

Development & Heritage Standing Committee Meeting

Date: Monday, December 4, 2023

Time: 4:30 o'clock p.m.

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

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

MEMBERS:

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Kieran McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Mark McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

ORDER OF BUSINESS

Item #	Item Description
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1.	CALL TO ORDER
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	READING OF LAND ACKNOWLEDGEMENT
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	We [] 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 Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.
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2.	DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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3.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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4.	COMMUNICATIONS
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5.	ADOPTION OF THE PLANNING ACT MINUTES
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5.1.	Adoption of the Development & Heritage Standing Committee (Planning Act Matters) meeting minutes held November 6, 2023 (SCM 309/2023)
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6.	PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)
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7.	PLANNING ACT MATTERS
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7.1.	ZONING BY-LAW AMENDMENT for lands known as 2500 Central Avenue; Applicant - CARBOHYDRATE LTD.; File No. Z-015/23 (ZNG/7013); Ward 5 (S 157/2023)
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8.	ADOPTION OF THE MINUTES
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8.1.	Adoption of the Development & Heritage Standing Committee meeting minutes held September 11, 2023 (SCM 255/2023)
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8.2.	Adoption of the Development & Heritage Standing Committee meeting minutes held October 3, 2023 (SCM 267/2023)
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8.3. Adoption of the Development & Heritage Standing Committee meeting minutes held November 6, 2023 **(SCM 293/2023)**

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS

10.1. Walkerville Heritage Conservation District Study Presentation & Updates

11. ADMINISTRATIVE ITEMS

11.1. Closure of east/west alley located between Elsmere Avenue and 888 Hanna Street East, and north/south alley located immediately north of east/west alley, Ward 4, SAA-6925 **(S 140/2023)**

11.2. Closure of part of north/south alley located between College Avenue and Grove Avenue, Ward 2, SAA-6923 **(S 141/2023)**

11.3. Conveyance of north/south alley located south of Closed Manitoba Street R.O.W., Ward 10, Closed by Judge's Order No. 2970/87 **(S 148/2023)**

11.4. University Avenue West and Wyandotte Street West Community Improvement Plan Grant Applications made by 1229 University (Windsor) Inc. (Brigitte Ebner Dia) for 1223 University Ave West (Ward 3) **(S 139/2023)**

11.5. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 and 0 Giles Boulevard East (Ward 3) **(S152/2023)**

11.6. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1362279 Ontario Ltd. for 555 University Avenue East and 304 & 314, 322, 0, and 390 Glengarry Avenue (Ward 3) **(S 153/2023)**

11.7. Sandwich CIP/Demolition Control By-law Exemption Report-731 Mill St; Owners: Ravindranath and Usha Thayyil (c/o Roshan Thayyil) **(S 143/2023)**

11.8. Ford City CIP Application for 677 St. Luke Street. Owner: Vito Maggio Holdings Inc. (Bill Maggio) (c/o Dillon Consulting Limited; Amy Farkas) – Ward 5 **(S 151/2023)**

11.9. Amendment to the Sandwich Demolition Control By-law 20-2007 **(S 162/2023)**

12. COMMITTEE MATTERS

13. QUESTION PERIOD

14. ADJOURNMENT



Committee Matters: SCM 309/2023

Subject: Adoption of the Development & Heritage Standing Committee (Planning Act Matters) meeting minutes held November 6, 2023

**Development & Heritage Standing Committee
(Planning Act Matters)**

Date: Monday, November 06, 2023
Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie (Vice Chairperson)
Ward 10 - Councillor Jim Morrison

Members

Member Arbour
Member Grenier
Member Polewski

Clerk's Note: Councillor Jim Morrison participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Joe Mancina, Chief Administrative Officer
Jelena Payne, Commissioner, Economic Development & Innovation
Shawna Boakes, Executive Director of Operations
Neil Robertson, Acting City Planner
Greg Atkinson, Deputy City Planner
Patrick Winters, Manager, Development
Emilie Dunnigan, Manager, Development Revenue & Financial Administration
Aaron Farough, Senior Legal Counsel

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Joe Baker, Senior Economic Development Officer
Frank Garardo, Senior Planner
Robert Perissinotti, Development Engineer
Adam Szymczak, Planner III – Development
Stefan Fediuk, Planner III – Senior Urban Designer
Jim Abbs, Planner III – Development
Justina Nwaesei, Planner III - Development
Brian Nagata, Planner II – Development Review
Siddharth (Sidd) Dhiman, Transportation Planner I
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.2 – Tracey Pillon-Abbs, agent
Item 7.2 – Aditiya Soma, applicant
Item 7.4 – Tracey Pillon-Abbs, agent
Item 7.4 – Jack Federer, applicant
Item 7.4 – Michael Kaye, applicant

Delegations—participating in person

Item 7.1 – Jackie Lassaline, Principal Planner
Item 7.1 – Joe Passa, PA Architects
Item 7.1 – Flora Sabatini, area resident
Item 7.1 – Dave Davis, area resident
Item 7.1 – Kim Morianti, area resident
Item 7.1 – Jay Abdoulrahmani, owner
Item 7.3 – Karl Tanner & Amy Farkas, Dillon Consulting
Item 7.4 – York Zhu, area resident
Item 7.5 – Karl Tanner & Theresa O’Neill, agents Dillon Consulting
Item 7.5 – Jeff Benedet, area resident
Item 7.6 – Karl Tanner & Amy Farkas, Dillon Consulting
Item 7.6 – Joan Ennis, area resident
Item 7.6 – Jeff Benedet, area resident
Item 7.6 – Kate Benedet, area resident
Item 7.6 – Nishnat John, area resident
Item 7.6 – Kim Friest, area resident
Item 7.6 – Maureen Flannery, area resident

1. CALL TO ORDER

The Vice Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o’clock p.m.

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2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

3.1. Closure of part of north half of Lillian Street right-of-way, between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 570**

THAT the report of the Planner II – Development Review dated August 22, 2023 entitled “Closure of part of north half of Lillian Street right-of-way between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629” **BE WITHDRAWN** due to a number of concerns being identified.

Carried.

Report Number: S 41/2023

Clerk’s File: SAA2023

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (*Planning Act Matters*) meeting minutes held October 3, 2023

Moved by: Councillor Fred Francis

Seconded by: Member Anthony Arbour

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 3, 2023 **BE ADOPTED** as amended.

Carried.

Report Number: SCM 275/2023

6. PRESENTATION DELEGATIONS (*PLANNING ACT MATTERS*)

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See *Planning Act* Items 7.1 through 7.6 (inclusive).

7. PLANNING ACT MATTERS

7.1. OPA & Rezoning – Passa Architects - 1235 Huron Church Road - OPA 166 OPA/6902 Z-039/22 ZNG/6901 – Ward 2

Adam Szymczak (author), Planner III – presents application.

Jackie Lassaline (agent), Lassaline Planning Consultants – presents application.

Joe Passa (applicant), Passa Architects – is available for questions.

Flora Sabatini (area resident) – is not in support of the application and has various concerns, such as; privacy, noise, parking and increase in crime rates.

Dave Davis (area resident) – is not in support of the application and has concerns with building size, parking, noise, pollution, traffic and safety.

Kim Morianti (area resident) – is not in support of the application and has concerns with crime, parking and safety.

Councillor Francis asks if there is sufficient parking. Mr. Szymczak answers as per the Parking Study no concerns were raised.

Councillor Francis asks if Administration if there are any traffic concerns. Mrs. Boakes answers that there are no traffic concerns and if “U-Turns” become an issue in the future, a restriction can be put in place.

Councillor Francis asked if a privacy fence will be put in place. Mrs. Lassaline answers that there will be a 6-foot fence.

Councillor Kieran McKenzie asks if trees can be planted in the back of the lot. Mrs. Lassaline answers that there will be additional trees added during the Site Plan Control process.

Councillor Marignani asks if an 8-foot fence can be put in place rather than a 6-foot fence. Mrs. Lassaline answers that an 8-foot fence and privacy trees can be added.

Member Grenier asks if there will be noise pollution coming from the repair garage. Mrs. Lassaline states that there will be small engine repair for the taxi's and the 8-Foot fence and landscaping will provide a buffer on any noise that may come from the garage.

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Councillor Marignani asks for clarification on how many parking spaces are being proposed for the residential portion. Mr. Szymczak answers 1 space per unit, 37 parking spaces in total is proposed. A total of 51 parking spaces for the entire site.

Moved by: Councillor Fred Francis
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 563**

1. THAT Schedule “A” of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, as a Special Policy Area.

2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:

1.X 1235 Huron Church Road

<i>LOCATION</i>	1.X.1	The property described as Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366), known municipally as 1235 Huron Church Road, situated on the west side of Huron Church Road, south of Girardot Street, is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan.
<i>PERMITTED USES</i>	1.X.2	Notwithstanding the “Open Space” designation of these lands on Schedule D: Land Use in Volume I – The Primary Plan, the following shall be additional permitted main uses: business office, child care centre, commercial school, hotel, medical appliance facility, medical office, multiple dwelling, personal service shop, place of entertainment and recreation, place of worship, professional studio, repair shop – light, retail store, workshop. Further, an automobile repair garage shall be permitted as an accessory use.
<i>PROHIBITED USES</i>	1.X.3	The following uses are prohibited: car wash automatic, car wash coin-operated, and outdoor storage yard.
<i>LANDSCAPED SETBACK REQUIREMENTS</i>	1.X.4	Notwithstanding Special Policy Area 1.2 Huron Church Road Corridor in Chapter 1 of Volume II of the City of Windsor Official Plan, the minimum landscaped setback from the Huron Church Road right-of-way shall be 3.0 m

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for a non-residential building and 4.5 m for a residential building.

DIRECT ACCESS TO HURON CHURCH ROAD 1.X.5 Notwithstanding Section 7.2.6.4 (iv) in Volume I of the City of Windsor Official Plan, direct access to Huron Church Road is permitted, subject to approval of the City Engineer.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, south of Girardot Street, from Green District 1.1 (GD1.1) to a new zoning district as follows:

16.11 COMMERCIAL DISTRICT 3.11 (CD3.11) [ZNG/6901]

16.11.1 PERMITTED MAIN USES

<i>Business Office</i>	<i>Place of Entertainment and Recreation</i>
<i>Child Care Centre</i>	<i>Place of Worship</i>
<i>Commercial School</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Retail Store</i>
<i>Medical Office</i>	<i>Workshop</i>
<i>Multiple Dwelling</i>	
<i>Personal Service Shop</i>	

16.11.2 PERMITTED ACCESSORY USES

Any use accessory to a permitted main use, including an *Automobile Repair Garage*

16.11.3 PROHIBITED USES

Car Wash Automatic
Car Wash Coin-operated
Outdoor Storage Yard

16.11.5 PROVISIONS

- | | | |
|-----|---|------------------------|
| .1 | Lot Frontage – minimum | 15.0 m |
| .4 | Building Height | |
| | a) For a <i>multiple dwelling</i> – minimum | 14.0 m |
| | b) For any non-residential <i>building</i> – minimum | 9.0 m |
| .8 | Landscaped Open Space Yard – minimum | 30% of <i>lot area</i> |
| .17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited. | |

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- .20 Building Setback
 - a) For a *Multiple Dwelling* from a:
 - Front Lot Line - minimum 4.50 m
 - Side Lot Line - minimum 0.90 m
 - Rear Lot Line - minimum 5.40 m
 - b) For any non-residential *building* from a:
 - Front Lot Line - minimum 3.00 m
 - Side Lot Line - minimum 0.90 m
 - Rear Lot Line - minimum 1.90 m

- .50 Section 20(1)278 shall not apply and the area forming the building setback from the *front lot line* shall be a *landscaped open space yard*.

- .55 For a *Multiple Dwelling*, required parking shall be 1 parking space per *dwelling unit* and Section 24.22.1 shall not apply.

- .60 Notwithstanding Clause .1 in Table 25.5.20.1 in Section 25.5.20, the minimum separation of a *loading space, parking area, or parking space* from Huron Church Road shall be 3.0 m.

- .65 Notwithstanding Clause .6 in Table 25.5.20.1 in Section 25.5.20, for a *Multiple Dwelling*, no separation is required between a *building wall* containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* and a *parking area, parking space or loading area*.

4. THAT, when Site Plan Control is applicable:

- A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought.

- B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan attached to an executed and registered site plan agreement:
 - i) Noise control measures identified in Tables 3, 4 and 5 in the Acoustic Assessment Report, prepared by Akoustik Engineering Limited, dated March 29, 2022, subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
 - ii) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix G of Report S 124/2023, subject to the approval of the City Engineer.

- C. The Site Plan Approval Officer **CONSIDER** all remaining comments contained in Appendix G of Report S 124/2023.

Carried.

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- II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the Site Plan Approval and the Site Plan Agreement for the proposed development on the subject land:
- a) Alley Paving – The owner shall agree to obtain a Right-of-Way permit to drain and pave at the owner’s entire expense, any alley abutting the subject lands which is to remain open. All work shall be to the satisfaction of the City Engineer.
 - b) Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures;
 - c) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
 - d) Tree preservation for the site;
 - e) Enbridge Gas minimum separation requirements; and
 - f) Canada Post multi-unit policy.

Carried.

Report Number: S 136/2023

Clerk’s File: Z/14601

7.3. Official Plan Amendment and Zoning By-law Amendment - City of Windsor - Airport Employment Lands - OPA 177 [OPA-7118] Z 027-23 [ZNG-7117] - Ward 9

Greg Atkinson (author) – presents application.

Councillor Kieran McKenzie asks if the wooded area on the subject property will be protected. Mr. Atkinson confirms that the amendments would further enshrine protection of the Provincially Significant Wetlands, which does not permit development on that portion of the subject lands. Further, development proposed within 120 metres of the wetlands would not proceed until an Environmental Evaluation Report is complete and the recommended holding prefix is removed by Council.

Councillor Kieran McKenzie asks if infrastructure and services will have extended as applications come forward for the subject property. Mr. Perissinotti answers that Engineering has no concerns with meeting the demands of servicing the lands in the future.

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Moved by: Councillor Fred Francis

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 565**

1. THAT the portion of the Windsor International Airport lands subject of this report (hereafter referenced as the 'subject lands') **BE IDENTIFIED** as the lands defined in Figures 1-4 within report # S115/2023 being located on the north side of County Road 42 between the 8th and 9th Concession Roads.
2. THAT Schedule D - Lands Use of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designations of the subject lands from 'Future Employment Area', 'Airport', and 'Open Space' to 'Industrial' and 'Business Park' as shown on Appendix D.
3. THAT Schedule B – Greenway System and Schedule J – Urban Structure Plan of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** as shown on Appendix D.
4. THAT Schedule 'A' of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating the subject lands as a Specific Policy Area;
5. THAT Chapter 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.XX North Side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road

- 1.XX.1 The property located on the north side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road, which includes portions of 3200 County Road 42, 0 County Road 42, and 0 Jefferson Boulevard is designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan.
- 1.XX.2 All development proposed within the airport employment lands shall consult with the Windsor International Airport and demonstrate compliance with the following requirements:
 - a) Building and structure height limits (to be derived from the Airport Zoning Regulations);
 - b) Transitional surface height restrictions;
 - c) Building and structure height limitations within the vicinity of existing solar panels;
 - d) Stormwater Management requirements for dry ponds; and
 - e) Requirements or limitations from Nav Canada to avoid or mitigate technological interference.

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- 1.XX.3 Compliance with Ontario's D-6 Guidelines shall be required regarding minimum distance separation between industrial facilities and the Major Institutional land use designation shown in the County Road 42 Secondary Plan, to the satisfaction of the City Planner.
 - 1.XX.4 Any outdoor storage area shall be located a minimum of 100 metres from County Road 42 and shall not be visible from County Road 42.
6. THAT Zoning By-law 85-18 **BE REPEALED** for the subject lands.
 7. THAT Zoning By-law 8600 **BE AMENDED** by deleting S.20(1)321.
 8. THAT Zoning By-law 8600 **BE AMENDED** by applying a Manufacturing District 2.2 (MD2.2), H-Manufacturing District 2.2 (HMD2.2), Manufacturing District 1.4 (MD1.4), and Green District 1.4 (GD1.4) to the subject lands as shown on Appendix E.
 9. THAT the holding symbol **BE REMOVED** when the applicant submits an application to remove the holding prefix and the following conditions are satisfied:
 - a. Submission of an Environmental Evaluation Report to the satisfaction of the City Planner for any land within 120 m of any land with a Natural Heritage designation as shown on Schedule C: Development Constraints in the City of Windsor Official Plan.

Carried.

Report Number: S 115/2023
Clerk's File: Z/14649 & Z14650

7.4. Zoning By-Law Amendment Z028-23(ZNG/7140) - 185 Randolph Place

Frank Garardo (author) – presents application.

Tracey Pillon-Abbs (agent) – is available for questions.

Jack Federer (applicant) – is available for questions.

Michael Kaye (applicant) – is available for questions.

York Zhu (area resident) – has various concerns with the proposal, such as; noise, traffic, size of building, parking and increase of population in the neighbourhood.

Councillor Morrison asks if the surrounding properties are registered or designated as Heritage. Mr. Fediuk answers that the six properties are registered.

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Councillor Grenier asks if the lot coverage and permitted units will remain similar. Mr. Garardo answers that lot coverage will remain similar to the current permitted 45 percent and the size of the lot is large in nature which could accommodate townhomes with additional dwelling units.

Councillor Marignani asks if there is an option for more parking spaces. Mr. Garardo answers that there is not an option at this time. Mr. Garardo adds that in order to maintain the street scape in the mature neighbourhood no front yard parking is recommended.

Councillor Kieran McKenzie asks what bicycle facilities will be available. Mrs. Pillon-Abbs answers that there are 15 spaces available at the exterior of the building.

Moved by: Councillor Mark McKenzie

Seconded by: Member Anthony Arbour

Decision Number: DHSC 566

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich situated on the west side of Randolph Place, and known municipally as 185 Randolph Place by adding a site specific exception to Section 20(1) as follows:

X. WEST SIDE OF RANDOLPH PLACE BETWEEN RIVERSIDE DRIVE EAST AND UNIVERSITY AVENUE

For the 1173.0 m² lands comprising of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich; a *multiple dwelling* with 11 or more units shall be an additional permitted use subject to the following provisions:

- .1 Lot Area – minimum 97.0 m² per dwelling unit
- .2 Lot Frontage – minimum – 27.0 m
- .3 Lot Coverage – maximum – 45.0 %
- .4 Main Building Height – maximum – 10.0 m
- .5 Building Setback:
 - a) *front yard depth* - minimum 6.0m
 - b) *rear yard depth* - minimum 7.5 m
 - c) *side yard width* - minimum 2.0 m on one side, and 3.4 m on the other side

6. Parking:

- a) *Parking spaces* – minimum 7 spaces
- b) *Bicycle Parking Spaces* –minimum 15 spaces
- c) A *parking space* is prohibited in any required *front yard*
- d) *Parking aisle width* – as existing

7. Exterior walls shall be covered in facebrick on a minimum of 3.0 m from above grade on the North, East, and South elevations.

8. For the purpose of this provision any roof other than 4.5/12 is prohibited.

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II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:

a) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix I attached.

Carried.

Report Number: S 135/2023

Clerk's File: Z/14670

7.5. Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7

Jim Abbs (author) – presents application.

Karl Tanner (agent) Dillon Consulting – available for questions.

Theresa O'Neil (agent) Dillon Consulting – available for questions.

Jeff Benedet (area resident) – is not in support of the proposal and has concerns with extreme noise levels. Mr. Benedet asks the Committee if the item can be heard at the same time as Item 7.6 (North B) is presented to avoid repetition from the delegates.

Item decision is deferred until Item 7.6 (North B) is presented.

Councillor Marignani asks how many parking spaces per unit. Mr. Abbs answers 1.45 parking spaces per unit. Mr. Abbs adds that the City of Windsor requires 1.25 spaces per unit.

Councillor Mariganani asks if the final design for the development has been completed and if features that will take safety into consideration, including a 45-degree angle on the corners of buildings at the Leathorne and Banwell intersection. Mr. Tanner answers that it can be looked into during the Site Plan Control process.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 567**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# **WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

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- 1.#.1 The property described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
- 1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:
 - a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Block 1, Plan 12M-425 by adding site specific regulations as follows:

4xx. **WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

For the lands described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, the following shall be additional permitted uses:

- i. multiple dwelling;

subject to the regulations in Section 12.2.5, and,

Building height within 30m of Banwell Road – Maximum –24 m
Landscaped Open Space – Minimum 24.5%

(ZDM 14; ZNG/7067)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 137/2023
Clerk's File: Z/14652 & Z/14653

7.6. Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7

Jim Abbs (author) – presents application.

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Karl Tanner (agent) Dillon Consulting – available for questions.

Theresa O'Neil (agent) Dillon Consulting – available for questions.

Joan Ennis (area resident) – is not in support of the application and has various concerns, such as; flooding, removal of the protective berm, traffic, parking, pollution and noise.

Jeff Benedet (area resident) – presents power point highlighting concerns with lack of EV charging stations, drainage concerns and inquires about the privacy fence.

Kate Benedet (area resident) – presents power point highlighting concerns with the application, such as; traffic and flooding.

Nishnat John (area resident) – has various concerns with the application, such as; traffic, the storm water impact, the scale of the development and the negative environmental impact from the development.

Kim Friest (area resident) – has concerns with the environmental impact the development will have on the community.

Maureen Flannery (area resident) - has concerns with the application and states that the community would benefit greatly with a commercial plaza rather than residential.

Councillor Marignani asks if EV charging spaces are proposed for this development. Mr. Tanner answers that it will be a part of the submission for the Site Plan Approval process.

Councillor Mark McKenzie asks if there will be commercial use on main floor. Mr. Tanner answers that the commercial zoning still remains on the property and they are proposing to add multi residential. Mr. Tanner adds that although plans can change in the future, currently they are proposing residential.

Councillor Mark McKenzie asks if a "Right-In,Right-Out" is being considered on Banwell Rd. Mr. Tanner answers that on buildings A and B, a "Right-In,Right-Out" is not planned or supported.

Councillor Francis asks for clarification on flooding risks to the homes in the surrounding area. Mr. Tanner answers that background studies are done before considering a rezoning. Mr. Tanner explains that the storm water will be held underneath the parking lot and released into the existing Blue Heron Pond at a rate agreed upon with City Administration.

Councillor Marignani asks if the development will have a negative impact on the surrounding area in terms of flooding. Mr. Perissinotti answers that a Storm Water Servicing Study was submitted and is being reviewed. Mr. Perissinotti adds that climate change must be considered when they are reviewing new developments which would be looked into at the Site Plan Control stage.

MINUTES

Development & Heritage Standing Committee

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Councillor Marignani asks about the increase in traffic volume in the area and if it will have a negative effect on the residents. Mrs. Boakes answers that a revised TIS was submitted and it is currently being reviewed.

Councillor Marignani asks if it is possible to reduce the height of the building to reduce shadows. Mr. Tanner answers that the building can not be reduced from 6-storeys (24 metres in height).

Councillor Kieran McKenzie asks regarding site "A", what the reduction would be in terms of green space. Mr. Abbs answers 30% would be 4,200 square metres and 35% would be 4,900 square metres.

Moved by: Councillor Fred Francis

Seconded by: Councillor Jim Morrison

Decision Number: **DHSC 568**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF LEATHORNE DRIVE

1.#.1 The property described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- b) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 7, Plan 12M-425 by adding site specific regulations as follow:

4xx. WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

For the lands described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the following shall be additional permitted uses:

- i. multiple dwelling;
subject to the regulations in Section 12.2.5, and,
Building height within 30m of Banwell Road – Maximum –24 m

MINUTES

Development & Heritage Standing Committee

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(ZDM 14; ZNG/7068)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 138/2023
Clerk's File: Z/14654 & Z/14655

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 7:23 o'clock p.m.

Ward 9 – Councillor Kieran McKenzie
(Vice Chairperson)

Deputy City Clerk / Supervisor of
Council Services



Council Report: S 157/2023

Subject: Zoning By-Law Amendment for lands known as 2500 Central Avenue; Applicant - CARBOHYDRATE LTD.; File No. Z-015/23 (ZNG/7013); Ward 5

Reference:

Date to Council: December 4, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: November 16, 2023
Clerk's File #: Z/14698

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request by Carbohydrate Ltd. for amendment to Zoning By-law 8600 **BE APPROVED** to change the zoning for the property described as East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], located on the southeast corner of Central Avenue and Somme Avenue, by adding the following site-specific zoning provision with a holding symbol (H) to permit *Automobile Detailing Service* and *Automobile Repair Garage* as additional permitted uses on the subject land:

“494. SOUTHEAST CORNER OF CENTRAL AVENUE AND SOMME AVENUE

For the lands comprising East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], *Automobile Detailing Service* and *Automobile Repair Garage* shall be permitted within the existing building subject to the following:

- a. An *Automobile Detailing Service* or *Automobile Repair Garage* operation that generates dust, fumes, noise, odour, or vibration that is evident outside the existing building, is prohibited.
- b. Notwithstanding section 5.99.7 of Zoning By-law 8600, the storage or display of four or less automobiles for sale, lease or rental purposes within the existing building shall be permitted as an accessory use to an *Automobile Repair Garage*.
- c. Section 18.4.3 shall apply.

[ZDM 11; ZNG-7013]”

- II. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:
 - a) *Land Conveyance* - The owner(s) shall gratuitously convey to the Corporation, a 7-meter strip of land along the entire Central Avenue frontage of the subject lands.
 - b) *Corner Cut-off* – The owner(s) shall gratuitously convey a 4.6m x 4.6m corner cut-off at the intersection of Central Ave and Somme Ave in accordance with the City of Windsor Standard Drawing AS-230
 - c) *Encroachment Agreement*- The owner shall execute an agreement with the Corporation for the proposed encroachments into the right-of-way.

- III. THAT the request of Carbohydrate Ltd. to amend the Zoning By-law 8600 by adding a *Motor Vehicle Dealership* or *Automobile Sales Lot* as additional permitted use on the subject land **BE DENIED** for reasons noted in this report.

Executive Summary: N/A

Background:

- 1. KEY MAP



KEY MAP - Z-015/23, ZNG/7013



● SUBJECT LANDS

2. APPLICATION INFORMATION

LOCATION: Southeast corner of Central Avenue and Somme Avenue; municipally known as 2500 Central Avenue.

APPLICANT: CARBOHYDRATE LTD. (C/O MARY K. DUROCHER)

AGENT: FOX D CONSULTING INC. (C/O MARY K. DUROCHER)

REGISTERED OWNER: CARBOHYDRATE LTD (C/O JERRY LEV.)

PROPOSAL: The applicant is requesting a site-specific amendment to Zoning By-law 8600 to add Motor Vehicle Dealership and Automotive Service Centre (Automobile Detailing Service, Automobile Repair Garage, Automobile Sales Lot) as additional permitted uses. No changes to the site or exterior of the existing building are proposed. The parcel is designated Business Park in the City of Windsor Official Plan and zoned Manufacturing District 1.4 (MD1.4) by Zoning By-law 8600.

The subject land is occupied by an industrial building with parking areas and loading spaces. Existing vehicular access is from Central Avenue & Somme Avenue.

Note: There is an existing Site Plan Agreement registered as CE825513 on April 23, 2018 on title of the subject land.

ADDITIONAL INFORMATION PROVIDED BY THE APPLICANT’S AGENT:

The requested uses are proposed to be located within the existing building. *(The applicant’s agent confirmed this in a telephone discussion with planning staff on October 31, 2023).*

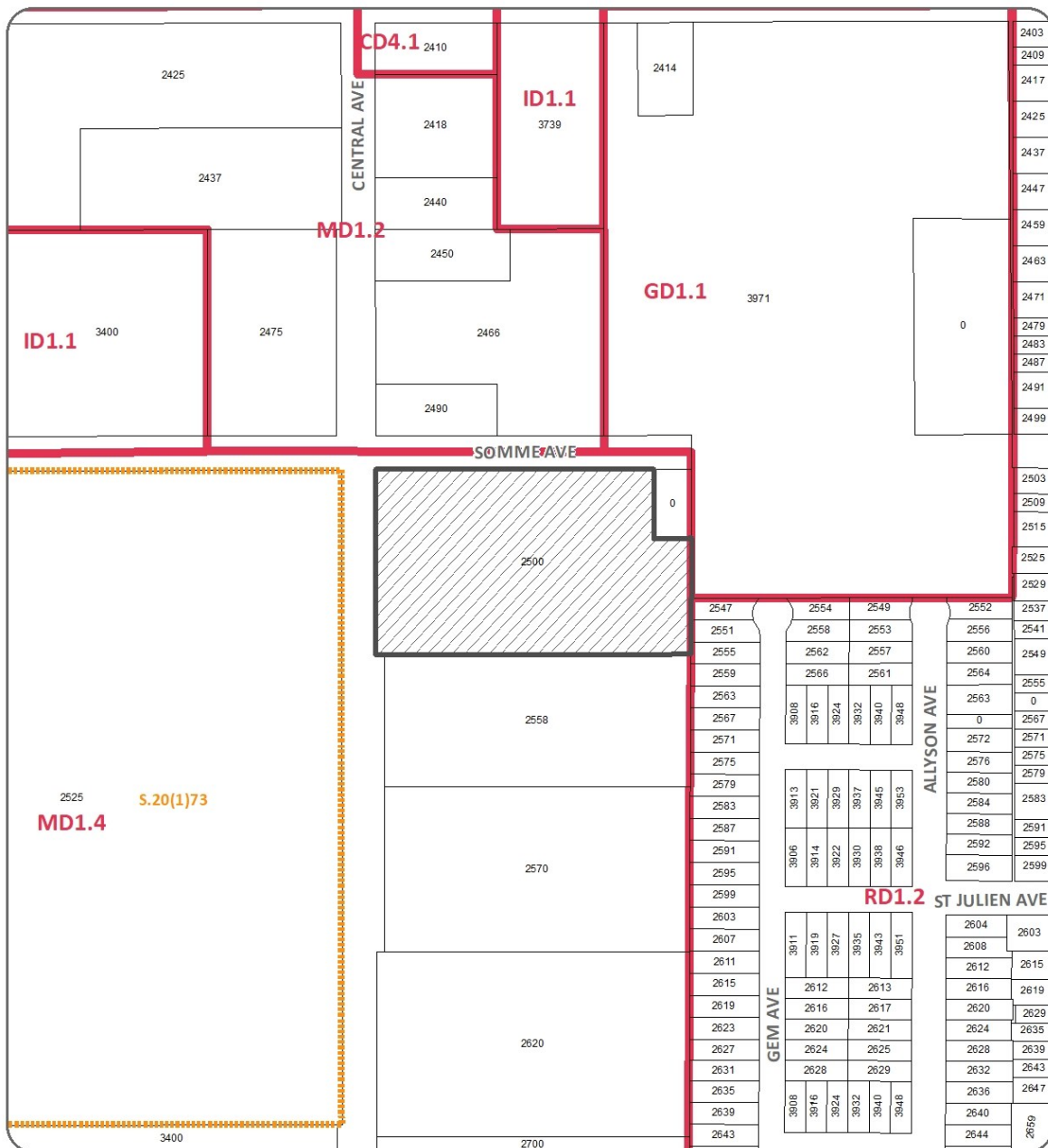
SUBMISSIONS BY APPLICANT:

- Zoning By-law Application form
- Existing Floor Plan
- Deed (Parcel Register Information)

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
Primary Plan Designation: Business Park – Schedule D: Land Use	Manufacturing District 1.4 (MD1.4) ZDM 11	Manufacturing, Logistics, Storage	Manufacturing
FRONTAGE	DEPTH	AREA	SHAPE
110m along Central Avenue	164.6m along Somme Ave. 186m (along south lot line)	19,550.71m ² (4.83ac, 1.955ha)	Irregular
Note: All measurements are approximate			

4. REZONING MAP



PART OF ZONING DISTRICT MAPS 11

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Carbohydrate Ltd.



