

Development & Heritage Standing Committee Meeting

Date: Monday, December 5, 2022**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.

ORDER OF BUSINESS

- | Item # | Item Description |
|---------------|---|
| 1. | CALL TO ORDER |
| 2. | DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF |
| 3. | REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS |
| 4. | COMMUNICATIONS |
| 5. | ADOPTION OF THE <i>PLANNING ACT</i> MINUTES |
| 5.1. | Minutes of the Development and Heritage Standing Committee Meeting (<i>Planning Act</i> Matters) held November 1, 2022 (SCM 311/2022) |

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

7. **PLANNING ACT MATTERS**

7.1. Zoning Bylaw Amendment Z 028-22 [ZNG-6846] WinValco Ltd, 1235 St Luke Rd to add “outdoor storage yard” as an additional permitted use - Ward 5 **(S 134/2022)**

7.2. Rezoning – Gansil Inc. - 0 Campbell Avenue - Z-031/22 ZNG/6866 - Ward 2 **(S 130/2022)**

7.3. Rezoning - Stoyshin Enterprises (Windsor) Ltd. - 849 Walker Road - Z-034/22 ZNG/6870 - Ward 4 **(S 133/2022)**

7.4. Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10 **(S 105/2022)**

Clerk’s Note: Administration submitting an Additional Information Memo dated November 14, 2022 **(attached) (AI 15/2022)**

8. **ADOPTION OF THE MINUTES**

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

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

10. **HERITAGE ACT MATTERS**

N/A

11. **ADMINISTRATIVE ITEMS**

11.1. Closure of east/west alley between Aubin Road and north/south alley between Seminole Street and Reginald Street, Ward 5, SAA-6751 **(S 129/2022)**

11.2. Closure of north/south alley between Alice Street & Milloy Street, Ward 5, SAA-6652 **(S 131/2022)**

- 11.3. Downtown CIP Grant Application made by Bay 20 Inc. for 880 Ouellette Avenue Ward 3 **(S 128/2022)**
- 11.4. Downtown CIP Grant Application made by 304830 Ontario Limited for 176 University Avenue West, Ward 3 **(C 198/2022)**
- 11.5. Brownfield Community Improvement Plan (CIP) application submitted by Agri-Box Inc Inc. for 3324 Marentette Avenue and 3350 Devon Drive (Ward 9) **(S 132/2022)**

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**

Item No. 5.1



Committee Matters: SCM 311/2022

**Subject: Minutes of the Development and Heritage Standing Committee Meeting
(*Planning Act* Matters) held November 1, 2022**

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

**Date: November 1, 2022
Time: 4:30 pm**

MEMBERS PRESENT:

Councillors:

Ward 3 - Councillor Bortolin (Chair)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 7 - Councillor Gill
Ward 10 - Councillor Morrison

Members:

Member Gyemi
Member Moore

Members Absent:

Member Rondot

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

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner – Economic Development & Innovation
Thom Hunt, City Planner / Executive Director of Planning & Development
Neil Robertson, Manager of Urban Design / Deputy City Planner
Rob Vani, Manager of Inspections / Deputy Chief Building Official
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Rob Perissinotti, Development Engineer

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Brian Nagata, Planner II – Development Review
Jim Abbs, Planner III – Subdivisions
Greg Atkinson, Planner III – Economic Development
Kristina Tang, Planner III – Heritage
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See item 7.4

4. COMMUNICATIONS

None

5. ADOPTION OF THE PLANNING ACT MINUTES

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

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

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

CARRIED, UNANIMOUSLY.

Report Number: SCM 285/2022

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Development & Heritage Standing Committee
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6. PRESENTATION & DELEGATIONS (*PLANNING ACT MATTERS*)

Delegations—participating via video conference

- Item 7.2 Tracey Pillon-Abbs
- Item 7.3 Anya Heath, Property Owner

Delegations—participating in Council Chambers

- Item 7.1 Amy Farkas, Associate, Dillon Consulting

7. PLANNING ACT MATTERS

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

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

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

Carried.

Report Number: S 124/2022

Clerk’s File: Z/14428

7.1 Z-023/22 [ZNG/6789] – VGA Investment Inc South Side Wyandotte St E, East of Florence – Rezoning Ward 7

Jim Abbs (author), Planner III – Subdivisions

Amy Farkas – Dillon Consulting (agent) was available for questions.

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 439**

RECOMMENDATIONS

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

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Front Yard Depth- Minimum 4.0 m

- II. THAT a Hold provision **BE APPLIED** to the lands at Lots 32 to 34, Registered Plan 1142, PIN 01596-0081 (known municipally as 0 Wyandotte Street East) to be removed when the following conditions are met:
- a) An application for the removal of hold is received;
 - b) Access to the future Florence Avenue right of way is available to the site.

Motion CARRIED UNANIMOUSLY.

Report Number: S 126/2022
Clerk's File: Z/14431

7.2 Z-020/22 [ZNG/6783] – Jian Lu 3829-3831 Seminole St – Rezoning Ward 5

Pablo Golob (author) – Planner II – Development Review

Tracey Pillon-Abbs – Pillon Abbs Inc (agent) was available for questions.

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 440**

RECOMMENDATIONS

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

4XX. SOUTHEAST CORNER OF SEMINOLE STREET AND WESTCOTT ROAD

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

Parking Area Separation from a Street Minimum – 1.57 m

[ZDM11; ZNG/6783]

Motion CARRIED.

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

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Report Number: S 122/2022
Clerk's File: Z/14457

7.3 Z-024/22 [ZNG/6794] – 2737512 Ontario Inc 5335 Wyandotte St E – Rezoning Ward 4

Sam Switzer (Planning Assistant) & Jim Abbs (author) – Planner III – Subdivisions

Any Heath (applicant) was available for questions.

Moved by: Councillor Gill
Seconded by: Member Gyemi

Decision Number: **DHSC 441**

RECOMMENDATIONS

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

431. SOUTHEAST CORNER OF WYANDOTTE STREET EAST AT FORD BOULEVARD

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

- a) Unit Size – minimum *As Existing*
- b) Parking Requirement – minimum *As Existing*

[ZDM10; ZNG/6794]

Motion CARRIED UNANIMOUSLY.

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

8. ADJOURNMENT

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There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 4:49 pm.

Ward 3 – Councillor Bortolin
(Chairperson)

Thom Hunt
(Secretary)

Subject: Zoning Bylaw Amendment Z 028-22 [ZNG-6846] WinValco Ltd, 1235 St Luke Rd to add “outdoor storage yard” as an additional permitted use - Ward 5

Reference:

Date to Council: 12/5/2022
Author: Jim Abbs, Senior Planner
255-6543 x6317
jabbs@citywindsor.ca

Planning & Building Services
Report Date: 11/15/2022
Clerk’s File #: Z/14474

To: Mayor and Members of City Council

Recommendation:

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

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

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

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

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

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

(ZDM 7, ZNG-6846).

Executive Summary:

N/A

Background:

Application Information:

Location: 1235 St Luke Rd Ward: 5

Planning District: 04 – East Windsor ZDM: 7

Owner: WinValco Ltd

Agent: Miller Canfield LLP (Giacomo Ramieri)



KEY MAP - Z-028/22, ZNG-6846

● SUBJECT LANDS

Map 1: Z 028-22 [ZNG-6846]

Proposal:

The applicant wishes to rezone the subject site to include “outdoor storage yard” as an additional permitted use to continue the existing outdoor storage yard use.

The site is the subject of a consent to sever application to create a new parcel for the outdoor storage yard (B-037/22). This consent to sever has been conditionally approved by the Committee of Adjustment. The outstanding condition to be fulfilled is the approval of a Zoning Bylaw amendment to permit the outdoor storage yard as a permitted use.

To accomplish this, a site specific Zoning By-law Amendment will be required. The site is currently zoned Manufacturing District (MD) 2.1. The MD2.1 zone only permits outdoor storage yard as an accessory use, associated with an existing permitted use. The applicant is in the process of severing the existing outdoor storage yard to be transferred to a new owner. The outdoor storage yard would then be on a separate parcel, and no longer associated with the existing industrial use on the larger Winvalco site, therefore, the outdoor storage yard would no longer be a permitted use on the newly created parcel.

The site will be subject to Site Plan Control.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Industrial	Manufacturing District (MD) 2.1	Accessory outdoor storage yard	Accessory outdoor storage yard
Lot Depth	Lot Frontage	Area	Shape
+/- 125 m	426.95 m	5.91 ha	Rectangular
All measurements are for the entire parcel and are approximate.			

Neighbourhood Characteristics:

The subject site fronts St Luke Rd, however access to the site is through the Essex Terminal Railway (ETR) right of way at Walker Road. St Luke Rd is a local road that is also designated as a truck route. Walker Road is classified as a Class II Arterial road and is also designated as a truck route.

Surrounding Land Uses:

This area exhibits a wide range of uses.

North Industrial Uses (manufacturing)

South Essex Terminal Railway, Industrial Uses (warehousing)

East contractor's yard, Garry Dugal Park, low profile residential dwellings

West rail off loading facility, commercial uses, Walker Road

The proposed outdoor storage yard use is located within an area that contains other industrial uses and is compatible within its context.



NEIGHBOURHOOD MAP - Z-028/22, ZNG-6846



SUBJECT LANDS

Map 2: Z 028-22 [ZNG-6846]

Discussion:**Planning Analysis:****Provincial Policy Statement (PPS) 2020:**

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

This zoning bylaw amendment would result in allowing an additional permitted use consistent with the Provincial Policy Statement in that the proposal promotes economic development and competitiveness by providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs. (PPS 1.3.1 (a))

The requested zoning bylaw amendment is consistent with the PPS by permitting a business supportive use in an area that is intended for industrial uses

Official Plan:

The City of Windsor Official Plan (OP) currently designates the land use of this site as “Industrial”. The proposed outdoor storage yard use will conform to the Industrial designation. The proposed development is consistent with the goals and objectives of the City of Windsor Official Plan.

Goal 6.4.3.1 of the OP is to permit uses that include uses that exhibit any or all of the following characteristics:

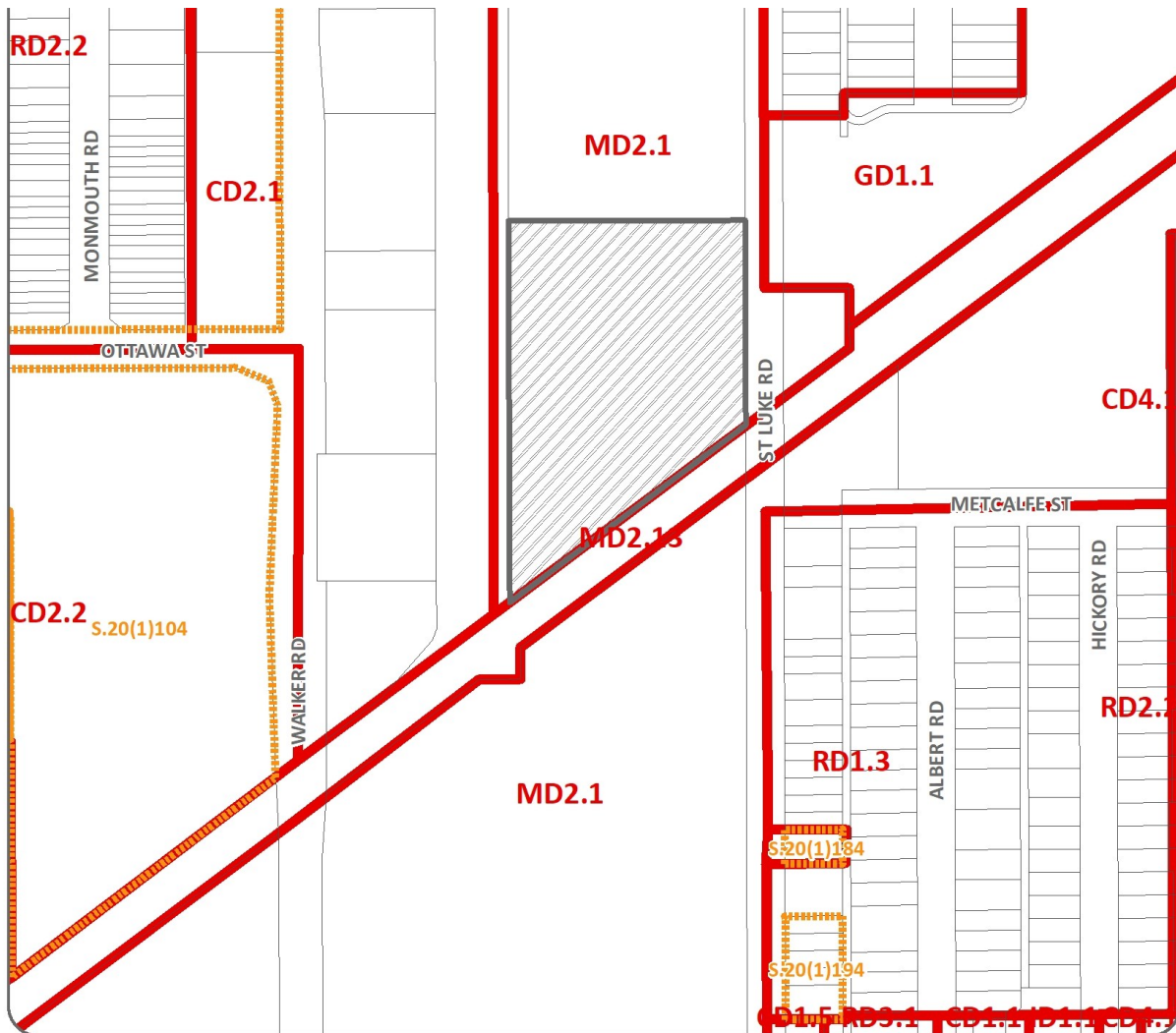
- (a) large physical size of site or facilities;
- (b) outdoor storage of materials or products;
- (c) large production volumes or large product size;
- (d) frequent or continuous shipment of products and/or materials;
- (e) long hours of production and shift operations;
- (f) likelihood of nuisances, such as noise, odour, dust or vibration;
- (g) multi-modal transportation facilities;
- (h) is dependent upon, serves or otherwise complements the industrial function of the area; and (amended by OPA #22 – 07/16/02)
- (i) service and repair facilities. (amended by OPA #22 – 07/16/02)

Objective 6.4.3.1 (h) indicates that uses that serves or compliments the industrial function of the area. The proposed outdoor storage yard use will continue to compliment the other Industrial uses in the area.

Zoning By-Law:

The site is currently zoned Manufacturing District (MD) 2.1. The MD2.1 zone only permits the existing outdoor storage yard as an accessory use (a use subordinate to an existing main use). The applicant is proposing that a site specific provision be applied that would allow an outdoor storage yard to be a permitted on the subject site as the main use.

This change can be supported on this specific site as the use and the new parcel (B-037/22) would continue to support existing industrial uses as it has in the past, however in the future it would do so on its own parcel of land.



PART OF ZONING DISTRICT MAPS 6 & 7

N.T.S.

REZONING

Applicant: WinValco Ltd



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER 2022
FILE NO. : Z-028/22, ZNG/6846

Map 3: Z 028-22 [ZNG-6846]

Risk Analysis:

N/A

Climate Change Risks**Climate Change Mitigation:**

Providing an outdoor storage yard close to a transportation facility (ETR) within an urban industrial area can serve to bring goods closer to the end user, thereby helping to minimize the City's carbon footprint.

Climate Change Adaptation:

Any future development on the site will be subject to site plan control and will be required to retain storm water on site that will only be released to the City's storm sewer system at predevelopment levels.

Financial Matters:

N/A

Consultations:

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

Public Notice:

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

Conclusion:**Planner's Opinion and Conclusions:**

The proposed use of this site as a outdoor storage yard can be supported on this specific site as the use and the new parcel would continue to support existing industrial uses as it has in the past, however in the future it would do so on its own parcel of land.

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

Planning Act Matters:

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

Michael Cooke Manager of Planning Policy/Deputy City Planner

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

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

JP OC

Approvals:

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

Notifications:

Name	Address	Email
Winvalco Limited (Nick Sauro)	6555 Hawthorne Windsor, Ontario N8T 3G6	nick.sauro@valiantmachine.com
Miller Canfield LLP (Giacomo Ramieri)	100 Ouellette Avenue, Suite 1300 Windsor ON N9A 6T3	ramieri@millercanfield.com
Councillor Sleiman		

Appendices:

- 1 Z 028-22 Comments
- 2 Draft Bylaw

COMMENTS

Shannon Deehan – Transportation

- St. Luke Road is classified as a Local Road per the Official Plan with a required right-of-way width of 20.1 meters. The current right-of-way is sufficient and therefore no conveyance is required.
- All parking must comply with zoning by-law 8600.
- A site plan is required if any site or layout changes will occur (i.e. new accesses). A reciprocal access agreement may be required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Enwin

HYDRO ENGINEERING: No objection provided adequate clearances are achieved and maintained. ENWIN has existing primary and secondary overhead conductor running along the eastern limit of the lot.

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.

Sandy Mio – Engineering & ROW

The subject development is located at 1235 St Luke Rd. The applicant wishes to rezone the subject site to include "outdoor storage yard" as an additional permitted use to continue an existing use. The site is designated Industrial in the City of Windsor Official Plan and is zoned Manufacturing District (MD) 2.1 in Bylaw 8600. We have reviewed the servicing requirements relative to the current application and offer the following comments:

The site may be serviced by a 450mm storm sewer fronting the property on St Luke road, and a 450mm RCP sanitary sewer fronting the property on St Luke road. A 6m wide easement is required over the existing sanitary sewer through the site, if one does not exist. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. A sampling manhole is to be provided at the property line, if one does not already exist. A site servicing drawing will be required to determine location of existing services.

St Luke Road is classified as Local Road according to the Official Plan with a required right-of-way width of 20.0 meters. The current right-of-way width of this road is sufficient, therefore, no conveyance is required. Driveways shall be constructed as per AS-204, complete with straight flares and no raised curbs within the right-of-way as per BP2.3.1. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. Permits are required for any work in the right-of-way.

It was noted that there is existing parking bumper block within the right-of-way. The applicant will be required to remove the block and restore the boulevard to the satisfaction of the City Engineer.

In summary, we have no objections to the proposed Site Plan Control application, subject to the following requirements:

Site Plan Control Agreement – The applicant 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.

Sanitary Sewer Easement – Prior to the issuance of a construction permit, the owners agree to gratuitously convey to the Corporation, in fee simple and without encumbrance, a 6 metre wide easement centered over the existing sanitary sewer on the subject site.

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

B Y - L A W N U M B E R -2022

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

Passed the day of , 2022.

