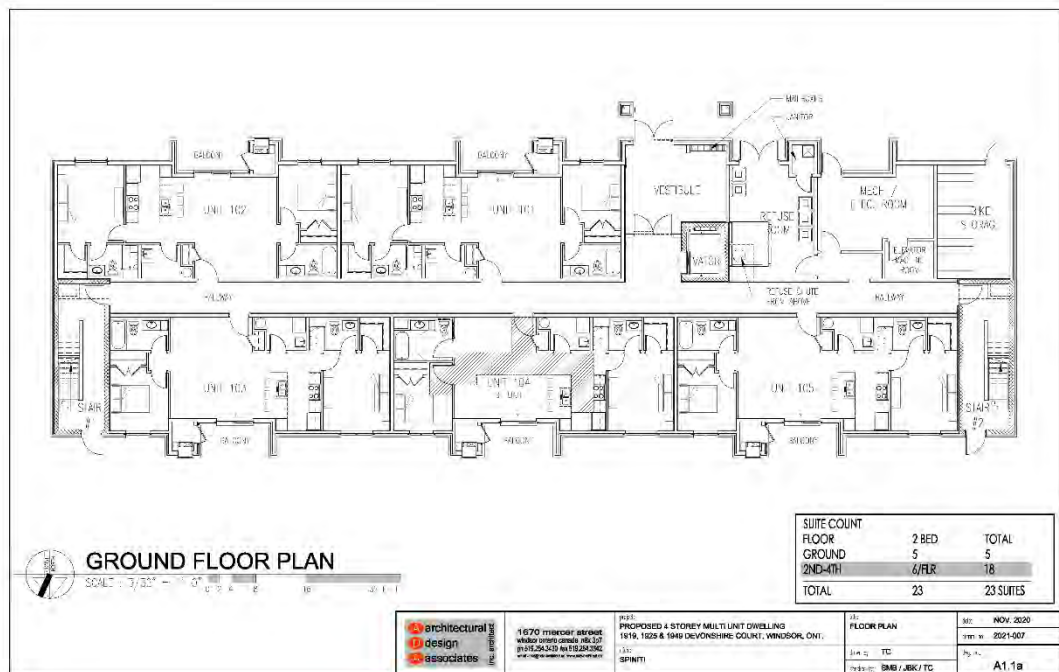


Figure 2c – Floor Plans

## 3.2 Public Consultation Strategy

In addition to the statutory public meeting, the *Planning Act* requires that the applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, a virtual informal public open house was held with surrounding property owners on May 20, 2021 from 6:00 pm to 7:30 pm. A total of 116 properties were provided notice, which represents 120m radius of the Site. In addition to Staff, the Mayor, Ward Councillor, Planning Consultant, Developer, and Architect, a total of 33 people registered.

The open house provided members of the public with opportunities to review and comment on the proposed 4-storey multiple dwelling with a total of 23 units.

The following is a summary of the comments received and responses provided:

Topic	Public Comments	Applicant Responses
Parking	<p>There is not enough parking in the area.</p> <p>There is no on-street parking in the area.</p> <p>The only option is on Kildare.</p> <p>Parking requirement should be 2 per unit.</p>	<p>The proposed development will provide for on-site parking of 28 parking spaces, including visitor parking and barrier free parking.</p> <p>The City of Windsor Zoning By-law requires a minimum of 1.25 parking spaces for each dwelling unit.</p> <p>On-street parking is also available on Devonshire Court and Kildare Road.</p> <p>Additional bike parking indoors and outdoors is being provided.</p>
Heritage	<p>How will the building blend with the existing neighbourhood period style?</p> <p>How will the 2015 City Report be addressed?</p>	<p>The proposed development has been professionally designed.</p> <p>A Built Heritage Impact Assessment (BHIA) has been completed.</p> <p>The BHIA concluded that the proposed development would have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation</p>



Topic	Public Comments	Applicant Responses
		<p>measures or conservation measures are recommended.</p> <p>Further, the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.</p>
Building Type	<p>A multiple dwelling is not supported.</p> <p>Why not stay with the original 3 single detached dwellings?</p> <p>What has changed?</p>	<p>The Site provides for an infilling opportunity allowing a transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p> <p>The proposed development offers a new housing choice and is suitable intensification.</p>
Density	Density is too high.	<p>The proposed density of the development is below the City's density range provided for low and some medium density.</p> <p>The proposed development supports intensification in an existing neighbourhood.</p>
Traffic	<p>Will there be an increase in traffic?</p> <p>Concerns of children safety while waking.</p> <p>Can you provide accident report from the last 10 year?</p> <p>Can there be speed bumps?</p> <p>Can a traffic study be completed outside of COVID-19?</p>	<p>A Traffic Impact Study (TIS) has been completed.</p> <p>It was concluded that there will be no negative impacts on intersections. Mitigation measures were provided regarding existing trees and on-street parking.</p>
Building Height	The proposed height is too high.	The City of Windsor Zoning By-law requires a maximum building height in the proposed RD3.1 of 14m. Relief is being requested of 1 m, which is considered minor.

Topic	Public Comments	Applicant Responses
	There is a concern of loss privacy with a 4-storey building.	<p>The Site is on a corner lot and will not have any impact on the enjoyment of abutting properties as it pertains to shadow or privacy.</p> <p>The Site provides for an infilling opportunity allowing a transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p>
Alternative Building Type	<p>Would the developer consider 4 or 6 unit multiple dwelling as an alternative?</p> <p>How about townhouses?</p>	Alternative dwelling types were considered; however, the proposed development offers a new housing choice and is suitable intensification.
Alley	<p>Will there be traffic issues with the alley way and the customers coming out of Tim Hortons's?</p> <p>Will there be alley restrictions?</p> <p>The alley is narrow.</p> <p>How will the alley be maintained?</p>	<p>The TIS considered the site access via an existing 6.1 m alley on Kildare Road, which is located immediately adjacent to the existing Tim Hortons drive-through lane. No concerns or mitigation is required.</p> <p>No additional restrictions are anticipated.</p> <p>The City of Windsor will continue to maintain the alley.</p>
Ethics	The proposed development is unethical.	<p>The PPS and the City OP support intensification and infilling opportunities.</p> <p>The proposed development will offer a new housing choice.</p>
Round-a-bout	The round-a-bout currently causes issues with parking.	The proposed development will not impact the existing round-a-bout.
Snow	<p>How will snow ploughing and snow removal be handled?</p> <p>The City needs to re-evaluate the snow plough routes.</p>	<p>The Site will provide for snow removal withing the parking area.</p> <p>Storage of snow will be located on-site.</p>

Topic	Public Comments	Applicant Responses
Property Values	Will they go down?	Real estate values are the product of many factors such as the neighbourhood, current market conditions, the year of construction, recent renovations, etc. The proximity to new development is unlikely to be the dominant factor.
Greenspace	There needs to be more greenspaces on the Site.	<p>The Site will be professionally landscaped with greenspace located around the perimeter of the proposed building and the parking area. The total landscaped area will be 621.3m<sup>2</sup>.</p> <p>Amenity space for the residential dwellings includes a 5.574m<sup>2</sup> private patio/balcony for each unit, outdoor seating area and landscaped gardens.</p>
Sight lines	A study of sight lines needs to be completed for Kildare and Devonshire Court.	<p>The TIS has made recommendations that the developer and road authority should verify all sight lines on-site to ensure that conditions are deemed safe for continued public use of the existing alley.</p> <p>There were no anticipated concerns regarding sight lines for Kildare Road and Devonshire Court.</p>
Market Demand	There are too many houses on the market and their values are going up.	The City of Windsor Official Plan (OP) has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area.
Infrastructure	<p>How will services be addressed. The area has old infrastructure.</p> <p>There is a possibility of flooding.</p>	<p>A Functional Servicing Plan has been completed.</p> <p>No negative impact is anticipated.</p>

<b>Topic</b>	<b>Public Comments</b>	<b>Applicant Responses</b>
Intensification	<p>Walkerville is already overly intensified with housing.</p> <p>The area is NOT a 'live work and play' neighbourhood and people do depend on cars.</p>	<p>The proposed development offers a new housing choice.</p> <p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p>
Property Size	A smaller property would be better.	The Site subject to development is 2,152.4m <sup>2</sup> in area and is capable of accommodating the proposed development in terms of scale, massing, height and siting.
Location	This type of development is better suited in Toronto or downtown Windsor.	<p>The Site provides for an infilling opportunity allowing a transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p> <p>The design and style of building will blend well with the scale and massing of the existing surrounding area.</p>
Devonshire Park	The park is too small and there are too many pets.	The location of the park abutting the Site offers an opportunity for additional recreation and open space that can be shared with the existing neighbour.
Pollution	There will be an increase in air and noise pollution with the proposed development.	The proposed development will not have any negative impacts on air quality and climate change and will promote energy efficiency with the availability of indoor and outdoor bike storage, access to transit, walking distance to community amenities and in close proximity to nearby shopping and employment.
Fit	The proposed development is not a good fit.	The proposed density is compatible with the surrounding area and will provide an appropriate transition between existing uses.

Topic	Public Comments	Applicant Responses
		<p>The view of each heritage resource will continue to be visible from the public right of way. The proposed development will not obstruct views of the heritage resources.</p>

## 4.0 PROPOSED APPLICATION & AMENDMENT

The proposed development requires an application for Zoning By-law Amendment (ZBA). The following explains the application and other required approvals.

### 4.1 Zoning By-Law Amendment (ZBA)

The Site was previously rezoned from institutional to low profile residential.

A site specific Zoning By-law Amendment (ZBA) is required for medium profile residential in support of the proposed development of a multiple dwelling.

The zoning for the Site is proposed to be changed from Residential District 1.1 (RD1.1) category to a site specific Residential District 3.1 (RD3.1 - S.20(1)(XXX)) category as shown on Map 7 of the City of Windsor Zoning By-Law (ZBL).

In addition to the change in zoning for the permitted use of a multiple dwellings, the proposed development will comply with all zone provisions set out in the RD3.1 Zone except for the following, which requires site specific relief:

1. *Increase the maximum building height from the required 14m to 15m,*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m,*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, and*
4. *Decrease the minimum landscaped open space from the required 35% spaces to 27%.*

The Site is also subject to the following site specific provisions:

- S.20(1)267 – prohibiting front yard parking (B/L 127-2010, September 15, 2010), and
- S.20(1)340 – requiring specific building height and front yard depth minimum, requiring parking from the alley and providing direction regarding exterior wall finishes (B/L 2-2017, February 7, 2017).

No front yard parking proposed. A single unit dwelling is not proposed. The use of a multiple dwelling is proposed to be added as a permitted use. The building will be designed using both contemporary and traditional architectural styles. A mix of materials will be used to accent the building, including red brick, glass, and iron. There will be no vinyl siding.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

### 4.2 Other Application

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.



Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements, then Draft Plan of Condominium in order to create the freehold units.

A building permit will also be required prior to any construction or site alterations.

## **4.3 Supporting Studies**

The following studies have been prepared to support the application.

### **4.3.1 Heritage**

A Built Heritage Impact Assessment (BHIA) was prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), dated August 25, 2021.

The Site does not contain cultural heritage resources; however, the proposed development is located within the Walkerville Heritage Area as identified in the OP and are within the vicinity of heritage properties listed on the Windsor Municipal Heritage Register. As such, a BHIA was requested by the municipality to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

The BHIA concluded that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.

Further, the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

### **4.3.2 Stormwater**

A Preliminary Stormwater Management Report was prepared by Aleo Associates Inc. Consulting Engineers, dated August 16, 2021.

The report provided a review and identified stormwater management requirement for the proposed development.

The report concluded and recommended the following:

- An inlet control device will be installed on the outlet pipe inside storm manhole
- Storm sewer pipe has been oversized to ensure no surface ponding occurs in the parking lot for the minor storm event.
- Stormwater quality control is being accomplished by utilizing catch basins with built-in goss gully traps in all catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system.
- Trapped oil and sediments will be removed during routine catch basin cleaning.

### 4.3.3 Traffic

A Traffic Impact Study (TIS) was prepared by RC Spencer Associates Inc. Consulting Engineers, dated August 2021.

The report was prepared to examine the potential implications of the proposed development on area traffic operations.

The TIS also considered the site access via an existing alley on Kildare Road, which is located immediately adjacent to the existing Tim Hortons drive-through lane.

The following conclusion were made:

- The stop-controlled tee intersection of Devonshire Court at Kildare Road will not be affected by the addition of site generated traffic; therefore, it is the engineers' opinion that the intersection will continue to operate at a good level of service in all horizon traffic scenarios;
- The signalized intersection of Kildare Road at Ottawa Street will not be affected by the addition of site generated traffic; therefore, it is the engineers' opinion that the intersection will continue to operate at a good level of service in all horizon traffic scenarios;
- Existing trees and on-street parking may be problematic for site egress; although this is not atypical of standard urban environments, it is the engineers' recommendation that the developer and road authority should verify all sight lines on-site to ensure that conditions are deemed safe for continued public use of the existing alley.

## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	Windsor has directed growth where the Site is located which will contribute positively to promoting efficient land use and development patterns.  The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.
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	The proposed development is consistent with the policy to build strong healthy, and livable communities as it provides for a development where people can live, work and play.

PPS Policy #	Policy	Response
	<p>Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>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;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>The proposed development offers a new housing choice.</p> <p>There are examples of this type of development in the area.</p> <p>There are no anticipated environmental or public health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion of the settlement area as it is considered infilling and intensification.</p> <p>The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient use of the vacant land.</p>

PPS Policy #	Policy	Response
		The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.
1.1.2	<p>Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the City of Windsor meet the full range of current and future residential needs through intensification.</p> <p>The Site will provide for residential infilling within an existing settlement area.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as the proposal is within an existing settlement area.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>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;</p>	<p>The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.</p> <p>The total density of the proposed development is considered appropriate as most of the existing area is a mix of uses.</p> <p>The Site provides for an infilling opportunity allowing a buffer/transition between an</p>

PPS Policy #	Policy	Response
	<p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>	<p>existing established neighbourhood, a neighbourhood park and an existing commercial corridor</p> <p>The Site offers an opportunity for intensification by creating a new housing choice using the vacant property.</p> <p>The design and style of building will blend well with the scale and massing of the existing surrounding neighbourhood.</p> <p>Residents will have immediate access to local amenities, shopping, employment, recreational areas, and institutional uses.</p> <p>Transit is available for the area.</p> <p>The Site is located close to major transportation corridors.</p>
1.1.3.3	<p>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</p>	<p>The proposed development is located on a Site that is physically suitable.</p> <p>The Site is generally level which is conducive to easy vehicular movements.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate use of a vacant parcel of land.</p>



PPS Policy #	Policy	Response
	infrastructure and public service facilities required to accommodate projected needs.	Parking will be provided on-site, including space for tenants and visitors. Bicycle parking and storage are also provided.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<p>The proposed residential building will be built with a high standard of construction allowing a seamless integration with the existing area.</p> <p>There will be no risks to the public as identified in the support studies.</p> <p>The Site is outside of the ERCA regulated area.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area.
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.	<p>The proposed development does have a compact built form.</p> <p>The proposed building size will allow for the efficient use of land, pedestrian and vehicle access, infrastructure and public services.</p>
1.4.1 - Housing	To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and	The proposed development will provide for an infill and intensification opportunity in the existing built-up area.

PPS Policy #	Policy	Response
	<p>future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The Site offers an opportunity for intensification in an area with a mix of uses.</p> <p>Municipal services are available, as set out in the support studies.</p>
1.4.3	<p>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.</p>	<p>The proposed density is compatible with the surrounding area and will provide an appropriate buffer/transition between existing uses.</p> <p>The view of each heritage resource will continue to be visible from the public right of way. The proposed development will not obstruct views of the heritage resources.</p>

PPS Policy #	Policy	Response
		<p>The proposed density will have a positive impact on the area as it will blend well with the existing built form.</p> <p>The Site is close to local amenities.</p> <p>There is suitable infrastructure, including transit.</p>
1.6.1 - Infrastructure	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	<p>The development can proceed on full municipal services as identified in the required support studies.</p> <p>Electrical distribution will be determined through detailed design.</p> <p>Access to public transit is available.</p>
1.6.6.2 - Sewage, Water and Stormwater	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.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.
1.6.6.7 - Stormwater	Planning for stormwater management shall:	The required support studies have been completed to

PPS Policy #	Policy	Response
	<p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	<p>support the proposed development as it relates to stormwater management.</p> <p>There will be no anticipated impacts on the municipal system and will not add to the capacity in a significant way.</p> <p>There will be no risk to health and safety.</p>
1.6.7.1 - Transportation	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The subject property is in close proximity to major transportation corridors and has access to transit.

PPS Policy #	Policy	Response
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development contributes to the City's requirements for development within a built-up area.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	<p>The proposed development contributes to the City's requirement for infilling and intensification within an existing settlement area.</p> <p>The proposed density, scale, and building height will blend with the existing land use pattern.</p> <p>As noted in the BHIA, the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.</p>
2.1.1 - Natural Heritage	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1 - Water	Planning authorities shall protect, improve or restore the quality and quantity of water.	<p>The required support studies have been prepared in support of the proposed development as it pertains to stormwater management.</p> <p>The Site is outside the regulated area of ERCA.</p>
2.6.1 - Heritage	Significant built heritage resources and significant	The BHIA concluded that the proposed development would have no negative impacts on nearby heritage

PPS Policy #	Policy	Response
	cultural heritage landscapes shall be conserved.	properties or the Walkerville Heritage Area.
3.0 - Health and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards.  The Site is outside the regulated area of ERCA.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

### 5.1.2 Official Plan (OP)

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000 and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.



The lands are designated “Residential” according to Schedule “D” Land Use attached to the OP for the City of Windsor (see Figure 3 – City of Windsor OP, Schedule “D”).

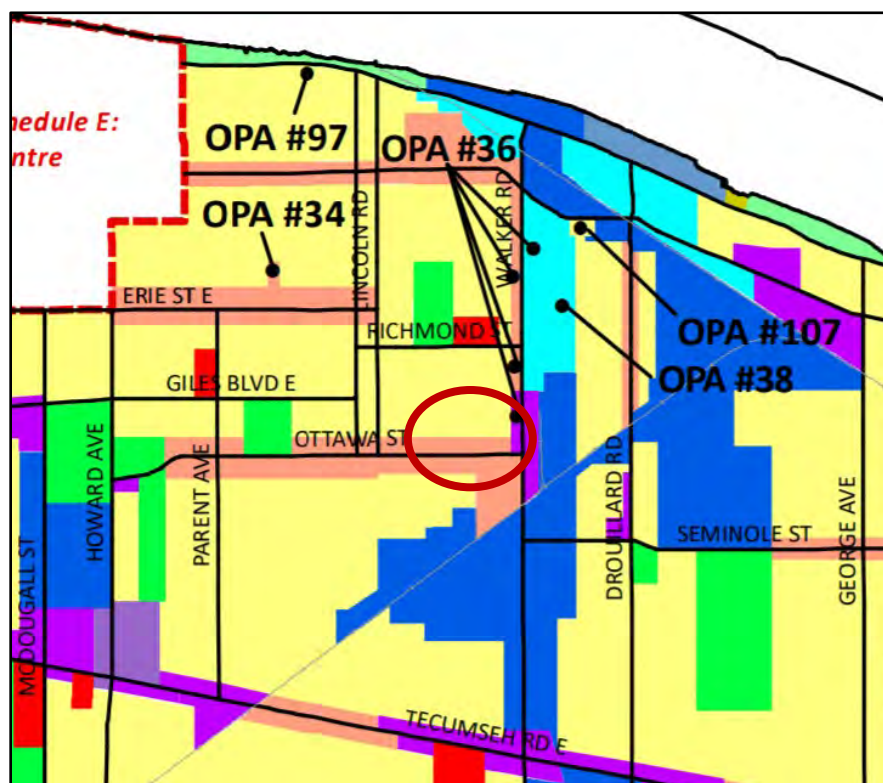


Figure 3 – City of Windsor OP, Schedule “D”

The proposed use is permitted in the “Residential” designation.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.1	The planning of Windsor’s future is guided by the following vision taken from Dream Dare Do – The City of Windsor Community Strategic Plan.	The proposed development will support the City’s vision by providing residential in an existing built-up area where citizens can live, work and play.
3.2.1.2 – Growth Concept, Neighbourhood Housing Variety	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as	The proposed development supports one of the City’s overall development strategies of providing for a range of housing types.

OP Policy #	Policy	Response
	they pass through the various stages of their lives.	<p>The Site will provide for a new housing choice in an existing built-up area, which is an example of “Missing Middle” while respecting the existing built heritage resources within the Walkerville Heritage Area.</p> <p>There are examples of this type of development in the area.</p>
3.2.1.3 – Growth Concept, Distinctive Neighbourhood Character	Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced.	<p>The proposed use is outside of the City Centre but considered a medium profile residential in a distinctive neighbourhood.</p> <p>The Site do not contain cultural heritage resources; however, the proposed development is located within the Walkerville Heritage Area.</p> <p>The BHIA concluded that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.</p> <p>Further, the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.</p>
4.0 - Healthy Community	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use,	<p>The proposed development will support the City’s goal of promoting a healthy community.</p> <p>The proposed development is close to nearby transit,</p>

OP Policy #	Policy	Response
	Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	employment, shopping, local/regional amenities and parks.
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.	The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for intensification of residential offering a new housing choice.</p> <p>The Site is located in a very unique neighbourhood. Care in the design of the proposed multiple dwelling has taken into consideration the built heritage resources of the Walkerville Heritage Area.</p> <p>The Site provides for an infilling opportunity allowing a buffer/transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p>
6.2.1.2 – General Policies, Type 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	The proposed development is considered a medium profile development as it is proposed to have 4-storeys constructed on the Site.

OP Policy #	Policy	Response
	<p>designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p><b>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</b></p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	<p>The building is considered small in scale and will provide buffer/transition from existing abutting land uses.</p>
6.3.1.1 – Range of Forms & Tenures	To support a complementary range of housing forms and tenures in all neighbourhoods	<p>It is proposed to construct a 4-storey building with 23 residential units in the tenure form of a condominium.</p> <p>The proposed development will offer a new housing choice which will complement the existing built-up area.</p>
6.3.1.2 - Neighbourhoods	To promote compact neighbourhoods which encourage a balanced transportation system.	<p>The proposed development takes advantage of the entire Site.</p> <p>The Site will be pedestrian friendly with sidewalks connection to the roadway and parking area.</p> <p>The Site has access to transit and is in close proximity to major transportation corridors.</p>
6.3.1.3 – Intensification, Infill & Redevelopment	To promote selective residential redevelopment,	The proposed development is considered infill and intensification.

OP Policy #	Policy	Response
	infill and intensification initiatives.	The existing institutional use was demolished, and the parcel of land is vacant and appropriate for redevelopment.
6.3.2.1 – Permitted Uses	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.	The proposed development is a permitted use in the OP as it is considered a medium profile development which is a “building with more than 6-storeys in height”.
6.3.2.4 – Location 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	The Site is 1 block north of Ottawa Street, which is considered an ‘arterial roadway’.  The required support studies have been completed to confirm traffic, access and services.  The proposed development offers open space and is located close to transit.
6.3.2.5 – Evaluation for a Neighbourhood	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;	This PRR has undertaken the required evaluation.

OP Policy #	Policy	Response
	<p>(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;</p> <p>(iii) within a site of potential or known contamination;</p> <p>(iv) where traffic generation and distribution is a provincial or municipal concern; and</p> <p>(v) adjacent to heritage resources.</p> <p>(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;</p> <p>(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;</p> <p>(d) provided with adequate off street parking;</p> <p>(e) capable of being provided with full municipal physical services and emergency services; and</p> <p>(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major transportation corridor and has access to full municipal services.</p>



OP Policy #	Policy	Response
8.7.2.3 – Built Form, Infill Development	<p>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:</p> <ul style="list-style-type: none"> <li>(a) massing;</li> <li>(b) building height;</li> <li>(c) architectural proportion;</li> <li>(d) volumes of defined space;</li> <li>(e) lot size;</li> <li>(f) position relative to the road;</li> <li>(g) building area to site area ratios;</li> <li>(h) the pattern, scale and character of existing development; and</li> <li>(i) exterior building appearance.</li> </ul>	<p>The Site provides for an infilling opportunity allowing a buffer/transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p> <p><b>Massing</b> – the proposed will be brought to the edge of the municipal space. The building will be located on the northwest corner of the Site.</p> <p><b>Building height</b> – the proposed building height will be limited to 4-storeys. The proposal contemplates a flat roof.</p> <p><b>Architectural proportion</b> – the façade of the fourth storey units will be made entirely of glass. The building has been designed to address both street frontages, with no blank facades.</p> <p><b>Volume of defined space</b> – the proposed design and layout of the development includes appropriate setbacks and lot coverage. Relief from zoning provisions are also being requested, including building height, front yard depth, rear yard depth and landscaping in order to accommodate the proposed development.</p> <p><b>Lot size</b> – the existing parcel is appropriate for the development. It allows for on-site parking, fire route,</p>

OP Policy #	Policy	Response
		<p>sidewalks and landscaping. Relief from zoning provisions are also being requested, including building height, front yard depth, rear yard depth and landscaping in order to accommodate the proposed development.</p> <p><b>Building area</b> – appropriate lot coverage is proposed. The proposed building will not negatively impact the private use and enjoyment of area residents. The proposed building is 4-storeys and is not anticipated to create shadows or obstructions that would negatively impact the heritage resources.</p> <p><b>Pattern, scale and character</b> – the building will be designed using both contemporary and traditional architectural styles. The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources. The proposed development will reinforce the residential character of the area.</p> <p><b>Exterior building appearance</b> – a mix of materials will be used to accent the building, including red brick, glass, and iron.</p>
9.3.1.1 – Cultural Heritage Resources Definition	For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as	The Site does not contain cultural heritage resources; however, the proposed development is located within the Walkerville Heritage Area.

OP Policy #	Policy	Response
	being important to the community.	The Site is within the vicinity of heritage properties listed on the City of Windsor Municipal Heritage Register.
9.3.3.1 – Heritage Properties	Council will recognize Windsor's heritage resources.....	<p>A BHIA was completed to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.</p> <p>There are 5 nearby heritage properties.</p> <p>The proposed development is a minimum of 20 metres from the nearest heritage resource and a maximum of 80 metres from the furthest heritage resource.</p> <p>There is sufficient distance between the proposed development and the heritage resources that no impacts as a result of land disturbances are anticipated.</p>
9.3.4	Council will protect heritage resources.....	The BHIA concluded that the proposed development would have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.
9.3.5.1	Council will enhance heritage resources.....	the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.
9.3.7	Council will integrate heritage conservation into the development and infrastructure approval process.....	The proposed development offers a new housing choice while respecting the existing built heritage resources within the Walkerville Heritage Area.

Therefore, the proposed development will conform to the City of Windsor OP.

### 5.1.3 Zoning By-law (ZBL)

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002 and then a further Ontario Municipal Board (OMB) decision issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 7 attached to the ZBL the Site is currently zoned Residential District 1.1 (RD1.1) category (see Figures 4 – City of Windsor Zoning).

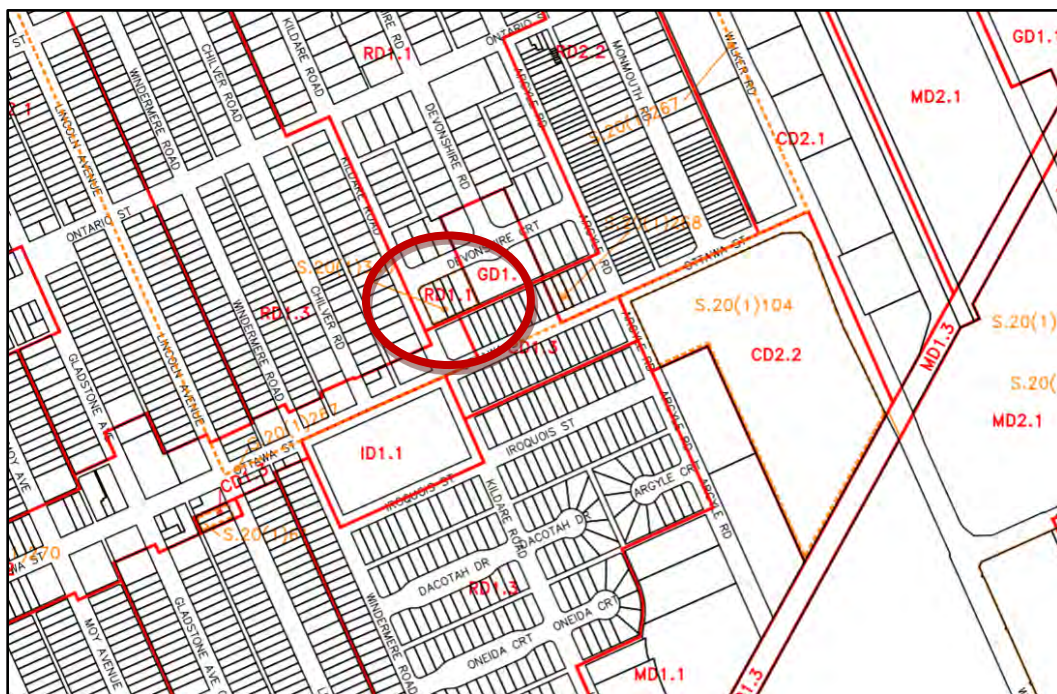


Figure 4 – City of Windsor Zoning

The Site is also subject to the following site specific provisions:

- S.20(1)267 – prohibiting front yard parking (B/L 127-2010, September 15, 2010), and
- S.20(1)340 – requiring specific building height and front yard depth minimum, requiring parking from the alley and providing direction regarding exterior wall finishes (B/L 2-2017, February 7, 2017).

A site specific Zoning By-law Amendment (ZBA) is required for medium profile residential in support of the proposed development of a multiple dwelling.

The zoning for the Site is proposed to be changed from Residential District 1.1 (RD1.1) category to a site specific Residential District 3.1 (RD3.1 - S.20(1)(XXX)) category as shown on Map 7 of the City of Windsor Zoning By-Law (ZBL).

Permitted uses in the RD3.1 includes one Multiple 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*

A review of the RD3.1 zone provisions, as set out in Section 12.1.5 of the ZBL is as follows:

<b>Zone Regulations</b>	<b>Required RD 3.1 Zone</b>	<b>Proposed</b>	<b>Compliance and/or Relief Requested with Justification</b>
Permitted Uses	Multiple Dwelling	Multiple Dwelling	Zoning amendment is required to permit the use (4-storey building with 23 units).
Min Lot Width	18.0 m	35.1 m (Kildare Road)	Complies
Min Lot Area	<p>For a corner lot having a minimum frontage of 30.0 m on each of the exterior lot lines:</p> <p>a) For the first 5 dwelling units 540.0 m<sup>2</sup></p> <p>b) For each additional dwelling unit 67.0 m<sup>2</sup> per unit</p> <p>For any other lot:</p> <p>c) For the first 4 dwelling units 540.0 m<sup>2</sup></p>	2,152.4 m <sup>2</sup>	Complies

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
	<p>d) For each additional dwelling unit 85.0 m<sup>2</sup> per unit</p> <p><b>540.0 m<sup>2</sup> (first 5) + 67.0 m<sup>2</sup> x 18 (1,206.00 m<sup>2</sup>) = 1,746.00 m<sup>2</sup></b></p>		
Max Lot Coverage	35.0 %	33.1 %	Complies
Max Building Height	Corner Lot – 14.0 m	15 m	<p>Relief required.</p> <p>The request is for an increase in 1m.</p> <p>This will allow the proposed building to be built at 4-storey building with 23 units.</p> <p>The request is minor.</p>
Min Front Yard Depth	6.0 m	1.9 m	<p>Relief required.</p> <p>This will allow the proposed building to be brought to the edge of the municipal space.</p> <p>The building has been designed to address both street frontages, with no blank facades.</p> <p>The front yard acts more like a side yard.</p>
Min Rear Yard Depth	7.50 m	1.2 m	<p>Relief required.</p> <p>This will allow the proposed building to be brought to the edge of the municipal space.</p>



Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
			The rear yard acts more like a side yard.
Min Side Yard (interior and exterior)	a) Where a habitable room window of any dwelling unit faces a side lot line 6.0 m  b) Any other side yard 3.0 m	3.4 m (Devonshire Court)  21.4 m (Alley)	Complies
Min Landscaped Open Space	35% of the lot area	27.8%	Relief requested.  The requested relief is a decrease in 7.2%.  The Site is abutting a public open space.  Amenity space for the residential dwellings includes a 5.574m <sup>2</sup> private patio/balcony for each unit, outdoor seating area and landscaped gardens.
Parking Spaces Required (Table 24.20.20.5.1)	Multiple Dwelling containing a minimum of 5 dwelling units:  1.25 parking spaces required for each dwelling unit  23 x 1.25 = 28.75 space	30	Complies
Visitor Parking (24.22.1)	15 percent of parking spaces marked	15 percent of parking spaces marked	Complies
Accessible Parking Spaces Required	For 26-100 total number of Parking Spaces	2	Complies

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
(Table 24.24.1)	Type A – 2 % parking spaces  Total B - 2 % parking spaces  $0.56 + 0.56 = 1.12$ parking spaces		
Bicycle Parking (24.30.1)	20 or more parking spaces in parking area:  2 for the first 19 spaces plus 1 for each additional 20 parking spaces:  <b>2 + 4 = 6 spaces required</b>	7 outside  14 inside  <b>21 total</b>	Complies
Loading (Table 24.40.1.5)	1,000 m <sup>2</sup> or less  1 required (based on proposed building size 711.4 m <sup>2</sup> )	1	Complies
S.20(1)267 – prohibiting front yard parking	For the lands bound by the Detroit River to the north; Walker road to the east; Ottawa Street to the south; and, Lincoln Road to the west (known as the Walkerville Heritage Area) <b>No Front yard Parking Space shall be permitted</b> , exclusive of any existing Front Yard Parking Space.	No front yard parking proposed.	Complies
S.20(1)340 – requiring specific	For the lands comprising <b>Lots 84 to 87, Registered</b>	A single unit dwelling is NOT proposed.	Complies

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
building height and front yard depth minimum, requiring parking form the alley and providing direction regarding exterior wall finishes	<p><b>Plan 684</b>, situated at the southeast corner of Devonshire Court and Kildare Road, a <b>Single Unit Dwelling shall be subject to the following</b> additional provisions:</p> <ol style="list-style-type: none"> <li>1. Main Building Height – minimum - 7.00 m</li> <li>2. Front Yard Depth – minimum - 7.50 m</li> <li>3. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.</li> <li>4. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.</li> </ol>	<p>The use of a multiple dwelling is proposed to be added as a permitted use.</p> <p>The building will be designed using both contemporary and traditional architectural styles. A mix of materials will be used to accent the building, including red brick, glass, and iron. There will be no vinyl siding.</p>	

Therefore, in addition to the change in zoning for the permitted use of a multiple dwelling with 5 or more dwelling units, the proposed development will comply with all zone provisions set out in the RD3.1 Zone except for the following, which requires site specific relief:

1. *Increase the maximum building height from the required 14m to 15m,*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m,*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, and*
4. *Decrease the minimum landscaped open space from the required 35% spaces to 27%.*

## **6.0 SUMMARY AND CONCLUSION**

### **6.1 Context and Site Suitability Summary**

#### **6.1.1 Site Suitability**

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate buffering/transition from abutting land uses,
- The Site is generally level which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no natural heritage concerns,
- There are no cultural heritage concerns,
- There are no hazards, and
- The location of the proposed development is appropriate.

#### **6.1.2 Compatibility of Design**

The proposed development has been designed to be compatible with the existing built-up area, including the low profile residential uses along Devonshire Court and Kildare Road, and the overall character of the Walkerville Heritage Area.

The proposed development is a medium profile form of development which incorporates sufficient setbacks to allow for appropriate landscaping and buffering.

The building has been designed to address both street frontages with high quality facades featuring a mix of materials, large windows and other architectural details. All building façades have been designed with architectural detail, as illustrated in the renderings included herein.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking area.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting. The proposed development will not obstruct views of the heritage resources.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to a new housing choice and intensification requirements set out in the PPS and the OP.

Residential use on the Site represents an efficient development pattern that optimizes the use of land. The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.

There are examples of this type of development in the area.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environment impacts.

#### **6.1.5 Municipal Services Impacts**

Full municipal services are available, which is the preferred form for development.

#### **6.1.6 Social and/or Economic Conditions**

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, open space and community amenities.

Infilling in an existing built-up area of the City contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the City of Windsor.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

Based on the Site area, the proposed development will result in a total net density, which is appropriate for the area.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.

## **6.2 Conclusion**

In summary, it would be appropriate for Council for the City of Windsor to approve the ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer residential in an area of mixed uses.

The Site will provide for a new housing choice in an existing built-up area, which is an example of "Missing Middle", while respecting the existing built heritage resources within the Walkerville Heritage Area.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.




The report components for this PRR have set out the following, as required under the City of Windsor OP:

*10.2.13.2 Where a Planning Rationale Report is required, such a study should:*

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the site's previous development approval history;*
- (c) Describe major physical features or attributes of the site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act;*
- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the site and indicate reasons why the proposal is appropriate for this site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP**  
**Principal Planner**



# **PLANNING RATIONALE REPORT ADDENDUM**

## **ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT**

**1913, 1925 and 1949 Devonshire Court  
City of Windsor, Ontario**

**February 8, 2022**

**Prepared by:**



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# 1.0 INTRODUCTION

I have been retained by the owner/applicant, 2811035 Ontario Inc., to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development located at 1913, 1925 and 1949 Devonshire Court (herein the “Site”) in the City of Windsor, Ontario.

Further to the PRR dated October 31, 2021, the purpose of this report is to provide additional information requested by the City of Windsor Staff as it pertains to additional support studies.

The Site is currently vacant. It is proposed to construct a 4-storey freehold multiple dwelling with a total of 23 residential units. Parking, bicycle storage, and loading are provided on-site. Access to the parking area will be from an existing alley.

## 2.0 SITE

The Site is owned by 2811035 Ontario Inc. and made up of three (3) parcels located on the south side of Devonshire Court and the east side of Kildare Road (see Figures 1 – Site Location).



Figure 1 – Site Location (Source: City of Windsor GIS - area in red)

The Site subject to the proposed development consists of a total area of 2,152.4m<sup>2</sup>, with 35.1m of lot width along Devonshire Court and an irregular lot depth of 46.33m along Kildare Road and 52.43m along the alley.

The property has access to municipal water, storm and sanitary services.

## 3.0 DEVELOPMENT PROPOSAL

It is proposed to construct a four (4) storey building with twenty-three (23) residential units. The building is considered a multiple dwelling. The units are proposed to be freehold. Parking is located on-site.

A Concept Plan has been prepared (see Figure 2a – Concept Plan).

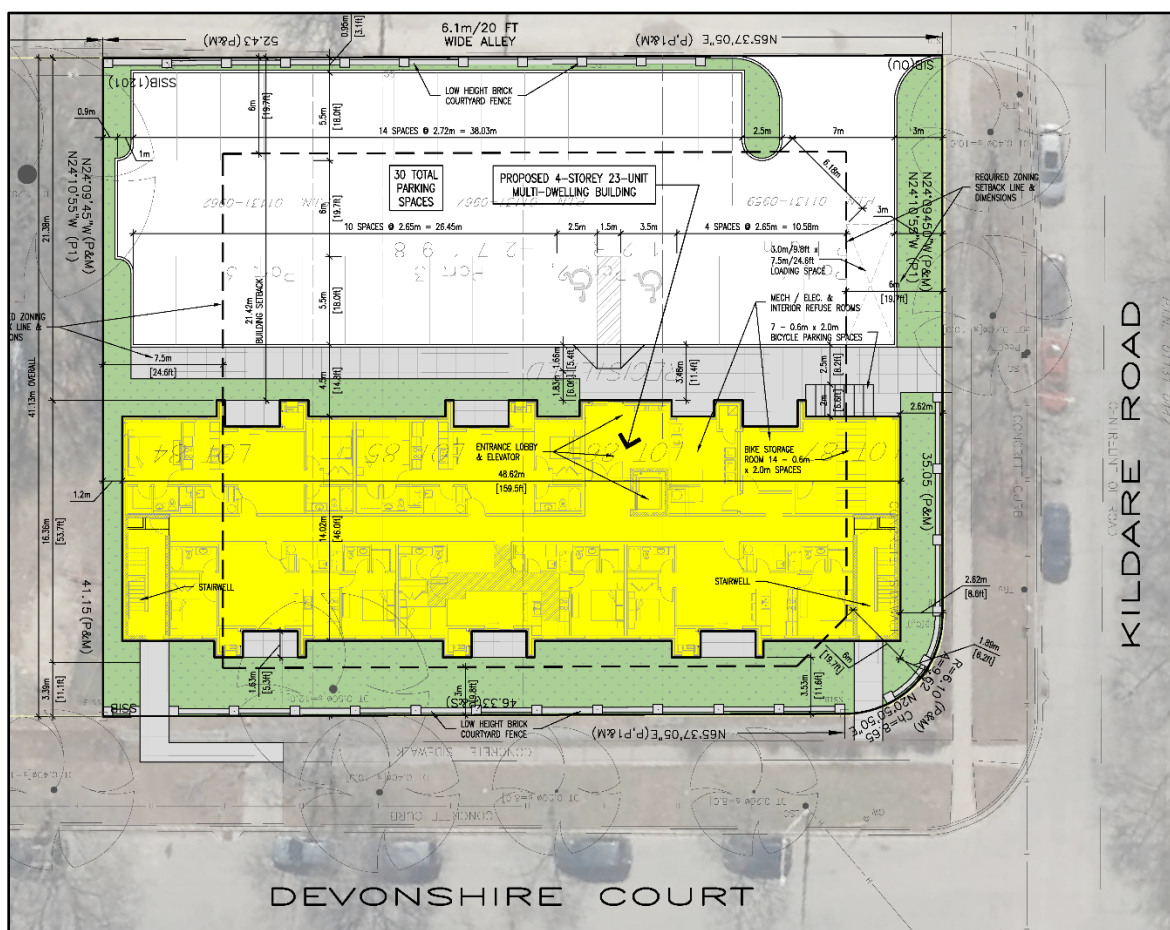


Figure 2a – Concept Plan



A revised elevation has been prepared as part of the concept plan (see Figure 2b – Elevation).



Figure 2b – Elevation

The zoning for the Site is proposed to be changed from Residential District 1.1 (RD1.1) category to a site specific Residential District 3.1 (RD3.1 - S.20(1)(XXX)) category as shown on Map 7 of the City of Windsor Zoning By-Law (ZBL).

In addition to the change in zoning for the permitted use of a multiple dwellings, the proposed development will comply with all zone provisions set out in the RD3.1 Zone except for the following, which requires site specific relief.

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements, then Draft Plan of Condominium in order to create the freehold units.

A building permit will also be required prior to any construction or site alterations.

## 4.0 SUPPORTING STUDIES

The following additional studies have been prepared to support the application.

### **Heritage Study**

A revised Built Heritage Impact Study (BHIS) was prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), dated February 3, 2022.

The BHIS assessed the following, using the revised elevation:

- Identify the Cultural Heritage Resource
- Research on Design/Physical and Historical/Associative and Contextual Values
- Policy Context
- Proposed Site Changes/Development and Impact to the Cultural Heritage Resource
- Options for Mitigation and Alternatives
- Recommended Conservation Strategy

The report concluded that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.

Further, this report has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

### **Shadow Study**

A Shadow analysis has been prepared by ADA Inc. Architects.

The analysis provides for 4 seasons.

For the spring, summer and autumn equinox minimal to no shadow is cast on any of the heritage properties. The winter equinox illustrates some shadowing on the heritage properties on Devonshire Ct during the morning, approximately 9:30am to 10:30am. Given this is a short period of time, the building is not anticipated to create excessive shadows that would negatively impact the heritage resources. There are also late afternoon shadows cast on Devonshire Park, however, they are only on a portion of the park for brief periods of time and would not negatively impact any heritage attributes associated with the park.

The study has also been included in the above noted BHIS. Refer to Appendix E for the study.

## **5.0 REVIEW OF COMMENTS**

A review of comments received to date from the City of Windsor Staff, as part of application consultation, have been reviewed.

The following provides a summary of the key items that require a response.

<b>Item</b>	<b>Comments</b>	<b>Response</b>
Canada Post	Provide centralized mail facility	Owner agrees

Item	Comments	Response
Building Dept.	Obtain a building permit	Owner agrees
Engineering	<p>Use existing sewers.</p> <p>SWM plan required.</p> <p>Street Opening permit required.</p> <p>Redundant curb cuts and sidewalks shall be removed and restored.</p> <p>Drain and re-pave the alley abutting the property.</p> <p>Existing fence encroachment in the R-O-W of Kildare Road and Devonshire Court to be removed.</p> <p>Properties to merge.</p>	Owner agrees
Heritage	Provide visual contextual analysis with surrounding Walkerville neighbourhood properties in order to demonstrate compatibility with common datum regulating lines and floor to height ratios of surrounding heritage buildings.	A revised BHIS has been provided
Landscape Architect/Urban Design	<p>Shadow Impact Study required.</p> <p>Proposed benches along Devonshire Court.</p> <p>Site furnishings.</p> <p>Definition between parkland and private development.</p> <p>Additional landscaping and landscaping transition.</p> <p>Tree preservation.</p> <p>Parkland dedication fees.</p>	<p>A study has been provided.</p> <p>Additional requirements can be addressed as part of the Site Plan Control review process.</p> <p>The owner agrees to parkland dedication fees.</p>
Parks Development	Tree preservation.	The Owner will agree to protect existing trees that are located on surrounding lots.

## 6.0 CONCLUSION

In summary, it would be appropriate for the City of Windsor to approve the ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer residential in an area of mixed uses.

The Site will provide for a new housing choice in an existing built-up area, which is an example of “Missing Middle”, while respecting the existing built heritage resources within the Walkerville Heritage Area.

### Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pilon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

  
**Tracey Pilon-Abbs, RPP**  
**Principal Planner**



# BUILT HERITAGE IMPACT ASSESSMENT

## Devonshire Court, Windsor

Date:

**February 3, 2022**

Prepared for:

**Pillon Abbs Inc**

Prepared by:

**MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)**

Project No. 21340A



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**Appendix A** – Location Maps

**Appendix B** - Site Plan

**Appendix C** – Renderings

**Appendix D** – City of Windsor HIA Guidelines

**Appendix E** – Shadow Study

# Acknowledgement of Indigenous Communities

This Cultural Heritage Impact Assessment acknowledges that the subject lands located at 1913, 1925, and 1949 Devonshire Court, Windsor are situated on the traditional territory of the Anishnaabeg people of the Three Fires Confederacy of First Nations. The Three Fires Confederacy includes the Ojibwa, the Odawa, and the Potawatomi. These lands are acknowledged as being associated with the McKee Purchase (Treaty 2, 1790) (Ontario Treaties and Reserves, 2021).

## Project Personnel

Dan Currie, MA, MCIP, RPP, CAHP	<i>Managing Director of Cultural Heritage</i>	Senior Review
Rachel Redshaw, MA, HE Dipl.	<i>Heritage Planner</i>	Author & Research
Gillian Smith, MSc	<i>Planner</i>	Author & Research

## EXECUTIVE SUMMARY

The subject lands located at 1913, 1925, and 1949 Devonshire Court, Windsor in the former Town of Walkerville are proposed to be redeveloped to accommodate a 4 storey multiple residential building. The subject lands do not contain cultural heritage resources, however, they are located within the Walkerville Heritage Area as identified in the *City of Windsor Official Plan*, and are within the vicinity of heritage properties listed on the *Windsor Municipal Heritage Register*. As such, a Built Heritage Impact Study was requested by the municipality to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

This report concludes that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended. Further, this report has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

# 1.0 INTRODUCTION

MHBC has been retained by Pillon Abbs Inc., to undertake a Built Heritage Impact Study ('BHIS') for the lands municipally addressed as 1913, 1925, and 1949 Devonshire Court, Windsor, in the former town of Walkerville, hereinafter referred to as the 'subject lands'. This BHIS is related to a development proposal for the subject lands which includes a multiple residential dwelling. The subject lands have been removed from the *Windsor Municipal Heritage Register* after the approved demolition of the former St. George's Church by Council in 2016. The subject lands were formally listed in association with the church which included a 1921 English Revival red-brick hall and 1955 addition which was designed by the firm Sheppard & Masson.

The subject lands form part of the Walkerville Heritage Area, as per Schedule G of the *City of Windsor Official Plan*. Within the Heritage Area are properties that are either listed or designated on the Municipal Heritage Register. Some of the listed and designated properties in the Walkerville Heritage Area are in the vicinity of the subject lands. These properties, hereinafter referred to as the 'heritage properties', include:

- *1912 Devonshire Court*
- *1924 Devonshire Court*
- *1948 Devonshire Court*
- *2050 Devonshire Court*
- *1287 Kildare Road, 'The Arthur Davidson Apartments' (Designated under Part IV 2008)*

The purpose of this BHIS is to assess the impact of the proposed development of the subject lands on the Walkerville Heritage Area and surrounding heritage properties in order to ensure their conservation as per Section 9.2 of the Official Plan. The report will analyze the impact of the proposed development on the existing Heritage Area. As required, this BHIS will provide recommendations that ensure the conservation of heritage resources, the compatibility of the proposal with the surrounding area, and that overall design standards are met.

# 1.1 SCOPE AND CONTENT OF THE BUILT HERITAGE IMPACT STUDY

The City Official Plan identifies that the City will require a BHIS when development is proposed adjacent to a designated heritage resource, or when the City Planner is of the opinion that it is necessary. The City of Windsor provides *Built Heritage Impact Study/ Heritage Impact Assessment Guidelines*, which have been included as **Appendix D** to this report. This report has been guided by these Guidelines, and includes the following elements:

## **Identify the Cultural Heritage Resource**

- Overview of heritage properties including location, Municipal Heritage Register details, land use, photo's and relevant site information

## **Research on Design/Physical and Historical/Associative and Contextual Values**

- A summary on significance and heritage attributes for each structure existing on the property

## **Policy Context**

- An overview of the policy context applicable to this report, including provincial and municipal policies

## **Proposed Site Changes/Development and Impact to the Cultural Heritage Resource**

- Description of proposed development
- Description of positive and adverse impacts of site changes and surrounding lands
- Summary of Heritage Impact Assessment criteria

## **Options for Mitigation and Alternatives**

- No mitigation or development alternatives were necessary
- Overview of conformity with Official Plan policies

## **Recommended Conservation Strategy**

- No conservation strategy was necessary
- Conclusion

# 2.0 OVERVIEW

## 1.1 DESCRIPTION OF SUBJECT LANDS

The subject lands consist of three contiguous lots addressed as 1913, 1925, and 1949 Devonshire Court. Collectively these lots comprise the development site. The subject lands are legally described as:

- 1913 Devonshire Court: Lot 8, Part Lot 86, Plan 684 Walkerville Being Part 1 12r27198, City Of Windsor
- 1925 Devonshire Court: Part Lot 86 And Part Lot 85 Plan 684 Being Parts 2 And 3 12r27198, Walkerville, City Of Windsor
- 1949 Devonshire Court: Lot 84 & Pt Lot 85 Plan 684 Walkerville Being Part 4 12r27198, City Of Windsor

The subject lands are approximately 2, 164m<sup>2</sup> in area. See **Appendix A** for map figure showing subject lands.

The lands are adjacent to Devonshire Park which is where Devonshire Road terminates at Devonshire Court. The subject lands are east of Kildare Road, north of Ottawa Street, west of Argyle Road and on the south side of Devonshire Court. The lands are within the Walkerville Heritage Area of Windsor and are surrounded by a range of commercial and low density residential uses.

The subject lands were previously occupied by St. George's Church, which has since been demolished. The lands are now currently vacant. The topography of the development site is flat with minor vegetation in the form of grass, and a few trees on the periphery of the site.



**Figure 1:** Aerial view of subject lands (Source: MHBC, 2021).





**Figure 2:** Subject lands, looking east towards Devonshire Park (source: MHBC, 2021)



**Figure 3:** Subject lands, looking north towards Devonshire Court (source: MHBC, 2021)

## 1.2 DESCRIPTION OF SURROUNDING AREA

### *Devonshire Court*

Devonshire Court along the south side of the subject lands is characterized by 2 – 2 ½ storey Tudor Revival houses dominated by the use of red brick and stucco and gabled roofs. These homes include generous front yard setbacks with mature trees. The property at 1948 Devonshire Court on the east end of the immediate block abuts Devonshire Park which includes mature trees and seating. A treed boulevard lines both the north and south side of street.



Subject  
lands



Subject  
lands

**Figures 4 & 5:** (above) View of Devonshire Court looking eastward; (below) View of Devonshire Court looking westward (Source: Google maps, 2021).



## ***Kildare Road***

Kildare Road commencing at Ottawa Street going north includes a commercial property (currently Tim Hortons) which abuts the subject lands. The remainder of the road is characterized by 1, 2, and 2 ½ storey residences, mainly composed of brick. There is variation in architectural styles and roof lines including: gabled, hipped and gambrel. Architectural styles include: Tudor Revival, Colonial and American Foursquare.



**Figures 6 & 7:** (above) view of Kildare Road looking northwards towards subject lands bounded by chain link fence; (below) view of Kildare Road looking southwards (Source: Google maps, 2021).

There is a laneway that runs parallel to Devonshire Court on the south side of the subject lands which is bounded by various fencing.



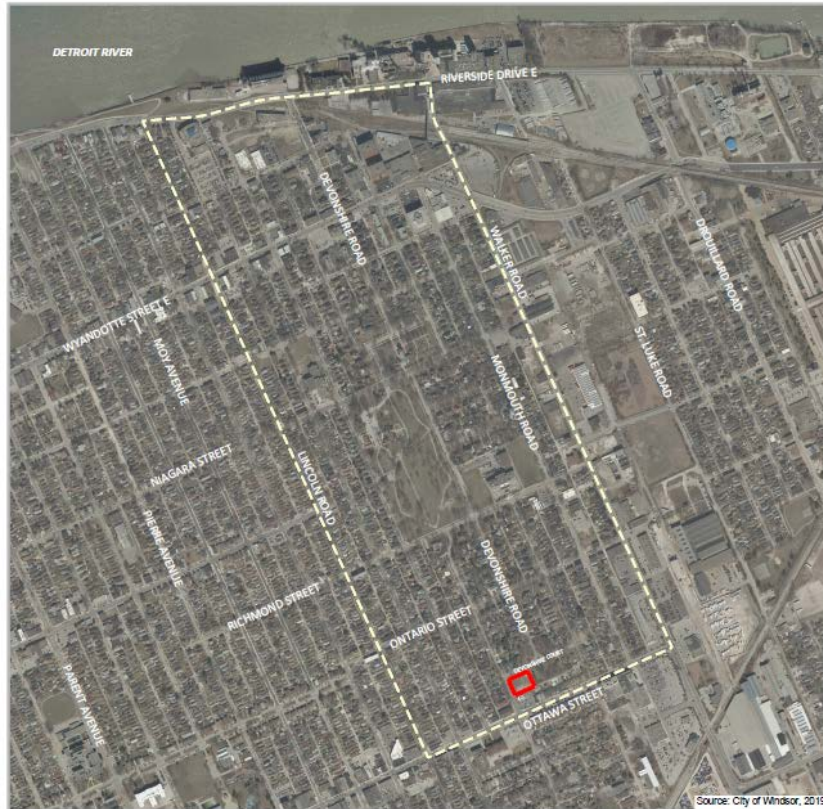
**Figure 8:** proximity of subject lands to Tim Hortons to the south and laneway between both properties (source: MHBC, 2021)

## 1.3 HERITAGE STATUS: SUBJECT LANDS

The subject lands were previously on the City of Windsor's Municipal Heritage Register as a listed property. When the former St. George's Church was demolished, the lands were removed from the Register through Council approval in consultation with the Windsor Heritage Committee in accordance with Section 24 (7) of the Ontario Heritage Act. The subject lands are not part of a designated Heritage Conservation District or other identified cultural heritage landscape, however, they are within the Walkerville Heritage Area (see **Appendix 'A'**). Heritage areas are not recognized by the Ontario Heritage Act, but rather subject to municipal policies. In this case, the City of Windsor Official Plan provides policy direction on Heritage Areas.

In summary, the subject lands are not 'listed', adjacent, or contiguous to any 'listed' or 'designated' property identified on the Municipal Heritage Register, or designated under Part IV or V of the Ontario Heritage Act and not considered under the PPS 2020 to be a 'protected property'. This report will not evaluate the subject lands under *Ontario Regulation 9/06* as the property has been formally removed from the Register.





**Figure 9:** Subject lands identified in red within the greater Walkerville Heritage Area (Source: MHBC, 2021).

## 1.4 HERITAGE STATUS: SURROUNDING HERITAGE PROPERTIES

There are five heritage properties that are within the immediate vicinity of the subject lands and within the Walkerville Heritage Area. These properties include:

- 1912 Devonshire Court (listed)
- 1924 Devonshire Court (listed)
- 1948 Devonshire Court (listed)
- 2050 Devonshire Court (listed)
- 1287 Kildare Road, 'The Arthur Davidson Apartments' (Designated under Part IV 2008)

It is important to note that these properties are not contiguous to the subject lands. See **Appendix 'A'** for larger version of map figure below.



**Figure 10:** Aerial view of subject lands and surrounding heritage properties. Listed heritage properties are identified by purple dots and designated property identified by the green. Subject lands noted in red. (Source: MHBC, 2021).



## 1. 1912 Devonshire Court

This heritage property is listed on the Windsor Municipal Heritage Register. The Register provides that it is a house, built in 1919 and representative of the Foursquare architectural style.



**Figure 11:** Listed heritage property 1912 Devonshire Court located across from subject lands (Source: MHBC, 2021).

## 2. 1924 Devonshire Court

This property is listed on the Municipal Register and states that it is a house built in 1920 representative of the Tudor Revival architectural style.



**Figure 12:** Listed heritage property 1924 Devonshire Court located across from subject lands (Source: MHBC, 2021).

### 3. 1948 Devonshire Court

This is a listed property on the Municipal Heritage Register. It is a house that was built in 1927 and is representative of the Tudor Revival architectural style.



**Figure 13:** Listed heritage property 1948 Devonshire Court located across from subject lands (Source: MHBC, 2021).

### 4. 2050 Devonshire Court

This property is listed on the Municipal Heritage Register, which notes that it is a house built in 1926 and representative of the Picturesque English Revival architectural style.



**Figure 14:** Listed heritage property 2050 Devonshire Court located north-west of subject lands (Source: MHBC, 2021).

## 5. 1287 Kildare Road (Designated 08),

This is a designated property on the Municipal Heritage Register. It is known as the Arthur Davidson Apartments, built in 1925 in the Tudor Revival style.



**Figure 15:** Listed heritage property 2050 Devonshire Court located north-west of subject lands (Source: MHBC, 2021).



# 3.0 POLICY CONTEXT

## 3.1 THE ONTARIO PLANNING ACT

The *Planning Act* makes a number of provisions respecting cultural heritage, either directly in Section 2 of the Act or Section 3 respecting policy statements and provincial plans. In Section 2, the *Planning Act* outlines 18 spheres of provincial interest that must be considered by appropriate authorities in the planning process. Regarding cultural heritage, Subsection 2(d) of the Act provides that:

*The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,*

*(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;*

The *Planning Act* therefore provides for the overall broad consideration of cultural heritage resources through the land use planning process.

## 3.2 PROVINCIAL POLICY STATEMENT (2020)

In support of the provincial interest identified in Subsection 2 (d) of the *Planning Act*, and as provided for in Section 3, the Province has refined policy guidance for land use planning and development matters in the *Provincial Policy Statement, 2020* (PPS). The PPS is “intended to be read in its entirety and the relevant policy areas are to be applied in each situation”. This provides a weighting and balancing of issues within the planning process. When addressing cultural heritage planning, the PPS provides for the following:

*2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.*

The PPS also states in Sub-section 2.6.3 that,

*Planning authorities shall not permit development and site alteration on adjacent lands to a protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

The following definitions are provided in Section 6.0:

**Heritage attributes:** *means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).*

**Protected Heritage Property:** *means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.*

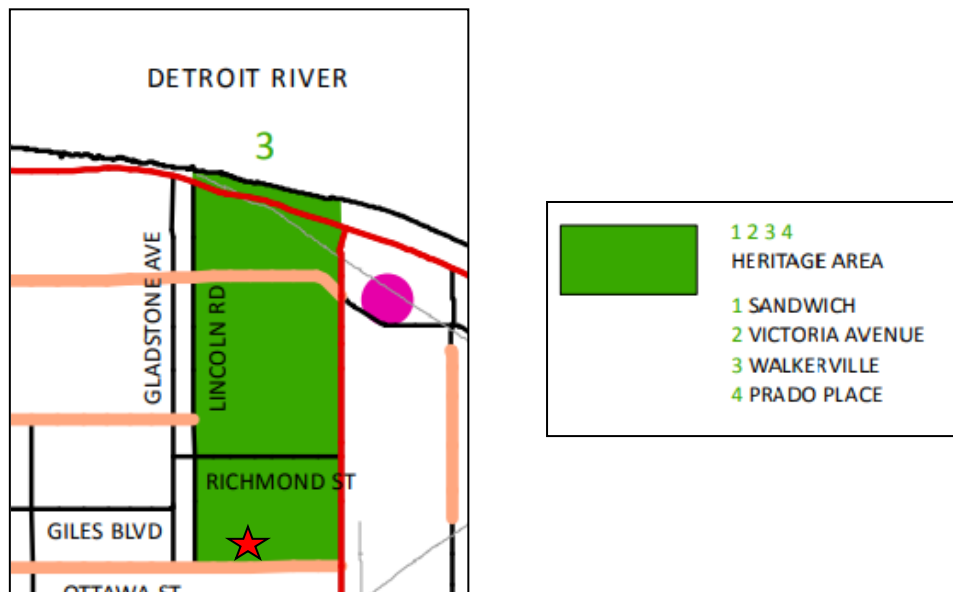
**Significant:** *e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.*

### 3.3 CITY OF WINDSOR OFFICIAL PLAN

The subject lands are designated as 'Residential' in the City of Windsor Official Plan. The Residential designation accommodates the majority of housing outside of the City Centre. A variety of housing types, sizes, and densities are permitted within this designation. The City of Windsor has two Heritage Conservation Districts, Sandwich and Riverside. The City also has Heritage Areas which are delineated on Schedule G of the Official Plan, some of which are not designated Heritage Conservation Districts. The Heritage Areas include Sandwich, Victoria Avenue, Walkerville and Prado Place.

Schedule G – Civic Image, provides a map depicting the Heritage Areas within Windsor.

**Figure 16** is an excerpt of this map, illustrating Heritage Area #3 as the Walkerville Heritage Area.



**Figure 16:** Excerpt of Schedule G showing the Walkerville Heritage Area. Subject lands noted in red  
(Source: Windsor Official Plan)

The Official Plan defines Heritage Area as an area or neighbourhood where there are collections of important heritage resources.

Section 9 of the Official Plan speaks to Heritage Conservation providing goals, objectives and policies. The goal of heritage conservation in Windsor is to recognize, conserve and enhance heritage resources. Objectives of Heritage Conservation relevant to this HIA include:

- Conservation management: conserve resources for the benefit of community members in a way that respects the historical, contextual significance, and ensures their future viability;
- Integrate with planning initiatives: to integrate conservation into comprehensive planning and urban design initiatives; and
- Public Awareness: increase awareness and appreciation of heritage resources.

The Official Plan distinguishes the various terms often used to reference cultural heritage resources. Accordingly, *cultural resources* include built heritage resources and cultural heritage landscapes that the City has identified as being important components of the community, whereas *heritage resources* include buildings, structures, monuments, installations or remains associated with architectural, social, political, economic or military history. A cultural heritage landscape is a geographical area of heritage significance.

Section 9.3.3 outlines the process for which Windsor will recognize heritage resources, either by designation in accordance with the Ontario Heritage Act, by designating



Conservation Districts in accordance with the Ontario Heritage Act, listing heritage resources, or other forms of commemoration. Council maintains a list of heritage resources, referred to as the Municipal Heritage Register. Council has also identified Heritage Areas, which are not Conservation Districts, but rather collections of heritage resources where several properties within the area are either listed or designated under the OHA.

Section 9.3.4 speaks to the protection of heritage resources. The City will require that development projects avoid any demolition or damage to resources, and that prior to approval the applicant demonstrate the proposal will not impact the heritage significance of the property.

Section 9.3.7 focuses on the intersection of heritage resources and planning initiatives. Policies of this section that are relevant to this proposal include:

(c) Ensure that designated properties under the OHA are conserved and any development of adjacent property is required to

- i) prepare a Built Heritage Impact Study to identify potential adverse impacts;
- ii) in the event adverse impacts are identified, the development shall be subject to Site Plan control

(e) having regard to the following when assessing planning applications which may impact heritage resources

- i) respecting the massing, profile and character of adjacent buildings;
- ii) approximating the width and setback pattern of nearby heritage buildings;
- iii) respecting the yards, gardens, trees and landscaped grounds associated with heritage properties
- iv) maintaining vistas and views of heritage resources
- v) minimizing shadow impacts on adjacent heritage properties

(i) require development proposals that abut or in the opinion of the City Planner are likely to affect designated heritage buildings complete a Built Heritage Impact Study

The Official Plan does not provide specific policies for the Walkerville Heritage Area. Section 9.3.5.1 speaks to Heritage Areas generally and states that within any Heritage Area or Heritage Conservation District development will be of a compatible height, massing, scale, setback and architectural style.

## 4.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant is proposing to redevelop the subject lands as a multiple residential dwelling. The primary component of the development will be a four- storey apartment building comprised of 23 units. The residential units will range in size from one to two bedrooms. See **Appendix 'B'** and **Appendix 'C'** for site plan and renderings of proposed development.

Access to the development will be provided from an existing alleyway that currently provides rear yard access to buildings on Ottawa Street. Parking will be provided in the form of a surface parking lot with a total of 28 parking spaces, including two barrier free spaces. Sidewalk connections are proposed to Devonshire Court and Kildare Road. A sidewalk will also connect the parking area to the building.



**Figure 17:** Proposed Site Plan for the four-storey multiple unit residential dwelling (Source: ADA Inc. Architect, 2021)

The building will be designed using both contemporary and traditional architectural styles. A mix of materials will be used to accent the building, including red brick, glass, and iron. The proposal contemplates a mansard roof with dormers. The building has been designed to address both street frontages, with no blank facades.



**Figure 18:** Coloured rendering of looking southwards on Devonshire Court (Source: ADA Inc. Architect, 2022).



**Figure 19:** Coloured rendering looking north on Kildare Rd (Source: ADA Inc. Architect, 2022).

# 5.0 IMPACT ANALYSIS

## 5.1 INTRODUCTION

The impacts of a proposed development or change to a cultural heritage resource may be direct or indirect. They may occur over a short term or long term duration, and may occur during a pre-construction phase, construction phase or post-construction phase. Impacts to a cultural heritage resource may also be site specific or widespread, and may have low, moderate or high levels of physical impact.

The following sub-sections of this report provide an analysis of the impacts which may occur as a result of the proposed development in accordance with the Ontario Heritage Toolkit.

- **Destruction:** of any, or part of any *significant heritage attributes* or features;
- **Alteration:** that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- **Shadows:** created that alter the appearance of a *heritage attribute* or change the viability of a natural feature or plantings, such as a garden;
- **Isolation:** of a *heritage attribute* from its surrounding environment, context or a significant relationship;
- **Direct or Indirect Obstruction:** of significant views or vistas within, from, or of built and natural features;
- **A change in land use:** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;
- **Land disturbances:** such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource.

## 5.2 IMPACT ANALYSIS: SURROUNDING HERITAGE PROPERTIES

The five heritage properties are not considered to be contiguous or adjacent to the subject lands. However, they are within the vicinity of the subject lands and collectively contribute to the Walkerville Heritage Area.

- 1) 1912 Devonshire Court is approximately 30 metres from the subject lands
- 2) 1924 Devonshire Court is approximately 30 metres from the subject lands
- 3) 1948 Devonshire Court is approximately 35 metres from the subject lands
- 4) 2050 Devonshire Court is approximately 80 metres from the subject lands
- 5) 1287 Kildare Road is approximately 20 metres from the subject lands

A chart below evaluates any potential adverse impacts to surrounding heritage properties. This chart concludes that the proposed development, in this regard, has a neutral impact.

**Table 1.0 Adverse Impacts**

Impact	Assessment Comment
<b>Destruction/alteration of heritage attributes</b>	There will be no destruction or alteration to any of the heritage resources as a result of the proposed development.
<b>Shadows</b>	The proposed building is four storeys and is similar in scale to what was previously on the property. A shadow study was completed for the proposed development. For the spring, summer and autumn equinox minimal to no shadow is cast on any of the heritage properties. The winter equinox illustrates some shadowing on the heritage properties on Devonshire Ct during the morning, approximately 9:30am to 10:30am. Given this is a short period of time, the building is not anticipated to create excessive shadows that would negatively impact the heritage resources. There are also late afternoon shadows cast on Devonshire Park, however, they are only on a portion of the park for brief periods of time and would not negatively impact any heritage attributes associated with the park. Refer to <b>Appendix E</b> for the Shadow Study.
<b>Isolation</b>	The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.
<b>Direct/Indirect Obstruction of Views</b>	The view of each heritage resource will continue to be visible from the public right of way. The proposed development will not obstruct views of the heritage resources.
<b>A Change in Land Use</b>	No change in land use for any of the heritage resources is anticipated as a result of the proposed development. The proposed development will reinforce the residential character of the area.
<b>Land Disturbance</b>	The proposed development is a minimum of 20 metres from the nearest heritage resource and a maximum of 80 metres from the furthest heritage resource. There is sufficient distance between the proposed development and the heritage resources

that no impacts as a result of land disturbances are anticipated.

## 5.3 IMPACT ANALYSIS: CONFORMITY WITH THE OFFICIAL PLAN

The goal of heritage conservation in the City of Windsor is to recognize, conserve and enhance heritage resources. The proposal contemplates the development of a vacant site that does not contain any identified heritage resources. The following outlines policies within the Official Plan and evaluates whether the proposed development is compliant or not.

