

Development & Heritage Standing Committee Meeting

Date: Monday, June 5, 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

Ward 10 – Councillor Jim Morrison (Chairperson)

Anthony Arbour

Joseph Fratangeli

Daniel Grenier

John Miller

Charles Pidgeon

Robert Polewski

Khassan Saka

William Tape

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 Potawatomi. 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 April 5, 2023 Development & Heritage Standing Committee (<i>Planning Act Matters</i>) (SCM 128/2023) |
| 5.2. | May 1, 2023 Development & Heritage Standing Committee Minutes (<i>Planning Act Matters</i>) (SCM 148/2023) |
| 6. | PRESENTATION DELEGATIONS (PLANNING ACT MATTERS) |
| 7. | PLANNING ACT MATTERS |
| 7.1. | Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3 (S 62/2023) |
| 7.2. | Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10 (S 56/2023) |

- 7.3. Zoning Z42-22 [ZNG/6937} - 1155 California Ave - Ward 2 **(S 54/2023)**
- 7.4. Housekeeping Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit additional dwelling units (City-wide) - File No. OPA 172 and Z16-23 **(S 64/2023)**
- 7.5. Zoning Bylaw Amendment Z 013-23 [ZNG-7000] - 1027458 Ontario Inc. - 0 Clover Avenue - SW Corner Clover & Wyandotte - Ward 7 **(S 65/2023)**
- 7.6. OPA & Rezoning – 1998308 Ontario Inc. – 0 Russell Street - OPA 168 OPA/6975 Z-007/23 ZNG/6974 – Ward 2 **(S 53/2023)**

8. **ADOPTION OF THE MINUTES**

- 8.1. Adoption of the Development & Heritage Standing Committee minutes held March 6, 2023 **(SCM 90/2023)**
- 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held April 5, 2023 **(SCM 127/2023)**
- 8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held May 1, 2023 **(SCM 136/2023)**

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

10. **HERITAGE ACT MATTERS**

- 10.1. 793 Devonshire Road, Bell-Coulter House - Heritage Permit & Community Heritage Fund Request (Ward 4) **(S 63/2023)**

11. **ADMINISTRATIVE ITEMS**

- 11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Fife Veterinary Professional Corp. for 816 Hanna Street East (Ward 4) **(S 51/2023)**
- 11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Dior Homes on behalf of Capital Plus Real Estate Corp. for 3841, 3843, and 3847 Howard Avenue (Ward 9) **(S 60/2023)**
- 11.3. Amendment to CR58/2021 for Closure of east/west alley between Matthew Brady Boulevard and east limit of 7730 St. Rose Avenue, Ward 6, SAA-5947 **(S 61/2023)**

- 11.4. Closure of north/south alley located between Algonquin Street and 1429 Randolph Avenue, Ward 10, SAA-7025 (**S 57/2023**)
- 11.5. Sandwich Town CIP Application, 3150 Peter Street; Owners South Rustico Holdings Inc. (c/o David Ly)-Ward 2 (**S 55/2023**)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**

Item No. 5.1



Committee Matters: SCM 128/2023

Subject: Minutes of the April 3, 2023 Development & Heritage Standing Committee (Planning Act Matters)

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

**Date: Wednesday April 5, 2023
Time: 4:30 pm**

Members Present:

Councillors

Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 – Councillor Kieran McKenzie
Ward 10 – Councillor Jim Morrison (Chairperson)

Councillor Regrets

Ward 1 – Councillor Fred Francis

Members

Member Anthony Arbour
Member Daniel Grenier
Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant
Pablo Golob, Planner II – Development Review

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Michael Cooke, Manager of Planning Policy / Deputy City Planner
Brian Nagata, Planner II – Development Review
Adam Szymczak, Planner III – Zoning
Jeff Hagan, Transportation Planning Senior Engineer
Shannon Mills, Technologist III
Clare Amicarelli, Transportation Planning Coordinator
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

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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

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the March 6, 2023 Development & Heritage Standing Committee Minutes (Planning Act Matters)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held March 6, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 101/2023

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6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS

7.1 Z-045/22 [ZNG/6943] – FG Residences Inc. 3565 Forest Glade Drive – Rezoning Ward 8

Brian Nagata (author), Planner II – presents item.

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

Sydney Bailey (agent), Dillon Consulting – available for questions.

Councillor Kieran McKenzie asks the Agents if they are in support of the recommendations in Appendix F and if they will add those items into the finalized plans. Ms. Bailey answers that they are in support of the recommendations and they plan to build those items into the detailed design stage as part of the Site Plan Control process.

Councillor Kieran McKenzie asks Mr. Nagata if it is common practice to review mitigating factors to make a determination if a project should move forward. Mr. Nagata answers that it is common practice to review all mitigating factors and adds that he also reviewed other developments in the area for comparison.

Councillor Kieran McKenzie asks Mr. Nagata where the ingress would be. Mr. Nagata answers that it would be off of Forest Glade Drive and Meadowbrook Lane.

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

Decision Number: **DHSC 489**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the northwest corner of Forest Glade Drive and Meadowbrook Lane, known municipally as 3565 Forest Glade Drive (legally described as Part of Lots 125 & 126, Concession 2; Parts 15 to 28, Reference Plan 12R-22621), and shown on Figure 2 herein, by deleting and replacing site specific provision Section 20(1)67 with the following:

67. NORTH SIDE OF FOREST GLADE DRIVE, BETWEEN LAUZON PARKWAY AND MEADOWBROOK LANE

- (1) For the lands comprising of Part of Lots 125 & 126, Concession 2, Parts 1 to 12, 30 & 31, Reference Plan 12R-22621, known municipally as 3575 Forest Glade Drive (PIN No.

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01381-0106 & Roll No. 070-740-00110) and 3585 Forest Glade Drive (PIN No. 01381-0104 & Roll No. 070-740-00120), a *Motor Vehicle Dealership* shall be an additional permitted use.

(2) For the lands comprising of Part of Lots 125 & 126, Concession 2; Parts 15 to 28, Reference Plan 12R-22621, known municipally as 3565 Forest Glade Drive (PIN No. 01381-0103 & Roll No. 070-740-00100), a *Multiple Dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Coverage - maximum 35.0% of lot area
- b) Main Building Height - minimum 4 storeys
- c) Main Building Height - maximum 30.0 m
- d) Accessory Building Height - maximum 5.50 m
- e) Building Setback from 0.30 m reserve abutting Forest Glade Drive 6.0 m
- f) Building Setback - minimum
 - i. From north interior lot line abutting 3181 Meadowbrook Lane (P.I.N. No. 01381-0094) 70.0 m
 - ii. From east interior lot line abutting 0 Forest Glade Drive (P.I.N. No. 01381-0051) 3.0 m
 - iii. From west interior lot line abutting 3575 Forest Glade Drive 13.0 m
- g) Landscaped Open Space Yard - minimum 25.0% of lot area
- h) Notwithstanding Section 24.40.1.5: Table 24.40.1.5, the required number of Loading Spaces for a Multiple Dwelling with a Gross Floor Area Over 15,000 m² to 22,500 m² shall be two (2).
- i) Notwithstanding Section .3 of Section 25.5.20.1: Table 25.5.20.1 - Parking Area Separation, the minimum separation from the north interior lot line abutting 3181 Meadowbrook Lane shall be a minimum of 3.00 metres.
- j) A minimum *Parking Area Separation* of 3.00 metres shall be provided between *Parking Space* rows, save and except a *Parking Space* row that is accessed from 3575 Forest Glade Drive.
- k) A *Parking Area*, *Parking Space* and *Loading Space* shall be prohibited from being located between a *Main Building* wall and Forest Glade Drive and a *Main Building* wall and the Meadowbrook Lane.
(ZDM 15; ZNG/6943)

II. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:

- a. Noise Study completed in accordance with the applicable policies set forth under sections 5.4.5 and 10.2.11 of the Official Plan to evaluate the potential impacts of noise associated with Forest Glade Drive, Lauzon Parkway and the Ford Motor Co. Windsor Engine Plant on the proposed Multiple Dwelling and recommend abatement measures where warranted to ensure that the indoor sound level limits set forth under

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the Ministry of the Environment, Conservation and Parks' *Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)* document are met.

- b. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendment to the Zoning By-law 8600 to reflect the site plan for which approval is being sought.

III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:

- a. Centralized mail facility for Canada Post.
- b. Mitigation measures identified in the aforesaid Noise Study (if applicable), subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
- c. Servicing and right-of-way requirements of the City of Windsor - Engineering Department - Right-of-Way Division contained in Appendix F of this report and measures identified in the Sanitary Servicing Memo prepared by Dillon Consulting and dated November 11, 2022, subject to the approval of the City Engineer and the Essex Region Conservation Authority.
- d. Transportation requirements of the City of Windsor Transportation Planning Division contained in Appendix F of this report and measures identified in the Transportation Impact Study prepared by Dillon Consulting Limited and dated December 16, 2022, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer.
- e. Urban Design requirements based on comments from the Landscape Architect contained in Appendix F of this report.

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

- a. Comments from the Asset Planning Department contained in Appendix F of this report.
- b. Comments from the Essex Region Conservation Authority contained in Appendix F of this report.
- c. Environmental Evaluation Report based on comments from the Landscape Architect contained in Appendix F of this report.

Carried.

Report Number: S 29/2023

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Clerk's File: Z/14530

7.2 Z-035/22 [ZNG/6871] – 100023127 Ontario Inc. 1985 Westcott Road & 3740-3790 Tecumseh Road East – Rezoning Ward 5

Pablo Golob (author) – Planner II – presents item.

Marianne Dean (area resident) – 1977 Westcott Rd. – has concerns with parking, noise, light and air pollution and safety issues.

Joel Gerber (architect) – Joel Gerber Architect – is available for questions. Mr. Gerber states that he is willing to not put up a screening fence abutting the alley if it is recommended.

Selina Leung (architect) – available for questions.

Councillor McKenzie asks Mr. Gerber to address the parking capacity on the site. Mr. Gerber answers that it was a recommendation by the Planning Department.

Councillor McKenzie asks Mr. Golob to address the parking capacity recommendation. Mr. Golob answers that Administration considered the balance of policies between parking requirements and proposed enhancements to the site. In order to address Administration's concerns for non-compliant parking areas and pedestrian safety, the recommendation was made.

Councillor McKenzie asks Mr. Golob if there is sufficient parking capacity along Westcott Rd. in order to accommodate the residents. Mr. Golob answers that based on the elements of Transit and employment centres in close proximity and the proposed bicycle parking, the proposed parking reduction was justified.

Councillor McKenzie asks Mr. Golob to speak about the fence concern. Mr. Golob states that a 3-foot screening fence is required per zoning by-law provisions.

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

Decision Number: **DHSC 490**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 426 & E Pt Lot 425, Registered Plan 1071; Pt Lots 365 to 367, Registered Plan 961 (known municipally as 1985 Westcott Road & 3740-3790 Tecumseh Road East; Roll No. 010-370-15900-0000), by adding a site specific provision to Section 20(1) as follows:

4XX. NORTHWEST CORNER OF TECUMSEH RD. E. AND WESTCOTT ROAD

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For the lands comprising of Lot 426 & E Pt Lot 425, Registered Plan 1071; Pt Lots 365 to 367, Registered Plan 961, a *Multiple-Dwelling* with a maximum of 24 *dwelling units* shall be permitted in addition to the following site specific provisions:

- | | |
|--|------------------|
| a) Parking Area Separation from a building wall containing a habitable room window | Minimum – 1.53 m |
| b) Parking Area Separation from an Alley | Minimum – 0.0 m |
| c) Parking Aisle Width | Minimum – 5.50 m |
| d) Required Number of Parking Spaces | Minimum – 8 |
| e) Required Number of Visitor Parking Spaces | Minimum – 0 |

[ZDM11; ZNG/6871]

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

- To incorporate the Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division in Appendix D to Report S 34/2023 into an approved site plan and executed and registered site plan agreement.
- To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 34/2023.

Carried.

Report Number: S 34/2023
Clerk's File: Z/14488

7.3 Z-014/22 [ZNG/6736] & OPA 157 [OPA/6737] – University Residential Land Corp. 0 Huron Church Road – Rezoning Ward 2

Pablo Golob (author) – Planner II – presents item.

Terry Kennedy (area resident) – Westcott Rd. – has various concerns with the proposed development.

David French (agent) – Storey Samways Planning Ltd. – is available for questions.

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Councillor Marignani asks about the water mitigation concerns regarding the subterranean water streams. Mr. Golob answers that from the studies that were provided there were no concerns and that detail design would be looked at in the Site Plan Control stage.

Councillor Kieran McKenzie asks Mr. French about the TIS study and raises concerns with the impact of traffic on surrounding roads. Mr. French answers that the report provided has an Additional Memo that requires an access agreement through the University Plaza. Mr. French adds that the agreement is forthcoming. Mr. Pablo adds that the secondary access onto Tecumseh Rd. is critical and is recommending a Holding symbol be put in place until the agreement is complete prior to Site Plan approval.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 491**

1. THAT Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Pt Lot 63 & 64, Concession 1, being Parts 1 & 2, Plan 12R-14334, known municipally as 0 Huron Church Road (Roll No. 050-370-15400), situated on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West.
2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
 - 1.X East side of Huron Church Road, situated immediately northeast of the corner of Huron Church Road and Tecumseh Road West (0 Huron Church Road);
 - 1.X.1 The property described as Pt Lot 63 & 64, Concession 1, being Parts 1 & 2, Plan 12R-14334, known municipally as 0 Huron Church Road (Roll No. 050-370-15400), situated on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West, is designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;
 - 1.X.2 Notwithstanding the "Mixed Use Node" designation of the subject land on Schedule D: Land Use in Volume I: The Primary Plan, residential uses in excess of four stories in height shall be permitted;
 - 1.X.3 Notwithstanding Section 7.2.6.4(b)(iv) in Volume I – The Primary Plan, two direct right-in / right-out vehicular access points to Huron Church Road shall be permitted.
3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Pt Lot 63 & 64, Concession 1, being Parts 1 & 2, Plan 12R-14334, known municipally as 0 Huron Church Road (Roll No. 050-370-15400), situated on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West, by adding site specific exceptions to Section 20(1) as follows:

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4XX. EAST SIDE OF HURON CHURCH ROAD, SITUATED IMMEDIATELY NORTHEAST OF THE CORNER OF HURON CHURCH ROAD AND TECUMSEH ROAD WEST

For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334, known municipally as 0 Huron Church Road:

- a) A *Combined Use Building* and *Multiple Dwelling* shall be additional permitted uses.
- b) Notwithstanding Section 24.20.5.1, for a *Combined Use Building – Dwelling Units*, or *Multiple Dwelling containing a minimum of 5 Dwelling Units*, a *Parking Rate* of 1.15 parking space for each *dwelling unit* shall be permitted.
- c) Notwithstanding Section 24.40.1.3, for a *Combined Use Building* with 9 or more *dwelling units*, the total number of required *loading spaces* shall be 2
- d) Notwithstanding Section 24.40.1.5, for a *Multiple Dwelling* with 9 or more *dwelling units*, the total number of required *loading spaces* shall be 2

4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334, known municipally as 0 Huron Church Road, identified as Parcel “A”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 46.0 m

4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel “B”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 37.0 m

4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel “C”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 34.0 m

4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel “D”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 28.0 m

[ZDM 4; ZNG/6736]

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4. THAT, at the discretion of the City Planner, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:
- a) Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought;
 - b) Detailed tree survey to the satisfaction of the City Forester;
 - c) Detailed Landscape Plan to the satisfaction of the Landscape Architect;
 - d) Archaeological Assessment – Entered Into Register verification letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, to the satisfaction of the Heritage Planner.
5. THAT the Site Plan Approval Officer **BE DIRECTED**:
- a) To incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
 - 1) Noise mitigation measures identified in Section 5 of the Acoustical Report, prepared by Baird AE and dated February 24, 2023, subject to the approval of the City Planner;
 - 2) Measures identified in the Stormwater Management and Sanitary Sewer Study prepared by Baird AE and dated March 29, 2022, subject to the approval of the City Planner and City Engineer;
 - 3) Transportation Impact Study requirements of the City of Windsor Transportation Planning Division, contained in Appendix E of this report, and measures identified in Section 6 of the Traffic Impact Study prepared by Baird AE and dated February 24, 2023, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer;
 - 4) Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix F of this report, including an easement for access across the abutting lands to the south, subject to the approval of the City Engineer
 - b) To review and consider the comments from municipal departments and external agencies in Appendix E to Report S 35/2023.
6. THAT Zoning By-law 8600 **BE AMENDED** by placing an “H” holding symbol on the subject parcel that shall be removed when the following conditions have been satisfied:
- a) The owner submits an application to remove the “H” holding symbol;
 - b) The owner registers an access agreement on title of the subject lands and the commercial plaza property for the provision of access easements across the abutting commercial plaza to the south for the benefit of the subject lands, to the satisfaction of the City Planner. [ZDM 4; ZNG/6736]

Carried.

Report Number: S 35/2023

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Clerk's File: Z/10891

7.4 Z-038/22 [ZNG/6900] – Lusi Lorini 921 Ellrose Avenue – Rezoning Ward 5

Adam Szymczak (author) – Planner III – is available for questions.

Mario Lorini (applicant) – is available for questions.

Paul Bezaire (agent) – is available for questions.

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

Decision Number: **DHSC 492**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 64, Registered Plan 531 (known municipally as 921 Ellrose Avenue; Roll No. 010-030-02400), situated on the west side of Ellrose Avenue, south of Ontario Street, changing the zoning by adding a site specific exception to Section 20(1) as follows:

458. **WEST SIDE OF ELLROSE AVENUE, SOUTH OF ONTARIO STREET**

For the lands comprising of Lot 64, Registered Plan 531, one *duplex dwelling* shall be an additional permitted use and a *duplex dwelling* or a *single unit dwelling* shall be subject to the appropriate provisions in Section 10.2.5 and the following additional provisions:

- | | |
|-----------------------------|----------------------|
| a) Lot Width – minimum | 9.0 m |
| b) Lot Area – minimum | 270.0 m ² |
| c) Parking Spaces – minimum | 1 |
- [ZDM 10; ZNG/6900]

Carried.

Report Number: S 140/2022
Clerk's File: Z/14507

7.5 Z-011/23 [ZNG/6993] – JBM Capital Inc. 2601 Lauzon Parkway – Rezoning Ward 8

Adam Szymczak (author) – Planner III – is available for questions.

Paul Bezaire (agent) – available for questions.

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Moved by: Councillor Angelo Marignani
Seconded by: Member Robert Polewski

Decision Number: **DHSC 493**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Farm Lot 124, Concession 2, designated as Part Block A, Registered Plan 1644, Parts 5 & 6 Plan 12R-10031 and Parts 3 to 5, Plan 12R-27242 (part of municipal address 2601 Lauzon Parkway; Roll No. 070-670-56925), situated on the east side of Enterprise Way, north of Hawthorne Drive, changing the zoning by deleting and replacing Section 20(1)448 as follows:

448. EAST SIDE OF ENTERPRISE WAY, NORTH OF HAWTHORNE DRIVE

For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 3 and Part 4 on Reference Plan 12R27242, the following additional provisions shall apply:

1. For a *multiple dwelling*, Section 20(1)97(i) shall not apply to a *multiple dwelling*; and the minimum front yard depth shall be 6.0 m.
2. A *townhome dwelling* shall be an additional permitted use and the following additional provisions shall apply to a *townhome dwelling*:
 - a) Sections 12.2.5.8, 12.2.5.13, and 20(1)97 shall not apply
 - b) Lot Frontage – minimum 20.0 m
 - c) Lot Area – per dwelling unit – minimum 200.0 m²
 - d) Lot Coverage – maximum 45.0%
 - e) Main Building Height – maximum 18.0 m
 - f) Building Setback from any *lot line* - minimum 6.0 m

[ZDM 15; ZNG/6660; ZNG/6993]

2. THAT a Transportation Impact Statement and Servicing Study **BE SUBMITTED** by the applicant, along with any other required support studies, at Site Plan Control; and,

3. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, if required, in the site plan approval and site plan agreement for the proposed development:
- (a) Easement requests from Utility Companies, as noted in Appendix D to report S 77/2022;
 - (b) Enbridge Gas minimum separation requirements, as noted in Appendix D to report S 77/2022;
 - (c) Reciprocal Access and Services Agreement;
 - (d) Parkland Conveyance; and
 - (e) Record of Site Condition.

Carried.

Report Number: S 36/2023
Clerk's File: Z/14545

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8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:48pm

Ward 10 – Councillor Jim Morrison
(Chairperson)

Thom Hunt
(Secretary)

Item No. 5.2



Committee Matters: SCM 148/2023

**Subject: May 1, 2023 Development & Heritage Standing Committee Minutes
(Planning Act Matters)**

Development & Heritage Standing Committee Minutes

Date: Monday, May 1, 2023
Time: 4:30 o'clock p.m.

Members Present:

Councillors

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

Members

Member Anthony Arbour
Member Joseph Fratangeli
Member Daniel Grenier
Member Charles Pidgeon
Member Robert Polewski
Member William Tape

Member Regrets

Member John Miller
Member Khassan Saka

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Thom Hunt, City Planner
Neil Robertson, Manager Urban Design / Deputy City Planner
Jim Abbs, Senior Planner - Subdivisions

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Development & Heritage Standing Committee Monday, May 2, 2023

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Kevin Alexander, Planner III – Special Projects
Laura Strahl, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development
Kristina Tang, Heritage Planner
Brian Nagata, Planner II – Development Review
Rob Perissinotti, Development Engineer
Clare Amicarelli, Transportation Planning Coordinator
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations – participating via video conference

Item 7.1 – Jack Ramieri, Solicitor for the applicant
Item 7.1 – Randy Saccucci, applicant
Item 7.2 – John Atwan, applicant
Item 7.3 – John Atwan, applicant
Item 11.3 – Sital Singh Garha, applicant

Delegations – participating in person

Item 7.5 – Jackie Lassaline, Principal Planner
Item 7.5 – Stan Mancebo, applicant
Item 7.5 – Stuart Miller, Architect
Item 7.6 – Jackie Lassaline, Principal Planner
Item 10.1 – Ryan Solcz, Solicitor for the applicant
Item 10.1 – Allan Djordjevic, applicant
Item 11.1 – Hayyan Al Hemsy, Ward 4 resident
Item 11.2 – AJ Alrifai, representing the owner

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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

10.1. 436 Askin Avenue - Heritage Permit Request (Ward 2)

Helen Martin, Ward 2 resident has requested a deferral of this matter to a future meeting of the Development & Heritage Standing Committee to allow for her and her neighbours to be in attendance.

Ryan Solcz, solicitor for applicant

Ryan Solcz, solicitor for the applicant appears before the Development & Heritage Standing Committee Meeting regarding the request for deferral of the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and provides comments related to the deferral request and his opposition to the request. Mr. Solcz indicates that his client would withdraw the waiver of the 90 day requirement to hear the application under the *Heritage Act* if the matter is deferred today.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

None presented.

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6. PRESENTATION DELEGATIONS (*PLANNING ACT MATTERS*)

7. *PLANNING ACT MATTERS*

7.1. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act –CDM 001-23 [CDM6972] 781 Erie Inc. (Randy Saccucci) 781 Erie St – Ward 4

Jim Abbs, Planner (author) is available for questions.

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

Decision Number: **DHSC 499**

THAT the application of 781 Erie Inc. for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 12 dwelling units and 1 commercial unit, as shown on the attached Map No. CDM-001/23-1 and CDM-001/23-2 on a parcel legally described as; Lots 249 and 250, Registered Plan 360; City of Windsor; located at 781 Erie Street East **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 42/2023
Clerk's File: Z/14557

7.2. Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4

Jim Abbs, Planner (author) is available for questions.
John Atwan, Applicant is available for questions.

Moved by: Councillor Kieran McKenzie
Seconded by: Member Daniel Grenier

Decision Number: **DHSC 500**

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:
468. **East Side of Lincoln Avenue, South of Ottawa Street**

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For the lands comprising of Lot 11, Plan 628, One Multiple Dwelling containing a maximum of three dwelling units on the subject parcel shall be an additional permitted use, and the following site specific regulations shall apply:

Lot Width – as existing

Lot Area – as existing

(ZDM 7; ZNG/6832)

Carried.

Report Number: S 49/2023

Clerk's File: Z/14540

7.3. Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5

Jim Abbs, Planner (author) is available for questions.

John Atwan, Applicant is available for questions.

Moved by: Councillor Angelo Marignani

Seconded by: Member Robert Polewski

Decision Number: **DHSC 501**

- I. **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, from Residential District 1.2 (RD1.2) to Residential District (RD) 2.1;
- II. **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **West Side of Pillette Avenue, South of Rose Street**

For the lands comprising of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, the following site specific regulations shall apply:

Maximum Gross Floor Area– 470 m²

(ZDM 11; ZNG/6951)

Carried.

Report Number: S 50/2023

Clerk's File: Z/14542

7.4. City Initiated Zoning By-law Amendment - Remove Maximum Gross Floor Area - main Building Provisions for Townhome Dwellings in RD2.3 Zone

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Development & Heritage Standing Committee Monday, May 2, 2023

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Laura Strahl, Planner (author) – presents item.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 502**

- I. THAT Zoning By-law 8600 **BE AMENDED** by deleting the Gross Floor Area – main building maximum of 400 m² for Townhome Dwelling in section 11.3.5.8.

Carried.

Report Number: S 48/2023

Clerk's File: Z2023

7.5. Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3

Laura Strahl, Planner (author) – presents item.

Jackie Lassaline, Agent – presents item.

Stan Mancebo, Applicant – available for questions.

Stuart Miller, Architect – available for questions.

Moved by: Councillor Angelo Marignani

Seconded by: Member Daniel Grenier

Decision Number: **DHSC 503**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500) situated on the north side of Wyandotte Street West between Crawford Avenue and Oak Street by adding the following site specific exception to Section 20(1):

“469. NORTH SIDE OF WYANDOTTE STREET WEST, BETWEEN CRAWFORD AVENUE AND OAK STREET

For the lands comprising Part Lot 3, Registered Plan 420, a *dwelling* with a maximum of 3 *dwelling units* within an *existing building* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Section 15.2.5.9 shall not apply
- b) Section 15.2.5.15 shall not apply
- c) Section 24.20.5 shall not apply
- d) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are a requirement of building permit issuance:
 - 1) The following buildings components shall have a Minimum STC Rating as indicated:
 - Exterior Wall – 27
 - Window – 21 (operable thick double/triple paned)

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Window – 24 (sealed thick double glazed)

2) Installation of Central Air Conditioning
[ZDM 3; ZNG/6864]

- II. **THAT** Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500), **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning). The Class 4 area classification applies to new noise sensitive residential units created after the subject site has been rezoned.
- III. **THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification for the subject lands that incorporates noise mitigation measures to BASF Canada Inc.
- IV. **THAT** the owner of the property **BE DIRECTED** to include the following Warning Clauses from NCP-300 in future offers to Purchase, and agreements of Purchase or Sale or Lease:
 - (a) Type D: This dwelling unit has been equipped with central air conditioning in order to allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units are to be installed in a noise insensitive area.
 - (b) Type E: Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.
 - (a) Essex Terminal Railway and Canadian Pacific Railway Company, or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). ETR and CP will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

Carried.

Report Number: S 47/2023
Clerk's File: Z/14487

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7.6. Official Plan Amendment and Zoning By-law Amendment –2836369 Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044 [ZNG-6941] & OPA 165 [OPA-6942], Ward 3

Laura Strahl, Planner (author) – presents item.

Jackie Lassaline, Agent – presents item.

Moved by: Councillor Kieran McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 504**

- I. THAT Schedule A: Planning Districts and Policy Areas of the City of Windsor Official Plan, Volume I **BE AMENDED** by identifying the property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated between Ouellette Avenue and Pelissier Street, between Wyandotte Street West and Elliot Street as a Special Policy Area.
- II. THAT Volume 2, Part 1:Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
 - 1.X West side of Ouellette Avenue between Wyandotte Street West and Elliot Street
 - 1.X.1 The property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street and Elliot Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
 - 1.X.2 Notwithstanding the policy in section 6.9.2.2 (a) and 6.11.4.2 (f) of the Official Plan, Volume I, residential uses are permitted at and below grade of the existing dwelling subject to obtaining a Building Permit.
- III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street West and Elliot Street by adding the following site-specific exceptions to Section 20(1):

“470 WEST SIDE OF OUELLETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ELLIOT STREET

1. For lands comprising Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 the *existing building* may containing a maximum of two live-work units on the ground floor, and maximum of six *dwelling units* in the balance of the building, shall be an additional permitted use and shall be subject to the following additional provisions:

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- a) 'Live-work unit' is a non-residential *use* which contains a *dwelling unit* occupied by the same owner/occupant as the non-residential use. The following additional provisions apply to live-work units:
 - i. Live-work units shall only be permitted on the ground floor.
 - ii. The non-residential *use* and *dwelling unit* shall have separate street entrances. The entrance to the non-residential *use* must be along Ouellette Avenue.
 - iii. The following non-residential uses are permitted: *Business Office, Personal Service Shop, or Professional Studio*.
- b) *Dwelling units* are permitted in the *basement or cellar* of the *existing building*, subject to obtaining a Building Permit.

[ZDM 3; ZNG/6941]";

Carried.

Report Number: S 44/2023
Clerk's File: Z/14529 & Z/14528

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:45pm.

Ward 10 - Councillor Jim Morrisson
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Subject: Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3

Reference:

Date to Council: June 5, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: May 12, 2023
Clerk's File #: Z/14543

To: Mayor and Members of City Council

Recommendation:

I THAT the application of Ryan Michael Solcz Prof. Corp for approval of a Plan of Condominium to permit the conversion of a four-storey office building to a condominium tenure with 10 dwelling units (3rd and 4th floors), 2 commercial units (1st and 2nd floors), 31 underground parking units and 21 surface parking units, as shown on the attached Map Nos. CDM-004/22-1, CDM-004/22-2 & CDM-004/22-3, for a property legally described as Pt Lots 14 to 17 (incl.), Block 9, Plan 358, City of Windsor, known municipally as 1500 Ouellette Avenue, **BE APPROVED** subject to the following:

- A. The Owner(s) shall enter into a condominium agreement to provide for the following together with all items contained in the Consultation section of this report;
- B. The draft plan approval shall lapse on _____ (3 years from the date of approval);
- C. The Owner(s) shall agree to comply with and remedy all site/building defects and deficiencies, including submission of applicable certificates, as contained in the:
 - 1. Structural Integrity Report dated November 2022, prepared by Haddad, Morgan and Associates Ltd., with all corrections and improvements to be cleared as completed by a Professional Engineer or Professional Architect retained by the owner;
- D. Upon completion of the interior renovation work under Permit No. 2022 127256 000 00 authorizing residential uses on the 3rd & 4th floor, the Owner(s) shall agree to remedy any site and/or building defects and deficiencies as noted in the

1. Building Department's Work Order at final inspection. All corrections and improvements shall be to the satisfaction of the City's Chief Building Official;
 2. Fire & Rescue's Inspection Report. All corrections and improvements shall be to the satisfaction of the City's Fire Chief.
- E. The Owner(s) shall agree to comply with, and address, any requirements identified in the Building Department's comments of March 7, 2023, as included in Appendix "A" of this report and, as indicated below, to the satisfaction of the City's Chief Building Official:
1. Asphalt pavement of the above grade parking area
 - Remove deteriorated asphalt pavement, implement top and soffit concrete delamination repairs and install new water proofing membrane before reinstatement of the asphalt pavement.
 2. Basement level overhead door trench cover is deteriorated
 - Replace basement overhead door trench cover.
 3. Some localized cracking in the exterior EIFS system and concrete block above the overhead door in basement level on west wall
 - Repair cracks in the exterior EFIS system cladding along with the crack in the west wall concrete block wall.
- F. The Owner(s) shall agree to comply with, and address, any requirements identified in the Public Works Department – Engineering Development, Projects & Right-of-Way, comments dated March 14, 2023 (in Appendix "A"), as indicated below, to the satisfaction of the City Engineer or designate:
1. Installation of a Sanitary Sampling Manhole at the property line of the subject land, accessible to the City Engineer; and
 2. Gratuitously convey a 6.1 m x 6.1 m corner cut-off at the intersection of Ouellette Avenue and Shepherd Street East, prior to final condominium approval, in accordance with City of Windsor Standard Drawing AS-230;
- G. The Owner(s) shall agree to remedy all safety and security deficiencies identified in the Windsor Police Services' comments dated March 6, 2023 (in Appendix "A"), as indicated below, to the satisfaction of the Director of Planning & Physical Resources, Windsor Police Services.
1. Confirm that exterior doors have locks installed on them that are of higher security and cannot be easily duplicated (for example MEDECO or PRIMUS), to establish proper building entry security for all tenants.
 2. Reduce the garage door delay to be no more than approximately 10 – 15 seconds, allowing adequate time for vehicle passage yet limiting ease of illegal entry capability. Furthermore, educate ALL underground parking garage users to remain within view of the door each time they enter and exit before leaving the site or proceeding to their parking space, to visually confirm nobody has entered inappropriately.

3. Remove the graffiti tag on the sign situated at the vehicular entrance to the property off Dufferin Place (east side) identifying the site as "Private Parking", as such markings portray disorder that reduces feelings of safety for users.
 4. Install a one-way viewing port within the entry door for each of the residential units, to allow residents to quickly view visitors prior to opening their door.
 5. Secure the undesignated exterior space on the east side of the building that is visually shrouded and discreetly positioned to ensure trespassers cannot easily gain access and then remain for undefined periods. Among measures to achieve this would be fencing the space in, using a fence type that still allows visibility, and installing motion-activated floodlights that will quickly detect and deter access by trespassers.
 6. Confirm there is adequate lighting for all exterior areas and the underground parking garage by completing the following:
 - (a) Illuminate the exterior surface parking spaces to a minimum lighting level of at least 1.50 foot-candles, using full cut off style lighting (to eliminate glare) in order to establish and maintain conditions that will promote and sustain feelings of safety for users. LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential. In this regard, fixtures should possess colour temperatures of 4000 degrees Kelvin (4000K), with a corresponding minimum colour rendering index (CRI) value of 70;
 - (b) Provide illumination levels of at least 4.5 foot-candles for the exterior common entry points to the building (front and side/back doors) to optimize safe conditions; also, provide a minimum level of at least 3.5 foot-candles at the overhead door leading into the underground parking garage;
 - (c) Provide a minimum illumination level of at least 2.5 foot-candles for the underground parking garage;
 - (d) Illuminate any abutting walkways/sidewalks on site with, at least, 1.80 foot-candles;
 - (e) Submit a photometric plan showing all anticipated lighting improvements for approval by Windsor Police Director of Planning and the City's Landscape Architect prior to corrective works being implemented.
- H. The owner shall agree to address the requirements identified in the comments from the Corporation's Landscape Architect's March 9, 2023 comments (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Landscape Architect:
1. The Owner is to remove one permanent ground sign to comply with Sign Bylaw section 6.6.3.
 2. The Owner is to apply for a variance to the Sign Bylaw where the remaining sign does not comply with the Regulations for Group 2 Permanent Ground Signs in section 6.6.
 3. If the business directory sign is to be retained, then in addition to a variance, the Owner will require an Encroachment Agreement with the City for this sign.

4. Provide a total Outdoor Lighting Photometric Plan and Manufacturers' Product Data Sheets for each light fixture proposed verifying 'Full Cut Off' (night sky Friendly), prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, for review to the satisfaction of the City's Landscape Architect in consultation with Police Services prior to issuance of Approval, with the following minimum and maximum illumination levels measured in foot-candles (Fc):
 - a. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
 - b. walkways 0.5 min./2.0 max. (1.2 optimal),
 - c. building entrances 3.5 min./8.0 max. (4.5 optimal),
 - d. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).
 5. Provide Full cut-off lighting (per CR 228/2005) with lens parallel to the ground, not tilted. As situated, the existing light fixtures create glare to dwelling units of neighbouring building(s) and passing traffic both vehicular and pedestrian in nature.
 6. Parkland Conveyance in accordance with s.42 of the Planning Act.
- I. The owner shall agree to address the requirements identified in the April 5, 2023 comments from the Corporation's Diversity & Accessibility Officer (in Appendix 'A'), as indicated below, to the satisfaction of the Corporation's Chief Building Official and the Diversity and Accessibility Officer:
1. Require at minimum 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one should be off one of the primary parking areas.
 2. Every barrier-free entrance shall be equipped with an accessible power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code. The main entrance had this already installed and in working order so please ensure the other barrier-free entrance also has this.
 3. If there are steps at a barrier free entrance a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.
 4. If a *barrier-free* entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the *floor area* shall be equipped with a power door operator.
 5. There shall be signage placed at any non-accessible entrances that directs persons to a barrier free entrance.
 6. Accessible Parking and Access Aisles shall also be provided in accordance with the Diversity & Accessibility Officer's comments found in Appendix A attached to this report. The number and type of accessible parking spaces is to be calculated separately for each off-street parking facility. The accessible spaces may be distributed among the off-street parking facilities to provide equivalent or greater accessibility in terms of distance to an accessible entrance or user convenience.
- J. The Owner(s) shall agree to comply with 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, and in effect for buildings and complexes with a common lobby, common indoor or sheltered space, in a form satisfactory to Canada Post Corporation;

- K. The Owner(s) shall agree to comply with Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final condominium approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge Gas Inc.;
- L. The Owner(s) shall agree to comply with the following conditions of approval to the satisfaction of Bell Canada:
1. The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.
 2. The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.

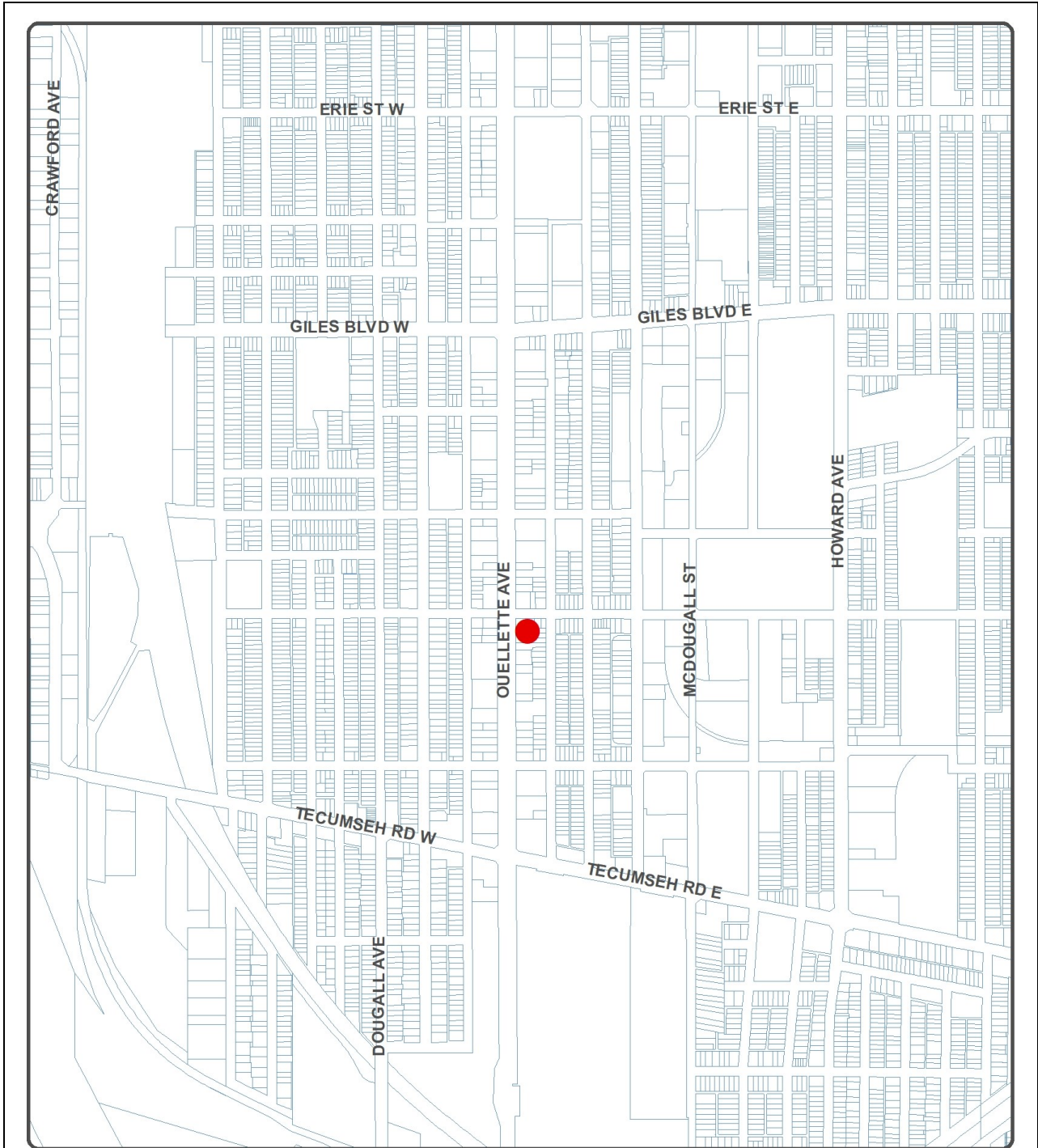
II THAT the Final Approval of the Plan of Condominium **SHALL NOT** be considered until all of the required works or undertakings identified in "Recommendation I of this report have been completed to the satisfaction of the respective agencies and departments, and a Condominium Agreement has been registered against the subject lands.

Executive Summary:

N/A

Background:

KEY MAP



KEY MAP - CDM-004/22, CDM-6939

 SUBJECT LANDS



APPLICATION INFORMATION:

LOCATION: South side of Shepherd Street between Ouellette Avenue and Dufferin Place, known municipally as 1500 Ouellette Avenue.

WARD: 3

PLANNING DISTRICT: SOUTH CENTRAL

ZDM: 7

APPLICANT: Ryan Michael Solcz Pro. Corp (c/o Ryan Michael Solcz)

AUTHORIZED AGENT: SAME AS APPLICANT

REGISTERED OWNER: 6274444 Ontario Ltd. (c/o Michael Cervi)

ONTARIO LAND SURVEYOR: VERHAEGEN LAND SURVEYORS (c/o ROY SIMONE)

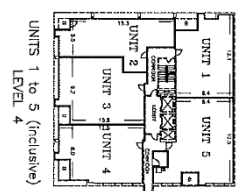
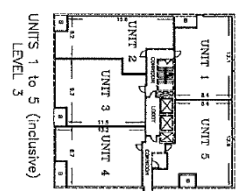
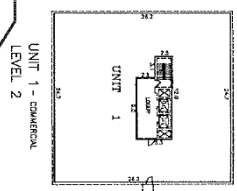
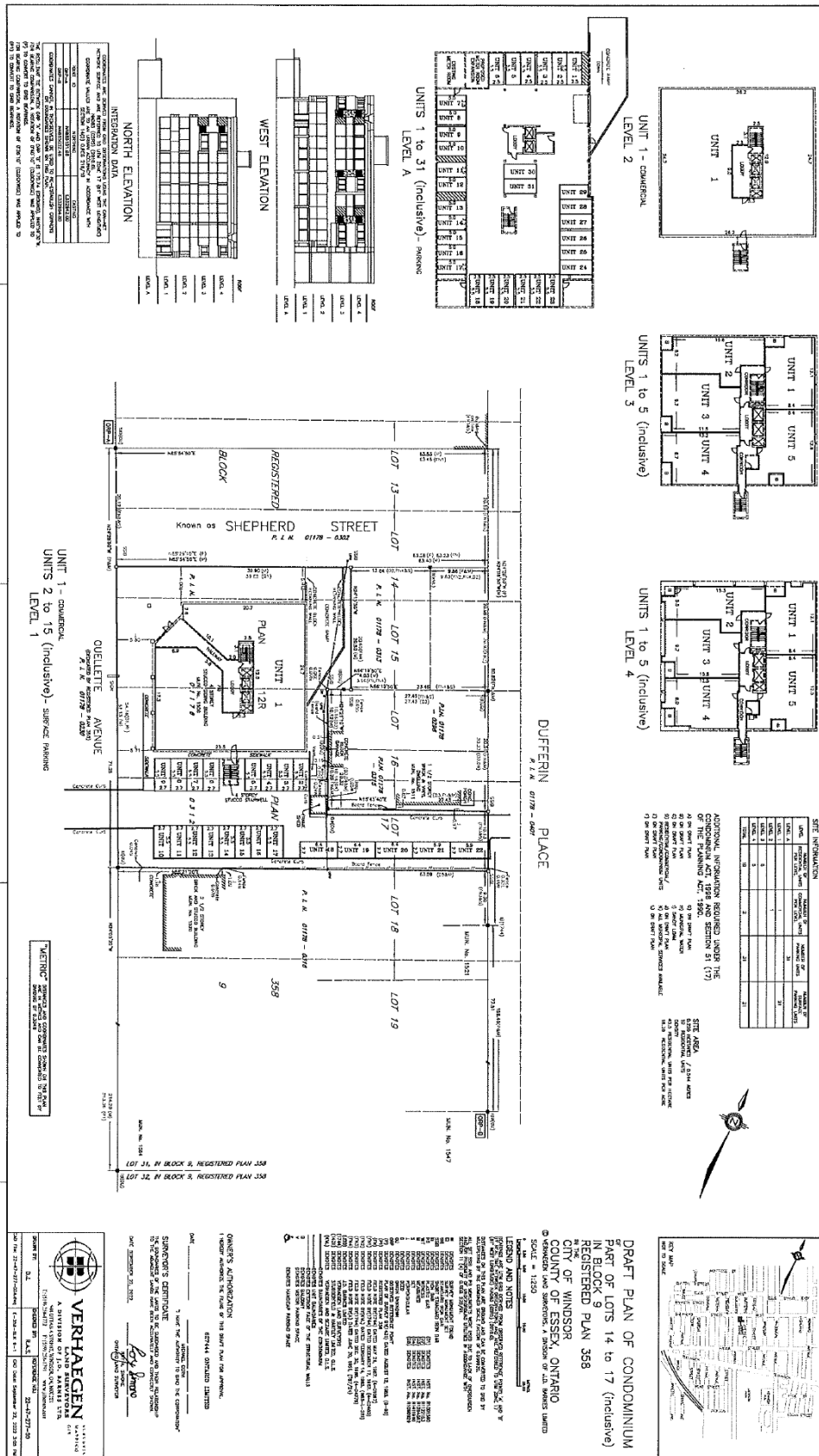
PROPOSAL: The applicant is applying for approval of a plan of condominium for the conversion of a four-storey office building to a condominium building containing 10 dwelling units and 2 commercial units.

Permit No. 2022 127256 000 00, issued August 2022, approved interior renovation of the third and fourth floors of the existing office building to change the use of both floors from commercial to residential (10 dwelling units total); The existing commercial use (office use) on the main floor and second floor will remain.

The building was built in 1989 - 1991. The draft plan shows 31 underground parking spaces (in the basement) and 21 surface parking spaces, resulting in 52 parking spaces total.

Committee of Adjustment Order A-036/22 approved (i) deficient building setbacks from interior lot lines and (ii) deficient parking area separation from walls with habitable room windows on the property.

PLAN OF CONDOMINIUM: SEE NEXT PAGE

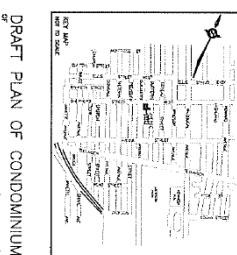


SITE INFORMATION

DATE	REVISION	BY	REASON
2022-07-27	1	CDM	ISSUED FOR PERMITTING
2022-07-27	2	CDM	ISSUED FOR PERMITTING
2022-07-27	3	CDM	ISSUED FOR PERMITTING
2022-07-27	4	CDM	ISSUED FOR PERMITTING
2022-07-27	5	CDM	ISSUED FOR PERMITTING
2022-07-27	6	CDM	ISSUED FOR PERMITTING
2022-07-27	7	CDM	ISSUED FOR PERMITTING
2022-07-27	8	CDM	ISSUED FOR PERMITTING
2022-07-27	9	CDM	ISSUED FOR PERMITTING
2022-07-27	10	CDM	ISSUED FOR PERMITTING

ADDITIONAL INFORMATION REQUIRED UNDER THE ACT OF THE PLANNING ACT, 1990, SECTION 31 (17)

1. AS TO THE PLAN
 2. AS TO THE PLAN
 3. AS TO THE PLAN
 4. AS TO THE PLAN
 5. AS TO THE PLAN
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 8. AS TO THE PLAN
 9. AS TO THE PLAN
 10. AS TO THE PLAN



DRAFT PLAN OF CONDOMINIUM
 PART OF LOTS 14 to 17 (inclusive)
 IN BLOCK 9
 REGISTERED PLAN 358
 IN THE
 CITY OF WINDSOR
 COUNTY OF ESSSEX, ONTARIO
 CONDOMINIUM REGISTRATION NUMBER 0000000000
 SCALE = 1:250

LEGEND AND NOTES

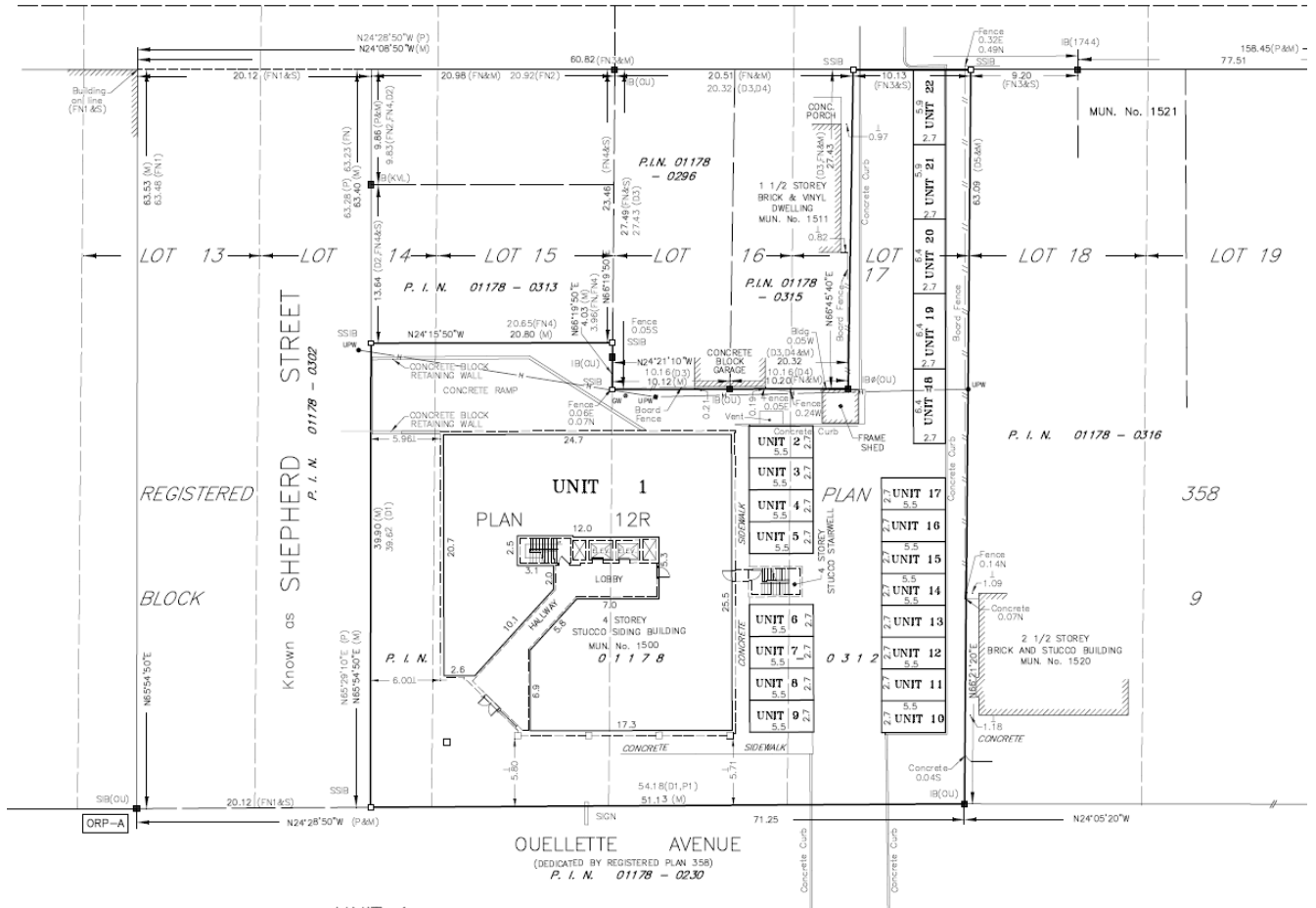
1. UNITS 1 TO 5 (inclusive) - COMMERCIAL
 2. UNITS 1 TO 5 (inclusive) - RESIDENTIAL
 3. COMMON AREAS
 4. PARKING SPACES
 5. STAIRWAYS
 6. ELEVATORS
 7. MECHANICAL ROOMS
 8. ELECTRICAL ROOMS
 9. STORAGE ROOMS
 10. ENTRYWAYS

OWNER'S AUTHORIZATION
 I, the undersigned, being the owner of the above described property, do hereby authorize the preparation of the above described plan and the registration thereof.

REGISTERED CERTIFICATE
 I, the undersigned, being the owner of the above described property, do hereby certify that the above described plan is a true and correct copy of the original plan as shown to me by the registrars.

VERHAEGEN
 A PROFESSIONAL ENGINEER
 224-277-0000
 224-277-0000

Map No. CDM-004/22-1



UNIT 1 - COMMERCIAL
UNITS 2 to 15 (inclusive)- SURFACE PARKING
LEVEL 1

"METRIC" DISTANCES AND COORDINATES ARE IN METRES AND CEILING DIVIDING BY 0.3048

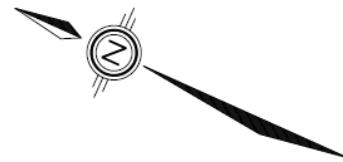
SITE INFORMATION

LEVEL	NUMBER OF RESIDENTIAL UNITS PER LEVEL	NUMBER OF COMMERCIAL UNITS PER LEVEL	NUMBER OF PARKING UNITS	NUMBER OF SURFACE PARKING UNITS
LEVEL A			31	
LEVEL 1		1		21
LEVEL 2		1		
LEVEL 3	5			
LEVEL 4	5			
TOTAL	10	2	31	21

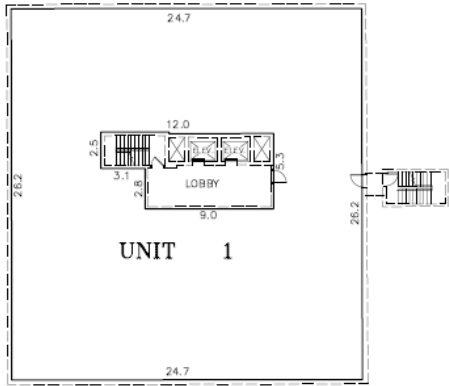
ADDITIONAL INFORMATION REQUIRED UNDER THE CONDOMINIUM ACT, 1998 AND SECTION 51 (17) OF THE PLANNING ACT, 1990.

- A) ON DRAFT PLAN
- B) ON DRAFT PLAN
- C) ON DRAFT PLAN
- D) RESIDENTIAL/COMMERCIAL/PARKING/CONDOMINIUM UNITS
- E) ON DRAFT PLAN
- F) ON DRAFT PLAN
- G) ON DRAFT PLAN
- H) MUNICIPAL WATER
- I) SANDY LOAM
- J) ON DRAFT PLAN
- K) ALL MUNICIPAL SERVICES AVAILABLE
- L) ON DRAFT PLAN

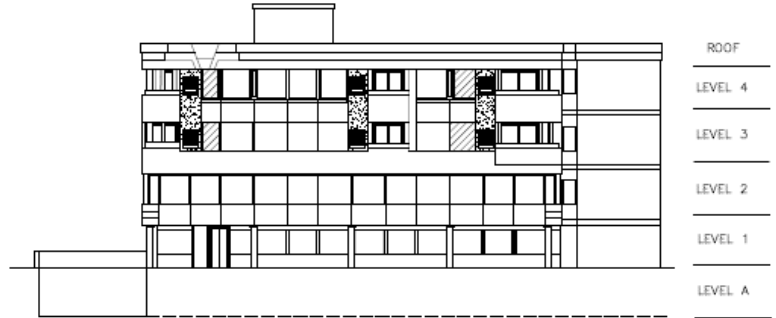
SITE AREA
0.220 HECTARES / 0.544 ACRES
10 RESIDENTIAL UNITS
DENSITY
45.5 RESIDENTIAL UNITS PER HECTARE
18.38 RESIDENTIAL UNITS PER ACRE



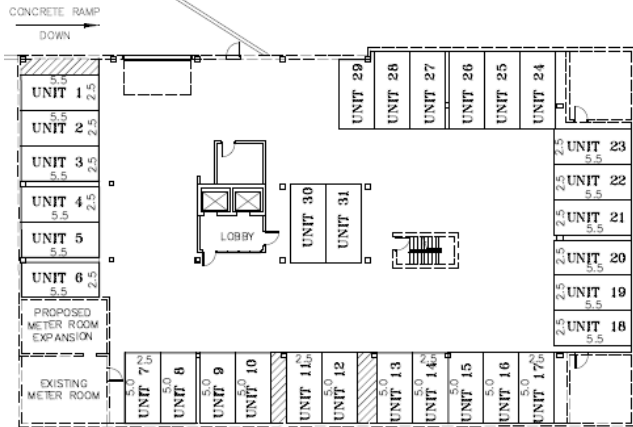
Map No. CDM-004/22-2



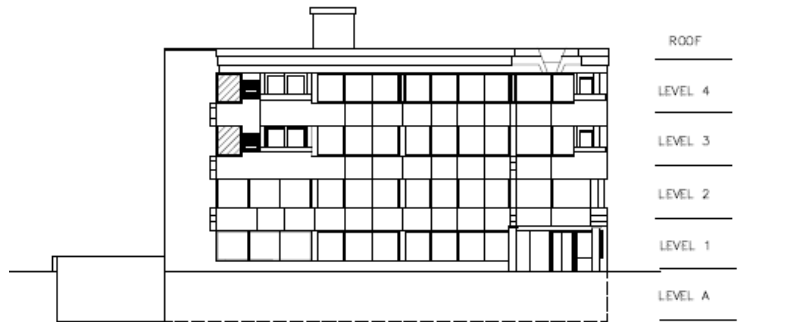
UNIT 1 – COMMERCIAL
LEVEL 2



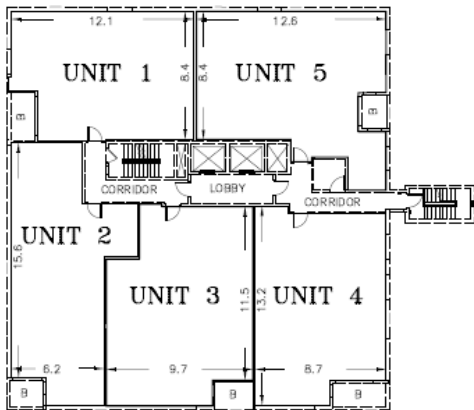
WEST ELEVATION



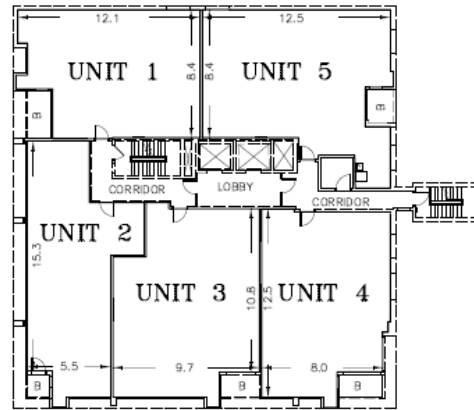
UNITS 1 to 31 (inclusive) - PARKING
LEVEL A



NORTH ELEVATION



UNITS 1 to 5 (inclusive)
LEVEL 3



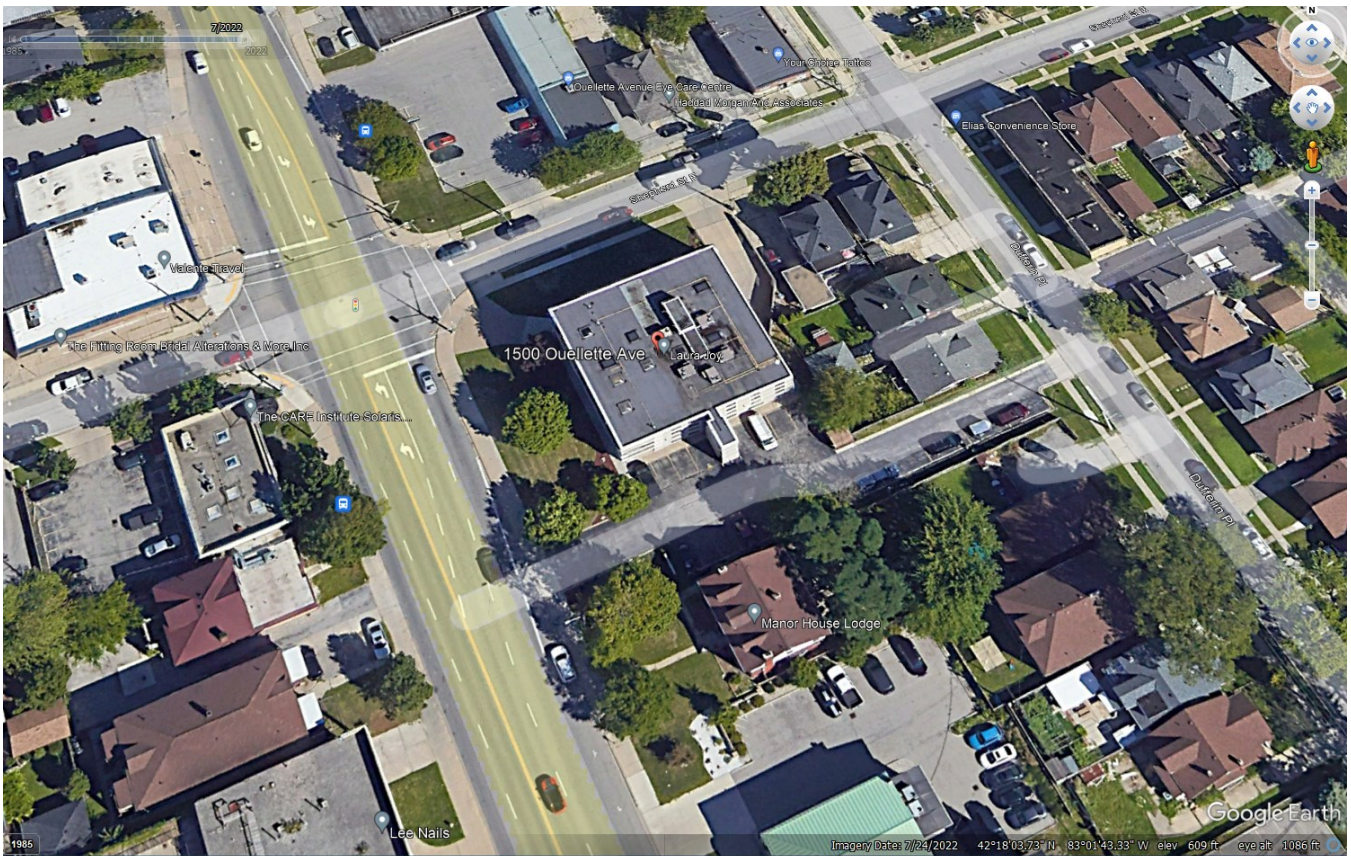
UNITS 1 to 5 (inclusive)
LEVEL 4

Map No. CDM-004/22-3

SITE INFORMATION:

OFFICIAL PLAN	ZONING	CURRENT USE	AVAILABLE PARKING
Mixed Use Corridor	Commercial District 3.5 (CD3.5), plus S.20(1)49	Office Building <i>(under renovation to change to a Combined Use building with 10 Residential Dwelling Units and 2 Commercial Units)</i>	Total 52 spaces on site (31 underground and 21 surface parking)
FRONTAGE	DEPTH	AREA	PARKING @ 1.25 SPACES PER DWELLING UNIT [12 SPACES REQ'D FOR 10 DWELLING UNITS]; AND 1 SPACE PER 45 M² GFA OF BUSINESS OFFICE SPACE [28 SPACES REQ'D FOR 1300 M ² (+/-) GFA]
51.13 m (Ouellette Ave.)	Irregular	0.220 hectares (0.544 acres)	Total parking provided on-site = 52 spaces
39.90 m (Shepherd St. E)			
10.13 m (Dufferin Pl.)			
<i>All measurements are approximate.</i>			

NEIGHBOURHOOD CHARACTERISTICS:



Source: 2022 Google Aerial Photo

The subject property is within a mixed-use area of the city, and has three (3) frontages (one on the east side of Ouellette Avenue, another on the west side of Dufferin Place and a third on the south side of Shepherd Street East). The surrounding uses are comprised of the following:

East side – Dufferin Place ROW, single detached dwellings, combined use (residential and commercial) building;

North side – Shepherd Street East ROW, single detached dwellings, duplex dwelling(s), medical office (eye care centre), business office, personal service shop;

West side – Ouellette Avenue ROW, medical offices, multiple dwelling, and combined use (residential & commercial) building; and

South side - immediately abutting the site is a lodging house (Manor Lodge), next is a medical office (dental centre), followed by an apartment building, more commercial uses further south along Ouellette Avenue frontage and low profile residential uses further south along Dufferin Place frontage.

A site visit took place on May 10, 2023. Site photos are attached as Appendix E to this report.

TRAFFIC, ACCESS AND PARKING:

The building has pedestrian access (concrete sidewalk) off Ouellette & Shepherd intersection. The building also has underground parking area access off Shepherd Street E. and surface parking access off Ouellette Avenue and Dufferin Place.

RELATIONSHIP TO MUNICIPAL SERVICES:

The City's records show that there is an existing 750mm diameter brick pipe combined sewer within Ouellette Avenue R.O.W., a 375mm diameter brick pipe combined sewer within Dufferin Place R.O.W. and a 1050mm diameter RCP Storm sewer located on Shepherd Street East R.O.W., all available to service the subject property.

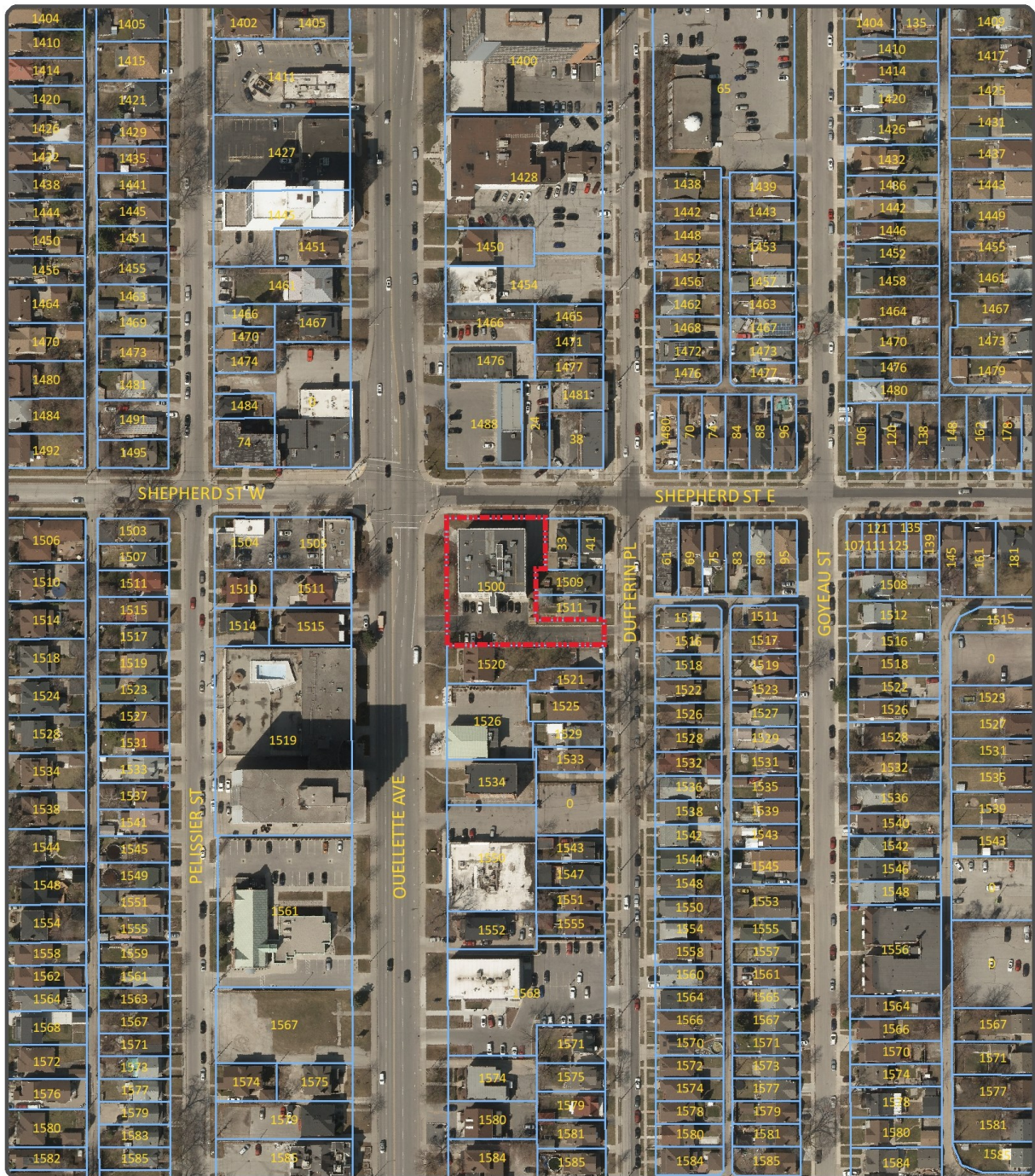
Municipal watermains, fire hydrants and LED streetlights are available on abutting rights-of way and in the subject area.

There are concrete sidewalks, curbs & gutters on both sides of the abutting rights-of-way.

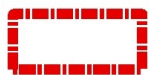
Three municipal roadways abut the subject property and are classified as follows in the City of Windsor Official Plan:

- Ouellette Avenue – Class II Arterial Road;
- Shepherd Street East – Local Road; and
- Dufferin Place - Local Road

The closest existing transit routes to the subject property are with the Transway 1A & Transway 1C, which run along Ouellette Avenue. The closest existing bus stops to this property are located across the street on Ouellette at Shepherd Northeast & Southwest Corners providing direct transit service to the subject property.



AERIAL MAP - CDM-004/22, CDM-6939



SUBJECT LANDS



Source: EIS

Discussion:

PLANNING ANALYSIS:

OFFICIAL PLAN:

The subject property is designated “Mixed Use Corridor” in the City of Windsor Official Plan. An interior renovation permit (Permit No. 2022 127256 000 00) was issued August 2022 for the change of the existing four-storey office building to a combined use building by converting the 3rd and 4th floors to residential use (10 dwelling units). The combined use building is a form of Mixed Use development that is permitted in the “Mixed Use Corridor” designation and will remain permitted if the application for condominium conversion is approved.

Notwithstanding the ongoing interior renovations to the existing office building, the applicant’s request is best characterized as a non-residential conversion. The City of Windsor has established the following policies in section 11.5.5 of the Official Plan for evaluation of non-residential conversions; (see Appendix B for more relevant excerpts from the OP).

Section 11.5.5.1: Council will evaluate a plan of condominium for the conversion of an existing non-residential building or structure to a residential condominium according to the following criteria:

- (a) The proposal satisfies the general intent of policy 11.5.3.1;
- (b) The appropriateness of allowing the residential use in the area as provided for in the Land Use chapter of this Plan;
- (c) The application of site plan control; and
- (d) The structural integrity of the building and the condition of the common elements as ascertained by a professional engineer.

EVALUATION OF 11.5.5.1(a) - THE PROPOSAL SATISFIES THE GENERAL INTENT OF POLICY 11.5.3.1:

Policy 11.5.3.1 (new Development evaluation criteria) of the OP can be found in Appendix B attached to this report. Various municipal departments and external agencies have evaluated the applicant’s request in accordance with policy 11.5.3.1 and 11.5.5.1. Comments received can be found in Appendix A attached to this report. Below is a summary of the evaluation of the applicant’s request per policy 11.5.3.1:

- (a) **Provincial legislation, policies and applicable guidelines; satisfied.** Provincial Policy Statement 2020 promotes and encourages residential intensification, and increase in housing types and tenures to address on going housing crisis in Ontario.
- (b) **Provision of adequate infrastructure services, amenities and community facilities and services; satisfied.** The building is in an established mixed-use area of the city with adequate municipal services as discussed earlier in this report under Neighbourhood Characteristics – “Relationship to Municipal Services”.
- (c) **Impact upon the transportation system and adjacent land uses; satisfied.** There are existing buildings containing residential and commercial uses in the subject area and the land use designation encourages such buildings. The future condominium owners and tenants could improve ridership for transit Windsor. Residential uses help nearby businesses, so this proposed development would positively impact adjacent commercial uses.
- (d) **Impact upon any natural features or functions on the site or in the surrounding area; satisfied.** No impact identified.

(e) **The condominium is considered to be necessary, timely and in the public interest;** Yes. Conversion of a non-residential building to a plan of residential & commercial condominium is beneficial in solving housing crisis; therefore, it is in the public interest.

(f) **The condominium is designed within the parameters of the Urban Design chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;** satisfied. There is a 1989 site plan approval for the existing building.

(g) **The condominium, the condominium units, and the common elements are suitable for their intended purpose;** satisfied or will be satisfied prior to final approval.

(h) **The condominium, the condominium units, and the common elements meet the requirements of the Zoning By-law, and other municipal by-laws;** meets zoning by-law per Zoning Coordinator's comments in Appendix A attached. Will meet other municipal by-laws, such as sign by-law, prior to final approval.

(i) **The interrelationship between the design of the proposed plan of condominium and site plan control matters relating to any development on the land;** satisfied. The plan of condominium is being created within an existing building that was subject of a site plan approval and agreement in 1989. The City's Landscape Architect's comment in Appendix A attached to this report confirms that in 2020, the landscaping was restored and improved upon, and in general, the overall landscaped areas of the site are in very good condition.

