

Development & Heritage Standing Committee Meeting

Date: Monday, February 5, 2024

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

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

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

MEMBERS:

Ward 1 – Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

ORDER OF BUSINESS

Item #	Item Description
1.	CALL TO ORDER

READING OF LAND ACKNOWLEDGEMENT

We [I] 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
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3.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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4.	COMMUNICATIONS
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5.	ADOPTION OF THE <i>PLANNING ACT</i> MINUTES
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5.1.	Adoption of the Development & Heritage Standing Committee (<i>Planning Act</i> Matters) minutes of its meeting held December 4, 2023 (SCM 354/2023)
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5.2.	Adoption of the Development & Heritage Standing Committee (<i>Planning Act</i> Matters) minutes of its meeting held January 8, 2024 (SCM 17/2024)
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6.	PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)
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7.	<i>PLANNING ACT</i> MATTERS
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7.1.	Rezoning - City of Windsor - Housekeeping Amendment 2024-1 - Z-002/21 ZNG/6277 - City Wide (S 8/2024)
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7.2.	Official Plan & Zoning Bylaw Amendments Z 008-23 [ZNG-6976] & OPA 169 [OPA-6977] 2830065 Ontario Ltd. (Alta Nota-Mariusz Buchcic) 1460 Lauzon Rd Multiple Dwelling Development – Ward 6 (S 9/2024)
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8. **ADOPTION OF THE MINUTES**
9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**
10. ***HERITAGE ACT MATTERS***
11. **ADMINISTRATIVE ITEMS**
 - 11.1. Closure of Third Street R.O.W. between Continental Avenue and E. C. Row Expressway, Ward 2, SAS-6924 (**S 97/2023**)
 - 11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by Bobaek America Inc. for a Manufacturing Facility located at 3490 Wheelton Drive (Ward 9) (**S 1/2024**)
 - 11.3. Main Street CIP Application for 1695 Ottawa Street, Owner: Dr. Eric Bellis Dentistry Professional Corporation, Ward 4 (**S 170/2023**)
 - 11.4. Closure of north/south alley located between Vimy Avenue and Ypres Avenue, Ward 5, SAA-7093 (**S 4/2024**)
12. **COMMITTEE MATTERS**
13. **QUESTION PERIOD**
14. **ADJOURNMENT**



Committee Matters: SCM 354/2023

Subject: Adoption of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes of its meeting held December 4, 2023

MINUTES

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

**Date: Monday, December 4, 2023
Time: 4:30 o'clock pm**

Members Present:

Councillors

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

Members

Member Joseph Fratangeli
Member Daniel Grenier
Member John Miller
Member Charles Pidgeon
Member Robert Polewski
Member Khassan Saka
Member William Tape

Member Regrets

Member Anthony Arbour

Clerk's Note: Member Joseph Fratageli participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

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

Neil Roberston, Acting City Planner
Wira Vendrasco, Acting City Solicitor
Shawna Boakes, Executive Director, Operations & Deputy City Engineer
Greg Atkinson, Deputy City Planner
Patrick Winters, Manager, Development

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Emilie Dunnigan, Manager Development Revenue & Financial Administration
Brian Nagata, Planner II – Development Review
Laura Strahl, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Tracy Tang, Planner III – Revitalization & Policy Initiatives
Kevin Alexander, Planner III – Special Projects
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 10.1 – Marcus Letourneau, Consultant, M.R. Letourneau & Associates

Delegations—participating in person

Item 11.7 – Jackie Lassaline, Agent & Planning Consultant
Item 11.8 – Amy Farkas, agent, Dillon Consulting

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held November 6, 2023.

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

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

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Report Number: SCM 309/2023

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

Delegations—participating via video conference

- Item 7.1 Andi Shallvari, property owner
- Item 7.1, 7.2 & 7.4 Tracey Pillon-Abbs, Principal Planner
- Item 7.2 Mohammad Naserian, Applicant
- Item 7.2 Maureen Kelly & Kevin Peifer, area residents
- Item 7.4 Jeff Belanger, Jabe Inc.

Delegations—participating in Council Chambers

- Item 7.2 Lucian Smuczer, area resident
- Item 7.2 Lisa & Steve Murray, area residents

7. *PLANNING ACT MATTERS*

7.1. Zoning By-law amendment for lands known as 2500 Central Avenue; Applicant - CARBOHYDRATE LTD.; File No. Z-015/23 (ZNG/7013); Ward 5

Justina Nwaesei (author), Planner III – has a presentation available and is available for questions.

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

Decision Number: **DHSC 571**

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

“494. SOUTHEAST CORNER OF CENTRAL AVENUE AND SOMME AVENUE

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

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

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c. Section 18.4.3 shall apply.

[ZDM 11; ZNG-7013]"

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

a) *Land Conveyance* - The owner(s) shall gratuitously convey to the Corporation, a 7-meter strip of land along the entire Central Avenue frontage of the subject lands.

b) *Corner Cut-off* – The owner(s) shall gratuitously convey a 4.6m x 4.6m corner cut-off at the intersection of Central Ave and Somme Ave in accordance with the City of Windsor Standard Drawing AS-230

c) *Encroachment Agreement*- The owner shall execute an agreement with the Corporation for the proposed encroachments into the right-of-way.

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

Carried.

Report Number: S 157/2023
Clerk's File: Z/14698

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 4:33 o'clock pm.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk



Committee Matters: SCM 17/2024

Subject: Adoption of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes of its meeting held January 8, 2024

Development & Heritage Standing Committee Meeting

Date: Monday, January 08, 2024

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 Daniel Grenier

Member Regrets

Member Robert Polewski

Clerk's Note: Member Daniel Grenier participated via video conference, in accordance with Procedure By-law 98-2011 as amended.

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Sandra Gebauer, Council Assistant

Brian Nagata, Planner II – Development Review

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner, Economic Development

Neil Robertson, Acting City Planner

Greg Atkinson, Deputy City Planner

Wira Vendrasco, Acting City Solicitor

Shawna Boakes, Executive Director Operations/Deputy City Engineer

Patrick Winters, Manager Development

Laura Strahl, Planner III – Special Projects

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Kevin Alexander, Planner III – Special Projects
Tracey Tang, Planner II – Revitalization & Policy Initiatives
Anna Ciacelli, Deputy City Clerk

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

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

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

Decision Number: **DHSC 582**

THAT the report of the Senior Planner – Subdivisions dated May 12, 2023 entitled “Application for Approval of the Conversion of an existing Non-Residential Building at 1500 Ouellette Avenue to a Residential and Commercial Plan of Condominium; Applicant - Ryan Michael Solcz Prof. Corp; File No. CDM-004/22 [CDM/6939]; Ward 3” **BE WITHDRAWN**.

Carried.

Report Number: S 62/2023
Clerk's File: Z/14543

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

None presented.

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

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None presented.

7. **PLANNING ACT MATTERS**

None presented.

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:31 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 4:32 o'clock p.m.

8. **ADOPTION OF THE MINUTES**

None presented.

10. **HERITAGE ACT MATTERS**

None presented.

11. **ADMINISTRATIVE ITEMS**

11.1. **Downtown CIP/Demolition Control By-law Exemption Report-527 Marentette Ave; Owner: Fouad Badour**

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 583**

- I. THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner Fouad Badour for the single unit dwelling located at 527 Marentette Avenue to facilitate the construction of a two (2) story eight (8) unit dwelling.
- II. THAT any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit.
- III. THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - a. The redevelopment identified in Appendix 'B' be substantially complete within two (2) years following the issuance of the demolition permit;

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- b. If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition the Clerk enter the sum of Twenty Thousand Dollars (\$20,000) on the collectors roll of the property;
- IV. THAT the City Solicitor **BE DIRECTED** to register a notice of Condition #2 in the land registry office against the property in the event that the redevelopment is not substantially complete within two (2) years following the commencement of the demolition.
- V. THAT the request made by Fouad Badour for the proposed development at 0, 507, 527 Marentette Avenue, to participate in:
- a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
- b. the New Residential Development Grant Program **BE APPROVED** for \$20,000 towards eligible costs of eight (8) new residential units (\$2,500 per new residential units) pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VI. THAT Administration **BE DIRECTED** to prepare the agreements between the City and Fouad Badour to implement the Building/Property Improvement Tax Increment Grant Programs at 0, 507, 527 Marentette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program agreements at 0, 507, 527 Marentette Avenue to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications.
- VIII. THAT the City Treasurer **BE AUTHORIZED** to issue payment of \$20,000 for grants under the New Residential Development Grant Program for 0, 507, 527 Marentette Avenue to Fouad Badour upon completion of the eight (8) new residential units subject to the satisfaction of the City Planner and Chief Building Official.
- IX. THAT Grant funds in the amount of \$20,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.
- X. 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

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Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

- XI. THAT should the new residential units not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the New Residential Development Grant Program be uncommitted and made available for other applications.

Carried.

Report Number: S 165/2023

Clerk's File: SPL2023

11.2. Closure of part of east/west alley located between Leonard Road and George Avenue, Ward 5, SAA-7136

Councillor Kieran McKenzie requests clarification related to the discrepancy between the recommendation and the comments from transportation planning who are opposing closure of the alley from a traffic operation and security standpoint. Brian Nagata, Planner II Development Review, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report "Closure of part of east/west alley located between Leonard Road and George Avenue, Ward 5, SAA-7136" and indicates that the comments were included as a measure of transparency. Mr. Nagata adds that notice was issued to all abutting properties and no objections were raised. Mr. Nagata indicates that the alleys are not to be used as cut-through, but only by the property owners and abutting property owners.

Councillor Kieran McKenzie inquires whether Administration will consider potentially allowing a left hand turn at that intersection as a result of the alley closure. Administration indicates that the removal of the restricted left turn would not be recommended due to traffic safety.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 584**

- I. THAT the 34.42 metre portion of the 5.49-metre-wide east/west alley located between Leonard Road and George Avenue, abutting the property known municipally as 2321 George Avenue (legally described as Lot 89 & Part of Block B, Plan 1088; Part of Block A, Plan 1238), and shown on Drawing No. CC-1841 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the owner of the abutting property known municipally 3995 Tecumseh Road East (legally described as Lots 92 to 93 and Part of Lot 90 & Block B, Plan 1088; Part of Block A, Plan 1238) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

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- a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing buried facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing 16kV primary, 120/240V and 347/600V overhead secondary hydro distribution pole line; and
 - iii. MNSi. to accommodate existing overhead infrastructure.
- b. 6.0-metre-wide easement, measured 3.00 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. The Corporation of the City of Windsor to accommodate existing 250.0 millimetre PVC sanitary sewer.

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

- a. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- b. For alley conveyed to abutting lands zoned RD1.2 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.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1841, *attached* hereto as Appendix "A".

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

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

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

Report Number: S 167/2023
Clerk's File: SAA2023

11.3. Sandwich CIP Application Report, 3549 Peter Street; Owners: Roseland Homes LTD (c/o Evanz Minas)

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Development & Heritage Standing Committee Monday, January 08, 2024

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Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 585**

- I. THAT the request for incentives under the Sandwich Incentive Program made by the registered owner Roseland Homes LTD (C/O: Evanz Minas) of the property located at 3549 Peter Street, **BE APPROVED** for the following programs:
 - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a maximum amount of \$20,000;
 - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- \$4,034.8 per year);
- II. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implication;
- III. THAT funds to a maximum amount of \$20,000 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed;
- IV. THAT grants **BE PAID** to Roseland Homes LTD upon completion of the one (1) story four (4)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- V. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 164/2023
Clerk's File: SPL2023

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

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Development & Heritage Standing Committee

Monday, January 08, 2024

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14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items) is adjourned at 4:38 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on February 5, 2024.
Carried.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of
Council Services

**Subject: Rezoning - City of Windsor - Housekeeping Amendment 2024-1
- Z-002/21 ZNG/6277 - City Wide**

Reference:

Date to Council: February 5, 2024
Author: Adam Szymczak, MCIP, RPP
Senior Planner - Development
519-255-6543 x6250
aszymczak@citywindsor.ca
Planning & Building Services
Report Date: January 15, 2024
Clerk's File #: ZB/12452

To: Mayor and Members of City Council

Recommendation:

THAT Zoning By-law 8600 **BE AMENDED** as follows:

1A. Deleting and substituting Section 1.7 with the following:

1.7 INTERPRETATION AND ENFORCEMENT

- 1.7.1 The City Planner shall administer and interpret this by-law. Any reference to the City Planner in this by-law shall include the Deputy City Planner or their designate.
- 1.7.3 The Chief Building Official shall enforce this by-law. Any reference to the Chief Building Official in this by-law shall include the Deputy Chief Building Official or their designate including an officer who has the responsibility of enforcing a zoning by-law.

1B. Deleting and substituting Section 1.10.50.1 with the following:

- .1 Addition, correction, or revision of abbreviation, cross-referencing, grammar, numbering, punctuation, or typographical error, revision of the format in a manner that does not change the intent of a provision, or revision to a provision that has a general reference to the effective date of the provision coming into force or similar phrasing by adding the actual date the provision came into force.

Example: A provision contains the phrase "as they exist on the effective date of this clause" with the provision coming into force on January 1, 2022. The phrase "as they exist on the effective date of this clause" may be replaced with "as they exist on January 1, 2022" without an amending by-law.

1C. Deleting and substituting Section 1.20.9 with the following:

1.20.9 DEFINED TERM [ZNG/6277]

A term that is italicized in this by-law indicates that the term is defined in this by-law.

The case, capitalization, or emphasis of a defined term is done so for the ease of reading and does not affect the meaning of the defined term.

Example: *DWELLING*, *Dwelling*, and *dwelling* have the same meaning.

Where the term “existing” is not italicized, “existing” shall mean “lawfully existing”.

A term used in the singular may also mean the plural and vice versa, except “one” or “1” shall always mean the singular.

1D. Adding the following clauses to Section 1.20:

1.20.10 WHOLE OR PART [ZNG/6277]

Unless otherwise stated, a reference to a *building*, *lot*, *premises*, or *structure* includes the whole, or part of the, *building*, *lot*, *premises*, or *structure*.

1.20.11 USE [ZNG/6277]

.1 A *use* not listed as a permitted *use* is prohibited.

.5 Unless otherwise stated, a permitted *use* is a *main use*. A permitted *use* identified as a “*use* accessory to a permitted *use*” or similar is an *accessory use*.

1.20.12 LEGAL NON-CONFORMING USE [ZNG/6277]

No by-law passed under Section 34 of the Planning Act applies:

.1 to prevent the *use* of any *lot*, *building*, or *structure* for any purpose prohibited by the by-law if such *lot*, *building*, or *structure* was lawfully used for such purpose on the day of the passing of the by-law, so long as it continues to be used for that purpose; or

.5 to prevent the erection or *use* for a purpose prohibited by the by-law of any *building* or *structure* for which a permit has been issued under subsection 8 (1) of the Building Code Act, 1992, prior to the day of the passing of the by-law, so long as the *building* or *structure* when erected is used and continues to be used for the purpose for which it was erected and provided the permit has not been revoked under subsection 8 (10) of that Act.

1E. Deleting Sections 3.1.10 and 3.1.20.

2A. Adding to Section 3.10, after “MOTOR VEHICLE SALVAGE OPERATION”, the following new defined term:

MUNICIPAL INFRASTRUCTURE means a *building* or *structure* used for any of the following municipal systems: district heating or cooling, emergency power generator, heating, ventilation, or air conditioning (HVAC), electrical service, pumping station, sanitary sewer, site servicing facility, storm sewer, *storm water management facility*, storm water outlet, traffic equipment, or water service; where the *building* or *structure* is identified, generally or specifically, in any of the following documents approved, adopted, or moved by Council: Agency Budget, Capital Budget, Council Resolution, Environmental Assessment, Master Plan, Municipal By-law, Official Plan, or Operating Budget.

[ZNG/6277]

2B. Deleting and substituting Subsection 9.1 as follows:

9.1 GREEN DISTRICT 1.1 (GD1.1)

[ZNG/6277]

9.1.1 PERMITTED MAIN USES

Child Care Centre

Public Park

9.1.2 PERMITTED ACCESSORY USES

Any use accessory to a permitted main use

9.1.5 PROVISIONS

.3 *Lot Coverage* – maximum 25.0%

.4 *Building Height* – maximum

Lot having a *lot area* of less than 0.50 ha 9.0 m

Lot having a *lot area* of 0.50 ha or more 14.0 m

.90 For any *lot* situated on the north side of Riverside Drive East and West between Rosedale Avenue and Lauzon Road, the extension of a *building* above the crown of the pavement within Riverside Drive is prohibited. This provision shall not apply to the following: fountain, *municipal infrastructure*, observation deck, playground equipment, sculpture and any other work of art, or washroom.

2C. Deleting Section 20(1)3 from Section 20 and from all Zoning District Maps.

3. Deleting and substituting Section 5.23.5 with the following:

5.23.5 When a *lot* on which a *semi-detached dwelling* or *townhome dwelling* has been erected and is subsequently divided in compliance with Part VI of the Planning Act by a common *interior lot line* that separates the *dwelling units*, for each *dwelling unit* the following additional provisions shall apply:

- .1 *Lot Width – minimum* – equal to the width of the *dwelling unit* plus any *exterior side yard* as existing at the time of the lot division
- .2 *Lot Area – minimum* – as existing at the time of the lot division
- .3 *Lot Coverage – Total – maximum* – 50% of *lot area*
- .7 An interior *side yard* shall not be required along the common *interior lot line* for that part of the *dwelling unit* lawfully *existing* at the time of the lot division.

[ZNG/6277]

4. Deleting and substituting Section 5.99.7 with the following:

5.99.7 **AUTOMOBILE SALES, LEASE OR RENTAL – ACCESSORY USE**

- .1 The sale, lease or rental of an *automobile* as an *accessory use* is prohibited, save and except the sale, lease or rental of an *automobile* as an *accessory use* to an *Automobile Repair Garage*, *Automobile Collision Shop*, or *Service Station* or the lease or rental of an *automobile* as an *accessory use* to any *Retail Store* is permitted subject to the following additional provisions:
 - .1 The storage or display of five or more *automobiles* for sale, lease or rental purposes on a *lot* is prohibited.
 - .2 The storage or display of an *automobile* for sale, lease or rental purposes having a width of greater than 2.50 m or a length greater than 6.10 m is prohibited.
 - .3 The storage or display of an *automobile* for sale, lease or rental purposes in a *required parking space*, required accessible parking space or *landscaped open space yard* is prohibited.
 - .4 The area where an *automobile* for sale, lease or rental purposes is stored or displayed shall be subject to the provisions in Section 5.99.60.6.1.1 to 5.99.60.6.1.3.

[ZNG/5271; ZNG/6277]

(AMENDED B/L 7-2018 Feb 23/2018)

5A. Amending and substituting the defined term “HOME OCCUPATION” in Section 3.10 with the following:

HOME OCCUPATION means an occupation for profit or gain conducted entirely within an *accessory building*, *dwelling unit*, or *garage* which occupation is incidental and secondary to the *use* of the *dwelling unit* for residential purposes and does not

change the character thereof. It includes any employment identified or classified as “Work at Home”, “Work from Home”, “Remote Work”, or similar.