**Table 2.0 Compliance with Official Plan**

Policy	Compliance (Yes/ No)
<b>Section 9.3.7 Heritage Resources and Planning Initiatives</b>	
<p><b><i>(c) Ensure that designated properties under the OHA are conserved and any development of adjacent property is required to</i></b></p> <ul style="list-style-type: none"> <li><b><i>i. prepare a Built Heritage Impact Study to identify potential adverse impacts;</i></b></li> <li><b><i>ii. in the event adverse impacts are identified, the development shall be subject to Site Plan control.</i></b></li> </ul>	<p>Yes.</p> <p>There are no designated properties adjacent to the subject lands, nevertheless, Sub-section 5.2 does evaluate potential impact to 1287 Kildare Road which is a designated property under Part IV of the OHA. It was determined that the proposed development will not result in any adverse impacts to this property. The designated building is approximately 20 metres from the property line of the subject lands.</p>
<p><b><i>(e) having regard to the following when assessing planning applications which may impact heritage resources</i></b></p> <ul style="list-style-type: none"> <li><b><i>i. respecting the massing, profile and character of adjacent buildings;</i></b></li> <li><b><i>ii. approximating the width and <u>setback patterns</u> of nearby heritage buildings;</i></b></li> <li><b><i>iii. respecting the yards, gardens, trees and landscaped grounds associated with heritage properties;</i></b></li> <li><b><i>iv. maintaining vistas and views of heritage resources;</i></b></li> <li><b><i>v. minimizing shadow impacts on adjacent heritage properties.</i></b></li> </ul>	<p>Yes.</p> <p>The proposed building is constructed mainly of masonry (red brick) which is one of the most common materials in the surrounding neighbourhood. The massing, although larger than the neighbouring buildings, is similar to the massing of the former St. George's Church. The façade of the building is consistent with surrounding property facades and other developments within the vicinity.</p> <p>The proposed development is of a larger scale, however, the former building complex was also of a larger scale within the neighbourhood. The proposed front yard setback is similar to that of the previous structure. No landscaping elements of any of the heritage properties will be removed or otherwise altered.</p>



	<p>The proposed development is retaining the existing treed boulevard which is consistent and complementary to Devonshire Park. No vistas or views of heritage resources will be impacted; the positioning and orientation of the new building on the subject lands negates any obstruction of existing views. The parking is located to the rear of the building to avoid detracting from views and vistas of nearby heritage building and Devonshire Park.</p> <p>The development is four storeys which will not result in excessive shadowing on nearby heritage properties.</p>
<p><b><i>(i) require development proposals that abut or in the opinion of the City Planner are likely to affect designated heritage buildings complete a Built Heritage Impact Study.</i></b></p>	<p>Yes.</p> <p>Sub-section 5.2 does evaluate potential impact to 1287 Kildare Road which is a designated property under Part IV of the OHA. It was determined that the proposed development will not result in any adverse impacts to this property.</p>
<p><b>Section 9.3.5 Enhancement of Heritage Resources</b></p>	
<p><b><i>9.3.5.1 a) ii) Council will enhance heritage resources by ensuring that within any Heritage Area or Heritage Conservation District that development be of a compatible height, massing, scale, setback and architectural style</i></b></p>	<p>Yes.</p> <p>The proposed development is compatible with the identified heritage resources within the Walkerville Heritage Area. The styles, scales, and massing of the buildings within the Heritage Area vary, with no two buildings identical. While the height and massing of the proposed development is not identical to surrounding properties, it is not incompatible. Section 5.3.1 of this report provides a visual analysis, finding that the proposed development is consistent with existing development in the Walkerville Heritage Area.</p>

### 5.3.1 Visual Character Analysis

The character analysis will assess the compatibility of the proposed development with existing development in the Walkerville Area, looking at land uses, architectural styles, building materials and height. Figures 20 to 23 will examine the previous building that occupied the site, demonstrating that the church was of similar scale to the proposed development. Note that the proposed development will occupy less area compared to St. Georges Church. Figures 24 to 29 will assess the proposed design elements and illustrate surrounding built forms.



**Figure 20 & 21:** Aerial view of the former St. George's Church complex in 2017; (Source: Google Maps, 2021); Coloured site plan of proposed development to compare building footprint of Devonshire Court (Source: ADA Inc. Architect, 2021).



**Figure 22 & 23:** Photograph of the former St. George's Church and Hall looking south-east along Devonshire Court; (Source: Loiselle, 2015); Coloured rendering of proposed development looking south-east along Devonshire Court (Source: ADA Inc. Architect, 2022).

The proposed development has been designed to be compatible with the existing community, including the low density residential uses along Devonshire Court and Kildare Road, and the

overall character of the Walkerville Heritage Area. The proposed development is a medium-density form of development which incorporates sufficient setbacks to allow for appropriate landscaping and buffering.

The building has been designed to address both street frontages with high quality facades featuring a mix of materials, large windows and other architectural details. All building façades have been designed with architectural detail as illustrated in the renderings included herein.

As illustrated below, the perception of building mass is minimized by using a number of design techniques including:

- *Vertical and horizontal articulation;*
- *Projections*
- *Recessions*
- *A variety of window sizes.*
- *Landscaping; and,*
- *Changes in building materials and colours.*



#### **Changes in Building Materials:**

- window sizes
- Red brick
- Iron
- Wood trim (exterior)

(ADA Inc Architect, 2022)





### **Vertical and Horizontal Articulation:**

- Balconies
- Exterior Wall
- Recessions and projections

(ADA Inc Architect, 2022)

### **Landscaping Features:**

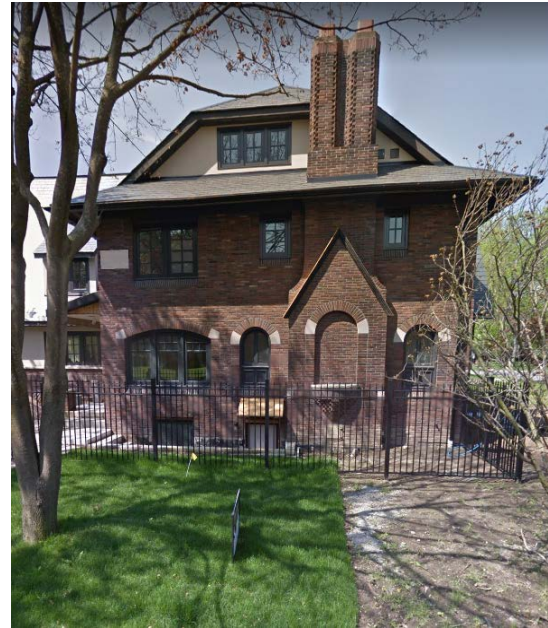
- Mature deciduous trees with retention of treed boulevard;
- Sidewalk connections from Devonshire Court and to laneway to the south, as well as pedestrian access to Devonshire Park; and
- Pedestrian oriented elements, such as seating and lighting for to encourage pedestrian engagement.

### **Surrounding Area**

The surrounding area is comprised of a variety of buildings, built throughout the 20<sup>th</sup> and 21<sup>st</sup> century that feature various building styles, materials and heights that range in scale. The proposed design of the building is compatible with the heritage character of the nearby listed and designated heritage properties.

Overall, the proposed development utilizes key design elements that are found throughout the Walkerville Heritage Area. These elements include the dormers, brick façade with cornice, and sills. The landscape features are complementary to the area and will improve circulation on the property as well as access to Devonshire Park.

The proposed development is compatible in terms of scale, building materials and land use within the broader Walkerville Heritage Area. The proposed development maintains the residential character of the area by providing multiple residential units, while simultaneously broadening housing options in an area dominated by single detached dwellings. Furthermore, the proposed development is generally consistent with the variety of building materials found throughout the Heritage Area by drawing on existing design elements and materials. Figures 24 to 29 illustrate existing buildings in the Heritage Area.



**Figure 24 & 25:** Single detached dwelling down the road from the subject lands. The proposed development draws on similar elements including red brick, dark trim and iron fencing.



**Figure 26:** New development east of the subject lands located at Devonshire Court and Argyle Road. The proposed development is consistent with old and new development in the area and is similar in scale, height and building materials, drawing on the use of dormers and sills.





**Figure 27:** Mixed-use building located within the Heritage Area at the corner of Kildare Rd and Wyandotte St, within the Heritage Area. The proposed development draws on the same style, scale and building materials.



**Figure 28:** Four storey apartment building located on Devonshire Rd, within the Heritage Area. The above building demonstrates the wide range of building types and materials found throughout the area.



**Figure 29:** Row of semi-detached residential units located on Devonshire Rd, within the Heritage Area. The proposed development uses similar building colours and materials.

The character of the Walkerville Heritage Area is primarily residential and represented as single-detached, semi-detached and multiple-unit dwellings. The single detached dwellings are predominantly two storeys in height with considerably high rooflines, while the multiple-unit dwellings range in height from three to four storeys. Given the range of building heights found throughout the Walkerville Heritage Area, the proposed development it is not found to be disproportionately taller and is consistent with other built-forms.

There is a diversification in the built forms that exist within the Heritage Area as well as within the immediate surrounding area. The proposed development is not emulating existing buildings, but rather combining the many elements of existing built forms to provide a modern, yet compatible building that will maintain the character of the area. The proposed development conforms to the policies of the Windsor Official Plan and is designed to be compatible with new and existing buildings in the area, as demonstrated in figures 24 to 29. This report concludes that there are no adverse impacts as a result of the proposed development, and finds the proposed development to be compatible with the surrounding area.

# 6.0 RECOMMENDATIONS AND CONCLUSION

## 6.1 MITIGATION AND ALTERNATIVE DEVELOPMENT OPTIONS

The impact assessment found that the proposed development will not result in negative impacts to the surrounding heritage resources. The proposed development will be compatible with the surrounding area and will be a beneficial addition to the broader Walkerville Heritage. Therefore, mitigation measures and alternative development options are not warranted.

## 6.1 CONCLUSION

The subject lands located at 1913, 1925, and 1949 Devonshire Court, Windsor in the former Town of Walkerville are proposed to be redeveloped to accommodate a four storey multiple unit building. The subject lands do not contain cultural heritage resources, however, they are located within the Walkerville Heritage Area as identified in the *City of Windsor Official Plan*, and are within the vicinity of heritage properties listed on the *Windsor Municipal Heritage Register*. As such, a Built Heritage Impact Study was requested by the municipality to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

This report concludes that the proposed development will improve the current aesthetic of the vacant subject lands. This report also concludes that the proposed development will not negatively impact nearby heritage properties or the broader Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or alternative development options are recommended.

# 7.0 BIBLIOGRAPHY

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# **APPENDIX A**

## LOCATION MAPS





Source: City of Windsor, 2019

Figure  
Aerial

**LEGEND**



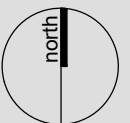
Subject Lands

**DATE:** August 2021

**SCALE:** 1:500

**FILE:** 21340A

**DRAWN:** CAC



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**1913, 1925 & 1949**  
**Devonshire Court**  
Walkerville  
City of Windsor



**PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE**

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9  
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM





Figure  
Surrounding  
Heritage Properties

1913, 1925 & 1949  
Devonshire Court  
Walkerville  
City of Windsor

#### LEGEND

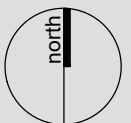
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- Walkerville Heritage Area Limit
- Listed Properties
- Designated Properties

DATE: August 2021

SCALE: 1:1,250

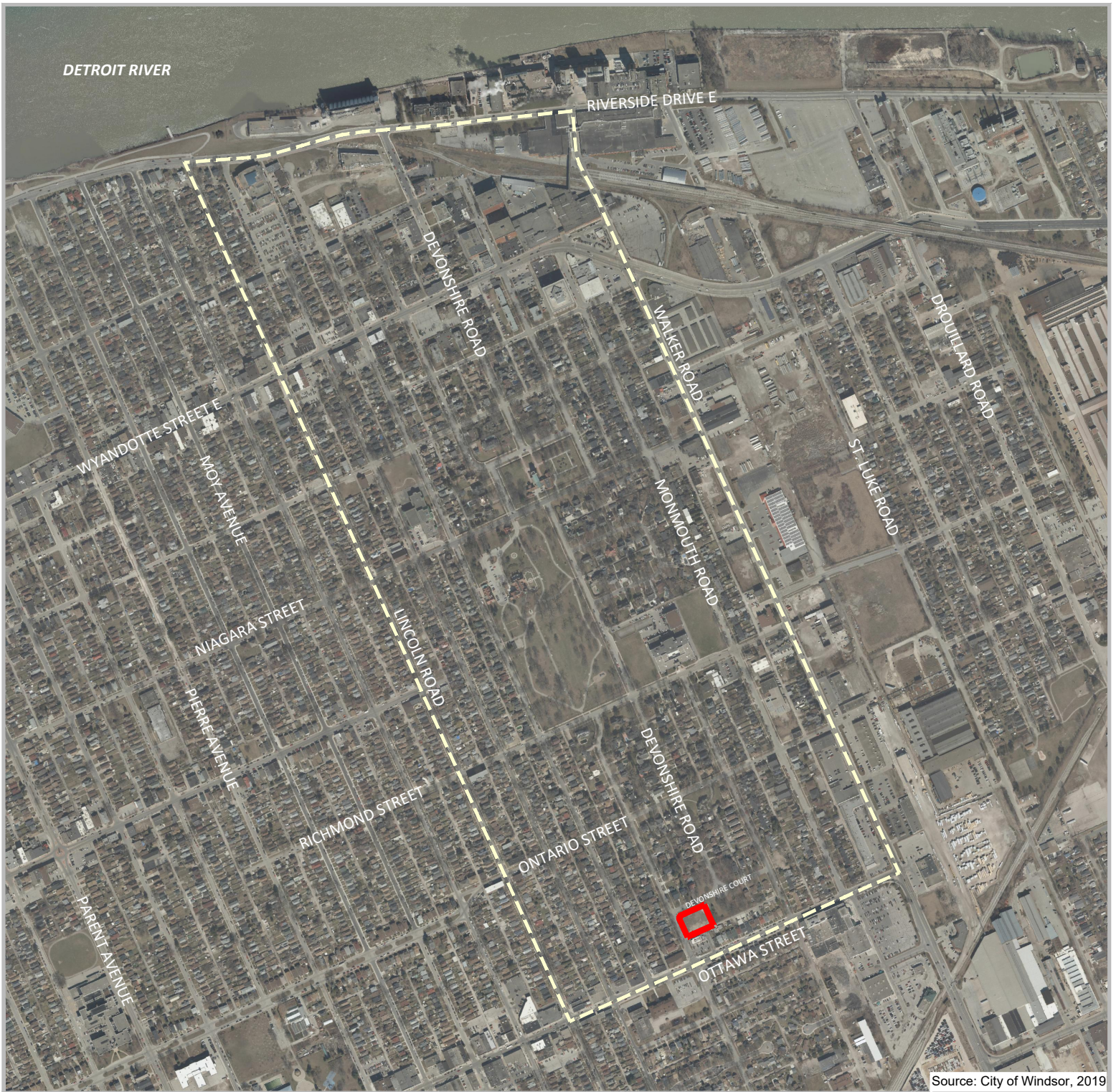
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## Figure Walkerville Heritage Area

### LEGEND

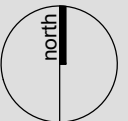
- Subject Lands
- Limit of Heritage Area

DATE: August 2021

SCALE: 1:10,000

FILE: 21340A

DRAWN: CAC



**1913, 1925 & 1949  
Devonshire Court**  
Walkerville  
City of Windsor

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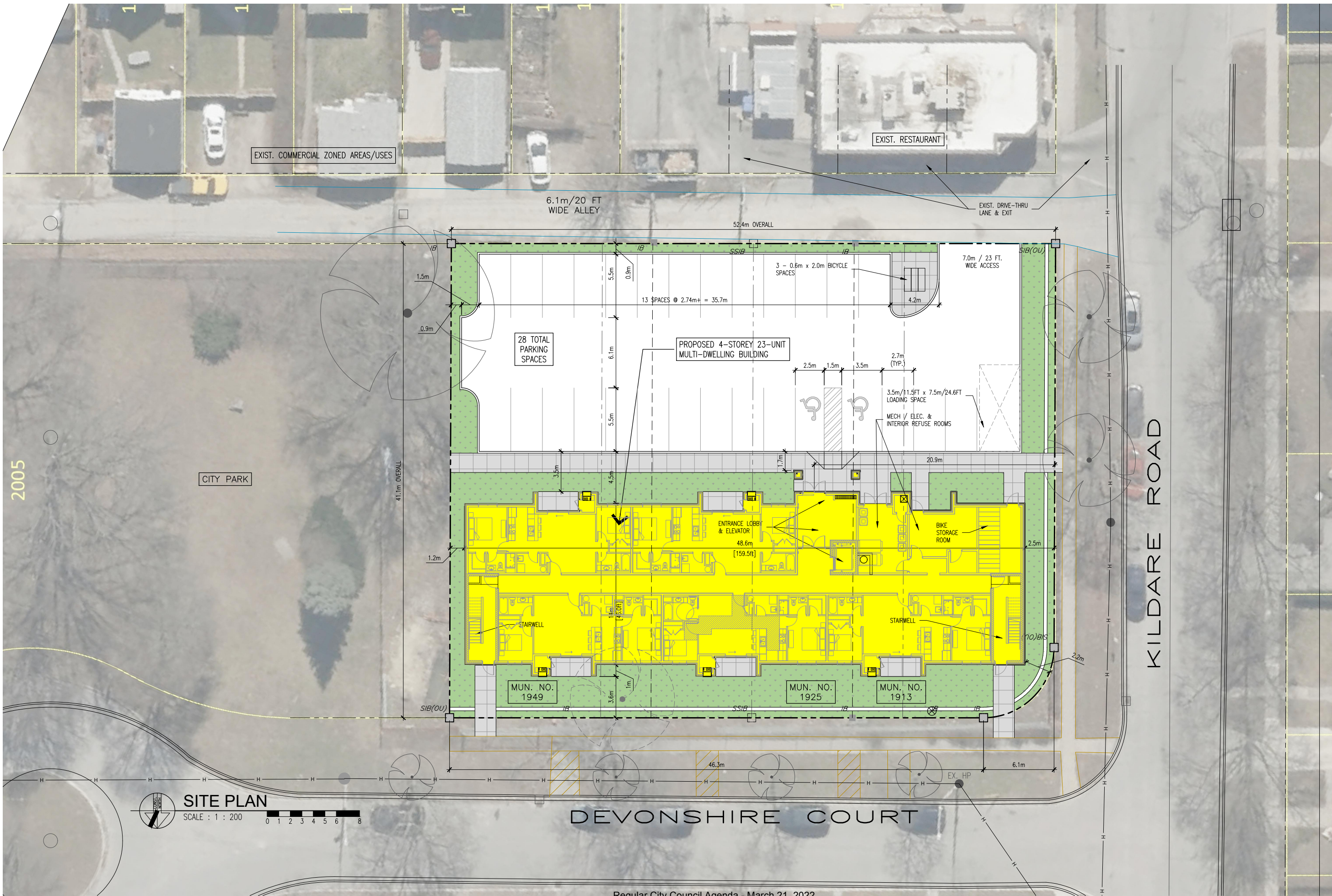
PLANNING  
URBAN DESIGN  
& LANDSCAPE  
ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9  
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



# **APPENDIX B**

## SITE PLAN



2005

SITE PLAN

SCALE : 1 : 200

0 1 2 3 4 5 6 8

DEVONSHIRE COURT

KILDARE ROAD

<div><div><div><div><div><div></div><div>inc. architectural</div></div><div><div>design</div><div>associates</div></div></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></div></div>	project:  PROPOSED 4 STOREY MULTI UNIT DWELLING 1919, 1925 & 1949 DEVONSHIRE COURT, WINDSOR, ONT.   
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# APPENDIX C

## RENDERINGS























# **APPENDIX D**

## CITY OF WINDSOR HIA GUIDELINES

## City of Windsor Built Heritage Impact Study/ Heritage Impact Assessment Guidelines

This Guideline details components of a Built Heritage Impact Study/Heritage Impact Assessment that is required to the satisfaction of the City of Windsor.

The Built Heritage Impact Study or Heritage Impact Assessment is a study used to identify and evaluate the impacts of proposed development on the cultural heritage resources, and to determine the appropriate conservation strategy for it. The HIA shall be based on accepted conservation principles and guidelines, including the following:

- The Parks Canada [\*Standards and Guidelines for the Conservation of Historic Places in Canada\*](#);
- Ontario Ministry of Tourism, Culture & Sport's [\*Eight Guiding Principles in the Conservation of Historic Properties\*](#);
- Ontario Ministry of Tourism, Culture & Sport's [\*Ontario Heritage Tool Kit\*](#), in particular,
- Ontario's *Heritage Conservation Principles for Landuse Planning*; and
- [\*Well Preserved: the Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation\*](#).

### Details of Contents

#### Identify the Cultural Heritage Resource

##### Site Documentation and Analysis/Site Information

- Document the context in which the site is located (may include Aerial Photo, Location Map and context with the area), including adjacent properties and land uses
- Describe the site and all structures on property and its heritage status under the *Ontario Heritage Act* and identification of any heritage easements or restrictions
- Document the existing condition or concerns surrounding the property, including quality photo documentation

##### Research on Design/Physical and Historical/Associative and Contextual Values

- Describe all heritage resources and values within the subject property (include exterior and interior, landscaping etc.)
- Include a chronological history of the property from land and development history, building history (document any additions or alterations etc. to property), with confirmation to construction dates
- Include ownership and user history
- Research material should include relevant historical maps, drawings, photographs, land records, assessment rolls, city directories, news articles etc.
- Provide summary on significance and heritage attributes for each structure existing on the property

#### Proposed Site Changes/Development and Impact to the Cultural Heritage Resource

- Describe site changes to heritage resource
- Describe positive and adverse impacts of site changes to the heritage resource and surrounding lands. Refer to adverse impacts identified in the *Ontario Heritage Toolkit* which may include but not limited to:
  - Removal/destruction of heritage features and loss to cultural heritage values
  - Changes to the historic fabric and impact on the appearance



- Shadowing impact that may alter the appearance of the heritage attribute
- Isolation of heritage attribute from its surrounding environment, context or a significant relationship
- Obstruction of significant views or vistas within, from, or of built and natural features
- Change in use and impact on heritage resource
- Land disturbance and impact on soils, drainage patterns affecting built heritage or archaeological resources
- Provide full set drawing
- Provide visual depiction of subject proposal and streetscapes with neighbouring properties (eg. composite photograph of the subject property streetscape with and without the proposed development)
- Assess and describe the structural concern of the impact of proposed changes to the heritage resource

#### Options for Mitigation and Alternatives

- Consider and describe alternative conservation/mitigation and development options that reduce and avoid negative impacts to the heritage resource
- Assess and clarify the benefits and negatives of each options proposed and conservation principles used

#### Recommended Conservation Strategy

- Rationale and Justification for chosen option, specifying how the option ensures protection and enhancement of the heritage resource
- Conservation Scope of Work
- Implementation and Monitoring Plan when development is undertaken
- Provide References/Samples/Precedents to Conservation work

#### **Other Requirements**

- Provide bibliographical sourcing of all research material
- HIA is to be prepared by a qualified cultural heritage conservation professional who is a member of the Canadian Association of Heritage Professionals, or persons with proven professional heritage expertise (to be confirm with City Heritage Planning Staff)
- City Staff will determine completeness or acceptance of the HIA
- For review of the HIA, City staff may require to conduct site visit(s) on the property
- City Staff reserves the ability to require an alternative option for mitigation for consideration

Contact Kristina Tang, Heritage Planner at [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca) for additional information or clarification.

#### **Other Recommended Resources:**

- National Park Service, U.S. Department of the Interior's [Preservation Briefs](#).
- National Park Service, U.S. Department of the Interior's [Preservation Tech Notes](#).
- Region of Waterloo's [Practical Conservation Guides for Heritage Properties](#)

# **APPENDIX E**

## SHADOW STUDY



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SUNRISE 7:35 AM / SUNSET 7:44 PM

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# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
MARCH/20





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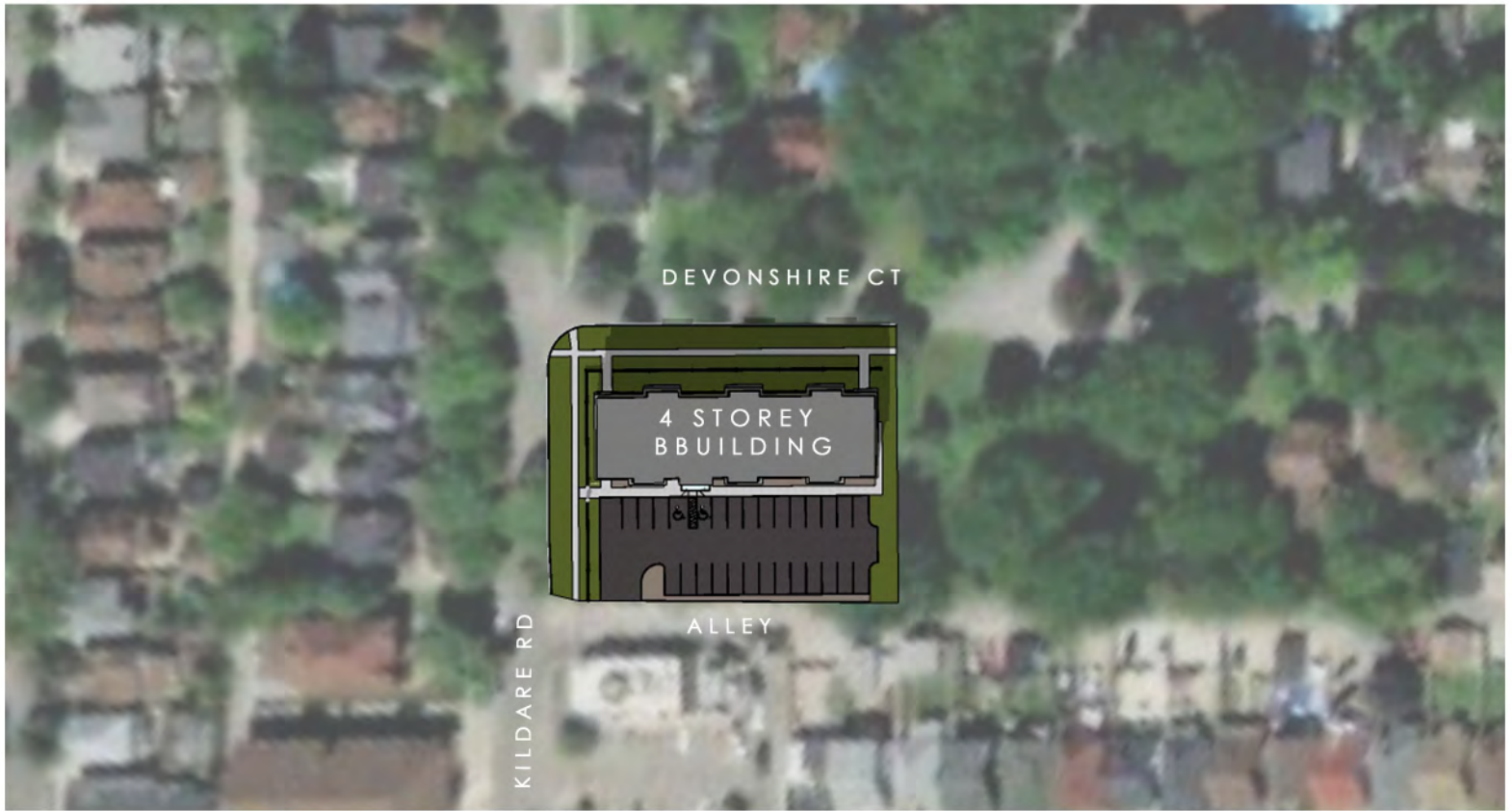


# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
MARCH/20





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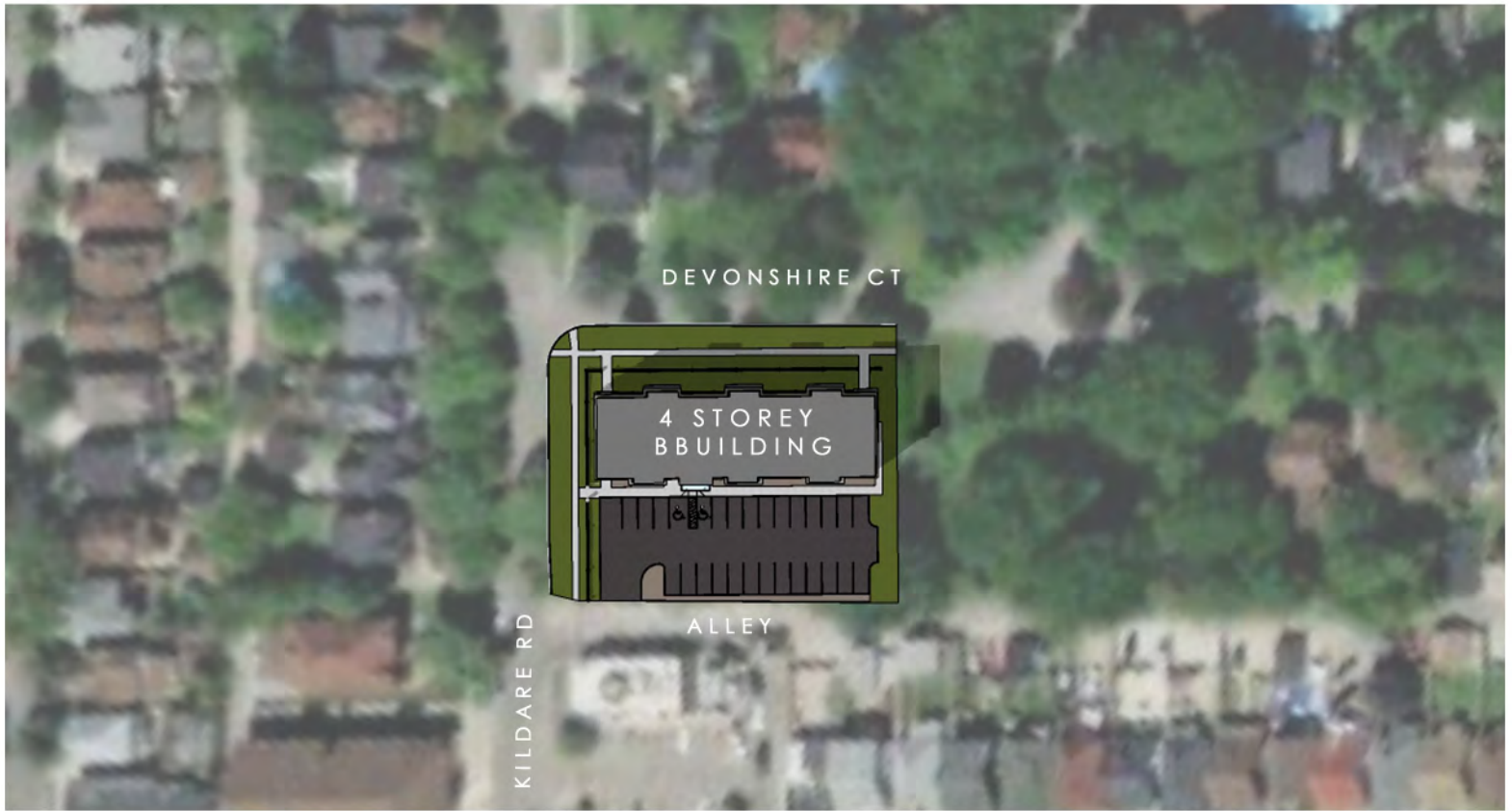


# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
MARCH/20





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4 STOREY BUILDING  
SHADOW STUDY

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WINDSOR, ON.  
MARCH/20





5:05 PM



SUNRISE 7:35 AM / SUNSET 7:44 PM

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4 STOREY BUILDING  
SHADOW STUDY

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WINDSOR, ON.  
MARCH/20



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SHADOW STUDY

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WINDSOR, ON.  
MARCH/20





7:26 AM



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# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
JUNE/21





9:26 AM



SUNRISE 5:56 AM / SUNSET 9:12 PM

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# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
JUNE/21





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4 STOREY BUILDING  
SHADOW STUDY

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WINDSOR, ON.  
JUNE/21





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4 STOREY BUILDING  
SHADOW STUDY

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WINDSOR, ON.  
JUNE/21





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WINDSOR, ON.  
JUNE/21





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4 STOREY BUILDING  
SHADOW STUDY

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WINDSOR, ON.  
JUNE/21





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SHADOW STUDY

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WINDSOR, ON.  
JUNE/21





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# 4 STOREY BUILDING SHADOW STUDY

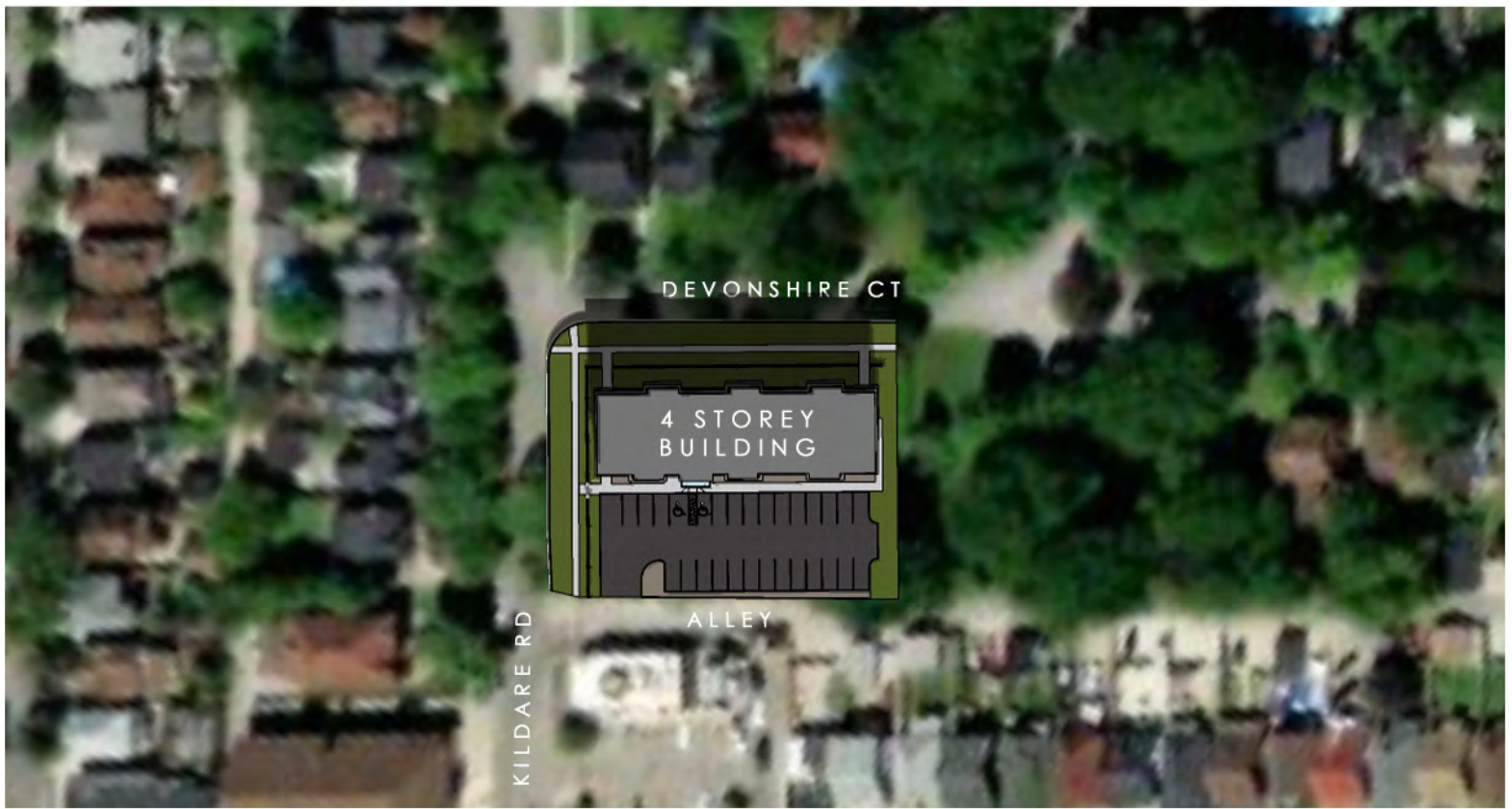
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WINDSOR, ON.  
SEPTEMBER/22





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# 4 STOREY BUILDING SHADOW STUDY

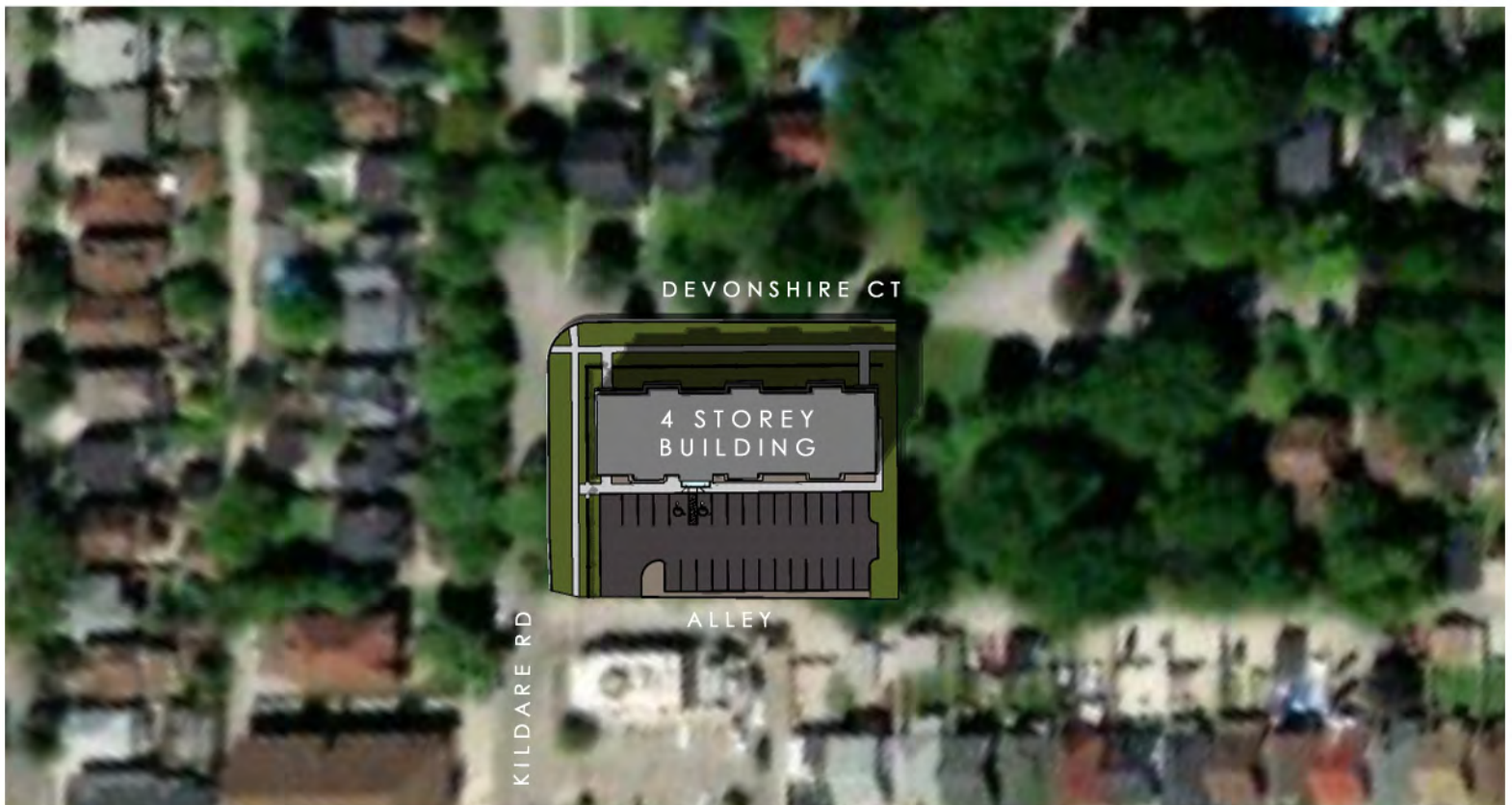
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WINDSOR, ON.  
SEPTEMBER/22





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WINDSOR, ON.  
SEPTEMBER/22





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WINDSOR, ON.  
SEPTEMBER/22





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SHADOW STUDY

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WINDSOR, ON.  
SEPTEMBER/22





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# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
DECEMBER/21





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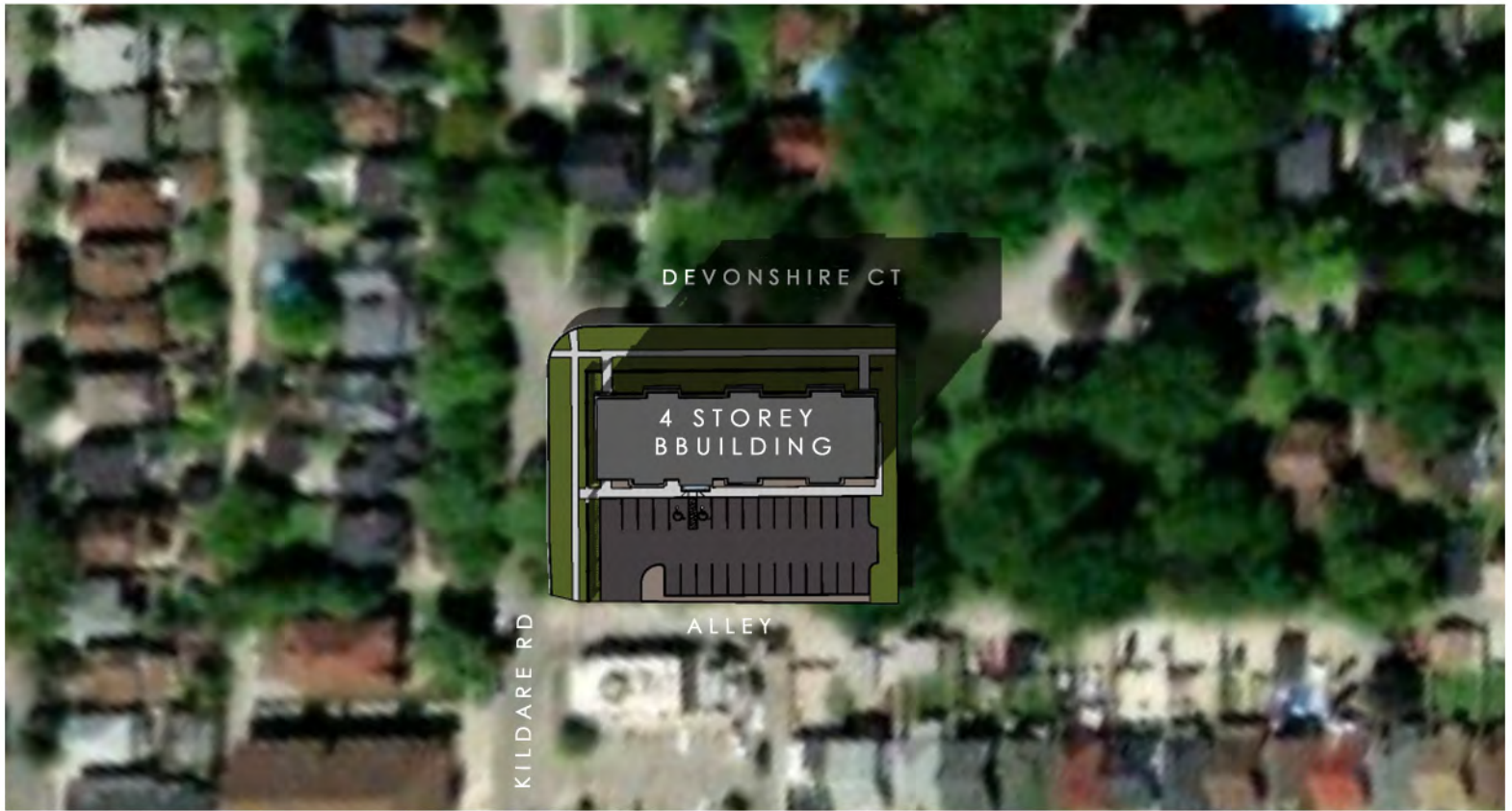


# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
DECEMBER/21





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# 4 STOREY BUILDING SHADOW STUDY

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WINDSOR, ON.  
DECEMBER/21





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# 4 STOREY BUILDING SHADOW STUDY

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## APPENDIX D - SITE IMAGES (GOOGLE STREET VIEW)

**IMAGE 1**



**Image 1 - Subject Parcel – Looking southeast  
Devonshire Court at Kildare Road**

**IMAGE 2**



**Image 2 - Subject Parcel – Looking northeast  
Kildare Road, north of Ottawa Street**



**IMAGE 3**



**Image 3 – Looking west towards Kildare Road at  
Devonshire Court at Devonshire Road  
Devonshire Park on left and right sides of image**

**IMAGE 4**



**Image 4 - Looking northwest  
North side of Devonshire Court between  
Devonshire Road and Kildare Road**



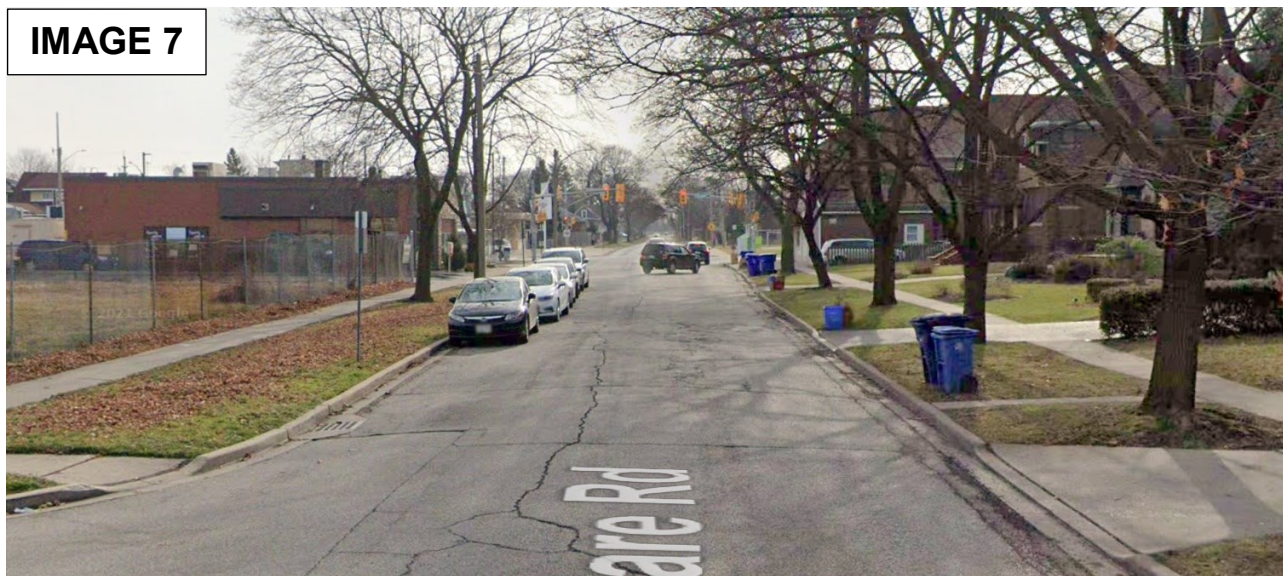
**IMAGE 5**

**Image 5 - Looking east down Devonshire Court at Kildare Road  
Subject parcel on right side of image**

**IMAGE 6**

**Image 6 - Looking west  
West side of Kildare Road at Devonshire Court  
Subject Parcel on left side of image**



**IMAGE 7**

**Image 7 - Looking south on Kildare Road at Devonshire Court towards Ottawa Street - Subject Parcel on left side of image**

**IMAGE 8**

**Image 8 - Looking north on Kildare Road at Ottawa Street  
Subject Parcel on right side of image behind Tim Hortons**

## APPENDIX E - Extracts from Zoning By-law 8600

### SECTION 3 – DEFINITIONS

#### 3.1 GENERAL PROVISIONS

- 3.1.1 For any word, phrase or term not defined in this by-law, the ordinary meaning shall apply.
- 3.1.10 Terms used in the singular may also mean the plural and vice versa, except "one" or "1" always means the singular.
- 3.1.20 Any reference to a *building, lot, premises, or structure* includes the whole, or part of the, *building, lot, premises, or structure*.
- 3.1.25 Any reference in this by-law to all or any part of any act, by-law, regulation, or statute shall, unless otherwise specifically stated, be a reference to that act, by-law, regulation, or statute or the relevant part thereof, as amended, substituted, replaced, or re-enacted from time to time.
- 3.1.50 Abbreviations:
- |                |                                  |
|----------------|----------------------------------|
| %              | percent                          |
| B/L            | City of Windsor By-law           |
| BIA or B.I.A.  | <i>business improvement area</i> |
| cm             | centimetre                       |
| GFA or G.F.A.  | <i>gross floor area</i>          |
| ha             | hectare                          |
| kg             | kilogram                         |
| m              | metre                            |
| m <sup>2</sup> | square metre                     |
| mm             | millimetre                       |
| N/A            | see <i>N/A</i> in Section 3.10   |
| R.S.C.         | Revised Statutes of Canada       |
| R.S.O.         | Revised Statutes of Ontario      |
| S.C.           | Statutes of Canada               |
| S.O.           | Statutes of Ontario              |
| sq. m.         | square metre                     |

#### 3.10 DEFINITIONS

**ACCESS AREA** means a driveway that connects any one or more of the following to a *highway: building; outdoor storage yard; parking area; structure*.

**AMENITY AREA** means a *landscaped open space yard* or a recreational facility as an *accessory use* to a *dwelling* or a *dwelling unit* located on the same *lot*.

**AVERAGE** means the arithmetic mean.

**BASEMENT** means any part of a *building*, which is partially below *grade*, where the vertical distance from the *grade* to the floor is equal to or less than the vertical distance from the *grade* to the ceiling next above.

**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*.

**BUILDING HEIGHT** means:

1. For any *building* with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, the vertical distance in metres between the *grade* and the highest point of the roof.

Where a *building height* provision is expressed in storeys, the *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m results in a maximum building height of 12.0 m.

2. For a *main building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the mid-point between the lowest eaves and the highest point of the roof.

Where *building height* is expressed in storeys, the minimum *building height* in metres shall be the number of storeys required multiplied by 4.0 m, and the maximum *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m plus an additional 2.0 m for the roof.

Example: If the maximum building height is 2 storeys, multiplying 2 storeys by 4.0 m plus 2.0 m for the roof, results in a maximum building height of 10.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m plus 2.0 m for the roof results in a maximum building height of 14.0 m.

3. For an *accessory building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the highest point of the roof.

**BUILDING SETBACK** means the horizontal distance measured at right angles from a *lot line* to the closest wall of any *building* or *structure* on the same *lot*.

**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*.

**SINGLE UNIT DWELLING** means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one *dwelling* having two *dwelling units*. A single family dwelling is a *single unit dwelling*. A *duplex dwelling*, *mobile home dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*, is not a *single unit 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.

**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*.

**GRADE**

1. For the purpose of Section 5.10.9, means the average elevation of the finished surface of the ground adjacent to the *accessory building*.
2. For the remainder of the By-law, means the average elevation of the crown of that part of the *street* abutting the *front lot line*. Where the elevation of a point on a *building* located on the *lot* is equal to the *grade* elevation, that point is deemed to be “at grade”.

**GROUND** means the average elevation of the ground within 3.0 m of the *main building* on the *lot*.



**HABITABLE ROOM WINDOW** means a window in any room or area designed for living, sleeping, eating or food preparation within a *dwelling*, *dwelling unit* or *mobile home dwelling*. It does not include a window in any room or area designed for personal care and grooming, maintaining or storing wardrobe items and household goods, operation of mechanical or utility systems, or parking of a motor vehicle.

**HIGHWAY** means all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the lands to public use, and all alterations and deviations of and all bridges over such allowances

**ALLEY** means a *highway* having a *maximum* right-of-way width of less than 7.0 m.

**STREET** means a *highway* having a *minimum* right-of-way width of 7.0 m.

**LANDSCAPED OPEN SPACE** means an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a *dwelling* or *dwelling unit*.

**LOADING SPACE** means an area used for the temporary parking of a *motor vehicle* while goods are loaded thereon or unloaded therefrom.

**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.

**CORNER LOT** means a *lot* situated at the intersection of and abutting upon two or more *streets*, provided that the angle of intersection of at least two of the intersecting *streets* is not more than 135.0 degrees.

**LOT AREA** means the total land area in square metres, as measured along a horizontal plane, within the *lot lines* of a *lot*, excluding any part of a *lot* permanently covered by water.

**LOT COVERAGE** means:

1. the percentage of *lot area* covered by all *buildings* at *grade*, combined with
2. the percentage of *lot area* covered by the vertical downward projection of all roofs, cantilevered building walls and other projecting features exclusive of the following: balconies; chimney breasts; cornices; decks; eaves; fire escapes; steps and ramps; a swimming pool open to the sky; the first 15.0 m<sup>2</sup> of a *sunroom*.

Lot coverage may also be indicated in square metres.

**LOT DEPTH** means the average horizontal distance in metres between the *front lot line* and the *rear lot line*. Where a *lot* has an irregular shape, *lot depth* is calculated by dividing the *lot area* by the *lot frontage*.

**LOT FRONTAGE** means the distance in metres measured on a horizontal plane between the *side lot lines*, such distance being measured at a right angle to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines*, and at a point thereon 6.0 m distance from the *front lot line*.

**LOT LINE** means the boundary of a *lot*.

**EXTERIOR LOT LINE** means a *lot line* which parallels and abuts a *street*.

**FRONT LOT LINE** means the shortest *exterior lot line*. On a *corner lot*, where the *front lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *front lot line* shall be determined to extend to the mid-point on the curve where the *front lot line* and *side lot line* meet.

**INTERIOR LOT LINE** means a *lot line* which does not parallel and abut a *street*.

**REAR LOT LINE** means the *exterior lot line* or *interior lot line* which is farthest from the *front lot line*. On a *corner lot*, where the *rear lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *rear lot line* shall be determined to extend to the mid-point on the curve where the *rear lot line* and *side lot line* meet.

**SIDE LOT LINE** means any *exterior lot line* or *interior lot line* other than a *front lot line* or a *rear lot line*.

**LOT WIDTH** means the perpendicular distance in metres between the *side lot lines*. Where the *side lot lines* are not parallel, the *lot width* shall be the average distance in metres between the *side lot lines*.

**MAIN WALL** means the *building wall* that is closest to the *front lot line*.

**MAXIMUM** means not more than.

**MAY** means permissive.

**MINIMUM** means not less than.

**MOTOR VEHICLE** means vehicle propelled, driven or pulled by other than muscular power and includes an *automobile*, *commercial motor vehicle*, *recreational vehicle*, *transport trailer*, or *transport truck*. It does not include a power-assisted bicycle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. or a train.

**AUTOMOBILE** means a *motor vehicle* having a maximum gross weight of 3,000.0 kg. It does not include a bus, combination truck or vehicle of the tractor trailer or semi-trailer type, construction equipment, or farm tractor, or any other motorized farm implement.

**N/A** means for the purpose of Section 5.35 that a minimum separation is not required. For the remainder of the By-law it means not applicable.

**PARKING AREA** means an area used for *parking spaces*, bicycle parking spaces and *loading spaces* and includes all *collector aisles* and *parking aisles*. A *loading compound*, *outdoor storage yard*, or *transport storage area* is not a *parking area*.

**COLLECTOR AISLE** means an unobstructed part of a *parking area* that provides direct access to a *parking aisle*.

**PARKING AISLE** means an unobstructed part of a *parking area* that provides direct access to a *parking space*. A manoeuvring aisle is a *parking aisle*.

**PARKING SPACE** means an area used for the parking of an operable *motor vehicle*. It includes a visitor parking space and an accessible parking space. A bicycle parking space, a *loading space* or a *stacking space* is not a *parking space*.

**PORCH** means a *structure*, with a floor and a fixed roof directly above, primarily intended to provide sheltered access to a *building*. It may include perimeter guardrails, a door, seasonal screens or windows.

**PREMISES** means a *lot*, *building*, *structure* or any combination thereof where a *use* is carried on.

**REQUIRED** means mandated by this by-law.

**SCREENING FENCE** means a fence designed and used to visually separate different property uses and to block off views and which is continuous or effectively continuous throughout its entire length in accordance with the provisions of the Fence By-law.

**SHALL** means mandatory.

**STOREY** means that part of a *building* between any floor and the floor, ceiling or roof next above. Any part of a *storey* exceeding 4.0 m in height is deemed to be an additional *storey* for each 4.0 m, or fraction thereof, of such excess. A *cellar* and that part of a *building* located entirely within a sloping roof and having a ceiling height greater than 2.0 m over a *floor area* less than 50.0 percent of the area of the floor next below, is not a storey.

**STRUCTURE** means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

#### **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*.

**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.

**EXTERIOR SIDE YARD** means the *side yard* of a *corner lot* between an exterior *side lot line* and the nearest wall of a *main building* on such *lot*.

**FRONT YARD** means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of a *main building* on such *lot*.

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

**OUTDOOR STORAGE YARD** means a *yard* which has a *minimum* area of 10.0 m<sup>2</sup> and is used for storage. A *loading compound*, *parking area*, *transport storage area*, or transport terminal is not an *outdoor storage yard*.

**REAR YARD** means a *yard* extending across the full width of a *lot* between the *rear lot line* or the intersection of the *side lot lines*, and the nearest wall of a *main building* on such *lot*.

**REQUIRED YARD** means for the purpose of Section 5.35 any of *required front yard*, *required rear yard*, *required side yard*, or *required landscaped open space yard*.

**SIDE YARD** means a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest wall of the *main building* on such *lot*.

## SECTION 5 – GENERAL PROVISIONS

### 5.99 ADDITIONAL USE PROVISIONS

#### 5.99.80 SECOND UNITS / ADDITIONAL DWELLING UNITS

- .1 For any zoning district that permits a *single unit dwelling*, *semi-detached dwelling*, or *townhome dwelling*, the following additional provisions shall apply:
  - .1 ADDITIONAL PERMITTED USES
    - a) Two *dwelling units* in a *single unit dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*.
    - b) One *dwelling unit* in an *accessory building* which is accessory to a *single unit dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*.
  - .3 PROHIBITIONS
    - a) In any *development reserve district* or *industrial district*, or where a *single unit dwelling*, *semi-detached dwelling*, or *townhome dwelling* is not a permitted use in a *zoning district*, the uses in Section 5.99.80.1.1 are prohibited.
    - b) Where a *dwelling* is located in a *floodplain*, an additional *dwelling unit* within a *basement* or *cellar* is prohibited.
    - c) Where two *dwelling units* are located in a *main building* of a *single unit dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit* and one *dwelling unit* is located in an *accessory building*, an additional *dwelling unit* in any *building* is prohibited.
  - .5 PROVISIONS
    - a) For an additional *dwelling unit* located within a *basement* or *cellar* in a *dwelling* not located in a *floodplain*,



1. Downspouts shall be disconnected from the municipal sewer system and splash to *grade*;
2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;
3. A sanitary backflow valve shall be installed in the *dwelling unit* located within the *basement* or *cellar*;

all to the satisfaction of the City Engineer or Chief Building Official.

b) For a *dwelling unit* located within an *accessory building*:

1. There shall be direct pedestrian access between said *dwelling unit* and a *highway*.
2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said *dwelling unit*.
3. Notwithstanding Section 5.10.7, any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an additional *dwelling unit*, shall have a minimum separation of 1.20 m from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing building which is not being altered.
4. Notwithstanding Section 5.10.9.1, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum *building height* shall be 6.0 m from *grade*.
5. Notwithstanding Section 5.10.9.2, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a roof other than described in Section 5.10.9.1, the maximum *building height* shall be prohibited from exceeding 8.0 m from *grade*.
6. The maximum *building height* for an *accessory building* which contains an *additional dwelling unit* is prohibited from exceeding the *building height* of the *main building*.

c) For any additional dwelling unit:

1. Where the minimum lot area is expressed on a per *dwelling unit* basis, the minimum lot area provision shall not apply to the additional *dwelling unit*;
2. For the purpose of this provision, the gross floor area shall include that portion of the *main building* located within a *basement* or *cellar*.

For each additional *dwelling unit*, the minimum gross floor area shall be 40.0 m<sup>2</sup> and the maximum gross floor area shall be 100.0 m<sup>2</sup>.

3. Notwithstanding Section 24.20.5, the required number of *parking spaces* shall be as follows:
  - a) One *parking space* for the first *dwelling unit*; and
  - b) One *parking space* for the second *dwelling unit* on a *lot* except for an second *dwelling unit* on a *lot* located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and
  - c) No *parking space* for the third *dwelling unit* on the lot.

## SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

### 10.1 RESIDENTIAL DISTRICT 1.1 (RD1.1)

#### 10.1.1 PERMITTED USES

*Existing Duplex Dwelling*

*Existing Semi-Detached Dwelling*

*One Single Unit Dwelling*

Any use accessory to the preceding uses

#### 10.1.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	15.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	450.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 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	1.50 m

## SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

### 12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

#### 12.1.1 PERMITTED USES

<i>Double Duplex Dwelling</i>	<i>Residential Care Facility</i>
<i>Duplex Dwelling</i>	<i>Semi-Detached Dwelling</i>
<i>Lodging House</i>	<i>Single Unit Dwelling (Existing)</i>
<i>Multiple Dwelling</i>	<i>Townhome Dwelling</i>
<i>Religious Residence</i>	
Any use accessory to any of the preceding uses	

#### 12.1.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
  - For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines*:
    - a) For the first 5 *dwelling units* 540.0 m<sup>2</sup>
    - b) For each additional *dwelling unit* 67.0 m<sup>2</sup> per unit
  - For any other *lot*:
    - c) For the first 4 *dwelling units* 540.0 m<sup>2</sup>
    - d) For each additional *dwelling unit* 85.0 m<sup>2</sup> per unit
- .3 Lot Coverage – maximum 35.0%
- .4 Main Building Height – maximum
  - Corner Lot* 14.0 m
  - Interior Lot* 10.0 m
- .5 Front Yard Depth – minimum 6.0 m
- .6 Rear Yard Depth – minimum 7.50 m
- .7 Side Yard Width – minimum
  - a) Where a *habitable room window* of any *dwelling unit* faces a *side lot line* 6.0 m
  - b) Any other side yard 3.0 m
- .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
- .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*.
- .55 A *Double Duplex Dwelling*, *Duplex Dwelling*, *Multiple Dwelling* having a maximum of 4 *dwelling units*, *Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.

## SECTION 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS

### (1) SITE SPECIFIC PROVISIONS

Certain parcels of land on the zoning district maps (ZDM) are delineated by a broken orange line and identified by a zoning district symbol and a paragraph(s) of this subsection. Any parcel so identified shall be considered as being within the zoning district symbol and shall be subject to the provisions of that zoning district, the identified paragraph(s) of this subsection and any other applicable provisions of this by-law. In the event of a conflict between the provisions of this Section and the provisions of the zoning district, the provisions of this Section shall apply.

Where an additional main use is permitted under this subsection, any use accessory thereto, not including an outdoor storage yard except where permitted within the zoning district, shall also be permitted subject to the provisions of the zoning district and any other provisions of this by-law applicable to such accessory use.

267. For the lands bound by the Detroit River to the north; Walker Road to the east; Ottawa Street to the south; and, Lincoln Road to the west (known as the Walkerville Heritage Area) no Front yard Parking Space shall be permitted, exclusive of any existing Front Yard Parking Space. (ADDED B/L 127-2010, September 15, 2010)

340. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court and Kildare Road, a Single Unit Dwelling shall be subject to the following additional provisions:

1. Main Building Height – minimum - 7.00 m
2. Front Yard Depth – minimum - 7.50 m
3. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
4. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

[ZDM 7; ZNG/4715]

(ADDED by B/L 2-2017, Feb. 7, 2017)



## **APPENDIX F - CONSULTATIONS**

### **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 to assess the impact of the change on mail service.

### **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 any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca).

### **CITY OF WINDSOR – ENGINEERING - Patrick Winters**

The subject lands are located at 1913, 1925 & 1949 Devonshire Court, designated “Residential” by the City of Windsor Official Plan and zoned Residential District 1.1 (RD1.1) and S.20(1)340 by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 to allow a multiple dwelling as an additional permitted use subject to additional provisions. The applicant proposes to construct a multiple dwelling with a maximum building height of 15m with four storeys containing 23 dwelling units.

The site may be serviced by a 375mm x 500mm concrete pipe combined sewer on the alley south of the subject property. A 2725mm diameter reinforced concrete pipe trunk storm sewer is located in the center line of Kildare Road. Existing sewer connections are to be used wherever possible and redundant connections are to be capped as per Best Practice BP 1.3.3. It is the responsibility of the applicant to camera the existing sewer connections to ensure they are suitable for use prior to connection. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan completed in accordance with the regional guidelines are required.

The City of Windsor Official Plan classifies Kildare Road and Devonshire Court as Local Roads requiring a right-of-way width of 20m. Both roads meet the required right-of-way width; therefore, land conveyance is not required. A Street Opening permit will be required for any work within the Right-of-Way. Driveway is to 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 and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. The applicant will be required to drain and re-pave the alley abutting the property. If the surrounding sidewalks or boulevard in the Right-of-Way are damaged during construction then they must be restored to the satisfaction of the City Engineer.

There is an existing fence encroachment in the Right-of-Way of Kildare Road and Devonshire Court that must be removed or an application for an encroachment will have to be submitted and executed.

The development is currently across three (3) separate properties. The properties should be merged, or reciprocal access and servicing agreements will be required.

In summary, we have no objections to the proposed rezoning application, subject to the following requirements:

**Alley Paving** – The owner shall agree to drain and pave at his entire expense, the alley abutting the subject lands. The minimum acceptable cross-section will be 230 mm Granular “A” and 75 mm surface course asphalt in accordance with Standard City of Windsor Specifications, Selected Granular Base Course (S4) and Hot Mix, Hot Laid Asphaltic Concrete (S-10). The geometrics of the pavement shall comply with City of Windsor Standard Drawing AS-201. All work shall be to the satisfaction of the City Engineer.

**Encroachment Agreement** – The owner agrees to remove encroachment or submit application for and execute an agreement with the Corporation for the existing fence encroachment into the Kildare Road and Devonshire Court right-of-way to the satisfaction of the City Engineer.

**Existing Sewers and Connections** - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

**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.

**Storm Detention –**

1. Prior to the issuance of a construction permit, the owner shall agree to retain a Consulting Engineer for the design and preparation of drawings, satisfactory to the City Engineer and Chief Building Official, for an internal stormwater detention scheme to service the subject lands. The purposes of the said scheme will be to ensure that storm drainage being directed to the Corporation’s storm, combined sewer or ditch as the case may be, from the subject lands in their improved state, be restricted to no greater than the present flow from the subject lands.
2. Upon approval of the drawings by the City Engineer and the Chief Building Official, the owner further agrees to construct at its entire expense the said storm detention scheme, in accordance with the approved drawings and to the satisfaction of the Chief Building Official.

**Street Opening Permits** – The owner agrees to obtain street opening 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.

**Video Inspection (Connection)** – The applicant shall agree to conduct at its entire expense a video inspection or pay the cost of similar inspection, of any existing connections proposed for use to ensure the suitability of the connection for use, all to the satisfaction of the City Engineer.

**CITY OF WINDSOR – ENVIRONMENT & SUSTAINABILITY COORDINATOR - Averil Parent**

No comment

### **CITY OF WINDSOR - HERITAGE PLANNER – Kristina Tang**

The subject property was the location of former Windsor Municipal Heritage Register resources (St George's Church), which had been approved by Council for demolition in 2016. The subject lands are located within the Walkerville Heritage Area identified in the City of Windsor Official Plan. The associated redevelopment discussions then included public open house consultations, along with evaluations of Official Plan (OP) policies and the Walkerville Heritage Area context, ultimately resulting in the rezoning of the subject lands into its current special zoning provisions permitting the three single unit dwellings and other specific parameters.

In Heritage Areas, development is to be of compatible height, massing, scale, setback and architectural style (OP s.9.3.5.1.a.ii). Further, there are several Windsor Municipal Heritage Register resources located in close proximity just north of the subject lands (ie. 1912, 1924, 1948 Devonshire Court). Section 9.3.7.1(e) of the Official Plan requires regard for the following Urban Design Criteria where heritage resources may be impacted, including:

- (i) Respecting the massing, profile and character of adjacent buildings;
  - (ii) Approximating the width and established setback pattern of nearby heritage buildings;
  - (iii) Respecting the yards, gardens, trees and landscaped grounds associated with the heritage properties and districts which contribute to their integrity, identity, and setting;
  - (iv) Maintaining, enhancing or creating views and vistas of heritage resources; and
  - (v) Minimizing the impact of shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas.
- (i) Requiring for all development proposals that abut or in the opinion of the City Planner are likely to materially affect a designated heritage building or structure, a Built Heritage Impact Study to the satisfaction of the City Planner;

In addition, OP policies section 10.2.15.1 state that the purpose of a Built Heritage Impact Study is to determine if any listed or designated heritage resources are impacted by development proposals and the potential need for mitigation measures. S. 10.2.15.2 elaborate on the study components to be:

- (a) An analysis of the proposed development or site alteration that affects listed or designated heritage resources on adjacent lands;
- (b) A demonstration that the heritage attributes of the listed or designated heritage resource will be conserved as part of the proposed development and site alteration; and,
- (c) A commitment to mitigation measures and/or alternative development approaches in order to conserve the attributes of the listed or designated heritage resource affected by the adjacent development or site alteration.

A Built Heritage Impact Assessment, prepared by MacNaughton Hermsen Britton Clarkson (MHBC) was submitted as part of the rezoning application. Staff has reviewed the drawings and study provided and have the following comments that should be addressed as part of the rezoning application:

Windsor's Heritage Impact Assessment Guidelines request for provision of visual depiction of the subject proposal and streetscapes with neighbouring properties. The Study submitted includes *Section 5.2 Impact Analysis: Surrounding Heritage Properties* and *Section 5.3.1 Visual Contextual Analysis*, describing the varied massing and types of builds in Walkerville. The proposal has attempted to address and reduce the perception its building mass through vertical and horizontal articulation, projections and recessions, variety of glazing and building materials

and colours. Common elements such as dormers, brick facade with cornice and window sills are used to match the surrounding Heritage Area. Some remaining design details are to be reviewed through application to Site Plan Control:

- Consider providing a visually distinctive functional main entrance on the north facade facing Devonshire Court.
- Use high quality materials such as brick or stone to be more respectful of and compatible with the materials on existing nearby buildings. Vertical articulation on the second and third floors (white-cream accents) is acceptable however note that EFIS would not be a supported material choice for the Heritage Area.
- Consider continuation of the red brick appearance on the second and third floors to the ground floor instead of the grey cladding. The grey colour palette is not common in Walkerville Heritage Area. Alternatively, to brick, choose a cladding material in a heritage appropriate colour and material that can be found in the surrounding residential dwellings to provide stronger connection to the Walkerville context.
- Verify that none of the glazing uses reflective/mirrored glass and use profiled glazing.
- Provide coloured rendering or elevations with material labels and colour descriptions.
- Provide product information verification through provision of samples and product info sheet provision as a condition of Site Plan Control to the satisfaction of the City Planner or delegate.

#### **CITY OF WINDSOR - LANDSCAPE ARCHITECT/URBAN DESIGN - Stefan Fediuk**

The applicant is proposing to construct a multiple dwelling with a maximum building height of 15 m with four storeys containing 23 dwelling units on the subject, and will be subject to Site Plan Review and a Plan of Condominium application may also be submitted in the future. Pursuant to the application for a Zoning By-law Amendment (Z 034/21) to allow a multiple dwelling as an additional permitted use subject to additional provisions and change from the current Residential District 1.1 to a site specific Residential District 3.1, please note no objections. Please also note the following comments:

##### **Urban Design:**

The Urban section supports the recommendations made by the Heritage Planner with respect to built form's appropriateness to the character of the neighbourhood. As some urban design comments have been consolidated into the Heritage Planner's recommendations and are to read in conjunction with the comments found in this section of the report.

Key elements to be considered at the time of Site Plan Review are:

- **Shadow patterns** of the proposed development on existing residential properties: Official Plan policy s.8.6.2.3 shadow studies can be required to evaluate impact of shadow cast to determine the appropriate design measures to reduce or mitigate any undesirable shadow conditions. A Shadow Impact Study showing impacts of the proposed building on surrounding properties was received and is found to be satisfactory. For the properties impacted by the early morning winter shadows, verify the number of daylight hours lost due to the increased height of the proposed development.
- **Proposed benches along Devonshire Court:** Benches which face Devonshire Court and look into the residential dwellings to the north are discouraged for privacy reasons. Alternatively, benches facing the park to the east would be more acceptable



- **Site furnishings:** Some of the renderings show proposed heritage-style pedestrian-scaled street lights components sited on both private and public lands. Details to the contributions of the streetscape infrastructure are to be confirmed at Site Plan Control.
- **Definition between parkland and private development:** A landscape buffer would be required as part of a future site plan, between the development and the existing residential/parkland properties surrounding the site. Similarly, an appropriate buffer would be required along the alley lands.

