

Development & Heritage Standing Committee Meeting

Date: Monday, March 6, 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

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

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

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

4. **COMMUNICATIONS**

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

5.1. Minutes from the February 6, 2023 DHSC meeting (*Planning Act* Matters)
(SCM 61/2023)

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

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. **(S 26/2023)**

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 **(C 25/2023)**

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 **(S 24/2023)**

8. **ADOPTION OF THE MINUTES**

- 8.1. Adoption of the Development & Heritage Standing Committee meeting held February 6, 2023 **(SCM 60/2023)**

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

10. **HERITAGE ACT MATTERS**

- 10.1. 436 Askin Avenue - Heritage Permit Request (Ward 2) **(S 25/2023)**

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 **(C 155/2022)**
- 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 **(S 16/2023)**
- 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) **(S 5/2023)**

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**

Item No. 5.1



Committee Matters: SCM 61/2023

Subject: Minutes of the February 6, 2023 Development & Heritage Standing Committee (Planning Act Matters)

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

**Date: Monday, February 6, 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 Arbour
Member Fratangeli
Member Grenier
Member Pidgeon
Member Polewski
Member Tape

Members Regrets

Member Saka
Member Miller

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM
ADMINISTRATION:**

Sandra Gebauer, Council Assistant

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM
ADMINISTRATION:**

Jelena Payne, Commissioner – Economic Development & Innovation
Thom Hunt, City Planner / Executive Director of Planning & Development
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
James Chacko, Executive Director, Parks

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Michael Cooke, Manager, Planning Policy
Rob Vani, Manager, Inspections /Deputy Chief Building Official
Rob Perissinotti, Development Engineer
Frank Garardo, Planner III - Policy & Special Studies
Justina Nwaesei, Planner III – Subdivisions
Adam Szymczak, Planner III - Zoning
Laura Strahl, Planner III - Special Projects
Stefan Fediuk, Landscape Architect
Greg Atkinson, Planner III – Economic Development
Tracy Tang, Planner II – Revitalization & Policy Initiatives
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

1. CALL TO ORDER

The Deputy Clerk calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o'clock p.m., and calls for nominations from the floor for the position of Chairperson.

Councillor Kieran McKenzie nominates Councillor Jim Morrison for the position of Chairperson; Councillor Jim Morrison accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.
Councillor Jim Morrison assumes the Chair.

The Deputy Clerk calls for nominations from the floor for the position of Vice Chair.

Councillor Fred Francis nominates Councillor Kieran McKenzie for the position of Vice-Chair. Councillor Kieran McKenzie accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.
Carried.

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.

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There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:55 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:00 o'clock p.m.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the January 9, 2023 Development & Heritage Standing Committee (Planning Act Matters)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held January 9, 2023 **BE ADOPTED** as presented.

Report Number: SCM 21/2023

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

None presented.

7. PLANNING ACT MATTERS

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

Mr. Szymczak (Planner) presents item.

Mr. Szymczak makes note of a correction in the staff report - the lot frontage should be 100m not 143 m. The correction impact has no change on the analysis report. Mr. Szymczak states at there is additional information from questions raised at the previous standing committee on January 9, 2023.

Mr. Szymczak states that Applicant submitted a revised Site Plan with Buildings A, B, D & E shifted to the West by 15 to 20m. Building C remains mostly unchanged. All garages have been relocated between the buildings and easterly lot line (Byng Road).

Jackie Lassaline presents item and is available for questions. Ms. Lassaline makes note of the changes to the Site Plan.

Hadar Habib, HD Development (Applicant) – is available for questions.

Amy Grady, resident (2911 Byng Rd.) – has concerns with shadow study.

Grant Debroe, resident (3047 Byng Rd.) – has various concerns with the development including; traffic, shadow study and quality of life for area residents.

Dora Ferro, resident (3032 Manford Ave.)- has concerns with traffic.

Anna Sovran, resident (2927 Byng Rd.) – has concerns with car pollution and light pollution.

Gino Sovran, resident (2927 Byng Rd.) – has concerns with traffic, privacy, noise and pollution.

Keri Shaw, resident (2911 Byng Rd.) – has concerns with this type of development in the area.

Leah Bechard, resident (2982 Conservation Dr.) – has concerns with traffic.

Adriano Bertolissio, resident (2952 Byng Rd.) – has various concerns with parking, snow management and quality of life.

Councilor Mackenzie asks if the lights can be directed away from the residents and focus on the area that needs to be illuminated. Ms. Lassaline answers that the lighting for the development will

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be Dark Sky compliant. Ms. Lassaline states that the lights will be concentrated down on the area and will not spill out on the properties and it will be a part of Site Plan Review.

Councilor Marignani asks if there will be a fence put up to mitigate lights from vehicles spilling into residents' yards. Ms. Lassaline answers that there will be a board fence placed where there are chain link fences and this will ensure no lights will spill onto other properties. Ms. Lassaline states that the garages will also act as a buffer from the residents' yards.

Councilor Francis asks Mr. Szymczak what changes have the Applicants made since the DHSC meeting held on January 9th, 2023. Mr. Szymczak answers that the Applicants made changes based on the Recommendations from the January 9th meeting. Mr. Szymczak states that the 4 buildings, 2 most northerly and the 2 most southerly were shifted anywhere from 15-20 meters to the west. Councilor Francis asks if the buildings would be closer to the Fogolar Furlan. Mr. Szymczak confirms that they will be closer to the Fogolar Furlan and 55 feet away from the Byng properties. Mr. Szymczak states that in addition the Applicant shifted the parking garages between the buildings.

Councilor Francis asks Administration why the second access is not recommended. Mr. Szymczak states that another Transportation Impact Study would need to be completed. A Transportation Impact Study was already completed and states that a second access is not required and access to North Service Road is sufficient.

Councilor Francis asks if a secondary access was a possibility would it create more traffic on Byng Rd. Mr. Szymczak answers that more traffic on Byng Road would be a possibility.

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 463**

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

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Carried.

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

Clerk's File: Z/14429

7.2. Rezoning - Damon & Kelly Winney - 966 California Ave - Z 041/22 ZNG/6926 - Ward 2

Adam Szymczak (Planner) is available for questions.

Tracey Pillon-Abbs (Agent) is available for questions.

Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 464**

I. That Zoning By-law 8600 **BE AMENDED** for Plan 50; Lot 88; N PT Lot 87 municipally known as 966 California Avenue, by adding a site-specific exception to Section 20(1) as follows:

459. **SOUTHEAST CORNER OF CALIFORNIA AVENUE AND DAVIS STREET**

For the lands comprising Plan 50; Lot 88; N PT Lot 87, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

a) Lot Area – minimum 432.0 m²

b) Lot Width – minimum 12.0 m

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

[ZDM4; ZNG/6926]

Carried.

Report Number: S 7/2023

Clerk's File: Z/14506

7.3. Rezoning – Hussain Alameri – 3857 Wyandotte Street East - Z-033/22 ZNG/6868 - Ward 5

Mr. Garardo (Planner) is available for questions.

Councilor Mackenzie asks how they intent to offload vehicles onto the lot.

Mr. Peterson (Designer) answers that this development will be used car dealership and there is no need to offload vehicles.

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Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 465**

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), situated on the south side of Wyandotte Road East, west of George Avenue, by adding a site specific exception to Section 20(1) as follows:

461. SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10, ZNG/6868]

Carried.

Report Number: S 1/2023
Clerk's File:Z/14514

7.4. Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7

Ms. Nwaesei (Planner) presents item.

Mr. Pillon-Abbs (Agent) presents item and is available for questions

Tony Chau, Bruno Cacilhas and Peter Valente – available for questions.

Safa and Warda Boulis (area residents, 2461 Tranquility) has concerns with traffic, parking, shadow study, privacy, and the value of homes diminishing in the area, noise pollution, flooding.

Gwen Pawloski, resident (2459 Waterford Ave.) – has concerns with parking, traffic, privacy, building height and size of the building.

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Russel Pearson, resident (249 Waterford Ave.) - has various concerns with the proposed development and states there are too many high rise buildings being proposed/built.

Shouvik Raychoudhury, resident (2413 Tranquility Ave.) – has concerns with parking backing onto their backyard, parking overflow to their residential Street, noise pollution, the shadow study, safety, parking

Monika Kurti, resident (2440 Tranquility Ave.) has concerns with loss of sunlight per shadow study, house values, flooding, crime, increase in traffic volume.

Kim Anber – Chair, Building Committee Banwell Community Church – has concerns with parking and the possibility of shared access, the possibility of having to move garbage disposals.

Karen Sereres, resident – (2397 Tranquility Ave.) – has concerns with garbage disposal locations and cites rat infestation from existing church garbage, traffic – accidents at Mc/Hugh/Banwell intersection, shadowing, noise, lighting and sewers. Questions the need for commercial space/use in the proposed development, the proposed increase in height from 4 to 8 storeys, the loss of Windsor's green space, the adequacy of existing sewers to accommodate the proposed development.

Aaron Blata (Professional Traffic Operations Engineer– RC Spencer & Associates) – has no concerns with the Right-Out, Right-In access. Mr. Blata states that the residents on Tranquility and Waterford will not be impacted by this development with regards to the U-turns. McNorton will be used and approximately 53% of that traffic might do a U-turn on Banwell when trying to leave.

Councilor Marignani asks Ms. Nwaesei to speak on the concerns raised regarding the rail line being adjacent to the development. Ms. Nwaesei answers that there were numerous requirements from Via Rail; such as 30-meter separation and fencing which are both incorporated in the provisions. Ms. Nwaesei states there was another report from Via Rail in Montreal which states concerns such as; site lines and design concerns which will be addressed during the Site Plan process.

Councilor Marignani asks if the concern with site line is visibility of vehicular traffic travelling Southbound on Banwell Road. Ms. Nwaesei confirms and states that the concern would need to be resolved at the Site Plan stage. Ms. Nwaesei states the height of the building, the proximity to the rail line is a concern and there are guidelines to follow.

Councilor McKenzie asks Administration to speak on why the Applicant is requesting a 22-metre height building when what is being recommended is 20 meters. Ms. Nwaesei answers currently MD 1.4 allows a maximum of 20 meters. Ms. Nwaesei states that anything over 20 meters would undermine the concerns raised by area residents.

Councilor McKenzie asks if there will sound barrier around the rail line. Ms. Nwaesei states that it is not required. Councilor McKenzie asks if there is someone who could recommend a sound barrier. Ms. Nwaesei answers that at Site Plan review stage conditions can be imposed.

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Councilor Marginari asks how can traffic flow be improved. Ms. Nwaesei answers Banwell road has a classification that is intended for a higher volume of traffic; that classification is class II arterial road. Ms. Nwaesei states that too many access points is not desired as it would interrupt the traffic flow and we want to encourage a certain level of volume of traffic.

Councilor Margiani asks Mr. Chau if residents were informed of the sound pollution from the rail line. Mr. Chau answers that it was not discussed with the developer. Ms. Pillon-Abbs adds that a Noise Consultant prepared a noise impact study and mitigations were suggested; central air conditioning, noise warning clause and special building components such as; walls, glass material.

Councilor Margiani asks if soundproof glass would be an option. Mr. Chau answers that as per the Sound Study Guide patio doors and windows would be upgraded to mitigate sound from Via Rail.

Mr. Chau states that after consultation with the developers they have agreed to a height of 20 meters.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 466**

- I. That the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from ***Business Park to Banwell Road Mixed Use Corridor***,
- II. That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.X **EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR**

1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.

1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line;

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- III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from Manufacturing District 1.4 (MD1.4) to Commercial District 2.2 with a holding symbol (HCD2.2), subject to the following additional site-specific holding provisions:

“H460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
- b) The following additional provisions shall apply:
 - .3 Lot Coverage – maximum - 35%
 - .4 Building Height – maximum - 20.0 m
 - .5 Front Yard Depth – minimum - 6.0 m
 - .6 Building Setback – minimum
 - From the *rear lot line* to the nearest part of the building
 - (a) 10m or less in height - 7.5 m
 - (b) Above 10m in height - 22.5 m
 - .8 Landscape Open Space Yard – minimum - 35% of *lot area*
 - .13 Dwelling Unit Density – dwelling units per hectare – maximum - 110 units per ha
 - .90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.
 - .95 A new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor.
- c) Non-residential use shall have a minimum gross floor area of 350 m² and shall be located at street level along the west wall of the building fronting onto Banwell Road;
- d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.

[ZDM 15; ZNG/6701]

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

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1. The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;
 2. The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and
 3. The applicant/owner obtain easement(s) for vehicular access through the northerly lands containing the existing church building.
- V. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- a) Sanitary Sampling Manhole;
 - b) Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
 - c) Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJAE), including warning clauses for rail and road traffic impacts;
 - d) Safety measures per section 7.2.8.8 (d), OP Vol. I;
 - e) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
 - f) Enbridge Gas minimum separation requirements;
 - g) Adequate clearance from existing ENWIN's pole lines and power lines;
 - h) Canada Post multi-unit policy;
 - i) SAR mitigation measures as in the attached Appendix F to this report; and
 - j) Sight-triangle for Banwell Road and VIA at-grade crossing.
- VI. That the City Planner **BE DIRECTED** to undertake a house-keeping amendment to the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area, Schedule ER-2, Land Use Plan, by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 1, Plan 12R-29004, from ***Business Park*** to ***Banwell Road Mixed Use Corridor***
- VII. That administration from the Traffic Operations and Engineering Departments **BE REQUESTED** to be in attendance at the Council meeting when this matter is scheduled to be dealt with, in order to be available to address the concerns regarding traffic that were raised at the February 6, 2023 meeting of the Development and Heritage Standing Committee.

Carried.

Report Number: S 13/2023
Clerk's File: Z/14510

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8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 8:10pm.

Ward 10 - Councillor Jim Morrisson
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Subject: 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.

Reference:

Date to Council: March 6, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: February 16, 2023
Clerk's File #: Z/14512

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 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.

2. APPLICATION INFORMATION

LOCATION: 478 Janette Ave., East side of Janette Ave., between Wyandotte Street W. and Park Street W.

APPLICANT: 1413600 ONTARIO LTD.; c/o Zak Habib.

AGENT: N/A

REGISTERED OWNER: SAME AS APPLICANT

PROPOSAL: The applicant is requesting a site-specific amendment to By-Law 8600 to permit one *multiple dwelling* with a maximum of six (6) *dwelling units* on land zoned Residential District 2.2 zoning (RD2.2).

[NOTE: The RD2.2 zoning permits one multiple dwelling containing a maximum of four dwelling units. Building Permit was recently issued for construction of a multiple dwelling with 4-dwelling units on the subject land. The construction of the 4-unit dwelling is nearing completion.]

The applicant is proposing 2 additional units in the basement of the 4-unit dwelling; thereby, converting the building to a 6-unit *multiple dwelling*. Seven (7) on-site parking spaces are proposed. The applicant is requesting relief from the following zoning by-law provision:

- Section 11.2.5.4.4 – Main Building Height – maximum - 9.0m (approved by B/L101-2022); proposed - 10m *in accordance with approved permit drawings for the 4-unit dwelling.*

[NOTE: The applicant has requested deletion of the following two zoning by-law relief mentioned in the application form and Planning Rationale Report]: Relief from

- Section 24.24.1.1 – Required number of accessible parking - minimum -1 Type A; proposed – 0 Type A.
- Section 25.5.20.1.6 - Parking area separation from a habitable room window – minimum – 4.50m; proposed 4.02m.]

SUBMISSIONS BY APPLICANT:

- Zoning By-law Amendment Application form;
- Property Deed;
- Development Concept plan;
- Planning Justification Report dated November 10, 2022, prepared by Pillon Abbs Inc.
- Lot Grading Plan dated April 27, 2021, prepared by Clarke Surveyors, and
- StormWater Management Report dated October 4, 2022, prepared by Haddad Morgan & Associates Ltd.

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
RESIDENTIAL - Low Profile Area, Schedule E, Land Use, City Centre Planning District, OP Vol. 1	RESIDENTIAL DISTRICT 2.2 (RD2.2); ZDM3	4-unit multiple dwelling under construction	Vacant
FRONTAGE	DEPTH	AREA	SHAPE
22.86 m	34.21 m	782.13 m ²	rectangle
Note: All measurements are approximate			

4. REZONING MAP

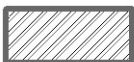


PART OF ZONING DISTRICT MAP 3

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: 1413600 Ontario Ltd.



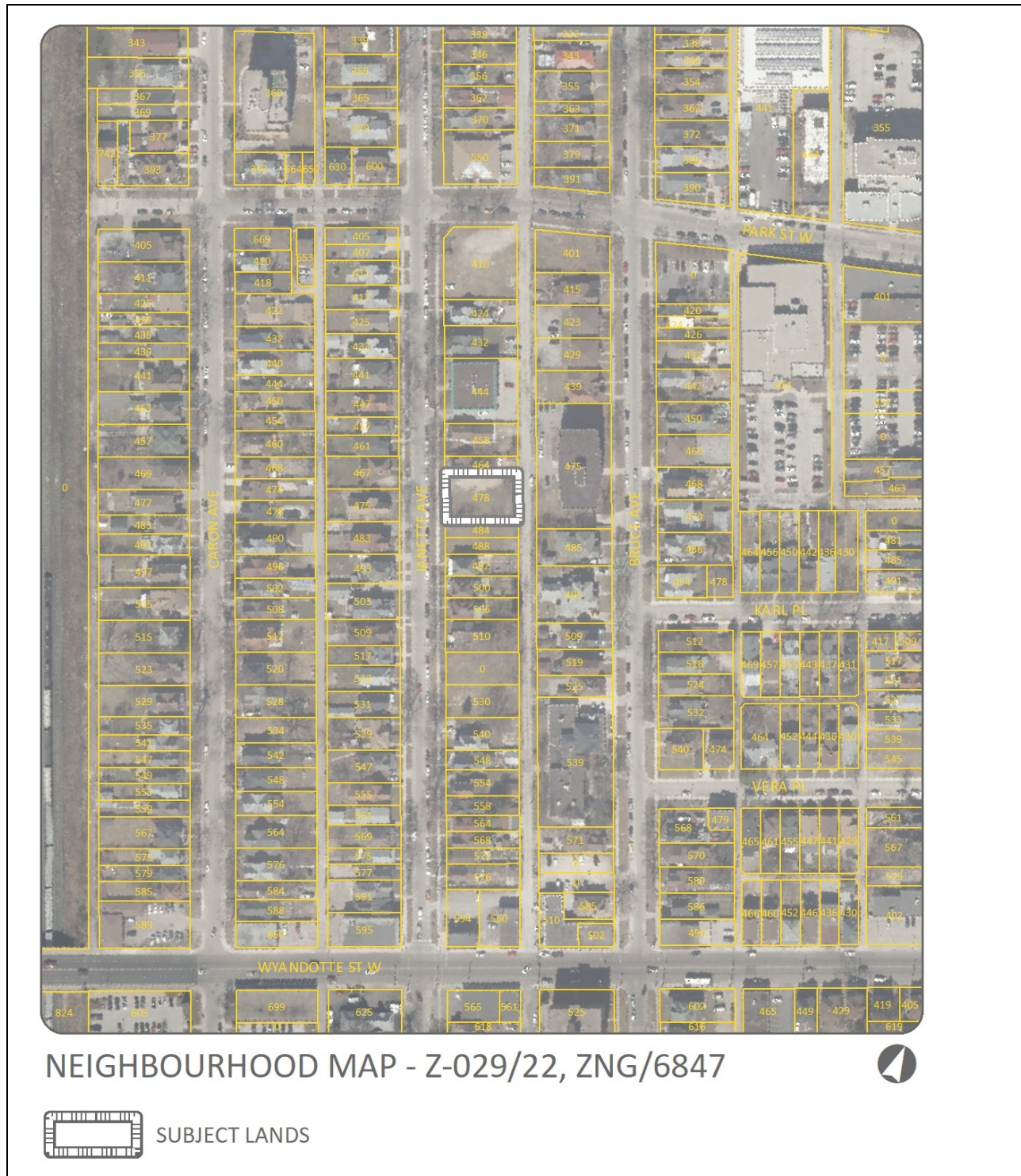
SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2023
FILE NO. : Z-029/22, ZNG/6847

5. NEIGHBOURHOOD CHARACTERISTICS



2017 EIS (Executive Information System) AERIAL Photo



New Building (under construction) at 478 Janette Avenue, on Google Earth Photo, Jun 2022

NEIGHBOURHOOD CHARACTERISTICS & SURROUNDING LAND USE

The surrounding area is an established residential neighbourhood characterised by its low density, low profile residential uses, predominantly two storeys tall with 4 or less dwelling units. Attached as **Appendix B** to this report, are Site Photos taken February 15, 2023.

The following additional housing types/options exist in the immediate neighbourhood:

- 3-storey, 11-unit Apartment building at 444 Janette Avenue.
- 6-storey, 45-unit Apartment Building - First Place Apartments, at 475 Bruce Avenue, and
- 3-storey, Residential Care facility - Bruce Villa, at 539 Bruce Avenue.

Mixed use developments (residential and commercial uses) are mainly located along Wyandotte Street Corridor, further south of the subject land.

North, West, and East: Residential uses

South: (i) Residential uses, and (ii) Mixed Use developments (along Wyandotte St.)

MUNICIPAL INFRASTRUCTURE

- The City's records show that there is a 375mm diameter brick pipe combined sewer along Janette Avenue available to service the subject land.
- Municipal watermains, fire hydrants and LED streetlights are available on Janette Avenue and in the subject area.
- There are concrete bike lanes, sidewalks, curbs and gutter along both sides of Janette Avenue right-of-way and along some nearby roadway rights-of-way.

- Transit Windsor Bus routes (Dougall 6, Crosstown 2, and Central 3) are available to service the subject land and area. Central 3 and Crosstown 2 run along Wyandotte Street West while Dougall 6 runs along Janette Avenue in front of the subject land. The closest existing bus stop is located at the northwest corner of Janette and Park, approximately 160m from the subject land.
- Janette Avenue and Park Street West are classified as Class I Collector Roads in the Official Plan, while Wyandotte Street West is classified as a Class II Arterial Road. Janette Avenue is a one-way southbound R.O.W.
- The neighbourhood is serviced by north/south alleys.

Discussion:

PLANNING ANALYSIS:

1. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement (PPS) 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. PPS 2020 replaces the Provincial Policy Statement issued April 30, 2014 and provides policy direction on matters of provincial interest related to land use planning and development. PPS 2020 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:

1.1.1 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;

This amendment will permit the conversion of a four-plex (under construction) to a six-plex. The recommended amendment will maintain the existing development pattern and profile in the subject area, while accommodating two additional residential units on the subject land. Thereby, resulting in a more efficient use of land, municipal services and infrastructure.

As noted already in this report, the predominant residential type in the subject neighbourhood is the low profile, 1 to 4-units residential developments. The recommended amendment will bring about the accommodation of a 6-unit dwelling, which will constitute an appropriate market-based range and mix of residential types. The subject amendment is consistent with the above policies (1.1.1.a and 1.1.1.b) of the PPS.

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

This amendment will facilitate the development of a low profile housing option, which is similar to the predominant existing building stock in the subject area. The recommended amendment

promotes residential intensification by increasing the number of residential units from 4 to 6 on the subject land. The amendment will support the use of existing sidewalks and bike lanes, and facilitate the use of available public transit in the area. The proposed 6-unit dwelling will efficiently use land, resources, and existing infrastructure, including existing and planned active transportation options such as sidewalks and bike lanes. The subject amendment is consistent with policy 1.1.3.3 of the PPS.

1.4 Housing

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

b) *permitting and facilitating:*

1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, ...; and*
2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*

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

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

This amendment will

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

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

1.6 Infrastructure and Public Service Facilities

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

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

1.6.6.7 *Planning for stormwater management shall:*

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

The applicant submitted a Stormwater Management (SWM) Report dated October 4, 2022. The SWM report indicates that the proposed development will discharge to the existing 375mm

diameter brick pipe combine sewer (municipal sewer) on Janette Avenue. The SWM report also states as follows:

- The site would require a minimum storage capacity of 12.3 cubic metres for the 1:2-year storm and 36.3 cubic metres for the 1:100 –year storm;
- The storage for the 2-year storm shall be accommodated in an Advanced Drainage Systems (ADS) Stormtech stormwater chamber system, as well as underground in pipes, manhole and catch basin. The high-water level shall be no greater than 0.30 m below the parking lot catch basin elevation.
- The necessary stormwater storage associated with the 100-year storm event shall be accommodated by means of underground structures (pipes, manholes, catch basins, storage units). The high-water level will be 184.7 m (rear catch basin elevation), with underground storage unit capacity of 33.6 cubic metres.
- Tempest Inlet Control Devices shall be introduced to control the overflow to a maximum release rate of 1.5l/s.
- Water quality treatment will be provided in the Stormtech Isolator Row PLUS (IR+) from Advanced Drainage Systems.

Stormwater management calculations are typically addressed at Site Plan Control; however, the City's Site Plan Approval team have stated that this application does not require Site Plan Control Approval. Therefore, to ensure implementation of the SWM recommendations outlined in the afore mentioned SWM Report, a Street Opening Permit is included as a condition of H-removal in this report. Consequently, the recommended amendment is deemed consistent with policy 1.6.6.7 (f) of the PPS.

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

2. OFFICIAL PLAN (OP)

Land Use Designation: The site is designated "RESIDENTIAL - Low Profile Area", Schedule E, Land Use, City Centre Planning District, City of Windsor Official Plan Volume 1.

The Development Profile Areas (s.6.11.3.1) establish the maximum height for buildings within distinct sub-areas of the City Centre. Accordingly, the following apply in the City Centre Planning District:

- Low Profile Area where development is generally no greater than three (3) storeys in height (s.6.11.3.1(a)).
- Medium Profile Area where development is generally no greater than six (6) storeys in height (s.6.11.3.1(b)).

This amendment is for the accommodation of a 6-plex within a low profile development containing 2 storeys above ground and a possible third storey in the basement floor.

Permitted Uses: "in areas also designated as Low Profile Area single detached, semi-detached, duplex, and row and multiplex dwelling units with up to 8 units," s. 6.11.5.1 (a), OP Vol. 1; "in areas also designated as Medium or High Profile Area dwelling units, preferably over 8 units," s.6.11.5.1(b), OP. Vol. 1. The subject land is designated as Residential – Low Profile Area. Therefore, the proposed 6-plex is a permitted use.

Section 6.11.5.3 requires residential development proposals in areas designated as "Residential" on Schedule E: City Centre Planning District to be evaluated according to policy 6.3.2.5, OP. Vol. 1.

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

- s.6.3.2.5 (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services;

The desired outcome of this amendment is to accommodate a 6-plex within the existing (newly constructed 4-plex) building on the subject land. Therefore, the amendment maintains the same massing, height, siting, orientation, and setbacks as the existing permitted use (4-plex) on the subject land. The scale of development, parking and amenity areas being proposed are compatible with the surrounding area. The Concept plan, hereto attached as **Appendix A**, shows adequate off-street parking for the proposed development.

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

3. ZONING

The subject land is zoned Residential District 2.2 (RD2.2) in the City of Windsor Zoning By-law 8600. PERMITTED USES in the RD2.2 zoning district are:

- *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.*

The proposed 6-unit multiple dwelling is not permitted in the R2.2 zoning. Therefore, the applicant submitted this rezoning application.

The applicant's request for zoning by-law amendment has been considered and supported in this report. As noted already, the following two requests were originally submitted, but have been deleted at the request of the applicant:

- a) reduction in the required number of Type A accessible parking spaces. The attached Appendix A (concept plan) shows compliance with the requirement of 1 (one) Type A accessible parking.
- b) reduction in parking area separation from 4.5m to 4.02m; the concept plan shows compliance with the 4.5m minimum required parking area separation.

A 10m maximum building height was permitted in the RD2.2 zoning district until July 11, 2022, when Council passed By-law 101-2022. Building Permit for the 4-plex was issued July 22, 2021. The proposed 6-plex will be created within the approved building containing the 4-plex; therefore, the applicant's request for a 10m maximum building height is supported.

The 6 dwelling units require a minimum of 7 parking spaces. The applicant proposes 7 parking spaces (one of which is Type A accessible parking) with rear alley access.

A **HOLDING SYMBOL** is recommended for approval of the special provision s.20(1)467. The purpose of the holding symbol is to address stormwater management implementation and Alley maintenance contribution. An application for removal of the holding prefix would be required prior to the issuance of a building permit for the proposed 6-plex development.

A **DRAFT BY-LAW** is attached as **Appendix D** to this report.

4. SITE PLAN

Site Plan Control is not applicable to the proposed development, in accordance with the Planning Act and the City of Windsor By-law. Consequently, some conditions, which could have been incorporated in a site plan agreement, have been recommended for the removal of the holding provision in this report. However, the Canadian Pacific Rail Warning Clause and some agency requirements in **Appendix C** attached cannot be enforced by way of a holding provision.

The applicant is still required to comply with CP rail requirements and other municipal and agency requirements found in the attached **Appendix C** to this report.

5. BUILDING PERMIT

A building permit resubmission to the previously issued building permit (2021 303210 000 00 RW) will be required prior to commencing any construction or scope of work changes relating to a 6 unit building on the subject land. See Building Department comment in Appendix C attached to this report.

6. STREET OPENING PERMIT (SOP)

Through internal discussions, staff has confirmed that SOP is required for the installation of the proposed parking area at the rear of the property. It has also been confirmed that the requirements for Stormwater Management and Alley Contribution would be addressed through the SOP process.

Risk Analysis:

Mitigation: The proposed development will promote active transportation by utilizing existing/planned sidewalks in the area; thereby, reducing carbon footprint.

Adaptation: Implementation of the approved stormwater management measures and lot-grading plan for this proposed development would help mitigate adverse impacts on climate change.

Financial Matters: N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Appendix C, attached to this report, contains comments from municipal departments and external agencies that were consulted. There are no objections to the requested amendment. However, take note that some municipal departments and external agencies have conditions/requirements for approval of the zoning amendment. Detailed comments can be found in **Appendix C** hereto attached.

2. PUBLIC NOTICE

The City advertised the official notice in the local Newspaper (the Windsor Star Newspaper) in accordance with the Planning Act.

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

Conclusion:

Based on my evaluation of the (i) materials submitted by the applicant, (ii) relevant policies of the Provincial Policy Statement 2020 and the City of Windsor Official Plan, and (iii) comments from municipal departments and external agencies, it is my opinion that the recommended zoning by-law amendment is consistent with the Provincial Policy Statement 2020 and maintains conformity with the Official Plan.

This amendment constitutes good planning. Staff recommends approval of the recommended zoning by-law amendment.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP
Manager, Planning Policy

Thom Hunt, MCIP, RPP
City Planner

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

JP, Commissioner of Economic Development & Innovation OC, Chief Administrative Officer

Approvals:

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

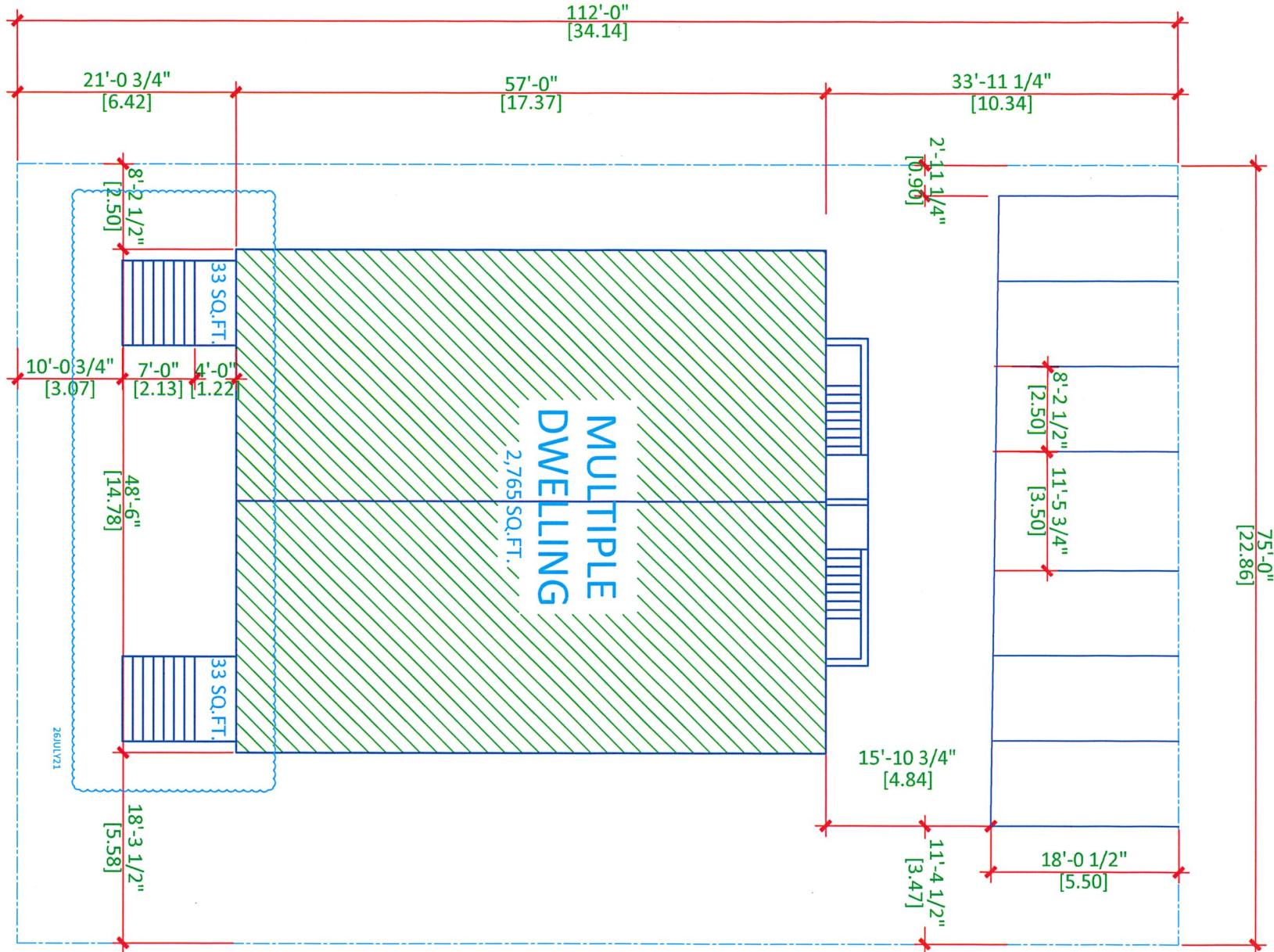
Notifications:

Name	Address	Email
Abutting property owners, tenants/ occupants within 120 meter (400 feet) radius of the subject		
Applicant & Owner: 1413600 Ontario Ltd., c/o Zak Habib	4521 Southwood Lakes Blvd., Windsor ON N9G 2M6	zak@royaltyhomes.ca
Councillor Renaldo Agostino	350 City Hall Square W., Suite 510, Windsor, ON, N9A 6S1	ragostino@citywindsor.ca

Appendices:

- 1 Appendix A - Concept plan
- 2 Appendix B - Site Photos
- 3 Appendix C - Consultations
- 4 Appendix D - Draft By-law for Z-029-22

478 JANETTE





View of Janette Avenue from Park Street heading south towards Wyandotte Street



View of existing buildings on the E/S of Janette Ave. N/S of subject 4-plex at 478 Janette Ave.



View of the subject 4-plex at 478 Janette Avenue and abutting uses

View of rear n/s alley from Park St.



View of rear n/s alley from Wyandotte St.



View of subject 4-plex from abutting rear alley.

APPENDIX C – CONSULTATIONS

Assessment Management Officer – Jose Mejalli

No objection.

Parks Design & Development – Sherif Barsom

No objection.

Environmental Services – Anne-Marie Albidone

No concerns from Environmental Services on the application, however applicants should be aware that all waste is collected in the alley at this address. Plans should account for this.

Transit Windsor – Jason Scott

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Dougall 6. The closest existing bus stop to this property is located on Janette at Park Northwest Corner. This bus stop is approximately 160 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will remain unchanged with our Council approved Transit Master Plan.

Frank Garardo – Policy & Special Studies

Plan Schedules:

Schedule ‘A’ Planning Districts & Policy Areas - “City Centre”

Schedule ‘A-1’ – Special Policy Areas - N/A

Schedule ‘B’ – Greenway System – “N/A”

Schedule ‘C’ – Development Constraint Areas – N/A

Schedule ‘C-1’ – Development Constraint Areas: Archaeological Potential – Designated within “High Archaeological Potential”

Schedule ‘D’ – Land Use – refer to schedule “E”

Schedule ‘E’ - City Centre Planning District – “Low Profile Residential”

OP Policies for Low Profile Residential:

6.11.5 Residential Policies

PERMITTED USES 6.11.5.1 Uses permitted in the Residential land use designation identified on Schedule E: City Centre Planning District include:

- (a) in areas also designated as Low Profile Area single detached, semi-detached, duplex, and row and multiplex dwelling units with up to 8 units; and
- (b) in areas also designated as Medium or High Profile Area dwelling units, preferably over 8 units.

Schedule 'F' - Roads & Bikeways - Janette Avenue – Class I Collector

Schedule 'F-1' – Railways/Rail Corridors and Railyards – N/A

Schedule 'G' - Civic Image – N/A

Schedule 'H' - Baseplan Development Phasing – N/A

Schedule 'J' - Urban Structure Plan – N/A

Canadian Pacific Railway

RE: Comments on Z-029/22 [ZNG/6847] - 1413600 ONTARIO LTD. - 478 JANETTE AVE., within 500m of CP Rail Yard

Thank you for the recent notice respecting the captioned development proposal in the vicinity of Canadian Pacific Railway Company. The safety and welfare of residents can be adversely affected by rail operations and CP is not in favour of residential uses that are not compatible with rail operations. CP freight trains operate 24/7 and schedules/volumes are subject to change. CP's approach to development in the vicinity of rail operations is encapsulated by the recommended guidelines developed through collaboration between the Railway Association of Canada and the Federation of Canadian Municipalities. The 2013 Proximity Guidelines can be found at the following website address: <http://www.proximityissues.ca/>.

CP recommends that the below condition be inserted in all property and tenancy agreements and offers of purchase and sale for all dwelling units in the proposed building(s):

“Canadian Pacific Railway and/or its assigns or successors in interest has or have a railway right-of-way and/or yard located adjacent to the subject land hereof with operations conducted 24 hours a day, 7 days a week, including the shunting of trains and the idling of locomotives. There may be alterations to, or expansions of, the railway facilities and/or operations in the future, which alterations or expansions may affect the living environment of the residents in the vicinity. Notwithstanding the inclusion of any noise and/or vibration attenuating measures in the design of the development and individual dwellings, Canadian Pacific Railway will not be responsible for complaints or claims arising from the use of its facilities and/or its operations on, over, or under the aforesaid right-of-way and/or yard.”

Should the captioned development proposal receive approval, CP respectfully requests that the recommended guidelines be followed.

ENWIN

HYDRO ENGINEERING:
No objection to Re-zoning

Please note that ENWIN has the following infrastructure near the development property:

- Existing 2 x 27.6kV overhead primary hydro distribution on the east side of the N/S alley behind the property
- Existing 120/240V overhead secondary hydro distribution on the east side of the N/S alley behind the property

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

WATER ENGINEERING:

Water Engineering has no objections. There is 2 existing 25mm water services for this property that were approved to be used back when this was only supposed to be a 4 plex. Verification is required to make sure 2 – 25mm water services is sufficient for the updated development. Also, the water meters need to be placed in a common space or outside in pits. Water service shall not come into the building from under the basement floor until it reaches the common space unless the meters are outside in pits.

