

**Development & Heritage Standing Committee Meeting**

**Date:** Monday, September 11, 2023

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

**Location:** Council Chambers, 1<sup>st</sup> Floor, Windsor City Hall

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

**MEMBERS:**

Ward 1 – Councillor Fred Francis

Ward 4 – Councillor Mark McKenzie

Ward 7 – Councillor Angelo Marignani

Ward 9 – Councillor Kieran McKenzie

Ward 10 – Councillor Jim Morrison (Chairperson)

Anthony Arbour

Joseph Fratangeli

Daniel Grenier

John Miller

Charles Pidgeon

Robert Polewski

Khassan Saka

William Tape

## ORDER OF BUSINESS

### Item #      Item Description

#### 1.            **CALL TO ORDER**

We [ ] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

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

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

#### 4.            **COMMUNICATIONS**

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

##### 5.1.        Minutes of the August 1, 2023 Development & Heritage Standing Committee meeting (*Planning Act* Matters) (**SCM 232/2023**)

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

#### 7.            **PLANNING ACT MATTERS**

##### 7.1.        Official Plan Amendment and Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Z 001-22 [ZNG-6653] Riverside Horizons 3251 Riverside Dr. E & 222 Belleview Ave - Ward 5 (**S 93/2023**)

##### 7.2.        Zoning By-law Amendment Application for 3335 Woodward Boulevard, Z-021/23 [ZNG-7066], Ward 9 (**S 95/2023**)

##### 7.3.        Rezoning – Meo & Associates Inc. – 1646 Alexis Road – Z-043/22 ZNG/6940 - Ward 5 (**S 96/2023**)

##### 7.4.        Revision to Zoning By-law 8600 – University Residential Land Corp. – 0 Huron Church – Ward 2 (**S 101/2023**)

8. **ADOPTION OF THE MINUTES**

- 8.1. Minutes of the Development & Heritage Standing Committee held August 1, 2023  
**(SCM 215/2023)**

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

10. **HERITAGE ACT MATTERS**

- 10.1. Delegation Authority for Heritage Matters (City-wide) **(S 90/2023)**  
10.2. City of Windsor Heritage Recognition 2023 (City-wide) **(S 105/2023)**

11. **ADMINISTRATIVE ITEMS**

- 11.1. Closure of north/south alley between Clairview Avenue and 8445 Riverside Drive East, and east/west alley between Dieppe Street and north/south alley, Ward 6, SAA-6844 **(S 99/2023)**
- 11.2. Closure of east/west alley located between Alexandra Avenue and Academy Drive, and north/south alley located between Northwood Street and east/west alley, Ward 10, SAA-6922 **(S 100/2023)**
- 11.3. Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765 **(SCM 122/2023) & (S 28/2023)**  
**Clerk's Note:** Administration submits an Additional Information Memo **(AI 13/2023)** *attached*
- 11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Windsor Essex Community Housing Corp. for 3321-3493 Bloomfield Road (Ward 2) **(S 110/2023)**
- 11.5. Economic Revitalization Community Improvement Plan (CIP) application submitted by JBM Capital Inc. for 4611 Walker Road (Ward 9) **(S 111/2023)**
- 11.6. University Avenue and Wyandotte Street Community Improvement Plan Grant Applications made by Ali Ahmed for 1342 Wyandotte Street West (Ward 3) **(S 113/2023)**

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**

## Item No. 5.1



**Committee Matters: SCM 232/2023**

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

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

**Date: Tuesday, August 1, 2023  
Time: 4:30 o'clock p.m.**

**Members Present:**

**Councillors**

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

**Members**

Member Anthony Arbour  
Member John Miller  
Member Robert Polewski  
Member Khassan Saka  
Member William Tape

**Members Regrets**

Member Joseph Fratangeli  
Member Daniel Grenier  
Member Charles Pidgeon

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

Councillor Kieran McKenzie  
Sandra Gebauer – Council Assistant  
Tracey Tang – Planner II

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

Jelena Payne – Commissioner, Economic Development & Innovation  
Neil Robertson – Acting City Planner  
Wira Vendrasco – Deputy City Solicitor  
Greg Atkinson – Manager, Development  
Stacey McGuire- Executive Director, Engineering / Deputy City Engineer  
Brian Nagata – Planner II – Development Review

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Adam Szymczak – Planner III - Zoning  
Jim Abbs – Planner III – Subdivisions  
Kristina Tang – Planner III – Heritage  
Justina Nwaesei – Planner III – Subdivisions  
Stefan Fediuk – Landscape Architect  
Rob Perissinotti, Development Engineer  
Brandon Calleja, Deputy Chief Building Official  
Clare Amicarelli – Transportation Planning Coordinator  
Anna Ciacelli – Deputy City Clerk

### Delegations—participating via video conference

Item 7.1 Dan Amicone, Architectura  
Item 7.1 Rio Aiello, Applicant, Dior Homes  
Item 7.2 Tracey Pillon-Abbs, Principal Planner, representing the applicant  
Item 7.2 Jason Thibert, Senior Project Manager & Jerry Kavanaugh, Owner & Senior Directing Partner, ADA Architecture  
Item 7.3 Jacky Ng and Mohammad Hanash, Project & Architectural Designers, Avant Group  
Item 7.3 Bassem Mazloun, area resident  
Item 10.1 Gail Hargreaves, property owner  
Item 10.2 Raymond Colautti, Solicitor for Olivia Homes/Applicant  
Item 11.1 Dave Mitchell, area resident  
Item 11.5 Shane Potvin, owner/applicant

### Delegations—participating in Council Chambers

Item 7.3 Cynthia Williams, area resident  
Item 7.3 Justine Nakigozi, area resident  
Item 7.3 Lee Ann Robertson, area resident  
Item 7.3 Theodore Kahiya, area resident  
Item 7.3 Gajendra Singh, area resident  
Item 7.3 Bruce Sheardown, area resident  
Item 7.3 Michael Chen, area resident  
Item 7.3 Victor Ferranti, area resident  
Item 10.1 Dr. Natali Delia Deckard, Applicant  
Item 11.1 Jo-Ann & Ron Kohuch, area residents  
Item 11.3 Thomas Ji, owner  
Item 11.3 Ding Jian Xie, Jun Wuyan & En Li, owners

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## Development & Heritage Standing Committee

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### 1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee (*Heritage Act Matters*) to order at 4:52 o'clock p.m.

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

Member William Tape discloses an interest and abstains from voting on Item 10.2 being the report of the Heritage Planner dated July 7, 2023 entitled "160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)" as his office is involved in the project.

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

None Requested.

### 4. COMMUNICATIONS

#### 4.1. Update: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards - City Wide

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 531**

That the report of the Landscape Architect /Sr. Urban Designer titled "Update: Amendments to Sign By-law 250-2004 related to Billboards and Electronic Billboards – City Wide" dated July 6, 2023 **BE RECEIVED.**

Carried.

Report Number: CM 7/2023

Clerk's File:SPL2023

### 5. ADOPTION OF THE PLANNING ACT MINUTES

#### 5.1. Minutes of the July 4, 2023 Development & Heritage Standing Committee (*Planning Act Matters*)

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani



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That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held July 4, 2023 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 199/2023

### 7. PLANNING ACT MATTERS

#### 7.1. Zoning By-law Amendment Application for the property at 3841 -3847 Howard Avenue; Applicant: Dior Homes; File No. Z-040/2022, ZNG/6903; Ward 9

Justina Nwaesei, Planner (author) is available for questions.

Rio Aello (applicant) is available for questions.

Councillor Kieran Mackenzie asks if there will be bicycle parking and if so, how many spaces. Mr. Aello answers that there will 6 parking spaces.

Councillor Kieran Mackenzie asks if the intersection at Howard and Cabana has sufficient capacity to withstand the traffic challenges. Mrs. Amicarelli states she does not have details on that at this time.

Councillor K Mackenzie asks Administration to clarify what it means in the report when it says "Current right of way width is not sufficient". Mr. Perissinotti answers that improvements to the intersection have already been completed therefore, any further right-of-way additions would not be required. Mr. Perissinotti adds that in the Official Plan there is a schedule X which outlines requirements for right-of-way roads and those widths are at a high level perspective. Once those details are complete those widths may not be as accurate from the original analysis. Once improvements were completed, those additional Right of Way widths are no longer needed.

Councillor Kieran Mackenzie asks if there is sufficient capacity to address the development that is being proposed and the volume that we are trending towards. Mrs. Amicarelli answers that she does not have the details at this time.

Councillor Mariganani asks where the waste disposal is located for the development. Mr. Aello answers that they will be enclosed inside the parking garage.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

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Decision Number: **DHSC 532**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Howard Avenue and Cabana Road East, described as Pt Lot 6, Concession 4, designated as PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

**“481” SOUTHWEST CORNER OF HOWARD AVENUE AND CABANA ROAD EAST**

For the land comprising Part Lot 6, Concession 4, being PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], the following shall apply to a *Combined Use Building*:

- a) The provisions in section 15.2.5.
- b) Notwithstanding the provision in section 15.2.5.15, for a *Combined Use Building*, *dwelling units* can also be located alongside a *Business Office*, provided that the *Business Office* shall not be located above a *dwelling unit*,
- c) Any building erected shall have, at least, one building wall located on an *exterior lot line* and oriented to the *street*, and
- d) Parking - per *Dwelling Unit* – minimum                      1 parking space per *dwelling unit*

[ZDM 9; ZNG 6903]

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

- a) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;
- b) Parkland dedication (cash-in-lieu) - 5% for residential use and 2% for commercial per By-law 12780;
- c) Adequate clearance from existing ENWIN's pole lines and power lines;
- d) Canada Post multi-unit policy; and
- e) Record of Site Condition.

Carried.

Report Number: S 91/2023  
Clerk's File: Z/14574

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### 7.2. Rezoning – 5050542 Ontario Inc. – 3623, 3631 & 3637 Howard Avenue – Z-003/23 ZNG/6949 - Ward 9

Adam Szymczak, Planner (author) presents the item

Tracey Pillon-Abbs, Agent – Pillon Abbs Inc. - is available for questions.

Jason Thibert and Jerry Kavanagh, ADA Architecture are available for questions.

Councillor Marignani asks if there will be sidewalks for this development.

Mrs. Pillon-Abbs answers that there will be pedestrian connectivity which will be addressed through Site Plan Control.

Councillor Kieran Mackenzie asks if there is a way to maintain the integrity of the design concept if the sidewalk was located closer to the laneway. Mr. Thibert answers that it can be looked into.

Councillor Kieran Mackenzie states that the road along the Howard Avenue corridor is in poor condition; no curbs, no sidewalks, no gutters but it is a great development opportunity.

Councillor Kieran Mackenzie adds a subsequent motion with a plan to complete the Engineering and design work for Howard Avenue, South Cameron and Cabana Road and to subsequently create accelerated financial option to be considered in the 2024 Capital Budget discussions.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 533**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431, situated on the west side of Howard Avenue, south of Maguire Street, known municipally as 3623, 3631 & 3637 Howard Avenue (Roll No.: 080-033-00100, 080-033-00200, 080-033-00300) from Residential District 1.1 (RD1.1 and HRD1.1) to Residential District 2.2 (RD2.2) and by adding a site specific exception as follows:

#### 482. WEST SIDE OF HOWARD AVENUE, SOUTH OF MAGUIRE STREET

For the lands comprising Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431:

1. A *Double Duplex Dwelling, Duplex Dwelling, Semi-detached Dwelling, or Multiple Dwelling* shall be additional permitted *main uses*;
2. The additional permitted *main uses* shall be subject to the provisions of Section 11.2.5.4, except that:

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- a) the *front lot line* shall be the longest *exterior lot line*;
  - b) the minimum *lot area* shall be 135.0 m<sup>2</sup> per *dwelling unit*;
  - c) for any *building* located within 58 m of the westerly *lot line*, the minimum *side yard width* as measured from the northerly *lot line* shall be 1.50 m.
3. For any additional permitted use, the following additional provisions shall apply:
- a) Parking Area Separation from any *building* wall without a *garage* - minimum 0.90 m
  - b) Parking Area Separation from any *building* wall with a *garage* - minimum 0.0 m
  - c) Loading Spaces – minimum 0
  - d) A minimum of four parking spaces shall be marked as visitor parking.

[ZDM 8; ZNG/6949]

2. THAT the westerly 58 metres of the subject parcel **BE SUBJECT** to a Holding Symbol and that the Holding Symbol **BE REMOVED** when:
- a) The Owner has submitted an application to remove the holding symbol, including the fee; and,
  - b) When the following conditions have been satisfied:
    - 1) Adoption of a Guideline Plan for the area generally bounded by Howard Avenue, Cabana Road East, Inglewood Avenue/Whiteside Drive, and Kenilworth Park, by Council Resolution.
3. THAT the Site Plan Approval Officer **BE DIRECTED**:
- a) To incorporate the following into any site plan and site plan control agreement:
    - 1) Recommendations identified in the Traffic Impact Statement prepared RC Spencer Associates Inc. and dated April 2023, subject to any update and the approval of the City Engineer;
    - 2) Mitigation and protection measures identified in the Natural Heritage Evaluation and Tree Preservation Study prepared by Insight Environmental Solutions Inc. and dated December 22, 2022, subject to the approval of the City of Windsor Landscape Architect or the City Planner;
    - 3) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix F to Report S 92/2023, subject to the approval of the City Engineer.
  - b) To review and consider the comments from municipal departments and external agencies in Appendix F to Report S 92/2023 and;
  - c) To consider improving pedestrian connectivity within, and access to, the development.

Carried.

Report Number: S 92/2023

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Clerk's File:Z/14539

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

Decision Number: **DHSC 534**

That Administration **PREPARE** for Council's consideration a plan to complete the engineering and design work for Howard Avenue between South Cameron and Cabana Road; and,

That Administration **CREATE** an accelerated financing option to be considered during the 2024 Capital Budget Process.

Report Number: S 92/2023

Clerk's File:Z/14539

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

Brian Nagata, Planner (author) is available for questions.

Jacky Ng and Mohammad Hanash, Project & Architectural Designer (Avant Group) are available for questions.

Mr. Nagata provided an overview of the Additional Information Memo prepared to satisfy Development & Heritage Standing Committee's (DHSC) June 5, 2023 motion requesting administration to provide information on costs to be incurred by the owners of those properties required to connect to the proposed sanitary sewer extension, as well as payment options; and on the issues related to costs associated with implementing residential permit parking.

Ms. McGuire adds that Local Improvement rates aim to provide a better rate than what would be provided in the existing scenario where the residents would be responsible for 100% of the costs.

Bassem Mazloun, (area resident) 1598 Rankin Avenue - is opposed to the development. Mr. Mazloun has various concerns such as; costs of connecting to the sanitary sewer, compatibility with existing built environment and parking.

Cynthia Williams (area resident) 1498 St. Patrick's Avenue is opposed to the development and has concerns with the proposed development, such as; Residential parking permits and costs for connecting to the sanitary sewer. Ms. Williams presented the following questions to DHSC: Is connecting to the sanitary sewer mandatory? and if so, why is it mandatory?; What financial relief can the City provide or is available to assist property owners? Is there an option for the timeline for connection to the sanitary sewer and decommissioning of septic system to be extended?

Justine Nakigozi (area resident) 1450 St. Patrick's Avenue - has concerns with the development, such as; late delivery of Notice of public meeting and Additional Information Memo did not

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provide enough time to thoroughly review the development and the costs associated with the sanitary sewer connection.

Lee Ann Robertson (area resident) 1501 St. Patrick's Avenue – is opposed to the development and has concerns with the financial burden associated with connecting to sanitary sewer.

Theodore Kahiya (area resident) 1482 St. Patrick's Avenue – has various concerns such as financial burden associated with the cost for waterproofing basement (due to flooding) along with the cost of connecting to the sewer. Mr. Kahiya also has concerns with parking and security.

Gajendra Singh (area resident) 1483 St. Patrick's Avenue – has concerns with costs associated with connecting to the sanitary sewer. Mr. Singh noted that he has not received any of the Notices of public meeting.

Bruce Sheardown (area resident) 1469 Askin Avenue - has concerns with the parking permit proposal, costs for the connection to the sanitary sewer and the possibility of heightening crime in the area.

Michael Chen (area resident) 1429 St. Patrick's Avenue - has concerns with the project not going through a Local Improvement, various costs, including maintenance fees associated with connecting to the sanitary sewer. Mr. Chen also has concerns with a decrease in his property value and the proposal not benefitting the homeowners. Mr. Chen includes that the connection to the sanitary sewer would not properly support the street due to inadequate capacity.

Victor Ferranti (family member of area resident 1465 St. Patrick's Avenue – has concerns with the financial burden to the homeowners and the development's compatibility with the existing built environment.

Councillor Kieran Mackenzie asks for clarification on the interest rate used for this City loan. Mr. Perissinotti confirms that the Infrastructure Ontario Rate plus a minimum of 1.0% is being used. Ms. McGuire adds that longer term loans may be subject to a rate greater than 1.0%.

Councillor Kieran Mackenzie asks how the City covers the costs of the infrastructure. Ms. McGuire states it would be paid through the oversizing account.

Councillor Kieran Mackenzie asks who pays for the upfront infrastructure costs in situations where the benefitting property owner enters into an agreement with the City to pay back their share of the costs over an extended period of time. Ms. McGuire advised that the question should be answered by the Finance Department, who unfortunately does not have a representative at this evening's meeting.

Councillor Kieran Mackenzie asks about the benefits to benefitting properties and the City as a whole from replacing septic systems with a municipal sanitary sewer. Ms. McGuire states that there are negative environmental impacts to septic systems, such as the contamination of waterways. Ms. McGuire noted that it has been a long standing goal of the City and province to get properties off of septic systems. Ms. McGuire further notes that benefitting property owners

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on septic system could face a substantial financial burden in the event that their system fails and has to be replaced. Ms. McGuire also notes that a benefitting property owner could go through the expense of replacing their septic system only to have a sanitary sewer constructed shortly thereafter, requiring them to connect to it and decommission their septic system as well as bear the associated costs.

Councillor Kieran Mackenzie asks if the proposal does proceed, will it be built to the correct standards. Mr. Perissinotti answers that the detailed design has not been completed for the sanitary sewer and that the existing system can handle the potential flows. Mr. Perissinotti further noted that the approved detailed design may require the sanitary sewer to be upsized from 200.0 mm to 250.0 mm.

Councillor Kieran Mackenzie asks if the homes will become more valuable if they are connected to the sanitary system. Mr. Nagata answers that the connection will provide benefitting property owners with opportunities to establish Additional Dwelling Units. Mr. Nagata also noted that there will now be the opportunity to apply for a Consent to sever to create new lots from the larger benefitting properties.

Councillor Morrison asks if the nearby City initiated Mark Street sanitary sewer extension Local Improvement is similar to that being proposed through this application. Ms. McGuire confirms that the Mark Street sanitary sewer extension is similar, however benefitting properties were not offered the rates and payment terms that are being proposed by Engineering through their upcoming August 8, 2023 report to Council.

Councillor Morrison asks if it is a priority to get all of the City's streets off of septic systems. Ms. McGuire answers that the Engineering Department has made a list of streets currently on septic system, and prioritized them for the installation of municipal sanitary sewers. Ms. McGuire notes that timing is based on available funding.

Councillor Morrison asks if the potential residents in the development will get parking permits and if the current residents will be a priority. Mr. Nagata answers that the potential residents of the subject property would not get 18-20 parking permits, as they are issued on a per property basis versus per unit. Mr. Nagata noted that the allocation of parking spaces is also based on the number available and is at the discretion of the Traffic Operations Department.

Councillor Francis moves a denial due the costs having a negative impact on the surrounding neighbours.

Councillor Kieran Mackenzie opposes the motion and states that he would like to address the septic issue in the City of Windsor and that residents should have modern infrastructure.

Councillor Mark Mackenzie supports Councillor Francis' motion because of the financial burden of the residents.

Councillor Marignani states that the City of Windsor should review the policies in place, specifically the Local Improvement Policy.

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Chair Morrison states that the item would move to City Council and states that there will be financial options for the residents.

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

Decision Number: **DHSC 535**

That the Zoning By-law amendment application for 0 & 1466 St. Patrick Avenue—Ward 10 **BE DENIED** for the following reason:

1. Negative impact to surrounding neighbourhood due to financial implication of requiring sewer hook up not initiated by the residents.

Carried.

Councillors Kieran McKenzie and Jim Morrison voting nay.

Report Number: S 56/2023  
Clerk's File: Z/14541

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 7:43 o'clock p.m.

## 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at TIME.

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Ward 10 - Councillor Jim Morrison  
(Chairperson)

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Deputy City Clerk/Supervisor  
of Council Services



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

**Reference:**

Date to Council: September 11, 2023

Author: Jim Abbs,

Senior Planner

255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: July 13, 2023

Clerk's File #: Z/14347 & Z/14644

To: Mayor and Members of City Council

**Recommendation:**

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

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

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

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

**THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 56 & 57, Plan 597; Lots 1 & 2 Plan 1563; and Part of Lot 101, Concession 1, in the City of Windsor, known municipally as 3251 Riverside Drive E & 222 Belleview Avenue, from Commercial District CD1.7 and Residential District RD2.2 to Residential District (RD) 3.3; and,

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

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

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

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

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

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

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

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

Amenity Area – Minimum - 420 m<sup>2</sup>;

Lot Area - Minimum - 3,500 m<sup>2</sup>;

Lot Coverage - Maximum - 66%;

Building Height – Maximum - 45.0m;

Landscaped Open Space - minimum - 20%;

Number of Dwelling units – maximum - 84

(ZDM 6; ZNG/6053)

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

**THAT** the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that

incorporates noise mitigation measures to East Windsor Cogeneration Plant, Ford Motor Company Windsor Engine Plant, and Greco Aluminum Railings”; and,

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

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

**Executive Summary:**

N/A

**Background:**

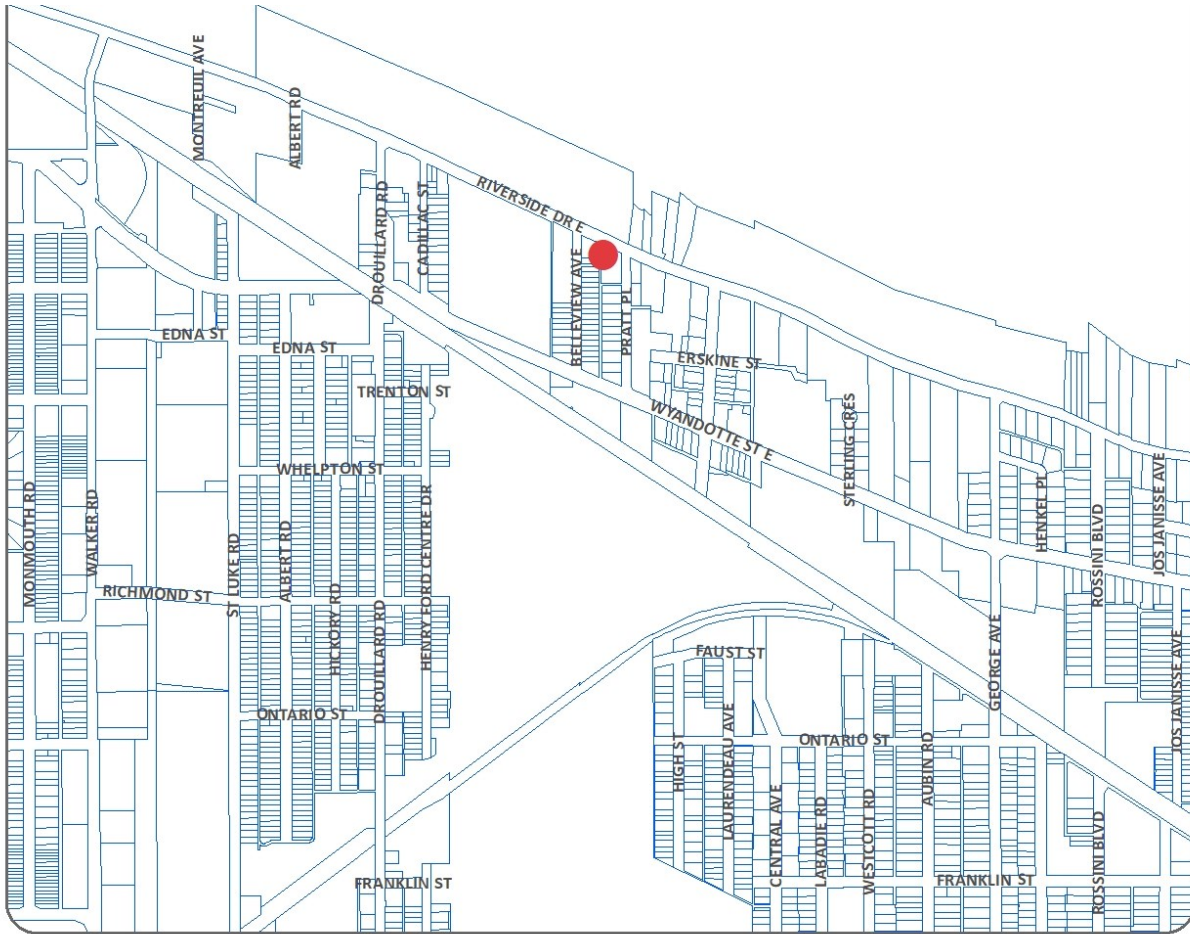
**Application Information:**

Location: 3251 Riverside Drive E & 222 Belleview Avenue Ward: 5

Planning District: 04 – East Windsor ZDM: 6

Owner: Riverside Horizons

Agent: Dillon Consulting (Melanie Muir)



KEY MAP - Z-001/22, ZNG-6653



● SUBJECT LANDS

**Proposal:**

The proposed development includes the construction of one, twelve (12) storey residential building, with 84 units and 135 parking spaces between the proposed parking garage and a surface parking lot on site. The proposed building consists of three (3) storeys of parking (Ground Level and Floors 2 and 3) with nine (9) storeys of residential above. The proposed development requires 1.25 parking spaces per dwelling unit, for a total of 105 spaces being required with 135 being provided.

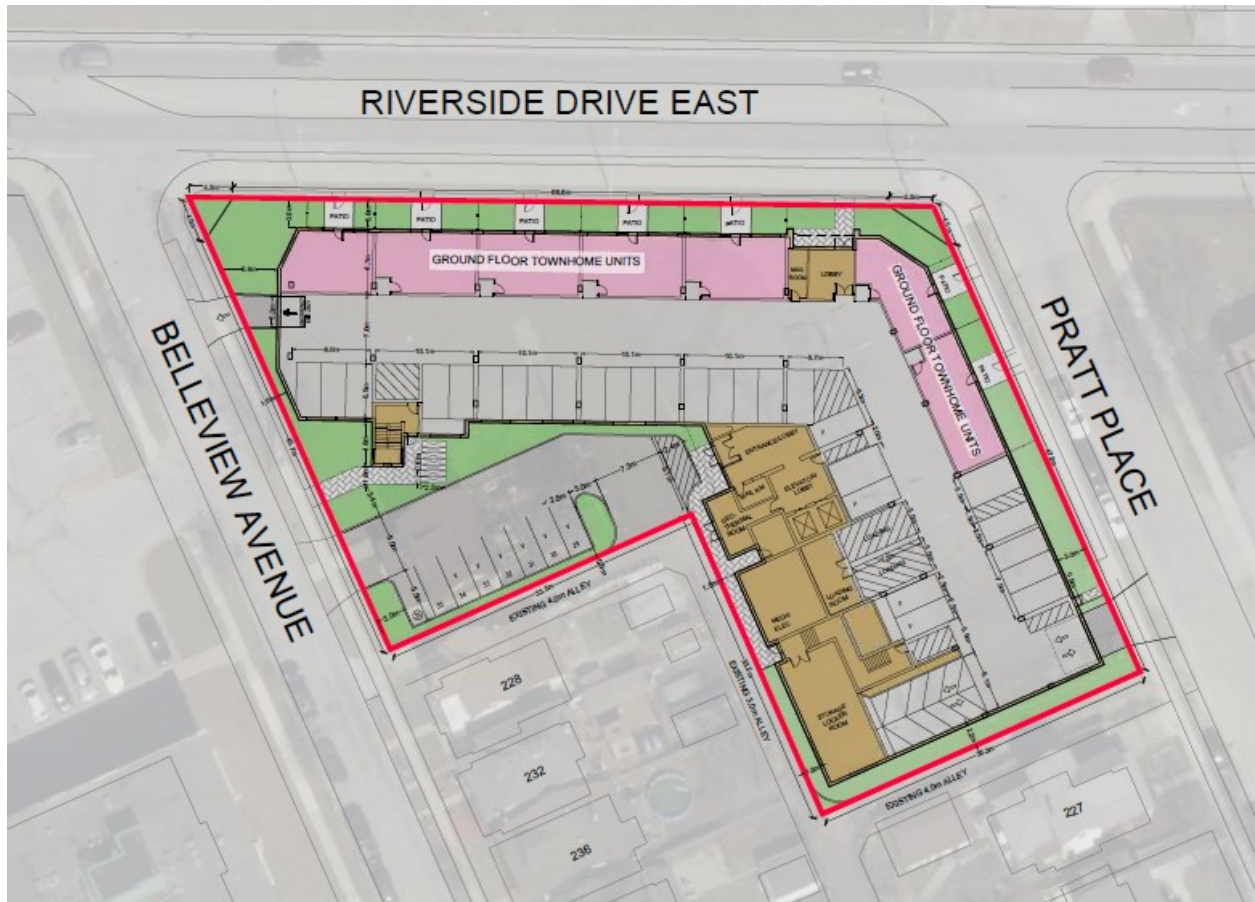


Figure 1: Concept Plan

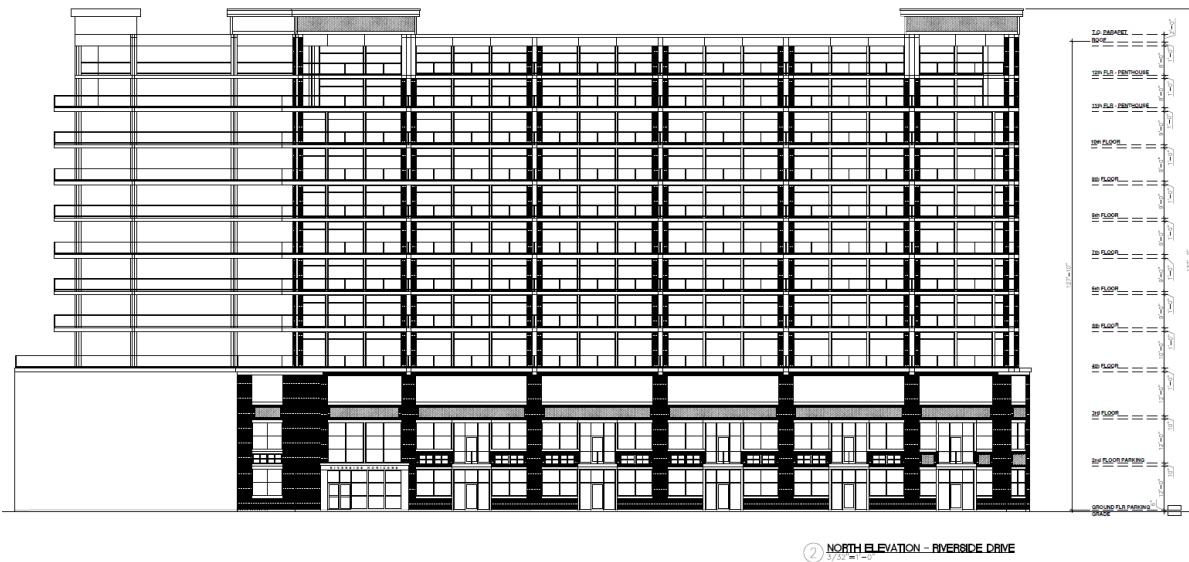


Figure 2: North Elevation (Riverside Drive)

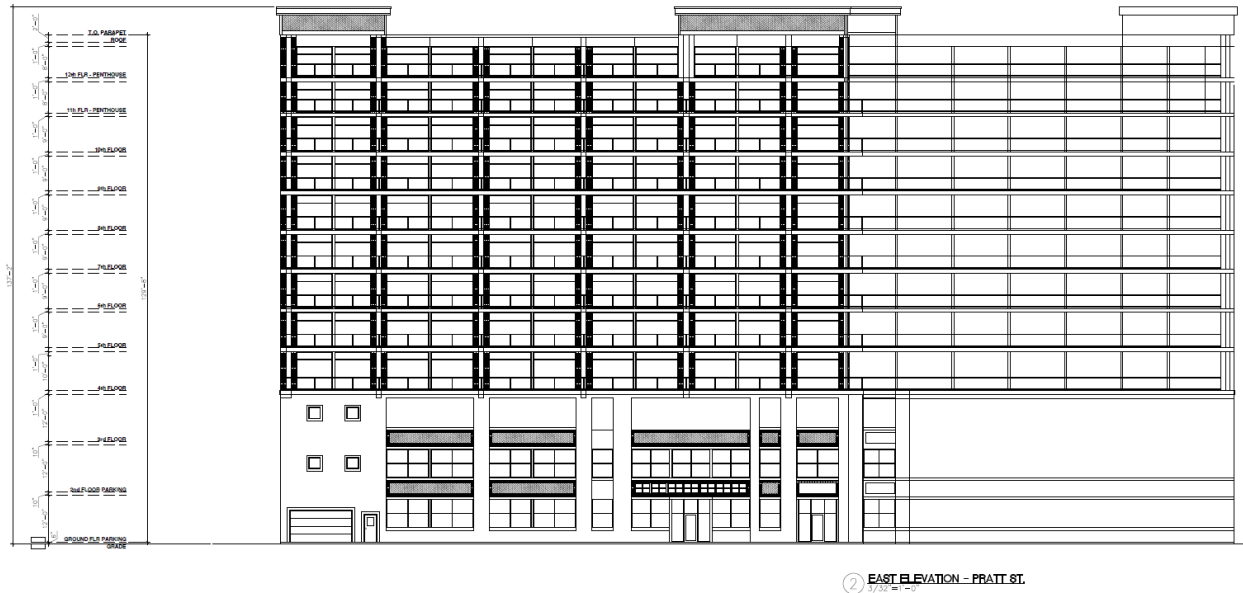


Figure 3: East Elevation (Pratt Place)

**SUBMISSIONS BY APPLICANT:**

- Storm water Management Report (March 2023)
- Riverside Horizons Planning Justification Report (October 2021 – Revised March 2023)
- Urban Design Brief (October 2021 – Revised March 2023)
- Site Renderings
- Building Floor Plans and Elevations
- Noise Assessment 3251 Riverside Drive
- Shadow Study, March 2023
- Archaeological Assessment Report

The Applicant is requesting a site specific zone that would permit the construction of a Multiple Dwelling with the following site specific regulations:

- The minimum lot area to permit a site area of 3,500m<sup>2</sup>;
- The maximum lot coverage from 45% (RD2.2) to 66%;
- The maximum building height from 10.0m (RD2.2) to 45.0m;
- The minimum landscaped open space yard from 35% (RD3.1) to 20%;
- The maximum dwelling units per hectare from 225 to 240, and
- That the site be designated a Class 4 area for the purposes of noise mitigation

**Site Information:**

Official Plan	Zoning	Current Use	Previous Use
Residential	Commercial District CD1.7 and Residential District RD2.2	3251 Riverside Dr. E Vacant/Parking Lot  222 Belleview Ave Residential	3251 Riverside Dr. E Vacant/Parking Lot  222 Belleview Ave Residential
Lot Depth	Lot width	Area	Shape
varies	+/- 75 m (Riverside Drive)	3599 m <sup>2</sup>	Irregular
All measurements are for the entire parcel and are approximate.			

**Neighbourhood Characteristics:**

The proposed development is located on Riverside Drive, Between Belleview Avenue and Pratt Place on an irregularly shaped site with frontage on Riverside Drive East, Belleview Avenue and Pratt Place. The current site is vacant, with a former parking lot on the eastern portion and a recently vacated and demolished single detached dwelling on the south-west side of the site. Several parcels to the east along Riverside Drive and south on Pratt Place are zoned Residential District 3.4 (RD3.4), which permits high rise, multi-unit dwellings similar to the one proposed on the subject site. There does not appear to be any significant natural features on the site.

**Surrounding Land Uses:**

- North** Riverside Drive East;  
Industrial – Ford Motor Company Transportation Shipping (MD1.3)  
Single Detached Residential Dwellings (RD1.1)
- East** vacant (former Single Detached Dwelling) (RD2.2)  
Multiple Dwelling buildings (RD3.4), including:
  - Pratt Place, Residential;
  - Lifetimes on Riverside (Retirement Residence);
  - Hazelview Properties;
  - Strabane Apartments.
- South** Single Detached, Semi-Detached and Duplex Dwellings (RD2.2)  
Rivershore Tower Multiple Dwelling Building (RD3.4)
- West** Belleview Avenue

Multiple Dwelling buildings (ID1.2)  
Single Detached Dwellings (RD2.2)  
Ford Powerhouse and East Windsor Cogeneration Plants (CD4.5)



NEIGHBOURHOOD MAP - Z-001/22, ZNG/6653



SUBJECT LANDS



## Discussion:

### Provincial Policy Statement (PPS) 2020:

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

The zoning bylaw amendment would result in a development on a former Industrial site that was previously vacant and underutilized. This is consistent with the Provincial Policy Statement 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 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 Multiple Dwelling development promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed zoning bylaw amendment in this location contributes to minimizing land consumption and servicing costs by using a site that already has available 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 zoning by-law amendment is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

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

a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and

b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available

through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”

The requested zoning bylaw amendment is consistent with the PPS in that intensification of the use of the site will provide additional “appropriate range and mix of housing types and densities”.

“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;”

Approving the Official Plan and zoning by-law amendments would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is served by Transit Windsor on Wyandotte Street E.

The proposed development is consistent with the PPS in that it promotes compact and transit supportive forms of development. As well, this development will help to support the provision of a range of housing types in this area.

The site is also very near to transit corridors, which provides a range of travel options for the residents. The density of the development may help support the transit options that currently exist in this area.

#### **Official Plan:**

Section 3.3.2.2 of the Urban Structure Plan contained in the City of Windsor Official Plan identifies Riverside Drive as a City Corridor. Residential development on a City Corridor may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts. The proposed development conforms with this policy.

Additionally, the site is subject to the Residential designation of the Official Plan. The Residential designation in the City of Windsor Official Plan permits low and medium profile developments not greater than twenty-six (26) metres in height. The proposed development is 45m (12 storeys) in height which would not conform to Section 6.3.1.2 of the Official Plan.

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

High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

This policy was implemented through OPA 159 and generally directs high profile development to the City Centre, Mixed Use Centres and Mixed Use Corridors.

To prevent any confusion between the two conflicting sections of the Official Plan, the Planning Department recommends that a Site Specific policy area be applied to the site that will confirm that a High Profile Building be permitted at this location

The applicant is requesting that a Site Specific policy area be applied to the site to permit a high profile building (45m) proposed

Other residential buildings of similar height and form currently exist further east of this site. This indicates that the proposed Multiple Dwelling is compatible within its context.

Discussions with applicant regarding original design resulted in a dramatically improved street presence and street scape by reducing the building footprint and increasing the building height. The revised plan includes townhome style units on the ground floor level that can be accessed from the street, giving the first 3 floors of the development a more pedestrian friendly and a more appropriate streetscape adjacent to Riverside Drive and Pratt Place.

The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor's residents. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

The proposed development will help to support a diverse neighbourhood that represents a sustainable community and will provide housing that is in demand. The proposed development will help to encourage a pedestrian orientated cluster of residential, commercial and employment uses. The proposed residential development represents a

complementary and compact form of housing and intensification that is near sources of transportation.

### **Zoning By-law**

The site is zoned Commercial District CD1.7 and Residential District RD2.2. neither of these zone categories permit the proposed use. The applicant is proposing that the RD3.3 zone be applied, but specific regulations be applied to facilitate the proposed development.

To facilitate the proposed development, the following site-specific regulations are proposed by the applicant.

- Minimum Lot Area - 3,500m<sup>2</sup>
- The maximum lot coverage from 35% (RD3.3) to 66%;
- The maximum building height from 30.0m (RD3.3) to 45.0m;
- The minimum landscaped open space yard from 35% (RD3.3) to 20%;
- The maximum dwelling units per hectare from 225 to 240.

The RD 3.3 zone would permit the proposed Multiple Dwelling structure as a use, however a number of specific yard regulations will also be required. This site being unique ("L" shaped with Streets on 3 sides) will require its own set of regulations to facilitate the proposed development.

### **Lot Area**

Administration recommends that the minimum lot area be set at the site's current size.

### **Lot coverage**

The proposed increase in lot coverage supports the goal of providing residential units in developments that exhibit compact urban form. Increased lot coverage allows a development to provide more units, using existing infrastructure, on less land within an urban context.

### **Building height**

The building height requested is partly as result of Administration's request to create a development that would address Riverside Drive and Pratt Place with residential units accessible at ground level rather than presenting the facade of a parking garage to those streets.

To ensure a transition in building height on the development site, any structure built on the site will be required to step up in height so as not to present the total height of 45 m immediately adjacent to the low profile development or to Riverside Drive. The Building Height will be stepped as described in the regulation required by Administration.

## **Landscaped open space yard**

The proposed reduction in landscaped open space supports the goal of providing residential units in developments that exhibit compact urban form. The reduction is mitigated by the location of the development, surrounded on 3 sides by municipal roads and by the large amount of amenity area proposed in this development. Allowing the development to be close to Riverside Drive and Pratt Place ensures the development will address and be connected those streets at a pedestrian level, and will not isolate itself from its surroundings. As well, the large amount of amenity area proposed mitigates the need for landscaped open space to serve the residents of the building.

## **Dwelling units per hectare**

While in some cases the practice is to express the lot area as a per unit per unit ratio (41.67 m<sup>2</sup>/unit) to ensure the maximum number of units does not exceed the applicant's current proposal should the applicant add additional lands to their holdings. Identifying the total number of units permitted on the site will provide better clarity and transparency describing the scope of the proposed development. (84 units)

## **Additional regulations required by Administration**

### **Amenity Area**

As a result of enhanced amenity area used as justification for reduced yards and increased lot coverage, the amenity space supplied in this development should be codified to ensure that the Amenity Area is provided to the extent proposed in the Concept Plan. This is reflected in the minimum Amenity area requirement in administration's recommendation.

### **Set back**

To assist in mitigating the transition in development profile, the applicant's concept plan indicates a 3.0m setback from Riverside Drive and Pratt Place for the base section of the building and an additional setback of the tower section from Riverside and Pratt. Additionally, administration is requesting an additional step back of the tower section adjacent to low profile dwellings south of the development site.

### **Tower section setbacks**

#### **From Riverside Drive:**

To ensure the development is constructed in a similar form as shown on the Concept Plan, and to prevent the building from overpowering Riverside Drive, Administration recommends that the tower section of the development be set back 7.5m (4.5m+3m) from Riverside Drive and Pratt Place.

#### **From Low Profile residential**

Section 3.4.1.4 (c) of the City of Windsor Intensification Guidelines (June 2022) states that where Medium and High Profile development abuts low profile properties, a

minimum 7.5 metre rear yard setback should be required. To assist the development in providing an appropriate transition from adjacent low profile development to the south, Administration recommends that the tower section of the development be set back the same 7.5m as from Riverside Drive and Pratt Place where the development is adjacent to a zone category where low profile development types are permitted. This will specifically impact the southern limit of the development site.

### **Parking Space Setback**

To ensure the parking spaces in the podium portion of the building are located in accordance with the Concept Plan provided, and do not become the predominate feature of the development along the Riverside Drive and Pratt Place frontages, Administration recommends adding site specific requirements that would prohibit parking spaces located on the first and second floors of the podium within 7.5 m of an exterior building wall adjacent to Riverside Drive and prohibit parking spaces located on the first floor of the podium within 7.5 m of an exterior building wall of adjacent to Pratt Place.

### **Class 4 area**

The applicant has requested that the site be designated a Class 4 area for the purposes of noise mitigation.

The Class 4 Area designation is an acoustical environment area where relaxed (higher) daytime and night time sound level limits from that otherwise permitted in an urban area, for both indoor and outdoor areas, may be considered.

NPC-300 identifies a number of considerations to apply to a proposed Class 4 area and associated new noise sensitive land uses, including, but not limited to:

- Submission of a satisfactory noise impact assessment which includes noise measures as required by NPC-300;
- Appropriate notification to prospective purchasers that the dwelling is located in a Class 4 area, which may include, but is not limited to, agreements for noise mitigation registered on title, and appropriate warning clauses in future agreements of purchase and sale;
- Providing a copy of the approved noise impact assessment and Class 4 area designation confirmation to surrounding owners of the stationary sources;

Once a site is designated a Class 4 area, it remains as such, subject to the continuing presence of the stationary sources.

Where a municipality designates a site a Class 4 area, the relaxed noise levels would apply to the Ministry's Environmental Compliance Approval of the stationary source.

In this case, the noise study submitted by the applicant identified existing stationary noise sources at the East Windsor Cogeneration Plant, Ford Motor Company Windsor Engine Plant, and Greco Aluminum Railings.

To utilize the Class 4 area noise levels, a municipality must provide formal confirmation of the Class 4 area designation, in this case through the approval of the recommendation contained in this report.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

The additional increase in the density of development on the site with access to existing bus routes and being close to commercial and community facilities will encourage the use of transit, walking and cycling as modes of transportation, thereby helping to minimize the City's carbon footprint.

**Climate Change Adaptation:**

The site will be subject to site plan control and is part of a storm water detention system designed as part of this development.

**Financial Matters:**

N/A

**Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix "A" to this report.

**Public Notice:**

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

**Conclusion:**

**Planner's Opinion and Conclusions:**

The proposed use of this site as a development containing a Multiple Dwelling structure containing 84 units represents an efficient development that will have no adverse impact on the well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

The proposed Multiple Dwelling represents a housing type and density that meets the requirements of current and future residents, that meets the social, health and well-being of current and future residents, represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

The proposed Multiple Dwelling is located within an area that contains other Multiple Dwelling buildings of similar form and is compatible within its context.

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

**Planning Act Matters:**

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

*Greg Atkinson          Manager of Development/Deputy City Planner*

*Neil Robertson        Acting City Planner*

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

*JP*

**Approvals:**

<b>Name</b>	<b>Title</b>
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Riverside Horizons Inc. (Wing On Li)	4510 Rhodes Dr. Suite 520, Windsor ON N8W 5K5	
Dillon Consulting Limited (Melanie Muir)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	



<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Sleiman		

**Appendices:**

- 1 Z 001-22 Liaison Comments
- 2 Concept Plan
- 3 Urban Design Brief - March 2023

## COMMENTS

### **Jennifer Nantais – Environmental & Sustainability Coordinator**

The Environmental Sustainability and Climate Change Team would like to request an energy strategy.

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

#### Energy Conservation, Air Quality and Climate Change:

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

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

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

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

#### Stormwater Management:

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

Low Impact Design should be considered during Site Plan Review to address quantity and quality of stormwater leaving the site. The addition of Green Infrastructure here would be beneficial. Please see <https://greeninfrastructureontario.org> for examples.

Please note that this area of Windsor has a risk of basement flooding. The applicant should be aware of this risk if developing basements in any buildings.

## Landscaping

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

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

## **Via Rail**

VIA has no concerns in principle, the only issue would be that the proponent may need to address railway generated noise if the site is within 300m of VIA's right-of-way (not CN's).

## **Enbridge – Windsor Mapping**

After reviewing the provided drawing at 3251 Riverside Dr and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the right-of-way surrounding the proposed area. A PDF drawing has been attached for reference.

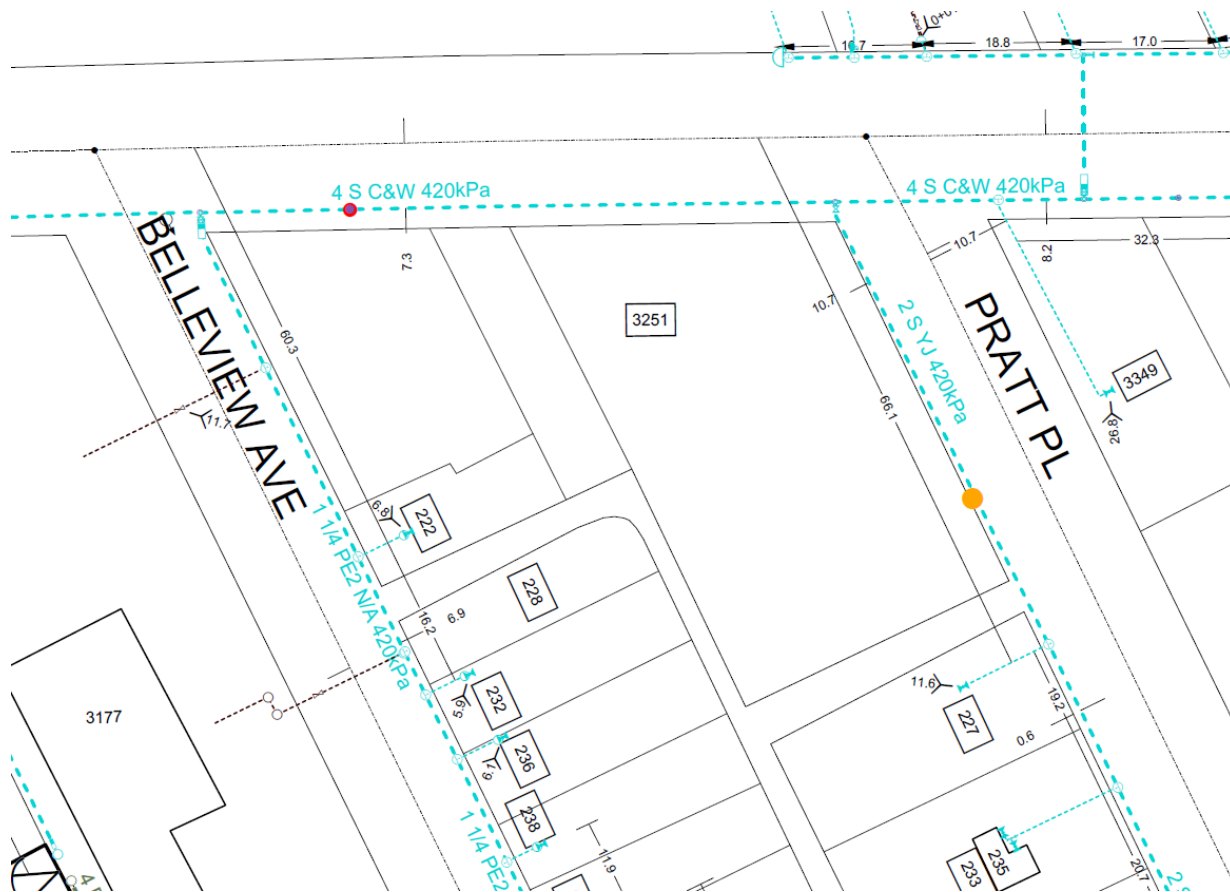
Please Note:

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



**Sherif Barsom – Parks D&D**

We just want to draw attention to the required tree protection during the construction processes for the existing ROW street boulevard trees which located at the Bellevue Ave. and defined in the EIS as follows:

- 1- Tree Norway Maple
- 2- Tree Hackberry

Otherwise, Parks Development has no comments pertaining the LIAISON: Z-001/22 [ZNG/6653] - Riverside Horizons - 3251 Riverside Dr E & 222 Bellevue Ave.

**Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Crosstown 2. The closest existing bus stop to this property is located on Wyandotte at Bellevue Northeast Corner. This bus stop is approximately 270 metres from this property falling within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

## **ERCA**

The following is provided as a result of our review of Zoning By-Law Amendment Z-001-22 ZNG 6653. The applicant is requesting a Zoning By-law Amendment from the RD2.2 and CD1.7 to a site specific zone similar to the Residential District 3.3 (RD3.3) zone to permit the construction of a 10 storey, 77 unit residential development with 129 parking spaces. Site specific relief is required to facilitate the applicant's desired building design, including requiring relief from:

- The minimum lot area to permit a site area of 3,599m<sup>2</sup>;
- The maximum lot coverage from 35% to 65%;
- The maximum building height to 40.0m;
- The minimum landscaped open space from 35% to 15%; and
- Class 4 Area Designation (Noise and Vibration) to be applied to the building

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

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

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

## **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

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

## **SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

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 further recommend that the stormwater management analysis, be completed, to the satisfaction of the Municipality, at Site Plan Control. We do not require further consultation on this file with respect to stormwater management.

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

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

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

#### FINAL RECOMMENDATION

With the review of background information provided and aerial photograph, ERCA advises that a stormwater management plan be completed to the satisfaction of the City of Windsor, at Site Plan Control.

#### **Barbara Rusan – Building Department**

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](mailto:buildingdept@citywindsor.ca)

#### **Enwin**

##### **HYDRO ENGINEERING:**

ENWIN has existing overhead pole lines along the south limits with 16,000 volt primary and 120/240 volt secondary hydro distribution.

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

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

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

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

**WATER ENGINEERING:**

Water Engineering has no objections to the rezoning.

**Kristina Tang – Heritage Planner**

**Built Heritage**

The subject property is located in close vicinity or adjacent to a number of identified heritage resource on the Windsor Municipal Heritage Register:

3001 Riverside Dr E / 3150 Wyandotte St E	Ford Powerhouse Ford City	1922	Arch. Albert Kahn
~3150 Riverside Dr E	Ford Powerhouse Screen House Ford City	1923	Arch. Albert Kahn
3336 Riverside Dr E Farm/Foursquare	Damase Pratt House Ford City	c1902	French
3368 Riverside Dr E City	Charles Pratt House	c1910	French Farm Ford
3404 Riverside Dr E Georgian Revival	Cruickshank House Ford City	c1893	Summer Residence
3404 Riverside Dr E	Cruickshank House Garage Ford City	c1893	Summer Residence
243 Pratt Pl City	House	1921	Arts & Crafts Ford

Heritage sensitive considerations should be given to ensure that the proposed large-scale high rise is designed without negative impacts to the heritage resources and so as not to trigger later requests for a Built Heritage Impact Study/Heritage Impact Assessment (Heritage Impact Assessment Guidelines provided for reference). At this point, the Urban Design comments have requested for a Shadow Impact Study, which would be evaluated to determine the impacts on the nearby heritage resources.

The proponent should demonstrate that there would not be negative impacts of vibrations from construction activity on adjacent heritage resources. Depending on the proposal, a Construction Vibration Assessment may be required later as a condition of SPC.

**Archaeology**

"Stage 1-2 Archaeological Assessment of 3251 Riverside Drive East in part of Lot 101, Concession 1 Petite Cote, Township of Sandwich, Now City of Windsor, Essex County, Ontario", Dated May 30, 2021, Filed with MHSTCI Toronto Office on N/A, MHSTCI Project Information Form Number P1289-0035-2021, MHSTCI File Number 0013878" has been entered into the Ontario Public Register of Archaeological Reports without technical review.

The reports states that "All work met provincial standards and no archaeological sites were identified during the Stage 2 assessment. If construction plans change to incorporate new areas that were not subject to a Stage 2 field survey, these must be assessed prior to the initiation of construction. In keeping with legislative stipulations, all construction and demolition-related impacts (including, for example, machine travel, material storage and stockpiling, earth moving) must be restricted to the areas that were archaeologically assessed and cleared by the Ministry of Heritage, Sport, Tourism, and Culture Industries through acceptance of the assessment report into the provincial register. As no archaeological resources were found on the subject property, no further archaeological assessment of the property is required."

The applicant is to note the following archaeological precautions:

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

**Contacts:**

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events:

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

**Adam Coates – Urban Design**

Many of the design decision, site layout and building design choices have taken into account urban design principals that align with the City of Windsor Official Plan. That being said, there are areas of concern that can still be addressed in order to ensure that



the proposed development is designed to function as an integral and complementary part of the areas existing development pattern.

Consideration should be given to:

- Building Height
  - The proposed building height may have an impact on the heritage properties located to the Northeast of the subject property, across Riverside Drive. A shadow study would illustrate the extent of potential impacts on the adjacent properties.
- Main Entrance to the Building
  - The controlled pedestrian entrance along Pratt Place could be designed to be clearly visible from the public R.O.W. This can include elements that intuitively signify an entrance. (eg. Change in building material, canopy or awning, increased glazing, change in exterior building plane, etc.)
- Appealing Street Facades
  - The Riverside elevation along the ground floor has opportunity to be more visually interesting. The use of parking along the ground floor, facing a scenic drive is not encouraged. Further actions can be pursued through the use of Landscape treatments to help soften the interface between the public R.O.W. and the development along Riverside Dr.
  - Riverside Drive is designated as a Civic Way and as such has an impact on the image of the City of Windsor. The building design can address the intersection of Riverside Drive and Pratt Place in a more sensitive manner, with regards to pedestrian scale and architectural proportions. In the absence of being able to utilize permanent landscape elements in the daylight corner, it is encouraged that these concerns be addressed in the building design.

### **Stefan Fediuk – Landscape Architect**

Pursuant to the application for a zoning amendment (**Z-001/22**) to permit site specific RD3.3 zoning on the subject, including requiring relief from:

- The minimum lot area to permit a site area of 3,599m<sup>2</sup>;
- The maximum lot coverage from 35% to 65%;
- The maximum building height from 30.0m to 40.0m;
- The minimum landscaped open space from 35% to 15%; and
- Class 4 Area Designation (Noise and Vibration) to be applied to the building.

Please note the following comments:

#### Zoning Provisions for Parking Setback:

The Planning Justification Report (PJR) provided by the applicant cites several documents including the City of Windsor Zoning Bylaw 8600 (ZB).

It is recognized that the site is constrained by the intensity of the proposed development and the desire by the developer to provide additional buffer to the area residences immediate south of the site.

Therefore, the **Maximum Lot Coverage Allowed 35.0 % to a Proposed 65%** and the **Minimum Landscaped Open Space Required 35.0% of lot area to a Proposed 15%** seem to be in conflict with that statement.

The PJR suggests that the landscape open space is minor in nature however, it represents a 57% reduction in the total landscape open space. This is not to be considered a minor reduction as will severely limit the useable landscape open space as amenity areas and to combat climate change or address policies and objectives of the Official Plan as outlined in the Climate Change and Urban Design Sections of these comments.

Based on the parking calculations provided on drawing SPC-2, there are 90 parking spaces required. A total of 114 spaces have been provided within the parking structure for the residents of the building plus 17 additional spaces for visitors external for a total of 131 spaces. This represents a surplus of parking of 24 spaces. Section 3.4.9 of the PJR provided by the applicant, indicates that there is a great opportunity encourage use of public transit through this development. With that, the overall landscape deficiency could be significantly reduced by removing the external parking lot in its entirety and moving it into the parking structure. There would still be a surplus of 7 parking spaces and the impact on the immediately adjacent residences to the south would reduced.

#### Climate Change:

The Planning Justification Report (PJR) provided by the applicant cites several documents including the Provincial Policy Statement 2020 (PPS). PPS Policy 1.7.1 requires that development minimize negative impacts from changing climate and further emphasizes that climate change be mitigated through vegetation and Green Infrastructure in development (PPS 1.8.1 f)).

The PJR references energy conservation, air quality and climate change in section 3.4.9 by identifying the impact and interconnectivity to existing public amenities, public transportation opportunities and compact form. However, the report is silent on how the proposed site-specific reduction in landscape area will affect the resiliency of the development to the impacts of climate change.

#### Urban Design:

Both the Urban Design Brief and Planning Justification Report provided by the applicant cite several documents including the City of Windsor Official Plan (OP).

The UDB section 1.1.2 Vision for Area Character references that the OP by stating:

*"City Council is committed to enhancing the enjoyment and image of Windsor, along with its people, through urban design principles. It is stated that a memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. As such, development should use design to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making."*

While this reference includes a figure from a distant datum perspective, it does not address the need for human scale at the street level as found in Section 8.3 of the OP, relating to designing for pedestrian scale (8.3.1.2) and policies outlined in 8.3.2.2, by promoting:

- (a) the placement of continuous horizontal features on the first two storeys adjacent to the road;
- (b) the repetition of landscaping elements, such as trees, shrubs or paving modules;

Section 3.2 of the UDB also references proposed Public/Private Amenity Space Recommendations. These are only recommendations being made and not commitments.

The amenity spaces cited in the UDB is minor in nature for the number of residents which will be occupying the development.

- 1) The main amenity space at the NW corner is less than 3 standard parking spaces in size and will be subject to provision of a 4.5m daylight corner cut-off (referenced in section 3.3 of the UDB) that will further reduce the space and limit the vegetation that has been shown in the example photo on page 15. The primary entrance to the underground parking also restricts this space, and as the only open space, facing Riverside Drive will likely be the home of any Pylon or ground sign for the development. All these features would make this space more of a landscaped open space rather than an inviting amenity area.
- 2) The proposed open-air terraces are predominantly private with exception to the NE & SW corners and are all rendered in plan, elevation and renderings as hard surfaces. Overlaying the third floor with the parking deck floors below, it does not appear possible to provide any form of vegetation, and therefore these areas should be considered as building and not part of the landscape area calculations.

Section 3.3 of the UDB references the Landscaping Recommendations. The requested site-specific zoning amendment including relief for the minimum landscaped open space from 35% to 15%. This section of the UDB recognizes the importance of landscaping for aesthetics, shade, buffers and climate change resilience. The setback along Riverside drive has been proposed as 2.5ft (0.76m) and to include planters. Given that the wall of any planter is between 6-12" (0.15-0.30m), that would leave a very tight space that would only be capable of supporting smaller perennial plants, which would provide very little in the way of height or long-term climate change adaptation.

Additionally, Riverside Drive at this location is identified in the OP as part of the Greenway System Linkage (Section 4.2 and Schedule B) as well as a Civic Way (Section 8.7.2 and Schedule G). Both sections require that the development to protect against climate change and human health through sustainable and responsive environmental design. Exterior building designs along Civic Ways (OP 8.7.2.1) are to respect setbacks, scale and context, through reduction of visual dominance. The proposed parking structure has a singular uniform facade with little visual relief for pedestrians that stretches the entire length of the north frontage.

#### RECOMMENDATION:

It is recommended that an additional site-specific zoning provision be included, in conjunction with the other proposed amendments, specifying a minimum landscape setback from the Riverside Drive to a minimum of 3.0m to allow for the installation of narrower ornamental tree species with year-round interest, while not to exceed a mature height of 30ft (10m). Such species would include: Liquidambar, Columnar Ginkgo, Pyramidal Magnolia, Pyramidal Beech, Ornamental Pear, or Pyramidal Horbeam. This could be accommodated by moving the Garbage Room (8 ft wide) and Loading Space (11.92ft (3.6m)wide) from the southern end of the building internally to the main floor parking structure; allowing for the entire .

### Site Plan Review:

The site will be subject to Site Plan Control and it is further recommended that the applicant provide a conceptual landscape plan to be considered as part of that application review process.

Recommendations 4, 5, and 6 of the UDB indicate an acknowledgement of the need for improvement to the landscape considerations for screening of the parking enclosure, pedestrian scale amenities and planting along Riverside Drive and Pratt Place.

Furthermore, to provide privacy for the abutting residences through a mixed planting of tall growing conifers and deciduous trees to act as visual buffers from the third floor southern amenity area and any residential units, that may overlook into the provide yards of the residences along Pratt Place and Belleview Avenue.

### Parkland Dedication:

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

### **Transportation Planning – Rania Toufeili:**

- Riverside Drive East is classified as a Scenic Drive according to the Official Plan with a required right-of-way width of 24 meters. The Riverside Drive Vista Environmental Assessment does not identify any required land acquisition at this property and therefore no conveyance is required.
- Belleview Avenue is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 meters. The existing right-of-way width is 15.2 meters, however a land conveyance is not being requested at this time.
- Pratt Place is classified as a Local Road according to the Official Plan with a required right-of-way width of 20 meters. The existing right-of-way width is 16.8 meters, however a land conveyance is not being requested at this time.
- A 4.6 meter corner cut-off is required at the corner of Belleview Avenue and Riverside Drive East.
- A 4.6 meter corner cut-off is required at the corner of Pratt Place and Riverside Drive East.
- More details are required on the proposed emergency exit, how it will operate for use during emergencies and if it will be limited to an exit only.
- 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).

### **Environmental Services**

- no objections.

### **Pierfrancesco Ruggeri – Engineering & ROW**

The subject lands are located at 3251 Riverside Drive East and 222 Belleview Avenue. The applicant is proposing to construct a 10-storey, 77 dwelling unit residential development with 129 parking spaces. The lands are currently designated Residential and Commercial by the City of Windsor Official Plan and zoned Residential District 2.2 (RD2.2) and Commercial District 1.7 (CD1.7) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-Law 8600 to rezone the site to Residential District 3.3 with Site-Specific provisions (RD3.3).

**SEWERS** – This site may be serviced by a combination of the 600mm vitrified clay combined sewer on Riverside Drive East, 825mm RCP sanitary sewer on Riverside Drive East, 675mm RCP storm sewer on Riverside Drive East, 200mm vitrified clay combined sewer on Belleview Avenue, 375mm vitrified clay combined sewer on Pratt Place and a 600mm RCP storm sewer on Pratt Place. A sewer 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 Region Stormwater Management Standards Manual. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan are required.

The applicant is currently in discussions with Public Works regarding the relocation of the 900mm concrete pipe storm sewer that runs through the subject lands. A cost sharing agreement between the two parties will be required, subject to Council Approval for the City's share of the costs.

**RIGHT-OF-WAY** – The Official Plan classifies Riverside Drive East as a Scenic Parkway. An Environmental Assessment for the Riverside Drive Vista Improvement Project does not identify any conveyances required along the frontage of this property. Schedule X of the Official Plan classifies both Belleview Avenue and Pratt Place as Local Roads, requiring a right-of-way width of 20.0m. The current right-of-way widths are 15.20m and 16.80m respectively; requiring a land conveyance of 2.40m and 1.60m, however, a conveyance is not being requested at this time.

A 4.6 meter corner cut-off is required at the north-east corner of Riverside Drive East & Pratt Place, and also at the north-west corner of Riverside Drive East and Belleview Avenue.

Pratt Place is deficient of Curb/gutter. As a condition of approval, the applicant will be construct curb and gutter across the entire Pratt Place frontage to the satisfaction of the City Engineer. The proposed vehicle access to the subject lands is from the abutting alley to the south. The applicant will be required to pave and provide drainage to the entire alley abutting the subject lands. If the surrounding sidewalks or boulevard in the right-of-

way are damaged during construction, then they must be restored to the satisfaction of the City Engineer.

Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. More details are required on the proposed emergency exit, how it will operate for use during emergencies and if it will be limited to an exit only. A Street Opening permit will be required for any work in the right-of-way.

In summary we have no objection to the proposed rezoning, subject to the following requirements (requirements will be enforced at the time of Site Plan Control):

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

Alley Paving – The owner shall agree to drain and pave at the owner's entire expense, the alley abutting the subject lands. The minimum acceptable cross-section will be 230 mm Granular "A" and 75 mm surface course asphalt in accordance with Standard City of Windsor Specifications, Selected Granular Base Course (S4) and Hot Mix, Hot Laid Asphaltic Concrete (S-10). The geometrics of the pavement shall comply with City of Windsor Standard Drawing AS-201. All work shall be to the satisfaction of the City Engineer.

Corner Cut-off – The owner agrees prior to the issuance of a construction permit, to gratuitously convey a 4.6m x 4.6m (15'x15') corner cut-off at the north-east intersection of Riverside Drive East and Pratt Place and also at the north-west intersection of Riverside Drive East and Belleview Avenue in accordance with City of Windsor Standard Drawing AS-230.

Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to construct at their own expense and according to City of Windsor Standard Specifications, a concrete curb and gutter along the entire Pratt Street frontage of the subject lands. All work to be to the satisfaction of the Corporation's City Engineer.

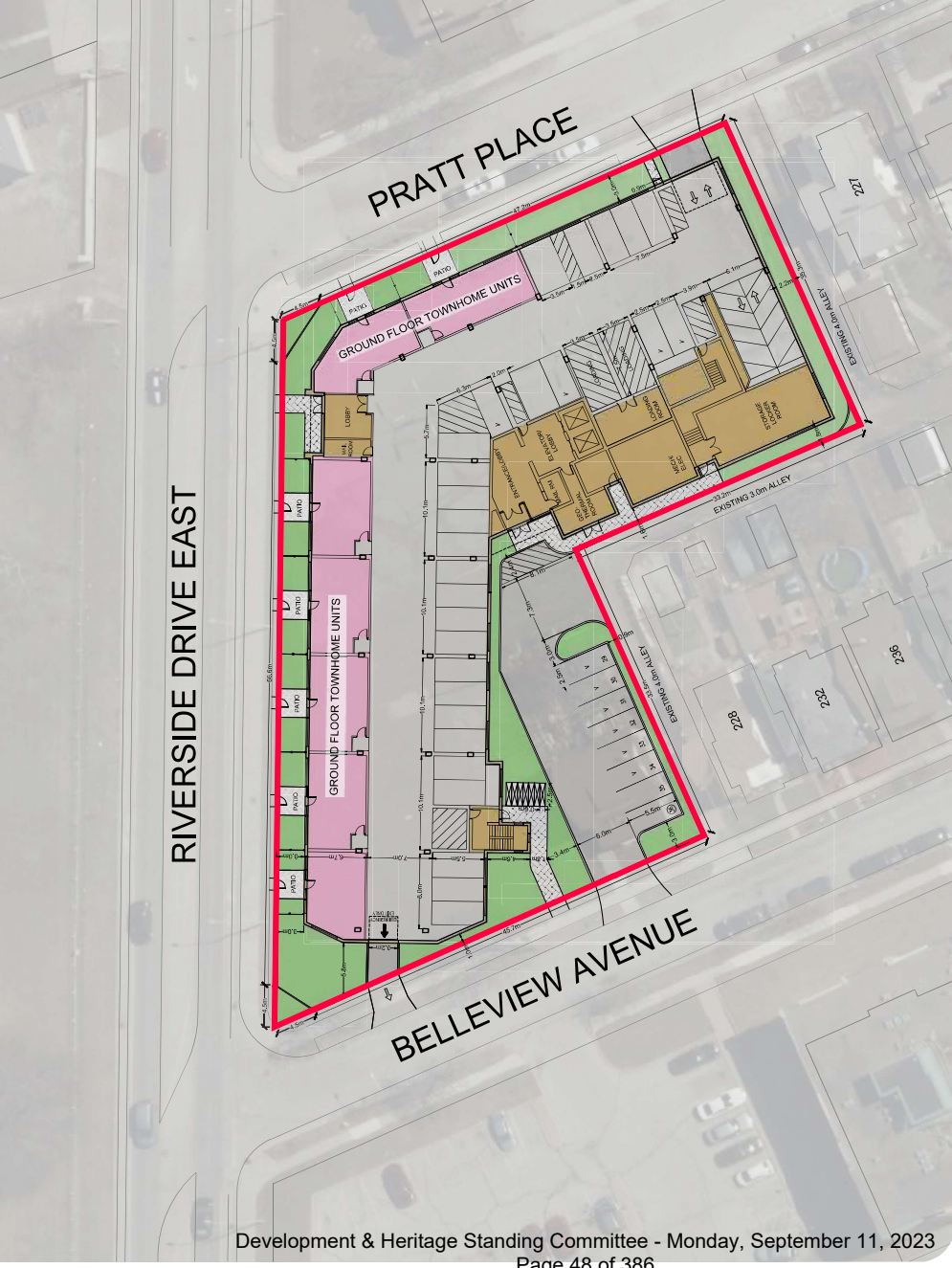
Redundant Curb Cuts – The owner agrees to remove and reinstate any redundant curb cuts on Riverside Drive East and Belleview Avenue with full height curb and properly restore the area to the satisfaction of the City Engineer.

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall analyze both the sanitary and stormwater flow from the proposed development. The following information shall be provided in the stormwater study:

1. Determine the drainage area for the outlet,

2. Develop a hydrologic model to analyze the drainage area for both the minor and major storm event to determine a conservative release rate,
3. Provide hydraulic grade lines for both storm events as well as a grading plan depicting how the minor and major storm events will be contained.

SITE DATA MATRIX		
	REQUIRED	PROVIDED
1	PROJECT DESCRIPTION	N/A
2	ZONING DESIGNATION	RD3.3 Site Specific*
3	LAND USE	N/A
4	MAJOR OCCUPANCY(S)	N/A
5	MINIMUM SITE AREA	4,082m <sup>2</sup>
6	BUILDING AREA (GROUND FLOOR FOOTPRINT)	N/A
7	PROPOSED ATTACHED TOWNHOME STYLE UNITS	-
8	PROPOSED APARTMENT STYLE UNITS	-
9	PROPOSED TOTAL NUMBER OF UNITS	84
10	LOT COVERAGE	35%
11	MINIMUM LOT WIDTH	45m
12	MAXIMUM BUILDING HEIGHT	30.0m
13	MINIMUM FRONT YARD DEPTH	3.0m
14	MINIMUM REAR YARD DEPTH	2.0m
15	MINIMUM EXTERIOR SIDE YARD DEPTH - BELLEVUE AVENUE	1.0m
16	MINIMUM EXTERIOR SIDE YARD DEPTH - PRATT PLACE	3.0m
17	REQUIRED SPACES - STANDARD	83
18	PROPOSED UNCOVERED PARKING	8
19	PROPOSED FIRST FLOOR PARKING	28
20	PROPOSED SECOND FLOOR PARKING	38
21	PROPOSED THIRD FLOOR PARKING	61
22	REQUIRED SPACES - ACCESSIBLE	6 (3 TYPE A AND 3 TYPE B)
23	REQUIRED SPACES - VISITOR (15%)	16
24	PARKING SPACES - TOTAL	105
25	MINIMUM REQUIRED BICYCLE SPACES	8
26	LOADING SPACES	2
27	LANDSCAPED AREA - SOFT	N/A
28	LANDSCAPED AREA - HARD	615,766m <sup>2</sup>
29	LANDSCAPED AREA - TOTAL	158,009m <sup>2</sup>
30	DWELLING UNITS PER HECTARE	240*



**RIVERSIDE HORIZONS INC.**  
3251 RIVERSIDE DRIVE EAST

**CONCEPTUAL DEVELOPMENT PLAN - GROUND FLOOR LAYOUT**  
FIGURE 4.0

PROJECT: 20-3740  
STATUS: DRAFT  
DATE: 01/10/2023

SCALE: 1:250

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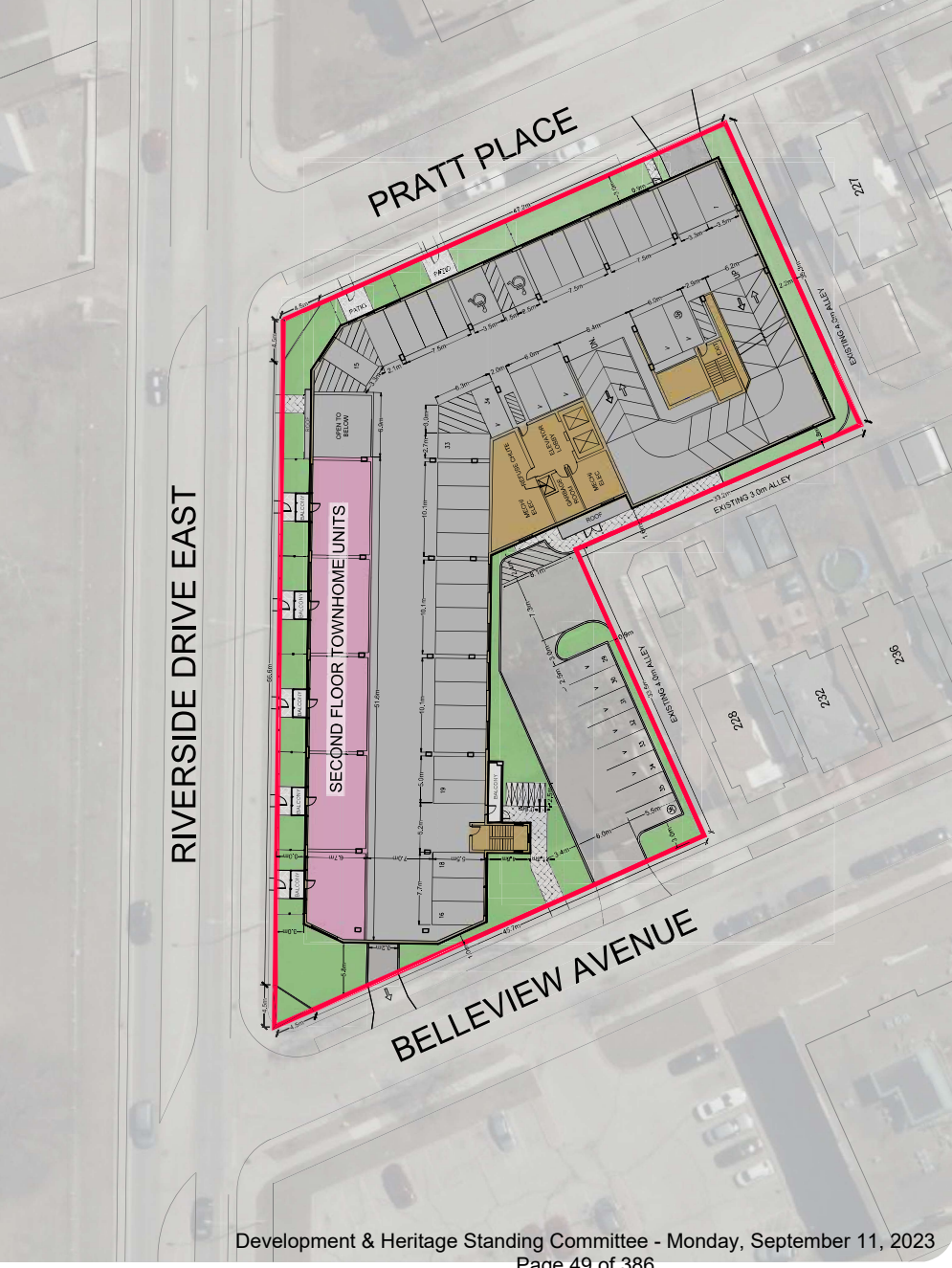
SOURCE: THE COUNTY OF ESSEX INTERACTIVE MAPPING (2020)

**LEGEND**

- SUBJECT SITE (0.35 ha, 0.86 ac)
- PROPOSED MULTI-UNIT BUILDING
- PROPOSED TOWNHOME STYLE UNITS
- PROPOSED PAVEMENT
- PROPOSED SIDEWALK
- PROPOSED LANDSCAPED AREA



SITE DATA MATRIX		
	REQUIRED	PROVIDED
1	PROJECT DESCRIPTION	N/A
2	ZONING DESIGNATION	RD3.3 Site Specific*
3	LAND USE	N/A
4	MAJOR OCCUPANCY(S)	N/A
5	MINIMUM SITE AREA	4,082m <sup>2</sup>
6	BUILDING AREA (GROUND FLOOR FOOTPRINT)	N/A
7	PROPOSED ATTACHED TOWNHOME STYLE UNITS	-
8	PROPOSED APARTMENT STYLE UNITS	-
9	PROPOSED TOTAL NUMBER OF UNITS	84
10	LOT COVERAGE	35%
11	MINIMUM LOT WIDTH	45m
12	MAXIMUM BUILDING HEIGHT	30.0m
13	MINIMUM FRONT YARD DEPTH	-
14	MINIMUM REAR YARD DEPTH	3.0m
15	MINIMUM EXTERIOR SIDE YARD DEPTH - BELLEVIEW AVENUE	-
16	MINIMUM EXTERIOR SIDE YARD DEPTH - PRATT PLACE	1.0m
17	REQUIRED SPACES - STANDARD	83
18	PROPOSED UNCOVERED PARKING	-
19	PROPOSED FIRST FLOOR PARKING	-
20	PROPOSED SECOND FLOOR PARKING	-
21	PROPOSED THIRD FLOOR PARKING	-
22	REQUIRED SPACES - ACCESSIBLE	6 (3 TYPE A AND 3 TYPE B)
23	REQUIRED SPACES - VISITOR (15%)	16
24	PARKING SPACES - TOTAL	105
25	MINIMUM REQUIRED BICYCLE SPACES	8
26	LOADING SPACES	2
27	LANDSCAPED AREA - SOFT	N/A
28	LANDSCAPED AREA - HARD	615,786m <sup>2</sup>
29	LANDSCAPED AREA - TOTAL	158,009m <sup>2</sup>
30	DWELLING UNITS PER HECTARE	240*



**RIVERSIDE HORIZONS INC.**  
3251 RIVERSIDE DRIVE EAST

**CONCEPTUAL DEVELOPMENT PLAN - SECOND FLOOR PARKING LAYOUT**  
FIGURE 4.1

PROJECT: 20-3740  
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CHECKED BY: MAM  
DESIGNED BY: AJC

SOURCE: THE COUNTY OF ESSEX INTERACTIVE MAPPING (2020)

**SUBJECT SITE**  
(0.35 ha / 0.86 ac)

**PROPOSED MULTI-UNIT BUILDING**

**PROPOSED TOWNHOME STYLE UNITS**

**PROPOSED PAVEMENT**

**PROPOSED SIDEWALK**

**PROPOSED LANDSCAPED AREA**

SITE DATA MATRIX		
	REQUIRED	PROVIDED
1	PROJECT DESCRIPTION	N/A
2	ZONING DESIGNATION	RD3.3 Site Specific*
3	LAND USE	N/A
4	MAJOR OCCUPANCY(S)	N/A
5	MINIMUM SITE AREA	4,082m <sup>2</sup>
6	BUILDING AREA (GROUND FLOOR FOOTPRINT)	N/A
7	PROPOSED ATTACHED TOWNHOME STYLE UNITS	-
8	PROPOSED APARTMENT STYLE UNITS	-
9	PROPOSED TOTAL NUMBER OF UNITS	84
10	LOT COVERAGE	35%
11	MINIMUM LOT WIDTH	45m
12	MAXIMUM BUILDING HEIGHT	30.0m
13	MINIMUM FRONT YARD DEPTH	-
14	MINIMUM REAR YARD DEPTH	3.0m
15	MINIMUM EXTERIOR SIDE YARD DEPTH - BELLEVIEW AVENUE	-
16	MINIMUM EXTERIOR SIDE YARD DEPTH - PRATT PLACE	1.0m
17	REQUIRED SPACES - STANDARD	83
18	PROPOSED UNCOVERED PARKING	-
19	PROPOSED FIRST FLOOR PARKING	-
20	PROPOSED SECOND FLOOR PARKING	-
21	PROPOSED THIRD FLOOR PARKING	-
22	REQUIRED SPACES - ACCESSIBLE	6 (3 TYPE A AND 3 TYPE B)
23	REQUIRED SPACES - VISITOR (15%)	16
24	PARKING SPACES - TOTAL	105
25	MINIMUM REQUIRED BICYCLE SPACES	8
26	LOADING SPACES	2
27	LANDSCAPED AREA - SOFT	N/A
28	LANDSCAPED AREA - HARD	N/A
29	LANDSCAPED AREA - TOTAL	35%
30	DWELLING UNITS PER HECTARE	225



RIVERSIDE DRIVE EAST

PRATT PLACE

BELLEVIEW AVENUE

EXISTING 3.9m ALLEY

LETTERING PARKING

- SUBJECT SITE (0.35 ha, 0.86 ac)
- PROPOSED MULTI-UNIT BUILDING
- PROPOSED PAVEMENT
- PROPOSED SIDEWALK
- PROPOSED LANDSCAPED AREA

PROJECT: 20-3740  
STATUS: DRAFT  
DATE: 01/10/2023



SCALE: 1:250

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January 10, 2023 1:25 AM  
SOURCE: THE COUNTY OF ESSEX INTERACTIVE MAPPING (2020)

**RIVERSIDE HORIZONS INC.**  
3251 RIVERSIDE DRIVE EAST

**CONCEPTUAL DEVELOPMENT PLAN -  
THIRD FLOOR PARKING LAYOUT**  
FIGURE 4.2



**DILLON**  
CONSULTING

Riverside Horizons Inc.

# Official Plan and Zoning By-Law Amendments

Urban Design Brief  
3251 Riverside Drive East

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1.0

# Background

1.1

## Purpose

Dillon Consulting Limited (Dillon) has been retained by Riverside Horizons Inc. (the Developer), to provide an Urban Design Brief to assist in obtaining the necessary planning approvals associated with the proposed 12 storey, 84 unit multiple dwelling residential development with associated parking areas, including three (3) storeys of parking garage located at 3251 Riverside Drive East and 222 Belleview Avenue (the Subject Site) in the City of Windsor. This Urban Design Brief follows the requirements as specified in the Pre-Submission Letter dated February 2, 2021, and provides opportunities and recommendations for the Developer to consider which will help align the proposed development with the goals, objectives and policies found in the City of Windsor Official Plan.

1.1

## Description of Site

1.1.1

### Existing Area Character

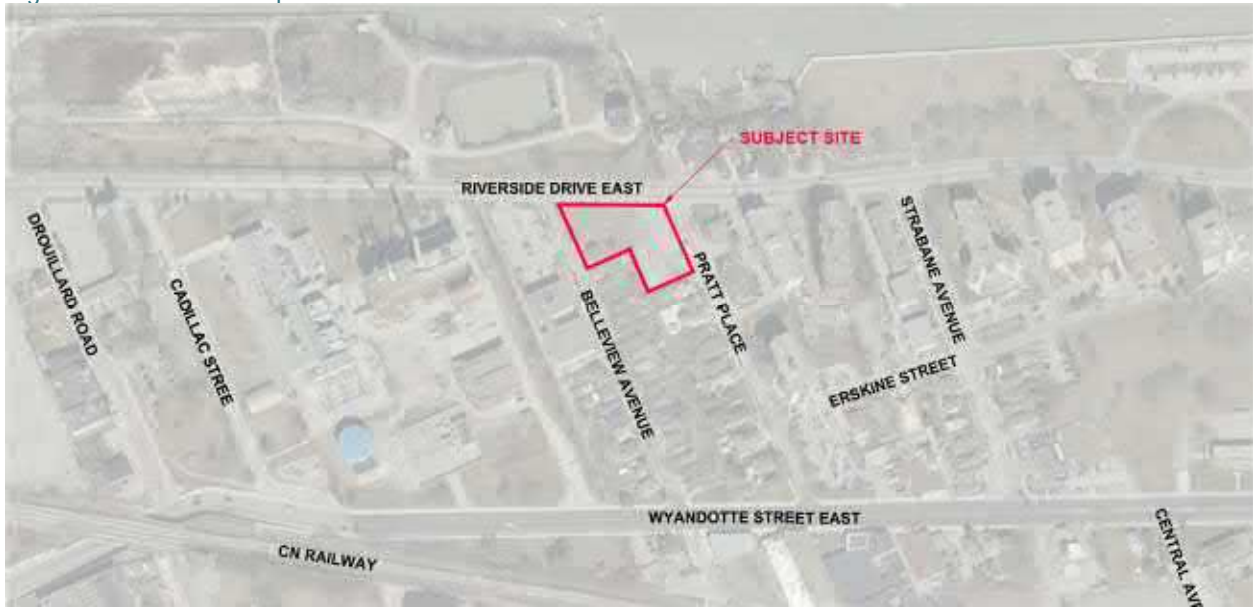
The subject site is located in the East Windsor Planning District on the south side of Riverside Drive East, east of Belleview Avenue and west of Pratt Place. The northern, eastern, and western property lines abut three different streets, while the south lot line is adjacent to east-west alleys with low density dwellings, multi-unit residential and long term care facilities to the east and west. The underutilized site is currently a paved parking area and a vacant single detached dwelling (222 Belleview Avenue), to be demolished. The undeveloped site is 0.35 hectares (0.87 acres), with 75.6m (248ft.) of frontage on Riverside Drive East, 50.2m (164.7ft.) along Belleview Avenue and 51.7m (169.6ft.) along Pratt Place.

The surrounding area is primarily residential, with low rise development consisting of single detached homes, converted dwellings, and a three storey apartment building, as well as high rise development in the form of apartment buildings. In close proximity to the site are some industrial uses, namely the Ford Powerhouse and East Windsor Cogeneration Plant, and open spaces, such as Alexander Park. Beyond the immediate area of the site, there is a range of commercial, residential, and industrial uses.

Pratt Place is a local neighbourhood street cross section with one lane of traffic travelling in either direction. Belleview Avenue is categorized as a one-way local neighbourhood street cross section with only one lane of traffic travelling north and a parking lane. Riverside Drive East is designated as a Scenic Drive in the Official Plan (OP) and has lane of traffic travelling in both directions with a wide painted median. There is no vegetation on the site with three (3) street trees along the western edge of the site.

**Figure 1 – Location Map** identifies the subject site.

Figure 1 - Location Map



There are sidewalks running along all of the adjacent streets (Riverside Drive, Bellevue Avenue, and Pratt Place), which provide connections into the larger pedestrian sidewalk network running throughout Riverside and the rest of the city. As well, there is a painted bike lane along both sides of Riverside Drive East that provides cyclists with connections throughout the city.

### 1.1.2 Vision for Area Character

The site, being located within the City of Windsor, is subject to the Urban Design policies detailed in the Official Plan. City Council is committed to enhancing the enjoyment and image of Windsor, along with its people, through urban design principles. It is stated that a memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. As such, development should use design to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. As depicted in Figure 2 – Streetscape Surrounding Subject Site, the height of the proposed development is keeping in context with the surrounding area. Along Riverside Drive, there are a number of high rise buildings in close proximity and the height of the proposed development, 45m (12 storeys) is in keeping with what currently exists along much of Windsor's waterfront.

The design aesthetic of the proposed residential development is drawn from The Ford Powerhouse, namely the red brick, fenestration, and architectural details used on the exterior. The intent is to incorporate a similar brick style which is complimentary to The Ford Powerhouse, a neighbouring heritage building to the west.

Figure 2 - Streetscape Surrounding Subject Site





## 1.2 Proposed Residential Development

The proposed development includes the construction of one, 12 storey residential building, with 77 apartment style units, five (5) two (2)-storey townhome style units on the ground-floor fronting onto Riverside Drive East, and two (2) one (1)-storey townhome style units on Pratt Place for a total of 84 units. The proposed building consists of three (3) storeys of parking (Floor 1 (Ground Level) to Floor 3) behind the 2 storey townhome units with nine (9) storeys of residential above. On the ground floor of the multiple dwelling residential building, seven (7) townhome style units are proposed along Riverside Drive East and Pratt Place.

The multiple unit residential building will have an entrance from Riverside Drive East with the primary entrance located internal to the site, from the surface parking lot on the southwest portion of the subject site. Secondary entrances to the overall building are to be located along Riverside Drive East and Pratt Place. The main entrance for each ground floor unit is accessed from inside the parking garage, with a patio and amenity space along the right-of-way. The proposed development requires 83 standard parking spaces, 6 accessible parking spaces, and 16 visitor parking spaces for a total of 105 spaces being required with 135 being provided between a three (3) storey parking garage and a small surface parking lot.

There are two (2) proposed site access driveways, one from Pratt Place and one from Belleview Avenue. An additional emergency exit from the parking garage is also proposed out to Belleview Avenue.

The lands are designated Residential in the City of Windsor Official Plan (OP). The units within the building primarily face north, taking advantage of the Detroit River views to the north, and towards the east. The building proposes limited units with south facing windows, all of which limits the habitable windows and balconies compared with the north, west, and east elevations. In order to ensure the privacy of the neighbouring properties, a 6.2 metre minimum separation (setback from the building to the south property line of the alley) between the proposed parking garage and the existing residential dwellings adjacent to the subject site is proposed. The south elevation does not contain any balconies, which protects the privacy for adjacent properties south of the subject site. There is a shared terrace proposed on the fourth floor of the building that includes a portion of the south elevation. The terrace on this portion of the south elevation is set back well over 10.0 metres from the adjacent properties to the south of the subject site, and will be screened with planting and a noise barrier wall.

Seven (7) townhome style units are proposed on the ground floor of the development along Riverside Drive East and Pratt Place. Along Riverside Drive East, the five (5) townhome style units are two (2)-storeys with two (2), one (1)-storey townhome style units proposed along Pratt Place. Each of the townhome style units have a primary entrance from within the parking garage and a secondary entrance from the sidewalks along Riverside Drive East and Pratt Place. Amenity space and patios are provided for each ground floor unit fronting towards the right-of-way. The townhome style units provide for a pedestrian-scale development adjacent to the public realm. In addition, the residential tower is set back above the

third storey, further offsetting the 77 apartment-style units from the existing low rise dwellings surrounding the subject site. This provides an appropriate distance so neighbours can maintain a sense of privacy on their properties. To further ensure the privacy of neighbouring properties, limited habitable windows are located on the south elevation of the proposed development.

The subject site fronts onto Riverside Drive East, which is classified as a Scenic Drive in the City of Windsor Official Plan (OP) Schedule F – Roads and Bikeways. The proposed development provides for parking on-site and makes pedestrian movement safer and more convenient by maintaining the existing sidewalk along the south side of the right-of-way. On Schedule G – Civic Image in the OP, Riverside Drive West is identified as a Civic Way. Civic Ways are intended to promote an attractive image of Windsor and maintain a sense of welcome and arrival for travelers. The existing road pattern in this neighbourhood will be preserved by this proposed development to enhance orientation and maintain the image of Windsor. Landscaping is provided along the adjacent rights-of-ways to visually reinforce the location of the subject site on a Civic Way.

The proposed development enhances the public rights-of-way through the use of design elements such as landscaping to establish a pedestrian-scaled public realm. As shown on Figure 2 – Streetscape Surrounding Subject Site, the proposed development will enhance the prominent vista of Windsor's waterfront and skyline.

Primary vehicular access will be from Pratt Place, via a 2-lane driveway into the enclosed parking garage (one entry lane, and one exit lane to allow for turning in either direction.) The majority of the parking is enclosed within the building, which includes three storeys of parking garage (First Floor, Second Floor, and Third Floor). Under the current proposal, a total of 127 vehicular parking spaces are to be provided within the parking garage. An additional 8 space surface parking lot will be constructed on the southwest side of the building, with access to Belleview Avenue and the open alley to the south for a total of 135 parking spaces on site. Refer to Figure 3 – Conceptual Site Plan – First Floor, Figure 4 – Conceptual Site Plan – Second Floor, and Figure 5 – Conceptual Site Plan – Third Floor.

Figure 3 - Conceptual Site Plan – First Floor



Figure 4 - Conceptual Site Plan – Second Floor



Figure 5 - Conceptual Site Plan – Third Floor



The proposed residential building will be located 1.0 metre from the western property line and will accommodate landscaping on the northwestern corner of the lot, including a 4.5 metre by 4.5 metre daylight corner as required by the City of Windsor. The building is set back 3.0 metres from the northern and eastern property lines abutting Riverside Drive East and Pratt Place with a standard 4.5 metre by 4.5 metre daylight corner being provided at the intersection of the two streets. The building has been configured at this corner to allow for the daylight corner and appropriate sight lines on the three parking garage levels with a cantilever design for the upper residential floors. These setbacks will accommodate landscaping that will enhance the aesthetics of the development and the pedestrian realm along the public sidewalk. Along the southern property line abutting neighbouring homes, a 2.0 metre minimum setback is proposed. The proposed location of the building from the southern lot line ranges from 2.2 metres at ground level up to over 10.0 metres on the upper floors, with the additional 4.0 metres of the existing alley, as a means to enhance the privacy for residents in the low rise residential dwellings by providing an appropriate distance between all residential dwellings.

There is direct access to the residential units via the enclosed parking garage and from outside the building on the north and west sides. The primary building entrance is located on the west side of the building

adjacent to the surface parking area fronting onto Bellevue Avenue, with secondary building entrances accessible from Riverside Drive East, Bellevue Avenue, and from within the enclosed parking garage. Refer to **Figure 6 – North Elevation**, **Figure 7 – West Elevation (Bellevue Avenue)**, Figure 8 – Inner South Elevation, **Figure 9 – Inner West Elevation**, **Figure 10 – South Elevation**, and **Figure 11 – East Elevation (Pratt Street)**.

Figure 6 - North Elevation



Figure 7 - West Elevation (Bellevue Avenue)



Figure 8 - Inner South Elevation



Figure 9 - Inner West Elevation



Figure 10 - South Elevation



Figure 11 - East Elevation (Pratt Street)



Private unit amenity spaces, in the form of balconies, facing Riverside Drive East to the north and Pratt Place to the east will be provided. In addition a clubhouse, internal to the building, as well as common terraces for the residents on the north side are provided on the fourth floor (first residential floor) of the building as additional amenity areas. There is a large fourth floor terrace proposed for provide private communal space on the southeast side of the building near Pratt Place. The fourth floor terrace will include a community garden area, adding to the amenity space available for future residents.



The floor plan for the first residential floor is shown in **Figure 12 – Floor Plan for Residential Floor 4**. Refer to **Figure 13 – Floor Plan for Residential Floors 5 to 9** for the remaining floor plans of the proposed residential development.

Figure 12 - Floor Plan for Residential Floor 4

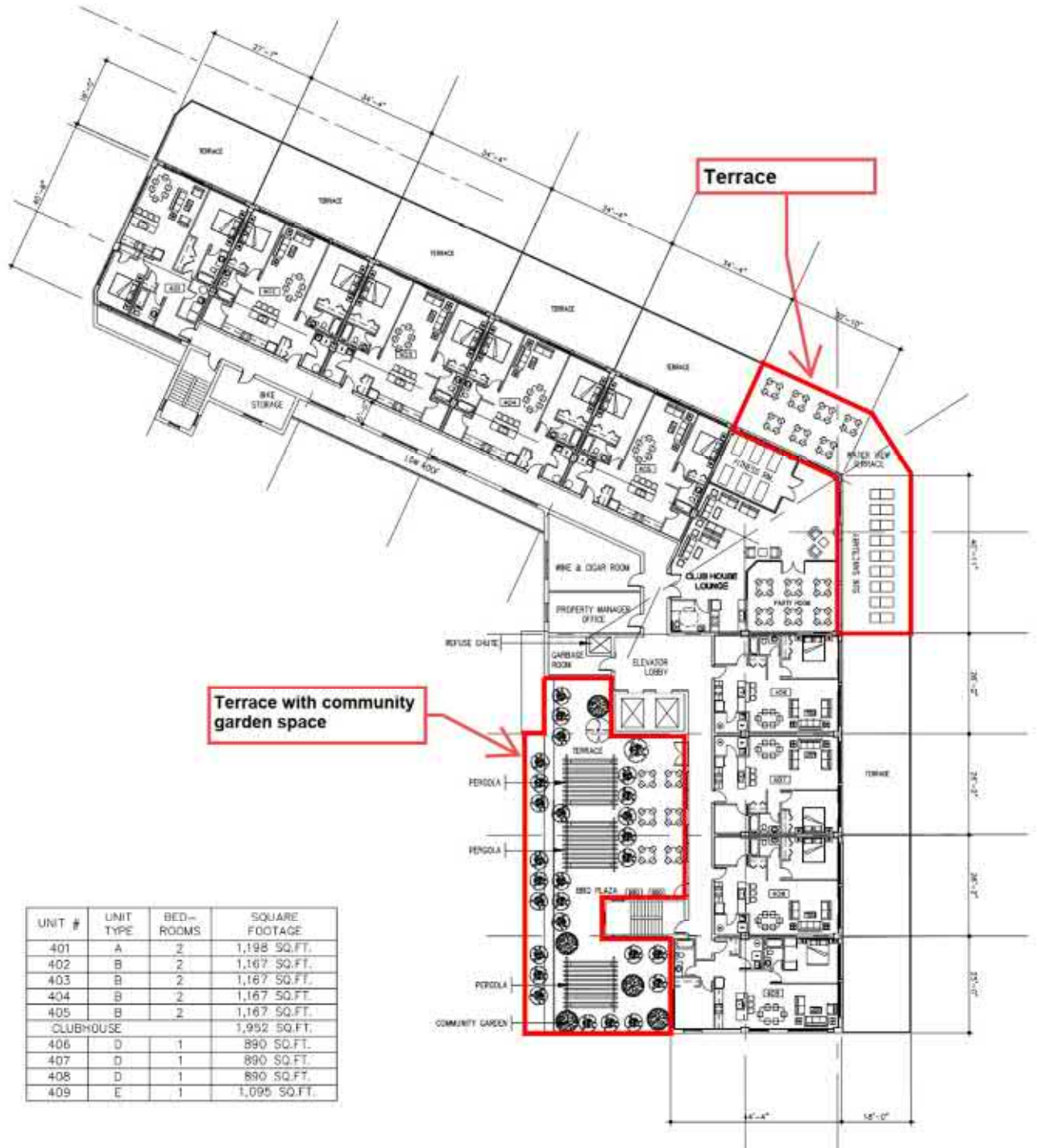
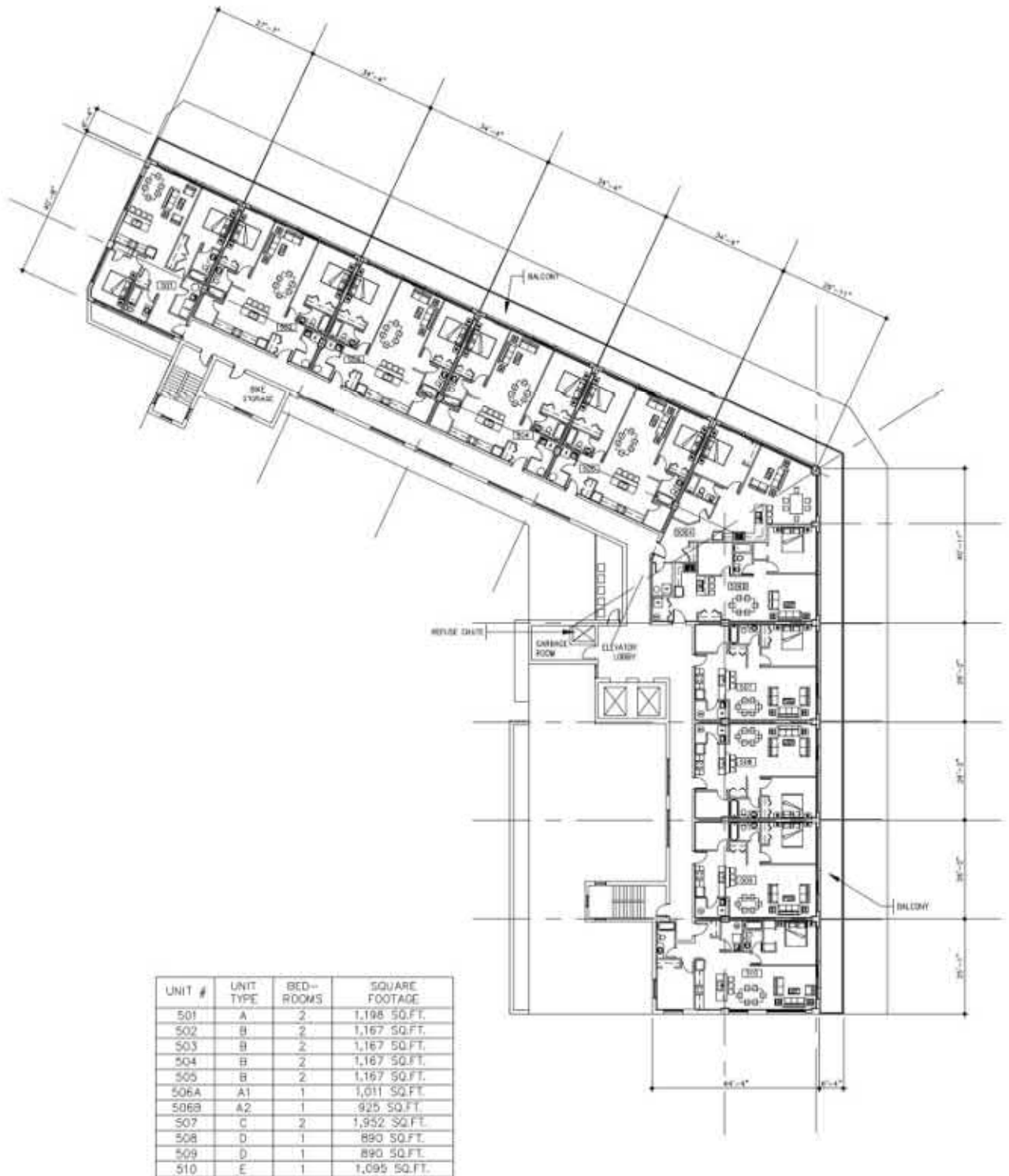


Figure 13 - Floor Plan for Residential Floors 5 to 9



To soften the façade along Riverside Drive, there is a 3.0 metre setback that includes an area for landscaping. Despite the limited landscaping space provided on the ground floor of the subject site, there is a patio proposed along the north elevation of the building and large 291.10 m<sup>2</sup> (3,133.43 sq. ft.) terrace is proposed on the fourth floor facing south and west, which will provide space for a community garden area, a patio, and seating area to be provided. In addition, balconies will provide amenity space for each dwelling unit. The landscaping buffer provided along the development's frontage and the garden space provided on the terrace will help augment the decreased landscaping on the ground floor.

## 2.0 Urban Design Evaluation

To determine appropriateness of the proposed development, an evaluation of the site context, building massing, and site/landscape treatment has been undertaken. The planning rationale for the project addresses the various policies and criteria in the Official Plan and identifies and evaluates the potential issues associated with the proposed development. The urban design evaluation assesses how well the proposal integrates with the context and whether the design is appropriate within its setting.

### 2.1 Context and Orientation

The City of Windsor Official Plan and the Provincial Policy Statement (PPS) promote the development of 'Strong, Healthy Communities' which include a provision of a variety of types and densities of housing forms. This diversity in the residential housing stock allows for a wider range of opportunities for residents of Windsor to live and to allow them to age in place. Both documents also outline the importance of providing pedestrian scale neighbourhoods. This particular site is currently vacant and sits within the East Windsor Planning District.

The subject site, which is located along Riverside Drive East between Bellevue Avenue and Pratt Place, is nestled within an existing residential area in close proximity to the Detroit River. Adjacent land uses are mainly residential, comprised of high-rise apartment buildings, a low-rise apartment building, single-detached dwellings, and converted dwellings, with an industrial use located on the opposite side of Riverside Drive East. The height, massing and scale of the existing high-rise residential developments provide a context for the proposed development. See Figure 2 – Streetscape Surrounding Subject Site for a comparison between existing high-rise developments in the area and the proposed development. Connected townhome style units are proposed along the Riverside Drive East and Pratt Place frontages to enhance the public-realm with a pedestrian-scaled design. Other nearby land uses include additional residential and industrial developments, as well as commercial and institutional uses within walking distance from the site. A large open space area along the Detroit River is in close proximity to the site, along with more open space areas to the east.

Site Specific Official Plan and Zoning By-Law Amendments are being sought for the subject site to permit the development. The Residential District 3.3. Zone will be used as the base for the amendment. The proposed development is in keeping with the neighbouring heights and densities found along Riverside Drive. Many of the multi-unit residential dwellings along this stretch of Riverside Drive have similar setbacks and heights. The townhome style units along Riverside Drive East and Pratt Place provide for a transition between the high-rise multiple dwelling building and the low-rise single and semi-detached dwellings along Pratt Place. All of which maintains the existing context of the surrounding neighbourhood.

## 2.2 Public Realm and Private Amenity Area

The proposed development has provided outdoor amenity spaces for residents to utilize. Every unit has access to a private balcony or a patio (ground floor townhomes). There is also a common terrace proposed on the fourth floor along the north portion of the building as part of the clubhouse, and a larger terrace on the southwest portion of the building on the fourth floor. The southwest amenity area is 291.10 m<sup>2</sup> (3,133.43 sq. ft.) and includes a community garden, patio space, and a seating area.

Residents will also have access to a landscaped outdoor area which is located at ground level at the northwest corner of the site at the corner of Riverside Drive East and Belleview Avenue. Alexander Park is located approximately 700 meters from the subject site, which provides additional outdoor recreational space for residents. Seating, a shade structure, tree planting and decorative gardens will help to improve the aesthetic appearances of the exterior of the building. There are no apartment-style dwelling units proposed for the ground floor up to the third storey as these floors are proposed as a covered parking area for future residents. The ground level townhome style units are setback 3.0 metres along Riverside Drive East and Pratt Place with fencing for each unit's private patio space. As a result, providing visual and physical separation for any private amenity spaces on the ground floor level is not a concern.

There is a proposed sidewalk provided from the existing pedestrian network along Belleview Avenue, connecting to the west entrance of the proposed residential building. The front entrance along Riverside Drive East is proposed with a connection from the existing sidewalk. In addition, pedestrian sidewalks are provided from the existing sidewalk network along Pratt Place leading to the entrances on the east side of the building. The garbage and recycling room is located on the ground floor in the rear of the building interior to the site to minimize exposure to the residents. A garbage pickup area is proposed on the southwest side of the building, fronting directly towards the existing alley that runs along the southern property line of the subject site, with access provided between Pratt Place, Belleview Avenue, and south to Wyandotte Street East. Waste and recycling receptacles will be wheeled out to the drop off area outside of the garbage room on pick up day.

Currently there are little to no street tree plantings along the development site. The proposed development looks to provide vegetation to soften the interface of the façade along Riverside Drive and the public realm. Vegetation and plantings can enhance the pedestrian realm along the public right of way and to improve microclimatic conditions including protection from wind, sun etc. Due to the required site visibility triangles on the northeast and northwest corners of the subject property, vegetation cannot be planted within these areas.

## 2.3 Built Form and Massing

The residential apartment building is twelve (12) storeys in height, which is similar to the context of the surrounding area to the east, which is comprised of other high-rise residential buildings. Within the Residential land use designation, high profile developments are not currently permitted. Given that the

proposed development is twelve (12) storeys in height, a site specific Official Plan Amendment is required as per Section 6.3 of the City's Official Plan to permit High Profile buildings. The proposed building is expected to be 45 metres in height, and will be located in an area of Windsor with several existing multi-unit residential buildings that range in height between 20 and 36 metres. A Shadow Study, prepared by Dillon Consulting, demonstrates that the proposed development will have no major impacts on the surrounding properties.

The orientation of the building and the restricting of the residential units facing the south side of the building is intended to minimize the effect on the neighbouring low rise on Pratt Place and Belleview Avenue, reducing any concerns regarding privacy. Vehicular access to the enclosed parking garage is from Pratt Place and is located towards the rear of the development, away from Riverside Drive East, which aims to provide an improved pedestrian realm. The townhome style units screen the first two floors of the enclosed parking area from Riverside Drive East and a single floor along Pratt Place further contributing to a more pedestrian friendly streetscape. On the third floor, above the townhome style units, the enclosed parking area provides a visual transition to the apartment style units setback above.

There are pedestrian sidewalks that provide access to the enclosed parking area, one from Riverside Drive East near the intersection with Pratt Place and the other from the main driveway off of Pratt Place as well as to each of the townhome style units. The main pedestrian access is located at the corner of Riverside Drive East and Pratt Place, which has a unique setback design that leads into the parking garage. A sidewalk connection to the parking area from Belleview Avenue to the secondary building entrance will be provided as well. An emergency access for vehicles from the parking garage to Belleview Avenue is located on the west elevation at the corner of Riverside Drive East and Belleview Avenue.

The materials proposed for the façades are complementary to the existing neighbourhood which consists of more neutral brick and mortar building faces. Design inspiration for this development is drawn primarily from the architectural style of The Ford Powerhouse, located to the west of the site. The community surrounding the subject site has a long history influenced significantly by the Ford Motor Company. In fact, this part of the City of Windsor was formerly part the municipality of Ford City. Ford City emerged in the early 20<sup>th</sup> century due to the success of the Ford Motor Company and attracted workers and residents to the area. Given the nature of Ford City, the area contained many buildings constructed in a style specific to early 20<sup>th</sup> century industrial design. A hallmark of this design style is the use of red brick. The primary design inspiration for the proposed development is The Ford Powerhouse. It was designed by renowned architect Albert Kahn and constructed in 1923. The Ford Powerhouse, along with the former Our Lady of the Rosary Church (Waters Edge Event Centre), are two of the remaining structures in the area from the early 20<sup>th</sup> century and are identified on the City of Windsor Heritage Properties Inventory.

The proposed development incorporates masonry into the built form through the use of red brick, which has a long-standing history in the community. Similar to The Ford Powerhouse, the red brick is visually divided by the use of concrete details throughout the exterior of the proposed development. The

proposed development will also incorporate black mullions into the design, which is similar to the fenestration found at The Ford Powerhouse and other long-standing structures in the community. The details found on the façades of The Ford Powerhouse can be seen in Figure 14 – Exterior Façade of the Ford Powerhouse Building.

The mix of bricks and glazing proposed for the townhome style units help to break up the look of the façade and the neutral colours are consistent with the surrounding community. The façade of the upper floors have some variation in the materials and the setback of the building to break up the look of a continuous wall. The south walls, and some of the west walls, are comprised largely of brick with some windows, limited balconies, and masonry detailing to provide variation.

Figure 14 - Exterior Façade of the Ford Powerhouse Building



## 3.0 Recommendations

Through this urban design evaluation, a number of recommendations have been developed to help align the proposed development with the vision for the area. The recommendations pertain to the building materiality and massing, public connections, landscape and visual aspects of the proposed development. The aim should be to lessen the impact of the higher density development on the adjacent lower density neighbourhood as well as complement and enhance the public realm right of way along Riverside Drive East, Belleview Avenue, and Pratt Place. The recommendations are outlined below.

### 3.1 Building Massing and Materiality Recommendations

The main entrances should be clearly defined to avoid confusion, especially for visitors. The Developer should consider adding more visually prominent and welcoming features to the entrances on both sides of the building. Elements could include a change in material such as glazing/glass or architectural elements to provide distinction.

The proposed development incorporates prominent features to the entrances of the building. The main pedestrian entrance is located at the corner of Riverside Drive East and Pratt Place. This entrance includes glazing details and is proposed in a location that clearly defines the entrance for future users. Above the ground level units, there is a change in materials that visually distinguishes the townhome style units from the upper floors with apartment style units.



Example of glass/glazing entrance



Example of elements used to indicate an entrance

To better integrate into the surrounding area and to create a more aesthetically interesting development, the Developer should consider interventions pertaining to the massing of the building to be in harmony with the neighbouring development. The development, as it stands, does not appear to have a major impact on the adjacent properties and fits with the character of the Riverside Drive East streetscape. The introduction of ground level units along Riverside Drive East and Pratt Place break up the appearance of a monotonous wall.



The side walls of the building, especially the façades on the ends of development which face the adjacent residential neighbourhoods and a portion of Belleview Avenue should have brickwork or other features that provide interest and harmonize with the balance of the neighbourhood. By having similar treatments as the north façade, the entirety of the building maintains visual interest. To respect the privacy and scale of the neighbouring dwellings, the windows on the south façade of the building are limited in number and size, and are primarily hallway access corridors.



Example of architectural articulations and window fenestrations



Example of colour and material variation on building façade

The fenestration for the proposed development incorporates similar details found at the Ford Powerhouse Building. Namely, the vertical and horizontal detailing of each window. In addition, the predominantly brick exterior of the proposed development is broken up with concrete detailing in a similar fashion to the Ford Powerhouse Building and neighbouring high rise developments east of the subject site. To best fit with the existing character of the neighbourhood, the proposed development incorporates a modern interpretation of the design aesthetic and desire to play homage to the important history of the area.

### 3.2 Public / Private Amenity Space Recommendations

The main outdoor amenity space proposed is the landscaped area at the northwest corner of the building, adjacent to the intersection of Riverside Drive East and Belleview Avenue, and around the surface parking area closest to Belleview Avenue. In addition, open air terraces are proposed on the fourth floor, one along Riverside Drive, as part of the club house lounge area and one on the west side of the proposed development. A community garden space is proposed on the west side of the fourth floor terrace. This space adds to the amenity space available for future residents. These open air terraces are proposed above a portion of the garage, where the residential tower is setback. The west-facing open air terrace is separated from the existing residential dwellings via a rear-yard setback providing over 6.0 metres of

separation from the neighbouring dwellings to the south, and is at a height which precludes residents from imposing on the privacy of neighbours. In addition, a noise barrier wall will be installed along the outside walls of the terrace further screening the terrace from the existing residents. Other amenity space is available for future residents via the club house lounge space located within the building on the fourth floor.

This is an important amenity for residents of the development as well as the surrounding community as a gathering space and rest area. The amenity area should be appealing and provide a connection from the public right-of-way. Internal circulation, such as sidewalks and pedestrian thoroughfares, are also important outdoor amenities.



Example of using landscaping to delineate outdoor amenity space.

Amenity spaces should be visually or physically accessible from the public right-of-way for safety purposes and to maximize use. This can be done with changes in materials, pedestrian paths, landscaping, lighting and other public realm features which would invite users into the space. We would recommend that seating, landscaping and lighting be provided throughout the site in the final design, creating multiple viewpoints in both shade and sunny locations for four season use.

Efforts should be made to incorporate aspects of sustainability and climate change proactivity within the development. Along with designing a more energy efficient building, the outdoor amenity spaces can become sustainable as well. This can be accomplished by efforts such as choosing sustainable materials and incorporating stormwater management into the design (i.e. permeable pavers, rain gardens, stormwater collection, etc.), as well as incorporating only local materials and planting.



Example of sustainable design, which incorporates permeable pavement to help with stormwater management<sup>1</sup>

Private amenity space has been considered and is important for the residents of the proposed development. Each apartment style unit includes a private balcony. The units on the north side of the building have balconies that face north towards Riverside Drive East with the units on the east side of the building all facing towards Pratt Place. On the ground floor, each townhome style unit has a private patio fronting onto the public right-of-way. The proposed private balconies and patios offer residents their own outdoor amenity space, which is an extension of their homes.

<sup>1</sup> "Permeable interlocking concrete pavement," Paving the Future, accessed October 6, 2021, <https://landscapeontario.com/paving-the-future>.

The community garden space on the fourth floor contributes to the available amenity space for future residents. In addition, plantings are proposed on the fourth floor terrace that will enhance the amenity space provided for future residents. Other private amenity space will be provided within the building, allowing residents to meet and interact when necessary.

### 3.3 Landscaping Recommendations

The site has potential to better incorporate trees and vegetation within the property's boundaries, contributing to the existing urban tree canopy in the vicinity. The concept plan showcases some areas which can be treated with strategic landscaping which would improve the aesthetic for the amenity area for residents and to soften the transition for residents and pedestrians in the adjacent neighbourhood. Areas for planting are provided along the patios of each townhome style unit adjacent to the public realm.

A landscaped buffer as well as fencing will be installed between the south-facing exterior of the building and the alley, as well as on the west-facing exterior of the building and the neighbours. Due to the 4.5m by 4.5m daylight corners required at both intersections - Pratt Place and Riverside Drive as well as Belleview Avenue and Riverside Drive, the area for planting trees or vegetation on the subject property is limited. Planting is not permitted within the required site line setbacks; however, landscaping can be provided along some of the west portions of the site as well as the possibility for planters included along the sidewalk or between the daylight corner and the building on the east portion of the site. Incorporated within the proposed development, planters will be added on the fourth floor terrace space, enhancing the green space within the subject site. Landscaping features can be incorporated along the frontage of the development facing Riverside Drive East and Pratt Place. This will improve the pedestrian environment for future residents as well as neighbouring properties that use the sidewalks.

The Developer should consider adding screening vegetation to lessen the visual impact of the surface parking lot from the adjacent parcel as well as from the street. In addition to views from outside the site, there is also opportunity to provide additional planting within the parking areas for improved aesthetics. The Developer should also consider organized landscape plantings to add aesthetic quality the space in between the building and property lines where the informal and formal amenity spaces are being proposed.

A Landscape Plan should be completed for the subject site as part of Site Plan Control approval.

### 3.4 Surrounding Context

Given the location of the subject site, there is an opportunity to incorporate design elements that enhance both the proposed development as well as benefit the surrounding area.

### 3.4.1 Ford City Community Improvement Plan

The site is located directly outside of a Community Plan Area boundary; however, the building design still incorporates elements from the Ford City Community Improvements Urban Design Guidelines and Policies. As per the Guidelines and Policies, the scale of the building is consistent with heights, mass, widths, and proportions (Ford City CIP, 4.3.2.4.1). This is evidenced in Figure 2 – Streetscape Surrounding Subject Site, which shows the proposed residential development compared with other existing high-rise developments in the area. The building is orientated towards the right-of-way and along the exterior property line as a means to frame and strengthen the street edge (Ford City CIP, 4.3.2.4.2). Further, the at-grade entrances of the residential building should be prominent and facing the public street (Ford City CIP, 4.3.2.4.3). The materials and colours are proposed to be in a palette and of a quality that is compatible with the existing buildings in the neighbourhood (Ford City CIP, 4.3.2.4.6).

### 3.4.2 Pedestrian Accessible Amenities

There is an excellent opportunity to utilize the parkland which is located within 700m of the proposed development to the northeast. Alexander Park is located on the north side of Riverside Drive East and provides users with access to the riverfront. The park provides for additional amenity space as it includes an expansive grassy area with a number of mature trees that provide shade during the spring and summer months. Throughout Alexander Park there are paved trails and seating available.

Looking to the Greenway System (Schedule B) via the Official Plan, the subject site is located amidst multiple 'Recreation-ways' that connect all parkland across the City of Windsor. Further, Alexander Park includes linkages to additional parks elsewhere in Windsor. The proposed residential development would help to maintain the use of the continuous trail and parkland network and would be a definite benefit and commodity for residents in the future units.

As noted, the proposed residential development will provide pedestrian connections from the site directly into the existing sidewalk networks along Riverside Drive East, Belleview Avenue, and Pratt Place. This public sidewalk network provides direct pedestrian connection between the proposed development and Alexander Park. Providing these connections will achieve the goal for the area of providing a pedestrian focused environment. It will allow the public as well as residents to access the parkland easily. The Developer should ensure that the walkway connections from the site to the existing sidewalk network facilitate easy and safe pedestrian navigation towards Alexander Park. Providing benches and pedestrian scale lighting along the interior pathways would improve the experience for users.

## Conclusions

Based on our review of the proposed development if done in consideration of urban design opportunities and recommendations which have been presented we have concluded:

1. The proposed development aligns with the overall vision for the area as outlined in the Official Plan, and with adjustments to some design elements the site can further align with the character as outlined by the City of Windsor and the Ford City CIP recommendations.
2. The proposed development does not adversely affect the neighbouring properties as it is similar in scale, mass and design to many of the high rise buildings in the area. The existing low rise development in the area is already surrounded by higher profile residential, industrial and institutional uses and exist in harmony with these structures.
3. The proposed development provides a transition from the surrounding low rise dwellings through the addition of townhome style units along the ground floor of the development. The one and two storey townhome style units are similar in scale and height to the existing single and semi-detached dwellings along Pratt Place. Townhome style units will enhance the public realm along Riverside Drive East and Pratt Place.
4. The proposed development respects the close proximity to the lower profile buildings and has been positioned on the site as far to the north as possible and has limited the potential for privacy issues by reducing the number of habitable windows along the south side of the building. In addition, any units located on the southernmost elevation have been set back from the edge of the enclosed parking garage and the southwest limit of the property to provide further separation.
5. The proposed development provides visual screening for the ground level parking enclosure through the inclusion of one and two-storey townhome style units.
6. The proposed development should acknowledge, through design, the nearby park. There would be benefits for future residents if connections to the parkland system, located northeast of the site, were easily navigable.
7. The proposed development has opportunities to provide landscaping and planting of vegetation along Riverside Drive East and Pratt Place, softening the interface along the property lines and to provide internal planting to improve the aesthetic appeal of the site.
8. The proposed development should implement the design considerations as presented in the Recommendations section for this development (including pathways, seating, and pedestrian-scale lighting).

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

**Reference:**

Date to Council: September 11, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: August 3, 2023  
Clerk's File #: Z/14605

To: Mayor and Members of City Council

**Recommendation:**

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

**485. SOUTHWEST CORNER OF SEYMOUR BOULEVARD AND WOODWARD BOULEVARD**

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

1. Provisions in section 13.1.5
2. Gross Floor Area - Single Unit Dwelling - 400.0 m<sup>2</sup>  
maximum

[ZDM 12; ZNG/7066]

- II. THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following condition is satisfied:
  - a) The owner shall demonstrate that the existing former St. Christopher's Parish Hall will comply with the Noise Exposure

Forecast/Noise Exposure Projection (NEF/NEP) limits set forth under *Table C-4 Indoor Aircraft Noise Limits (Applicable over 24-hour period)* of the Ministry of the Environment and Climate Change (MOECC) *Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)* to the satisfaction of the Chief Building Official.

[ZDM 12; ZNG/7066]

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** 3315 & 3335 Woodward Boulevard  
(Block A & Part of Block B, Plan 1513; Roll No. 070-240-19000; PIN No. 01561-2695 LT)

**Ward:** 9

**Planning District:** Devonshire

**Zoning District Map:** 12

**Owner:** H.I.A. Harmony In Action Windsor

**Applicant:** H.I.A. Harmony In Action Windsor  
(Elizabeth Esposito - Executive Director)

**Authorized Agent:** None

**Proposal:**

The applicant is requesting an amendment to Zoning By-law 8600 for the lands located on the southwest corner of Seymour Boulevard and Woodward Boulevard, known municipally as 3315 and 3335 Woodward Boulevard (the subject property).

The applicant proposes to perform interior alterations to the former St. Christopher's Parish Hall to establish a Single Unit Dwelling to accommodate a client with an intellectual disability. The Institutional District 1.1 (ID1.1) zoning does not permit a Single Unit Dwelling use. The applicant proposes to change the current ID1.1 zoning to a Residential District 1.1 (RD1.1) zoning to allow a Single Unit Dwelling use.

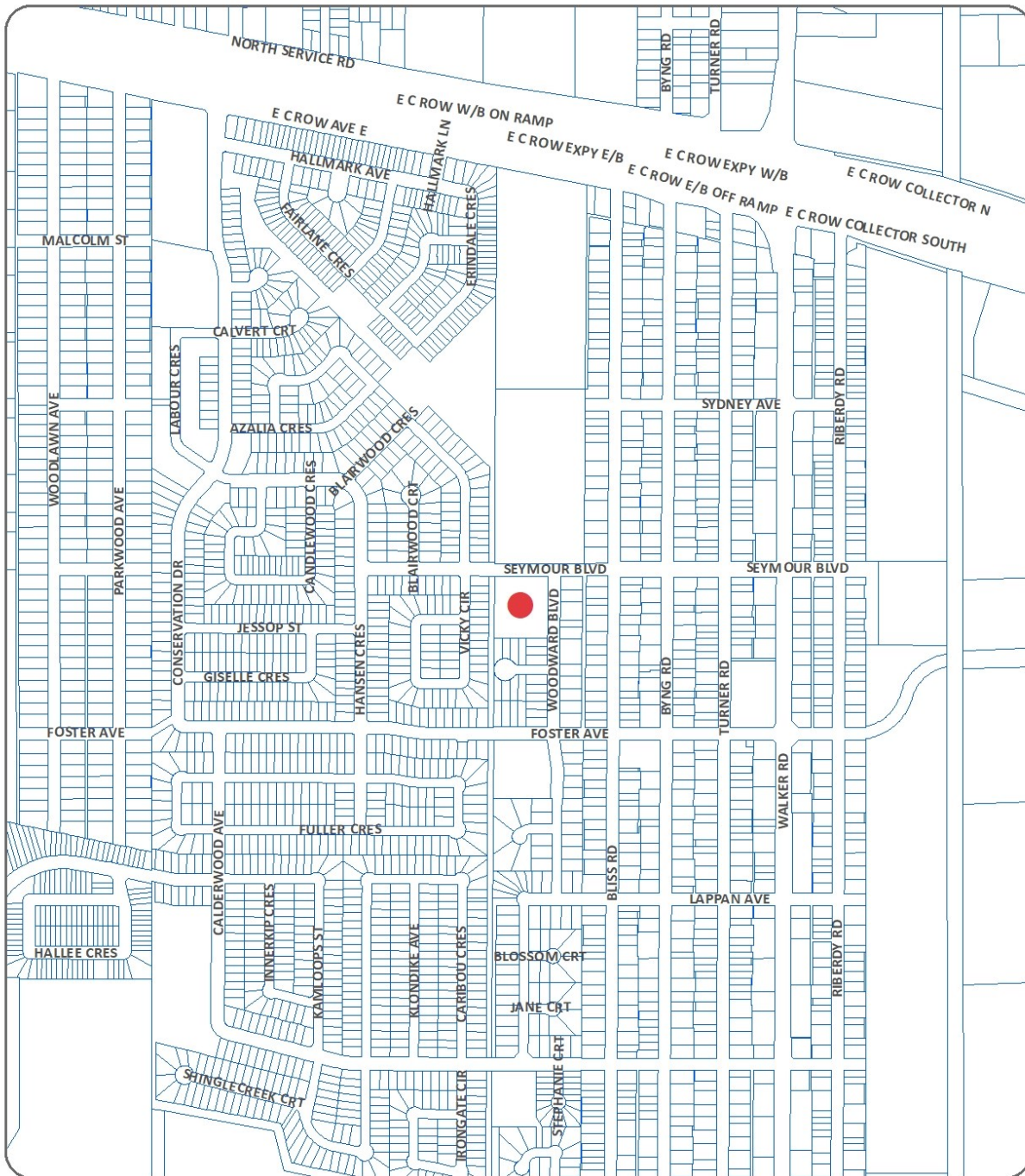
**Submitted Information:** Conceptual Floor Plan (See Appendix A), Conceptual Site Plans (See Appendix A), Deed and Zoning By-law Amendment Application Form.



**Site Information:**

<b>Official Plan</b>	<b>Zoning</b>	<b>Current Use</b>	<b>Previous Use</b>
Residential	Institutional District 1.1 (ID1.1)	Business Office of a non-profit charitable organization  Club (Legal Non-Conforming)	Place of Worship (Church)
<b>Lot Width</b>	<b>Lot Depth</b>	<b>Lot Area</b>	<b>Lot Shape</b>
85.9 m	100.6 m	8,639.6 m <sup>2</sup>	Rectangular
<i>All measurements are based on Reference Plan 12R-22310.</i>			

The subject property contains two (2) circa 1950 one (1) storey institutional buildings (formerly St. Christopher’s Roman Catholic Church and St. Christopher’s Parish Hall), a one (1) storey circa 1950 detached two (2) car garage, a parking area and an outdoor amenity area. The remainder of the subject property is maintained as landscaped open space yard. The institutional buildings have been used as a Business Office of a non-profit charitable organization and a Legal Non-Conforming Club (Harmony In Action Windsor) since approximately 2010. The subject property was used for agricultural purposes prior to the establishment of St. Christopher’s Roman Catholic Church.

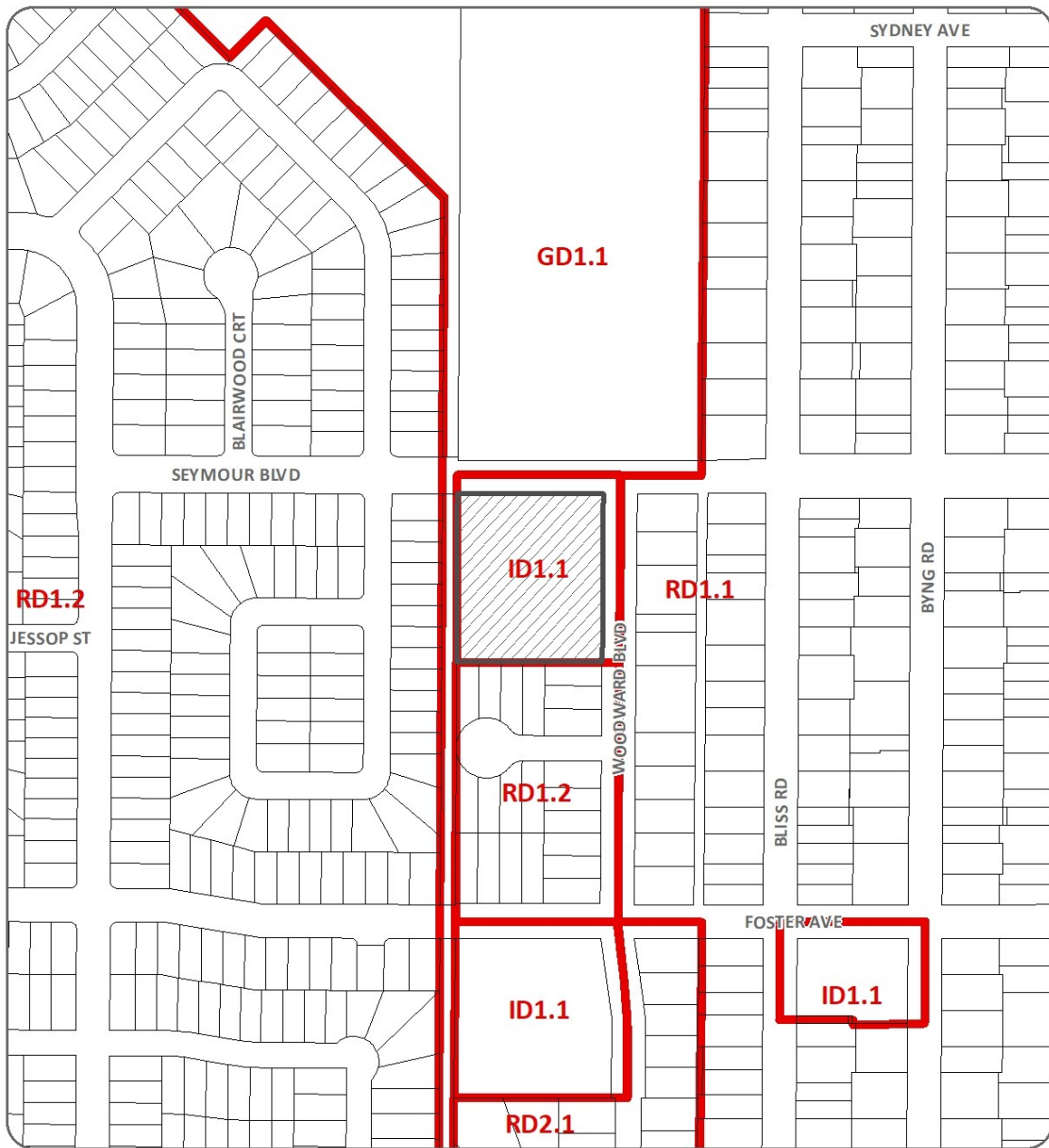


KEY MAP - Z-021-23, ZNG-7066



● SUBJECT LANDS

Figure 1 - Key Map

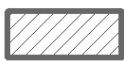


PART OF ZONING DISTRICT MAPS 12

N.T.S.