[ZNG/6276; ZNG/6277]

(AMENDED B/L 145-202 Oct 26/2021)

5B. Deleting and substituting Section 5.99.40 with the following:

5.99.40 HOME OCCUPATION

- .1 A *home occupation* within an *accessory building, dwelling unit, or garage* located on the same *lot* as the *dwelling unit* is an additional permitted *accessory use*.
- .3 The *home occupation* shall be carried out by a resident of the *dwelling unit* located on the same *lot* as the *home occupation*.
- .5 The total *gross floor area* of all *home occupations* shall not exceed 25% of the *gross floor area* of the *dwelling unit*.
- .90 A *home occupation* within a *carport*, or a *home occupation* that generates dust, fumes, noise, odour, or vibration that is evident outside the *accessory building, dwelling unit, or garage* is prohibited.
- .92 Except for those goods produced by, or accessory or related to, the *home occupation*, the direct sale of goods is prohibited.
- .93 Except for a sign permitted by The Windsor Sign By-law, any visible indication from the exterior of the *accessory building, dwelling, dwelling unit, or garage* that a *home occupation* is being carried on is prohibited.
- .95 Except those items customarily used for housekeeping or personal recreational purposes, the external or outdoor storage of materials, goods, or equipment related to, or used by, the *home occupation* is prohibited.

[ZNG/6276; ZNG/6277]

(AMENDED B/L 145-2021 Oct 26/2021)

6A. Amending the Side Yard Width values as follows:

Section 10.1.5.7 for a Single Unit Dwelling from 1.50 m to 1.20 m

Section 10.4.5.7 for a Single Unit Dwelling from 1.80 m to 1.20 m

Section 10.6.5.7 from 1.50 m to 1.20 m

Section 11.2.5.4.7 from 1.80 m to 1.20 m

Section 11.2.5.5.7 from 1.50 m to 1.20 m

Section 11.3.5.7 for a Townhome Dwelling from 1.50 m to 1.20 m

Section 11.5.5.6.7 for a Multiple Dwelling with 5 or more dwelling units from 2.50 m to 1.20 m

Section 11.5.5.7.7 for a Townhome Dwelling from 2.50 m to 1.20 m

6B. Deleting and replacing Section 10.7.5.7 with the following new Section 10.7.5.7:

“7 Side Yard Width – minimum 1.20 m 1.20 m”

- 6C.** Changing the clause number of “Gross Floor Area – Main Building – maximum” from “.8” to “.10” in Sections 10.1.5, 10.2.5, 10.3.5, 10.4.5, 10.5.5, 11.1.5, 11.3.5, and 11.4.5.

7A. Adding new Section 95 as follows:

SECTION 95 - HOLDING ZONE PROVISIONS

[ZNG/6277]

95.1 APPLICATION

Section 95 applies to any *lot* where the H symbol precedes a *zoning district* symbol or is contained within a specific zoning exception on any Schedule listed in Section 1.20.3. “Holding zone”, “Holding symbol”, “H symbol”, “H”, or “h” mean the same thing.

In this by-law or in an amending by-law, any reference to Section 5.4 shall mean Section 95 and any reference to Section 5.4.20 shall mean Section 95.10.

95.2 PURPOSE

The purpose of the holding zone is to defer development or redevelopment until all holding conditions have been satisfied. A holding zone may supplement, alter, add, or remove any by-law provision affecting the *use* of the *lot*, *building*, or *structure*.

95.3 PROHIBITION AND EXCEPTION

A *use*, *building* or *structure* is prohibited except:

- .1 For any *use*, *building*, or *structure* erected, operated, or maintained by the *City of Windsor*, a *Public Authority*, or a *Public Utility*;
- .3 For an *existing use*, *building*, or *structure* that is permitted by the applicable *zoning district* or a specific zoning exception, additions or alterations to *existing buildings* are permitted, and *structures* and *accessory buildings* may be erected, provided such additions, alterations, *structures*, or *accessory buildings* are in accordance with the provisions of the *zoning district*, specific zoning exception, and all other provisions of this by-law.

95.5 REMOVAL OF H SYMBOL

The H symbol may be removed when the applicable holding conditions in Sections 95.10 and 95.20 have been satisfied. It is the responsibility of the property owner or an authorized agent to satisfy the applicable holding conditions, to submit proof to that effect, and to submit an application, including the fee, to remove the H symbol.

95.10 HOLDING CONDITIONS - GENERAL

The following holding conditions apply to any holding zone:

- .1 The land is on a registered plan of subdivision or condominium, subject to a part lot control exemption by-law, or subject to an approved consent to

sever by the Committee of Adjustment; and

- .2 A *street* paved to the satisfaction of the City Engineer, municipal storm water outlet, municipal sanitary sewer, municipal electrical service, and municipal water service are available or an agreement to provide the aforementioned items is registered on title to the property; and
- .3 Where required by legislation, full compliance with remediation/mitigation recommendations in a required study, report, or plan to the satisfaction of the appropriate approval authority, or an agreement registered on title to the property to comply with the remediation/mitigation recommendations in the required study, report, or plan; and
- .4 Where required, a site plan control agreement is registered on title for the *lot*; and
- .5 Any other holding condition contained within any approved amending by-law for the subject land.

95.20 HOLDING CONDITIONS – SITE SPECIFIC

An H symbol may be followed by one or more numbers in brackets.

Example: H(1)RD1.3, H(1,4)MD1.4, or S.20(1)H(10)384

The number refers to a specific clause in Section 95.20. Unless otherwise stated, the applicable holding conditions in Section 95.10 shall also apply, and the greater clause number shall take precedence.

The format of the clause shall be the clause number in brackets with each condition listed separately and, if applicable, who is the approval authority that determines that the condition has been satisfied.

Example:

- (99)
- a) Submission of a Noise Study to the satisfaction of the City Planner;
 - b) Submission of a Sanitary Sewer Study to the satisfaction of the City Engineer; and
 - c) Conveyance of a 6 m by 6 m corner cut-off at the intersection of Adstoll Avenue and Rivard Avenue to the satisfaction of the City Engineer.

[ZNG/9999]

7B. Deleting Section 5.4.

7C. Deleting and replacing Section 1.20.90 with the following:

1.20.90 PRECEDENCE

[ZNG/6277]

- .1 Unless otherwise stated, the precedence of provisions, from lowest to highest, is as follows:
 - a) Section 3 – Definitions
 - b) Section 5 – General Provisions
 - c) Section 24 – Parking, Loading and Stacking Provisions
 - d) Section 25 – Parking Area Provisions

- e) Sections 8 to 19 – Zoning Districts
- f) Section 20(1) – Site Specific Provisions
- g) Section 20(3) – Heritage Conservation Districts
- h) Section 20(4) – Traditional Commercial Street – Off-Street Parking Provisions
- j) Section 95 – Holding Zone Provisions
- k) Section 20(2) – Temporary Use Provisions
- m) Within Section 20(1), Section 20(2), or Section 95, the greater clause number shall take precedence

- .5 Where a provision in this by-law is less than the minimum required by, is more than the maximum required by, or conflicts with an exception in, a provincial or federal act, regulation, or statute, the provincial or federal act, regulation, or statute shall take precedence.
- .10 Where a conflict between provisions cannot be resolved using the precedence of provisions, the City Planner shall determine the precedence.

- 8A.** Amending zoning of Lots 122 & 123, Part Water Lot, Concession 1; Part 4, Plan 12R6456; Part 1, Plan 12R13549 (known municipally as 0 Riverside Drive East; Roll No. 060-170-01500), situated on the north side of Riverside Drive East at St. Rose Avenue, from GD1.1 and RD1.6 to GD1.1.
- 8B.** Amending the zoning of Lots 274 to 281, Part of Lot 282, and Part of Closed Alley, Registered Plan 1247, (known municipally as 955, 961, 965, 971, 975, 981, 985, and 991 Parkview Avenue; Roll No. 060-180-11000, 060-180-10900, 060-180-10800, 060-180-10700, 060-180-10600, 060-180-10500, 060-180-10400, 060-180-10300), situated on the west side of Parkview Avenue between Ontario Street and Raymond Avenue, from RD3.2 to RD1.2.

Executive Summary:

N/A

Background:

Planning staff receive feedback on the interpretation and operation of the Zoning By-laws from other municipal staff, residents, property owners, developers, and other interested parties. Using this feedback, staff determine what revisions to make to the Zoning By-laws to ensure consistent interpretation and effective operation.

This housekeeping amendment proposes revisions to various sections and provisions in Zoning By-law 8600 in response to feedback from municipal staff. Appendix A contains current excerpts from Zoning By-law 8600 for reference purposes.

Discussion:

RECOMMENDATION 1 – Revisions to Section 1 - Administration

Recommendation 1A adds Deputy City Planner to Section 1.7 as someone who may administer and interpret Zoning By-law 8600. This recognizes the recent corporate reorganization. It also adds that the Chief Building Official, Deputy Chief Building Official, and any assigned Officers, are responsible for enforcing the zoning by-law. This will assist in the enforcement of zoning offences in Provincial Offences court.

Recommendation 1B revises Section 1.10.50.1 by adding the authority to replace a general reference to an effective date with the actual date the provision came into force. For example, the phrase “as they exist on the effective date of this clause” may be replaced with “as they exist on January 1, 2021” without the need for an amending by-law. This removes ambiguity regarding the effective date of the provision.

Recommendation 1C revises Section 1.20.9 Defined Term by adding that when the term “existing” is not italicized that it means “lawfully existing” and by moving Section 3.1.10 to Section 1.20.9 to clarify that singular and plural apply to the whole by-law.

Recommendation 1D adds new, and moves existing, provisions to Section 1.20.

New Section 1.20.10 is moved from current Section 3.1.20 to indicate that terms “whole” or “part” apply to the whole by-law.

New Section 1.20.11.1 explicitly states that a use that is not listed as a permitted use in the zoning by-law is prohibited. It is generally accepted that a use that is not listed as a permitted use is prohibited. This removes ambiguity regarding prohibited uses.

New Section 1.20.11.5 clarifies that, unless otherwise stated, a permitted use is a main use and that any other permitted use identified as a “use accessory to a permitted use” or similar is an accessory use. This new provision clarifies the distinction between a main use and an accessory use.

Staff noted that to streamline prosecutions, that Section 34(9) in the Planning Act concerning a legal non conforming use (LNCU) be added to Section 1. New Section 1.20.12 replicates, for the most part, the wording found in Section 34(9) of the Planning Act, with minor revisions to be consistent with defined terms in Zoning By-law 8600. This will avoid the need to introduce Planning Act documents at trial. Instead the prosecutor may refer to the zoning by-law that is submitted at trial.

Recommendation 1E deletes Section 3.1.10 and 3.1.20, as these are redundant.

RECOMMENDATION 2 – Municipal Infrastructure, Green District 1.1 & S.20(1)3

For any land zoned Green District 1.1 (GD1.1) on Zoning District Maps 3, 6, and 10 on the north side of Riverside Drive, S.20(1)3 prohibits new buildings, or parts thereof, from extending above the crown of the pavement within Riverside Drive. Observation decks, fountains, sculptures and other works of art are exempt.

Council has approved master plans and environmental assessments related to upgrades and improvements to various municipal infrastructure, including but not limited to municipal sanitary and storm sewer systems. New pumping stations, sewer outlets, site servicing facilities, and emergency power generators are required to expand system

capacity to mitigate adverse impacts from intense weather events. Some of these improvements will be located in parks located along the Detroit River.

These municipal improvements are subject to various approvals including master plans, environmental assessments, and municipal budgets, that include public input via open houses, surveys, email, Standing Committee meetings, and Council meetings. Given the degree of review and Council approval, staff recommend that these municipal infrastructure improvements be exempt from the prohibition on building height along Riverside Drive. This will permit the City to apply for time-limited funding from senior levels of government.

Recommendation 2A adds a new defined term – Municipal Infrastructure – to Section 3.10 that lists municipal infrastructure systems that have been subject to Council approval or adoption through a master plan, environmental assessment (EA), budget, by-law, or council resolution. The defined term will allow revisions to the list of infrastructure and allow the term to be utilized elsewhere in the city.

Recommendation 2B revises Green District 1.1 (GD1.1) by introducing an updated format that separates permitted main uses (9.1.1) and accessory uses (9.1.2). It also adds new Section 9.1.5.90 which merges the prohibition in S.20(1)3 into the GD1.1 zoning district with an expanded list of exempted items. This will improve the application of the GD1.1 provisions and the operation of the zoning by-law.

Recommendation 2C deletes S.20(1)3 from the text and zoning district maps as it will be redundant with the addition of Section 9.1.5.90.

RECOMMENDATION 3 – SECTION 5.23.5

Based on feedback from Planning Staff, the term “severed” may be taken to imply that units can only be divided through a lot severance application to the Committee of Adjustment. However, there are other land division processes in the Planning Act such as an exemption from Part Lot Control.

Recommendation 3 replaces the term “severed” with “divided in compliance with Part VI of the Planning Act” and also replaces the term “lot severance” with “lot division”. This improves clarity regarding how a lot may be divided.

RECOMMENDATION 4 – SECTION 5.99.7

Recommendation 4 corrects grammatical errors in 5.99.7.1 and corrects section references in 5.99.7.1.4.

RECOMMENDATION 5 – HOME OCCUPATION

The home occupation provisions in Section 5.99.40, were last amended in 2021 to allow home occupations in a garage or accessory building to allow for more flexibility in the location of the home occupation and in response to Accessory Dwelling Unit (ADU) provisions that allow an ADU in an accessory building.

Since then, “work from home” or “remote work”, where a person works part or all of the time at their residence, has become more prevalent. Most “work from home” involves

remote access via a computer to documents, files, meetings and phone calls, with minimal to no external impacts.

In the spirit of flexibility, and in the name of fairness and prevent conflicts in the application of the provisions, staff recommend changes to the Home Occupation definition and provisions.

Recommendation 5A amends the definition of the defined term “HOME OCCUPATION” by adding that it includes employment that is identified or classified as work from home or similar. This will eliminate ambiguity between work from home and home occupation.

Recommendation 5B revises the Home Occupation provisions in Section 5.99.40 by allowing more than one home occupation within the listed buildings and that the home occupation is a permitted accessory use (5.99.40.1), expands the exemption on the prohibition on the direct sale of goods by adding “accessory or related to” which, for example, would allow a music teacher to sell sheet music or a hair dresser to sell hair care products (5.99.40.2), clarifies that the home occupation shall be located on the same lot as the dwelling unit (5.99.40.3), and revises the gross floor area provision by adding the gross floor area of all home occupations (5.90.40.5).

RECOMMENDATION 6 – SIDE YARD WIDTH & GROSS FLOOR AREA

Recommendations 6A and 6B are a continuation of past housekeeping revisions to standardize building envelope provisions, such as the minimum side yard width, across all low profile low density dwellings such as a single unit dwelling, semi-detached dwelling, and duplex dwelling.

The minimum side yard width for an existing duplex dwelling will be reduced to 1.20 m to be consistent with past revisions. This will ensure consistency and fairness between the various zoning districts, allows more flexibility in the design of a dwelling, and allows for more efficient use of land.

Recommendation 6C corrects the clause number for the maximum Gross Floor Area – Main Building provisions in Sections 10.1.5, 10.2.5, 10.3.5, 10.4.5, 10.5.5, 11.1.5, 11.3.5, and 11.4.5. Maximum Gross Floor Area – Main Building was added as a provision after the completion of the Multi-Residential land use study in 2022. Unfortunately, the incorrect clause number – “.8” – was used. The correct clause number is “.10” which aligns with other Gross Floor Area provisions in the zoning districts. The revision does not change the value of the maximum gross floor area.

RECOMMENDATION 7 – NEW SECTION 95 – HOLDING ZONE PROVISIONS

Currently, the holding conditions that need to be satisfied prior to the removal of a holding symbol are contained within the amending by-law that implements the holding zone. Unless, a person has a copy of that amending by-law, they will need to determine which amending by-law applies and then obtain a copy of that amending by-law. This uses staff time and resources to research the H symbol conditions.

The primary purpose of this amendment is to allow the inclusion of holding conditions required to remove the holding symbol within Zoning By-law 8600. This will eliminate the need to research holding conditions in other documents on a go-forward basis.

Recommendation 7A moves Section 5.4 to a new and separate Section in Zoning By-law 8600. New Section 95.1 states where Section 95 applies in the City of Windsor, clarifies that references to Section 5.4 mean Section 95, that the terms “Holding zone” and “H Symbol” mean the same thing, and states that where a conflict exists, the City Planner shall use the precedence provisions in Section 1.20.90.

New Section 95.2 is the same as current Section 5.4.1 and provides the purpose of a holding zone.

New Section 95.3 is the same as current Section 5.4.10. It states that, in general, a use, building, or structure are prohibited with exceptions for City of Windsor, Public Authority, Public Utility, and for an existing use, building or structure.

New Section 95.5 is an expanded version of current Section 5.4.15 and states who is responsible for, and what needs to be done, to remove the H symbol.

New Section 95.10 is the same as current Section 5.4.20, which lists general conditions that apply to all holding zones in the City of Windsor.

New Section 95.20 is where site specific holding conditions will be listed. It provides direction on how to identify the H symbol on the Schedules and states that the general holding conditions in new Section 95.10 also apply.

Recommendation 7B deletes Section 5.4, the current holding zone provisions.

Recommendation 7C revises Section 1.20.90 Precedence to reflect new Section 95.

RECOMMENDATION 8 – Zoning District Map Corrections

Recommendation 8A changes that part of St. Rose Park incorrectly zoned Residential 1.6 (RD1.6) to Green District 1.1 (GD1.1).

Recommendation 8B changes the zoning residential parcels situated on the west side of Parkview Avenue between Ontario Street and Raymond Avenue, currently zoned Residential District 3.2 (RD3.2) to Residential District 1.2 (RD1.2). The RD3.2 zoning is a high-density residential zone and is incorrect.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

Departments and Agencies

Staff utilize feedback from Planning and Building staff, other municipal departments, external agencies, and the public to recommend revisions to the Zoning By-laws.

Public Notice

Notice as required by the Planning Act was advertised in the Windsor Star.

Conclusion:

Housekeeping Amendment 2024-1 responds to concerns and issues raised by municipal staff, residents and customers regarding the effective operation of Zoning By-law 8600. It revises certain provisions to avoid ambiguity and/or interpretation issues and corrects minor errors. The proposed amendment is consistent with the Provincial Policy Statement, 2020 and conforms to the City of Windsor Official Plan.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Deputy City Planner - Development

Neil Robertson, MCIP, RPP
City Planner

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

JP

JM

Approvals:

Name	Title
Greg Atkinson	Deputy City Planner - Development
Neil Robertson	City Planner
Aaron Farough	Senior Legal Counsel
Wira Vendrasco	City Solicitor
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
St Rose Pumping Station Municipal Class Environment Assessment Project Notification (Residents) List (List provided to Clerks)		

Appendices:

1 Appendix A - Extracts from Zoning By-law 8600

SECTION 1 – ADMINISTRATION

1.7 CITY PLANNER

- 1.7.1 The City Planner shall administer and interpret this by-law. Any reference to the City Planner in this by-law shall include their designate.