ENBRIDGE

After reviewing the provided drawing at 478 Janette 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:

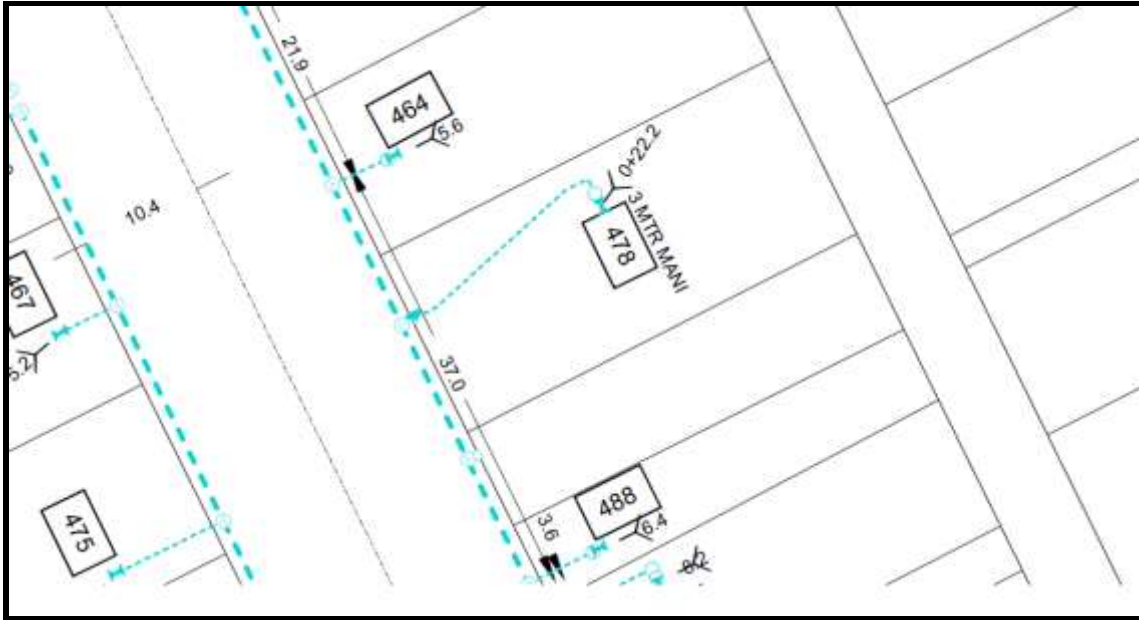
- 1. The shown piping locations are approximate and for information purposes only**
- 2. The drawings are not to scale**
- 3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc**

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



Barbara Rusan – Building Department

IMPORTANT NOTE . Building permit (2021 303210 000 00 RW) for a 4 unit multiple dwelling at 478 Janette Avenue, Windsor, Ontario was previously issued by the Building Department in July 2021. The noted building permit is currently active and under construction. Any construction that falls outside of the scope of work outlined in the issued building permit will be subject to legal action.

The proposed 6 unit building in this zoning by-law amendment application will alter the scope of construction for the issued permit.

As such, a building permit resubmission to the previously issued building permit (2021 303210 000 00 RW) will be required prior to commencing any construction or scope of work changes relating to a 6 unit building.

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

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

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted. It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

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

The above **building permit resubmission requirement** is pending the outcome of Zoning By-law Amendment application Z-029/22 [ZNG/6847] - 1413600 ONTARIO LTD. - 478 JANETTE AVE.

Site Plan Control – Jacqueline Cabral

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

Stefan Fediuk – Landscape

Pursuant to the application for a zoning amendment (**Z 029/22**) to permit six residential dwelling units in an existing structure and seven on-site parking spaces on the subject, please note no objections.

Shannon Deehan – Transportation Planning

- Janette Avenue is classified as a Class I Collector per the Official Plan with a required right-of-way width of 21.3 meters per Schedule X. The current right-of-way width is sufficient and therefore no conveyance is required.
- All vehicle and bicycle parking must comply with zoning by-law 8600, otherwise a parking study may be required.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Tracy Tang – Heritage Planning

No supporting information required.

The subject lands is in an area of high archaeological potential. However, portions of the lands has previously been built upon and the proposed development footprint is limited. Therefore an archaeological

assessment is not required at this time. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

Rob Perissinotti – Right-Of-Way

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

The site may be serviced by a 375mm combined brick sewer fronting the property on Janette Ave. Best Practice 1.1.1 is to be followed for connections to combined sewers. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The submitted storm water management calculations have been reviewed and deemed completed as per the Windsor/Essex Region Stormwater Standards Manual. It should be noted that prior to the official approval of these calculations, minor additional information will be requested.

Janette Ave is classified as a Collector Road requiring a right-of-way width of 21.3 meters according to Schedule 'X' of the Official Plan. The current right-of-way width is sufficient therefore no conveyance is required. The proposed parking off the alley will require continuous paving up to the current paved alley, to City of Windsor standards. The parking area should be shifted as close as possible to the building to allow for vehicles to maneuver prior to entering the paved portion of the alley. Water runoff is to be contained within private property. Permits are required for any work in the right-of-way. An alley maintenance contribution in the amount of \$5,750.00 (\$250.00 per linear meter $\$250 \times 23\text{m} = \$5,750.00$) is to be paid to the City prior to the issuance of permits.

In summary, we have no objections to the proposed Rezoning application subject to the following:

Building and Right-of-way permits will not be issues prior to:

- Official approval of the storm water management calculations, and
- The alley maintenance contribution of \$5,750.00 has been paid to the City of Windsor

APPENDIX D – DRAFT BY-LAW AMENDMENT

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

“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]”

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	3	Lot 68 and Pt Lot 67, Plan 274, PIN 01195-0191 LT (located on the east side of Janette Avenue, between Wyandotte Street West and Park Street West).	-	S.20(1)H467

3. That the holding 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.

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 land 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], so as to permit the development of a multiple dwelling with a maximum of 6 dwelling units on the subject land.

The amending by-law maintains the RD2.2 zoning on the subject land and adds a special zoning provision permitting a 6-plex. This amendment will result in the conversion of the newly constructed 4-plex to a 6-plex.

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



PART OF ZONING DISTRICT MAP 3

N.T.S.

SCHEDULE 2

Applicant: 1413600 Ontario Ltd.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JANUARY, 2023
FILE NO. : Z-029/22, ZNG/6847



Subject: 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

Reference:

Date to Council: March 6, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: February 13, 2023
Clerk's File #: Z/14505

To: Mayor and Members of City Council

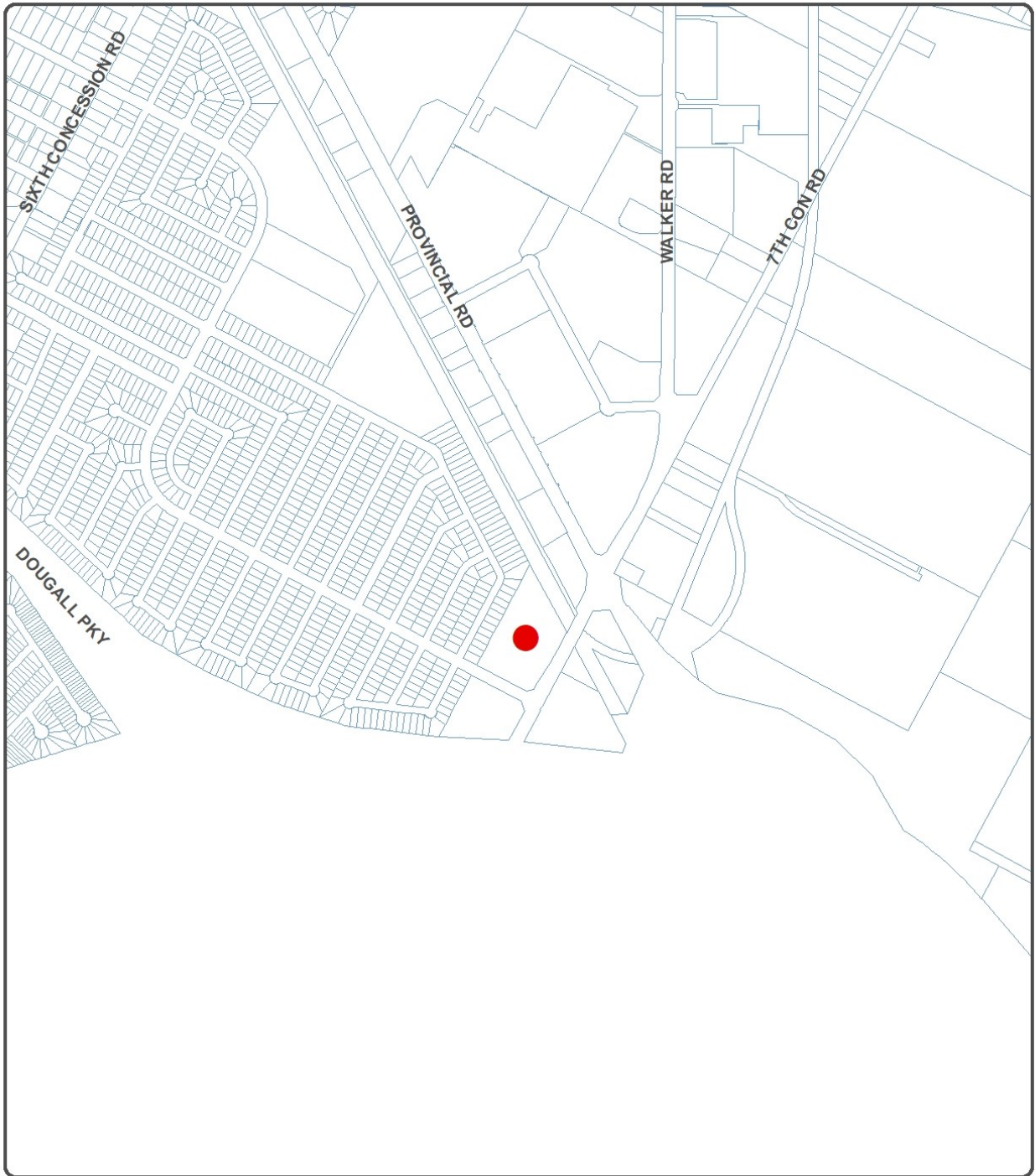
Recommendation:

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.

Executive Summary: N/A.

Background:

KEY MAP:



KEY MAP - CDM-002/22

● SUBJECT LANDS





2017 EIS
Aerial Photo

AERIAL MAP - CDM-002/22

 SUBJECT LANDS



Aerial Photo of New Building shown at 4785 Walker on Google Earth Photo, Jun 2022



Application Information:

LOCATION: Northwest corner of Ducharme Street and Walker Road (municipally known as 4755, 4775 and 4785 Walker Road)

WARD: 9

PLANNING DISTRICT: 08 - Roseland

ZDM: 13

APPLICANT & OWNER: 5042667 Ontario Ltd. (contact: Steve Habib)

AUTHORIZED AGENT: None

ONTARIO LAND SURVEYOR: Verhaegen Land Surveyors (contact: Roy Simone)

PROPOSAL:

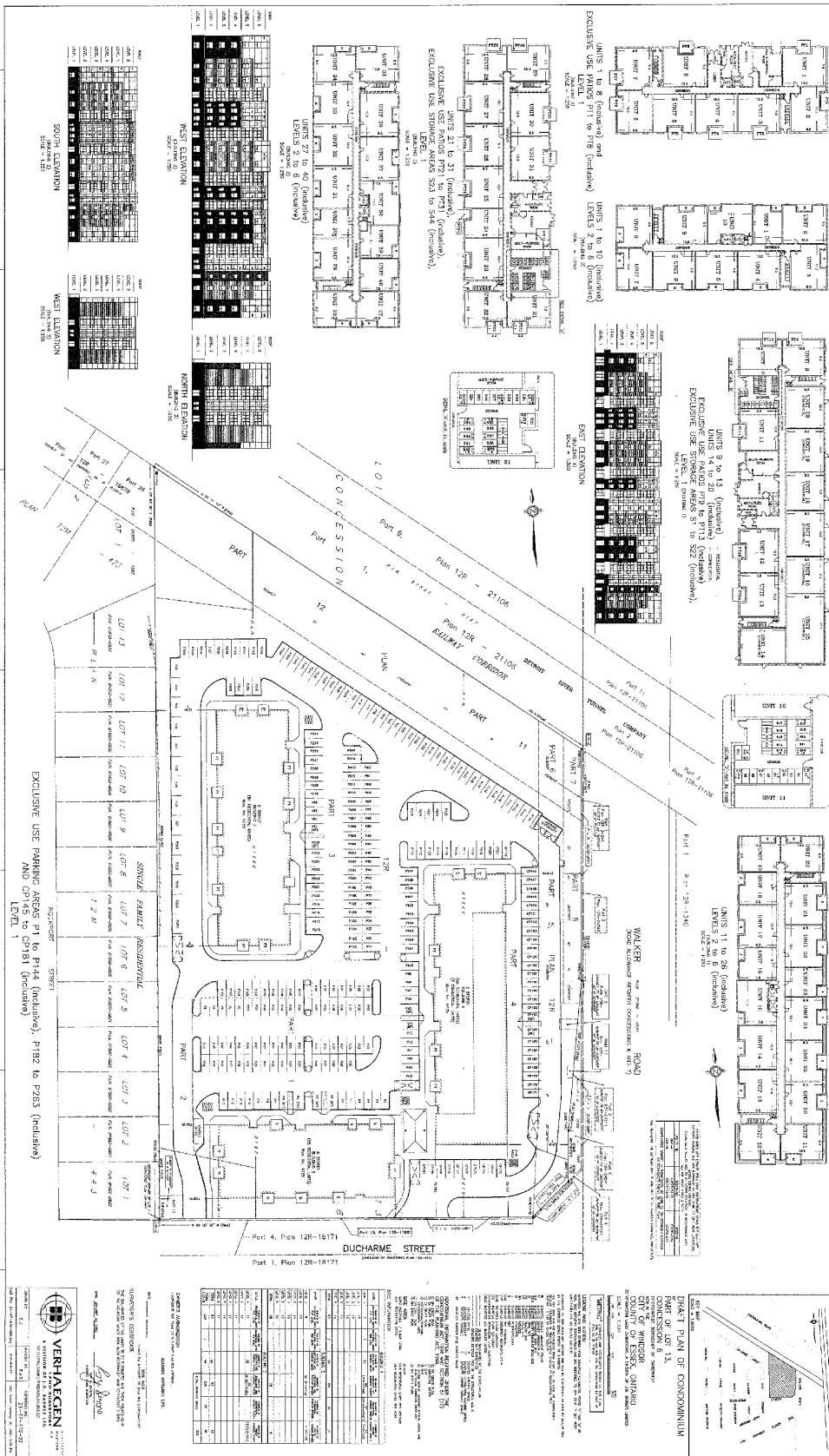
The applicant is applying for an exemption under Section 9(3) of *The Condominium Act* for approval of a plan of condominium for 3 Multiple Dwelling structures containing a total of 224 dwelling units and 7 commercial units.

The subject site has received a number of Site Plan Approvals for the proposed development of multiple dwellings on the subject lands. One of the Site Plan Approvals is File Number AMT-006/21 (SPC-021/18) registered as Instrument Number CE1036157, on October 1, 2021. AMT-006/21 (SPC-021/18) approved 2 multiple dwelling structures marked as Building 1 and Building 2, a total of 143 dwelling units, plus 7 commercial units and 207 surface parking spaces on the subject lands. The executed SPC agreement for the AMT-006/21 covers a range of municipal and agency requirements to be completed by the owner, including items such as the provision of landscaping, parking, parkland conveyance, levies and lighting, mostly required prior to the issuance of a construction permit.

A follow-up Site Plan Control application (File SPC -029/22) was approved on November 23, 2022, to permit the third multiple dwelling (Building 3) with 81 dwelling units and a total of 224 dwelling units across the three buildings on the entire land. The applicant has recently requested approval of some minor changes to the site plan approved by SPC-029/22.

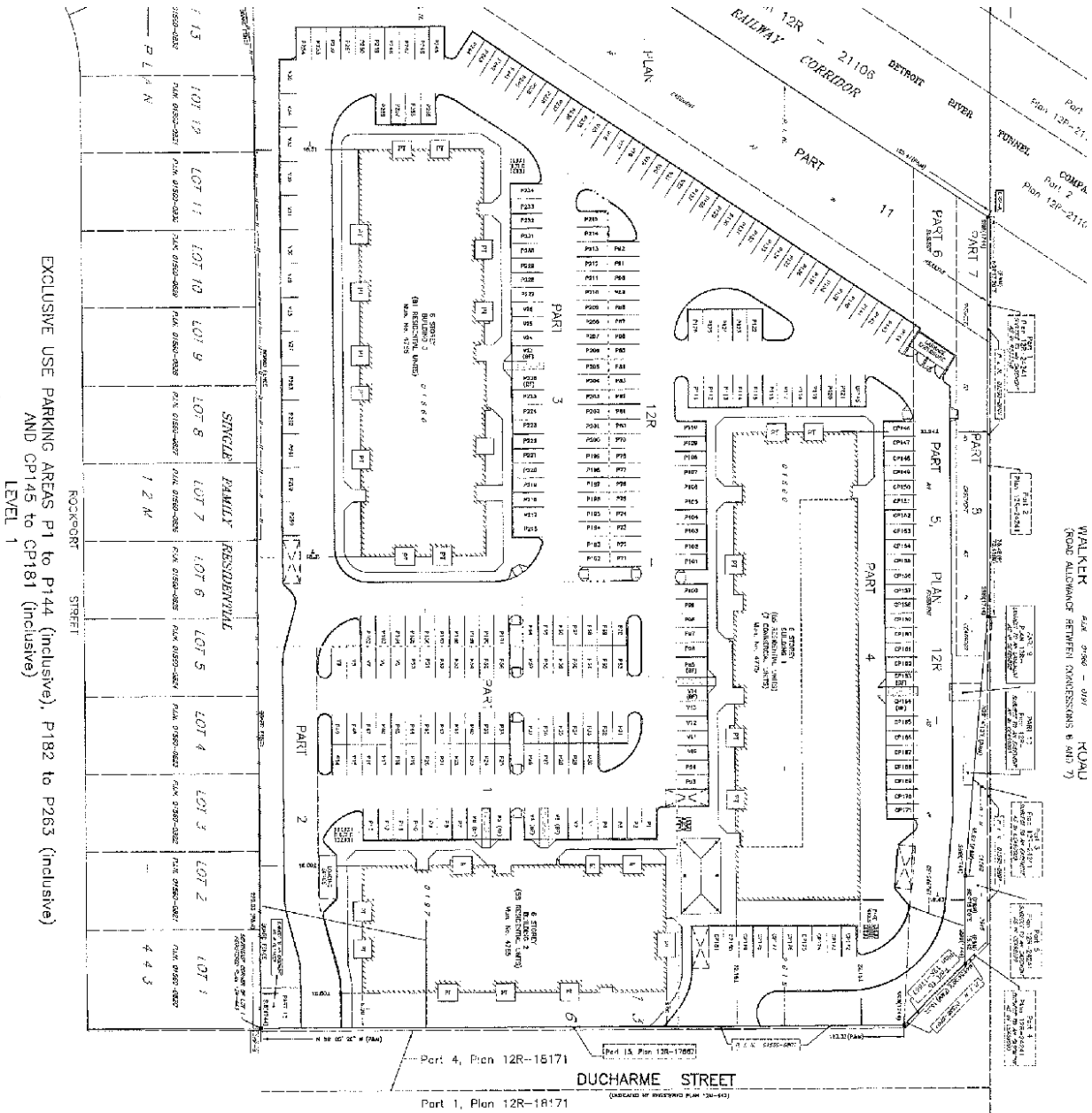
This proposed draft plan under consideration contains the latest approved plans and drawings for the proposed development of the three multiple dwellings on the subject lands.

Plan of Condominium:



MAP No.: CDM-002/22-1

WALKER 524 0966 - 0911
 ROAD ALIGNMENT BETWEEN CROSSINGS 6 AND 7
 KOJAU



EXCLUSIVE USE PARKING AREAS P1 to P144 (inclusive), P182 to P263 (inclusive)
 AND CP145 to CP181 (inclusive)
 LEVEL 1



COUNTY OF ESSEX, ONTARIO
 20 VERHAEGEN LAND SERVICES A DIVISION OF J.B. SMITH LIMITED
 SCALE: 1:1000

LEGEND AND NOTES:
 1. ALL LOT DIMENSIONS ARE SHOWN IN METERS TO THE CENTRE LINE OF THE LOT.
 2. DIMENSIONS OF ALL LOT DIMENSIONS ARE SHOWN IN METERS TO THE CENTRE LINE OF THE LOT.
 3. DIMENSIONS OF ALL LOT DIMENSIONS ARE SHOWN IN METERS TO THE CENTRE LINE OF THE LOT.
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 8. DIMENSIONS OF ALL LOT DIMENSIONS ARE SHOWN IN METERS TO THE CENTRE LINE OF THE LOT.
 9. DIMENSIONS OF ALL LOT DIMENSIONS ARE SHOWN IN METERS TO THE CENTRE LINE OF THE LOT.
 10. DIMENSIONS OF ALL LOT DIMENSIONS ARE SHOWN IN METERS TO THE CENTRE LINE OF THE LOT.

ADDITIONAL INFORMATION RECEIVED UNDER THE ACT:
 1. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 2. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 3. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 4. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 5. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 6. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 7. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 8. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 9. NO OTHER INFORMATION RECEIVED UNDER THE ACT.
 10. NO OTHER INFORMATION RECEIVED UNDER THE ACT.

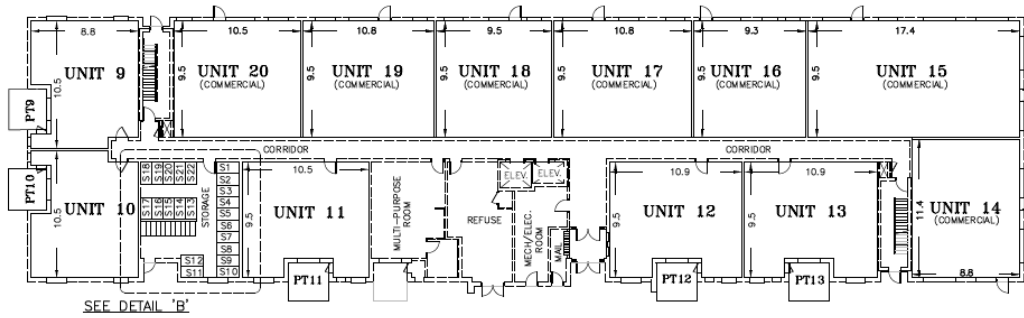
DATE AREA / 12-20-20
 1. DATE AREA / 12-20-20
 2. DATE AREA / 12-20-20
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 4. DATE AREA / 12-20-20
 5. DATE AREA / 12-20-20
 6. DATE AREA / 12-20-20
 7. DATE AREA / 12-20-20
 8. DATE AREA / 12-20-20
 9. DATE AREA / 12-20-20
 10. DATE AREA / 12-20-20

NO.	DESCRIPTION	DATE	BY	REVISIONS
1	ISSUED FOR PERMITTING	12-20-20	J.B. SMITH	
2	REVISION	12-20-20	J.B. SMITH	
3	REVISION	12-20-20	J.B. SMITH	
4	REVISION	12-20-20	J.B. SMITH	
5	REVISION	12-20-20	J.B. SMITH	
6	REVISION	12-20-20	J.B. SMITH	
7	REVISION	12-20-20	J.B. SMITH	
8	REVISION	12-20-20	J.B. SMITH	
9	REVISION	12-20-20	J.B. SMITH	
10	REVISION	12-20-20	J.B. SMITH	

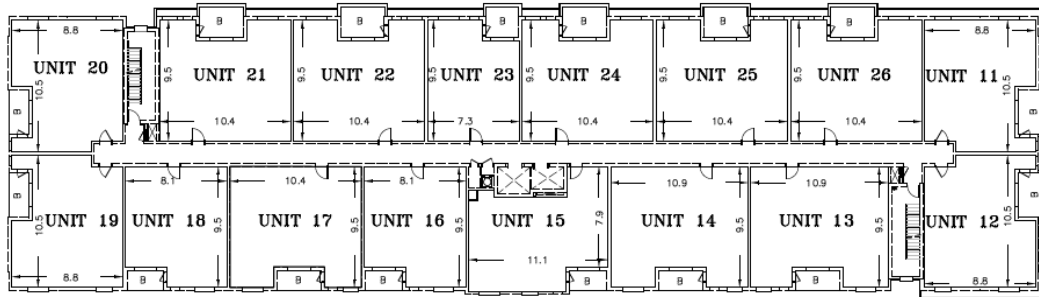
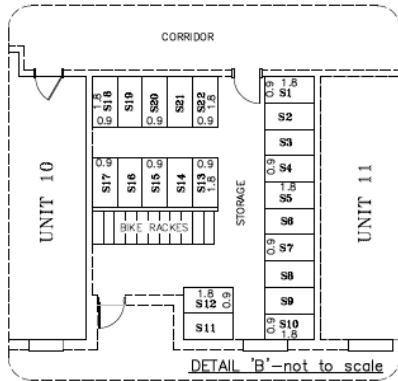
VERHAEGEN LAND SERVICES
 A DIVISION OF J.B. SMITH LIMITED
 1000 SHEPPARD AVENUE EAST, SUITE 100
 SCARBOROUGH, ONTARIO M1S 1W7
 TEL: 416-291-1111
 FAX: 416-291-1112
 www.verhaegen.com

VERHAEGEN
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MAP No.: CDM-002/22-2



UNITS 9 to 13 (inclusive) - RESIDENTIAL
 UNITS 14 to 20 (inclusive) - COMMERCIAL
 EXCLUSIVE USE PATIOS PT9 to PT13 (inclusive)
 EXCLUSIVE USE STORAGE AREAS S1 to S22 (inclusive),
 LEVEL 1 (BUILDING 1)
 SCALE = 1:250



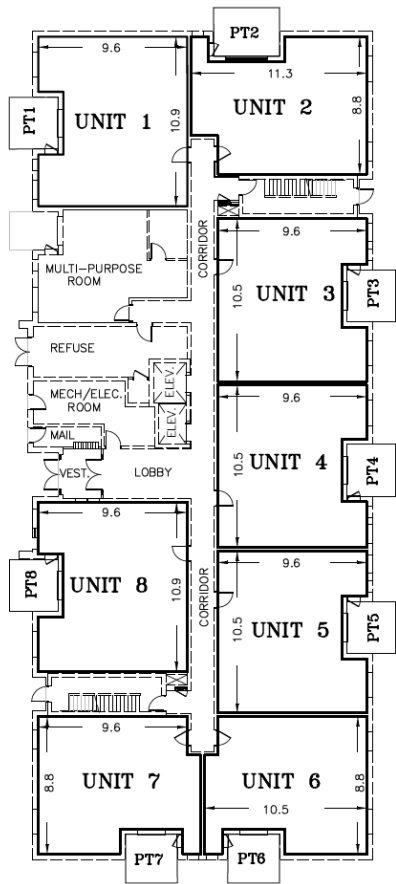
UNITS 11 to 26 (inclusive)
 LEVELS 2 to 6 (inclusive)
 (BUILDING 1)
 SCALE = 1:250



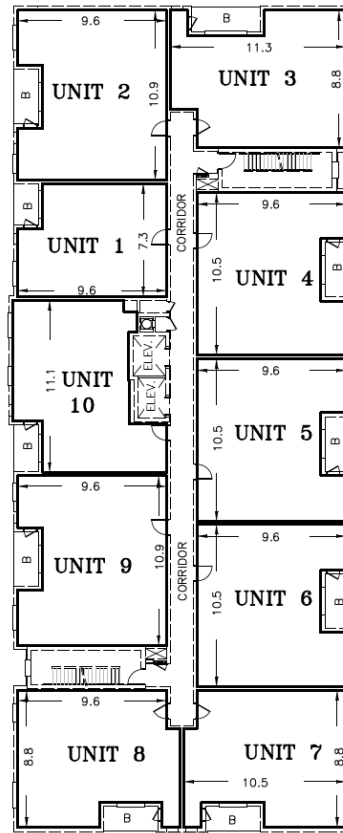
EAST ELEVATION

(BUILDING 1)
 SCALE = 1:300

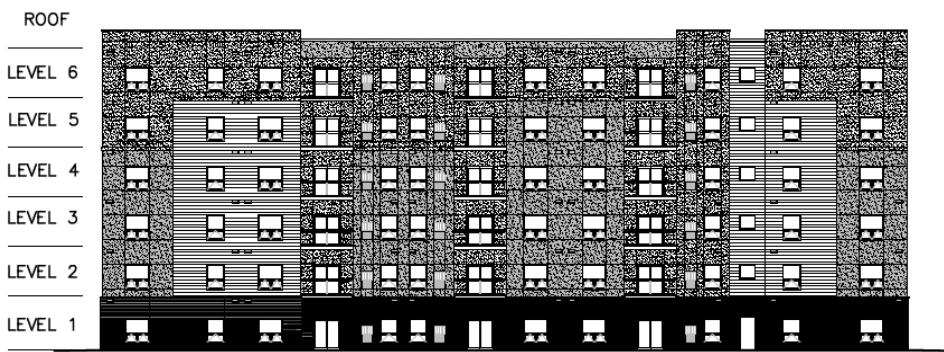
MAP No. CDM-002/22-3A



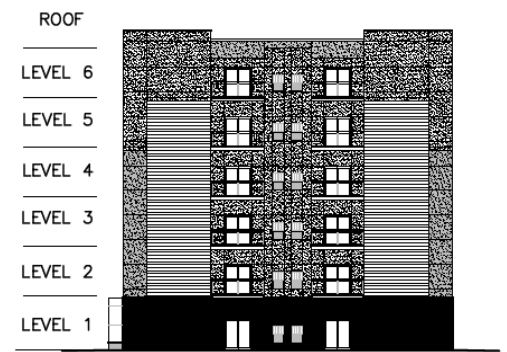
UNITS 1 to 8 (inclusive) and
EXCLUSIVE USE PATIOS PT1 to PT8 (inclusive)
LEVEL 1
(BUILDING 2)
SCALE = 1:250



UNITS 1 to 10 (inclusive)
LEVELS 2 to 6 (inclusive)
(BUILDING 2)
SCALE = 1:250

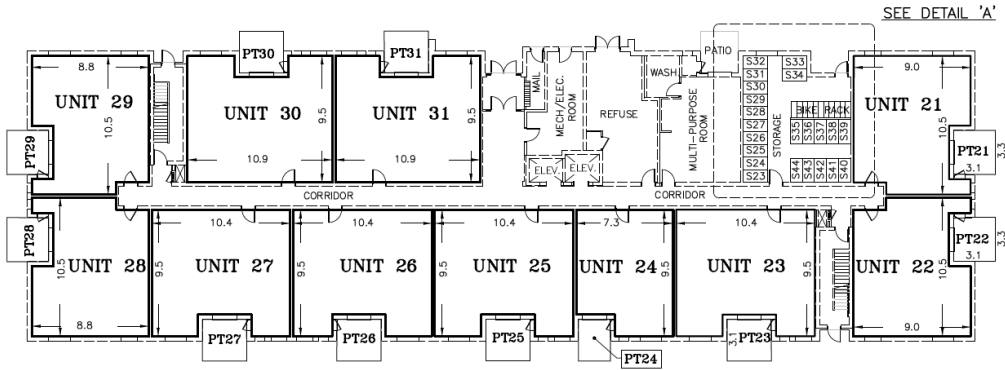


SOUTH ELEVATION
(BUILDING 2)
SCALE = 1:250



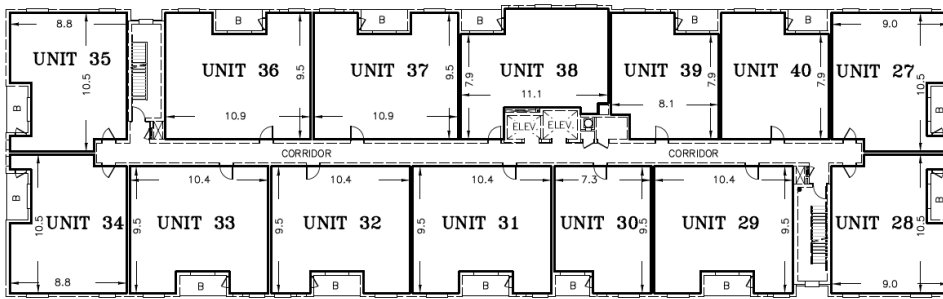
WEST ELEVATION
(BUILDING 2)
SCALE = 1:250

MAP No.: CDM-002/22-3B



UNITS 21 to 31 (inclusive),
 EXCLUSIVE USE PATIOS PT21 to PT31 (inclusive),
 EXCLUSIVE USE STORAGE AREAS S23 to S44 (inclusive),

LEVEL 1
 (BUILDING 3)
 SCALE = 1:250



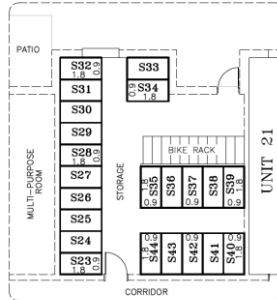
UNITS 27 to 40 (inclusive)
 LEVELS 2 to 6 (inclusive)

(BUILDING 3)
 SCALE = 1:250



NORTH ELEVATION

(BUILDING 3)
 SCALE = 1:250



DETAIL 'A'-not to scale



WEST ELEVATION

(BUILDING 3)
 SCALE = 1:250

MAP No.: CDM-002/22-3C

Site Information:

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
MIXED USE CENTRE (by OPA 159)	COMMERCIAL DISTRICT 2.2 (CD2.2) & S.20(1)348; ZDM13	6-sty multiple dwelling under construction	-Vacant -Single unit dwelling (demolished 2001)
FRONTAGE	DEPTH	AREA	SHAPE
113.32m (Ducharme Street)	Irregular	23,658.78sqm 2.365 ha (5.846 ac)	Irregular
Note: All measurements are approximate and for the entire site.			

Neighbourhood Characteristics:

The subject lands are situated at the southwest corner of the intersection of Walker Road and CN Rail, with **surrounding land uses** consisting of a mix of residential, commercial and industrial uses.

- CN Rail Corridor abuts the north limit of the subject lands. Next north are some industrial/commercial uses fronting on Provincial Road.
- A low-density residential neighbourhood (Walker Gates Estate), consisting of single detached dwellings, exists on the west and southwest sides of the subject lands.
- Ducharme Street abuts the south limit of the subject lands. Further south is a vacant commercial land; next south is Highway 401.
- Walker Road right-of-way abuts the east lot line of the subject lands. Next east are some industrial/commercial uses (Empire Roofing Corporation and Pear D & Sons Produce).

Municipal Infrastructure:

Municipal sewers and watermains are available in the subject area. There are hydro poles, underground and overhead conductors in the subject area. Abutting/nearby roads are classified as follows: (i) Walker Road - Class II Arterial Road, (ii) Ducharme Street - Class II Collector Road, and Rockport Street - Local Road. Public transit is available via the Walker 8 bus service on Walker Road and Ducharme Street. There is a transit bus stop along the south side of Ducharme Street across from the subject lands.

Discussion:

PLANNING ANALYSIS:

Statutory Regulations:

Under Section 9 of The Condominium Act, an owner may request approval of a plan of condominium subject to Section 51 of The Planning Act (subdivisions). As such, the usual approval process for plans of subdivision is invoked, i.e. review by municipal and provincial agencies, public notification, draft plan approval, a condominium agreement and final registration.

The Condominium Act also provides that owners can be exempted from the above mentioned Planning Act provision if the approval authority (i.e. the City of Windsor) is of the opinion that "such exemption is appropriate in the circumstances". The reasons for exemptions are not specified, but usually applicants can be exempted if the following conditions are satisfied:

- (i) that all municipal requirements and conditions have been addressed (for example by an approved application for rezoning and/or site plan control); and

- (ii) that the building(s) is suitable for a condominium by virtue of design and amenities.

The proposed condominium complies with the above conditions.

Official Plan:

The subject property is designated “Mixed Use Centre” on Schedule ‘D-1’ to OPA 159 – a supplementary schedule of the City of Windsor Official Plan Volume 1, Schedule D: Land Use. The Mixed Use Centre designation is intended to accommodate Medium and High Profile residential uses either as stand-alone buildings or part of a commercial-residential mixed-use building to achieve a mixed-use community. The designation also aims to promote residential intensification with Medium and High Profile buildings to meet the housing needs of the City in appropriate areas in proximity to municipal services, transit and employment areas. The multiple dwelling under construction and the remaining two multiple dwellings to be constructed, are medium profile housing types with a density that will promote residential intensification and help to meet housing needs in Windsor and the environs.

The City of Windsor has policies in the Official Plan (s.11.5.2.8) for approval of a plan of condominium with exemption under Section 9 of the Condominium Act. Applications for exemptions may be considered by Council if:

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

The proposed development of 3 multiple dwelling structures has received site plan control approvals [AMT-006/21(SPC-021/18) and SPC-029/22]. As noted earlier in this report, Site Plan Approval [File AMT-006/21 (SPC-021/18)] was registered as Instrument Number CE1036157, on October 1, 2021. The registered SPC Agreement pertains to Buildings 1 & 2 only.

Building Permit was issued on January 7, 2022 for the 58-unit dwelling (Building 2) and construction of the building is nearing completion. Building permit for the 85-unit dwelling with 7 commercial units (Building 1) is under review.

Ideally, all three buildings should be constructed or under construction or have building permits issued for their construction before a draft plan approval can be considered. However, Administration is satisfied with the fact that one building is already under construction (nearing completion) and a building permit application is being processed for another building on the site. Therefore, in my opinion, the requested approval of this draft plan of condominium with exemption under Section 9 of the Condominium Act meets the general intent of the Official Plan as in the above conditions.

Zoning By-Law

The property is currently zoned Commercial District 2.2 with site-specific provision s.20(1)348, by Zoning By-law 8600. The CD2.2 zoning category permits a multiple dwelling in a combined use building with retail use; the site-specific zoning provision [s.20(1)348] permits the proposed stand-alone Multiple Dwellings on the subject lands. As noted already, Building Permit has been issued for one of the multiple dwellings and construction of the building is nearing completion. See Site photos attached as Appendix A to this report.

Risk Analysis: N/A

Climate Change Risks: N/A

Financial Matters: N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Municipal and agency requirements have been addressed and implemented through the site plan control approval process and the registration of a site plan agreement as Instrument Number CE1036157, October 1, 2021. Amendment to the Site Plan Agreement is expected in order to include the approval under SPC-029/22.

2. PUBLIC NOTICE

No public notification is required where exemptions are requested and the development is properly zoned for the permitted use. Nevertheless, notice was mailed to all property owners within 120 metres (400 feet) and notice was also given in the Windsor Star.

Conclusion:

The application has been processed and evaluated with regard to both *The Planning Act* and *The Condominium Act*, as well as the City of Windsor Official Plan, and is in conformity with the zoning regulations and the City of Windsor Official Plan. Municipal requirements regarding this development have been addressed in the site plan control agreement (CE1036157) and will be further addressed upon amendment to the Agreement. The draft plan of condominium is deemed consistent with the approved site plans, AMT-006/21 (SPC-021/18) and SPC-029/22.