SUBJECT LANDS

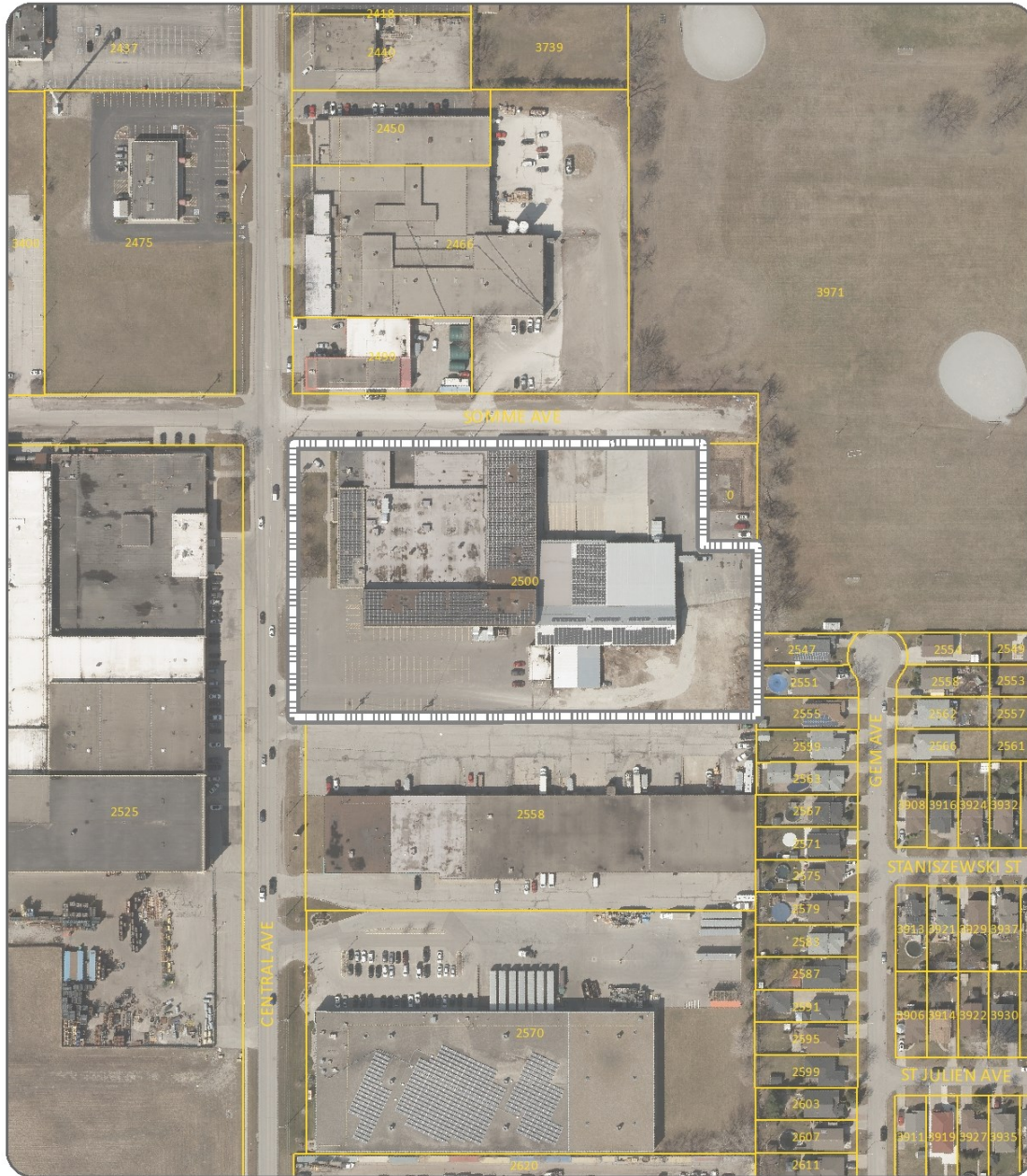
PLANNING & BUILDING DEPARTMENT



DATE : OCTOBER, 2023
FILE NO. : Z-015/23, ZNG/7013

5. NEIGHBOURHOOD CHARACTERISTICS

NEIGHBOURHOOD MAP



NEIGHBOURHOOD MAP - Z-015/23, ZNG/7013



SUBJECT LANDS

SURROUNDING LAND USE

On the north, west, and south sides of the subject land there are mostly Industrial and Business Park uses. On the east side, there are residential uses, mostly of the single detached type. Central Avenue and Somme Avenue abut the subject land on the west and north sides, respectively.

North of the subject land, on the north side of Somme Avenue -

- EuroFix Car Care and
- DigiPrint
- TJ Land Development o/a TS Watson Motor Cars

East of the subject land –

- Vacant parcel belonging to the applicant
- MacDonald Park
- Single detached residential developments

West of the subject land, on the west side of Central Avenue –

- Central Stampings Limited

South of the subject land –

A variety of industrial and Business Park ancillary uses; at 2556-2562 Central the following tenants are advertised, among others:

- Welcome Home Kitchen and Bath
- Canadian Bearings
- Cornerstone Courier
- Coast-Coast Property Maintenance
- Continental Contitech
- NTN
- Sew Eurodrive

MUNICIPAL INFRASTRUCTURE

The subject land and surrounding lands are serviced by existing municipal infrastructure.

- There is a 300mm diameter PVC sanitary sewer and a 750mm diameter VIT storm sewer within Central Avenue.
- Led street lights, hydro poles and overhead conductors, Fire hydrants and watermain exist within the subject area.
- There are concrete sidewalks along the west side of Central Avenue R.O.W. from Somme Avenue heading southerly towards Plymouth Road, and on both sides of Central Avenue R.O.W from Somme Avenue going northerly towards Tecumseh Rd. E.
- Concrete curbs and gutters exist along both sides of Central Avenue.
- Public Transit is available in the subject area. Transway 1C, and Central 3, are Transit Windsor bus routes providing service to the subject area.
- Closest Transit Windsor Bus stops are at Tecumseh Road near Central Avenue intersection.
- Central Avenue is classified as Class 2 Arterial Road and Somme Avenue is classified as a local Road.

Discussion:

1. PROVINCIAL POLICY STATEMENT (PPS) 2020

The recommended amendment to Zoning By-law 8600 will promote a healthy, liveable and safe community by:

- prohibiting activities that may cause environmental or public health and safety concerns and restricting the location of the recommended additional uses to inside of the existing building; therefore, policy 1.1.1(c) is satisfied.
- encouraging additional industrial activities in an area that is serviced by necessary municipal infrastructure (*such as sewage and water systems, storm management system, waste management system, electricity generation and distribution systems, public transit and public roadways*) and public service facilities (*such as Windsor Fire Station 2 at 3121 Milloy St, Ford City Public School at 4195 Milloy St., Housing Information Services at 3450 Ypres Ave.*); therefore, policy 1.1.1(g) is satisfied.

2. OFFICIAL PLAN (OP)

The subject land is designated Business Park in the land use schedule of the Official Plan Vol. 1. The Business Park land use designation provides for business and industrial uses of a similar quality and character to locate together in highly visible areas. Appendix B-1 attached to this report contains excerpts from the Official Plan.

Section 6.4.4.1 states “Uses permitted in the Business Park land use designation include:

- (a) establishments devoted to research, development and information processing, offices, services, industrial research and/or training facilities, communication, production uses, printing and publishing; and
- (b) selected industrial uses which:
 - (i) do not create nuisances such as noise, dust, vibration or odour;
 - (ii) confine industrial operations within a building and/or structure; and
 - (iii) do not require outside storage.”

The recommended amendment will encourage the location of *Automobile Detailing Service* and *Automobile Repair Garage* on land that is designated Business Park in conformity with section 6.4.4.1 (b) of OP Vol. 1. Site-specific zoning provisions are recommended in this report to ensure that OP policy in section 6.4.4.1(b) is implemented.

Whereas the proposed *Automobile Detailing Service* and *Automobile Repair Garage* are recommended for approval, the proposed *Motor Vehicle Dealership* is not supported for the following reasons:

- Section 6.4.4.2, (Ancillary Uses) OP Vol. 1, includes convenience stores, gas bars, service stations, personal services, restaurants, warehouse, wholesale store on the list of ancillary uses permitted in a Business Park land use designation. A Motor Vehicle dealership is not similar to any of the listed ancillary uses in s.6.4.4.2 of OP Vol. 1.
- A Motor Vehicle Dealership does not fit into the list of, or interpretation of, permitted uses or ancillary uses in the Business Park land use designation.

- According to the Zoning By-law, a Motor Vehicle Dealership is defined as “a lot and building used for any one or more of the following: the sale, lease or rental of a motor vehicle, and may also include as an accessory use, any one or more of the following: outdoor storage yard exclusively for the storage of motor vehicles; repair shop – heavy exclusively for the maintenance and repair of motor vehicles; washing of a motor vehicle.” Therefore, a Motor Vehicle Dealership is a retail use and should be more appropriately located on lands designated Mixed Use Corridors or Mixed Use Centres. Retail uses are not permitted as main use or ancillary use on lands designated Business Park in the land use schedule D, Op Vol. 1.

3. ZONING

The subject lands are currently zoned Manufacturing District 1.4 (MD1.4) by By-law 8600 as shown in the Rezoning Map contained in this report. Appendix B-2, attached to this report, contains excerpts from Zoning By-law 8600.

The recommended additional permitted uses are to be located within the existing building, accordingly, this report does not address setback requirements. The recommended amendment complies with the *Prohibited Uses* provision under 18.4.3 (Outdoor Storage Yard) of By-law 8600.

The MD1.4 zoning category permits **Existing Motor Vehicle Dealership**. See attached Appendix B-2 for the definition of the word “Existing”. This report has provided the reasons for refusing the applicant’s request to permit a Motor Vehicle Dealership on the subject land.

Parking requirement will be confirmed when the applicant submits proposed drawings for renovation permit or change of use permit. Additional parking spaces may be required for the recommended additional permitted uses on the subject property.

4. SITE PLAN

The recommended additional permitted uses could trigger Site Plan Control review at the time of change of use and/or interior renovation permit application. Note that Site Plan is not applicable until development is proposed. When ready for development, the applicant/owner should request a Site Plan Control Pre-Consultation Stage 1 at <https://ca.cloudpermit.com/login>.

The subject land has an existing Site Plan Agreement registered on title as CE825513 on April 23, 2018. The following matters and other relevant issues have already been addressed in the Site Plan Agreement:

- Sampling Manhole (S-4 of the Agreement)
- Land Conveyances (S-5 of the Agreement):
 - 4.6 m by 4.6 m corner cut-off at the intersection of Central Avenue and Somme Avenue, and
 - 7.0 m (approx.) land conveyance along the entire Central Avenue frontage of the subject land, sufficient to create a 34.0 m R.O.W on Central Avenue.
- Encroachments (S-6 of the Agreement):
 - Existing parking along Central Avenue and Somme Avenue
 - New landscape berm along Central Avenue replacing beach stone and large boulders
 - Existing asphalt and curb along Central Avenue at the intersection of Somme Avenue

Research confirmed that the above noted Land Conveyances and Encroachments are still outstanding. Therefore, a holding symbol is recommended to ensure that the applicant or owner satisfies the outstanding conditions of Site Plan Approval with respect to conveyances and encroachments.

Risk Analysis: N/A

Climate Change Mitigation:

None identified.

Climate Change Adaptation:

None identified.

Financial Matters:

N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Comments from the municipal departments and external agencies are attached as **Appendix C** to this report. There are no objections to the proposed amendments.

TRANSPORTATION PLANNING and *ENGINEERING* have land conveyance and encroachment requirements, which have already been addressed in the 2018 Site Plan Agreement (CE825513). However, those items (land conveyances and encroachment agreement) found in the SPC Agreement remain outstanding. Therefore, Planning Staff recommends a holding provision be placed on the recommended approval and the two items noted above (requested land conveyances and encroachment agreement) be satisfied before the holding symbol can be removed.

2. PUBLIC NOTICE

The official notice will be advertised in the Windsor Star Newspaper as prescribed by the Planning Act. 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.

Conclusion:

Based on my review of the (i) existing Site Plan Agreement registered on title as CE825513 on April 23, 2018, (ii) relevant policies of the Provincial Policy Statement 2020 and the City of Windsor Official Plan, and (iii) comments from municipal departments and external agencies, it is my opinion that the recommended zoning by-law amendment is consistent with the Provincial Policy Statement 2020 and maintains conformity with the Official Plan.

The recommended amendment constitutes good planning. Staff recommends approval of the of the applicant's request to allow *Automobile Detailing Service* and *Automobile Repair Garage* as additional permitted use of the subject land.

This report contains recommendation to deny the applicant's request to permit a Motor Vehicle Dealership as additional permitted use on the subject land.

A holding provision is recommended in this report to address outstanding land conveyances and encroachment agreement on the subject land.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
 Manager of Development / Deputy City Planner

Neil Robertson, MCIP, RPP
 Acting City Planner

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

JP

JM

Approvals:

Name	Title
Greg Atkinson, MCIP, RPP	Manager of Development / Deputy City Planner
Neil Robertson, MCIP, RPP	Acting City Planner
Wira Vendrasco	Acting City Solicitor
Jelena Payne	Commissioner of Economic Development
Joe Mancina	Chief Administrative Officer

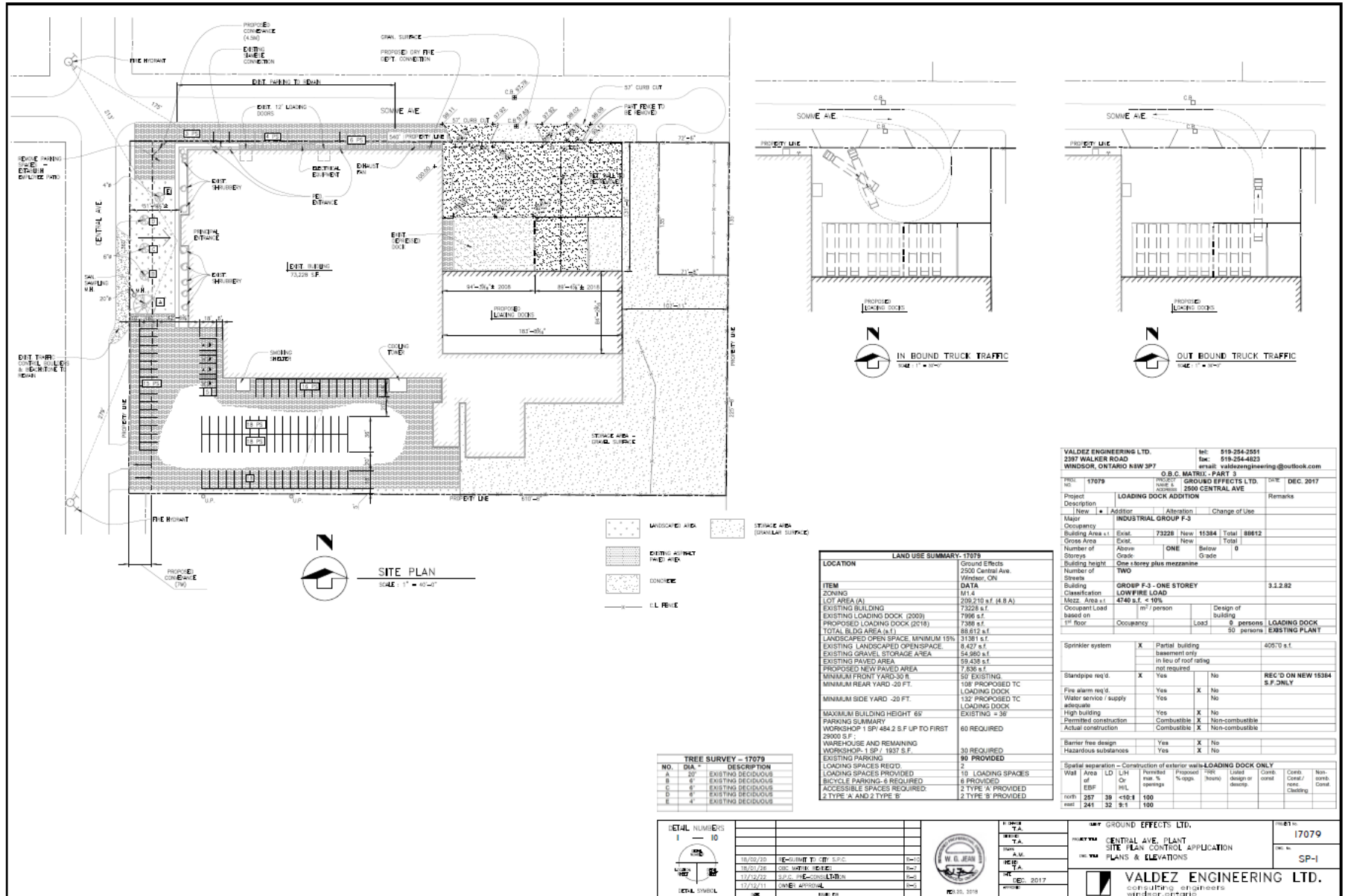
Notifications:

Name	Address	Email
Abutting property owners, tenants/occupants within 120 meter (400 feet) radius of the subject land.		
Applicant: Carbohydrate Ltd., c/o Mary K. Durocher	2500 Central Avenue, Windsor, ON N8W 4J5	mary@foxdconsulting.com
Registered Owner: Carbohydrate Ltd., c/o Jerry Lev	9966 Riverside Drive East, Windsor, Ontario, N8P 1A1	nicas3450@gmail.com
Agent: Fox D Consulting Inc., c/o Mary K. Durocher	350 County Road 27E, South Woodslee, Ontario, N0R 1V0	mary@dconsulting.com
Councillor Ed Sleiman	350 CHS W., Suite 510, Windsor, ON N9A 6S1	esleiman@citywindsor.ca

Appendices:

- 1 Appendix A-1, Existing Site Plan
- 2 Appendix A-2, Existing Floor Plan
- 3 Appendix B-1, Excerpts from the Official Plan
- 4 Appendix B-2, Excerpts from Zoning By-law 8600
- 5 Appendix C, CONSULTATIONS
- 6 Appendix D, DRAFT Zoning By-law, Z-015-23

APPENDIX A-1, Existing Site Plan (Approved Site Plan for 2018 SPC Agreement CE825513)



LAND USE SUMMARY - 17079

LOCATION	Description
Ground Effects	2500 Central Ave. Windsor, ON
DATA	
ITEM	M1.4
ZONING	M1.4
LOT AREA (A)	265,210 s.f. (4.8 A)
EXISTING BUILDING	73228 s.f.
EXISTING LOADING DOCK (2009)	7996 s.f.
PROPOSED LOADING DOCK (2018)	7996 s.f.
TOTAL BLDG AREA (A)	81224 s.f.
LANDSCAPED OPEN SPACE - MINIMUM 15%	31381 s.f.
EXISTING LANDSCAPED OPENSPACE	8,437 s.f.
EXISTING GRAVEL STORAGE AREA	54,960 s.f.
EXISTING PAVED AREA	69,436 s.f.
PROPOSED NEW PAVED AREA	7,536 s.f.
MINIMUM FRONT YARD - 30 FT.	50' EXISTING
MINIMUM REAR YARD - 20 FT.	108' PROPOSED TC
MINIMUM SIDE YARD - 20 FT.	132' PROPOSED TC
MAXIMUM BUILDING HEIGHT - 65'	EXISTING = 36'
PARKING SUMMARY	
WORKSHOP - 1 SP/ 68.2 S.F. UP TO FIRST	60 REQUIRED
WAREHOUSE AND REMAINING WORKSHOP - 1 SP / 1937 S.F.	30 REQUIRED
EXISTING PARKING	90 PROVIDED
LOADING SPACES REQ'D.	2
LOADING SPACES PROVIDED	19
BICYCLE PARKING - 6 REQUIRED	6 PROVIDED
ACCESSIBLE SPACES REQUIRED:	2 TYPE 'A' PROVIDED
	2 TYPE 'B' PROVIDED

VALDEZ ENGINEERING LTD. 2387 WALKER ROAD WINDSOR, ONTARIO N9W 3P7		tel: 519-254-2551 fax: 519-254-4823 email: valdezengineering@outlook.com																																								
PROJECT NO: 17079		PROJECT NAME: GROUND EFFECTS LTD. 2500 CENTRAL AVE																																								
DATE: DEC. 2017		O.B.C. MATRIX - PART 3																																								
<table border="1"> <thead> <tr> <th>Project Description</th> <th>LOADING DOCK ADDITION</th> <th>Remarks</th> </tr> </thead> <tbody> <tr> <td>Major</td> <td>INDUSTRIAL GROUP F-3</td> <td></td> </tr> <tr> <td>Occupancy</td> <td>INDUSTRIAL GROUP F-3</td> <td></td> </tr> <tr> <td>Building Area s.f.</td> <td>Existing: 73228 New: 15384 Total: 88612</td> <td></td> </tr> <tr> <td>Gross Area</td> <td>Existing: New: Total:</td> <td></td> </tr> <tr> <td>Number of Storeys</td> <td>ONE Below Grade</td> <td></td> </tr> <tr> <td>Building height</td> <td>One storey plus mezzanine</td> <td></td> </tr> <tr> <td>Number of Storeys</td> <td>TWO</td> <td></td> </tr> <tr> <td>Classification</td> <td>GROUP F-3 - ONE STOREY LOW FIRE LOAD</td> <td>3.1.2.82</td> </tr> <tr> <td>Mezz. Area s.f.</td> <td>4740 s.f. < 10%</td> <td></td> </tr> <tr> <td>Occupant Load based on 1st Floor</td> <td>1 m² / person</td> <td>Design of building</td> </tr> <tr> <td></td> <td>Load</td> <td>8 persons</td> </tr> <tr> <td></td> <td></td> <td>LOADING DOCK EXISTING PLANT</td> </tr> </tbody> </table>				Project Description	LOADING DOCK ADDITION	Remarks	Major	INDUSTRIAL GROUP F-3		Occupancy	INDUSTRIAL GROUP F-3		Building Area s.f.	Existing: 73228 New: 15384 Total: 88612		Gross Area	Existing: New: Total:		Number of Storeys	ONE Below Grade		Building height	One storey plus mezzanine		Number of Storeys	TWO		Classification	GROUP F-3 - ONE STOREY LOW FIRE LOAD	3.1.2.82	Mezz. Area s.f.	4740 s.f. < 10%		Occupant Load based on 1st Floor	1 m ² / person	Design of building		Load	8 persons			LOADING DOCK EXISTING PLANT
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		LOADING DOCK EXISTING PLANT																																								
Sprinkler system		X	Partial building basement only in lieu of roof rating																																							
Standpipe req'd.		X	Yes No REC'D ON NEW 15384 S.F. ONLY																																							
Fire alarm req'd.		Yes X No																																								
Water service / supply adequate		Yes X No																																								
High building		Yes X No																																								
Permitted construction		Combustible X Non-combustible																																								
Actual construction		Combustible X Non-combustible																																								
Barrier free design		Yes X No																																								
Hazardous substances		Yes X No																																								
Spatial separation - Construction of exterior walls - LOADING DOCK ONLY																																										
Wall of EBF	Area of EBF	LD on EBF	Permitted % app. (req'd)																																							
north	297	39	<10% 100																																							
east	241	32	9:1 100																																							

TREE SURVEY - 17079

NO.	DIA.	DESCRIPTION
A	20"	EXISTING DECIDUOUS
B	6"	EXISTING DECIDUOUS
C	6"	EXISTING DECIDUOUS
D	6"	EXISTING DECIDUOUS
E	4"	EXISTING DECIDUOUS

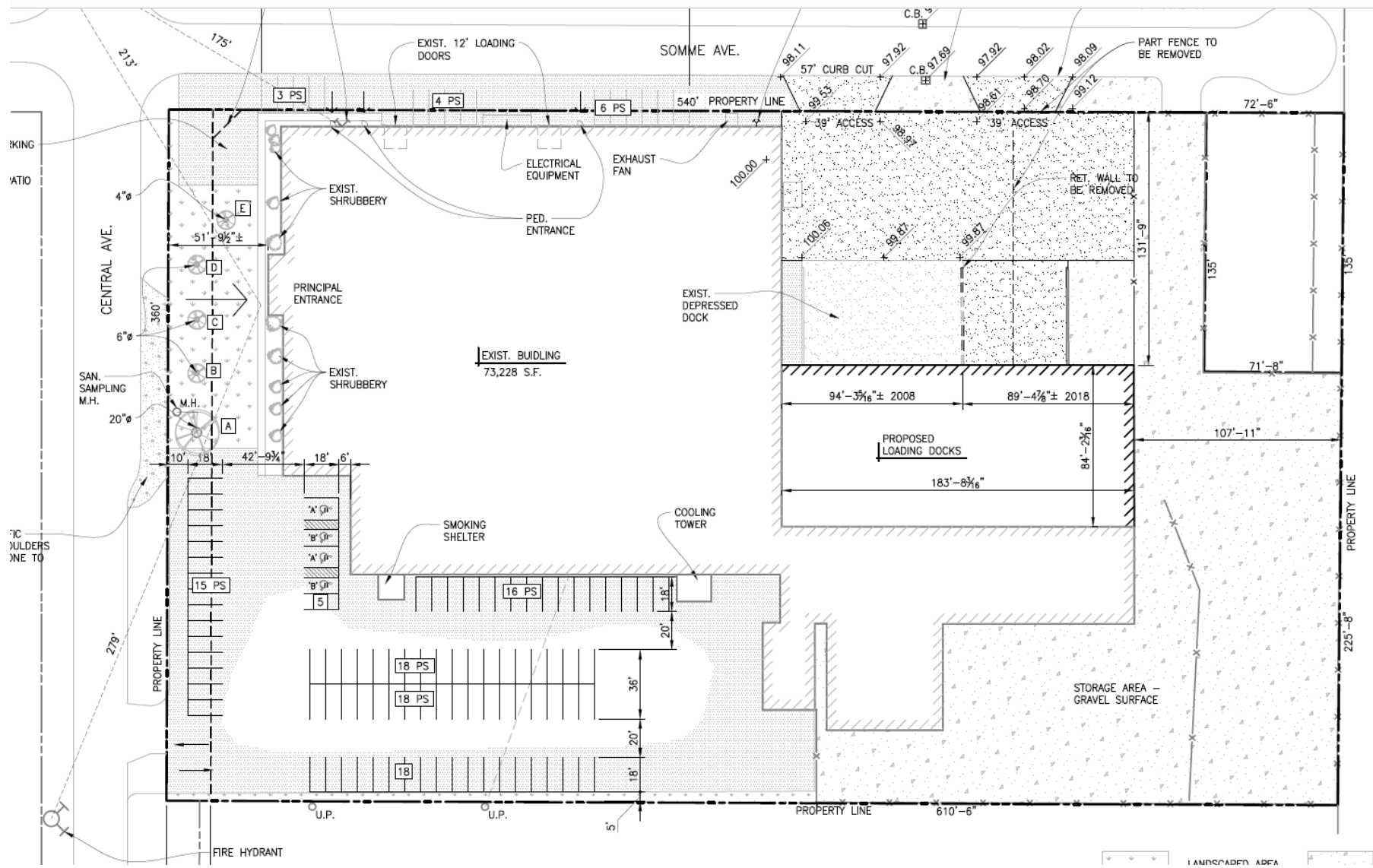
DETAIL NUMBERS

NO.	DATE	DESCRIPTION	BY	CHKD.
1	18/02/20	PRELIMINARY S.P.C.		
2	18/02/20	REVISED S.P.C.		
3	17/12/22	S.P.C. RE-EVALUATION		
4	17/12/22	FINAL APPROVAL		

W. G. JEAN
Professional Engineer
No. 35, 2018

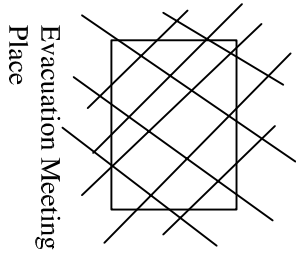
GROUND EFFECTS LTD.
CENTRAL AVE. PLANT
SITE PLAN, CONTROL & APPLICATION
PLANS & ELEVATIONS
VALDEZ ENGINEERING LTD.
consulting engineers
WINDSOR, ONTARIO

17079
SP-1

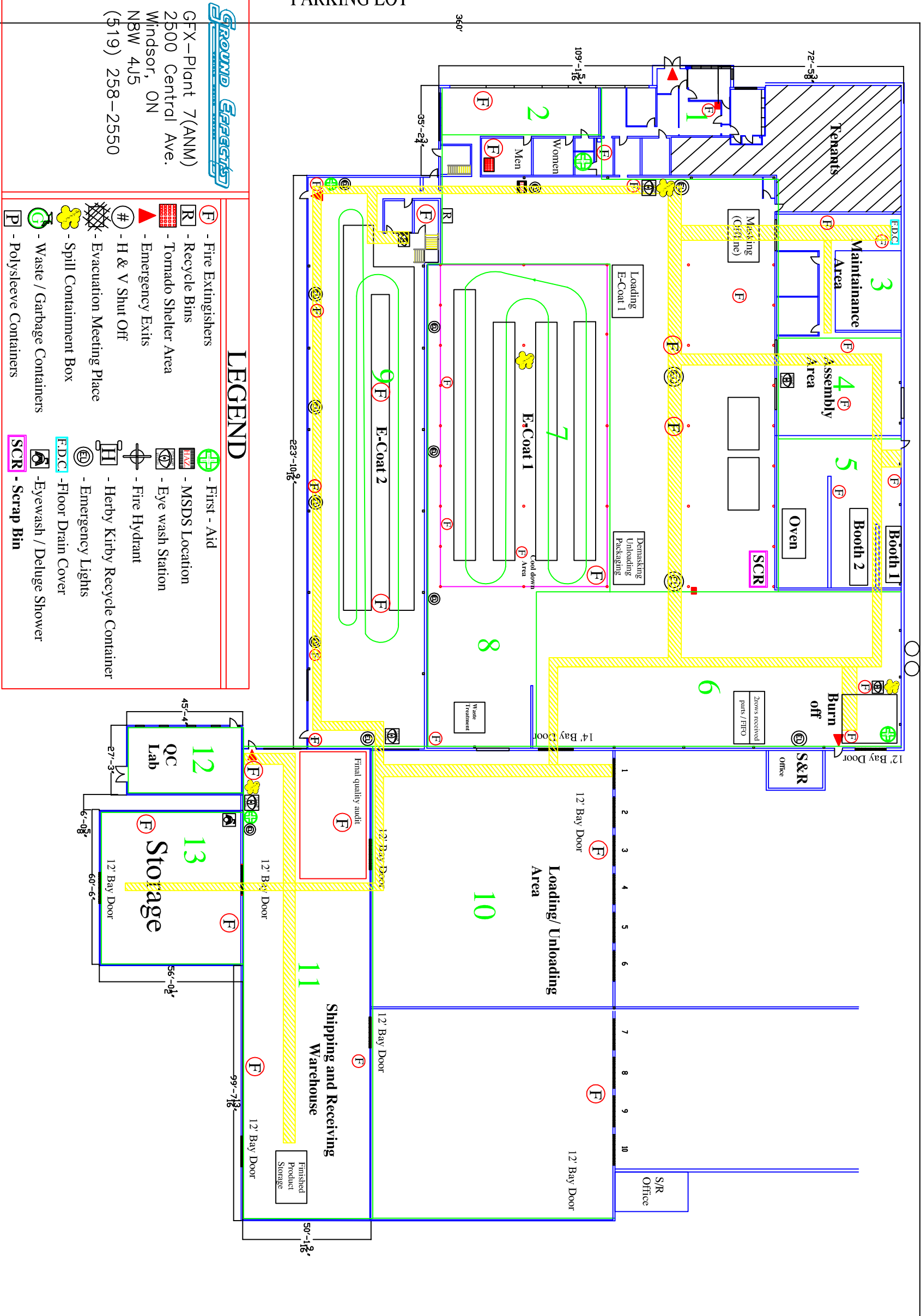


Central Avenue

PARKING LOT



PARKING LOT



LEGEND

- Fire Extinguishers
- Recycle Bins
- Tomado Shelter Area
- Emergency Exits
- H & V Shut Off
- Evacuation Meeting Place
- Spill Containment Box
- Waste / Garbage Containers
- Polysleeve Containers
- First - Aid
- MSDS Location
- Eye wash Station
- Fire Hydrant
- Herby Kirby Recycle Container
- Emergency Lights
- Floor Drain Cover
- Eyewash / Deluge Shower
- Scrap Bin

GROUND EMBROIDERS
 GFX-Plant 7(ANM)
 2500 Central Ave.
 Windsor, ON
 NBW 4J5
 (519) 258-2550

APPENDIX B-1, Excerpts from Official Plan

6.4.4 Business Park Policies

The Business Park land use designation provides for business and industrial uses of a similar quality and character to locate together in highly visible areas according to a comprehensive development plan.