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

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

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

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

For the lands comprising of Part of Lot 97, Concession 1; Part 2, 12R-xxxxx, situated on the west side of St. Luke Road, north of Essex Terminal Railway, the following provisions shall apply:

- a. Notwithstanding Section 3.10, for the lands comprising of Part of Lot 97, Concession 1; Part 2, 12R-xxxxx, situated on the west side of St. Luke Road, north of Essex Terminal Railway an “outdoor storage yard: shall be defined to mean:
 - “ an open space which has a minimum area of 10.0 m2 and is used for storage. A loading compound, parking area, transport storage area, or transport terminal is not an outdoor storage yard.”
- b. an “outdoor storage yard” shall be an additional permitted use. (ZDM 7, ZNG-6846).

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	7	Part of Lot 97, Concession 1; Part 2, 12R-xxxxx	N/A	S.20(1)457

DREW DILKENS, MAYOR

CLERK

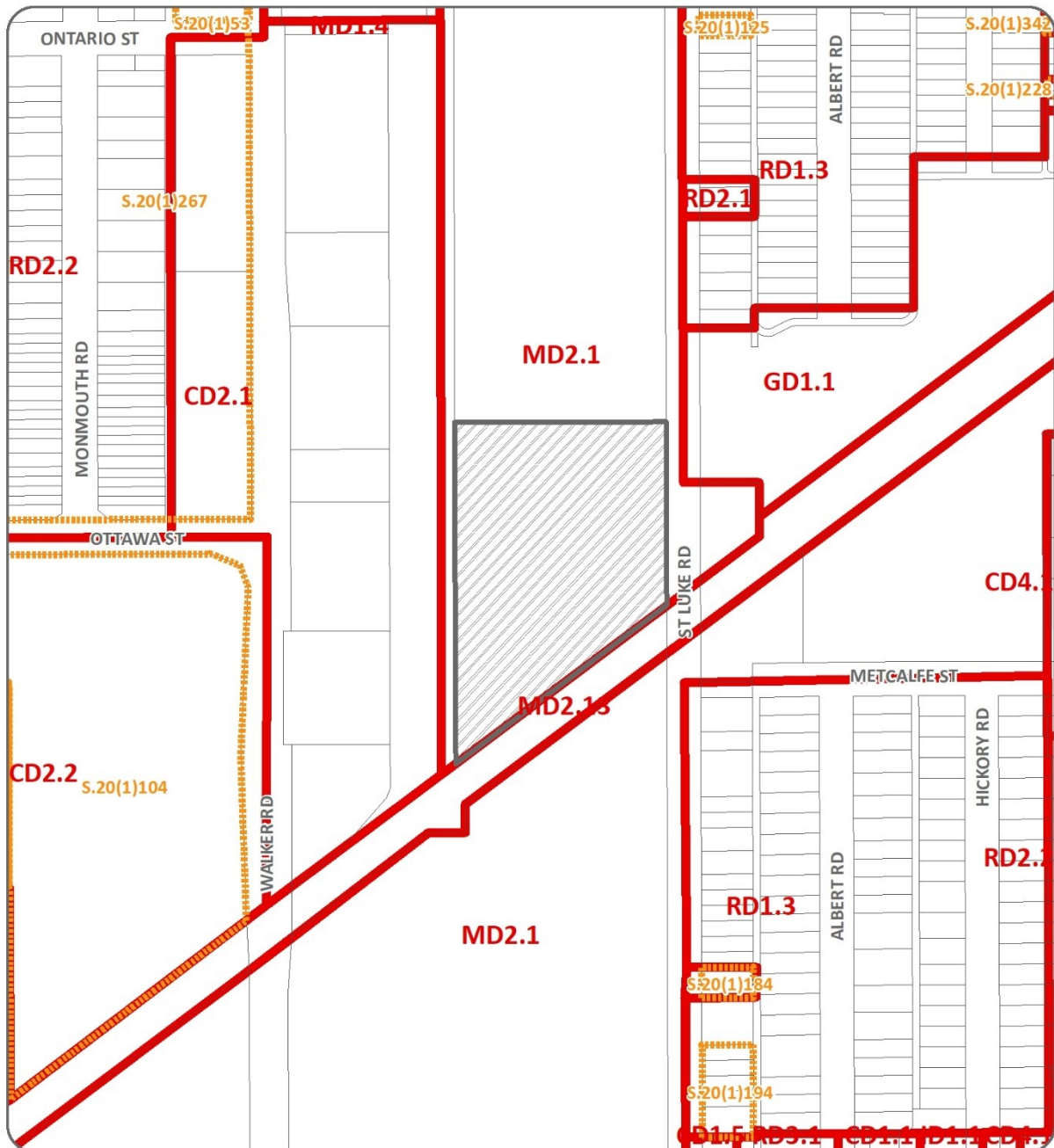
First Reading - , 2022
Second Reading - , 2022
Third Reading - , 2022

SCHEDULE 2

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

To amend the zoning of Part of Lot 97, Concession 1; Part 2, 12R-xxxxx, to permit an outdoor storage yard as an additional permitted use.

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



PART OF ZONING DISTRICT MAPS 6 & 7

N.T.S.

REZONING

Applicant: WinValco Ltd



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER 2022
FILE NO. : Z-028/22, ZNG/6846

**Subject: Rezoning – Gansil Inc. - 0 Campbell Avenue - Z-031/22
ZNG/6866 - Ward 2**

Reference:

Date to Council: December 5, 2022
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: November 7, 2022
Clerk's File #: Z/14486

To: Mayor and Members of City Council

Recommendation:

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

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

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

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

[ZDM 3; ZNG/6866]

Executive Summary:

N/A

Background:

Application Information:

Location: 0 Campbell Avenue
(west side of Campbell, south of Wyandotte Street West; 050-300-03100)

Ward: 2 **Planning District:** Riverwest **Zoning District Map:** 3

Applicant: Gansil Inc. (Dario Silvaggi, President)

Owner: Gansil Inc. (Dario Silvaggi, President)

Agent: Architecttura Inc. (Daniel Soleski)

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to allow the construction of a double duplex dwelling (four dwelling units total) with a maximum building height of 8.5 m consisting of three floors (basement, main floor and second floor) on an undersized lot. A total of four motor vehicle parking spaces and four bicycle spaces, all located in the front yard, are proposed. Also requesting relief from Section 24.26.5 to permit for two sets of tandem spaces in the required front yard and from Section 24.28.1.3.1 to permit a hard surface for the purpose of a walkway, driveway and parking spaces to occupy up to 50% of the required front yard.

Applicant Submissions:

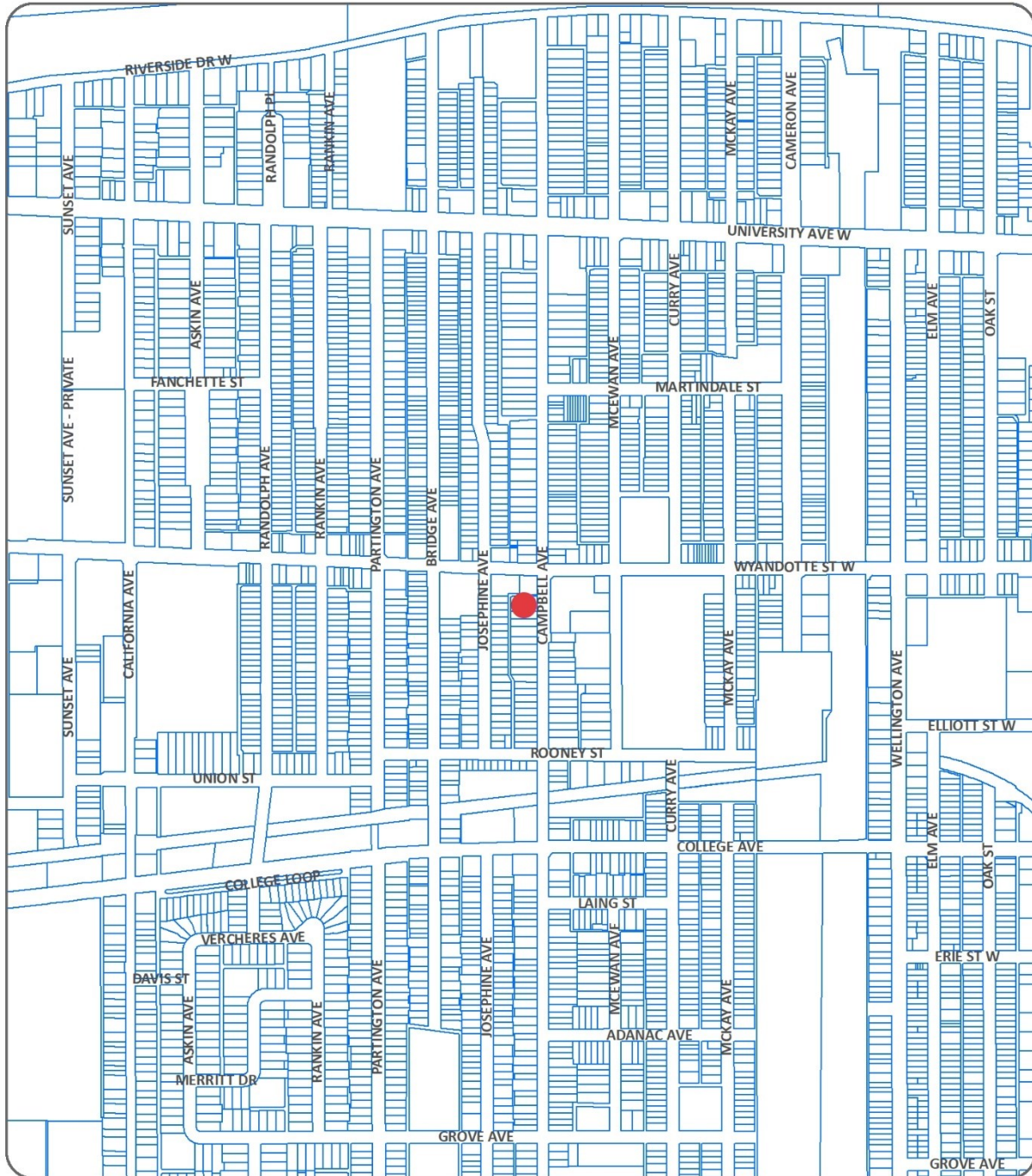
Zoning By-law Amendment Application, Planning Rationale Report & Urban Design, Site Plan & Elevations, Tree Report

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 2.2 (RD2.2)	Vacant Land	N/A
LOT WIDTH	LOT DEPTH	LOT AREA	LOT SHAPE
12.19 m	42.67 m	520.26 sq. m	Rectangular
40.0 ft	139.9 ft	5,600 sq. ft.	

All measurements are approximate and are for information purposes only.

Figure 1: Key Map

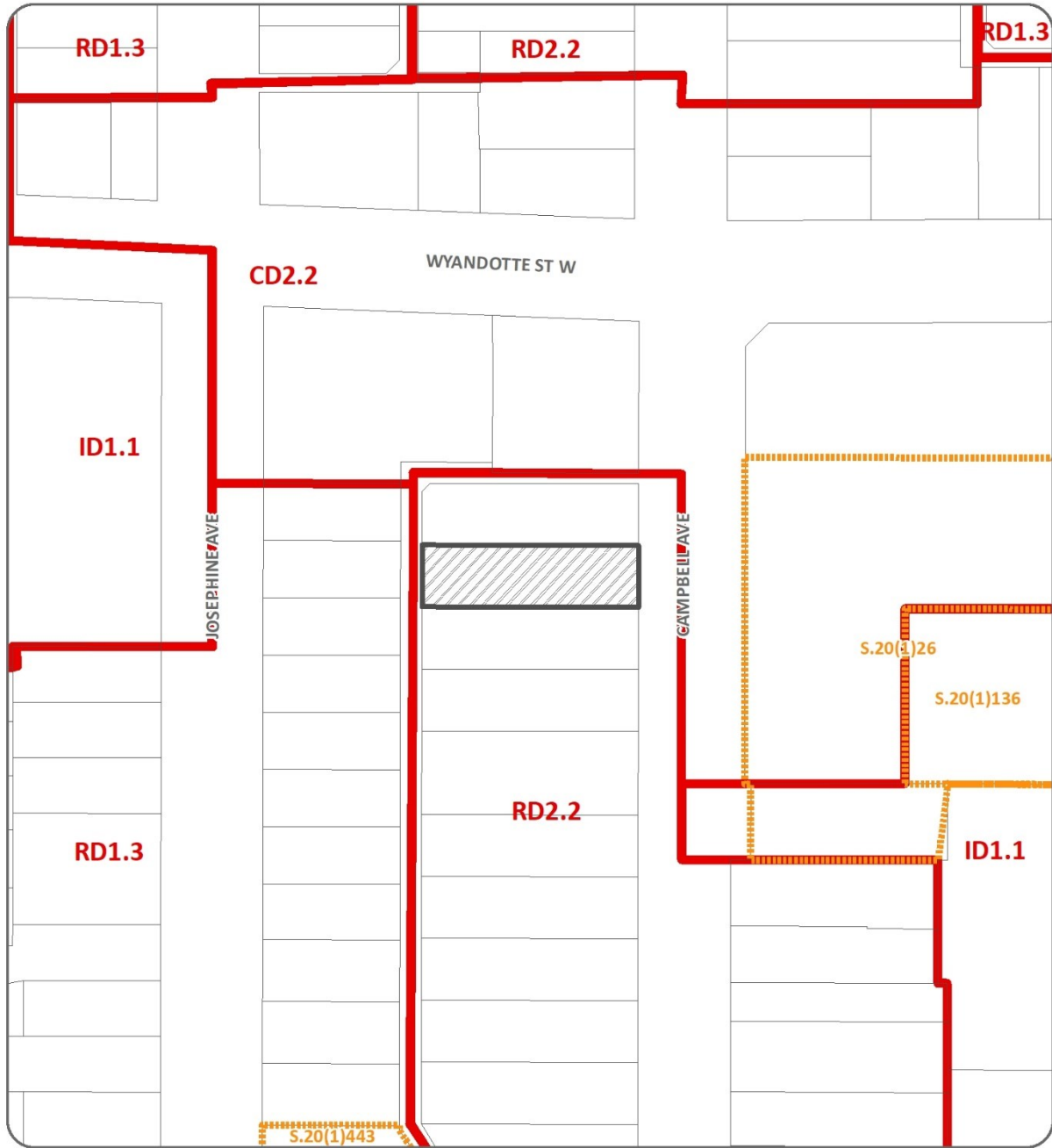


KEY MAP - Z-031/22, ZNG-6866

● SUBJECT LANDS



Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 3

N.T.S.

REZONING

Applicant: Gansil Inc



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER 2022
FILE NO. : Z-031/22, ZNG/6866

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-031/22, ZNG-6866



SUBJECT LANDS

Neighbourhood Characteristics:

The subject parcel is located in a residential area consisting of low to medium density dwellings. See Appendix B for site images. The University of Windsor, about 700 m to the west, is a major use in the nearby area. A mix of commercial uses are located along Wyandotte Street to the north including a Shopper's Drug Mart across from the subject parcel. The City of Windsor Adie Knox Herman Recreation Complex and Wilson Park are located about 200 m to the east.

Campbell Avenue is classified as a Class I Collector Road, and has sidewalks and on-street parking on both sides of the street. To the north, Wyandotte Street West is classified as a Class II Arterial Road. To the south, College Avenue is classified a Class I Collector Road and a Proposed Bikeway on Schedule F: Roads and Bikeways.

Transit Windsor operates the Crosstown 2 bus route along Wyandotte Street West, with stops at Wyandotte and Campbell, and the Dougall 5 bus route on Campbell Avenue with stops on both sides of Campbell Avenue, just south of Wyandotte Street. The Transit Master Plan recommends maintaining similar transit service.

A combined sewer is located in the Campbell Avenue right-of-way.

Discussion:

Provincial Policy Statement, 2020

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

Policy 1.1.1 of the PPS states:

"Healthy, liveable and safe communities are sustained by:

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

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

Policy 1.1.3.1 of the PPS states:

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

Policy 1.1.3.2 of the PPS states:

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

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

The parcel is located within the settlement area. The zoning amendment promotes a land use that makes efficient use of land and existing infrastructure. Transit services and planned active transportation options are located near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2. The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

Official Plan:

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

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 promotes compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 promotes residential redevelopment, infill and intensification initiatives. The double duplex dwelling is a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation. The zoning amendment satisfies the objectives in Section 6.5.1 of the Official Plan.

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

The zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan. The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

Zoning By-Law:

The parcel is zoned Residential District 2.2 (RD2.2) which permits a double duplex dwelling or a multiple dwelling with a maximum of four dwelling units on a lot having a minimum width of 18.0 m and a minimum area of 540.0 m² with a minimum front yard depth of 6.0, a minimum rear yard depth of 7.50 m, and a minimum side yard width of 1.80 m. The maximum building height is 9.0 m with a maximum lot coverage of 45%.

The applicant is requesting a site specific provision to allow a double duplex dwelling on a lot having a minimum width of 12 m and a minimum area of 520.0 m² and to allow parking within the required front yard and to allow a maximum of 50% of required front yard area to be paved with a hard surface for the purpose of a walkway, driveway, access area or a parking space or any combination thereof.

The reductions in minimum lot width and minimum lot area are for the lot as existing, however, the building envelope remains the same. There is no adverse impact on the proposed development or on surrounding uses. The alley at the rear of the parcel is open but untraveled and terminates in a dead-end just to the north and cannot be used for parking access. Any parking will be located in the front yard. The 50% hard surface paving request clarifies that Section 24.28.1.3 applies to the proposed development and ensures that the parking spaces and access area are paved with a hard surface.

No other changes to the zoning provisions have been requested. The proposed double duplex dwelling and parking area are not subject to site plan control.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

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

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix D.

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

Planner's Opinion:

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

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to rezone the subject parcel by adding a site specific exception to allow the proposed double duplex is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan, and constitutes good planning.

Conclusion:

Staff recommend that Zoning By-law 8600 be amended to permit a rezoning of the subject parcel by adding a site specific exception to permit a double duplex dwelling subject to the additional provisions contained in the site specific exception.