## REZONING

Applicant: Harmony In Action



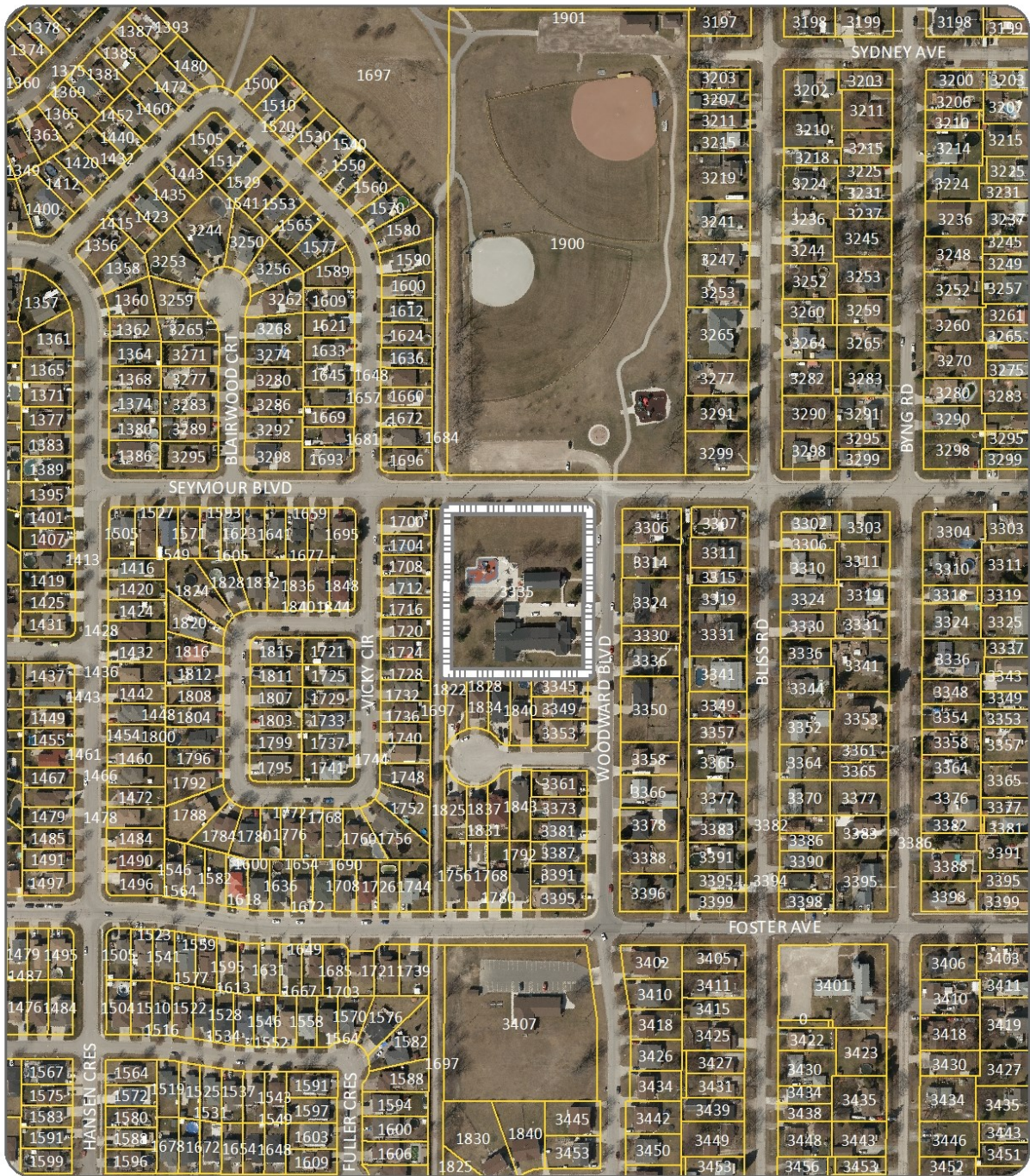
SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2023  
FILE NO. : Z-021/23, ZNG/7066

**Figure 2 - Subject Parcel - Rezoning**



NEIGHBOURHOOD MAP - Z-021/23, ZNG-7066



SUBJECT LANDS

Figure 3 - Neighbourhood Map

## **Neighbourhood Characteristics:**

The subject property is located within the eastern part of the Devonshire neighbourhood. The Devonshire neighbourhood constitutes the area north of Division Road, east of the Detroit River Tunnel Company rail corridor, south of E. C. Row Expressway and west of the Canadian National Railway corridor.

The neighbourhood is primarily occupied by a mix of commercial, industrial and low-density residential uses, interspersed with institutional, natural heritage, and open space uses throughout.

## **Surrounding Land Uses:**

### ***North:***

- Hall Farm Park and Walker Homesite Park (1900 Seymour Boulevard)

### ***East:***

- Low Density Residential

### ***South:***

- Low Density Residential

### ***West:***

- Low Density Residential

## **Municipal Infrastructure:**

- Sanitary sewers, storm sewers and water lines are located within the Seymour Boulevard and Woodward Boulevard right-of-ways.
- Seymour Boulevard is classified as a Local Road, which has a two-lane cross section with curbs and gutters on both sides, a sidewalk on the north side and LED streetlights on the south side.
- Walker Homesite Bike Trail runs along the west limit of the subject property.
- Woodward Boulevard is classified as a Local Road, which has a two-lane cross section with curbs and gutters on both sides, and a sidewalk and LED streetlights on the west side.

## **Discussion:**

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

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

1.0 Building Strong Healthy Communities

Policy 1.1.1 states:

- *Healthy, liveable and safe communities are sustained by:*
  - *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), ..... to meet long-term needs.*
    - This amendment will allow for a Single Unit Dwelling use aimed at providing safe and accessible housing for a person with an intellectual disability.
  - *c) avoiding development and land use patterns which may cause environmental or public health and safety concerns.*
    - This amendment will not cause any environmental or public health and safety concerns.
  - *f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society.*
    - This amendment will provide housing for a person with an intellectual disability, helping to alleviate stress on the Ontario health care system, which currently houses many persons with intellectual disabilities.
  - *g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs.*
    - The former St. Christopher’s Parish Hall is serviced by the 200-millimetre watermain, 250-millimetre asbestos concrete sanitary sewer and overhead hydro lines within the Woodward Boulevard right-of-way.
    - The subject property has direct access to a public highway in the form of Woodward Boulevard.
    - J.A. McWilliam Public School, St. Christopher Catholic Elementary School and Optimist Community Centre/W.F. Chisholm Public Library are located within 900.0 metres, 1.20 kilometres and 3.50 kilometres of the subject property respectively.
    - Harmony In Action Windsor (HIA) is a *non-profit*, incorporated, registered charity providing day support opportunities for individuals with developmental disabilities.

Policy 1.1.3.1 states:

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

Policy 1.4.3 states:

- *Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:*
  - *b) permitting and facilitating:*
    - *1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
      - Refer to the responses provided to PPS Policies 1.1.1 b) and 1.1.1 f) herein.
    - *c) directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
      - Refer to the response provided to PPS Policy 1.1.1 g) herein.

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

- *1.1.3.2 Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*
  - *a) efficiently use land and resources;*
  - *b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

## **Official Plan**

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

The subject property is located within the Devonshire Planning District on *Schedule A - Planning Districts & Policy Areas*, adjacent to a Recreationway (Walker Homesite Bike Trail) and within close proximity to a Community and Regional Park (Hall Farm Park and

Walker Homesite Park) on *Schedule B - Greenway System*, within an Airport Operating Area with a Noise Exposure Forecast of 30 on *Schedule C - Development Constraint Areas* and within a Residential land use designation on *Schedule D - Land Use Plan* of Volume I to the City of Windsor *Official Plan*.

## **Volume I**

### **Chapter 3 - Development Strategy**

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

#### **3.2.1 - Safe, Caring and Diverse Communities**

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

### **Chapter 6 - Land Use:**

#### **6.1 Goals**

This amendment complies with the following applicable land use goals:

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

#### **6.3 Residential**

##### **6.3.1 Objectives**

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

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

##### **6.3.2 Policies**

#### **Permitted Uses**

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

- A Single Unit Dwelling is classified as a Low Profile dwelling unit.



## Locational Criteria

*New residential development and intensification shall be located where: (Policy 6.3.2.4)*

- *(a) there is access to a collector or arterial road;*
  - The subject property is located within approximately 150.0 metres of Foster Avenue, a Class II Collector Road.
- *(b) full municipal physical services can be provided;*
  - Refer to the response provided to PPS Policy 1.1.1 g) herein.
- *(c) adequate community services and open spaces are available or are planned; and*
  - Refer to the responses provided to PPS Policy 1.1.1 g) and the Surrounding Land Uses section herein.
- *(d) public transportation service can be provided.*
  - The subject property is located within approximately 375.0 metres of the Walkerville 8 transit route.

## Evaluation Criteria

*At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is: (Policy 6.3.2.5)*

- *(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:*
  - *(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*
    - The subject property is within an Airport Operating Area with a Noise Exposure Forecast above 30.
      - Refer to responses to Official Plan Policy 7.2.10.2 herein.
  - *(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.*
    - This amendment will allow for the adaptive re-use of the former St. Christopher's Parish Hall to establish a Single Unit Dwelling.
    - This amendment will not result in any changes to the scale, massing, height, siting, orientation, setbacks, parking or amenity areas of the subject property.

- The subject property is situated within an area consisting primarily of low density residential uses.
- *(d) provided with adequate off street parking;*
  - This amendment does not require any additional parking to be provided, as the parking required for the proposed use is less than that required for the existing use.

## **Chapter 7 - Infrastructure:**

### **7.2 Transportation System**

#### **7.2.10 Air Transportation Policies**

*Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule 'C': Development Constraint Areas shall be subject to the following: (Policy 7.2.10.2)*

- *(b) Redevelopment of existing sensitive land uses may only be considered above 30 NEF/NEP provided the proponent successfully completes a noise study to:*
  - *(i) Support the feasibility of the proposal;*
  - *(ii) Identify and implement appropriate mitigation measures (refer to Procedures chapter);*

Notwithstanding this requirement, the Planning Department is recommending that a site-specific Holding symbol "H" (or "h") provision be added to require the owner to demonstrate that, prior to the issuance of a building permit, the existing former St. Christopher's Parish Hall will comply with the Noise Exposure Forecast/Noise Exposure Projection (NEF/NEP) limits set forth under *Table C-4 Indoor Aircraft Noise Limits (Applicable over 24-hour period) of the Ministry of the Environment and Climate Change (MOECC) Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)* to the satisfaction of the Chief Building Official.

- This will ensure that a Single Unit Dwelling is constructed in a manner that ensures that its occupants are protected from unacceptable levels of noise associated with Windsor International Airport.
  - This approach achieves the same outcome as a noise study, which would evaluate the noise associated with Windsor International Airport and recommend mitigation for achieving a Single Unit Dwelling that falls within the aforesaid NEF/NEP limits.
- *(c) Redevelopment of existing residential uses and other sensitive land use in areas above 30 NEF/NEP may only be considered if it has been demonstrated that there will be no negative impacts on the long-term function of the airport;*

- Windsor Airport through their comments to the associated Planning Pre-Submission application (File No. PS-024/23) stated that they have “no comments or concerns on this development as it should have no negative effect on the airport operations.”
- (d) Land uses which may cause a potential aviation safety hazard are discouraged;
  - Refer to response to Official Plan Policy 7.2.10.2(c) above.

## Chapter 11 - Tools:

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

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

Policy 11.6.3.3 states:

- *When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:*
  - (a) *The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;*
  - (b) *Relevant support studies;*
  - (c) *The comments and recommendations from municipal staff and circularized agencies;*
  - (d) *Relevant provincial legislation, policies and appropriate guidelines; and*
  - (e) *The ramifications of the decision on the use of adjacent or similar lands.*
    - This amendment is not anticipated to have any ramifications on the use of adjacent or similar lands.

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

## Zoning By-Law

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

The subject property is within an ID1.1 zone of Zoning By-law 8600, which does not permit a Single Unit Dwelling use.

The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning to RD1.1 to allow a Single Unit Dwelling.

The applicant's request has been considered and is supported in part within this report. The Planning Department supports the amendment to allow a Single Unit Dwelling as an additional permitted use, however does not support changing the zoning district for the following reasons.

- The RD1.1 zoning is intended for Single Unit Dwellings, Existing Semi-Detached Dwellings and Existing Duplex Dwelling on lots typically significantly smaller than the subject property.
- The RD1.1 zoning does not permit a Business Office of a non-profit charitable organization, which could hinder future developments associated directly with HIA's operations.
- The ID1.1 provisions are appropriate for the adaptive reuse of the former St. Christopher's Parish Hall.

The Planning Department is consequently recommending that the zoning for the subject property be amended in the following manner to support the proposed Single Unit Dwelling development.

- Adding a site specific holding provision to permit *One Single Unit Dwelling* as an additional permitted use within the existing former St. Christopher's Parish Hall, subject to the following additional regulations:
  - ID1.1 Provisions in section 13.1.5
  - Gross Floor Area - Single Unit Dwelling - maximum of 400.0 m<sup>2</sup>
    - This provision is included under the surrounding low density residential RD1.1, Residential District 1.2 (RD1.2) and Residential District 2.1 (RD2.1) zoning districts, and is being recommended to be included through this amendment in order to remain consistent with these zoning districts.
  - The holding provision will remain until such time that the condition referenced herein has been fulfilled to the satisfaction of the Chief Building Official.

No other zoning deficiencies have been identified or supported.

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

### **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

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

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

N/A

### **Consultations:**

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

The Public Works Department through their comments and conversation with the Planning Department has confirmed that the Encroachment Agreement for the layby in front of the former St. Christopher's Roman Catholic Church needs to be finalized (File No. EN 16-160555). This matter has no bearing on this amendment, however should be resolved so that the file can be closed.

There are no objections to the proposed amendment.

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

The owner of 1696 Blairwood Crescent, Georges Raad, contacted the Planning Department on August 22, 2023 via telephone to ask some general questions on this amendment.

### **Conclusion:**

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

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

## Planning Act Matters:

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

*Greg Atkinson, MCIP, RPP*  
*Manager of Development*

*Neil Robertson, MCIP, RPP*  
*Acting City Planner*

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

*JP*            *JM*

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

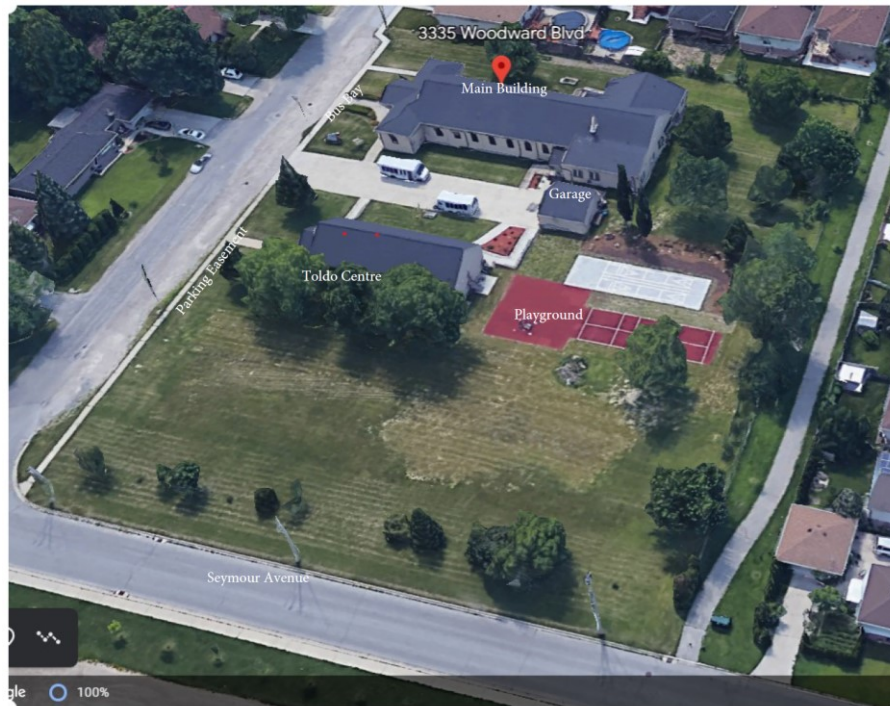
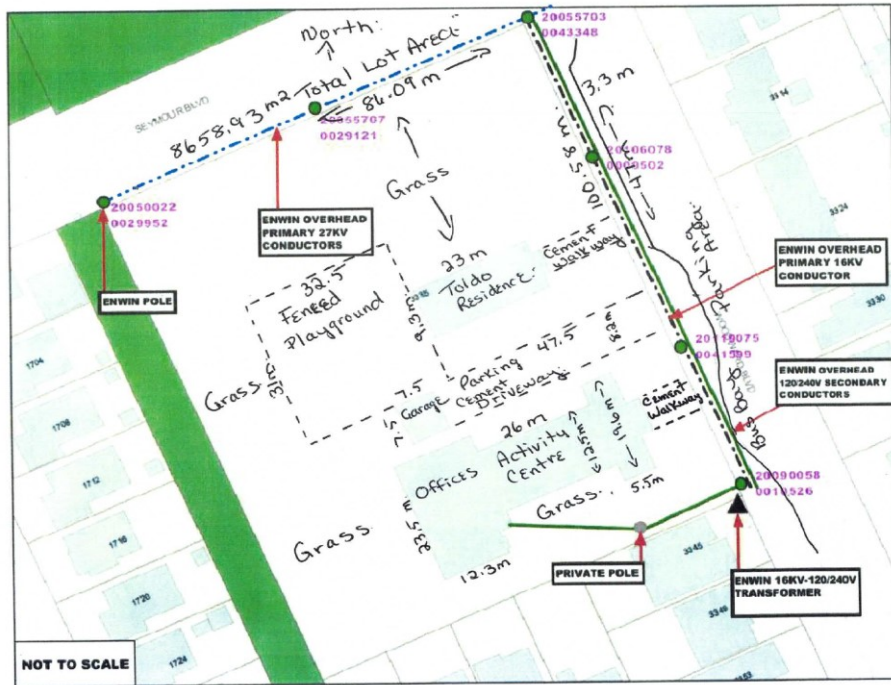
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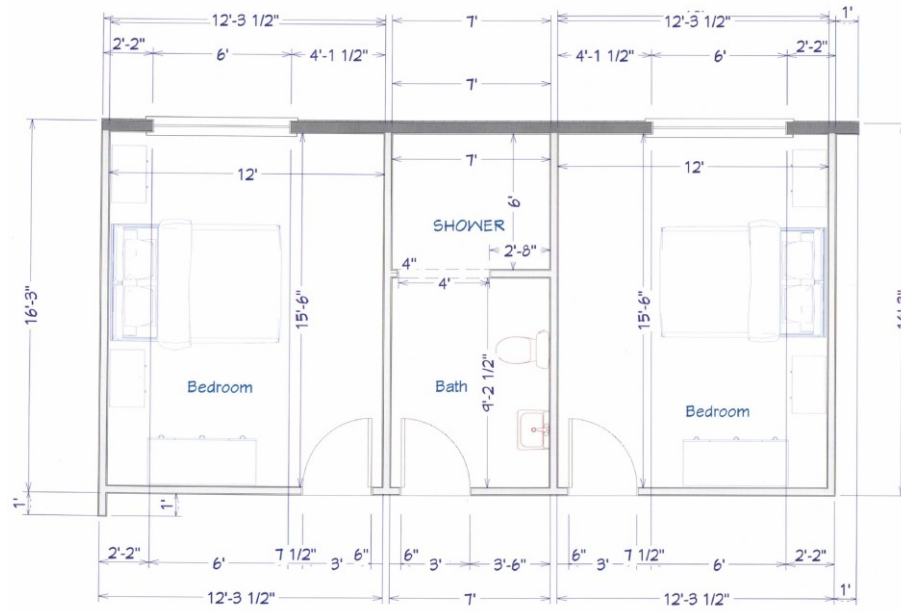
Name	Address	Email
Harmony In Action Windsor c/o Elizabeth Esposito	3335 Woodward Boulevard Windsor, ON N8W 2Y7	executivedirector@ harmonyinaction.com
Councillor Kieran McKenzie (Ward 9)		kmckenzie@citywindsor.ca
Abutting property owners, tenants/occupants within 120-meter (400 feet) radius of the subject property		

## Appendices:

- 1 Appendix A - Conceptual Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Excerpts from Official Plan Volume I
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Consultations
- 6 Appendix F - Draft Amending By-law (Site Specific)

### APPENDIX "A" Conceptual Plans







**APPENDIX "B"**  
**Site Photos (August 3, 2023)**



*Figure 1 - Former St. Christopher's Parish Hall viewed from Woodward Boulevard*



*Figure 2 - Looking northwest towards former St. Christopher's Parish Hall from Woodward Boulevard*



*Figure 3 - Looking southwest towards former St. Christopher's Parish Hall from Woodward Boulevard*



*Figure 4 - Looking southwest towards former St. Christopher's Parish Hall from intersection of Woodward Boulevard and Seymour Boulevard*



*Figure 5 - Looking southeast towards former St. Christopher's Parish Hall from Seymour Boulevard*



*Figure 6 - Looking east towards former St. Christopher's Parish Hall from rear of subject property*



*Figure 7 - Harmony In Action Amenity Area to rear of former St. Christopher's Parish Hall*



*Figure 8 - Looking north towards former St. Christopher's Parish Hall from parking area*



*Figure 9 - Looking east towards parking area from rear of subject property*

**APPENDIX “C”**  
**Excerpts from Official Plan Volume I**

### **3 Development Strategy**

#### **3.2 Growth Concept**

##### **3.2.1 Safe, Caring and Diverse Community**

*NEIGHBOURHOOD  
HOUSING VARIETY*

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

### **6 Land Use**

#### **6.1 Goals**

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

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

*RESIDENTIAL  
INTENSIFICATION* 6.1.14 To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.

#### **6.3 Residential**

##### **6.3.1 Objectives**

*RANGE OF  
FORMS &  
TENURES* 6.3.1.1 To support a complementary range of housing forms and tenures in all neighbourhoods.

*INTENSIFICATION,  
INFILL &  
REDEVELOPMENT* 6.3.1.3 To promote selective residential redevelopment, infill and intensification initiatives.

##### **6.3.1 Policies**

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

- LOCATIONAL CRITERIA*      6.3.2.4      Residential development shall be located where:
- (a) there is access to a collector or arterial road;
  - (b) full municipal physical services can be provided;
  - (c) adequate community services and open spaces are available or are planned; and
  - (d) public transportation service can be provided.

- EVALUATION CRITERIA FOR A NEIGHBOURHOOD DEVELOPMENT PATTERN*      6.3.2.5      At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:
- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
    - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (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;

## 7 Infrastructure

### 7.2 Transportation System

#### 7.2.10 Air Transportation Policies

- DEVELOPMENT WITHIN THE AIRPORT OPERATING AREA*      7.2.10.2      Council shall protect the Windsor Airport from incompatible development. Accordingly, all proponents of development within the Airport Operating Area designated on Schedule ‘C’: Development Constraint Areas shall be subject to the following:
- (a) New sensitive land uses shall not be permitted in areas above 30 NEP/NEF as set out on maps approved by Transport Canada;

- (b) Redevelopment of existing sensitive land uses may only be considered above 30 NEF/NEP provided the proponent successfully completes a noise study to:
  - (i) Support the feasibility of the proposal;
  - (ii) Identify and implement appropriate mitigation measures (refer to Procedures chapter);
- (c) Redevelopment of existing residential uses and other sensitive land use in areas above 30 NEF/NEP may only be considered if it has been demonstrated that there will be no negative impacts on the long-term function of the airport;
- (d) Land uses which may cause a potential aviation safety hazard are discouraged;

## 11 Tools

### 11.6 Zoning

#### 11.6.1 Objectives

*COMPATIBLE USES*

- 11.6.1.2 To ensure compatibility between land uses.

#### 11.6.3 Zoning By-law Amendment Policies

*EVALUATION CRITERIA*

- 11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:
  - (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
  - (b) Relevant support studies;
  - (c) The comments and recommendations from municipal staff and circularized agencies;
  - (d) Relevant provincial legislation, policies and appropriate guidelines; and
  - (e) The ramifications of the decision on the use of adjacent or similar lands.

**APPENDIX “D”**  
**Excerpts from Zoning By-law 8600**

**SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)**

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233; B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 220-2002, Feb 24/2003; B/L 10-2004 OMB Order PL040143, File No. R040023, Decision/Order No. 0055, Issued Jan 12/2005 B/L 114-2016 Sep 19/2016); B/L 164-2017, Dec. 7/2017 [ZNG/5270]; B/L 95-2019, Sept. 27/2019; B/L 101-2022, July 11, 2022

**10.1 RESIDENTIAL DISTRICT 1.1 (RD1.1)**

**10.1.1 PERMITTED USES**

- Existing Duplex Dwelling*
- Existing Semi-Detached Dwelling*
- One Single Unit Dwelling
- Any use accessory to the preceding uses

**10.1.5 PROVISIONS**

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	15.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	450.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.50 m
.8 Gross Floor Area – main building – maximum	400 m <sup>2</sup>	400 m <sup>2</sup>	400 m <sup>2</sup>

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



## SECTION 13 - INSTITUTIONAL DISTRICTS 1. (ID1.)

(B/L 9465 OMB Order R890032 Sep 28/1989; B/L 209-1998 Aug 11/1998; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233; B/L 363-2002 Dec 31/2002; B/L 110-2009 OMB Order PL090722, Nov 20/2009 amended by Order PL090722, Dec 4/2009; B/L 126-2011 Jul 21/2011; B/L 114-2016 Sep 19/2016; B/L 129-2016 Sep 19/2016) [ZNG/4628; ZNG5270] B/L 164-2017, Dec. 7, 2017

### 13.1 INSTITUTIONAL DISTRICT 1.1 (ID1.1)

#### 13.1.1 PERMITTED USES

*Business Office of a non-profit or charitable organization*

*Child Care Centre Place of Worship School*

Any one or more of the following uses within an existing building which is owned and maintained by a Public Authority: Business Office; Professional Studio

Any use accessory to the above uses

#### 13.1.5 PROVISIONS

.1	Lot Frontage – minimum	20.0 m
.2	Lot Area – minimum	700.0 m <sup>2</sup>
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – maximum	14.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	3.00 m
.8	Landscaped Open Space Yard – minimum	20.0%

## **APPENDIX “E” Consultations**

### **BELL CANADA WSP**

No comments provided

### **CALDWELL FIRST NATION COMMUNITY**

No comments provided

### **ENBRIDGE GAS**

After reviewing the provided drawing at 3335 Woodward Blvd and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

#### **Please Note:**

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

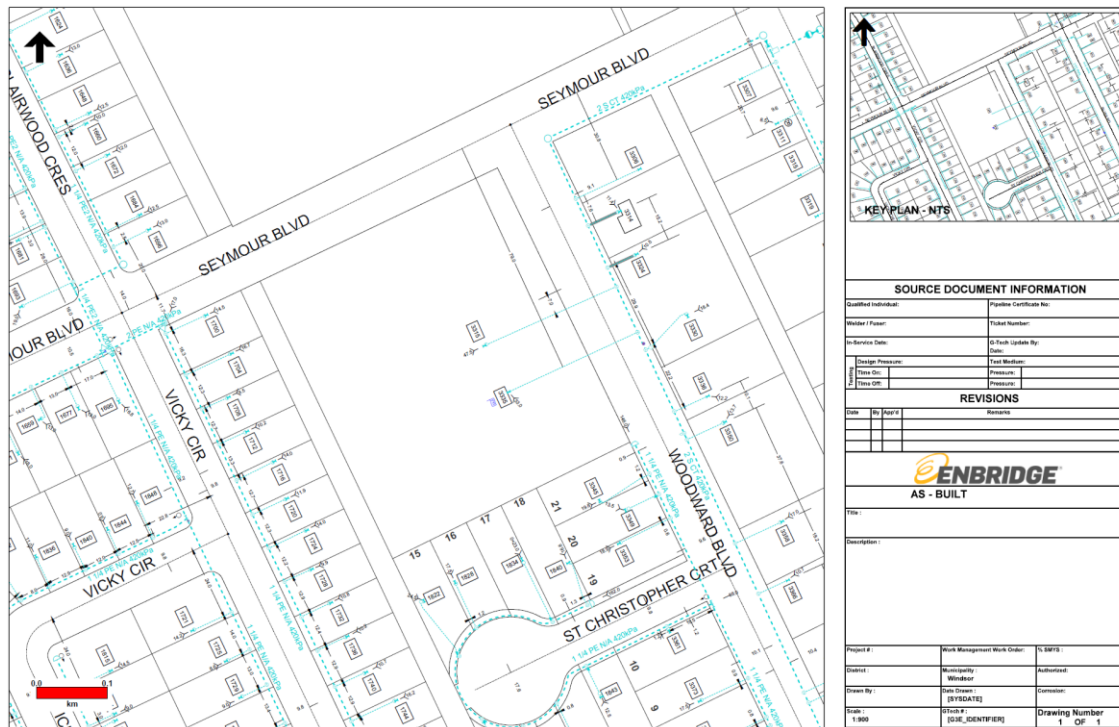
Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0 m horizontal and 0.6 m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to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

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

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

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

**[Samuel Nguyen, Summer Student Engineer]**



**ENWIN UTILITIES - HYDRO**

No objection provided adequate clearances are achieved and maintained. Be advised of the existing overhead primary and secondary conductor east of the property, and the existing secondary service running along the south edge of the property.

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

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

**[Jeremy Allossery, Hydro Engineering Technologist]**

**ENWIN UTILITIES - WATER**

Water Engineering has no objections to the rezoning.

**[Bruce Ogg, Title]**

**FORESTRY DEPARTMENT**

This project does not affect any city owned trees, however there are mature trees on this lot. Forestry will like to review a tree preservation plan or landscaping plan which will address re-establishment of canopy coverage together with the planned development.

**[Yemi Adeyeye, City Forester, Manager Forestry & Natural Areas]**

**PARKS DEPARTMENT**

Parks Development & Design and Natural Areas has no concerns with this LIAISON: Z 021/23 [ZNG/7066].

**[Sherif Barsom, Landscape Architect]**

**PLANNING DEPARTMENT - LANDSCAPE****Tree Preservation & Climate Change:**

There are several trees throughout the site which will provide relief from any urban heat island affect to be experienced by the existing build infrastructure. Therefore, no additional concerns to be mitigated at this time.

**Parkland Dedication:**

There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication for Residential and 2% for all other zoning, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

**[Stefan Fediuk, Landscape Architect]**

**PLANNING DEPARTMENT - URBAN DESGN****Urban Design & Zoning Provisions for Parking Setback:**

There are no immediate plans for additional site development associated with the proposed rezoning. Therefore, no additional provisions required from a landscape or urban design perspective.

**[Stefan Fediuk, Landscape Architect]**

**PUBLIC WORKS DEPARTMENT**

We have reviewed the subject Rezoning application and have no objection to the proposed development, subject to the following requirements:

**Encroachment Agreement** - The owner agrees to submit application for and execute an agreement with the Corporation for the proposed encroachments into the right-of-way (two lay-by's located within the Woodward Boulevard right-of-way) to the satisfaction of the City Engineer.

**[Andrew Boroski, Technologist II]**

**TRANSPORTATION PLANNING**

Woodward Blvd is classified as a Local Road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient; therefore, a conveyance is not required.

Seymour Blvd is classified as a Local Road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient; therefore, a conveyance is not required.

All parking must comply with Zoning By-Law 8600. A single-unit dwelling requires 1 parking space according to the ZBL. However, the Encroachment Agreement proceeds (as per Engineering Right-of-Way's comments), the required parking must be provided and comply with ZBL.

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).

**[Clare Amicarelli, Transportation Planning Coordinator]**

**WALPOLE ISLAND FIRST NATION**

No comments provided

**WINDSOR AIRPORT**

I have no comments or concerns on this development as it should have no negative effect on the airport operations.

**[Steve Tuffin, Director of Airport Operations]**

**APPENDIX “F”  
Draft Amending By-law**

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 clause:

**485. SOUTHWEST CORNER OF SEYMOUR BOULEVARD AND WOODWARD BOULEVARD**

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

- 1. Provisions in section 13.1.5
- 2. Gross Floor Area - Single Unit Dwelling - maximum                      400.0 m<sup>2</sup>  
[ZDM 12; ZNG/7066]

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	12	Block A & Part of Block B, Plan 1513, PIN No. 01561- 2695 LT (located on the southwest corner of Seymour Boulevard and Woodward Boulevard)	--	S.20(1)H485

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

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

[ZDM 12; ZNG/7066]

DREW DILKENS, MAYOR

CLERK

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

**SCHEDULE 2**

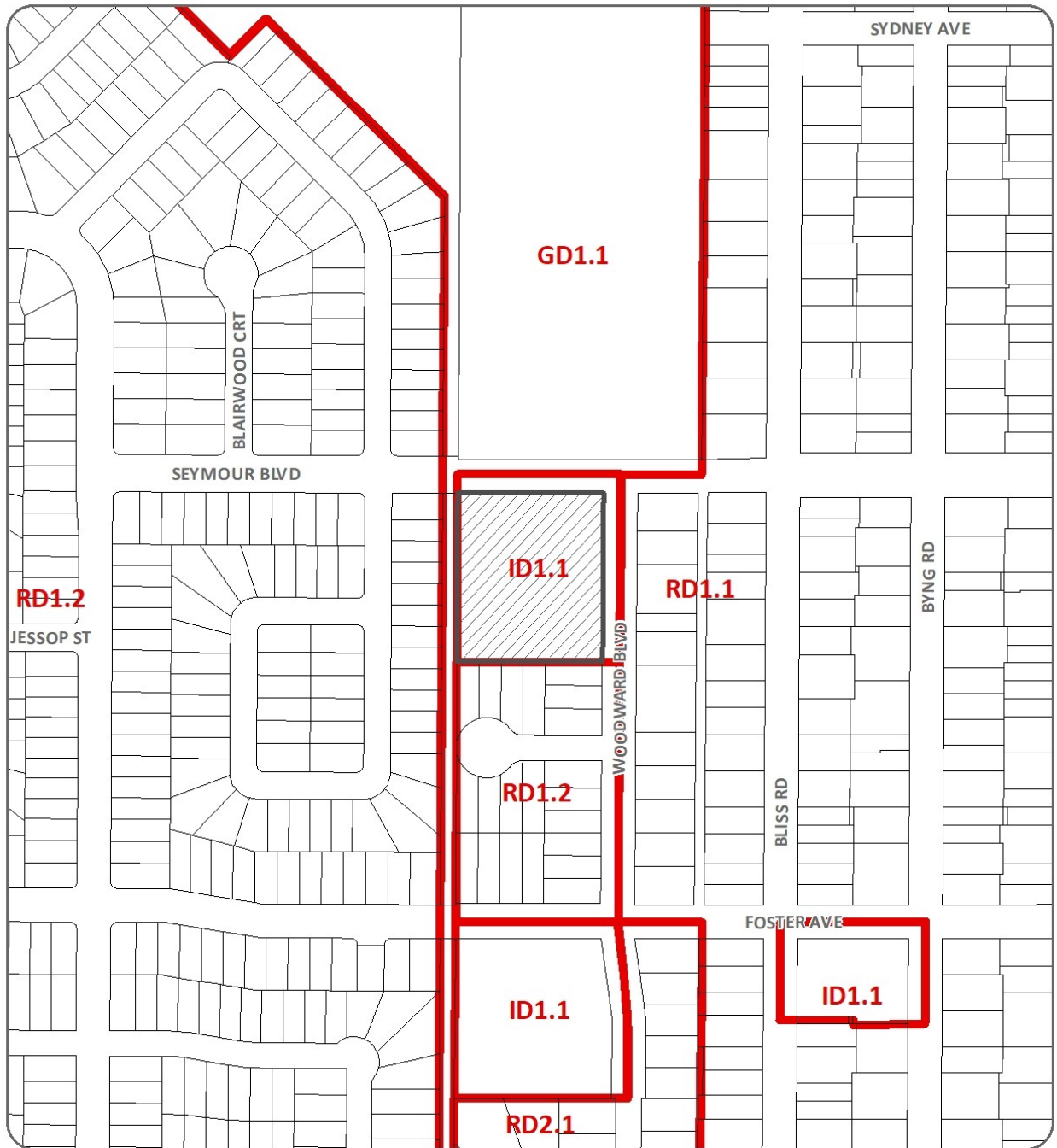
1. By-law \_\_\_\_\_ has the following purpose and effect:

To amend the zoning of the lands located on the southwest corner of Seymour Boulevard and Woodward Boulevard, legally described as Block A & Part of Block B, Plan 1513, PIN No. 01561-2695 LT, so as to permit the development of one single unit dwelling on the subject land.

The amending by-law maintains the ID1.1 zoning on the subject land and adds a special zoning provision permitting one single unit dwelling with a maximum gross floor area of 400.0 m<sup>2</sup> within the existing former St. Christopher's Parish Hall on the subject land, subject to a holding (H) symbol to ensure that the existing former St. Christopher's Parish Hall will comply with the Noise Exposure Forecast/Noise Exposure Projection (NEF/NEP) limits set forth under *Table C-4 Indoor Aircraft Noise Limits (Applicable over 24-hour period)* of the Ministry of the Environment and Climate Change (MOECC) *Environmental Noise Guideline - Stationary and Transportation Sources - Approval and Planning (NPC-300)*.

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





PART OF ZONING DISTRICT MAPS 12

N.T.S.

## SCHEDULE 2

Applicant: Harmony In Action



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2023  
FILE NO. : Z-021/23, ZNG/7066

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

**Reference:**

Date to Council: September 11, 2023  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca  
Planning & Building Services  
Report Date: August 4, 2023  
Clerk's File #: Z/14603

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

**Recommendation:**

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

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

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

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

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

[ZDM 7, 11; ZNG/6940]

2. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following into site plan approval of the required site plan control agreement:
  - a) Requirements of the City of Windsor - Engineering Department in Appendix G to Report S 96/2023, subject to the approval of the City Engineer;
  - b) Requirements of the City of Windsor – Transportation Planning in Appendix G to Report S 96/2023, subject to the approval of the City Engineer;

and to review and consider the comments from municipal departments and external agencies in Appendix G to Report S 96/2023.

### **Executive Summary:**

N/A

### **Background:**

#### **Application Information:**

**Location:** 1646 Alexis Road (Reginald Street / Alexis Road / Alice Street)  
Roll No.: 010-290-02610

**Ward:** 5      **Planning District:** East Windsor      **Zoning District Map:** 7 & 11

**Applicant:** Meo & Associates Inc. (Raffaele Meo)

**Agent:** Lassaline Planning Consultants (Jackie Lassaline)

**Owner:** Parway Inc. (Dr. Ishtiaq Rao)

**Proposal:** The applicant is requesting an amendment to Zoning By-law 8600 by adding a site specific exception to allow a multiple dwelling development consisting of two multiple dwellings with a building height of 18.3 m with a total of 92 dwelling units (46 per building) over 6 storeys. A total of 123 parking spaces including 6 accessible spaces, 10 bicycle spaces, and 2 loading spaces are proposed. Vehicular access to the parking area is from Alexis Road and Alice Street. No changes to the existing brick building are proposed beyond reconfigured parking areas consisting of 49 parking spaces. All plans are subject to change. A Plan of Condominium application may be submitted in the future.

#### **Submitted Material:**

Attached to this report as an Appendix:

Planning Rationale Report Revised (PRR) – See Appendix A  
Conceptual Site Plan 2023 May 12 – See Appendix B  
Renderings – See Appendices C, D & E  
Severance Plan (Severance Sketch) – See Appendix F

Not attached to this report but available [online](#) or via email:

Appendices E, F, G & H to Planning Rationale Report Revised (PRR)  
Elevations; Topographical Survey  
Heritage Report (Heritage Impact Assessment - HIA) Revised 2023 August 7  
Presentation (Open House)  
Sanitary Sewer Capacity Check Revised; Storm Water Drainage and Management Plan  
Zoning By-law Amendment Application

All documents are available online via the Current Development Applications [page](#) – click on [Z-043/22](#) or email at [aszymczak@citywindsor.ca](mailto:aszymczak@citywindsor.ca)

## Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Institutional District 1.1 (ID1.1)	Vacant Land	School Field / Play Area / Parking
LOT FRONTAGE (REGINALD STREET)	LOT FRONTAGE (ALEXIS ROAD)	LOT AREA	LOT SHAPE
67.7 m	76.5 m	0.81 ha	Irregular
221.1 ft	250.9 ft	2.0 ac	
<i>All measurements are based on data provided by applicant and are approximate.</i>			

## Neighbourhood Description and Amenities:

The PRR contains site images on pages 13 to 15 and 17 to 20 (see Appendix A).

Towards the north are low profile low density residential uses, Sts. Cyril and Methodius Church and St Cyril's Slovak Centre, Our Lady of the Lake Cemetery, Descent of the Holy Ghost Church, and a manufacturing facility of Ford Motor Company of Canada. To the east is the Ford Test Track Park, a 23 ha (59 ac) major recreational facility for local sports including 18 soccer fields, a walking / running track, off-leash dog parks, playground areas and parking areas.

To the south is the Windsor Islamic High School (former Gordon McGregor Public School), low profile low density residential uses, Fire Station #2 (3121 Milloy), St. Teresa of Calcutta Catholic Elementary School, and several places of worship. To the west are low profile low density residential uses, and a mix of uses along Drouillard Road, a major north-south road in the area.

Numerous schools, places of worship and municipal parks are located within 800 m of the subject parcel. The City of Windsor Constable John Atkinson Memorial Community Centre is just over 1 km to the east at Alice Street and Bernard Road. The Stellantis automotive assembly plant is located just over 1 km to the south.

Reginald Street, Alexis Road, and Alice Street are classified as Local Roads with sidewalks and curbs. Seminole Street, 250 m to the north and Drouillard Road, 160 m to the west, are Class I Collector Roads. Tecumseh Road East, about 750 m to the south is a Class II Arterial Road. On-street bike lanes are located on Seminole Street.

Public transit is available via the Central 3 bus at Drouillard and Reginald (160 to the west), the Ottawa 4 bus at Seminole and Chandler (250 m to the north), and the Transway 1C bus to the south at Tecumseh Road East and Chandler. Similar service is maintained in the Transit Master Plan.

Existing water mains, storm sewers, and sanitary sewers are available.

Figure 1: Key Map

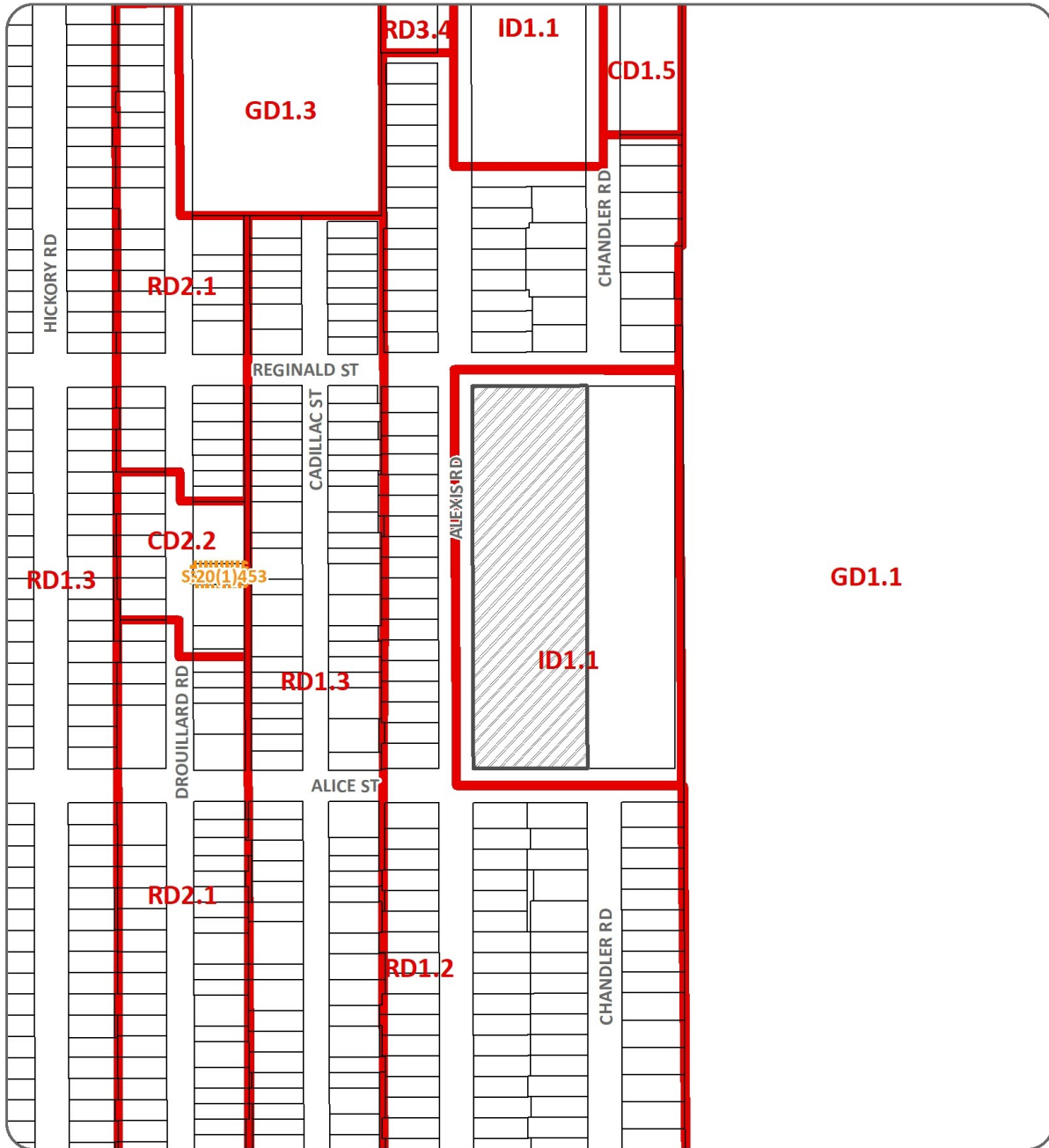


KEY MAP - Z-043-22, ZNG-6940



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAPS 7 & 11

N.T.S.

## REZONING

Applicant: Meo & Associates Inc.



**SUBJECT LANDS**

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2023  
FILE NO. : Z-043/22, ZNG/6940

**Figure 3: Neighborhood Map**



**NEIGHBOURHOOD MAP - Z-043/22, ZNG-6940**



**SUBJECT LANDS**

## **Discussion:**

### **Planning Rationale Report Revised (PRR) - Lassaline Planning Consultants, Jackie Lassaline, MCIP, RPP - 24 May 2023)**

The PRR provides a description of the site, surrounding land uses, proposed development and amendment. A planning analysis of the Provincial Policy Statement 2020, the City of Windsor Official Plan and Zoning By-law 8600 are provided. The PRR notes that the proposed amendment *“provides a good solution for the preservation of the heritage while providing for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.”*

It is the professional opinion of Ms. Lassaline that the proposed amendment:

- “1) is consistent with the policies of the 2020 Provincial Policy Statements;*
- 2) conforms with the intent and the relevant policies of the City of Windsor Official Plan;*
- 3) maintains the intent of City of Windsor CZB 8600 and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;*
- 4) will support complimentary development that will conserve and preserve existing built heritage; and*
- 5) makes sound planning.”*

The Planning Department generally concurs with the planning commentary in the PRR.

### **Heritage Impact Assessment (HIA) - Lassaline Planning Consultants, Jackie Lassaline, MCIP, RPP – Revised 9 August 2023)**

The HIA notes that the *“there are no threats to the heritage building through the proposed development of the vacant portion of the site. All efforts have been made to preserve and conserve the heritage building”*. The report further states that *“the new buildings will be sympathetic and complimentary to the existing heritage of the Gordon McGregor school. Respect and regard for the heritage of the McGregor School will continue during the final design and subsequent development of the site”*.

The report recommends that the Gordon McGregor Public School be *“formally designated under Part IV of the Heritage Act based on O. Reg 9/06 Section 1(2) and identified as:*

- i) a building with design value as an Art Deco institutional building;*
- ii) a building designed by significant architects to the City of Windsor; and*
- iii) a building of importance for the education of family members of the residents of historical Ford City; and*
- iv) a building with historical significance named after the founding member of Ford Motor”*

The City of Windsor Heritage Planner has no concerns with the HIA and notes that the subject property *“has cultural heritage value and interest, and meets the O.Reg. 9/06 criteria for Designation. Therefore, City Administration has brought forward report S 89/2023 to Council recommending designation of the subject property”*. DHSC recommended approval of report S 89/2023 on August 8, 2023.



## **Sanitary Sewer Capacity Check**

**(Meo & Associates Inc. – Raffaele Meo, P.Eng., P.E. – 14 December 2022)**

The study states that the “existing sewers have capacity to serve the proposed 92-unit apartment building project”. The City of Windsor Engineering Department notes that a sanitary sampling manhole may be required on any new sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist. Further, the applicant will be required to submit site servicing drawings prior to Site Plan Control.

## **Storm Water Drainage and Management Plan**

**(Meo & Associates Inc. – Raffaele Meo, P.Eng., P.E. – 13 October 2022)**

The City of Windsor Engineering Department notes that the “storm water management plan can be finalized once the Site Plan is approved”. They noted that the development should be able to outlet into the 1500 mm sewer in the former Chandler right-of-way to the east. The Windsor Essex SWM 2019 manual should be followed.

A final storm sewer study will be reviewed during site plan control.

## **Provincial Policy Statement, 2020**

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

The vision of the PPS focuses growth and development within urban settlement areas, that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. Planning authorities are encouraged to permit and facilitate a range of housing options, including residential intensification, to respond to current and future needs. Land use patterns should promote a mix of housing, including affordable housing.

Section 6.0 in the Planning Rationale Report contains a list of relevant PPS polices and the agent’s analysis of those polices.

Regarding Policies 1.1.1, 1.1.2 & 1.1.3, the proposed multiple dwellings are an efficient development and promote a land use pattern that sustains the financial well being of the municipality and accommodates an appropriate market-based residential type that meets long-term needs. No environmental or public health concerns were noted.

The multiple dwellings are considered infill and intensification and the parcel is located within the settlement area and walking distance of a bus route, making it a transit-supportive development that optimizes transit investments and an appropriate location for intensification. The proposed development will make use of existing infrastructure such as roads, sewers and watermains to achieve a cost-effective development pattern and minimize land consumption and servicing costs.

No deficiencies in infrastructure and public service facilities have been identified. Elementary schools and municipal parks are located within the neighbourhood. The preliminary sanitary and storm sewer studies note no issues. A final storm water study will be reviewed during site plan control.

The proposed development represents an opportunity to incorporate climate change measures such as stormwater management to control the flow of rain water into the

stormwater system and the use of building materials and devices to mitigate heating, cooling and water use concerns.

The proposed development utilizes land within the settlement area through intensification & redevelopment, provides a density and a use that makes efficient use of land & resources and is appropriate for available infrastructure avoiding the need for any unjustified or uneconomical expansion. It minimizes negative impacts to air quality by allowing residents to use alternative transportations means such as walking, cycling or public transit, and allows for the inclusion of modern building materials & construction methods to promote energy efficiency and deal with climate change impacts.

The proposed zoning amendment is consistent with Policies 1.1.1, 1.1.2, and 1.1.3.

Regarding Policy 1.4, the proposed development allows the City to accommodate residential growth through residential intensification, and directs development to where appropriate levels of infrastructure and public service facilities exist.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.4.

Policy 1.6 provides direction on infrastructure and public service facilities. Policy 1.6.3 a) states that *“the use of existing infrastructure and public service facilities should be optimized”* and Policy 1.6.6.2 states that for *“existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services”*. The proposed amendment promotes intensification and redevelopment that will optimize the use of existing infrastructure. Per Policy 1.6.6.7, stormwater management has been integrated into this process and will be further refined during the site plan control process.

Given the availability of existing roads, public transit, and cycling facilities nearby, the proposed multiple dwellings allow for the efficient use of existing transportation infrastructure, minimizes the number and length of vehicle trips, and supports the use of transit and active transportation. This is consistent with Policy 1.6.6.7.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.6.

Policy 1.7 promotes long-term economic prosperity. The proposed development is responding to market-based needs and will provide a diverse housing supply, that optimizes the use of land, resources, infrastructure and public service facilities, and that, through modern construction and building materials, will promote energy conservation and minimize the impacts of climate change.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.7.

Policy 1.8 provides direction on energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate, the proposed multiple dwellings represent a compact form, and promotes the use of active transportation and transit.

The proposed multiple dwellings are consistent with Policy 1.8.

The proposed multiple dwelling development and the amendment to Zoning By-law 8600 are consistent with the PPS.

## **City of Windsor Official Plan:**

Section 7.0 in the PRR contains a list of relevant Official Plan (OP) polices and the agent's analysis of those polices. The parcel is located within the East Windsor Planning District and is designated Residential on Schedule D: Land Use.

Regarding the Safe, Caring and Diverse Community component (Section 3.2.1) of the Development Strategy in Chapter 3, the proposed multiple dwellings expand the variety of housing types and provides an opportunity for area residents to live in their neighbourhoods as they pass through the various stages of their lives.

The proposed multiple dwellings conform to the policy direction of Section 3.2.1.

Chapter 4 provides policy direction on creating a healthy and liveable city, a high quality of life, a strong sense of community and community empowerment. Section 4.2.1.5 encourages a mix of housing types and services to allow people to remain in their neighbourhoods as they age. The proposed development provides an opportunity for people to move from other dwellings but remain in the neighbourhood. The proposed development conforms to Section 4.2.3 - Quality of Life, in that it recognizes the shelter needs of the community and represents an appropriate range and mix of housing.

Through the applicant's open house, the upcoming public meeting at the Development & Heritage Standing Committee and future Council meeting, the public has had or will have the opportunity to be involved in this planning process. Notice has been provided in the Windsor Star newspaper and through the mail to tenants and property owners within 120 m of the subject lands. This conforms to Section 4.2.5.

The proposed development conforms to the policy direction of Chapter 4.

Chapter 6 – Land Use provides policy direction on the land use designations on Schedules D and E in the Official Plan. Applicable goals include 6.1.1 - Safe, caring and diverse neighbourhoods, 6.1.2 - Environmentally sustainable urban development and 6.1.3 - Housing suited to the needs of Windsor's residents. The proposed multiple dwellings introduce a housing type that creates a diverse neighbourhood, creates an environmentally sustainable development by redeveloping a serviced vacant parcel within the settlement area, and provides housing that is in demand.

The proposed development conforms to the Goals in Section 6.1.

Applicable objectives of the Residential land use designation include Section 6.3.1.1 - To support a complementary range of housing forms and tenures in all neighbourhoods, Section 6.3.1.2 - To promote compact neighbourhoods which encourage a balanced transportation system, and Section 6.3.1.3 - To promote selective residential redevelopment, infill and intensification initiatives.

The neighbourhood consists mostly of low density low profile dwellings. The proposed multiple dwellings are a complementary housing form and expand the range of housing types in the surrounding area and represents a redevelopment, infill and intensification initiative. The proposed development is a compact development that has access to alternative transportation modes such as walking, cycling and public transit.

The proposed development conforms to the Objectives in Section 6.3.1.

Section 6.3.2 lists policies of the Residential land use designation. Low Profile and Medium Profile dwelling units are permitted in the Residential land use. The proposed

multiple dwellings are considered Medium Profile dwelling units (i.e. between 14 and 26 metres in height) and are a permitted use. Locational criteria in Section 6.3.2.4 include access to a collector or arterial road, provision of full municipal physical services, provision of adequate community services and open spaces are provided or planned, and the provision of public transit.

The parcel has access to collector and arterial roads. No deficiencies in physical municipal services have been identified. Several schools, municipal parks and public transit are located within walking distance of the parcel.

Section 6.3.2.5 lists evaluation criteria for a Neighbourhood development pattern. The subject parcel is not within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of the Official Plan and is not within a site of potential or known contamination.

At-grade and balconies provide amenity areas. Residents have access to nearby parks and trails for additional amenity area.

The proposed multiple dwellings meet or exceed the requirements of Zoning By-law 8600 regarding parking spaces, accessible parking spaces, bicycle parking spaces, and loading spaces. 15 percent of provided parking spaces must be designated as visitor parking. No deficiencies in municipal services have been identified.

Compatible does not mean the proposed development needs to be identical to or even similar to existing development in an area. A development should be able to coexist with existing land uses. The proposed development is compatible with existing land uses. The proposed multiple dwellings are able to coexist with existing land uses and are compatible in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

The proposed multiple dwelling development conforms to the Locational Criteria in Section 6.3.2.4 and the Evaluation Criteria in Section 6.3.2.5.

The proposed development and amendment to the Zoning By-law conform to the policies in Chapter 6 – Land Use.

Chapter 7 provides policy direction on Infrastructure which includes transportation systems such as pedestrians, transit and roads, and physical services such as sewers.

Applicable goals in Section 7.1 include safe, sustainable, effective and efficient infrastructure (7.1.1), optimal use of infrastructure (7.1.2), and accessible, affordable and available transportation system (7.1.3).

Applicable objectives in Section 7.2.1 include making efficient use of existing transportation infrastructure (7.2.1.2), promoting a land use pattern, density and mix of uses that reduces vehicle trips and supports alternative transportation modes including public transit (7.2.1.5), and providing for adequate off-street parking facilities (7.2.1.9).

Section 7.2.2 provide general policy direction on Infrastructure. Applicable policies include promoting development patterns that support an increase in walking, cycling and public transportation (7.2.2.5), providing for a more compact urban form to reduce the growth in home based trip making (7.2.2.6 (b)), requiring adequate off-street parking and loading facilities as a condition of development approval (7.2.2.12), and requiring bicycle spaces (7.2.2.17).

The proposed development uses existing streets and public transit and represents a density that reduces vehicle trips and supports alternative transportation modes. No issues with municipal sanitary or storm sewers have been identified. Off-street parking meets or exceeds zoning requirements.

The proposed development conforms to the Goals in Section 7.1, the Objectives in Section 7.2.1, and the General Policies in Section 7.2.2.

The proposed multiple dwellings conform to the policies of Section 7 – Infrastructure.

The requested zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed zoning amendment conforms to the policy direction of the Official Plan.

### **Zoning By-Law:**

Conceptual plans, renderings, and a proposed severance plan are attached as Appendices B to F to this report. They are subject to change.

The subject lands are zoned Institutional District 1.1 (ID1.1) which permits a Business Office of a non-profit or charitable organization, Child Care Centre, Place of Worship, School. The applicant is requesting an amendment to change the zoning of from ID1.1 to RD3.2 and by adding a site specific exception to allow the proposed development.

The RD3.2 zone permits a Lodging House, Multiple Dwelling, Religious Residence, and Residential Care Facility on a lot having a minimum frontage of 30.0 m, maximum lot coverage of 35.0%, a maximum main building height of 24.0 m, a minimum landscaped open space yard of 35.0% and a maximum dwelling unit density of 188 units per hectare. Based on 92 dwelling units, the minimum lot area is 4,805 m<sup>2</sup> and the minimum number of parking spaces is 115. A total of 8 bicycle parking spaces, 5 accessible parking spaces, and 2 loading spaces (one per building) are required.

The subject parcel has an area of 8,100 m<sup>2</sup>, a lot frontage of 67.67 m along Reginald and a lot frontage of 76.5 m along Alexis, a lot coverage of 26.5%, a building height of 18.3 m, a landscaped open space yard of 28% and a dwelling unit density of 114 units per hectare. A total of 123 parking spaces including 6 accessible parking spaces, 10 bicycle parking spaces, and 2 loading spaces are proposed. The zoning by-law requires that 15% of the parking spaces be marked as a visitor parking space.

The proposed development is mostly in compliance with the provisions of Zoning By-law 8600. The reduction in landscaped open space yard will have no adverse impact on the use and enjoyment of the subject lands or surrounding parcels. The building setbacks align the proposed building in line with the existing school building. The deeming of the lands as a corner lot clarifies which provisions in RD3.2 shall apply.

The agent notes that the existing school site will comply with the provisions of the ID1.1 zone and parking area requirements when the school site is severed.

As discussed in the Official Plan section, the proposed building is compatible in terms of scale, massing, siting, height, orientation, setbacks, and parking. The proposed zoning provisions achieve that compatibility.

**Site Plan Control:**

Site plan control will apply to the proposed development. Design issues will be considered during site plan review. Recommendation 2 provides direction to the Site Plan Approval Officer.

**Risk Analysis:**

N/A

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

In general, infill intensification will minimize the impacts on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as parks, sewers, sidewalks, streets, schools and public transit.

**Climate Change Adaptation:**

The proposed development will provide many opportunities to increase resiliency for the development and surrounding area, including improved stormwater management.

**Financial Matters:**

N/A

**Consultations:**

**Public Open House:** The applicant held an informal public open house at the Windsor Islamic High School on February 22, 2023 from 5 to 7 pm. A total of 300 flyers were mailed area residents and property owners. In addition to the Ward Councillor, municipal staff from the Planning Department and Transportation Planning, the Planning Consultant (Agent), Applicant, and Architect, a total of 21 people attended the open house. Section 3.5 in the PRR provides a summary of the comments received and responses made at the open house.

**Circulation to Municipal Departments and External Agencies:** Comments are attached as Appendix G. Recommendation 2 directs the Site Plan Approval Officer to include and/or consider the comments from municipal departments and external agencies.

**Public Notice:** Statutory notice will be advertised in the Windsor Star, a local daily newspaper. A courtesy notice will be mailed to property owners and residents within 120m of the subject parcel. The Development & Heritage Standing Committee is the public meeting as required by the Planning Act.

**Planner's Opinion:**

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, "*shall be consistent with*" Provincial Policy Statement. The amendment has been evaluated for consistency with the PPS 2020 and conformity with the policies of the OP.

Based on the documents submitted by the applicant, the comments received from municipal departments and external agencies, and the analysis presented in this report, it is my opinion that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2020 and is in conformity with the OP. The staff recommendation will permit a multiple dwelling development that will coexist with existing land uses in the surrounding area. The Windsor Islamic High School parcel remains viable.

The proposed development is an appropriate form of intensification and expands the range of dwelling types in an area dominated by single unit dwellings. It provides an opportunity for residents to age in place and allowing new residents to locate within an established area. It allows for future residents to use alternative and active transportation modes such as walking, cycling and public transit.

Modern construction methods and building materials will allow the development to mitigate stormwater and climate change concerns. Existing infrastructure, such as roads, sidewalks, watermains, sewers and public transit, is being utilized, avoiding the need for any unjustified or uneconomical expansion of that infrastructure. Site plan control is the appropriate tool to incorporate the requirements, and consider the concerns, of municipal departments and external agencies.

It is my opinion that the proposed multiple dwelling development is compatible with existing land uses and that the recommendation to amend Zoning By-law 8600 constitutes good planning.

**Conclusion:**

Staff recommend approval of the requested amendment to Zoning By-law 8600 to change the zoning of the subject land from ID1.1 to RD3.2 and adding a site specific exception and providing direction to the Site Plan Approval Officer.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP*

*Neil Robertson, MCIP, RPP*

*Deputy City Planner /Manager of Development*

*Acting City Planner*

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

*JP*

*JM*

**Approvals:**

<b>Name</b>	<b>Title</b>
Greg Atkinson	Manager of Development / Deputy City Planner
Neil Robertson	Acting City Planner / Manager of Growth
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Raffaele Meo Meo & Associates Inc.	Suite 200 3600 Seven Lakes Drive LaSalle ON N9H 0E5	meo@meoassociates.com
Lassaline Planning Consultants (Jackie Lassaline)	PO Box 52 1632 County Road 31 St. Joachim ON N0R 1S0	jackie@lassalineplan.ca
Parway Inc. (Dr. Ishtiaq Rao)		ishtiaq@cropdefenders.com
Councillor Sleiman (Ward 5)		
Property owners and residents within 120 m of the subject lands		

**Appendices:**

- 1 Appendix A - Planning Rationale Report Revised 2023 May 24
- 2 Appendix B - Conceptual Site Revised
- 3 Appendix C - Rendering Looking East
- 4 Appendix D - Rendering Looking South
- 5 Appendix E - Rendering Looking Northwest
- 6 Appendix F - Severance Plan
- 7 Appendix G - Comments



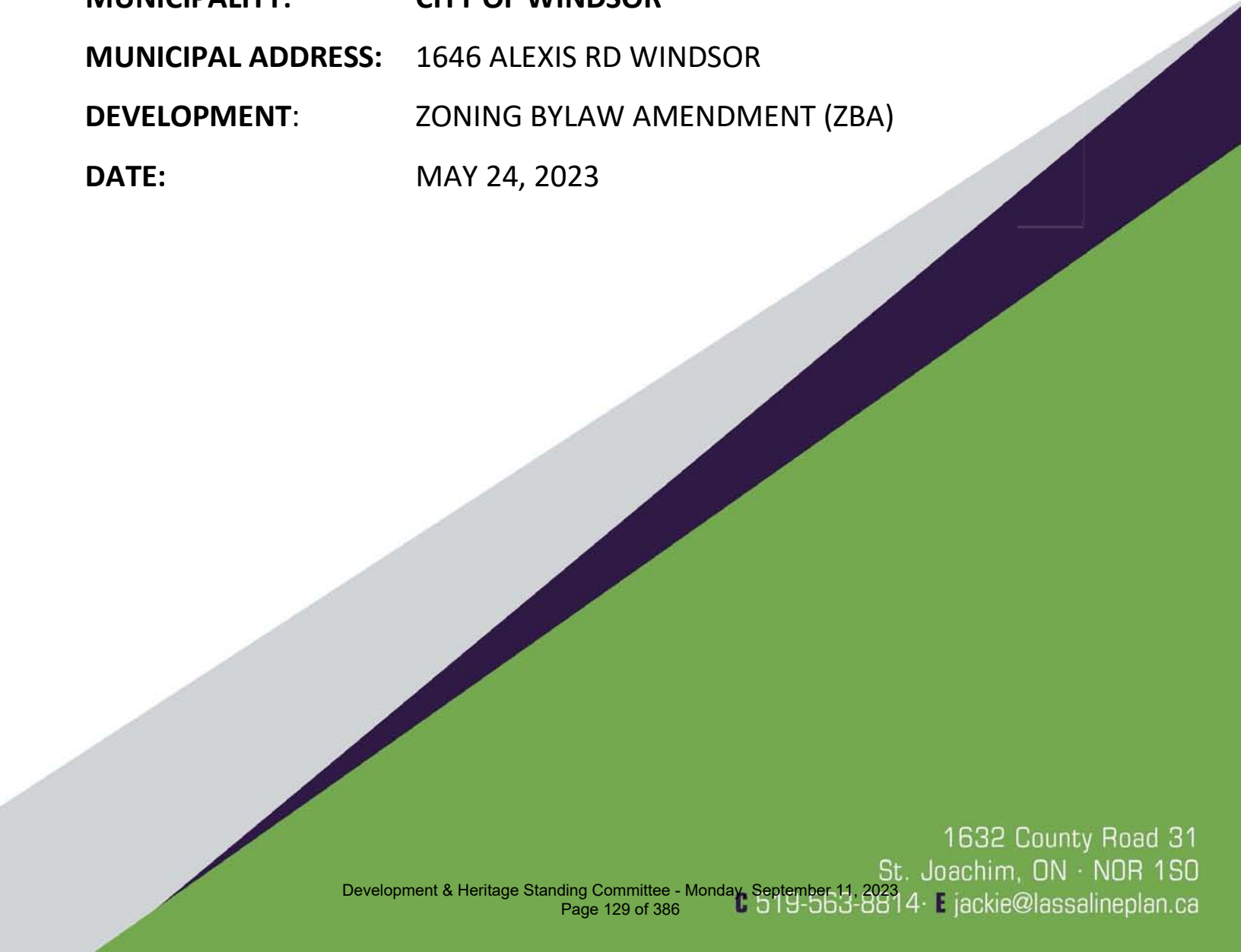


# LASSALINE

PLANNING CONSULTANTS INC.