- PERMITTED USES* 6.4.4.1 Uses permitted in the Business Park land use designation include:
- (a) establishments devoted to research, development and information processing, ~~business~~ (deleted by OPA 58, 24 07 2006) offices, ~~business~~ (deleted by OPA 58, 24 07 2006) services, industrial research and/or training facilities, communication, production uses, printing and publishing; and
 - (b) selected industrial uses which:
 - (i) do not create nuisances such as noise, dust, vibration or odour;
 - (ii) confine industrial operations within a building and/or structure; and
 - (iii) do not require outside storage.
- ANCILLARY USES* 6.4.4.2 In addition to the uses permitted above, Council may permit the following ancillary uses in areas designated Business Park on Schedule D: Land Use without requiring an amendment to this Plan:
- (a) Open Space uses;
 - (b) convenience stores, gas bars, service stations, personal services, restaurants, warehouse, (added by OPA 58, 24 07 2006) wholesale store (added by OPA 58, 24 07 2006) and financial institutions which, by their size are designed to serve the employees in the Business Park and which have access to an Arterial or Collector road;
 - (c) hotels or motels, provided that they meet all of the following criteria: (amended by OPA #22 – 07/16/02)

- (i) they are located adjacent to a Controlled Access Highway, Class I or Class II Arterial Road or Class I Collector Road;
 - (ii) they are located at, or near, the periphery of a Business Park;
 - (iii) the proponent demonstrates to the satisfaction of the Municipality that any market impacts on other commercial areas is acceptable (see Procedures chapter); and
 - (iv) the evaluation criteria established in policy 6.5.3.7.
- (d) retail sale of goods produced on-site by a permitted use provided that such retail space does not exceed 20% of the gross floor area of the main use. This limitation may be reduced or eliminated by Council having given consideration to the following:
- (i) the evaluation criteria established in policy 6.5.3.7; and
 - (ii) the proponent demonstrates to the satisfaction of the Municipality that any market impacts on other commercial areas is acceptable (see Procedures chapter).
- (e) 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 established in 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.
- (f) Clubs, health studios. (amended by OPA #22 – 07/16/02)

APPENDIX B-2, Excerpts from Zoning By-law 8600

18.4 MANUFACTURING DISTRICT 1.4 (MD1.4)

18.4.1 PERMITTED USES

<i>Ambulance Service</i>	<i>Manufacturing Facility</i>
<i>Bakery</i>	<i>Medical Appliance Facility</i>
<i>Business Office</i>	<i>Medical Office</i>
<i>Commercial School</i>	<i>Micro-Brewery</i>
<i>Food Catering Service</i>	<i>Professional Studio</i>
<i>Food Packaging Facility</i>	<i>Research and Development Facility</i>

Any of the following *Ancillary Uses*:

<i>Child Care Centre</i>	<i>Health Studio</i>
<i>Club</i>	<i>Personal Service Shop</i>
<i>Convenience Store</i>	<i>Restaurant</i>
<i>Food Convenience Store</i>	<i>Restaurant with Drive-through</i>
<i>Food Outlet - Drive-through</i>	<i>Veterinary Office</i>
<i>Food Outlet - Take-out</i>	<i>Warehouse</i>
<i>Gas Bar</i>	<i>Wholesale Store</i>

Any of the following *Existing Uses*:

Motor Vehicle Dealership
Sports Facility
Transport Terminal

Any use accessory to any of the above uses, including a *Retail Store*.

18.4.3 PROHIBITED USES

Outdoor Storage Yard

18.4.5 PROVISIONS

- | | | |
|-----|--|--|
| .1 | Lot Width – minimum | 30.0 m |
| .4 | Building Height – maximum | 20.0 m |
| .5 | Front Yard Depth – minimum | 9.0 m |
| .6 | Rear Yard Depth – minimum | |
| | From a <i>rear lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located | 6.0 m |
| .7 | Side Yard Width – minimum | |
| | From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located or from a <i>side lot line</i> that abuts a <i>street</i> | 6.0 m |
| .8 | Landscaped Open Space Yard – minimum | 15.0% of <i>lot area</i> |
| .10 | Gross Floor Area – <i>Retail Store</i> – maximum | 20.0% of the <i>GFA</i> of the <i>main use</i> |
| .50 | All activities or uses shall take place entirely within a fully enclosed <i>building</i> . This provision does not apply to the following activity or use: <i>child care centre</i> , <i>gas bar</i> , <i>loading space</i> , <i>outdoor eating area</i> , <i>parking area</i> , <i>parking space</i> , <i>sports facility</i> , or <i>refuelling area</i> . | |

Definitions: Section 3.10

ANCILLARY USE means a use, other than an accessory use, which complements or otherwise provides a service to the main use of the zoning district in which it is located.

AUTOMOBILE COLLISION SHOP means a building used for any one or more of the following automobile service and repair activities: body restoration and structural reconstruction; painting and the application of body rust inhibitors; or general refurbishing and reconditioning. It may include an automobile detailing service.

AUTOMOBILE DETAILING SERVICE means a building where one or more of the following automobile services are provided: manual exterior dressing, polishing, washing or waxing; fabric protection; interior cleaning, conditioning, shampooing or vacuuming; minor cosmetic repairs, such as paint touch up or paintless dent removal; paint protection; rust proofing; window tinting. A car wash automatic or car wash coinoperated is not an automobile detailing service.

AUTOMOBILE REPAIR GARAGE means a building used for the adjustment, maintenance or repair of an automobile and may include any of the following uses: retail store for the sale of any automotive accessories, components, fluids, lubricants or parts; automobile detailing service; car wash automatic; car wash coinoperated. It does not include a automobile collision shop.

AUTOMOBILE SALES LOT means a premises used for the lease, rental or sale of an automobile. It does not include an automobile collision shop, automobile detailing service or automobile repair garage.

CONFECTIONARY means a building used for the production of confections. It may include a retail store for the sale of confections produced in the confectionary. A confectionary store is a confectionary.

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.

INDUSTRIAL USE means, unless specifically prohibited, one or any combination of the following:

1. One or more main use identified as an industrial activity in Section 3.10

2. One or more of the following main uses:

Automobile Collision Shop	Medical Appliance Facility
Automobile Detailing Service	Repair Shop – Heavy
Automobile Repair Garage	Research and Development Facility
Bakery	Warehouse
Confectionary	Welding Shop
Contractor’s Office	Wholesale Store

3. One or more of the following activities as a main use:

Assembling
Constructing

Manufacturing
Packaging
Processing
Producing
Shipping

MANUFACTURING FACILITY is an industrial activity and means premises used to:

- Assemble, construct or repair advertising structures, billboards, electrical products, industrial equipment, professional equipment, scientific equipment, or signs;
- Manufacture from any of the following materials: cannabis, fur, glass, leather, paper, plastic, rubber and rubberized product, textile, tobacco, wood, or yarn;
- Manufacture or repair of ceramics, cosmetics, cutlery, dies, drugs, fixtures, jewellery, jigs, machine tools, moulds, musical instruments, parts, patterns, pharmaceutical products, metal products, toiletries, or toys;
- Manufacture or application of protective coatings;
- Bind, blueprint, duplicate, engrave, print, publish, stereotype, or typeset products, and may also include the developing and processing of film, and the printing of photographs.

A batching plant, distillation plant, food packaging facility, food processing facility, laundry plant, manufacturing heavy, milling facility, motor vehicle assembly plant, or primary metals plant is not a manufacturing facility.

MANUFACTURING HEAVY is an industrial activity and means premises used to manufacture any of, or product from, the following: abrasives, acid, alkali, ammunition, cement, clay, cleaning compound, coal, concrete, explosives, feed, fertilizer, gypsum, lime, mineral wool, plaster, plywood, pulp, railroad rolling stock, resin, or veneer, and includes a boiler works, brick refractory, coke oven, metal plateworks, petroleum refinery, sawmill, or tannery.

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.

COMMERCIAL MOTOR VEHICLE means a vehicle defined as a commercial motor vehicle in the highway Traffic Act, R.S.O. 1990,

RECREATIONAL VEHICLE means a motor vehicle having a gross vehicle weight greater than 3,000.0 kg and sleeping accommodation for one or more persons. It may also have cooking and sanitary facilities.

TRANSPORT TRAILER means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a transport trailer. A cabin trailer, camping trailer, house trailer, mobile home, recreational vehicle, tent trailer or travel trailer is not a transport trailer.

TRANSPORT TRUCK means a motor vehicle used to pull a transport trailer and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a transport truck.

MOTOR VEHICLE DEALERSHIP means a lot and building used for any one or more of the following: the sale, lease or rental of a motor vehicle, and may also include as an accessory use, any one or more of the following: outdoor storage yard exclusively for the storage of motor vehicles; repair shop – heavy exclusively for the maintenance and repair of motor vehicles; washing of a motor vehicle.

REPAIR SHOP - HEAVY means a building used for any maintenance, repair, or servicing activity, including an automobile collision shop, automobile detailing service, or automobile repair garage, and, as an accessory use, the fabrication of parts necessary for the maintenance, repair, or servicing activity offered. All activities must be conducted entirely within an enclosed building. A heavy repair shop is a repair shop - heavy.

REPAIR SHOP - LIGHT means a building used for the maintaining or repairing of a good for household and personal use such as an appliance, assistive device, bicycle including power-assisted bicycle, clock, furniture, jewellery, lawn and garden equipment, luggage, musical instrument, sporting good, or watch. It does not include the maintaining or repairing of a motor vehicle. A light repair shop is a repair shop - light. An automobile collision shop, automobile detailing service, automobile repair garage, contractor's office, personal service shop or service station is not a repair shop - light.

RETAIL STORE means premises used for the lease, rental or retail sale of goods and may also include a bake shop, convenience store, food convenience store, grocery store, pawnshop, pet shop, or pharmacy. It does not include the processing, manufacture or assembly of a good or the sale of a bus, construction equipment, farm tractor, equipment or implement, motor vehicle, truck or vehicle of the tractor trailer or semi-trailer type, or other heavy equipment. An automobile sales lot or motor vehicle dealership is not a retail store.

WAREHOUSE means a building used for the storage of parts, materials, equipment or other goods and products and may include their loading, unloading, packaging, repacking, or unpacking. A self-storage facility or transport terminal is not a warehouse.

WHOLESALE STORE means a building used for the sale of goods exclusively for resale, manufacture or construction, but does not include the processing, manufacturing, or assembling of those goods.

WORKSHOP means part of a building where goods are crafted, assembled and packaged exclusively for sale in a retail store or a wholesale store located in the same building.

SECTION 5 – GENERAL PROVISIONS

5.99.7 AUTOMOBILE SALES, LEASE OR RENTAL – ACCESSORY USE

.1 The sale, lease or rental of an automobile an accessory use is prohibited, save and except the sale, lease or rental of an automobile as an accessory use to an Automobile Repair Garage, Automobile Collision Shop, or Service Station or the lease or rental of an automobile as an accessory use to any Retail Store is permitted subject to the following provisions:

.1 The storage or display of five or more automobiles for sale, lease or rental purposes on a lot is prohibited.

.2 The storage or display of an automobile for sale, lease or rental purposes having a width of greater than 2.50 m or a length greater than 6.10 m is prohibited.

.3 The storage or display of an automobile for sale, lease or rental purposes in a required parking space, required accessible parking space or landscaped open space yard is prohibited.

.4 The area where an automobile for sale, lease or rental purposes is stored or displayed shall be subject to the provisions in Section 5.99.60.1.1 to 5.99.60.1.3.

APPENDIX C – CONSULTATION

[Comments from Municipal Departments & External Agencies]

ASSESSMENT MANAGMENT – JOSIE MEJALLI

No objection to the zoning amendment as per attached.

BUILDING DEPARTMENT – MUSTAPHA MOUSLMANI

Comments from the City of Windsor, Building Department relating to the subject line matter are as follows:

The Building Code Act, Section 8. (1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

In addition to the above please note: a Record of Site Condition will be required if the proposed land use changes to a more sensitive land use (for example: changing from an existing industrial or commercial use to a residential use).

The City of Windsor Building Department can be reached by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

CANADA POST – BRUCE DESANDO

Canada Post has no comments for the attached application.

ENBRIDGE GAS

After reviewing the provided drawing at 2500 Central Ave and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

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

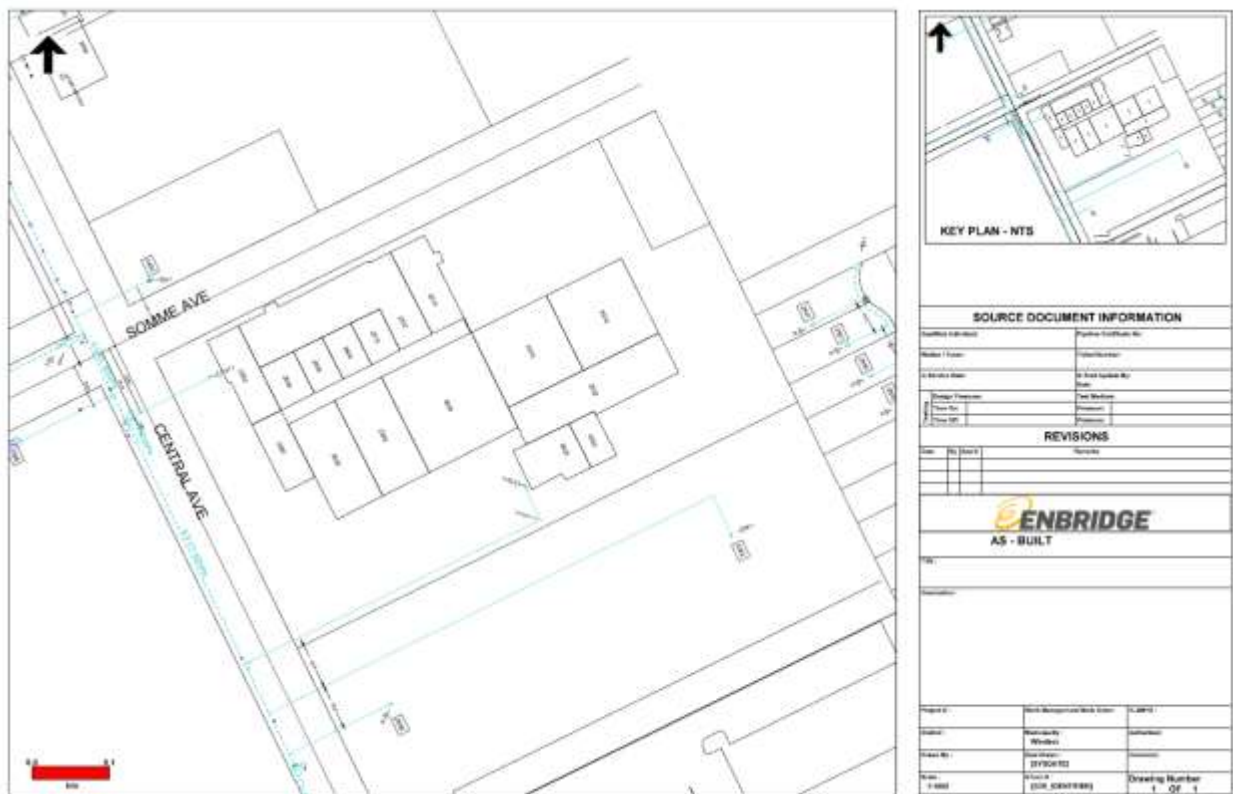
Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the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

performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

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

Please contact me if you have any further questions or concerns.



ENGINEERING – THOMAS HUYNH

We have reviewed the subject Rezoning application and have the following comments:

Sewers - The site may be serviced by a 300mm PVC sanitary sewer and a 750mm VIT Storm sewer located within Central Ave 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.

A sanitary sampling manhole may be required on any new sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist.

Right-of-Way - Central Avenue is classified as Class II Arterial with a required right-of-way width of 34 meters, in accordance with the Official Plan. The current right-of-way is 20 meters and therefore, a conveyance of 7 meters would be required along the frontage of this property. The required land conveyance is consistent with previous applications submitted for development of the subject lands. The owner may be exempt from fulfilling this requirement if it has already been addressed in previous agreements.

In summary we have no objection to the proposed development, subject to the following requirements:

Corner Cut-off – The Owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6m x 4.6m corner cut-off at the intersection of Central Ave and Somme Ave in accordance with the City of Windsor Standard Drawing AS-230

Encroachment Agreement- The owner agree to submit application for and execute an agreement with the Corporation for the proposed encroachments into the right-of-way.

Land Conveyance – Prior to the issuance of a construction permit, the owner(s) shall agree to gratuitously convey to the Corporation, a 7-meter strip of land along the entire Central Avenue frontage of the subject lands.

If you have any further questions or concerns, please contact Thomas Huynh, of this department at thuynh@citywindsor.ca

ENWIN

HYDRO ENGINEERING: No objection to Re-zoning with no building additions or changes.

WATER ENGINEERING: Water Engineering has no objections.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE CHANGE COORDINATOR (ESCC) – BARBARA LAMOURE

After review, the ESCC team has no objections to this application.

HERITAGE PLANNING – TRACY TANG

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711,

mstaadegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

Archaeology Programs Unit, 1-416-212-8886, 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

LANDSCAPE ARCHITECT & URBAN DESIGN – STEFAN FEDIUK

Pursuant to the application for a zoning amendment (**Z 015/23**) to permit an additional use on the subject, and as the application is part of a current Site Plan Approval application where all landscape and urban design comments are to be made, please note no objections.

PARKS – SHERIF BARSOM

Parks D&D, Forestry and Natural Areas has no comments pertaining this LIAISON: Z 015/23 [ZNG/7013]

SITE PLAN CONTROL

Site Plan is not applicable until development is proposed. Please apply when ready for development by requesting a Site Plan Control Pre-Consultation Stage 1 at <https://ca.cloudpermit.com/login>.

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development.

TRANSPORTATION PLANNING - SIDDHARTH DHIMAN

- All parking must comply with ZBL 8600, otherwise a parking study may be required.
 - Development requires 82 Parking spaces as per ZBL 8600. Parking spaces must comply with ZBL with respect to dimensions, the numbers of spaces and must be clearly shown on revised site plan.
 - Per ZBL 8600 the development requires 6 bicycle spaces and must be clearly shown on site plan.

- Prior to the issuance of a construction permit, the owner(s) shall agree to gratuitously convey to the Corporation, a 7-meter strip of land along the entire Central Avenue frontage of the subject lands.
- A corner cut-off of 4.5 metres x 4.5 metres is required at the corner of Central Ave and Somme Ave for a non-signalized intersection.
- Access to standards with a 15m throat length.
- 28 Parking spaces in the ROW not supported.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings AS-204.
 - All proposed driveways must be 7-9 metres total at the property line (minimum 3.5m/lane, maximum 4.5m/lane)
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ZONING COORDINATOR – ZAID ZWAYYED

Notes on the submission are concluded below:

- To ensure compliance, the applicant needs to show the location of the existing and requested uses within the building and the gross floor area proposed for each use, preferably by submitting a floor plan (1 parking space required for each 45.0 sqm is required for the requested uses). Moreover, the applicant needs to show the dedicated parking spaces on the site for automobile sales and the dedicated office area within the building for the sales (as all activities shall take place entirely within a fully enclosed building per 18.4.5.50).
- The location of existing bicycle spaces, if any, or proposed bicycle spaces and the required number will be confirmed once the GFAs are provided
- Any proposed accessory retail to the requested uses cannot exceed 20.0% of the GFA of the main use (18.4.5.10).

APPENDIX D – DRAFT BY-LAW AMENDMENT

BY - LAW NUMBER -2023
 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2023.

WHEREAS it is deemed expedient to further amend By-law Number 8600 of the Council of The Corporation of the City of Windsor, cited as the "City of Windsor Zoning By-law" passed the 31st day of March, 1986, as heretofore amended:

THEREFORE the Council of The Corporation of the City of Windsor enacts as follows:

1. That subsection 1 of Section 20, of said by-law, is amended by adding the following paragraph:

“494. Southeast Corner of Central Avenue and Somme Avenue

For the lands comprising East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], *Automobile Detailing Service* and *Automobile Repair Garage* shall be permitted within the existing building subject to the following:

- a. An *Automobile Detailing Service* or *Automobile Repair Garage* operation that generates dust, fumes, noise, odour, or vibration that is evident outside the existing building, is prohibited.
- b. Notwithstanding section 5.99.7 of Zoning By-law 8600, the storage or display of four or less automobiles for sale, lease or rental purposes within the existing building shall be permitted as an accessory use to an Automobile Repair Garage.
- c. Section 18.4.3 shall apply.
[ZDM 11; ZNG-7013]”

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Column 2, 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	11	East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], (located on the southeast corner of Central Avenue and Somme Avenue)	-	S.20(1)H494

3. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:

- a) *Land Conveyance* - The owner(s) shall gratuitously convey to the Corporation, a 7-meter strip of land along the entire Central Avenue frontage of the subject lands.
- b) *Corner Cut-off* – The owner(s) shall gratuitously convey a 4.6m x 4.6m corner cut-off at the intersection of Central Ave and Somme Ave in accordance with the City of Windsor Standard Drawing AS-230
- c) *Encroachment Agreement*- The owner shall execute an agreement with the Corporation for the proposed encroachments into the right-of-way.

DREW DILKENS, MAYOR

CLERK

First Reading - , 2023
 Second Reading - , 2023
 Third Reading - , 2023

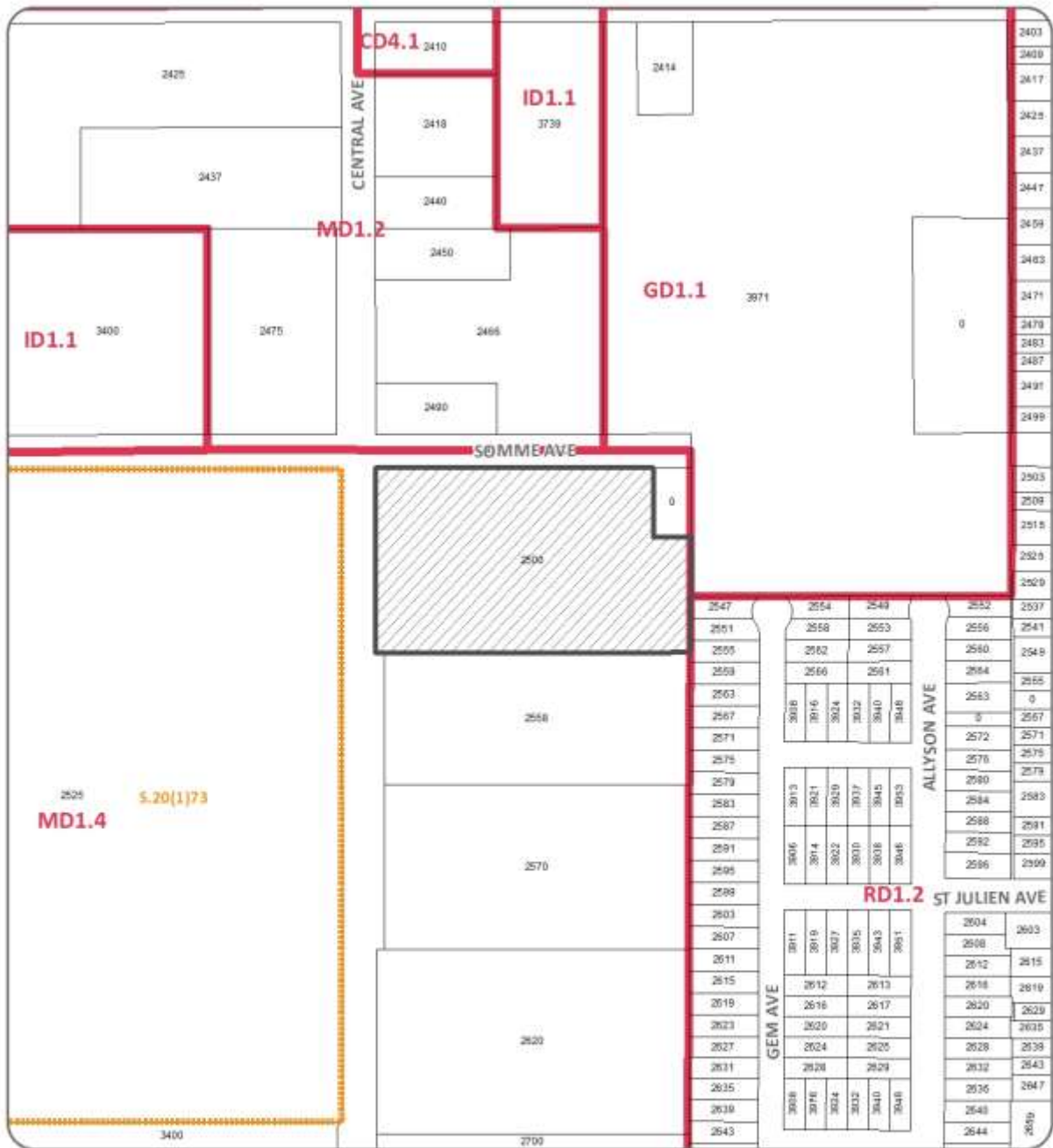
SCHEDULE 2

1. By-law _____ has the following purpose and effect:

To amend the zoning of the property described as East Part of Lot 103, Concession 2, [PIN 01359-0297 (LT)], located on the southeast corner of Central Avenue and Somme Avenue, to allow *Automobile Detailing Service* and *Automobile Repair Garage* as additional permitted use on the subject land.

The amending by-law maintains the MD1.4 zoning on the subject land and adds a special zoning provision permitting *Automobile Detailing Service* and *Automobile Repair Garage* within the existing building on the subject land.

2. Key map showing the location of the lands to which By-law _____ applies.



PART OF ZONING DISTRICT MAPS 11

N.T.S.

SCHEDULE 2

Applicant: Carbohydrate Ltd.

 SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : OCTOBER, 2023
FILE NO. : Z-015/23, ZNG/7013



Committee Matters: SCM 255/2023

**Subject: Minutes of the Development & Heritage Standing Committee held
September 11, 2023**

Development & Heritage Standing Committee Meeting

Date: Monday, September 11, 2023

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member Charles Pidgeon

Member Khassan Saka

Member William Tape

Member Regrets

Member John Miller

Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Pablo Golob, Planner II – Development Review

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development & Innovation

Neil Robertson, Acting City Planner

James Abbs, Planner III - Subdivisions

Justina Nwaesei, Planner III - Subdivisions

Minutes

Development & Heritage Standing Committee Monday, September 11, 2023

Page 2 of 20

Brian Nagata, Planner II – Development Review
Greg Atkinson, Manager of Development / Deputy City Planner
Wira Vendrasco, Deputy City Soliciter
Clare Amicarelli, Transportation Planning Coordinator
Robert Perissinotti, Development Engineer
Dave Soave, Manager Strategic Operating Budget Development & Control
Kristina Tang, Planner III -Heritage
Laura Strahl, Planner III – Special Projects
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 11.6 – Dawne Martens, Applicant representative
Item 7.4 – Bryan Pearce, Principal Planner, Baird AE
Item 7.4 – Maneesh Poddar, Director of Planning & Development, Westdell Development Corp

Delegations—participating in Council Chambers

Item 7.1 – Melanie Muir, Dillon Consulting, on behalf of the Applicant
Item 7.1 – Stephen Ducharme, area resident
Item 7.1 – Jackie Lassaline, area resident
Item 7.3 – Ralph Meo, Meo & Associates
Item 7.3 – Richard Gauvin, area resident
Item 7.3 – Joe Tanguay, area resident
Item 7.3 – Paul Michaud, area resident
Item 7.3 – Alan Hodare, area resident
Item 7.3 – Paul Bartolo, President, Windsor Soccer Club
Item 7.3 – Carol Demonde, area resident
Item 7.3 – Ron Jenkins, area resident
Item 7.3 – Karen Dorey, area resident
Item 11.1 – Dan Karon, area resident
Item 11.1 – Jack Tobin, area resident
Item 11.3 – James Maxwell, area resident

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

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Member Daniel Grenier discloses an interest on Item 7.1 being “Official Plan Amendment and Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Z 001-22 [ZNG-6653] Riverside Horizons 3251 Riverside Dr. E & 222 Belleview Ave - Ward 5,” as he has an ongoing professional relationship with the representative of the applicant.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Fred Francis

THAT the report of the Senior Planner dated September 11, 2023 entitled “Official Plan Amendment and Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Z 001-22 [ZNG-6653] Riverside Horizons 3251 Riverside Dr. E & 222 Belleview Ave - Ward 5” BE DEFERRED to a future meeting of the Development & Heritage Standing Committee to allow for more time for the surrounding residents to be notified.

The motion is **WITHDRAWN**.

4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

8.1. Minutes of the Development & Heritage Standing Committee held August 1, 2023

Moved by: Councillor Angelo Marignani
Seconded by: Member William Tape

THAT the minutes of the Development & Heritage Standing Committee meeting held August 1, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 215/2023

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

None Presented.

10. HERITAGE ACT MATTERS

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10.1. Delegation Authority for Heritage Matters (City-wide)

Councillor Kieran McKenzie inquires about the frequency of the reporting process and what will be included in those reports. Kristina Tang, Heritage Planner, appears before the Development & Heritage Standing Committee regarding the administrative report “Delegation of Authority for Heritage Matters (City Wide)” and indicates that it will be an annual report but is open to more frequent reporting if requested by council. The report will contain a brief outline of agreements that were made, *Planning Act* applications that were on heritage properties and will determine any incomplete applications and the reason for incompleteness.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 550**

- I. THAT the City Planner By-law 139-2013 **BE AMENDED** to distinguish the Delegation of Authority to the City Planner for *Planning Act* items in Schedule “A” from *Ontario Heritage Act* items in Schedule “B”;and,
- II. THAT Schedule B **PROVIDE AUTHORITY** to the City Planner:
 - (a) to sign agreements with property Owners that the restrictions set out in paragraph 2 of subsection 29(1.2) and paragraph 1 of subsection 29 (8) of the *Ontario Heritage Act* do not apply to a *Planning Act* application,
 - (b) to determine if applications under s. 33, 34 or 42 of the *Ontario Heritage Act* are complete or incomplete, and
 - (c) to process and consent to categories of alterations to designated heritage properties pursuant to s.33 of the *Ontario Heritage Act*, with or without terms and conditions; and,
- III. THAT the existing delegated authority provisions for classes of alteration for Sandwich Heritage Conservation District Plan **BE TRANSFERRED** from Schedule “A” to Schedule “B” of By-law 139-2013.

Carried.

Report Number: S 90/2023

Clerk’s File: AS/7748

10.2. City of Windsor Heritage Recognition 2023 (City-wide)

Kristina Tang, Heritage Planner acknowledges the citizen appointed member contributions to nominating the recipients and for the work they’ve done in regards to the Heritage landscape.

Councillor Kieran McKenzie inquires about the process that the City of Windsor is going to undertake to address the heritage properties that it has listed currently, given the 2025 deadline. Specifically, the Bandshell at Jackson Park, and what is the status of this designation. Ms. Tang indicates that the Bandshell is listed, but not designated. Ms. Tang provides details related to the report that went to Council on September 5th including the strategy to evaluate properties with

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cultural heritage value and interest. Ms. Tang adds that City properties in particular will be looked at in terms of consultation with other departments and evaluation of heritage merits in a more collective fashion.

Councillor Kieran McKenzie inquires whether this would all be undertaken prior to 2025 and does administration think that they can get through all of the City properties or would there be a need to prioritize some properties over others. Ms. Tang indicates there would definitely be a need for some prioritization. Ms. Tang indicates that administration plans to review these properties in batches.

Moved by: Member Joseph Fratangeli
Seconded by: Member Khassan Saka

Decision Number: **DHSC 551**

I. THAT the property owners and project team for the recent heritage conservation works at:

- 787 Ouellette Ave – Former Windsor Utilities Commission
 - Tessonics Corporation (Roman & Elena Maev)
 - Passa Architects (Joseph Passa)
 - Alliance Contractors (Chris Weller)
- 1958-1998 Wyandotte St E – Strathcona Building
 - Rosati Group (Tony Rosati, Nick Rosati, Vince Rosati Jr.)
- 1167 Mercer St – Former International Playing Card Co.
 - Greater Essex County District School Board
 - J.P. Thomson Architects Ltd. (Colin McDonald, Adam Wakulchik, Mark Beaulieu)
 - Haddad Morgan Associates (Will Tape)
 - Fortis Group (Joe Maertens)
- 455 Giles Blvd E – Windsor Grove Cemetery
 - Ontario Ancestors, Essex Branch (Pat Clancy, David Hutchinson, Rosemary Lunau)
 - Windsor Grove/Windsor Memorial Gardens (Tony Andary)

BE RECOGNIZED with the 2023 Built Heritage Awards.

Carried.

Report Number: S 105/2023
Clerk's File: MBA/2274

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:51 o'clock p.m.

