

Development & Heritage Standing Committee Meeting

Date: Monday, January 9, 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 Mark McKenzie

Ward 7 – Councillor Angelo Marignani

Ward 9 – Councillor Kieran McKenzie (Acting Chair)

Ward 10 – Councillor Jim Morrison

Lynn Baker

Andrew Foot

Joseph Fratangeli

Anthony Gyemi

John Miller

Dorian Moore

Jake Rondot

ORDER OF BUSINESS

Item # Item Description
1. **CALL TO ORDER**

READING OF LAND ACKNOWLEDGEMENT

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 Potawatomie. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2. **DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

3. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**

4. **COMMUNICATIONS**

5. **ADOPTION OF THE *PLANNING ACT* MINUTES**

5.1. Minutes of the December 5, 2022 Development & Heritage Standing Committee meeting (*Planning Act Matters*) **(SCM 328/2022)**

6. **PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)**

7. ***PLANNING ACT* MATTERS**

7.1. Zoning By-law Amendment Application for property known as 1247 -1271 Riverside Dr. E., at the S/W corner of Hall and Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4. **(S 116/2022)**

Clerk's Note: Additional Information to Report S 116/2022 - Pedestrian Crossings on Riverside Drive East - Ward 4 **(AI 14/2022)** and Additional Information regarding Report S 116/2022; Zoning By-law Amendment Application by St. Clair Rhodes Development Corporation for 1247 -1271 Riverside Dr. E.; File No. Z-044/21, ZNG/6633; Ward 4 **(AI 17/2022) attached**

7.2. Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2 (**S 124/2022**)

8. **ADOPTION OF THE MINUTES**

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held November 1, 2022 (**SCM 303/2022**)

8.2. Minutes of the December 5, 2022 Development & Heritage Standing Committee Meeting (**SCM 327/2022**)

9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**

10. **HERITAGE ACT MATTERS**

10.1. Request for Heritage Permit – Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District locations (Ward 2) (**S 146/2022**)

11. **ADMINISTRATIVE ITEMS**

11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 731 Goyeau Ltd. and 785 Goyeau Ltd. for property located at 0 and 785 Goyeau Street (Ward 3) (**S 141/2022**)

11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by DS C&K Inc. for a Manufacturing Facility located at 3475 Wheelton Drive (Ward 9) (**S 144/2022**)

11.3. Main Street CIP/Ford City CIP Application for 1367 Drouillard Rd. Owner: HEIMAT LTD (C/O Ryan Stiller) – Ward 5 (**S 148/2022**)

11.4. Closure of N/S Alley b/w Melbourne Road & Closed E/W Alley and Part of N/S Alley b/w Melbourne Road & 3605 Matchett Road, Ward 2, SAA-5925 (**S 125/2022**)

11.5. Closure of north/south alley between Guy Street & 1980 Meldrum Road; east/west alley between north/south alley & Larkin Road, Ward 5, SAA-6689 (**S 135/2022**)

11.6. Amendment to CR305/2021 for closure of part of n/s alley b/w north limit of 1216 Tourangeau Rd & closed part of said n/s alley; e/w alley west of Rossini Blvd & south of Via Rail corridor; and e/w alley b/w Rossini Blvd & said n/s alley, Ward 9, SAA-6317 **(S 137/2022)**

11.7. Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740 **(S 142/2022)**

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**

Item No. 5.1



Committee Matters: SCM 328/2022

Subject: Minutes of the December 5, 2022 Development & Heritage Standing

Committee meeting (Planning Act Matters)

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

**Date: Monday, December 5, 2022
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 Kieren McKenzie – Acting Chair

Councillor Regrets

Ward 10 – Councillor Jim Morrison

Members

Member Dorian Moore
Member Jake Rondot

Members Absent

Member Anthony Gyemi

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
Thom Hunt, City Planner / Executive Director of Planning & Development
Neil Robertson, Manager of Urban Design / Deputy City Planner
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Rob Perissinotti, Development Engineer
Jim Abbs, Planner III – Subdivisions

MINUTES

Development & Heritage Standing Committee

Monday, December 5, 2022

Page 2 of 9

Greg Atkinson, Planner III – Economic Development
Kristina Tang, Planner III – Heritage
Adam Szymczak, Senior Planner
Laura Strahl, Planner III, Special Projects
Shannon Deehan, Transportation Planning Coordinator
Samuel Switzer, Planning Assistant
Ashley Porter, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1 Jack Ramieri, Solicitor
Item 7.1 Nick Sauro, Applicant
Item 7.2 Quoc Tran, area resident
Item 7.2 Dan Soleski, Architect
Item 7.3 Robert Brown, Principal Planner
Item 7.4 Steve Berrill, Principal Architech
Item 11.3 Hensey Khan & Hitesh Jhaveri, applicants

Delegations—participating in person

Item 7.4 Jackie Lassaline, Principal Planner
Item 7.4 Haidar Habib & Steve Habib, HD Development Group
Item 7.4 Adriano Bertolissio, area resident
Item 7.4 Kerry Shaw, area resident
Item 7.4 Amy Grady, area resident

1. CALL TO ORDER

The Deputy Clerk calls the meeting of the Development & Heritage Standing Committee to order and calls for nominations from the floor for the position of Acting Chairperson.

Councillor Angelo Marignani nominates Councillor Kieran McKenzie for the position of Acting Chairperson. Councillor Kieran McKenzie accepts the nomination.

The Deputy Clerk calls for further nominations from the floor for the position of Acting Chairperson. Councillor Mark McKenzie nominates Councillor Fred Francis. Councillor Fred Francis accepts the nomination.

MINUTES

Development & Heritage Standing Committee

Monday, December 5, 2022

Page 3 of 9

The Deputy Clerk calls for further nominations from the floor for the position of Acting Chairperson. There being no further nominations, the Deputy Clerk calls for a vote for Councillor Kieren McKenzie.

Aye Votes: Councillors Marignani and Kieren McKenzie and Members Moore and Rondot.

Nay Votes: Councillors Fred Francis and Mark McKenzie.

Councillor Kieren McKenzie assumes the Acting Chair.

The Acting Chair reads the Land Acknowledgement Statement.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

11.4. Downtown CIP Grant Application made by 304830 Ontario Limited for 176 University Avenue West, Ward 3

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

That the report from the Planner III – Special Projects dated November 17, 2022 **BE DEFERRED** to a future meeting to allow the applicant more time to define the scope of their project.

Carried.

Report Number: C 198/2022

Clerk's File:SPL2022

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held November 1, 2022.

Moved by: Councillor Fred Francis

Seconded by: Member Jake Rondot

MINUTES

Development & Heritage Standing Committee Monday, December 5, 2022

Page 4 of 9

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held November 1, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 311/2022

6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

Delegations—participating via video conference

See Items 7.1, 7.2, 7.3 & 7.4.

Delegations—participating in Council Chambers

See Items 7.1, 7.2, 7.3 & 7.4.

7. PLANNING ACT MATTERS

7.1 Z-028/22 [ZNG/6846] – WinValco Ltd. 1235 Luke Rd. – Rezoning Ward 5

Jim Abbs (author), Planner III –Subdivision

Mr. Abbs (author) gives presentation.

Via Zoom Nick Sauro, Applicant (WinValco Ltd.) and Mr. Giacomo Ramieri, Agent (Miller Canfield LLP) are available from questions.

Mr. Ramieri states that the property will continue to be used as storage.

Councillor Francis asks applicant what is being stored on the property. Mr. Sauro states lumber is being stored on site.

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 446**

THAT Section 20(1) of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Lot 97, Concession 1, as shown on Map 3 of this report, (known municipally as 1235 St Luke Rd) by adding site specific regulation to permit an outdoor storage yard as an additional permitted use as follows:

457. WEST SIDE OF ST. LUKE ROAD, NORTH OF ESSEX TERMINAL RAILWAY

MINUTES

Development & Heritage Standing Committee Monday, December 5, 2022

Page 5 of 9

For the lands comprising of Part of Lot 97, Concession 1; as shown on Map 3 of this report, situated on the west side of St. Luke Road, immediately north and abutting the Essex Terminal Railway, the following provisions shall apply:

a. Notwithstanding Section 3.10, an “outdoor storage yard: shall be defined to mean:

“an open space which has a minimum area of 10.0 m² and is used for storage. A loading compound, parking area, transport storage area, or transport terminal is not an outdoor storage yard.”

b. an “outdoor storage yard” shall be an additional permitted use.

(ZDM 7, ZNG-6846).

Carried.

Report Number: S 134/2022

Clerk’s File:Z/14474

7.2 Z-031/22 [ZNG/6866] – Gansil Inc. 0 Campbell Ave. – Rezoning Ward 2

Adam Szymczak (author) – Planner III – Zoning

Mr. Szymczak (author) presents item.

Daniel Soleski, Agent (Architectura Inc.) is available for questions.

Via Zoom Quoc Tran, Resident (627 Campbell Ave.) states concerns with the item becoming a rental for students.

Councillor Francis asks Mr. Tran if he is aware of new rental licensing By-Law that will take effect early next year in Wards 1 and 2.

Member Moore asks various questions regarding parking and set back.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 447**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 9, Registered Plan 1148 (known municipally as 0 Campbell Avenue; Roll No. 050-300-03100) situated on the west side of Campbell Avenue, south of Wyandotte Street West, by adding a site specific exception to Section 20(1) as follows:

455. WEST SIDE OF CAMPBELL AVENUE, SOUTH OF WYANDOTTE STREET WEST

For the lands comprising of Lot 9, Registered Plan 1148, for a *double duplex dwelling* or a *multiple dwelling* with a maximum of four *dwelling units* the following additional provisions shall apply:

MINUTES

Development & Heritage Standing Committee Monday, December 5, 2022

Page 6 of 9

- a) Lot Width – minimum 12.0 m
- b) Lot Area – minimum 520.0 m²
- c) Notwithstanding Section 24.26.5, a *parking space*, visitor parking space or accessible parking space shall be permitted in a *required front yard*.
- d) Notwithstanding Section 24.28.1.3, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area* or a *parking space* or any combination thereof cannot exceed 50% of the *required front yard* area and any driveway, *access area*, and *parking space*, shall be paved and maintained with a hard surface consisting of paving brick or block, asphalt, concrete, or any combination thereof.

[ZDM 3; ZNG/6866]

Carried.

Councillor Angelo Marignani and Member Moore voting nay.

Report Number: S 130/2022
Clerk's File: Z/14486

7.3 Z-034/22 [ZNG/6870] – Stoyshin Enterprises 849 Walker Rd. – Rezoning Ward 4

Adam Szymczak (author), Planner III –Zoning

Mr. Szymczak (author) gives presentation.

Robert Brown, Agent (Oakview Land Use Planning) is available for questions.

Moved by: Member Jake Rondot

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 448**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lot 5, and Lots 7, 9, 11 & 13, Registered Plan 490 (849 Walker Road; Roll No.: 020-090-09500), located on the west side of Walker Road between Cataraqui Street and Niagara Street by adding a site specific provision to Section 20(1) as follows:

456. **WEST SIDE OF WALKER ROAD BETWEEN CATARAQUI STREET AND NIAGARA STREET**

For the lands comprising Part Lot 5, and Lots 7, 9, 11 & 13, Registered Plan 490, the following shall be permitted as additional permitted uses:

MINUTES

Development & Heritage Standing Committee Monday, December 5, 2022

Page 7 of 9

Automobile Detailing Service
Automobile Repair Garage
Contractor's Office
Hotel
Medical Appliance Facility
Print Shop
Warehouse
Workshop

and Section 20(1)53 and Section 20(1)147(ii) and (iii) shall apply to the additional permitted uses.

[ZDM 6; ZNG/6870]

Carried.

Councillor Mark McKenzie voting nay.

Report Number: S 133/2022
Clerk's File: Z/14475

7.4 Z-021/22 [ZNG/6870] – HD Development Group 1850 North Service Rd. – Rezoning Ward 10

Adam Szymczak (author), Planner III –Zoning

Mr. Szymczak (author) gives presentation.

Jackie Lassaline, Agent (Lassaline Planners) presents item and is available for questions.

Hadair Habib & Steve Habib, Applicants (HD Development Group) are available for questions.

Steve Berrill, Architect (Architectural Design Associates) is available for questions.

Adriano Bertolissio, Resident (2952 Byng Rd.) has various concerns regarding parking, environmental changes, traffic, privacy, noise and pollution.

Kerry Shaw, Resident (2947 Byng Rd.) has various concerns including; traffic, parking and privacy.

Amy Grady, Resident (2911 Byng Rd.) has various concerns including; privacy, quality of life, devaluation of homes and light pollution.

Councillor Francis asks Ms. Lassaline how many stories would be considered a high rise residential building. Ms. Lassaline answers it is measured by the number of metres in height. Councillor

MINUTES

Development & Heritage Standing Committee

Monday, December 5, 2022

Page 8 of 9

Francis asks what is planned for remaining 78% if just 21% is lot coverage. Ms. Lassaline states that landscaping, a pickle ball court, water management swale, open space, driveway and parking will cover the rest of the property. Mr. Szymczak notes that the RD3.3 zoning has a maximum building height of 24 metres.

Councillor Francis asks if it was taken into consideration to reposition the buildings so they will not be backing onto Byng Rd. Mr. Hadair Habib answers that the buildings needed to be positioned as far away from the residents as possible, to the west side of the site. The balcony's have been repositioned to the north and south side to avoid overlooking the existing homes. Staircases at the ends of the buildings are on the sides of the building to help with privacy. Ms. Lassaline states the orientation does take into account the shadow study.

Councillor Francis asks if moving the buildings westerly towards the Fogolar Furlan was considered. Mr. Haidair Habib states the buildings being on the west would be more favorable for the existing homes.

Member Moore asks if a secondary access for vehicles was considered. Ms. Lassaline answers that there is a separate pedestrian access. No plans for a secondary vehicle access. Member Moore asks if buildings A,B,D & E could be moved westerly. Mr. Berrill states it could be considered.

Councillor Francis asks Mr. Hadair Habib if they would consider altering the development to move the buildings westerly. Mr. Habib states they are not interested in altering the location of the buildings.

Councillor Francis asks various questions to Administration including; the Provincial Policy Statement, repositioning the buildings, set backs and capacity. Mr. Thom Hunt notes that the Provincial Policy Statement is a high-level planning document which outlines the land-use priorities of the Province.

Councillor Mark Mackenzie asks if the entrance into Parkdale Pl. could be considered for vehicle access. Mr. Perissinotti states the initial development concept proposed an access on land that is owned by the City of Windsor and this access was denied.

Councillor Francis suggests a deferral.

Moved by: Councillor Fred Francis

Seconded by: Member Dorian Moore

THAT the report of the Senior Planner dated August 25, 2022 entitled "Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10" and the Additional Information Memo AI 15-2022 **BE DEFERRED** to allow the Applicant, in discussion with Administration, to determine if the proposed buildings can be moved further west on the

MINUTES

Development & Heritage Standing Committee

Monday, December 5, 2022

Page 9 of 9

subject parcel, and to determine what options are available to the Applicant that will allow vehicular access at the north end of the subject parcel; and,

That this information **BE BROUGHT FORWARD** to the January 9, 2023 Development & Heritage Standing Committee meeting if possible.
Carried.

Report Number: S 105/2022
Clerk's File:Z/14429

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:55pm.

Ward 10 – Councillor Kieren McKenzie
(Acting Chairperson)

Thom Hunt
(Secretary)

**Subject: Zoning By-law Amendment Application for 1247 -1271
Riverside Dr. E., at the S/W corner of Hall & Riverside Dr. E; Applicant:
St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633;
Ward 4.**

Reference:

Date to Council: January 9, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: September 15, 2022
Clerk's File #: Z/14294

To: Mayor and Members of City Council

Recommendation:

- I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], by amending the existing site specific provision s.20(1)310 to include a "*Multiple Dwelling* with five or more *dwelling units*" as an additional permitted use, subject to the provisions noted in Recommendation II below;
- II. That special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

"310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* (New use)

Business Office

Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE* IN A *COMBINED USE BUILDING*:

- .3 Lot Coverage - Total - maximum - 30.0%
- .4 Building Height – maximum - 14.0 m
- .8 Landscape Open Space Yard – minimum - 15% of *lot area*
- .20 Building Setback – minimum:
 - a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
 - b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
 - c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
 - d) From the *rear lot line* – 50.0 m;
- .50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.
- .55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.
- .90 A *parking space* is prohibited in any required *front yard*.
- .95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING WITH FIVE OR MORE DWELLING UNITS*: (New provisions)

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and
2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:
 - .2 Lot Area – minimum - 93.0 m² per unit
 - .3 Lot Coverage – maximum - 35%
 - .4 Main Building Height – maximum - 18.0 m
 - .8 Landscape Open Space Yard – minimum - 35% of *lot area*
 - .20 Building setback from rear lot line - minimum - 30.0 m
3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
 - a. The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
 - b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.

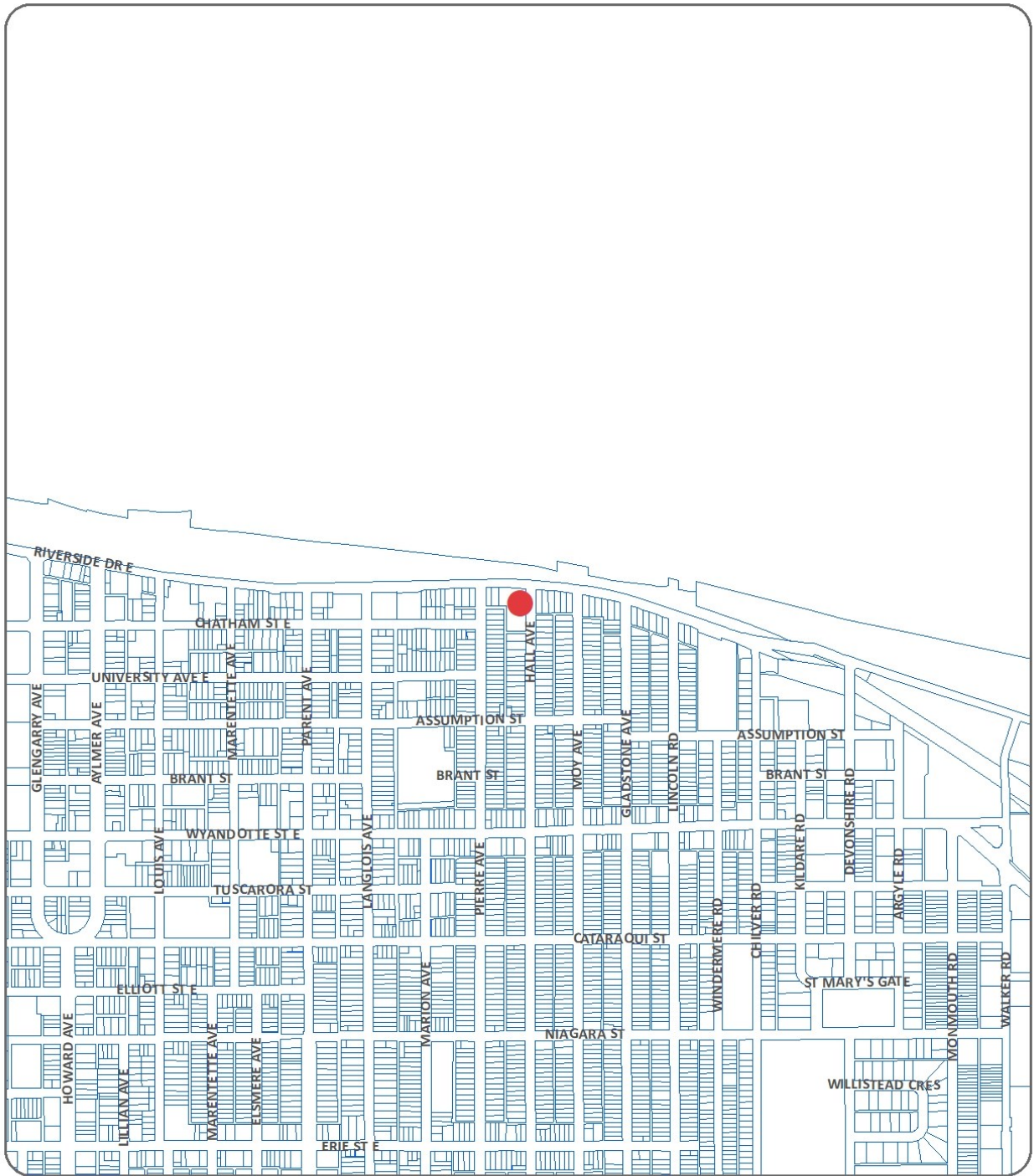
[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”

- III. That the applicant's request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line, **BE DENIED**, for reasons noted in this report;
- III. THAT the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue, **BE EXEMPT** from the provisions of section 45(1.3) of the Planning Act, provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:
 - a. Reduction in the required minimum building setbacks; and,
- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix B of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
 - 1) 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
 - 2) Storm Detention
 - 3) Sanitary Sampling Manhole
 - 4) Oil & Grit Separator
 - 5) Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
 - 6) Parkland dedication;
 - 7) A Record of Site Condition registered on file with the Ministry; and
 - 8) Canada Post requirements and guidelines for the proposed multi-unit development.

Executive Summary: N/A

Background:

1. KEY MAP



KEY MAP - Z-044/21, ZNG-6633



● SUBJECT LANDS

APPLICANT: ST. CLAIR RHODES DEVELOPMENT CORPORATION

ADDRESS: 1247 RIVERSIDE DRIVE EAST

2. APPLICATION INFORMATION

LOCATION: 1247 & 1271 Riverside Dr. E. [southwest corner of Riverside Dr. E. & Hall Ave.]

APPLICANT: ST. CLAIR RHODES DEVELOPMENT CORPORATION; c/o Dino Maggio.

AGENT: DILLON CONSTRUCTION LIMITED; c/o Karl Tanner

REGISTERED OWNER: SAME AS APPLICANT

PROPOSAL: The applicant is requesting an amendment to Zoning By-law 8600 for the lands municipally known as 1247 & 1271 Riverside Drive East. The subject land is designated Residential on the Land Use Schedule D of the Official Plan. The property is zoned Residential District 2.2 (RD2.2) by Zoning By-law 8600, with site-specific zoning provision S.20(1)310.

The RD2.2 zoning permits one *multiple dwelling* containing a maximum of four *dwelling units*. The applicant proposes a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* with five or more *dwelling units* on the subject land.

The applicant is also requesting the following additional provisions:

- Lot coverage – maximum - 35%,
- Building height – maximum - 18m,
- Building setback - 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and
- Building setback – minimum - 30m from the rear lot line.
- Relief from section 5.35.5 of by-law 8600.

The applicant proposes to develop a multi-storey, *multiple dwelling* with 42 *dwelling units* on the subject land. The applicant's revised Planning Justification Report dated September 13, 2022, prepared by Dillon Consulting, indicates the proposed building will have 5 storeys above grade and 1 storey below grade with 20 surface parking spaces and 49 below grade parking spaces. The fifth storey will contain amenity area (scenery loft).

SUBMISSIONS BY APPLICANT:

- Zoning By-law Amendment Application form;
- Property Deed;
- Development Concept plan;
- Project Summary/Planning Justification Report dated October 2020, REVISED June 29, 2022, September 8, 2022 and September 13, 2022, prepared by Dillon Consulting;
- StormWater Management Report dated Nov. 23, 2021, prepared by Aleo Associates Inc.;
- Topographic Plan of Survey dated Jan. 31, 2014, prepared by Verhaegen/ Stubberfield/ Hartley/ Brewer/ Bezaire Inc.;
- Stage 1 Archaeological Assessment Report dated Oct. 2015, Revised Feb. 2016, prepared by Cultural Resource management Group Limited;
- Stage 2 Archaeological Assessment Report dated Sep. 2016, prepared by Cultural Resource Management Group Limited;
- Ministry of Tourism Culture and Sport (MTCS) Letter dated Oct. 28, 2016, RE: Review and Entry into the Ontario Public Register of Archaeological Reports;
- Urban Design Brief dated July 22, 2022, prepared by Dillon Consulting;
- Shadow Impact Analysis dated March 20, 2022, prepared by Dillon Consulting; and
- Energy Strategy dated March 2022, prepared by Dillon Consulting.

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
RESIDENTIAL [Land Use]	RESIDENTIAL DISTRICT 2.2 (RD2.2) & S.20(1)310; ZDM6	Vacant land (since 2014)	1247 Riverside Dr. E.: Residential (Single unit dwelling) 1271 Riverside Dr. E.: Commercial (Danny's Tavern)
FRONTAGE	DEPTH	AREA	SHAPE
54.18m along Riverside 85.57m along Hall	irregular	3953.78m ² (0.977acres)	irregular
<p>Note: (1) All measurements are based on the 2014 topographic plan of survey. (2) House and Tavern were demolished in 2014) (2) This site is within the limits of the Riverside Dr. Vista Improvement Environmental Assessment (EA). (3) The EA does not identify any property requirements from the subject land. (4) The subject site is not located within a regulated area that is under the jurisdiction of ERCA.</p>			

4. PREVIOUS AMENDMENTS RELATED TO SECTION 20(1)310:

OPA 97: October 6, 2014, Council enacted By-law 174-2014 for the adoption of OPA 97. The purpose of the amendment (OPA97) is as follows:

- (i) to provide a site specific policy permitting “a business office use” as additional permitted use on the subject land designated Residential in the land use Schedule of the Official Plan, and
- (ii) to also expand the site specific policy to allow for the development of a business office jointly with a residential use on the subject land designated residential.

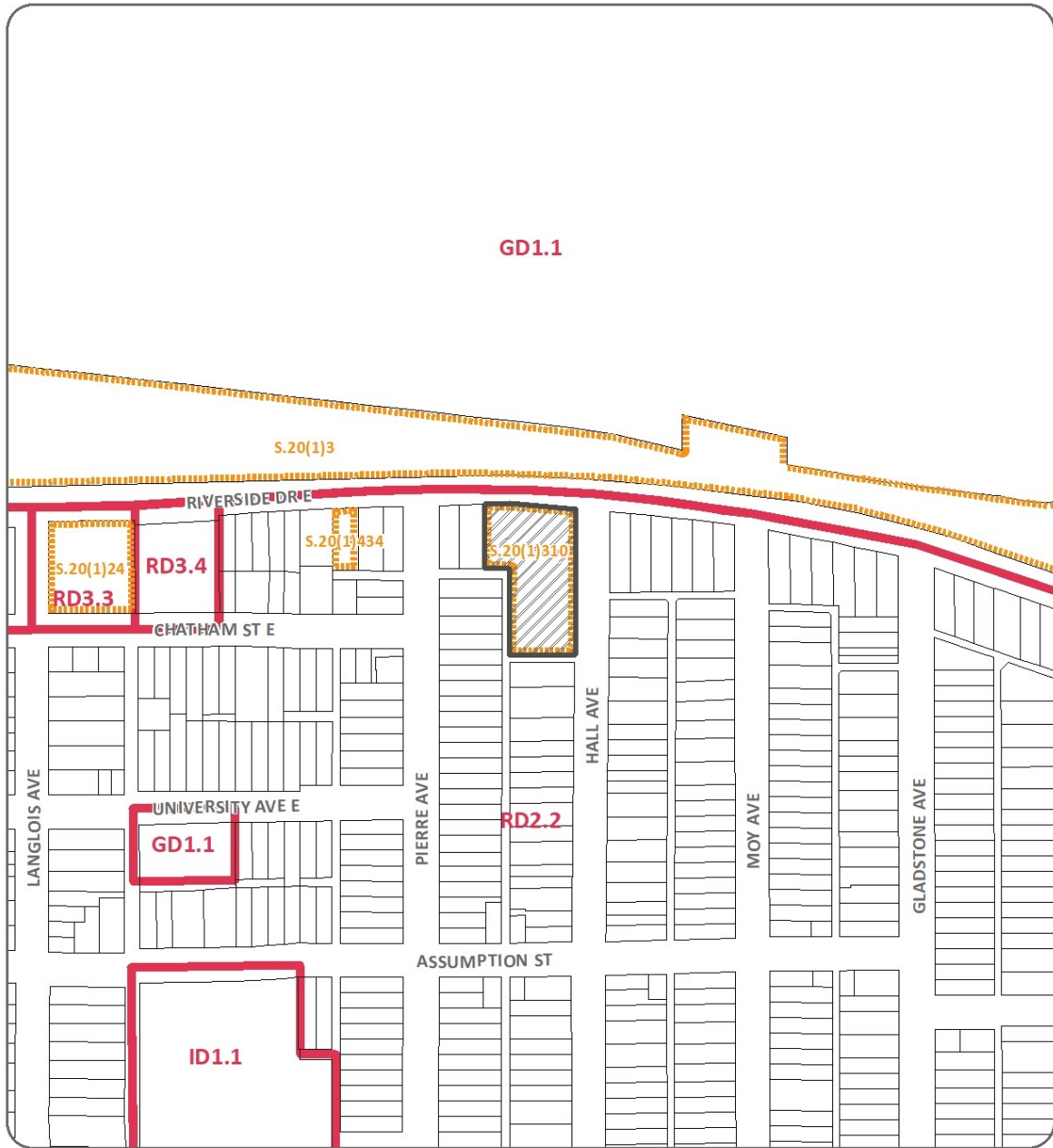
Z-007/14, ZNG/4153: October 6, 2014, Council also passed By-law 175-2014, which further amended By-law Number 8600 by adding section 20(1)310. By-law 175-2014 had the following purpose and effect:

- Permits the use of the subject land for “a business office” or “a business office in a combined use building with any one of the uses listed under Section 11(2)(a), provided that all dwelling units, not including entrances thereto, are located entirely above the office use”.
- By-law 175-2014 expands the permitted uses on the subject land through the addition of a site-specific provision to the Zoning By-law.

Z-021/17, ZNG/5270: November 6, 2017, Council adopted a resolution (CR677/2017) to approve a house-keeping amendment (File Z-021/17; ZNG/5270), which included some minor corrections to section 20(1)310. On the same November 6, 2017, Council also passed By-law 164-2017 to amend Zoning By-law 8600 as follows:

- Revise Section 5.10 Accessory Buildings by adding provisions for accessory buildings located in Institutional Districts.
- Replace Section 8, 9, 10, 11, 12 and 13 with new and updated Sections 8, 9, 10, 11, 12 and 13.
- Revise Section 20(1) Site Specific Exceptions to refer to new provisions in Sections 8, 9, 10, 11, 12 and 13.
- Minor corrections and revisions.

5. REZONING MAP



PART OF ZONING DISTRICT MAP 6

N.T.S.

REZONING

Applicant: St. Clair Rhodes Development Corporation



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022
FILE NO. : Z-044/21, ZNG-6633

6. NEIGHBOURHOOD CHARACTERISTICS



NEIGHBOURHOOD MAP - Z-044/21, ZNG-6633



SUBJECT LANDS

APPLICANT: ST. CLAIR RHODES DEVELOPMENT CORPORATION

ADDRESS: 1247 RIVERSIDE DRIVE EAST

The surrounding area is an established residential neighbourhood with small scale low profile residential uses mixed with a few medium and high profile developments. The medium and high profile residential developments are mainly along the south side of Riverside Dr. There are some open space/ recreational uses along the north side of Riverside Dr. The character of the neighbourhood shifts to a mixed use area with commercial, residential and institutional uses as you approach Wyandotte Street, south of the subject land as shown below.

SURROUNDING LAND USE

North: Open Space uses – Riverfront Trail, Memorial Garden, Flower Garden and, further north, the Detroit River.

West (Along south side of Riverside Dr. from Hall Ave. to Langlois Ave.): Residential uses - mostly small-scale low profile housing developments and two high profile residential buildings (10-storey apartment building known as Riverside Heights, at 1070 Chatham Street E. and a 12-storey apartment building known as Royal Towers, at 101 Langlois Ave.). Further west, on the Southeast corner of Parent Ave. and Riverside Dr. intersection, there is a 2-storey commercial building (Blondie Cleaners) at 909 Riverside Dr. E.

East: (Along south side of Riverside Dr., from Hall Ave. to Gladstone Ave.): Residential uses – small-scale low profile housing developments. Further east, at 1671 Riverside Dr. E., there is a high profile institutional building (Children’s Aid Society, Admin Building).

South: (Along east & west sides of Hall Ave. to Wyandotte St. E.): Residential and Commercial uses – mostly small-scale low profile housing developments on Hall Avenue frontage and commercial developments on Wyandotte Street intersection.

Southeast: Residential uses - low profile housing developments

Southwest: Residential, Open Space, Institutional and Commercial uses

- Low profile housing developments,
- University Park (at 1075 University Ave. E., east of Langlois Ave.),
- Place of Worship (Jesus Christ Tabernacle church at 381 Pierre St, N/W CNR of Pierre and Assumption),
- School (Frank W. Begley Public School at 1093 & 1105 Assumption St., between Langlois and Hall Avenues),
- Commercial uses (retail stores, restaurants, personal service shops, etc. along Wyandotte St. E.)

MUNICIPAL INFRASTRUCTURE

- The City’s records show that there are municipal storm and sanitary sewers within the abutting roadways, available to service the subject land.
- Municipal watermains, fire hydrants and LED streetlights are available in the subject area.
- There are concrete sidewalks, curbs and gutter along both sides of Hall Avenue and Riverside Drive East.
- There are Multi-Use Trails along the north side of Riverside Dr. E. and within the waterfront.
- Transit Windsor Bus routes (Walkerville 8 and Crosstown 2) are available to service the subject land and area. The closest existing transit route to this property is the Walkerville 8. Bus stop is located at the southwest corner of Riverside and Hall, in front of the subject property.
- Riverside Drive East is classified as a Scenic Drive in the Official Plan; while Hall Avenue is classified as a local Road.
- Nearby Class II Arterial Road – Wyandotte St. E. (approx. 400m south of the subject land)

- Nearby Class I Collector Roads – Gladstone and Lincoln Ave. (approx. 200m and 300m, respectively, east of the subject land).

Discussion:

PLANNING ANALYSIS:

1. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. It provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land in Ontario.

The recommended zoning by-law amendment promotes residential intensification, infill and redevelopment in an established residential neighbourhood that has a mix of commercial and institutional uses along nearby commercial corridor(s). The following policies of PPS 2020 are considered relevant in discussing provincial interests related to this amendment:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- i) preparing for the regional and local impacts of a changing climate.*

With respect to 1.1.1(a) – This property has been vacant for 8 years following the demolition of the single unit dwelling and tavern on the subject land. This amendment will, therefore, facilitate an infill residential development / redevelopment of the subject land. The amendment will introduce a medium profile, higher density residential use on the subject land; thereby, resulting in an efficient use of land, municipal services and infrastructure. Consequently, the amendment will promote efficient development and land use pattern that will positively impact the financial well-being of the City of Windsor.

With respect to 1.1.1(b) - There are a few medium and high profile residential developments west of the subject land. As noted already in this report, the east and south sides of the subject land are mostly low profile residential developments. The north side is the Windsor Riverfront. The recommended amendment will bring about the accommodation of a new *multi-unit, multi-storey* housing type that will constitute an appropriate market-based range and mix of residential types.

With respect to 1.1.1(c) – There are no known environmental or public health & safety concerns.

With respect to 1.1.1(f) - Sidewalks improve *accessibility for persons with disabilities and older persons*. As noted already in this report, there are existing concrete sidewalks on abutting and nearby roadways. The concept plan shows proposed on-site sidewalks, which connect to city side walks on Hall Avenue; thereby, enhancing on-site and off-site connectivity and accessibility.

With respect to 1.1.1(g) – The subject land is in an area of the City that is built-up and serviced by necessary infrastructure and public utilities.

With respect to 1.1.1(i) – Regional and local impacts of climate change is best addressed at the time of site plan approval when the lot-grading provisions, stormwater management measures, servicing study, landscaping requirements and much more, can be discussed in details and incorporated in the site plan approval and site plan agreement. The subject site is serviced by public transit and there is a bus stop in front of the subject land, at the southwest corner of Riverside and Hall. Therefore, the proposed development with 42 dwelling units will support the use of public transit and help to reduce carbon foot-print, causing a positive impact on climate change.

In summary, the recommended zoning by-law amendment will facilitate an efficient development on the subject land and sustain a healthy, liveable and safe community. The recommended zoning by-law amendment is consistent with policy 1.1.1 of the PPS.

1.1.3.1 Settlement areas shall be the focus of growth and development.

1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*
- d) prepare for the impacts of a changing climate;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed; and ...*

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.

This amendment creates opportunity for growth and development within the City of Windsor settlement area. This amendment will facilitate the development of a medium profile housing option, which is both an infill development and a redevelopment; hence, the recommended amendment promotes residential intensification. The amendment will facilitate a transit-supportive multi-unit residential development that will efficiently use land, resources, and existing infrastructure, including existing and planned active transportation options such as sidewalks. The subject amendment is consistent with policies 1.1.3.1 and 1.1.3.2 of the PPS.

1.4 Housing

1.4.1 To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:

a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development;

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, ...; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;

d) promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;

This amendment is intended to:

- promote the redevelopment of the subject site at a much higher density than previously existed on the subject land;
- create an opportunity for a higher density and compact development in an established residential area containing mostly low-density developments;
- facilitate a net increase in residential units or accommodation;
- result in the intensification of the subject site and area;
- facilitate the municipality's ability to accommodate residential growth through intensification;
- provide a form of housing that is appropriate in terms of range and mix, and
- meet the social, health and well-being of current and future residents.

Appropriate level of infrastructure, active transportation and transit services are available or will be available in the subject area. This amendment is consistent with policy 1.4 of the PPS.

1.6 Infrastructure and Public Service Facilities

1.6.6.2 *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The subject land is within an area that is serviced by municipal sewage services and municipal water services. The recommended zoning by-law amendment is consistent with policy 1.6.6.2 of the PPS.

1.6.6.7 *Planning for stormwater management shall:*

e) *maximize the extent and function of vegetative and pervious surfaces; and*

f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

The applicant's site-specific relief from the zoning by-law with respect to reduction in interior side yard width amounts to minimizing the extent and function of vegetative landscape and pervious surface on the subject land, therefore, is not consistent with policy 1.6.6.7 (e) of the

PPS. Consequently, in order to help maximize the extent and function of vegetative and pervious surfaces on the subject site, the applicant's site-specific request for a reduction in interior side yard width is not being recommended. The recommended amendment eliminates the site-specific zoning provision regarding reduction in interior side yard width. The recommended amendment is consistent with policy 1.6.6.7 (e) of the PPS.

Applicant is advised that landscaped area should be maximized as much as possible to enhance stormwater attenuation. Applicant is encouraged to consider Low Impact Design in the Site Plan Review process to address quantity and quality of stormwater leaving the site.

The applicant submitted a Stormwater Management (SWM) Report dated November 23, 2021. The SWM report indicates that the proposed development will discharge entirely to the existing 18" diameter municipal storm sewer on Hall Avenue located east of the site. The SWM report also states that storage has been provided entirely underground in the depressed grass area and in oversized storm sewer pipe and structures. The recommended amendment is consistent with policy 1.6.6.7 (f) of the PPS.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities*

This amendment encourages residential intensification which provides additional housing supply to the City. This amendment, therefore, symbolizes an appropriate response to the housing needs in the City of Windsor. The proposed development of a 5-storey, 42-unit multiple dwelling will optimize the availability and use of land, infrastructure and public service facilities. The amendment is consistent with policy 1.7.1 of the PPS.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns which:

- a) promote compact form and a structure of nodes and corridors;*
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; and*
- g) maximize vegetation within settlement areas, where feasible.*

The amendment promotes a compact development, which is transit-supportive, in an area that promotes active transportation and connectivity through the existing and planned sidewalks and multi-use trails. The recommended amendment contains zoning provisions (building setbacks from exterior and interior lot lines) that will help to maximize vegetation within the subject site and enhance air quality and positively impact storm management design for the site. The developer should consider energy efficiency in the building design as recommended in the energy study submitted by the applicant. This may include, but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors. It is also recommended that shade trees be provided for heat reduction as well as Green Infrastructure through Low Impact Design best practices to reduce and slow the flow of storm water to the proposed SWM area.

In summary, the above planning analysis demonstrate that the recommended zoning by-law amendment is consistent with the relevant Policies of PPS 2020.

2. OFFICIAL PLAN (OP)

A **safe, caring and diverse community** encourages a range of housing types to ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. “As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.” S. 3.2.1.2 (Neighbourhood Housing variety), OP Vol. 1.

One of the **healthy and liveable city** objectives in the Official Plan is to encourage a mix of housing types to allow people to remain in their neighbourhoods as they age; s.4.2.1.5 (Aging in Place), OP Vol. 1

Land Use Designation: The site is designated “Residential” in Schedule D of City of Windsor Official Plan. The objectives and policies of the Residential land use designation establish the framework for development decisions in Residential areas within the City of Windsor.

The Official Plan’s objectives are to support a complementary range of housing forms, promote compact residential form for new developments and promote selective residential redevelopment, infill and intensification initiatives in the City of Windsor. See sections 6.3.1.1, 6.3.1.2 and 6.3.1.3 of OP Vol.1. These objectives of the OP are satisfied by the proposed development on the subject land. The amendment supports a complementary range of housing form in the subject neighbourhood. The amendment also provides opportunity for residential redevelopment, infill and intensification; thereby, promoting a compact neighbourhood.

Permitted Uses: “Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.” s. 6.3.2, OP Vol. 1.

Proposed Use: The amendment will facilitate the development of a 5-storey, 42-unit Apartment, which is deemed a medium profile housing development per s. 6.2.1.2 of the OP. Therefore, the amendment is for a permitted use within the residential land use designation.

Locational criteria, s.6.3.2.4 of OP Vol. 1, are satisfied by the proposed residential development. The amendment is for a residential development located in a built-up area with access to a nearby Class II Arterial Road (Wyandotte St. – 400m south of the subject land) via Hall Ave. (a local Road). The subject development has access to nearby Class I Collector Roads (Gladstone Ave. and Lincoln Rd – 200m and 300m east of the subject land, respectively). The subject land can be serviced by full municipal physical services. Existing community services, open spaces and public transportation are available or planned for in the neighbourhood.

Evaluation criteria for neighbourhood development pattern, s.6.3.2.5 of OP Vol. 1. With respect to the proposed development on the subject land, the following evaluation criteria are applicable:

- s.6.3.2.5 (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

The term “Compatible” means the proposed development needs to be able to coexist with existing land uses; it does not mean the proposed development needs to be identical or similar to existing development in an area. As noted already in this report, there is a mix of low, medium and high profile residential developments co-existing in the subject area.

This recommended by-law amendment utilizes site-specific zoning to guide the proposed development towards compatibility with surrounding low profile residential developments. By applying the recommended site specific zoning regulations to the subject land, the proposed multiple dwelling can be designed to achieve compatibility with existing developments in the neighbourhood.

Massing and scale of a development are influenced mostly by the lot size, lot coverage, building height and setback requirements, which have been incorporated in the recommended site-specific provisions.

The recommended main building height of 18m is acceptable, based on what exists in another zoning category (RD2.5 in By-law 8600), where compatibility between low and medium profile residential developments is guided by a main building height of 7m minimum to 18m maximum.

Where a building is sited, its orientation and setback on the subject land are determined by a number of factors such as the building envelope set out in the minimum building setback requirements that are contained in the applicable zoning district and in any site-specific provisions. The recommended amendment contains building setback requirements that are geared towards achieving compatibility with nearby existing low profile residential developments in the area.

For a multiple dwelling with 5 or more dwelling units, the requirement is 1.25 parking spaces per dwelling unit. The provision of adequate off-street parking spaces at the rear of the building with vehicular access from Hall Avenue demonstrates compatibility with uses in the immediate area.

Zoning By-law 8600 defines *Amenity Area* as a *landscaped open space yard* or a recreational facility as an accessory use to a dwelling or a dwelling unit **located on the same lot**. This amendment incorporates site-specific landscape open space requirements, which further helps to achieve compatibility with the existing dwellings in the subject area.

Implementation of the recommended site specific zoning provisions, along with applicable RD2.2 zoning provisions, will help achieve compatibility with surrounding low profile residential uses.

In terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas, it is my opinion that the recommended amendment can result in a design that is compatible with the surrounding area as required under s.6.3.2.5 (c) above.

Concept plan shows adequate off-street parking for the proposed development; s. 6.3.2.5 (d).

As noted already in this report, the subject land is within a built-up residential neighbourhood and municipal infrastructure and services are available in the area; therefore, the proposed infill residential development is capable of being provided with full municipal physical services and emergency services per s.6.3.2.5 (e).

The recommended amendment is for a medium profile residential development and, as such, gradual transition is necessary and has been considered in the recommended site-specific building setbacks. Therefore, this amendment satisfies s.6.3.2.5 (f).

Energy Conservation, s.8.5.2.8 of OP Vol. 1: The proposed infill redevelopment is a compact, transit-oriented development with increased density, making transit service a viable investment for the City, per s.8.5.2.8(b), OP Vol. 1.

Reduction in landscaping is not desirable and should not be encouraged because landscaping can assist in reducing heating and cooling requirements. Hence the recommended amendment is structured to conform with s.8.5.2.8(c), OP Vol. 1.

Infill Development, s.8.7.2.3 of OP Vol. 1: The proposed infill residential development on the subject land is capable of being designed to function as an integral and complementary part of the existing residential development pattern. The requirements under s.8.7.2.3 can be more appropriately addressed at the time of Site Plan Approval. If Council approves the recommended zoning by-law amendment, the next step in the development process is for the proponent to submit an application for site plan review and approval, which will ensure that the proposed residential development is in keeping with the Official Plan built form policy for infill developments as in section 8.7.2.3, OP Vol. 1.

Amendments Must Conform, s. 11.6.3.1 of OP Vol. 1: “All amendments to the Zoning By-law(s) shall conform with this Plan”. Based on the analysis provided in this report, the recommended zoning by-law amendment maintains conformity with the Official Plan.

Evaluation criteria for zoning by-law amendments, s.11.6.3.3 OP Vol. 1:

- As noted already in this report, the amendment satisfies the evaluation criteria under s.6.3.2.5; therefore, 11.6.3.3(a) is satisfied;
- Relevant support studies were submitted as part of this application and were considered in the preparation of this planning report; therefore, 11.6.3.3(b) is satisfied;
- The requirements, comments and recommendations from municipal departments and circularized agencies have been considered, as noted in the CONSULTATION section of this report; therefore, 11.6.3.3(c) is satisfied;
- This amendment promotes opportunity for residential intensification, redevelopment and infill, which creates a compact form of neighbourhood and ensures continuation of an orderly development pattern in the subject area. The recommended zoning by-law amendment is consistent with the relevant policies of the PPS and conforms with, or can be designed to conform with, the applicable objectives and policies of OP Vol. 1. Therefore, 11.6.3.3(d) is satisfied; and
- The zoning by-law amendment will provide additional housing options and opportunities in the area. Potential adverse impacts on nearby residential properties can be mitigated with design elements and landscaping features and these will be further addressed at the time of site plan review. Therefore, 11.6.3.3(f) is satisfied.

The recommended amendment meets the evaluation criteria set out in s.11.6.3.3 of the OP.

3. ZONING

The subject land is zoned Residential District 2.2 (RD2.2) with special provision s.20(1)310, in the City of Windsor Zoning By-law 8600. **Appendix A**, attached to this report, contains relevant excerpts from Zoning By-law 8600. Permitted uses in the RD2.2 zoning district can be found in Appendix A. The proposed 5-storey, 42-unit multiple dwelling is not permitted in the R2.2 zoning nor by S.20(1)310.