It is recommended that this application for draft plan of condominium approval be exempted from Section 51 of The Planning Act (per Section 9(3) of The Condominium Act). This means that the owner can proceed directly to registration following submission of an approved final plan of condominium.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP

Manager Planning Policy/ Deputy City Planner

Thom Hunt, MCIP, RPP

City Planner

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

JP, Commissioner of Economic Development & Innovation

OC, Chief Administrative Officer

Approvals:

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

Notifications:

Name	Address	Email
APPLICANT /OWNER: 5042667 Ontario Ltd., c/o Steve Habib	5335 Outer Drive, Oldcastle, ON N9G 0C4	steve@hddevelopmentgroup.com
SURVEYOR: Verhaegen Land Surveyors, c/o Roy Simone	944 Ottawa Street, Windsor, ON N8X 2E1	rsimone@vshbbsurveys.com

Appendices:

- 1 Appendix A, Site Photos



View of West and South Walls of Building 2 from Ducharme Street at Juliet Crescent



View of East and South Walls of Building 2 from east side of Walker Road



View of East and North Walls of Building 2

Subject: 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

Reference:

Date to Council: March 6, 2023

Author: Jim Abbs

Senior Planner

519-255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: February 14, 2023

Clerk's File #: Z/14458 & ZO/13950

To: Mayor and Members of City Council

Recommendation:

- 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;
- 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:

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.
- 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,
- 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.

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 lands that are subject to these development applications were originally included in the Draft plan of subdivision as 2 blocks for school sites and a park area.

Lands Formerly Identified for School Sites:

As part of the East Riverside Secondary Plan and the original Draft Plan of Subdivision two parcels were identified for possible use for school purposes. The subdivision agreement required that the parcels reserved for school purposes be held for 5 years after a plan of subdivision was registered creating the parcel for the school reserves. The 5 year time frame was put in place to provide the school boards an opportunity to acquire the lands for school construction. The plan (12M-581) was registered on February 14, 2013. Therefore, the five year time frame ended February 14, 2018, without the school boards acquiring the lands. This made the lands that were reserved for school use available for development.

Lands Formerly Identified for Park purposes:

Since the original draft Plan of Subdivision approval, land transfers have taken place between the City and the Developer with the aim of consolidating parkland and storm water management facilities on the west of Florence Ave to provide a larger contiguous

area for recreational opportunities within the Little River Corridor and connecting to the Ganatchio Trail. Those transfers and conveyances resulted in the parkland dedication requirement for the original plan of subdivision being fulfilled, without requiring the transfer of the 1.1ha of land on the N/E corner of Florence Avenue and Beverley Glen Street. Because of this, the lands currently identified as parkland in the original draft plan of subdivision were not required to be, and had never been conveyed to the City of Windsor for park purposes. Through this application the Developer is requesting to change the official plan designation and the zoning bylaw provisions to permit construction of additional residential dwellings.

Application Information:

Location: 0 Clover Avenue - Blocks 63-65 (incl.), Plan 12M-581. (See Location Map).

Ward: 7 **Planning District:** East Riverside **ZDM:** 14

Registered Owner/Applicant: 1027458 Ontario Inc.

Agent: Dillon Consulting (Karl Tanner)




KEY MAP - Z-027/22, ZNG-6832, OPA 163, OPA-6833,
SDN-001/22, SDN-6843



● SUBJECT LANDS

Figure 1: Location Map



NEIGHBOURHOOD MAP - Z-027/22, ZNG-6832, OPA 163, 
 OPA-6833, SDN-001/22, SDN-6843



SUBJECT LANDS

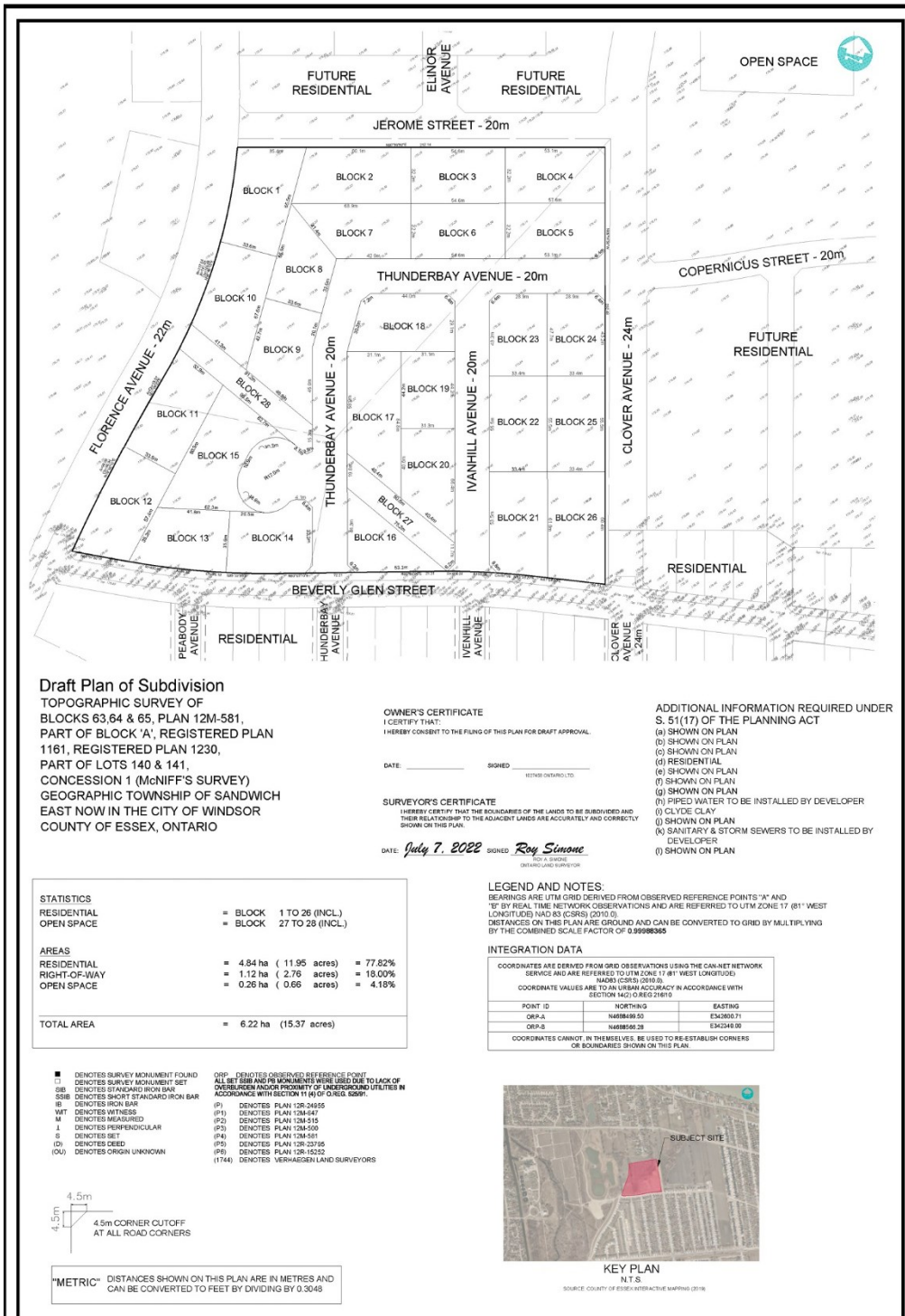
Proposal:

The proposed development would culminate with the construction of 117 townhome dwellings, each with two (2) storeys, and two (2) new rights-of-way for the proposed extensions of Thunderbay Avenue and Ivanhill Avenue. The proposed development

also includes a Greenway which overlaps the existing easement containing a trunk sewer that bisects the site.

The applicant is requesting an amendment to the City of Windsor Official Plan, a site specific Zoning By-law Amendment to the City of Windsor Zoning By-law 8600, and Draft Plan of Subdivision. To facilitate the proposed residential subdivision, an Official Plan Amendment is required to change the land use designation on a portion of the subject site from Open Space and School Site to Residential Neighbourhood in the East Riverside Planning Area. The remainder of the subject site is appropriately designated as Residential Neighbourhood (ER1-2: Land Use Plan; East Riverside Secondary Plan).

To permit the proposed residential development, a Zoning By-law Amendment is required to re-zone a portion of subject site from Green District 1.1 (GD1.1) to a site specific Residential District 2.3 (RD2.3) zone with a provision for a maximum lot coverage of 50%. The majority of the site is currently zoned RD2.3.



NOTE : FOR INFORMATION ONLY. SEE LARGE SCALE DRAWINGS FOR FURTHER DETAILS.

DRAFT PLAN OF SUBDIVISION

MAP NO : SDN-001/22, SDN-6834

APPLICANT : 1027458 Ontario Inc

CITY OF WINDSOR PLANNING DEPARTMENT

Figure 2: SDN001/22-1

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential Neighbourhood & Open Space Schedule ER-2: Land Use Plan, Secondary Plan East Riverside Planning Area	GD1.1, HRD2.3	Vacant	Vacant
Width	Depth	Area	Shape
+/-254 m	+/-309 m	6.22 ha	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 - Beverly Glen Street, single unit dwellings, townhome dwellings;

West - 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 Draft Plan Subdivision 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 Draft Plan Subdivision promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed Draft Plan Subdivision 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 Draft Plan Subdivision 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 Draft Plan of Subdivision 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 Official Plan Amendment, Zoning By-law Amendment and Draft Plan of Subdivision 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 both Open Space and School Site (Schedule ER-2).

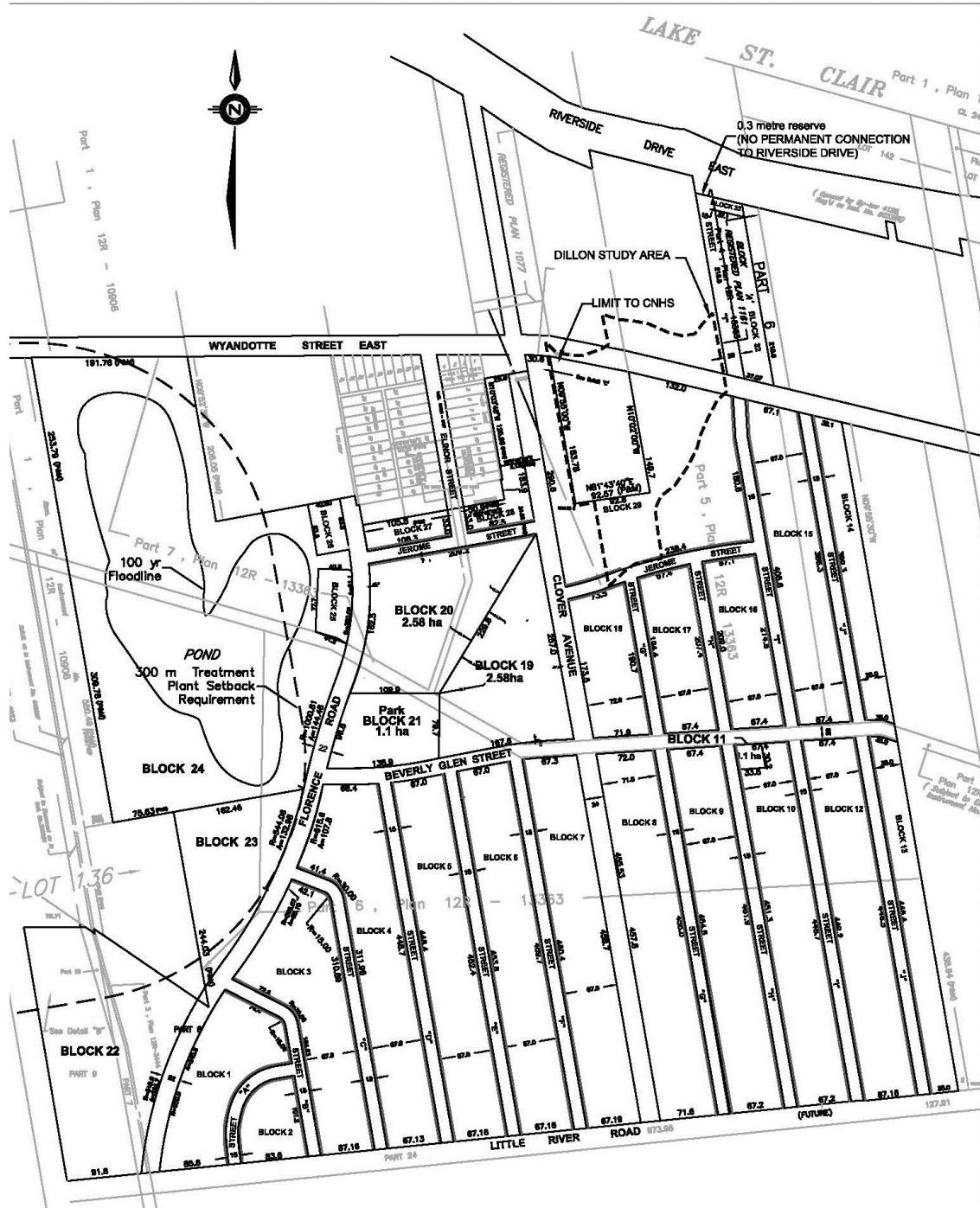
While Schedule ER-2 shows both the Open Space and School Site designations, Council Resolution 291/2001 modified the East Riverside Secondary Plan to remove the School Site designation and replaced it with the “Residential” Designation

CR291/2001

I That the application of 1027458 Ontario Ltd., Mr. J. Slopen, solicitor, for amendments to the City of Windsor Official Plan, Volume II, East Riverside Secondary Plan **BE APPROVED** as follows (see Map No. Z-101/97-2 (Revised)), attached hereto:

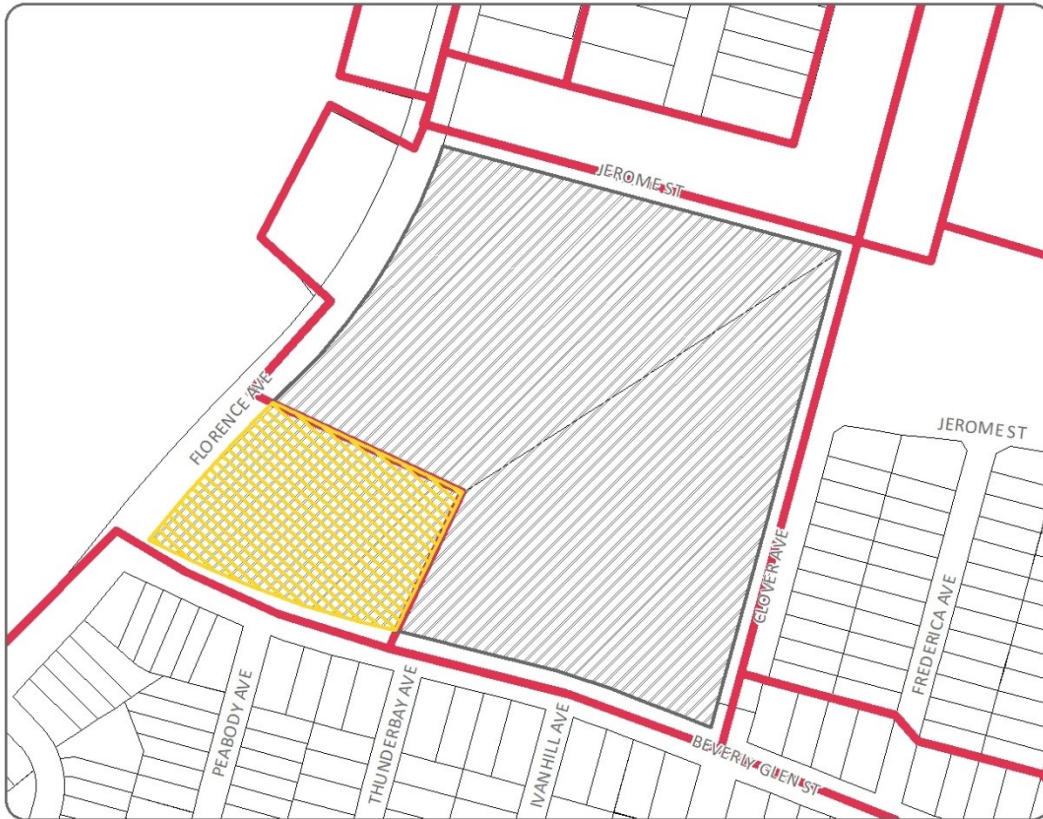
- (i) Blocks 19 and 20 on the west side of Clover, south of Jerome from 'Open Space' and 'School Site' to 'Residential';

Therefore, Blocks 19 and 20 (blocks 63 and 64 12M-581) on the North Neighbourhood Draft Plan of Subdivision do not require an amendment to the Official Plan, however, Schedule ER-2 should be updated to reflect the direction contained in CR291/2001.



PROPOSED DRAFT PLAN OF SUBDIVISION
 MAP NO.Z-101/97-2 (REVISED)

CR291/2001
 MARCH 19, 2001



SCHEDULE 'A'

N.T.S.

APPLICANT : 1027458 ONTARIO INC



SUBJECT LANDS



AREA TO BE DESIGNATED
NEIGHBOURHOOD RESIDENTIAL

PLANNING & BUILDING DEPARTMENT

DATE : JULY, 2022
FILE NO. : SDN-001/22, SDN/6834

Open Space block (Block 21, original Draft Plan, aka Block 65, 12M-581)

As a result of consolidation of parkland on the West Side of Florence Avenue, Block 21 on the original Draft Plan of Subdivision (Block 65, Plan 12M-581) was never conveyed to the City for park purposes. As this parcel is no longer required to fulfill the parkland dedication requirements for the original draft plan of subdivision, it is ideally situated to provide an opportunity for residential intensification.

The appropriate designation for the subject lands is Residential in the City of Windsor Official Plan. This designation permits the low profile townhome residential development proposed. The City of Windsor Official Plan also contains policies that encourage the efficient use of existing infrastructure, promotes residential redevelopment as well as residential intensification. As such, the proposed development is consistent with the Official Plan.

Zoning:

Most of the site is zoned RD2.3 with a hold provision to ensure the property is developed to municipal standards by way of a plan of subdivision. The RD2.3 zone permits the proposed 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 application proposes to create blocks for the construction of townhome dwellings that will comply with the zone regulations of the RD2.3 zone category. The developer can apply to remove the hold provision once the Plan has Final Registration.

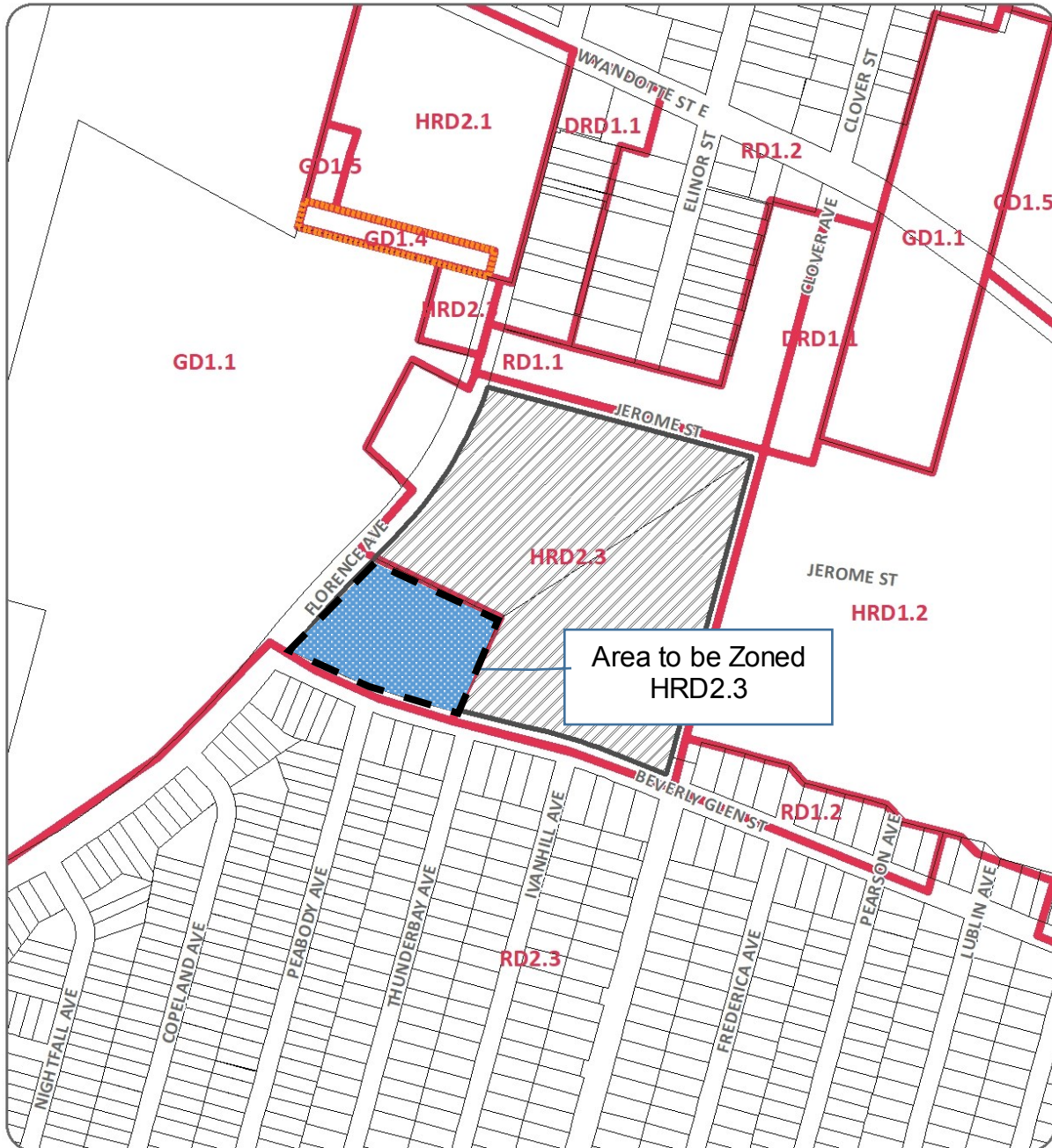
A 1.1 ha portion of the development site (Block 65) is zoned Green District 1.1 (GD1.1). Continuation of the RD2.3 Zone provisions on Block 65 is appropriate, in that the RD2.3 zone category would be an extension of the existing zoning on Blocks 64 and 65, as well as the same as the development south, on Peabody, Copeland and Thunderbay Avenues.

The development of townhomes using a similar building template on Copeland and Peabody Avenues has resulted 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 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 ran afoul of 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 will not variable by the Committee of Adjustment. Further changes to the

maximum paved area would have to be considered by Council through a Zoning Bylaw Amendment.

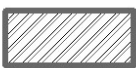


PART OF ZONING DISTRICT MAP 14

N.T.S.

REZONING

Applicant: 1027458 Ontario Inc



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JULY, 2022
FILE NO. : Z-027/22, ZNG/6832

Draft Plan of Subdivision:

The proposed development would culminate with the construction of 117 townhome dwellings, each with two (2) storeys, and two (2) new rights-of-way for the proposed extensions of Thunderbay Avenue and Ivanhill Avenue. The proposed development also includes a Greenway which overlaps the existing easement containing a trunk sewer that bisects the site. To facilitate this final form of development the applicant proposes a plan that will create 26 blocks on which townhome blocks will be built. Once completed, a parcel for each townhome will be created using the Part Lot Control process. This is consistent with the manner in which all other townhome lots have been created in the East Riverside area. The draft plan of subdivision as proposed will comply with the City of Windsor Official Plan as well as the provisions of the Zoning By-law.

Florence Avenue

The right of way for Florence Avenue had been conveyed to the City through a separate process and is not part of the Draft Plan of Subdivision. As a result, the construction of Florence Avenue cannot take place until such time as an Environmental Assessment has been completed. The City is currently undertaking a process to complete an EA for the section of Florence Avenue from its current end point north to Wyandotte Avenue E. Blocks 1, 10, 11 and 12 on the proposed Draft Plan of Subdivision are dependant on Florence Avenue for access, and as such, cannot be constructed until Florence Avenue is constructed. Therefore, prior to the construction of dwelling units on Blocks 1, 10, 11 and 12, the construction of Florence Avenue from its current end point to the Northern limit of this development (north limit of Jerome Street) is to be undertaken and funded by the developer as if it were part of the Draft Plan of Subdivision, once the required EA is complete.

Clover Avenue and Jerome Street

The right of way for Clover Avenue and Jerome Street are part of the original Draft Plan of Subdivision for the area and will be constructed by the developer as part of separate development approvals.

The conditions for the construction of Clover Avenue north of Beverly Glen have been captured in the registered subdivision agreement for the developers lands to the east (extensions of Lublin, Icewater, Pearson and Frederica Avenues). Registration of that Plan of Subdivision is imminent.

The conditions for the construction of Jerome Street between Florence Avenue and Clover Avenue will be captured in a future subdivision agreement that will be required before the registration of a plan of subdivision for the developers lands to the north of Jerome Street and to the West of Clover Avenue, north of Jerome Street. Registration of this Plan of Subdivision is expected shortly after the registration of the final plan of subdivision for the extensions of Lublin, Icewater, Pearson and Frederica Avenues.

The hold provision contained within the recommended zoning will ensure that the blocks fronting on these streets outside of this draft plan of subdivision application have access to a street that is the subject of an agreement (Subdivision Agreement) for the construction of the street.

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.

A second 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 official plan and zoning bylaw as well as approval of a draft Plan of draft plan of subdivision 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 Draft Plan of Subdivision to create 26 blocks to facilitate the construction of 117 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.

Michael Cooke MCIP RPP, Manager of Planning Policy/Deputy City Planner

Thom Hunt MCIP RPP, City Planner

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

JP OC

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	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
- 2 12M-581
- 3 Section 5.4 - Holding

COMMENTS

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to the middle of this development is with the Lauzon 10. The closest existing bus stop to the middle of this development is located on Wyandotte at Clover NW Corner. This bus stop is approximately 470 metres away from this development falling outside of our 400 metre walking distance guideline to a bus stop. This will remain unchanged with our Council approved Transit Master Plan.

Bell Canada – Circulations

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.

Canada Post

Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

APPENDIX A

Additional Developer Requirements:

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
 - Any required walkway across the boulevard, per municipal standards
 - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
 - A Community Mailbox concrete base pad per Canada Post specifications.

Enwin

HYDRO ENGINEERING: No Objection.

Please note that there are streetlight underground electrical conductors along the entire north side of Beverly Glen St.

WATER ENGINEERING: Water Engineering has no objections.

ERCA

The proposed development includes the construction of 117 townhome dwellings, and two 2 new rights-of-way, consisting of the extensions of Thunderbay Avenue and Ivanhill Avenue. The

proposed development also includes a Greenway, which overlays the existing easement containing a trunk sewer that crosses the site. An Official Plan Amendment is proposed to change the land use designation on a portion of the subject site from Open Space and School Site to Residential Neighbourhood in the East Riverside Planning Area. The area set aside for School Sites were previously zoned to HRD2.3 to permit the same uses as those that currently exist in the North Neighbourhood Area. The former school sites that make up remainder of the subject site is designated as Residential Neighbourhood.

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 Little River and Detroit River / Lake St. Clair.

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority, prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

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 *Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003)* and the "*Windsor-Essex Region Stormwater Management Standards Manual*".

We therefore request inclusion of the following draft conditions be included in the Notice of Decision and implementing Subdivision / Development Agreement:

1. That the subdivision agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulates, that prior to obtaining final approval, for any phase of the development, that the Owner, will finalize an engineering analysis, to identify stormwater quality and quantity measures, as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation with the ERCA;

2. That the subdivision agreement between the Owner and the Municipality contain provisions, that requires, that the Owner, installs the stormwater management measures, for any phase of the development, identified in the final engineering analysis completed, as part of the development

for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Essex Region Conservation Authority;

3. That prior to final approval the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans, reports and requirements noted above; and

4. That prior to undertaking construction or site alteration activities, any necessary permits or clearances, be received, from the Essex Region Conservation Authority, in accordance with Section 28 of the *Conservation Authorities Act*. If the works are located within an area, not regulated by Section 28 of the *Conservation Authorities Act*, then a Development Review Clearance, must be obtained from the Essex Region Conservation Authority, prior to undertaking construction or site alteration activities.

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

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

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

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – “*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*”. All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the *Ontario Endangered Species Act*.

Prior to initiating any proposed works on this property, it is the proponent’s responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

We have no objections to the development applications at this time, subject to the draft conditions noted above for the draft plan of subdivision.

We do ask that the City, in this case, to forward a copy of the Notice of Decision, Notice of Passing and Notice of Adoption for our records. If you have any questions or require any additional information, please contact the undersigned.

Sherif Barsom – Parks D&D

We have seen on the received report the below sentences:

“Greenway system will serve as public amenities connecting and defining neighbourhoods and contributing to Windsor's image. New development in Windsor will accommodate the needs of pedestrians, cyclists and other recreational activities.”

“The proposed development also includes a Greenway which overlays the existing easement containing a trunk sewer that crosses the site.”

We still need an answers for the below questions:

- What the plans are for this Greenway space?
- Is this a private or public space?
- Who will maintain it?
- If public who is designing the space?

Kristina Tang – Heritage Planner

The subject property is located within an area of high archaeological potential. 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 of Windsor and the Ontario Ministry of Heritage, Sport, Tourism, and Culture Industries, prior to any additional land disturbances. A final copy of these relevant archaeological reports must also be submitted to the City of Windsor.

Shannon Deehan – Transportation

- Beverly Glen 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.
- Thunderbay Ave 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.
- Ivanhill Ave 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.
- An EA is undertaken for a portion of Florence Ave that is currently City Right-of-Way. Construction of this section of Florence Ave cannot be constructed until the EA is completed.
- Corner cut-offs of 4.6 meters are required along Beverly Glen Street at the intersections of Florence Ave, Thunderbay Ave, Ivanhill Ave, and Clover Ave. The submitted plan shows corner cut-offs.
- Corner cut-offs of 4.6 meters are required along Thunderbay Ave at the intersections of Clover Ave. The submitted plan shows corner cut-offs. The submitted plan shows a corner cut-off at the intersection of Jerome St and Clover Ave and but not at the intersection of Jerome St and Florence Ave.

- Corner cut-offs of 4.6 meters are required along Jerome St at the intersections of Florence Ave and Clover Ave.
- The proposed street Thunderbay Ave on the site plan must align with Thunderbay Ave to the south.
- The proposed street Ivanhill Ave on the site plan must align with Ivanhill Ave to the south.
- Driveways for lots 1, 16, 32, 33, 46, 47, 60, 61, 74, 83, 87, 94, 95, and 117 should be set as far back as possible from the intersections or adjacent property. Furthermore, lots that are abutting two streets should have driveways on the lower classification street (local road).
- 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.
- Detailed and dimensioned drawings showing the proposed driveways, curb cuts and cul-de-sac design are required to provide further comments on conveyances and additional requirements. All roadways should be constructed to City of Windsor Standards Engineering Drawings.
- Parking restrictions and required by-law amendments will be reviewed at the engineering drawings review stage.
- 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).

Andrew Boroski / Rob Perissinotti- Engineering & ROW

The Applicant is requesting draft plan of subdivision approval, along with official plan and zoning by-law amendments for a 6.22 ha property currently forming of Block 63-65 on Plan 12M-581, subject to an easement as R1285381. The approvals are required in order to support the proposed redevelopment into 117 townhome dwellings, each with two storeys, and two new rights-of-way including the extensions of Thunder bay Avenue and Ivanhill Avenue. The comments included below should be reviewed in conjunction with those submitted with the subdivision application and the official plan amendment.

The subject lands are located at Florence Avenue and Beverly Glen Street, are currently zoned H Residential District 2.3 (HRD2.3) and Green District 1.1 (GD1.1) as per Zoning By-Law 8600. The Applicant is requesting an amendment the zoning to a site-specific Residential District 2.3 (RD2.3), to allow for the construction of a 117 Townhome dwellings. We have reviewed the servicing requirements of the subject lands pertinent to this application, and offer the following comments:

This site is currently serviced by a 250mm PVC pipe sanitary sewer located within the south boulevard of Beverly Glen St, with a 1500mm Reinforced Concrete Pipe, 1350 Reinforced Concrete Pipe storm sewer located north of centerline of Beverly Glen St. A 1500mm Reinforced Concrete Pipe sanitary trunk runs diagonally from the southeast to the

northwest of the property. A 350mm Asbestos Cement sanitary sewer runs from the north property line south to the 1500mm trunk. The existing 350mm sanitary sewer which extends south of Elinor Street and through the subject lands must be relocated at the applicants expense.

A Servicing Study is required to demonstrate that there is adequate capacity in the municipal sanitary and storm sewer networks. It must be demonstrated that no negative impacts will be realized by existing areas adjacent to the proposed development. This study must be completed in accordance with the City of Windsor Development Manual and the Windsor/Essex Regional Stormwater Management Standards.

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:

A 4.6m x 4.6m corner cut-off along Beverly Glen Street at the intersections of Florence Avenue, Thunder Bay Avenue, Ivanhill Avenue and Clover Avenue, as well as along Thunder bay Avenue at the intersection of Clover Avenue as well as 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

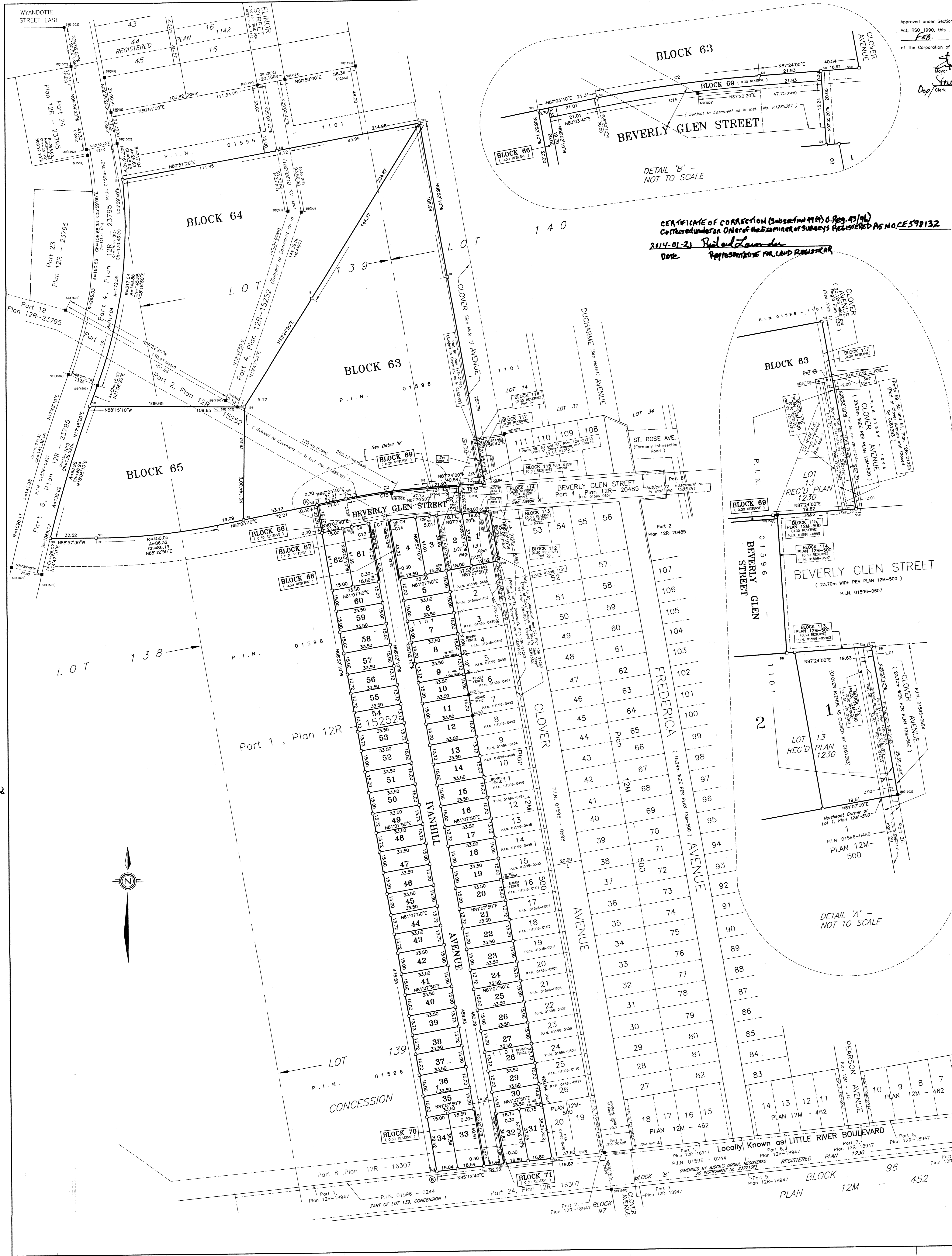
the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures.

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 of Elinor Street and through the proposed school site. All work is to be done to the satisfaction of the City Engineer.

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
- Thunder Bay Ave – along the east and south boulevards
- Ivanhill Ave – Along the east boulevard



Approved under Section 51 of the Planning Act, R.S.O. 1990, this 6th day of FEB. 2013. On behalf of The Corporation of the City of Windsor.

Steve Wacholowski
Mayor
Clerk

PLAN 12M-581

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TITLES DIVISION OF ESSEX, ONTARIO AT 10:20 O'CLOCK ON THE 14th DAY OF FEBRUARY 2013 AND ENTERED IN THE PARCEL REGISTER FOR PROPERTY IDENTIFIER 01596-01561-1101.

AS REQUIRED CONSENTS ARE REGISTERED AS PLAN DOCUMENT NO. CE 559783

Beland Law Inc.
REPRESENTATIVE FOR LAND REGISTRAR

THIS PLAN COMPRISES PART OF THE LAND IDENTIFIED BY P.L.N. 01596-1101

PART OF LOT 1 AND PART OF BLOCK 63 - SUBJECT TO EASEMENT AS IN CE83199. PART OF BLOCKS 63, 64, 65, 69 & PART OF BEVERLY GLEN STREET - SUBJECT TO EASEMENT AS IN INST. NO. R1285361.

CERTIFICATE OF CORRECTION (Subsection 49(1) of Reg. 43/96)
 Commenced under an Order of the Examiner of Surveys Registered as NO. CE599132
 2014-01-21 *Beland Law Inc.*
 DORE REPRESENTATIVE FOR LAND REGISTRAR

PLAN OF SUBDIVISION OF PART OF LOTS 138, 139 & 140 CONCESSION 1
 GEOGRAPHIC TOWNSHIP OF SANDWICH EAST AND
PART OF STREETS & ALLEYS
 (AS CLOSED BY BY-LAW, REGISTERED AS INSTRUMENT NO. R1088686)
PART OF LOT 13
 REGISTERED PLAN 1230 (AS AMENDED BY JUDGE'S ORDER, REG'D AS INST. NO. SE232771)
ALL OF BLOCKS 112 & 116 (0.30 RESERVE)
PART OF BLOCK 117 (0.30 RESERVE)
PART OF CLOVER AVENUE (AS CLOSED BY CE81383)
PLAN 12M-500

NOW IN THE
CITY OF WINDSOR
COUNTY OF ESSEX, ONTARIO
VERHAEGEN • STUBBERFIELD • HARTLEY • BREWER • BEZARE INC.