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The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:53 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the August 1, 2023 Development & Heritage Standing Committee meeting (*Planning Act* Matters)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held August 1, 2023 **BE ADOPTED** as presented.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

See *Planning Act* Matters minutes.

7. *PLANNING ACT* MATTERS

7.2. Zoning By-law Amendment Application for 3335 Woodward Boulevard, Z-021/23 [ZNG-7066], Ward 9

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 547**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Seymour Boulevard and Woodward Boulevard, described as Block A & Part of Block B, Plan 1513, by adding a site specific provision to permit *One Single Unit Dwelling* as an additional permitted use within the existing former St. Christopher's Parish Hall, subject to additional regulations:

485. SOUTHWEST CORNER OF SEYMOUR BOULEVARD AND WOODWARD BOULEVARD

- (1) For the lands comprising of Block A & Part of Block B, Plan 1513, PIN No. 01561-2695 LT, *One Single Unit Dwelling* shall be an additional permitted use within the existing former St. Christopher's Parish Hall and the following shall apply:

1. Provisions in section 13.1.5
2. Gross Floor Area - Single Unit Dwelling - 400.0 m²

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maximum

[ZDM 12; ZNG/7066]

II. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following condition is satisfied:

- a) The owner shall demonstrate that the existing former St. Christopher's Parish Hall will comply with the Noise Exposure Forecast/Noise Exposure Projection (NEF/NEP) limits set forth under *Table C-4 Indoor Aircraft Noise Limits (Applicable over 24-hour period)* of the Ministry of the Environment and Climate Change (MOECC) *Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)* to the satisfaction of the Chief Building Official.

[ZDM 12; ZNG/7066]

Carried.

Report Number: S 95/2023

Clerk's File: Z/14605

7.1. Official Plan Amendment and Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Z 001-22 [ZNG-6653] Riverside Horizons 3251 Riverside Dr. E & 222 Belleview Ave - Ward 5

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 546**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# South Side of Riverside Drive, between Belleview Avenue and Pratt Street

1.#.1 The property described as of Lots 56 & 57, Plan 597; Lots 1 & 2 Plan 1563; and Part of Lot 101, Concession 1, in the City of Windsor, known municipally as 3251 Riverside Drive E & 222 Belleview Avenue, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 6.3.2.1 of the Official Plan, Volume I, a High Profile Residential Building shall be permitted on the subject property.

THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 56 & 57, Plan 597; Lots 1 & 2 Plan 1563; and Part of Lot 101, Concession 1, in the City of Windsor, known municipally as 3251 Riverside Drive E & 222 Belleview

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Avenue, from Commercial District CD1.7 and Residential District RD2.2 to Residential District (RD) 3.3; and,

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Lots 56 & 57, Plan 597; Lots 1 & 2 Plan 1563; and Part of Lot 101, Concession 1, in the City of Windsor, known municipally as 3251 Riverside Drive E & 222 Belleview Avenue by adding site specific regulations as follows:

483. South Side of Riverside Drive, between Belleview Avenue and Pratt Street

For the lands described as for Lots 56 & 57, Plan 597; Lots 1 & 2 Plan 1563; and Part of Lot 101, Concession 1, in the City of Windsor, known municipally as 3251 Riverside Drive E & 222 Belleview Avenue, the following regulations shall apply:

Building setback from an exterior lot line abutting Riverside Drive - 3m

Building setback from an exterior lot line abutting Riverside Drive or Pratt Place for that part of the building having a height of more than 12.5m - 7.5 m

Building setback from a lot line for that part of the building having a height of more than 12.5 m abutting any zone that permits single detached dwellings – 7.5 m

Parking spaces shall be prohibited on the first and second floor of any structure within 7.5 m of an exterior building wall adjacent to Riverside Drive;

Parking spaces shall be prohibited on the first floor of any structure within 7.5 m of an exterior building wall adjacent to Pratt Place

Amenity Area – Minimum - 420 m²;

Lot Area - Minimum - 3,500 m²;

Lot Coverage - Maximum - 66%;

Building Height – Maximum - 45.0m;

Landscaped Open Space - minimum - 20%;

Number of Dwelling units – maximum - 84

(ZDM 6; ZNG/6053)

THAT Lots 56 & 57, Plan 597; Lots 1 & 2 Plan 1563; and Part of Lot 101, Concession 1, in the City of Windsor, known municipally as 3251 Riverside Drive E & 222 Belleview Avenue, **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning); and,

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THAT the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to East Windsor Cogeneration Plant, Ford Motor Company Windsor Engine Plant, and Greco Aluminum Railings”; and,

THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:

Incorporating additional, or modify existing, mitigation measures including warning clauses required for a Class 4 designation pursuant to Publication NPC-300 in any future Site Plan Control agreement.

Carried.

Member Daniel Grenier discloses an interest and abstains from voting on this matter.

Report Number: S 93/2023
Clerk's File: Z/14347 & Z/14639

Councillor Jim Morrison leaves the meeting at 5:24 o'clock p.m. and Councillor Kieran McKenzie assumes the chair.

Councillor Jim Morrison returns to the meeting at 5:30 o'clock p.m. and Councillor Kieran McKenzie returns to his seat at the council table.

7.3. Rezoning – Meo & Associates Inc. – 1646 Alexis Road – Z-043/22 ZNG/6940 - Ward 5

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

THAT the report of the Senior Planner dated September 11, 2023 entitled “Rezoning – Meo & Associates Inc. – 1646 Alexis Road – Z-043/22 ZNG/6940 - Ward 5” BE DEFERRED to a future meeting of the Development & Heritage Standing Committee to allow time to address concerns brought forward by the residents.

The motion is **put** and **lost**.

Aye votes: Councillors Mark McKenzie, Fred Francis, and Member Anthony Arbour.

Nay votes: Councillors Jim Morrison, Kieran McKenzie, Angelo Marignani, and Member Daniel Grenier.

Absent: Member Robert Polewski

Abstain: None.

Moved by: Councillor Kieran McKenzie

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Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 548**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 100, Concession 1 (McNiff's Survey) Sandwich East, (1646 Alexis Road; Roll No. 010-290-02610; PIN 01122-0505), situated on the east side of Alexis Road between Reginald Street and Alice Street, further identified as Part 2 on Appendix F – Severance Plan to Report S 96/2023, from Institutional District 1.1 (ID1.1) to Residential District 3.2 (RD3.2) and by adding a site specific exception as follows:

486. EAST SIDE OF ALEXIS ROAD BETWEEN REGINALD ST & ALICE ST

For the lands comprising Part of Lot 100, Concession 1 (McNiff's Survey) Sandwich East, the following additional provisions shall apply:

1. For a *multiple dwelling*, the following additional provisions shall apply:
 - a) THAT the lands be deemed a *corner lot*
 - b) Building Setback – minimum

from Alexis Road	6.0 m
from Reginald Street	4.5 m
 - c) Landscaped Open Space Yard – minimum 28% of *lot area*

[ZDM 7, 11; ZNG/6940]

2. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following into site plan approval of the required site plan control agreement:

- a) Requirements of the City of Windsor - Engineering Department in Appendix G to Report S 96/2023, subject to the approval of the City Engineer;
- b) Requirements of the City of Windsor – Transportation Planning in Appendix G to Report S 96/2023, subject to the approval of the City Engineer; and to review and consider the comments from municipal departments and external agencies in Appendix G to Report S 96/2023; and,

3. THAT administration **BE REQUESTED** to conduct a traffic analysis of the immediate surrounding neighbourhood and to come forward with recommendations for Councils consideration to address parking concerns and general traffic issues.

Carried.

Councillors Mark McKenzie, Fred Francis and Member Arbour voting nay.

Report Number: S 96/2023
Clerk's File: Z/14603

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7.4. Revision to Zoning By-law 8600 – University Residential Land Corp. – 0 Huron Church – Ward 2

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 549**

1. THAT Zoning By-law 8600 **BE AMENDED** by revising the following Section 20(1) site-specific provision as follows:

477. For the lands comprising of Pt Lot 63 & 64, Concession 1; further described as Parts 1 & 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel “B”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

a) Building Height – maximum - 40.0 m

[ZDM 4; ZNG/6736]

Carried.

Report Number: S 101/2023

Clerk’s File: Z/10891

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:05 o’clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:05 o’clock p.m

11. ADMINISTRATIVE ITEMS

11.1. Closure of north/south alley between Clairview Avenue and 8445 Riverside Drive East, and east/west alley between Dieppe Street and north/south alley, Ward 6, SAA-6844

Jack Tobin, area resident

Jack Tobin, area resident appears before the Development & Heritage Standing Committee regarding the administrative report “Closure of north/south alley between Clairview Avenue and 8445 Riverside Drive East, and east/west alley between Dieppe Street and north/south alley, Ward 6, SAA-6844” and provides details regarding the reason for the application which is a citation for the asphalt on the easement put down by the previous owner. Mr. Tobin concludes by suggesting that the \$2000 application fee to purchase the easement is unacceptable.

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Councillor Mark McKenzie indicates that he has asked Administration in the past to come back with a response to eliminate the fees associated with the application in order to help streamline and speed up the process of closing the alleys throughout the city.

Dan Karon, area resident

Dan Karon, area resident appears before the Development & Heritage Standing Committee via video Conference regarding the administrative report "Closure of north/south alley between Clairview Avenue and 8445 Riverside Drive East, and east/west alley between Dieppe Street and north/south alley, Ward 6, SAA-6844" and expresses concern that the alley closure will impede access to the rear hedge of his property for maintenance and he is not interested in purchasing the easement.

Councillor Angelo Marignani asks Mr. Tobin about his comments regarding applying for the alley closure and if he is in support of the closure. Mr. Tobin responds that he was aware that there was an alley and assumed that it was paved by the City as it was existing. He was informed that rather than paying to remove the asphalt, he could purchase the easement and have the additional property.

Councillor Angelo Marignani inquires if there is any concern with the recommendation for the alley closure as requested by the resident. Brian Nagata, Planner II-Development Review appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of north/south alley between Clairview Avenue and 8445 Riverside Drive East, and east/west alley between Dieppe Street and north/south alley, Ward 6, SAA-6844" and provides details regarding the recommendation and the addition of a condition as part of the recommendation that the owner and future owners be able to maintain the hedge row at the rear of the property. Mr. Tobin indicates he is in favor of having a private easement with the abutting property for maintenance of the rear hedge.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 552**

- I. THAT the 4.88-metre-wide north/south alley located between Clairview Avenue and the property known municipally as 8445 Riverside Drive East (legally described as Lot 1, Part of Lot 2 & Part of Closed Riverside, Plan 1029), and shown on Drawing No. CC-1822 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject north/south alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject north/south alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

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- a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate aerial cable/poles;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240-volt hydro distribution; and
 - iii. MNSi. to accommodate existing aerial plant on the poles.

 - III. THAT the 4.88-metre-wide east/west alley located between Dieppe Street and the subject north/south alley, and shown on Drawing No. CC-1822 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject east/west alley", **BE ASSUMED** for subsequent closure;

 - IV. THAT the portion of the subject east/west alley abutting 8445 Riverside Drive East **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner.

 - V. THAT the portion of the subject east/west alley abutting 8415 Riverside Drive East (legally described as Lots 4 & 5, Part of Closed Street, Plan 1029) and 8435 Riverside Drive East (legally described as Lot 3, Part of Lot 2, Part of Closed Street, Plan 1029) **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 244 Dieppe Street (legally described as Lot 6, Plan 1029) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement over that portion of the subject east/west alley abutting 8415 Riverside Drive East, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. The owner of 8415 Riverside Drive East for access to maintain their hedgerow bordering the said portion of the subject east/west alley.

 - VI. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.1 or RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

 - VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1822, *attached* hereto as Appendix "A".

 - VIII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

 - IX. 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.

 - X. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003 Carried.

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Report Number: S 99/2023

Clerk's File: SAA2023

11.3. Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765

James Maxwell, area resident

James Maxwell, area resident appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765" and expresses concern regarding receiving a response to the flooding and drainage issues on the side of his house. Mr. Maxwell would like to withdraw from purchasing the Perth easement, and would like to move forward with the purchase of the alley.

Councillor Jim Morrison indicates that there is additional information memo accompanying the original administrative report dated August 22, 2023 with background and recommendations regarding this issue.

Councillor Fred Francis refers to the additional information memo, with respect to the amended resolution and requests that administration provide more information. Mr. Nagata indicates that the memo was at the applicant's request to remove Perth Street from the application, and asked Public Works to provide three options to address the flooding issues. The three options include Local Improvement petition for a new storm sewer, apply for the basement flooding program or apply for the new culvert replacement program. Mr. Nagata adds that the revised recommendation in respect to the alley closure with the closure of Perth Street removed from the equation is ready to move forward.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 554 DHSC 494**

- I. THAT the portion of the 4.57-metre-wide east/west alley located between Perth Street and the east limit of the property known municipally as 1707 Armanda Street (legally described as Lots 666 to 669, Plan 708), and shown on Drawing No. CC-1813 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "Subject Lands", **BE ASSUMED** for subsequent closure;
- II. THAT the Subject Lands **BE CLOSED AND CONVEYED** to the owner of 1707 Armanda Street and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

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i. Bell Canada for protection of existing buried facilities;

III. THAT Conveyance Cost **BE SET** as follows:

a. For alley conveyed to abutting lands zoned RD1.1 or DRD1.1, \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1813;

V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);

VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor;

VII. THAT the information regarding flood mitigation options for the Perth Street right-of-way **BE PROVIDED** to the proponent.

Carried.

Report Number: SCM 122/2023 & S 28/2023 & AI 13/2023

Clerk's File: SAA2023

11.6. University Avenue and Wyandotte Street Community Improvement Plan Grant Applications made by Ali Ahmed for 1342 Wyandotte Street West (Ward 3)

Dawne Martens, applicant representative

Dawne Martens, applicant representative appears before the Development & Heritage Standing Committee via video conference regarding the administrative report "University Ave & Wyandotte CIP-Ali Ahmed, 1342 Wyandotte St. W" and requests that the Committee approve the recommendations including the Municipal Development Fees Grant and the Business Property Improvement Tax Increment Grant. Administration is recommending approval of both programs.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 557**

I. THAT the request made by 2814088 Ontario Inc. (Ali Ahmed) (Owner) for the proposed development at 1342 Wyandotte Street West to participate in the:

a. Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed

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development for up to five (5) years in accordance with the University Avenue and Wyandotte Street Community Improvement Plan.

- b. Municipal Development Fees Grant Program **BE APPROVED** for eligible municipal fees incurred after July 29, 2022 for Committee of Adjustment application fee and Building Permit fee, up to a maximum amount of \$50,000 pursuant to the University Avenue and Wyandotte Street Community Improvement Plan.

II. THAT Administration **BE DIRECTED** to prepare the agreements between the City and 2814088 Ontario Inc. (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 1342 Wyandotte Street West in accordance with all applicable policies, requirements, and provisions contained within the University Avenue and Wyandotte Street Community Improvement Plan.

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the to the Building/Property Improvement Tax Increment Grant Program 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 amount of the cost of the Committee of Adjustment application fee and Building Permit application fee to a maximum of \$50,000 for the Municipal Development Fees Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the University Avenue and Wyandotte Street Planning Fund (Project #7229001) when work is completed.

V. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the Municipal Development Fees Grant Program be uncommitted and made available for other applications.

VI. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 113/2023

Clerk's File: SPL/14645

11.2. Closure of east/west alley located between Alexandra Avenue and Academy Drive, and north/south alley located between Northwood Street and east/west alley, Ward 10, SAA-6922

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

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Decision Number: **DHSC 553**

- I. THAT the 4.57-metre-wide east/west alley located between Alexandra Avenue and Academy Drive, save and except that portion containing the City's concrete sidewalk and chain-link fences, and shown on Drawing No. CC-1826 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject east/west alley", **BE ASSUMED** for subsequent closure;

- II. THAT the subject east/west alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial infrastructure;
 - ii. Enbridge to accommodate existing underground infrastructure;
 - iii. ENWIN Utilities Ltd. to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line, and 200.0 millimetre watermain; and
 - iv. MNSi. to accommodate existing aerial infrastructure.

 - b. 6.0-metre-wide easement, measured 3.0 metres from either side of the City's 300.0 millimetre asbestos cement sanitary sewer, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to The Corporation of the City of Windsor.

- III. THAT the 4.57-metre-wide north/south alley located between Northwood Street and the subject east/west alley, and shown on Drawing No. CC-1826 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject north/south alley", **BE ASSUMED** for subsequent closure;

- IV. THAT the subject north/south alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - c. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial infrastructure;
 - ii. ENWIN Utilities Ltd. to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line; and
 - iii. MNSi. to accommodate existing aerial infrastructure.

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- d. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner.

V. THAT Conveyance Cost **BE SET** as follows:

- e. For alley conveyed to abutting lands zoned RD1.4, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1826, *attached* hereto as Appendix "A".

VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

VIII. 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.

IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 100/2023

Clerk's File: SAA2023

11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Windsor Essex Community Housing Corp. for 3321- 3493 Bloomfield Road (Ward 2)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 555**

- I. THAT the request made by Windsor Essex Community Housing Corp. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for the property located at 3321-3493 Bloomfield Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$8,313 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$8,313 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;

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Development & Heritage Standing Committee Monday, September 11, 2023

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- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval or if the full cost of the Study is reimbursed by any other grant program, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.
Carried.

Report Number: S 110/2023
Clerk's File: Z/14644

11.5. Economic Revitalization Community Improvement Plan (CIP) application submitted by JBM Capital Inc. for 4611 Walker Road (Ward 9)

Moved by: Councillor Fred Francis
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 556**

- I. THAT the request made by JBM Capital Inc. to participate in the Business Development Grant Program **BE APPROVED** for the property located at 4611 Walker Road for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan;
- II. THAT Administration **BE DIRECTED** to prepare an agreement between the City, JBM Capital Inc., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Development Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications;
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Development Grant Agreement; and,
- IV. THAT the approval to participate in the Business Development Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.
Carried.

Report Number: S 111/2023
Clerk's File: SPL/14646

12. COMMITTEE MATTERS

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None presented.

13. QUESTION PERIOD

None presented.

14. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 7:27 o'clock p.m.

Ward 10 - Councillor Jim Morrisson

Deputy City Clerk / Supervisor (Chairperson)



Committee Matters: SCM 267/2023

Subject: Adoption of the Development & Heritage Standing Committee meeting minutes held October 3, 2023

Development & Heritage Standing Committee Meeting

Date: Tuesday, October 03, 2023

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour

Member Robert Polewski

Member Regrets

Member Daniel Grenier

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development & Innovation

Wira Vendrasco, Deputy City Solicitor

Neil Robertson, Acting City Planner

Jim Abbs, Planner III – Subdivisions

Shawna Boakes, Executive Director Operations / Deputy City Engineer

Patrick Winters, Manager Development

Robert Perissinotti, Development Engineer

Brian Nagata, Planner II – Development Review

Justina Nwaesei, Planner III - Subdivisions

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Delegations—participating in person

- Item 7.2 – Karl Tanner, agent, Dillon Consulting
- Item 7.2 – Joan Ennis, area resident
- Item 7.2 – Kate Benedet, area resident
- Item 7.2 – Robert Faher, area resident
- Item 7.3 – Melanie Muir, MCIP RPP, Dillon Consulting Limited

Delegations—participating via video conference

- Item 7.2 – Jeff Benedet, area resident
- Item 11.2 – David Tran and Keng Mouy Tran, applicant
- Item 11.2 – Jacky Ng, Project & Architectural Designer, Avant Group

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See Item 7.1, Item 11.3, and Item 11.4.

4. COMMUNICATIONS

4.1. Additional information regarding Public Communications

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 558**

That the memo from the Commissioner, Economic Development & Innovation dated September 25, 2023 entitled “Additional Information Regarding Public Communications” **BE RECEIVED** for information.

Carried.

Report Number: SCM 266/2023

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Development & Heritage Standing Committee
Tuesday, October 03, 2023

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5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the September 11, 2023 Development & Heritage Standing Committee meeting (*Planning Act* Matters)

Moved by: Member Anthony Arbour
Seconded by: Councillor Angelo Marignani

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held September 11, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 257/2023

7. *PLANNING ACT* MATTERS

7.1 Official Plan Amendment and Zoning By-law Amendment for the vacant land located on the southwest corner of Wyandotte St. E. and Florence Ave. intersection; Applicant: Ganatchio Gardens Inc.; File Nos. OPA 162 [OPA/6731]; Z-026/22 [ZNG/6730]; Ward 7

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Fred Francis

THAT the report of the Senior Planner, Subdivisions dated September 14, 2023 entitled, “Official Plan Amendment and Zoning By-law Amendment for the vacant land located on the southwest corner of Wyandotte St. E. and Florence Ave. intersection; Applicant: Ganatchio Gardens Inc.; File Nos. OPA 162 [OPA/6731]; Z-026/22 [ZNG/6730]; Ward 7” **BE DEFERRED** to a future meeting of the Development & Heritage Standing Committee to allow for further discussions between administration and the proponent to take place.
Carried.

Report Number: S 122/2023
Clerk’s File: Z/14606 & Z/14602

7.2. Official Plan & Zoning Bylaw Amendments Z 024-23 [ZNG-7069] & OPA 175 [OPA-7072] 1027458 Ontario Inc. Multiple Dwelling Development Banwell & McHugh (South) - Ward 7

Moved by: Councillor Angelo Marignani
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 559**

Minutes

Development & Heritage Standing Committee

Tuesday, October 03, 2023

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THAT the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Block 8, Plan 12M-425, City of Windsor from Business Park to “Banwell Road Mixed Use Corridor”; and,

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# **SOUTH WEST CORNER OF BANWELL ROAD AND MCHUGH STREET**

1.#.1 The property described as Block 8, Plan 12M-425, in the City of Windsor, known municipally as 0 McHugh Street, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

- a) Medium Profile Residential Buildings shall be permitted on the subject property; and
- b) High Profile Residential Buildings shall be permitted within 30 metres of Banwell Road on the subject property; and,

THAT the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 8, Plan 12M-425 from MD1.4 to HCD2.7; and,

THAT the hold prefix **BE REMOVED** when the applicant/owner submits an application to remove the holding prefix and the following condition is satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and,

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 8, Plan 12M-425 by adding site specific regulations as follow:

4xx. **SOUTH WEST CORNER OF BANWELL ROAD AND MCHUGH STREET**

For the lands described as Block 8, Plan 12M-425, the following shall be additional permitted uses:

- i. residential care facility;
- ii. multiple dwelling;

subject to the regulations in Section 12.2.5, and,

Building height – Maximum – within 30m of Banwell Road - 30m maximum

Building height – Maximum – remainder of site - 26 m

(ZDM 15; ZNG/7069); and,

THAT the site plan control officer **BE REQUESTED** to explore the possibility of a vehicle access area to Banwell Road.

Report Number: S 121/2023

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Clerk's File: Z/14648 & Z/14647

7.3. Draft Plan of Condominium with Exemption under Section 9(3) of the *Condominium Act* –CDM 008-23 [CDM-7134] Lankor Horizons Development Inc. 3290, 3320, 3340, 3370 STELLA CRESCENT Ward 7

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 560**

THAT the application of Lankor Horizons Development Inc. 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 199 dwelling units as shown on the attached Map No. CDM-008/23-1 and CDM-008/23-2 on a parcel legally described as; Part of Lot127, Concession 2, City of Windsor, Part 1 to 3 (inclusive), 12R-16010, located at 3290, 3320, 3340, 3370 STELLA CRESCENT **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 117/2023
Clerk's File: Z/14663

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:23 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:24 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Item 11.1 and Item 11.2.

10. HERITAGE ACT MATTERS

None Presented.

11. ADMINISTRATIVE ITEMS

11.3 Closure of part of north half of Lillian Street right-of-way, between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629

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Development & Heritage Standing Committee Tuesday, October 03, 2023

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Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

THAT the report of the Planner II - Development Review dated August 22, 2023 entitled, "Closure of part of north half of Lillian Street right-of-way, between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629" **BE DEFERRED** to the November 6, 2023 Development & Heritage Standing Committee meeting to allow administration to communicate with the residents regarding their concerns.

Carried.

Report Number: S 41/2023
Clerk's File: SAA2023

11.4 Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway, Ward 2, SAS-6924

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Angelo Marignani

THAT the report of the Planner II - Development Review dated August 4, 2023 entitled, "Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway, Ward 2, SAS-6924" **BE DEFERRED** to the December 4, 2023 Development & Heritage Standing Committee meeting to allow for further consultation between the proponent and administration to take place.

Carried.

Report Number: S 97/2023
Clerk's File: SAA2023

11.1. Closure of north/south alley located between Joinville Avenue and Haig Avenue, and two intersecting east/west alleys located west of north/south alley, Ward 8, SAA-6822

Moved by: Councillor Fred Francis
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 561**

- I. THAT the 4.27-metre-wide north/south alley located between Joinville Avenue and Haig Avenue, and shown on Drawing No. CC-1835 (*attached* hereto as Appendix "A"), and hereinafter referred to as "Alley A", **BE ASSUMED** for subsequent closure;
- II. THAT Alley A **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

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-
- a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing aerial facilities and poles;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead and underground 120/240V hydro pole distribution, including guy wires and anchors; and
 - iii. MNSi. to accommodate existing aerial facilities.

 - b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion abutting Lots 68 to 71 on Registered Plan 1167, in which case the middle of the alley shall be used.
- III. THAT the 4.27-metre-wide east/west alley located between Alley A and the west limit of the property known municipally as 5065 Joinville Avenue (legally described as Lot 114 & Part of Lot 113, Plan 1107), and shown on Drawing No. CC-1835 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "Alley B", **BE ASSUMED** for subsequent closure;
 - IV. THAT Alley B **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner;
 - V. THAT the 4.27-metre-wide east/west alley located between the Alley A and the west limit of the property known municipally as 5066 Haig Avenue (legally described as Lot 142 & Part of Lot 143, Plan 1107), and shown on Drawing No. CC-1835 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "Alley C", **BE ASSUMED** for subsequent closure;
 - VI. THAT Alley C **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner;
 - VII. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.4, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
 - VIII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1835, *attached* hereto as Appendix "A";
 - IX. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
 - X. 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;
 - XI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003 Carried.

Report Number: S 102/2023

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Clerk's File: SAA2023

11.2. Closure of north/south alley located between Taylor Avenue and 1124-1224 Campbell Avenue, Ward 2, SAA-6848

Councillor Kieran McKenzie inquires as to the reason that this alley closure will be made available only to one property owner, which is not the normal process, as the alley should be made available to all abutting property owners. The Councillor inquires as to why this process is different from the usual process. Brian Nagata, Planner II Development Review, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of north/south alley located between Taylor Avenue and 1124-1224 Campbell Avenue, Ward 2, SAA-6848" and indicates that the alley cannot be conveyed to the abutting property owners because this would block access to the applicant's property. They have had historical access off the alley and a approved access through a recent building permit.

Councillor Kieran McKenzie inquires whether the other property owners want to acquire their portion of the alley. Mr. Nagata indicates that the property owner to the west is claiming that there is an existing driveway off the alley, although the City has no evidence of a driveway. Mr. Nagata states that the current engineering best practice is to not allow access from of a grass alley. Mr. Nagata adds that the property owner to the east has indicated that they would like to have access to the alley in order to complete any maintenance to the backyard and administration have included an easement in the recommendation so that they will have access. Mr. Nagata indicates that the applicant has only requested the portion of the alley abutting their property, although Administration has recommended the whole alley so that the City is not left with a remnant portion. Should the alley be left open, the property to the west still wouldn't be granted access since it is a grass alley.

Councillor Kieran McKenzie inquires what the applicant is trying to achieve by acquiring the alley. Mr. Tran, applicant appears before the Development & Heritage Standing Committee via video conference regarding the administrative report "Closure of north/south alley located between Taylor Avenue and 1124-1224 Campbell Avenue, Ward 2, SAA-6848" and indicates that he was only trying to acquire the portion of the alley directly behind his property in order to provide additional parking in the back.

Councillor Kieran McKenzie inquires whether the delegate has had discussions with his abutting property owners. Mr. Tran, applicant responds that he has spoken with the abutting owner at the rear and he had no objections. The property owner at the corner has an issue with tenant parking across the street from her property, the alley parking would alleviate that.

Councillor Angelo Marignani inquires whether the entire alley is required in order to have access to the applicant's portion of the alley. Mr. Nagata indicates that Administration has recommended the entire alley in order to not be left with a remnant portion of the alley.

Councillor Angelo Marignani inquires whether the maintenance of the alley would become the responsibility of the property owner. Mr. Nagata indicates that is correct.

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Development & Heritage Standing Committee Tuesday, October 03, 2023

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Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 562**

- I. THAT the 3.66-metre-wide north/south alley located between Taylor Avenue and the property known municipally as 1124-1224 Campbell Avenue (legally described as Part of Lot 1, Plan 64; Lots 27, 28, 45-58, Part of Closed Alley & McEwan, Plan 1367), and shown on Drawing No. CC-1837 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure.
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 1238 Campbell Avenue (legally described as Lots 1 & 2, Part of Lot 3, Plan 669) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing aerial infrastructure; and
 - ii. ENWIN Utilities Ltd. to accommodate the poles and existing secondary overhead conductors.
 - b. Easement subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. The owner of the property known municipally as 1660 Taylor Avenue (legally described as Lots 33 to 34 & Part of Closed Alley, Plan 669) for access to repair and maintain the west face of the existing detached garage on the said property.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.3 or RD2.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1837, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003 Carried.

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Development & Heritage Standing Committee Tuesday, October 03, 2023

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Report Number: S 109/2023
Clerk's File: SAA2023

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None presented.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:35 o'clock p.m.
Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services



Committee Matters: SCM 293/2023

Subject: Adoption of the Development & Heritage Standing Committee meeting minutes held November 6, 2023

Development & Heritage Standing Committee Meeting

Date: Monday, November 06, 2023

Time: 4:30 o'clock p.m.

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie (Vice Chairperson)

Ward 10 - Councillor Jim Morrison

Members

Member Arbour

Member Grenier

Member Polewski

Clerk's Note: Councillor Jim Morrison participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Joe Mancina, Chief Administrative Officer

Jelena Payne, Commissioner, Economic Development & Innovation

Shawna Boakes, Executive Director of Operations

Neil Robertson, Acting City Planner

Greg Atkinson, Deputy City Planner

Patrick Winters, Manager, Development

Emilie Dunnigan, Manager, Development Revenue & Financial Administration

Aaron Farough, Senior Legal Counsel

Joe Baker, Senior Economic Development Officer

Frank Garardo, Senior Planner

Robert Perissinotti, Development Engineer

Adam Szymczak, Planner III – Development

Stefan Fediuk, Planner III – Senior Urban Designer

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Development & Heritage Standing Committee Monday, November 06, 2023

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Jim Abbs, Planner III – Development
Justina Nwaesei, Planner III - Development
Brian Nagata, Planner II – Development Review
Siddharth (Sidd) Dhiman, Transportation Planner I
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.2 – Tracey Pillon-Abbs, agent
Item 7.2 – Aditiya Soma, applicant
Item 7.4 – Tracey Pillon-Abbs, agent
Item 7.4 – Jack Federer, applicant
Item 7.4 – Michael Kaye, applicant

Delegations—participating in person

Item 7.1 – Jackie Lassaline, Principal Planner
Item 7.1 – Joe Passa, PA Architects
Item 7.1 – Flora Sabatini, area resident
Item 7.1 – Dave Davis, area resident
Item 7.1 – Kim Morianti, area resident
Item 7.1 – Jay Abdourahmani, owner
Item 7.3 – Karl Tanner & Amy Farkas, Dillon Consulting
Item 7.4 – York Zhu, area resident
Item 7.5 – Karl Tanner & Theresa O’Neill, agents Dillon Consulting
Item 7.5 – Jeff Benedet, area resident
Item 7.6 – Karl Tanner & Amy Farkas, Dillon Consulting
Item 7.6 – Joan Ennis, area resident
Item 7.6 – Jeff Benedet, area resident
Item 7.6 – Kate Benedet, area resident
Item 7.6 – Nishnat John, area resident
Item 7.6 – Kim Friest, area resident
Item 7.6 – Maureen Flannery, area resident

1. CALL TO ORDER

The Vice Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

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Development & Heritage Standing Committee Monday, November 06, 2023

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3.1. Closure of part of north half of Lillian Street right-of-way, between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 570**

THAT the report of the Planner II – Development Review dated August 22, 2023 entitled “Closure of part of north half of Lillian Street right-of-way between Vimy Avenue and Memorial Drive, Ward 4, SAS-6629” **BE WITHDRAWN** due to a number of concerns being identified.