The applicant’s requests for site-specific zoning provisions in the revised PJR dated September 13, 2022, have all been considered and are supported in this report, save and except for the interior side yard reduction from 1.5m to 0.2m. The side yard reduction minimizes the extent and function of vegetative landscape and pervious surface on the subject land as discussed under 1.6.6.7(e) in this report. Secondly, the RD2.2 zoning requires a side yard width of 1.8m for a multiple dwelling containing a maximum of 4 dwelling units and 1.2m for a single unit dwelling. The 1.5m minimum interior side yard required in s.20(1)310 is already a reduction in the

required side yard for a 10m tall multiple dwelling in an RD2.2 zoning district. Thirdly, in another zoning district (RD2.5, By-law 8600) in which low and medium profile dwellings are planned to co-exist, a multiple dwelling with five or more dwelling units (and a maximum building height of 18m) is required to have a minimum side yard width of 2.5m. Lastly, in my opinion, it is not good planning to support a further reduction in the minimum required interior side yard width for the proposed 18m tall medium profile multiple dwelling abutting a low profile residential development.

The existing special section [s.20(1)310] on the subject land will have to be deleted and replaced with a new (revised) s.20(1)310 as shown in Recommendation II of this report.

With respect to parking requirements for the proposed 42 residential units, the by-law requires 1.25 spaces for each unit; therefore, the development requires a minimum of 52 parking spaces. The applicant proposes 69 off-street parking spaces (20 surface parking spaces and 49 below grade parking spaces). Since most of the parking is going to be located below grade, Planning Department has no issue with the 17 extra parking spaces being proposed.

DRAFT BY-LAW: A draft by-law is attached as **Appendix D**. The Planning Act, in subsection 24(1) requires that no by-law shall be passed for any purpose that does not conform with the Official Plan. As noted already under OFFICIAL PLAN section of this report, the recommended amendment conforms with the OP; therefore, the draft by-law can be passed at the appropriate time.

4. SITE PLAN

The proposed amendment is a “development” as defined in section 41(1) of the Planning Act; therefore, the applicant is required to submit an application for Site Plan Approval. Execution of a Site Plan Agreement is required.

The following municipal department requirements and other relevant requirements found in Appendix B attached, shall be addressed through the Site Plan Review and Approval process for the proposed development on the subject land:

- a. 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Drive East
- b. Storm Detention
- c. Sanitary Sampling Manhole
- d. Oil & Grit Separator
- e. Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr.
- f. Parkland dedication;
- g. A Record of Site Condition registered on file with the Ministry; and
- h. Canada Post requirements and guidelines for the proposed multi-unit

5. STORMWATER MANAGEMENT REPORT

The applicant’s consultant, Aleo Associates Inc., submitted stormwater management report dated November 23, 2021, for the proposed multi-storey residential development on the subject land. Aleo Associate’s storm management report summarizes as follows:

- a) That the property has a total area of 42,540 ft² (0.98 acres) and the southern portion of the property has a drainage area of 14,505 ft² (0.33 acres) and is tributary to the 18” diameter storm sewer on Hall Avenue with an allowable runoff coefficient 0.42; while the northern portion of the property has a drainage area of 28,035 ft² (0.64 acres) and is not assessed to a storm sewer;
- b) That the proposed development will discharge entirely to the existing 18” diameter municipal storm sewer on Hall Avenue located east of the site;

- c) That the allowable release rate will be based on a runoff coefficient of $C=0.42$ and a drainage area of 14,505 ft² (0.33 acres); and
- d) That the developed runoff coefficient for the stormwater management boundary area is 0.76 for both the 1:5 year and 1:100 year storm events.

Aleo Consulting Inc. indicates, in their storm management report, that they had carried out storm detention design for a 1:5 year and 1:100 year frequency storm event, and the release rate from the site is being restricted to the 1:5 year allowable discharge rate which is 0.41 cfs (11.6 L/s). The applicant's engineering consultant also states that

- The development flow will be restricted by a Tempest "HF" (High Flow Rate) Inlet Control Device by Ipex (74 mm diameter ICD);
- Storage has been provided entirely underground in the depressed grass area and in oversized storm sewer pipe and structures;
- The 1:5 year and 1:100 year storage elevations are 591.75' and 592.75', respectively; and
- The 1:100 year storage elevation is 12" below the proposed floor elevation 593.75'.

Risk Analysis:

Mitigation: The subject site is serviced by public transit and the proposed development is transit-supportive; therefore, this amendment will help in reducing carbon foot-print, thereby, positively impacting climate change. The proposed development will promote active transportation by utilizing existing and new sidewalks in the area, thereby, reducing carbon footprint.

Adaptation: As noted in this report under policy 1.1.1(i) of the PPS, impact of climate change is best addressed at the time of site plan approval when the lot-grading provisions, stormwater management measures, servicing study, landscaping requirements and much more, would be discussed in details and incorporated in the site plan approval and site plan agreement.

Financial Matters: N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Appendix B, attached to this report, contains comments from municipal departments and external agencies that were consulted. There are no objections to the requested amendment. However, some municipal departments and external agencies have conditions/requirements for approval of the subject zoning amendment. See Appendix B hereto attached.

2. PUBLIC NOTICE

The City advertised the official notice in the local Newspaper, the Windsor Star Newspaper, per the Planning Act.

The City will also mail courtesy notice to all properties within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

Conclusion:

Following my evaluation of materials submitted by the applicant, relevant policies of the Provincial Policy Statement 2020 and the Official Plan, comments from municipal departments and external agencies, it is my professional opinion that the recommended zoning amendment

is consistent with the Provincial Policy Statement 2020, maintains conformity with the Official Plan and constitutes good planning.

It is also my opinion that the requested reduction in interior side yard width should be denied for the reasons outlined in this report, under zoning discussion.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP

Manager, Planning Policy / Deputy City Planner

Thom Hunt, MCIP, RPP

City Planner

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

JP, Commissioner of Economic Development & Innovation

OC, Chief Administrative Officer

Approvals:

Name	Title
Michael Cooke, MCIP, RPP	Manager of Planning Policy / Deputy City Planner
Thom Hunt, MCIP, RPP	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Jelena Payne	Chief Administrative Officer (Acting)

Notifications:

Name	Address	Email
Abutting property owners, tenants/occupants within 120 meter (400 feet) radius of the subject land		
Applicant & Owner: St. Clair Rhodes Development Corporation; c/o Dino Maggio	3235 Electricity Dr., Windsor ON N8W 5J1	dino@midsouth.ca
Agent: Dillon Consulting Limited c/o Karl Tanner	3200 Deziel Drive, Suite 608, Windsor, ON N8W 5K8	ktanner@dillon.ca
Councillor Chris Holt	350 City Hall Square West, Suite 220, Windsor, ON	cholt@citywindsor.ca

Appendices:

- 1 Appendix A - Excerpts from Zoning By-law 8600
- 2 Appendix B - Consultations Table
- 3 Appendix C - Concept plan
- 4 Appendix D - Draft By-law for Z-044-21
- 5 Appendix E - Planning Act Exemption Letter

APPENDIX A- Excerpts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

AMENITY AREA means a *landscaped open space yard* or a recreational facility as an *accessory use* to a *dwelling* or a *dwelling unit* located on the same *lot*.

BUILDING HEIGHT means:

1. For any *building* with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, the vertical distance in metres between the *grade* and the highest point of the roof.

Where a *building height* provision is expressed in storeys, the *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m results in a maximum building height of 12.0 m.

2. For a *main building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the mid-point between the lowest eaves and the highest point of the roof.

Where *building height* is expressed in storeys, the minimum *building height* in metres shall be the number of storeys required multiplied by 4.0 m, and the maximum *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m plus an additional 2.0 m for the roof.

Example: If the maximum building height is 2 storeys, multiplying 2 storeys by 4.0 m plus 2.0 m for the roof, results in a maximum building height of 10.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m plus 2.0 m for the roof results in a maximum building height of 14.0 m.

3. For an *accessory building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the highest point of the roof.

BUILDING SETBACK means the horizontal distance measured at right angles from a *lot line* to the closest wall of any *building* or *structure* on the same *lot*.

DOUBLE DUPLEX DWELLING means one *dwelling* divided into four *dwelling units* by vertically attaching two *duplex dwellings* with no direct internal connection between the *dwelling units*. A *multiple dwelling*, *semi-detached dwelling*, *stacked dwelling*, or *townhome dwelling* is not a *double duplex dwelling*.

DUPLEX DWELLING means one *dwelling* divided horizontally into two *dwelling units* with no direct internal connection between the *dwelling units*. A *single unit dwelling* with two *dwelling units* is not a *duplex dwelling*.

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

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

GRADE

1. For the purpose of Section 5.10.9, means the average elevation of the finished surface of the ground adjacent to the *accessory building*.
2. For the remainder of the By-law, means the average elevation of the crown of that part of the *street* abutting the *front lot line*. Where the elevation of a point on a *building* located on the *lot* is equal to the *grade* elevation, that point is deemed to be "at grade".

LANDSCAPED OPEN SPACE means an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a *dwelling* or *dwelling unit*.

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

SCENERY LOFT means an *amenity area* which occupies a fully enclosed room or group of rooms, is located above the uppermost *storey* of a *main building*, is fully and readily accessible to all residential occupants of the *building*, and is not used in whole or in part as a *dwelling unit*.

SEMI-DETACHED DWELLING means one *dwelling* divided vertically into two *dwelling units* by a common interior wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, up to two additional *dwelling units*.

SINGLE UNIT DWELLING means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one *dwelling* having two *dwelling units*. A single family dwelling is a *single unit dwelling*. A *duplex dwelling*, *mobile home dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*, is not a *single unit dwelling*.

TOWNHOME DWELLING means one *dwelling* vertically divided into a row of three or more *dwelling units* attached by common interior walls, each wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, additional *dwelling units*. A *semi-detached dwelling* is not a *townhome dwelling*.

SECTION 5 – GENERAL PROVISIONS

5.35 EXCEPTIONS TO MAXIMUM BUILDING HEIGHT PROVISIONS

- 5.35.1 **FIXTURES OR STRUCTURES** - The features or structures listed in Table 5.35.1 may extend above the permitted maximum *building height*, provided that such fixtures or structures are erected only to such height as is necessary to accomplish their purpose:

Antenna	HVAC Equipment	Skylight
Belfry	Mechanical Penthouse	Smokestack
Chimney	Protective Fencing	Solar Panel
Cupola	Satellite Dish	Spire
Fire Wall	Screening Fencing	Water Tank

- 5.35.5 **SCENERY LOFT** - A *scenery loft* shall be an additional permitted facility on a *multiple dwelling* or a *combined use building* provided that the *multiple dwelling* or *combined use building* has a minimum *building height* of 30.0 metres and the *scenery loft* shall have a maximum height of 4.0 metres and a maximum *gross floor area* of 100.0 square metres.

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

11.2.1 PERMITTED USES

One Double Duplex Dwelling
One Duplex Dwelling
One Multiple Dwelling containing a maximum of four *dwelling units*
One Semi-Detached Dwelling
One Single Unit Dwelling
Townhome Dwelling
 Any use accessory to any of the preceding uses

11.2.5 PROVISIONS

.1	Duplex Dwelling	
.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2	Semi-Detached Dwelling	
.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

11.5 RESIDENTIAL DISTRICT 2.5 (RD2.5)

11.5.1 PERMITTED USES

Double Duplex Dwelling

Duplex Dwelling

Multiple Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Townhome Dwelling

Any use accessory to the above uses

11.5.5 PROVISIONS

.1 Double Duplex Dwelling

.1	Lot Width – minimum / maximum	18.0 m / 24.0 m
.2	Lot Area – minimum / maximum	540.0 m ² / 840.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2 Duplex Dwelling

.1	Lot Width – minimum / maximum	12.0 m / 15.0 m
.2	Lot Area – minimum / maximum	360.0 m ² / 525.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	<i>Detached garage or carport in rear yard</i>	3.0 m / 4.0 m
	<i>No detached garage/carport in rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.3 Semi-Detached Dwelling

.1	Lot Width – minimum / maximum	15.0 m / 18.0 m
.2	Lot Area – minimum / maximum	450.0 m ² / 630.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	<i>Detached garage or carport in rear yard</i>	3.0 m / 4.0 m
	<i>No detached garage/carport in rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.4 Single Unit Dwelling

.1	Lot Width – minimum / maximum	9.0 m / 12.0 m
.2	Lot Area – minimum / maximum	270.0 m ² / 420.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m

- | | | |
|-----|--|---|
| .5 | Front Yard Depth – minimum / maximum | |
| | Detached <i>garage</i> or <i>carport</i> in <i>rear yard</i> | 3.0 m / 4.0 m |
| | No detached <i>garage/carport</i> in <i>rear yard</i> | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 1.20 m |
| .5 | Multiple Dwelling with four <i>dwelling units</i> or less | |
| .1 | Lot Width – minimum / maximum | 18.0 m / 24.0 m |
| .2 | Lot Area – minimum / maximum | 540.0 m ² / 840.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – minimum / maximum | 7.0 m / 14.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 1.20 m |
| .6 | Multiple Dwelling with 5 or more <i>dwelling units</i> | |
| .1 | Lot Width – minimum | 20.0 m |
| .2 | Lot Area – per <i>dwelling unit</i> – minimum | 166.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – minimum / maximum | 7.0 m / 18.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 2.50 m |
| .7 | Townhome Dwelling | |
| .1 | Lot Width – minimum | 20.0 m |
| .2 | Lot Area – per <i>dwelling unit</i> – minimum | 190.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – maximum | 14.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 2.50 m |
| .50 | Notwithstanding Section 24, for a <i>townhome dwelling</i> unit that fronts a <i>street</i> , the required number of <i>parking spaces</i> shall be one <i>parking space</i> for each <i>dwelling unit</i> . | |
| .50 | For all <i>dwelling</i> s, except a <i>Multiple Dwelling</i> with five or more <i>dwelling units</i> , the exterior walls shall be entirely finished in brick. | |
| .60 | Where a <i>garage</i> forms part of the <i>main building</i> , no exterior wall enclosing the <i>garage</i> shall project more than 1.0 m beyond the front wall or side wall of the <i>dwelling</i> . | |

APPENDIX B – Consultations Table

Anne Marie Albidone – Environmental Services

Garbage collection occurs in the alley abutting this property. Therefore the alley must remain accessible at all times. Otherwise, there are no concerns from Environmental Services.

Jose Mejalli – Assessment Management Officer

No objection to the zoning amendment to allow development of a 4-storey, *multiple dwelling* with 23 *units* in total and related parking.

Jennifer Nantais – Environmental & Sustainability Coordinator

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

Energy Conservation, Air Quality and Climate Change:

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

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

In addition, EV charging infrastructure should be included.

Opportunities to increase resiliency such as providing strategic back-up power capacity is warranted.

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

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

Stormwater Management:

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

Please note that this area of Windsor has a high risk of basement flooding. The applicant should be aware of this risk and take additional measure to minimize the risk of flooding.

Landscaping

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

In addition we encourage the developer to consider community gardening space for residents. Local food production is very popular in Windsor and a space for community garden boxes could be beneficial.

The Environmental Sustainability & Climate Change team has also requested an Energy Study to be completed during the pre-submission stage this past summer.

Canada Post

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

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

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

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

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

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The closest existing bus stop to this property is located directly in front of this property on Riverside at Hall Southwest Corner providing excellent transit coverage to this development. This will be maintained with our Council approved Transit Master Plan. Transit Windsor has no plans or any intention to relocate this bus stop for this development. If the bus stop needs to temporarily be closed for construction on the property, Transit Windsor requires a minimum of 2 weeks notice.

ERCA

The following is provided as a result of our review of Zoning By-Law Amendment Z-044-21 ZNG 6633. The applicant proposes a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* on the subject land. Currently, one *multiple dwelling* containing a maximum of 4 *dwelling units* is permitted on the subject land. The applicant is also requesting for a maximum lot coverage of 30.9%, a maximum building height of 24m, minimum building setback of 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and a minimum building setback of 31.9m from the rear lot line. The proposed development is a multi-storey, *multiple dwelling* with 23 *dwelling units* total. The proposed building will have 4 storeys above grade and 1 storey below grade with 50 above grade parking spaces and 20 below grade parking spaces.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

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

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

If this property is subject to Site Plan Control and a site plan application submission in the future, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on stormwater management concerns, until we have had an opportunity to review the specific details of the proposal, through a complete and detailed site plan application submission.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

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

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the proposed Zoning By-law Amendment. However, we reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

Barbara Rusan – Building

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

- The Building Code Act, Section 8.1(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Divisions can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca
- A Record of Site Condition registered on file with the Ministry, is a pre-requisite to Building Permit issuance for the proposed residential use.

Sherif Barsom – Parks D&D

Please note that there are no comments for this liaison from our Parks design and development dept..

Patrick Winters – Engineering & ROW

The subject lands are located at 1247 Riverside Dr. E, designated as Residential on the Land Use Schedule D of the Official Plan. The property is zoned Residential District 2.2 (RD2.2) by Zoning By-law 8600, with site-specific zoning provision S.20(1)310. The applicant proposes a site-specific exemption to the zoning by-law, to permit one multiple dwelling on the subject land. Currently, one multiple dwelling containing a maximum of 4 dwelling units is permitted on the subject land. The applicant is also requesting for a maximum lot coverage of 30.9%, a maximum building height of 24m, minimum building setback of 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and a minimum building setback of 31.9m from the rear lot line.

This site is within the limits of the Riverside Dr. Vista Improvement Environmental Assessment (EA). The EA does not identify any property requirements from this parcel. The current Riverside Drive right-of-way width is 17.4m. Similarly, Hall Ave. is designated as a local road requiring a 20.0m right-of-way. The current right-of-way width is 20.1m and therefore no land conveyance is required along the Hall Ave. frontage. Furthermore, a 4.6m x 4.6m corner cut-off conveyance will be required at the southwest corner of the Riverside Dr. E. and Hall Ave. intersection.

The existing concrete retaining wall fronting Riverside Dr. E is encroaching onto the right-of-way. The applicant shall have this wall removed, including footings, from City property and relocate it to private property if necessary.

The subject lands are serviced by an 825 mm diameter vitrified clay pipe sanitary sewer on Riverside Dr. E., a 450mm diameter reinforced concrete pipe sanitary sewer and a 450mm diameter reinforced concrete pipe storm sewer on Hall Ave. A stormwater management report is required to be completed for the subject lands; storm management facilities must be constructed on site and will ultimately outlet to the municipal sewer using an allowable release rate based on a runoff coefficient of $C = 0.43$. A sanitary sampling manhole will need to be installed on any new sanitary connection at the property line to the satisfaction of the City Engineer.

In summary, we have no objections to the proposed site plan control application, subject to the following requirements:

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

Storm Detention - Prior to the issuance of a Building Permit, the applicant(s) shall agree to retain a consulting engineer for the design and preparation of drawings, satisfactory to the City Engineer, for an internal stormwater detention scheme to service the subject lands. The purpose of this scheme will be to ensure that the storm drainage being directed to the Corporation's storm sewer or ditch, from the lands in their improved state, be restricted using an allowable release rate based on a runoff coefficient of $C = 0.43$. If these drawings are approved, the applicant(s) shall agree to construct this storm detention scheme, to the satisfaction of the City Engineer.

Sanitary Sampling Manhole – The owner agrees for all non-residential uses, to install a sanitary sampling manhole accessible at the property line of the subject lands to the City Engineer at all times. The determination of the requirement or interpretation if a sampling manhole exists or exceptions to such, will be to the satisfaction of the City Engineer.

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6 m x 4.6 m (15' x 15') corner cut-off at the intersection of Riverside Dr. E. and Hall Ave. in accordance with City of Windsor Standard Drawing AS-230.

Oil & Grit Separator – The owner shall agree to install an approved oil & grit separator on site for the new development to control sediment into the storm water drainage system to the satisfaction of the City Engineer.

Encroachment – The owner agrees to remove the existing retaining wall encroachment into the Riverside Dr. E. right-of-way and the boulevard is to be restored to the satisfaction of the City Engineer.

Stefan Fediuk – Landscape Architect

Pursuant to the application for a zoning amendment (Z 044/21) to permit a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* on the subject, please note no objections.

Please also note the following comments:

Zoning Provisions for Parking Setback:

There are no additional zoning requirements from a landscape architectural or urban design perspective.

Urban Design:

This segment of Riverside Drive East is designated as a Civic Way in the Official Plan (Schedule G), and adjacent to the Greenway System (Schedule 'B') of Central Riverfront Lands. Development along Riverside Drive is to be complementary to those areas as identified in the Official Plan sections 8.11.12.12 and 8.11.12.13, which require the provision of enhanced landscape and urban design for the frontages of the development along Civic Ways. Enhancement of the proposed SWM area as vegetative will help to provide this enhancement.

In addition, substantial tree planting would help mediate between the scale of the proposed development and the scale of the surrounding residential properties.

Furthermore, fencing and/or hedge planting along the south property boundary may be required in order to provide privacy for the abutting.

Climate Change:

Aside from Stormwater Management proposals for this application, the applicant has not addressed climate change requirements found in the PPS (see 1.1.3.2 c) & d). The project summary does site sections of the PPS that include climate change resilience through adaptation and mitigation (PPS 1.8 Energy Conservation, Air Quality and Climate Change) especially PPS1.8.1 which states:

- Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the *impacts of a changing climate* through land use and development patterns which:
 - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and
 - g) maximize vegetation within *settlement areas*, where feasible.The PPS defines Green Infrastructure as: "...natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs."

Section 4.2.1 Healthy and Liveable City of the Official Plan also supports the PPS's climate change requirements in 4.2.1.4 which states: "To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality life."

However, the proposal as per the accompanying site plan is silent to those requirements. Climate change adaptation also needs to address to air quality and heat island effect reduction. Therefore, it is recommended that the development proposal provide measures for adaption through the provision of shade trees for heat reduction as well as Green Infrastructure through Low Impact Design best practices (i.e. trees and vegetative landscaped edges of the stormwater management area) to reduce and slow the flow of storm water to the proposed SWM area.

Tree Preservation:

N/A

Parkland Dedication:

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

Rania Toufeili – Transportation

- Riverside Drive East is classified as a Scenic Drive per the Official Plan with a required right-of-way width of 24 meters. No conveyance is required per the Riverside Vista Improvement Environmental Assessment.
- Hall Avenue is classified as a local road per the Official Plan with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.
- A 4.6 meter corner cut-off is required at the corner of Hall Avenue and Riverside Drive East.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Enwin

Hydro Engineering: No Objections to the proposed Multiple Dwelling.

Water Engineering: Water Engineering Has No Objections to Rezoning

Kristina Tang – Heritage Planner

Archaeological Assessment Report Entitled, " Stage 2: Archaeological Assessment 1247-1271 Riverside Drive Lot 6 and Part of Lot 92, Concession 1 Geographic Township of Sandwich East City of Windsor Essex County, Ontario", Dated Sep 6, 2016, Filed with MTCS Toronto Office on Sep 13, 2016, MTCS Project Information Form Number P109-0053-2016, MTCS File Number 0003405, has been entered into the Ontario Public Register of Archaeological Reports. Although the report recommends that no further archaeological assessment of the property is recommended, the applicant is still to note the following archaeological precautions:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site

secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events:

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

mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

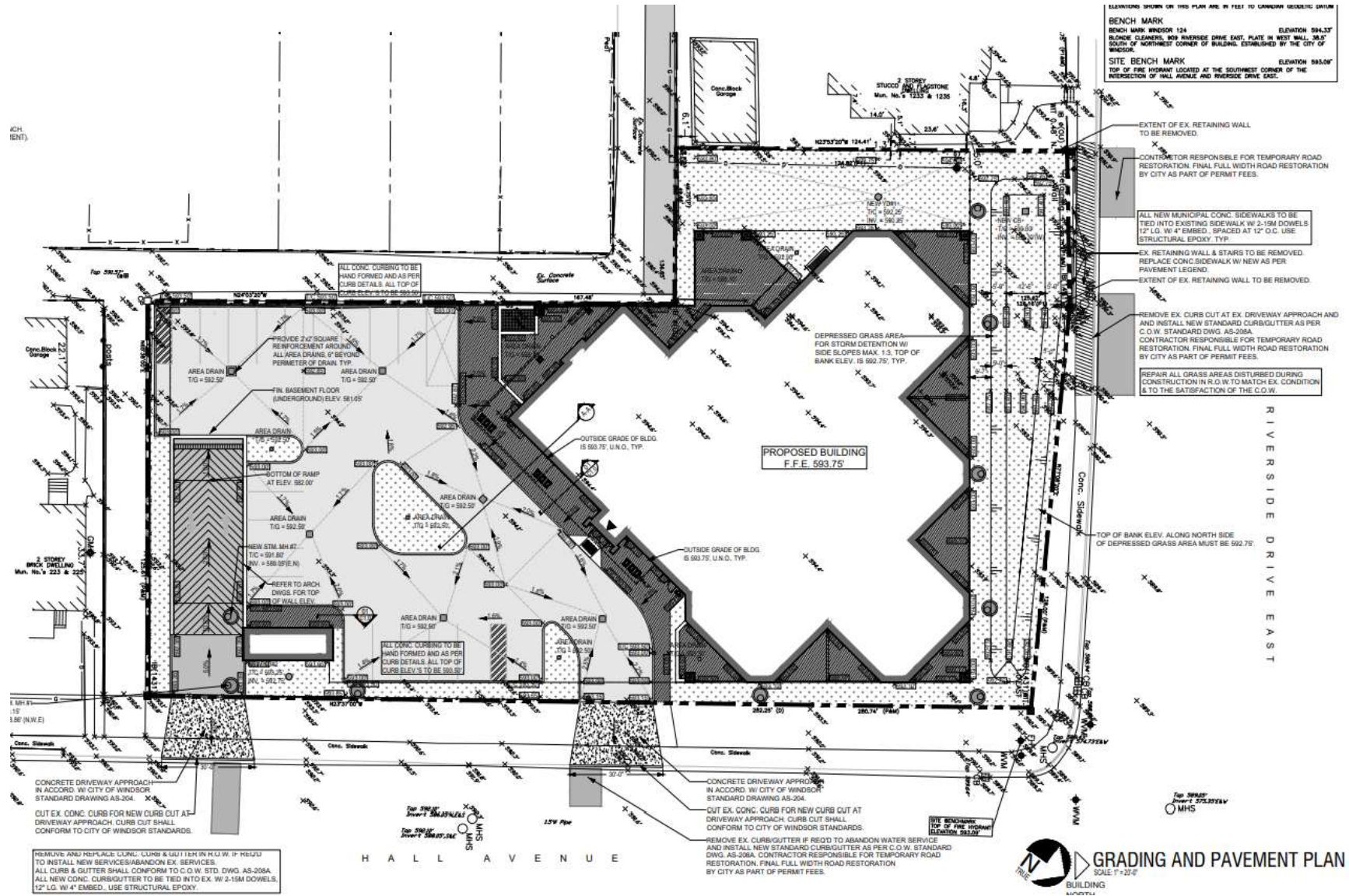
Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

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

APPENDIX C – Concept Plan



APPENDIX D – DRAFT BY-LAW AMENDMENT

BY-LAW NUMBER -20212
A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the _____ day of _____, 2022.

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

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

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

“310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* ^(New use)

Business Office

Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE* IN A *COMBINED USE BUILDING*:

- .3 Lot Coverage - Total - maximum 30.0%
- .4 Building Height – maximum 14.0 m
- .8 Landscape Open Space Yard – minimum 15% of *lot* area
- .20 Building Setback – minimum:
 - a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
 - b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
 - c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
 - d) From the *rear lot line* – 50.0 m;
- .50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.
- .55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.
- .90 A *parking space* is prohibited in any required *front* yard.
- .95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING* WITH FIVE OR MORE *DWELLING UNITS*: ^(New provisions)

- 1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and

2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:

- .2 Lot Area – minimum - 93.0 m² per unit
- .3 Lot Coverage – maximum - 35%
- .4 Main Building Height – maximum - 18.0 m
- .8 Landscape Open Space Yard – minimum - 35% of *lot area*
- .20 Building setback from rear lot line - minimum - 30.0 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:

- a. The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
- b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a 4.0 metres maximum height. [ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”

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	6	Part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT]	-	S.20(1)310

DREW DILKENS, MAYOR

CLERK

First Reading - , 2022
 Second Reading - , 2022
 Third Reading - , 2022

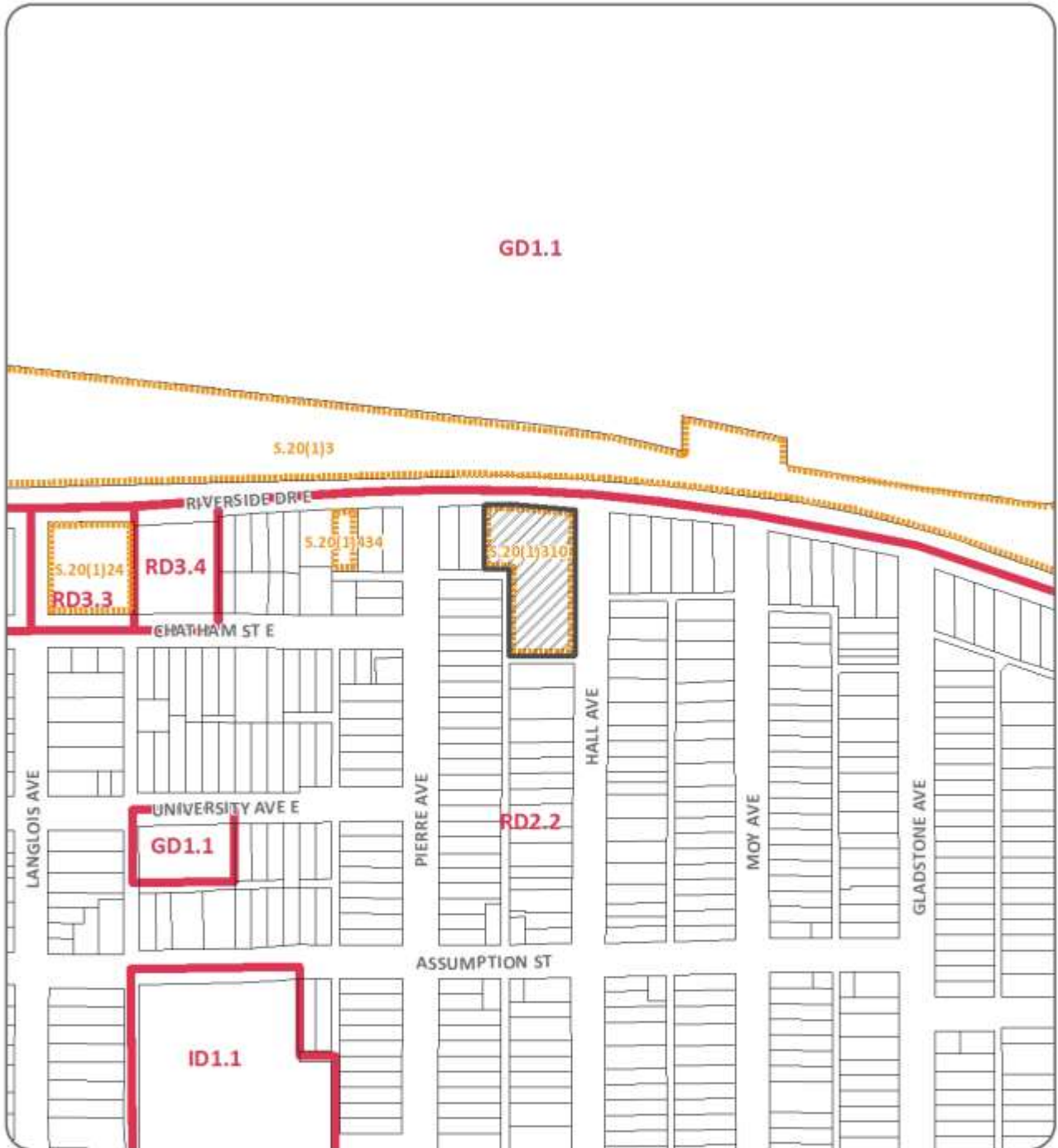
SCHEDULE 2

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

To amend the zoning of the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], so as to permit the development of a multiple dwelling with 5 or more units on the subject land.

The amending by-law maintains the RD2.2 zoning on the subject land, deletes an existing special section [s.20(1)310] on the subject land and replaces the special section with an expanded version that accommodates the proposed 5-storey, 42-unit multiple dwelling on the subject land.

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



PART OF ZONING DISTRICT MAP 6

N.T.S.

SCHEDULE 2

Applicant: St. Clair Rhodes Development Corporation



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022
FILE NO. : Z-044/21, ZNG-6633



File No.: 21-2724

September 13, 2022

The Corporation of the City of Windsor
Planning Department
350 City Hall Square
Windsor, ON
N9A 6S1

Attention: Justina Nwaesei, MCIP RPP
Senior Planner

Request for Relief from Section 45 (1.3)
1247 Riverside Drive East
City of Windsor

In light of the two-year moratorium on minor variances or zoning by-law amendments to amend site specific zoning by-law amendments, on behalf of St. Clair Rhodes Development Corporation, we respectfully request that Council pass a resolution to permit the Development and Heritage Standing Committee to grant relief from this provision to permit Minor Variance Applications for the above noted site should they become necessary in the next two years. The request is pre-emptive in nature as the final design has not been completed.

Background

The Planning Act provides the basis for the establishment of a Committee of Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

In Section 45 (1) of the Act, the Committee of Adjustment may authorize the approval of minor variances from the provisions of the by-law, if in its opinion said variance is desirable for the appropriate development or use of the land, building or structure.

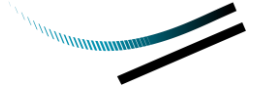
Section 45 (1.3) states that "Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended."

The Act does, however, also provide Municipalities the ability, through Council resolution, to allow minor variance applications to proceed on a case-by-case basis, resolution to permit minor variance applications to proceed within the 2-year time frame (Section 45 (1.4) of the Planning Act).

In situations where a proposed minor variance upholds or otherwise does not offend the intent of the recent Zoning By-law Amendment, Council may approve a resolution permitting the application to proceed to the Committee of Adjustments.

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

Dillon Consulting
Limited



Conclusion

As such, the applicant has made a request of City Council, by way of the City Solicitor and the Planning Department in accordance with Section 45 (1.4), to permit such a resolution to be passed.

We trust that the application can be processed at your earliest convenience.

DILLON CONSULTING LIMITED

Karl Tanner MCIP, RPP
Partner
zcs:dt

cc: Dino Maggio – St. Clair Rhodes Development Corporation
Jerry Kavanaugh – ADA Inc.
Jason Thibert – ADA Inc.

October 3, 2022
Development & Heritage Standing Committee
Item 7.3
Written Submission

Subject: FW: Residents Reply to File No: Z-044/21 ZNG/6633
Date: Thursday, September 29, 2022 2:02:44 PM
Attachments: [1247 Riverside Rezoning Residents Response.pdf](#)

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.

Hello-

I am submitting a letter outlining a response compiled collectively and collaboratively with dozens of residents of the Pierre, Hall, Moy, and Riverside neighbourhoods adjacent to the proposed development at 1247 Riverside Drive.

While we emphatically support development of this site *in principle*, at this time, and based on the plans presented in the Development & Heritage Standing Committee Agenda, **we collectively and firmly oppose the zoning exemptions** requested by the Development group, on the basis of concerns outlined in the letter. Several residents have expressed a desire to speak as delegates at the Committee meeting, and they will send in this request separately.

We do hope to work with the development group and the city to make improvements to the plan, for the benefit of both the neighbourhood and its future residents, and as such would like to request further community consultation and engagement on the plans for the development prior to granting any zoning amendments.

Thank you for forwarding this letter to all concerned parties, and we look forward to a robust conversation Monday afternoon.

Cheers,

Nicole

Nicole Baillargeon

Director, Mean Studio
www.meanstudio.ca

Pierre-Hall-Moy Neighbourhood Residents Response to Application for Zoning Amendment for 1247 Riverside East, Windsor, ON

In response to the Zoning Amendment Application before the City of Windsor's Development & Heritage Standing Committee (File No: Z-044/21 ZNG/6633) proposed zoning amendment and re-development of the properties at 1247 and 1271 Riverside Drive East (the "Site") and the related documents made available to the public via City of Windsor website, the residents representing Pierre-Hall-Moy Avenues and Riverside Drive whom are directly impacted by the proposed development have engaged in vigorous discussion and this letter is a product of that discussion. Some of the main concerns brought forward were height of the building and its monolithic massing, the disassociation with the character and history of the neighbourhood, parking, pedestrian and cyclist access to the riverfront and safety concerns regarding increased density and additional traffic.

Introduction

Primarily, the residents would like to commend the development group, for their recognition of the potential of the land to be developed and for bringing this opportunity to our neighbourhood. We fully understand and value the capital investment that it will take to make this vision a reality and furthermore would like to partner in good faith with the development group and the City in extracting the most value from this opportunity for current and future residents, the developer, and the City, and to ensure the most successful, sustainable, long-view of development for our neighbourhood.

We would like to point out to the development group, Development & Heritage Standing Committee and City Council that our neighbourhood is very inclusive and diverse; we, as a group, very much value our neighbours and what every individual brings to the table. This neighbourhood includes residents from all walks of life, from construction workers, small business owners, retirees, artists, professors, landscape architects, urban planners, architects, engineers and community organisers. We have organised ourselves through the years around various issues via letter drops, in-person meetings, social media groups, and chats. With this being said, the development group should know that the concerns below have been assessed and articulated by a well-informed

group of concerned neighbours, many with professional qualifications and accreditations to support their assertions. Perhaps the most valuable aspect of the conversation is that we also have lived experience from all the residents of the neighbourhood regarding day-to-day conditions in the area.

Neighbourhood Concerns

1. **PROPOSED HEIGHT OF THE NEW DEVELOPMENT** - the development team is asking for an increase in height from 14 metres (m) max to 24m with 'scenery loft' which would bring the total height to under 30m. This height, as illustrated in the supplementary documents (Urban Design Brief) appears to be problematic for a few reasons:

- a) The overall height as proposed in the current building form appears to have not considered the neighbourhood architectural fabric – there are no references to any of the existing street front datums. The current massing, in contrast with its adjacent, seemingly excessive expanse of concrete driveway/parking space, appears as an alien monolith placed, not integrated into the neighbourhood.
- b) Frontage along Hall Ave. does not appear to address the issues that arise from doubling the height of the building envelope. This is particularly problematic if “facilitating the pedestrian realm” (Urban Design Brief – 8.3, 8.7) is an objective of the development. Such jarring change in mass, height, and lack of facade interaction with the street would seem to achieve the opposite of “facilitate the pedestrian realm.” Similar conditions could be observed at the Walker Power, and the Children's Aid Society buildings (both listed as precedents in this project brief). These two buildings are a product of past development patterns and we believe should be considered very different from a newly-built residential building in a tightly-knit residential neighbourhood. The Walker Power Building is a fully commercial building, set in a former industrial landscape and so its context is very different. It has been successfully adapted for re-use, and its inclusion of commercial space on the main floor comprises a half-hearted and somewhat successful appeal to pedestrian traffic in relation to its context, which is very different than the neighbourhood surrounding the site in question. The CAS building, on the other hand, is an *institutional* building from a period of time when pedestrian infrastructure and contextual design were disregarded and

de-emphasized. This building in particular is insensitive to its context and actually disregards, de-tracts and diminishes the pedestrian realm along Riverside Drive and perpendicular streets. Neither of these structures named as precedents were originally designed with any consideration for the way that the architecture interacts with surrounding urban fabric, human scale, or pedestrian infrastructure, and their uses and contexts are quite different from the site in question. Unfortunately, we do not believe these are appropriate or desirable precedents for the proposed development of 1247 Riverside.

- c) Unmitigated height and the monolithic approach to the way that the building height is reached is more problematic, potentially, than the total proposed height for the development. A multi-unit development being inserted into a neighbourhood comprised exclusively of single family and duplex residential would benefit from an architectural effort to break down a single mass, in order to present itself as a contextually sensitive and responsive development while still potentially achieving the developer's desires for a taller building accommodating more units. We would suggest as well, that a less monolithic building, more appropriately scaled and integrated with the neighbourhood might be a more comfortable and desirable living situation for many potential residents.

2. SITE PLAN ARRANGEMENT – we have reviewed your proposed site plan and we have significant concerns with the following elements:

- a) The visual and spatial dominance of parking infrastructure results in de-emphasizing and diminishing the neighbourhood's inherent walkability and we worry it could lead to unnecessarily increasing traffic on Hall Avenue - which is home to many young families with active children, neighbours and people from surrounding neighbourhoods walking and biking through to riverfront parks etc.
- b) The added traffic load would negatively affect the already dangerous crossing of Riverside Drive for pedestrians and cyclists
- c) The proposed plan shows two new curb cuts on Hall Avenue for access to surface and below-grade parking spaces. This approach is inconsistent with the City's lack of desire to allow curb cuts for residents in order to maintain the character of our historic neighbourhoods. It is particularly

troublesome that this arrangement is proposed, when one considers that the Hall-Moy neighbourhood is an active/functioning alley neighbourhood. We have services and garbage pickup in the alleyways and they provide access to the majority of our garages/parking spaces. It is disappointing that the proposed development is not willing to consider and follow neighbourhood form on this topic, as there is no foreseeable reason why all the vehicular access to the development could not be done from one of the three active alleys abutting the south end of the site.

- d) Proposing a curb cut leading to a ramp directly on a residential street (Hall Ave) is problematic from a CPTED standpoint as these type of ramps are difficult to surveil and provide a very convenient space for a perpetrator to hide.

3. LACK OF CONNECTION TO STREET - The current proposal does not attempt to create any connection to the street frontage of Hall Avenue. If one considers the proposal as-is, one could conclude that it is behaving more like a modernist tower-in-the-park development, rather than anything modelled after contemporary good urban planning principles (Notably influenced by the writings of Jane Jacobs etc.). It is important to note that the modernist tower-in-park typology of buildings are a demonstrably failed typology and have been torn down around the country, having generally become (always were?) understood as unpleasant places to live. This is generally due to the fact that places which don't establish connection with the surrounding context and furthermore, don't inspire a sense of ownership of the ground plane (stoops, porches, front doors, eyes on the street etc.) create a no-mans-land that inevitably falls into disrepair. Thereby, there is a significant concern in the way that the site plan and the architecture of the proposed development is turning its back onto our neighbourhood.

4. PARKING - The development plan includes approximately 1.65 parking spots per dwelling unit. This is an additional 16 spots (approximately 3500 sqft devoted to parking) above the city's prescribed minimum of 1.25 spots per unit. This approach is not in line with the province's urban planning principles of encouraging multimodal transport and reducing the over-reliance on the car. In general, the over-abundance of parking space created by parking minimums is known to reduce the viability of public and active transportation of all modes and contributes to cities' over-reliance on cars, pollution, and general blight.

At the same time, given that our city is not currently widely walkable or easily accessible via public transit, most homes do have at least one, and often multiple vehicles. Many homes in our older neighbourhood do not have a driveway, or only have room for one car in the alley. Our neighbourhood also includes multi-unit houses and buildings. As a result, many existing households rely on street parking and there is some concern that increased density would put additional stress on the demand for street parking.

The residents of the Pierre-Hall-Moy neighbourhood adjacent to the proposed development expressed both of these concerns and we collectively acknowledge that parking is a complicated problem when we face both the desires for safe walkable neighbourhoods and also the realities of daily life. These conflicting objectives intersect with many other issues and concerns both directly related to this development and more broadly, including alleyway safety/lighting, stormwater management, increased traffic/road safety, and promotion of active and public transportation. We would like to have more discussion on this issue with the development group and the city and to find a resolution that feels more comfortable for all. One solution might be to keep the proposed amount of parking but to reduce its prominence above grade via more inconspicuous location, reduction of auxiliary paved space, additional landscaping, and inclusion of permeable paving where possible.

- 5. RIVERSIDE DRIVE AND ACCESS TO RIVERFRONT** - One of the main draws for potential new residents will surely be immediate and walkable proximity to the Riverfront. We understand that there have been several previous studies and conversations regarding the 4-lanes of traffic along Riverside Drive East between Devonshire and Caron Avenue. We all have many negative experiences with traffic in the area as it pertains to accessing the Riverfront. We see many pedestrians, cyclists, e-scooters, families, independent children, and seniors - both residents of the Pierre-Hall-Moy corridor and those from other neighbourhoods - passing through on their way to access Windsor's splendid Riverfront. With this new investment in the community, we feel that there is an opportunity and imminent need to improve safety and walkability in the area by introducing traffic calming measures on Riverside and within the Pierre-Hall-Moy corridors as well as installing pedestrian and cycling crossing points to the Riverside.

Specifically, we see an opportunity for a traffic signal or pedestrian crossover (PXO) connecting Hall and the riverfront multi-use path. Given the high number of vulnerable road users, active transportation users and others crossing Riverside at Hall on a regular basis and the high ADT and 85th percentile speed of Riverside Dr E, we believe this addition would contribute towards the City's Vision Zero targets (Vision Zero Policy 2020). In addition, this would meet Actions 1C.1, 1E.4, 2D.1, 2D.4, 5B.2, 5B.3 and 5B.5 of the City's Active Transportation Master Plan. Finally, adding a crossing at Hall Avenue would also contribute to meeting section 1.5.1(a) of the Provincial Policy Statement (2020) on facilitating active transportation through community connectivity.

Given these considerations, will the Development group and the City help to provide safer transportation in the area and improve access to the Riverfront?

6. STORMWATER MANAGEMENT - There is a posted stormwater management plan prepared by Aleo Associates Inc., dated November 23, 2021, to support the current rezoning application for the Site. We understand the outcomes of the stormwater assessment separates the Site into the southern portion (0.33 acres) which is allowed to discharge to the storm drain on Hall Avenue and the northern portion (0.64 acres) which needs to be managed at the Site. Based on the submitted site plan there appears to be a considerable proportion of the Site that is proposed to be paved or covered by the structure. These impermeable surfaces restrict the infiltration of precipitation.

- a) Potential for flooding - There was considerable concern raised amongst the neighbourhood about how, in the event of significant storm events, would stormwater be managed, if the capacity of the proposed stormwater system for the Site were to be exceeded. Where would excess stormwater be directed?
- b) Due to a significant proportion of the Site being proposed as covered by impermeable surfaces, there is concern that this could contribute to additional flooding in the neighbourhood. Perhaps there could be consideration by the development group to add some permeable surfaces where a paved or impermeable surface has been proposed to reduce the reliance on the existing stormwater infrastructure in the neighbourhood.
- c) The design drawings for the stormwater management plan are limited in detail and do not provide a depth or profile of the proposed "depressed grass areas." Depending on the depth, would barriers be required for fall

prevention? Concern was expressed regarding the stormwater management area on the northern portion of the property in terms of both the design and the aesthetics. There was concern raised that the retention area would provide a “visual” and physical barrier between the building and the neighbourhood. This is, once again, not in-line with the commitment to “facilitate the urban realm”.

- d) Where will water from the sub-surface parking structure sump be directed into the storm system? How will groundwater be managed if sub-surface parking structure intersects the groundwater table?
- e) There was also a question raised regarding the Intensity Duration Frequency (IDF) curves used to prepare the calculation. What period do the IDF curves from the Windsor airport cover and if they include such significant rainfall events experienced by Windsor on August 29, 2017?

7. NEIGHBOURHOOD CHARACTER, HISTORIC AND SOCIAL CONTEXT - Some residents are concerned that the historic background of the property is disregarded in the proposed new development. It was noted that this property did have a heritage designation but that it was removed by the City prior to demolition in 2013. This Site has an extensive history overlapping the early development of the City. It was home of one of Windsor’s Mayors John Davis (“The John Davis House”). It was also one of the five “hotels” along the Detroit Riverfront during the prohibition era in the United States and was part of the notable “rum-running” history of Windsor’s waterfront. Could some recognition and celebration of the history and social context of the land be incorporated into the building, site design, or landscaping (e.g. public art, material references, visible information boards, plaques, etc.) ?