**Zoning Setback Provisions for Separation/transitions between public and private realms:**

As found in section 5.1.3 of the Planning Rationale provided by Pillon Abbs Inc., the following variances to the requested RD3.1 designation are being proposed:

1. *Increase the maximum building height from the required 14m to 15m,*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m,*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, and*
4. *Decrease the minimum landscaped open space from the required 35% spaces to 27%.*

These proposed setback variances from the Zoning Bylaw could be supported with additional landscape considerations.

The applicant has proposed a courtyard fence (ornamental brick wall topped with an iron fence detail) surrounding the property, to help address the heritage character of the neighbourhood, while delineating between private and public realms. The plan and renderings seem inconsistent. The plan shows the fence along the frontages of Devonshire Court, the frontage of Kildare limited to the proposed building facade, and between the parking spaces and the alley off Kildare. The renderings provided show the courtyard fence to be extended along the entire frontage of Kildare. Additionally it shows the separation between the alley and the parking lot as a taller vegetative wall/fence. It is strongly recommended that the details associated with the rendering provided be required to help address the neighbourhood character, provide adequate landscape transition from public to private realms and provide additional compensation for the reliefs being requested from the Zoning Bylaw for RD3.1.

In addition, to the site specific rezoning, the provision of a vegetative fence or low courtyard wall as landscape transition along the eastern boundary of the site between the subject land and the municipal parkland be required to provide adequate landscape transition from public to private realms.

**Tree Preservation:**

The site is encircled by 6 mature trees in the City right-of-way, ranging from 40 to 75 years. These trees are situated in close proximity to the property boundary would need to be protected as part of any construction on the subject property.

There is also a stately mature 109cm diameter Red Oak immediately east of 1949 Devonshire Court, which would be well over 100 years old. While this tree appears to be within the property's eastern fence line, it appears that 6m of frontage along Devonshire Court actually lies within city-owned parkland. Regardless of the ownership, and given the significance of this tree the developer is to provide all necessary measures to preserve this tree and those identified on the municipal right-of-way to the satisfaction of the City Forester.

All tree preservation conditions of development, including but not limited to the above, would be provided at the time a Site Plan application is received.

**Climate Change & Environmental Design:**

As per the goals & objectives found in Chapter 5 Environment of Official Plan (2012), the City of Windsor's Climate Change Adaptation Plan (2012), as well as through the Vision Statement of the Provincial Policy Statement (2020) and Section 1.8 Energy conservation, Air Quality and Climate Change, resiliency to climate change is required.

As noted in the Tree Preservation comments above, there are existing trees to be retained. Preservation of established trees provide stronger mitigation measures to climate change, however, as they are organic and have a lifespan it is important to ensure that there is succession planned to fill in those voids once those trees have met their lifecycle. Provision of new younger trees will provide that long-term asset and are to be provided in appropriate locations within the development to provide shade from the south and westerly directions and to help reduce any potential heat island effect.

**Parkland Dedication:**

There is some inconsistencies identified between the area of land that has been fenced and what the survey show, as part of the subject property. There appears to be 6m of frontage of Devonshire Court Parkland enclosed with the fenced area. While there are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication for residential development, the appropriate property lines will need to be determined before the cash-in-lieu can be assessed.

Detailed landscape requirements will be provided at the time of site plan review.

**CITY OF WINDSOR – PARKS DEVELOPMENT & DESIGN - Sherif Barsom**

Please note that after carefully reviewing of the sent planning application, Parks D&D has no comments at this stage except for one general comment as below:

- The Developer has to protect and keep it safe the existing street trees that located surrounding the subject 3 land lots on the street walkway side.

**ENBRIDGE**

After reviewing the provided drawing at Devonshire Crt & Devonshire Rd. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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
- An Enbridge Gas representative will respond to the live or dead call within 1 to 4 hours. Plan your work accordingly

**ENWIN**

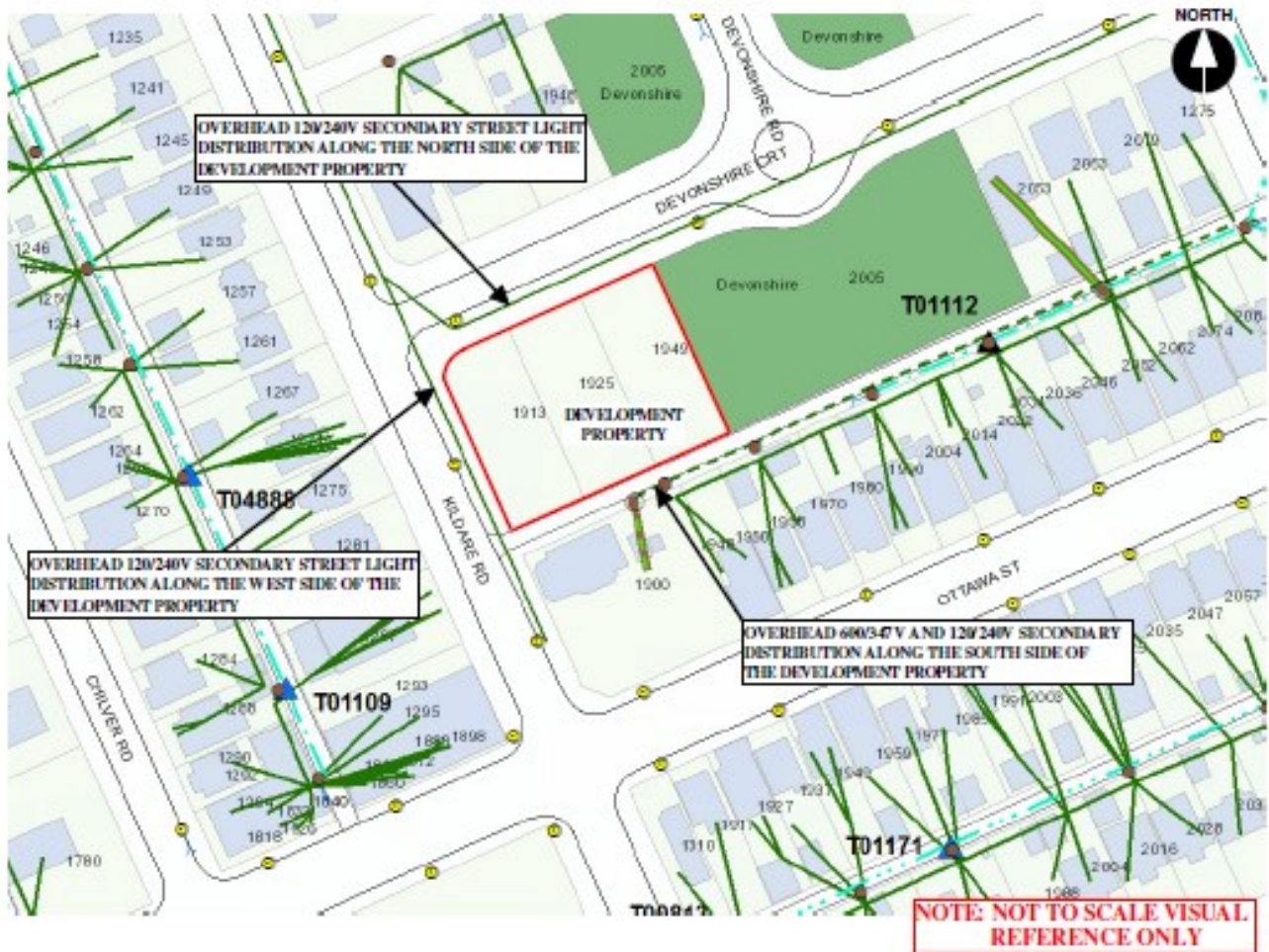
**Hydro Engineering:** No Objection, provided clearances are achieved and maintained from our distribution plant.

Please note ENWIN has the following distribution around the development property:

- 1) Overhead 120/240V secondary street light distribution along the north side of the property development.
- 2) Overhead 600/347V and 120/240V secondary distribution along the south side of the development
- 3) Overhead 120/240V secondary street light distribution along the west side of the property development.

An acceptable clearance must be maintained from our existing pole lines and conductors to the proposed development area. Please refer to the Ontario Building Code for adequate clearance requirements. We also recommend referring to the Occupational Health & Safety Act for the minimum safe limits of approach during construction.

Sketch attached for reference only. This attachment does not replace the need for utility locates.



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

### TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit route is with the Ottawa 4. The closest existing bus stop to this property is located on Ottawa at Kildare NE Corner. This bus stop is approximately 70 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.



----- Original message -----

From: Paul Bondy  
Date: 2021-12-09 10:57 a.m. (GMT-05:00)  
To: "Hunt, Thom" <[thunt@citywindsor.ca](mailto:thunt@citywindsor.ca)>  
Subject: Re-zoning/construction application by 2811035

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Hunt,

Concerning the proposed construction of a 23 unit apartment building at the corner of Kildare and devonshire court.

I own and live in a home on Ottawa st. With my wife and little girl. Our home would be right across the alley and a few ft east. I would see this building out my kitchen window. I would be sharing the alley along with the many new residents.

I am vehemently opposed to this new proposal on several levels. Increased traffic in the alley, increased garbage in the alley, meaning more raccoons and rats. I am very concerned about sewage , sharing our sewage system with 23 more units is bound to be a strain on the system. I do not have any sewage problems at this point and I would like to maintain the status quo.

On a less personal level, how can anyone justify the construction of this building that would only serve to compromise the integrity of windsors most historic neighborhood.

There are many other locations that would welcome, and benefit from this type of building.

I urge you to not support this construction anywhere in walkerville.Mr. Calhoun in 2016 made a proposal that made sense and would preserve the beauty of our neighborhood, this would not be a problem as far as I am concerned. Many residents of windsor who do not live in Walkerville enjoy the quaint beauty of this neighborhood, they stroll the streets, shop the boutiques, eat in the restaurants and picnic in Williston Park.i think most of them would agree with me.

Thank you for your time,

Most sincerely ,  
Paul Bondy

**Originally submitted at March 7, 2022**  
**Development & Heritage Standing Committee**  
**– Written Submission**

From: Joanne bashura  
Date: 2021-12-10 11:25 a.m. (GMT-05:00)  
To: drew dilkens <[mayo@citywindsor.ca](mailto:mayo@citywindsor.ca)>, "Holt, Chris" <[cholt@citywindsor.ca](mailto:cholt@citywindsor.ca)>, rino bortolin <[rbotolin@citywindsor.ca](mailto:rbotolin@citywindsor.ca)>, "Hunt, Thom" <[thunt@citywindsor.ca](mailto:thunt@citywindsor.ca)>  
Subject: apartment building on Devonshire Court

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My husband and I have lived at 2062 Ottawa St. since 1975. We have grave concerns about a 23 unit 4 story apartment building wanting to be built on Devonshire Court.

Walkerville is an area that values heritage. The proposed building does not ecstastically go with the neighbourhood. There aren't any large apt. buildings in this vicinity.

The proposed parking would be off the alley making traffic between Argyle and Kildare heavy as well as dangerous.

A 23 unit building would tax the sewer system beyond capacity and there are people in this vicinity who already experience. sewer backups.

The property was divided to allow 3 individual houses which was fine but not an apartment building.

There have been new builds in the area replacing town houses on Argyle and they fit the neighbourhood.

PLEASE do not let this go forward.

Most sincerely

Joanne and Michael Bashura

December 12, 2021

To: Members of the Development & Heritage Standing Committee

**RE: Development Application for 1913, 1925 and 1949 Devonshire Court (the “Proposed Development”)**

As long-time Walkerville residents (Brian has lived here his whole life, and we have lived here together for the last 28). Years we would like to be sure that you are aware that we oppose the Proposed Development for a number of reasons, all of which impact the experience and feel of our beautiful, historical and award-winning neighbourhood. We are concerned about safety (for both pedestrians and drivers), functional infrastructure, privacy and preserving the historical integrity of the Olde Walkerville area.

The first concern I’d like to address is one of safety. Although the summary of the development ensures that “No direct access to any adjacent road is proposed”, the truth of the matter is the alley that will serve as the access point for these proposed 23 units of vehicles is an alley that exits onto Kildare only 50 feet from the intersection of Ottawa and Kildare, and within that 50 feet there are already three other access points onto Kildare, all of which see significant traffic: the two entrances/exits to Tim Hortons and the alley running between Kildare and Chilver, just to the north of Ottawa Street. With three schools in near proximity, this area sees significant foot traffic of school aged children, and the intersection at Kildare and Ottawa is already a high-incident intersection. Before rezoning such as is proposed in the Proposed Development could ever occur, there should at least be studies conducted during times where no lockdowns or shutdowns have occurred to ensure that the pedestrian and traffic patterns are understood, so that the impact of another 30 vehicles entering and exiting multiple times daily is clearly understood, and the safety of our children is protected.

The second concern is around infrastructure. Parking and stormwater management are key concerns. Parking is already an issue in this area. Adding 23 units with only 30 separate parking spots means that we are likely to have over 20-30 additional vehicles searching for parking spots on our residential streets on most days, on streets upon which there is a moratorium on the existing houses putting in driveways. What is the proposed solution to this issue. The second, and even more concerning issue, is that our wastewater infrastructure was not designed or developed to accommodate a development such as the Proposed Development. Can the members of the Development & Heritage Standing Committee ensure that the Proposed Development will not put such a strain on our infrastructure that we start to see the kinds of events happening such as are happening in newly developed neighbourhoods into which inadequate infrastructure was installed?

We are also concerned about privacy. With a building this high, towering over the surrounding buildings by two full stories, current residents would lose the privacy of their back yards. This is a significant imposition on neighbours, and if the Proposed Development is to proceed, we believe that, at a minimum, it should be reduced in height. As most of the surrounding homes are traditional two story

homes, two stories is ideal to enable it to fit into the neighbourhood and not look like someone dropped into the neighbourhood with not thought or concern to existing neighbours or how it would look in context.

Finally, we are concerned about maintaining the historical integrity of Olde Walkerville. Although we are addressing this as our final point, please do not consider that to mean that we feel this point is the least important. It is a very important point, and one we know is shared with many of our fellow Windsorites, whether they live in, or visit, the Walkerville area. The time, energy and resources currently being poured into the Walkerville Districting Plan, with its nine initiatives, improvements, projects and opportunities reflects the pride and caring that we know people feel for our neighbourhood.

We understand that there is a directive from the Province that cities do more to promote density of housing. We also know, as residents of this neighbourhood, that Walkerville already boasts density of housing that is not matched in other residential areas of the city. There are many multiple family dwellings in our neighbourhood that were once single family dwellings. And we do have apartments buildings on more major residential/commercial streets throughout the neighbourhood. Most of these are two and a half story (three story, with the basement providing the third story) and fit within the context of the street upon which they are located.

That said, we hope that you will remember that your standing committee addresses not only “development” but also “heritage”. And Walkerville’s distinct history, which has been lovingly preserved in the houses of the neighbourhood, and Willistead Park, which is not even two blocks away from the Proposed Development site, deserves the consideration and deference it has been shown for over a century, including in 2016, when this Proposed Development site was converted for development of three single family residences, from its use as a church site. At that time, considerable thought and resources went into the carefully worded recommendation from the city’s own Expert/Historical planner Mr. John Calhoun. Mr. Calhoun recommended the property be severed into three SFD residences and imposed strict design criteria on height, use of specific materials and front and rear setbacks. While it may be the case that the SFD requirement may require some different consideration now, given the provincial mandate, it is not the case that carte blanche should be given to developers to erect multi-story buildings with seven times the dwelling capacity of the recently amended zoning. To do so would allow greed to trump sound planning practices and disrespect the historical importance of Olde Walkerville to Windsor.

Thank you for your time,

Brian Laughton



Cherie Laughton





Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Jessica Green

**Sent:** Monday, December 13, 2021 2:56 PM

**To:** [rbortonlin@citywindsor.ca](mailto:rbortonlin@citywindsor.ca); Holt, Chris; Gill, Jeewen; Morrison, Jim; Sleiman, Ed; mayoro; Francis, Fred; Costante, Fabio; Gignac, Jo-Anne (Councillor); [gkaschack@citywindsor.ca](mailto:gkaschack@citywindsor.ca); Mckenzie, Kieran; Hunt, Thom; Szymczak, Adam

**Subject:** Application for Development of 1913, 1925 and 1949 Devonshire Ct (Proposed Development)

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon.

Please see attached a letter with my input and concerns about the Proposed Development.

Although this letter is addressed to the Members of the Development and Heritage Standing Committee I have chosen to copy each of you, as I believe we all have important roles to play in the approach to management of our heritage and its intersection with development of our city in a prudent and responsible manner that addresses the concerns of the citizens of this great city we call home.

Thank you for your time and consideration of my comments in this matter.

Regards,  
jessica green

The City of Windsor  
350 City Hall Square West,  
Windsor Ontario

December 13, 2021

To: Members of the Development & Heritage Standing Committee

**RE: Development Application for 1913, 1925 and 1949 Devonshire Court (the “Proposed Development”)**

While I am in favour of development and optimal use of lands, I oppose the Proposed Development for a number of reasons. Like so many of my neighbours, who spoke eloquently and passionately about this on the call for input organized by the developer earlier this year, I am concerned about safety (for both pedestrians and drivers), functional infrastructure, privacy and preserving the historical integrity of the Olde Walkerville area. It is concerning to me that in spite of the valid and important points made on that call, it does not appear that the developer took any of them into consideration in its application.

I know that my neighbours will address the issues of safety and infrastructure (wastewater and parking in particular), so I will not repeat all of their excellent points here. I will merely say that I support all of those concerns and expect to hear from the City on how those issues are being addressed, none of which has been provided to us by the developer. The only thing I will highlight in this regard is the fact that I found it slightly misleading that the summary of the development states that “No direct access to any adjacent road is proposed”. While this is technically true, it masks the challenge created by the reality of the Proposed Development’s access to adjacent roads: to Kildare Road via an alley that exits onto Kildare only 50 feet from the intersection of Ottawa and Kildare. Within that 50 feet there are already three other public access points onto Kildare, all of which see significant traffic, plus a private drive. As you can imagine, with all of this going on in such a small space, this is already a safety-challenged area for pedestrians and traffic moving along Kildare. It is unclear to me that the impact of another 30 vehicles entering and exiting multiple times daily has been acknowledged or understood.

The committee should also consider the impact to privacy of the surrounding residents. With the Proposed Development towering over the surrounding buildings by two full stories, this would result in current residents losing the privacy of their own back yards. This is a significant imposition on neighbours. If the Proposed Development is allowed to proceed it should not be at its proposed height, but should be no taller than surrounding homes.

Finally, I would like to address the “heritage” part of your assessment regarding the Proposed Development and how the historical integrity of Olde Walkerville is taken into consideration. I moved to Windsor from Calgary, Alberta a few years ago. I was so pleased to be moving to a city that took pride in its history, and expended money and resources to honour and maintain historical integrity of its neighbourhoods. The time, energy and resources currently being poured into the Walkerville Districting Plan, with its nine initiatives, improvements, projects and opportunities reflects the pride and caring that I saw and admired when I chose Walkerville as my new home. This was in strong contrast with Calgary, where historical buildings were hard to find, and historical homes were so few that a few years ago someone started a “Century Homes” program to identify those few and far between historical homes that still existed in Calgary, a city of well over a million people. Whole historical neighbourhoods were essentially not to be found. This was due in large part to the drive for rapid growth that didn’t

appear to follow any kind of overall planning or take heritage into consideration, but rather looked more like developers-gone-wild kind of growth. I wouldn't recommend it for Windsor.

I was informed, by a member of your committee, that the province is pushing all cities for denser development, and that while perhaps we could successfully argue for less height (it is too tall for its surrounds) this Proposed Development was in line with drive for density and was likely going to get approved and we should all just accept that reality. I hope he was wrong, and that each of the "heritage" and "development" components of the mandate of this committee are taken very seriously, and the call for density does not become for Windsor what the call for rapid growth was for Calgary, at a cost of its history and sound planning principles. If he was not wrong, and the committee exists merely to blindly implement provincial directives without considering local context, perhaps we as municipal taxpayers should start to question why we spend resources on such a committee.

It is well known that increased density and diverse neighbourhoods make for stronger cities. However, I think it is important to remember that Walkerville already boasts density of housing and diversity of inhabitants that is not matched in most other residential areas of the city. There are many multiple family dwellings in our neighbourhood that were once single family dwellings. The house immediately to the north of mine is an old home that has been beautifully converted into five units. It is dense AND it honours the historical integrity of the neighbourhood. Multiple family does not have to mean block high rises. Let's be creative in our solutions to multiple challenges. As we continue to grow we don't have to choose either/or on density and historical integrity/heritage. Both can co-exist. The Proposed Development addresses only one and it does that without considering its surrounds.

Walkerville's distinct history, which has been lovingly preserved, including at Willistead Park, which is not even two blocks away from the Proposed Development site, deserves the consideration and deference it has been shown for over a century, including as recently as 2016, when this Proposed Development site was converted for development of three single family residences, from its former use as a church site. At that time, considerable thought and resources went into the carefully worded recommendation from the city's own Expert/Historical planner Mr. John Calhoun. Mr. Calhoun also imposed strict design criteria on height, use of specific materials and front and rear setbacks. While perhaps the SFD requirement could be altered, there is no reason that the balance of the work and criteria should not still apply. Working within the provincial mandate does not mean giving carte blanche to developers to erect multi-story buildings with seven times the dwelling capacity and no deference to the design criteria of the recently amended zoning. To do so would allow greed to trump sound planning practices and would disrespect the historical importance of Olde Walkerville to the City of Windsor and the Province of Ontario.

Thank you for the opportunity to provide input on this very important matter.

Best regards,

  
Jessica Green  
Kildare Road, Walkerville, Windsor

Cc: Mayor Drew Dilkens, Councillor Fred Francis, Councillor Fabio Constante, Councillor Jo-Anne Gignac, Councillor Gary Kaschack, Councillor Kieran McKenzie, Thom Hunt, Adam Szymczak

March 4, 2022

Development and Heritage Standing Committee  
City of Windsor  
400 City Hall Square East  
Windsor, Ontario  
N9A 7K6

**SUBMITTED VIA EMAIL**

To the members of the Development & Heritage Standing Committee,

**RE: Rezoning – 2811035 Ontario Inc. – 1913, 1925 & 1949 Devonshire Court – Z-034/21 ZNG/6571 – Ward 4**

Thank you for the opportunity to provide input for your consideration with respect to the above noted application, including the exemptions they seek from the amended zoning, should 2811035 Ontario Inc. be successful in its application for rezoning.

I would like to start off my submission by saying that I am not opposed to a multi-family unit on this particular location. I am, however, opposed to the development currently being proposed with this application, as it is significantly misaligned key Heritage Area requirements, such as alignment with massing, setbacks and width of buildings in the surrounding area, and in particular the designated heritage buildings across both Devonshire and Kildare from the proposed location.

In the Planning Rationale Report Addendum dated February 8, 2022, the following comments from City of Windsor – Heritage on the proposed development are identified:

“Provide visual contextual analysis with surrounding Walkerville neighbourhood properties in order to demonstrate compatibility with common datum regulating lines and floor to height ratios of surrounding heritage buildings.”

In response, the Owner has provided a revised Built Heritage Impact Assessment dated February 3, 2022 (the “BHIA”). While I do not believe that what is provided in this BHIA confirms compliance with the requirements identified by Heritage and in fact believe that what they are included shows that it does not comply. I do note that the BHIA is so confident in its assessment that this development is in compliance, that it has determined at section 6, that mitigation and alternative development options are not necessary. I find this concerning for reasons I will describe at the end of this letter.

At Table 2 of the BHIA there is an assessment of section 9.3.7 and 9.3.5 of the Official Plan: Heritage Resources and Planning Initiatives and Enhancement of Heritage Resources, respectively. I disagree with the conclusion in the BHIA that this development project is in compliance with respect to both section 9.3.7(e) and 9.3.5.1 a) ii) for the reasons outlined below.

**Section 9.3.5 Enhancement of Heritage Resources**

Section 9.3.5.1 a) ii) requires that “Council will enhance heritage resources by ensuring that within any Heritage Area or Heritage Conservation District that development be of a compatible height, massing, scale, setback and architectural style.” As these lots fall within the Walkerville Heritage Area, the



assessment must be made as to whether this requirement has been met by comparing to what is found within the Walkerville Heritage Area, and, I would argue, what is found in the residential areas of the Walkerville Heritage Area.

The report claims that the proposed development meets this requirement. The report elegantly understates the facts on this point: “While the height and massing of the proposed development is not identical to surrounding properties, it is not incompatible.” To say that it is not identical implies that it is close to the same, but just not exactly the same. The reality is that everything around it is of *substantially* less size and mass, and located with *significantly* larger setbacks. The only buildings that the BHIA identifies that are of a similar mass and height in the Walkerville Heritage Area were a mixed commercial residential building (Figure 27) located directly on Wyandotte, a main commercial thoroughfare, and a four story building located on Devonshire (Figure 28), which was clearly built before any consideration was given to the importance of preserving the heritage and beauty of Windsor’s only neighbourhood to ever be identified outside of the City of Windsor as a world class neighbourhood.<sup>1</sup>

I hope that when you are doing your assessment, in addition to the fact that only two examples were provided to support their claim that this requirement is met, you take note that the Figure 27 building is only three stories, and while it fits well with it’s surrounds, it is important to acknowledge and distinguish that those surrounds are located on a main commercial thoroughfare, not at the corner of two residential streets. Also, it is important to acknowledge that the Figure 28 building, although four stories, has a garden level first story, with the first level being built half underground. In fact, a review of the multi-unit residential buildings in the Heritage Area reveals that most have such a garden view level as the “bottom” floor in the development, and that such buildings are, at most, three levels, and not four (Figure 28 is the only 4 story building that I am aware of, and I hope this is not to be held out as an example of what we should be pursuing in the Walkerville Heritage Area).

While I appreciate that the use of masonry (red brick) as the primary construction material will contribute to a common exterior aesthetic within the neighbourhood, I believe that sizing, massing and setback issues are of significant concern, and must be addressed and reduced in order for Council to have fulfilled its obligation to ensure compliance of the proposed development with section 9.3.5 Enhancement of Heritage Resources.

#### **Section 9.3.7 Heritage Resources and Planning Initiatives**

Section 9.3.7(e), requires, in part, “having regard to the following when assessing planning applications which may impact heritage resources:

- (i) Respecting the massing, profile and character of adjacent buildings;
- (ii) Approximating the width and setback patterns of nearby heritage buildings...

The assessment provided in the Report states that this proposed development is in compliance with these provisions, but then goes on to acknowledge, with respect to (i) that the massing is larger than the surrounding buildings and with respect to (ii) that the proposed development is of a larger scale than the surrounding buildings. It is difficult to follow the logic of the BHIA acknowledging that it does not

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<sup>1</sup> [The coolest neighbourhoods in North America \(msn.com\)](https://www.msn.com/en-ca/news/entertainment/the-coolest-neighbourhoods-in-north-america)

comply with sizing and massing of its surrounds, and then somehow concluding that the proposed development is compliant. The issue of the smaller setback is not acknowledged directly.

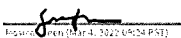
In response to the lack of compliance with (i) they rely on the argument that the massing of this development is similar to the massing of the church previously on the site. My first observation of this argument is that this is a moot point and distracts us from the real issues. It is difficult to understand why a previous structure built under different bylaws and zoning requirements is relevant to this assessment. However, even if you allow this argument to be made, Figures 20 and 21 and Figures 22 and 23 clearly demonstrate that the non-uniform height and slanted roof on its tallest section, and the significantly larger setbacks all around the property, mean that the previous building cannot be held out to support an argument that what was there previously was of the same mass and profile as the proposed development, nor does it provide an argument that the width and setback patterns of the proposed development are reasonable and in compliance with the requirements of section 9.3.7 of the Official Plan.

Finally, I would like to say that I lived in Calgary in the early 2000's when that city faced housing challenges similar to what we are seeing in Windsor today. We all watched development proceed hastily and with what appeared to be a lack of effective oversight and adherence to well thought out planning policies and requirements. Developers seemed to be able to proceed with whatever they proposed, in an effort to get houses up as quickly as possible. That approach resulted in significant challenges for everyone further down the road. Our designated Heritage Areas are important, and the rules around development within them are important, and should not be so easily run over as this proposed development would require.

In conclusion, I submit to you that this proposed development does not meet the massing, sizing or setback requirements required by the Official Plan of the City of Windsor. It is too tall, too wide and does not approximate the setbacks that surround it. I would encourage you to request additional changes be made to this proposed development in order to ensure both (i) that this proposed development aligns with the City's admirable intent to preserve Windsor's brilliant historically significant neighbourhoods and (ii) that other developers understand the importance that Windsor places on its heritage, and maintaining the living monuments to that heritage that are found in neighbourhoods such as Walkerville.

Thank you for your time.

Best,

  
Figure 20 (Mar. 4, 2022 6:54 PM)

Jessica Green  
Proud Walkerville Resident

CC:	Drew Dilken, Mayor	Jo-Anne Gignac, Councillor
	Fred Francis, Councillor	Jeewen Gill, Councillor
	Fabio Costante, Councillor	Gary Kaschak, Councillor
	Rino Bortolin, Councillor	Kieran McKenzie, Councillor
	Chris Holt, Councillor	Jim Morrison, Councillor
	Ed Sleiman, Councillor	

**From:** Gary Kelly PCB  
**Sent:** Thursday, December 23, 2021 11:32 AM  
**To:** Szymczak, Adam; Holt, Chris  
**Subject:** FW: Devonshire Court

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Adam,

My wife and I live at 1141 Kildare Road and, although not in the notice area per se, we have an interest in this project.

Firstly, please understand that, due to our location, we have no NIMBY agenda.

Frankly, we feel the property should be repurposed, as the existing zoning is too restrictive for the development of large single family homes.....especially considering the commercial adjacency.

This is evident as the property remains undeveloped and a bit of an eyesore during the unprecedented building boom in Windsor. There is little doubt there is significant demand for the right property in our neighborhood.

However, this proposal calls for significant variance from city standards and makes us conclude that it is too intensive. This is evident in the following areas, as you know:

- Front yard setback
- Rear yard setback
- Green coverage (minor variance in our view)
- Height (minor variance in our view)

If we understand the data provided on the website correctly, the owner is requesting a total setback variance of over 10 meters, which is [substantial.no](#), huge.

No doubt this is needed for the surface parking, confirming the overly intense nature of the plan.

We also note that the plan calls for 23 two bedroom condominium (ultimately) units for as many as four occupants each and presumably 2 vehicles, which, from a practical viewpoint, will likely cause some parking spillage into the already crowded situation in the immediate vicinity.....although the spots provided in the plan are technically consistent with City requirements.

Moreover, although some may say that this development will help increase the affordable housing supply, time (and pricing) will dictate this unknown factor. Furthermore, this determination is the absolute right of the owner / developer and will be controlled by market factors and is not relevant in this situation, in our view.

In summary, we support a more intense use of this land and we applaud the owner's initiative and commitment. It just seems to us that this particular development is too intense for the site and should be either adjusted to conform to established reasonable city zoning requirements (with MINOR variances allowed) or should be rejected.

Gary and Sharon Kelly

Sent from my iPad



**From:** Raymond Colautti  
**Sent:** Friday, February 18, 2022 3:11 PM  
**To:** Szymczak, Adam  
**Subject:** Rezoning Application for 1913, 1925 and 1949 Devonshire Court, formerly St. George's Church lands, Walkerville Heritage District

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I write this letter on behalf of myself and my wife Charlotte who live at 1924 Devonshire Court, directly across the street from the proposed development at 1913, 1925 and 1949 Devonshire Court, the former site of St. George's Church.

I understand that this matter is set to proceed before the Planning and Heritage Advisory Committee on March 4, 2022.

We are opposed to this development. Please list me as a delegation to appear before the PHAC.

**Background/ Overview:**

A 4 Storey 23 Multi-Unit Luxury Condo Development being proposed at the Southeast corner of Kildare and Devonshire Court ( i.e. former site of St. George's Anglican Church ).

In 2016, the City of Windsor's own Expert/Historical Planner ( Mr. John Calhoun ) recommended that the property be severed into separate lots so as to build 3 single family residences in keeping with the surrounding area, while also imposing strict design criteria for building height, use of specific materials, front & rear yard setbacks, etc., similar to neighbouring homes. Said recommendation represented the "best scenario" in order to preserve the overall historical integrity of the Olde Walkerville area. City Council concurred with Mr. Calhoun and subsequently voted to adopt the recommendation. Please see the Calhoun Report and City Council's resolution, attached hereto.

The present owner of the subject lands, who is seeking to develop them, acquired those lands with the full knowledge that the lands were zoned for single family dwellings, as prescribed by the said by-law.

Now, some developers want to exploit the prestige of a lovely Walkerville location for the wrong reasons. That is, they would like to see City Council's initial decision reversed, in an effort to

build a “big box” style modern condo building that provides no historical value, and simply incompatible with the surrounding architectural beauty found throughout our unique neighbourhood.

Besides the obvious negative impact from a heritage perspective, and the sheer scale of the proposed building ( 50ft. high x 160ft. wide ), the project is also fraught with numerous other issues ( i.e. significant increase in vehicular traffic crossing sidewalks & a major intersection, congested parking, loss of privacy & visual line of sight, stormwater runoff...just to name a few ) that will impact drivers, pedestrians, and residents within the vicinity.

There is plenty of vacant land elsewhere throughout Windsor that is far more appropriate for multi-storey, high intensification buildings that developers can take advantage of. As such, developers who are not interested in historic preservation should stay far away from any property found in an established Heritage Area. If we don't stop this type of proposed modern development now, we will be allowing the door to open for many more similar such projects to be built throughout our renowned Olde Walkerville...and what a travesty that would be.

Common sense clearly shows that this development does not belong in the Walkerville Historic Area and that allowing this proposed development would be a great disservice. The future of Walkerville as it has always been known, loved, AND revered depends on discouraging this kind of development. It will open the door to many other similar modern projects and present administration will be directly responsible for the eventual erosion of the Walkerville heritage that is known far and wide.

This location is close to the Paul Martin House and the Willistead Manor. If this kind of density is allowed, there will be many more requests from those who would turn old heritage properties into multiple family dwellings and condos.

Those who back this kind of intrusion cannot claim to be supportive of Heritage area values..

Simply put, this isn't an appropriate location for a large modern condo apartment building. There are plenty of other areas throughout the city better suited, and more befitting this kind of development.

Where are the varying roof elevations, steep peaks & valleys, the dormers, the distinctive arches, the large porches...the stone, stucco, timbers, the beautiful aged copper awnings, eaves & downspouts...all hallmarks and have been a fundamental part of the existing Walkerville architecture & landscape for 100+ years??

Instead of expanding upon that vision, we get a proposal for:

- A huge modern, “big box” style rectangular building with no historical appeal whatsoever!
- An entire flat roof, no changes in elevation for aesthetics;
- Virtually no front or rear setbacks, etc., while taking up every possible square foot of land with the obvious intent to maximize real estate value.
- It doesn’t exhibit the siting, massing, scale, etc. that is referenced and called for in the City’s Official Plan ( contrary to the obviously flawed & utterly preposterous Heritage Impact Study and Addenda submitted by the developer ).
- In fact, this proposal brings little to nothing in the way of historical architectural beauty or value to the area.

Moreover, it is neither respectful of nor complimentary to the neighbouring homes, and is not in keeping with the immediate/surrounding area. Respectfully, it borders on the absurd, and undoubtedly would stand out like a sore thumb. By opening the door to this type of large scale, tasteless condo development, you run the very real risk of damaging Walkerville community’s renowned reputation as “one of the coolest neighbourhoods on the planet”, and may negatively impact the City of Windsor’s overall image.

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### **Issues/Concerns/Deficiencies**

Here are specific objections/ concerns on a land use/ heritage planning basis:

#### **1. Planning Rationale Report**

A. Zoning By-Law Amendment - Proposed to be changed from Residential District RD1.1 to Residential District RD3.1

In addition to zoning change, site specific relief is requested for:

1. *Increase the maximum building height from the required 14m to 15m, ( Rationale - To allow for a 4 storey building )*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m, ( Rationale - Can build to edge of municipal space ).*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, ( Rationale - Can build to edge of municipal space )*
4. *Decrease the minimum landscaped open space from required 35% to 27%. ( Rationale - Site is abutting a public open space )*

B. Parking Spaces - City of Windsor Zoning By-law requires a minimum of 1.25 parking spaces for each dwelling unit.

1. The proposed development has 28 parking spaces, including visitor & barrier free parking. ( See pg. 20 ). Accordingly, 23 units x 1.25 = **Minimum of 29 resident parking spaces**
2. What is the exact City By-Law requirement?

3. How many additional Visitor parking spaces are required? ( Pg. 51 indicates 15% of parking spaces marked =  $28 \times 15\% = 4$  )
4. How many additional Accessible parking spaces are required? ( Pg. 51 indicates For 26-100 total parking spaces =  $2$  )
5. According to the information provided by the Planner, the **Total MINIMUM # of spaces should be 35...NOT 28!**

### C. **Site Suitability** ( See Pg. 55 )

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate buffering/transition from abutting land uses, ( FALSE )
- The Site is generally level which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems: (WHERE ARE THE ENGINEERING STUDIES TO SUPPORT THIS?)
- There are no anticipated traffic concerns, ( FALSE AND MISLEADING )
- There are no natural heritage concerns, ( FALSE )
- There are no cultural heritage concerns, (FALSE)
- There are no hazards, and ( WRONG )
- The location of the proposed development is appropriate ( Definitely NO )

## 2. **Heritage Impact Study**

### A. Calhoun Report Recommendation - October 23/2015

#### Redevelopment:

The property would have to be rezoned from the current ID1.1 (institutional) to allow construction of three houses. The location is in the Walkerville Heritage Area, which is shown in Schedule G of the Official Plan, but is not a heritage conservation district under the Ontario Heritage Act. Most residential garages in the Walkerville Heritage Area are accessed from alleys, and new front driveways and curb cuts are very restricted. This property has a well used paved alley that should be the only drive access points for the three new houses. **The designs of the houses need to respect the siting, massing and materials of the residential properties in the Walkerville Heritage Area, and particularly those to the immediate north and west.** Regulatory language may be included in provisions for the rezoning.

### B. Comments Found Within the Heritage Report

1. The massing, although larger than the neighbouring buildings, is similar to the massing of the former St. George's Church. ( See comment Pg.25 ). (THIS IS ENTIRELY FALSE. ST. GEORGE'S CHURCH WAS NOT 4 STORIES TALL, AND WAS FAR SMALLER FROM A CUBIC FEET OF VOLUME POINT OF VIEW.



2. While the height and massing of the proposed development is not identical to surrounding properties, it is not incompatible. ( See comment Pg. 26 ) (WRONG: THIS IS A MATTER OF OPINION FROM A PAID CONSULTANT THAT CONFLCITS WITH COMMON SENSE OBSERVATION)

3. The façade of the building is consistent with surrounding property facades and other developments within the vicinity. Pg. 25 (WRONG)

4. While the height and massing of the proposed development is not identical to surrounding properties, it is not incompatible. Pg. 26 9DEMONSTARBLY FALSE AND MISLEADING)

### C. Council Approval - November 7/2016

Moved by: Councillor Marra

Seconded by: Councillor Elliott

Decision Number: CR686/2016 PHED402

THAT an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 84-87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, from Institutional District 1.1 (ID1.1) to Residential District 1.1 (RD1.) and by adding a new site specific provision to Section 1 √2√0(1) as follows:

“332. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, a Single Unit Dwelling shall be subject to the following additional provisions:

1. Main Building Height – minimum 7.00 m
2. Front Yard Depth – minimum 7.50 m
3. An Access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
4. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty percent of the area of an exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

Carried.

Councillor Holt voting nay.

-

Report Number: S 175/2016

Clerk's File: ZB/12611

D. A number of references made to legal documents throughout the Heritage Study including the following:

- (i) Ontario Heritage Act
- (ii) Ontario Planning Act
- (iii) O. Reg 9/06 - Heritage Impact Assessment Criteria
- (iv) Provincial Policy Statement (2020)
- (v) City of Windsor Official Plan ( Section 9 - Heritage Conservation )

3. **Shadow Study** - Very Poor/Incomplete Report ( ADA Inc. Architects )

- (a) Very poor illustrations as part of report.
- (b) Difficult to clearly see the areas affected by shadows.
- (c) There is **no supporting quantitative analysis data** as part of the report.
- (d) There is **no evaluation criteria** used to arrive at the conclusions about the shadowing results as part of the report.

4. **Vehicle Traffic Study** - Poor/Incomplete Report ( RC Spencer Associates )

- (a) Requests were made during the May 2021 Public Open House to conduct/investigate Pre-COVID, Present Time, and Post-COVID studies
- (b) Only study conducted was in July 2021 in the midst of the COVID-19 Pandemic ( i.e. Present Time )
- (c) Study submitted is NOT representative of all possible traffic scenarios ( i.e. missing Pre COVID study data ).
- (d) Both the Present and Future study data is seriously flawed as it uses/draws upon a Mid-Pandemic baseline.
- (e) Serious concerns were raised during the May 2021 Public Open House regarding pedestrian safety at key locations
- (f) Study failed to include ANY pedestrian traffic/activity and/or interaction at critical locations as part of a conducting a proper Risk Assessment...including where the sidewalk meets the alleyway exiting onto Kildare, Kildare/Ottawa intersection, and Kildare/Devonshire Court intersection...particularly during the times of 8-9am, 11am-1pm, 3-5pm.
- (g) Study finds that it is the engineers' opinion that existing trees and on-street parking may be problematic for motorists egressing from the alleyway

5. **On-Street Parking**

- (a) Serious concerns were raised during the May 2021 Public Open House about the negative impact the proposed development will have to on-street parking
- (b) Both Kildare Road and Devonshire Court parking is congested as is
- (c) No Parking Impact Study has been conducted nor submitted as part of the supporting documents to the Planning Department
- (d) Congested on-street parking was raised as problematic by RC Associates as part of their Traffic Study

6. **Table 1.0 on Page 26 states:**

- (a) Direct or Indirect Obstruction of Views - The proposed development will not obstruct views of the heritage resources. **Not True!** The massing, although larger than the neighbouring buildings, is similar to the massing of the former St. George's Church. ( See comment Pg.25 ). **(FALSE)**. While the height and massing of the proposed development is not identical to surrounding properties, it is not incompatible. ( See comment Pg. 26 )**(FALSE)**

(b) A Change in Land Use - The proposed development will reinforce the residential character of the area. **(FALSE:It is a monstrosity!)** The façade of the building is consistent with surrounding property facades and other developments within the vicinity. ( See comment Pg. 25 ). **(FALSE-SEE ABOVE)**

(c) Land Disturbance - The proposed development is a minimum of 20 metres from the nearest heritage resource and a maximum of 80 metres from the furthest heritage resource. There is sufficient distance between the proposed development and the heritage resources. **Not so! Proposal to reduce the front setback to the City property line will effectively allow for a 50' high x 150' wide wall to be built close to the edge of the roadway. It would give the feeling of being "crushingly" close to the homes on the North and West sides. This would also negatively impact any sense of open space and coziness.** The proposed front yard setback is similar to that of the previous (St. George's Church) structure ( See comment on Pg. 25 ): **(FALSE)**

### Conclusion:

Can you please ensure that these comments are included or attached to the Staff Report that you are preparing for the Committee and Council?

Yours Truly,



February 24, 2022

Dear Walkerville Residents,

My name is Roger Bastiaan. I live in the 1200 block of Kildare Road. I am writing on behalf of my family and many similarly concerned neighbors. Specifically, I am writing to bring your attention to an ongoing issue regarding three properties on Devonshire Court near Kildare Road. On Monday March 7, 2022, the Development & Heritage Standing Committee of the City of Windsor will meet to consider a request to alter the zoning bylaw regarding housing lots at 1913, 1925, and 1949 Devonshire Court.

### Background

These three single family housing lots were created as part of the agreement that allowed for the demolition of St George's Anglican Church in 2016. The rezoning of the church property into three single family lots was done after significant community consultation and involvement. There was a written recommendation by the City of Windsor Heritage Planning Department to create these lots and place constraints on the physical appearance of the homes, lot fill, driveways, and detached garages. In December 2016, Mayor Dilkens and the majority of City Council voted in agreement with the Heritage Planning Department recommendations. With much press coverage, the owner of the three building lots declared that "It's a personal thing for me to go in here and do something really, really nice for the neighbourhood", and he stated that he would be building three upscale homes that "coordinate with the whole neighbourhood".

In May 2021, the residents adjacent to these lots were notified that the three lots had been resold together to a new entity and that an apartment building was to be built on the combined property. The entity is known only as "Ontario 2811035". The owner, or owners, are not identified otherwise. This numbered company has applied to the City to merge the three properties into one, which would require a change to the zoning bylaws, for the purpose of building a four story 23-unit apartment building at the location. This is in direct opposition to the voted upon and accepted recommendations from December 2016. In May 2021, during a video conference presentation and virtual meeting hosted by a consultant for the numbered company, the Walkerville residents in attendance expressed extreme displeasure in the proposal. Chris Holt, the Ward 4 councilor and member of the Development & Heritage Standing Committee, was in attendance. During the meeting Mr. Holt expressed support for the apartment building proposal, and he was dismissive of the residents' concerns. Mr. Holt stated that Walkerville needs greater residential density and that this is the beginning.

The City, the Anglican Church, and many other concerned parties met with the residents of the neighborhood numerous times through the multiyear process from the time the St. George's Church was attempted to be sold, then declared unsafe, to the final agreement that it would become three residential lots post-demolition. The residents of Walkerville played by the rules and bargained in good faith throughout. In September 2017 the St. George's Church buildings were razed. After approximately 3 ½ years without any activity on the site, a surprise new proposal suddenly materialized to build an apartment building at the location. This apartment building proposal appears to come with the hearty endorsement of our Ward 4 councilor Chris Holt, who is also a member of the Development & Heritage Standing Committee that will be considering the bylaw amendments that would allow for this apartment building to be constructed.

### So why does this matter to you?

This matters because the agreement struck at the end of 2016 is in the process of being swept aside. No reasons have been presented to explain why the 2016 agreement should be vacated. The rezoning of the church property into three single family lots (that happened when St. George's Church was allowed to be demolished) applies to the "new owner", just as it applied to the person who bought the church property in 2016. Given the lack of explanation, the lack of transparency, and apparent willingness of the City to quickly abandon its 2016 agreement, it appears that this was a bait and switch plan from the outset.



This matters because at the root of the apartment building proposal is the merging of 3 residential single family home lots into one for the sole purpose of shoehorning an apartment building into their place for profit. Once this pattern has been established, any residential lot or lots in Walkerville (or in the City) can be converted to apartment building use following the same scheme. It is important to note that the combined property is not large. The combined lots would be approximately 175 feet wide by 130 feet deep. There are several single properties in Walkerville that are larger. For example, there are two such single family home properties on Richmond at Kildare, with one on each side of Kildare. Those lots are approximately 185' x 125' and 195' x 130' in size. Either or both of those lots would be ideal locations for apartment buildings from the developer perspective, as they face Willstead Park and they are near schools. The current Alzheimer Society property on Richmond at Argyle is even larger, at approximately 280' x 130', and thus it would certainly be of interest to developers looking for an apartment building location. There is no limit to the ways that "residential density" can be increased once this precedent is established. Any property or series of properties can become host to an apartment building regardless of community opposition, current zoning, or previous agreements with the City.

### Walkerville is a special place

The residents in Windsor and Walkerville know it's a special place. Beautiful public spaces, our history, our people, thriving businesses, and the houses from modest to magnificent create the Walkerville that we love. It isn't just the locals that know our community. Walkerville has been featured in numerous media articles nationally and in the United States. One of the most supportive articles came from *This Old House* magazine in 2012. An article in that magazine described the architecture, parks, and rich history that make Walkerville a special place to live (<https://www.thisoldhouse.com/21018452/best-old-house-neighborhoods-2012-canada>). After Walkerville was featured in *This Old House*, the *Windsor Star* newspaper picked up the story. A short video produced by the *Windsor Star* includes a good description all the elements that come together to create a great neighborhood, not least of which is neighbor greeting neighbor as they sit on their front porches (<https://youtu.be/0VaFyBA5H44>). In a 2018 interview with the *Windsor Star*, the retiring City Heritage Planner, John Calhoun, described the importance of preserving Windsor's history, and the difficulties involved in doing so (<https://www.cbc.ca/news/canada/windsor/newly-retired-heritage-planner-john-calhoun-on-the-ups-and-downs-of-defending-windsor-s-history-1.4533580>). Please look at these articles to see if you agree with their assessments.

### Please help protect Walkerville

We are working on launching a website to collect and disseminate information about this apartment building proposal. The website will include information about how to join the fight to preserve our community. The address will be [www.protectwalkervilleheritage.org](http://www.protectwalkervilleheritage.org). The website is not live yet, but please check back to see our progress. Unlike the developers who have hired professionals to push their unacceptable plan through the various channels at City Hall, we are a collection of concerned neighbors working together after our workdays are over, for the purpose of holding the City to its agreements.

The Development & Heritage Standing Committee meeting will be held on Monday March 7, 2022. The meeting will be virtual following the City's COVID protocols. Anyone seeking to participate in the meeting must register as a delegate before noon on Friday March 4, 2022. Registration as a delegate does not obligate you to participate or speak; however, if you do not register in advance, you will be prohibited from making any comment during the meeting. We encourage everyone to register for the meeting. The City Clerk's office is handling registration. They can be contacted by email at [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca) or by phone at 519-255-6432.

We also encourage you to contact the members of the current Development & Heritage Standing Committee, the Mayor, and members of City Council to voice your concerns.

Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Bev Marshall

**Sent:** Monday, February 28, 2022 6:08 PM

**To:** mayoro <[mayoro@citywindsor.ca](mailto:mayoro@citywindsor.ca)>; Francis, Fred <[ffrancis@citywindsor.ca](mailto:ffrancis@citywindsor.ca)>; Costante, Fabio <[fcostante@citywindsor.ca](mailto:fcostante@citywindsor.ca)>; Bortolin, Rino <[rbortolin@citywindsor.ca](mailto:rbortolin@citywindsor.ca)>; Holt, Chris <[cholt@citywindsor.ca](mailto:cholt@citywindsor.ca)>; Sleiman, Ed <[esleiman@citywindsor.ca](mailto:esleiman@citywindsor.ca)>; Gignac, Jo-Anne (Councillor) <[joagignac@citywindsor.ca](mailto:joagignac@citywindsor.ca)>; Gill, Jeewen <[JGill@citywindsor.ca](mailto:JGill@citywindsor.ca)>; Kaschak, Gary <[gkaschak@citywindsor.ca](mailto:gkaschak@citywindsor.ca)>; Mckenzie, Kieran <[kmckenzie@citywindsor.ca](mailto:kmckenzie@citywindsor.ca)>; Morrison, Jim <[jmorrison@citywindsor.ca](mailto:jmorrison@citywindsor.ca)>

**Cc:** Bev Marshall

**Subject:** Request to rezone lots @ 1913 1925 1949 Devonshire Court Windsor

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

March 1, 2022

To: Development & Heritage Standing Committee of the City of Windsor

Re: Request to rezone lots at 1913, 1925 & 1949 Devonshire Ct.

Dear Mayor Dilkens, Committee Members & City Councillors,

We are writing to strongly oppose the rezoning of these 3 lots for the purpose of building a 4 storey apartment building. Walkerville does not need to increase its residential density in this manner in this location. I'm sure the last thing the neighbours across the street from these lots want to look at is an apartment building especially when they expected to see single family dwellings.

Just look to the 1200 block of Argyle where the townhouses were destroyed by fire in 2018. They are rebuilding with new townhouses that while larger at least compliment the neighbourhood.

Previous councils have dealt with similar requests before and Old Walkerville ended up with 2 white blocks of apartment buildings on Argyle Road south of the former Kelly's Funeral Home. Hardly appealing. There are other apartment buildings along Argyle & various 2 storey duplexes that at least blend with the area & have some character appeal.

Although I'm not an architect, I suspect that 3 lot block of land is a little small for the proposed apartment building. I'm sure parking will be an issue in an already tight for parking neighbourhood.

One of the many appealing aspects of Old Walkerville is the amount of open space. We've had guests from Europe & Australia visit. All the guests mentioned how "spread out" the neighbourhood feels. Many kids who grew up in Walkerville returned as adults to purchase a home here. My family has lived in Old Walkerville since the early 1920's. My grandparents, parents, my brother & I have all lived

on the same street in Old Walkerville. (although different houses). My children are the 4<sup>th</sup> generation in my family to live on the same street. We are drawn back to live in this wonderful area.

If you want to increase residential density, look along Wyandotte or Ottawa St. There are multi-storey buildings and retail already. It's a busier area & better suited to apartment style buildings. We've heard about the redevelopment of the Hiram Walker warehouses north of Wyandotte, similar to the one on the south side. I think this is a wonderful idea. It's close to but not strictly in a residential area.

We believe this rezoning request should not be approved & the lots should remain for use as single family dwellings. The Committee, Council & Ward 4 Councillor Chris Holt in particular, need to re-evaluate ideas for residential development without destroying the charm & character of Walkerville.

Respectfully,

Dr. Norman & Mrs. Beverly Marshall

Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Antonio Pascual-Leone  
**Sent:** March 2, 2022 1:40 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** zoning by-law, File number ZNG/6571 Z-034/21

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Development & Heritage Standing Committee,

I am writing to register as a delegate and to have my comments considered in regards to the meeting about zoning by-law, File number ZNG/6571 Z-034/21

It item is about 1913, 1925, & 1949 Devonshire Court.

I will not be able to attend the meeting on March 7, however, please confirm that my comments below will be registered.

- (1) **Not in favor of amendment:** I am not in support of the amendment to zoning to allow a multi-unit building of 23 dwelling. This is a dramatic change from the original proposal for 3 homes, which was much more in keeping with the heritage of the neighborhood. Old Walkerville is a special place and celebrated center in the city. The proposed plan will also substantially impact traffic, which has not been planned for. Making this sort of amendment is a disservice to the city as a whole and to the immediate neighborhood. I urge the committee against making such dramatic exceptions to the heritage of the neighborhood.
- (2) **Concessions if the amendment is passed:** The argument to increase density has merit although the proposal does not adequately meet that interest for several reasons, but traffic is a main concern.
  - a. The above having been stated, if an amendment to the zoning by-law is allowed, the proposed plan will substantially increase vehicular traffic in the area. Note that Devonshire circle does not connect to Walker road, a main artery of the community. This means traffic coming from the south will enter via Richmond street, which has no stop signs for several blocks. Speeding along Richmond and not stopping for pedestrians is a common problem. If a zoning amendment is to be made it should be contingent on adding a much-needed 4-way stop sign at the corner of Devonshire Road and Richmond. That intersection is already high risk with a large number of vulnerable people who need to regularly cross Richmond. Namely, citizens cross the street often to get to Willistead Park, the Alzheimer's Society, Walkerville Highschool, and St. Anne's elementary school and there is no place to safely cross Richmond near Devonshire road. The proposed construction will substantially increase road traffic from Walker road, to Richmond, to Devonshire Road, terminating at Devonshire circle. A 4-way traffic stop at the corner of Devonshire road and Richmond is essential to safely manage the flow of traffic. Of further note, Devonshire Circle does not have any sidewalks on either side, putting pedestrians at greater risk to the increase in traffic.



- b. Secondly, the proposal is disingenuous in only planning for 30 parking spots when there are 23 intended dwellings, which is a ridiculous underestimate. This suggests that most of not all of the dwellings will be for individuals living alone. With 23 units one can reasonably expect the addition of 100 new members to the community, and the number of parking spots should be substantially higher (perhaps 60). Street parking in the area is already difficult and adding the new dwellings without a realistic requirements for parking would prove extremely short sighted of the development and heritage committee.

Thank you for seriously considering my concerns.

Please confirm receipt of this email.

Best,

Dr. Antonio Pascual-Leone

**Antonio Pascual-Leone, Ph.D., Certified Psychologist**

*Professor of Psychology, University of Windsor (Canada)*

*Honorary research professor, Psychiatry, University of Lausanne (Switzerland)*

*Certified trainer, International Society for Emotion Focused Therapy*

*For information on Pascual-Leone's research visit: [The EMOTION CHANGE LAB](#)*

Department of Psychology

University of Windsor

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**For more information about the Clinical Psychology Program go to <http://www.uwindsor.ca/clinicalpsych>**

Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Patricia McConville

**Sent:** March 2, 2022 12:05 PM

**To:** Bortolin, Rino <[rbortolin@citywindsor.ca](mailto:rbortolin@citywindsor.ca)>; Holt, Chris <[cholt@citywindsor.ca](mailto:cholt@citywindsor.ca)>; [jeewengill@citywindsor.ca](mailto:jeewengill@citywindsor.ca) <[jeewengill@citywindsor.ca](mailto:jeewengill@citywindsor.ca)>; [jmorrison@citywindsor.ca](mailto:jmorrison@citywindsor.ca) <[jmorrison@citywindsor.ca](mailto:jmorrison@citywindsor.ca)>; [esleiman@citywindsor.ca](mailto:esleiman@citywindsor.ca) <[esleiman@citywindsor.ca](mailto:esleiman@citywindsor.ca)>; Antonio Buttice ; Raymond Colautti >; Paula Rankin >

**Subject:**

Re: Re-zoning of 1913, 1925 and 1949 Devonshire Crt.

I am writing as a resident of Kildare Rd., to voice my concerns re the request to your committee for the rezoning of the above-mentioned land.

The previous decision of your committee at the recommendation of Mr. Calhoun - Heritage Dept. to deem this land for single residential houses was totally in keeping with the heritage that Old Walkerville has and needs to be maintained.

The developer's information that was sent to the area residents leaves me with the following concerns:

1. The request to build on city land which would mean the bldg. would be almost right up to the city sidewalk. (approx. 4 ft. from sidewalk)
2. The building would be massive at almost 55 feet high by about 140 ft. wide. It would overpower the single family homes across the street and with the request to build so close to the sidewalk, it would feel as though the apt. bldg. was almost on top of them.
3. Stating that the foot-print is the same as St George Church is down right wrong. St. George's Church had about 30 ft. of front lawn with shrubs, flowers and grass. (Please look at pictures of St. George's church.) There is no front lawn or green space in their photo of the bldg.
4. The statement re shadowing in that it would not negatively affect the houses adjacent to the apt. bld. is very questionable. From what I've read, living in the northern hemisphere, we get most of our sun from a southern exposure. You ask any avid gardener and they look for a house where their garden has a southern exposure. This huge building would block the southern exposure from the houses adjacent and also houses on Kildare Rd.
5. I know Mr. Holt and Mr. Bortolin cringe when they hear residents complain about traffic and parking re looking at public transit and walkable areas. But as our Mayor so eloquently stated when commenting on the city's poor transit system. "Most of the residents in Windsor drive cars and use cars to go where they need to go." Hence the statement by the developers that parking would not be affected is almost ludicrous!!! There are not enough parking spaces for a bldg. with that many apartments. Most working couples have two cars!! Heaven only knows what it will be like on Devonshire and Kildare Rd. when a tenant or two have company or a family get-together. With so few driveways in Old Walkerville, the majority of residents park on the street. This kind of development has no place on a quiet residential street.

As Mr. Holt so eloquently said in an article in the Windsor Star, "Walkerville is pretty iconic when it comes to the architecture and the streets..... It's very different from every other neighbourhood in the city" "Many of the buildings were designed by famed architect Albert

Kahn and other illustrious architects. "And not only just the look but also the way the homes, they're close to the street with the vast majority having front porches....It's a very distinct urban design in Walkerville." "The streets are narrow, cars tend to drive slower, not very many driveways so the houses are closer together. And it really has a very distinct vibe to it because of that urban design.

Having read this article with the above quotes, I can't help but question the mantra of "Urban Intensification". Walkerville has the highest urban density of any area in the city. So justifying this apt. bldg. by using the Urban Intensification rationale definitely doesn't fit Old Walkerville. This committee HAS to deny this request for a change to the already made decision re single family dwellings. This decision was made after much debate with the belief that the committee was maintaining the historic aspects of Old Walkerville. If you decide to allow this development to go forward the door will be open for other developers to buy up property and put inappropriate bldgs in the place of the old houses.

You, the committee have to stand up and fight for the residents of Old Walkerville in order to maintain the historical integrity of this area and also send a message to future developers that this kind of development is not appropriate for the Walkerville area which was a planned village by Hiram Walker and is probably one of the very very few planned villages in the whole of Ontario which should be protected at all costs.

Please VOTE NO to the developer's request to rezone these properties,

Kendal McKinney

3/March/22

VIA EMAIL ATTACHMENT  
TO: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)  
AND TO: [cholt@citywindsor.ca](mailto:cholt@citywindsor.ca)  
AND TO: [R. Colautti](#)

Dear City of Windsor Development & Heritage Standing Committee, Counsellor Holt and Mr. Colautti:

Re-zoning Application for 1913, 1925, and 1949 Devonshire Court  
City of Windsor File Number ZNG/6571 Z-034/21

I was quite recently made aware of the above captioned application to amend the zoning of these properties. I am opposed to this application for the following reasons.

#### PROCESS

The original plan to redevelop the site of the former St. George's Anglican Church was arrived at through a process of community, City, and stakeholder communication and agreement. This is precisely the kind of process that should be used when making and amending official plans, policies, and zoning. Promoting meaningful civic engagement is more important than road paving for a community, if it aspires to become or remain a true community.

The agreement in this case should not lightly be set aside. To do so would undermine the process by which the agreement was reached, and all future consultation and engagement opportunities. People will not invest time and effort in a process when the results may well be casually thrown aside in a few years time. Such a counter-process will simply promote disengagement and cynicism.

#### POSSIBLE CLAIM OF HARDSHIP REJECTED

In this case, I believe the new owners took with notice of the agreement and have no basis to complain of any unfairness. I am also highly sceptical that the properties cannot be developed profitably within the terms of the agreement given the current robust real estate market. Ultimately the profitability or loss of a developer is not and should not be my concern, or the City's. However, should the proponent argue hardship, I cannot accept such a proposition as factual.

#### SUBSTANCE

I also have concerns with the substance of the proposal as, even with site



Kendal McKinney

planning, a 23 unit four storey building is excessive for the location. The former St. George's was nowhere near four storeys, except perhaps for the bell tower.

As a point of comparison, please consider the apartment building at 1287 Kildare, across the street from the proposed site. While I am uncertain about how many units are in the building, it is obviously not 23 units, and the building is only a raised two storey with full basement.

On the other side of the property, there is a public park. The homes across the street on Devonshire Court are three single detached houses of two storeys. Even the mixed commercial/residential units just around the corner on Ottawa Street are only two storeys. The proposal appears elephantine in comparison.

As a further point of comparison in the neighbourhood, the apartment buildings at 1920 and 1980 Tuscarora, several blocks away, appear to be each somewhat smaller than the proposed project, but each occupying what appears to be a larger site.

#### GREATER DENSITY POSSIBLE

If greater housing density in the area is deemed desirable, which is an attractive possibility, a larger and more deliberate planning process is required. Inappropriate *ad hoc* projects undermine both good community process and good neighbourhoods.

#### SUMMARY

Any discussion of adding density to the whole neighbourhood, which has merit, should be placed in a larger and more integrated community involved process.

I cannot agree that this proposal is site appropriate.

Most importantly, a community based plan was reached and should be abided by, not just for its own merits, but for the sake of reinforcing good community engagement and planning.

Please reject this proposal.

Sincerely,

Kendal McKinney

Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Antonio Buttice  
**Sent:** Thursday, March 03, 2022 2:43 PM  
**To:** Toldo, Beth <toldob@citywindsor.ca>  
**Subject:** Rezoning Application for 1913, 1925 and 1949 Devonshire Court, formerly St. George's Church - Written Submission

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

My name is Antonio Buttice. I write this letter on behalf of myself. I live at 1948 Devonshire Court, directly across the street from the proposed development at 1913, 1925 and 1949 Devonshire Court, the former site of St. George's Church.

I see that this agenda item is scheduled to go before the Development & Heritage Standing Committee on March 7, 2022.

This communication serves as my official notification that I am vehemently opposed to this development. Furthermore, I would like my written submission ( including attachments ) to made part of the public record.

Please note that I have also attached 3 files showing petition signatures that were gathered in May 2021. Everyone who signed therein is also opposed to the proposed development. A copy of said petitions were sent to Tracey Pillon-Abbs in May 2021 which were to be submitted to the Planning Department as additional documentation, along with any written email communications sent to her by the residents, the Public Open House video recording, and all comments/concerns that were voiced during said Open House.

Unfortunately, none of the aforementioned ( i.e. petition, emails, video recording ) were included as part of the Applicant documentation to be made available to the public for their review? Perhaps someone can enlighten me as why those were excluded?

Background:

I have attached a copy of the City Heritage Planner Report prepared in 2015 as the primary rationale for the current residential zoning when the City was considering the demolition of St. George's Church.

Excerpts of the Calhoun Report ( found below ), clearly indicate a proposal to "create three residential lots, similar to those across the street to the north...so as to allow for construction of three houses". Furthermore, additional criteria were recommended to ensure that the

redevelopment "designs of the houses need to respect the siting, massing and materials of the residential properties in the Walkerville Heritage Area, and particularly those to the immediate north and west".

## **1. City Heritage Planner Report ( John Calhoun ) - November 9, 2015 ( See Attached File )**

### **Proposal:**

The request is to demolish both buildings and clear the property for future development. A proposal to create three residential lots, similar to the houses across the street to the north, is under consideration. The current zoning is ID1.1 (institutional) with many special sections.

### **Redevelopment:**

The property would have to be rezoned from the current ID1.1 (institutional) to allow construction of three houses. The location is in the Walkerville Heritage Area, which is shown in Schedule G of the Official Plan, but is not a heritage conservation district under the Ontario Heritage Act. Most residential garages in the Walkerville Heritage Area are accessed from alleys, and new front driveways and curb cuts are very restricted. This property has a well used paved alley that should be the only drive access points for the three new houses. The designs of the houses need to respect the siting, massing and materials of the residential properties in the Walkerville Heritage Area, and particularly those to the immediate north and west. Regulatory language may be included in provisions for the rezoning.

### **CONCLUSION:**

The requested demolition should be approved. Although there is identifiable heritage significance to the property, both buildings would need major work for their long-term future; and such work could reduce their heritage characteristics. Redevelopment of houses on the property should respect the character of the surrounding neighbourhood.

## **2. City Council Decision - Monday November 7, 2016 ( See Attached File )**

Decision Number: CR686/2016 PHED 402

THAT an amendment to Zoning By-law 8600 BE APPROVED changing the zoning of Lots 84-87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, from Institutional District 1.1 (ID1.1) to Residential District 1.1 (RD1.) and by adding a new site specific provision to Section 10(1) as follows:

"332. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, a Single Unit Dwelling shall be subject to the following additional provisions:

1. Main Building Height – minimum 7.00 m
2. Front Yard Depth – minimum 7.50 m
3. An Access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
4. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty percent of the area of an exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

Carried.

The aforementioned recommendation by the City's own Heritage Planner/Expert, Mr. Calhoun, represented the "best possible outcome" in order to preserve the overall integrity of the Walkerville Historical Area. Moreover, City Council concurred with Mr. Calhoun and subsequently voted to adopt the exact recommendations to create three single family residential lots ( See excerpts above ).

In early 2021, the applicant/new owners purchased the land in question knowing full well that the property was zoned and severed to allow for three residential homes. Instead of complying with the existing zoning provisions and following through with the previously approved plan, the developers are now seeking to have City Council's decision nullified, and are proposing to build a 23-unit "big box" style modern condo building that brings nothing in the way of inspiration from a historical value perspective. It is obvious that the property was not purchased with good faith in mind!

Moreover, the construction of such a massive rectangular structure, the front of which would face Devonshire Court, would essentially represent a 150' wide x 50' high brick wall, with an entirely flat roof that would sit extremely close to the property line and roadway. This would "all but eliminate" the required minimum front yard setback of 7.5m established under the current zoning provisions, and would result in an overwhelming feeling of confinement. Meanwhile, all other homes on Devonshire Court, which comply with the required zoning setback provisions, and are all situated a distance of greater than 50' from the street. It's important to note that neither Kildare Road nor Devonshire Court are very wide streets as it is.

I therefore ask, why would any municipal department, Committee or City Council entertain the illogical notion of such an absurd attempt to cram a clearly oversized building onto an undersized piece of land, as well as allowing it to be situated so unnecessarily close to the road? Forgive the analogy, but it compares rather appropriately to an attempt at trying to fit a



huge square peg into a small round hole...it just doesn't fit! Nowhere else in the Walkerville Heritage Area do you find this very same scenario being presented amidst its residential homes!

To even consider such an imposing structure in a well-established historic residential neighbourhood that has been deliberately designed to promote 1 - 2.5 storey homes with plenty of front & rear yard space, differing roof lines, inviting front porches, and a myriad of attractive Olde World architectural features is simply unconscionable! It simply IS NOT compatible with the architectural beauty found throughout this distinctive and charming Walkerville neighbourhood.

Lastly, this overall proposal, the rationale for requesting numerous exemptions to previously established by-laws and zoning provisions ( put in place to protect building design & historical integrity from future erosion ), as well as a number of studies submitted by the applicant, are fraught with serious deficiencies and concerns ( i.e. Poor/Incomplete Traffic and Shadow Studies, No Parking Study undertaken, No Alley Risk Assessment conducted, etc. ).

For example, the Heritage Impact Study submitted by the applicant is so ludicrous that it actually states that the siting, massing, height, scale and setbacks are all comparable to the previous St. George's Church building(s) that were once existing. How can anyone with a modicum of common sense compare the photos of Figure 18 - St. George's Church ( Page 22 ) to Figure 22 - Proposed Development ( Page 28 ) of said report, and come to such a preposterous conclusion?? In fact, you don't have to be an architect or engineer to easily determine that NONE of what was once St. George's Church compares at all to the immense multi-unit complex being advocated by the applicant. The proposed building most certainly DOES NOT respect the siting, massing, height, scale, and setbacks of the former St. George's Church, nor any single family residential properties found in the Walkerville Heritage Area...particularly those to the immediate north and west, as is referenced in the Calhoun Report. Quite the contrary in fact!

So what if the door is opened to this and other similar future developments...what can one expect to see? Well, should someone be allowed to build condos on Willistead Park property...there's plenty of space there? Or what if a vacant residential double lot were to become available just a stone's throw from this site...should that be rezoned such that a 6 or 8 unit apartment structure may be built there? Where does one draw the line? We know that a number of other new condo developments have recently been constructed, are slated for redevelopment, or are being contemplated. However, the locations for these have been largely targeted for major thoroughfares and commercial/industrial districts (eg. Walker Rd, Wyandotte St, Riverside Dr, Tecumseh Rd, etc.)...which are clearly conducive to this type of condominium project.

As Development & Heritage Standing Committee members, many of you serve dual roles. That said, your primary focus in this particular matter MUST be on maintaining Walkerville's current and future historic integrity. In order to do so, your first priority must be in favour of historic preservation, and that may only be achieved by looking at this through the "Heritage" Committee lens. You cannot allow "typical" arguments for development ( eg. intensification et al ) to influence your decision in favour of this proposal, nor to let it trump the vital importance of a long-established Heritage Area. To do so will almost certainly result in irreparable harm to Walkerville's honoured distinction as one of the most admired neighbourhoods...in the World!

Ladies/Gentlemen, this matter really isn't that difficult to grasp. This proposal is significantly flawed to say the least! You know that this building is not the right thing nor best option for this location...as did Former City Heritage Planner ( Mr. John Calhoun ) and City Council 5 years ago when they voted in favour of adopting the recommendation to rezone the property to allow for 3 single family residential homes. The optimal decision as to what should occupy this parcel of land was made at that time...and there's absolutely no good reason to reverse that sound decision now!!