**REPORT:** **PLANNING RATIONALE REPORT (PRR)**  
**MUNICIPALITY:** **CITY OF WINDSOR**  
**MUNICIPAL ADDRESS:** 1646 ALEXIS RD WINDSOR  
**DEVELOPMENT:** ZONING BYLAW AMENDMENT (ZBA)  
**DATE:** MAY 24, 2023



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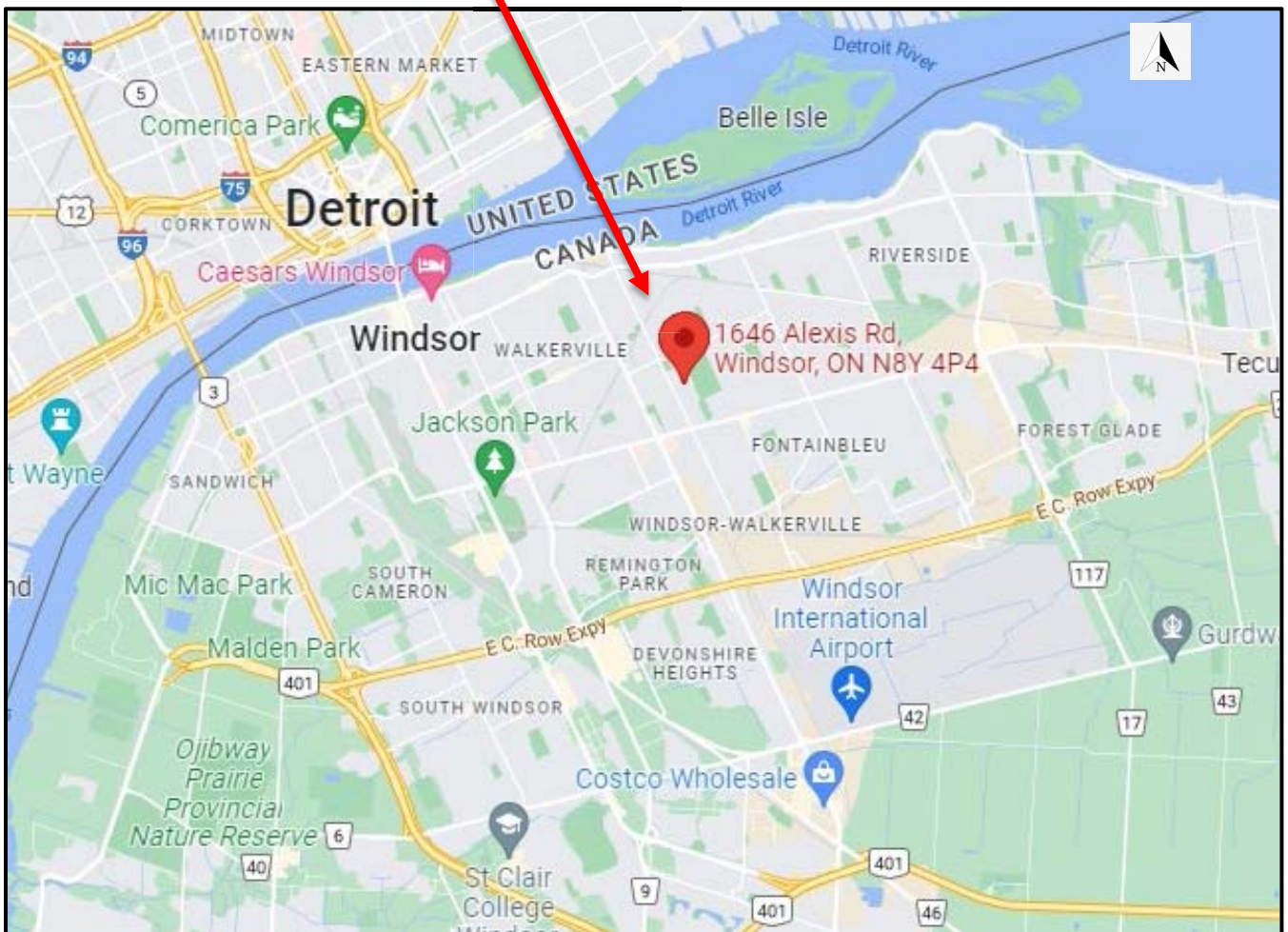
**APPENDIX H – OPEN HOUSE INFORMATION**

## 1.0 INTRODUCTION

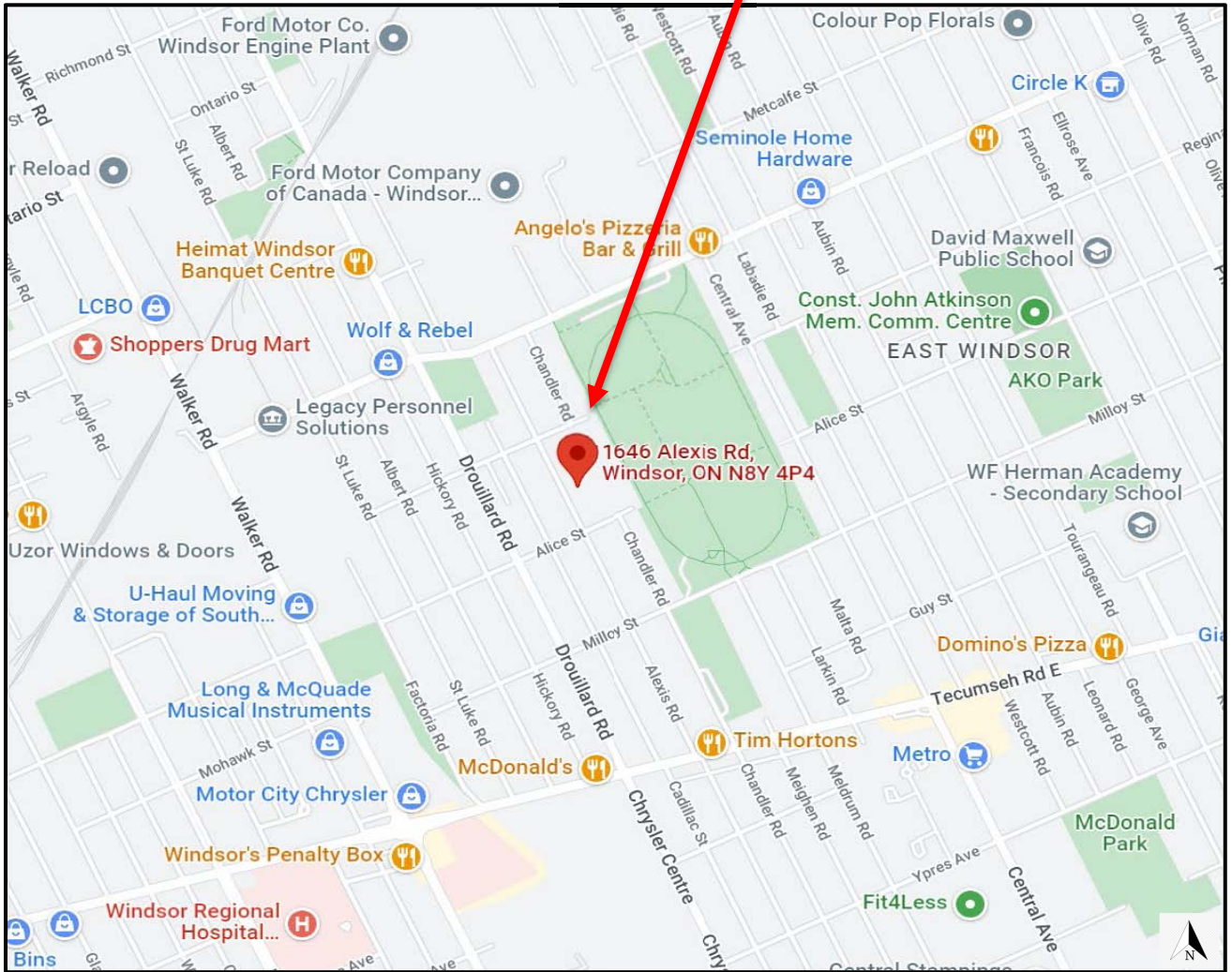
Lassaline Planning Consultants (LPC) has been retained to undertake a Planning Rationale Report (PRR) regarding the feasibility of a site-specific Zoning By-law Amendment (ZBA) to support an infill development of the subject site. Proposed is the addition of 2 buildings, each 6 storeys (18.3 m) in height with 92 residential apartment units within a multiple dwelling and 123 associated car parking spaces proposed for the vacant portion of the subject lands.

The subject property comprises two components: a vacant area of the subject lot at the north portion; and the south portion that is the location of the Gordon McGregor Public School building. The Gordon McGregor Public School has existed on the site since 1924 when it was constructed as a public school. In 2020 the Gordon McGregor Public School was adapted to another school, namely the Windsor Islamic High School.

**FIGURE 1 – LOCATIONAL MAP**



**FIGURE 2 – NEIGHBOURHOOD LOCATION MAP**



The subject lands are designated 'Residential' in the City of Windsor Official Plan and zoned as 'Institutional District 1.1 (ID1.1) in the City of Windsor Zoning By-law 8600. A site-specific Zoning By-Law Amendment (ZBA) is being requested that will rezone the vacant portion of the subject property to a 'Residential District (RD3.2-#). The site specific zoning provision will provide for 28% landscaped open space.

A pre-consultation file was submitted for the proposal and was evaluated by Planning, City of Windsor with a letter provided: PS041-22

Jackie Lassaline, BA MCIP RPP, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the proposed development.

## 2.0 SITE AND SURROUNDING LAND USES

The subject lands are located in Windsor Ward 5, in East Windsor and known as Ford City. The municipal address of the site is 1646 Alexis Road, City of Windsor.

The subject lands known as 1646 Alexis, was developed in 1924 with the Gordon McGregor Public School. The school fronted on Alexis Street with parking and athletic fields behind the school.

The Ford Test Track had existed for a number of years associated with Ford Motor Company. In 2016 the City acquired 1646 Alexis from the Essex District School Board. The eastern half of 1646 Alexis was severed by the City and an additional parkland was merged with the Ford Test Track Park as a dog park to create a significant parkland adjacent to the proposed development.

**FIGURE 3 – 1646 ALEXIS RD (2016)**

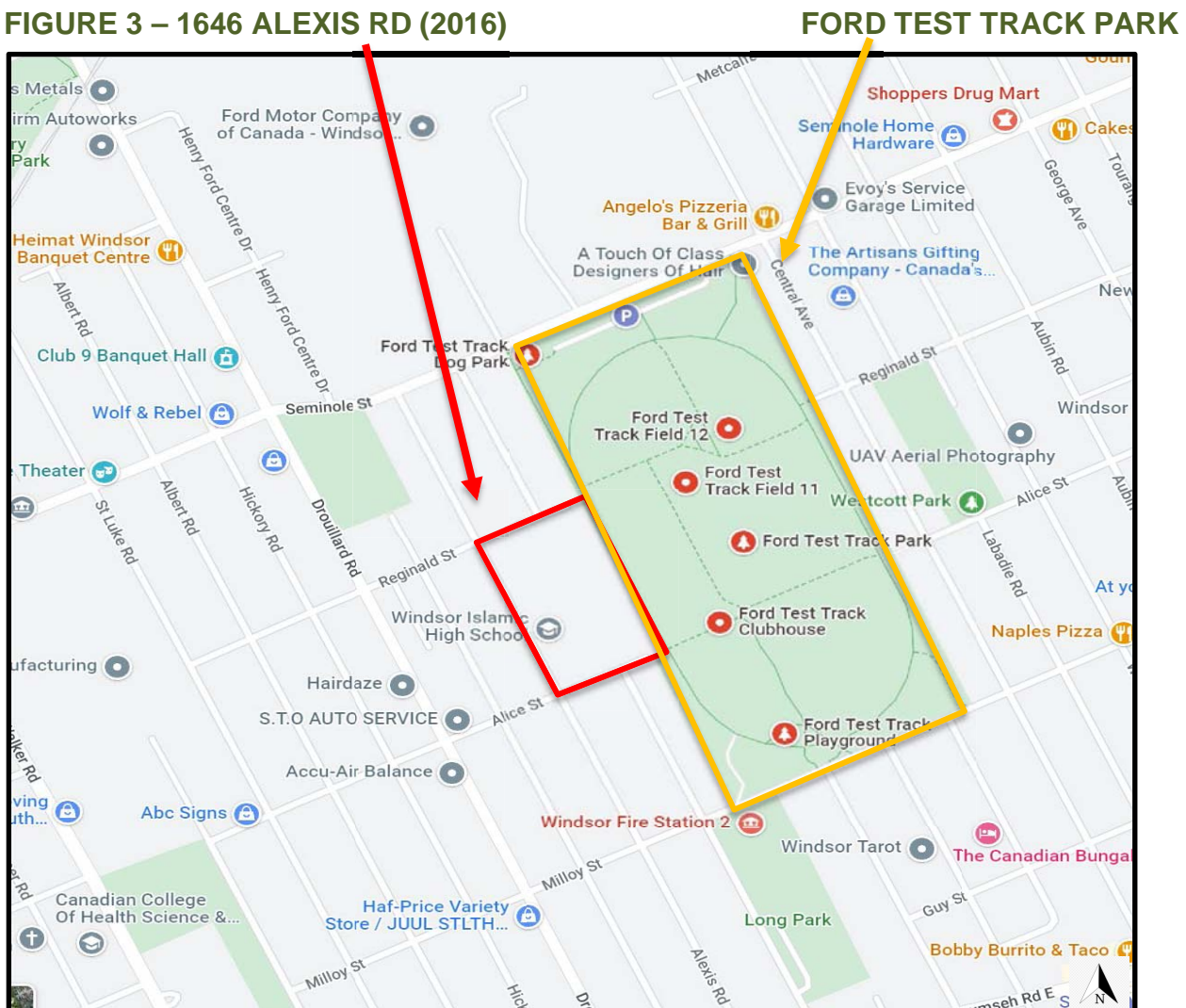


FIGURE 4 – AERIAL 1646 ALEXIS RD (2019)

FORD TEST TRACK PARK



The subject lands are the site of the former Gordon McGregor Elementary School that was constructed in 1924, 98 years ago, to accommodate the residential use of the neighbourhood of Ford City. This 2 storey brown brick building with a partial basement was designed by the architectural firm Sheppard and Masson.

The Gordon McGregor Elementary School building is listed on the City of Windsor Municipal Heritage Register but is not designated under Part IV of the Heritage Act through bylaw as a Heritage Building. Please refer to attached

Please refer to Heritage Impact Assessment Report that discusses the heritage impact associated with the consent and the proposed development.



**FIGURE 5 - GORDON MCGREGOR ELEMENTARY SCHOOL, 2009**



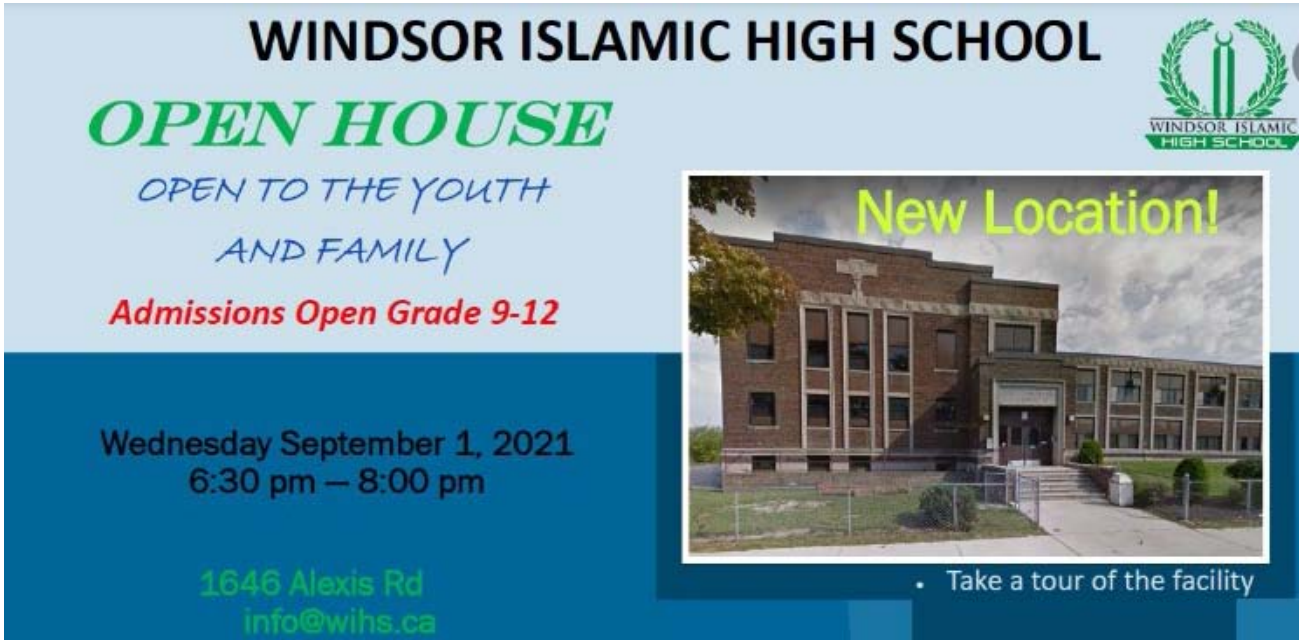
The Gordon McGregor Public School was closed in 2016 after 92 years of operation and the building and property was sold to the City of Windsor. The building sat vacant for the next several years. In 2019 the former school building was sold for potential redevelopment.

In the fall of 2021, the Windsor Islamic High School relocated to the subject building at 1646 Alexis Road, once again resuming the use of the building as an educational institution.

**FIGURE 6 – FORMER GORDON MCGREGOR ELEMENTARY SCHOOL, 2021**



FIGURE 7 – WINDSOR ISLAMIC HIGH SCHOOL



The poster for Windsor Islamic High School's Open House features a light blue background with a dark blue footer. At the top, the school's name is written in bold black letters. Below it, 'OPEN HOUSE' is written in large green letters. The text 'OPEN TO THE YOUTH AND FAMILY' is in a blue script font, and 'Admissions Open Grade 9-12' is in red. The event details are listed in white on the dark blue background: 'Wednesday September 1, 2021' and '6:30 pm – 8:00 pm'. The address '1646 Alexis Rd' and email 'info@wihs.ca' are in green. On the right, there is a photograph of the school building with the text 'New Location!' in yellow. A small circular icon with a crescent and star is in the top right corner. A bullet point below the photo says 'Take a tour of the facility'.

## 2.1 LEGAL DESCRIPTION, INFORMATION AND OWNERSHIP

Legal description: Part of Lot 100, Con 1 (McNiff's Sandwich East in FC5865; Windsor.

**PIN number:** 01122-0505.

**Roll Number:** 010-290-02610

The subject lands are owned by **Parway Inc.**

**Parcel 0505** are the lands subject to the ZBA being purported for the inclusion of residential use. The southern portion (**Part 1** on Reference Plan) will continue to contain Gordon McGregor building and continue with the present (ID.1) zone.

**Part 2** on Reference Plan, the northern portion of the subject lands, is to be severed and the area of proposed development with the two new residential apartment buildings (multiple dwellings) to be rezoned to (RD3.2-#).

Parcels 01122 (Ford Test Track Park) and 0481 & 0511 (Dog Park) are parcels owned by the City of Windsor. Refer below to **FIGURE 6 – PROPERTY INDEX MAP.**

**FIGURE 8 – PROPERTY INDEX MAP**



**2.2 SIZE AND SITE DIMENSION**

The subject site is rectangular and presently has a lot area of approximately 15,402 m<sup>2</sup> (1.54 ha) and a perimeter of approximately 589 m. The site has three road frontages with a frontage of approximately 226 m along Alexis Road and frontage of approximately 67.7 m along Alice Street and 67.67 m along Reginald Street.

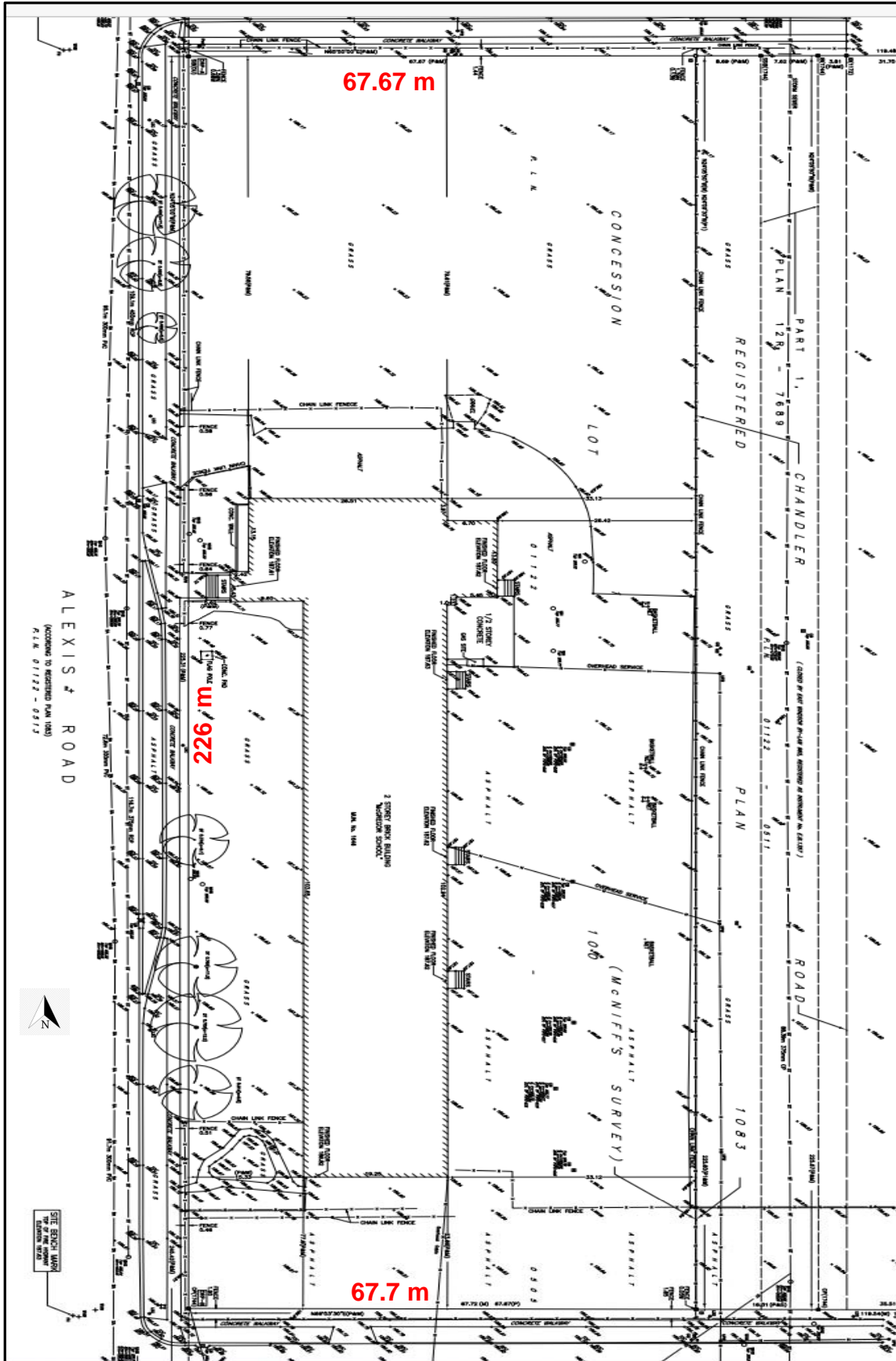
**Part 2** - the area proposed for the proposed residential development is approximately 8,100 m<sup>2</sup> area with 67.67 m frontage along Reginald Street; and

**Part 1** - the school site is proposed with 7,100 m<sup>2</sup> area and 46.4 m frontage on Alice Street.

This Planning Rationale report has been prepared with the perspective that the residential use and the institutional use will be separated by consent but will be adjacent uses to each other. The existing institutional school use and the proposed residential use in my professional opinion can be considered as compatible neighbours.

Draft bylaw regulations have been written for the residential parcel that will support the future separation of the uses without the need for additional zoning amendments.

**FIGURE 9 – SITE DIMENSIONS**



### 2.3 TOPOGRAPHY, VEGETATION, AND PHYSICAL FEATURES OF THE SITE

The subject lands are flat, with no ditches, berms, or swales. There are no watercourses, natural or human made hazards on the site. Most of the site is covered by either manicured lawn grass, or an asphalt parking area. There is no habitat suitable for Species At Risk of flora or fauna on the site.

There are three mature deciduous trees at the front of the site along Alexis Road which will be retained according to the site plans. There are two medium sized deciduous shrubs on the subject site that will be removed. Existing mature deciduous trees and landscaping at the front of the existing building will be retained. Refer below to **FIGURE 10 – TREES**.

**FIGURE 10 – TREES**



## 2.4 EXISTING STRUCTURES

The former Gordon MacGregor Elementary School is the only building located on the site to the south of the proposed new buildings. This heritage building is a 2 storey brown brick building with a partial basement built in 1924 and currently home to the Windsor Islamic High School. This building and its particular heritage features will be discussed in detail in the Heritage Impact Assessment discussing the proposed development and the impact on the high school.

**FIGURE 11: FRONT OF SCHOOL NORTH HALF**



**FIGURE 12: FRONT OF SCHOOL SOUTH HALF**



Other structures on the site include a chain link fence and basketball nets that will be removed according to the site plan. The flagpole at the front of the school will be retained.

## **2.5 MUNICIPAL SERVICES**

The subject lands have access to separated municipal sanitary and storm sewers along Alexis Road, Alice Road, along Reginald Street, and along the boundary with the Ford Test Track Park. The subject lands have additional access to a storm sewer running from south to north on the abutting lot.

**FIGURE 13 - SEWERS**



The subject lands have access to municipal sidewalks along one side of Reginald Street, both sides of Alexis Road, and one side of Alice Street. A multi-use pedestrian and cycling pathway runs to the east of subject lands along Ford City Test Track Park.

**2.6 SURROUNDING LAND USES**

The subject lands are located in a predominately residential neighbourhood interspersed with small commercial and major park/institutional uses adjacent. The subject lands are accessible by active transportation and public transit.

The subject lands are adjacent to the large Ford Test Track Park, an adaptive re-use of the original Ford Test Track, now utilized as a large municipal park. This major park area has 59 acres of public open space, which includes 18 soccer fields, a children’s climbing structure, running track, off leash dog parks, walking and cycling trails, and public washroom facilities. Recently, additional lands were added to the Ford Test Track Park that was the east side of the subject lands.



**FIGURE 14 – NEIGHBOURHOOD AERIAL**



**FIGURE 15: BACK OF SCHOOL: DOG PARK**



**FIGURE 16: PARKING LOT FOR PARK**



To the south, west and north of the subject lands are a neighbourhood of low density, residential modest housing of one and two storeys. The neighbourhood homes were built between 1890-1950's comprised predominately of Ontario Cottage style housing with 1 and 2 storeys with brown or red brick veneer or vinyl/aluminium siding. There are a mix of Art Deco, Arts and Crafts, modest Regency Homes, and Victorian Cottages. These homes were originally built for workers from Ford Motor Company (north of Seminole St) living close enough to be able to walk or bike to work. They have been well preserved and maintained. The neighbourhood is comprised of predominantly older residents.

**FIGURE 17 - NEIGHBOURHOOD HOMES ACROSS ALEXIS RD**



**FIGURE 18: HOUSING ACROSS ALEXIS RD**



**FIGURE 19 - NEIGHBOURHOOD HOMES ACROSS ALEXIS**



**FIGURE 20: HOUSING ACROSS ALICE**



**FIGURE 21: HOUSING ACROSS REGINALD STREET**

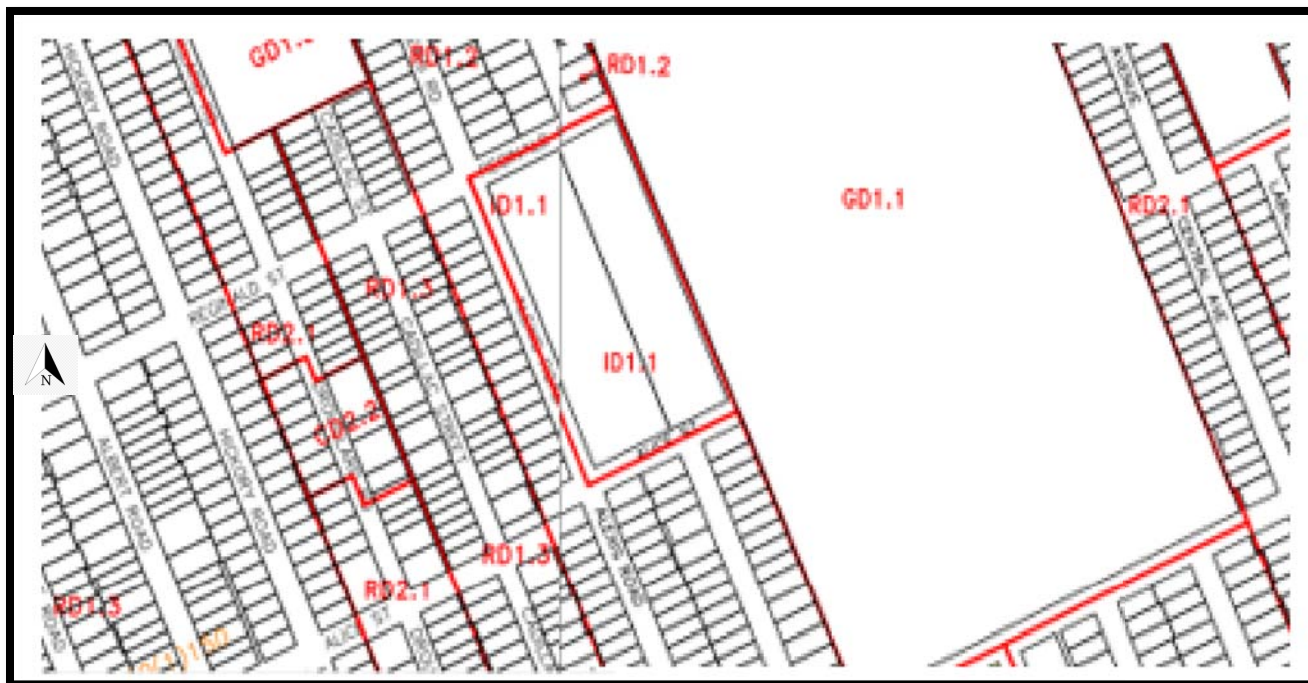


**FIGURE 22: HOUSING ACROSS REGINALD STREET**



The subject lands are presently zoned 'Institutional (ID1.1). The adjacent Ford Test Track Park is zoned 'Green District 1.1 (GD1.1)'. The residential neighbourhood is comprised of a mix of residential zone categories with the predominate zones of: 'RD1.2', 'RD2.1', 'RD1.3'.

**FIGURE 23 – ZONING MAP**

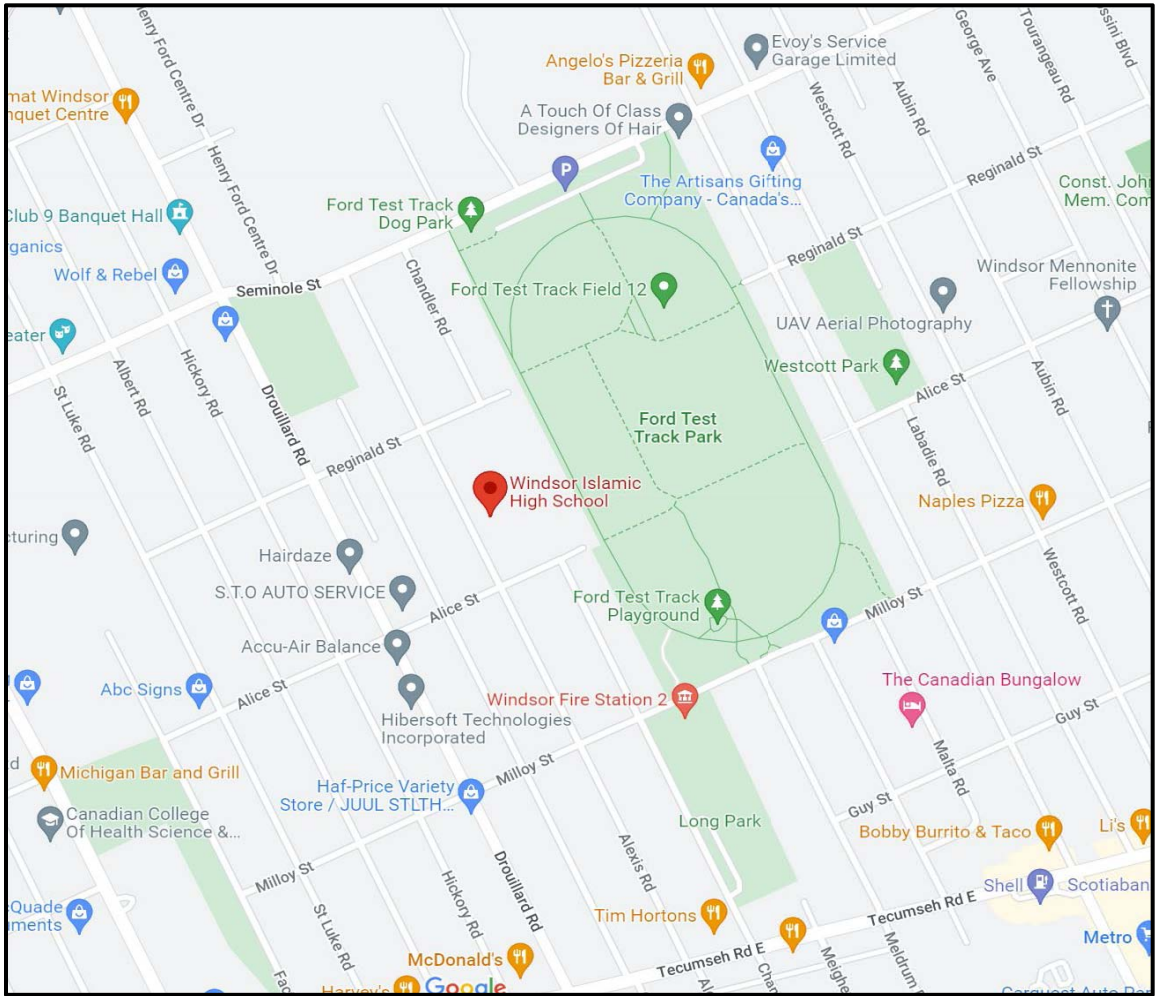


- a) **North** – low density residential housing
- b) **East** – Ford Test Track Park
- c) **South** – Windsor Islamic High School, fronting on Alice – low density residential housing
- d) **West** – low and medium density residential housing, commercial businesses

## 2.7 NEIGHBORHOOD AMENITIES

The proposed development is located in a residential neighbourhood with commercial amenities located adjacent to the residential neighbourhood. Adjacent to the subject is a large areas of greenspace including the 59 acre Ford City Test Track Park, featuring 2 dog parks, a children's climbing structure, 18 soccer fields, walking trails, and public washrooms.

**FIGURE 24 – NEIGHBOURHOOD LAND USE**



Nearby commercial amenities include:

**Restaurants**

- The Times Café and Bake Shoppe (4 minute walk)
- Tim Horton's (10 minute walk)
- McDonald's (10 minute walk)
- Angelo's Pizzeria Bar and Grill (11 minute walk)
- Naples Pizza (13 minute walk)
- Bobby Burrito and Taco (14 minute walk)
- Windsor's Penalty Box Restaurant (17 minute walk)
- Michigan Bar and Grill (20 minute walk)

## Healthcare

- Shopper's Drug Mart (16 minute walk)
- Essex County Nurse Practitioner Led Clinic (17 minute walk)
- Windsor Regional Hospital (20 minute walk)

## Groceries and Banking

- Brander Farm Organics (18 minute walk)
- LCBO (18 minute walk)
- Metro Groceries (18 minute walk)
- Scotiabank (18 minute walk)

## Recreation, Culture, and Religion

- First Romanian Baptist Church (2 minute walk)
- Ford City Test Track Park (5 minute walk)
- Long Park (8 minute walk)
- Ford Test Track Playground (8 minute walk)
- Korda Zone Theatre (10 minute walk)
- Wescot Park (15 minute walk)
- Gino A Marcus Pool (16 minute walk)
- Ford City Public School (18 minute walk)
- Windsor Mennonite Fellowship (18 minute walk)
- Boarder City Boxing Club (19 minute walk)
- Long & McQuade Musical Instruments and music lessons (19 minute walk)
- Croatian St. Francis of Assisi Church (21 minute walk)
- Christ Embassy Church (23 minute walk)

## Major Employment Opportunity

- Ford Motor Company Engine Plant (12 minute walk)

## Education

- Windsor Islamic Association (1 minute walk)
- St. Teresa of Calcutta Elementary School (9 minute walk)
- Drouillard Place Early Years Centre (18 minute walk)
- Canadian College of Health Science and Technology (20 minute walk)
- W. F. Herman Academy Secondary School (22 minute walk)

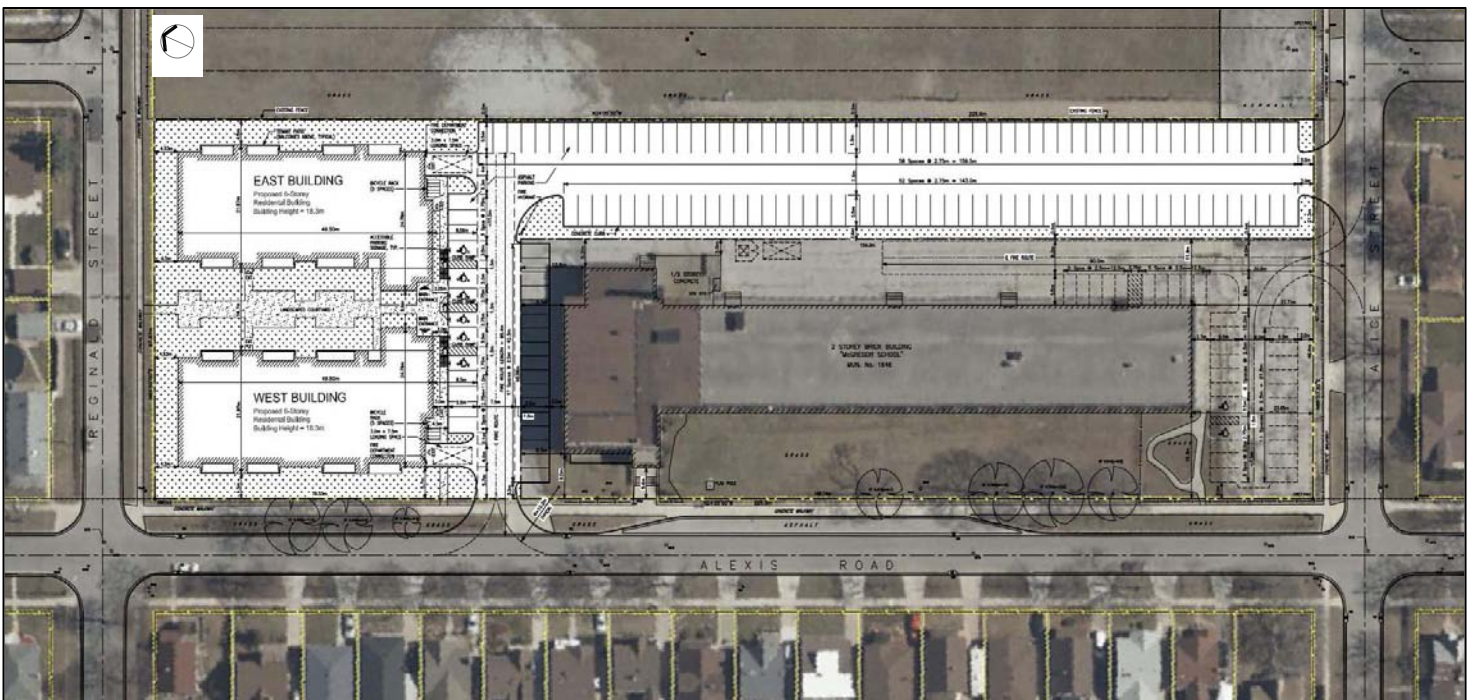
### 3.0 DEVELOPMENT PROPOSAL

The existing Gordon McGregor School is presently used for the Windsor Islamic High School. A consent is proposed with the school remaining on and 49 parking spaces on Part 1 of the Draft Reference Plan.

The owners propose to develop Part 2 on the Draft Plan, the vacant portion of the subject lands, with two apartment buildings (multiple dwellings) consisting of 46 units in each building for a total of 92 dwelling units. Both buildings will have a height of 18.3m tall resulting 6 storeys each. Parking will include 123 regular parking spaces and will include 6 accessible spaces, 10 bicycle parking spaces, and 2 loading spaces.

The north part of the subject lot is presently vacant and consists of manicured lawn grass. With the new buildings, a moderate intensification will facilitate the utilization of the vacant portion of the parcel. The development will support an efficient and effective use of the vacant portion of the lands.

**FIGURE 25 – SITE CONCEPT PLAN**





The existing building will not be negatively impacted by the addition of the new buildings as the new buildings are distance separated. As well, the orientation of the new buildings have been designed to not shadow the existing school building and the end of the building (non-living space) is oriented toward the end of the existing school that includes the gymnasium without windows on the north side of the building.

**FIGURE 26 – LOOKING EAST**



The new buildings have been oriented to minimize impact on the existing residential neighbourhood. As shown on the attached Shadow Study, APPENDIX E SHADOW STUDY, there is only a couple of hours mid morning during winter solstice where there is shadowing on two houses across Reginald because of the orientation.

One ‘non-balcony’ side of the building is oriented towards the school; one ‘non-balcony’ side is oriented to the backyards of the houses on Reginald; and one side of the building with balconies is oriented toward the parkland, providing for privacy. The one side of one building is fronting on Alexis Rd. and not overlooking the backyard living space of the existing residences. This orientation of both of these building’s will allow for privacy for the existing residences within the neighbourhood.

**FIGURE 27 – LOOKING EAST AERIAL**



**FIGURE 28 – LOOKING SOUTH FROM REGINALD – NON-BALCONY SIDE**



**FIGURE 28 – LOOKING SOUTH WEST FROM REGINALD**



The students at the existing high school will be able to use the abutting Ford Test Track Park for recreation and athletic activities. The proposed development will facilitate pedestrian and cycling access between the park, the school, and the surrounding neighbourhood by building pedestrian connections to both Alexis Road and Reginald Street through an open courtyard between the two new buildings. The high school will retain parking dedicated to the high school at the south and east side of the parcel, separated from the residential land use.

The mature trees along Alexis Road will be preserved to enhance the visual amenity of the site and retain the ambiance of the mature neighbourhood. The landscaped area in front of the school building, including its mature trees and flagpole, will be retained. The area around the two new buildings and the courtyard will be landscaped with a high standard of design, further enhancing the area. Tenants will have access to ground level patios on the main floor and balconies above to enjoy the outdoor space.

Each of the two new buildings will have one loading space allocated to each building for use by tenants moving in or out of the structure. A fire route with appropriate signage will allow access for emergency vehicles in the area between the apartment buildings and the school building. The existing parking lot for the school is proposed to be reconfigured to accommodate the development, school parking available on the school's south side. The new parking lot will accommodate 129 car parking spaces including 6 accessible spaces. Each of the new buildings will have 5 spaces of bicycle parking and one loading space, for a total of 10 spaces of bicycle parking and two loading spaces.

**FIGURE 29 – LOOKING NORTH**

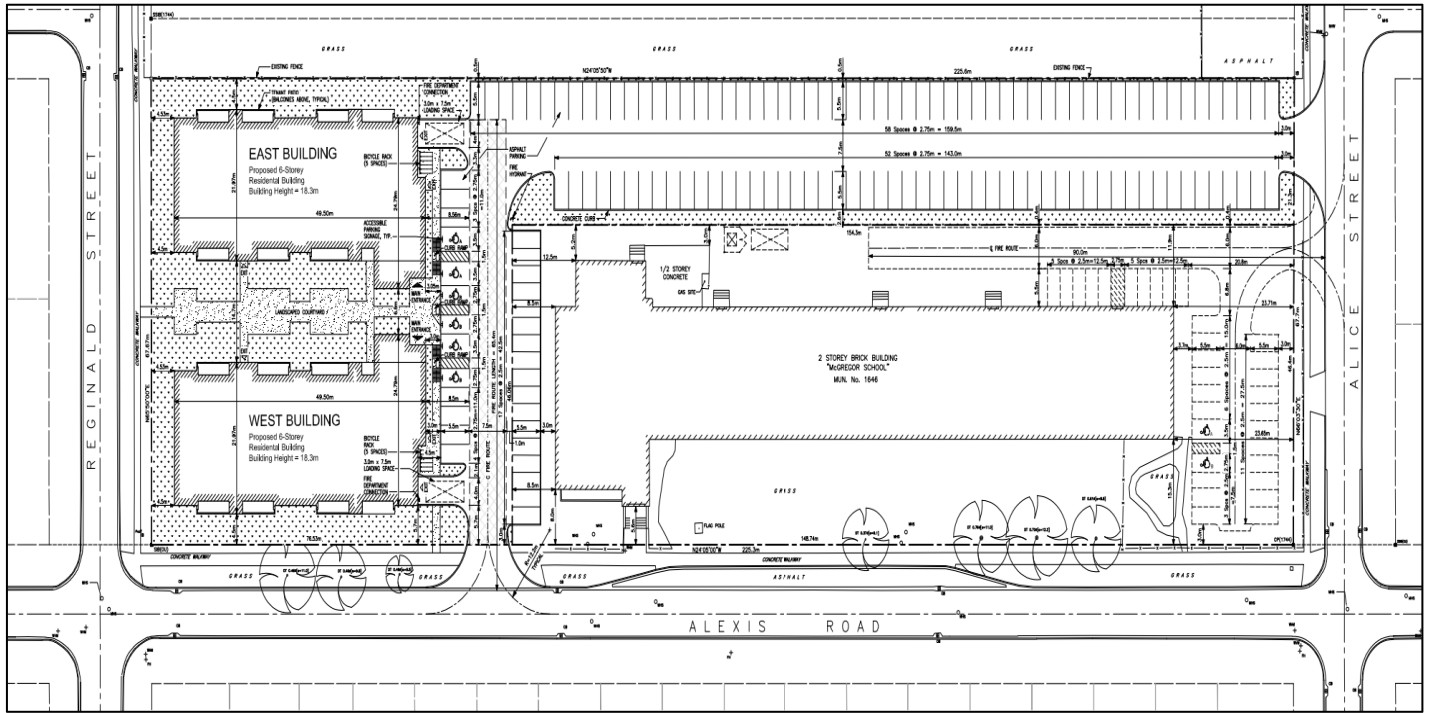


The new buildings will have 46 units in each building for a total of 92 residential units. The units will be rental apartments, providing needed alternative style and tenure of housing for the City. The residential apartments will support the ‘aging in place’ of some of the older residents within the neighbourhood. The proposed development will add 92 residential units to the available housing stock in the City of Windsor.

By efficiently utilizing land and energy resources, these units will be both more affordable than traditional detached single detached houses and will help reduce the impact of climate change. The compact nature of the proposed development will make highly efficient use of existing municipal services, while also promoting active transportation and the use of public transit to reduce the number of vehicle trips, thereby improving air quality in the City.

The adaptive re-use of the existing building for the high school conserving and preserving important heritage and the addition of the two residential apartment buildings (multiple dwellings) providing needed residential rental apartments is an efficient and effective utilization of the property. In conclusion, it is my professional opinion that the apartment buildings (multiple dwellings) will provide for an alternative housing style while supporting a diversification of housing style and tenures within the City.

**FIGURE 30 - SITE PLAN**



The medium profile and density can be considered compatible with the existing neighbourhood. The proposed landscaping and amenity areas will provide for a welcoming and friendly environment for the new residential buildings.

**3.1 CONSENT PROPOSED**

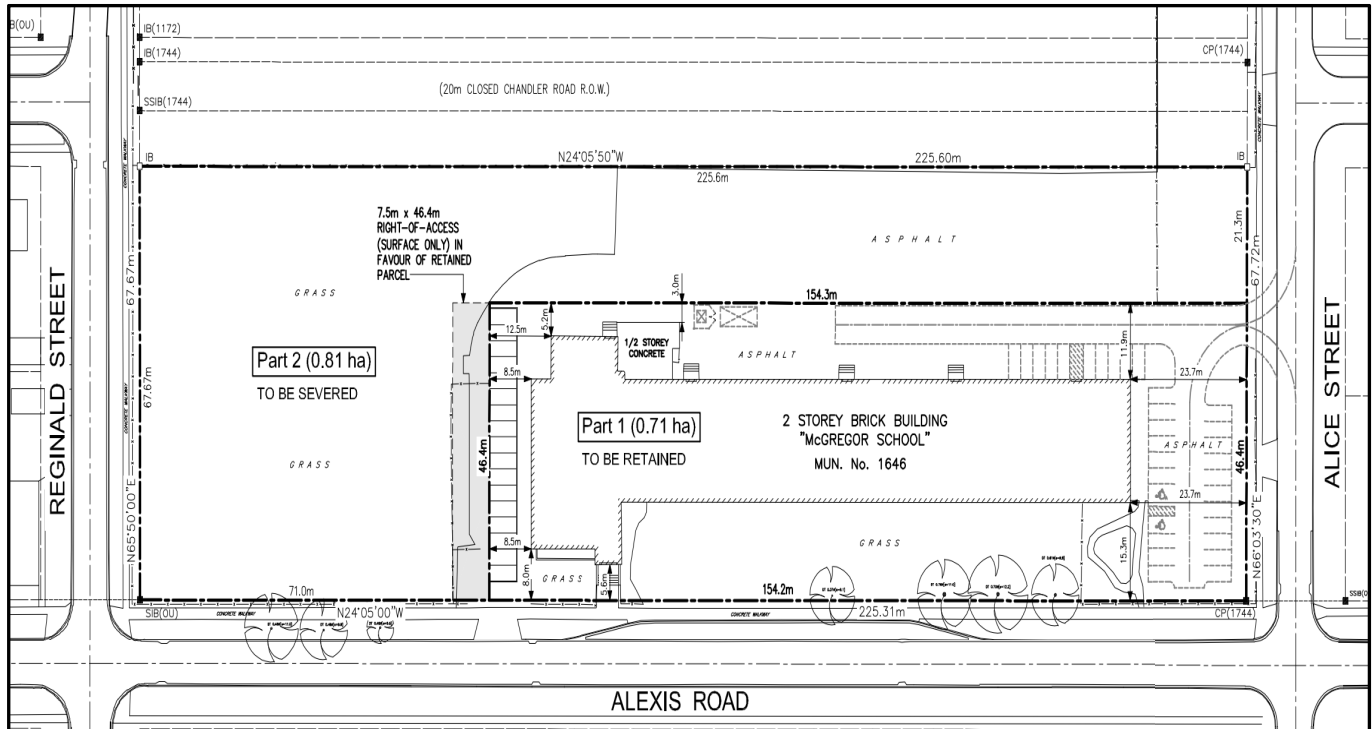
The owner is proposing to sever the present property into two parcels:

- Part 1 School Lot – is proposed with 0.71 ha area and 46.4 m frontage on Alice Street;
- Part 2 Vacant Lot – is proposed with 0.81 ha area and 67.67 m frontage on Reginald Street.

**Part 1** will contain the existing Windsor Islamic High School. The subject lands are zoned ‘Institutional District 1 (ID.1)’ in the CZB 8600 for the City of Windsor. Please refer to Section 8.0 below reviewing the applicable zoning as it relates to the retained land characteristics. It is my professional opinion that Part 1, retained lands, complies with the (ID.1) bylaw provisions.

**Part 2** is presently vacant but is proposed for residential apartment buildings (multiple dwellings). The residential block is zoned 'Institutional District 1 (ID.1)' in the CZB 8600 for the City of Windsor. A Zoning Bylaw Amendment (ZBA) is required to 'Residential District (RD3.2-#)' to allow for the proposed residential use and to recognize the site specific landscape open space of 28%.

**FIGURE 31 – CONSENT DRAFT REFERENCE PLAN**



### 3.2 SEWER STUDY

Raffaele Meo, Meo and Associates Inc., Architectural and Engineering Consultants, Project Managers, 3600 Seven Lakes Drive, Suite 200, Lasalle ON N9H OE5

*“The proposed 92 new apartment units will serve 230 people. The buildings will connect to the existing 300 mm sanitary sewer on Reginald Street, between Alexis Road and Chandler Road (Section 1 above). The detailed calculations are summarized in the attached Table 1. Even after the new 92 apartment units are taken into consideration, and generating wastewater, the three sections studied will still have sufficient capacity to carry all flows, as follows: Section 1, 49% of its capacity is used; Section 2, 79% of its capacity is used; Section 3, 43% of its capacity is used.*”

**Conclusion:**

*The existing sanitary sewers have sufficient capacity to serve the proposed 92-unit apartment building project.”*

**3.3 STORM WATER MANAGEMENT STUDY**

Raffaele Meo, Meo and Associates Inc., Architectural and Engineering Consultants, Project Managers, 3600 Seven Lakes Drive, Suite 200, Lasalle ON N9H OE5

**“Conclusion**

*There is sufficient existing infrastructure to provide storm water drainage for the proposed apartment project. The Storm Water Management Plan will be developed and submitted for the City’s review once the Site Plan has been approved. To ensure compliance, this requirement can be made part of and a condition of any rezoning/site plan approval.”*

**3.4 SHADOW STUDY**

Michael Piskovic Architect, Meo and Associates Inc., Architectural and Engineering Consultants, 825 Kingsway Dr., Burlington ON L7T 3H8

Please refer to attached Appendix E with all four seasons shadow studies completed: winter solstice, summer solstice, autumnal equinox and spring equinox. The shadow study shows very effectively that the orientation of the two buildings results in very little/no shadows on the neighbouring residences.

The orientation of the two apartment buildings (multiple dwellings) will not be negatively impacting the heritage building as shown on the shadow images.

**3.5 OPEN HOUSE**

**APPENDIX H – OPEN HOUSE INFORMATION**

A successful Open House to acquire neighbourhood opinion regarding the proposed development.

The **Open House** was held on **February 22, 2023** between 5:00 pm to 7:00 pm in the gymnasium of the Windsor Islamic High School.

**300 flyers** (please refer to Appendix H – Open House Information) were mailed to the neighbourhood via Canada Post from a mailing list provided by the City of Windsor.

**Attendance** at the Open House was 21 residents. 11 of the attendees provided their comments and addresses on the sign in sheet: 7 from Alexis Road, 3 from Chandler Street, and 1 from Cadillac Street.

Please refer to attached Appendix H – Open House Information to read comments received by the neighbours.

On the notice was the email and phone number of the agent on the file, Raffaele Meo, and he received two phone calls before the Open House, seeking information, with both callers then attending the Open House. He also received one email after the Open House, asking if there would be future public meeting.

Adam Szymczak, Senior Planner with the City of Windsor was in attendance for the Open House.

Transportation Planner with the City of Windsor was in attendance for the Open House.

Ward Councilor Ed Sleeman was also in attendance.



#### 4.0 HERITAGE IMPACT ASSESSMENT CONCLUSION

The existing building identified as the Gordon McGregor building was built in 1924 and can be considered to be an example of Art Deco style architecture.

Please refer to the **Heritage Impact Assessment** prepared as a detailed analysis of the impact from the proposed development of the site.

**FIGURE 32: 1924 PICTURE OF GORDON MCGREGOR SCHOOL**



**FIGURE 33: 2022 PICTURE OF GORDON MCGREGOR SCHOOL NORTH HALF**



**FIGURE 34: 2022 PICTURE OF GORDON MCGREGOR SCHOOL SOUTH HALF**



The Gordon McGregor building is a building identified as having heritage interest and is therefore listed on the Heritage Registry of Windsor as defined under section 27(3) of the Heritage Act, RSO 1990, c.O 18 (the Act).

**The building is of cultural heritage value for multiple reasons:**

- 1) the front façade has been well preserved and shows a classic example of the Art Deco architectural design period;
- 2) the building is in situ and the view from Alexis Street has not changed;
- 3) the architects Sheppard and Masson are significant in their design works in Windsor and Michigan;
- 4) the school is of cultural significance as the foundation school within the Ford City Neighbourhood;
- 5) Gordon McGregor was a significant historical figure in Ford City, Windsor.

**FIGURE 35: FRONT FAÇADE KEYSTONE**



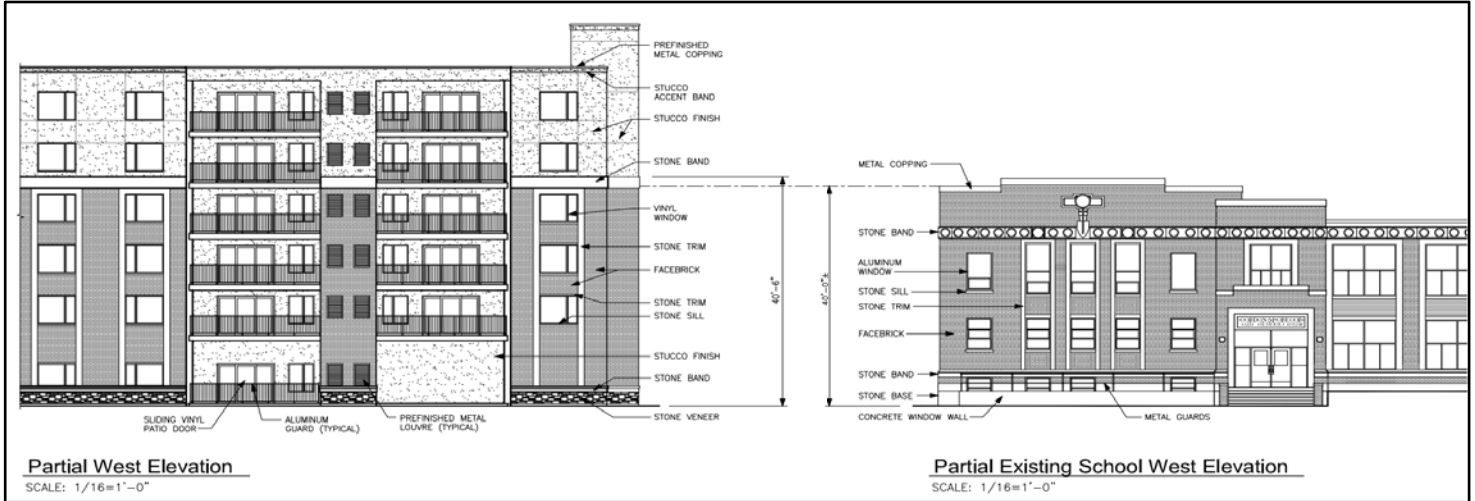
The owners have been successful in finding an appropriate adaptive re-use of the building for the Islamic High School and a Day care facility. The exterior of the building has not been changed or modified and will remain untouched. The Islamic High School sign is a temporary sign that does not have an impact on the 'Gordon McGregor School 1924 AD' keystone. The heritage keystone feature will remain under the temporary sign.

The new buildings have been distance separated from the existing heritage building to lessen the impact visually of the new structures on the existing Gordon McGregor building. Within this distance separation will be landscaping, parking, driveway and other visually softening features. The proposed buildings will also to be brought forward on the lot to be consistent with the existing McGregor School for setback from Alexis and Reginald to respect the established setback line and streetscape view.

The proposed buildings will be constructed with high quality materials and designed with attention to detail in a manner that compliments the character of the surrounding mature neighbourhood and the heritage building on the property. The first four storeys of the new buildings will be sided with brown brick and the upper two storeys will be sided with light coloured stucco reflected in similar colours and designs used in the construction of the older residential homes in the neighbourhood.

The brown brick will also compliment the brown brick exterior of the school nearby. The balconies will be constructed with black aluminium guards to enhance the view for residents and add to the visual appeal of the buildings. Decorative panels will enhance the sides of the buildings without balconies.

**FIGURE 36 – BUILDING HEIGHT COMPARISON**



It is my professional opinion that the designer has had regard for the existing heritage building and the new development will showcase the Gordon McGregor building and minimize any visual impact on the viewscape and streetscape by the new buildings.

In my professional opinion, there are no threats to the heritage building through the proposed development of the vacant portion of the site. All efforts have been made to preserve and conserve the heritage building.

In my professional opinion, all aspects of the preservation and conservation of the McGregor building has been regarded in the conceptualization of the proposed development for the site. The new development can be considered compatible with the existing heritage building.

In my professional opinion, the new buildings will be sympathetic and complimentary to the existing heritage of the Gordon McGregor school. Respect and regard for the heritage of the McGregor School will continue during the final design and subsequent development of the site.

In my professional opinion that the use of the existing building for a high school and a day care will help to maintain the building as a viable, active building.

It is also my professional opinion that the development will compliment the heritage building and will assist in preserving and conserving the Gordon McGregor heritage building.

## 5.0 ELEVATIONS AND RENDERINGS

FIGURE 37 – RENDERING VIEW LOOKING EAST



FIGURE 38 – LOOKING EAST AERIAL



**FIGURE 39: VIEW LOOKING NORTH EAST**



**FIGURE 40: LOOKING NORTH-EAST AERIAL VIEW**



**FIGURE 41 – LOOKING SOUTH WEST FROM REGINALD**



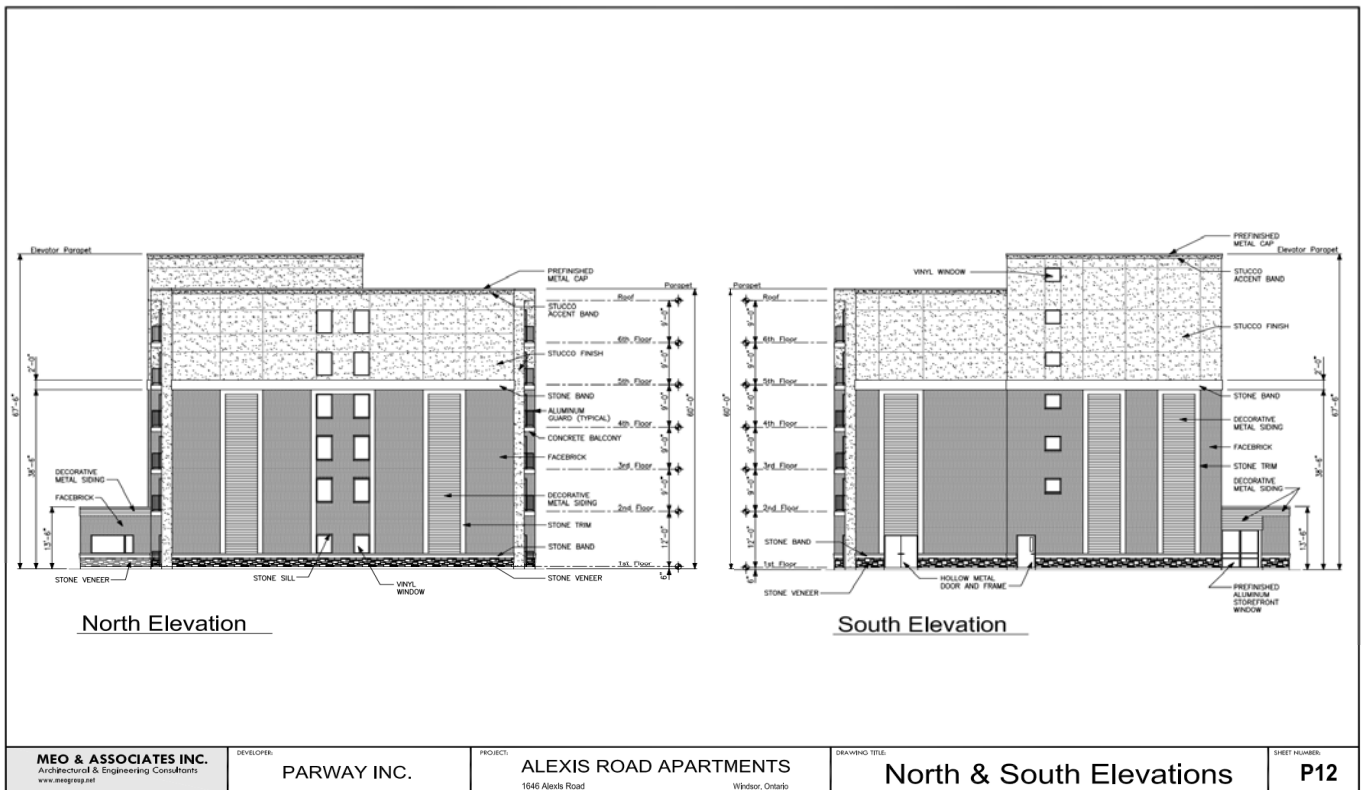
**FIGURE 42 – LOOKING WEST**



**FIGURE 43 - ELEVATIONS WEST AND EAST**



**FIGURE 44 - ELEVATIONS NORTH AND SOUTH**





## 6.0 PROVINCIAL POLICY STATEMENT (PPS)

The *Planning Act, R.S.O. 1990, c.P. 13*, as amended, requires that the Council of a local Municipality shall make decisions on development applications which are consistent with the Provincial Policy Statement (PPS), 2020.

The PPS was issued by the Ministry of Municipal Affairs and Housing under the *Planning Act* and provides direction on matters of provincial interest primarily related to land use planning and development. The policies within the PPS apply province-wide and are an integral part of the Ontario's policy led planning system.

The PPS generally aims to encourage the wise use and management of land and other resources, promote the development of healthy and prosperous communities, protect public health and safety, and protect the natural environment. Specifically, the primary directives of the PPS include:

### ***“Section 1.1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns***

#### ***1.1.1 Healthy, liveable and safe communities are sustained by:***

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

- f) *improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) *ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- h) *promoting development and land use patterns that conserve biodiversity; and*
- i) *preparing for the regional and local impacts of a changing climate.”*

**COMMENT:**

- a) In my professional opinion, the proposed ZBA will support the establishment of new residential buildings and will create an efficient and effective use of the existing property while supporting the conservation and preservation of the existing heritage building;
- b) The new residential apartment buildings (multiple dwellings) will provide for an alternative style and tenure of housing than the standard housing in Windsor. The ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be rental apartment units providing for an alternative housing style and tenure while providing for the existing residents to age in place;
- c) The proposal is for two new 6 storey residential buildings located on a vacant portion of lands within a residential neighbourhood. In my professional opinion, the proposed development will not cause environmental or public health and safety concerns.
- d) The subject lands are located within the urban area of the settlement area within the City of Windsor. The adaptive re-use of the existing building and the additional building creates an infilling residential development within an established residential neighbourhood; the buildings are distance separated, provide a neighbourhood buffer between existing low and medium density residential, low profile, medium density residences that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. The property is located within a residential area peripheral to the downtown core and will not result in the unnecessary expansion of the urban settlement area.