8. ENVIRONMENTAL CONCERNS

- a) Environmental Site Assessment - There was no information provided on the File No: Z-044/21 ZNG/6633 regarding previous Environmental Site Assessments (ESA) completed for the property. The property was previously utilised as a commercial property, under Ontario Regulation 153/04 (Records of Site Condition - Part XV.1 of the Act under Environmental Protection Act, R.S.O. 1990, c. E.19), which regulates brownfield redevelopment in the province, converting a less-sensitive land use, in this case commercial, to a more-sensitive land use, residential, requires filing for a Record of Site Condition with the Ministry of Environment, Conservation and Parks prior to redevelopment of a brownfield Site. Does the proponent intend to file for a record of Site

Condition? We acknowledge the most recent use of the property as a tavern and entertainment business represents a low-risk use of the property for potential environmental impacts; however, historical use and construction practices at the Site may represent potential contaminating activities (PCAs) to soil and groundwater quality on the Site (e.g. underground fuel storage tanks for heating, asbestos / lead / mercury in construction materials, fill of unknown quality imported to the Site, etc.) and these should be adequately addressed.

- b) Excess Soils - If the intent is to construct underground parking, there will be a large volume of excess soils generated during construction. Will the development group follow requirements under Ontario Regulation 406/19: On-site and Excess Soil Management under Environmental Protection Act, R.S.O. 1990, c., during construction? How will excess soils be managed at the Site?
- c) Construction Noise, Dust and Heavy Truck Traffic - Without information from an ESA there is a concern regarding soil quality and consequently dust arising from construction at the Site. There was a question raised by the neighbourhood regarding noise and dust during construction, especially of a large structure within a residential neighbourhood. How long is the anticipated duration of construction? How will concerns of dust, noise and heavy truck traffic through the residential area be addressed during construction?
- d) To our dismay, the proposed site plan appears to remove all existing mature trees. We insist that as long as these mature trees are healthy, the development group makes all possible accommodations to keep them in place. We also insist as well that the developer plants more trees on the property according to a landscaping plan that prioritises shade and greenery around the site and contributes to the canopy that keeps our neighbourhood shady, comfortable, and beautiful. The abundance of mature trees in our neighbourhood is one of its many draws - but as these are removed, or fallen due to ill health, storms, and damage, the neighbourhood loses the many environmental benefits they provide. New trees should be planted to replace old, and to increase the canopy, but healthy mature trees are invaluable and irreplaceable.

9. DISSEMINATION OF INFORMATION FOR RE-ZONING/ZONING EXEMPTION

APPLICATIONS - The "Notice of Public Meeting" mailed to residents on Pierre-Hall-Moy, dated September 6, 2022, contained insufficient information to inform the community of the application to amend the zoning for the Site. A reference to the "Current Zoning

Applications” page should also be provided, to allow residents more than 10 days prior to the public meeting from when the Council Report is available to review, digest and discuss any publicly available documents supporting a proposed zoning amendment application. Allowing access and additional time for residents to read and understand this material is important to encourage discussion about changes in our community and to foster community engagement in this decision making process. The Reports provided to Council are particularly dense and many members of our community will require additional time to review and decide whether they choose to respond and engage in the Municipal process. There also seems to be some confusion as to whether the documents uploaded to the agenda package for this file are the most recent and up-to-date proposal for the site. We are only able to respond to the proposal we are given access to.

CLOSING

In light of the above-mentioned concerns presented by our neighbours, it would be beneficial for both sides to come to workable solutions directed at the mutual benefits present with this development opportunity. In order to find these mutually beneficial solutions, we would recommend that the development team consider the following:

- A robust neighbourhood engagement process to be initiated by the developer as would be expected of any project of this scale
- Development to take a more neighbourly approach:
 - Contextual design
 - Breaking down of scale and height (“human-scale” design)
 - Revising access strategy to be more in line with the neighbourhood (utilise existing alleyways and improve them to be vital access points)
 - Consider a more eco-friendly approach (less emphasis on cars, less impermeable surfaces, revised location and design of retention pond and water-management strategy, thoughtful landscaping)
 - Consider a more neighbourhood scaled approach along Hall Avenue (street address)
 - Consider researching the rich history of the neighbourhood, the site, and use it to enhance design and beautification of the site plan.

We, the residents of Moy-Hall neighbourhood, submit these concerns for your consideration and at this time, given the proposed plans made publicly available for review, we do not support the re-zoning or zoning exemptions proposed for 1247 Riverside Drive. We would like to see a more considered, and nuanced approach from the development team and a revised design for the site and building. We believe that for a piece of urban architecture to truly be successful, it is imperative to take into

consideration the concerns of residents, the sustainability of the program, and to take a more thoughtful and sensitive design approach. We hope that we can come to an agreement on a design which will truly enrich our neighbourhood, our city and our new neighbours at 1247 Riverside Drive for generations to come.

Warmest regards,

Sinisa Simic for Pierre-Moy-Hall and Riverside Neighbourhood Group.

City of Windsor File No: Z-044/21 ZNG/6633

Pierre-Hall-Moy Neighbourhood Residents Response to Application for Zoning Amendment for 1247 Riverside East, Windsor, ON

In response to the Zoning Amendment Application before the City of Windsor's Development & Heritage Standing Committee (File No: Z-044/21 ZNG/6633) proposed zoning amendment and re-development of the properties at 1247 and 1271 Riverside Drive East (the "Site") and the related documents made available to the public via City of Windsor website, the residents representing Pierre-Hall-Moy Avenues and Riverside Drive whom are directly impacted by the proposed development have engaged in vigorous discussion and this letter is a product of that discussion. Some of the main concerns brought forward were height of the building and its monolithic massing, the disassociation with the character and history of the neighbourhood, parking, pedestrian and cyclist access to the riverfront and safety concerns regarding increased density and additional traffic.

Introduction

Primarily, the residents would like to commend the development group, for their recognition of the potential of the land to be developed and for bringing this opportunity to our neighbourhood. We fully understand and value the capital investment that it will take to make this vision a reality and furthermore would like to partner in good faith with the development group and the City in extracting the most value from this opportunity for current and future residents, the developer, and the City, and to ensure the most successful, sustainable, long-view of development for our neighbourhood.

We would like to point out to the development group, Development & Heritage Standing Committee and City Council that our neighbourhood is very inclusive and diverse; we, as a group, very much value our neighbours and what every individual brings to the table. This neighbourhood includes residents from all walks of life, from construction workers, small business owners, retirees, artists, professors, landscape architects, urban planners, architects, engineers and community organisers. We have organised ourselves through the years around various issues via letter drops, in-person meetings, social media groups, and chats. With this being said, the development group should know that the concerns below have been assessed and articulated by a well-informed

group of concerned neighbours, many with professional qualifications and accreditations to support their assertions. Perhaps the most valuable aspect of the conversation is that we also have lived experience from all the residents of the neighbourhood regarding day-to-day conditions in the area.

Neighbourhood Concerns

1. **PROPOSED HEIGHT OF THE NEW DEVELOPMENT** - the development team is asking for an increase in height from 14 metres (m) max to 24m with 'scenery loft' which would bring the total height to under 30m. This height, as illustrated in the supplementary documents (Urban Design Brief) appears to be problematic for a few reasons:

- a) The overall height as proposed in the current building form appears to have not considered the neighbourhood architectural fabric – there are no references to any of the existing street front datums. The current massing, in contrast with its adjacent, seemingly excessive expanse of concrete driveway/parking space, appears as an alien monolith placed, not integrated into the neighbourhood.
- b) Frontage along Hall Ave. does not appear to address the issues that arise from doubling the height of the building envelope. This is particularly problematic if “facilitating the pedestrian realm” (Urban Design Brief – 8.3, 8.7) is an objective of the development. Such jarring change in mass, height, and lack of facade interaction with the street would seem to achieve the opposite of “facilitate the pedestrian realm.” Similar conditions could be observed at the Walker Power, and the Children's Aid Society buildings (both listed as precedents in this project brief). These two buildings are a product of past development patterns and we believe should be considered very different from a newly-built residential building in a tightly-knit residential neighbourhood. The Walker Power Building is a fully commercial building, set in a former industrial landscape and so its context is very different. It has been successfully adapted for re-use, and its inclusion of commercial space on the main floor comprises a half-hearted and somewhat successful appeal to pedestrian traffic in relation to its context, which is very different than the neighbourhood surrounding the site in question. The CAS building, on the other hand, is an *institutional* building from a period of time when pedestrian infrastructure and contextual design were disregarded and

de-emphasized. This building in particular is insensitive to its context and actually disregards, de-tracts and diminishes the pedestrian realm along Riverside Drive and perpendicular streets. Neither of these structures named as precedents were originally designed with any consideration for the way that the architecture interacts with surrounding urban fabric, human scale, or pedestrian infrastructure, and their uses and contexts are quite different from the site in question. Unfortunately, we do not believe these are appropriate or desirable precedents for the proposed development of 1247 Riverside.

- c) Unmitigated height and the monolithic approach to the way that the building height is reached is more problematic, potentially, than the total proposed height for the development. A multi-unit development being inserted into a neighbourhood comprised exclusively of single family and duplex residential would benefit from an architectural effort to break down a single mass, in order to present itself as a contextually sensitive and responsive development while still potentially achieving the developer's desires for a taller building accommodating more units. We would suggest as well, that a less monolithic building, more appropriately scaled and integrated with the neighbourhood might be a more comfortable and desirable living situation for many potential residents.

2. SITE PLAN ARRANGEMENT – we have reviewed your proposed site plan and we have significant concerns with the following elements:

- a) The visual and spatial dominance of parking infrastructure results in de-emphasizing and diminishing the neighbourhood's inherent walkability and we worry it could lead to unnecessarily increasing traffic on Hall Avenue - which is home to many young families with active children, neighbours and people from surrounding neighbourhoods walking and biking through to riverfront parks etc.
- b) The added traffic load would negatively affect the already dangerous crossing of Riverside Drive for pedestrians and cyclists
- c) The proposed plan shows two new curb cuts on Hall Avenue for access to surface and below-grade parking spaces. This approach is inconsistent with the City's lack of desire to allow curb cuts for residents in order to maintain the character of our historic neighbourhoods. It is particularly

troublesome that this arrangement is proposed, when one considers that the Hall-Moy neighbourhood is an active/functioning alley neighbourhood. We have services and garbage pickup in the alleyways and they provide access to the majority of our garages/parking spaces. It is disappointing that the proposed development is not willing to consider and follow neighbourhood form on this topic, as there is no foreseeable reason why all the vehicular access to the development could not be done from one of the three active alleys abutting the south end of the site.

- d) Proposing a curb cut leading to a ramp directly on a residential street (Hall Ave) is problematic from a CPTED standpoint as these type of ramps are difficult to surveil and provide a very convenient space for a perpetrator to hide.

3. LACK OF CONNECTION TO STREET - The current proposal does not attempt to create any connection to the street frontage of Hall Avenue. If one considers the proposal as-is, one could conclude that it is behaving more like a modernist tower-in-the-park development, rather than anything modelled after contemporary good urban planning principles (Notably influenced by the writings of Jane Jacobs etc.). It is important to note that the modernist tower-in-park typology of buildings are a demonstrably failed typology and have been torn down around the country, having generally become (always were?) understood as unpleasant places to live. This is generally due to the fact that places which don't establish connection with the surrounding context and furthermore, don't inspire a sense of ownership of the ground plane (stoops, porches, front doors, eyes on the street etc.) create a no-mans-land that inevitably falls into disrepair. Thereby, there is a significant concern in the way that the site plan and the architecture of the proposed development is turning its back onto our neighbourhood.

4. PARKING - The development plan includes approximately 1.65 parking spots per dwelling unit. This is an additional 16 spots (approximately 3500 sqft devoted to parking) above the city's prescribed minimum of 1.25 spots per unit. This approach is not in line with the province's urban planning principles of encouraging multimodal transport and reducing the over-reliance on the car. In general, the over-abundance of parking space created by parking minimums is known to reduce the viability of public and active transportation of all modes and contributes to cities' over-reliance on cars, pollution, and general blight.

At the same time, given that our city is not currently widely walkable or easily accessible via public transit, most homes do have at least one, and often multiple vehicles. Many homes in our older neighbourhood do not have a driveway, or only have room for one car in the alley. Our neighbourhood also includes multi-unit houses and buildings. As a result, many existing households rely on street parking and there is some concern that increased density would put additional stress on the demand for street parking.

The residents of the Pierre-Hall-Moy neighbourhood adjacent to the proposed development expressed both of these concerns and we collectively acknowledge that parking is a complicated problem when we face both the desires for safe walkable neighbourhoods and also the realities of daily life. These conflicting objectives intersect with many other issues and concerns both directly related to this development and more broadly, including alleyway safety/lighting, stormwater management, increased traffic/road safety, and promotion of active and public transportation. We would like to have more discussion on this issue with the development group and the city and to find a resolution that feels more comfortable for all. One solution might be to keep the proposed amount of parking but to reduce its prominence above grade via more inconspicuous location, reduction of auxiliary paved space, additional landscaping, and inclusion of permeable paving where possible.

- 5. RIVERSIDE DRIVE AND ACCESS TO RIVERFRONT** - One of the main draws for potential new residents will surely be immediate and walkable proximity to the Riverfront. We understand that there have been several previous studies and conversations regarding the 4-lanes of traffic along Riverside Drive East between Devonshire and Caron Avenue. We all have many negative experiences with traffic in the area as it pertains to accessing the Riverfront. We see many pedestrians, cyclists, e-scooters, families, independent children, and seniors - both residents of the Pierre-Hall-Moy corridor and those from other neighbourhoods - passing through on their way to access Windsor's splendid Riverfront. With this new investment in the community, we feel that there is an opportunity and imminent need to improve safety and walkability in the area by introducing traffic calming measures on Riverside and within the Pierre-Hall-Moy corridors as well as installing pedestrian and cycling crossing points to the Riverside.

Specifically, we see an opportunity for a traffic signal or pedestrian crossover (PXO) connecting Hall and the riverfront multi-use path. Given the high number of vulnerable road users, active transportation users and others crossing Riverside at Hall on a regular basis and the high ADT and 85th percentile speed of Riverside Dr E, we believe this addition would contribute towards the City's Vision Zero targets (Vision Zero Policy 2020). In addition, this would meet Actions 1C.1, 1E.4, 2D.1, 2D.4, 5B.2, 5B.3 and 5B.5 of the City's Active Transportation Master Plan. Finally, adding a crossing at Hall Avenue would also contribute to meeting section 1.5.1(a) of the Provincial Policy Statement (2020) on facilitating active transportation through community connectivity.

Given these considerations, will the Development group and the City help to provide safer transportation in the area and improve access to the Riverfront?

6. STORMWATER MANAGEMENT - There is a posted stormwater management plan prepared by Aleo Associates Inc., dated November 23, 2021, to support the current rezoning application for the Site. We understand the outcomes of the stormwater assessment separates the Site into the southern portion (0.33 acres) which is allowed to discharge to the storm drain on Hall Avenue and the northern portion (0.64 acres) which needs to be managed at the Site. Based on the submitted site plan there appears to be a considerable proportion of the Site that is proposed to be paved or covered by the structure. These impermeable surfaces restrict the infiltration of precipitation.

- a) Potential for flooding - There was considerable concern raised amongst the neighbourhood about how, in the event of significant storm events, would stormwater be managed, if the capacity of the proposed stormwater system for the Site were to be exceeded. Where would excess stormwater be directed?
- b) Due to a significant proportion of the Site being proposed as covered by impermeable surfaces, there is concern that this could contribute to additional flooding in the neighbourhood. Perhaps there could be consideration by the development group to add some permeable surfaces where a paved or impermeable surface has been proposed to reduce the reliance on the existing stormwater infrastructure in the neighbourhood.
- c) The design drawings for the stormwater management plan are limited in detail and do not provide a depth or profile of the proposed "depressed grass areas." Depending on the depth, would barriers be required for fall

prevention? Concern was expressed regarding the stormwater management area on the northern portion of the property in terms of both the design and the aesthetics. There was concern raised that the retention area would provide a “visual” and physical barrier between the building and the neighbourhood. This is, once again, not in-line with the commitment to “facilitate the urban realm”.

- d) Where will water from the sub-surface parking structure sump be directed into the storm system? How will groundwater be managed if sub-surface parking structure intersects the groundwater table?
- e) There was also a question raised regarding the Intensity Duration Frequency (IDF) curves used to prepare the calculation. What period do the IDF curves from the Windsor airport cover and if they include such significant rainfall events experienced by Windsor on August 29, 2017?

7. NEIGHBOURHOOD CHARACTER, HISTORIC AND SOCIAL CONTEXT - Some residents are concerned that the historic background of the property is disregarded in the proposed new development. It was noted that this property did have a heritage designation but that it was removed by the City prior to demolition in 2013. This Site has an extensive history overlapping the early development of the City. It was home of one of Windsor’s Mayors John Davis (“The John Davis House”). It was also one of the five “hotels” along the Detroit Riverfront during the prohibition era in the United States and was part of the notable “rum-running” history of Windsor’s waterfront. Could some recognition and celebration of the history and social context of the land be incorporated into the building, site design, or landscaping (e.g. public art, material references, visible information boards, plaques, etc.) ?

8. ENVIRONMENTAL CONCERNS

- a) Environmental Site Assessment - There was no information provided on the File No: Z-044/21 ZNG/6633 regarding previous Environmental Site Assessments (ESA) completed for the property. The property was previously utilised as a commercial property, under Ontario Regulation 153/04 (Records of Site Condition - Part XV.1 of the Act under Environmental Protection Act, R.S.O. 1990, c. E.19), which regulates brownfield redevelopment in the province, converting a less-sensitive land use, in this case commercial, to a more-sensitive land use, residential, requires filing for a Record of Site Condition with the Ministry of Environment, Conservation and Parks prior to redevelopment of a brownfield Site. Does the proponent intend to file for a record of Site

Condition? We acknowledge the most recent use of the property as a tavern and entertainment business represents a low-risk use of the property for potential environmental impacts; however, historical use and construction practices at the Site may represent potential contaminating activities (PCAs) to soil and groundwater quality on the Site (e.g. underground fuel storage tanks for heating, asbestos / lead / mercury in construction materials, fill of unknown quality imported to the Site, etc.) and these should be adequately addressed.

- b) Excess Soils - If the intent is to construct underground parking, there will be a large volume of excess soils generated during construction. Will the development group follow requirements under Ontario Regulation 406/19: On-site and Excess Soil Management under Environmental Protection Act, R.S.O. 1990, c., during construction? How will excess soils be managed at the Site?
- c) Construction Noise, Dust and Heavy Truck Traffic - Without information from an ESA there is a concern regarding soil quality and consequently dust arising from construction at the Site. There was a question raised by the neighbourhood regarding noise and dust during construction, especially of a large structure within a residential neighbourhood. How long is the anticipated duration of construction? How will concerns of dust, noise and heavy truck traffic through the residential area be addressed during construction?
- d) To our dismay, the proposed site plan appears to remove all existing mature trees. We insist that as long as these mature trees are healthy, the development group makes all possible accommodations to keep them in place. We also insist as well that the developer plants more trees on the property according to a landscaping plan that prioritises shade and greenery around the site and contributes to the canopy that keeps our neighbourhood shady, comfortable, and beautiful. The abundance of mature trees in our neighbourhood is one of its many draws - but as these are removed, or fallen due to ill health, storms, and damage, the neighbourhood loses the many environmental benefits they provide. New trees should be planted to replace old, and to increase the canopy, but healthy mature trees are invaluable and irreplaceable.

9. DISSEMINATION OF INFORMATION FOR RE-ZONING/ZONING EXEMPTION

APPLICATIONS - The "Notice of Public Meeting" mailed to residents on Pierre-Hall-Moy, dated September 6, 2022, contained insufficient information to inform the community of the application to amend the zoning for the Site. A reference to the "Current Zoning

Applications” page should also be provided, to allow residents more than 10 days prior to the public meeting from when the Council Report is available to review, digest and discuss any publicly available documents supporting a proposed zoning amendment application. Allowing access and additional time for residents to read and understand this material is important to encourage discussion about changes in our community and to foster community engagement in this decision making process. The Reports provided to Council are particularly dense and many members of our community will require additional time to review and decide whether they choose to respond and engage in the Municipal process. There also seems to be some confusion as to whether the documents uploaded to the agenda package for this file are the most recent and up-to-date proposal for the site. We are only able to respond to the proposal we are given access to.

CLOSING

In light of the above-mentioned concerns presented by our neighbours, it would be beneficial for both sides to come to workable solutions directed at the mutual benefits present with this development opportunity. In order to find these mutually beneficial solutions, we would recommend that the development team consider the following:

- A robust neighbourhood engagement process to be initiated by the developer as would be expected of any project of this scale
- Development to take a more neighbourly approach:
 - Contextual design
 - Breaking down of scale and height (“human-scale” design)
 - Revising access strategy to be more in line with the neighbourhood (utilise existing alleyways and improve them to be vital access points)
 - Consider a more eco-friendly approach (less emphasis on cars, less impermeable surfaces, revised location and design of retention pond and water-management strategy, thoughtful landscaping)
 - Consider a more neighbourhood scaled approach along Hall Avenue (street address)
 - Consider researching the rich history of the neighbourhood, the site, and use it to enhance design and beautification of the site plan.

We, the residents of Moy-Hall neighbourhood, submit these concerns for your consideration and at this time, given the proposed plans made publicly available for review, we do not support the re-zoning or zoning exemptions proposed for 1247 Riverside Drive. We would like to see a more considered, and nuanced approach from the development team and a revised design for the site and building. We believe that for a piece of urban architecture to truly be successful, it is imperative to take into

consideration the concerns of residents, the sustainability of the program, and to take a more thoughtful and sensitive design approach. We hope that we can come to an agreement on a design which will truly enrich our neighbourhood, our city and our new neighbours at 1247 Riverside Drive for generations to come.

Warmest regards,
Pierre-Moy-Hall Neighbourhood Residents

Brenda Francis Pelkey + Mayer Schulman
248 Hall Ave.

Nadja Pelkey
250 Hall Ave.

Peter Guba + Gabriela Guerra
381 Moy Ave.

Robert Beer
207 Moy Ave.

Naomi Pelkey
250 Hall Ave.

Margot Schulman
250 Hall Ave.

Lucy Howe + Zeke Moores
308 Hall Ave.

Sinisa Simic + Nicole Baillargeon
396 Hall Ave.

Russel Dupuis
166 Pierre Ave.

The Malanka Family
288 Hall Ave.

Donna Bergamin
331 Moy Ave.

Courtney Thomas + Justin Bondy
522 Hall Ave.

Jordan + Jesse Marchand
277 Hall Ave.

Susan Johnson Washington
260 Hall Ave.

Cameron McNaughton + Ameer Stieler
382 Moy Ave.

Diana Radulescu
371 Moy Ave.

Elise Keller + Johnny Oran
305 Hall Ave.

Ramona Marte
1240 Assumption St.

Stephanie Hill + Andrea Pollock
212 Hall Ave.

Arun Rattan
365 Moy Ave.

Janine Pfaff
341 Moy Ave.

Subject: Additional Information to Report S 116/2022 - Pedestrian Crossings on Riverside Drive East - Ward 4

Reference:

Date to Council: January 9, 2023
Author: Jeff Hagan
Transportation Planning Senior Engineer
519-255-6100 ext 6003
jhagan@citywindsor.ca

Public Works - Operations
Report Date: October 7, 2022
Clerk's File #: Z/14294

To: Mayor and Members of City Council

Recommendation:

THAT report AI 14/2022, "Additional Information to Report S 116/2022 - Pedestrian Crossings on Riverside Drive East," **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At its October 3, 2022 meeting, the Development and Heritage Standing Committee adopted decision DHSC 431 with regard to a Zoning By-law Amendment Application for 1247 -1271 Riverside Dr. E., at the S/W corner of Hall & Riverside Dr. E (File No. Z-044/21, ZNG/6633). This decision stated in part:

VI. THAT Administration BE REQUESTED to report back to City Council on the appropriateness of the installation of a pedestrian crossing on Riverside Drive, connecting Hall and the riverfront multi-use path.

This report provides the additional information requested by the Committee.

Discussion:

Existing Conditions

As shown in Figure 1, the subject property is located on Riverside Drive between Pierre Avenue and Hall Avenue. The nearest controlled pedestrian crossings on Riverside Drive are located at Parent Avenue (pedestrian signal, ~330 m west of Pierre Avenue) and Lincoln Road (pedestrian signal, ~305 m east of Hall Avenue).

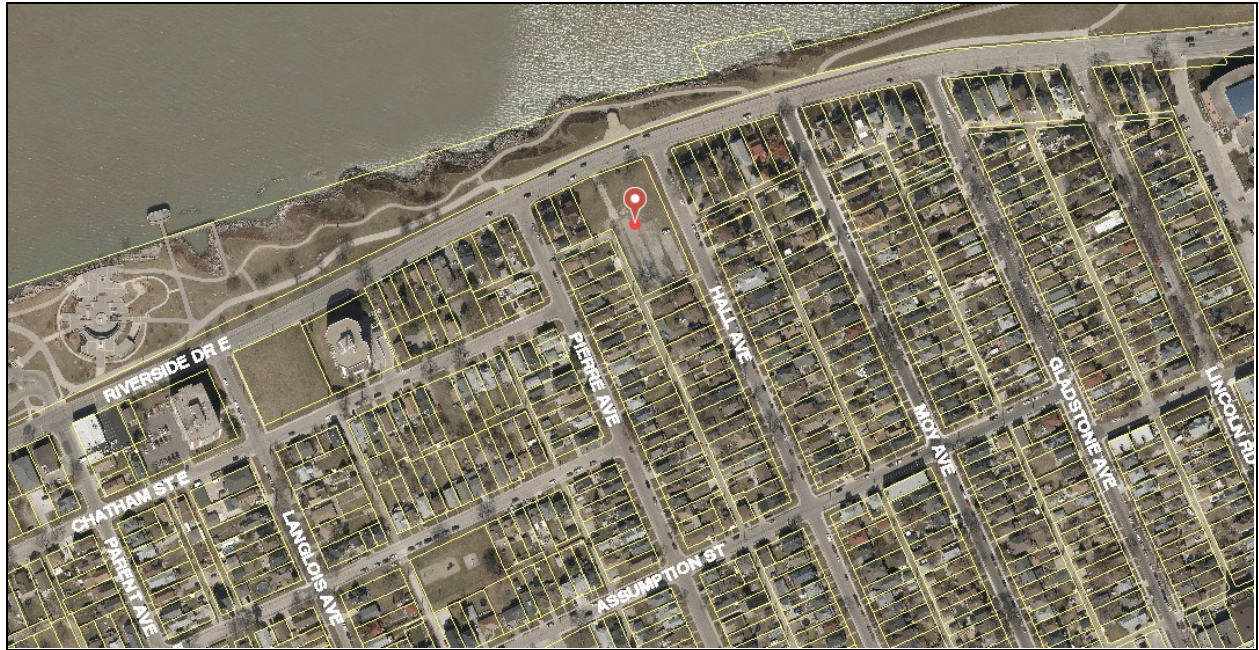


Figure 1: Area Map with Subject Property (1247-1271 Riverside Drive East) Indicated

A pedestrian crossing warrant review was carried out for Riverside Drive at Pierre Street and at Hall Avenue using Ontario Traffic Manual criteria. The results are summarized in Table 1.

Table 1: Summary of Pedestrian Crossing Review

Item	Riverside Drive at Pierre Street	Riverside Drive at Hall Avenue
Pedestrians Crossing Riverside Drive (4 hours)	12 pedestrians	21 pedestrians
Pedestrian Crossover Warrant Result	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume • Vehicle volumes too high for a pedestrian crossover 	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume • Vehicle volumes too high for a pedestrian crossover
Traffic Signal Pedestrian Warrant Result	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume 	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume

Overall, neither location currently meets warrant for a pedestrian crossover or pedestrian signal.

Even when considering the potential for pedestrians to divert to a controlled crossing if one were provided, the combined pedestrian volume at both locations (33 pedestrians in 4 hours) does not reach the recommended minimum pedestrian volume threshold for a pedestrian crossover (65 pedestrians in 4 hours) or a pedestrian signal (248 pedestrians in 8 hours, given the traffic volumes present on Riverside Drive). Further, traffic volumes on Riverside Drive exceed the recommended maximum vehicle volume for a pedestrian crossover on a 4-lane street.

Future Plans

The Riverside Drive Vista Improvement Project, being built out in phases along the entire length of Riverside Drive, considered pedestrian crossing needs along the corridor.

The Riverside Drive Vista Improvement recommended design does not recommend a future pedestrian crossing at Hall Avenue, but does recommend a pedestrian node – including an intersection pedestrian signal – at Pierre Avenue as one of the connections between a proposed pedestrian promenade and the neighbourhood south of Riverside Drive, as shown in Figure 2. Refinements to the design may occur during detailed design for this phase of the project.

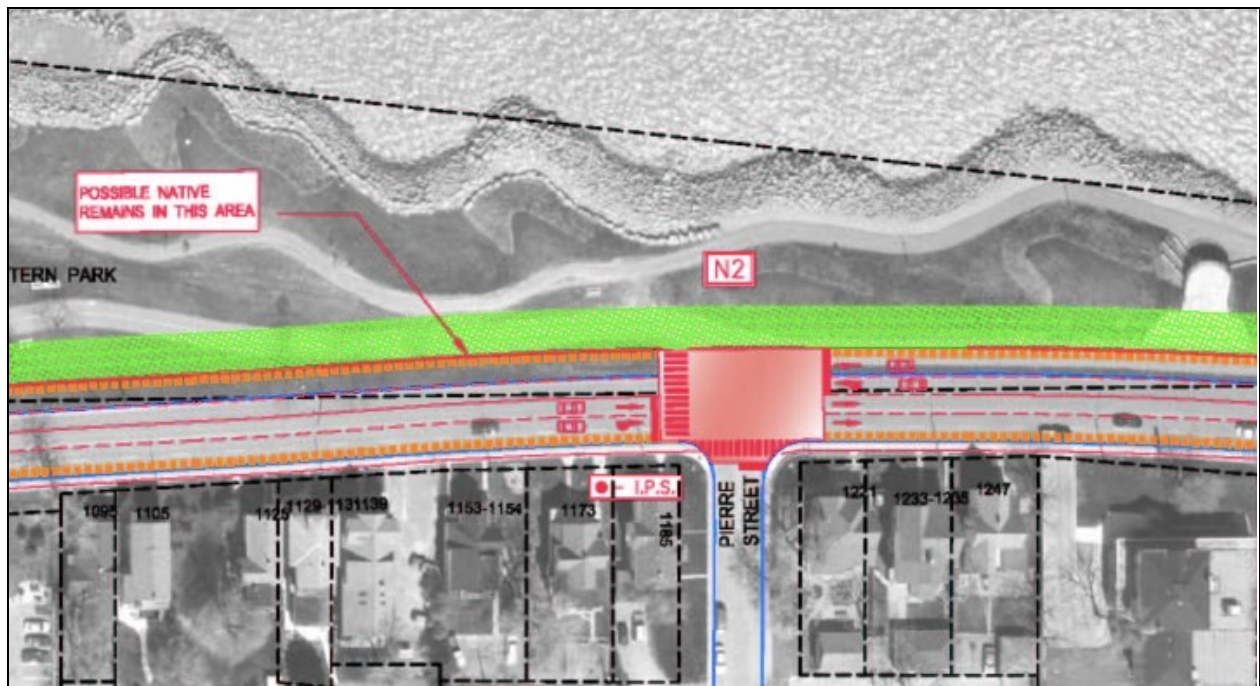


Figure 2: Excerpt - Riverside Drive Vista Improvement Project Recommended Design (green: pedestrian promenade)

The traffic analysis for a potential road diet along the four-lane portion of Riverside Drive is currently underway, as directed by Council in resolution B12/2020. Results of this

analysis will be presented to the Environment, Transportation and Public Safety Standing Committee and subsequently to Council when available.

Impact of the Proposed Development

The proposed rezoning will permit a 42-unit residential development on the subject property, which is currently vacant. In and of itself, pedestrian traffic from the proposed development will not be significant enough to cause Riverside Drive East to meet warrant for a controlled pedestrian crossing.

Risk Analysis:

Risks were identified in report S 116/2022.

Climate Change Risks

Climate Change Mitigation:

Risks were identified in report S 116/2022.

Climate Change Adaptation:

Risks were identified in report S 116/2022.

Financial Matters:

No expenditures are recommended by this report.

Consultations:

N/A

Conclusion:

With current pedestrian and traffic volumes, and taking into account the impacts of the proposed development, neither a pedestrian crossover nor a pedestrian signal are recommended on Riverside Drive at Hall Avenue.

The Riverside Drive Vista Improvement Project recommended design includes a future intersection pedestrian signal at Pierre Avenue, just west of the proposed development, to be installed along with a proposed pedestrian promenade along the north side of Riverside Drive.

Planning Act Matters:

N/A

Approvals:

Name	Title
Shawna Boakes	Executive Director of Operations / Deputy City Engineer
Justina Nwaesei	Senior Planner – Subdivisions
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development and Innovation
Chris Nepszy	City Engineer and Commissioner of Infrastructure Services
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Abutting property owners, tenants/ occupants within 120 meters (400 feet) radius of the subject land		
Applicant & Owner: St. Clair Rhodes Development Corporation; c/o Dino Maggio		dino@midsouth.ca
Agent: Dillon Consulting Limited c/o Karl Tanner		ktanner@dillon.ca
Councillor Mark McKenzie		mmckenzie@citywindsor.ca

Appendices:

N/A

Subject: Additional Information regarding Report S 116/2022; Zoning By-law Amendment Application by St. Clair Rhodes Development Corporation for 1247-1271 Riverside Dr. E.; File No. Z-044/21, ZNG/6633; Ward 4

Reference:

Date to Council: January 9, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: November 30, 2022
Clerk's File #: Z/14294

To: Mayor and Members of City Council

Additional Information:

At the Development & Heritage Standing Committee (DHSC) meeting of October 3, 2022, the Standing Committee accepted the recommendation of Administration as presented and added the following two additional recommendations:

- VI. THAT the developer/proponent **BE REQUESTED** to meet with area residents informally to discuss their concerns prior to this application moving forward to City Council.*
- VII. THAT Administration **BE REQUESTED** to report back to City Council on the appropriateness of the installation of a pedestrian crossing on Riverside Drive, connecting Hall and the riverfront multi-use path.*

For the complete planning recommendation in Report S 116/2022, please see Appendix A-1 (Excerpts from Minutes of the DHSC, Monday, October 3, 2022) attached to this memo.

In response to Recommendation VI above, the proponent organized an open house session to facilitate discussions with the area residents. The Open House session occurred on October 19 2022. The proponent presented an amended concept plan which presents a number of significant changes to the previous plan. Attached to this memo as Appendix B-1 is the revised concept plan. The Applicant's planning consultant confirmed that the concept plan was changed because of comments from the residents at the October 3, 2022 DHSC meeting.

The amended concept plan requires provisions that allow for a minimum rear yard depth of 7.5m and a maximum lot coverage of 45%. The applicant states that the previous request for

reduced side yard is no longer necessary and is requesting that Recommendation III of Report S 116/2022 be deleted.

The applicant also provided elevation drawings and renderings of the proposed development based on the new concept plan. Attached herein as Appendix B-2 are the new elevation drawings and Appendix B-3 are the renderings. The applicant's Planning Consultant indicates that the residents were satisfied with the revised concept plan.

Report S 116/2022 was scheduled for Council consideration at the November 9, 2022 Council meeting. However, on November 2, 2022, Administration requested deferral of Report S 116/2022 to a future meeting of the Development & Heritage Standing Committee to allow for further review with the Applicant. The deferral request was prompted by the following:

- the development concept plan was substantially changed by the applicant after the October 3, 2022 DHSC meeting; thereby, requiring a follow-up review by Administration and the Development & Heritage Standing Committee (DHSC); and
- Administration required additional time to report on the appropriateness of a pedestrian crossing at Hall & Riverside Dr.

On November 4, 2022, the City's Transportation Planning Division submitted a draft copy of Additional Information Memo, AI 14/2022 for review. The memo was prepared in response to Recommendation VII above. Attached herein as Appendix C-1 is the final copy of AI 14/2022, which concludes that the Transportation Planning Division cannot recommend a pedestrian crossover nor a pedestrian signal on Riverside Drive at Hall Avenue. AI 14/2022 also states, "*the Riverside Drive Vista Improvement Project recommended design includes a future intersection pedestrian signal at Pierre Avenue, just west of the proposed development, to be installed along with a proposed pedestrian promenade along the north side of Riverside Drive.*"

On November 9, 2022, Council adopted the following resolution with respect to Report S 116/2022:

Decision Number: CR457/2022 DHSC 431

*That the report of the Senior Planner – Subdivisions dated September 15, 2022 entitled "Zoning By-law Amendment Application for 1247 -1271 Riverside Dr. E., at the S/W corner of Hall & Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4" **BE DEFERRED** to a future meeting of the Development & Heritage Standing Committee to allow for further review with the applicant.*
Carried.

Following the Council meeting of November 9, 2022, the applicant's Planning Consultant and Planning Department Staff discussed the amended concept plan along with the applicant's request for changes to the Recommendation in Report S 116/2022. Administration is in support of the applicant's request for a 7.5m minimum rear yard depth and a maximum lot coverage of 45%, which are identical to what is required in the RD2.2 zoning district.

With respect to the applicant's request pertaining to the rear yard and lot coverage, Planning Department advises that Recommendation II of Report S 116/2022 **be deleted and replaced** with the following:

- II. That special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN

01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

“310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* (New use)

Business Office

Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE IN A COMBINED USE BUILDING*:

- .3 Lot Coverage - Total - maximum - 30.0%
- .4 Building Height – maximum - 14.0 m
- .8 Landscape Open Space Yard – minimum - 15% of *lot area*
- .20 Building Setback – minimum:
 - a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
 - b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
 - c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
 - d) From the *rear lot line* – 50.0 m;
- .50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.
- .55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.
- .90 A *parking space* is prohibited in any required *front yard*.
- .95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING WITH FIVE OR MORE DWELLING UNITS*: (New provisions)

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and
2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:

- .2 Lot Area – minimum - 93.0 m² per unit
- .3 Lot Coverage – maximum - 35%
- .4 Main Building Height – maximum - 18.0 m
- .8 Landscape Open Space Yard – minimum - 45% of lot area
- .20 Building setback from rear lot line - minimum - 7.50 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
 - a. The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
 - b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.

[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”

The author of Report S 116/2022 advises that it is best to keep Recommendation III in the report because it ties into the planning analysis provided in Report S 116/2022 and documents the outcome of the applicant’s initial request for side yard reduction.

*III. That the applicant’s request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line, **BE DENIED**, for reasons noted in this report.*

Approvals:

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

Appendices:

- 1 Appendix A-1 (Excerpts from Minutes of the DHSC, Monday, October 3, 2022)
- 2 Appendix B-1 (Revised Conceptual Plan)
- 3 Appendix B-2 (New Elevation drawings)
- 4 Appendix B-3 (New Concept Renderings)
- 5 Appendix C-1 (AI 14/2022)

APPENDIX A-1: Excerpts from Minutes of the Development & Heritage Standing Committee, Monday, October 3, 2022

7.3 Z-044/21 [ZNG/6633] – St Clair Rhodes Development Corp 1247 Riverside Dr E – Rezoning Ward 4

Justina Nwaesei (author) – Planner III – Subdivisions

Ms Nwaesei provides a presentation of the proposed development. Notes the Site Plan is a Concept Plan only and is not to be taken as the final proposed building plan.

Karl Tanner (agent) – Dillon Consulting – in agreement with Administration’s recommendation with the exception of item III (a). Mr Tanner advises they will meet with area residents to address their concerns prior to the report going to Council.

Area residents are in support of the residential development but note the following concerns:

- Footprint of the proposed building – don’t like the angle or the proximity to the neighbouring property immediately west
- Concerned over fence separating the development from the neighbour – it may provide a hiding place for homeless to rest in overnight – already has issues with homeless trying to enter the property
- Request the developer consider a 4-storey building to keep in line with the history and heritage of the neighbourhood – also concern over shade if building is larger
- Concern if the development will impact any possible ADU’s in the neighbourhood
- Interest in more public engagement

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 431**

RECOMMENDATIONS

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], by amending the existing site specific provision s.20(1)310 to include a “*Multiple Dwelling with five or more dwelling units*” as an additional permitted use, subject to the provisions noted in Recommendation II below;
- II. That special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

“310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* (New use)

Business Office

Business Office in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE* & *BUSINESS OFFICE* IN A *COMBINED USE BUILDING*:

- .3 Lot Coverage - Total - maximum - 30.0%
- .4 Building Height – maximum - 14.0 m
- .8 Landscape Open Space Yard – minimum - 15% of *lot* area
- .20 Building Setback – minimum:
 - a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
 - b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
 - c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
 - d) From the *rear lot line* – 50.0 m;
- .50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.
- .55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.
- .90 A *parking space* is prohibited in any required *front* yard.
- .95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING* WITH FIVE OR MORE *DWELLING UNITS*: (New provisions)

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling*

with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and

2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:

- .2 Lot Area – minimum - 93.0 m² per unit
- .3 Lot Coverage – maximum - 35%
- .4 Main Building Height – maximum - 18.0 m
- .8 Landscape Open Space Yard – minimum - 35% of *lot area*
- .20 Building setback from rear lot line - minimum - 30.0 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:

- a. The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
- b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.

[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”

III. That the applicant’s request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line, **BE DENIED**, for reasons noted in this report;

IV. THAT the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue, **BE EXEMPT** from the provisions of section 45(1.3) of the Planning Act, provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:

- a. Reduction in the required minimum building setbacks; and

V. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix B of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

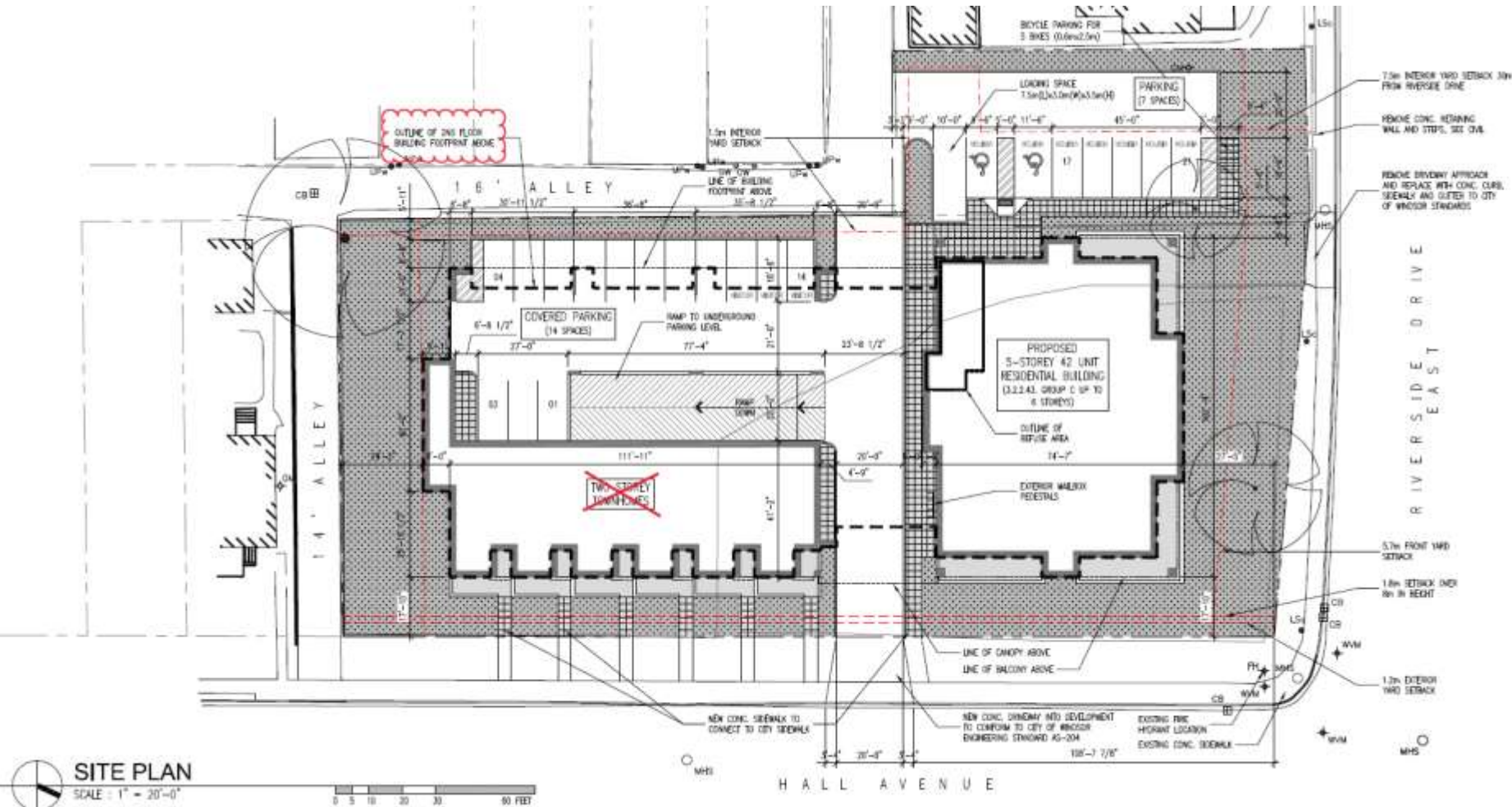
- 1) 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
- 2) Storm Detention
- 3) Sanitary Sampling Manhole
- 4) Oil & Grit Separator
- 5) Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
- 6) Parkland dedication;
- 7) A Record of Site Condition registered on file with the Ministry; and

- 8) Canada Post requirements and guidelines for the proposed multi-unit development.
- VI. THAT the developer/proponent **BE REQUESTED** to meet with area residents informally to discuss their concerns prior to this application moving forward to City Council.
- VII. THAT Administration **BE REQUESTED** to report back to City Council on the appropriateness of the installation of a pedestrian crossing on Riverside Drive, connecting Hall and the riverfront multi-use path.

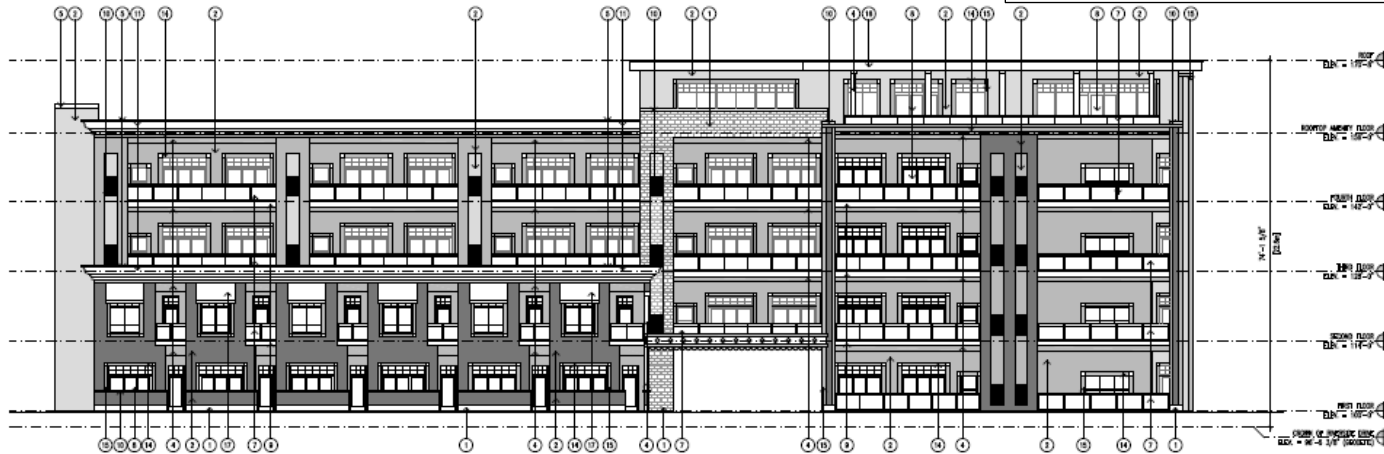
Motion CARRIED UNANIMOUSLY.