EVALUATION OF 11.5.5.1 (b) - THE APPROPRIATENESS OF ALLOWING THE RESIDENTIAL USE IN THE AREA AS PROVIDED FOR IN THE LAND USE CHAPTER OF THIS PLAN:

The Land Use designation is Mixed Use Corridor, which permits medium and high profile residential uses as stand-alone buildings or part of a commercial-residential mixed-use building.

EVALUATION OF 11.5.5.1 (c) - THE APPLICATION OF SITE PLAN CONTROL:

As noted already in this report, the subject property was subject of a site plan approval in 1989 (SPC-043/89). The City's Site Plan Approval Officer's comment in Appendix A attached to this report confirms that Site Plan Approval is not required for the proposed Plan of Condominium. It should be noted that the Building Permit issued for the creation of the 10 residential units on the 3rd and 4th floor of the existing building was for interior renovation.

EVALUATION OF 11.5.5.1 (d) - THE STRUCTURAL INTEGRITY OF THE BUILDING AND THE CONDITION OF THE COMMON ELEMENTS AS ASCERTAINED BY A PROFESSIONAL ENGINEER:

The applicant submitted a Structural Integrity Report dated November 2022, prepared by Haddad, Morgan and Associates Ltd., with recommended corrections and improvements. This report recommends that all the recommended corrections and improvements in the Structural Integrity report be cleared as completed by a Professional Engineer or Professional Architect retained by the owner. Comments have been prepared by the appropriate individuals and municipal divisions regarding items such as structural integrity of the building and property standard compliance, landscaping, the appropriateness of the site, and safety issues related to the building and safety of future residents. Comments on these items are contained in this report and have been included in the recommendations section of this report.

ZONING BY-LAW

The property is zoned Commercial District 3.5 (CD 3.5) in By-law 8600. The CD3.5 zoning category permits dwelling units in a combined use building with some permitted commercial uses. The CD3.5 zoning also permits a stand-alone multiple dwelling building (See attached

Appendix C for a complete list of uses permitted in the CD3.5 zoning district. The existing apartment building is permitted under this zoning category. A special zoning provision in section 20(1)49 of By-law 8600, also applies to the easterly 26m of the subject land, along the west side of Dufferin Place ROW. Section 20(1)49 permits the maximum building height of 9.0 metres and the maximum floor area ratio of 1.5.

TABLE 24.20.5.1 - REQUIRED PARKING SPACE, Zoning By-law 8600, confirms the required minimum number of parking spaces for Dwelling Units in a Combined Use Building is 1.25 for each dwelling unit; and Business Office is 1 for each 45m² GFA (Gross Floor Area). Based on the above, 12 parking spaces minimum are required for the 10 dwelling units and 28 parking spaces minimum are required for the 1300 m² (approx.) GFA of Business Office in the building. The minimum parking required for the property is 40 spaces. Existing number of parking spaces is 52 [31 underground parking spaces and 21 surface parking spaces]. Therefore, the current number of parking spaces available on this site meets the “parking space/unit ratio” necessary under Section 24.20 - Parking Space Provisions of By-law 8600.

Section 24.22.1 - REQUIRED VISITOR PARKING SPACES, Zoning By-law 8600, requires a minimum of 15 percent of parking spaces to be marked as visitor parking, for Dwelling Units in a Combined Use Building. 15% of 52 parking spaces is 7.8spaces; therefore, 7 visitor parking spaces minimum are required for the subject property.

TABLE 24.24.1 – REQUIRED ACCESSIBLE PARKING SPACES, Zoning By-law 8600, confirms that, for 26 to 100 parking spaces, the minimum number of Type A accessible parking required is 2 percent of parking spaces (that is 2% of 52spaces = 1) and the minimum number of Type B parking spaces required is 2 percent of parking spaces (that is 2% of 52spaces = 1). Note Type ‘A’ has 3.5m x 5.5m minimum size and Type ‘B’ has 2.5m x 5.5m minimum size. There are currently two Type ‘A’ (3.5m x 5.5m) underground accessible parking spaces on site.

However, it is recommended that the applicant provide Accessible Parking and Access Aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA (Accessibility for Ontarians with Disability Act).

PARKLAND CONVEYANCE/PAYMENT-IN-LIEU:

The City’s records show that the requirement for parkland conveyance/cash-in-lieu thereof, was not addressed for this property at the time the building permit was issued in 1989 (refer to By-law 429/2001, attached as Appendix D to this report). This report contains provision regarding compliance with the Planning Act and By-law 12780 with respect to Parkland Conveyance.

ACCESSIBILITY:

The Corporation’s Diversity and Accessibility Officer has provided comments, found in attached Appendix A to this report, to address accessibility for future tenants and visitors on the property.

The recommendations in this report contain conditions for approval of the draft plan of condominium from accessibility perspective, per the Diversity and Accessibility Officer.

BUILDING AND FIRE INSPECTIONS:

A final inspection of the work authorized by Permit No. 2022 127256 000 00, issued August 2022, for interior renovation of the third and fourth floors of the existing office building for conversion from office use to residential use (10 dwelling units total) will be conducted by Building Department staff when the subject work is completed and the developer requests a final inspection. Any site/building defects and deficiencies noted at the time of final inspection(s) shall be remedied to the satisfaction of the Chief Building Official.

On April 20, 2023 a fire inspection of the subject building was conducted; see notes below:

“The construction has not been completed. They are still working under the building permit. There were a few things that needed to be done to pass the fire inspection. The owner is working on those while he waits for the construction to be finished. As per our procedure, owners are given 30 days to complete items on the order. I will re-inspect at that point to ensure compliance.”

Note: Clearance shall be required from the Chief Building Official and the Chief Fire Prevention Officer, prior to Final Plan approval.

Risk Analysis: N/A

Climate Change Mitigation and Adaptation:

This application is mainly about a change in tenure, so there is no Climate Change impact. The change in the use of the building from commercial to combined use (residential and commercial) building is already approved by permit.

Financial Matters:

TAXATION IMPLICATIONS:

Unrelated to consideration of planning issues, there are tax implications that Council has requested on previous condominium conversion applications to be included as part of Administration’s reports. The estimated potential assessment implications are as shown in the table below:

2022-Tax class		Full rate	Municipal only
CT (Commercial Occupied)		0.04305320	0.03425320
RT (Residential)		0.01853760	0.01700760
	Assessment	Full Taxes	Municipal Only
Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Total-Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Post-Dev - CT	\$ 1,027,582	\$ 44,241	\$ 35,198
Post-Dev - CT-Surface	\$ 19,041	\$ 820	\$ 652
Post-Dev - CT-Underground	\$ 25,424	\$ 1,095	\$ 871
Post-Dev - RT	\$ 1,400,000	\$ 25,953	\$ 23,811
Total Post-Dev	\$ 2,472,047	\$ 72,108	\$ 60,532
Increase	\$ 77,047	\$ 31,005	\$ 21,505

There is an estimated increase of \$77,047 in tax assessment for the proposed condominium building on the subject property, resulting in increased tax revenue annually of \$31,005 of which \$21,505 is the municipal portion. This is an estimate only and dependant on MPAC’s assessment on the type of registration-(Condo vs Apartment style), value and use. Upon completion, MPAC will assess the registered use, value and provide the respective tax class to the Municipality.

Consultations:

Comments received from municipal departments, service units and external agencies are included in the attached Appendix A.

Notice of Public meeting was provided by advertisement in the Windsor Star.

Conclusion:

The application has been processed and evaluated considering the Ontario Planning Act and Condominium Act, City of Windsor Official Plan policies and comments received from municipal staff and outside agencies. Administration is recommending that the draft plan be approved based upon the relevant legislation and policies of the Official Plan.

Approval is to be granted subject to a number of conditions including the satisfactory completion of the improvements and corrections to the property related to the dwelling units, safety, security and amenity features, as identified in the Recommendation and Consultation sections of this report. All physical improvements to the site and building are to be completed prior to final approval by the City and registration of the condominium plan.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP

Manager of Planning Policy / Deputy
City Planner

Thom Hunt, MCIP, RPP

City Planner / Executive Director,
Planning & Development

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

JP

JM

Approvals:

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

Notifications:

Name	Address	Email
Ryan Michael Solcz Prof. Corp. c/o Ryan Michael Solcz	201-1500 Ouellette Avenue Windsor ON, N8X 1C7	ryan@solczlaw.com
647444 Ontario Ltd. c/o Michael Cervi	201-1500 Ouellette Avenue Windsor ON, N8X 1C7	mcervi@bellnet.ca
Verhaegen Land Surveyors c/o Roy Simone	944 Ottawa Street, Windsor ON, N8X 2E1	rsimone@vshbbsurveyor.com

Appendices:

- 1 APPENDIX A – Municipal Departments and External Agencies Comments
- 2 APPENDIX B - Excerpts from City of Windsor Official Plan
- 3 APPENDIX C - Excerpts from Zoning By-law 8600
- 4 APPENDIX D - By-law 429/2001 (amended By-law 12780)
- 5 APPENDIX E - Site Photos

APPENDIX A – COMMENTS (From Municipal Department & External Agencies)

BRUNO DESANDO – 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.

KAREN KOSKI – WINDSOR FIRE & RESCUE

I attended on April 20th and conducted the fire inspection. The construction has not been completed. They are still working under the building permit. There were a few things that needed to be done to pass the fire inspection. The owner is working on those while he waits for the construction to be finished. As per our procedure, owners are given 30 days to complete items on the order. I will re-inspect at that point to ensure compliance.

GORD JOYNSON – ENBRIDGE GAS

After reviewing the provided drawing at 1500 Ouellette Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

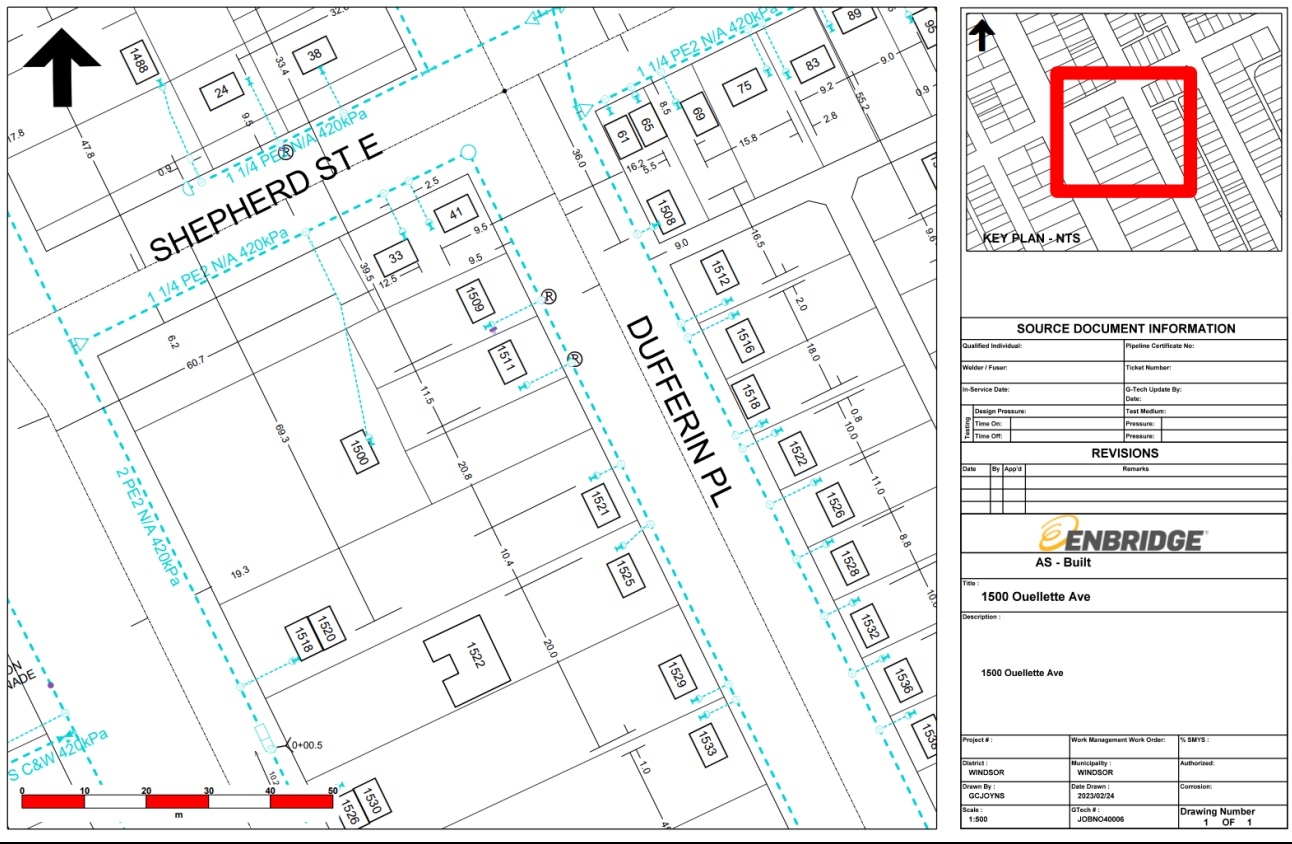
- 1. The shown piping locations are approximate and for information purposes only**
- 2. The drawings are not to scale**
- 3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

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

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

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

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



SOURCE DOCUMENT INFORMATION			
Qualified Individual:	Pipeline Certificate No:		
Welder / Fabricator:	Ticket Number:		
In-Service Date:	G-Tech Update By:		
Design Pressure:	Test Medium:		
Time On:	Pressure:		
Time Off:	Pressure:		
REVISIONS			
Date	By	App'd	Remarks
ENBRIDGE			
AS - Built			
Title:			
1500 Ouellette Ave			
Description:			
1500 Ouellette Ave			
Project #:	Work Management Work Order:	% EMTS:	
District:	Municipality:	Authorized:	
Drawn By:	Date Drawn:	Corroborated:	
Scale:	Sheet #:	Drawing Number	
1:500	JOBNO40006	1 OF 1	

KELLY BUCHANAN – ENBRIDGE GAS

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

JACQUELINE CABRAL – SITE PLAN CONTROL

Site Plan is not applicable for this proposed development pursuant to the Planning Act and City of Windsor By-law 1-2004.

JASON SCOTT – TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Transway 1A & Transway 1C. The closest existing bus stops to this property are located across the street on Ouellette at Shepherd Northeast & Southwest Corners providing direct transit service to this property. This will be maintained with our City Council approved Transit Master Plan.

KRISTINA TANG – HERITAGE PLANNING

The building is existing. There is no built heritage nor archaeological comments.

JOSE MEJALLI – ASSESSMENT MANAGEMENT OFFICER

Please see estimated potential assessment implications as follows:

Assessment Impact estimate		
1500 Ouellette Ave		
040 540 06000		
Level 4- 5 x 700- new condo units	3500	sq.ft
Level 3- 5 x 700- new condo units	3500	sq.ft
Level 2- 1 unit- Commercial	5600	sq.ft
Level 1- 1 unit- Commercial	5600	sq.ft
Level 1- Surface parking spaces	21	
Level A-Underground- parking spaces	31	
Current commercial space/sq.ft	92	sq.ft

		Full rate	Municipal only
2022-Tax class			
CT		0.04305320	0.03425320
RT		0.01853760	0.01700760
	Assessment	Full Taxes	Municipal Only
Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Total-Pre-Dev - CT	\$ 2,395,000	\$ 103,112	\$ 82,036
Post-Dev - CT	\$ 1,027,582	\$ 44,241	\$ 35,198
Post-Dev - CT-Surface	\$ 19,041	\$ 820	\$ 652
Post-Dev - CT-Underground	\$ 25,424	\$ 1,095	\$ 871
Post-Dev - RT	\$ 1,400,000	\$ 25,953	\$ 23,811
Total Post-Dev	\$ 2,472,047	\$ 72,108	\$ 60,532
Increase	77,047	\$ 31,005	\$ 21,505
Estimated increase in assessment of \$77,047 resulting in increased tax revenue annually of \$31,005 of which \$21,505 is the municipal portion.			

BARRY HORROBIN – WINDSOR POLICE

BACKGROUND

The Windsor Police Service has no objection to the proposed plan of condominium application for the property located at 1500 Ouellette Avenue (file CDM-004/22) to convert the existing four-storey office building to condominium tenure to create ten (10) dwelling units and two (2) commercial units. Support of the application is however subject to the applicant adequately addressing and correcting all safety and security issues/deficiencies identified in this inspection report prior to a rezoning being granted.

The inspection is in accordance with sections 11.5.3.1 and 11.5.5.1 of the Official Plan pertaining to condominium conversions based on certain conditions and criteria. Specifically, this report addresses the need for the applicant to provide adequate physical amenities and/or modifications that will ensure an adequate level of safety and security for all building users, based on the principles of Crime Prevention Through Environmental Design (CPTED) as stipulated by the Windsor Police Service.

RESULTS OF SITE INSPECTION

The safety and security inspection for the subject property was carried out in consultation with the onsite property owner/agent on Thursday March 2nd, 2023 with the following findings:

POSITIVE SAFETY & SECURITY FEATURES of NOTE

It is important to make mention the building exhibits a number of well thought out measures that will promote and maintain safety and security, most notably:

- Building provides tenants with CCTV technology to permit viewing of activity in a proactive manner that will help prevent problematic activity and also facilitate report of suspicious persons, etc.
- Individual residential units possess high quality, programmable electronic locks and secured vestibules on each floor to maintain access control.
- Stairwells are well maintained with proper illumination to provide visibility.
- Soft landscaping elements on the property were observed to be well maintained such that they do not pose a safety risk.
- The main tenant board outside the front (primary) entrance will be configured so as not to directly identify resident's actual unit location – this is a sound measure for preventing criminals from targeting individuals to victimize.
- Owner plans to provide several visitor parking spaces within the existing outside lot to accommodate safe, convenient parking for all visitors.

ISSUES REQUIRING ATTENTION & CORRECTION

1. It is unclear if main exterior doors (both front and side/rear) used for common building entry by tenants are secured with just simple locks, whereby the keys are easily duplicable at a local hardware store, or not. This potentially leaves the building vulnerable to unauthorized access by non-residents, breaching building

security space.

Recommendation: The applicant needs to confirm that exterior door locks doors need to have locks installed on them that are of higher security and cannot be easily duplicated (for example MEDECO or PRIMUS) to establish proper building entry security for all tenants.

2. The overhead door leading to/from the underground parking garage stays open too long, resulting in an elevated risk for unauthorized individuals to easily, and very discreetly, gain physical access into the building. Such access facilitates criminal behavior and needs to be deterred.

Recommendation: The door delay should be reduced to be no more than approximately 10 – 15 seconds, allowing adequate time for vehicle passage yet limiting ease of illegal entry capability. Furthermore, ALL u/g parking garage users should be educated to remain within view of the door each time they enter and exit before leaving the site or proceeding to their parking space, to visually confirm nobody has entered inappropriately.

3. There is a sign situated at the vehicular entrance to the property off Dufferin Place (east side) identifying the site as having "Private Parking" only. This sign was observed to be covered in graffiti.

Recommendation: The graffiti tag on this sign needs to be removed, as such markings portray disorder that reduces feelings of safety for users.

4. Each outer door leading into the residential units require the ability of the tenant to visually screen visitors before opening their door. Notwithstanding other measures in place to help screen visitors, something is still needed for when a person arrives at an individual residence.

Recommendation: Each of the residential units needs to have a one-way viewing port installed within the entry door to allow residents to quickly view visitors prior to opening their door.

5. There is an undesignated exterior space on the east side of the building that is visually shrouded and discreetly positioned. Its current physical condition exhibits signs of trespassing and loitering, thereby reducing security by facilitating easy access by unauthorized individuals that is unsafe.

Recommendation: This space needs to be secured in some fashion to ensure trespassers cannot easily gain access and then remain for undefined periods. Among measures to achieve this would be fencing the space in, using a fence type that still allows visibility, and installing motion-activated floodlights that will quickly detect and deter access by trespassers.

6. Lighting for the property appears to be generally good but it is not clear if illumination levels meet recognized industry standards for establishing proper levels of safety and security. The owner needs to confirm there is adequate lighting for all exterior areas and the underground parking garage.

Recommendations:

- Exterior surface parking spaces need to be properly illuminated to a minimum lighting level of at least 1.50 foot-candles, using full cut off style lighting (to eliminate glare) in order to establish and maintain conditions that will promote and sustain feelings of safety for users. LED fixtures are highly recommended as they produce a clean, bright, white luminosity that will enhance visibility and witnessing potential. In this regard, fixtures should possess colour temperatures of 4000 degrees Kelvin (4000K), with a corresponding minimum colour rendering index (CRI) value of 70.
- The exterior common entry points to the building (front and side/back doors) need to have illumination levels of at least 4.5 foot-candles to optimize safe conditions. A minimum level of at least 3.5 foot-candles is required at the overhead door leading into the underground parking garage.
- The underground parking garage needs to have a sustained minimum illumination level of at least 2.5 foot-candles.
- Any abutting walkways/sidewalks on site need to be illuminated to at least 1.80 foot-candles.
- A **photometric plan** showing all anticipated lighting improvements is required for approval by Windsor Police Director of Planning and the City's Landscape Architect prior to corrective works being undertaken.

SUMMARY

The current physical condition of the property is generally very good, notwithstanding the ongoing construction activity that is taking place; however the safety deficiencies noted in this report are important and warrant correction prior to approval of the change in status to condominium.

As a point of reference, the subject address does generate a modest quantity of calls requiring police response and intervention on an annual basis. This may increase with the addition of residential units but is not anticipated to be a concern. A review of the police incident history at the property has been made for the past five full years and is summarized below. The data reveals just a few calls and were primarily for such incidents as suspicious persons, trouble unknown, break and enter, and delivery of summons & subpoenas.

YEAR	1500 Ouellette Avenue
2018	3
2019	4
2020	9
2021	6
2022	4
Average	5.2 incidents per year

Therefore our recommendation would be to grant approval of the application subject to the successful resolution of all safety and security deficiencies noted. This would be confirmed in a follow up inspection after the applicant makes all necessary corrections.



KARINA RICHTERS – ENVIRONMENTAL SUSTAINABILITY & CLIMATE CHANGE

No comments from the Environmental Sustainability and Climate Change team.

JUAN CORVALAN - BELL CANADA

We have reviewed the circulation regarding the above noted application. The following paragraphs are to be included as a condition of approval:

“The Owner acknowledges and agrees to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

The Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost."

Upon receipt of this comment letter, the Owner is to provide Bell Canada with servicing plans/CUP at their earliest convenience to planninganddevelopment@bell.ca to confirm the provision of communication/telecommunication infrastructure needed to service the development.

It shall be noted that it is the responsibility of the Owner to provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service this development. In the event that no such network infrastructure exists, in accordance with the Bell Canada Act, the Owner may be required to pay for the extension of such network infrastructure.

If the Owner elects not to pay for the above noted connection, Bell Canada may decide not to provide service to this development.

To ensure that we are able to continue to actively participate in the planning process and provide detailed provisioning comments, we note that we would be pleased to receive circulations on all applications received by the Municipality and/or recirculations.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. However, **all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

Barbara Rusan – Building Department

The Building Code Act, Section 8.(1) & 10. (1) requires that a building permit be issued by the Chief Building Official for construction, repairs/renovations, change of use or demolition of a building.

On August 8, 2022, the Office of the Chief Building Official issued permits (CPBC #2022-127256 & 2022-138400) for conversion of existing offices on the third and fourth floor to ten (10) residential units – As of Feb. 27/22, occupancy approval has not been granted.

Building department has reviewed defects and the corrections noted in The Structural Integrity Report prepared by Haddad, Morgan and Associates Ltd. (William Tape Ph.D., P.E., P.Eng.), dated November 2022. (as provided by the Planning Department.

Repairs noted below must be completed as a condition of final approval and registration:

Conditions:

1. Asphalt pavement of the above grade parking area

- Remove deteriorated asphalt pavement, implement top and soffit concrete delamination repairs and install new water proofing membrane before reinstatement of the asphalt pavement – **Building permit required.**
2. Basement level overhead door trench cover is deteriorated
 - Replace basement overhead door trench cover – **Building permit required.**
 3. Some localized cracking in the exterior EIFS system and concrete block above the overhead door in basement level on west wall
 - Repair cracks in the exterior EIFS system cladding along with the crack in the west wall concrete block wall - **Building permit required.**

Due to the limited Ontario Building Code related information received in the Structural Integrity Report prepared by Haddad, Morgan and Associates Ltd., review of the required repairs for compliance to the Ontario Building Code has not yet been conducted.

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

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

STEFAN FEDIUK

Pursuant to the application (CDM 004/22) for a draft plan of Condominium Approval to permit the conversion of an existing four-storey office building to condominium status at 1500 Ouellette Avenue, please note the following items to be addressed by the applicant prior to final approval of the condominium:

A) LANDSCAPING

In September of 1989 the property was subject to Site Plan Control (SPC-043/89) at which time landscaping was a requirement for approval. In 2020, the landscaping was restored and improved upon. In general the overall landscaped areas of the site are in very good condition. **Therefore no further landscape improvements are required.**

B) SITE AMENITIES AND SIGNAGE

There are no site amenities on the property other than existing signage and the constrained site does not allow new site amenities to be added.

There are two ground signs located in relationship to the property. One immediately south of the parking lot entrance to Ouellette Avenue, and a taller business directory sign oriented to Ouellette Avenue in front of the building. The change of use would result in the allowable signage to fall into a Group 2 Residential and Commercial uses (Table 2.1 (a) of the Sign Bylaw). Such signs fall under the Sign Bylaw Section 6.6; Regulations for Permanent Ground Signs.

Group 2 uses allow for only 1 Permanent Ground sign per lot with a total sign face area of 1.0m² and a maximum height of 1.5 metres. The sign located south of the main access from Ouellette Avenue may comply with the height but exceeds the total sign

face area allowed. The larger business directory sign is not in compliance and encroaches into the municipal right of way.

Recommended:

1. **The Owner will need to consider removing one sign to comply with Sign Bylaw 6.6.3.**
2. **The Owner will require to apply for a variance to the Sign Bylaw where the remaining sign does not comply with the Regulations for Group 2 Permanent Ground Signs in Section 6.6.**
3. **If the business directory sign is to be retained, then in addition to a variance, the Owner will require an Encroachment Agreement with the City.**

C) LIGHTING

Outdoor lighting of the parking and circulation areas is insufficient and substandard.

1. Provide a **total Outdoor Lighting Photometric Plan and Manufacturers' Product Data Sheets** for each light fixture proposed verifying 'Full Cut Off' (night sky Friendly), prepared by a qualified lighting consultant (i.e. lighting engineer, landscape architect, etc.), in accordance with the City Guidelines found in CR228/2005 Lighting Intensity Standards Study, for review to the satisfaction of the City's Landscape Architect in consultation with Police Services prior to issuance of **Approval** with the following minimum and maximum illumination levels measured in foot-candles (Fc):
 - 1.1. uncovered parking areas 0.5 min./4.0 max. (1.2 optimal),
 - 1.2. walkways 0.5 min./2.0 max. (1.2 optimal),
 - 1.3. building entrances 3.5 min./8.0 max. (4.5 optimal),
 - 1.4. loading and garbage storage areas 1.0 min./2.5 max. (1.2 optimal).
2. Provide Full cut-off lighting (per CR 228/2005) requires that lens be parallel to the ground, not tilted. As situated the existing light fixtures create glare to dwelling units of neighbouring building(s) and passing traffic both vehicular and pedestrian in nature.

D) PARKLAND CONVEYANCE

4. Fulfillment of General Provision **Parkland Conveyance** as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department.

ZAID ZWAYYED – ZONING COORDINATOR

- The Proposed use is permitted.
- There is no work or alteration to the existing parking area
- Existing deficiencies in the loading space, bicycle spaces and visitor spaces are not required to be made up per section 24.10.15.1.
- There is a sufficient amount of parking spaces to the satisfaction of section 24 requirements.
- The proposal complies with the requirements of ZBL/8600.

CLARE AMICARELLI – TRANSPORTATION PLANNING

- Ouellette Avenue is classified as a Class II Arterial Road according to the Official Plan with a required right-of-way width of 38.2 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- Shepherd Street East is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- Dufferin Place is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 metres. The current right-of-way along the frontage of the subject property is sufficient, therefore, no conveyance is required.
- A corner cut off of 6.1 metres is required at the intersection of Ouellette Ave and Shepherd St E per AS-230.
- 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).

ENWIN

HYDRO ENGINEERING:

No Objection, provided adequate clearances are achieved and maintained. ENWIN has existing overhead pole lines along the east limits with 120/208 volt and 120/240 volt secondary hydro distribution.

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

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

WATER ENGINEERING:

Water Engineering has no objections. There is an existing 50mm water service for the existing building.

AMY KUREK – ENGINEERING

We have reviewed the application for plan of condominium to permit the conversion of floors 3 and 4 into 10 residential condominium units and have the following comments:

Sewers

The site may be serviced by a 750mm Brick Combined Sewer or 375mm Brick combined sewer located in the Dufferin Place right-of-way and a 1050mm Reinforced concrete storm sewer located within Shepherd Street E right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

Due to the presence of commercial units within the building, the applicant is required to provide a new sampling manhole at the property line, if one does not already exist.

Right-of-Way

Ouellette Avenue is classified as a class 2 arterial road according to the Official Plan requiring a 38.2 m right-of-way; the current right-of-way width is 38.2 therefore no land conveyance is required. Shepherd Street East is classified as a local road according to the Official Plan; the current right-of-way width is 20.10 therefore no land conveyance is required. Dufferin Place is classified as a local road according to the Official Plan; the current right-of-way width is 20.10 therefore no land conveyance is required. A corner cut-off of 6.1 x 6.1 metres is required at the intersection of Ouellette Ave and Shepherd St E per AS-230

There is currently raised curbing located in the right-of-way at both existing access off Ouellette Avenue and Dufferin Place that will need to be removed and access as per AS-204 will need to be constructed. A site plan including the sign located on the Ouellette Avenue side of the property is required to determine if the sign is encroaching within the right of way; if the sign is encroaching appropriate agreements will be required or removal.

In summary we have no objection to the proposed plan of subdivision, subject to the following requirements:

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 6.1 m x 6.1 m corner cut-off at the intersection of Ouellette Ave and Shepherd St E in accordance with City of Windsor Standard Drawing AS-230.

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

If you have any further questions or concerns, please contact Amy Kurek, of this department at akurek@citywindsor.ca

DIVERSITY AND ACCESSIBILITY - GAYLE JONES

In addition to complying with any necessary legislation and regulations made thereunder including but not limited to the Ontario Building Code, the Highway Traffic Act , and the AODA my conditions are as follows:

1. Require at minimum 2 barrier free entrances to building. One of the barrier-free entrances shall be the principal entrance to the building and the other one should be off of one of the primary parking areas.
2. Every barrier-free entrance shall be equipped with an accessible power door operator. Such power door openers shall be mounted according to the specifications set out in the Ontario Building Code. The main entrance had this already installed and in working order so please ensure the other barrier-free entrance also has this.
3. If there are steps at a barrier free entrance a ramp must be provided in accordance with legislation and to the satisfaction of the Chief Building Official and the Accessibility Officer.
4. If a *barrier-free* entrance incorporates a vestibule (like the primary entrance in this case), a door leading from the vestibule into the *floor area* shall be equipped with a power door operator.
5. There shall be signage placed at any non-accessible entrances that directs persons to a barrier free entrance.

Some examples of the type of signage being requested :



6. Accessible Parking and Access Aisles

Since more than one off-street parking facility is provided on the site, the number and type of accessible parking spaces is to be calculated separately for each off-street parking facility. The accessible spaces may be distributed among the off-street parking facilities to provide equivalent or greater accessibility in terms of distance to an accessible entrance or user convenience.

Four per cent of the total number of parking spaces for the use of persons with disabilities, where there are between 13 and 100 parking spaces in accordance with the following ratio, rounding up to the nearest whole number:

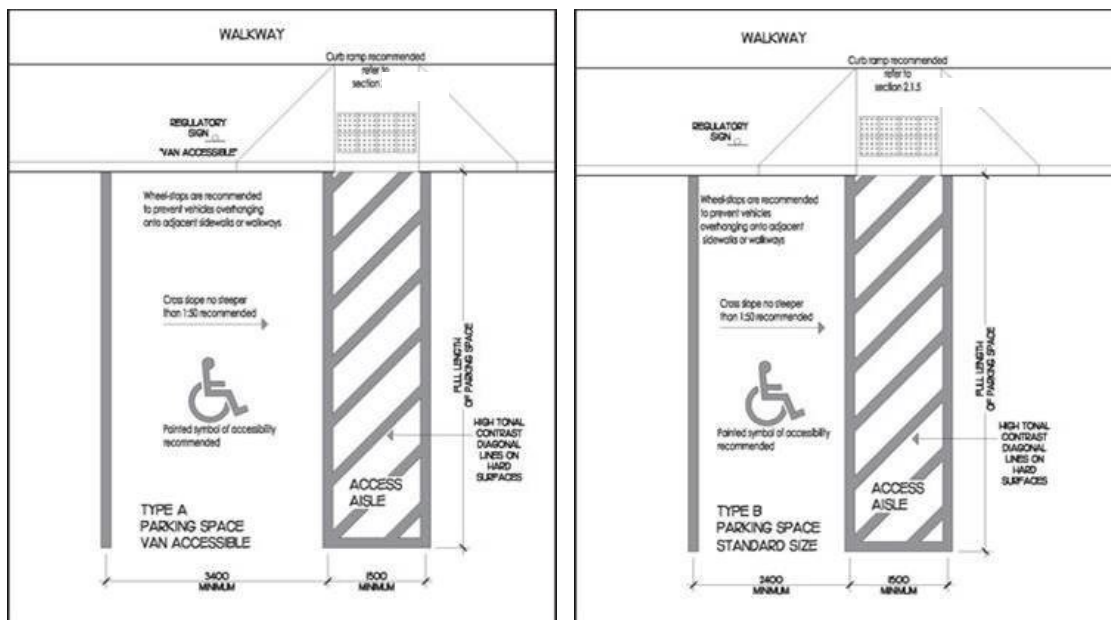
- i. Where an even number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, an equal number of parking spaces that meet the requirements of a Type A parking space and a Type B parking space must be provided.
- ii. Where an odd number of parking spaces for the use of persons with disabilities are provided in accordance with the requirements of this paragraph, the number

of parking spaces must be divided equally between parking spaces that meet the requirements of a Type A parking space and a Type B parking space, but the additional parking space, the odd-numbered space, may be a Type B parking space.

Type A spaces consist of wider parking spaces which accommodate larger vehicles such as vans that are equipped with transfer ramps and has signs that identifies the spaces as “VAN ACCESSIBLE”. An Accessible Permit is required to use these spaces;

Type B spaces are standard accessible parking spaces. An Accessible Permit is required to use these spaces;

--Both with access aisles that meet the specifications as set out in the Integrated Accessibility Standards under the AODA.



7. It is preferable that the designated accessible parking spaces be the nearest parking space or spaces to the principal entrance of the main building, however if this is not possible or feasible the designated accessible parking spaces can be the nearest space(s) to a secondary entrance. Please ensure appropriate curb ramps are provided (i.e.- to the access aisles)
8. Any Conditions tied to these comments should be to the approval of the Chief Building Official and the Diversity and Accessibility Officer.

- (e) The owner agrees to the conveyance of land and provision of easements as required by the municipality;
- (f) The fulfilment of any financial requirement to the City;
- (g) The owner agrees to the conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan.
- (h) The owner agrees to enter into a condominium agreement with the Corporation of the City of Windsor and to complete all required improvements and/or corrections to the satisfaction of the municipality prior to the registration of the final plan of condominium.

11.5.5 Non-Residential Conversion Policies

EVALUATION
CRITERIA

11.5.5.1 Council will evaluate a plan of condominium for the conversion of an existing non-residential building or structure to a residential condominium according to the following criteria:

- (a) The proposal satisfies the general intent of policy 11.5.3.1;
- (b) The appropriateness of allowing the residential use in the area as provided for in the Land Use chapter of this Plan;
- (c) The application of site plan control; and
- (d) The structural integrity of the building and the condition of the common elements as ascertained by a professional engineer.

CONDITIONS OF
APPROVAL

11.5.5.2 Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period, failing which, draft plan approval may be withdrawn.

11.6 Zoning

A municipality can regulate the use and development of lands, buildings and other structures under the zoning provisions of the *Planning Act*.

11.6.1 Objectives

ZONING

11.6.1.1 To provide for the establishment of a zoning by-law.

EXEMPTIONS

11.5.2.8 Council may exempt a plan of condominium from some or all of the provisions of the Planning Act which apply to plans of condominium in accordance with the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) Residential building is constructed or a building permit for its construction has been issued;
- (b) The development has received site plan control approval; and
- (c) The development does not contain any occupied residential rental units.

11.5.3 New Development Policies

*EVALUATION
CRITERIA*

11.5.3.1 Council will evaluate a plan of condominium for a proposed new development or building that was intended for residential use but that was not previously occupied according to the following criteria:

- (a) Provincial legislation, policies and applicable guidelines;
- (b) Provision of adequate infrastructure services, amenities and community facilities and services;
- (c) Impact upon the transportation system and adjacent land uses;
- (d) Impact upon any natural features or functions on the site or in the surrounding area;
- (e) The condominium is considered to be necessary, timely and in the public interest;
- (f) The condominium is designed within the parameters of the Urban Design chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (g) The condominium, the condominium units, and the common elements are suitable for their intended purpose;
- (h) The condominium, the condominium units, and the common elements meet the requirements of the Zoning By-law, and other municipal by-laws; and

- (i) The interrelationship between the design of the proposed plan of condominium and site plan control matters relating to any development on the land. (Added by OPA #66-11/05/07-B/L209-2007)

CONDITIONS OF APPROVAL

11.5.3.2 Council may attach such conditions as it deems appropriate to the approval of a plan of condominium. The applicant may be required to satisfy these conditions within a specific time period, failing which, draft plan approval may be withdrawn.

11.5.4 Rental Housing Conversion to Condominium Policies

(added by OPA#63, June 21, 2007, B/L 100/2007)

Rental housing conversion to condominium refers to the change in tenure of a rental housing property to condominium status.

NOTIFICATION

11.5.4.1

Prior to the consideration of a condominium application by Council or any of its subcommittees, the following notification shall be given:

- (a) The owner shall notify all current tenants to provide them with the details of the application. The notice is to be mailed by first class mail within 60 days of the time the application is deemed to be complete by the Planning Department. Furthermore, a copy of the notice is to be submitted to the Manager of Development for approval prior to mailing;
- (b) At the time the notice referenced in (a) is mailed, the owner shall post copies of the notice at locations within the subject building that are highly visible to tenants, including but not limited to: entrances, mail rooms and elevator lobbies; and
- (c) The owner shall notify all prospective tenants that an application has been submitted to convert the building(s) subject of the application to condominium. Such notice shall be given prior to the signing of a lease or the occupancy of a rental unit.

AFFORDABILITY

11.5.4.2

City Council shall ensure that the conversion of rental housing to condominium status will not have an adverse impact on the supply of rental housing in the City, particularly as it relates to affordable housing. For the purpose of this Plan, the definition of affordability shall be consistent with the definition contained in the Provincial Policy Statement (March 2005) being:

- (a) The definition of affordable rental housing is the least expensive of:

APPENDIX C – Excerpts from Zoning By-law 8600

16.5 COMMERCIAL DISTRICT 3.5 (CD3.5)

16.5.1 PERMITTED USES

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

Dwelling Units in a Combined Use Building with any of the above uses

Double Duplex Dwelling

Duplex Dwelling

Lodging House

Multiple Dwelling

Residential Care Facility

Semi-Detached Dwelling

Townhome Dwelling

Existing Funeral Establishment

Existing Gas Bar

Existing Service Station

Restaurant with Drive-through existing before November 1, 2004

Any use accessory to any of the above uses, including a *Caretaker's Residence*. An *Outdoor Storage Yard* is prohibited.

16.5.5 PROVISIONS

- .1 Lot Frontage – minimum 15.0 m
- .2 Lot Area – minimum
For a *building* containing only non-residential uses 400.0 m²
- .4 Building Height – maximum
Equal to the length of the longest *exterior lot line*
- .8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
- .10 Gross Floor Area
Within the same *building*, for a *Retail Store, Personal Service Shop, Repair Shop – Light*, or any combination thereof 250.0 m²
- .11 Gross Floor Area Ratio – maximum 3.0
- .15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.

Commercial District 3.5 (CD3.5) continued on next page

16.5 COMMERCIAL DISTRICT 3.5 (CD3.5) – continued**16.5.5 PROVISIONS (continued)**

- .20 Building Setback – minimum
- a) From an *exterior lot line*: 6.0 m
 - b) From an *exterior lot line* abutting Pelissier Street or Dufferin Place for that part of the building having a *building height* of more than 12.0 m: 18.0 m
 - c) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 6.0 m
 - d) From an *interior lot line* where a habitable room window faces the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 11.0 m
 - e) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of 12.0 m or less: 3.0 m
 - f) From an *interior lot line* where a habitable room window does not face the *interior lot line* for that part of the *building* having a *building height* of more than 12.0 m: 25.0% of building height
- .50 Any new *building* or *structure* shall be erected on a *through lot*, except that where a lot is not a *through lot*, one *accessory building* or one accessory structure having a maximum *gross floor area* of 40.0 m² may be erected on such lot.
- .60 Dwelling Unit Density – maximum *dwelling units* per hectare
- a) Lot Frontage less than 30.0 m: 100
 - b) Lot Frontage 30.0 m or more: 230
 - c) Where both the *landscaped open space yard* is greater than 40% of the *lot area* and the *lot frontage* is more than 30.0 metres, the maximum *dwelling units* per hectare may be increased by 15%.
- .70 Notwithstanding Sections 16.5.5.1 to 16.5.5.60, a *Double Duplex Dwelling*, *Duplex Dwelling*, *Semi-Detached Dwelling* or *Townhome Dwelling* shall comply with the provisions of Section 11.2.5.

Art Gallery	1 for each 45 m ² GFA
Automatic Car Wash	0
Automobile Repair Garage	1 for each 45 m ² GFA
Automobile Sales Lot	1 for each 45 m ² GFA
Bake Shop	1 for each 22.5 m ² GFA
Bakery	1 for each 45m ² GFA for the first 2,700 m ² GFA and 1 for each additional 180 m ²
Billiard Hall	1 for each 22.5 m ² GFA
Bingo Hall	1 for each 22.5 m ² GFA
Bowling Alley	4 per alley
Building Material Recycling Centre	1 for each 45 m ² GFA
Business Office	1 for each 45 m ² GFA
Church (including a Church Hall)	1 for each 5.5 m ² GFA uses as a church, chapel or sanctuary AND 1 for each 36 m ² GFA not used as a church, chapel or sanctuary
Club	1 for each 22.5 m ² GFA
Coin Operated Car Wash	0
College Student Residence	1 for each 4 beds
Collision Shop	1 for each 45 m ² GFA
Combined Use Building – Dwelling Units	1.25 for each dwelling unit
Commercial School	2.5 for each classroom or teaching area AND 1 for each 22.5 m ² of GFA of cafeteria, auditorium, gymnasium and other area of assembly
Confectionary	1 for each 45 m ² GFA for the first 2,700 m ² GFA AND 1 for each additional 180 m ²
Confectioner’s Shop	1 for each 22.5 m ² GFA
Contractor’s Office	1 for each 45 m ² GFA used as a business office AND 1 for each 200 m ² GFA used as a warehouse
Convenience Store	1 for each 22.5 m ² GFA
Convent or Monastery	1 for each 4 beds
Correctional Facility	1 for each 2 beds
Day Nursery	1.5 for each classroom or teaching area
Double-duplex Dwelling	4
Drive-through Food Outlet	1 for each 22.5 m ² GFA
Drive-through Restaurant	1 for each 7.5 m ² GFA
Duplex Dwelling	2
TABLE 24.20.5.1 - REQUIRED PARKING SPACES	
USE	PARKING RATE - MINIMUM
Elementary School	1.5 for each classroom or teaching area
Entertainment Lounge	1 for each 7.5 m ² GFA

Motor Vehicle Salvage Operation	1 for each 45 m ² GFA for the first 2,700 m ² GFA AND 1 for each additional 180 m ²
Multiple Dwelling containing a maximum of 4 Dwelling units	1 for each dwelling unit
Multiple Dwelling containing a minimum of 5 Dwelling units	1.25 for each dwelling unit
Museum	1 for each 45 m ² GFA
Outdoor Market	0
Pawnshop	1 for each 22.5 m ² GFA
Personal Service Shop	1 for each 22.5 m ² GFA
Pharmacy	1 for each 22.5 m ² GFA
Place of Entertainment and Recreation	1 for each 36 m ² GFA
Power Generation Plant	1 for each 200 m ² GFA
Professional Studio	1 for each 45 m ² GFA
Public Hall	1 for each 7.5 m ² GFA
Residential Care Facility	1 for each 4 beds
Restaurant	1 for each 7.5 m ² GFA
Retail Store	1 for each 22.5 m ² GFA
Secondary School	1.5 for each classroom or teaching area AND 1 For each 22.5 m ² of GFA of cafeteria , auditorium, gymnasium and other area of assembly
Self-storage Facility	2
Semi-Detached Dwelling	1 for each dwelling unit
Service Station	1 for each 45 m ² GFA
Shelter	1 for each 6 beds
Single –unit Dwelling	1
Stacked Dwelling Unit	1 for each dwelling unit
Take-Out Food Outlet	1 for each 22.5 m ² GFA
Temporary Outdoor Vendor’s Site	0
Theatre	1 for each 6 seats
Tourist Home	1 for each guest room AND 1 for each 22.5 m ² GFA used for a restaurant, convention hall, meeting room and other places of assembly
TABLE 24.20.5.1 - REQUIRED PARKING SPACES	
USE	PARKING RATE - MINIMUM
Townhome Dwelling having an attached garage or carport	1 for each dwelling unit
Townhome Dwelling without an attached garage or carport	1.25 for each dwelling unit

24.22.1 REQUIRED VISITOR PARKING SPACES

- .1 For a Townhome Dwelling without an attached garage or carport, Multiple Dwelling with a minimum of five dwelling units, or Dwelling Units in a Combined Use Building, a minimum of 15 percent of parking spaces shall be marked as visitor parking.
- .5 If the calculation of the number of visitor parking spaces results in a number containing a fraction, the number shall be rounded DOWN to the nearest whole number, but in no case shall there be less than one visitor parking space and one required parking space.

24.22.10 SIZE OF VISITOR PARKING SPACE

- .1 Each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 2.5 metres, except where one side of the parking space is flanked by a wall or fence, each visitor parking space shall have a minimum length of 5.5 metres and a minimum width of 3.5 metres.

24.24 ACCESSIBLE PARKING SPACE PROVISIONS [ZNG/4046]

(AMENDED by B/L 48-2014, April 15, 2014)

24.24.1 REQUIRED ACCESSIBLE PARKING SPACES

- .1 There shall be provided accessible parking spaces as shown in Table 24.24.1:

TABLE 24.24.1 – REQUIRED ACCESSIBLE PARKING SPACES		
TOTAL NUMBER OF PARKING SPACES IN PARKING AREA	REQUIRED NUMBER OF ACCESSIBLE PARKING SPACES – MINIMUM	
	TYPE A	TYPE B
1 to 25	1 space	0
26 to 100	2 percent of parking spaces	2 percent of parking spaces
101 to 200	1.5 percent of parking spaces	0.5 space plus 1.5 percent of parking spaces
201 to 1,000	0.5 space plus 1 percent of parking spaces	1 space plus 1 percent of parking spaces
1,001 or more	5 spaces plus 0.5 percent of parking spaces	5.5 spaces plus 0.5 percent of parking spaces

- .2 If the calculation of the number of required Type A and Type B accessible parking spaces results in a number containing a fraction, the number shall be rounded up to the nearest whole number:

24.24.10 SIZE OF ACCESSIBLE PARKING SPACE

- .1 A Type A accessible parking space shall have a minimum width of 3.5 metres and a minimum length of 5.5 metres.
- .2 A Type B accessible parking space shall have a minimum width of 2.5 metres and a minimum length of 5.5 metres.

24.24.15 ACCESS AISLES

- .1 An access aisle, that is the space between or beside accessible parking spaces that allows persons with disabilities to get in and out their vehicles, shall be

APPENDIX 'D' – By-law 429-2001 (amended By-law 12780)

BY - LAW NUMBER 429-2001

A BY-LAW TO AMEND BY-LAW NUMBER 12780,
BEING A BY-LAW TO PROVIDE FOR THE
CONVEYANCE OF LAND OR THE PAYMENT OF
MONEY IN LIEU OF LAND TO THE MUNICIPALITY FOR
PARKS OR OTHER PUBLIC RECREATIONAL PURPOSES

Passed the 26th day of November, 2001.

WHEREAS it is deemed expedient to further amend By-law Number 12780 passed the 6th day of January, 1997;

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

1. That By-law Number 12780 is amended as follows:

(1) That Section 1 be amended by adding the following thereto:

"(i) "Senior Property Agent" means the Senior Property Agent for the Corporation from time to time."

(2) That the following be added as Section 2.1 and Section 2.2 as follows:

"2.1 As a condition of development or redevelopment of land for commercial or industrial purposes, the owner shall convey to the Corporation for park or other public recreational purposes an amount of land not exceeding two percent (2%) of the land proposed for development or redevelopment.

2.2 In the event that the land is to be developed or redeveloped for more than one purpose, then the provisions of this by-law shall apply to each such purpose in the same proportion as the purpose for which the lands are to be developed or redeveloped."

(3) That the following be added as Section 3.1:

"3.1 Notwithstanding Section 2.1 the Council may require the payment of money equal to the value of the land otherwise required to be conveyed under this by-law and, for the purpose of determining the amount of such payment, the value of the land shall be determined as of the day before the day of the issuance of a building permit in respect of the development or redevelopment, or, where more than one building

APPENDIX 'D' – By-law 429-2001 (amended By-law 12780)

permit is required for the development or redevelopment, as of the day before the issuance of the first permit."

- (4) That Section 4.1 be deleted and the following substituted therefore:

"4.1 Where an owner disputes the money equal to the land referred to in Section 3, 3.1, 4 or 4.2, the following shall apply:

- (a) Where the land has been the subject of an arms-length transaction of purchase and sale within the preceding twelve months, the sale price shall be deemed the value of the land.
- (b) An owner may provide an appraisal of the land, satisfactory to the Senior Property Agent, that has been prepared by an appraiser accredited with the Appraisal Institute of Canada ; or
- (c) The owner may apply to the Ontario Municipal Board for a determination of the value of the land."

- (5) That the following be added as Section 4.2:

"4.2 For the purposes of Section 2.1 the money equal to the value of the land, required to be paid under Section 3.1 shall be determined by the Senior Property Agent."

2. That this by-law shall come into force and take effect on January 1, 2002.

MICHAEL HURST, MAYOR

JOHN SKOROBOHACZ, CITY CLERK

First Reading - November 26, 2001
Second Reading - November 26, 2001
Third Reading - November 26, 2001

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 1: Ouellette Avenue Vehicular Entrance



Photo 2: Ouellette Avenue View

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 3: View from Ouellette & Shepherd intersection



Photo 4: Close View of main pedestrian entrance off Ouellette & Shepherd

APPENDIX E - SITE PHOTOS (taken May 10, 2023)



Photo 5: View of north wall and access to underground parking along Shepherd St.



Photo 6: Close view of access to underground parking along Shepherd St.



Photo 7: Close view of rear vehicular access & neighbouring houses along Dufferin Place



Subject: Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10

Reference:

Date to Council: June 5, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: May 2, 2023
Clerk's File #: Z/14541

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of St. Patrick's Avenue, between Tecumseh Road West and Algonquin Street, described as Lots 14 to 16, Plan 973, by adding a site specific holding provision to permit a *Semi-Detached Dwelling* as an additional permitted use, subject to additional regulations:

472. EAST SIDE OF ST. PATRICK'S AVENUE, BETWEEN TECUMSEH ROAD WEST AND ALGONQUIN STREET

(1) For the lands comprising of Lots 14 to 16, Plan 973, PIN No. 01213-0284 LT & PIN No. 01213-0286 LT, a *Semi-Detached Dwelling* shall be an additional permitted use and the following shall apply:

1. Provisions in section 10.2.5, save and except s.10.2.5.1 and s.10.2.5.2
2. Lot Width - minimum 13.7 m
3. Lot Area - minimum 418.9 m²

[ZDM 4; ZNG/6899]

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

- a) Servicing Study

The owner shall, at its own expense, 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.

b) Off-site Improvements

The owner shall obtain, prior to the issuance of a building permit, an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense all applicable right-of-way improvements identified by the Engineering Department, submit detailed design drawings and obtain street opening permits to the satisfaction of the City Engineer and the Transportation Planning Senior Engineer.

The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:

- i. A detailed design, prepared by an Engineer licensed in the Province of Ontario, for the approval of the Commissioner of Infrastructure Services;
- ii. A detailed cost estimate for the Offsite Improvements prepared by the engineer of record;
- iii. Approval by the Manager of Risk Management of all necessary securities and insurance;
- iv. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule; and
- v. The following special provisions are to be included in the Enhanced Permit:

- Sewer Extension

- The owner(s) shall, prior to the issuance of a building permit and at their entire expense, extend the sanitary sewer on St. Patrick's Avenue to service the subject lands.
- All work to be completed to the satisfaction of the Commissioner of Infrastructure Services.

- c) Landscape Plan prepared by a Landscape Architect (OALA) is to be provided by the owner to demonstrate how the tree plantings will provide the necessary stormwater runoff, to the satisfaction of the City Planner.

[ZDM 4; ZNG/6899]

Executive Summary:

N/A

Background:

Application Information:

Location: 0 St. Patrick's Avenue
(Lot 16 & Part of Lot 15, Plan 973; Roll No. 080-640-19700;
PIN No. 01213-0284)
1466 St. Patrick's Avenue
(Lot 14 & Part of Lot 15, Plan 973; Roll No. 080-640-19600;
PIN No. 01213-0286)

Ward: 10

Planning District: South Cameron

Zoning District Map: 4

Owner: Tian Yao Investment Ltd. [Yao Li (Eric)]

**Applicant/
Authorized Agent:** Avant Group Inc. (Mohammad Hanash)

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 for the lands located on the east side of St. Patrick's Avenue, between Tecumseh Road West and Algonquin Street, known municipally as 0 St. Patrick's Avenue and 1466 St. Patrick's Avenue (the subject property).

The applicant proposes to develop two (2) Semi-Detached Dwellings on the subject property. The applicant indicated that the Semi-Detached Dwellings will have two (2) storeys and contain an attached street-facing single car garage and accessory Additional Dwelling Unit (ADU) within each Semi-Detached Dwelling Unit. The Residential District 1.2 (RD1.2) zoning does not permit a Semi-Detached Dwelling use. The applicant proposes to change the current zoning to a Residential District 2.2 (RD2.2) zoning with a site specific exception to allow a Semi-Detached Dwelling use with a minimum lot width of 13.7 metres, minimum lot area of 418.9 m² and minimum rear yard depth of 5.30 metres.

Two (2) Semi-Detached Dwellings on a lot is not permitted under the RD1.2 zoning, and will not be supported through a site specific exception by the Planning Department. Consequently, the applicant has been advised and has acknowledged that the proposed development is dependent on the subject property being severed to create an equal sized lot for each Semi-Detached Dwelling.

Note:

The applicant has submitted a concurrent Alley Closure application (File No. SAA-7025) to close and purchase the section of alley abutting the subject property for the purpose of increasing the lot depth. The alley closure is necessary to achieve the desired building area, as the Planning Department is not in support of the requested reduction in minimum rear yard depth for the reasons noted herein.

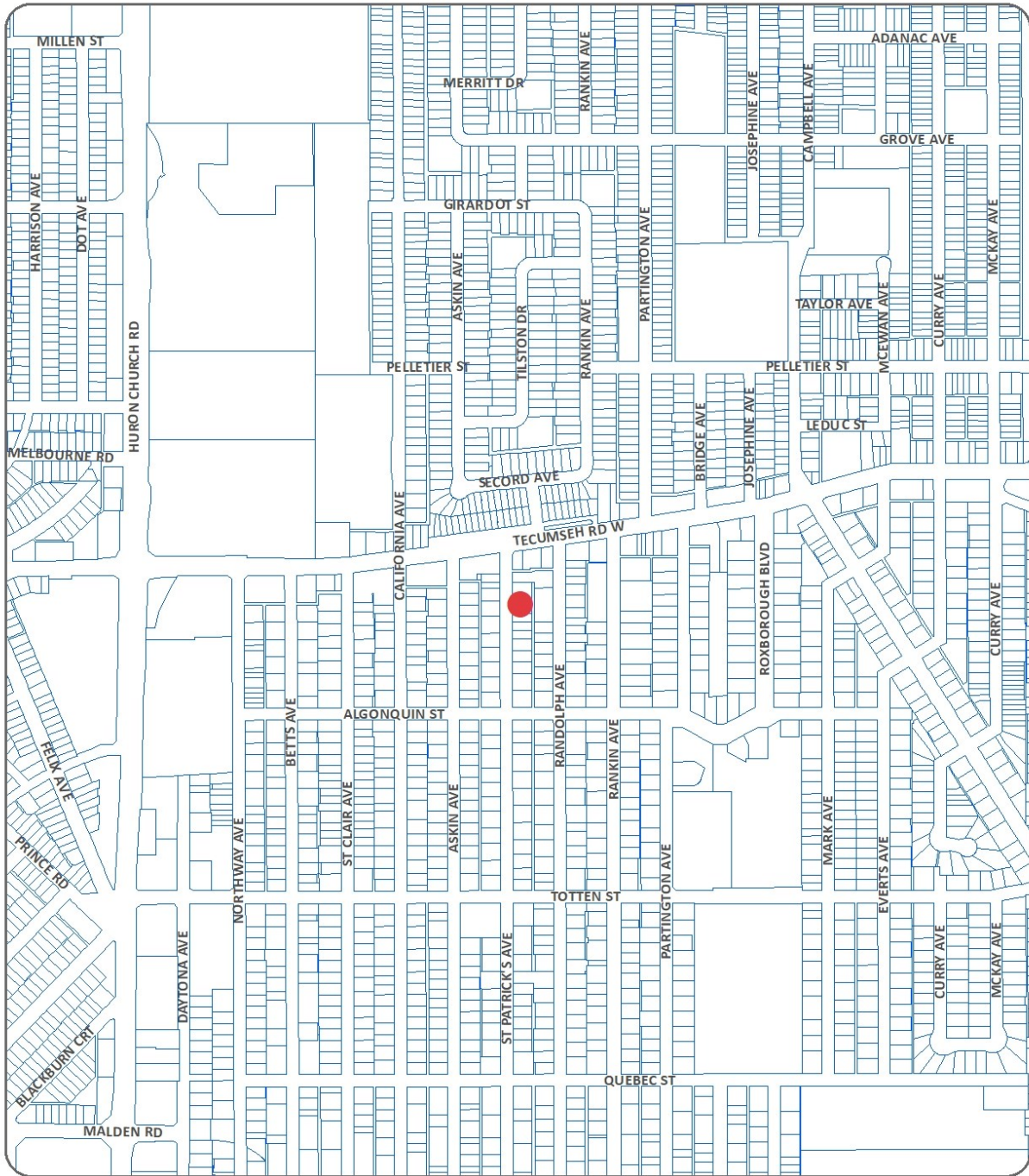
Submitted Information: Conceptual Site Plan (See Appendix A), Planning Pre-Submission Letter (File No. PS-064/21), Topographic Survey, and Zoning By-law Amendment Application Form.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential Low Profile Residential (South Cameron Secondary Plan)	Residential District 1.2 (RD1.2)	Single Family Dwelling	Agricultural
Lot Width	Lot Depth	Lot Area	Lot Shape
27.5 m	30.4 m	837.7 m ²	Rectangular
<i>All measurements are based on Topographic Survey provided by the applicant.</i>			

The subject property contains a 1940 one (1) storey single family dwelling with detached side garage to the south. The remainder of the subject property is maintained as landscaped open space yard. The subject property is bound by a 4.27-metre-wide open alley to the east, which has been encroached on by the abutting property owners over the years. The applicant has a shed and a small portion of the detached garage located within the alley, both of which are proposed to be demolished along with the existing single family dwelling. The subject property was used for agricultural purposes prior to the residential use.

Figure 1: Key Map



KEY MAP - Z-037/22, ZNG-6899



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning

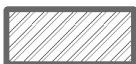


PART OF ZONING DISTRICT MAP 4

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Avant Group



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2023
FILE NO. : Z-037/22, ZNG/6899

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-037/22, ZNG/6899



SUBJECT LANDS

Neighbourhood Characteristics:

The subject property is located on the northern periphery of the South Cameron neighbourhood. The South Cameron neighbourhood constitutes the area north of E. C. Row Expressway, east of Huron Church Road, south of Tecumseh Road West and west of the Canadian Pacific Railway corridor and yard.

The neighbourhood is primarily occupied by a mix of low-density residential uses, interspersed with institutional, natural heritage, and open space uses throughout. The neighbourhood also includes Mixed-Use-Corridor uses along its northern periphery flanking Tecumseh Road West and northern part of its western periphery flanking Huron Church Road, Business Park uses along the southern part of its western periphery flanking Huron Church Road, and sporadic Industrial uses along its eastern periphery flanking South Cameron Boulevard. The neighbourhood also contains two (2) medium density residential uses at the southeast corner of Daytona Avenue and Totten Street.

Surrounding Land Uses:

North:

- A & D Enterprise (Automobile Sales Lot) (2195 Tecumseh Road West)
- Imperial Auto Wash (1429 Randolph Avenue)
- Kim's Nails & Spa (2101 Tecumseh Road West)
- Piccolo's Pizza and Pasta House (2135 Tecumseh Road West)
- Single Family Dwelling (1450 St. Patrick's Avenue)

East:

- C. Landscaping & Design Inc. (Contractor's Office) (1465 Randolph Avenue)
- Low Density Residential
- Mei Mee Asian Foods Wholesaler (1425 Rankin Avenue)

South:

- Low Density Residential

West:

- Low Density Residential
- University Plaza (1420-1590 Huron Church Road)

Municipal Infrastructure:

- Huron Church Road is classified as a Class I Arterial Road on *Schedule F - Roads & Bikeways* to the Official Plan.
- St. Patrick's Avenue is classified as a Local Road, which has a two-lane cross section with curbs and gutters on both sides, and a sidewalk and LED streetlights on the west side.

- Tecumseh Road West is classified as a Class II Arterial Road on *Schedule F - Roads & Bikeways* to the Official Plan.
- Sanitary sewers are not available to the subject property.
- Storm sewers and water lines are located within the St. Patrick's Avenue right-of-way.
- Transit Windsor operates the Central 3 bus route in both directions on Tecumseh Road West.

Discussion:

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

The following policies of PPS 2020 are considered relevant in discussing provincial interests related to this amendment:

1.0 Building Strong Healthy Communities

Policy 1.1.1 states:

- *Healthy, liveable and safe communities are sustained by:*
 - *a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term.*
 - This amendment will allow for a Semi-Detached Dwelling infill development that optimizes existing municipal services.
 - *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.*
 - This amendment will allow for a Semi-Detached Dwelling development, further diversifying the range and mix of residential types available in the South Cameron neighbourhood.
 - *c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.*
 - This amendment will not cause any environmental or public health and safety concerns.
 - *e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit*

investments, and standards to minimize land consumption and servicing costs.

- This amendment will allow for the redevelopment of an underutilized parcel of land within a built-up area, thus avoiding the removal of agricultural lands and the construction of unnecessary new municipal infrastructure and public service facilities.
 - This amendment will allow for a development that optimizes existing municipal storm and water services.
 - This amendment requires the extension of the existing municipal sanitary service within St. Patrick's Avenue, consequently providing the following intensification opportunities for properties currently on private septic system:
 - Establishment of ADU's in an Accessory Building
 - Establishment of an ADU or ADU's in existing Single Family Dwelling
 - Subdivision of larger lots to create new building lots
 - This amendment will allow for a development in close proximity (e.g. biking or walking distance, short car or bus ride) to existing commercial uses, open spaces, public service facilities and institutional uses that are complementary to residential land uses.
 - This amendment will allow for a Semi-Detached Dwelling development that is compatible with surrounding land uses in the South Cameron Neighbourhood.
- *f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.*
- The interior layout and exterior site design for a Semi-Detached Dwelling is exempt from having to comply with the Barrier-Free Design requirements of the *Ontario Building Code*.
 - The *Accessibility for Ontarians with Disabilities Act* does not apply to Semi-Detached Dwellings.
- *g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.*
- There is a 150-millimetre watermain and 300-millimetre concrete storm sewer available in the St. Patrick's Avenue right-of-way to service the subject property.
 - There is a 200-millimetre concrete sanitary sewer located approximately 55.0 metres south of the subject property in the St. Patrick's Avenue right-of-way.
 - The Planning Department is recommending that a site-specific Holding symbol "H" (or "h") provision be added to require the extension of the sanitary sewer in accordance

with the conditions set forth by the Engineering Department in their comments *attached* hereto as Appendix F.

- Existing dwellings on properties abutting the sanitary sewer extension will be required to connect to it in a timeframe determined by the City Engineer.
- There are overhead hydro lines available to service the subject property.
- The subject property has direct access to a public highway in the form of St. Patrick's Avenue.
- Assumption College Catholic High School and Assumption College Catholic Middle School, École élémentaire catholique Saint-Edmond, École Secondaire De Lamothe-Cadillac, West Gate Public School and Westview Freedom Academy are located within approximately 1.2 kilometres, 750.0 metres, 1.2 kilometres, 950.0 metres and 400.0 metres of the subject property respectively.
- Adie Knox Arena and Adie Knox Herman Recreation Complex, and Windsor Public Library - Bridgeview Branch are located within approximately 2.3 kilometres and 900.0 metres of the subject property respectively.

Policy 1.1.3.1 states:

- *Settlement areas shall be the focus of growth and development.*
 - The subject property is located within a Settlement area.

Policy 1.4.3 states:

- *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:*
 - *2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
 - Refer to the response provided to PPS Policy 1.1.1 e) above.
 - *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;*
 - Refer to the response provided to PPS Policy 1.1.1 g) above.

One or more of the aforesaid responses to PPS Policy 1.1.1 also speak to the following relevant PPS Policies:

- 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;
- 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;
- 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;

Official Plan

Relevant excerpts from Volume I and Volume II of the Official Plan are attached as Appendix C and Appendix D respectively. The following policies from these excerpts are considered relevant in discussing the amendment's conformity with the Official Plan.

The subject property is located within the South Cameron Planning District and South Cameron Planning Area on *Schedule A - Planning Districts & Policy Areas*, and a Residential land use designation on *Schedule D - Land Use Plan* of Volume I to the City of Windsor Official Plan. The subject property is located within a Low Profile Residential designation on *Schedule SC-1: Development Concept* of Volume II to the City of Windsor Official Plan.

Volume I

Chapter 3 - Development Strategy

3.2.1 - Safe, Caring and Diverse Communities

This amendment complies with the following applicable key policy direction for managing growth consistent with the Vision of the City of Windsor Community Strategic Plan.

Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As

the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands (Policy 3.2.1.2).

Chapter 6 - Land Use:

6.1 Goals

This amendment complies with the following applicable land use goals:

- *Housing suited to the needs of Windsor residents (Goal 6.1.3).*
- *To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available (Goal 6.1.14).*

6.3 Residential

6.3.1 Objectives

The amendment complies with the following applicable Residential land use objectives:

- *To support a complementary range of housing forms and tenures in all neighbourhoods (Objective 6.3.1.1).*
- *To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan (Objective 6.3.1.3).*

6.3.2 Policies

Evaluation Criteria

Policy 6.3.2.5 states:

- *At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:*
 - *(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:*
 - *(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;*
 - The contractor's office at 1465 Randolph Avenue is located behind the subject property on the other side of the alley.
 - Nuisances commonly associated with the use and uses permitted under the property's Commercial District 2.1 (CD2.1) zoning will not be a factor, as an Outdoor Storage Yard is prohibited under the CD2.1 zoning.

- *(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.*
 - This amendment will allow for a development that is compatible with the established built environment found within the block and surrounding neighbourhood.
 - The Planning Department undertook a detailed analysis of the lots and buildings contained within the block, focusing on a variety of different factors. The purpose of the analysis was to determine if a development permitted through this amendment will be compatible with the established built environment within the block. The data collected through this analysis is included in the table *attached* hereto as Appendix H.
 - The analysis found the block to have a diverse built environment, resulting from a buildout occurring over a period of six decades. In this time building areas and amenity areas changed on multiple occasions to suit the needs of the consumer of the day.

Chapter 7 - Infrastructure:

Policy 7.3.2.3 states:

- *Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal.*
 - Provision of required municipal infrastructure is included in the conditions for approval of the recommended zoning by-law amendment; and,
 - The site-specific Holding provision being recommended herein will prevent a building permit from being issued for any new development on the subject property until such time that its conditions have been satisfied and it has been removed by an amending by-law.

Policy 7.3.2.5 states:

- *Council shall not permit the installation of individual on-site sewage services in new developments.*
 - This amendment does not propose a development on on-site sewage services.
 - Zoning By-law 8600 prohibits the erection of a building or structure on a lot where municipal sanitary sewers are not available.

Chapter 11 - Tools:

Land use compatibility throughout Windsor is an implementation goal to be achieved when administering a planning tool under this Chapter. Compatibility between land uses is also an objective of the Zoning By-law Amendment planning tool (Policy 11.6.1.2).

- Land use compatibility was considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

Policy 11.6.3.3 states:

- *When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:*
 - *(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;*
 - *(b) Relevant support studies;*
 - *(c) The comments and recommendations from municipal staff and circularized agencies;*
 - *(d) Relevant provincial legislation, policies and appropriate guidelines; and*
 - *(e) The ramifications of the decision on the use of adjacent or similar lands.*
 - The ramifications of this amendment are the extension of existing municipal sanitary services within St. Patrick’s Avenue, consequently providing intensification opportunities for properties currently on private septic system.

The aforesaid matters were considered as part of the evaluation of the applicable Official Plan and PPS policies referenced herein.

Volume II

Chapter 4 - South Cameron Planning Area

Land Use Designation: *Low Profile Residential, Schedule SC-1, Development Concept, South Cameron Planning Area, OP. Vol. II*

4.5 Goals

This amendment complies with the following applicable development goals:

- Promote land use patterns, residential densities and building forms that make efficient use of existing resources, services and infrastructure (Goal 4.5.1).
- Provide for a pattern of development in keeping with the scale and use of existing development in this district (Goal 4.5.8).

4.7 Policies

4.7.1 Residential

Low Profile Residential Development

Policy 4.7.1.4 states:

- *For the purpose of this secondary plan, Low Profile Residential development comprise of single detached and semi-detached dwellings only.*

4.10 Implementation

4.10.4 Zoning By-law Amendments

Policy 4.10.4.1 states:

- *Amendments to Zoning By-law 3072 (superseded by Zoning By-law 8600) will be considered having regard to the development policies for the South Cameron Planning District established by this secondary plan.*
 - The policies of the South Cameron Secondary Plan were considered as part of the analysis for this amendment.

Policy 4.10.4.2 states:

- *Zoning amendments will normally be considered when applications are received from property owners (or their authorized agents) within this planning district.*

Zoning By-Law

Relevant excerpts from Zoning By-law 8600 are *attached* as Appendix E.

The subject property is within a RD1.2 zone of Zoning By-law 8600, which does not permit a Semi-Detached Dwelling use.

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning to RD2.2 with a site specific provision to allow a Semi-Detached Dwelling with a minimum lot width of 13.7 metres, minimum lot area of 418.9 square metres and minimum rear yard depth of 5.30 metres.

The applicant's request for a change in zoning with a site specific provision has been considered and is supported in this report, save and except for the change in zoning district and the reduction in minimum rear yard depth. The following rationale is provided for retaining the RD1.2 zoning and not supporting the reduction in minimum rear yard depth:

- Retention of RD1.2 Zoning
 - The Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling and Townhome Dwelling uses permitted under the RD2.2 zoning are **not** permitted in the Low Profile Residential Land Use designation within the South Cameron Secondary Plan Area, OP Volume II, as shown in section 4.7.1.4, OP Vol. II.
 - The Semi-Detached Dwelling provisions under both zoning districts are identical.
 - The minimum lot area and lot width provisions for a Single Unit Dwelling under the RD2.2 zoning are not consistent with those of properties within

the block. This could potentially result in the subject property being developed with three (3) Single Unit Dwellings with lot areas and lot widths that are not complimentary to those within the block.

- Reduction in minimum Rear Yard Depth
 - The Planning Department does not agree with the justification submitted by the applicant via email, *attached* hereto as Appendix I. The justification does not explain why compliance with the rear yard depth provision is not possible for a new development on a vacant regular shaped lot with no known constraints (i.e. easement, irregular lot configuration, natural heritage feature, heritage conservation district, etc.).
 - The Planning Department is of the opinion that the request for a reduction in rear yard depth is solely for the purpose of achieving a greater building area.

The Planning Department is recommending that the zoning for the subject property be amended in the following manner to support the proposed Semi-Detached Dwelling development.

- Adding a site specific holding provision to permit a *Semi-Detached Dwelling* as an additional permitted use, subject to additional regulations to permit its development on a lot with a reduced lot width and lot area.
- The holding provision will remain until such time that the conditions referenced herein have been fulfilled to the satisfaction of the designated approval authority.

No other zoning deficiencies have been identified or supported.

A draft amending by-law is attached as Appendix G. Subsection 24 (1) of the *Planning Act*, R.S.O. 1990, c. P.13., prohibits a by-law from being passed that does not conform with the Official Plan. As discussed through the Official Plan section herein, the proposed amendment conforms to the applicable policies of the Official Plan.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit helps to mitigate development impact.

Climate Change Adaptation:

The proposed construction of a new dwelling provides an opportunity to increase resiliency for the development and surrounding area.

Financial Matters:

N/A

Consultations:

Comments received from City Departments, external agencies and members of the public on this application were taken into consideration when preparing this report. A record of the comments is included as Appendix E herein.

There are no objections to the proposed amendment.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120 metres of the subject parcel.