Carried.

Report Number: S 41/2023

Clerk’s File: SAA2023

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (*Planning Act Matters*) meeting minutes held October 3, 2023

Moved by: Councillor Fred Francis

Seconded by: Member Anthony Arbour

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 3, 2023 **BE ADOPTED** as amended.

Carried.

Report Number: SCM 275/2023

6. PRESENTATION DELEGATIONS (*PLANNING ACT MATTERS*)

See *Planning Act* Items 7.1 through 7.6 (inclusive).

7. *PLANNING ACT MATTERS*

7.1. OPA & Rezoning – Passa Architects - 1235 Huron Church Road - OPA 166 OPA/6902 Z-039/22 ZNG/6901 – Ward 2

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

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Decision Number: **DHSC 563**

1. THAT Schedule “A” of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, as a Special Policy Area.

2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:

1.X 1235 Huron Church Road

<i>LOCATION</i>	1.X.1	The property described as Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366), known municipally as 1235 Huron Church Road, situated on the west side of Huron Church Road, south of Girardot Street, is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan.
<i>PERMITTED USES</i>	1.X.2	Notwithstanding the “Open Space” designation of these lands on Schedule D: Land Use in Volume I – The Primary Plan, the following shall be additional permitted main uses: business office, child care centre, commercial school, hotel, medical appliance facility, medical office, multiple dwelling, personal service shop, place of entertainment and recreation, place of worship, professional studio, repair shop – light, retail store, workshop. Further, an automobile repair garage shall be permitted as an accessory use.
<i>PROHIBITED USES</i>	1.X.3	The following uses are prohibited: car wash automatic, car wash coin-operated, and outdoor storage yard.
<i>LANDSCAPED SETBACK REQUIREMENTS</i>	1.X.4	Notwithstanding Special Policy Area 1.2 Huron Church Road Corridor in Chapter 1 of Volume II of the City of Windsor Official Plan, the minimum landscaped setback from the Huron Church Road right-of-way shall be 3.0 m for a non-residential building and 4.5 m for a residential building.
<i>DIRECT ACCESS TO HURON CHURCH ROAD</i>	1.X.5	Notwithstanding Section 7.2.6.4 (iv) in Volume I of the City of Windsor Official Plan, direct access to Huron Church Road is permitted, subject to approval of the City Engineer.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 82 to 93, Plan 1046 Town of Sandwich (PIN 01240-0366; 1235 Huron Church Road; Roll No. 050-380-03000), situated on the west side of Huron Church Road, south of Girardot Street, from Green District 1.1 (GD1.1) to a new zoning district as follows:

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16.11 COMMERCIAL DISTRICT 3.11 (CD3.11) [ZNG/6901]

16.11.1 PERMITTED MAIN USES

<i>Business Office</i>	<i>Place of Entertainment and Recreation</i>
<i>Child Care Centre</i>	<i>Place of Worship</i>
<i>Commercial School</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Retail Store</i>
<i>Medical Office</i>	<i>Workshop</i>
<i>Multiple Dwelling</i>	
<i>Personal Service Shop</i>	

16.11.2 PERMITTED ACCESSORY USES

Any use accessory to a permitted main use, including an *Automobile Repair Garage*

16.11.3 PROHIBITED USES

Car Wash Automatic
Car Wash Coin-operated
Outdoor Storage Yard

16.11.5 PROVISIONS

- | | | |
|-----|--|------------------------|
| .1 | Lot Frontage – minimum | 15.0 m |
| .4 | Building Height | |
| | a) For a <i>multiple dwelling</i> – minimum | 14.0 m |
| | b) For any non-residential <i>building</i> – minimum | 9.0 m |
| .8 | Landscaped Open Space Yard – minimum | 30% of <i>lot area</i> |
| .17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited. | |
| .20 | Building Setback | |
| | a) For a <i>Multiple Dwelling</i> from a: | |
| | Front Lot Line - minimum | 4.50 m |
| | Side Lot Line - minimum | 0.90 m |
| | Rear Lot Line - minimum | 5.40 m |
| | b) For any non-residential <i>building</i> from a: | |
| | Front Lot Line - minimum | 3.00 m |
| | Side Lot Line - minimum | 0.90 m |
| | Rear Lot Line - minimum | 1.90 m |
| .50 | Section 20(1)278 shall not apply and the area forming the building setback from the <i>front lot line</i> shall be a <i>landscaped open space yard</i> . | |
| .55 | For a <i>Multiple Dwelling</i> , required parking shall be 1 parking space per <i>dwelling unit</i> and Section 24.22.1 shall not apply. | |

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- .60 Notwithstanding Clause .1 in Table 25.5.20.1 in Section 25.5.20, the minimum separation of a *loading space, parking area, or parking space* from Huron Church Road shall be 3.0 m.
- .65 Notwithstanding Clause .6 in Table 25.5.20.1 in Section 25.5.20, for a *Multiple Dwelling*, no separation is required between a *building wall* containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* and a *parking area, parking space or loading area*.

4. THAT, when Site Plan Control is applicable:

- A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought.
- B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan attached to an executed and registered site plan agreement:
 - i) Noise control measures identified in Tables 3, 4 and 5 in the Acoustic Assessment Report, prepared by Akoustik Engineering Limited, dated March 29, 2022, subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
 - ii) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix G of Report S 124/2023, subject to the approval of the City Engineer.
- C. The Site Plan Approval Officer **CONSIDER** all remaining comments contained in Appendix G of Report S 124/2023.

Carried.

Report Number: S 124/2023
Clerk's File: Z/14671 & Z/14672

7.2. Zoning By-law Amendment Application for the north part of the property known as 870 Wyandotte Street East; Applicant: Adiammu Real Estate Inc.; File No. Z-014-23, ZNG/7001; Ward 4.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 564**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the northerly 1166.8m² portion of the lands located on the north side of Wyandotte Street East, west side of Parent Avenue, and south of Brant Street, described as Part of Lots 62 to 68 (incl.), Registered Plan 145, also designated as PART 2 on Reference Plan12R-18708, by adding a site specific zoning provision to permit "One *Multiple Dwelling* containing 11 or more *dwelling units*" as an additional permitted use, subject to additional regulations;

"491. WEST SIDE OF PARENT AVENUE, SOUTH OF BRANT STREET

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For the northerly 1166.8m² portion of the lands comprising PART 2 on Reference Plan12R-18708, the following shall apply to a *Multiple Dwelling* containing 11 or more *dwelling units*:

1. The provisions in Section 11.2.5.4, save and except for section 11.2.5.4.2 and section 11.2.5.4.4
2. Lot Area – minimum 96.0 m² per dwelling unit
3. Main Building Height - maximum 10.0 m
4. The provisions set out in section 24.40.1.5 and section 25.5.20.1.6 of By-law 8600 shall be implemented as noted below,
 - a) loading space – minimum 0.0 space
 - b) Parking Area separation from a building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area – minimum 3.6 m
[ZDM 6; ZNG/7001]”

II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the Site Plan Approval and the Site Plan Agreement for the proposed development on the subject land:

- a) Alley Paving – The owner shall agree to obtain a Right-of-Way permit to drain and pave at the owner’s entire expense, any alley abutting the subject lands which is to remain open. All work shall be to the satisfaction of the City Engineer.
- b) Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures;
- c) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
- d) Tree preservation for the site;
- e) Enbridge Gas minimum separation requirements; and
- f) Canada Post multi-unit policy.

Carried.

Report Number: S 136/2023
Clerk’s File: Z/14601

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7.4. Zoning By-Law Amendment Z028-23(ZNG/7140) - 185 Randolph Place

Moved by: Councillor Mark McKenzie

Seconded by: Member Anthony Arbour

Decision Number: DHSC 566

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning on the lands of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich situated on the west side of Randolph Place, and known municipally as 185 Randolph Place by adding a site specific exception to Section 20(1) as follows:

X. WEST SIDE OF RANDOLPH PLACE BETWEEN RIVERSIDE DRIVE EAST AND UNIVERSITY AVENUE

For the 1173.0 m² lands comprising of Lot 11 Plan 766 Town of Sandwich; Lot 12 Plan 766 Town of Sandwich; a *multiple dwelling* with 11 or more units shall be an additional permitted use subject to the following provisions:

- .1 Lot Area – minimum 97.0 m² per dwelling unit
- .2 Lot Frontage – minimum – 27.0 m
- .3 Lot Coverage – maximum – 45.0 %
- .4 Main Building Height – maximum – 10.0 m
- .5 Building Setback:
 - a) *front yard depth* - minimum 6.0m
 - b) *rear yard depth* - minimum 7.5 m
 - c) *side yard width* - minimum 2.0 m on one side, and 3.4 m on the other side

6. Parking:

- a) *Parking spaces* – minimum 7 spaces
- b) *Bicycle Parking Spaces* – minimum 15 spaces
- c) A *parking space* is prohibited in any required *front yard*
- d) *Parking aisle width* – as existing

7. Exterior walls shall be covered in facebrick on a minimum of 3.0 m from above grade on the North, East, and South elevations.

8. For the purpose of this provision any roof other than 4.5/12 is prohibited.

- II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, as required, in the site plan approval and site plan agreement:

- a) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix I attached.

Carried.

Report Number: S 135/2023
Clerk's File: Z/14670

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7.3. Official Plan Amendment and Zoning By-law Amendment - City of Windsor - Airport Employment Lands - OPA 177 [OPA-7118] Z 027-23 [ZNG-7117] - Ward 9

Moved by: Councillor Fred Francis

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 565**

1. THAT the portion of the Windsor International Airport lands subject of this report (hereafter referenced as the 'subject lands') **BE IDENTIFIED** as the lands defined in Figures 1-4 within report # S115/2023 being located on the north side of County Road 42 between the 8th and 9th Concession Roads.
2. THAT Schedule D - Lands Use of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designations of the subject lands from 'Future Employment Area', 'Airport', and 'Open Space' to 'Industrial' and 'Business Park' as shown on Appendix D.
3. THAT Schedule B – Greenway System and Schedule J – Urban Structure Plan of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** as shown on Appendix D.
4. THAT Schedule 'A' of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating the subject lands as a Specific Policy Area;
5. THAT Chapter 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.XX North Side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road

- 1.XX.1 The property located on the north side of County Road 42 within the vicinity of the 8th Concession Road and 9th Concession Road, which includes portions of 3200 County Road 42, 0 County Road 42, and 0 Jefferson Boulevard is designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan.
- 1.XX.2 All development proposed within the airport employment lands shall consult with the Windsor International Airport and demonstrate compliance with the following requirements:
 - a) Building and structure height limits (to be derived from the Airport Zoning Regulations);
 - b) Transitional surface height restrictions;
 - c) Building and structure height limitations within the vicinity of existing solar panels;
 - d) Stormwater Management requirements for dry ponds; and
 - e) Requirements or limitations from Nav Canada to avoid or mitigate technological interference.

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- 1.XX.3 Compliance with Ontario's D-6 Guidelines shall be required regarding minimum distance separation between industrial facilities and the Major Institutional land use designation shown in the County Road 42 Secondary Plan, to the satisfaction of the City Planner.
 - 1.XX.4 Any outdoor storage area shall be located a minimum of 100 metres from County Road 42 and shall not be visible from County Road 42.
6. THAT Zoning By-law 85-18 **BE REPEALED** for the subject lands.
 7. THAT Zoning By-law 8600 **BE AMENDED** by deleting S.20(1)321.
 8. THAT Zoning By-law 8600 **BE AMENDED** by applying a Manufacturing District 2.2 (MD2.2), H-Manufacturing District 2.2 (HMD2.2), Manufacturing District 1.4 (MD1.4), and Green District 1.4 (GD1.4) to the subject lands as shown on Appendix E.
 9. THAT the holding symbol **BE REMOVED** when the applicant submits an application to remove the holding prefix and the following conditions are satisfied:
 - a. Submission of an Environmental Evaluation Report to the satisfaction of the City Planner for any land within 120 m of any land with a Natural Heritage designation as shown on Schedule C: Development Constraints in the City of Windsor Official Plan.
- Carried.

Report Number: S 115/2023
Clerk's File: Z/14649 & Z14650

7.5. Official Plan & Zoning Bylaw Amendments Z 022-23 [ZNG-7067] & OPA 173 [OPA-7070] 1027458 Ontario Inc. Banwell & Leathorne (North A) Multiple Dwelling Development - Ward 7

Moved by: Councillor Fred Francis
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 567**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE

- 1.#.1 The property described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
- 1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:
 - a) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

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THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Block 1, Plan 12M-425 by adding site specific regulations as follows:

4xx. **WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

For the lands described as Part of Block 1, Plan 12M-425, in the City of Windsor, known municipally as 0 Questa Drive, the following shall be additional permitted uses:

- i. multiple dwelling;

subject to the regulations in Section 12.2.5, and,

Building height within 30m of Banwell Road – Maximum –24 m
Landscaped Open Space – Minimum 24.5%

(ZDM 14; ZNG/7067)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 137/2023
Clerk's File: Z/14652 & Z/14653

7.6. Official Plan & Zoning Bylaw Amendments Z 023-23 [ZNG-7068] & OPA 174 [OPA-7071] 1027458 Ontario Inc. Banwell South of Leathorne (North B) Multiple Dwelling Development - Ward 7

Moved by: Councillor Fred Francis

Seconded by: Councillor Jim Morrison

Decision Number: **DHSC 568**

THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.# **WEST SIDE BANWELL ROAD SOUTH OF LEATHORNE DRIVE**

1.#.1 The property described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, is designated a special policy area on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.#.2 Notwithstanding Section 2.7.5.5 of the Official Plan, Volume II:

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- b) Medium Profile Residential Buildings up to 24 m in height shall be permitted on the subject property within 30m of Banwell Road

THAT the hold prefix **BE APPLIED** to the existing CD2.7 zone at Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the hold prefix may be removed when the applicant/owner submits an application to remove the holding prefix and the following conditions are satisfied:

- a) an updated Transportation Impact Study is prepared and submitted to the satisfaction of the City Engineer; and
- b) The applicant receives a development permit for the construction of the extension of Leathorne Street onto Block 19, 12M-425.

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 7, Plan 12M-425 by adding site specific regulations as follow:

4xx. **WEST SIDE BANWELL ROAD SOUTH OF FIRGROVE DRIVE**

For the lands described as Block 7, Plan 12M-425, in the City of Windsor, known municipally as 0 Banwell Road, the following shall be additional permitted uses:

- i. multiple dwelling;
subject to the regulations in Section 12.2.5, and,
Building height within 30m of Banwell Road – Maximum –24 m

(ZDM 14; ZNG/7068)

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 138/2023
Clerk's File: Z/14654 & Z/14655

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:23 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:23 o'clock p.m

11. ADMINISTRATIVE ITEMS

None presented.

12. COMMITTEE MATTERS

12.1. Minutes of the International Relations Committee of its meeting held July 31, 2023

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

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Decision Number: DHSC 569

THAT the minutes of the International Relations Committee meeting held July 31, 2023 **BE RECEIVED** for information.

Carried.

Report Number: SCM 258/2023

10. *HERITAGE ACT MATTERS*

None presented.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 7:23 o'clock p.m.

Carried.

Ward 9 – Councillor Kieran McKenzie
(Vice Chairperson)

Deputy City Clerk / Supervisor of
Council Services



Subject: Closure of east/west alley located between Elsmere Avenue and 888 Hanna Street East, and north/south alley located immediately north of east/west alley, Ward 4, SAA-6925

Reference:

Date to Council: December 4, 2023
 Author: Brian Nagata, MCIP, RPP
 Planner II - Development Review
 (519) 255-6543 ext. 6181

Planning & Building Services
 Report Date: October 31, 2023
 Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 3.96-metre-wide east/west alley located between Elsmere Avenue and the east limit of Lot 44 on Registered Plan 622, and shown on Drawing No. CC-1829 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject east/west alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject east/west alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution; and
 - ii. MNSi. to accommodate existing aerial infrastructure.
- III. THAT the 4.57-metre-wide east/west alley located between the subject east/west alley and the west limit of the property known municipally as 888 Hanna Street East (legally described as Lots 137 to 139, and Part of Lot 136 & Closed Alley, Registered Plan 937), and shown on Drawing No. CC-1829 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject centre alley", **BE ASSUMED** for subsequent closure;

- IV. THAT the subject centre alley **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 888 Hanna Street East and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing buried and aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution; and
 - iii. MNSi. to accommodate existing aerial infrastructure.
- V. THAT the 4.57-metre-wide north/south alley located between the subject centre alley and the south limit of the closed east/west alley shown on Registered Plan 937, and shown on Drawing No. CC-1829 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject north/south alley", **BE ASSUMED** for subsequent closure;
- VI. THAT the subject north/south alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing buried and aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution; and
 - iii. MNSi. to accommodate existing aerial infrastructure.
 - b. 6.0-metre-wide easement, measured 3.00 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. The Corporation of the City of Windsor to accommodate existing 1,975.0 millimetre reinforced concrete storm sewer.
- VII. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned CD2.2, \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as

invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- VIII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1829, *attached* hereto as Appendix "A";
- IX. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- X. 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;
- XI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A



Figure 1 - Location Map

Background:

The applicant, Stephen Marentette, representative of Steve Babic Enterprises Ltd., owner of the properties known municipally as 0 Parent Avenue (Roll No. 030-460-00101), 860 Hanna Street East and 1564 Elsmere Avenue (the subject property), applied to close the east/west alley located between Elsmere Avenue and the east limit of Lot 44 on Registered Plan 622 (the east/west alley), east/west alley located between

the aforesaid east/west alley and the west limit of 888 Hanna Street East (the centre alley) and north/south alley located between the centre alley and the south limit of the closed east/west alley shown on Registered Plan 937 (the north/south alley), and shown on Drawing No. CC-1829 *attached* hereto as Appendix “A”, and shown on the aerial photo *attached* hereto as Appendix “B” and also shown on Figure 1 - Location Map herein.

The north/south alley was established by Registered Plan 317, registered on February 7, 1889. The east/west alley was established by Registered Plan 622, registered on March 11, 1913. The centre alley was established by Registered Plan 937, registered on May 22, 1920.

The north/south alley is unmaintained and composed primarily of gravel. Over the years the subject property has encroached on the north/south alley with a chain-link security fence and the outdoor storage of materials. There are no Encroachment Agreements on record for the use of the alley.

The centre alley is unmaintained and composed primarily of sand. The centre alley contains a utility pole with guy wires and anchors. Over the years 888 Hanna Street East has encroached on the centre alley with a chain-link fence and an outdoor amenity area (play area). There are no Encroachment Agreements on record for the use of the alley.

The east/west alley is unmaintained and composed primarily of grass. Over the years the subject property has encroached on the east/west alley with a chain-link security fence and the outdoor storage of materials. There are no Encroachment Agreements on record for the use of the alley.

The applicant wishes to close the alley for the purpose of addressing the existing encroachments within the east/west alley and north/south alley.

Discussion:

The decision to recommend closure of an alley is derived from the City’s *Classification of Alleys and Suitability for Closure* guideline document (the document), *attached* hereto as Appendix “E”. The document details four classifications of alleys based on their usefulness, and provides corresponding criteria for determining suitability for closure.

Classification of Public Right-of-Ways

The initial step is to determine if the alley is indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

1. *Does the subject alley serve commercial properties?*
 - a. The north/south, centre and east/west alleys do not serve any commercial properties.

2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The north/south, centre and east/west alleys do not serve any properties fronting on heavily travelled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The north/south alley contains a 1,975.0 millimetre reinforced concrete storm sewer.
 - b. The Public Works Department has no objections to the closure of the north/south alley subject to an easement being granted to the City for access to maintain and repair the storm sewer.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The north/south, centre and east/west alleys do not serve as the only vehicular means of access to any rear parking areas or garages.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The north/south, centre and east/west alleys do not contain any Fire Department connections.
6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
 - a. The north/south, centre and east/west alleys is not within a Holding zone or other similar undeveloped area.

Based on the above, the Planning Department deems the north/south, centre and east/west alleys “dispensable”, and supports the requested closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the north/south and east/west alleys in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alleys to the abutting property owners, which is the standard manner of conveyance.

It is further our recommendation that, upon closure, the owner of the abutting property known as 888 Hanna Street East be given the chance to acquire the centre alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the centre alley to the owner of the abutting property at 888 Hanna Street East, which is contrary to the standard manner of conveyance. This recommendation is based on the historical use of the centre alley by 888 Hanna Street

East in conjunction with the owner of the subject property waiving their right to purchase the centre alley via October 25, 2023 email, *attached* hereto as Appendix “F”

Risk Analysis:

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned CD2.2 is assessed at \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in *attached* hereto as Appendix “C”.

Notice of this application was issued to property owners abutting the north/south, centre and east/west alleys by regular mail, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Conclusion:

The Planning Department recommends closure of the north/south, centre and east/west alleys shown on attached Appendix “A”, subject to easements in favour of Bell Canada, ENWIN Utilities Ltd., MNSi and/or The Corporation of the City of Windsor as in Recommendations II, IV and VI of this report respectively.

The closed north/south and east/west alleys are to be conveyed to the abutting property owners as in Recommendation II and VI of this report.

The closed centre alley is to be conveyed to the owner of the abutting property known municipally as 888 Hanna Street East as in Recommendation IV of this report.

Planning Act Matters:

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

*Greg Atkinson, MCIP, RPP
Manager of Development*

*Neil Robertson, MCIP, RPP
Acting City Planner*

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

JP JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Stephanie Santos	Coordinator of Real Estate Services
Denise Wright	Manager Real Estate Services
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

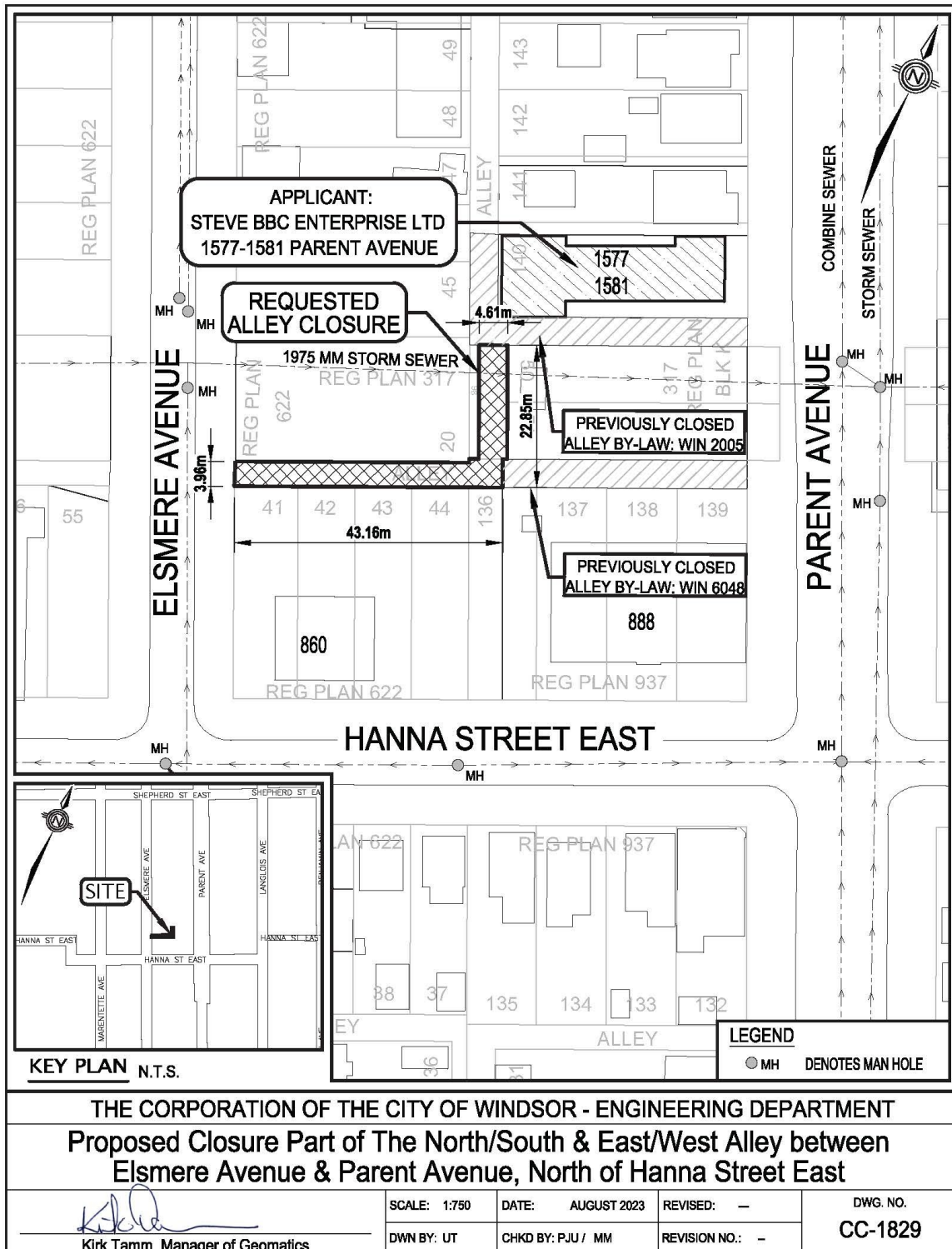
Notifications:

Name	Address	Email
Ward 4 Councillor Mark McKenzie	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	MMcKenzie@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

- 1 Appendix A - Drawing No. CC-1829
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - Correspondence from Applicant

APPENDIX "A"
Drawing No. CC-1829



APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6925)

1:750

APPLICANT : STEVE BABIC ENTERPRISES

REQUESTED CLOSURE

 PREVIOUS CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: NOVEMBER, 2022



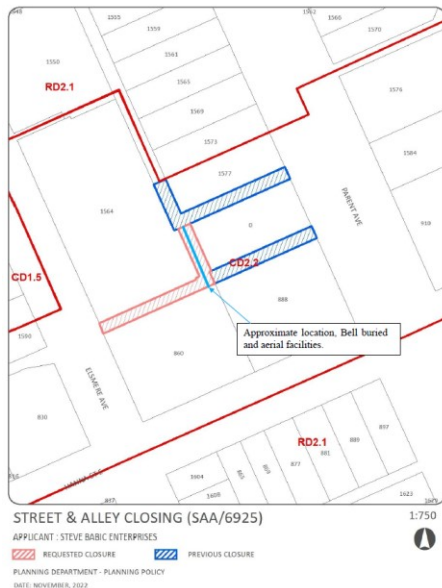
APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

Bell requests a 3.0 m wide (1.5 m on either side of plant) easement for the length of the N/S alley to protect existing buried and aerial facilities. Buried facilities may need to be located in order to determine precise placement.

[Charleyne Hall - Bell Canada External Liaison, Right of Way & Indigenous Relation]



COGECO CABLE SYSTEMS INC.

No comments provided

ENBRIDGE GAS

After reviewing the provided drawing for 1577 – 1581 Parent Ave 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
- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

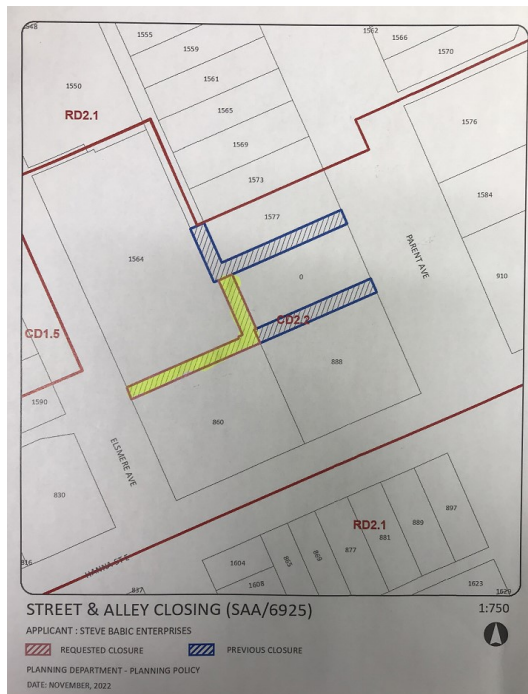
[Jose Dellosa - Drafter / Estimator]

Guy and Anchor

The easement for the guy and anchor is 3 m (10 ft.) wide easement is required into private property. This easement should extend 1 m (3.3 ft.) into the property.

Underground Cable

A 0.6 m (2 ft.) easement on either side of a duct bank is required for underground installations.

[Tia McCloskey - Hydro Engineering Technologist]**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]**ESSEX WINDSOR EMS**

No comments provided

[Chris Grant - Operations, Deputy Chief, Planning and Physical Resources]**LEGAL DEPARTMENT**

For lands abutting CD2.2, \$20/sq. ft. without easements and \$10/sq. ft. with easements.

[Chris Carpenter - Coordinator of Real Estate Services]

MNSi

No comments provided

[Dave Hartleib - Outside Plant Manager]

PARKS & FACILITIES

Parks Design & Development has no comments for this SAA/6925 Liaison

[Sherif Barsom - Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objection to the proposed closure from a landscape architectural perspective.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject alley is composed of grass and gravel. There are multiple hydro poles and overhead wires located within the proposed alley closure, an easement is required for utilities. There is a storm sewer running through the alley perpendicular to Parent and Elsmere. An easement is required for the storm sewer. The subject alley appears to serve no useful purpose under CR146/2005; therefore, we have no objections to the closure subject to the utility and sewer easements.

[Adam Pillon - Manager of Right-of-Way]

PUBLIC WORKS - TRAFFIC

Previous alley closures have made the remaining section of alley accessible from 1 location only. The alley is not required for vehicular or pedestrian access. No concerns with closing the alley as proposed.

[Mike Spagnuolo - Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no underground infrastructure in the area of your proposed work

[Meghna Patel - Permit Coordinator]

TRANSPORTATION PLANNING

Transportation Planning has no concerns.

[Clare Amicarelli - Transportation Planning Coordinator]

TRANSIT WINDSOR

No comments provided

WINDSOR FIRE

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of these alley sections. The end result from this will not carry any negative impact to police incident response or service delivery capacity for the affected properties.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (April 20, 2023)



Figure 1 - Looking east towards east/west alley from Elsmere Avenue (1564 Elsmere Avenue on left)



Figure 2 - Looking northeast towards east/west alley from Elsmere Avenue



Figure 3 - Elsmere Avenue, looking north from east/west alley



Figure 4 - Elsmere Avenue, looking south from east/west alley (860 Hanna Street East in centre)



Figure 5 - Looking west towards north/south alley from Parent Avenue (888 Hanna Street East on left)

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

Currently streets and alleys fall into four classifications on the basis of their usefulness:

- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

Following are the criteria and suitability for closing alleys in each of the above classifications:

- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.

APPENDIX “F”
Correspondence from Applicant

From: Stephen Marentette [REDACTED]
Sent: October 25, 2023 12:55 PM
To: Nagata, Brian <bnagata@citywindsor.ca>
Cc: [REDACTED]
Subject: RE: Alley Closure Application SAA-6925 (Steve Babic Enterprises Ltd.)

Hello Brian,

I now have instructions from Steve Babic Enterprises to consent to the purchase of the alley based on your recommendations in your August 30, 2023 email.

Thank you for your patience on this. I look forward to the next steps in purchasing the property.

Regards,

Stephen Marentette

Stephen Marentette

Lawyer

Tel: [REDACTED]

Email: [REDACTED]

Strosberg Sasso Sutts LLP
LAWYERS

1561 Ouellette Avenue | Windsor, ON N8X 1K5

From: Nagata, Brian <bnagata@citywindsor.ca>
Sent: Wednesday, August 30, 2023 10:54 AM
To: Stephen Marentette [REDACTED]
Cc: Matthews, Meghan (She/Her) <MMatthews@citywindsor.ca>
Subject: Alley Closure Application SAA-6925 (Steve Babic Enterprises Ltd.)
Importance: High

Good morning Steve,

I am working on the report for the subject alley closure application.

My recommendation is to close and convey the alleys in the following manner:

- Alleys shaded in green be conveyed to Steve Babic Enterprises Ltd.
- Alley shaded in red be conveyed to ABC Day Nursery of Windsor

Please confirm if you and your client has any concerns with this recommendation.