1.10 ADMINISTRATION

1.10.50 REVISION

A revision may be made to this by-law without an amending by-law as follows:

- .1 Addition, correction, or revision of abbreviation, cross-referencing, grammar, numbering, punctuation, or a typographical error, or revision of the format in a manner that does not change the intent of a provision.

1.20 INTERPRETATION

1.20.9 DEFINED TERM

A term that is italicized in this by-law indicates that the term is defined in this by-law. The case, capitalization, or emphasis of a defined term is done so for the ease of reading and does not affect the meaning of the defined term.

Example: *DWELLING*, *Dwelling*, and *dwelling* have the same meaning.

1.20.90 PRECEDENCE

- .1 Unless otherwise stated, the precedence of provisions, from lowest to highest, is as follows:
- a) Section 3 – Definitions
 - b) Section 5 – General Provisions (except Section 5.4)
 - c) Section 24 – Parking, Loading and Stacking Provisions
 - d) Section 25 – Parking Area Provisions
 - e) Sections 8 to 19 – Zoning Districts
 - f) Section 20(1) – Site Specific Provisions
 - g) Section 20(3) – Heritage Conservation Districts
 - h) Section 20(4) – Traditional Commercial Street – Off-Street Parking Provisions
 - j) Section 5.4 – Holding Zone Provisions
 - k) Section 20(2) – Temporary Use Provisions
 - m) Within Section 20(1) or Section 20(2), the greater clause number shall take precedence
- .5 Where a provision in this by-law is less than the minimum required by, is more than the maximum required by, or conflicts with an exception in, a provincial or federal act, regulation, or statute, the provincial or federal act, regulation, or statute shall take precedence.
- .10 Where a conflict between provisions cannot be resolved using the precedence provisions, the City Planner shall determine the precedence.

SECTION 3 – DEFINITIONS

3.1 GENERAL PROVISIONS

- 3.1.10 Terms used in the singular may also mean the plural and vice versa, except "one" or "1" always means the singular.
- 3.1.20 Any reference to a *building, lot, premises, or structure* includes the whole, or part of the, *building, lot, premises, or structure*.

3.10 DEFINITIONS

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

HOME OCCUPATION means an occupation for profit or gain conducted entirely within an *accessory building, dwelling unit, or garage* which occupation is incidental and secondary to the use of the *dwelling unit* for residential purposes and does not change the character thereof.

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

USE

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

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

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

SECTION 5 – GENERAL PROVISIONS

5.4 HOLDING ZONE PROVISIONS

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

APPENDIX A – EXTRACTS FROM ZONING BY-LAW 8600

5.23 DWELLING – SEMI-DETACHED & TOWNHOME – ADDITIONAL PROVISIONS

- 5.23.5 When a *lot* on which a *semi-detached dwelling* or *townhome dwelling* has been erected and is subsequently severed by a common *interior lot line* that separates the *dwelling units*, for each *dwelling unit* the following additional provisions shall apply:
- .1 Lot Width – minimum – equal to the width of the *dwelling unit* plus any *exterior side yard* as existing at the time of the lot severance
 - .2 Lot Area – minimum – as existing at the time of the lot severance
 - .3 Lot Coverage – Total – maximum – 50% of lot area
 - .7 An *interior side yard* shall not be required along the common *interior lot line* for that part of the *dwelling unit* lawfully existing at the time of the lot severance.

5.99 ADDITIONAL USE PROVISIONS

5.99.7 AUTOMOBILE SALES, LEASE OR RENTAL – ACCESSORY USE

- .1 The sale, lease or rental of an *automobile* an *accessory use* is prohibited, save and except the sale, lease or rental of an *automobile* as an *accessory use* to an *Automobile Repair Garage*, *Automobile Collision Shop*, or *Service Station* or the lease or rental of an *automobile* as an *accessory use* to any *Retail Store* is permitted subject to the following provisions:
 - .1 The storage or display of five or more *automobiles* for sale, lease or rental purposes on a *lot* is prohibited.
 - .2 The storage or display of an *automobile* for sale, lease or rental purposes having a width of greater than 2.50 m or a length greater than 6.10 m is prohibited.
 - .3 The storage or display of an *automobile* for sale, lease or rental purposes in a *required parking space*, *required accessible parking space* or *landscaped open space yard* is prohibited.
 - .4 The area where an *automobile* for sale, lease or rental purposes is stored or displayed shall be subject to the provisions in Section 5.99.60.1.1 to 5.99.60.1.3.

APPENDIX A – EXTRACTS FROM ZONING BY-LAW 8600

5.99.40 HOME OCCUPATION

- .1 One *home occupation* within an *accessory building*, *dwelling unit*, or *garage* located on the same *lot* as the *dwelling unit* is an additional permitted *use*.
- .3 The *home occupation* shall be carried out by a resident of the *dwelling unit*.
- .5 The maximum *gross floor area* of the *home occupation* shall be 25% of the *dwelling unit*.
- .90 A *home occupation* within a *carport*, or a *home occupation* that generates dust, fumes, noise, odour, or vibration that is evident outside the *accessory building*, *dwelling unit*, or *garage* is prohibited.
- .92 Except for those goods produced by the *home occupation*, the direct sale of goods is prohibited.
- .93 Except for a sign permitted by the Windsor Sign By-law, any visible indication from the exterior of the *accessory building*, *dwelling*, *dwelling unit*, or *garage* that a *home occupation* is being carried on is prohibited.
- .95 Except those items customarily used for housekeeping or personal recreational purposes, the external or outdoor storage of materials, goods, or equipment related to, or used by, the *home occupation* is prohibited.

SECTION 9 - GREEN DISTRICTS 1 (GD1.)

9.1 GREEN DISTRICT 1.1 (GD1.1)

9.1.1 PERMITTED USES

Child Care Centre

Public Park

Any use accessory to the preceding uses

9.1.5 PROVISIONS

- | | | |
|----|---|--------|
| .3 | Lot Coverage – maximum | 25.0% |
| .4 | Building Height – maximum | |
| | <i>Lot having a lot area of less than 0.50 ha</i> | 9.0 m |
| | <i>Lot having a lot area of 0.50 ha or more</i> | 14.0 m |

APPENDIX A – EXTRACTS FROM ZONING BY-LAW 8600

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

10.2 RESIDENTIAL DISTRICT 1.2 (RD1.2)

10.2.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.2.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	12.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	360.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m
.8 Gross Floor Area – <i>main building</i> – maximum	400 m ²	400 m ²	400 m

SECTION 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS

(1) SITE SPECIFIC PROVISIONS

Certain parcels of land on the zoning district maps (ZDM) are delineated by a broken orange line and identified by a zoning district symbol and a paragraph(s) of this subsection. Any parcel so identified shall be considered as being within the zoning district symbol and shall be subject to the provisions of that zoning district, the identified paragraph(s) of this subsection and any other applicable provisions of this by-law. In the event of a conflict between the provisions of this Section and the provisions of the zoning district, the provisions of this Section shall apply. Where an additional main use is permitted under this subsection, any use accessory thereto, not including an outdoor storage yard except where permitted within the zoning district, shall also be permitted subject to the provisions of the zoning district and any other provisions of this by-law applicable to such accessory use.

3. For all lands zoned GD1.1, on Zoning District Maps 3, 6 and 10 and situated on the north side of Riverside Drive East and West, no new building or parts thereof shall be permitted to extend above the crown of the pavement within Riverside Drive adjacent thereto. This provision shall not apply to observation decks, fountains, sculptures and other works of art.



Council Report: S 9/2024

Subject: Official Plan & Zoning Bylaw Amendments Z 008-23 [ZNG-6976] & OPA 169 [OPA-6977] 2830065 Ontario Ltd. (Alta Nota-Mariusz Buchcic) 1460 Lauzon Rd Multiple Dwelling Development – Ward 6

Reference:

Date to Council: February 5, 2024
Author: Jim Abbs,
Senior Planner
255-6543 x6317
jabbs@citywindsor.ca

Planning & Building Services
Report Date: January 15, 2024
Clerk's File #: Z/14589 & Z/14588

To: Mayor and Members of City Council

Recommendation:

THAT an amendment to Schedule 'D'- Land Use of Volume I the City of Windsor Official Plan, **BE APPROVED**, by changing the land designation of Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road from "Industrial" to "Residential".

THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** changing the zoning of Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road from Manufacturing District MD1.2 and Holding Manufacturing District HMD1.2 to Residential District (RD) 3.2.

THAT subsection 1 of Section 20 of the City of Windsor Zoning By-law 8600 **BE AMENDED** for Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road by adding site specific regulations as follow:

###. Southeast corner Lauzon Road and McHugh Street

For the lands described as for Part of Lot 128, Concession 1, Sandwich East; Part of Lot 129, Concession 1 Sandwich East, Part 1, 12R-16993; T/W R1464779, in the City of Windsor, known municipally as 1460 Lauzon Road, the following regulations shall apply:

Building setback from an interior lot line abutting a Residential District
(RD) 1.1 zone - 24m

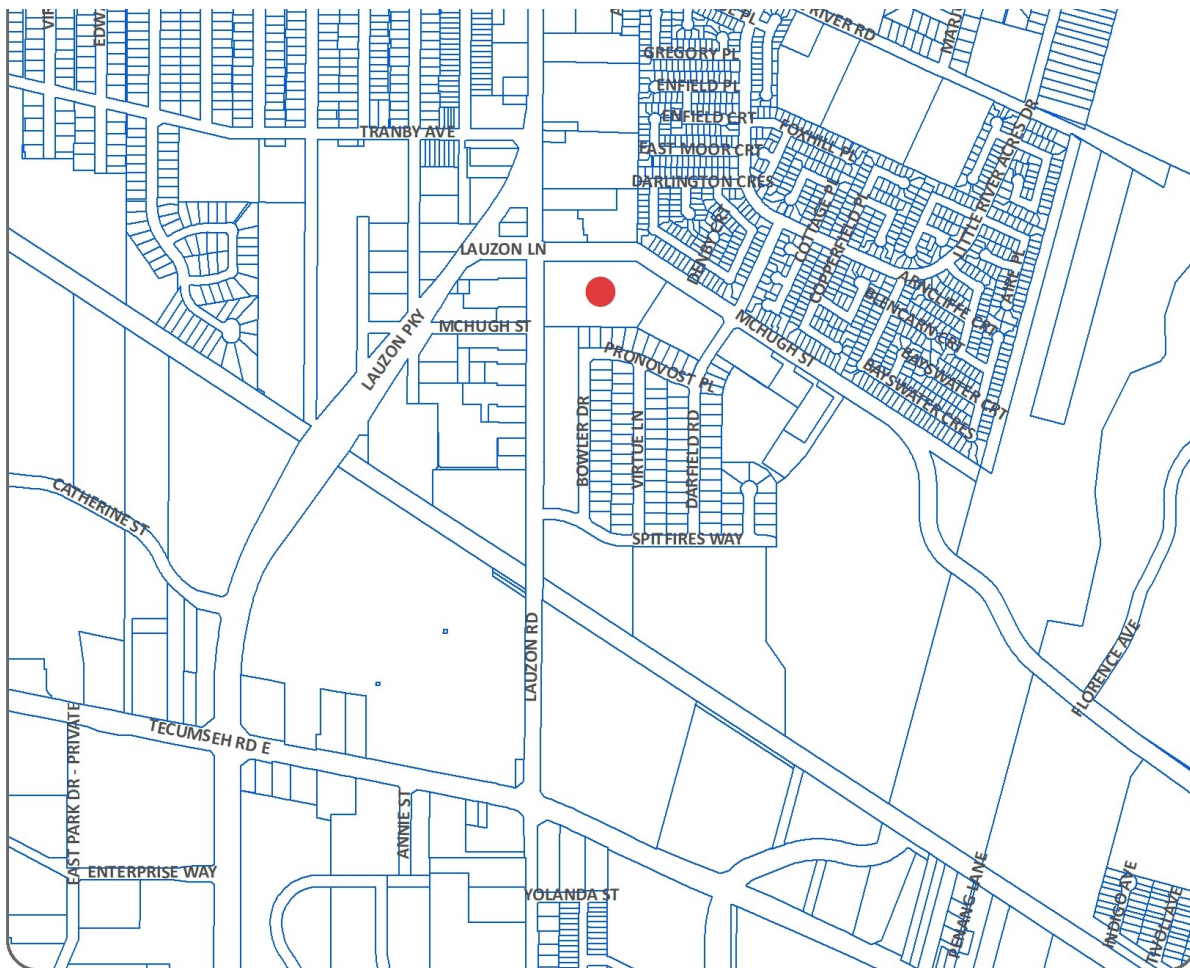
Executive Summary:

N/A.

Background:

Application Information:

Location: 1460 Lauzon Road Ward: 6
Planning District: Riverside ZDM: 14
Owner: 2830065 Ontario Ltd.
Agent: Lassaline Planning Consultants Inc. (Jackie Lassaline)



KEY MAP - Z-008/23, ZNG-6976, OPA 169, OPA-6977



● SUBJECT LANDS

Proposal:

The proposed development includes the construction of 3 residential buildings, 2 buildings at 7 storeys and 1 building at 6 storeys each for a total of 291 residential units with 363 associated car parking spaces. The proposed development requires 1.25 parking spaces per dwelling unit, for a total of 363 spaces being required with 363 being provided.

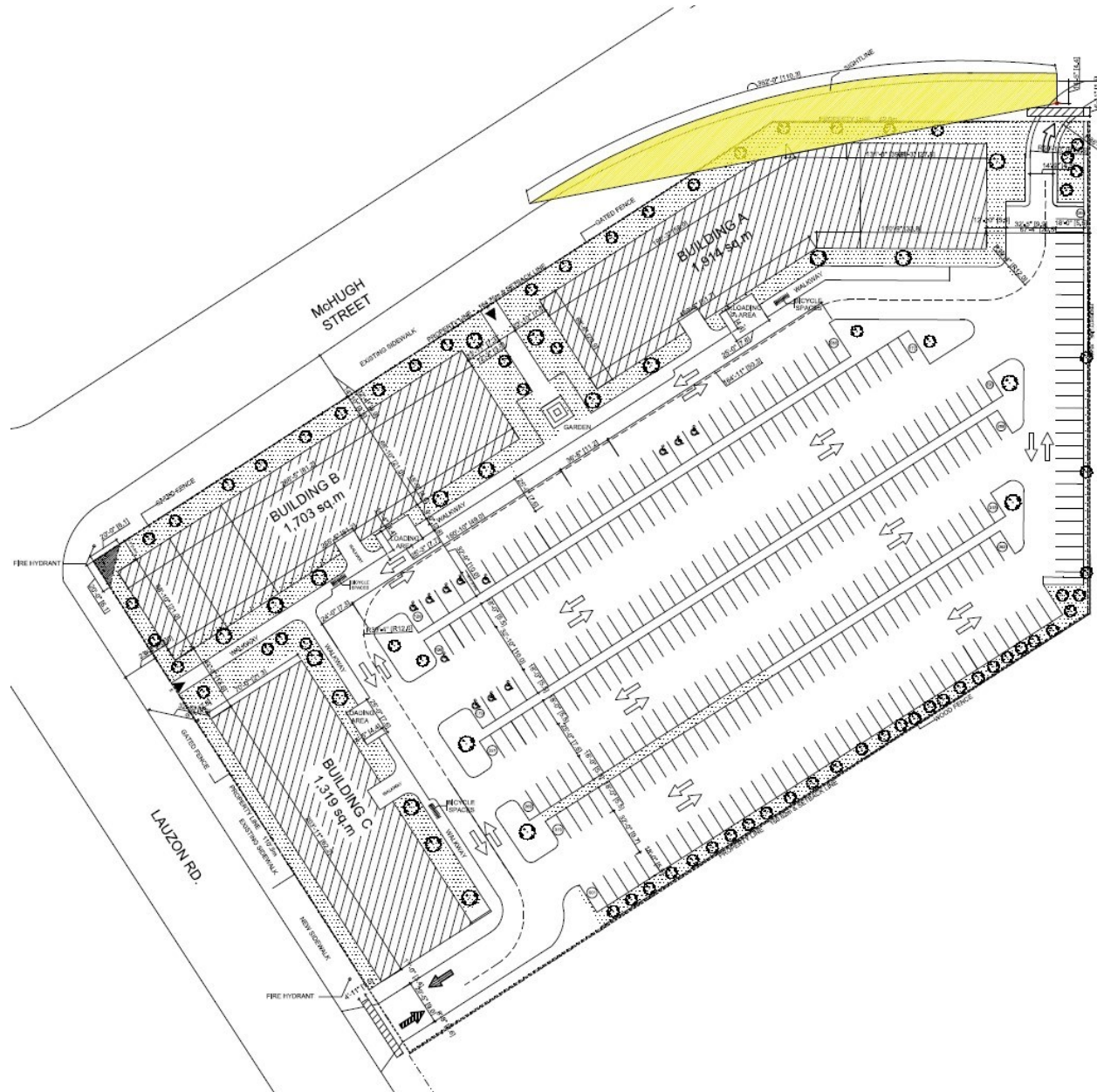


Figure 1: Concept Plan



FRONT ELEVATION BUILDING B

Figure 2: Buildings fronting McHugh Street)



Figure 3: Building fronting Lauzon)

SUBMISSIONS BY APPLICANT:

- Storm water Management Report
- Planning Rationale Report (October 2021 – Revised November 2023)
- Sanitary Sewer Study
- Site Renderings
- Conceptual Site Plan
- Building Floor Plans and Elevations
- Noise Assessment
- Traffic Study and addendum
- Environmental Site Assessment (phases 1&2)

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Industrial	Manufacturing District MD1.2 and Holding Manufacturing District HMD1.2	Vacant	parking
Lot Depth	Lot width	Area	Shape
varies	varies	21,704m ²	Irregular
All measurements are for the entire parcel and are approximate.			

Neighbourhood Characteristics:

The neighbourhood is made up of a mix residential, commercial and light industrial uses that include existing residential apartment buildings, commercial uses, and major recreational uses.

Surrounding Land Uses:

North Auto Service; Machine Shop, 11 storey residential apartment building, 3 storey residential building, low profile residential housing.

East vacant land (future commercial/mixed use development); 6 storey residential apartment buildings.

South vacant land (9 storey residential apartment buildings under construction), low profile residential housing; recreation facility.

West Car Wash, restaurants, Construction Contractor



Page 6 of 12

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:

“1.1.1b) 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:

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas may be converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities and subject to the following:

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

The PPS allows for the conversion of employment lands to non-employment uses without the need for a comprehensive review of all employment lands within the City. The site in question is a small isolated parcel of land designated for industrial use in an area that has transitioned to residential uses. The proposed redevelopment of the subject site meets the criteria set out in section 1.3.2.5. of the PPS for conversion to a non-employment use.

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:

- b) 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;

- 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;”

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 Lauzon Road.

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:

As this development is flanked on the north and south by residential development residentially designated land, the appropriate land use designation for this site is the Residential designation. The Residential designation in the City of Windsor Official Plan permits low and medium profile developments not greater than twenty-four (24) metres in height. The proposed development is 21m (7 storeys) in height which would 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.