Planning Act Matters:

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

*Neil Robertson, MCIP, RPP
Manager of Urban Design*

*Thom Hunt, MCIP, RPP
City Planner*

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

JP OC

Approvals:

Name	Title
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

Notifications:

Name	Address	Email
Dario Silvaggi Gansil Inc.	140 Winclare Drive Windsor, ON N8P 1H5	dariosilvaggi@gmail.com
Daniel Soleski Architectura Inc.	180 Eugenie Street West Windsor, ON N8X 2X6	dsoleski@architectura.com
Councillor Costante		
Property owners and tenants within 120 m of the subject parcel		

Appendices:

- 1 Appendix A - Conceptual Site Plan, Floor Plans and Elevations
- 2 Appendix B - Site Images
- 3 Appendix C - Comments
- 4 Appendix D - Planning Rationale Report & Urban Design Study



City of Windsor
Development & Heritage
Standing Committee

Date

Meeting
Minutes

No.

COVER SHEET

635 Campbell Ave., Windsor, Ontario N9B 2H6

PROPOSED DOUBLE DUPLEX

Project No.

2204

Sheet No.

A000

Dario Silvaggi
PROPOSED DOUBLE DUPLEX

635 Campbell Ave., Windsor, Ontario N9B 2H6

Project No. 2204

ARCHITECTURAL SHEETS
NO. SHEET NAME
1 01 GENERAL NOTES
2 02 FLOOR PLAN
3 03 SECTION
4 04 ELEVATION
5 05 FINISH SCHEDULES
6 06 ELECTRICAL SYMBOLS



Approved For: J. Wong
 Date: 01/13/2022

Project: 635 Campbell Ave. - Proposed Duplex
 Drawn: J. Wong

ARCHITECTURAL SITE PLAN
 PROPOSED DOUBLE DUPLEX

635 Campbell Ave., Windsor, Ontario N9B 2H6
 Date: 01/13/2022
 Project: 635 Campbell Ave. - Proposed Duplex
 Zone: R-2

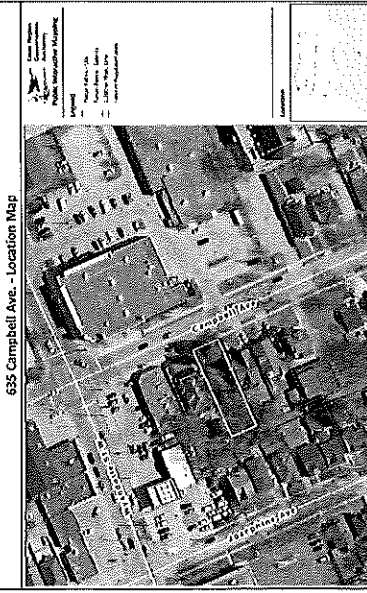
A101

SITE DATA MATRIX

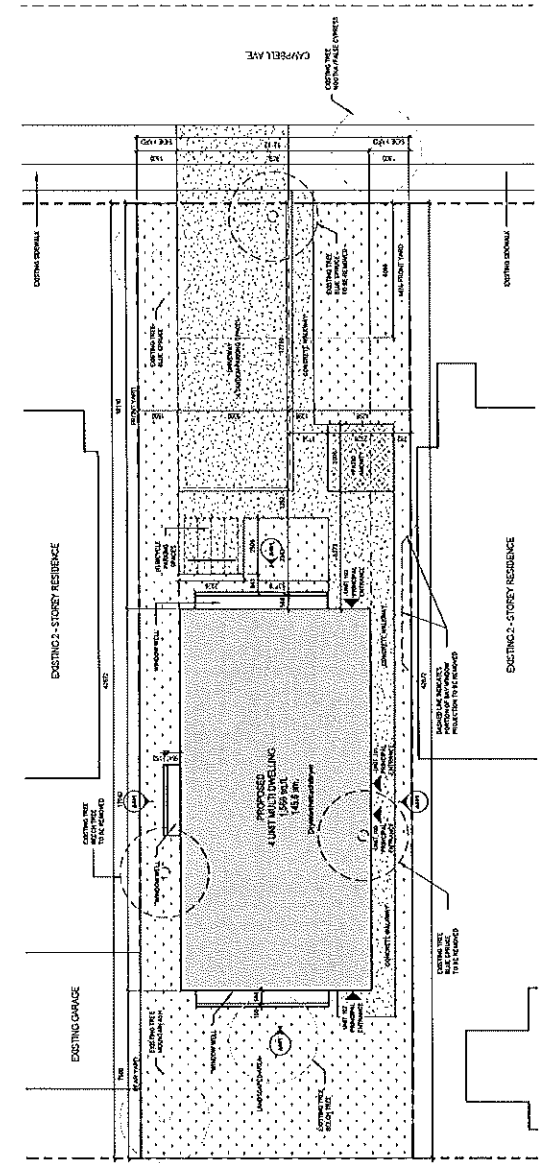
BUILDING INFORMATION		ZONING DATA		REQUIRED PROVIDED	
PROPOSED LOT AREA	8,590 sq. ft.	PERMITTED LOT AREA	8,590 sq. ft.	MAXIMUM LOT COVER	35%
PROPOSED GARAGE AREA	1,400 sq. ft.	PERMITTED GARAGE AREA	1,400 sq. ft.	MINIMUM SETBACK (FRONT)	3.0m
PROPOSED DECK AREA	150 sq. ft.	PERMITTED DECK AREA	150 sq. ft.	MINIMUM SETBACK (SIDE)	0.9m
PROPOSED TERRACE AREA	0 sq. ft.	PERMITTED TERRACE AREA	0 sq. ft.	MINIMUM SETBACK (REAR)	0.9m
TOTAL DECK AND TERRACE AREA	150 sq. ft.	TOTAL PERMITTED DECK AND TERRACE AREA	150 sq. ft.	MINIMUM SETBACK (CORNER)	1.2m
PROPOSED GARAGE SETBACK	3.0m	PERMITTED GARAGE SETBACK	3.0m	MINIMUM SETBACK (EXISTING SIDE)	3.0m
PROPOSED DECK SETBACK	0.9m	PERMITTED DECK SETBACK	0.9m	MINIMUM SETBACK (EXISTING REAR)	3.0m
PROPOSED TERRACE SETBACK	0.9m	PERMITTED TERRACE SETBACK	0.9m	MINIMUM SETBACK (EXISTING CORNER)	3.0m
PROPOSED GARAGE COVERED AREA	1,400 sq. ft.	PERMITTED GARAGE COVERED AREA	1,400 sq. ft.	MINIMUM SETBACK (EXISTING SIDE)	3.0m
PROPOSED GARAGE OPEN AREA	0 sq. ft.	PERMITTED GARAGE OPEN AREA	0 sq. ft.	MINIMUM SETBACK (EXISTING REAR)	3.0m
PROPOSED GARAGE TOTAL AREA	1,400 sq. ft.	PERMITTED GARAGE TOTAL AREA	1,400 sq. ft.	MINIMUM SETBACK (EXISTING CORNER)	3.0m
PROPOSED DECK COVERED AREA	0 sq. ft.	PERMITTED DECK COVERED AREA	0 sq. ft.	MINIMUM SETBACK (EXISTING SIDE)	0.9m
PROPOSED DECK OPEN AREA	150 sq. ft.	PERMITTED DECK OPEN AREA	150 sq. ft.	MINIMUM SETBACK (EXISTING REAR)	0.9m
PROPOSED DECK TOTAL AREA	150 sq. ft.	PERMITTED DECK TOTAL AREA	150 sq. ft.	MINIMUM SETBACK (EXISTING CORNER)	0.9m
PROPOSED TERRACE COVERED AREA	0 sq. ft.	PERMITTED TERRACE COVERED AREA	0 sq. ft.	MINIMUM SETBACK (EXISTING SIDE)	0.9m
PROPOSED TERRACE OPEN AREA	0 sq. ft.	PERMITTED TERRACE OPEN AREA	0 sq. ft.	MINIMUM SETBACK (EXISTING REAR)	0.9m
PROPOSED TERRACE TOTAL AREA	0 sq. ft.	PERMITTED TERRACE TOTAL AREA	0 sq. ft.	MINIMUM SETBACK (EXISTING CORNER)	0.9m
PROPOSED TOTAL GARAGE AREA	1,400 sq. ft.	PERMITTED TOTAL GARAGE AREA	1,400 sq. ft.	MINIMUM SETBACK (EXISTING SIDE)	3.0m
PROPOSED TOTAL DECK AND TERRACE AREA	150 sq. ft.	PERMITTED TOTAL DECK AND TERRACE AREA	150 sq. ft.	MINIMUM SETBACK (EXISTING REAR)	0.9m
PROPOSED TOTAL GARAGE, DECK AND TERRACE AREA	1,550 sq. ft.	PERMITTED TOTAL GARAGE, DECK AND TERRACE AREA	1,550 sq. ft.	MINIMUM SETBACK (EXISTING CORNER)	3.0m

NOTE:
 1. ALL SETBACKS ARE MEASURED FROM THE EXISTING PROPERTY LINES.
 2. ALL SETBACKS ARE MEASURED FROM THE EXISTING PROPERTY LINES.
 3. ALL SETBACKS ARE MEASURED FROM THE EXISTING PROPERTY LINES.
 4. ALL SETBACKS ARE MEASURED FROM THE EXISTING PROPERTY LINES.
 5. ALL SETBACKS ARE MEASURED FROM THE EXISTING PROPERTY LINES.
 6. ALL SETBACKS ARE MEASURED FROM THE EXISTING PROPERTY LINES.

635 Campbell Ave. - Location Map



Public Information Mapping
 Project: 635 Campbell Ave. - Proposed Duplex
 Date: 01/13/2022
 Scale: 1:1000
 Project No: 2022-001



N
 SITE PLAN
 SCALE: 1:100



Development & Heritage Standing Committee
 635 Campbell Ave., Windsor, Ontario N9B 2H8
 2004
 2004

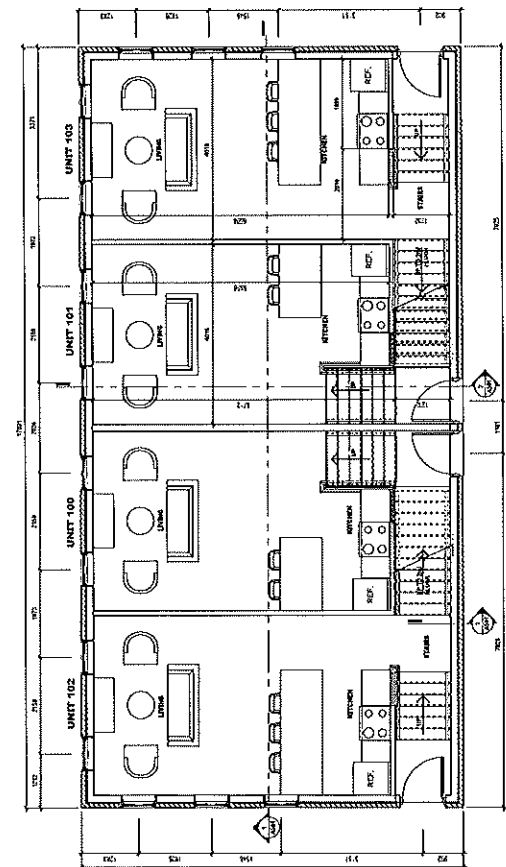
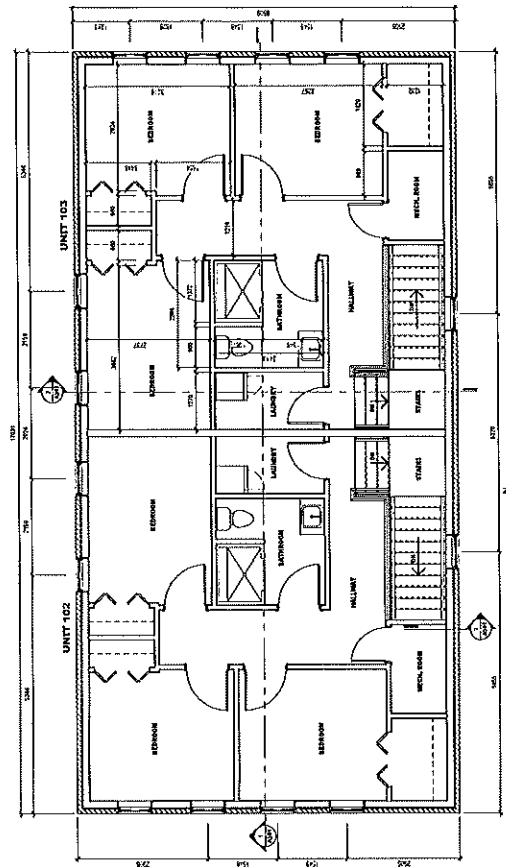
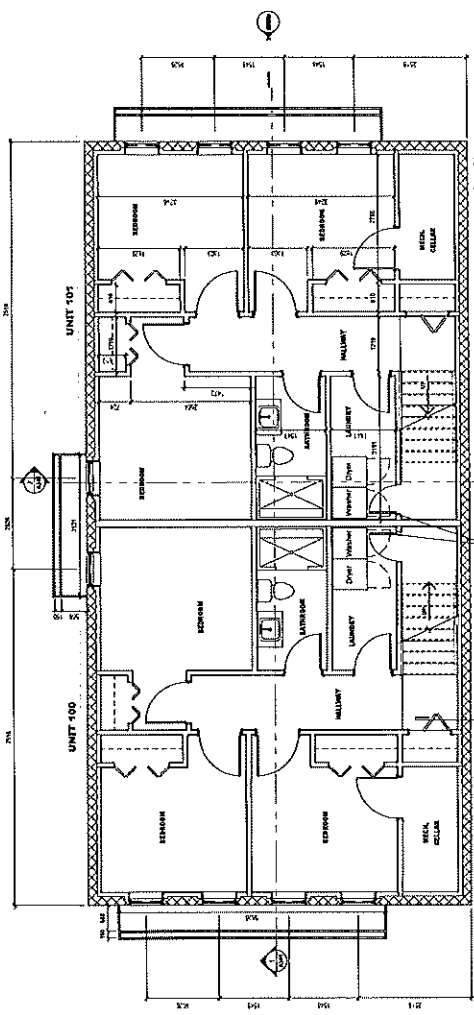
Project Details
 Date

N

FLOOR PLANS

Data Storage
 635 Campbell Ave., Windsor, Ontario N9B 2H8
 PROPOSED DOUBLE DUPLEX
 Author
 2004

A201





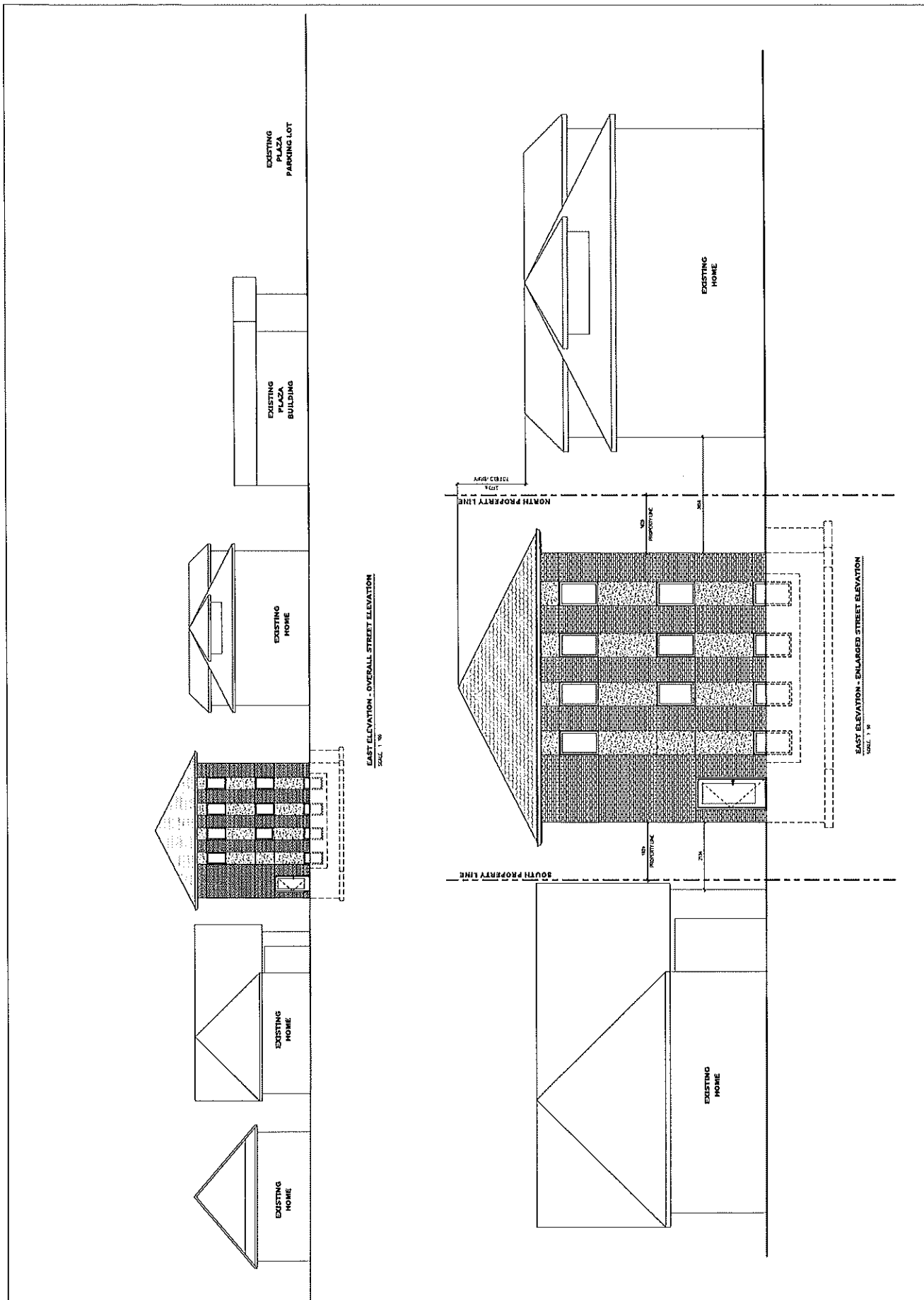
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 Project No:
 Date:
 Design:
 Scale: 1/8" = 1'-0"

Project Name:
 Project No:
 Date:
 Design:
 Scale: 1/8" = 1'-0"

Project Name:
 Project No:
 Date:
 Design:
 Scale: 1/8" = 1'-0"