SCALE = 1:1000

0 10.00 20.00 40.00 60.00 METRES

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METRES AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND AND NOTES

BEARINGS ARE UTM GRID, DERIVED FROM SIMULTANEOUS GPS OBSERVATIONS ON MONUMENTS "A" AND "B", SHOWN HEREON, HAVING A GRID BEARING OF N05°52'10"W NAD83 (CSRS) (1997.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.9998400

SB DENOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
 SSB DENOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
 DB DENOTES 15mm X 15mm X 0.61m IRON BAR
 RB DENOTES 19mm DIAMETER X 0.61m ROUND IRON BAR
 CB DENOTES CUT-CROSS
 CP DENOTES 5mm X 50mm STEEL PIN
 CS DENOTES SURVEY MONUMENT FOUND
 CD DENOTES SURVEY MONUMENT SET AND MARKED 1528
 WT DENOTES WITNESS ; DENOTES PERPENDICULAR
 (1) DENOTES SET (2) DENOTES MEASURED (3) DENOTES DEED
 SSB'S SHOWN ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE POSSIBILITY THAT UNDERGROUND UTILITIES EXIST.
 (1) DENOTES SET PROPORTIONALLY (2) DENOTES ORIGIN UNKNOWN
 (3) DENOTES PLAN 12M-500 (4) DENOTES PLAN 12R-21263
 (5) DENOTES PLAN 12R-15252 (6) DENOTES PLAN 12R-23795
 (1500) DENOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.
 (1194) DENOTES JOHN B. SUTTON INC., O.L.S.

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE)
 NAD83 (CSRS) (1997.0) AND ARE REFERRED TO THE CENTRAL MERIDIAN OF UTM ZONE 17 (81° WEST LONGITUDE)

POINT ID	NORTHING	EASTING
A	N468104.678	E342149.719
B	N4687632.946	E342223.234

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

CURVE SCHEDULE

CURVE	RADIUS	ARC	CHORD	CHORD BEARING
C1	444.93	55.50	55.47	N83°55'10"E
C2	464.04	57.97	57.93	N83°55'20"E
C3	464.04	27.14	27.14	N82°01'10"E
C4	464.04	18.55	18.55	N84°50'30"E
C5	464.04	12.27	12.27	N86°44'40"E
C6	444.93	11.86	11.86	N81°06'40"E
C7	444.93	14.41	14.41	N82°50'30"E
C8	444.93	18.56	18.55	N85°00'10"E
C9	444.93	10.08	10.07	N86°50'40"E
C10	464.04	15.79	15.79	N85°00'40"E
C11	464.04	2.76	2.76	N83°52'00"E
C12	463.74	27.24	27.23	N82°00'50"E
C13	444.93	0.30	0.30	N81°53'40"E
C14	444.93	0.30	0.30	N83°47'00"E
C15	463.74	57.99	57.94	N83°55'10"E

NOTE 1
 STREETS AND ALLEYS ON REGISTERED PLAN 1230, CLOSED BY BY-LAW No. 9795 AND REGISTERED AS INSTRUMENT NO. R1088686.

NOTE 2
 SUBJECT TO EASEMENT IN FAVOUR OF THE CORPORATION OF THE CITY OF WINDSOR, THE WINDSOR UTILITIES COMMISSION - WATER DIVISION, EDWIN POWERLINES LIMITED, LINCOLN GAS LIMITED, BELL CANADA AND COGECO CABLE SYSTEMS INC. REGISTERED AS TRANSFER NO. 15799974.

NOTE 3
 Parts 57 and 58, Plan 12R-21263
 Part of Beverly Glen Street (Closed by CE81383)

OWNER'S CERTIFICATE
 THIS IS TO CERTIFY THAT:
 1. LOTS 1 TO 62 (INCLUSIVE), BLOCKS 63, 64 AND 65, BLOCKS 66 TO 71 (INCLUSIVE) (0.30 RESERVE) & THE STREETS NAMED BEVERLY GLEN STREET AND VANHILL AVENUE HAVE BEEN LAID OUT IN ACCORDANCE WITH OUR INSTRUCTIONS.
 2. THE STREETS ARE HEREBY DEDICATED AS PUBLIC HIGHWAYS TO THE CORPORATION OF THE CITY OF WINDSOR.

DATED THE 22nd DAY OF JANUARY, 2013. **1027458 ONTARIO INC.**

Jenny O'Connell
 JENNY O'CONNOR, SECRETARY-TREASURER
 I HAVE THE AUTHORITY TO BIND THE CORPORATION

SURVEYOR'S CERTIFICATE
 I CERTIFY THAT:
 1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT AND THE REGULATIONS MADE UNDER THEM.
 2. THIS SURVEY WAS COMPLETED ON THE 31st DAY OF JULY, 2012

DATE JANUARY 22, 2013

Roy Simone
 ROY A. SIMONE
 CHIEF OF LAND SURVEYOR
 for VERHAEGEN • STUBBERFIELD • HARTLEY
 BREWER • BEZARE INC.

WINDSOR 475 Devonshire Road, Suite 200 NBY 2L5 Ph: (519) 258-1772 Fax: (519) 258-1791

VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC. 187 Tabbot Street East N9H 1L8 Ph: (519) 322-2214 Fax: (519) 322-2675

LEAMINGTON 187 Tabbot Street East N9H 1L8 Ph: (519) 322-2214 Fax: (519) 322-2675

ONTARIO LAND SURVEYORS INC. www.vshbbsurveys.com

Drawn by: N.M.G. CAD Date: January 22, 2013 10:58:50 AM
 Checked by: R.M.S. CAD File: 4252990201030103.dwg
 WORK ORDER: 4-25859 FILE NO.: S-309A(WIND) PLAN FILE NO.: J-528'B

5.4 HOLDING ZONE PROVISIONS

- 5.4.1 The purpose of the holding zone is to defer development or redevelopment until such time as specified conditions have been satisfied. A holding zone may supplement, alter, add or remove any of the By-law provisions affecting the use of the land.
- 5.4.10 Where the H symbol precedes any *zoning district* symbol or a specific zoning exception, a *use, building or structure* is prohibited except:
- .1 For any *use, building or structure* erected, operated or maintained by the *City of Windsor*, a *public authority* or a *public utility*;
 - .2 For an *existing use, building or structure* that is permitted by the applicable *zoning district* or a specific zoning exception that the H symbol precedes, additions or alterations to *existing buildings* are permitted and/or structures and accessory buildings may be erected, provided such additions, alterations, structures, or accessory buildings are in accordance with the provisions of the *zoning district*, specific zoning exception and all other provisions of this by-law.
- 5.4.15 It is the responsibility of the property owner or their designate to satisfy the conditions of the holding zone and to make application to remove the H symbol.
- 5.4.20 Where the H symbol precedes a *zoning district* symbol or a specific zoning exception, the H symbol may be removed when the following conditions are satisfied:
- .1 The property is on a registered plan of subdivision or condominium, subject to a part lot control exemption by-law or subject to an approved consent to sever by the Committee of Adjustment;
 - .2 A street paved to the satisfaction of the City Engineer, municipal storm water outlet, municipal sanitary sewer, municipal electrical service and municipal water service are available or an agreement to provide the aforementioned items is registered on title to the property;
 - .3 Where required by legislation, full compliance with remediation/mitigation recommendations in a required study, report or plan to the satisfaction of the appropriate approval authority, or an agreement registered on title to the property to comply with the remediation/mitigation recommendations;
 - .4 Where required, a site plan control agreement is registered on title to the property; and
 - .5 Other holding zone conditions contained within an approved amending zoning By-law.

Item No. 8.1



Committee Matters: SCM 60/2023

Subject: The Adoption of the Development & Heritage Standing Committee meeting held February 6, 2023

Development & Heritage Standing Committee Meeting

Date: Monday, February 6, 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 Arbour

Member Fratangeli

Member Grenier

Member Pidgeon

Member Polewski

Member Tape

Members Regrets

Member Saka

Member Miller

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation

Thom Hunt, City Planner / Executive Director of Planning & Development

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

James Chacko, Executive Director, Parks

Michael Cooke, Manager, Planning Policy

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Development & Heritage Standing Committee

Monday, February 6, 2023

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Rob Vani, Manager, Inspections /Deputy Chief Building Official
Rob Perissinotti, Development Engineer
Frank Garardo, Planner III - Policy & Special Studies
Justina Nwaesei, Planner III – Subdivisions
Adam Szymczak, Planner III - Zoning
Laura Strahl, Planner III - Special Projects
Stefan Fediuk, Landscape Architect
Greg Atkinson, Planner III – Economic Development
Tracy Tang, Planner II – Revitalization & Policy Initiatives
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

1. CALL TO ORDER

The Deputy Clerk calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o'clock p.m., and calls for nominations from the floor for the position of Chairperson.

Councillor Kieran McKenzie nominates Councillor Jim Morrison for the position of Chairperson; Councillor Jim Morrison accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.
Councillor Jim Morrison assumes the Chair.

The Deputy Clerk calls for nominations from the floor for the position of Vice Chair.

Councillor Fred Francis nominates Councillor Kieran McKenzie for the position of Vice-Chair. Councillor Kieran McKenzie accepts the nomination. There being no further nominations the Deputy Clerk calls for a vote. All members vote in favour.
Carried.

8. ADOPTION OF THE MINUTES

8.1. Minutes of the Development and Heritage Standing Committee of its meeting held January 9, 2023

Moved by: Member Joseph Fratangeli
Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 480**

That the minutes of the Development & Heritage Standing Committee meeting held January 9, 2023 **BE ADOPTED** as presented.
Carried.

Minutes

Development & Heritage Standing Committee
Monday, February 6, 2023

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9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

9.1. Heritage Videos (2) presented by Heritage Planner

Tracy Tang, Planner II – Revitization & Policy Initiatives

Tracy Tang, Planner II – Revitalization & Policy Initiatives, appears before the Development & Heritage Standing Committee to present two (2) heritage videos on behalf of Kristina Tang, Heritage Planner. T. Tang informs the Committee members that the City of Windsor is celebrating heritage in February, in conjunction with National and Provincial heritage celebrations such as Heritage Day and Ontario Heritage Week. In recent years, the Communications Department has worked with Heritage Planning staff to create a series of Heritage Videos highlighting heritage conservation efforts at buildings and structures, and their stories. A new heritage webpage has been launched to showcase all of these videos and will be shared on the City's social media pages. T. Tang presents to the Committee members the story of the restoration of the Strathcona Building and the discovery and display of the Walker Power Building Turntable.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 467**

That the two (2) videos presented by the Heritage Planner dated February 6, 2023 featuring the story of the restoration of the Strathcona Building and the discovery and display of the Walker Power Building Turntable **BE RECEIVED** for information.
Carried.

Clerk's File: MBA2023

10. HERITAGE ACT MATTERS

10.1. Request for Demolition of Greenhouses at Lanspeary Park - 1250 Langlois Avenue (Ward 4)

Councillor Marignani inquires about the level of deterioration of the structures and whether these greenhouses could be repurposed. James Chacko, Executive Director of Parks, appears before the Development & Heritage Standing Committee regarding the administrative report "Request for Demolition of Greenhouses at Lanspeary park – 1250 Langlois Avenue (Ward 4)" and informs the Committee members that the Parks Department undertook a number of studies and through a series of reports in 2017 and 2018 Administration brought forward two options for Council's consideration, which were to refurbish the existing green houses or to tear them down and rebuild

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Development & Heritage Standing Committee

Monday, February 6, 2023

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in a new location. Council's direction was to tear down relocate the greenhouses, which has now been done at Jackson Park.

Member Tape inquires as to whether a more vigorous assessment of Greenhouse number 2, could be undertaken, indicating that this greenhouse's original home was on the Willistead Manor property. Member Tape also asks whether the Parks Department has considered reinstating this particular greenhouse back to its original location. J. Chacko indicates that due to the overall condition of the structure, it would not withstand being moved and rebuilt. He indicates that although the greenhouse came from Willistead Park, it is not the original greenhouse that was part of the Willistead Manor property. J. Chacko also indicates that as per the recommendation of the Heritage Architect and as per Council Direction greenhouse # 2 will be catalogued and commemorated with signage on-site.

Member Fratangeli inquires about the City of Windsor's preventative maintenance programs. J. Chacko indicates that the City of Windsor does have an asset management plan. As it relates to this particular facility, J. Chacko indicates that there was staff occupying it and therefore repairs were made and the facility was maintained as best it could for a structure its age.

Councillor Kieran McKenzie inquires about the Fieldstone structure and whether a use has been identified. J. Chacko indicates that the Lanspeary Park Master Plan is in the process of being developed and that they are looking at some way to incorporate it into the park. J. Chacko indicates that two rounds of public consultation have been completed and that a complete conceptual master plan will come to Council later this year.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 468**

- I. That Council **BE INFORMED** of the proposed demolition of the Lanspeary Park Greenhouse Complex, at 1149 Giles Blvd East and 1219 Pierre Avenue;
- II. That the fieldstone structure (former comfort station part of the greenhouse complex) at Lanspeary Park **REMAIN** on the Windsor Municipal Heritage Register and **BE PROTECTED** from demolition activities of the rest of the Lanspeary greenhouse complex;
- III. That Administration **INCORPORATE** commemoration of the demolished greenhouse complex.

Carried.

Report Number: S 14/2023

Clerk's File: SB2023

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Development & Heritage Standing Committee

Monday, February 6, 2023

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10.2. Request for Heritage Alteration Permit for Willistead Manor, 1899 Niagara Street (Ward 4)

Moved by:-Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 469**

- I. That a Heritage Permit at Willistead Manor, 1899 Niagara Street, **BE GRANTED**, for removal and alterations to the playground as per Appendix B; and,
- II. That the City Planner or his designate **BE DELEGATED** the authority to approve further changes associated with the proposed scope of work.

Carried.

Report Number: S 11/2023

Clerk's File:SR/12667

10.3. 749 and 753 Walker Road, Semi-Detached Houses - Heritage Permit Request (Ward 4)

Member Tate asks whether the Building Department has conducted a review in terms of spatial separation concerns. Robert Vani, Manager of Inspections appears before the Development & Heritage Standing Committee regarding the administrative report entitled, „749 and 753 Walker Road, Semi-Detached Houses – Heritage Permit Request (Ward 4),“ and indicates that the Building Department has not received any applications and has not conducted any code review with separations. T. Tang adds that the application underwent a zoning by-law review for compliance and that the applicant had applied for a minor variance and at that time it was determined that all of the requirements of the zoning by-laws were met and that the only variance required was the setback from side lot line, which was then approved by the Committee of Adjustment.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 470**

- I. That the Heritage Permit at 749 Walker Road, Semi-Detached House, **BE GRANTED** for the erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- II. That the Heritage Permit at 753 Walker Road, Semi-Detached Houses, **BE GRANTED** for the removal of an accessory structure and erection of one rear detached garage with one second floor additional dwelling unit per Appendix B of this report; and,
- III. That the Heritage Permit approvals **BE SUBJECT** to the following approval conditions prior to work start:

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- a. Submission of satisfactory product details and samples (including material and colour selections);
 - b. Provision of satisfactory architectural drawings by qualified designers;
 - c. Determination that the work is satisfactory to meet Building code compliance; and,
- IV. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the erection of the rear detached garages with second floor additional dwelling units.

Carried.

Report Number: S 12/2023
Clerk's File: MBA/3430

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.

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:55 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:00 o'clock p.m.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Minutes of the January 9, 2023 Development & Heritage Standing Committee (Planning Act Matters)

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

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held January 9, 2023 **BE ADOPTED** as presented.

Report Number: SCM 21/2023

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6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

None presented.

7. PLANNING ACT MATTERS

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

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 463**

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

Carried.

Report Number: S 105/2022 & AI 1/2023
Clerk's File: Z/14429

7.2. Rezoning - Damon & Kelly Winney - 966 California Ave - Z 041/22 ZNG/6926 - Ward 2

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

Decision Number: **DHSC 464**

- I. That Zoning By-law 8600 **BE AMENDED** for Plan 50; Lot 88; N PT Lot 87 municipally known as 966 California Avenue, by adding a site-specific exception to Section 20(1) as follows:
459. **SOUTHEAST CORNER OF CALIFORNIA AVENUE AND DAVIS STREET**

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For the lands comprising Plan 50; Lot 88; N PT Lot 87, a *semi-detached dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

- a) Lot Area – minimum 432.0 m²
- b) Lot Width – minimum 12.0 m

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

[ZDM4; ZNG/6926]

Carried.

Report Number: S 7/2023
Clerk's File:Z/14506

7.3. Rezoning – Hussain Alameri – 3857 Wyandotte Street East - Z-033/22 ZNG/6868 - Ward 5

Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 465**

That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), situated on the south side of Wyandotte Road East, west of George Avenue, by adding a site specific exception to Section 20(1) as follows:

461. **SOUTH SIDE OF WYANDOTTE STREET EAST, WEST OF GEORGE AVENUE**

For the lands comprising of Con 1, PT LOT 103, PLAN 61, N PT LOT 1 (known municipally as 3857 Wyandotte Street East; Roll No.: 3739-010-060-09000-0000), a *motor vehicle dealership* shall be an additional permitted use and the following additional provisions shall apply:

- a) Required parking spaces – minimum – 18
- b) Parking space separation from a street – minimum – 3.0 m
- c) The parking or storing of a motor vehicle in the parking space separation is prohibited.

[ZDM 6/10, ZNG/6868]

Carried.

Report Number: S 1/2023
Clerk's File:Z/14514

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7.4. Official Plan Amendment and Zoning By-law Amendment for the southerly 1.295 ha portion of the lands municipally known as 2400 Banwell Road; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 156 [OPA/6702]; Z-010/22 [ZNG/6701]; Ward 7

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

Decision Number: **DHSC 466**

- I. That the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area **BE AMENDED** by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from **Business Park to Banwell Road Mixed Use Corridor**;
- II. That the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:
 - 1.X **EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR**
 - 1.X.1 The property described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.
 - 1.X.2 Notwithstanding the policy in section 2.7.5.5 of the Official Plan, Volume II, a maximum building height of 20m shall be permitted on the subject property.
 - 1.X.3 Policy 2.7.5.6 of the Official Plan, Volume II, *Exterior Lot Line Development* shall not apply to a development on a property for which the east limit of Banwell Road is the only exterior lot line;
- III. That an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, from Manufacturing District 1.4 (MD1.4) to Commercial District 2.2 with a holding symbol (HCD2.2), subject to the following additional site-specific holding provisions:

“H460 EAST SIDE OF BANWELL ROAD, BETWEEN MCNORTON STREET AND VIA RAIL CORRIDOR

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For the land comprising Part of Block 1, Plan 12M-428, designated as PART 2, Plan 12R-29004, a *Combined Use Building* is subject to the following additional regulations:

- a) Sections 15.2.5.4 and 15.2.5.15 of by-law 8600 shall not apply;
- b) The following additional provisions shall apply:
 - .3 Lot Coverage – maximum - 35%
 - .4 Building Height – maximum - 20.0 m
 - .5 Front Yard Depth – minimum - 6.0 m
 - .6 Building Setback – minimum
 - From the *rear lot line* to the nearest part of the building
 - (a) 10m or less in height - 7.5 m
 - (b) Above 10m in height - 22.5 m
 - .8 Landscape Open Space Yard – minimum - 35% of *lot area*
 - .13 Dwelling Unit Density – dwelling units per hectare – maximum - 110 units per ha
 - .90 A *parking space* is prohibited in any *front yard* and within that section of the required *rear yard*, 2.5m from the rear lot line.
 - .95 A new mid-block vehicular access is prohibited along the east limit of Banwell Road, between McNorton and the VIA Rail Corridor.
- c) Non-residential use shall have a minimum gross floor area of 350 m² and shall be located at street level along the west wall of the building fronting onto Banwell Road;
- d) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- e) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- f) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.

[ZDM 15; ZNG/6701]

- IV. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:
1. The applicant/owner submit a water servicing report for the subject development, to the satisfaction of the City Engineer and ENWIN Ltd.;
 2. The applicant/owner obtain any required easement(s) associated with water servicing access from existing watermain on McNorton Street or Tranquility Avenue, per the recommendations contained in the water servicing report; and
 3. The applicant/owner obtain easement(s) for vehicular access through the northerly lands containing the existing church building.

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- V. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- Sanitary Sampling Manhole;
 - Parkland dedication of 5% (cash-in-lieu) of the subject vacant parcel;
 - Noise mitigation measures as recommended in the Road & Rail Traffic and Stationary Noise Impact Study (dated Oct. 24, 2022, Revised Jan. 10, 2023, prepared by J.J Acoustic Engineering Ltd (JJAЕ), including warning clauses for rail and road traffic impacts;
 - Safety measures per section 7.2.8.8 (d), OP Vol. I;
 - Preservation of some existing trees per Landscape Architect’s comment in Appendix D of this report;
 - Enbridge Gas minimum separation requirements;
 - Adequate clearance from existing ENWIN’s pole lines and power lines;
 - Canada Post multi-unit policy;
 - SAR mitigation measures as in the attached Appendix F to this report; and
 - Sight-triangle for Banwell Road and VIA at-grade crossing.
- VI. That the City Planner **BE DIRECTED** to undertake a house-keeping amendment to the City of Windsor Official Plan Volume II – Secondary Plan, East Riverside Planning Area, Schedule ER-2, Land Use Plan, by changing the land use designation of the land located on the east side of Banwell Road, between McNorton Street and VIA Rail Corridor, described as Part of Block 1, Plan 12M-428, designated as PART 1, Plan 12R-29004, from **Business Park** to **Banwell Road Mixed Use Corridor**
- VII. That administration from the Traffic Operations and Engineering Departments **BE REQUESTED** to be in attendance at the Council meeting when this matter is scheduled to be dealt with, in order to be available to address the concerns regarding traffic that were raised at the February 6, 2023 meeting of the Development and Heritage Standing Committee.

Carried.

Report Number: S 13/2023
Clerk’s File: Z/14510

11. ADMINISTRATIVE ITEMS

11.1. Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3

Larry Horwitz, Owner of 511 Pelissier Street

Larry Horwitz, Owner of 511 Pelissier Street, appears before the Development & Heritage Standing Committee regarding the administrative report “Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3” and requests that the Committee consider his project a catalyst project and approve his application for an additional 5-year extension

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for the Building/Property Improvement Tax Increment Grant Program, indicating that the project satisfies the criteria.

Laura Strahl, Planner III – Special Projects

Laura Strahl, Planner III - Special Projects, appears before the Development & Heritage Standing Committee regarding the administrative report “Downtown Windsor Enhancement Strategy and Community Improvement Plan – Grant Extensions, Ward 3” and indicates that based on the review of the materials and information submitted, administration does not recommend that the project be considered as a catalyst project as it does not meet the criteria.

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 471**

- I. That CR57/2020, CR37/2021, CR151/2021, CR310/2021, CR285/2020 **BE AMENDED** to extend the project completion deadline to one (1) year from Council approval of Report S6/2023;
- II. That Item VIII of CR310/2021 **BE AMENDED** to extend the deadline for the applicant to sign the grant agreement to one year from Council approval of Report S6/2023;
- III. That Items I and II of CR37/2021 **BE DELETED** and the following **BE SUBSTITUTED** therefor:
- IV. That the request made by 5021089 Ontario Inc (Owner) for the proposed
 - i. development at 477 Pelissier Street to participate in the New Residential
 - ii. Development Grant Program **BE APPROVED** for \$32,500 towards eligible cost of creating thirteen (13) new residential units pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- V. That the request made by 5021089 Ontario Inc (Owner) for the proposed
 - i. development at 477 Pelissier Street to participate in the Building/Property
 - ii. Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development of thirteen (13) new residential units and one (1) office unit in an existing building for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- VI. Grant funds in the amount of \$15,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when the work is completed at 477 Pelissier Street.

Carried.

Report Number: S 6/2023

Clerk's File: SPL2023

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11.2. Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884

David Mady, V.P Real Estate Development, Rosati Group

David Mady, V.P Real Estate Development, Rosati Group, appears before the Development & Heritage Standing Committee regarding the administrative report “Closure of east/west alley between Chilver Road and north/south alley, Ward 4, SAA-6884” and is available for questions.

Councillor Marignani requests clarification for the purpose of the alley closure. Mr. Mady indicates that the plan is to expand the building to the south, which requires the use of a portion of the alley and also to activate the alley for the use of tenants of the building.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 472**

- I. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix “A”, **BE ASSUMED** for subsequent closure;
- II. That the 4.57-metre-wide east/west alley located between Chilver Road and the north/south alley situated between Wyandotte Street East and Tuscarora Street, and shown on Drawing No. CC-1821 *attached* hereto as Appendix “A”, **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally as 1801-1833 Wyandotte Street East (legally described as Part of Lots 1 & 2, Plan 479) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. Enbridge Gas to protect existing underground infrastructure;
 - iii. EnWin Utilities Ltd. to accommodate the pole, anchors and existing overhead plant;
 - iv. MNSi for existing aerial infrastructure;
 - v. Rosati Development Corp. for access to repair and maintain the north face of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
 - vi. Rosati Development Corp. for pedestrian access from the north exit door off of the northerly main floor commercial unit in the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479);
 - vii. Rosati Development Corp. for use of the 5.49 metre section of the alley at its easterly terminus by the occupants of the existing building at the property known municipally as 624-634 Chilver Road (legally described as Part of Lots 1 & 2 & Part of Closed Alley, Plan 479) for the storage of refuse containers; and

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- viii. The Corporation of the City of Windsor for access to repair and maintain the existing circa 1920 300 millimetre vitrified clay combined sewer with manhole.
 - b. Driveway Permit be obtained to keep and maintain the driveway approach **OR** to remove the redundant approach off of Chilver Road to City Standards.
 - III. That Conveyance Cost **BE SET** as follows:
 - IV. For alley conveyed to abutting lands zoned CD2.2: \$20.00 per square foot without easements and \$10.00 per square foot with easements.
 - V. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1821, *attached* hereto as Appendix "A".
 - VI. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
 - VII. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
 - VIII. That the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: S 143/2022
Clerk's File: SAA2023

11.5. Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4)

David Mady, V.P Real Estate Development, Rosati Group

David Mady, V.P Real Estate Development, Rosati Group, appears before the Development & Heritage Standing Committee regarding the administrative report "Brownfield Redevelopment Community Improvement Plan (CIP) applications submitted by 2798315 Ontario Inc. and 1068414 Ontario Inc. for property located at 1969 Wyandotte Street East, 626 Argyle Road, 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road (Ward 4)" and is available for questions.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 475**

- I. That the requests made by 2798315 Ontario Inc. and 1068414 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible studies, if required (e.g. delineation of contaminants) for three separate projects located at the following properties, pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan:
 - a. 1969 Wyandotte Street East;
 - b. 626 Argyle Road; and
 - c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road.
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$61,525 based upon the completion and submission of a Phase II Environmental Site Assessment and

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other eligible studies, if required as follows, completed in a form acceptable to the City Planner and City Solicitor:

- a. 1969 Wyandotte Street East – maximum of \$18,425;
- b. 626 Argyle Road—maximum of \$18,100; and
- c. 2090 Brant Street, 420 Devonshire Road, and 480-500 Argyle Road—maximum of \$25,000.

III. That the grant funds in the amount of \$61,525 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,

IV. That should the proposed Phase II Environmental Site Assessment Study and/or other eligible studies not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 3/2023
Clerk's File: SPL2023

11.7. Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide

Nathan Jankowski, Manager, Permits & Legislation, Pattison Outdoor Advertising and Scott Stover, Leasing Representative, Pattison Outdoor Advertising

Nathan Jankowski, Manager, Permits & Legislation, Pattison Outdoor Advertising and Scott Stover, Leasing Representative, Pattison Outdoor Advertising, appear before the Development & Heritage Standing Committee regarding the administrative report “Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide” and are available for questions.

David Meikle, President, Signal Out of Home

David Meikle, President, Signal Out of Home, appears before the Development & Heritage Standing Committee regarding the administrative report “Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide” and is available for questions.

Shawna Petzold – General Manager – Permit World Consulting Services Inc., Applicant/Interested Party

Shawna Petzold – General Manager – Permit World Consulting Services Inc., Applicant/Interested Party, appears before the Development & Heritage Standing Committee regarding the administrative report “Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide” and is available for questions.

Lee A. Beekman, Real Estate Development Manager, Outfront

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Lee A. Beekman, Real Estate Development Manager, Outfront, appears before the Development & Heritage Standing Committee regarding the administrative report “Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards, File No. SGN-003/22 – City Wide” and is available for questions.

Councillor Kieran McKenzie inquires as to whether the review being undertaken by the Planning Division could be accelerated. Stefan Fediuk, Landscape Architect, appears before the Development & Heritage Standing Committee regarding the administrative report Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards and indicates that the intent is to complete the study earlier but at this time they are not certain how long the consultations will take with the various billboard consultants.

In response to an inquiry by Councillor Francis regarding the reason for the review, S. Fediuk indicates that the requests are coming in quickly and explains that with the passing of Bill 23 and the multi-use uses that have been created with the intensification program that was passed last year, there are more residences in the same areas where we have allowed billboard signs. The review must be undertaken to look at the distances between residences and the billboards. S. Fediuk adds that the moratorium will take into consideration all billboards.

Councillor Morrison inquires about the billboards that were approved and installed within the last year and asks whether more would be considered for approval while the review is ongoing. S. Fediuk indicates that the recommendation is to put a moratorium on permits so that so that billboards will not be installed that will be in conflict with the future by-law amendments.

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 477**

- I. That City Council **DIRECT** the Planning Division to undertake a comprehensive review and update of the Sign By-law 250-2004, related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs on private property; and,
- II. That City Council **APPROVE** a one-year moratorium on permits for the installation of New Billboards and retrofitting of existing Paper Copy Billboards to Electronic Change Copy Billboards to allow for the Planning Division to complete its review; and,
- III. That the Planning Division **PROVIDE** Council with recommendations for Amendments to the Sign By-law related to Paper Copy Billboard and Electronic Change Copy Billboard Ground and Wall Signs, for a decision by Council prior to the expiry date of the moratorium: and,
- IV. That Administration **PROVIDE** a status update of the review being undertaken at the August 23rd, 2023 meeting of the Development & Heritage Standing Committee meeting.

Carried.

Report Number: C 225/2022

Clerk's File: SBS2023

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11.8. North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.- Cost Sharing for Sanitary Sewer Oversizing - Ward 7

Karl Tanner, Partner, Dillon Consulting Limited

Karl Tanner, Partner, Dillon Consulting Limited, Outfront, appears before the Development & Heritage Standing Committee regarding the administrative report “North Neighbourhood Development, Phase 7 – 1027458 Ontario Ltd.- Cost Sharing for Sanitary Sewer Oversizing - Ward 7” and is available for questions.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 478**

- I. That Council **APPROVE** a cost sharing payment to 1027458 Ontario Ltd. estimated at \$147,800.00, excluding HST (final payment to be based on actual construction costs), for sanitary sewer oversizing costs for Lublin Ave and the sewer extension and additional restoration required to provide future service for privately owned lands on Wyandotte Street East (Benefiting Properties) shown on Appendix ‘A’ (C-3705) as part of the North Neighbourhood Development, Phase 7, to be funded from Project ID #7035119 – New Infrastructure Development; and,
- II. That Administration **BE DIRECTED** to recover the costs noted in I. above from the Benefiting Properties prior to the issuance of building permits for those lands, plus an annual interest rate applied from the date the services constructed are accepted onto maintenance by the Corporation based on the Infrastructure Ontario Construction Loan rate at the time that payment is made and the project is deemed substantially performed and accepted onto maintenance (currently 4.75%), plus 1%; and,
- III. That the application of section 78 of Bylaw 93-2012 (the Purchasing Bylaw) **BE WAIVED** with respect to the cost sharing related to sanitary sewer oversizing for the North Neighbourhood Development, Phase 7, to allow a cost sharing agreement value greater than \$100,000.00 without the issuance of an RFT.

Carried.

Report Number: C 5/2023

Clerk’s File: SW2023

11.3. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by The Walker Power Building Inc. for 325 Devonshire Road (Ward 4)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Kieran McKenzie

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Decision Number: **DHSC 473**

- I. That the request made by The Walker Power Building Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for remediation and redevelopment at 325 Devonshire Road for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. That, Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 325 Devonshire Road in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
- III. That the request made by The Walker Power Building Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% of the municipal portion of the tax increment resulting from the remediation and redevelopment at 325 Devonshire Road for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- IV. That the submission of the following material, satisfactory to the City Planner, **BE CONDITIONS** of approval:
 - a. Written acknowledgement from the Ministry of Environment, Conservation and Parks that a Record of Site Condition has been filed in the Environmental Site Registry; and
 - b. All final copies of Archaeological Assessments and letter from the Ministry of Citizenship and Multiculturalism that the Stage 4 Archaeological Assessment has been entered into the Ontario Public Register of Archaeological Reports.
- V. That, Administration **BE DIRECTED** to prepare an agreement between The Walker Power Building Inc. and/or persons or companies that have legally been assigned the right to receive grant payments and the City to implement the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- VI. That the CAO and City Clerk **BE AUTHORIZED** to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and,
- VII. That the approval to participate in the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Programs **EXPIRE** if the grant agreements are not signed by applicant within one year following Council approval. The City Planner may extend the deadline for one year upon request from the applicant.

Carried.

Report Number: S 88/2019

Clerk's File: SPL2023

Minutes

Development & Heritage Standing Committee

Monday, February 6, 2023

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11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Lakefront Heights Inc. for part of 10835 Riverside Drive East (Ward 7)

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 474**

- I. That the request made by Lakefront Heights Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and other eligible study, if required (e.g. delineation of contaminants or remedial work plan) for property located on the southern part of 10835 Riverside Drive East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment and up to an additional maximum of \$10,000 (total of \$25,000) based upon the completion a second eligible study (e.g. delineation of contaminants or Remedial Work Plan) completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$25,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. That should the proposed Phase II Environmental Site Assessment Study and/or other eligible study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 149/2022

Clerk's File: SPL2023

Minutes

Development & Heritage Standing Committee
Monday, February 6, 2023

Page 20 of 20

11.6. Amendment to Sign By-law 250-04 for 5515 Maplewood Drive, File No. SGN-005/22 - Ward #1

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

Decision Number: **DHSC 476**

That the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a Ground Sign on the municipal right-of way in front of 5515 Maplewood Drive, **BE DENIED.**

Carried.

Report Number: C 220/2022
File Number: SBS2023

12. COMMITTEE MATTERS

12.1. Minutes of the International Relations Committee of its meeting held November 23, 2022

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

Decision Number: **DHSC 479**

That the minutes of the International Relations Committee meeting held November 23, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 331/2022

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 8:34 o'clock p.m.

Ward 10 - Councillor Jim Morrisson
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services



Subject: 436 Askin Avenue - Heritage Permit Request (Ward 2)

Reference:

Date to Council: March 6, 2023

Author: Tracy Tang

Planner II - Revitalization & Policy Initiatives

ttang@citywindsor.ca

519-255-6543 x 6449

Kristina Tang, MCIP, RPP

Heritage Planner

ktang@citywindsor.ca

519-255-6543 x 6179

Planning & Building Services

Report Date: February 16, 2023

Clerk's File #: MB/13966

To: Mayor and Members of City Council

Recommendation:

- 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.

Executive Summary: N/A

Background:

The property at 436 Askin Avenue was designated by Council under Part IV of the *Ontario Heritage Act* on March 21, 2022. It is identified on the Windsor Municipal Heritage Register as a Tudor Revival style house built circa 1928. The Statement of Cultural Heritage Value or Interest from the designation by-law 51-2022 is attached as Appendix 'A'. The designation was triggered by a 2020 proposal for partial demolition of a rear porch to accommodate a large addition (larger than the size of the existing structure). Council rejected the proposal then by initiating the designation.

The property owner has now provided a different proposal to construct a smaller detached two-storey additional dwelling unit (ADU) at the rear of the property. The proposal has undergone zoning compliance review and a building permit application was submitted for the proposed construction in October 2022. A Heritage Permit is required for the erection of an ADU at the rear of 436 Askin Avenue. The Owner submitted a Heritage Permit application with updated drawings, elevations, and floor plans, which was accepted as a complete application on February 16, 2023. The Heritage Permit application package can be found in Appendix 'B'.

Legal Provisions:

The *Ontario Heritage Act (OHA)* requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes heritage attributes (see Appendix 'A'). In accordance with the *OHA*, changes to a designated property that affect heritage attributes must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application within 90 days of notice of complete application. The heritage designations apply to the entire real property and new construction such as the proposal have the potential to impact the heritage attributes of a designated property and thus needs to be evaluated.

Discussion:

Property Description:

The subject property is located in close proximity to the University of Windsor, and is the fourth house south of Fanchette Street on the east side of Askin Avenue. The two-and-a-half storey dwelling was constructed circa 1928 in Tudor Revival style. The building is clad in brick and stucco, with steeply pitched roofs and an asymmetrical facade. The property has a front driveway access off of Askin Avenue. See Appendix 'C' for additional photos of the property.



Front elevation of 436 Askin Avenue

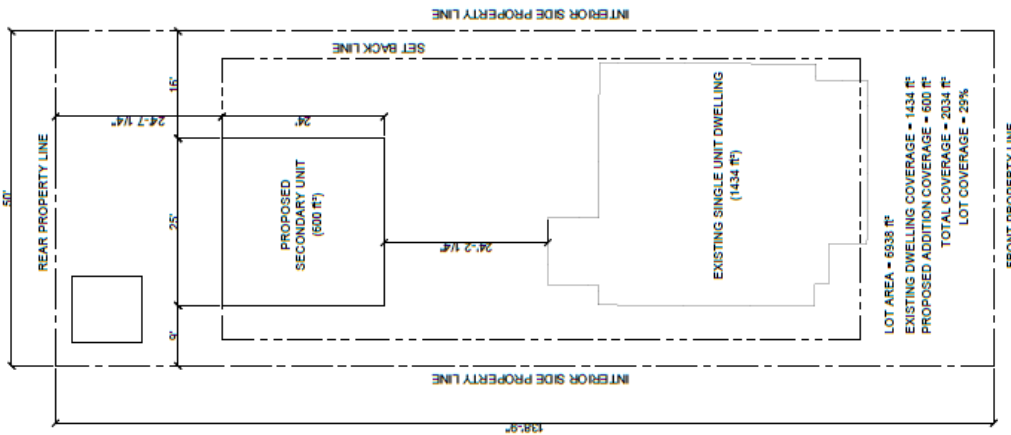
Furthermore, the property is located within a Mature Neighbourhood as per Schedule A-1 Special Policy Areas of the Official Plan. As per Policy 1.51.1 of Volume II, Chapter I Special Policy Areas: Infill and intensification within Mature Neighbourhoods shall be consistent with the built form, height, massing, architecture and landscape of the area.