Conclusion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The recommended zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

The recommended zoning by-law amendment is consistent the PPS, with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

Planning Act Matters:

*Brian Nagata, MCIP, RPP
Planner II - Development Review*

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

*Justina Nwaesei, MCIP, RPP Thom Hunt, MCIP, RPP
Acting Manager of Policy Planning City Planner*

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

JP

JM

Approvals:

Name	Title
Justina Nwaesei	Acting Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancini	Chief Administration Officer

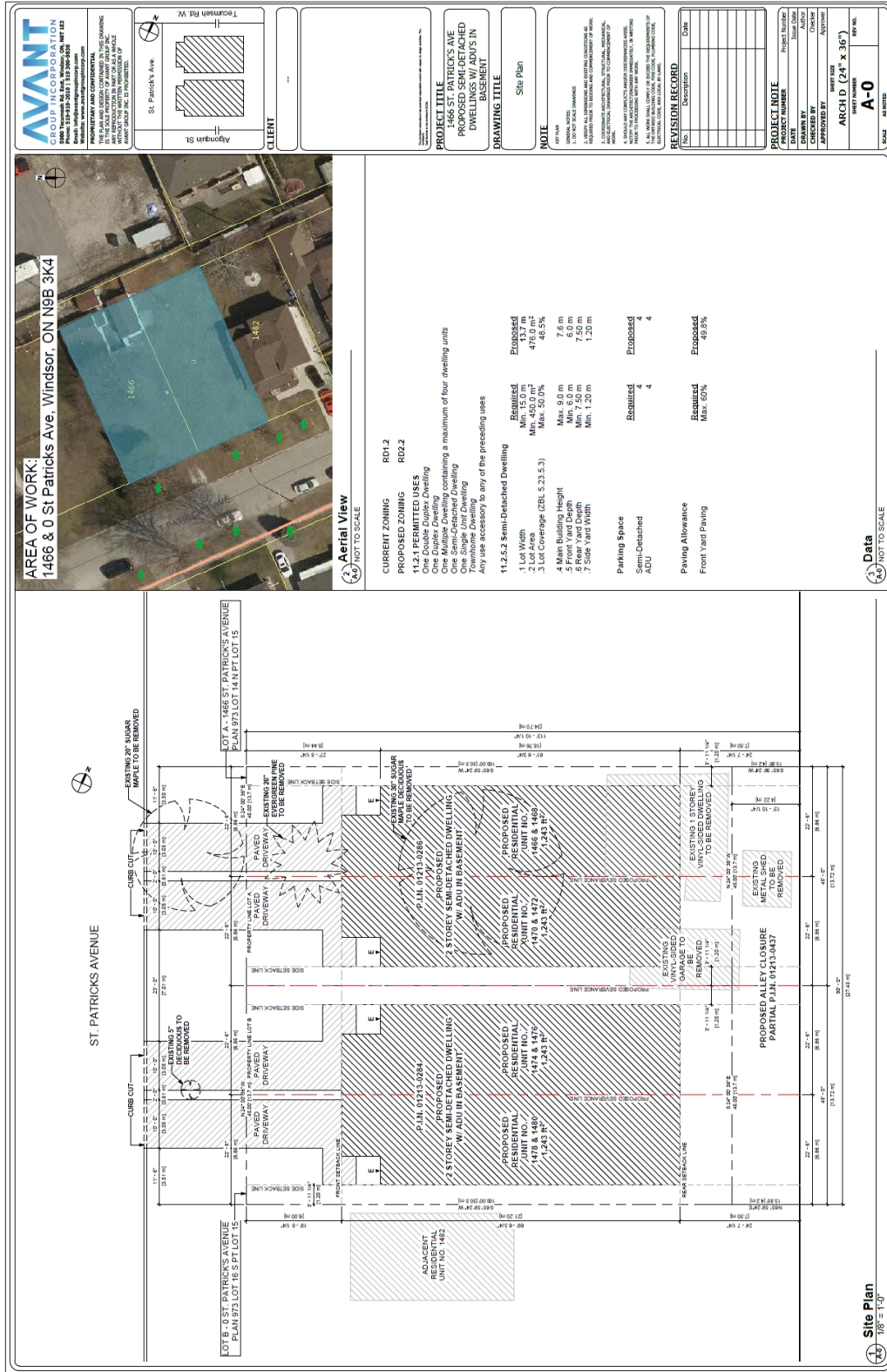
Notifications:

Name	Address	Email
Applicant & Authorized Agent: Avant Group Inc. c/o Mohammad Hanash	5980 Tecumseh Rd. E. Windsor, ON N8T 1E3	mohammad@avantgroupincorp.com
Owner: Tian Yao Investment Ltd. c/o Eric Yao Li	1638 St. Clair Ave. Windsor, ON N9B 3L1	tianyaold@gmail.com
Councillor Jim Morrison (Ward 10)	350 City Hall Square West, Suite 530 Windsor, ON N9A 6S1	jmorrison@citywindsor.ca
Abutting property owners, tenants/occupants within 120-meter (400 feet) radius of the subject property		

Appendices:

- 1 Appendix A - Conceptual Site Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Excerpts from Official Plan Volume I
- 4 Appendix D - Excerpts from Official Plan Volume II
- 5 Appendix E - Excerpts from Zoning By-law 8600
- 6 Appendix F - Consultations
- 7 Appendix G - Draft Amending By-law
- 8 Appendix H - Lot and Building Analysis (1400 to 1500 Block of St. Patrick Avenue)
- 9 Appendix I - Applicant's Rationale for Reduction in Rear Yard Depth

APPENDIX "A" Concept Plans



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



Figure 1 - Looking east towards subject property from St. Patrick Avenue



Figure 2 - Looking east towards subject property from St. Patrick Avenue (1450 St. Patrick Avenue on left)



Figure 3 - Looking east towards subject property from St. Patrick Avenue (1482 St. Patrick Avenue on right)



Figure 4 - St. Patrick Avenue looking south from subject property



Figure 5 - St. Patrick Avenue looking north from subject property



Figure 6 - Looking east towards single family dwelling and detached garage on subject property

APPENDIX “C”

Excerpts from Official Plan Volume I

3 Development Strategy

This chapter was amended as part of Official Plan Amendments #76 and #79 as part of a 5-year review of the Official Plan. Official Plan Amendment #76 was approved by the Ministry of Municipal Affairs and Housing on 01/06/2012. Official Plan Amendment #79 was approved by the Ministry of Municipal Affairs and Housing on 06/05/2012.

3.2 Growth Concept

3.2.1 Safe, Caring and Diverse Community

*NEIGHBOURHOOD
HOUSING
VARIETY*

3.2.1.2 Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.

3.3 Urban Structure Plan

The Urban Structure Plan identifies the key structural elements within the municipality. These key structural elements and the linkages between these elements establish the strategic framework within which more detailed land use designations can be established.

3.3.3 Neighbourhoods

Neighbourhoods are the most basic component of Windsor’s urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.

The three dominant types of dwellings in Windsor’s neighbourhoods are single detached, semi-detached and townhouses. The density range for Windsor’s neighbourhoods is between 20 to 35 units per net hectare. This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.

6. Land Use

6.1 Goals

In keeping with the Strategic Directions, Council's land use goals are to achieve:

<i>RESIDENTIAL</i>	6.1.3	Housing suited to the needs of Windsor's residents.
<i>RESIDENTIAL INTENSIFICATION</i>	6.1.14	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.

6.3 Residential

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

The following objectives and policies establish the framework for development decisions in Residential areas.

6.3.1 Objectives

<i>RANGE OF FORMS & TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>INTENSIFICATION, INFILL AND REHABILITATION</i>	6.3.1.3	To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.

6.3.2 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>EVALUATION CRITERIA FOR A NEIGHBOURHOOD DEVELOPMENT PATTERN</i>	6.3.2.5	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is: <ol style="list-style-type: none"> (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
--	---------	---

- (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
- (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

7 Infrastructure

This chapter was amended as part of Official Plan Amendments #81 as part of a 5-year review of the Official Plan. Official Plan Amendment #81 was approved by the Ministry of Municipal Affairs and Housing on 09/07/2012.

7.3.2 General Policies

NEW
DEVELOPMENT

- 7.3.2.3 Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal.

NEW INDIVIDUAL
ON-SITE SEWAGE
SERVICES

- 7.3.2.5 Council shall not permit the installation of individual on-site sewage services in new developments.

11 Tools

This chapter was amended as part of Official Plan Amendments #84 as part of a 5-year review of the Official Plan. Official Plan Amendment #84 was approved by the Ministry of Municipal Affairs and Housing on 07/09/2012.

11.6 Zoning

A municipality can regulate the use and development of lands, buildings and other structures under the zoning provisions of the *Planning Act*.

11.6.1 Objectives

- 11.6.1.1 To provide for the establishment of a zoning by-law.
- 11.6.1.2 To ensure compatibility between land uses.

11.6.3 Zoning By-law Amendment Policies

- 11.6.3.1 All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.
- 11.6.3.2 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the *Planning Act*, and regulations pursuant thereto, and the procedural requirements of this Plan. In general, after an applicant's pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall: **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; **Added by OPA 65 – 10/22/2007– By-law 192-2007**
 - (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the Planning Act; and **Added by OPA 65 – 10/22/2007– By-law 192-2007**
 - (c) Be given due and thorough consideration by Council. **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- 11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:
- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
 - (b) Relevant support studies;
 - (c) The comments and recommendations from municipal staff and circularized agencies;
 - (d) Relevant provincial legislation, policies and appropriate guidelines; and
 - (e) The ramifications of the decision on the use of adjacent or similar lands.

APPENDIX “D”
Excerpts from Official Plan Volume II

4. South Cameron Planning Area

4.5 Goals

Based on the background analysis and input received at the public meetings, the following development goals are established.

<i>EFFICIENT LAND USE</i>	4.5.1	Promote land use patterns, residential densities and building forms that make efficient use of existing resources, services and infrastructure.
<i>COMPATIBLE SCALE & USE</i>	4.5.8	Provide for a pattern of development in keeping with the scale and use of existing development in this district.

4.7 Policies

Based upon the background analysis, public input, and consultants’ studies, a development concept was prepared (refer to Schedule SC-1: Development Concept). The intent of this secondary plan is to achieve the previously described goals and objectives, establish a land use pattern and set out policies to guide future development.

4.7.1 Residential

This secondary plan provides primarily for residential development which complements the development that has already occurred within this planning district. In this regard, residential development will be primarily low profile with limited provision for medium and high profile housing to afford a variety of choices in housing forms.

Residential areas are allocated to allow safe and convenient access to parks, schools and major roads leading to commercial facilities and employment areas.

<i>LOW PROFILE RESIDENTIAL DEFINED</i>	4.7.1.4	For the purpose of this secondary plan, Low Profile Residential development comprise single detached and semi-detached dwellings only.
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4.10 Implementation

4.10.4 Zoning By-law Amendments

*ZONING
AMENDMENTS*

4.10.4.1 Amendments to Zoning By-law 3072 will be considered having regard to the development policies for the South Cameron Planning District established by this secondary plan.

INITIATION

4.10.4.2 Zoning amendments will normally be considered when applications are received from property owners (or their authorized agents) within this planning district. This does not, however, preclude the Corporation of the City of Windsor from initiating amendments to Zoning By-law 3072 where the amendments are perceived to be in the interest of good planning.

APPENDIX “E”
Excerpts from Zoning By-law 8600

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233; B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 220-2002, Feb 24/2003; B/L 10-2004 OMB Order PL040143, File No. R040023, Decision/Order No. 0055, Issued Jan 12/2005 B/L 114-2016 Sep 19/2016); B/L 164-2017, Dec. 7/2017 [ZNG/5270]; B/L 95-2019, Sept. 27/2019

10.2 RESIDENTIAL DISTRICT 1.2 (RD1.2)

10.2.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.2.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	12.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	360.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 12651 Approved by OMB Order R960323, Feb 25/1997
 B/L 169-2001 Jun 1/2001; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233
 B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 142-2006 Aug 24/2006; B/L 114-2016 Sep 19/2016)
 B/L 164-2017, Dec. 7/2017 [ZNG/5270]

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

APPENDIX “F” Consultations

BELL CANADA WSP

No comments provided

[Charleyne Hall, Bell Canada External Liaison]

CALDWELL FIRST NATION COMMUNITY

No comments provided

COGECO

No comments provided

ENBRIDGE (FORMERLY UNION GAS)

After reviewing the provided drawing at 1466 St Patrick’s Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

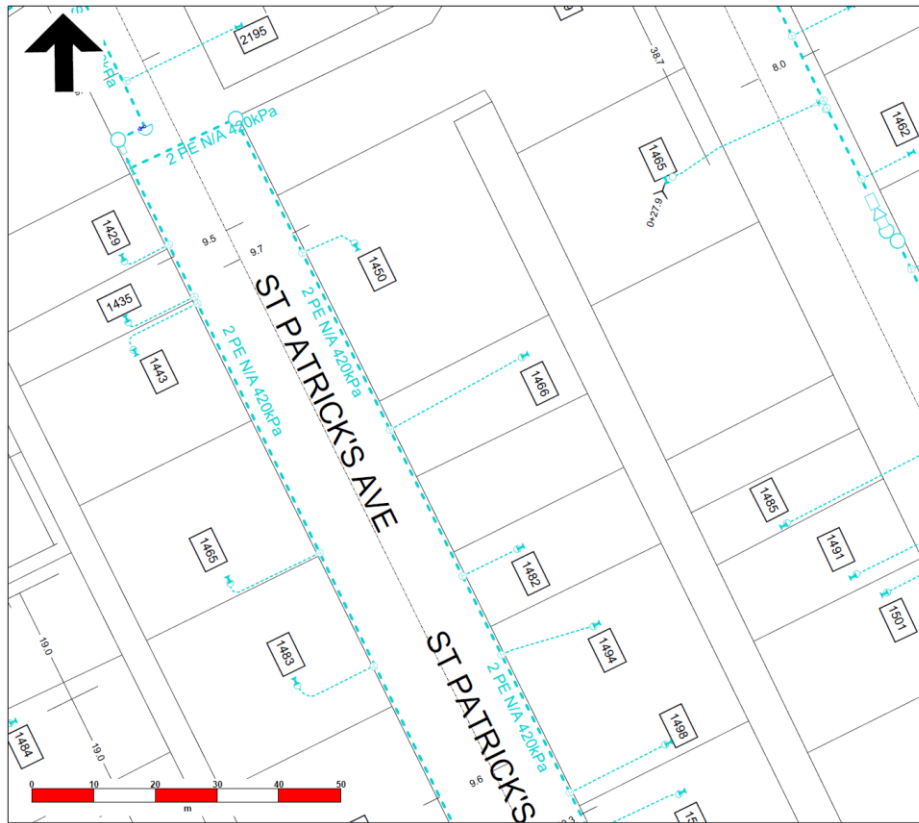
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

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

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

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

[Gord Joynson, Drafter Estimator]



KEY PLAN - NTS

SOURCE DOCUMENT INFORMATION

Qualified Individual:	Pipeline Certificate No.:
Welder / Fitter:	Ticket Number:
In-Service Date:	IG-Fach Update By:
Design Pressure:	Test Medium:
Drawn On:	Pressure:
Drawn Off:	Pressure:

REVISIONS

Date	By	For	Remarks

ENBRIDGE
AS - Built

Title: **1466 - 1482 St Patricks Ave Windsor**

Description: **1466 St Patricks Ave Windsor**

Project #:	Work Management Work Order:	% SMTS:
District: WINDSOR	Municipality: WINDSOR	Authorized:
Drawn By: GCJDYNS	Date Drawn: 2023/06/27	Contract:
Scale: 1:500	Group #: JOBNO40006	Drawing Number: 1 OF 1

ENWIN UTILITIES - HYDRO

No objection, provided clearances are maintained from our distribution plants.

Please note the following distribution services:

- Overhead 120/240V secondary triplex distribution pole line with associated down guy wires / anchors adjacent to the East limit of the property.
- Overhead 600/347V secondary quadplex distribution adjacent to the East limit of the property.
- Overhead Streetlights across the street to the West of the above noted property.
- The above noted property also has a 120/240V secondary triplex servicing it.
- To the North of the above noted property, 1456 St Patrick's Ave have 120/240V secondary triplex servicing them.
- To the South of the above noted property, 1482 St Patrick's Ave have 120/240V secondary triplex servicing them.

Owner will need to make appropriate arrangements for removals with ENWIN (they can send request to tsd@enwin.com when the time comes) for any hydro service/meter removal as well as account closures.

Prior to working in these areas, we recommend notifying your contractor and referring to the proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

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

[Tia McCloskey, Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections. 0 St. Patrick's does not have a water service and the existing water service for 1466 St. Patrick's would not be sufficient for the proposed development and would need to be abandoned and a new water service installed.

[Bruce Ogg, Water Project Review Officer]

ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone, Manager, Environmental Services]

PARKS & FACILITIES

2 City trees in front of these 2 lots: Maple 48 cm & Lilac 11 cm. Given that proposal calls for both to be removed. Recovery costs are as noted below

REMOVALS

- By city contractor: \$1,100.00

REPLACEMENT

- Diameter to replace 59 cm
- 5 cm Tree Required: 12 New Trees
- Replacement costs \$600.00/tree
- REPLACEMENT: \$7,200.00

Also, there are 2 other Larger private trees on this lot. An assessment to confirm species, size and condition for possible canopy replacement should be completed.

[Yemi Adeyeye, City Forester]

PLANNING DEPARTMENT - LANDSCAPE

Pursuant to the application for a zoning amendment (Z 037/22) to permit the construction of a two (2) storey four (4) unit Townhome Dwelling on the subject, please note the following comments:

Zoning Provisions for Parking Setback:

The revised proposal retains 50.5% of the front yard as soft landscape and is therefore now compliant with the Zoning Bylaw.

Tree Preservation:

There are two existing trees on the privately owned developed property at 1466 St. Patrick's Avenue as well two existing municipal trees on St. Patrick's. This new proposed development will result in the removal of all four trees.

A large Norway Maple tree (*Acer platanoides*) with a 76 cm trunk diameter and a mature Arborvitae (*Thuja occidentalis*) with a 45 cm trunk diameter are situated in the middle of the proposed development and are scheduled to be removed.

A large Norway Maple tree (*Acer platanoides*) with a 50.8 cm trunk diameter and a smaller Ivory Silk Lilac tree (*Syringa reticulata*) with a 12.7 cm trunk diameter are situated in the City right-of-way on St. Patrick's immediately in front of the subject properties.

The applicant will require to compensated this loss to the urban tree canopy and the municipal trees in the form of a cash-in-lieu payment, to the satisfaction of the City Forester.

Parkland Dedication:

Require a parkland dedication in the form of cash-in-lieu representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act, payable at the time of issuance of a building permit.

[Stefan Fediuk, Landscape Architect]

PLANNING DEPARTMENT - URBAN DESIGN

Climate Change and Urban Design:

The revised proposal has addressed the previous concerns related to stormwater runoff by increasing the amount of soft landscape area on the property. The separating into two buildings instead of a single row of townhouses, will also aid in stormwater to not collect in the rear of the yard which would have had a potential for standing water. This solution is now more contextually appropriate to the neighbourhood.

As identified in the Planning Rationale, Section 3.1 the owner is proposing new trees to manage storm water runoff. A landscape plan prepared by a Landscape Architect (OALA) is to be provided by the owner to demonstrate how the tree plantings will provide the

necessary runoff. The additional greenspace above will provide area where those trees can be planted to provide additional stormwater mitigation.

[Stefan Fediuk, Landscape Architect]

PUBLIC WORKS DEPARTMENT

We have reviewed the subject Zoning By-law Amendment application and have the following comments:

Sewer

The site may be serviced by an existing 300mm concrete storm sewer located below the centerline of St. Patrick's Ave. Currently, St. Patrick's Ave. does not contain a municipal sanitary sewer, fronting the subject site. The applicant has submitted a sanitary sewer study, prepared by McCloskey Engineering Ltd, dated January 31, 2023, which has been review by the City. This report demonstrates that there is adequate capacity and invert in the existing receiving municipal sanitary sewers to support the proposed sewer extension. No negative impacts will be realized by existing areas adjacent to the proposed development. An official approval of this report will be issues following a detailed review.

If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

Right-of-Way

St. Patrick's Ave is classified as a Local Road, as per the Official Plan. The current right-of-way width is 20 meters; therefore, no land conveyance is required.

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

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

Off-site Improvements - The owner shall obtain, prior to the issuance of a building permit, an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense for all applicable right-of-way improvements identified by the Engineering Department, submit detailed design drawings and obtain street opening permits to the satisfaction of the City Engineer and the Transportation Planning Senior Engineer.

The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:

- a. A detailed design, prepared by an Engineer licensed in the Province of Ontario, for the approval of the Commissioner of Infrastructure Services
- b. A detailed cost estimate for the Offsite Improvements prepared by the engineer of record.
- c. Approval by the Manager of Risk Management of all necessary securities and insurance
- d. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule
- e. The following special provisions are to be included in the Enhanced Permit:
 - Sewer Extension - The owner(s) further agrees, prior to the issuance of a building permit and at their entire expense, to extend the sanitary sewer on St. Patrick's Ave. to service the subject lands. Any oversizing shall be based on cost-sharing satisfactory to the City Engineer. Payment of any oversizing will be based on its inclusion in a Capital budget, subject to City Council's approval in a future year and may be subject to a servicing agreement. All work to be completed to the satisfaction of the Commissioner of Infrastructure Services.

[Rob Perissinotti, Development Engineer]

TRANSPORTATION PLANNING

The Official Plan classifies St. Patrick's Ave as a Local Road with a required right-of-way width of 20 metres. The current right-of-way width is sufficient, therefore, a land conveyance is not required.

All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

[Clare Amicarelli, Transportation Planner I]

WALPOLE ISLAND FIRST NATION

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the proposed amendment to the Zoning By-law to change the zoning from RD1.2 to RD2.2 to permit construction of two, two-storey, semi-detached dwellings plus accessory dwelling units. The revised design features improvements to the driveway access configuration, making it safer for ongoing vehicular entry and egress from the property, compared to what was originally proposed. The outcome from this Zoning By-law amendment is not anticipated to negatively impact public safety or affect the ability to provide police service delivery to the subject property or those properties abutting it. Since the nature of the application is such that it will not be

subject to site plan control, we do recommend the following measures that are intended to enhance safety and security:

- Porch lights be provided that will yield sufficient illumination to allow good visibility of the building's entry points and street address numbers. Lights that yield at least 4.0 foot-candles (43 lux) would be optimal.
- Both new semi-detached dwellings should have their own highly visible (with no obstructions) street address number with numerals that are at least 6 - 8" high, be of a contrasting colour to the background onto which they are mounted, and be clearly visible from the adjacent roadway (St. Patrick Avenue).
- To protect each building and its contents against unlawful access that will trigger crime, appropriate target hardening measures should be considered as follows:
 - All windows should lock to guard against unlawful entry being gained, particularly all ground floor windows.
 - Exterior doors should have a dead bolt lock (with a minimum 1" bolt throw), steel door frame, and a one-way privacy viewing port to allow tenants to safely screen visitors before opening their door.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "G" Draft Amending By-law

BY - LAW NUMBER -2023

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

Passed the _____ day of _____, 2023.

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

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

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

472. EAST SIDE OF ST. PATRICK’S AVENUE, BETWEEN TECUMSEH ROAD WEST AND ALGONQUIN STREET

For the lands comprising of Lots 14 to 16, Plan 973, PIN No. 01213-0284 LT and PIN No. 01213-0286 LT, a *Semi-Detached Dwelling* shall be an additional permitted use and the following shall apply:

- 1. Provisions in section 10.2.5, save and except section 10.2.5.1 and section 10.2.5.2
- 2. Lot Width - minimum 13.7 m
- 3. Lot Area - minimum 418.9 m²

[ZDM 4; ZNG/6899]

2. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	4	Lots 14 to 16, Plan 973 PIN 01213-0284 LT and PIN 01213-0286 LT (located on the east side of St. Patrick’s Avenue, between Tecumseh Road West and Algonquin Street)		S.20(1)H472

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

a) Servicing Study

The owner shall, at its own expense, 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.

b) Off-site Improvements

The owner shall obtain, prior to the issuance of a building permit, an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense for all applicable right-of-way improvements identified by the Engineering Department, submit detailed design drawings and obtain street opening permits to the satisfaction of the City Engineer and the Transportation Planning Senior Engineer.

The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:

- i. A detailed design, prepared by an Engineer licensed in the Province of Ontario, for the approval of the Commissioner of Infrastructure Services;
- ii. A detailed cost estimate for the Offsite Improvements prepared by the engineer of record;
- iii. Approval by the Manager of Risk Management of all necessary securities and insurance;
- iv. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule; and
- v. The following special provisions are to be included in the Enhanced Permit:
 - Sewer Extension
 - The owner(s) shall, prior to the issuance of a building permit and at their entire expense, extend the sanitary sewer on St. Patrick's Avenue to service the subject lands.
 - All work to be completed to the satisfaction of the Commissioner of Infrastructure Services.

c) Landscape Plan prepared by a Landscape Architect (OALA) is to be provided by the owner to demonstrate how the tree plantings will provide the necessary runoff, to the satisfaction of the City Planner.

DREW DILKENS, MAYOR

CLERK

First Reading - , 2023

Second Reading - , 2023

Third Reading - , 2023

SCHEDULE 2

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

To amend the zoning of the lands located on the east side of St. Patrick’s Avenue, between Tecumseh Road West and Algonquin Street, described as Lots 14 to 16, Plan 973, PIN 01213-0284 LT and PIN 01213-0286 LT, so as to permit the development of a semi-detached dwelling on the subject land.

The amending by-law maintains the RD1.2 zoning on the subject land and adds a special zoning provision permitting a semi-detached dwelling on a lot with a reduced lot width and lot area.

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



PART OF ZONING DISTRICT MAP 4

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Avant Group

 SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2023
FILE NO. : Z-037/22, ZNG/6899

**APPENDIX “H”
Lot and Building Analysis
(1400 to 1500 Block of St. Patrick Avenue)**

Municipal No.	Building Area (m2) (Approx.)	Site Area (ha) (Approx.)	Lot Coverage (Approx.)	Building Area to Site Area Ratio (Approx.)	Storeys	Lot Width (m) (Approx.)	Main Building Construction Date	Lot Coverage Max (m2) (Approx.)
0 St. Patrick Ave*	208.1	0.042	49.7%	2.0	2.0	13.7	N/A	188.5
1429 St. Patrick Ave	121.9	0.041	29.8%	3.4	1.5	13.4	1925	183.9
1435 St. Patrick Ave	104.5	0.028	37.5%	2.7	1.0	9.1	1930	125.3
1443 St. Patrick Ave	118.0	0.065	18.1%	5.5	1.0	21.3	1925	292.6
1450 St. Patrick Ave	160.4	0.111	14.4%	6.9	1.0	36.4	1955	501.6
1465 St. Patrick Ave	227.8	0.074	30.7%	3.3	1.0	24.3	1972	334.4
1466 St. Patrick Ave*	208.1	0.042	49.7%	2.0	2.0	13.7	1940	188.5
1482 St. Patrick Ave	105.4	0.042	25.2%	4.0	2.0	13.7	1923	188.1
1483 St. Patrick Ave	238.8	0.084	28.6%	3.5	1.0	27.3	1950	376.2
1494 St. Patrick Ave	241.3	0.042	57.7%	1.7	2.0	13.7	1923	188.1
1498 St. Patrick Ave	202.8	0.056	36.4%	2.7	2.0	18.3	1940	250.7
1501 St. Patrick Ave	207.2	0.070	29.7%	3.4	1.0	22.8	1971	313.5
1515 St. Patrick Ave	199.1	0.070	28.6%	3.5	1.0	22.8	1965	313.5
1520 St. Patrick Ave	103.0	0.056	18.5%	5.4	2.0	18.2	1978	250.8
1535 St. Patrick Ave	229.3	0.074	30.9%	3.2	2.0	24.3	1964	334.4
1542 St. Patrick Ave	207.8	0.056	37.3%	2.7	1.0	18.2	1955	250.8
1555 St. Patrick Ave	116.9	0.075	15.7%	6.4	2.0	21.4	1965	335.5
1560 St. Patrick Ave	296.7	0.084	35.5%	2.8	2.0	27.3	1977	376.2
1580 St. Patrick Ave	249.5	0.084	29.8%	3.4	2.0	27.3	1975	376.2
1585 St. Patrick Ave	247.3	0.074	33.3%	3.0	1.0	24.3	1972	334.3
*Denotes the subject property								
	Minimum Value							
	Maximum Value							
Average (Excludes 0 & 1466 St. Patrick Avenue)	187.7	0.1	29.9%	3.7	1.5	21.3		295.9
Average (Includes 0 & 1466 St. Patrick Avenue)	189.7	0.1	31.9%	3.6	1.5	20.6		285.1

APPENDIX “I”

Applicant’s Rationale for Reduction in Rear Yard Depth

From: Jacky Ng <jacky@avantgroupincorp.com>

Sent: April 26, 2023 9:00 PM

To: Nagata, Brian <bnagata@citywindsor.ca>

Cc: Porter, Ashley <aporter@citywindsor.ca>; mohammad@avantgroupincorp.com; 'Tian Yao Li'
[REDACTED]; Matthews, Meghan (She/Her) <MMatthews@citywindsor.ca>

Subject: RE: Z-037/22 [ZNG-6899] (0 & 1466 St Patrick Avenue)

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Brian,

I’ve reached out to Andrew from Verhaegen regarding conducting the survey but he has yet to reply. But with their current schedule it would take them at least a month or so to conduct our survey. We’d like to move forward with the site specific provision for rear yard setback. We believe the below justification would explain the reduction of rear yard setback along with not favoring the alley closure:

1. **Historical Ineffectiveness of the Alley:** As indicated on the City map, the alley in question has not served its intended function prior to 2000. This extended period of ineffectiveness suggests that alternative routes and access points have been established, rendering the alley redundant for regular traffic flow and property access. Given its historical ineffectiveness, permanently closing the alley may not significantly impact the community's daily routines and accessibility. Therefore, allowing a reduction in the rear yard setback would not compromise the overall functionality of the neighborhood.
2. **Preservation of Green Space:** We recognize the importance of preserving green space for landscaping and environmental considerations. By not favoring an alley closure, we can retain the existing alley area as green space, which provides various benefits. Green spaces enhance the aesthetic appeal of the neighborhood, improve air quality, mitigate the urban heat island effect, and support biodiversity. By leaving the alley intact, we can contribute to the preservation of valuable green space and create a more sustainable and pleasant environment for the community.
3. **Prevention of Changes to Stormwater Direction:** Altering the existing stormwater flow direction can have adverse effects on the surrounding infrastructure and natural drainage patterns. By maintaining the alley, we can prevent further changes to stormwater direction, ensuring that the current drainage system remains intact. This approach minimizes the need for costly alterations, preserves the natural stormwater flow, and reduces the potential for drainage issues and increased flood risks in the area.
4. **Community Well-being:** The preservation of green space can positively impact the community's well-being by providing recreational opportunities, promoting a connection with nature, and creating a sense of tranquility within the urban environment. Green spaces are known to contribute to mental health, physical activity, and overall quality of life. Retaining the alley as a green space can enhance the community's livability and contribute to a more vibrant and sustainable neighborhood.
5. **Sustainable Development:** Incorporating green space and preserving the natural stormwater flow aligns with principles of sustainable development. It promotes environmental stewardship,

biodiversity conservation, and the overall resilience of the built environment. By embracing sustainable practices, the proposed development can serve as a positive example of responsible urban planning and contribute to a healthier and more sustainable city.

Regarding the requirement for completing the sanitary sewer connection before obtaining a building permit. To streamline the process and minimize delays, we propose submitting the building permit application concurrently with the sanitary sewer connection work. We acknowledge that the permit will only be issued upon completion and approval of the connection.

Applying for the permit in tandem aims to expedite the review and pre-approval process, allowing us to address any identified issues beforehand. This ensures all necessary documentation and requirements are met in advance, facilitating a smooth transition from the sewer connection completion to prompt permit issuance.

Please let us know if you have questions, thank you.

Best Regards,

JACKY NG

PROJECT & ARCHITECTURAL DESIGNER



e: jacky@avantgroupincorp.com

m: 519.300.9839

w: <https://avantgroupincorp.com>

a: 5980 Tecumseh Rd. East, Windsor, ON, N8T 1E3



Subject: Rezoning- Marko Agbaba - 1155 California Ave; Z42-22 [ZNG/6937]; Ward 2

Reference:

Date to Council: June 5, 2023
Author: Frank Garardo, MCIP, RPP
Senior Planner
(519) 255-6543 x 6446
fgarardo@citywindsor.ca

Planning & Building Services
Report Date: May 1, 2023
Clerk's File #: Z/14573

To: Mayor and Members of City Council

Recommendation:

- I. THAT Zoning By-law 8600 **BE AMENDED** for Plan 1120 N PT Lot 76; S PT Lot 77 (known municipally as 1155 California Avenue); by adding a site-specific exception to Section 20(1) as follows:

4xx. **WEST SIDE OF CALIFORNIA AVENUE BETWEEN GIRARDOT STREET AND PELLETIER STREET**

For the lands comprising of lots N PT Lot 76; S PT Lot 77 Registered Plan 1120, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Width – minimum 12.0 m
- b) Lot Area – minimum 398.0 m²

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

[ZDM4; ZNG/6937]

Executive Summary:

N/A

Background:

Location: located on the west side of California Avenue between Pelletier Street and Girardot Street, municipally known as 1155 California Avenue and described as Plan 1120 N PT lot 76; S PT lot 77; (Roll No. 050-370-09500-0000).

Applicant: Marko Agbaba

Proposal: The applicant is requesting an amendment to Zoning By-law 8600 to permit a semi-detached dwelling with a minimum lot area of 398.0 m², and a minimum lot width of 12.19 m.

The applicant intends to construct a semi-detached dwelling, with two units on the upper floors, and 2 additional dwelling units in the basement, and a detached additional dwelling unit for a total of 5 residential units. Two parking spaces are proposed. A Site Layout Map has been attached as Appendix A.

A single unit dwelling currently occupies the lot. Site images have been attached as Appendix B.

The applicant has submitted conceptual site layout, concept elevations, and intensification report. (attached as Appendices C, D, E).

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PROPOSED USE
Residential	Residential District 1.3 (RD1.3)	Single Unit Dwelling	Semi-Detached Dwelling
LOT WIDTH	LOT DEPTH	LOT AREA	LOT SHAPE
12.19 m	32.69 m	398.56 sq. m	Rectangular
40 ft	107.25 ft	4920 sq. ft.	
<i>All measurements are provided by applicant and are approximate.</i>			

The subject parcel is rectangular with a lot frontage of 12.19m a depth of 32.69 m and area of 398.56 square meters.

Figure 1: Key Map

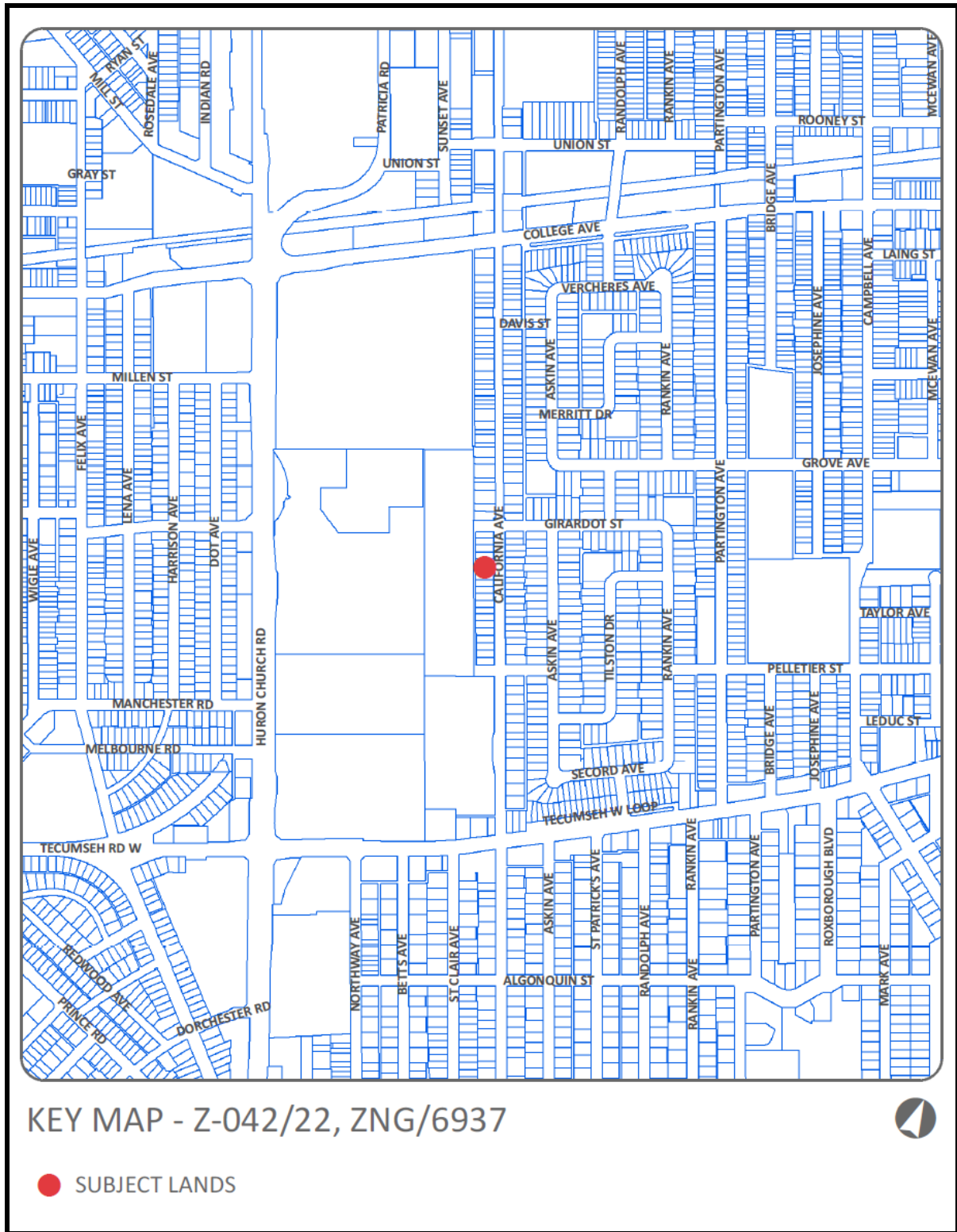


Figure 2: Subject Parcel – Rezoning

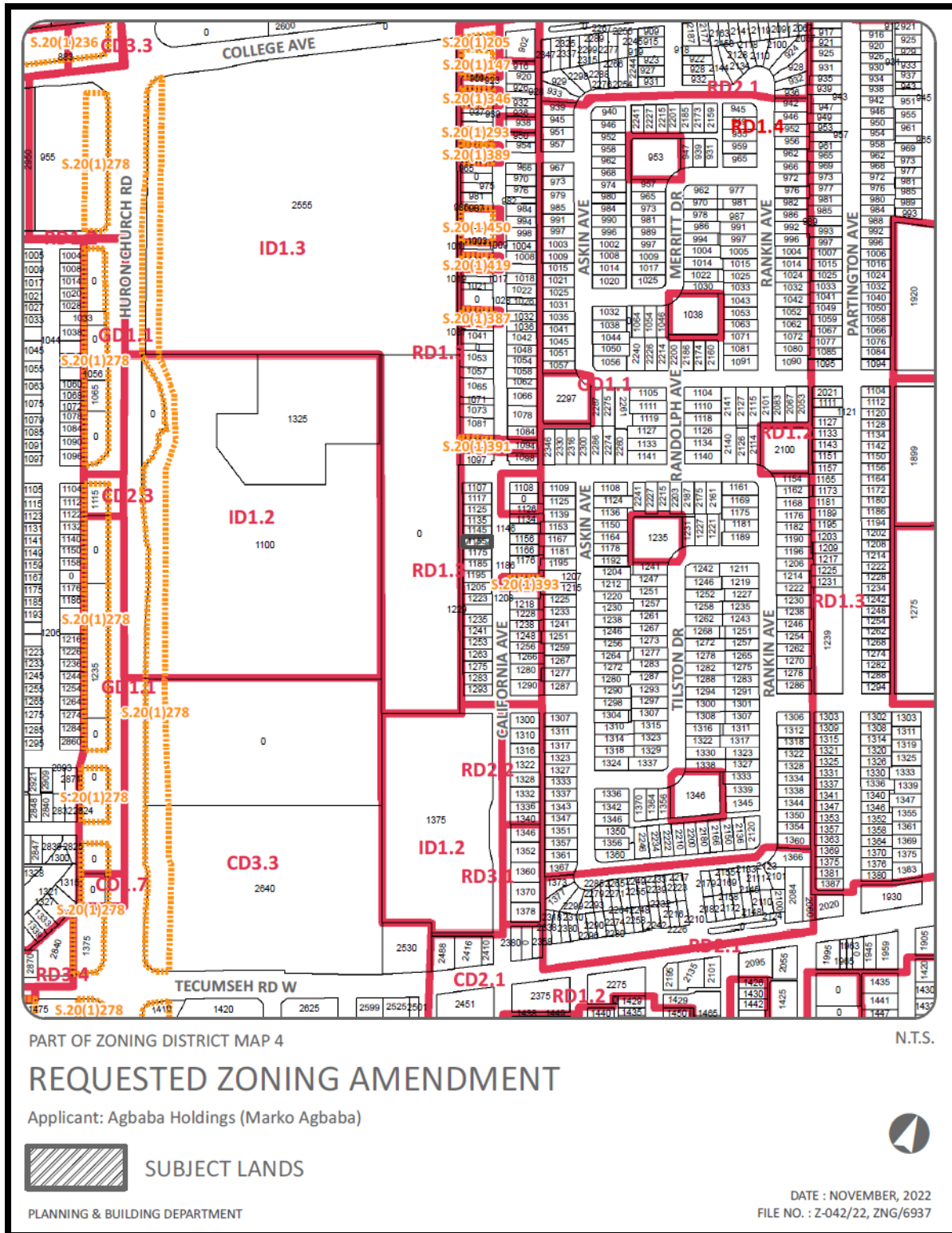


Figure 3: Neighborhood Map



Neighbourhood Characteristics:

The subject parcel is located on the western edge of a residential area consisting of primarily low profile dwellings including semi-detached and multi unit dwellings. The University of Windsor is a major institutional land use in the surrounding area. The neighbourhood has been in transition to accommodate the need for residential intensification, additional dwelling units, and the increasing demand for housing units.

To the north on both sides of California is a mix of low to medium density residential uses consisting of mainly single, semi detached, and multiple dwelling units. A semi-detached dwelling is located at 951 California, a four plex at 929 California, a semi-detached dwelling at 923 California, a semi-detached at 966 California, a townhome dwelling with five dwelling units at 909-917 California, a four-plex at 1042 California, a multi dwelling at 1065 California, a semi-detached at 1091 California, a semi detached at 1084 California, a semi-detached at 1094, a multi-unit at 1098 California. Windsor Fire Station Number 4 is located on College Avenue, west of California, approximately 550 m to the north.

To the south, on both sides of California Avenue, is a mix of low to medium density residential uses, including a planned semi-detached dwelling at 1198 California.

At the southeast corner of California and Girardot is a building with a convenience store and dwelling units. Further south, approximately 500 m from the subject parcel is Westview Freedom Academy, a secondary school.

To the west is University of Windsor St. Denis Centre and recreational facilities.

California Avenue is classified as a Local Road, has sidewalks on both sides of the street and has alternating side on-street parking. The closest main intersections are Tecumseh Road West, which is classified as a Class II Arterial and College Avenue, which is classified a Class I Collector Road and a Proposed Bikeway on Schedule F: Roads and Bikeways.

Transit Windsor operates the Central 3 – Westbound bus route nearby with the closest stop at College Avenue and California Avenue, approximately 500 m from the property.

Storm and sanitary sewers are in the California Avenue right-of-way.

No municipal infrastructure or service deficiencies have been identified.

Discussion:

Planning Act

The comments, submissions or advice affecting planning matters provided by the council of a municipality, as well as the decision of the council of a municipality shall be consistent with the Provincial Policy Statement 2020 and shall conform to the Official Plan.

Provincial Policy Statement, 2020

The Provincial Policy Statement 2020 (PPS) provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario. A new PPS came into force on May 1, 2020.

Policy 1.1.1 of the PPS states:

“Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

The proposed semi-detached dwelling development represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states:

“Settlement areas shall be the focus of growth and development.”

Policy 1.1.3.2 of the PPS states:

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

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The subject parcel is located within the settlement area. The proposed zoning amendment promotes land uses that make efficient use of land and existing infrastructure. Active transportation options and transit services are located adjacent or near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

Relevant excerpts from the Provincial Policy Statement are attached as Appendix J

The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

Official Plan:

The subject property is located within the Riverwest Planning Area district and is designated as “Residential” on Schedule D: Land Use of the City of Windsor Official Plan.

Section 6.3.1.1 of the Official Plan supports a complementary range of housing forms and tenures in all neighbourhoods. Section 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Section 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The proposed semi-detached dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation that support the growing student population within Windsor. The zoning amendment satisfies the above objectives set out in the Official Plan.

The proposed semi-detached dwelling is classified as a small-scale low profile housing development under section 6.3.2.3 (a), a permitted use in the residential land use designation (Section 6.3.2.1). The proposed development is compatible with the surrounding land uses (Section 6.3.2.5 (c)) and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The zoning amendment conforms to the policies in Sections 6.3.2.1 and 6.3.2.5 of the Official Plan.

Section 8.7.2.3 states Council will ensure that the proposed development within an established neighbourhood is designed to function as an integral and complimentary part of that areas existing development pattern by having regards for: massing, building height, pattern, scale, and character of existing development. The proposed amendment will allow for a semi-detached dwelling development that is complimentary to the existing development pattern on the street by maintaining the maximum building height, building setbacks, and lot coverage set forth in the Zoning By-law.

Section 11.6.3.3 of the Official Plan states, Council shall consider the policies of the Official Plan when considering Zoning By-law amendments. The recommended Zoning amendment conforms to the Official Plan policies, Section 11.6.3.3, of the Official Plan.

Relevant excerpts from the Official Plan are attached as Appendix I.

The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

Zoning By-Law:

The Zoning Bylaw 8600 designates the zoning for the subject property as Residential District 1.3 (RD1.3). Applicable zoning excerpts are in Appendix I: Excerpts from the Zoning Bylaw 8600. The subject amendment to Zoning By-Law 8600 will add site specific provisions to permit a new semi-detached dwelling, and permit a reduction in the minimum required lot area and lot width. The site specific provision in RD1.3 are appropriate for the development as proposed. The Planning Department recommends that the RD1.3 zoning be maintained and that a site specific exception permitting a semi-detached dwelling as an additional permitted use.

A site-specific exception for minimum lot width, and minimum lot area is requested. The reduction in the minimum lot width is required to accommodate the proposed semi-detached dwelling on an existing slightly narrower lot of 12.19 m (versus the required 15.0 m). The lot has an existing area of 398 m², which is below the required minimum lot area of 450.0 m². The reduction in lot width and lot area will have no adverse impact on the proposed development or on surrounding uses. Staff recommends a minimum lot width of 12.0 m and lot area of 398 m² to avoid any rounding or measurement issues

The Applicant is not requesting any changes to the building setbacks, building height or parking requirements.

Recent Official Plan and Zoning By-law amendments were adopted by Council to provide guidelines as it relates to intensification, infilling, and built form within existing neighbourhoods. The City of Windsor intensification guidelines were reviewed as part of the analysis for determining the development proposed through this amendment has regard for the design characteristics. The Zoning by-law amendments limit semi-detached dwellings to a maximum gross floor area of 400 square meters for the main building and a maximum height of 9 meters.

In consultation with the applicant the main building structure will not exceed the recommended maximum gross floor area of 400 square meters and maximum height of 9m. This would result in an approximate lot coverage of 34 percent for the main building which is consistent with existing low profile homes in the area and will continue to accommodate intensification in the area. Furthermore, the front yard, rear yard and side yard setbacks will remain consistent to adjacent uses.

Two parking spaces have been provided in the front yard with access from California Avenue. The applicant will be required to obtain right of way permits as necessary and be restricted to a maximum curb cut of 4.5m on the public road allowance. Utilizing the existing curb cut may avoid removal of any existing trees.

The recommended Zoning By-law amendment provides for an appropriate more intensive use of the property.

The development as proposed is not subject to site plan control.

Relevant excerpts from Zoning By-law 8600 are attached as Appendix G.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, residential intensification minimizes the impact on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

The proposed construction of these new dwellings provides an opportunity to increase resiliency for the development and surrounding area

Financial Matters:

N/A

Consultations:

Municipal Departments and External Agencies - Comments from the municipal departments and external agencies are attached as Appendix F. There are no objections to the proposed amendment.

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120m of the subject parcel.

Conclusion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The requested zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 by adding a site specific exception to permit a semi-detached dwelling and a reduction in minimum lot width and minimum lot area is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan, and constitutes good planning.

Planning Act Matters:

Frank Garardo, MCIP, RPP

Senior Planner

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

Thom Hunt, MCIP, RPP

City Planner

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

JP JM

Approvals:

Name	Title
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development and Innovation
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Property owners and tenants within 120 m of the subject parcel		

Appendices:

- 1 Appendix A- Site Layout
- 2 Appendix B-Site Images
- 3 Appendix C- Concept Elevations
- 4 Appendix D- Concept Site plan
- 5 Appendix E- Applicant Submission Intensification Report
- 6 Appendix F-Comments
- 7 Appendix G - Excerpts from the Zoning By-law
- 8 Appendix H - Draft By-law Amendment
- 9 Appendix I- Excerpts from the Official Plan
- 10 Appendix J-Excerpts from the PPS

Appendix A – Site Layout



Appendix B- Site Images

IMAGE 1



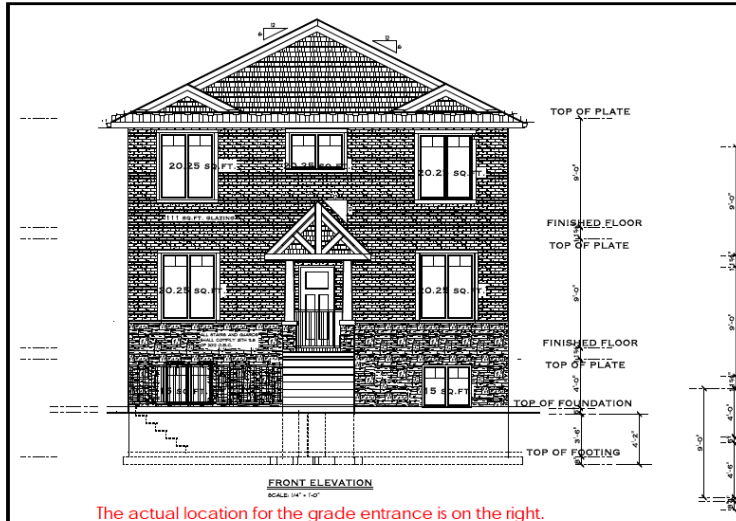
Image 1 - Subject Parcel – 1155 California Ave - Looking East

IMAGE 2



Image 2 - Looking North towards College Ave

Appendix C – Concept Elevation



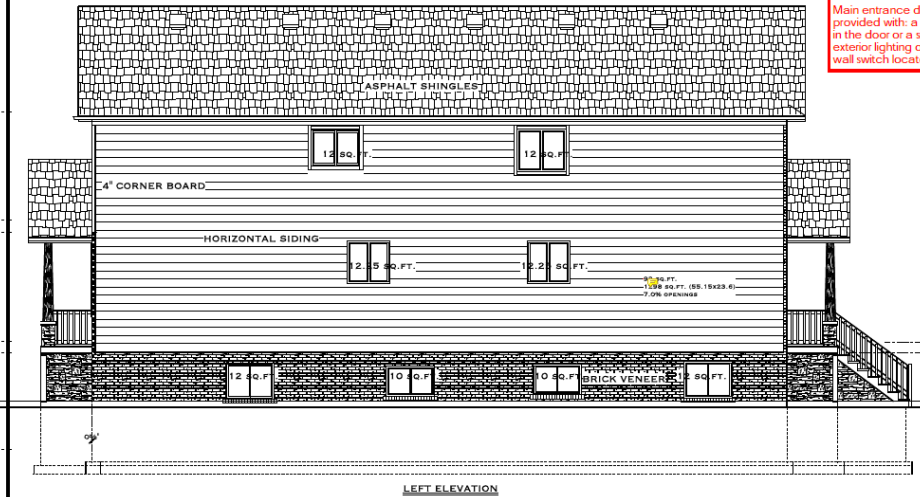
The actual location for the grade entrance is on the right. See the site plan.

Downspouts adjacent to hardscape surfaces are to be extended underground to pop up drainage emitters (NDS) that discharge onto landscaped areas. Maintain a 2 ft clearance from all hard surfaces.

Provide stairs, guards, handrails, and a landing conforming to 9.8. OBC.

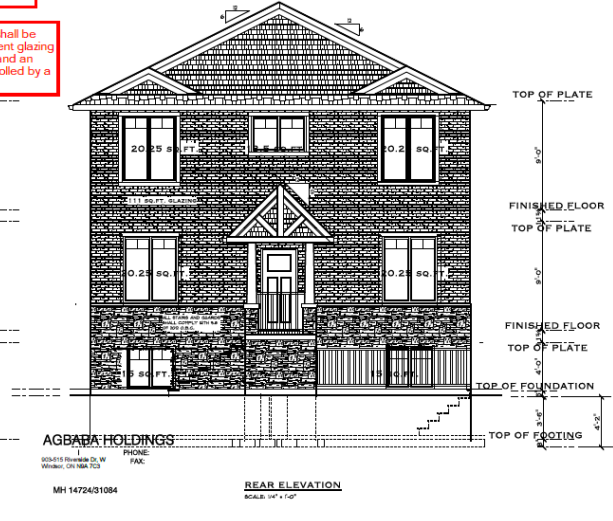


REAR ELEVATION
SCALE 1/4\"/>



Main entrance doors to dwelling units shall be provided with a door viewer, transparent glazing in the door or a sidelight, a deadbolt, and an exterior lighting outlet with fixture controlled by a wall switch located within the building.

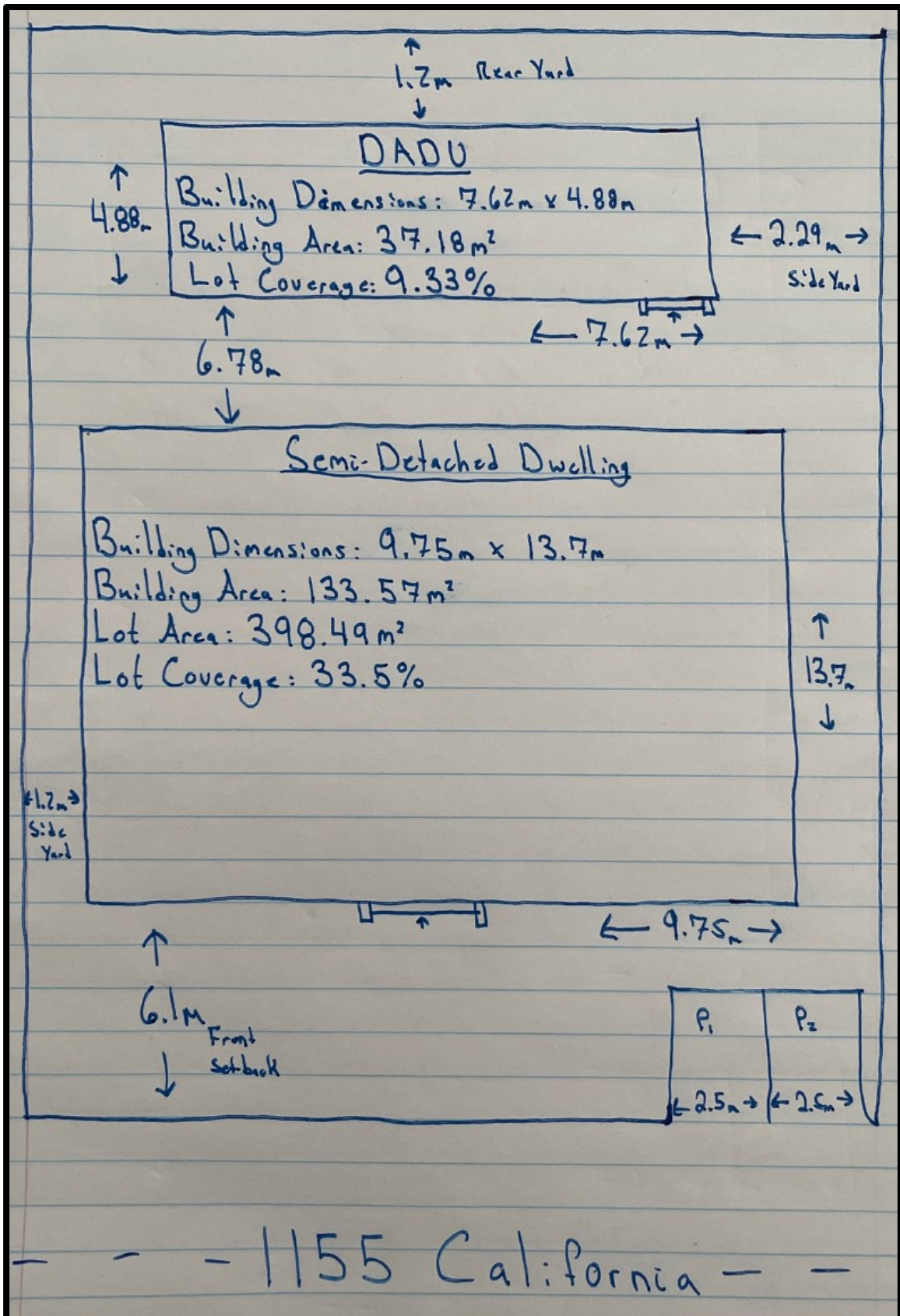
9'-0"
8'-0"
8'-0"
4'-0"
4'-0"
9'-0"



AGBARA HOLDINGS
PHONE:
FAX:
MH 14724/31084

REAR ELEVATION
SCALE 1/4\"/>

Appendix D – Concept Site Plan



1155 California Re-Zoning Application

Marko Agbaba



“Compatible development means development that may not necessarily be the same or similar to the existing buildings in the vicinity, but, nonetheless, enhances an established community and coexists with existing development without causing any undue adverse impact on surrounding properties.”

Re-Zoning Request

I am requesting an amendment to Zoning By-Law 8600 to change the zoning of the subject to permit the construction of a Semi-Detached Dwelling with Two Front Yard Parking Spaces.

- Allowing a reduced minimum lot width from 15.0m to 12.19m
- Allowing a reduced lot area from 450m² to 398.49m²

Consistent With the Provincial Policy Statement

The proposed Semi-Detached Dwelling development represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption, and servicing costs, accommodates an appropriate range of residential uses, and optimizes investments in transit

Conforms to the City of Windsor Official Plan

The proposed Semi-Detached Dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation that support the growing student population within Windsor. The proposed Semi-Detached dwelling is classified as a small-scale Low Profile housing development under Section 6.3.2.3 (a), a permitted use In the Residential land use designation (Section 6.3.2.1).

2.2 General Guidelines for all Development

Low Profile development in the Stable and mature neighborhoods includes single-detached, semidetached, duplex, townhouses, and apartments that are generally no greater than three (3) storeys in height

- The proposed development is a Semi-Detached Dwelling which is consistent with the Low-profile Development sought after instable & mature neighborhoods. Although, this section of California Ave has not yet reached the status of a stable and mature neighborhood as it is still within the early-mid stage of intensification through numerous infill development projects that have happened, are happening, and are planned to occur in the near future. Nonetheless, even if it were already established, this proposal would be consistent.

The Zoning By-Law establishes clear regulations for front yard setbacks and interior/exterior side yard setbacks. The objectives of the Urban Design Guidelines in directing the relationship of the building to lot lines are to:

- Provide side yard setbacks that reflect those of adjacent homes, or are the average distance of those on either side of the development, in accordance with existing zoning standards, to a minimum of 1.2 meters.

- The proposed development will reach all required side yard, rear yard, & front yard setbacks to ensure appropriate and consistent spacing between neighboring dwellings. The proposed development has 1.2m side yard setbacks.
- Maintain consistent front yard setbacks along the street. New development should have a setback equal to the predominant setback (70%+) on the street (+/- 1.0m), or a distance that is the average of those on either side of the development site (+/- 1.0m)
 - The proposed development has positioned a Front Yard Set Back of 9.1m in order to remain consistent with neighboring dwellings (Please See Appendix A).
- Ensure the scale of Low-Profile Buildings is compatible with residential buildings in the immediate vicinity in terms of building mass, height, setbacks, orientation, privacy, landscaping, shadow casting, accessibility, and visual impact
 - The proposed development maintaining the newly issued maximum GFA of 400m² would actually make this the smallest Semi-Detached Dwelling development in the past half decade (Please See Appendix B). The building height has been reduced to 9m vs the 10m that has been built over the same time period on the street. Therefore, resulting in a product even lower than recent developments on the street in order to increase compatibility with the pre-existing houses in the neighborhood. The proposed development has a lot coverage of only 33.6% (11.4% less than permitted with existing and requested zoning).

2.3.2 Building Design

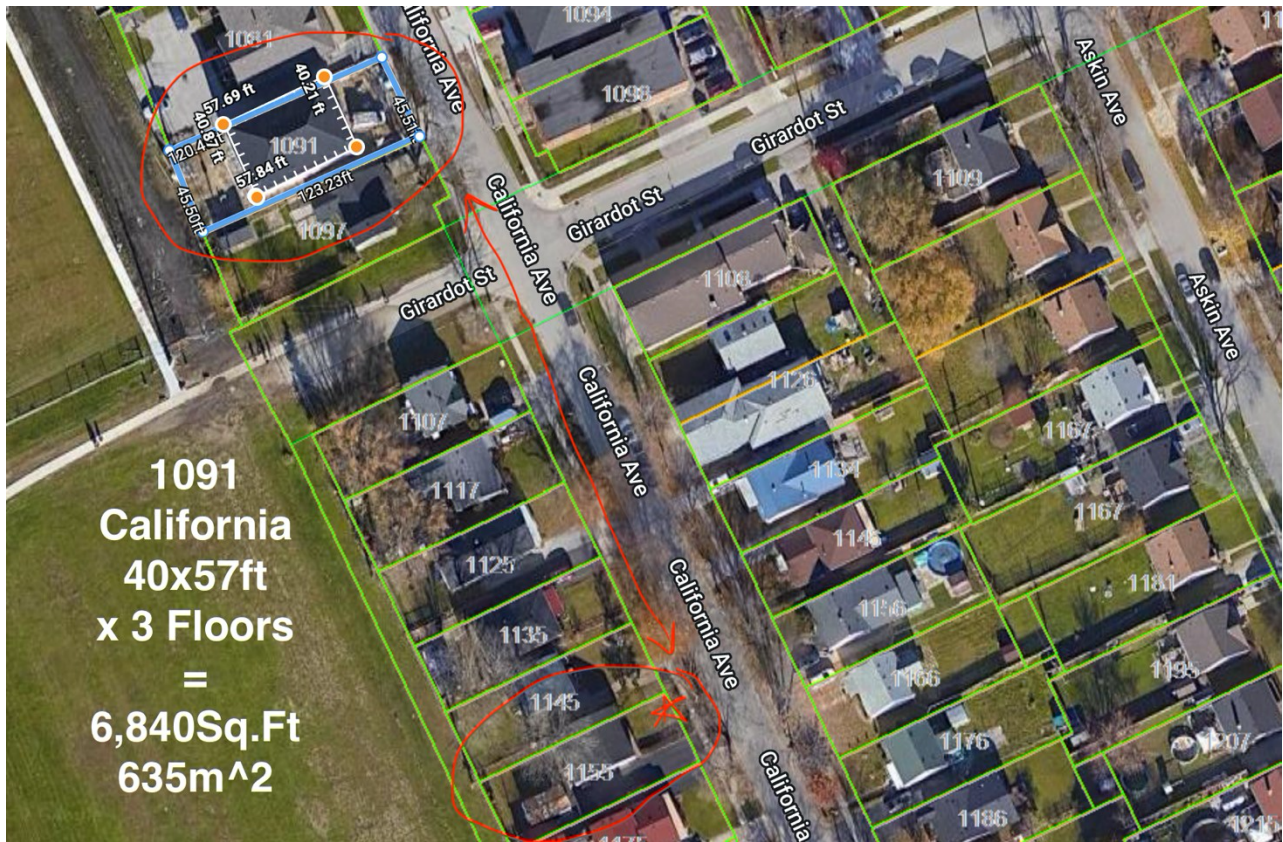
Design the building envelope and individual architectural elements within the building, to reference the architectural treatment of buildings in the neighborhood. The goal is not to replicate buildings of the neighborhood but to ensure new development relates to them by incorporating similarities in design language to promote compatibility.

- Similar building shape (square, rectangular, L-shaped, etc.)
 - The shape of the proposed development is a rectangle staying consistent with neighboring properties. The proposal is completely consistent with recent infill developments in the immediate area (Please See Appendix C)
- Roof lines with similar massing, pitches and articulation
 - The appearance of the proposed roof is consistent with recent infill developments in the immediate area (Please See Appendix C)

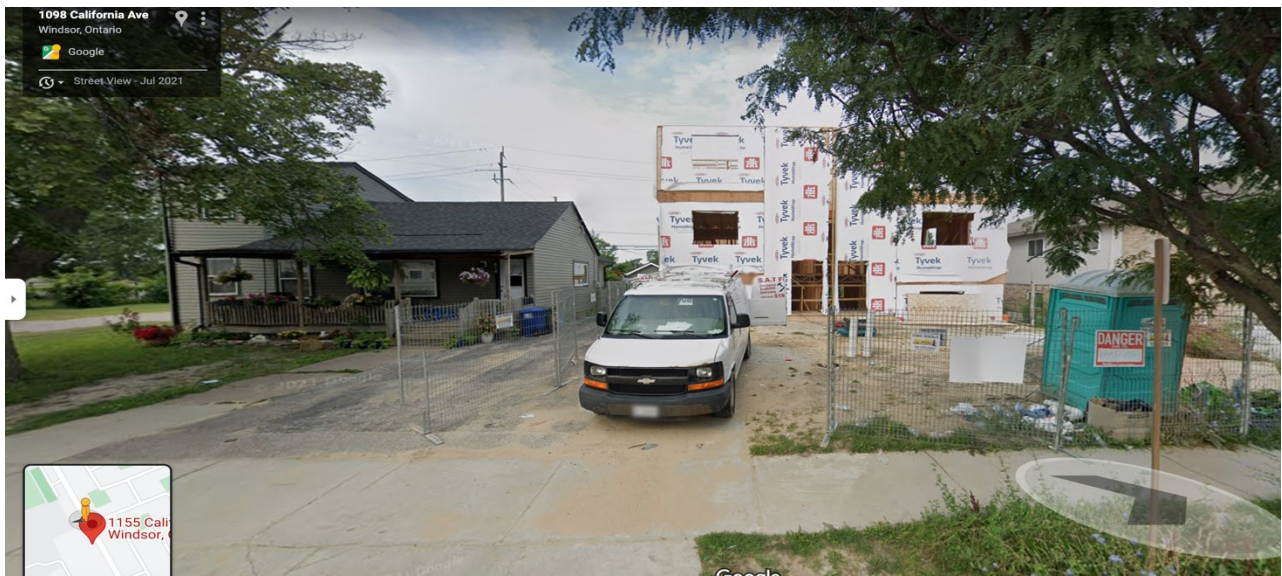
- Provide appropriate transitions in height to existing adjacent buildings and ensure no new building is more than 1.5 storeys or 4.5 meters higher than the adjacent dwelling
 - o The proposed Semi-Detached Dwelling is 2.5 storeys including a slightly raised basement which is no more than 1.5 storeys or 4.5m higher than the adjacent properties.

- Contemporary designs may be considered provided they exhibit consistency with the massing and articulation guidelines in this section and are not located within a heritage context or adjacent to a heritage dwelling
 - o The proposed development is situated on a street with no surrounding heritage properties. The proposed design is providing a fresh modern curbside appeal using a mixture of stone, brick, and shaker siding in order to improve the overall street appeal. This design is consistent with other infill developments that have occurred on the street (Please See The Rendering on Page 1).

Appendix B



Appendix C



Appendix F-Comments

ENBRIDGE

After reviewing the provided drawing at 1155 California Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

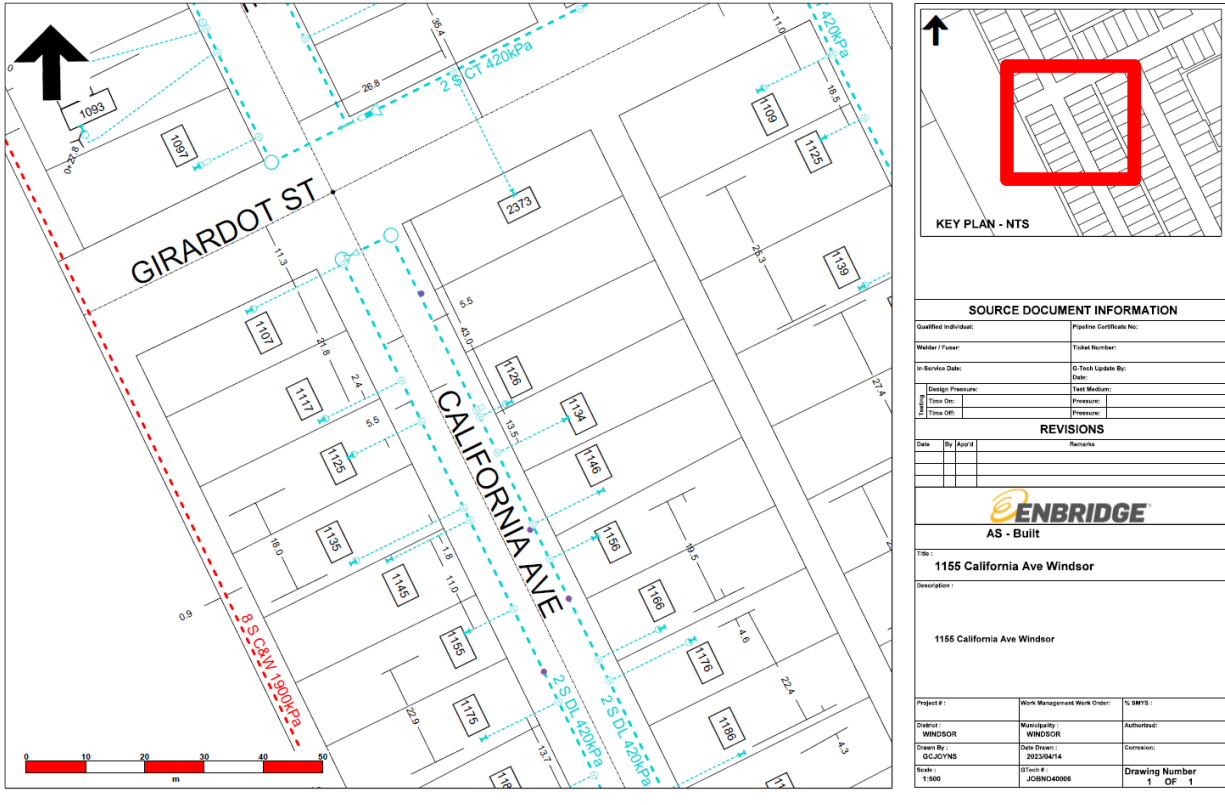
- 1. The shown piping locations are approximate and for information purposes only**
- 2. The drawings are not to scale**
- 3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

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

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

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

Appendix F-Comments



Yemi Adeyeye – Forestry

The City has a 35+cm honey locust on the boulevard in front of this address. The proposed plan includes parking space which would likely require approval for removal of this tree.

If approval is granted by Forestry cost for removal and replacement of this tree would be approximately:

REMOVAL: \$800.00

REPLACEMENT: 8 new, 5cm Trees @ \$600/tree: \$4,800.00

TOTAL COSTS: \$5,600.00

ENWIN

HYDRO ENGINEERING:

No Objection, provided adequate clearances are achieved and maintained.

Please note the following.

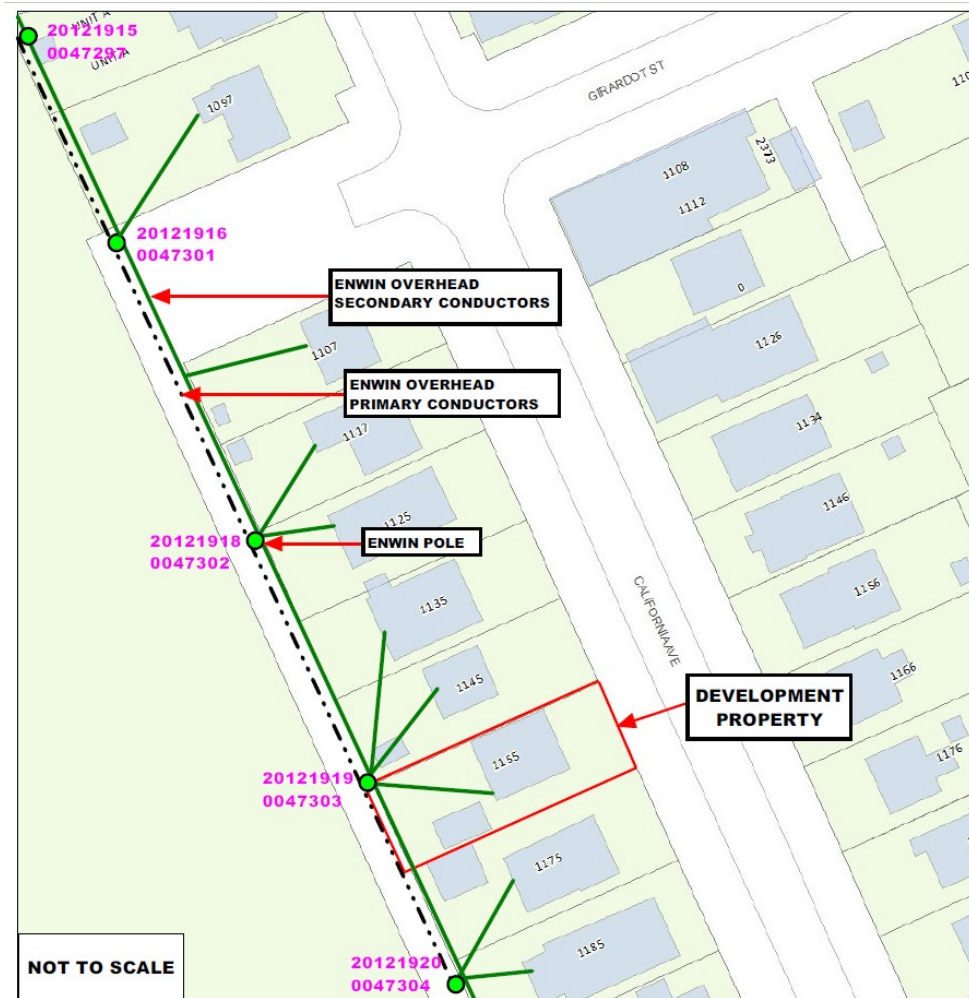
- 1- ENWIN has 120/240V overhead secondary conductors going across the rear of property

Appendix F-Comments

- 2- ENWIN has 27kV overhead primary conductors going across the rear of property
- 3- 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. We would be interested in any design/dimension information related to this ADU as it proceeds through the building permit process at the City.