635 Campbell Ave., Windsor, Ontario N9B 2H6
 PROPOSED DOUBLE DUPLEX
 Dario Salvaggi
 Author:
 Checked:
 Date: 2024

A400





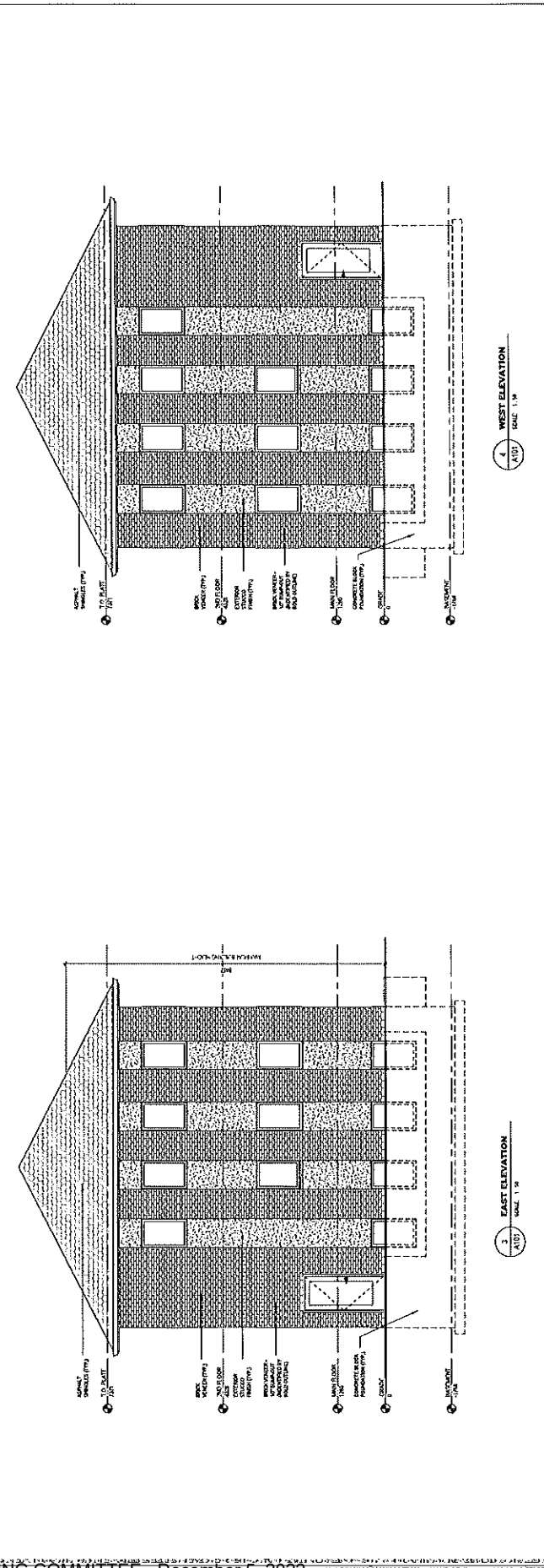
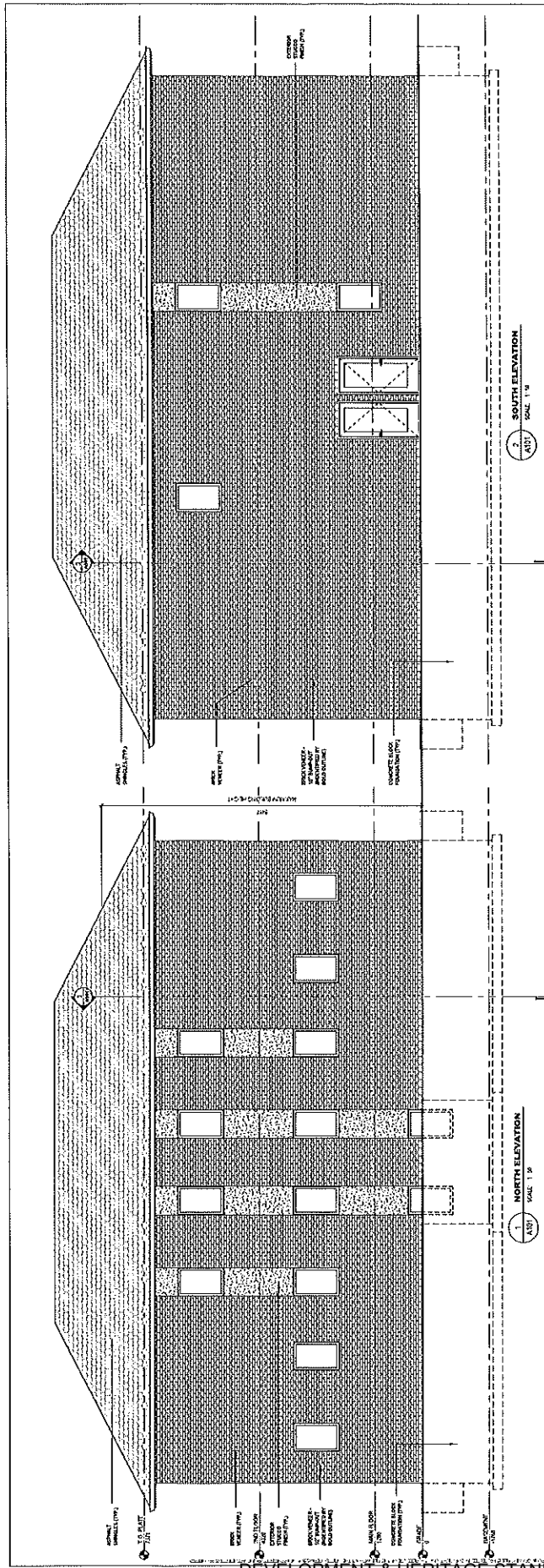
Architect
 1234 Main Street
 Toronto, Ontario M5H 1A5
 Phone: (416) 123-4567
 Fax: (416) 987-6543
 Email: info@firm.com

Project Name
 Date
 Designer
 No.

EXTERIOR ELEVATIONS

835 Campbell Ave., Windsor, Ontario N9B 2H5
 PROPOSED DOUBLE DUPLEX
 Date: 01/20/2022
 Scale: 1/8" = 1'-0"

A401



3 EAST ELEVATION
 SCALE 1/8" = 1'-0"

4 WEST ELEVATION
 SCALE 1/8" = 1'-0"



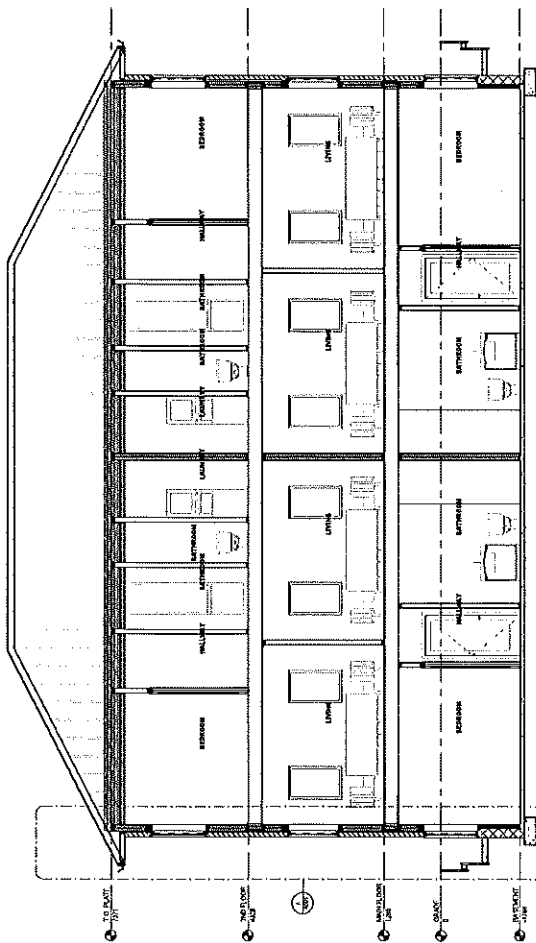
Architects
 100 Dundas Street West
 Toronto, Ontario M5G 1C5
 Tel: 416-593-9300
 Fax: 416-593-9301
 www.thearchitects.com

Project: PROPOSED DOUBLE DUPLEX
 Address: 635 Campbell Ave., Windsor, Ontario N8B 2H6

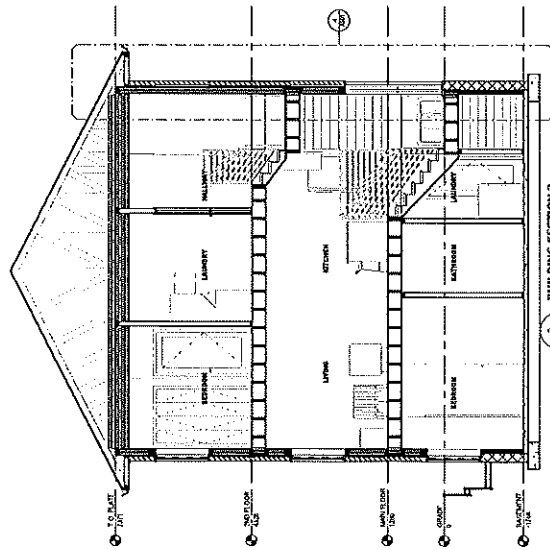
BUILDING & WALL SECTIONS

Client: Dario Sivaggi
 Date: 2022-05-05
 Scale: 1/8" = 1'-0"

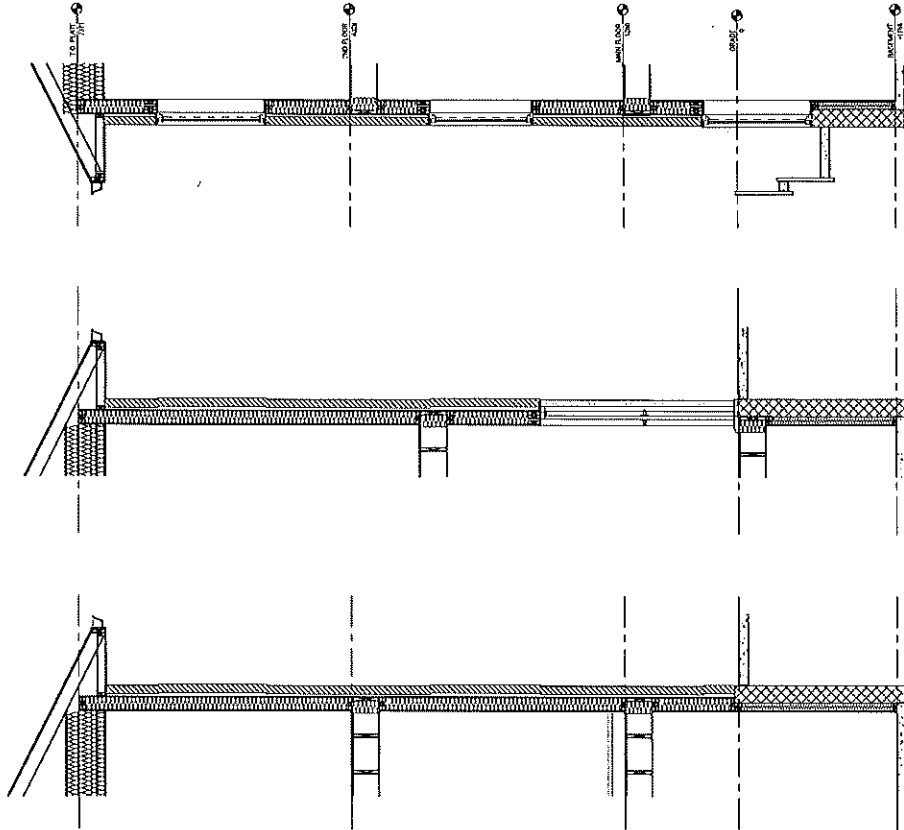
A501



1 BUILDING SECTION 1
 SCALE 1/8"



2 BUILDING SECTION 2
 SCALE 1/8"



3 TYPICAL WALL SECTION
 SCALE 1/8"

4 TYPICAL WALL SECTION AT DOOR
 SCALE 1/8"

5 TYPICAL WALL SECTION AT WINDOWS
 SCALE 1/8"

APPENDIX B - SITE IMAGES

IMAGE 1



Subject Parcel – 0 Campbell Ave - Looking west

IMAGE 2



**Looking north on Campbell Avenue towards Wyandotte Street West
Subject parcel on left side**

APPENDIX B - SITE IMAGES

IMAGE 3



Looking east on Campbell Avenue, across from subject parcel

IMAGE 4



**Looking south on Campbell Avenue towards Rooney Street
Subject parcel on right side**

APPENDIX C - COMMENTS

City of Windsor - Building Department - Barbara Rusan

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building. The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

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

City of Windsor - Environmental Services - Anne Marie Albidone

No concerns

City of Windsor - Planning Department - Heritage Planner - 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 Tourism, Culture and Sport 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 Tourism, Culture and Sport and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Tourism, Culture and Sport.

Contacts:

Windsor Police: 911

Windsor Planning & Building Department: 519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca

APPENDIX C - COMMENTS

Windsor Manager of Culture and Events (A): Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Tourism, Culture and Sport - Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

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

City of Windsor - Planning Department - Landscape Architect & Acting Senior Urban Designer - Stefan Fediuk

Zoning Provisions for Parking Setback:

The requested relief from the maximum front yard paving could be made to comply with a redesign of the some of the internal and external spaces.

- 1) Each unit has its own principle entrance. Bicycle parking proposed can be accommodated internally based on the floorplans provided.
- 2) Relocate the proposed Patio Amenity to rear yard area to provide privacy for the tenants while using the amenity space.
- 3) Flipping the footprint and orienting the entrances to the north side of the property would reduce the need for excessive paved surface crossing the front of the property allowing for additional greenspace in the front yard.

Tree Preservation:

The tree survey provided has not been stamped by a certified Arborist (ISA) nor certified Forester (OPFA). While the report identifies three trees and there overall health, it does not identify the caliper at breast height (DBH). Therefore, a revised Tree Inventory and Preservation Report complete with the location, size (caliper DBH) and health is required to be completed by an certified Arborist, Forester ort Landscape Architect to help assess the compensation for loss to the urban tree canopy with the removal of the trees to accommodate this development.

Climate Change:

Reorienting the units to allow for the driveway and walkways to access the north side of the site, will also allow the proposed windows to be on the south side of the building, allowing for better solar gains through passive heating, as well as provide better illumination into the units, especially those proposed below grade.

Parkland Dedication:

Require a parkland dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act.

City of Windsor - Planning Department - Site Plan Control - Jackie Cabral

Site Plan is not applicable for this proposed development pursuant to the Planning Act and City of Windsor By-law 1-200.

APPENDIX C - COMMENTS

City of Windsor - Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Crosstown 2 and Dominion 5. The closest existing bus stops to this property are located on either Wyandotte at Campbell or Campbell at Wyandotte. All bus stops are well within our walking distance guidelines of 400 metres to a bus stop. This will be maintained with our Council approved Transit Master Plan.

City of Windsor - Transportation Planning - Shannon Deehan

- Campbell Ave is classified as a Class I Collector Road with a required right-of-way width of 22 meters per Schedule X. The current right-of-way is insufficient, however, we are not requesting a conveyance at this time.
- All parking must comply with zoning by-law 8600 (vehicle and bicycle).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Enbridge – Windsor Mapping

After reviewing the provided drawing at 635 Campbell Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing is available for review.

Please Note:

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

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

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

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

APPENDIX C - COMMENTS

- 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

Enwin

HYDRO ENGINEERING: No Objection, provided adequate clearances are achieved and maintained.

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

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

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

WATER ENGINEERING: Water Engineering has no objections.

635 Campbell Avenue

Planning Rationale Report & Urban Design Study

1.0 Introduction

1.1 Purpose

ARCHITECTTURA INC.(Architecttura) has been retained by GANSIL INC., herein referred to as the “Applicant”, to assist in designing, and obtaining the necessary approvals associated with a proposed double duplex dwelling development at 635 Campbell Avenue, in the City of Windsor (refer to Figure 1 – Location Map).

The property is designated accordingly in the City of Windsor Official Plan and Zoning By-law 8600 as follows:

City of Windsor Official Plan – Schedule D: Land Use

- Residential

(Refer to Figure 2 – Existing Official Plan Designations).

City of Windsor Zoning By-law 8600 – Schedule A: Zoning District Map 3

- Residential District 2.2 (RD2.2)

(Refer to Figure 3 – Existing Zoning Designations).

The applicant is requesting that the Council approve an amendment to the City of Windsor Zoning By-law 8600 to permit the proposed residential development on the subject site. The applicant is requesting that the zoning of the subject site be amended to a site-specific Residential District 2.2 (RD2.2) zoning that:

- Permits a DOUBLE DUPLEX dwelling in a lot with Lot Area of 520sm and Lot Width of 12.0m.
- Provides relief from provision 24.26 .5 and permits for two sets of double tandem spaces encroaching the required front yard for a new DOUBLE DUPLEX dwelling.
- Provides relief from provision 24.28.1 .3 .1 and permits for hard surface for the purpose of a walkway, driveway, and parking spaces to occupy up to 50% of the required front yard for a new DOUBLE DUPLEX dwelling.
- Provides four (4) bicycle parking spaces and outdoor amenity patio area in lieu of the above reliefs.

The applicant has submitted application to this effect (Refer to Appendix A – Development Application).

1.2 Description of Site

The subject site is located on the west side of Campbell Avenue (refer to Figure 1.0 – Location Map). The subject site is legally described as PLAN 1148 LOT 9; Roll 3739-050-300-03100-0000.

The total site area under application is 5,600ft² (520.25m²) having 40ft (12.19m²) of frontage on Campbell Avenue.

The site is vacant land with no existing structures.

1.3 Proposed Development

The applicant proposes to develop the site for a 420.66m² two (2) storey with basement, double duplex dwelling building.

The proposed development will provide a total of four (4) parking spaces, as two sets of tandem parking spaces on a driveway. A total of four (4) bicycle spaces will also be provided to promote the use of active transportation. The proposed development intends to provide local students, professionals, and other local residents with housing near the University of Windsor Campus (900m), downtown core, St. Clair College Downtown Campus(2km) and St Clair College Campus (direct bus connection from Campbell Avenue).

The proposed double duplex dwelling building will be a minimum of 1.8 metre from the side yard property line, 7.5 metres from the rear property line and 18.1 metres from the front property line.

The proposed development project intended to help provide post-secondary students, professionals, and other local residents with additional affordable housing options. Access to the proposed development will be provided from Campbell Avenue.

A Zoning By-Law Amendment application is required to permit the proposed development. The applicant is requesting an amendment from the existing “Residential District 2.2(RD2.2)” zoning to a site-specific “Residential District 2.2(RD2.2)” zoning category which would permit the proposed.

Refer to Figure 5 – Conceptual Site Plan and Appendix A – Development Application.

2.0 Existing Land Use

2.1 Subject Site

The physical attributes of the site are as follows:

- A total site area of 520.25 m²;
- Rectangular shaped parcel with frontage on Campbell Avenue;

- The subject site is vacant land with no existing structures.