As such, this application should be categorically rejected. Respectfully, anyone who supports this proposal, simply cannot be regarded as a true advocate for heritage preservation.

Let us please all do our part to ensure the integrity of Walkerville's great name, prestige, character, and rich history continues to be well preserved...today, tomorrow, and for the next 100 years!

Regards,  
Antonio Buttice



## Planning & Building Services

### MISSION STATEMENT

*"Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together"*

<b>REPORT #: S 19/2015</b>	<b>Report Date: 10/23/2015</b>
<b>Author's Contact:</b> <b>John Calhoun</b> <b>519-255-6543, ext. 6179</b> <b>jcalhoun@citywindsor.ca</b>	<b>Date to PHEDSC: November 9, 2015</b>
	<b>Clerk's File #: MBA2015</b>

**To: Mayor and Members of City Council**

**Subject: St. George's Church & Hall, 1949 Devonshire Court –  
Demolition of Property on Windsor Municipal Heritage Register  
WARD 4**

### RECOMMENDATION:

I. That the request to demolish St. George's Church and Hall, at 1949 Devonshire Court, **BE GRANTED**, according to provisions in the *Ontario Heritage Act* for properties listed on the municipal heritage register.

II. That the context of the Walkerville neighbourhood **BE RECOGNIZED** in the provisions of zoning regulations for redevelopment of the property into individual residential building lots.

(photo Google)



### EXECUTIVE SUMMARY:

N/A

## **BACKGROUND:**

On September 11, 2015, an agent for the (Anglican) Diocese of Huron submitted a Heritage Alteration Permit requesting demolition of St. George's Church (1955) and Church Hall (1921), which are connected buildings at 1949 Devonshire Court.

Both buildings on this property had been on the former heritage inventory for several years when it was included in Windsor's initial municipal heritage register in August 2007. This list was prepared after amendments to the *Ontario Heritage Act* in 2005 that provided for register listings that were not designated.

On May 4, 2015, City Council passed (M163-2105) new provisions for filing for demolition of properties on the Windsor Municipal Heritage Register. This is the first such request to be processed under the new provisions.

## **DISCUSSION:**

### **Property Description:**

This church complex is located at the southeast corner of Kildare Road and Devonshire Court, one block north of Ottawa Street. The older building was originally constructed in 1921 on a large vacant parcel in the Town of Walkerville between a municipal park and Kildare Road. In 1955 a larger church was constructed on the remainder of the property.



### **Proposal:**

The request is to demolish both buildings and clear the property for future development. A proposal to create three residential lots, similar to the houses across the street to the north, is under consideration. The current zoning is ID1.1 (institutional) with many special sections.

### **Legal provisions:**

Demolition of a property that is listed on the Windsor Municipal Heritage Register, but not designated, requires the owner to file a notice of intent at least 60 days prior to the work, under provisions of the *Ontario Heritage Act*. During that time, City Council, after consulting with the Heritage Committee, may initiate designation of the property, which stops demolition through the process and/or through appeals including the Ontario Conservation Review Board. Council could decide that there is no objection to demolition, or take no action (which would allow demolition 60 days after application).



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. “Cultural heritage value or interest” is to be considered according to Ontario Regulation 9/06, prescribed for the purposes of clause 29 (1) (a) of the *Ontario Heritage Act*, Part IV [underlines for emphasis]:

“A property may be designated under section 29 of the Act if it meets one or more of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has design value or physical value because it,
  - i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
  - ii. displays a high degree of craftsmanship or artistic merit, or
  - iii. demonstrates a high degree of technical or scientific achievement.
2. The property has historical value or associative value because it,
  - i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
  - ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
  - iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.
3. The property has contextual value because it,
  - i. is important in defining, maintaining or supporting the character of an area,
  - ii. is physically, functionally, visually or historically linked to its surroundings, or
  - iii. is a landmark.”

The “heritage attributes of the property” are those features that are considered important to retain if any alterations to the property are proposed after designation.

This property has sufficient heritage attributes that make it eligible for designation, although that action is not recommended. Using the Brampton, Ontario priority scoring referenced by the City Council on February 2, 2015 (M34-2015), the earlier building scores a low B and the newer building a high B. A statement of significance is included as Appendix ‘C’.



(photos from church website)



### Architectural Considerations:

The older building of this church complex was originally the Memorial Hall of St. Mary's (Anglican) Church; it was constructed in 1921 with a design by Donald Smith. St. George's parish moved there in 1925 from a smaller building that remains at 909 Moy



Avenue. This building is of red brick, with a front-gabled roof, one tall storey and raised basement. The symmetrical north façade has a set of steps leading to a pair of doors with transom above. A square cupola near the front of the roof contains a bell and is topped with a simple cross. A wide concrete band is between the basement and first floor. The south side, facing the alley, includes a gothic-arch window, which is behind the original altar on the interior. (photo Google)

In 1955 a larger church was constructed on the remainder of the property; the original church became the church hall. A 1958 church brochure said that Sheppard & Masson were the architects and Ronald Brand the designer. The original Sheppard & Masson drawings are available.

The 1955 building is one tall storey, with walls dominated by floor-to-ceiling windows with colour sections, separated by slender concrete columns. The walls are mostly of red brick, with coursed rubble covering the two short wings to the north. A bell tower on the west end consists of three concrete piers tied together at the top. The roof has an east-west ridge with a gentle slope. The interior features an altar on the east end, backed with concrete block, and on the west end a mezzanine containing the organ and choir seating.

The architectural firm of Sheppard & Masson, earlier Nichols, Sheppard & Masson, designed some of Windsor's important civic buildings and fine homes. The principals were Hugh P. Sheppard (1890-1984) and George Y. Masson (1895-1982). These buildings were designed by one or both of these architects (individually designated heritage properties are in **bold**):

W.A. Watts-Emery House, 1185-93 Victoria Ave (1922)

**Masson-Deck House, 3069 Alexander Ave (1924)** (Masson's personal home)

Gordon McGregor School, 1646 Alexis Rd (1924)

Essex County Gaol, 378 Brock St (1924)

Cenotaph, 350 City Hall Sq W (1924, moved from Giles Blvd 1965)

Charles S. King House, 982 Devonshire Rd (c1924)

**Y.M.C.A., 511 Pelissier St (1925)**

Mayor R.L. Daniels House, 2020 Willistead Cres (c1925)

Ernest Zeron House, 1223 Devonshire Rd (1926)

Harold Wurster House, 1218 Devonshire Rd (c1927)

**Frank H. Joyce House, 3975 Riverside Dr E (1927)**

**Jasperson-Appel House, 224 Sunset Ave (1927)**

**John Campbell School, 1255 Tecumseh Rd E (1927)**

Church of the Ascension, 1385 University Ave W (1927 reconstruction)

C.A. Lanspeary House, 2019 Willistead Cres (c1927)

All Saints' Church, 330 City Hall Sq E (1928 addition)

St. Paul's United Church, 973 Pillette Rd (c1928)

**Dr. Charles W. Hoare Residence, 2088 Willistead Cres (1928)**

Hugh Beaton School, 2229 Chilver Rd (1929)

Purity Dairy, 1501 Howard Ave (1929)

Marlborough School, 3557 Melbourne Rd (1929)

Westminster United Church, 1680 Dougall Ave (1930)

**Federal Building (Paul Martin), 185 Ouellette Ave (1934)** (with Trace & Colthurst)

**Windsor Armouries, 353 Freedom Way (1935 addition** being mostly demolished)

Greyhound Bus Station, 44 University Ave E (1940 original design)

Colonial Tool, 1691 Walker Rd (1942)

Norman McCormick House, 6630 Riverside Dr E (1947)

St. Mary's Church Parish Hall, 1983 St. Mary's Gate (1950)

St. Aidan's Anglican Church, 5145 Wyandotte St E (1952)

Equity Chambers, 52 Chatham St W (renovations 1955)

St. George's Church, 1949 Devonshire Crt (1955 new sanctuary)

Windsor City Hall, 350 City Hall Sq W (1957)

Essex County Court House, 245 Windsor Ave (1963, altered)

The church congregation vacated the property in late June 2015, following a letter from the Rector that included: "The report of the structural engineer was far more dire than anyone had expected. To quote two paragraphs from the conclusions of his report:

Both the original circa 1925 St. George's Church House and the 1955 Church Addition exhibit evidence of serious structural deterioration and defects which pose foreseeable health and safety risks to both the building occupants and the public.

For the reasons set out in this report, I recommend that these buildings be vacated and demolished, as soon as possible, for the safety of the public. I furthermore recommend that temporary fencing and signing be installed around the buildings to restrict public access to within 30 ft. of the buildings, until the demolition work is completed."

The report by Dr. N.K. Becker, P.Eng. (Appendix 'B') details existing severe structural issues with the older building. It identifies potential failures and hazards in the newer building, including Plexiglas windows (fire hazard), laminated ceiling-roof beams (risk of structural failure), wood slats on mezzanine (fire hazard), and notes many deficiencies where water easily enters through window edges and structure. It also notes that the utility systems for the newer building are housed in the older building.





The engineer's report does not explicitly state which repairs that would be needed to preserve the buildings for long-term use, but they would likely include major reconstruction of the load-bearing brick walls for the older building, as well as a new roof, heating plant and front steps. If the older building were demolished, all the utility services for the newer building would need to move into the building or a new annex. The newer building needs replacement of the ceiling-roof beams with a proven structural element, replacement of all windows (currently plastic, not glass), better thermal insulation and a cooling system.

### **Official Plan:**

The Official Plan states that "Council will protect heritage resources by: 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 ..." (9.3.4.1.(c)) "Encouraging the adaptive reuse of architectural and/or historically significant buildings and structures" (9.3.4.1.(g))

"9.3.6.1 Council will manage heritage resources by: ... (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means"

### **Redevelopment:**

The property would have to be rezoned from the current ID1.1 (institutional) to allow construction of three houses. The location is in the Walkerville Heritage Area, which is shown in Schedule G of the Official Plan, but is not a heritage conservation district under the *Ontario Heritage Act*. Most residential garages in the Walkerville Heritage Area are accessed from alleys, and new front driveways and curb cuts are very restricted. This property has a well used paved alley that should be the only drive access points for the three new houses. The designs of the houses need to respect the siting, massing and materials of the residential properties in the Walkerville Heritage Area, and particularly those to the immediate north and west. Regulatory language may be included in provisions for the rezoning.

### **RISK ANALYSIS:**

The owner's engineer has identified the risk to the public of serious structural deterioration of the older building, and potential defects in the newer building. In a separate action, the owner is requesting the City's approval for a temporary fence within the adjacent park land to keep the public away from the older building.

As with any demolition of a heritage resource, there is the permanent loss of a valuable piece of the history of Windsor.

Inappropriate infill buildings could diminish the Walkerville neighbourhood's visual character.

### **FINANCIAL MATTERS:**

All costs of the work are borne by the owner.

### **CONSULTATIONS:**

The Heritage Planner consulted with the owner's representative regarding the requirements for application for demolition of a property listed (not designated) on the Windsor Municipal Heritage Register. Planning staff and three Committee members met on-site to observe details of the buildings.

### **CONCLUSION:**

The requested demolition should be approved. Although there is identifiable heritage significance to the property, both buildings would need major work for their long-term future; and such work could reduce their heritage characteristics. Redevelopment of houses on the property should respect the character of the surrounding neighbourhood.

### **APPENDICES:**

'A': Heritage Alteration Permit Application (part, with attachment)

'B': Engineering Report

'C': Heritage Statement of Significance for Heritage Designation (not recommended)

'D': Requirements and Procedures, Application for Demolition of Heritage-Listed Properties

'E': History of Property

Clerk's Note: Memo dated September 7, 2016 attached as additional information.

Phone: (519)255-6211

**CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1**

Fax: (519)255-6868

E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

**City Council  
Decision  
Monday, November 07, 2016**

Decision Number: CR686/2016 PHED 402

THAT an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 84-87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, from Institutional District 1.1 (ID1.1) to Residential District 1.1 (RD1.) and by adding a new site specific provision to Section 10(1) as follows:

“332. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court & Kildare Road, a Single Unit Dwelling shall be subject to the following additional provisions:

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3. An Access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
4. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty percent of the area of an exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

[ZDM 7; ZNG/4715]”

Carried.

Report Number: S 175/2016  
Clerk's File: ZB/12611 8.30

*Steve Vlachodimos*

Deputy City Clerk/Senior Manager of Council Services  
November 24, 2016

Department Distribution

Terri Spizzirri	Development Applications Clerk
Don Wilson	Manager of Development Applications
Thom Hunt	City Planner / Executive Director of Planning & Building Services
Wira Vendrasco	Deputy City Solicitor

# Petition to City of Windsor Development & Heritage Standing Committee

Petition summary and background	<b>Opposition to Development Proposed to Standing Committee on Heritage and Planning as set out in Schedule "A" attached</b>
Action petitioned for	We, the undersigned, are concerned Walkerville residents who vehemently oppose the proposed development plan to rezone the properties described as 1913, 1925, & 1949 Devonshire Court in the City of Windsor by the owners (i.e. 2611374 Ontario Corp.), for the purpose of constructing a 4 storey multiple dwelling with 23 units. Instead, we demand that said Committee members immediately reject this proposal and/or any other proposal that does not fully comply with current zoning and the previously approved plan allowing for 3 single residential homes to be built along with the strict design requirements as stipulated by said Committee.

Printed Name	Signature	Address	Comment	Date
WALTER DONALDSON	<i>W. Donaldson</i>	1929 Ontario St.	too big	5/17/21
JAN HUERT	<i>J. Huert</i>	1232 Kildare	too much traffic	5/18
ANTONIO BUTTICE	<i>Antonio Buttice</i>	1948 DEVONSHIRE CRT.	ONLY 3 SINGLE FAMILY HOMES	5/18/21
Bernie Udale Rourke	<i>Bernie Udale Rourke</i>	1920 Ontario St.	Additional Desensitization is adverse. Only Single Homes	5/19/21



# Petition to City of Windsor Development & Heritage Standing Committee

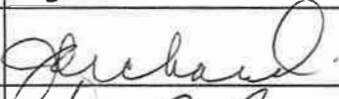

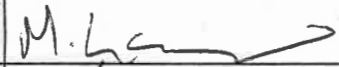

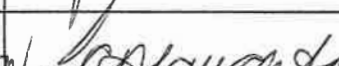
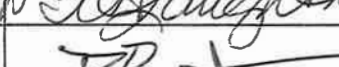
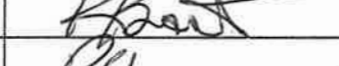
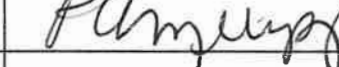


Petition summary and background	<b>Opposition to Development Proposed to Standing Committee on Heritage and Planning as set out in Schedule "A" attached</b>
Action petitioned for	We, the undersigned, are concerned Walkerville residents who vehemently oppose the proposed development plan to rezone the properties described as 1913, 1925, & 1949 Devonshire Court in the City of Windsor by the owners (i.e. 2611374 Ontario Corp.), for the purpose of constructing a 4 storey multiple dwelling with 23 units. Instead, we demand that said Committee members immediately reject this proposal and/or any other proposal that does not fully comply with current zoning and the previously approved plan allowing for 3 single residential homes to be built along with the strict design requirements as stipulated by said Committee.

Printed Name	Signature	Address	Comment	Date
Amelia Hetry	AMELIA HETRY	2004 Ottawa St.	Don't Need this	5-18-21
Pierre Jacques	Pierre Jacques	2014 Ottawa St.	too close.	5/18/21
Janice Lafren	Janice Lafren	2046 Ottawa St	Don't Need This	5-18-21
BRIAN Cowan	Brian Cowan	2070 Devonshire Crt	NO! NO! NO!	5-18-21
DAVE LOCKE	Dave Locke	2062 DEVONSHIRE CRT	NO	5-18-21
LEAH CARRUTHERS	Leah Carruthers	9651 Midfield Cres.	Keep the integrity of this neighbourhood!	5.18.21
GERRY CARRUTHERS	Gerry Carruthers	9651 MIDFIELD CRES	INFRASTRUCTURE, PARKING, SEWERS, ARCHITECTURAL	5.18.21
MYLES STALMACH	Myles Stalmach	1970 OTTAWA	NO! EYE SORE WILL OVERLOAD SEWERS!	5.18.21
Paul Bondy	Paul Bondy	1980 Ottawa St	SEWAGE & garbage concern	MAY 18/21
Maria Cresencia	Maria Cresencia	1980 Ottawa St	Don't Need this	06-19-21

Printed Name	Signature	Address	Comment	Date
Zac Therrien	<i>Zac Therrien</i>	2014, Ottawa	"	May 20/2021
Shirley Lavoie	<i>Lavoie</i>	2052 Ottawa St	"	May 19/21
Mick Bashura	<i>Mick Bashura</i>	2062 OTTAWA ST	WORRY ABOUT FLOODING & ALLEY TRAFFIC	MAY 18/21
Joanne Bashura	<i>Joanne Bashura</i>	"	" "	MAY 18/21
Sosh Abby	<i>Kahley</i>	2090 Ottawa St	" "	May 18/21
CHARLOTTE COLAUTTI	<i>C Colautti</i>	1924 Devonshire Ct	KEEP OLDE WALKERVILLE! PARKING + SEWAGE	May 18/21
Raymond Colautti	<i>Raymond Colautti</i>	1924 Devonshire Ct	Keep Walkerville from this kind of devel.	May 18/21
Jessica Bourwick	<i>Jessica Bourwick</i>	1948-1950 Ottawa St	Alley Entrance - Too much traffic - safety concerns	May 20/21
David Kassab	<i>David Kassab</i>	1958 Ottawa St.	Traffic - Safety - Privacy Destroy the Heritage area	May 20, 21

# Petition to City of Windsor Development & Heritage Standing Committee

Petition summary and background	<b>Opposition to Development Proposed to Standing Committee on Heritage and Planning as set out in Schedule "A" attached</b>
Action petitioned for	We, the undersigned, are concerned Walkerville residents who vehemently oppose the proposed development plan to rezone the properties described as 1913, 1925, & 1949 Devonshire Court in the City of Windsor by the owners (i.e. 2611374 Ontario Corp.), for the purpose of constructing a 4 storey multiple dwelling with 23 units. Instead, we demand that said Committee members immediately reject this proposal and/or any other proposal that does not fully comply with current zoning and the previously approved plan allowing for 3 single residential homes to be built along with the strict design requirements as stipulated by said Committee.


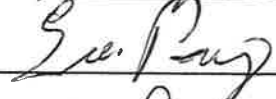
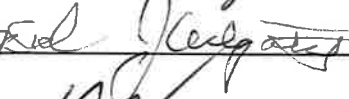

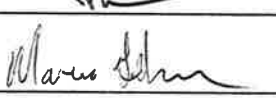




Printed Name	Signature	Address	Comment	Date
James Orchard		1241 Kildare Rd	this <sup>will destroy our</sup> neighborhood. <del>the</del> parking will be impossible, traffic	May 17/21
Glen Porteous		1241 Kildare Rd		May 17/21
MIKE LAWRENCE		1251 Kildare Rd.	Too many cars!	May 17/2021
Brian Laughton		1267 Kildare Rd	Too many	May 17
CHERIE LAUGHTON		1267 KILDARE RD	NOT ENOUGH PARKING	MAY 17, 2021
ROGER BARTMAN		1257 Kildare Rd	NO PARKING NO CONSULTATION	May 17/21
Patti Mursk		1245 Kildare Rd	too high too traffic	May 17/21
Jeff Adair		1245 Kildare Rd	too obtrusive	May 17/21
D Lenhardt		1240 Kildare	too much!	5/17/21
Sterling Kaliberte		1228 Kildare Rd	Put 3 BEAUTIFUL DWELLINGS	5/17/21

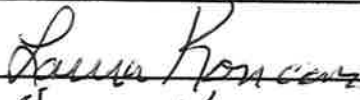

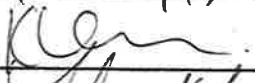
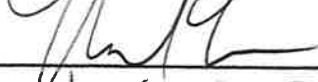


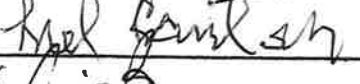






Printed Name	Signature	Address	Comment	Date
MICHELLE PAKON	Michelle Pakon	1228 KILDARE ROAD	4 STORES TOO HIGH!	5/17/21
GUY LAZURE	Guy LaZure	1224, Kildare Rd	Fewer apartments	17/5/21
PAT MCCONVILLE	Pat McConville	1236 Kildare Rd	TOO BIG need 3 s/f. homes	5/17/21
Ed Viselli	Ed Viselli	1221 KILDARE	TRAFFIC & PARKING ISSUES	5/17/21
LAURA JOHNSON	Laura Johnson	1219 Kildare Rd.	TRAFFIC & PARKING	5/17/21
Elmer Jort	Elmer Jort	1215 Kildare RD	Congestion No parking No!	5/17/21
Andrew Lamb	Andrew Lamb	1911 Ontario St	TRAFFIC + PARKING	5/17/21
Melissa Lamb	Melissa Lamb	1911 Ontario St.	Traffic, parking,	5/17/21
FRANK STAPLES	Frank Staples	1235 KILDARE RD	TRAFFIC + PARKING CONCERN	5/17/21
SUEAN STAPLES	Suean Staples	1235 KILDARE RD	TRAFFIC + PARKING CONCERNS	5/17/21
Georgi Horvath	Georgi Horvath	1220 Kildare Rd	traffic + too obstructive	5/18/21
ROGER ROZE	Roger Roze	1220 Kildare Rd	traffic + too (fewer apt's)	5/18/21
Nancy DiMino	Nancy DiMino	1975 Ontario ST	to	5/17/21
A. EVERETT WELLS	A. Everett Wells	1945 Ontario St	too many people + cars	5/17/21
D. WELLS	D. Wells	1945 Ontario St	u	5/17/21
C. DONALDSON	C. Donaldson	1929 Ontario St.	too big for the area	5/17/21



# Petition to City of Windsor Development & Heritage Standing Committee

Petition summary and background	<b>Opposition to Development Proposed to Standing Committee on Heritage and Planning as set out in Schedule "A" attached</b>
Action petitioned for	We, the undersigned, are concerned Walkerville residents who vehemently oppose the proposed development plan to rezone the properties described as 1913, 1925, & 1949 Devonshire Court in the City of Windsor by the owners (i.e. 2611374 Ontario Corp.), for the purpose of constructing a 4 storey multiple dwelling with 23 units. Instead, we demand that said Committee members immediately reject this proposal and/or any other proposal that does not fully comply with current zoning and the previously approved plan allowing for 3 single residential homes to be built along with the strict design requirements as stipulated by said Committee.

Printed Name	Signature	Address	Comment	Date
Tom Kilbatt		1226 Devonshire		5-18
ERIC PERCY		1910 ONEIDA CT		5-18
JoAnne Ciferri		1226 Devonshire		5-18
PAT VALCKE		1235 Devonshire Rd.		"
Steven Gelineau		1244 Devonshire Rd		"
Marianne Gelineau				"
Karin Hocke		Windsor N8Y1P9 2062 Devonshire Court		May 18/21
Rosalie Eudg		1275 Argyle Rd		May 18/21
Giuseppatub		1275 Argyle Rd		May 18/21
Joel Cohen		1222 DEVONSHIRE RD		5/18/21

Printed Name	Signature	Address	Comment	Date
Laura Koncan		1218 DEVONSHIRE RD	ONLY SINGLE FAMILY	May 17
HENRY KONCAN		" "	" " "	May 17
Kathie Weiss-Lefebvre		1219 "	SINGLE FAMILY	May 17
Nick Papadar		1241 Devonshire Road	Single Family, preferred smaller density preferred	May 18
Johanna Papadar		1241 Devonshire	"	May 18, 2021
Linda Solomon		1245 Devonshire Rd.	SINGLE Family	May 18/21
Mel Carter		"	"	"
Ross+Liz BINNEY		1234 DEVONSHIRE	single family	May 18 2021
Groce Rankin		1912 Devonshire Crt		May 18 2021
Paula Rankin		1912 Devonshire Crt	Single family	May 18, 2021
Tessa Rankin		1912 Devonshire Crt	Sewage issues	May 20 2021
Rod Rankin		1912 DEVONSHIRE Crt	SINGLE FAMILY	MAY 20/21
Richard Rankin		1008 ASKIN	Keep the History	May 22 2021

Dear Committee Members.

My name is Shane Mitchell. I am a 13 year resident of Walkerville. I live and work in Walkerville, my children attend school at King Edward Public School. I have been in the architectural industry for over 17 years specializing in multi-family housing, urban planning and design. In addition, for over 10 years I've been active in our city advocating for good urban planning for over a decade.

Today I am writing to express my enthusiasm and support for the new condominium development on Devonshire Court. This project is the first new development of its kind in decades within our neighbourhood. I must admit, when I first heard about this project I was a little concerned. Too often multi-family infill development projects simply do not "fit" within their host neighbourhoods. That's where this project differs – not only is the development architecturally beautiful, it's clear the designers have carefully considered the urban form and provided us with a very Walkerville appropriate design.

Walkerville has today, and always had a very diverse mix of building types. As we all know, our neighbourhood is composed of a wide variety of housing types, from large single-family estates to modest bungalows and everything in between. Lofts above cafes, duplexes, townhouses, and mid-rise apartment buildings. It is in fact our density and diversity of building types that allows Walkerville be called home for people of all economic classes and walks of life. It is what makes our community one of our regions most walkable, vibrant and beautiful places to live.

This project is the appropriate evolution of our neighbourhood and this type of high-quality building is exactly what we should fight for in our neighbourhood. More often than not, new multi-family developments come in the form of stucco-clad, uninspired housing rectangles flanked by an asphalt sea of front yard parking. Instead, we've been offered something thoughtful and special. Just take a look at the architectural renderings. The façade is stunning, clad in Walkerville's iconic orange clay brick with a glass penthouse. The new condo will be built up to the street to hide the parking lot, refuse bins and all the loading entrances away from view of the street. The scale is appropriate, homes in the area are large 2 ½ storey homes, while the proposal calls for a modest 4 stories.

Some people are saying 4 stories is too high, but those people I ask, why not take a walk around our own community and see for yourself, many of the apartments buildings that we cherish as historically significant are very similar in scale to what is being proposed on Devonshire Ct. Some people think that this land should be reserved only for large single family homes, but in a housing crisis, we simply cannot afford to turn away a project that will add 23 new homes into our community. Some people feel things should stay as they are, but we only need to look around our community to see that cities need to mature, they need to grow.

So my friends and neighbours, I ask you today, don't reject this proposal, we've been offered a development that will contribute to the vibrancy and beauty of our neighbourhood. Infill projects like this means less vacancy, less blight, and less urban sprawl. Infill projects like this means more families choosing to live in our city, it means more customers for the shops and restaurants that line our amazing "main streets", and it means more tax revenue for our city which in turn means lower costs for everyone.

I support this project emphatically and I encourage everyone to do the same!

Thank you.

**Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission**

-----Original Message-----

From: Paula Rankin

Sent: Friday, March 04, 2022 11:13 AM

To: Toldo, Beth <toldob@citywindsor.ca>; Antonio Buttice >; Raymond Colautti <>; Mook Rankin <>; Roger <>

Subject: Beth, Can you please forward my written submission to the Development and Heritage standing committee members including the citizen members Please confirm having received this email. Thank you.

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

We are Rod and Paula Rankin affected by the construction of the oversized, poorly planned condominium. We really cannot believe that we are visiting this again after the exhaustive process in 2016 that brought us to the present zoning. In May of last year, there was an open house where a 100% of the neighbours impacted spoke against the rezoning and the proposed 23 unit, 2 bedroom monstrosity. At that time, Mr Chris Holt said that he would meet with the planners to address the concerns. I want to point out that Mr Holt did not meet with any of the immediate neighbours to address any concerns and when I look at what is still proposed, nothing changed in the planning. WE would ask at this time that the notes and recording of that meeting be sent to all members of the Development and Heritage Standing Committee. It is Tracey Pilon Abs that facilitated the open house and should be required to submit all information.

I know that my wonderful neighbours have submitted and will speak to the many discrepancies with regard to infrastructure, parking, shadowing and building setback to name only a few. We will not repeat but absolutely agree with their assessment and that of the Calhoun Report.

My husband and I want to address the neighbourhood. Our court is small and not prepared for 40+ new vehicles. The alley is narrow and is not suited for the addition of two way traffic that the proposed parking lot would incur. The neighbours who use the alley for access from their garages will bear the brunt of this proposal. Our Court and neighbourhood sees much pedestrian travel with nearby schools, bus stops, markets etc... The alley again where it meets Kildare and Argyle will be a pedestrian nightmare. We also speak to our three children who are legally blind and rely on their hearing to travel safely. We formally ask this committee to require a safety study from Orientation and Mobility experts on the impact that this proposed building will have on the mobility accessibility for those blind in the neighbourhood. Further to this safety study we also ask for the time to undertake Independent Impact Studies to be completed before this committee makes any decisions on rezoning.

Mr Chairperson, We believe that as current neighbours and taxpayers we deserve the results of these studies before any rezoning is considered. We put forward a motion at this time to defer any decision or vote on this rezoning until these reports can be obtained and submitted.

Sincerely,  
Rod and Paula Rankin



**Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission**

-----Original Message-----

From: John Beattie

Sent: March 4, 2022 11:18 AM

To: clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>

Subject: Item 7.4

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

My wife and I are long time residents of Walkerville. We would like it noted we appose the proposed zone changes affecting the Devonshire court properties. Item 7.4

John and Christine Beattie

Sent from my iPhone

**From:** Joe Baker  
**Sent:** Friday, March 4, 2022 3:03 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>  
**Subject:** Development & Heritage Submission

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

**The Development & Heritage Standing Committee - March 7<sup>th</sup> 2022**

**Re: Proposed change to zoning bylaw of housing lots: 1913, 1925, 1949 Devonshire Court**

**Dear members of the Committee:**

Vehicular traffic is a big concern. With 23 units it would be fair to say that somewhere in the 35 to 40 or more vehicles would be added to the neighbourhood by those who lived in these units. Not uncommon for every eligible driver in a unit to have a vehicle. Added to that are visitors who will have to park. And that would fairly translate to a total of adding 50 or more vehicles into the neighbourhood on a daily basis that will directly go with this high density proposal. It goes without saying that such an outcome would be a real downer for the neighbourhood with parking and the increase in traffic flow. And a real downer for things to come to the small community of Walkerville if this kind of thinking is embraced.

Counsellor Holt is an advocate of high-density neighbourhoods – the more apartments there are, the better things will be. But without meaning to put a cannon ball through his concept, his concept, I respectfully submit, is ill-conceived.

- Windsor isn't Europe where most people in those cities, who live in an apartment, don't have a vehicle. They don't need one because their public transportation is superior. And if they do own a vehicle it's going to be a compact. And visitors almost never need a parking spot because they almost never drive when they visit.
- It not only the thing of adding 50 vehicles daily to the neighbourhood, but unlike Europe, most of our vehicles are large: Truck- and Jeep-size which you just don't have in the high density neighbourhoods of Europe.
- And how are these 50 more vehicles going to fit in with the traffic from Tim Hortons that already spews onto the street near the intersection that many pedestrians use?

High density is not the future that Walkerville should pursue for it will sadly lose its luster and become just another also-ran neighbourhood from the gem that it once was - the history that it should be. Look around, see what starts to happen when multi-unit apartments are built in an environment where public transportation is insufficient

**and being without a vehicle is a hardship. The kind of public transport that we have wasn't made for high-density neighbourhoods - and that's the bottom the bottom line.**

**Sincerely,**

**William Baker**



**Committee Matters: SCM 73/2022**

**Subject: OPA & Rezoning – 1741078 Ontario Inc & 115664 Ontario Inc – 4845 Walker Road - OPA 155 OPA/6592 Z-040/21 ZNG/6591 – Ward 9**

Moved by: Member Rondot

Seconded by: Councillor Sleiman

Decision Number: **DHSC 375**

1. THAT Schedule “A” of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.
2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
  - 1.X **Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)**
  - 1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;
  - 1.X.2 Notwithstanding the “Commercial Corridor” designation on Schedule D: Land Use in Volume I: The Primary Plan and the “Business Park” designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, “dwelling units located at grade and/or above commercial uses in a combined use building” and “multiple dwelling” shall be additional permitted uses.
3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:



#### 440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

- a) Main Building Height – maximum 22.4 m
- b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building, dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

- 4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:
  - A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought.
- 5. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
  - A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner
  - B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)
  - C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
  - D. Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
  - E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO

6. THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:

- A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
- B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.

7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Carried.

Report Number: S 23/2022  
Clerk's File: Z/14269 & Z/14268

**Clerk's Note:**

- 1. The recommendation of the Standing Committee and Administration are the same.
- 2. Please refer to Item 7.5. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
- 3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: OPA & Rezoning – 1741078 Ontario Inc & 115664 Ontario Inc –  
4845 Walker Road - OPA 155 OPA/6592 Z-040/21 ZNG/6591 – Ward 9**

**Reference:**

Date to Council: March 7, 2022  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: February 14, 2022  
Clerk's File #: Z/14269 Z/14268

**To:** Mayor and Members of City Council

**Recommendation:**

1. THAT Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.

2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

**1.X Southwest Corner of Walker Road and Ducharme Street  
(4845 Walker Road)**

1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;

1.X.2 Notwithstanding the "Commercial Corridor" designation on Schedule D: Land Use in Volume I: The Primary Plan and the "Business Park" designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, "dwelling units located at grade and/or above commercial uses in a combined use building" and "multiple dwelling" shall be additional permitted uses.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:

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- a) Main Building Height – maximum 22.4 m
- b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building, dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:

- A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought.

5. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:

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- C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
- D. Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
- E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO



6. THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:

- A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
- B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.

7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

### **Executive Summary:**

N/A

### **Background:**

#### **Application Information:**

**Location:** 4845 Walker Road; Southwest corner of Walker Road & Ducharme Street  
Roll No. 070-150-00270

**Ward:** 9      **Planning District:** Roseland      **Zoning District Map:** 13

**Applicant:** 1741078 Ontario Inc & 115664 Ontario Inc (Abdul Karim Habib)

**Agent:** Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

#### **Submitted Documents:**

Applications - Official Plan Amendment & Zoning By-law Amendment

Conceptual Plan (attached as Appendix A)

Geotechnical Report

Grading Site Services Drawing

Noise Impact Study

Parking Study (Revised)

Planning Rational Report (Revised) (attached as Appendix B)

Topographic Survey

Transportation Impact Study (May 2019)

#### **Proposal:**

The applicant is proposing to construct one combined use building with a building height of 22.4 m with 6-storeys and 101 dwelling units and 468 m<sup>2</sup> of commercial gross floor area, and one multiple dwelling with a building height of 22.4 m with 6 storeys and 70 dwelling units, for a total of 171 dwelling units. On-site parking consisting of 213 spaces for the dwelling units and 21 spaces for the commercial GFA, for a total of 234 parking spaces and four loading spaces will be provided. Vehicular access will be from Ducharme Street. Exemption from Interim Control By-law 103/2020 (RICBL) is also requested. Any development is subject to site plan control. A Plan of Condominium may be submitted in the future.

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Commercial Corridor (Schedule D) Business Park (Schedule NR2-7)	Commercial District 2.1 (CD2.1)	Vacant	Vacant
LOT FRONTAGE WALKER RD	LOT FRONTAGE DUCHARME ST	LOT AREA	LOT SHAPE
77.1 m	123.58 m	14,080 m <sup>2</sup>	Irregular
253 ft	405.4 ft	155,555 sq. ft	
All measurements are provided by the applicant and are approximate.			

**Neighbourhood Description:**

The subject parcel is a corner parcel located at the southwest corner of Walker Road and Ducharme. Site images are provided in Appendix C.

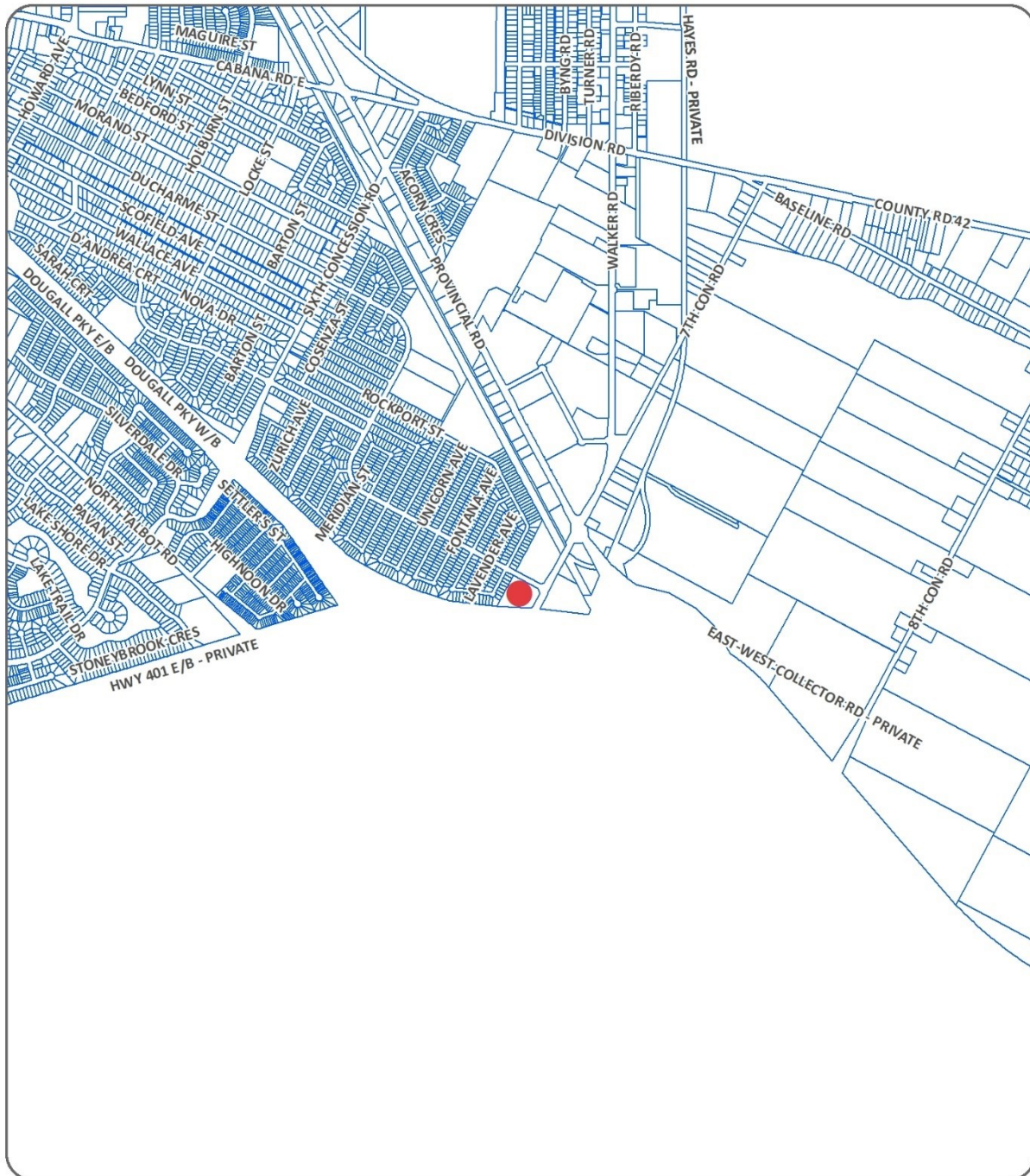
To the north is a parcel where a mixed use development consisting of over 200 dwelling units and ground floor commercial is under construction. Continuing north is a rail corridor which swings to the north, east of Walker Road, a mix of commercial uses along Provincial Road, including big box retail at the northwest corner of Walker and Provincial. To the east are light industrial uses consisting of Pearl D & Sons Produce and Empire Roofing, and the interchange of Provincial Road with Highway 401.

To the south is Highway 401. Continuing south, is the Oldcastle industrial area located in the Town of Tecumseh. To the west is the Walker Gate Estates residential area, consisting of low density housing.

Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Walker Road is a Class II Arterial Road with a five-lane urban cross-section with sidewalks on both sides. Walker Road is a major north-south road that runs from Riverside Drive East to the north and to Harrow (as County Road 11) to the south. Ducharme Street is a Class II Collector with a two-lane cross section with sidewalks planned on both sides and is the primary collector road in Walker Gate Estates. The intersection of Walker Road and Ducharme Street is signalized with left turn lanes on Walker Road. The intersection of Walker Road and Provincial Road to the north is also signalized.

Public Transit is available on Walkerville 8 bus route. The 2019 Transit Master Plan maintains similar access to public transit.

Figure 1: Key Map

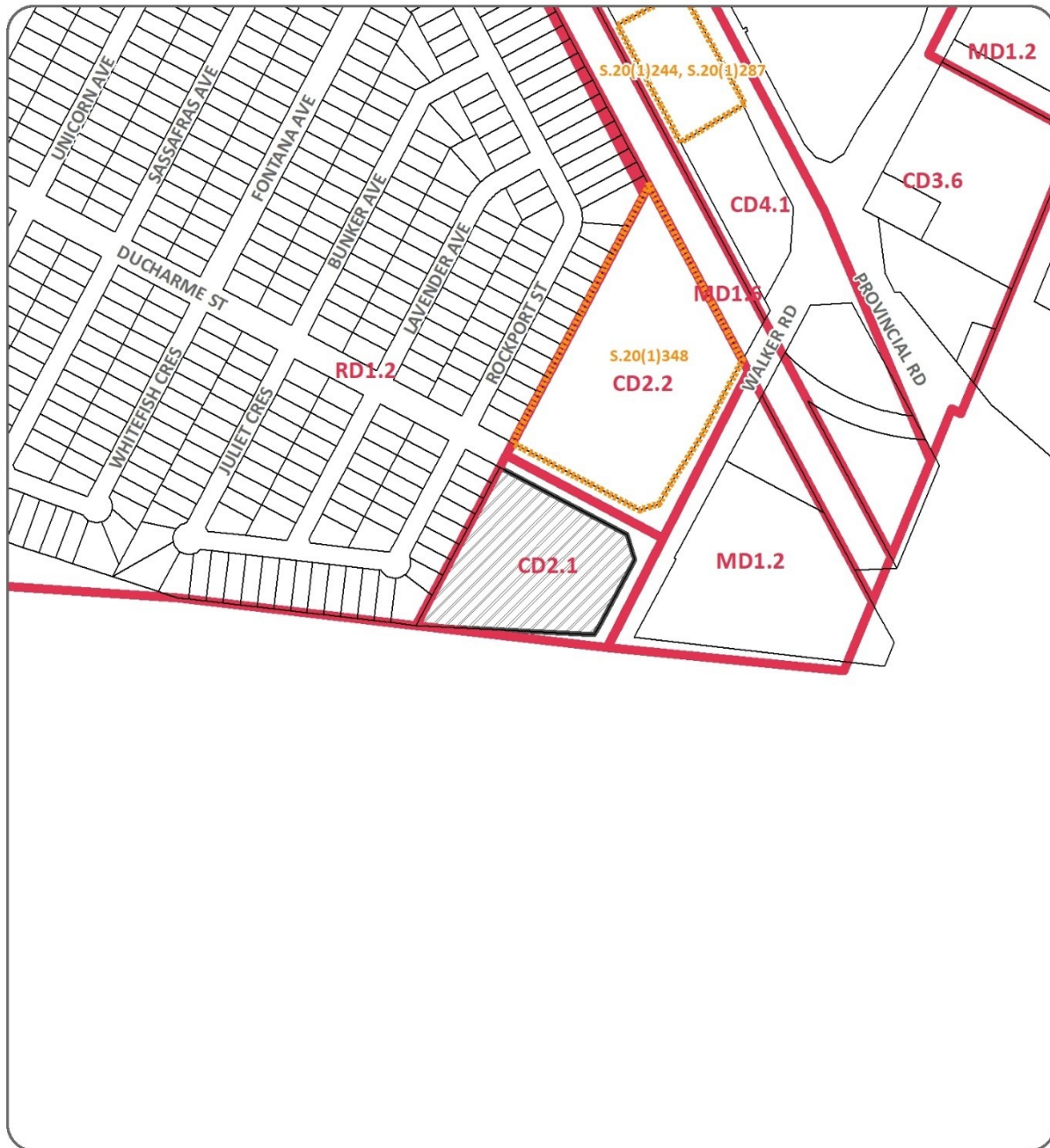


KEY MAP - Z-040/21, ZNG-6591 & OPA 154, OPA-6592



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAP 13

## REZONING

Applicant: 1741078 & 115664 Ontario Inc



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

N.T.S.



DATE : NOVEMBER, 2021  
FILE NO. : Z-040/21, ZNG/6591



**Figure 3: Neighborhood Map**



NEIGHBOURHOOD MAP - Z-040/21, ZNG-6591  
& OPA 154, OPA-6592



SUBJECT LANDS

## **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.

The review of the PPS 2020 applies to both the Official Plan Amendment and the Zoning By-law amendment. Excerpts from the PPS 2020 are contained in Appendix B of the Planning Justification Report submitted by the applicant.

The amendments are consistent with Policy 1.1.1 of the PPS. The requested amendments will allow the proposed uses of “combined use building” and “multiple dwelling” to make use of existing services and infrastructure. The development represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, promotes intensification, achieves a cost-effective development pattern and minimizes land consumption and servicing costs. No servicing issues have been identified. Necessary infrastructure will be available to meet the needs of the proposed development.

The amendments are consistent with PPS Policies 1.1.3.1, 1.1.3.2, and 1.1.3.3. The subject parcel is located within the settlement area. The requested amendments promote a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located or planned adjacent to, or near, the subject lands. The subject location represents an appropriate location for intensification.

The amendments are consistent with PPS Policy 1.4. The proposed development is a form of intensification that will expand the range and mix of housing options in the surrounding area. It will facilitate the municipality’s ability to accommodate residential growth through intensification, will provide a form of housing that is appropriate in terms of range and mix, and will meet the social, health and well being of current and future residents. Appropriate levels of infrastructure, active transportation, and transit are available or will be available.

The amendments to allow the proposed development are consistent with the overall policy direction of the PPS.

The Planning Division generally concurs with the PPS 2020 analysis in section 4.2 of the Planning Rational Report submitted by the Applicant.

### **Official Plan:**

The subject property is designated Commercial Corridor on Schedule D: Land Use in Volume I: The Primary Plan and Business Park on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas. The applicant is requesting an amendment by adding a Special Policy Area to allow residential units in a combined use building and a multiple dwelling as additional permitted uses. Section 4.3 in the Planning Rationale Report submitted by the Applicant contains excerpts from the Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor's residents. Goal 6.1.5 seeks convenient and viable areas for the purchase and sale of goods and services. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Section 6.3 provides policy direction for residential uses. Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

The proposed development will create a diverse neighbourhood that represents an environmentally sustainable development and that will provide housing that is in demand. The addition of residential uses will create a pedestrian orientated cluster of residential, commercial and employment uses. The proposed development represents a complementary and compact form of housing and intensification that is near sources of transportation.

The locational criteria for a residential development require access to an arterial road, be provided with full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. The parcel has access to Walker Road via Ducharme Street. Public transit is available on the Walkerville 8 bus route, full municipal services are available, and parks and schools are located within walking distance.

The proposed commercial uses at the ground floor level are consistent with the existing land use designations.

Road Traffic and Stationary Noise Impact Study notes that noise from multiple transportation sources can be mitigated through the use of appropriate construction materials, through the use of HVAC systems to allow the closure of windows, and with standard warning clauses in the Site Plan Agreement and Offers to Sell and Purchase. Noise impact from stationary sources were determined to be below the noise limits for all façades.

The Servicing Study concludes that the change from commercial to residential will decrease demand on the sanitary sewer system and that the "*proposed development will not adversely affect*" the existing sanitary sewer system. Regarding stormwater management, the Servicing Study further notes that runoff control and storage requirements can be met onsite through appropriate measures such as flow control devices and a dry pond and underground chamber system. Additional review of sanitary and stormwater management will occur during site plan control.

The Transportation Impact Study (TIS) establishes that the existing surrounding road network can accommodate the traffic impacts of the proposed development. The TIS recommends that consideration should be made to introduce railway pre-emption technology at the Walker Road and Ducharme Street traffic signal, linking to the CN Railway crossing. City of Windsor Transportation Planning Services notes that the traffic signal at this intersection is adaptive and will continue to be monitored by Traffic

Operations in consultation with the railway to determine if any changes would be required in the future.

The Ontario Ministry of Transportation (MTO) has no objections in general to the applications. However, it has provided comments regarding the TIS. These comments have been forwarded to the Agent for the Applicant. The development is subject to MTO permits, so any concerns of MTO will be handled through that process.

When Official Plan Amendment 155 is approved, the requested zoning amendment will conform to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan and conform to the general direction of the Official Plan.

The Planning Division generally concurs with the Official Plan analysis in section 5.1.2 of the Planning Rational Report submitted by the Applicant.

### **Zoning By-Law:**

Any reference to storey identifies the number of floors at and above grade in a building. Storey is not a measurement of building height and the number of storeys is subject to change. Per the Building Height definition in Zoning By-law 8600, for a building with a flat roof, building height is the vertical distance in metres between grade and the highest point of the roof.

The parcel is zoned Commercial District 2.1 (CD2.1) which permits a range of commercial uses. Relevant excerpts from Zoning By-law 8600 are attached as Appendix D.

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from CD2.1 to Commercial District 2.2 (CD2.2) and a site specific exception increasing the maximum building height from 14.0 m to 22.4 m and allowing dwelling units at grade in a combined use building. The proposed development complies with all other applicable zoning provisions.

The increase in building height is consistent with the mixed use development approved to the north.

### **Site Plan Control:**

Site Plan Control will be the primary planning tool to implement the policies of the PPS and the Official Plan, the provisions of Zoning By-law 8600, and the requirements and recommendations of municipal departments and external agencies. Recommendations 4 to 7 provide additional direction to the Site Plan Approval Officer.

### **Interim Control By-law 103-2020 (RICBL):**

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. The criteria below are used to evaluate the exemption:

**Consistency with the Official Plan** – Whether the proposed development is consistent with the land use designation and general policy direction of the Official Plan. Once the Special Policy Area is in force, the proposed development will be consistent with the Official Plan.



**Compliance with the Zoning By-law** – Whether the proposed development is a permitted use and complies with the provisions. Other than an increase in the main building height, the proposed development will comply with the provisions of the Commercial District 2.2 zoning. Once the amending by-law is in force, the proposed development will comply with Zoning By-law 8600.

**Distance to Nearby Services and Amenities** – Whether residents have access to services and amenities such as a grocery store, a community or recreational facility, or other uses that meet their daily needs within a 1 km or less walk. Numerous services and amenities are located within a 1 km walk of the proposed development.

**Distance to Public Transit** – Whether residents have access to current and future public transit within an approximate 1 km or less walk. Transit Windsor operates a bus route on Walker Road and Ducharme Street, with bus stops adjacent to the proposed development.

**Potential impact on the Land Use Study** – This criterion considers if approval of the exemption may prejudice the Land Use Study. Typically, if the proposed development is consistent with the Official Plan, complies with the Zoning By-law, is within an acceptable distance of nearby services and amenities, and is, or will be, within an acceptable distance of public transit, there should be no impact on the Land Use Study. The proposed development will be consistent with the Official Plan, will comply to Zoning By-law 8600, and is within an acceptable distance of services, amenities, and public transit. The proposed development will not prejudice the Land Use Study.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should Council approve these applications and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

### **Risk Analysis:**

N/A

### **Climate Change Risks**

#### **Climate Change Mitigation:**

In general, intensification and a broader mix of uses will minimize the impacts on 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 development will provide opportunities to increase resiliency for the development and surrounding area, including improved stormwater management.

### **Financial Matters:**

N/A

## **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix E. The various requirements of municipal departments and external agencies will be considered and/or incorporated during the Site Plan review process.

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 lands.

## **Conclusion:**

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 requested official plan and zoning amendments have been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, it is my opinion that the requested amendment to the City of Windsor Official Plan, to add a Special Policy Area to allow a dwelling units in a combined use building and a multiple dwelling, is consistent with the PPS 2020 and is in general conformity with the City of Windsor Official Plan.

The requested amendment to Zoning By-law is consistent with the PPS 2020 and will be in conformity with the City of Windsor Official Plan when OPA 155 is approved.

The proposed site specific exception will permit uses – dwelling units in a combined use building and a multiple dwelling - that are compatible with existing and permitted uses in the surrounding neighbourhood. Site plan control is the appropriate tool to incorporate the requirements of municipal departments and external agencies. The development is also subject to MTO permits.

The proposed Combined Use Building and Multiple Dwelling provide additional housing choice in an area dominated by single detached dwellings. The proposed development is consistent with the development currently underway at the northwest corner of Walker and Ducharme, for which Council approved amendments to the Official Plan (OPA 112) and Zoning By-law 8600 (Z-004/18 ZNG/5405).

The recommendations to amend the Official Plan and Zoning By-law 8600 constitute good planning.

## **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:

SAH                      JR

**Approvals:**

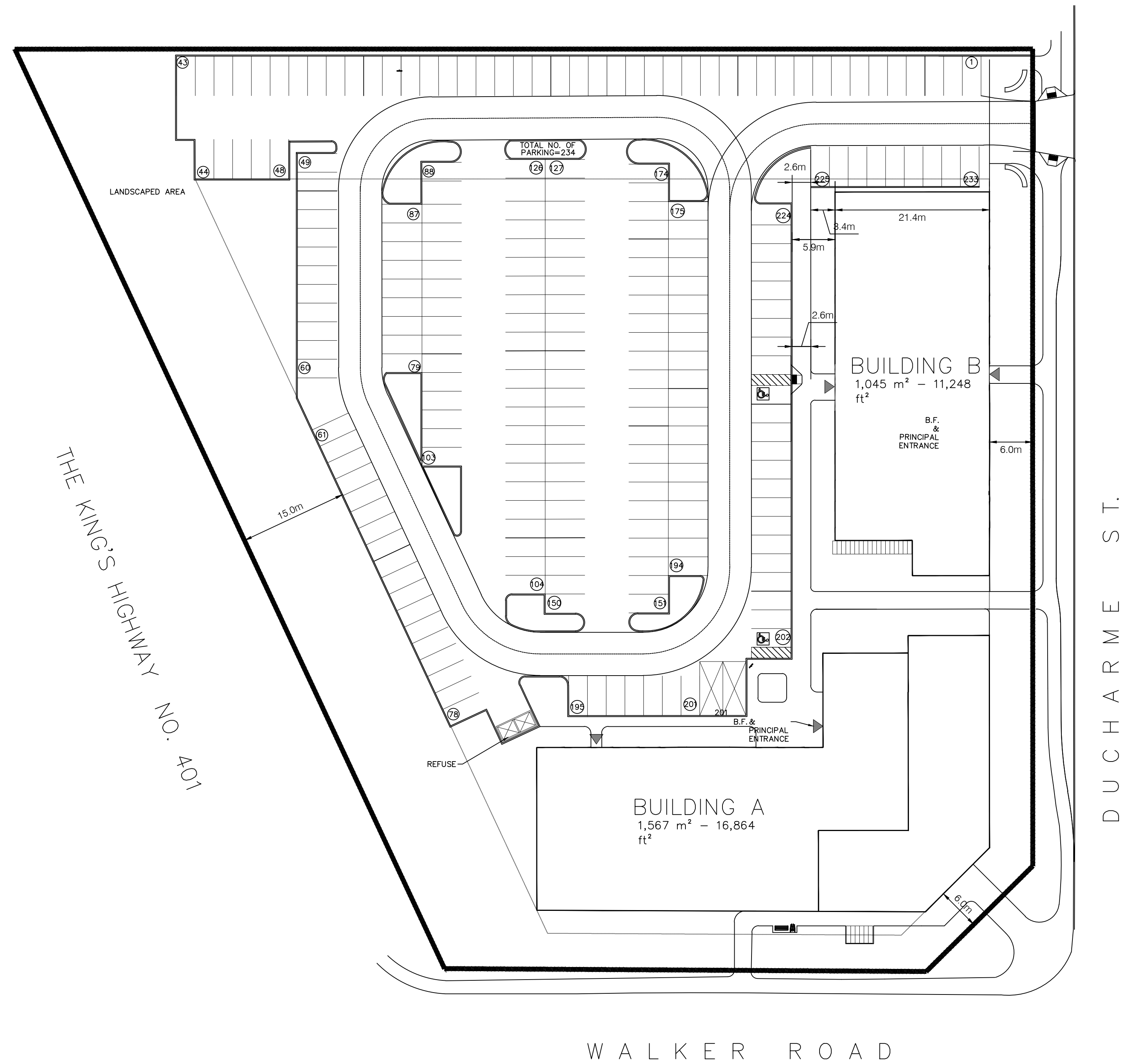
<b>Name</b>	<b>Title</b>
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Abdul Karim Habib 1741078 Ontario Inc & 1156664 Ontario Inc.	4521 Southwood Lakes Blvd Windsor ON N9G 2M6	abdulhabib@msn.com
Pillon Abbs Inc. Tracey Pillon-Abbs	23699 Prince Albert Road Chatham ON N7M 5J7	tpillonabbs@gmail.com
Councillor Kieran McKenzie		kmckenzie@citywindsor.ca
Director Legislative Services & Clerk, Town of Tecumseh	917 Lesperance Rd. Tecumseh, ON N8N 1W9	
Property owners and tenants within 120 m of the subject lands		

**Appendices:**

- 1 Appendix A - Conceptual Site Plan Revised
- 2 Appendix B - Planning Rationale Report
- 3 Appendix C - Site Images
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Results of Circulation



NOTES:

THIS SITE PLAN IS BASED ON THE DRAFT  
PLAN OF CONDOMINIUM PROVIDED BY  
VSHBB INC. DATED: ----

ALL DRIVEWAY APPROACH SHALL BE  
CONSTRUCTED WITH ACCORDANCE WITH  
CITY OF WINDSOR STANDARD ENGINEERING  
DRAWING AS-204

BUILDINGS ARE SPRINKLED AND PROVIDED WITH STAND PIPES.

ALL BUILDINGS AND STRUCTURES SHALL COMPLY WITH THE NOISE ATTENUATION MEASURES RECOMMENDED THROUGH THE NOISE STUDY DATED OCTOBER-27-2017 PREPARED BY THE CONSULTANT.

	BUILDING A	BUILDING B	
LEVEL 1	11	10	
LEVEL 2	18	12	
LEVEL 3	18	12	
LEVEL 4	18	12	
LEVEL 5	18	12	
LEVEL 6	18	12	
TOTAL NUMBER OF UNITS PER BUILDING	101	70	
TOTAL NUMBER OF DWELING UNITS		171	



# **CASTLE GATE TOWERS SOUTH**

## **PLANNING RATIONALE REPORT**

Application of Official Plan and Zoning By-Law  
Amendments

**4845 Walker Road, City of Windsor  
Windsor, Ontario**

**January 24, 2022**

**Prepared by:**



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## FIGURES

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FIGURE 2	PROPERTY FEATURES
FIGURE 3	SURROUNDING LAND USE
FIGURE 4	EXISTING OFFICIAL PLAN
FIGURE 5	EXISTING ZONING
FIGURE 6	CONCEPT PLAN

## 1.0 INTRODUCTION

Pillon Abbs Inc. has been retained by the applicant, 1741078 Ontario Inc. and 115664 Ontario Inc. (Castle Gate Towers South), to provide a land use Planning Rationale Report (PRR) in support of a proposed mixed-use development located at 4845 Walker Road (herein the “Site”) in the City of Windsor, Ontario.

The purpose of this report is to provide background and planning analysis in support of the applications. The report provides an overview of the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications and considers applicable documents, including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

The Site subject to the OPA and ZBA applications is located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401 and locally known as 4845 Walker Road. The legal description is Concession 6; Part Lot 13; Registered Plan 12R-17667, in the City of Windsor, Windsor, Ontario. **Refer to Figure 1 – Location Map.**



**Figure 1 – Location Map**

4845 Walker Road, Windsor, Ontario

3



## 2.0 PURPOSE OF THE APPLICATIONS

The purpose of the OPA and ZBA application is to support the development of

On-site parking is provided. A total of 213 spaces are provided for the proposed residential use, and 21 spaces are provided for the proposed commercial use.

Specifically, the amendments seek to:

1. Re-designate the Site in the OP from “Commercial Corridor” (OPA #32) to a “Site Specific Commercial Corridor” policy, which is located on Schedule D: Land Use, in order to permit a combined use building with commercial on the main floor and residential above and a multiple dwelling, and
2. Re-zone the Site in the ZBL from “Commercial District 2.1 (CD2.1)” category to a “Site Specific Commercial District 2.2 (CD2.2 - S.20(1)(XXX))” category, which is located on Map 13. A multiple dwelling is requested to be permitted as an additional use. Relief is also requested for the following:

a) *Increase the maximum building height from the required 14 m to 22.4 m.*

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

### 3.0 BACKGROUND AND NEED

The Site consists of a total area of approximately 14,105 m<sup>2</sup> located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401.

The Site is currently vacant and is recognized and supported by the City of Windsor as an established settlement area.

The Site was previously developed with a farmhouse and associated agriculture as the prior use.

A previous OPA (#32) was approved for the Site, which received approval on April 24, 2003. The OPA changed the Site from “Business Park” to “Commercial Corridor” designation.

There is a recognized need for additional residential units and commercial gross floor area.

The *Planning Act* requires that the applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements. As part of a public consultation strategy, the applicant proposes the required public meeting.

## 4.0 PLANNING ANALYSIS

Within the context of the OPA and the ZBA applications, a comprehensive planning evaluation was undertaken consisting of the following:

- Surrounding land uses;
- Provincial and Municipal planning documents;
- Land use compatibility;
- Geotechnical investigation;
- Noise assessment;
- Servicing and storm water management;
- Traffic impact assessment; and
- Parking Justification Report.

### 4.1 Site and Surrounding Land Uses

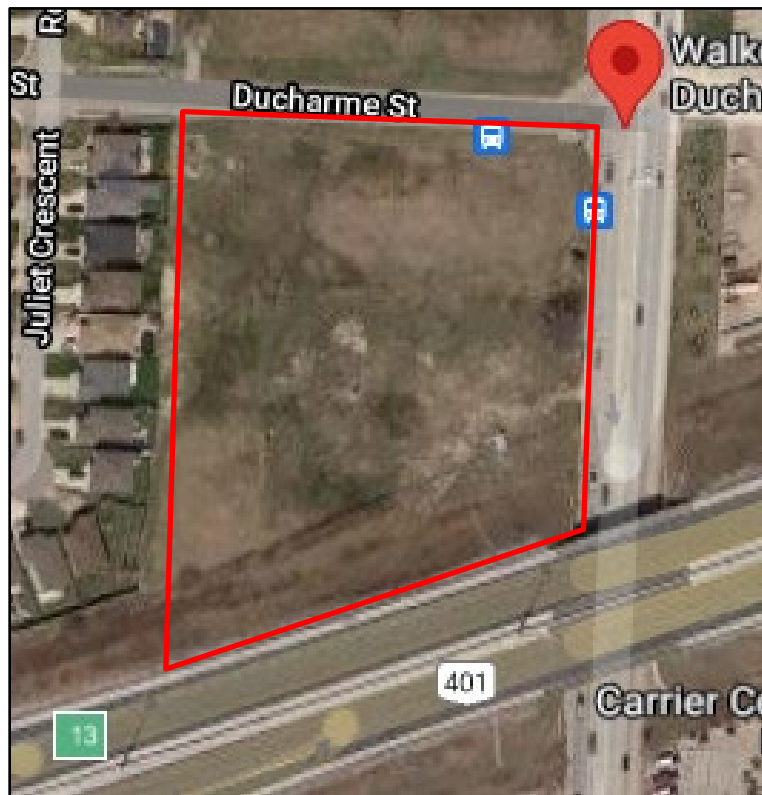
#### The Site

The Site consists of a total area of 14,105 m<sup>2</sup> located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401.

The Site is currently vacant and is recognized and supported by the City of Windsor as an established settlement area.

The Site is level and is outside the regulated area of the Essex Region Conservation Authority (ERCA). There is no vegetation on the Site.

The property has access to municipal transit, water, storm, and sanitary services. There are several schools, places of worship and parks nearby. **Figure 2 – Property Features.**



**Figure 2 – Property Features**

### Surrounding Land Uses

The following surrounding land uses are located near the Site:

- To the South: Hwy 401.
- To the East: Industrial uses.
- To the North: Proposed mixed-use development.
- To the West: Residential uses.

Refer to **Figure 3 – Surrounding Land Use** for the specific locations.





**Figure 3 – Surrounding Land Use**

4845 Walker Road, Windsor, Ontario

## 4.2 Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS), 2020 provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion</p>	<p>The proposed development is consistent with the policy to build strong healthy and livable communities as it provides for employment opportunities and a new affordable housing choice.</p> <p>There are no environmental or public health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion of the settlement area as it is considered infilling.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p>

PPS Policy #	Policy	Response
	<p>of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p>	<p>Public service facilities are available, such as local schools and transit.</p> <p>The development pattern is proposed to be an efficient use of the vacant property.</p> <p>The proposed development provides a buffer/transition between the existing residences and the proposed commercial along Walker Road.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as the proposal is within an existing settlement area.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>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;</p> <p>c) minimize negative impacts to air quality and climate</p>	<p>The total density of the proposed development is considered appropriate as most of the existing area is a mix of uses.</p> <p>Walker Road is an arterial road in the City of Windsor and provides for a high volume of car, pedestrian and bike traffic.</p> <p>The Site offers an opportunity for intensification by creating a new mixed-use building using the vacant property.</p> <p>The design and style of the building will blend well with</p>

PPS Policy #	Policy	Response
	<p>change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>	<p>the scale and massing of the existing surrounding area.</p> <p>Residents will have immediate access to shopping, employment, trails, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area. Bike parking will be provided on-site.</p> <p>There are sidewalks along Walker Road to connect to Provincial Road.</p> <p>The Site is located close to major roadways. Walker Road provides direct access to Hwy 401, which is a controlled access highway.</p>
1.1.3.3	<p>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.</p>	<p>The development is a Site that is physically suitable as it pertains to size and location.</p> <p>The intensification can be accommodated for the proposed mixed-use development as it is an appropriate use of a vacant parcel of land.</p> <p>The Site is level which is conducive to easy vehicular movements.</p> <p>Parking will be provided on-site including space designated for visitors. Releid is requested. A Parking Justification Report</p>



PPS Policy #	Policy	Response
		has been completed. Bicycle parking is also provided.
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	The proposed mixed-use building will be built with a high standard of construction, allowing seamless integration with the existing area.  There will be no risks to the public.
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.	The proposed development is located within the settlement area.  The proposed buildings do have a compact built form with a mix of commercial and residential uses.  Parking will be located on-site. Relief for parking is not required. A Parking Justification Report has been completed.
1.2.6 - Compatibility	.....sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate and potential adverse effects.....	A noise assessment has been completed.  It was concluded that the proposed development could, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.
1.3.1 - Employment	Planning authorities shall promote economic	The proposed development offers commercial retail space, which will help

PPS Policy #	Policy	Response
	development and competitiveness.....	provide employment opportunities.
1.4.1	<p>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:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will provide for a mixed-use opportunity in the existing built-up area.</p> <p>Municipal services are available. A Servicing Study concluded that the proposed development would not adversely impact the existing infrastructure.</p>
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	The proposed density will have a positive impact on the area as it will blend well with the existing built form.