WATER ENGINEERING:

Water Engineering has no objections. The existing water service may be ½" based on the age of the watermain and would need to be replaced. If multiple water meters are required they need to be in a common space in the basement or in meter pits near the property line.



Appendix F-Comments

Clare Amicarelli – Transportation Planning

- The Official Plan classifies California Ave as a Local Road with a required right-of-way width of 20 metres. The current right-of-way width is sufficient; therefore, a land conveyance is not required.
- All parking must comply with ZBL 8600. In order to provide the required 2 parking spaces, owner is permitted to have a 5m width driveway within private property and then taper it to have a 4.5m maximum curb cut as per BP2.2.2. This will allow for two parking spaces within the private property portion of the driveway, each 2.5m width.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

Barbara Rusan – Building Department

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

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

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

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

Thomas Huynh - Engineering Department

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

Sewers

The site may be serviced by a 250mm VIT sanitary sewer and a 450 mm VIT sewer located within West Boulevard of California Ave right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

A sanitary sampling manhole may be required on any new sanitary connection at the

Appendix F-Comments

property line to the satisfaction of the City Engineer, if one does not already exist. The applicant will be required to submit site servicing drawings.

Right-of-Way

California Ave is classified as Local according to the Official Plan with a required right-of-way width of 20 meters. The current right-of-way width is sufficient; therefore a land conveyance is not required.

Rear yard parking is not permitted due to the alleyway being unpaved. Also, as per AS-542C, front yard parking only allows 1 (one) parking space.

In summary we have no objection to the proposed development.

Appendix G
Excerpts from the Zoning By-Law 8600

SECTION 3 - DEFINITIONS

BUILDING means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: *access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.*

ACCESSORY BUILDING means a completely detached *building* used for an *accessory use* of the *lot*, for one *dwelling unit* where permitted by Section 5.99.80, or for any combination thereof.

MAIN BUILDING means a *building* used for the *main use* of the *lot* and may also include in combination therewith an *accessory use* subject to any applicable provisions for an *accessory use*.

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

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

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

SEMI-DETACHED DWELLING UNIT means one *dwelling unit* in a *semi-detached dwelling*, and may include, if permitted by Section 5.99.80, one additional *dwelling unit*.

EXISTING means:

1. where a provision states a specific date, a *building, lot, premises, structure, or use* lawfully existing on the date specified;
2. where clause 1 does not apply and an amending by-law added the defined term “existing” after July 22, 2002, a *building, lot, premises, structure, or use* lawfully existing on the date the amending by-law came into force; or
3. where clause 1 and clause 2 do not apply, a *building, lot, premises, structure, or use* lawfully existing on July 22, 2002.

Where the term “existing” is not italicized, the ordinary meaning shall apply to a lawfully existing *building, lot, premises, structure, or use*.

FLOOR AREA means the area of a floor in a *building*.

GROSS FLOOR AREA means the total combined floor area in square metres of all *buildings* on a *lot*, excluding the *cellar* of any *building*, measured from the outside face of the exterior walls of each *building*.

STRUCTURE means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

LOT means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

Appendix G
Excerpts from the Zoning By-Law 8600

1. when used as a noun means the purpose for which a *building, lot, premises* or *structure* is designed, maintained or occupied.
2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a *building, lot, premises* or *structure*.

ACCESSORY USE means a *use* which is customarily incidental, subordinate and exclusively devoted to the *main use* and is carried on with such *main use* on the same *lot*.

MAIN USE means the principal *use* or *uses* of a *building, lot, premises* or *structure*.

SECTION 10 – RESIDENTIAL DISTRICT 1. (RD1.)

10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)

10.3.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.3.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	270.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m
.8 Gross Floor Area – main building – maximum	400 m ²	400 m ²	400 m ²

(AMENDED by B/L 101-2022, July 11, 2022)

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

.2 Semi-Detached Dwelling

.1 Lot Width – minimum 15.0 m

.2 Lot Area – minimum 450.0 m²

.3 Lot Coverage – maximum 45.0%

.4 Main Building Height – maximum 9.0 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

.10 Gross Floor Area – Main Building– maximum 400 m²

(AMENDED by B/L 101-2022, July 11, 2022)

BY - LAW NUMBER -2023

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

Passed the _____ day of _____, 2023.

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

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

1. That subsection 1 of Section 20 is amended by adding the following paragraph:

4xx. WEST SIDE OF CALIFORNIA AVENUE BETWEEN GIRARDOT STREET AND PELLETIER STREET

For the lands comprising of lots N PT Lot 76; S PT Lot 77 Registered Plan 1120, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Width – minimum 12.0 m
- b) Lot Area – minimum 398.0 m2

Further, for a *semi-detached dwelling*, two *dwelling units* in a *semi-detached dwelling unit* and one *dwelling unit* in an *accessory building* which is accessory to a *semi-detached dwelling* shall be additional permitted uses and shall be subject to the provisions in Sections 5.99.80.3 and 5.99.80.5.

2. The said by-law is further amended by amending the Zoning District Map identified in Column 2 so that the Lands Affected described in Column 3 are delineated by a broken line and further identified by the specific zoning exception symbol shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Specific Zoning Exception Symbol
1	4	N PT LOT 76;S PT LOT 77, Registered Plan 1120 Roll No. 050-370-09500	--	S.20(1)45x

DREW DILKENS, MAYOR

CLERK

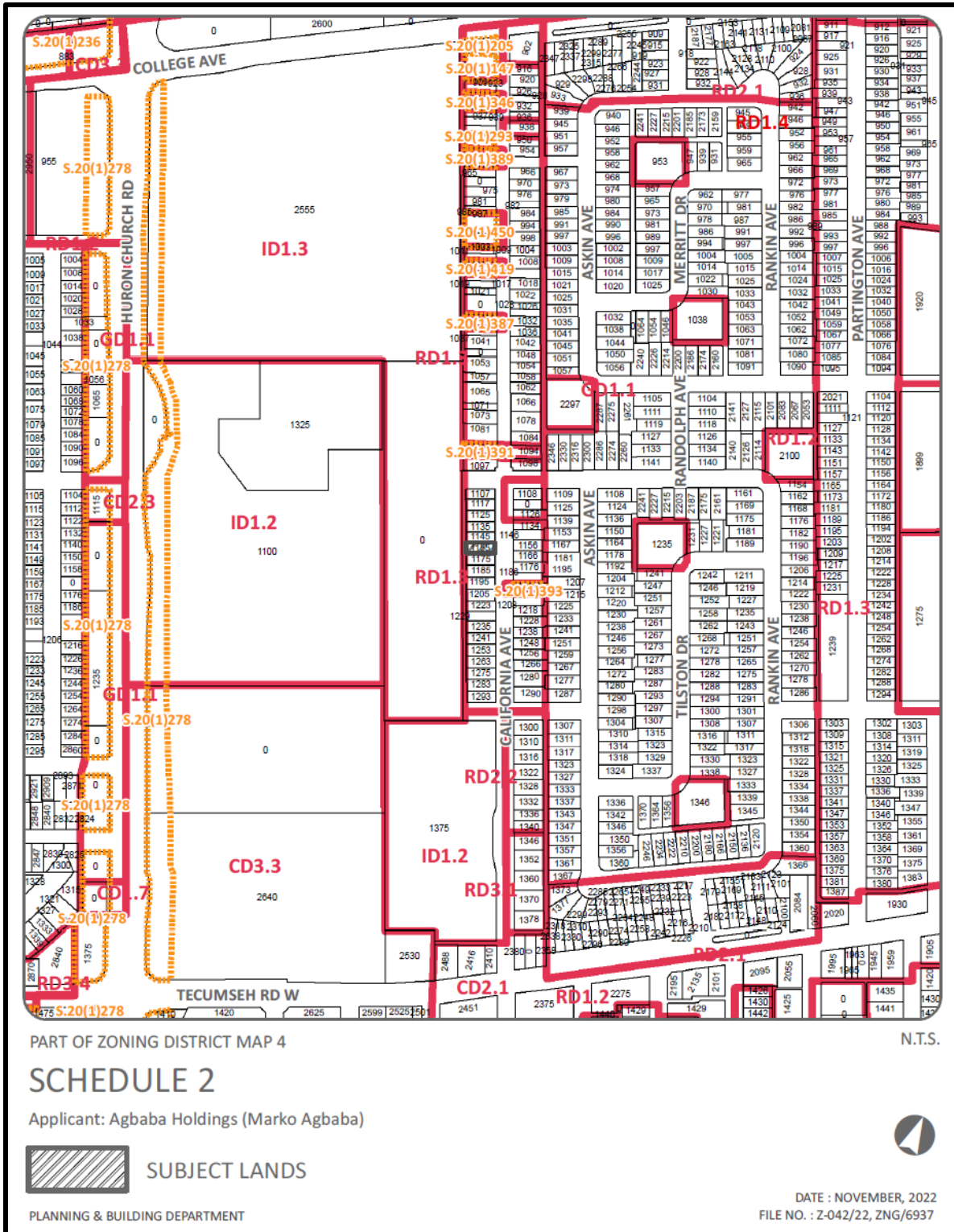
First Reading - , 2023
 Second Reading - , 2023
 Third Reading - , 2023

SCHEDULE 2

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

To amend the zoning on N PT LOT 76;S PT LOT 77, Registered Plan 1120 (municipally known as 1155 California Ave); Roll No 050-370-09500, by adding a site specific exception to Section 20(1) to reduce the minimum required lot area and lot width, and add semi-detached as an additional permitted use.

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



Applicable Official Plan Sections:

2. Glossary

Development Profile refers to the height of a building or structure.

Low Profile development is a building or structure generally no greater than fourteen (14) metres in height. Low Profile Housing development is further classified as follows;

- (i) small scale forms: single detached, semi-detached, duplex, and row and multiplexes with up to 8 units; and

3 Development Strategy

3.2.1.2 Permitted Uses

Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. Residents will have a voice in how this new housing fits within their neighbourhood. As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.

RESIDENTIAL 6.1.3 Housing suited to the needs of Windsor’s residents.

6.3 Residential

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

PERMITTED USES

6.3.2.1 Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.

NEIGHBOURHOODS

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

INTENSIFICATION, INFILL & REDEVELOPMENT

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

MAINTENANCE & REHABILITATION

6.3.2.4 Locational Criteria Residential development shall be located where:

- a) there is access to a collector or arterial road;
- b) full municipal physical services can be provided;

Appendix I – Excerpts from the City of Windsor Official Plan (OP)

- c) adequate community services and open spaces are available or are planned; and
- d) public transportation service can be provided.

Settlement areas are urban areas and rural settlement areas, and include cities, towns, villages and hamlets. Ontario's settlement areas vary significantly in terms of size, density, population, economic activity, diversity and intensity of land uses, service levels, and types of infrastructure available.

The vitality and regeneration of settlement areas is critical to the long-term economic prosperity of our communities. Development pressures and land use change will vary across Ontario. It is in the interest of all communities to use land and resources wisely, to promote efficient development patterns, protect resources, promote green spaces, ensure effective use of infrastructure and public service facilities and minimize unnecessary public expenditures.

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

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;

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;

Appendix J – Excerpts from the Provincial Policy Statement (PPS) 2020

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

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.



Subject: Housekeeping Official Plan and Zoning By-law Amendments initiated by the City of Windsor to permit additional dwelling units (City-wide) - File No. OPA 172 and Z016-23

Reference:

Date to Council: June 5, 2023
Report Date: May 16, 2023
Clerk's File #: ZO/13740 & ZB/13739

Authors:

Frank Garardo, MCIP, RPP
Senior Planner
(519) 255-6543 x 6446
(519) 255-6544
fgarardo@citywindsor
Planning & Building Services

Greg Atkinson, MCIP, RPP
Senior Planner
(519) 255-6543 x 6582
(519) 255-6544
gatkinson@citywindsor
Planning & Building Services

To: Mayor and Members of City Council

Recommendation:

- I. THAT Official Plan Amendment No. 172 as shown in Appendix A regarding a housekeeping amendment on new policies authorizing the use of additional dwelling units **BE ADOPTED**; and,
- II. THAT a housekeeping amendment to Zoning By-law 8600 as shown in Appendix B implementing additional dwelling units **BE PASSED**; and,
- III. That a housekeeping amendment to Zoning By-Law 85-18 as shown in Appendix C implementing additional dwelling units **BE PASSED**;

Executive Summary:

N/A

Background:

On October 25, 2022 *Bill 23, More Homes Built Faster Act* was introduced by the Provincial government and on November 28, 2022 it received Royal Assent. *Bill 23, More Homes Built Faster Act* is part of a larger Provincial plan which aims to increase the housing supply across Ontario. Administration brought forward a report earlier this year (C19/2023) which advised Council of the legislation.

One of the key components of *Bill 23: The More Homes Built Faster Act*, introduced an amendment to the *Planning Act, R.S.O 1990, C.P.13* to further support gentle intensification in existing residential areas. The changes strengthen the existing “additional residential unit” framework by permitting up to three (3) units per lot (i.e., up to 3 units allowed in the primary building, or 2 units allowed in the primary building and 1 unit allowed in an ancillary building) on all parcels of urban residential land which permits a single detached dwelling, semi-detached dwelling or street townhouse dwellings.

With all the necessary Provincial legislation now in effect, Planning staff are proposing housekeeping amendments to undertake the necessary updates to the Official Plan policies and Zoning provisions to implement the Provincial legislation as it relates to additional residential units.

Discussion:

While the *Planning Act* refers to Additional Residential Units (ARU), the City of Windsor has opted to use the more common terminology: Additional Dwelling Unit (ADU) which is often described as a self-contained residential unit with a private kitchen, bathroom facilities and sleeping areas within a dwelling or within a structure ancillary to a single-detached, semi-detached or townhouse building. It can be located within the main residential building or in an accessory building on the same lot.

Additional Dwelling Units (ADU) provide benefits that:

- Allow seniors to remain in their houses as they age and their need for space diminishes,
- Provide opportunities for homeowners to earn rental income to pay off mortgages,
- Allow extended families and live-in caregivers to live together, but independently,
- Provide affordable housing without any need for subsidies from the government,
- Provide housing diversity to meet needs of a varied family sizes,
- Enable gentle intensification of existing neighbourhoods without affecting the neighbourhood character, and
- Help create mixed-income communities, which support local businesses and local labour markets.

Additional Dwelling Units (ADU) are permitted:

- In serviced residential areas within single detached, semi-detached, and townhome/rowhouse dwellings and within buildings accessory to these dwelling types. See Appendix D for a map of residential areas; and,
- Within floodplain areas — ADUs are not permitted within basements. See Appendix E (floodplain map) for a map of areas regulated by the Essex Region Conservation Authority (ERCA).

Additional Dwelling Units (ADU) are subject to:

- The Zoning By-law regulates lot coverage, setbacks, and other elements of ADUs.
- Additional dwelling units must not alter the building exterior of heritage properties and parcels located within a mature neighbourhood. See Appendix F for map of mature neighbourhoods.
- Ontario Building Code and Fire Codes apply.
- Additional dwelling units in accessory buildings must have access to a paved public street, municipal sanitary sewer, municipal storm water outlet, electrical, and water services.
- The Official Plan prohibits the severance of additional dwelling units.
- The maximum height of accessory buildings, which is 6 metres (20 feet) with a sloped roof, may be increased to 8 metres (26 feet) through minor variance for buildings with a flat roof to permit an additional dwelling unit above a garage.

Planning Act

The updated Provincial “additional dwelling unit” framework supersedes municipal official plans province wide within settlement areas, where residential uses are permitted. Effective after the passing of *Bill 23, More Homes Built Faster Act* on November 28, 2022, a landowner is permitted to have up to three residential units on a parcel of urban residential land permitting a single detached dwelling, semi-detached dwelling or street townhouse dwelling, one of which may be in an associated accessory building. The legislative framework provides more opportunities for individual parcels to create the third residential unit within the primary building or within the detached accessory structure.

Section 16(3) of the Planning Act stipulates that no Municipal Official Plan may contain policies which has the effect of prohibiting the use of:

- a) Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*

- b) *Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,*
- c) *One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*

Recent changes to legislation also prohibit municipalities from applying minimum unit sizes; or requiring more than one parking space in connection with these units; and limited the ability to appeal implementing policies and zoning provisions. Additional dwelling units are also exempted from development charges and parkland dedication requirements.

Official Plan and Zoning Amendments

To conform with *Bill 23: The More Homes Built Faster Act*; Windsor's Official Plan and Zoning by-law policies require some minor housekeeping revisions to permit two additional dwelling units (up to three units) within the primary structure and/or one unit within a building or structure ancillary to such dwellings and include a definition for parcel of urban residential land.

While not required to permit ADUs within duplex dwellings, Planning staff have noticed some duplex owners rezoning to permit a detached dwelling, which permits an ADU within the main dwelling and within an accessory building. To allow a similar number of units on a property containing a duplex, it is proposed that ADUs be permitted within this dwelling type.

Additional dwelling units must comply with health and safety standards, which include the Building Code, Fire Code and any municipal by-laws.

Official Plan Amendment

Official Plan Amendment (OPA) No. 172 amends the current additional dwelling unit policies in accordance with Bill 23. The policies are structured to describe what constitutes an additional dwelling unit, where they are permitted, and how they should be constructed. The OPA Amendment document is attached as Appendix A. The following summarizes and explains the amended policy direction.

Summary of Official Plan Amendment:

- Permits Additional Dwelling Units (ADU) in a single detached, semi-detached, duplex, or row house dwelling and/or within a building or structure ancillary to such dwellings.
- Permits two additional units (three dwelling units) in the primary unit, provided no additional unit is located in a detached structure to a maximum of three units per

lot **or** permits one additional unit (two dwelling units) in the primary structure and one additional unit in a detached structure up to a maximum of three dwelling units per lot.

- References lands must be located on a serviced parcel of urban residential land designated for residential use in the Official Plan schedules.
- Removes reference to minimum unit sizes.
- Amends the current policy to include parcels which permit duplex dwellings.

Zoning By-law Amendment

The amendments to Zoning By-law 8600 and 85-18 (attached as Appendix B and C) gives effect to the policies contained within OPA 172 in accordance with Section 35.1 (1) of the *Planning Act R.S.O 1990, C.P.13*. In addition to permitting additional dwelling units in conformity with the policies set out in OPA 172, the zoning amendment provides further details regarding the requirements for zoning provisions.

Summary of Zoning By-Law Amendment:

The amendments to Zoning By-law 8600 and Zoning By-law 85-18 include:

- Including the definition for “parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the *Planning Act, R.S.O 1990, C.P.13*”
- Permitting the third dwelling unit in the primary building, if the accessory building contains no additional dwelling unit on single detached, semi-detached, and rowhouses dwellings.
- Permitting the third dwelling unit on lots which permit a duplex dwelling.
- Removes the provisions for minimum unit sizes.
- The zoning bylaw provisions for side and rear yard setbacks, lot coverage, building heights, parking and building code requirements remain the same.
- The Additional Dwelling Unit zoning provisions are expanded to all parcels of urban residential land within the City of Windsor boundaries.

Provincial Policy Statement (2020)

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*. OPA 172 and related zoning amendments are consistent with the following PPS policy direction summarized below:

- Section 1.1 of the PPS, entitled ‘Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns’, provides direction regarding healthy, livable and safe communities. In particular, the PPS states that additional dwelling units are a means of accommodating an appropriate range and

mix of residential dwellings. This section of the PPS also directs growth and development to existing settlement areas and requires the identification and promotion of opportunities for intensification.

- Section 1.4, entitled 'Housing', requires planning authorities to provide for an appropriate range and mix of housing types by permitting and facilitating residential intensification, including additional dwelling units. This section also requires the establishment of development standards for residential intensification, which minimize the cost of housing, facilitate compact form, and maintain appropriate levels of public health and safety.
- Section 1.6, entitled 'Infrastructure', clearly states that municipal sewage and water systems are the preferred form of servicing for settlement areas. It also requires that planning for storm water management shall not increase risks to human health and safety and property damage.
- Section 3, entitled 'Protecting Public Health and Safety', prohibits development within the floodway and permits development within portions of the floodplain where it has been designed in accordance with flood proofing standards and vehicles and people have a safe way to enter and exit during times of flooding.

Official Plan

The City's Official Plan was updated to introduce additional dwelling units, in compliance with *Planning Act* requirements. It contains a number of objectives and policies that encourage a range of housing forms and tenures within neighbourhoods, selective infill and intensification of residential areas, and affordable housing options. Amendments contained within OPA 172 conform with the current Official Plan policy direction summarized below:

- Chapters 3 (Development Strategy), 4 (Healthy Community), and 6 (Land Use) stress the importance of planning for range of housing forms and tenures in all neighbourhoods, which allows aging residents and residents with disabilities to remain in their neighbourhood.
- Chapter 5 (Environmental Management) indicates that the floodplain boundary is determined in consultation with the Essex Region Conservation Authority (ERCA) and reiterates the PPS policies prohibiting development within floodway and permitting development within portions of the floodplain subject to flood proofing measures.
- Chapter 7 (Infrastructure) promotes measures that reduce demands on the sewage system and the risk of basement flooding.
- Chapters 8 (Urban Design) and 9 (Heritage Conservation) limits modifications within older neighbourhoods and heritage areas to ensure there is no adverse impacts to the character or heritage significance of these areas.
- Chapter 11 (Tools) provides a framework for the Committee of Adjustment to approve minor variances from the Zoning By-law provisions.

Risk Analysis:

There is some risk in permitting additional dwelling units (ADUs) in both the principal building and an accessory structure. Risk related to flooding in ADUs located within basements has been minimized by prohibiting them within the floodplain and requiring mitigation measures in basement units outside of the floodplain (e.g. downspout disconnection, sump pump, and backflow prevention valve).

Sections 17(24.1) and 34(19.1) of the *Planning Act*, do not permit appeals to the Ontario Land Tribunal regarding official plan policies or zoning provisions that permit additional dwelling units in accordance with section 16(3) of the *Act*.

Bill 23, More Homes Built Faster Act (O. Reg. 299/19) limits a municipality to request no more than one parking space in conjunction with additional dwelling units.

The creation of additional dwelling units within accessory buildings that are accessed via an alley will increase pressure for capital improvements and ongoing maintenance within alleys.

Climate Change Risks:

Climate Change Mitigation:

Additional dwelling units provide for residential intensification, in general, residential intensification minimizes the impact on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

Additional dwelling units provide opportunity to increase resiliency for the development of complete communities.

Financial Matters:

There are no immediate financial implications associated with the amendments. The addition of an additional unit may increase the assessed value of the host property—adding to the tax levy.

Consultations:

Administration have consulted with Planning, Building, Legal, and Public works staff.

Notice of the public meeting was published in the Windsor Star and details of the housekeeping amendment were posted for public comment and review on the City of Windsor website.

If endorsed by the Committee, this report will be presented to Council for consideration and adoption.

Conclusions:

It is recommended that OPA 172 be adopted and related amendments to Zoning By-law 8600 and 85-18 be passed by Council to bring the City’s planning documents into conformity to *Bill 23, More Homes Built Faster Act* and section 16(3) of the *Planning Act, R.S.O 1990, C.P.13*. The proposed amendments are consistent with Provincial Policy Statement (2020) and conform with the City of Windsor Official Plan (as amended).

Planning Act Matters:

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

Thom Hunt, MCIP, RPP

City Planner/Executive Director of Planning and Building

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

JP

JM

APPROVALS:

Name	Title
Greg Atkinson	Senior Planner
Justina Nwaesei	Manager of Planning Policy/Deputy City Planner (A)
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

NOTIFICATIONS:

Name	Address	Email
Housing and Homelessness Advisory Committee		

APPENDICES:

1. Official Plan Amendment Schedule
2. Zoning By-Law- 8600- Draft By-law
3. Zoning By-Law 85-18- Draft By-law
4. Official Plan Land Use Schedule D
5. Map of Residential Areas and ERCA Regulated areas
6. Map of Mature Neighbourhoods – OP Schedule A-1
7. Comparison Chart of Proposed Amendments

AMENDMENT NO. 172
TO THE
CITY OF WINDSOR OFFICIAL PLAN

Part E (Details of the Amendment) of the following text constitute Amendment No. 172.

Also included, but not constituting part of the Amendment, are explanations of purpose, location, background, legislative and policy basis, public involvement, and implementation.

A. PURPOSE

Bill 23, *More Homes Built Faster Act, 2022* amended parts of the *Planning Act* as part of a larger Provincial plan which aims to increase the housing supply across Ontario and provide opportunities for gentle intensification within established residential areas. The legislation requires municipalities to establish official plan policies and zoning by-law provisions to permit Additional Residential Units in detached, semi-detached and row houses and ancillary/accessory structures located on the same property (e.g. apartment above a detached garage).

This amendment brings the Official Plan into conformity with Section 16(3) of the *Planning Act* and forms the policy basis for the approval of zoning by-law amendments related to additional units under Section 35.1.

The policies relating to additional dwelling units contained in Part E of this amendment will be added to the Chapter 6 of the Official Plan immediately following the existing section 6.3.2.21, revising the existing policies in sections 6.3.2.22 to 6.3.2.25.

City of Windsor will use the term Additional Dwelling Unit (ADU) in the Official Plan policies and Zoning Bylaw regulations.

B. LOCATION

The text changes made to Volume I of the City of Windsor Official Plan apply to all land within the municipal boundaries of the City. Accordingly, no location map is provided.

C. BACKGROUND

Required ‘Additional Dwelling Unit’ Official Plan Policies and Zoning By-law Provisions

The updated additional dwelling unit framework supersedes local official plans province wide within settlement areas, where residential uses are permitted. Effective after the passing of *Bill 23, More Homes Built Faster Act* on November 28, 2022, a landowner is permitted to have up to three residential units on a parcel of urban residential land containing a single detached dwelling, semi-detached dwelling or street townhouse dwelling, one of which may be in an associated accessory building.

Section 16(3) of the *Planning Act* stipulates that no Municipal Official Plan may contain policies which has the effect of prohibiting the use of:

- a) *Two residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if all buildings and structures ancillary to the detached house, semi-detached house or rowhouse cumulatively contain no more than one residential unit;*
- b) *Three residential units in a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if no building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential unit; or,*

- c) *One residential unit in a building or structure ancillary to a detached house, semi-detached house or rowhouse on a parcel of urban residential land, if the detached house, semi-detached house or rowhouse contains no more than two residential units and no other building or structure ancillary to the detached house, semi-detached house or rowhouse contains any residential units.*

No Appeal to the Local Planning Appeal Tribunal Regarding Additional Dwelling Units

The *Planning Act* prohibits appeals to the Local Planning Appeal Tribunal related to any official plan policies or zoning by-law related to additional dwelling units.

The current City of Windsor Official Plan (Volume 1: The Primary Plan) was adopted by City Council on October 25, 1999 and approved in part by the Minister of Municipal Affairs and Housing on March 28, 2000 with the remainder being approved by the Ontario Municipal Board on November 1, 2002. The current Official Plan supports affordable housing initiatives and contains policies specifically related to additional dwelling units.

D. LEGISLATIVE CONTEXT AND POLICY BASIS FOR THE AMENDMENT

Planning Act

This amendment was prepared to bring the Official Plan into conformity with Section 16(3) of the *Planning Act, R.S.O. 1990, c.P.13*, which requires an official plan to contain policies that authorize the use of an additional dwelling unit within a detached, semi-detached, duplex, or townhome/rowhouse dwelling or ancillary/accessory structure located on the same property.

Further, section 2 of the *Planning Act* deems the adequate provision of a full range of housing, including affordable housing as matter of Provincial interest and requires any decision of City Council to have regard to this matter.

Provincial Policy Statement

The Provincial Policy Statement 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development. In respect of the exercise of any authority that affects a planning matter, section 3 of the *Planning Act, R.S.O. 1990, c.P.13* requires that decisions affecting planning matters “shall be consistent with” policy statements issued under the *Act*.

Section 1.1 of the PPS, entitled ‘Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns’, provides direction regarding healthy, livable and safe communities. In particular, the PPS states that additional dwelling units are a means of accommodating an appropriate range and mix of residential dwellings.

This section of the PPS also directs growth and development to existing settlement areas and requires the identification and promotion of opportunities for intensification.

Section 1.4, entitled 'Housing', requires planning authorities to provide for an appropriate range and mix of housing types by permitting and facilitating residential intensification, including additional dwelling units. This section also requires the establishment of development standards for residential intensification, which minimize the cost of housing, facilitate compact form, and maintain appropriate levels of public health and safety.

Section 1.6, entitled 'Infrastructure', clearly states that municipal sewage and water systems are the preferred form of servicing for settlement areas. It also requires that planning for stormwater management shall not increase risks to human health and safety and property damage.

Section 3, entitled 'Protecting Public Health and Safety', prohibits development within the floodway and permits development within portions of the floodplain where it has been designed in accordance with flood proofing standards and vehicles and people have a safe way to enter and exit during times of flooding.

Official Plan

The City's Official Plan currently addresses additional dwelling units, and it contains a number of objectives and policies that encourage a range of housing forms and tenures within neighbourhoods, selective infill and intensification of residential areas, and affordable housing options.

Chapters 3 (Development Strategy), 4 (Healthy Community), and 6 (Land Use) stress the importance of planning for range of housing forms and tenures in all neighbourhoods, which allows aging residents and residents with disabilities to remain in their neighbourhood.

Chapter 5 (Environmental Management) indicates that the floodplain boundary is determined in consultation with the Essex Region Conservation Authority (ERCA) and reiterates the PPS policies prohibiting development within floodway and permitting development within portions of the floodplain subject to flood proofing measures.

Chapter 7 (Infrastructure) promotes measures that reduce demands on the sewage system and the risk of basement flooding.

Chapters 8 (Urban Design) and 9 (Heritage Conservation) limits modifications within older neighbourhoods and heritage areas to ensure there is no adverse impacts to the character or heritage significance of these areas.

Chapter 11 (Tools) provides a framework for the Committee of Adjustment to approve minor variances from the Zoning By-law provisions.

E. THE AMENDMENT

Summary of Additional Dwelling Unit policies

The policies are structured to describe *what* constitutes an Additional Dwelling Unit (ADU), *where* they are permitted, and *how* they should be constructed. These policies are largely updated from the policies which enabled additional dwelling units.

Details of Official Plan Amendment

Chapter 6 entitled Land Use is amended by deleting and replacing policies on additional dwelling units, to read as follows:

(amendments noted in **bold** lettering, deletions noted by strikeouts)

<i>ADDITIONAL DWELLING UNIT DEFINITION</i>	6.3.2.22	An additional dwelling unit (additional unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is within a single detached, semi-detached, duplex dwelling , or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot.
<i>LOCATION OF ADDITIONAL DWELLING UNITS</i>	6.3.2.23	<p>An additional dwelling unit:</p> <ul style="list-style-type: none"> a) must be located on lands designated for residential use on Schedules D and E; on a parcel of urban residential land designated for residential use in the Official Plan schedules; a) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and b) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include but is not limited to: <ul style="list-style-type: none"> i. Eavestrough downspouts are disconnected from the City of Windsor’s sewer system; ii. Sump pump installation; iii. Foundation drain disconnection from the sewer system or connection to the sump pump; iv. Requirement for a backflow sanitary valve; v. Where required, a sewage ejector pump has been installed in the additional unit.

**ADDITIONAL
DWELLING
UNIT
REQUIREMENT
S**

6.3.2.24

An additional dwelling unit shall be permitted within the primary dwelling unit and a building accessory to the primary dwelling unit subject to the following criteria:

a) The additional **dwelling** unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23;

~~b) Only one additional unit is permitted in the primary dwelling unit and one additional unit in a building accessory to primary dwelling unit;~~

(b) A maximum of two additional dwelling units or a total of three dwelling units are located on a parcel of urban residential land in any one of the following configurations:

i) one additional dwelling unit in the primary dwelling unit and one additional dwelling unit in a building accessory to primary dwelling unit, or

ii) two additional dwelling units in the primary dwelling unit, provided there are no dwelling units in a building accessory to primary dwelling unit, or

iii) one additional dwelling unit in a building accessory to primary dwelling unit; if the primary dwelling unit contains no more than two dwelling units;

c) The Zoning By-law may regulate the character, **maximum** size, and gross floor area of the additional unit;

d) Parking can be accommodated ~~where required in~~ **accordance with** the Zoning By-law;

e) Where located on a **parcel of urban residential land** identified on the Municipal Heritage Register or within a ~~Heritage Area~~ **Mature Neighbourhood identified on Schedule G Schedule A-1** the additional **dwelling** unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Mature Neighbourhood; and

f) The additional dwelling unit complies with health and safety standards.

<i>REQUIREMENTS SPECIFIC TO A ADDITIONAL UNIT IN AN ACCESSORY BUILDING</i>	6.3.2.25	<p>An additional dwelling unit within a building that is accessory to a single-detached, semi-detached, duplex dwelling, or a rowhouse dwelling is permitted subject to the following criteria:</p> <ul style="list-style-type: none">a) The proposed additional dwelling unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24;b) The additional dwelling unit shall have direct pedestrian access from a paved public street or alley;c) The additional dwelling unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services;d) Only one Private Drain Connection (PDC) is permitted per property;e) A municipal address for the additional dwelling unit shall be clearly visible from the public street; andf) The Zoning By-law may regulate the height, maximum size, and setbacks of an accessory building which contains an additional dwelling unit.
<i>SEVERANCE OF ADDITIONAL UNIT PROHIBITED</i>	6.3.2.26	<p>The severance of an additional unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit through consent, subdivision, or condominium, is prohibited.</p>
<i>HEIGHT OF ACCESSORY BUILDING CONTAINING A ADDITIONAL UNIT</i>	6.3.2.27	<p>An application to allow a maximum height of up to 8m through a minor variance may be considered for accessory buildings containing an additional unit with a flat or low sloped roof, subject to the following criteria:</p> <ul style="list-style-type: none">(a) The height of the additional unit does not exceed the height of the primary dwelling;(b) Significant trees and plantings are preserved on the subject property; and(c) Any adverse impacts to the streetscape or abutting properties are addressed through the additional unit design and siting.

<i>SHARED RENTAL HOUSING</i>	6.3.2.28	The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and additional dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.
<i>COMPATIBLE ADDITIONAL UNITS</i>	6.3.2.29	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-Law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

F. PUBLIC INVOLVEMENT:

Administration have consulted with Planning, Building, and Public Works.

Public Notice:

The statutory notice required under the Planning Act was provided in the Windsor Star prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

This section will be updated following meetings of the Development and Heritage Standing Committee and City Council.

G. IMPLEMENTATION:

This amendment brings the Official Plan into conformity with Section 16(3) of the *Planning Act* and forms the policy basis for approval of amendments to Zoning By-law 8600 and 85-18 related to additional dwelling units.

The Amendment should be read and implemented in conjunction with the overall policies contained with the Official Plan.

Additional dwelling units must comply with all applicable laws, which include the Building Code, the Fire Code and municipal by-laws. The policies set out in this amendment do not ‘grandfather’ any existing additional dwelling units that do not meet applicable laws, policies, or regulations.

Appendix B – Zoning By-Law 8600 Amendments

B Y - L A W N U M B E R -2023

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

Passed the day of , 2023.

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

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

1. That Section 3.10 is amended by adding alphabetically the following definition:

PARCEL OF URBAN RESIDENTIAL LAND means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the Planning Act, R.S.O 1990, C.P.13

[ZNG/7027]

2. That Section 5.99.80 be deleted and replaced as follows:

5.99.80 SECOND UNITS / ADDITIONAL DWELLING UNITS

- .1 For any *zoning district* that permits a *single unit dwelling, semi-detached dwelling, duplex dwelling, or townhome dwelling*, the following additional provisions shall apply:

.1 ADDITIONAL PERMITTED USES

- a) Two additional *dwelling units* shall be permitted on a *parcel of urban residential land*. This may be either:
 - i. Two additional *dwelling units* within the primary *dwelling unit* located in the *main building*, or
 - ii. One additional *dwelling unit* in the primary *dwelling unit* located in the *main building* and one additional *dwelling unit* in a *building* accessory to said *dwelling*.

For clarity, this provision permits a maximum of three *dwelling units* in total on a *lot* as shown in Tables 5.99.80.11 and 5.99.80.12.

TABLE 5.99.80.11			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	3	0	3
Semi-detached Dwelling Unit	3	0	3
Duplex Dwelling	3	0	3
Townhome Dwelling Unit	3	0	3

TABLE 5.99.80.12			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	2	1	3
Semi-detached Dwelling Unit	2	1	3
Duplex Dwelling	2	1	3
Townhome Dwelling Unit	2	1	3

- b) For the purposes of this provision each *semi-detached dwelling unit* or *townhome dwelling unit* is considered to be located on its own *lot* if it conforms with the provisions of the applicable *zoning district* and can be subdivided.

.3 PROHIBITIONS

- a) In any *development reserve district* or *industrial district*, or where a *single unit dwelling*, *semi-detached dwelling*, *duplex dwelling*, or *townhome dwelling* is not a permitted use in a *zoning district*, the uses in Section 5.99.80.1.1 are prohibited.
- b) Where a *dwelling* is located in a *floodplain*, an additional *dwelling unit* within a *basement* or *cellar* is prohibited.
- c) Where two *dwelling units* are located in a *main building* of a *single unit dwelling*, *semi-detached dwelling unit*, *duplex dwelling unit*, or *townhome dwelling unit* and one *dwelling unit* is located in an *accessory building*, an additional *dwelling unit* in any *building* is prohibited.

Appendix B – Zoning By-Law 8600 Amendments

.5 PROVISIONS

- a) For an additional *dwelling unit* located within a *basement* or *cellar* in a *dwelling* not located in a *floodplain*,
 1. Downspouts shall be disconnected from the municipal sewer system and splash to *grade*;
 2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;
 3. A sanitary backflow valve shall be installed in the *dwelling unit* located within the *basement* or *cellar*;all to the satisfaction of the City Engineer or Chief Building Official.
- b) For a *dwelling unit* located within an *accessory building*:
 1. There shall be direct pedestrian access between said *dwelling unit* and a *highway*.
 2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said *dwelling unit*.
 3. Notwithstanding Section 5.10.7, any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an additional *dwelling unit*, shall have a minimum separation of 1.20 m from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing *building* which is not being altered.
 4. Notwithstanding Section 5.10.9.1, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum *building height* shall be 6.0 m from *grade*.
 5. Notwithstanding Section 5.10.9.2, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a roof other than described in Section 5.10.9.1, the maximum *building height* shall be prohibited from exceeding 8.0 m from *grade*.
 6. The maximum *building height* for an *accessory building* which contains an *additional dwelling unit* is prohibited from exceeding the *building height* of the *main building*.
 7. For any *accessory building*, which is constructed to include an additional *dwelling unit*, the maximum *gross floor area* shall be 100 m².
- c) For any additional *dwelling unit*:
 1. Where the minimum *lot area* is expressed on a per *dwelling unit* basis, the minimum *lot area* provision shall not apply to the additional *dwelling unit*;

Appendix B – Zoning By-Law 8600 Amendments

2. For the purpose of this provision, the *gross floor area* shall include that portion of the *main building* located within a *basement* or *cellar*.
3. Notwithstanding Section 24.20.5, the required number of *parking spaces* shall be as follows:
 - a) One *parking space* for the first *dwelling unit*; and
 - b) One *parking space* for the second *dwelling unit* on a *lot* except for an second *dwelling unit* on a *lot* located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and
 - c) No *parking space* for the third *dwelling unit* on the *lot*.

[ZNG/5630; ZNG/5926; ZNG/7027]

DREW DILKENS, MAYOR

CLERK

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

Appendix B – Zoning By-Law 8600 Amendments

SCHEDULE 2

1. By-law _____ has the following purpose and effect:
 - To implement Official Plan polices authorizing the use of additional dwelling units within single detached, semi-detached, duplex, and townhome dwellings and/or within an accessory building located on the same property.
 - To amend Section 3.0 by adding a definition for Parcel of Urban Residential Land.
 - To amend Section 5.99.80.1 by permitting an additional dwelling unit in both the main building and an accessory building within zoning districts that permit a single unit dwelling, semi-detached dwelling unit, duplex dwelling unit, or townhouse dwelling unit up to a maximum of three dwelling units.
 - To amend Section 5.99.80.5 by removing the minimum gross floor areas for additional dwelling units.
2. A key map is not required as the amendments are to the text of Zoning By-law 8600 and apply to all property covered by the by-law.

Zoning By-law 85-18 Amendments

BY - LAW NUMBER -2023

A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 85-18 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2023.

WHEREAS it is deemed expedient to further amend By-law Number 85-18 of the Council of The Corporation of the City of Windsor, cited as the "Township of Sandwich South Zoning By-Law" passed the 21st day of May, 1985, as heretofore amended:

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

1. That Section 3 is amended by adding alphabetically the following definition:

PARCEL OF URBAN RESIDENTIAL LAND means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the Planning Act, R.S.O 1990, C.P.13

[ZNG/7027]

2. That Section 5 is hereby amended by adding the following:

5.50 SECOND UNITS / ADDITIONAL DWELLING UNITS

- .1 For any *zoning district* that permits a *single unit dwelling, semi-detached dwelling, duplex dwelling, or townhome dwelling*, the following additional provisions shall apply:

.1 ADDITIONAL PERMITTED USES

- a) Two additional *dwelling units* shall be permitted on a *parcel of urban residential land*. This may be either:
 - i. Two additional *dwelling units* within the primary *dwelling unit* located in the *main building*, or
 - ii. One additional *dwelling unit* in the primary *dwelling unit* located in the *main building* and one additional *dwelling unit* in a *building* accessory to said *dwelling*.

For clarity, this provision permits a maximum of three *dwelling units* in total on a *lot* as shown in Tables 5.50.11 and 5.50.12.

Zoning By-law 85-18 Amendments

TABLE 5.50.11			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	3	0	3
Semi-detached Dwelling Unit	3	0	3
Duplex Dwelling	3	0	3
Townhome Dwelling Unit	3	0	3

TABLE 5.50.12			
Dwelling Type	Dwelling Units - Maximum		
	Main Building	Accessory Building	Total
Single Unit Dwelling	2	1	3
Semi-detached Dwelling Unit	2	1	3
Duplex Dwelling	2	1	3
Townhome Dwelling Unit	2	1	3

- b) For the purposes of this provision each *semi-detached dwelling unit* or *townhome dwelling unit* is considered to be located on its own *lot* if it conforms with the provisions of the applicable *zoning district* and can be subdivided.

.3 PROHIBITIONS

- a) In any *development reserve district* or *industrial district*, or where a *single unit dwelling*, *semi-detached dwelling*, *duplex dwelling*, or *townhome dwelling* is not a permitted use in a *zoning district*, the uses in Section 5.50.1 are prohibited.
- b) Where a *dwelling* is located in a *floodplain*, an additional *dwelling unit* within a *basement* or *cellar* is prohibited.
- c) Where two *dwelling units* are located in a *main building* of a *single unit dwelling*, *semi-detached dwelling unit*, *duplex dwelling unit*, or *townhome dwelling unit* and one *dwelling unit* is located in an *accessory building*, an additional *dwelling unit* in any *building* is prohibited.

Zoning By-law 85-18 Amendments

.5 PROVISIONS

- a) For an additional *dwelling unit* located within a *basement* or *cellar* in a *dwelling* not located in a *floodplain*,
 1. Downspouts shall be disconnected from the municipal sewer system and splash to *grade*;
 2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;
 3. A sanitary backflow valve shall be installed in the *dwelling unit* located within the *basement* or *cellar*;all to the satisfaction of the City Engineer or Chief Building Official.
- b) For a *dwelling unit* located within an *accessory building*:
 1. There shall be direct pedestrian access between said *dwelling unit* and a *highway*.
 2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said *dwelling unit*.
 3. Any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an additional *dwelling unit*, shall have a minimum separation of 1.20 m from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing *building* which is not being altered.
 4. Any *accessory building* which is constructed to include an additional *dwelling unit*, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum *building height* shall be 6.0 m from *grade*.
 5. Any *accessory building* which is constructed to include an additional *dwelling unit*, with a roof other than described in this by-law, the maximum *building height* shall be prohibited from exceeding 8.0 m from *grade*.
 6. The maximum *building height* for an *accessory building* which contains an *additional dwelling unit* is prohibited from exceeding the *building height* of the *main building*.
 7. For any *accessory building*, which is constructed to include an additional *dwelling unit*, the maximum *gross floor area* shall be 100 m².
- c) For any additional *dwelling unit*:
 1. Where the minimum *lot area* is expressed on a per *dwelling unit* basis, the minimum *lot area* provision shall not apply to the additional *dwelling unit*;

Zoning By-law 85-18 Amendments

2. For the purpose of this provision, the *gross floor area* shall include that portion of the *main building* located within a *basement* or *cellar*.
3. Notwithstanding Sections 5.33 and 5.34, the required number of *parking spaces* shall be as follows:
 - a) One *parking space* for the first *dwelling unit*; and
 - b) No *parking space* for the third *dwelling unit* on the *lot*.

[ZNG/7027]

DREW DILKENS, MAYOR

CLERK

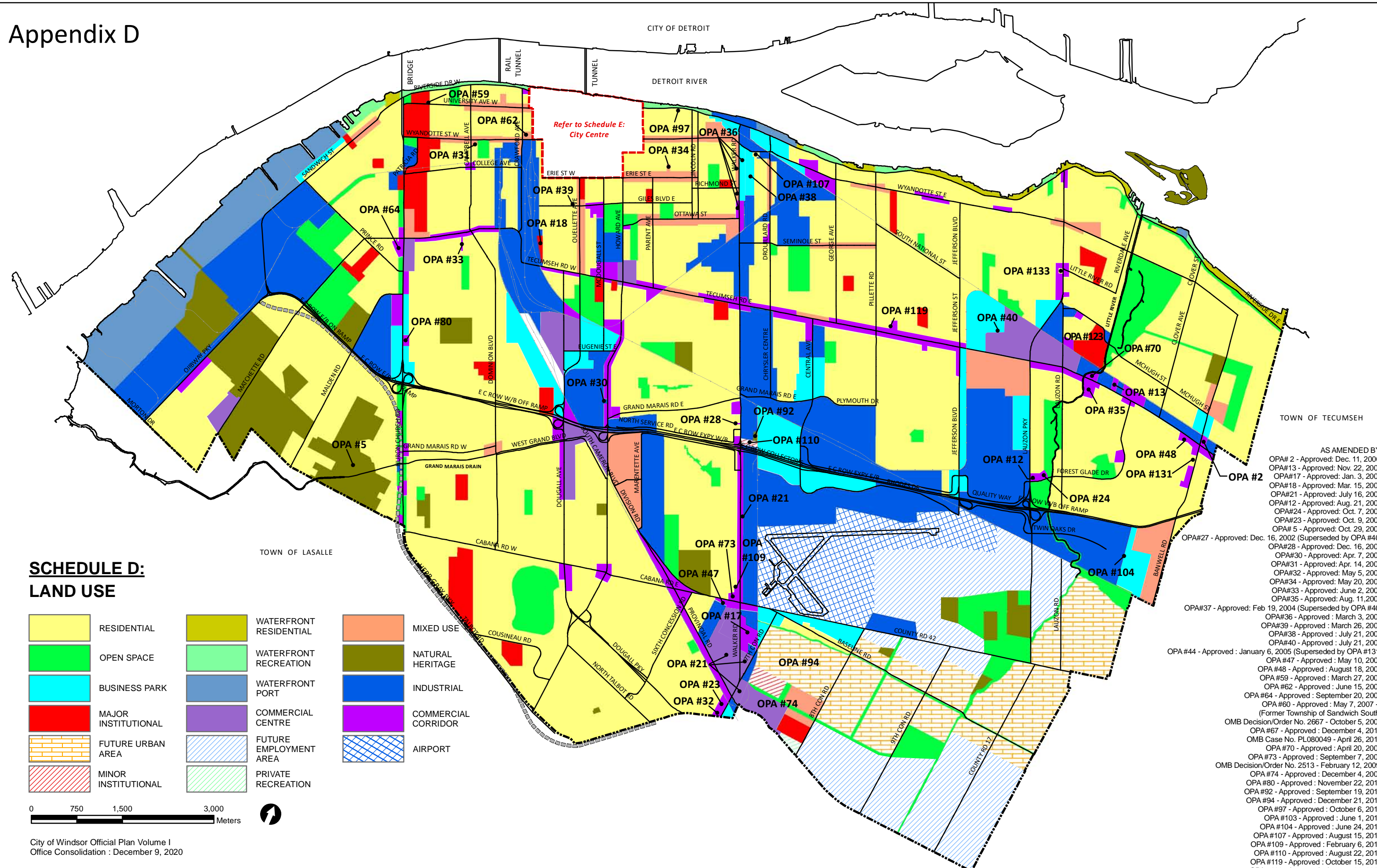
First Reading	-	, 2023
Second Reading	-	, 2023
Third Reading	-	, 2023

Zoning By-law 85-18 Amendments

SCHEDULE 2

1. By-law _____ has the following purpose and effect:
 - To implement Official Plan polices authorizing the use of additional dwelling units within single detached, semi-detached, duplex, and townhome dwellings and/or within an accessory building located on the same property.
 - To amend Section 3.0 by adding a definition for Parcel of Urban Residential Land.
 - To amend the general provisions to permit an additional dwelling unit in both the main building and an accessory building within zoning districts that permit a single unit dwelling, semi-detached dwelling unit, duplex dwelling unit, or townhouse dwelling unit up to a maximum of three dwelling units
2. A key map is not required as the amendments are to the text of Zoning By-law 85-18 and apply to all property covered by the by-law.

Appendix D



SCHEDULE D: LAND USE

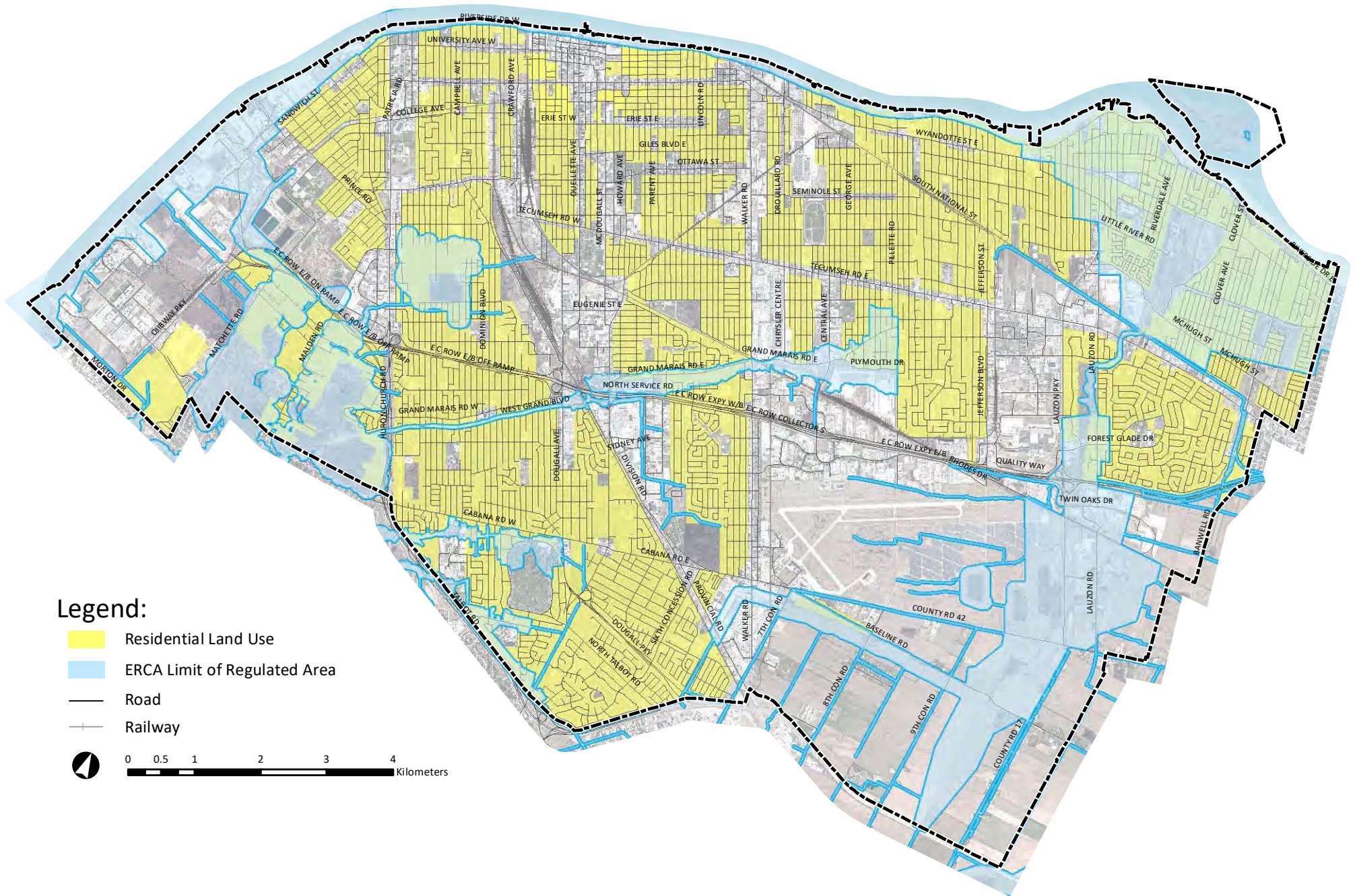
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	OPEN SPACE		WATERFRONT RECREATION		NATURAL HERITAGE
	BUSINESS PARK		WATERFRONT PORT		INDUSTRIAL
	MAJOR INSTITUTIONAL		COMMERCIAL CENTRE		COMMERCIAL CORRIDOR
	FUTURE URBAN AREA		FUTURE EMPLOYMENT AREA		AIRPORT
	MINOR INSTITUTIONAL		PRIVATE RECREATION		



City of Windsor Official Plan Volume I
Office Consolidation : December 9, 2020

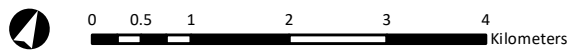
- AS AMENDED BY:
- OPA# 2 - Approved: Dec. 11, 2000
 - OPA#13 - Approved: Nov. 22, 2001
 - OPA#17 - Approved: Jan. 3, 2002
 - OPA#18 - Approved: Mar. 15, 2002
 - OPA#21 - Approved: July 16, 2002
 - OPA#12 - Approved: Aug. 21, 2002
 - OPA#24 - Approved: Oct. 7, 2002
 - OPA#23 - Approved: Oct. 9, 2002
 - OPA# 5 - Approved: Oct. 29, 2002
 - OPA#27 - Approved: Dec. 16, 2002 (Superseded by OPA #40)
 - OPA#28 - Approved: Dec. 16, 2002
 - OPA#30 - Approved: Apr. 7, 2003
 - OPA#31 - Approved: Apr. 14, 2003
 - OPA#32 - Approved: May 5, 2003
 - OPA#33 - Approved: May 20, 2003
 - OPA#33 - Approved: June 2, 2003
 - OPA#35 - Approved: Aug. 11, 2003
 - OPA#37 - Approved: Feb 19, 2004 (Superseded by OPA #40)
 - OPA#36 - Approved: March 3, 2004
 - OPA#39 - Approved: March 26, 2004
 - OPA#38 - Approved: July 21, 2004
 - OPA#40 - Approved: July 21, 2004
 - OPA#44 - Approved: January 6, 2005 (Superseded by OPA #131)
 - OPA#47 - Approved: May 10, 2005
 - OPA#48 - Approved: August 18, 2005
 - OPA#59 - Approved: March 27, 2007
 - OPA#62 - Approved: June 15, 2007
 - OPA#64 - Approved: September 20, 2007
 - OPA#60 - Approved: May 7, 2007 - (Former Township of Sandwich South)
 - OMB Decision/Order No. 2667 - October 5, 2007
 - OPA#67 - Approved: December 4, 2015
 - OMB Case No. PL080049 - April 26, 2016
 - OPA#70 - Approved: April 20, 2009
 - OPA#73 - Approved: September 7, 2006
 - OMB Decision/Order No. 2513 - February 12, 2009
 - OPA#74 - Approved: December 4, 2009
 - OPA#80 - Approved: November 22, 2010
 - OPA#92 - Approved: September 19, 2016
 - OPA#94 - Approved: December 21, 2016
 - OPA#97 - Approved: October 6, 2014
 - OPA#103 - Approved: June 1, 2015
 - OPA#104 - Approved: June 24, 2015
 - OPA#107 - Approved: August 15, 2016
 - OPA#109 - Approved: February 6, 2017
 - OPA#110 - Approved: August 22, 2016
 - OPA#119 - Approved: October 15, 2018
 - OPA#123 - Approved: January 21, 2020
 - OPA#131 - Approved: August 4, 2020
 - OPA#133 - Approved: November 9, 2020

Appendix E



Legend:

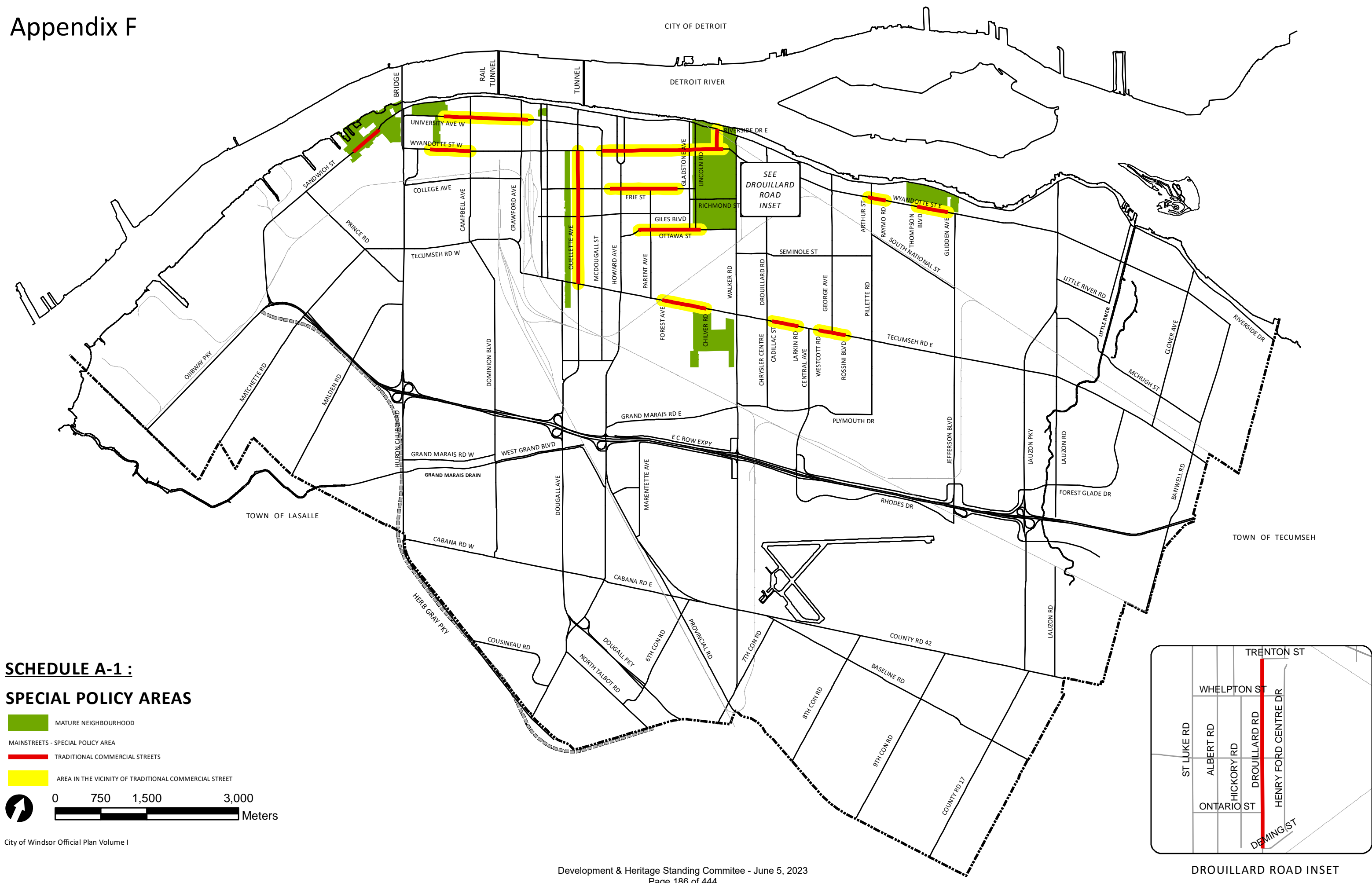
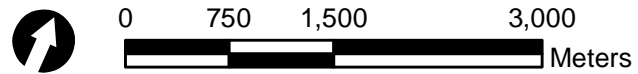
- Residential Land Use
- ERCA Limit of Regulated Area
- Road
- Railway



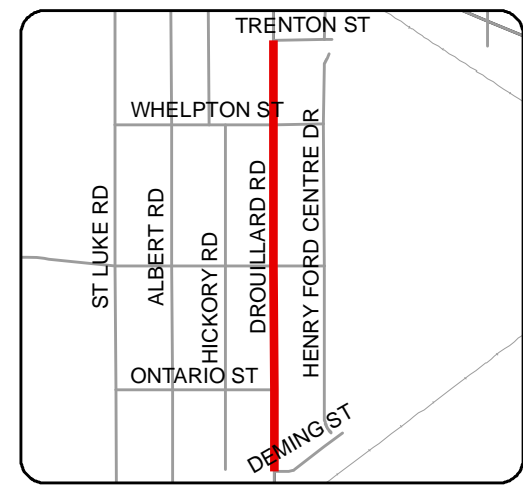
Appendix F

SCHEDULE A-1 : SPECIAL POLICY AREAS

- MATURE NEIGHBOURHOOD
- MAINSTREETS - SPECIAL POLICY AREA
- TRADITIONAL COMMERCIAL STREETS
- AREA IN THE VICINITY OF TRADITIONAL COMMERCIAL STREET



SEE
DROUILLARD
ROAD
INSET



DROUILLARD ROAD INSET

City of Windsor Official Plan – Additional Dwelling Unit Policy Amendments

SECTION	Current Policy	Amended Policy (amendments noted in bold lettering, deletions noted by strikeouts)
6.3.2.22 <i>ADDITIONAL DWELLING UNIT DEFINITION</i>	An additional dwelling unit (additional unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is located within a single detached, semi-detached, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot. (Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)	An additional dwelling unit (additional unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is located within a single detached, semi-detached, duplex dwelling , or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot.
6.3.2.23 <i>LOCATION OF ADDITIONAL DWELLING UNITS</i>	An additional dwelling unit: <ul style="list-style-type: none"> a) must be located on lands designated for residential use on Schedules D and E; b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include but is not limited to: <ul style="list-style-type: none"> i. Eavestrough downspouts are disconnected from the City of Windsor’s sewer system; ii. Sump pump installation; 	An additional dwelling unit: <ul style="list-style-type: none"> a) must be located on lands designated for residential use on Schedules D and E; on a parcel of urban residential land designated for residential use in the Official Plan schedules; b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the flood mitigation criteria to be prescribed in the Zoning Bylaw has been met to the satisfaction of the Chief Building Official or City Engineer. This criteria may include but is not limited to:

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in bold lettering, deletions noted by strikeouts)
	<ul style="list-style-type: none"> iii. Foundation drain disconnection from the sewer system or connection to the sump pump; iv. Requirement for a backflow sanitary valve; and v. Where required, a sewage ejector pump has been installed in the additional unit. <p>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</p>	<ul style="list-style-type: none"> i. Eavestrough downspouts are disconnected from the City of Windsor’s sewer system; ii. Sump pump installation; iii. Foundation drain disconnection from the sewer system or connection to the sump pump; iv. Requirement for a backflow sanitary valve; and v. Where required, a sewage ejector pump has been installed in the additional unit.
<p>6.3.2.24</p> <p><i>ADDITIONAL DWELLING UNIT REQUIREMENTS</i></p>	<p>An additional dwelling unit shall be permitted within the primary dwelling unit and a building accessory to the primary dwelling unit subject to the following criteria:</p> <ul style="list-style-type: none"> a) The additional unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23; b) Only one additional unit is permitted in the primary dwelling unit and one additional unit in a building accessory to primary dwelling unit; c) The Zoning By-law may regulate the character, size, and gross floor area of the additional unit; d) Parking can be accommodated where required by the Zoning By-law; e) Where located on a property identified on the Municipal Heritage Register or within a 	<p>An additional dwelling unit shall be permitted within the primary dwelling unit and a building accessory to the primary dwelling unit subject to the following criteria:</p> <ul style="list-style-type: none"> a) The additional dwelling unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23; b) Only one additional unit is permitted in the primary dwelling unit and one additional unit in a building accessory to primary dwelling unit; (b) A maximum of two additional dwelling units or a total of three dwelling units are located on a parcel of urban residential land in any one of the following configurations: i) one additional dwelling unit in the primary dwelling unit and one additional

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in bold lettering, deletions noted by strikeouts)
	<p>Heritage Area identified on Schedule G the additional unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Heritage Area; and</p> <p>f) The additional unit complies with health and safety standards.</p> <p>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</p>	<p>dwelling unit in a building accessory to primary dwelling unit, or</p> <p>ii) two additional dwelling units in the primary dwelling unit, provided there are no dwelling units in a building accessory to primary dwelling unit, or</p> <p>iii) one additional dwelling unit in a building accessory to primary dwelling unit; if the primary dwelling unit contains no more than two dwelling units;</p> <p>c) The Zoning By-law may regulate the character, maximum size, and gross floor area of the additional unit;</p> <p>d) Parking can be accommodated where required in accordance with the Zoning By-law;</p> <p>e) Where located on a parcel of urban residential land identified on the Municipal Heritage Register or within a Heritage Area Mature Neighbourhood identified on Schedule G Schedule A-1 the additional dwelling unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and</p>

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in bold lettering, deletions noted by strikeouts)
		<p>attributes of the property or Mature Neighbourhood; and</p> <p>f) The additional dwelling unit complies with health and safety standards.</p>
<p>6.3.2.25 <i>REQUIREMENTS SPECIFIC TO A ADDITIONAL UNIT IN AN ACCESSORY BUILDING</i></p>	<p>An additional unit within a building that is accessory to a single-detached, semi-detached, or a rowhouse dwelling is permitted subject to the following criteria:</p> <ul style="list-style-type: none"> a) The proposed additional unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24; b) The additional unit shall have direct pedestrian access from a paved public street or alley; c) The additional unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services; d) Only one Private Drain Connection (PDC) is permitted per property; e) A municipal address for the additional unit shall be clearly visible from the public street; and f) The Zoning By-law may regulate the height, size, and setbacks of an accessory building which contains an additional unit. <p>(Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)</p>	<p>An additional dwelling unit within a building that is accessory to a single-detached, semi-detached, duplex dwelling, or a rowhouse dwelling is permitted subject to the following criteria:</p> <ul style="list-style-type: none"> a) The proposed additional dwelling unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24; b) The additional dwelling unit shall have direct pedestrian access from a paved public street or alley; c) The additional dwelling unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services; d) Only one Private Drain Connection (PDC) is permitted per property; e) A municipal address for the additional dwelling unit shall be clearly visible from the public street; and f) The Zoning By-law may regulate the height, maximum size, and setbacks of an accessory building which contains an additional dwelling unit.

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in bold lettering, deletions noted by strikeouts)
6.3.2.26 <i>SEVERANCE OF ADDITIONAL UNIT PROHIBITED</i>	The severance of an additional unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit through consent, subdivision, or condominium, is prohibited. (Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)	The severance of an additional unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit through consent, subdivision, or condominium, is prohibited.
6.3.2.27 <i>HEIGHT OF ACCESSORY BUILDING CONTAINING A ADDITIONAL UNIT</i>	An application to allow a maximum height of up to 8m through a minor variance may be considered for accessory buildings containing an additional unit with a flat or low sloped roof, subject to the following criteria: <ul style="list-style-type: none"> (a) The height of the additional unit does not exceed the height of the primary dwelling; (b) Significant trees and plantings are preserved on the subject property; and (c) Any adverse impacts to the streetscape or abutting properties are addressed through the additional unit design and siting. (Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)	An application to allow a maximum height of up to 8m through a minor variance may be considered for accessory buildings containing an additional unit with a flat or low sloped roof, subject to the following criteria: <ul style="list-style-type: none"> (a) The height of the additional unit does not exceed the height of the primary dwelling; (b) Significant trees and plantings are preserved on the subject property; and (c) Any adverse impacts to the streetscape or abutting properties are addressed through the additional unit design and siting.
6.3.2.28 <i>SHARED RENTAL HOUSING</i>	The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and additional dwelling units must not constitute a lodging house as defined within any City of Windsor by-law. (Amended by OPA130 - APPROVED June 26, 2020, B/L#79-2020)	The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and additional dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.

Appendix G – Official Olan and Zoning Amendment Revisions

SECTION	Current Policy	Amended Policy (amendments noted in bold lettering, deletions noted by strikeouts)
6.3.2.29 <i>COMPATIBLE ADDITIONAL UNITS</i>	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods. (Added by OPA #159 – APPROVED July 11, 2022, B/L# 100-2022)	The creation of additional units through renovation or redevelopment in existing residential neighbourhoods shall be done in a manner that is compatible and complimentary to the character of the neighbourhood. The Zoning By-law will establish regulations for height, density, and massing that will preserve the character of stable neighbourhoods. Council will adopt Design Guidelines to assist in the design and review of development applications within existing stable neighbourhoods.