2.2 Surrounding Land Use

The surrounding land uses are varied as shown in Figure 5 – Surrounding Land Uses and are described as follows:

North

- 627 Campbell Avenue, two storey residential building (RD2.2) single family dwelling.

East

- Campbell Avenue, with 22m required ROW and beyond that
- 1675 Wyandotte Street West, commercial buildings (CD2.2) plaza.

South

- 643 Campbell Avenue, two storey residential building (RD2.2) two(2) units dwelling.

West

- Alley, approximately 4.3m wide and beyond that
- 636 Josephine Avenue, single storey residential building (RD1.3) single family dwelling

3.0 Planning Evaluation

To determine the feasibility and appropriateness of the proposed development, an evaluation of the potential planning issues and impacts has been undertaken. This evaluation has been based on:

- Official Plan;
- Zoning By-law; and
- Visual inspections of the site and surrounding lands.

3.1 The City of Windsor Official Plan

The local policy context in the City of Windsor is outlined in the Official Plan which contains goals, objectives, and policies to manage and direct growth in the City.

In the Official Plan, the subject lands are currently designated as “Residential”. The lands designated as “Residential” on Schedule D: Land Use provide the main locations for housing in Windsor outside of the City Centre Planning District. Opportunities for a broad range of housing types and complementary services and amenities are

provided to develop safe, caring and diverse neighbourhoods. The proposed use complies with the current Official Plan designation and satisfies the following objectives of the Official Plan:

- 6.3.1.1 To support a complementary range of housing forms and tenures in all neighbourhoods.
- 6.3.1.2 To promote compact neighbourhoods which encourage a balanced transportation system.
- 6.3.1.3 To promote selective residential redevelopment, infill, and intensification initiatives.
- 6.3.1.7 To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20-year period of this Plan.

Our analysis suggests that the proposed development is consistent with the following policies found in the Official Plan:

- Policy 6.3.2.1, relating to Permitted Uses, providing Low Profile and Small Scale Residential building.
- Policy 6.3.2.3 relating to Types of Low Profile Housing, providing small scale form of multiplex with no more than 8 units (double duplex – 4 units).
- Policy 6.3.2.4., relating to Location Criteria
- Policy 6.3.2.5 relating to Evaluation Criteria for a Neighbourhood Development Pattern.

These policies are included in Appendix B and will be referenced at this report.

3.2 The City of Windsor Zoning By-Law

The City of Windsor Zoning By-law 8600 implements the policies of the City of Windsor Official Plan by regulating built form and land uses throughout the City.

The subject site is currently zoned Residential District 2.2 (RD2.2) zone. The applicant is applying for a Zoning By-law Amendment to a site-specific Residential District 2.2 (RD2.2) zone to permit the proposed residential development of a double duplex dwelling building. The RD2.2 site specific zone will require the following modifications:

- A decrease the minimum lot area for a DOUBLE DUPLEX dwelling from 540sm to 520sm.
- A decrease the Minimum lot width for a DOUBLE DUPLEX dwelling from 18.0m to 12.0m.
- Provides relief from provision 24.26 (.5) of the City of Windsor Zoning By-Law 8600 and permits for two sets of double tandem spaces encroaching the required front yard for a new DOUBLE DUPLEX dwelling.

- Provide relief from provision 24.28.1 (.3) (.1) of the City of Windsor Zoning By-Law 8600 and permits for hard surface for the purpose of a walkway, driveway, and parking spaces to occupy up to 50% of the required front yard for a new DOUBLE DUPLEX dwelling.

The proposed use is compatible with the uses permitted in the zone. The proposed development will help diversify housing options in the surrounding neighbourhood and will help supplying the housing units that are needed in the area.

On-site parking is proposed as two sets of double tandem spaces meeting the parking requirements of the zoning by-law for the DOUBLE DUPLEX dwelling.

See Appendix C – City of Windsor Zoning By-law Policies and Figure 3 – Existing Zoning Designations.

3.3 Planning Analysis and Considerations

The proposed DOUBLE DUPLEX dwelling encourages the use of underutilized land and intensification of land uses in an area with existing municipal infrastructure and access to services.

The proposed development provides the potential for four dwelling units. The surrounding area consists of residential and commercial uses, single family dwellings and double dwellings at the north, south, west, and commercial at the east. The proposed development is compatible, fits well in the surrounding neighbourhood and provides additional housing and increased density.

Located near schools, recreational areas, commercial buildings, and transit routes the subject site provides an opportunity for a low profile and small-scale development that will help provide students and Windsor residents with additional housing supply.

3.3.1 Location

The subject site is adjacent to a walkable neighbourhood corridor (refer to Figure 4 – Neighbourhood Map). The surrounding area consists of low-profile single family, multiple units dwelling, commercial and institutional buildings. The site is also steps from Wyandotte Street West, a traditional commercial street with the Civic Image of Main Street. University of Windsor is at a distance of 900m, and residents can reach there either on a 10min walk or 4min bicycle ride. Downtown Windsor and St. Clair Downtown Campus are at a distance of 2.0km, and residents can reach there either on a 25min walk or by 8min bicycle ride. St. Clair College Campus is a 20min direct bus trip with DOMINION 5 public transit bus route which stops at the intersection of Wyandote St and Campbell Ave.

There are several amenity and park spaces in the surrounding neighbourhood of the proposed development, such as “Council on Aging” customer care centre, “Adle Knox Herman” arena and “Wilson” Park, “Ernest Atkinson” Park,

South section of “International Gardens” Park, Assumption Cares-Assumption Parish McEwan Campus and Campbell Baptist Church community centres.

Due to the location of the site at a walkable neighbourhood corridor, the applicant proposes providing 4 bicycle parking spaces which can accommodate for the required parking spaces for residents cycling to school or work and reduce the area of hard surface dedicated for parking at the front of the property. A front yard landscaped outdoor amenity patio will activate social interaction on Campbell Avenue and help community building.

3.3.2 Land Use – Residential - Housing

The proposed use on the subject site complies with the Existing Land Use as per the Official Plan and Zoning By-law designation.

The proposed development includes a two storey DOUBLE-DUPLEX (4 dwelling units) building, which will provide additional housing options to University of Windsor and St Clair College students, as well as to Windsor residents. The proposal is a form of residential intensification that meets the social, health and wellbeing requirements of current and future residents, promotes increased densities which efficiently use land, resources, infrastructure, and public service facilities, and supports the use of active transportation and transit in the area. It conforms to the Residential policies in the OP, particularly with the promotion of the complementary range of housing types and tenure, infill, and intensification initiatives (OP 6.3.1.1., OP6.3.1.3.).

The proposed development will increase the housing stock in Windsor and provide residents with additional housing options.

3.3.3 Transportation

The subject property is located steps from existing transit bus routes CROSSTOWN 2 and DOMINION 5, an existing signed route on Wyandotte St that will connect the proposed development to the University of Windsor, St Clair College and downtown (OP, 7.2.2.18(b)).

Proximity to University of Windsor campus will encourage residents to use active transportation, as residents can reach there either on a 10min walk or 4min bicycle ride at a distance of 900m.

3.3.4 Infrastructure

The proposed building will use existing municipal sewers and water services and will ensure that sewage and water services provided comply with all regulatory requirements and protect human health and natural environment (OP

7.3.1.1.) The proposed infill development will require new private servicing connections but will not require extension of municipally owned or operated infrastructure (OP 7.3.3.1.)

There are existing sidewalks along both east and west sides of Cambell Ave that connect with the sidewalks on Wyandotte St which will provide pedestrian access to the surrounding area. The sidewalk is barrier free and maintained to provide accessible travel for all residents and pedestrians and will encourage people to walk to school or work, for travel, exercise, recreation, and social interaction.

3.3.5 Urban Design

The proposed development is compatible with the land uses in the surrounding area and will help bringing up the property standards and preserve the character of the neighbourhood.

The proposed DOUBLE-DUPLEX multi family dwelling is designed to appear as a large single-family home. It has a single entrance on the main façade facing Cambell Ave. The mass, orientation, form and sitting conforms with Low Profile dwellings (OP, 6.3.2.1 & 6.3.2.3.). The proposed building respects all required open yards and max height of the existing Zoning Requirements and provides sufficient living spaces for its tenants. Furthermore the proposed design utilizes a compatible and compact footprint with 40% lot coverage, which is lower than the max allowed (45%). Based on this, the applicant is requesting a decrease to the minimum lot area for a DOUBLE DUPLEX dwelling from 540sm to 520sm, and a decrease the Minimum lot width for a DOUBLE DUPLEX dwelling from 18.0m to 12.0m. See figure 7 – Site Overview and Figure 8 - Street Elevations.

Due to the demographics of future tenants, proximity to University of Windsor, walkable neighbourhood and access to public transit, the applicant is requesting relief from provision 24.26 (.5) of the City of Windsor Zoning By-Law 8600 and permits for two sets of double tandem spaces encroaching the required front yard for a new DOUBLE DUPLEX dwelling. This way parking needs will be met, and development will be able to provide more landscape area at the front side of the building.

In lieu of a porch, that allows residents to sit and interact with the street life, a landscape amenity with a patio is proposed to promote community building, social activation, and safety of the street.

3.3.6 Economic Prosperity

The proposed development promotes opportunities for economic development and investment within the City of Windsor. It also optimizes the use of vacant land, infrastructure, and public service facilities available around the subject site. The subject property is strategically located within an existing area of the City where roads, community facilities, schools and public transport are accessible.

3.3.7 Energy Strategy

The proposed development promotes compact form and low-profile housing, increased density and enables the use of active transportation, and public transportation for residents. Increased active and public transportation will help limit vehicle trips for residents and maintain carbon footprint of the residents' low.

The building construction will follow best practices for Energy Efficiency complying with OBC and SB-12.

4.0 Conclusions

Based on extensive review, the proposed residential development is appropriate for the site and consistent with good planning and urban design principles. We recommend that the Zoning By-law Amendment application, as submitted, be approved for the following reasons:

1. The proposed residential development is “consistent” with the Official Plan policies as identified in section 3.1 of this report.
2. The proposed residential development is permitted under the Residential District 2.2 (RD2.2) zone and is consistent with the intent of Zoning By-law 8600. The above analysis shows that:
 - The zoning Regulations for Residential District 2.2 (RD2.2) include the proposed use and can be further adapted to meet the additional site-specific requirements of the development. The proposed site-specific adjustments are minor in nature, while still meeting the intent of the by-law. This is consistent with other developments in the area.
 - The requested decrease of the minimum lot area for a DOUBLE DUPLEX dwelling from 540sm to 520sm and decrease of the Minimum lot width for a DOUBLE DUPLEX dwelling from 18.0m to 12.0m, are minor in nature, as the proposed building respects all required open yards and height and provides living area for the future residents meeting the Ontario Building Code and City of Windsor Property Standards by By-Law.
 - The requested reliefs from provision 24.26 (.5) of the City of Windsor Zoning By-Law 8600 and permits for two sets of double tandem spaces encroaching the required front yard and provision 24.28.1 (.3) (.1) of the City of Windsor Zoning By-Law 8600 and permits for hard surface for the purpose of a walkway, driveway, and parking spaces to occupy up to 50% of the required front yard for a new DOUBLE DUPLEX dwelling, are supported by the walkability of the neighbourhood and access to public transport which provide the residents with means of transportation others than the use of cars.
 - The site is physically suitable and strategically located to support the proposed use.
 - Municipal services and emergency services are available.

- Site access is available as per Zoning By-Law requirements.
 - Proposed design provides sufficient parking on site.
 - The proposed development is compatible with the surrounding land uses (land use, scale, massing, landscaping, etc.) and it is consistent with the mix of land uses in the surrounding neighbourhood.
3. The proposed development will fulfill the need for additional residential units in the area and the City of Windsor in general.
 4. The proposed development promotes compact form and intensification. Walkable neighbourhood, access to sidewalk network, public transit network and proximity to schools and work will encourage residents to use active transportation and transit, minimizing the number and length of vehicle trips.

Dan Amicone, OAA MRAIC

Architect

A handwritten signature in black ink, appearing to read 'Dan Amicone', with a long horizontal flourish extending to the right.

September 2, 2022

FIGURES



- Legend**
- City Facility Buildings
 - Customer Care Centres
 - Fire
 - Municipal Parking Lots
 - Arenas
 - Community Centres
 - University and College
 - Bus Stations
 - Street Centreline
 - Sidewalks
- Street Names**
- 2137ESSX_Windsor_10cm_20
- Red: Band_1
 - Green: Band_2
 - Blue: Band_3

LOCATION MAP
FIGURE 1.0

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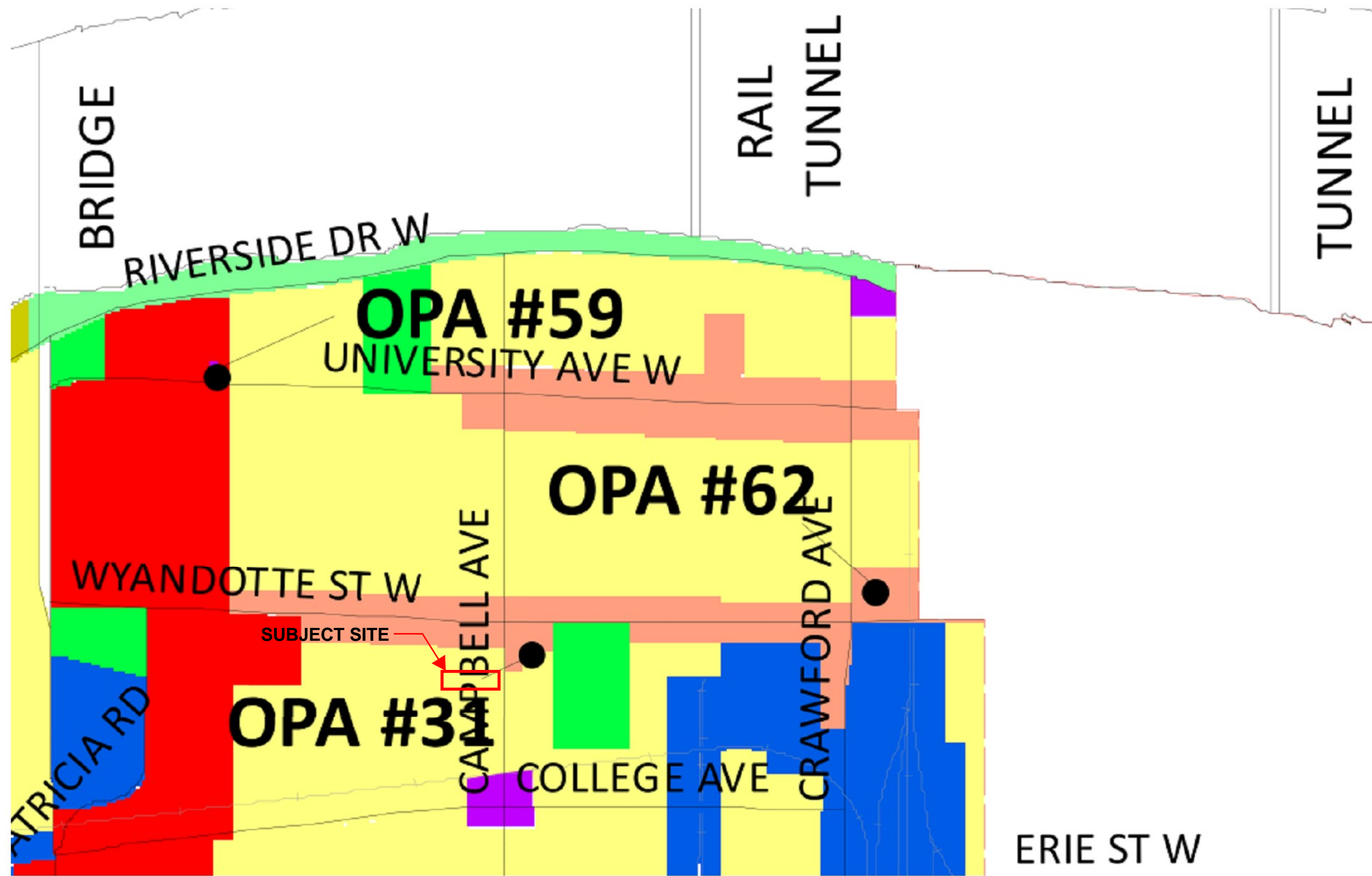
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© Latitude Geographics Group Ltd.

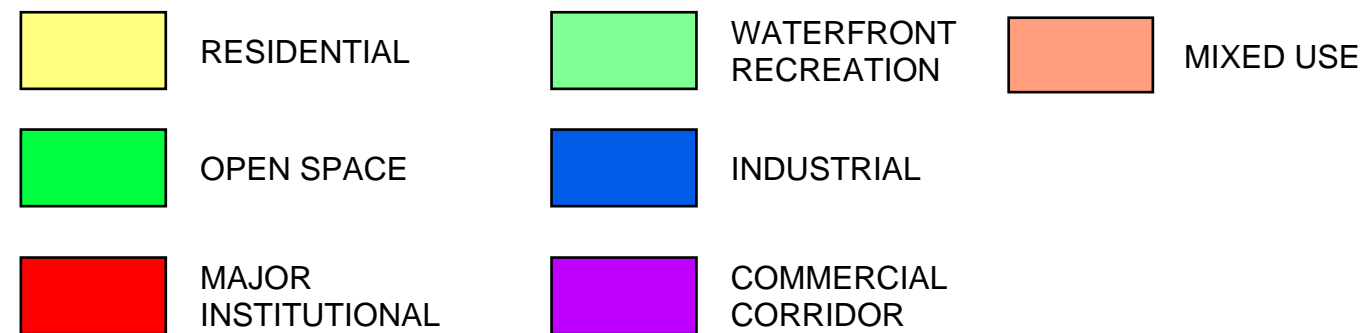
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EXISTING OFFICIAL PLAN DESIGNATIONS
FIGURE 2.0

Issued for

Date

Revision Schedule
Description

No.