PPS Policy #	Policy	Response
	current and future residents of the regional market area.	The Site is close to nearby community amenities.  There is suitable infrastructure.
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	The development can proceed on full municipal services.  Electrical distribution will be determined through detailed design.  Access to public transit is available.
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.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.
1.6.6.7	Planning for stormwater management shall:  a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;	A servicing study has been completed and concluded that the proposed development would not adversely impact the existing infrastructure.  There will be no negative impacts on the municipal

PPS Policy #	Policy	Response
	<p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	<p>system and will not add to the capacity in a significant way.</p> <p>The Site provides for drainage.</p> <p>There will be no risk to health and safety.</p>
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>A TIS has been completed noting no negative impact anticipated.</p> <p>The subject property is serviced by an efficient network of roadways.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand</p>	<p>The proposed development contributes to the City's requirements for development within a built-up area.</p>



PPS Policy #	Policy	Response
	management strategies, where feasible.	The area is serviced by transit.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	<p>The proposed development contributes to the City's requirement for infilling within a built-up area.</p> <p>The proposed density, scale, and building height will blend with the existing land use pattern.</p> <p>The proposed development will provide a buffer/transition between the existing neighbourhood and Walker Road.</p>
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	A servicing study has been prepared in support of the proposed development. The study concluded that the proposed development would not adversely impact the existing infrastructure.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	<p>A noise assessment has been completed.</p> <p>There are no natural or human-made hazards.</p>

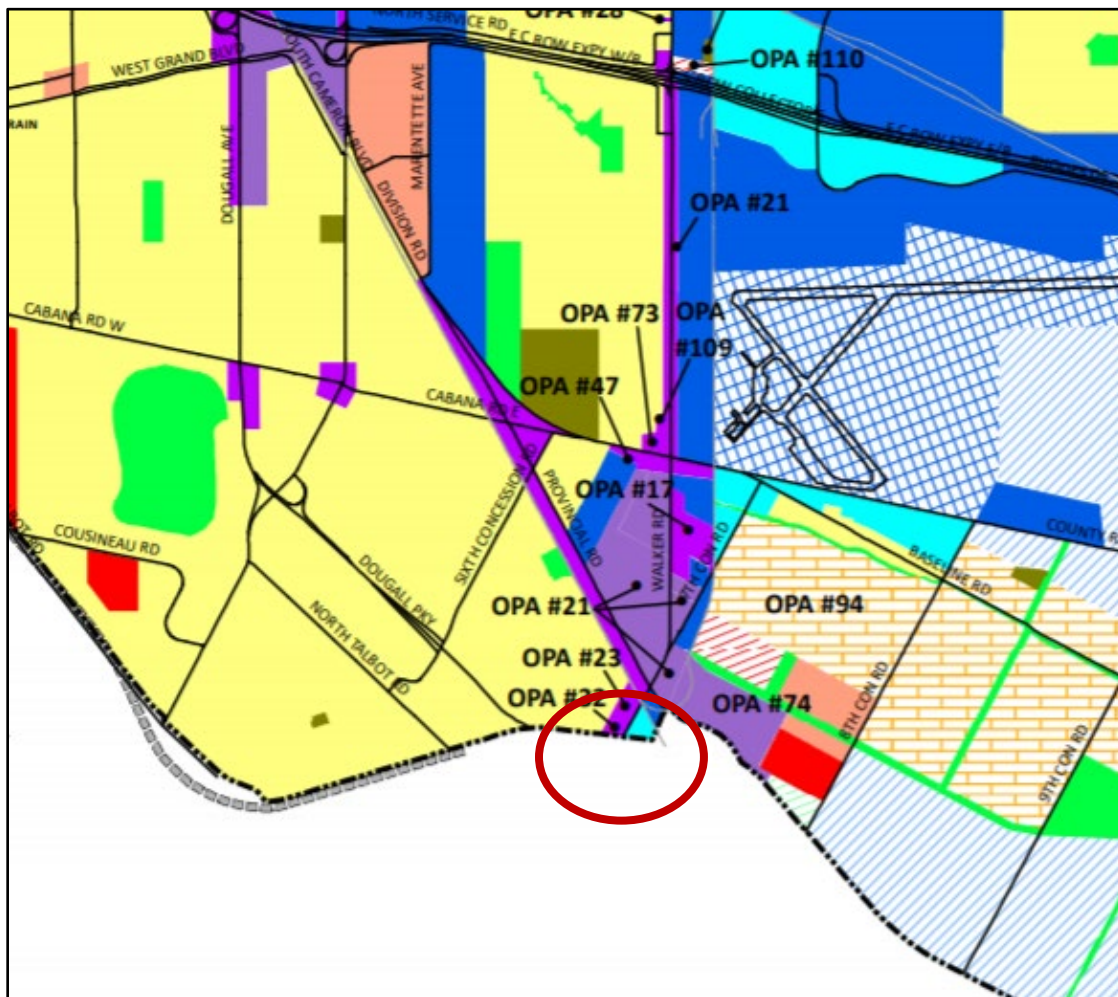
Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

### 4.3 Official Plan (OP)

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000, and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The Site is designated “Commercial Corridor” according to Schedule “D” Land Use attached to the OP for the City of Windsor. **Figure 4 – Existing Official Plan Amendment.**



**Figure 4 – Existing Official Plan Amendment**

It is proposed to re-designate the Site to a site specific “Commercial Corridor” policy in order to permit a combined use building with commercial on the main floor and residential above and a multiple dwelling.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2.1.2	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.	<p>The proposed development supports one of the City’s overall development strategies of providing for a range of housing choices.</p> <p>The requested OPA and ZBA will allow for the addition of residential land use on the Site, which will create a mixed-use development.</p> <p>The two 6-storey buildings will provide a transition between the single detached dwellings and Walker Road.</p> <p>The mixed-use development will provide for an alternative housing choice as well as a new commercial facility.</p>
3.3.2.1 (Development Strategies)	City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. City corridors radiate from these Centres following numerous high frequency transit corridors. City corridors connect to Regional Commercial Centres along selected arterial roads but do not extend as far outward or as numerous as corridors connected to the City Centre. These corridors are intended to provide services for those	<p>The proposed residential and commercial mixed use development will have access to major roadways.</p> <p>The proposed commercial uses will be located close to the corner of the Site where there is exposure.</p> <p>Loading spaces are provided on-site.</p>

OP Policy #	Policy	Response
	living in close proximity to the area but also those who may arrive by transit, bicycle and by car.	
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	<p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities, and parks/trails.</p>
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.	The proposed development supports the policy set out in the OP as it is suited for the residential and commercial needs of the City.
6.5.3.1 (Commercial Corridor Policies)	Uses permitted in the Commercial Corridor land use designation are primarily retail, wholesale store and service oriented uses and, to a lesser extent, office uses.	The proposed development will include main floor commercial and residential uses.
6.5.3.3	<p>Council will encourage Commercial Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Commercial Corridor shall be:</p> <p>(a) no more than two storeys in height, except on lands</p>	<p>The proposed development will face Walker Road.</p> <p>The proposed development provides a buffer/transition between the existing residences and the proposed commercial along Walker Road.</p>



OP Policy #	Policy	Response
	<p>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</p> <p>(b) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.</p>	<p>The development will be brought to the edge of the municipal space.</p> <p>The abutting road is a collector road.</p> <p>On-site parking will be provided. Relief is not being requested. A Parking Justification Report has been completed.</p>
6.5.3.4	Council shall promote the infilling and consolidation of existing Commercial Corridors.	The proposal represents good planning as it addresses the need for the City of Windsor to provide infilling development, which contributes to affordability and intensification requirements set out in the PPS and the OP.
6.5.3.7 (Evaluation Criteria)	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed commercial development is:</p> <p>(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:</p> <p>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;</p> <p>(ii) within a site of potential or known contamination;</p> <p>(iii) where traffic generation and distribution is a provincial or municipal concern; and</p>	<p>There are no development constraints identified.</p> <p>There is no known contamination, as set out in the geotechnical investigations.</p> <p>A traffic assessment was completed, and no mitigation measures were required.</p> <p>A noise assessment was prepared for this Site to address sensitive land uses. Recommendations were made to provide mitigation measures.</p>

OP Policy #	Policy	Response
	(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;	There are no secondary plans that impact this Site.
	(c) capable of being provided with full municipal physical services and emergency services;	A servicing study has been prepared and concluded that the proposed development would not adversely impact the existing infrastructure.
	(e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and	<p>The Site offers an opportunity for intensification by creating a new mixed-use building using the vacant property.</p> <p>The design and style of the building will blend well with the scale and massing of the existing surrounding area.</p> <p>The proposed building will not negatively impact the private use and enjoyment of area residents.</p> <p>Parking will be located back from the street screened by the proposed buildings.</p>
	(f) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).	No market assessment was required as the proposed commercial use in small scale and is permitted in the proposed site specific CD2.2 zone category.
6.5.3.8 (Design Guideline)	The following guidelines shall be considered when evaluating the proposed design of a Commercial Corridor development:	<p>The proposed development will be constructed to be attractive and functional.</p> <p>The Site will be professionally landscaped and buffered.</p>

OP Policy #	Policy	Response
	<p>(a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;</p> <p>(b) the provision of appropriate landscaping or other buffers to enhance:</p> <p>(i) all parking lots, and outdoor loading and service areas; and</p> <p>(ii) the separation between the use and adjacent sensitive uses, where appropriate;</p> <p>(c) as a general rule, the height of buildings are consistent with the height of buildings which characterize the Commercial Corridor. Where Council deems it desirable that higher profile development be permitted in an existing Commercial Corridor, the development should be built at a human scale by utilizing one or both of the following measures:</p> <p>(i) treatment of the lower floors of building(s) to provide continuity; and/or</p> <p>(ii) setting back the upper floors of building(s) from the street to avoid overpowering effects at-grade;</p> <p>(d) where possible, parking is located in the rear of the property to encourage continuous building facades adjacent to the street; and</p> <p>(e) measures are taken in site design which provide for ease of access for pedestrians between the public sidewalk</p>	<p>The Site will be pedestrian friendly with a welcoming public space.</p> <p>Relief for parking is not being requested. Extra bike parking will be provided. The Site is close to transit. A Parking Justification Report has been completed.</p> <p>Height will be limited to 6-storeys in order to blend with the surrounding neighbourhood. Relief is requested from the required 14 m to 22.4 m.</p> <p>The building will provide for street level access, front and rear access and welcoming public spaces.</p> <p>The design and placement of the mixed-use building will support the design guidelines of the OP.</p>

OP Policy #	Policy	Response
	and building main entrances in a manner which is distinguishable from access provided for vehicles.	
7.0	The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.	The proposed development is close to nearby transit, off a major roadway and has access to full municipal services.

Therefore, the proposed development conforms to the City of Windsor OP with the proposed site specific amendment.

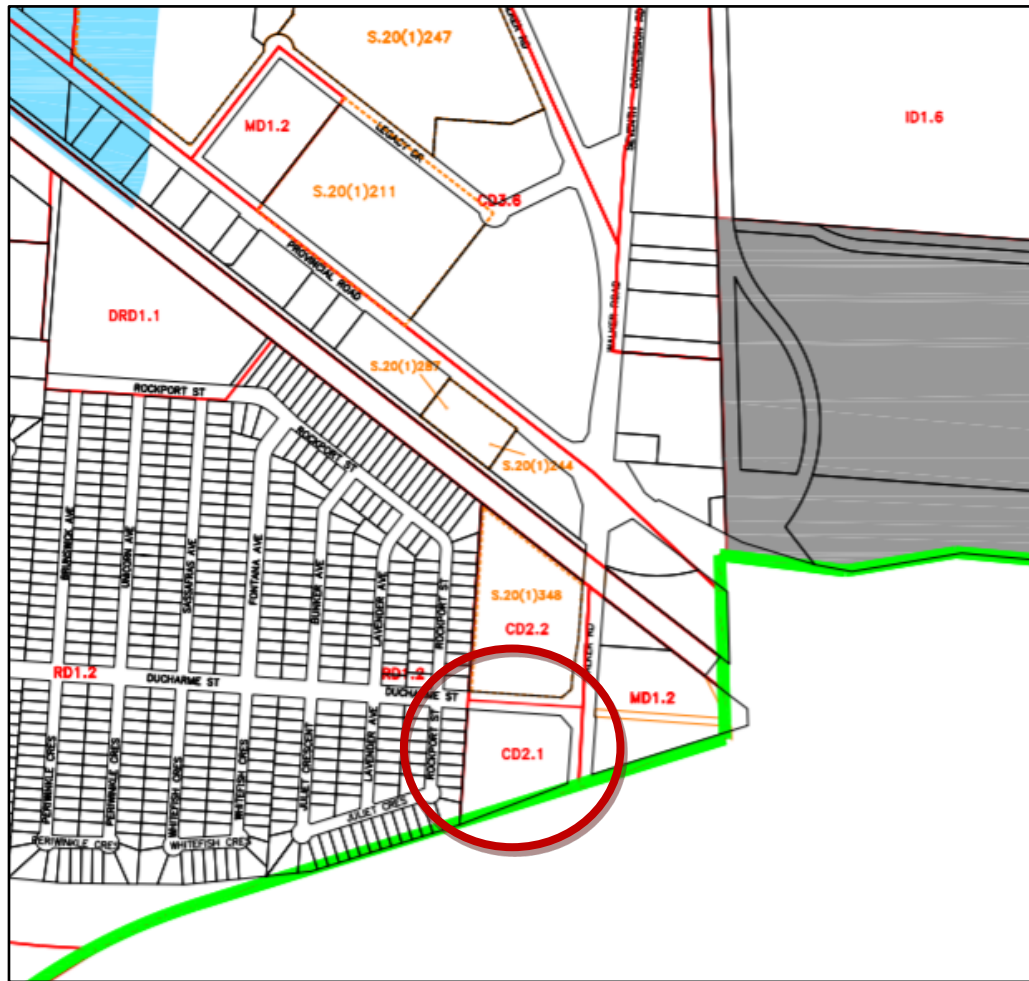
## 4.4 Zoning By-law (ZBL)

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 13 attached to the ZBL the Site is currently zoned Commercial District 2.1 (CD2.1). Refer to **Figure 5 – Existing Zoning**.





**Figure 5 – Existing Zoning**

A site specific ZBA is required for the proposed development. The zoning for the Site is proposed to be changed to a site specific Commercial District 2.2 (CD2.2 - S.20(1)(XXX)) category as shown on Map 13 of the City ZBL.

Permitted uses in the CD2.2 include combined use buildings with any one or more of the commercial uses identified.

*“COMBINED USE BUILDING means a building having, as main uses, at least one dwelling unit and at least one non-residential use. If a Combined use Building is occupied in part by a Minor Commercial Centre or a Major Commercial Centre, the total required number of parking spaces is the sum of the required number of parking spaces for each Dwelling Unit and for the Minor Commercial Centre of a Major Commercial Centre.”*

It is proposed to add the proposed residential dwelling as a permitted use in the form of a multiple 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.”*

A review of the CD2.2 zone provisions, as set out in Section 15.2 of the ZBL is as follows:

Zone Regulations	Required CD2.2 Zone	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses	Dwelling Units in a Combined Use Building with any one or more of the permitted uses (listed in 15.2.1 of the zoning bylaw)	One 6-storey combined use building  One 6-storey multiple dwelling	Will comply, subject to the ZBA applications.  A multiple dwelling is requested to be permitted as an additional use.
Maximum Building Height	14 m	22.4 m	Relief required. A total is 10.4 m is requested.  The Site is suitable for the proposed density.  Appropriate buffering has been included in the concept plan, including keeping the proposed building close to the roadway and set back

			from abutting residential uses.
Minimum Amenity Areas – per dwelling unit	12 m2 per unit (12 x 171 = 2,052 m2)	5,557 m2	Complies.
Gross Floor Area – maximum per unit Bakery or Confectionary	550.0 m2	468 m2	Complies.
Other	For a Combined Use Building, all dwelling units, not including entrances thereto, shall be located above the non-residential uses.	One 6-storey combined use building with commercial on the main floor.	Combined use building complies.  Multiple dwelling proposed is subject to the ZBA application.
Parking Spaces Required	<p><b>Combined Use Building, Dwelling Units and Multiple Dwellings – 1.25 for each dwelling unit:</b></p> <p>213 parking spaces required (1.25 x 171 = 213.75 parking spaces, rounded down 213)</p> <p><b>Retail:</b></p> <p>1 for each 22.5 m<sup>2</sup> GFA:</p> <p>20 parking spaces required, based on 468 m2 (20.8 parking spaces rounded down, 20)</p>	<p>213 residential parking spaces provided</p> <p>21 commercial parking spaces provided</p>	<p>Residential and commercial parking complies.</p> <p>A total of 234 parking spaces are provided.</p>

Visitor Parking – minimum (24.22.1)	15 percent of parking spaces marked  = 31.95 parking spaces (based on 213 residential parking spaces, rounded down 31)	35	Complies.
Accessible Parking Spaces Required – Minimum (24.24.1)	For 201-1000 total number of Parking Spaces  Type B - 1 space plus 1 percent of parking spaces:	25 spaces provided	Complies
Bicycle Parking – minimum (24.30.1)	2 for the first 19 spaces plus 1 for each additional 20 parking spaces:  $25 = 1 + 0.04 \times 234$ spaces required	30 spaces provided	Complies.
Loading - minimum (24.40.3)	= 3 residential  = 1 commercial	4 spaces provided	Complies.

Therefore, the proposed development will comply with all zone provisions set out in the CD2.2 Zone except for the following, which requires relief:

- a) Increase the maximum building height from the required 14 m to 22.4 m.*

## 4.5 Land Use Compatibility

The compatibility of land uses is an important and accepted principle of good land use planning. Although commonly used, there is no one widely accepted definition for “land use compatibility”. For the purpose of this review, the compatibility of land uses will be determined on the negative impact a use, activity or facility will have on another land use. The term negative impact is often characterized as having an “adverse effect” which may include but not limited to:

- Damage to property;
- Harm or discomfort to any person;

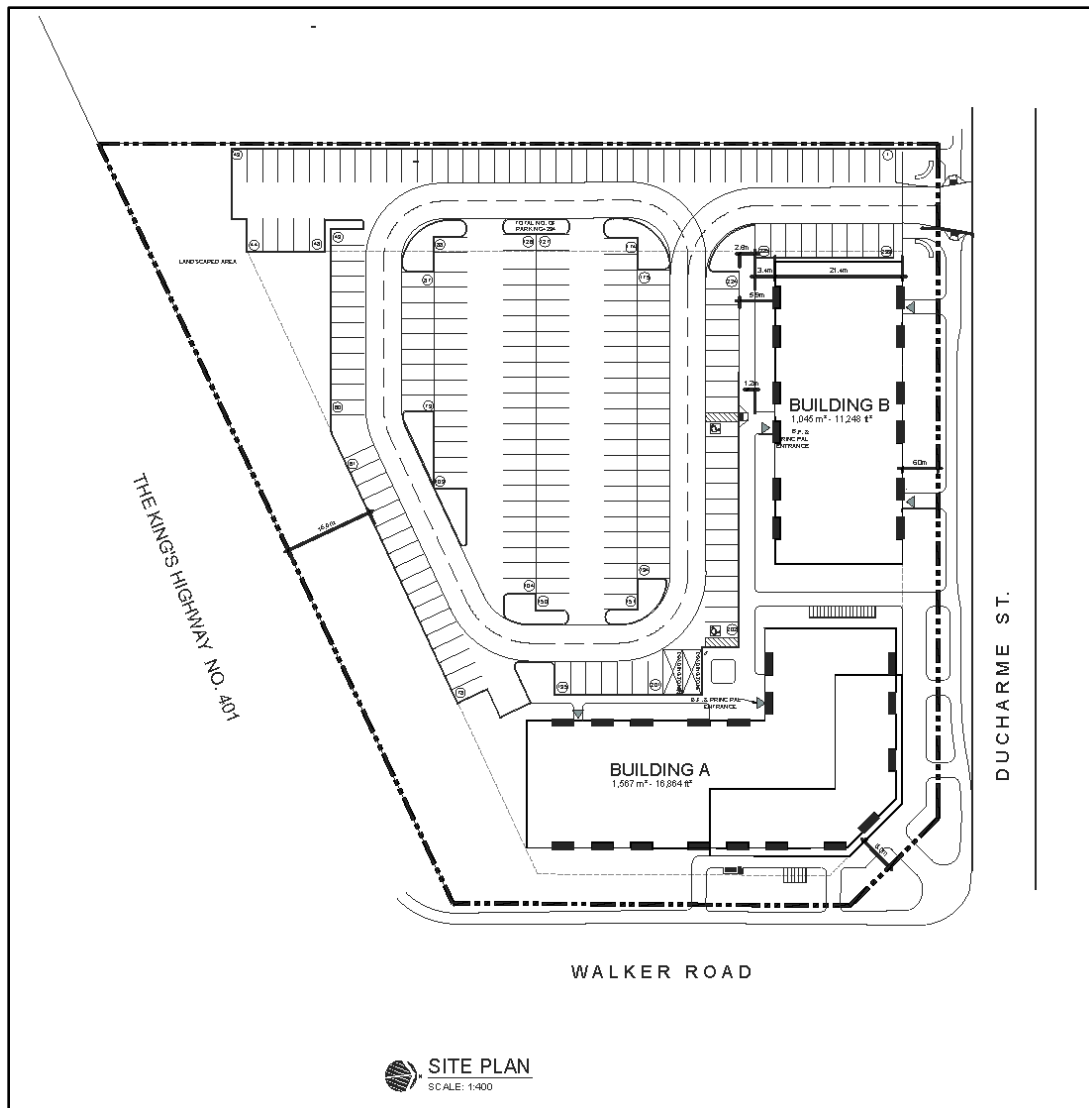


- Loss of enjoyment of normal use of property; and
- Interference with the normal conduct of business.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.

The proposed development will be limited to a two 6-storey, medium profile neighbourhood development, which is a compatible density with the surrounding area.

The Site can accommodate the proposed development in terms of scale, massing, height and siting. On-site parking and landscaping will be provided. Refer to **Figure 6 – Concept Plan**.



**Figure 6 – Concept Plan**

## 4.6 Traffic

A Traffic Impact Study (TIS) was prepared by Dillon Consulting, dated May 2019.

The study was completed to determine the existing and future operating conditions of intersections, traffic volumes and individual turning movements.

It should be noted that the TIS was for a conceptual development of three (3) buildings with approximately 276 residential units and over 1,000 m<sup>2</sup> of GFA. The current proposal is much smaller in size.

It is concluded that all intersections within the study area currently operate at a reasonable level of service. No mitigation or signal calming changes have been identified for any of the study area intersections in order to accommodate the background traffic growth and new trips generated by the proposed development.

Further, sight distance requirements for this new access were reviewed and found to be acceptable and in accordance with current guidelines.

The following are recommendations/considerations:

- The proposed access to Ducharme Street should be centered with the proposed access found on the north side of Ducharme Street; and
- If not already present, consider introducing railway pre-emption technology at the Walker Road and Ducharme Street traffic signal due to southbound queues being forecast to extend up to and across CN Railway crossing.

## **4.7 Environmental**

A Geotechnical Report has been prepared by CT Soils and Materials Engineering Inc, Consulting Engineers, dated June 15, 2005.

The geotechnical investigation was completed to determine relevant subsurface conditions at select test hole locations and to provide geotechnical recommendations for the building and pavement design of the proposed development.

The study provided recommendations for construction techniques.

## **4.8 Noise**

A Road Traffic and Stationary Noise Impact Study was prepared by JJ Acoustic Engineering Ltd., dated January 14, 2021.

The study was based on road traffic noise and neighbouring buildings.

The report concluded that the potential for environmental noise impact from road traffic noise is significant. Mitigation measures are required and included 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.

It was concluded that the proposed development can, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.

## **4.9 Servicing**

A Servicing Study was prepared by Haddad Morgan & Associates Ltd, Consulting Engineers, dated April 23, 2020.

The study provided a review and identified servicing requirements for the proposed development.

The study concluded that the proposed development will not adversely impact the existing infrastructure.

## **4.10 Parking**

A Parking Justification Report was prepared by BairdAE, dated January 24, 2022.

The purpose of the study was to determine the adequacy of the proposed parking supply to meet the demand of the proposed mix-use development.

Originally, relief for parking was anticipated; however, the report has re-looked at the parking area layout and confirmed that the required parking could be provided, including visitor, barrier-free, bicycle, and loading spaces.

The report concluded that the proposed development would not adversely impact the neighboring street parking and that parking spaces are satisfactory.



## 5.0 CONCLUSION

The applicant intends to develop the Site for commercial and residential uses. Amendments to the City of Windsor Official Plan and Zoning By-law are being requested to recognize the proposed use in addition to the requested relief.

Based upon the analysis and the technical information which accompanies the applications, it is my professional planning opinion that the proposed residential and commercial uses are appropriate and represents “good planning”.

The applications to amend the Official Plan and Zoning By-law as submitted warrants favourable consideration for the following reasons:

- Consistent with the Provincial Policy Statement, 2020 and conforms with the intent and policies of the City of Windsor Official Plan;
- Conforms to the general intent and purpose of the City of Windsor Zoning By-law;
- There is a recognized need for additional residential units and commercial gross floor area;
- The Site’s soil and drainage conditions are suitable to permit the proposed development. Stormwater management will occur in an orderly and planned manner that is environmentally sound;
- The area’s road network can accommodate the project traffic generated by the proposal in a safe and efficient manner;
- The subject lands front onto two paved municipal roads which are in good condition;
- Servicing will be provided in an efficient and cost effective manner. The proposal will be serviced on full municipal sewage and water systems. Utilities are available adjacent to the Site. There is sufficient capacity for the proposed light industrial use;
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- The location of the proposed development is appropriate in that it will blend well with the surrounding area, and
- Mixed-use on the Site represents an efficient development pattern that optimizes the use of land. The Site currently has a vacant building and is underutilized.

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.



**Tracey Pillon-Abbs, RPP**  
**Principal Planner**



**APPENDIX C - SITE IMAGES (GOOGLE STREET VIEW)****IMAGE 1**

**Image 1 - Subject Parcel – Looking southwest  
Walker Road at Ducharme Street (Highway 401 on left)**

**IMAGE 2**

**Image 2 - Subject Parcel – Looking north  
Walker Road at Highway 401**



**IMAGE 3**



**Image 3 - Looking south towards Highway 401  
Ducharme Street, east of Juliet Crescent / Rockport Street**

**IMAGE 4**



**Image 4 - Looking west  
Ducharme Street towards Juliet Crescent / Rockport Street**

**IMAGE 5**



**Image 5 - Looking east - Ducharme Street at Walker Road**



## APPENDIX D - Excerpts from 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.

**COMBINED USE BUILDING** means a *building* having, as *main uses*, at least one *dwelling unit* and at least one non-residential *use*.

**BUILDING HEIGHT** means:

1. For any *building* with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, the vertical distance in metres between the *grade* and the highest point of the roof.

Where a *building height* provision is expressed in storeys, the *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m results in a maximum building height of 12.0 m.

2. For a *main building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the mid-point between the lowest eaves and the highest point of the roof.

Where *building height* is expressed in storeys, the minimum *building height* in metres shall be the number of storeys required multiplied by 4.0 metres, and the maximum *building height* in metres shall be the number of storeys permitted multiplied by 4.0 metres plus an additional 2.0 metres for the roof.

Example: If the maximum building height is 2 storeys, multiplying 2 storeys by 4.0 m plus 2.0 m for the roof, results in a maximum building height of 10.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m plus 2.0 m for the roof results in a maximum building height of 14.0 m.

3. For an *accessory building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the highest point of the roof.

**DWELLING** means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, 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.

## **GRADE**

1. For the purpose of Section 5.10.9, means the average elevation of the finished surface of the ground adjacent to the accessory building.
2. For the remainder of the By-law, means the average elevation of the crown of that part of the *street* abutting the *front lot line*. Where the elevation of a point on a *building* located on the *lot* is equal to the *grade* elevation, that point is deemed to be "at grade".

**LANDSCAPED OPEN SPACE** means an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a *dwelling* or *dwelling unit*.

**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.

**CORNER LOT** means a *lot* situated at the intersection of and abutting upon two or more *streets*, provided that the angle of intersection of at least two of the intersecting *streets* is not more than 135.0 degrees.

**LOT AREA** means the total land area in square metres, as measured along a horizontal plane, within the *lot lines* of a *lot*, excluding any part of a *lot* permanently covered by water.

**LOT COVERAGE** means:

1. the percentage of *lot area* covered by all *buildings* at *grade*, combined with
2. the percentage of *lot area* covered by the vertical downward projection of all roofs, cantilevered building walls and other projecting features exclusive of the following: balconies; chimney breasts; cornices; decks; eaves; fire escapes; steps and ramps; a swimming pool open to the sky; the first 15.0 m<sup>2</sup> of a *sunroom*.

Lot coverage may also be indicated in square metres.

**LOT FRONTAGE** means the distance in metres measured on a horizontal plane between the *side lot lines*, such distance being measured at a right angle to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines*, and at a point thereon 6.0 metres distance from the *front lot line*.

**LOT LINE** means the boundary of a *lot*.

**EXTERIOR LOT LINE** means a *lot line* which parallels and abuts a *street*.

**FRONT LOT LINE** means the shortest *exterior lot line*. On a *corner lot*, where the *front lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *front lot line* shall be determined to extend to the mid-point on the curve where the *front lot line* and *side lot line* meet.

**INTERIOR LOT LINE** means a *lot line* which does not parallel and abut a *street*.

**REAR LOT LINE** means the *exterior lot line* or *interior lot line* which is farthest from the *front lot line*. On a *corner lot*, where the *rear lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *rear lot line* shall be determined to extend to the mid-point on the curve where the *rear lot line* and *side lot line* meet.

**SIDE LOT LINE** means any *exterior lot line* or *interior lot line* other than a *front lot line* or a *rear lot line*.

**SCREENING FENCE** means a fence designed and used to visually separate different property uses and to block off views and which is continuous or effectively continuous throughout its entire length in accordance with the provisions of the Fence By-law.

**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.

**EXTERIOR SIDE YARD** means the *side yard* of a *corner lot* between an exterior *side lot line* and the nearest wall of a *main building* on such *lot*.

**FRONT YARD** means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of a *main building* on such *lot*.

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

**OUTDOOR STORAGE YARD** means a *yard* which has a *minimum* area of 10.0 m<sup>2</sup> and is used for storage. A *loading compound*, *parking area*, *transport storage area*, or transport terminal is not an *outdoor storage yard*.

**REAR YARD** means a *yard* extending across the full width of a *lot* between the *rear lot line* or the intersection of the *side lot lines*, and the nearest wall of a *main building* on such *lot*.

**REQUIRED YARD** means for the purpose of Section 5.35 any of *required front yard*, *required rear yard*, *required side yard*, or *required landscaped open space yard*.

**SIDE YARD** means a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest wall of the *main building* on such *lot*.

## SECTION 15 - COMMERCIAL DISTRICTS 2. (CD2.)

### 15.1 COMMERCIAL DISTRICT 2.1 (CD2.1)

#### 15.1.1 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>Public Parking Area</i>
<i>Food Outlet - Drive-Through</i>	<i>Repair Shop – Light</i>
<i>Food Outlet - Take-Out</i>	<i>Restaurant</i>
<i>Funeral Establishment</i>	<i>Restaurant with Drive-Through</i>
<i>Garden Centre</i>	<i>Retail Store</i>
<i>Gas Bar</i>	<i>Temporary Outdoor Vendor's Site</i>
<i>Medical Office</i>	<i>Tourist Home</i>
<i>Micro-Brewery</i>	<i>Veterinary Office</i>
<i>Parking Garage</i>	<i>Wholesale Store</i>
<i>Personal Service Shop</i>	
<i>Existing Automobile Repair Garage</i>	
<i>Existing Service Station</i>	

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:

*Garden Centre, Temporary Outdoor Vendor's Site, Existing Automobile Repair Garage.*

#### 15.1.5 PROVISIONS

.4	Building Height – maximum	14.0 m
.10	Gross Floor Area – maximum	
	<i>Bakery or Confectionary</i>	550.0 m <sup>2</sup>
.26	A <i>Temporary Outdoor Vendor's Site</i> is prohibited in a <i>Business Improvement 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 <sup>2</sup> per unit |
| .10 | Gross Floor Area – maximum   |                              |
|     | <i>Bakery or Confectionary</i>   | 550.0 m <sup>2</sup>         |
| .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.                |                              |

## **APPENDIX E- Results of Circulation**

### **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 any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

### **CITY OF WINDSOR - ENGINEERING – DESIGN AND DEVELOPMENT**

**Sewers** – This site may be serviced by a combination of the 1800mm RCP storm sewer on Walker Road, a 250mm RCP sanitary sewer on Walker Road, a 300mm CP storm sewer on Ducharme Street and a 250mm PVC sanitary sewer on Ducharme Street. A functional servicing study for municipal services (sanitary & storm) is required. Site servicing and stormwater management, demonstrating compliance with the 7th Street Drain Diversion/Walker Road Project and the Windsor/Essex Region Stormwater Management Standards Manual are required.

ERCA approval is required, as a portion of the site is located within a hazard area regulated by the Conservation Authority.

**Right-of-Way** – Walker Road is classified by the Official Plan as a Class II Arterial road requiring a 42 metre right-of-way. This section of Walker Road was reconstructed in 2010; and all required property (easement and conveyances) fronting this site were acquired at that time. Schedule X of the Official Plan classifies Ducharme Street as a Class II Collector road with a required right-of-way width of 22 metres. The current right-of-way width is 22 metres; therefore a land conveyance is not required.

All driveway approaches to Ducharme Street shall be constructed as per City of Windsor Standard Engineering Drawing AS-204, with straight flares and no raised curbs with the right-of-way. Any redundant driveway approaches shall be restored to the satisfaction of the City Engineer. A Street Opening permit will be required for any work in the right-of-way.

A sidewalk shall be constructed on the south side of Ducharme Street and continue through the driveway approach, in accordance with City standards. Tactile surface indicators will not be required at this location.

In summary, we have no objections to the proposed rezoning and Official Plan amendment application, subject to the following requirements (requirements may be imposed as part 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.

**Site Servicing Plans** – The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.

**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 system, 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. The Study is required to be finalized to the satisfaction of the City Engineer prior to the issuance of construction permits.

**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, interpretation if a sampling manhole exists, or exceptions to such, will be to the satisfaction of the City Engineer.

**Existing Sewers and Connections** - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

**Sidewalks** – The owner(s) agrees to construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire Ducharme Street frontage of the subject lands. All work to be to the satisfaction of the City Engineer.

**ERCA Requirements** – The owner 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 will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

If you have any questions or concerns, please contact Shannon Mills, of this department at [smills@citywindsor.ca](mailto:smills@citywindsor.ca)

Patrick Winters, Development Engineer

## **CITY OF WINDSOR – ENVIRONMENTAL SERVICES**

No concerns

## **CITY OF WINDSOR – HERITAGE PLANNER - KRISTINA TANG**

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 Heritage, Sport, Tourism and Culture Industries 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 Heritage, Sport,

Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events:

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,  
[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

## **CITY OF WINDSOR – LANDSCAPE ARCHITECT - Stefan Fediuk**

Pursuant to the application for a zoning amendment (Z 040/21) please note no objections from a Landscape Architectural or Urban Design perspective. Please also note the following comments:

### **Zoning Provisions for Parking Setback:**

The proposed site development concept plan appears to provide the appropriate setback and landscape areas as per Zoning Bylaw. Therefore, all landscape comments will be reserved to the time of Site Plan Control.

### **Tree Preservation:**

A large tree 130 cm in trunk diameter (measured 1.2 metres from surrounding grade) is situated near the Walker Rd right-of-way on the subject properties. It is recommended that this tree be preserved as part of the site development. Should the tree not be able to be preserved, as per the Landscape Manual for Development replace/compensation at a rate of caliper per caliper is to be applied. All tree replacement/compensation conditions will be provided at the time a Site Plan application is received.

### **Urban Design:**

Fencing and/or hedge planting along the west property boundary may be required to provide privacy for the abutting residence given that the canopies of the existing coniferous trees do not extend below 1.5 metres from grade.

A dense landscape buffer with extensive tree planting would be required between the proposed residential development and the embankment of the King's Highway No.401. This buffer is to consist of coniferous (evergreen) trees is situated in several rows along with deciduous trees to provide visual and some level of noise protection through baffling the sound from the highway traffic.



**Parkland Dedication:**

There are no parkland implications beyond the usual requirement as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department.

**CITY OF WINDSOR – TRANSPORTATION PLANNING – GENERAL COMMENTS**

- Walker Rd. is a municipal roadway classified by the Official Plan as a Class II Arterial road requiring a 42 metre right-of-way. The Walker Road Environmental Assessment has been constructed for this section of Walker Rd and the approved design does not require any more land to be conveyed.
- Schedule X of the Official Plan classifies Ducharme Street as a Class II Collector road with a required right-of-way width of 22 metres. The current right-of-way width is 22 metres; therefore a land conveyance is not required.
- This development is in the MTO permit corridor control. The applicant should consult with MTO on their requirements.
- The parking variance for this development is not supported based on the previously submitted parking study. Comments have been provided to the applicant from Planning and parking supply mitigation and strategies should be addressed as discussed.
- Sidewalks must be constructed along the Ducharme Street frontage per Engineering Right-of-Way requirements.
- A TIS has been submitted with this application and is currently under review. Comments will be provided in a separate memo to the Planner on this file.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

**CITY OF WINDSOR – TRANSPORTATION PLANNING – TIS COMMENTS**

We have reviewed the transportation impact study report for the above-noted application Castle Gate Towers South Development at 4845 Walker Road dated May 2019, by Mike Walters (P.Eng.) from Dillon Consulting.

Overall, the report establishes that the existing surrounding road network can accommodate the traffic impacts of the proposed development. It is recommended in the TIS that consideration should be made to introduce railway pre-emption technology at the Walker Road and Ducharme Street traffic signal, linking to the CN Railway crossing. This signal at this intersection is adaptive and will continue to be monitored by Traffic Operations in consultation with the railway to determine if any changes would be required in the future.

## **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.

## **CN RAIL**

It is noted that the railway corridor adjacent to the subject site is owned by Borealis Transportation Infrastructure Trust (DETROIT RIVER TUNNEL COMPANY). Please reach out to them for further comments. With respect to developments in proximity to the railway corridor, please refer to the policies developed by the Railway Association of Canada and the Federation of Canadian Municipalities. Please visit <http://www.proximityissues.ca> for more information.

## **ENBRIDGE - WINDSOR MAPPING**

After reviewing the provided drawing at Walker Rd & Ducharme 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 0.6m 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**

### **Hydro Engineering:**

No Objection, provided adequate clearances are achieved and maintained.

ENWIN has existing underground along the north limits with 27,600 volt primary hydro distribution. ENWIN has existing switching unit along the north limits with 27,600 volt primary hydro distribution. ENWIN has existing overhead pole lines along the east limits with 27,600 volt primary and 120/240 volt secondary hydro 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:** No objections to the rezoning.

## **ESSEX REGION CONSERVATION AUTHORITY**

### **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 7th Street Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

In addition, the proponent should have regard for any required building setbacks from any drains (covered or open). Please contact your local municipality's drainage superintendent for more information or the Municipality's applicable Zoning By-law.

### **RISK MANAGEMENT AND SOURCE PROTECTION PLAN**

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at [riskmanagement@erca.org](mailto:riskmanagement@erca.org) or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

### Significant Groundwater Recharge Area

The property is located within a Significant Groundwater Recharge Area (SGRA). There are no associated Significant Drinking Water Threats (SDWTS) or policies with these areas because the municipal water treatment plant does not use groundwater as its supply. However, the proponent should consider the sensitive nature of this natural feature. These areas are at a greater risk for contamination from land use activities. Any future proposed activity on these properties at minimum should not result in increased risk of contamination of the recharge area.

### 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.

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application.

We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

### 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.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. 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 background information and aerial photograph, ERCA has no objection to this application for Zoning by-law amendment and Official Plan Amendment at this time.

We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

If you have any questions or require any additional information, please contact the undersigned

Sincerely,

Vitra Chodha, E.P, Resource Planner



## **ONTARIO MINISTRY OF TRANSPORTATION – Ryan Mentey**

The Ministry of Transportation (MTO) has completed its review of the proposed OPA and ZBA to accommodate the proposed development that includes residential and commercial components located at 4845 Walker Road. The proposal has been considered in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA) and MTO's access management guidelines.

MTO does not object to the proposed OPA, ZBA and the proposed development, however, the property is located adjacent to Highway 401 within MTO's Permit Control Area, and as such, MTO permits are required prior to any work taking place. As a condition of MTO permits, MTO provides the following:

- The Proponent shall submit an acceptable Site Plan, Grading Plan, Drainage Plan and Site Servicing Plan for MTO review and approval. MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit, inclusive of fire-lanes, parking and storm water management facilities.
- Storm Water Management - As a condition of MTO permits, to ensure that stormwater runoff from this property does not adversely affect our highway drainage system or highway corridor, MTO may require the owner to submit a Storm Water Management Report (SWMR) report along with the above-noted grading/drainage plans for the proposed development for our review and approval. MTO will provide further comments upon review of the grading/drainage plans.
- MTO is currently reviewing the Transportation Impact Study (TIS) dated May 2019, and will provide comments in the near future. If the TIS identifies a need for improvements to the highway/intersection, it is the responsibility (financially and otherwise) of the owner to design and construct the works in accordance with all ministry standards, specifications, and criteria. Any required improvements to the highway that cannot be geometrically accommodated, will not be permitted, and development permits will not be made available.
- All signs visible from Highway 401 shall be subject to MTO's review and approval and MTO Sign Permits are required prior to installation (including temporary development signs).
- Any encroachments and works identified within the Highway 401 property limits are subject to MTO conditions, approval and permits, prior to construction. All provincial highway property encroachments are strictly regulated and must meet all conditions set out by MTO.
- MTO will respectfully request a draft copy of the municipal Site Plan Agreement when available referencing all final plans and reports for review as a condition of consideration of MTO permits.

MTO looks forward to reviewing additional documents as the project progresses. Feel free to contact me with any questions or concerns you have.

## **ONTARIO MINISTRY OF TRANSPORTATION – TIS COMMENTS**

The Ministry of Transportation (ministry) has reviewed the submitted Traffic Study dated May 10, 2019 (attached), and provides the following comments.

- The ministry disagrees with the study area outlined in the report. The study did not include the Provincial Rd – Walker Rd intersection.
- Queue and storage lengths for left turn and through movements for the ramp terminals at Highway 401 – Provincial Road and the south approach of Provincial Road – Walker Road

need to be calculated using the arrival rate method explained on MTO's Signal Timing Policy (attached). For queues/storage lengths for right turn movements please refer to Chapter 9 of TAC's Geometric Design Guide for Canadian Roads. Queue assessment shall include a review to determine if the thru queues impede access the free flow ramps/channelizations, auxiliary lanes or if they reach the adjacent intersection or the freeway. Volume distribution for queue/storage length assessment for multilane approaches:

- 60/40 for dual left turn lanes,
- 50/50 for through volumes distributed in a 2 lane cross section
- For Section 4.1 Trip Generation, please include all totals, directional distribution, and internal captures in Table 6 as extra rows and columns, rather than in the paragraphs below.
- Use the fitted curve equation to calculate the trip generation for both the Multi-Family Housing and the Shopping Centre.
- Double left turn lanes should be considered when the peak left turn volumes exceeds 300 vph .

Synchro

- Please use a PHF of 0.92.
- This review did not include the digital Synchro files. Synchro files will be reviewed in the next submission.

The Ministry looks forward to receiving additional materials as the project progresses.

## **TRANSIT WINDSOR**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. There are 2 bus stops directly adjacent to this property located on Ducharme at Walker Southwest Corner and Walker at Ducharme Southwest Corner. There are no plans to move either one of these stops. If either stop needs to temporarily be closed for construction, Transit Windsor requires a minimum of 2 weeks notice. This will be maintained with our Council approved Transit Master Plan.

**Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission**

-----Original Message-----

From: Mihaela Andrica

Sent: March 2, 2022 7:42 AM

To: clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>

Subject: Plan and zoning by-law 8600

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning!

We have received the notice for public meeting to consider amendments to the city of Windsor official plan and zoning by-law 8600, file numbers OPA/6592 and ZNG/6592, and we are AGAINST this project. Our neighborhood, and children lives will be impacted in a negative way.

Thank you!!!!

Mihaela Andrica Curescu

**From:** CMC  
**Sent:** March 3, 2022 3:38 PM  
**To:** clerks <[clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)>; Szymczak, Adam <[aszymczak@citywindsor.ca](mailto:aszymczak@citywindsor.ca)>  
**Cc:** cmckenzie; Ron McKenzie  
**Subject:** File Numbers OPA/6592 and ZNG/6591 – Location: 4845 Walker Rd

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

RE: File Numbers OPA/6592 and ZNG/6591 – Location: 4845 Walker Rd

Development & Heritage Standing Committee

We are writing to oppose the rezoning with the site specific exception that would increase the height of the building from 14 m to 22.4 m.

There are three impacts to our enjoyment of our living space.

- Reduced privacy
- Loss of visual impact
- Increased traffic congestion

We wish to be notified of the decision of the City of Windsor in regards to the proposed amendment.

Thank you for your consideration,

Ron and Christine McKenzie





Committee Matters: SCM 68/2022

**Subject: 986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)**

Moved by: Councillor Holt  
Seconded by: Member Baker

Decision Number: **DHSC 376**

- I. THAT the importance and value of the Masonic Temple, 986 Ouellette Avenue, a municipal designated heritage property **BE RECOGNIZED** by City Council and further, that Council supports the various grant applications made by the Border Masonic Temple Association Ltd to other levels of government, including the Legacy Fund, Building Communities Through Arts and Heritage, Green and Inclusive Community Building Fund, Ontario Trillium Resilient Places Grant & Digital Museum Canada Grant.
- II. THAT a total grant of 15% of the cost of conservation work for the facade, to an upset amount of \$46,612.50 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to Border Masonic Temple Association Ltd. for the Masonic Temple, at 986 Ouellette Avenue, subject to:
  - a. Submission of professional drawings, conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
  - c. Owner's submission of paid receipts for work completed;
  - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;
- III. THAT the authority to approve alterations associated with the roofing, facade, and windows, **BE DELEGATED** to the City Planner or designate;
- IV. THAT the request for incentives under the *Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP)* made by Building Committee Chair Cameron Adamson on behalf of the Border Masonic Temple Association located at 986 Ouellette Avenue **BE APPROVED** for the *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs of the façade improvements, up to a maximum amount of \$30,000 per property;

- V. THAT funds in the amount of up to \$30,000 under the *Commercial/Mixed Use Building Facade Improvement Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;
- VI. THAT grants **BE PAID** to the Border Masonic Temple Association (C/O Cameron Adamson), upon completion of the improvements to the existing three (3) storey building and property located at 986 Ouellette Avenue, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;
- VII. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* for 986 Ouellette Avenue be uncommitted and made available for other applications;
- VIII. THAT administration **BE DELEGATED** the authority to adjust the amounts granted to the upset costs of this Council Decision, on the basis that the total amount of all grants and funding received by Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.

Carried.

Member Fratangeli discloses an interest and abstains from voting on this matter.

Report Number: S 19/2022

Clerk's File: Z/13002

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 10.1. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: 986 Ouellette Ave, Masonic Temple - Heritage Alteration  
Permit, Community Heritage Fund & Commercial/Mixed Use Building  
Facade Improvement Program Request (Ward 3)**

**Reference:**

Date to Council: March 7, 2022

Author: Kristina Tang

Heritage Planner

Email: ktang@citywindsor.ca

Phone: 519-255-6543 X 6179

Kevin Alexander

Planner III- Special Projects

Planning & Building Services

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Planning & Building Services

Report Date: February 9, 2022

Clerk's File #: Z/13002

**To:** Mayor and Members of City Council

**Recommendation:**

- I. **THAT** the importance and value of the Masonic Temple, 986 Ouellette Avenue, a municipal designated heritage property **BE RECOGNIZED** by City Council and further, that Council supports the various grant applications made by the Border Masonic Temple Association Ltd to other levels of government, including the Legacy Fund, Building Communities Through Arts and Heritage, Green and Inclusive Community Building Fund, Ontario Trillium Resilient Places Grant & Digital Museum Canada Grant.
- II. **THAT** a total grant of 15% of the cost of conservation work for the facade, to an upset amount of \$46,612.50 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to Border Masonic Temple Association Ltd. for the Masonic Temple, at 986 Ouellette Avenue, subject to:
  - a. Submission of professional drawings, conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);

- c. Owner's submission of paid receipts for work completed;
  - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;
- III. **THAT** the authority to approve alterations associated with the roofing, facade, and windows, **BE DELEGATED** to the City Planner or designate;
- IV. **THAT** the request for incentives under the *Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP)* made by Building Committee Chair Cameron Adamson on behalf of the Border Masonic Temple Association located at 986 Ouellette Avenue **BE APPROVED** for the *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs of the façade improvements, up to a maximum amount of \$30,000 per property;
- V. **THAT** funds in the amount of up to \$30,000 under the *Commercial/Mixed Use Building Facade Improvement Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;
- VI. **THAT** grants **BE PAID** to the Border Masonic Temple Association (C/O Cameron Adamson), upon completion of the improvements to the existing three (3) storey building and property located at 986 Ouellette Avenue, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;
- VII. **THAT** should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* for 986 Ouellette Avenue be uncommitted and made available for other applications;
- VIII. **THAT** administration **BE DELEGATED** the authority to adjust the amounts granted to the upset costs of this Council Decision, on the basis that the total amount of all grants and funding received by Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.



## Executive Summary: N/A

### Background:

The property at 986 Ouellette is the Masonic Temple, which was constructed for and remains used for the gathering of Masons and other community uses. (Appendix A- Location Map). This 1921 building and property was designated by City of Windsor Council through By-law No. 11786 on April 11, 1994. (The Reasons for Designation from the Designation by-law is included as Appendix 'B'.)



Ouellette Avenue view of the property.

In recent months, there has been discussion with the representatives of the Border Masonic Temple Association Ltd. (BMTA) of their desires to enhance the energy efficiency, upgrade accessibility, and conduct repairs on the Masonic Temple. BMTA wishes to improve and make repairs on the building's roof, facade, window and lift, and is applying to a number of provincial and federal grant to fund the projects. Facade improvements will include Brick/Limestone and Mortar repair and cleaning, and replacement of existing vinyl (non-original) windows with new heritage appropriate windows. Each component of the project would be dependent on funding approval. Staff attended the site and discussed some options with Cameron Adamson (Building Committee Chair from BMTA) and the contractors. A requirement of the Legacy Fund, Building Communities Through Arts and Heritage federal grant program is for financial or in-kind municipal support for the project and hence the Owner has applied for the City of Windsor Community Heritage Fund (Appendix C) to advance their federal grant application. The Community Heritage Fund does not fund energy efficiency upgrades nor accessibility costs so the funds would be limited to just the heritage conservation work on the facade as only two quotes were provided for the facade.

The owner also applied for the *Commercial/Mixed Use Building Facade Improvement Program* through the *Downtown Windsor Enhancement Strategy and Community Improvement Plan* (Downtown CIP). The Downtown CIP was adopted by City Council on September 29, 2017 and an adopting by-law was passed by City Council on October 16, 2017. The *Commercial/Mixed Use Building Facade Improvement Program* is

intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides a grant for 50% of the eligible costs of the façade improvements, up to \$20,000 per property. Given that the building is Designated under Part IV of the *Ontario Heritage Act* and improvements will be made to at least the Ouellette Avenue and the Erie Street facing facades the owner is eligible for an additional \$10,000 from the program.

At staff's advice, BMTA has provided the heritage permit application form simultaneously for the proposed work (Appendix D). In addition, Building Department has indicated that building permit applications with architect or engineer stamp would be needed for the roof and facade scopes of the project. At this stage in the project, the professionals have not been engaged as the work is largely dependent on funding received from upper levels of government. However, BTMA would like to secure a Council decision indicating support for the project.

### **Legal Provisions:**

Part IV, 39 (1) of the *Ontario Heritage Act* (OHA) provides that "The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." The City's Community Heritage Fund (Reserve Fund 157) exists to provide grants to heritage conservation works on designated heritage properties.

The *OHA* also requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes reasons for designation (see Appendix 'B'). In accordance with the *OHA*, changes to designated property that affect reasons for designation 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. However, Council also has the option to delegate the item to an employee or official of the municipality. In this case, as some details of the conservation work and facade improvements still need to be finalized and may involve alterations to roof, facade and the windows, delegation of these items would be more expediently handled through staff review and approval.

### **Discussion:**

#### **Property Description:**

The Masonic Temple is located on Ouellette Avenue, on the northeast corner of Erie Street East. The Masonic Temple was built in 1921, designed by architect J.C. Pennington in Neo-classical Revival style. Although the designation is only for exterior features, there remains outstanding interior features such as "The Blue Room" which is not part of the designation.



Some exterior features (left) and photo of “The Blue Room” (right).

## Proposal:

### Facade Work

The conservation work proposed would address water/moisture penetration issues from the top down on the roof, to breaches and disrepairs on the masonry. The work will require building permits.

Two quotes were received for the facade work. The lower-priced quote involves the following work:

- Remove and replace approximately 500 damaged bricks that will be matched by dimension, colour, and material to the original.
- Grind out all failed mortar joints to a depth of ½" minimum and replace them with heritage mortar to match the original. The main areas that require repainting are the mortar between the limestone columns, ledges, and other decorative stones. There are also numerous areas at the parapet wall and elevations around the building.
- Any damaged limestone at the facade, columns, or ledges to be removed and replaced with newly manufactured stones.
- All remaining limestone to be cleaned with Diedrich Technologies 707X Limestone Cleaner Pre-rinse, power washed, and then finished with Diedrich Technologies 707N Limestone Neutralizer After Rinse.
- All upper flashings and any other auxiliary flashings around the facility must be removed and replaced with copper.
- The failed clay parapet capping must be removed and replaced with metal flashing or alternative material.



Photo of the side and front flashing and parapet, with the clay tile parapet coping on right.

The historic masonry work would be expected to adhere to the City of Windsor Historic Masonry Guidelines as well as Heritage Standards and best practices. The masonry units (brick and limestone) being replaced will need to be like-for-like (dimension, colour and texture) and subject to product sample provision and approval by the Heritage Planner. Verification is also needed for the type of mortar being used to ensure its appropriateness for the historic masonry. Mock-up of the masonry work would be required.

The issue of cleaning would require further discussion. Power washing would not be permitted as it is a type of abrasive cleaning, and may cause the masonry to be engorged with water. In general, the contractor would be requested to use the gentlest possible means of cleaning, starting from lower pressures of 100psi to generally no higher than 400 psi. There has also been suggestion to use alternative methods of cleaning, such as using a CO2 dry ice blasting system. All of these cleaning methods would be further evaluated and confirmed by City staff to ensure that damage would not result from the cleaning processes.

For the parapet capping, the current vitrolite tile coping replaced the original concrete coping on the parapet in 1960 and has existed on this building for over 60 years.

Heritage Standards from the *Standards & Guidelines for Conservation of Historic Places in Canada* are to:

2. Conserve changes to an *historic place* that, over time, have become *character-defining elements* in their own right.

### **Additional Standards Relating to Restoration**

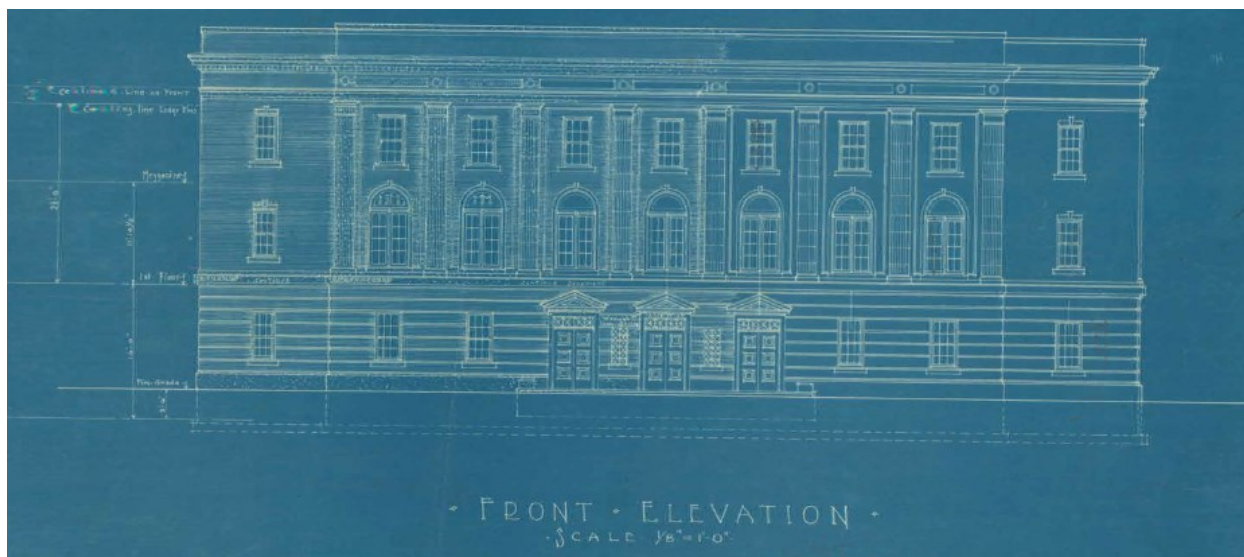
13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.



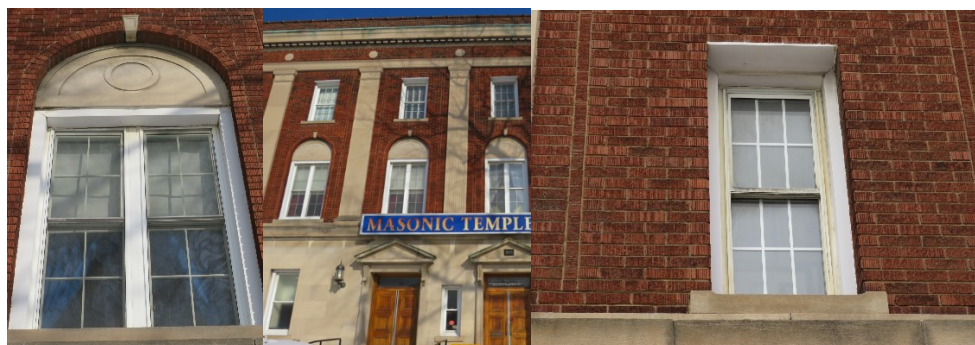
Therefore, it is an option to replace like-for-like of the vitrolite tile though it is not a requirement to. Another option would be to return to the original cement coping or similar appearance be proposed if the project is to make replacements. Product information and details would need to be finalized.

In addition, Building Department has conveyed to BTMA that professional drawings prepared and stamped by an Engineer or Architect would be required for the facade and roofing work. Submission of these documents and plans would be a requirement to demonstrate adherence to heritage standards. Staff will coordinate with the Owner and their agents with respect to the finalizing details of the products, materials, and methods conservation work.

## Windows



Original blueprints of the building's front elevation.

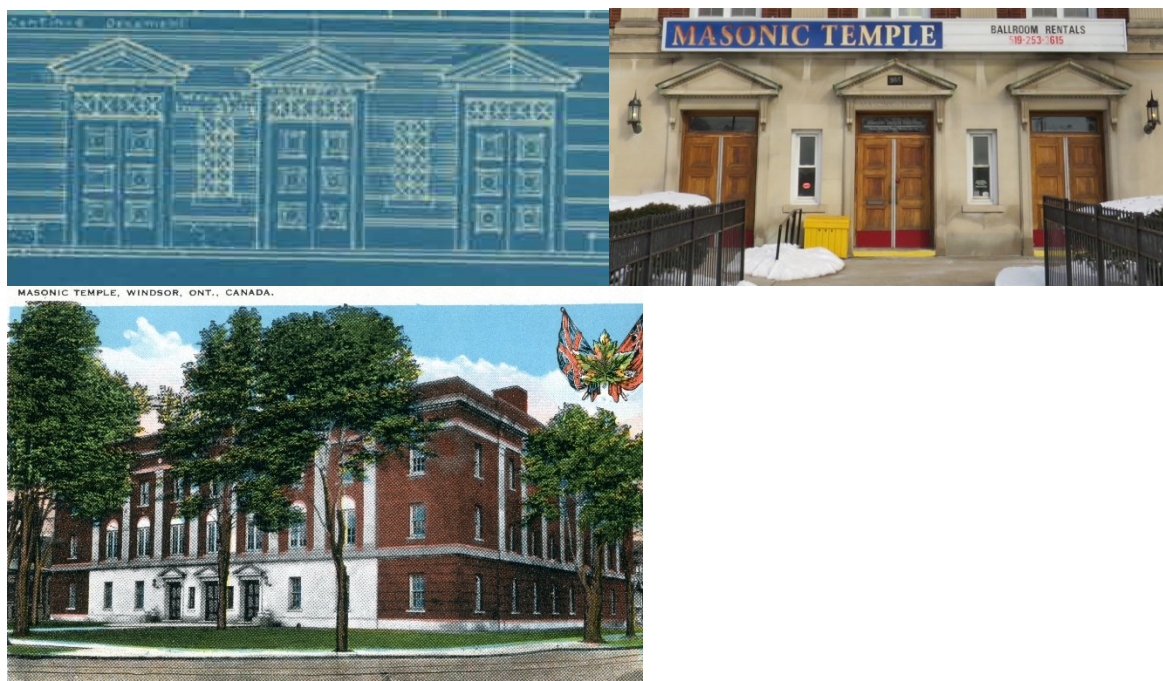


Photos of the current window types

Originally, most of the building had 6 over 6 sashes and the second floor windows at the center block were 8-pane casement windows. Currently, the second floor and third floor windows follow some patterns of the original dividers, though the current types are all 1980s vinyl replacements with internal grills. The applicant is considering window replacements but the actual project execution would be dependent on the funding received by upper levels of government. Original wood material for the windows are preferable, and the priority facades are the west (front) elevation, and the south (Erie

Street side) elevation. Additionally, staff have conveyed to the applicant that as a matter of alteration to this heritage designated property, the minimum requirement (not considering material consideration) would be to replace the windows with the form and appearance of the original windows. After the applicant receives decisions on the various grant applications, there would be a decision made on the type of windows that can be pursued. At that time, staff will require more product information and window shop drawings. The request for delegated approval authority to staff will allow flexibility for further discussion and finalization of acceptable window material and design.

### Potential Other work



Blueprint drawings and current photo of window grills next to front doors (at top), and at bottom a 1925 postcard of the building.

BMTA also suggested the possibility of recreating cast iron grill at the small windows between the front doors in keeping with the original design. As well, staff suggested potential facade improvement to include replacement of the internally lit signage box with more heritage appropriate signage types. Details of this potential facade work will be further discussed and reviewed with city staff.

### Official Plan Policy:

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”, and (g) Coordinating the Municipality’s heritage planning and programmes with other levels of government to avoid duplication of effort and to reinforce mutual objectives;

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:**

The risk of taking no action for this property is the potential loss of the property’s opportunity to secure upper levels of government funding for improvements to the continued use of the building and repairs needed on its roof and facade, which would result in deterioration of the heritage attributes from age and water intrusion. There is also the opportunity now to revisit restoration of some facade items such as the windows and cast-iron grill features.

Concerning the Community Heritage Fund and the *Commercial/Mixed Use Building Facade Improvement Program* (Downtown CIP), no City funds will be expended until the project is determined by the Chief Building Official for Building Code compliance and by Planning Staff to be completed according to good heritage practices. Conditions of this determination include provision of drawings, detailed technical information, such as specifications of the material and conservation techniques employed, provision of material samples or mock-up, to ensure that the conservation work is heritage appropriate, prior to disbursement of the funds.

### **Climate Change Risks**

**Climate Change Mitigation: N/A**

**Climate Change Adaptation: N/A**

### **Financial Matters:**

Community Heritage Fund guidelines include "As a general principle, awards will be limited to a maximum of \$50,000 unless the DHSC (Development & Heritage Standing Committee) so recommends and Council approves." The award from the Community Heritage Fund will generally be given according to the following formula: Grant: 15 percent of the award in the form of a grant & Low Cost Loan: 85 percent of the award". "A minimum of two cost estimates, based on specifications approved by the DHSC and the Commissioner of Building & Development Services, shall be obtained by the owner for all restoration work to be done." The estimates will be reviewed to ensure that all work specified is covered. The lower bid will usually be recommended for funding."

The Owner has provided two quotes for repairs for part of the facade work although the entirety of the project entitled “For the Next 100 Years” estimates a total project cost of \$649,430 plus HST ( Elevator: \$30,020; Windows: \$64,410; Façade: \$275,000; Roof: \$280,000). BTMA is also applying for a Canadian Digital Museum Grant (at \$184,179.25) to allow the Temple to digitally preserve, archive, and create a website and database to feature the rich records available at the Masonic Temple.

The heritage financial incentive through the Community Heritage Fund (CHF) would provide support to the continued retention of the masonry and facade features of the

building. As the Owner had indicated that the project is largely dependent on the upper levels of funding from the government and based on the only costs provided (of the facade), Administration recommends that the amounts of the general 15% after HST to an upset amount of \$46,612.50  $((\$275,000 + \text{HST}) \times 15\%)$  be approved. Note this does not include the additional expense of Building Permit requirements. 15% request through the CHF grant program is appropriate as the applicant has also applied for other municipal financial incentive programs including the Heritage Property Tax Reduction Program (approximately total tax reductions amounting to \$12,472.43 based on 2021 Taxes), and the Downtown Windsor Community Improvement Plan grant program.

As of December 2021, Community Heritage Fund (Reserve Fund 157) has \$73,071 available as uncommitted funds (including the safeguard of having the minimum balance of \$50,000 in the committed funds). Therefore, there is sufficient funds in Fund 157 to cover the cost of the grant. The total recommended CHF grant (including HST) is 15% of the total facade cost at an upset value of \$46,612.50. However, the total amount of all grants and funding received by Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.

A Grant for the *Commercial/Mixed Use Building Facade Improvement Program* will be paid from the Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to a maximum amount of \$30,000. On February 22, 2021 Council approved the 2021 budget, which included a new reserve fund 226 for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project once the facade improvements for the property located at 986 Ouellette Avenue (Masonic Temple) are completed to the satisfaction of the City Planner and Chief Building Official; the funds are to be kept as committed funds, until the grant is ready to be paid out. The uncommitted balance of the CIP reserve fund is \$505,877.95.

If this report is approved the applicant will receive \$46,612.50 from the Community Heritage Fund and \$30,000 from the Building Facade Improvement Grant through the Downtown CIP. According to the applications, the owner will invest approximately \$649,430 on all improvements to the building. Therefore, the grant to investment ratio will be \$8.50 for every municipal dollar granted to this project.

Recommendation VIII includes a clause that will give city staff the flexibility to adjust the amounts of the grant (to upset amount approved by Council) depending on the amounts received by the applicant from all other levels of government, and discretion based on potential expanded scope/cost of facade work such as in the matter of windows and restoration of cast iron grills and signage improvement. This will encourage high quality facade improvements/heritage conservation work while ensuring that no amounts will exceed the eligible cost of the project as identified in the Downtown CIP and Section 28 (7.3) of the Ontario Planning Act.

### **Consultations:**

City staff have been consulting with Owner's representative in recent months. Building Department staff conveyed the requirements of building permit for certain project



components, and Josie Gaultieri, Financial Planning Administrator, assisted with confirmation of fund balance.

### **Conclusion:**

A total grant amount of \$46,612.50 from the Community Heritage Fund (Reserve Fund 157), for conservation work for the facade at 986 Ouellette Avenue and \$30,000 from the Downtown Windsor Enhancement Strategy Fund (Project # 7011022) should be approved, subject to conditions. Further heritage alteration approvals necessitated for this scope of work is recommended to be delegated to the City Planner or designate to direct further conservation details. The final amounts disbursed is also recommended to be delegated to staff to provide the flexibility and discretion needed to assist the Owner in pursuing high quality heritage conservation and facade improvement works, as well as to ensure that the amounts granted by the municipality in combination with upper levels of government, will not exceed the eligible project costs.

**Planning Act Matters: N/A**

### **Approvals:**

<b>Name</b>	<b>Title</b>
Kristina Tang	Heritage Planner
Kevin Alexander	Planner III- Special Projects
Josie Gaultieri	Financial Planning Administrator
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Michael Cooke	Deputy City Planner/ Manager, Planning Policy
Neil Robertson	Deputy City Planner/ Manager, Urban Design
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administrative Officer

Notifications:

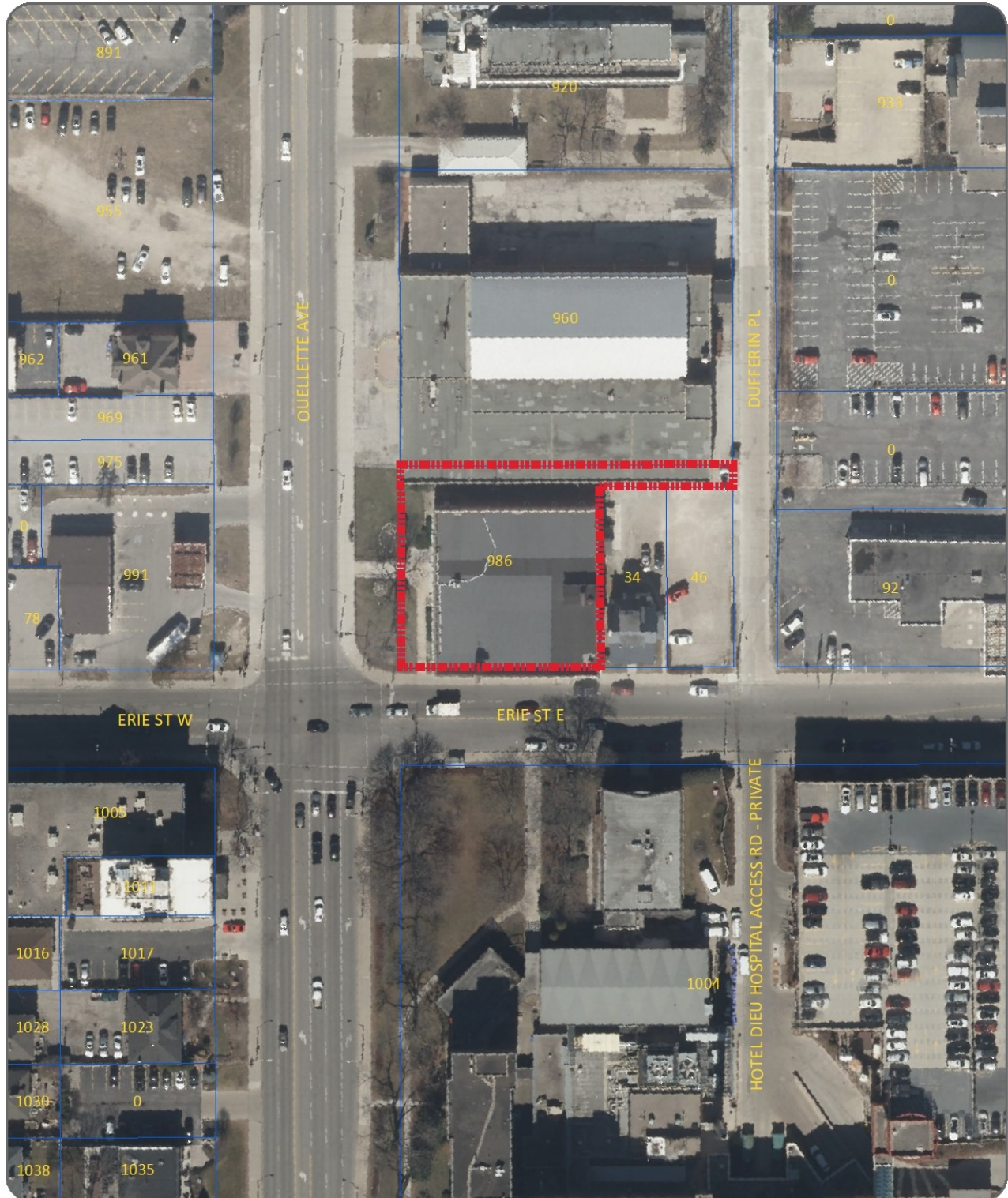
Name	Address	Email
Cameron Adamson		adamson_cameron@hotmail.com
Nicole Cl��roux		nicole.cleroux@pch.gc.ca
John Revell- Chief Building Official		jrevell@citywindsor.cca

**Appendices:**

- 1 Appendix A- Location Map
- 2 Appendix B- Reasons for Designation
- 3 Appendix C- Community Heritage Fund Application
- 4 Appendix D- Heritage Permit Application Form

## APPENDIX 'A'

### LOCATION MAP



## LOCATION MAP



SUBJECT PROPERTY : 986 OUELLETTE AVENUE



986 Ouellette Ave.-Masonic Temple. By-Law No. 11786 passed by council on April 11<sup>th</sup>, 1994.

**Reasons for Designation**

**Architectural**        -    entire Ouellette Avenue and Erie Street  
   elevations;  
   -    ornamental brick and stone work.

**Historical**            -    association with respected local architect,  
   James Carlisle Pennington;  
   -    Ouellette Avenue landmark.



**CITY OF WINDSOR  
COMMUNITY HERITAGE FUND**

**APPLICATION FOR LOAN AND/OR GRANT**  
**(To be completed in full)**

**APPLICANT/AGENT/OWNER INFORMATION**

1. APPLICANT(S): Border Masonic Temple Association-Windsor Masonic Temple
- Address, City: 986 Ouellette Ave, Windsor Postal Code: N9A 1C6
- Email: information@masonictempleballroom.com Telephone: (519) 253-3615
2. AGENT/ARCHITECT/ENGINEER/SOLICITOR: Cameron Adamson-Building Committee Chair
- Address, City: c/o Windsor Masonic Temple 986 Ouellette Ave Postal Code: N9A 1C6
- Email: info@squareandcompass.ca Telephone: (519) 965-6400
3. REGISTERED OWNER(S): Border Masonic Temple Association
- Address, City: See above Postal Code: See above
- Email: See above Telephone: See above

**PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED**

4. HERITAGE NAME OF PROPERTY Windsor Masonic Temple
5. MUNICIPAL ADDRESS 986 Ouellette Ave
6. LEGAL DESCRIPTION (Lot and Plan) Lot 19, Block 3, Plan 256
7. ASSESSMENT ROLL NUMBER(S) 040-320-00300-0000
8. EXISTING USE Masonic Temple & Ballroom
9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT
- YES ☒ By-law No. By-law 11786 Date 1994/11/04

**REQUESTED HERITAGE FUND ASSISTANCE**

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:

Loan \$ \_\_\_\_\_

Grant \$ 50,000

TOTAL \$ 50,000

NOTE: Details for loan/grant are set out in the attached pamphlet "Windsor's Community Heritage Fund".

11. If a loan is requested, please indicate your term of repayment: \_\_\_\_\_ years.
12. Are there any outstanding mortgages or liens against this property?
- NO ☒
- YES ☐ Amount: \_\_\_\_\_ Institution: \_\_\_\_\_
13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed \$15,000, you may be required to obtain a property appraisal from a real estate agent or certified appraiser. If your application is in an amount in excess of \$15,000, you may be required to obtain an appraisal from a certified appraiser.
14. Have you previously received assistance from the City for the property named above?
- NO ☒

YES ☐ Amount: \_\_\_\_\_ Date: \_\_\_\_\_

Source of funds: \_\_\_\_\_

## REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

### A. *Rehabilitation of Owner's designated property:*

15. Describe fully here (or on attached sheets) the proposed work to be undertaken:

See attached sheets

Proposed work to be undertaken is facade restoration and roof restoration, both of which are necessary to preserve the

heritage character of the Windsor Masonic Temple, pursuant to the Temple's By-Law Restoration

16. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing. (Some specifications are available from the Heritage Planner – see contact information at the bottom of this page.)