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

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 is appropriate in this location as it 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 currently zoned Manufacturing District (MD1.2) and Holding Manufacturing District (HMD)1.2. neither of these zone categories would permit the proposed use. The applicant is proposing that the Residential District (RD) 3.2 zone be applied, no changes to the zone provisions of the RD3.2 zone are proposed by the applicant.

The proposed RD 3.2 zone would permit the proposed Multiple Dwelling structure as a use.

The request to permit Residential development RD 3.2 is appropriate because the area has been transitioning to residential and institutional uses through various planning applications since the previous industrial use that dominated the area was demolished. As well, long established residential uses that include forms of development similar to that proposed exist to the north of the development site.

While the applicant has indicated that no site specific provisions are required for this development, the Planning Department is recommending that a site specific provision be applied that would require any building be at least 24 m away from a property zoned Residential District RD 1.1

As a result of experiences with other projects where the concept plan that lead to the rezoning was changed, albeit within the parameters of the zoning by-law, but changed in a way that could have undesirable impacts on neighbouring properties. The planning department recommends that no building be located within (24m) of the low profile residential development to the south. This requirement will help to insure that the buildings in the proposed development are constructed in a manner that is consistent with the concept plan presented and a buffer is provided to the low profile residential development to the south.

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 and implement Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

Climate Change Adaptation:

The new 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:

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.

The applicant held a public open house on October 17, 2023 at the WFCU Centre.

Conclusion:

Planner's Opinion and Conclusions:

The proposed use of this site as a development containing 3 Multiple Dwelling structures containing 291 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 Official Plan and Zoning By-law amendments are consistent the PPS, conform with the policy direction of the City of Windsor Official Plan (as recommended for amendment), 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:

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

Notifications:

Name	Address	Email
2830065 Ontario Ltd.		
Lassaline Planning Consultants Inc		
Councillor Gignac		

Appendices:

- 1 Z 008-23 Liaison Comments
- 2 Concept Plan
- 3 Excerpt By-law 8600 - RD3.2

Z 008-23 Liaison Comments

TRANSIT WINDSOR - JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stops to this property are directly adjacent on McHugh at Lauzon Rd Southeast and Northeast Corners. There are no plans to change these stop locations. If construction requires a bus stop to temporarily be closed, Transit Windsor requires a minimum of 2 weeks notice. Transit service will be further enhanced in this area with our approved 2023 operating budget and service plan by City Council aligned with our Transit Master Plan. This will bring 2 new local routes to this area, both being two way conventional services versus the existing one way loop.

SITE PLAN CONTROL

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

ENBRIDGE

After reviewing the provided drawing at McHugh St & Lauzon Rd and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

Urban Design:

The renderings of the proposed development indicate a higher level of material and architectural details.

The planning Rationale Report (pg 27) identifies enhanced landscape features including increased landscape area to 45%, wrought iron fencing and gardens. These features will be strongly encouraged to be included at the Site Plan Control phase of this application.

Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication for residential development. Detailed landscape requirements will be provided at the time of site plan review.

ENWIN

HYDRO ENGINEERING:

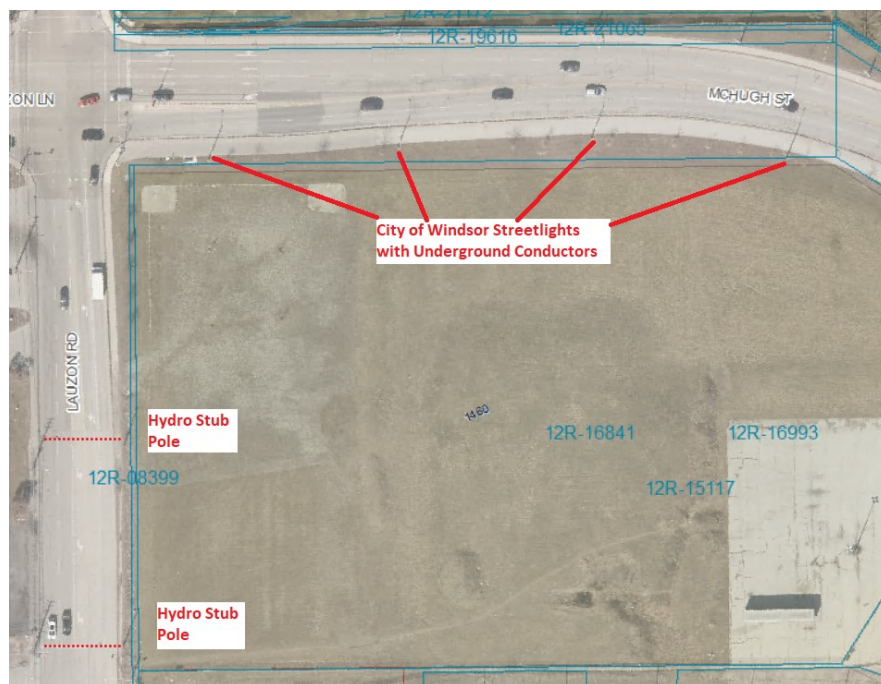
No Objection, provided adequate clearances are achieved and maintained.

ENWIN has existing overhead stub poles along the west limits for hydro distribution.

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

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

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



WATER ENGINEERING:

Water Engineering has no objections to the rezoning.

ERCA

The City of Windsor has received an Application for Zoning By-Law Amendment and an Application for Official Plan Amendment for the subject property. The applicant is requesting to amend the Official Plan to change from 'Industrial' to 'Residential'. The Zoning By-Law Amendment would change from 'Manufacturing District 1.2 (MD1.2)' to a site specific 'Residential District 3.2 (RD3.2)' zone. The applicant proposes to provide 1.14 parking spaces per unit, rather than the 1.25 spaces/ unit required by By-law 8600. No other alterations to the regulations contained in the RD3.2 zone category are requested.

The following pre-consultation comments are provided as a result of our review of Application for Zoning By-Law Amendment Z-008-23 [ZNG-6976] and Application for Official Plan Amendment No. 169 [OPA 6977].

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Little River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

If this property is subject to Plan for Condominium, Site Plan Control or other Planning Act applications, we request to be included in the circulation of these applications. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan control stage. ERCA has no further comments at this time.

TRANSPORTATION PLANNING – SIDDHARTH DHIMAN

We have reviewed the Traffic Impact Study Addendum for the above-noted application dated October 13 2023, by Dillon Consulting and we find the Traffic Impact Study Addendum satisfactory in its current form. Transportation planning is also satisfied with the changes made in the new site plan as per our comments.

Thanks,

TRANSPORTATION PLANNING – CLARE AMICARELLI

- Lauzon Rd is classified as a Class II Arterial with a required right-of-way width of 30.5 metres per Schedule X. The existing right-of-way along the frontage of the subject property is sufficient; however, a sidewalk is required along the remaining portion fronting Lauzon Road. If the sidewalk cannot be constructed within the right-of-way, a 1.8 metre land conveyance will be required along Lauzon Road, in order to place the proposed sidewalk within right-of-way.

McHugh St is classified as a Class II Arterial with a required right-of-way width of 32 meters. The current right-of-way width is sufficient; therefore, no conveyance is required.

- A corner cut-off of 6.1m x 6.1m is required at the corner of McHugh St and Lauzon Rd for a signalized intersection.
- A parking study is required, as the parking does not comply with Zoning By-Law 8600.
 - Loading space not shown on conceptual development plan
- Per the Official Plan, a sidewalk is required on both sides of an Arterial Road. The applicant shall agree to construct at their own expense, sidewalks within the right-of-way, extending from the existing sidewalk fronting Lauzon Road, as well as provide a monetary contribution per Engineering Right-of-Way requirements for future curb and gutter along the entire frontage of Lauzon Road.
- Transportation Planning has reviewed the Transportation Impact Study titled, “1460 Lauzon Road, Windsor” conducted by Dillon Consulting Ltd in September 2022. Transportation Planning has the following comments:
 - A revised TIS is required in order to account for Spitfires Way. Traffic data collection/review shall be completed at the intersection of Lauzon Rd and Spitfires Way.
 - Any signal timing changes recommended may or may not be possible depending on the signal timing coordination of those corridors.
 - Report states the driveway to McHugh Street is proposed to only permit the northbound right-out movement; however, the Conceptual Development Plan does not appear to indicate this. Confirmation is required.
- Transportation Planning has concerns with the sight lines when vehicles are using the proposed driveway exit onto McHugh St. Based on an initial sight line review, a portion of Building A is within sight lines. Considering McHugh St is a four-lane arterial with high speeds, we have concerns with the location of the proposed driveway, especially for left turning movements onto McHugh St.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

- All proposed driveways must be 7-9 metres total at the property line (minimum 3.5m/lane, maximum 4.5m/lane), unless proper justification can be provided. Both driveways shown on the conceptual development plan provided, exceed the maximum allowable width of 9 metres.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ENGINEERING – AMY OLSEN – October 2023

This email is to advise that upon further review of the surrounding area, the above property can continue through the development application process. The following shall be considered for our review and approval with respect to site servicing:

1. Storm runoff to be restricted, at a minimum, to the 5 year pre-development runoff from the site for all storms, up to and including, the 1:100 year and Urban Stress Test Events detailed within the Windsor/Essex Region Stormwater Management Standards Manual (2018).
2. Outlet capacity assessment for both the City storm and sanitary system downstream of the site outlets to confirm no adverse impacts on the existing system. Outlet capacity assessments are to have consideration for existing high water levels within the downstream City sewer system during all storm events.

ENGINEERING – AMY OLSEN – June 2023

Sewers

The site may be serviced by a 600mm sanitary sewer and a 450/750mm storm sewer located within McHugh Street right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

This department has completed a high-level review on the functional servicing study provided. The proposed development consists of three (3) residential buildings totaling 340 units; however, referencing A-1077, the property is only assessed for 160 persons (75 persons/hectare x 2.127 hectares). Based on the above information, the servicing study is not satisfactory, and additional information will be required to further justify this proposal. 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>.

Right-of-Way

McHugh Street is classified as a Class 2 Arterial Road according to the Official Plan, requiring a right-of-way width of 32 meters, the current right-of-way width is sufficient, therefore, a conveyance is not required.

Lauzon Road is classified as a Class 2 Arterial Road according to the Official Plan, requiring a right-of-way width of 30.5 meters and sidewalks on both sides of the road. While the current right-of-way width is sufficient, only a portion of the sidewalk is constructed along this frontage. This development shall extend the existing sidewalk to the south limits of their Lauzon Road frontage. If the sidewalk cannot be constructed within the right-of-way, a land conveyance will be required along Lauzon Road, sufficient to place the proposed sidewalk within right-of-way.

Currently, Lauzon Road has a rural cross-section, complete with a roadside ditch and is lacking curb and gutter along a portion of this property's frontage. The owner shall agree to construct at their own expense, sidewalks within the right-of-way, extending from the existing sidewalk on Lauzon Rd, and tying into the newly constructed sidewalk south of the subject property, as well as contribute \$3,422.50 towards the future construction of curb and gutter along the frontage of Lauzon Road requiring these elements.

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.

Curb & Gutters – The Owner further agrees to pay to the Corporation, prior to the issuance of a construction permit, the sum of \$3,422.50 being the Owner's contribution towards the future construction of concrete curb and gutter on the frontage of the subject lands.

Sidewalks - The owner(s) agrees to construct at their own expense and according to City of Windsor Standard Specifications, a concrete sidewalk within the right-of-way, along a portion of the Lauzon Road frontage, tying into the new sidewalk south of this development. All work shall be to the satisfaction of the City Engineer.

ERCA Requirements – The owner further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

Corner Cut-off– The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 6.1m x 6.1m (20' x 20') corner cut-off at the intersection of McHugh Street and Lauzon Road in accordance with City of Windsor Standard Drawing AS-230.

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to place the proposed sidewalks into the right-of-way. This conveyance shall be approximately 1.8 metres along the section of Lauzon Road where sidewalks are currently lacking.

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.

HERITAGE PLANNING – TRACY TANG

No supporting information required.

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

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

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

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

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

mstaadegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

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

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

ZONING COORDINATOR – ZAID ZWAYYED

- Proposed Zoning Designation: RD3.2
- Existing Use [as per historical Building Permit(s) / Planning Act Application(s)]:
 - Vacant property
- Proposed Use:
 - Three multiple dwelling buildings with 291 dwelling units and a parking area
- Section 5 – General Provisions

- Flood Protection & Natural Hazards Provisions (5.40): The subject property is within Floodprone Area. Thus consultation with Essex Region Conservation Authority (ERCA) is required per section 5.40.5
- Zoning Provisions (12.2):
 - Minimum lot Frontage:
 - 30.0 m (Required)
 - 114.0 m (Provided)
 - Minimum Lot Area:
 - 13,561 m² (Required)
 - 21,704 m² (Provided)
 - Maximum Lot Coverage:
 - 35.0% (Required)
 - 27.0% (Provided)
 - Maximum Main Building Height:
 - 24.0 m (Required)
 - 21.70 m (Provided)
 - Minimum Landscaped Open Space Yard:
 - 35.0% (Required)
 - 45.0% (Provided)
 - Maximum Dwelling Unit Density:
 - 188 units per ha (Required)
 - 145 Units per ha (Provided)
- Section 24 - Parking, Loading and Stacking Provisions
 - Required Number of Parking Spaces:
 - 363 spaces (Required)
 - 334 spaces (Provided)
 - Required Number of Visitor Parking Spaces:
 - 50 spaces (Required)
 - 0 Spaces (Provided) (Designated visitor spaces must be shown)
 - Required Number of Type A Accessible Parking Spaces:
 - 4 spaces (Required)
 - Required Number of Type B Accessible Parking Spaces:
 - 4 spaces (Required)
 - 12 spaces total (Provided). However, the number of Type A and Type B spaces could not be verified on the submission, the numbers provided in the report add up to 10 spaces on page 63 of the report, and it states that there are 12 spaces in total
 - Access Aisles and curbcuts for accessible spaces: Must be shown on the submission.
 - Required Number of Bicycle Spaces:
 - 19 spaces (Required)
 - 30 spaces (Provided)
 - Required Loading Spaces:
 - 3 spaces (Required)
 - 3 spaces (Provided)
- Section 25 – Parking Area Provisions
 - Parking Area Separation from a building wall containing a habitable room window or containing both a main pedestrian entrance and a habitable room window facing the parking area where the building is located on the same lot as the parking area (25.5.20.1.6):
 - 4.50 m (Required)
 - 7.60 m (Provided)

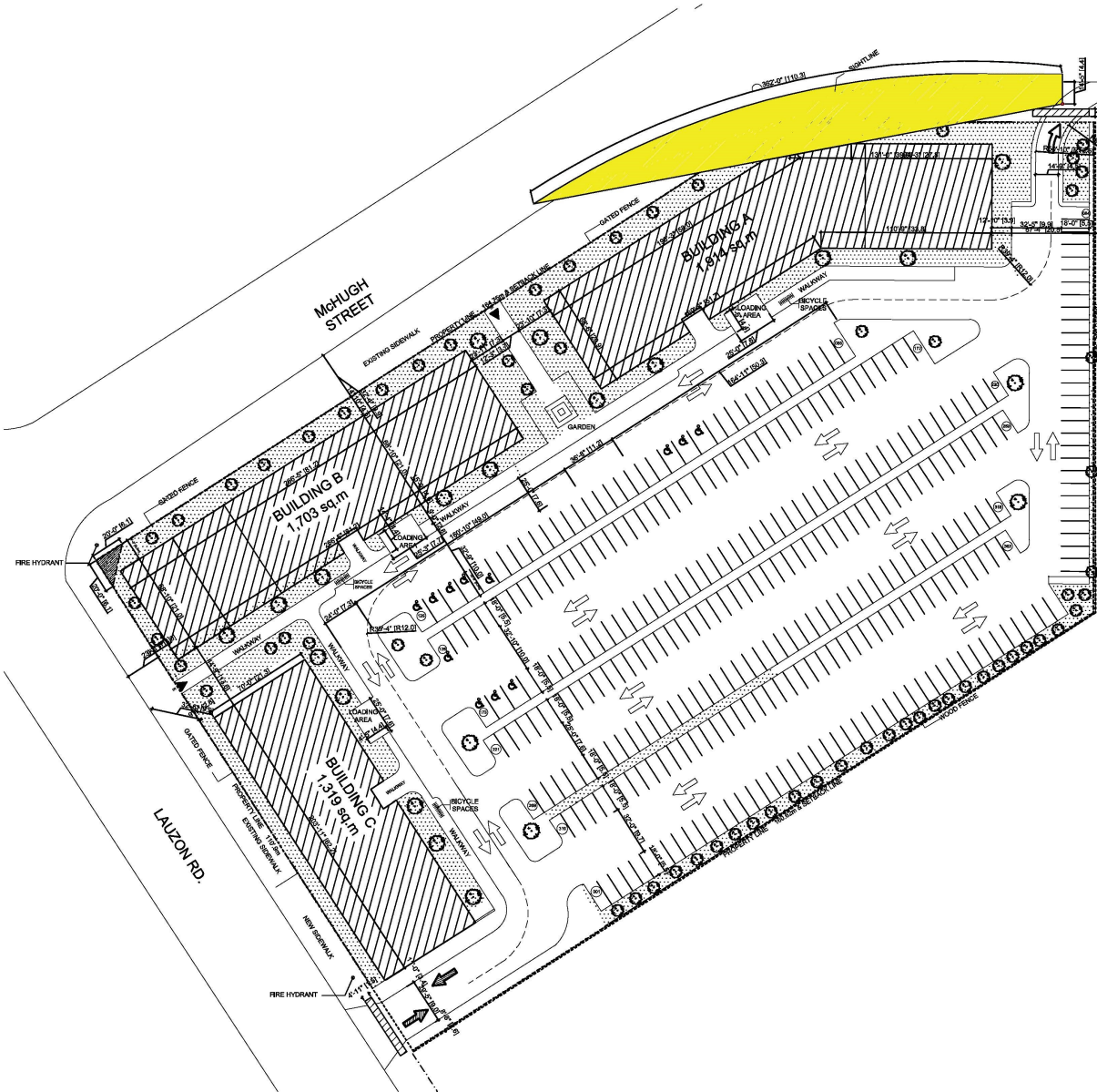
BUILDING DEPARTMENT – BARBARA RUSAN

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

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

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

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



PROPOSED ZONING RD 3.3

SET BACK
FRONT YARD DEPTH = 0m
REAR YARD DEPTH = 0m
SIDE YARD DEPTH = 0m
MAIN BUILDING HEIGHT < 30m
FRONTAGE > 45m
COVERAGE < 35%
LANDSCAPE OPEN > 35%

PROPOSAL AREA = 233,620 sqft (21,704 sq.m)
ARE LOT
SET BACK
FRONT YARD DEPTH = AS SHOWN LAUZON ROAD (2.8m)
REAR YARD DEPTH = AS SHOWN (21.2m)
EXTERIOR SIDE YARD DEPTH AS SHOWN McHUGH ST. (3.5m)
INTERIOR SIDE YARD DEPTH AS SHOWN (17.4m)
MAIN BUILDING HEIGHT = 21.70m (71'-03" = 7 storeys)

CLASSIFICATION OF BUILDING
GROUP C ANY HEIGHT ANY AREA SPRINKLERED 3.2.242

AREA (BUILD UP AREA)
BUILDING A 1st-8th @ 20,800 sqft (1,914 sq.m)
7th 17,800 sqft (1,654 sq.m)
SUBTOTAL (7 FLOORS) 141,400 sqft (13,136sq.m)
BUILDING B 1st-5th @ 18,336 sqft (1,703 sq.m)
6th 15,556 sqft (1,445 sq.m)
7th 12,910 sqft (1,199 sq.m)
SUBTOTAL (7 FLOORS) 120,146 sqft (11,162 sq.m)
BUILDING C 6th @ 14,200 sqft (1,319 sq.m)
SUBTOTAL (6 FLOORS) 85,200 sqft (7,915 sq.m)
TOTAL FOR ALL FLOORS 346,746 sqft (32,214sq.m)

COVERAGE 27%
LANDSCAPE OPEN 36.3%

ESTIMATE UNIT PER BUILDING

BUILDING A (7 STOREYS)
1st FLOOR 16 X 1 = 16 UNITS
2nd - 5th FLOOR 19 X 4 = 76 UNITS
6th FLOOR 14 X 1 = 14 UNITS
7th FLOOR 10 X 1 = 10 UNITS
SUB - TOTAL 116 UNITS

BUILDING B (7 STOREYS)
1st FLOOR 14 X 1 = 14 UNITS
2nd - 5th FLOOR 16 X 4 = 64 UNITS
6th FLOOR 14 X 1 = 14 UNITS
7th FLOOR 12 X 1 = 12 UNITS
SUB-TOTAL 104 UNITS

BUILDING C (6 STOREYS)
1st FLOOR 11 X 1 = 11 UNITS
2nd - 6th FLOOR 12 X 5 = 60 UNITS
SUB-TOTAL 71 UNITS
TOTAL 291 UNITS

REQUIRED PARKING
291 X 1.25 = 363 PARKING SPACE

PROVIDED SURFACE PARKING SPACE
291x 1.25 = 363 PARKING SPACE

AVANT
GROUP INCORPORATION
5580 Tecumseh Rd. East, Windsor, ON, N8T 1E3
Phone: 519-300-8939 | 519-919-2010
Email: info@avantgroupincorp.com
Website: www.avantgroupincorp.com

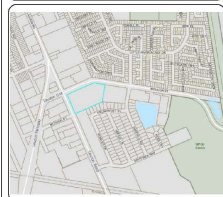
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NuFusion
& ASSOCIATES
350 BELLERIE AVE. WINDSOR, ONTARIO, N6A 4M5
EMAIL: info@nufusion.com CALL: 519-550-9514

LASSALINE
PLANNING CONSULTANTS INC.