Report Number: S 116/2022
Clerk's File: Z/14294

APPENDIX B-1 (Revised Concept Plan)



APPENDIX B-2 (New Elevation Drawings)



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



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

ITEM NO.	FINISH DESCRIPTION	PRODUCT	SIZE	COLOR	NOTES
1	LINENTONE	STONE VENEER	-	-	-
2	BRICK	REDBR	-	REB	-
3	ASH 1	-	-	PAK GREY	-
4	ASH 2	-	-	COPPER	-
5	METAL FINISH (CORNER)	VENEER	-	COPPER	-
6	WALL DOORS & FRAMES	-	-	-	-
7	GLASS BALCONY RAILINGS	-	-	-	-
8	DOOR & WINDOW GLAZING SYSTEM	-	-	-	-
9	CORNERIC BALCONY	PRECAST SUPPLY	-	-	-
10	PRECAST BAL	-	-	-	-
11	CORNERIC	-	-	-	-
12	LANTERN BALCONY EXTERIOR WALLS	-	-	-	-
13	CURTAIN WALL GLAZING	-	-	-	-
14	BRICK	-	-	REB	RAUBER
15	BRICK	-	-	REB	RENDER
16	METAL FINISH (BLAND)	-	-	-	-
17	WINDOW SHOPPY	-	-	-	-

21-2724 - 1247 Riverside Drive East - Revised Site Plan
Floor Plans Elevations.pdf - Adobe Acrobat Reader (32-bit)

2022/09/07 ZONING AMENDMENT
 401/402/403/404/405/406/407/408/409/410/411/412/413/414/415/416/417/418/419/420/421/422/423/424/425/426/427/428/429/430/431/432/433/434/435/436/437/438/439/440/441/442/443/444/445/446/447/448/449/450/451/452/453/454/455/456/457/458/459/460/461/462/463/464/465/466/467/468/469/470/471/472/473/474/475/476/477/478/479/480/481/482/483/484/485/486/487/488/489/490/491/492/493/494/495/496/497/498/499/500/501/502/503/504/505/506/507/508/509/510/511/512/513/514/515/516/517/518/519/520/521/522/523/524/525/526/527/528/529/530/531/532/533/534/535/536/537/538/539/540/541/542/543/544/545/546/547/548/549/550/551/552/553/554/555/556/557/558/559/560/561/562/563/564/565/566/567/568/569/570/571/572/573/574/575/576/577/578/579/580/581/582/583/584/585/586/587/588/589/590/591/592/593/594/595/596/597/598/599/600/601/602/603/604/605/606/607/608/609/610/611/612/613/614/615/616/617/618/619/620/621/622/623/624/625/626/627/628/629/630/631/632/633/634/635/636/637/638/639/640/641/642/643/644/645/646/647/648/649/650/651/652/653/654/655/656/657/658/659/660/661/662/663/664/665/666/667/668/669/670/671/672/673/674/675/676/677/678/679/680/681/682/683/684/685/686/687/688/689/690/691/692/693/694/695/696/697/698/699/700/701/702/703/704/705/706/707/708/709/710/711/712/713/714/715/716/717/718/719/720/721/722/723/724/725/726/727/728/729/730/731/732/733/734/735/736/737/738/739/740/741/742/743/744/745/746/747/748/749/750/751/752/753/754/755/756/757/758/759/760/761/762/763/764/765/766/767/768/769/770/771/772/773/774/775/776/777/778/779/780/781/782/783/784/785/786/787/788/789/790/791/792/793/794/795/796/797/798/799/800/801/802/803/804/805/806/807/808/809/810/811/812/813/814/815/816/817/818/819/820/821/822/823/824/825/826/827/828/829/830/831/832/833/834/835/836/837/838/839/840/841/842/843/844/845/846/847/848/849/850/851/852/853/854/855/856/857/858/859/860/861/862/863/864/865/866/867/868/869/870/871/872/873/874/875/876/877/878/879/880/881/882/883/884/885/886/887/888/889/890/891/892/893/894/895/896/897/898/899/900/901/902/903/904/905/906/907/908/909/910/911/912/913/914/915/916/917/918/919/920/921/922/923/924/925/926/927/928/929/930/931/932/933/934/935/936/937/938/939/940/941/942/943/944/945/946/947/948/949/950/951/952/953/954/955/956/957/958/959/960/961/962/963/964/965/966/967/968/969/970/971/972/973/974/975/976/977/978/979/980/981/982/983/984/985/986/987/988/989/990/991/992/993/994/995/996/997/998/999/1000

architectural design associates inc.
 1670 mercer street
 windsor ontario canada n8x 3p7
 ph 519.254.2430 fax 519.254.2642
 email: info@architectural-design-associates.com

Project:
 PROPOSED 5-STORY
 RESIDENTIAL DEVELOPMENT
 1247 RIVERSIDE DRIVE E.

Client:
 ST. CLAIR RHODES
 DEVELOPMENT CORP.

Title:
 EXTERIOR ELEVATIONS

Scale:
 AS SHOWN

Drawn by:
 JT

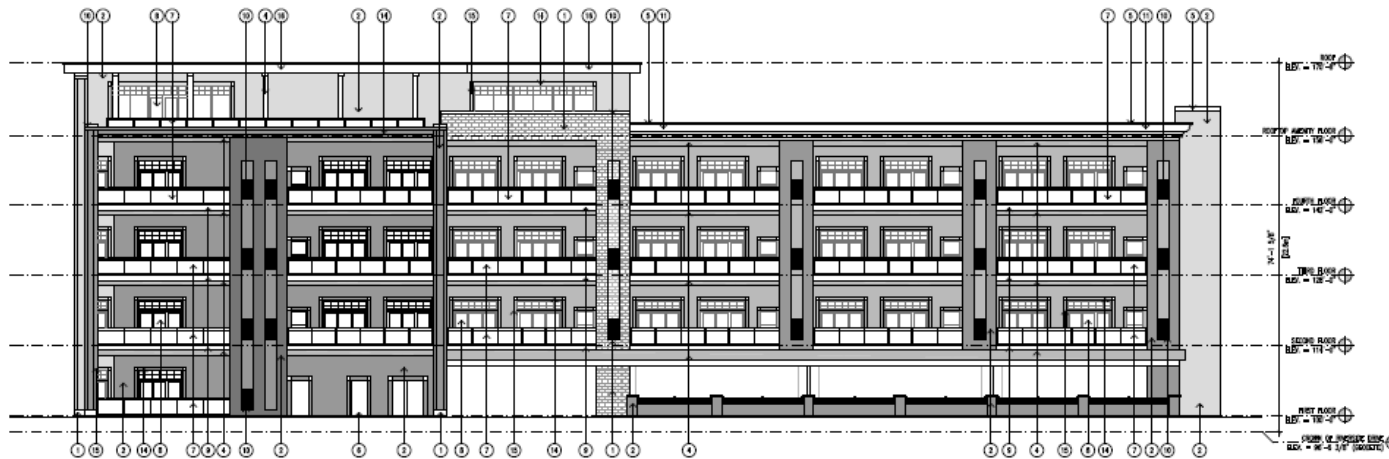
Checked by:
 SMM

Date:
 JUNE, 2022

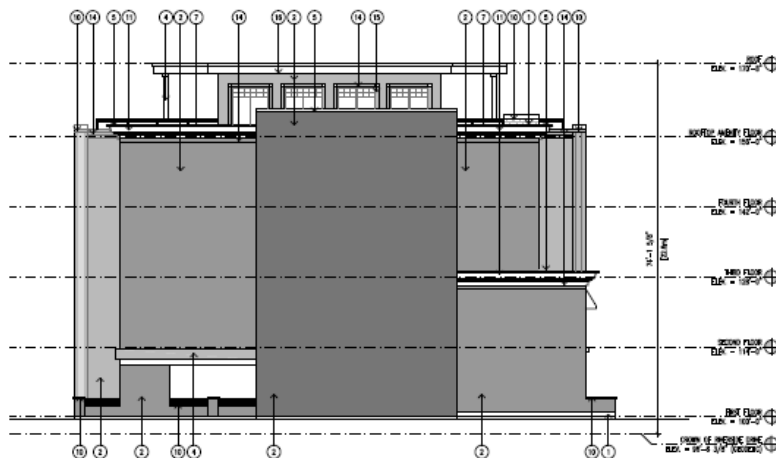
Contract No.:
 2022-078

Sheet No.:

A3.1



WEST ELEVATION
SCALE: 1/32" = 1'-0"



SOUTH ELEVATION
SCALE: 1/32" = 1'-0"

ITEM NO.	FINISH DESCRIPTION	PRODUCT	SIZE	COLOR	NOTE
1	EXTERIOR	STONE VENEER	-	-	-
2	BRICK	REDFIN	-	REDFIN	-
3	ACM 1	-	-	DARK GREY	-
4	ACM 2	-	-	COPPER	-
5	METAL FLASHING (COPPER)	VENICE	-	COPPER	-
6	WALL SCOFFS & FRAMES	-	-	-	-
7	GLASS BALCONY GLAZING SYSTEM	-	-	-	-
8	DOOR & WINDOW GLAZING SYSTEM	-	-	-	-
9	CORNER BALCONY	PRECAST CONCRETE	-	-	-
10	PRECAST SILL	-	-	-	-
11	CORNICE	-	-	-	-
12	LANDSCAPE TOLERANT EXTERIOR WALLS	-	-	-	-
13	CUSTOM WALL GLAZING	-	-	-	-
14	BRICK	-	-	REDFIN	W/REDFIN
15	BRICK	-	-	REDFIN	W/REDFIN
16	METAL FLASHING (GLASS)	-	-	-	-
17	WINDOW CASING	-	-	-	-

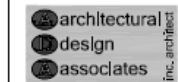
20220907 ZONING AMENDMENT

for

general notes:

- 1. ALL FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND CURRENT CODES OF PRACTICE.
- 2. FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND CURRENT CODES OF PRACTICE.
- 3. FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND CURRENT CODES OF PRACTICE.
- 4. FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND CURRENT CODES OF PRACTICE.
- 5. FINISHES TO BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S RECOMMENDATIONS AND CURRENT CODES OF PRACTICE.

stamp:



1670 mercer street
winchester ontario canada n8t 3p7
ph 519.254.2430 fax 519.254.2942
email: info@architecturaldesignassociates.com

project:
PROPOSED 5-STORY
RESIDENTIAL DEVELOPMENT
1247 RIVERSIDE DRIVE E.

client:
ST. CLAIR RHODES
DEVELOPMENT CORP.

title:
EXTERIOR ELEVATIONS

scale:
AS SHOWN

drawn by:
JT

checked by:
SMB

date:
JUNE, 2022

contract no.:
20224078

sheet no.:

A3.2

APPENDIX B-3 (New Concept Rendering)





Subject: Additional Information to Report S 116/2022 - Pedestrian Crossings on Riverside Drive East - Ward 4

Reference:

Date to Council:
Author: Jeff Hagan
Transportation Planning Senior Engineer
519-255-6100 ext 6003
jhagan@citywindsor.ca
Public Works - Operations
Report Date: 10/7/2022
Date to Council: 11/9/2022
Clerk's File #:

To: Mayor and Members of City Council

Recommendation:

THAT report AI 14/2022, "Additional Information to Report S 116/2022 - Pedestrian Crossings on Riverside Drive East," **BE RECEIVED** for information.

Executive Summary:

N/A

Background:

At its October 3, 2022 meeting, the Development and Heritage Standing Committee adopted decision DHSC 431 with regard to a Zoning By-law Amendment Application for 1247 -1271 Riverside Dr. E., at the S/W corner of Hall & Riverside Dr. E (File No. Z-044/21, ZNG/6633). This decision stated in part:

VI. THAT Administration BE REQUESTED to report back to City Council on the appropriateness of the installation of a pedestrian crossing on Riverside Drive, connecting Hall and the riverfront multi-use path.

This report provides the additional information requested by the Committee.

Discussion:

Existing Conditions

As shown in Figure 1, the subject property is located on Riverside Drive between Pierre Avenue and Hall Avenue. The nearest controlled pedestrian crossings on Riverside Drive are located at Parent Avenue (pedestrian signal, ~330 m west of Pierre Avenue) and Lincoln Road (pedestrian signal, ~305 m east of Hall Avenue).

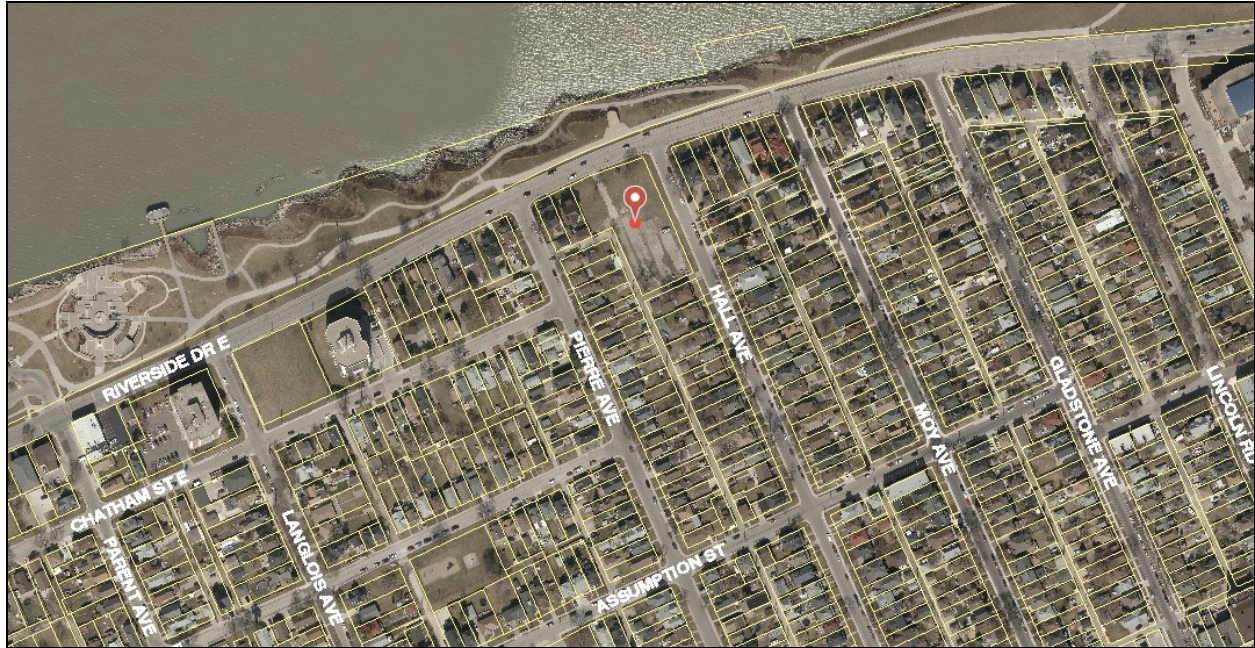


Figure 1: Area Map with Subject Property (1247-1271 Riverside Drive East) Indicated

A pedestrian crossing warrant review was carried out for Riverside Drive at Pierre Street and at Hall Avenue using Ontario Traffic Manual criteria. The results are summarized in Table 1.

Table 1: Summary of Pedestrian Crossing Review

Item	Riverside Drive at Pierre Street	Riverside Drive at Hall Avenue
Pedestrians Crossing Riverside Drive (4 hours)	12 pedestrians	21 pedestrians
Pedestrian Crossover Warrant Result	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume • Vehicle volumes too high for a pedestrian crossover 	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume • Vehicle volumes too high for a pedestrian crossover
Traffic Signal Pedestrian Warrant Result	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume 	Does not meet warrant: <ul style="list-style-type: none"> • Low pedestrian crossing volume

Overall, neither location currently meets warrant for a pedestrian crossover or pedestrian signal.

Even when considering the potential for pedestrians to divert to a controlled crossing if one were provided, the combined pedestrian volume at both locations (33 pedestrians in 4 hours) does not reach the recommended minimum pedestrian volume threshold for a pedestrian crossover (65 pedestrians in 4 hours) or a pedestrian signal (248 pedestrians in 8 hours, given the traffic volumes present on Riverside Drive). Further, traffic volumes on Riverside Drive exceed the recommended maximum vehicle volume for a pedestrian crossover on a 4-lane street.

Future Plans

The Riverside Drive Vista Improvement Project, being built out in phases along the entire length of Riverside Drive, considered pedestrian crossing needs along the corridor.

The Riverside Drive Vista Improvement recommended design does not recommend a future pedestrian crossing at Hall Avenue, but does recommend a pedestrian node – including an intersection pedestrian signal – at Pierre Avenue as one of the connections between a proposed pedestrian promenade and the neighbourhood south of Riverside Drive, as shown in Figure 2. Refinements to the design may occur during detailed design for this phase of the project.

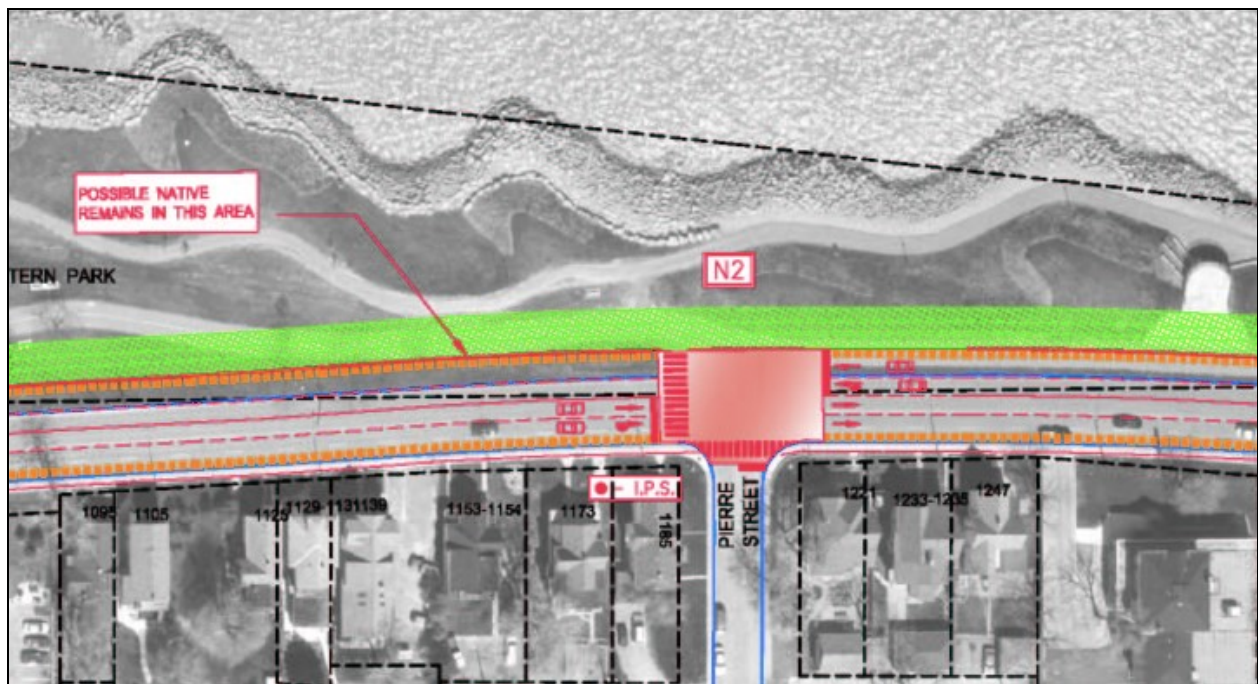


Figure 2: Excerpt - Riverside Drive Vista Improvement Project Recommended Design (green: pedestrian promenade)

The traffic analysis for a potential road diet along the four-lane portion of Riverside Drive is currently underway, as directed by Council in resolution B12/2020. Results of this

analysis will be presented to the Environment, Transportation and Public Safety Standing Committee and subsequently to Council when available.

Impact of the Proposed Development

The proposed rezoning will permit a 42-unit residential development on the subject property, which is currently vacant. In and of itself, pedestrian traffic from the proposed development will not be significant enough to cause Riverside Drive East to meet warrant for a controlled pedestrian crossing.

Risk Analysis:

Risks were identified in report S 116/2022.

Climate Change Risks

Climate Change Mitigation:

Risks were identified in report S 116/2022.

Climate Change Adaptation:

Risks were identified in report S 116/2022.

Financial Matters:

No expenditures are recommended by this report.

Consultations:

N/A

Conclusion:

With current pedestrian and traffic volumes, and taking into account the impacts of the proposed development, neither a pedestrian crossover nor a pedestrian signal are recommended on Riverside Drive at Hall Avenue.

The Riverside Drive Vista Improvement Project recommended design includes a future intersection pedestrian signal at Pierre Avenue, just west of the proposed development, to be installed along with a proposed pedestrian promenade along the north side of Riverside Drive.

Planning Act Matters:

N/A

Approvals:

Name	Title
Shawna Boakes	Executive Director of Operations / Deputy City Engineer
Justina Nwaesei	Senior Planner – Subdivisions
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development and Innovation
Chris Nepszy	City Engineer and Commissioner of Infrastructure Services
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Abutting property owners, tenants/ occupants within 120 meters (400 feet) radius of the subject land		
Applicant & Owner: St. Clair Rhodes Development Corporation; c/o Dino Maggio		dino@midsouth.ca
Agent: Dillon Consulting Limited c/o Karl Tanner		ktanner@dillon.ca
Councillor Mark McKenzie		mmckenzie@citywindsor.ca

Appendices:

N/A



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

Reference:

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

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

To: Mayor and Members of City Council

Recommendation:

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

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

Executive Summary:

N/A

Background:

Application Information:

Location: 3821 King Street. Ward: 2

Planning District: 09 – Sandwich ZDM: 4

Owner: Jiang, Yingwei & Su, Gaoqiang

Agent: Lassaline Planning Consultants (Jackie Lassaline)

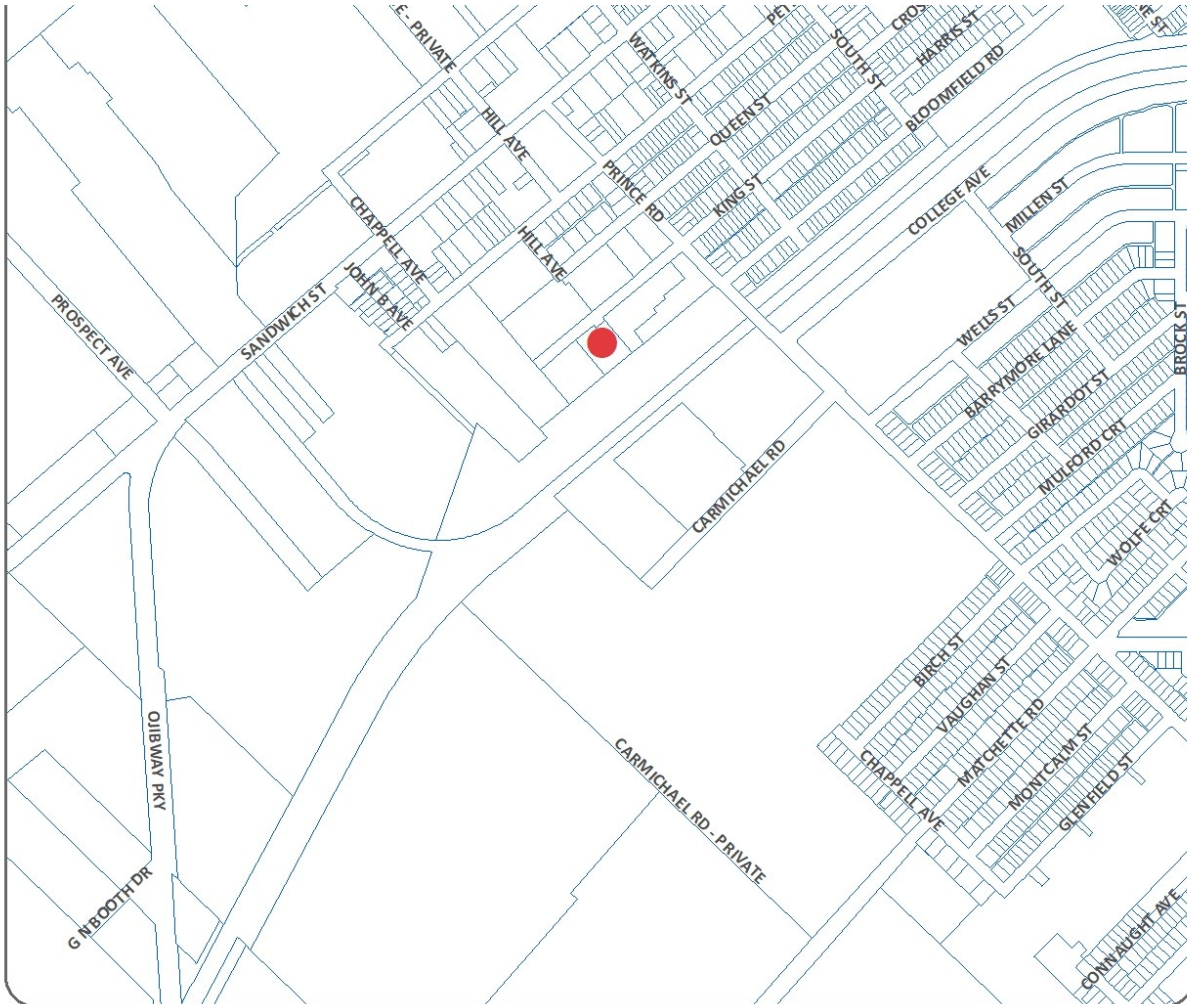
The site is currently vacant, but was previously used for residential purposes. The property contains a derelict and abandoned residence with associated outbuildings including a garage that was damaged by fire in 2021. The now derelict structure appears to have been constructed in 1915 (MPAC assessment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



Subject Site, Abandoned house



Subject Site, Fire Damaged garage



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



● SUBJECT LANDS

APPLICANT: PASSA ASSOCIATES ARCHITECTS

ADDRESS: 3821 KING STREET

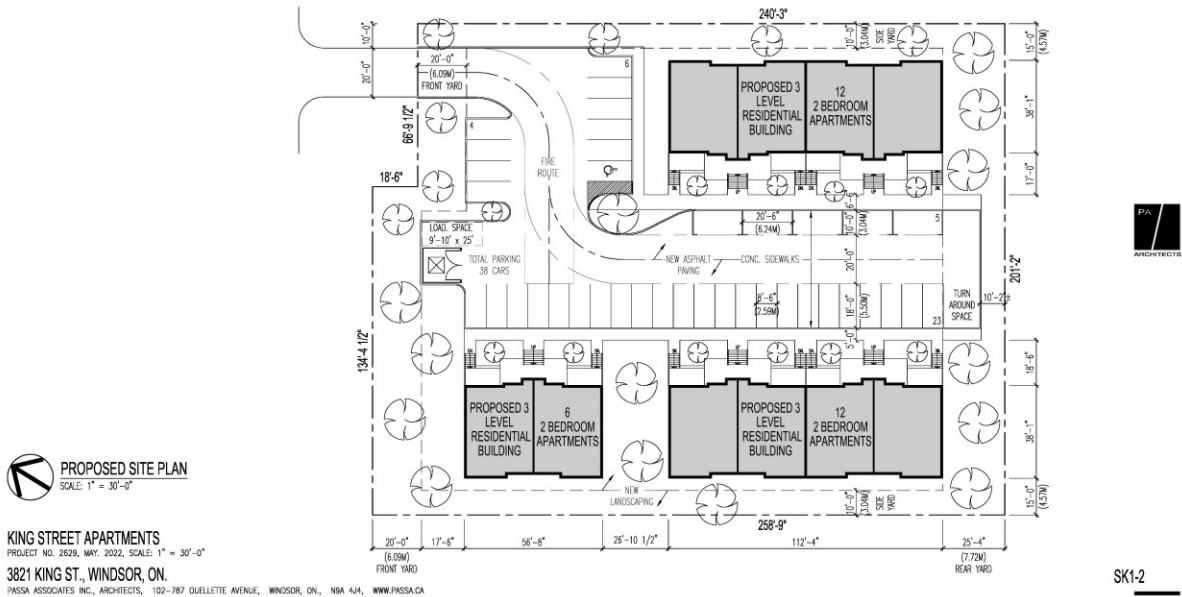
Proposal:

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

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

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

SITE STATISTICS			
PROPOSED ZONING FOR SITE:	RESIDENTIAL DISTRICT 2.5 (R02.5)	TOTAL 2 BEDROOM APARTMENTS:	30 UNITS
TOTAL SITE AREA:	50,816 SQ. FT. (4,720.96 SQ. M.)	TOTAL PROPOSED PARKING SPACES:	38 SPACES
TOTAL PROPOSED BUILDING AREA:	10,786 SQ. FT. (1,000 SQ. M.)	TOTAL PROPOSED ACCESSIBLE SPACES:	1 TYPE '1' PARKING SPACE
TOTAL PROPOSED SITE COVERAGE:	21.22 % SITE COVERAGE	TOTAL PROPOSED LOADING SPACES:	1 LOADING SPACE
TOTAL FLOOR AREA OF NEW CONSTRUCTION:	32,357 SQ. FT. (3,006 SQ. M.)	TOTAL LANDSCAPED AREA:	25,524 SQ. FT. (2,371.26 SQ. M.) 50.23%



Site Information:

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

Neighbourhood Characteristics:

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

Surrounding Land Uses:

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

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

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

West – Canpar Courier, vacant industrial



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



SUBJECT LANDS

APPLICANT: PASSA ASSOCIATES ARCHITECTS
ADDRESS: 3821 KING STREET

Discussion:

Planning Analysis:

Provincial Policy Statement (PPS) 2020:

The Provincial Policy Statement, (PPS) 2020 provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario.

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

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

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

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

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

Official Plan:

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

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

PERMITTED USES

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

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

(g) *multi-modal transportation facilities;*

(h) *is dependent upon, serves or otherwise complements the industrial function of the area; and (amended by OPA #22 – 07/16/02)*

(i) *service and repair facilities. (amended by OPA #22 – 07/16/02)*

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

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

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

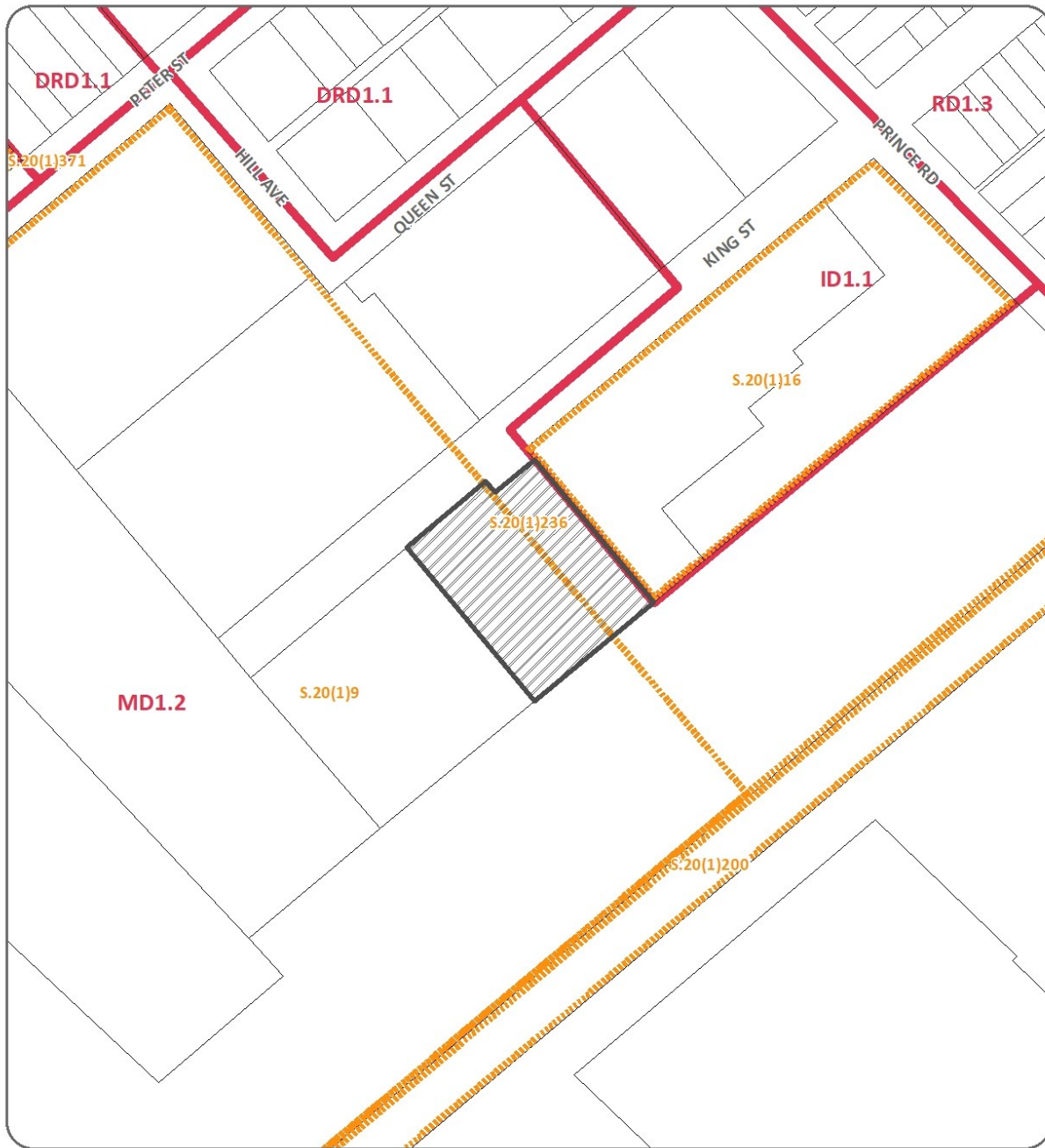
Zoning By-Law:

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

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

Planning Rationale Report:

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

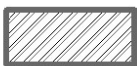


PART OF ZONING DISTRICT MAP 4

N.T.S.

REZONING

Applicant: Passa Associates Architects



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



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

Other Issues:

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

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

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

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

Financial Matters:

N/A

Consultations:

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

Public Notice:

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

Conclusion:

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

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

Planning Act Matters:

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

Michael Cooke, Manager, Planning Policy/Deputy City Planner

Thom Hunt, City Planner

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

JP OC

Approvals:

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

Notifications:

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

Appendices:

- 1 Appendix A - Comments

COMMENTS

Jennifer Nantais – Environmental & Sustainability Coordinator

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

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

Energy Conservation, Air Quality and Climate Change:

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

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

EV Charging

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

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

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

Stormwater Management:

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

Landscaping

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

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

Windows

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

Jason Scott – Transit Windsor

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

Enwin

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

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

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

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

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

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

Tracy Tang – Heritage Planning

Supporting information required:

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

Archaeology

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

Sandy Mio – Engineering & ROW

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

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

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

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

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

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

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

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

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

Rania Toufeili – Transportation Planning

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

- extension and therefore a conveyance is not required.
- King Street will need to be extended and comply with City standards as per Engineering Right-of-Way requirements. A standard municipal cross-section is required with a cul-de-sac at the end of King Street. The road reconstruction should start approximately 90 meters north of the subject property.
 - Parking must comply with zoning by-law 8600 (vehicle, bicycle and loading spaces).
 - All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
 - All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Stefan Fediuk – Landscape Architect

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

Zoning Provisions for Parking Setback:

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

Tree Preservation and Climate Change Adaptation:

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

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

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

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

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

Parkland Dedication:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Grant Bourdeau
&
Mr. Kevin Kelly

SCHEDULE "A"

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

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

Provincial Policy Statement 2020 – Under the Planning Act

Part V: Policies

1.0 Building Strong Healthy Communities:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

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

1.2.6 Land Use Compatibility

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

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

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

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

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

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

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

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

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, **protect and preserve employment areas for current and future uses** and ensure that the necessary infrastructure is provided to support current and projected needs.

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

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

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

City of Windsor Official Plan:

6.1 Goals

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

6.4 Employment

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

6.4.1 Objectives

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

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

6.4.1.11 COMPREHENSIVELY PLANNED - To promote comprehensively planned employment areas.

6.4.3 Industrial Policies

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

6.4.3.3 Industrial development shall be located where:

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

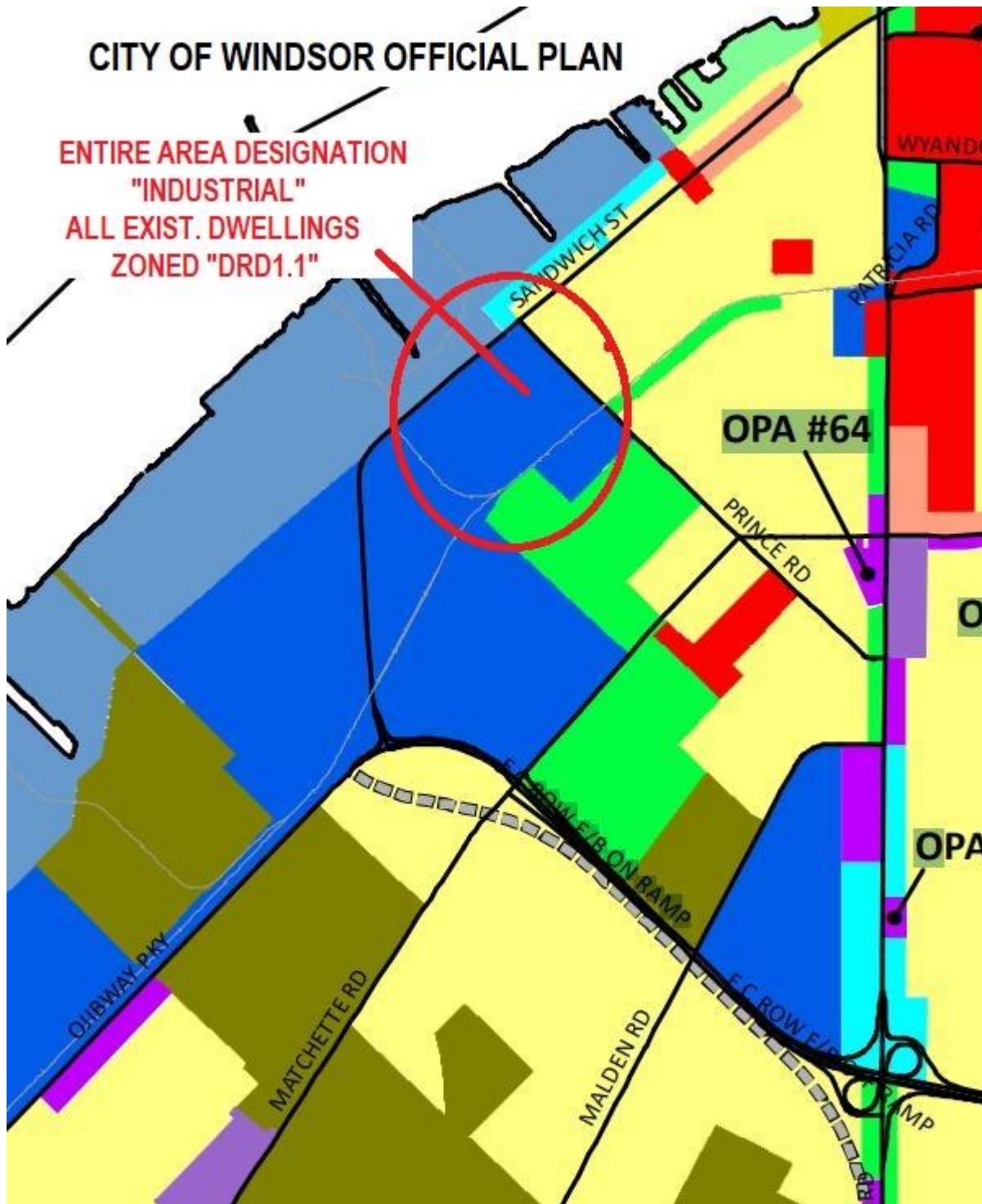
SCHEDULE "B"

APPELLANT'S PROPERTY IN RELATION TO THE SUBJECT



SCHEDULE "C"

CITY OF WINDSOR OFFICIAL PLAN DESIGNATION "INDUSTRIAL"



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

Dear: All

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

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

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

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

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

Thank you for your time and patience concerning this matter.

Respectfully,

J.

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

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

Sirs,

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

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

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

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

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

Yours Sincerely,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Mr. Grant Bourdeau
&
Mr. Kevin Kelly

SCHEDULE "A"

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

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

Provincial Policy Statement 2020 – Under the Planning Act

Part V: Policies

1.0 Building Strong Healthy Communities:

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

1.1.1 Healthy, liveable and safe communities are sustained by:

a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.

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

1.2.6 Land Use Compatibility

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

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

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

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

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

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

1.3 Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

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

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, **protect and preserve employment areas for current and future uses** and ensure that the necessary infrastructure is provided to support current and projected needs.

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

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

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

City of Windsor Official Plan:

6.1 Goals

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

6.4 Employment

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

6.4.1 Objectives

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

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

6.4.1.11 COMPREHENSIVELY PLANNED - To promote comprehensively planned employment areas.

6.4.3 Industrial Policies

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

6.4.3.3 Industrial development shall be located where:

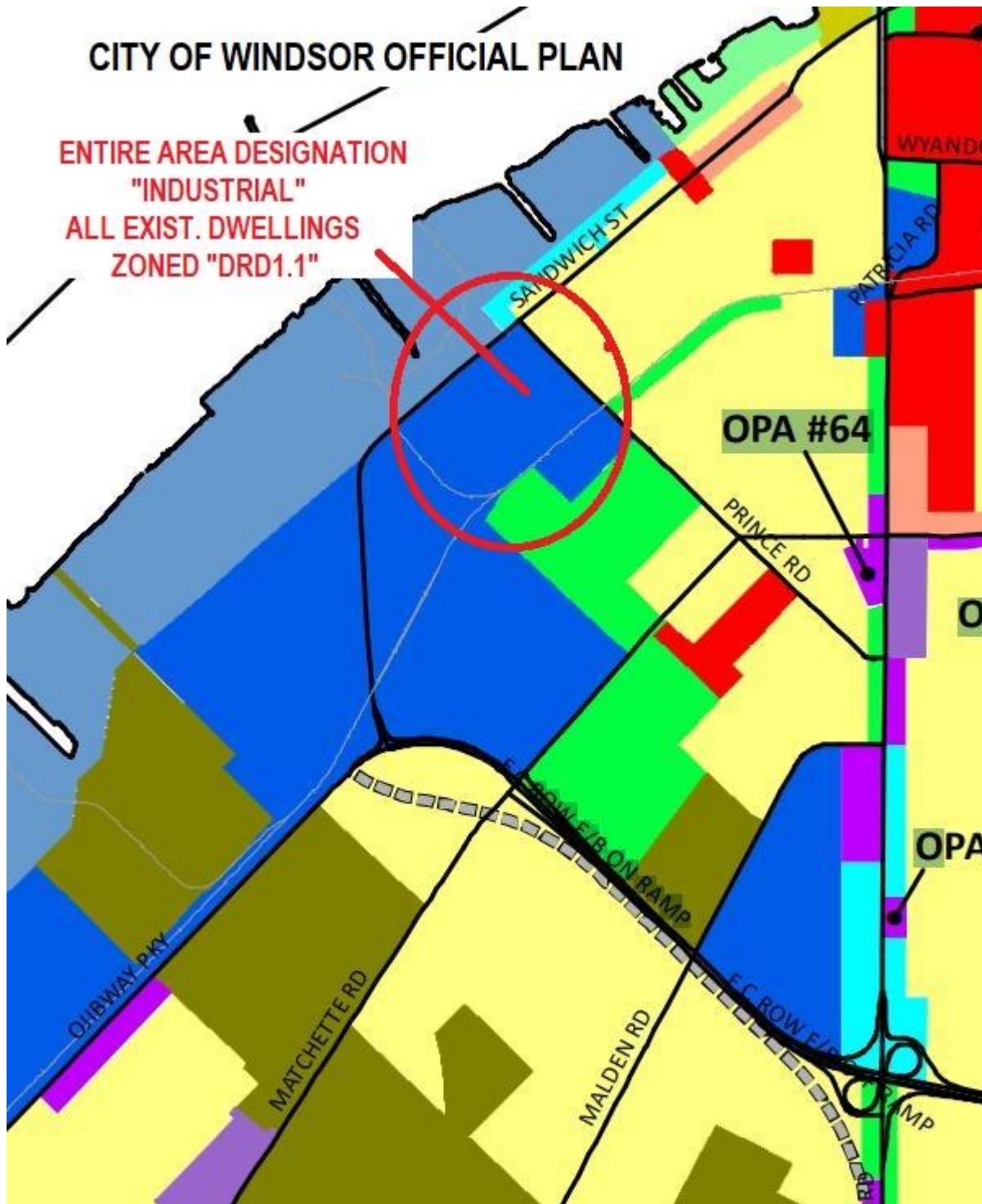
(a) the industrial use can be sufficiently separated and/or buffered from sensitive land uses.

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



SCHEDULE "C"

CITY OF WINDSOR OFFICIAL PLAN DESIGNATION "INDUSTRIAL"



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

To whom it may concern,

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

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

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

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

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

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

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

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

Sincerely,

Myriam Faraj

Item No. 8.1



Committee Matters: SCM 303/2022

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held November 1, 2022

Development & Heritage Standing Committee Meeting

Date: Tuesday, November 1, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Bulmer

Member Foot

Member Fratangeli

Member Gyemi

Member Miller

Member Moore

Members Regrets

Member Baker

Member Rondot

Clerk's Note: Councillor Gill, Member Moore, several members of Administration, and some members of the public participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Marianne Sladic

Sandra Gebauer, Council Assistant

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 2 of 12

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Thom Hunt, City Planner / Executive Director of Planning & Development
Neil Robertson, Manager of Urban Design / Deputy City Planner
Rob Vani, Manager of Inspections / Deputy Chief Building Official
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Rob Perissinotti, Development Engineer
Brian Nagata, Planner II – Development Review
Jim Abbs, Planner III – Subdivisions
Greg Atkinson, Planner III – Economic Development
Kristina Tang, Planner III – Heritage
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.2 Tracey Pillon-Abbs
Item 7.3 Anya Heath, Property Owner
Item 11.1 Kevin Miller, Agent for Owner
Item 11.1 Richard Hallet, Applicant
Item 11.2 Frank Pugliese, Area Resident

Delegations—participating in person

Item 7.1 Amy Farkas, Associate, Dillon Consulting
Item 11.3 Robert Talford, Area Resident

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, 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 7.4.

Minutes

Development & Heritage Standing Committee
Tuesday, November 1, 2022

Page 3 of 12

4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held October 3, 2022

Moved by: Member Foot

Seconded by: Councillor Morrison

THAT the minutes of the Development & Heritage Standing Committee meeting held October 3, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 279/2022

10. HERITAGE ACT MATTERS

10.1. Removal of Heritage Easement conditions related to Heritage Incentives (City-wide)

Member Foot inquires whether there are any implications on existing easements with this application and should they be revisited. Kristina Tang, Heritage Planner, appears before the Development & Heritage Standing Committee regarding the administrative report "Removal of Heritage Easement conditions related to Heritage Incentives (City-wide)" and indicates that the easements referred to in this application refer to previous granted approvals for incentives. She adds that there are no implications on current existing heritage easements, except for the properties listed in this application.

Councillor Bortolin inquires whether Heritage easements will be abandoned moving forward. Ms. Tang indicates that administration is requesting approval to undertake a review of existing heritage easements, the process related to easements and perhaps different uses for these types of easements may be considered in the future.