17. Describe any new uses of the property, if different from the existing use.

Addition of Scottish Rite Learning Centre, which provides free tutoring (reading comprehension) for children with dyslexia

18. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.

19. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.

### B. *Purchase of designated property:*

20. Indicate the full price of the property you wish to purchase: \$ \_\_\_\_\_ and include a copy of the "offer to purchase."

21. Indicate your other sources of funding, the amount you will receive, and any subsequent liens/mortgages.

### C. *Architectural/engineering study of Owner's designated property:*

22. Indicate the full price of the architectural/engineering study by a restoration specialist: \$ \_\_\_\_\_ and include a copy of the estimate or invoice from the study.

## SIGNATURES

APPLICANT OR AGENT \_\_\_\_\_ Date January 18th, 2022

REGISTERED OWNER(S) Committee Chair - \_\_\_\_\_ Date January 18th, 2022

CHECKED/RECEIVED BY  
HERITAGE PLANNER \_\_\_\_\_ Date \_\_\_\_\_

### **This application should be completed and filed with the:**

Planning Department  
Suite 320 - 350 City Hall Square West  
Windsor ON, N9A 6S1

**For assistance** and/or information on filing, please contact the Planning Department:  
Telephone 519-255-6543 x 6179 Fax 519-255-6544

### **NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:**

I/We also acknowledge that the information requested on this form is required in order to process the application to the Development & Heritage Standing Committee. Please be advised that the information in this application form may be released to the public in an electronic form, i.e. web site and/or paper format, i.e. agenda or minutes.

Dated: Jan 18th, 2022

Signed: \_\_\_\_\_  
Signature of Applicant

# *Border Masonic Temple Association*

To Whom It May Concern  
Development & Heritage Standing Committee

## **ATT: March 7<sup>th</sup>, 2022 Standing Committee Presentation; Financial or In-Kind Support Request**

### **Introduction**

The Border Masonic Temple Association ("BMTA"<sup>1</sup>) is requesting from the City of Windsor financial or in-kind support for its project, entitled "For the Next 100 Years."

On March 7<sup>th</sup>, 2022 a BMTA representative will appear before the Development & Heritage Standing Committee ("Committee") to answer any questions the committee may have.

### **Background**

Constructed in 1921, and opened in January 1922<sup>2</sup>, the Temple remains for the people of Windsor and Essex (and beyond) a place of friendship, community, and heritage.

In July 1921, hundreds of Masons gathered to see the M. W. Grand Master conduct at the future Temple site a cornerstone ceremony (a Masonic Ceremony marking special buildings). He stated: "Masonry teaches the lesson of universality. Some organizations are inclined to be narrow, but the Masonic order seeks to crush out prejudice and to set up a high standard of morals for its members to keep before them."

Windsor (and Detroit) Freemasons also held three cornerstone ceremonies at Windsor's City Halls, the most recent of which (2017) placed a cornerstone at the North East Angle of City Council Chambers.

In July 2022, the Windsor Mayor, Windsor-West MPP, and Windsor West MP each commended the Temple for its 100 years of friendship, community, and heritage.

This 100 year anniversary caused the BMTA to consider how to address any possible challenges the Temple may face "For the Next 100 Years."

### **For the Next 100 Years**

As with any heritage property, the Temple must balance accessibility<sup>3</sup> and energy efficiency with heritage preservation.<sup>4</sup>

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<sup>1</sup> The BMTA is the administrative body responsible for the operation of the Windsor Masonic Temple, such as bill payment, general maintenance, and assessment collection.

<sup>2</sup> The Windsor Masonic Temple is a heritage designated property, pursuant to Windsor By-Law 11786, 1994.

<sup>3</sup> In 2021, the BMTA received a \$60,000 Federal Grant (from Education and Development Services Canada) to upgrade our 3<sup>rd</sup> floor washrooms, to make them fully accessible.

<sup>4</sup> The BMTA also recognizes the importance of heritage documentation (photographs, correspondence, minutes) preservation. In order to preserve these heritage documents, in 2021 the BMTA applied for an approx. \$150,000 Digital Museum of Canada Grant.

To ensure a successful balance, the BMTA has applied for several provincial<sup>5</sup> and federal grants<sup>6</sup>. If the applications are successful, the grants will allow the BMTA to:

1. Upgrade the Temple's lift (to improve accessibility and energy efficiency);
2. Upgrade the Temple's roof (to improve moisture protection and energy efficiency);
3. Upgrade the Temple's windows<sup>7</sup> (to improve historical accuracy and energy efficiency); and
4. Upgrade the Temple's façade<sup>8</sup> (to improve preservation, moisture protection, and energy efficiency).

Each item on the above-list is a part of the entire project; each item will allow the Temple to remain a place of friendship, community, and heritage "For the Next 100 Years."

Each item has received professional estimates (the façades received two estimates).

The cost (estimated) for the entire list is: \$649,430.00. When factoring in a 5 percent contingency, the cost (estimated) for the entire list is: \$681,901.50.

### **Financial or In-Kind Support Request**

Having applied for provincial and federal grants, the BMTA is now approaching the City of Windsor to request municipal funding. This funding may be financial or in-kind. The BMTA would be grateful for *any* amount of funding City Council may approve.

Per the *Heritage Fund Brochure*, the BMTA understands the amount available in one year is limited to \$50,000 (as a grant). Due to the significant (estimated) project cost, the BMTA in its original application requested the maximum. However, as noted above, *any amount of funding will be gratefully accepted*.

Not only would this funding assist in the project, municipal support is a necessary aspect of the federal grant application process.

### **Conclusion**

The BMTA welcomes any Heritage Committee Member to tour the Temple before its March 7<sup>th</sup>, 2022 meeting. The BMTA also thanks the City of Windsor for all of its support and assistance thus far. To organize a tour, members can contact Cameron Adamson at 519 965-6400.

The Temple is vital part of the City of Windsor's historical and architectural character, and remains an important community hub.

Financial or in-kind municipal support will allow the Temple to remain as such "For the Next 100 Years."

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<sup>5</sup> Trillium Resilient Places Grant

<sup>6</sup> Legacy Fund Supporting Arts Grant and Green Inclusive Community Building Fund. One requirement of the former (Legacy fund) is *financial or in-kind municipal support*.

<sup>7</sup> The current Temple windows date to the late 1980's. They were installed by Mr. William Holzel ("Dutchy's Windows"). They are vinyl Superior Seal Windows and either single or double hung. The proposed windows are: [Ultra Series 820 Double Hung](#).

<sup>8</sup> Upgrades on the roof will help maintain the façade by protecting against moisture and possible water damage.



The BMTA understands that COVID-19 and other challenges have presented Windsor with financial pressures.

COVID-19 has also presented Freemasonry and the Temple with many challenges; however, the BMTA can state that both admirably rose to meet these challenges.

As our Masonic Grand Lodge noted in September 2021: "Freemasons are committed to doing what is best for Society and [Freemasons] have always kept what is best for the health and safety of our members at the forefront of our thoughts." Part of doing what is best for society relates to compliance with health and safety standards. It also relates to ensuring the Temple is as energy efficient as possible, as accessible as possible, and ensuring the Temple's heritage character is preserved for future generations.

Thank You,



Cameron Adamson

BMTA – Building Committee Chair



# THE CITY OF WINDSOR

OFFICE OF THE MAYOR

DREW DILKENS, DBA  
MAYOR

July 9, 2021

**“The importance of improvement, setting an example and shouldering responsibility for the future are our Masonic goals. What we build today will endure. That is our hope and our faith.” | Stanley F. Maxwell**

On behalf of the City of Windsor, it is my honour to congratulate the Border Masonic Temple Association as you commemorate the 100th anniversary of the founding of Windsor Masonic Temple on July 9, 2021.

For more than a century, the Windsor Masons have lived up to the noble goals of the Freemasonry, as summarized in the quote above by Sovereign Grand Commander Maxwell. You have shouldered responsibility and improved our city by sponsoring a number of educational programs, breakfast clubs and many social events to support residents in our community. In Windsor, we are fortunate to host seven active lodges, and I am proud to say that my grandfather was a member and a past master of one of those lodges, helping instill the spirit of community service in me at a very young age.

The Freemasons have a long and distinguished history helping build up communities around the world, in some ways quite literally. In Windsor, each of our City Hall buildings constructed during the 1800s featured a cornerstone ceremoniously set by our local Freemasons. This is a tradition we kept up with the groundbreaking of our modern new city hall facility, and is emblematic of the important role the Masons continue to play in strengthening Windsor-Essex County, one building block at a time.

In 1921, when construction of the Windsor Masonic Temple got underway, it set the foundation of what would become one of our city's most recognizable historical landmarks - the treasured ornate building on the corner of Ouellette and Erie. The temple is much more than bricks and mortar. It is a special place filled with traditions where thousands of people have passed through, building friendships and forming cherished memories to last a lifetime.

While the Windsor Freemasonry has undergone many changes over the past 100 years, one thing has remained the same, and that is the organization's unwavering commitment to service for our community. I would like to take this opportunity to thank all Masons for contributing to Windsor's vitality and helping to make our home one of the best communities to live, work and play.

Congratulations on celebrating the 100th anniversary Windsor Masonic Temple and best wishes on all that the future will bring.

Sincerely,

  
Drew Dilkens



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FOR IMMEDIATE RELEASE

July 9, 2021

**GRETZY & MASSE CONGRATULATE THE WINDSOR MASONIC ORDER ON THEIR TEMPLE BUILDING'S  
100<sup>TH</sup> ANNIVERSARY**

**(WINDSOR)** – Today, Lisa Gretzky NDP M.P.P. (Windsor West) and Brian Masse NDP M.P. (Windsor West) congratulated the Windsor Masonic Order on their temple building's 100<sup>th</sup> anniversary.

The Masonic Temple represents a long history of the Masonic Order in the Windsor-Detroit area dating back to 1794 and exemplifies the continuing role of societies in the cultural and social life of Windsor. The Temple building is a large, three-storey, red brick Neo-Classical Revival style building with limestone trim. Located on Ouellette Avenue in the city core, it has been recognized for its heritage value by the City of Windsor in 1994. The Masonic Temple was designed by James Carlisle Pennington, a highly regarded local architect. Constructed in 1921-22, it was the first permanent facility for the Masonic Order of the Border Cities. It still functions as a meeting place for Freemasons, as well as hosting banquets, weddings, and concerts.

Pat Chartier-Temple Board President said, "Every Mason should feel he is a better Mason because of what he has done towards maintaining this Temple for 100 years!"

"A one-hundred-year-old building still operating as it was originally intended, let alone an architecturally distinct and impressively constructed one, is a unique situation in this city. It should be cherished and celebrated. I wish to congratulate Windsor Masonic Order on this rare achievement and hope this continues on for the next century," stated Gretzky.

"Many residents of the city have attended events and gatherings at this institution over the past century. Young people going to dances, having their weddings there, numerous fundraising dinners and many other functions. It is part of the collective memory of our city. The Masonic Order should proud that they have been able to maintain it for the purposes it was conceived for. A real milestone has been reached today, and it is due to all the hard work and perseverance of its many members over the decades," stated Masse. The Masonic Temple recently been approved for funding of approx. \$60,000 through Employment and Social Development Canada (ESDC) for upgrades of the building.

The Neo-Classical Revival style building was designed by Pennington and built by Muxlow and Gale Construction Company. It displays characteristic symmetry and classical elements representing antiquity and permanence. The main facade has eight fluted stone pilasters with capitals. Topped with decorative stone roundels, the columns rise two storeys above the ground floor. The three wooden front doors are adorned with triangular stone pediments.

**Should you wish to book the Windsor Masonic Temple Ballroom for any special events: 519 253-3615**

-30-

**For additional information please contact:**

**Cameron Adamson Square and Compass Promotions Director – Masonic Temple (519) 965-6400**

**Darlene Dunn Mahler - Office of Brian Masse MP (519) 255-1631**

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**Ottawa Office:** Rm. 1000 The Valour Bldg., House of Commons, Ottawa ON K1A 0A6

t (613) 996-1541 f (613) 992-5397 e-mail: [masse.b@parl.gc.ca](mailto:masse.b@parl.gc.ca)

**Community Office:** 1398 Ouellette Ave. Windsor ON N8X 1J8

t (519) 255-1631 f (519) 255-7913  
Regular City Council Agenda - March 21, 2022

Page 632 of 762



CONGRATULATIONS TO THE

***MASONIC TEMPLE***

ON THE CELEBRATION OF YOUR

**100<sup>TH</sup> ANNIVERSARY**

THE MASONIC TEMPLE REPRESENTS A LONG HISTORY OF THE  
MASONIC ORDER IN THE WINDSOR DETROIT AREA DATING TO 1794.

THE NEO-CLASSICAL REVIVAL STRUCTURE LOCATED  
IN WINDSOR'S DOWNTOWN CORE WAS CONSTRUCTED IN 1921  
AND WAS THE FIRST PERMANENT FACILITY FOR THE  
MASONIC ORDER OF THE BORDER CITIES,  
DESIGNED BY PROMINENT LOCAL ARCHITECT  
JAMES CARLISLE PENNINGTON.

THE CITY OF WINDSOR'S FOUNDATION AND FUTURE HAS BEEN  
SHAPED THROUGH THE LONGSTANDING CONTRIBUTIONS OF THE  
MASONIC TEMPLE THROUGH TRADITIONS AND HERITAGE.

MAY YOUR ADMIRABLE EFFORTS CONTINUE  
FOR MANY MORE YEARS TO COME.

**BRIAN MASSE M.P. & LISA GRETZKY M.P.P.**  
**WINDSOR WEST**

**JULY 9, 2021**





It is an honour and privilege to extend my  
very best wishes to

*Windsor Masonic Temple*

on the occasion of your

*100<sup>th</sup> Anniversary*

Congratulations on this marvelous milestone. Your years of dedication, professionalism and service to the Windsor-Essex community are very appreciated. The impacts you have had on many lives – in celebration and commemoration does not go unnoticed or forgotten.

I look forward to celebrating many more milestones with you.

*Yours Most Respectfully,*

*Lisa Gretzky,*

*Member of Provincial Parliament*

*Windsor West*



July 2021



## BUILDING RESTORATION AND COATINGS

www.sealconltd.com

4815 Concession 4 RR2  
Harrow, Ontario  
N0R 1G0

519-977-2600 Ans.  
519- 995-8282 Cell

Date: September 13, 2021

## PROPOSAL

Attention: Cameron Adamson

Project Location: Windsor Masonic Temple  
986 Ouellette Ave. Windsor, ON

### **Project Description: Exterior Façade Restoration**

Devon Gale has attended the site for assessment to recommend repairs and solutions for the exterior façade walls and building components. The building was opened on January 1, 1922, consisting of brick and limestone on its façade. The brick generally is in good condition and does have sections that will need some minor replacement and tuckpointing replaced at the mortar joints. A heritage mortar can be used to match the existing and will be a close colour match.

The limestone components at the entrance façade, columns, and decorative details are generally in decent shape. Some lower sections will need replacement due to salt erosion over the years, and limestone columns will need to be reset around the facility.

The upper parapet wall is in poor condition and will need attention. The original copper flashing has failed and has multiple repairs completed over the years. This section will require brick replacement and extensive tuckpointing at mortar joints. A new flashing will need to be installed around the perimeter and a replacement metal cap at the top of the parapet wall to prevent further water intrusion into the facility. It is tough to quantify, but this restoration work should provide energy efficiency and reduce heating and cooling costs by 5-10%.

Before any work commences, we must complete a closer inspection and exploratory work to determine actual building conditions.



*The following scope of work and pricing are for budget purposes only.*

### **Scope of Work**

- Remove and replace approximately 500 damaged bricks that will be matched by dimension, colour, and material to the original.
- Grind out all failed mortar joints to a depth of ½” minimum and replace them with heritage mortar to match the original. The main areas that require repointing are the mortar between the limestone columns, ledges, and other decorative stones. There are also numerous areas at the parapet wall and elevations around the building.
- Any damaged limestone at the façade, columns, or ledges to be removed and replaced with newly manufactured stones.
- All remaining limestone to be cleaned with Diedrich Technologies 707X Limestone Cleaner Pre-rinse, power washed, and then finished with Diedrich Technologies 707N Limestone Neutralizer After Rinse.
- All upper flashings and any other auxiliary flashings around the facility must be removed and replaced with copper.
- The failed clay parapet capping must be removed and replaced with metal flashing or alternative material.

---

Our Budget price- \$ 275,000.00 + HST

### **Notes**

The pricing mentioned above includes all material, labour, booms/man lifts, liability insurance, permits, and Workers Compensation.



Sealcon will provide a two-year workmanship warranty after substantial completion and will provide a standard manufacturer's warranty.

All work will be completed professionally according to standard practices. Any alteration or deviation from the proposal specifications involving extra costs will be executed only upon written orders and will become an additional charge over and above the estimate.

Our workers are fully insured and have valid fall arrest and lift training and certifications.

Please contact me with any questions you may have about the above quotation.

Devon Gale  
Owner, General Manager



*"Quality means doing it right when no one is looking." H.F.*





January 20, 2022

**RE: Windsor Masonic Temple – Exterior Façade Restoration**

**BUDGET**

As per your request, we submit our budget proposal for the Exterior Façade Restoration work as specified for your consideration. Our scope of work is as follows: To provide labour, material and equipment.

- remove, dispose and replace approx. 500 damaged brick with new facebrick (new brick to match existing as closing as possible)
- repoint failed mortar joints throughout building exterior only using pre-mix Type 'O' mortar (solid mortar joints to remain)
- remove, dispose and replace damaged limestone throughout building exterior with new limestone as required
- remove, dispose and replace existing copper flashing above top band of stone
- remove, dispose and replace all existing clay parapet cap with metal flashing
- wash all exterior brick/stone upon completion of work
- provide all equipment to complete work
- apply and pay for all necessary permits

**Not included**

- repairs to interior finishes
- repairs to existing chimney
- miscellaneous steel items
- caulking or sealing
- construction fencing/hoarding
- site/landscape restoration
- bonds or testing
- overhead protection
- power, water and lighting (Owner to provide)
- access to work area and adequate staging area (Owner to provide)
- premium time/overtime
- weather protection/winter heating or handling

**BUDGET: \$ 301,800.00**

**H.S.T. is extra  
Terms – 30 days**

**2000 Fasan Drive, Oldcastle, Ontario N0R 1L0  
Phone (519) 737-2603, Fax (519) 737-2604, e-mail: anthony@artisangroup.net**

---

**From:** Lukic, Petar  
**Sent:** Saturday, September 18, 2021 10:22 AM  
**To:** adamson\_cameron@hotmail.com  
**Cc:** manobec1@gmail.com; Devon Gale  
**Subject:** Windsor Masonic Temple Images

Cameron,

It was a pleasure meeting you yesterday, this is a fantastic project you are spearheading!

Below are a couple links to the images taken yesterday.

[Drone Images](#)

[Inspection Images](#)

Your existing roofing composition is:

- Wood Deck
- Two Layers of 0.5" fiberboard, total of 1"
- Modified bitumen roof membrane
- R-value of 2.8

Proposed energy savings roof assembly is:

- Vapor barrier
- Two layers of 3" polyisocyanurate insulation, total of 6"
- One layer of 0.5" fiberboard
- Built-up roof assembly, three inter plies
- Flood coat with gravel imbedded, the gravel is white dolomite stone that is solar reflection to reduce heat as well.
- R-value of 36

If you need a budget price, please input \$28 sq.ft. This should protect us from material cost increases and labour increases.

If we need to have a lower per sq/ft advise and we can adjust the roof assembly to accommodate.

Please copy these images to your computer, I will be reducing the file size on Monday. Let me know that you have downloaded all the images.

Regards,

**Petar Lukic**

Sales Associate  
Tremco Roofing & Building Maintenance  
T. 519.800.7663  
M. 519.563.9962  
[plukic@tremco.ca](mailto:plukic@tremco.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](mailto: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) Cameron Adamson, BMTA Building Committee Chair  
Company or Organization Border Masonic Temple Association  
Mailing Address 986 Ouellette Ave. Windsor, ON  
  
Postal Code N9A 1C6  
Email adamson\_cameron@hotmail.com Phone(s) 519 965-6400

#### REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) Board-President Dan Chamney Secretary Glen Teskey  
Company or Organization Border Masonic Temple Association  
Mailing Address 986 Ouellette Ave. Windsor, ON  
  
Postal Code N9A 1C6  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

#### AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) Cameron Adamson, BMTA Building Committee Chair  
Company or Organization Border Masonic Temple Association  
Mailing Address 986 Ouellette Ave. Windsor, ON  
  
Postal Code N9A 1C6  
Email adamson\_cameron@hotmail.com Phone(s) 519 965-6400

#### Who is the primary contact?

☒ Applicant ☐ Registered Owner ☐ Agent





## 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 Border Masonic Temple Association has provided to the City of Windsor quotes/estimates which include descriptions of the work intended. The BMTA's ability to complete this

work will depend of the extent of funding received through Federal, Provincial, and Municipal Grants. Relating to the Masonic Temple's heritage elements in particular, the BMTA

intends to renovate the facade to both replace (with "like-for like" material) damaged brick, limestone, and parapet material, clean the remaining, repoint and fix

damaged mortar, and examine the parapet. The BMTA is also examining the windows, and searching for energy efficient windows that will also maintain and preserve the

Temple's heritage character. Within the building, we are also undertaking several projects to preserve our heritage documentation, and maintain our

accessibility standards.

## 6. HERITAGE PERMIT RATIONALE

*Explain the reasons for undertaking the proposed work and why it is necessary.*

In administering the Windsor Masonic Temple, the Border Masonic Temple Association (BMTA) must balance MANY priorities. The BMTA needs to first consider the Temple's

Heritage Characteristics, while also considering energy efficiency (both to reduce energy costs AND to be environmentally conscience), reducing long-term maintenance

issues, maintaining and improving accessibility standards, (while working within the budget provided by any grants received). The proposed work is necessary because, if completed,

maintain the Temple's heritage character, greatly improve energy efficiency, reduce long-term maintenance costs, and (for the work being proposed within the building)

improve accessibility standards.

*Describe the potential impacts to the heritage attributes of the property.*

Any damaged heritage attributes (brick, limestone, mortar) will be (if necessary) replaced with "like-for-like" material. If it is not necessary to replace, these heritage attributes will

be cleaned using the least-invasive/damaging methods. Options for the parapet are being examined. In terms of the windows, the BMTA is examining options for replacing the current windows

installed in the late 1980's) with energy efficient but heritage appropriate windows are being examined. The main potential impact of our proposed work is simple:

it will reduce maintenance costs, reduce energy costs, and preserve the Masonic Temple "For the Next 100 Years."

## 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 \_\_\_\_\_

Feb 17, 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, \_\_\_\_\_, 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

\_\_\_\_\_  
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](mailto: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>



Originally submitted at March 7, 2022  
Development & Heritage Standing  
Committee – Written Submission

**From:** Cameron Adamson

**Sent:** Sunday, February 27, 2022 4:28 PM

**To:** clerks <clerks@citywindsor.ca>

**Cc:** Toldo, Beth <toldob@citywindsor.ca>; Tang, Kristina <ktang@citywindsor.ca>

**Subject:** RE: March 7, 2022 Development & Heritage Standing Committee meeting at 4:30 pm

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To the Clerks Office;

I am requesting permission to speak at the Mar 7<sup>th</sup>, 2022 Development & Heritage Standing Committee.

Please share the excerpt below with the Heritage Committee. I understand the Heritage Department has also shared a presentation with the committee. If anything else is required, please let me know.

--

In September 2021, the Grand Lodge (the Governing Body for Freemasonry in Ontario), in an [official correspondence](#), noted that “Freemasons are committed to doing what is best for Society.”

The Grand Lodge noted this in relation to federal, provincial, and municipal health and safety commitments (with which the Windsor Masonic Temple has and continues to comply). However, this commitment also relates to Masonic Buildings.

Doing what is best for society means ensuring our buildings are as environmentally friendly and energy efficient as possible. Doing what is best for society means ensuring our buildings are fully accessible. Doing what is best for society means ensuring our buildings’ heritage features (and the information contained within) are, for future generations, preserved and maintained.

To ensure all of the above, the Border Masonic Temple Association (BMTA) is engaged in a project entitled “For the Next 100 Years.”

At present, the BMTA is applying for federal, provincial, and municipal grants in relation to the above project.

The BMTA has shared with the City of Windsor Heritage Department documentation related to this project, including cost estimates ([Sealcon](#) & [Artisan](#)), [letters](#) (including from the [Mayor](#)), and applications. The heritage department also collected several photographs of the Temple (at a Feb 2022 site visit). The BMTA thanks the Heritage Department for all of its assistance thus far.

If anything else is required, please let me know and I will forward it accordingly.

Cameron Adamson

Border Masonic Temple Association, Committee Chair

Sent from [Mail](#) for Windows



**Committee Matters: SCM 65/2022**

**Subject: Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN\_002-21 - Ward #3**

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 377**

THAT the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a 23.22m<sup>2</sup> pylon ground sign at 1220 University Ave W with offsite advertising as a directory of businesses for 1100 and 1200-1220 University Ave W, **BE APPROVED.**

Carried.

Report Number: S 4/2022

Clerk's File: Z/8955

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 11.1. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN\_002-21 - Ward #3**

**Reference:**

Date to Council: March 7, 2022  
Author: Stefan Fediuk  
Landscape Architect  
Sr. Urban Designer (A)  
519-255-6543 ext.6025  
Planning & Building Services

Planning & Building Services  
Report Date: January 18, 2022  
Clerk's File #: Z/8955

**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 23.22m<sup>2</sup> pylon ground sign at 1220 University Ave W with offsite advertising as a directory of businesses for 1100 and 1200-1220 University Ave W, **BE APPROVED.**

**Executive Summary:**

N/A

**Background:**

The applicant 2605385 Ontario Inc. and AIPL Canada Holdings own and currently developing the properties on 1100 and 1200-1220 University Ave W. The current phases of the development plan consist of adaptive reuse of three existing buildings into a complex of medical/business offices and commercial uses. At a later phase, a new multiple dwelling building will be constructed at the north side of the 1200-1220 property.

The applicant is looking to install a new pylon ground sign, as depicted in Appendix "A", with the proposed sign acting as a directory of businesses for the all three adjacent properties that they own.

This location, as depicted in Appendix "B," is subject to the City of Windsor Sign By-law 250-2004. The proposed sign is classified as GROUND SIGN and regulated by Section

6.6: Regulations for PERMANENT GROUND SIGNS". Though many of the uses are medical in nature and fall under the use a User Group 3 classification which would have stricter regulations related to size, the proposed location of the sign will be on a property classified as a User Group 4 due to the nature of the commercial operation found within.

The proposed sign falls within a SPECIAL DISTRICT as outlined in Section 9.4: Regulations for SIGNS in SPECIAL DISTRICT: THEME STREET, specifically identified in Subsection 9.4.1(e) University Avenue between Huron Church Road and Glengarry Avenue.

Variance to Section 6.6 Regulations for Permanent Ground Signs include:

*6.6.5 Maximum Sign Face Area from 12.555 square metres to 23.224 square metres (Subsection 6.6.5), and*

Variance to Section 10.1 Signs Prohibited throughout the city of Windsor include:

*(g) An OFF SITE SIGN.*

While the size variance could be referred to Committee Adjustment, the Prohibition for an Offsite Sign requires City Council approval.

### **Discussion:**

The applicant had worked with City Staff related to heritage and urban design aspects of the buildings and the proposed pylon sign to act as a business directory for the entire site.

In a recent application to Committee of Adjustment (B-054/21, B-055/21 & B-056/21), the owner severed the property into several parcels allowing for reciprocal parking and access to all the sites was heard and approved at the September 16, 2021 Committee of Adjustment Hearing. While the size of the pylon sign as designed would have been allowed for the site based on the regulations found in the Site Bylaw 250-2004, the severance resulted in the sign being oversized. As per Clause 6.6.5 of the Sign Bylaw, the total allowable sign face is 12.555 m<sup>2</sup>. The sign will be faced perpendicular to University Avenue West, having two sign faces with a total sign face of 23.224m<sup>2</sup>.

Additionally, the severance has created a second non-compliance and therefore requires Site-specific Sign Bylaw Amendment required per Prohibitions under Sign Bylaw 10.1 (g), Prohibitions are outside of the authority of Committee of Adjustment.

The site is part of a Brownfield Redevelopment Grant Program, including heritage properties, to become a mix use destination for the community and the City of Windsor (CR186/2019 DHSC28). Minimizing signage to one location is a sensitive way to display the types of businesses found on the sites while respecting the heritage value of the properties.

### **Risk Analysis:**

The proposed sign location is in an area that experiences regular daily traffic. Like all signs, there are potential impacts of these signs attracting the attention of drivers.



## **Climate Change Risks**

### **Climate Change Mitigation:**

There are no climate change impacts related to this type of sign that would require Climate Change Mitigation measures.

### **Climate Change Adaptation:**

There are no climate change impacts related to this type of sign that would require Climate Change Adaptation measures.

### **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, Zoning, Planning and Building Services, Kristina Tang (Heritage Planner), Adam Coates (Senior Urban Designer).

### **Conclusion:**

The Sign By-law is in place to help manage the use of advertising devices and ultimately the clutter or negative visual impact that signs can have on the City's image. While the proposed sign is significantly larger in height, face area than allowed through the calculation process established by the Sign Bylaw, it is contextually appropriate for this type of development with shared vehicular access and parking. It is also a sensitive response to helping to reduce sign clutter by concentrating the business directory for the three properties in one prominent location as means of wayfinding. It is believed that the sign will enhance the City's and the business's image.

It is the opinion of the Planning Department that the proposed site-specific amendments to the Sign Bylaw, would still provide conformity to the provisions for Theme Streets, found in the Official Plan recommended as part of this report, the application to amend the by law can be supported.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Joe Baker	Manager Permits / Deputy Chief Building Officer
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development

Name	Title
	Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

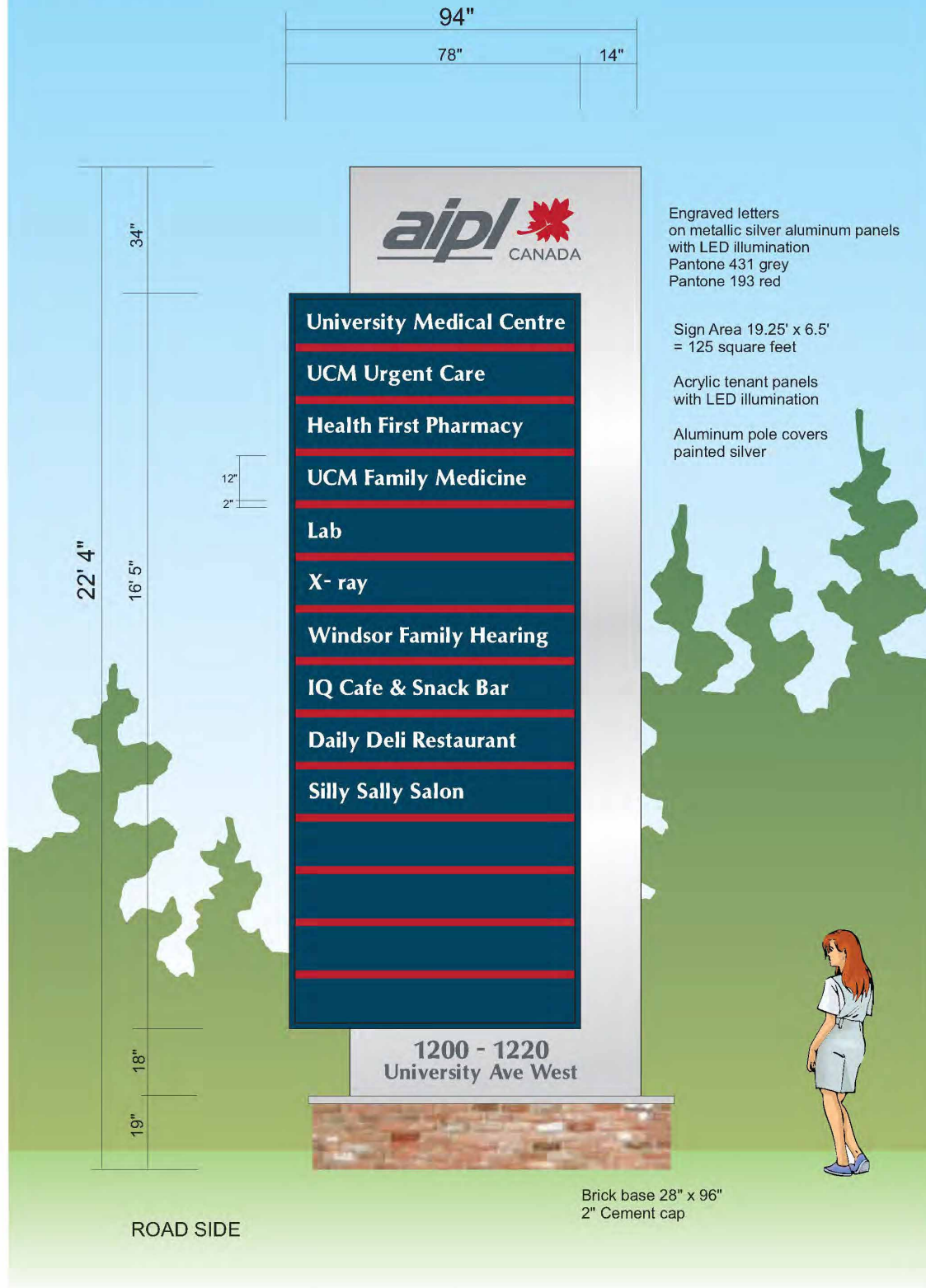
**Notifications:**

Name	Address	Email
Shabeg Singh	AIP Limited	shabeg@aipl.com
Vas Papadiamantopoulos	A+e architecttura	vas@architecttura.com
Maurice Pomerleau	Roland Sign & Lighting 3240 Jefferson Blvd., Windsor, ON N8T 2W8	maurice@rolandsigns.com

**Appendices:**

- 1 Appendix 'A' - University Medical Centre Pylon Sign
- 2 Appendix 'B' - Site Plan - Pylon Sign (1200-1220 University Ave W)

## Appendix 'A' - University Medical Centre Pylon Sign



www.rolandsigns.com  
2580 Jefferson Blvd., Windsor, ON  
N8T 2P8  
519-944-6446 / Fax: 519-944-2952  
This design and concept is the exclusive  
property of Roland's Neon Signs.

Customer: University Medical Centre  
Address: 1100-1200 University W  
Windsor On

Job No: M210222-1  
Date: Feb 22, 2021  
Design: PM Sales MP Page 1  
Revision:

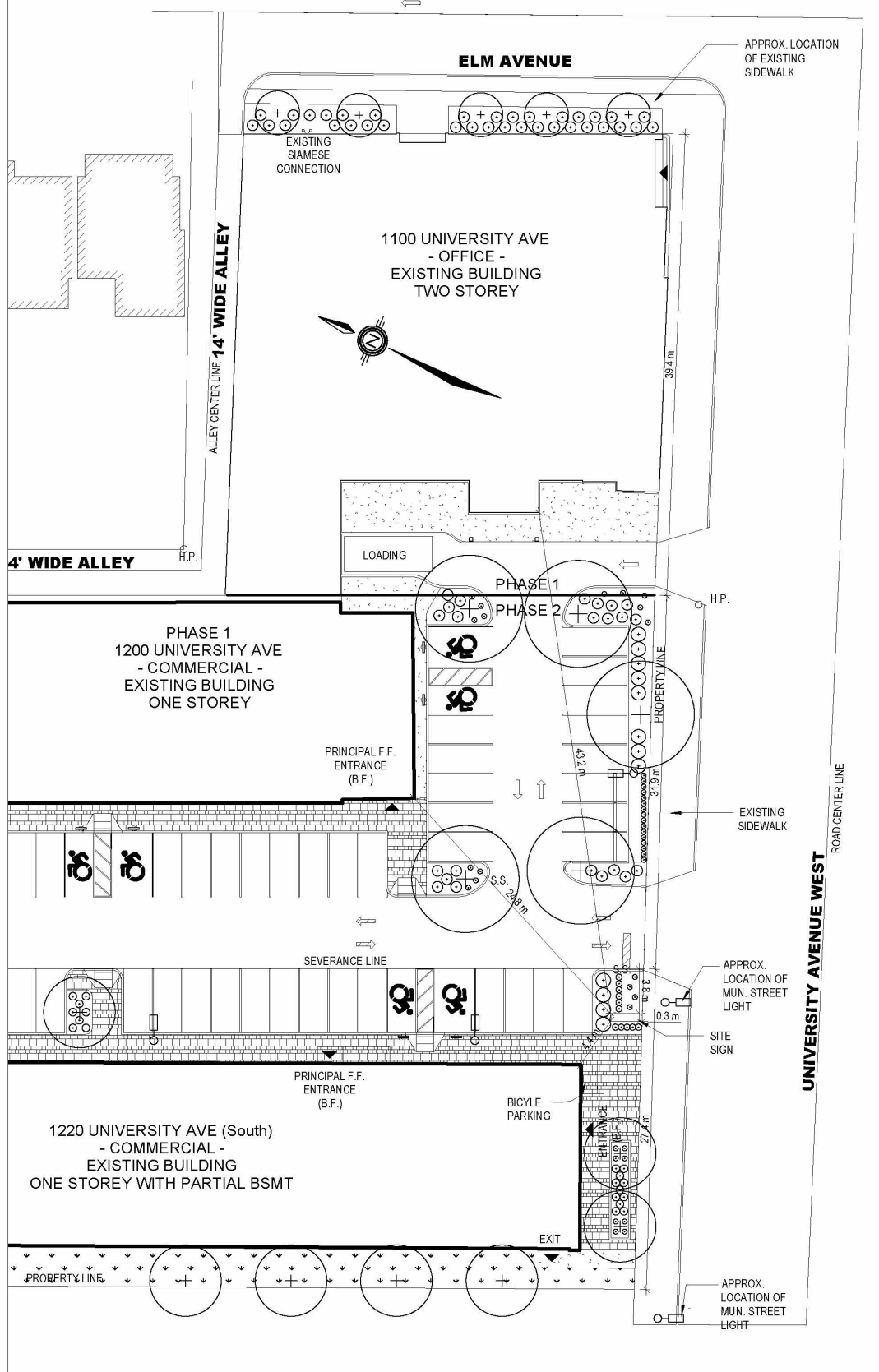
☒ **CONCEPT**  
Not for production.

☐ **SHOP READY**  
Ready for production.

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

☐ APPROVED AS IS ☐ AS NOTED

# Appendix 'B' - Site Plan - Pylon Sign (1200-1220 University Ave W)







Committee Matters: SCM 66/2022

**Subject: Brownfield Community Improvement Plan (CIP) application submitted by Mikhail Holdings Limited on behalf of the Property Owner (1174478 Ontario Ltd) for 2970 College Avenue (Ward 2)**

Moved by: Councillor Holt  
Seconded by: Councillor Gill

Decision Number: **DHSC 378**

- I. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Feasibility Study Grant Program **BE APPROVED** for the completion of the proposed structural feasibility study for the building located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$5,000 based upon the completion and submission of a structural feasibility study completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- IV. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,
- V. THAT the grant funds in the amount of \$20,000 **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,

- VI. THAT should the proposed Feasibility and/or Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval(s) **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 18/2022

Clerk's File: Z/8955

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 11.2. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>

**Subject: Brownfield Community Improvement Plan (CIP) application submitted by Mikhail Holdings Limited on behalf of the Property Owner (1174478 Ontario Ltd) for 2970 College Avenue (Ward 2)**

**Reference:**

Date to Council: March 7, 2022  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca  
Planning & Building Services  
Report Date: February 8, 2022  
Clerk's File #: Z/8955

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Feasibility Study Grant Program **BE APPROVED** for the completion of the proposed structural feasibility study for the building located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$5,000 based upon the completion and submission of a structural feasibility study completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- IV. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,

- V. THAT the grant funds in the amount of \$20,000 **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,
- VI. THAT should the proposed Feasibility and/or Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval(s) **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.

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 College Avenue between Felix Avenue and Huron Church Road in the Sandwich neighbourhood (see location map). The property is 0.44 hectares (or 1.08 acres) and contains a 45,000 square foot office building that is currently vacant. It was historically used for railway and manufacturing uses.

The subject property is designated 'Industrial' on Official Plan Schedule D: Land Use and is zoned Manufacturing District MD1.2. The principle owners of Mikhail Holdings Limited and 1174478 Ontario Ltd are the same.

## **Discussion:**

### **Feasibility Study Grant Program**

The Feasibility Study Grant Program offers a matching grant to property owners of brownfield sites to conduct studies on the feasibility of rehabilitating and redeveloping these sites. The program offers 50% of the cost of an eligible feasibility study up to a maximum grant of \$7,500.

The following feasibility work is proposed by the applicant:

- Rendering and concept plans (exterior) for conversion of existing space,
- Unit layouts and concept floor plans including common areas,
- Mechanical study to determine if existing HVAC units can support the proposed use and determine if new individual units are required,
- Preparation of an electrical schematic plan to determine if existing electrical systems can be broken into individual units, and
- Structural study to determine existing footings will support the proposed use.

## **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 grant of \$15,000.

The owner proposes to redevelop the site, which involves filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed a Phase 1 Environmental Site Assessment (ESA) study to support the redevelopment plan. The Phase I ESA study identified areas of potential environmental concern and recommends a Phase II ESA study be completed to assess the soil and groundwater quality and delineate the extent of any contamination. The Phase II ESA study is required 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 related to the potential presence of contamination. In this case there is also a risk of the property remaining in a derelict state, which negatively affects the surrounding properties. The proposed study will assist in mitigating these risks. The City would retain a copy of the study for future reference.

## **Climate Change Risks**

### **Climate Change Mitigation:**

The proposed 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 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 feasibility study is \$10,000. If approved the Feasibility Study Grant program would provide \$5,000 to offset 50% of the study cost. The cost estimate for completing an initial Phase 2 ESA study is \$45,300. If approved, the grant would total \$15,000, which is the maximum grant value for one study under the program. The total grant value would be \$20,000.

Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003). The funds will be transferred from Fund 226 which has a current uncommitted balance of \$505,877.95 to project 7069003 when the work is complete.

### **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 Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Feasibility and Environmental Site Assessment Grant Programs. 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:**

<b>Name</b>	<b>Title</b>
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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Jeff Belanger		jeffbelanger@gmail.com
Tom O'Dwyer		todwyer@ctsoil.com

**Appendices:**

1. Location Map



## LOCATION MAP : 2970 COLLEGE AVENUE



## SUBJECT PROPERTY





Committee Matters: SCM 67/2022

**Subject: Sandwich Town CIP Application, 357-359 Indian Road; Owners Cam Crowder and Sean Lavin (Owners of GBI Holding Company)**

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

Decision Number: **DHSC 379**

- I. THAT the request for incentives under the Sandwich Incentive Program made by GBI Holding Company (Cam Crowder and Sean Lavin), owners of the property located at 357-359 Indian Road, **BE APPROVED** for the following programs when all work is complete:
  - i. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (**+/- \$3,113** per year); and
  - ii. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (**+/- \$11,436.74**);
- II. THAT Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne 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 implication;
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and GBI Holding Company (owners Cam Crowder and Sean Lavin) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements 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 funds in the maximum amount of **+/- \$11,436.74** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;
- V. THAT grants **BE PAID** to GBI HOLDING COMPANY (owners Cam Crowder and Sean Lavin) upon completion of the two and a half (2.5) storey, two (2) unit duplex dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

VI. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 20/2022

Clerk's File: Z/14306

**Clerk's Note:**

1. The recommendation of the Standing Committee and Administration are the same.
2. Please refer to Item 11.3. from the Development & Heritage Standing Committee Meeting held March 7, 2022.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20220308/-1/7309>



**Subject: Sandwich Town CIP Application, 357-359 Indian Road; Owners Cam Crowder and Sean Lavin (Owners of GBI Holding Company)**

**Reference:**

Date to Council: March 7, 2022  
Author: Kevin Alexander, MCIP RPP  
Senior Planner Special Projects  
519-255-6543 x6732  
kalexander@citywindsor.ca  
Planning & Building Services

Report Date: February 10, 2022  
Clerk's File #: Z/14306

**To:** Mayor and Members of City Council

**Recommendation:**

- I. **THAT** the request for incentives under the Sandwich Incentive Program made by GBI Holding Company (Cam Crowder and Sean Lavin), owners of the property located at 357-359 Indian Road, **BE APPROVED** for the following programs when all work is complete:
  - i. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- **\$3,113** per year); and
  - ii. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/- **\$11,436.74**);
- II. **THAT** Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne 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 implication;
- III. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and GBI Holding Company (owners Cam Crowder and Sean Lavin) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements 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** funds in the maximum amount of **+/- \$11,436.74** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;
- V. **THAT** grants **BE PAID** to GBI HOLDING COMPANY (owners Cam Crowder and Sean Lavin) upon completion of the two and a half (2.5) storey, two (2) unit duplex dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- VI. **THAT** grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

### **Executive Summary:**

N/A

### **Background:**

On January 26, 2009, City Council passed by-laws to establish the Sandwich Heritage Conservation District Plan (By-law 22-2009), Olde Sandwich Towne Community Improvement Plan (By-law 27-2009), and Supplemental Development and Urban Design Guidelines (By-law 28-2009). These By-laws came into effect on October 18, 2012. One of the key recommendations of the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) is the implementation of the Incentive Program(s).

On June 17, 2013 through M265-2013 Council activated the following Incentive Programs from the Sandwich Incentive Program(s) "toolkit" (See):

- a) Commercial/Mixed Use Building Facade Grant Program
- b) Revitalization Grant Program
- c) Commercial Core Feasibility Grant Program
- d) Development Charge Grant Program
- e) Development and Building fees Grant Program
- f) Neighbourhood Residential Rehabilitation Grant Program.

On June 17, 2013 Council also received the Development Review Process for development applications within the Sandwich Heritage Conservation District (HCD) area, and within the Sandwich Community Improvement Plan (CIP) Area (outside of the Sandwich HCD Area) (M264-2013). On April 28, 2014 Council also activated the *Commercial/Mixed Use Building Improvement Loan Program* from the Sandwich Incentive Program(s) "toolkit".



## Discussion:

On June 8<sup>th</sup>, 2021, GBI Holding Company (Cam Crowder and Sean Lavin) applied for grants through the Sandwich Town CIP Incentive program for the purpose of redeveloping a two and a half (2.5) storey, two-unit duplex dwelling located at 357 to 359 Indian Road (See Appendix A for location map and existing condition).

The property is located within the Sandwich Heritage Conservation District (HCD) and the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) area. In keeping with the development review process put in place for all development applications in Sandwich Town the applicant was required to submit a Heritage Permit for Demolition, before a Building Permit can be issued for the new proposal, to ensure that the development is compatible in its surroundings and with the characteristics of the HCD.

On May 3, 2021, through CR204/2021 DHSC 274 Council approved the following Heritage Permit concerning the property located at 357 to 359 Indian Road:

- I. That the request for a s. 42(1)2. *Ontario Heritage Act*, Heritage Permit for the demolition and replacement with a historically accurate reconstruction at 357-359 Indian Road **BE GRANTED** generally as per plans in Appendix B, conditional to the following:
  - a. Recommendations of the Heritage Consultant as per Section 7.2 of the Built Heritage Assessment; and
  - b. Further revisions requested as outlined in this report, including concerns about windows on north elevation; and
- II. That an Exemption under Demolition Control Bylaw 20-2007 **BE GRANTED** subject to the fulfillment of the following standard requirements for demolitions within the Olde Sandwich Towne Community Improvement Plan Area:
  - (i) a plan for a redevelopment in conformity with the Official Plan and Zoning Bylaw requirements,
  - (ii) an executed Site Plan Control Agreement(s),
  - (iii) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill conditions of the Site Plan Control Agreement;
  - (iv) the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
    - a) The Redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
    - b) If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition, the Clerk enter the sum of Twenty Thousand Dollars (\$20,000 per unit) on the collectors roll of the property and prepare a certificate for registration and the City Solicitor register the certificate in the land registry office against the property.
- III. That all approvals **BE SUBJECT** to further finalization of construction drawings and details, the provision and approval of building material samples and colour samples by the Heritage Planner prior to issuance of building permits, as determined by the City Planner or his designate; and,
- IV. That the City Planner or his designate **BE DELEGATED** the authority to approve further minor changes to the approved scope for this property.

One of the general requirements of Section 10.3 q) of the Sandwich CIP requires that approval of any application for the financial incentive program is based on the compatibility of the proposed use with the vision and goals of the CIP, the Sandwich Community Planning Study (CPS), and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines (Sandwich Urban Design Guidelines) and any other guidelines applicable to the CIP area. In this case the development is within the Sandwich HCD therefore the design guidelines in the HCD would be considered as “other applicable guidelines”. The following identifies how this particular development addresses section 10.3 (q) of the City’s Official Plan.

### **Sandwich HCD Policy and Urban Design Guidelines**

The Planning and Building Department (Heritage and Urban Design) reviewed the plans for the proposed improvements (See Appendix ‘B’) through the Heritage Permit approval process and continues to work with the applicant and architect on details related to heritage and design to reflect the intent of the Sandwich HCD Plan and the Sandwich CIP Urban Design Guidelines.

The proposed design of the new duplex building addresses the vision, goals, and policies identified in the Sandwich HCD and the urban design guidelines in the Sandwich Town CIP.

The existing building will be demolished and recreated (with additions at the rear) to be as historically correct as possible and so that it is consistent with the surrounding built form of the neighbourhood in a heritage appropriate appearance. The applicant is proposing to save the original bricks so that they can be used in the facade for the redevelopment. The Heritage Permit was approved by City Council through CR204/2021 DHSC 274. The proposed improvements meet the intent of the Sandwich CIP and Urban Design Guidelines.

### **Sandwich Incentive Program(s)**

The proposal is located within Target Area 3 of the Sandwich CIP Area and eligible for the following Incentive programs. The eligible costs for each incentive program are based on the costs estimates provided by the applicant, as the project is implemented these costs could fluctuate slightly which could have a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, with the following program specific requirements:

#### **1. *Development and Building fees Grant Program***

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. The applicant is required to apply for the following applications, which are eligible under this program:

- 
- |  |                |
|--|----------------|
| • Minor Variance                                   | +/- \$2,499.00 |
| • Site Plan Review Application (small residential) | +/- \$1071.74  |

• Residential Building Permit	+/- \$5,491.00
• Zoning Certificate Fee for Residential Building Permit	+/- \$100.00
• Demolition Permit Fee	+/- \$300.00
• Zoning Certificate Fee for Demolition Permit	+/- \$50.00
• Parks Fee	+/- \$1,925.00
<hr/>	
<b>Total:</b>	<b>+/- 11,436.74</b>

## **2. Revitalization Grant Program**

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in City property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes.

The confirmed current value assessment of the property located at 357-359 Indian Road is \$58,000. The owner currently pays municipal property taxes of \$966.09 (based on 2021 tax levies). The estimated Post-Project Value of Land and Buildings based on the cost of construction is \$325,000. However, some of the proposed costs incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value, as determined by MPAC after completion.

For illustrative purposes, the table below identifies the 70% of the municipal portion (over a 10 year period) that the applicant would be eligible for based on the Current Value Assessment and the Estimated Post Project Assessment Value. The estimated post project assessment value of \$325,000 was completed by Administration based upon the construction and permit drawings provided by the applicant. However, the actual amount of the new assessment will be dependent upon a full review of the building after completion of renovations as determined by the Municipal Property Assessment Corporation (MPAC). Although the City only collects 30% of the increment, this results in the City collecting \$1,334, which is \$367.91 more than the predevelopment amount. After 10 years, the City will collect the full amount (\$4,447).

<b>Estimated Revitalization Grant for 357-359 Indian Road</b>		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant
\$ 966.09	\$ 4,447	\$ 3,113

## Assumptions

Current Property Value Assessment (2021 – Residential)	\$58,000
Estimate Total Post Development Assessment	\$325,000

## Risk Analysis:

The Planning & Building Department received and conducted a review of the building plans to confirm compliance with the Ontario Building Code, the Heritage Permit and applicable law (e.g. zoning by-law and the Ontario Heritage Act). The drawings will continue to be reviewed to ensure that the City's incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Sandwich Incentive Program(s). As a requirement of Section 28 (7.3) of the Planning Act Administration has confirmed that, the Grant amount does not exceed the total cost of the project.

The following grants will not be disbursed until an agreement for the Sandwich Incentive Program have been registered on title between the owner and the City of Windsor and not until all work is completed and inspected by Administration as per the approved drawings and Building Permit:

- *Revitalization Grant Program*
- *Development and Building Fees Grant Program*

There is little risk associated with approval of a tax increment-based grant such as the *Revitalization Grant Program* as the payments commence after the eligible work has been completed and the property reassessed by MPAC, and will only continue if the development remains eligible in accordance with the Sandwich CIP. Should the development fail to meet its requirements under the CIP, grant payments would cease.

## Climate Change Risks:

### Climate Change Mitigation:

Once the existing building is demolished, some material may end up in a landfill, which may have an impact on the environment. Additional materials (i.e. stone, brick, lumber) will be required for the construction of the new building which will have an indirect impact on Carbon dioxide emissions (CO<sub>2</sub>), however, the applicant also plans on recycling some material (i.e. brick) to be used in the construction of the new building. The redevelopment of the site contributes to the revitalization of the Sandwich Town Neighbourhood through increasing the density and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.

Utilizing a property in an existing built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

### Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor the property does not appear to be located within a Heat Vulnerability area. However, the redevelopment of the site will utilize modern building methods which will conform to the Ontario Building Code concerning energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.

### Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$505,877.95 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the amount of +/- \$11,436.74 for the *Development and Building Fees Grant Program* identified in this report.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department when all work is complete.

Eligible Incentive Programs	Grant
<i>Development and Building Fees Grant</i>	<b>+/- \$11,436.74</b>
<i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i>	
<i>Revitalization Grant</i>	<b>\$31,130.00</b>
<i>*( \$3,113 per year between years 1 to 10</i>	
<b>Total</b>	<b>\$42,566.74</b>

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund* (project 7076176) when all work is complete. The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.



**Consultations:**

The Planning and Building Department has consulted with the owner and architect of 357-359 Indian Road through the Sandwich Incentive(s) Program application and all other aspects of the Development Review Process including the requirements of the Heritage Permit process.

For the purpose of determining the approximate dollar value of grants Carolyn Nelson, Manager of Property Assessment Taxation & Financial Projects was consulted regarding annual Tax Assessment information and the Estimated Post-Redevelopment Property Value Assessment. Josie Gualtieri, Financial Administrator from Financial Planning was consulted regarding funding through Account 7076176-Sandwich Community Development Plan.

The Development and Building fees Grant was determined through consultation with Brian Nagata, Customer Service Representative from the Planning and Building Department. Kristina Tang, Heritage Planner was consulted regarding the requirements of the Sandwich HCD and Heritage Permit process and design of the replacement building. We continue to work towards ensuring that the replacement building is historically correct and consistent with the surrounding built form of the neighbourhood.

**Conclusion:**

The proposed residential redevelopment located at 357-359 Indian Road will provide an opportunity to improve the appearance of the area and create new housing units in the Sandwich CIP area. This development addresses the Sandwich CIP Urban Design Guidelines and Sandwich HCD requirements to ensure a heritage appropriate appearance.

The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report. There are sufficient funds in the Sandwich Community Development Plan Fund to provide the Development & Building Fees grant amount, which has been applied for by the applicant for this project with the Revitalization Grant portion funded through the municipal portion of the annual tax levy. Administration recommends that the application request by the owner of 357-359 Indian Road for incentives under the Sandwich Incentive Program be approved.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Manager of Urban Design / Deputy City Planner

<b>Name</b>	<b>Title</b>
John Revell	Chief Building Official
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administrative Officer

**Notifications:**

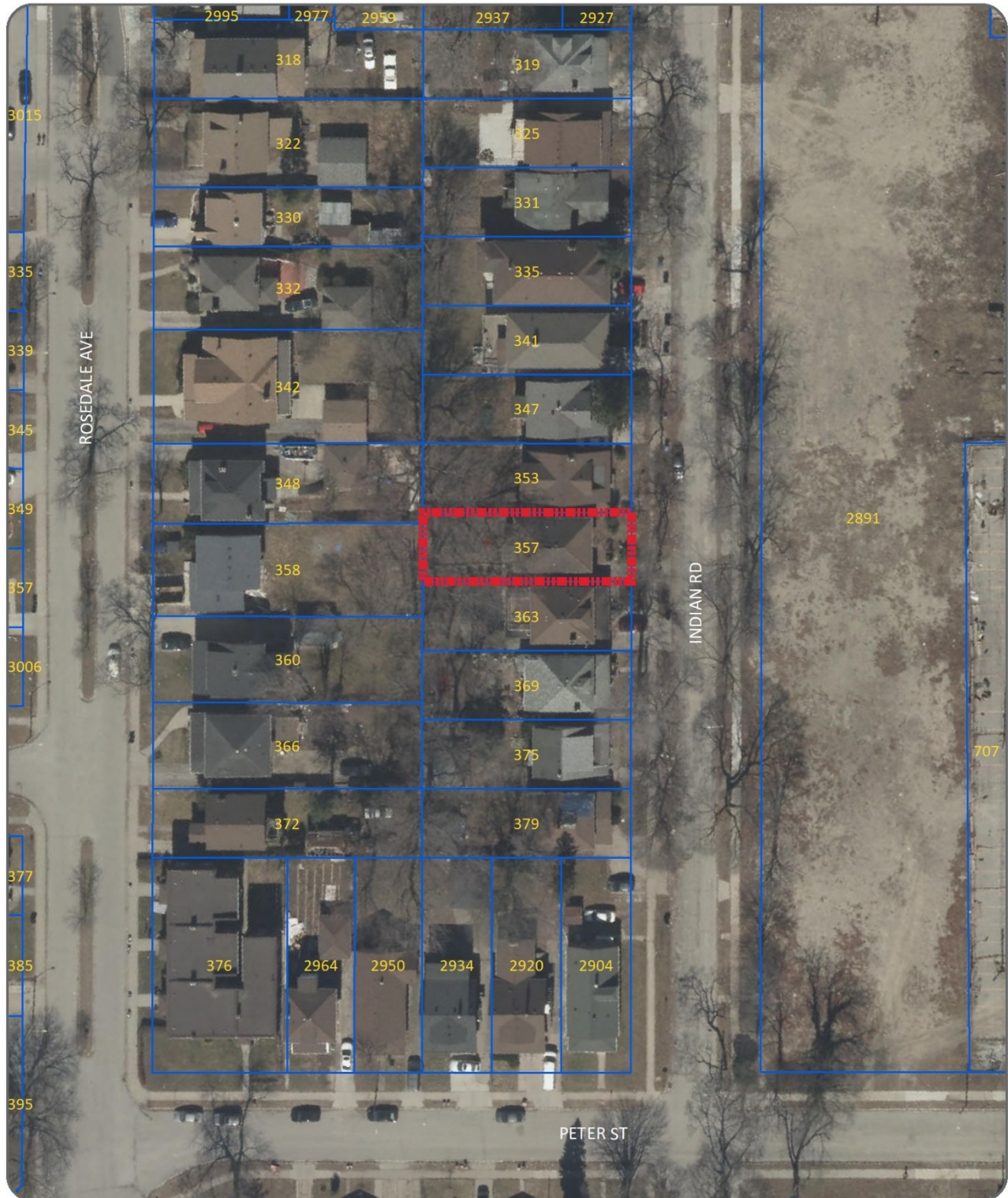
<b>Name</b>	<b>Address</b>	<b>Email</b>
GBI Holding Company	4145 Basline Rd, Windsor ON, N8V 1A0	
Dr. Greg Hanaka, Chair	Sandwich Town BIA	
Mary Anne Cuderman, Co-Chair	Sandwich Town BIA	
Thomas Coke, Coordinator	Sandwich Town BIA	

**Appendices:**

- 1 Appendix 'A' Location Map and Existing Condition
- 2 Appendix 'B' Proposed Redevelopment

## APPENDIX 'A'

### LOCATION MAP



### LOCATION MAP



SUBJECT PROPERTY : 357-359 INDIAN ROAD



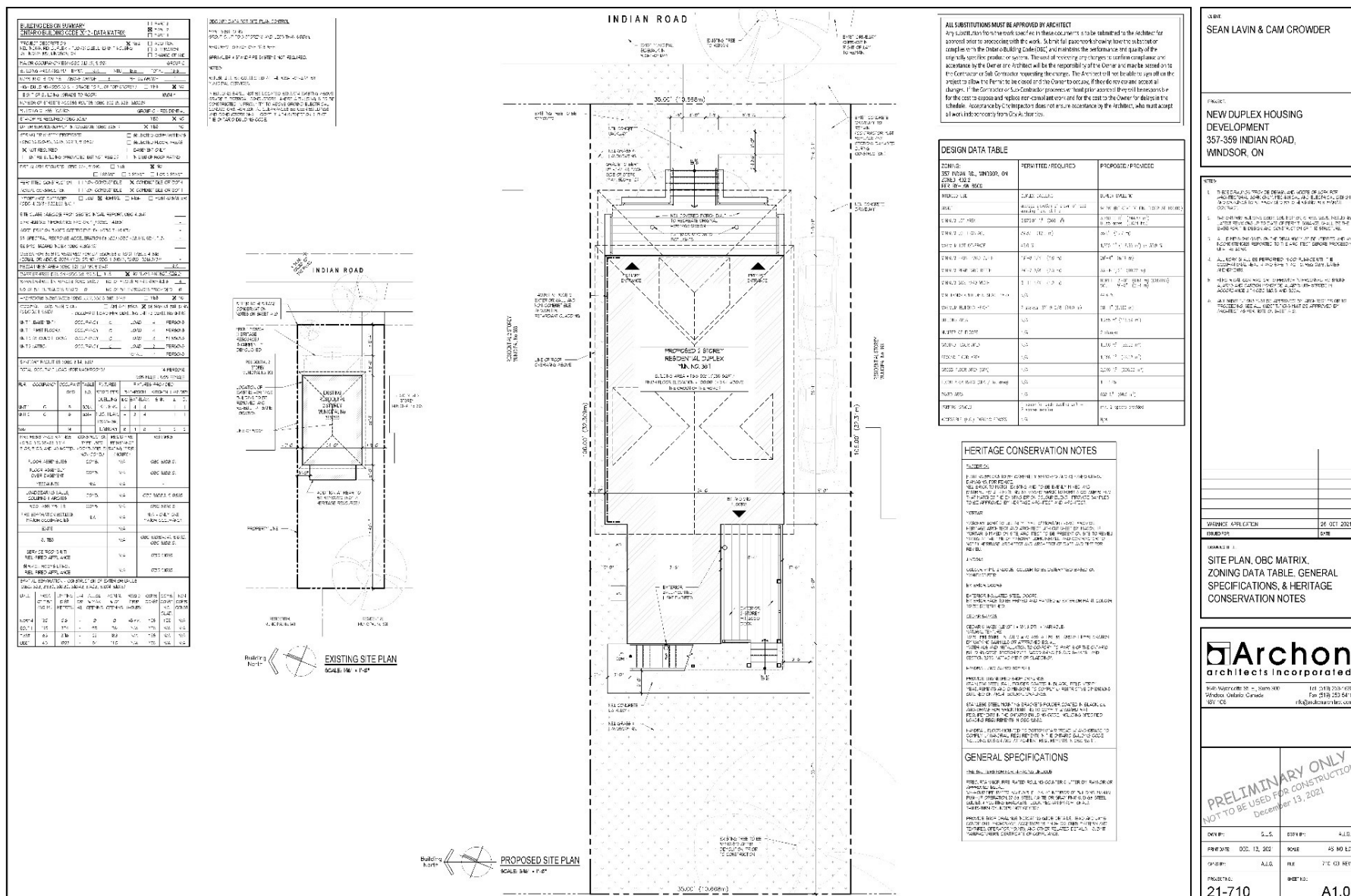
APPENDIX 'A'

EXISTING CONDITIONS



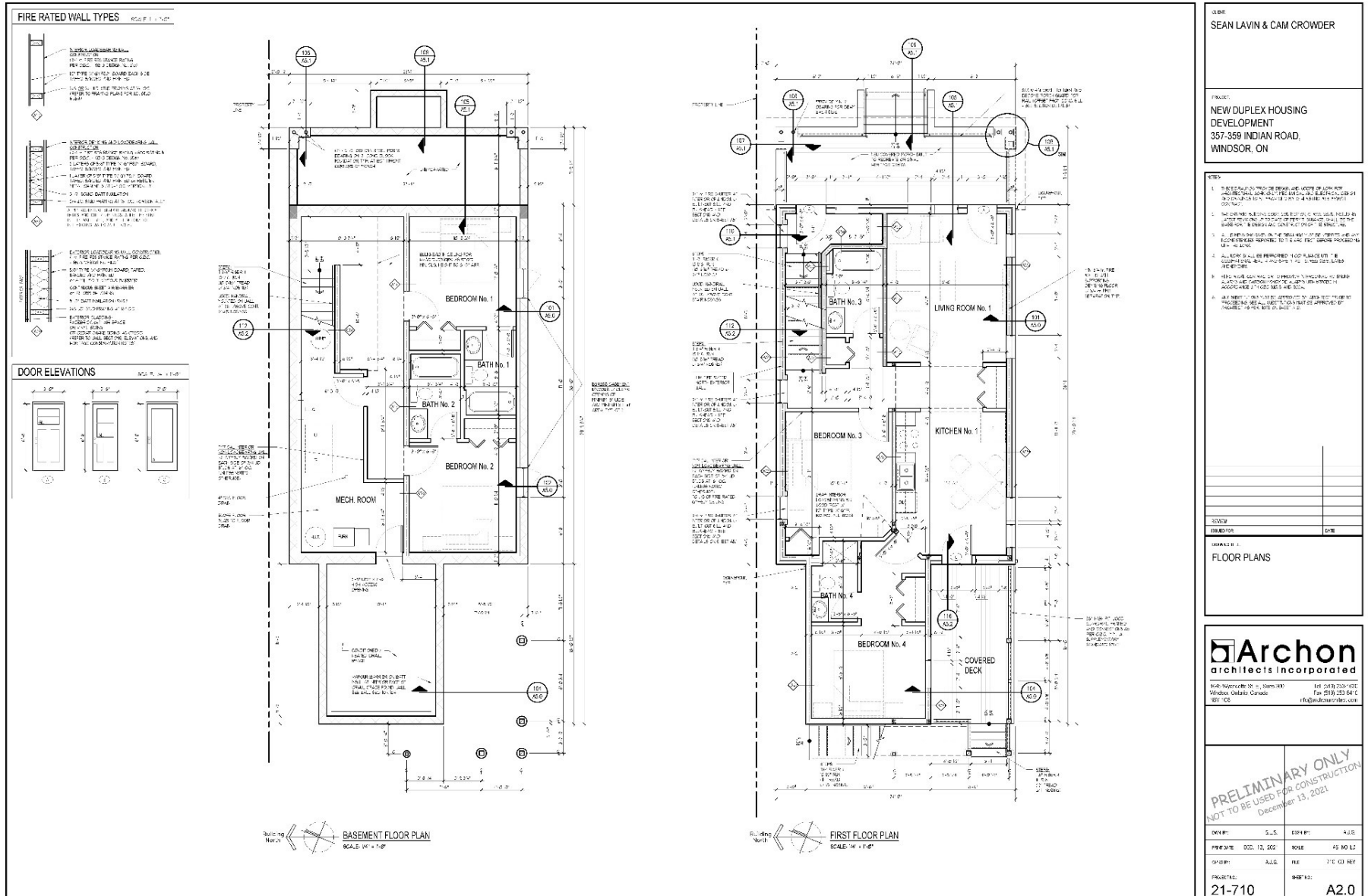
## APPENDIX 'B'

### PROPOSED REDEVELOPMENT



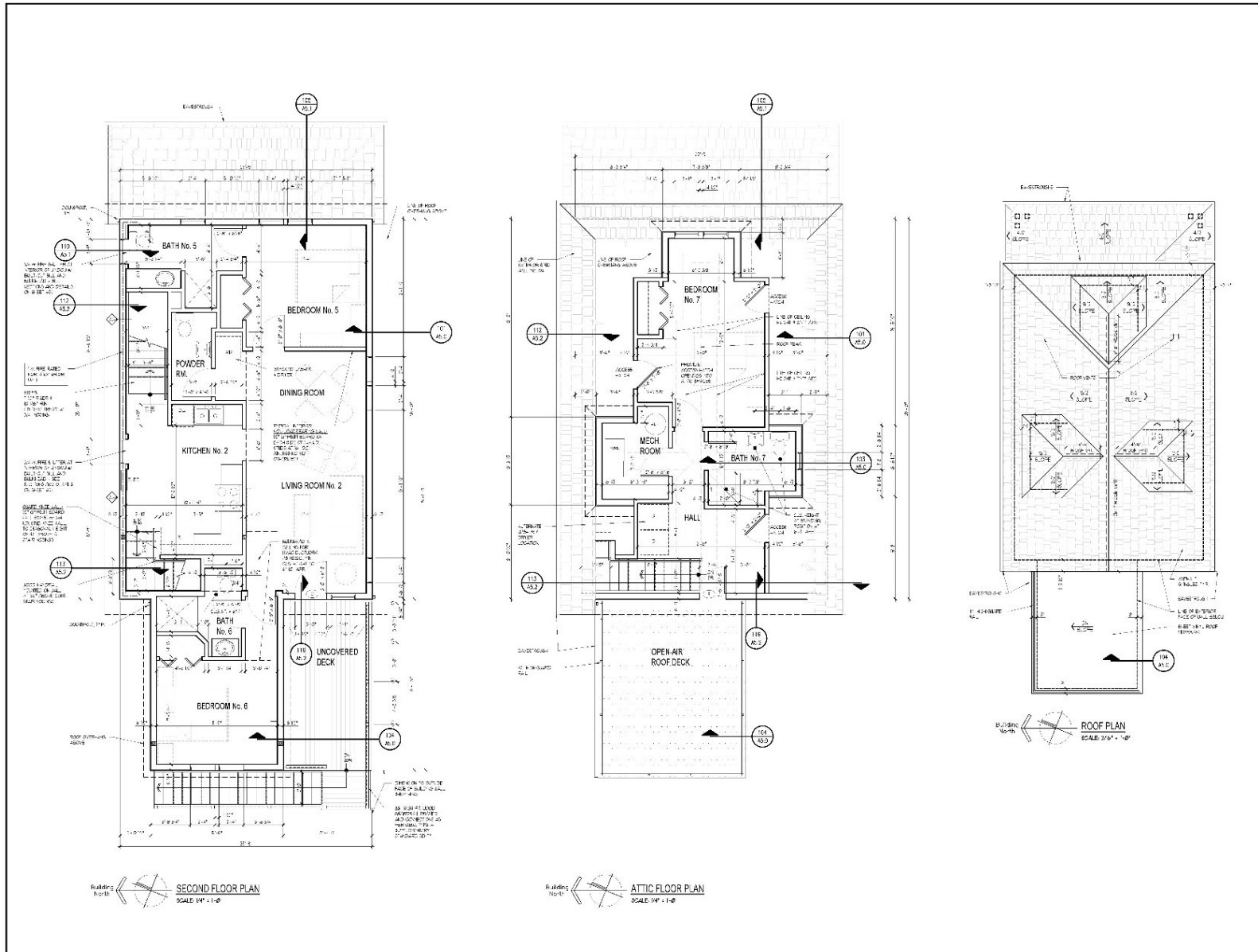


# APPENDIX 'B' PROPOSED REDEVELOPMENT



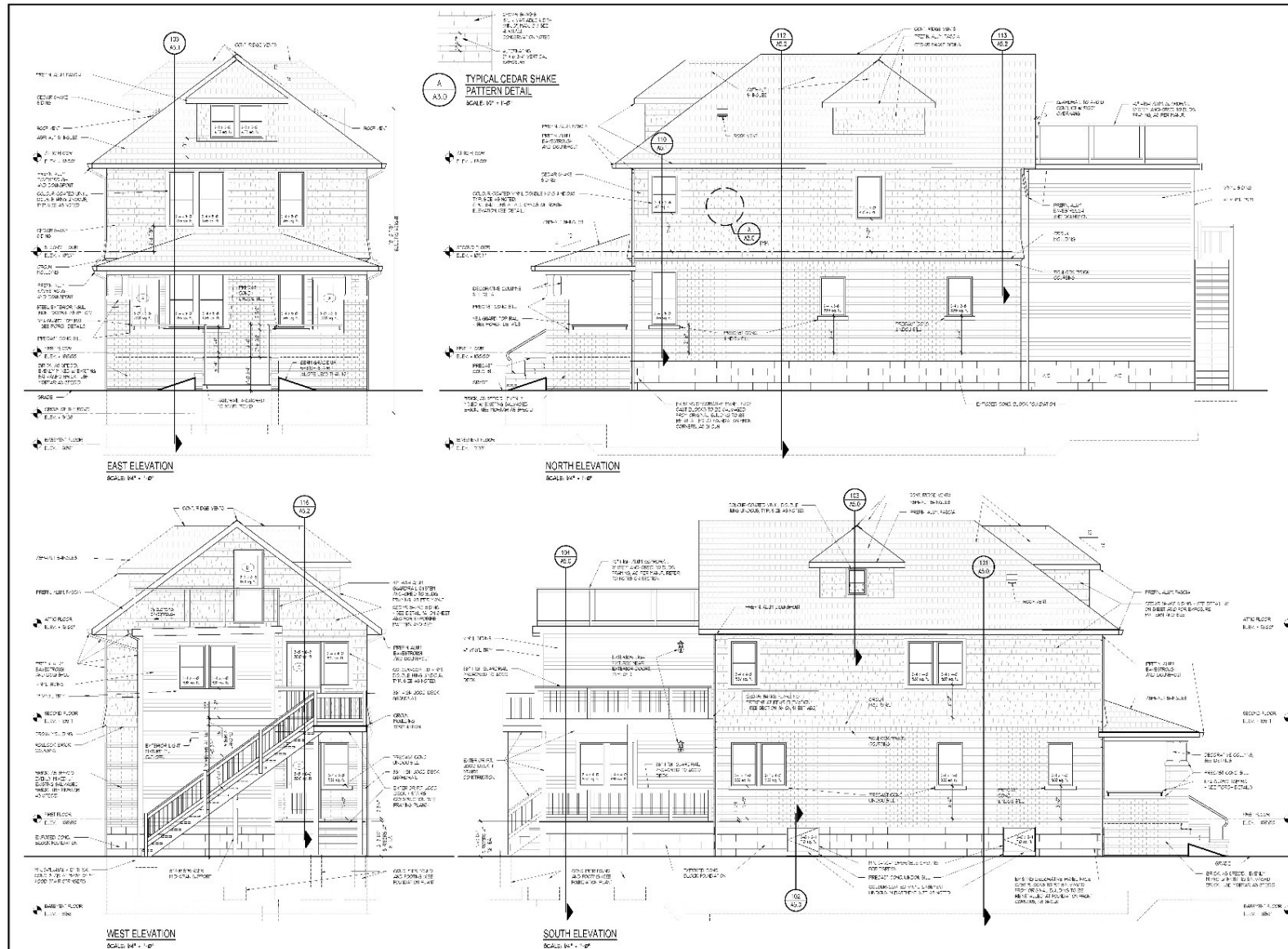
# APPENDIX 'B'