City of Windsor Zoning By-Law 8600 - Additional Dwelling Unit Provisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in bold lettering, deletions noted by strikeout)
5.99.80 <i>SECOND UNITS / ADDITIONAL DWELLING UNITS</i>	For any zoning district that permits a single unit dwelling, semi-detached dwelling, or townhome dwelling, the following additional provisions shall apply:	For any zoning district that permits a <i>single unit dwelling, semi-detached dwelling, duplex dwelling, or townhome dwelling</i> ; the following additional provisions shall apply:
.1 <i>ADDITIONAL PERMITTED USES</i>	<p>a) Two dwelling units in a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit.</p> <p>b) One dwelling unit in an accessory building which is accessory to a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit.</p>	<p>a) Two additional dwelling units shall be permitted on a parcel of urban residential land.</p> <p>This may be either:</p> <p>i) two additional dwelling units within the primary dwelling unit, or</p> <p>ii) one additional dwelling unit in the primary dwelling unit and one additional dwelling unit in a building accessory to the said dwelling.</p> <p>For clarity, this provision permits a maximum of three dwelling units in total on a lot as defined in tables 5.99.80.11 and 5.99.80.12.</p>

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in bold lettering, deletions noted by strikeout)																																																						
		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">TABLE 5.99.80.11</th> </tr> <tr> <th rowspan="2" style="text-align: left;">Dwelling Type</th> <th colspan="3" style="text-align: center;">Dwelling Units - Maximum</th> </tr> <tr> <th style="text-align: center;">Main Building</th> <th style="text-align: center;">Accessory Building</th> <th style="text-align: center;">Total</th> </tr> </thead> <tbody> <tr> <td>Single Unit Dwelling</td> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Semi-detached Dwelling Unit</td> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Duplex Dwelling</td> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Townhome Dwelling Unit</td> <td style="text-align: center;">3</td> <td style="text-align: center;">0</td> <td style="text-align: center;">3</td> </tr> </tbody> </table> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">TABLE 5.99.80.12</th> </tr> <tr> <th rowspan="2" style="text-align: left;">Dwelling Type</th> <th colspan="3" style="text-align: center;">Dwelling Units - Maximum</th> </tr> <tr> <th style="text-align: center;">Main Building</th> <th style="text-align: center;">Accessory Building</th> <th style="text-align: center;">Total</th> </tr> </thead> <tbody> <tr> <td>Single Unit Dwelling</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Semi-detached Dwelling Unit</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Duplex Dwelling</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> <td style="text-align: center;">3</td> </tr> <tr> <td>Townhome Dwelling Unit</td> <td style="text-align: center;">2</td> <td style="text-align: center;">1</td> <td style="text-align: center;">3</td> </tr> </tbody> </table>	TABLE 5.99.80.11				Dwelling Type	Dwelling Units - Maximum			Main Building	Accessory Building	Total	Single Unit Dwelling	3	0	3	Semi-detached Dwelling Unit	3	0	3	Duplex Dwelling	3	0	3	Townhome Dwelling Unit	3	0	3	TABLE 5.99.80.12				Dwelling Type	Dwelling Units - Maximum			Main Building	Accessory Building	Total	Single Unit Dwelling	2	1	3	Semi-detached Dwelling Unit	2	1	3	Duplex Dwelling	2	1	3	Townhome Dwelling Unit	2	1	3
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	Main Building	Accessory Building	Total																																																					
Single Unit Dwelling	3	0	3																																																					
Semi-detached Dwelling Unit	3	0	3																																																					
Duplex Dwelling	3	0	3																																																					
Townhome Dwelling Unit	3	0	3																																																					
TABLE 5.99.80.12																																																								
Dwelling Type	Dwelling Units - Maximum																																																							
	Main Building	Accessory Building	Total																																																					
Single Unit Dwelling	2	1	3																																																					
Semi-detached Dwelling Unit	2	1	3																																																					
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Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in bold lettering, deletions noted by strikeout)
		<p>b) For the purposes of this provision each semi-detached dwelling unit or townhome dwelling unit is considered to be located on its own lot if it conforms with the provisions of the applicable zoning district and can be subdivided.</p>
<p>3 <i>PROHIBITIONS</i></p>	<p>a) In any development reserve district or industrial district, or where a single unit dwelling, semi-detached dwelling, or townhome dwelling is not a permitted use in a zoning district, the uses in Section 5.99.80.1.1 are prohibited.</p> <p>b) Where a dwelling is located in a floodplain, an additional dwelling unit within a basement or cellar is prohibited.</p> <p>c) Where two dwelling units are located in a main building of a single unit dwelling, semi-detached dwelling unit, or townhome dwelling unit and one dwelling unit is located in an accessory building, an additional dwelling unit in any building is prohibited.</p>	<p>a) In any <i>development reserve district</i> or <i>industrial district</i>, or where a <i>single unit dwelling, semi-detached dwelling, duplex dwelling, or townhome dwelling</i> is not a permitted use in a <i>zoning district</i>; the uses in Section 5.99.80.1 are prohibited.</p> <p>b) Where a <i>dwelling</i> is located in a floodplain, an additional <i>dwelling unit</i> within a <i>basement or cellar</i> is prohibited.</p> <p>c) Where <i>two dwelling units</i> are located in a <i>main building of a single unit dwelling, duplex dwelling, semi-detached dwelling unit, or townhome dwelling unit</i> and one <i>dwelling unit</i> is located in an accessory building, an additional dwelling unit in any building is prohibited.</p>
<p>.5 <i>PROVISIONS</i></p>	<p>a) For an additional dwelling unit located within a basement or cellar in a dwelling not located in a floodplain,</p> <p>1. Downspouts shall be disconnected from the municipal sewer system and splash to grade;</p> <p>2. A sump pump is required. Foundation drains shall be disconnected from the</p>	<p>a) For an additional <i>dwelling unit</i> located within a <i>basement or cellar</i> in a <i>dwelling</i> not located in a <i>floodplain</i>;</p> <p>1. Downspouts shall be disconnected from the municipal sewer system and splash to grade;</p> <p>2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;</p>

Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in bold lettering, deletions noted by strikeout)
	<p>municipal sewer and shall be connected to the sump pump;</p> <p>3. A sanitary backflow valve shall be installed in the dwelling unit located within the basement or cellar;</p> <p>all to the satisfaction of the City Engineer or Chief Building Official.</p>	<p>3. A sanitary backflow valve shall be installed in the <i>dwelling unit</i> located within the <i>basement</i> or <i>cellar</i>;</p> <p>all to the satisfaction of the City Engineer or Chief Building Official.</p>
	<p>b) For a dwelling unit located within an accessory building:</p> <p>1. There shall be direct pedestrian access between said dwelling unit and a highway.</p> <p>2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said dwelling unit.</p> <p>3. Notwithstanding Section 5.10.7, any accessory building which is new construction or a new addition to an existing accessory building to include an additional dwelling unit, shall have a minimum separation of 1.20 m from a rear lot line or side lot line. This minimum separation does not apply to any portion of an existing building which is not being altered.</p> <p>4. Notwithstanding Section 5.10.9.1, for an accessory building which is constructed to</p>	<p>b) For a <i>dwelling unit</i> located within an <i>accessory building</i>:</p> <p>1. There shall be direct pedestrian access between said <i>dwelling unit</i> and a <i>highway</i>.</p> <p>2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said <i>dwelling unit</i>.</p> <p>3. Notwithstanding Section 5.10.7, any <i>accessory building</i> which is new construction or a new addition to an <i>existing accessory building</i> to include an additional <i>dwelling unit</i>, shall have a minimum separation of 1.20 m from a <i>rear lot line</i> or <i>side lot line</i>. This minimum separation does not apply to any portion of an <i>existing building</i> which is not being altered.</p> <p>4. Notwithstanding Section 5.10.9.1, for an <i>accessory building</i> which is constructed to include an additional <i>dwelling unit</i>, 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 <i>maximum building height</i> shall be 6.0 m from <i>grade</i>.</p> <p>5. Notwithstanding Section 5.10.9.2, for an <i>accessory building</i>, which is constructed to include an <i>additional dwelling unit</i>, with a roof other than</p>

Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in bold lettering, deletions noted by strikeout)
	<p>include an additional dwelling unit, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum building height shall be 6.0 m from grade.</p> <p>5. Notwithstanding Section 5.10.9.2, for an accessory building, which is constructed to include an additional dwelling unit, with a roof other than described in Section 5.10.9.1, the maximum building height shall be prohibited from exceeding 8.0 m from grade.</p> <p>6. The maximum building height for an accessory building which contains an additional dwelling unit is prohibited from exceeding the building height of the main building.</p>	<p>described in Section 5.10.9.1, the maximum building height shall be prohibited from exceeding 8.0 m from <i>grade</i>.</p> <p>6. The <i>maximum building height</i> for an <i>accessory building</i> which contains an <i>additional dwelling unit</i> is prohibited from exceeding the <i>building height</i> of the <i>main building</i>.</p> <p>7. For any accessory building, which is constructed to include an additional dwelling unit, the maximum gross floor area shall be 100 m2.</p>
	<p>c) For any additional dwelling unit:</p> <p>1. Where the minimum lot area is expressed on a per dwelling unit basis, the minimum lot area provision shall not apply to the additional dwelling unit;</p> <p>2. For the purpose of this provision, the gross floor area shall include that portion of the main building located within a basement or cellar. For each additional dwelling unit, the minimum gross floor area shall be 40.0 m2</p>	<p>c) For any additional <i>dwelling unit</i>:</p> <p>1. Where the <i>minimum lot area</i> is expressed on a per <i>dwelling unit</i> basis, the <i>minimum lot area</i> provision shall not apply to the additional <i>dwelling unit</i>;</p> <p>2. For the purpose of this provision, the <i>gross floor area</i> shall include that portion of the <i>main building</i> located within a <i>basement</i> or <i>cellar</i>. For each additional dwelling unit, the minimum gross floor area shall be 40.0 m2 and the maximum gross floor area shall be 100.0 m2.</p> <p>3. Notwithstanding Section 24.20.5, the required number of <i>parking spaces</i> shall be as follows:</p>

Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in bold lettering, deletions noted by strikeout)
	<p>and the maximum gross floor area shall be 100.0 m2.</p> <p>3. Notwithstanding Section 24.20.5, the required number of parking spaces shall be as follows:</p> <p>a) One parking space for the first dwelling unit; and</p> <p>b) One parking space for the second dwelling unit on a lot except for an second dwelling unit on a lot located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and</p> <p>c) No parking space for the third dwelling unit on the lot. [ZNG/5630; ZNG/5926] (AMENDED BY B/L 149/2018, NOV. 21, 2018; AMENDED BY B/L 95-2019, SEPT. 27/2019, AMENDED BY B/L 78-2020, JUNE 26, 2020)</p>	<p>a) One <i>parking space</i> for the first dwelling unit; and</p> <p>b) One parking space for the second <i>dwelling unit</i> on a <i>lot</i> except for an <i>second dwelling unit</i> on a <i>lot</i> located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and</p> <p>c) No <i>parking space</i> for the third <i>dwelling unit</i> on the <i>lot</i>. [ZNG/5630; ZNG/5926] (AMENDED BY B/L 149/2018, NOV. 21, 2018; AMENDED BY B/L 95-2019, SEPT. 27/2019, AMENDED BY B/L 78-2020, JUNE 26, 2020)</p>
Section 3 - Definitions		<p>Parcel of Urban Residential Land:</p> <p><i>“parcel of urban residential land” means a parcel of land that is within an area of settlement on which residential use, other than ancillary residential use, is permitted by by-law and which is served by municipal sewer and water services as defined in the Planning Act, R.S.O 1990, C.P.13”</i></p>

Appendix G – Official Olan and Zoning Amendment Revisions

<u>Section</u>	<u>Current Provisions</u>	<u>Amended Provisions</u> (amendments noted in bold lettering, deletions noted by strikeout)
<i>Zoning By-85-18</i>	No Provisions	Inclusion of above Zoning provisions



**Subject: Zoning Bylaw Amendment Z 013-23 [ZNG-7000] - 1027458
Ontario Inc. - 0 Clover Avenue - SW Corner Clover & Wyandotte - Ward 7**

Reference:

Date to Council: June 5, 2023
Author: Jim Abbs
Senior Planner
519-255-6543 x6317
jabbs@citywindsor.ca

Planning & Building Services
Report Date: May 17, 2023
Clerk's File #: Z/14572

To: Mayor and Members of City Council

Recommendation:

- I **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 1 in Figure 5: Areas to be rezoned from Residential District (RD) 1.1 to Residential District (HRD) 2.3;
- II **THAT** a Hold provision be applied to Lands Identified as Part 1 in Figure 5: Areas to be rezoned and that it be removed when the conditions contained in Section 5.4 HOLDING ZONE PROVISIONS of City of Windsor Zoning By-law 8600 have been met;
- III **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned by adding site specific regulations as follow:

4XX. South West Corner Clover Avenue & Wyandotte Street

For the lands described as Lands Identified as Part 1 in Figure 5: Areas to be rezoned, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area*, *parking space*, or any combination thereof, exceeding 60% of the *required front yard* shall be prohibited, and,

Lot Coverage – Maximum 50%

(ZDM 14; ZNG/7000)

- IV **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lands Identified as Part 2 in Figure 5: Areas to be

rezoned from Development Reserve District (DRD) 1.1 to Green District (GD) 1.1;

Executive Summary:

N/A

Background:

On March 19, 2001, City Council approved an application for a plan of subdivision made by 1027458 Ontario Incorporated (J. Coco, principal) for an 87 ha parcel of land in East Riverside Secondary Plan area. The lands were generally located within the boundary of Little River Boulevard, Florence Avenue, Wyandotte Street East and Chateau Avenue (see Map Z-101/97-1). Through subsequent incremental registrations, the area south of Beverly Glen Street, and the land immediately adjacent to the North Side of Beverly Glen Street have been built out with both single and townhome dwelling units. Approximately 18 ha of the lands contained in that original draft plan remain undeveloped. The 2.30 ha site that is subject to this development application was included in the original (Z101/97) Draft plan of subdivision as Blocks 27 and 28 for Residential purposes.

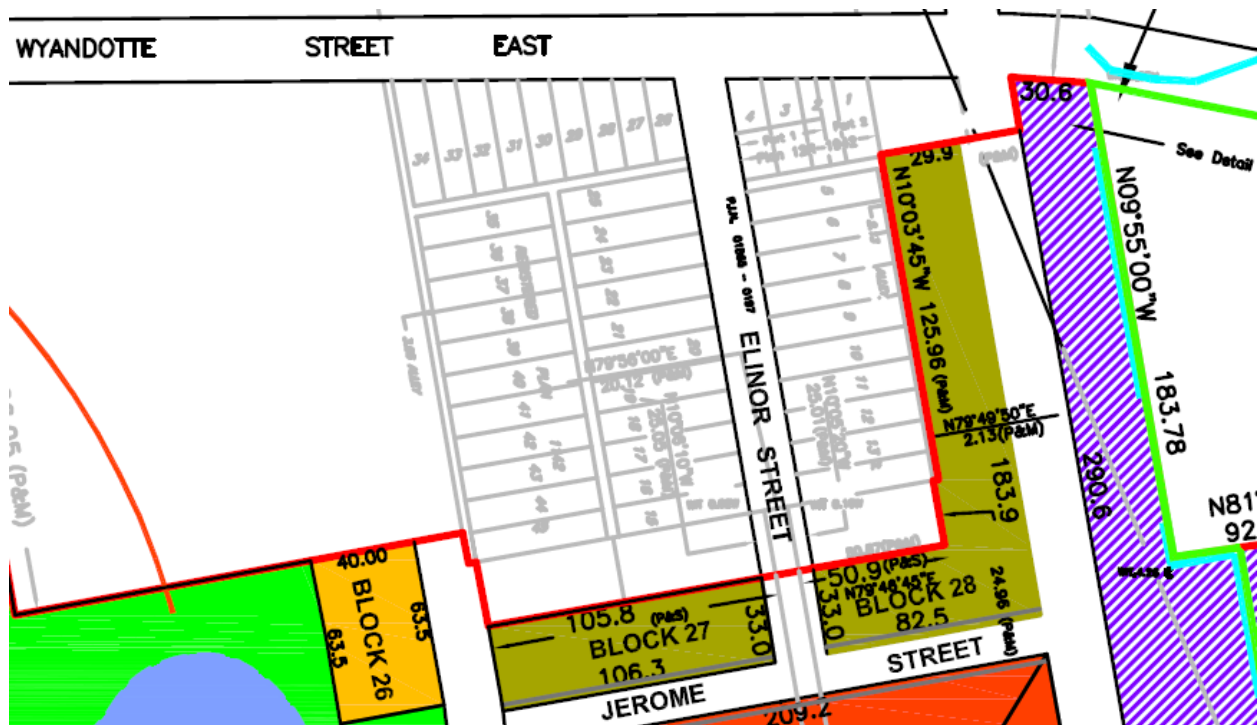


Figure 1: Excerpt - Approved Draft Plan of Subdivision



KEY MAP - Z-013/23, ZNG-7000



● SUBJECT LANDS

Figure 2: Location Map

Application Information:

Location: 0 Clover Avenue (See Location Map).

Ward: 7 Planning District: East Riverside

ZDM: 14

Registered Owner/Applicant: 1027458 Ontario Inc.

Agent: Dillon Consulting (Karl Tanner)



NEIGHBOURHOOD MAP - Z-013/23, ZNG/7000



SUBJECT LANDS

Figure 3

Proposal:

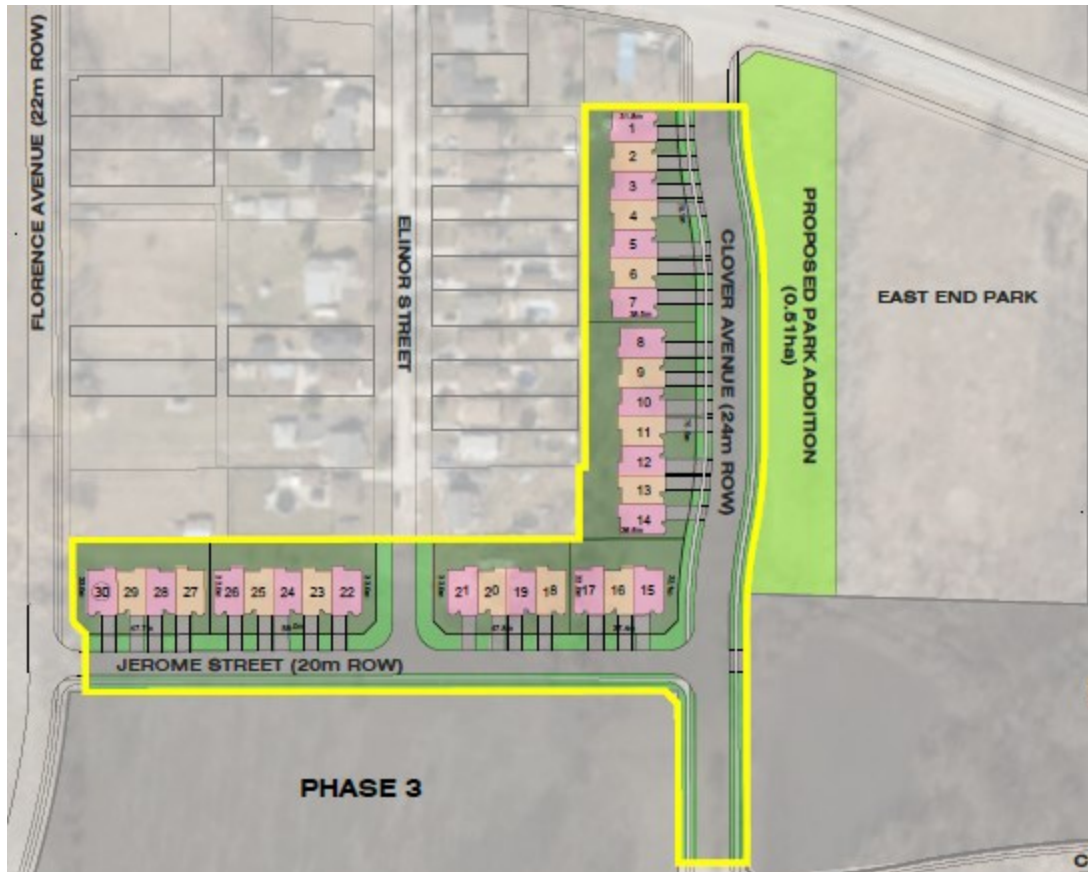


Figure 4: Concept Plan

The proposed development would culminate with the construction of 30 townhome dwellings, 16 of the units would front Jerome Street, directly across the street from a recently approved development (Z027-22 [ZNG-6832] & OPA 163 [OPA-6833] 1027458 Ontario Inc NE Corner Florence & Beverly Glen).

The applicant is requesting a site specific Zoning By-law Amendment to the City of Windsor Zoning By-law 8600.

To permit the proposed residential development, and to provide a constant development style and regulations, a Zoning By-law Amendment is required to re-zone the subject site from Residential District (RD) 1.1 to a site specific Residential District 2.3 (RD2.3) zone with a provision for a maximum lot coverage of 50%.

Lands East Of Clover Avenue

A Zoning By-law Amendment is also requested to rezone the portions of the subject site from Development Reserve District (DRD1.1) and Residential District 1.2 (RD1.2) to Green District 1.1 (GD1.1).

These portions of the subject site for the 0.51ha (1.26ac) area of proposed parkland that is to be conveyed to the City of Windsor separate from this approvals process. The conveyed parkland will be incorporated into the existing East End Park.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential Neighbourhood Land Use Plan, Secondary Plan East Riverside Planning Area ER-2:	RD1.1	Vacant	Vacant
Width	Depth	Area	Shape
+/- 190 m	+/-184 m	2.3 ha	“L-shaped” irregular
All measurements are approximate.			

Neighbourhood Characteristics:

This proposed residential subdivision is located at 0 Clover Avenue at the north east corner Florence Avenue and Beverly Glen Street. The site is currently vacant and is bounded as follows:

North - Elinor Street, Wyandotte Street East, single unit and townhouse dwellings.

East - Vacant/agricultural lands, Future Residential Development;

South – vacant land, future townhome dwellings;

West – existing single detached dwellings, future townhome dwellings, Future multiple dwellings; Green District/Open Spaces uses including recreation trails; Storm Water Management Facilities; Little River Pollution Control Plant; and the Little River Corridor.

Discussion:

Provincial Policy Statement 2020 (PPS):

The zoning bylaw amendment is an infill development (a development on underutilized or vacant land within the context of an existing urban or built up area) consistent with the Provincial Policy Statement (PPS) in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and standards to

minimize land consumption and servicing costs. Related to this direction, the PPS states:

“1.1.1 b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”

e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The requested amendment promotes cost-effective development by developing an under-utilized vacant site. Allowing the proposed townhomes in this location contributes to minimizing land consumption and servicing costs by using a site that already has available trunk infrastructure in the immediate area.

The PPS also states:

“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”

The PPS requires that land be available to diversify developments to meet the future needs of the community. The proposed townhome development is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

“1.4.1 To provide for an appropriate range and mix of housing types 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 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

The requested zoning bylaw amendment is consistent with the PPS by developing a planned residential neighbourhood on for townhome dwellings. This development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

a. permitting and facilitating:

- 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and*
- 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;*

b. 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;

c. 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; and”

Approving the Zoning By-law Amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new trunk infrastructure in an unplanned area. In terms of supporting active transportation and transit, the proposed Plan of Subdivision is in close proximity to Transit Windsor service, and in close proximity to an extensive trail system.

Official Plan:

The subject site is designated “Residential” Schedule D of the City of Windsor Official Plan. The site is also subject to the East Riverside Secondary Plan which shows the site designated Neighbourhood Residential (Schedule ER-2). The proposed development is consistent Neighbourhood Residential designation

Zoning:

Most of the site is currently zoned RD1.1. The RD1.1 zone category only permits single detached residential dwellings. The applicant has requested that the zone category be changed to the RD2.3 zone category with site specific provisions that are consistent with the recently rezoned area to the south. The proposed RD2.3 zone permits the proposed Townhome dwelling use. The Residential District 2.3 (RD2.3) zone permits

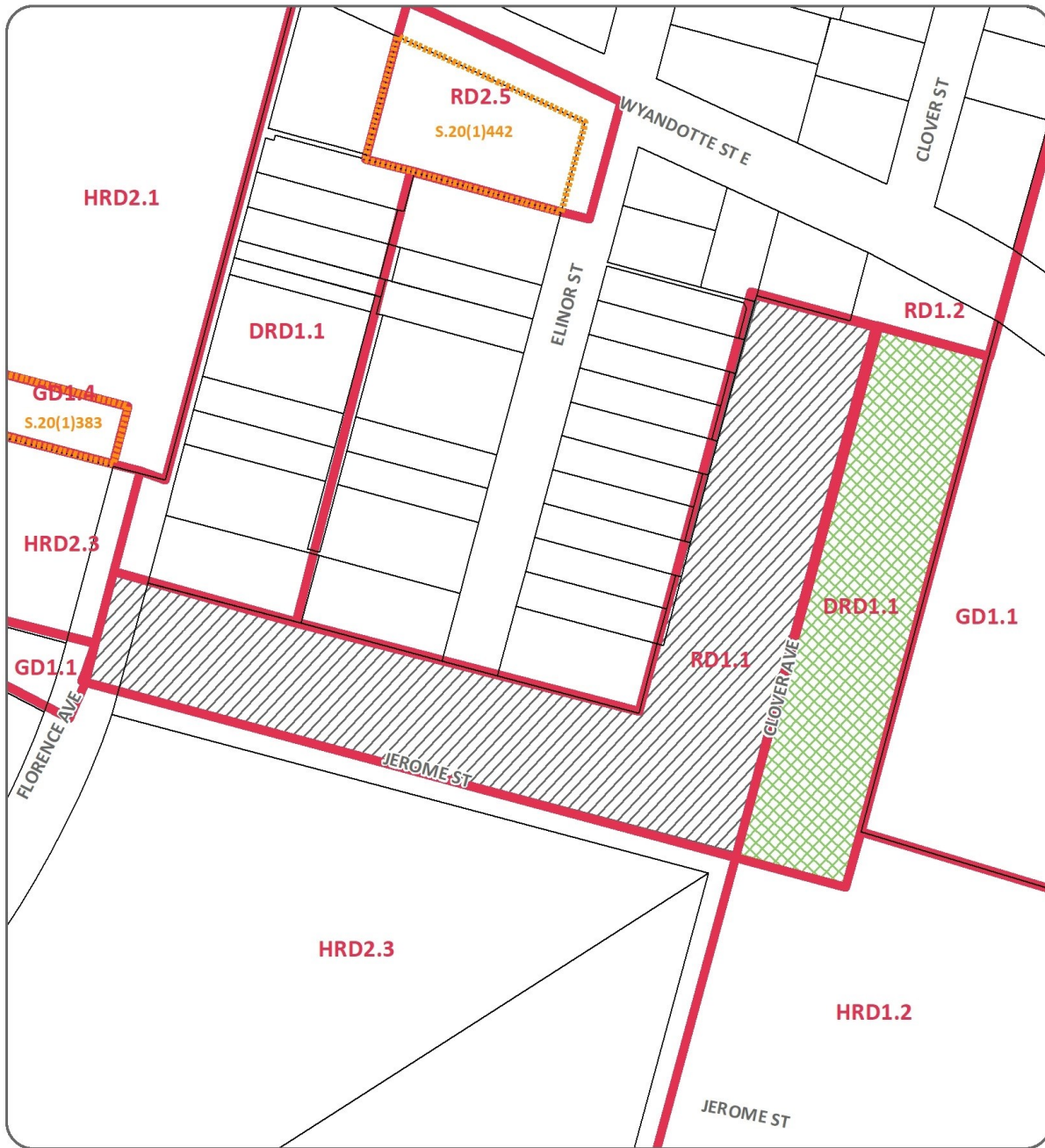
the construction of semi detached, single unit and townhome dwellings with varied lot regulations geared for each specific dwelling type. The existing draft plan of subdivision created blocks for the construction of residential dwellings that will comply with the zone regulations of the RD2.3 zone category. The proposed hold prefix will ensure that services are available to the site before building permits can be issued. The developer can apply to remove the hold provision once full municipal services are available.

Continuation of the RD2.3 Zone provisions on this site is appropriate, in that the RD2.3 zone category would be an extension of the existing zoning to the south of the site, as well as the same as the development south of Beverly Glen Street, on Peabody, Copeland and Thunderbay Avenues.

The development of townhomes using a similar building template on Copeland and Peabody Avenues required additional municipal intervention when building permits were being issued for the townhome dwellings. Committee of Adjustment applications were made and approved to resolve issues related to total lot coverage and 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.

The applicant is requesting that the total lot area for a townhome dwelling be increased from 45% of the lot area to 50% of the lot area. The increase to the permitted maximum lot coverage will allow for a higher number of dwelling units and will bring additional housing opportunity. The proposed increase in lot coverage will have no negative implications for stormwater management as demonstrated through the supporting stormwater management study submitted as part of the application. The increase in lot coverage will have no negative impact on future resident's quality of life as there are nearby amenity spaces that are accessible to residents that mitigate the loss of available lot area.

Interactions with residents after occupancy of similar townhome dwellings in this area revealed that the interface between neighbouring driveways, where 2 garages were connected was creating concerns related to the ongoing maintenance of the unpaved space. Residents looking to solve their maintenance issue did not comply with Section 24.8.1.3 of the Zoning By-law when the space between driveways was paved. To avoid future maintenance issues for future residents, Administration recommends that the maximum amount of paved area for a front yard in this development be set to 60%. It should be noted that the provision increasing the permitted paved area is written as a prohibition, and as such cannot be varied by the Committee of Adjustment. Further changes to the maximum paved area would have to be considered by Council through a Zoning Bylaw Amendment.



PART OF ZONING DISTRICT MAP 14

N.T.S.

REZONING

Applicant: 1027458 Ontario Inc.



AREA TO BE ZONED RD2.3
PART 1



AREA TO BE ZONED GD1.1
PART 2

PLANNING & BUILDING DEPARTMENT

DATE : MAY, 2023
FILE NO. : Z-013/23, ZNG/7000

Figure 5: Area to be rezoned

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

The site will be subject to a subdivision agreement and will release storm water to the municipal system at a rate determined by a storm water management plan and development servicing plan that will be reviewed and approved by the City's Public Works department

Climate Change Adaptation:

The development on the site is close to existing bus routes and also community recreational opportunities. This will encourage the use of public transit and walking as modes of transportation, thereby helping to minimize the City's carbon footprint.

Financial Matters:

N/A

Consultations:

A Virtual Public Information Centre (PIC) was held February 22, 2022 prior to the submission of the Planning Application. The applicant discussed with residents the overall development and considered comments from the residents in the final revised concept included in Official Plan and Zoning By-law Amendments and proposed Draft Plan of Subdivision. The significant difference from the plan presented in the first PIC is the removal of a multiple dwelling building on the south west corner of the site, replaced with a townhome dwellings similar to townhome dwellings throughout the site and to the south of the proposed development.

An additional in person PIC was held in December 7, 2022 that provided information related to all of the developer's proposals in the East Riverside Area, the current concept plan was available for review by the residents.

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.

The applications and relevant supporting studies were circulated to commenting agencies. Those responses are included as Appendix A – Agency Comments.

Conclusion:

The proposed development that includes amendments to the City of Windsor Zoning Bylaw is consistent with the provisions of the Provincial Policy Statement, conforms to

the intent of City of Windsor Official Plan, complies with City of Windsor Zoning By-law and would provide the impetus for further development in an underutilized part of an established area.

Therefore, the proposed Zoning to create facilitate the construction of 30 new townhome dwellings does constitute good land use planning.

Planning Act Matters:

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

Thom Hunt MCIP RPP, City Planner

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

JP JM

Approvals:

Name	Title
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
1027458 Ontario Inc.	949 Wilson Ave, Toronto ON M3K 1G2	jcoco@cocogroup.com
Dillon Consulting Limited (Theresa O’Niell)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	toneill@dillon.ca
Councillor Marignani		

Appendices:

- 1 Agency Comments Z 013/23

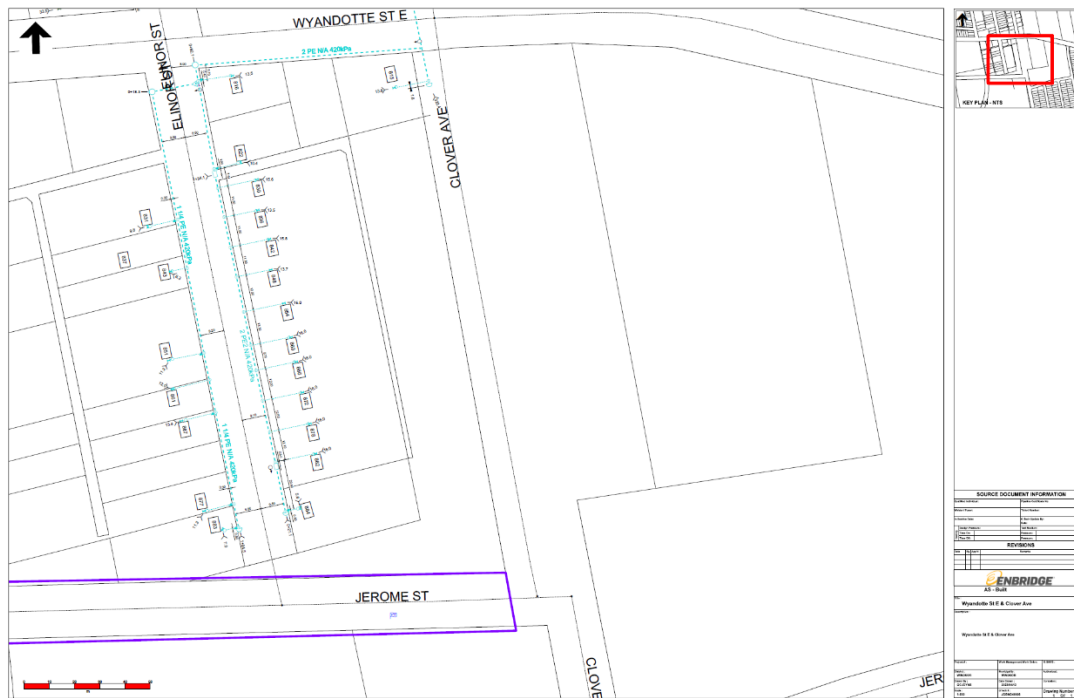
COMMENTS Z 013/23

ENBRIDGE

After reviewing the provided drawing at Wyandotte St E. And Clover Ave. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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



Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located on Wyandotte at Clover Northwest Corner & Wyandotte at Florence Northwest Corner. All of the proposed development will be within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our City Council approved Transit Master Plan and approved 2023 service plan as a new local route will be introduced to this area providing two way conventional transit service versus the existing one way loop.

COMMENTS Z 013/23

Sherif Barsom - Natural Areas, Forestry & Parks D&D

Karen Alexander,

Natural Areas is concerned by the proposed development as presented for the following reasons:

1. Dillon says “no natural heritage features” in Phase 5, but there is no report or study referenced to confirm that. They say an Environmental Evaluation Report will be provided at a future date. I am not able to recommend approval for this conceptual plan for Phase 5 without reviewing the Environmental Report and associated studies for the entire development, which will be pursued at a later date no doubt.
2. SAR may be in the area; we have a record of Butler’s Gartersnake nearby but the report disregards potential habitat for Phase 5 and provides no comment on future phases. I do not recommend approving any Phase of this development until the City is content with the entire conceptual design and has in our hands the Environmental Report and SAR Screening results. We have no current vegetation surveys for East End Park.
3. The proponent has already destroyed natural heritage by removing the hedgerow site (see attached aerial images). While the City has no by-law to preserve private trees, this behaviour shouldn’t be disregarded because it may have destroyed SAR habitat and is contradicting the intent of the PPS. This is where Bald Eagles were nesting in the past. We also know these corridor features and drains are habitat for SAR, particularly Eastern Foxsnake.

Our previous comments about the entire design were submitted on Dec. 21, 2022 to Stefan:

We recommend the City request a SAR Screening at minimum and consider requesting a Class EA for this site based on the following:

- The NHIC database shows a significant potential for SAR in this area.
- We have not done thorough field assessments of natural heritage features on City land in this area.
- Our City Species at Risk (SAR) Database shows Butler’s Gartersnake within ½ km of this location (in the Little River Corridor)
- Our parcel, is zoned GD1.1 but is in natural cover, will be surrounded by this development and is the type of habitat preferred by Butler’s Gartersnake
- The trees along the hedgerows have already been removed on the site, but the existing natural area / corridor extending south from our park parcel still stands

COMMENTS Z 013/23

- This natural cover corridor provides for wildlife and plant species movement
- All natural cover in this area is providing flood mitigation services and is very likely habitat for SAR
- The City should be doing what we can to protect the natural corridor as per our Official Plan, the Climate Change Adaptation Plan, and the SAR Act.

This development area is from Volume II of the City's Official Plan where the whole development concept for East Riverside was built around a comprehensive Greenway System. Correct me if I am wrong, but it appears that the natural cover parcel zones GD1.1 was always planned for isolation. Now, the extension of Florence Ave to Wyandotte will create a barrier to movement even if we protect that corridor. Is this an opportunity to create linkages and a more comprehensive Greenway? The Official Plan Volume II is older than the SAR Act (updated in 2022) and our Climate Change plan (2020). Could we request a discussion on alternative designs that protect and extend the corridor feature to create connectivity between our park and the Little River corridor?

Chris Hart,

- 1- The proposed development lies between the Little River Corridor Park to the west, and over 20 hectares of undeveloped land to the east, a significant proportion of which has natural cover, with some City-owned. The Phase 5 townhouse development, along with the proposed new road, would bisect the existing natural habitats and remove viable linkages. This loss in connectivity would lead to a decline in the quality of the individual natural features, especially to the east, as further isolation of natural habitat is planned, and occurring, i.e., Phases 1-4, 6-7. Fragmenting this habitat would see a decline in the overall health and functionality of the local ecosystem, and stray from the Environmental Quality Objectives (5.3.1) of the Official Plan.
- 2- While the natural features on the undeveloped land do not fall under the City's current Natural Heritage standards for municipal protection (5.3.3), it should be noted that section 2.1.1 of the Provincial Policy Statement (PPS), 2020, states that "Natural features and areas shall be protected for the long term." Furthermore, PPS section 2.1.2 states that "The diversity and connectivity of natural features in an area... should be maintained". A non-formal examination of the City-owned property (East End Park) indicates a variety of habitat types, including grasses and woodland, each with a diverse range of flora and fauna. The eastside of the property holds a lot water, which is highlighted by the abundance of Red-winged blackbirds, a species that breeds in wetland vegetation. Reduction and isolation of these habitats would lead to a decline in ecological quality and function.

COMMENTS Z 013/23

- 3- While much of the land between the natural areas, i.e., East End Park and Little River Corridor Park, is old agricultural field, it still provides the potential for movement of species. The proposed development would introduce a complete barrier to movement. Furthermore, old fields are a viable habitat in their own right, playing host to a diversity of species from insects to mammals to birds. Depending on the maintenance of the field, many successional native plants could also be present.

Yemi Adeyeye,

- 1- There is a City Tree on the frontage of this property on Wyandotte: a small, 12 cm Red oak. The proposed development of 2.9 hectares (6.9 acres) is mostly unused land. An assessment for possible SAR habitat should be conducted – Karen has noted this below
- 2- There is about 0.4 ha (1 acres) that is tree/shrub covered. An assessment and inventory of species and condition should be completed by a Certified arborist.
- 3- If a tree planting plan for the new sub-division is created: forestry would like to review species selection and planting areas to ensure canopy replacement and species composition

Sherif Barsom,

There is a highlighted green area proposed as park addition (0.51ha.) as addition part to the East End Park. Anyway, it's welcomed to be part of the park area if land will be acquired by the City. Further details and information will be required for this new park portion pertaining the existing habitat and all existing plants on this portion.

Transportation Planning - Clare Amicarelli

- Elinor Street is classified as a Local Road with a required right-of-way width of 20 meters per the Official Plan. The existing right-of-way along the frontage of the subject property is sufficient; therefore, a conveyance is not required.
- Clover Avenue is classified as a Class I Collector Road with a required right-of-way width of 24 meters per the Official Plan. The existing right-of-way along the frontage of the subject property is sufficient; therefore, a conveyance is not required.
- Jerome Street is classified as a Local Road with a required right-of-way width of 20 meters per the Official Plan. The existing right-of-way along the frontage of the subject property is sufficient; therefore, a conveyance is not required.
- A review is currently underway to determine if an Environmental Assessment (EA) is required for the Florence Avenue extension.

COMMENTS Z 013/23

- Corner cut-offs of 4.6 meters are required along Jerome St at the intersections of Florence Ave and Clover Ave. The submitted plan shows corner cut-offs.
- The proposed curved alignment of Clover Avenue may potentially prohibit on-street parking on this segment of Clover Avenue. If the developer is proposing on-street parking, then a sight line review may be required.
- All parking must comply with Zoning By-Law 8600.
- Sidewalks are to be constructed at the owner(s) expense and according to City of Windsor Standard Specifications; concrete sidewalks along one side of each proposed local residential road and along both sides of any proposed collector roads as outlined by Engineering Right-of-Way and per the Official Plan.
- Parking restrictions and required by-law amendments will be reviewed at the engineering drawings review stage.
- Transportation Planning has received the Transportation Impact Study (TIS), "North Neighbourhood Subdivision" dated November 2022 by Mike Walkers, P.Eng. of Dillon Consulting Limited. Comments will be provided at a later time, within an updated liaison.
- 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).

ERCA – Karen Schnekenburger

The City of Windsor has received an Application for Zoning By-Law Amendment for the subject property. The applicant is requesting a Zoning By-law Amendment from the current RD1.1 to a RD2.3 zone with site specific regulations to permit the proposed construction of 30, one (1)-storey residential townhome dwellings and a Zoning By-law Amendment from the current DRD1.1 to the GD1.1 zone for the proposed parkland to be conveyed to the City of Windsor. The following is provided as a result of our review of Zoning By-Law Amendment Z-013-23.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

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

COMMENTS Z 013/23

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

Stormwater Management

Stormwater management will need to be addressed to the satisfaction of the City and the Essex Region Conservation Authority, as ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse, due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the

COMMENTS Z 013/23

Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual". Further comments will be provided at the time of Plan of Subdivision circulation, when more details are provided to ERCA regarding the proposed stormwater management solution through a submitted Stormwater Management Report.

Natural Heritage

Please be advised that pursuant to Bill 23 and regulations enacted as a result, Planning Authorities are now solely responsible for ensuring consistency with section 2.1 (i.e., natural heritage policies) of the 2020 Provincial Policy Statement (PPS). Effective January 1, 2023, the current amended *Conservation Authorities Act*, specifically sections 21.1.1 (1.1) and 21.1.2 (1.1), prohibit Conservation Authority staff from providing this service. Should Planning Authorities lack internal expertise, they have the option to outsource this function to consulting firms.

FINAL RECOMMENDATION

The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration.

Further comments will be provided at the time of Plan of Subdivision circulation, when more details are provided to ERCA regarding the proposed stormwater management solution through a submitted Stormwater Management Report.

Engineering – Rob Perissinotti

The Applicant is requesting zoning by-law amendment from the current RD1.1 to RD2.3 to permit the proposed construction of 30, one storey residential townhome dwellings and DRD1.1 to GD1.1 for the proposed parkland to be conveyed to the City of Windsor. We have reviewed the servicing requirements for the subject lands pertinent to this application, and offer the following comments:

This site will be serviced by the storm and sanitary sewer infrastructure which will be constructed as part of the applicants' proposed Phase 3 development (Z-027-22). The existing 350mm sanitary sewer which extends south from Elinor Street and through the subject lands must be relocated at the applicants expense.

We have reviewed the Functional Servicing Report prepared by Dillon Consulting Ltd, dated November 2022. This report demonstrates that there is adequate capacity in the existing receiving municipal storm and sanitary sewers and that the North Neighbourhood Pond has adequate capacity to support the proposed development. No negative impacts will be realized by existing areas adjacent to the proposed development. An official approval of this report will be issues following a detailed review.

COMMENTS Z 013/23

In summary we have no objection to the proposed Zoning and Official Plan amendments. The Engineering Department recommends the following conditions be included as requirements of the zoning amendment approval:

Right-of-Way – The Official Plan classifies Florence Ave as a Class II Collector road. An Environmental Assessment (EA) is to be completed by the City for Florence Ave to identify the right-of-way-width and traffic functionality requirements. Following the City's adoption of this EA, the owner agrees to construct the Florence Ave right-of-way along their entire frontage to the satisfaction of the City Engineer and at their own expense.

The owner agrees to fully construct all future municipal right-of-ways, include, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the following road designations:

- Local Residential Roads: complete with 20 metre right-of-ways. Pavements to be twenty-eight (28) feet (8.6 metres) in width.
- Collector Roads:
 - Class 2 Collector - Florence Ave is to be constructed as per the requirements of the EA.
 - Class 1 Collector – Clover Ave: complete with a 24 metre right-of-way. Pavement to be twenty-eight (28) feet (8.6 metres) in width

Corner Cut-off – The owner agrees prior to the issuance of a construction permit to gratuitously convey 4.6m x 4.6m corner cut-offs along Jerome Street at the intersections of Florence Avenue and Clover Avenue, in accordance with City of Windsor Standards.

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

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.

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

Sanitary Sewer Relocation – The Owner shall be responsible for the costs associated with the relocation of the sanitary sewer which presently extends south from Elinor Street and through the proposed school site. All work is to be done to the satisfaction of the City Engineer.

COMMENTS Z 013/23

Sidewalks -The owner(s) agrees to construct at their expense and according to City of Windsor Standard Specifications, concrete sidewalks constructed to the satisfaction of the City Engineer. Sidewalks are to be constructed at the following locations:

- Florence Ave – as per the EA
- Clover Ave – along both east and west boulevards
- Jerome St – along the south boulevards

Stefan Fediuk

Pursuant to the application for a zoning amendment (**Z 013/23**) to permit 30, one (1)-storey residential townhome dwellings on the subject, please note no objections. Please also note the following comments:

Tree and Natural Habitat Preservation:

As per Section 3.6.7 of the Planning Justification Report submitted with this application, crayfish columns have been found throughout this area. These locations can provide habitat for Butler's Garter Snakes, which is identified on SARs. The Environmental Evaluation Report and Natural Site Features Inventory and Preservation Study, will be necessary to determine any impact to this species habitat.

Climate Change:

The applicant is requested to provide additional vegetation where possible to help compensate for the loss of greenspace in this area while providing paved rights-of-ways. Additional trees will help to mitigate the negative heat island effect from the proposed paving.

Urban Design:

As found in the Planning Justification Report, the proposed development is appropriate to the current and future development proposed for this area. No additional requirements from an urban design perspective are required at this time.

Parkland Dedication:

The applicant is proposing 0.51 ha as an addition to the existing East End Park. This will allow for a direct connection to parkland from this development and future residential Phases 3 and 6 without the need to access from Wyandotte Street East.

**Subject: OPA & Rezoning – 1998308 Ontario Inc. – 0 Russell Street -
OPA 168 OPA/6975 Z-007/23 ZNG/6974 – Ward 2**

Reference:

Date to Council: June 5, 2023
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: April 26, 2023
Clerk's File #: Z/14559 & Z/14558

To: Mayor and Members of City Council

Recommendation:

1. THAT Schedule "D" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by changing the land use designation of Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from "Business Park" to "Residential".

2. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 13, E/S Russell St, Registered Plan 40 Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at Russell Street, Chippawa Street, and Wilkinson Lane, from Manufacturing District 1.4 (MD1.4) to Residential District 3.3 (RD3.3) and by adding a site specific exception to Section 20(1) as follows:

471. **CORNER OF RUSSELL STREET, CHIPPAWA STREET AND
WILKINSON LANE**

For the lands comprising of Lot 13, E/S Russell Street, Registered Plan 40, Town of Sandwich (PIN 01591-0155) the following shall apply:

1. A *townhome dwelling* is an additional permitted use and shall be subject to the additional provisions in paragraph a) below, the provisions in Section 11.2.5, and all other applicable provisions:
 - a) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are required at time of building permit:
 - i) Exterior building components shall meet the minimum Acoustic Insulation Factors in Tables 2 and 3 of the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting

Engineers and dated November 22, 2022, subject to any revisions.

ii) Installation of central air conditioning

2. For any permitted use in RD3.3, the following additional provisions shall apply:

- a) Notwithstanding Sections 12.3.5.4 and 21(3), *building height* as measured from Russell Street in excess of 4 *storeys* and *building height* as measured from Wilkinson Lane in excess of 3 *storeys* shall be prohibited. For the purpose of this provision, grade means the average elevation of the crown of that part of the street identified above and abutting the subject lot.
- b) *Parking spaces* forming part of a *parking area* shall be permitted in a *front yard* and are subject to the Parking Area Provisions in Section 25.

[ZDM 4; ZNG/6975]

3. THAT Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich (PIN 01591-0155; 0 Russell Street; Roll No. 050-160-12400), situated at the corner of Russell Street, Chippawa Street, and Wilkinson Lane, **BE CLASSIFIED** as a Class 4 area pursuant to MOECP Environmental Noise Guideline Publication NPC-300; and, THAT the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to Windsor Port Authority (3190 Sandwich St), Lafarge Canada (3450 Russell St) and St. Mary's CBM Ready-Mix Plant (3510 Russell St).

4. THAT, when Site Plan Control is applicable:

- A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought.
- B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan attached to an executed and registered site plan agreement:
 - i) Mitigation measures, including warning clauses, identified in the Detailed Noise Control Study prepared by SS Wilson Associates, Consulting Engineers, dated November 22, 2022, subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
 - ii) Requirements of the City of Windsor – Engineering Department – Right-of-Way Division and City of Windsor – Transportation Planning contained in Appendix E of Report S 53/2023, subject to the approval of the City Engineer.

C. The Site Plan Approval Officer **CONSIDER** the comments from municipal departments and external agencies contained in Appendix E of Report S 53/2023.

Executive Summary:

N/A

Background:

Location: 0 Russell Street; Situated at Russell Street, Chippawa Street, and Wilkinson Lane; Lot 13, E/S Russell St, Registered Plan 40, Town of Sandwich; PIN 01591-0155; Roll No. 050-160-12400

Ward: 2 **Planning District:** Sandwich **Zoning District Map:** 4

Applicant: 1998308 Ontario Inc. (Abdullah Kayali)

Agent: Pillon Abbs Inc., Tracey Pillon-Abbs, MCIP, RPP

Proposal:

Applicant is requesting an amendment to Schedule D: Land Use in the City of Windsor Official Plan from Business Park to Residential and an amendment to Zoning By-law 8600 from Manufacturing District 1.4 (MD1.4) & S.20(1)236 to Residential District 3.3 (RD3.3), S.20(1)236 and a new site specific exception to allow the construction of a Multiple Dwelling with a maximum building height of 15 m containing 28 dwelling units over four storeys. A total of 4 bicycle parking spaces and 35 parking spaces including two accessible parking spaces are proposed. The parking area is located along Russell Street with vehicular access from the same street.

Chippawa Street is the front lot line per Zoning By-law 8600. Due to a change in elevation on the parcel, the ground floor of the building is approximately at grade from Russell Street and the second floor is at grade from Wilkinson Street. Two pedestrian entrances – one facing Russell, one facing Wilkinson Lane – are proposed.

The applicant is proposing a multiple dwelling, however, they also request a Townhome Dwelling as an additional permitted use as an alternative development. Section 3.0 in the PRR provides further development details. All site plans, floor plans, and elevations are conceptual and subject to change. Any development may be subject to site plan control. A Plan of Condominium may be submitted in the future.

Submitted Materials:

Attached to this report as an Appendix:

Site Plan Conceptual (see Appendix A); Floor Plans & Elevations (see Appendix B)
Planning Rationale Report (PRR) (see Appendix C)

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

Applications - Official Plan Amendment & Zoning By-law Amendment
Archaeology Report & Archaeology Report – Ontario Public Register
Geotechnical Investigation
Noise Control Study
Topographic Survey

All documents are available online via the Current Development Applications [page](#) (click on Z-007/23) or via email at aszymczak@citywindsor.ca

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Business Park (Schedule D)	Manufacturing District 1.4 (MD1.4) S.20(1)236	Vacant	Vacant
LOT FRONTAGE CHIPPAWA STREET	LOT FRONTAGE RUSSELL STREET	LOT AREA	LOT SHAPE
57.5 m	62.9 m	3,622 m ²	Rectangular
188.6 ft	206.3 ft	38,986 ft ²	
<i>All measurements are provided by the applicant and are approximate.</i>			

Neighbourhood:

The subject parcel is at the corner of Russell Street, Chippawa Street and Wilkinson Lane. Site images are provided in Appendix D. Section 2.0 in the Planning Rationale Report provides additional site and neighbourhood details.

To the north is the a three-storey multiple dwelling (Colony Apartment 3388 Sandwich), low profile residential on the west side Sandwich Street, and General Brock Public School. Along the east side of Sandwich, north of Chippawa, is a two-storey mixed use building, several three-storey multiple dwelling buildings, low-profile residential, St. John’s Church and Cemetery, and McKenzie Hall Cultural Centre. The Sandwich Town commercial district at Sandwich and Mill is about 500 m to the northeast.

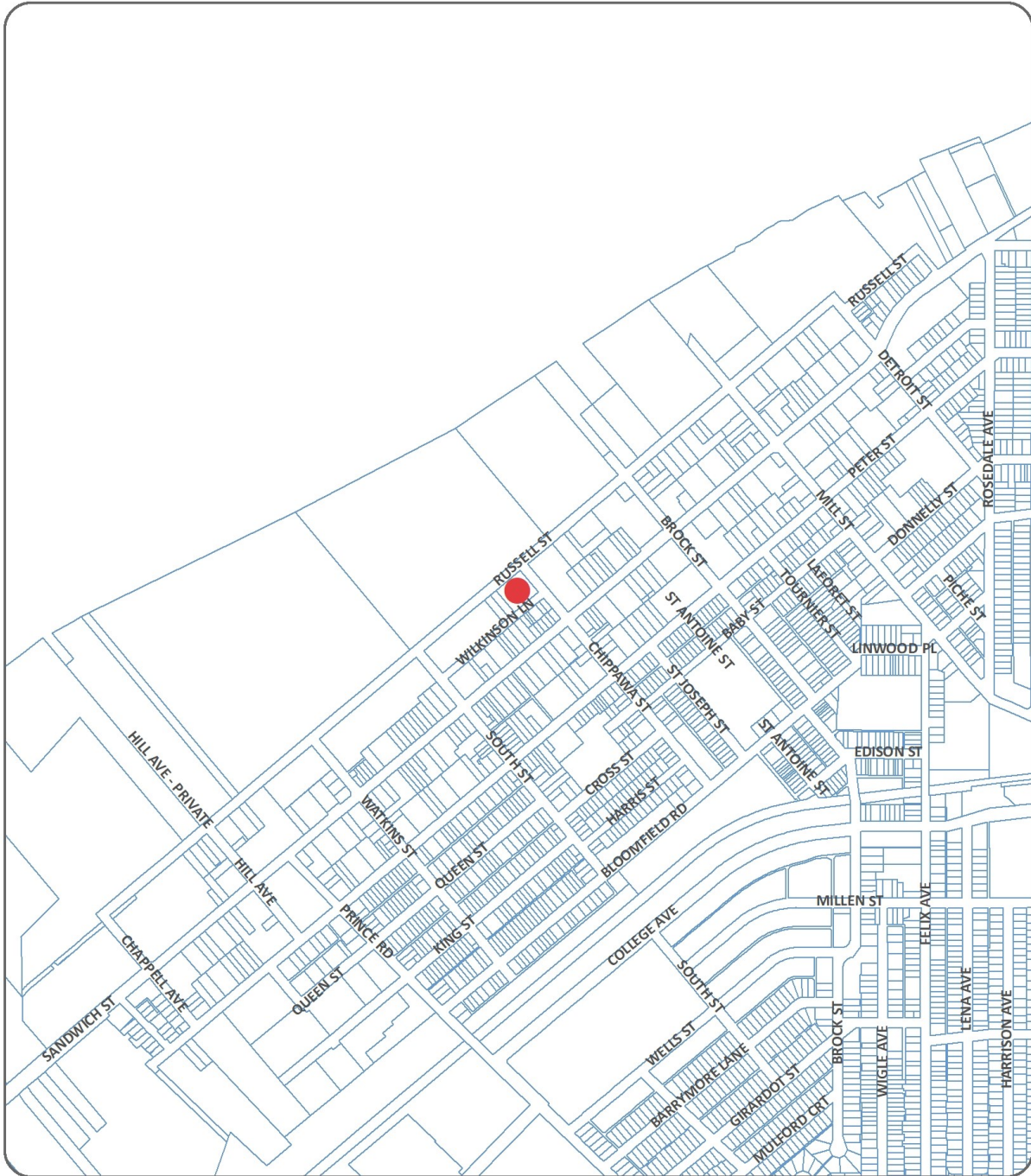
To the east is low profile residential between Wilkinson and Sandwich, multiple dwelling buildings on the east side of Sandwich, and a mix of low profile residential and multiple dwelling buildings on Peter Street and beyond. To the south east, on the west side of Sandwich is a mix of vacant parcels, low profile residential, and office and commercial uses. To the south is a commercial/industrial building (3434 Wilkinson Lane). a single unit dwelling with a detached garage at 3440 Wilkinson Lane, and a vacant parcel.

To the west is Lafarge Aggregates, an Aggregate Storage Facility. The Detroit River is further west which is the international boundary between Canada and the United States of America. The Detroit River is a significant international shipping lane.

Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Russell Street, Chippawa Street and Wilkinson Lane are Local Roads with a rural cross section with no curbs or sidewalks. Sandwich Street to the east is classified a Class II Arterial Road with four lanes (two travel lanes and two parking lanes), curbs and sidewalks. Public Transit is available via the Crosstown 2 bus route with the nearest stops about 100 m to the east at Sandwich and Chippawa. The Transit Master Plan will enhance access to public transit with two bus routes proposed.

Access to a sanitary trunk sewer on Russell Street will require a sanitary sewer extension. Storm water discharge is to the roadside ditch.

Figure 1: Key Map



KEY MAP - Z-007/23, ZNG-6974, OPA 168, OPA-6975



● SUBJECT LANDS

Figure 2: Subject Parcel – Official Plan Amendment

SCHEDULE D

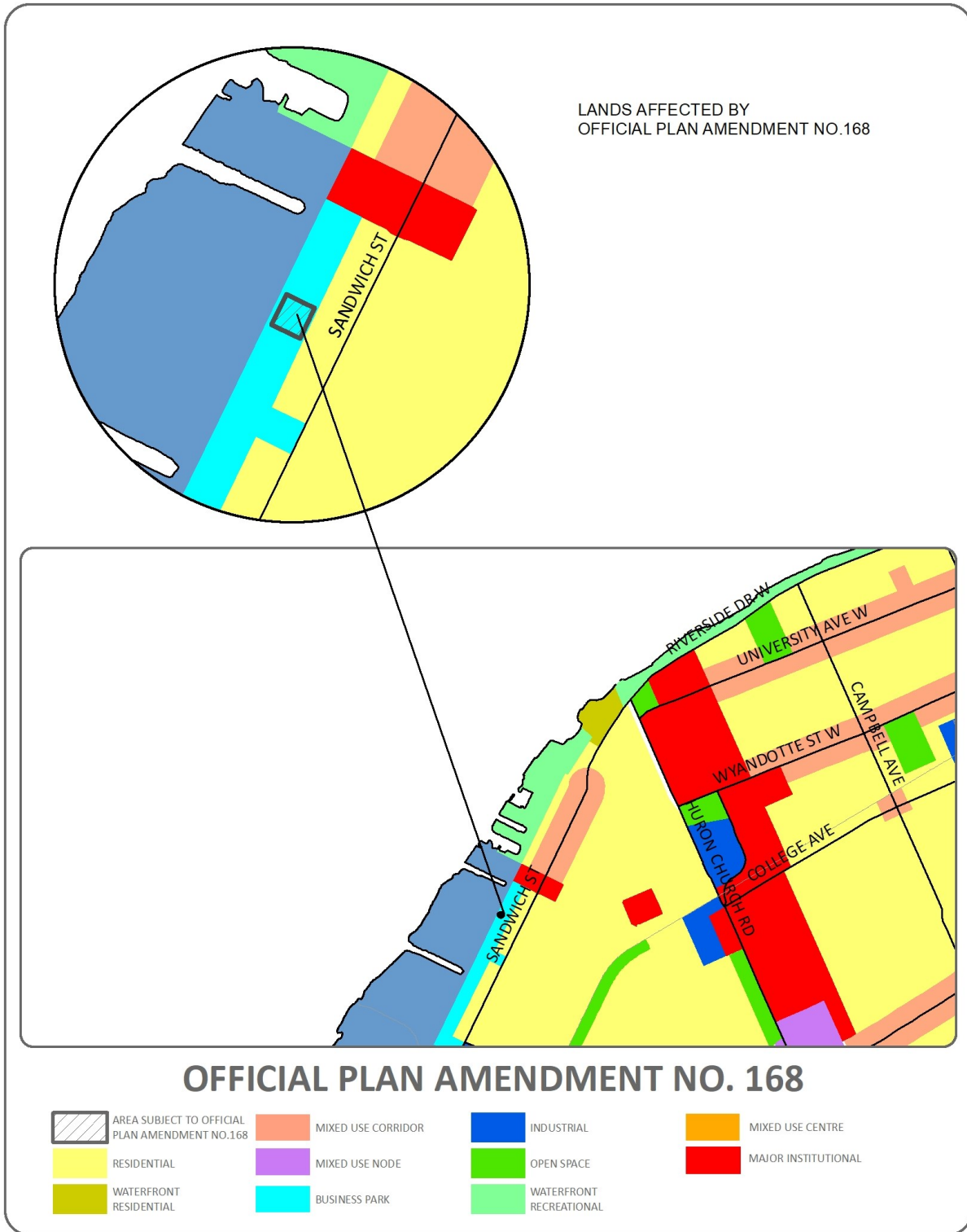


Figure 3: Subject Parcel - Rezoning

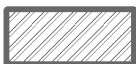


PART OF ZONING DISTRICT MAP 4

N.T.S.

REZONING

Applicant: 1998308 Ontario Inc. (Abdullah Kayali)



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : MARCH, 2023
FILE NO. : Z-007/23, ZNG/6974

Figure 4: Neighborhood Map



NEIGHBOURHOOD MAP - Z-007/23, ZNG-6974
OPA 168, OPA-6975



SUBJECT LANDS

Discussion:

Archaeological Report (Amick Consultants Limited, 2021 October 25)

No archaeological resources were encountered during the Stage 2 Property Assessment of the study area. The report recommends that:

1. *No further archaeological assessment of the study area is warranted;*
2. *The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed;*
3. *The proposed undertaking is clear of any archaeological concern.*

The report was reviewed and entered into the “Ontario Public Register of Archaeological Reports” on December 20, 2021. The Ministry of Heritage, Sport, Tourism, and Culture Industries (MHSTCI) was “satisfied that the fieldwork and reporting for the archaeological assessment are consistent with the ministry’s 2011 *Standards and Guidelines for Consultant Archaeologists* and the terms and conditions for archaeological licences.”

The City of Windsor Heritage Planner has no concerns. A final GIS shape file of the study area for municipal records is required.

Geotechnical Investigation Report (CT Soil & Materials Engineering Inc., 2022 October 24)

The report notes that test holes “reveal the shallow subsurface are consistent conditions in terms of soil composition and undrained shear strength consistency for foundations located at shallow depths”. The comments and recommendations in this report will be used in the design and construction of the proposed building. The report notes that “building loads were not provided at the time of completion of the report. Once known, we recommend that Soil and Materials Engineering Inc. be contacted to complete a geo-structural analysis for the proposed building interaction with the soil.”

Noise Control Study (SS Wilson Associates, 2022 November 22)

The study notes the following minimum requirements for noise control measures:

- a) Designating the subject area as a Class 4 area in accordance with the Ministry of Environment, Conservation & Parks (MOECP) procedures in the study & NPC-300;
- b) Installation of air conditioning units in all the dwelling units in the subject building;
- c) Application of the required special warning clauses;
- d) Specifications of appropriate window glazing as described in this report;
- e) Balconies shall be less than 4 m in depth.

Recommendation 3 in Report S 53/2023 implements requirement a) above regarding the Class 4 designation. Recommendation 4 provides direction to the Site Plan Approval Officer regarding updates to any submitted documents, the inclusion and implementation of noise mitigation measures identified in the Noise Control Study (measures b through e above) and the consideration of comments from municipal departments and external agencies.

Planning Rationale Report (PRR) (Pillon Abbs Inc., 2023 February 16)

The PRR notes that the site is “*capable of accommodating the proposed development in terms of scale, massing, height and siting*”, that “*on-site parking and landscaping will be provided*”, and that the proposed development is a “*compatible density with the surrounding area*”.

The PRR states that the “*proposal addresses the need for the City to provide infilling development, which contributes to affordability and intensification requirements set out in the PPS and the OP.*” Further, the development “*represents an efficient development pattern that optimizes the use of land. The Site currently has been vacant and underutilized.*”

The City of Windsor Planning Department generally concurs with the information, analysis, and conclusions in the PRR.

Provincial Policy Statement (PPS) 2020:

The PPS provides direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario. The review of the PPS 2020 applies to both the Official Plan Amendment and the Zoning By-law amendment.

The proposed amendments are consistent with Policy 1.1.1 of the PPS. They will allow the proposed multiple dwelling to make use of existing services and infrastructure. The development represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, promotes intensification, achieves a cost-effective development pattern & minimizes land consumption and servicing costs. No significant servicing issues were identified.

The amendments are consistent with PPS Policies 1.1.3.1, 1.1.3.2, and 1.1.3.3. The subject parcel is located within the settlement area. The requested amendments promote a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located/ planned adjacent to, or near, the parcel. The subject land represents an appropriate location for intensification.

The amendments are consistent with PPS Policy 1.4. The proposed development is a form of intensification that will expand the range and mix of housing options in the surrounding area. It will facilitate the municipality’s ability to accommodate residential growth through intensification, will provide a form of housing that is appropriate in terms of range and mix, and will meet the social, health and well being of current and future residents. Appropriate levels of infrastructure, active transportation, and transit are available or will be available.

The amendments are consistent with PPS Policy 1.2.6 regarding Land Use Compatibility.

The Windsor Port Authority owns the land on the west side of Russell Street on which an aggregate storage facility (Lafarge) is located on and has no comments regarding the applications. It notes that “*measures are taken to address fugitive dust from the piles however in extreme wind events, the dust is known to become air borne*”. Both the cement batching facility (CBM-St. Mary’s Cement) and Lafarge have approved ECA (Environmental Compliance Approval) and dust mitigation plans from the MOECP.

The Applicant submitted a Noise Control Study that recommends designating the subject parcel as a Class 4 area in accordance with the MOECP procedures set forth in the Noise Control Study and NPC-300. The Class 4 designation allows noise sources to meet a higher noise threshold, which may reduce or eliminate the degree of mitigation required by the noise source.

The amendments to allow the proposed development are consistent with the overall policy direction of the PPS.

The Planning Division generally concurs with the PPS 2020 analysis in Section 5.1.1 of the Planning Rational Report submitted by the Applicant.

Official Plan:

The subject property is designated Business Park on Schedule D: Land Use in Volume I: The Primary Plan and is within the Olde Sandwich Towne Community Improvement Plan Area in Section 1.27 of Volume II: Secondary Plans and Special Areas.

The applicant is requesting an amendment by changing the land use designation from “Business Park” to “Residential” to allow residential uses on the subject parcel.

Section 6.1 in the Land Use chapter provides a list of land uses goals. Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor’s residents. Goal 6.1.5 seeks convenient and viable areas for the purchase and sale of goods and services. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Section 6.3 provides policy direction for residential uses. Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

The proposed development will create a diverse neighbourhood that represents an environmentally sustainable development and that will provide housing that is in demand. The addition of residential uses will create a pedestrian orientated cluster of residential, commercial and employment uses. The proposed development represents a complementary and compact form of housing and intensification that is near different types of transportation.

The locational criteria for a residential development require access to an arterial road, be provided with full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. The parcel has access to Sandwich Street via Chippawa Street. Public transit is available on the Crosstown 2 bus route, full municipal services are available, and parks and schools are located within walking distance.

The Noise Control Study notes that noise from multiple transportation and stationary sources can be mitigated through the use of appropriate construction materials, the use of HVAC systems to allow the closure of windows, and with standard warning clauses in the Site Plan Agreement and Offers to Sell and Purchase. The Noise Control Study

recommends that the parcel be classified as a Class 4 area under the MOECP Environmental Noise Guideline (NPC-300).

When Official Plan Amendment 168 is approved, the requested zoning amendment will conform to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan and conform to the general direction of the Official Plan.

The Planning Division generally concurs with the Official Plan analysis in Section 5.1.2 of the Planning Rational Report submitted by the Applicant.

Zoning By-Law 8600:

The parcel is zoned Manufacturing District 1.4 (MD1.4) which permits a range of business park uses and light-industrial uses.

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from MD1.4 to Residential District 3.3 (RD3.3). The site specific exception allows a townhome dwelling as an additional permitted use that is subject to the townhome dwelling provisions in Section 11.2.5 in Zoning By-law 8600, allows a maximum building height of four storeys as measured from Russell Street and three storeys as measured from Wilkinson Lane, and allows parking spaces located within a parking area to be located in a front yard.

For this development, the front lot line is adjacent to Chippawa Street, the side lot lines are adjacent to Russell Street and Wilkinson Lane, and the rear lot line is the interior lot line adjacent to 3434 Wilkinson Lane.

Typically, any reference to storey identifies the number of floors at and above grade in a building, and may be subject to change. For a building with a flat roof, building height is the vertical distance in metres between grade and the highest point of the roof. Metres is the standard or typical measurement unit of building height in Zoning By-law 8600. However, site specific exception 20(1)236 prohibits buildings having a height exceeding two storeys.

From Russell Street, the proposed building will have a maximum of four stories. An entrance from the parking area, dwelling units and storage space will be located in the ground floor. From Wilkinson Lane, the proposed building will appear as a three-storey building, and will have an entrance to the second floor from Wilkinson Lane.

The proposed four-storey building exceeds the two-storey limit in site specific exception 20(1)236. The current MD1.4 zoning permits a building having a height of 20 metres, which is equal to 4 to 5 stories. The proposed multiple dwelling is equal to or less than what is permitted in the MD1.4 zoning district. The increase in building height is consistent with the existing three-storey multiple dwelling to the northeast and other multiple dwellings along Sandwich Street.

The proposed multiple dwelling development complies with all other applicable zoning provisions.

The Applicant did not provide a conceptual site plan for a townhome dwelling. Any townhome dwelling shall comply with the townhome dwelling provisions in the RD2.2 zoning (Section 11.2.5.5).

Site Plan Control:

Where applicable. Site Plan Control will be the primary planning tool to implement the policies of the PPS and the Official Plan, the provisions of Zoning By-law 8600, and the requirements and recommendations of municipal departments and external agencies. Recommendation 4 provides direction and guidance to the City Planner, Deputy City Planner, and the Site Plan Approval Officer. The Planning Act exempts residential development with 10 or fewer dwelling units from Site Plan Control.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, intensification and a broader mix of uses will minimize the impacts on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure and facilities such as schools, sewers, sidewalks, and public transit.

Climate Change Adaptation:

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

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix E. The requirements and comments will be considered and incorporated during the Site Plan review process, where applicable.

Public Notice: Statutory notice was advertised in the Windsor Star, a local newspaper. A courtesy notice was mailed to property owners and tenants within 120m of the subject parcel. Submitted documents were posted on the City of Windsor [website](#).

Conclusion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The requested official plan and zoning amendments have been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan.

Based on the information presented in this report, and the Planning Rationale Report submitted by the Applicant, it is my opinion that the requested amendment to the City of Windsor Official Plan, to change the land use designation from ‘Business Park’ to ‘Residential’, is consistent with the PPS 2020 and is in general conformity with the City of Windsor Official Plan.

The requested amendment to Zoning By-law is consistent with the PPS 2020 and will be in conformity with the City of Windsor Official Plan when OPA 168 is approved.

The proposed amendment will provide a modern housing type. When applicable, site plan control is an appropriate tool to incorporate the requirements of municipal departments and external agencies. The recommendations to amend the Official Plan and Zoning By-law 8600 constitute good planning.

Planning Act Matters:

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

Neil Robertson, MCIP, RPP
 Manager of Urban Design

Thom Hunt, MCIP, RPP
 City Planner

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

JP JM

Approvals:

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

Notifications:

Name	Address	Email
Abdullah Kayali c/o 1998308 Ontario Inc.	4352 Pioneer Avenue Windsor, ON N9G 2W9	a.kayali.cytomed@gmail.com
Pillon Abbs Inc. Tracey Pillon-Abbs	23699 Prince Albert Road Chatham, ON N7M 5J7	tracey@pillonabbs.ca
Councillor Costante (Ward 2)		fcostante@citywindsor.ca
Property owners and tenants within 120 m of the subject lands		

Appendices:

- 1 Appendix A - Site Plan Conceptual
- 2 Appendix B - Floor Plans & Elevations
- 3 Appendix C - Planning Rationale Report
- 4 Appendix D - Site Images
- 5 Appendix E - Results of Circulation

PLANNING RATIONALE REPORT

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENTS PROPOSED RESIDENTIAL DEVELOPMENT

0 Russell Street
PLAN 40 LOT 13
City of Windsor, Ontario

February 16, 2023

Prepared by:



Tracey Pillon-Abbs, RPP
Principal Planner
23669 Prince Albert Road
Chatham, ON N7M 5J7
226-340-1232
tracey@pillonabbs.ca
www.pillonabbs.ca

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1.0 INTRODUCTION

I have been retained by 1998308 ONTARIO INC. (herein the “Applicant”), to provide a land use Planning Rationale Report (PRR) in support of a proposed development located at 0 Russell Street (herein the “Site”) in the City of Windsor, in the Province of Ontario.

The Site is currently vacant and is in an area of transition whereby fewer industrial activities are operating, which is creating an attractive area for residential uses.

It is proposed to use the Site for residential. The residential use will offer a new housing choice in the area.

It is proposed to construct a four (4) storey residential multiple dwelling with a total of 28 residential units. Tenure form will be freehold (condominium).

Parking for 35 spaces is proposed to be located on-site.

The Applicant would also like the option to construct townhome dwellings in case the market does not support a multiple dwelling. Tenure will also be freehold.

A site specific Official Plan Amendment (OPA) and site specific Zoning By-law Amendment (ZBA) are required in support of the proposed development.

Once the OPA and ZBA have been approved, the Applicant will proceed with a Site Plan Control (SPC) Application and Draft Plan of Condominium (CONDO).

Pre-submission was completed (City File #PS-044/21).

The purpose of this report is to review the relevant land use documents, including the Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

This PRR will show that the proposed development is suitable intensification of residential, is consistent with the PPS, conforms to the intent and purpose of the City of Windsor OP and the intent of the City of Windsor ZBL and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site has been owned by 1998308 Ontario Inc. since 2021 and is made up of one (1) parcel located on a corner, on the east side of Russell Street, on the south side of Chippawa Street and on the west side of Wilkinson Line (see Figures 1a – Site Location, Street View 1a – Chippawa Street).

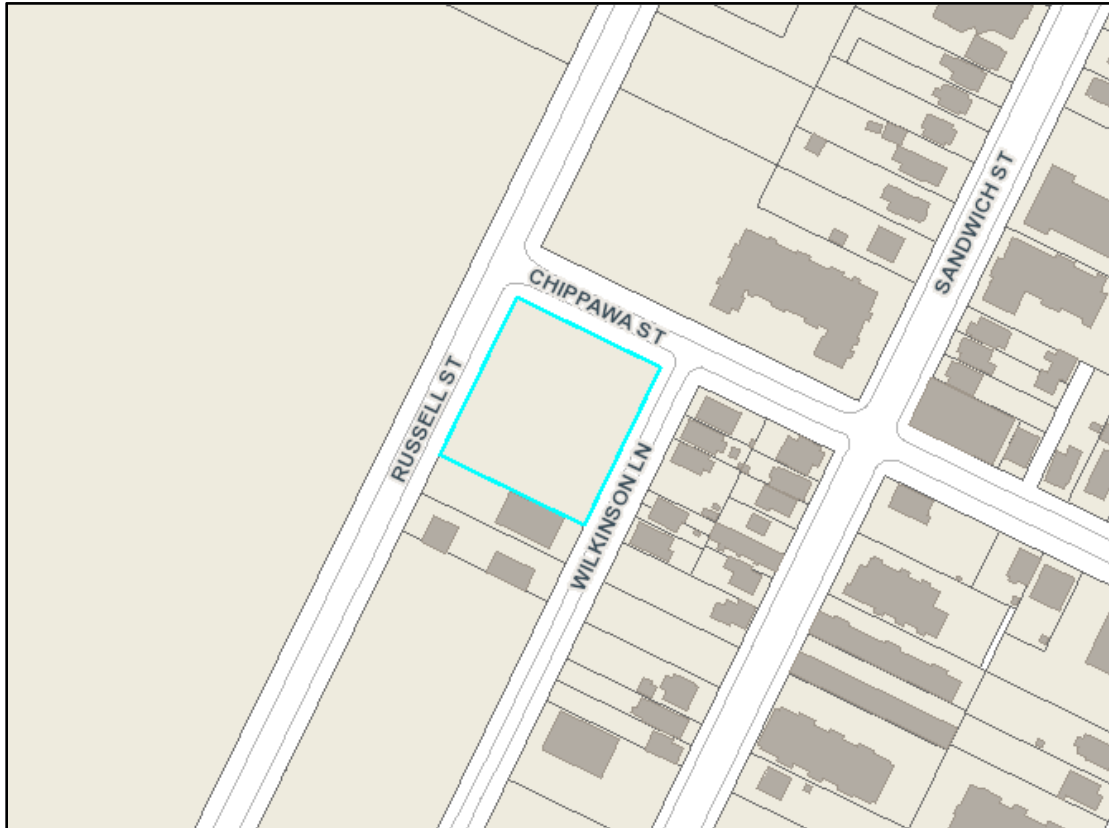


Figure 1a – Site Location (Source: City of Windsor GIS)



Street View 1a – Chippawa Street (Source: Pillon Abbs Inc.)