Moved by: Councillor Holt

Seconded by: Member Foot

Decision Number: **DHSC 442**

- I. THAT Administration **BE DIRECTED** to review the various rules and guidelines for granting Heritage Grants and Incentives conditional on donation of a Heritage Easement.

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 4 of 12

- II. THAT M18-2010 for the Frank H. Joyce House, at 3975 Riverside Drive East, **BE AMENDED** by deleting the condition for a Heritage Conservation Easement prior to release of the Community Heritage Fund grant.
- III. THAT M19-2010 for the former Holy Redeemer College at 925 Cousineau Road, **BE AMENDED** by deleting the condition for a Heritage Conservation Easement prior to release of the Community Heritage Fund grant.
- IV. THAT CR442/2017 for the St. Mary & St. Moses Coptic Orthodox Church, located at 1125 Ottawa Street, **BE AMENDED** by deleting the condition for a Heritage Conservation Easement prior to release of the Community Heritage Fund grant.
- V. THAT clause II.d of CR145/2021 for the former Edith Cavell School, 5955 Ontario Street **BE REPLACED** with “provision of Maintenance & Preservation Agreement to the City by Essex Condominium Corporation No. 98.”

Carried.

Report Number: S 121/2022
Clerk's File: MBA2022

Member Fratangeli expresses his thanks to the outgoing members of the Committee and commends all the members of the Committee for a successful term and a job well done.

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act Matters*) portion is adjourned at 4:36 o'clock p.m.

The Chairperson calls the *Planning Act Matters* portion of the Development & Heritage Standing Committee meeting to order at 4:37 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act Matters*) held October 3, 2022

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held October 3, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 285/2022

Minutes

Development & Heritage Standing Committee
Tuesday, November 1, 2022

Page 5 of 12

7. PLANNING ACT MATTERS

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

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

THAT the report of the Senior Planner dated October 13, 2022 entitled “Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2” **BE DEFERRED** to a future meeting of the Development & Heritage Standing Committee to allow for further discussion with Administration to take place.

Carried.

Report Number: S 124/2022

Clerk’s File: Z/14428

7.1. Zoning Bylaw Amendment Z 023-22 [ZNG-6789] VGA Investment Inc, South Side Wyandotte St E, East of Florence Ave- 0 Wyandotte St E to permit a Multiple Dwelling Development - Ward 7

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 439**

I. THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** for the lands at Lots 32 to 34, Registered Plan 1142, PIN 01596-0081 (known municipally as 0 Wyandotte Street East) by changing the zone category from Development Reserve District (DRD) 1.1 to Residential District (RD) 2.5 with the following site specific regulations:

Front Yard Depth- Minimum 4.0 m

II. THAT a Hold provision **BE APPLIED** to the lands at Lots 32 to 34, Registered Plan 1142, PIN 01596-0081 (known municipally as 0 Wyandotte Street East) to be removed when the following conditions are met:

- a) An application for the removal of hold is received;
- b) Access to the future Florence Avenue right of way is available to the site.

Carried.

Report Number: S 126/2022

Clerk’s File: Z/14431

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 6 of 12

7.2. Zoning By-Law Amendment – Jian Lu – 3829-3831 Seminole Street - Z 020/22 [ZNG-6783] - Ward 5

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 440**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 164, 166 & Pt Lot 162, Registered Plan 768 (known municipally as 3829 and 3831 Seminole Street; Roll No. 010-280-00100-0000), from Commercial District 1.1 (CD1.1) to Residential District 3.1 (RD3.1) with a site specific exception to Section 20(1) as follows:

4XX. SOUTHEAST CORNER OF SEMINOLE STREET AND WESTCOTT ROAD

For the lands comprising of Lots 164, 166 & Pt Lot 162, Registered Plan 768, a *Multiple-Dwelling* shall be subject to the applicable provisions in Section 12.1.5, except for the following site specific regulation:

Parking Area Separation from a Street	Minimum – 1.57 m
---------------------------------------	------------------

[ZDM11; ZNG/6783]

Carried.

Councillor Sleiman was absent from the meeting when the vote was taken on this matter.

Report Number: S 122/2022

Clerk's File: Z/14457

7.3. Zoning By-Law Amendment 5335 Wyandotte Street East Z 024-22 [ZNG-6794] - Ward 4

Moved by: Councillor Gill

Seconded by: Member Gyemi

Decision Number: **DHSC 441**

THAT Zoning By-law 8600 **BE AMENDED** for Registered Plan 709; Lots 1 to 4 inclusive and municipally known as 5335 Wyandotte Street East, by adding a site-specific exception to Section 20(1) as follows:

431. SOUTHEAST CORNER OF WYANDOTTE STREET EAST AT FORD BOULEVARD

For the lands comprising Plan 709; Lots 1 to 4, one new *dwelling unit* shall be subject to the following additional provisions:

- | | | |
|----|-------------------------------|--------------------|
| a) | Unit Size – minimum | <i>As Existing</i> |
| b) | Parking Requirement – minimum | <i>As Existing</i> |

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 7 of 12

[ZDM10; ZNG/6794]

Carried.

Report Number: S 123/2022
Clerk's File: Z/14426

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:49 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 4:49 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. Closure of east portion of east/west alley between Meighen Road and Meldrum Road, Ward 5, SAA-6823

Kevin Miller, Agent for Owner

Kevin Miller, agent for owner, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of east portion of east/west alley between Meighen Road and Meldrum Road, Ward 5, SAA-6823" and inquires about the easement and whether the requested easement is for the entirety of the alley or just the requested closure portion.

Richard Hallet, Applicant

Richard Hallet, applicant, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of east portion of east/west alley between Meighen Road and Meldrum Road, Ward 5, SAA-6823" and is available for questions.

Councillor Holt inquires about the easement and what portion of the alley it covers. Rob Perissinotti, Development Engineer, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of east portion of east/west alley between Meighen Road and Meldrum Road, Ward 5, SAA-6823" and indicates an easement is required for the full width of alley and utility easements will also be determined. Councillor Sleiman inquires about the application and the neighbours portions. Brian Nagata, Planner II – Development Review, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of east portion of east/west alley between Meighen Road and Meldrum Road, Ward 5, SAA-6823" and provides details related to the intent of the closure application and consolidating two properties. Details related to access and alley closure policy criteria is provided.

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 8 of 12

Moved by: Councillor Sleiman

Seconded by: Councillor Morrison

Decision Number: **DHSC 443**

- I. THAT the 33.79 metre portion of the 5.49 metre wide east/west alley located between Meldrum Road and the west side lot line of the property known municipally as 3277 Tecumseh Road East (legally described as Lots 204 & 205, Plan 1109), and shown on Drawing No. CC-1820 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 33.79 metre portion of the 5.49 metre wide east/west alley located between Meldrum Road and the west side lot line of the property known municipally as 3277 Tecumseh Road East (legally described as Lots 204 & 205, Plan 1109), and shown on Drawing No. CC-1820 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 3277 and 3295 Tecumseh Road East (legally described as Lots 203 to 205, Plan 1109) 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 and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. Enbridge Gas to protect existing underground infrastructure;
 - iii. EnWin Utilities Ltd to accommodate the poles, anchors and existing overhead plant; and
 - iv. MNSi for access for aerial plant maintenance;
 - 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 Corporation of The City of Windsor for access to service and maintain the existing 200 millimetre PVC sanitary sewer with manhole.
- III. THAT the Applicant/Owner **PRIOR TO** the conveyance of the 33.79 metre portion of the 5.49 metre wide east/west alley located between Meldrum Road and the west side lot line of the property known municipally as 3277 Tecumseh Road East (legally described as Lots 204 & 205, Plan 1109), and shown on Drawing No. CC-1820, **OBTAIN** a Driveway Permit to keep and maintain the Meldrum Road driveway approach to City of Windsor Standard Engineering Drawing AS-204.
- IV. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned CD2.1: \$20.00 per square foot without easements and \$10.00 per square foot with easements.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1820, *attached* hereto as Appendix "A".

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 9 of 12

- VI. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. 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.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 117/2022
Clerk's File: SAA2022

11.2. Closure of east/west alley between Olive Road and 4850 Seminole Street, Ward 8, SAA-6586

Frank Pugliese, Area Resident

Frank Pugliese, area resident, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of east/west alley between Olive Road and 4850 Seminole Street, Ward 8, SAA-6586" and requests that the committee approve the closure application.

Moved by: Councillor Morrison
Seconded by: Councillor Holt

Decision Number: **DHSC 444**

- I. THAT the 5.49 metre wide east/west alley located between Olive Road and the property known municipally as 4850 Seminole Street (legally described as Part of Lots 270 & 480 and Part of Closed Alley, Plan 1063; Parts 3 & 4, Plan 12R-20195), and shown on Drawing No. CC-1800 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 5.49 metre wide east/west alley located between Olive Road and the property known municipally as 4850 Seminole Street (legally described as Part of Lots 270 & 480 and Part of Closed Alley, Plan 1063; Parts 3 & 4, Plan 12R-20195), and shown on Drawing No. CC-1800 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 1480 Olive Road (legally described as Lot 269 & Part of Closed Alley, Plan 1063) 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 and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", be granted to:
- Bell Canada to protect existing aerial facilities;
 - EnWin Utilities Ltd to accommodate the existing overhead plant; and
 - MNSi for existing aerial infrastructure.

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 10 of 12

- III. THAT the Applicant/Owner **PRIOR TO** the conveyance of the 5.49 metre wide east/west alley located between Olive Road and the property known municipally as 4850 Seminole Street (legally described as Part of Lots 270 & 480 and Part of Closed Alley, Plan 1063; Parts 3 & 4, Plan 12R-20195), and shown on Drawing No. CC-1800 *attached* hereto as Appendix "A", **OBTAIN** a Driveway Permit to complete and maintain the Olive Road right-of-way to City of Windsor Standard Engineering Drawing AS-222.
- IV. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.2: \$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.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1800, *attached* hereto as Appendix "A".
- VI. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. 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.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 118/2022
Clerk's File: SAA2022

11.3. Closure of portion of north/south alley between Reginald Street and Seminole Street, Ward 5, SAA-6600

Robert Talford, Area Resident

Robert Talford, area resident, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of portion of north/south alley between Reginald Street and Seminole Street, Ward 5, SAA-6600" and requests confirmation of the proposed closure location and whether it would be the entire alley or only up to 1527 Albert Road.

Councillor Bortolin provides clarification indicating that the application request was for entire alley closure, but administration's recommending only the portion be closed up to 1527 Albert Road.

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 11 of 12

Decision Number: **DHSC 445**

- I. THAT the 192.9 metre portion of the north/south alley located between Reginald Street and the property known municipally as 1527 Albert Road (legally described as Lot 8, Plan 803), and shown on Drawing No. CC-1802 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 192.9 metre portion of the north/south alley located between Reginald Street and the property known municipally as 1527 Albert Road (legally described as Lot 8, Plan 803), and shown on Drawing No. CC-1802 *attached* hereto as Appendix "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:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. Enbridge Gas to protect existing infrastructure;
 - iii. EnWin Utilities Ltd to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line; and
 - iv. MNSi for existing aerial infrastructure.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.3: \$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; and
 - b. For alley conveyed to abutting lands zoned ID1.1: \$2.50 per square foot without easements and \$1.25 per square foot with easements, plus deed preparation fee and proportionate share of the survey cost 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-1802, *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.

Report Number: S 119/2022

Clerk's File: SAA2022

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

Page 12 of 12

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

Councillor Bortolin thanks committee members for their contributions to the Development & Heritage Standing Committee, and commends all members' dedication to the committee and is grateful for their continued hard work, noting the great number of applications coming through and approved by the committee. Councillor Bortolin congratulates committee members for their great work, thanks administration, and provides well wishes for the future.

Councillor Morrison acknowledges the outgoing committee members for their assistance, guidance and education related to the committee and thanks them for their leadership, wishing them the best for the future.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 5:03 o'clock p.m.
Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Item No. 8.2



Committee Matters: SCM 327/2022

Subject: Minutes of the December 5, 2022 Development & Heritage Standing Committee Meeting

Development & Heritage Standing Committee Meeting

Date: Monday, December 5, 2022

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 Kieren McKenzie – Acting Chair

Councillor Regrets

Ward 10 – Councillor Jim Morrison

Members

Member Dorian Moore
Member Jake Rondot

Members Absent

Member Anthony Gyemi

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
Thom Hunt, City Planner / Executive Director of Planning & Development
Neil Robertson, Manager of Urban Design / Deputy City Planner
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Rob Perissinotti, Development Engineer
Jim Abbs, Planner III – Subdivisions

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 2 of 11

Greg Atkinson, Planner III – Economic Development
Kristina Tang, Planner III – Heritage
Adam Szymczak, Senior Planner
Laura Strahl, Planner III, Special Projects
Shannon Deehan, Transportation Planning Coordinator
Samuel Switzer, Planning Assistant
Ashley Porter, Clerk Steno Senior
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1 Jack Ramieri, Solicitor
Item 7.1 Nick Sauro, Applicant
Item 7.2 Quoc Tran, area resident
Item 7.2 Dan Soleski, Architect
Item 7.3 Robert Brown, Principal Planner
Item 7.4 Steve Berrill, Principal Architect
Item 11.3 Hensey Khan & Hitesh Jhaveri, applicants

Delegations—participating in person

Item 7.4 Jackie Lassaline, Principal Planner
Item 7.4 Haidar Habib & Steve Habib, HD Development Group
Item 7.4 Adriano Bertolissio, area resident
Item 7.4 Kerry Shaw, area resident
Item 7.4 Amy Grady, area resident

1. CALL TO ORDER

The Deputy Clerk calls the meeting of the Development & Heritage Standing Committee to order and calls for nominations from the floor for the position of Acting Chairperson.

Councillor Angelo Marignani nominates Councillor Kieran McKenzie for the position of Acting Chairperson. Councillor Kieran McKenzie accepts the nomination.

The Deputy Clerk calls for further nominations from the floor for the position of Acting Chairperson. Councillor Mark McKenzie nominates Councillor Fred Francis. Councillor Fred Francis accepts the nomination.

The Deputy Clerk calls for further nominations from the floor for the position of Acting Chairperson. There being no further nominations, the Deputy Clerk calls for a vote for Councillor Kieran McKenzie.

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 3 of 11

Aye Votes: Councillors Marignani and Kieren McKenzie and Members Moore and Rondot.
Nay Votes: Councillors Fred Francis and Mark McKenzie.
Councillor Kieren McKenzie assumes the Acting Chair.

The Acting Chair reads the Land Acknowledgement Statement.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

11.4. Downtown CIP Grant Application made by 304830 Ontario Limited for 176 University Avenue West, Ward 3

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

That the report from the Planner III – Special Projects dated November 17, 2022 **BE DEFERRED** to a future meeting to allow the applicant more time to define the scope of their project.

Carried.

Report Number: C 198/2022
Clerk's File: SPL2022

4. COMMUNICATIONS

None.

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 4 of 11

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act* Matters) held November 1, 2022

Moved by: Councillor Fred Francis
Seconded by: Member Jake Rondot

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held November 1, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 311/2022

6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

See Items 7.1, 7.2, 7.3 & 7.4.

7. PLANNING ACT MATTERS

7.1. Zoning Bylaw Amendment Z 028-22 [ZNG-6846] WinValco Ltd, 1235 St Luke Rd to add “outdoor storage yard” as an additional permitted use - Ward 5

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

Decision Number: **DHSC 446**

THAT Section 20(1) of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Part of Lot 97, Concession 1, as shown on Map 3 of this report, (known municipally as 1235 St Luke Rd) by adding site specific regulation to permit an outdoor storage yard as an additional permitted use as follows:

457. WEST SIDE OF ST. LUKE ROAD, NORTH OF ESSEX TERMINAL RAILWAY

For the lands comprising of Part of Lot 97, Concession 1; as shown on Map 3 of this report, situated on the west side of St. Luke Road, immediately north and abutting the Essex Terminal Railway, the following provisions shall apply:

a. Notwithstanding Section 3.10, an “outdoor storage yard: shall be defined to mean:

“an open space which has a minimum area of 10.0 m² and is used for storage. A loading compound, parking area, transport storage area, or transport terminal is not an outdoor storage yard.”

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 5 of 11

b. an “outdoor storage yard” shall be an additional permitted use.
(ZDM 7, ZNG-6846).

Carried.

Report Number: S 134/2022
Clerk’s File: Z/14474

7.2. Rezoning – Gansil Inc. - 0 Campbell Avenue - Z-031/22 ZNG/6866 - Ward 2

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 447**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 9, Registered Plan 1148 (known municipally as 0 Campbell Avenue; Roll No. 050-300-03100) situated on the west side of Campbell Avenue, south of Wyandotte Street West, by adding a site specific exception to Section 20(1) as follows:

455. WEST SIDE OF CAMPBELL AVENUE, SOUTH OF WYANDOTTE STREET WEST

For the lands comprising of Lot 9, Registered Plan 1148, for a *double duplex dwelling* or a *multiple dwelling* with a maximum of four *dwelling units* the following additional provisions shall apply:

- a) Lot Width – minimum 12.0 m
- b) Lot Area – minimum 520.0 m²
- c) Notwithstanding Section 24.26.5, a *parking space*, visitor parking space or accessible parking space shall be permitted in a *required front yard*.
- d) Notwithstanding Section 24.28.1.3, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area* or a *parking space* or any combination thereof cannot exceed 50% of the *required front yard* area and any driveway, *access area*, and *parking space*, shall be paved and maintained with a hard surface consisting of paving brick or block, asphalt, concrete, or any combination thereof.

[ZDM 3; ZNG/6866]

Carried.

Councillor Angelo Marignani and Member Moore voting nay.

Report Number: S 130/2022
Clerk’s File: Z/14486

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 6 of 11

7.3. Rezoning - Stoyshin Enterprises (Windsor) Ltd. - 849 Walker Road - Z-034/22 ZNG/6870 - Ward 4

Moved by: Member Jake Rondot
Seconded by: Councillor Fred Francis

Decision Number: **DHSC 448**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lot 5, and Lots 7, 9, 11 & 13, Registered Plan 490 (849 Walker Road; Roll No.: 020-090-09500), located on the west side of Walker Road between Cataraqui Street and Niagara Street by adding a site specific provision to Section 20(1) as follows:

456. **WEST SIDE OF WALKER ROAD BETWEEN CATARAQUI STREET AND NIAGARA STREET**

For the lands comprising Part Lot 5, and Lots 7, 9, 11 & 13, Registered Plan 490, the following shall be permitted as additional permitted uses:

- Automobile Detailing Service
- Automobile Repair Garage
- Contractor's Office
- Hotel
- Medical Appliance Facility
- Print Shop
- Warehouse
- Workshop

and Section 20(1)53 and Section 20(1)147(ii) and (iii) shall apply to the additional permitted uses.

[ZDM 6; ZNG/6870]

Carried.
Councillor Mark McKenzie voting nay.

Report Number: S 133/2022
Clerk's File: Z/14475

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

Moved by: Councillor Fred Francis
Seconded by: Member Dorian Moore

THAT the report of the Senior Planner dated August 25, 2022 entitled "Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10" and the

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 7 of 11

Additional Information Memo AI 15-2022 **BE DEFERRED** to allow the Applicant, in discussion with Administration, to determine if the proposed buildings can be moved further west on the subject parcel, and to determine what options are available to the Applicant that will allow vehicular access at the north end of the subject parcel; and,

That this information **BE BROUGHT FORWARD** to the January 9, 2023 Development & Heritage Standing Committee meeting if possible.
Carried.

Report Number: S 105/2022
Clerk's File:Z/14429

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Item 11.3.

10. HERITAGE ACT MATTERS

N/A

11. ADMINISTRATIVE ITEMS

11.1. Closure of east/west alley between Aubin Road and north/south alley between Seminole Street and Reginald Street, Ward 5, SAA-6751

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 449**

- I. THAT the 4.27 metre wide east/west alley located between Aubin Road and the north/south alley located between Seminole Street and Reginald Street, and shown on Drawing No. CC-1812 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the 4.27 metre wide east/west alley located between Aubin Road and the north/south alley located between Seminole Street and Reginald Street, and shown on Drawing No. CC-1812 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 1590 Aubin Road (legally described as Part of Lots 38 to 41, Plan 1340), in a manner deemed appropriate by the City Planner;

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 8 of 11

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- III. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.2: \$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-1812, *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.

Report Number: S 129/2022
Clerk's File: SAA2022

11.2. Closure of north/south alley between Alice Street & Milloy Street, Ward 5, SAA-6652

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

Decision Number: **DHSC 450**

- I. THAT the 3.66 metre wide north/south alley located between Alice Street and Milloy Street and shown on Drawing No. CC-1806 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the 3.66 metre wide north/south alley located between Alice Street and Milloy Street and shown on Drawing No. CC-1806 *attached* hereto as Appendix "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:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as **Appendix "F"**, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. EnWin Utilities Ltd to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line; and
 - iii. MNSi for access to service and maintain existing aerial infrastructure;

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 9 of 11

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- III. Type THAT Conveyance Cost **BE SET** as follows:
- b. For alley conveyed to abutting lands zoned RD1.3, \$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-1806, *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.

Carried.

Report Number: S 131/2022
Clerk's File: SAA2022

11.3. Downtown CIP Grant Application made by Bay 20 Inc. for 880 Ouellette Avenue Ward 3

Hensey Khan and Hitesh Jhaveri, applicants

Hensey Khan and Hitesh Jhaveri, applicants, appear before the Development & Heritage Standing Committee regarding the administrative report "Downtown CIP Grant Application made by Bay 20 Inc. for 880 Ouellette" and are available for questions.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 451**

- I. THAT the request made by Bay 20 Inc. (Owner) for the proposed development at 880 Ouellette Avenue to participate in:
- a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
 - b. the Upper Storey Residential Conversion Grant Program **BE APPROVED** for \$5,000 for every new residential unit, up to a maximum of \$50,000 per property in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. THAT Administration **BE DIRECTED** to prepare the agreement between the City and Bay 20 Inc. (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 880 Ouellette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 10 of 11

- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program Agreement at 880 Ouellette Avenue to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- IV. THAT the grants under the Upper Storey Residential Conversion Grant Program for 880 Ouellette Avenue **BE PAID** to Bay 20 Inc. upon completion of the upper storey residential units as described in Report S128/2022 within two (2) years of Council approval subject to the satisfaction of the City Planner and Chief Building Official.
- V. Grant funds in the amount of \$50,000 under the Upper Storey Residential Conversion Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when the work is completed.
- VI. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the Upper Storey Residential Conversion Grant Program be uncommitted and made available for other applications.
- VII. 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 128/2022
Clerk's File:SPL2022

11.5. Brownfield Community Improvement Plan (CIP) application submitted by Agri-Box Inc Inc. for 3324 Marentette Avenue and 3350 Devon Drive (Ward 9)

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

Decision Number: **DHSC 452**

- I. THAT the request made by Agri-Box Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 3324 Marentette Avenue and 3350 Devon Drive pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission an eligible Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,

Minutes

Development & Heritage Standing Committee December 5, 2022

Page 11 of 11

- III. THAT the grant funds in the amount of \$15,000 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval(s) **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 132/2022
Clerk's File:

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:06 o'clock p.m.

Carried.

Mayor

City Clerk

Subject: Request for Heritage Permit – Art Windsor-Essex temporary public artwork, various Sandwich Heritage Conservation District locations (Ward 2)

Reference:

Date to Council: January 9, 2023
Author: Kristina Tang, MCIP, RPP
Heritage Planner
ktang@citywindsor.ca
519-255-6543 X 6179
Planning & Building Services
Planning & Building Services
Report Date: December 8, 2022
Clerk's File #: SR/13926

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** a Heritage Permit requested by Art Windsor-Essex (legal name 'The Art Gallery of Windsor') **BE APPROVED** for the temporary installation (up to 24 months) of framed reproduction artwork displayed at five locations within the Sandwich Heritage Conservation District in accordance with Appendix A-Heritage Permit Application, subject to the following condition(s):
 - a. Submission of satisfactory product details and samples to the City Planner or designate;
 - b. Final locational clearance with City Administration (such as Engineering & Parks departments, etc.);
 - c. Technical and legal conditions associated with its installation and removal on City property in accordance with the Council Decision on the larger city-wide report (C 207/2022); and

- II. **THAT** the City Planner or designate **BE DELEGATED** the authority to approve any further changes including location changes to the heritage permit associated with the proposal.

Executive Summary: N/A

Background:

City Council passed the Sandwich Heritage Conservation District (HCD) Designation By-law No. 22-2009 in January 2009, along with related by-laws. The Sandwich HCD

came into effect in October 2012, and the Sandwich HCD Plan requires changes to the public realm to apply for Heritage Permits.

In November 25, 2022, the Art Windsor-Essex (AWE) submitted a Heritage Permit application to install public art within the Sandwich HCD on City of Windsor property. The Sandwich project is part of a larger undertaking to bring temporary outdoor public art reproductions across the City, and is funded through Ontario Trillium Foundation & a Community Benefits Grant from the Windsor-Detroit Bridge Authority. AWE would like to start installation in early Spring 2023. The Heritage Permit application is outlined in Appendix 'A' – Heritage Permit Application.

Legal provisions:

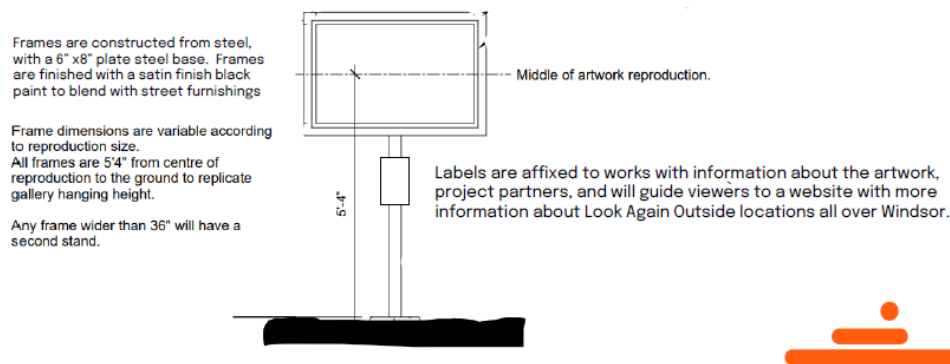
The locations (city property) chosen for installation of the 5 pieces of reproduction artwork fall within the boundaries of the Sandwich Heritage Conservation District (HCD) and are designated under Part V of the *Ontario Heritage Act* (OHA). Section 41.1(5) of the OHA requires the HCD Plan to contain (c) “a description of the heritage attributes of the heritage conservation district and of properties in the district”. Changes to the properties within the district are to be considered according to (d) “policy statements, guidelines and procedures for achieving the stated objectives and managing change in the heritage conservation district”. The Sandwich HCD Plan outlines some changes to be approved by City Council after review by the Committee; and some minor changes to be approved by staff.

The Sandwich HCD Plan requires Heritage Committee review and Council approval for replacement of street lighting, street signs, street furnishing (benches, trash receptacles, bicycle racks, planters and similar items), and changes or improvements to public park and open space features. By extension, the public art proposal would require Council approval.

Discussion:

Proposal:

The proposal is to install reproduction artworks from the Art Windsor-Essex collection to the public spaces. The artwork would be printed on outdoor quality 3M vinyl and the standard frames would be constructed with 1” by 3” steel tube and finished with low-sheen black paint to match the colour of other street furniture in Sandwich. The height of the middle of the artwork would be imitating standard gallery height at 5 ‘ 4”. For the more historic artworks, a more classical frame-type surround may be used.



Drawing of Frame Design (Source: AWE)

Examples from the pilot project in Downtown Windsor were provided in the Heritage Permit Application. AWE consulted the Sandwich Towne BIA (Mary Ann Cuderman & Thomas Coke) for suitable locations, as well as city Stakeholders. Installation locations were chosen to be on existing standard concrete pads to avoid intrusions to special treatment surfaces/pavers, and so as not to trigger any archaeological concerns at the following locations:

- Sandwich Street, close to Detroit Street
- Sandwich Street, in front of the Dominion House Tavern (3140 Sandwich Street)
- Mill Street & Russell Street, near Mill Street Park
- Mill Street, in front of the Shopping plaza (at 3211 Sandwich Street) or Sandwich Post Office
- Brock Street (in front of General Brock Public School)

Locational adjustments may need to be to remove any conflicts with maintenance and operations of existing street infrastructure, and would be further coordinated with city staff. Further, as part of the Sandwich reconstruction project, there may be a need to disinstall and reinstall the artwork. Any new locations are to be considered through delegated authority to the City Planner.

Themes for the artwork were suggested by city staff to AWE to have relevance to the Sandwich Heritage Conservation District. The artworks were co-curated by a Sandwich resident but were selected to showcase the existing AWE collections.

The project is intended to be displayed for 12 months with the possibility of extension to a total of 24 months, depending on the longevity of the reproduction artwork.

More details are included in Appendix 'A' – Heritage Permit Application.

Official Plan Policy:

The Windsor Official Plan states "Council will enhance heritage resources by (a) Ensuring that within any Heritage Area or Heritage Conservation District that: (i) Infrastructure undertakings respect and enhance the historic character of the area; (ii)

Development be of compatible height, massing, scale, setback and architectural style.” (9.3.5.1)

Volume II Section 1.26 on the Sandwich Heritage Conservation District of the City's Official Plan includes more detailed policies, in particular that “All applications for heritage permits will be required to conform to the design guidelines in the Sandwich Heritage Conservation District Plan, adopted by By-law 22-2009.” (Volume II, Section 1.26.9)

Sandwich Heritage Conservation District (HCD):

Review of Sandwich HCD policies

The Sandwich HCD does not specifically discuss public art however, discusses elements in the public realm such as street furnishings that applies to the proposal.

Section 4.5 on Public Realm emphasizes the important role of the public realm in defining the overall heritage character of the neighbourhood through its mature trees and public furniture. The policies include:

(f) Street furnishings, including benches, garbage cans, bicycle racks and other components, will be consistent throughout the neighbourhood and be of a style and material that complements the heritage attributes of the District;

Section 5. 6. 2 on Approvals for Public Property and Infrastructure obligates the municipality to be consistent with the policies and guidelines of the Plan through Council review and approval of such works and items:

- Street furnishings, including benches, trash receptacles, bicycle racks, planters and similar items;
- Changes or improvements to public parks and open space features.

Section 8.10.3 discusses the impact Street Furnishings has on the character of an area. The section recommends coordination of street furnishing elements in terms of style and colour to provide a unifying element and to create a sense of place. The proposal conforms to the Sandwich Heritage Conservation District Plan.

Risk Analysis:

As outlined in the Council approved Sandwich HCD Plan, the heritage permit process and Council review and approval is required to obligate the municipality and other property owners to be consistent with the policies and guidelines of the Sandwich HCD Plan. The risk of any issues with the installation and removal are considered under the larger city-wide project (Report C 207/2022). The report details requirement for an Agreement between the City and AWE, to cover topics such as risk and liability insurance, to the satisfaction of City staff. The agreement will also outline emergency removals which is particular an issue given the upcoming Sandwich Street Reconstruction project. AWE would also be required to provide an insurance certificate to the City of Windsor that is acceptable to City's Risk Management staff.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

The cost of the project is handled by AWE and detailed in Council Report C 207/2022. There is no financial contribution from Heritage Planning funds for the project and no financial decision or request from this Heritage Permit Council report. AWE will be responsible for all costs related to the reproduction product, installations, repair/maintenance, and removals at the end of the project.

Consultations:

Culture Staff connected AWE with Heritage Planning Staff and Urban Design staff. Parks staff, Rights of Way Staff, Operations staff, and city project lead on Sandwich Reconstruction project were consulted.

Conclusion:

The heritage permit request for the temporary installation of framed artwork on city property within the Sandwich Heritage Conservation District is recommended for approval, subject to conditions. Further changes or verifications to the proposal are recommended to be delegated to Planning staff.

Planning Act Matters: N/A

Approvals:

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

Notifications:

Name	Address	Email
Nadja Pelkey- Windsor-Essex Art		npelkey@artwindsoressex.ca

Name	Address	Email
Michelle Staaedegaard		mstaadegaard@citywindsor.ca
Salina Larocque		SLarocque@citywindsor.ca

Appendices:

- 1 Appendix A- AWE Heritage Permit Application



HERITAGE PERMIT APPLICATION

Revised 12/2021

CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1
519-255-6543 | 519-255-6544 (fax) | planningdept@citywindsor.ca

1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT Jennifer Matotek, Executive Director, Art Windsor-Essex
Contact Name(s) Nadja Pelkey, Associate Curator Projects & Partnerships, Art Windsor-Essex
Company or Organization Art Windsor-Essex (Legal name: The Art Gallery of Windsor)
Mailing Address 401 Riverside Drive West, Windsor, ON

Postal Code N9A 7J1
Email project contact: npelkey@artwindsor.essex.ca Phone(s) (519) 977-0013

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?

- Applicant Registered Owner Agent

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

Look Again! Outside: Sandwich Town is a temporary outdoor public art project which will situate five reproductions from Art Windsor-Essex's collection through Sandwich Town.

Frames are made of steel and painted black in accordance with the heritage feel of the neighbourhood
Reproductions will be in place for a period of 12 months with a possibility to renew the agreement.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

This project is part of a larger project of Look Again! Outside. Current installations are present in Downtown Windsor, and on the main campus of St Clair College.

We are working towards bringing this project to all BIA areas in Windsor before expanding again.

The project in Sandwich is supported by the Ontario Trillium Foundation and a Community Benefits grant from WDBA.

Describe the potential impacts to the heritage attributes of the property.

This project is designed to blend into the neighbourhood and provide opportunities for residents and visitors to encounter artworks in unexpected places that inspire conversations about the past present and future of these places.

7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- Site plan/ Sketch (showing buildings on the property and location of proposed work)
- Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):

- Registered survey
- Material samples, brochures, product data sheets etc.
- Cultural Heritage Evaluation Report
- Heritage Impact Assessment (HIA)
- Heritage Conservation Plan
- Building Condition Assessment

8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s) _____



Date November 25, 2022

Date November 25, 2022

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, _____, am the registered owner of the land that is
name of registered owner
subject of this application for a Heritage Alteration Permit and I authorize
_____ to make this application on my behalf.
name of agent

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, _____, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Signature of Applicant

November 25, 2022

Date

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

Application Approval (City Council):
 Development & Heritage Standing Committee: _____
 City Council: _____

Application Approval (City Planner):
 Heritage Planner: _____
 Staff Decision Appealed to City Council: _____
 If so, Date to City Council: _____
 Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
 Corporation of the City of Windsor
 Suite 320 - 350 City Hall Square West
 Windsor ON N9A 6S1
 planningdept@citywindsor.ca
 519-255-6543 x 6179
 519-255-6544 (fax)
 http://www.citywindsor.ca



Look Again! Outside Heritage Permit Appendix

Updated December 09, 2022

Look Again! Outside Project History

In 2021 AWE launched *Look Again!* in Downtown Windsor, placing reproductions of artworks from the Art Windsor-Essex collection directly in the community. The success of that project inspired the expansion to every BIA area in Windsor.

Art Windsor-Essex is transforming into a community centered gallery for the 21st century. As part of our strategic plan we are working to make the works in our collection relevant, accessible and compelling to audiences. *Look Again! Outside* Brings artworks out of the vault and into the street.

Reproductions will be installed in selected sites for a period of one year, installation and removal is handled by Art Windsor-Essex.

We have recently completed an edition of *Look Again! Outside* at St Clair College's main campus in Windsor, and in Amherstburg with support from donors and partners.



Look Again! Outside: Downtown Windsor



Left: Reproduction of *No One – In Particular #3, Series 1*, 2001, silicone, hair, fabric, 56.0 cm x 77.0 cm, by Evan Penney, from the Collection of the Art Gallery of Windsor

Right: Reproduction of *Untitled, [Self-Portrait of the Artist as Shaman]*, ca. 1975 acrylic on canvas 121.9 cm x 96.5 cm by Norval Morrisseau from the Collection of the Art Gallery of Windsor

Photography by Frank Piccolo



Locations & Artworks:

Look Again! Outside is pedestrian-focused. We have worked with local BIAs to identify places with the following features:

Potential to pause:
Seating or a natural gathering point.

Clear view:
A space that does not interfere with visibility for pedestrians or motor vehicles.

Landmark:
Is there a place the neighbourhood is especially proud of?

AWE's collection is home to over 4,000 artworks, *Look Again! Outside* allows us to connect works from the collection directly to neighbourhoods. We have selected works that can inspire conversations in an informal, public environment.



Frame Styles & Reproduction Locations:



- Frames for the display of artwork reproductions are designed to blend into the environment and work nicely with outdoor furniture like lamp posts and benches.

- Sites included in this document were chosen in consultation with Mary Ann Cuderman and Thomas Coke of the Sandwich Towne BIA, if there are alternate sites that committees or city staff feel would be more suitable for logistical reasons we are happy to explore options and locate reproductions in the areas where installation is simple and safe.

- We are hoping to install in early spring, reproductions will be in place for 12-24 months. In our Downtown project we are seeking to renew the initial 12 month installation for another year as all the reproductions are in excellent condition and the community response has been wonderful.



Frame Design:

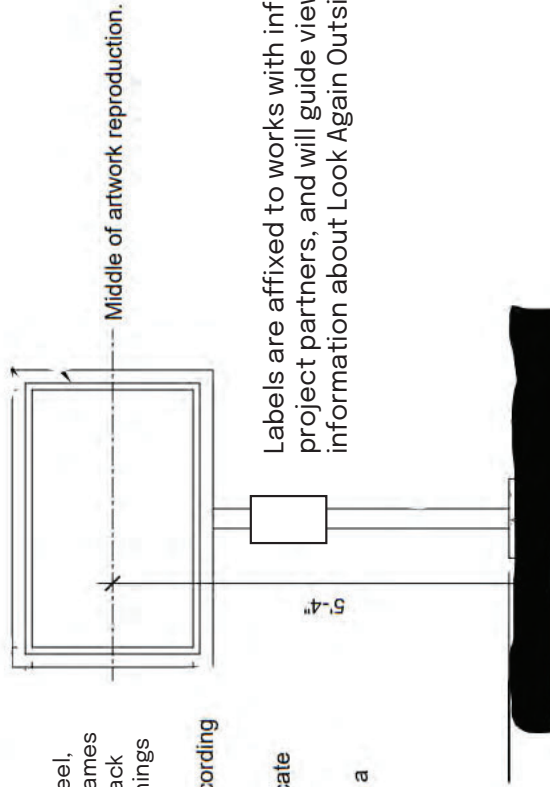
Look Again! Outside: Sandwich Towne
Frame design

Frames are constructed from steel, with a 6" x8" plate steel base. Frames are finished with a satin finish black paint to blend with street furnishings

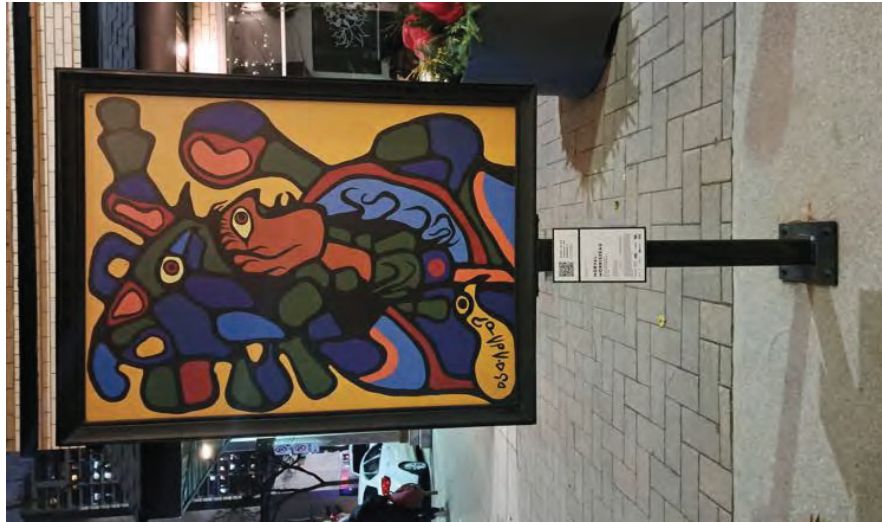
Frame dimensions are variable according to reproduction size.

All frames are 5'4" from centre of reproduction to the ground to replicate gallery hanging height.

Any frame wider than 36" will have a second stand.



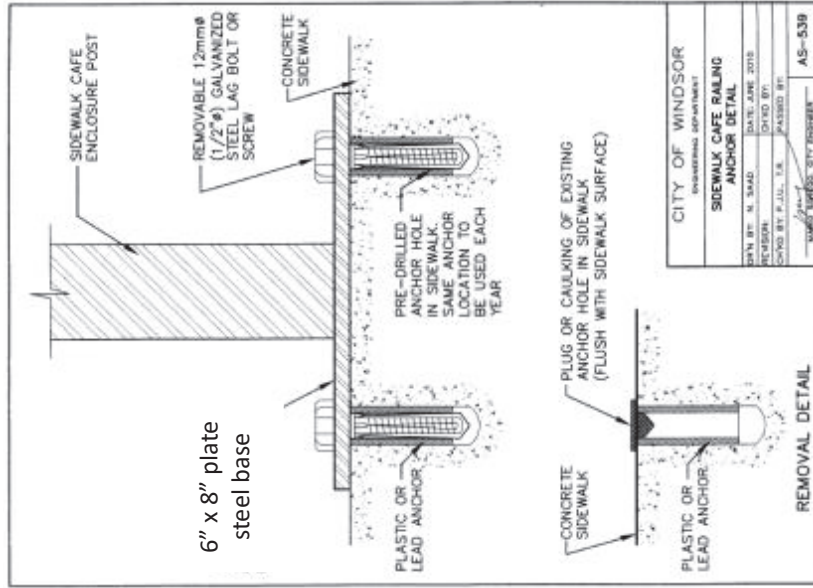
Labels:



Left: Label installed on work downtown
Above: Label sample from Look Again!
Outside: St Clair College



Installation & Removal Details:



AWE has collaborated with city staff to identify spaces where reproductions can be safely installed in spaces that enrich the experience of walking through the neighbourhood.

If a reproduction needs to be temporarily removed or moved to another location due to construction or other reason AWE will remove the frame at the City's request and work to identify a new location.

In the event of an urgent need to remove a reproduction, AWE authorizes The City of Windsor to remove the reproduction.



Fabrication & Materials:

Reproductions are printed on outdoor quality 3M vinyl, and mounted on rigid alupanel. The frames are made from steel, and finished in high-quality, weatherproof paint. Frame materials and design blend in with the feel of the neighbourhood.



Frame Construction:
(cutaways for detail)

- A. Exterior (green for contrast) and Interior frames constructed from steel. Larger works also have vertical supports on the interior frame.
- B. Interior frame provides additional strength and mounting surface for the prints.
- C. Images are mounted and secured to interior frame
- D. Hardware is concealed with channel of black plastic, also sealing work from weather.



Timeline:

Fall 2022: Submit applications and project information to City staff, connect with relevant staff and stakeholders.

Late Fall/Early Winter 2022: Seek approval from City Council after consultation with staff and stakeholders.

Winter 2022: Prepare and Fabricate. Consult with City of Windsor Staff on precise locations, modify plans as necessary.

Late Winter - Spring 2023 (weather permitting): Install reproductions across other BIA Areas.

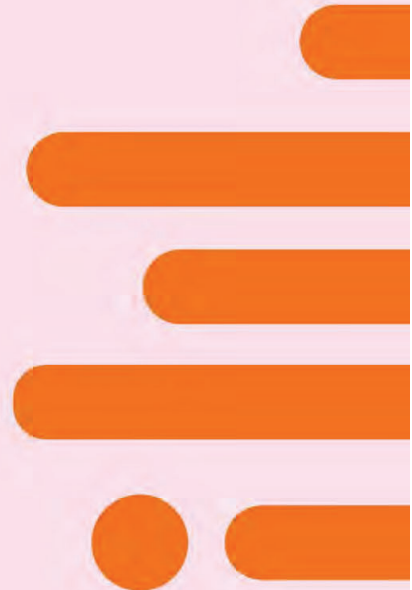
Spring 2023: Full public launch. Works will remain in place for one year from public launch.

Spring 2023 - Winter 2023: Programming to enhance engagement with works.

Late Winter-Spring 2024: Review project, seek to extend permissions where desirable. De-install where necessary.



Olde Sandwich Towne



Olde Sandwich Towne Co-Curator

Reginald S. Tolson



- AWE received a Community Benefits grant for *Look Again! Outside* in Sandwich, and through that support have hired local resident Reginald S. Tolson as Co-Curator to select the works for the neighbourhood.
- Reginald has selected work that he feels represents the “Past, present and future” of the neighbourhood.
- Reginald S. Tolson is a resident of Sandwich Towne, and a third-year Business Administration student at University of the People. He has a passion for innovative urban planning solutions which promote sustainable work/life balances. When he is not studying, he enjoys casual research, yarn crafting, gardening and digital world-building.

Sandwich Street

Bench area on existing concrete pad



Frederick Verner, View of Sandwich, Ontario 1896, December 1879, Windsor, Ontario 1896, 14cm x48cm, watercolour over graphite on paper. Gift of W.T. Grant in memory of his wife Janet B. Grant, 1980, 1980.017

Frame Size around reproduction: 12"x40"
(reproduction will double actual size of work)
Total Frame Height: 66"

Note: The height of frames is the same as the hanging height would be in a gallery space.

Sandwich Street

Near planter on existing concrete pad



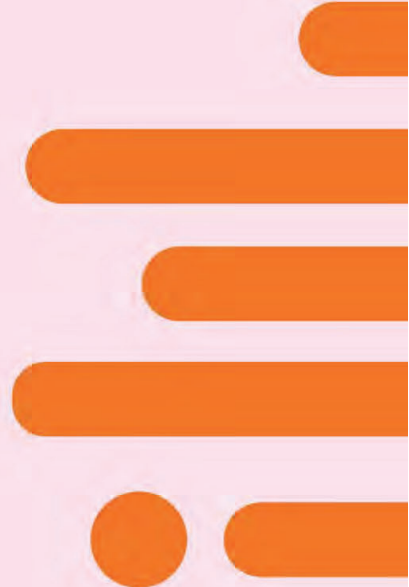
Kenneth Saltmarche, *Untitled (panel for the Cleary Auditorium)*, 1959-1960, oil and gold leaf on masonite, 122.0 cm x 244.0 cm

Gift of the Cleary International Centre, 1993, 1993.024

Frame Size around reproduction: 28" x 51" (reproduction will be approx. 50% of actual size)

Total Frame Height: 66"

Note: The height of frames is the same as the hanging height would be in a gallery space.