## PROPOSED REDEVELOPMENT



CLIENT: SEAN LAVIN & CAM CROWDER	
PROJECT: NEW DUPLEX HOUSING DEVELOPMENT 357-359 INDIAN ROAD, WINDSOR, ON	
NOTES: 1. ALL DIMENSIONS SHOWN ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN METERS. 2. ALL DIMENSIONS SHOWN ARE TO THE CENTERLINE OF THE STRUCTURE. 3. ALL DIMENSIONS SHOWN ARE TO THE EXTERIOR FACE OF THE STRUCTURE. 4. ALL DIMENSIONS SHOWN ARE TO THE INTERIOR FACE OF THE STRUCTURE. 5. ALL DIMENSIONS SHOWN ARE TO THE CENTERLINE OF THE STRUCTURE. 6. ALL DIMENSIONS SHOWN ARE TO THE EXTERIOR FACE OF THE STRUCTURE. 7. ALL DIMENSIONS SHOWN ARE TO THE INTERIOR FACE OF THE STRUCTURE. 8. ALL DIMENSIONS SHOWN ARE TO THE CENTERLINE OF THE STRUCTURE. 9. ALL DIMENSIONS SHOWN ARE TO THE EXTERIOR FACE OF THE STRUCTURE. 10. ALL DIMENSIONS SHOWN ARE TO THE INTERIOR FACE OF THE STRUCTURE.	
DATE:	
REVISION:	
FLOOR PLANS	
Archon architects incorporated 1000 Wellington St. W., Suite 100 Windsor, Ontario Canada N9A 1C5 Tel: 318.223.600 Fax: 318.223.640 info@archoninc.com	
PRELIMINARY ONLY NOT TO BE USED FOR CONSTRUCTION December 13, 2021	
OWNER:	A.J.S.
DESIGNER:	A.J.S.
DATE:	DEC. 13, 2021
ROLE:	AS NO LG
FILE:	710-03 REV
PROJECT:	21-710
DATE:	A2.1

## PROPOSED REDEVELOPMENT



SEAN LAVIN &amp; CAM CROWDER

PROJECT:  
NEW DUPLEX HOUSING  
DEVELOPMENT  
357-359 INDIAN ROAD,  
WINDSOR, ON

- | Sl. No. | Question   | Answer  |
|---------|--|---|
| 1.      | What is the difference between the terms 'cost' and 'expense'? | Cost is the amount of money or resources expended to acquire or produce something. Expense is the amount of money or resources expended to maintain or operate something. |
| 2.      | What is the difference between the terms 'cost' and 'expense'? | Cost is the amount of money or resources expended to acquire or produce something. Expense is the amount of money or resources expended to maintain or operate something. |
| 3.      | What is the difference between the terms 'cost' and 'expense'? | Cost is the amount of money or resources expended to acquire or produce something. Expense is the amount of money or resources expended to maintain or operate something. |
| 4.      | What is the difference between the terms 'cost' and 'expense'? | Cost is the amount of money or resources expended to acquire or produce something. Expense is the amount of money or resources expended to maintain or operate something. |
| 5.      | What is the difference between the terms 'cost' and 'expense'? | Cost is the amount of money or resources expended to acquire or produce something. Expense is the amount of money or resources expended to maintain or operate something. |

25/01/2017	

## ELEVATIONS



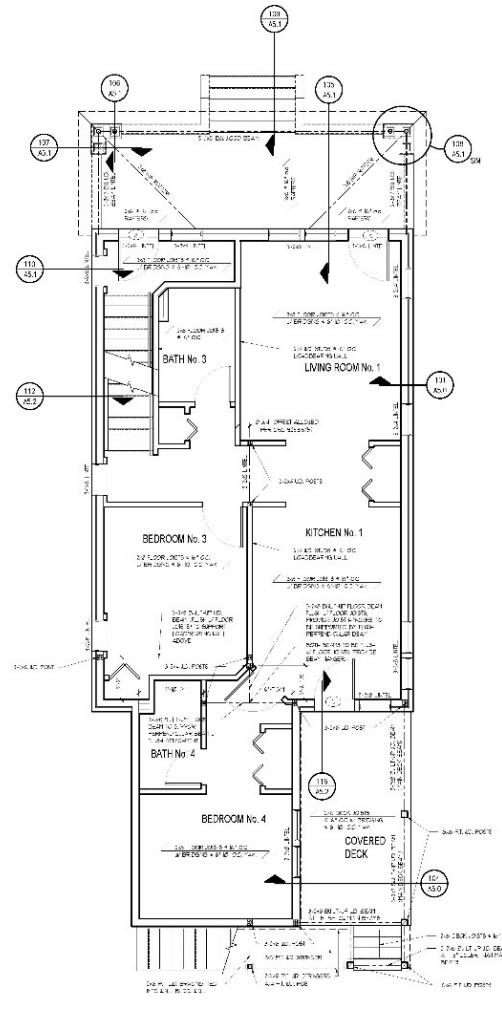
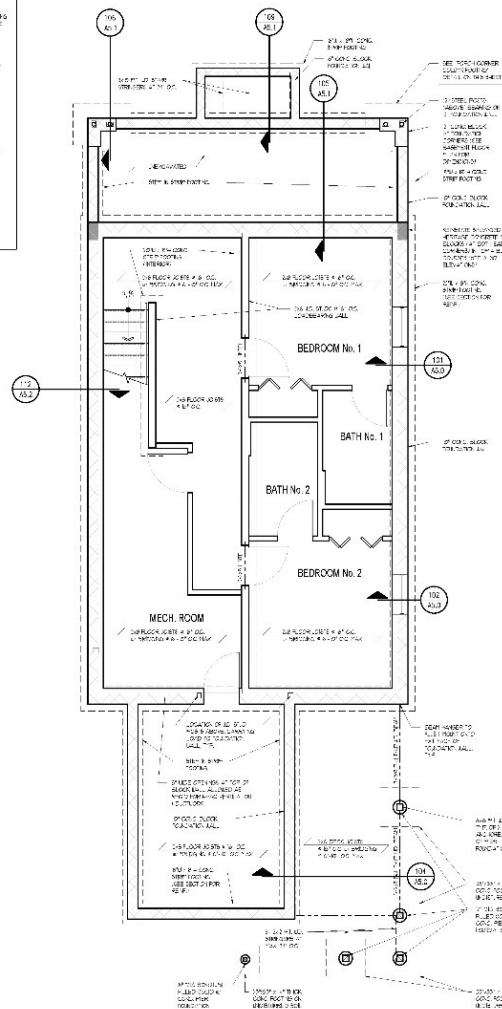
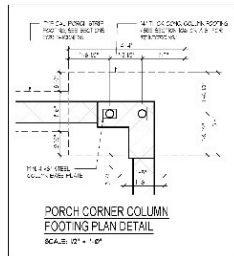
6640 Waverlyville St., Suite 300 Tel: (519) 253-1620  
Windsor, Ontario, Canada Fax: (519) 253-6410  
M9B 1C6 [info@audionations.com](mailto:info@audionations.com)

PRELIMINARY ONLY  
NOT TO BE USED FOR CONSTRUCTION  
December 13, 2021

OWNER: S.S.S.	COPIES: A.J.G.
PRINT DATE: DEC. 12, 2021	NOLE: 45 MO L2
STATUS: A.J.G.	FILE: 716 Q3 REV
PROJECTID: 21-710	QUEST ID: A3.0

# APPENDIX 'B'

## PROPOSED REDEVELOPMENT



CLIENT  
SEAN LAVIN & CAM CROWDER

PROJECT  
NEW DUPLEX HOUSING  
DEVELOPMENT  
357-359 INDIAN ROAD,  
WINDSOR, ON

- NOTES:
1. ALL FOUNDATION ELEMENTS TO BE CONCRETE.
  2. ALL FOUNDATION ELEMENTS TO BE REINFORCED WITH STEEL.
  3. ALL FOUNDATION ELEMENTS TO BE FINISHED WITH 1/2" PLASTER.
  4. ALL FOUNDATION ELEMENTS TO BE FINISHED WITH 1/2" PLASTER.
  5. ALL FOUNDATION ELEMENTS TO BE FINISHED WITH 1/2" PLASTER.
  6. ALL FOUNDATION ELEMENTS TO BE FINISHED WITH 1/2" PLASTER.

ARCHON  
architects incorporated

1845 Sandhill Dr. Suite 202  
Windsor, Ontario N9A 6K6  
Tel: (519) 253-1600  
Fax: (519) 253-1601  
info@archoninc.com

PRELIMINARY ONLY  
NOT TO BE USED FOR CONSTRUCTION  
December 13, 2021

DATE:	11.25.21	SCALE:	AS NOTED
PROJECT:	357-359 INDIAN ROAD	DATE:	11.25.21
CLIENT:	SEAN LAVIN & CAM CROWDER	DATE:	11.25.21
PROJECT NO.:	21-710	DATE:	11.25.21





## PROPOSED REDEVELOPMENT

SEAN LAVIN &amp; CAM CROWDER

**NEW DUPLEX HOUSING  
DEVELOPMENT**  
357-359 INDIAN ROAD,  
WINDSOR, ON

1. TO HAVE A PERSONAL PROCEEDING IN ORDER TO OBTAIN AN ORDER OF ARREST
2. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
3. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
4. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
5. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
6. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
7. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
8. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
9. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON
10. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT FOR THE ARREST OF A PERSON

NO-90-00	
DATE FOR	DATE

WALL SECTIONS

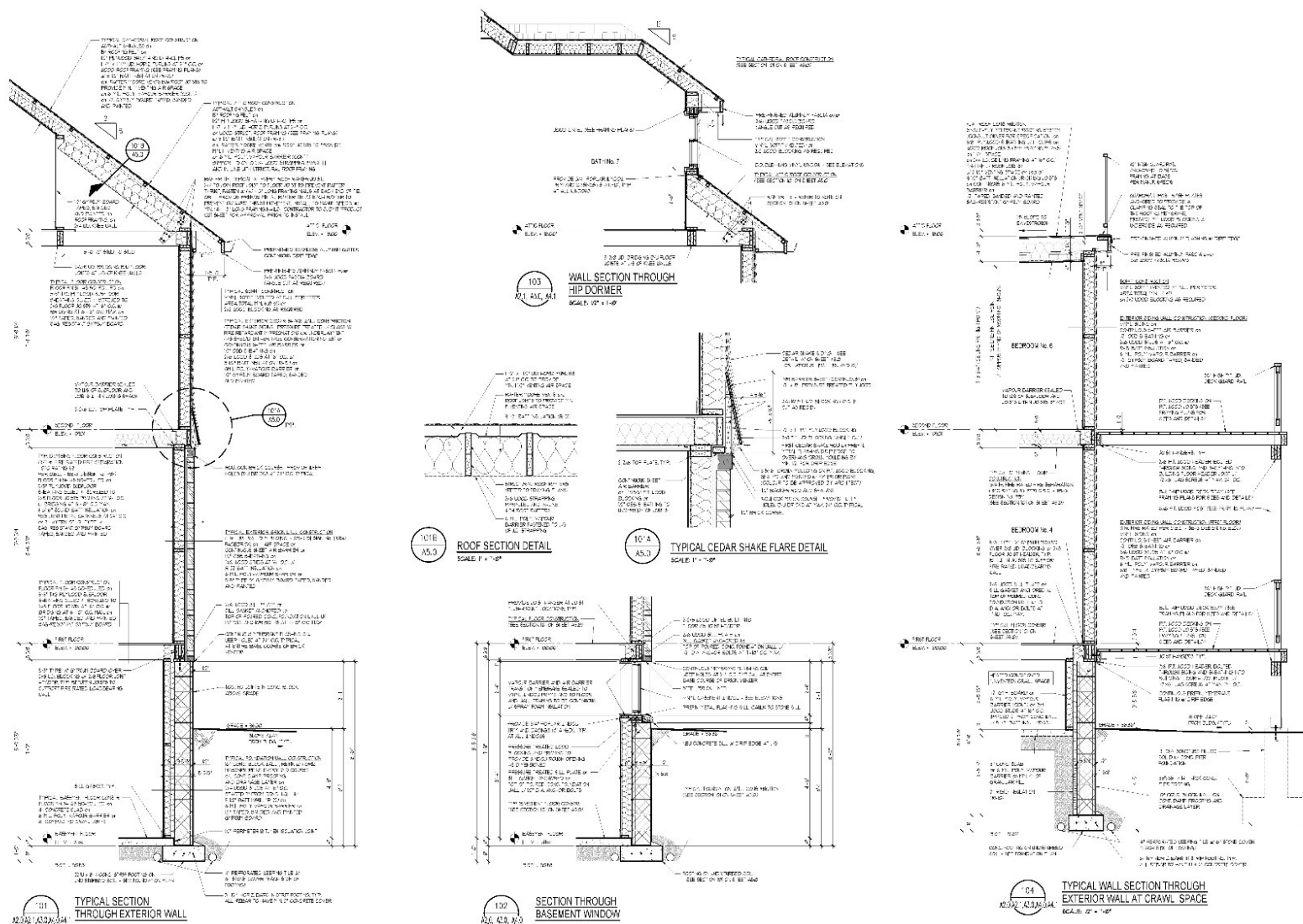


**Archon**  
architects incorporated

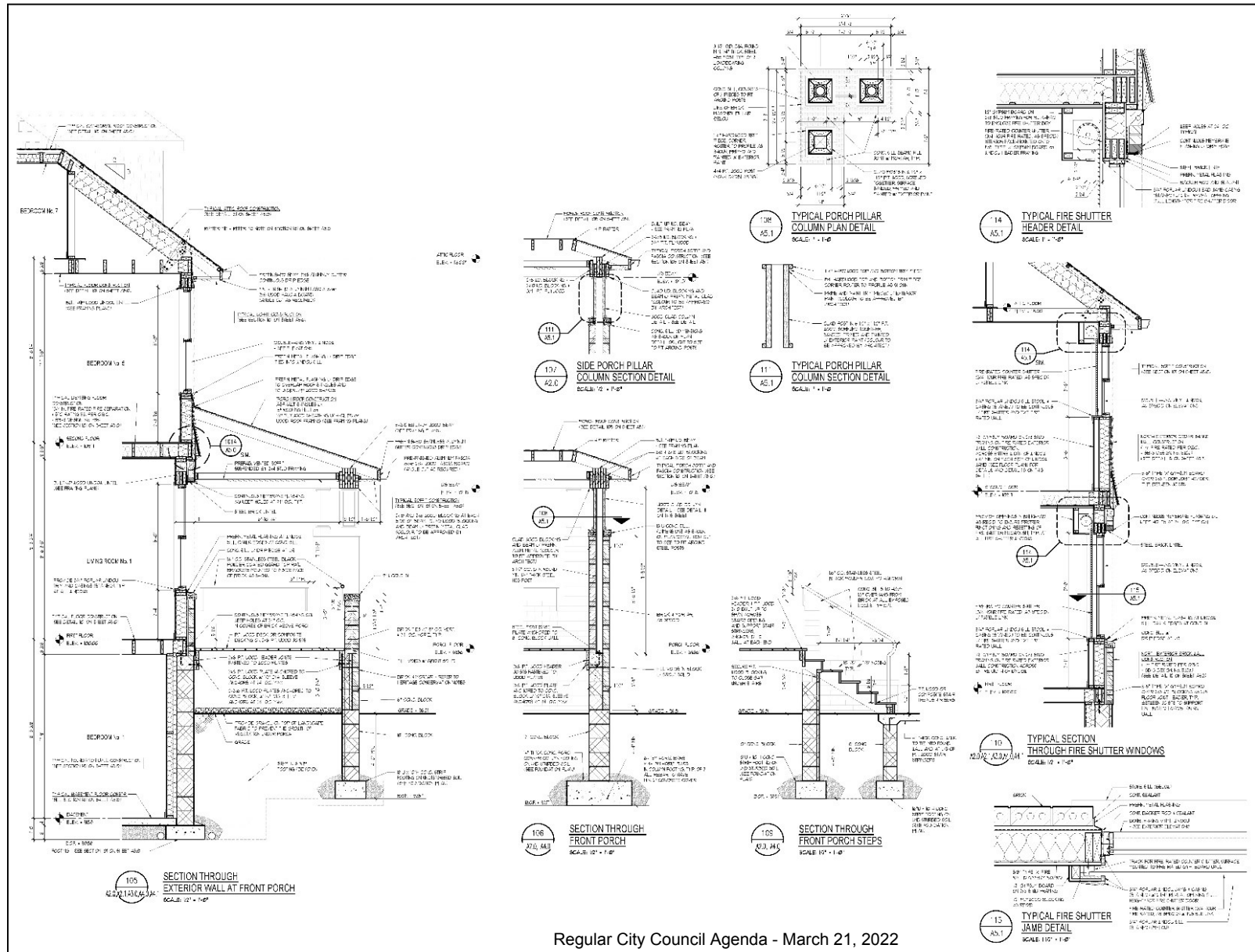
1645 Wyandotte St. E., Suite 303  
Windsor, Ontario, Canada  
L8Y 1Q8  
Tel: (519) 253-9050  
Fax: (519) 253-0410  
E-mail: [info@architect.com](mailto:info@architect.com)

PRELIMINARY ONLY  
NOT TO BE USED FOR CONSTRUCTION  
December 13, 2021

DATE BY: S.E.S.	DATE BY: A.G.
PRINTOUT: EFC. 13, 2021	SCALE: AS NOTED
CHK BY: A.J.G.	FILE: 210 GJ NEW
PROJECT NO.: 21-710	SHEET NO. A5.0



# APPENDIX 'B' PROPOSED REDEVELOPMENT



DEF  
SEAN LAVIN & CAM CROWDER

PROJECT  
NEW DUPLEX HOUSING  
DEVELOPMENT  
357-359 INDIAN ROAD,  
WINDSOR, ON

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE 2012 NATIONAL BUILDING CODE (NBC) AND THE 2012 NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 2201, 2202, 2203, 2204, 2205, 2206, 2207, 2208, 2209, 2210, 2211, 2212, 2213, 2214, 2215, 2216, 2217, 2218, 2219, 2220, 2221, 2222, 2223, 2224, 2225, 2226, 2227, 2228, 2229, 2230, 2231, 2232, 2233, 2234, 2235, 2236, 2237, 2238, 2239, 2240, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, 2251, 2252, 2253, 2254, 2255, 2256, 2257, 2258, 2259, 2260, 2261, 2262, 2263, 2264, 2265, 2266, 2267, 2268, 2269, 2270, 2271, 2272, 2273, 2274, 2275, 2276, 2277, 2278, 2279, 2280, 2281, 2282, 2283, 2284, 2285, 2286, 2287, 2288, 2289, 2290, 2291, 2292, 2293, 2294, 2295, 2296, 2297, 2298, 2299, 2300, 2301, 2302, 2303, 2304, 2305, 2306, 2307, 2308, 2309, 2310, 2311, 2312, 2313, 2314, 2315, 2316, 2317, 2318, 2319, 2320, 2321, 2322, 2323, 2324, 2325, 2326, 2327, 2328, 2329, 2330, 2331, 2332, 2333, 2334, 2335, 2336, 2337, 2338, 2339, 2340, 2341, 2342, 2343, 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# APPENDIX 'B'

## PROPOSED REDEVELOPMENT

SEAN LAVIN & CAM CROWDER

NEW DUPLEX HOUSING  
DEVELOPMENT  
357-359 INDIAN ROAD,  
WINDSOR, ON

1. THE OWNER HAS COMPLETED THE DESIGN OF THE PROPOSED DEVELOPMENT AND HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
2. THE OWNER HAS COMPLETED THE DESIGN OF THE PROPOSED DEVELOPMENT AND HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
3. THE OWNER HAS COMPLETED THE DESIGN OF THE PROPOSED DEVELOPMENT AND HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
4. THE OWNER HAS COMPLETED THE DESIGN OF THE PROPOSED DEVELOPMENT AND HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.
5. THE OWNER HAS COMPLETED THE DESIGN OF THE PROPOSED DEVELOPMENT AND HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE RELEVANT AUTHORITIES.

REVIEW  
SUBMITTER  
DATE

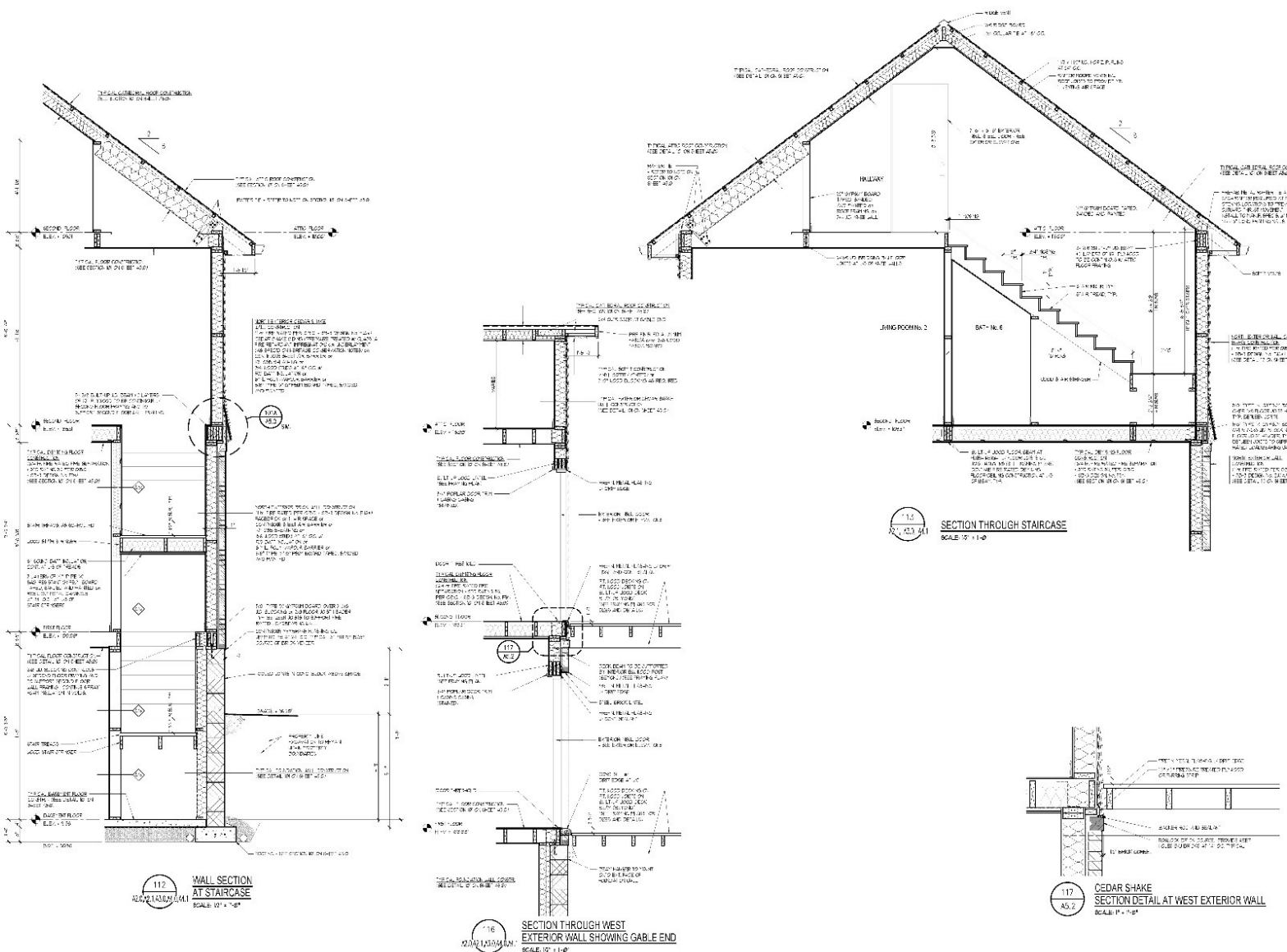
WALL SECTIONS

**Archon**  
architects incorporated

1145 International Dr. Suite 202  
Windsor, Ontario, Canada  
N9A 6A6  
Tel: (519) 253-1555  
Fax: (519) 253-1556  
info@archoninc.com

**PRELIMINARY ONLY**  
NOT TO BE USED FOR CONSTRUCTION  
December 13, 2021

DATE:	S.D.	DATE:	A.S.
PREPARED:	DEC 13, 2021	ISSUED:	AS NOTED
CHECKED:	A.S.	FILE:	710 02 001
PROJECT:	21-710	SHEET:	A5.2





**Council Report: C 104/2021**

**Subject: Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide**

**Reference:**

Date to Council: March 21, 2022  
Author: France Isabelle-Tunks  
Senior Manager of Engineering/Deputy City Engineer  
519-255-6100 ext. 6402  
ftunks@citywindsor.ca  
Projects & Right-of-Way  
Report Date: 7/19/2021  
Clerk's File #: ML/10013

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the Windsor Public Library Project Completion Report regarding the Library Facility Plan Implementation and the Temporary Relocation of the Main Branch **BE RECEIVED** for information; and,
- II. THAT City Council **PROVIDE DIRECTION** for the transfer of the overall project surpluses (estimated at \$600,000) from the Library Facility Plan Implementation Project and the Temporary Relocation of the Main Branch Project (Project ID# 7159011, 7159012, 7159013, 7182015) to fund one of the following;
  1. Purchase a replacement Bookmobile; or
  2. Create a maintenance reserve fund; or
  3. Permanent downtown library branch; or
  4. Return funds to the original funding sources;
- III. Following the direction received in clause II above, THAT City Council **APPROVE** the transfer of \$123,574 in previously pre-committed 2022 Pay-As-You-Go funding (Fund 169) from the Sandwich (John Muir) Library project, ENG-003-18, to the respective item.

## **Executive Summary: N/A**

### **Background:**

On August 24, 2015, Council approved the following resolution;

CR160/2015

- I. *That City Council APPROVE the following elements of the Windsor Public Library Facilities Plan:*
  - a) *Construction of an addition to the Optimist Community Centre of approximately 6,500 square feet which will house the consolidation of the South Walkerville and Remington Branches, and any other branches which may be recommended by the Windsor Public Library Board, in consultation with Windsor City Council in the future;*
  - b) *Construction of an addition to Budimir Library of approximately 6,000 square feet;*
  - c) *Renovations to the former Sandwich Fire Hall for the purposes of creating a new Sandwich Library Branch; and*
  - d) *A future library branch at the Devonshire Mall; or in the South Windsor area as recommended by Libraries in Transition working in concert with Monteith Brown Planning Consultants, the location of which will be recommended by the Windsor Public Library Board in consultation with Windsor City Council;*
- II. *That the projects listed in recommendation I above be undertaken as follows:*
  - a) *Construction of the addition to Optimist Community Centre and the renovations to the Sandwich Fire Hall to be completed first; and*
  - b) *Concurrent with item II(a) above, completion of the architectural plans for an expansion to Budimir Library of approximately 6,000 square feet, such plans to be brought back to the WPL Board in order that a final decision with respect to the construction of the proposed addition can be considered once the renovations to the Sandwich Fire Hall as set out in clause II(a) above are complete and the issue of the location of a new branch in South Windsor as contemplated in item I (d) has been considered.*
- III. *That City Council RECEIVE AND APPROVE Resolution # IC 17-15 of the Windsor Public Library Board which states the following:*

*As recommended to City Council in 2013, complete the Optimist, Sandwich and Budimir renovations as soon as possible*

*Consolidate the South Walkerville and Remington Park branches at the Remington Park Branch as soon as possible in order to allocate funds in the existing operating budget to the operation of a Bookmobile Service*

*Library Administration BE DIRECTED to monitor the ongoing usage and performance of all branches and to provide annual updates to the Board*

*To continue to seek leased space at the Devonshire Mall.*
- IV. *That \$7,907,000 BE CONFIRMED as the overall project budget for the various Windsor Public Library facility improvements at the following sites:*



- a) Addition to the Optimist Community Centre, \$2,463,000;
  - b) Addition to the current Budimir Library, \$2,217,000;
  - c) Renovations to the former Sandwich Fire Hall), \$2,518,000 and
  - d) Placeholder for a future branch in the South Windsor area, \$200,000;
  - e) Planned maintenance works for the Optimist and Budimir sites as identified in the 2015 Capital Budget 5 Year Plan in capital request ID's REC-004-07, HCP-002-07, WPL-006-11 and WPL-010-1 totalling \$319,000;
  - f) Previously approved capital works for Optimist Community Center refurbishments of \$90,000; and
  - g) Previously approved funding of \$100,000 for Riverside Library Roof and minor renovations.
- V. That, \$7,717,000 to fund the balance of these works BE FUNDED from:
- 1. Previously approved \$7.0 million placeholder within the 2014 Enhanced Capital Budget Plan(CR243/2013),
  - 2. Previously approved \$120,000 placeholder within the 2012 Capital Budget (M267/2012) for the construction of a pay and display parking lot on the former Sandwich Fire Hall #6,
  - 3. Pre-commitment of \$319,000 to the 2016, 2017 and 2019 capital budgets for maintenance works as detailed in REC-004-07, HCP-002-07, WPL-006-11 and WPL-010-1;
  - 4. Remaining funding balance of \$278,000 to be funded from the Library Development Charges Reserve Fund (Fund 122), subject to the outcome of the Canada 150 grant application;
- VI. That \$409,000 for planned maintenance works as detailed within REC-004-07, HCP-002-07, WPL-006-11 and WPL-010-11 identified for both Optimist and Budimir sites and that the respective budgets and scope BE TRANSFERRED AND COMPLETED as part of the Budimir & Optimist Expansion projects;
- VII. That the City Engineer or designate BE AUTHORIZED to issue requisite RFP(s) for consulting services, and that the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign the requisite agreement(s) for such services, satisfactory in legal form to the City Solicitor, in technical content to the City Engineer and in financial content to City Treasurer; and
- VIII. That the City Engineer, together with the CEO of the Windsor Public Library, or designates BE AUTHORIZED to issue requisite tenders for the construction works required at each of the sites, and that subject to the tenders falling within the approved capital budget, that the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign an agreement with the successful bidders, satisfactory in legal form to the City Solicitor, in technical content with the City Engineer, and in financial content to City Treasurer, and further, that the results of these tenders be subsequently reported to City Council for information purposes.

Further, on December 14, 2018, the Library Board adopted a special in-camera report regarding the temporary relocation of the WPL main branch to 185 Ouellette. On January 21, 2019, City Council adopted in-camera report respecting a property matter –

disposition of land (CR 10/2019). On February 25, 2019, Council adopted (CR 85/2019);

*That the confidential memo from the City Solicitor and Corporate Leader Economic Development and Public Safety, City Engineer and Corporate Leader Environmental Protection and Transportation and Chief Financial Officer/City Treasurer and Corporate Leader Finance and Technology respecting a property matter – purchase of land BE RECEIVED and that Administration BE AUTHORIZED TO PROCEED on the verbal direction of Council.*

An Executive Committee oversaw the overall transformation of the various changes to the Windsor Public Library Infrastructure Program. The Corporate Projects Division of the Engineering Department administered the four projects and worked closely with the Windsor Public Library, Information Technologies and Facilities Departments to achieve project objectives.

The following report provides a summary of each project and the results.

## **Discussion**

Each project scope was reviewed and assessed for effective and efficient delivery of the works. In order to save disruptions, time and cost, additional smaller facility repairs and maintenance projects were incorporated within the respective projects.

### **1. Chisholm Branch (7159012) – Building addition to the Optimist Community Centre**

In late 2015, Architecturra Inc. was awarded the contract (RFP #145-15) for the design, contract administration and construction oversight of the proposed works.

Prequalification No. 119-16 for general contracting services was issued on Monday, July 25, 2016 and closed on Tuesday, August 9, 2016 resulting in four (4) prequalified proponents.

The Request for Tender (RFT#144-16) for general contracting services was issued to all pre-qualified proponents on Thursday, September 1, 2016 and tenders were received on Monday, September 19, 2016.

DeAngelis Construction Inc. (now Fortis Group) was the low bidder at a base bid price of \$2,309,286 plus taxes. The results were reported to City Council via a Communication Report on Monday, November 21, 2016 (CR 708/2016).

The construction duration was approximately 12 months and was substantially performed on September 21, 2017.

Shortly after the library opened to the public, the need for additional signage was identified to direct patrons of both the library and community centre to the new shared facility entrance. Request for Proposal No. 131-18 for a new permanent electronic ground sign, closed on Wednesday August 22, 2018. Two

submissions were received and Roland's Sign and Lighting was the successful proponent. The scope of work included: the supply and installation of the new sign, including required power and data; the removal of the existing community centre ground sign; and final site restoration (interior and exterior). Construction of the sign commenced in late 2018 and was completed in early 2019. Site restoration was completed later that same year.

The facility is in full operations and the project is now complete with minor outstanding expenses and an estimated **surplus of \$167,308**.

## 2. **Budimir Branch (7159011)** - Building Addition & Renovation

In November of 2015, Architecturra Inc. was awarded the contract (RFP #145-15) for the design, contract administration and construction oversight of the proposed addition and renovation.

Prequalification No. 161-18 for general contracting services was issued on Wednesday, November 14, 2018 and closed on Thursday, November 29, 2018 resulting in five (5) prequalified proponents.

The Request for Tender (RFT#13-19) for general contracting services was issued to all pre-qualified bidders on Monday, January 21, 2019 and tenders were received on Tuesday, February 19, 2019.

Loaring Construction Inc. (now Sterling Ridge Contracting) was the low bidder at a base bid price of \$2,151,840 plus taxes, which fell within the approved capital budget for the Budimir Library project.

This project included \$200,000 as a placeholder for a future branch in South Windsor. After exploring various avenues, administration was not successful in reaching a lease arrangement for a temporary site. These funds were not spent or committed and are included in the surplus noted.

The construction duration was approximately 9 months and was substantially complete on December 19, 2019. The facility is in full operations and the project is now complete with minor outstanding expenses and an estimated **surplus of \$219,638**, including the placeholder noted above.

## 3. **John Muir Branch (7159013)**— Heritage Sensitive Renovation of the Sandwich Fire Hall

In March 9 of 2016, Studio g+G Inc. was awarded the contract (RFP #51-16) for the design and contract administration to convert the former Sandwich Fire Hall into a new heritage designated Library under the Ontario Heritage Act.

Prequalification No. 181-16 for general contracting services with heritage experience for the new John Muir Public Library was issued November 26, 2016 and closed on December 21, 2016 resulting in four (4) prequalified proponents.

The Request for Tender (RFT#100-17) was issued to all pre-qualified bidders and tenders were received on November 3, 2016.

Intrepid General Limited was the low bidder at a base bid price of \$4,318,748.76 plus taxes. The submission included a provisional price for the tower addition of \$331,769 plus applicable taxes. Therefore, the total bid price was \$4,650,517.76 plus applicable taxes (including the provisional tower). Council approved the additional funding required and award of tender through CR768/2017.

The construction duration was approximately 20 months and was substantially complete on September 30, 2019. The facility is in full operations and the project is in a warranty period until September 30, 2021 with minor expenses outstanding and an estimated **surplus of \$123,574**.

#### 4. **Main Branch (7182015)** - Temporary Relocation to the Paul Martin Building

In March 2019, Glos Architects was retained through City roster process to produce the Owner Statement of Requirements (OSR) for Design/Build the Paul Martin Building – Temporary Library main branch including contract administration and construction oversight work.

Prequalification No. 53-19 for Design/Build services was issued on April 20, 2019 and closed on May 9, 2019 resulting in four (4) prequalified proponents.

The Request for Proposal (RFP # 96-19) / OSR was issued to all pre-qualified bidders on June 18, 2019 and proposals were received on July 16, 2019.

Oscar Construction Limited was the lowest proponent at a base price of \$1,083,000.00 plus taxes, which fell within the approved capital budget for the PMB Library project. Council approved the award the contract through CR85/2019 dated February 25, 2019.

The construction duration was approximately 5 months and the work was substantially complete on January 10, 2020. The facility is in full operations and the project was completed on time and under budget. Additional expenses related to analysis of the Downtown Branch EOI currently underway are included in this project. This project has an estimated **surplus of \$88,513**.

Due to the collaboration with the WPL staff and various City departments, all four construction projects have been successfully completed well under budget and are now in full operations.

At the January 14, 2021 meeting, the Projects Executive Committee reviewed several options regarding the overall project surplus which are summarized below.

##### 1. Purchase a replacement Bookmobile:

The Windsor Public Library's Outreach mission is to enrich the community by delivering information, technology, resources and services to residents where they live, work and play. A large portion of outreach activities occur through the Bookmobile.

Bookmobile benefits the community by:

- Providing library services to marginalized or underserved populations or communities.
- Providing early literacy experiences to young children who may not otherwise visit a library.
- Testing potential sites for future libraries in underserved parts of the city such as South Windsor and North East Riverside.

Between 2016 and 2020, the bookmobile 'FRED' made over 4,000 stops annually across Windsor in parks, senior residences, housing developments and to home schoolers. However, after a third breakdown, the mechanics deemed the 2005 GMC C6500 truck unrepairable and it was permanently taken off the road.

2. Create a maintenance reserve fund:

This type of account has been created for various facilities in order to plan for the life cycle replacement of various building features. This would fund future maintenance of the new/existing library facilities and would result in a reduction in maintenance related capital budget requests in the future.

3. Transfer to the permanent downtown branch project:

The newly completed temporary downtown library was to take advantage of the opportunity for the sale of 850 Ouellette and address the short-term need to provide library services in the downtown core. Planning for the future main branch is underway and requires funding.

4. Return funds to the original funding sources:

This option is commonly used for completed projects and result in funding other projects. The funding source for each of these projects vary substantially and this option would result in apportioning the funds to the various accounts.

After extensive discussion, including the potential of allocating this funding to the Downtown Branch EOI currently underway, the committee agreed to provide a list of options for Council consideration.

Further, during a Windsor Public Library Board meeting held on August 10, 2021, a motion was passed to request the funding required to purchase a replacement Bookmobile.

As a result, Administration outlines the options for Council direction.

## **Risk Analysis**

There are no significant or critical risks associated with the recommendations in this report.



## Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

## Financial Matters

The following summarizes the project expenditures as of October 13, 2021.

EXPENSES DESCRIPTION	APPROVED BUDGET	Actual	Variance Surplus/Deficit
<b>1. Chisholm Branch</b>			
Fit-Up Costs	\$372,000	\$305,084	\$66,916
Construction Costs (including Contingency)	\$2,737,782 *	\$2,680,436	\$57,346
Miscellaneous (survey, events, financing, permits)	\$43,000	\$17,958	\$25,042
Professional Fees	\$315,800 *	\$297,796	\$18,004
SUBTOTAL	\$3,468,582	\$3,301,274	\$167,308
<b>2. Budimir Branch</b>			
Fit-Up Costs	\$260,000	\$185,053	\$74,947
Construction Costs (including Contingency)	\$2,358,000 *	\$2,463,319	(\$105,319)
Miscellaneous (survey, events, financing, permits)	\$57,000	\$12,116	\$44,884
Professional Fees	\$243,518	\$238,392	\$5,126
SUBTOTAL	\$2,918,518	\$2,898,880	\$19,638
<b>3. John Muir Branch</b>			
Fit-Up Costs	\$115,007	\$65,602	\$49,405
Construction Costs (including Contingency)	\$4,802,412 *	\$4,757,121	\$45,291
Miscellaneous (survey, events, financing, permits)	\$78,356 *	\$32,553	\$45,803
Professional Fees	\$487,080 *	\$504,004	(\$16,924)
SUBTOTAL	\$5,482,855	\$5,359,280	\$123,575
<b>4. South Windsor Branch</b>			
Ward 9 South Windsor Branch	\$200,000	\$0	\$200,000
<b>TOTAL : FACILITY IMPLEMENTATION PLAN</b>	<b>\$11,869,955</b>	<b>\$11,559,434</b>	<b>\$510,521</b>
<b>5. Main Branch</b>			
Fit-Up Costs	\$460,000 *	\$389,814	\$70,186
Construction Costs (including Contingency)	\$1,452,063	\$1,439,595	\$12,468
Miscellaneous (survey, events, financing, permits)	\$60,000	\$46,276	\$13,724
Professional Fees	\$290,000 *	\$297,865	(\$7,865)
<b>TOTAL: TEMP. RELOCATION OF MAIN BRAN</b>	<b>\$2,262,063</b>	<b>\$2,173,550</b>	<b>\$88,513</b>
<b>GRAND TOTAL</b>	<b>\$14,132,018</b>	<b>\$13,732,984</b>	<b>\$599,034</b>

\*Includes outstanding minor commitments

Note: some difference exist between the PeopleSoft budget and actual funding received due to the projects being funded by multiple sources including donations.

As noted, additional smaller facility repairs and maintenance works were incorporated within the respective projects for efficiency. These works as well as the additional approved budgets and funding has been included above.

Overall, the combined surplus is expected to be approximately \$600,000. A portion of the surplus funds is pre-committed funding for project 7159013 - John Muir Branch. Per CR768/2017, report C 233/2017, \$500,000 was pre-committed from F169 in 2022 for this project. Council direction will be required to re-assign these funds.

### **Consultations**

Colleen Middaugh, Manager of Corporate Projects

Tina Italiano, Financial Analyst

Carrie McCrindle, Financial Planning Administrator

Adam Craig, Manager of Public Services, WPL

Christine Arkell, Manager of Public Services, WPL

Mike Dennis, Financial Manager – Asset Planning

Kitty Pope, CEO Windsor Public Library

Project Executive Committee

### **Conclusion**

Each project was carefully executed, monitored and reported to the Executive Committee. The design goals were to ensure the efficient and functional use of each space while providing flexibility for the future. The projects were successfully completed within the specified timeframes and each within the approved budgets. The combined surplus is anticipated to be approximately \$600,000.

As noted in the report, the WPL Board is committed to continuing the bookmobile service to under serviced area as they feel it makes Windsor a better place to live, work and raise a family.

### **Approvals:**

<b>Name</b>	<b>Title</b>
France Isabelle-Tunks	Senior Manager of Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Ray Mensour	Commissioner, Community Services
Joe Mancina	Commissioner, Corporate Services

Name	Title
	CFO/City Treasurer
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Email
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**Appendices:**

**Subject: Additional Information regarding C104/2021 - Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide**

**Reference:**

Date to Council: March 21, 2022

Author: France Isabelle-Tunks

Senior Manager Engineering/Deputy City Engineer (519) 255-6100 x6402

ftunks@citywindsor.ca

Engineering

Report Date: 1/13/2022

Clerk's File #: ML/10013

To: Mayor and Members of City Council

**Additional Information:**

**Background**

An Additional Information Memo went before Council on December 20, 2021 which provided prices that various other municipalities have paid for their bookmobiles (refer to **Appendix A**). Given the short turnaround time it was difficult to obtain recent estimates/quotes related to costs for used versus new vehicles for a replacement bookmobile and limited information was provided. Council further directed Administration through the following resolution.

*Decision Number: CR577/2201, B33/2021*

*That the report of the Senior Manager of Engineering / Deputy City Engineer dated July 19, 2021 entitled "Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report – City Wide" **BE REFERRED** back to administration to allow for administration to meet with Windsor Public Library administration to provide specific information related to funding for repair/renewal of the Bookmobile.*

**Discussion**

City Administration met with WPL Administration and consulted with the City's Fleet Operations Division (responsible for bookmobile maintenance), as well as various bookmobile vendors.

Further, on January 18, 2022, the WPL Administration provided an extensive report to the WPL Board regarding the purchase of a new bookmobile. A copy of the WPL Board Report, dated January 11, 2022, is attached in **Appendix B** for reference.

Through these consultations, additional information is summarized into three categories below.

## **1. Repairs/renewal of the existing bookmobile**

The City's Fleet Operations Division confirmed that the existing bookmobile was removed from service late 2020. It had become impossible to source parts to repair the bookmobile, as the manufacturer is no longer in business and the chassis had been compromised as a result of two previous repairs to the crown and pinion front drive axle. Further details on the condition of the existing bookmobile are outlined in the attached memo from the Manager of Fleet Operations (refer to **Appendix C**). There is a potential option to work with a recently identified vendor from the United States to fabricate a custom ring and pinion set, however following this repair, additional diagnostic testing will be required, and there is a high potential that further repairs be needed for safe operations. The estimated costs for the ring and pinion repair is approximately \$15,000, excluding tax. In addition, based on the age of the unit, there's a high probability it will require significant repairs to the engine, transmission and transfer case which is estimated at approximately \$100,000.

It's worth noting that the FRED was fabricated in 2005 and a typical lifespan for a bookmobile can range between 15-20 years. The following risks have been identified with this option:

- Inconsistent Level of Service – it is likely that the unit will require ongoing repairs resulting in various breaks in service.
- Additional Costs – it is likely that additional maintenance costs will be incurred following the initial repairs as shown in the last few years. The unit is near the end of its useful life and the true extent of the future repairs is largely unknown.

## **2. New bookmobile options**

Bookmobile vehicles are specialty vehicles that require more than the average car/truck. The factors that influence the purchase price of a new bookmobile includes, but are not limited to, the size (overall length), make/model (gross vehicle weight rating and chassis), collection size, electric/diesel, interior/exterior finishes which includes insulation in the walls, ceilings & floors, and electrical, audio/visual & networking requirements.

As the WPL has already established their clientele based on the features of FRED (i.e. 30 foot GMC C6500 diesel fueled step-up truck with a gross vehicle weight rating of 28,000lbs), City Administration used this as a benchmark when soliciting quotes for replacement bookmobile. The below table summarizes the quotes received in January



2022 for a new custom-built bookmobile, which meets the WPL's criteria and has similar features to FRED.

	Description	Length (feet)	Weight (lbs)	Diesel vs Electric	Quote (\$2022 CA) (excl. tax & delivery)
1	Freightliner MT55 Strip Chassis	30' long	30,000	Diesel	\$510,000
2	Freightliner MT55 Strip Chassis	30' long	Not provided <sup>1</sup>	Electric	\$850,000

<sup>1</sup> The electrical vehicle version is significantly lower in weight capacity than the diesel version. WPL would need to further evaluate this option to determine whether this limits the intended functionality of the bookmobile, and becomes unviable.

WPL Administration has also undertaken some research on the purchase price for a new bookmobile. Their findings are detailed on page 7 of the WPL Board Report, in **Appendix B** which are consistent with the pricing noted above.

In summary, the average price for a new 30 foot Step-Up van/truck bookmobile ranges between \$510,000 and \$850,000. This option would provide the most viable value-for-money if this service level is directed from Council.

### 3. Pre-owned options

Although it is possible to find a pre-owned bookmobile, according to the bookmobile vendors, it is rare to find a viable bookmobile for sale. Owners tend to keep vehicles until they are closer to the end of their life cycle.

Only one vendor consulted had a pre-owned bookmobile available at this time. It is a 2001, 25,000lbs, diesel, Thomas Bus Bookmobile with 91,000km and it is located in Ohio, Illinois. The vendor identified that significant work is likely required to retrofit this vehicle, including body repairs, potential engine replacement, and other potential upgrades to ensure AODA compliance. The cost provided for this pre-owned option is \$50,000 USD excluding taxes, duty and transportation. This estimate does not include any repair costs or retrofitting expenses, which could cost upwards of \$150,000 CAD. A warranty is not included. This option is not recommended as the financial and operational risks are significant, particularly since it is nearing the end of traditional life cycle of a unit and the life expectancy would be largely unknown.

As an alternate option, WPL Administration consulted with Transit Windsor regarding refurbishing a former bus into a bookmobile. The reported estimated cost to refurbish a bus can range between \$300,000 and \$450,000 and would have an expected lifespan of 8-10 years. Transit Windsor has advised that a spare bus may not readily be available at the present time.

Retrofitting a van/truck is not viable since the weight capacity for a bookmobile needs to be greater than 26,000 lbs. The standard weight capacity for a van or truck ranges between 6,000 to 9,000 lbs which is insufficient.

## Summary

In order to compare the options, the table below provides a summary of the various options considered including a breakdown of the estimated annual costs based on the lifespan of the asset.

Options	Purchase	Estimated Repair /Retrofit	Estimated Life of Asset	Amortization per year (straight line)	Estimated Maintenance Cost per year	Total Estimated Cost per Year <sup>4</sup>
Repairs existing Bookmobile	n/a	\$15,000 + \$100,000	7 years	\$16,428	\$20,000	\$36,428
New bookmobile (Diesel)	\$600,000	n/a	20 years	\$30,000	\$10,000	\$40,000
New bookmobile (Electric)	\$850,000	n/a	20 years	\$42,500	\$10,000	\$52,500
Pre-owned bookmobile	\$85,000 CA <sup>1</sup> (\$50,000 USD)	\$150,000 CA <sup>2</sup>	7 years	\$33,571	\$20,000	\$53,571
Refurbished Transit Bus	n/a	\$450,000 <sup>3</sup>	7 years	\$64,285	\$20,000	\$84,285

<sup>1</sup> Based on an assumed exchange rate, duty, taxes and transportation fees.

<sup>2</sup> Estimated cost of repair for the pre-owned bookmobile (i.e. body repairs, engine works, AODA improvements, etc.)

<sup>3</sup> Estimated cost to repair and retrofit an existing transit bus into a bookmobile (if supply is available)

<sup>4</sup> The last column summarizes the estimated total depreciation plus maintenance costs anticipated per year. This should be evaluated in conjunction with the expected useful life of the asset.

**Consultations:**

Kitty Pope, CEO Windsor Public Library

Angela Marazita, Manager of Fleet Operations

Josie Liburdi, Corporate Projects

Colleen Middaugh, Corporate Projects

Carrie McCrindle, Finance

**Conclusion:**

The additional information is provided for Council's consideration.

**Approvals:**

Name	Title
France Isabelle-Tunks	Senior Manager Engineering / Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Ray Mensour	Commissioner, Community Services
Joe Mancina	Commissioner, Corporate Services, CFO/City Treasurer
Jason Reynar	Chief Administrative Officer

**Appendices:**

- 1 Appendix A - Additional Information Memo, AI 23/2021, December 20, 2021 (9 pages total)
- 2 Appendix B - Windsor Public Library Board Report – Purchase of a New Bookmobile Report #2, dated January 11, 2022 (29 pages total)
- 3 Appendix C – Memo from Manager of Fleet Operations, Repair to Existing Bookmobile Unit #0944 (1 page total)

**Subject: Additional Information regarding C104/2021 - Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide**

**Reference:**

Date to Council: December 20, 2021  
Author: France Isabelle-Tunks  
Senior Manager engineering/Deputy City Engineer  
(519) 255-6100 x6402  
ftunks@citywindsor.ca  
Engineering  
Report Date: 12/14/2021  
Clerk's File #: ML/10013

**To:** Mayor and Members of City Council

**Additional Information:**

**Background:**

As outlined in Council Report C104/2021, Administration requires direction from Council on how to allocate the surplus funding of approximately \$600,000 from the Windsor Public Library (WPL) construction projects. At the special meeting of Council on Monday, December 13, 2021, Administration was directed to provide additional information regarding the potential purchase of a new bookmobile (aka FRED).

*Decision Number: B33/2021*

*That the report of the Senior Manager of Engineering / Deputy City Engineer dated July 19, 2021 entitled "Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide" **BE REFERRED** back to Administration to provide more information related to costs for used versus new vehicles for a replacement Bookmobile; and,*

*That Administration **BE DIRECTED** to provide this information to City Council at the December 20, 2021 Council meeting.*

There is no report readily available to provide Council that would outline the varying costs of a bookmobile (new or used), but the WPL Board meeting minutes from June 2020 listed prices that other municipalities have paid between 2018 and 2020. Unfortunately, the purchase prices provided do not detail the options included in those bookmobiles which would greatly affect the price (similar to purchasing a personal vehicle). The factors that influence the purchase price of a new bookmobile include, but

are not limited to, the size, model, electric versus diesel, availability, collection size, anticipated usage, IT requirements, etc.

The original FRED bookmobile is a 2005, 30 foot GMC C6500 diesel fueled truck specifically retrofitted as a bookmobile with a gross weight of 12,000kg. Based on information provided by the Windsor Public Library it is estimated that it will cost approximately \$100,000 to \$105,000 to operate the new bookmobile (including staff, maintenance and fuel). The WPL would be interested in purchasing a similar sized bus and would particularly be interested in an electric model for environmental reasons which would result in an estimated annual maintenance cost of \$3,000 per year to maintain versus an estimated \$10,000 per year for a diesel fueled model. There are sufficient funds in the current WPL operating budget for operating and maintenance of a new bookmobile.

If Council chooses the option to allocate the surplus funding towards the purchase of a bookmobile, the WPL would ensure to purchase a unit that would not require additional Capital funding from the City.

The WPL Board Meeting minutes from June 8, 2021 are attached (Appendix A) and they provide more detailed information regarding the usage of the bookmobile. For ease of reference the following information regarding the cost of new bookmobiles from the Board meeting minutes have been highlighted below:

***Other Libraries Costs to Purchase a new Bookmobile:***

Kamloops Public Library (Diesel) 36' long truck side and back extenders  
**\$500,000 - 2018**

Fort Vancouver Regional Libraries (Diesel) 28' long truck on a Freightliner chassis  
**\$340,400 - 2018**

Ottawa Public Library (Diesel) 40' long Coach on a Freightliner bus chassis  
**\$780,000 - 2020**

Oakland Public Library (Electric) 27' long truck on a Ford E-450 chassis with liftable side panels  
**\$630,000 - 2018**

Sacramento Public Library (Electric) 27' long truck on a Ford E-450 chassis  
**\$630,000 – 2020**

Given the short turnaround time from Council's request and this Additional Information Memo, there has only been time to do a short internet search for pre-owned bookmobiles within North America. There appears to be several models ranging in size, year, kilometres, layouts, and price (e.g. \$50,000 to \$100,000 USD). More research would be required to determine if any of those available models would meet with the WPL's needs.



**Consultations:**

Kitty Pope, CEO Windsor Public Library

**Conclusion:**

If Council wishes for more recent estimates for new bookmobiles and/or exploration of pre-owned/renovation options, Administration would need to procure quotes with varying options from suppliers. Administration can begin this process immediately and return to Council with a report in the first quarter of 2022 with the results.

**Approvals:**

<b>Name</b>	<b>Title</b>
France Isabelle-Tunks	Senior Manager Engineering/Deputy Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Ray Mensour	Commissioner, Community Services
Dan Seguin	On behalf of Commissioner, Corporate Services, CFO/City Treasurer
Jason Reynar	Chief Administrative Officer

**Appendices:**

- 1 Appendix A - Windsor Public Library Meeting Minutes

Windsor Public Library Board  
**2021 Bookmobile Planning Report**  
 Tuesday, June 8, 2021

**1. OBJECTIVES:**

To present the Windsor Public Library Board with information and plans to purchase a new Bookmobile.

**2. BACKGROUND:**

Windsor Public Library's Outreach mission is to enrich the community by delivering information, technology, resources and services to Windsor residents where they live, work and play. Large portions of outreach activities over the last four years have occurred through the Bookmobile (FRED).

Bookmobile service benefits the community by:

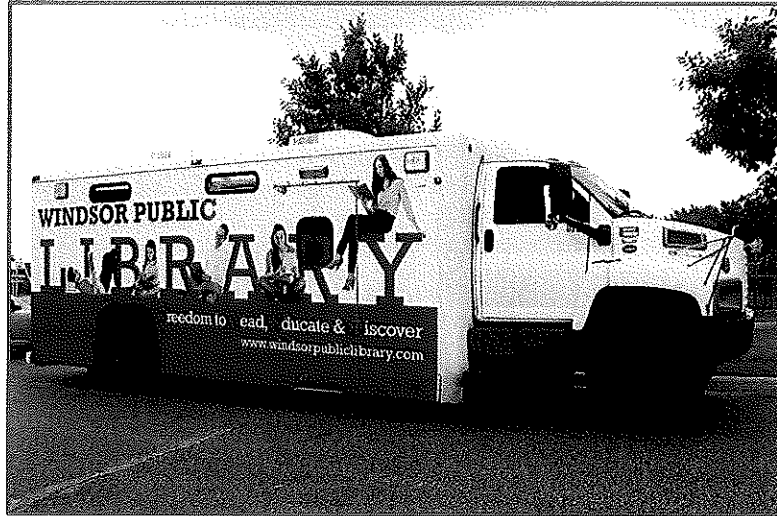
- Providing library services to marginalized or underserved populations or communities.
- Increasing awareness of library services.
- Building valuable relationships with individuals and organizations.
- Providing early literacy experiences to young children who may not otherwise visit a library.
- Increasing awareness amongst library staff as to challenges and opportunities faced by the community.
- Testing potential sites for future libraries in underserved parts of the city such as South Windsor and North East Riverside.

Bookmobiles are part of the library service plans for numerous other library systems in Ontario including Hamilton, Toronto, Ottawa, Detroit and Guelph.

FRED was a 2005 GMC C6500 truck specifically retrofitted as a bookmobile with a gross vehicle weight of 12,000 kg. It was purchased from the Guelph Public Library in the summer of 2016 for \$15,000. The Windsor Public Library Board wanted to test the potential of launching a mobile library service especially in underserved communities and neighbourhoods. It carried a rotating collection of 1,900 items including books, DVDs, graphic novels and audio books. FRED also housed unique resources including a tool lending library and Playaway Launchpads.

	2020 (Jan-Mar)	2019*	2018	2017
Approx. distance travelled	1,450 km	5,900 km	5,950 km	5,750 km
Circulation	1,278 items	5,907 items	6,229 items	4,770 items
Library cards made	43	1,196	435	236
Bookmobile stops	79	349	296	272

*\*FRED was off the road for nearly 2 months total in 2019 for major repairs.*



Between September 2016 and March 2020, FRED engaged in a wide variety of events and stops bringing library services to the community. Regular stops on a three-week rotation included community housing, retirement homes, neighbourhood parks, schools and other day programs. Popular events included parades, Bright Lights, Open Streets, Meet-a-Machine, and a series of high school visits as part of the Run for Rocky Legacy Project. FRED was used heavily during WPL construction projects or unexpected branch closures to avoid stops in library services. With its distinctive wrapping and clear branding, FRED was also an advertisement for WPL services each time it was on the road.

During the early months of the COVID-19 pandemic, FRED and a team of dedicated staff provided contactless home delivery service, which served as a lifeline for many in our community. Unfortunately, at the end of May 2020, FRED suffered a broken crown and pinion for the front drive axel. After extensive research, the mechanics deemed the truck unrepairable and it was permanently taken off the road. A short video capturing the many aspects that FRED had on the community can be seen [here](#).

### **3. OPTIONS FOR A NEW BOOKMOBILE:**

In preparation for purchasing a new bookmobile, the following data has been compiled.

The vehicle used as a bookmobile must be:

- Heavy duty to withstand the weight load of 2,000 books, plus 6-7 adults
- Cost effective to operate and maintain
- AODA compliant
- Maneuverable in tight spaces

In selecting a bookmobile there are a wide variety of options to consider:

#### **TYPE OF VEHICLE**

Library bookmobiles come in a variety of types and sizes with the final choice dependent on cost, availability, local road conditions, collection size, anticipated usage and IT requirements.

Types of Vehicles	
Vans	Low cost, easy to drive but very limited in terms of space and collection size.
Cutaways	Cost effective but minimal weight capacity and limited length (often use pick-up truck base).
Step Vans	Moderate costs but higher floor limits accessibility; longer than van but still limited in terms of length and collection size (ex UPS).
RVs	Limited in terms of weight capacity but may be operated with a Class G License.
Buses	Heavy duty and very maneuverable but curved sidewalls, intrusive wheel arches and low headroom are not ideal for collections and visitors.
Trucks	Come in multiple configurations with light & efficient bodies and are generally cheaper than buses but the cab is single purpose and trucks may have a wider turn radius.
Semi-Trailer	While they have ample room for collection and people, trucks are more difficult to park in tight locations and not ideal for narrow urban streets.

**Recommendation:** The type of vehicle will be dependent on the fuel option selected. If electric, the recommendation would be for either a bus or RV-style bookmobile due to their availability and drivability. If diesel is selected as the preferred fuel type then a truck-based bookmobile would be the recommendation.

### **DIESEL vs ELECTRIC**

Bookmobiles carry heavy loads (over 6,000 lbs.) but travel less than 8,000 km/year. While diesel is certainly the most common fuel source for mid to large-sized bookmobiles, some libraries around the world are turning to electric options for their new bookmobiles. Unfortunately, since the number of fully electric bookmobiles on the road is small, it is difficult to find clear comparisons between the two options. Still, a discussion about some of the general benefits and drawbacks to diesel and electric options can be helpful:

#### **➤ Fuel & Maintenance**

- Approximate FRED Fuel, Maintenance and Repair costs:
  - 2018: \$25,900
  - 2019: \$31,500
- North American Council for Fuel Efficiency's *High Potential Regions for Electric Trucks Data Analysis Tool – Canada (2020)* estimates a cost savings of \$0.22 per km in Ontario for an electric truck over a diesel-fueled one. An average annual mileage of 7,000 km could save over \$1,500 in fuel costs each year.
- Electric vehicles have fewer moving parts, require no oil changes or spark plugs, and experience less strain on brakes. However, they do still occasionally require minor maintenance such as tire rotations and windshield wiper replacement.
- Fewer days off road for repairs and maintenance would lead to more direct hours of customer service with an electric vehicle.
- [Plugincanada.ca](http://plugincanada.ca) reports that an electric bus could save up to 40% (or \$20,000) annually in maintenance costs over a diesel-fueled vehicle.

- 2016 Columbia University Study placed the lifetime cost of an electric bus at \$1.18 million (US) and that of a diesel bus at \$1.35 million (US).

➤ **Daily Operations & Infrastructure**

- Overnight parking and a charging station would be required. Estimated costs for charger installation range from \$40,000-\$80,000. The Canadian Government's Zero Emission Vehicle Infrastructure Program is a potential funding source for charger installation.
- Electric vehicles are quiet and emission-free which would enable the bookmobile to park for longer periods in sensitive areas such as parks and schools without worry of noisy or polluting generators.

➤ **Public Relations**

- Investing in leading edge, sustainable technology is likely to lead to more interest in the Bookmobile service from the general public as well potential donors or sponsors.
- Enhances the marketability of promoting the service and can trigger some innovative ad campaigns.

➤ **Sustainability**

- Electric vehicles in the fleet tie into the City of Windsor's 2017 Environmental Master Plan, which references "fostering the adoption of electric vehicles" and developing "an electric charging strategy for electric vehicles".

**OTHER CONSIDERATIONS**

- Maximum capacity in terms of public
- Accessibility and number of entrances
- Number of staff/seats/workstations required
- Layout, configuration & interior finishes
- Graphics & wrapping
- IT equipment and requirements including Wi-Fi hotspot
- Driver license & insurance requirements
- Safety requirements

	ELECTRIC		DIESEL	
	PROS	CONS	PROS	CONS
<b>Fuel</b>	<ul style="list-style-type: none"> <li>▪ Emission-free</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requires charging station</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fueling infrastructure already exists</li> </ul>	<ul style="list-style-type: none"> <li>▪ Variable cost of fuel</li> <li>▪ Approx. \$5,000 annually</li> </ul>
<b>Maintenance/Repair</b>	<ul style="list-style-type: none"> <li>▪ Very few moving parts</li> <li>▪ No oil changes, spark plug replacements, etc.</li> <li>▪ Est. annual maint. costs \$1,500</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mechanics may have to undergo training specific to electric vehicles</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mechanics' familiarity with internal combustion engines</li> </ul>	<ul style="list-style-type: none"> <li>▪ Average annual maint. costs can range from \$4,000 to \$15,000 towards end of vehicle life</li> </ul>



<b>Drivability</b>	<ul style="list-style-type: none"> <li>▪ Quieter, less vibration</li> <li>▪ Faster acceleration instant torque)</li> </ul>	<ul style="list-style-type: none"> <li>▪ Possibility of range anxiety</li> </ul>	<ul style="list-style-type: none"> <li>▪ More power post-acceleration</li> </ul>	
<b>Purchase Cost</b>	\$630,000		\$253,000-\$780,000	
<b>Other Considerations</b>	<ul style="list-style-type: none"> <li>▪ Supports City Environmental Master Plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ Contingency for power outages</li> <li>▪ Battery disposal</li> </ul>		

Recommendation: Assuming funding is available for the purchase cost and installation of a charging station, the electric option is recommended due to the long-term benefits listed above.

#### 4. COSTS:

Bookmobiles vary widely in cost, from stripped-down delivery vans to fully equipped, state-of-the-art buses or trucks with extenders. Base costs vary widely depending on the type as well the other considerations mentioned in section 3. Fuel source (diesel vs electric) can also have a large impact on the final cost. The chart below gives approximate costs for both diesel and electric-powered bookmobiles recently purchased by public libraries.

MAKE/MODEL (Description)		Reported Cost	Year
<b>DIESEL</b>			
Kamloops Public Library	36' long truck side and back extenders	\$500,000	2018
Fort Vancouver Regional Libraries	28' long truck on a Freightliner chassis	\$340,400	2018
Ottawa Public Library	40' long Coach on a Freightliner bus chassis	\$780,000	2020
<b>ELECTRIC</b>			
Oakland Public Library (MOVE)	27' long truck on a Ford E-450 chassis with liftable side panels	\$630,000 approx.	2018
City of Gothenburg Library (Sweden)	Volvo 7900 Electric Bus	N/A	2020
Sacramento Public Library (to be delivered summer 2021)	27' long truck on a Ford E-450 chassis	\$630,000 approx.	2020

#### 5. PROVIDERS/VENDORS:

While not an exhaustive list, the following vendors are known to build electric specialty vehicles such as bookmobiles:

- **Summit Bodyworks** (Colorado) – mention electric options for bookmobiles on their website
- **Motiv Power Systems** (California) – creators of Oakland Public Library MOVE bookmobile & other electric specialty vehicles
- **Volvo Buses** – offers a fully electric bus though appears to be only European Market

- **Winnebago Specialty Vehicles** (Iowa) – builds a fully electric Class A coach (RV)
- **ARBOC Specialty Vehicles** (Indiana) – offers an electric, low-floor bus
- **Lion Electric** (Quebec) – builds a line of electric specialty trucks as well as electric midi/minibuses.

#### 6. FUNDING:

WPL Administration has been researching a variety of funding sources including government grants. However, the most promising funding source are the funds remaining in the capital budget for the three WPL building projects (W.F. Chisholm, John Muir and Budimir), which is approximately \$500,000. Based on the WPL Facilities Plan and Council Report 17894 ML/10013 funding for the bookmobile could be accessed from the building project. A report to Council on these projects is expected in August.

Once funding has been finalized, WPL will work with the City to immediately start the procurement process. It is expected to take at least 12 months from order to receipt of a vehicle

#### 7. PROCUREMENTS:

The purchase of a new Bookmobile would follow all guidelines laid out by the City of Windsor Purchasing Bylaw and be supported by the City Purchasing Department. The expertise of staff and mechanics at Crawford Yard would also be instrumental when drafting the RFP since ultimately they will be responsible for maintaining the vehicle.

#### 8. RECOMMENDATION:

Moved by \_\_\_\_\_ Seconded by \_\_\_\_\_  
 THAT the Windsor Public Library Board accept the 2021 Bookmobile Planning Report as presented.

Prepared by:  
 Christine Rideout-Arkell, Manager, Public Services  
[carkell@windsorpubliclibrary.com](mailto:carkell@windsorpubliclibrary.com)

Windsor Public Library Board  
**Purchase of a New Bookmobile Report # 2**  
Tuesday, January 18, 2022  
**As Amended**

**1. OBJECTIVES:**

To provide the Windsor Public Library Board with the background, issues and recommendations to purchase a new Bookmobile.

**2. BACKGROUND:**

The purchase of a Bookmobile is a complex endeavor. A Bookmobile needs to:

- Carry resources and people, requiring a Class 7 30,000 lb. chassis like a garbage truck or moving van. In comparison, a full size pick-up truck has a gross vehicle weight rating of 9,000 lb.
- Include a diesel generator and 12 volt DC electrical system for heat and air-conditioning while the vehicle is parked and providing service.
- It is a workplace and a public space requiring specific safety and security accommodations with 2 work areas and Internet connections.
- Needs to be wheelchair accessible with a lift or ramp.
- Be modified to include secured aluminum shelving to accommodate 2,000 library resources.

All of these requirements result in a Bookmobile needing specific modifications on a very sturdy chassis, and therefore costs more than a remodeled RV, school bus or delivery van.