CLIENT

NuFusion Associates



PROJECT TITLE

GATEWAY GARDENS
NEW GATED LAUZON
CONDOMINIUM DEVELOPMENT
1460 LAUZON RD, WINDSOR, ON

DRAWING TITLE

CONCEPTUAL SITE PLAN

NOTE

KEY PLAN

GENERAL NOTES

1. VERIFY ALL DIMENSIONS AND EXISTING CONDITIONS AS REQUIRED PRIOR TO BEGINNING AND COMMENCEMENT OF WORK.
2. COORDINATE ARCHITECTURAL, STRUCTURAL, MECHANICAL, AND ELECTRICAL DRAWINGS PRIOR TO COMMENCEMENT OF WORK.
3. PROVIDE ANY COMMENTS AND/OR DISCREPANCIES AND, NOTIFY THE ARCHITECT AS SOON AS POSSIBLE, IN WRITING PRIOR TO PROCEEDING WITH ANY WORK.
4. ALL WORK SHALL COMPLY OR EXCEED THE REQUIREMENTS OF THE ONTARIO BUILDING CODE, FIRE CODE, PLUMBING CODE, ELECTRICAL CODE, AND LOCAL BY-LAWS.

REVISION RECORD

No.	Description	Date
1	REZONING APP.	July '22
2	REZONING REV.	16 OCT '23

PROJECT NOTE

PROJECT NUMBER 22-001
DATE 2023-10-16
DRAWN BY M.H.
CHECKED BY J.N.
APPROVED BY M.H.

SHEET SIZE
ARCH D (24" x 36")
SHEET NUMBER
SP-2R3
REV NO.

SCALE AS NOTED

CONCEPTUAL SITE PLAN
1/32" = 1'-0"

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 *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines*:

a) For the first 5 *dwelling units* 540.0 m²

b) For the next 19 *dwelling units* 67.0 m² per unit

c) For each additional *dwelling unit* 44.0 m² per unit

For any other *lot*:

d) For the first 4 *dwelling units* 540.0 m²

e) For the next 15 *dwelling units* 85.0 m² per unit

f) For each additional *dwelling unit* 55.0 m² per unit

.3 Lot Coverage – maximum 35.0%

.4 Main Building Height – maximum

Corner Lot 24.0 m

Interior Lot 18.0 m

.8 Landscaped Open Space Yard – minimum 35.0% of *lot area*

.13 Dwelling Unit Density – *dwelling units* per hectare – maximum

For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines* 188 units per ha

For any other *lot* 150 units per ha

.50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*. [ZNG/5630]

(AMENDED by B/L 95-2019, Sept. 27/2019)

.55 A addition to an *existing Double Duplex Dwelling*, *existing Duplex Dwelling*, *existing Semi-Detached Dwelling* or an *existing Single Unit Dwelling* and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.



Council Report: S 97/2023

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

Reference:

Date to Council: February 5, 2024
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: August 4, 2023
Clerk's File #: SAA2023

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 20.12-metre-wide Third Street right-of-way located between Continental Avenue and E. C. Row Expressway, and shown on Drawing No. CC-1828 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject right-of-way", **BE ASSUMED** for subsequent closure;
- II. THAT the subject right-of-way **BE CLOSED AND CONVEYED** to the abutting property owners, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 6.0-metre-wide easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. The Corporation of the City of Windsor to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the existing 1,500.0 millimetre reinforced concrete storm sewer pipe.
 - b. 6.0-metre-wide easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. The owner of the property known municipally as 4575 Fourth Street (legally described as Lots 225, 226 & 303 to 305, Plan 972; Lots 53 to 65 & 112 to 130, Part of Alley & Hudson, Plan 1154; Parts 1 to 6, Reference Plan 12R-10200) for vehicular and pedestrian access to Continental Avenue.

- c. Easement over that portion of the subject right-of-way abutting the property known municipally as 0 Continental Avenue (legally described as Lots 38 to 40 & Part of Closed Alley, Plan 1209), 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 0 Continental Avenue for access to maintain their property to City of Windsor standards, **IF** they choose not to purchase their half of the subject right-of-way.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned MD2.1, \$10.00 per square foot plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor without easements, and \$5.00 per square foot plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor with easements.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1828, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

Executive Summary:

N/A



STREET & ALLEY CLOSING (SAA/6924)

1:2,000

APPLICANT : VITELLA PLUMBING INC.

 SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: DECEMBER, 2022



Figure 1 - Location Map

Background:

The applicant, Vitella Plumbing Inc., owner of the properties known municipally as 2015 Continental Avenue and 0 Third Street (Roll No. 080-670-00700) (the subject property), applied to close the Third Street right-of-way located between Continental Avenue and E. C. Row Expressway (the R.O.W.), and shown on Drawing No. CC-1828 *attached* hereto as Appendix “A”, and also shown on the aerial photo *attached* hereto as Appendix “B”.

The R.O.W is unmaintained and composed primarily of gravel and grass to the north, and natural vegetation to the south. The R.O.W contains a 1,500.0 millimetre reinforced concrete storm sewer with manhole, and provides the only vehicular means of access to the vacant property known municipally as 0 Continental Avenue (Roll No. 080-660-06402).

The applicant wishes to close and purchase the R.O.W to accommodate a proposed commercial/industrial development on the west side of the subject property. The

applicant has provided two (2) Conceptual Drawings illustrating a one storey multi-unit building with parking area (see Figures 2 & 3 below). The applicant indicated that if successful in acquiring the R.O.W or part there-of, they would be interested in remediating the lands of any contaminants and/or refuse originating from previous industrial uses.



Figure 2 - Conceptual Plan 1

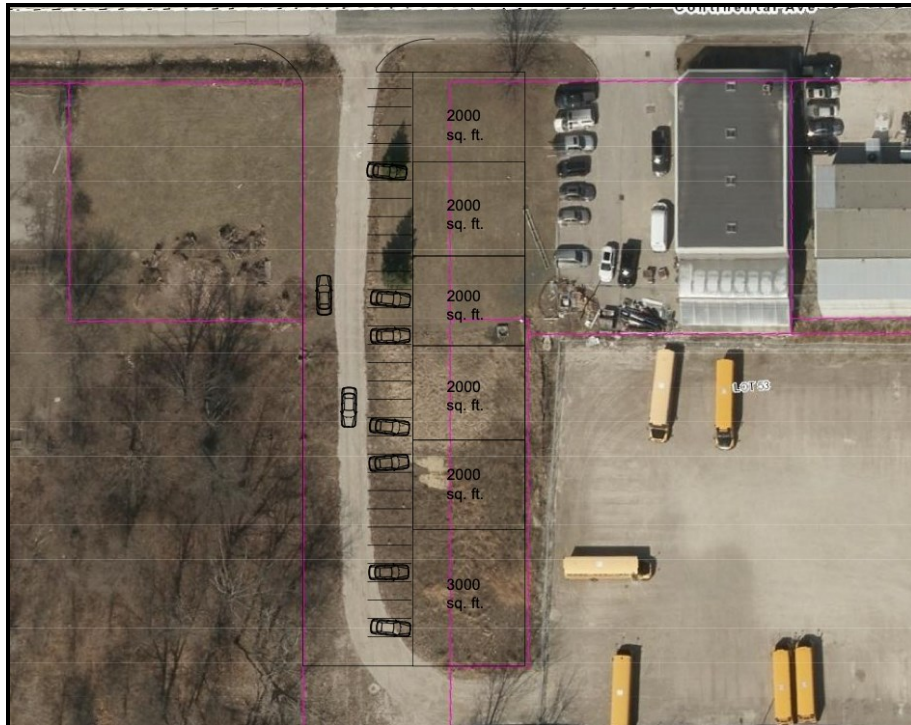


Figure 3 - Conceptual Plan 2

Discussion:

The decision to recommend closure of a right-of-way is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix "E"**. The document details four classifications of right-of-ways based on their usefulness, and provides corresponding criteria for determining suitability for closure.

Classification of Public Right-of-Ways

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

1. *Does the subject right-of-way serve commercial properties?*
 - a. The R.O.W does not serve commercial properties.
2. *Does the subject right-of-way serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The R.O.W does not serve properties fronting on heavily traveled streets.
3. *Does the subject right-of-way contain sewers, and must the right-of-way remain accessible for servicing?*
 - a. The R.O.W contains a 1,500.0 millimetre reinforced concrete storm sewer.
 - b. The Public Works Department has no objection to the closure subject to the following conditions being satisfied:
 - 6.0-metre-wide easement be granted in favour of The Corporation of the City of Windsor to enter, construct, maintain, inspect, alter, repair, remove, replace, reconstruct and enlarge the storm sewer; and
 - Driveway Permit be obtained to pave and maintain the driveway approach as per Standard Engineering Drawing AS-204.
 - The Driveway Permit will be included as a condition of Site Plan Approval, when and if the development proceeds.
4. *Does the subject right-of-way serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The R.O.W does not serve as the only vehicular means of access to rear parking areas or garages.
5. *Does the subject right-of-way contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The R.O.W does not contain Fire Department connections.

6. *Does the subject right-of-way lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*

- a. The R.O.W does not lie within a Holding zone or similar undeveloped area.

Based on the above, the Planning Department deems the right-of-way “dispensable”, and supports the requested closure.

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

The applicant’s request to close and purchase the R.O.W in its entirety cannot be supported for the following reasons:

- The owner of the abutting property known municipally as 1945 Continental Avenue has confirmed in writing that they wish to purchase their half of the R.O.W.
- There is no justification to convey the R.O.W in its entirety to the subject property (i.e. historical legally recognized use of the R.O.W. for a purpose such as vehicular access)

The applicant will potentially have an opportunity to purchase the entire width of the R.O.W. shared with 0 Continental Avenue, as its owner has verbally indicated that they are not interested in purchasing it. The closure and purchase of 0 Continental Avenue’s half of the R.O.W. by another property owner will require an easement to be granted in their favour for access to maintain their property to City of Windsor standards. This is due to the roadside ditch located across the entire lot frontage of 0 Continental Avenue.

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 a right-of-way conveyed to abutting lands zoned MD2.1 is assessed at \$10.00 per square foot plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor without easements and \$5.00 per square foot plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor with easements.

Consultations:

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

The Legal Department has advised that an easement is required in favour of 4575 Fourth Street for vehicular and pedestrian access as a condition of closing the R.O.W. This easement is necessary in the event that the owner creates a landlocked lot through the transfer of Lots 125 through 130, Registered Plan 1154 and Lot 305, Registered Plan 972 or any combination thereof (refer to Figure 4 below). The City cannot eliminate access to a public right-of-way from a lot(s) on a Registered Plan of Subdivision.



Figure 4 - Transferable Lots on Registered Plan of Subdivisions 972 & 1154

Notice of this application was issued to property owners abutting the R.O.W. by regular mail, with no objections being received as of the date of writing this report.

Letter was issued to property owners abutting the R.O.W. by regular mail, requesting that they confirm if they intend to purchase their half of the R.O.W. This letter was issued in response to the applicant's request to close and purchase the R.O.W. in its entirety, which is contrary to the standard manner of conveyance. The letter advised the property owners that failure to reply may result in the offer for purchase of their half of the R.O.W. being forfeited to another abutting property owner.

The owner of the property known municipally as 1945 Continental Avenue, confirmed, in writing, that they wish to purchase their half of the R.O.W. should Council approve its closure.

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 R.O.W. shown on attached Appendix "A", subject to easements in favour of The Corporation of the City of Windsor, the owner of 0 Continental Avenue and the owner of 4575 Fourth Street as in Recommendation II of this report.

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

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development

Neil Robertson, MCIP, RPP
Acting City Planner

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

JP

JM

Approvals:

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

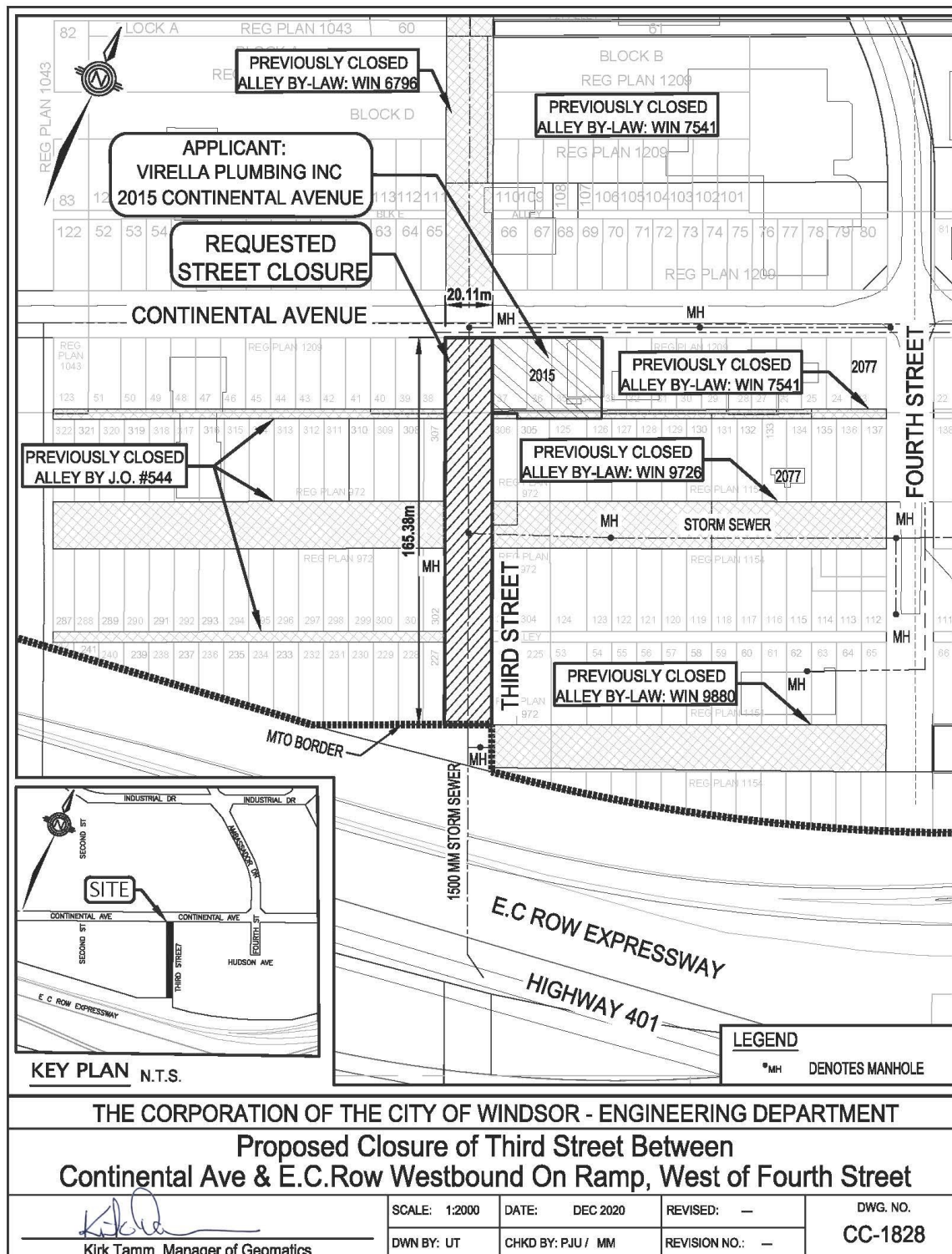
Notifications:

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

Appendices:

- 1 Appendix A - Drawing No. CC-1828
- 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-1828**



APPENDIX "B"

EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6924)

1:2,000

APPLICANT : VITELLA PLUMBING INC.

 SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: DECEMBER, 2022



APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

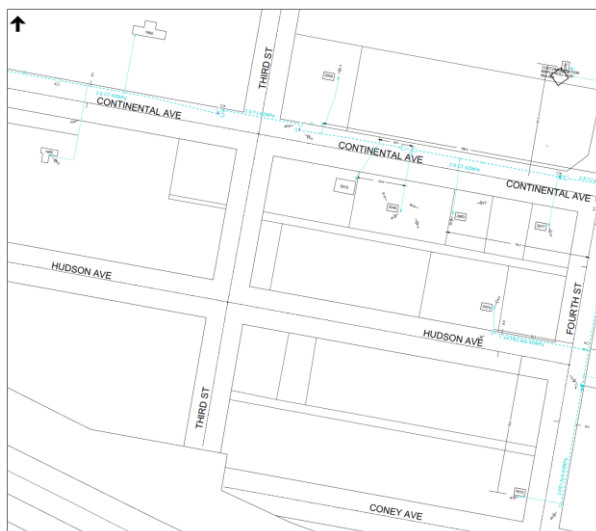
ENBRIDGE GAS

After reviewing the provided drawing at Third 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 Dellosa - Drafter / Estimator]



ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone - Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No objection

[Anwar Nagar - Senior Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

For lands abutting MD2.1, \$10/sq. ft. without easements and \$5/sq. ft. with easements.