**COMMENT:**

- e) The utilization of the existing heritage building for a high school and a day care results in with an appropriate re-use of the existing heritage building. In my professional opinion, the addition of two new medium profile, 6 storey buildings will provide for a moderate intensification of the existing property for residential use, compatible with the existing residential neighbourhood.
- f) Building accessibility will be provided in compliance with the OBC for the building and residential units. This includes providing elevators, accessible features of the rental apartment units, and barrier free parking spaces.
- g) Site services are available to the site. The location will allow for an efficient and effective development while providing for a cost effective and efficient utilization of existing municipal infra-structure. As noted in the Engineering reports, there is municipal capacity to accommodate the proposed land use and the development will not result in an expansion of municipal infrastructure.
- h) The proposed development will be utilizing an under utilized area of manicured lawn. With the introduction of the two buildings, the lands around the buildings will be extensively landscaped providing for areas of flora diversity and areas of habitat and hibernaculum for urban fauna species.
- i) The proposed development is located adjacent to a bus route, utilizing municipal transit and located with access to municipal bike trail system. Walking to amenities supports the less use of the car. As an apartment building (multiple dwelling), the compact housing will result in lower energy usage.

In my professional opinion, the adaptive re-use of the existing building and the new residential apartment buildings (multiple dwellings) combined with the location within the urban area of the City supports the cost effective utilization of municipal services such as the transit system, walking trail and bike trail infrastructure. Proposed ZBA will recognize site specific regulations and support the establishment of the residential development.

**“Section 1.1.3.2 Settlement Areas**

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

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

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

**COMMENT:**

In my professional opinion, the proposed adaptive re-use of an existing school for the continuation of the high school and day care and the further development of vacant portion of lands as infilling residential development as noted above, is an efficient use of the land.

The proposed development is an efficient use of the existing municipal services and can be considered an appropriate use of the subject lands. There is no need to expand municipal services to accommodate the proposed development.

The moderate intensification of residential development will be located within a residential area where transit is available. In addition, there is supportive amenities within walking distance. In my professional opinion, the proposal supports active transportation, municipal transit and encourages the alternative transportation to the car.

In my professional opinion, the proposed residential development is an efficient, effective development for the site and supportive of the PPS policies ensuring compatible new development with the existing neighbourhood.

### **“Section 1.1.3.3 Settlement Areas**

*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.”*

#### **COMMENT:**

The development of the subject lands supports, promotes and facilitates an appropriate land use for the neighbourhood while allowing for an intensification of land use and providing needed residential apartment units as alternative tenure and style of housing. The development of the vacant portion of lands, in my professional opinion, is an appropriate, compatible development. There are no public health issues or risks associated with the proposed development.

### **“Section 1.4.3 Housing**

*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:*

- a) *establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households and which aligns with applicable housing and homelessness plans. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;*
- b) *permitting and facilitating:*
  1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*

2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
  - d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*
  - e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations; and*
  - f) *establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.*

**COMMENT:**

The proposed development will consist of medium profile residential buildings that will be distance separated and oriented to minimize impact on the existing residential neighbourhood. In my professional opinion, the proposal will support the establishment of appropriate alternative residential development on an under utilized parcel.

The residential development will provide for alternative rental housing, a needed housing style and tenure in the city.

The ZBA will support moderate intensification that in my professional opinion is an effective and efficient utilization of existing residential lands on municipal services.

The development is located within a neighbourhood supported by municipal transit and within walking distance to commercial amenities and Ford Test Track, a significant recreational amenity.

In my professional opinion, the proposed ZBA will support moderate and appropriate intensification while providing for appropriate and compatible alternative style and tenure residential apartments.

**“Section 1.6.6.2 Sewage, Water and Stormwater**

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

**COMMENT:**

As noted in the Meo Engineering site servicing report, the infill development will be utilizing existing municipal services. Meo Engineering has shown that there is sufficient capacity in the municipal system to accommodate the proposed development.

**“Section 1.6.7.4 Transportation Systems**

*A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.”*

**COMMENT:**

The subject lands are located within a neighbourhood supported by transit. Within a short walking distance are commercial and recreational amenities. In my professional opinion, the municipal transit will support the moderate intensification proposed.

**“Section 2.6.3 Cultural Heritage and Archaeology**

*Planning authorities shall not permit development and site alteration on adjacent lands to protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.*

**COMMENT:**

As discussed above, in my professional opinion, the proposed development will result in a positive, compatible development that will support and promote the conservation and preservation of existing built heritage.

**COMMENT:**

**In my professional opinion, the requested ZBA is consistent with the 2020 PPS by supporting the sound and efficient managed intensification and growth associated with the inclusion of residential land use within the bylaw for the subject site. Providing for a site specific ZBA regulation that supports the inclusion of two residential buildings providing for alternative residential development that, in my professional opinion, supports the Healthy Community initiatives and is therefore consistent with the Provincial Policy Statements.**



## 7.0 CITY OF WINDSOR OFFICIAL PLAN

The subject lands are designated 'Residential' in the City of Windsor Official Plan and are zoned 'Institutional District 1.1 (ID1.1)' in the City of Windsor Zoning By-law 8600. Refer to **APPENDIX D – SCHEDULE 'D' LAND USE**.

The owners are requesting a site-specific ZBA to facilitate the intensification of the subject lands as a high-density apartment buildings complex of two multiple unit dwelling buildings of 6 storeys with 92 residential units (46 units per building), 10 bike parking spaces, and 129 associated car parking spaces. The following policies relate to the proposed development:

### ***“3.2.1 Safe, Caring and Diverse Community***

*3.2.1.1 Windsorites want to be a part of neighbourhoods that meet their needs as places to live, shop and play. Each neighbourhood will have a central area that provides a focus for activities and is within a convenient walking distance. Here, people will find shops, jobs, neighbourhood based services, public places that are safe and inviting, and a place to meet with neighbours and join in community life. The neighbourhood centre will provide a variety of housing types for all ages and incomes.*

#### **COMMENT:**

The subject site proposed for the ZBA that will allow for the location of new residential apartment buildings (multiple dwellings) is located within a residential neighbourhood but within walking distance to commercial and recreational amenities. There will be extensive landscaping and a courtyard, both for visual amenities and for a gathering space on the site. In my professional opinion, the proposal conforms with the relevant policy of the Official Plan.

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

**COMMENT:**

The proposed ZBA will establish a regulatory framework for the establishment of new residential apartments, a modest intensification of residential use within a residential neighbourhood, located within the urban settlement area of the City. In my professional opinion, the proposed development conforms with policy.

3.2.1.3 *Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced. Newly developing areas will be planned to foster their own unique neighbourhood identities with a mixture of homes, amenities and services.*

**COMMENT:**

The proposed ZBA will establish a regulatory framework for the establishment of new residential apartments, a modest intensification of residential use within a residential neighbourhood, located within the urban settlement area of the City.

3.2.1.4 *The design of buildings and spaces will respect and enhance the character of their surroundings, incorporating natural features and creating interesting and comfortable places. Streets, open spaces and the 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.”*

**COMMENT:**

The new residential buildings have been designed with public space and pedestrian movement as a significant design component: the courtyard and walkways are a positive feature incorporated into the design of the new buildings.

Materials to be used of the new buildings will compliment the existing building as well as the existing neighbourhood.

Extensive landscaping will assist in softening of the visual change and provide buffering for the residential use and the existing building.

In my professional opinion, the design, orientation and amenities of the proposed buildings will provide a positive addition for the neighbourhood and conforms with the relevant policy of the OP.

**“3.3.2.3 Vibrant Economy**

*Revitalizing areas in need of improvement will improve Windsor, while protecting the community’s investment in infrastructure and other services. Community improvement initiatives will strengthen neighbourhoods by providing new businesses, homes and public spaces and by creating unique opportunities for reinvestment in the community.”*

**COMMENT:**

The new residential buildings will assist in rejuvenating the neighbourhood with the introduction of modest intensification. The residential apartments will provide, in my professional opinion, alternative housing style and tenure as a positive and complimentary addition to the neighbourhood.

**“3.2.3.5 Sustainable, Healthy Environment**

*Windsor will encourage the design and construction of energy efficient buildings and landscapes to reduce air, water and land pollution and environmental impacts of energy production and consumption.”*

### **“3.3.3 Neighbourhoods**

*Neighbourhoods are the most basic component of Windsor’s urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services. The three dominant types of dwellings in Windsor’s neighbourhoods are single detached, semi-detached and townhouses. The density range for Windsor’s neighbourhoods is between 20 to 35 units per net hectare. This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.”*

#### **COMMENT:**

The proposed buildings at 18.3 m height are considered medium profile and medium density with a count of 92 units on 1.5 ha land area results in a density of 60 units/ha for the gross property and 113 units/ha for the severed parcel. maintaining the intent of the goal to provide for medium or moderate intensification. The buildings are proposed on a corner and adjacent to institutional uses, not in the middle of a residential street with existing residences located across the street.

The buildings are distance separated and landscaped and will provide for a complimentary and compatible development within the neighbourhood. The development will provide for alternative housing tenure and style that will support a rejuvenation of the neighbourhood and a vibrant and healthy community. The new apartment buildings will support the ability for existing residents to ‘age in place’ in their neighbourhood.

### **“4.2.1 Objectives: Healthy and Liveable City**

*4.2.1.1 To consider community health in the planning and design of Windsor and its neighbourhoods.*

- 4.2.1.2 *To provide for activities and facilities which will foster an active lifestyle to improve community health.*
- 4.2.1.4 *To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.*
- 4.2.1.5 *To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.*
- 4.2.1.6 *To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.”*

**COMMENT:**

As discussed above, the site is located within a residential neighbourhood located within a short walking distance to commercial amenities. The Ford Test Track Field with extensive recreational amenities is located adjacent to the property. The building will be provided with bike parking spaces, pedestrian walkway and connection to municipal walkways. The new residential apartments, in my professional opinion, will provide for an alternative housing style and tenure to the predominate single detached residential use.

**“6.1 Land Use: Goals**

- 6.1.1 *Safe, caring and diverse neighbourhoods.*
- 6.1.2 *Environmentally sustainable urban development.*
- 6.1.3 *Housing suited to the needs of Windsor’s residents.*
- 6.1.6 *An integration of institutions within Windsor’s neighbourhoods.*
- 6.1.10 *Pedestrian oriented clusters of residential, commercial, employment and institutional uses.*

6.1.13 *The provision of sufficient land in appropriate locations to accommodate future population and employment growth in Windsor.”*

**COMMENT:**

As discussed above, it is my professional opinion that the proposed development will provide for an appropriate, moderate intensification of alternative housing well suited for this site and neighbourhood. The requested ZBA conforms with the Goals and Objective policies of the OP.

**“6.2.1.2 Land Use: General Policies**

*For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:*

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;*
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and*
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.”*

**COMMENT:**

The proposed building will have a height of 18.3 m and 6 storeys and can be considered, in my professional opinion, a medium profile building.

**“6.3 Residential**

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

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

**COMMENT:**

The proposed development will consist of the inclusion of residential development in a Residential designation in conformity, in my professional opinion, with the permitted uses policy.

**6.3.1 Objectives**

6.3.1.1 *To support a complementary range of housing forms and tenures in all neighbourhoods.*

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

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

6.3.1.5 *To provide for complementary services and amenities which enhance the quality of residential areas.*

6.3.1.6 *To accommodate home based occupations.*

6.3.1.7 *To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.”*

**COMMENT:**

In my professional opinion and as discussed above, the proposed development conforms with the Objectives of the Residential designation.

**“6.3.2 Policies**

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

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

6.3.2.4 *Residential development shall be located where:*

- (a) there is access to a collector or arterial road;*
- (b) full municipal physical services can be provided;*
- (c) adequate community services and open spaces are available or are planned; and*
- (d) public transportation service can be provided.*

**COMMENT:**

The requested ZBA purports to include residential development within a residential neighbourhood. The residential development, in my professional opinion, conforms with relevant policies of the Official Plan and will provide for a compatible residential development, alternative housing style and tenure that will accommodate the potential of the residential neighbours aging in place, and is located on municipal services.

6.3.2.5 *At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:*

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*
  - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;*
  - (iii) within a site of potential or known contamination;*
  - (iv) where traffic generation and distribution is a provincial or municipal concern; and*
  - (v) adjacent to heritage resources.**
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*



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

**COMMENT:**

- a) The new buildings are located adjacent to a heritage buildings and has been appropriately distance separated, buffered and will not have a negative impact, in my professional opinion, on the existing Gordon McGregor building;
- a) The residential development conforms, in my professional opinion, with the goals and objectives of the Residential designation;
- b) The proposed buildings are compatible with the residential neighbourhood;
- c) The proposed development has been designed with off-street parking consistent with the requirement of 1.25 spaces/unit for 92 units, 123 parking spaces are provided;
- d) The site is located with access to connection to all municipal services;
- e) The buildings are distance separated and the site will be landscaped to support the buffering of the building from the existing residential neighbourhood.

For all discussions noted above, it is my professional opinion that the proposal conforms with this policy of the OP and makes sound planning.

6.3.2.15 *Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor's residents.*

**COMMENT:**

The ZBA will support the alternative housing providing for a different style and tenure found within the neighbourhood and therefore, in my professional opinion, conforms with the policy of the Official Plan.

6.3.2.17 *Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.”*

**COMMENT:**

The ZBA will support the establishment of the complimentary residential use on a property containing a heritage building. The heritage building, in my professional opinion, will be retained and continue without change or impact from the residential development. The ZBA conforms with this policy of the Official Plan.

**7.2.1 Infrastructure: Objectives**

7.2.1.2 *To make efficient use of existing and planned transportation infrastructure.*

7.2.1.5 *To promote a land use pattern, density and mix of uses that reduces vehicle trips and supports alternative transportation modes including public transit.*

7.2.1.6 *To integrate land use and transportation considerations at all stages of the planning process.*

7.2.1.9 *To provide for adequate off-street parking facilities and restrict on-street parking to appropriate areas.*

7.2.1.12 *To restrict driveway access based on road classification and minimize the number of driveway access points.*

7.2.1.13 *To establish and maintain a city-wide walking and cycling network.*

7.2.1.16 *To maintain an efficient transit network.”*

**COMMENT:**

As demonstrated in the MEO Engineering reports, the proposed development will be serviced by municipal services. In my professional opinion, the requested ZBA conforms with this policy of the OP.

**COMMENT:**

**The requested ZBA, in my professional opinion, conforms with the relevant policies of the Official Plan. The ZBA, in my professional opinion: will support the addition of 2 buildings that are compatible with the neighbourhood; will provide for alternative housing and allow for the residents within the neighbourhood to age in place; will support the continuation of the heritage building Gordon McGregor building; and will provide for sound planning.**

## 8.0 CITY OF WINDSOR ZONING BYLAW

The subject lands are zoned 'Institutional District (ID1.1)' in the Comprehensive Zoning By-law (CZB) 8600 for the City of Windsor.

The establishment of two residential apartment buildings (multiple dwellings) does not presently comply with the existing (I1.1) institutional regulatory framework. A Zoning By-law Amendment (ZBA) has been requested that will create a site specific (RD3.2-#) to allow for the multiple dwellings and to recognize the 28% landscaped open space.

PROVISION	INSITUTIONAL (ID1.1)	PROPOSED INSTITUTIONAL	RESIDENTIAL (RD3.2)	PROPOSED RESIDENTIAL
LOT FRONTAGE	20 m	46.4 m	30 m	67.67 m
LOT AREA MINIMUM	700 m <sup>2</sup>	7,100 m <sup>2</sup>	4,805 m <sup>2</sup>	8,100 m <sup>2</sup>
LOT COVERAGE (MAX)	50 %	37.5 %	35 %	26.5 %
BUILDING HEIGHT	14 m	12.2 m	24 m	18.3 m
LANDSCAPED OPEN SPACE (MIN)	20%	24.9 %	35%	28 %
UNIT DENSITY	n/a	n/a	150 units/ha	114 units/ha
FRONT YARD DEPTH	6 m	23.7 m	n/a	4.5m
SIDE YARD WIDTH	3 m	3.0 m 5.6 m	n/a	4.5m
REAR YARD DEPTH	7.5 m	8.5 m	n/a	17 m
REQUIRED PARKING	1.5/class = 48	49 spaces	1.25 sp/unit = 115 sp	123 spaces
ACCESSIBLE PARKING SPACES	Type A – 1 req'd Type B – 1 req'd	Type A – 1 Type B - 1	Type A - 2 req'd Type B - 3 req'd	Type A - 3 Type B - 3
BICYCLE PARKING			9 required	10 provided
LOADING SPACES	1 required	1 provided	2 required	2 provided

**COMMENT:**

The proposed severed parcel, Part 2, needs to be rezoned to a site specific (RD3.2-#) to include residential regulations for the proposed development of the vacant parcel. A site specific regulation to reduce the amount of landscaped open space is required to recognize a proposed landscaped open space of 28%. There will be significant landscaping and an interior courtyard provided on site that will support the site development. The reduction can be supported with the close proximity to the significant parkland known as Ford Test Track with approximately 22 ha parkland on the adjacent lands.

The ZBA is not required to address the retained lands of the existing school presently zoned 'Institutional District (ID1.1)' zone and as shown as Part 1 on the Draft Reference Plan. Retained lands are best suited and comply with the 'Institutional District (ID1.1)' and the existing Gordon McGregor building complies with the (ID1.1) zone provisions as outlined above in the table.

In my professional opinion, the requested ZBA will support the appropriate development of the site for a mixed use development comprising the existing institutional use and the new residential use.

## 9.0 SUMMARY

In my professional opinion, the requested Zoning Bylaw Amendment (ZBA) purports to apply a new site specific 'Residential 3.2 District (RD3.2) regulatory framework to Part 2 lands as shown on the Draft Reference Plan. The 'Institutional (I1.1) zone will remain on Part 1 (retained lands) to allow for continuation of the existing high school institutional use.

The adaptive re-use of the existing heritage building for a high school and day care institutional uses is a sound use of the ZBA to support the proposed residential apartment buildings (multiple dwellings) use can be considered compatible, in my professional opinion, with the neighbourhood. Further, the new residential buildings will provide for moderate intensification of residential use within a residential neighbourhood.

The ZBA will support residential development that creates a vibrancy and rejuvenation of the site while supporting the continuation of the significant heritage building. With the inclusion of residential apartment buildings (multiple dwellings) on site, the property will be economically viable and will support the complimentary institutional use while preserving and conserving the heritage building on site.

As well, the ZBA will support the preservation of the heritage building by allowing for an additional use for efficiencies of the site while site specific bylaw regulations will ensure the respect and sympathy of the new buildings to the existing heritage building.

The distance separation and orientation of the new residential buildings will be buffered from the existing heritage building and the existing neighbourhood residences in this older established neighbourhood.

The proposed inclusion of residential development will provide for needed alternative housing while supporting diversity in housing in the city and providing for residents within the neighbourhood to age in place. The ZBA will support the City's residential policy initiatives to supply alternative housing style and tenure while conserving and preserving a heritage building. The ZBA also supports the municipality's initiative to provide for a healthy, walkable community.

The proposed ZBA that will zone Part 2 for residential use will support the rejuvenation of the existing site; will support the preservation of a heritage building; will provide for a compatible development and infilling residential use in an existing residential neighbourhood; will provide an aesthetically pleasing development; will assist with rejuvenating the neighbourhood; and will provide for needed alternative residential

housing tenure supporting the diversification of housing accommodation in the City of Windsor.

In my professional opinion, the requested ZBA makes sound planning and the necessary ZBA can be considered supportable.

## 10.0 CONCLUSIONS

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law 8600, in my professional opinion the proposed Zoning By-law Amendment (ZBA) is consistent with policies of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is my opinion that the proposed Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report dated May 24, 2023.

In summation, the proposal complies with the Zoning Bylaw Amendment (ZBA) that will appropriately zone Part 2 as a site specific 'Residential District (RD3.2-#). The ZBA provides a good solution for the preservation of the heritage while providing for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with the intent and the relevant policies of the City of Windsor Official Plan;
- 3) maintains the intent of City of Windsor CZB 8600 and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) will support complimentary development that will conserve and preserve existing built heritage; and
- 5) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.

*Jacqueline Lassaline*

Jackie Lassaline BA MCIP RPP

Principal Planner



# APPENDIX A – INSTITUTIONAL DISTRICT ZONING

## SECTION 13 - INSTITUTIONAL DISTRICTS 1. (ID1.)

(B/L 9465 OMB Order R890032 Sep 28/1989; B/L 209-1998 Aug 11/1998;  
B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233; B/L 363-2002 Dec 31/2002;  
B/L 110-2009 OMB Order PL090722, Nov 20/2009 amended by Order PL090722, Dec 4/2009; B/L 126-2011 Jul 21/2011;  
B/L 114-2016 Sep 19/2016; B/L 129-2016 Sep 19/2016) [ZNG/4628; ZNG5270] B/L 164-2017, Dec. 7, 2017

### 13.1 INSTITUTIONAL DISTRICT 1.1 (ID1.1)

#### 13.1.1 PERMITTED USES

*Business Office* of a non-profit or charitable organization

*Child Care Centre*                      *Place of Worship*                      *School*

Any one or more of the following uses within an existing *building* which is owned and maintained by a *Public Authority*: *Business Office*; *Professional Studio*

Any use accessory to the above uses

#### 13.1.5 PROVISIONS

.1	Lot Frontage – minimum	20.0 m
.2	Lot Area – minimum	700.0 m <sup>2</sup>
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – maximum	14.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	3.00 m
.8	Landscaped Open Space Yard – minimum	20.0% of <i>lot area</i>

APPENDIX B – BY-LAW 103-2020

**Minutes**  
**City Council**  
**Monday, June 13, 2022**

Page 30 of 40

3. That Interim Control By-law 103-2020 **BE REPEALED** when the amending by-laws that implement the Official Plan Amendment and Zoning By-law amendments are in force.
4. That the City of Windsor Intensification Guidelines **BE ADOPTED** as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.  
Carried.

Report Number: SCM 149/2022 & S 64/2022  
Clerk's File: Z/14384 & Z/13872

## APPENDIX C – RESIDENTIAL DISTRICT ZONING

### 12.2 RESIDENTIAL DISTRICT 3.2 (RD3.2)

#### 12.2.1 PERMITTED USES

*Lodging House*

*Multiple Dwelling*

*Religious Residence*

*Residential Care Facility*

Any of the following existing dwellings:

*Double Duplex Dwelling*

*Duplex Dwelling*

*Semi-Detached Dwelling*

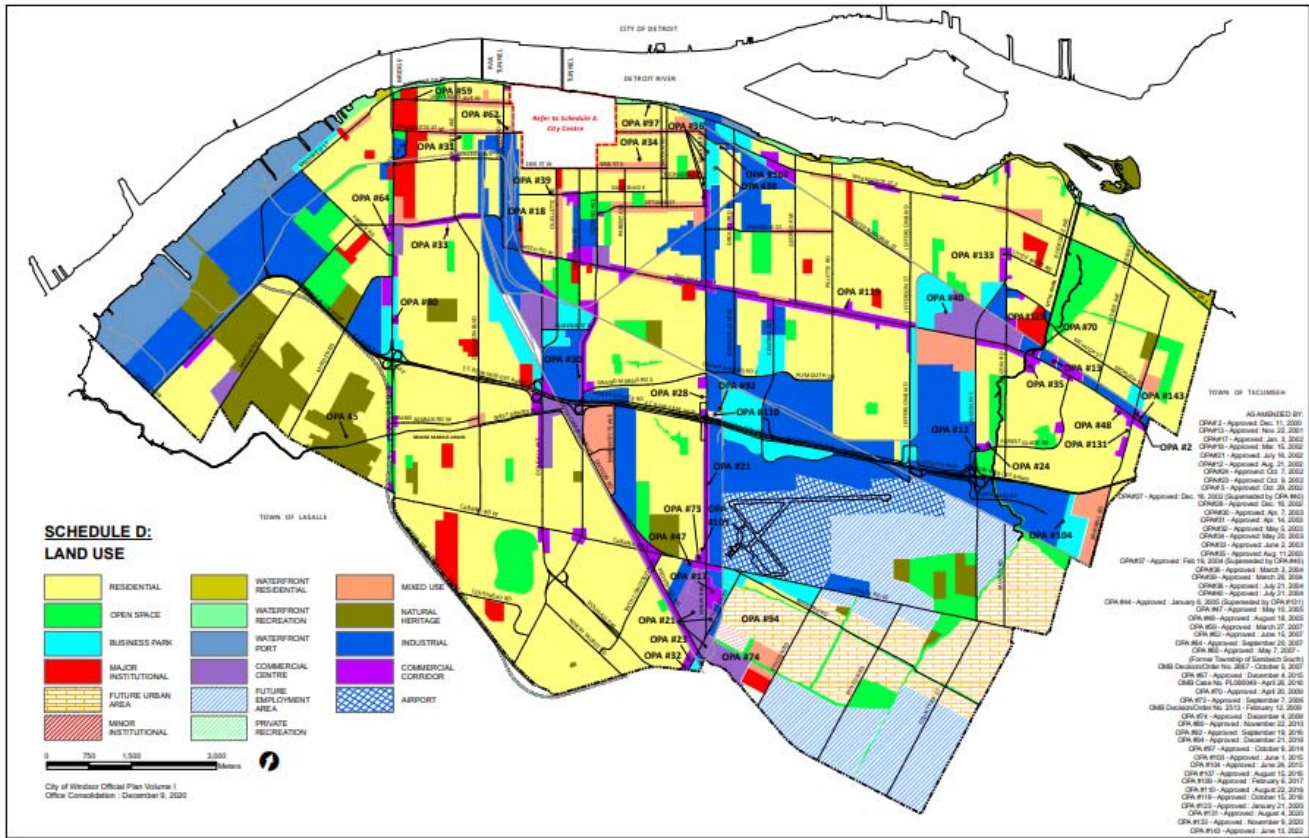
*Single Unit Dwelling*

Any use accessory to any of the preceding uses

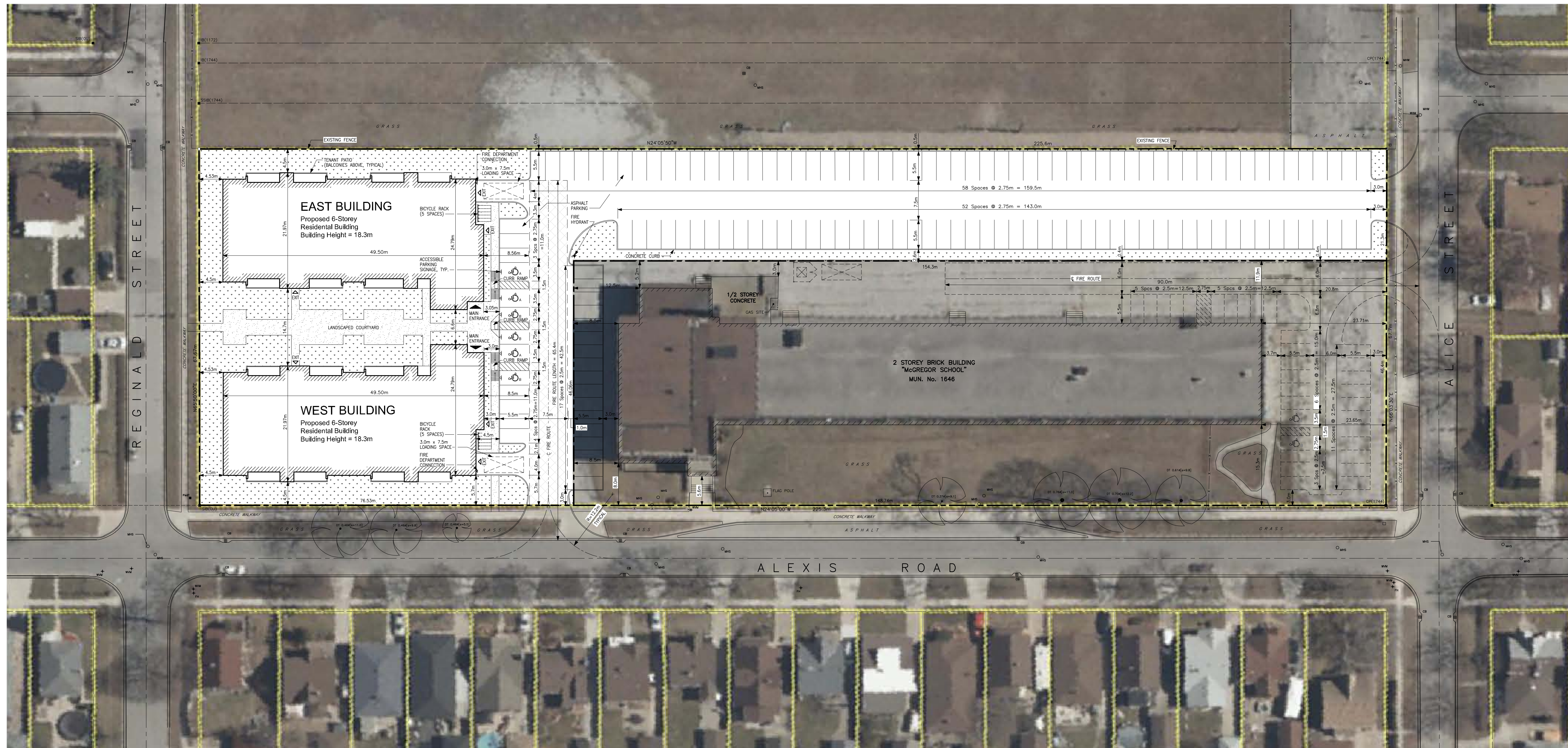
#### 12.2.5 PROVISIONS

- |     |   |                              |
|-----|---|------------------------------|
| .1  | Lot Frontage – minimum  | 30.0 m                       |
| .2  | Lot Area – minimum  |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> :  |                              |
|     | a) For the first 5 <i>dwelling units</i>  | 540.0 m <sup>2</sup>         |
|     | b) For the next 19 <i>dwelling units</i>  | 67.0 m <sup>2</sup> per unit |
|     | c) For each additional <i>dwelling unit</i>   | 44.0 m <sup>2</sup> per unit |
|     | For any other <i>lot</i> :  |                              |
|     | d) For the first 4 <i>dwelling units</i>  | 540.0 m <sup>2</sup>         |
|     | e) For the next 15 <i>dwelling units</i>  | 85.0 m <sup>2</sup> per unit |
|     | f) For each additional <i>dwelling unit</i>   | 55.0 m <sup>2</sup> per unit |
| .3  | Lot Coverage – maximum  | 35.0%                        |
| .4  | Main Building Height – maximum  |                              |
|     | <i>Corner Lot</i>   | 24.0 m                       |
|     | <i>Interior Lot</i>   | 18.0 m                       |
| .8  | Landscaped Open Space Yard – minimum  | 35.0% of <i>lot area</i>     |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum   |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i>  | 188 units per ha             |
|     | For any other <i>lot</i>  | 150 units per ha             |
| .50 | A <i>Lodging House</i> for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the <i>Single Unit Dwelling</i> provisions of Section 10.1.5 and further, the whole of the <i>building</i> shall be used for a <i>Lodging House</i> , including any <i>accessory use</i> .<br>[ZNG/5630] |                              |
|     | (AMENDED by B/L 95-2019, Sept. 27/2019)   |                              |
| .55 | A addition to an <i>existing Double Duplex Dwelling</i> , <i>existing Duplex Dwelling</i> , <i>existing Semi-Detached Dwelling</i> or an <i>existing Single Unit Dwelling</i> and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.  |                              |

# APPENDIX D – SCHEDULE 'D' LAND USE

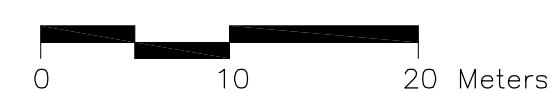
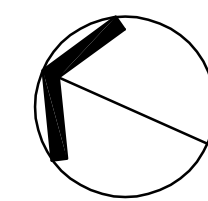


## APPENDIX E – SHADOW STUDY



**SITE PLAN**

SCALE: 1:400  
(METRIC DIMENSIONS UNLESS NOTED OTHERWISE)



LEGEND:	
	LANDSCAPED AREA
	CONCRETE WALKS

DETAILS OF DEVELOPMENT			DETAILS OF DEVELOPMENT		
ZONING - TO BE DETERMINED	REQUIRED	PROVIDED	ZONING - TO BE DETERMINED	REQUIRED	PROVIDED
LOT AREA - MINIMUM		0.81 HECTARES (8,093 m <sup>2</sup> ) (2.00 Acres)	ACCESSIBLE PARKING:		
LOT FRONTAGE - MINIMUM		67.67m	TYPE 'A' - 1.5%	2	3
LOT COVERAGE - MAXIMUM		2,156 m <sup>2</sup> (26.5%)	TYPE 'B' - 0.5 SPACES + 1.5%	3	3
LANDSCAPED OPEN SPACE - MINIMUM		2,263 m <sup>2</sup> (28.0%)	LOADING SPACES	2	2
FRONT YARD SETBACK (MINIMUM)		4.5m	BICYCLE PARKING	9	10
SIDE YARD SETBACK (MINIMUM)		4.5m	BUILDING AREA:		
REAR YARD SETBACK (MINIMUM)		17.0m ±	EAST BUILDING		1,078 m <sup>2</sup>
PARKING - 1.25 SPACES/UNIT	92x1.25=115	123	WEST BUILDING		1,078 m <sup>2</sup>
PARKING - VISITOR - 15%	115 x 15%	17	MAIN BUILDING HEIGHT		18.3m
LOADING SPACES	1	1	NUMBER OF RESIDENTIAL UNITS		92
			DENSITY		114 UNITS / HECTARE 46 UNITS / ACRE

ISSUED FOR: DATE:

A B	A. DETAIL NO.
	B. DETAILED ON

CLIENT:

PROJECT:  
**ALEXIS ROAD APARTMENTS**

1646 ALEXIS ROAD WINDSOR, ONTARIO

DRAWING TITLE:  
**SITE PLAN - Option 2**

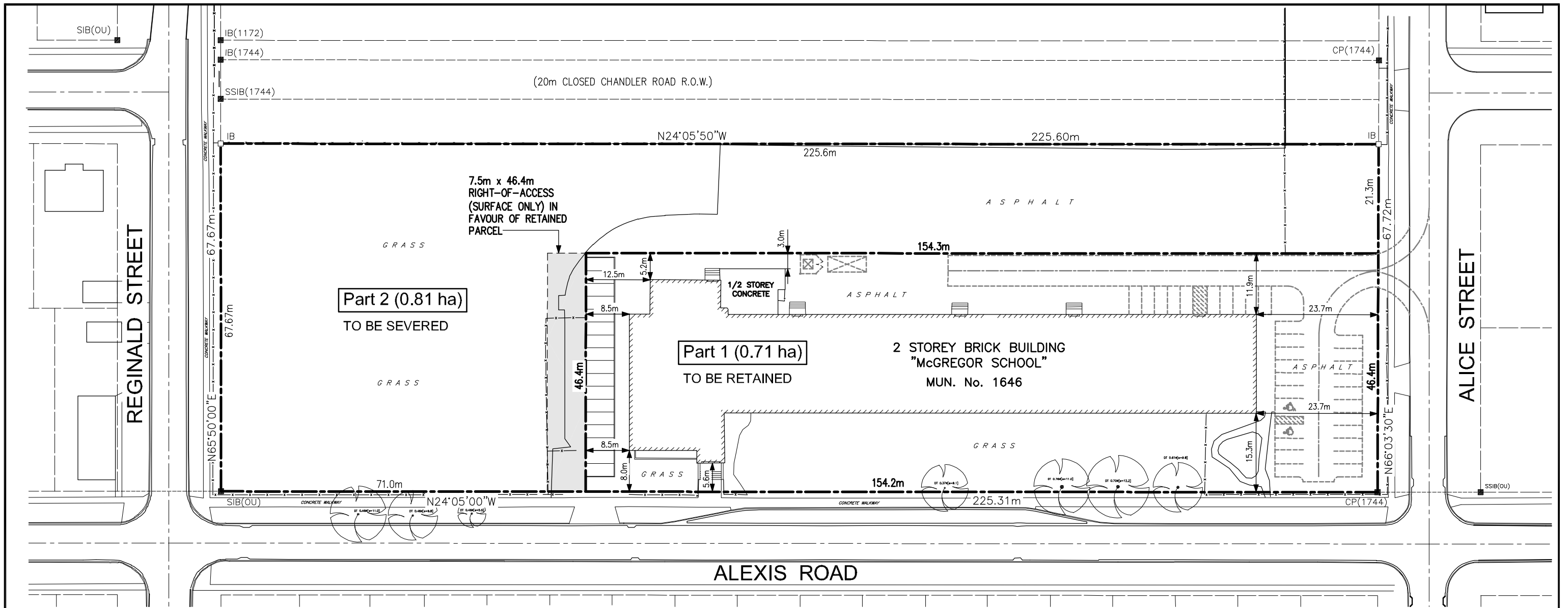
DESIGNED BY: MJP	DRAWN BY: LAZ.
CHECKED BY: MJP	SCALE: 1:400
ACAD REFERENCE: 4746-A1-1- Site Plan - Opt 2	DATE: MARCH 24, 2023
PROJECT NUMBER: 4746	SHEET NUMBER: A1.1 OF











### Site Plan

SCALE: 1:750



### SITE STATISTICS (PART 1)

ZONING: INSTITUTIONAL DISTRICT 1 (1D1.1)	REQUIRED	PROVIDED
LOT FRONTAGE – MINIMUM	20.0m	46.4m
LOT AREA – MINIMUM	700.0 m <sup>2</sup>	7,162.2 m <sup>2</sup> (0.72 HECTARES) (1.77 Acres)
LOT COVERAGE – MAXIMUM	50.0%	37.6%
MAIN BUILDING HEIGHT – MAXIMUM	14.0m	12.2m
FRONT YARD DEPTH – MINIMUM	6.0m	23.7m
REAR YARD DEPTH – MINIMUM	7.50m	8.5m
SIDE YARD DEPTH – MINIMUM	3.00m	3.0m & 5.6m
LANDSCAPED OPEN SPACE YARD – MINIMUM	20% OF LOT AREA	24.9%
PARKING – 1.5 SPACES / CLASSROOM	32 x 15 = 48	49 (2 ACCESSIBLE)
LOADING SPACES	1	1

**MEO & ASSOCIATES INC.**  
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3600 Seven Lakes Dr., Suite 200, LaSalle, Ontario, Canada, N9H 0E5  
Tel. 519-250-8088; Fax 519-250-8070; rmeo@meoassociates.com

CLIENT:

PROJECT:

EXISTING SCHOOL SITE

DRAWING TITLE:

SEVERANCE PLAN

DATE:

March 24, 2023

PROJECT NUMBER:

4746

SHEET NUMBER:

1

SCALE:

1:750

ACAD REFERENCE:

4746 - Severance Plan - Ex School Site Plan

DRAWN BY:

I.A.Z.

## APPENDIX G – COMMENTS

### CANADA POST – BRUNO DESANDO

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

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

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

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

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

#### Lock-Box Assembly Requirements

*The complete Canada Post Standards Manual for Builders & Developers can be downloaded at: [https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)*

#### *Compartments Size*

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - o Residential compartments must be at least 12.5 x 13.5 cm
  - o Commercial compartments at least 13.5 x 30.5 cm
  - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

#### *Heights*

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

#### *Rear-loading Lock-boxes*

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

#### *Access*

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.

## APPENDIX G – COMMENTS

- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

### *Numbering*

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

### *Grade-level Components*

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

### **CITY OF WINDSOR - BUILDING DEPARTMENT – BARBARA RUSAN**

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

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

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

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

### **CITY OF WINDSOR - ENGINEERING DEPARTMENT – ROB PERISSINOTTI**

Sewers - The site may be serviced by a 300mm PVC sanitary sewer on Alexis Road, a 300mm vitrified clay sanitary sewer on Reginald Street, a 450mm storm sewer located within on Alexis Road or a 525mm storm sewer locate within the Reginald Street right-of-way. If possible existing connections should be utilized and any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

The Sanitary Sewer Memo submitted with this application confirms that the proposed medium-density residential development sewage flow rates will not have a negative impact to the existing sanitary sewer system. A sanitary sampling manhole may be required on any new sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist.

The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels, as per the Windsor Essex Regional Stormwater Management Standards Manual:

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>

Included with the stormwater management submission, one of the checklists found in the link below must be completed by the engineering consultant on behalf of the developer:

## APPENDIX G – COMMENTS

<https://www.citywindsor.ca/business/buildersanddevelopers/Pages/Stormwater-Management-Requirements.aspx>

Right-of-Way - Reginald Street, Alexis Road and Alice Street are all classified as Local Roads according to the Official Plan with a required right-of-way width of 20.1m. The current widths are sufficient; therefore, no conveyance is required at this time. Driveway approaches shall be constructed of concrete as per AS-204, complete with straight flares and no raised curbs within the right-of-way.

Any redundant approaches or curb cuts shall be removed and restored to city standards and a Street Opening permit obtained prior to completing any work in the right-of-way.

The site appears to have an existing fence and bumper blocks encroaching within the Reginald Street and Alice Street right-of-ways. The applicant will be required to remove or enter into an Encroachment Agreement for any items remaining in the right-of-way. If the property will be severed and shared services or access is proposed, a proper agreement between the two properties is required.

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

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

Encroachment – The owner agrees to submit application for and execute an agreement with the Corporation for any proposed encroachments into the right-of-way to the satisfaction of the City Engineer.

Proper Agreement, Access & Services – The owner agrees to enter into a reciprocal agreement with the abutting property owners for access and services.

Sanitary 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.

If you have any further questions or concerns, please contact Amy Olsen, of this department at [aolsen@citywindsor.ca](mailto:aolsen@citywindsor.ca)

### **CITY OF WINDSOR - ENVIROMENTAL SERVICES – ANNE MARIE ALBIDONE**

No concerns from Environmental Services for the rezoning. However, the applicant should be aware that as a multi-residential property with more than 6 units, they are not entitled to City provided waste collection services. They should seek input from a private collection company for comments on the location of the waste bins.

If they intend on seeking condominium status, they would be entitled to City of Windsor waste collection services. The conceptual drawing does not make it clear where the waste bins would be located. They are encouraged to consult with us before finalizing design.

## APPENDIX G – COMMENTS

### CITY OF WINDSOR – FORESTRY - SHERIF BARSOM

No comments from Natural Areas and Parks D&D. Forestry Comments:

There are 2 Honey Locust trees and 1 Linden tree in close proximity to the development area. The total DBH of these trees is 155cm. To avoid damage to these trees, tree protection zones should be made.

The developer should be notified, in advance, of the City's tree replacement procedure: City Forestry follows the 'equivalent diameter' replacement methodology - for every unit diameter of tree removed (e.g. due to damages), a similar amount of new trees must be planted. This will apply if there is any damage to these trees.

### CITY OF WINDSOR – FORESTRY - SUPERVISOR PARKS - ADAM KIRCHHOEFER

Additional comments regarding trees along Alexis adjacent to school.

I had a look at the Norway Maple trees at 1646 Alexis. We have a history of trimming these trees in the past and we even did some removals on this property as well. The trees on the west side look to be in fair condition with the exception of the one second one from the south. This tree is not in great shape and should be removed to eliminate any health and safety issues. It has a significant amount of deadwood and decay.

The boulevard trees, 2 Honey Locust and a Little Leaf Linden will be added to the Trimming list.

If you would like, I will have work orders created to have the second one from the south removed and can have the other 3 trimmed and have the guys do a health assessment of them to ensure they are also safe and healthy.

### CITY OF WINDSOR – PLANNING DEPARTMENT – HERITAGE PLANNER – KRISTINA TANG

The property is listed on the Windsor Municipal Heritage Register as the following:

R     1646 Alexis Rd           Gordon McGregor School     1924   Arch. Sheppard & Masson  
          Ford City

A Heritage Impact Assessment (HIA), prepared by Lassaline Planning Consultants Inc. with the advice of Don Loucks, Metropolitan Design (CAHP designation), dated Aug 7, 2023 (revised from earlier versions) was submitted.

Overall, the HIA recommends the former Gordon McGregor School to be designated under Part IV of the Ontario Heritage Act. This is in line with changes to the Ontario Heritage Act through Bill 23, which would require non-designated properties currently included on the municipal register to be removed if Council does not issue a notice of intention to designate within two years of the amendments to the Act coming into force. The Ontario Heritage Act also establishes a 90-day timeline for issuing a notice of intention to designate when the listed (non-designated) property is subject to a Planning Act application, unless the owner and Council of a municipality agree that the 90-day restriction does not apply.

The subject property has cultural heritage value and interest, and meets the O.Reg. 9/06 criteria for Designation. Therefore, City Administration has brought forward report S89/2023 to Council recommending designation of the subject property. The recommendations of the report are:

- I. THAT the City Clerk BE AUTHORIZED to publish a Notice of Intention to Designate the Gordon McGregor, at 1646 Alexis Road, in accordance with Part IV of the Ontario Heritage Act according to the Statement of Cultural Heritage Value or Interest attached in Appendix 'A'; and,

## APPENDIX G – COMMENTS

- II. THAT the City Solicitor prepare the By-law for Council to designate the property after receipt of the legal description of the property from the Property Owner; and,
- III. THAT Council agree with Parway Inc, Property Owner of 1646 Alexis Road, that the restrictions set out in paragraph 2 of subsection 29(1.2), and paragraph 1 of subsection 29(8) of Ontario Heritage Act for Designation by municipal bylaw do not apply in respect of the Property at 1646 Alexis Road, to allow time for the designation process.

The Owner is agreeable to the designation and has setback the proposed buildings to be more in line with the setback of the historic structure to maintain sight lines of the historic structure from Alexis Road.

It is recommended that the following matters BE ADDRESSED though Site Plan Control:

1. That the owner submits product information on the materials of the proposed building, to demonstrate compatibility to the heritage resource
2. That the designation bylaw be registered as a pre-permit condition in Site Plan Control

### **CITY OF WINDSOR – PLANNING DEPARTMENT - LANDSCAPE & URBAN DESIGN – STEFAN FEDIUK**

Pursuant to the application for a zoning amendment (Z 043/22/00) to permit a multiple dwelling development consisting of two multiple dwellings and associated parking on the subject, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback: The major character of the neighborhood is single to one and half storey residences. The proposed development is much taller than those residences and the existing school. It is strongly recommended that the development be setback in line with the gymnasium to preserve the dominance of the heritage building (school) on the severed portion of the site, and to not be as imposing on the residences on the west side of Alexis. This can be accomplished by moving the entire footprint of the development including the parking to the east property line, where the land is currently City owned.

Climate Change & Tree Preservation: There are 3 mature trees in the City right-of-way, ranging from 45 to 55 years in age. In addition, there are 4 trees on the retained school property of the same age in close proximity to the municipal right-of-way. These 4 trees are considered as shared trees and would need to be protected along with the 3 on the municipal right-of-way as part of any construction on the subject property.

Outdoor amenity areas on-site will be required given the proposed residential use. All conditions of development, including but not limited to the foregoing, would be provided at the time a Site Plan application is received.

Urban Design: The proposed development has provided an Urban Design Brief which demonstrates that the character of the heritage artifact found in the school will be incorporated into the facade of the proposed residential towers. This will help to satisfy the need to preserve the School's unique architecture. Detailed heritage comments are provided by the City's Heritage Planner and are supported by the Sr Urban Designer.

In addition, a shadow study has been provided and demonstrates minimal impact to the adjacent residences. It is also recognized that by moving the entire development eastward to align the front setback with the gymnasium of the school and not the portico entrance, as proposed, it would further reduce impacts to the properties north of Reginald Street.

The development is subject to Site Plan Review at which time, detailed comments will be made to address site specific issues and details related to health and safety, environmental sustainability and accessibility as the design is further fleshed out. Landscaping will play an

## APPENDIX G – COMMENTS

important role in providing buffers from the existing neighborhood impacts to climate change concerns.

Parkland Dedication: There are no parkland implications beyond the usual requirement for cash-in-lieu of 2% parkland dedication. Detailed landscape requirements will be provided at the time of site plan review.

### **CITY OF WINDSOR – PLANNING DEPARTMENT - SITE PLAN CONTROL – JACQUELINE CABRAL**

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

### **CITY OF WINDSOR - TRANSPORTATION PLANNING – CLARE AMICARELLI**

- The Official Plan classifies Alexis Rd as a Local Road with a required right-of-way width of 20 m. The current right-of-way width is sufficient; therefore, a land conveyance is not required.
- The Official Plan classifies Alice St as a Local Road with a required right-of-way width of 20 m. The current right-of-way width is sufficient; therefore, a land conveyance is not required.
- The Official Plan classifies Reginald St as a Local Road with a required right-of-way width of 20 m. The current right-of-way width is sufficient; therefore, a land conveyance is not required.
- A reciprocal access agreement is required in order for both the retained and severed parcel to use the proposed driveway access off of Alexis Rd.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
  - Curved flares not permitted within right-of-way
  - Raised curbs not permitted within right-of-way
  - If a driveway access is being proposed from the retained parcel onto Alice St, then the existing driveway access onto Alice St must be removed and the boulevard restored.
  - All driveway widths must be 7-9 metres total at the property line (minimum 3.5m/lane, maximum 4.5m/lane) and maximum 1 metre straight flare. Based on the site plan provided, the driveway proposed from the retained parcel onto Alice St has a width of 6 metres at the property line.
  - Easternmost driveway access proposed onto Alice St must be a minimum of 15 metres away from the intersection of Alice St and Chandler Rd based on TAC Guidelines, unless proper justification can be provided.

### **ENBRIDGE**

After reviewing the provided drawing at 1646 Alexis 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.

Please Note:





## **APPENDIX G – COMMENTS**

### **ENWIN – PALINA PACHECO**

#### **Hydro Engineering:**

No Objection. Please be advised of the overhead 27.6kV power lines on the eastern limit of the property

Please be advised of the overhead 347/600V secondary service conductor connected to the eastern limit of the existing building. Please have this service disconnected and removed prior to any construction.

Prior to working in these areas, we suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction. Also, we suggest referring to the Ontario Building Code for required clearances for New Building Construction.

#### **Water Engineering:**

Water Engineering has no objections to the rezoning.

### **TRANSIT WINDSOR – JASON SCOTT**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Central 3. The closest existing bus stop to this property is located on Drouillard at Alice Southeast Corner. This bus stop is approximately 250 metres from this property falling within our 400 metre walking distance guideline to a bus stop. This will be maintained with our City Council approved Transit Master Plan.



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

**Reference:**

Date to Council: September 11, 2023  
Author: Pablo Golob, MCIP, RPP  
Planner II  
519-255-6543 Ext. 6918  
pgolob@citywindsor.ca  
Planning & Building Services  
Report Date: 8/14/2023  
Clerk's File #: Z/10891

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

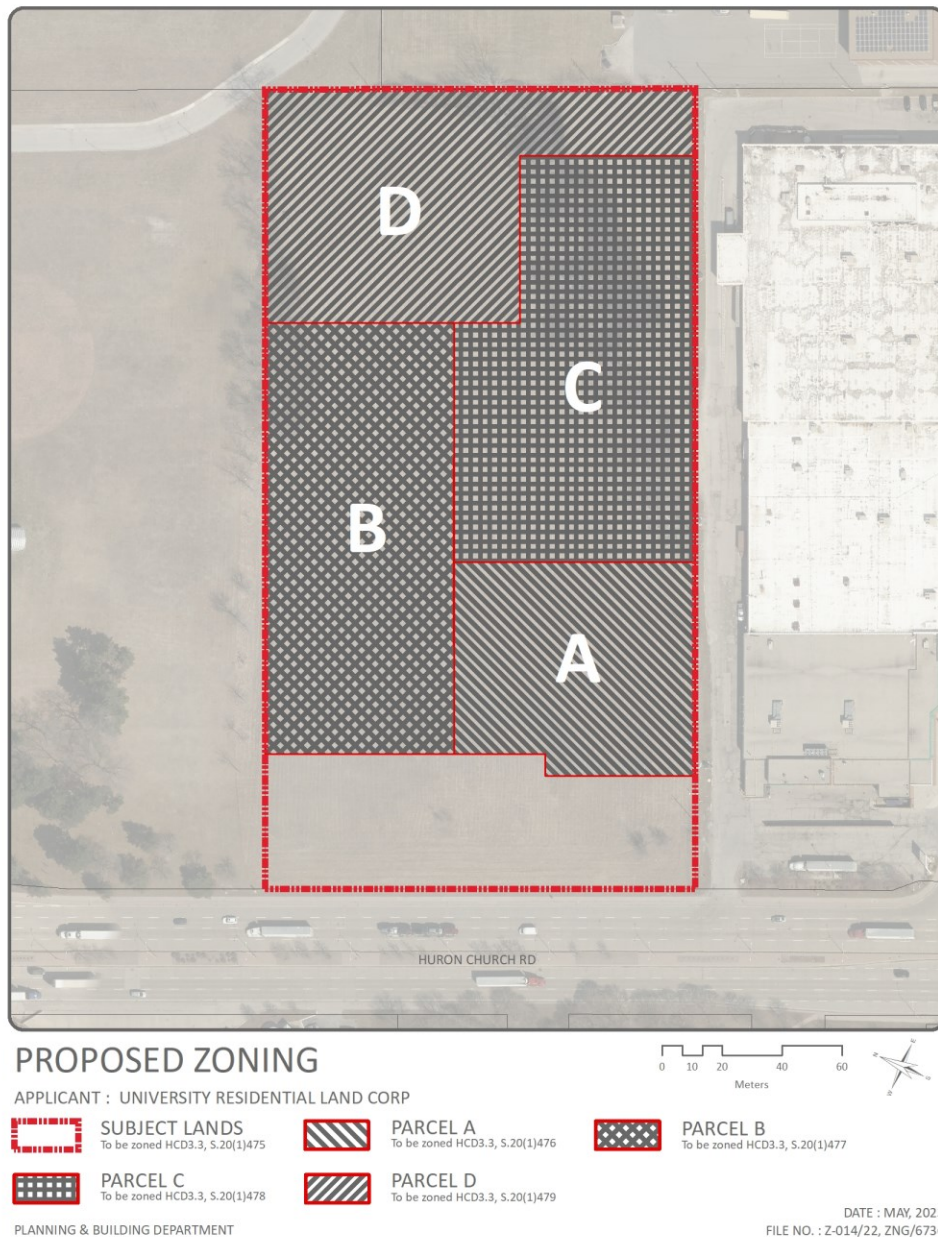
**Recommendation:**

1. THAT Zoning By-law 8600 **BE AMENDED** by revising the following Section 20(1) site-specific provision as follows:
    477. For the lands comprising of Pt Lot 63 & 64, Concession 1; further described as Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road), identified as Parcel "B", as shown on Schedule "A" of this by-law, despite the regulations of the Commercial District 3.3 (CD3.3) zone category, the following regulations shall apply:
      - a) Building Height – maximum - 40.0 m
- [ZDM 4; ZNG/6736]

**Executive Summary:**

On June 12, 2023 City Council passed By-law 73-2023, as recommended in CR179/2023 (Report Number S 35/2023). By-law 73-2023 had the purpose and effect to amend the zoning of Pt Lot 63 & 64, Concession 1; further described as Parts 1& 2, Plan 12R-14334 (known municipally as 0 Huron Church Road; Roll No. 050-370-15400; PIN 01221-0350), to facilitate the development of three (3) high profile multiple dwelling buildings and one (1) combined use building (ranging from 8 to 14 stories in height), in addition to two (2) commercial use buildings. This by-law amended the existing CD3.3 zoning category of the subject site with five separate site-specific provisions to permit the proposed development, including exceptions to permitted building heights. The

various site-specific provisions are depicted in Schedule “A” (below), which forms part of By-law 73-2023.



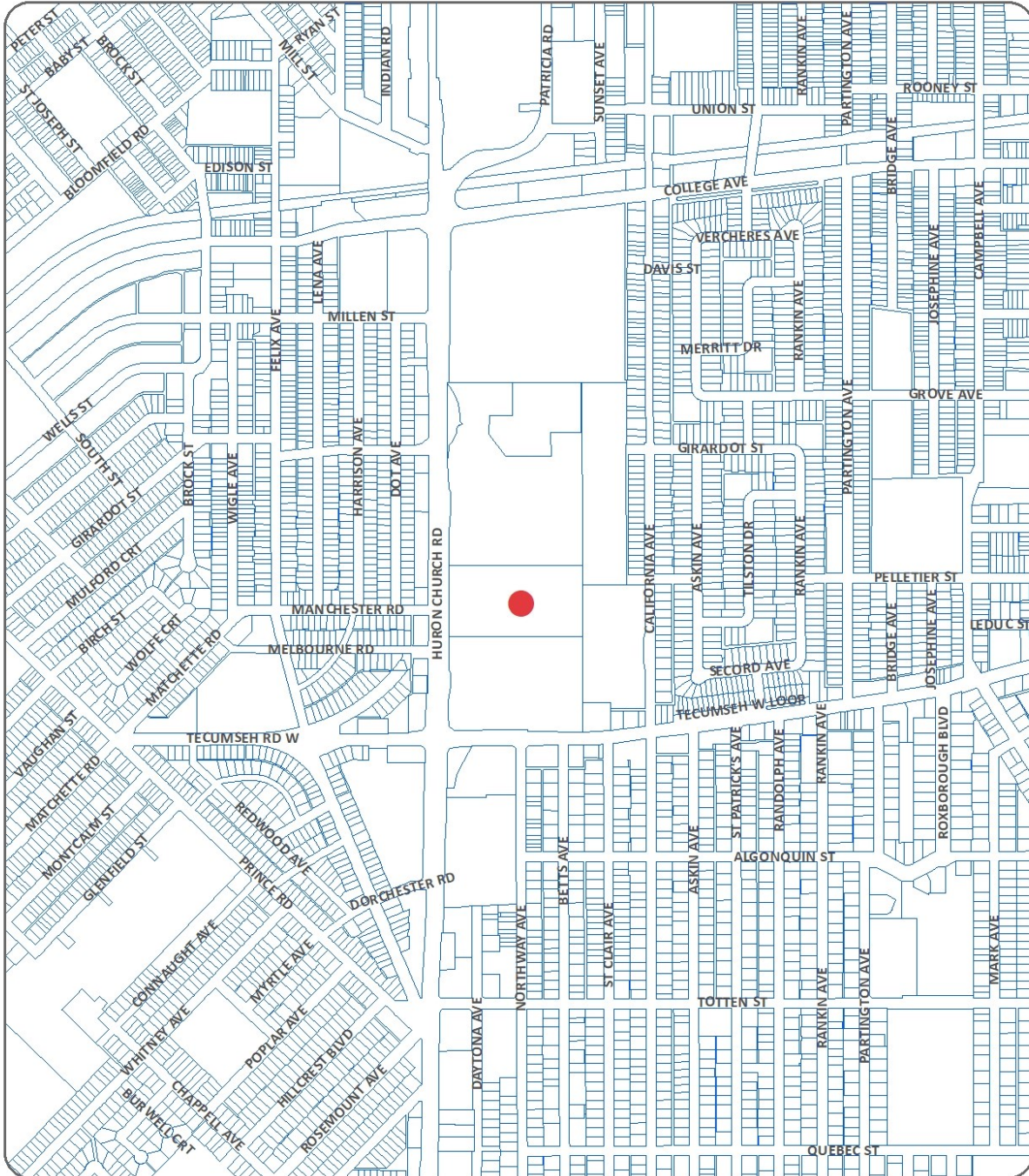
Subsequent to the formal passing of By-law 73-2023 (attached as Appendix A), the applicants notified the Planning Department of a numerical error in site-specific provision number 477 (S.20(1) 477) pertaining to By-law 73-2023. Site-specific provision number 477 provides a specific zoning exception to portions of the subject lands (identified as Parcel “B” on Schedule “A” of By-law 73-2023) to permit a maximum building height of 37.0 m. The applicants have advised that an administrative error incorrectly stated the proposed building height of Parcel “B” as 37.0 m, and should have instead read as proposed building height of 40.0 m to enable the intended 12-storey multiple dwelling building. In this regard, an amendment to Zoning By-Law 8600 is proposed to correct the numerical error and enable a maximum building height of 40.0 m on the lands subject to site-specific

provision 477 (Parcel “B” on Schedule “A” of By-law 73-2023).

Planning staff are agreeable to the proposed amendment given that the proposal did not receive opposition from the public during the approvals process and/or public meetings, and there are no administrative concerns with the proposed revision. Amending the maximum permitted building height of site-specific provision number 477 (S.20(1) 477) will not alter the design or scope of the development. The total number of stories and units will remain as approved through by-law 73-2023.

Specific design elements are to be implemented during the subsequent site plan control process and building permitting process. Refer to Council Report S 35/2023 (attached as Appendix B) for administration’s detailed review of the development proposal corresponding to By-law 73-2023.

Figure 1: Key Map



KEY MAP - Z 014-22, ZNG-6736 & OPA 157, OPA-6737

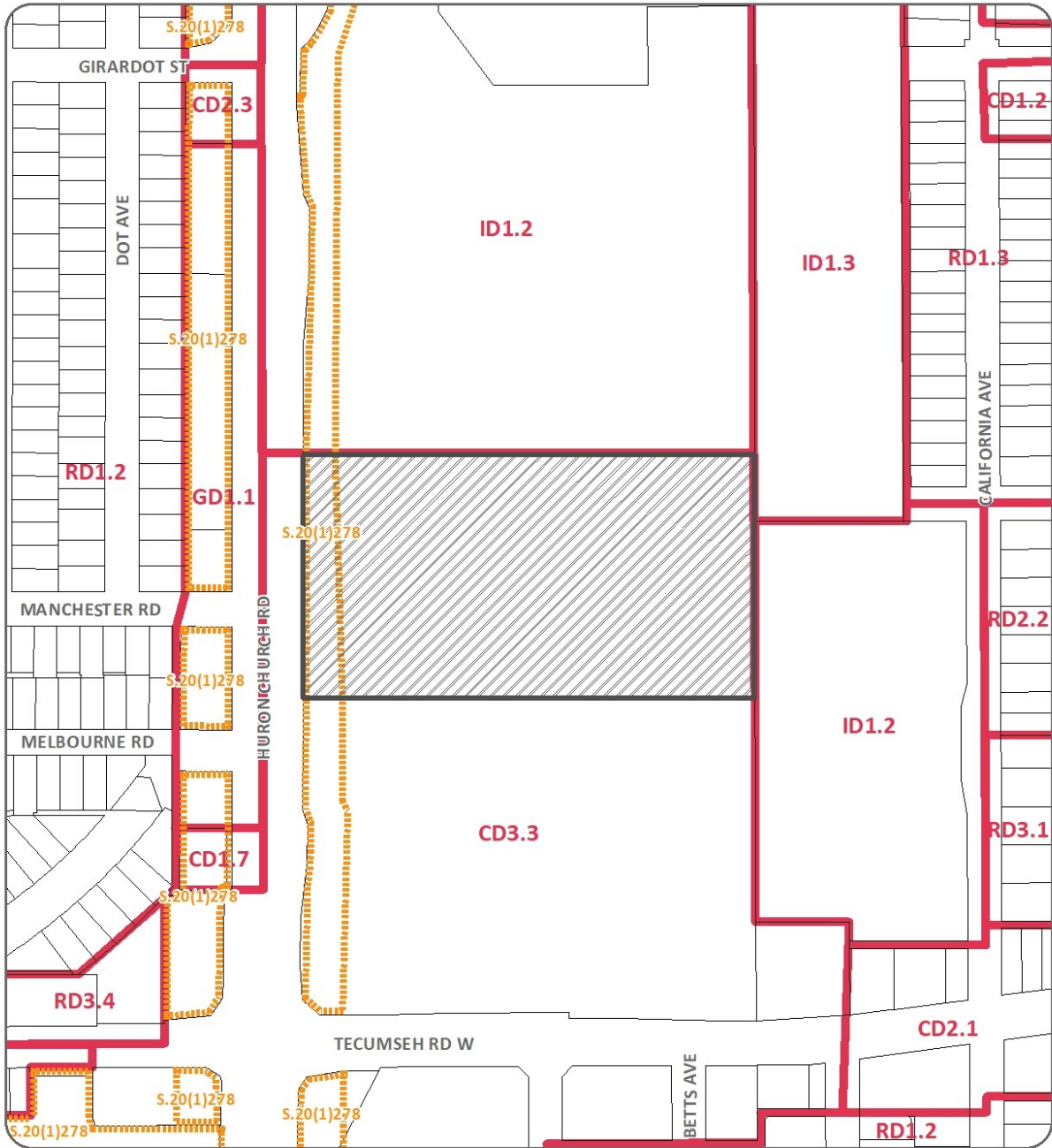


● SUBJECT LANDS

APPLICANT: WESTDELL DEVELOPMENT CORP

ADDRESS: 0 HURON CHURCH ROAD

**Figure 2: Subject Parcel**



PART OF ZONING DISTRICT MAP 4

N.T.S.

## REZONING

Applicant: Westdell Development Corp



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022  
FILE NO. : Z-014/22, ZNG-6736

Figure 3: Neighbourhood Map



NEIGHBOURHOOD MAP - Z 014-22, ZNG-6736 &



SUBJECT LANDS

OPA 157, OPA-6737

APPLICANT: WESTDELL DEVELOPMENT CORP

ADDRESS: 0 HURON CHURCH ROAD



**Risk Analysis:**

N/A

**Financial Matters:**

N/A

**Consultations:**

N/A

**Conclusion:**

The above recommendation will correct a numerical error in By-law 73-2023 identified by the applicants, and enable the development of a 40.0 m (12-storey) multiple dwelling building on the subject lands (as intended). Planning staff are agreeable to amending the corresponding site-specific provision (S.20(1) 477) pertaining to By-law 73-2023, as the revision will not alter the design or scope of the development and the proposal did not receive credible opposition from the public during the approvals process

**Planning Act Matters:**

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

*Neil Robertson, MCIP, RPP*

*Acting City Planner / Manager of Growth*

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

*JP*

*JM*

**Approvals:**

Name	Title
Neil Robertson	Manager Growth / Acting City Planner
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
University Residential Land Corp. (David Traher)	1701 Richmond Street, Unit 3B London ON N5X 3Y2	dtraher@westdellcorp.com
Storey Samways Planning Ltd. (David French)	55 Forest Street, Suite N Chatham ON N7L 1Z9	davidf@storeysamways.ca
Councillor Costante (Ward 2)		
Property owners and residents within 120 m of the subject lands		

**Appendices:**

Appendix A - By-law 73-2023

Appendix B - Council Report S 35/2023

## BY-LAW NUMBER 73-2023

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

Passed the 12<sup>th</sup> day of June, 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. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	4	Part of Lots 63 & 64, Concession 1; described as Parts 1 & 2, Plan 12R-14334 (known municipally as 0 Huron Church Road; Roll No. 050-370-15400; PIN 01221- 0350)	157	CD3.3	HCD3.3

2. That subsection 1 of Section 20 of By-law Number 8600 is further amended by adding the following paragraphs:

**475. EAST SIDE OF HURON CHURCH ROAD, NORTH OF TECUMSEH ROAD WEST**

For the lands comprising Pt Lot 63 & 64, Concession 1; further described as Parts 1& 2, Plan 12R-14334, the following additional provisions shall apply:

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

[ZDM4; ZNG/6736]

**476. EAST SIDE OF HURON CHURCH ROAD, NORTH OF TECUMSEH ROAD WEST - Parcel A**

For the lands comprising Pt Lot 63 & 64, Concession 1; further described as Parts 1 & 2, Plan 12R-14334, identified as Parcel A on Schedule “A” to By-law \_\_\_\_\_, the maximum *building height* shall be 46.0 m.