Proposal and Heritage Conservation Considerations

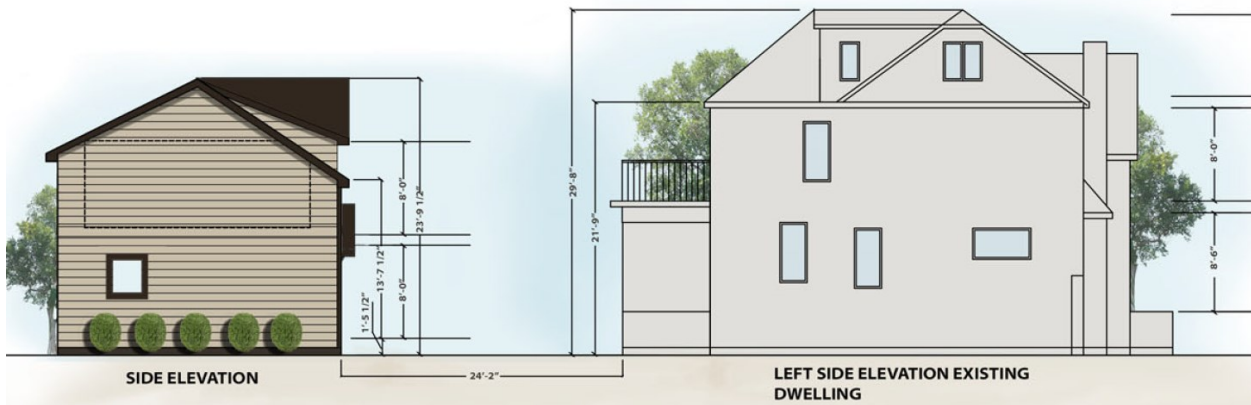
For the proposed scope of work, the most relevant references from the *Standards & Guidelines for Conservation of Historic Places* have been considered.

- 11.** Conserve the *heritage value* and *character-defining elements* when creating any new additions to an *historic place* or any related new construction. Make the new work physically and visually compatible with, subordinate to and distinguishable from the historic place.

The heritage permit for 436 Askin Avenue is for the erection of one detached two-storey ADU in the rear yard. The ADU is as proposed in the drawings attached within Appendix 'B'.



Site Plan view of existing structures and the proposed ADU at 436 Askin Avenue



Side elevation drawing comparing the heights and massing of the historic dwelling and the proposed ADU

The new structure is proposed to be located behind the existing dwelling and subordinate in height and massing to allow the main historic structure to continue being the prominent view from Askin Avenue. The alignment of the ADU behind the existing dwelling makes it more discreet. It would not be visible from a straight front-on view from Askin Avenue, though it would still be visible from certain angles along Askin Avenue.



Askin Avenue-view rendering of the historic Tudor Revival style dwelling with the proposed ADU at rear



Rendering of the proposed detached ADU at the rear of 436 Askin Avenue, front (west) facade

To match the character of the Mature Neighbourhood and meet the *Standards* of compatibility, traditional-looking design and materials have been recommended and proposed. The proposed front facade is asymmetrical with a pitched front gable and clipped roof similar to the roof of the existing dwelling. The Owner is proposing a variegated brick in a colour similar to what is on the existing dwelling on the front facade of the ADU, and horizontal vinyl siding on the sides and rear. Black single-hung windows with six-over-one muntin patterns are proposed to match with the windows on the existing dwelling. The ADU would have an entrance from the ground floor, with parking area provided from the existing driveway on the north side of the existing structure.

The proposed development complies with the zoning regulations of the current zoning Residential District 2.1 (RD2.1). Other than the required Heritage Permit application, there are no *Planning Act* processes that apply to the proposal. A Building Permit is required for the new construction, which the Owner has already applied for and is

subject to the Heritage application decision. The Owner may proceed with the Building Permit should Council decide to approve the request for a Heritage Permit application.



North side yard view on left and south side yard view on right. The ADU proposed would be located behind the existing dwelling and thus mostly screened from view from Askin Avenue.

The proposal has considered the heritage *Standards and Guidelines* and does not appear to adversely impact the heritage property. The conditions recommended with the approval would allow for verification of the proposal further along the design process as the Owner would be required to provide satisfactory architectural drawings prepared by qualified designers for Building Code compliance, and obtain a Building Permit. Should the application be approved, Heritage Planning Staff will also continue the discussion on material and colour selections and require satisfactory final product information to be provided as a condition of the approval. Additional property photographs are provided in Appendix 'C'.

Official Plan Policy:

The Windsor Official Plan states "Council will recognize Windsor's heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act." (9.3.3.1(a))

The Plan includes protection (9.3.4.1). "Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ..."

Risk Analysis:

Risk of inappropriate new erections on the heritage designated property is being mitigated through the Heritage Permit application process and conditions.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

There is no cost to the City; the Property Owner is paying the full cost of the proposal for the construction of the ADU. The proposed work may increase the assessed value of the property.

Consultations:

Heritage Planning Staff have been in discussion with the Property Owner since January 2023 and conducted a site visit in February 2023. Planning and Building Department Staff were consulted in the preparation of this report.

Conclusion:

The heritage permit request for the erection of a detached two-storey ADU at 436 Askin Avenue is recommended for approval, subject to conditions. Delegated authority to the City Planner or designate to direct any further minor changes as needed will provide expediency on application processing and confirm that the development proposed would not have a negative impact on the heritage attributes of the property.

Planning Act Matters: N/A

Approvals:

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

Notifications:

Name	Address	Email
Allan Djordjevic		

Appendices:

- 1 Appendix A - Statement of Cultural Heritage Value or Interest from Heritage Designation By-law 51-2022
- 2 Appendix B - Heritage Permit Application
- 3 Appendix C - Additional Photos of 436 Askin Avenue

APPENDIX 'A' - Heritage Designation By-law for 436 Askin Avenue

From By-Law No. 51-2022, March 21, 2022

SCHEDULE "B"

STATEMENT OF CULTURAL HERITAGE VALUE AND INTEREST 436 Askin Avenue

Description of Historic Place

436 Askin Avenue is located on the east side of Askin Avenue, south of Fanchette Street. The 2 ½-storey brick and stucco house was built c.1928 in the Tudor Revival style.

Design or Physical Value:

The building is a large 2½-storey Tudor Revival style house with brick walls and steeply pitched roofs, designed with the front facing west to Askin Avenue. The asymmetrical facade includes a steeply pitched two-storey projecting portico with a stepped chimney, off-set from the center to the north. The main roof is clipped on the north end and marked by a large rectangular chimney on the south end. Although the gable ends feature stucco and decorative half-timbering, the majority of the building is constructed of variegated brick with brown to buff colours, including varieties of red colours. The projecting portico has many decorative features, including an arched voussoir entryway radiating out in a sunburst pattern, and a center oriel window apparently with leaded glass. Decorative brick patterns accentuate the portico, with brick in a variety of header, stretcher, rowlock, soldier, and sailor orientations. Around the building, soldier course brick delineate the floors, openings are framed by brick surrounds and rowlock brick window sills, and corners of the building are marked by protruding columns capped by stacked, sloping sailor brick coping. Other features include a recessed arched front door (west-facing), and various original window types including wood sash windows with six over one sash windows, casement windows with leaded glass in diamond pattern, and stained glass windows.

The building is a representative example of Tudor Revival style and displays a high degree of craftsmanship, especially in the decorative brickwork.

Historical or Associative Value:

From an early survey in 1881, the subject lands are identified as part of the French farm lots located in the Town of Sandwich. The French farm subdivision patterns of narrow lots perpendicular to the river front were laid out throughout the region up to Cabana Road or 4th Concession. During the early decades of the twentieth century up to 1930, the Border Cities experienced unprecedented growth with a population increase of nearly tenfold. The prosperity of the economy in the region had attracted much development and boom in populations. By the 1920s, many of the farm lots close to the riverfront were going through the process of being developed and homes were being built in the area, including along Askin Avenue. The subject parcel consists of Lot 6 and Part of Lot 5 on Plan 868 which was approved by the Town of Sandwich on December 20th, 1916.

According to property title and ownership records, the property was purchased by Edward and Louise Griffith in Oct. 1926 for \$2500. It appears the building was constructed c.1928, with the Griffiths indicating occupancy at the subject property's address of 212 Askin Avenue in 1928 (per 1928-1929 City Directories and The Border Cities Star newspaper records). They were long-time owners, selling 436 Askin in Nov. 1951 for \$21000. According to Edward Griffith's obituary posted in the Windsor Star in August 1978, he had owned an insurance agency business and was a life member of the Windsor Lodge #403 AF and AM.

Information about the architect, building or designer of the building is unknown.

Contextual Value:

This block on Askin Avenue between Fanchette Street and Wyandotte Street consists of one and two storey residential buildings. The majority of the buildings are single detached houses, although there are several traditional type semi-detached houses and duplexes. 436 Askin is of similar epoch as many other homes constructed in the area. Building permit records and Fire Insurance Maps indicate that many of the original

homes that remain on Askin Avenue were constructed in the mid-to-late 1920's, ranging in architectural styles of craftsmen bungalows, American foursquare, and colonial revival styled homes, etc. The subject property's Tudor Revival architecture is distinctive as it is comparatively less common in the immediate area. Single-vehicle-width driveways with access to the front are typical along this block. South of the block, Wyandotte Street is designated as a Main Street in the Official Plan, and features a mix of commercial uses and apartment-style dwellings. The main campus of the University of Windsor is one block to the west of the subject site. Amidst changes in the surrounding context, the original building typology and Tudor Revival house contributes to maintaining the character of the area as a mature residential neighbourhood with heritage character.

The subject property's period architecture visually and historically connects to the era of its original early 20th century subdivision plan, along with the wide tree median right-of-way design on Askin Avenue. The section of Askin Avenue incorporates a treed landscaped boulevard, and a wide median island that is approximately 15 metres in width, also landscaped with grass, shrubs, and a mix of deciduous trees. This locally uncommon wide treed median is a defining feature on this block and part of the original plan of subdivision laid out in 1916.

Description of Heritage Attributes:

Attributes that contribute to the design or physical value of 436 Askin Avenue:

2½-storey Tudor Revival style house, built in c.1928

- Steeply pitched side-gabled roof with gabled portico
- Asymmetrical façade with two-storey front-facing portico off-set from the center to the north
- Majority of building constructed of variegated brick with brown to buff colours, including varieties of red colours
- Main side-gable roof clipped on the north end and marked by a large rectangular brick chimney on the south end with triple chimney pot
- Side-gable ends feature stucco and decorative half-timbering
- Gables with plain or half-timbered vergeboard
- Steeply pitched projecting portico features
 - 2 sided oriel window with casement windows of leaded glass with crest
 - Stepped brick chimney with chimney pots and sailor brick coping ends
 - Arched voussoir entryway radiating out in sunburst pattern in front center, and arched opening at south side
 - Rectangular opening with brick sill and column with brick coping to south of front facing plane
 - Decorative brick patterns in a variety of header, stretcher, rowlock, soldier and sailor, orientations, and projecting units in random pattern, accentuate the porch
 - Situated atop brick (with projecting units) and concrete deck
- Recessed arched front door (west-facing)
- Canopy over the first floor west-facing bay windows (north of porch)
- Variety of original window types including wood sash windows with six over one windows, casement windows with leaded glass in diamond pattern, and stained glass windows
- Brick surrounds over openings feature double rowlock lintels, projecting stretcher and header brick at sides, and rowlock sills
- Soldier brick course delineating floors
- Front corners of the building marked by protruding columns topped by stacked, slopping sailor brick coping

Attributes that contribute to the historical or associative value of 436 Askin Avenue:

- Developed alongside the growth in the Border Cities area as part of a Town of Sandwich subdivision
- Associated with first owners Edward & Louise Griffith

Attributes that contribute to the contextual value of 436 Askin Avenue:

- Original building typology and tudor revival style of house contributes to maintaining the character of the area as a mature residential neighbourhood with heritage character
- The subject property's period architecture visually and historically connects to the era of its original early 20th century subdivision plan, along with the wide tree median right-of-way design on Askin Avenue.



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) Allen Djordjevic
Company or Organization _____
Mailing Address 436 Askin, Windsor, Ontario, N9B 2X4

Postal Code N8N1B7
Email adgdesignstudio@gmail.com Phone(s) 248-495-6614

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Postal Code _____
Email _____ Phone(s) _____

Who is the primary contact?

- Applicant Registered Owner Agent

2. SUBJECT PROPERTY

Municipal Address: 436 ASKIN AVE, WINDSOR , N9B 2X4

Legal Description (if known): _____

Building/Structure Type:

- Residential
 Commercial
 Industrial
 Institutional

Heritage Designation:

- Part IV (Individual)
 Part V (Heritage Conservation District)

By-law #: _____ District: _____

Is the property subject to a Heritage Easement or Agreement?

- Yes
 No

3. TYPE OF APPLICATION

Check all that apply:

- Demolition/Removal of heritage attributes
 Addition
 Erection
 Alteration*
 Demolition/Removal of building 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..

 2 Story dwelling, brick and siding, built in 1928, English Revival,

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.

Please see attached files for the above

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

Provide a dwelling when Windsor and Essex County has a housing shortage problem,

Provide additional income to offset high mortgage interest rates on dwelling

In the future provide a dwelling for family members

Describe the potential impacts to the heritage attributes of the property.

compatible with the exterior architectural style, materials, and features of the primary dwelling,
designed to fit in the fabric of the neighborhood, designed simple and modest so does not detract
from primary dwelling

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

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

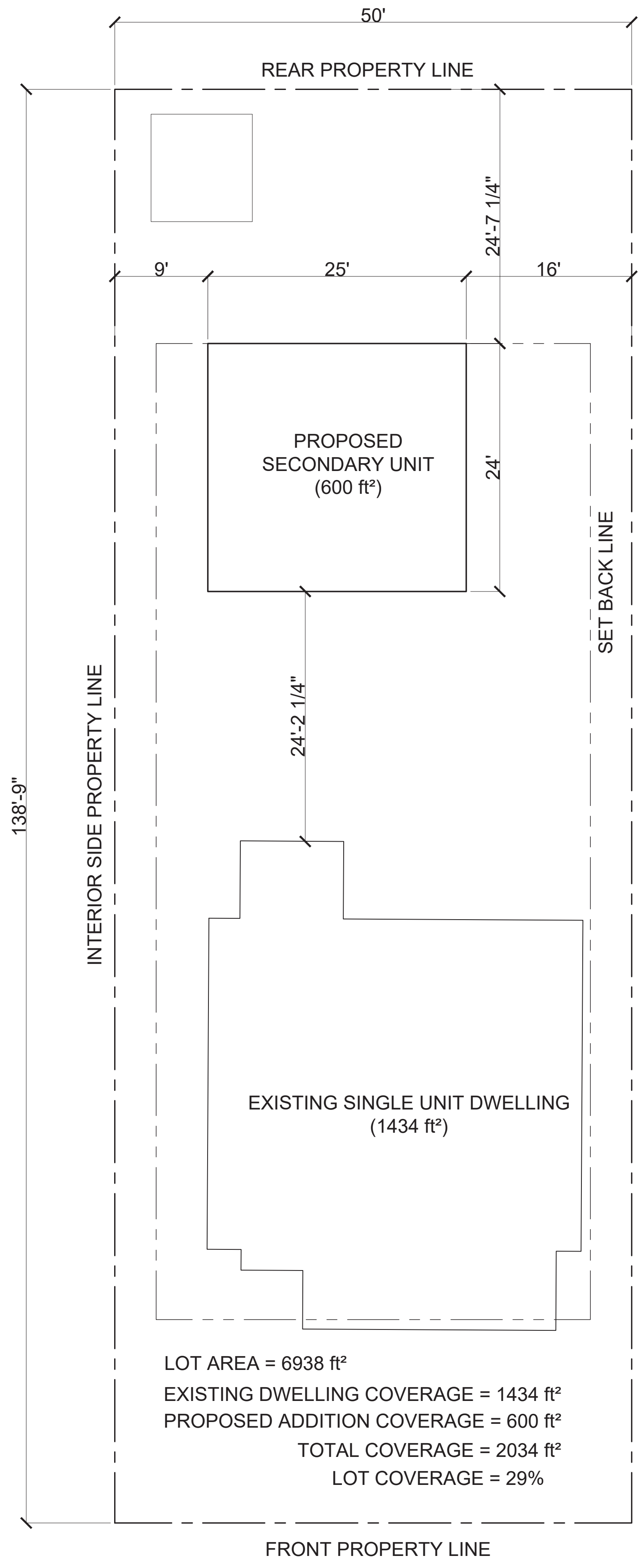
Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

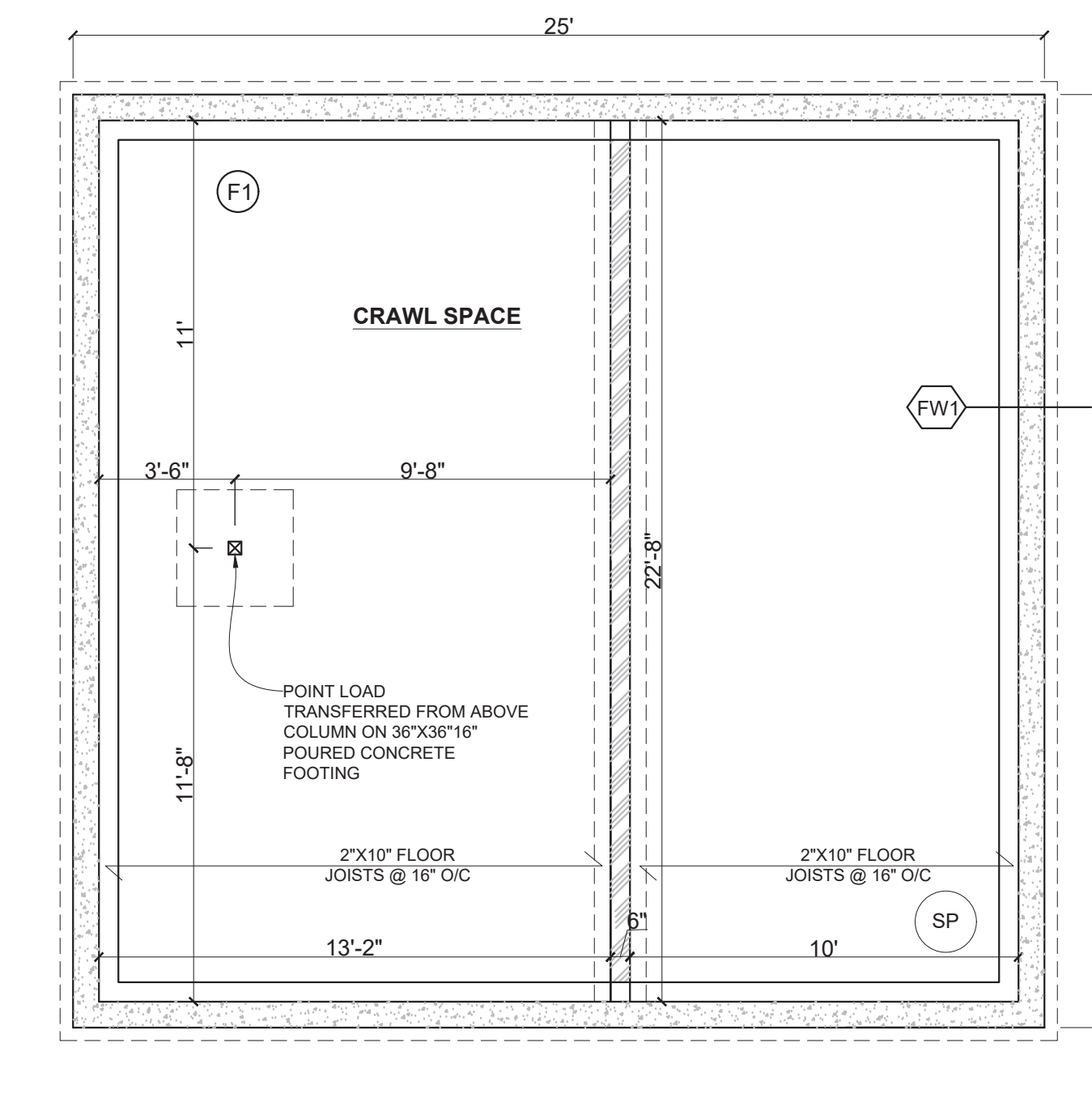
Planning Department - Planning Policy
 Corporation of the City of Windsor
 Suite 320 - 350 City Hall Square West
 Windsor ON N9A 6S1
 planningdept@citywindsor.ca
 519-255-6543 x 6179
 519-255-6544 (fax)
 http://www.citywindsor.ca



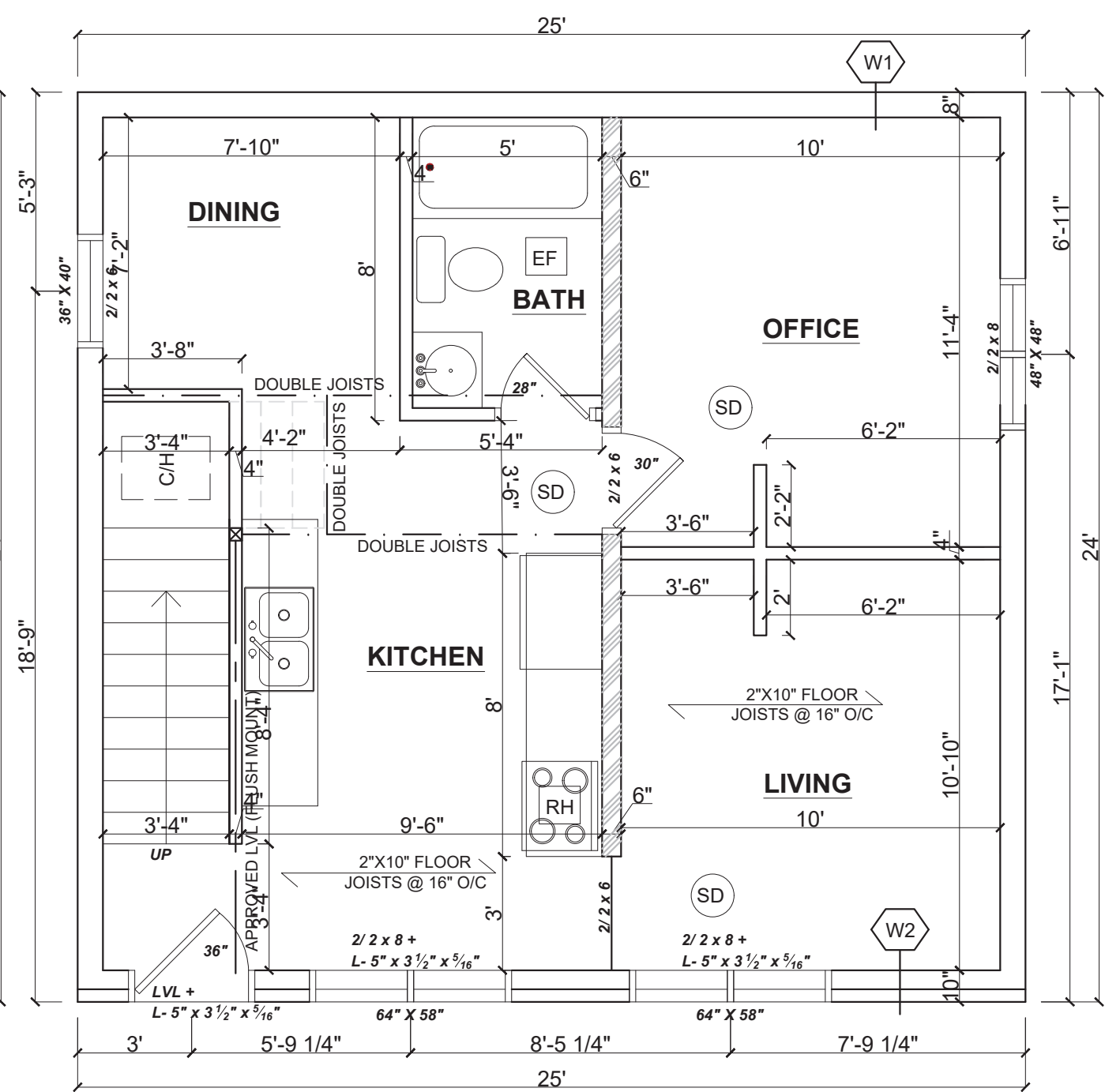
LOT AREA = 6938 ft²
 EXISTING DWELLING COVERAGE = 1434 ft²
 PROPOSED ADDITION COVERAGE = 600 ft²
 TOTAL COVERAGE = 2034 ft²
 LOT COVERAGE = 29%

LEGEND	
(FW1)	BITUMINOUS DAMP PROOFING 8" POURED CONCRETE FOUNDATION WALL, R20 BLANKET INSULATION, ON 20"X8" POURED CONCRETE FOOTING ON UNDISTURBED SOIL
(W1)	EXTERIOR WALL - SIDES & REAR SIDING - AS PER OWNER 7/16" O.S.B. EXTERIOR GRADE SHEETING 2X6 WOOD STUDS @ 24" O/C, R20 BATT INSULATION COVERED WITH 6 MIL POLY V.B & 1/2" DRYWALL
(W2)	EXTERIOR WALL - SIDES & REAR 4" BRICK VENEER 1" AIR SPACE 7/16" O.S.B. EXTERIOR GRADE SHEETING 2X6 WOOD STUDS @ 24" O/C R20 BATT INSULATION COVERED WITH 6 MIL POLY V.B & 1/2" DRYWALL
(SP)	SUMP PUMP C/W COVER TO RESIST REMOVAL BY CHILDREN AND SEALED TO MAINTAIN CONTINUITY OF THE AIR BARRIER SYSTEM
(SD)	DENOTES SMOKE ALARM C/W CO ² DETECTOR. REFER TO GENERAL NOTES.
(CH)	CRAWL SPACE ACCESS HATCH 32"X24" MINIMUM. INSTALLED AS PER OBC REQUIREMENTS.
(P1)	INTERIOR PARTITION 1/2" DRYWALL ON BOTH SIDES OF 2"X4" WOOD STUDS @ 16" O/C
(EF)	DENOTES EXHAUST FAN VENTED DIRECTLY TO EXTERIOR AS PER O.B.C REQUIREMENTS.
(#)	DENOTES NEW INTERIOR DOOR SIZE. SITE VERIFY
(RH)	DENOTES RANGE HOOD VENTED DIRECTLY TO EXTERIOR AS PER O.B.C REQUIREMENTS.
(A/H)	ATTIC ACCESS HATCH 32"X24" MINIMUM. INSTALLED AS PER OBC REQUIREMENTS.

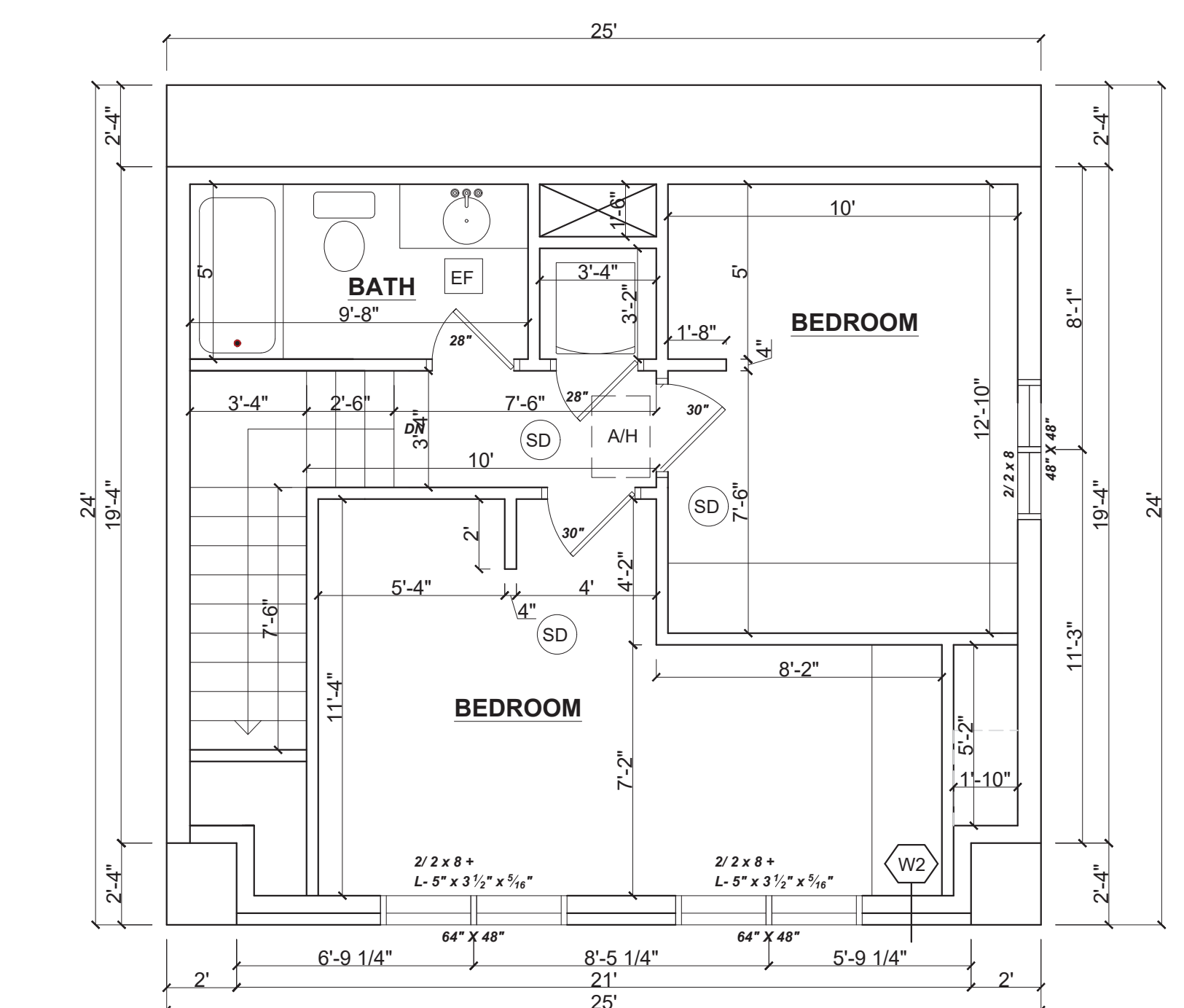
NOTES
 1. MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.
 SECOND FLOOR GFA = 475 ft²
 MAIN FLOOR GFA = 600 ft²
 TOTAL GFA = 1075 ft²



FOUNDATION PLAN



MAIN FLOOR PLAN



SECOND FLOOR PLAN

GENERAL NOTES		STAIR AND GUARD INFORMATION
<p>CODE AND PROCEDURES</p> <p>THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE CURRENT EDITION OF THE ONTARIO BUILDING CODE. THE OWNER / BUILDER IS RESPONSIBLE FOR ENSURING THAT ANY CHANGES TO THE CODE ARE COMPLIED WITH AND ALL AMENDMENTS ARE INCORPORATED IN THE CONSTRUCTION OF THIS PLAN. ALL WORK SHALL CONFORM TO LOCAL CODES AND BYLAWS. IT IS THE OWNER/BUILDERS RESPONSIBILITY TO NOTIFY AG DESIGN OF ANY REQUIREMENTS THAT EXCEED THE ONTARIO BUILDING CODE.</p> <p>CONCRETE</p> <p>THE COMPRESSIVE STRENGTH OF CONCRETE AFTER 28 DAYS SHALL NOT BE LESS THAN: - 32 MPA (4650 PSI) WITH 5 TO 8 % AIR ENTRAINMENT FOR GARAGE FLOORS, CARPORTS FLOORS AND ALL EXTERIOR FLATWORK. - 20 MPA (2900 PSI) FOR INTERIOR FLOORS OTHER THEN THOSE FOR GARAGES AND CARPORTS - 15 MPA FOR FOUNDATION WALLS, COLUMNS, FOOTINGS, PIERS AND OTHER APPLICATIONS</p> <p>SITE BATCHED CONCRETE SHALL CONFORM TO THE ONTARIO BUILDING CODE REQUIREMENTS.</p> <p>WHEN THE AIR TEMPERATURE IS BELOW 5°C CONCRETE SHALL BE KEPT AT A TEMPERATURE OF NOT LESS THAN 10°C OR MORE THAN 25°C WHILE BEING PLACED AND MAINTAINED AT A TEMPERATURE OF NOT LESS THAN 10°C FOR 72 HOURS AFTER PLACING. NO FROZEN MATERIAL OR ICE SHALL BE USED IN THE CONCRETE.</p> <p>FOOTINGS</p> <p>FOOTINGS AND PADS ARE TO BE PLACED ON UNDISTURBED SOIL, ROCK, OR COMPACTED GRANULAR FILL, TO AN ELEVATION BELOW FROST PENETRATION WITH A MINIMUM SOIL BEARING CAPACITY OF 75 KPA. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE SOIL BEARING CAPACITY PRIOR TO CONSTRUCTION. IF A LESSER BEARING CAPACITY IS ENCOUNTERED IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE THE FOUNDATION REDESIGNED BY A QUALIFIED PROFESSIONAL TO SUIT SITE CONDITION.</p> <p>WHERE WATER TABLE LEVELS ARE WITHIN A DISTANCE BELOW THE BEARING SURFACE LESS THAN OR EQUAL TO THE WIDTH OF THE FOOTING, THE FOOTINGS SHALL BE DOUBLED IN WIDTH UNDER WALLS AND DOUBLED IN AREA UNDER POSTS.</p> <p>FOUNDATION WALLS</p> <p>FOUNDATION WALLS TO EXTEND A MINIMUM 8" ABOVE FINISHED GRADE.</p> <p>GRADE LINES ON PLANS ARE ASSUMED, OWNER/CONTRACTOR TO VERIFY.</p> <p>WHERE EXTERIOR FINISHED GROUND LEVEL IS AT A HIGHER ELEVATION THAN THE GROUND LEVEL INSIDE THE FOUNDATION WALLS SHALL BE DAMP PROOFED & WHERE HYDROSTATIC PRESSURE OCCURS WATER PROOFING IS REQUIRED.</p>	<p>ROOF FRAMING</p> <p>ROOF SHEETING SHALL BE INSTALLED WITH THE SURFACE GRAIN AT RIGHT ANGLES TO THE ROOF FRAMING JOINTS PERPENDICULAR TO ROOF RIDGE SHALL BE STAGGERED WITH EDGES SUPPORTED ON TRUSSES, IF TONGUED AND GROOVED EDGE PANEL TYPE SHEETING IS NOT USED THAN EDGES PARALLEL TO THE ROOF RIDGE SHALL BE SUPPORTED BY METAL 'H' CLIPS OR NOT LESS THAN 1.5"X1.5" BLOCKING SECURELY NAILED BETWEEN FRAMING MEMBERS.</p> <p>VENTILATION OF ROOF SPACE TO BE VENTED TO A MINIMUM OF 1/150 OF INSULATED ROOF AREA.</p> <p>MECHANICAL & ELECTRICAL</p> <p>MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.</p> <p>SMOKE ALARMS</p> <p>SMOKE ALARMS SHALL CONFORM TO CAN/ULC-S531 "SMOKE ALARMS"</p> <p>SMOKE ALARMS SHALL BE INSTALLED ON OR NEAR THE CEILING AND BE INSTALLED AS PER CAN/ULC-S553 "INSTALLATION OF SMOKE ALARMS"</p> <p>SMOKE ALARMS SHALL HAVE A VISUAL SIGNALLING COMPONENT CONFORMING TO THE REQUIREMENTS IN 18.5.3. OF NFPA 72, "NATIONAL FIRE ALARM AND SIGNALING CODE"</p> <p>SMOKE ALARMS SHALL BE INSTALLED WITH PERMANENT CONNECTIONS TO AN ELECTRICAL CIRCUIT. C/W BATTERY BACKUP AS PER O.B.C REQUIREMENTS</p> <p>ALL SMOKE ALARMS SHALL BE INTERCONNECTED SO THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS TO SOUND</p> <p>STEEL LINTELS SUPPORTING MASONRY VENEER</p> <p>STEEL LINTELS SUPPORTING MASONRY VENEER OVER OPENINGS SHALL HAVE EVEN AND LEVEL BEARING AND SHALL HAVE NOT LESS THAN 6" LENGTH OF BEARING AT END SUPPORTS, AND BEAR ON MASONRY, CONCRETE OR STEEL.</p> <p>STEEL ANGLE LINTELS SHALL BE PRIMED OR PAINTED OR OTHERWISE PROTECTED FROM CORROSION</p> <p>DEADBOLT</p> <p>DOORS THAT REQUIRE A DEADBOLT SHALL BE EQUIP WITH A DEADBOLT LOCK WITH A CYLINDER HAVING NO MORE THAN FIVE PINS AND A BOLT THROW NOT LESS THAN 25MM LONG, PROTECTED WITH A SOLID OR HARDENED FREE-TURNING RING OR BEVELED CYLINDER HOUSING</p> <p>WOOD FRAMING GENERAL</p> <p>ALL WOOD FRAMING SHALL COMPLY WITH SECTION 9.23 OF THE ONTARIO BUILDING CODE.</p> <p>ALL STRUCTURAL FRAMING LUMBER SHALL BE GRADE STAMPED AS SPRUCE - PINE - FIR (S-P-F) NO 2 OR BETTER WITH A MOISTURE CONTENT OF 19% OR LESS AT TIME OF CONSTRUCTION.</p> <p>WOOD FRAMING MEMBERS THAT ARE NOT TREATED WITH A WOOD PRESERVATIVE AND BEAR ON CONCRETE OR IN DIRECT CONTACT WITH THE GROUND SHALL BE SEPARATED WITH A 6 MIL POLY OR TYPE 'S' ROLL ROOFING.</p> <p>ALL NOTCHING AND DRILLING OF FRAMING MEMBERS SHALL CONFORM TO SUBSECTION 9.23.5 OF THE ONTARIO BUILDING CODE.</p> <p>FLUSHED FRAMED WOOD MEMBERS SHALL BE SUPPORTED WITH APPROPRIATE JOIST HANGERS AND FASTENERS.</p>	<p>TREAD AND RISE</p> <p>TREAD - MAX = 1'-2" MIN = 10" RISE - MAX = 7 7/8" MIN = 4 1/8"</p> <p>NOSING - MAX = 1"</p> <p>STAIR DIMENSIONS</p> <p>STAIRS SHALL HAVE A WIDTH OF NOT LESS THAN 34"</p> <p>THE CLEAR HEIGHT OVER STAIRS SHALL BE NOT LESS THAN 6'-4"</p> <p>RISERS SHALL HAVE A UNIFORM HEIGHT IN ANY ONE FLIGHT WITH A MAXIMUM TOLERANCE OF 1/8" BETWEEN ADJACENT TREADS AND 3/8" BETWEEN THE TALLEST AND SHORTEST RISERS IN A FLIGHT.</p> <p>TREADS SHALL HAVE A UNIFORM RUN WITH A MAXIMUM TOLERANCE OF 1/8" BETWEEN ADJACENT TREADS, AND 3/8" BETWEEN THE DEEPEST AND SHALLOWEST TREADS IN A FLIGHT</p> <p>HANDRAILS</p> <p>THE HEIGHT OF HANDRAILS ON STAIRS AND RAMPS SHALL BE NOT LESS THAN 34" AND NOT MORE THAN 38"</p> <p>GUARDS</p> <p>THE MINIMUM HEIGHT OF GUARDS SHALL BE NOT LESS THAN 36"</p> <p>ALL GUARDS SHALL BE CONSTRUCTED AS PER SB-7 REQUIREMENTS</p>

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I Ashley Kozachanko declare that I take responsibility for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.