City Council Report 16861 ML/10013 of December 2013 proposed the purchase and implementation of a Mobile Library Bookmobile Service to serve the underserved and unserved areas of Windsor.

Consequently, after considerable planning in 2016, a used Bookmobile was purchased from the Guelph Public Library for \$15,000. FRED (which is short for

the **F**reedom to **R**ead, **E**ducate and **D**iscover) was a 2005, 30 ft. diesel GMC C6500 step-up truck specifically designed as a Bookmobile with a Class 7, gross vehicle weight of 28,000 lb. Funds to purchase the vehicle were accessed from the WPL Capital Reserve Fund.



With its distinctive wrapping and clear branding, FRED was a rolling advertisement for WPL each time he was on the road. Between September 2016 and March 2020, FRED had regular stops and events on a three-week schedule which included community housing, retirement homes, parks, schools and day programs across the city. Community events included: parades, Bright Lights, Open Streets, Meet-a-Machine, and a series of high school visits as part of the Run for Rocky Legacy Project. FRED was also used during WPL construction projects and unexpected branch closures to avoid stops in library services. During the early months of the COVID-19 pandemic in 2020, FRED made contactless home deliveries, which served as a lifeline to those home schooling or confined to their residence.

FRED provided mobile library service to over 20,900 residents for 39 months, from 2016 to May 2020. He travelled 21,000 km, made 996 stops and shared over 21,184 resources, including books, CDs, tools and audiobooks.

FRED Operating Costs - 2016 to 2020					
	2016 *	2017	2018	2019	2020 *
	\$	\$	\$	\$	\$
Driver #1 (Part-time)	22,442	17,552	27,114	25,623	31,592
Driver #2 (Part-time)	-	25,957	29,386	26,454	31,559
Supply Staff	9,600	29,640	32,240	31,000	6,820
Maintenance, Fuel & Parts	8,351	14,473	23,482	28,074	3,121
Repairs	-	-	20,831	21,376	-
<b>Total</b>	<b>40,393</b>	<b>87,622</b>	<b>133,053</b>	<b>132,527</b>	<b>73,092</b>

Notes: \* reflects 3 months operation

In a Bookmobile over 10 years old, replacement parts become a real issue, particularly in this case, as the South Carolina manufacturer is no longer in business. FRED in his last year, was off the road 62 days being repaired numerous times for a variety of issues at a total cost of \$21,376. Unfortunately, at the end of May 2020, FRED suffered broken crown and pinion gears for the third time and was deemed undrivable and unrepairable by the City's Operations Department (See Appendix A). Over the next 7 months, the following actions were taken:

- Crawford Yard scoured North America for replacement parts.
- WPL worked with the University of Windsor as they researched potential options to fabricate a crown and pinion front drive axel. They found no viable options.
- WPL then tracked down the mechanic who had fabricated the second crown and pinion front drive axel 9 years ago, but he could not fabricate a third axel because the chassis had been compromised beyond repair.

The result being, in December 2020, FRED was deemed beyond repair and permanently removed from service. FRED had a huge impact on the community, click [here](#).

In 2021, the Executive Committee overseeing the WPL Facility Implementation Plan Project recommended the \$608,000 project surplus be directed to the purchase of a Bookmobile; in

part to service the unserved areas in South Windsor referenced in the 2013 Facility Plan, because a Devonshire Mall location was impossible. In anticipation of this, on August 17, 2021, the WPLB authorized the purchase a new Bookmobile.

48.21	<b>Moved:</b>	H. Dougal	<b>Seconded:</b>	J. Gill
	<p>THAT the Windsor Public Library Board authorize the purchase of a new Bookmobile to serve the unserved and underserved areas of the City of Windsor. Funding accessed from the unspent surplus from The Library Facility Implementation Plan, which supported the building of the Chisholm Branch at a cost of \$3,301,274; the renovation of the Sandwich Fire Hall into the Muir Branch at a cost of \$5,359,129 and the expansion of the Budimir Branch at a cost of \$2,898,880.</p> <p><b>CARRIED</b></p>			

On December 13, 2021, Report C104/2021 was presented to City Council, recommending four options, including the purchase of a new Bookmobile. However, the report was referred back to City Administration for more information. On December 20, 2021, Report A123/2021 was presented. The decision was deferred, as additional information was requested regarding purchase options. On January 18, 2022, to address these issues, WPL Administration will present the *Purchase of a New Bookmobile Report #2*, to the WPLB for their consideration and then forward to the City.

The City of Windsor Engineering Department is also working on a report responding to Council questions; expected to be before Council in February.

### 3. ISSUES and RECOMMENDATIONS

#### a) Purchase a New or Used Bookmobile

When purchasing a new or used Bookmobile the following issues need to be considered:

- The total purchase price, including taxes, duty and transportation
- Age, size and condition of the vehicle
- Existence of any remaining warranties and a service log
- Whether the vehicle requires modifications or reconfiguration
- The miles driven are not as important as the weight on the chassis. The integrity of the steel and condition of the chassis are the most important factors when estimating the ultimate life expectancy of a used Bookmobile.

When asked about purchasing used vehicles, City Fleet Coordinator Chad Goebel responded in an email,

*"We do purchase used vehicles on occasion but they are generally gently used demonstration models, less than one year old with existing warranties. Trucks in general can be difficult to source parts for after they are 8-10 years old and older, custom vehicles can be even harder to deal with in this regard."*  
(See Appendix A for the complete email.)



The Association of Bookmobile and Outreach Services, of which WPL is a member, also refers to the many unknown challenges when purchasing a used Bookmobile <https://abos-outreach.com/>.

Currently there are no used Bookmobiles for sale in Canada, and very few in the U.S. (See Appendix C.)

Recommendation: Bookmobiles are not sold while still functional. They are traditionally used until they are no longer roadworthy, like FRED. Based on industry advice, City staff and Bookmobile owners, WPL Administration recommends *not* purchasing a used vehicle. The risk is too great and the life expectancy largely unknown.

**b) Rehabbing a Bus into a Bookmobile**

WPL needs a Bookmobile that is 28 - 32 ft. long, small enough to get into parking lots but large enough to accommodate the weight of 2,000 books, videos, shelving, technology, 2-3 customers and 1-2 employees.

Transit Windsor currently has five city buses that are awaiting disposal, but they have been stripped of useable parts and are slated for scrap, i.e., they are beyond repair and are not roadworthy.

In September 2022, Transit Windsor will have 24 buses available (each 40 FT in length or greater) for disposal. For example:

- 2002 and 2004-model OBI Orion VII (OBI is out of business and parts are scarce)
- 2005 Nova Bus LFS: fair to poor condition
- 2009 New Flyer DE40LF Hybrid: maintenance issues, i.e. a transmission is \$250,000, and replacement batteries are \$320,000, which need replacement every 8 years.

In October 2021, Tyson Cragg of Transit Windsor wrote,

*"Anything I have for sale is being disposed of because they are well beyond their design life. While some of these could have a second life, they would require extensive refurbishment/rebuild. A life-cycle extension refurb (engine, transmission, paint, interior conversion) would run you approximately \$300,000, based on a recent estimate we got from MTB Transit Solutions (major transit bus refurb company based in Milton).*

(See Appendix B for the complete email.)

The estimated cost to rehab a City bus into a Bookmobile would be \$300,000 - \$450,000, depending on the condition of the chassis and interior, plus the viability of the access ramp or lift. The life expectancy of a rehabbed Bookmobile is 8-10 years. A new Bookmobile at a cost of \$600,000 - \$800,000, depending on the model and fuel source, has a life expectancy of 22-25 years.

Recommendation: Listening to the experts, WPL Administration does *not* recommend rehabbing a City bus into a Bookmobile, because they are too large and the outcome may be short lived.

**c) Importing a Bookmobile**

There are at least 10 Bookmobile vendors in Canada and the U.S. (See Appendix C). In estimating the cost of importing a Bookmobile from the U.S., the following costs need to be considered:

**Step 1:** Can the vehicle be imported

Confirm that the Registrar of Imported Vehicles (RIV) and Transport Canada have deemed the vehicle importable. Many vehicles can be brought in “as-is,” while some will need metric odometers installed and daytime running lights added. [This is a comprehensive list](#) of vehicles that can and cannot be imported.

**Step 2:** Verify the authenticity of the vehicle title

There must be a clear title and ownership to import a vehicle into Canada. There must also be proof that the title has not been “washed”, that it is accurate and not been altered in any way.

**Step 3:** Get an International Transit Number (ITN)

Since 2017, an ITN is required to export / import a vehicle into Canada. A licensed importer will apply for an ITN, which requires the following:

- A digital scan of the front and back of the title
- Value of the vehicle and bill of sale
- Full Canadian address
- Phone number
- Canadian passport number of the importer

**Step 4:** The 72-hour export rule

Before importing a vehicle into Canada, it has to be exported from the U.S. The importer must contact the U.S. border crossing at least 72 hours before presenting with the vehicle to be exported and present:

- A digital scan of the complete title
- The Internal Transit Number (ITN)

**Step 5:** Import duties and taxes

The following taxes and duties may or may not be applicable:

- Goods & Services Tax (GST): any vehicle (new or used) imported into Canada is subject to a GST tax of 5%.
- Provincial Sales Tax (PST): once a vehicle is successfully imported, a provincial sales tax is payable at the time of registration. The PST sales tax in Ontario is 8%.

- **Import Duty:** this is only applicable to non-NAFTA vehicles and is calculated at 6.1%. NAFTA vehicles have been manufactured or have been assembled in Canada, the US or Mexico with a minimum of 55% content. A NAFTA vehicle is exempt of ANY tariffs, duties or taxes when sold in Canada, the U.S. or Mexico.
- **Air Conditioning Tax:** if the vehicle has air conditioning, a \$100 Air Conditioning tax is also payable.
- **Excess Weight Tax:** excise taxes are payable on a vehicle that weighs more than 2,007 kilograms or 4,425 pounds.
- **Gas Guzzler Tax:** on March 19, 2007 the Canadian Federal government introduced an excise tax on fuel-inefficient vehicles. This applies to all new vehicles purchased in Canada or imported from the U.S. and ranges from \$1,000 to \$4,000 depending on fuel consumption.

**Example:**

To purchase a 12 year old vehicle, costing \$50,000 USD, located 200 miles from the Canadian border.	
Vehicle Value for Customs in Canadian \$ (at an exchange rate of 1.2846)	\$64,230
Goods and Service Tax (GST) 5%	\$3,212
Provincial Sales Tax (PST) 8%	\$5,138
Air Conditioning Tax	\$100
Gas Guzzler Tax (estimate)	\$4,000
Internal Transaction Number (ITN)	\$200
Vehicle Inspection Fee	\$325
Form 1	\$44
Customs Clearance	\$355
Customs Clearance HST	\$1,800
Customs Broker Fee	\$320
<b>Subtotal</b>	<b>\$79,724</b>
Vehicle Transport Services (200 miles – estimate)	\$2,600
<b>TOTAL</b>	<b>\$82,324</b>

A \$50,000 U.S. Bookmobile imported into Canada will cost, in Canadian dollars \$64,230; additional duties, taxes, fees and transit charges bring the total cost to import \$82,324.

**Recommendation:** Listening to the experts, WPL Administration recommends a cautious approach to importing a vehicle from the U.S. The variables are great and the outcome and final costing complex.

#### d) Types of Bookmobiles

Bookmobiles come in 3 basic conformations depending on the intended use.

Vehicle Type	Models	Chassis	Collection Capacity (volumes)	Cost	Pros	Cons
Bus or Coach	Bluebird Thomas  Class 8	Freightliner 38-45 ft.	3,500 to 5,000	\$700,000 to \$900,000	<ul style="list-style-type: none"> <li>Back end lift</li> <li>Gas and diesel options</li> </ul>	<ul style="list-style-type: none"> <li>Challenging to drive</li> <li>Wide turning radius</li> <li>Curved sidewalls</li> </ul>
Step van Cutaway van or Truck  <i>FRED was a step up truck</i>	MT55 or Ford E450  Class 7	Freightliner 22-30 ft. Ford 24-30 ft. International 4400 20-38 ft.	1,500 to 2,000	\$600,000 to \$700,000	<ul style="list-style-type: none"> <li>Good drivability</li> <li>High headroom</li> <li>Back end or side ramp lift</li> <li>Diesel, gas or E options</li> </ul>	<ul style="list-style-type: none"> <li>Wide turning radius</li> </ul>
Mini van	Transit or Sprinter  Class 1 vehicle, under 6,000 lb.	Freightliner Ford, Dodge, or Mercedes 13-24 ft.	800 to 1,200	\$285,000 to \$450,000	<ul style="list-style-type: none"> <li>Good drivability</li> <li>Diesel or gas options</li> </ul>	<ul style="list-style-type: none"> <li>Too small</li> <li>No ramp</li> <li>Expensive to maintain</li> </ul>

**Recommendation:** Like recent purchases by the South Shore PLS and Lethbridge Public Library (See Appendix D), a step van is recommended.

#### e) Length

Bookmobiles come in a variety of lengths from 16 ft. to 45 ft. Vehicles serving a widespread suburban area, like Ottawa tend to be larger, while smaller, 30 - 38 ft. vehicles, tend to be used in areas, like Southern Nova Scotia where they need to navigate city streets, parking lots and country roads. The WPL service model has established that a 30 ft. vehicle is the appropriate size to accommodate the collection and community programming but still able to navigate city streets. You don't want to be parallel parking a 42ft. Bookmobile!

Library	Year	Vehicle Type	Vehicle Length
Ottawa Public Library	2020	Diesel Bus	40 ft.
South Shore Public Library	2021	Diesel Step Van	30 ft.

**Recommendation:** WPL Administration recommends, for city driving and to accommodate the resources and services necessary, the purchase of a 30 ft. Bookmobile.

**f) Diesel v Electric Bookmobile**

An electric Bookmobile with zero emissions is a new and attractive option because they follow short routes and have plenty of time to recharge each day, and powering a Bookmobile with electricity costs less than using diesel, gas or compressed natural gas. They also provide a smoother, quieter ride than fossil fuel-powered Bookmobiles, which means less vibrations on the chassis and better handling on the road.

Bookmobiles carry heavy loads but travel, on average, less than 10,000 km/year. While diesel currently is the most common fuel source for mid to large-sized Bookmobiles, some libraries are considering electric options for their new Bookmobiles. Unfortunately, since the number of electric Bookmobiles on the road is small, it is difficult to find clear comparisons between the two options. However, the general benefits and drawbacks of diesel vs electric are as follows:

➤ **Fuel & Maintenance**

- North American Council for Fuel Efficiency's [High Potential Regions for Electric Trucks Data Analysis Tool – Canada \(2020\)](#) estimates a cost savings of \$0.22 per km in Ontario for an electric over a diesel vehicle. An average annual mileage of 7,000 km could save over \$1,500 in fuel costs annually.
- Electric vehicles have fewer moving parts, require no oil changes or spark plugs, and experience less strain on brakes. However, they do require minor maintenance such as tire rotations and windshield wiper replacement.
- [Plugincanada.ca](#) reports that an electric bus could save up to 40% (or \$20,000) annually in maintenance costs over a diesel-fueled vehicle.

➤ **Daily Operations & Infrastructure**

- Overnight parking and a charging station would be required. Estimated costs for charger installation range from \$40,000 - \$80,000. The Canadian Government's [Zero Emission Vehicle Infrastructure Program](#) is a potential funding source for charger installation.
- Electric vehicles are quiet and emission-free which would enable the Bookmobile to park for longer periods in sensitive areas such as parks and schools without worry of noisy or polluting generators.

➤ **Sustainability**

- Electric vehicles in the fleet tie into the [City of Windsor's 2017 Environmental Master Plan](#), which references "fostering the adoption of electric vehicles" and developing "an electric charging strategy for electric vehicles".

➤ **Going Green**

- Many countries have legislated phasing out hybrid and internal combustion



engines by 2030 - 2035, and in Canada by 2040. Ontario has in the past provided customer incentives for the purchase of low-emission vehicles and there are indications that these incentives may return.

- The federal government is committed to stimulus measures including grants tied to economic recovery. They are particularly supportive of jobs and opportunities related to electric vehicles and hydrogen transport for heavy duty vehicles. This may open up possibilities for grants or pilot projects for E bookmobiles.
- The City of Windsor has signaled their support of green jobs and the environment in the 2021 Windsor Works, an economic development strategy for the city's future (2021) by Public First. It refers to Windsor and its future in the electric automotive industry

*"Major employers are embracing the emerging electric and autonomous vehicle industries."...*

*"advocating for a strong leadership around electric, hybrid, hydrogen and autonomous vehicles" pg.105*

*"and recommending making new investments in EV charging infrastructure locally; pg. 105*

	ELECTRIC		DIESEL	
	PROS	CONS	PROS	CONS
<b>Fuel</b>	<ul style="list-style-type: none"> <li>▪ Emission-free</li> <li>▪ No fuel costs</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requires charging station, estimated cost \$80 ,000 - \$90,000</li> </ul>	<ul style="list-style-type: none"> <li>▪ Fueling infrastructure already exists</li> </ul>	<ul style="list-style-type: none"> <li>▪ Pollutes the air</li> <li>▪ Fuel costs, approx. \$4,000 - \$6,000 annually</li> </ul>
<b>Maintenance / Repair</b>	<ul style="list-style-type: none"> <li>▪ Very few moving parts</li> <li>▪ No oil changes, spark plug replacements, etc.</li> <li>▪ Annual maintenance. costs \$200 - \$1,500</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mechanics require electric vehicles training</li> <li>▪ Cost of batteries</li> </ul>	<ul style="list-style-type: none"> <li>▪ Mechanic's familiarity with internal combustion engines</li> </ul>	<ul style="list-style-type: none"> <li>▪ Estimated annual maintenance costs \$5,000 to \$10,000, depending on the age of the vehicle</li> </ul>
<b>Drivability</b>	<ul style="list-style-type: none"> <li>▪ Quieter, less vibration</li> <li>▪ Faster acceleration with instant torque</li> </ul>	<ul style="list-style-type: none"> <li>▪ Possibility of range anxiety, if driven more than 100 miles daily</li> </ul>	<ul style="list-style-type: none"> <li>▪ More power post-acceleration</li> </ul>	
<b>Purchase Cost</b>	\$630,000 - \$850,000		\$253,000- \$780,000	
<b>Other Considerations</b>	<ul style="list-style-type: none"> <li>▪ Supports City of Windsor Environmental Master Plan</li> </ul>	<ul style="list-style-type: none"> <li>▪ Battery disposal</li> </ul>		<ul style="list-style-type: none"> <li>▪ Will be obsolete by 2040</li> </ul>

Recommendation: There are many unknowns about purchasing an electric vehicle, but as highlighted in the [2017 Environmental Master Plan](#), the [2020 Climate Change Adaptation Plan](#) and the [Climate Change Impacts in Windsor](#), when developing purchasing options, WPL Administration recommends considering an electric option in the tender process.



**g) Bookmobile Options**

Key to the functionality of a Bookmobile is the floorplan and options, which come through the customization process, as a Bookmobile functions as both a workspace for employees and public space for customers. The following options are recommended:

- 30 ft. step van, Class 7 with at least a 30,000 lb. chassis.
- Body Construction - a steel chassis with an aluminum body to accommodate more payload, absorb shocks better and be rust resistant.
- Vehicle cab - 2 seats, 1 for the driver and 1 for a passenger
- Ramp vs lift - to comply with the Ontario Human Rights Code; Employers and Employees Act, R.S.O. 1990, c. E.12; Employment Standards Act, 2000, S.O.2000, c.41, the Labour Relations Act 1995, S.O.1995, the Accessibility for Ontarians with Disabilities Act, the Accessibility Standards for Customer Service, the Integrated Accessibility Standards and WPL's Accessibility Policy a side ramp or a back end lift is required to allow unrestricted access to the vehicle. With the fragility of side lifts particularly in inclement weather a back end lift is recommended.
- Shelving - for safety, stability and functionality aluminum shelving needs to be secured to both the floor of the Bookmobile and the walls. The shelves must be adjusted depending on the resources to be shelved and no more than 11 inches deep.
- Workstations
  - one employee workstation, including circulation area, storage and unobstructed sightlines
  - one public computer workstation
- Diesel generator and 12 volt DC electrical systems. Bookmobiles are often parked in paved parking lots or parks and employees work out of the vehicle for 3-4 hours at a stretch, air conditioning and heating from a generator are essential.
- Battery powered smoke/carbon monoxide detectors.
- Internet connection and Wi-Fi hotspots for public use.

#### h) Disposing of FRED

Currently FRED is parked outside in the City's Crawford Yard. The library resources, tool lending library and computers have been removed and he has been winterized. However, FRED needs to be sold or moved to a more permanent storage location. To sell a 2005, 91,850 mile, 35ft. undrivable, unrepairable vehicle either privately or at auction would net \$800 to \$1,500.



Recommendation: As Canada's Motor City, WPL Administration recommends temporarily putting FRED into storage. He has become a part of our history and our legacy, so what better resting place than a permanent indoor home in the new Central Library's Childrens Area, when it is built.

### 4. MOVING FORWARD

#### a) Procurement Process

WPL will work with the City Purchasing Department preparing the tender documents and assessing the results with a professional panel of vehicle experts and Library staff; and then make a purchase recommendation for the WPLB.

Depending on the type of fuel source and the location of the vehicle, delivery times vary greatly, from 3 months for a used vehicle, 12 months for a new diesel vehicle, and up to 18 months for an electric or customized vehicle.

#### b) Planning for a New Bookmobile Service

Once a new Bookmobile had been received, WPL proposes a nine month, three phase roll out of the mobile service, with performance measures at every junction and regular reports to the WPLB.

PHASE	GOALS
<b>Phase 1</b> <b>One month</b>	<ul style="list-style-type: none"><li>• Build Bookmobile collection of new and recycled resources</li><li>• Train employees</li><li>• Brand the exterior of the vehicle</li><li>• Promote Bookmobile service and stops</li><li>• Establish performance measures</li></ul>
<b>Phase 2</b> <b>Four months</b>	<ul style="list-style-type: none"><li>• Test 30-35 locations with a variety of times and lengths of stay in a 3 week cycle: Week # 1 testing new locations Week # 2 services to seniors/ students/ outreach Week # 3 testing new locations</li></ul>
<b>Phase 3</b> <b>Four months</b>	<ul style="list-style-type: none"><li>• Report to the WPLB initial results</li><li>• Evaluate test locations and adjust service</li><li>• Evaluate impact of marking campaign</li><li>• Report to the WPLB and develop next steps</li></ul>

**c) Proposed Operating Budget**

Funding for the Bookmobile service is already in the established WPL operating budget. No additional expenses are anticipated with a new vehicle, and operating costs depending on the fuel source are expected to decrease. Employees have been redeployed or resigned since May 2020.

Proposed Annual Bookmobile Budget	Jan - Dec 2023
<b>Staffing</b>	\$82,580
<b>Maintenance / fuel</b>	n/a
<b>Insurance</b> (City quote)	\$3,500
<b>Resources:</b> 1,000 print, digital, audio, iPad and tools	\$25,000
<b>Public computer work station</b>	\$1,200
<b>Storage:</b> garage rental	\$3,100
<b>Total</b>	<b>\$115,380</b>

**d) Staffing**

The Bookmobile service is supervised by the Manager of Collections and supported by two part-time employees and branch employees in outreach programs or special events.

**e) Potential Bookmobile Stops**

Bookmobile stops are designed to attract new members, circulate material and promote literacy and lifelong learning. A stop lasts between 1.5 - 3 hours, in all wards across the City; some are outside i.e. a park and some are pulling up to a facility like a senior's residence or community centre. The Bookmobile will be on the road Tuesday through Saturday, 35 hours per week and off the road Mondays for vehicle maintenance and restocking. See Appendix E for a proposed schedule.

**f) Collection**

The WPL collections budget will be used to purchase 50% of the resources needed and the remainder of the collection will be pulled from all WPL locations. The end result will be a balanced collection of new and gently used titles.

FRED resources that were particularly popular included kids' digital resources, such as Launch Pads and e-Wonder Books; Lowe's Tool Lending Library resources with university and college students; and Large Print fiction and audio books were popular with seniors, book clubs and travellers.

Collection:		New	Recycled	TOTAL
Books	Adult, YA, Children's, Large Print	600	600	1,200
AV	DVDs	200	290	490
Audio	Books on CD	100	100	200
Digital Resources	Launch Pads, Playaways and Wonder Books	70	-	70
Accessibility Equipment	LED lamps, book stands	15	-	15
Tools	Lowe's Tool Lending Library	15	10	25
TOTAL		1,000	1,000	2,000

**g) Measurements**

- Establish operational goals as part of the Customer Use Index (CUI). Just like all other branches, the monthly data collected will include, gate count, circulation, programs and outreach.
- WPLB reports at the end of Phase 2 and 3 will include cost benefit analysis and potential stops or community events to test.

**5. CONSULTATIONS:**

WPL would like to thank the following people who were consulted in the preparation of this report:

**Public Library Consultations:**

Calgary Public Library, Hamilton Public Library, Milton Public Library, Toronto Public Library, Ottawa Public Library and South Shore Regional Library

**Industry Experts:**

Laura Nederbragt – Mission Mobile Bookmobiles and Nick Pieczonka – Materials Research Scientist

**City of Windsor:**

Josie Liburdi - Technologist II, Engineering, Chad Goebel – Fleet Coordinator, Operations, Tyson Cragg – Ex. Director, Transit Windsor, Melissa Osborne – Senior Manager, Asset Planning, Angela Marazita – Fleet Manager, Operations, Alex Vucinic – Purchasing Manager, Purchasing, and Ken Dufour – Supervisor WPL Facilities

**WPL Employees:**

Research Librarians and Bookmobile Drivers



## 6. BOOKMOBILE PROCUREMENT RECOMMENDATION:

Moved by: J. Morrison Seconded by: H. Dougall

THAT the Windsor Public Library Board authorize WPL Administration and City of Windsor staff to begin the procurement process to purchase a new 30 ft. diesel/ electric step van Bookmobile with tender documents reviewed by the WPLB before being released to the market and a purchase recommendation presented to the WPLB. **CARRIED**

Moved by: J. Morrison Seconded by: H. Dougall

THAT the Windsor Public Library Board authorize the storage of FRED until a new Central Library is built. **CARRIED**

Moved by: J. Morrison Seconded by: H. Dougall

THAT the Windsor Public Library Board accept the Purchase of a New Bookmobile Report # 2 as amended and forward to City Administration. **CARRIED**

Prepared by:

Kitty Pope, CEO, [kpope@windsorpubliclibrary.com](mailto:kpope@windsorpubliclibrary.com),

Christine Rideout-Arkell, [carkell@windsorpubliclibrary.com](mailto:carkell@windsorpubliclibrary.com), and

WPL Administration Team

## **Purchase of a New Bookmobile Report #2**

### **APPENDICES**

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## Appendix A – Email re FRED's Condition from the City of Windsor

**From:** Goebel, Chad <[cgoebel@citywindsor.ca](mailto:cgoebel@citywindsor.ca)>  
**Sent:** December 23, 2021 12:57 PM  
**To:** Arkell, Christine <[carkell@windsorpubliclibrary.com](mailto:carkell@windsorpubliclibrary.com)>  
**Cc:** Marazita, Angela <[amarazita@citywindsor.ca](mailto:amarazita@citywindsor.ca)>  
**Subject:** RE: new bookmobile for the library

Hello Christine,

The ring and pinion gears in the differential which forms part of the drive axle are broken, there are at least 4 teeth completely gone and several others that are cracked and worn. We have been unable to source any remaining available functioning parts for this discontinued product as the manufacturer is out of business. This also does not mean there are not further remaining undiagnosed issues in the drivetrain that have not yet been discovered without fixing the immediate issue and testing further. There was also a water leak issue with wet carpeting that I believe may have still been unresolved on FRED.

With respect to a used vehicle there are many variables to consider such as age and mileage of the vehicle, price and availability, how long you are expecting to keep it, are you planning to replace it again in the future, how many km's per year will you be driving it, are there any remaining warranties, what type of drivers license is required to operate the vehicle, does the vehicle meet your needs as is or will it require modifications or up-fitting etc. We do purchase used vehicles on occasion but they are generally gently used demonstration models, less than one year old with existing warranties.

Trucks in general can be difficult to source parts for after they are 8-10 years old and older, custom vehicles can be even harder to deal with in this regard.

As an example we recently purchased a used truck with no remaining warranties for another project for approximately \$100,000 in an attempt to save on spending for the project, and within a month of purchasing the vehicle we had to replace the engine at an additional cost of over \$60,000, so these types of issues need to be considered with respect to used vehicles because vehicles in general become more expensive to operate and maintain with age.

I hope I have properly addressed your questions, please feel free to contact us if you have any additional questions or concerns.

Thanks

*Happy Holidays and best wishes for the New Year!*

**CHAD GOEBEL | FLEET COORDINATOR**



Operations Department – Fleet Division  
1531 Crawford Avenue | Windsor, ON | N8X 2A9  
(519)-255-6560 ext. 4235  
[www.citywindsor.ca](http://www.citywindsor.ca)

## Appendix B – Bus Purchase for Bookmobile – email from Transit Windsor

Email from Tyson Cragg  
Bus purchase for Bookmobile  
Friday October 8/2021 8:41

Hi, Kitty. It was nice to talk to you this morning. I spoke to Ken Geauvreau, Manager of Fleet Services at Transit Windsor, and I don't have great news for you. I do not have any buses currently available for sale. We currently have five units that are awaiting disposal, but they have been stripped of useable parts and are slated for scrap, i.e., they are beyond repair and are not roadworthy.

Our next bus order will be arriving tentatively in June, 2022 (24 buses). Once the commissioning process is complete (Sept., 2022), I will have up to 24 units available in the fall of 2022:

- 2002 and 2004-model OBI Orion VII (OBI is out of business and parts are scarce)
- 2005 NovaBus LFS: fair to poor condition
- 2009 New Flyer DE40LF Hybrid: maintenance/parts nightmares. An EV drive (transmission) is \$250,000 for the part, and replacement batteries are \$320,000, which need replacement every 8 years. Don't go there!

Anything I have for sale is being disposed of because they are well beyond their design life. While some of these could have a second life, they would require extensive refurbishment/rebuild. A life-cycle extension refurb (engine, transmission, paint, interior conversion) would run you approximately \$300,000, based on a recent estimate we got from MTB Transit Solutions (major transit bus refurb company based in Milton).

You may want to contact MTB to see what they may have available right now. Another option is City View Bus, where they sell old transit buses, but you're still buying a 12-15 year-old vehicle. I also called London Transit for you, and they have 14-year old New Flyer D40LFs for sale for \$6,500, but they would need the same \$300,000 refurb that ours would.



Best of luck on your bookmobile journey!

**Tyson Cragg | Executive Director**




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**Appendix C – Used Bookmobiles for Sale as of January 10, 2022 and Bookmobile Vendors**

Type	New/ Used	Location	Vehicle	Engine	Mileage	Cost
	BUS - USED	Colorado	Thomas Built Bookmobile Used 2003  Poor condition	Diesel	113,000 m	U.S. \$62,490 + tax  + Retrofit
	BUS - USED	Ohio	Thomas Built Bookmobile Used 2001  Poor condition	Diesel	91,000 m	U.S. \$50,000 + tax  + Retrofit



	STEP-VAN  NEW	Ohio	Ford E450 and E550 vehicles available  Customized by Farber Speciality Vehicles, Ohio	Diesel or Gasoline available	New	US \$400,000-\$600,000  Dependent on customization required for a Bookmobile
	STEP-VAN  NEW	Alberta	International 4400  Customized by International Truck Bodies, Alberta	Diesel	New in 2015	C\$450,000  + Customization into a Bookmobile
	VAN USED	Florida	Mercedes Benz Sprinter Van 2011  Poor condition	Diesel	240,896 miles	U.S. \$24,990 + tax  + Retrofit

	VAN NEW	California	Mercedes Benz Sprinter Van  Customized by Makmo Industries, California	Diesel	New	U.S. \$250,000 + tax  +Customization required for a Bookmobile
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## Bookmobile Vendors:

- **Canadian Vendors**

[Electromobility - Novabus](#) - Nova Bus Inc. is a Canadian bus manufacturer headquartered in Saint-Eustache, Quebec, Canada. The company has roots in the General Motors bus manufacturing assembly plant, which opened in 1979.

[Lion Electric](#) – The Lion Electric Company is a Canadian-based manufacturer of commercial vehicles. Currently the biggest manufacturer in its segment in Canada. It was founded in 2011, with headquarter in Saint-Jerome.

[Overland Custom Coach Inc.](#) - is a London, Ontario based builder of customized vehicles including diesel Bookmobiles. Established in 1986, vehicles are manufactured in Brown City, Michigan. Bookmobile customers include...

[Intercontinental Truck Body \(ITB\)](#)

- **US Vendors**

[Bookmobiles - Used Mobile Clinics](#)

[Bus: K7M - BYD USA](#)

[Farber Specialty Vehicles](#) – manufactured in Columbus, Ohio. Offers a full line of bodies and chassis for Bookmobiles. Bookmobile [customers](#) include Baltimore Public Library and Erie County

[Freightliner Trucks](#) – an American truck manufacturer, founded in 1929, with headquarters in Portland, Oregon. Parent organisations are Daimler AG. Daimler Truck North America. There are Freightliners dealerships in Canada and the U.S.



[LDV Inc.](#) – a used truck dealer in Burlington, Wisconsin. Specializing in designing and building custom bookmobiles since 1977.

[Matthews Specialty Vehicles](#) – a manufacturer since 1992. Leader in the design and manufacture of purpose-built specialty vehicles. Headquartered in Greensboro, NC.

[National Bus Sales](#) – a bus company in Oklahoma, specializes in new and used Bookmobiles with a dealership in Michigan.

[Specialty Vehicle Services](#)

## Appendix D – Bookmobiles Purchased in Canada 2019 - 2022

Library	New/ Used	Vendor	Make & Model	Type	Year	Cost	Notes
<b>Ottawa Public Library</b> 	New	Freightliner  Ottawa, Ontario	40 ft. Bus	Diesel	2020	\$767,000	40'x8'6"
<b>South Shore Public System</b> (Lunenburg, Nova Scotia) 	New	Intercontinental Truck Body (ITB)  Coaldale, Alberta	30 ft. Step van Custom built on a freight line chassis	Diesel	2021	\$504,903	<a href="#">Video – ready to roll</a>  Constructed of high strength aluminum (same as Vancouver PL)  30'x8'6"x88"H
<b>Toronto Public Library</b>	New	Freightliner	32 ft. Bus Intercontinental Truck Body		2018		32'x8'6"
<b>Lethbridge Public Library</b>	New	Intercontinental Truck Body (ITB)  Coaldale, Alberta	40 ft. Step-up Custom built on a 4400/Intercontinental Truck Body		2015	\$500,000  Plus customization	40'9"x8'6"x13'3"

## Appendix E – Proposed Bookmobile Schedule

- 10-12 scheduled stops per week
- 3 week cycle
- 2-3 stops per day as a rule
- ½ day off the road needed each week to perform maintenance and refresh collection
- Does not include school visits and special events/festivals – to be added to rotation when opportunities arise

### WINTER STOPS: January-April; November-December

Week 1	Location	Ward	Potential Audience
	Capri Pizzeria Recreation Complex	1	Children, Families
	University of Windsor (Leddy Library)	2	Students
	Great Beginnings EarlyON	3	All ages
	Begley EarlyON	4	Caregivers and infants/preschoolers
	Lifetimes on Riverside	5	Seniors
	WFCU Centre	6	Children, Families
	Lassaline EarlyON	7	Children, Families
	Roots 2 Wings	8	
	Talbot Trail EarlyON	9	Caregivers and infants/preschoolers
	Royal Marquis Retirement Residence	10	Seniors
Week 2	Location	Ward	Potential Audience
	Huron Lodge/Kensington Court	1	Seniors
	St. Clair College Main Campus	1	Students
	City Hall/Charles Clark Square	2	All ages
	Ready Set Go Drop-in	3	Caregivers and infants/preschoolers
	John Campbell EarlyON	4	Caregivers and infants/preschoolers
	Community Living - Ventures	5	
	Amica Riverside	6	Seniors
	The Childrens' Safety Village	7	Children and families
	Reginald Community Housing	8	Families
	Roundhouse Centre	9	All ages
	OLPH EarlyON	10	Caregivers and infants/preschoolers
Week 3	Location	Ward	Potential Audience
	Ojibway Park	1	Children, Families
	Great Beginnings EarlyON	2	Caregivers and infants/preschoolers
	Ready Set Go Dropin	3	Caregivers and infants/preschoolers
	Willistead Park	4	Caregivers and infants/preschoolers
	Central Park Athletics	5	All ages (hockey)
	WFCU Centre	6	All ages (sports)
	Tecumseh Mall	7	All ages
	Roseville EarlyON	8	Caregivers and infants/preschoolers
	Harmony in Action	9	Adults
	SkaNa Family Learning Centre	10	Caregivers and infants/preschoolers



## SUMMER STOPS: May-October

Week 1	Location	Ward	Potential Audience
	Veterans Memorial Park	1	All ages
	Mic Mac Park	2	All ages
	Downtown Windsor Farmers Market	3	All ages
	Begley EarlyON	4	Caregivers and infants/preschoolers
	Lifetimes on Riverside	5	Seniors
	Farrow Riverside Miracle Park	6	All ages
	Lassaline EarlyON	7	Caregivers and infants/preschoolers
	Roots 2 Wings	8	
	Walker Homesites Park	9	All Ages
	Royal Marquis Retirement Residence	10	Seniors
Week 2	Location	Ward	Potential Audience
	Capri Pizza Recreation Complex	1	School aged children
	Atkinson Park	2	All ages
	Ready Set Go Drop-in	3	Caregivers and infants/preschoolers
	Lanspeary Park	4	All ages
	Community Living - Ventures	5	Adults
	Realtor Park/Princess Elizabeth EarlyON	6	Children and families
	Elizabeth Kishkon Park	7	All ages
	Reginald Community Housing	8	School aged children/families
	Talbot Trail EarlyON	9	Caregivers and infants/preschoolers
	Central Park	10	All ages
Week 3	Location	Ward	Potential Audience
	Kensington Court/Huron Lodge	1	Seniors
	Great Beginnings EarlyON	2	Caregivers and infants/preschoolers
	Downtown Windsor Farmers Market	3	All ages
	Willistead Park	4	All ages
	Ford Test Track/Gino A Marcus	5	All ages
	Drouillard Place	5	Children (all ages)
	Amica Riverside	6	Seniors
	Cora Greenwood Park	7	All ages
	Reginald Community Housing	8	School aged children/families
	Captain John Wilson Park	9	All ages
	Remington Park Pool/Playground	10	Children and families

## Appendix F –Bibliography of Bookmobile Articles

[Baron, Kathryn](#). "Rolling with the times." School Library Journal, April 2021, Vol. 67 Issue 4, p42-45.

### Abstract:

The article offers information on **bookmobiles** operated by public libraries across the U.S. as their way to reconnect with communities and spark excitement among children and teens whose chances of fun have been severely narrowed due to COVID. Topics covered include the **bookmobiles'** purpose of bringing books and other library services to rural communities, and their impact on literacy. \*\*\* Note of interest, one bookmobile has an 8 foot inflatable screen and video game console where young people can play games safely.

[The Campbell Reporter](#). Willard is outstanding bookmobile librarian. The Campbell Reporter (California), 09/03/2021.

### Abstract:

The bookmobile lead for the Santa Clara County Library District received an excellence award for her dedication and commitment to the bookmobile profession. During the pandemic, Willard helped implement a program called BookDash, a contactless home-delivery solution for senior patrons.

[Fernandez, M. J.](#), (2020, June 22). *Bookmobiles navigate new terrain*. Public Libraries Online.

### Abstract:

An overview of how several US mobile library services modified the way in which they use their bookmobile in order to aid communities in response to the COVID-19 pandemic.

[gmcnaughton@guelphmercurytribune.com](mailto:gmcnaughton@guelphmercurytribune.com). "Bookmobile Returns to Guelph Streets This Week." Guelph Mercury (ON), 10/09/2020

### Abstract:

Guelph residents will soon have a new option to get their books. On Friday, the Guelph Public **Library** announced that, as of Oct. 13, its **Bookmobile** service will resume operations. As is just about everything in the era of COVID-19, the **mobile library** will be looking a little different.

[Green, Judy](#). "Bookmobiles: Today and Yesteryear." Feliciter, 2012, Vol. 58 Issue 1, p6-7. 2p.

**Abstract:**

A personal narrative is presented which explores the author's experience working on a **bookmobile**, or **mobile library**, in Ottawa, Ontario.

[Horvath, Jeff](#). "Library eyeing a new book-mobile." The Times-Tribune (Pennsylvania), 12/06/2021.

**Abstract:**

With the help of a consultant, the Lackawanna County Library System plans to replace and revamp Bookmobile services. "The pandemic has changed the way we look at learning, public outreach services and much, much more, and we must be able to respond to these changes in order to best serve our residents."

[Lawton, Mark](#). "The Road to Normal: Bookmobiles and outreach staffers take on a new role in a year of COVID-19." American Libraries, Mar/Apr 2021, Vol 52 Issue ¾, p38-43.

**Abstract:**

Bookmobile services allow library to pivot during unprecedented times, providing access to books to students while schools are shutdown. "Bookmobiles can bring a little continuity into everybody's life."

[London Bishop Staff Writer](#). "Bookmobile delights children with stories." Dayton Daily News (Ohio), 09/16/2021.

**Abstract:**

The (recently replaced) Greene County Bookmobile visits 30 schools per year and approximately 5000 children per month, discusses the successful visits with school children. The new bookmobile features a state-of-the-art chair-lift and modern safety features, which allow kids with wheelchairs to enjoy the bookmobile for the first time.

[McIllece, Emily et al.](#) "Bookmobiles: Communities on the move." Nebraska Libraries, 2014, Vol. 4. Issue 2, p. 14-16

**Abstract:**

Highlights the benefits of bookmobiles to a community and provides strategies for making destination decisions. The article also suggests a fleet of library mobiles to meet the needs of different users – literacy, early childhood development, seniors.

[Newton, Tanner.](#) "Bookmobile will help reach more of county, library director says." The Sentinel Record (Arkansas), 12/27/2021

**Abstract:**

Garland County Public Library (Arkansas) has funded the purchase of a new Bookmobile through American Rescue Plan Act funding programs and months of fundraising. The new bookmobile is being manufactured through Mercedes and will serve 735-square-mile County that only has one library branch.

[Peeskar, Saira.](#) "Library's outdoor bookmobile brings books – and friends – to 13 stops around Hamilton." CBC News (ON), 03/24/2021.

**Abstract:**

Hamilton Public Library's roving reading room has adapted and now hands out books outdoors.

[Roedde, W. A.](#) "I Drive a Bookmobile." Feliciter, 2012, Vol. 58 Issue 1, p8-9. 2p.

**Abstract:**

The article presents a reprint of a personal narrative from 1956 in which the author discusses his experiences operating a **bookmobile**, or **mobile library**, for the Thunder Bay District **Library** Co-Operative based in Fort William, Ontario. The article details the author's job responsibilities, which include transporting books to schools and **libraries**, ordering books, and organizing book exchange programs. Also provided is information on the author's driving route through Ontario, Canada.

[Swendrowski, Michael](#). "The Bookmobile and Outreach Information Repository (BOIR) database." *Voices: Topics in Canadian Librarianship*, 2017, Vol.1 No.2, p17-18.

**Abstract:**

Describes efforts by the Association of Bookmobile and Outreach Services to create a convenient database providing centralized information, statistics and history about bookmobiles and outreach services worldwide.

[Thomas, Lisa Carlucci](#). "Mobile Libraries 2012." *Library Journal*, 2/1/2012, Vol. 137 Issue 2, p26-28. 3p.

**Abstract:**

The article discusses **mobile library** services. According to the article, **library** patrons are becoming more adept at using wireless communication devices such as smartphones, tablets, and electronic readers. The author also discusses the use of interactive social networking web sites such as Facebook, Twitter, and Tumblr among **library** patrons. The article also discusses a 2010 survey conducted by the journal concerning **mobile library** services.

[Waite, Steph](#). (2018, July 3). *Bookmobiles that break the mold*. OCLC online article.

**Abstract:**

This brief article from the [Online Computer Library Centre](#) showcases three distinct and different ways libraries in the United States have utilized their bookmobiles for various community services.

[Witteveen, April](#). "Hot Wheels: High-quality mobile outreach is on the rise, serving newborns through teens." *School Library Journal*. Apr 2017, Vol. 63 Issue 4, p34-37.

**Abstract:**

"The article discusses the increase in mobile outreach programs offered by public libraries. Comments by Ann Plazek, president of the American library Association's (ALA) Association of Bookmobiles and Outreach (ABOS) and Michael Swendrowski, ABOS board member on bookmobile initiative are included. Topics include benefits for children, operation of Early Literacy Mobile and funding by King County (WA) Library System (KCLS) foundation."



[Woltjier, Gavin](#). (2018, July 20). *The relevance of bookmobiles and mobile libraries in 2018*. Public Libraries Online.

**Abstract:**

This article provides an overview of the importance and relevance of bookmobiles and mobile libraries to accommodate the ever-changing needs of society. Also included are key summary points on the benefits and differences bookmobiles make in the community's they serve.

[Yarrow, A., McAllister, S.](#) "Trends in mobile and outreach services." *Public Library Quarterly*. 2018, Vol.37 Issue 2, p195-208.

**Abstract:**

This article describes the results of a questionnaire distributed to North American public libraries asking them to describe their services to underserved populations.



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**Date:** January 10, 2022

**To:** Senior Manager of Engineering

**From:** Fleet Manager

**RE:** **Repair of Existing Bookmobile – Unit # 0944**

---

The Bookmobile was removed from service late 2020 due to a lack of readily available parts for the required repairs.

The existing unit is a custom, likely one of a kind vehicle, that is 16 years old. In general, parts can be difficult to source for trucks after they are 8 to 10 years old and older. Custom vehicles can be even harder to deal with in this regard.

The ring and pinion gears in the differential, which forms part of the drive axle, are broken. There are at least four (4) teeth completely gone and several others that are cracked and worn. At the time, the Fleet Division was unable to source any remaining available functioning parts as the manufacturer is out of business. Until this repair is completed and tested, the Fleet Division cannot determine if there are other remaining undiagnosed issues in the drivetrain. Furthermore, there was a water leak issue with wet carpeting that was also unresolved at the time.

After further investigation, we have been able to locate a vendor in the United States who can custom make a ring and pinion set. Upon receipt of the part, the Fleet Division will need to locate all of the axle seals and miscellaneous parts to complete the repair. The estimated cost for this repair is approximately \$15,000.

It should also be noted that completion of this repair does not imply there are not additional remaining undiagnosed issues that have not yet been discovered without fixing the immediate issue and testing further. Completion of the initial repair does not guarantee additional repairs may not be needed in the future.

Based on the age of the truck, there is a high probability it may require more significant repairs to the transmission and/or engine if it is put back into service. Should they be needed, the estimated cost of these repairs is estimated at \$100,000. There would be no available warranty and the same difficulty with sourcing parts is expected to continue to be a challenge.

  
\_\_\_\_\_  
Angela Marazita, CPFP  
Fleet Manager



**Subject: Additional Information regarding C104/2021 - Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide**

**Reference:**

Date to Council: March 21, 2022  
Author: France Isabelle-Tunks  
Executive Director of Engineering/Deputy City Engineer  
(519) 255-6100 x6402  
ftunks@citywindsor.ca

Engineering  
Report Date: February 18, 2022  
Clerk's File #: ML/10013

**To:** Mayor and Members of City Council

**Additional Information:**

**Background**

An Additional Information Memo (AI 3/2022) went before Council on February 14, 2022 regarding options and costs for a bookmobile. Council further directed Administration through the following resolution.

*Decision Number: CR66/2022 CR46/2022 B33/2021*

*That the report of the Senior Manager of Engineering/Deputy City Engineer, dated December 13, 2021, entitled "Windsor Public Library - Facility Plan Implementation and Temporary Relocation of Main Branch - Project Completion Report - City Wide" **BE REFERRED** back to the Windsor Public Library Board to allow the Board the opportunity to discuss and bring forward a clear submission and budget request for Council consideration.*

*Carried.*

*Councillors Bortolin, Holt, Kaschak, McKenzie, and Morrison voting nay.*

**Discussion**

The following resolution was passed by the Windsor Public Library Board on February 15, 2022.

16.22	<b>Moved:</b>	M. DeMenech	<b>Seconded:</b>	J. Morrison
	<p>Whereas the impetus to replace the Bookmobile was not a budget issue but a recommendation made by the Executive Committee overseeing the WPL building projects to support library service to the underserved across Windsor and unserved in South Windsor, and</p> <p>Whereas the WPL Bookmobile services the entire City with great success, including senior residences, schools, playgrounds and parks across the entire community, and</p> <p>Whereas the surplus of \$600,000 from the building projects was brought to the Windsor Public Library Board for consideration of a new bookmobile, and</p> <p>Whereas the Windsor Public Library Administration have provided thorough information including cost analysis reports for buying new vs old, diesel vs electric, and provided that information in 2021 to City Administration for inclusion in their budget consideration, and</p> <p>Whereas the Windsor Public Library Board recognizes; the high purchasing cost, lower operating costs and environmental value of an electric vehicle, a tender has been requested for both an electric and a diesel vehicle to clearly examine both options prior to making an informed, data driven purchase decision, and</p> <p>Whereas the Windsor Public Library Board reaffirms its support for a new bookmobile following the strategic plan and vision, including four previous motions of support in 2021, and</p> <p>BE IT RESOLVED THAT the Windsor Public Library Board authorize Windsor Public Library Administration and City of Windsor staff to begin the procurement process to purchase a new 30 ft. diesel step van Bookmobile (note: including an Electric alternative if it falls within the City's approved budget) with tender documents reviewed by the Windsor Public Library Board before being released to the market and a purchase recommendation presented to the Windsor Public Library Board, and</p> <p>THAT the Windsor Public Library Board forward Motion 16.22 to City Administration and further to City Council.</p> <p style="text-align: right;"><b>CARRIED UNANIMOUSLY</b></p>			

WPL administration further reached out to obtain general quotes from vendors and have provided the following additional information for consideration;

- Diesel = \$506,965 (vendor quote - January 2022)
- Electric = \$688,745 CAD (vendor quote – February 2021)  
\$800,000 - \$850,000 (estimated by 2<sup>nd</sup> vendor)

**Consultations:**

Kitty Pope, CEO Windsor Public Library

**Conclusion:**

The additional information is provided for Council's consideration in providing direction to Administration on how to direct the \$600,000 in surplus funding.

**Approvals:**

Name	Title
France Isabelle-Tunks	Executive Director of Engineering / Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Ray Mensour	Commissioner, Community Services
Joe Mancina	Commissioner, Corporate Services, CFO/City Treasurer
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**





**Council Report: C 34/2022**

**Subject: Declaration of Improved Property Municipally Known as 1153 Ottawa Street Surplus and Authority to Offer for Sale - Ward 4**

**Reference:**

Date to Council: March 21, 2022  
Author: Chris Carpenter  
Coordinator of Real Estate Services  
ccarpenter@citywindsor.ca  
519-255-6100 x6420  
Legal Services, Real Estate & Risk Management  
Report Date: February 28, 2022  
Clerk's File #: APM2022

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT the following City of Windsor (the "**City**") improved property **BE DECLARED** surplus:
  - Municipal address: **1153 Ottawa Street** – improved commercial/residential property on the south side of Ottawa Street, west of Pierre Avenue
  - Legal Description: Lot 120 on Registered Plan 889, Part Lot 43 on Registered Plan 670
  - Approximate Lot size: 12.8 m (42 feet) x 36 m (118 feet)
  - Approximate Lot area: 4,908 sq ft (456 m<sup>2</sup>) (herein the "**Subject Property**"); and,
- II. THAT the Manager of Real Estate Services **BE AUTHORIZED** to offer the improved property identified in Recommendation I for sale on the Multiple Listing Service ("**MLS**") at a price to be determined by the Manager of Real Estate Services, commensurate with an independent appraisal, as appropriate.

**Executive Summary:**

N/A

**Background:**

The City owns an improved commercial/residential property on the south side of Ottawa Street, west of Pierre Avenue, legally described Lot 120 on Registered Plan 889 and Part Lot 43 on Registered Plan 670, as shown on the aerial diagrams attached as Appendices A and B.

The Subject Property was vested by the City in 2014 through CR103/2013. The Subject Property is zoned CD2.2 and is viable under this zoning. The Subject Property has been vacant and in a state of disrepair since it was vested in 2014. Deterioration of the roof has resulted in significant water damage throughout the building. According to MPAC, the Subject Property contains four residential units totaling approximately 2,000 square feet and two retail spaces totaling 1,600 square feet. There is also a detached garage structure of approximately 1,400 square feet.

In 2020 a structural assessment report was completed which determined that the structure was sound enough to not warrant demolition. The report outlined several items to be addressed, namely the removal of the rear exterior staircase and the patching of holes in the roof. In order to prepare the Subject Property to be listed for sale, a contractor was retained to remove debris from the building, remove the rear exterior staircase and temporarily patch the roof. Due to the level of deterioration, it is likely that any potential buyer will have to undertake a renovation of the entire building.

By-Law 52-2014 establishes a policy for the disposal of Land. Section 5.1.2 of Schedule "A" attached to By-Law 52-2014 requires that City-owned lands be declared surplus and that Administration seek authority to sell the lands:

5.1.2 Notification of the intention to declare Land surplus and the authority to offer the Surplus Land for sale will be printed in the "Civic Corner" of the Windsor Star.

### **Discussion:**

The Subject Property was circulated to determine whether there is a municipal use for same. No municipal use was identified.

Housing Administration and Development has no objection to the sale of the Subject Property.

Should the Recommendations above be approved, the Real Estate staff will, in accordance with the City's Land Disposal Policy, list the property for sale on MLS at a price determined by the Manager of Real Estate Services, commensurate with an independent appraisal. Should Administration successfully negotiate an acceptable offer, a report will be brought to Council or under Delegation of Authority, as appropriate, seeking authority to sell the Subject Property.

### **Risk Analysis:**

There are potential liability issues should someone be injured on the land. Additionally, maintenance of the land drains scarce municipal resources. Selling the Subject Property will remove any associated liability issues and maintenance costs for the City.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

Declaring this property surplus does not pose a climate change risk.

#### **Climate Change Adaptation:**

Redevelopment of properties will include climate change considerations during re-zoning or site plan review.

**Financial Matters:**

N/A

**Consultations:**

Fire Department: John Lee

Windsor Police Services: Barry Horrobin

Public Works: responses consolidated by Rania Toufeili

Parks: James Chacko

Facilities: Tom Graziano

Planning Department: Kevin Alexander

Housing and Children Services: Tina Moore

**Conclusion:**

Declaring the vacant parcel identified in Recommendation I surplus, and authorizing the Manager of Real Estate Services to offer the property for sale on MLS will allow for the orderly sale of the land that is not required for any municipal purpose.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Chris Carpenter	Coordinator of Real Estate Services
Frank Scarfone	Manager of Real Estate Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Jason Reynar	Chief Administrative Officer

**Notifications:**

Name	Address	Email
James Scott, Manager of Parks Operations		jascott@citywindsor.ca
Mark Friel, Financial Planning Administrator		mfriel@citywindor.ca

**Appendices:**

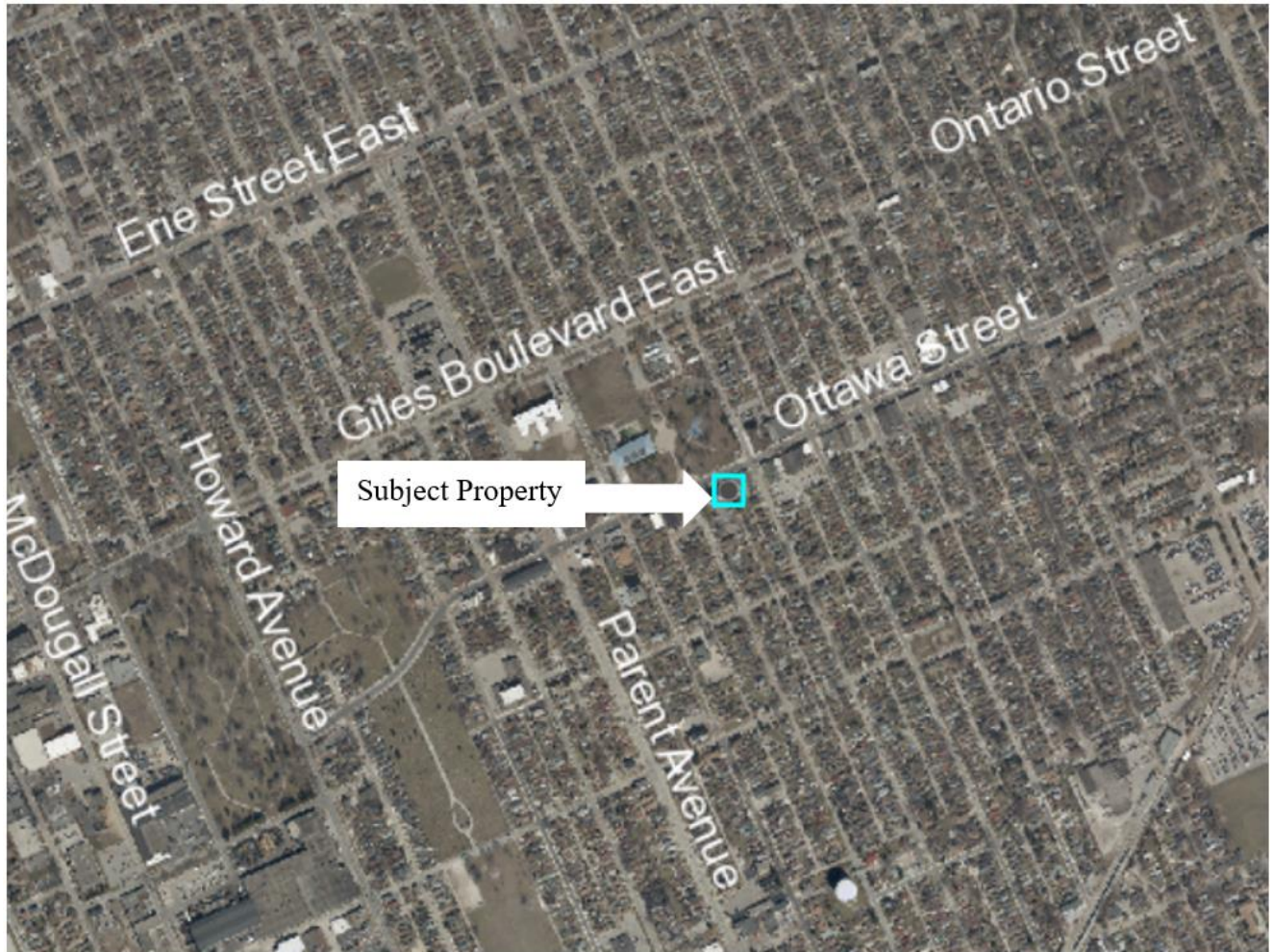
- 1 Aerial Image of Subject Property
- 2 Location of Subject Property

## Appendix A





## Appendix B







**Council Report: C 40/2022**

**Subject: Amendment of Council Resolution CR256/2011 to Update Sale Price - Ward 3**

**Reference:**

Date to Council: March 21, 2022  
Author: Chris Carpenter  
Coordinator of Real Estate Services  
ccarpenter@citywindsor.ca  
519-255-6100 x6420  
Legal Services, Real Estate & Risk Management  
Report Date: March 4, 2022  
Clerk's File #: APM2022

**To:** Mayor and Members of City Council

**Recommendation:**

- I. THAT Council Resolution CR256/2011 adopted October 17, 2011 **BE AMENDED** as follows:

By **DELETING** from Recommendation II:

Sale Price: \$2,000.00 plus HST if applicable;

And **INSERTING** in Recommendation II:

Sale Price: \$4,000.00 plus HST if applicable.

**Executive Summary:**

N/A

**Background:**

The City owns a vacant parcel of land located on the west side of Elm Avenue, immediately north of 1157 Elm Avenue, legally described as Part Lot 42 on Registered Plan 918, as shown on the aerial diagrams attached as Appendices B and C (the "**Subject Parcel**"). In 2011, by CR256/2011 (attached as Appendix A), the Subject Parcel was declared surplus and gave authority to sell it to the abutting owner. The sale price was set at \$2,000.

**Discussion:**

Following the passing of CR256/2011, the sale to the abutting owner did not proceed. The abutting property owner has contacted the Real Estate Division again in order to acquire the Subject Parcel. As a significant amount of time has passed, the sale price provided in CR256/2011 no longer reflects the value of the Subject Parcel. Therefore, the sale price needs to be updated to \$4,000 in order to be more in line with current real estate values. Section 5.2.1 of the City's Land Disposal Policy states:

For Land with an estimated Market Value of fifty thousand dollars (\$50,000) or more, at least one independent Appraisal will be obtained.

As the value of the Subject Parcel is considerably under \$50,000, the Manager of Real Estate Services has established the updated sale price being recommended herein.

**Risk Analysis:**

Failure to amend CR256/2011 will prevent the sale of the Subject Parcel at the updated price.

**Climate Change Risks****Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

There is no cost related to the amending of CR256/2011. There are no real estate commissions. The net sale proceeds of \$4,000 will be deposited to the capital expenditure reserve fund 160-6940-5010-02942-0229611 Unclassified Revenue. Any real estate or legal charges on the sale will be charged to Transitional Properties 001-2950-5127-02942-0125240.

**Consultations:**

Aaron Farough, Legal Counsel  
Mark DiPasquale, Financial Planning Administrator  
Alexandra Taylor, Financial Planning Administrator

**Conclusion:**

Amending Council Resolution CR256/2011 will allow for the orderly sale of a surplus City parcel at a price commensurate with current real estate values.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Chris Carpenter	Coordinator of Real Estate Services
Frank Scarfone	Manager of Real Estate Services
Shelby Askin Hager	Commissioner of Legal and Legislative Services
Jason Reynar	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

- 1 Council Resolution CR256/2011
- 2 Aerial Image of Subject Parcel
- 3 Location of Subject Parcel

## Appendix A

CR256/2011

CR256/2011

- I. That the report prepared by the Property Coordinator and Property Supervisor with respect to notification of all real property to be sold **BE RECEIVED** for information.
- II. That the Property Coordinator and Property Supervisor **BE AUTHORIZED** to offer the City-owned vacant 30' X 55' parcel of land, legally described as Part of Lot 42, Registered Plan 918 to the abutting owner under the following terms and conditions:  
Sale Price: \$2,000.00 plus HST if applicable;  
Account credited: 160-6940-0229611
- III. THAT the transaction **BE COMPLETED** electronically, for the property where it is available, pursuant to By-Law 366-2003 and that the Chief Administrative Officer and the City Clerk **BE AUTHORIZED** to execute all documents necessary to complete the transaction, as required, and that the City Solicitor or designate **BE AUTHORIZED** to execute documents standard to a real estate transaction.

Carried.

Report Number 15527 APM/11020 C4

Internal Distribution

Legal [Frank Scarfone; Mike Stamp]

City Solicitor

Chief Financial Officer & City Treasurer

## Appendix B





## Appendix C



**Item No. 12.2**



**Committee Matters: SCM 62/2022**

**Subject: Report of the Striking Committee of its meeting held January 31, 2022**

**REPORT OF THE STRIKING COMMITTEE  
of its meeting held  
January 31, 2022**

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**Members participating via electronic participation in accordance with Procedure By-law #98-2011 as amended, which allows for electronic participation during a declared emergency.**

**PRESENT:** Mayor D. Dilkens  
Councillor F. Francis  
Councillor G. Kaschak  
Councillor K. McKenzie  
Councillor J. Morrison  
Councillor R. Bortolin  
Councillor E. Sleiman  
Councillor J. Gignac  
Councillor Holt  
Councillor Gill

**ABSENT:** Councillor F. Costante

**Also in attendance:**

J. Reynar, Chief Administrative Officer  
J. Payne, Commissioner, Human and Health Services  
C. Nepsy, Commissioner, Infrastructure Services  
J. Mancina, Commissioner, Corporate Services CFO/City Treasurer  
S. Askin-Hager, Commissioner, Legal and Legislative Services  
R. Mensour, Commissioner, Community Services  
S. Vlachodimos, City Clerk

**Declarations of Pecuniary Interest:**

None Declared.

Your Committee submits the following recommendation:

1. That the following persons **BE APPOINTED** as Jury members for the 2022 Arts, Culture and Heritage Fund:

- Madelyn Della Valle
- Moya McAlister
- Alexei Ungurenasu

and further that in accordance with the approved guidelines which specify that two jurors are to return from the previous grant cycle, that the following Jurors from 2021 **BE APPOINTED**:

- David Burrows
- Kaitlyn Karns

MAYOR

CITY CLERK



**Committee Matters: SCM 63/2022**

**Subject: Minutes of the Council Compensation Review Committee of its meeting held October 14, 2021**



## **Council Compensation Review Committee**

Meeting held October 14, 2021

A meeting of the Council Compensation Review Committee is held this day commencing at 10:00 o'clock a.m. via Zoom video conference, there being present the following members:

Dr. Vincent Georgie, Chair  
Frazier Fathers  
Mila Lucio

***Also present are the following resource personnel:***

Jason Reynar, Chief Administrative Officer  
Steve Vlachodimos, City Clerk  
Joe Mancina, Commissioner Corporate Services, Chief Financial Officer  
Dan Seguin, Deputy Treasurer  
Sandra Gebauer, Council Assistant  
Will Foot, Council Assistant  
Justin Grainger, Internship graduate student  
Karen Kadour, Committee Coordinator

### **1. Call to Order**

The Committee Coordinator calls the meeting to order at 10:01 o'clock a.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

### **4. Introductions**

The members of the Committee along with the Administrative staff are invited to introduce themselves and to provide relevant comments.

S. Vlachodimos, City Clerk advises that a review of the compensation for elected officials was held in 2003 and changes were made. Council struck a committee in 2018, and the committee did a thorough review over a span of five months. Tied into this, the Federal Government eliminated the one-third tax-free allowance for elected officials. The Committee did a review, which included benchmarking, outreach, and made some recommendations. One further recommendation put forward was that a review be undertaken every two years (which did not take place in 2020 due to COVID).

J. Mancina, Chief Financial Officer indicates that in 2018, the Council Compensation Review Committee made recommendations to Council and at that time, the Committee directed that a benchmarking exercise be done. Revenue Canada had eliminated the ability for municipal Councillors and the Mayor to continue to have a one-third tax-free allowance. As a result of that coming into play on January 1, 2019, it accelerated the need to review the compensation as the Mayor and Councillors' salaries would be fully taxable going forward. A benchmarking exercise was done by Administration and a report was provided to the committee, which recommended base salaries for the Mayor and for the Members of Council. The report looked at setting them at the average levels for the comparators and preserving the net pay that the Mayor and the Councillors were receiving prior to that. Base salaries were established for the Mayor and members of City Council and also built into the process were standard annual increases that were tied to the non-union salary increases so from 2019 onward, those base salaries were increased based on that level. Another requirement was that around the mid-term of Council, the Council Compensation Review Committee would make recommendations for the incoming Council coming forward.

## **2. Election of Chair**

The Committee Coordinator calls for nominations from the floor for the position of Chair. F. Fathers nominates Dr. Georgie, seconded by M. Lucio. The Chair asks if there are further nominations from the floor for the position of Chair. Seeing none, the Committee Coordinator asks Dr. Georgie if he accepts. Dr. Georgie accepts and assumes the Chair.

Moved by F. Fathers, seconded by M. Lucio,  
That Dr. Georgie **BE ELECTED** Chair of the Council Compensation Review Committee.  
Carried.

## **3. Disclosure of Interest**

None disclosed.

## **5. Business Items**

### **5.1 Background Information**

The background documents are received.

## 5.2 Review of the Terms of Reference and Mandate

The Chair reviews the “Scope and Nature of the Review” as outlined in the Committee Mandate and Terms of Reference – an excerpt of which follows:

*“The review shall examine the current work load and level of responsibility and commitment required of members of City Council in Windsor, determine the adequacy of the current compensations and benefits; undertake a review of other peer municipalities, for the purpose of establishing a viable comparative measure, seek feedback and public input as appropriate outlining any proposed changes to the level of remuneration/compensation and benefits appropriate to the positions of Mayor and City Councillor.”*

The Chair asks when the final report from the Committee will be due.

J. Reynar responds that Administration will be providing assistance during this process and adds that by bringing the report forward in a timely manner, it will help those to manage their expectations who may be thinking of running in the 2022 election. The campaign will officially kick off on May 2, 2022.

Discussion ensues regarding meeting frequency for the committee, for example every two weeks. It is proposed that Council review the final report of the Committee at its first meeting to be held in March 2022.

J. Mancina states that a consultant has been retained to do their non-union compensation review work and is willing to assist with the benchmarking exercise, along with defining the scope of what needs to be done.

M. Lucio asks what the deliverables are in terms of the development of a work plan, i.e. examining the Councillors’ workload, determining adequacy and undertaking a review of peer municipalities. There is currently a process in place for the issuance of merit increases on an annual basis and questions if this committee will be verifying if there are equity adjustments that need to be made. She further asks if the Committee is looking at the total rewards and making recommendations on something broader than the base salary. If the Committee’s role is to propose changes to the level of remuneration, compensation and benefits, our role is to propose any changes necessary to the total rewards for the Mayor and the Council members. In order to do that, we will be relying on benchmarking; we will need to understand the nature of the role of the Mayor and Council. Do we want to be the average or should it be above the average; this is where performance should be considered.

The Chair suggests looking at the various wards to determine the work demands.

In terms of the Councillors representation on boards and committees, J. Mancina clarifies that Council established a base salary of \$45,000 as a new Councillor's salary which encompassed their representation as a Council member on multiple boards and committees.

The Chair asks if there is an expectation that a Councillor serves on a certain number of committees.

S. Vlachodimos responds that there is no quota per se, but Council at the beginning of a new term tries to balance the portfolios according to their availabilities.

F. Fathers asks if the scope of work includes the establishment of new committees in the future and if there are equity and diversity considerations around Council elections.

J. Reynar proposes that a component of this report should acknowledge the challenges and to consider further study in that area. In conversation with a number of councillors regarding female candidates for example, or diverse candidates, there is a wide range of views on that.

M. Lucio suggests that the three members of the Committee meet with the Consultant prior to the next meeting of the Council Compensation Review Committee.

The Chair asks how many municipalities will be included as part of the benchmarking exercise.

J. Mancina responds that single tier municipalities with the same scope of services in Ontario were included in the benchmarking. He adds that through the work on the nonunion compensation review, the comparators for benchmarking have been established by the Consultant.

F. Fathers asks if the feedback on the public input piece will be led by the Consultant, market research or through City Hall.

S. Vlachodimos responds that in the past, this has been done in-house.

F. Fathers asks if this is a conflict of interest if this comes out of City Hall as it could be viewed to some degree as a compensation review of your bosses.

M. Lucio proposes that this matter be discussed with the Consultant.

The Chair suggests that this undertaking does not become a "performance review" of the Mayor and Members of Council. He wants to ensure that excellent candidates are attracted for these positions to allow our community to select and elect excellent candidates.

J. Reynar advises that the interesting thing about comparators with other municipalities is that typically they are undercompensated across the province. He asks that the Committee consider which groups (other than residents) should be providing input, i.e. business leaders, and other agencies.

**6. New Business**

None.

**7. Meeting Dates**

The next meeting will be held at the call of the Chair.

**8. Adjournment**

There being no further business, the meeting is adjourned at 11:00 o'clock a.m.

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**CHAIR**

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**COMMITTEE COORDINATOR**