[Chris Carpenter - Coordinator of Real Estate Services]

MNSi

MNSi does not require an easement through these subject properties.

[Dave Hartleib - Outside Plant Manager]

PARKS & FACILITIES

As from Parks D&D point of view this SAA/6924 Liaison has no issue.

But from other city planning and urban design points of view this request is not in support as for the integrity and continuity of the Third street. It has also other land parcels and an existing underground utilities/services with specially existing sewer line, see attached.

We are not in support for this 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

The subject alley is composed of grass and dirt. The property at 4575 Fourth Street has placed a gravel approach and driveway without a permit in the alley. If the closure application is not approved, the property owner will be required to remove the gravel driveway and approach at their cost. If the alley is closed, the owner of the alley is required to obtain a permit to pave and maintain the driveway approach as per AS-204. There is a storm sewer running through the alley. An easement will be required for the municipal sewer. This subject alley appears to have no usefulness by CR146/2005; therefore, we have no objections to the closure subject to the easement and driveway permit.

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

PUBLIC WORKS - TRAFFIC

All adjacent properties of the Third Street ROW have alternate access from either Continental Ave or Fourth Street. Closing the ROW as shown will not restrict access to any properties. Given that the land is zones MD2.1 and subdividing land is unlikely, there are no concerns with closing the ROW as shown

[Mike Spagnuolo - Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

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

[Meghna Patel - Permit Coordinator]

TRANSPORTATION PLANNING

Transportation Planning has no concerns.

[Clare Amicarelli - Transportation Planner I]

TRANSIT WINDSOR

No comments provided

WINDSOR FIRE

No issue from 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 end result from this will not carry any negative impact to police incident response or service delivery capacity for the affected properties.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX “D”
Site Photos (December 5, 2022)



Figure 1 - Looking south towards Third Street from Continental Avenue



Figure 2 - Third Street, looking south from Vitella Plumbing Inc. property (left) (2015 Continental Avenue)



Figure 3 - Third Street, looking southeast towards First Canada ULC property (4575 Fourth Street)



Figure 4 - Third Street, looking south towards E. C. Row Expressway



Figure 5 - Third Street, looking east towards First Canada ULC west gate



Figure 6 - Third Street, looking north from First Canada ULC (right)



Figure 7 - Storm sewer manhole within Third Street right-of-way



Figure 8 - Third Street, looking north towards Continental Avenue from Vitella Plumbing Inc. (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.



**Subject: Economic Revitalization Community Improvement Plan (CIP)
application submitted by Bobaek America Inc. for a Manufacturing
Facility located at 3490 Wheelton Drive (Ward 9)**

Reference:

Date to Council: February 5, 2024
Author: Greg Atkinson, Deputy City Planner - Development
519-255-6543 ext. 6582
gatkenson@citywindsor.ca

Tracy Tang
Planner II - Revitalization & Policy Initiatives
519-255-6543 ext. 6179
ttang@citywindsor.ca

Planning & Building Services
Report Date: January 8, 2024
Clerk's File #: SPL/10759

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Bobaek America Inc. to participate in the Business Development Grant Program **BE APPROVED** for the property located at 3490 Wheelton Drive (shown in Appendix 'A') for a period that ends the earlier of 10 years or when 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT Administration **BE DIRECTED** to prepare an agreement between the City and Bobaek America Inc. to implement the Business Development Grant Program in accordance with applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan, and applicable lease terms, for the subject property to the satisfaction of the City Planner as to technical content, the City Solicitor as to form, and the City Treasurer as to financial content; and,
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Development Grant Agreement.

Executive Summary:

N/A

Background:

City Council approved the Economic Revitalization Community Improvement Plan (CIP) at its January 31, 2011 meeting via CR 50/2011. The adopting By-law 30-2011 was passed by Council at its February 14, 2011 meeting.

The Economic Revitalization CIP provides financial incentives to encourage new investment in targeted economic sectors for the purposes of diversifying the local economy and creating/retaining jobs. The CIP allows the City to take a variety of measures to further the objectives of the Economic Revitalization CIP that would otherwise be prohibited by Ontario's *Municipal Act, 2001*. This includes the acquisition and preparation of land; construction, repair, rehabilitation or improvement of buildings; the sale, lease or disposal of land and buildings; and the provision of grants to owners or tenants of land—all of which must conform with the objectives and policies contained within the CIP.

To date, City Council has approved a number of applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism.

Windsor Works Strategy

In February of 2020, Windsor City Council commissioned an economic development report called Windsor Works - An Economic Development Strategy for the City's Future Growth. One of the report's chief recommendations relating to the future economy was to build on Windsor's manufacturing strength to become a hub for new innovation and the auto sector of the future. Specifically, the report recommended establishing Canada's first ramp up factory for electric and autonomous vehicles and working with the Province to prioritize the area for battery production by 2025.

Announcement of Landmark Investment

On March 23, 2022 Stellantis and LG Energy Solutions (LGES) announced that Windsor had been selected as the site of Canada's first large-scale electric vehicle battery manufacturing facility. The companies have formed a joint venture called NextStar Energy Inc. to facilitate a \$5 Billion (CAD) investment in a large scale lithium-ion battery production plant located west of Banwell Road and south of EC ROW Expressway. The facility will have an annual production capacity in excess of 45 gigawatt hours, targeted to be operational in 2024 and create an estimated 2,500 new jobs.

Bobaek C&S Co. is the parent company of Bobaek America Inc. and producer of electronic components and parts for electric vehicles. Bobaek C&S Co. was established in 2012 in South Korea and has been expanding its business internationally with other facilities located in Poland, Czech Republic, and Indonesia. Bobaek intends to expand their business in North America to supply the demands of their customers. Bobaek will manufacture base materials for the battery in EVs and other automotive products. To carry out this project Bobaek has decided to build a manufacturing facility in Windsor, which was announced by the Provincial Government in December 2023.

Subject Site

In accordance with a lease dated July 14, 2023, the property located at 3490 Wheelton Drive Airport (the “Subject Site”), directly east of the FedEx Cargo Building near the Windsor International Airport, will be leased by Bobaek America Inc. from the City upon satisfaction of certain conditions precedent. As tenant, Bobaek America Inc. has applied for financial incentives under the Business Development Grant Program for its proposed manufacturing facility to be constructed at the Subject Site. See Appendix ‘A’ for a location map of the Subject Site.

The Subject Site is vacant land that is currently farmed. The Subject Site is designated ‘Industrial’ on Schedule D of the Official Plan and is zoned Manufacturing District MD2.7, which permits a wide range of industrial uses.

Discussion:

Business Development Grant Program

The Business Development Grant Program is intended to provide financial incentive to stimulate new investment in targeted economic sectors for the purposes of expanding and diversifying Windsor’s economy. The Business Development Grant Program will also apply to projects that demonstrate a major investment resulting in a significant positive impact on the local economy and workforce. New manufacturing businesses that create a minimum of 50 jobs are eligible to apply under the program.

Successful applicants are eligible to receive an annual grant for up to 100% of the municipal property tax increase created by an investment in development or redevelopment of a building or property—provided it conforms with the Economic Revitalization CIP. Annual grants typically continue for up to 10 years or until up to 100% of the eligible investment costs are repaid.

Proposed Construction

The application proposes to construct a 13,310 m² (143,267 ft²) industrial building in two phases (i.e. 6,655 m² or 71,633 ft² each). The project is estimated at a value of \$35 million in total, with construction costs approximately \$25,765,148.

Eligible Sector

Bobaek America Inc. falls under the eligible Manufacturing sector, which is defined as:

Manufacturing

Companies engaged in the fabricating, processing, assembling, packaging, producing or making goods or commodities, including ancillary repair, storage, wholesaling or office uses.

Employment

According to the CIP application, Bobaek America Inc. will create 144 new jobs as part of Phase 1 and about 70 new jobs as part of Phase 2 (i.e. total of about 214 new jobs).

CIP Objectives

Construction of the industrial facility and recommended Business Development Grant supports the following CIP objectives:

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;
- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Attract investment based on the community's strengths and competitive advantages;
- Support investments in specified high potential economic sectors that contribute to the diversification of the local economy;
- Facilitate the development of the City's vacant employment lands and other areas that have the potential to be new employment areas;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs;
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster-related synergies; and,
- Support investment and development that results in an increase in property

assessment and grows the non-residential municipal tax base over the long-term.

Risk Analysis:

There is little risk involved in the approval of CIP incentives. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the eligible employment use and issuance of annual grants will also be required over the next 10 years. Should Council refuse the CIP request, there is a significant risk that Bobaek America Inc. may not proceed with the proposed investment in Windsor.

Climate Change Risks

Climate Change Mitigation:

The proposed manufacturing facility implements Environmental Master Plan Goal A – Improve Our Air Quality, which directs the City to be proactive by partnering with community groups, industry and other levels of governments to improve Windsor's air quality. It also implements Community Energy Plan Transportation Strategy 11, which seeks to increase the adoption of electric vehicles and alternate fuel vehicles.

The construction and operation of the proposed manufacturing facility will result in an increase in the community greenhouse gas emissions, however, it is important to highlight as in previous reports regarding the NextStar Energy Battery facility that the emissions associated with this opportunity will support the national/international transition to EV vehicles as a priority mitigation strategy to move away from fossil fuels.

Climate Change Adaptation:

The new buildings may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices. The site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

Business Development Grant Program

The tax increment portion of the Business Development Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by the Municipal Property Assessment Corporation (MPAC). Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on

the actual assessed property value, tax class, and municipal tax rate.

Summary of Potential Financial Incentives

Bobaek America Inc. proposes to invest \$35 million in total, with \$25,765,148 in eligible building construction costs between the two phases of construction (i.e. Phase 1 & 2). The current tax levy is \$0 as the vacant lands are currently owned by the City and therefore are considered to be exempt for property tax purposes. The satisfaction or waiver of the conditions precedent under the lease to Bobaek America Inc. and construction of the industrial building would trigger a change in use causing the property to become taxable.

Based on the 2022 BMA Management Consulting data for standard industrial facilities, City staff anticipate the post-development tax levy to total approximately \$221,000 with the municipal share estimated to be \$187,200. The recommended grant period of 10 years would provide a total estimated grant value of \$1,872,000, which would offset approximately 7.3% of the eligible building construction costs and permit fees incurred by Bobaek America Inc.

Because the Business Development Grant Program does not cancel taxes, Bobaek America Inc. must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes (i.e. the 'tax increment').

Additionally, Bobaek America Inc. has been approved for \$1.5 million in funding from the Provincial Government through the Regional Development Program's Southwestern Ontario Development Fund.

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. Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects; Kate Tracey, Senior Legal Counsel, Legal & Real Estate; and Milan Vujanovic, Senior Economic Development Officer, Economic Development, were consulted with respect to the Business Development Grant Program of the Economic Development CIP.

Conclusion:

Administration recommends that Council approve the request made by Bobaek America Inc. to participate in the Business Development Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed development located west of 3490 Wheelton Drive be provided as an annual grant for a period that ends the earlier of 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

The planned development conforms with the Economic Revitalization CIP and assists the City in the achievement of a number of the CIP objectives, implementation of the Windsor Works Strategy, and exemplifies the purpose for which the Economic Revitalization CIP was created.

Planning Act Matters:

N/A

Approvals:

Name	Title
Tracy Tang	Planner II
Josie Gualtieri	Financial Planning Administrator
Greg Atkinson	Deputy City Planner - Development
Neil Robertson	Acting City Planner / Executive Director, Planning & Development Services
Kate Tracey	Legal Counsel, Legal Services & Real Estate
Lorie Gregg	Deputy Treasurer, Taxation & Financial Projects
Janice Guthrie	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
Sang Hyuk Yoon		sanghyuk@planmytax.ca

Appendices:

- 1 Appendix A - Location Map
- 2 Appendix B - Bobaek Request Letter



LOCATION MAP : 3490 WHEELTON DRIVE



Bobaek America Inc.'s parent company, Bobaek C&S Co., Ltd, produces electronic components and parts for electric vehicles and automobile. Bobaek C&S Co. was established in 2012. Bobaek has been expanding their business internationally. In 2014, Poland corporation was established and started the business in Poland. In 2015, Czech Corporation was established and started the business in Europe. In 2020, Indonesia corporation was established.

Bobaek intends to expand their business in North America to supply the demands of their customers. Bobaek will manufacture base materials for the battery in EV and other supplies in automobile. Bobaek C&S Co., Ltd. has its own patented techniques for processing insulation sheet in Korea, which make Bobaek C&S Co., Ltd more competitive than other businesses in this area. Bobaek attains purchase orders to be fulfilled for their American electric vehicle manufacturing companies.

To carry out this project, Bobaek decided to build their own facility. Bobaek needs a field facility for the phase one (2023) that will accommodate a 56,000 sq.ft. manufacturing facility that will contain equipment worth 5.7 million dollars. In phase two, there will be an expansion of 90,000sqft for 2024/25.

In order to execute the order, Bobaek plans to hire 180 local employees over two phases. In phase one, Bobaek will invest \$15 Mil+

The financial assistance from the City of Windsor would assist Bobaek in selecting Windsor as its preferred site for their business over Detroit or Monterrey in Mexico. Bobaek has promoted localization of production sites in line with the rapid growth of the electric vehicle battery market in other regions. Based on their experiences, Bobaek is expecting there will be inflation in the building and supplies cost compared to the initial study done 6 months ago. Therefore, financial support from the city of Windsor would make this project more viable.

Bobaek America Inc. would like to thank Mayor Dilkens, City Council and the city stars for all your support.

Bobaek America Inc.

Jae Hwa Moon



Council Report: S 170/2023

Subject: Main Street CIP Application for 1695 Ottawa Street, Owner: Dr. Eric Bellis Dentistry Professional Corporation, Ward 4

Reference:

Date to Council: February 5, 2024
Author: Author: Kevin Alexander,
Planner III - Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca

Nathan Li
Planning Assistant
519-255-6543 x 6438
nli@citywindsor.ca
Planning & Building Services
Report Date: December 20, 2023
Clerk's File #: SPL/14200

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the request for incentives under the *Main Streets Community Improvement Plan* made by Dr. Eric Bellis Dentistry Professional Corporation (C/O: Dr. Eric Bellis), the owner of the property located at 1695 Ottawa Street **BE APPROVED IN PRINCIPLE** for the following programs:
 - i. *Building Facade Improvement Program* totaling a maximum of \$6,213.87
 - ii. *Building/Property Improvement Tax Increment Grant Program* for 100% of the municipal portion of the tax increment for up to ten (10) years totaling a maximum of \$32,560 (\$3,256 per year);
- II. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the Main Street CIP for the *Building/Property Improvement Tax Increment Grant Program* agreement in accordance with all applicable policies, requirements, and provisions contained within the *Main Streets Community Improvement Plan* to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implication;

- III. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;
- IV. **THAT** funds in the maximum amount of \$6,213.87 (*Building Facade Improvement grants*) under the *Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Main Streets CIP* Project Fund (Project #7219018) when the grant funds are ready to be paid out;
- V. **THAT** grants **BE PAID** to Dr. Eric Bellis Dentistry Professional Corporation (Eric Bellis), upon completion of improvements to the exterior of the property located at 1695 Ottawa Street from the *Building Facade Improvement Program – Main Streets CIP* Project Fund (Project #7219018) to the satisfaction of the City Planner and Chief Building Official;
- VI. **THAT** grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions will be considered at the discretion of the City Planner.

Executive Summary:

N/A

Background:

On January 8th, 2018, City Council approved the Building Facade Improvement Program and Urban Design Guidelines for Main Streets Community Improvement Plan (CIP) (CR9/2018 PHED 533) adopted through By-law 26-2018.

On May 31, 2023, Eric Bellis (Dr. Eric Bellis Dentistry Professional Corporation), the owner of the property located at 1695 Ottawa Street, submitted an application for grants under the *Building Facade Improvement Program* and *Building/Property Improvement Tax Increment Grant Program*. The property is located within the Ottawa Street Business Improvement Area (BIA) and CIP Area.

Discussion:

Building Facade Improvement Grant Program

The City of Windsor Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP offers financial incentives to encourage property owners and businesses to make investments to improve the exterior appearance of their buildings and storefronts along Main Streets. Such improvements provide a benefit to the community as a whole, by preserving heritage features, protecting Main Streets, and reconnecting storefronts with the public realm. The CIP is applicable to all the BIAs in the City of Windsor, except for the Sandwich Town and Downtown Windsor BIAs, which are under separate CIPs. Funding for the Building Facade Improvement Grant Program is broken down into three categories:



Category A (Beautification) —aesthetic and minor functional improvements aimed at making the building facade and storefront more attractive and welcoming to tenants and customers



Category B (Restoration)—aesthetic, functional, and restoration improvements made to restore key features of the building facade



Category C (Replacement)— encourage work that will replace or reinstate key features that have been lost or deteriorated beyond repair or are of a style that is no longer consistent with the building design.

Applicants can receive a grant for 50% of the costs for eligible building facade and storefront improvements up to a maximum of \$30,000 per project. The amount can be increased up to \$60,000 per project for larger buildings with multiple storefronts. The grant also applies to the side(s) and rear of buildings provided the building facade is visible from an adjacent street or public right-of-way or park, and as long as the storefront/facade facing the main street is improved at the same time.

The applicant is proposing to renovate both the exterior and interior of the building. The following exterior improvements are eligible to receive grants through this program:

- Stain the front and side facades
- Paint the existing staff door on side facade
- Install one (1) new window
- Repoint damaged mortar

Façade Cost Breakdown

The façade will incorporate the front (Ottawa Street facing) and East side facades of the subject property. The eligible work including labour is \$12,427.74.

In total, this project is eligible for a grant of \$6,213.87 under the Building Façade Improvement Grant Program for the building facade improvements.

Building/Property Improvement Tax Increment Grant Program

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped, or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 100% of the increase in municipal property taxes for ten (10) years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes. Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

The value assessment of the subject property located at 1695 Ottawa Street is \$122,000. The owner currently pays annual total property taxes of \$5,463.56, of which the municipal portion is \$4,389.96, and is expecting to invest approximately \$400,000 on improvements to the building. However, some of the proposed costs which will be incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in

this report, but on the actual post-development value assessment, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and information provided to be \$212,500. The grant will however be based upon the actual tax increment once the assessment has been determined by MPAC.

For illustrative purposes, the table below identifies the annual grant equal to 100% of the increase in City property taxes for 10 years after project completion, based on the Current Value Assessment and the (projected) Estimated Post Project Assessment Value. After completion of the grant program (10 years), the City will collect the full value of municipal tax increase (\$7,646.44 annually).

Estimated Building/Property Improvement Tax Increment Grant for 527 Marentette		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Annual Estimate Value of Grant (100% of the municipal increase)
\$4,389.96	\$3,256	\$3,256

Assumptions

Current Property Value Assessment (2023 – Commercial)	\$122,000
Estimate Total Post Development Assessment (2023 – Commercial)	\$212,500

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

Risk Analysis:

The approval of these grants does not carry significant risk, as there are sufficient funds within the new CIP reserve fund approved by Council on February 22, 2021. The applicant will not receive any grants until all work is completed and inspected to the satisfaction of the Planning and Building Department. As a requirement of Section 28 (7.3) of the *Planning Act*, Administration has confirmed that the grant amount does not exceed the total cost of the project.