DETACHED ADU
 436 ASKING AVENUE
 Windsor, ON

Date: February 10, 2023
 Scale: 1/4" = 1'-0"
 Project No.: 060/22
 Drawing No.:

SITE PLAN, FLOOR PLANS & GENERAL NOTES

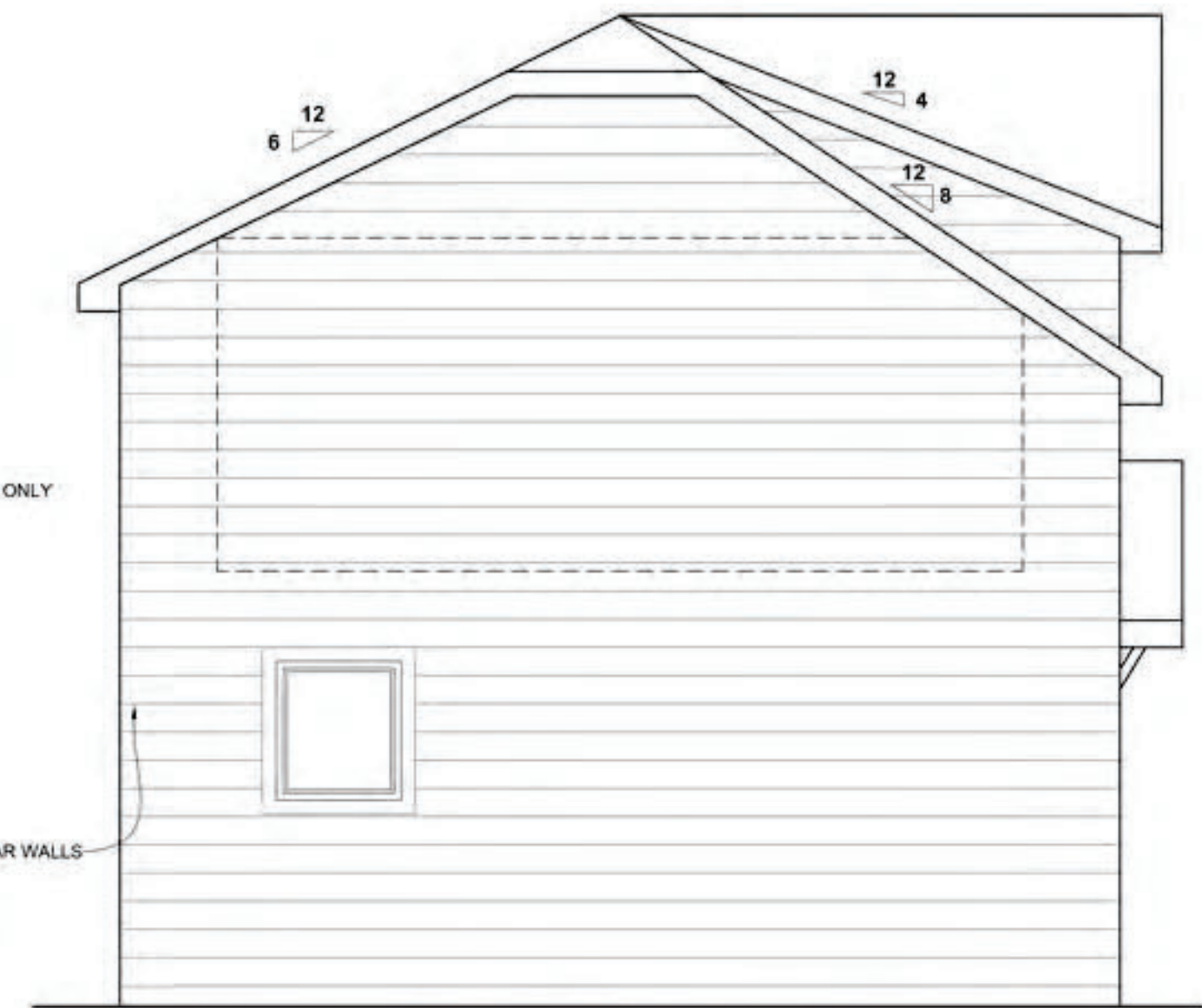


BUILDING PERSPECTIVE



FRONT ELEVATION

FRONT ELEVATION
TOTAL WINDOW AREA: 84 SQ.FT
TOTAL WALL AREA: 417 SQ.FT



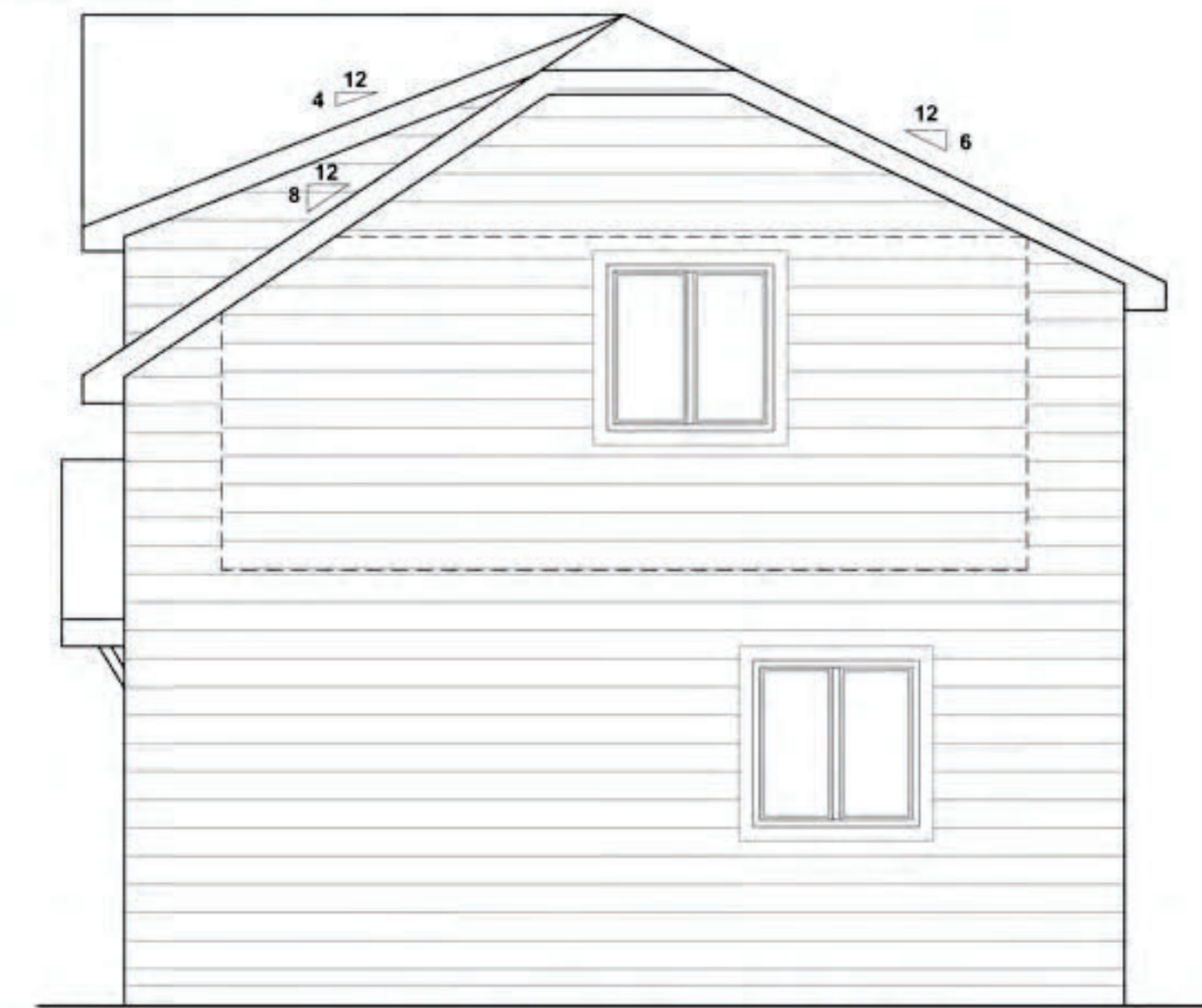
LEFT SIDE ELEVATION

SIDE ELEVATION
TOTAL WINDOW AREA: 10 SQ.FT
TOTAL WALL AREA: 421 SQ.FT



REAR ELEVATION

REAR ELEVATION
TOTAL WINDOW AREA: 0 SQ.FT
TOTAL WALL AREA: 417 SQ.FT



RIGHT SIDE ELEVATION

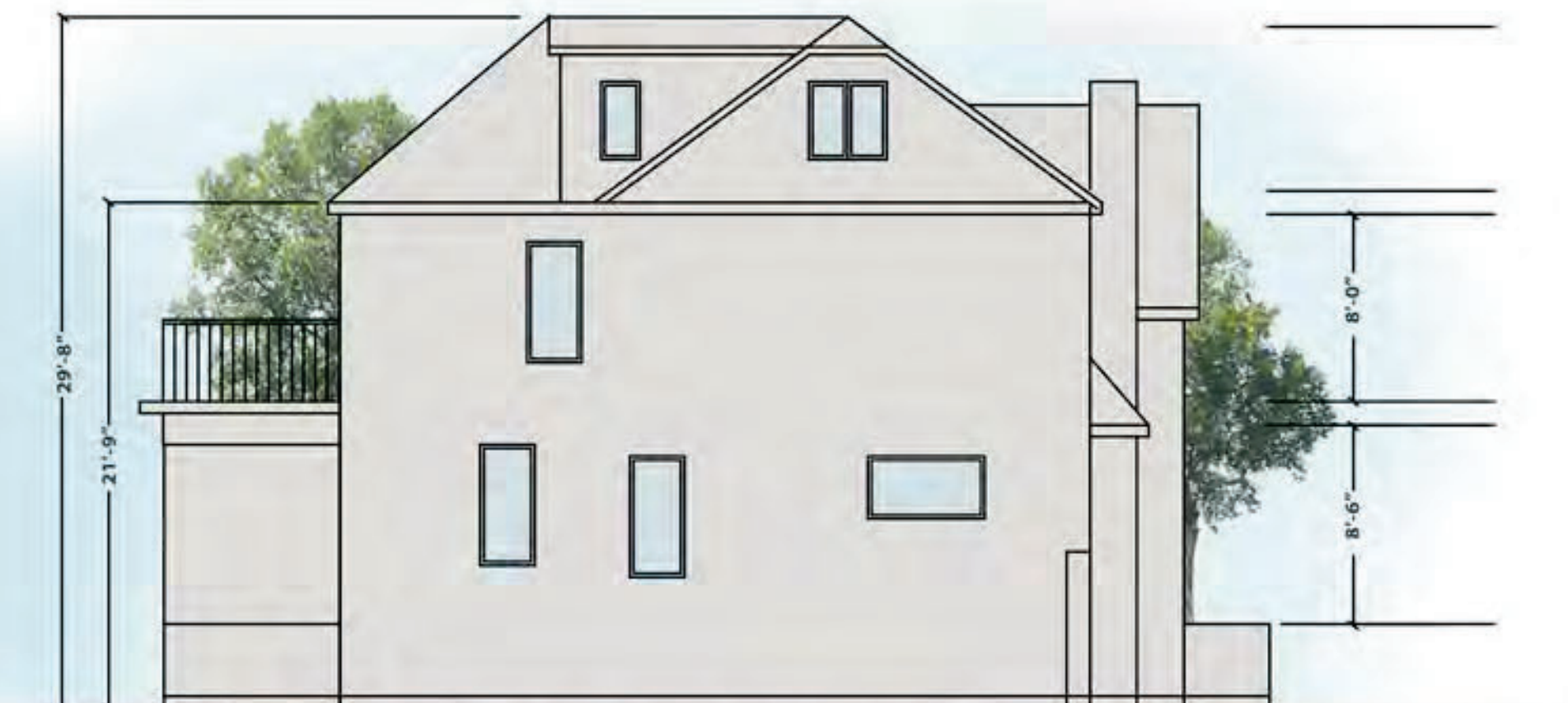
SIDE ELEVATION
TOTAL WINDOW AREA: 32 SQ.FT
TOTAL WALL AREA: 421 SQ.FT



FRONT ELEVATION



SIDE ELEVATION



LEFT SIDE ELEVATION EXISTING DWELLING

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Individual BCIN: 37168 Firm BCIN: 43361



DETACHED ADU
436 ASKING AVENUE
Windsor, ON
ELEVATIONS

Date : February 10, 2023
Scale : 1/4" = 1'-0"
Project No. : 060/22
Drawing No. : A-2.0

BRICK SPECIFICATIONS



CANYON
SIZES: PREMIUM PLUS



CHURCH HILL
SIZES: PREMIUM PLUS

SIZE

SPECIFICATIONS



Premier Plus
Length 257 mm (10 1/8")
Height 79 mm (3 1/8")
Depth 90 mm (3 1/2")
Bricks per square foot 3.9
Bricks per square meter 42

BRAMPTON, ONTARIO PLANT	Weight/Cube (kg)	Weight/Cube (lb)	Weight/Brick (kg)	Weight/Brick (lb)	Bricks/Cube	Bricks/m ²	Bricks/ft ²
Premier Plus	1,160	2,552	2.5	5.5	464	42.0	3.9

NOTES

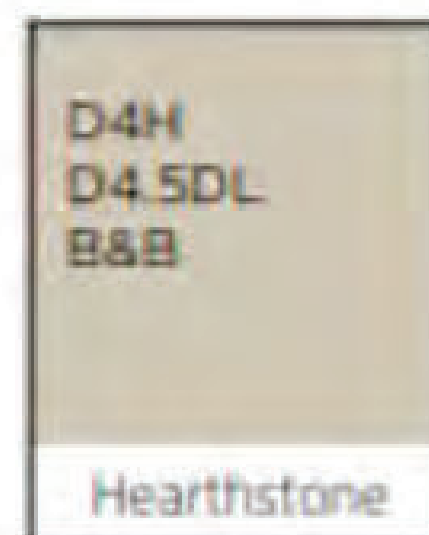
- Refer to your local building codes for proper installation of product.
- All Brampton Brick's clay brick products fully meet or exceed the latest version of the following standards: ASTM C216 and the Can/CSA A82 specifications.
- Sizes are available only in standard stock products. Please refer to individual colors for standard stock item sizes available.

ROOF SPECIFICATIONS



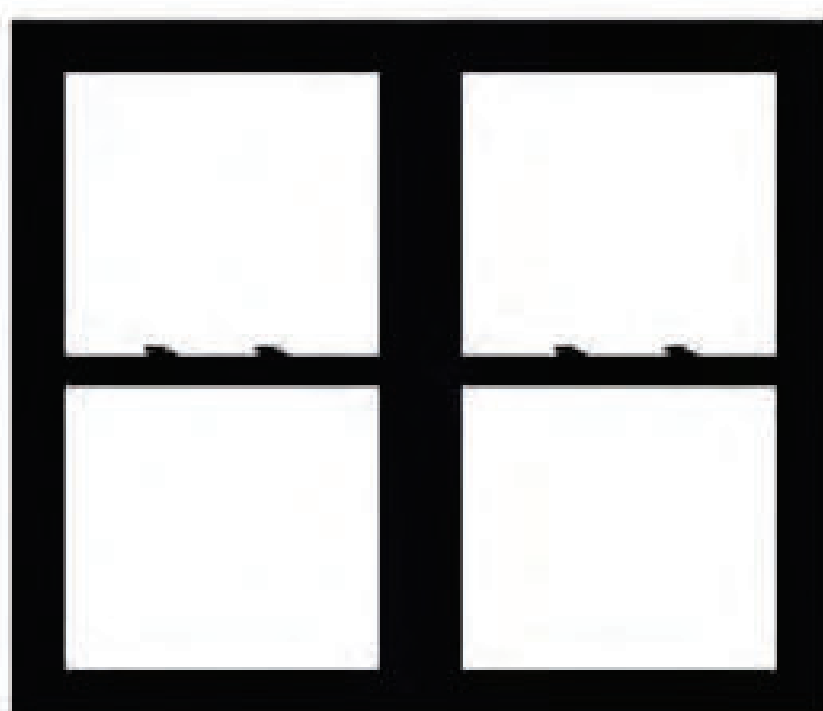
CERTAINTEED LANDMARK SHINGLES
COLOR - WEATHERED WOOD

MITTEN VINYL SIDING SPECIFICATIONS



COLOR - HEARTHSTONE
SENTRY 44 SERIES
D4H
D4.5DL
B&B

WINDOW SPECIFICATIONS



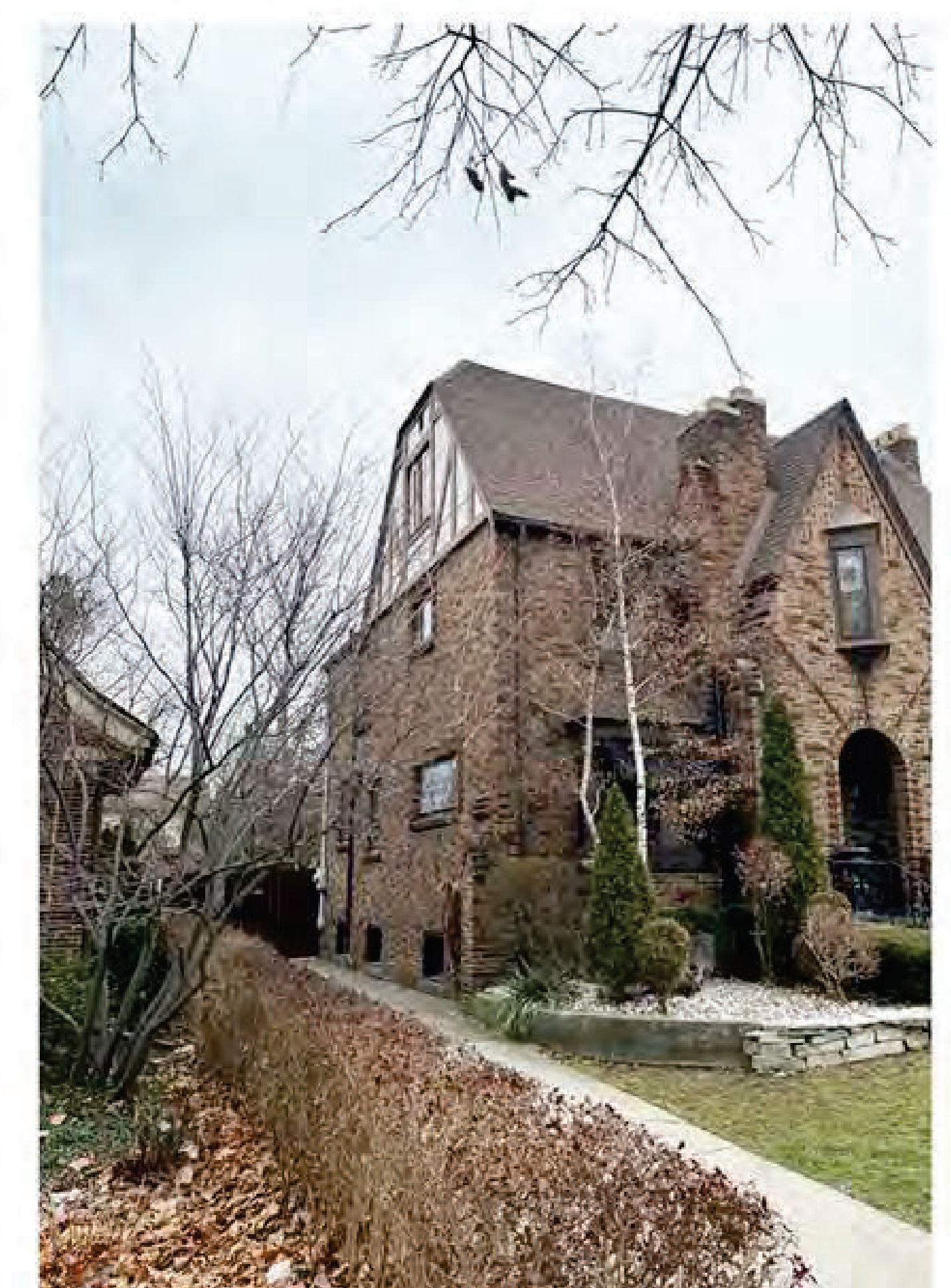
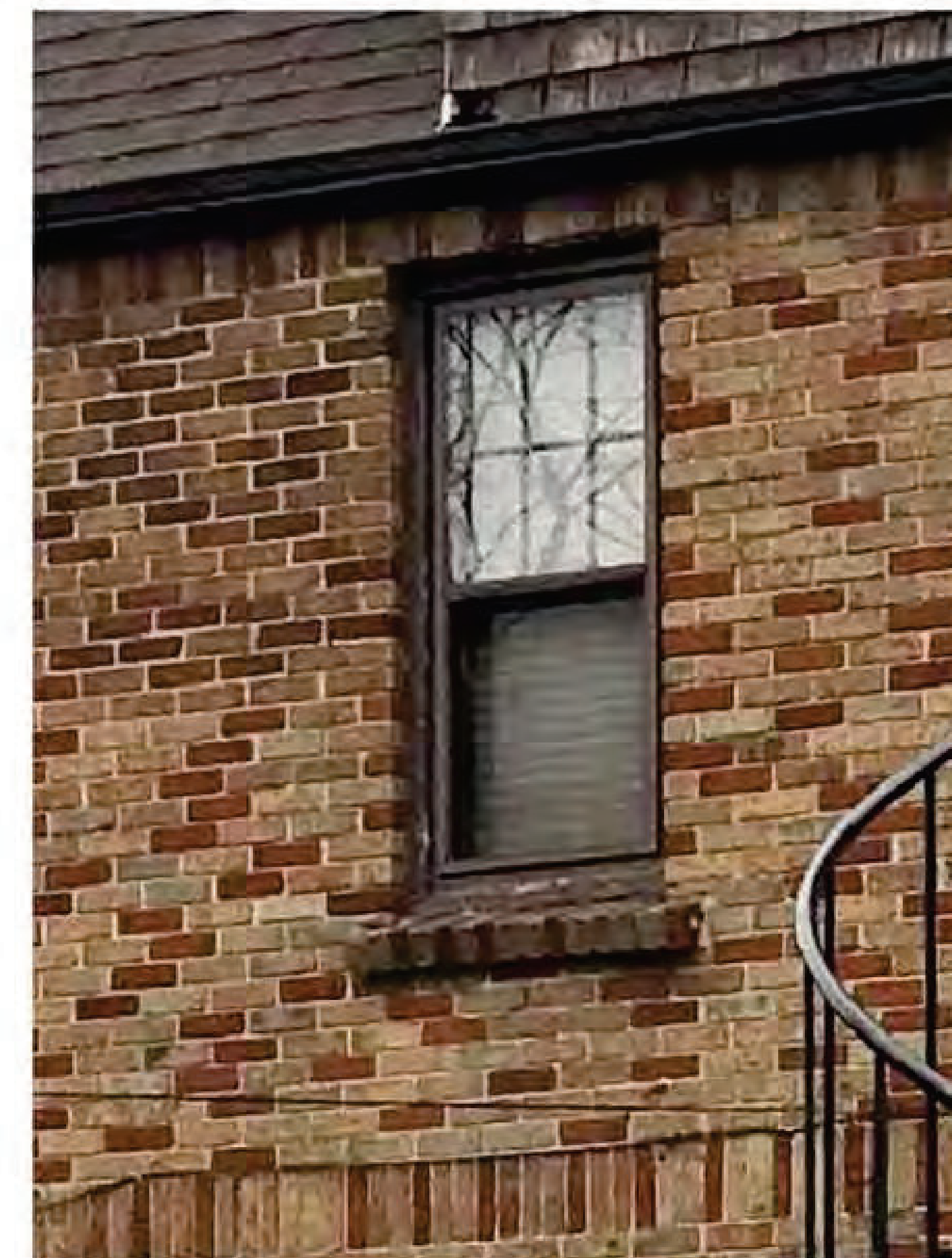
PELLA® IMPERVIA®

Fiberglass Single-Hung Window

Pella Impervia mulled single-hung windows include two units joined by their frames in the factory. This doubles the size of a single unit, creating a more expansive look. Made from the strongest material for windows, Pella's exclusive fiberglass provides lasting durability and sleek, timeless style.¹⁶ Single-hung windows have a moveable bottom sash for ventilation with a top sash that remains fixed. Achieve your design vision with a variety of popular features and options to choose from.

- Two fiberglass single-hung windows mulled together as a combined unit.
- Fiberglass material is tested beyond industry standards to perform from -40°F to 180°F.
- Equal sightlines deliver a clean, consistent aesthetic unlike other single-hung designs that trade off aesthetic details.
- Product #401002

EXISTING BUILDING PICTURES



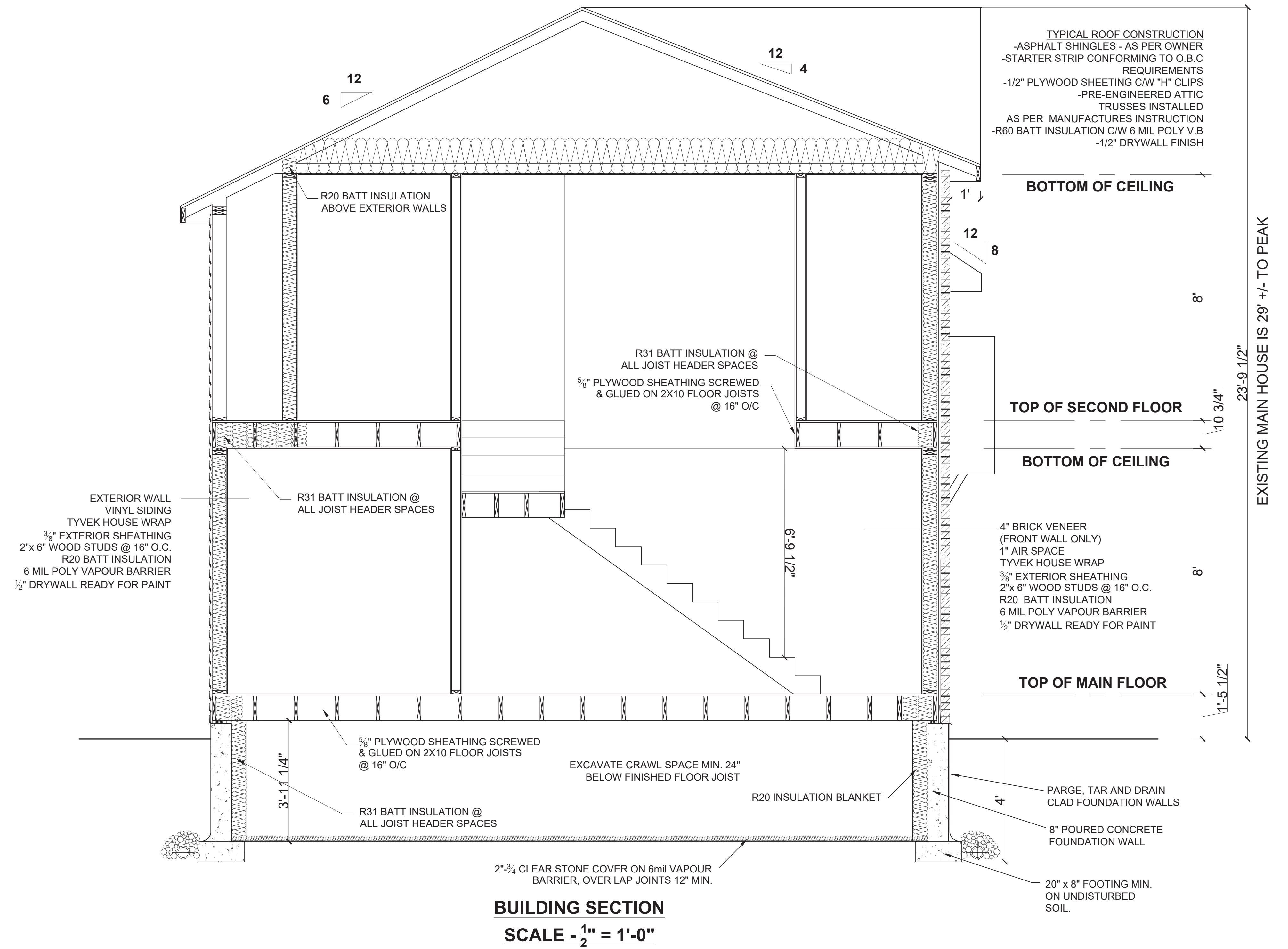
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Individual BCIN: 37168 Firm BCIN: 43361



DETACHED ADU
436 ASKING AVENUE
Windsor, ON
ELEVATIONS

Date: February 10, 2023
Scale: 1/4" = 1'-0"
Project No.: 060/22
Drawing No.: **A-2.1**



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DETACHED ADU
 436 ASKING AVENUE
 Windsor, ON
BUILDING SECTION

Date : February 13, 2023
 Scale : 1/4" = 1'-0"
 Project No. : 060/22
 Drawing No. : **A-3.0**

APPENDIX 'C' – Additional Photos of 436 Askin Avenue



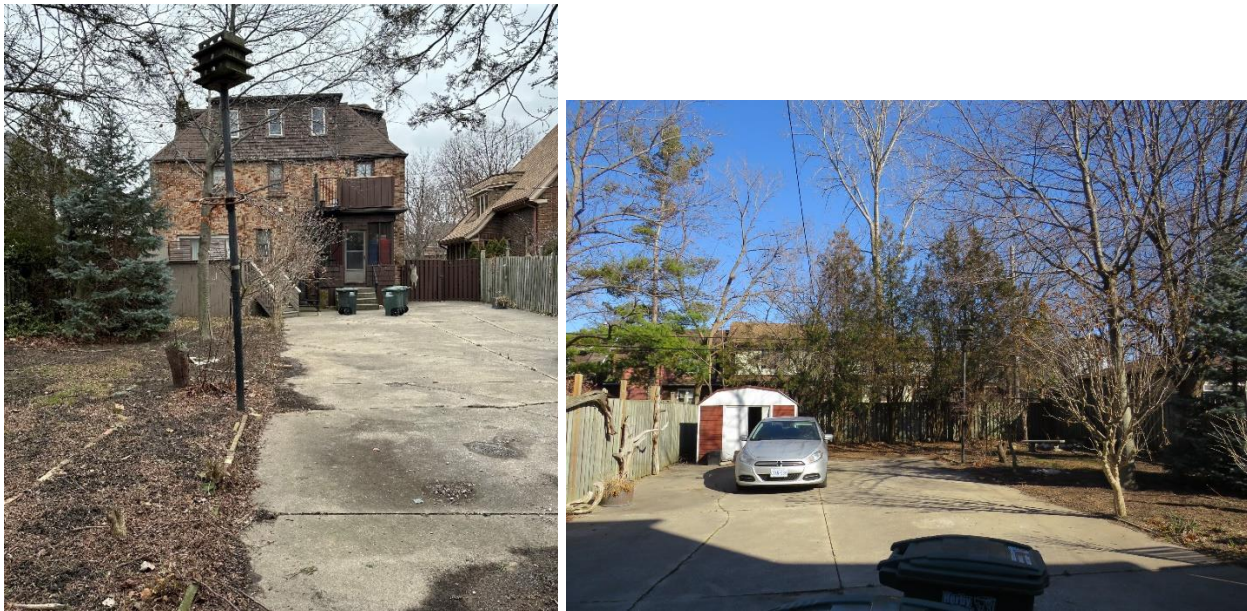
View of the front facade of 436 Askin Avenue from Askin Avenue looking east (photo from Property Owner taken in January 2023).



Views of the front facade of 436 Askin Avenue from Askin Avenue looking east down the left and right side yards of the property. The proposed ADU would be screened from view at these angles (photos taken in February 2023).



Views of the left and right side yards of 436 Askin Avenue from the sidewalk of Askin Avenue looking east. The proposed ADU would be mostly screened from view at these angles (photos from Property Owner taken in January 2023).



Views of the rear yard of 436 Askin Avenue with the paved driveway and parking area, looking west toward the existing dwelling (photo from Property Owner taken in January 2023) and east toward the rear property line (photo taken in February 2023) respectively. The proposed ADU would be located in this rear yard.



Subject: Closure of part of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835

Reference:

Date to Council: March 6, 2023
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: February 21, 2023
Clerk's File #: SAA2023

To: Mayor and Members of City Council

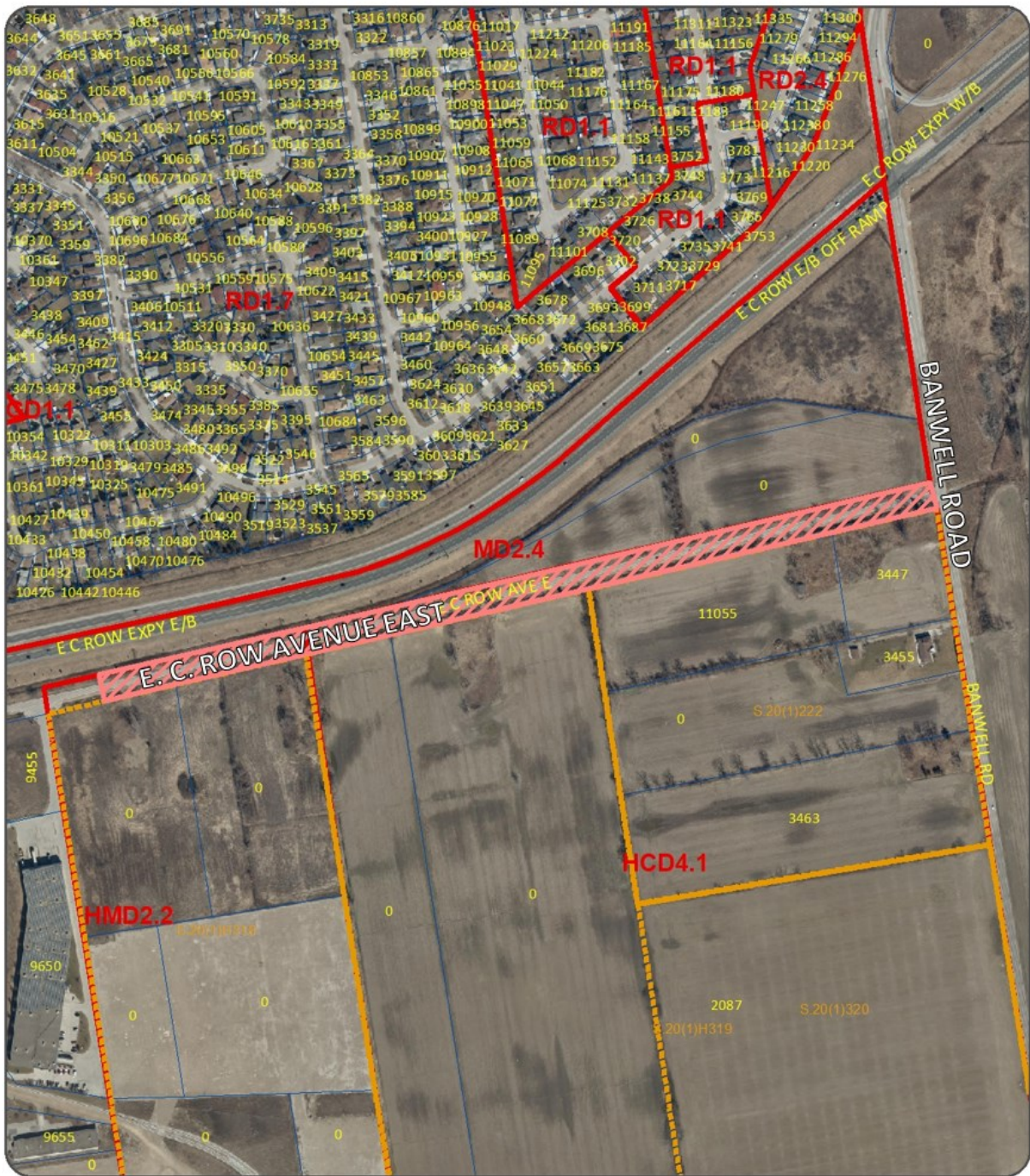
Recommendation:

- 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.
 - 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.

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAS/6835)

1:5,000

APPLICANT : CITY OF WINDSOR



SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: JULY, 2022

Figure 1 - Location Map

Background:

The City finalized the *Banwell Corridor Class Environmental Assessment Study* (EA) on September 30, 2016. The primary purpose of the EA was to investigate ways to improve the transportation corridor along Banwell Road from Tecumseh Road East to the City limit at the Town of Tecumseh. The EA's recommended preliminary road design includes the construction of a new interchange at Banwell Road and E. C. Row Expressway. This will require the removal of the E. C. Row Avenue East intersection with Banwell Road. The proposed closure of E. C. Row Avenue East that is the subject of this report, facilitates that process.

The City through negotiations with NextStar Energy Inc. (NextStar) agreed to include the E. C. Row Avenue East right-of-way and remnant lands to the north as part of the site for the proposed NextStar Energy EV Battery Plant (EV Plant). This consequently required the City to proceed with an application to close the right-of-way prior to the construction of the future interchange at Banwell Road / E. C. Row Expressway as identified in the EA.

The E.C. Row Avenue right-of-way is composed of a two-lane asphalt road with a parallel running municipal drain (Gouin Drain) to the south. The right-of-way is designated as a Class II Collector Road on *Schedule F: Roads and Bikeways* to the *Official Plan* and serves as one of two vehicular access points to the Twin Oaks Business Park (Business Park). The Business Park is described as those lands north of the Canadian Pacific Railway corridor, east of Lauzon Parkway, south of E. C. Row Expressway and west of the EV Plant site. The right-of-way contains utility poles with guy wires and anchors, culverts over the Gouin Drain, and heavy vegetation in a natural state along the Gouin Drain. (See Site Photos **attached** hereto as **Appendix "D"**)

The closure includes an approximately 870.0 metre portion of the 26.38-metre-wide E. C. Row Avenue East right-of-way (described as Parts 12 to 15 & 26 on the Draft Reference Plan), which is essential for the construction of the EV Plant.

The EV Plant is an integral component in positioning the Canadian economy for success in a low-carbon world. The EV Plant will secure a strong electric vehicle battery supply chain for Stellantis' North American manufacturing facilities, position Canada as a global leader in the production and distribution of electric vehicle batteries, support the development of a sustainable domestic battery manufacturing sector in Canada, and provide approximately 2,500 well-paying jobs with local economic spinoff.

NextStar is a joint venture between Stellantis and LG Energy Solution. The City is leasing the right-of-way and abutting lands to NextStar for the construction and operation of the EV Plant, with an option to purchase as a condition of the lease. The lease will exclude the approximately 9.07-metre-wide strip of land within the right-of-way (described as Part 14 on the Draft Reference Plan) and lands bordering the north boundary of the EV Plant site (described as Parts 22 to 25 on the Draft Reference Plan) required for the multi-use pathway identified in the Active Transportation Master Plan - May 2019. The City will also be excluding from the lease the 0.30 metre reserve shown as Parts 19 to 26 on the Draft Reference Plan.

The EV Plant received Site Plan Approval on August 22, 2022 (File No. SPC-2022-11). The approved Site Plan includes the removal of the E. C. Row Avenue East and Banwell Road intersection, together with the construction of a private road network connecting to Banwell Road and Twin Oaks Drive. The approved Site Plan also includes the construction of a cul-de-sac at the new easterly terminus of E. C. Row Avenue East.

The City issued a hoarding permit on August 25, 2022 (File No. PW 22-137523), granting the temporary closure of the right-of-way from August 25, 2022, to December 31, 2022. The temporary closure was necessary to allow the commencement of site works for the construction of the EV Plant to remain on schedule, while the Planning Department processed the street closure application. The City issued a three-month extension to the hoarding permit on December 13, 2022, to allow for site works to carry on while the Planning Department continues to process the said application. The additional time was necessary to allow for the Planning Department to affectively answer questions raised through consultation with Municipal Departments, external agencies and Business Park property owners. The Lauzon 10 has been rerouted for the duration of the temporary closure and no longer serves the Business Park as a result of previously recorded low levels of ridership.