EXISTING OFFICIAL PLAN
DESIGNATIONS
PROPOSED DOUBLE DUPLEX

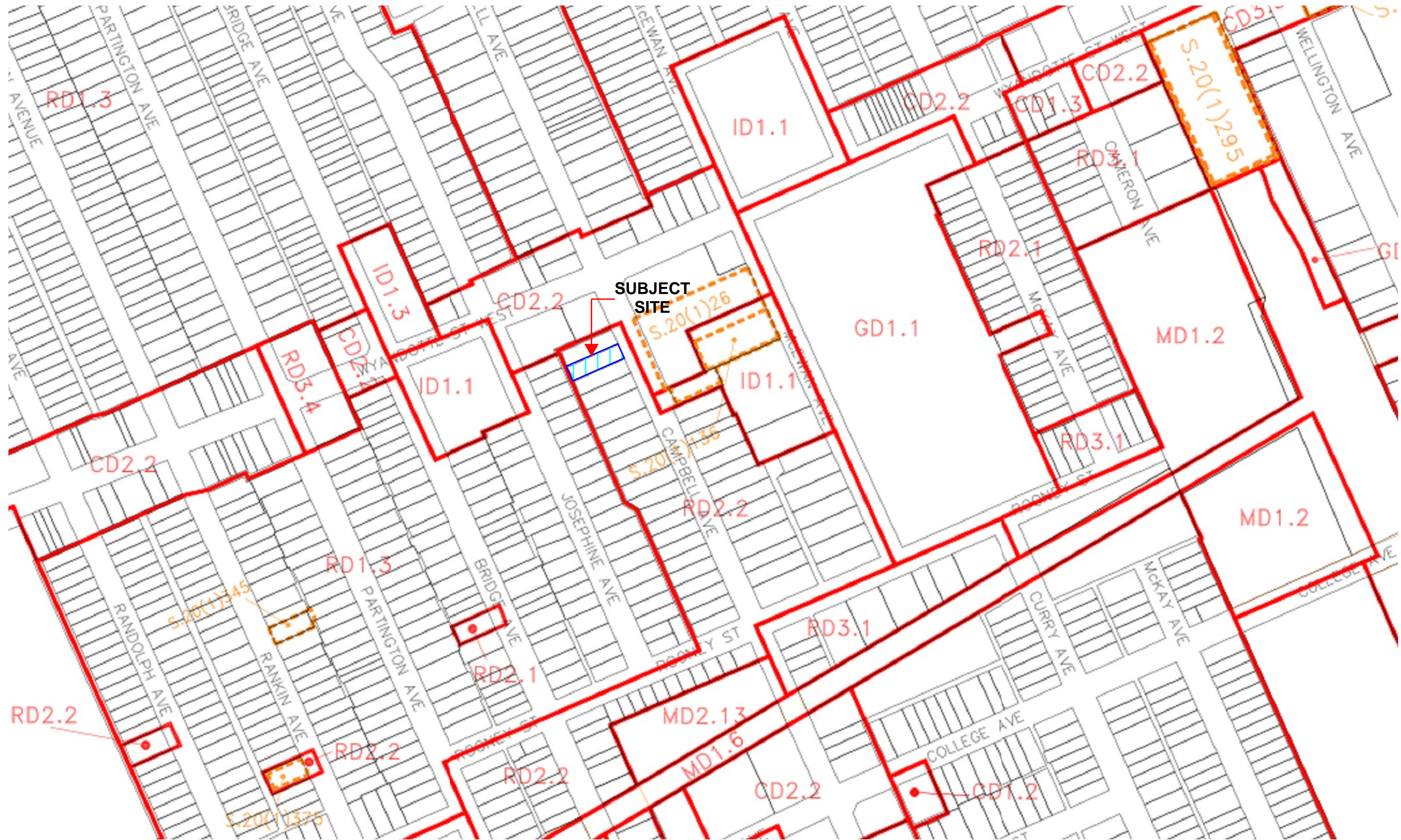
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Project No 2204

Sheet No

A101a



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 SUBJECT SITE

EXISTING ZONING DESIGNATIONS
FIGURE 3.0

Issued for

Date

Revision Schedule

Description

No.

EXISTING ZONING DESIGNATIONS

PROPOSED DOUBLE DUPLEX

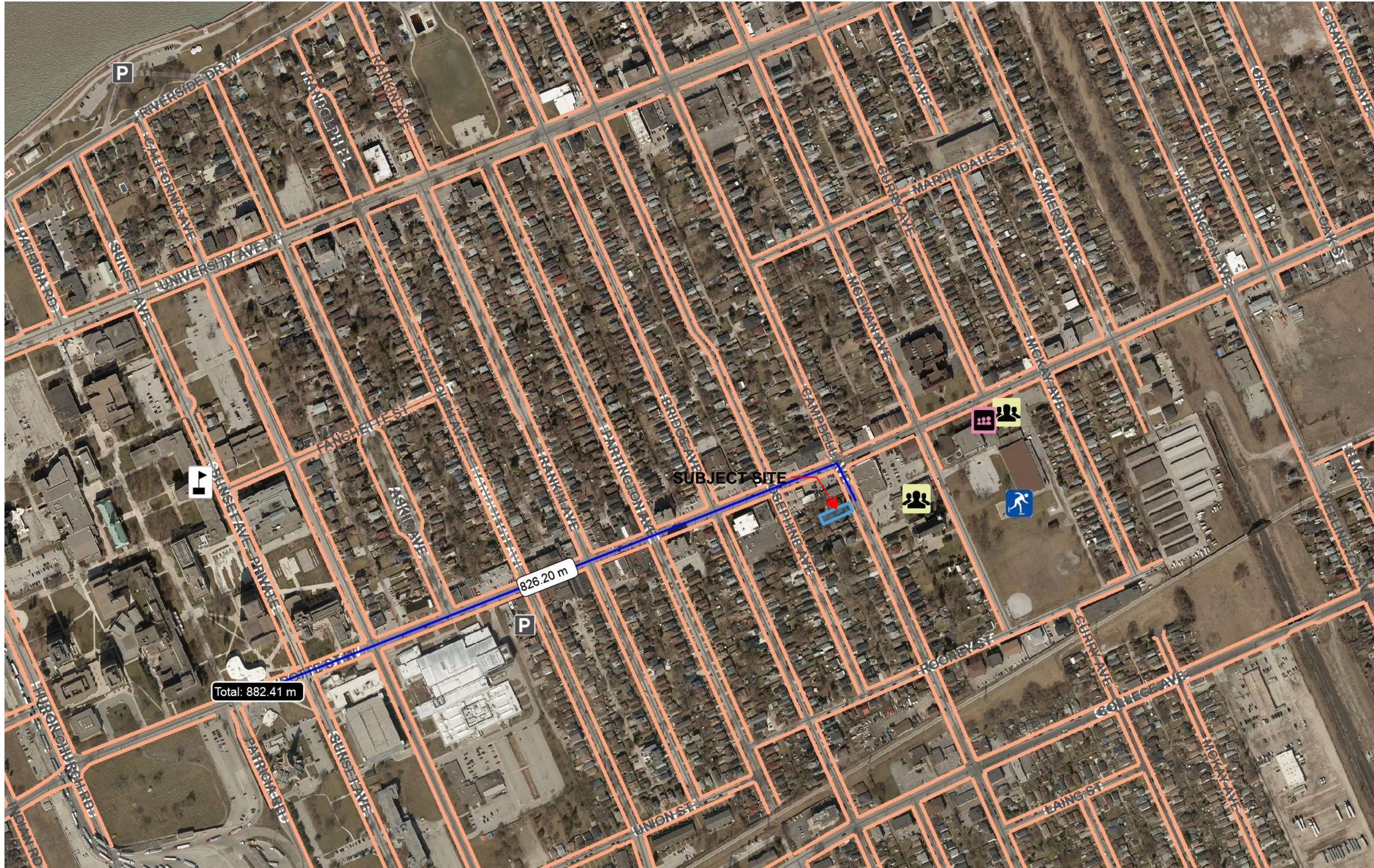
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Project No 2204

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A101b



- Legend**
- City Facility Buildings
 - Customer Care Centres
 - Fire
 - Municipal Parking Lots
 - Arenas
 - Community Centres
 - University and College
 - Bus Stations
 - Street Centreline
 - Sidewalks
 - Street Names**
 - 2137ESSX_Windsor_10cm_20
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 - Green: Band_2
 - Blue: Band_3

NEIGHBOURHOOD MAP
FIGURE 4.0

1: 5,000



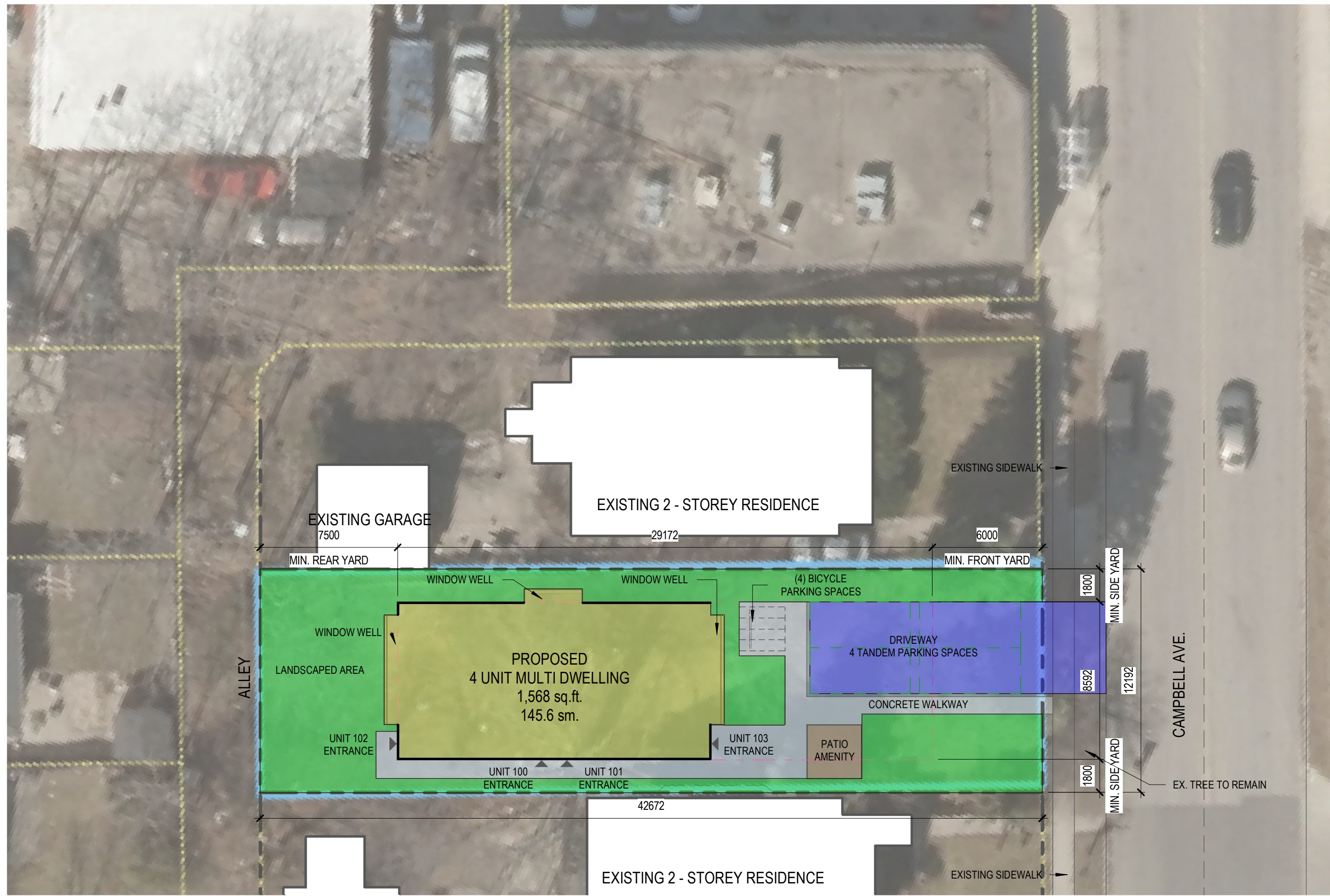
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Notes
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	SUBJECT SITE		PROPOSED DOUBLE DUPLEX		PATIO AREA		EXISTING BUILDINGS
	LANDSCAPING		WALKWAY		PROPOSED DRIVEWAY		

CONCEPTUAL SITE PLAN
FIGURE 5.0

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No.			

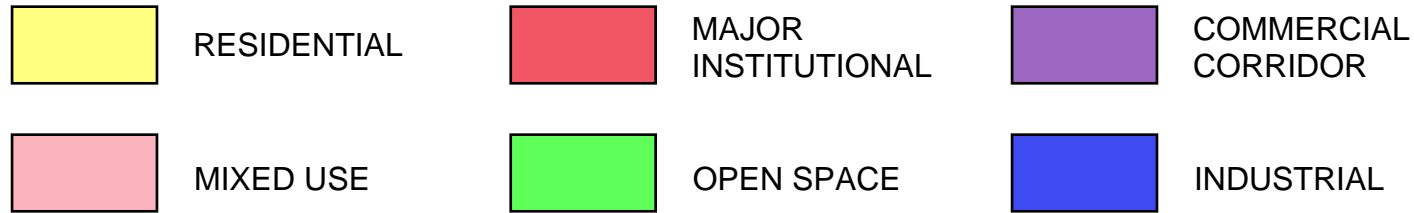
CONCEPTUAL SITE PLAN
PROPOSED DOUBLE DUPLEX
635 Campbell Ave., Windsor, Ontario N9B 2H6

Drawn By: Author Checked By: Checker
Project No: 2204
Sheet No: A101c



SURROUNDING LAND USE

SCALE: 1 : 4000



SURROUNDING LAND USE
FIGURE 6.0

Issued for

Date

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Description

No.

SURROUNDING LAND USE

PROPOSED DOUBLE DUPLEX

635 Campbell Ave., Windsor, Ontario N9B 2H6

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Project No 2204

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A101d



SITE OVERVIEW

SCALE: 1 : 500

SITE OVERVIEW
FIGURE 7.0

Revision Schedule	Description	Date	Issued for
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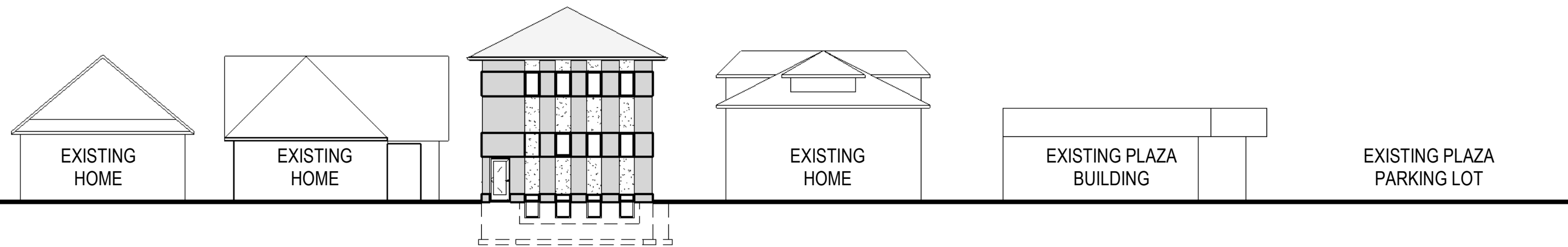
SITE OVERVIEW

PROPOSED DOUBLE DUPLEX

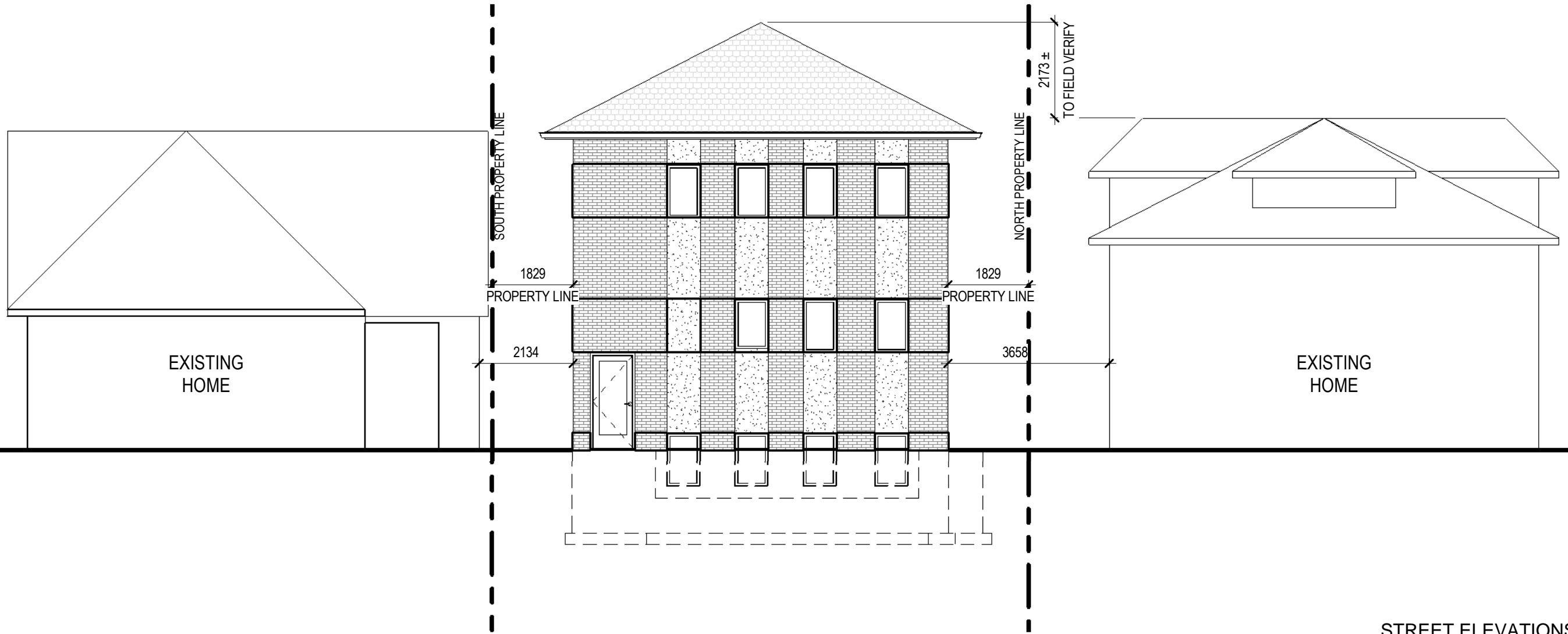
635 Campbell Ave., Windsor, Ontario N9B 2H6

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Checked By Checker
Project No 2204

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A100



*** ELEVATION NOT TO SCALE ***



*** ELEVATION NOT TO SCALE ***

STREET ELEVATIONS
 FIGURE 8.0

Revision Schedule	Description	No.
Issued for		
Date		

STREET ELEVATIONS
 PROPOSED DOUBLE DUPLEX
 635 Campbell Ave., Windsor, Ontario N9B 2H6

Drawn By: Author
 Checked By: Checker

Project No: 2204

Sheet No: **A101e**



PUBLIC TRANSIT MAP

DEVELOPMENT & HERITAGE STANDING COMMITTEE - December 5, 2022

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Revision Schedule	Description	Date	Issued for
No.			