Regards,

BRIAN NAGATA, MCIP, RPP, B.A.A., Dipl.URPI | PLANNER II – DEVELOPMENT REVIEW



Planning & Building Services
350 City Hall Square West | Reception - 2nd Floor | Windsor, ON | N9A 6S1
(519) 255-6543 ext. 6181



Subject: Closure of part of north/south alley located between College Avenue and Grove Avenue, Ward 2, SAA-6923

Reference:

Date to Council: December 4, 2023
 Author: Brian Nagata, MCIP, RPP
 Planner II - Development Review
 (519) 255-6543 ext. 6181

Planning & Building Services
 Report Date: October 31, 2023
 Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the approximately 86.0 metre portion of the 3.05-metre-wide north/south alley located between College Avenue and Grove Avenue, and shown on Drawing No. CC-1827 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 16kV and 120/240-volt distribution, poles and down guy wires; and
 - iii. MNSi. to accommodate existing aerial infrastructure.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD3.1, \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as

invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- b. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1827, *attached* hereto as Appendix "A";
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor;
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A

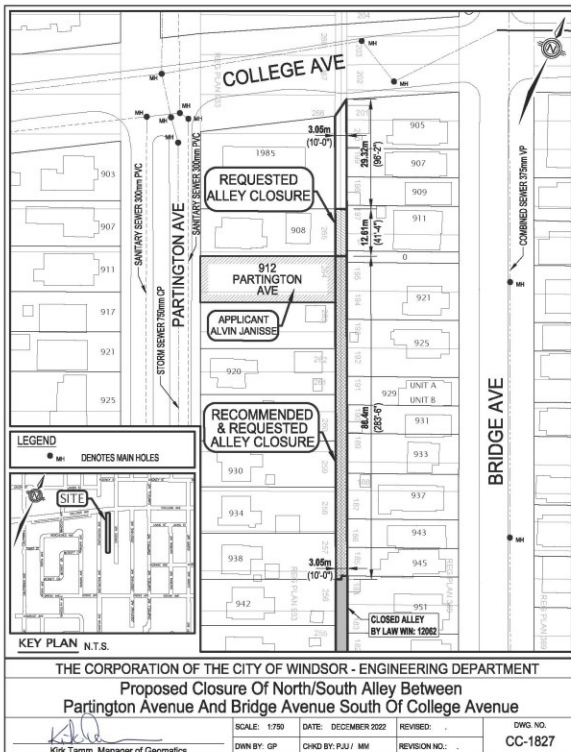


Figure 1 - Location Map

Background:

The applicant, Alvin Janisse, owner of the property known municipally as 912 Partington Avenue (the subject property), applied to close a portion of the north/south alley located between College Avenue and Grove Avenue, ranging from the north limit of 908 Partington Avenue to the south limit of 938 Partington Avenue, and shown on Drawing No. CC-1827 *attached* hereto as Appendix “A”, and also shown on the aerial photo *attached* hereto as Appendix “B”.

The applicant wishes to close a portion of the north/south alley for the purpose of eliminating illegal dumping, indecent acts (public urination) and unlawful behaviour (storing of stolen property).

The Planning Department is recommending that the portion of the north/south alley ranging from the north limit of the subject property to the south limit of 938 Partington Avenue (the alley) be closed. The Planning Department has excluded the portion of the north/south alley abutting 908 Partington Avenue due to it serving as the properties only vehicular means of access to a rear garage. The rear garage was constructed between 1963 and 1964 through the issuance of Building Permit 63-B-16680.

The east half of the alley was established by Registered Plan 369. The west half of the alley was established by Registered Plan 933, registered on May 15, 1920.

The alley is unmaintained and composed primarily grass. The alley contains utility poles with guy wires and anchors, a large deciduous tree in part, and includes a curb cut off of College Avenue via the portion of the north/south alley not being recommended for closure.

Discussion:

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), *attached* hereto as Appendix “E”. The document details four classifications of alleys based on their usefulness, and provides corresponding criteria for determining suitability for closure.

Classification of Public Right-of-Ways

The initial step is to determine if the alley is indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

1. *Does the subject alley serve commercial properties?*
 - a. The alley does not serve any commercial properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The alley does not serve properties fronting on heavily traveled streets.

3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The alley does not contain any sewers.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The alley does not serve as the only vehicular means of access to any rear parking areas or garages.
 - The owners of 920 Partington Avenue, via September 10, 2023 email, *attached* hereto as Appendix “F”, confirmed that they have removed the overhead door from their rear detached garage and are in support of the recommended closure.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The alley does not contain any Fire Department connections.
6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
 - a. The alley does not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the alley “dispensable”, and supports the requested closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley to the abutting property owners, which is the standard manner of conveyance.

Risk Analysis:

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned RD3.1 is assessed at \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The rate for an alley conveyed to abutting lands zoned RD1.3 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in *attached* hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley by regular mail.

The owner of 929 Bridge Avenue submitted a written objection to the closure via January 13, 2023 email, *attached* hereto as Appendix "F". The owner is concerned that the closure will prevent the delivery of building materials for the construction of a detached Additional Dwelling Unit (ADU) within his rear yard. The Building Permit (File No. 2022 127434 CPBC) for the ADU was issued on August 15, 2023.

City of Windsor Engineering Best Practice 2.3.2: Alley Access does **NOT** permit access to properties from a grass alley. Furthermore, the closure of the alley (if approved) will likely exceed the deadline for the owner to pass all of the inspections for the aforesaid Building Permit.

Letters were issued to the owners of 908 Partington Avenue and 920 Partington Avenue on August 30, 2023. The letters asked the owners to confirm whether the alley serves as a means of vehicular access to their respective rear detached garage.

The owner of 908 Partington Avenue, via September 14, 2023 and September 17, 2023 emails, *attached* hereto as Appendix "F", confirmed that the alley serves as a vehicular means of access to their detached rear garage.

The owners of 920 Partington Avenue responded via the aforementioned September 10, 2023 email, *attached* hereto as Appendix "F".

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Conclusion:

The Planning Department recommends closure of the alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, ENWIN Utilities Ltd., and MNSi as in Recommendation II of this report.

The closed alley is to be conveyed to the abutting property owners as in Recommendation II of this report.

Planning Act Matters:

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

*Greg Atkinson, MCIP, RPP
Manager of Development*

*Neil Robertson, MCIP, RPP
Acting City Planner*

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

JP JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Stephanie Santos	Coordinator of Real Estate Services
Denise Wright	Manager Real Estate Services
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

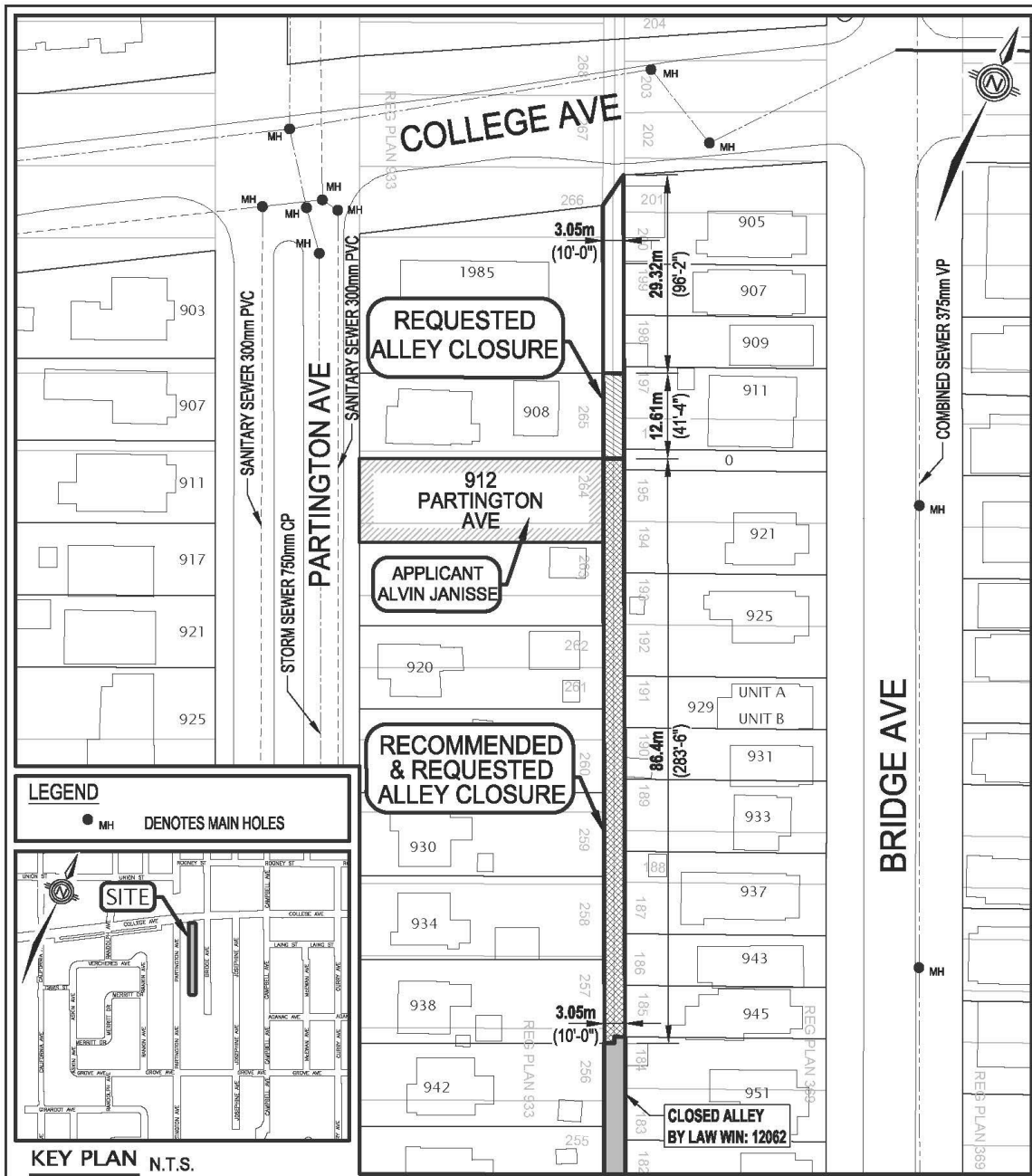
Notifications:

Name	Address	Email
Ward 2 Councillor Fabio Costante	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	fcostante@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

- 1 Appendix A - Drawing No. CC-1827
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - Correspondence from Neighbouring Residents

APPENDIX "A" Drawing No. CC-1827



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT			
Proposed Closure Of North/South Alley Between Partington Avenue And Bridge Avenue South Of College Avenue			
Kirk Tamm, Manager of Geomatics	SCALE: 1:750	DATE: DECEMBER 2022	REVISED: .
	DWN BY: GP	CHKD BY: PJU / MM	REVISION NO.: .
			DWG. NO. CC-1827

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6923)

1:750

APPLICANT : ALVIN JANISSE

 SUBJECT LANDS

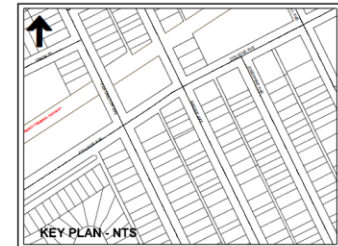
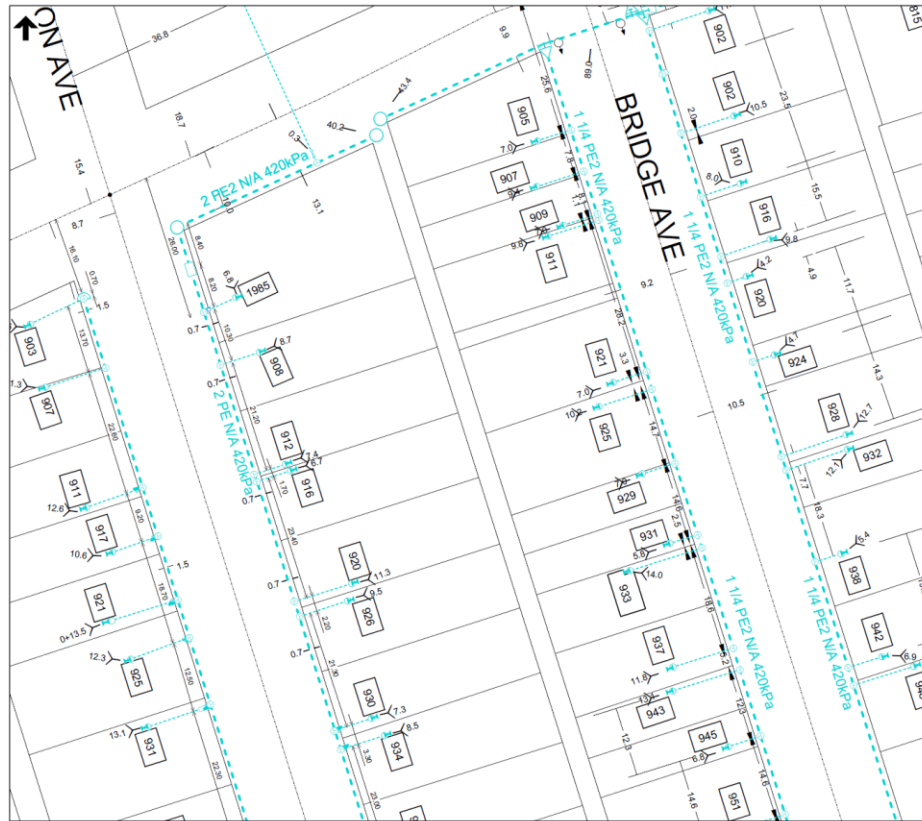
PLANNING DEPARTMENT - PLANNING POLICY

DATE: OCTOBER, 2022



- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

[Jose Dellosa - Drafter / Estimator]



SOURCE DOCUMENT INFORMATION		
Qualified Individual:	Pipeline Certificate No:	
Welder / Fuser:	Ticket Number:	
In-Service Date:	As-Test Update By:	
Design Pressure:	Test Medium:	
Time On:	Pressure:	
Time Off:	Pressure:	
REVISIONS		
Date	By / App'd	Remarks
AS - BUILT		
Title: 912 Partington Ave		
Description:		
Project #:	CASIS Ref #:	% SMYS
District:	Municipality:	Authorized:
Drawn By:	Date Drawn: [YYYYMMDD]	Corroded:
Scale:	Scale #:	Drawing Number
	[03E_IDENTIFIER]	Of

ENVIRONMENTAL SERVICES

No concerns from Environmental Services

[Anne-Marie Albidone - Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No Objection, however, an easement named to ENWIN Utilities Ltd is required upon closing along the entire east limit of the site to accommodate existing overhead 16kV and 120/240-volt distribution, poles and down gird wires.

[Steve Zambito - Senior Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

For lands abutting RD1.3, \$1 plus deed preparation and proportionate share of survey cost, as appropriate. For lands abutting RD3.1, \$20/sq. ft. without easements and \$10/sq. ft. with easements.

[Chris Carpenter - Coordinator of Real Estate Services]

MNSi

MNSi would like an aerial easement through the proposed closure area please.

[Dave Hartleib - Outside Plant Manager]

PARKS & FACILITIES

Parks Design & Development has no comments for this SAA/6923 Liaison.

[Sherif Barsom - Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objection to the proposed closure from a landscape architectural perspective.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject alley closure is approximately 140 m long and composed of gravel and grass. There are no sewers or manholes in the alley. There are hydro poles and overhead wires in the alley; an easement will be required for utilities. A driveway permit will be required by the property owner of 1985 College Avenue to keep and maintain the driveway approach to City Standard AS-204. This subject alley appears to have no usefulness by CR146/2005; therefore, we have no objections to the closure subject to the easement and driveway permit.

[Adam Pillon - Manager of Right-of-Way]

PUBLIC WORKS - TRAFFIC

There is a garage at the rear of 908 Partington that requires access to the alley. There is a garage at the rear of 920 Partington that has had its overhead out of operation and sided over, it is assumed that future access will not be required. The parking on the east side of 1985 College required the full alley width in order to access the spaces and maneuver into the spaces. Closing the alley up to College would not only eliminate parking at the east side of 1985 College, but will require the elimination of the existing College curb cut and the potential of a new driveway approach. Recommendation is to keep alley open up to

the south property line of 908 Partington, and close from the north property line of 912 Partington south to the south limits.

[Mike Spagnuolo - Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no underground infrastructure in the area of your proposed work

[Meghna Patel - Permit Coordinator]

TRANSPORTATION PLANNING

Due to the fact that this alley is currently being used to access the parking at 1985 College Ave. and the garage at 908 Partington Ave., it is recommended that the alley remains open up to the south property line of 908 Partington Ave. We have no concerns with the proposed closure of the remainder of the alley to the south.

[Clare Amicarelli - Transportation Planning Coordinator]

TRANSIT WINDSOR

No comments provided

[Jason Scott - Supervisor, Planning]

WINDSOR FIRE

No issues with Fire

[Mike Coste - Chief Fire Prevention Officer]

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this alley south of College Avenue to prevent vandalism and trespassing. The alley space in question has been identified in the past as an area of concern by local residents during neighbourhood safety walks facilitated by the Windsor Police Service so this closure would likely help to address those concerns. The closure, if approved, will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area as other options remain available to the police for such purposes. Closure will help facilitate improved physical measures by abutting property owners to restrict/prevent discreet access that may lead to the vandalism and trespassing identified by the applicant. The end result from this closure will hopefully mitigate problems going forward.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (April 20, 2023)



Figure 1 - Looking north towards College Avenue from alley (1985 College Avenue on left)



Figure 2 - Alley, looking south (1985 College Avenue on right)



Figure 3 - Looking south towards alley from College Avenue (1985 College Avenue on right)



Figure 4 - Looking north towards College Avenue from alley (905 Bridge Avenue on right)



Figure 5 - Alley, looking south (908 Partington Avenue on right)



Figure 6 - Alley, looking south (921 Bridge Avenue on left)

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

Currently streets and alleys fall into four classifications on the basis of their usefulness:

- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
- 2) Alleys that, **have some usefulness**, are nevertheless dispensable and may or may not be a complete liability.
- 3) Alleys that appear to serve **no useful purpose**, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
- 4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is **clearly obsolete** and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

Following are the criteria and suitability for closing alleys in each of the above classifications:

- 1) Indispensable alleys should **not be closed**, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.
- 2) Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 3) Alleys that serve no useful purpose should **be closed** if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4) Alleys that are clearly obsolete should **not be closed** unless there is a municipal need or specific development proposals acceptable to the City are submitted.

APPENDIX "F"

Correspondence from Neighbouring Residents

908 Partington Avenue

From: [REDACTED]
Sent: September 14, 2023 7:43 AM
To: Nagata, Brian <bnagata@citywindsor.ca>
Subject: Alley Closing - 908 Partington Ave

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.

Hi Brian,

This is in response to an email (SAA/6923) from you and City of Windsor Planning and Building Department. I am the owner of 908 Partington Ave and I do regularly use the North-South alley from College to my property. Besides residents of the small apartment building to the North of my property and myself and family we would be the only ones regularly using the alley. It is used as my driveway to access my garage and parking area. I would be grateful to see the alley closed to the South of my property due to the ongoing use of it for criminal and other unwanted activity. I am not sure of what happens to the property when the alley is close however I would be willing to purchase the alley property at the back side of my property. I have noticed this has occurred further south where the alley has already been closed and would like to understand what is involved.

Again any further questions please feel free to contact me.

Thank you,

[REDACTED]

From: Nagata, Brian
Sent: September 14, 2023 11:57 AM
To: [REDACTED]
Cc: Matthews, Meghan (She/Her) <MMatthews@citywindsor.ca>
Subject: RE: Alley Closing - 908 Partington Ave
Importance: High

Hi [REDACTED]

Thank you for the email.

I am going to recommend that the alley be closed up to the south limit of your property.

Public Works confirmed that the closure of the section of the alley directly behind your property could potentially result in the loss of your access to the remaining portion of the alley.

Please confirm if you are okay with me moving forward with the aforesaid recommendation to close the alley up to the south limit of your property.

Regards,

BRIAN NAGATA, MCIP, RPP, B.A.A., Dipl.URPI | PLANNER II – DEVELOPMENT REVIEW



Planning & Building Services
350 City Hall Square West | Reception - 2nd Floor | Windsor, ON | N9A 6S1
(519) 255-6543 ext. 6181

From: [REDACTED]
Sent: September 17, 2023 3:58 PM
To: Nagata, Brian <bnagata@citywindsor.ca>
Subject: Re: Alley Closing - 908 Partington Ave

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.

Hi Brian,

Yes, I am Ok with moving forward.

Thank you,

[REDACTED]

On Thursday, September 14, 2023 at 11:58:00 a.m. EDT, Nagata, Brian <bnagata@citywindsor.ca> wrote:

920 Partington Avenue

-----Original Message-----

From: [REDACTED]
Sent: September 10, 2023 6:07 PM
To: Nagata, Brian <bnagata@citywindsor.ca>
Subject: Alley Closure

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.

28 Years ago My [REDACTED] Bought this property at 920 Partington Ave. We wish to close the Alley way as it is already Halfway closed as it is now. We Removed our Alley way garage door as the Alley way has no more useable Alleyway. This Alley way is mostly used for a Dumping Ground and For drug Use . Thanks For your Time Today. [REDACTED] from 920 Partington|

929 Bridge Avenue

From: [REDACTED]
Sent: Thursday, January 12, 2023 11:36 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>; Watson, Jessica <jwatson@citywindsor.ca>
Subject: januaru 4,2023 date & SAA/6923

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.

Hi, Ms. Meghan Matthews.

CC. Jessiva Watson.

929 Köprü Cad. I own the house. I recently received your article. Parcel 912 wants to close the back pass. Let me explain briefly:

First, I applied to the municipality to find out whether I would make an ADU on my land. 11 months ago. They said 'OK' and gave me a document containing the Rules. We prepared and presented our project accordingly.

6-7 months passed. We had 64 e-mail correspondences with the project department. Because many people have changed. Every new employee asked for the same documents, we sent them.

For ADU, first an address change proposal came from the city. The existing building was given the number 929/A, and the new ADU was given the number 929/B. A fee was charged for this. I paid the fee, the address change took place. September 2, 2022.

One day I made an appointment and went to the city. This is for the delay. we had a meeting. With the help of the beautiful human **Jessica Watson**, we made an appointment for the first Comity Of Ajusmaent for October 20, 2022. We paid a serious price. We attended the meeting via Zoom. At the end of the meeting, the negotiations were concluded positively. We were told that our building permit will be issued in 2-3 weeks.

It's been 11 weeks. This time I got your letter. I was shocked. Parcel 912 demanded that the back road be closed. I am against this. If that road is closed, machine inputs and outputs will be closed for ADU construction. I can't build ADU. I DON'T WANT THE BACK ROAD TO BE CLOSED.

This demand is not justified. What should be is the approval of my construction permit, which received a positive result from the Municipality of Ajusmaent, as soon as possible. Because, if I had a license, I would have finished the construction in 2 months. The city has an income and added value gain from the completion of this construction as soon as possible.

First I will pay some fee to the municipal budget and then I will add an added value to the municipal budget as property tax every year. During the construction period, companies will earn profits and pay taxes for each material they buy. In addition, the Municipality will receive tax revenue from these purchases. During this construction period, the company or employees will generate income and pay taxes. It is not nice to prevent or delay this.

Now please guide me.

Should I meet with President **Drew Dilkens**, whom we supported as a family in the elections? I hung the election banners in my garden. Or should I drop everything and go to court?

I am currently out of Canada for my [REDACTED] Christmas visit. If you reply to me ASAP, I can cut my vacation and go back to Canada.

Sorry for taking your time for the long post. Because I have been experiencing the stress of this delay for 11 months. This delay really upsets me.

Kind regards
 [REDACTED]

From: Matthews, Meghan
Sent: January 13, 2023 9:28 AM
To: [REDACTED]
Cc: Watson, Jessica <jwatson@citywindsor.ca>
Subject: RE: January 4,2023 date & SAA/6923

Hello Mehmet,

Please do not cut your vacation short. Enjoy your time with [REDACTED]

The notice you received is to notify you that an application to close has been received and circulated. It does not mean that the alley will be closed. That is for the Planner, Development and Heritage Standing Committee (DHSC), and ultimately City Council to decide. I do not anticipate this application will be in front of the DHSC until late summer. However, I have already forwarded your concerns to our planner who will be drafting the report.

In due course you will receive a letter from our Clerks Department to notify you that the application is to be brought in front of the Development and Heritage Standing Committee (again likely late summer), it will contain a report with recommendations, easements required, costs and disposition of the land. Any person is allowed to speak in either favour or opposition at the Standing Committee. The Development and Heritage Standing Committee makes a decision after considering the delegates concerns (you) and administrations recommendations. That decision will then will be considered by City Council. All property owners affected will be notified of all public meetings.

I hope that elevates some of your concern [REDACTED] Please enjoy your trip and I am sure we will speak soon.

-Meghan

MEGHAN MATTHEWS | STREET & ALLEY LEGAL CLERK



Subject: Conveyance of north/south alley located south of Closed Manitoba Street R.O.W., Ward 10, Closed by Judge's Order No. 2970/87 – Ward 10

Reference:

Date to Council: December 4, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: November 9, 2023
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 4.27-metre-wide north/south alley located between the Closed Manitoba Street right-of-way and the property known municipally as 1954 Huron Church Road (legally described as Lots 97 to 101 and Part of Lots 5 to 7, 96 & Closed Alley, Plan 997), closed by Judge's Order No. 2970/87, registered on February 19, 1988, and shown on Drawing No. CC-1842 (*attached* hereto as Appendix "A"), **BE CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. ENWIN Utilities Ltd. to accommodate existing overhead plant;
 - ii. Owner of the property known municipally as 0 Huron Church Road (legally described as Lot 3 and Part of Lot 4 & Closed Alley, Plan 997; Parts 1, 3 & 4, RP 12R-17003) to accommodate southerly utility pole and overhead wires serving the standalone billboard on the said property;
 - iii. Owner of the property known municipally as 0 Huron Church Road (legally described as Lot 11, Plan 948) to accommodate northerly utility pole and overhead wires serving the two (2) standalone billboards on the said property; and

- iv. Owner of the property known municipally as 1954 Huron Church Road (legally described as Part of Lots 5 to 7, 96, 97 to 101 & Closed Alley, Plan 997) to accommodate the aforesaid southerly utility pole and overhead wires serving the motel (Bestway Motel) on the said property.

II. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned CD4.3, \$16.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$8.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

III. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1842, *attached* hereto as Appendix "A";

IV. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s);

V. 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;

VI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A



STREET & ALLEY CLOSING - 1800/1900 BLOCK BETWEEN HURON CHURCH ROAD & DAYTONA AVENUE 1:750
PROPOSED CONVEYANCE (ALLEY)
APPLICANT: CITY OF WINDSOR
PLANNING DEPARTMENT - DEVELOPMENT DIVISION
DATE: OCTOBER, 2023

Background:

Wally Chafchak, representative of 2188160 Ontario Limited, owner of the properties known municipally as 0 Daytona Avenue (legally described as Lots 102 & 103, Plan 997) and 0 Huron Church Road (legally described as Part of Lots 7 to 11, Plan 948; and Part of Lot 2, Plan 997), and Roba Chafchak, owner of the properties known municipally as 0 Daytona Avenue (legally described as Lot 104, Plan 997) and 1918 Huron Church Road (legally described as Lot 1, Plan 997) applied to purchase the north/south alley located between the closed Manitoba Street right-of-way and 1954 Huron Church Road (the alley), and shown on Drawing No. CC-1842 *attached* hereto as Appendix “A”, and also shown on the aerial photo *attached* hereto as Appendix “B”.

The alley was closed by Judge’s Order No. 2970/87, registered on February 19, 1988. Alleys closed by Judge’s Order prior to 1987 automatically became the property of the abutting owners in accordance with the provisions of the *Surveys Act* in force at that time. This legislation was repealed in 1987, subsequently requiring Council to approve the conveyance of such alleys through the passing of a by-law.

The alley is unmaintained and composed primarily of grass with sporadic patches of vegetation. The alley is traversed by a gravel lane serving 1878 Huron Church Road (owned by 2188160 Ontario Limited), an asphalt driveway previously serving 1954 Huron Church Road (blocked off between March 2021 and July 2021) and a chain-link fence belonging to 1918 Huron Church Road. The alley contains two (2) privately owned utility poles with overhead wires. The northerly utility pole serves two (2) standalone billboards located on the subject property [specifically 0 Huron Church Road (legally described as Lot 11, Plan 948)]. The southerly utility pole serves a standalone billboard sign on 0 Huron Church Road (legally described as Lot 3 and Part of Lot 4 & Closed Alley, Plan 997; Parts 1, 3 & 4, RP 12R-17003) and a motel (Bestway Motel) at 1954 Huron Church Road, both currently owned by Shree Aditya Narayan Hospitality Inc. There are no Encroachment Agreements on record for the use of the alley.

Wally Chafchak and Roba Chafchak wish to close the alley for the purpose of consolidating it with their respective properties to create two large contiguous parcels.

Discussion:

The Planning Department is recommending that the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to convey the alley to the abutting property owners, which is the standard manner of conveyance.

The Recommendation includes the granting of easements in favour of Bell Canada, Enbridge Gas and ENWIN Utilities Ltd. to accommodate their existing infrastructure.

Risk Analysis:

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned CD4.3 is assessed at \$16.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$8.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

Consultations:

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in *attached* hereto as Appendix "C".

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

Conclusion:

The Planning Department recommends conveyance of the closed alley shown on attached Appendix "A" to the abutting property owners, subject to easements in favour of Bell Canada, Enbridge Gas, ENWIN Utilities Ltd., owner of 0 Huron Church Road, (legally described as Lot 11, Plan 948), owner of 0 Huron Church Road (legally described as Lot 3 and Part of Lot 4 & Closed Alley, Plan 997; Parts 1, 3 & 4, RP 12R-17003) and owner of 1954 Huron Church Road, as in Recommendation II of this report.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development

Neil Robertson, MCIP, RPP
Acting City Planner

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

JP

JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Stephanie Santos	Coordinator of Real Estate Services
Joshua Meloche	Senior Legal Council, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
Ward 10 Councillor Jim Morrison	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	jmorrison@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

- 1 Appendix A - Drawing No. CC-1842
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING - 1800/1900 BLOCK BETWEEN HURON CHURCH ROAD & DAYTONA AVENUE

1:750

PROPOSED CONVEYANCE (ALLEY)



APPLICANT: CITY OF WINDSOR
PLANNING DEPARTMENT - DEVELOPMENT DIVISION
DATE: OCTOBER, 2023

APPENDIX “C”
Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENBRIDGE GAS

@ONTLands we have gas service and main running across this alley. See the attached As-Built.