Discussion:

The decision to recommend closure of a right-of-way is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix "F"**. The document details four classifications of right-of-ways 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 right-of-way is indispensable. This is achieved through the evaluation of the following criteria set forth in Section 1 of the document.

Right-of-Way:

1. *Does the right-of-way serve commercial properties?*
 - a. The right-of-way indirectly serves commercial properties within the Business Park as a secondary means of vehicular access.
 - The right-of-way provides one of two vehicular accesses to the Business Park.
 - None of the commercial properties have frontage on the right-of-way, nor do they have vehicular access off it via another property.
 - In some instances, the closure will add to the travel distance to the Business Park for vehicles traveling from the east.
 - There are currently no short-term solutions for mitigation.
 - One long-term solution includes substantial improvements to Lauzon Parkway and County Road 42, proposed under the

approved *Lauzon Parkway Improvements Class Environmental Assessment Study*, completed on January 20, 2014, together with significant improvements to Banwell Road proposed under the EA.

- These upgrades are anticipated to improve traffic flow to and from the Business Park.
- A second potential long-term solution includes the extension (re-establishment) of Lauzon Road from just south of the Canadian Pacific Railway corridor to Munich Court.
 - This extension would require clearance from the Canadian Pacific Railway to construct a grade crossing, underpass or overpass through their rail corridor, clearance from the Ministry of the Environment, Conservation and Parks for Species at Risk, clearance/permit from the Essex Region Conservation Authority (ERCA), clearance from the City's Drainage Superintendent, undertaking of multiple engineering plans/reports/studies, Council approval, and funding.
 - Administration would require direction from Council to pursue establishing a second access to the Business Park.
 - This extension translates to a minimal reduction in travel distance, and potentially an increase in travel times due to Lauzon Road having a maximum posted speed limit of 50 kilometres per hour, which is likely not to be increased.
- The large scale of the EV Plant makes it unfeasible to extend Twin Oaks Drive to Banwell Road.
- The public's use of the EV Plant's private road network is not an option.
- b. The Lauzon 10 service was modified on August 31, 2014, to include transit service to the Business Park. The 2019 Transit Master Plan concluded that the Lauzon 10 has experienced low ridership in the Business Park. As a result, the Plan recommended that the bus route discontinue service to the Business Park due to the low ridership (i.e. 12 passengers on average per day in 2019). The removal of the Lauzon 10 from the Business Park is included as part of Transit Windsor's 2023 budget proposal.
- c. Notwithstanding More Than Transit's recommendation, Transit Windsor confirmed that an Alternative Service Delivery model such as on-demand service could be considered in the future if warranted. The City's Engineering Department is working on design concepts for extending Twin

Oaks Drive east of Valtec Court to the EV Plant site, with construction slated for 2023. The design will include a new bus turnaround.

2. *Does the right-of-way serve properties fronting on heavily traveled streets i.e., major arterial routes? **NO***
3. *Does the right-of-way contain sewers, and must the alley remain accessible for servicing? **NO***
4. *Does the right-of-way 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? **NO***
5. *Does the right-of-way contain Fire Department connections that are deemed to be necessary for firefighting access? **NO***
6. *Does the right-of-way 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? **NO***

Based on review of items referenced above, Administration is able to identify the right-of-way as being dispensable and can be recommended for closure.

It is the recommendation of Administration that upon closure, the Corporation of the City of Windsor retain the right-of-way in the manner described in the Recommendation section herein. A 9.07-metre-wide strip of land (described as Part 14 on the Draft Reference Plan) will be excluded from the closure to accommodate the multi-use pathway identified in the Active Transportation Master Plan.

Risk Analysis:

The recommended closure of the right-of-way will divest the City of associated liability risks and maintenance costs.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The right-of-way as described in the Recommendation section herein is to be retained by the City and is included with the lands being leased for the EV Plant site. Therefore, there is no conveyance cost.

Consultations:

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

Notice of this application was issued twofold to property owners within the Business Park by regular mail on July 26, 2022, and August 16, 2022. Comments to this application were received from Jamieson Laboratories Ltd., Trillium Machine and Victory Reproductive Care (**attached** hereto as **Appendix “G”**). The Planning Department met with Jamieson Laboratories Ltd. via Zoom on November 1, 2022, to discuss questions about the closure of the right-of-way raised through their comments.

The Planning Department has summarized all the questions raised through the comments in a table **attached** hereto as **Appendix “H”**. The table includes the desired mitigation (if provided) and administrative response to each question. The Planning Department, via emails, has advised the parties of the questions that they feel have been satisfactorily addressed.

The City and NextStar co-hosted a formal Information Session on February 9, 2023, at the WFCU Centre for businesses within the Business Park. The Information Session included presentations by the City and NextStar followed by a question period for the businesses. NextStar’s presentation included an overview of their company, facility, project timeline and Site Plan. The City’s presentation included an overview of the proposed closure and responses to questions raised through comments received from the businesses. The information session was attended by representatives of 10 businesses.

Notice for this Information Session was issues threefold in the following manner:

1. Mail to all property owners (January 25, 2023)
2. Email to property owners who had not responded to initial Notice (January 31, 2023) *
3. Phone call to remaining property owners who had not responded to previous two (2) Notices (February 7, 2023) **

*Emails were not available for nine (9) of the property owners

**Phone numbers were not available for two (2) of the property owners

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 right-of-way shown on attached Appendix “B”, subject to easements in favour of Bell Canada and EnWin Utilities Ltd.; and other conditions outlined in the recommendation section of this report.

The Planning Department further recommends that the portion of the subject lands required for the cul-de-sac be deemed surplus and dedicated as public highway, as in Recommendations VII and VIII.

Planning Act Matters:

Brian Nagata, MCIP, RPP
 Planner II - Development Review

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

Michael Cooke, MCIP, RPP *Thom Hunt, MCIP, RPP*
Manager of Policy Planning *City Planner*

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

JP OC

Approvals:

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

Notifications:

Name	Address	Email
Barry Horrobin (Director of Planning & Physical Resources)	Windsor Police Service Police Headquarters 150 Goyeau Street P.O. Box 60 Windsor, ON N9A 6J5	bhorrobin@windsorpolice.ca
Chris Grant (Deputy Chief)	Essex-Windsor EMS 360 Fairview Avenue West, Suite 218 Essex, ON N8M 1Y6	CGrant@countyofessex.ca
Jason Scott (Supervisor, Planning)	Transit Windsor 3700 North Service Road Windsor, ON N9A 1H7	jscott@citywindsor.ca
Jonathan Wilker (Deputy Chief)	Windsor Fire & Rescue Services 815 Goyeau Street	JWilker@citywindsor.ca

Name	Address	Email
	Windsor, ON N9A 1H7	
Josh Benoit (Operations Manager)	Windsor Central Ambulance Communications Centre 4510 Rhodes Drive, Suite 320 Windsor, ON, N8W 5K5	Josh.Benoit@ontario.ca
Kieran McKenzie (Ward 9 City Councillor)	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	kmckenzie@citywindsor.ca
Marc Murphy (Inspector)	Windsor Police Service Police Headquarters 150 Goyeau Street P.O. Box 60 Windsor, ON N9A 6J5	mmurphy@windsorpolice.ca
Mike Coste (Chief Fire Prevention Officer)	Windsor Fire & Rescue Services 815 Goyeau Street Windsor, ON N9A 1H7	mcoste@citywindsor.ca
Ryan Lemay (Deputy Chief)	Essex-Windsor EMS 360 Fairview Avenue West, Suite 218 Essex, ON N8M 1Y6	RLemay@countyofessex.ca
Stephan Habrun (Director, Operations & Planning)	Transit Windsor 3700 North Service Road Windsor, ON N9A 1H7	shabrun@citywindsor.ca
Stephen Laforet (Fire Chief)	Windsor Fire & Rescue Services 815 Goyeau Street Windsor, ON N9A 1H7	slaforet@citywindsor.ca
Tyson Cragg (Executive Director)	Transit Windsor 3700 North Service Road Windsor, ON N9A 1H7	TCragg@citywindsor.ca
List of mailing labels for property owners within Twin Oaks Business Park issued to Clerks office		

Appendices:

Appendix A: Drawing No. CC-1819

Appendix B: Draft Reference Plan

Appendix C: EIS Drawing - Aerial Photo

Appendix D: Consultations with Municipal Departments and Utility Companies

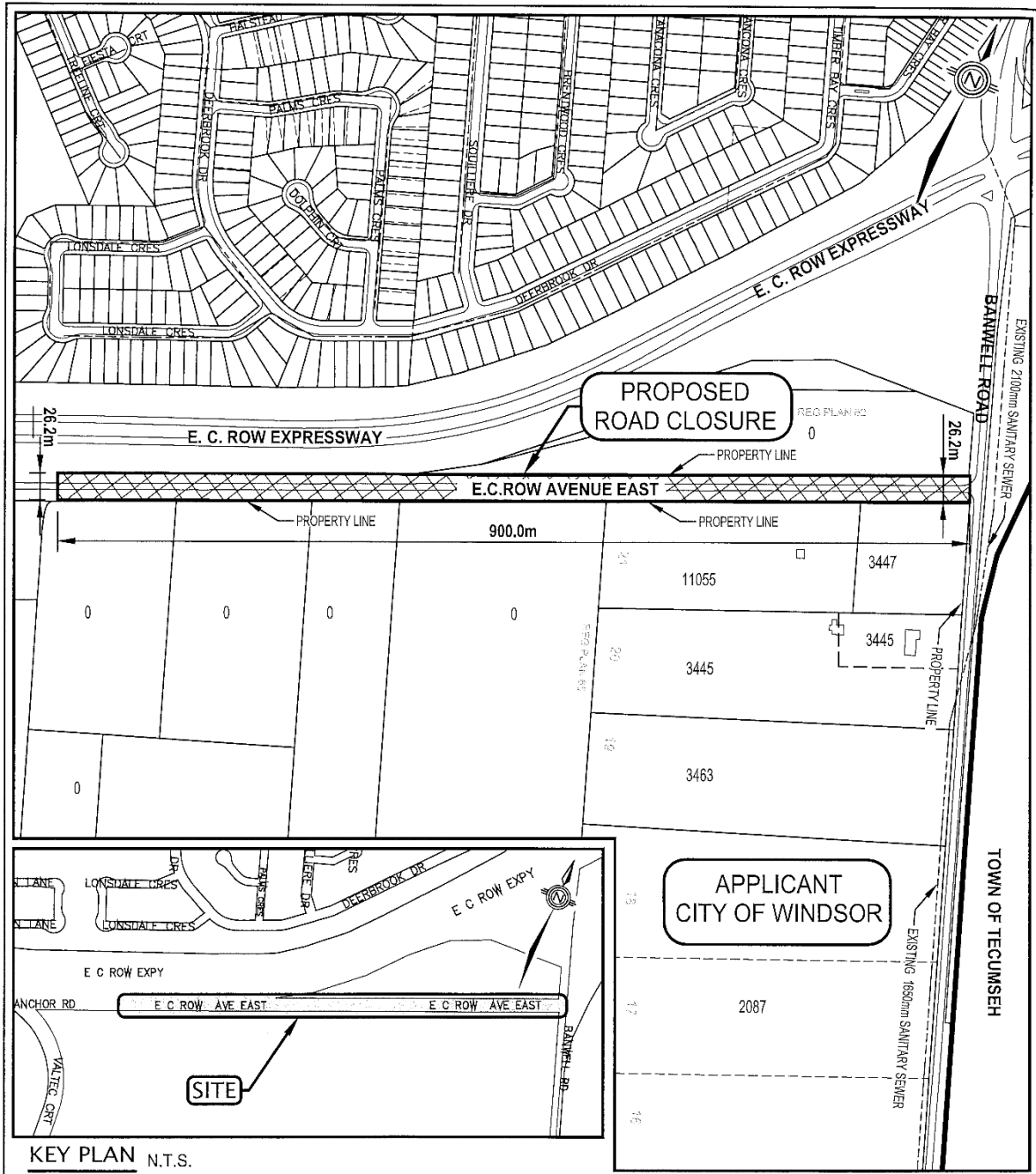
Appendix E: Site Photos


Appendix F: Classification of Alleys and Suitability for Closure

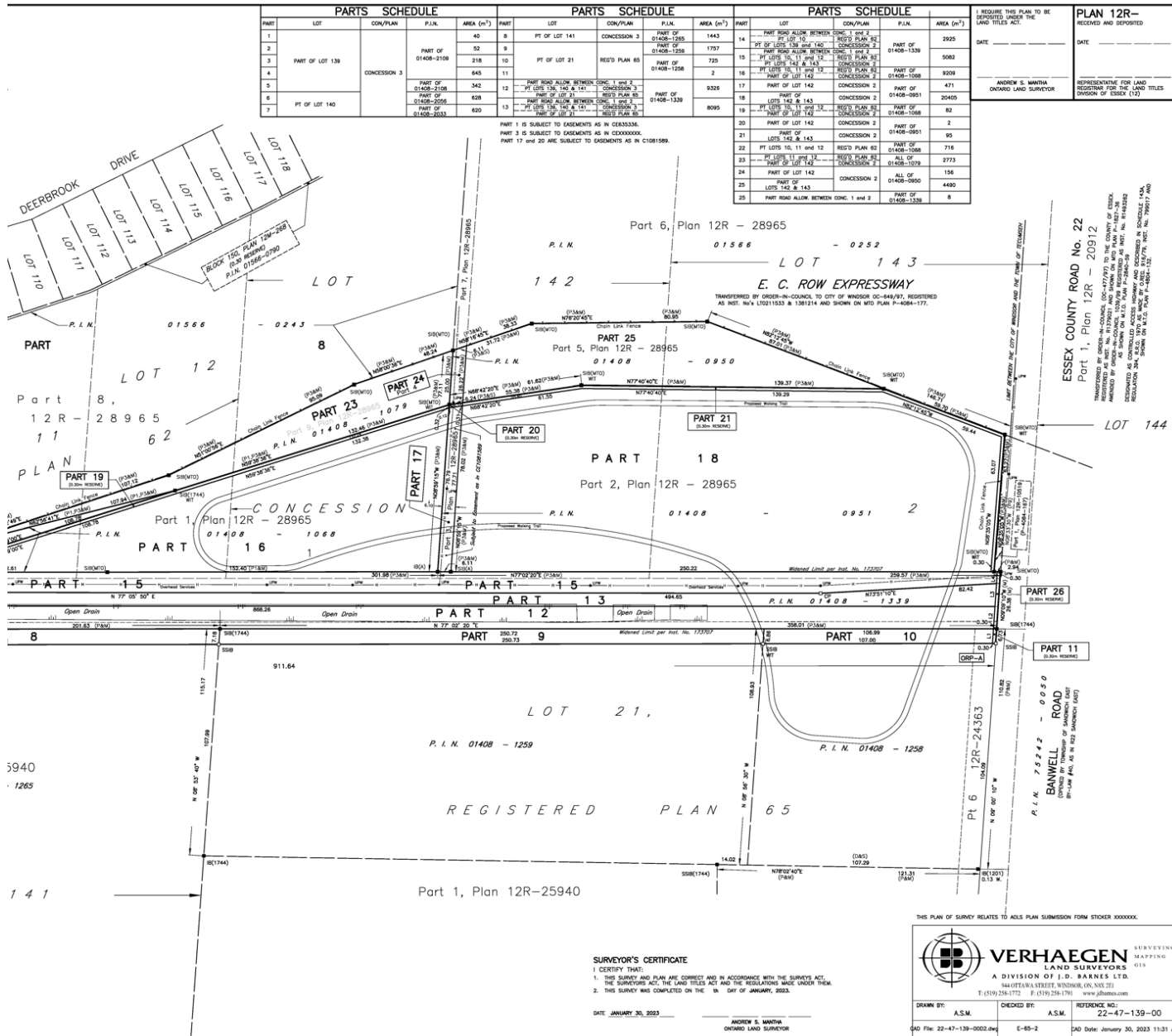
Appendix G: Comments from Twin Oaks Business Park Businesses

Appendix H: Summary of Comments from Twin Oaks Business Park Businesses

APPENDIX "A"
Drawing No. CC-1819



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT			
PROPOSED CLOSURE OF E.C. ROW AVENUE EAST			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:5000	DATE: AUGUST 2022	REVISED: <u> </u>
	DWN BY: G.P.	CHKD BY: PJU / M.M.	REVISION NO.: <u> </u>
			DWG. NO. CC-1819



APPENDIX "C" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAS/6835)

1:5,000

APPLICANT : CITY OF WINDSOR



 SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: JULY, 2022

APPENDIX “D”

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

It turns out we have far more facilities than I was anticipating, and engineering would prefer a 7.0 m easement. I've included an extra attachment with further details (see below).

[Charleyne Hall, Bell Canada External Liaison]



CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENBRIDGE (FORMERLY UNION GAS)

After reviewing the provided drawings at E C Row Ave E and Banwell Rd and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference (see below).

Please Note:

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

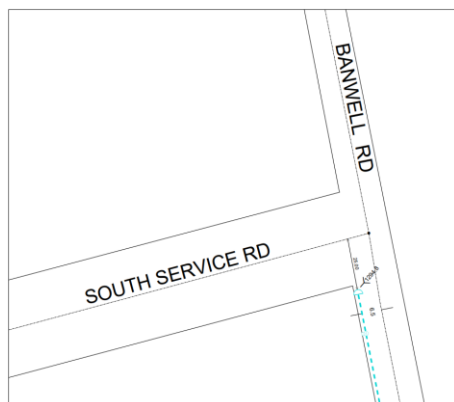
Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0 m horizontal and 0.6 m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to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

edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

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

[James Makhoulf, Engineering Summer Student]



ENVIRONMENTAL SERVICES

There are no concerns with Environmental Services operations.

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No objection, however, an easement named to ENWIN Utilities Ltd is required in the north side of the road (if closing) to accommodate existing hydro pole line with a 27,600 volt primary electrical power circuit.

See sketch below.

[Anwar Nagar, Senior Hydro Engineering Technologist]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

This closure application is part of a larger Zoning and Site Plan Control process which has identified it as a necessary closure. Therefore, there are no objections from a landscape architectural perspective.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The proposed road closure of EC ROW Avenue East is approximately 900 m long, west of Banwell Road. There are no sewers or manholes within this segment of E.C. Row Avenue East. The Gouin Drain runs along the south side of the road. An easement is required for the drain. There are hydro poles and guy wires within the closure. A utility easement will be required. A cul-de-sac is proposed to be constructed at Anchor Dr and E.C. Row Ave to city standards. Public Works will provide the requirements for the cul-de-sac through the Site Plan Control process. Public Works has no objections to the street closure subject to the easements.

[Pat Winters, Development Engineer]

PUBLIC WORKS - TRAFFIC

Signage should be reviewed in the vicinity (No Exit at Twin Oaks and Lauzon Parkway, dead end signs)

The closure will have an effect on any employees within the area who may walk or bike to work from east of Banwell, more so if it affects transit routes. Maintaining access by pedestrians and cyclists should be considered.

No objections to the closure as proposed.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

No comments provided

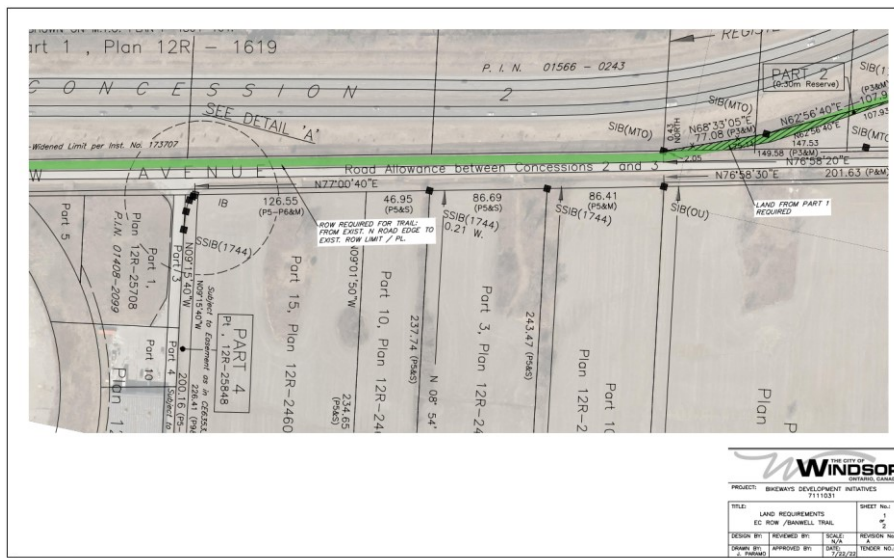
TRANSPORTATION PLANNING

A section of EC Row Avenue right-of-way shall be retained to accommodate a future Multi-Use Trail as per recommendations from the Active Transportation Master Plan that calls for a trail through this section of EC Row Avenue.

The area required for the trail is limited by the north edge of the existing EC Row Ave roadway. The remaining ROW including the roadway itself, could be closed since it won't be necessary for the trail.

See attachment for reference. Future area for trail is depicted in green.

[Juan Paramo, Transportation Planning Engineer]



TRANSIT WINDSOR

Transit Windsor will no longer be able to service the area of Twin Oaks/Anchor Drive in its current state if this road closure is approved. The Lauzon 10 route currently travels in one direction eastbound on EC ROW Ave E to Banwell for its southbound loop. A turn around cul-de-sac or large enough round about would need to be built at the end of Twin Oaks or the new end of EC ROW Ave E for buses to turn around to be able to provide a form of transit service to this area. The existing Lauzon 10 route wouldn't be able to provide transit service to this area even if that was built as it wouldn't have enough time to do it and would make the route inefficient. If transit service were to be put in for this area with the proper infrastructure built for buses to turn around, it would have to be a new conventional transit route or an on demand service. This would need budget approval by City Council.

[Jason Scott, Supervisor, Planning]

WINDSOR FIRE**September 7, 2022 (Revised)**

I was under the assumption there would be no entrances off Banwell. I see there will be several when built. I am fine with the closure of the front street.

October 17, 2022

The Intersection is 4 lanes wide and quite large. The likely of the entire intersection being completely close is minimal at best. If it was completely closed, we would use other access point to gain entry in the area. The EV Plant is going to have several access points which will be a fire route for us to get through to the park off of Banwell. If the Intersection was closed, we would make sure that at least 1 lane would be open when possible.

[Mike Coste, Chief Fire Prevention Officer]**WINDSOR POLICE****August 9, 2022**

The Windsor Police Service has no objections with the closure of this section of E. C. Row Avenue East. However, since this is currently an active and open roadway, non-objection to the closure is with the presumed understanding that access to the affected lands for emergency police vehicle response and general preventative patrol capability will not be eliminated or overly restricted.

October 3, 2022

That particular intersection is quite large overall and it is therefore unlikely the entire intersection would be entirely blocked off from emergency police vehicle access, in the event of a motor vehicle accident. When this kind of thing happens, we would attempt to use any other available access that could reasonably and effectively allow us access. In this case, this would presumably include use of the EV plant's private roadway connection, as needed under the circumstances. Therefore, it would seem prudent to include this access (as unlikely as it may be) in the site plan agreement. Windsor Police have many 4-wheel drive vehicles within our fleet so we could also, quite likely, maneuver around the blocked intersection to gain access as well.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "E"
Site Photos (August 4, 2022)



Figure 1 - E. C. Row Avenue East looking west from driveway at 9455 Anchor Drive



Figure 2 - E. C. Row Avenue East looking east from driveway at 9455 Anchor Drive



Figure 3 - Looking east towards E. C. Row Avenue East from driveway at 9455 Anchor Drive



Figure 4 - Looking east towards Banwell Road from E. C. Row Avenue East



Figure 5 - E. C. Row Avenue East looking west from Banwell Road 1



Figure 6 - E. C. Row Avenue East looking west from Banwell Road 2

APPENDIX “F”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

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

Suitability for Closing:

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

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

APPENDIX “G”

Comments from Twin Oaks Business Park Businesses

JAMIESON LABORATORIES LTD.

From: [REDACTED]
Sent: Tuesday, September 27, 2022 11:31 AM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Jamieson concerns on Anchor Drive/EC Row Ave closure

Hi Megan,

Thanks for taking the time to talk today.

Our key points on the proposed closure of the east end of Anchor/EC Row Ave drive:

1. At the city’s request, we previously relocated our truck entrance of 9650 Twin Oaks drive to Anchor drive to accommodate the rail line to CS Wind. Proposed closure of the east end of Anchor would now detour our trucks significantly in gaining access to Banwell and EC Row.
2. Commuter traffic/environmental. Employees coming in from the east end would now be required to drive an extra 3.3km each way to get to work (6.6km/day) to get to work. This equates to 1650 km/yr per employee.
3. There is also significant difficulties turning onto Twin Oaks from southbound Lauzon during peak hours. You often need to wait for many lights to make the left turn.
4. Single entrance to Twin Oaks Industrial. How do emergency vehicles get to our two sites if this single entrance is blocked?
5. Single entrance to Twin Oaks Industrial. This warehouse along with our INTL facility provide materials to our Rhodes site. If something were to block this intersection, our production schedules would be impacted.

Best regards,

[REDACTED]
 T: [REDACTED] | C: [REDACTED]

Jamieson Laboratories Ltd.
 4025 Rhodes Drive
 Windsor, Ontario, Canada N8W 5B5
jamiesonvitamins.com



A division of  **JAMIESON** wellness inc.  **TSX: JWEL**

TRILLIUM MACHINE

From: [REDACTED]

Sent: January 31, 2023 9:10 AM

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

Subject: RE: RSVP for attendance

I'm not sure of the exact address...

I own the 3 acre parcel of land behind Jamieson, and were the (probably already approved) dead end is going to be.

Legal Description: PART LOT 138 CONCESSION 3 MCNIFF PARTS 1, 2 & 3 12R25708 SUBJECT TO AN EASEMENT OVER PTS 2 & 3 12R25708 IN FAVOUR OF PTS 4, 5, 7, 8, 9, 10 & 11 12R25708 AS IN CE685521 TOGETHER WITH AN EASEMENT OVER PTS 4 & 5 12R25708 AS IN CE685523 TOGETHER WITH AN EASEMENT OVER PTS 8 & 9 12R25708 AS IN CE685524 TOGETHER WITH AN EASEMENT OVER PT 11 12R25708 AS IN CE685525 CITY OF WINDSOR



I think that all the people that have to make a decision on this, drive into this industrial park every morning for 7am work start and leave at 3:30pm and then again at 5:00 pm...see what kind of cluster there is of traffic feeding out onto Lauzon parkway.

I would have never thought that a service road would be closed...sort of ridiculous.

[REDACTED]



4080-6 NORTH SERVICE RD. E.
WINDSOR, ONT.
N8W 5X2
(519) 945-2211

[REDACTED]

VICTORY REPRODUCTIVE CARE

From: [REDACTED]
Sent: Friday, October 14, 2022 9:55 AM
To: Nagata, Brian <bnagata@citywindsor.ca>
Subject: Economic Revitalization Community Improvement Plan

Dear Brian,

[REDACTED]

As well, do you have an update for me on any community meeting for the road closure? I just sent you an email asking for some help to implement some safety measures like speed signs and perhaps a stop sign for trucks heading westbound on Twin Oaks Drive. They travel so quickly that it's causing problems at our driveway that fronts Twin Oaks Drive. I even had a truck stop there the other day to inspect his rig and he completely blocked it!.

Many thanks,

[REDACTED]

Victory Reproductive Care
8100 Twin Oaks Drive
Windsor, Ontario
N8N 5C2
Direct: [REDACTED]

From: [REDACTED]
Sent: Friday, October 14, 2022 9:51 AM
To: Winters, Patrick <pwinters@citywindsor.ca>
Cc: Nagata, Brian <bnagata@citywindsor.ca>
Subject: Fwd: FW: Street Closure Application File No. SAS-6835 (E.C. Row Avenue East R.O.W.)

Dear Mr. Winters,

I am following up regarding my concern about the recent street closure of E.C. Row Avenue and the construction project for the EV battery plant at the east end of the Twin Oaks industrial park.

As the landlord of a large plaza within the park, I am concerned with the number of construction vehicles passing by throughout the day depositing dirt on our streets and parking lot. While I understand this is a normal part of this massive project, we are significantly impacted since the city has given permission for these trucks to have access via Twin Oaks and also Anchor Drive. I am looking for a commitment from the City of Windsor to create a regular cleaning schedule to tackle this ongoing issue.

As well, I am eager to discuss some street signs and speed signs in our area, specifically to slow down the heavy construction vehicles who barrel down the road at dangerous speeds. When they exit the construction site and head west towards Lauzon Road, they travel down the street at *high* speed. We have a driveway exit onto Twin Oaks Drive and our patients and staff are fearful of how quickly these trucks are coming. It seems like only a matter of time before there is an accident and I want to work with you to ensure this doesn't happen.

Our other exit is from Anchor Drive and your decision to close E.C. Row Avenue without consultation with us or other residents of this area has caused an incredible traffic jam twice per day when the local shifts change over. We now have a lineup to get out of our driveway and up the hill on Twin Oaks Drive to get out to the *only* exit. The bottleneck is compounded by the construction at the dangerous Lauzon/Twin Oaks intersection, which has left us scratching our heads as to how this was permitted. I am looking for some transparency and cooperation so we can get through this together. Our clinic sees hundreds of patients a week and our concerns for their safety is paramount. We have a bus stop on Anchor Drive but since you closed the road, what has happened to this route?

To date, I have not received any more information about a public meeting on the subject and would like an update at your earliest opportunity. I would welcome a phone call anytime at 519-996-1909 to discuss.

Sincerely,



Victory Reproductive Care
8100 Twin Oaks Drive
Windsor, Ontario
N8N 5C2
Canada

From: [REDACTED]
Sent: Saturday, September 17, 2022 4:30 AM
To: Nagata, Brian <bnagata@citywindsor.ca>
Cc: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: Street Closure Application File No. SAS-6835 (E.C. Row Avenue East R.O.W.)

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

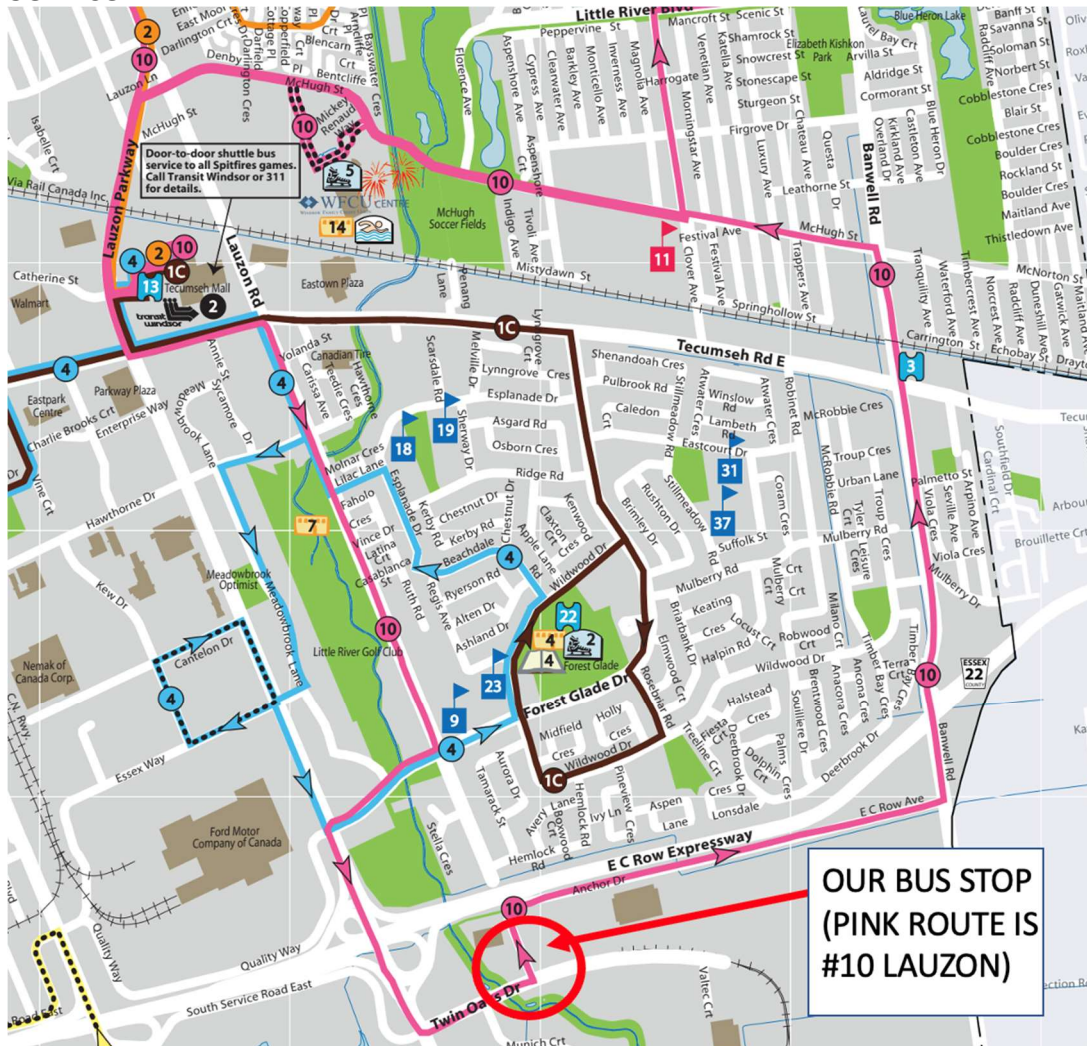
Dear Mr. Nagata,

Please accept my most sincere thanks for following up with me about our phone conversation on August 26th. Shortly after we spoke I traveled to [REDACTED] to attend to a [REDACTED] and neglected to email my list of concerns to you, which is rather shameful considering you so kindly reached out to me originally. I'm very sorry for the delay and am very grateful to you for remembering me and the issues at heart.

Regarding the proposed closure of E.C. Row Avenue, my [REDACTED] and I share the following concerns:

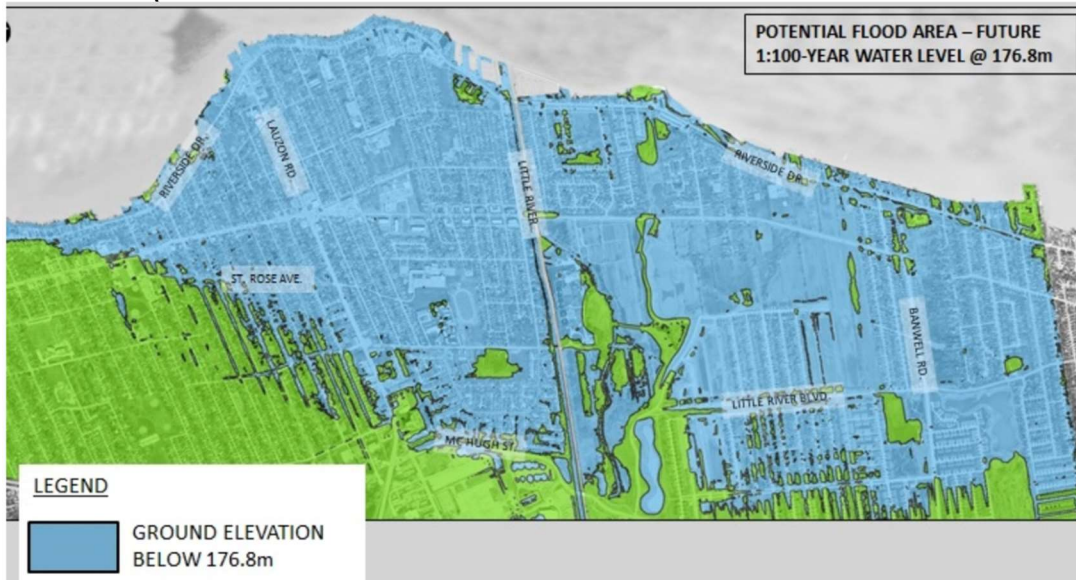
- 1. Medical Offices and Community Accessibility:** Our plaza is part of the 160 acre business park located in the Twin Oaks Business Park immediately south of E.C. Row, bounded on the west by Lauzon Road and on the east by Banwell. You can find us at the corner of Twin Oaks Drive and Anchor Drive. The smaller of the two buildings is home to three clinics catering to women: the Midwifery Collective of Essex County, Sorella Women's Wellness (Pelvic Health Physiotherapy), and Dr. Randee Mayrand, a paediatric chiropractor. The larger building houses the medical offices for two OB/GYN/Fertility specialists, [REDACTED]. Complementary practices with two family doctors and a naturopathic doctor also operate from here alongside a bustling pharmacy. Victory Reproductive Care operates the region's only In-Vitro Fertilization (IVF) centre which is now the recipient of government-funded IVF services; starting or growing a family is now within reach for many Windsor patients for whom it was previously an impossible dream. Our clinic is currently 8000 square feet with plans to renovate another 4000 to meet the needs of our rapidly growing patient base. Soon to be added to our building as the last tenant will be a paediatrician. Our combined patient total comes to several hundred patient visits per week, many of whom benefit from the existing Windsor bus (#10 Lauzon) that services that area. We have a bus stop along Anchor Drive that takes patients from Anchor Drive, down E.C. Row Avenue to Banwell. Closing the road would prevent the bus from having an exit and we fear the city would cancel the service. Providing public

transportation to such an important medical centre dedicated to women & children seems intuitive, so we urge the City of Windsor to preserve service.



2. **Single Exit:** The proposed closure of E.C. Row Avenue would isolate this industrial area and create a single entrance/exit to all the businesses. With the hundreds of patients our location sees per week, in combination with the staff complements at Green Shield, Sunlife, Riverview Steele, CS Wind, Jamieson Laboratories and others, all will have to funnel out of one exit at Lauzon and Twin Oaks Drive. This particular intersection is already a very dangerous one as it's very location atop the hill restricts visibility from any approach. The sheer volume of automobiles that will need to exit will undoubtedly affect the traffic and safety at that intersection. When an inevitable accident occurs and the intersection is blocked during the aftermath, you will trap all the people in the business park. An alternative exit must be considered otherwise you hold the entire area hostage.
3. **Flood Plain:** The Twin Oaks Industrial park is situated in a known flood plain. With the historic flooding we saw in 2017 and 2018, we are very cognizant that Windsor's ability to handle excessive volumes of

water is limited. If this area were to experience flooding, the business park would have no ability to exit. For this reason, you must consider extending Twin Oaks Drive out to Banwell as an alternative exit for everyone in the area. Currently, the construction vehicles from the Stellantis project at E.C. Row Avenue and Banwell are exiting the construction site several dozen times daily, traveling west on Twin Oaks out to Lauzon Road. What are the long-term impacts to local drainage of this area with the massive construction project on the east side of the business park?



East Windsor flood plane map (Landmark Engineers/City of Windsor)

4. **Road Danger During Stellantis Project:** As discussed immediately above, construction vehicles have been given access rights across the City of Windsor property to exit westbound via Twin Oaks Drive. They travel at excessive speed up this road from their point of entry until the traffic light at Lauzon. Their size and speed is of great concern considering our parking lot has an entry on the Twin Oaks side. Cars full of pregnant women, children, and families are at risk of being hit by these trucks or chased off the road as these trucks come barreling up the street unaware of the need to slow down. If the trucks have been given permission to use Twin Oaks Drive as an exit from the Stellantis property, then it follows that the city can extend the road to the east over to Banwell as a permanent alternative to closing E.C. Row Avenue.
5. **Road Safety at the Proposed Entry/Exit to the Twin Oaks Business Park:** A 2017 Road Safety Report by the City of Windsor (released May 22, 2018) identified this intersection as the 13th highest collision location in Windsor. In the five years leading up to that report, this intersection saw 48 collisions. If collisions continue at a similar rate, then those who frequent the business park will be held hostage as many times when the intersection is closed. An alternative exit from the business park is required if E.C. Row Avenue is allowed to close. This

intersection is currently undergoing some changes and entry/exit to the area is slow and restricted already. The City of Windsor needs to give some thought to how this slowdown and restricted access is affecting those who work in the business park.