Mill Park

On existing concrete pad near bench



Fritz Brandtner, *Untitled (Ship at Harbour)*, date unknown, ink and wash on paper, 28.0 cm x 38.0 cm
Given by Mrs. C.J. Grimwood in memory of her husband, Carroll J. Grimwood, 1980, 1980.056

Frame Size around reproduction: 15" x 18"

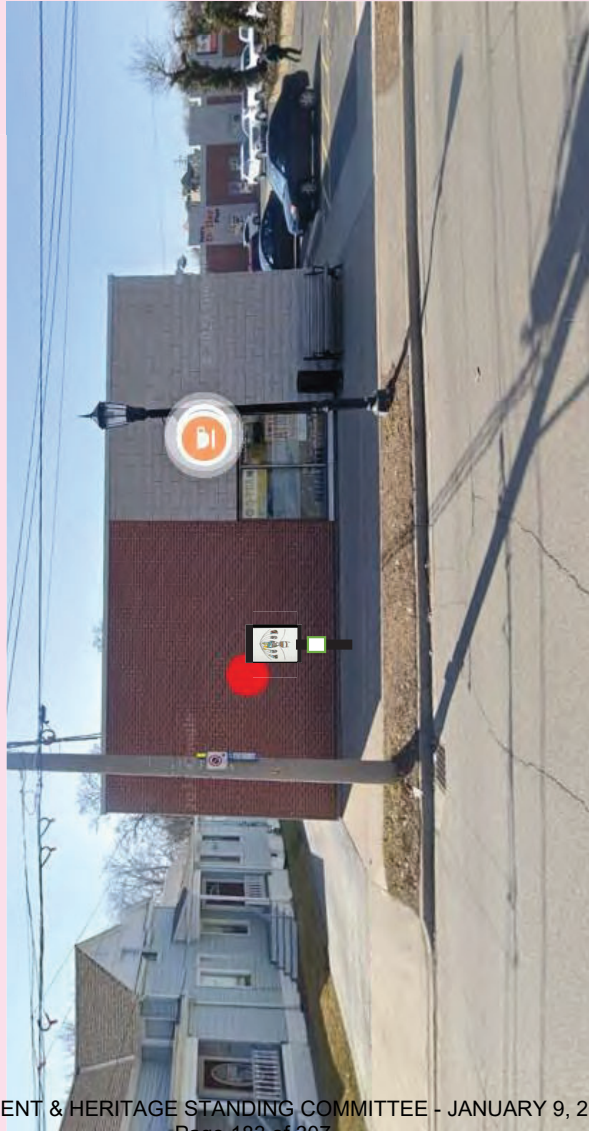
Total Frame Height: 66"

Note: The height of frames is the same as the hanging height would be in a gallery space.

Mill Street

Option A, Private Property

We are seeking permission from the property owner to place this work in the sidewalk in front of the brick wall.



Daphne Odjig, *Vision*, (from the *Jerusalem Series*), not dated, ca. 1976, Serigraph on Arches paper, 156/250, 74.5 cm x 55.5 cm
Gift of Philip Gevik, 2017, 2017.023

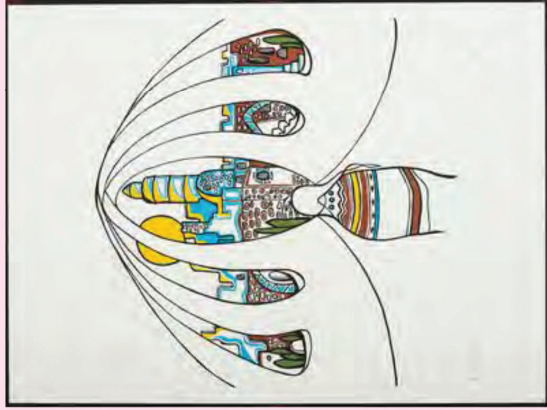
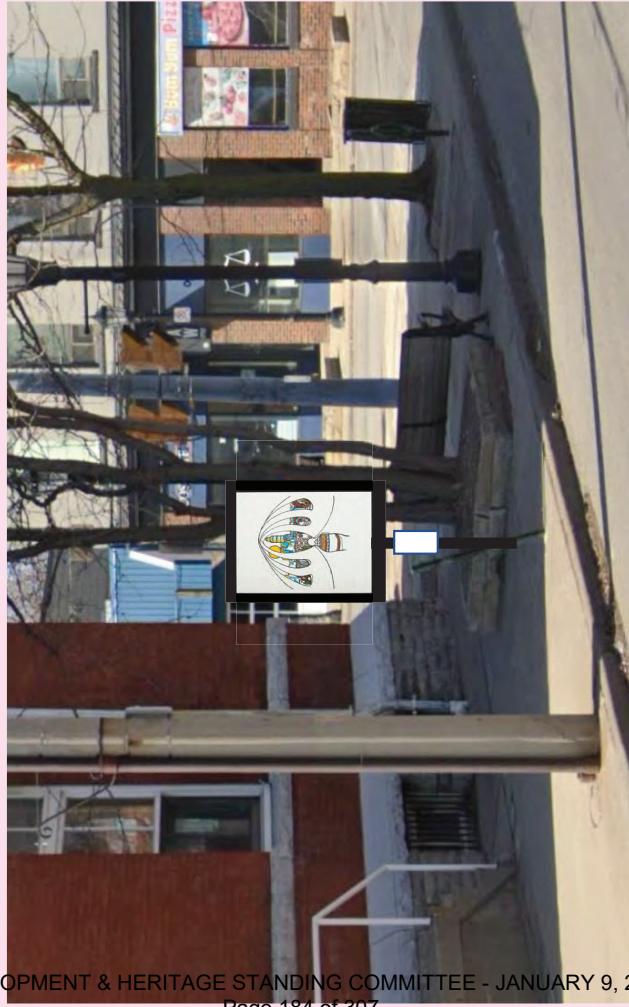
Frame Size around reproduction: 33"x25"

Total Frame Height: 66"

Note: The height of frames is the same as the hanging height would be in a gallery space.

Mill Street

Option B, Behind Planter at corner of Mill and Sandwich Street



Daphne Odjig, *Vision*, (from the *Jerusalem Series*), not dated, ca. 1976, Serigraph on Arches paper, 156/250, 74.5 cm x 55.5 cm
Gift of Philip Gevik, 2017, 2017.023

Frame Size around reproduction: 33"x25"
Total Frame Height: 66"
Note: The height of frames is the same as the hanging height would be in a gallery space.

Brock Street

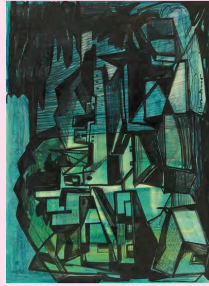
General Brock Public School / WPL Local
History Branch



Eleanor Bond, *Study after Protective Communities in an Aging City*, 1998-2000, oil on board, 41.0 cm x 57.0 cm
Gift of the artist, 2001, 2001.009

Frame Size around reproduction: 19" x 26"
Total Frame Height: 66"
Note: The height of frames is the same as the hanging height would be in a gallery space.

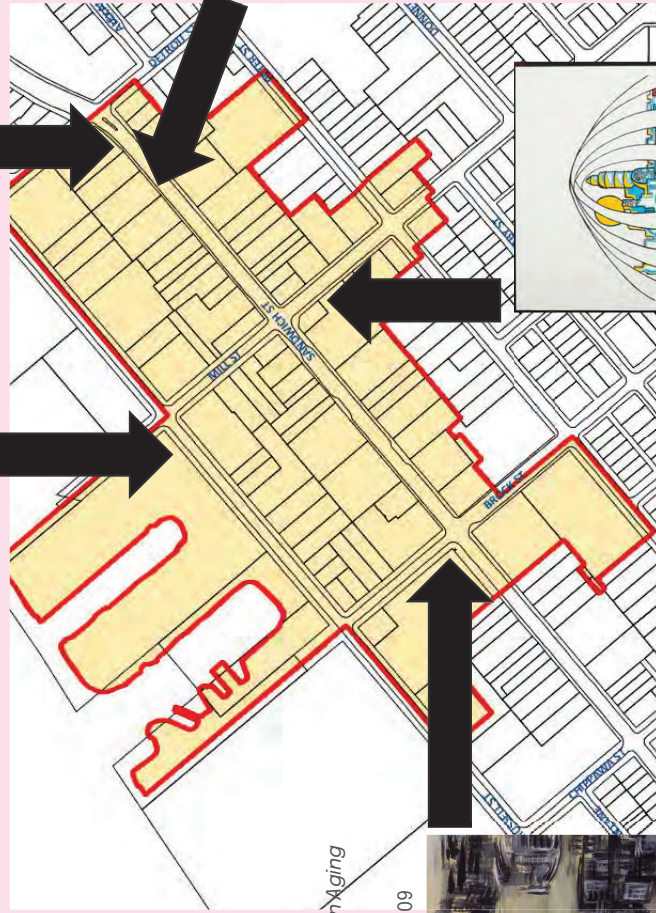
Olde Sandwich Towne Map



Fritz Brandtner, *Untitled (Ship at Harbour)*, date unknown, ink and wash on paper, 28.0 cm x 38.0 cm
Given by Mrs. C.J. Grimwood in memory of her husband, Carroll J. Grimwood, 1980, 1980.056



Frederick Verner, *View of Sandwich*, December 1879, Windsor, Ontario 1896, 14cm x48cm, watercolour over graphite on paper. Gift of W.T. Grant in memory of his wife Janet B. Grant, 1980, 1980.017



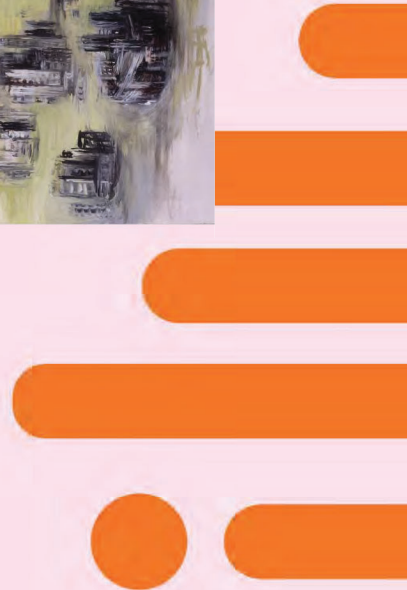
Eleanor Bond, *Study after Protective Communities in an Aging City*, 1998-2000, oil on board, 41.0 cm x 57.0 cm
Gift of the artist, 2001, 2001.009



Kenneth Saltmarche, *Untitled (panel for the Cleary Auditorium)*, 1959-1960, oil and gold leaf on masonite, 122.0 cm x 244.0 cm
Gift of the Cleary International Centre, 1993, 1993.024



Daphne Odjig, *Vision*, (from the Jerusalem Series), not dated, ca. 1976, Serigraph on Arches paper, 156/250, 74.5 cm x 55.5 cm
Gift of Philip Gevik, 2017, 2017.023



Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 731 Goyeau Ltd. & 785 Goyeau Ltd. (Ward 3)

Reference:

Date to Council: January 9, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services

Report Date: November 28, 2022
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by 731 Goyeau Ltd. and 785 Goyeau Ltd. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 0 & 785 Goyeau Street for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT, Administration **BE DIRECTED** to prepare an agreement between 731 Goyeau Ltd., 785 Goyeau Ltd., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,
- IV. THAT the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the 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

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP approximately 50 hectares (123 acres) or 22% of the inventory has been or is planned to be redeveloped.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City);

and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The subject site is located in the Downtown area and occupies the entire block located west of Goyeau Street, north of Elliot Street East, east of Dufferin Place, and south of Tuscarora Street (see location map). The sites is comprised of two abutting properties that total 0.71 hectares (or 1.72 acres) and are currently vacant. The properties were occupied by an automotive dealership and service garage from (at least) 1924 until 1960. From 1965 to present, the property has been used as an asphalt parking lot.

The subject property is designated 'Mixed Use' on Official Plan Schedule E: City Centre Planning District and is zoned Commercial District CD3.1, which permits a range of commercial uses with residential dwelling units above the ground floor. The Official Plan allows for buildings greater than 14 storeys at this location.

The principal owners of 731 Goyeau and Ltd. 785 Goyeau Ltd. are:

- 2031986 Ontario Inc. (Leo Agozzino);
- Euromart Corporation of Canada;
- Michael Nobrega;
- Lauterbrunnen Development Inc.; and
- Ivano D'Onofrio.

Discussion:

Development Proposal

The applicant proposes to construct two, twenty storey mixed use buildings (connected by common podium). The ground floor will contain 5,245 sq. ft. of commercial space and parking, and the towers will contain 546 multiple residential dwellings. The proposal is currently seeking site plan approval.

Prior to issuance of a building permit a Record of Site Condition (RSC) confirming the soil and groundwater quality meet residential standards must be filed with the Ministry of the Environment, Conservation and Parks (MOECP). Phase 1 and 2 Environmental Site Assessment work completed by the applicant has identified 55 m² of impacted soil that must be removed prior to filing a RSC. The total eligible cost of the work required to file a RSC is estimated to be \$62,000.

Brownfield Rehabilitation Grant Program

The Brownfield Rehabilitation Grant Program encourages the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. development application and building permit fees, and upgrading on-site /off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification.

Annual grants are paid out following the filing of a RSC, reassessment of the property and the payment of the property taxes for the year in which the grant is to be provided. Issuance of the first grant payment typically occurs at least two years after approval to participate in the program.

CIP Goals

City staff are supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The clean up, redevelopment, and intensification of the site is supported by numerous policies within the 2020 Provincial Policy Statement, the City's Official Plan, Community Energy Plan, and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. In this case there is also a risk of the property remaining in a vacant state, which negatively affects the surrounding properties. The proposed clean-up and redevelopment of this site will assist in mitigating these risks.

Climate Change Risks

Climate Change Mitigation:

The proposed redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular, the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

Climate Change Adaptation:

The proposed redevelopment may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices.

Financial Matters:

The current property value assessment of the two subject properties is \$1,057,000. The total current tax levy is \$26,967.66 with the municipal portion being \$18,277.58. Based on the proposed redevelopment plan submitted by the owner, administration estimates the post-development property value assessment to be \$72,601,485. The post-development total annual tax levy is estimated to be \$1,365,530 with the municipal portion being \$1,248,616. The municipal tax increase (i.e. \$1,230,338) would repay the 100% of the eligible costs (i.e. \$62,000) within the first year of the grant program.

The Brownfield Redevelopment grants are paid back to the applicant after redevelopment has occurred, property assessment value has been reassessed by MPAC, and total taxes as it relates to the redevelopment have been paid to the City in full. After the grant programs cease the full amount of increased annual municipal taxes would be retained by the City in perpetuity.

Administration expects to receive an application under the Downtown CIP in 2023 as the details of the project are finalized. The applicant has proceeded with the Brownfield CIP application at this time to allow site remediation to commence. Tax increment grants may be approved under both CIPs as long as the total grant value does not exceed the total eligible costs under both CIPs.

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 Brownfield Rehabilitation Grant Program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

Administration recommend Council approve the requests from 731 Goyeau Ltd. and 785 Goyeau Ltd. to participate in the Brownfield Rehabilitation Grant Program. The proposed clean-up and redevelopment of this brownfield site conforms to the Brownfield Redevelopment CIP; assists the City in the achievement of a number of CIP, Official Plan, Community Energy Plan, and Environmental Master Pan goals; and exemplifies the purpose for which the Brownfield Redevelopment Strategy was created.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

Notifications:

Name	Address	Email
Joe Passa		joseph@passa.ca

Appendices:

1. Location Map



LOCATION MAP : 0, 785 GOYEAU STREET



SUBJECT PROPERTY



Subject: Economic Revitalization Community Improvement Plan (CIP) application submitted by DS C&K Inc. for a Manufacturing Facility located at 3475 Wheelton Drive (Ward 9)

Reference:

Date to Council: January 9, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: December 2, 2022
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by DS C&K Inc. to participate in the Business Development Grant Program **BE APPROVED** for the property located at 3475 Wheelton Drive (shown in Appendix 1) for a period that ends the earlier of 10 years or when 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT, Administration **BE DIRECTED** to prepare an agreement between the City and DS C&K Inc. to implement the Business Development Grant Program in accordance with applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan, and applicable lease terms for the subject property 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; and,
- III. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Business Development Grant Agreement.

Executive Summary:

N/A

Background:

City Council approved the Economic Revitalization Community Improvement Plan (CIP) at its January 31, 2011 meeting via CR 50/2011. The adopting By-law 30-2011 was passed by Council at its February 14, 2011 meeting.

The Economic Revitalization CIP provides financial incentives to encourage new investment in targeted economic sectors for the purposes of diversifying the local economy and creating/retaining jobs. The CIP allows the City to take a variety of measures to further the objectives of the Economic Revitalization CIP that would otherwise be prohibited by Ontario's *Municipal Act*. This includes the acquisition and preparation of land; construction, repair, rehabilitation or improvement of buildings; the sale, lease or disposal of land and buildings; and the provision of grants to owners or tenants of land—all of which must conform with the objectives and policies contained within the CIP.

To date, City Council has approved a number of applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism.

Windsor Works Strategy

In February of 2020, Windsor City Council commissioned an economic development report called Windsor Works - An Economic Development Strategy for the City's Future Growth. One of the report's chief recommendations relating to the future economy was to build on Windsor's manufacturing strength to become a hub for new innovation and the auto sector of the future. Specifically, the report recommended establishing Canada's first ramp up factory for electric and autonomous vehicles and working with the Province to prioritize the area for battery production by 2025.

Announcement of Landmark Investment

On March 23, 2022 Stellantis and LG Energy Solutions (LGES) announced that Windsor had been selected as the site of Canada's first large-scale electric vehicle battery manufacturing facility. The companies have formed a joint venture called NextStar Energy Inc. to facilitate a \$5 Billion (CAD) investment in a large scale lithium-ion battery production plant located west of Banwell Road and south of EC ROW Expressway. The facility will have an annual production capacity in excess of 45 gigawatt hours, targeted to be operational in 2024 and create an estimated 2,500 new jobs.

Dongshin Motech is the parent company of DS C&K Inc. and a key supplier of aluminum casings for LGES batteries. Aluminum casings provide enclosure for the lithium ion batteries and guarantee lightness and shock resistance, combined with the

high thermal conduction needed for the battery temperature management system. Dongshin Motech was established in 1995 and has 7 factories including the head office and R&D center in Korea and 3 additional factories in China and Poland. Dongshin Motech has strong interest in locating their manufacturing facility in Windsor to supply the NextStar Energy facility that is currently under construction.

Subject Site

DS C&K Inc. has applied for financial incentives under the Business Development Grant Program for property located west of the FedEx Cargo Building, Flex Ion, and Automobility & Innovation Centre, which are located at 3475 Wheelton Drive. (see Appendix 1: Location Map). The proposed manufacturing facility would be located on approximately 12 acres of surplus airport land that is owned by the City of Windsor and would be leased to DS C&K Inc.

The existing site is vacant land that is currently farmed. Pre-development studies were complete by the City as part of the Provincial Investment Ready Certified Sites Program. The site is designated 'Industrial' on Schedule D of the Official Plan and is zoned Manufacturing District MD2.7, which permits a wide range of industrial uses.

Discussion:

Business Development Grant Program

The Business Development Grant Program is intended to provide financial incentive to stimulate new investment in targeted economic sectors for the purposes of expanding and diversifying Windsor's economy. The Business Development Grant Program will also apply to projects that demonstrate a major investment resulting in a significant positive impact on the local economy and workforce. New manufacturing businesses that create a minimum of 50 jobs are eligible to apply under the program.

Successful applicants are eligible to receive an annual grant for up to 100% of the municipal property tax increase created by an investment in development or redevelopment of a building or property—provided it conforms with the Economic Revitalization CIP. Annual grants typically continue for up to 10 years or until up to 100% of the eligible investment costs are repaid.

Proposed Construction

The application proposes to construct a 26,529 m² (285,555 ft²) industrial building in three phases. The CIP application only applies to Phases 1 and 2 which would total 17,326 m² or 186,495 ft² and is estimated to cost \$32,000,000.

Eligible Sector

DS C&K Inc. falls under the eligible Manufacturing sector, which is defined as:

Manufacturing

Companies engaged in the fabricating, processing, assembling, packaging, producing or making goods or commodities, including ancillary repair, storage, wholesaling or office uses.

Employment

According to the CIP application DS C&K Inc. will create 115 new jobs as part of Phase 1 and 85 new jobs as part of Phase 2 (i.e. total of 200 new jobs).

CIP Objectives

Construction of the industrial facility and recommended Business Development Grant supports the following CIP objectives:

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;
- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Attract investment based on the community's strengths and competitive advantages;
- Support investments in specified high potential economic sectors that contribute to the diversification of the local economy;
- Facilitate the development of the City's vacant employment lands and other areas that have the potential to be new employment areas;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs;
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster-related synergies; and,
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

Risk Analysis:

There is little risk involved in the approval of CIP incentives. Staff resources are required for the upfront administration of the grant program and finalization of the legal

agreement. Limited staff resources related to on-going monitoring of the eligible employment use and issuance of annual grants will also be required over the next 10 years. Should Council refuse the CIP request there is a significant risk that DS C&K Inc. may not proceed with the proposed investment in Windsor.

Climate Change Risks

Climate Change Mitigation:

The proposed manufacturing facility implements Environmental Master Plan Goal A – Improve Our Air Quality, which directs the City to be proactive by partnering with community groups, industry and other levels of governments to improve Windsor’s air quality. It also implements Community Energy Plan Transportation Strategy 11, which seeks to increase the adoption of electric vehicles and alternate fuel vehicles.

The construction and operation of the proposed manufacturing facility will result in an increase in the community greenhouse gas emissions, however, it is important to highlight as in previous reports regarding the NextStar Energy Battery facility that the emissions associated with this opportunity will support the national/international transition to EV vehicles as a priority mitigation strategy to move away from fossil fuels

Climate Change Adaptation:

The new buildings may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. The site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

Business Development Grant Program

The tax increment portion of the Business Development Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by the Municipal Property Assessment Corporation (MPAC). Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on the actual assessed property value, tax class, and municipal tax rate.

Summary of Potential Financial Incentives

DS C&K Inc. proposes to invest \$32,000,000 in eligible building construction costs

between the two phases of construction (i.e. Phase 1 & 2). The current tax levy is \$0 as the vacant lands are currently owned by the City and therefore are considered to be exempt for property tax purposes. The lease of the land to DS C&K Inc. and construction of the industrial building would trigger a change in use causing the property to become taxable.

Based on the 2022 BMA Management Consulting data for standard industrial facilities City staff anticipate the post-development tax levy to total approximately \$330,000 with the municipal share estimated to be \$270,420. The recommended grant period of 10 years would provide a total estimated grant value of \$2,704,200, which would offset approximately 8.5% of the eligible building construction costs and permit fees incurred by DS C&K Inc.

Because the Business Development Grant Program does not cancel taxes, DS C&K Inc. 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 (i.e. the 'tax increment').

Consultations:

The Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province.

Planning staff have consulted with the applicant prior to accepting the application for the Business Development Grant Program. Staff from the Planning, Finance, Legal, and Economic Development and Innovation were consulted in the preparation of this report.

Conclusion:

Administration recommends that Council approve the request made by DS C&K Inc. to participate in the Business Development Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed development located west of 3475 Wheelton Drive be provided as an annual grant for a period that ends the earlier of 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

The planned development conforms with the Economic Revitalization CIP and assists the City in the achievement of a number of the CIP objectives, Windsor Works Strategy, and exemplifies the purpose for which the Economic Revitalization CIP was created.

Planning Act Matters:

N/A

Approvals:

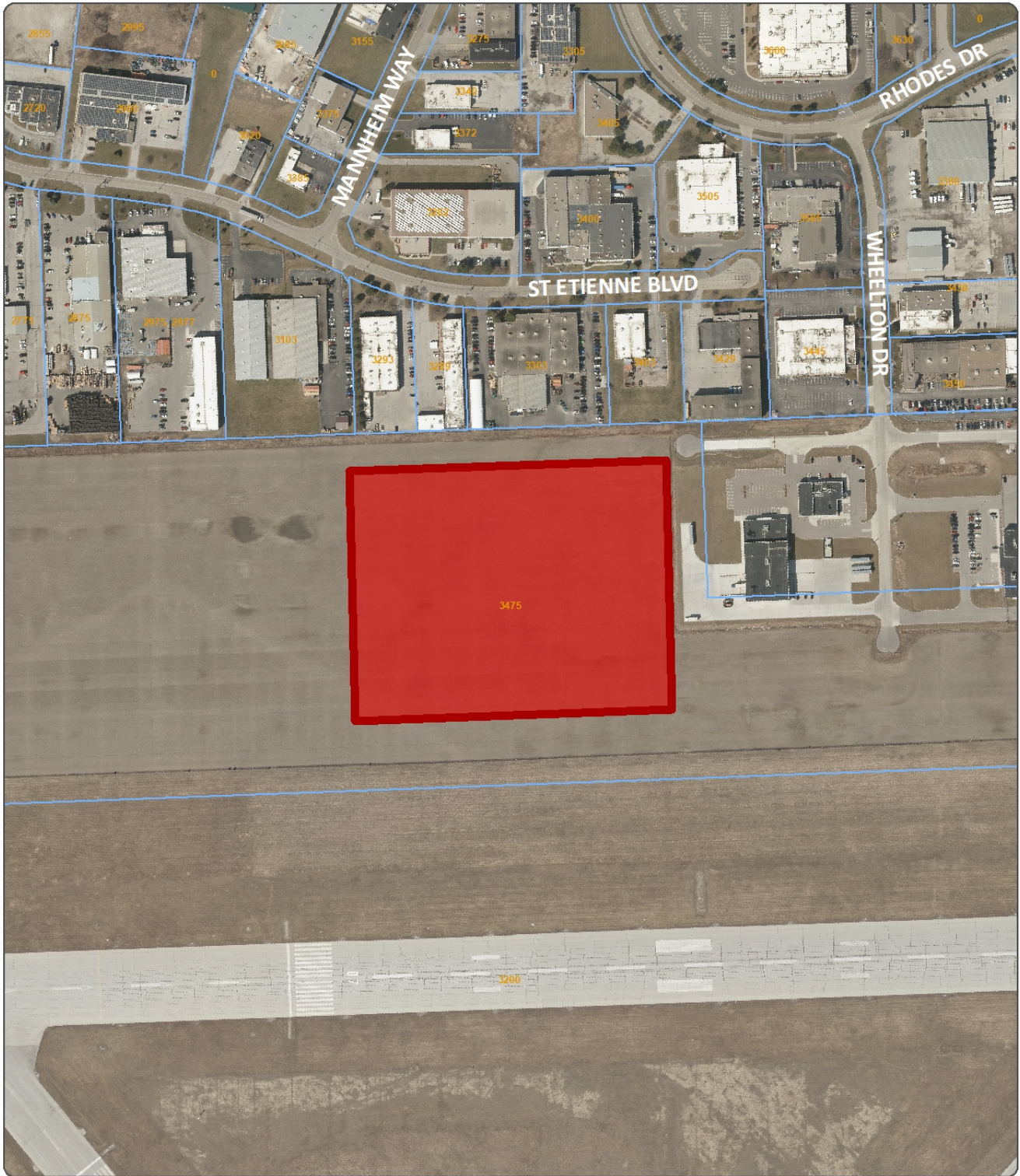
Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

Notifications:

Name	Address	Email
		kh.han@dscnk.ca sh.park@dscnk.ca JGoncalves@InvestWindsorEssex.com

Appendices:

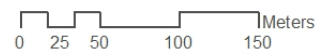
1. Location Map
2. Application Overview



LOCATION MAP : 3475 WHEELTON DRIVE



SUBJECT SITE





DS C&K's parent company produces battery packs, parts for electric vehicles, automotive stamping components, and micro electric mobility. The company was established in 1995 and has 7 factories including the head office and R&D center in Korea and 3 additional factories in China and Poland.

DS C&K is planning to manufacture and assemble a component (aluminum battery casing) for NextStar Energy. DS C&K manufactures aluminum and steel materials through stamping, machining, and various welding techniques. In addition, our company uses state of art automated robots, cleaning machines, welding machine, fusion equipment, and inspection equipment to produce a very precise battery casing.

Due to the customer's entry into Canada, DS C&K decided to build a manufacturing facility to supply parts to NextStar by 2024. Currently, we supply components to Stellantis, LGES, Renault, Nissan, and GM.

DS C&K plans to create 200 jobs over two phases. Our company will invest \$32M for the construction of the building and an additional \$49 M in equipment for Phase 1 & 2. The total investment will be around 80 M CND.

The financial assistance from the City of Windsor would assist Dongshin Canada in selecting Windsor as its preferred site. This funding would help close the gap between incentives being offered from Michigan, USA. In addition, inflation has substantially increased the cost of building supplies, logistics and equipment – as a result, our overall CAPX is much higher than what we budgeted. The CIP tax grant help us to offset some of this additional cost and make the project viable in Windsor.

This would enable DS C&K to proceed with its multimillion-dollar investment, which will lead to the creation of several hundred jobs. This will contribute to diversification and aligns with goals of Windsor Works.

DS C&K would like to thank Mayor Dilkens, City Council and the city staff for all your support.

DS C&K Inc.

Kwanghee Han 

Subject: Main Street CIP/Ford City CIP Application for 1367 Drouillard Rd. Owner: HEIMAT LTD (C/O Ryan Stiller) – Ward 5

Reference:

Date to Council: January 9, 2023
Author: Kevin Alexander, MCIP RPP
Senior Planner-Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca

Planning & Building Services
Report Date: December 9, 2022
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** subject to completion and review satisfactory to the City Planner, the request made by HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), owner of the property located at 1367 Drouillard Road **BE APPROVED** for grants totalling a maximum of \$30,000 in principle under the *Main Streets Community Improvement Plan(CIP)*;
- II. **THAT** subject to completion and review satisfactory to the City Planner, the request for incentives under the *Ford City Community Improvement Plan (CIP) Financial Incentive Programs* made by HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), owner of the property located at 1367 Drouillard Road **BE APPROVED**, for the *Municipal Development Fees Grant Program* in the amount of +/--\$1,182.85;
- III. **THAT** funds in the amount of \$30,000 under the *Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund to the *Main Streets CIP Fund* (Project #7219018) upon completion of the work;
- IV. **THAT** funds in the amount of +/--\$1,182.85 for the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund to the *Ford City CIP Fund* (Project #7181046) upon completion of the work;
- V. **THAT** grants **BE PAID** to HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), upon completion of improvements to the Facade(s) of the property located at

1367 Drouillard Road from the *Main Streets CIP* Fund (Project #7219018) and *Ford City CIP* Fund (Project #7181046) to the satisfaction of the City Planner and Chief Building Official; and

- VI. **THAT** grants approved **SHALL LAPSE** and be **UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Executive Summary:

N/A

Background:

On January 8th, 2018, City Council approved the Building Facade Improvement Program and Urban Design Guidelines for Main Streets Community Improvement Plan (CIP) (CR9/2018 PHED 533) adopted through By-law 26-2018.

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. Retail Investment Grant Program
3. Building/Property Improvement Tax Increment Grant Program

Through CR383/2022 DHSC 414 this the *Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP* was amended and renamed *Main Streets CIP*. The new *Main Streets CIP* includes the following programs:

1. Building Facade Improvement Program
2. Building Property Improvement Tax Increment Grant Program
3. New Residential Development Grant Program (Creation of residential units)

On April 7th, 2021, HEIMAT LTD., (c/o Ryan Stiller and Wayne Stiller), owner of the property located at 1367 Drouillard Road, submitted an application for grants under the former *Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP* (amended and renamed *Main Streets CIP*) and *Ford City CIP* Financial Incentive Programs. The property is located in the Ford City Business Improvement Area (BIA) and CIP Area.

Discussion:

Building Facade Improvement Grant Program (new *Main Streets CIP*)

The former City of Windsor Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP (renamed as the *Main Street CIP*) offers financial incentives to encourage property owners and businesses to make investments to improve the exterior appearance of their buildings and storefronts along Main Streets. Such improvements provide a benefit to the community as a whole, by preserving heritage features, protecting Main Streets, and reconnecting storefronts with the public realm. The CIP is applicable to the Ford City BIA Main Street and all other BIAs in the City of Windsor, except for the Sandwich Town and Downtown Windsor BIAs, which are under separate CIPs. Funding for the Building Facade Improvement Grant Program is broken down into three categories:



Category A (Beautification) —aesthetic and minor functional improvements aimed at making the building facade and storefront more attractive and welcoming to tenants and customers



Category B (Restoration)—aesthetic, functional, and restoration improvements made to restore key features of the building facade



Category C (Replacement)— encourage work that will replace or reinstate key features that have been lost or deteriorated beyond repair or are of a style that is no longer consistent with the building design.

Applicants can receive a grant for 50% of the costs for eligible building facade and storefront improvements up to a maximum of \$30,000 per project. The amount can be increased up to \$60,000 per project for larger buildings with multiple storefronts. The grant also applies to the side(s) and rear of buildings provided the building facade is visible from an adjacent street or public right-of-way or park, and as long as the storefront/facade facing the main street is improved at the same time.

The applicant proposed replacement, restoration, and beautification changes to the exterior of the building. The applicant proposed the following improvements:

- Install Bavarian themed signage (as permitted by the Sign By-law) on the east (Drouillard Road) and south facades;
- Install new lighting above three-dimensional lettering and board sign;
- Demolish blocked in windows on the east (Drouillard Road) and south facades, construct new openings and install new windows on the east (Drouillard Road) and south facades;
- Install Bavarian themed flower boxes and shutters;
- Repair and repoint masonry block, brick, and window sills; and,
- Paint existing doors.

The project is eligible for a maximum grant of \$15,000 per facade to a maximum of \$30,000 for improvements to east facades facing Drouillard Road and south facade that is visible from the street.

Ford City CIP Financial Incentive Programs

The applicant is eligible for the *Municipal Development Fees Grant Program* under the Ford City CIP Financial Incentive Programs. The intent of the program is 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 applicant is eligible for \$1,182.85 under this program for the following fees:

Sidewalk Closure	\$212.00
Sign Permit Application	\$303.00
Encroachment Application	\$667.85
Total: \$1,182.85	

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 rehabilitation of the existing building will have a low impact on how the project affects climate change, because improvements are largely contained to the existing building footprint where modern building methods will be utilized.

The rehabilitation of the existing building contributes to the revitalization of an existing Main Street that services the surrounding Ford City Neighbourhood limiting vehicular travel and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The improvements to the building such as the installation of new windows will make the building more energy efficiency.

Utilizing an existing building 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 concerning energy efficiency. New windows will be more energy efficient than what is existing.

Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the *approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out.* The current uncommitted balance in the CIP reserve fund is \$1,080,026 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 *Main Street CIP Capital Project Fund* to disperse the maximum amount of \$30,000 for the *Facade Improvement Grant Program* identified in this report when all work is completed.

Also, if approved funds will be transferred from the CIP reserve fund to the Ford City CIP Fund (Project #7181046) in the maximum amount of +/- \$1,182.85 for the *Municipal Development Fees Grant Program* when all work is completed.

If this report is approved the applicant will receive \$31,182.85 in grants. According to the application, the owner will invest approximately \$113,672.69 on improvements to the exterior of this building and the open space seating area with decorative fencing and landscaping adjacent the south exterior wall of the building. Therefore, the grant to investment ratio will be \$3.65 for every municipal dollar granted to this project.

Consultations:

The owner for the property located at 1367 Drouillard Road have been consulted regarding grants related to the improvements outlined in this report. Josie Gualtieri, Financial Planning Administrator was also consulted regarding the *Main Streets CIP* and *Ford City CIP* grants, and related capital project/reserve fund balances.

Conclusion:

The improvements to 1367 Drouillard Road meet all eligibility criteria identified in this report, for the *Building Facade Improvement Program* through the *Main Streets CIP* and *Municipal Development Fees Grant Program* through the *Ford City CIP*.

The improvements will contribute to the Revitalization of Ford City and a vibrant main street through the indoor-outdoor connection created through improvements to the building facades and exterior patio 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	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner/Executive Director of Planning and Building Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer Taxation & Financial Planning
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
HEIMAT LTD (c/o Ryan Stiller)	1367 Drouillard Road, Windsor, ON N8Y 2R8	HEIMATWINDSOR@GMAIL.COM STILLERRYAN@YAHOO.COM
HEIMAT LTD (c/o Wayne Stiller)	1330 Lauzon Road APT#1108 Windsor, ON N8S 4P6	WSTILLER2002@YAHOO.CA

Appendices:

- 1 Appendix 'A' - Location Map and Existing Condition
- 2 Appendix 'B' - Improvements

APPENDIX 'A'

1367 DROUILLARD ROAD – LOCATION MAP



LOCATION MAP



 SUBJECT PROPERTY : 1367 DROUILLARD ROAD

APPENDIX 'A'

1367 DROUILLARD ROAD – EXISTING CONDITION



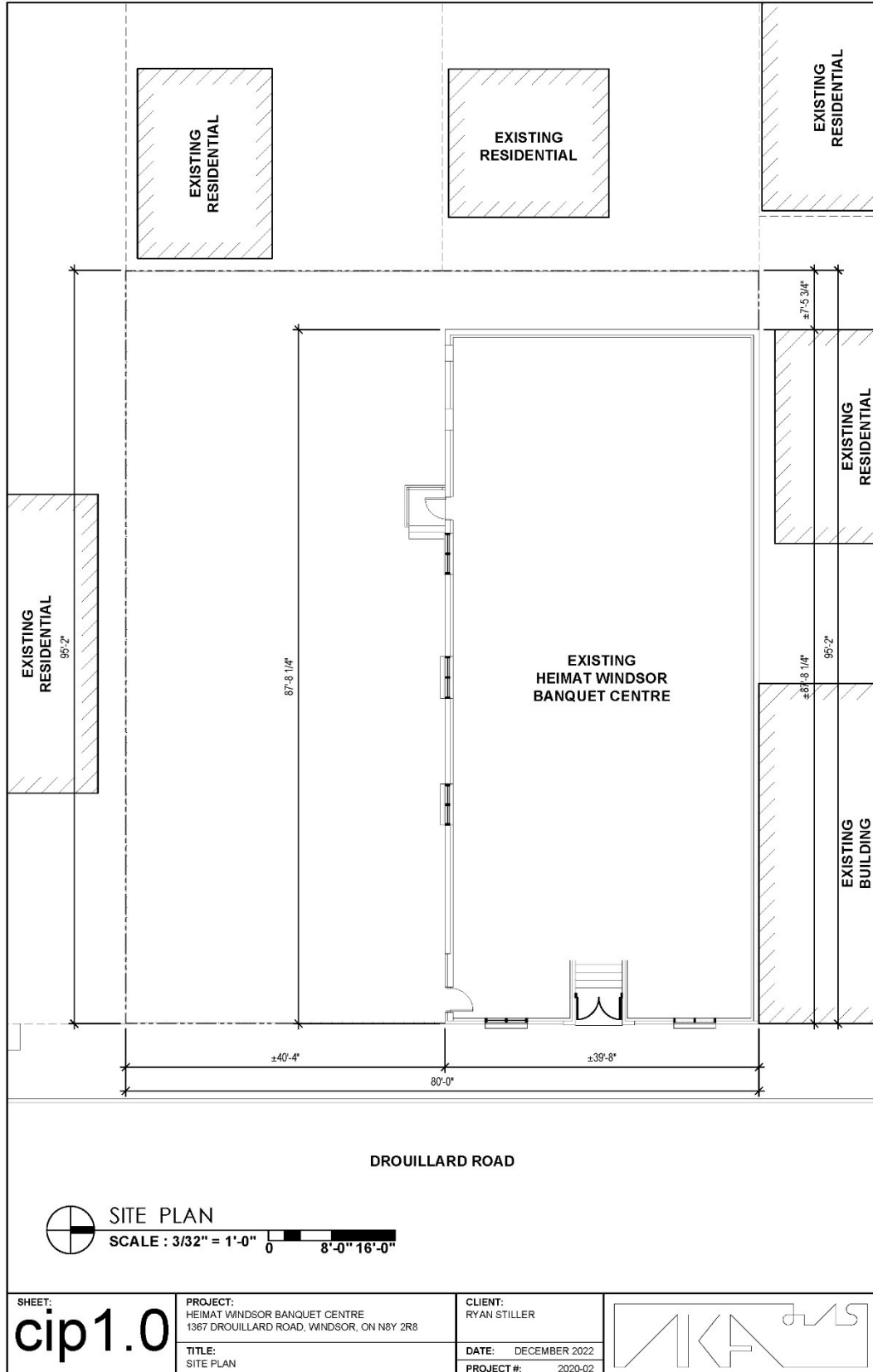
APPENDIX 'A'

1367 DROUILLARD ROAD – EXISTING CONDITION



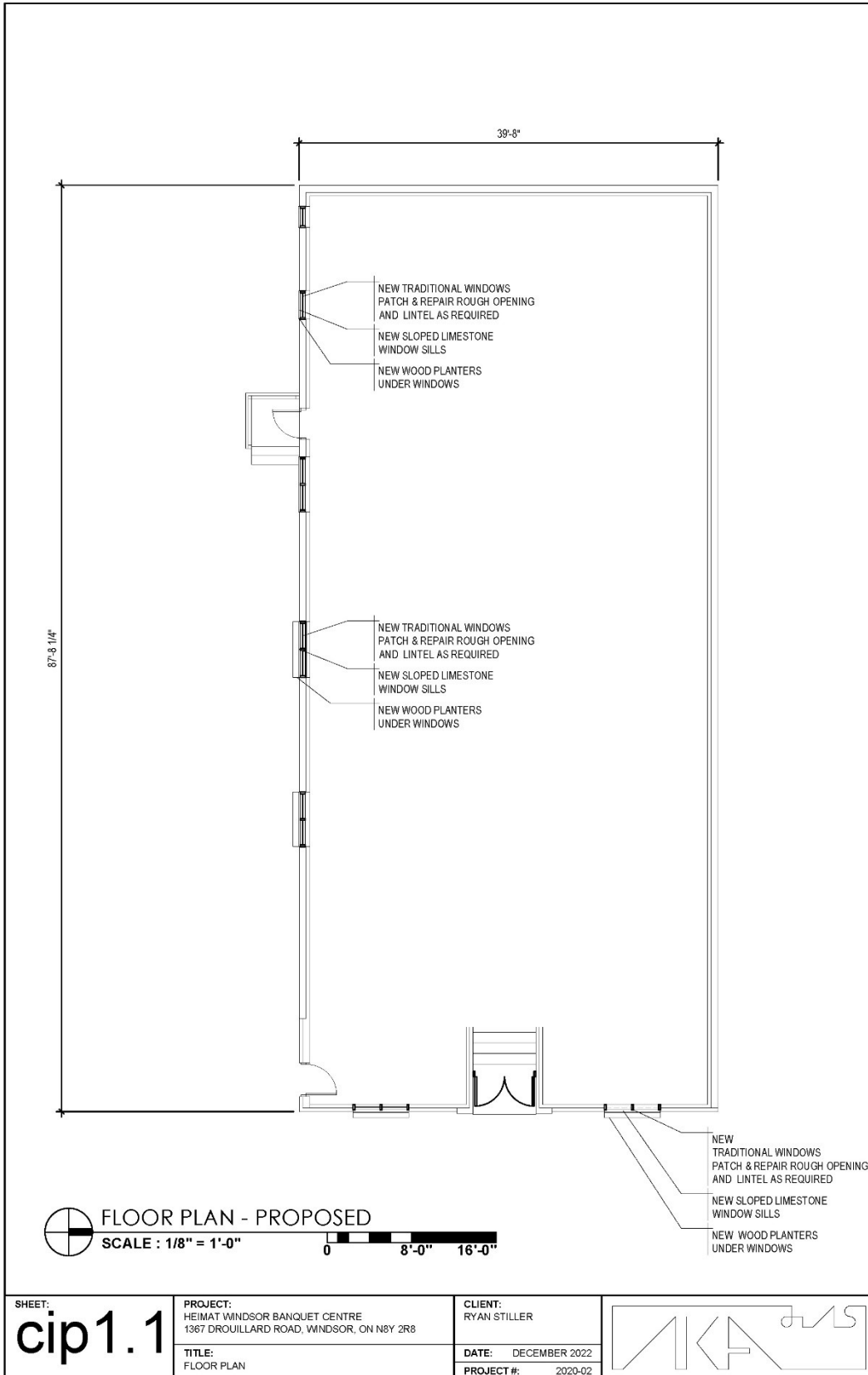
APPENDIX 'B'

1367 DROUILLARD ROAD – IMPROVEMENTS



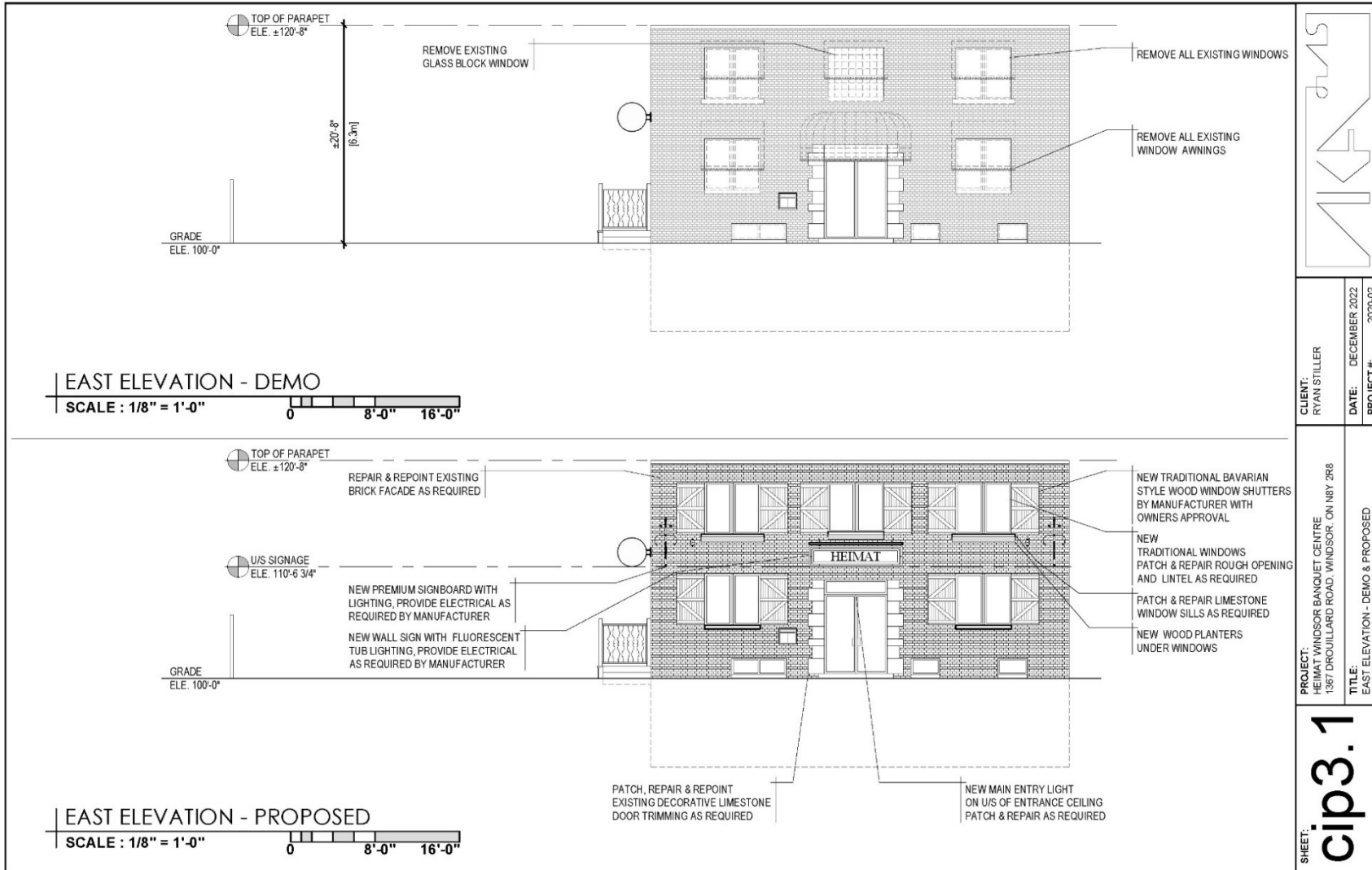
APPENDIX 'B'