[ZDM4; ZNG/6736]

**477. EAST SIDE OF HURON CHURCH ROAD, NORTH OF TECUMSEH ROAD WEST - Parcel B**

For the lands comprising Pt Lot 63 & 64, Concession 1; further described as Parts 1 & 2, Plan 12R-14334, identified as Parcel B on Schedule “A” to By-law \_\_\_\_\_, the maximum *building height* shall be 37.0 m.

[ZDM4; ZNG/6736]

**478. EAST SIDE OF HURON CHURCH ROAD, NORTH OF TECUMSEH ROAD WEST - Parcel C**

For the lands comprising Pt Lot 63 & 64, Concession 1; further described as Parts 1 & 2, Plan 12R-14334, identified as Parcel C on Schedule “A” to By-law \_\_\_\_\_, the maximum *building height* shall be 34.0 m.

[ZDM4; ZNG/6736]

**479. EAST SIDE OF HURON CHURCH ROAD, NORTH OF TECUMSEH ROAD WEST - Parcel D**

For the lands comprising Pt Lot 63 & 64, Concession 1; further described as Parts 1 & 2, Plan 12R-14334, identified as Parcel D on Schedule “A” to By-law \_\_\_\_\_, the maximum *building height* shall be 28.0 m.

[ZDM4; ZNG/6736]

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	4	Part of Lots 63 & 64, Concession 1; further described as Parts 1&2, Plan 12R-14334 (known municipally as 0 Huron Church Road; Roll No. 050-370- 15400; PIN 01221-0350)	157	S.20(1)H475
2	4	Part of Lots 63 & 64, Concession 1; further described as Parts 1&2, Plan 12R-14334, identified as Parcel A on Schedule “A” of this by-law (known municipally as 0 Huron Church Road; Roll No. 050-370- 15400; PIN 01221-0350)	157	S.20(1)476
3	4	Part of Lots 63 & 64, Concession 1; further described as Parts 1&2, Plan 12R-14334, identified as Parcel B on Schedule “A” of this by-law (known municipally as 0 Huron Church Road; Roll No. 050-370- 15400; PIN 01221-0350)	157	S.20(1)477

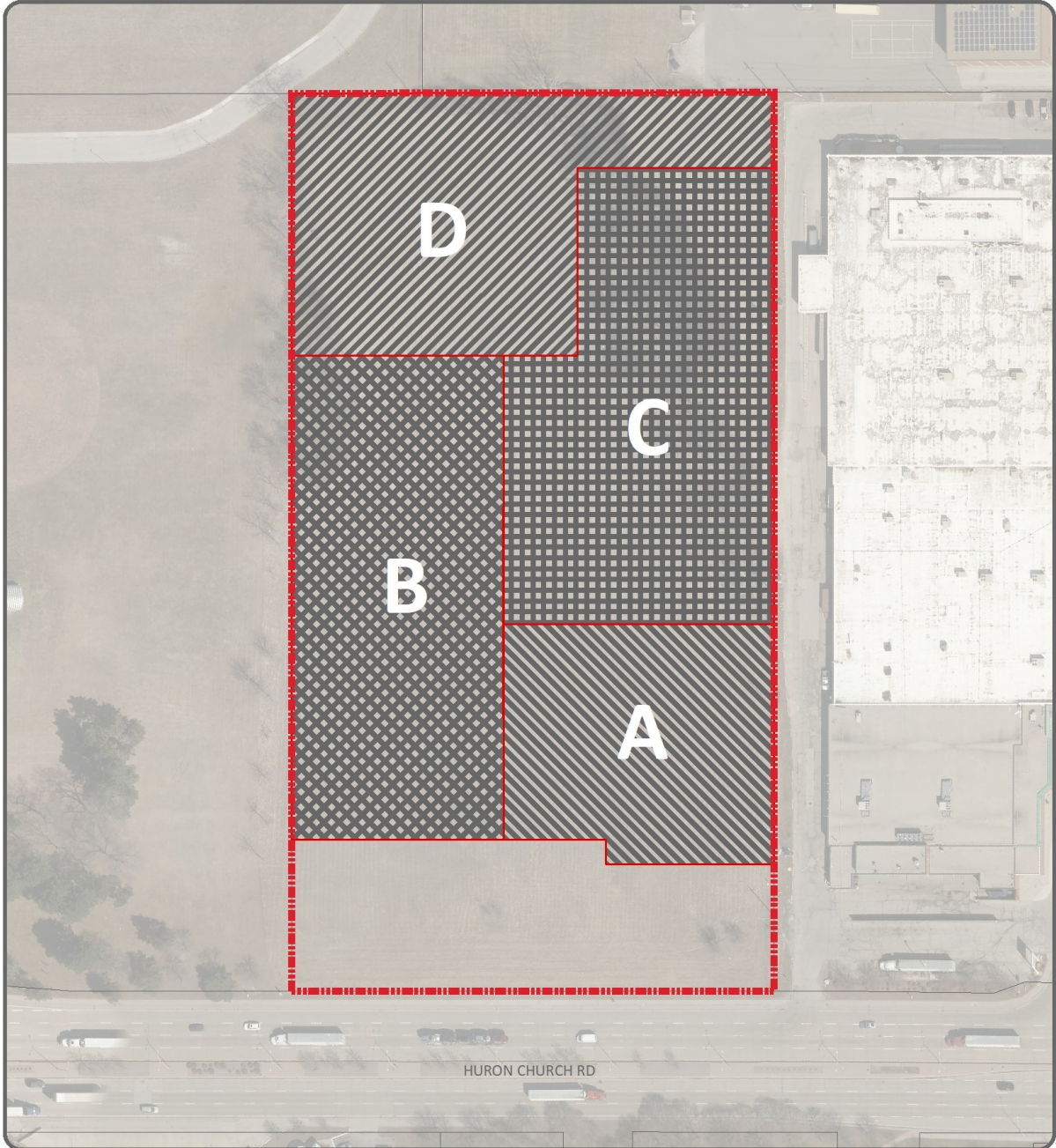
4	4	Part of Lots 63 & 64, Concession 1; further described as Parts 1&2, Plan 12R-14334, identified as Parcel C on Schedule "A" of this by-law (known municipally as 0 Huron Church Road; Roll No. 050-370- 15400; PIN 01221-0350)	157	S.20(1)478
5	4	Part of Lots 63 & 64, Concession 1; further described as Parts 1&2, Plan 12R-14334, identified as Parcel D on Schedule "A" of this by-law (known municipally as 0 Huron Church Road; Roll No. 050-370- 15400; PIN 01221-0350)	157	S.20(1)479

4. That the H symbol (Holding Zone) be removed when the following conditions have been satisfied:
- a) An application is received to remove the H symbol;
  - b) An easement for access across the abutting commercial lands to the south (Part of Lots 63 & 64, Concession 1, Part Closed Alley, Plan 1120, known municipally as 2640-2790 Tecumseh Road West; Roll No. 050-470-15500) for the benefit of Part of Lots 63 & 64, Concession 1; further described as Parts 1&2, Plan 12R-14334, is registered on title for both properties, to the satisfaction of the City Planner.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - June 12, 2023  
 Second Reading - June 12, 2023  
 Third Reading - June 12, 2023



**PROPOSED ZONING**

APPLICANT : UNIVERSITY RESIDENTIAL LAND CORP



**SUBJECT LANDS**  
To be zoned HCD3.3, S.20(1)475



**PARCEL A**  
To be zoned HCD3.3, S.20(1)476



**PARCEL B**  
To be zoned HCD3.3, S.20(1)477



**PARCEL C**  
To be zoned HCD3.3, S.20(1)478



**PARCEL D**  
To be zoned HCD3.3, S.20(1)479

PLANNING & BUILDING DEPARTMENT

DATE : MAY, 2023  
FILE NO. : Z-014/22, ZNG/6736

**Schedule "A" forms part of By-law 73-2023**

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

**Subject: OPA & Rezoning – University Residential Land Corp. – 0 Huron Church - OPA 157 OPA/6737 Z-014/21 ZNG/6736 – Ward 2**

**Reference:**

Date to Council:

Author: Pablo Golob, MCIP, RPP

Planner II

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pgolob@citywindsor.ca

Planning & Building Services

Report Date: March 7, 2023

Clerk's File #:

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

**Recommendation:**

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

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Pt Lot 63 & 64, Concession 1; further described as Parts 1& 2, Plan 12R-14334, known municipally as 0 Huron Church Road (Roll No. 050-370-15400), situated on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West, by adding site specific exceptions to Section 20(1) as follows:

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

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

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

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

- a) Building Height – maximum - 46.0 m

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

- a) Building Height – maximum - 37.0 m

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

- a) Building Height – maximum - 34.0 m

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

- a) Building Height – maximum - 28.0 m

[ZDM 4; ZNG/6736]



4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:
  - a) Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought;
  - b) Detailed tree survey to the satisfaction of the City Forester;
  - c) Detailed Landscape Plan to the satisfaction of the Landscape Architect;
  - d) Archaeological Assessment – Entered Into Register verification letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries, to the satisfaction of the Heritage Planner.
5. THAT the Site Plan Approval Officer **BE DIRECTED**:
  - a) To incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
    - 1) Mitigation measures identified in Section 5 of the Acoustical Report, prepared by Baird AE and dated February 24, 2023, subject to the approval of the City Planner;
    - 2) Measures identified in the Stormwater Management and Sanitary Sewer Study prepared by Baird AE and dated March 29, 2022, subject to the approval of the City Planner and City Engineer;
    - 3) Transportation Impact Study requirements of the City of Windsor Transportation Planning Division, contained in Appendix E of this report, and measures identified in Section 6 of the Traffic Impact Study prepared by Baird AE and dated February 24, 2023, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer;
    - 4) Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
  - b) To review and consider the comments from municipal departments and external agencies in Appendix E to Report S 35/2023.

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** 0 Huron Church Road; east side of Huron Church Road, situated immediately northeast of the corner of Huron Church Road and Tecumseh Road West, Roll No. 050-370-15400

**Ward:** 2      **Planning District:** University      **Zoning District Map:** 4

**Applicant:** University Residential Land Corp. (David Traher)

**Agent:** Storey Samways Planning Ltd. (David French)

**Submitted Documents:**

- Applications - Official Plan Amendment & Zoning By-law Amendment
- Conceptual Site Plan and Renderings (attached as Appendix A)
- Planning Rational Report (Revised) (attached as Appendix B)
- Stormwater Management and Sanitary Sewer Study
- Transportation Impact Study
- Parking Brief
- Stage 1 & 2 Archaeological Assessment
- Species-at-Risk Screening
- Shadow Study
- Urban Design Study
- Acoustical Report

**Proposal:**

The applicant is proposing to construct three (3) multiple dwelling buildings and one (1) combined use building across the subject parcel, each building with varying height and number of dwelling units. Two (2) additional stand-alone commercial use buildings are proposed on the lands fronting Huron Church Road.

The proposal includes a total of 640 dwelling units, 8 commercial retail units with a combined GFA of 966 m<sup>2</sup>, 779 parking spaces, 9 loading spaces, and 55 bicycle parking spaces. Vehicular access is proposed from Huron Church Road via two new access points, and from Tecumseh Road West via an access road through the abutting University Shopping Centre. Associated parking is provided on the subject site, located within the proposed multiple dwelling and combined use buildings, and adjacent surface parking areas. The proposed development is subject to site plan control.

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Mixed Use Node (Schedule D) Huron Church Road Corridor (Schedule A)	Commercial District 3.3 (CD3.3), S.20(1)278	Vacant	Vacant
LOT FRONTAGE HURON CHURCH RD	LOT DEPTH	LOT AREA	LOT SHAPE
143.35 m	266.8 m	3.83 ha	Rectangular
470.3 ft	875.3 ft	9.46 ac	
<i>All measurements are provided by the applicant and are approximate.</i>			

**Neighbourhood Description:**

The subject parcel is comprised of vacant lands located on the east side of Huron Church Road, immediately northeast of the corner of Huron Church Road and Tecumseh Road West.

To the north is Assumption College Catholic High School and University of Windsor lands, including the St. Denis Athletic and Community Centre. To the east is the Westview Freedom Academy, vacant lands owned by the University of Windsor, and low density residential uses.

To the south are the Huron Church Road and Tecumseh Road West commercial corridors, which include a mix of established and newly constructed commercial uses, including big box retail at the abutting University Shopping Centre. To the west are low to medium density residential uses, coupled with institutional uses, including Marlborough Public School.

Nearby significant uses include the University of Windsor main campus, located about 670 m to the north, Hotel-Dieu Grace Healthcare about 630 m to the south-west, and the Ambassador Bridge, approximately 950 m to the north.

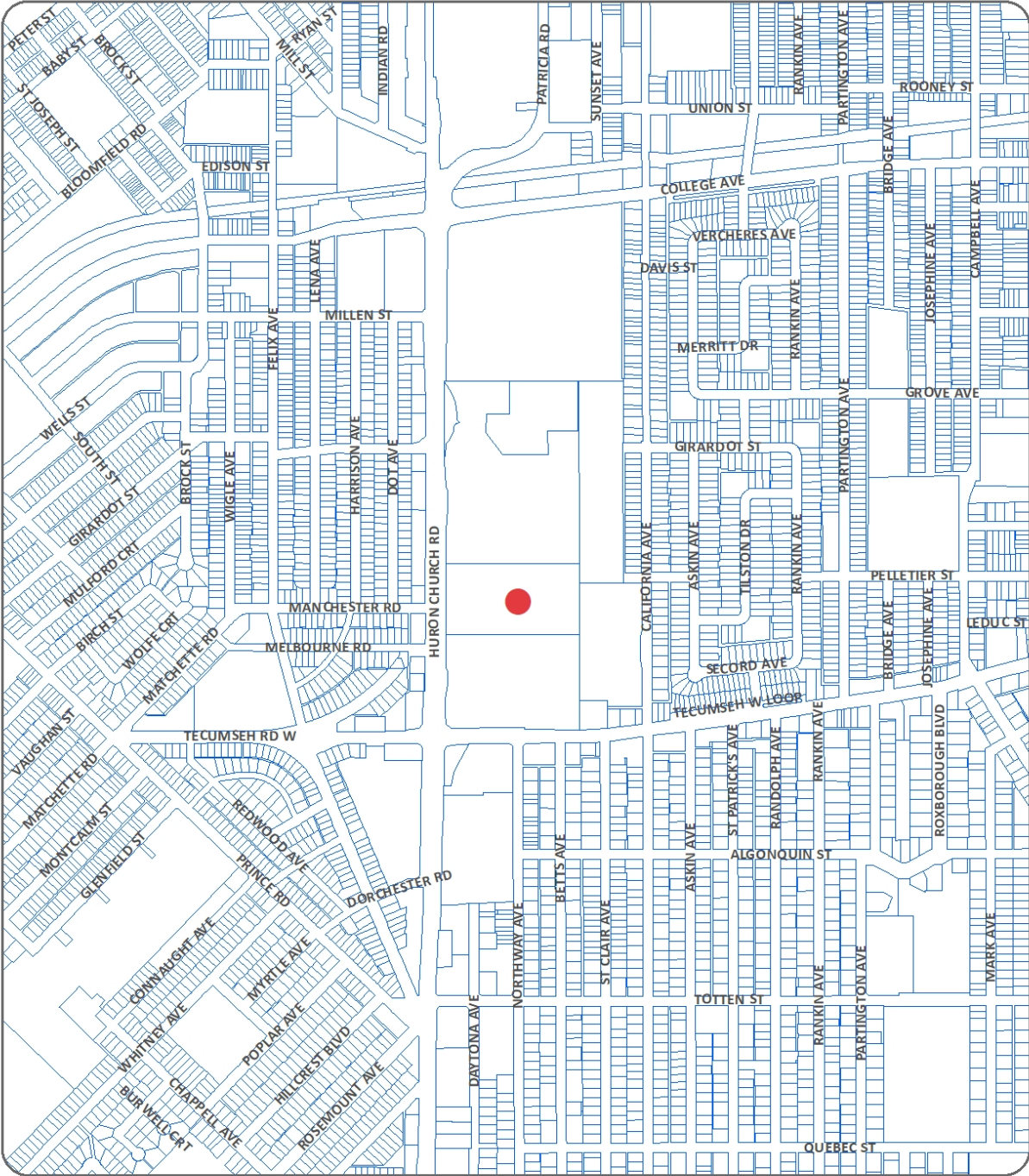
Various schools and municipal parks are located within 750 m of the subject parcel. Mic Mac Park, which has an outdoor swimming pool, splash pad, various sports fields and other recreational facilities, is just over 850m to the west.

Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Huron Church Road is a Class I Arterial Road with an eight-lane urban cross-section with sidewalks on both sides. Tecumseh Road West is a Class II Collector with a six-lane cross section with sidewalks on both sides. The intersection of Huron Church Road and Tecumseh Road West is signalized with left turn lanes. The intersections of Tecumseh Road West and Northway Avenue, and Tecumseh Road West and California Avenue are also signalized.

Public transit is available via the Central 3 bus. The closest existing stop is located on Tecumseh Rd. W. at northwest corner of Northway Ave., about 350 m away. This will be maintained in the Council approved Transit Master Plan.

Existing water mains, storm sewers, and sanitary sewers are available.

Figure 1: Key Map



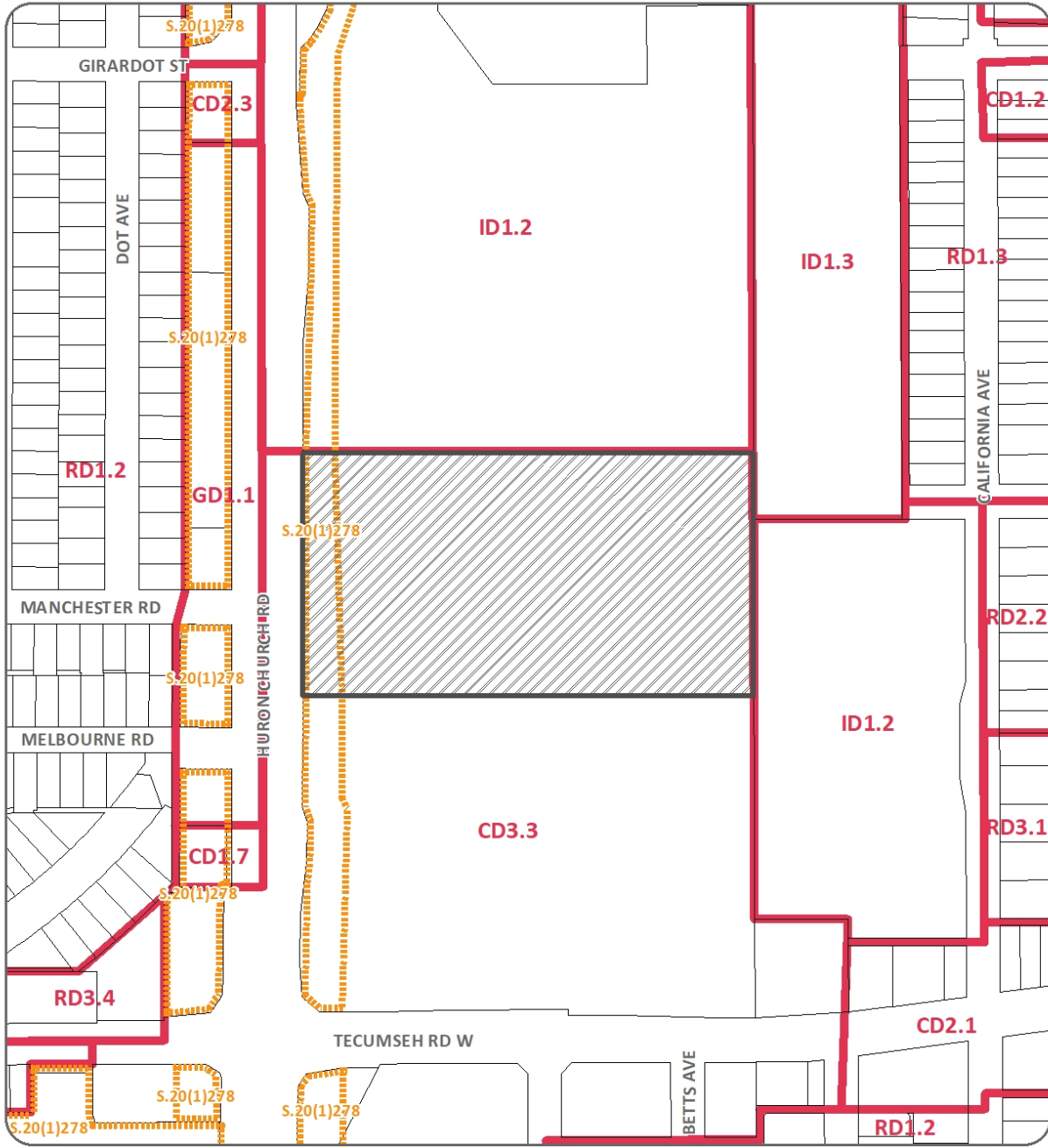
KEY MAP - Z 014-22, ZNG-6736 & OPA 157, OPA-6737



● SUBJECT LANDS

APPLICANT: WESTDELL DEVELOPMENT CORP  
ADDRESS: 0 HURON CHURCH ROAD

**Figure 2: Subject Parcel - Rezoning**

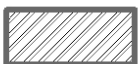


PART OF ZONING DISTRICT MAP 4

N.T.S.

## REZONING

Applicant: Westdell Development Corp



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022  
FILE NO. : Z-014/22, ZNG-6736

Figure 3: Neighbourhood Map



NEIGHBOURHOOD MAP - Z 014-22, ZNG-6736 &  
 OPA 157, OPA-6737



SUBJECT LANDS

APPLICANT: WESTDELL DEVELOPMENT CORP  
 ADDRESS: 0 HURON CHURCH ROAD

**Discussion:**

**Planning Rationale Report (PRR) - Storey Samways Planning Ltd., David French, BA, CPT - 8 June 2022 (See Appendix B to Report S 35/2023)**

The PRR provides a description of the site, surrounding land uses, proposed development, and corresponding amendments. The PRR speaks to a development proposal (four 10-storey towers) which has since been modified, however remains accurate in scope. A planning analysis of the Provincial Policy Statement 2020, the City of Windsor Official Plan and Zoning By-law 8600 are provided.

The PRR concludes that the proposed development “will allow for the most efficient build out of the site, while making use of the available local servicing capacities, without producing any negative impacts to either the future residents of the buildings, or the adjacent residential, institutional, and commercial neighbours.” The PRR also notes that the proposal “will make efficient use of a vacant and under-utilized parcel of land without requiring the need of public investment or tax-payer funded upgrades to existing infrastructure and service facilities”.

It is the professional opinion of Mr. French that the proposed development

- “1) is consistent with, and implements, the relevant policies of the Provincial Policy Statement;*
- 2) conforms to important Provincial and municipal policies;*
- 3) represents sound planning”*

The Planning Department generally concurs with the planning commentary in the PRR.

**Acoustical Report - Baird AE - Shurjeel Tunio, P. Eng. – 24 February 2023**

The Acoustical Report notes that *“traffic noise from Huron Church Road will have an impact on the building facades. Mitigation measures, such as warning clauses, air conditioning, building components and forced air heating, are therefore required.”*

Stationary noise sources were evaluated with predicted sound levels exceeding the noise limits in NPC 300 “Environmental Noise Guideline, Stationary and Transportation Sources–Approval and Planning” – Ministry of the Environment and Climate Change (MOECC). Section 5 of the report identifies the specific mitigation measures proposed for the development. As the development proposal has been modified since submission, a revised Acoustical Report reflecting the current development proposal will be required with an application for site plan control. Specific mitigation measures will be further refined during the site plan control process.

**Traffic Impact Study (TIS) – Baird AE - Shurjeel Tunio, P. Eng. – 24 February 2023**

The TIS concludes that *“the proposed development is expected to have a minimal impact on the conditions at the intersections of Tecumseh Road West with Huron Church Road and California Avenue”*. The TIS also notes that *“the access from Huron Church Road...will not affect mobility of northbound traffic”*. TIS recommendations include *“an increment in timing of protective eastbound left”* at the intersection of Tecumseh Road West and Northway Avenue /University Plaza Access, *“a protective eastbound left turning phase”* at the intersection of Tecumseh Road West and California



Avenue, and an *“exclusive right-turn lane for southbound traffic at the intersection of Tecumseh Road West with University Shopping Centre Access 2”*.

Transportation Planning notes that the proposed amendments are viable for the subject site, however revisions and additional analysis to the TIS are required to accurately determine the scope of necessary offsite improvements. A revised TIS which addresses the comments of Transportation Planning will be required with an application for site plan control. The specific parameters of offsite improvements will be further refined and implemented during the site plan control process.

#### **Parking Brief – Baird AE - Shurjeel Tunio, P. Eng. – 24 February 2023**

A parking brief was prepared in support of a proposed reduction to the parking space requirements of Zoning By-Law 8600. The report concludes that *“in order to support the proposed reduced parking, several provisions have been made in the proposal “*, including enhancements to pedestrian connections, bicycle parking, and walkability.

#### **Stormwater Management and Sanitary Sewer Study – Baird EA - Shurjeel Tunio, P. Eng. – 29 March 2022**

The preliminary stormwater management study notes that *“outflow from the site to the existing storm sewer shall be restricted to the 5-year flow”* and concludes that *“the ponding depth and freeboard required during 100-year event is satisfied as per Windsor Essex Standards manual”*. Stormwater management will be achieved through *“temporary excess run-off storage in underground ADS chamber and parking lot surfaces.”*

The Sanitary Sewer Study states that the existing 375 mm dia. sanitary sewer *“will be operating at 52.48% capacity”* with the addition of the proposed development and concludes that *“the “sanitary sewer has sufficient capacity to accommodate the proposed development flow”*.

As the development proposal has been modified since submission, a revised Stormwater Management Report reflecting the current development proposal will be required with an application for site plan control. The specific measures identified in the report will be implemented during the site plan control process and subsequent permitting process.

#### **Species At Risk Clearance - Goodban Ecological Consulting Inc. – Anthony Goodban, Ecologist – 26 January 2023**

The applicant provided clearance from the Ministry of the Environment, Conservation and Parks (MECP) for species at risk (SAR) screening. Per the MECP clearance, *“the ministry’s review of the project documentation and information that has been provided, the conclusions that neither section 9 (species protection) nor section 10 (habitat protection) of the ESA 2007 will be contravened for endangered and threatened SAR – as long as the proposed mitigation measures are implemented – appear reasonable and valid. There are no known occurrences of endangered or threatened SAR at the project location or general area. Therefore, authorization under the ESA 2007 is not required for this project.”* The SAR clearance from MECP will remain valid so long as the site continue to be maintained in its current state.

**Provincial Policy Statement, 2020**

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

The vision of the PPS focuses growth and development within urban settlement areas, that land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns. Planning authorities are encouraged to permit and facilitate a range of housing options, including residential intensification, to respond to current and future needs. Land use patterns should promote a mix of housing, including affordable housing.

Section 6.1 in the Planning Rationale Report contains a list of relevant PPS polices and a response to those polices. The Planning Department generally concurs with the PPS analysis in the PRR.

Regarding Policies 1.1.1, 1.1.2 & 1.1.3, the proposed combined use building and multiple dwellings are an efficient development and promote a land use pattern that sustain the financial well being of the municipality and accommodates an appropriate market-based residential type that meets long-term needs. No environmental or public health concerns were noted.

The combined use building and multiple dwellings are considered infill and intensification and are located well within the settlement area, and within walking distance of a bus route, making it a transit-supportive development that optimizes transit investments and an appropriate location for intensification. The proposed development will make use of existing infrastructure such as roads, sewers and watermains to achieve a cost-effective development pattern and minimize land consumption and servicing costs.

No deficiencies in infrastructure and public service facilities have been identified. The Traffic Impact Study notes that the intersections in the study areas will operate at acceptable levels of service, pending implementation of offsite improvements. Elementary, Secondary, and post-secondary educational institutions, as well as municipal parks, are located within the neighbourhood. The preliminary sanitary and storm sewer studies note no issues. A final storm water study will be reviewed during site plan control.

The proposed development represents an opportunity to incorporate climate change measures such as stormwater management to control the flow of rain water into the stormwater system and the use of building materials and devices to mitigate heating, cooling and water use concerns.

The proposed development utilizes land within the settlement area through intensification & redevelopment, provides a density and a use that makes efficient use of land & resources and is appropriate for available infrastructure avoiding the need for any unjustified or uneconomical expansion. It minimizes negative impacts to air quality by allowing residents to use alternative transportations means such as walking, cycling or public transit, and allows for the inclusion of modern building materials & construction methods to promote energy efficiency and deal with climate change impacts.

The proposed zoning amendment is consistent with Policies 1.1.1, 1.1.2, and 1.1.3.

Regarding Policy 1.4, the proposed development allows the City to accommodate residential growth through residential intensification, and directs development to where appropriate levels of infrastructure and public service facilities exist.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.4.

Policy 1.6 provides direction on infrastructure and public service facilities. Policy 1.6.3 a) states that “*the use of existing infrastructure and public service facilities should be optimized*” and Policy 1.6.6.2 states that for “*existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services*”. The proposed amendment promotes intensification and redevelopment – three multiple dwellings and one combined use building with a total of 640 dwelling units – that will optimize the use of existing infrastructure. Per Policy 1.6.6.7, stormwater management has been integrated into this process and will be further refined during the site plan control process.

Given the availability of existing roads, public transit, and cycling facilities nearby, the proposed combined use building and multiple dwellings allow for the efficient use of existing transportation infrastructure, minimizes the number and length of vehicle trips, and supports the use of transit and active transportation. This is consistent with Policy 1.6.6.7.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.6.

Policy 1.7 promotes long-term economic prosperity. The proposed development is responding to market-based needs and will provide a housing supply and options for a diverse workforce that optimizes the use of land, resources, infrastructure, and public service facilities, and that through modern construction and building materials, will promote energy conservation and minimize the impacts of climate change.

The proposed amendment to Zoning By-law 8600 is consistent with Policy 1.7.

Policy 1.8 provides direction on energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate. The proposed development represents a compact form, promotes the use of active transportation and transit and a form of intensification that will improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion. Existing trees will be protected where viable and landscaping will be enhanced.

The proposed combined use building and multiple dwellings are consistent with Policy 1.8.

The proposed development, amendments to the Official Plan, and the amendments to Zoning By-law 8600, are consistent with the PPS.

**City of Windsor Official Plan:**

Section 6.2 in the Planning Rationale Report contains a list of relevant Official Plan (OP) polices and a response to those polices. Since the submission of the PRR, the MRICBL amending by-laws for the OP and Zoning By-law 8600 have come into effect (OPA 159), altering the OP designation of the subject parcel from *Mixed Use* to *Mixed Use Node*. While the PRR speaks to the policies of the previous OP designation, the

Planning Department generally concurs with the OP analysis in the PRR. Further analysis on the current OP designation is provided below.

The parcel is located within the University Planning District and is designated Mixed Use Node on Schedule D: Land Use of the OP. Relevant excerpts from the Official Plan are attached as Appendix C to this report.

Regarding the Safe, Caring and Diverse Community component (Section 3.2.1) of the Development Strategy in Chapter 3, the proposed development expands the variety of housing types and provides an opportunity for area residents to live in their neighbourhoods as they pass through the various stages of their lives.

The proposed development conforms to the policy direction of Section 3.2.1.

Chapter 4 provides policy direction on creating a healthy and liveable city, a high quality of life, a strong sense of community and community empowerment. Section 4.2.1.5 encourages a mix of housing types and services to allow people to remain in their neighbourhoods as they age. The proposed development provides an opportunity for people to move from other dwellings but remain in the neighbourhood. The proposed development conforms to Section 4.2.3 - Quality of Life, in that it recognizes the shelter needs of the community and represents an appropriate range and mix of housing.

Through the applicant's open house, the forthcoming public meeting (as required by the Planning Act) at the Development & Heritage Standing Committee and future Council meeting, the public has had the opportunity to be involved in this planning process. Notice has been provided in the Windsor Star newspaper and through the mail to tenants and property owners within 120 m of the subject lands. This conforms to Section 4.2.5

The proposed development conforms to the policy direction of Chapter 4.

Chapter 6 – Land Use provides policy direction on the land use designations on Schedules D and E in the Official Plan. The preamble states that Chapter 6 “*promotes a compact urban form and directs compatible development to appropriate locations within existing and future neighbourhoods*”.

Applicable goals include 6.1.1 - Safe, caring and diverse neighbourhoods, 6.1.2 - Environmentally sustainable urban development, 6.1.3 - Housing suited to the needs of Windsor's residents, 6.1.10 – Pedestrian oriented clusters of residential, commercial, employment and institutional uses, and 6.1.14 – direction of residential intensification to areas where transportation, municipal services, community facilities and goods and services are readily available. The proposed development introduces a cluster of uses that creates and supports a diverse neighbourhood, creates an environmentally sustainable development by redeveloping a serviced vacant parcel within the settlement area, and provides residential intensification with a housing form that is in demand.

The proposed development conforms to the Goals in Section 6.1.

The subject parcel is designated Mixed Use Node on Schedule D: Land Use in Volume I: The Primary Plan. The preface for the recently adopted Mixed Use Node designation states that these lands are to “*provide for compact clusters of commercial, office, institutional, open space, and residential uses... Mixed Use Nodes are intended to serve as the focal point for the surrounding neighbourhoods, community, or region. As*

*such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity”.*

Applicable objectives of the Mixed Use Node designation include Section 6.9.1.1 – To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses, Section 6.9.1.2 - To encourage a compact form of mixed use development, Section 6.9.1.5 – To ensure the long term viability of Mixed Use areas, and Section 6.9.1.7 - To increase the use of walking, cycling and public transportation within the designated Mixed Use area by fostering a strong livework-shopping-recreation relationship.

The development proposal represents a compact mix of high profile residential uses integrated with compatible commercial uses which promote utilization of alternative transportation modes, create an attractive mixed-use community, and ensure the long term viability of the Huron Church Road and Tecumseh Road West Mixed Use Node.

The proposed development conforms to the Objectives in Section 6.9.1.

Section 6.9.2 lists policies of the Mixed Use Nodes land use designation. Per Section 6.9.2.1, *“uses permitted in the Mixed Use Nodes land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses of up to four stories in height”*. While the uses of the proposed development are permitted, the height of the proposed combined use and multiple dwelling buildings is not. In this regard, the applicants are requesting an amendment to permit buildings in excess of four stories.

The proposed development seeks to exploit its location along Huron Church Road and proximity to abutting commercial areas through the provision of three high profile multiple dwelling buildings and one combined use building, ranging from 8 to 14 stories in height. In consultation with administration, the applicants have devised a development proposal in which proposed building heights achieve compatibility and appropriate transition to abutting lower scale development. The transitions are achieved through reductions to height limitations from the Huron Church Road frontage towards the east end of the parcel. Building step backs and landscape buffers further enhance compatibility.

Proposed building height provisions are to be established through site specific Zoning By-Law Amendments. Specific design elements will be implemented during the site plan control process and subsequent building permitting process.

Locational criteria in Section 6.9.2.3 include access to a highway, arterial or collector road, provision of full municipal physical services, provision of public transit, and compatibility with surrounding development pattern.

Huron Church Road is a Class I Arterial Road, with public transportation services available within 350 m. No deficiencies in physical municipal services have been identified. The density and combination of uses in the proposed development is anticipated to supplement the surrounding development pattern, and serve to strengthen the intersection as a focal point for the surrounding neighbourhood.

Section 6.9.2.4 lists evaluation criteria for Mixed Use Nodes development. The subject parcel is not within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of the Official Plan and is not within a site of potential or known contamination. A Traffic Impact Study has been submitted by the proponents with regard to traffic generation and distribution. A Stage 1 & 2 Archaeological Report has been submitted to demonstrate the absence of heritage resources. The proposal adheres to the provisions of the Huron Church Road Corridor Special Policy Area. The proposed development is capable of being provided with full municipal services and emergency services, is designed to be pedestrian oriented, and is designed to coexist with existing land uses and be compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, and parking.

Compatible does not mean the proposed development needs to be identical to or even similar to existing development in an area. A development should be able to coexist with existing land uses. The proposed development is compatible with existing land uses.

The proposed development conforms to the Locational Criteria in Section 6.9.2.3 and the Evaluation Criteria in Section 6.9.2.4.

Section 6.9.2.5 lists design guidelines for Mixed Use Nodes development. With the exception of height limitations (discussed above), and provisions stemming from the Huron Church Road Corridor Special Policy Area, the proposed development achieves the associated design policies and guidelines. The proposal was designed to integrate with the abutting commercial uses, which in turn cultivates a compact urban form and pedestrian friendly environment. The design layout helps to foster a distinctive and attractive area identity, contributing to the unique character of the abutting Mixed Use Node. Detailed implementation of design policies and guidelines is to be further refined during the site plan control process.

The proposed development conforms to the Design Guidelines in Section 6.9.2.5. and Site Plan Control criteria in Section 6.9.2.6.

Per Section 6.9.2.7, Council may establish a reduced parking standard to reflect the public transportation supportive design of a Mixed Use Node development. The subject development proposal seeks to reduce standard parking and loading space parking requirements for dwelling units, while meeting or exceeding the requirements for accessible parking spaces and bicycle parking spaces. 15 percent of provided parking spaces are to be designated as visitor parking. Proposed parking reductions are to be established through site specific Zoning By-Law Amendments

The proposed development and amendments conform to the policies in Chapter 6 – Land Use.

Chapter 7 provides policy direction on Infrastructure, which includes transportation systems such as pedestrians, transit and roads, and physical services such as sewers.

Applicable goals in Section 7.1 include safe, sustainable, effective and efficient infrastructure (7.1.1), optimal use of infrastructure (7.1.2), and accessible, affordable and available transportation system (7.1.3).

Applicable objectives in Section 7.2.1 include making efficient use of existing transportation infrastructure (7.2.1.2), promoting a land use pattern, density and mix of uses that reduces vehicle trips and supports alternative transportation modes including

public transit (7.2.1.5), minimize conflicts within the transportation system (7.2.1.11), and maintaining a safe and efficient road network (7.2.1.15).

Section 7.2.2 provides general policy direction on Infrastructure. Applicable policies include promoting development patterns that support an increase in walking, cycling and public transportation (7.2.2.5), providing for a more compact urban form to reduce the growth in home based trip making (7.2.2.6 (b)), requiring bicycle spaces (7.2.2.17), and focusing high density residential development in areas which have access to transit and pedestrian amenities (7.2.2.18 (a)).

The proposed development makes use of the existing road network and public transit services and represents a density that reduces vehicle trips and supports alternative transportation modes. The Traffic Impact Study notes no issue with anticipated traffic volumes, pending implementation of necessary offsite improvements. No issues with municipal sanitary or storm sewers have been identified. Opportunities for direct pedestrian access to abutting commercial uses are proposed.

The proposed development conforms to the Goals in Section 7.1, the Objectives in Section 7.2.1, and the General Policies in Section 7.2.2.

Section 7.2.6 describes the classification of, and provides general policy direction on, the Road Network within the City of Windsor. Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Huron Church Road is a Class I Arterial Road with an eight-lane urban cross-section with sidewalks on both sides. Under the operational and design characteristics of Class I Arterial Roads, direct property access to Class I Arterial Roads is not permitted (7.2.6.4 b) iv). As the subject parcel has no existing road access, the applicants are requesting an amendment to the Official Plan for an exemption from this policy to permit two new right-in/right-out accesses onto Huron Church Road.

Policy 7.2.6.4 b) IV) is intended to protect the functionality of major transportation corridors in the City. In consultation with Transportation Planning, the proposed new access points will have no adverse impacts on the functionality of the Huron Church Road corridor and will protect the intended use of the corridor. The requirements of the Huron Church Road Corridor Special Policy Area will not be affected by this amendment.

The proposed development and amendments conform to the policies of Section 7 – Infrastructure.

The requested official plan amendments conform to policies of Section 11.2.2 of the Official Plan.

The requested zoning amendments conform to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan.

The proposed amendments conform to the general policy direction of the Official Plan.

### **Zoning By-Law:**

Relevant excerpts from Zoning By-law 8600 are attached as Appendix D to this report. The subject lands are zoned Commercial District 3.3 (CD3.3) which permits for a range of commercial uses with a maximum building height of 20.0 m.

The applicant is requesting a site-specific zoning amendment to permit the use of a *Combined Use Building* and a *Multiple Dwelling*. A total of 640 dwelling units, 8

commercial retail units with a combined GFA of 966 m<sup>2</sup>, 779 parking spaces, 9 loading spaces, and 55 bicycle parking spaces are proposed. To facilitate the development and enable the proposed design layout, the applicant is also requesting site-specific exceptions to the provision of minimum number of parking spaces, minimum number of loading spaces, and maximum permitted building height.

Per Zoning By-Law 8600, the minimum parking rate for residential dwelling units is 1.25 spaces per unit. The applicant is seeking a site-specific exception to enable a minimum parking rate of 1.15 spaces per unit. The applicant is also seeking a site-specific exception to enable a minimum of 2 loading spaces per *Combined Use Building* or *Multiple Dwelling*. Parking rates for the proposed commercial uses are to be compliant with Zoning By-Law Provisions. The result is a proposed deficiency of 66 parking spaces for the development.

A parking brief was prepared in support of the proposed reductions to the parking space requirements of Zoning By-Law 8600. The report concludes that “*in order to support the proposed reduced parking, several provisions have been made in the proposal*”, including enhancements to pedestrian connections, and the provision of bicycle parking spaces in excess of by-law requirements. Given the applicant's desire to maximize the landscaped open space yard area and adhere to the provisions of the Huron Church Road Corridor Special Policy Area, the proposed site-specific parking exemptions are being supported by Administration

The CD3.3 zone permits a maximum building height of 20.0 m. The development proposal includes the provision of three high profile multiple dwelling buildings and one combined use building, ranging from 8 to 14 stories in height. As such, the applicant is seeking site-specific exceptions to enable proposed building heights ranging from 28.0 m to 46.0 m.

The subject development went through several revisions and administrative reviews in an attempt to achieve a proposal that would meet the mutual interests of the applicant and the City. The applicants have devised a development proposal (in consultation with administration) which achieves compatibility and appropriate transition to abutting lower scale development. The transitions are achieved through alternating building height limitations, building step backs, and landscape buffers. The alternating building height provisions (exceptions) are to be established through site specific Zoning By-Law Amendments, depicted in Schedule “A” (attached as Appendix E in this report).

Specific design elements will be implemented during the site plan control process and subsequent building permitting process. As discussed in the Official Plan section, the proposed development is compatible in terms of scale, massing, siting, height, orientation, setbacks, and parking. The proposed zoning provisions achieve that compatibility. With the exception of the above noted site-specific provisions, the proposed development is in compliance with the provisions of Zoning By-law 8600. No additional zoning deficiencies have been identified.



**Site Plan Control:**

Site plan control will apply to the proposed development. Design issues will be considered during site plan review. Recommendation 5 provides further direction to the Site Plan Approval Officer.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

In general, infill intensification will minimize the impacts on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as parks, sewers, sidewalks, streets, schools and public transit.

**Climate Change Adaptation:**

The proposed development will provide many opportunities to increase resiliency for the development and surrounding area, including improved stormwater management.

**Financial Matters:**

N/A

**Consultations:**

Public Open House: The applicant held an informal virtual public open house on March 9, 2022. A total of 60 properties were provided notice, representing a 120 m radius of the Site. In addition to the Planning Consultant (Agent) and Applicant, a total of 5 members of the public attended. Section 5.0 in the Applicant’s Planning Rationale Report provides a summary of the comments received and responses made at the open house.

Comments received from municipal departments and external agencies are attached as Appendix E.

Public Notice: Statutory notice will be advertised in the Windsor Star, a local daily newspaper. A courtesy notice will be mailed to property owners and residents within 120m of the subject parcel. The Development & Heritage Standing Committee is the public meeting as required by the Planning Act.

**Planner’s Opinion:**

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

Based on the documents submitted by the applicant, the comments received from municipal departments and external agencies, and the analysis presented in this report, it is my opinion that the requested amendments to the Official Plan and Zoning By-law

8600 are consistent with the PPS 2020 and are in conformity with the City of Windsor Official Plan.

The staff recommendation will permit a significant development consisting of a mix of high profile residential uses integrated with commercial uses that are able to coexist with existing land uses in the surrounding area.

The proposed development is an appropriate form of intensification and expands the range of dwelling types in an area predominately dominated by single unit dwellings. It provides residential intensification with a housing form that is in demand, introduces a cluster of uses that creates and supports a diverse neighbourhood, allows new residents to locate within an established area, and allows for residents to utilize alternative and active transportation modes.

Modern construction methods and building materials will allow the development to mitigate stormwater and climate change concerns. Existing infrastructure, such as roads, sidewalks, watermains, sewers, and public transit is being utilized, avoiding the need for any unjustified or uneconomical expansion of that infrastructure. Site plan control is the appropriate tool to incorporate the requirements and consider the concerns of municipal departments and external agencies.

It is my opinion that the proposed development is compatible with existing land uses and that the recommendations to amend the Official Plan and Zoning By-law 8600 constitutes good planning.

**Conclusion:**

Staff recommend approval of the requested amendments to the Official Plan to permit residential uses in excess of four stories in height, and direct property access to a Class I Arterial Road. Staff recommend approval of the requested amendments to Zoning By-law 8600 to add *Combined Use Building* and *Multiple Dwelling* as permitted uses, as well as site-specific exceptions for the provision of minimum number of parking spaces, minimum number of loading spaces, and maximum permitted building height.

**Planning Act Matters:**

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

*Neil Robertson, MCIP, RPP*  
*Manager of Urban Design*

*Thom Hunt, MCIP, RPP*  
*City Planner*

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

*JP*                      *OC*

**Approvals:**

Name	Title
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services

<b>Name</b>	<b>Title</b>
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
University Residential Land Corp. (David Traher)	1701 Richmond Street, Unit 3B London ON N5X 3Y2	dtraher@westdellcorp.com
Storey Samways Planning Ltd. (David French)	55 Forest Street, Suite N Chatham ON N7L 1Z9	davidf@storeysamways.ca
Councillor Costante (Ward 2)		
Property owners and residents within 120 m of the subject lands		

**Appendices:**

- 1 Appendix A - Conceptual Site Plan and Elevations
- 2 Appendix B - Planning Rationale Report
- 3 Appendix C - Excerpts from Official Plan
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Schedule "A" to Zoning By-Law Amendment
- 6 Appendix F - Comments



**Committee Matters: SCM 215/2023**

**Subject: Minutes of the Development & Heritage Standing Committee held August 1, 2023**

## Development & Heritage Standing Committee Meeting

Date: Tuesday, August 1, 2023

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

### **Members Present:**

#### **Councillors**

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

#### **Members**

Member Anthony Arbour

Member John Miller

Member Robert Polewski

Member Khassan Saka

Member William Tape

#### **Members Regrets**

Member Joseph Fratangeli

Member Daniel Grenier

Member Charles Pidgeon

#### **PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING:**

Councillor Kieran McKenzie

Sandra Gebauer – Council Assistant

Tracey Tang – Planner II

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

Jelena Payne – Commissioner, Economic Development & Innovation

Neil Robertson – Acting City Planner

Wira Vendrasco – Deputy City Solicitor

Greg Atkinson – Manager, Development

Stacey McGuire- Executive Director, Engineering / Deputy City Engineer

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Brian Nagata – Planner II – Development Review  
Adam Szymczak – Planner III - Zoning  
Jim Abbs – Planner III – Subdivisions  
Kristina Tang – Planner III – Heritage  
Justina Nwaesei – Planner III – Subdivisions  
Stefan Fediuk – Landscape Architect  
Rob Perissinotti, Development Engineer  
Brandon Calleja, Deputy Chief Building Official  
Clare Amicarelli – Transportation Planning Coordinator  
Anna Ciacelli – Deputy City Clerk

### Delegations—participating via video conference

Item 7.1 Dan Amicone, Architectura  
Item 7.1 Rio Aiello, Applicant, Dior Homes  
Item 7.2 Tracey Pillon-Abbs, Principal Planner, representing the applicant  
Item 7.2 Jason Thibert, Senior Project Manager & Jerry Kavanaugh, Owner & Senior Directing Partner, ADA Architecture  
Item 7.3 Jacky Ng and Mohammad Hanash, Project & Architectural Designers, Avant Group  
Item 7.3 Bassem Mazloun, area resident  
Item 10.1 Gail Hargreaves, property owner  
Item 10.2 Raymond Colautti, Solicitor for Olivia Homes/Applicant  
Item 11.1 Dave Mitchell, area resident  
Item 11.5 Shane Potvin, owner/applicant

### Delegations—participating in Council Chambers

Item 7.3 Cynthia Williams, area resident  
Item 7.3 Justine Nakigozi, area resident  
Item 7.3 Lee Ann Robertson, area resident  
Item 7.3 Theodore Kahiya, area resident  
Item 7.3 Gajendra Singh, area resident  
Item 7.3 Bruce Sheardown, area resident  
Item 7.3 Michael Chen, area resident  
Item 7.3 Victor Ferranti, area resident  
Item 10.1 Dr. Natali Delia Deckard, Applicant  
Item 11.1 Jo-Ann & Ron Kohuch, area residents  
Item 11.3 Thomas Ji, owner  
Item 11.3 Ding Jian Xie, Jun Wuyan & En Li, owners

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### 1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) to order at 4:52 o'clock p.m.

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

Member William Tape discloses an interest and abstains from voting on Item 10.2 being the report of the Heritage Planner dated July 7, 2023 entitled "160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)" as his office is involved in the project.

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

None Requested.

### 4. COMMUNICATIONS

#### 4.1. Update: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards - City Wide

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 531**

That the report of the Landscape Architect /Sr. Urban Designer titled "Update: Amendments to Sign By-law 250-2004 related to Billboards and Electronic Billboards – City Wide" dated July 6, 2023 **BE RECEIVED.**

Carried.

Report Number: CM 7/2023  
Clerk's File:SPL2023

# Minutes

## Development & Heritage Standing Committee August 1, 2023

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### 8. ADOPTION OF THE MINUTES

#### 8.1. Adoption of the Development & Heritage Standing Committee Minutes held July 4, 2023

Moved by: Member Miller

Seconded by: Member Tape

That the minutes of the Development & Heritage Standing Committee minutes of its meeting held July 4, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 185/2023

### 10. HERITAGE ACT MATTERS

#### 10.1. 546 and 548-550 Devonshire Road, Semi-Detached Houses - Heritage Permits & Community Heritage Fund Requests (Ward 4)

##### Dr. Natalie Delia Deckard, Applicant

Dr. Natalie Delia Deckard, Applicant appears before the Development and Heritage Standing Committee Meeting regarding the administrative report “546 and 548-550 Devonshire Road, Semi-Detached Houses—Heritage Permits & Community Heritage Fund Requests Ward 4” and commends the Heritage Planner and her staff for the support and information she received throughout the entire process, provides a brief overview of the proposed project and the importance of the preservation of Windsor’s Heritage; and concludes by outlining the difficulty in finding qualified Heritage trades people in the area.

Member John Miller, inquires whether the application is for the replacement of both sides of the building. Dr. Deckard indicates it is for both sides.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 536**

- I. THAT the Heritage Permit at 546 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Natalie Delia Deckard for the removal and replacement of the existing cedar wood roof, gable ends, and dormer walls shingles with Perfection cedar shingles; and,



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- II. THAT the Heritage Permit at 548-550 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Scott Mayrand for the removal and replacement of the existing cedar wood roof and dormer walls shingles and synthetic gable ends siding with Perfection cedar shingles; and,
- III. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the roof replacement and gable ends and dormers cladding replacement; and,
- IV. THAT a total grant of 30% of the cost to an upset amount of \$18,224.76 for the cedar roof shingles and \$10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157), **BE GRANTED** to the Owner of the Semi-detached House at 546 Devonshire Rd, subject to:
- a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Determination by the City Planner that the work is completed to heritage conservation standards;
  - c. Owner's submission of paid receipts for work completed;
  - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.
- V. THAT a total grant of 30% of the cost to an upset amount of \$18,224.76 for the cedar roof shingles and \$10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owner of the Semi-detached House at 548-550 Devonshire Rd, subject to:
- a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Determination by the City Planner that the work is completed to heritage conservation standards;
  - c. Owner's submission of paid receipts for work completed;
  - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 86/2023  
Clerk's File:MBA/14621

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### 10.2. 160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 537**

- I. THAT Council **BE INFORMED** of the proposed removal of the rear detached garage structure, rear porch and canopy to facilitate the construction of a two-storey attached additional dwelling unit to the existing dwelling and erection of a detached two-storey additional dwelling unit at the rear of 160 Askin Avenue.

Carried.

Member William Tape discloses an interest and abstains from voting on this matter.

Report Number: S 87/2023

Clerk's File: MBA/14622

### 10.3. Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23 (City-wide)

Councillor Fred Francis highlights the issues between the new Provincial Policy Standards and the changes that have to be implemented. Jelena Payne, Commissioner Economic Development and Innovation appears before the Development & Heritage Standing Committee regarding the administrative report "Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23- City Wide" and indicates that there are changes related to all the new legislation being implemented. Ms. Payne adds that administration is going to be working on updated internal policies, and ensuring the community is aware of the changes coming. Ms. Payne indicates there is a great deal of work ahead of us, over the next few years moving forward and she is unaware if there are any further legislation changes coming.

Councillor Jim Morrison inquires about Strategy 1 as outlined in the administrative report related to designation through Walkerville Heritage Conservation District Study and whether all properties in the area will be registered even if they don't have any heritage value. Kristina Tang, Heritage Planner appears before the Development & Heritage Standing Committee regarding the administrative report "Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23- City Wide" and provides some detail including that this would be a geographically bound area and boundaries would be determined accordingly, the properties within the boundaries would be registered and the properties with no Heritage contributions wouldn't be designated, the details would be worked out through the district and plan.

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Councillor Jim Morrison inquires about Strategy 2—Designation through Development Review and Incentive Programs and cites St. Jules School as an example. Ms. Tang indicates that would be correct, that designation was triggered through development review.

Councillor Jim Morrison inquires about Strategy 4—exploring new ways to designate, and whether administration is contemplating hiring a consultant to undertake this or are they doing it in house. Ms. Tang indicates they would be exploring alternative methods to try to increase capacity including research through other resources. Ms. Tang indicates that Council may choose to approve more funding to increase the number of designations to be completed more efficiently.

Member John Miller expresses concern with the process involved and indicates that education is key in order to get more buy in from the public.

Member William Tape inquires as to how many of the 884 properties is Administration going to be able to get through before the deadline. Ms. Tang admits that it will be a huge undertaking as highlighted in the report. Ms. Tang indicates they will begin by a focus on Strategy 1, evaluation of the properties as a group. Ms. Tang adds that they will explore new ways to designate, and explore ways to make it less labour intensive. Ms. Tang adds that the designation process includes an appeal mechanism. Administration will be working closely with owners, consulting, engaging and educating them related to the process in order to attempt to reduce the number of appeals. All proposed designations will come forward to the Heritage committee and property owners will be able to contact administration before and during the meeting to express concerns, the committee will be making the decision.

Administration indicates that Strategy 4—batch designation, they will determine methods to bring certain categories of properties forward at the same time to make it easier. Administration will try to reduce labour and produce efficiencies, to make the decision process quicker.

Councillor Angelo Marignani inquires whether administration is prioritizing the batch designation specifically Walkerville and Sandwich. Ms. Tang indicates the priority is Walkerville including the Heritage Conservation District Study area first. Ms. Tang adds that there are 300 properties in that area which would be evaluated, not all will be designated. Ms. Tang adds that as per Strategy 3 properties with the strongest cultural heritage value such as landmarks would be considered first.

Councillor Kieran McKenzie expresses concern with the new legislation adding to the administrative burden. Ms. Payne provides details related to the Provincial Government's goal in implementing this legislation to build housing in Windsor and throughout the province and to try to remove obstacles and barriers to get communities to provide housing faster and more efficiently, trying to see some action from these properties instead of seeing them on a list with no action moving forward.

Councillor Kieran McKenzie commends administration for their report and that administration has made it clear to the province that we have a resource problem. Neil Robertson Acting City Planner, appears before the before the Development & Heritage Standing Committee regarding the administrative report "Windsor Municipal Heritage Register: Strategies in Response to Provincial

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Bill 23- City Wide” and indicates that he is not aware of any available funding to address the resource concerns. Mr. Robertson adds that the whole suite of legislative changes has fallen to municipalities to implement. Mr. Robertson provides details related to the most recent budget request to add resources and will have to request more budget funding allocation to do more. Mr. Robertson provides details of several Planning association that have also expressed concern with implementing the legislation.

Moved by: Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 538**

- I. THAT City Council **APPROVE** the Heritage Register Evaluation Strategies formulated in response to Provincial Bill 23; and
  - Strategy 1: Designation through Walkerville Heritage Conservation District Study
  - Strategy 2: Designation through Development Review and Incentive Programs
  - Strategy 3: Designation of properties of “strongest” and/or missing representation of Cultural Heritage Value/Interest:
  - Strategy 4: Exploring new ways to designate
  - Strategy 5: Protection of City-Owned Heritage resources through Council direction
  - Strategy 6: Protections through Demolition Control Bylaw
  - Strategy 7: Continued recognition of heritage properties through a Windsor Heritage Inventory; and,
- II. THAT Administration **BE DIRECTED** to implement the Heritage Register Evaluation Strategies to the existing 884 ‘listed’ properties on the Windsor Municipal Heritage Register; and,
- III. THAT City Council **COMMIT TO** protecting Heritage properties that are city-owned in the same fashion as pre-Bill 23, even if properties are removed as a result of Bill 23, and **TO ENCOURAGE** a high degree of heritage sensitivity by all City Departments in conformance with the City of Windsor Official Plan; and,
- IV. THAT Administration **BE DIRECTED** to keep a Municipal Heritage Inventory of all non-designated properties that are removed from the Heritage Register as a result of Bill 23 for recognition, records, and information purposes; and,

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- V. THAT Administration **BE REQUESTED** to send a letter to the Premier along with all appropriate Ministers, local MPP'S, Association of Municipalities of Ontario (AMO), and any other advocacy organization indicating the challenges the City of Windsor is facing with respect to heritage assets in the context of the tight timelines regarding new *Heritage Act* legislation to address housing challenges in Ontario.

Carried.

Report Number: S 88/2023  
Clerk's File:MBA/14619

### 10.4. 1646 Alexis Road, Former Gordon McGregor School – Heritage Designation Report (Ward 8)

Moved by: Councillor Fred Francis  
Seconded by: Member William Tape

Decision Number: **DHSC 539**

- I. THAT the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Gordon McGregor, at 1646 Alexis Road, in accordance with Part IV of the Ontario *Heritage Act* according to the Statement of Cultural Heritage Value or Interest attached in Appendix 'A'; and,
- II. THAT the City Solicitor **PREPARE** the By-law for Council to designate the property after receipt of the legal description of the property from the Property Owner; and,
- III. THAT Council **AGREE** with Parway Inc, Property Owner of 1646 Alexis Road, that the restrictions set out in paragraph 2 of subsection 29(1.2), and paragraph 1 of subsection 29 (8) of *Ontario Heritage Act* for Designation by municipal by-law do not apply in respect of the Property at 1646 Alexis Road, to allow time for the designation process.

Carried.

Report Number: S 89/2023  
Clerk's File:MBA/14620

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:33 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:36 o'clock p.m.

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

See Item 7.1, 7.2 & 7.3.

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## Development & Heritage Standing Committee August 1, 2023

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

#### 5.1. Minutes of the July 4, 2023 Development & Heritage Standing Committee (*Planning Act* Matters)

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held July 4, 2023 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 199/2023

### 7. *PLANNING ACT* MATTERS

#### 7.1. Zoning By-law Amendment Application for the property at 3841 -3847 Howard Avenue; Applicant: Dior Homes; File No. Z-040/2022, ZNG/6903; Ward 9

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 532**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Howard Avenue and Cabana Road East, described as Pt Lot 6, Concession 4, designated as PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

#### **"481" SOUTHWEST CORNER OF HOWARD AVENUE AND CABANA ROAD EAST**

For the land comprising Part Lot 6, Concession 4, being PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], the following shall apply to a *Combined Use Building*:

- a) The provisions in section 15.2.5.
- b) Notwithstanding the provision in section 15.2.5.15, for a *Combined Use Building*, *dwelling units* can also be located alongside a *Business Office*, provided that the *Business Office* shall not be located above a *dwelling unit*;
- c) Any building erected shall have, at least, one building wall located on an *exterior lot line* and oriented to the *street*; and

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d) Parking - per *Dwelling Unit* – minimum 1 parking space per *dwelling unit*

[ZDM 9; ZNG 6903]

- II. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following and other requirements found in Appendix F of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- a) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;
  - b) Parkland dedication (cash-in-lieu) - 5% for residential use and 2% for commercial per By-law 12780;
  - c) Adequate clearance from existing ENWIN's pole lines and power lines;
  - d) Canada Post multi-unit policy; and
  - e) Record of Site Condition.

Carried.

Report Number: S 91/2023  
Clerk's File:Z/14574

### 7.2. Rezoning – 5050542 Ontario Inc. – 3623, 3631 & 3637 Howard Avenue – Z-003/23 ZNG/6949 - Ward 9

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 533**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431, situated on the west side of Howard Avenue, south of Maguire Street, known municipally as 3623, 3631 & 3637 Howard Avenue (Roll No.: 080-033-00100, 080-033-00200, 080-033-00300) from Residential District 1.1 (RD1.1 and HRD1.1) to Residential District 2.2 (RD2.2) and by adding a site specific exception as follows:

#### 482. WEST SIDE OF HOWARD AVENUE, SOUTH OF MAGUIRE STREET

For the lands comprising Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431:

1. A *Double Duplex Dwelling, Duplex Dwelling, Semi-detached Dwelling, or Multiple Dwelling* shall be additional permitted *main uses*;
2. The additional permitted *main uses* shall be subject to the provisions of Section 11.2.5.4, except that:
  - a) the *front lot line* shall be the longest *exterior lot line*;

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- b) the minimum *lot area* shall be 135.0 m<sup>2</sup> per *dwelling unit*;
- c) for any *building* located within 58 m of the westerly *lot line*, the minimum *side yard width* as measured from the northerly *lot line* shall be 1.50 m.

3. For any additional permitted use, the following additional provisions shall apply:

- a) Parking Area Separation from any *building* wall without a *garage* - minimum 0.90 m
- b) Parking Area Separation from any *building* wall with a *garage* - minimum 0.0 m
- c) Loading Spaces – minimum 0
- d) A minimum of four parking spaces shall be marked as visitor parking.

[ZDM 8; ZNG/6949]

2. THAT the westerly 58 metres of the subject parcel **BE SUBJECT** to a Holding Symbol and that the Holding Symbol **BE REMOVED** when:

- a) The Owner has submitted an application to remove the holding symbol, including the fee; and,
- b) When the following conditions have been satisfied:
  - 1) Adoption of a Guideline Plan for the area generally bounded by Howard Avenue, Cabana Road East, Inglewood Avenue/Whiteside Drive, and Kenilworth Park, by Council Resolution.

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

- a) To incorporate the following into any site plan and site plan control agreement:
  - 1) Recommendations identified in the Traffic Impact Statement prepared RC Spencer Associates Inc. and dated April 2023, subject to any update and the approval of the City Engineer;
  - 2) Mitigation and protection measures identified in the Natural Heritage Evaluation and Tree Preservation Study prepared by Insight Environmental Solutions Inc. and dated December 22, 2022, subject to the approval of the City of Windsor Landscape Architect or the City Planner;
  - 3) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix F to Report S 92/2023, subject to the approval of the City Engineer.
- b) To review and consider the comments from municipal departments and external agencies in Appendix F to Report S 92/2023 and;
- c) To consider improving pedestrian connectivity within, and access to, the development.

Carried.

Report Number: S 92/2023  
Clerk's File:Z/14539



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

Decision Number: **DHSC 534**

That Administration **PREPARE** for Council's consideration a plan to complete the engineering and design work for Howard Avenue between South Cameron and Cabana Road; and,

That Administration **CREATE** an accelerated financing option to be considered during the 2024 Capital Budget Process.

Report Number: S 92/2023  
Clerk's File: Z/14539

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

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

Decision Number: **DHSC 535**

That the Zoning By-law amendment application for 0 & 1466 St. Patrick Avenue—Ward 10 **BE DENIED** for the following reason:

1. Negative impact to surrounding neighbourhood due to financial implication of requiring sewer hook up not initiated by the residents.

Carried.

Councillors Kieran McKenzie and Jim Morrison voting nay.

Report Number: S 56/2023  
Clerk's File: Z/14541

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:43 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:45 o'clock p.m.

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

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See Item 11.1 & 11.3.

### 11. ADMINISTRATIVE ITEMS

#### 11.1. Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10, SAA-6786

##### Jo-Ann & Ron Kohuch, area residents

Jo-Ann & Ron Kohuch, area residents appear before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled “Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10” and provide a brief background of the property and the application and the current fence encroachment; and conclude by indicating that they would like to purchase the remaining portion of alley.

##### Dave Mitchell, area resident

Dave Mitchell, area resident appears via video conference before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled “Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10” and inquires about the existing encroachments remaining where they are, if someone doesn’t want to purchase their portion who gets to purchase it and concludes by inquiring about the impact on property taxes purchasing the alley would have if any.

Councillor Marignani inquires about the alley being closed. Brian Nagata, Planner II Development Review appears before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled “Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10” and the alley in question is currently not closed and provides details related to the encroachment and purchasing process.

Moved by: Councillor Fred Francis

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 540**

- I. THAT the 4.57-metre-wide north/south alley located between Alexandra Avenue and Labelle Street, and shown on Drawing No. CC-1817 (*attached* hereto as Appendix “A”), and hereinafter referred to as the “subject alley”, **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

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- a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
- i. Bell Canada to protect existing aerial facilities;
  - ii. ENWIN Utilities Ltd. to accommodate an existing 16,000-volt pole line and associated distribution system and down guy(s); and
  - iii. MNSi to accommodate existing aerial facilities.
- b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion abutting 0 Longfellow Avenue (P.I.N. 01311-0965 LT), 2658 Longfellow Avenue, 2659 Alexandra Avenue, 2663 Alexandra Avenue, 2676 Longfellow Avenue and 2695 Alexandra Avenue in which case the middle of the alley shall be used; as well as those portions abutting 2724 Longfellow Avenue and 2799 Alexandra Avenue, in which case the full width of the alley shall be used if it is determined that the aforesaid properties do not have any encroachments in the subject alley.
- III. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.4, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1817, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor
- Carried.

Report Number: S 81/2023  
Clerk's File:SAA2023

## 11.2. Closure of north/south alley located between Algonquin Street and 1429 Randolph Avenue, Ward 10, SAA-7025

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Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 518 DHSC 541**

- I. THAT the 4.27-metre-wide north/south alley located between Algonquin Street and the property known municipally as 1429 Randolph Avenue (legally described as Lot 9, Lots 513 to 515 & Block C, Plan 973) and shown on Drawing No. CC-1834 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Bell Canada to accommodate existing aerial facilities;
    - ii. ENWIN Utilities Ltd. to accommodate the existing overhead secondary 120/240-volt and 347/600-volt hydro distribution; and
    - iii. MNSi. to accommodate existing plant on the pole lines.
  - b. Easement over that portion of the subject alley abutting Lot 513, Plan 973, in favour of 1429 Randolph Avenue for access to repair and maintain the south face of the existing building on the property, **if** the owner of 1429 Randolph Avenue is unable to purchase the full width of the aforesaid portion of the subject alley abutting their property.
  - c. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except:
    - i. That portion located between 0, 1450 & 1466 St. Patrick Avenue (legally described as Lots 10 to 16, Plan 973), and 1429 & 1465 Randolph Avenue (legally described as Lots 9, 507 to 515 & Block C, Plan 973), in which case the middle of the alley shall be used.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per front foot without easements plus HST (if applicable) and \$10.00 per front foot with easements plus HST (if applicable).
  - b. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description for that portion of the subject alley abutting the properties known municipally as 0 and 1466 St. Patrick Avenue.