The Site is locally known as 0 Russell Street and legally described as LT 13, E/S Russell St Pl 40, Town of Sandwich; Windsor, PIN 0159-0155 (ARN 050-150-12400).

The Site is currently grassland and has remained as such for over 40 years; however, historic air photos show an undefined rectangular feature in the north-east corner of the property present in 1931 and some gravel within the property, the select air photo is not displayed within this report.

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site consists of a total area of approximately 3,622 m² with 62.90 m of depth along Russell Street and Wilkinson Line and a frontage of 57.5 m along Chippawa Street.

The Site is a corner lot.

2.2.2 Existing Structures

The Site is currently vacant, with no buildings or structures.

2.2.3 Vegetation and Soil

The Site is currently grassed.

Soil type is Burford Loam (Bg).

2.2.4 Topography and Drainage

The Site is level and is within the regulated area of the Essex Region Conservation Authority (ERCA). The required permits will be obtained, if required.

The Site is within the Windsor Area Drainage Subwatershed.

There is a swale located along Russell Street.

The Site is within a Sourcewater Protection Event Base Area (EBA).

2.2.5 Other Physical Features

There are no other physical features of the Site.

There is an existing wood fence along the north side of the Site.

2.2.6 Municipal Services

The property has access to municipal water, storm and sanitary services. There is a fire hydrant at the corner of Russell Street and Chippawa Street.

Streetlights are located on Russell Street, Chippawa Street and Wilkinson Line. There are no sidewalks.

There are existing on-street parking in the area.

The Site has access to transit with the closest bus stop at the corner of Chippawa Street and Sandwich Street (Stop ID: 1216) which is part of bus #2.

2.2.7 Nearby Amenities

There are several schools nearby, including General Brock Public School and Islamic Academy and Maryvale School.

There are many parks and recreation opportunities in close proximity to the Site, including Bradley Park, Mary E Bibb Park and Queens Dock.

There is nearby shopping in the form of plazas and malls as well as employment, places of worship and local/regional amenities.

The Site is located close to mayor transportation corridors, include the Ambassador Bridge.

2.3 Surrounding Land Uses

Overall, the Site is located within an existing mixed-use area with residential and employment lands.

The Site is currently vacant and is in an area of transition whereby fewer industrial activities are operating. A site visit was conducted on December 19, 2021(Photo Source: Pillon Abbs Inc).

North – The lands directly north of the Site are used for medium density residential (see Photo 1 - North).



Photo 1 - North

South – The lands directly south of the Site are used for low density residential (see Photo 2 - South).



Photo 2 - South

East – The lands east of the Site are used for low density residential (see Photo 3 - East).



Photo 3 - East

West – The lands west of the Site are used for aggregate storage/distribution facility and further to the southwest used for a concrete batching plant (see Photo 4 - West).



Photo 4 - West

3.0 DEVELOPMENT PROPOSAL

3.1 Proposal

The Applicant proposes to develop the Site for residential purposes.

The Site is currently vacant and is in an area of transition whereby fewer industrial activities are operating, which is creating an attractive area for residential uses.

It is proposed to use the Site for residential. The residential use will offer a new housing choice in the area.

It is proposed to construct a four (4) storey residential building with a total of 28 residential units. Tenure form will be freehold (condominium).

The Applicant would also like the option to construct townhome dwellings in case the market does not support a multiple dwelling. Tenure will also be freehold.

Parking for 35 spaces is proposed to be located on-site.

A Concept Plan has been prepared by Ziad Architect, dated 3/21/2021 (see Figure 2a – Concept Plan).

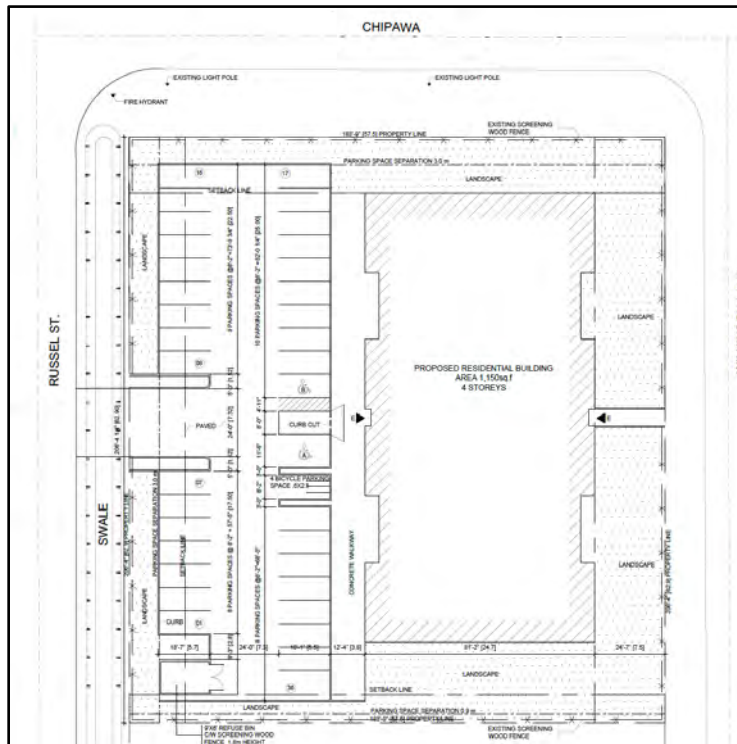


Figure 2a – Concept Plan

The building will be 15 m in height and will face Russell Street (see Figure 2b – Elevations).

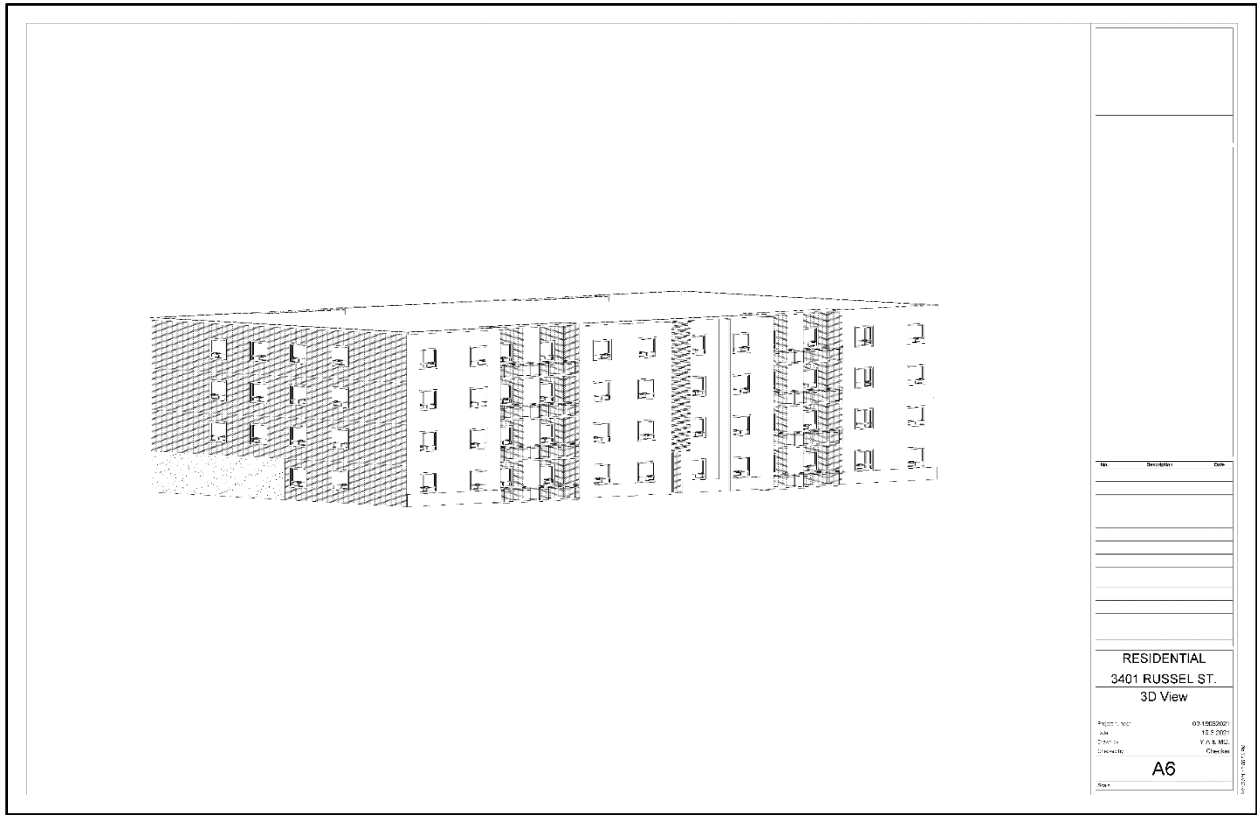
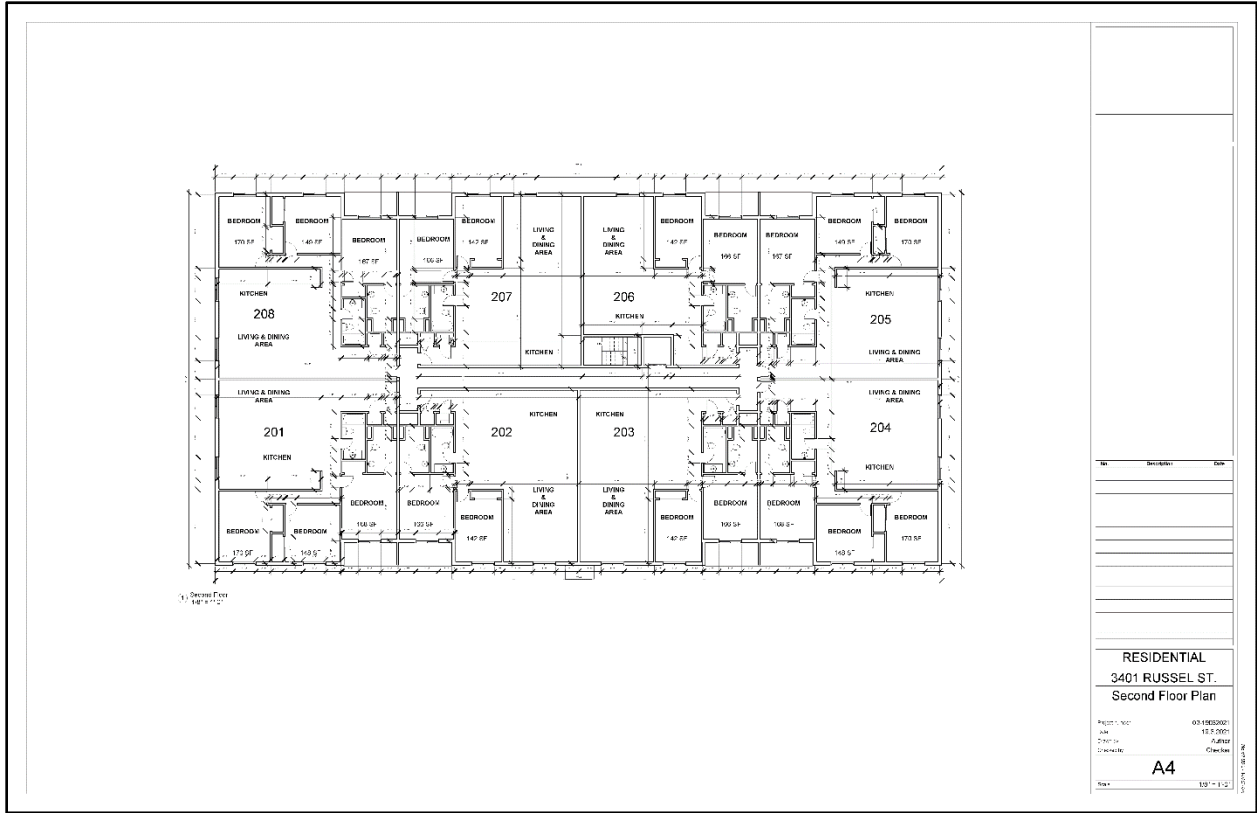
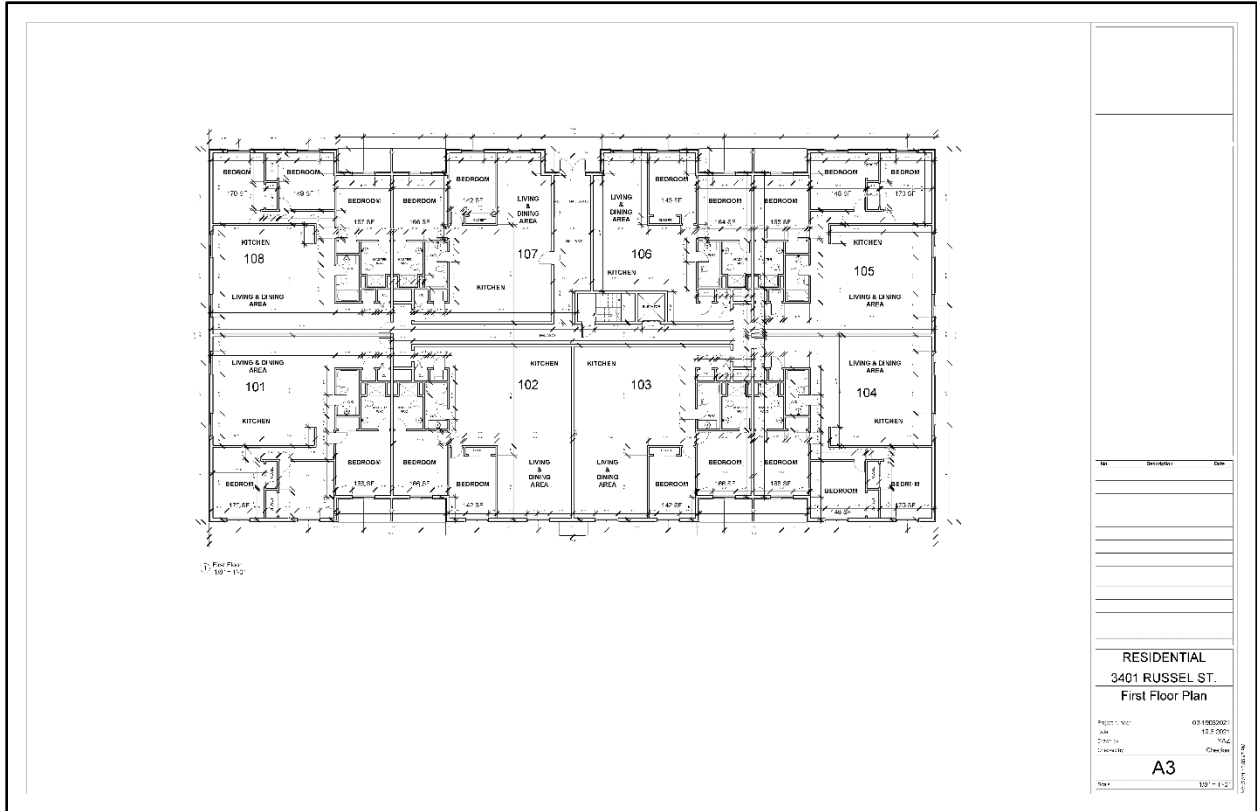


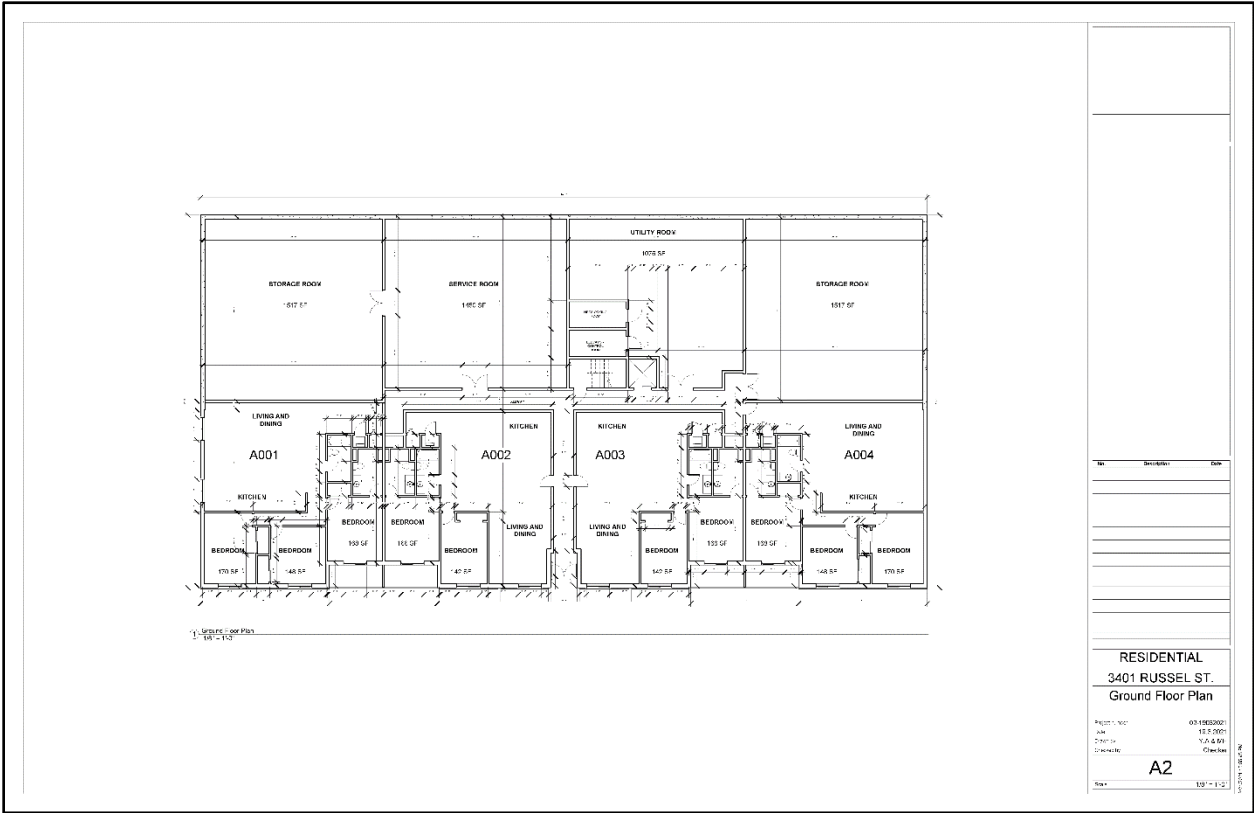


Figure 2b – Elevations

The building will be 106.83 m² (1,150 ft²) in size and will be made up of 12 two bedroom units and 12 three bedroom units (see Figure 2c – Floor Plans).







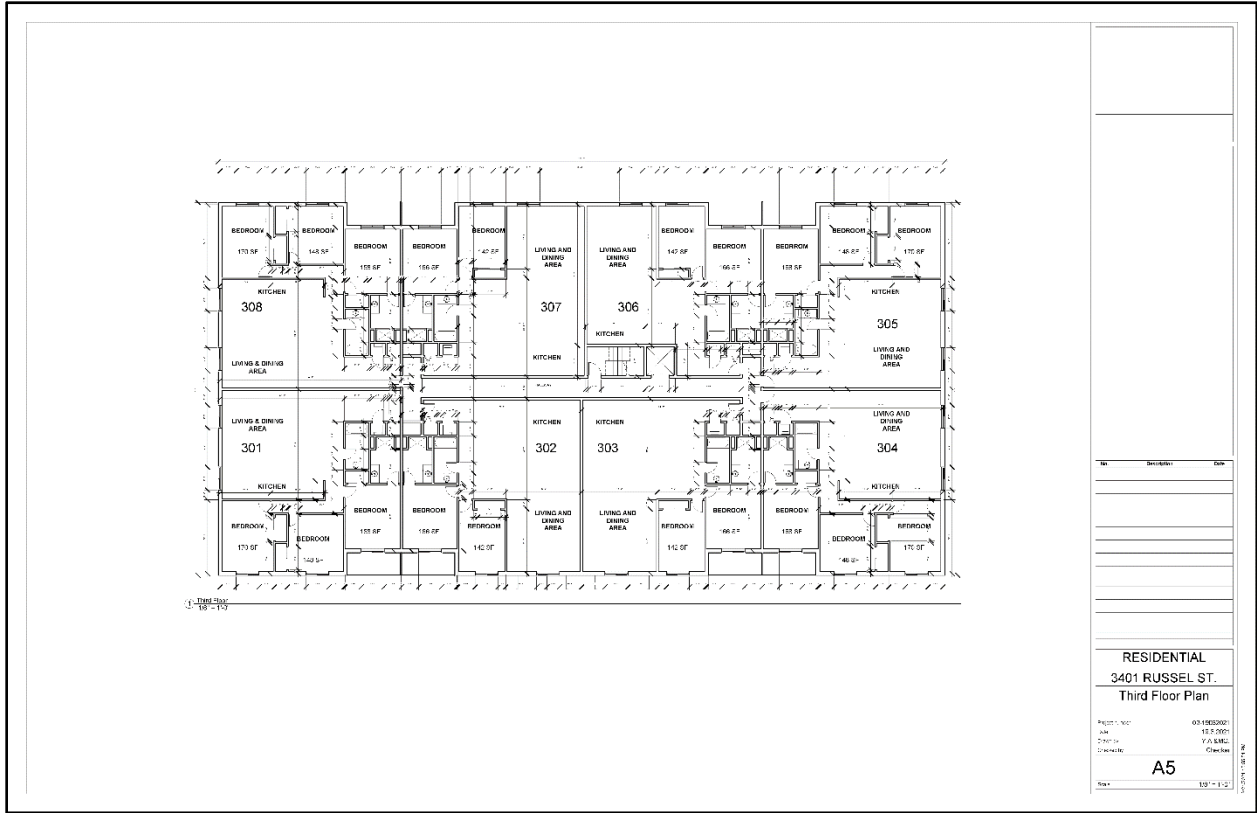


Figure 2c – Floor Plans

The proposed development will result in a density of 75.71 per ha.

Access to the parking area will be from Russell Street. Barrier free spaces and parking for bicycles is provided.

Refuse will be located on the southeast corner of the parking area.

The Site will be professional landscaping as well as have concrete sidewalks connecting the building to the parking area and municipal right-of-way.

4.0 PROPOSED APPLICATION & AMENDMENT

Pre-submission was completed (City File #PS-044/21).

The proposed development requires an application for Official Plan Amendment (OPA) and an application for Zoning By-law Amendment (ZBA).

The following explains the amendment and application.

4.1 Official Plan Amendment

A site specific Official Plan Amendment (OPA) is required in support of the proposed residential development.

The OPA will change the land use designation from “Business Park” to site specific “Residential” which is located on Schedule D: Land Use to permit a multiple dwelling or townhome dwelling.

The OPA is detailed, and the justification is set out in Section 5.1.2 of this PRR.

4.2 Zoning By-Law Amendment

A site specific Zoning By-law Amendment (ZBA) is required in support of the proposed residential development.

The zoning for the Site is proposed to be changed from Manufacturing District 1.4 (MD1.4) to a site specific Residential District 3.3 (RD3.3 - S.20(1)(XXX)) category as shown on Map 4 of the City of Windsor Zoning By-law (ZBL) to permit a multiple dwelling or townhome dwelling.

The Site is also subject to provision S.20(1)236.

Relief is also requested for certain provisions set out in the RD3.3 Zone and to provision S.20(1)236.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

4.3 Other Application

Once the OPA and ZBA have been approved, the Applicant will proceed with a Site Plan Control (SPC) Application which will set out the lighting, buffering, landscaping, signage, etc.

The proposed development will be subject to a Development Agreement, which will include any required fees or securities if required.

A building permit will be the final application.

Once a building permit is issued, a draft Plan on Condominium (CONDO) application will be submitted in order to create the freehold units.

4.4 Public Consultation Strategy

The Planning Act requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, the Applicant proposes the required public meeting.

No open house is proposed.

4.5 Supporting Studies

The following supporting studies have been prepared to support the applications.

4.5.1 Archaeological Assessment

A stage 1 and 2 archaeological property assessment was prepared by AMICK, dated October 25, 2021.

The purpose of the report was to assess any archaeological resources.

The report concluded that the archaeological survey did not yield any evidence of archaeological material. As a result, no additional archaeological assessments are required.

The report, which has been submitted to this ministry as a condition of licensing in accordance with Part VI of the *Ontario Heritage Act*, R.S.O. 1990, c 0.18, has been entered into the Ontario Public Register of Archaeological Reports.

4.5.2 Geotechnical Study

A Geotechnical Study has been prepared by CT Soils and Materials Engineering Inc, Consulting Engineers, dated October 24, 2022.

The study is required due to the location of the nearby industrial and active salt solution mining operations.

The study provided recommendations for construction.

4.5.3 Noise

An Noise Control Study was prepared by SS Wilson Associates Consulting Engineers, dated November 22, 2022.

The study was based on transportation and Class 4 industrial noise sources (current and future).

The report concluded that mitigation measures are required to bring residential units within the development into compliance with MOECC criteria. With the inclusion of these measures, MOECC noise criteria will be satisfied.

Recommendations included the following:

- window insulation,
- units shall be fitted with central air conditioning, and
- warning clauses.

It was concluded that the proposed development could, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	Windsor has directed growth where the Site is located which will contribute positively to promoting efficient land use and development patterns.
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	The proposed development is consistent with the policy to build strong, healthy and livable communities. It provides for a new housing choice. There are no environmental or public health and safety concerns as the area is established. The development pattern does not require expansion

PPS Policy #	Policy	Response
	<p>of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>of the settlement area as it is considered infilling.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p> <p>Public service facilities are available, such as local schools and transit.</p> <p>The development pattern is proposed to be an efficient use of the vacant property.</p>
1.1.2	Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.	The proposed development will help Windsor meet the full range of current and future residential needs through intensification.

PPS Policy #	Policy	Response
	Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.	The Site will provide for residential infilling within an existing settlement area in the form of a new housing choice.
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the Municipality, as the proposal is within an existing settlement area.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> 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, 	<p>The total density of the proposed development is considered appropriate as most of the existing area has residential uses.</p> <p>The Site offers an opportunity for intensification by creating a multiple dwelling or townhome dwelling using the vacant property.</p> <p>The design and style of building will blend well with the scale and massing of the existing surrounding area.</p> <p>Residents will have immediate access to shopping, employment, trails, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p> <p>The Site is located close to major transportation</p>

PPS Policy #	Policy	Response
	exists or may be developed; and g) are freight-supportive.	corridors, include the Ambassador Bridge.
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.	<p>The development is a Site that is physically suitable as it pertains to size and location.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate use of a vacant parcel of land.</p> <p>The Site is level which is conducive to easy vehicular movements.</p> <p>Parking will be provided on-site, including space designated for visitors. Bicycle parking is also provided.</p> <p>There are existing on-street parking spaces in the area if required.</p>
1.1.3.4	Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.	<p>The proposed development will be built with a high standard of construction, allowing seamless integration with the existing area.</p> <p>There will be no risks to the public, as identified in the required support studies.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up	The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those

PPS Policy #	Policy	Response
	areas, based on local conditions.	targets as the Site is located in an existing built-up area.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	<p>The proposed development does have a compact built form.</p> <p>Parking will be located on-site.</p> <p>The proposed building size will allow for the efficient use of land, pedestrian and vehicle access, infrastructure and public services.</p>
1.3.2.3 – Employment Conversion	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.	<p>An OPA and ZBA is proposed.</p> <p>The existing industrial uses are located on the west side of the Site.</p> <p>Russell Street creates an appropriate buffer.</p> <p>A Noise Study has been completed, and mitigation measures have been recommended.</p> <p>The area is in transition.</p> <p>There is no longer a need for industrial uses in the area.</p> <p>The Site is too small for a traditional industrial use.</p> <p>The proposed development will be designed to blend well with the surroundings. There are residential uses on all 3 sides of the Site.</p>

PPS Policy #	Policy	Response
1.3.2.4 – Employment Land Conversion, Comprehensive Review	Planning authorities may permit conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.	<p>The employment land conversion is not being considered as part of a comprehensive review.</p> <p>The employment land conversion is a privately initiated transition.</p>
1.3.2.5 – Employment Land Conversion, Privately-Initiated	Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:	<p>It is proposed to convert the total area of the Site from employment lands to non-employment lands.</p> <p>There are vacant and viable employment lands throughout the City in addition to an oversupply of employment lands in the region.</p> <p>Also, there is a need for residential, as noted in the recent provincial legislation changes which support new housing choices.</p>
	a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;	<p>The proposed development would not impact the supply of employment lands.</p> <p>The Site is no longer appropriate and desirable for employment lands.</p> <p>Further, the proposed development will enhance the area.</p>

PPS Policy #	Policy	Response
		<p>The Site is not required or suitable for employment uses.</p> <p>The Site is a small lot and in close proximity to nearby residential uses.</p> <p>There is an identified need for housing based on market potential and recent trends observed in the City.</p> <p>Section 1.1.4 of the Windsor OP does address Land Supply. Future Employment Area lands transferred from the Town of Tecumseh should be sufficient to accommodate growth through the 20-year planning period.</p> <p>The Site is in an area of transition.</p>
	<p>b) the proposed uses would not adversely affect the overall viability of the employment area; and</p>	<p>The proposed use as residential will not adversely affect the overall viability of the employment area.</p> <p>The Site has had a long-standing vacancy, and underutilization demonstrates that the lands are no longer appropriate and desirable for industrial uses.</p> <p>Any new employment lands would occur in nearby industrial and commercial areas.</p>

PPS Policy #	Policy	Response
		<p>Residential will provide for additional units required to meet the 25-year PPS land needs.</p> <p>The employment land conversion will have a minor impact on the overall vacant land inventory.</p>
	<p>c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.</p>	<p>Infrastructure and public service facilities are available to accommodate the proposed uses.</p> <p>The proposed development has access to municipal services, which have been identified in the required support studies.</p>
<p>1.4.1</p>	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of</p>	<p>The proposed development will provide for a new housing choice in the existing built-up area.</p> <p>Municipal services are available, as set out in the servicing studies.</p>

PPS Policy #	Policy	Response
	residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.	
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed density is compatible with the surrounding area and will provide intensification and infilling through the efficient use of a vacant Site.</p> <p>The proposed density will have a positive impact on the area as it will blend well with the existing built form.</p> <p>The Site is close to nearby community amenities.</p> <p>There is suitable infrastructure.</p>
1.6.1	<p>Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p>	<p>The development can proceed on full municipal services.</p> <p>Electrical distribution will be determined through detailed design.</p> <p>Access to public transit is available.</p>
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	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of servicing for settlement areas.

PPS Policy #	Policy	Response
	<p>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.</p>	
1.6.6.7	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure; d) mitigate risks to human health, safety, property and the environment; 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 	<p>A FSR will be completed as part of SPC approval.</p> <p>There will be no negative impacts on the municipal system and will not add to the capacity in a significant way.</p> <p>The Site provides for drainage.</p> <p>A Geotechnical Study has been completed.</p> <p>There will be no risk to health and safety.</p> <p>ERCA permits will be obtained if required.</p>

PPS Policy #	Policy	Response
	conservation and efficiency, and low impact development.	
1.6.7.1	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The subject property is in close proximity to major roadways.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development contributes to the City's requirements for development within a built-up area. The area is serviced by transit.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	The proposed development contributes to the Municipality's requirement for infilling within a built-up area. The proposed density, scale, and building height will blend with the existing land use pattern.
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	A FSR report will be prepared as part of SPC approval in support of the proposed development.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	An Archaeological Assessment has been completed. There are no

PPS Policy #	Policy	Response
		heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	A Noise Report and Geotechnical Study have been completed. There are no natural or human-made hazards.

Therefore, the proposed development is consistent with the PPS and the Province’s vision for long-term prosperity and social well-being.

5.1.2 Official Plan (OP)

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000, and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated “Business Park” according to Schedule “D” Land Use attached to the OP for the City of Windsor (see Figure 3 – City of Windsor OP, Schedule “D”).

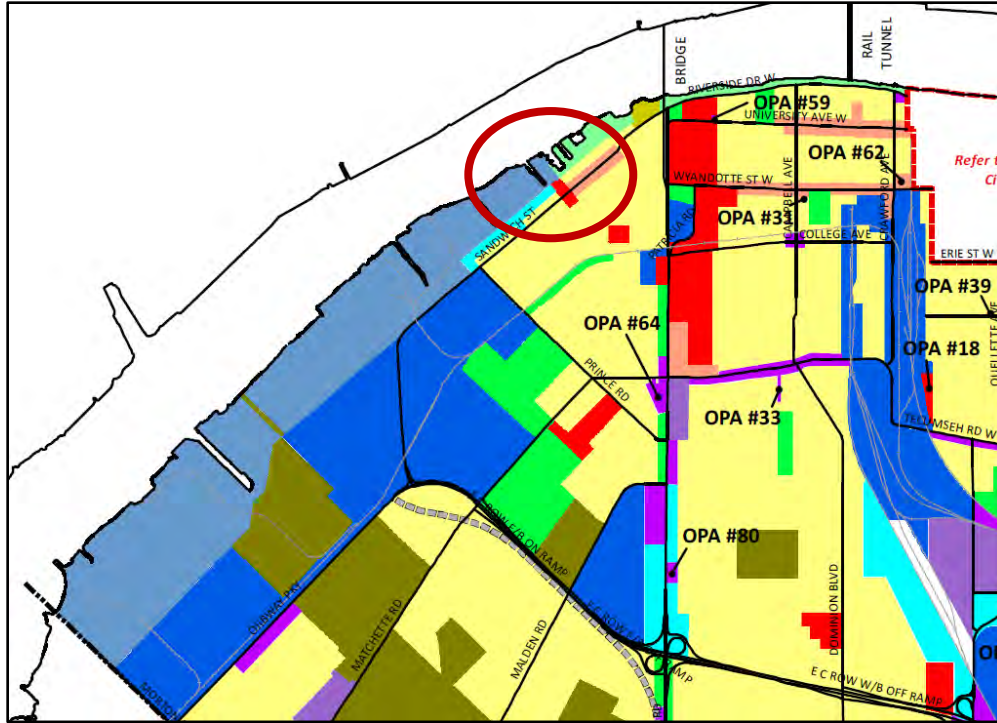


Figure 3 – City of Windsor OP, Schedule “D”

The Site is also within the Olde Sandwich Towne Community Improvement Project (CIP) Area set out in Section 1.27, V2.

It is proposed to designate the Site to a site specific “Residential” in order to permit a multiple dwelling or a townhome dwelling.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2 – Growth Conceptdevelopments will be encouraged with strong pedestrian orientations and to support public transit. This concept will enable Windsor to continue its growth and foster a vibrant economy, while ensuring a safe, caring and diverse community and a sustainable, healthy environment.	<p>The proposed use is a residential development.</p> <p>The Site is located on a corner lot and will be oriented to provide for parking and pedestrian access.</p> <p>There are residential uses surrounding 3 sides of the Site.</p>

OP Policy #	Policy	Response
		The request to amend the OPA is a minor shift in the designation line.
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed development supports one of the City's overall development strategies of providing for a range of housing choices.
3.2.1.3	Newly developing areas will be planned to foster their own unique neighbourhood identities with a mixture of homes, amenities and services.	The Site is in an area of transition whereby fewer industrial activities are occurring in the area, which is creating an attractive area for residential uses.
3.2.3.1	Windsor will work toward achieving a sustainable transportation system where all modes of transportation can play a more balanced role.	The intent is to construct a new multiple dwelling or townhome dwelling with a target market for international commuters working in Michigan and living in Windsor as well as students attending the University of Windsor. Tenure will be freehold.
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	The proposed development will support the City's goal of promoting a healthy community (live, work and play). The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks/trails.
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development	The proposed development supports the policy set out in the OP as it is suited for the residential.

OP Policy #	Policy	Response
	through an approach which balances environmental, social and economic considerations.	
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for infilling of residential in an area of transition.</p> <p>The proposed development allows pedestrian level access.</p>
6.2.1.2 – General Policies	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	<p>The proposed development is considered a medium profile residential development as it is proposed to have 4 storeys constructed on the Site.</p>

OP Policy #	Policy	Response
6.3.1.3 - Residential	To promote selective residential redevelopment, infill and intensification initiatives.	The Site provides for an infilling opportunity. Intensification is proposed.
6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.	The proposed is would be permitted.
6.3.2.4	Residential development shall be located where: (a) there is access to a collector or arterial road; (b) full municipal physical services can be provided; (c) adequate community services and open spaces are available or are planned; and (d) public transportation service can be provided	The Site has access to major transportation corridors. Municipal services are available. The Site is close to nearby amenities. The Site has access to transit.
6.3.2.5	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is: (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;	The Site is located within an area with residential on 3 sides of the property. This PRR has address PPS requirements. Support studies have been provided to address any constraints. The proposed development does not change to development pattern of the area. The size, scale and massing is appropriate for the size of the Site. Adequate buffering from abutting land uses is provided.

OP Policy #	Policy	Response
	<p>(iii) within a site of potential or known contamination;</p> <p>(iv) where traffic generation and distribution is a provincial or municipal concern; and</p> <p>(v) adjacent to heritage resources.</p> <p>(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;</p> <p>(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;</p> <p>(d) provided with adequate off street parking;</p> <p>(e) capable of being provided with full municipal physical services and emergency services; and</p> <p>(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	<p>Parking can be provided on-site.</p> <p>The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.</p> <p>Municipal services are available.</p>
7.0	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major roadway (including the Ambassador Bridge) and has access to full municipal services.</p>
9.3.1.1 - Archaeological	<p>For the purpose of this Plan, heritage resources include built heritage resources and</p>	<p>An archaeological assessment was completed for this Site. No resources were found.</p>

OP Policy #	Policy	Response
	cultural heritage landscapes that Council has identified as being important to the community.	
1.27.8 – Olde Sandwich Towne Community Improvement Plan Area	<p>The objective for the Residential portion of the Target Area is to foster stable residential neighbourhoods, to develop an open space strategy, and to preserve and enhance heritage and historic buildings. This will be achieved by:</p> <ul style="list-style-type: none"> (a) demolition control; (b) enforcement of property standards; (c) prohibition of interim uses such as parking lots; (d) extending the Riverwalk to connect to the residential neighbourhood; (e) improving Patterson Park to create a consistent edge adjacent to the residential neighbourhood on Alexander Boulevard, and to provide a defined gateway at the corner of Sandwich and Detroit Streets; (f) improving Crawley Park to create a formal entrance to Olde Sandwich Towne; (g) orienting principal building entrances to face the public street; (h) locating garages in side or rear yards only ; (i) garages or additions shall be located behind the front façade of the building. 	<p>The Site is located within an existing built-up area with residential uses along all 3 sides of the property.</p> <p>The proposed development will help enhance the area and provide a buffer from the industrial uses to the west.</p>

Therefore, the proposed development conforms to the City of Windsor OP with the proposed site specific amendment.

5.1.3 Zoning By-law (ZBL)

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision was issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of the property and provide for its day-to-day administration.

According to Map 4 attached to the ZBL the Site is currently zoned Manufacturing District 1.4 (MD1.4) (see Figures 4 – City of Windsor Zoning Map 4).

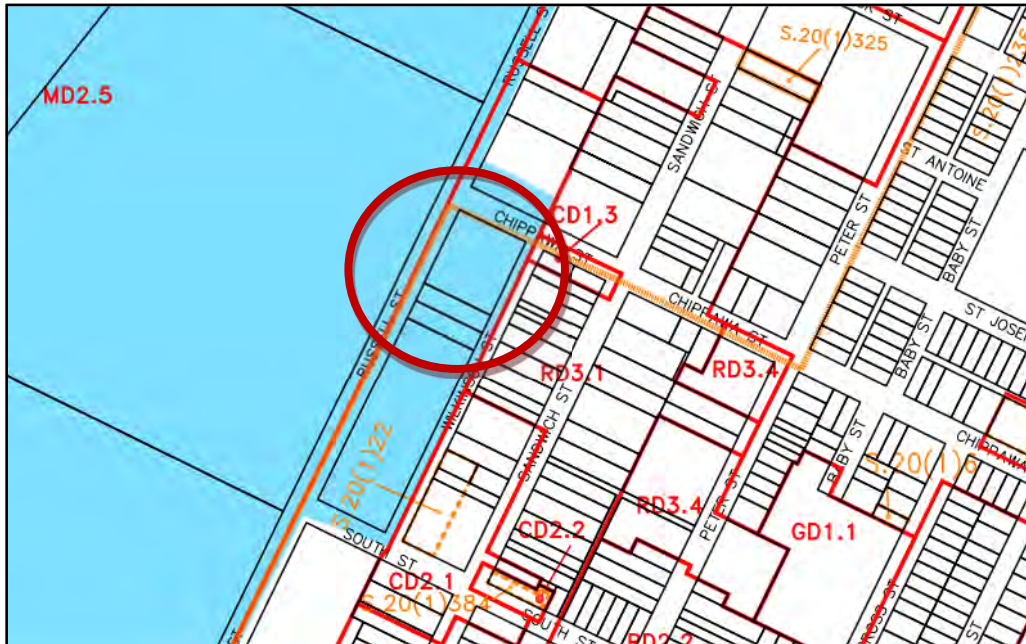


Figure 4 – City of Windsor Zoning Map 4

Residential uses are not permitted in the MD1.4 Zone.

The Site is also subject to provision S.20(1)236, which states the following:

For all residential uses in Target Area 3 of the Olde Sandwich Towne Community Improvement Area, shown delineated by a heavy black line on Schedule 'A' of By-law 30-2009, the following shall apply:

(a) Regulations:

(i) *Where a vacant interior lot abuts lots with existing dwellings, the minimum required front yard shall be equal to the average of the setbacks from the front lot line of the dwellings on the abutting lots.*

(b) Prohibitions:

(i) Building height in excess of **2 storeys** shall be prohibited

(ii) Notwithstanding any other provisions in this by-law, **parking shall be prohibited in a required front yard**

(iii) No new structures, additions, or encroachments shall be constructed in an existing front yard

(iv) Garages are prohibited unless located a minimum of 6 metres to the rear of the main wall.

The zoning for the Site is proposed to be changed to a site specific Residential District 3.3 (RD3.3 - S.20(1)(XXX)) category as shown on Map 4 of the City of Windsor Zoning By-law (ZBL) to permit a multiple dwelling or a townhome dwelling.

Relief is also requested for certain provisions set out in the RD3.3 Zone and to provision S.20(1)236.

“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”.

“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”.

A review of the RD3.3 zone provisions, as set out in Section 12.3 of the ZBL is as follows:

Zone Regulations	Required RD3.3 Zone	Proposed RD3.3 - S.20(1)(XXX)	Compliance and/or Relief Requested with Justification
Permitted Uses	Lodging House Multiple Dwelling Religious Residence Residential Care Facility Any of the following existing dwellings: Double Duplex Dwelling Duplex Dwelling Semi-Detached Dwelling Single Unit Dwelling Any use accessory to any of the preceding uses	A multiple dwelling OR a townhome dwelling.	Complies, subject to the ZBA request. Townhome dwelling to be added as an additional permitted use.

Min. Lot Frontage	45.0 m	57.5 m (Chippawa St)	Complies
Min. Lot Area	For a corner lot having a minimum lot frontage of 45.0 m on each of the exterior lot lines: a) For the first 23 dwelling units 1,825.0 m ² b) For each additional dwelling unit 37.0 m ² per unit 1,825.0 + 185 = 2,010 m ²	3,622 m ²	Complies
Max. Lot Coverage	35 %	31.7 %	Complies
Maximum Building Height	Corner Lot - 30.0 m	15 m	Complies
Min. Landscaped Open Space Yard	35.0 % of the lot area	36 %	Complies
Max. Dwelling Unit Density – dwellings units per ha	For a corner lot having a minimum lot frontage of 45.0 m on each of the exterior lot lines - 225 units per ha	75.71 per ha	Complies
Parking Spaces Required (24.20.5)	Multiple Dwelling containing a minimum of 5 Dwelling units - 1.25 for each dwelling unit 28x1.25 = 35 (Townhome dwelling 1 or 1.2 for each dwelling unit, pending garage or carport)	35	Complies
Visitor Parking (24.22.1)	15 percent of parking spaces marked 15% of 35 = 5.25 spaces	Visitor parking will be marked	Complies
Accessible Parking Spaces Required (24.24.1)	For 26-100 total number of Parking Spaces Type A - 1 parking spaces	2 spaces provided	Complies

	Type B - 0 parking spaces: Total 1 required		
Bicycle Parking (24.30.1)	20 or more - 2 for the first 19 spaces plus 1 for each additional 20 parking spaces: 2 + 0.85 = 2.8 spaces required (2 rounded down)	4 spaces provided	Complies
Loading (24.40.1.5)	1,000 m ² or less - 0 required	0 provided	Complies
Parking Area Separation (25.5.20)	Any other street - 3.00 m	3.0 m	Complies
	An interior lot line or alley - 0.90 m	N/A	Complies
	A building wall in which is located a main pedestrian entrance facing the parking area – 2.00 m	3.8 m	Complies
	A building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area – 4.50 m	3.8 m	Complies
S.20(1)236	Building height in excess of 2 storeys shall be prohibited	4 storeys	Relief requested. There is a similar 3 storey building located to the north of the Site. The proposed dwelling will provide a buffer from the industrial uses to the west.
	Notwithstanding any other provisions in this by-law, parking shall be prohibited in a required front yard	2 spaces located along Chippawa St, past the face of the proposed building	Relief requested.

Therefore, the proposed development will comply with all zone provisions set out in the RD3.3 Zone except for the following, which requires relief from S.20(1)236:

1. *Allow a 4 storey building height, and*
2. *Allow parking in the required front yard.*

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development with adequate buffering from abutting land uses,
- The Site is level which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the surrounding area.

6.1.2 Compatibility of Design

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.

The proposed development will be limited to a 4 storey, medium profile development, which is a compatible density with the surrounding area.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.

On-site parking and landscaping will be provided.

The proposal adheres to the design direction of Old Sandwich Town CIP.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the City to provide infilling development, which contributes to affordability and intensification requirements set out in the PPS and the OP.

Residential on the Site represents an efficient development pattern that optimizes the use of land. The Site currently has been vacant and underutilized.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environmental impacts, as there are no natural heritage features on the Site.

6.1.5 Municipal Services Impacts

There will be no negative impacts on the municipal system as the residential development will not add to the capacity in a significant way.

The topography, soil, and environmental characteristics of the Site are able to accommodate an appropriate development that will minimize adverse environmental impacts.

6.1.6 Social and/or Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, open space and community amenities.

Infilling in an existing established neighbourhood contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern, which sustains the financial well-being of the Municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

Based on the Site area, the proposed development will result in a total net density, which is appropriate for the neighbourhood.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.

6.2 Conclusion

The proposal to use the Site for residential is appropriate and should be approved by the City of Windsor as it:

- is a site that is physically suitable;
- will not negatively impact the private use and enjoyment of area residents;
- will not have any negative natural environmental impacts;
- will not have any negative archaeological impacts;
- is not anticipated to create any traffic issues;
- will not have any negative impacts on municipal services,
- will not have any negative social, environmental or economic impacts; and
- will have a positive impact on the City of Windsor.

In summary, for the above reasons, it would be appropriate for the City of Windsor to approve the OPA and ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer a new housing choice in an area of transition.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

10.2.13.2 Where a Planning Rationale Report is required, such a study should:

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the Site's previous development approval history;*
- (c) Describe major physical features or attributes of the Site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act;*
- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the Site and indicate reasons why the proposal is appropriate for this Site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.


Tracey Pillon- RPP
Principal Planner



OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX D - SITE IMAGES



Subject Parcel – 0 Russell Street - Looking southeast



Looking east up Chippawa St at Russell St toward Wilkinson Lane
Subject parcel on right hand side

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX D - SITE IMAGES

IMAGE 3



**Subject Parcel – Looking west towards Detroit River
at Chippawa Street and Wilkinson Lane**

IMAGE 4



**Looking north on Wilkinson Lane towards Chippawa Street
Subject parcel (vacant land) on left hand side**

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX D - SITE IMAGES

IMAGE 5



Looking north on Russell Street towards Chippawa Street



IMAGE 6

**Looking south on Russell Street at Chippawa Street
Subject parcel in upper left hand corner
Lafarge Aggregates (with berm) on right hand side**

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

CANADA POST – BRUNO DESANDRO

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

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

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

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

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

CITY OF WINDSOR – BUILDING DEPARTMENT - BARBARA RUSAN

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted. It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

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

CITY OF WINDSOR – ENGINEERING - MARK SCHAFFHAUSER

Sewers - The sanitary sewer along Russell Street is a 1950mm trunk sewer, therefore, a sanitary sewer extension will be required along Chippawa Street to service the property. The sanitary sewer extension to be designed and constructed by the Developer. The site may be serviced by the roadside ditch located along the Russell Street frontage. An increased allowable release rate may be considered based on an outlet capacity assessment to the river. Assessment to be provided by developer's consultants. ERCA, DFO and MOE approvals are required. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels, as per the Windsor Essex Regional Stormwater Management Standards Manual:

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

Right-of-Way - Russell St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is not required. Chippawa St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

not required. Wilkinson Ln is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is not sufficient; therefore, a conveyance of 2.5 meters is required.

A sidewalk is required on the South side of Chippawa Street along the entire frontage; developer to construct the sidewalks at their expense. A sidewalk also is required on one side of Russell Street; developer to contribute \$7,291 to future construction of sidewalks along the entire Russell Street frontage.

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

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create 20 m wide right-of-way on Wilkinson Lane. This conveyance shall be approximately 2.5 metres along the entire Wilkinson Lane frontage of the subject lands.

Sidewalks -The owner(s) agrees, to:

1. Construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire Chippawa Street frontage of the subject lands. All work to be to the satisfaction of the City Engineer; and
2. Pay to the Corporation, prior to the issuance of a Building Permit, the sum of \$7,291 being the Owner's contribution towards the future construction of a concrete sidewalk on the Russell Street frontage of the subject lands.

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

Sewer Extension – The owner(s) further agrees, prior to the issuance of a building permit, to extend the sanitary sewer from the sanitary main on Russell Street to service the subject lands.

1. Owner's Expense – The owner(s) shall construct a sanitary sewer on Chippawa Street at their entire expense. Any oversizing shall be based on cost-sharing satisfactory to the City Engineer. Payment of any oversizing will be based on its inclusion in a Capital budget, subject to City Council's approval in a future year and may be subject to a servicing agreement.

Offsite Improvements – The owner shall obtain, prior to the issuance of a building permit, an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense a sanitary sewer extension and municipal sidewalks, in accordance with the manner, location and design to be approved by the City Engineer. The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:

- a. A detailed cost estimate for the Offsite Improvements, supported by preliminary design drawings prepared by an Engineer licensed in the Province of Ontario
- b. Approval by the Manager of Risk Management of all necessary securities and insurance
- c. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

CITY OF WINDSOR – ENVIRONMENTAL SERVICES – ANNE-MARIE ALBIDONE

I am not opposed to the rezoning to allow for a Multiple Dwelling. However, I have concerns with their conceptual plan – in particular the location of the refuse bin will not allow for Front End Loader collection.

Secondly I noted in your Liaison report that the applicant is requesting a Townhome development as an alternative. I did not see a conceptual drawing for that, and would need to have input in terms of waste collection, but once again I am not opposed to the rezoning for that.

CITY OF WINDSOR – PLANNING DEPARTMENT - HERITAGE PLANNER – TRACY TANG

A copy of the final Archaeological Assessment Report and Ministry Entered into Register letter were received. Please provide us with the final GIS shape files of the study area for our city records.

Archaeological Assessment Report Entitled, "ORIGINAL 25 October 2021 Stage 1-2 Archaeological Property Assessment of 3401 Russell Street (Town Plot of Sandwich, Geographic Township of West Sandwich), City of Windsor, County of Essex (AMICK File #2021-488/MHSTCI File #P058-2059-2021)", Dated Oct 25, 2021, Filed with MHSTCI Toronto Office on Oct 28, 2021, MHSTCI Project Information Form Number P058-2059-2021, MHSTCI File Number 0014984, 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 Citizenship and Multiculturalism must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Citizenship and Multiculturalism and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Citizenship and Multiculturalism.

Contacts:

Windsor Police: 911

Windsor - Planning Department:

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

Windsor - Manager of Culture and Events (A): Michelle Staadegaard,

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

Ontario Ministry of Citizenship and Multiculturalism - Archaeology Programs Unit

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

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

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

CITY OF WINDSOR – PLANNING DEPARTMENT - SITE PLAN CONTROL

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

CITY OF WINDSOR – PLANNING DEPARTMENT - ZONING COORDINATOR – ZAID ZWAYYED

Below is the zoning review for the Zoning Bylaw Amendment application [ZNG/6974] to propose a multiple dwelling on 0 Russell Street:

- Current Zoning Designation: MD1.4
- Proposed Zoning Designation: RD3.3
- Existing Use [as per historical Building Permit(s) / Planning Act Application(s)]:
 - Vacant property
- Proposed Use:
 - Multiple Dwelling with 28 dwelling units over four storeys and a parking area.
- Section 5 – General Provisions
 - Flood Protection & Natural Hazards Provisions (5.40): The subject property is in the Detroit River Shoreline Floodprone Area. Thus consultation with Essex Region Conservation Authority (ERCA) is required per section 5.40.5.
- Zoning Provisions (12.3):
 - Minimum lot Frontage:
 - 45.0 m (Required)
 - 57.50 m (Provided)
 - Minimum Lot Area:
 - 2,010 m² (Required)
 - 3,636 m² (Provided)
 - Maximum Lot Coverage:
 - 35.0% (Required)
 - 31.62% (Provided)
 - Maximum Main Building Height:
 - 30.0 m (Required)
 - 8.83 m (Provided)
 - Minimum Landscaped Open Space Yard:
 - 35.0% (Required)
 - 39.0% (Provided)

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

- Maximum Dwelling Unit Density:
 - 81 Units (225 units per ha) (Required)
 - 28 Units (Provided)
- **Section 20(1)236 – Site Specific Provision**
 - **20(1)236 (b)(i): Building height in excess of two storeys shall be prohibited. The proposal shows a four storey building.**
 - **20(1)236 (b)(ii): parking shall be prohibited in a required front yard. The proposed parking is not located in the front yard (The front lot line is along Chippawa St). Moreover, the proposed zoning designation (RD3.3) does not have yard requirements. However, the parking location must be regulated (yard requirements may be proposed), especially if the applicant applies for CIP grants; having a refuse bin along Russell Street is not supported. The applicant may need to adjust the layout, relocate some of the spaces, or provide internal parking spaces.**
- Section 24 - Parking, Loading and Stacking Provisions
 - Required Number of Parking Spaces:
 - 35 (Required)
 - 35 (Provided)
 - **Required Number of Visitor Parking Spaces:**
 - **5 spaces (Required)**
 - **0 Spaces (Provided) - Designated visitor spaces must be shown**
 - Required Number of Type A Accessible Parking Spaces:
 - 1 space (Required)
 - 1 space (Provided)
 - Required Number of Type B Accessible Parking Spaces:
 - 1 space (Required)
 - 1 space (Provided)
 - **Access Aisles: An access aisle is required besides the Type 'A' accessible parking space shown on the proposal**
 - **Required Loading Spaces: One Loading Space is required per Section 24.40.1.5 and must be shown on the submission.**
- **Section 25 – Parking Area Provisions**
 - **Parking Area Separation from a building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area (25.5.20.1.6):**
 - **4.50 m (Required)**
 - **3.80 m (Provided) - Deficient**

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

CITY OF WINDSOR – TRANSIT WINDSOR - JASON SCOTT

Transit Windsor has no objections to this proposed 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 Sandwich at Chippawa Southwest Corner. This bus stop is approximately 100 metres away from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained and further enhanced with our City Council approved Transit Master Plan as 2 new routes will be introduced to this area providing expanded transit service.

CITY OF WINDSOR – TRANSPORTATION PLANNING – CLARE AMICARELLI

- Russell St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is not required.
- Chippawa St is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is sufficient; therefore, a conveyance is not required.
- Wilkinson Ln is classified as a Local Road with a required right-of-way of 20 meters per the Official Plan. The current right-of-way is not sufficient; therefore, a conveyance of 2.5 meters is required.
- Per the Official Plan, a sidewalk is required on at least one side of a Local Road. Engineering Right-of-Way to determine if a contribution or construction is required along the frontage of Russell St.
- Per the Official Plan, a sidewalk is required on at least one side of a Local Road. Engineering Right-of-Way to determine if a contribution or construction is required along the frontage of Chippawa St.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ENBRIDGE

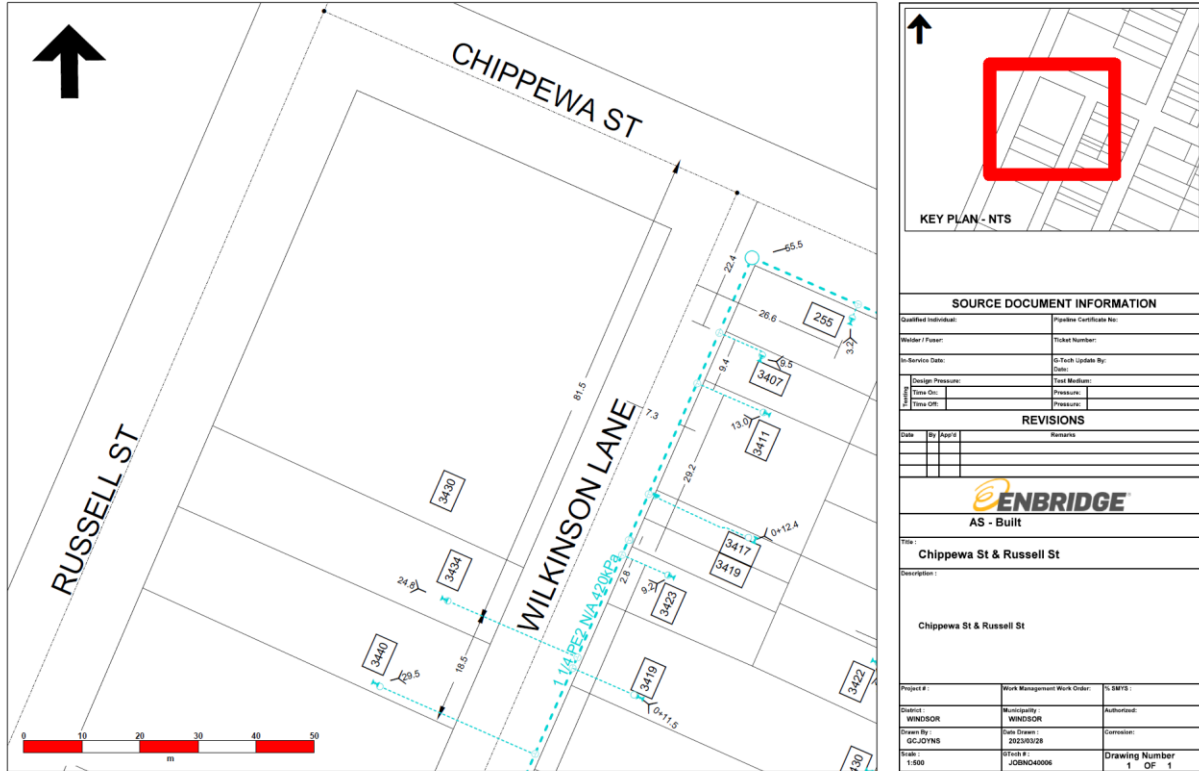
After reviewing the provided drawing at Chippewa St & Russell St. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

**OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION**



ENWIN

HYDRO ENGINEERING:

No Objection.

Please be advised of the overhead 16kV power lines on the Southern limit of Wikinson Ln and Chippawa St

Please be advised of the overhead 120/240V secondary distribution conductor present on the Western limit of the property and along the Southern Limit of Chippawa St

Prior to working in these areas, we suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction. Also, we suggest referring to the Ontario Building Code for required clearances for New Building Construction.

WATER ENGINEERING:

Water Engineering has no objections.

ERCA – KATHLEEN SCHNEKENBURGER

The City of Windsor has received an Application for Zoning By-Law Amendment and Official Plan Amendment for the subject property. The applicant is requesting amendments to allow the construction of a Multiple Dwelling with maximum building height of 15m containing 28 dwelling units over 4 storeys. A total of 4 bicycle parking spaces and 35 parking spaces including two accessible parking spaces are also proposed.

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

It is anticipated that a draft plan of condominium for the proposed multiple dwelling will be subject of a future application to the County of Essex.

The following is provided as a result of our review of Zoning By-Law Amendment Z-007-23 and Zoning By-Law Amendment ZNG-6974, Official Plan Amendment OPA-168, and Official Plan Amendment OPA-6975.

Delegated Responsibility to Represent the Provincial Interest In Natural Hazards (PPS) And Regulatory Responsibilities of the Conservation Authorities Act:

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

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

Stormwater Management

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that through the applicable Planning Act process (ie. Plan of Condominium) that stormwater quantity and quality be adequately controlled to avoid any adverse downstream impacts. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

If this property is subject to future Planning Act applications, we request to be included in the circulation. We reserve the right 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 or plan of condominium approval stage.

FINAL RECOMMENDATION

ERCA has no objection to the Application for Zoning By-Law Amendment Z-007-23 and Zoning By-Law Amendment ZNG-6974, Official Plan Amendment OPA-168, and Official Plan Amendment OPA-6975.

We reserve the right to comment further on natural hazard concerns until we have had an opportunity to review the specific details of the proposal through the plan of condominium approval process.

WINDSOR PORT AUTHORITY - PETER BARRY

The Windsor Port Authority has no comment in regards to the plan.

Reminder that there is a significant aggregate dock across the street. Measures are taken to address fugitive dust from the piles however in extreme wind events, the dust is know to become air borne and coat vehicles and homes along Wilkinson.

In review of this study, I see the industrial properties on the waterfront are called out for noise.

OPA 168 OPA/6975 Z-007/23 ZNG/6974
APPENDIX E – RESULTS OF CIRCULATION

The cement batching (CBM- St. Marys Cement has an approved ECA in place addressing its operations. The 2 layers of shipping containers are in place to address noise coming from the production area. Twice annually, the facility does a crushing operation near the road for one week at a time which does emit higher levels. It operates from 0800- 1700 hrs during those 2 weeks.

The Lafarge facility has also an ECA and dust mitigation plan approved by the MOECC as does St Mary's Cement

A tall berm was installed at Lafarge to address noise and fugitive dust. Trees were planted on the berm in 2019 to raise the level higher.

The truck route east ward ceases at South Street however trucks are permitted for direct access on Russell to the Southwest Sales Corp aggregate dock at the foot of Detroit Street.

Traffic volumes vary by season with summer volumes and construction projects like the Gordie Howe and EV battery driving it higher. In 2022 between August and December over 500,000 metric tonnes of aggregate moved along Russell Street to the EV Battery Plant site. Over 100 cement trucks went daily to the Gordie Howe site for the pier and road base. Lafarge on the highest day moved 940 trucks off the dock and Southwest Sales moved over 600 trucks on the route. During the ice season traffic is typically less than 100 trucks per day.

The Windsor Port Authority worked along with the MTO and City of Windsor to create Safety Zones around Brock Street school to slow the trucks following that route. It was successful. We worked on joint enforcement projects and driver education which slowed the trucks on the route. We still struggle with the parents that pick up their children from Brock Street school and park in the MIDDLE of the road and walk up to the school full blocking traffic. This creates a risk to the children and fluidity to the commercial movements. Training nights at the HMCS Hunter adds another 50-100 vehicles in the area of Mill Street.

Russell Street is remains a significant commercial route leading from the industrial docks. The road needs to handle the increase mixed use in the coming years and maintain access to the federal industrial docks.

This project coupled with PS 012/23 - 2821383 ONTARIO INC. (JONATHAN SEGUIN) - 75 MILL STREET, will significantly increase the mixed use traffic along Russell Street which is many sections is in very poor condition (behind Brock Street school; Hill and South Street. The drainage is open ditch direct to the Detroit River with no treatment which have catastrophic implications in the water shed should there be an increase in stormwater runoff of paved and other hard surfaces. The road conditions have been brought to the attention of the City several times over the past 5 years. The shoulders are too high for the roadbed causing standing water on the road. Widening of Russell Street and inclusion of active transportation separated from the roadway would be a safe option.

The increase of traffic requires the improvement of Russell Street from Brock Street to Chappell with consideration of closing off open ditch drainage from the significant asphalt parking areas at all projects. Waste water catchment in parking lots drained into established combined or storm sewer for treatment is critical to water quality in this area.

Maintaining the truck route on the full length of Russell Street and improvements in drainage, road bed and shoulder upgrades and parking plans (along Russell Street between Brock and Detroit and behind Brock Street school should be included in the planning and permitting process.

Item No. 8.1



Committee Matters: SCM 90/2023

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

Development & Heritage Standing Committee Meeting

Date: Monday, March 06, 2023

Time: 4:30 PM

Members Present:

Councillors

Ward 1 – Councillor Fred Francis

Ward 4 – Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Arbour

Member Fratangeli

Member Grenier

Member Miller

Member Pidgeon

Member Saka

Member Tape

Members Regrets

Member Polewski

Clerk's Note: Member Fratangeli 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:

Sandra Gebauer, Council Assistant

Jim Abbs, Planner III – Subdivisions

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ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Thom Hunt, City Planner / Executive Director of Planning & Development
Michael Cooke, Manager, Planning Policy
Rob Vani, Manager, Inspections /Deputy Chief Building Official
Patrick Winters, Manager, Corporate Projects
Ashley Porter, Clerk Steno Senior
Jeff Hagan, Transportation Planning, Senior Engineer
Clare Amicarelli, Transportation Planner I
Kristina Tang, Heritage Planner
Justina Nwaesei, Planner III – Subdivisions
Greg Atkinson, Planner III – Economic Development
Laura Strahl, Planner III – Special Projects
Edwin Chiu, Waterloo – Co-op Planning
Aaron Farough, Legal Counsel
Brian Nagata, Planner II – Development Review
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.2 Haider Habib, HD Development Group
Item 7.2 Steve Berrill, ADA Architect
Item 10.1 Allen Djordevic, Applicant / Area Resident
Item 10.1 Helen Martin, Area Resident

Delegations—participating in person

Item 7.3 Karl Tanner, Dillon Consulting Limited
Item 10.1 Frank Butler, Area Resident
Item 11.1 Wendy Victory, Victory Reproductive Care

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Development & Heritage Standing Committee
Monday, March 06, 2023

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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

None presented.

4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

8.1. Minutes of the Development and Heritage Standing Committee of its meeting held February 6, 2023

Moved by: Member William Tape

Seconded by: Councillor Kieran McKenzie

That the minutes of the Development & Heritage Standing Committee meeting held February 6, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 60/2023

10. HERITAGE ACT MATTERS

10.1. 436 Askin Avenue - Heritage Permit Request (Ward 2)

Allen Djordevic, applicant / area resident

Allen Djordevic, applicant / area resident appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and provides a brief history of the application process related to an addition request which was denied at the time. Mr. Djordevic indicates he is now applying for an additional dwelling unit building with extensive consultation with the Heritage Planner and meeting

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Development & Heritage Standing Committee Monday, March 06, 2023

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all current regulations. Mr. Djordevic provides some background as to his intentions with the unit as well as, some details related to the length of the anticipated construction are provided.

Frank Butler, area resident

Frank Butler, area resident appears before the Development and Heritage Standing Committee and expresses concern regarding the recommendation in the administrative report “463 Askin Avenue – Heritage Permit Request (Ward 2)” and requests deferral of the proposed application to allow for the Heritage Conservation District Heritage Study to be conducted in the Askin area. Mr. Butler indicates he didn’t receive notification related to the proposed application until Wednesday and wasn’t able to meet with surrounding neighbours to formulate a response. Mr. Butler provides information related to the street and the historical significance of the homes on that street including his own. Mr. Butler concludes by providing details related to several concerns since the increase of rental units in the area.

Helen Martin, area resident

Helen Martin, area resident appears via video conference before the Development and Heritage Standing Committee and expresses concern regarding the recommendation in the administrative report “463 Askin Avenue- Heritage Permit Request (Ward 2)” and inquires about a committee that was supposed to be created to address issues such as these as a result of a previous decision of Council related to a request for an addition at this site which was denied by Council at the time. Ms. Martin requests that this issue be deferred until such time as the committee and its function can be determined. Ms. Martin also refers to the University of Windsor Master Plan which is forthcoming and hopes that they will be consulted related to this as well. Ms. Martin cites concerns related to the existing infrastructure system and whether it can tolerate more units in the vicinity as well as the notification timelines related to this application.

Councillor Kieran McKenzie inquires as to the Heritage aspects of the report, and not making a decision about the zoning/planning the ADU complies and that the applicant intends to build the unit consistent with the heritage features and whether the delegates would be satisfied with the applicant’s assurances. Ms. Martin indicates that the licensing aspect is a concern for her as the program is relatively new. Mr. Butler indicates that the diagram doesn’t provide the information related to what type of heritage aspects will be in place and is concerned that allowing the project to go forward without a complete Heritage Study of the area would be concerning. Mr. Djordevic indicates that he is a landlord that will take care and renderings of the completed project were provided when applying and provides details of the plans and drawings.

Councillor Kieran McKenzie inquires about the status of the Heritage Conservation District report for the Askin area. Kristina Tang, Heritage Planner appears before the Development and Heritage Standing Committee regarding the administrative report “463 Askin Avenue – Heritage Permit Request (Ward 2)” and indicates that at the time of the previous application, Council provided direction related to funding and priority to the Walkerville Heritage Conservation District Study (HCD).

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Development & Heritage Standing Committee Monday, March 06, 2023

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Councillor Kieran McKenzie indicates that concerns remain related to the preservation of heritage features and whether it is the intention of administration to work closely with the proponent to ensure central heritage features would be consistent for the proposed project and how the process will move forward. Ms. Tang indicates that the proposal was evaluated, based on merit with Heritage content in mind and it does meet heritage standards, and administration is in agreement with the recommendations presented in the report.

Councillor Kieran McKenzie inquires as to the steps that administration undertakes from what is being proposed to what is implemented. Thom Hunt, City Planner, appears before the Development and Heritage Standing Committee regarding the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and indicates that the plans will be submitted to the Building Department and the parameters that are met reflect the request. Rob Vani, Manager of Inspections/Deputy Chief Building Official appears before the Development and Heritage Standing Committee regarding the administrative report "463 Askin Avenue – Heritage Permit Request (Ward 2)" and indicates when the permit application comes in they won't release it until the heritage permit comes in satisfactory to the planning department.

Councillor Angelo Marignani inquires as to the sewer capacity in the area and whether this development will have a negative impact on the area. Administration indicates that the addition of one unit will have a minimal effect.

Councillor Fred Francis inquires about the HCD plan for the area. Ms. Tang explains the status of the HCD for the Askin area including that the Walkerville HCD was approved and would be a priority with other studies forthcoming at the direction of Council.

Member Tape inquires about the layout of the proposed structure and the use of siding. Ms. Tang indicates that they met with the proponent and it was determined that the layout of the building is compatible to the heritage context, and is not overly visible due to the lot depth and set back from the street. Ms. Tang adds that administration finds it acceptable and the Heritage integrity of the property is in line with the proposal.

Moved by: Councillor Kieran McKenzie

Seconded by: Member Pidgeon

Decision Number: **DHSC 484**

- I. That the Heritage Permit at 436 Askin Avenue BE GRANTED for the erection of one detached additional dwelling unit per Appendix 'B' of this report; and,
- II. That the Heritage Permit approval BE SUBJECT to the following approval conditions prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Provision of satisfactory architectural drawings by qualified designers;
 - c. Determination that the work is satisfactory to meet Building code compliance; and

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Development & Heritage Standing Committee Monday, March 06, 2023

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- III. That the City Planner or designate BE DELEGATED the authority to approve any further proposed changes associated with the proposed scope of work for the erection of one rear detached additional dwelling unit.

Aye Votes: Councillor Kieran Mckenzie, and memebers Miller, Pidgeon, Saka, and Fratangeli.

Nay Votes: Councillors Fred Francis, Mark McKenzie, Angelo Marignani, Jim Morrison, and member Tape.

Abstain: None.

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

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 485**

That the report of the Heritage Planner dated February 16, 2023 entitled "436 Askin Avenue – Heritage Permit Request (Ward 2)" **BE REFERRED** back to Administration to provide further information related to analysis of adjacent properties impacted by the proposal; and that this information **BE FORWARDED** to a future meeting of the Development & Heritage Standing Committee Meeting.

Carried.

Councillor Kieran McKenzie and Member Charles Pidgeon voting nay.

Carried.

Report Number: S 25/2023

Clerk's File: MB/13966

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* matters) poriton is adjourned at 5:14 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:16 o'clock p.m.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the February 6, 2023 Development & Heritage Standing Committee (Planning Act Matters)

Moved by: Member Anthony Arbour

Seconded by: Councillor Mark McKenzie

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Development & Heritage Standing Committee Monday, March 06, 2023

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That the minutes of the Development & Heritage Standing Committee meeting held February 6, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 61/2023

6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

None presented.

7. PLANNING ACT MATTERS

7.1. Zoning By-law Amendment Application for property known as 478 Janette Avenue; Applicant: 1413600 Ontario Ltd.; File No. Z-029/22, ZNG/6847; Ward 3.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 481**

- I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of Janette Avenue, between Wyandotte Street West and Park Street West, described as Lot 68 and Pt Lot 67, Plan 274, [PIN 01195-0191 LT], by adding a site specific holding provision to permit "One Multiple Dwelling with a maximum of six dwelling units" as an additional permitted use, subject to additional regulations;

"467. EAST SIDE OF JANETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND PARK STREET WEST

For the lands comprising Lot 68 and Pt Lot 67, Plan 274, PIN 01195-0191 LT, "One *Multiple Dwelling* with a maximum of six *dwelling units*" shall be an additional permitted use and the following shall apply:

1. The provisions in Section 11.2.5.4, save and except for section 11.2.5.4.4
 2. Main Building Height - maximum 10.0 m
[ZDM 3; ZNG/6847]"
- II. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:
 - a) Official approval of the storm water management calculations;
 - b) Street Opening Permit; and
 - c) Alley Maintenance Contribution of \$5,750.00 paid to the Corporation of the City of Windsor.

Carried.