Climate Change Risks

Climate Change Mitigation:

The facade improvements to the existing building will have a low impact on how the project affects climate change, because improvements are being made to the existing building which

reduces the amount of CO² emitted during the construction process and requires fewer building materials.

The improvements to the existing building also contributes to the revitalization of the existing Main Street. The completion of this project promotes a more walkable environment, thereby encouraging alternate forms of transportation.

Utilizing an existing building and infrastructure in a built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

Climate Change Adaptation:

The improvements to this building will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency. A new entranceway and windows are also proposed that will be more energy efficient than what is existing.

Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$432,250.26. However, this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council Standing Committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the Building Facade Improvement – Main Streets CIP Project Fund in the maximum amount of \$6,213.87 for the facade.

Consultation:

The owner of the property located at 1695 Ottawa Street has been consulted regarding grants related to the improvements outlined in this report. Carolyn Nelson, Manager of Property Valuation & Administration and Jose Mejalli, Assessment Management Officer, Taxation & Financial Projects were consulted with respect to the Main Streets CIP *Building/Property Improvement Tax Increment Grant Program*. Josie Gualtieri, Financial Planning Administrator was also consulted regarding the *Building Facade Improvement* CIP grants, and related capital project/reserve fund balances.

Conclusion:

The improvements to 1695 Ottawa Street meet all eligibility criteria identified in this report, for the *Main Streets CIP*. The improvements to the Ottawa Street facing facade will contribute to the revitalization of the Ottawa Main Street through the restoration and preservation of the original limestone material.

There are sufficient funds in the CIP reserve fund to provide grants for the proposed improvements. Administration recommends approval of the grants identified in this report.

Planning Act Matters: N/A

Approvals:

Name	Title
Kevin Alexander	Planner III – Special Projects
Josie Gualtieri	Financial Planning Administrator
John Revell	Chief Building Official
Neil Robertson	City Planner (A)
Jelena Payne	Commissioner, Economic Development
Kate Tracey	Senior Legal Counsel
Lorie Gregg	Deputy Treasurer, Taxation, Treasury & Financial Projects
Lorie Gregg	On behalf of Commissioner, Finance and City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name
Dr. Eric Bellis

Appendices:

- 1 Appendix 'A' - Location Map and Existing Condition
- 2 Appendix 'B' - Proposed Development

Appendix 'A' – Location Map and Existing Condition



LOCATION MAP : 1695 OTTAWA STREET



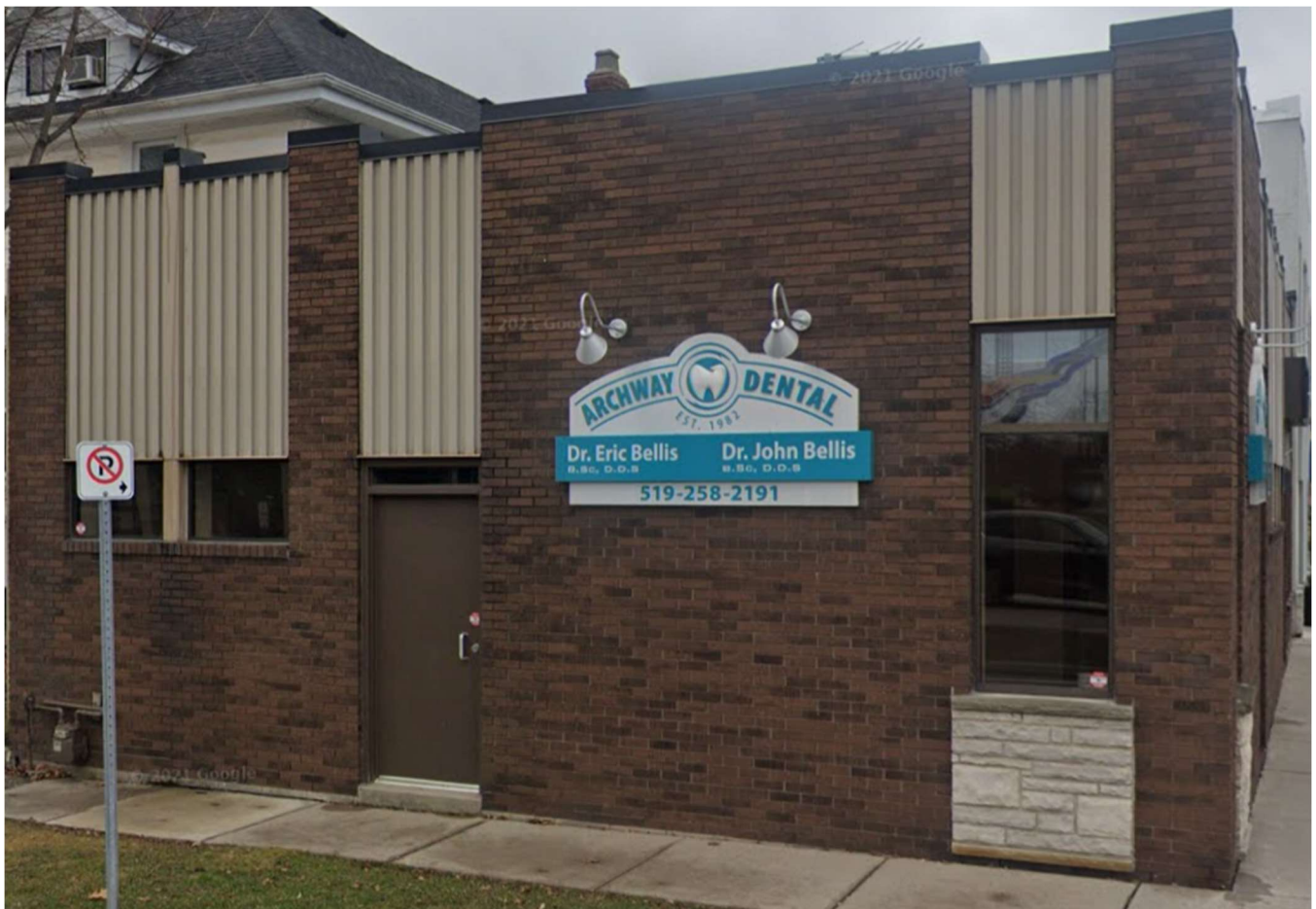
SUBJECT PROPERTY



Appendix 'A' – Location Map and Existing Condition



2021 Google Street View of front facade (Ottawa Street-facing).

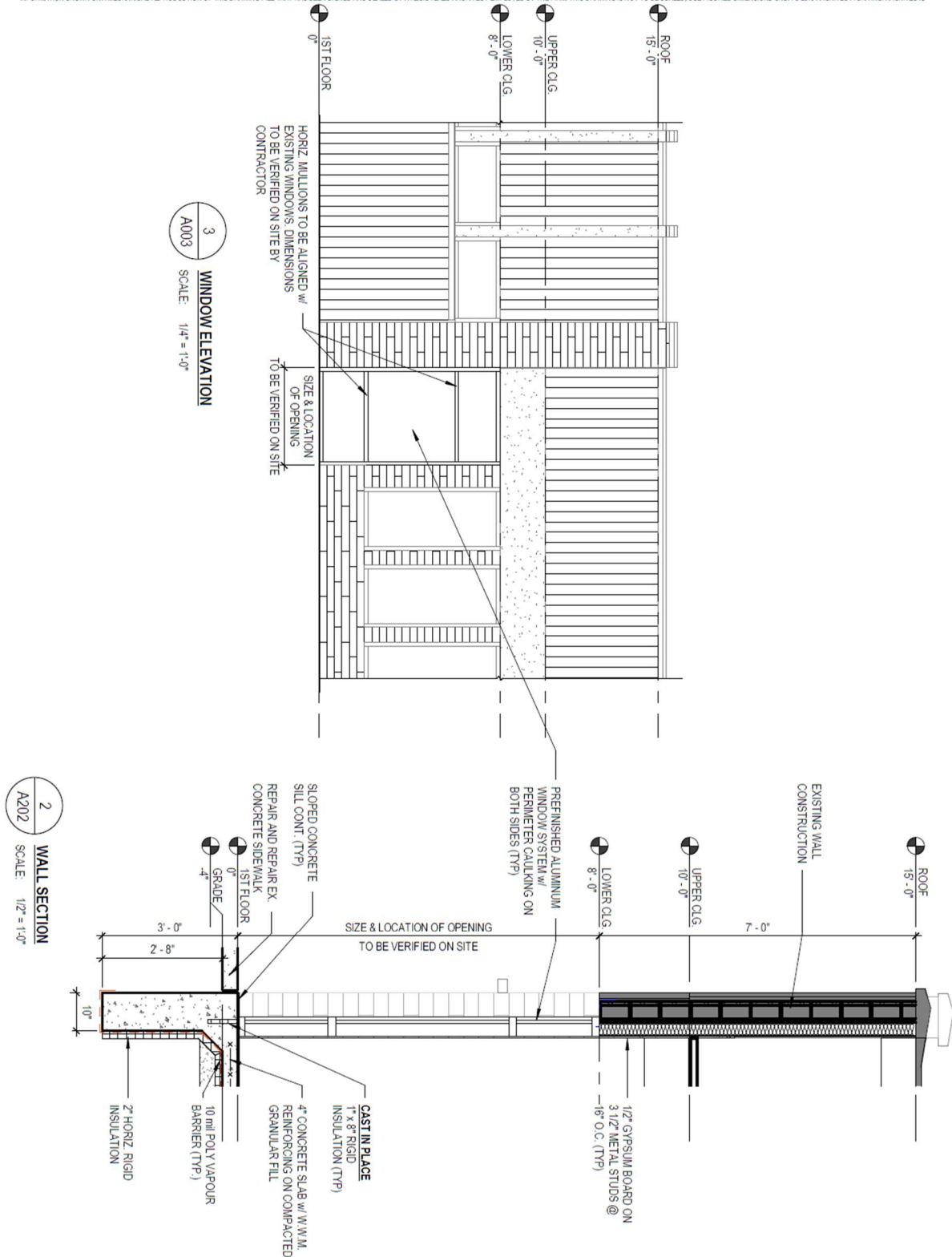


2021 Google Street View of East facade (Windermere Road-facing).

Appendix 'B' – Proposed Development

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SK-01

Sheet No. 22112

Drawn By: Author

Checked By: Checker

NEW WINDOW

Archway Dental

1695 Ottawa St, Windsor, ON N8Y 1R2

No.

Revision Schedule

Description

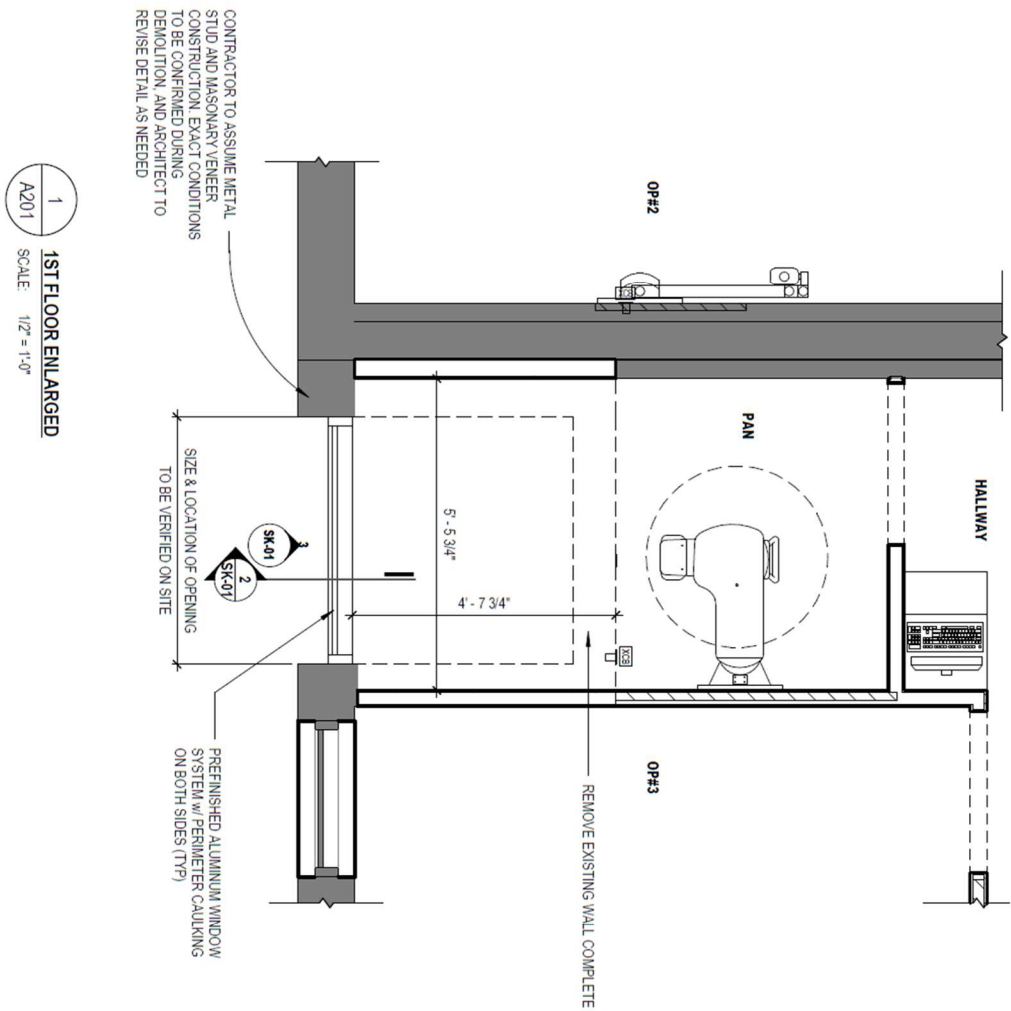
Date

Issued for

Appendix 'B' – Proposed Development

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SK-02

Sheet No

22112

Project No

Author

Checked By

Archway Dental

1695 Ottawa St, Windsor, ON N8Y 1R2

NEW WINDOW

Revision Schedule

No.

Description

Date

Issued for

February 5, 2024

Development & Heritage Standing Committee - Monday,

Page 99 of 119



[illegible]

Subject: Closure of north/south alley located between Vimy Avenue and Ypres Avenue, Ward 5, SAA-7093

Reference:

Date to Council: February 5, 2024
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: January 11, 2024
Clerk's File #: SAA2024

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 4.27-metre-wide north/south alley located between Vimy Avenue and Ypres Avenue, and shown on Drawing No. CC-1838 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure.
- II. THAT the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate existing overhead 16kV and 120/240-volt distribution, poles and down guy wires; and
 - iii. MNSi to accommodate existing plant on the pole line.
 - b. Ontario Land Surveyor be directed to use existing encroachments, when present, for determining the boundaries of the lands to be conveyed to each abutting property owner.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned CD1.7, \$15.00 per square foot without easements plus HST (if applicable) and proportionate share of the

survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$7.50 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- b. For alley conveyed to abutting lands zoned RD1.2, \$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-1838, *attached* hereto as Appendix "A".
 - V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
 - VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
 - VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

Executive Summary:

N/A

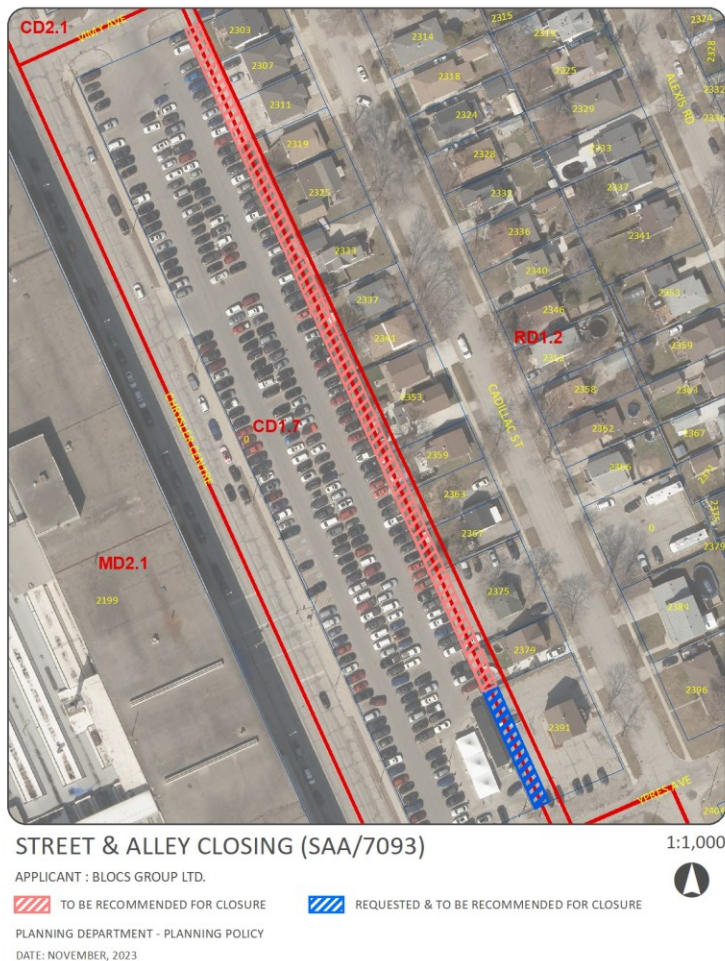


Figure 1 - Location Map

Background:

The applicant, Stipic Weisman LLP, representative of Gansil Inc., owner of the property known municipally as 2391 Cadillac Street (the subject property), applied to close the portion of the 4.27-metre-wide north/south alley located between Vimy Avenue and Ypres Avenue, abutting the subject property.

The applicant wishes to close the alley for the purpose of accommodating a proposed residential development on the subject property.

The Planning Department initially planned to recommend an extension of the closure to the north limit of 2319 Cadillac Street. The remaining section of the north/south alley abutting 2303 Cadillac Street, 2307 Cadillac Street and 2311 Cadillac Street was to be excluded, as it was believed at the time that the rear parking areas serving the latter two properties were established through previously issued building permits.

The Planning Department through the undertaking of a more detailed evaluation noted herein, found that the rear parking areas were in fact established **WITHOUT** the necessary approvals. This factor consequently resulted in the Planning Department changing their recommendation to include the entire 4.27-metre-wide north/south alley

located between Vimy Avenue and Ypres Avenue (the alley), and shown on Drawing No. CC-1838 *attached* hereto as Appendix “A”, and also shown on the aerial photo *attached* hereto as Appendix “B”.

The alley was established by Plan of Subdivision No. 1356, registered on April 8, 1929.

The alley is unmaintained and composed primarily of asphalt, concrete, grass and vegetation. The alley contains hydro poles with overhead wires supported by guy wires and anchors, and includes a curb cut off of Vimy Avenue. The alley has been encroached on over the years by abutting properties with an above-ground swimming pool, accessory buildings, asphalt parking area, fences and landscaped open space yard. 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 alley does not serve any commercial properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The alley does not serve any properties fronting on heavily travelled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The alley does not contain any sewers.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The alley serves as the only vehicular means of access to a rear parking area at 2307 Cadillac Street and 2311 Cadillac Street.
 - The rear parking areas serve a Single Unit Dwelling located on each of the aforesaid properties.