PUBLIC TRANSIT MAP
 PROPOSED DOUBLE DUPLEX
 635 Campbell Ave., Windsor, Ontario N9B 2H6

Drawn By _____ Checked By _____
 Author _____ Checker _____
 Project No. 2204

Sheet No. **A101f**

APPENDIX – A
Development Application

ZONING BY-LAW AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E. Complete Credit Card Authorization if paying by credit card
- Submit application form, supporting information, and application fee / credit card authorization to Senior Steno Clerk at Planning Division, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca

TYPE OF REZONING AMENDMENT

DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

Minor Zoning Amendment

- Site zoned commercial, institutional, or manufacturing
 - Addition to the list of permitted uses
- Site already zoned
 - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
 - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
 - Site-specific zoning for a site with a lot area of less than 1,000.0 m²

Major Zoning Amendment

- Any other amendment not listed as minor.

ZONING BY-LAW AMENDMENT APPLICATION

ZONING BY-LAW AMENDMENT PROCESS

The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner makes a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by the City Clerk of the date, time, and location of the Council meeting. Call 311 or contact the City Clerk at 519-255-6211 or clerks@citywindsor.ca.
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, the City Clerk will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through the City Clerk. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact the City Clerk at 519-255-6211 or clerks@citywindsor.ca.
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

CONTACT INFORMATION

Planning & Building Department – Planning Division
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

ZONING BY-LAW AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS- 126/21

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Melissa Gasic	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/>	<input type="checkbox"/> Greg Atkinson
	<input type="checkbox"/> Laura Diotte
	<input type="checkbox"/> Simona Simion
	<input type="checkbox"/> Adam Szymczak

2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

ZONING BY-LAW AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: Gansil Inc. Contact: Dario Silvaggi
Name of Contact Person

Address: 140 Winclare Dr., Windsor

Address: _____ Postal Code: N8P 1H5

Phone: 519 - 991 - 2557 Fax: _____

Email: dariosilvaggi@gmail.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Architettura Inc. Contact: Daniel Soleski
Name of Contact Person

Address: 180 Eugenie St. W., Windsor

Address: _____ Postal Code: N8X 2X6

Phone: 519-258-1390 Fax: _____

Email: dsoleski@architettura.com

4. COMPANION APPLICATIONS

Are you submitting a companion Official Plan Amendment application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control application? NO YES

ZONING BY-LAW AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 635 (0) Campbell Ave, Windsor, N9B 2H6

Legal Description PLAN 1148 LOT 9; 5600.00SF 40.00FR 140.00D

Assessment Roll Number 3739-050-300-03100-0000

If known, the date the subject land was acquired by the current owner: _____

Frontage (m) 12.19m (40ft) Depth (m) 42.67m (140ft) Area (sq m) 520.26m²

Official Plan Designation Residential

Current Zoning Residential District 2.2 (RD 2.2)

Existing Uses Vacant lot

If known, the lengths of time that the existing uses have continued: _____

Previous Uses _____

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

Are there any easements or restrictive covenants affecting the subject lands? NO YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO YES File: _____

An application for an amendment to a Zoning By-law: NO YES File: _____

An application for approval of a Site Plan: NO YES SPC- _____

A Minister's Zoning Order (Ontario Regulation): NO YES OR#: _____

ZONING BY-LAW AMENDMENT APPLICATION

6. DESCRIPTION OF AMENDMENT

Amendment to Zoning By-law from: Residential District 2.2 (RD 2.2)

to: Site Specific Residential District 2.2 (RD 2.2)

Proposed uses of subject land: Residential

Describe the nature and extent of the amendment(s) being requested:

-Permit a DOUBLE DUPLEX dwelling in a lot with Lot Area of 520sm and Lot Width of 12.0m.

-Provide relief from provision 24.26 .5 and permits for two sets of double tandem spaces encroaching the required front yard for a new DOUBLE DUPLEX dwelling.

-Provide relief from provision 24.28.1 .3 .1 and permits for hard surface for the purpose of a walkway, driveway, and parking spaces to occupy up to 50% of the required front yard for a new DOUBLE DUPLEX dwelling.

-Provide four (4) bicycle parking spaces and outdoor amenity patio area in lieu of the above reliefs.

Why is this amendment or these amendments being requested?

The Applicant wishes to develop the subject site as a DOUBLE-DUPLEX dwelling.

Even if the building design respects all minimum required open yards and max allowed building height, the above mentioned reliefs are required.

Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report

The proposed use is already allowed to this site. The reliefs required do not extend to the level of the Provincial Policy Statement.

Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report

If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report

See Official Plan Amendment

ZONING BY-LAW AMENDMENT APPLICATION

7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
 - See attached Existing Plan or Sketch of Subject Land

8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
 - See attached Site Plan Conceptual

420.66m² two (2) storey with basement, double duplex dwelling building

ZONING BY-LAW AMENDMENT APPLICATION

9. ACCESS TO SUBJECT LAND

Indicate if access to subject land is by: (check all that apply)

- Municipal Road Provincial Highway Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

Campbell Avenue

10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

WATER – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other _____

SANITARY - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other _____

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

STORM DRAINAGE - Indicate whether storm drainage will be provided by:

- Sewers Ditches Swales Other Overland splash pads.

ZONING BY-LAW AMENDMENT APPLICATION

11. SKETCH OF SUBJECT LAND

Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

12. APPLICATION FEE & OTHER FEES

The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard or Visa (complete Credit Card Authorization on page 15), or by Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor.

APPLICATION FEE

Amendment Type	Code	<input checked="" type="checkbox"/> Minor Rezoning	<input type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$4,597.00	= \$6,187.40

OTHER FEES

Re-Notification/Deferral Fee	Code 53016	\$2,258.40
Required when an applicant requests a deferral after notice of a public meeting has been given.		
Legal Fee - Servicing Agreement	Code 63002	\$597.64 plus \$50 per unit, lot, or block
Required when the preparation of a servicing agreement is a condition of approval.		
Removal of the Holding Symbol Application	Code 53001	\$1,536.00
It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.		
Ontario Land Tribunal (OLT) Appeal Fee		\$1,100.00
An appeal is made through the Office of the City Clerk (519-255-6211). Fees, forms, and processes are subject to change. Visit https://olt.gov.on.ca for additional information		

ZONING BY-LAW AMENDMENT APPLICATION

13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)

Open House

Website

Other _____

14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, Dario Silvaggi, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Dario Silvaggi

Signature of Applicant

Sign in the presence of a Commissioner
For Taking Affidavits

Windsor ON

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me

Anthony Malandrucchio
Signature of Commissioner

at the

City of Windsor

Location of Commissioner

this

23rd
day

day of

August
month

2022
year

PLACE AN IMPRINT OF YOUR STAMP BELOW

READ & COMPLETE SCHEDULES A & E IN FULL & SIGN

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements

A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, Gansil Inc., am the registered owner of the land that is
Name of Registered Owner

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Architettura Inc. to make this application on my behalf.
Name of Agent

Dario Silvaggi

Aug 10, 2022

Signature of Registered Owner

Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, Gansil Inc.,
Name of Registered Owner

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.

Dario Silvaggi

Aug 10, 2022

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - *Continued*

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:

Dario Silvaggi

Aug 10, 2022

Signature of Applicant or Agent

Date

**END OF SCHEDULE A
COMPLETE SCHEDULE E ON NEXT PAGE**

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E – Environmental Site Screening Questionnaire

Previous Use of Property

- Residential Industrial Commercial Institutional
 Agricultural Parkland Vacant Other _____

- a) If previous use of the property is Industrial or Commercial, specify use:

- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
- Yes No Unknown
- * Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*
- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

SCHEDULE E CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E - CONTINUED

Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Dario Silvaggi

Name of Applicant (print)

Dario Silvaggi

Signature of Applicant

Aug 10, 2022

Date

Daniel Soleski

Name of Agent (print)

[Signature]

Signature of Agent

Date

END OF SCHEDULE E

ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application

Date Received Stamp

This application has been assigned to:

- | | |
|---|---|
| <input type="checkbox"/> Adam Szymczak (AS) | <input type="checkbox"/> Greg Atkinson (GA) |
| <input type="checkbox"/> Pablo Golob (GL) | <input type="checkbox"/> Jim Abbs (JA) |
| <input type="checkbox"/> Justina Nwaesei (JN) | <input type="checkbox"/> Kevin Alexandar (KA) |
| <input type="checkbox"/> Laura Diotte (LD) | <input type="checkbox"/> Melissa Gasic (MG) |
| <input type="checkbox"/> Simona Simion (SS) | <input type="checkbox"/> _____ |

Complete Application

This application is deemed complete on _____
Date

Signature of Delegated Authority

- | | | |
|---|---|--|
| <input type="checkbox"/> Neil Robertson, MCIP, RPP
Manager of Urban Design | <input type="checkbox"/> Michael Cooke, MCIP, RPP
Manager of Planning Policy | <input type="checkbox"/> Thom Hunt, MCIP, RPP
City Planner & Executive Director |
|---|---|--|

Internal Information

Fee Paid: \$ _____ Receipt No: _____ Date: _____

Payment Type: Cash Certified Cheque Credit Card Personal Cheque

NEW Zoning File No. ZNG/ _____ Z- _____

Previous Zoning File No. ZNG/ _____ Z- _____

Related OPA File No. OPA/ _____ OPA _____

Other File Numbers: _____

Notes: _____

THIS IS THE LAST PAGE OF THE APPLICATION FORM

APPENDIX – B

City of Windsor – Official Plan Policies

<i>ECONOMIC OPPORTUNITY</i>	4.1.6	Economic opportunities throughout Windsor.
<i>STAY SAFE</i>	4.1.7	A safe environment throughout Windsor.
<i>BALANCED DECISION MAKING</i>	4.1.8	A decision making process that balances environmental, economic and social considerations.
	4.2	Objectives
	4.2.1	Healthy and Liveable City
<i>PLANNING & DESIGN</i>	4.2.1.1	To consider community health in the planning and design of Windsor and its neighbourhoods.
<i>ACTIVE LIFESTYLE</i>	4.2.1.2	To provide for activities and facilities which will foster an active lifestyle to improve community health.
<i>MONITOR HEALTH</i>	4.2.1.3	To regularly monitor community health.
<i>CLIMATE PROTECTION</i>	4.2.1.4	To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.
<i>AGING IN PLACE</i>	4.2.1.5	To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.
<i>PEDESTRIAN SCALE</i>	4.2.1.6	To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.
	4.2.2	Environmental Sustainability
<i>PLANNING & DESIGN</i>	4.2.2.1	To consider the environment in the planning and design of Windsor.
<i>ECOSYSTEMS</i>	4.2.2.2	To protect and restore ecosystems.
<i>SUSTAINABLE DEVELOPMENT</i>	4.2.2.3	To encourage community planning, design and development that is sustainable.
<i>COMPATIBLE DEVELOPMENT</i>	4.2.2.4	To promote development that meets human needs and is compatible with the natural environment.
<i>REDUCE ENVIRONMENTAL IMPACTS</i>	4.2.2.5	To reduce environmental impacts.

<i>RANGE OF FORMS & TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL & REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.
<i>MAINTENANCE & REHABILITATION</i>	6.3.1.4	To ensure that the existing housing stock is maintained and rehabilitated.
<i>SERVICE & AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
<i>HOME BASED OCCUPATIONS</i>	6.3.1.6	To accommodate home based occupations.
<i>SUFFICIENT LAND SUPPLY</i>	6.3.1.7	To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

6.3.2 Policies

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

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>ANCILLARY USES</i>	6.3.2.2	In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan: <ul style="list-style-type: none"> (a) community services including libraries, emergency services, community centres and similar public agency uses; (Deleted by OPA #82 – June 20, 2011, B/L 117-2011)

- (a) ~~community services including libraries, emergency services, community centres and similar public agency uses, but does not include a Methadone Clinic;~~
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)
- (a) community services including libraries, emergency services, community centres and similar public agency uses;
(Amended by OPA #106 – November 6, 2015, B/L 143-2015)
- (b) home based occupations subject to the provisions of policy 6.3.2.7;
- (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;
- (d) Open Space uses subject to the provisions of section 6.7;
and
- (e) Minor Institutional uses subject to the provisions of section 6.6.

*TYPES OF
LOW PROFILE
HOUSING*

6.3.2.3

For the purposes of this Plan, Low Profile housing development is further classified as follows:

- (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and
- (b) large scale forms: buildings with more than 8 units.

*LOCATIONAL
CRITERIA*

6.3.2.4

Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

*EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD
DEVELOPMENT
PATTERN*

6.3.2.5

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

(e) Establishes the preferred solution and corresponding implementation measures; and

(f) Includes a comprehensive public participation program.

COOPERATION & COORDINATION 7.2.2.4 Council shall work to achieve the coordinated planning, expansion and maintenance of the transportation system in cooperation with other public agencies and private organizations to promote increased density of development.

ALTERNATIVE DEVELOPMENT PATTERNS 7.2.2.5 Council shall promote development patterns that support an increase in walking, cycling and public transportation in accordance with the Land Use and Urban Design chapters of this Plan.

BALANCED TRANSPORTATION SYSTEM 7.2.2.6 Council shall develop a balanced transportation system by:

- (a) Adopting strategies and programs that increase public transportation use, cycling and walking;
- (b) Implementing the land use policies of this Plan that provide for a more compact urban form and are intended to reduce the growth in home based trip making;
- (c) Maintaining a road level-of-service that optimizes the use of the existing network;
- (d) Directing the expansion of existing roads or the construction of new ones in association with the application of transportation demand management strategies; and
- (e) Implementing the urban design policies of this Plan that provide for an improved street environment.
- (f) Implementing traffic calming devices in existing neighbourhoods and requiring traffic calming in new neighbourhoods consistent with the Traffic Calming Policy.

TRAFFIC CALMING DEVICES 7.2.2.7 Council may require traffic calming devices on:

- (a) Existing roads;
- (b) All proposed development;
- (c) Infrastructure undertakings;

		(c) On street parking may be permitted on Class II Collector Roads and Local Roads provided there is sufficient paved road width.
<i>RESTRICT ON-STREET PARKING</i>	7.2.2.15	<p>Council may restrict on-street parking in a manner that does not conflict with future and planned uses of the right of way by:</p> <ul style="list-style-type: none"> (a) Removing on-street parking where the added roadway space is required to install left or right turn lanes; (b) Removing on-street parking where the added roadway space may be required to install bicycle lanes; (c) Removing on-street parking where the added roadway space if required for transit purposes; (d) Removing on-street parking where there is a need to move traffic more efficiently; (e) Removing on-street parking where the City has constructed off street lots to offset the loss of on-street parking.
<i>ON STREET PARKING – STREET SCAPING</i>	7.2.2.16	Council may permit on-street parking as part of a streetscaping plan designed to create a buffer between road traffic and pedestrian sidewalk areas.
<i>BICYCLE PARKING</i>	7.2.2.17	Council shall make provision for bicycle parking spaces by requiring bicycle spaces at all developments.
<i>LAND USE AND TRANSPORTATION</i>	7.2.2.18	<p>Council shall recognize the link between land use and transportation systems by:</p> <ul style="list-style-type: none"> (a) Focusing office development and high-density employment and high density residential in areas which have access to transit and pedestrian amenities; (b) Encouraging commercial and employment uses within 400 metres to 800 metres of residential areas to promote the use of active transportation and to promote transit service.
<i>SUSTAINABLE SITE DESIGN</i>	7.2.2.19	<p>Council shall require the use of sustainable site design during the Site Plan Control process to ensure accessibility for all pedestrians and cyclists by:</p> <ul style="list-style-type: none"> (a) Requiring buildings and access points to buildings be placed to provide convenient access to the public right of way;

encouragement of commuter and recreation cycling within Windsor;

(b) Provides principles, policies and strategic plans which address commuter and recreation cycling needs from a comprehensive perspective including the integration with other transportation modes and facilities; and

(c) Identifies priorities for new Bikeways and Recreationways.

SAFETY 7.2.4.5 Council shall encourage the separation of cyclists and pedestrians wherever possible to avoid potential conflicts.

7.2.5 Public Transportation Policies

PUBLIC TRANSPORTATION 7.2.5.1 Council shall require all proposed developments and infrastructure undertakings to provide facilities for public transportation wherever appropriate.

IMPROVE PUBLIC TRANSPORTATION 7.2.5.2 Council shall require that the design of development proposals and infrastructure undertakings facilitate easy access to public transportation. In this regard, Council shall:

- (a) Ensure that all new development patterns are supportive of public transportation in accordance with the land use and transportation policies in this Plan;
- (b) Require that the street pattern in new developments allows for the extension of public transportation services;
- (c) Require that sidewalks and other pedestrian facilities connect major traffic generators to public transportation services;
- (d) Encourage the provision of benches, lighting, rest areas and climate shelters for the safety, comfort and convenience of public transportation users;
- (e) Support the coordination and integration of local public transportation services and facilities with inter-regional, regional and international services and facilities;
- (f) Ensure that the design of roads accommodate the requirements of public transportation;
- (g) Encourage transit routes to be within new major employment areas;

- (h) Encourage transit stops to be located within a 400 metre walking distance of high density residential development.

*REGIONAL
PUBLIC
TRANSIT
SYSTEM*

7.2.5.3 Council encourages the creation of a Regional Public Transit System.

7.2.6 Road Network Policies

*ROAD
CLASSIFICATION*

7.2.6.1 The road network within Windsor is classified as follows:

- (i) Provincial Highways;
- (ii) Expressways;
- (iii) Class I Arterial Roads;
- (iv) Class II Arterial Roads;
- (v) Class I Collector Roads;
- (vi) Class II Collector Roads;
- (vii) Scenic Drives; and,
- (viii) Local Roads.

*PROVINCIAL
HIGHWAYS*

7.2.6.2 Council recognizes Provincial Highways as follows:

- (a) Provincial Highways shall be designated on Schedule F: Roads and Bikeways and in secondary plans, where appropriate; and
- (b) The Ministry of Transportation exercises its mandate adjacent to Provincial Highway corridors; as such land abutting Provincial Highways are subject to permit control process of the Ministry of Transportation.

EXPRESSWAYS

7.2.6.3 Council shall provide for Expressways as follows:

- (a) Expressways are designated on Schedule F, as controlled access highways and are to be designated in any secondary plan or master plan where appropriate.