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Development & Heritage Standing Committee Monday, March 06, 2023

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Report Number: S 26/2023

Clerk's File: Z/14512

7.2. Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act, 4755, 4775 & 4785 Walker Road; Applicant: 5042667 Ontario Ltd.; File# CDM 002-22 [CDM-6829]; Ward 9

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 482**

That the application of 5042667 Ontario Ltd. for an exemption under Section 9(3) of *The Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 224 dwelling units and 7 commercial units within three (3) new Multiple Dwelling structures under construction or planned to be constructed, as shown on the attached MAP Nos. CDM-002/22-1, CDM-002/22-2, and CDM-002/22-3A,3B,3C, on parcels legally described as Pt Lot 13, Concession 6, PART 3 and Pt of PART 2 on Plan 12R-17667, and PARTS 6 to 9 on Plan 12R-24241, City of Windsor; located at 4755, 4775 and 4785 Walker Road, **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: C 25/2023

Clerk's File: Z/14505

7.3. Official Plan & Zoning Bylaw Amendments, Draft Plan of Subdivision Applications - Z 027-22 [ZNG-6832], OPA 163 [OPA-6833], SDN001/22 [SDN6834] - 1027458 Ontario Inc. - 0 Clover Avenue - NE Corner Florence & Beverly Glen - Ward 7

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 483**

- I That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Block 65, Plan 12M-581, City of Windsor from Open Space to Neighbourhood Residential;
- II That the City of Windsor Official Plan Volume II – East Riverside Secondary Plan Schedule ER-2 **BE AMENDED** by changing the land use designation of Blocks 63 and 64, Plan 12M-581, City of Windsor from School Site to Neighbourhood Residential;
- III That an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 65, Plan 12M-581 from Green District 1.1 (GD1.1) to Residential District (HRD) 2.3;

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- IV That a Hold provision **BE APPLIED** to Blocks 63-65, Plan 12M-581 and that it be removed when the conditions contained in Section 5.4 HOLDING ZONE PROVISIONS of City of Windsor Zoning By-law 8600 have been met;
- V That subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Block 63-65, Plan 12M-581 by adding site specific regulations as follow:
466. **NORTH EAST CORNER OF FLORENCE AVENUE AND BEVERLEY GLEN STREET**
For the lands described as Blocks 63-65, Plan 12M-581, the total area of the *required front yard* occupied by a hard surface for the purpose of a walkway, driveway, *access area*, *parking space*, or any combination thereof, exceeding 60% of the *required front yard* shall be prohibited, and,
Lot Coverage – Maximum 50%
(ZDM 14; ZNG/6832)
- VI That the application of 1027458 Ontario Inc. for Draft Plan of Subdivision approval of Blocks 63-65 (incl.), Plan 12M-581, City of Windsor; **BE APPROVED** on the following basis:
- A. That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN001/22-1, which will facilitate the construction of 117 townhome dwellings and 2 blocks for a greenway/utility corridor.
- B. That the Draft Plan Approval shall lapse on (5 years from the date of approval).
- C. That the Owner Shall submit for approval of the City Planner, a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.
- D. That the Owner undertakes to provide the following matters prior to the registration of the final Plan of Subdivision:
- a. The Owner will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
- b. The Owner will create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
1. 20m right of way for the new Streets “Thunderbay Avenue” and “Ivanhill Avenue”
 2. A right of way for the Court as shown on the Draft Plan of Subdivision west of Thunderbay Avenue, South of Block 28.
- c. The Owner shall agree to fully construct all future municipal right-of-ways, including, but not limited to: pavements, curbs and gutters, utilities and the necessary drainage facilities, according to City of Windsor standard specification for the following road designations:
1. Local Residential Roads: complete with 20 metre right-of-ways. Pavements to be twenty-eight (28) feet (8.6 metres) in width.
 2. Collector Roads:

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Class 2 Collector - Florence Ave is to be constructed as per the requirements of the Environmental Assessment.

- d. The Owner will provide the following corner cut-offs on the approved Final Plan of Subdivision:
- 4.6m x 4.6m – Intersection of Thunderbay Avenue and Beverly Glen Street;
 - Intersection of Ivanhill Avenue and Beverly Glen Street;
 - Intersection of Thunderbay Avenue and Ivanhill Avenue;
 - Intersection of Thunderbay Avenue and Clover Avenue;
 - Intersection of Beverly Glen Street and Clover Avenue;
 - Intersection of Jerome St and Florence Avenue;
 - Intersection of Beverly Glen Street and Florence Avenue,
- to the satisfaction of the City Planner and the City Engineer.
- e. The Owner will comply with all the following requirements relating to sidewalks:
- Sidewalks will be constructed:
 - On the East Side of Thunderbay Avenue and Ivanhill Avenue;
 - On the South side of Thunderbay Avenue;
 - On Florence Avenue as per the Environmental Assessment,
 - All to the satisfaction of the City Engineer and the City Planner.
- f. The Owner shall agree to retain a Consulting Engineer at its own expense 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.
- g. The Owner shall agree to:
1. Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
 2. Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
 3. Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
- h. The Owner shall agree to be responsible for the costs associated with the relocation of the sanitary sewer which presently extends south of Elinor Street and through Block 64, Plan 12M-581. All work to be done to the satisfaction of the City Engineer.
- i. The Owner shall agree to convey any easement(s) as deemed necessary by Bell Canada to service this new development. The Owner further agrees and acknowledges to convey such easements at no cost to Bell Canada.

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- j. The Owner shall agree that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within the subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost.
- k. The Owner shall agree to convey gratuitously to the Corporation Blocks 27 and 28 on the draft Plan of Subdivision (SDN 001/22-1) for the purposes of municipal infrastructure (existing sanitary sewer) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.
- l. The Owner shall agree that a Stage 1 Archaeological Assessment and any further recommended assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner and the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries, prior to the issuance of a construction permits.
- m. The Owner shall agree that a final copy of the archaeological reports will be submitted to the City of Windsor.
- n. The Owner shall agree to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.

NOTES TO DRAFT APPROVAL (File: SDN-001/22)

1. The applicant is directed to Section 51(39) of *The Planning Act 1990* regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the *Certification of Titles Act*.
4. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of *The Planning Act 1990*.
5. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

VII That the City Clerk and Licence Commissioner **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,

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- VIII That prior to the final approval of the plan of subdivision by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IX That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor; and,
- X That the proponent **BE REQUESTED** to consider the feasibility of a North/South option off of Thunderbay Avenue.

Report Number: S 24/2023
Clerk's File: Z/14458

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 5:47 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:48 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

11. ADMINISTRATIVE ITEMS

11.1. Closure of part of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835

Wendy Victory, Victory Reproductive Care

Wendy Victory, Victory Reproductive Care, appears before the Development and Heritage Standing Committee regarding the administrative report "Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9" and provides details as to their location and expresses concern that the road was closed in August and the meeting is taking place today. Ms. Victory also adds that there is only one access route out of the business park and provides details related to their business, and her concern with the loss of the bus stop for their area. Ms. Victory concludes by expressing concern with the landscape of the area when the battery plant takes shape and requests that Council consider erecting new signage at Lauzon and Twin Oaks for the business park.

Councillor Kieran McKenzie inquires about the signage and whether it's a City owned sign. Patrick Winters, Manager Corporate Projects, appears before the Development and Heritage Standing

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Committee regarding the administrative report “Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9” and indicates they will investigate ownership of the sign.

Councillor Kieran McKenzie inquires as to the traffic impacts on Lauzon Pkwy and moving forward what is being undertaken to ensure sufficient capacity exists at the intersection. Jeff Hagan, Transportation Planning Senior Engineer, appears before the Development and Heritage Standing Committee regarding the administrative report “Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9” and indicates a traffic impact study was prepared for the NextStar battery plant and it was determined that it is not over capacity.

Councillor Kieran McKenzie inquires as to whether any upgrades are being contemplated related to capacity issues to the public access part of Twin Oaks on the west side. Mr. Hagan indicates that it is low traffic now during the development, trucks only with no peaks, no rush hour, no major changes, and there will be the eventual widening of Lauzon Parkway in the future.

Councillor Kieran McKenzie inquires about the need to close the road, and whether there is an opportunity for Lauzon to be extended over the rail line to connect to the service road off of Lauzon Parkway to create another entry way to the Twin oaks business park. Mr. Hagan indicates that that is not currently part of the study. Mr. Winters adds that the information related to the new rail line is included in the administrative report but not currently recommended.

Councillor Angelo Marignani inquires whether in the future if there are plans to create a shared pathway or trail in the area. Brian Nagata, Planner II Development Review, appears before the Development and Heritage Standing Committee regarding the administrative report “Closure of part of E.C. Row Avenue East right-of-way, west of Banwell Road, Ward 9” and indicates that a proposed multi-use pathway was outlined in the report, with lands specifically set aside for the trail.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 486**

- I. That the portion of E. C. Row Avenue East right-of-way shown on Drawing No. CC-1819 (*attached* hereto as Appendix “A”) and described as Parts 12, 13, 15 & 26 on the Draft Reference Plan (*attached* hereto as Appendix “B”), and hereinafter referred to as the “Subject Lands”, **BE ASSUMED** for subsequent closure;
- II. That the Subject Lands **BE CLOSED AND RETAINED** by The Corporation of the City of Windsor and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements over Part 15 on the Draft Reference Plan being granted to the following parties, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice:
 - i. Bell Canada to protect aerial and buried facilities running parallel to the north of the existing two-lane asphalt road.

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- ii. EnWin Utilities Ltd. to accommodate existing hydro pole line with 27,600-volt primary electrical power circuit.
- III. That prior to the closure of the Subject Lands, the Site Plan Agreement for Site Plan Control File No. SPC-2022-11, **BE AMENDED** to add a Special Provision requiring NextStar Energy Inc. to enter into an Access Agreement with Emergency Services (Essex-Windsor EMS, Windsor Fire & Rescue Services and Windsor Police Service), permitting Emergency Services the right to access the Twin Oaks Business Park through the NextStar Energy EV Battery Plant site in the event that the other area roads are impassable.
- IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1819 and the Draft Reference Plan.
- V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- VII. That the following City of Windsor vacant parcel **BE DECLARED** surplus: Municipal address: 3501 Banwell Road (vacant land situated on the south side of E. C. Row Avenue East, east of 9455 Anchor Drive) Legal Description: Part 3 on the Draft Reference Plan Approximate Lot size: 29.46 metres by 7.37 metres by 29.66 metres by 7.39 metres Lot area: 218.0 square metres.
- VIII. That the City Solicitor **BE AUTHORIZED** to prepare a by-law to dedicate Part 3 on the Draft Reference Plan as part of the public highway known as E. C. Row Avenue East to facilitate the construction of a cul-de-sac.

Carried.

Report Number: C 155/2022
Clerk's File: SAA2023

11.2. Downtown Windsor Enhancement Strategy and Community Improvement Plan Grant Applications made by Micheal de Rita for 2734844 Ontario Ltd. for 261-267 Pelissier Street, Ward 3

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

Decision Number: **DHSC 487**

- I. That the request made by 2734844 Ontario Ltd. (Owner) for the proposed development at 261-267 Pelissier Street to participate in:
 - a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;

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- b. the Upper Storey Residential Conversion Grant Program **BE APPROVED** for \$50,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. That Administration **BE DIRECTED** to prepare the agreements between the City and 2734844 Ontario Ltd. (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 261-267 Pelissier Street in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program at 261-267 Pelissier Street 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 Upper Storey Residential Conversion Grant Program for 261-267 Pelissier Street **BE PAID** to 2734844 Ontario Ltd. upon completion of the new residential unit as described in Report S16/2023 within two (2) years of Council approval subject to the satisfaction of the City Planner and Chief Building Official.
- V. That 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 work is completed.
- VI. That should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the Building/Property Improvement Tax Increment Grant Program and 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 16/2023
Clerk's File: Z/12916

11.3. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Edna (Windsor) Inc., Walkerville Commercial Centre Inc., and Walkerville Walker Developments Inc for 0 Edna Street, 0 St. Luke Road, and part of 890 Walker Road (Ward 5)

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

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Decision Number: **DHSC 488**

- I. That the request made by 1026738 Ontario Limited, Walkerville Commercial Centre Inc., and Walkerville Walker Developments Inc. 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 Edna Street, 0 St. Luke Road, and part of 890 Walker Road for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. That, Administration **BE DIRECTED** to prepare an agreement between 1026738 Ontario Limited, Walkerville Commercial Centre Inc., Walkerville Walker Developments Inc., 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.

Carried.

Report Number: S 5/2023

Clerk's File: Z/14535

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

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14. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 6:03 o'clock p.m.

Carried.

Ward 10 - Councillor Jim Morrisson
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Item No. 8.2



Committee Matters: SCM 127/2023

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held April 5, 2023

Development & Heritage Standing Committee Minutes

Date: Wednesday, April 05, 2023

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

Members Present:

Councillors

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 – Councillor Kieran McKenzie

Ward 10 – Councillor Jim Morrison (Chairperson)

Councillor Regrets

Ward 1 – Councillor Fred Francis

Members

Member Anthony Arbour

Member Daniel Grenier

Member Robert Polewski

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

Pablo Golob, Planner II – Development Review

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Brian Nagata, Planner II – Development Review

Adam Szymczak, Planner III – Zoning

Jeff Hagan, Transportation Planning Senior Engineer

Shannon Mills, Technologist III

Clare Amicarelli, Transportation Planning Coordinator

Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

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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

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the March 6, 2023 Development & Heritage Standing Committee Minutes (Planning Act Matters)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held March 6, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 101/2023

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6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS

7.1. Zoning By-law Amendment Application for property known municipally as 3565 Forest Glade Drive, Z-045/22 [ZNG-6943], Ward 8

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

Decision Number: **DHSC 489**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the northwest corner of Forest Glade Drive and Meadowbrook Lane, known municipally as 3565 Forest Glade Drive (legally described as Part of Lots 125 & 126, Concession 2; Parts 15 to 28, Reference Plan 12R-22621), and shown on Figure 2 herein, by deleting and replacing site specific provision Section 20(1)67 with the following:

67. NORTH SIDE OF FOREST GLADE DRIVE, BETWEEN LAUZON PARKWAY AND MEADOWBROOK LANE

(1) For the lands comprising of Part of Lots 125 & 126, Concession 2, Parts 1 to 12, 30 & 31, Reference Plan 12R-22621, known municipally as 3575 Forest Glade Drive (PIN No. 01381-0106 & Roll No. 070-740-00110) and 3585 Forest Glade Drive (PIN No. 01381-0104 & Roll No. 070-740-00120), a *Motor Vehicle Dealership* shall be an additional permitted use.

(2) For the lands comprising of Part of Lots 125 & 126, Concession 2; Parts 15 to 28, Reference Plan 12R-22621, known municipally as 3565 Forest Glade Drive (PIN No. 01381-0103 & Roll No. 070-740-00100), a *Multiple Dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Coverage - maximum 35.0% of lot area
- b) Main Building Height - minimum 4 storeys
- c) Main Building Height - maximum 30.0 m
- d) Accessory Building Height - maximum 5.50 m
- e) Building Setback from 0.30 m reserve abutting Forest Glade Drive 6.0 m
- f) Building Setback - minimum
 - i. From north interior lot line abutting 3181 Meadowbrook Lane (P.I.N. No. 01381-0094) 70.0 m
 - ii. From east interior lot line abutting 0 Forest Glade Drive (P.I.N. No. 01381-0051) 3.0 m
 - iii. From west interior lot line abutting 3575 Forest Glade Drive 13.0 m
- g) Landscaped Open Space Yard - minimum 25.0% of lot area
- h) Notwithstanding Section 24.40.1.5: Table 24.40.1.5, the required number of Loading Spaces for a Multiple Dwelling with a Gross Floor Area Over 15,000 m² to 22,500 m² shall be two (2).

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- i) Notwithstanding Section .3 of Section 25.5.20.1: Table 25.5.20.1 - Parking Area Separation, the minimum separation from the north interior lot line abutting 3181 Meadowbrook Lane shall be a minimum of 3.00 metres.
 - j) A minimum *Parking Area Separation* of 3.00 metres shall be provided between *Parking Space* rows, save and except a *Parking Space* row that is accessed from 3575 Forest Glade Drive.
 - k) A *Parking Area*, *Parking Space* and *Loading Space* shall be prohibited from being located between a *Main Building* wall and Forest Glade Drive and a *Main Building* wall and the Meadowbrook Lane.
(ZDM 15; ZNG/6943)
- II. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:
- a. Noise Study completed in accordance with the applicable policies set forth under sections 5.4.5 and 10.2.11 of the Official Plan to evaluate the potential impacts of noise associated with Forest Glade Drive, Lauzon Parkway and the Ford Motor Co. Windsor Engine Plant on the proposed Multiple Dwelling and recommend abatement measures where warranted to ensure that the indoor sound level limits set forth under the Ministry of the Environment, Conservation and Parks' *Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)* document are met.
 - b. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendment to the Zoning By-law 8600 to reflect the site plan for which approval is being sought.
- III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
- a. Centralized mail facility for Canada Post.
 - b. Mitigation measures identified in the aforesaid Noise Study (if applicable), subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.
 - c. Servicing and right-of-way requirements of the City of Windsor - Engineering Department - Right-of-Way Division contained in Appendix F of this report and measures identified in the Sanitary Servicing Memo prepared by Dillon Consulting and dated November 11, 2022, subject to the approval of the City Engineer and the Essex Region Conservation Authority.

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- d. Transportation requirements of the City of Windsor Transportation Planning Division contained in Appendix F of this report and measures identified in the Transportation Impact Study prepared by Dillon Consulting Limited and dated December 16, 2022, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer.
- e. Urban Design requirements based on comments from the Landscape Architect contained in Appendix F of this report.

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

- a. Comments from the Asset Planning Department contained in Appendix F of this report.
- b. Comments from the Essex Region Conservation Authority contained in Appendix F of this report.
- c. Environmental Evaluation Report based on comments from the Landscape Architect contained in Appendix F of this report.

Carried.

Report Number: S 29/2023
Clerk's File: Z/14530

7.2. Zoning By-Law Amendment – 1000023127 Ontario Inc. – 1985 Westcott Road & 3740-3790 Tecumseh Road East - Z 035/22 [ZNG-6871] - Ward 5

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 490**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 426 & E Pt Lot 425, Registered Plan 1071; Pt Lots 365 to 367, Registered Plan 961 (known municipally as 1985 Westcott Road & 3740-3790 Tecumseh Road East; Roll No. 010-370-15900-0000), by adding a site specific provision to Section 20(1) as follows:

4XX. NORTHWEST CORNER OF TECUMSEH RD. E. AND WESTCOTT ROAD

For the lands comprising of Lot 426 & E Pt Lot 425, Registered Plan 1071; Pt Lots 365 to 367, Registered Plan 961, a *Multiple-Dwelling* with a maximum of 24 *dwelling units* shall be permitted in addition to the following site specific provisions:

- a) Parking Area Separation from a building wall

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containing a habitable room window	Minimum – 1.53 m
b) Parking Area Separation from an Alley	Minimum – 0.0 m
c) Parking Aisle Width	Minimum – 5.50 m
d) Required Number of Parking Spaces	Minimum – 8
e) Required Number of Visitor Parking Spaces	Minimum – 0

[ZDM11; ZNG/6871]

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

- a) To incorporate the Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division in Appendix D to Report S 34/2023 into an approved site plan and executed and registered site plan agreement.
- b) To review and consider the comments from municipal departments and external agencies in Appendix D to Report S 34/2023.

Carried.

Report Number: S 34/2023
Clerk's File: Z/14488

7.3. OPA & Rezoning – University Residential Land Corp. – 0 Huron Church - OPA 157 OPA/6737 Z-014/21 ZNG/6736 – Ward 2

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 491**

1. THAT Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Pt Lot 63 & 64, Concession 1, being Parts 1 & 2, Plan 12R-14334, known municipally as 0 Huron Church Road (Roll No. 050-370-15400), situated on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West.
2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
 - 1.X East side of Huron Church Road, situated immediately northeast of the corner of Huron Church Road and Tecumseh Road West (0 Huron Church Road);
 - 1.X.1 The property described as Pt Lot 63 & 64, Concession 1, being Parts 1 & 2, Plan 12R-14334, known municipally as 0 Huron Church Road (Roll No. 050-370-15400), situated

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- on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West, is designated on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;
- 1.X.2 Notwithstanding the “Mixed Use Node” designation of the subject land on Schedule D: Land Use in Volume I: The Primary Plan, residential uses in excess of four stories in height shall be permitted;
- 1.X.3 Notwithstanding Section 7.2.6.4(b)(iv) in Volume I – The Primary Plan, two direct right-in / right-out vehicular access points to Huron Church Road shall be permitted.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334, known municipally as 0 Huron Church Road (Roll No. 050-370-15400), situated on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West, by adding site specific exceptions to Section 20(1) as follows:

4XX. EAST SIDE OF HURON CHURCH ROAD, SITUATED IMMEDIATELY NORTHEAST OF THE CORNER OF HURON CHURCH ROAD AND TECUMSEH ROAD WEST

For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334, known municipally as 0 Huron Church Road:

- a) A *Combined Use Building* and *Multiple Dwelling* shall be additional permitted uses.
- b) Notwithstanding Section 24.20.5.1, for a *Combined Use Building – Dwelling Units*, or *Multiple Dwelling containing a minimum of 5 Dwelling Units*, a *Parking Rate* of 1.15 parking space for each *dwelling unit* shall be permitted.
- c) Notwithstanding Section 24.40.1.3, for a *Combined Use Building* with 9 or more *dwelling units*, the total number of required *loading spaces* shall be 2
- d) Notwithstanding Section 24.40.1.5, for a *Multiple Dwelling* with 9 or more *dwelling units*, the total number of required *loading spaces* shall be 2

4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334, known municipally as 0 Huron Church Road, identified as Parcel “A”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 46.0 m

4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel “B”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 37.0 m

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4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel “C”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 34.0 m

4XX. For the lands comprising of Pt Lot 63 & 64, Concession 1, being Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel “D”, as shown on Schedule “A” of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:

- a) Building Height – maximum - 28.0 m

[ZDM 4; ZNG/6736]

4. THAT, at the discretion of the City Planner, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:

- a) Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought;
- b) Detailed tree survey to the satisfaction of the City Forester;
- c) Detailed Landscape Plan to the satisfaction of the Landscape Architect;
- d) Archaeological Assessment – Entered Into Register verification letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, to the satisfaction of the Heritage Planner.

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

- a) To incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
 - 1) Noise mitigation measures identified in Section 5 of the Acoustical Report, prepared by Baird AE and dated February 24, 2023, subject to the approval of the City Planner;
 - 2) Measures identified in the Stormwater Management and Sanitary Sewer Study prepared by Baird AE and dated March 29, 2022, subject to the approval of the City Planner and City Engineer;
 - 3) Transportation Impact Study requirements of the City of Windsor Transportation Planning Division, contained in Appendix E of this report, and measures identified in Section 6 of the Traffic Impact Study prepared by Baird AE and dated February 24, 2023, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer;

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4) Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix F of this report, including an easement for access across the abutting lands to the south, subject to the approval of the City Engineer

b) To review and consider the comments from municipal departments and external agencies in Appendix E to Report S 35/2023.

6. THAT Zoning By-law 8600 **BE AMENDED** by placing an “H” holding symbol on the subject parcel that shall be removed when the following conditions have been satisfied:

- a) The owner submits an application to remove the “H” holding symbol;
- b) The owner registers an access agreement on title of the subject lands and the commercial plaza property for the provision of access easements across the abutting commercial plaza to the south for the benefit of the subject lands, to the satisfaction of the City Planner. [ZDM 4; ZNG/6736]

Carried.

Report Number: S 35/2023

Clerk’s File: Z/10891

7.4. Rezoning – Lusi Lorini - 921 Ellrose Avenue - Z-038/22 ZNG/6900 - Ward 5

Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 492**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 64, Registered Plan 531 (known municipally as 921 Ellrose Avenue; Roll No. 010-030-02400), situated on the west side of Ellrose Avenue, south of Ontario Street, changing the zoning by adding a site specific exception to Section 20(1) as follows:

458. WEST SIDE OF ELLROSE AVENUE, SOUTH OF ONTARIO STREET

For the lands comprising of Lot 64, Registered Plan 531, one *duplex dwelling* shall be an additional permitted use and a *duplex dwelling* or a *single unit dwelling* shall be subject to the appropriate provisions in Section 10.2.5 and the following additional provisions:

- a) Lot Width – minimum 9.0 m
 - b) Lot Area – minimum 270.0 m²
 - c) Parking Spaces – minimum 1
- [ZDM 10; ZNG/6900]

Carried.

Report Number: S 140/2022

Clerk’s File: Z/14507

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7.5. Rezoning – JBM Capital Inc – 2601 Lauzon Parkway - Z-011/23 ZNG/6993 - Ward 8

Moved by: Councillor Angelo Marignani

Seconded by: Member Robert Polewski

Decision Number: **DHSC 493**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Farm Lot 124, Concession 2, designated as Part Block A, Registered Plan 1644, Parts 5 & 6 Plan 12R-10031 and Parts 3 to 5, Plan 12R-27242 (part of municipal address 2601 Lauzon Parkway; Roll No. 070-670-56925), situated on the east side of Enterprise Way, north of Hawthorne Drive, changing the zoning by deleting and replacing Section 20(1)448 as follows:

448. EAST SIDE OF ENTERPRISE WAY, NORTH OF HAWTHORNE DRIVE

For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 3 and Part 4 on Reference Plan 12R27242, the following additional provisions shall apply:

1. For a *multiple dwelling*, Section 20(1)97(i) shall not apply to a *multiple dwelling*; and the minimum front yard depth shall be 6.0 m.
2. A *townhome dwelling* shall be an additional permitted use and the following additional provisions shall apply to a *townhome dwelling*:
 - a) Sections 12.2.5.8, 12.2.5.13, and 20(1)97 shall not apply
 - b) Lot Frontage – minimum 20.0 m
 - c) Lot Area – per dwelling unit – minimum 200.0 m²
 - d) Lot Coverage – maximum 45.0%
 - e) Main Building Height – maximum 18.0 m
 - f) Building Setback from any *lot line* - minimum 6.0 m

[ZDM 15; ZNG/6660; ZNG/6993]

2. THAT a Transportation Impact Statement and Servicing Study **BE SUBMITTED** by the applicant, along with any other required support studies, at Site Plan Control; and,

3. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, if required, in the site plan approval and site plan agreement for the proposed development:

- a) Easement requests from Utility Companies, as noted in Appendix D to report S 77/2022;
- b) Enbridge Gas minimum separation requirements, as noted in Appendix D to report S 77/2022;
- c) Reciprocal Access and Services Agreement;
- d) Parkland Conveyance; and
- e) Record of Site Condition.

Carried.

Report Number: S 36/2023

Clerk's File: Z/14545

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There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 5:47 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:48 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

None presented.

11. ADMINISTRATIVE ITEMS

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

James Maxwell, Ward 1 resident

James Maxwell, Ward 1 resident appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765" and provides a brief overview of the property and provides photos of the flooding issues at the side of his house which also goes into his backyard. Mr. Maxwell would like to purchase the property to fix the grade, and has had many issues related to the flooding on this property and urges the committee to make a decision soon to avoid future flooding issues.

Councillor Angelo Marignani asks Mr. Maxwell what he would do to improve the situation. Mr. Maxwell indicates that he would purchase the area in question and would raise the grade slightly to push the water back towards the ditch. Mr. Maxwell adds that all the upgrades would be at his expense.

Councillor Kieran McKenzie states that if the land can't be conveyed in a timely, efficient manner, what are Mr. Maxwell's expectations, and what are some possible options. Mr. Maxwell indicates that the ERCA protected land is behind the house as far as he is aware.

Councillor Kieran McKenzie indicates that even if the City conveys the land, there is no way to ensure that ERCA would allow the modifications. Mr. Maxwell indicates that currently there is no way to drain it. There was at one time off of Wentworth a ditch that went towards Malden, and he believes it was plugged from the Malden side. Mr. Maxwell indicates that the cost of looking at re-

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installing a ditch maybe not be a viable option and a slight raise of the grade would be the only solution.

Councillor Kieran McKenzie inquires as to whether other neighbours are having the same issues. Mr. Maxwell indicates he gets everyone's water and there may be one other neighbour who may have issues relating to flooding.

Councillor Kieran McKenzie inquires as to a response from administration as to the proposed solution suggested by Mr. Maxwell. Brian Nagata, Planner II Development Review, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of part of east/west alley located east of Perth Street, Ward 1" and indicates that any work in the right of way would require ERCA approval, perhaps species at risk clearance also. Shannon Mills, Technologist III, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure of part of east/west alley located east of Perth Street, Ward 1" and indicates if the property is purchased it's no longer the right of way.

Councillor Kieran McKenzie inquires if the land is conveyed will ERCA or the Ministry going to deny Mr. Maxwell's application, and is there anything the City can do to alleviate the flooding issues. Ms. Mills indicates that the area behind the home is the regulated area. The area between the houses is part of the ditch. If this portion leads into the regulated lands, ERCA may prevent the changes in grading although Administration can't determine that, ERCA would make that decision.

Councillor Kieran McKenzie inquires whether Mr. Maxwell has spoken to ERCA. Mr. Maxwell indicates that he hasn't, as the land that is the issue is grass on the side of the house. Mr. Maxwell also expresses concern regard the price to purchase the parcel and asks the committee to consider reassessing that amount. The Chair suggests deferral of this matter to allow for administration to meet with the delegate and other departments to determine whether a solution can be found.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

That the report of the Planner II – Development Review dated March 3, 2023, entitled "Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765" **BE REFERRED** back to Administration to consult with the resident and other departments with options for addressing the flooding issues within the Perth Street right-of-way; and,

That this information **BE BROUGHT FORWARD** to a future meeting of the Development & Heritage Standing Committee.

Carried.

Report Number: S 28/2023

Clerk's File: SAA2023

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12. COMMITTEE MATTERS

12.3. Report No. 50 of the International Relations Committee - International Mother Language Plaza (Martyr's Monument)

Mohammed Baki, President, Bangladesh Canada

Mohammed Baki, President, Bangladesh Canada appears before the Development & Heritage Standing Committee regarding Report No. 50 of the International Relations Committee – International Mother Language Plaza (Martyr's Monument) and provides a brief overview of the proposed plaza project which will promote cultural diversity in the community and provides details related to the organization, structure and design of the proposed plaza and that their group is raising funds of at least \$130,000, to complete the construction. Mr. Baki concludes by providing details of other contributors; providing information related to other similar projects that were completed in other areas and urges the Committee to approve granting the funds to complete the project.

Saiful Bhuiyan, International Relations Committee member

Saiful Bhuiyan, International Relations Committee member appears before the Development & Heritage Standing Committee regarding Report No. 50 of the International Relations Committee – International Mother Language Plaza (Martyr's Monument) and requests funding for the proposed plaza project, provides details related to the project and provides information from the meeting of the International Relations Committee when this item was discussed and when it was determined to be outside of the committee's mandate and was forwarded to the Standing Committee and finally to Council for decision related to funding. Mr. Bhuiyan concludes by providing some historic information related to the project and requests the funding be approved to complete this plaza project to promote the diversity of the community.

The Chair clarifies that Mr. Bhuiyan is speaking as a resident and not on behalf of the International Relations Committee.

Councillor Kieran McKenzie inquires as to the financial commitment that Mr. Baki is requesting and whether that amount may potentially increase due to inflation or other pressures. Mr. Baki indicates that the cost estimate is recent, the builder has provided the most current estimate, and provides information related to cost estimates of surrounding projects that had similar costs.

Councillor Kieran McKenzie, inquires about the location and whether a final location for the plaza has been determined. Mr. Baki indicates that Jackson Park may be a potential location.

Councillor Kieran McKenzie inquires whether the report should be forwarded to the Community Services Committee to discuss. Administration indicates that the Community Services Committee has already discussed this issue.

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The Deputy Clerk provides information related to the recommendation and that the committee report would be forwarded as requested to Council for a decision related to funding.

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

Decision Number: **DHSC 496**

That Report No. 50 of the International Relations Committee – International Mother Language Plaza (Martyr’s Monument) indicating:

That the request for funding for the International Mother Language Plaza (Martyr’s Monument) BE REFERRED to City Council for their review and consideration for funding as this matter is not germane to the International Relations Committee.

BE APPROVED.

Carried.

Report Number: SCM 98/2023
Clerk’s File: MB2023

12.1. Minutes of the International Relations Committee of its meeting held March 8, 2023

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

Decision Number: **DHSC 494**

That the minutes of the International Relations Committee of its meeting held March 8, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 94/2023
Clerk’s File: MB2023

12.2. Report No. 49 of the International Relations Committee - IRC Delegation going to Mannheim, Germany - Garden of Twin Cities

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

Decision Number: **DHSC 495**

That Report No. 49 of the International Relations Committee – IRC Delegation going to Mannheim, Germany – Garden of Twin Cities indicating:

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That the invitation extended by Mannheim, Germany for the Chair, the Manager of Horticulture and one representative from the International Relations Committee to attend the Ceremonial Opening of the Garden of Twin Cities and the International Conference of Twin Cities in Mannheim from May 4-7, 2023 at an upset limit of \$10,000 from the IRC operating budget **BE APPROVED**, and further, that interested members of the IRC enter their names into a draw which will be held virtually.

BE APPROVED.

Carried.

Report Number: SCM 97/2023

Clerk's File: MB2023

12.4. International Relations Committee 2022 Annual Report

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 497**

That the International Relations Committee 2022 Annual Report **BE APPROVED.**

Carried.

Report Number: SCM 77/2023

Clerk's File: MB2023

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 6:39 o'clock p.m.

Carried.

Ward 10 - Councillor Jim Morrisson
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Item No. 8.3



Committee Matters: SCM 136/2023

Subject: May 1, 2023 Development & Heritage Standing Committee minutes

Development & Heritage Standing Committee Minutes

Date: Monday, May 1, 2023

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

Members Present:

Councillors

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 – Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member Charles Pidgeon

Member Robert Polewski

Member William Tape

Member Regrets

Member John Miller

Member Khassan Saka

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development & Innovation

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

Thom Hunt, City Planner

Neil Robertson, Manager Urban Design / Deputy City Planner

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Jim Abbs, Senior Planner - Subdivisions
Kevin Alexander, Planner III – Special Projects
Laura Strahl, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development
Kristina Tang, Heritage Planner
Brian Nagata, Planner II – Development Review
Rob Perissinotti, Development Engineer
Clare Amicarelli, Transportation Planning Coordinator
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations – participating via video conference

Item 7.1 – Jack Ramieri, Solicitor for the applicant
Item 7.1 – Randy Saccucci, applicant
Item 7.2 – John Atwan, applicant
Item 7.3 – John Atwan, applicant
Item 11.3 – Sital Singh Garha, applicant

Delegations – participating in person

Item 7.5 – Jackie Lassaline, Principal Planner
Item 7.5 – Stan Mancebo, applicant
Item 7.5 – Stuart Miller, Architect
Item 7.6 – Jackie Lassaline, Principal Planner
Item 10.1 – Ryan Solcz, Solicitor for the applicant
Item 10.1 – Allan Djordjevic, applicant
Item 11.1 – Hayyan Al Hemsy, Ward 4 resident
Item 11.2 – AJ Alrifai, representing the owner

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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

10.1. 436 Askin Avenue - Heritage Permit Request (Ward 2)

Helen Martin, Ward 2 resident has requested a deferral of this matter to a future meeting of the Development & Heritage Standing Committee to allow for her and her neighbours to be in attendance.

Ryan Solcz, solicitor for applicant

Ryan Solcz, solicitor for the applicant appears before the Development & Heritage Standing Committee Meeting regarding the request for deferral of the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and provides comments related to the deferral request and his opposition to the request. Mr. Solcz indicates that his client would withdraw the waiver of the 90 day requirement to hear the application under the *Heritage Act* if the matter is deferred today.

10. HERITAGE ACT MATTERS

10.1. 436 Askin Avenue - Heritage Permit Request (Ward 2)

Ryan Solcz, solicitor for the applicant appears before the Development & Heritage Standing Committee Meeting regarding the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and provides information related to the *Heritage Act* legislation, and the administrative report. Mr. Solcz refers to the extensive information and pictures he has provided to the committee. Mr. Solcz indicates that the drawings have been revised and provided as part of his written submission and highlight the decision by his client to replace the aluminum siding with brick on the outside of the proposed structure. Mr. Solcz indicates there is no change to the front of the house, this change is in the back of the property. Mr. Solcz refers to other areas in the City where this type of application has been approved and constructed.

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Councillor Kieran McKenzie inquires about the decision to use brick instead of siding and whether it is a requirement as per legislation or just a change determined by the applicant. Mr. Solcz indicates that the decision was made to address concerns related to the visual appeal of siding on the proposed Additional Dwelling Unit.

Councillor Kieran McKenzie inquires about the applicants willingness to waive the 90 day period stipulation. Mr. Solcz confirms that his client waived the 90 day restriction in order to bring forward additional information, and administration also provided additional information with the understanding that the application would be heard at today's Development Standing Committee Meeting.

Councillor Kieran McKenzie requests clarification related to the 90 day waiver. Wira Vendrasco, Deputy City Solicitor appears before the Development & Heritage Standing Committee Meeting regarding the administrative report "436 Askin Avenue—Heritage Permit Request (Ward 2)" and indicates that the *Ontario Heritage Act* allows the municipality and applicants to jointly agree to waive the 90 day period, if no decision is made in 90 days the application is automatically granted. Ms. Vendrasco provides details related to the original deferral request at the March meeting and that both sides agreed to it. Ms. Vendrasco states that the Heritage Planner has indicated, in the administrative report, that the application would have no adverse impact.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 505 & DHSC 485**

- I. THAT the Heritage Permit at 436 Askin Avenue **BE GRANTED** for the erection of one detached additional dwelling unit per Appendix 'B' of this report; and,
- II. THAT the Heritage Permit approval **BE SUBJECT** to the following approval conditions prior to work start:
 - a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Provision of satisfactory architectural drawings by qualified designers;
 - c. Determination that the work is satisfactory to meet Building code compliance; and
- III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of one rear detached additional dwelling unit.

Carried.

Report Number: S 25/2023

Clerk's File: MB/13966

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There being no further business of the meeting of the Development & Heritage Standing Committee (*Heritage Act Matters*) portion is adjourned at 4:45 o'clock p.m.

The Chairperson calls the *Planning Act* items portion of the Development & Heritage Standing Committee meeting to order at 4:47 o'clock p.m.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

None presented.

6. PRESENTATION DELEGATIONS (*PLANNING ACT MATTERS*)

7. *PLANNING ACT MATTERS*

7.1. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act –CDM 001-23 [CDM6972] 781 Erie Inc. (Randy Saccucci) 781 Erie St – Ward 4

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

Decision Number: **DHSC 499**

THAT the application of 781 Erie Inc. for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 12 dwelling units and 1 commercial unit, as shown on the attached Map No. CDM-001/23-1 and CDM-001/23-2 on a parcel legally described as; Lots 249 and 250, Registered Plan 360; City of Windsor; located at 781 Erie Street East **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 42/2023
Clerk's File: Z/14557

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7.2. Zoning Bylaw Amendment Z 004-23 [ZNG-6950] Supreme Homes Group (John Atwan) 1334-1336 Lincoln Ave- Ward 4

Moved by: Councillor Kieran McKenzie

Seconded by: Member Daniel Grenier

Decision Number: **DHSC 500**

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **East Side of Lincoln Avenue, South of Ottawa Street**

For the lands comprising of Lot 11, Plan 628, One Multiple Dwelling containing a maximum of three dwelling units on the subject parcel shall be an additional permitted use, and the following site specific regulations shall apply:

Lot Width – as existing

Lot Area – as existing

(ZDM 7; ZNG/6832)

Carried.

Report Number: S 49/2023

Clerk's File: Z/14540

7.3. Zoning Bylaw Amendment Z 005-23 [ZNG-6951] Supreme Homes Group (John Atwan) 2609 Pillette Ave - Ward 5

Moved by: Councillor Angelo Marignani

Seconded by: Member Robert Polewski

Decision Number: **DHSC 501**

I. **THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, from Residential District 1.2 (RD1.2) to Residential District (RD) 2.1;

II. **THAT** subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for the lands described as Lot 11, Plan 628 by adding site specific regulations as follow:

468. **West Side of Pillette Avenue, South of Rose Street**

For the lands comprising of Lot 14, Part of Lot 13, and Part of Closed Alley Plan 1160, more particularly described as PART 2, 12R-28714, the following site specific regulations shall apply:

Maximum Gross Floor Area– 470 m²

(ZDM 11; ZNG/6951)

Carried.

Report Number: S 50/2023

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Clerk's File: Z/14542

7.4. City Initiated Zoning By-law Amendment - Remove Maximum Gross Floor Area - main Building Provisions for Townhome Dwellings in RD2.3 Zone

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 502**

- I. THAT Zoning By-law 8600 **BE AMENDED** by deleting the Gross Floor Area – main building maximum of 400 m² for Townhome Dwelling in section 11.3.5.8.

Carried.

Report Number: S 48/2023

Clerk's File: Z2023

7.5. Rezoning – SRC United Inc (Stan Mancebo) – 936 Wyandotte Street West – Z 030-22 [ZNG-6864], Ward 3

Moved by: Councillor Angelo Marignani

Seconded by: Member Daniel Grenier

Decision Number: **DHSC 503**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500) situated on the north side of Wyandotte Street West between Crawford Avenue and Oak Street by adding the following site specific exception to Section 20(1):

“469. **NORTH SIDE OF WYANDOTTE STREET WEST, BETWEEN CRAWFORD AVENUE AND OAK STREET**

For the lands comprising Part Lot 3, Registered Plan 420, a *dwelling* with a maximum of 3 *dwelling units* within an *existing building* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Section 15.2.5.9 shall not apply
- b) Section 15.2.5.15 shall not apply
- c) Section 24.20.5 shall not apply
- d) Subject to the satisfaction of the Chief Building Official, the following noise mitigation measures are a requirement of building permit issuance:
 - 1) The following buildings components shall have a Minimum STC Rating as indicated:
 - Exterior Wall – 27
 - Window – 21 (operable thick double/triple paned)
 - Window – 24 (sealed thick double glazed)

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2) Installation of Central Air Conditioning
[ZDM 3; ZNG/6864]

- II. **THAT** Part Lot 3, Plan 420 Windsor (known municipally as 936 Wyandotte Street West; Roll No. 040-150-02500), **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning). The Class 4 area classification applies to new noise sensitive residential units created after the subject site has been rezoned.
- III. **THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification for the subject lands that incorporates noise mitigation measures to BASF Canada Inc.
- IV. **THAT** the owner of the property **BE DIRECTED** to include the following Warning Clauses from NCP-300 in future offers to Purchase, and agreements of Purchase or Sale or Lease:
- (a) Type D: This dwelling unit has been equipped with central air conditioning in order to allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks. Air conditioning units are to be installed in a noise insensitive area.
 - (b) Type E: Purchasers/tenants are advised that due to the proximity of the adjacent industry (facility) (utility), noise from the industry (facility) (utility) may at times be audible.
 - (a) Essex Terminal Railway and Canadian Pacific Railway Company, or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the railway facilities on such rights-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). ETR and CP will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid rights-of-way.

Carried.

Report Number: S 47/2023
Clerk's File: Z/14487

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7.6. Official Plan Amendment and Zoning By-law Amendment –2836369 Ontario Limited (The VanGuard Team at Manor Reality)– 691 Ouellette Ave – Z044 [ZNG-6941] & OPA 165 [OPA-6942], Ward 3

Moved by: Councillor Kieran McKenzie

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 504**

- I. THAT Schedule A: Planning Districts and Policy Areas of the City of Windsor Official Plan, Volume I **BE AMENDED** by identifying the property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated between Ouellette Avenue and Pelissier Street, between Wyandotte Street West and Elliot Street as a Special Policy Area.
- II. THAT Volume 2, Part 1:Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
 - 1.X West side of Ouellette Avenue between Wyandotte Street West and Elliot Street
 - 1.X.1 The property described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street and Elliot Street is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
 - 1.X.2 Notwithstanding the policy in section 6.9.2.2 (a) and 6.11.4.2 (f) of the Official Plan, Volume I, residential uses are permitted at and below grade of the existing dwelling subject to obtaining a Building Permit.
- III. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 (691 Ouellette Ave and 0 Pelissier Street) situated on the west side of Ouellette Avenue between Wyandotte Street West and Elliot Street by adding the following site-specific exceptions to Section 20(1):

“470 **WEST SIDE OF OUELLETTE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ELLIOT STREET**

1. For lands comprising Part Lot 9, Block 2, Plan 256 as in R961847 and Part Lot 8, Block 2, Plan 256 as in R961848 the *existing building* may containing a maximum of two live-work units on the ground floor, and maximum of six *dwelling units* in the balance of the building, shall be an additional permitted use and shall be subject to the following additional provisions:
 - a) ‘Live-work unit’ is a non-residential *use* which contains a *dwelling unit* occupied by the same owner/occupant as the non-residential use. The following additional provisions apply to live-work units:

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- i. Live-work units shall only be permitted on the ground floor.
 - ii. The non-residential *use* and *dwelling unit* shall have separate street entrances. The entrance to the non-residential *use* must be along Ouellette Avenue.
 - iii. The following non-residential uses are permitted: *Business Office, Personal Service Shop, or Professional Studio.*
- b) *Dwelling units* are permitted in the *basement* or *cellar* of the *existing building*, subject to obtaining a Building Permit.

[ZDM 3; ZNG/6941]”;

Carried.

Report Number: S 44/2023
Clerk's File: Z/14529 & Z/14528

There being no further business of the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:35 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:35 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

None presented.

11. ADMINISTRATIVE ITEMS

11.3. Sandwich Town CIP Application; 511 Brock Street; JD LOUIE CORP. (C/O: Jennifer Wong); REIGNS 740 INC; C/O: Sital Singh Garha - Ward 2

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Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 508**

- I. **THAT** CR307/2021 **BE AMENDED** by deleting Clause III ii) and substituting the following therefor:

III ii) If the redevelopment, including construction of a new building, is not substantially complete within three (3) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars (\$60,000) on the collectors roll of the property and prepare a certificate for registration;

- II. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause VIII and substituting the following therefor:

VIII THAT grants **BE PAID** to the following owners upon completion of the two (2) storey three (3)-unit townhome dwelling with three Additional Dwelling Units from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and to transfer \$12,379.14 from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) when work is completed ,

- i. JD LOUIE CORP. (C/O Jennifer Wong) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**\$31,719.14**);
- ii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/-**\$660.00**);
- iii. REIGNS 740 INC. (c/o: Sital Singh Garha) for *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/-**\$4,434** per year);

- III. **THAT** CR307/2021 **BE FURTHER AMENDED** by deleting Clause IX and substituting the following therefor:

IX THAT grants approved **SHALL LAPSE** and be **UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 3 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 43/2023

Clerk's File: SPL2023

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11.1. Closure of north/south alley between University Avenue East and 245 Parent Avenue and part of east/west alley between Marentette Avenue and 867 Chatham Street East, Ward 4, SAA-6623

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 506**

- I. THAT the 4.57-metre-wide north/south alley located between University Avenue East and the property known municipally as 245 Parent Avenue (legally described as Lot 17 & Part of Closed Alley, Plan 143; Part 5, Reference Plan 12R-27073) and shown on Drawing No. CC-1803 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "first alley", **BE ASSUMED** for subsequent closure;
- II. THAT the first alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 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 protection of aerial facilities;
 - ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
 - iii. MNSi for access to service and maintain existing aerial infrastructure.
- III. THAT the portion of the 6.1 metre wide east/west alley located between Marentette Avenue and the property known municipally as 867 Chatham Street East (legally described as Lot 13, Plan 143), abutting the properties known municipally as 0 University Avenue East (legally described as Part of Lots 9 & 10, Plan 140; Lot 22, Plan 143) and 857 Chatham Street East (legally described as Part of Lots 8 & 9, Plan 140), and shown on Drawing No. CC-1803 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "second alley", **BE ASSUMED** for subsequent closure;
- IV. THAT the second alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 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 protection of aerial facilities;
 - ii. EnWin Utilities Ltd to accommodate existing overhead primary 27.6kV and secondary 120/240V hydro distribution poles; and
 - iii. MNSi for access to service and maintain existing aerial infrastructure.

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- V. THAT the 3.66-metre-wide north/south lane located between University Avenue East and the said east/west alley **BE DENIED** for subsequent deeming as surplus lands;
- VI. THAT Conveyance Cost **BE SET** as follows:
- a. For first alley conveyed to abutting lands zoned RD2.2, \$4,000.00 per front foot without easements and \$2,000.00 per front foot with easements.
 - b. For second 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.
- VII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1803, *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.
- Carried.

Report Number: S 32/2023

Clerk's File: SAA2023

11.2. Closure of south half of Pall Mall Street right-of-way, west of Alexandra Avenue; North/South alley between Northwood Street and Alexandra Avenue, Ward 10, SAS-6577

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 507**

- I. THAT the 4.57-metre-wide north/south alley located between Northwood Street and Alexandra Avenue, and shown on Drawing No. CC-1823 (*attached* hereto as Appendix "B"), and hereinafter referred to as the "alley", **BE ASSUMED** for subsequent closure;
- II. THAT the alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, 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. EnWin to accommodate the existing pole line with overhead primary 16kV, secondary 120/240 volt, and secondary 347/600-volt hydro distribution; and
 - iii. MNSi to accommodate existing aerial facilities.

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- b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion located between 2530 Longfellow Avenue (legally described as Lot 1007, and Part of Lots 1006 & 1008, Plan 1307) and 2539 Alexandra Avenue (legally described as Lots 961 & 962, and Part of Lot 963, Plan 1307), and 2564 Longfellow Avenue (legally described as Lot 1013, and Part of Lots 1012 & 1014, Plan 1307; Parts 9 & 11, RP 12R-1148) and 2579 Alexandra Avenue (legally described as Lot 955, and Part of Lots 953, 954 & 956, Plan 1307; Part 19, RP 12R-1148), in which case the middle of the alley shall be used.
- III. THAT the 10.05-metre-wide south half of the Pall Mall Street right-of-way located between Alexandra Avenue and the alley, and shown on Drawing No. CC-1799 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "right-of-way", **BE ASSUMED** for subsequent closure;
- IV. THAT the right-of-way **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 2511 Alexandra Avenue (legally described as Part of Lots 963 to 965, Plan 1307), in a manner deemed appropriate by the City Planner;
- V. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.4, \$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 right-of-way conveyed to abutting lands zoned RD1.4, \$1,500.00 per front foot without easements and \$750.00 per front foot with easements.
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No.'s CC-1799 and CC-1823, *attached* hereto as Appendix "A" and Appendix "B", respectively.
- VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VIII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 36-2003. Carried.

Report Number: S 97/2022
Clerk's File: SAA2023

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11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1364722 Ontario Limited (King Holdings) for 930 Marion Avenue (Ward 4)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 509**

- I. THAT the request made by 1364722 Ontario Limited (King Holdings) 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 930 Marion Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$15,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 45/2023

Clerk's File:SPL2023

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 5:39 o'clock p.m.

Ward 10 - Councillor Jim Morrisson
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Subject: 793 Devonshire Road, Bell-Coulter House - Heritage Permit & Community Heritage Fund Request (Ward 4)

Reference:

Date to Council: June 5, 2023
Author: Kristina Tang, MCIP, RPP
Heritage Planner
ktang@citywindsor.ca
519-255-6543 X 6179

Tracy Tang, MCIP, RPP
Planner II - Revitalization & Policy Initiatives
ttang@citywindsor.ca
519-255-6543 x 6449
Planning & Building Services
Report Date: May 15, 2023
Clerk's File #: MBA/12592

To: Mayor and Members of City Council

Recommendation:

- I. THAT a Heritage Permit at 793 Devonshire Rd, Bell-Coulter House, **BE GRANTED** for restoration of the chimneys and eavestroughs system.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the restoration.
- III. THAT a total grant of 28% of the cost of the chimney repairs and eavestroughs system repairs, to an upset amount of \$15,924 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of the Bell-Coulter House, at 793 Devonshire Rd, subject to:
 - a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
 - b. Determination by the City Planner that the work is completed to heritage conservation standards;
 - c. Owner's submission of paid receipts for work completed;

- d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Executive Summary: N/A

Background:

The property at 793 Devonshire Road is known as the Bell-Coulter House, which was constructed in 1922 at the northwest corner of Devonshire Road and Cataraqi Street. The dwelling is a two-and-one-half-storey detached brick house in Colonial/Georgian Revival style, and is representative of the fine houses constructed in the former Town of Walkerville. This property was designated by City of Windsor Council through By-law No. 139-2016 on September 6, 2016. The Statement of Cultural Heritage Value or Interest from the Designation By-law is included as Appendix 'A'.



Front view of the property.

There have been discussions with the Owners of the property about conducting repairs on the Bell-Coulter House since their recent purchase of the property in 2022. The Owners noted urgent repairs were needed to their home, namely to the three prominent chimneys and the copper eavestroughs, downspouts, and gutters system.

The Owner has made a Heritage Permit application for the work (See Appendix 'B'). The Owners intend to complete both projects within this calendar year, as to prevent further deterioration of the current state.

The Owner has submitted a Community Heritage Fund Application for a total grant of \$15,924 and included a rationale for the request (See Appendix 'C'). Administration is recommending for approval of this request.

Legal Provisions:

Part IV, 39 (1) of the *Ontario Heritage Act* (OHA) provides that “The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner

of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.” The City’s Community Heritage Fund (Reserve Fund 157) exists to provide grants to heritage conservation works on designated heritage properties.

The Ontario Heritage Act (OHA) requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes heritage attributes (see Appendix ‘A’). In accordance with the OHA, changes to a designated property that affect heritage attributes must be considered by City Council after consulting with its municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of notice of complete application. Council also has the option to further delegate the item to an employee or official of the municipality. The delegation of final details would be more expediently handled through staff review and approval.

Discussion:

Proposal:

Three Chimneys

All three chimneys on the property appear to be deteriorating, as the Owner has reported falling bricks found on the ground and in the eavestroughs. Assessments from estimators conclude that many features of the chimneys are original to the 1922 construction of the house.

The proposed scope of work includes:

- Preservation of the soldier course brick
- Replacement of bricks as-needed with colour-matching bricks
- Mortar work using lime-rich mortar and visually blending new with old
- Reinstallation of visible chimney flue extensions
- Flaunching the crown in historical manner



Photos of the three chimneys (taken May 8, 2023)

The conservation work proposed follows the Standards & Guidelines for Conservation of Historic Places. Standards 13 and 14 are listed below.

Additional Standards Relating to Restoration

- 13.** Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
- 14.** Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

Gutter System Repairs

The eavestroughs, downspouts, and gutter system are also in need of immediate repairs. The eavestroughs, hangers, and downspouts show numerous points of failure, which has caused mortar erosion, twisted out of alignment, and resulted in broken and misaligned hangers and top-straps. The proposed scope of work for the gutter system is to remove the current upper-level (third storey) eavestroughs and associated downspouts, and replacing them using off-the shelf specialty copper materials wherever possible and using custom materials where necessary.



Photos of the gutter system (taken May 8, 2023)

Official Plan Policy:

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”.

The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

Risk Analysis:

The risk of taking no action for this property is the potential deterioration of a designated heritage property and safety concerns from the falling bricks off the chimneys. No city funds will be expended until the project is determined by Planning Staff to be completed according to good heritage practices. Conditions of this determination include provision of technical information through details within the quote, and request for provision of material samples or mock-up, to ensure that the conservation work is heritage appropriate, prior to disbursement of the funds.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

The Community Heritage Fund (CHF) guidelines includes the following:

"As a general principle, awards will be limited to a maximum of \$50,000 unless the DHSC (Development & Heritage Standing Committee) so recommends and Council approves." The award from the Community Heritage Fund is generally given according to the following formula: Grant: 15 percent of the award in the form of a grant & Low Cost Loan: 85 percent of the award". In this particular case, the applicant is asking for 28% grant approval with no loan component. As well, the Community Heritage Fund asks for "A minimum of two cost estimates, based on specifications approved by the DHSC and the City Planner or designate, shall be obtained by the owner for all restoration work to be done." The estimates will then be reviewed to ensure that all work specified is covered. The lower bid will usually be recommended for funding."

The Owners made significant efforts to solicit bids and quotes from local companies, and contacted the following for the proposed chimney works:

- Bricetin
- P.J. Masonry
- Frank's Renovation
- Bartlett Restoration
- Elite Masonry Restoration
- Artisan Masonry
- North Construction
- Brookside
- Baker's Masonry

and the following for the proposed gutters system works:

- RJ Steel and Copper Co.
- Classic Gutter Supply
- Custom Metal Fabricating,
- From the Ground Up Roofing
- Dayus Roofing
- Heritage Roofing
- JKD Custom

and Battlefield Equipment for their lift rentals. However, only the qualified vendors are the ones included in this report. The Owners provided two comparable quotes for each

of the chimney repairs work and the gutter system work. A summary table of the quotes is as below. The Owner has provided their explanation of the preferred qualified vendor based on the quote provided and demonstration of experience, expertise by the vendor, eagerness of vendor and flexibility to coordinate scheduled work with the vendors, ability to share lift between vendors, and accommodation to changing some of the work scope based on heritage requests (acceptable to Heritage Planning staff). The Owners wishes to retain **Bricetin** for the chimney repairs and **Custom Metal Fabricating** for the installation of the gutter system with some custom materials, while purchasing specialty off-the shelf materials separately where possible to achieve cost savings for the gutter system. The Owners will also be fully incurring the expense of retaining **Battlefield Equipment** for their lift rentals. The rented lifts will be used by both contractors to complete the chimney repairs and the gutter system works.

TOTAL SUMMARY Three Chimneys Restoration Cost (inclusive of HST)	
Quote from Vendor	Cost in CDN
Bricetin	\$21,244
P.J. Masonry	\$19,125
TOTAL SUMMARY Gutter System Restoration Cost (inclusive of HST)	
Quote from Vendor	Cost in CDN
RJ Steel and Copper	\$7,889 materials (purchased by homeowner) + \$27,798 installation
Custom Metal Fabricating	\$7,889 materials (purchased by homeowner) + \$23,504 installation
TOTAL Lift Rental Cost (inclusive of HST)	
Quote from Vendor	Cost in CDN
Battlefield	\$4,235

Based on the estimates of the Owner's preferred qualified vendors, the total cost of the project is anticipated to be \$56,872 after tax. The Owner is requesting for 28% of cost of the repair work to be covered by the CHF due to the high cost of conserving special heritage features, especially in today's climate of increasingly expensive trades work.

Unfortunately, inflation has further exacerbated costs as reflected in the collection of quotes by the Owner (difference in 2022 versus 2023). Council has approved a higher CHF grant approval percentage in recent years to other heritage property owners (of around 30%-35% for work ranging from wood windows to clay tile and other specialty roof related repairs). The cost of the repair work is encouraged to be conducted soon and is a significant cost for a private property owner. Therefore, administration recommends approval of the request by the Owners for CHF of 28% for the work to be done to the three chimneys and gutter system.

The heritage financial incentive through the Community Heritage Fund (CHF) would provide support to the continued conservation of the heritage features of this designated building. As of April 30, 2023, the Community Heritage Fund (Reserve Fund 157) has an uncommitted balance of \$84,982 available (including the safeguard of having the minimum balance of \$50,000 in the reserve). Therefore, there is sufficient funds in Fund 157 to cover the cost of the grant project. Administration recommends that the amounts of 28% after HST to an upset amount of \$15,924 be provided for the chimneys and eavestroughs system repair project.

The Owner has also applied for the Heritage Property Tax Reduction program which will be administratively processed when amounts are under \$20,000 as per By-law 164-2015. The total property taxes payable in 2023 for 793 Devonshire Road is \$8,515.11. The annual rebate would be up to 30% or approximately \$2,554.53 for a maximum of 3 years up to the cost of the restoration.

Consultations:

City staff have been consulting with Owners in recent months. Josie Gualtieri, Financial Planning Administrator, assisted with confirmation of fund balance.

Conclusion:

A total grant amount of 28% of the cost of the three chimneys repair and eavestroughs system repairs at 793 Devonshire Road to upset amount of \$15,924 from the Community Heritage Fund (Reserve Fund 157) should be approved, subject to conditions. Further heritage alteration approvals necessitated for this scope of work are recommended to be delegated to the City Planner or designate to direct further conservation details.

Planning Act Matters: N/A

Approvals:

Name	Title
Kristina Tang	Heritage Planner
Josie Gualtieri	Financial Planning Administrator
Carolyn Nelson	Manager, Property Valuations & Administration
Thom Hunt	City Planner / Executive Director Planning & Building

Name	Title
Wira Vendrasco	Deputy City Solicitor
Tony Ardochini	Chief Financial Officer
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Michael Schmidlin		RN1K3@outlook.com
Lauren Schmidlin		laurmorr@hotmail.com

Appendices:

- 1 Appendix A- Statement of Cultural Heritage Value or Interest
- 2 Appendix B- Heritage Permit Application
- 3 Appendix C- Community Heritage Fund Application
- 4 Appendix D- Additional Photos of 793 Devonshire Rd

REASONS FOR DESIGNATION / STATEMENT OF SIGNIFICANCE
Bell-Coulter House
793 Devonshire Road

Description of Historic Place

The Bell-Coulter House, 793 Devonshire Road, was constructed in 1922 at the northwest corner of Devonshire Road and Cataraqui Street, on land that was part of the original subdivision by Hiram Walker in 1879. The dwelling is a two-and-one-half-storey detached brick house in Colonial/Georgian Revival style, representative of fine architectural houses during the first decades of the twentieth century in the Town of Walkerville. Harry J. Bell, an insurance agent, was the first resident of the building and subsequent owner Dr. William G. Coulter was a prominent specialist physician in the City of Windsor. The house is the first known collaboration between locally renowned architects David W.F. Nichols and Hugh P. Sheppard.

Cultural Heritage Value or Interest

Design or Physical Value:

The Bell-Coulter House is an architecturally significant example of a house, designed and constructed in Colonial Revival/Georgian Revival style, in the early decades of the twentieth century in the Town of Walkerville. From the front facade, the rectangular brick house is two-and-one-half storeys with an elaborate front door with portico, overhead elliptical fanlight and sidelights, a cameo of a woman's head on the peak of the porch pediment, and symmetrically balanced windows with double-hung sashes. The house has a medium-pitched side gabled roof and deep eaves, wide frieze board, a range of window including eyebrow, semi-circle and quarter circles, and wood shutters with cut-out bell motifs. The decorative brick detailing especially the soldier brick stretch below the second-storey window, and the front window brick surrounds demonstrate the incorporation of Tudor Revival elements in the design.

Historical or Associative Value:

The subject property is located in the planned community of Walkerville, which was originally almost entirely owned by Hiram Walker, his family and his company. The property is part of the 1879 original subdivision directed by Hiram Walker, the founder of the Town of Walkerville. By the 1920s, the Walker family were selling their Windsor investments. The subject property was left undeveloped by the Walkerville Land and Building Company, who sold the property to Harry J. Bell in 1920. According to assessment and contract records, the Bell-Coulter house was constructed in 1922 for Bell with a design by locally renowned architects David W.F. Nichols and Hugh P. Sheppard. Nichols & Sheppard, together with George Masson, had a successful collaboration and designed many notable institutional and commercial buildings in Windsor and Walkerville.

City directories and assessment rolls reveal that Harry J. Bell was an insurance agent, who also had an office at the Imperial Building in the Town of Walkerville. Bell lived with his wife Clara and family at the house until 1935. The bell cut-out motif on the shutters of the windows and the cameo of the woman's head on the front pediment peak may have been references to the Bells. When Bell bought the property, it was addressed as 119 Devonshire Road in 1920, and then renumbered to 121 Devonshire Road around 1924. In 1935, the Town of Walkerville was amalgamated into the City of Windsor, which resulted in the renumbering of the subject property to 793 Devonshire Road in 1937. In the same year of the amalgamation, the Bells moved away and Dr. William George Coulter and his wife Dorothy became long-term residents; they bought the property in 1940. Dr. W.G. Coulter was distinguished as a Major during World

War I, and a prominent specialist in diseases of eye, ear, nose and throat in Windsor. The Bell-Coulter house was his residence until his death in 1965.

Contextual Value:

The subject property is located on a visible corner on the northwest of Devonshire Road and Cataraqui Street. It is part of the 1879 original subdivision (Registered Plan 211) that was planned by Hiram Walker but which was left vacant for many decades. Meanwhile, the surrounding lands to the west and south had been developed. The construction of the Bell-Coulter house in 1922 filled in a visible vacant corner lot with a fine house of massing and quality matching its neighbours, thus contributing to the overall establishment of the neighbourhood.

The property is evocative of early streetscape of dwellings designed with rich architectural styles. The architecturally interesting dwelling reinforces the special character of Walkerville residential developments where each house is of a unique design. Devonshire Road in particular, was known as the main street of the town on the north side of Wyandotte Street, which made the south side of Wyandotte on Devonshire prime locations for people to own residential properties. According to the land deed to Harry J. Bell in 1920, the Walkerville Land and Building Company required the construction of a high valued residential dwelling at the subject property, likely to maintain the prestige of the real estate property in the area. Many of the surrounding residential buildings along Devonshire Road are also found on the Windsor Municipal Heritage Register and some are designated. The Bell-Coulter house contributes to the collection of high quality and grand homes built in the former Town of Walkerville.

Character Defining Elements:

Exterior features that contribute to the design or physical value of the Bell-Coulter House:

- Built c.1922
- Two-and-one-half-storey matte glazed red brick main building
- Colonial Revival/Georgian Revival Style elements, including:
 - Symmetrical facade features
 - Medium-pitched side gabled roof
 - Brick chimney protruding from north wall of main building and faux brick chimney on the south side
 - Symmetrically angled eave return
 - Wide wooden frieze board
 - Portico with grooved board pilasters, slender square wood columns with curved underside pediment and a metal roof
 - Accentuated front door flanked with wood framed elliptical fanlight and sidelights
 - Double hung, six over one wood sash windows on the north, east and south sides
 - Bay window on south elevation first floor
- Other special features:
 - Hooded dormer with metal roof and eyebrow window
 - Quarter circle windows on north side; semi-circle window on south side
 - Copper eavestroughs and downspouts
 - Wooden window shutters with bell shaped cut-out motif on the second floor of the east elevation and both first and second floors on the north and south elevations
 - Porches on north and west elevations with square brick pillars
 - Soldier brick belt course below second floor windows
 - Brick detailing on window surrounds: soldier brick lintels, rowlock brick sills, stretcher and header brick
 - Cameo of woman's head on the peak of the porch pediment
 - Original street number plate of 1937 affixed on porch from renumbering after amalgamation in 1935

- Detached original single car garage
 - Matte glazed red brick
 - Gabled roof with brick chimney on north end of ridge
 - Sash windows on north, east and west sides

Features that contribute to the historical or associative value of the Bell-Coulter House:

- Part of the original subdivision directed by Hiram Walker and registered in 1879
- Built as a well-preserved fine quality home in the former Town of Walkerville in the early decades of the 20th century during the decline of the Walker family's influence
- Designed by locally renowned architects David W.F. Nichols and Hugh P. Sheppard
- Constructed for insurance agent Harry J. Bell and wife Clara E. Bell
- Owners include Dr. William G. Coulter who was a prominent specialist in diseases of eye, ear, nose and throat in the city and his wife Dorothy E. Coulter

Features that contribute to the contextual value of the Bell-Coulter House:

- Prominently located at the northwest corner of Devonshire Road and Cataraqui Street
- Location on Devonshire Road, which was the former Town of Walkerville's "main street"
- Architecturally rich house evocative of the unique home designs and high valued houses in the prestigious areas of the former Town of Walkerville



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

Contact Name(s) Michael and Lauren Schmidlin
Company or Organization _____
Mailing Address 793 Devonshire Road Windsor ON

Postal Code N8Y 2L9
Email RN1K3@outlook.com Phone(s) 248-761-3190

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) (same)
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?

- Applicant Registered Owner Agent

2. SUBJECT PROPERTY

Municipal Address: 793 Devonshire Road Windsor ON

Legal Description (if known): LOT 12 BLOCK P PLAN 211 SANDWICH EAST
PT LOT 10 BLOCK P PLAN 211 SANDWICH EAST AS IN R989001
WINDSOR

Building/Structure Type:

Residential Commercial Industrial Institutional

Heritage Designation:

Part IV (Individual) Part V (Heritage Conservation District)

By-law #: 139-2016

District: _____

Is the property subject to a Heritage Easement or Agreement?

Yes No

3. TYPE OF APPLICATION

Check all that apply:

Demolition/Removal of heritage attributes Addition Erection Alteration*
 Demolition/Removal of building or structure Signage Lighting

*The *Ontario Heritage Act's* definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

4. HERITAGE DESCRIPTION OF BUILDING

Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..

The Bell-Coulter House, 793 Devonshire Road, was constructed in 1922 at the northwest corner of Devonshire Road and Catawaqui Street, on land that part of the original

subdivision by Hiram Walker in 1879. The dwelling is a two-and-one-half storey detached brick house in Colonial/Georgian Revival style, representative of fine architectural houses during the first decades of the twentieth century in the Town of Walkerville. Harry J. Bell, an insurance agent, was the first resident of the building and subsequent owner Dr.

William G. Coulter was a prominent specialist physician in the City of Windsor. The house is the first listed collaboration between locally renowned architects David W.F. Nichols and Hugh P. Sheppard. Symmetric chimneys with soldier bricks and chimney flues, and semicircular copper eavestroughs suspended by custom hangers away from the fascia reveal a crown molding detail.

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.

All three (3) chimneys on the property will be restored, and upper level (third-level) eavestroughs and associated downsouls will be replaced and rehung with new material. The chimney work will preserve soldier course, will reinstall visible chimney flue extensions, use high lime mortar, color match bricks needing replacement, flaunch the crown in historical fashion, and attempt to visually blend new with old mortar. The eavestrough work will use common commercial materials wherever possible and use custom hardware where necessary to preserve the unique and timeless crown moulding and visibly spaced troughs.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

The chimneys and gutter system are in need of immediate repair. Multiple bricks have fallen, and have been found on the ground and in eavestroughs. One brick may have damaged some trough hardware. All estimators believe many aspects of the chimneys are original to 1922 and not optimally maintained. The eavestroughs, hangers and downspouts have numerous points of failure, causing mortar erosion, twisting out of alignment, showing broken and misaligned hangers and top-straps.

Troughs and downspouts are assessed to be original to the home, making them 101 years old in 2023.

Describe the potential impacts to the heritage attributes of the property.

This proposed work does not intend to add or modify features beyond what is necessary to repair the significant visual heritage attributes, and in doing so, restore them to the look and feel of the era in which they were constructed, which includes some subtle details associated with the Georgian architecture. With newly restored and period-consistent chimneys and copper troughs and downspouts, this home will scream heritage and responsible stewardship.

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

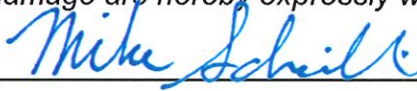
8. NOTES FOR DECLARATION

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 2 May, 2023

Date _____

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, _____, am the registered owner of the land that is
name of registered owner
 subject of this application for a Heritage Alteration Permit and I authorize
 _____ to make this application on my behalf.
name of agent

 Signature of Registered Owner Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, Michael (Mike) Schmidlin, 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.

Mike Schmidlin 2 May, 2023
 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.

Mike Schmidlin 2 May, 2023
 Signature of Applicant Date

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

Application Approval (City Council):

Development & Heritage Standing Committee: _____

City Council: _____

Application Approval (City Planner):

Heritage Planner: _____

Staff Decision Appealed to City Council: _____

If so, Date to City Council: _____

Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
 Corporation of the City of Windsor
 Suite 320 - 350 City Hall Square West
 Windsor ON N9A 6S1
 planningdept@citywindsor.ca
 519-255-6543 x 6179
 519-255-6544 (fax)
 http://www.citywindsor.ca

Michael and Lauren Schmidlin
793 Devonshire Road
Windsor, ON N8Y 2L9
rn1k3@outlook.com
(m) +1(248)761-3190

May 17, 2023

Members of Council & Heritage Committee
City of Windsor

Subject: Request for special consideration – Community Heritage Fund

Dear Members of Council & Heritage Committee,

I hope this letter finds you in good health and high spirits. The purpose of this letter is to draw your attention to the exceptional circumstances that surround our application for financial support towards our initiative to restore two of our home's significant heritage attributes (By-Law and legal address on next page). We have completed the nearly two-month planning and quoting activity with over a dozen potential vendors to provide expert restoration services to our **three prominent chimneys** and **copper eavestroughs** and **downspouts**. The total cost of the work, including tax, is estimated at **\$56,872**. We are requesting a grant equal to **\$15,924** which is **28% of the total cost** of work, for the compelling reasons enumerated below. The source of this specific amount is also explained in detail after the enumeration below. I am confident that, after reviewing the following points, you will find merit in considering our request.

1. Urgent and simultaneous repairs: Our home requires restoration of eavestroughs and chimneys, both of which are heritage attributes in critical disrepair. The urgency of these repairs will put a considerable financial strain on our family, making it difficult to address both problems adequately without additional support. This May we are entering our ninth month in this new home. We have additional necessary repairs planned this year. This includes some deeply **eroded mortar** in some trouble spots low to the ground and behind downspouts. Also, a recent revelation to us: the covered back porch fascia and gutter repair done a few years ago for the previous owners are failing, twisting away from the home, resulting in **water infiltration** behind the fascia boards. This has been labeled a "botched gutter job" by experts in the field. We don't intend to include these repairs in this restoration activity but we must do this this year, as the cost could easily exceed \$10K.
2. Landscaping damage: Both repairs will require a 65 ft man lift, as all vendors who have responded with an estimate have stated they will not attempt to perform this restoration with scaffolding due to the landscaping and terrain. The **collateral damage** to a shared garden, lawn and perennial shrubs is anticipated and it will result in additional cost and effort to us to restore damage to the landscaping and patio if we perform these two priority repairs in separate years.
3. Safety and health concerns: The current state of the eavestroughs and chimneys poses a risk to our family's safety and health. The damaged eavestroughs have already led to **mortar damage**, and it is evident that mold growth, and structural issues will begin to mount if this repair is postponed. At least **three bricks have fallen** from multiple chimneys, landing on the grass and **in the eavestroughs** which are already damaged. The chimney's disrepair will result in additional bricks falling, potentially damaging roofing, eavestroughs and personal property. Addressing these issues promptly and thoroughly is crucial to ensuring our family's well-being.
4. Preservation of heritage property value: The timely repair and maintenance of our home are essential to preserving its value and preventing further deterioration. By investing in these repairs now, we can

safeguard our property and avoid more costly repairs in the future. This not only benefits our family but also enables us to contribute more efficiently to the beautiful heritage attributes of the home, which is a stone's throw from the epicenter of the \$5.2 million-dollar Walkerville Distillery District development.