- The Single Unit Dwellings were established through the issuance of the following Building Permits on August 5, 2020:
 - RW 2020-256932 - 2307 Cadillac Street
 - RW 2020-256930 - 2311 Cadillac Street
- The rear parking areas were established **WITHOUT** the following required approvals from the City:
 - Driveway Permit **IS REQUIRED** to restore the Cadillac Street boulevard adjacent to the aforesaid properties (removal of concrete driveway approach, reinstatement of the curb cut with a barrier curb and planting of sod)
 - Public Works Permit was **NOT** obtained to remove 2303 Cadillac Street's encroachments from the alley (asphalt driveway, concrete bumper curb, clothes line pole and grass)
 - Public Works Permit **IS REQUIRED** to pave and drain the alley to City standards from the south limit of 2311 Cadillac Street to Vimy Avenue. This includes the construction of a driveway approach to City standards from the alley to Vimy Avenue.
- The drawings approved with the Building Permits do **NOT** show any parking spaces. This is not unusual, however it does mean that the **OWNER IS RESPONSIBLE** for providing the required parking spaces and obtaining any necessary approvals from the City.
- In conclusion, the Planning Department is not recognizing the rear parking areas for the reasons noted above.
 - The owner of 2307 Cadillac Street will need to obtain a Driveway Permit to bring the existing driveway approach off of Cadillac Street into compliance with City standards.
 - The owner of 2311 Cadillac Street will need to obtain a Driveway Permit to establish a new driveway approach off of Cadillac Street.

5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*

a. The alley does not contain any Fire Department connections.

6. *Does the subject alley lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*

a. The alley does not lie within a Holding zone or other similar undeveloped areas.

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

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

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for an alley conveyed to abutting lands zoned CD1.7 is assessed at \$15.00 per square foot without easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$7.50 per square foot with easements plus HST (if applicable) and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The rate for an alley conveyed to abutting lands zoned RD1.2 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 on July 28, 2023. The mapping included with this Notice captured the Planning Department’s initial recommendation, which excluded the portion of the alley abutting 2303 Cadillac Street, 2307 Cadillac Street and 2311 Cadillac Street from the proposed closure.

The owner of 2303 Cadillac Street, via August 11, 2023 phone conversation, advised that they would like the Planning Department to consider recommending closing the entire alley for the following reasons:

- Safety concerns (potential conflict between users of their rear yard and vehicular traffic coming and going from 2307 Cadillac Street and 2311 Cadillac Street).
- Prior to construction the real estate agent acting for 2307 Cadillac Street and 2311 Cadillac Street requested that 2303 Cadillac Street remove their encroachments from the alley.
 - The real estate agent noted that his clients require access to their property from the alley in order to construct their Single Unit Dwellings.
 - The real estate agent noted that his client would remove the encroachments and pass the costs onto them if they do not remove the encroachments.

An updated Notice of this application was issued to 2303 Cadillac Street, 2307 Cadillac Street and 2311 Cadillac Street by regular mail on December 1, 2023, advising that the portion of the alley abutting their property is now being recommended for closure.

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

Conclusion:

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

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

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Deputy City Planner - 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
Kate Tracey	Senior Legal Council, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administration Officer

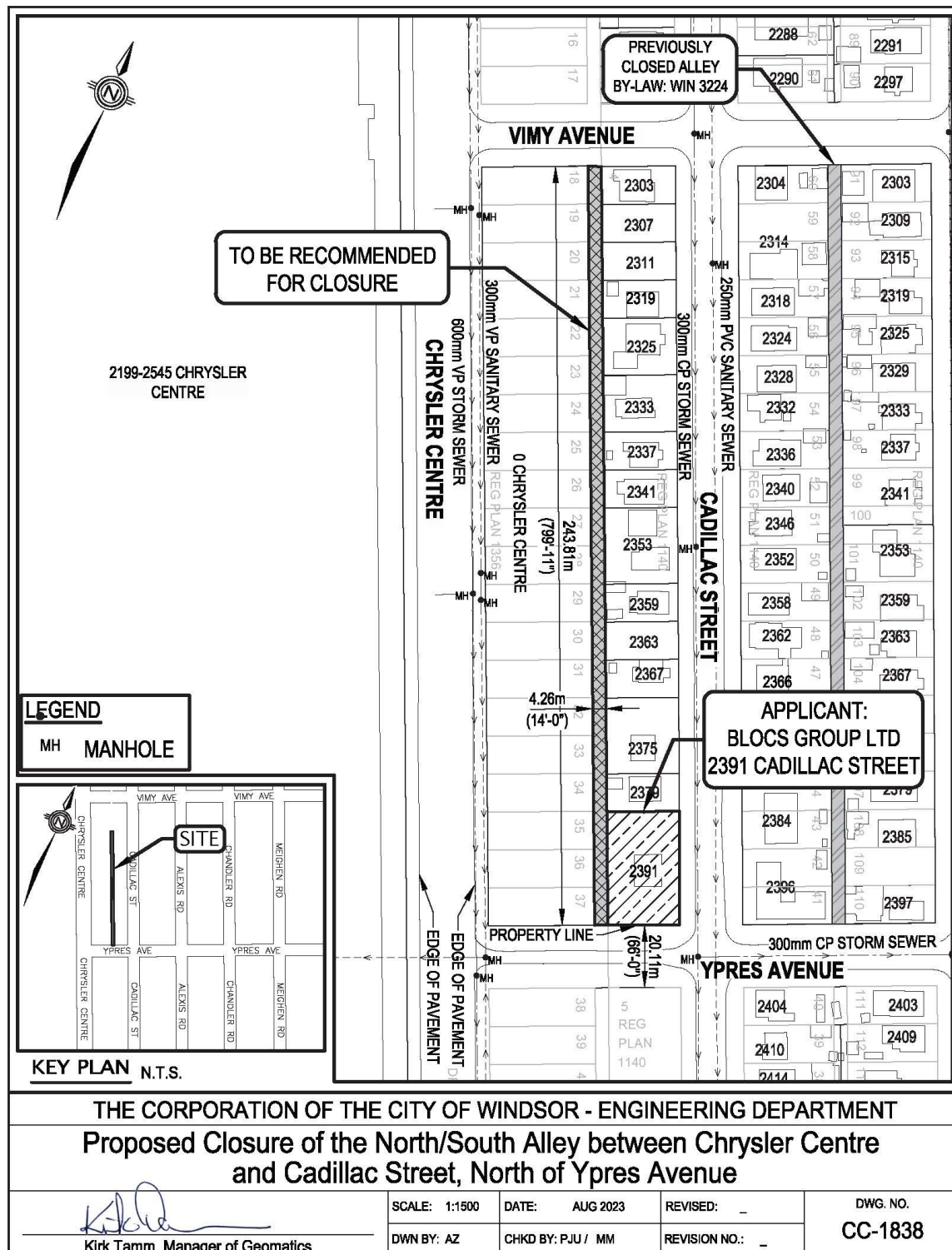
Notifications:

Name	Address	Email
Ward 5 Councillor Ed Sleiman	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	esleiman@citywindsor.ca
List of mailing labels for property owners abutting alley issued to Clerks office		

Appendices:

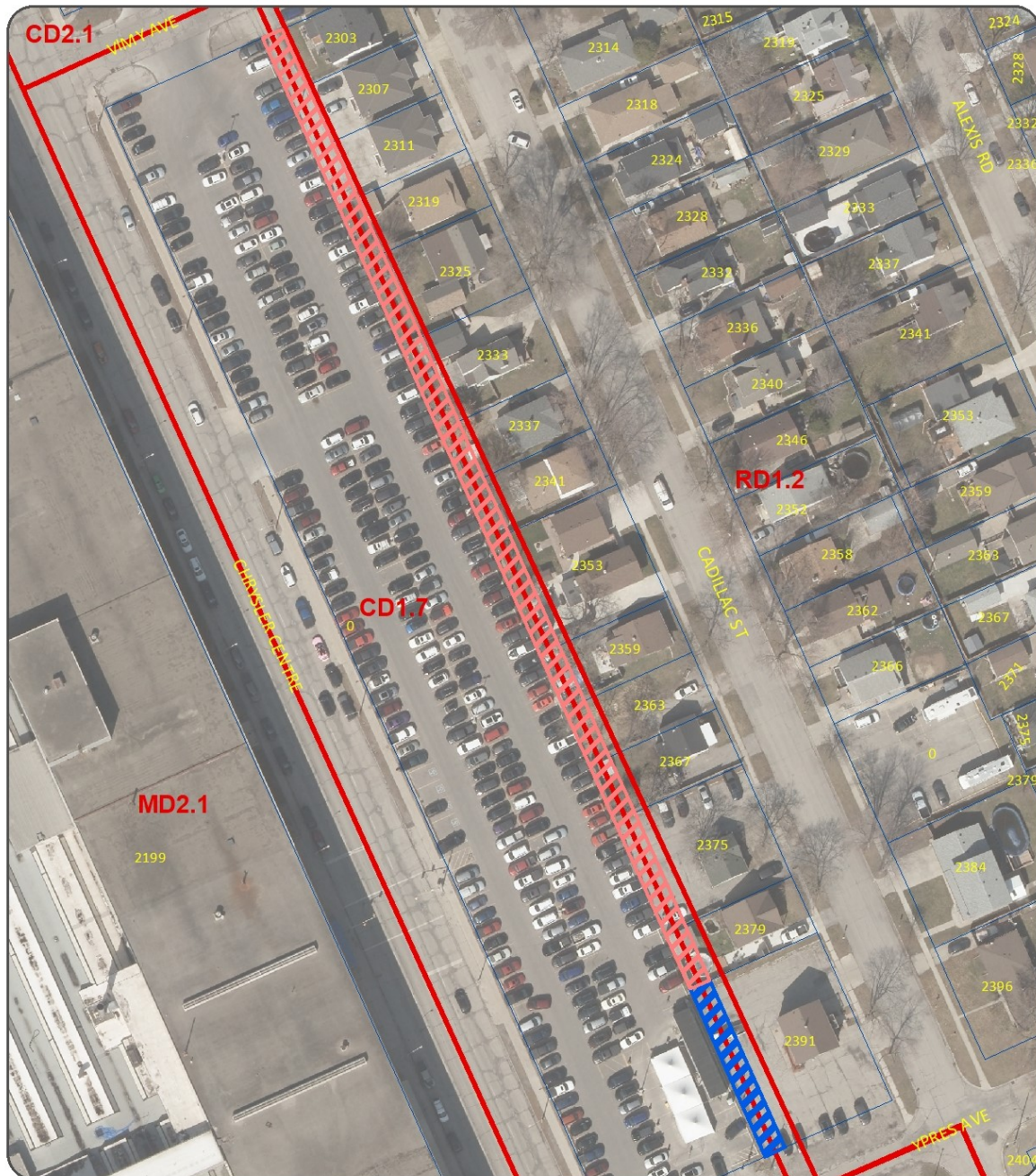
- 1 Appendix A - Drawing No. CC-1838
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

APPENDIX "A" **Drawing No. CC-1838**



APPENDIX "B"

EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/7093)

1:1,000

APPLICANT : BLOCS GROUP LTD.

 TO BE RECOMMENDED FOR CLOSURE

 REQUESTED & TO BE RECOMMENDED FOR CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: NOVEMBER, 2023

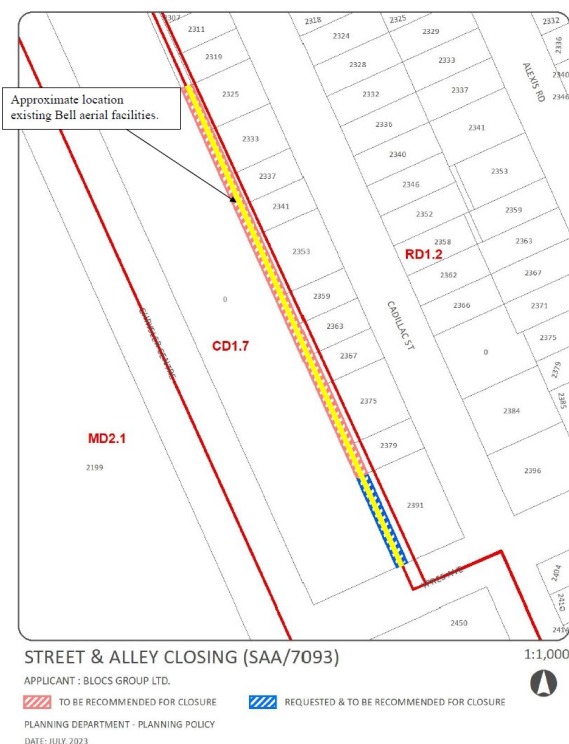
APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA

Bell Canada requests a 3.0 m wide easement, 1.5 m on either side of the existing aerial facilities for the length of the requested and recommended closure areas. Alternatively, we request an easement over the entire alley (both requested and recommended portions).

[Charleyne Hall - Right of Way & Indigenous Relations Associate]



COGECO CABLE SYSTEMS INC.

No comments provided

ENBRIDGE GAS

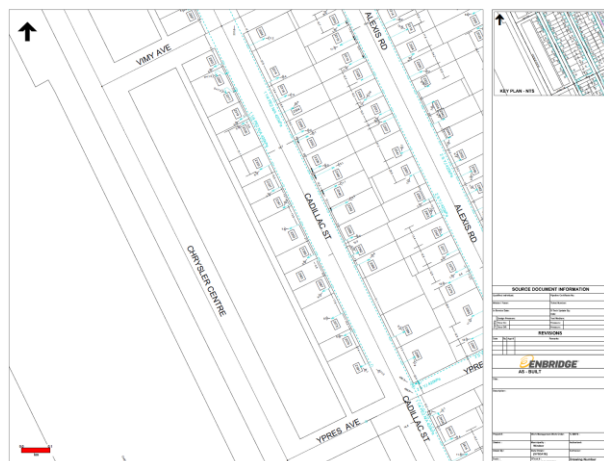
After reviewing the provided drawing of the Alley between Chrysler Centre & Cadillac St (from Vimy Ave to Ypres Ave) and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

- Any pipe that is excavated, please assume that it is live

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

[Samuel Nguyen - Student Engineer]



ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone - Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

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

[Steve Zambito - Senior Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg - Water Project Review Officer]

LEGAL DEPARTMENT

Conveyance Price RD1.2: \$1.00 plus survey and deed costs.

Conveyance Price CD1.7: \$15/square foot without easements or \$7.50/square foot with easements.

[Stephanie Santos - Coordinator of Real Estate Services]

MNSi

MNSi will require an Aerial Easement through the entire length of this closure as we currently have plant on the Pole Line.

[Dave Hartleib - Outside Plant Manager]

PARKS & FACILITIES

No comments from Parks Design & Development, Forestry and Natural Areas.

[Sherif Barsom - Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

There are no objections from an urban design or landscape architectural perspective to this closure.

[Stefan Fediuk - Senior Urban Designer]

PUBLIC WORKS - ENGINEERING

The subject alley closure is approximately 4.29 m (14 ft.) wide, appears to be travelled and is composed of sidewalk, fences. There are no municipal sewers or manholes located in the alley. There are hydro poles and overhead wires throughout the subject alley. There appears to be fence encroachments throughout the subject alley. There appears to be multiple driveway approaches at the north side of the alley that do not have the proper approvals. A permit may be required by the property owners to keep and maintain the driveway approach to City Standard AS-204. This subject alley to have no usefulness by CR146/2005; therefore, we have no objections to the closure.

[Amethyst Branch - Engineering Student]

PUBLIC WORKS - TRAFFIC

No concerns with closing the alley west of 2391 Cadillac as requested. No concerns with closing the remaining recommended alley. Suggest extending the closure to include 2319 Cadillac.

[Mike Spagnuolo - Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

TELUS has no underground infrastructure in the area of your proposed work. Permit expires six (6) months from approval date.

[Meghna Patel - Permit Coordinator]

TRANSPORTATION PLANNING

Transportation Planning has no concerns with the requested and recommended alley closures. Transportation Planning would suggest that the recommended alley closure be extended to the northern property limit of 2319 Cadillac St.

[Clare Amicarelli - Transportation Planning Coordinator]

TRANSIT WINDSOR

No issues from Transit Windsor.

[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 alley to add land square footage and create additional parking capacity. The proposed closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area. The closure will still leave other options available to the police for such purposes.

[Barry Horrobin - Director of Planning & Physical Resources]

APPENDIX “D” Site Photos

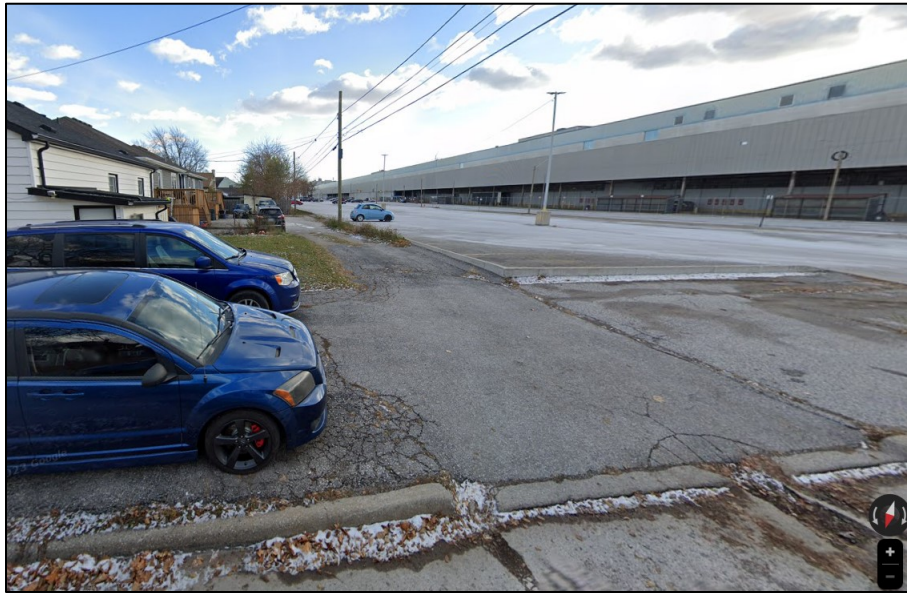


Figure 1 - Looking south towards alley from Vimy Ave. (2303 Cadillac St. on left) (Nov 2023 - Google Street View)



Figure 2 - Looking south towards alley from Vimy Ave. (2303 Cadillac St. on left) (May 2014 - Google Street View)



Figure 3 - Looking west towards 2307 & 2311 Cadillac St. (Nov 2023 - Google Street View)



Figure 4 - Looking west towards 2307 & 2311 Cadillac St. (2303 Cadillac St. on right) (May 2014 - Google Street View)



Figure 5 - Looking north towards alley from Ypres Ave. (2391 Cadillac St. centre) (Nov 2023 - Google Street View)



Figure 6 - Looking north towards alley from Ypres Ave. (2391 Cadillac St. on right) (May 2014 - Google Street View)

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.