6. **Community Planning:** The plan to close E.C. Row Avenue does not conform with local and regional development plans in that it will not encourage economic development in the area. Restricting this area to only one exit will bottleneck the area when shifts change for various businesses. Similar businesses in the County Road 22 and Patillo Road area have multiple options for access routes, whereas the project in the Twin Oaks Business Park needs are not given the same traffic flow considerations.
7. **Disturbing the Existing Community Character:** The Twin Oaks Business Park enjoys two unique walking trails that follow the Little River. Closing the road and funneling the traffic out of one exit at Lauzon Road will disturb these walks with long lineups of cars queuing up Twin Oaks Drive to exit the industrial park.

Thank you for allowing me to share our concerns over the road closure and I will definitely make a delegation request for the October 3rd meeting. If you would like any additional information or clarification, please feel free to contact me directly at [REDACTED]. I am still in [REDACTED] until next week, so if you call me please remember I am [REDACTED].

Sincerely,

[REDACTED]

Victory Reproductive Care
8100 Twin Oaks Drive
Windsor, Ontario
N8N 5C2
Canada

From: [REDACTED]
Sent: Wednesday, August 24, 2022 10:17 AM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Re: Update Request Re: Public Meeting To Close E.C. Row Ave E

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

Dear Meghan,

Thank you for your email, however you didn't address whether the requested closure of E.C. Row Avenue East is intended as a temporary or permanent measure. Currently, there is a digital sign that says the road will be closed as of tomorrow, so it seems the city has gone ahead and made its decision without holding this meeting. Closing the road prior to the hearing will allow them to make permanent steps to close that section of road and not allow the public to stop them; this seems unreasonable and undemocratic. The city has dollar signs in its eyes based on what this project means to Windsor and future jobs, so expecting the Planning, Heritage and Economic Development Standing Committee to listen to laypeople and surrounding business owners seems like a pipe dream. To me, it seems as though Stellantis and the City of Windsor are going to ask for forgiveness rather than permission for taking the measure to permanently close that road down for public access.

My property lies just behind this huge construction site and we house several doctors and practitioners in our very busy fertility practice. We are very keen to keep this road open for access in order to avoid having the only exit be the E.C. Row expressway. Several of our staff and patients use this road for access and will want to speak at the meeting, so please convey this to your team as they decide on a date for this important meeting. I would prefer an email notification for the meeting date, as there is a several day lapse between your mailing date and when it's received. Your letter dated August 16th arrived on the 23rd, and I don't want the scenario where I miss the meeting due to a slow mail service. Please notify me by email at [REDACTED] or by phone at [REDACTED] once the meeting date/time is set.

Sincerely,

[REDACTED]
Victory Reproductive Care
8100 Twin Oaks Drive
Windsor, Ontario
N8N 5C2
Canada

From: [REDACTED]
Sent: Tuesday, August 23, 2022 5:30 PM
To: Matthews, Meghan <MMatthews@citywindsor.ca>
Subject: Update Request Re: Public Meeting To Close E.C. Row Ave E

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

Dear Ms. Matthews,

I received your letter regarding the Real Estate Division of your Legal Department's application to close E.C. Row Avenue East dated August 16, 2022.

I am a property owner of 7900 Anchor Drive and 8100 Twin Oaks Drive and use E.C. Row Avenue East daily as do many of our employees and patients, so I am very surprised at this request. Is this proposed closure temporary or permanent?

I would like to be informed of any meeting regarding this matter so I can attend and have my concerns heard.

Sincerely,

[REDACTED]
Victory Reproductive Care
8100 Twin Oaks Drive
Windsor, Ontario
N8N 5C2
Canada

Summary of Comments from Twin Oaks Business Park Businesses

Comment	Desired Mitigation	Jamieson Laboratories Ltd.	Trillium Machine	Victory Reproductive Care	Administrative Response
Construction Traffic					
<ul style="list-style-type: none"> •Dirt and debris is being deposited on Anchor Drive and Twin Oaks Drive, and is subsequently ending up in Victory Reproductive Care's parking area 	<ul style="list-style-type: none"> •Increased frequency in street cleaning 			x	<ul style="list-style-type: none"> •The City's Engineering Department is actively monitoring this situation, and has taken necessary steps to mitigate when warranted
<ul style="list-style-type: none"> •Vehicle blocking Victory Reproductive Care's driveway on Twin Oaks Drive 				x	<ul style="list-style-type: none"> •This falls under Parking By-law No. 9023, which is enforced by the City's Parking Enforcement •Parking Enforcement should be contacted immediately if this issue occurs again
<ul style="list-style-type: none"> •Vehicles travelling at excessive speeds westbound on Twin Oaks Drive (Patients and staff are consequently fearful of using Victory Reproductive Care's Twin Oaks Drive driveway) 	<ul style="list-style-type: none"> •Posting of a stop sign for westbound traffic on Twin Oaks Drive at the intersection with Anchor Drive •Posting of speed limit signs for westbound traffic on Twin Oaks Drive •Posting of traffic calming signage for westbound traffic on Twin Oaks Drive 			x	<ul style="list-style-type: none"> •Speeding falls under the <i>Highway Traffic Act</i>, which is enforced by Windsor Police •The City's Traffic Operations Division (Traffic Operations) has confirmed that the installation of stop signs at this intersection will only add to the traffic congestion being experienced within the Twin Oaks Business Park (Business Park) and on Lauzon Parkway •Traffic Operations is periodically monitoring this situation, and will take necessary steps to help mitigate it with additional signage and/or other measures if warranted
Jamieson Laboratories Ltd.					
<ul style="list-style-type: none"> •Guarantee that the north vehicular access to Anchor Drive/E. C. Row Avenue East from their facility at 9650 Twin Oaks Drive will be retained 		x			<ul style="list-style-type: none"> •The City has no plans to remove this access •Anchor Drive/E. C. Row Avenue East is to be terminated at the NextStar Energy EV Battery Plant (EV Plant) via a cul-de-sac •The cul-de-sac will be located to the east of this access (refer to the Draft Reference Plan attached hereto as Appendix “I”)
<ul style="list-style-type: none"> •Property is being used as a cut through for vehicles using Banwell Road to enter/exit the Business Park 		x			<ul style="list-style-type: none"> •The recommended closure will resolve this matter

Planning Policy				
<ul style="list-style-type: none"> •Closure does not conform with local and regional development plans, in that it will not encourage economic development in the area 				<p>x</p> <ul style="list-style-type: none"> •The City of Windsor is not subject to any Provincial Plans •The City of Windsor is a single-tier municipality, and as such is not under the jurisdiction of the County of Essex •The closure conforms to all but one of the relevant policies of the <i>Official Plan</i> listed below: <ul style="list-style-type: none"> -6.4.3 Industrial Policies <ul style="list-style-type: none"> -6.4.3.3 Industrial development shall be located where: <ul style="list-style-type: none"> (b) there is access to an arterial road; <ul style="list-style-type: none"> -The Business Park has access to Lauzon Parkway, a Class I Arterial Road (e) peak period public transportation service can be provided; and <ul style="list-style-type: none"> -The closure will require Transit Windsor to eliminate service to the Business Park -Refer to Section 1.b under the <i>Discussion</i> heading of the report for additional information on the removal of public transportation service from the Business Park and possible solutions for reinstating it in the future (f) there is access to designated truck routes <ul style="list-style-type: none"> -The Business Park has access to Lauzon Parkway, a designated Truck Route 6.4.3.4 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed industrial development is: <ul 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: <ul style="list-style-type: none"> (iii) where traffic generation and distribution is a provincial or municipal concern; and <ul style="list-style-type: none"> -The Transportation Impact Study (TIS) completed for the EV Plant assessed the impact of the closure of E. C. Row Avenue East and anticipated trip generation from the EV Plant on the Business Park's transportation network and the intersection of Lauzon Parkway and South Service Road East/Twin Oaks Drive (the intersection) -The TIS did NOT identify any necessary improvements to the Business Park's transportation network or the intersection

Public Consultation				
<ul style="list-style-type: none"> •No consultation with businesses within the Business Park prior to the submission of this street closure application 		x		<ul style="list-style-type: none"> •Notice of Application was issued twofold to property owners within the Business Park by regular mail on July 26, 2022 and August 16, 2022 •The City and NextStar co-hosted a formal information session on February 9, 2023 at the WFCU Centre for businesses within the Business Park -Refer to the Business Park section under the <i>Consultation</i> heading of the report for additional information on this information session -Notice for this information session was mailed and emailed to all property owners within the Business Park on January 25, 2023 and January 31, 2023 respectively -Information sessions are NOT typically held for street closure applications •The City has been working with Jamieson Laboratories Ltd. and Victory Reproductive Care to address their comments through ongoing conversations, emails and/or Zoom meetings
Public Safety				
<ul style="list-style-type: none"> •Queueing of vehicles on westbound Twin Oaks Drive could pose safety concerns to users of the crossing for the multi-use recreational trail within Little River Dragonfly Park, a linear park encompassing Little River within the Business Park 			x	<ul style="list-style-type: none"> •There is a Pedestrian and Bicycle Crossing Ahead sign for eastbound and westbound traffic on Twin Oaks Drive
Single Access to Business Park				
<ul style="list-style-type: none"> •Blocking of the intersection from an accident or incident will disrupt production at the Jamieson Laboratories Ltd. facility at 4025 Rhodes Drive, which relies on the just in time delivery of materials from its two facilities within the Business Park 		x		<ul style="list-style-type: none"> •2012, 2013 and 2017 Road Safety Reports for the City of Windsor ranked the top 25 signalized intersections based on collisions per million vehicles entering (collision rate) from 2008 to 2012, 2009 to 2013 and 2013 to 2017 respectively -This intersection ranked 12th, 9th and 13th respectively in the said reports, with respective collision rates of 0.97, 1.08 and 1.14 •2012, 2013 and 2017 Road Safety Reports for the City of Windsor identified 42, 47 and 48 collisions respectively at the intersection, during the respective reporting periods of 2008 to 2012, 2009 to 2013 and 2013 to 2017

This equates to approximately 9.3 collisions per year and 0.8 collisions per month
-Statistics on the number of collisions that blocked the entire intersection or part thereof are not available

(Emergency Services through their correspondence could not recall any time when the intersection was blocked by an accident or incident)

- The 2019 Road Safety Report for the City of Windsor did not include collision figures for this intersection, as it did not rank in the top 30 signalized intersections based on collision rates from the reporting period of 2015 to 2019 used for this report

-The following factors may have contributed to the intersection not ranking within this report:

- Increase in collision rate at several other intersections throughout the City
- Installation of Traffic Lights Ahead warning sign for southbound traffic on Lauzon Parkway and the E. C. Row Expressway Eastbound Off Ramp

- Improvements to this stretch of Lauzon Parkway proposed under the approved *Lauzon Parkway Improvements Class Environmental Assessment Study*, completed on January 20, 2014, should assist in reducing the number of collisions

- Timing for these improvements is dependent on funding

- The Transportation Planning Division (Transportation Planning) does **NOT** anticipate that the collision rate will be significantly impacted by the increased traffic volume resulting from the closure of E. C. Row Avenue East and the EV Plant

- Notwithstanding, Transportation Planning reviewed and commented on the following ideas put forth by the Planning Department to help reduce the collision rate:

- Installation of No Right Turn on Red Light Signage for westbound traffic on Twin Oaks Drive

				<p>Transportation Planning stated that "a no right on red would require a bylaw change only and minimal signage, cost would be in the range of \$1,000. If there is already a significant back up on Twin Oaks, WB, this will only increase the back up. Looking at the 2020 turning movement count data, the right turn movement is the heaviest movement in both the lunch time and evening hours. This will then cause the right turning cars to block Twin Oaks and not allow people turning left or going thru, to get out. It may actually increase delays. Additionally, this would be a bylaw/movement restriction that is unusual in the Windsor area and drivers may not be used to it. Therefore requiring enforcement to ensure conformance."</p> <p>-Installation of Traffic Lights Ahead signage for northbound traffic on Lauzon Parkway</p> <p>Transportation Planning confirmed that a Traffic Lights Ahead warning sign for northbound traffic on Lauzon Parkway will be installed in the near future</p>	
•Blocking of the intersection from an accident or incident will prevent vehicles from entering and exiting the Business Park	•Secondary access to Business Park	x		x	•Refer to Section 1.a under the <i>Discussion</i> heading of the report for details on establishing a second access to the Business Park
•Extension of Twin Oaks Drive to Banwell Road should be accommodated if the City is permitting NextStar to have their truck entrance/exit for the EV Plant off of Twin Oaks Drive				x	•Refer to Section 1.a under the <i>Discussion</i> heading of the report for details on extending Twin Oaks Drive to Banwell Road
•Flooding of Little River will make Twin Oaks Drive impassable, thus restricting vehicles from entering and exiting the Business Park	•Extension of Twin Oaks Drive to Banwell Road			x	<p>•The Essex Region Conservation Authority (ERCA) through their comments attached hereto as Appendix "C", has confirmed that vehicular access will not be impacted during a 100 year storm event</p> <p>•Refer to Section 1.a under the <i>Discussion</i> heading of the report for details on extending Twin Oaks Drive to Banwell Road</p>
•How will Emergency Services access the Business Park if the intersection at Lauzon Parkway and South Service Road East/Twin Oaks Drive is blocked from an accident or incident?		x		x	<p>•Emergency Services (Essex-Windsor EMS, Windsor Fire & Rescue Services and Windsor Police Service) will access the Business Park through the EV Plant using their private road network, via an Access Agreement</p> <p>-Refer to the <i>Emergency Services</i> section under the <i>Consultations</i> heading of the report for details on the Access Agreement</p>

<ul style="list-style-type: none"> •Increased traffic volumes exiting the Business Park will increase the number of collisions at the already dangerous intersection •This is based on the intersection having a historically high collision rate 	<ul style="list-style-type: none"> •Secondary access to Business Park 			x	<ul style="list-style-type: none"> •Refer to the response to the first comment under the <i>Single Access to Business Park</i> heading herein
<ul style="list-style-type: none"> •Restricting the Business Park to only one exit will bottleneck the area when shifts change for various businesses 				x	<ul style="list-style-type: none"> •Refer to the response to the second comment under the <i>Traffic Congestion</i> heading herein
Site Plan Control					
<ul style="list-style-type: none"> •Would like access to the Site Plan for the EV Plant 		x			<ul style="list-style-type: none"> •NextStar shared their Site Plan at the information session
Storm Water Management					
<ul style="list-style-type: none"> •What are the long-term impacts to local drainage in the Business Park resulting from the EV Plant? 				x	<ul style="list-style-type: none"> •The EV Plant will NOT have any negative impacts on the existing drainage system within the Business Park •The Site Plan Agreement for SPC-2022-11 includes Special Provisions and General Provisions requiring NextStar to submit drawings to the satisfaction of the City Engineer and Chief Building Official for the design of an internal storm water detention scheme to service the EV Plant, and site servicing drawings, report and/or calculations to the satisfaction of the City Engineer, together with a permit from ERCA
Traffic Congestion					
<ul style="list-style-type: none"> •Construction at the intersection is contributing to traffic congestion for vehicles entering and exiting the Business Park 				x	<ul style="list-style-type: none"> •Construction has since concluded as of the writing of this report

<ul style="list-style-type: none"> •Queueing of vehicles on westbound Twin Oaks Drive at Lauzon Parkway during major shift changes (consequently resulting in queuing of vehicles on Anchor Drive and Munich Court, as well as Victory Reproductive Care's Anchor Drive exit) •Queueing of vehicles in southbound Lauzon Parkway left turn lane at South Service Road East/Twin Oaks Drive (takes multiple light sequences to make the turn) 		x	x	x	<ul style="list-style-type: none"> •The TIS concluded that the traffic signals for the intersection are running over maximum capacity during peak periods -Traffic Operations confirmed that improvements to the traffic signals, such as the installation of traffic detection cameras, are futile when all of the signals are operating over maximum capacity during peak periods -Traffic Operations also noted that any improvements would require the replacement of the traffic signal system, which is 11 years beyond its end of life -The replacement of the traffic signals would cost approximately \$350,000.00 •Refer to the administrative response to Section 6.4.3.4(a)(iii) under the <i>Planning Policy</i> heading herein for findings from the TIS completed for the EV Plant
<ul style="list-style-type: none"> •Southbound Lauzon Parkway left turn lane into the Business Park is difficult to access for vehicles coming off of the E. C. Row Eastbound Off Ramp, as it involves crossing three lanes of traffic over a short distance together with navigating heavy traffic volumes and unsafe driving practices such as speeding 		x			<ul style="list-style-type: none"> •Traffic Operations has confirmed that this is attributed in part to the current road configuration -Improvements to this stretch of Lauzon Parkway proposed under the approved <i>Lauzon Parkway Improvements Class Environmental Assessment Study</i> do NOT address this issue -The proposed design under the approved <i>Lauzon Parkway Improvements Class Environmental Assessment Study</i> would need to be significantly modified to address this issue •Unsafe driving practices fall under the <i>Highway Traffic Act</i> , which is enforced by Windsor Police
<ul style="list-style-type: none"> •Vehicle queueing on Munich Court is attributing to vehicular operators becoming impatient and attempting to make unsafe left turns onto Twin Oaks Drive resulting in near collisions 		x			<ul style="list-style-type: none"> •Unsafe left turns fall under the <i>Highway Traffic Act</i> , which is enforced by Windsor Police •Traffic Operations has confirmed that the installation of stop signs at this intersection will only add to the traffic congestion being experienced within the Business Park and on Lauzon Parkway
Travel Distance					
<ul style="list-style-type: none"> •Jamieson Laboratories Ltd. employees will be required to drive an extra 3.3 km each way per day (equates to 1,650.0 km per year per employee, increased fuel costs, and greater impact on the environment) 		x			<ul style="list-style-type: none"> • Refer to Section 1.b under the <i>Discussion</i> heading of the report

<ul style="list-style-type: none"> •Jamieson Laboratories Ltd. relocated the truck entrance to their facility at 9650 Twin Oaks Drive from Twin Oaks Drive to Anchor Drive at the City's request to accommodate the construction of a spur rail line to the now former CS Wind manufacturing facility (Closure will significantly detour trucks arriving or heading south or east) 		x			<ul style="list-style-type: none"> •Jamieson Laboratories Ltd. did relocate their truck entrance from Twin Oaks Drive to Anchor Drive around 2014 to accommodate the construction of a spur rail line to the now former CS Wind manufacturing facility -CS Wind ceased operations around 2018-2019 and the spur rail line has since been removed •The City's Engineering Department is working on design concepts for extending Twin Oaks Drive east of Valtec Court to the EV Plant site -The design concepts will include options for re-establishing a truck entrance off of Twin Oaks Drive -The City's Engineering Department will consult with Jamieson Laboratories Ltd. once the design concepts have been completed
Transit Windsor (Removal of Lauzon 10 Bus Route)					
<ul style="list-style-type: none"> •Patients rely on Lauzon 10 to attend appointments at Victory Reproductive Care 	<ul style="list-style-type: none"> •Restore service to the Business Park 			x	<ul style="list-style-type: none"> • Refer to Section 1.b under the <i>Discussion</i> heading of the report



Subject: Downtown Windsor Enhancement Strategy and Community Improvement Plan Grant Applications made by 2734844 Ontario Ltd. (Michael de Rita) for 261-267 Pelissier Street, Ward 3

Reference:

Date to Council: March 6, 2023

Author: Edwin Chiu

Assistant Planner

519-255-6543 ext. 6447

echiu@citywindsor.ca

Laura Strahl

Planner III - Special Projects

519-255-6543 ext. 6396

lstrahl@citywindsor.ca

Planning & Building Services

Report Date: February 1, 2023

Clerk's File #: Z/12916

To: Mayor and Members of City Council

Recommendation:

- 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;
 - 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. 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.

Executive Summary:

N/A

Background:

The Downtown Windsor Enhancement Strategy and Community Improvement Plan (Downtown CIP) was adopted by City Council on September 29, 2017 and an adopting by-law was passed by City Council on October 16, 2017.

The Downtown CIP provides financial incentives to encourage new residential development, retail investment, facade improvements, and building/property improvements

2734844 Ontario Ltd. (Michael de Rita) has applied for the Building/Property Improvement Tax Increment Grant Program and the Upper Storey Residential Conversion Grant Program under the Downtown CIP for the properties located at 261-267 Pelissier St (as shown on Appendix A). The applicant proposes the conversion of eight out of ten existing office building floor levels into residential apartments with the remaining two floors retained for commercial usage. A total of 31 new residential units are proposed. The property is known as the Security Building and listed on the Municipal Heritage Register (but not designated). The art deco skyscraper was constructed in 1927, and was designed by Architects Pennington & Boyde. The building currently has a food market on the ground floor which will positively impact the generated revenue of the surrounding commercial district.

Applicant Information:

Owner: 2734844 Ontario Ltd

Principle Owner: Michael de Rita

Agent: Joe Passa

Discussion:

Building/Property Improvement Tax Increment Grant Program:

This program is intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides an annual grant equal to 100% of the increase in municipal property taxes for five years, after the project is completed and reassessed to help offset the costs of rehabilitating and redeveloping properties, as long as such development results in an increase in assessment and therefore an increase in property taxes.

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

Upper Storey Residential Conversion Grant Program:

The upper storey conversion grant program is aimed at attracting new investment and interest in converting currently non-residential vacant or underutilized upper storey space to residential units by providing a financial incentive that will be targeted at the costs of converting the space to new residential units. It is intended to stimulate the creation of new residential units on the upper storeys of existing mixed use buildings.

Property owners will be eligible to receive a grant of \$5,000 for every new residential unit created on the upper storey of an existing mixed use building, up to a maximum of \$50,000 per property.

The owner's proposal is for thirty-one (31) new residential units on the upper storey of the existing building, therefore the project qualifies for a grant of \$50 000 towards eligible costs.

Risk Analysis:

There is low risk associated with the approval of the subject Downtown CIP grant applications. An agreement between the City and applicant will be prepared to ensure the program requirements and provisions of the Downtown Windsor Enhancement Strategy and Community Improvement are met. The Upper Storey Residential Conversion Grant Program will only be paid after the work is complete to the satisfaction of the City Planner.

Climate Change Mitigation:

The subject development mitigates GHG emissions by reusing an already existing office building located on the property, which reduces material usage and construction time.

Climate Change Adaptation:

N/A

Financial Matters:

As mentioned in the discussion section of the report the proposed redevelopment is eligible for:

- \$5,000 per new residential unit, therefore the project qualifies for the maximum grant amount of \$50,000 for the thirty-one (31) new residential units.

CIP Reserve Fund 226 holds the funds for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount is transferred to the capital project account (City Centre Community Development Planning Fund (Project #7011022) to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance in the CIP reserve fund is \$957,519.19 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP reserve fund to the City Centre Community Development Planning Fund (Project #7011022) to disperse the maximum amount of \$50,000 for the Upper Storey Residential Conversion Grant Program identified in this report when all work is completed.

Building/Property Improvement Tax Increment Grant Program

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project; a designated heritage property, projects where at least 20% of the residential units are considered affordable or the project is certified LEED bronze. The property is not a designated heritage property nor certified LEED bronze thus the project qualifies for a total of five (5) years for the tax grant towards eligible costs.

It is estimated that the conversion of eight of the ten existing office floors to residential units will increase the assessment by \$1,258,000. However, the commercial assessment would drop to \$264,500 for a new estimated total value of \$2,293,000. The increase in municipal tax is estimated to be \$8,108 per year.

The applicant indicates the estimate costs for the projects \$5,050,000. The Planning Act stipulates that the grants under a CIP cannot be more than the eligible costs.

The total grant amount of \$90,540 (including the \$50,000 under the Upper Storey Residential Conversion Grant Program) is 1.80% of the estimate eligible costs

Estimate Property/Building Improvement Tax Increment Grant Calculation			
261-267 Pelissier St			
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant	Total Estimate Grant over five (5) years
\$ 35,452	\$ 43,560	\$ 8,108	\$ 40,540

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

Consultations:

The Downtown CIP was subject to stakeholder and public consultation as part of the approval process, including public meets, a statutory public meeting and circulation among internal City staff and the Province.

Planning staff have consulted with the applicant prior to accepting the application. Staff from the Planning and Building Division were consulted in the preparation of this report.

Conclusion:

Staff recommends that the application for the Upper Storey Residential Grant Program and Building/Property Improvement Tax Increment Grant for five (5) years be approved.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Manager of Urban Design/Deputy City Planner
Thom Hunt	City Planner/Executive Director, Planning and Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer of Taxation, Treasury and Financial Planning
Joe Mancina	Commissioner, Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner of Economic Development and Innovation
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Michael de Rita	1262 Oak Crossing Road, London, ON	Mike@mvmanagement.ca
2734844 Ontario Ltd.	1262 Oak Crossing Road, London, ON	Mike@mvmanagement.ca
Joe Passa		joseph@passa.ca

Appendices:

- 1 Appendix A - Location Map
- 2 Appendix B - Current Building Facade (2591 - A9)

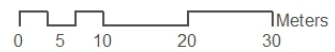
APPENDIX A

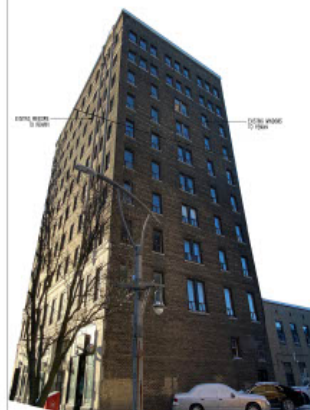


LOCATION MAP : 261-267 PELISSIER STREET



SUBJECT PROPERTY





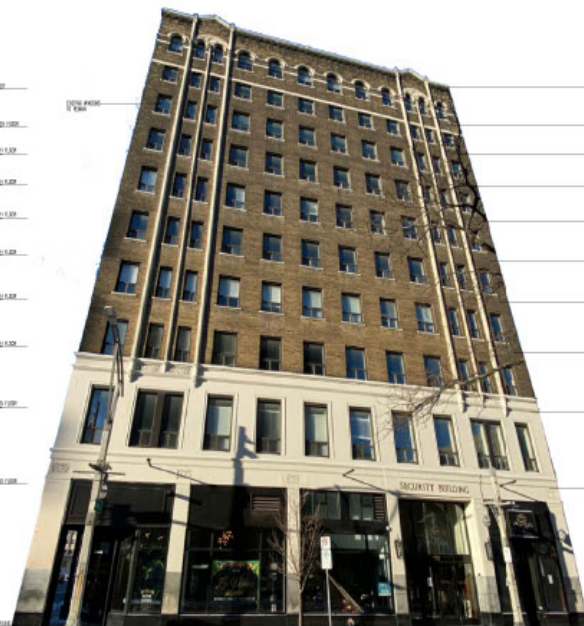
NORTH EXTERIOR ELEVATION
SHEET A13



WEST EXTERIOR ELEVATION
SHEET A13



SOUTH EXTERIOR ELEVATION
SHEET A13



EAST EXTERIOR ELEVATION
SHEET A13

DATE	DESCRIPTION	BY	CHECKED

Prepared by: PLANNING ASSOCIATION OF ANN ARBOR, MICHIGAN Project Name: SECURITY BUILDING Project Address: 100 N. ZEEB ROAD, ANN ARBOR, MI 48106 Project No.: 2021-001	Prepared by: PLANNING ASSOCIATION OF ANN ARBOR, MICHIGAN Project Name: SECURITY BUILDING Project Address: 100 N. ZEEB ROAD, ANN ARBOR, MI 48106 Project No.: 2021-001	Prepared by: PLANNING ASSOCIATION OF ANN ARBOR, MICHIGAN Project Name: SECURITY BUILDING Project Address: 100 N. ZEEB ROAD, ANN ARBOR, MI 48106 Project No.: 2021-001	Prepared by: PLANNING ASSOCIATION OF ANN ARBOR, MICHIGAN Project Name: SECURITY BUILDING Project Address: 100 N. ZEEB ROAD, ANN ARBOR, MI 48106 Project No.: 2021-001
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Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1026738 Ontario Limited, 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)

Reference:

Date to Council: March 6, 2023
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: February 11, 2023
Clerk's File #: Z/14535

To: Mayor and Members of City Council

Recommendation:

- 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.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP approximately 50 hectares (123 acres) or 22% of the inventory has been or is planned to be redeveloped. In total Council has approved over 50 applications under the CIP, which represents the potential addition of 2,104 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 within the block east of Walker Road, south of Edna Street, west of St. Luke Road, and north of Richmond Street (see Appendix 'A': Location Map). The site consists of five industrial properties that are primarily vacant and total approximately 4.4 hectares (10.8 acres) in size. The properties are owned by different corporate entities: 1026738 Ontario Limited, Walkerville Commercial Centre Inc., and Walkerville Walker Developments Inc. The principal owner of all of the corporate entities is Ashok Sood.

The subject properties are designated 'Business Park' on Official Plan Schedule D: Land Use. The Walker Road frontage is zoned MD1.4 (Manufacturing District), and the St. Luke frontage is zoned H-MD1.4 (Holding—Manufacturing District). The zoning permits a range of light industrial, office, and service commercial uses. The holding zone cannot be removed until the appropriate environmental remediation/mitigation measures have been completed and the owner has submitted an application to remove the holding symbol.

While the subject site is currently vacant, previous uses on the various properties include manufacturing operations, vehicle manufacturing, military barracks, railway tracks, and more recently transport truck storage. Surrounding uses have included residential houses, commercial offices, a storage facility, a construction yard, and a bulk retail fuel outlet.

A Brownfield CIP application to participate in the Environmental Site Assessment (ESA) Grant program was approved by Council at its July 5, 2021 meeting (CR308/2021).

Discussion:

Development Proposal

The applicant proposes to construct a multi-phase, mixed-use redevelopment project containing 317 residential dwellings units (i.e. comprised of townhomes and multiple dwellings) as well as commercial space. Official Plan and Zoning By-law Amendments

were submitted in October 2022, which are currently being reviewed by Administration. The first phase of the proposal includes 30 townhome dwellings primarily located on the 0 Edna Street properties with subsequent residential and commercial buildings proposed for later phases.

Prior to issuance of a building permit a Record of Site Condition (RSC) confirming the soil and groundwater quality meet residential standards must be filed with the Ministry of the Environment, Conservation and Parks (MOECP). The Phase 2 Environmental Site Assessment work completed by the applicant identified approximately 600 m³ of impacted soil that must be excavated and removed. There is also approximately 1,850 m³ of impacted stock piled soil on site that must be removed prior to filing a RSC. The total eligible cost of the work required to file a RSC is estimated to be \$3,655,685. The application also identifies \$12,645,600 in site servicing costs will need to be incurred to support the full development which may be eligible under the Rehabilitation Grant Program.

Brownfield Rehabilitation Grant Program

The Brownfield Rehabilitation Grant Program encourages the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. development application and building permit fees, and upgrading on-site /off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification.

Annual grants are paid out following the filing of a RSC, reassessment of the property and the payment of the property taxes for the year in which the grant is to be provided. Issuance of the first grant payment typically occurs at least two years after approval to participate in the program but not before development is complete and has been reassessed by MPAC.

CIP Goals

City staff are supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The clean up, redevelopment, and intensification of the site is supported by numerous policies within the 2020 Provincial Policy Statement, the City's Official Plan, Community Energy Plan, and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. In this case there is also a risk of the property remaining in a vacant state, which negatively affects the surrounding properties. The proposed clean-up and redevelopment of this site will assist in mitigating these risks.

Climate Change Risks

Climate Change Mitigation:

The proposed redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular, the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

Climate Change Adaptation:

The proposed redevelopment may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building

permit process. The site would also be required to incorporate storm water management best practices.

Financial Matters:

Phase 1 Development

The current property value assessment of 0 Edna Street, which is the primary parcel planned to accommodate Phase 1 of the development, is \$248,000. The total current tax levy is \$10,677.19 with the municipal portion being \$8,494.79. Using property assessment values for a similar development completed by the applicant, the estimated annual grant related to Phase 1 as shown in the chart below is \$101,665.83 or \$1,016,658.30 over the 10 year approval.

Estimate of Brownfield Rehabilitation Grant for Phase 1 (30 townhomes)			
Annual Pre Development Municipal Taxes	Estimate of Annual Post Development Municipal Taxes	Estimate of Annual Rehabilitation Grant (70% of increase)	Total Estimated Grant Value over ten (10) years
\$8,494.79	\$153,731.70	\$101,665.83	\$1,016,658.30

Because the development is proposed to be constructed in phases the rehabilitation grant period would begin upon completion of Phase 1 and would continue for 10 years before ceasing. Construction to current Building Code standards would yield annual grant payments in the amount of 70% of the post municipal tax increase. The City would retain 30% of the increase, which is estimated to be \$43,571.08 or \$435,711 over the 10 year grant period.

Additional Proposed Development

It is important to note that the current total (base) municipal property taxes as they relate to the five parcels identified for this project are approximately \$23,000. This base amount would be retained by the City (adjusted annually over the 10 year grant period) and would be factored into future grant calculations as appropriate. The grant value noted above would increase as additional assessment value is created through the completion of additional development phases over the 10 year grant period.

It is estimated that the remainder of the planned development could add an additional \$30M in property assessment value and approximately \$580,000 in annual municipal property taxes. As indicated in the chart below, this could bring the total annual grant value to \$497,000 during the latter part of the 10 year grant period.

Estimate of Brownfield Rehabilitation Grant for Full Development		
Annual Pre Development Municipal Taxes	Estimate of Annual Post Development Municipal Taxes	Estimate of Annual Rehabilitation Grant (70% of increase)
\$23,000	\$733,000	\$497,000

Again, due to the fact that annual grant is equal to 70% of the post municipal tax increase the City would retain 30% of the annual increase, which is estimated to \$213,000.

If approved the rehabilitation grant program may offset between 6% and 36% of the estimated eligible rehabilitation and site servicing costs. The total grant value would depend on how quickly the proposed development phases proceed. The Brownfield Redevelopment grants are paid back to the applicant after redevelopment has occurred, property assessment value has been reassessed by MPAC, and total taxes as it relates to the redevelopment have been paid to the City in full. After the grant programs cease the full amount of increased annual municipal taxes would be retained by the City in perpetuity.

The proposed development may also be eligible for incentives under the Ford City CIP, however no application has been submitted as of the date of this report.

Consultations:

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Brownfield Rehabilitation Grant Program. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

Conclusion:

Administration recommend Council approve the requests from 1026738 Ontario Limited, Walkerville Commercial Centre Inc., and Walkerville Walker Developments Inc. to participate in the Brownfield Rehabilitation Grant Program. The proposed clean-up and redevelopment of this brownfield site conforms to the Brownfield Redevelopment CIP; assists the City in the achievement of a number of CIP, Official Plan, Community Energy Plan, and Environmental Master Pan goals; and exemplifies the purpose for which the Brownfield Redevelopment Strategy was created.

Planning Act Matters:

N/A

Approvals:

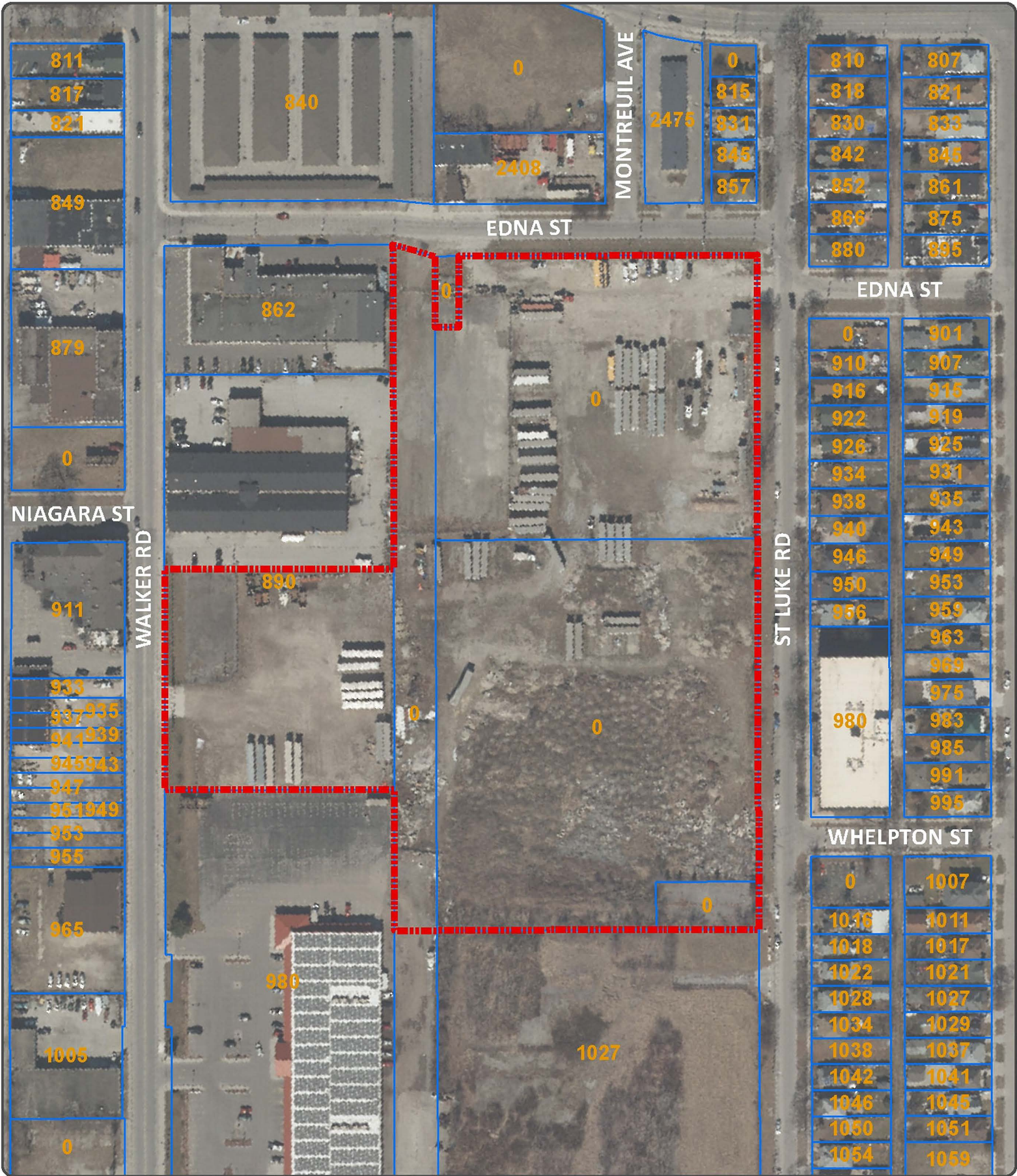
Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

Notifications:

Name	Address	Email
Anuj Sood		

Appendices:

- 1 Location Map



LOCATION MAP: ST. LUKE ROAD AT EDNA STREET



SUBJECT PROPERTIES