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- V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description for the remaining portion of the subject alley abutting the properties legally described as Lots 10 to 13, 17 to 31, 492 to 506 & 510 to 513, Plan 973.
- VI. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) for each portion of the subject alley.
- VII. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- Carried.

Report Number: S 57/2023  
Clerk's File:SAA2023

### **11.3. Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2, SAA-6994**

#### **Ding Jian Xie, Jun Wuyan & En Li, owners**

Ding Jian Xie, Jun Wuyan & En Li, owners appear before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled "Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2" and inquire about the previous alley closure on the North End and the charges to purchase the current portion. Administration will provide that information. The Chair provides information related to the alley closure process.

#### **Thomas Ji, owner, 540 Laforet Street**

Thomas Ji, owner, 540 Laforet St, appears before the Development & Heritage Standing Committee Meeting regarding the administrative report entitled "Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2" and inquires about the utility location information. Administration indicates they will contact Mr. Ji and provide the information.

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

#### **Decision Number: DHSC 542**

- I. THAT the 5.49-metre-wide north/south alley located between Laforet Street and the property known municipally as 3217 Baby Street (legally described as Part of Lots P & Q, Plan 43; Part of Lot C, Plan 40; and Parts 1 to 3, RP 12R-26943) and shown on Drawing No. CC-1832 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

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- a. 3.0-metre-wide easement (measured 1.50 metres from either side of the below mentioned infrastructure), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
- ii. Bell Canada to accommodate existing aerial facilities;
  - iii. Enbridge to accommodate existing underground infrastructure; and
  - iv. ENWIN Utilities Ltd. to accommodate existing 120/240v secondary overhead hydro distribution pole line.
- b. Easement over west half of the subject alley abutting the property known municipally as 3231 Baby Street (legally described as Part of Block R, Plan 43), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
- v. The owner of 3231 Baby Street for access to repair and maintain the east face of the existing accessory building on the said property **IF** they waive their right to purchase the abutting half of the subject alley;
- III. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD3.1, \$193.75 per square metre (\$18.00 per square foot) without easements plus HST (if applicable), or \$96.87 per square metre (\$9.00 per square foot) with easements plus HST (if applicable). Survey cost and deed preparation fee included.
  - b. For alley conveyed to abutting lands zoned RD2.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1832, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- Carried.

Report Number: S 71/2023  
Clerk's File:SAA2023

### 11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Habitat for Humanity Windsor-Essex for 1067 Henry Ford Centre Drive (Ward 5)

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Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 543**

- I. THAT the request made by Habitat for Humanity Windsor-Essex to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 1067 Henry Ford Centre Drive 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 \$11,350 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$11,350 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.  
Carried.

Report Number: S 84/2023

Clerk's File: Z2023

### **11.5. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Investrade Developments (Ontario) Limited for 240 Albert Road (Ward 5)**

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 544**

- I. THAT the request made by Investrade Developments (Ontario) Limited to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 240 Albert Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

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- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$23,450 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
  - III. THAT the grant funds in the amount of \$23,450 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
  - IV. THAT should the proposed Phase II Environmental Site Assessment Study 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 85/2023

Clerk's File:Z2023

### 11.6. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2821383 Ontario Inc, for 75 Mill Street (Ward 2)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 545**

- I. THAT the request made by 2821383 Ontario 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 75 Mill Street for the earlier of 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 2821383 Ontario 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,



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IV. THAT the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: S 80/2023  
Clerk's File:Z2023

### 12. COMMITTEE MATTERS

None presented.

### 13. QUESTION PERIOD

None registered.

### 14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 8:04 o'clock p.m.

Carried.

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Ward 10 - Councillor Jim Morrisson  
(Chairperson)

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Deputy City Clerk / Supervisor  
of Council Services

**Subject: Delegation Authority for Heritage Matters (City-wide)**

**Reference:**

Date to Council: September 11, 2023

Author: Kristina Tang, MCIP, RPP

Heritage Planner

ktang@citywindsor.ca

519-255-6543 X 6179

Planning & Building Services

Report Date: July 10, 2023

Clerk's File #: AS/7748

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

**Recommendation:**

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

**Executive Summary: N/A**

**Background:**

Recent *Ontario Heritage Act* amendments establish a 90-day timeline for issuing a notice of intention to designate when the listed (non-designated) property is subject to a Planning Act application, unless the owner and Council of a municipality agree that the 90-day restriction does not apply.

Other changes have been contemplated to meet the Legislation and its Regulation, provide clarity on application requirements, and expedite heritage alterations that are required in timely fashion. The delegated authority to process and consent heritage permits will benefit heritage property Owners for the faster timelines of review, enable administration to deliver better and faster service to Owners, and reduce administrative burdens of reporting where the proposed work is of good heritage standard.

### **Legal Provisions:**

S. 33(15) of the Ontario Heritage Act provides the authority for the delegation of alterations to designated properties. Ontario Regulation 385/21 outlines the prescribed information and material for Heritage Applications. For more details, refer to Appendix A.

### **Discussion:**

The proposed amended City Planner Delegation By-law 139-2013 in Appendix B consolidates the Planning Act items in Schedule "A" and Heritage items in Schedule "B".

No change is contemplated in Schedule A except for deleting the delegated authority for Sandwich Heritage Conservation District Plan items that are being transferred to Schedule "B". Provision for Schedule "B" are elaborated below:

- I. The maximum of a 90 day timeline for issuing a notice of intention to designate when a listed property is subject to a Planning Act application is often insufficient time to prepare a report and to be scheduled for consideration on Heritage Committee and Council. Further, where a project is actively being negotiated, the heritage attributes are often being discussed and may at times be more ideal to be finalized closer to the end of the project review process. Projects may also be subject to multiple Planning Act applications, which may impact legal property descriptions that are required information in the designation bylaw. Therefore, the required maximum 120 day timeline to pass the designation bylaw may also be insufficient. However, Ontario Regulation 385/21 provides some flexibility to the property owner and the city to sign an agreement that these timelines does not apply. The delegated authority will allow for a formalization of the agreement to allow for more time for discussion and to complete a designation. A draft agreement has been attached in Appendix C.
- II. Ontario Heritage Act has required more information as part of Heritage Permit applications and timeline to notify applicants when an application is complete or not. While staff has been applying these changes in principle, the delegation bylaw formalizes what has been directed by heritage legislation as a housekeeping amendment.
- III. The delegation of alterations to Part IV individually designated heritage items to the City Planner is permitted by s. 33(15) of the Ontario Heritage Act. The proposed delegated items are minor in nature, or of acceptable heritage standards. The specific delegated powers are set out in s.4.1.1 of Schedule B to the amending by-law. The administration decision will greatly facilitate timely repairs to be made by property Owners, and encourage designated property

owners to approach administration with changes proposed and engage in a discussion for heritage appropriate alterations. It is possible that given the lengthy process for heritage approvals, alterations are occurring at designated heritage properties without notification to the City for the changes. The facilitation of expedient decision making on appropriate alterations will increase the collaborative relationship between the City and heritage property owners. It will also formalize a process for administration to record and approve alterations to designated heritage properties, especially those that are minor in nature but have a potential to impact the heritage attributes of a property. Examples are landscaping fences, masonry repointing work (that do not always require building permits), alterations to non-historic detached garages.

For clarity, the City Planner retains the option to refer items eligible for administrative approval to the Heritage Committee for a recommendation and subsequently to City Council for a decision. The following types of application also require Council approval and cannot be delegated to Administration, if the application:

- is considered complex, sensitive or contentious by the City Planner;
- is demolition or removal under section 27, 34 or 42 of the Ontario Heritage Act;
- is an alteration which requires Council approval as specified by the Heritage Conservation District Plan;
- fails to achieve acceptable heritage standards (including but not limited to Standards and Guidelines for the Conservation of Historic Places in Canada, broadly accepted/recognized heritage conservation practices, and HCD plan policies and guidelines);
- is recommended to be refused by the City Planner or the Heritage Committee;
- where requested by the owner or where the owner is not agreeable with the recommendations and terms of the heritage permit by the City Planner.

IV. There is no change in substance to the delegated classes of work in the Sandwich Heritage Conservation District Plan. The content has been moved from the existing Schedule "A" to Schedule "B" of the delegation bylaw to consolidate Heritage items

**Reporting Procedures:** Administration will provide regular annual reporting of a summary of the delegated heritage permits issued.

#### **Official Plan Policy:**

The Windsor Official Plan includes (9.3.6.1.), "Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means".

The Plan includes protection (9.3.4.1). "Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change

in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

**Risk Analysis:**

The absence of the delegated authority for 90 day timeline to issue a notice of intent to designate would result in properties possibly missing the opportunity to be designated and therefore unprotected. The delegation authority allows for expedient oversight of property heritage properties that are otherwise not being reported or may be disadvantaged due to the long approval times of Heritage alterations.

**Climate Change Risks**

**Climate Change Mitigation: N/A**

**Climate Change Adaptation: N/A**

**Financial Matters:**

There is no quantifiable financial implication of the proposed delegation of heritage permits. However, the expediency of delegated authority will save administration time in reporting, and potential costs to heritage property owners.

**Consultations:**

City of Windsor Legal staff.

**Conclusion:**

Administration recommends that Council approve the recommendations in this report to provide administration with the ability to protect heritage resources and more expedient service to heritage property owners, for the benefit and conservation of heritage properties.

**Planning Act Matters: N/A**

**Approvals:**

<b>Name</b>	<b>Title</b>
Neil Robertson	Acting City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

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

**Appendices:**

- 1 Appendix A- Extracts from Ontario Heritage Act and Ontario Regulation 385/21
- 2 Appendix B- Proposed Amendment to Bylaw 139-2013
- 3 Appendix C- Draft Agreement between property owner and City

## **DESIGNATION OF PROPERTIES BY MUNICIPALITIES**

### **Designation by municipal by-law**

**29** (1) The council of a municipality may, by by-law, designate a property within the municipality to be of cultural heritage value or interest if,

- (a) where criteria for determining whether property is of cultural heritage value or interest have been prescribed, the property meets the prescribed criteria; and
- (b) the designation is made in accordance with the process set out in this section. 2005, c. 6, s. 17 (1); 2019, c. 9, Sched. 11, s. 7 (1); 2022, c. 21, Sched. 6, s. 4 (1).

### **Notice required**

(1.1) Subject to subsections (1.2) and (2), if the council of a municipality intends to designate a property within the municipality to be of cultural heritage value or interest, it shall cause notice of intention to designate the property to be given by the clerk of the municipality in accordance with subsection (3). 2005, c. 6, s. 17 (1); 2019, c. 9, Sched. 11, s. 7 (2).

### **Limitation**

(1.2) The following rules apply if a prescribed event has occurred in respect of a property in a municipality:

1. If the prescribed event occurs on or after January 1, 2023, the council of the municipality may give a notice of intention to designate the property under subsection (1) only if the property is listed in the register under subsection 27 (3), or a predecessor of that subsection, as of the date of the prescribed event.
2. The council may not give a notice of intention to designate such property under subsection (1) after 90 days have elapsed from the event, subject to such exceptions as may be prescribed. 2022, c. 21, Sched. 6, s. 4 (2).

### **If no notice of objection or no withdrawal**

(8) If no notice of objection is served within the 30-day period under subsection (5) or a notice of objection is served within that period but the council decides not to withdraw the notice of intention to designate the property, the council may pass a by-law designating the property, provided the following requirements are satisfied:

1. The by-law must be passed within 120 days after the date of publication of the notice of intention under clause (3) (b) or, if a prescribed circumstance exists, within such other period of time as may be prescribed for the circumstance.
2. The by-law must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property and must comply with such requirements in relation to the statement and the description as may be prescribed and with such other requirements as may be prescribed.
3. The council must cause the following to be served on the owner of the property, on any person who objected under subsection (5) and on the Trust:
  - i. A copy of the by-law.
  - ii. A notice that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under paragraph 4, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal.
4. The council must publish notice of the by-law in a newspaper having general circulation in the municipality, which must provide that any person who objects to the by-law may appeal to the Tribunal by giving the Tribunal and the clerk of the municipality, within 30 days after the date of publication under this paragraph, a notice of appeal setting out the objection to the by-law and the reasons in support of the objection, accompanied by the fee charged by the Tribunal. 2019, c. 9, Sched. 11, s. 7 (6); 2021, c. 4, Sched. 6, s. 74 (2).

### **Alteration of property**

**33** (1) No owner of property designated under section 29 shall alter the property or permit the alteration of the property if the alteration is likely to affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the alteration. 2019, c. 9, Sched. 11, s. 11.

### **Application**

(2) An application under subsection (1) shall be accompanied by the prescribed information and material. 2019, c. 9, Sched. 11, s. 11.

### **Other information**



(3) A council may require that an applicant provide any other information or material that the council considers it may need. 2019, c. 9, Sched. 11, s. 11.

#### **Notice of complete application**

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete. 2019, c. 9, Sched. 11, s. 11.

#### **Notification re completeness of application**

(5) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided. 2019, c. 9, Sched. 11, s. 11.

#### **Decision of council**

(6) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (7),

(a) shall,

(i) consent to the application,

(ii) consent to the application on terms and conditions, or

(iii) refuse the application; and

(b) shall serve notice of its decision on the owner of the property and on the Trust.  
2019, c. 9, Sched. 11, s. 11.

#### **Same**

(7) For the purposes of subsection (6), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.
2. If a notice under subsection (4) or (5) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council. 2019, c. 9, Sched. 11, s. 11.

## **Delegation of council's consent**

(15) The power to consent to alterations to property under this section may be delegated by by-law by the council of a municipality to an employee or official of the municipality if the council has established a municipal heritage committee and has consulted with the committee prior to delegating the power. 2019, c. 9, Sched. 11, s. 11.

## **Scope of delegation**

(16) A by-law that delegates the council's power to consent to alterations to a municipal employee or official may delegate the power with respect to all alterations or with respect to such classes of alterations as are described in the by-law. 2019, c. 9, Sched. 11, s. 11.

## **Demolition or removal**

**34** (1) No owner of property designated under section 29 shall do either of the following, unless the owner applies to the council of the municipality in which the property is situate and receives consent in writing to the demolition or removal:

1. Demolish or remove, or permit the demolition or removal of, any of the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be.
2. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property, whether or not the demolition or removal would affect the property's heritage attributes, as set out in the description of the property's heritage attributes in the by-law that was required to be registered under clause 29 (12) (b) or subsection 29 (19), as the case may be. 2019, c. 9, Sched. 11, s. 12.

(1.1), (1.2) REPEALED: 2019, c. 9, Sched. 11, s. 12.

## **Application**

(2) An application under subsection (1) shall be accompanied by the prescribed information and material. 2019, c. 9, Sched. 11, s. 12.

## **Other information**

(3) A council may require that an applicant provide any other information or material that the council considers it may need. 2019, c. 9, Sched. 11, s. 12.

## **Notice confirming complete application**

(4) The council shall, upon receiving all information and material required under subsections (2) and (3), if any, serve a notice on the applicant informing the applicant that the application is complete. 2019, c. 9, Sched. 11, s. 12.

#### **Notification re completeness of application**

(4.1) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided. 2019, c. 9, Sched. 11, s. 12.

#### **Notification re completeness of application**

(4.1) The council may, at any time, notify the applicant of the information and material required under subsection (2) or (3) that has been provided, if any, and any information and material under those subsections that has not been provided. 2019, c. 9, Sched. 11, s. 12.

#### **Decision of council**

(4.2) The council, after consultation with its municipal heritage committee, if one is established, and within the time period determined under subsection (4.3),

(a) shall,

(i) consent to the application,

(ii) consent to the application, subject to such terms and conditions as may be specified by the council, or

(iii) refuse the application;

(b) shall serve notice of its decision on the owner of the property and on the Trust;  
and

(c) shall publish its decision in a newspaper having general circulation in the municipality. 2019, c. 9, Sched. 11, s. 12.

#### **Same**

(4.3) For the purposes of subsection (4.2), the time period is determined as follows:

1. Unless paragraph 2 applies, the period is 90 days after a notice under subsection (4) is served on the applicant or such longer period after the notice is served as is agreed upon by the owner and the council.

2. If a notice under subsection (4) or (4.1) is not served on the applicant within 60 days after the day the application commenced, as determined in accordance with the regulations, the period is 90 days after the end of that 60-day period or such longer period after the end of the 60-day period as is agreed upon by the owner and the council. 2019, c. 9, Sched. 11, s. 12.

### **Erection, demolition, etc.**

**42** (1) No owner of property situated in a heritage conservation district that has been designated by a municipality under this Part shall do any of the following, unless the owner obtains a permit from the municipality to do so:

1. Alter, or permit the alteration of, any part of the property, other than the interior of any structure or building on the property.
2. Erect any building or structure on the property or permit the erection of such a building or structure.
3. Demolish or remove, or permit the demolition or removal of, any attribute of the property if the demolition or removal would affect a heritage attribute described in the heritage conservation district plan that was adopted for the heritage conservation district in a by-law registered under subsection 41 (10.1).
4. Demolish or remove a building or structure on the property or permit the demolition or removal of a building or structure on the property. 2005, c. 6, s. 32 (1); 2019, c. 9, Sched. 11, s. 19 (1); 2022, c. 21, Sched. 6, s. 7 (1).

### **Exception**

(2) Despite subsection (1), the owner of a property situated in a designated heritage conservation district may, without obtaining a permit from the municipality, carry out such minor alterations or classes of alterations as are described in the heritage conservation district plan in accordance with clause 41.1 (5) (e) to any part of the property in respect of which a permit would otherwise be required under subsection (1). 2005, c. 6, s. 32 (1).

### **Application for permit**

(2.1) The owner of property situated in a designated heritage conservation district may apply to the municipality for a permit to alter any part of the property other than the interior of a building or structure on the property or to do anything referred to in paragraph 2, 3 or 4 of subsection (1) in respect of the property. 2005, c. 6, s. 32 (1); 2019, c. 9, Sched. 11, s. 19 (2).

### **Content of application**

(2.2) An application under this section shall include such information as the council of the municipality may require. 2005, c. 6, s. 32 (1).

### **Notice of receipt**

(3) The council, upon receipt of an application under this section together with such information as it may require under subsection (2.2), shall cause a notice of receipt to be served on the applicant. 2002, c. 18, Sched. F, s. 2 (26); 2005, c. 6, s. 32 (2); 2022, c. 21, Sched. 6, s. 7 (2).

### **Delegation**

(16) The council of a municipality may delegate by by-law its power to grant permits for the alteration of property situated in a heritage conservation district designated under this Part to an employee or official of the municipality if the council has established a municipal heritage committee and consulted with it before the delegation. 2005, c. 6, s. 32 (6).

### **Same**

(17) A by-law under subsection (16) may specify the alterations or classes of alterations in respect of which power to grant permits is delegated to the employee or official of the municipality. 2005, c. 6, s. 32 (6).

## **Ontario Heritage Act**

### **ONTARIO REGULATION 385/21**

## **RULES RE SECTION 29 OF THE ACT**

### **Limitation, s. 29 (1.2) of the Act**

1. (1) For the purposes of subsection 29 (1.2) of the Act, the following events that occur on or after July 1, 2021 are prescribed in respect of a property in a municipality:

1. A council or planning board, as applicable, has completed giving notice in accordance with clause 22 (6.4) (a) of the *Planning Act* of a request for amendment referred to in that clause, if the subject land to which the proposed amendment applies includes the property.
2. A council has completed giving notice in accordance with clause 34 (10.7) (a) of the *Planning Act* of an application for an amendment to a by-law referred to in that clause, if the subject land to which the proposed amendment applies includes the property.

3. A council or planning board, as the approval authority, has completed giving notice in accordance with clause 51 (19.4) (a) of the *Planning Act* of an application referred to in that clause, if the subject land to which the application applies includes the property. O. Reg. 385/21, s. 1 (1).

(2) The following exceptions are prescribed for the purposes of paragraph 2 of subsection 29 (1.2) of the Act:

1. The restriction set out in paragraph 2 of subsection 29 (1.2) of the Act does not apply if an event described in subsection (1) occurs in respect of a property and, at any time after the event occurs, the owner of the property and the council of the municipality agree that the restriction does not apply.
2. If an event described in subsection (1) occurs in respect of a property and the owner of the property and the council of the municipality, within 90 days after the day on which the event occurs, agree to extend the period of time set out in paragraph 2 of subsection 29 (1.2) of the Act, the period of time for the purposes of that subsection is the period that the council and the owner have agreed upon.

**Prescribed circumstances, par. 1 of s. 29 (8) of the Act**

2. (1) The following circumstances and corresponding periods of time are prescribed for the purpose of paragraph 1 of subsection 29 (8) of the Act:

1. If, before the end of the 120-day period referred to in paragraph 1 of subsection 29 (8) of the Act, the council and the owner of the property agree to extend the period of time set out in that paragraph, the period of time for the purposes of that paragraph is the period that the council and the owner have agreed upon.

## **INFORMATION AND MATERIAL — SUBSECTIONS 33 (2) AND 34 (2) OF THE ACT**

**Prescribed information and material**

6. (1) For the purpose of subsections 33 (2) and 34 (2) of the Act, the following information and material shall accompany an application:

1. The name, address, telephone number and, if applicable, the email address of the applicant.
2. The name of the municipality from which consent is being requested.
3. A description of the property that is the subject of the application, including such information as the concession and lot numbers, reference plan and part numbers, and street names and numbers.

4. Photographs that depict the existing buildings, structures and heritage attributes that are affected by the application and their condition and context.
5. A site plan or sketch that illustrates the location of the proposed alteration, demolition or removal.
6. Drawings and written specifications of the proposed alteration, demolition or removal.
7. The reasons for the proposed alteration, demolition or removal and the potential impacts to the heritage attributes of the property.
8. All technical cultural heritage studies that are relevant to the proposed alteration, demolition or removal.
9. An affidavit or a sworn declaration by the applicant certifying that the information required under this section and provided by the applicant is accurate.

(2) The information or material referred to in subsection (1) must also include any information or material that is required to accompany an application by a municipal by-law, resolution or official plan.

(3) The owner of the property shall serve an application made under subsection 33 (1) or 34 (1) of the Act on the council of the municipality.

(4) Use of a municipality's electronic system to submit an application mentioned in subsection (3) is a method for the purpose of clause 67 (1) (d) of the Act.

(5) Service using a municipality's electronic system is effective on the day the application is submitted unless the application was submitted after 5 p.m., in which case it is effective on the following day. If the day on which service would be effective is a Saturday or a holiday, service is instead effective on the next day that is not a Saturday or a holiday.

(6) For the purpose of paragraph 2 of subsection 33 (7) of the Act and paragraph 2 of subsection 34 (4.3) of the Act, an application is considered to have commenced on the day that it is served on the council of the municipality.

BY-LAW NUMBER \_\_-2023

A BY-LAW TO AMEND BY-LAW NUMBER 139-2013, BEING A BY-LAW TO  
DELEGATE AUTHORITY TO THE CITY PLANNER TO APPROVE AND PROCESS  
CERTAIN APPLICATIONS UNDER THE PLANNING ACT AND PERMITS UNDER THE  
ONTARIO HERITAGE ACT

Passed the \_\_ day of \_\_, 2023.

WHEREAS By-law Number 139-2013 was passed by the Council of The Corporation of the City of Windsor on August 26, 2013;

AND WHEREAS By-law Number 126-2019, being a by-law to amend By-law Number 139-2013, was passed by the Council of The Corporation of the City of Windsor on November 18, 2019;

AND WHEREAS By-law Number 99-2022, being a by-law to amend By-law Number 139-2013, was passed by the Council of The Corporation of the City of Windsor on July 11, 2022;

AND WHEREAS it is deemed expedient to further amend said By-law Number 139-2013 of The Corporation of the City of Windsor;

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

1. That By-law 139-2013 be amended as follows:
  - a. by deleting Schedule "A" in its entirety and replacing it with the schedule attached hereto as Schedule "A"; and
  - b. by inserting as Schedule "B" the schedule attached hereto as Schedule "B".
2. This by-law shall come into force and take effect on the day of the final passing thereof.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - , 2023



Second Reading - , 2023  
Third Reading - , 2023

## **SCHEDULE “A”**

Council hereby delegates to the City Planner the authority:

### **Complete Application**

- 1.1 a) To determine whether an application submitted to Council pursuant to sections 22, 34, 41 and 51 of the Act is complete or incomplete in accordance with the provisions of the Act and Official Plan for the City of Windsor.
  - b) To notify an applicant as to the completeness or incompleteness of an application.
  - c) To notify the applicant within 30 days of receipt of the processing fee for a planning application, whether the application is complete or incomplete. An incomplete application notification shall identify the missing or deficient information and material necessary to complete the application.
- 1.2 The provisions of subsection 1.1 apply, with necessary modifications, to each subsequent remedial submission provided to complete the application.
- 1.3 Within 15 days after the City Planner gives notice to the applicant that the application is complete, to:
- (i) give the prescribed persons and public bodies, in the prescribed manner, notice of the application under section 22, 34, 41 or 51 of the Act, accompanied by the prescribed information; and
  - (ii) make the information and material provided by the applicant available to the public.
- 1.4 Any notice required under this section shall be given to the applicant in writing by regular letter mail, email or using Cloudpermit. Notice by regular letter mail shall be deemed to be received within 7 business days of the date of the notice. Notice by email or using Cloudpermit shall be deemed to be received on the date it is sent, if sent during business hours of the City of Windsor. If sent after business hours of the City of Windsor, then it shall be deemed to be received on the next following business day.

### **Exemption from Part Lot Control**

- 2.1 To approve applications for exemption from part lot control under s. 50(7) of the Act.

## **Extension of Condominium and Subdivision Approval**

- 3.1 To approve applications to extend the draft approval pursuant to s.51 (33) of the Act, for 3 years, and further extend the draft approval for another 3 years, of the draft subdivision/condominium or condominium conversion approval as the case may be, provided such approval is given before the draft approval lapses.
- 4.1 Intentionally deleted.

## **Neighbourhood Residential Rehabilitation Grant Program**

- 5.1 To approve applications for *Neighbourhood Residential Rehabilitation Grant Program* projects to a maximum of \$15,000.00 and where sufficient budget funding is available.

## **Municipal Development Fees Grant Program**

- 6.1 To approve applications for *Municipal Development Fees Grant Program* when it is requested as part of the *Neighbourhood Residential Rehabilitation Grant* only, to a maximum of \$2,000.00 and where sufficient budget funding is available.

## **Building Facade Improvements**

- 7.1 Along with the Chief Financial Officer/City Treasurer, to approve beautification projects under \$5,000.00 identified in Category A-Beautification under the City of Windsor Building Facade Improvement Program and Urban Design Guidelines for Main Street.

## **Site Plan Control Approval**

- 8.1 To approve Site Plan Control plans and drawings as set out in Subsections 41(4) and (5) of the Act, and to impose conditions to such approval as set out in Subsection 41 (7) of the Planning Act.

## **Execute and Cause to be Registered Site Plan Agreements**

- 8.1 To approve and execute the Site Plan Agreement(s) and cause them to be registered against the land in accordance with Subsection 41 (10) of the Act.

## **Removal of Site Plan Control Agreements from Title**

- 8.3 To terminate an agreement entered into by the Corporation as provided for in Section 8.2 when the development provided for in the said agreement has not

commenced or an alternate development has been approved in accordance with Section 8.1.

### **Community Improvement Plan Grant Assignment Agreements**

- 9.1 To approve and execute the Community Improvement Grant Assignment Agreements for existing Community Improvement Grant Agreements, satisfactory in form and content to the City Solicitor, and in financial content to the City Treasurer.

## SCHEDULE “B”

Council hereby delegates to the City Planner the authority:

### Agreements

- 1.1 To sign agreements stating that the restrictions set out in paragraph 2 of subsection 29(1.2) and paragraph 1 of subsection 29 (8) of the *Ontario Heritage Act* (the “Heritage Act”) do not apply to applications under the Heritage Act.

### Complete Application

- 2.1 a) To determine whether an application submitted to Council pursuant to sections 33, 34 or 42 of the Heritage Act is complete or incomplete in accordance with *Ontario Regulation 385/21*.
- b) To notify an applicant as to the completeness or incompleteness of an application.

### Sandwich Heritage Conservation District Plan – Heritage Alteration Permit

- 3.1 To process applications for and issue permits for alterations pursuant to s. 42 (1) of the Heritage Act for the following works:
  - (i) Window or door removal without replacement,
  - (ii) Additions of a window or door in a new or altered opening,
  - (iii) Shutter removal (if original),
  - (iv) Addition or removal of front and side fencing,
  - (v) Decorative trim and bracket removal or replacement,
  - (vi) Removal of chimneys, if significant visual feature,
  - (vii) Removal or installation of cladding and siding,
  - (viii) Painting of previously unpainted brick or stone,
  - (ix) Re-roofing with different materials,
  - (x) Window removal where window is a significant feature from street,
  - (xi) Removal of brick or stone piers (if original), and
  - (xii) Wall mounted signage.

### Heritage Permits for Properties Designated on the Windsor Heritage Register

- 4.1 To process applications for and consent to alterations pursuant to s. 33 of the Heritage Act, with or without terms and conditions, through the issuance of Heritage Permits.

4.1.1 Classes of Applications delegated directly to the City Planner are:

- i) considered minor or non-substantive (as determined by City staff), which may include larger-scale alterations
- ii) verified by City staff to be acceptable and appropriate to the Heritage context and according to Heritage Standards (including but not limited to Standards and Guidelines for the Conservation of Historic Places in Canada, broadly accepted/recognized heritage conservation practices, and HCD plan policies and guidelines)
- iii) determined by City staff to not result in negative disruption or displacement to the cultural heritage value or interest of the property, or adversely impact the heritage designation of the property, and
- iv) alterations which may or may not require a building permit or other approvals under the Act.

**THIS AGREEMENT** made XX day of XXX 202 .

BETWEEN:

**THE CORPORATION OF THE CITY OF WINDSOR**  
(the “City”)

- and -

**XXXXXXXXXXXXXXXX**  
(the “Property Owner”)

**WHEREAS** the Property Owner owns the property at XXX (municipal address) Windsor, Ontario, more particularly described in Schedule "A" attached hereto and forming part of this Agreement (the “Property”);

**AND WHEREAS** the Property Owner submitted an application to the City for XXXXX (type of application, OPA, rezoning or subdivision approval) in connection with the Property (the “Application”);

**AND WHEREAS** the City proposes to designate the Property pursuant to the provisions of the Ontario Heritage Act (the “OHA”);

**AND WHEREAS** the OHA and O. Reg. 385/21 pursuant to OHA permit the Property Owner and the City (the “Parties”) to agree that the restrictions set out in paragraph 2 of subsection 29(1.2) and paragraph 1 of subsection 29 (8) of the OHA do not apply to the Application;

**NOW THEREFORE THE PARTIES AGREE AS FOLLOWS:**

1. The Parties hereto agree that the restrictions set out in paragraph 2 of subsection 29(1.2) and paragraph 1 of subsection 29(8) of the OHA do not apply in respect of the Property in connection with the Application.
2. It is further agreed between the Parties hereto that this Agreement shall be binding upon and enure to the benefit of the Parties hereto.
3. This Agreement may be executed in several counterparts, each of which so executed shall be deemed to be an original, and such counterparts together shall constitute but one and the same instrument.
4. The recitals hereto are true and form part of this Agreement

*[remainder of page left intentionally blank; signatures to follow]*

**IN WITNESS WHEREOF** the parties have signed this Agreement as of the year and date above written.

**THE CORPORATION OF THE CITY OF WINDSOR**

\_\_\_\_\_  
XXXXXX  
City Planner

I have authority to bind the Corporation

(if corporation)  
**PROPERTY OWNER:**

\_\_\_\_\_  
Name:  
Position:

\_\_\_\_\_  
Name:  
Position:

We have authority to bind the Corporation

(if individuals)

\_\_\_\_\_  
Name:

\_\_\_\_\_  
Name:



**“SCHEDULE “A”**

**PROPERTY**

; in the City of Windsor and County of Essex

**SCHEDULE “B”**



**Subject: City of Windsor Heritage Recognition 2023 (City-wide)**

**Reference:**

Date to Council: September 11, 2023

Author: Kristina Tang

Heritage Planner

ktang@citywindsor.ca

519-255-6543 X 6179

Tracy Tang

Planner II- Revitalization & Policy Initiatives

ttang@citywindsor.ca

519-255-6543 x 6449

Planning & Building Services

Report Date: August 21, 2023

Clerk's File #: MBA/2274

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the property owners and project team for the recent heritage conservation works at:
  - 787 Ouellette Ave – Former Windsor Utilities Commission
    - Tessonics Corporation (Roman & Elena Maev)
    - Passa Architects (Joseph Passa)
    - Alliance Contractors (Chris Weller)
  - 1958-1998 Wyandotte St E – Strathcona Building
    - Rosati Group (Tony Rosati, Nick Rosati, Vince Rosati Jr.)
  - 1167 Mercer St – Former International Playing Card Co.
    - Greater Essex County District School Board
    - J.P. Thomson Architects Ltd. (Colin McDonald, Adam Wakulchik, Mark Beaulieu)
    - Haddad Morgan Associates (Will Tape)
    - Fortis Group (Joe Maertens)

- 455 Giles Blvd E – Windsor Grove Cemetery
  - Ontario Ancestors, Essex Branch (Pat Clancy, David Hutchinson, Rosemary Lunau)
  - Windsor Grove/Windsor Memorial Gardens (Tony Andary)

**BE RECOGNIZED** with the 2023 Built Heritage Awards.

**Executive Summary: N/A**

**Background:**

City of Windsor celebrates heritage recognition annually to recognize and pay tribute to our land and landmarks, our nation's history, our diverse cultures and our traditions. This celebration typically involves Council recognition of individuals and organizations for their heritage stewardship, exceptional rehabilitations, and heritage preservation efforts through the Built Heritage Awards at a regular Council Meeting. In recent years, the Communications Department has also supported this event through creation of a highlight video that includes features of the recipients with interviews, screened at the Council meeting and posted on the City's social media platforms to reach a wider audience.

The nominations were a result of discussions by the citizen Heritage Committee members, facilitated by Heritage Planning staff.

**Discussion:**

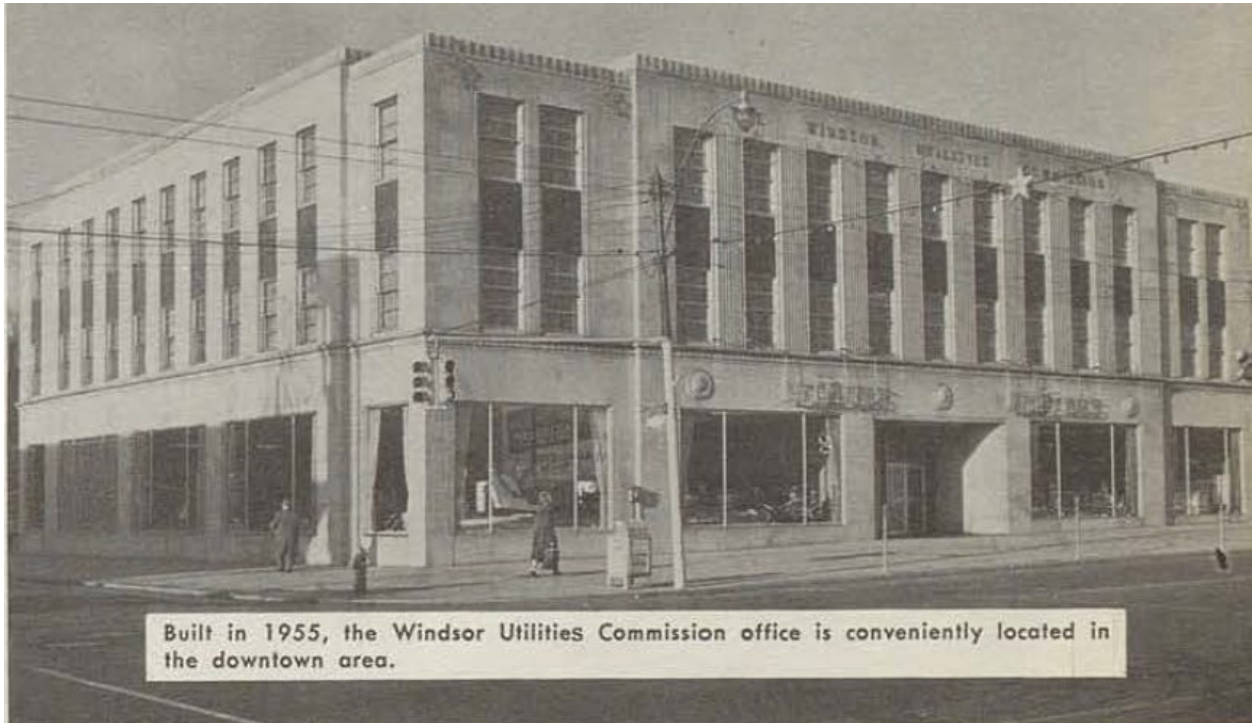
**Built Heritage Awards**

The following properties/organizations are to be recognized with a Heritage Award:

**787 Ouellette Ave – Former Windsor Utilities Commission**

787 Ouellette Avenue is recognized on the Windsor Municipal Heritage Register as a listed property, known as the Former Windsor Utilities Commission built in 1955 and designed by locally prominent architect D. J. Cameron. The property owners Roman and Elena Maev of Tessonics Corp. retained the project team (Joseph Passa of Passa Architects and Chris Weller of Alliance Contractors) to clean and restore the facade of the building. The facade improvements include exterior granite panel installation over top of existing limestone along the base of the building, removal of the inappropriate steel exterior band, limestone cleaning, addition of signage, medallions repairs, and patching areas where the limestone is missing for restoration of the medallions along the exterior of the building. The treatment of the building and cleaning methodologies applied are appropriate for the historic character of the building and help preserve the heritage-listed Downtown landmark for future generations. The facade improvements

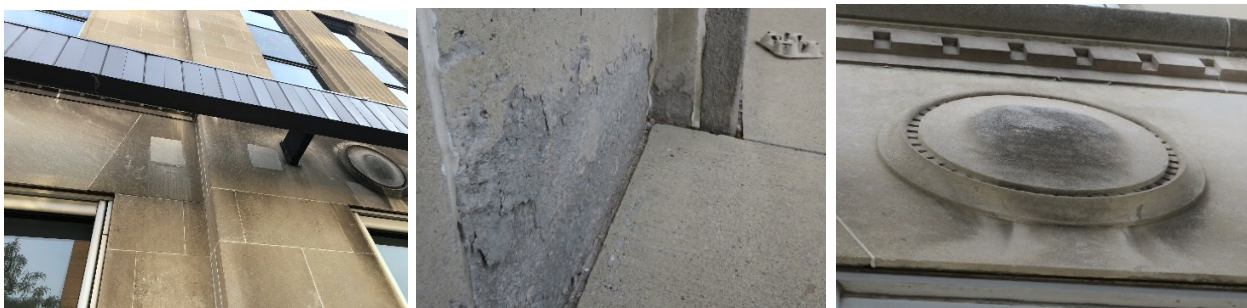
also contribute to the overall revitalization of the downtown and the public realm along the Ouellette Avenue Main Street.



Historic photograph of the Windsor Utilities Commission building from the mid-late 1950s



Google StreetView of the building in March 2021 and December 2020



Photographs of the building in its previous state, showing some erosion, staining, and inappropriate canopy addition



Photographs of the building after cleaning and restoration



Google StreetView of the building post-restoration

**1958-1998 Wyandotte St E – Strathcona Building**

The Strathcona Building, located at 1958-1998 Wyandotte Street East, was listed on the Windsor Municipal Heritage Register on August 27, 2007. The property is associated with Hiram Walker & Sons’ developments and locally significant architect Albert Kahn. In Fall 2021, the Owners of the property (Rosati Construction Inc., represented by Tony Rosati, Nick Rosati, and Vince Rosati Jr.) began discussions with the City about the redevelopment of Strathcona. The Owners worked with City staff to ensure our heritage-conscious recommendations were applied. The project team also consisted of Stephen White of Albert Kahn Associates Inc., Dave McCloskey of D. C. McCloskey Engineering Ltd., Robert Argent of Argent Architecture Design, and Mark Kurzak of Fieldcraft Engineering Ltd.

The scope of the redevelopment work included the removal of layers of paint from the brick facade (which revealed a red brick with purple undertones), masonry repairs, and the restoration of main street-appropriate storefront systems with transoms. The Owners also agreed to recreate the four historic bay windows using modern materials while respecting the original dimensions. They also commissioned a local artist to paint a mural on the rear wall capturing the history of Walkerville, the Strathcona Building, and the land developers. Further, interior improvements were undertaken to accommodate office spaces and restaurants. The Owners and their project team are congratulated for their investment in this historic Walkerville landmark, which may generate future investment and improvement in the surrounding area as well.





Photographs of the building in its previous state, showing some deterioration of storefronts



Restoration work conducted and the finished building

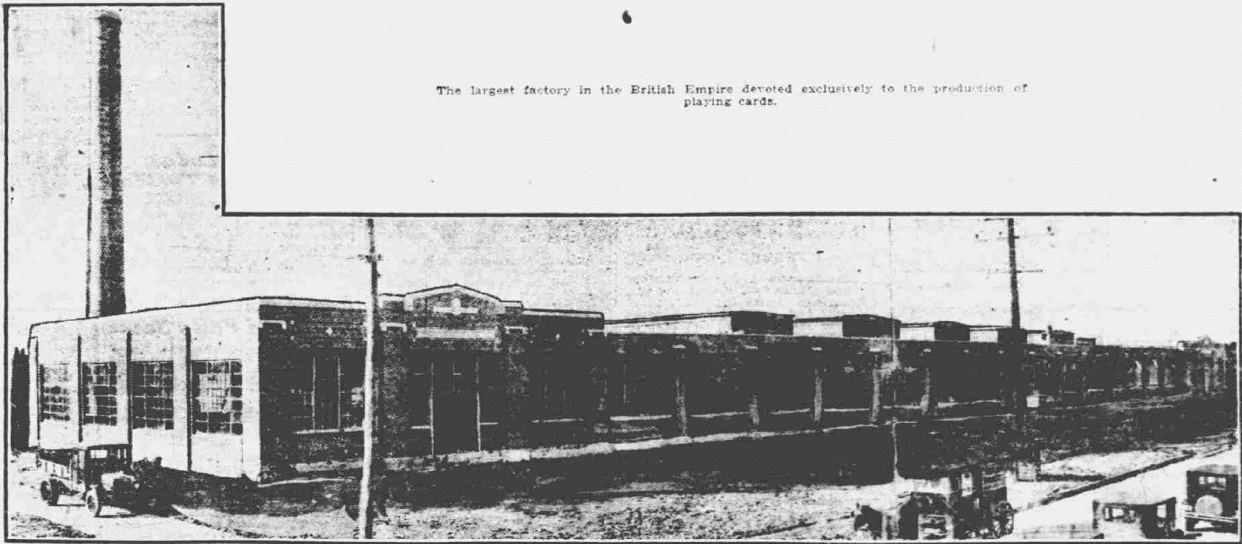
**1167 Mercer St – Former International Playing Card Co.**

This property is designated on the Windsor Municipal Heritage Register as the former International Playing Cards Co. building, constructed in 1930 and designed by architects Pennington & Boyde in simple Art Deco architectural style. Due to its vacancy and severely deteriorated state, the building was originally proposed for demolition.



However, through Council’s heritage designation of the property and great partnership by the Greater Essex County District School Board, their project architect J.P. Thomson Architects Ltd. pursued an alternative approach of adaptive reuse of the building.

The industrial building was transformed into an institutional space, where building walls were carefully salvaged through “deconstruction” and brickwork was reconstructed per original detailed drawings. Careful conservation of historical portions and details, such as repointing and retaining the tall chimney, replacing bricks to a proper match, and sourcing windows that match historic proportions, were incorporated into the project. Further, the new additions took inspiration from the historical use of the former card factory to provide homage in the new design, while salvaged manufacturing equipment are put on display in the library of the new school. The project was completed in late summer of 2022 for the grand opening in September 2022 as the new James L. Dunn Public School. The project is an excellent example of adaptive reuse, and the history of the building can be shared with future generations of the Windsor community. The project team consisted of J. P. Thomson Architects Ltd. (Colin McDonald, Adam Wakulchik, and Mark Beaulieu) as the lead architects, Haddad Morgan Associates (Will Tape) as engineering sub-consultants, Marcus LeTourneau as the third-party Heritage Consultant engaged by the School Board, and Fortis Group (Joe Maertens) as the general contractors for Phase 1 heritage reconstruction of the project.



Historic image of the newly constructed factory building (Border Cities Star, April 14, 1928)



Photographs of the property in its previous vacant state.



Rehabilitated appearance of the property (Courtesy of J.P. Thomson Architects Ltd.)

### **455 Giles Blvd E – Windsor Grove Cemetery**

The Windsor Grove Cemetery is located at Giles Boulevard East and Howard Avenue, and was established by by-law in 1864, making it one of the oldest cemeteries in Windsor-Essex. It was added to the Windsor Municipal Heritage Register on June 9, 2008. Ontario Ancestors, also known as the Ontario Genealogy Society, has a mission to preserve Ontario's genealogical heritage and assist interested persons in historic

research. Through the motto “saving history, one stone at a time”, volunteers with the Ontario Ancestors, Essex Branch have significantly contributed to the heritage preservation of Windsor through their work in recovering headstones, cleaning cemetery markers, and transcribing and documenting the markers as well into a digital database. The Ontario Ancestors, Essex Branch volunteers have previously conducted work at a number of other local cemeteries, including the Assumption Cemetery, Our Lady of the Lake Cemetery (next to Descent of the Holy Ghost), St. Alphonsus Cemetery, St. John’s Anglican Cemetery (Sandwich), and St. Mary’s Cemetery (Walkerville).

Specifically at Windsor Grove (managed by Tony Andary), the Ontario Ancestors, Essex Branch (most significantly Pat Clancy, David Hutchinson, and Rosemary Lunau) and many other volunteers started weekly preservation work in 2019. The volunteers used cemetery maps and probes to identify where markers were missing and uncovered them where they were discovered, used special monument-safe soap and cleaning methods to remove dirt, debris, environmental pollutants, lichen, etc., and documented all the information uncovered or collected. Additionally, the Ontario Ancestors, Essex Branch and the Windsor Grove Cemetery hosted 150 participants during the 2022 Doors Open event, making it a very successful tour location. Notably, in collaboration with the cemetery, they were able to install a cement foundation and a temporary marker for historically significant individual Lindon Clark Brooks, the first electric streetcar motorman and the first black electric streetcar motorman in North America, to keep his name and memory alive. The volunteers work in all weather, rain or shine, and have contributed many hours and efforts in preserving and uncovering the heritage of Windsor so that it can be recognized for years to come.



Photograph of the temporary grave marker that the volunteers and cemetery installed on the unmarked grave of locally significant resident Lindon Clark Brooks (Courtesy of Ontario Ancestors, Essex Branch)



Before and after photographs showing grave marker cleaning and unearthing (Courtesy of Ontario Ancestors, Essex Branch)

**Risk Analysis:**

No risk has been identified.

**Climate Change Risks**

**Climate Change Mitigation: N/A**

**Climate Change Adaptation: N/A**

**Financial Matters:**

A nominal cost will be incurred for the Heritage Awards.

**Consultations:**

The five citizen members of the Heritage component of the Development & Heritage Standing Committee, consisting of William Tape, Joseph Fratangeli, Khassan Saka, John Miller, and Charles Pidgeon, discussed the Heritage Recognition format and convened in past months to discuss candidate sites. The Mayor’s Office and City Communication staff were also consulted and will be involved in media outreach.

**Conclusion:**

The Owners and project teams for recent heritage conservation work at the properties of 787 Ouellette Ave – Former Windsor Utilities Commission, 1958-1998 Wyandotte St E – Strathcona Building, 1167 Mercer St – International Playing Cards, and 455 Giles Blvd E – Windsor Grove Cemetery, should be recognized for their excellent stewardship and conservation work.

**Planning Act Matters: N/A**

**Approvals:**

<b>Name</b>	<b>Title</b>
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

Notification list of property owners and recipients provided to Clerks.

**Appendices:**

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

**Reference:**

Date to Council: September 11, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: August 10, 2023  
Clerk's File #: SAA2023

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

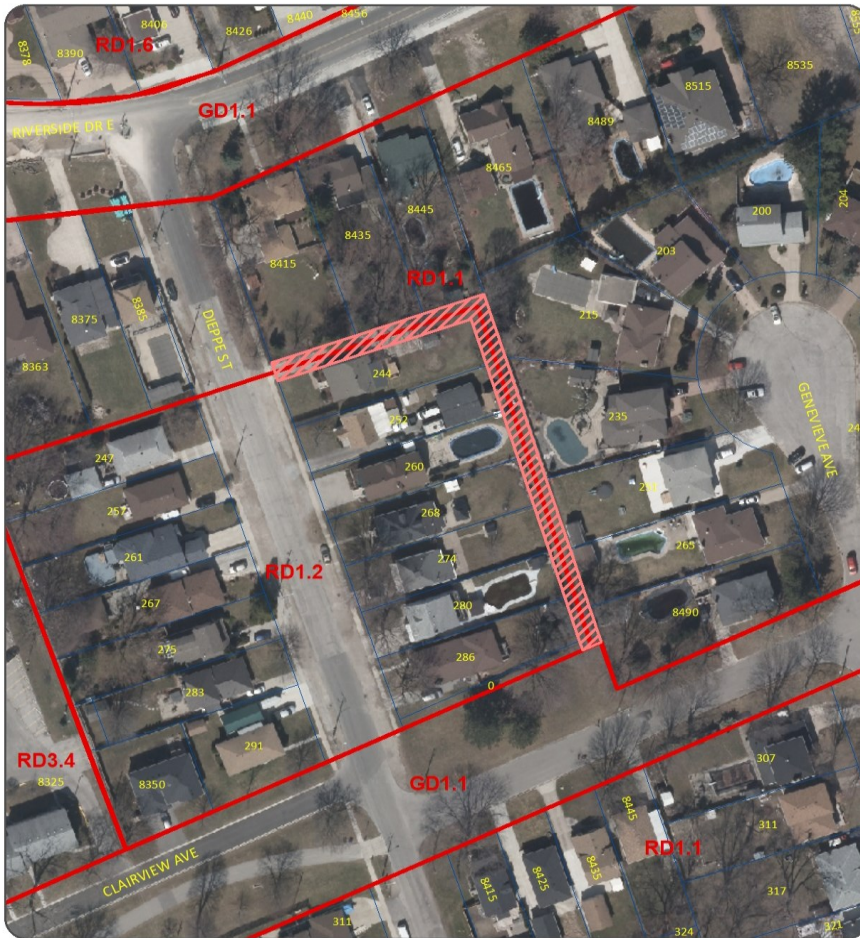
**Recommendation:**

- I. THAT the 4.88-metre-wide north/south alley located between Clairview Avenue and the property known municipally as 8445 Riverside Drive East (legally described as Lot 1, Part of Lot 2 & Part of Closed Riverside, Plan 1029), and shown on Drawing No. CC-1822 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject north/south alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject north/south alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Bell Canada to accommodate aerial cable/poles;
    - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240-volt hydro distribution; and
    - iii. MNSi. to accommodate existing aerial plant on the poles.
- III. THAT the 4.88-metre-wide east/west alley located between Dieppe Street and the subject north/south alley, and shown on Drawing No. CC-1822 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject east/west alley", **BE ASSUMED** for subsequent closure;

- IV. THAT the subject east/west alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. Easement over that portion of the subject east/west alley abutting the property known municipally as 8415 Riverside Drive East (legally described as Lots 4 & 5, Part of Closed Street, Plan 1029), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. The owner of the property known municipally as 8415 Riverside Drive East for access to maintain their hedgerow bordering the said portion of the subject east/west alley.
- V. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.1 or RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1822, *attached* hereto as Appendix "A".
- VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VIII. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

**Executive Summary:**

N/A



**STREET & ALLEY CLOSING (SAA/6844)**

1:1,000

APPLICANT : CLAIRE OFNER AND JACK TOBIN

 SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: AUGUST, 2022



**Figure 1 - Location Map**

**Background:**

The applicant, Claire Ofner, owner of the property known municipally as 244 Dieppe Street (the subject property), applied to close the north/south alley located between Clairview Avenue and 8445 Riverside Drive East (the north/south alley), and the east/west alley located between Dieppe Street and the north/south alley (the east/west alley), and shown on Drawing No. CC-1822 *attached* hereto as Appendix “A”, and also shown on the aerial photo *attached* hereto as Appendix “B”.

The north/south alley and east/west alley were established by Registered Plan 1029, registered on November 14, 1921.

The north/south alley is unmaintained and composed primarily of grass with sporadic trees located throughout. The north/south alley contains utility poles with guy wires and anchors. Over the years abutting properties encroached into the alley with fences. The subject property, 252 & 260 Dieppe Street, and 251 & 265 Genevieve Avenue



encroached on more than half of the north/south alley. There are no Encroachment Agreements on record for the use of the north/south alley.

The east/west alley is unmaintained and composed primarily asphalt and grass. The asphalt portion of the east/west alley is being utilized as a driveway by the subject property. The asphalt was installed over an existing gravel driveway sometime between 2019 and 2021. Over the past several decades the subject property has encroached into the east/west alley, utilizing it as a driveway and an extension of the rear yard. There are no Encroachment Agreements on record for the use of the east/west alley.

The applicant wishes to close the north/south alley for the purpose of purchasing the section abutting the subject property, which has been encroached on and utilized as an extension of the rear yard for several years.

The applicant wishes to close the east/west alley for the purpose of satisfying an Order to Comply issued for paving a portion of the east/west alley.

### **Discussion:**

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

### **Classification of Public Right-of-Ways**

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

1. *Does the subject alley serve commercial properties?*
  - a. The north/south alley and east/west alley do not serve any commercial properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The north/south alley and east/west alley do not serve properties fronting on heavily travelled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The north/south alley and east/west alley do not contain any sewers.

4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The north/south alley and east/west alley do not serve as the only vehicular means of access to any rear parking areas or garages.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The north/south alley and east/west alley do not contain any Fire Department connections.
6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
  - a. The north/south alley and east/west alley do not lie within a Holding zone or other similar undeveloped area.

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

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

This includes the subject property, 252 Dieppe Street, 260 Dieppe Street, 251 Genevieve Avenue and 265 Genevieve Avenue, all of which have encroached upon more than their half of the north/south alley. This approach is being taken in order to be as fair as possible in conveying the north/south alley, which no abutting property owners have permission to encroach upon.

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

This excludes those portions of the east/west alley abutting 8415 Riverside Drive East and 8435 Riverside Drive East, which are recommended to be offered firstly to the owner of the subject property. This recommendation is based on the historical use of the east/west alley by the subject property in conjunction with the owners of 8415 Riverside Drive East waiving their right to purchase their half of the alley and owners of 8435 Riverside Drive East not expressing any interest to purchase their half of the alley to date.

It should be noted that if the owners of 8415 Riverside Drive East and 8435 Riverside Drive East were to purchase their half of the east/west alley, they will be receiving it as-is. This means that the removal of the existing asphalt driveway belonging to the subject property and the restoration of their half of the east/west alley will be come a civil matter.

### **Risk Analysis:**

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

### **Climate Change Risks**

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

N/A

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

N/A

### **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.1 or RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

### **Consultations:**

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

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

The owner of 280 Dieppe Street verbally indicated that they do not object to the closure and would like to purchase their half of the north/south alley should it be closed.

The owner of 286 Dieppe Street confirmed via email that they do not oppose the closure of the north/south alley.

The owner of 8415 Riverside Drive East verbally indicated that they are amenable to waiving their right to purchase their half of the east/west alley, if an easement is granted allowing them access to maintain their hedgerow bordering the alley.

The owners of 8445 Riverside Drive East confirmed via email that they do not oppose the closure of the north/south alley or the east/west alley.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of

each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

**Conclusion:**

The Planning Department recommends closure of the north/south alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, ENWIN Utilities Ltd., and MNSi as in Recommendations II of this report.

The Planning Department recommends closure of the east/west alley shown on attached Appendix “A”, subject to an easement in favour of 8415 Riverside Drive East as in Recommendations IV of this report.

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

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP*  
*Manager of Development Planning*

*Neil Robertson, MCIP, RPP*  
*Acting City Planner*

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

*JP JM*

**Approvals:**

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

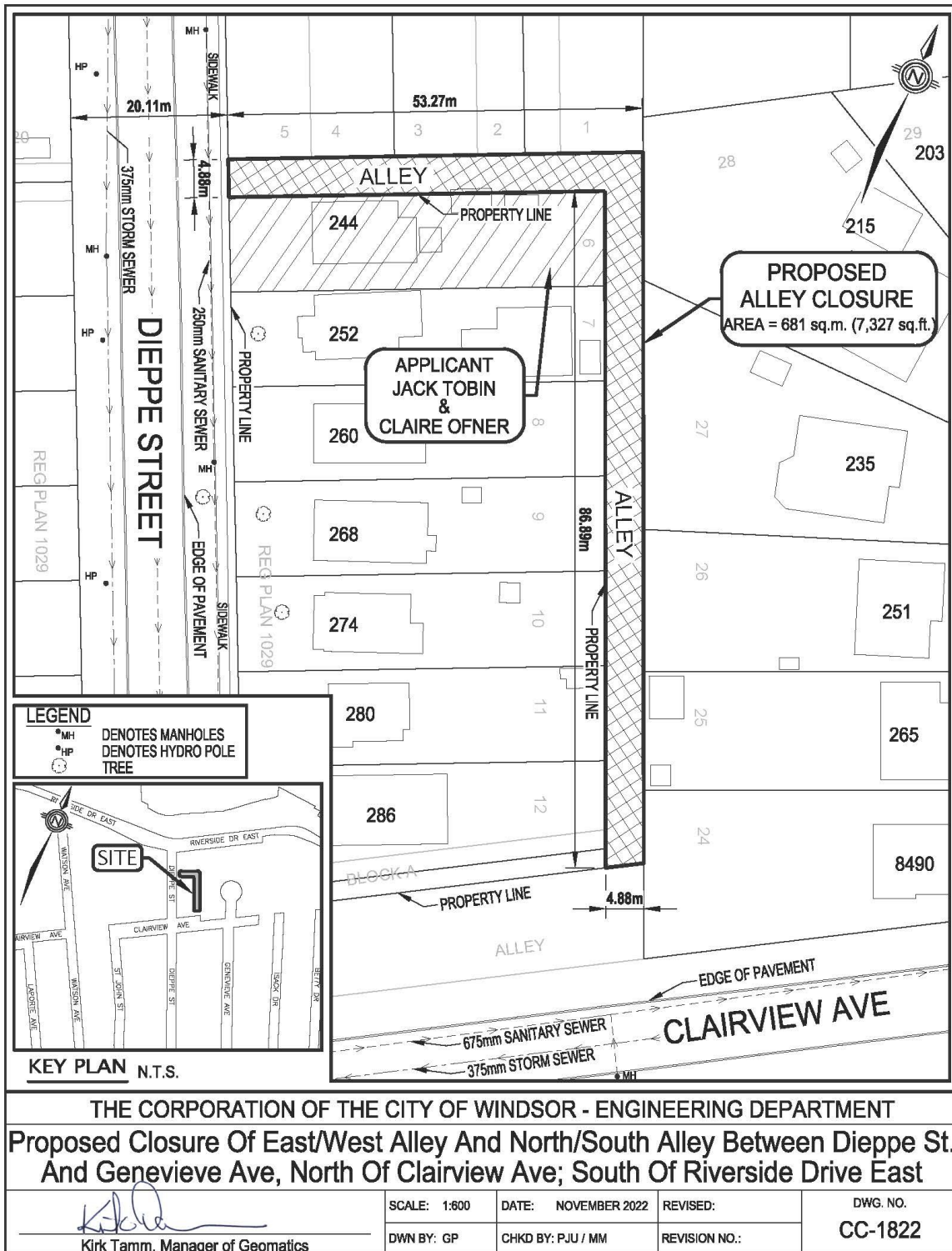
**Notifications:**

Name	Address	Email
Ward 6 Councillor Jo-Anne Gignac	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	joagignac@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

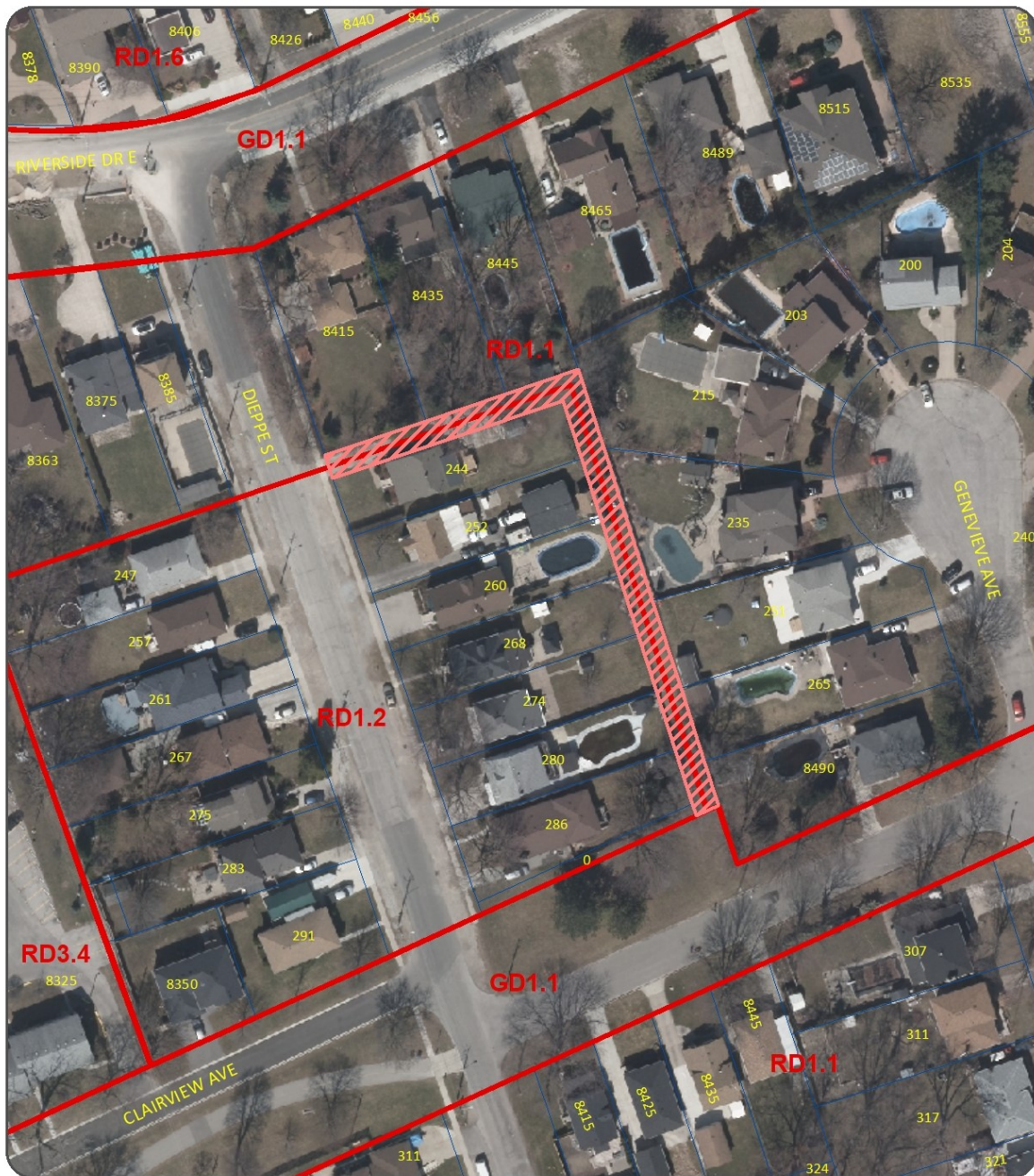
**Appendices:**

- 1 Appendix A - Drawing No. CC-1822
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

### APPENDIX "A" Drawing No. CC-1822



### APPENDIX "B" EIS Drawing - Aerial Photo



### STREET & ALLEY CLOSING (SAA/6844)

1:1,000

APPLICANT : CLAIRE OFNER AND JACK TOBIN

 SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: AUGUST, 2022



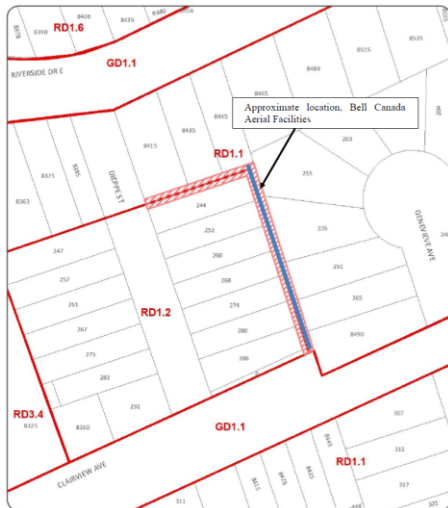
## **APPENDIX “C”**

### **Consultations with Municipal Departments and Utility Companies**

#### **BELL CANADA WSP**

Bell Canada requests a 3.0 m wide easement, to measure 1.5 m on either side of the aerial cable/poles for the length of the n/s portion of the alley.

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



#### **COGECO CABLE SYSTEMS INC.**

No comments provided

#### **ENBRIDGE GAS**

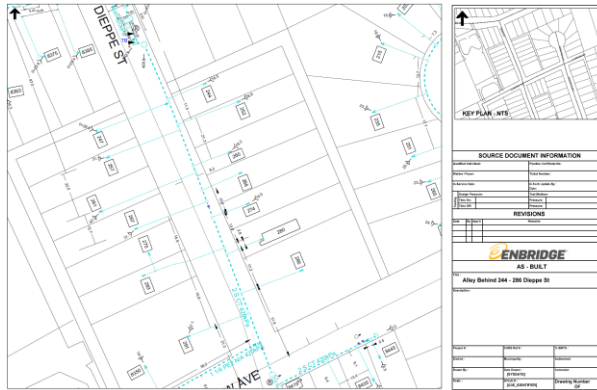
After reviewing the provided drawing at the alley behind 244 - 286 Dieppe St and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

#### **[Jose Delloso - Drafter / Estimator, Construction Windsor]**





## **ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

**[Anne-Marie Albidone - Manager, Environmental Services]**

## **ENWIN UTILITIES - HYDRO**

No objection, however, an easement named to ENWIN Utilities Ltd. is required for the entire North / South alley upon closing to accommodate existing overhead 120/240-volt hydro distribution.

**[Zachary Mancini - Hydro Engineering Technologist]**

## **ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg - Water Project Review Officer]**

## **LEGAL DEPARTMENT**

No comments provided

## **MNSi**

MNSi will require an aerial easement through the proposed alley closing as we have existing aerial plant on the poles

**[Dave Hartleib - Outside Plant Manager]**

## **PARKS & FACILITIES**

Parks Design & Development has no objection pertaining this SAA/6844 LIAISON

**[Sherif Barsom - Landscape Architect]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No objections from a landscape architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING**

No comments provided

**PUBLIC WORKS - OPERATIONS**

There are no maintenance concerns and the application is supported.