1367 DROUILLARD ROAD – IMPROVEMENTS



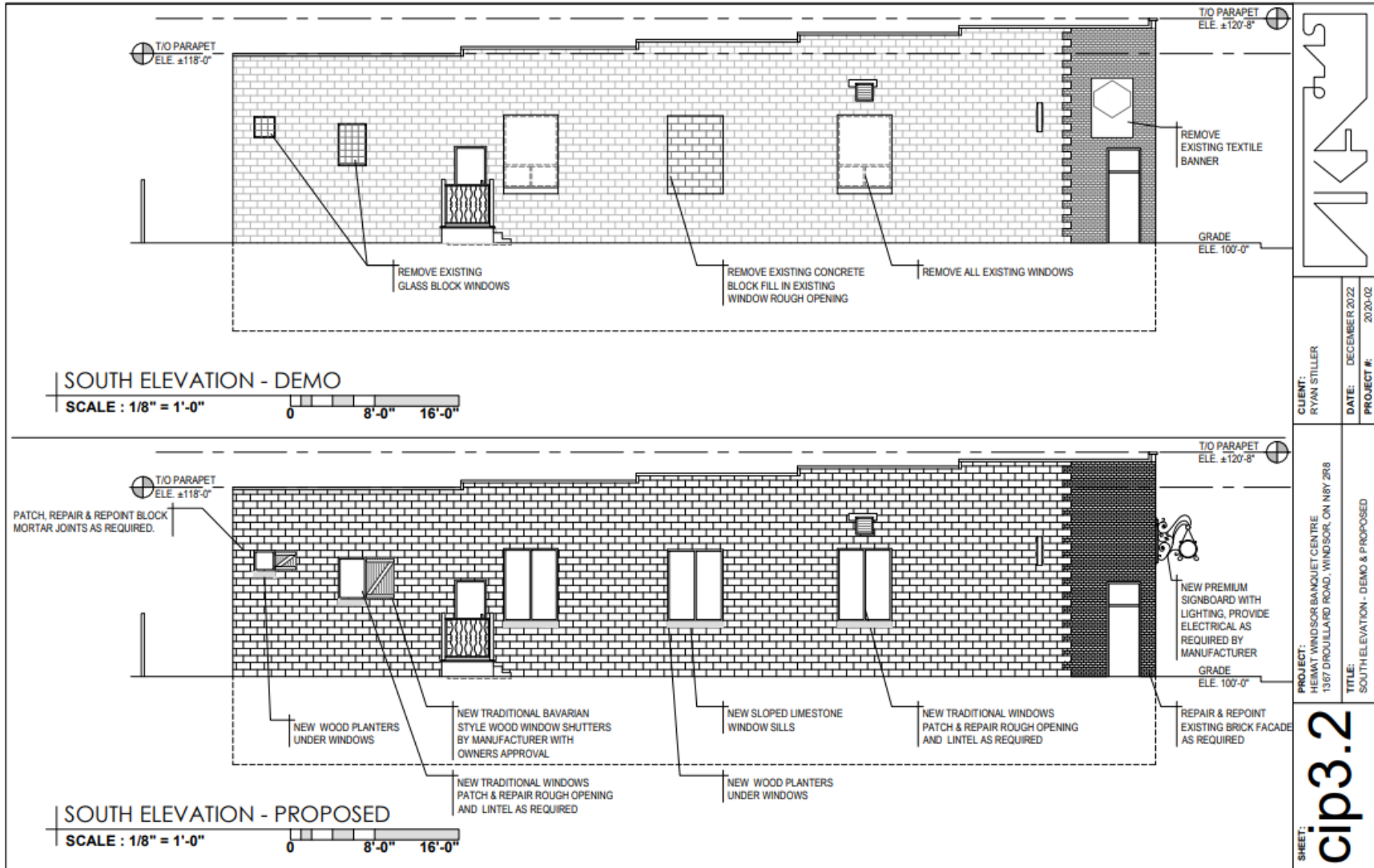
APPENDIX 'A'

1367 DROUILLARD ROAD – IMPROVEMENTS



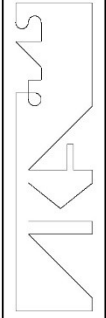
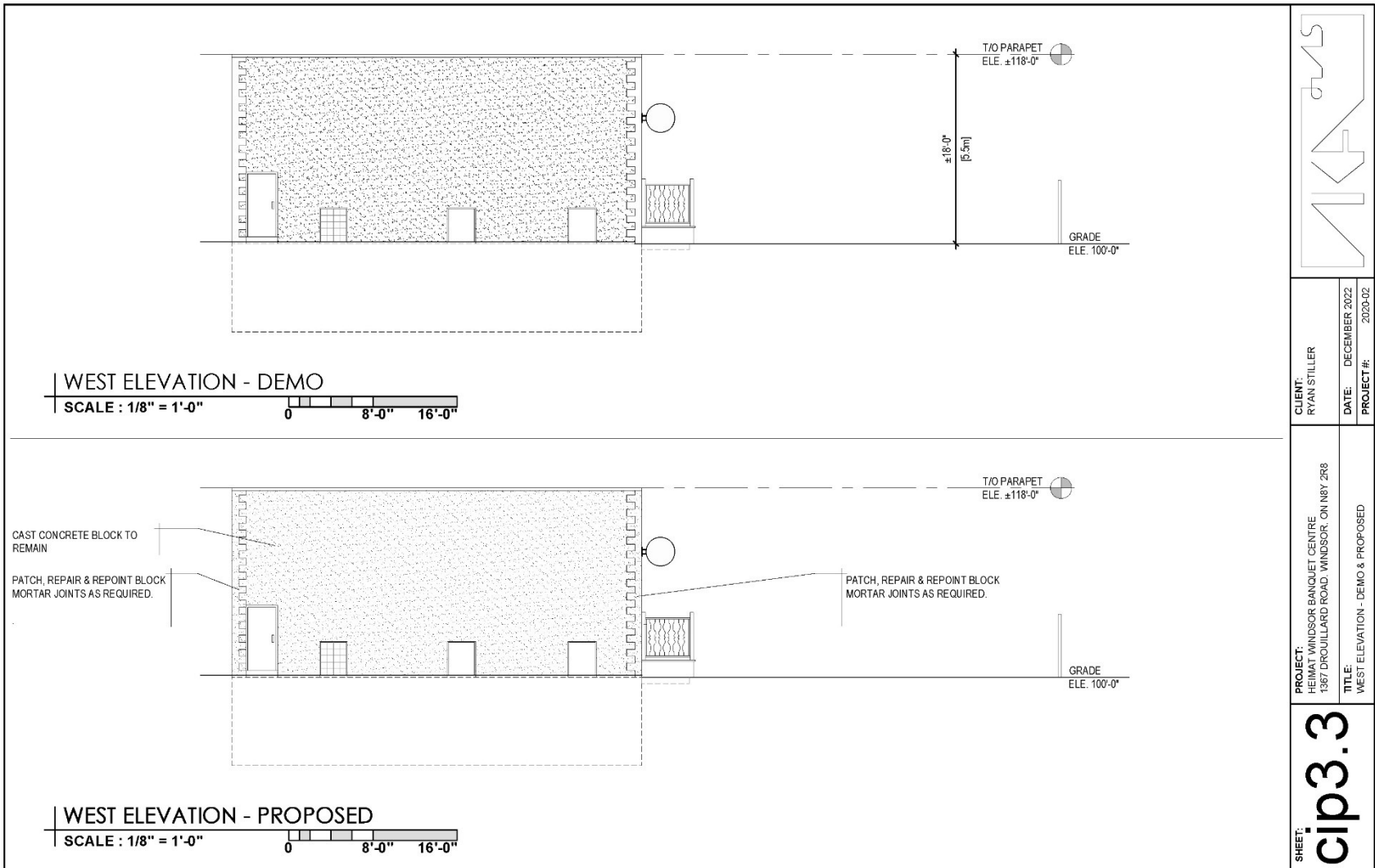
APPENDIX 'B'

1367 DROUILLARD ROAD – IMPROVEMENTS



APPENDIX 'B'

1367 DROUILLARD ROAD – IMPROVEMENTS



CLIENT:
RYAN STILLER

DATE: DECEMBER 2022

PROJECT #:
2023-02

PROJECT:
HEIMAT WINDSOR BANQUET CENTRE
1367 DROUILLARD ROAD, WINDSOR, ON N8Y 2R8

TITLE:
WEST ELEVATION - DEMO & PROPOSED

SHEET:
cip3.3

APPENDIX 'B'

1367 DROUILLARD ROAD – IMPROVEMENTS



APPENDIX 'B'

1367 DROUILLARD ROAD – IMPROVEMENTS





Subject: Closure of N/S Alley b/w Melbourne Road & Closed E/W Alley and Part of N/S Alley b/w Melbourne Road & 3605 Matchett Road, Ward 2, SAA-5925

Reference:

Date to Council: January 9, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: December 7, 2022
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 4.88 metre wide north/south alley located between Melbourne Road and the north limit of the closed east/west alley shown on Registered Plan 1344, and shown as Part 1 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 4.88 metre wide north/south alley located between Melbourne Road and the north limit of the closed east/west alley shown on Registered Plan 1344, and shown as Part 1 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 3557 Melbourne Road (legally described as Lots 2071 to 2099, 2105 to 2108 & Part of Lot 2109, Plan 1344; Lots 1264 to 1266 & Part of Alley, Plan 1059; and Lots 183 to 190, Plan 673) and as necessary, in a manner deemed appropriate by the City Planner;
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned ID1.1, \$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 portion of the 4.88 metre wide north/south alley located between the south lot line of the property known municipally as 3559 Matchett Road (legally described as Lots 2031 & 2032, Plan 1344) and the north lot line of the property known municipally as 3605 Matchett Road (legally described as Lots 2041 & 2042, Part of Closed Alley and Part of Closed Virginia Avenue, Plan 1344; Parts

13, 15 & 17, RP 12R-18697), and shown as Part 2 on Drawing No. CC-1765 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

- V. THAT the portion of the 4.88 metre wide north/south alley located between the south lot line of the property known municipally as 3559 Matchett Road (legally described as Lots 2031 & 2032, Plan 1344) and the north lot line of the property known municipally as 3605 Matchett Road (legally described as Lots 2041 & 2042, Part of Closed Alley and Part of Closed Virginia Avenue, Plan 1344; Parts 13, 15 & 17, RP 12R-18697), and shown as Part 2 on Drawing No. CC-1765 *attached* hereto as Appendix "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:
- a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:
 - i. Bell Canada for access to service and maintain existing aerial plant;
 - ii. Cogeco for access to service and maintain existing infrastructure;
 - iii. EnWin Utilities Ltd to accommodate and for access to service and maintain existing overhead 120/240 volt hydro distribution, poles and down guy wires; and
 - iv. MNSi for access to service and maintain existing aerial infrastructure;
- VI. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.2, \$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.
 - b. For alley conveyed to abutting lands zoned ID1.1, \$5.00 per square foot without easements and \$2.50 per square foot with easements.
- VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1765, *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

Executive Summary:

N/A



Figure 1 - Location Map

Background:

The applicant, Greater Essex County District School Board, owner of the property known municipally as 3557 Melbourne Road (Marlborough Public School), applied to close the 4.88 metre wide north/south alley located between Melbourne Road and the north limit of the closed east/west alley shown on Registered Plan 1344 (the east alley), 4.88 metre wide north/south alley located between Melbourne Road and the north lot line of the property known municipally as 3605 Matchett Road (the west alley) and 15.24 metre wide east/west Strathmore Crescent right-of-way located immediately east of Matchett Road (the right-of-way), and shown on Drawing No. CC-1765 *attached* hereto as **Appendix "A"**, and also shown on the aerial photo *attached* hereto as **Appendix "B"**.

The east alley is unmaintained and makes up part of Marlborough Public School. The east alley contains part of the east wing of the school building, as well as part of the school yard. The east alley was established by Registered Plan 1344, registered on January 11, 1929, and has been used continuously by Marlborough Public School since its opening in September 1930. There are no Encroachment Agreements on record for the use of the east alley.

The majority of the west alley is unmaintained, save an except for an asphalt section spanning between Melbourne Road and the midpoint of the property known municipally as 3559 Matchett Road. The west alley is composed primarily of grass and asphalt, and includes a few stand alone patches of low growing vegetation. The west alley contains three utility poles, one of which has guy wires and anchors, and includes a curb cut off of Melbourne Road. The asphalt section of the west alley provides the only means of vehicular access to the rear garage at 3559 Matchett Road, parking area at Marlborough Public School, and only means of vehicular egress to the parking area at the property known municipally as 0 Matchett Road (Roll No. 050-430-01400), which serves Marlborough Public School. The properties known municipally as 3559, 3583 & 3593 Matchett Road have extended their rear yards to include their half of the alley and demarcated the boundary with wood privacy fences. There are no Encroachment Agreements on record for the use of the west alley.

The right-of-way is unmaintained, composed primarily of gravel, and includes a small strip of grass with a few stand alone patches of low growing vegetation along its south and north boundaries. The right-of-way contains overhead wires and provides the only vehicular means of access to the parking area at Marlborough Public School via the west alley.

The applicant wishes to close the east alley, west alley and right-of-way for the purpose of adding the land to Marlborough Public School.

The applicant, via December 5, 2022 email, requested that their application be revised to exclude the closure of the right-of-way.

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 and right-of-way are indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

East Alley:

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

- a. The east alley serves Marlborough Public School which fronts Tecumseh Road West, a designated Class II Arterial Road on *Schedule F: Roads and Bikeways* to the *Official Plan*.
3. *Does the alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The east alley does not contain sewers.
 4. *Does the 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 east alley does not serve as the only vehicular means of access to any rear parking areas or garages.
 5. *Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The east alley does not contain any fire department connections.
 6. *Does the alley lie within a Holding zone or other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
 - a. The east alley does not lie within a Holding zone or other similar undeveloped areas.

West Alley:

1. *Does the alley serve commercial properties?*
 - a. The west alley does not serve commercial properties.
2. *Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The west alley serves Marlborough Public School which fronts Tecumseh Road West, a designated Class II Arterial Road on *Schedule F: Roads and Bikeways* to the *Official Plan*.
3. *Does the alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The west alley does not contain sewers.
4. *Does the 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 west alley serves as the only vehicular means of access to the rear garage at 3559 Matchett Road and parking area at Marlborough Public School.
 - b. The rear garage was constructed from 1955 to 1957 by Building Permit 55 B 4924.
 - c. The date that the parking area was established is unknown.
5. *Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
- a. The west alley does not contain any fire department connections.
6. *Does the alley lie within a Holding zone or other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
- a. The west alley does not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the east alley and west alley “indispensable”.

Notwithstanding the east alley and west alley being deemed indispensable, the Planning Department is recommending that they be closed and conveyed for the following reasons and in the following manner:

- East Alley
 - The aforesaid factor that deems the east alley indispensable stems solely from the subject property’s use of the alley.
 - It is recommended that the east alley be conveyed to Marlborough Public School as the only abutting property owner.
- West Alley
 - The aforesaid factors that deem the west alley indispensable stem solely from Marlborough Public School and 3559 Matchett Road’s use of the alley.
 - It is recommended that the portion of the west alley not serving 3559 Matchett Road be closed and conveyed to the abutting property owners. This portion of the west alley being more particularly described as that located between the north limit of 3605 Matchett Road and south limit of 3559 Matchett Road.

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned ID1.1 (East Alley) and RD1.2 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

The rate for an alley conveyed to abutting lands zoned ID1.1 (West Alley), \$5.00 per square foot without easements and \$2.50 per square foot with easements.

Consultations:

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

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

Conclusion:

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

The east alley is to be conveyed to Marlborough Public School as in Recommendations II of this report.

The west alley is to be conveyed to the abutting property owners, as in Recommendation IV of this report.

Planning Act Matters:

N/A

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City

Name	Title
	Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Chris Carpenter	Coordinator of Real Estate Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

Notifications:

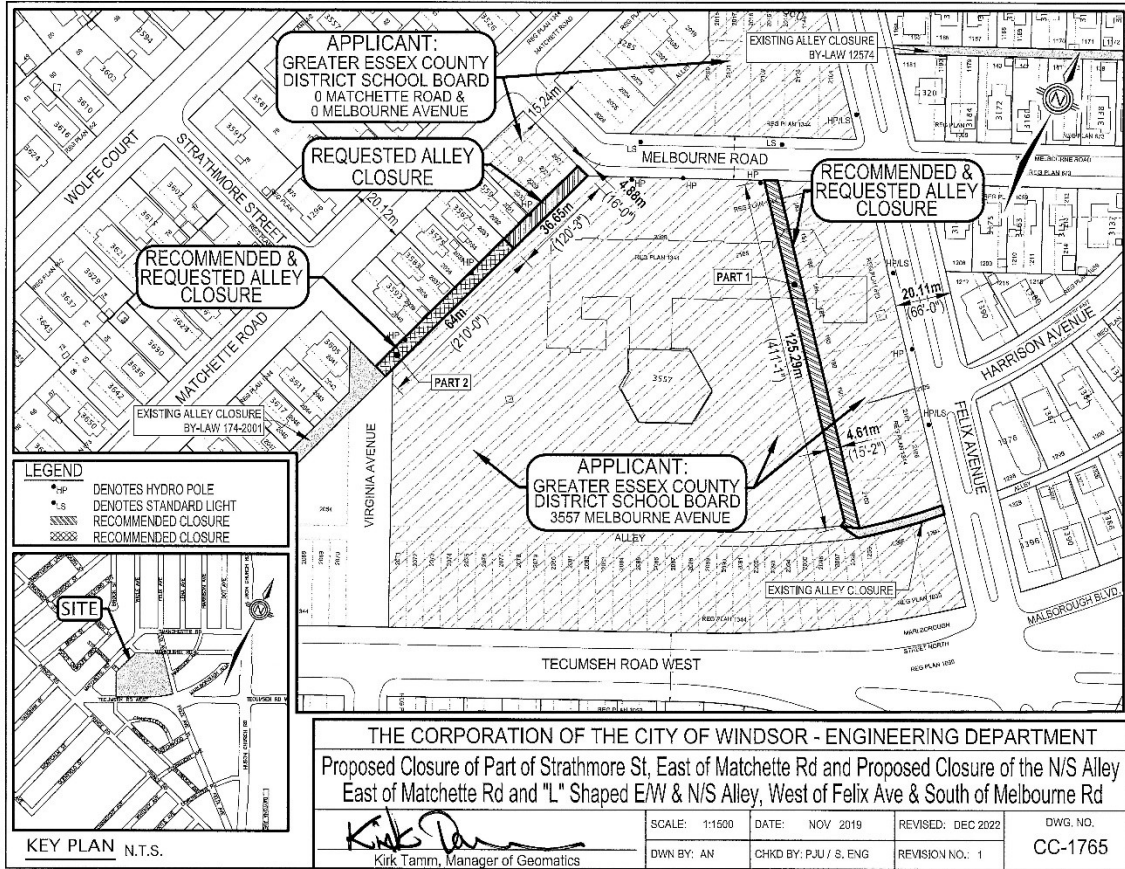
Name	Address	Email
Councillor Fabio Costante		fcostante@citywindsor.ca

Appendices:

- 1 Appendix A - Drawing No. CC-1765
- 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 - EnWin Utilities Ltd. Aboveground Hydro Easement Diagram

APPENDIX "A"

Drawing No. CC-1765



APPENDIX "B"

EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/5925)

1:2,000

APPLICANT : GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD

 SUBJECT LAND

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: DECEMBER, 2022



APPENDIX “C”**Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

As with our previous response, we request an easement over the entire alley at the rear of the properties on Matchette Road, or a strip 3 m wide for the entire length of the alley. The approximate location of our aerial plant is shown in yellow below. (Bell File: 519-19-506).

[Charleyne Hall, Bell Canada External Liaison]

**CANADA POST**

Canada Post has no comments for the attached application.

[Bruno DeSando, Delivery Planning]

COGECO CABLE SYSTEMS INC.

Please be advised that Cogeco will require an easement.

[Rebecca Borsellino, Senior Agreements Administrator]

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 for the entire east / west Strathmore Street upon closing to accommodate existing overhead 16 kV hydro distribution, poles and down guy wires.

No Objection, however, an easement named to ENWIN Utilities Ltd. is required for the entire north / south alley behind Matchette Rd upon closing to accommodate existing overhead 120/240 volt hydro distribution, poles and down guy wires.

No Objection, to Felix Ave alley closure.

[Steve Zambito Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Technical Services Dispatch]

LEGAL DEPARTMENT

For lands abutting properties zoned Institutional ID1.1, as the abutting property is not an operating school, \$2.50 per square foot without easements and \$1.25 per square foot with easements, plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

For lands abutting properties zoned Residential RD1.3: \$1 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

[Chris Carpenter, Coordinator of Real Estate Services]

MNSi

MNSi will require an aerial easement through the subject properties as indicated on the Subject Map below in green.

[Dave Hartleib, Outside Plant Manager]

**PARKS & FACILITIES**

No comments provided.

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objection from a Parks or Landscape architectural perspective.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject N/S alley closure located at the rear of properties on Matchette Road is approximately 4.87m (16ft) wide and is partially paved and composed of grass. The 'L' shaped alley closure is composed of grass. The N/S alley appears to be used for parking access for 3557 Melbourne Road. There are hydro poles and overhead wires located on the west side of the N/S alley, an easement is required for utilities. There are no sewers, manholes, or catch basins located in the alley closures. There appears to be fence

encroachments from 3593, 3583, and 3559 Matchette Road within the N/S closure. For the additional requested street closure of Strathmore Street south of Matchette Road, it is approximately 15.2m (49.7ft) wide and appears to be partly composed of gravel and grass. The applicant is required to reinstate the barrier curb, construct and maintain a driveway approach to City standard AS-204. The two alleys and right-of-way appear to serve no useful purpose; therefore, we have no objections to the closure of this alley.

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

PUBLIC WORKS - TRAFFIC

No concerns with closing Part 3 or Part 4.

Regarding Part 2, there is a garage at the rear of 3559 Matchette that requires vehicular access. The alley would need to remain accessible behind 3559 Matchette and north to Melbourne.

Regarding Part 1, ROW is currently used for vehicle, pedestrian and bicycle traffic connectivity to the adjacent neighbourhood. Consideration of south parking lot should be addressed. If parking lot is required to satisfy the required amount of parking spaces on site, then ROW is needed to access the parking lot. Strathmore should also be retained should the site ever be developed, the full ROW would be needed.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no infrastructure in the area of your proposed work. Permit expires six (6) months from approval date.

[Indira Sharma, Project Support]

TRANSPORTATION PLANNING

No comments provided

TRANSIT WINDSOR

No comments provided

UNION GAS

After reviewing the provided drawing and consulting our mapping system, please note that Enbridge Gas has an active service going across the proposed alley closure West of Felix Ave. A PDF drawing has been attached for reference.

Please Note:

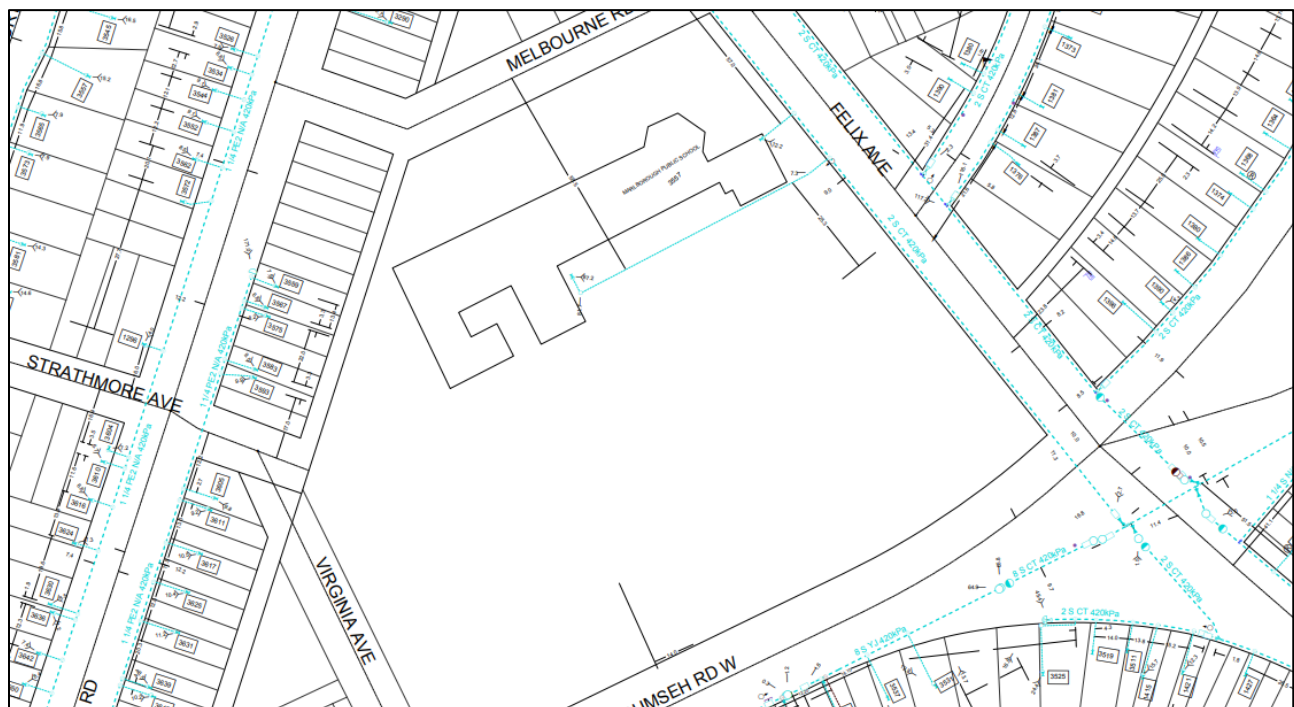
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

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 Enbridge 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.

[Sandro Aversa, Drafter / Estimator, Construction & Growth]



WINDSOR FIRE

No concerns to close from WFR.

[John Lee - Chief Fire Prevention Officer]

WINDSOR POLICE

The Windsor Police Service has no objections with the proposed closures being requested by the school board in relation to its property in general. On the section of Strathmore Street south of Matchette Road, this is currently an open vehicular access to parking facilities into the school property – an access also used by Windsor Police periodically to access the school property for incident response and mobile patrol purposes. Assuming the Strathmore Street closure will still maintain a vehicular access of some kind for emergency response.....or an alternative property access can be identified, we have no concerns or objections to the application.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX “D”
Site Photos (June 30, 2022)



Figure 1 - Looking north towards north/south alley from Strathmore Crescent



Figure 2 - North/south alley looking north from point adjacent to 3559 Matchette Road (left)



Figure 3 - Rear garage at 3559 Matchette Road



Figure 4 - Looking south towards north/south alley from Melbourne Road (Marlborough Public School on left)



Figure 5 - North/south alley looking south from point immediately north of 3559 Matchette Road (left)



Figure 6 - North/south alley looking south from point adjacent to 3583 Matchette Road (right)

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:

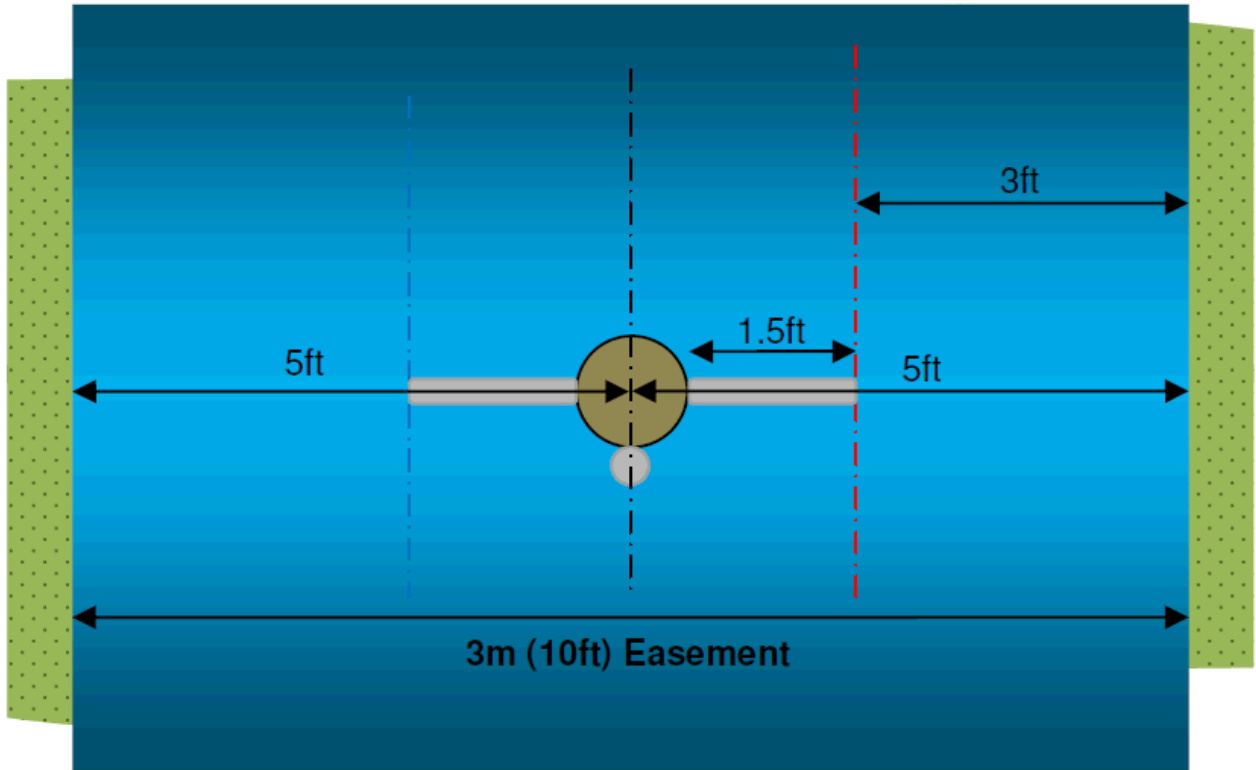
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means 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"
EnWin Utilities Ltd. Aboveground Hydro Easement Diagram





Subject: Closure of north/south alley between Guy Street & 1980 Meldrum Road; east/west alley between north/south alley & Larkin Road, Ward 5, SAA-6689

Reference:

Date to Council: January 9, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: November 22, 2022
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 4.27 metre wide north/south alley located between Guy Street and the property known municipally as 1980 Meldrum Road (legally described as Lots 250 to 255 & Part of Closed Alley, Plan 1098) and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 4.27 metre wide north/south alley located between Guy Street and the property known municipally as 1980 Meldrum Road (legally described as Lots 250 to 255 & Part of Closed Alley, Plan 1098) and shown on Drawing No. CC-1809 *attached* hereto as Appendix "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:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. EnWin Utilities Ltd to accommodate the pole, anchors and existing overhead plant; and
 - iii. MNSi for access to service and maintain existing aerial infrastructure;

- III. THAT the 5.49 metre wide east/west alley located between the aforesaid north/south alley and Larkin Road and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- IV. THAT the 5.49 metre wide east/west alley located between the aforesaid north/south alley and Larkin Road and shown on Drawing No. CC-1809 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner:
- V. Type THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.2, \$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.
 - b. For alley conveyed to abutting lands zoned ID1.1, \$5.00 per square foot without easements and \$2.50 per square foot with easements.
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1809, *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.

Executive Summary:

N/A

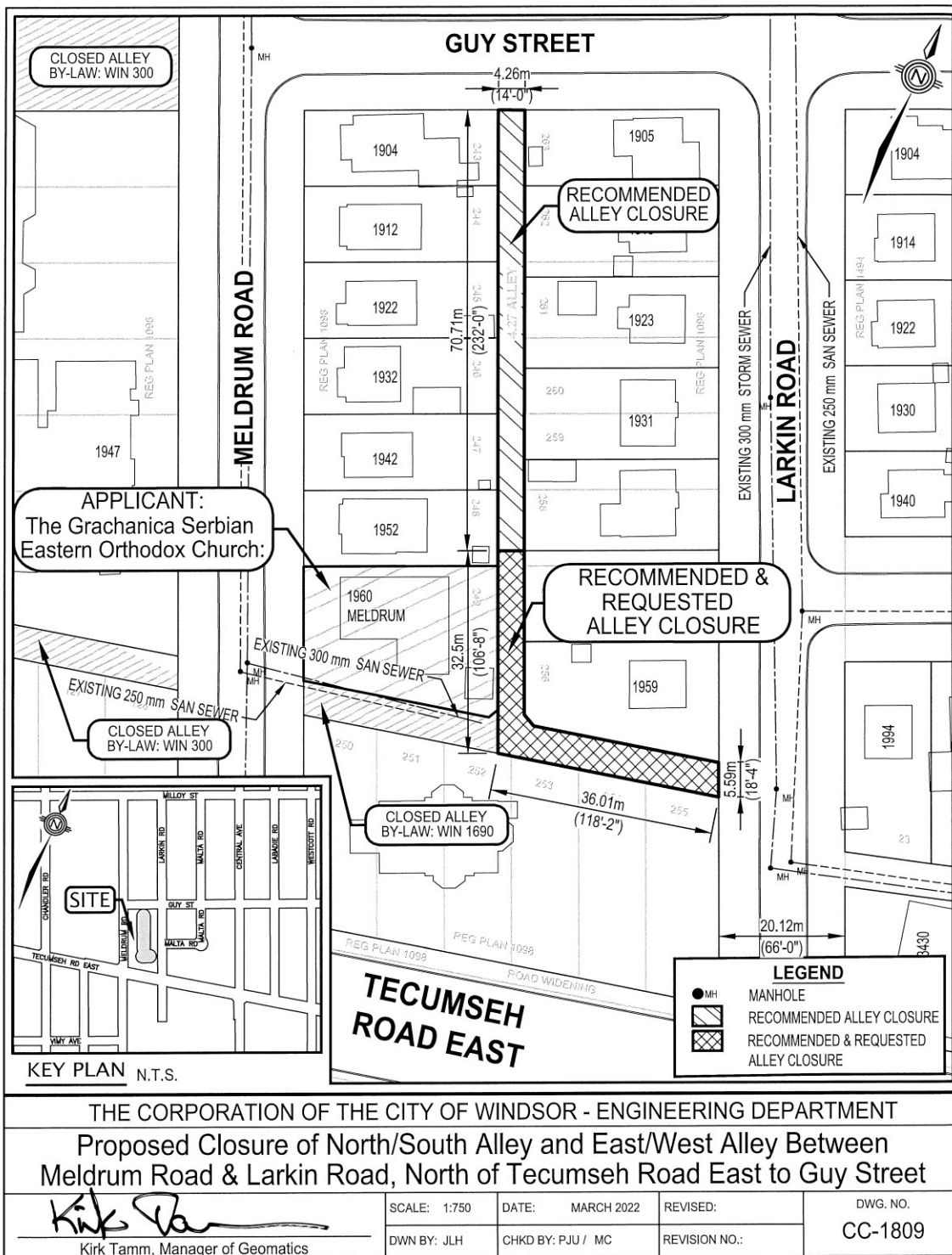


Figure 1 - Location Map

Background:

The applicant, Serbian Orthodox Church “Grachanica”, owner of the properties known municipally as 1960 Meldrum Road, 1980 Meldrum Road, 1951 Larkin Road and 1959 Larkin Road (the subject property), applied to close the portion of the 4.27 metre wide north/south alley located between Guy Street and 1980 Meldrum Road abutting the subject property, together with the 5.49 metre wide east/west alley located between the north/south alley and Larkin Road, and shown on Drawing No. CC-1809 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**. The subject property contains the circa 1952 Serbian Orthodox Church “Grachanica” with rear asphalt parking area (1980 Meldrum Road), together with a circa 1978 Single Family Dwelling (1960 Meldrum Road), circa 1949 Single Family Dwelling (1951 Larkin Road) and circa 1949 Single Family Dwelling (1959 Larkin Road).

The north/south alley is unmaintained and composed primarily of grass. The alley contains a small patch of natural vegetation (shrubs and trees), utility poles with guy wires and anchors, part of a decorative steel fence belonging to the subject property, and includes a curb cut off of Guy Street. There are no Encroachment Agreements on record for the use of the alley.

The east/west alley is unmaintained and composed primarily of asphalt and gravel. The asphalt portion of the alley makes up part of the parking area on the subject property and includes the sole access area via a curb cut off of Larkin Road. There are no Encroachment Agreements on record for the use of the alley.

The applicant wishes to close the aforesaid alleys for the purpose of consolidating the subject property into one parcel and improving security.

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 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 alley does not serve properties fronting on heavily traveled streets.
 - b. The east/west alley serves 1980 Meldrum Road which fronts Tecumseh Road East, a Class II Arterial Road on *Schedule F: Roads and Bikeways* to the *Official Plan*.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The north/south and east/west alleys do 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 north/south alley does not serve as the only vehicular means of access to rear parking areas and garages.
 - b. The east/west alley serves as the only vehicular means of access to the aforesaid rear parking area.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The north/south 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 and east/west alleys do not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the north/south alley “dispensable” and supports the requested closure with an addendum to include the entire alley.

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

Based on the above, the Planning Department deems the east/west alley “indispensable”.

Notwithstanding the east/west alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed to the owner of the subject property for the following reason:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property's use of the alley.
- The alley is only abutted by the subject property.

It is our recommendation that, upon closure, the owner of the subject property be given a chance to acquire the east/west alley. Hence the recommendation is to close and convey the alley to the owner of the subject property.

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley and surplus lands conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

The rate for an alley conveyed to abutting lands zoned ID1.1, \$5.00 per square foot without easements and \$2.50 per square foot with easements.

Consultations:

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

Notice of this application was issued to property owners abutting the alley by regular mail on April 6, 2022. Written or verbal correspondence to this notice has been received from the owners of 1904 Meldrum Road, 1923 Larkin Road, 1931 Larkin Road & 1941 Larkin Road, **attached** hereto as **Appendix "G"**. The said property owners have all indicated that they would like to purchase their half of the alley should it be closed.

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 alley and east/west alley shown on attached Appendix “A”, the latter of which being subject to easements in favour of Bell Canada, EnWin Utilities Ltd., and MNSi as in Recommendation II of this report.

The closed alleys are to be conveyed to the abutting property owners as in Recommendations II and IV of this report.

Planning Act Matters:

N/A

Approvals:

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

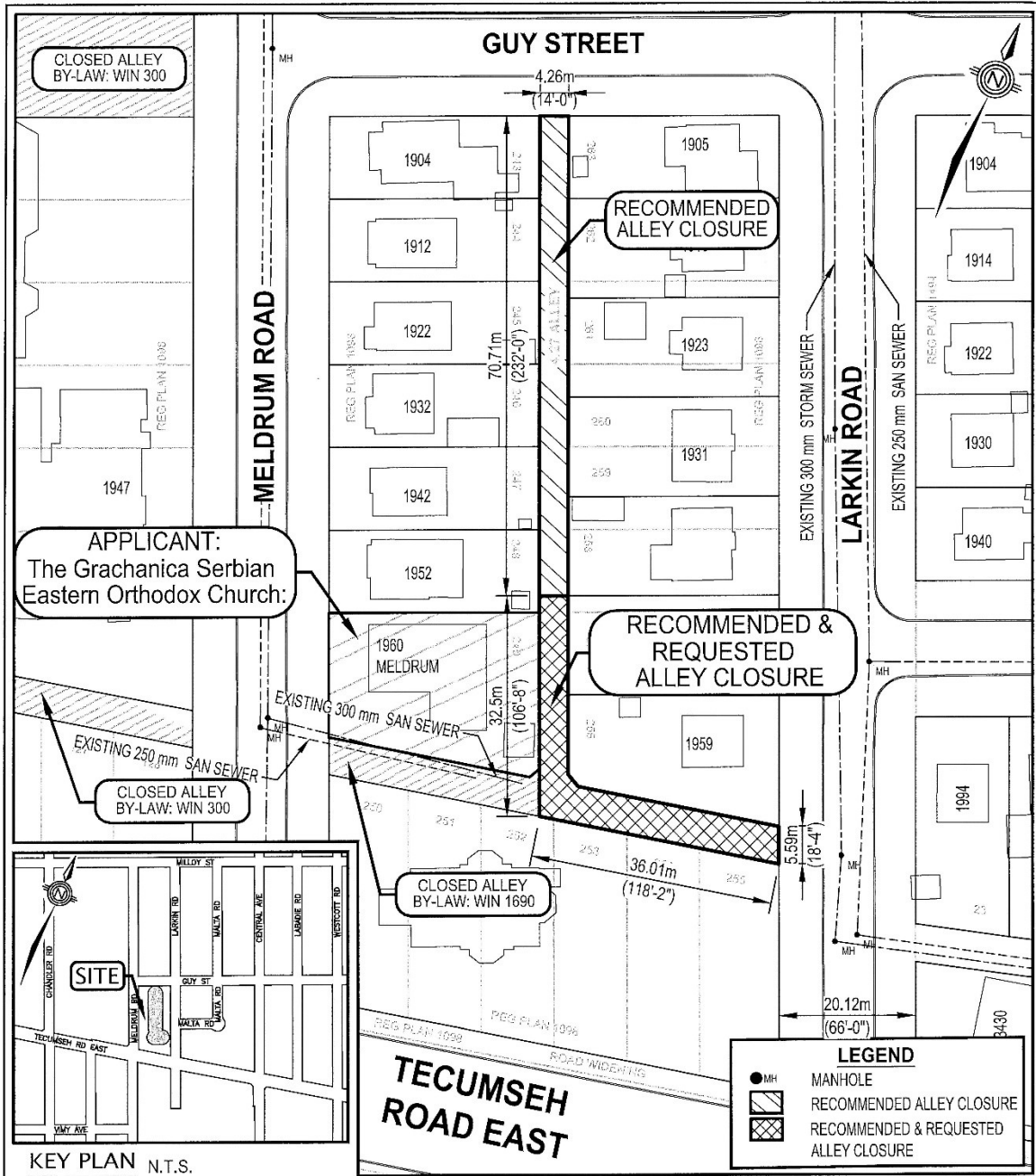
Notifications:

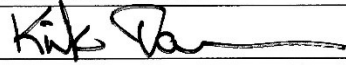
Name	Address	Email
Councillor Ed Sleiman	350 City Hall Square West, Suite 220 Windsor, ON	esleiman@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

- 1 Appendix A - Drawing No. CC-1806
- 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 - EnWin Utilities Ltd. Aboveground Hydro Easement Diagram
- 7 Appendix G - Correspondence to Notice of Application

APPENDIX "A"
Drawing No. CC-1809



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT Proposed Closure of North/South Alley and East/West Alley Between Meldrum Road & Larkin Road, North of Tecumseh Road East to Guy Street				
 Kirk Tamm, Manager of Geomatics	SCALE: 1:750	DATE: MARCH 2022	REVISED:	DWG. NO. CC-1809
	DWN BY: JLH	CHKD BY: PJU / MC	REVISION NO.:	

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6689)

1:750

APPLICANT : SERBIAN ORTHODOX CHURCH

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: OCTOBER, 2022



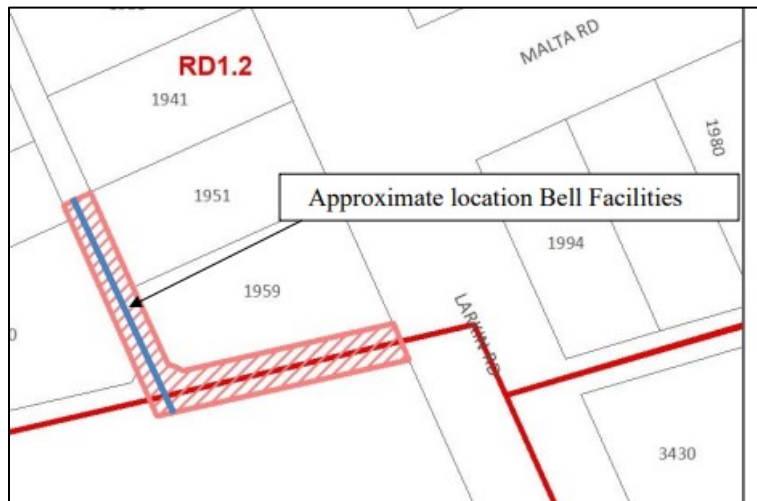
APPENDIX "C"

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

Bell Canada requests an easement over the closure area to protect existing aerial facilities.

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



CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENVIRONMENTAL SERVICES

No comments provided

ENWIN UTILITIES - HYDRO

If no open alley exists, we will require a minimum 10 ft wide easement (5 ft each side of the pole line) to accommodate the pole, anchors and existing overhead plant.

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

[Jeremy Allossery, Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

For lands conveyed to RD1.2, \$1 plus deed preparation and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. For lands abutting ID1.1, \$5.00 per sq/ft without easements and \$2.50 with easements.

[Denise Wright, Lease Administrator]

MNSi

MNSi will require an aerial easement through the subject properties please.

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

Please note that Parks Design & Development has no comments pertaining to the SAA/6689 LIAISON.

[Sherif Barsom, Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objections from a landscape architectural perspective.

[Stefan Fediuk, Landscape Architect]

PUBLIC WORKS - ENGINEERING

Both the north/south and east/west section of the alley closure is composed of grass. There are no sewers or manholes that are located within the alley. There are hydro poles and guy wires within the alley, an easement will be required for utilities. There is a driveway approach at the end of the east/west alley segment allowing entry from Larkin Rd. If the alley is closed, a driveway permit will be required by the property owner of 1980 Meldrum Road to keep and maintain the driveway approach to City Standard AS-204. This alley appears to have no useful purpose by CR146/2005; therefore, we have no objections to the closure subject to the easement.

[Adam Pillon - Manager Right-of-Way]

PUBLIC WORKS - TRAFFIC

The alley system is not used for vehicular access and not required for pedestrian access. Given that the applicant owns all adjoining properties adjacent to the alley entrance into their parking lot, there are no concerns with closing the alley as shown. Applicant should borne all associated costs including additional No Exit signage required at the north access on Guy St.

Consideration should be given to close the entire alley system at the same time.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

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

[Meghna Patel, Permit Coordinator]

TRANSPORTATION PLANNING

No concerns with the proposed closure.

[Rania Toufelli, Policy Analyst]

TRANSIT WINDSOR

No comments provided

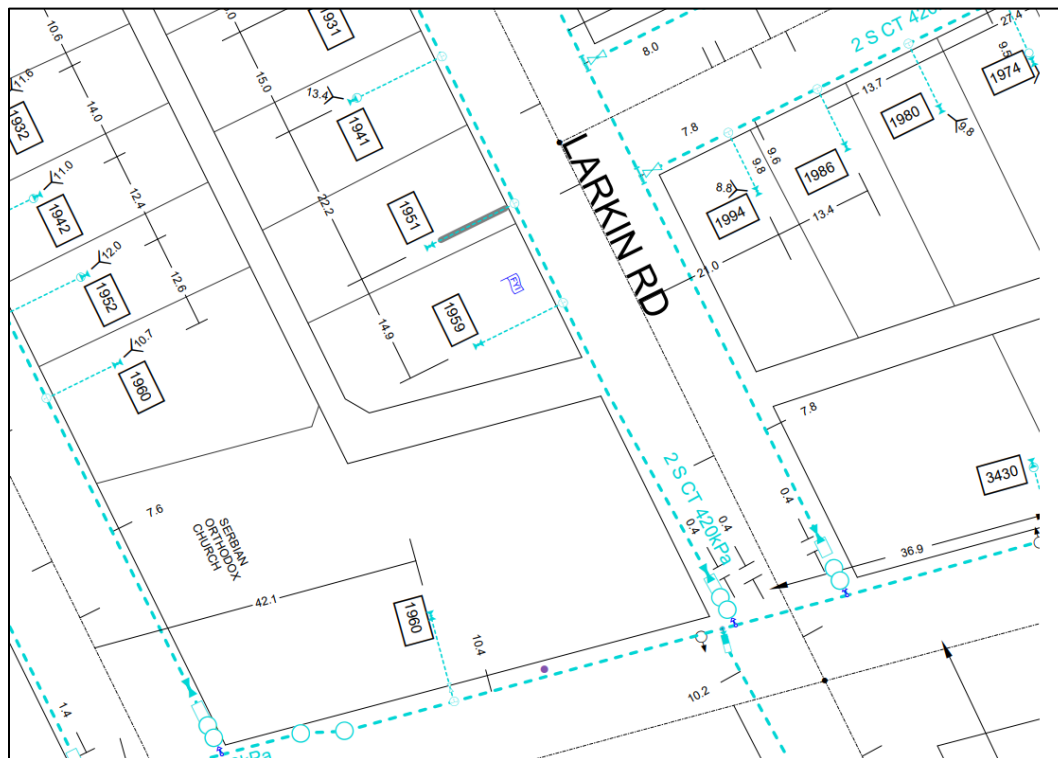
UNION GAS

After reviewing the provided drawing between Meldrum Rd & Larkin Rd and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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



WINDSOR FIRE

Windsor fire and rescue has no issue.