After reviewing the provided drawing at Alley closure Ojibway to Malden and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

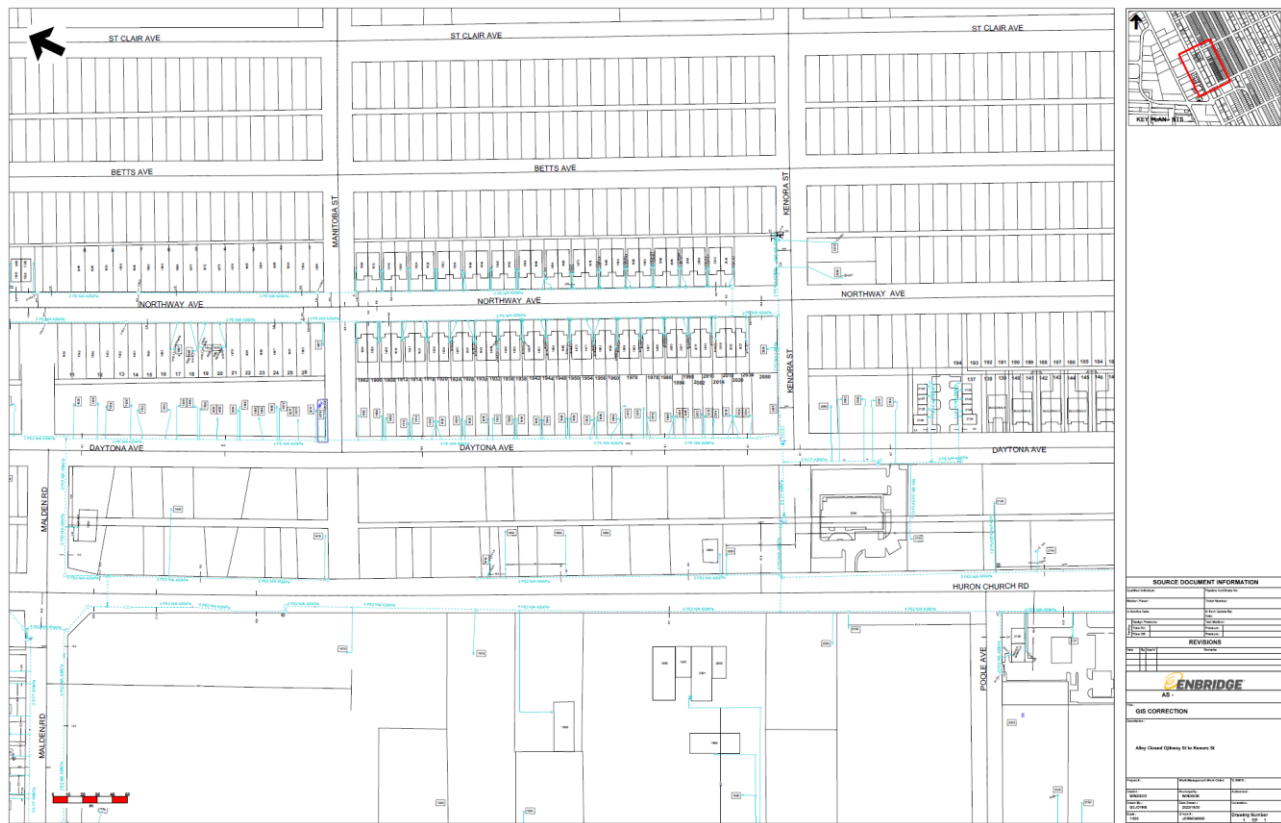
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0 m horizontal and 0.6 m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1.0 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

[Gord Joynson - Drafter Estimator]

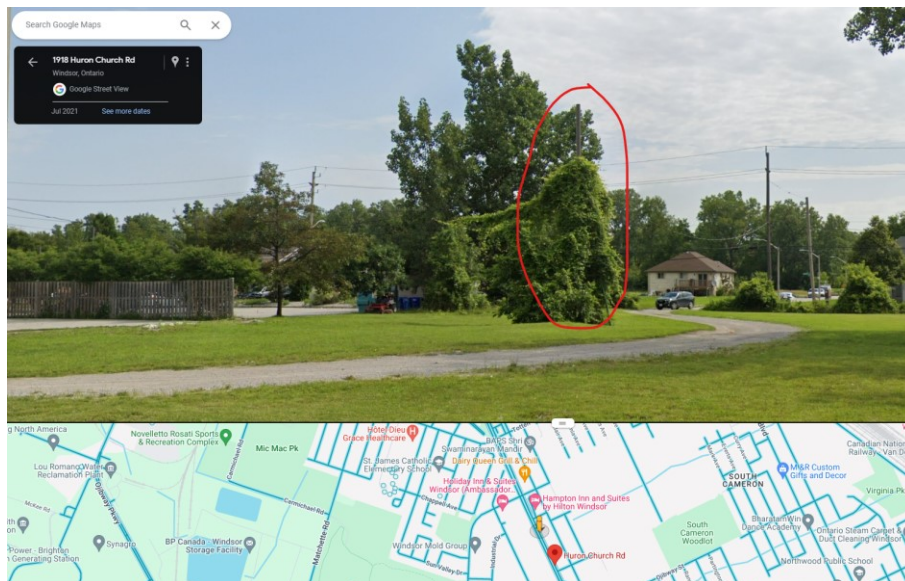


ENWIN UTILITIES - HYDRO

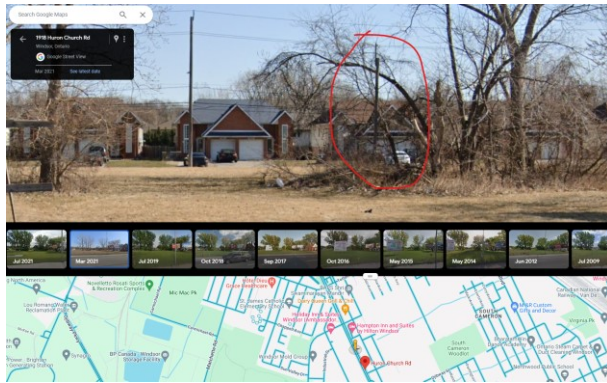
November 21, 2023

There were 3 private poles noted on the site. All below photos are from the perspective of Huron Church.

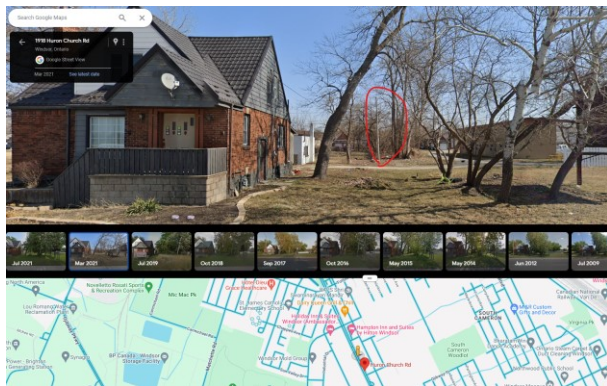
The first pole is located to the north of the proposed land closure.



The second is in the middle of the subjected land.



The third one is near the southern limits of the subjected lands.



November 14, 2023

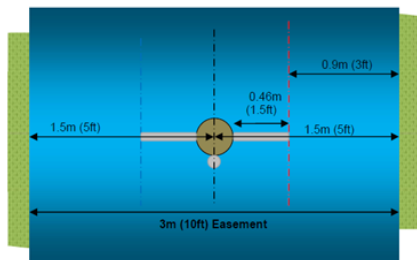
If no open alley exists, ENWIN will require a minimum 3 m wide easement (1.5 m each side of the overhead conductor) to accommodate the existing overhead plant that is entering, or crossing the alleyway. Specifications below.

Also, please note communications may also require easements (i.e.: Bell, Cogeco).

Additionally, please note that private electrical infrastructure exists within the alley, and related easements may need to be conveyed to owners.

Overhead Line

A 3m (10ft) Easement is required for a straight pole line 1.5m (5ft) (on each side)
 This takes into consideration a 0.3m (1ft) pole diameter, 0.46m (1.5ft) primary insulator, and 0.9m (3ft) clearance from any nearby structure.
 See top view representation below:



[Jeremy Allossery - Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections. No easement required for WUC.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

Based on the recent sale of the lot to Wally and the appraisal we had undertaken when we were selling, we can safely say the value for this alley would be \$16/sq. ft. or \$8.00/sq. ft. with easements.

[Stephanie Santos - Coordinator of Real Estate Services]

MNSi

MNSi does not require an easement through the subject lands.

[Dave Hartleib - Outside Plant Manager]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no underground infrastructure in the area of your proposed work.

[Meghna Patel - Permit Coordinator]



Council Report: S 139/2023

Subject: University Avenue West and Wyandotte Street West Community Improvement Plan Grant Applications made by 1229 University (Windsor) Inc. (Brigitte Ebner Dia) for 1223 University Ave West (Ward 3)

Reference:

Date to Council: December 4, 2023
Author: Nathan Li
Community Development Planning Assistant
519-255-6543 Ex 6438
nli@citywindsor.ca

Laura Strahl
Planner III - Special Projects
519-255-6543 ext. 6396
lstrahl@citywindsor.ca

Planning & Building Services
Report Date: October 20, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by 1229 University (Windsor) Inc. (Brigitte Ebner Dia) (Owner) for the proposed development at 1223 University Ave West to participate in the:
 - a. Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years in accordance with the University Avenue and Wyandotte Street Community Improvement Plan.
 - b. Commercial/Mixed Use Building Facade Improvement Program **BE APPROVED** for grants for up to 50% of the eligible costs of the facade improvements on the commercial unit, up to a maximum of \$20,000.
- II. THAT Administration **BE DIRECTED** to prepare the agreement between the City and 1229 University (Windsor) Inc. (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 1223 University Ave West in

accordance with all applicable policies, requirements, and provisions contained within the University Avenue and Wyandotte Street Community Improvement Plan.

- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program and the Commercial/Mixed Use Building Facade Improvement Grant Program at 1223 University Ave West 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 should the facade improvements not be completed within 18 months, City Council **AUTHORIZE** that the funds under the Commercial/Mixed Use Building Facade Improvement Program be uncommitted and made available for other applications.
- V. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Executive Summary:

N/A

Owner: 1229 University (Windsor) Inc.

Principle Owner of 1229 University (Windsor) Inc.: Brigitte Ebner Dia

Background:

The University Avenue and Wyandotte Street Community Improvement Plan (University/Wyandotte CIP) was approved by City Council on June 7, 2021 and an adopting by-law was passed by City Council on July 13, 2021.

The University/ Wyandotte CIP builds a vision for the corridors connecting the downtown to the University of Windsor, thereby informing land use and transportation concepts to enhance the surrounding communities. Financial incentives are provided to encourage private sector investment and redevelopment along the city's key corridors.

1229 University (Windsor) Inc. (Brigitte Ebner Dia), owner of the property located at 1223 University Ave W (See Appendix A – Location Map and Appendix B – Current Building Photographs), has applied for financial incentives under the Building/Property Improvement Tax Increment Grant Program and the Commercial/Mixed Use Building Facade Improvement Program. The applicant is proposing to construct one 3-bedroom unit in the

vacant basement space used for storage, as well as one 3-bedroom unit and one 2-bedroom unit on the main floor which is currently vacant commercial space. One (1) commercial unit is to remain on the ground floor, with the applicant currently searching for a tenant for the space.

Discussion:

Building/Property Improvement Tax Increment Grant Program

This program is intended to provide economic incentive for the development, rehabilitation and redevelopment of properties within the catalyst project areas of the CIP. The program provides an annual grant equal to 100% of the increase in municipal property taxes for five years, after the project is completed and reassessed to help offset the costs of rehabilitating and redeveloping properties, as long as such development results in an increase in assessment and therefore an increase in property taxes. The applicant will initially be required to pay the full amount of property taxes owing for each year during the specified duration. However, the property owner will be reimbursed for the amount of the municipal tax increment after the final tax bills for each year have been collected.

The proposed development of the building is anticipated to increase the assessed value and therefore increase municipal taxes. This project qualifies for the Building/Property Improvement Tax Increment Grant and the Financial Matters section of this report discusses the estimated grant amount.

Commercial/Mixed Use Building Facade Improvement Program

This program aims to increase the visual attractiveness of the corridors through the redesign, renovation or restoration of commercial and mixed-use building facades within the CIP area. The program will cover 50% of the eligible costs of the facade improvements up to \$20,000 per property. In addition, the grant can be increased up to a limit of \$30,000 at the discretion of Council for:

- Buildings located on corner properties that require improvement and restoration works to two facades that are highly visible from an adjacent street or public right-of-way or park;
- Façade improvements that will have a significant impact on improving the appearance of the corridors and will have a significant investment of \$100,000 or more on the facades; or
- Designated under the Ontario Heritage Act, or on the Municipal Heritage Register.

The applicant has provided sufficient quotes to fulfill the requirements of the improvement program.

Risk Analysis:

There is low risk associated with the approval of subject University/ Wyandotte CIP grant application. An agreement will be prepared between the City and the applicant to ensure all provisions under the University Avenue and Wyandotte Street Community Improvement Plan are met. The Commercial/Mixed Use Building Facade Improvement Grant will not be paid out until all building permits are closed, and that all procedures and work have been completed to the satisfaction of the City. The Building/Property Improvement Tax Increment Grants will only be paid out after the applicant has paid the full amount of property taxes owed for each year of the program's applicability.

Climate Change Risks

Climate Change Mitigation:

Designated Mixed Use Node (formerly Mixed Use Areas) in Schedule D: Land Use of the City of Windsor's Official Plan, the subject property is located in a neighbourhood where intensification is strongly encouraged. The proposed conversion of the underutilized basement and main floor into residential units is confined to the existing building footprint, limiting use to existing infrastructure thereby reducing the overall consumption of construction material. The utilization of an existing building in an existing neighbourhood promotes energy efficiency, eliminating the need for new development to occur on greenfield sites.

Climate Change Adaptation:

N/A

Financial Matters:

Building/Property Improvement Tax Increment Grant Program

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project; a designated heritage property, projects where at least 20% of the residential units are considered affordable or the project is certified LEED bronze. The project does not fulfill any of those requirements and as such is ineligible for the extension.

As shown in the table below, the estimated annual value of the grant is \$5,252.78. Over a 5 year, this grant amounts to a total of \$26,263.9. The applicant estimates that \$470,000 in

total eligible costs will be incurred following development of the property. The *Planning Act* stipulates that the total grants under a CIP cannot exceed the eligible costs. The grant under the tax increment program accounts for 5.6% of the construction costs.

Estimate Property/Building Improvement Tax Increment Grant Calculation			
1223 University Ave West			
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant	Total Estimate Grant over five (5) years
\$ 10,112.50	\$ 15,365.29	\$ 5,252.78	\$ 26,263.90

Because the Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program; however will be foregoing any incremental property taxes that could otherwise be used to offset future budget pressures.

Commercial/Mixed Use Building Facade Improvement Program

The applicant is eligible for Commercial/Mixed Use Building Facade Improvement Program under the University/ Wyandotte CIP for 50% of the eligible costs, up to a maximum of \$20,000 per property. The applicant provided two quotes from licensed contractors for the project, with contractor Preferred Windows & Doors Inc. quoting at \$58,125.40 and Bayview Glass & Mirror LTD quoting at \$94,569.86. All improvements must be made within 18 months of the agreement and the improvements made as a result of the program must be maintained during the term of the CIP.

Since University/ Wyandotte CIP grant applications are approved by Council, 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 uncommitted balance of the CIP Reserve Fund 226 is \$693,692.89. However, this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The City of Windsor’s University Avenue and Wyandotte Street Community Improvement Plan was subject to stakeholder and public consultation as part of the approval process,

including public meetings, a statutory public meeting and circulation among internal City staff and the Province.

Planning staff have consulted with the project owner prior to accepting the grant application. Staff from the Planning, Finance and Legal Departments were also consulted in the preparation of this report.

Conclusion:

Administration recommends that City Council approve the application made by 1229 University (Windsor) Inc., owner, of property on 1223 University Ave West, to participate in the Building Property Improvement Tax Increment Grant Program and the Commercial/Mixed Use Building Facade Improvement Program under the University Avenue and Wyandotte Street CIP. It is also recommended that approval to participate in the Building Property Improvement Tax Increment Grant Program expire if the eligible work is not completed within two years or the tax increment agreement is not signed within one year following Council approval, and that the approval to participate in the Commercial/Mixed Use Building Facade Improvement Program expire if the improvements are not completed within 18 months and if the improvements are not maintained within the duration of the University Avenue and Wyandotte Street CIP.

Approvals:

Name	Title
Laura Strahl	Planner III – Special Projects
Josie Gualtieri	Financial Planning Admin.
Neil Robertson	Acting City Planner
Wira Vendrasco	Acting City Solicitor
Janice Guthrie	Commissioner Finance & City Treasurer
Jelena Payne	Commissioner of Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Brigitte Ebner Dia		brigitte@diaproperties.ca

Appendices:

- 1 Appendix A - Location Map
- 2 Appendix B - Current Building



LOCATION MAP : 1342 WYANDOTTE STREET WEST



SUBJECT PROPERTY



Appendix B – Current Building

1342 Wyandotte Street West





Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 and 0 Giles Boulevard East (Ward 3)

Reference:

Date to Council: December 4, 2023
Author: Tracy Tang, MCIP, RPP
Planner II - Revitalization & Policy Initiatives
ttang@citywindsor.ca
519-255-6543 x 6449

Greg Atkinson, Manager of Development
gatkinson@citywindsor.ca
519-255-6543 x 6582
Planning & Building Services
Report Date: November 9, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Baird AE Inc. on behalf of Bullet Investments Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Designated Substances Survey for the properties located at 285 and 0 Giles Boulevard East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$18,450 based upon the completion and submission of a Phase II Environmental Site Assessment Study and Designated Substances Survey completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$18,450 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and

Designated Substances Survey not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Executive Summary: N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

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 was adopted in 2010 and 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.

Site Background

The subject site consists of two property parcels located on the south side of Giles Boulevard East at the intersection with McDougall Street. The first parcel, 285 Giles Boulevard East, is located at the southwest corner of the intersection, and is 0.23 hectares (or 0.56 acres) in size and rectangular shaped. It is currently occupied by one vacant three-storey commercial office building. The site is designated 'Mixed Use Corridor' on Official Plan Schedule D: Land Use, and is zoned Commercial District CD2.2.

The second parcel, 0 Giles Boulevard East, is located at the southeast corner of the intersection, and is 0.39 hectares (or 0.96 acres) in size and also rectangular shaped. This parcel is currently a vacant asphalt parking lot. The site is designated “Mixed Use Corridor” on Official Plan Schedule D: Land Use, and is zoned Commercial District CD2.2 and Manufacturing District MD1.2. See Appendix ‘A’ for a location map.

In recent years, 285 Giles Boulevard East was used as an insurance company office. The Phase I Environmental Site Assessment (ESA) identifies the first use of the parcel as the site of a Goodyear Tire commercial building in the late 1950s, followed by a service station in the late 1960s and a prescription service business in the 1970s. Meanwhile, 0 Giles Boulevard East was used as a paved parking lot since the early 1990s. The Phase I ESA determined that the southeast parcel was previously divided into the north portion which was a gasoline service station, and the south portion which was occupied over the years by various industrial businesses like the British American Oil Co Ltd., a trucking business, and a coal company. Some Potentially Contaminating Activities (PCAs) identified on the subject site include the historic uses of the parcels as a gasoline service station, automotive shop, bulk fuel outlet, machine shop, coal storage and sales, and regulated building materials.

The principal owner of Bullet Investments Inc. is Matt Baird. Bullet Investments Inc. intends to convert and expand the existing building at 285 Giles Boulevard East for residential / commercial use, thus a Record of Site Condition (RSC) is required under Ontario Regulation 153/04. Bullet Investments Inc. is proposing to have 0 Giles Boulevard East function as the off-site parking area for the proposed redevelopment. Baird AE Inc. has submitted the grant application on behalf of the current property owner. Bullet Investments Inc. is incurring the eligible Phase II ESA costs and, should the application be approved, would receive the grant payment.

Discussion:

Environmental Site Assessment Grant Program

The ESA Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The applicant proposes to redevelop 285 Giles Boulevard East for residential / commercial use, and requires a Phase II ESA study as part of their application for a Record of Site Condition. The applicant has completed a Phase I ESA, which identifies areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). The applicant also plans to

undertake a designated substances survey, which is also an eligible study under the ESA Grant Program. Upon completion, the City would retain a copy of the final Phase II ESA study report.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated with the potential presence of contamination. The proposed Phase II ESA study will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost for remediation and establish next steps in the remediation process, if required.

Climate Change Risks

Climate Change Mitigation:

The proposed residential / commercial redevelopment is supported by the Environmental Master Plan action item, which encourages use of the Brownfields Redevelopment Strategy.

Climate Change Adaptation:

The existing industrial / commercial properties 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.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$26,900. The cost estimate (excluding HST) for the designated substances survey is \$10,000. If approved, the maximum grant would total \$18,450. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$693,692.89 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from Bullet Investments Inc. to participate in the Environmental Site Assessment Grant Program. In the opinion of

planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters: N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Acting City Solicitor, Legal Services & Real Estate
Janice Guthrie	Commissioner of Finance / City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
Matt Baird		mbaird@bairdae.ca
Bryan Pearce		bpearce@bairdae.ca
Scott Aziz		Scott.Aziz@exp.com

Appendices:

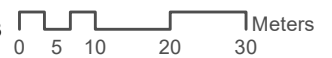
- 1 Appendix A - Location Map



LOCATION MAP : 285, 0 GILES BOULEVARD EAST



SUBJECT PROPERTY





Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1362279 Ontario Ltd. for 555 University Avenue East and 304 & 314, 322, 0, and 390 Glengarry Avenue (Ward 3)

Reference:

Date to Council: December 4, 2023
Author: Tracy Tang, MCIP, RPP
Planner II - Revitalization & Policy Initiatives
ttang@citywindsor.ca
519-255-6543 x 6449

Greg Atkinson, Manager of Development
gatkinson@citywindsor.ca
519-255-6543 x 6582
Planning & Building Services
Report Date: November 9, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by 1362279 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 and Remedial Work Plan for the properties located at 555 University Avenue East and 304 & 314, 322, 0, and 390 Glengarry Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$21,950 based upon the completion and submission of a Phase II Environmental Site Assessment Study and Remedial Work Plan completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$21,950 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the

approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Executive Summary: N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

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 was adopted in 2010 and 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.

Site Background

The subject site consists of the entire block contained to the north by University Avenue East, to the east by Aylmer Avenue, to the south by Assumption Street, and to the west by Glengarry Avenue. The municipal addresses of the parcels within the block are 555 University Avenue East; 304 & 314 Glengarry Avenue; 322 Glengarry Avenue; 0 Glengarry Avenue; and 390 Glengarry Avenue. The entire block is rectangular shaped. It is currently vacant with some vegetation. The site is designated "Residential" with Medium Profile Area on Official Plan Schedule E: City Centre Planning District, and is zoned Residential District RD 3.1. See Appendix 'A' for a location map.

According to the findings of the Phase I Environmental Site Assessment (ESA), the site has remained vacant since 2010. The first known use of the site was residential, as it was occupied by single family dwellings from the 1910s to 1970s. Further, a small-scale junk yard was located in the northeast quadrant of the property between the 1920s and 1950s. In the 1970s, the residential dwellings were demolished to make way for a nursing home and grocer/variety store. The nursing home was demolished in the 2000s while the variety store was demolished in 2010. The Phase I ESA determined Areas of Potential Environmental Concern (APECs) through the presence of the former junk yard and the fill material on-site, as well as through the history of the surrounding properties.

The principal owner of 1362279 Ontario Ltd. is Hessian Habib. 1362279 Ontario Ltd. intends to undertake a Record of Site Condition (RSC) under Ontario Regulation 153/04 to allow for the proposed change of the property to residential use. 1362279 Ontario Ltd. is incurring the eligible Phase II ESA costs and, should the application be approved, would receive the grant payment.

Discussion:

Environmental Site Assessment Grant Program

The ESA Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The applicant proposes to redevelop the property for residential use, and requires a Phase II ESA study as part of their application for a Record of Site Condition. The applicant has completed a Phase I ESA, which identifies areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). The applicant also estimates that a remedial work plan will be required, based on the findings of the Phase I ESA. Upon completion, the City would retain a copy of the final Phase II ESA study report.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;

- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated with the potential presence of contamination. The proposed Phase II ESA study will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost for remediation and establish next steps in the remediation process, if required.

Climate Change Risks

Climate Change Mitigation:

The proposed residential redevelopment is supported by the Environmental Master Plan action item, which encourages use of the Brownfields Redevelopment Strategy.

Climate Change Adaptation:

The existing vacant property 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.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$23,900. The cost estimate (excluding HST) for the remedial workplan is \$40,000. If approved, the maximum grant would total \$21,950. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$693,692.89 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from 1362279 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters: N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate

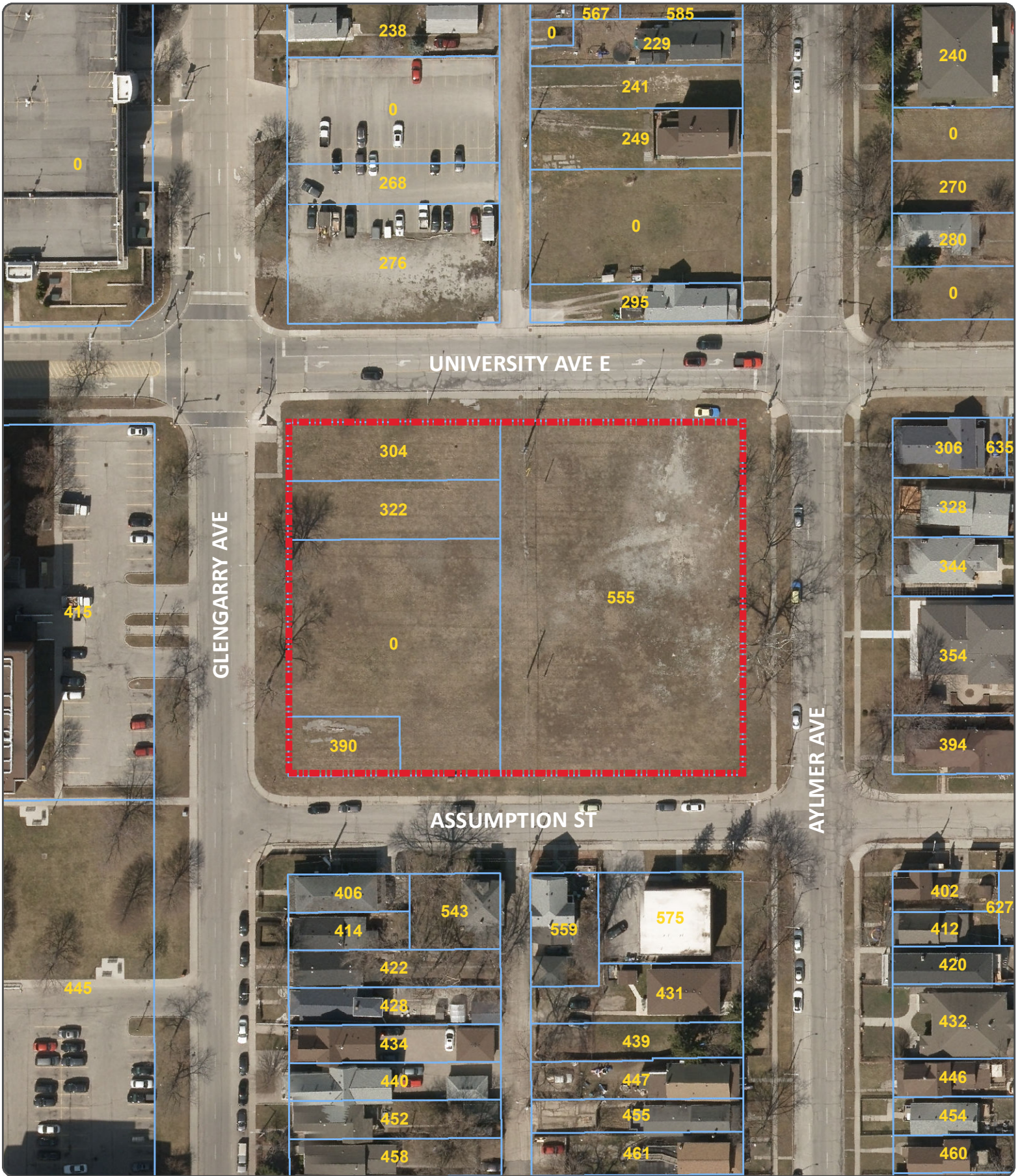
Name	Title
Janice Guthrie	Commissioner of Finance/ City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
1362279 Ontario Ltd. (Hessan Habib)		Seikohomes3@gmail.com
Scott Aziz		Scott.aziz@exp.com

Appendices:

- 1 Appendix A - Location Map



LOCATION MAP : 555 UNIVERSITY AVENUE EAST



SUBJECT PROPERTY

Development & Heritage Standing Committee - Monday, December 4, 2023
Page 170 of 200





Subject: Sandwich CIP/Demolition Control By-law Exemption Report- 731 Mill Street; Owners: Ravindranath and Usha Thayyil (c/o Roshan Thayyil)

Reference:

Date to Council: December 4, 2023
Author: Kevin Alexander, MCIP RPP
Senior Planner Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca

Nathan Li
Planning Assistant
519-255-6543 x6438
nli@citywindsor.ca
Planning & Building Services
Report Date: November 6, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the Chief Building Official **BE AUTHORIZED** to issue a Demolition Permit to the registered owner Ravindranath and Usha Thayyil (c/o Roshan Thayyil), to demolish a Single Family Detached Dwelling located at 731 Mill Street (see Appendix 'A'), to construct a two (2) story six (6) unit dwelling (See Appendix 'B')
- II. **THAT** any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;
- III. **THAT** the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - i. The redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
 - ii. 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 will enter the sum of Twenty Thousand Dollars (\$20,000) on the collectors roll of the property and prepare a certificate for registration;

- IV. **THAT** the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the property;
- V. **THAT** the request for incentives under the Sandwich Incentive Program made by the registered owner Ravindranath Thayyil of the property located at 731 Mill Street, **BE APPROVED** for the following programs:
- i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of \$20,000;
 - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (estimated at \$3,764.5 per year);
- VI. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign 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;
- VII. **THAT** funds to a maximum amount of \$20,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed;
- VIII. **THAT** grants **BE PAID** to Ravindranath Thayyil upon completion of the two (2) story six (6)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- IX. **THAT** grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions may be at the discretion of the City Planner.

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:

- 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).

Discussion:

On *October 2, 2023*, a Sandwich CIP grant application with Site Plan and Elevation Design was submitted for the purpose of constructing a two (2) story six (6) unit multi-residential dwelling located at 731 Mill St (See Appendix 'A' for location map).

The property is located within the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) area (outside of the Sandwich Heritage Conservation District), and for the purpose of financial incentives, located within Target Area 3.

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. The following identifies how this particular development addresses section 10.3 (q) of the CIP.

Sandwich Vision and Design Guidelines

The Sandwich CIP and CPS

The construction of the proposed building located at 731 Mill Street is consistent with the Vision and Goals for Sandwich Town.

Sandwich CIP Urban Design Guidelines

The proposed development is in keeping with the Sandwich Urban Design Guidelines, in terms of siting and scale, use of materials, proportion, height and built form, profile and selection of materials. The application requires variances through the Committee of Adjustment (COA) for relief from the required side yard and a reduction in the required number of parking spaces.

Exemption to Demolition Control By-law 20-2007

The existing one (1) unit dwelling located at 731 Mill Street is currently vacant. The owner believes that the structure is in a poor condition and intends to demolish the dwelling and redevelop the site.

Section 3 of the Demolition Control By-law states that “...no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council...” The decision to issue (or not issue) a demolition permit is at City Council’s sole discretion.

Section 5 of the Demolition Control By-law states that “Council shall, on an application for a demolition permit, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property to be demolished” Section 6 states that a demolition permit may be issued on the following conditions:

- (a) *That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished by not later than such date as may be determined by Council, provided, however, that such date is not less than two years from the day demolition of the existing residential property is commenced;*
- (b) *that, on failure to complete the new building within the time specified in the permit issued under Section 5, the Clerk shall be entitled to enter on the collectors roll, to be collected in like manner as municipal taxes, such sum of money as may be determined by Council but not in any case to exceed the sum of twenty Thousand Dollars (\$20,000.00) for each dwelling unit contained in the residential property in respect of which the demolition permit is issued, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.*

The applicant has indicated in their application that they intend to demolish the existing one (1) unit dwelling and construct a new two (2) story six (6) unit dwelling which meets the intent of the Sandwich CIP Urban Design Guidelines. Section 6(b) of the Demolition Control By-law entitles the Clerk to enter on the collectors roll a maximum of \$20,000 per residential unit (to be collected in like manner as municipal taxes) if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition.

Given that the applicant proposes to demolish the existing one (1) unit dwelling, Recommendation III (ii). of this Report specifies the maximum amount of \$20,000 will be entered on the tax roll if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition.

The plan to demolish the existing one (1) unit dwelling and to replace it by constructing a two (2) story six (6) unit dwelling is consistent with the recommendations of the Sandwich CIP regarding continuing to process Demolition Control By-law exemption

requests. This plan is also in keeping with Section 1.27.12, Vol. II of the City's Official Plan regarding Demolition within the Olde Sandwich Towne Community Improvement Plan (CIP) area. The applicant will be required to submit the following prior to obtaining a Building Permit to demolish:

- (a) a plan for redevelopment in conformity with the Official Plan and Zoning By-law requirements (all plans will be reviewed to ensure compliance the Official Plan and Zoning By-law),
- (b) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill the conditions of the Site Plan Control Agreement

Demolishing the existing one (1) unit dwelling to construct a larger two (2) story six (6) unit dwelling with improved living spaces for residents is consistent with the intent of the Demolition Control By-law.

Sandwich Incentive Program

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, and with the following program specific requirements:

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 application requires variances through the Committee of Adjustment (COA) for relief from the required side yard and a reduction in the required number of parking spaces. The Building Permit drawings have not been submitted and fees will need to be determined in the future. Recommendation V. i. of the report will include a maximum amount of \$20,000 to ensure that all fees are captured. Based on the information we have at the time of this report the following fees are required:

- Minor Variance Application Fee—\$2,499.00
- Building Permit Fee—to be determined
- Demolition Permit Fee—to be determined
- Public Works Permit Fees—to be determined
- Parkland Dedication Fee—to be determined

TOTAL: To Be Determined up to a maximum of \$20,000

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 municipal 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. Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

The confirmed current value assessment of the subject property located at 731 Mill Street is \$124,000. The owner currently pays annual total property taxes of \$2,405.18 (based upon 2023 tax levies). The municipal portion, to which the grant would apply, is \$2,215.46. The Applicant's Estimated Post-Project Value of Land and Buildings based on the cost of construction is \$2,500,000. However, some of the proposed costs which will be 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 assessment, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and information provided to be \$425,000. The grant will however be based upon the actual tax increment once the assessment has been determined by MPAC.