**[Roberta Harrison - Coordinator Maintenance]**

**PUBLIC WORKS - TRAFFIC**

The east west alley shown is used as a driveway by 244 Dieppe. If the applicant does not secure the full width, there may be some access restrictions with vehicles, however it may satisfy encroachment concerns. Since the applicant is the one requesting the closure, there is no objection to closing as proposed.

Recommend closing the north/south alley up to the south property line of 286 Dieppe to avoid any projections and match geometry.

**[Mike Spagnuolo - Signal Systems Analyst]**

**ROGERS COMMUNICATIONS**

No comments provided

**TELUS COMMUNICATIONS**

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

**[Meghna Patel - Permit Coordinator]**

**TRANSPORTATION PLANNING**

244 Dieppe St is utilizing the adjacent alley for parking, however, there are no concerns with the proposed closure since they are the applicants with the closure request.

**[Shannon Deehan - Transportation Planning Coordinator]**

**TRANSIT WINDSOR**

Transit Windsor has no objections.

**[Jason Scott - Supervisor, Planning]**

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of this L-shaped section of alley between Dieppe Street and Genevieve Avenue. Closure will not carry any negative impact to police response or service delivery capacity for the affected properties.

**[Barry Horrobin - Director of Planning & Physical Resources]**

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



*Figure 1 - Dieppe Street, looking south from entrance to east/west alley*



*Figure 2 - Dieppe Street, looking north from entrance to east/west alley*



Figure 3 - Looking east towards east/west alley from Dieppe Street



Figure 4 - Looking north towards north/south alley from Clairview Avenue

## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

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

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

#### **Suitability for Closing:**

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

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

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

**Reference:**

Date to Council: September 11, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: August 10, 2023  
Clerk's File #: SAA2023

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

**Recommendation:**

- I. THAT the 4.57-metre-wide east/west alley located between Alexandra Avenue and Academy Drive, save and except that portion containing the City's concrete sidewalk and chain-link fences, and shown on Drawing No. CC-1826 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject east/west alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject east/west alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Bell Canada to protect existing aerial infrastructure;
    - ii. Enbridge to accommodate existing underground infrastructure;
    - iii. ENWIN Utilities Ltd. to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line, and 200.0 millimetre watermain; and
    - iv. MNSi. to accommodate existing aerial infrastructure.
  - b. 6.0-metre-wide easement, measured 3.0 metres from either side of the City's 300.0 millimetre asbestos cement sanitary sewer, subject to there being accepted in the City's standard form and in accordance with the

City's standard practice, be granted to The Corporation of the City of Windsor.

- III. THAT the 4.57-metre-wide north/south alley located between Northwood Street and the subject east/west alley, and shown on Drawing No. CC-1826 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject north/south alley", **BE ASSUMED** for subsequent closure;
- IV. THAT the subject north/south alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Bell Canada to protect existing aerial infrastructure;
    - ii. ENWIN Utilities Ltd. to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line; and
    - iii. MNSi. to accommodate existing aerial infrastructure.
  - b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner.
- V. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.4, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- VI. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1826, *attached* hereto as Appendix "A".
- VII. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VIII. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

### **Executive Summary:**

N/A





**STREET & ALLEY CLOSING (SAA/6922)**

1:1,750

APPLICANT : ANNA FARIAS VERHESE

▨ REQUESTED & TO BE RECOMMENDED FOR CLOSURE    
 ▨ TO BE RECOMMENDED FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: OCTOBER, 2022



**Figure 1 - Location Map**

**Background:**

The applicant, Anna Verghese, owner of the property known municipally as 2589 Academy Drive (the subject property), applied to close the portion of the east/west alley abutting the subject property to the south, and shown on Drawing No. CC-1826 *attached* hereto as Appendix “A”, and also shown on the aerial photo *attached* hereto as Appendix “B”.

The applicant wishes to close the east/west alley for the purpose of enlarging the subject property to accommodate the construction of an attached garage on the south side of their home.

The Planning Department is recommending that the entire east/west alley be closed, save and except that portion containing the City’s concrete sidewalk and chain-link fences (the east/west alley). The Planning Department is also recommending that the north/south alley located between Northwood Street and the east/west alley be closed (the north/south alley).

The north/south and east/west alleys were established by Windsor Manor No. 2 Registered Plan of Subdivision 1307, registered on June 14, 1928, and used for

agricultural purposes until approximately 1954 when the abutting lands began to be developed as single family dwelling lots (refer to Figure 2 below).



**Figure 2 - 1954 Aerial Photo**

**(Ontario Department of Lands and Forests)**

The north/south alley is unmaintained and composed primarily of grass and landscaping. The alley contains utility poles with guy wires and anchors. Over the years abutting properties encroached into the alley with fences, patios, a pergola and sheds. Each lot roughly encroached into its abutting half of the alley. There are no Encroachment Agreements on record for the use of the alley.

The east/west alley is unmaintained and composed primarily of grass and natural vegetation. The alley contains a 200.0 millimetre watermain and a 300.0 millimetre asbestos cement sanitary sewer. The subject property appears to have encroached into the alley with a fence. There are no Encroachment Agreements on record for the use of the alley.

### **Discussion:**

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

### **Classification of Public Right-of-Ways**

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

1. *Does the subject alley serve commercial properties?*

- a. The north/south and east/west alleys do not serve any commercial properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
    - a. The north/south and east/west alleys do not serve any properties fronting on a heavily travelled street.
  3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
    - a. The north/south alley does not contain any sewers.
    - b. The east/west alley contains a 300.0 millimetre asbestos cement sanitary sewer.
      - The Public Works - Engineering Department has no objections to the requested closure subject to an easement being granted in favour of the City for access to service and maintain the sewer.
  4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
    - a. The north/south and east/west alleys do not serve as the only vehicular means of access to any rear parking areas or garages.
  5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
    - a. The north/south and east/west alleys do not contain any Fire Department connections.
  6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
    - a. The north/south and east/west alleys do not lie within a Holding zone or other similar undeveloped area.

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

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the north/south and east/west alleys in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley to the abutting property owners, which is the standard manner of conveyance. This recommendation includes direction to the Ontario Land Surveyor to use existing encroachments or the centre of the alley where there are no encroachments for

determining the boundaries of the lands to be conveyed to each abutting property owner from the north/south alley.

**Risk Analysis:**

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

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.4 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

**Consultations:**

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

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

The owners of 2451 Academy Drive and 2491 Academy Drive confirmed via email and phone conversation respectively that they wish to purchase their halves of the north/south alley based on current encroachments.

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

**Conclusion:**

The Planning Department recommends closure of the north/south alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, ENWIN Utilities Ltd., and MNSi as in Recommendation IV.

The Planning Department recommends closure of the east/west alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, The Corporation

of the City of Windsor, Enbridge, ENWIN Utilities Ltd., and MNSi as in Recommendation II.

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

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP*  
*Manager of Development Planning*

*Neil Robertson, MCIP, RPP*  
*Acting City Planner*

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

*JP JM*

**Approvals:**

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

**Notifications:**

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

**Appendices:**

- 1 Appendix A - Drawing No. CC-1826
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

### APPENDIX "A" Drawing No. CC-1826



<b>THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT</b>			
<b>Proposed Closure East/West And North/South Alley Between Academy Drive &amp; Alexandra Avenue From Northwood Street to E.C Row</b>			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:2000	DATE: December 2022	REVISED: .
	DWN BY: GP	CHKD BY: PJU / MM	REVISION NO.: .
			DWG. NO. <b>CC-1826</b>

### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6922)

1:1,750

APPLICANT : ANNA FARIAS VERHESE

 REQUESTED & TO BE RECOMMENDED FOR CLOSURE
  TO BE RECOMMENDED FOR CLOSURE



PLANNING DEPARTMENT - PLANNING POLICY

DATE: OCTOBER, 2022



## APPENDIX "C"

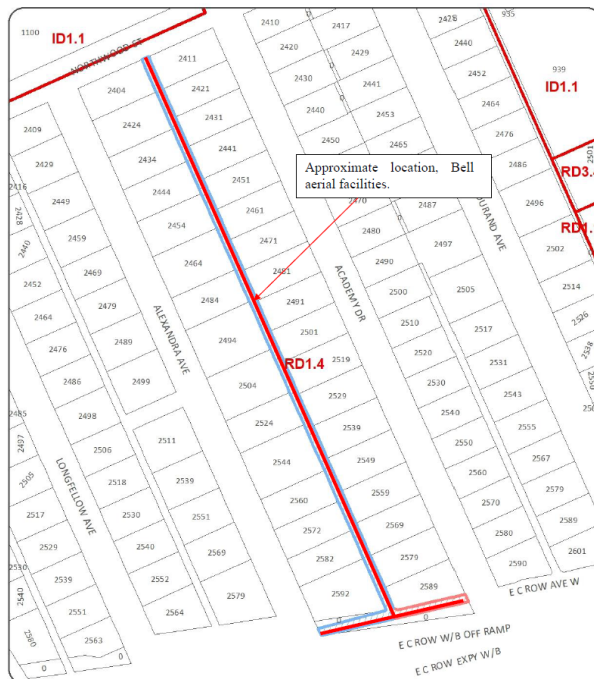
### Consultations with Municipal Departments and Utility Companies

#### **BELL CANADA WSP**

Bell Canada requests a 3.0 m easement for the N/S length and E/W section to protect existing aerial infrastructure.

If 1.5 m on either side of the aerial facilities is not available, we request the entire width of the alley.

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



#### **CANADA POST**

No comments provided

#### **COGECO CABLE SYSTEMS INC.**

No comments provided

#### **ENBRIDGE GAS**

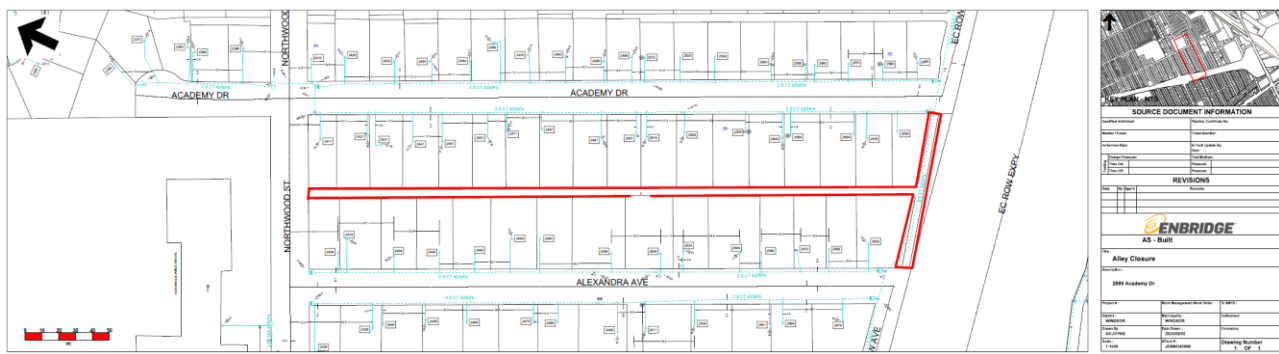
Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0 m horizontal and 0.6 m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to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

### **[Gord Joynson - Drafter / Estimator]**



### **ENVIRONMENTAL SERVICES**

No concerns from Environmental Services

### **[Anne-Marie Albidone - Manager, Environmental Services]**

### **ENWIN UTILITIES - HYDRO**

No objection to alley closing, however, an easement named to ENWIN Utilities Ltd. is required upon closing for the whole width and length of the entire alley both N/S and E/W to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line.

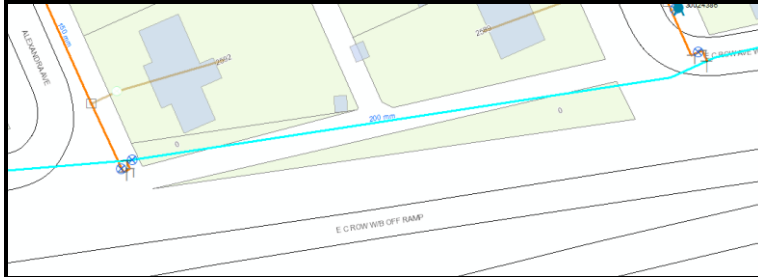
Prior to working in these areas, we suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction. Also, we suggest referring to the Ontario Building Code for required clearances for New Building Construction.

### **[Nillavon Balachandran - Hydro Engineering Technologist]**

**ENWIN UTILITIES - WATER**

There is a 200mm watermain that crosses the alley between Alexandra and Academy.

**[Bruce Ogg - Water Project Review Officer]**

**LEGAL DEPARTMENT**

For both the e/w and n/s alley, \$1 plus deed preparation and proportionate share of survey cost, as appropriate. Note even though the e/w alley adds frontage, it does not allow for the creation of a new lot and therefore market rate does not apply.

**[Chris Carpenter - Coordinator of Real Estate Services]**

**MNSi**

Sorry this one will also be an Aerial Easement

**[Dave Hartleib - Outside Plant Manager]**

**PARKS & FACILITIES**

**January 12, 2023**

I originally replied to this SAA/6922 Liaison on January 3rd to Meghan (cc above) with no comments from Parks Design & Development side as this area is not a public park. I also checked the EIS system for a second time now and there wasn't any existing trees on this area except for 2 trees at the Academy DR. side which are located outside of the requested area to be closed. See attached map from EIS. If there are any other existing trees in the required closure area then may be it's not recorded on the city EIS system or it's not owned by the city. Anyway, my understanding for this requested closure area as per the Liaison SAA/6922 is that the green area beside the existing walkway/trail E/W that needs to be closed but not the existing walkway/trail E/W.

I'm not rejecting the whole closure request or do not support the closure as only for this reason as long as the existing walkway will still open and out of the closure.

Also, the submitted map within the Liaison is not clear enough to confirm that the walkway/trail E/W will be closed. But definitely you can add a comment from your side confirming that the existing walkway/trail E/W must remain open.

**January 3, 2023**

Parks Design & Development has no comments for this SAA/6922 Liaison

**[Sherif Barsom - Landscape Architect]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

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

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING**

The subject north-south closure is composed of grass and dirt. There are hydro poles and overhead wires in this section. An easement will be required for utilities. There are no sewers or manholes within the proposed closure. The east-west portion of the closure is composed of grass and dirt. There may be a sanitary sewer and watermain in this section of alley, a sewer and watermain easement is required. A survey would have to determine the precise location of the subject alley, sidewalk and fences. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure.

**[Thomas Huynh - Technologist I]**

**PUBLIC WORKS - TRAFFIC**

There is an existing sidewalk that connects Alexandria to Academy, leading to E.J. Lajeunesse School. Closing any section of the east/west alley as shown will affect the pathway and is not supported. Any consideration to closures of the east/west alley should remain clearly north of the existing chain link fence to keep the pathway intact. The north/south alley is currently inaccessible. No concerns with closing the north/south alley up to the south lot lines of 2592 Alexandria/2589 Academy.

**[Mike Spagnuolo - Signal Systems Analyst]**

**ROGERS COMMUNICATIONS**

No comments provided

**TELUS COMMUNICATIONS**

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

**[Meghna Patel - Permit Coordinator]**

**TRANSPORTATION PLANNING**

To ensure the sidewalk will be wide enough according to AODA standards and potentially putting a multiuse path, Transportation Planning has no concerns on the closure of the E/W alley such that there is 6 metres left opened from the south edge of the chain link fence. This width is required to allow access for maintenance and construction. Transportation Planning has no concerns on the closure of the N/S alley.

**[Clare Amicarelli - Transportation Planning Coordinator]**

**TRANSIT WINDSOR**

No comments provided

**WINDSOR FIRE**

No issues with Fire

**[Mike Coste - Chief Fire Prevention Officer]**

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of this alley. The current configuration of the space is already physically closed off to vehicular access that the police would/could utilize and thus, closure will not carry any negative impact to police incident response or service delivery capacity for the affected properties.

**[Barry Horrobin - Director of Planning & Physical Resources]**

**PPENDIX “D”**  
**Site Photos (December 5, 2022)**



*Figure 1 - Looking west towards east/west alley from Academy Drive (2589 Academy Drive on right)*



*Figure 2 - Looking west towards east/west alley (2589 Academy Drive on right)*



*Figure 3 - Looking west towards east/west alley (2589 Academy Drive on right)*



*Figure 4 - Looking north towards north/south alley from midpoint of east/west alley (2589 Academy Drive on right)*



*Figure 5 - Looking east towards east/west alley (2592 Alexandra Avenue on left)*



*Figure 6 - Looking south towards north/south alley from Northwood Street (2404 Alexandra Avenue on right)*



## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

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

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

#### **Suitability for Closing:**

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

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



**Committee Matters: SCM 122/2023**

**Subject: Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765**

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

That the report of the Planner II – Development Review dated March 3, 2023, entitled “Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765” **BE REFERRED** back to Administration to consult with the resident and other departments with options for addressing the flooding issues within the Perth Street right-of-way; and,

That this information **BE BROUGHT FORWARD** to a future meeting of the Development & Heritage Standing Committee.  
Carried.

Report Number: S 28/2023  
Clerk’s File: SAA2023

**Clerk’s Note:**

1. The recommendation of the Development & Heritage Standing Committee and Administration are the same.
2. Please refer to Item 11.1 from the Development & Heritage Standing Committee held on April 5, 2023.
3. To view the stream of this Standing Committee meeting, please refer to:  
<http://csg001-harmony.sliq.net/00310/Harmony/en/PowerBrowser/PowerBrowserV2/20230405/-1/9402>

**Subject: Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765**

**Reference:**

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

Planning & Building Services  
Report Date: March 3, 2023  
Clerk's File #: SAA2023

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

**Recommendation:**

- I. THAT the portion of the 4.57-metre-wide east/west alley located between Perth Street and the east limit of the property known municipally as 1707 Armanda Street (legally described as Lots 666 to 669, Plan 708), and shown on Drawing No. CC-1813 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "Subject Lands", **BE ASSUMED** for subsequent closure;
- II. THAT the Subject Lands **BE CLOSED AND CONVEYED** to the owner of 1707 Armanda Street and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
    - i. Bell Canada for protection of existing buried facilities;
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.1 or DRD1.1, \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
  - b. For that portion of the Perth Street right-of-way abutting 1707 Armanda Street to the southerly limit of the north half of the east/west alley, \$25.50 per square foot. For the southerly remaining portion of the Perth Street right-of-way, \$10.00 per square foot;

- IV. THAT the request to close the 18.29-metre-wide Perth Street right-of-way located between Armanda Street and Wentworth Street **BE DEFERRED** for subsequent closure until such time that more is known on the final outcome of the Ojibway National Urban Park;
- V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1813;
- 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.

**Executive Summary:**

N/A



Figure 1 - Location Map

## Background:

The applicant, James Maxwell, owner of the property known municipally as 1707 Armanda Street (the subject property), applied to close the portion of the east/west alley abutting the subject property to the south (the alley) and the Perth Street right-of-way located between Armanda Street and Wentworth Street (the right-of-way), and shown on Drawing No. CC-1813 **attached** hereto as **Appendix "A"**, and also shown on the aerial photo **attached** hereto as **Appendix "B"**.

The alley is unmaintained and utilized as part of the rear yard for the subject property, which is occupied by a Single Family Dwelling. The alley is bound by the subject property to the north and 0 Wentworth Street (Roll No. 080-830-27400) to the south, both of which are owned by the applicant. The alley contains a chain-link fence, an ornamental garden with shrubs, part of a concrete pool deck and diving board, part of a concrete walkway, part of a detached garage and a wood fence. There are no Encroachment Agreements on record for the use of the alley.

The concrete pool deck and fence making up part of the swimming pool enclosure have been in place since at least 1978 (1978 Aerial Photo) and 1982 (April 20, 1982 Plan of Survey) respectively. The portion of the detached garage within the alley was constructed without a Building Permit between 1996 and 2000 (1996 & 2000 Aerial Photos). The concrete walkway that leads to an accessory building located at 0 Wentworth Street was constructed between 1987 and 1996 (1987 & 1996 Aerial Photos). The accessory building was constructed between 1987 and 1996 (1987 & 1996 Aerial Photos) without a Building Permit.

The right-of-way is unmaintained, composed of grass and vegetation in a natural state, and contains a north/south ditch running its entire length. The south portion of the right-of-way is included in the Prairie Remnants (Titcombe Road North) Life Area of Natural and Scientific Interest (ANSI) and the Tallgrass Prairie Heritage Park. Tallgrass Prairie Heritage Park is identified under C-248, a Private Member's Bill to establish an Act to amend the *Canada National Parks Act* for the creation of the Ojibway National Urban Park (ONUP).

Parks Canada launched a program in August 2021 to support the creation of a network of National Urban Parks. National Urban Parks aim to contribute to conservation goals, provide access to nature for major population centres, and contribute to reconciliation with Indigenous peoples.

C-248 was introduced in the House of Commons on February 9, 2022 and is currently in progress. The complete process for C-248 to become law is detailed below.

- C-248 passed first reading in the House of Commons on February 9, 2022.
- C-248 passed second reading in the House of Commons on June 8, 2022
- Standing Committee on Environment and Sustainable Development passed C-248 at their November 17, 2022 meeting.
- C-248 must subsequently receive third reading in the House of Commons, first reading, second reading, third reading and passage by the Senate, and Royal Assent before coming into force.

- C-248 is currently before the House of Commons for third reading and a final vote soon after.

The vegetation, which also encompasses parts of 0 Wentworth Street, **provides habitat for species at risk** as defined under the *Endangered Species Act, 2007, S. O. c.6* (the Act). This subsequently **will require** a permit or authorization from the Ministry of the Environment, Conservation and Parks (MECP), **prior** to a party conducting an activity on the said lands that could impact an endangered or threatened plant or animal or its habitat (i.e. construction, demolition, excavation, grading, grass cutting, landscaping, recreation, removal of vegetation, etc.). The party who is to conduct such activity is **responsible to obtain** any **required** permit or authorization from the MECP, and **comply** with the provisions of the Act. **Consultation** by the party with the MECP **prior** to undertaking an activity is **strongly advised** ([SAROntario@ontario.ca](mailto:SAROntario@ontario.ca)). Additional information can be found at the following MECP webpage:

[Development and infrastructure projects and endangered or threatened species](#)

The applicant wishes to close the alley and right-of-way for the reason that he maintains them and consequently would like to own them. The applicant also wishes to purchase the right-of-way so that he can regrade it to address the ongoing flooding issues stemming from the ditch.

**Discussion:**

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

1. *Does the subject alley serve commercial properties?*
  - a. The alley and right-of-way do not serve commercial properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The alley and right-of-way do not serve properties fronting on heavily travelled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley and right-of-way do not contain any sewers.

4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The alley and right-of-way do not provide vehicular access to any rear parking areas or garages.
  
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The alley and right-of-way do not contain any Fire Department connections.
  
6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
  - a. The alley lies in part within a Development Reserve District 1.1 (DRD1.1) zone, however is not required for any future development of the lands to the south.
  
  - b. The right-of-way lies in part within a DRD1.1 zone.
    - The closure may restrict the comprehensive development of the Registered Plans of Subdivision to the south, if and when they are developed, in the case that ONUP is not established or is established and does not include the said lands.

Based on the above in conjunction with the subject property's long standing encroaching concrete pool deck and fence, the Planning Department deems the alley "dispensable" and supports the requested closure.

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

Based on the above, the Planning Department deems the right-of-way "indispensable" and does not support the requested closure at this time.

The closure may be more appropriate in the future, if and when ONUP is established. Until such time, the closure is deemed to be **PREMATURE**. A future closure of the right-of-way will include the City retaining that portion located within the Prairie Remnants (Titcombe Road North) Life Area of Natural and Scientific Interest (ANSI) and the Tallgrass Prairie Heritage Park.

It is our recommendation that the request to close the right-of-way be **DEFERRED**.

## **Risk Analysis:**

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

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The rate for an alley and surplus lands conveyed to abutting lands zoned RD1.1 or DRD1.1 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

The rate for the portion of the Perth Street right-of-way abutting 1707 Armanda Street and extending to the southerly limit of the north half of the east/west alley is \$25.50 per square foot.

The rate for the remaining portion of the Perth Street right-of-way is \$10.00 per square foot.

## **Consultations:**

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

The Planning Department's Landscape Architect, the Public Works Traffic Operations Department and the Transportation Planning Department through their comments have advised that the right-of-way should remain open.

Notice of this application was issued to property owners abutting the alley and right-of-way on May 11, 2022 with no objections being received as of the writing of this report. The owner of 1685 Armanda Street, via phone conversation on May 31, 2022, confirmed that they would like to purchase their half of the right-of-way if it is closed.

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



**Conclusion:**

The Planning Department recommends closure of the alley shown on attached Appendix “A”, subject to an easement in favour of Bell Canada, as in Recommendation II of this report.

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

The Planning Department further recommends that the closure of the right-of-way shown on attached Appendix “A” be **DEFERRED** as in Recommendation IV of this report.

**Planning Act Matters:**

Brian Nagata, MCIP, RPP  
Planner II - Development

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

*Michael Cooke, MCIP, RPP*  
*Manager of Policy Planning*

*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 / Executive Director, Planning & Development Services
Denise Wright	Lease Administrator
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

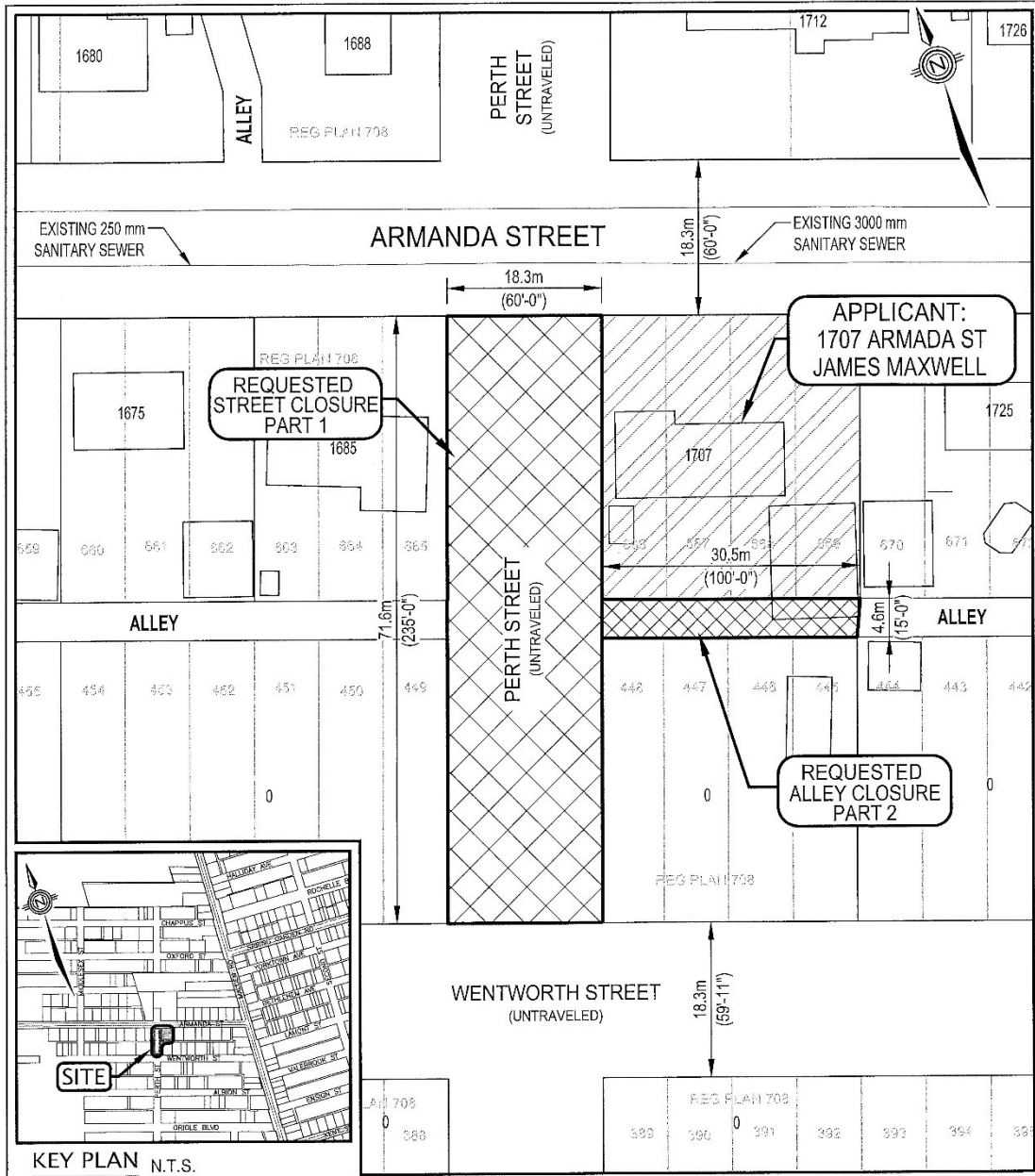
**Notifications:**

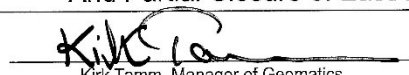
<b>Name</b>	<b>Address</b>	<b>Email</b>
Ward 1 Councillor Fred Francis	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	ffrancis@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

**Appendices:**

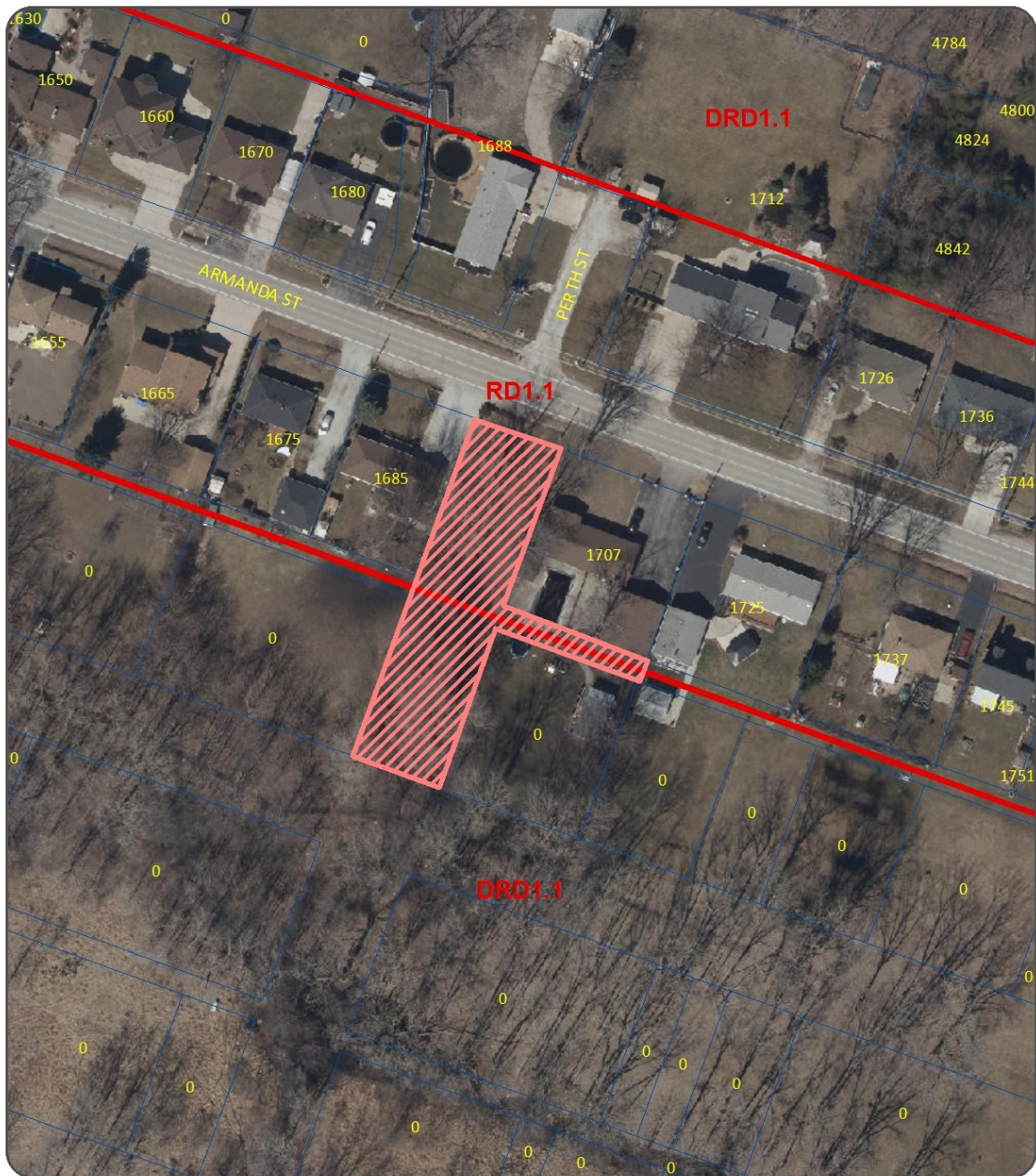
- 1 Appendix A - Drawing No. CC-1813
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

### APPENDIX "A" Drawing No. CC-1813



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT			
Proposed Closure of Perth Street Between Armada Street and Wentworth Street, And Partial Closure of East/West Alley Between Perth Street and Malden Road			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:600	DATE: MAY 2022	REVISED:
	DWN BY: DB	CHKD BY: PJU / MM	REVISION NO.:
			DWG. NO. CC-1813

### APPENDIX "B" EIS Drawing - Aerial Photo



### STREET & ALLEY CLOSING (SAS/6765)

1:1,000

APPLICANT : JAMES MAXWELL

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: MAY, 2022



### APPENDIX "C"

#### Consultations with Municipal Departments and Utility Companies

##### BELL CANADA WSP

Bell Canada requests an easement over the e/w alley portion to protect existing buried facilities; approximate location indicated by green line. Locates may be necessary to determine precise location.



STREET & ALLEY CLOSING (SAS/6765)

1:1,000

APPLICANT : JAMES MAXWELL



 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: MAY, 2022

##### CANADA POST

No comments provided

##### COGECO CABLE SYSTEMS INC.

No comments provided

## **ENBRIDGE GAS**

After reviewing the provided drawing at 1685 Armanda Street and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

### **Please Note:**

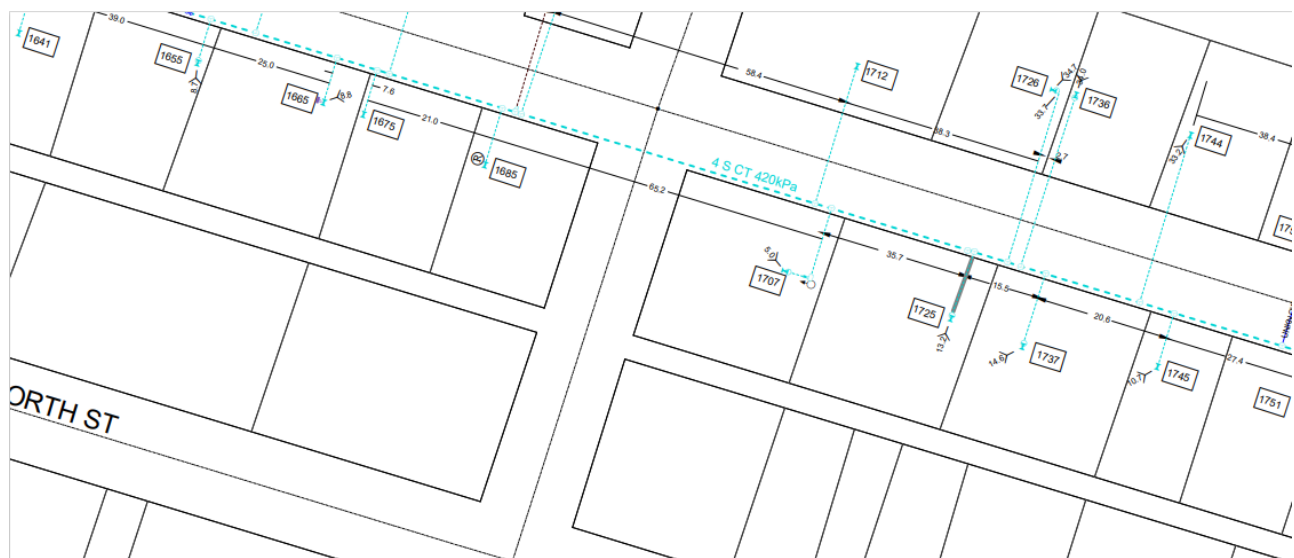
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0 m horizontal and 0.6 m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance measured from the edge of the pipeline to the edge of the final bore hole of 1 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, Summer Student - Drafting]**



**ENVIRONMENTAL SERVICES**

No comments provided

**ENWIN UTILITIES - HYDRO**

No objection to street & alley closing. Be advised that the overhead 120/240V service to the applicant's address crosses the North-East corner of the subject lands.

**[Zachary Mancini, Hydro Engineering Technologist]**

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**

**LEGAL DEPARTMENT**

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

For that portion of Perth abutting 1707 Armanda to the southerly limit of the north half of the east west alley, \$25.50 per square foot. For the southerly remaining portion of Perth, \$10.00 per square foot.

**[Denise Wright, Lease Administrator]**

**MNSi**

MNSi does not require an easement through the subject lands.

**[Dave Hartleib, Outside Plant Manager]**

**PARKS & FACILITIES**

I have the same opinion with what Stefan said within his below email to you today. It is recommended that the Perth Street Right-of-way not be closed and sold for this SAS/6765 LIAISON.

**[Sherif Barsom, Landscape Architect]**

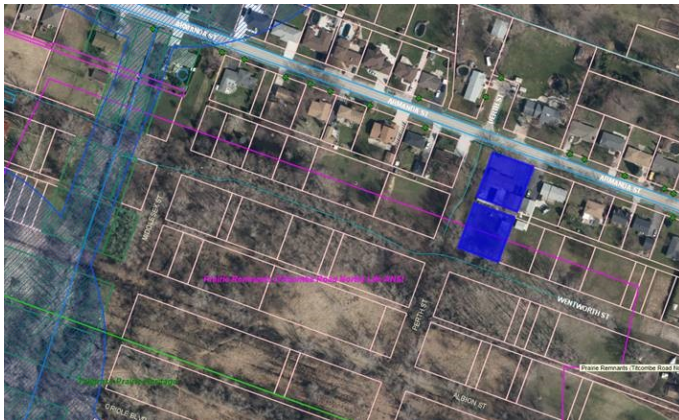
**PLANNING DEPARTMENT**

No comments provided

## **PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

The proposed street and alley closure abuts undeveloped wooded area immediately north of the Tallgrass Prairie Heritage Parkland. Within this parkland and the wooded area to the north of it are species at risk and significant wildlife habitat.

According to the 2017 aerial photography, the two properties owned by the applicant are developed and the yard is characterized by a manicured lawn, therefore there would be no objection to the closure of the east-west alley between the applicant's properties of 1707 Armanda and the unaddressed parcel on the undeveloped Wentworth Street immediate south of 1707 Armanda.



However, the application also calls for the closure of the undeveloped portion of Perth Street, between Armanda and Wentworth. The southern portion of the proposed Perth Street closure lies within the Prairie Remnants (Titcombe Road North) Life ANSI. A natural drain runs down the center of the Perth Street ROW as well as the Wentworth ROW, connecting up to the ERCA regulated wetlands, west of the proposed closure near the undeveloped Middlesex Street. Consultation with the City Naturalist and the Executive Director of Parks has identified that this unopened right of way provides species at risk habitat and a natural corridor for wildlife to move between Tallgrass Prairie Heritage Park and the natural area north of Armanda. Therefore, it is recommended that the Perth Street Right-of-way not be closed and sold.

**[Stefan Fediuk, Landscape Architect]**

## **PUBLIC WORKS - ENGINEERING**

The east/west section of the alley to be closed is approximately 31 m long and 5 m wide and composed of grass. The north/south section of right-of-way closure (Perth St.) is approximately 72 m long and 18 m wide and composed of grass. There are no sewers or manholes located within the closure. There is a drainage ditch within the north/south section. There are no hydro poles or guy wires within the alley. The alley and right-of-way have no usefulness, therefore, we have no objections to the closure application. If the alley isn't closed, the property owner at 1707 Armanda will be required to remove the encroaching objects or enter into an encroachment agreement with the City.

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



**PUBLIC WORKS - TRAFFIC**

The Perth St ROW will be needed to connect to the future road network connecting to Wentworth and southerly, and should remain as public right-of-way. Access is also required for all lot owners south of Armanda. The ROW may also be necessary to provide drainage to the ditch along the south side of Armanda.

The east/west alley south of 1707 Armanda is currently restricted by a chain link gate. No concerns with closing the east west alley south of the applicant property.

**[Mike Spagnuolo, Signal Systems Analyst]**

**ROGERS COMMUNICATIONS**

No comments provided

**TELUS COMMUNICATIONS**

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

**[Meghna Patel, Permit Coordinator]**

**TRANSPORTATION PLANNING**

The requested alley closure to the west of 1707 Armanda is indicated to become a future road (Perth St) and should remain open. Planning should be consulted on whether there are still plans for this land to become right-of-way. There are no objections to the proposed area to the south of 1707 Armanda.

**[Shannon Deehan, Transportation Planner I]**

**TRANSIT WINDSOR**

No comments provided

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

No comments provided

**APPENDIX "D"**  
**Site Photos (December 5, 2022)**



*Figure 1 - Looking east towards alley from Perth St right-of-way (1707 Armanda St left)*



*Figure 2 - Looking east towards alley from Perth St right-of-way (1707 Armanda St left)*



*Figure 3 - Perth St right-of-way, looking south from juncture with alley*



*Figure 4 - Perth St right-of-way, looking south from juncture with Wentworth St right-of-way*



*Figure 5 - Perth St right-of-way, looking north from juncture with alley (1707 Armanda St right)*



*Figure 6 - Looking south towards Perth right-of-way from Armanda St (1707 Armanda St left)*

## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

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

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

#### **Suitability for Closing:**

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

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

**Subject: Additional Information Memo to S 28/2023, Ward 1**

**Reference:**

Date to Council: September 11, 2023  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: August 22, 2023  
Clerk's File #: SAA2023

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

**Additional Information:**

**Addendum to Recommendation for Report S 28/2023:**

- Part b. of Recommendation III **BE DELETED**
- Recommendation IV **BE DELETED**
- Recommendations V, VI and VII **BE RENUMBERED** to IV, V and VI respectively

**Background:**

The Development & Heritage Standing Committee (DHSC), at their April 5, 2023 meeting, considered report S 28/2023 concerning the closure of the Perth Street right-of-way (R.O.W.) located between Armanda Street and Wentworth Street, and part of the east/west alley located east of Perth Street. DHSC approved the following motion directing Administration to provide additional information on options for addressing flooding issues within the Perth Street R.O.W.

*That the report of the Planner II - Development Review dated March 3, 2023, entitled "Closure of part of east/west alley located east of Perth Street, Ward 1, SAA-6765" **BE REFERRED** back to Administration to consult with the resident and other departments with options for addressing the flooding issues within the Perth Street right-of-way; and,*

*That this information **BE BROUGHT FORWARD** to a future meeting of the Development & Heritage Standing Committee.*

The additional information request stems from concerns about ongoing flooding in the Perth Street R.O.W. raised by the applicant through correspondence to the Planning Department and delegation to the DHSC.

**Discussion:**

The Public Works Department, via July 18, 2023 email, provided the Planning Department with the following options for mitigating flooding within the Perth Street R.O.W. and the impacts thereof on surrounding properties:

- File a local improvement petition for a new storm sewer;
- Apply for the basement flooding program to help protect their house; and/or
- Apply for the new culvert replacement program to help with ditch flow.

In this email, the Public Works Department confirms that the drains in the area have very little grade, and the water will take longer to get to the outlet. Therefore, it is preferred that the Perth Street R.O.W. remain open and naturalized as any changes to the inlying ditch may create issues for surrounding properties.

The Planning Department provided the aforesaid information to the applicant via July 27, 2023 email. The applicant, via same day follow-up email, requested that the scope of his application be amended to exclude the Perth Street R.O.W. due to the high conveyance price. The Planning Department has no concerns with the request and is consequently recommending that the Recommendation of report S 28/2023 be amended accordingly as per the *Addendum to Recommendation for Report S 28/2023* section herein.

**Conclusion:**

This memo responds to the questions asked by DHSC about report S 28/2023. It provides options for mitigating flooding within the Perth Street R.O.W. and the impacts thereof on surrounding properties. The memo also recommends changes to the Recommendation of report S 28/2023 to accommodate the applicant's request to remove the Perth Street R.O.W. from the scope of the application.

**Planning Act Matters:**

N/A

**Approvals:**

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

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Ward 1 Councillor Fred Francis	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	ffrancis@citywindsor.ca

**Appendices:**

None





**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Windsor Essex Community Housing**

**Reference:**

Date to Council: September 11, 2023  
Author: Tracy Tang, MCIP, RPP  
Planner II - Revitalization & Policy Initiatives  
ttang@citywindsor.ca  
519-255-6543 x 6449

Greg Atkinson, Manager of Development  
gatkinson@citywindsor.ca  
519-255-6543 x 6582  
Planning & Building Services  
Report Date: August 22, 2023  
Clerk's File #: Z/14644

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

**Recommendation:**

- I. THAT the request made by Windsor Essex Community Housing Corp. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for the property located at 3321-3493 Bloomfield Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$8,313 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$8,313 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval or if the full cost of the Study is reimbursed by any other grant program, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

## **Executive Summary: N/A**

### **Background:**

#### **Brownfield Redevelopment Community Improvement Plan (CIP)**

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

#### **Importance of Brownfield Redevelopment**

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP was adopted in 2010 and provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

#### **Site Background**

The subject property is located on the east side of Bloomfield Road, and backs onto the Essex Terminal Railway corridor (see location map). The property is 3.22 hectares (or 7.97 acres) in size and irregularly shaped. It is currently an affordable housing complex operated by the Windsor Essex Community Housing Corp. (WECHC). The site is designated 'Residential' on Official Plan Schedule D: Land Use, and is zoned Residential District RD2.2.

The Phase One ESA identifies that the site was occupied by Federal Foundry & Steel Co. Ltd. between approximately 1924 and 1946, and by Zalev Brothers warehouse between 1952 and 1961. The site was developed to provide affordable housing in approximately 1970, and has been used for such use to current day. A number of

Potentially Contaminating Activities (PCAs) were identified on-site and off-site, including previous industrial uses, railway siding, fill material, and a gasoline spill.

The subject property is owned and operated by the WECHC. WECHC intends to develop the property to accommodate three (3) new residential buildings with 18 units in total, along with an expansion to the existing parking lot. A Site Plan Control (SPC) application was submitted to facilitate the development proposal, and an Environmental Site Assessment Phase II was listed as a pre-permit condition of SPC approval. The proposed development will receive funding through the Canadian Mortgage and Housing Corporation (CMHC) Rapid Housing Initiative. WECHC is incurring the eligible Phase 2 Environmental Site Assessment (ESA) costs and, should the application be approved, would receive the grant payment.

## **Discussion:**

### **Environmental Site Assessment Grant Program**

The ESA Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The applicant proposes to expand on the current residential use of the property through the construction of three (3) new multi-unit residential buildings, and they require a Phase 2 Environmental Site Assessment (ESA) study as part of their application for Site Plan Control. The applicant has completed a Phase I ESA, which identifies areas of potential environmental concern, and recommends that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination (if required). Upon completion, the City would retain a copy of the final Phase II ESA study report.

### **General Program Requirements**

Section 5.1 n) of the CIP states that *“The total of all grants, loans and tax assistance provided in respect of the particular lands and buildings of an applicant under the programs contained in the CIP shall not exceed eligible cost with respect to these lands and buildings”*

To ensure compliance with this requirement the applicant will be required to demonstrate that the eligible costs related to the Phase 2 ESA study have not been fully reimbursed under any other grant or funding program. If funded through another program, approval to participate in the Environmental Site Assessment Grant Program should be rescinded.

## **CIP Goals**

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

## **Policy Support**

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

## **Risk Analysis:**

As with all brownfield sites, there is a degree of risk associated with the potential presence of contamination. The proposed Phase II ESA study will assist in mitigating the above noted risk by confirming the presence and extent of any contamination. It may also provide an estimated cost for remediation and establish next steps in the remediation process, if required.

## **Climate Change Risks**

### **Climate Change Mitigation:**

The proposed residential development is supported by the Environmental Master Plan action item, which encourages use of the Brownfields Redevelopment Strategy.

### **Climate Change Adaptation:**

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

### **Financial Matters:**

The cost estimate (excluding HST) for completing the proposed Phase II ESA study is \$16,626. If approved, the maximum grant would total \$8,313. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

If approved, the grant would be paid from the Brownfield Strategy Remediation Fund (Project #7069003). The funds would be transferred from CIP reserve fund 226 for payment when the eligible study is complete. The current uncommitted balance of the CIP reserve fund is \$646,411 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

### **Consultations:**

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

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

### **Conclusion:**

City Staff recommend Council approve the request from Windsor Essex Community Housing Corp. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

### **Planning Act Matters: N/A**

### **Approvals:**

<b>Name</b>	<b>Title</b>
Josie Gualtieri	Financial Planning Administrator

<b>Name</b>	<b>Title</b>
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Jay Shanmugam, Windsor Essex Community Housing Corp.		
Vaibhav Desai, Windsor Essex Community Housing Corp.		

**Appendices:**

- 1 Appendix A - Location Map



# LOCATION MAP : 3321-3493 BLOOMFIELD ROAD



**SUBJECT PROPERTY**



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

**Reference:**

Date to Council: September 11, 2023  
Author: Tracy Tang, MCIP, RPP  
Planner II - Revitalization & Policy Initiatives  
ttang@citywindsor.ca  
519-255-6543 x 6449

Greg Atkinson, Manager of Development  
gatkinson@citywindsor.ca  
519-255-6543 x 6582  
Planning & Building Services  
Report Date: August 22, 2023  
Clerk's File #: SPL/14646

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

**Recommendation:**

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



year upon request from the applicant.

## **Executive Summary: N/A**

### **Background:**

City Council approved the Economic Revitalization Community Improvement Plan (CIP) at its January 31, 2011 meeting via CR 50/2011. The adopting By-law 30-2011 was passed by Council at its February 14, 2011 meeting.

The Economic Revitalization CIP provides financial incentives to encourage new investment in targeted economic sectors for the purposes of diversifying the local economy and creating/retaining jobs. The CIP allows the City to take a variety of measures to further the objectives of the Economic Revitalization CIP that would otherwise be prohibited by Ontario's *Municipal Act*. This includes the acquisition and preparation of land; construction, repair, rehabilitation or improvement of buildings; the sale, lease or disposal of land and buildings; and the provision of grants to owners or tenants of land—all of which must conform with the objectives and policies contained within the CIP.

To date, City Council has approved a number of applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism.

JBM Capital Inc. has applied for financial incentives under the Business Development Grant Program for the property located at 4611 Walker Road (see Location Map). JBM Capital Inc. also owns and operates the adjacent properties located at 3051, 4001 Legacy Park Drive (The Brick and PetSmart plaza) and 4511 Walker Road & 3090 Legacy Park Drive (Staples plaza).

The property is 4.04 hectares (9.98 acres) in size, designated 'Mixed Use Centre' in the City's Official Plan and zoned Commercial District 3.6 (CD 3.6), which permits a range of commercial uses. On the subject property is currently a vacant two storey 6,500 m<sup>2</sup> (69,965 ft<sup>2</sup>) movie theatre building that was operated by Cineplex as a Silver City theatre for over 25 years. The tenant closed the Silver City theatre two years ago due to COVID-19. The building has remained vacant since.

### **Discussion:**

#### *Business Development Grant Program*

The Business Development Grant Program is intended to provide financial incentive to stimulate new investment in targeted economic sectors for the purposes of expanding and diversifying Windsor's economy. The Business Development Grant Program will also apply to projects that demonstrate a major investment resulting in a significant positive impact on the local economy and workforce. The Business Development Grant Program is aimed at attracting new businesses to the city through the development or redevelopment of buildings and properties.

Successful applicants are eligible to receive an annual grant for up to 100% of the municipal property tax increase created by an investment in development or redevelopment of a building or property—provided it conforms with the Economic Revitalization CIP. The annual grants may continue, at Council’s discretion, for up to 10 years or until up to 100% of the eligible investment costs are repaid.

### *Proposed Redevelopment*

The applicant proposes to renovate and redevelop the entire existing vacant building and attract another theatre tenant to occupy the majority of the building, at 46,059 square feet. The applicant also plans to potentially convert two of the existing theatre rooms to accommodate retail and/or office uses, which are not the subject of this application. The grant calculations are pro-rated based on the gross floor area which the eligible use is proposed to occupy, and thus for this application, only the area of the building proposed for the theatre use would be included in the grant calculations. Should the applicant be interested in applying for grants in the future for the office portion of the redevelopment, it would require a separate application. Retail space is not an eligible sector under the CIP.

### *Eligible Sector*

The proposed theatre use of the portion of 4611 Walker Road falls under the eligible Creative Industries sector, which is defined as:

#### *Creative Industries – Performing Arts Facilities*

*A building, room, or outdoor structure for the presentation of plays, music, films, or other dramatic performances before a live audience. Also includes companies primarily engaged in organizing, promoting, and/or managing live performing arts productions and similar events held in facilities that they own, manage and/or operate. This does not include bars, taverns, nightclubs, or drinking places primarily engaged in preparing and serving alcoholic beverages for immediate consumption.*

### *Employment*

According to the CIP application, the proposed tenant will hire over 30 full-time employees. The cinema renovations and redevelopment is expected to generate investment and employment interest for other restaurants and retailers in the surrounding commercial centre area.

### *CIP Objectives*

The proposed redevelopment of the commercial theatre building located at 4611 Walker Road and recommended Business Development Grant supports the following CIP objectives:

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the

expansion of existing businesses to realize more effective use of the land's potential;

- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs; and
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

### **Risk Analysis:**

There is little risk associated with the approval of the CIP application. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the eligible employment uses and issuance of annual grants will also be required over the next ten years. Should Council refuse the CIP request, there is a risk that JBM Capital Inc. may not proceed with the proposed redevelopment project and the building will remain vacant or may be demolished.

### **Climate Change Risks**

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

The proposed redevelopment of the existing commercial theatre building implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

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

The proposed redevelopment of the existing commercial theatre building may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. Any site plan control application will be reviewed for opportunities to enhance resiliency.

### **Financial Matters:**

#### *Business Development Grant Program*

The tax increment portion of the Business Development Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by MPAC. Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on the actual assessed property value, tax

class, and municipal tax rate.

### *Summary of Potential Financial Incentives*

The applicant proposes to spend a total of \$6,500,000 on the project. The current assessment value for the property as a result of its current state and condition was reduced to \$2,510,000 by way of the assessment appeal process through MPAC. The annual property taxes are \$112,406 with the municipal share being \$89,460.

City staff anticipate the post-development assessment value of the 46,059 square foot theatre space to be approximately \$8,000,000. The construction of the new theatre space is estimated to increase the total taxes to \$358,266 — a difference of \$245,860. The municipal tax levy for the property including the new theatre space would be \$287,866 — an increase of \$198,406, the annual tax grant amount. This would result in a total grant value of \$1,984,060 over the lifespan of the 10-year grant program and would offset approximately 30.5% of the eligible investment proposed by JBM Capital Inc.

Because the Business Development 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 Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province.

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

### **Conclusion:**

Administration recommends that Council approve the request made by JBM Capital Inc. to participate in the Business Development Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed redevelopment located at 4611 Walker Road be provided as an annual grant for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

It is also recommended that approval to participate in the CIP expire if the grant agreement is not signed within one year following Council approval. The planned redevelopment conforms with the Economic Revitalization CIP and assists the City in

the achievement of a number of the CIP objectives.

**Planning Act Matters: N/A**

**Approvals:**

<b>Name</b>	<b>Title</b>
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Joseph Mikhail, JBM Capital Inc.		

**Appendices:**

- 1 Appendix A - Location Map
- 2 Appendix B - Application Overview



# LOCATION MAP : 4611 WALKER ROAD



**SUBJECT PROPERTY**



# JBM Capital Inc.

Commercial • Residential • Industrial  
Developers  
100 Ouellette Ave., Suite 700 (519) 944-2929  
Windsor, Ontario N9A 5N8 Fax (519) 948-8482  
Email jbm@cogeco.net Website: [www.mikhailholdings.com](http://www.mikhailholdings.com)

## **Request for CIP consideration for Silver City Theatre**

### Overview:

The movie and entertainment business has gone through extreme turmoil during COVID, and has never recovered. Theatres have lost financially and have closed many theatres throughout North America.

Silver City on Walker Road has now been closed for over Two Years with no sign of revitalizing it without extreme assistance from many parties.

There is but two operators in Canada. Windsor with a population growing towards 300K has but one theatre to support our growing economy.

We are working to bring a potential theatre company to Windsor. They are the only group in North America that will open a theatre. If the potential theatre company does not take this site, we will have no choice but to demolish the entire site. Once down, the city will absolutely be guaranteed that they will never ever have a second theatre due to the extreme cost to build a theatre. The fact is that the returns will never make it economical for a developer to invest in such.

### Landlord Incentive offered:

Due to the financial hardship and movie theatre risk, the only way Windsor can secure theatre company is to offer them an expensive incentive. JBM Capital has offered cash incentive to help in rebuilding the theatre, as well as offering a period of free rent. The cost is

realistically not financially prudent and we would be much better off to simply take down the property and reduce the property taxes to vacant land. This would be the right financial decision to make, however, it would be the wrong one for the city and its need to have a second venue for entertainment.

#### Why Save the theatre:

Let us not forget what Walker Road looked like before Silver City was built. The theatre introduced Costco to the area, which led to a majority of huge boxes to follow. Its draw created a reason for Walker Road to become the dominant retail sector in the city, which then allowed residential growth to multiple.

#### What is the Risk if the theatre does not open:

We are currently in discussions with a major retailer in this space who have indicated that if the theatre is not open, they will move their store outside of Windsor. With the relocation of this space, all restaurants in this area will also move or be forced to close. Other big box in the area will likely look at following this move towards Tecumseh. It would not be difficult to see the city's tax base on Walker would diminish considerably.

#### What would be the cost to the city to apply CIP:

We would respectfully say nothing ... Without the incentive, the theatre would not open and the tax base remains the same if not less, if we are forced to take the building down. If CIP is offered, as taxes are calculated on rental income, and income would be zero .... Then the tax increase would still remain the same. If CIP is not offered, and the theatre does not open ... the city will lose over 200,000 sq. ft. of taxable retailers that will move outside the Windsor tax boundary.

#### How will a theater company invest in this site:

This theatre company has committed to making this the first-class theatre that can compete with any venue in Canada. Luxury seating occupying a 1 for 3 ratio will make movie going much more attractive. They will hire more than 30 full time employees, along with spin off



employment towards other restaurants and retailers relying on their traffic.

Conclusion:

This has been an extremely difficult task for us. The closure of the theatre has led to considerable financial strain on us along with other retailers relying on them. Its closure has further created increased vandalism in the area and created safety issues for many.

To get a theatre company to look here, we have had to negotiate with 5 major retailers in the area, and all had to be on side and all had to sign on to stay if we secure this tenant. Some required financial incentives and some required reduced rent ... but we believe we have an agreement subject to CIP.

I am old enough to remember the city with Five theatres when our population was under 200,000 ... and now we have one. Windsor deserves better ... I have put my personal financial gains aside in order to ensure this theatre opens ... and respectfully ask the city to review this request in light of its impact on all other business in the area.

Thank you

Joe



**Subject: University Avenue West and Wyandotte Street West  
Community Improvement Plan Grant Applications made by 2814088  
Ontario Inc. (Ali Ahmed) for 1342 Wyandotte Street West (Ward 3)**

**Reference:**

Date to Council: 2023-09-11  
Author: Cherilynne Chau  
Community Development Planning Assistant  
519-255-6543 Ex 6438  
cchau@citywindsor.ca

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

Planning & Building Services  
Report Date: 2023-08-23  
Clerk's File #: SPL/14645

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

**Recommendation:**

- I. THAT the request made by 2814088 Ontario Inc. (Ali Ahmed) (Owner) for the proposed development at 1342 Wyandotte Street West to participate in the:
  - a. Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years in accordance with the University Avenue and Wyandotte Street Community Improvement Plan.
  - b. Municipal Development Fees Grant Program **BE APPROVED** for eligible municipal fees incurred after July 29, 2022 for Committee of Adjustment application fee and Building Permit fee, up to a maximum amount of \$50,000 pursuant to the University Avenue and Wyandotte Street Community Improvement Plan.
- II. THAT Administration **BE DIRECTED** to prepare the agreements between the City and 2814088 Ontario Inc. (Owner) to implement the Building/Property

Improvement Tax Increment Grant Program at 1342 Wyandotte Street West in accordance with all applicable policies, requirements, and provisions contained within the University Avenue and Wyandotte Street Community Improvement Plan.

- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the to the Building/Property Improvement Tax Increment Grant Program to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- IV. THAT funds in the amount of the cost of the Committee of Adjustment application fee and Building Permit application fee to a maximum of \$50,000 for the Municipal Development Fees Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the University Avenue and Wyandotte Street Planning Fund (Project #7229001) when work is completed.
- V. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the Municipal Development Fees Grant Program be uncommitted and made available for other applications.
- VI. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

### **Executive Summary:**

N/A

**Owner:** 2814088 Ontario Inc.

**Principle Owner of 2814088 Ontario Inc.:** Ali Ahmed

### **Background:**

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

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

2814088 Ontario Inc. (Ali Ahmed), owner of the property located at 1342 Wyandotte Street (See Appendix A – Location Map and Appendix B – Current Building

Photographs), has applied for financial incentives under the Building/Property Improvement Tax Increment Grant Program and the Municipal Development Fees Grant Program. The applicant is proposing to construct three (3) residential units, two bachelors and one-bedroom unit in the vacant basement space that has been used for storage. The property on 1342 Wyandotte Street is an existing legal non-conforming, 4 storeys, 14-unit multiple dwelling.

On May 25, 2023, the property was approved through the Committee of Adjustment for the change of use for a Legal Non-Conforming use (14-unit multiple dwelling to a 17-unit multiple dwelling) without providing additional parking under a Commercial District CD2.2 zoning designation.

## **Discussion:**

### **Building/Property Improvement Tax Increment Grant Program**

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

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

### **Municipal Development Fees Grant Program**

The Municipal Development Fees Grant Program is intended to encourage development along the University Ave West and Wyandotte Street West corridors by providing a financial incentive to offset the costs associated with seeking the appropriate planning approvals and building permits for a project. Property owners will be eligible to receive a grant for 100% of the specified Municipal Development Fees, up to a maximum of \$50,000 per property.

The applicant is eligible under the Municipal Development Fees Grant Program for Minor Variance and Building Permit application fees required for the proposed development.

## **Risk Analysis:**

There is low risk associated with the approval of subject University/ Wyandotte CIP grant application. An agreement will be prepared between the City and the applicant to ensure all provisions under the University Avenue and Wyandotte Street Community Improvement Plan are met. The Municipal Development Fees Grant will not be paid out until all building permits are closed, and that all work has been completed to the satisfaction of the City Planner and the Chief Building Official. The owner must pay the Committee of Adjustment and Building Permit application fee in full before the grant can be issued. The Building/ Property Improvement Tax Increment Grant is issued upon completion of eligible work, the establishment of an increased reassessment value by the Municipal Property Assessment Corporation (MPAC), and only after the owner's full payment of annual property taxes. An agreement will also be prepared between the City and the applicant to ensure all provisions under the University Avenue and Wyandotte Street Community Improvement Plan are met.

## **Climate Change Risks**

### **Climate Change Mitigation:**

Designated Mixed Use Node (formerly Mixed Use Areas) in Schedule D: Land Use of the City of Windsor's Official Plan, the subject property is located in a neighbourhood where intensification is strongly encouraged. The proposed conversion of the underutilized basement into residential units is confined to the existing building footprint, limiting use to existing infrastructure thereby reducing the overall consumption of construction material.

The utilization of an existing building in an existing neighbourhood promotes energy efficiency, eliminating the need for new development to occur on greenfield sites.

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

### **Building/Property Improvement Tax Increment Grant Program**

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project; a designated heritage property, projects where at least 20% of the residential units are considered affordable or the project is certified LEED bronze. The 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.

As shown in the table below, the estimated annual value of the grant is \$2,489. Over a 5 year, this grant amounts to a total of \$12,445. The applicant estimates that \$195,000 in total eligible costs will be incurred following development of the property. The *Planning Act* stipulates that the total grants under a CIP cannot exceed the eligible costs. The grant under that tax increment program accounts for 6.3% of the construction costs.

<b>Estimate Property/Building Improvement Tax Increment Grant Calculation</b>			
<b>1342 Wyandotte Street West</b>			
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant	Total Estimate Grant over five (5) years
\$ 18,974	\$ 21,463	\$ 2,489	\$ 12,445

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.

### **Municipal Development Fees Grant Program**

The applicant is eligible for Municipal Development Fees Grant Program under the University/ Wyandotte CIP for 100% of the specified Municipal Development Fees, up to a maximum of \$50,000 per property. Following review of the information and drawing provided, it was determined that the owner would have to apply for the following applications to be permitted construction.

- Minor Variance fees -- \$2499.00
- Building Permit fees -- to be determined by the Building Division at time of Building Permit.

The University/ Wyandotte CIP application stipulates that the applicant shall assume all risks for any costs incurred prior to Council approval. On March 28, 2023, the applicant submitted a Minor Variance application for the Legal Non-Conforming Use for the property, to permit a 17-unit multiple dwelling without providing additional parking under a Commercial District CD2.2 zoning designation. The Minor Variance for the subject property was approved on May 25, 2023. The Committee of Adjustment fee was incurred after the applicant submitted the University Avenue West and Wyandotte Street

West (July 22, 2022), therefore staff recommend the grant include the fee for the Committee of Adjustment.

Since University/ Wyandotte CIP grant applications are approved by Council, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The uncommitted balance of the CIP Reserve Fund 226 is \$646,411. However, this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council or have been endorsed by the standing committee and are not yet approved by City Council.

### **Consultations:**

The City of Windsor's University Avenue and Wyandotte Street Community Improvement Plan was subject to stakeholder and public consultation as part of the approval process, including public meetings, a statutory public meeting and circulation among internal City staff and the Province.

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

### **Conclusion:**

Administration recommends that City Council approve the application made by 2814088 Ontario Inc., owner, of property on 1342 Wyandotte Street West, to participate in the Building Property Improvement Tax Increment Grant Program and Municipal Development Fees Grant Program under the University Avenue and Wyandotte Street Community Improvement Plan. It is also recommended that approval to participate in the programs expire if the eligible work is not completed within two years or the tax increment agreement is not signed within one year following Council approval. The proposed development is a good example of residential intensification that will help reinforce a diversity in housing types along the Wyandotte Street West mixed use corridor.

### **Approvals:**

<b>Name</b>	<b>Title</b>
Laura Strahl	Planner III – Special Projects
Josie Gualtieri	Financial Planning Admin.
Neil Robertson	Manager of Urban Design/ Deputy City Planner/Acting City Planner
Wira Vendrasco	Deputy City Solicitor

Janice Guthrie	Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email
Ali Ahmed		<a href="mailto:gamrini@gmail.com">gamrini@gmail.com</a>
Dawne Martens		<a href="mailto:midtownmngmt@gmail.com">midtownmngmt@gmail.com</a>

**Appendices:**

- 1 Appendix A - Location Map
- 2 Appendix B - Current Building





## LOCATION MAP : 1342 WYANDOTTE STREET WEST



SUBJECT PROPERTY



# Appendix B – Current Building

1342 Wyandotte Street West