It is because of the above reasons that it is necessary for safety and cost reasons to complete both projects in this calendar year, and for this we are requesting a grant amount that equals 28% of the total cost of the work. Below is a table showing the relevant numbers.

3 Chimney Restoration	21244
Troughs + Downspouts (Installation + Custom Work)	23504
Troughs + Downspouts (Off-the-Shelf Materials)	7889
65' Lift for 1 month (shared by all contractors)	4235
Total cost of work (incl. HST)	56872
28% of this total =	15924

This home is designated as heritage property according to **By-Law 139-2016**. **The legal address** is Lot 12 Block P Plan 211 Sandwich East; Pt Lot 10 Block P Plan 211 Sandwich East, as in R989001.

We are happy to provide any additional information or documentation that may be required to facilitate your decision-making process. I have already prepared a few exhibits to support the different heritage forms necessary for this work:

Exhibit A – A list of formal vendors quotes and an estimate of lift rental and common off the shelf copper materials.

Exhibit B – Communication record with the contractors I've considered for this work.

Exhibit C – Photos.

Thank you for your time and consideration. We eagerly await your response and the opportunity to maintain a safe, secure, and comfortable home for our family and the neighborhood, thanks to the generous support of your organization.

Sincerely,


Mike Schmidlin

CITY OF WINDSOR
COMMUNITY HERITAGE FUND

APPLICATION FOR LOAN AND/OR GRANT
(To be completed in full)

APPLICANT/AGENT/OWNER INFORMATION

1. APPLICANT(S): Michael Schmidlin
Address, City: 793 Devonshire Road Postal Code: N8Y 2L9
Email: RN1K3@outlook.com Telephone: 248-761-3190
2. AGENT/ARCHITECT/ENGINEER/SOLICITOR: _____
Address, City: _____ Postal Code: _____
Email: _____ Telephone: _____
3. REGISTERED OWNER(S): Michael Schmidlin
Address, City: 793 Devonshire Road Postal Code: N8Y 2L9
Email: RN1K3@outlook.com Telephone: 248-761-3190

PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED

4. HERITAGE NAME OF PROPERTY Bell-Coulter House
5. MUNICIPAL ADDRESS 793 Devonshire Road
6. LEGAL DESCRIPTION (Lot and Plan) LOT 12 BLOCK P PLAN 211 SANDWICH EAST
PT LOT 10 BLOCK P PLAN 211 SANDWICH EAST AS IN R989001
WINDSOR
7. ASSESSMENT ROLL NUMBER(S) 020-080-05800-0000
8. EXISTING USE Residential
9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT
YES By-law No. 139-2016 Date July 18, 2016

REQUESTED HERITAGE FUND ASSISTANCE

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:
Loan \$ 0
Grant \$ 14,618 15,924 TOTAL \$ 14,618 15,924

NOTE: Details for loan/grant are set out in the attached pamphlet "Windsor's Community Heritage Fund".

11. If a loan is requested, please indicate your term of repayment: _____ years.
12. Are there any outstanding mortgages or liens against this property?
NO
YES Amount: ████████ Institution: ████████
13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed \$15,000, you may be required to obtain a property appraisal from a real estate agent or certified appraiser. If your application is in an amount in excess of \$15,000, you may be required to obtain an appraisal from a certified appraiser.
14. Have you previously received assistance from the City for the property named above?
NO

YES Amount: _____ Date: _____

Source of funds: _____

REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

A. *Rehabilitation of Owner's designated property:*

15. Describe fully here (or on attached sheets) the proposed work to be undertaken:

Restore three chimneys to original aesthetic with original era materials wherever possible and cost effective. This includes high lime mortar, flaunching, chimney flues, replacing soldier course at top, as stated in estimate.

Replace upper level copper eavestroughs, and downspouts using custom hardware where necessary and commonly available copper materials wherever possible. Replace custom brackets with new, stronger but similar look designs for longevity. Please see attached sheets for details.

16. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing. (Some specifications are available from the Heritage Planner – see contact information at the bottom of this page.)

17. Describe any new uses of the property, if different from the existing use.

None.

18. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.

19. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.

B. *Purchase of designated property:*

20. Indicate the full price of the property you wish to purchase: \$ _____ and include a copy of the "offer to purchase."

21. Indicate your other sources of funding, the amount you will receive, and any subsequent liens/mortgages.

C. *Architectural/engineering study of Owner's designated property:*

22. Indicate the full price of the architectural/engineering study by a restoration specialist: \$ _____ and include a copy of the estimate or invoice from the study.

SIGNATURES

APPLICANT OR AGENT Mike Schill Date 2 May, 2023

REGISTERED OWNER(S) _____ Date _____

CHECKED/RECEIVED BY
HERITAGE PLANNER _____ Date _____

This application should be completed and filed with the:
Planning Department
Suite 320 - 350 City Hall Square West
Windsor ON, N9A 6S1

For assistance and/or information on filing, please contact the Planning Department:
Telephone 519-255-6543 x 6179 Fax 519-255-6544

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:

I/We also acknowledge that the information requested on this form is required in order to process the application to the Development & Heritage Standing Committee. Please be advised that the information in this application form may be released to the public in an electronic form, i.e. web site and/or paper format, i.e. *agenda or minutes*.

Dated: 2 May, 2023

Signed: Mike Schill
Signature of Applicant

Exhibit A – Quotes

Below summaries all include HST for consistency. Their quotes are provided further down with the cost breakdowns. Additional quote details are also found further down.

Lift

I have two recommendations to go with Battlefield (<https://www.battlefieldequipment.ca/>) for their extended rental price. The representative stated they rent their ARTICULATING BOOMS, 30' - 66' lifts for \$2730 for a **month** plus additional charges, see below. This estimate was obtained 2023-05-09.

65' Articulating Man Lift	
Battlefield in Rhodes Dr. in Windsor	
Cost for rental	\$ 2,730
Insurance cost (15%)	\$ 410
HST	\$ 408
Delivery both ways	\$ 550
Fuel surcharge (25% of delivery)	\$ 138
Total	\$ 4,235

I have adjusted individual quotes in the summary to reflect that the lift is a shared cost between both projects. The **green quotes** are the ones I intend to source.

Chimneys summary

Bricetin Quote	\$21,244
P.J. Masonry Requote #2	\$19,125

Downspouts and eavestroughs summary

RJ Steel and Copper Initial Quote #1	\$33,900 (this seemed a bit steep as our first response from anyone. We requested a requote where we supply materials.)
RJ Steel and Copper Initial Quote #2	\$7,889 materials purchased by homeowner + \$23,563 installation. Subtracted \$4235 for lift because itemization did not specify lift costs. Requote was much more competitive but includes repairing the 24 hangers instead of installing new ones , which is what Custom Metal Fabricating has quoted. Also, Custom Metal Fabricating agreed to restore an additional lower gutter section in need of repair for basically the same price.
Custom Metal Fabricating Quote #2	\$7,889 materials purchased by homeowner + \$23,504 installation

Bricetin Initial Estimate #1

Upon inspection of the above address, we are pleased to offer our quote for the following work:

JOB TITLE -- Chimney Repair

Scope of Work:

- cover roof areas around all three chimneys
- north chimney remove cap soldier course and two courses of brick below soldier course
- middle chimney remove cap and soldier course and 6 courses below soldier course
- south chimney tear down entire chimney down to roof flashing
- re-install new brick to match as close as possible on all 3 chimneys, replace all clay flues on all 3 chimneys, install one course of brick above soldier course stepped out 1/2 inch on all 3
- pour new cement caps on all 3 chimneys
- salvage rain caps and re-install
- repoint an area below soffit on north chimney approximately 4 feet by 2 feet
- a portland lime mortar will be used for repairs
- a 65 foot manlift will be and cover ground area with 3/4 inch plywood for machine to sit on
- apply a water based brick sealer to all 3 chimneys
- Remove all waste
- Supply all labour and materials

OUR PRICE \$18,800.00 +HST

Terms: Payment due upon completion. We accept Visa & Mastercard.

Note: Brick to be used: Riverdale smooth Ontario same size as brick on chimney.

Cost Breakdown

: cost for rental of 65 foot articulating man-lift machine \$645.00 + HST a day or \$1,750.00 + HST per week, \$180.00 + HST Delivery, \$180.00 + HST Pick up.

: Start to completion approximately 7 - 8 days

: the \$18,800.00 + HST includes materials, gas and diesel for the machine.

: once job is done, will calculate price of the machine on top of the price of the job which is \$18,800.00 + HST

: this quote is for the homeowner and the City of Windsor - Historical restoration

P.J. Masonry and Restoration Revised Estimate #2

Patrice and Jocelyne were very courteous, and we initially planned to go with them. Several factors led us to pursue Bricetin, despite the price favoring P.J. Masonry: Bricetin verbalized a commitment to schedule flexibility and lift sharing with other vendors; walked us through many important details and real-time revised their quote details to reflect our conversations; added 4 feet x 2 feet of mortar repointing down along the length of the chimney below soffit.



REVISED **ESTIMATE**

P.J. Masonry & Restoration

P.J. Masonry & Restoration, Suite #118-5060
Tecumseh Rd E, Windsor ON N8T 1C1, CANADA
BN: #803039189RT0001
jocelyne@pjasonry.com; Website:
www.pjasonry.com

Estimate No#: 0129

Estimate Date: Sep 27, 2022

Revised estimate date: March 30, 2023

\$24,210.25

ESTIMATED AMOUNT

BILL TO

MikeSchmidlin
793 Devonshire Rd, Windsor ON CANADA
rn1k3@outlook.com

#	ITEMS & DESCRIPTION	QTY/HRS	PRICE	Amount(\$)
1	Unit price includes: Equipment, materials, labour and clean up Chimney restoration for three chimney's. Restoring to heritage code, city of Windsor approval. Restore the soldier bricks at the top of each chimney. Remove deteriorated bricks and replace with new bricks. match as close as possible.	3	\$2,200.00	\$6,600.00
2	Repointing mortar joints. Repointing mortar joints in areas as seen needed using lime rich type o, match mortar colour as close as possible.	1	\$1,800.00	\$1,800.00
3	Flauching on all chimney crowns. Requires extra labour forming the area.	3	\$2,450.00	\$7,350.00
4	clay flues Supply and install three clay flues.	3	\$275.00	\$825.00
5	Barrier rain caps Supply and install two barrier rain caps.	2	\$175.00	\$350.00
6	Man lift rental for one week. 65 ft man lift required for working at heights.	1	\$4,500.00	\$4,500.00
			Subtotal	\$21,425.00
			Tax HST (13%)	\$2,785.25

TOTAL \$24,210.25 CAD

RJ STEEL and Copper Co.

Ph: (519) 791 - 4066
Email: rjsteel99@gmail.com
2910 Walker Rd
Windsor, Ontario N8W 3R3
Google search: RJ Steel

Quotation: 20230323

March 23, 2023
Mike Schmidlin
793 Devonshire Rd.
Windsor, Ontario
(248) 761 - 3190

Thank you for the opportunity to provide a quote.

Preliminary Scope of Work:

To remove existing eavestrough, fasteners, brackets, downspouts, downspout brackets and dispose at our facility.

Primary Scope of Work:

- A) 82ft of Custom Copper Eavestrough (2 Locations)
- B) 24 - Custom Eavestrough Brackets (Pure Copper)
- C) 24 - Custom Eavestrough Brackets (Powder Coated Steel) (*Option*)
- D) 4 sections - Custom Copper Downspout System with Wall Brackets

Scope of Work: Itemized

- A) 82ft of Custom Copper Eavestrough (2 Locations Total)

- Half round eavestrough
- soldered end caps
- soldered connections
- soldered downspout outlets

- B) 24 - Custom Eavestrough Brackets (Pure Copper)

- Decorative brackets similar to existing design
- Brackets shall be fastened to fascia using 2" long x #12 stainless steel anchors

- C) 24 - Custom Eavestrough Brackets (Powder Coated Steel)

- Decorative steel brackets similar to design
- Brackets shall be powder coated in standard colours available
- Brackets to be fastened to fascia using 2" long x #12 stainless steel anchors

- D) 4 Sections - Custom Copper Downspout System With Wall Brackets

- Custom Fabricated Copper Downspouts and Elbows attaching to soldered eavestrough outlets
- Downspout system to include our stainless steel primary wall brackets and ornamental wall bracket covers

- Brackets shall be installed using stainless steel wall anchors.

Pricing: Based on Fabrication and Installation

- A) 82ft. of Custom Eavestrough (2 Locations)

\$13,660.00 + HST

- B) 24 - Custom Eavestrough Brackets (Pure Copper)

\$10,800.00 + HST

- C) 24 - Custom Eavestrough Brackets (Powder Coated)

\$7,220.00 + HST

- D) 4 Sections - Custom Copper Downspout System with Wall Brackets

\$9,120.00 + HST

Feel free to contact us with any questions you may have,

\$30,000 + HST total

Ryan Jordan
RJ Steel and Copper Co.

RJ Steel and Copper Estimate #2

Here, I would purchase the materials separately for \$7,889. Below is his installation estimate. Lift is included, but not itemized, assuming \$4,235 as a reasonable estimate. I did not pursue him further almost entirely due to an untimely communication error and slow progress with a looming deadline. I found another supplier who expressed immediate interest in the project and was very forthcoming.

RJ STEEL and Copper Co.

Ph: (519) 791 - 4066

Email: rjsteel99@gmail.com

2910 Walker Rd

Windsor, Ontario N8W 3R3

Google search: RJ Steel

Quotation: 20230428

April 28, 2023

Mike Schmidlin
793 Devonshire Rd.
Windsor, Ontario
(248) 761 - 3190

Thank you for the opportunity to provide a quote.

Scope of Work:

Material: Complete Copper Eavestrough and Downspout System shall be supplied by Others.

Our Quotation is based on installing Material from Classic Gutter Systems.

To supply Installation, Solder, Stainless Steel Anchors, Consumables and Aerial Lift based on the following items:

- A) 82ft - Copper Eavestrough System (2 Locations Total)
- B) 24 - Existing Eavestrough Brackets. RJ Steel to repair 6 brackets. To sandblast and powder coat all 24
- C) 4 Sections - Downspout Sections

Pricing:

Based on our listed Scope of Work:

\$24,600.00 + HST

Respectfully,

Ryan Jordan
RJ Steel and Copper Co.

Classic Gutter Supply estimate

Here is the cost estimate to purchase all materials from Classic Gutter Supply, with a warehouse in MI, US. This does not include the cost of shipping by truck.

Below is itemization for the 6" third-level troughs and 4" downspouts, and an itemization for the 5" second level trough and 3" downspout.

Third Level Gutters and Downspouts

	Cost / unit		Total Cost
6" Half Round Copper Gutter in 10' sections (sold by the foot)	\$ 13.85	92	\$ 1,274
10' x 4" x 18 oz Copper Welded Seam Smooth Round Downspout	\$ 163.50	10	\$ 1,635
Spherical End Caps For Half Round Gutter, Reversible - 6", copper	\$ 20.50	4	\$ 82
Copper Funnel Outlets - for 6" gutter and 4" downspout	\$ 29.50	4	\$ 118
4" x 16 & 18 oz. Copper Smooth Round & Corrugated Elbows - welded seam smooth 18 oz, 72 degree	\$ 19.25	12	\$ 231
Stamped Flush Mount Downspout Brackets, Copper & Galvalume - 4", copper	\$ 7.50	16	\$ 120
Hidden Half Round Gutter Brackets with Rods	\$ 7.25	24	\$ 174
Subtotal			\$ 3,634
US Tax			\$ 251
US Surcharge			\$ 659
US Total			\$ 4,544
CA Total (1.35x exchange rate)			\$ 6,134
CA Total after possible import HST			<u>\$ 6,870</u>

Second Level Gutters and Downspouts visible from the Street (covered back porch)

	Cost / unit		Total Cost
5" Half Round Copper Gutter	\$ 9.75	28	\$ 273
10' x 3" x 18 oz Copper Welded Seam Smooth Round Downspout	\$ 120.00	1	\$ 120
Spherical End Caps For Half Round Gutter, Reversible - 5", copper	\$ 18.50	2	\$ 37
Copper Funnel Outlets - for 5" gutter and 3" downspout	\$ 23.00	1	\$ 23
Hidden Half Round Gutter Brackets with Rods	\$ 6.00	7	\$ 42
Subtotal			\$ 495
US Tax			\$ 34
US Surcharge			\$ 145
US Total			\$ 674
CA Total (1.35x exchange rate)			\$ 910
CA Total after possible import HST			<u>\$ 1,019</u>

Grand Total **\$ 7,889**

Custom Metal Fabricating Estimate #2

After discussion with representatives from the City of Windsor during a site visit 2023-05-08, we agreed it is reasonable to include another 25' of eavestrough in the quote because it is visible from the street, it will need to interface with a downspout that is being replaced and the original metal bottom hangers are bending due to top-hangers failing (same situation as the 3rd level troughs). The gutters are twisting.

Custom Metal Fabricating

718 County Rd. 41 RR5
Harrow, Ontario N0R 1G0
custommetalfabricating.ca
custommetalfabricating65@gmail.com
226.787.0892

ESTIMATE

05/09/2023

Original estimate was prepared for Mike Schmidlin for custom copper work to his heritage home located at 793 Devonshire in Windsor, Ontario, pursuant to the information provided by our client via email on 04/27/2023 and a site visit completed on 04/28/2023.

The original estimate has been amended to include copper work for the covered porch as per client's email on 05/08/23.

Removal and disposal of existing eavestroughs and the installation of new, copper eavestroughs (provided by client)

- 42'-0 eavestroughs (front)
- 2 down spouts (front)
- 42"-0 eaves troughs (rear)
- 2 downspouts (rear)
- fabrication and installation of custom made support brackets
- (wonky stuff) connections of rear downspouts into lower roof drains as discussed at site visit
- 25' – 0 eaves trough (covered porch)
- fabrication and installation of custom made support brackets
- custom coupling and fitting as needed

\$18,000.00

\$2,800.00

subtotal \$20,800.00

(HST 7444493891) **\$2,704.00**

grand total \$23,504.00

Please note, the client is responsible for supplying the copper materials and components as well as the rental of the lift for an anticipated 1 month period. We have a quote from Battlefield rentals with whom we have a relationship, however, you can rent from a provider of your choice. Inclement weather will be inevitable, which is why we are anticipating a month's time for completion.

We require a commitment fee (deposit) of \$6,933.00 to fix your project into our schedule.

Upon completion of the rear of your home and the covered porch, we will require \$6,933.00.

Upon completion of the front of your home, we will require the remaining \$6,933.00 + HST \$2,704.00

Please feel free to reach out to John (226.787.0876) with any questions you may have.

Thank you for the opportunity to provide this estimate.

www.custommetalfabricating.ca

Exhibit B – Assessments

Chimney

P.J. Masonry and Restoration. Existing metal (x2) and cement (x1) chimney crowns severely warped and cracked through, respectively, causing water pooling and water runoff onto and into the bricks.

Bricetin. Most aspects of the chimneys date back to when the house was built. There has never been a teardown or deep restoration of the chimneys.

Eavestroughs and downspouts

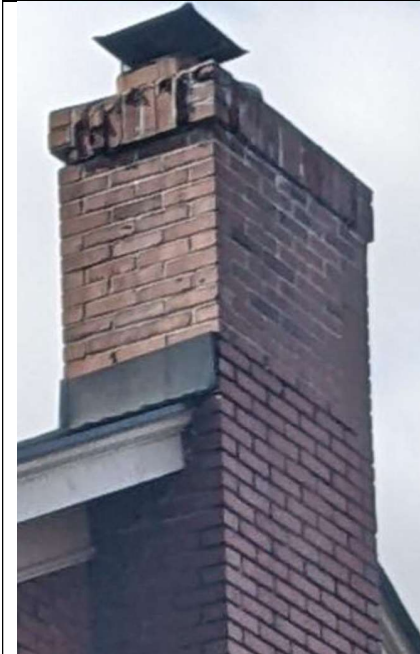
RJ Steel and Copper Co. These eavestroughs and downspouts are most likely original. The blackening of the copper suggests very old. The condition of and workmanship of the custom hangers strongly suggest original installation. The fascia boards are in good shape and will not be an issue holding new hangers.

Custom Metal Fabricating. Current hangers are not strong enough as designed. Will design a stronger, triangular shape hanger to meet the same overall dimensions. Supports top-hanging as well to support and prevent twisting. Gutter system appears to be original to the home. Found a 65ft lift rental for one month at less than \$3000, that can be shared by all contractors.

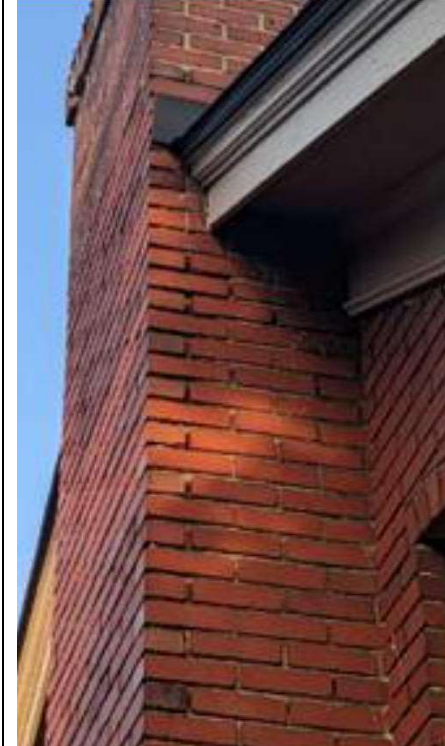
Copper Development Association Inc. (CDA). Copper in Architecture - Design Handbook: Copper Gutters and Downspouts. Retrieved from <https://www.copper.org>. On their website, they mention that copper gutters can last over 50 years in most urban environments, and potentially up to 100 years in less demanding conditions.

Exhibit C – Photos

Chimney



North chimney from NE viewpoint. Multiple full bricks missing from soldier course; multiple cracked bricks; *Men in Kilts* removed a full brick from N.E. eavestrough; mortar pointing above-roof portion inconsistent with rest of home, with stark contrast; warped steel chimney crown; cracked flue extensions.



North chimney from NW viewpoint. Unaddressed mortar erosion along chimney below roofline, often approaching 1.5” of erosion.



North chimney from SW viewpoint. More missing soldier-course bricks and cracked bricks; mortar erosion just above flashing. No visible cement or metal chimney crown, not offering any water protection.



South chimney from NW viewpoint. Widespread DIY mortar repair; visibly cracked bricks.



South chimney from east viewpoint. Widespread DIY mortar repair; visibly cracked bricks; missing ricks from soldier course; warped chimney crown.

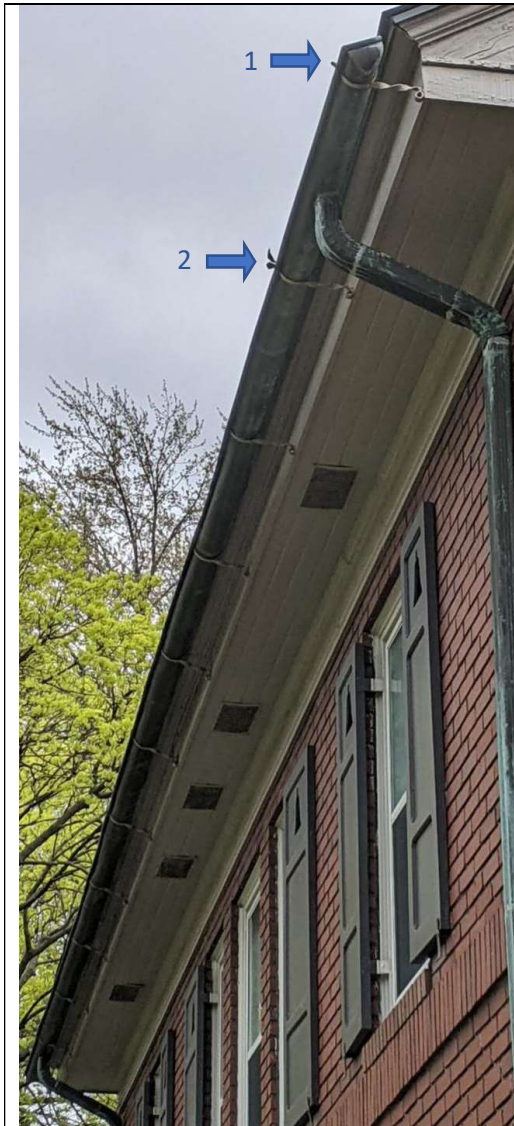


Middle chimney from SW viewpoint. Severely cracked cement chimney crown; visible DIY mortar repair; missing entire brick from soldier course, found on grass on Cataraqui street in January.



Middle chimney from NW viewpoint. Similar to previous viewpoint. This chimney has the least wear and tear.

Upper level eavestroughs and downspouts



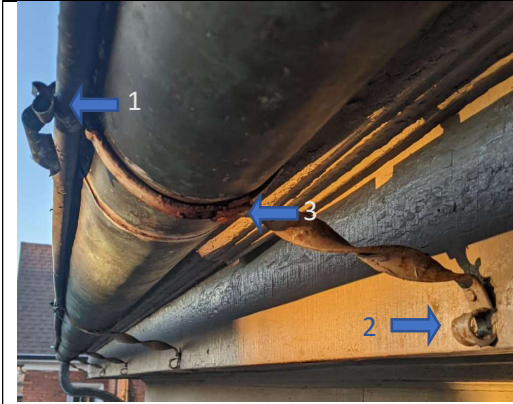
Front eavestrough from N.E. viewpoint. Unique design pushes the eavestroughs away from the fascia to reveal beautiful crown molding. This is achieved by using custom hangers that suspend the 5" troughs about 5" away from the fascia.

The trough is visibly twisted (1) due to top straps being torn, allowing the troughs to turn outward and apply undue torque on the hangers. In at least 5 cases, the top straps (2) or top brackets are torn or broken, which will lead to inevitable further twisting of the trough and bending of the hangers.

This method of hanging the eavestroughs is patently custom and offers a unique aesthetic well worth preserving.

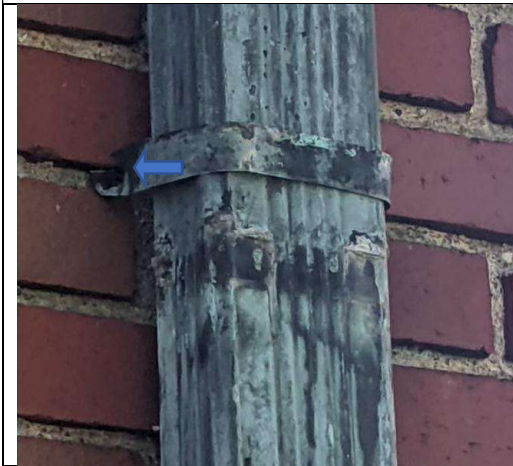


Rear eavestrough. This is an example of what the original top supporting hardware looked like. There are many cases where this snapped and was replaced by a copper strap. In at least 5 cases, this copper is also torn and therefore the troughs are putting undue torque on weight on the under-hangers.

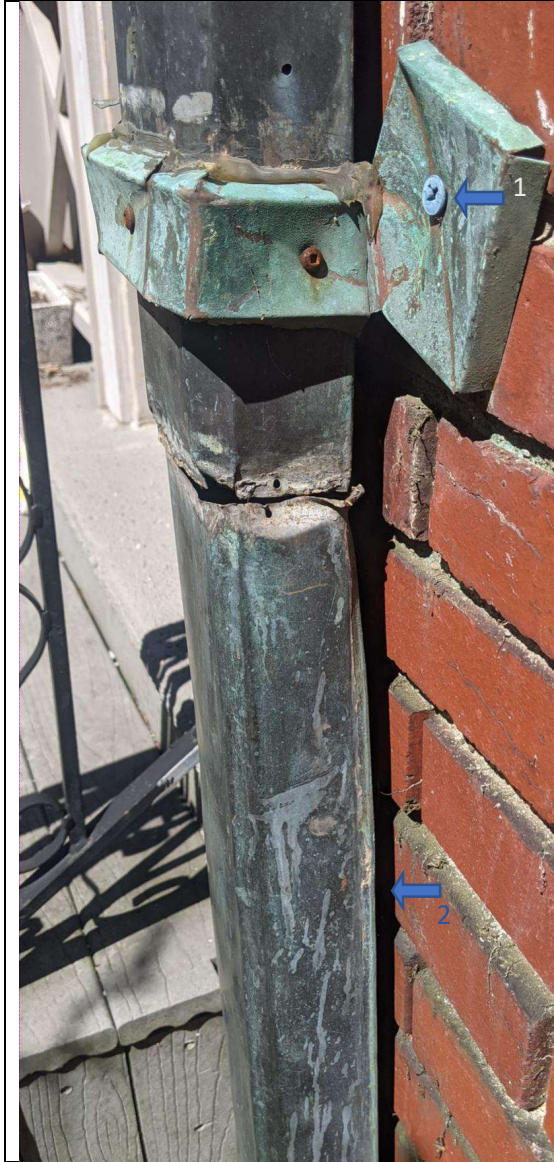


Rear eavestrough. This shows what is happening in at least half of the 24 hangers. The copper strap is torn (1). The troughs are twisting away from the roof edge. The under-hangers show visible torque at the point it is fastened to the fascia (2). During rain the weekend of 2023-04-16, I observed water pouring over the bead of the trough due to twisting and lack of proper slope of the troughs.

It is common to see significant rust buildup (3) at the joint between the two hanger pieces.



Front north downspout. This is typical of 3 downspout brackets: missing or damaged decorative cover piece; structural piece is torn (shown) or disconnected from the fasteners.



Rear north downspout. This exhibits deteriorated decorative bracket cover piece being used to fasten the downspout, i.e., the structural bracket is missing or not reliable (1). There is evidence of years of water spraying against the home due to splitting of the downspout at the seam due to clogs and freezing (2). This is causing significant erosion of mortar and cracks in the bricks. Significant wear and tear at the coupling between pieces of downspout indicative of repeated repair.



Rear north downspout. Ad hoc drainage of balcony into existing downspouts with plastic tubing. This is leaking and is only a handful of years old.



Rear south downspout (facing Cataraqui). This setup here is original through two brackets (visible and the one below) are partially torn and the whole downspout is mostly supported by the couplings seen here. This is expected to be an imminent failure point.

This interface between the 2nd level trough with the custom coupling to the main downspout will need to be redone to align with the new downspout. The photo below shows the 25' run of this 2nd level trough.



Covered porch troughs facing Cataraqui. These are prominent copper gutters exhibiting the same type of failures as the 3rd level gutters. Particularly, there are multiple top hangers that are broken / torn, allowing the bottom hangers to begin to twist due to the lack of support. There is a visible twisting of the gutters.

APPENDIX 'D' – Additional Photos of 793 Devonshire Road



View of the front facade of 793 Devonshire Road



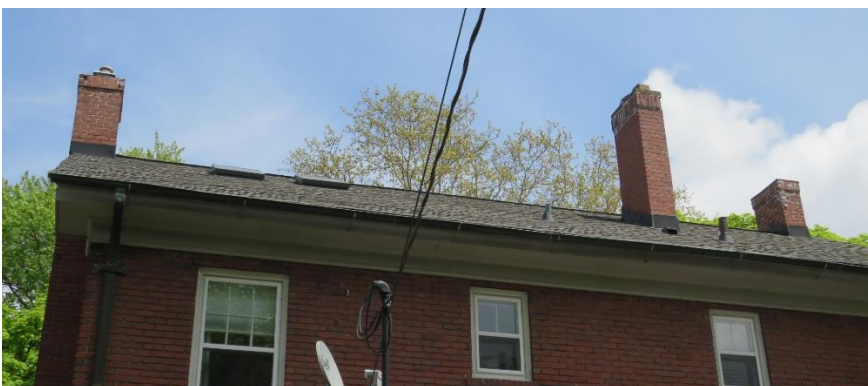
View of the corner of 793 Devonshire Road from the intersection of Devonshire Road and Catarauqui Street



View of the south side facade of 793 Devonshire Road from Cataraqui Street



View of the three chimneys from the front yard



View of the three chimneys from the rear yard



Close-up views of the north chimney



Close-up views of the south chimney



Close-up views of the central chimney



Views of the copper eavestroughs system across the front facade



Close-up views of the troughs and twisted support hangers



Close-up views of the downspouts, brackets, and connections



Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Fife Veterinary Professional Corp. for 816 Hanna Street East (Ward 4)

Reference:

Date to Council: June 5, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: April 19, 2023
Clerk's File #: Z2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Fife Veterinary Professional Corp. on behalf of the property owner 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 816 Hanna Street East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$9,487.50 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$9,487.50 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The subject site is located on the north side of Hanna Street East between Marentette Avenue and Elsmere Avenue (see location map). The property is 0.05 hectares (or .12 acres) in size and currently contains a 2,800 square foot building that is currently operating as Windsor Precious Pet Cremation. The site is designated 'Residential' on Official Plan Schedule D: Land Use and is zoned Commercial District CD2.2, which permits a range of commercial uses. The site historically contained a dry cleaning business.

The principal owner of Fife Veterinary Professional Corp. is Michael Fife. Fife Veterinary Professional Corp. intends to purchase the property and has submitted the grant application on behalf of the current property owner. Fife Veterinary Professional Corp. is incurring the eligible Phase 2 Environmental Site Assessment (ESA) costs, and should the application be approved, would receive the grant payment.

Discussion:

Environmental Site Assessment Grant Program

The ESA Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The applicant proposes to continue using the property for commercial use and requires a Phase 2 Environmental Site Assessment (ESA) study for financing. The applicant has completed a Phase I ESA, which identifies areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). Upon completion, the City would retain a copy of the final study report.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;

- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated with the potential presence of contamination. The proposed Phase II ESA study will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost for remediation and establish next steps in the remediation process, if required.

Climate Change Risks

Climate Change Mitigation:

The proposed residential redevelopment is supported by the Environmental Master Plan action item, which encourages use of the Brownfields Redevelopment Strategy.

Climate Change Adaptation:

The existing commercial property may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$18,975. If approved, the maximum grant would total \$9,487.50. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$772,392 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from Fife Veterinary Professional Corp. on behalf of the property owner to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Tony Ardovini	Commissioner, Corporate Services Chief Financial Officer / City Treasurer (A)
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
		drfifedvm@gmail.com

Appendices:

1. Location Map



LOCATION MAP : 816 HANNA STREET EAST



SUBJECT PROPERTY



Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Dior Homes on behalf of Capital Plus Real Estate Corp. for 3841, 3843, and 3847 Howard Avenue (Ward 9)

Reference:

Date to Council: June 5, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca

Report Date: May 8, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Dior Homes on behalf of Capital Plus Real Estate Corp. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 3841, 3843, and 3847 Howard Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$12,875 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$12,875 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 1,225 residential dwelling units.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The subject site is located on the southwest corner of Howard Avenue and Cabana Road West (see location map). The property is 0.1 hectares (or 0.24 acres) in size and is currently vacant land. The site is designated 'Mixed Use Node' on Official Plan Schedule D: Land Use and is zoned Commercial District CD2.1, which permits a range of commercial uses. The applicant has submitted a rezoning application in April 2023 to change the zoning district to Commercial District CD2.2, which would permit commercial uses and residential dwelling units, if approved.

The site historically contained a mixed-use building and was used for a range of commercial uses as well as residential apartments between 1946 and 2005, when the former building was demolished. The principal owner of Capital Plus Real Estate Corp. is Ms Doreen Aiello. The Principal Owner of Dior Homes is Mr. Rio Aiello.

Discussion:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The owner proposes to redevelop the property for mixed use, including residential dwellings, which requires the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks (MOECP). The owner has completed a Phase I Environmental Site Assessment (ESA) study to support the redevelopment of the property. The Phase I ESA study identified areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). The Phase II ESA study is necessary to support the filing of a RSC.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion, the City would retain a copy of the final study report.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements

specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated with the property remaining vacant. Uncertainty related to the presence of contamination will continue to act as a barrier to redevelopment if not addressed.

The proposed Phase II ESA study will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost of remediation and establish next steps in the remediation process, if required.

Climate Change Risks

Climate Change Mitigation:

The proposed mixed use 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 mixed use redevelopment may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase II ESA study ranges between \$23,500 and \$25,750. If approved, the maximum grant would total \$12,875. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$772,392 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Environmental Study Grant program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

City Staff recommend Council approve the request from Dior Homes on behalf of Capital Plus Real Estate Corp. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer – Taxation, Treasury & Financial Projects
Tony Ardovini	Commissioner, Corporate Services Chief Financial Officer / City Treasurer (A)
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
		build@diorhomes.ca

Appendices:

- 1 Location Map



LOCATION MAP : 3841, 3843, 3847 HOWARD AVENUE



SUBJECT PROPERTY





Subject: Amendment to CR58/2021 for Closure of east/west alley between Matthew Brady Boulevard and east limit of 7730 St. Rose Avenue, Ward 6, SAA-5947

Reference:

Date to Council: June 5, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

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

To: Mayor and Members of City Council

Recommendation:

I. THAT CR58/2021, adopted on February 1, 2021, **BE AMENDED** as follows:

By **DELETING** the following wording under section IV to the council resolution:

IV. THAT the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the abutting property owners in equal halves along the centre line of the alley, and adjusted as necessary by the City Planner;

And **INSERTING:**

IV. THAT the 4.86-metre-wide east/west alley between Matthew Brady Boulevard and St. Paul Avenue, north of St. Rose Avenue, and shown as "Part 2" on Drawing No. CC-1767 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 884 Matthew Brady Boulevard (legally described as Part of Lot 48 & Part of Closed Alley, Plan 1181) 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. Owner of the property known municipally as 7720 St. Rose Avenue (legally described as Lot 50, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer; and
- ii. Owner of the property known municipally as 7730 St. Rose Avenue (legally described as Lot 49, Plan 1181) to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer.

Executive Summary:

N/A



Figure 1 - Location Map

Background:

CR58/2021 was adopted by Council on February 1, 2021, directing administration to undertake the necessary steps to assume, close and convey the following alley:

- 4.86-metre-wide east/west alley located between Matthew Brady Boulevard and the east limit of the property known municipally as 7730 St. Rose Avenue (the subject alley).

The City's Engineering Department identified a private sanitary sewer within the subject alley during the replacement of the combined sewer within Matthew Brady Boulevard in 2022. It was determined that 884 Matthew Brady Boulevard, 7720 St. Rose Avenue and 7730 St. Rose Avenue have active connections into this sewer.

The Planning Department identified that a portion of 884 Matthew Brady Boulevard's concrete driveway encroaches onto 7720 St. Rose Avenue's half of the subject alley. Notwithstanding this fact, the owner of 7720 St. Rose Avenue has confirmed via email, *attached* hereto as Appendix "B", that they do not wish to purchase their half of the subject alley.

Discussion:

The City's Engineering Department confirmed that an easement is required over the portion of the subject alley shown as "Part 2" on Drawing No. CC-1767, *attached* hereto as Appendix 'A, in favour of the owners of 7720 St. Rose Avenue and 7730 St. Rose Avenue to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing private sanitary sewer.

Section IV. of CR58/2021 must be amended to change the manner of conveyance for "Part 2" and include the granting of the aforesaid easement as a condition of its closure and conveyance.

Risk Analysis:

The recommended amendment to CR58/2021 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 CR58/2021 does not impact the conveyance cost.

Consultations:

Consultations were held with the Public Works - Engineering Department for determining the parameters of the required easement.

Conclusion:

The Planning Department recommends that CR58/2021 be amended to change the manner of conveyance for “Part 2” and include the granting of the aforesaid easement as a condition of its closure and conveyance.

Planning Act Matters:

N/A

Approvals:

Name	Title
Justina Nwaesei	Acting Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

Notifications:

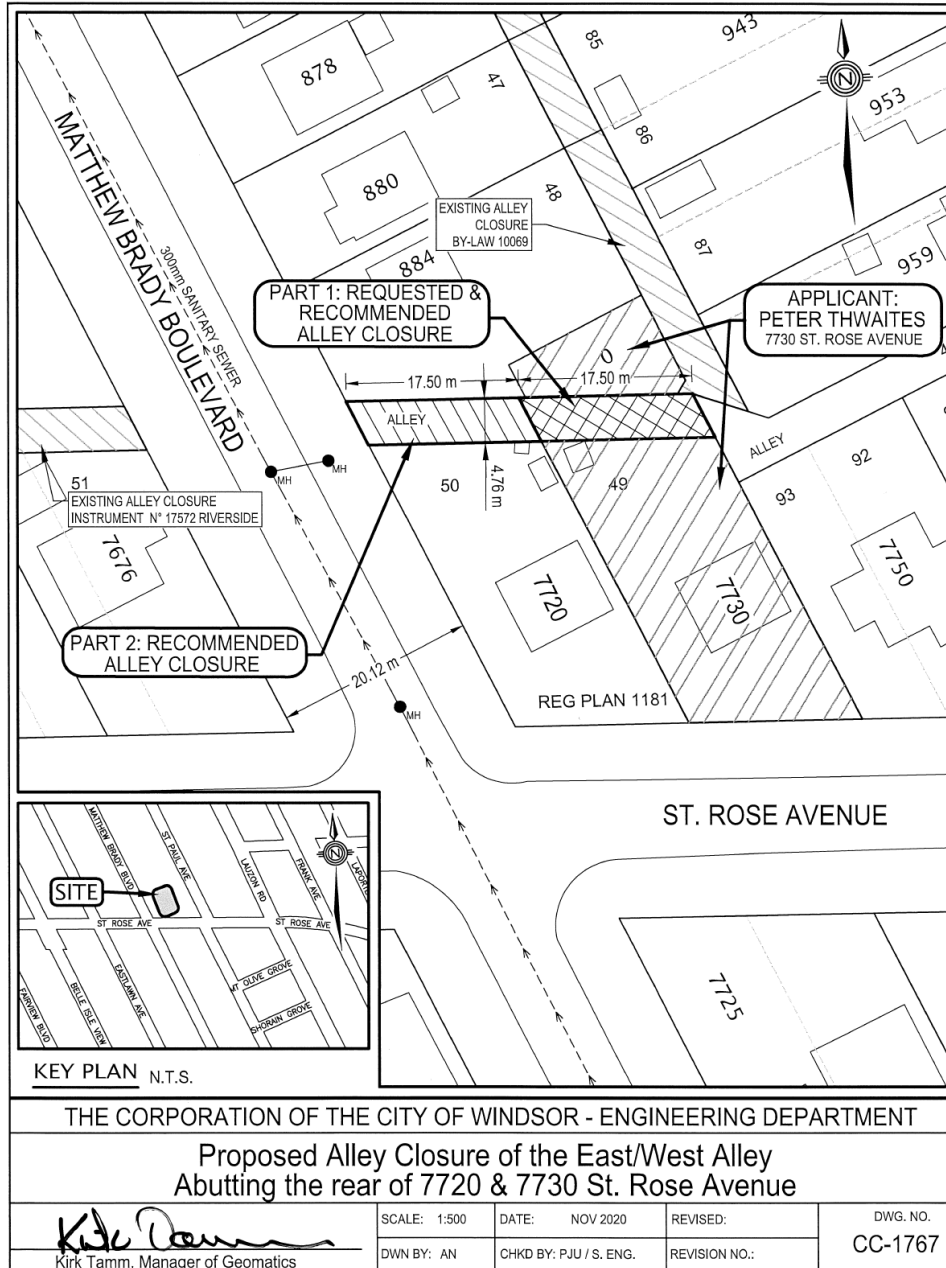
Name	Address	Email
Ward 6 Councillor Jo-Anne Gignac	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	joagignac@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

- 1 Appendix A - Drawing No. CC-1767
- 2 Appendix B - Email from Owner of 7720 St. Rose Avenue

APPENDIX "A"

Drawing No. CC-1767



APPENDIX “B”
Email from Owner of 7720 St. Rose Avenue

From: [REDACTED] <[REDACTED]>

Sent: April 11, 2023 10:33 AM

To: Matthews, Meghan (She/Her) <MMatthews@citywindsor.ca>

Subject: Re: SAA/5947 || 7720 St. Rose

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.

Morning Meghan. Hope you had a good weekend. In regards to the alley. I do not wish to purchase the alley. Due to the unique situation of property lines, it is in my best interest to give my rear neighbor the opportunity to purchase it.

Thank you again for all your help

[REDACTED]

Subject: Closure of north/south alley located between Algonquin Street and 1429 Randolph Avenue, Ward 10, SAA-7025

Reference:

Date to Council: June 5, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: May 5, 2023
Clerk's File #: SAA2023

To: Mayor and Members of City Council

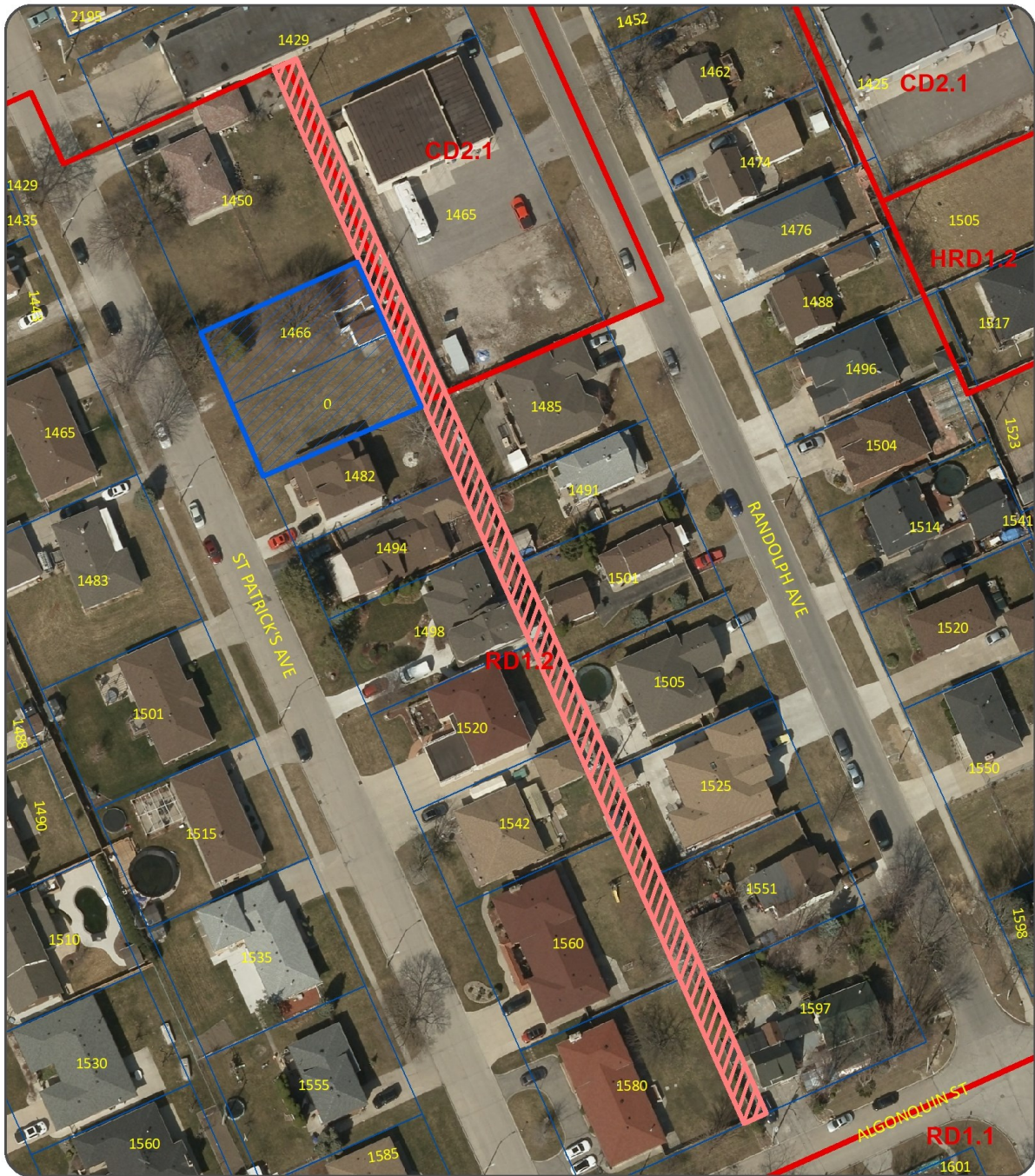
Recommendation:

- I. THAT the 4.27-metre-wide north/south alley located between Algonquin Street and the property known municipally as 1429 Randolph Avenue (legally described as Lot 9, Lots 513 to 515 & Block C, Plan 973) and shown on Drawing No. CC-1834 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate the existing overhead secondary 120/240-volt and 347/600-volt hydro distribution; and
 - iii. MNSi. to accommodate existing plant on the pole lines.
 - b. Easement over that portion of the subject alley abutting Lot 513, Plan 973, in favour of 1429 Randolph Avenue for access to repair and maintain the south face of the existing building on the property, **if** the owner of 1429 Randolph Avenue is unable to purchase the full width of the aforesaid portion of the subject alley abutting their property.

- c. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except:
 - i. That portion located between 0, 1450 & 1466 St. Patrick Avenue (legally described as Lots 10 to 16, Plan 973), and 1429 & 1465 Randolph Avenue (legally described as Lots 9, 507 to 515 & Block C, Plan 973), in which case the middle of the alley shall be used.
- III. THAT Conveyance Cost **BE SET** as follows:
 - d. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per square foot without easements plus HST (if applicable) and \$10.00 per square foot with easements plus HST (if applicable).
 - e. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description for that portion of the subject alley abutting the properties known municipally as 0 and 1466 St. Patrick Avenue.
- V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description for the remaining portion of the subject alley abutting the properties legally described as Lots 10 to 13, 17 to 31, 492 to 506 & 510 to 513, Plan 973.
- VI. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) for each portion of the subject alley.
- 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.

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/7025)

1:875

APPLICANT : TIAN YAO INVESTMENTS LTD.



PROPOSED CLOSURE



SUBJECT PROPERTIES

PLANNING DEPARTMENT - PLANNING POLICY

DATE: MAY, 2023

Figure 1 - Location Map

Background:

The applicant, Tian Yao Investment Ltd., owner of the property known municipally as 0 and 1466 St. Patrick Avenue (the subject property), applied to close the north/south alley located between Algonquin Street and 1429 Randolph Avenue (the alley), and shown on Drawing No. CC-1834 *attached* hereto as Appendix “A”, and also shown on the aerial photo *attached* hereto as Appendix “B”.

The alley was established by Registered Plan of Subdivision 973, registered on October 19, 1920. The alley originally extended to the untraveled east/west alley bordering 1429 Randolph Avenue to the north. This section of the alley was closed on April 16, 1961.

City of Windsor aerial photography from 1969 to 2021 illustrates that the alley has been encroached on over the years by abutting properties with accessory buildings, fences, landscaped open space and structures. Each property roughly encroached into its abutting half of the alley. This excludes the subject property which encroached on the full width of the alley, and the properties to the north which did not encroach within the alley. The alley also contains utility poles with guy wires and anchors. 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 to accommodate a larger building area for the Semi-Detached Dwelling development being proposed through the concurrent Zoning By-law Amendment Application (File No. Z-037/22). This application is necessary as the Planning Department will not support the applicant’s request for a reduced rear yard depth to achieve a greater building area.

Discussion:

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

Classification of Public Right-of-Ways

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

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

3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The alley does not contain any sewers.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The alley does not serve as a vehicular means of access to any rear parking areas and garages.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The alley does not contain any Fire Department connections.
6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
 - a. The alley does not lie within a Holding zone or other similar undeveloped area.

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

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

The applicant has confirmed that they will be preparing their own Reference Plan for the portion of alley abutting their property. This is being done to avoid waiting for the City to obtain a Reference Plan, which is currently taking six to eight months from the date of the Council decision for an alley closure. The applicant is able to obtain their Reference Plan within a month, due to having a Topographic Survey recently prepared for the subject property.

The Legal Department has confirmed that this approach will require instructions from the City Planner directing the City Solicitor to prepare separate sets of by-laws to close and convey the applicant’s portion of the alley prior to the remainder of the alley. The Planning Department has no concerns with this approach and is instructing that it be carried out in the manner described in the Recommendation section herein.

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned CD2.1 is assessed at \$20.00 per square foot without easements plus HST (if applicable) and \$10.00 per square foot with easements plus HST (if applicable).

The rate for an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST, deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

Consultations:

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

Notice of this application was issued to property owners abutting the alley by regular mail, with no objections being received as of the date of writing this report.

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

Conclusion:

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

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

Planning Act Matters:

N/A

Approvals:

Name	Title
Justina Nwaesei	Acting Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

Notifications:

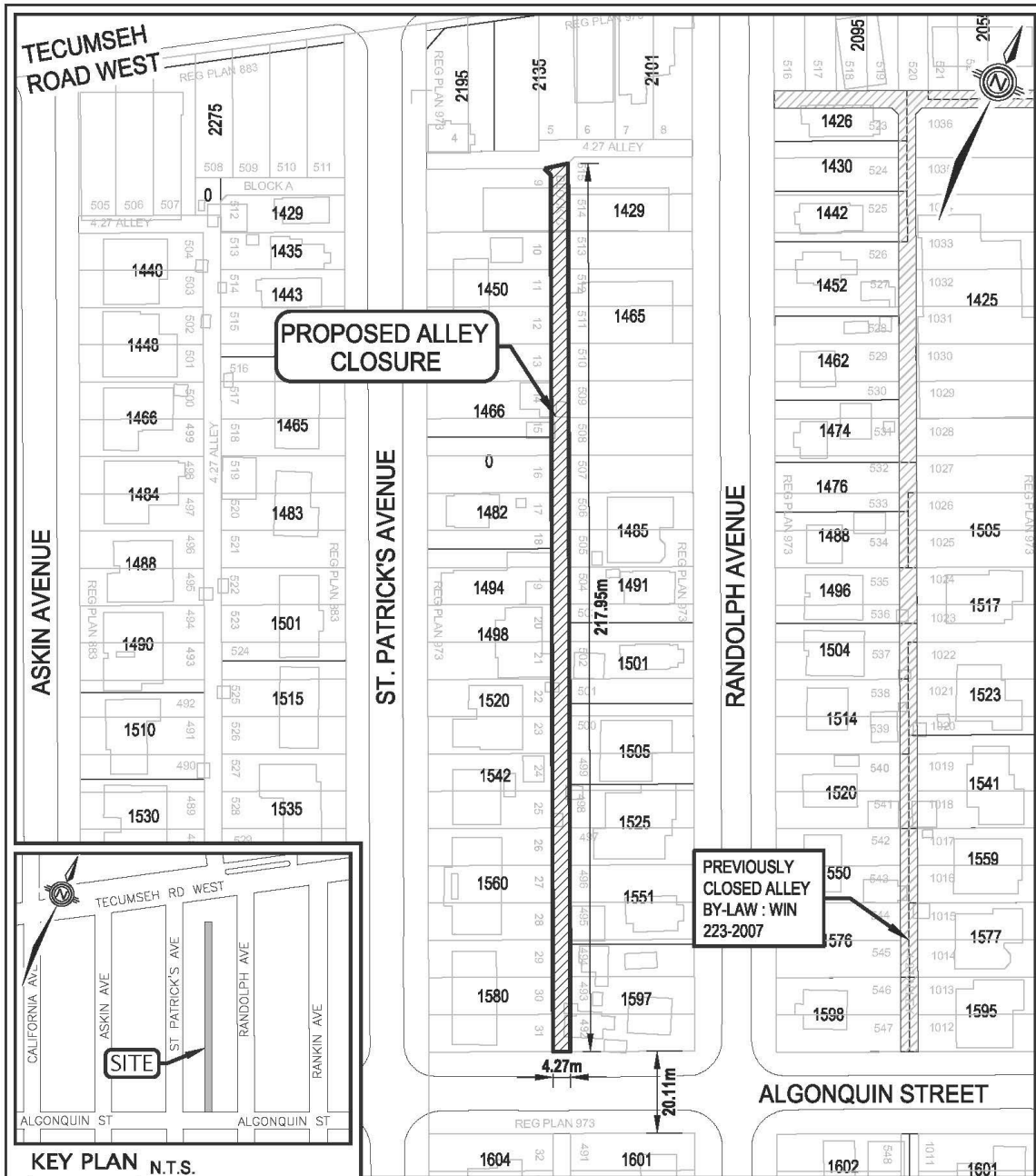
Name	Address	Email
Ward 10 Councillor	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	jmorrison@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

- 1 Appendix "A" - Drawing No. CC-1834
- 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

APPENDIX "A"

Drawing No. CC-1834



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT			
Proposed Alley Closure Between St. Patrick's Avenue And Randolph Avenue North of Algonquin Street & South of Tecumseh Road West			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:1000	DATE: MAY 2023	REVISED: —
	DWN BY: UT	CHKD BY: P.JU / MM	REVISION NO.: —
			DWG. NO. CC-1834

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/7025)

1:875

APPLICANT : TIAN YAO INVESTMENTS LTD.



PROPOSED CLOSURE



SUBJECT PROPERTIES



PLANNING DEPARTMENT - PLANNING POLICY

DATE: MAY, 2023

APPENDIX "C"

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

Bell Canada requests a 3.0 m wide easement, 1.5 m on either side of aerial facilities for the length of the entire alley.

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

COGECO CABLE SYSTEMS INC.

No comments provided

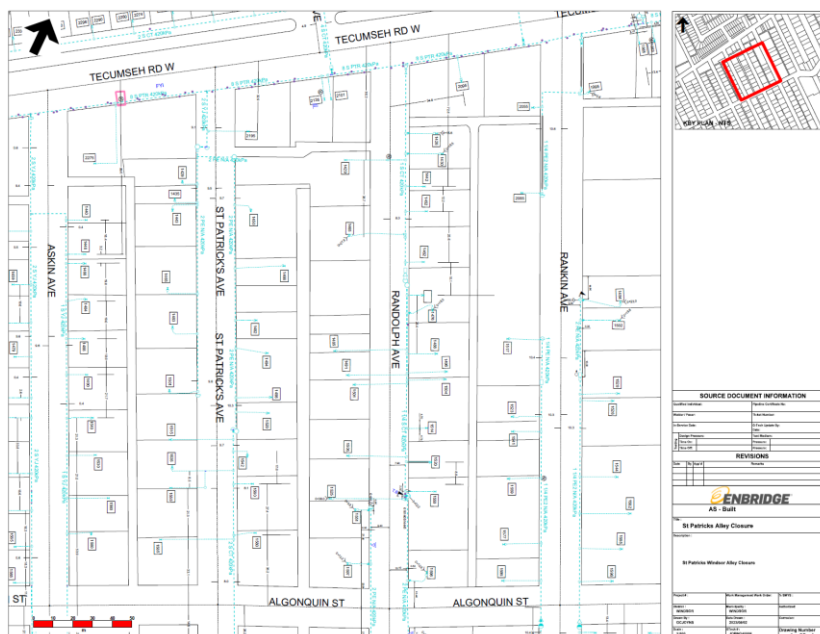
ENBRIDGE GAS

After reviewing the provided drawing at St Patrick's Alley Closure 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

[Gord Joynson - Drafter Estimator]



ENVIRONMENTAL SERVICES

Comments not provided

[Anne-Marie Albidone - Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No objection, however an easement named to ENWIN Utilities Ltd is required for the entire North / South alley upon closing to accommodate the existing overhead secondary 120/240 volt and 347/600-volt hydro distribution.

[Zachary Mancini - Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

For lands abutting RD1.2, \$1.00 plus HST (if applicable), 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 alley-abutting lands zoned CD 2.1, \$20.00 per square foot without easements and \$10.00 per square front foot with easements.

[Stephanie Santos - Coordinator of Real Estate Services]

MNSi

MNSi will require an aerial easement through the entire length of this closure we have existing plant on the pole lines.

[Dave Hartleib - Outside Plant Manager]

PARKS & FACILITIES

No comments from Natural Areas on this one.

[Karen Alexander - Naturalist and Outreach Coordinator]

Parks Development & Design has no objection for this SAA/7025 Liaison

[Sherif Barsom - Landscape Architect]

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No comments provided

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

Comments not provided

PUBLIC WORKS - TRAFFIC

Alley is not needed, no objections with the closure as proposed.

[Mike Spagnuolo - Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

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

[Meghna Patel - Permit Coordinator]

TRANSPORTATION PLANNING

Transportation Planning has no concerns with the proposed closure.

[Clare Amicarelli - Transportation Planner I]

TRANSIT WINDSOR

No objections from Transit Windsor

[Jason Scott - Supervisor, Planning]

WINDSOR FIRE

No objection from fire.

[Mike Coste - Chief Fire Prevention Officer]

WINDSOR POLICE

No comments provided

[Barry Horrobin - Director of Planning & Physical Resources]

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



Figure 1 - Looking east towards alley from St. Patrick Avenue (1466 St. Patrick Avenue on left)



Figure 2 - Looking east towards alley from St. Patrick Avenue (1482 St. Patrick Avenue on right)



Figure 3 - Looking north towards alley from Algonquin Street (1597 Randolph Avenue in centre)

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

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

Suitability for Closing:

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

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

Subject: Sandwich Town CIP Application, 3150 Peter Street; Owners South Rustico Holdings Inc, (c/o David Ly) - Ward 2

Reference:

Date to Council: June 5, 2023
Author: Kevin Alexander, MCIP RPP
Senior Planner - Special Projects
519-255-6543 ext. 6732
kalexander@citywindsor.ca
Planning & Building Services
Report Date: May 1, 2023
Clerk's File #: SPL2023

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the request for incentives under the Sandwich Incentive Program made by South Rustico Holdings Inc, (c/o David Ly), owner of the property located at 3150 Peter Street, **BE APPROVED** for the following programs when all work is complete:
 - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of **(+/- \$5,000)**;
 - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years **(+/- \$2,051** per year); and
- II. **THAT** Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- III. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and South Rustico Holdings Inc, (c/o David Ly) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the

City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

- IV. **THAT** funds in the maximum amount of +/- **\$5,000** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;
- V. **THAT** grants **BE PAID** to South Rustico Holdings Inc, (c/o David Ly) upon completion of the interior/exterior renovations including the addition of a new dwelling unit in an existing space from the *Sandwich Community Development Plan Fund* (Project 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- VI. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Executive Summary:

N/A

Background:

On January 26, 2009, City Council passed by-laws to establish the Sandwich Heritage Conservation District Plan (By-law 22-2009), Olde Sandwich Towne Community Improvement Plan (By-law 27-2009), and Supplemental Development and Urban Design Guidelines (By-law 28-2009). These By-laws came into effect on October 18, 2012. One of the key recommendations of the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) is the implementation of the Incentive Program(s).

On June 17, 2013 through M265-2013 Council activated the following Incentive Programs from the Sandwich Incentive Program(s) "toolkit" (See):

- a) Commercial/Mixed Use Building Facade Grant Program
- b) Revitalization Grant Program
- c) Commercial Core Feasibility Grant Program
- d) Development Charge Grant Program
- e) Development and Building fees Grant Program
- f) Neighbourhood Residential Rehabilitation Grant Program.

On June 17, 2013 Council also received the Development Review Process for development applications within the Sandwich Heritage Conservation District (HCD) area, and within the Sandwich Community Improvement Plan (CIP) Area (outside of the

Sandwich HCD Area) (M264-2013). On April 28, 2014, Council also activated the *Commercial/Mixed Use Building Improvement Loan Program* from the Sandwich Incentive Program(s) “toolkit”.

Discussion:

On December 23rd, 2022, South Rustico Holdings Inc, (c/o David Ly) applied for grants through the Sandwich Town CIP Incentive program for the purpose of the addition of a new dwelling unit in an existing space and interior/exterior renovations to the property located at 3150 Peter Street (See Appendix A for location map and existing condition).

Sandwich Incentive Program(s)

The proposal is located within Target Area 1 of the Sandwich CIP Area and eligible for the following incentive programs. The eligible costs for each incentive program are based on the cost estimates provided by the applicant. As the project is implemented these costs could fluctuate slightly resulting in a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, with the following program specific requirements:

1. *Development and Building fees Grant Program*

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. The applicant has applied for a Building Permit for the addition of the new dwelling unit in the existing space. Building Permit drawings have been submitted but are still under review and no costs have been determined for the Building Permit and other applicable development fees. Recommendation I. ii. of the report will include a maximum amount of \$5,000 to ensure that all fees are captured.

2. *Revitalization Grant Program*

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in City property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes. Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

The confirmed current value assessment of the property located at 3150 Peter Street is \$468,000.00. The owner currently pays property taxes of \$17,439. The municipal portion, to which the grant would apply, is \$16,723.

The Applicant’s estimated Post-Project Value of Land and Buildings based on the cost of construction is \$550,000 with a value increase of \$82,000.

However, some of the proposed costs incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and information provided to be \$550,000 based on the 2022 Residential Tax Rate. The grant will however be based upon the actual tax increment once the assessment and full review of the building after completion of renovations has been determined by MPAC.

For illustrative purposes, the table below identifies the 70% of the municipal portion (over a 10 year period) that the applicant would be eligible for based on the Current Value Assessment and the Estimated Post Project Assessment Value.

The estimated post project assessment value of \$550,000 was completed by Administration based upon the construction and permit drawings provided by the applicant. However, the actual amount of the new assessment will be dependent upon a full review of the building after completion of renovations as determined by the Municipal Property Assessment Corporation (MPAC).

Because the Revitalization Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for 70% of the difference between the pre and post-development municipal taxes that are attributed to the eligible use. The City would retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program however would forego the increase in property taxes resulting from the proposed investment, which could otherwise be used to offset future budget pressures over the next ten years.

After completion of the grant program (10 years), the City will collect the full value of municipal tax increase of \$20,510 annually.

Estimated Revitalization Grant for 3150 Peter Street			
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant (70% of municipal increase)	Annual Estimate of Grant Over 10 years)
\$ 16,723	\$19,653	\$ 2,051	\$20,510

Assumptions

Current Property Value Assessment (2023 – Multi-Residential)	\$468,000
Estimate Total Post Development Assessment	\$550,000

Risk Analysis:

The Planning & Building Department will conduct a review of the building plans to confirm compliance with the Ontario Building Code, and applicable law (e.g. zoning by-law and the Ontario Heritage Act). The drawings will continue to be reviewed to ensure that the City's incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Sandwich Incentive Program(s). As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the grant amount does not exceed the total cost of the project.

The following grants will not be disbursed until an agreement for the Sandwich Incentive Program has been registered on title between the owner and the City of Windsor and not until all work is completed and inspected by Administration as per the approved drawings and Building Permit:

- *Revitalization Grant Program*
- *Development and Building Fees Grant Program*

There is little risk associated with approval of a tax increment-based grant such as the *Revitalization Grant Program* as the payments commence after the eligible work has been completed and the property reassessed by MPAC, and will only continue if the development remains eligible in accordance with the Sandwich CIP. Should the development fail to meet its requirements under the CIP, grant payments would cease.

Climate Change Risks

Climate Change Mitigation:

The subject development mitigates greenhouse gas (GHG) emissions by renovating a vacant existing residential space which reduces material usage and construction time,

The re-use of the existing building and site contributes to the revitalization of the Sandwich Town Neighbourhood through increasing the density and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The improvements to the existing building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.

Utilizing an existing building and property in a built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

Climate Change Adaptation:

The redevelopment of the site will utilize modern building methods which will conform to the Ontario Building Code concerning energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.

Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$772,392 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the amount of +/- \$5,000 for the *Development and Building Fees Grant Program* identified in this report.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department when all work is complete.

Eligible Incentive Programs	Grant
<i>Development and Building Fees Grant</i>	+/- \$5,000
<i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i>	
<i>Revitalization Grant</i>	\$20,510
<i>*(\$2,051 per year between years 1 to 10</i>	
Total	\$25,510

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund* (project 7076176) when all work is complete. The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.

Consultations:

The Planning and Building Department has consulted with the owner of 3150 Peter Street through the Sandwich Incentive(s) Program application and all other aspects of the Development Review Process including the requirements of the Heritage Permit process.

For the purpose of determining the approximate dollar value of grants Carolyn Nelson, Manager of Property Assessment Taxation & Financial Projects was consulted

regarding annual Tax Assessment information and the Estimated Post-Redevelopment Property Value Assessment. Josie Gualtieri, Financial Administrator from Financial Planning was consulted regarding funding through Account 7076176-Sandwich Community Development Plan.

Conclusion:

The proposed residential redevelopment located at 3150 Peter Street will provide an opportunity to improve the appearance of the area and create new housing units in a currently vacant building in the Sandwich CIP area.

The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report. There are sufficient funds in the Sandwich Community Development Plan Fund to provide the Development & Building Fees grant amount, which has been applied for by the applicant for this project with the Revitalization Grant portion funded through the municipal portion of the annual tax levy. Administration recommends that the application request by the owner of 3150 Peter Street for incentives under the Sandwich Incentive Program be approved.

Planning Act Matters:

N/A

Name	Title
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Manager of Urban Design
John Revell	Chief Building Official
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development and Innovation
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Tony Ardovini	Acting Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
South Rustico Holdings Inc.	1290 Heritage Wat Oakville ON L6M 4M4	david.ly@elevationrealty.ca
David Ly	1311 Princeton Crescent Burlington ON, L7P 2K4	david.ly@elevationrealty.ca

Appendices:

- 1 Appendix 'A' - Location Map and Existing Condition
- 2 Appendix 'B' - Proposed Improvements

APPENDIX 'A'

LOCATION MAP



LOCATION MAP



SUBJECT PROPERTY : 3150 PETER STREET



APPENDIX 'A'
EXISTING CONDITION



APPENDIX 'A'
EXISTING CONDITION



APPENDIX 'A'
EXISTING CONDITION



APPENDIX 'B'

PROPOSED IMPROVEMENTS



Replace all exterior doors and windows

APPENDIX 'B'

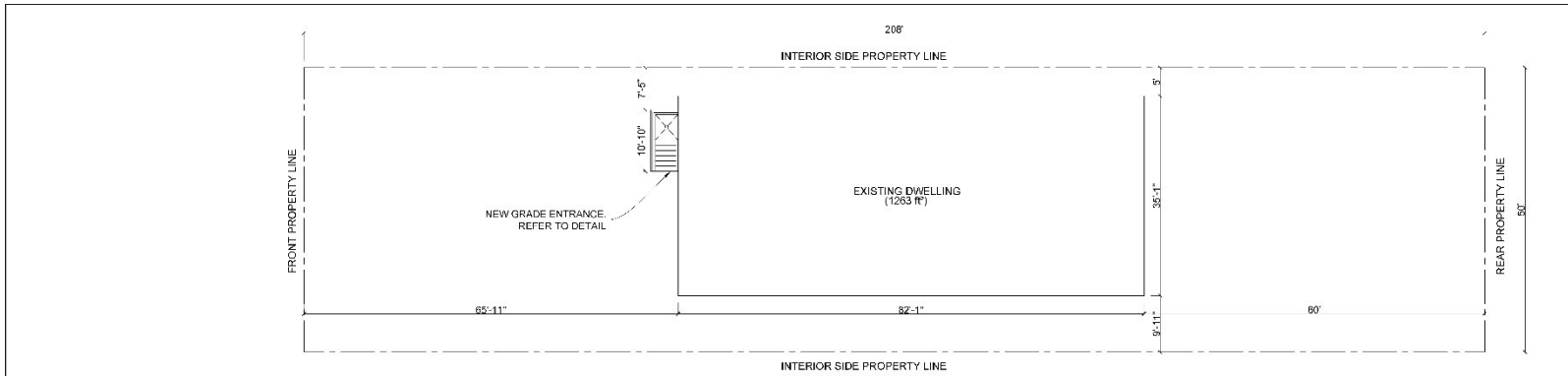
PROPOSED IMPROVEMENTS



Repair cracks in exterior walls and foundation

APPENDIX 'B'

PROPOSED IMPROVEMENTS



GENERAL NOTES

GENERAL NOTES

THESE PLANS AND SPECIFICATIONS SHALL BE CONSIDERED TO BE THE COMPLETE AND EXHAUSTIVE STATEMENT OF THE OWNER'S REQUIREMENTS FOR THE WORK DESCRIBED HEREIN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES.

CONTRACTOR'S OBLIGATIONS

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES.

PERMITS

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES AND AGENCIES.

EXISTING CONDITIONS

THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE EXISTING CONDITIONS AND PROVIDING A DETAILED REPORT TO THE ARCHITECT PRIOR TO THE START OF WORK.

PROTECTION OF EXISTING CONDITIONS

THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL EXISTING CONDITIONS AND PROVIDING A DETAILED REPORT TO THE ARCHITECT PRIOR TO THE START OF WORK.

QUALITY CONTROL

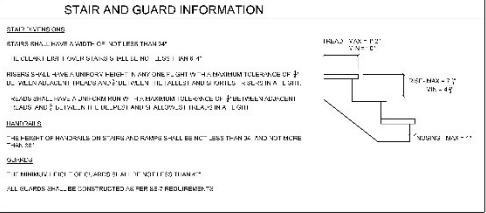
THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING ACCURATE RECORDS OF ALL WORK AND PROVIDING A DETAILED REPORT TO THE ARCHITECT PRIOR TO THE START OF WORK.

SAFETY

THE CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING A SAFE WORKING ENVIRONMENT AND PROVIDING A DETAILED REPORT TO THE ARCHITECT PRIOR TO THE START OF WORK.

COMPLETION

THE CONTRACTOR SHALL BE RESPONSIBLE FOR COMPLETING ALL WORK AND PROVIDING A DETAILED REPORT TO THE ARCHITECT PRIOR TO THE START OF WORK.



DATE: 12/15/2022
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES
 PROJECT NO.: 2022-001

AG DESIGN
 3550 PETER STREET
 WINDSOR, ON
 N6A 1S6
 TEL: 519-253-1111
 FAX: 519-253-1112

BASEMENT UNIT CONVERSION
 3550 PETER STREET
 WINDSOR, ON
 N6A 1S6
 TEL: 519-253-1111
 FAX: 519-253-1112

Date: December 15, 2022
 Scale: 1/4" = 1'-0"
 Drawing No.: 01-002
 Drawing Title: SITE PLAN & GENERAL NOTES

A-0.1

APPENDIX 'B'

PROPOSED IMPROVEMENTS



Create Additional Unit within existing Interior space and renovate entire building