For illustrative purposes, the table below identifies the annual grant equal to 70% of the increase in City property taxes for 10 years after project completion, based on the Current Value Assessment and the (projected) Estimated Post Project Assessment Value. The taxes retained by the City over the duration of the grant program is equal to a 30% increase of the tax increment. After completion of the grant program (10 years), the City will collect the full value of municipal tax increase (\$5,377.85 annually).

Estimated Revitalization Tax Increment Grant for 3135 Peter		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Annual Estimate Value of Grant (70% of the municipal increase)
\$2,600	\$5,377.85	\$3,764.5

Assumptions

Current Property Value Assessment (2022 – Residential)	\$124,000
Estimate Total Post Development Assessment (2022 – Residential)	\$425,000

Risk Analysis:

The Building Department has not received or conducted a review of the building plans to confirm compliance with the Ontario Building Code and applicable law (e.g. zoning by-

law). A review of the drawings will be conducted 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) "toolkit". As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the total amount of all of the grants does not exceed the total cost of the project.

The *Development and Building Fees Grant Program* will not be disbursed until all work is completed and inspected by Administration as per the Site Plan and Elevation Drawings, and Building Permit. The *Revitalization Grant Program* will not be dispersed until an agreement for the Sandwich Incentive Program have been registered on title between the owner and the City of Windsor and the property taxes for the applicable year paid.

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:

The demolition of the existing dwelling affects climate change, because the existing structure will not be re-used and may likely end up in a land fill. However, the rehabilitation of the site contributes to the revitalization of the Sandwich Town Neighbourhood limiting vehicular travel 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.

Utilizing an existing site in a 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 rehabilitation of the existing site and construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency.

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 \$693,692.89 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 maximum amount of \$20,000 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 in consultation with the Municipal Property Assessment Corporation (MPAC) once the project is completed.

Eligible Incentive Programs	Grant
<i>Development and Building Fees Grant</i> <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>	\$20,000
<i>Revitalization Grant</i> <i>*\$3,764.5 per year between years 1 to 10</i>	\$37,645
Total	\$57,645

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund* (project 7076176). The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.

Consultations:

The owner of the property located at 731 Mill Street have been consulted regarding grants related to the improvements outlined in this report. Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects and Josie Gualtieri, Financial Planning Administrator were consulted with respect to the Sandwich CIP *Revitalization Grant Program*. Planning & Building Department staff were consulted regarding Fees with respect to the *Building & Development Fees Program*

Conclusion:

The demolition of the existing residential dwelling located at 731 Mill St will provide sufficient lot area to allow the owner Ravindranath and Usha Thayyil to construct a 2 story 6 unit dwelling, thereby meeting the intent while also providing an opportunity to attract new residents to the neighbourhood and increasing the housing stock of the area through the redevelopment of a derelict property. The incentive program application

meets all of the eligibility criteria as identified in the Discussion section of this report and is compatible with the Sandwich Urban Design Guidelines.

There are sufficient funds in the CIP Reserve Fund 226 to provide funds for 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. Therefore, Administration recommends that the application request by the owner of 731 Mill St for incentives under the Sandwich Incentive Program be approved.

Planning Act Matters:

N/A

Approvals:

Name	Title
Kevin Alexander	Senior Planner – Special Projects
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	City Planner (A)
John Revell	Chief Building Official
Wira Vendrasco	City Solicitor (A)
Janice Guthrie	Commissioner, Finance and City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

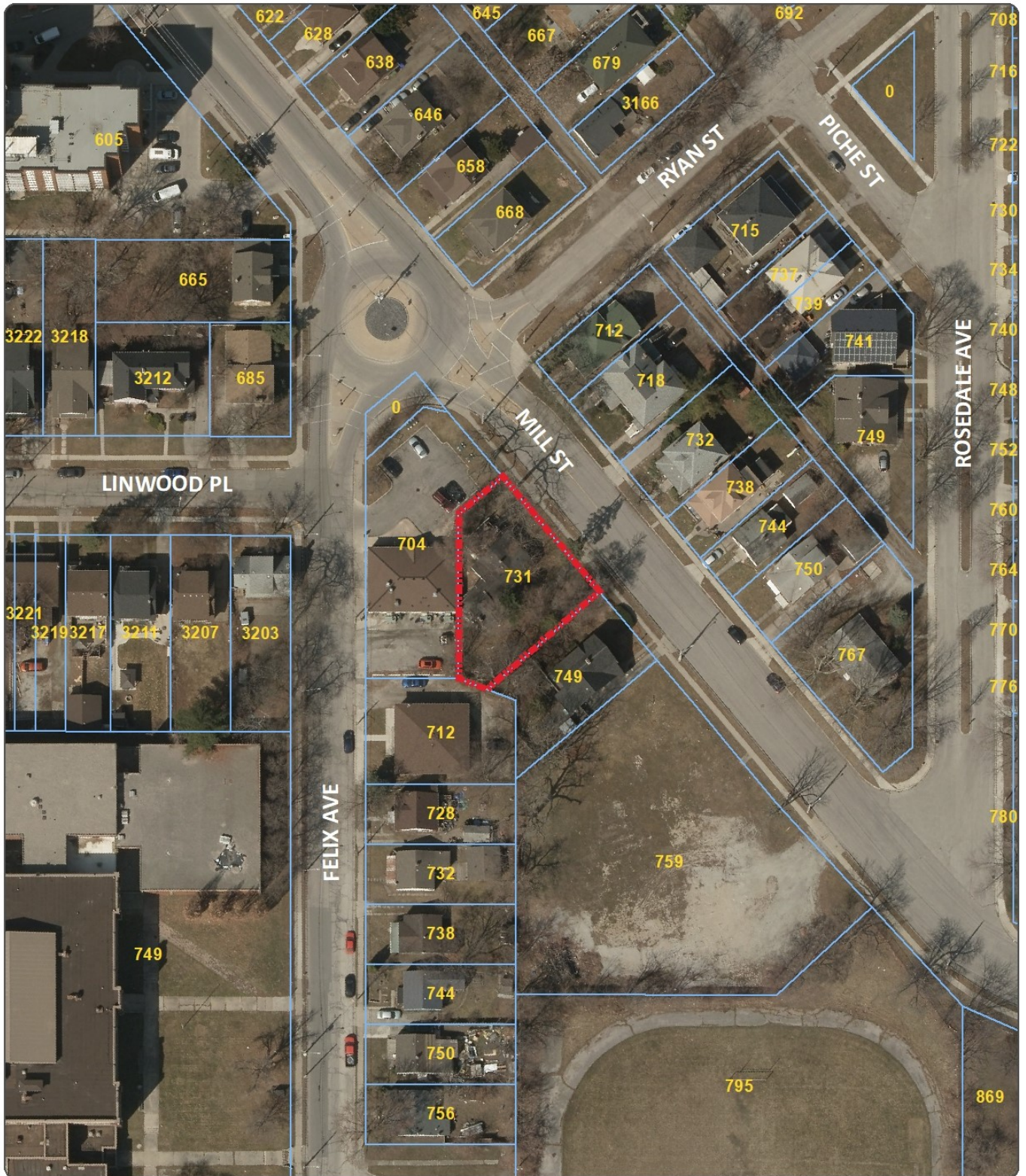
Notifications:

Name	Address	Email
Roshan Thayyil		thayyilroshan@gmail.com
		731millwindsor@gmail.com
Jackie Lassaline; Lassaline Planning Consultants		jackie@lassalineplan.ca

Appendices:

- 1 Appendix 'A' Location Map and Existing Condition
- 2 Appendix 'B' Proposed Development

Appendix 'A' - Location Map

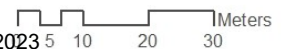


LOCATION MAP : 731 MILL STREET



SUBJECT PROPERTY

Development & Heritage Standing Committee - Monday, December 4, 2023

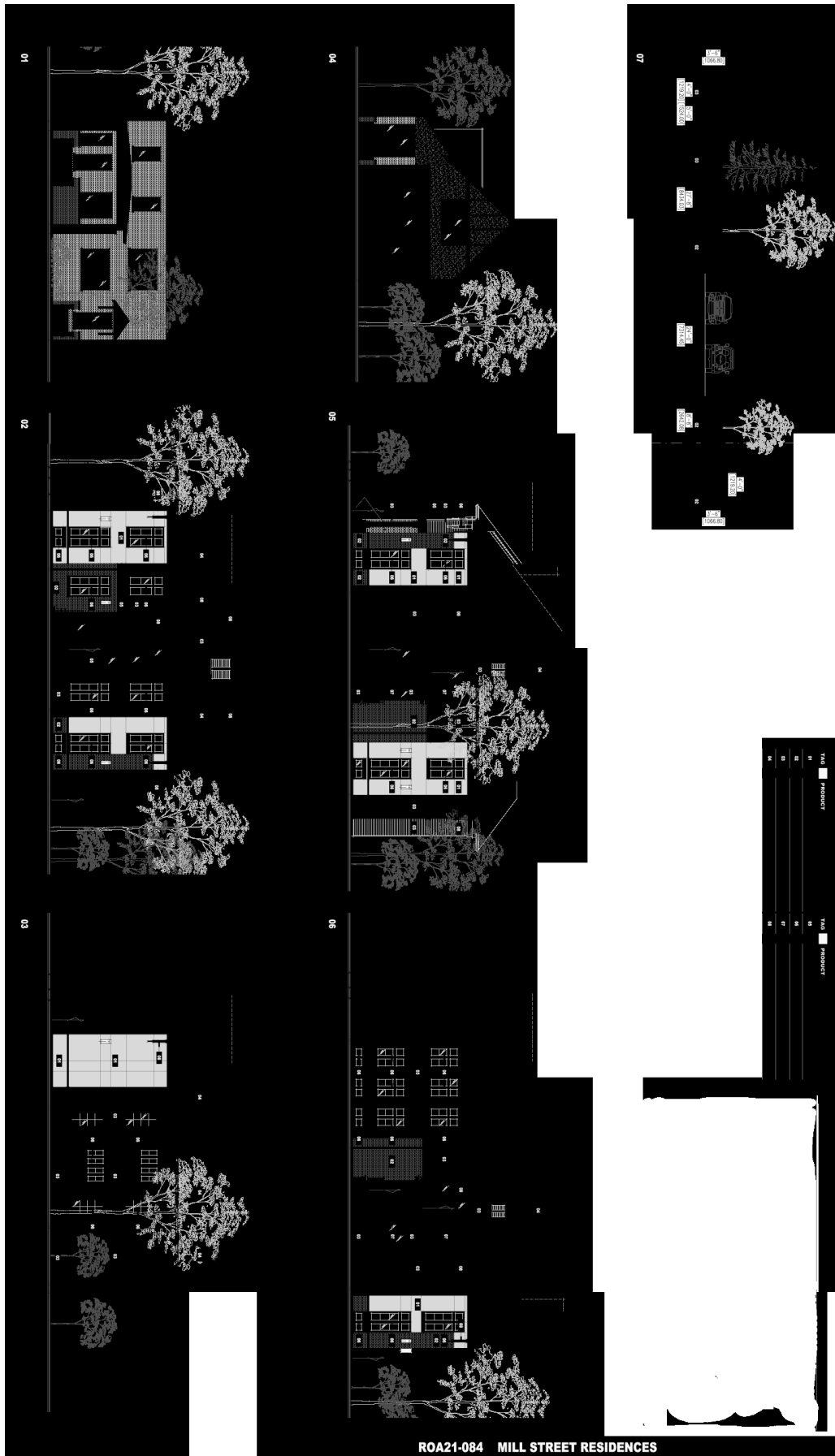


Appendix 'A' – Existing Condition (*Google Earth*)

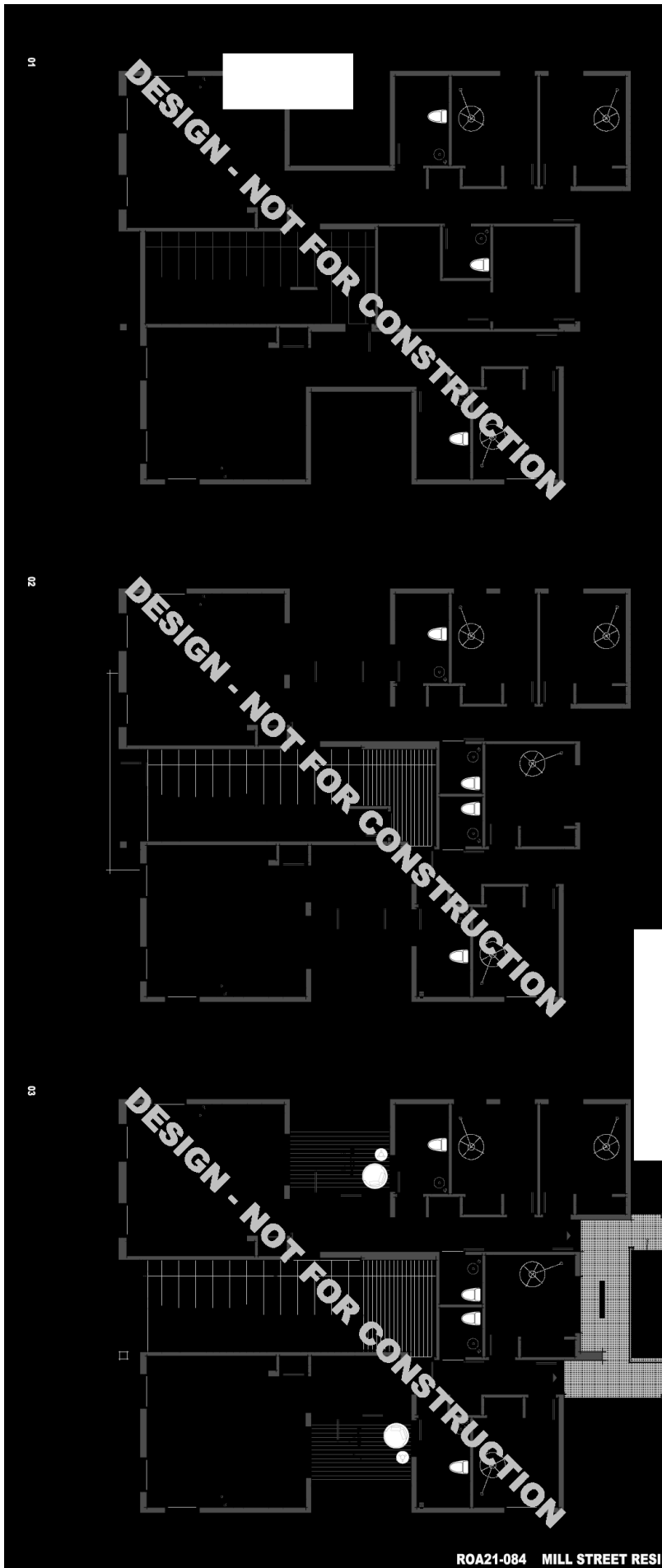




Appendix 'B' - Proposed Development



Appendix 'B' - Proposed Development





Subject: Ford City CIP Application for 677 St. Luke Street. Owner: Vito Maggio Holdings Inc. (Bill Maggio) (c/o Dillon Consulting Limited; Amy Farkas) – Ward 5

Reference:

Date to Council: December 4, 2023
Author: Kevin Alexander, MCIP RPP
Senior Planner-Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca

Nathan Li,
Planning Assistant
519-255-6543 x 6438
nli@citywindsor.ca

Planning & Building Services
Report Date: November 9, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the request for incentives under the Ford City CIP Financial Incentive Programs made by Vito Maggio Holdings Inc., (c/o: Bill Maggio), Owner of the property located at 677 St. Luke Street **BE APPROVED**, for the following incentive programs:
 - i. Municipal Development Fees Grant Program to a maximum amount of \$20,000;
 - ii. Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years in an estimated amount of \$4,789 per year.

- II. **THAT** Administration **BE AUTHORIZED** to prepare the agreement between the City and Vito Maggio Holdings Inc., (C/O: Amy Farkas; Dillon Consulting Limited) 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;

- III. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;
- IV. **THAT** funds in the amount of up to a maximum of \$20,000 under the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Ford City CIP Fund (Project #7181046) once the work is completed; and,
- V. **THAT** grants **BE PAID** to Vito Maggio Holdings Inc. upon the completion of the of the two (2) storey warehouse building from the Ford City CIP Fund (Project #7181046) 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. Extensions will be considered at the discretion of the City Planner.

Executive Summary:

N/A.

Background:

On November 19, 2018, City Council approved the Ford City Community Improvement Area and Ford City Community Improvement Plan (CIP) (CR625/2018 PHED 603) adopted through by-laws 171-2018 and 172-2018. These By-laws came into effect in January of 2019. In addition, on November 19, 2018, City Council activated the following financial incentive programs from the Ford City CIP:

1. Municipal Development Fees Grant Program
2. Building/Property Improvement Tax Increment Grant Program

Discussion:

On August 22nd, 2023, Vito Maggio Holdings Inc. (C/O: Amy Farkas; Dillon Consulting Limited), owner of the property located at 677 St. Luke Street, submitted an application for grants under the *Ford City CIP* Financial Incentive Programs. The property is located within the Ford City CIP Area. The property is zoned Manufacturing District (MD) 1.2.

On December 18, 2012, a Demolition permit was issued to demolish a four (4) unit residential dwelling (completed on January 2, 2013). The parcel is currently vacant, with five legal non-conforming residential homes immediately to the south of the subject site.

The owner received Committee of Adjustment (COA) approval on February 23, 2023, for the creation of a warehouse with reduced side yards. The owner also applied for Site Plan Control approval on July 12, 2023 for a new one storey 134 m² warehouse that will be used to support the applicant's other businesses. Primarily, the building will be used to store equipment and materials for a local catering company. Further, the

building is designed to be compatible with the adjacent residential properties in its scale and use of higher quality durable materials, which is consistent with the CIP. The development will result in a significant increase in assessment for the property.

Ford City CIP Financial Incentive Programs

The applicant is eligible for the following programs under the Ford City CIP Financial Incentive Programs:

Municipal Development Fees Grant Program—intended to encourage development within Ford City by providing an incentive to offset the costs associated with seeking the appropriate planning approvals and building permits for a project. Property owners will be eligible to receive a grant for 100% of the specified *Municipal Development Fees*, up to a maximum of \$50,000 per property. The Building Permit drawings have not been submitted and fees will need to be determined in the future. Recommendation I. i. of the report will include a maximum amount of \$20,000 to ensure that all fees are captured. Based on the information we have at the time of this report the following fees are required:

- Site Plan Contrail Application Fee —\$5,940.00
- Building Permit Fee—to be determined
- Demolition Permit Fee—to be determined
- Public Works Permit Fees—to be determined
- Parkland Dedication Fee—to be determined

TOTAL: To Be Determined to a maximum of \$20,000

Building/Property Improvement Tax Increment Grant—intended to provide financial incentive for the physical improvements to properties whereby registered property owners and/or assignees would be eligible to receive a grant for 100% of the municipal portion of the tax increment generated from the improvements made to the building or property for up to 10 years.

To be eligible for the *Building/Property Improvement Tax Increment Grant*, improvements to the building/property must result in an annual grant (or tax increment) of at least \$500 for properties that are taxed at the Residential tax rate; and \$1,000 for properties taxed at all other tax rates.

The confirmed current value assessment of the property located at 677 St. Luke Street is \$6,000. The owner currently pays annual property taxes of \$301.05 (\$245.89 for the municipal portion) based on an industrial tax rate only.

Based on the information and drawings provided by the applicant, Administration estimates the post project assessment value to be \$140,000, with a change in tax classification from Industrial to Commercial. However, the actual amount of the new

assessment will be dependent upon a full review of the building after the completion of renovations as determined by the Municipal Property Assessment Corporation (MPAC).

As identified in the table below, the estimated annual value of the grant is \$4,789. Over 10 years, this grant is estimated to be \$47,890.

The applicant indicates that the estimated eligible costs for the project is \$300,000. The *Planning Act* stipulates that the grants under a CIP cannot be more than the eligible costs. The total grant amount of \$47,890 plus developments fees is less than the estimated eligible costs.

Estimated Building/Property Improvement Tax Increment Grant for 677 St. Luke Street		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant
\$ 248.25	\$ 5,037.66	\$ 4,789

Assumptions

Current Property Value Assessment (2023 – Industrial)	\$6,000
Estimate Post Development Property Assessment	\$140,000

Because the Grant Program does not exempt the property from taxes, the owner must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program; however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Risk Analysis:

The approval of these grants does not carry significant risk, as there are sufficient funds within the new CIP reserve fund approved by Council on February 22, 2021. The applicant will not receive any grants until all work is completed and inspected to the satisfaction of the Planning and Building Department. 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.

Climate Change Risks

Climate Change Mitigation:

The construction of the new unit affects climate change, because there will be no reuse of existing structures and new materials will have to be brought in. However, the infill of the site contributes to the revitalization of Ford City by filling out the cityscape. The construction of the building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing an existing lot and infrastructure 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 appears to be located within a Heat Vulnerability area. However, the rehabilitation of the building will utilize modern building methods, which will conform to the Ontario Building Code in regards to energy efficiency.

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 \$693,692.89 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council

If approved, funds will be transferred from the CIP reserve fund to the Ford City CIP Fund (Project #7181046) to disperse the maximum amount of \$20,000 for the *Municipal Development Fees Grant Program.*

The *Building/Property Improvement Tax Increment Grant* would be based upon the municipal tax increase and will be calculated by the Finance Department in consultation with the Municipal Property Assessment Corporation (MPAC) once the project is completed.

Consultations:

The owner and architect for the property located at 677 St. Luke Street have been consulted regarding grants related to the improvements outlined in this report.

Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects was consulted with respect to the Ford City CIP *Building/Property Improvement Tax Increment Grant.* Josie Gualtieri, Financial Planning Administrator was also consulted regarding the Ford City CIP grants, and related capital project/reserve fund balances.

Conclusion:

The proposed warehouse development for 677 St. Luke Street meets all eligibility criteria identified in this this report, for the *Municipal Development Fees Grant Program* and the *Building/Property Improvement Tax Increment Grant* through the *Ford City Community Improvement Plan.*

The improvements will contribute to the revitalization of Ford City through the infill of an existing vacant lot in the area.

There are sufficient funds in the CIP reserve fund to provide grants for the proposed improvements. Administration recommends approval of the grants identified in this report.

Planning Act Matters:

N/A

Approvals:

Name	Title
Kevin Alexander	Senior Planner – Special Projects
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	City Planner (A)
John Revell	Chief Building Official
Wira Vendrasco	City Solicitor (A)
Jelena Payne	Commissioner, Economic Development
Janice Guthrie	Commissioner, Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Dillon Consulting Limited c/o Amy Farkas	3200 Deziel Dr, Suite 608	afarkas@dillon.ca
Vitto Maggio Holdings Inc. c/o Bill Maggio	1731 Wyandotte E	accounting@kildarehouse.com

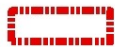
Appendices:

- 1 Appendix 'A' - Location Map and Existing Condition
- 2 Appendix 'B' - Proposed Improvements

Appendix 'A' – Location Map and Existing Condition



LOCATION MAP : 677 ST. LUKE ROAD



SUBJECT PROPERTY

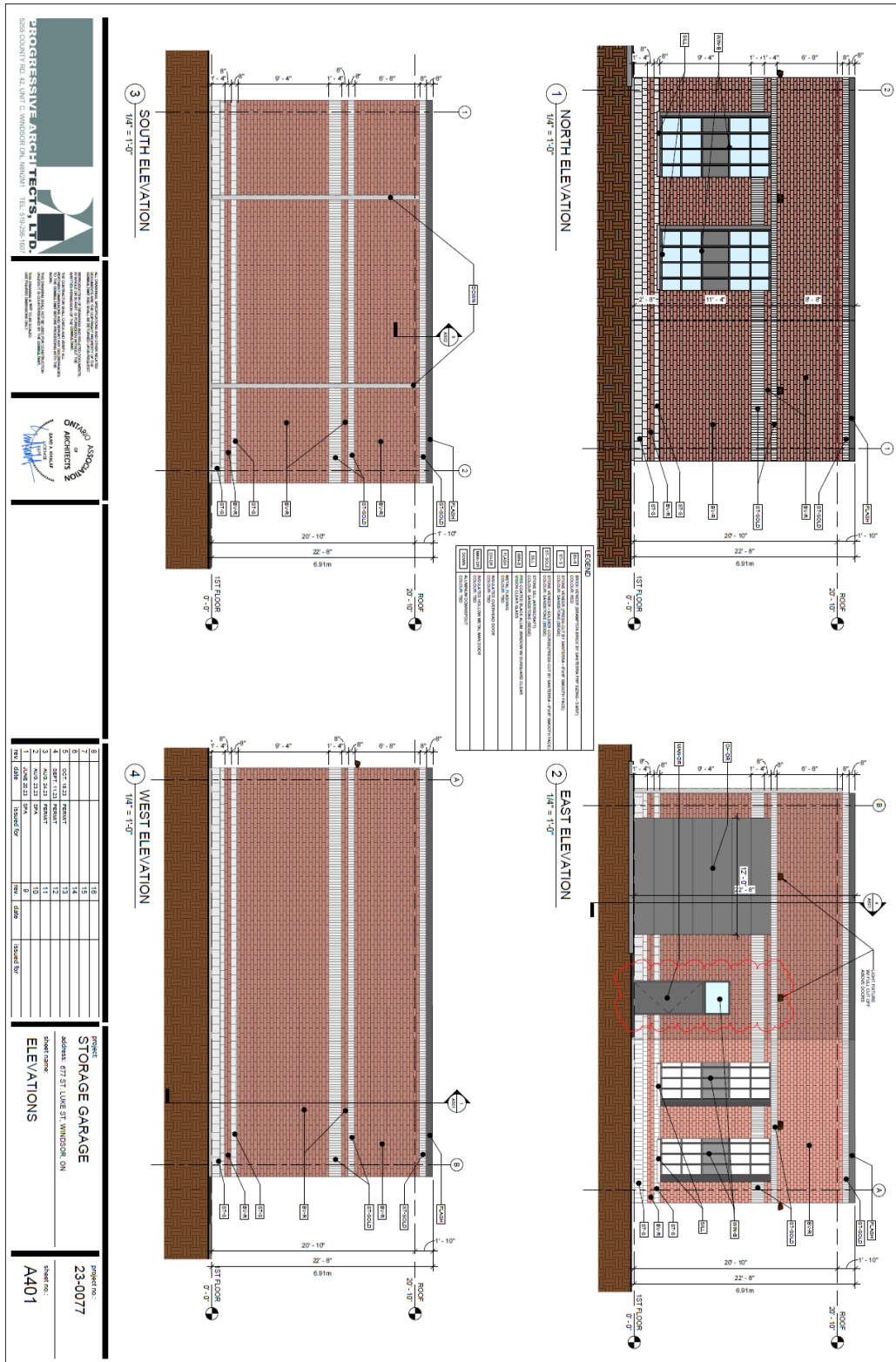


Appendix 'A' – Location Map and Existing Condition



2020 Google Street View of property looking southwest.

Appendix 'B' – Proposed Improvements





Subject: Amendment to the Sandwich Demolition Control By-law 20-2007-Ward 2

Reference:

Date to Council: December 4, 2023
 Author: Kevin Alexander, MCIP RPP
 Senior Planner - Special Projects
 519-255-6543 ext. 6732
 kalexander@citywindsor.ca
 Planning & Building Services
 Report Date: November 21, 2023
 Clerk's File #: Z/8581

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** By-law 20-2007, being a Demolition Control By-law for the Olde Sandwich Towne Community Planning Study Area **BE AMENDED** to include a new section that will exempt existing dwelling units located on property zoned Manufacturing District (MD) in Zoning By-law 8600 from Demolition Control By-law 20-2007

Executive Summary:

N/A

Background:

On January 29th, 2007, Windsor City Council passed Demolition Control By-law 20-2007 (CR45/2007) for the Olde Sandwich Towne Community Planning Study Area. The purpose of the By-law was *"to ensure that actions are not taken within the Olde Sandwich Towne Community Planning Study Area, such as demolition of buildings, which could have the effect of destabilizing its inherent features, the community, and the functions and characteristics of existing buildings"*.

On January 12, 2009, the Sandwich Community Improvement Plan (CIP) and Sandwich Heritage Conservation District (HCD) Plan and other associated Sandwich By-laws were adopted by Windsor City Council (See CR12/2009).

At the time of the passing of the Sandwich Community Improvement Plan (CIP), Heritage Conservation District (HCD) Plan (CR12/2009), and associated By-laws the Consultants and Administration felt that it was prudent to continue to apply Demolition Control By-law 20-2007. As part of the passing of the By-laws the Official Plan was

amended to include policies regarding the requirement of a replacement residential use for any residential property proposed for demolition.

The January 12, 2009, report discussed that for areas in the CIP the existing demolition control by-law should continue to apply, and within non-residential areas a new process be implemented. On January 12, 2009, the following amendment was made to the Official Plan regarding Demolition in the Sandwich Town CIP area:

“Council shall not consider applications for demolition in the Olde Sandwich Towne Community Improvement Plan Area until the following have been submitted:

(a) a plan for a redevelopment in conformity with the Official Plan and Zoning Bylaw requirements,

(b) an executed Site Plan Control Agreement(s), and

(c) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill conditions of the Site Plan Control Agreement.”

Although the above amendment to the Official Plan does not specify the type of use related to applications for demolition, *Section 33-Demolition control area of the Planning Act* is clear and only concerned with “residential property” and a building that contains one or more dwelling units. Therefore, residential property includes residential homes and commercial building with residential units.

Discussion:

Since 2007, when Demolition Control By-law 20-2007 was passed several residential units have been retained and new residential units have been created because exemptions to the By-law have been granted when a re-development plan was provided for a replacement use. In most cases, a greater number of residential units have been approved on properties where exemptions have been granted.

However, it has come to our attention that there are thirteen (13) residential units located within areas zoned Manufacturing District under Zoning By-law 8600 (See Appendix ‘A’). In these areas new replacement residential units cannot be created because the property is not zoned for residential uses. The manufacturing operations located adjacent to such a site cannot be expanded on to the residential property because the property owner has to comply with the Demolition Control By-law and provide a re-development plan for a residential use for the demolished property.

An overview of the properties affected by this situation is shown in Appendix “A” attached. The majority of the properties in question are surrounded by industrially zoned lands and uses.

Recommendation I. of this report asks Council to amend Demolition Control By-law 20-2007 by adding a new section that will exempt existing dwelling units located on property zoned Manufacturing District (MD) in Zoning By-law 8600. This will allow manufacturing operations to expand, thereby remaining competitive without the need to request and justify an exemption from the Demolition Control By-law to demolish the existing residential unit(s).

Risk Analysis:

Amending Demolition Control By-law 20-2007 to exempt existing dwelling units located on property zoned Manufacturing District (MD) in Zoning By-law 8600 from Demolition Control does not create a risk to the loss of housing in the neighbourhood. Thirteen (13) properties will be affected, which are located within what is considered the Industrial area of Sandwich Town (See Appendix 'A').

Demolition Control By-law 20-2007 will still prevent the demolition of residential units in other land use designations such as in the Residential District Designation identified in Zoning By-law 8600.

Climate Change Risks**Climate Change Mitigation:**

N/A

Climate Change Adaptation:

N/A

Financial Matters:

There is no foreseeable costs to the municipality by amending the Sandwich Demolition Control By-law.

Consultations:

The Planning Department has consulted with the Legal Department regarding amending Demolition Control By-law 20-2007.

Conclusion:

Administration supports the amendment to the Sandwich Demolition Control By-law 20-2007. Exempting existing dwelling units located on property designated Manufacturing District (MD) in Zoning By-law 8600 from Demolition Control By-law 20-2007 will permit residential units to be demolished and manufacturing uses to expand their operation thereby allowing companies to remain competitive into the future.

Planning Act Matters:

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

Neil Robertson, MCIP, RPP
City Planner (A)

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

JP JM

Approvals:

Name	Title
Kevin Alexander	Senior Planner-Special Projects
Neil Robertson	City Planner (A)
John Revell	Chief Building Official
Wira Vendrasco	City Solicitor (A)
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email

Appendices:

- 1 Appendix 'A' - Residential Units on property Zoned Manufacturing District