[Mike Coste, Chief Fire Prevention Officer]

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of alley situated behind the church property. The alley in question is a grassed laneway currently accessible to vehicular traffic but its situational configuration lends itself to facilitating discreet activity, which may be problematic. Closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as other viable options will remain for this. The end result from this closure will allow for better access control of this space by the Church, which will subsequently generate more beneficial safety and security outcomes.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (June 28, 2022)



Figure 1 - North/south alley looking north from 1960 Meldrum Road



Figure 2 - North/south alley looking north towards Guy Street



Figure 3 - North/south alley looking south from 1922 Meldrum Road



Figure 4 - North/south alley looking south from 1960 Meldrum Road



Figure 5 - East/west alley looking east towards Larkin Road



Figure 6 - Looking west towards east/west alley from Larkin Road

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:

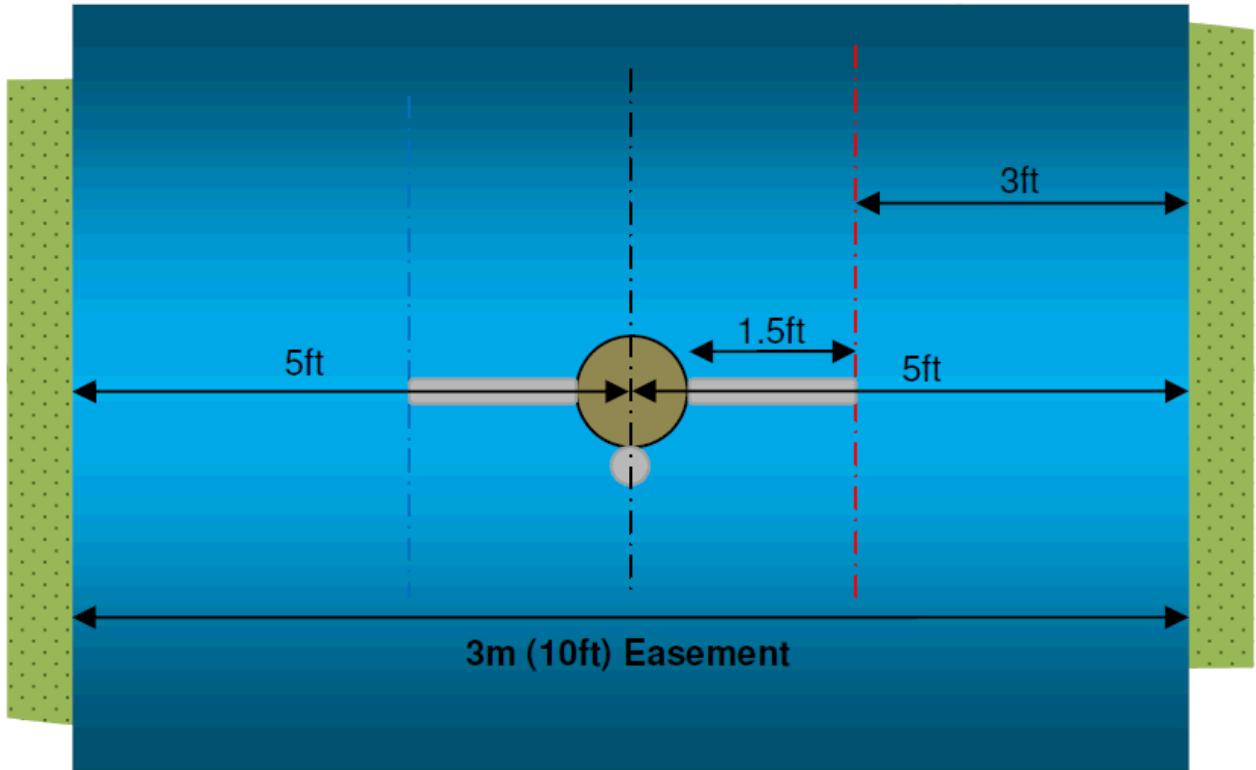
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means 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"
EnWin Utilities Ltd. Aboveground Hydro Easement Diagram



APPENDIX "G"
Correspondence to Notice of Application

1904 Meldrum Road

From: [REDACTED]
Sent: Thursday, April 14, 2022 7:08 AM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: SAA/6689 || 1904 Meldrum

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.

You are most welcome to share the email if it helps to close it all off.

If our neighbor behind us doesn't want to purchase his half of the ally. Would we have the option to buy his half as well?

Thank you.

From: [REDACTED]
Sent: Wednesday, April 13, 2022 5:43 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Ally close-off Meldrum

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.

Hello,

I emailed the city about this matter a while back. Now that there is an application to close off the ally. Does this now mean I have the option to buy our portion of the ally from the city? If so how much will it cost to purchase?

The last time I requested this info I was told to submit an application and money. However I did not want to waste my money for the application if the city was going to turn down the application and keep my money. So if it guaranteed we will get it, I will apply to purchase.

Any information is appreciated.

Thank you.

John & Sarah Schenk

Resident at:
1904 Meldrum Rd

1923 Larkin Road

From: [REDACTED]
Sent: Friday, April 22, 2022 3:31 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: SAA/6689 || 1923 Larkin

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.

Thank you for getting back to me so quickly.

Yes, we are interested so feel free to include my email wherever needed.

Have a great weekend.

[REDACTED]

From: [REDACTED]
Sent: Friday, April 22, 2022 3:17 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Alley closure at Meldrum and Larkin

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon, Meghan.

My [REDACTED] and I live at 1923 Larkin Rd and received the notice in the mail regarding the application for the alley to be partly closed. We spoke with our neighbours and they have also reached out to you to let you know that we are interested in acquiring our portion of the alley if this is an option. Please email me back to let me know what we can do to potentially make this happen.

Thank you,

[REDACTED]

1931 Larkin Road

From: [REDACTED]
Sent: Wednesday, April 20, 2022 1:52 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: SAA/ 6689 || 1931 Larkin

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.

Meghan

Yes I would definitely be interested in the ally. I will watch for further emails or letters regarding this matter.

Thank you for getting back to me.

[REDACTED]

From: [REDACTED]
Sent: Tuesday, April 19, 2022 6:17 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Partial closing alley - Larkin

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.

Hello,

My name is [REDACTED] I reside at 1931 Larkin. I received your letter regarding the partial closing of the ally between Meldrum and Larkin. I'm just curious why it's just the beginning and not the entire ally. Is there anything that the rest of the homeowners can do to get the entire ally closed or is this just for the Church? Can you please forward the meeting date and time as many of us would like the ally and we will be in attendance.

I appreciate your time!

[REDACTED]

1941 Larkin Road

From: Matthews, Meghan <MMatthews@citywindsor.ca>

Sent: Thursday, April 14, 2022 10:07 AM

To: Matthews, Meghan <MMatthews@citywindsor.ca>

Subject: SAA/6689 || 1941 Larkin Rd || Comments

I spoke to [REDACTED] this morning who lives at 1941 Larkin Road. [REDACTED] would like to request that the whole alley be closed. [REDACTED] believed the N/S alley between Larkin & Meldrum were on the alley subsidy list previously. He think it will help with reduce the amount of break-ins and suspicious activity in the alley. [REDACTED] also believes it would help reduce the rat population as garbage and other debris is dumped into the alley.

[REDACTED]

1941 Larkin Road

[REDACTED]

MEGHAN MATTHEWS | STREET & ALLEY LEGAL CLERK



Planning and Building Department

350 City Hall Square West | 210 | Windsor, ON | N9A 6S1

(519)-255-6543 ext. 6310 | Fax (519) 255-6544

www.citywindsor.ca

Subject: Amendment to CR305/2021 for closure of part of n/s alley b/w north limit of 1216 Tourangeau Rd & closed part of said n/s alley; e/w alley west of Rossini Blvd & south of Via Rail corridor; and e/w alley b/w Rossini Blvd & said n/s alley, Ward 5, SAA-6317

Reference:

Date to Council: January 9, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181
Planning & Building Services
Report Date: November 24, 2022
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT CR305/2021, adopted on July 5, 2021, **BE AMENDED** as follows:

By **DELETING** the following wording from Recommendation V:

That the portion of the 4.88 metre wide east/west alley between Franklin St and the VIA Rail corridor, east of Tourangeau Rd and west of Rossini Blvd, and shown as Part 3 on Drawing No. CC-1787 *attached* as Appendix "A", **BE RETAINED FOR MUNICIPAL PURPOSES**;

And **INSERTING**:

THAT the east/west alley located between Rossini Boulevard and the properties known municipally as 0 Tourangeau Road (legally described as Lot 147, Plan 796) and 1210 Tourangeau Road (legally described as Lot 146, Plan 796), and shown as Part 3 on Drawing No. CC-1787 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;

THAT the east/west alley located between Rossini Boulevard and the properties known municipally as 0 Tourangeau Road (legally described as Lot 147, Plan 796) and 1210 Tourangeau Road (legally described as Lot 146, Plan 796), and shown as Part 3 on Drawing No. CC-1787 *attached* hereto as Appendix "A", **BE CLOSED AND RETAINED** by The Corporation of the City of Windsor.

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/6317)

1:1,500

APPLICANT : OLIVIA CONSTRUCTION HOMES

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: FEBRUARY, 2021



Figure 1 - Location Map

Background:

CR305/2021 was adopted by Council on July 5, 2021, to close the portion of the north/south alley located between the north limit of 1216 Tourangeau Road and the previously closed portion of the alley, east/west alley located between Rossini Boulevard and the properties known municipally as 0 Tourangeau Road (Roll No. 010-200-11701) and 1210 Tourangeau Road (the subject alley), and east/west alley located between Rossini Boulevard and the said north/south alley to be closed.

The Legal Services Department in drafting the alley closure by-law (the by-law), identified that CR305/2021 does not include a recommendation to assume the subject alley, which is necessary for its closure.

Discussion:

CR305/2021 must be amended to add a recommendation to assume the subject alley in order for it to be included in the by-law.

Risk Analysis:

The recommended amendment to CR305/2021 poses no known risk to the City.

Climate Change Risks**Climate Change Mitigation:**

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The recommended amendment to CR305/2021 does not effect the conveyance price for the alleys.

Consultations:

Consultation was held with representatives from the Legal, Real Estate & Risk Management Department to confirm the details of the required amendment to CR305/2021.

Conclusion:

The Planning Department recommends that CR305/2021 be amended to allow for the subject alley to be assumed and closed.

Planning Act Matters:

N/A

Approvals:

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

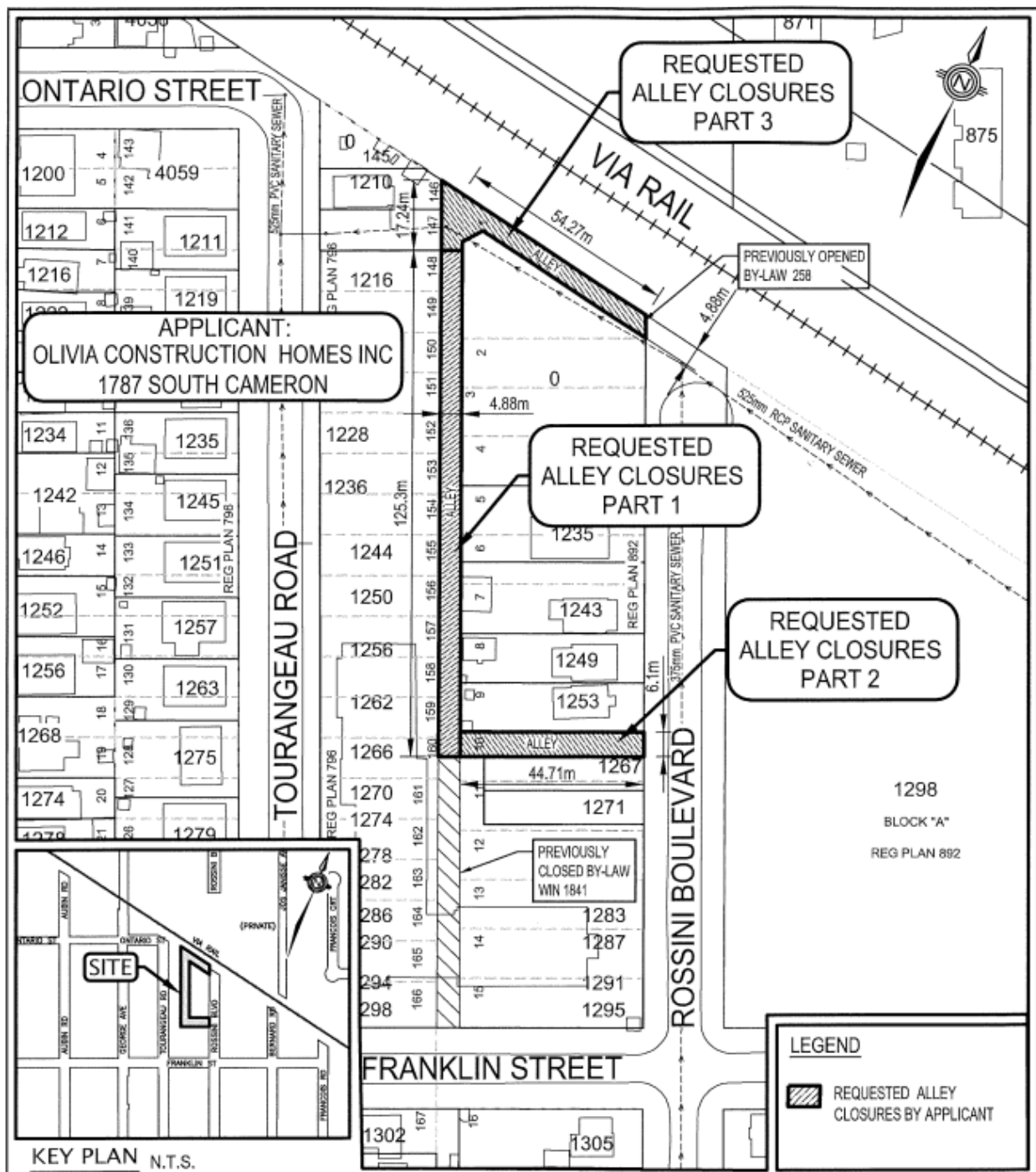
Notifications:

Name	Address	Email
Councillor Sleiman	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	esleiman@citywindsor.ca

Appendices:

1 Appendix A - Drawing No. CC-1787

APPENDIX "A" Drawing No. CC-1787



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Proposed Alley Closures North of Franklin Street and South of Via Rail
between Tourangeau Road and Rossini Boulevard

 Kirk Tamm, Manager of Geomatics	SCALE: 1:1250	DATE: MAY 2021	REVISED:	DWG. NO. CC-1787
	DWN BY: A.C	CHKD BY: PJU / CA / AP	REVISION NO.:	

Subject: Closure of portion of north/south alley between Seneca Street & Essex Terminal Railway corridor, and all of east/west alley between Lincoln Road & north/south alley, Ward 4, SAA-6740

Reference:

Date to Council: January 9, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: November 30, 2022
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the portion of the 2.13 metre wide north/south alley located between the Essex Terminal Railway corridor and the south limit of the property known municipally as 1634 Lincoln Road (legally described as Lot 704, Plan 988) and shown on Drawing No. CC-1811 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the portion of the 2.13 metre wide north/south alley located between the Essex Terminal Railway corridor and the south limit of the property known municipally as 1634 Lincoln Road (legally described as Lot 704, Plan 988) and shown on Drawing No. CC-1811 *attached hereto as Appendix "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:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", **BE GRANTED** to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. EnWin Utilities Ltd. to accommodate existing overhead 347/600 volt and 120/240 volt hydro distribution; and
 - iii. MNSi for access to service and maintain existing aerial infrastructure;

- III. THAT the east/west alley located between Lincoln Road and the aforesaid north/south alley and shown on Drawing No. CC-1811 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- IV. THAT the east/west alley located between Lincoln Road and the aforesaid north/south alley and shown on Drawing No. CC-1811 *attached* hereto as Appendix "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:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Essex Terminal Railway Co. for access to repair and maintain the south face of the two existing buildings on the property known municipally as 0 Morton Drive (PIN No. 01140-0266) IF Essex Terminal Railway Co. waives their right to purchase their half of the east/west alley.
 - b. Ontario Land Surveyor be directed to include the existing concrete driveway with the lands to be conveyed to the owner of the property known municipally as 1618 Lincoln Road (legally described as Part of Lot 701, Plan 988).
- V. THAT the Public Works Operations Department **BE REQUESTED** to restore the Seneca Street curb cut to City Standards, and to the satisfaction of the City Engineer.
- VI. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD2.2, \$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.
 - b. For alley conveyed to abutting lands zoned MD1.1 and MD1.3, \$7.00 per square foot without easements and \$3.50 per square foot with easements.
- VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1811, *attached* hereto as Appendix "A".
- VIII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/6740)

1:1,000

APPLICANT : HARIS RADONCIC

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: DECEMBER, 2022



Figure 1 - Location Map

Background:

The applicant, Haris Radonicic, owner of the property known municipally as 1618 Lincoln Road (the subject property), applied to close the portion of the 2.13 metre wide north/south alley located between the Essex Terminal Railway corridor and the south limit of the subject property, together with the east/west alley located between Lincoln Road and the aforesaid north/south alley, and shown on Drawing No. CC-1811 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

The north/south alley is unmaintained, composed primarily of grass and natural vegetation (shrubs, trees and vines) and includes a curb cut off of Seneca Street. The alley contains utility poles with guy wires and anchors, a small amount of asphalt paving adjacent to 1668 Lincoln Road and a 4.88 metre high chain link fence along the portion of its east limit that abuts Stodgell Park. The alley serves as a means of vehicular access for the following properties:

Address	Type
1638 Lincoln Road	Detached Garage
1662 Lincoln Road	Detached Garage
1668 Lincoln Road	Driveway (includes access off of Lincoln Road)

The alley formerly served as a means of vehicular access for the following properties:

Address	Type
0 Kildare Road	Driveway (gate covered in vines)
1628 Lincoln Road	Detached Garage (chain link fence and moveable planters currently located in front of garage door)
1634 Lincoln Road	Driveway (gate covered in vines)
1656 Lincoln Road	Driveway (overgrown with vegetation)
1674 Lincoln Road	Driveway (accessory building located in front of gate)
1690 Lincoln Road	Driveway (gate covered in vines)

In July 2022, the Parks & Facilities Department removed the chain link fence and a significant amount of the natural vegetation that was growing on and adjacent to it. This action was taken due to it being a safety issue, an eyesore and an impediment to vehicles travelling through the alley. It will also grant the Parks & Facilities Department improved access to cut the grass in the alley and remove the remainder of the natural vegetation along its west side.

In July 2022, the Seneca Street curb cut was inadvertently removed and the boulevard restored when improvements were being made to Stodgell Park and the Seneca Street right-of-way.

The east/west alley is unmaintained and composed primarily of grass. The alley contains of a concrete driveway serving the subject property and includes a curb cut off of Lincoln Road. The Public Works Department issued Driveway Permit P9600939 on May 24, 1996, which allows a portion of the concrete driveway to be located within the

alley. Vehicles accessing the alley must drive over this portion of the concrete driveway. There are no Encroachment Agreements on record for the use of the alley.

The applicant wishes to close the alley for the purpose of enlarging the subject property and eliminating illicit activities occurring within (i.e. illegal dumping, transients).

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 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 alleys do 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 alleys do 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 north/south alley serves as the only vehicular means of access to rear garages at 1638 Lincoln Road and 1662 Lincoln Road, all of which do not have sufficient lot width for a side drive.
 - As noted herein, 1628 Lincoln Road currently has a chain link fence and moveable planters located in front of the overhead door to their detached garage.
 - b. The east/west alley does not serve as a 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 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 alleys do not lie within a Holding zone or other similar undeveloped areas.

Based on the above, the Planning Department deems the east/west 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 east/west alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the east/west alley to the abutting property owners. This recommendation includes a small deviation from the standard manner of conveyance of offering abutting property owners first right to purchase their half of the alley. The deviation involves offering the owner of the subject property the portion of the north half of the alley occupied by the existing concrete driveway, thus honouring the previously issued Driveway Permit. This recommendation also includes the granting of an easement in favour of the Essex Terminal Railway corridor property, known municipally as 0 Morton Drive (Roll No. 080-850-03200), for access to repair and maintain the south face of the two existing buildings with a zero lot line along the alley. This easement is only necessary **IF** 0 Morton Drive waives their right to purchase their portion of the alley. This easement is a prerequisite to the conveyance.

Based on the above, the Planning Department deems the north/south alley “indispensable”.

Notwithstanding the north/south alley being deemed indispensable, the Planning Department is recommending that the portion of the alley not serving as a means of vehicular access to 1638 Lincoln Road and 1662 Lincoln Road be closed and conveyed. This portion of the alley being more particularly described as that located between the Essex Terminal Railway corridor and the south limit of the property known municipally as 1634 Lincoln Road. This recommendation includes the portion of the alley requested for closure as well as that which abuts 1624 Lincoln Road, 1628 Lincoln Road and 1634 Lincoln Road.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the north/south alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the north/south alley to the abutting property owners, which is the standard manner of conveyance. This recommendation is dependent on the Public Works Operation Department restoring the Seneca Street curb cut.

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned RD2.2 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

The rate for an alley conveyed to abutting lands zoned MD1.1 and MD1.3 is assessed at \$7.00 per square foot without easements and \$3.50 per square foot with easements.

Consultations:

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

The Parks Department is not in support of the requested closure, as it will eliminate emergency and pedestrian access to Stodgell Park from Lincoln Road.

This pedestrian access poses public safety concerns due to limited sightlines from the public realm and absence of lighting.

Windsor Police through their comments has confirmed that the requested closure will not hinder their ability to respond to calls from Stodgell Park or the properties on Lincoln Road abutting the alley.

Notice of this application was issued to property owners abutting the alleys on April 29, 2022, which resulted in the correspondence found in **attached** hereto as **Appendix "G"**.

The correspondence includes concerns raised by the applicant and the owners of 1628 Lincoln Road, 1634 Lincoln Road and 1638 Lincoln Road. A high level overview of the concerns with select commentary from the Planning Department is included below:

1618 Lincoln Road

- Concerned with how the removal of the Seneca Street curb cut will affect their alley closure application.

1628 Lincoln Road

- Will eliminate pedestrian access to Stodgell Park from Lincoln Road.
- Unhappy that the Seneca Street curb cut was removed prior to a decision being made by Council on the requested alley closure.
- Will negatively impact property values.
- City has neglected to maintain its half of the alley for several years.
- Use the alley to access property to drop off groceries and to do work in the backyard.
 - The use of the alley for non-essential (not required by law) pedestrian access does not warrant excluding the abutting portion from the recommended closure.
- Concerns with the removal of the aforesaid chain link fence.
 - This matter has no bearing on the application.
 - The property owner has been advised to discuss their concerns with the Parks & Facilities Department.

1634 Lincoln Road

- Opposed to the requested closure, as it would create a one-way alley causing vehicles without a rear garage or driveway to back out of the alley. This in conjunction with the alleys narrow width and unmaintained state would create a dangerous situation.
- Use the alley for access.
 - The use of the alley for non-essential (not required by law) pedestrian access does not warrant excluding the abutting portion from the recommended closure.
- City should be maintaining their half of the alley.
- Requested closure will probably negatively impact property value.

1638 Lincoln Road

- Concerned that requested closure will eliminate access to rear garage, as the north/south alley from their property to Seneca Street is not maintained.
- Existing trees impede vehicles from backing out north of the garage, which is necessary to exit the alley onto Seneca Street.
 - There are trees that impede vehicles backing out south of the garage as well.
- Existing Multiple Dwelling (Seneca Apartments) at 1636 Seneca Street obstructs sightlines of vehicular operators exiting the north/south alley onto Seneca Street.

- The Transportation Planning Division did not identify any concerns with sightlines.
- Seneca Apartments have been in place for close to 100 years.
- Would like the entire alley to remain open.

The Planning Department is not recommending that the portion of the alley abutting this property be closed, as it serves as a means of vehicular access to a rear garage.

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

Conclusion:

The Planning Department recommends closure of the east/west alley and a portion of the north/south alley, shown on attached Appendix “A”, subject to easements in favour of Bell Canada, EnWin Utilities Ltd., Essex Terminal Railway Co. (if applicable) and MNSi, and the restoration of the Seneca Street curb cut as in Recommendation II of this report respectively.

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

Planning Act Matters:

N/A

Approvals:

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

Notifications:

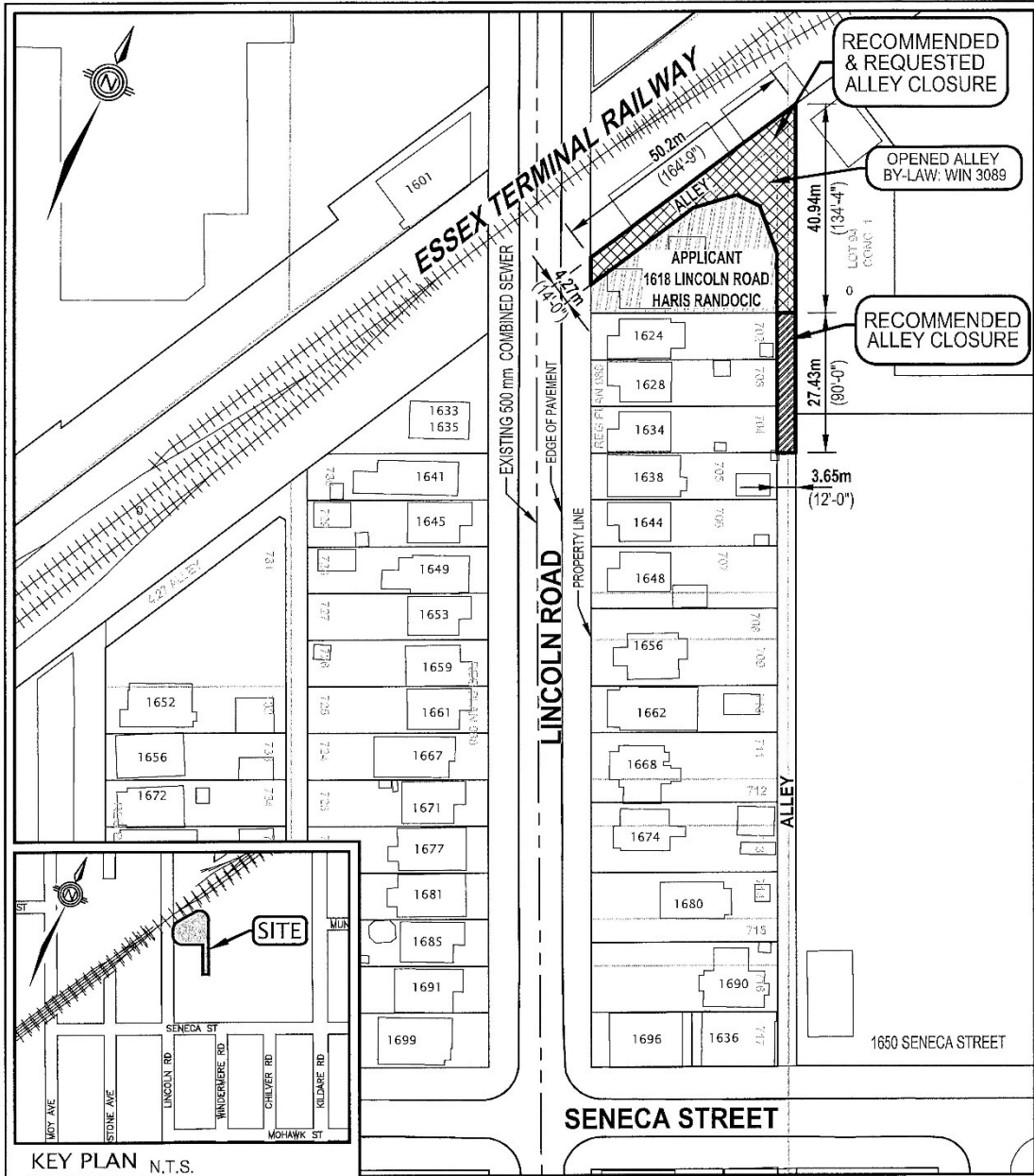
Name	Address	Email
Councillor Mark McKenzie	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	MMcKenzie@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

- 1 Appendix A - Drawing No. CC-1811
- 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 - EnWin Utilities Ltd. Aboveground Hydro Easement Diagram
- 7 Appendix G - Correspondence to Notice of Application

APPENDIX "A"

Drawing No. CC-1811



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT Proposed Partial Closure of North/South Alley and East/West Alley between Lincoln Rd & Kildare Rd, North of Seneca St & South of ETR				
Kirk Tamm, Manager of Geomatics	SCALE: 1:1000	DATE: MAY 2022	REVISED:	DWG. NO. CC-1811
	DWN BY: DB/GP	CHKD BY: PJU / MM	REVISION NO.:	

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6740)

1:1,000

APPLICANT : HARIS RADONCIC

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: DECEMBER, 2022



APPENDIX "C"**Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

No comments provided

CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No objection, however, upon closing, an easement named to ENWIN Utilities Ltd. is required for the entire east/west and north/south alley upon closing to accommodate existing overhead 347/600 volt and 120/240 volt hydro distribution.

[Steve Zambito, Senior Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

For lands conveyed to RD2.2, \$1 plus deed preparation and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. For lands abutting MD1.1 and MD1.3, \$7.00 per sq/ft without easements and \$3.50 per sq/ft with easements. For lands abutting GD1.1, to be retained for municipal purposes.

[Denise Wright, Lease Administrator]

MNSi

MNSi has plant on the pole line through this area as shown below we will require an Aerial Easement

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

Please note that Parks Design and Development is not in support to partially close N/S alley and close E/W Alley between Lincoln & Kildare; North of Seneca & South of Shepherd.

This closing will cut the live continues connection between the back ally and the Lincoln Rd from the Northwest corner. The existing Ally that parallel to the Stodgell Park will have a dead (closed) end and this is not preferred for any emergency situation or emergency access.

Also, closing such alley's end is limiting the pedestrian access to Stodgell Park from Lincoln Rd at the Northwest corner.

It's recommended to leave it as is and reject the proposed closing.

[Sherif Barsom, Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No comments provided

PUBLIC WORKS - ENGINEERING

The subject alley closure is approximately 4.27 (14 feet) wide and is composed of grass. There are no sewers, manholes or catch basins located in the proposed closure. There are wooden hydro poles, guy-wires, and overhead wires located in the alley. An easement will be required for utilities. The abutting property owners at 1618 Lincoln Road have a driveway permit in place to maintain the driveway approach to City Standard. The alley may be used as garage access for 1628, 1638 and 1662 Lincoln Road, however, the current closure application would only restrict alley access from the north. Alley access would remain from Seneca Street. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.

[Adam Pillon - Manager Right-of-Way]

PUBLIC WORKS - TRAFFIC

Alley is not required for pedestrian access. There are multiple garages and driveways that still use the alley way for access. Although it is a grass alley, it appears to be maintained and used. If the alley is closed as proposed, the south access to Seneca would need to remain accessible.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

No comments provided

TRANSPORTATION PLANNING

No objections to the proposed closure as shown. The alley should remain open from 1624 Lincoln Road to Seneca as some homes appear to still be using this alley.

[Shannon Deehan, Transportation Planner I]

TRANSIT WINDSOR

No comments provided

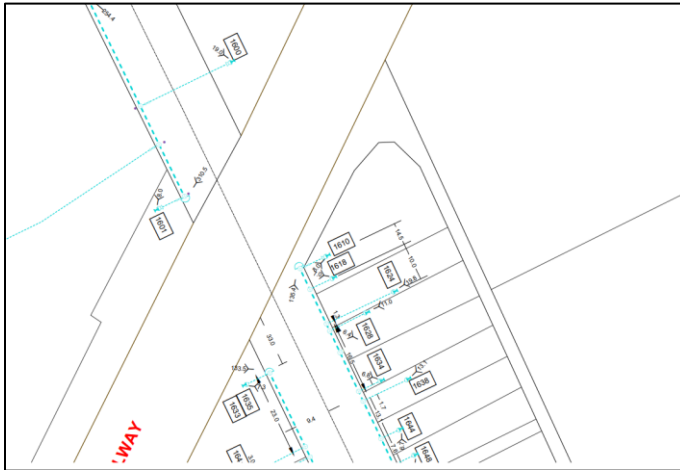
UNION GAS

After reviewing the provided drawing at 1618 Lincoln 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 Delloso, Drafter / Estimator]



WINDSOR FIRE

No comments provided

WINDSOR POLICE

Principally speaking, the Windsor Police Service has no objections with the closure of this uniquely shaped section of east/west and north/south alley. A physical site inspection was carried out on June 10th, 2022 to assess conditions. The space in question is a grassed area that is only marginally visible and currently accessible via the side yard space between 1618 Lincoln Road and the property next north. The rear side is enclosed with chain link fencing where the subject alley section abuts the large parking lot to the east. If this alley space is closed, it will not prevent the police from maintaining emergency response capability to incidents to abutting properties but the remaining side yard width facing Lincoln becomes the only realistic and convenient way patrolling officers can view into the space if suspicious activity was to be occurring.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX “D”
Site Photos (June 28, 2022 & November 3, 2022)

June 28, 2022



Figure 1 - Looking east towards east/west alley from Lincoln Road (1618 Lincoln Road on right)



Figure 2 - East/west alley looking east from west face of garage at 1618 Lincoln Road (right)



Figure 3 - East/west alley looking west towards Lincoln Road (1618 Lincoln Road on left)



Figure 4 - North/south alley looking south from junction with east/west alley



Figure 5 - North/south alley looking south (detached rear garage at 1628 Lincoln Road on right)



Figure 6 - North/south alley looking south (detached rear garage at 1638 Lincoln Road on right)



Figure 7 - North/south alley looking south (detached rear garage at 1662 Lincoln Road on right)



Figure 8 - Looking north towards north/south alley from Seneca Street



Figure 9 - North/south alley looking north (detached rear garage at 1662 Lincoln Road on left)



Figure 10 - North/south alley looking north from north limit of 1624 Lincoln Road (left)

November 3, 2022



Figure 11 - Looking north towards north/south alley from Seneca Street



Figure 12 - North/south alley looking north (1636 Seneca Street on left)



Figure 13 - North/south alley looking north (1690 Lincoln Road on left)



Figure 14 - North/south alley looking west towards rear driveway at 1668 Lincoln Road



Figure 15 - North/south alley looking north towards rear detached garage at 1662 Lincoln Road



Figure 16 - North/south alley looking north towards fence in state of disrepair at 1648 Lincoln Road



Figure 17 - North/south alley looking north (rear detached garage at 1638 Lincoln Road on left)



Figure 18 - North/south alley looking north towards rear detached garage at 1638 Lincoln Road



Figure 19 - North/south alley looking north (1638 Lincoln Road on left)



Figure 20 - North/south alley looking east towards access gate to Bell Canada facility



Figure 21 - North/south alley looking south (1624 Lincoln Road on right)



Figure 22 - North/south alley looking south (1634 Lincoln Road on right)



Figure 23 - North/south alley looking south (1648 Lincoln Road on right)



Figure 24 - North/south alley looking south (1656 Lincoln Road on right)



Figure 25 - North/south alley looking west towards 1636 Seneca Street

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:

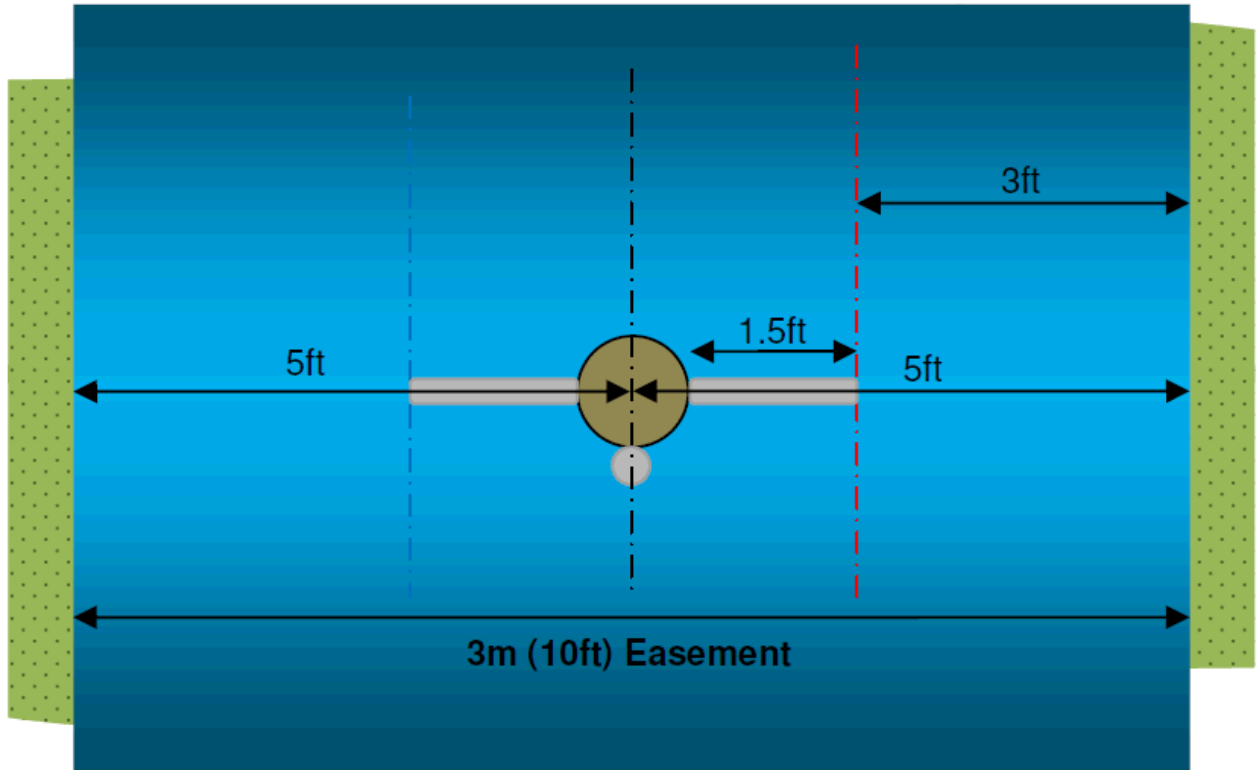
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means 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"
EnWin Utilities Ltd. Aboveground Hydro Easement Diagram



APPENDIX "G"
Correspondence to Notice of Application

1618 Lincoln Road

From: [REDACTED]
Sent: Tuesday, July 05, 2022 11:33 AM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: RE: SAA/6740 - 1618 Lincoln

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.

Yes , No more curb entrance on Seneca side.

That park that is there appears to have a new parking lot (Still in progress) on top of all construction on Corner of Seneca/Lincoln.

But I did hear that the garages that are there (newer builds) are illegal.

Thanks,

[REDACTED]

From: [REDACTED]
Sent: Tuesday, July 05, 2022 8:21 AM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Cc: [REDACTED]
Subject: RE: SAA/6740 - 1618 Lincoln

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Morning Meghan,

My [REDACTED] was there at time of photos.

But I noticed that a parking lot is being added at the play ground ,and the alley way curb approach(South alley Seneca road entrance) was removed and a new curb installed.(Alley has no approach curb).

Is this going to be a problem as we were looking at a partial closing next to 1618 property?

Let me know.

Or call me at 519-965-4928 anytime.

Thanks,

[REDACTED]

1628 Lincoln Road**From:** [REDACTED]**Sent:** Wednesday, August 3, 2022 4:17 PM**To:** Nagata, Brian <bnagata@citywindsor.ca>**Subject:** Re: Alley Closure Application SAA-6740 (North/South Alley between the Essex Terminal Railway and Seneca Street; East/West Alley between Lincoln Road and said Alley)

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.

Hello Mr. Brian Nagata,

Thank you for the update.

We find it rather interesting that The Parks & Facilities Department using their neglect to maintain the fence as an excuse for the removal of said fence. Yes, weed growth and trees growing into the fence caused problems but it has never been the residents' responsibility but the City's. As of now with the removal of the driveway from Seneca and the fence as well we are not sure that we can even talk about an alley as such for the most part since Stodgell Park now extends to the back of most of the properties on the block. It may improve the maintenance - we'll have to wait and see - but it also removed the privacy of people enjoying their backyard.

It should be noted that the only pedestrian traffic from the alley to the park is from the north entrance which the alley closure application intends to block. Pedestrian access from the alley to the park has nothing to do with the fence because the fence did not extend all the way to Bell Canada's property. People could access the park from the north walking through the part of the alley that's not bordering the park and enter the park before the fence started. So that has never been an issue however it will be if the application is aproved and the north entrance to the alley is closed as well.

You wrote in your previous letter that "the alley is NOT closed." Well it is de facto closed at Seneca. This fact on the ground contradicts your statement that "The closure of an alley requires the passing of a by-law(s) by Council." It's been over a month now and we still don't know who and why decided to remove the driveway from Seneca or when will it be restored. It seems somebody has more authority than you or Council in this matter.

We certainly hope that this problem get's resolved soon before somebody files a legal complaint.

Sincerely,

Karoly Biro

From: [REDACTED]
Sent: Monday, July 18, 2022 9:54 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: File No. SAA/6740

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Meghan Matthews,

I would really like to know why the alley was closed from Seneca and the fence separating the alley from the park ripped out without a single word of notice from the City of Windsor and zero input from the people living here? You have only notified the homeowners about an application to partially close the north end of the alley. There was no mention of closing the alley at the Seneca entrance. "The City will not erect fences, etc. to physically block off the alley/street/walkway." This is exactly what the City just did at Seneca!

This is not only outrageous but your attitude towards us living here is discriminatory. You are ignoring and downplaying the concerns and complaints of the residents when they write or call.

It appears you are trying to completely eliminate the alley by removing the boundary (fence) between the park and the properties located here. By closing off access from Seneca and pushing forward with the application (File No. SAA/6740) you are in fact denying homeowners access to the back of their properties.

The claim that it will not affect the property values is utter nonsense and it is clearly not supported by any facts on your part.

The City has neglected for decades to maintain the fence and its half of the alley by breaking its own BY-LAW NO. 3-2006/ Part 7 – Prohibition of Littering within the City of Windsor/ 7.3 Maintaining the Alley or Land: "Every owner or occupant of land in the City of Windsor shall keep and maintain that portion of the alley or land which abuts upon such land, up to the middle of the alley or lane, free and clear of weeds, ashes, paper, building material, rubbish and other refuse.(added By-law 126-2007, July 3, 2007)"

So the homeowners are only responsible for half of the alley the other half next to the fence is the City's responsibility.

I am very disappointed in the way this is being handled and the way you are treating us.

Sincerely,
[REDACTED]

From: Matthews, Meghan <MMatthews@citywindsor.ca>
Sent: Wednesday, July 6, 2022 3:17 PM

To: Matthews, Meghan <MMatthews@citywindsor.ca>

Subject: SAA/6740 || 1628 Summary

I received a call today from 1628 Lincoln. They were requesting an update to the file. I had advised them that the planner has done a field visit and will be working on a report in the future.

1628 has a garage in the rear of the property that faces the park. Their garage does have a fence around it, as noted in Brian's field visit. I inquired if they move the fence to park in their garage. They informed me that they currently do not use their garage to park in but they do use the alley to access their property to drop off groceries and to do work in their backyard, as they do not have a driveway.

They also informed me that today there was someone removing the fence that borders the Alley and Park. They inquired if the fence will be replaced and the worker informed them that they were told to remove the fence and to leave all trees. The worker is unsure if a new fence will be erected. The worker informed 1628 Lincoln to speak to Trevor Duquette. They left a message with Duquette requesting a call back.

1628 Lincoln also informed me that the curb cut to enter Seneca has been restored to a full curb. They can no longer access the alley through the Seneca entrance.

-Meghan

MEGHAN MATTHEWS | STREET & ALLEY LEGAL CLERK



Planning and Building Department

350 City Hall Square West | 210 | Windsor, ON | N9A 6S1

(519)-255-6543 ext. 6310 | Fax (519) 255-6544

www.citywindsor.ca

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

From: [REDACTED]

Sent: Sunday, May 8, 2022 10:44 PM

To: Matthews, Meghan <MMatthews@citywindsor.ca>

Subject: File No. SAA/6740

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

To whom it may concern,

Re: To partially close N/S alley and close E/W alley between Lincoln & Kildare; North of Seneca & South of Shepperd

We are strongly opposed to the idea of closing the alley as described in the letter dated April 29, 2022. We regularly use this route to access our garage and the back of our property.

This closure of the north access to the alley has no benefit to the people living in the area affected by this application. The alley is not maintained by the city so many times the alley is not driveable all the way through from Seneca due to overgrown bushes, vines and waist high grass. Closing off the alley from the north could make it next to impossible to access the garages that open to the alley especially during several days of raining. It would also negatively affect the value of properties and encourage illegal dumping of discarded furniture and other junk in the alley.

On a final note the applicant does not even reside at 1618 Lincoln so he has no concern how this closure would affect his neighbours.

Please keep us updated about the public meeting regarding this application.
Thank you.

Sincerely,

██████████
1628 Lincoln Rd.
██████████

1634 Lincoln Road

From: [REDACTED]
Sent: Tuesday, May 24, 2022 10:03 AM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: Closing alley - File No. SAA/6740

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Hello Meghan,

Yes, I use the alley for access. I would like to point out that the eastern side of the alley is bordering a park so it should be the city's responsibility to properly maintain that side. When they cut the grass in the park it would not take much effort, time and energy to cut the grass in the alley as well as it was done some time ago but not anymore.

[REDACTED]

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

From: [REDACTED]
Sent: Sunday, May 22, 2022 9:43 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Closing alley - File No. SAA/6740

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.

File No. SAA/6740

Re: To partially close N/S alley and close E/W alley between Lincoln & Kildare; North of Seneca & South of Shepherd

Hello,

I am opposed to the idea of closing the alley on the north side. The closure would create a one way alley where every vehicle entering would have to back out in reverse. The alley is very narrow and not maintained so this would create a dangerous situation. This would also probably negatively impact the value of my property.

It is a very bad idea that does not serve the interest of the people living in this neighborhood.

Sincerely,

[REDACTED]
1634 Lincoln Rd.

1638 Lincoln Road

From: Matthews, Meghan <MMatthews@citywindsor.ca>

Sent: Friday, May 13, 2022 2:20 PM

To: Matthews, Meghan <MMatthews@citywindsor.ca>

Subject: SAA/6740 - Homeowner objection

I spoke to [REDACTED] who is the homeowner of 1638 Lincoln. [REDACTED] has advised me that [REDACTED] has a garage that faces the alley. [REDACTED] uses it daily to park in. [REDACTED] does not have a driveway. [REDACTED] has children and believes it is safer for [REDACTED] to use [REDACTED] garage to unload [REDACTED] groceries and children than the street parking. [REDACTED] asked me how [REDACTED] would get out of the alley if the Lincoln entrance was closed, I advised [REDACTED] that [REDACTED] can exist out Seneca. [REDACTED] informed me that the Seneca entrance is often not properly maintained so it is difficult to exit. It is also hard to see past the 1636 Seneca to properly exit. [REDACTED] also informed me that if [REDACTED] enters Seneca and tries to exit Seneca there is a tree in the alley that makes it difficult to exit [REDACTED] garage towards Seneca.

[REDACTED] would like the whole alley to remain open.

-Meghan

MEGHAN MATTHEWS | STREET & ALLEY LEGAL CLERK



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