7.3.1 Objectives

<i>COORDINATED, EFFICIENT AND COST EFFECTIVE</i>	7.3.1.1	To provide infrastructure in a coordinated, efficient and cost effective manner to accommodate projected needs.
<i>INTEGRATED PLANNING</i>	7.3.1.2	To integrate the planning for infrastructure with the planning for growth so that these are available to meet current and projected needs.
<i>MAXIMIZE USE OF EXISTING INFRASTRUCTURE</i>	7.3.1.3	To maximize and optimize the use of existing infrastructure and corridors prior to the extension and creation of new ones.
<i>MAINTAIN & UPGRADE</i>	7.3.1.4	To establish priorities for the maintenance and up-grading of existing infrastructure.
<i>SUFFICIENT SUPPLY</i>	7.3.1.5	To ensure that there is sufficient infrastructure to accommodate anticipated growth in Windsor.
<i>NATURAL & RECREATION OPPORTUNITIES</i>	7.3.1.6	To encourage the integration of natural and recreational opportunities with physical services.
<i>STORMWATER MANAGEMENT</i>	7.3.1.7	To manage stormwater to effectively control the quality and quantity of urban runoff.
<i>WATER QUALITY</i>	7.3.1.8	To protect, manage and enhance water quality and quantity.
<i>SOLID WASTE MANAGEMENT</i>	7.3.1.9	To provide for the minimization and management of solid waste.
<i>WATER CONSERVATION</i>	7.3.1.10	To promote water conservation measures.
<i>SEWAGE MANAGEMENT</i>	7.3.1.11	To provide and maintain sanitary sewers, pumping stations and sewage treatment plans with sufficient capacity to accommodate the existing and future development.
<i>NATURAL HERITAGE</i>	7.3.1.12	To direct infrastructure, where possible, away from Natural Heritage Features and Areas.

7.3.2 General Policies

<i>INFRASTRUCTURE DEFINITION</i>	7.3.2.1	For the purpose of this Official Plan, infrastructure include sewerage, stormwater management and water works, waste management systems, electric power, communications, telecommunications, transit corridors, transportation corridors, and oil and gas pipelines and associated facilities.
<i>MANAGEMENT PLAN</i>	7.3.2.2	Council may require the preparation, implementation and monitoring of an Infrastructure Management Plan for Municipally owned and/or operated infrastructure, such as sewerage and stormwater management works, as a basis to: (a) Prioritize strategies for the maintenance and rehabilitation of existing infrastructure and the provision of new infrastructure; and (b) Monitor available capacity for new development.
<i>NEW DEVELOPMENT</i>	7.3.2.3	Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal.
<i>INDIVIDUAL ON-SITE SEWAGE SERVICES</i>	7.3.2.4	Council shall not permit development on individual on-site sewage services beyond existing farm living lots.
<i>NEW INDIVIDUAL ON-SITE SEWAGE SERVICES</i>	7.3.2.5	Council shall not permit the installation of individual on-site sewage services in new developments.
<i>MONITOR CAPACITY</i>	7.3.2.6	Council shall monitor the available uncommitted reserve capacity of existing Municipally owned and/or operated infrastructure to ensure that they can accommodate projected long-term growth.

7.3.3 Infrastructure Provision Policies

<i>INFILLING GIVEN PRIORITY</i>	7.3.3.1	Council shall encourage the development of existing serviced, underutilized or undeveloped lands within Windsor prior to the extension of municipally owned and/or operated infrastructure to vacant areas within Windsor.
<i>EVALUATING A PROPOSED EXTENSION</i>	7.3.3.2	Council shall only approve the extension of municipally owned and/or operated infrastructure within Windsor when the following factors have been addressed:

MINIMUM
LANDSCAPING
STANDARD

8.5.2.6

Council may establish:

- (a) a minimum standard for landscaping; and
- (b) a minimum landscaped area.

TREE
CONSERVATION
AND
PROTECTION

8.5.2.7

Council will conserve and protect trees in accordance with the urban forestry policies of this Plan (see Environment Chapter).

ENERGY
CONSERVATION

8.5.2.8

Council will encourage energy conservation through various guidelines that promote:

- ~~(a) developments to incorporate energy efficient designs;
(Deleted by OPA #66-11/05/07-B/L209-2007)~~
- (a) energy efficient designs, materials and alternative energy sources such as water, wind and sun;
(Added by OPA #66-11/05/07-B/L209-2007)
- ~~(b) a compact pattern of development that clusters compatible uses within close proximity to one another;
(Deleted by OPA #66-11/05/07-B/L209-2007)~~
- (b) a compact, transit-oriented pattern of development that clusters compatible uses within close proximity to one another at densities that make transit service a viable investment;
(Added by OPA #66-11/05/07-B/L209-2007)
- (c) landscaping that can assist in reducing heating and cooling requirements;
- (d) the conversion and reuse of buildings; and
- (e) a sustainable, effective and efficient transportation system.

EFFICIENT USE
OF WATER

8.5.2.9

Council will encourage development to include features that reduce, control or treat site-runoff, use water efficiently and reuse or recycle water for on-site use when feasible.

(Added by OPA #66-11/05/07-B/L209-2007)

- (c) maintains and enhances valued heritage resources and natural area features and functions.
- (d) Encourages the creation of attractive residential streetscapes through architectural design that reduces the visual dominance of front drive garages, consideration of rear lanes where appropriate, planting of street trees and incorporation of pedestrian scale amenities. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

REDEVELOPMENT
AREAS

8.7.2.2

Council will ensure that the design of extensive areas of redevelopment achieves the following:

- (a) provides a development pattern that support a range of uses and profiles;
- (b) defines the perimeter of such an area by a distinct edge which may be formed by roads, elements of the Greenway System or other linear elements;
- (c) contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;
- (d) provides transportation links to adjacent areas; and
- (e) maintains and enhances valued historic development patterns or heritage resources.
- (f) is complementary to adjacent development in terms of overall massing, orientation, setback and exterior design, particularly character, scale and appearance.
(Added by OPA #66-11/05/07-B/L209-2007)

INFILL
DEVELOPMENT

8.7.2.3

Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- (a) massing;
- (b) building height;
- (c) architectural proportion;

APPENDIX – C
City of Windsor – Zoning By-law Policies

11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

11.2.1 PERMITTED USES

One *Double Duplex Dwelling*

One *Duplex Dwelling*

One *Multiple Dwelling* containing a maximum of four *dwelling units*

One *Semi-Detached Dwelling*

One *Single Unit Dwelling*

Townhome Dwelling

Any use accessory to any of the preceding uses

11.2.5 PROVISIONS

.1 Duplex Dwelling

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

.2 Semi-Detached Dwelling

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.3 Single Unit Dwelling

.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.4 Double Duplex Dwelling or Multiple Dwelling

.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m

.5 Townhome Dwelling

.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

Subject: Rezoning - Stoyshin Enterprises (Windsor) Ltd. - 849 Walker Road - Z-034/22 ZNG/6870 - Ward 4

Reference:

Date to Council: December 5, 2022
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: November 14, 2022
Clerk's File #: Z/14475

To: Mayor and Members of City Council

Recommendation:

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

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

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

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

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

[ZDM 6; ZNG/6870]

Executive Summary:

N/A

Background:**Application Information:****Location:** 849 Walker Road - West side of Walker Road between Cataraqui Street and Niagara StreetPart Lot 5, and Lots 7, 9, 11 & 13, Registered Plan 490
Roll No.: 020-090-09500;**Ward:** 4 **Planning District:** Walkerville **Zoning District Map:** 6**Applicant:** Stoyshin Enterprises (Windsor) Ltd (Ron Kirshner)**Owner:** Stoyshin Enterprises (Windsor) Ltd (Ron Kirshner)**Agent:** Oakview Land Use Planning (Robert Brown)**Proposal:** The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning from Commercial District 2.2 (CD2.2) to Commercial District 4.1 (CD4.1) to allow an automobile detailing service and automobile repair garage, but excluding an automobile collision shop and gas bar. No additions or changes to the existing building are proposed at this time.**Submitted Material:** Zoning By-law Amendment Application Form and Site Plan**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Mixed Use Corridor	Commercial District 2.2 (CD2.2) S.20(1)53 S.20(1)148 S.20(1)267	Storage, Vacant Space & Detailing / Light Auto Repair	N/A
LOT WIDTH	LOT DEPTH	LOT AREA	LOT SHAPE
50.9 m	43.5 m	2,225.8 m ²	Rectangular
166.9 ft	142.7 ft	23,958.8 ft ²	
<i>All measurements are approximate.</i>			

Neighbourhood Characteristics:

Walker Road is a major north-south road that has a mix of residential, industrial and commercial uses from Riverside Drive East to the municipal boundary to the south.

The subject parcel is located in the Walkerville Planning District. The area to the east is transitioning from industrial uses to business park and commercial uses. To the northeast is a self storage facility. Further east, at Edna Street and Montreuil Avenue, is an automobile repair garage and a car wash. East of St. Luke Road is the Ford City residential area. To the southeast is the City Market, an indoor market and retail facility.

To the south is a mixture of vacant lands, a restaurant, light industrial/business park uses and some newly constructed and under construction townhome dwellings with live/work options. The area west of Walker Road is designated as the Walkerville Heritage Area and consists of a mix of residential uses.

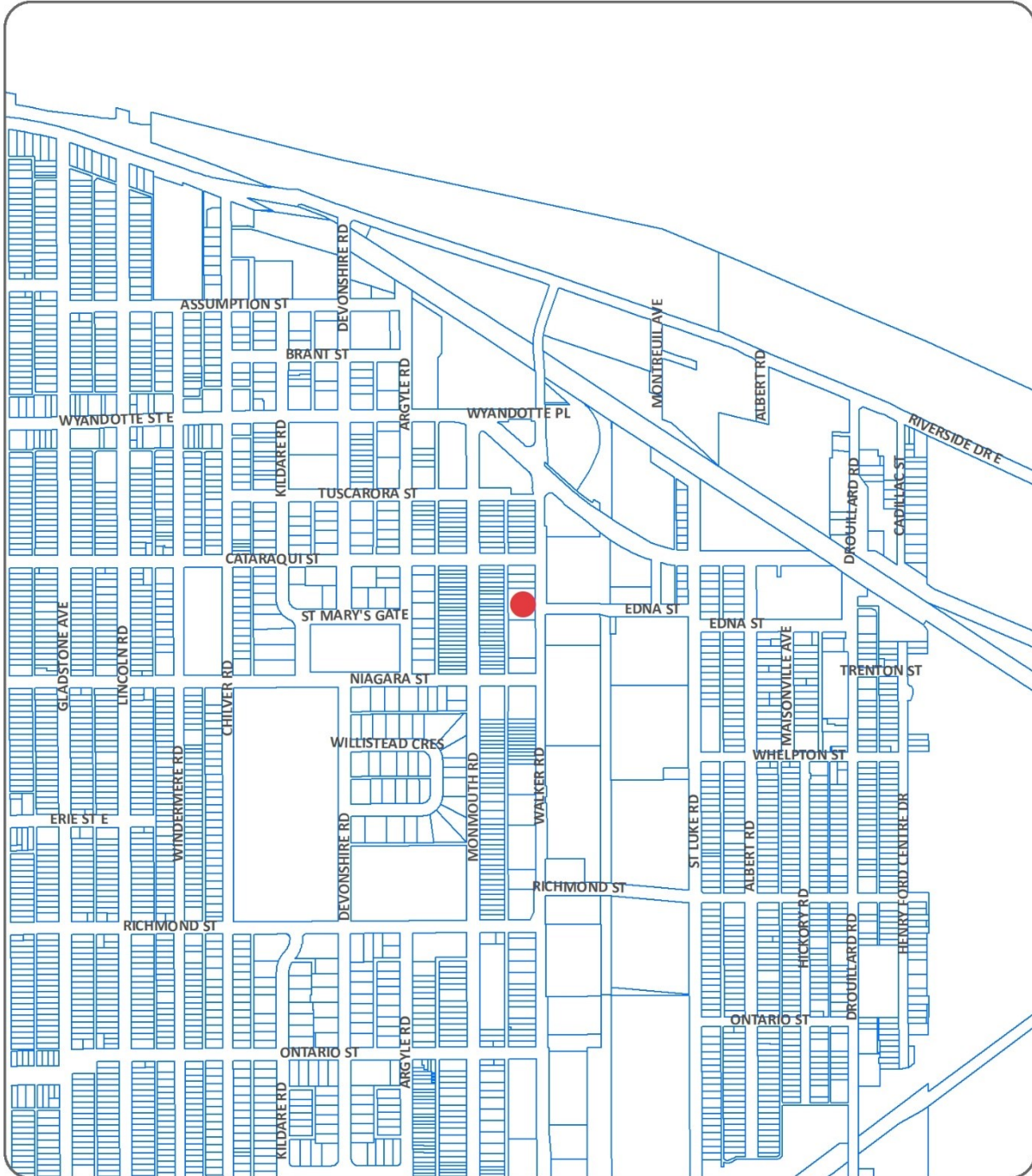
Walker Road is classified a Class II Arterial Road, has a two-lane cross-section with no on-street parking, and sidewalks on both sides. Wyandotte Street East, a major east-west corridor, is located just over 200 m to the north and is classified as a Class II Arterial Road with four lane cross-section and sidewalks on both sides. Edna Street is a Local Road that provides a local east-west connection between the Walkerville and Ford City neighbourhoods.

Public transit is currently available via the Crosstown 2 bus route at Walker Road and Wyandotte Street East, with stops 239 m and 327 m to the north, and via the Central 3 bus route at Walker Road and Richmond Street, with stops about 500 m to the south. The Transit Master Plan proposes similar access to public transit bus routes plus a new primary bus route along this portion of Walker Road.

Separated or marked cycling facilities are not currently available along this portion of Walker Road. The nearest bicycle network facilities are located on Wyandotte Street East, consisting of bicycle lanes in each direction.

The site may be serviced by a 300mm vitrified clay combined sewer in the alley west of the subject property

Figure 1: Key Map

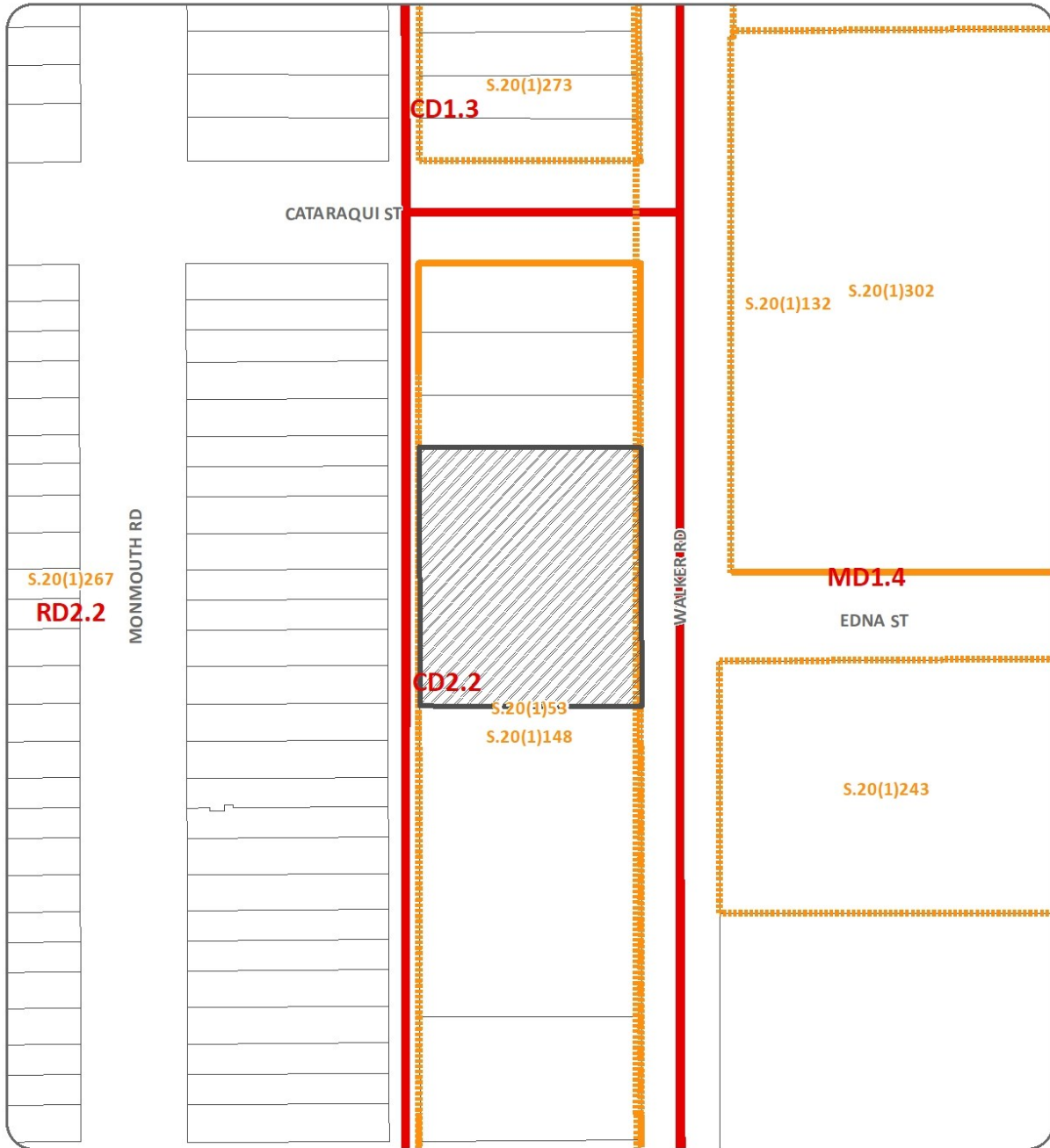


KEY MAP - Z-034/22, ZNG-6870



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 6

N.T.S.

REZONING

Applicant: Stoyshin Enterprises



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER 2022
FILE NO. : Z-034/22, ZNG/6870

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-034/22, ZNG-6870



SUBJECT LANDS

Discussion:

Provincial Policy Statement, 2020

The Provincial Policy Statement 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. Policy 1.1.1 of the PPS states:

“Healthy, liveable and safe communities are sustained by:

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

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

Policy 1.1.3.1 of the PPS states, *“Settlement areas shall be the focus of growth and development.”* Policy 1.1.3.2 of the PPS states *“Land use patterns within settlement areas shall be based on densities and a mix of land uses which:*

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

The subject parcel is located within the settlement area. The proposed automobile detailing shop and automobile repair garage reuses a vacant building, making efficient use of land and existing infrastructure and minimizing impacts on air quality and climate change. Redevelopment will provide opportunities for energy efficiency. Active transportation options and transit services are or will be located adjacent or near the parcel. The recommended zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

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

Official Plan:

The subject property is located within the Walkerville Planning District and is designated Mixed Use Corridor on Schedule D: Land Use of the City of Windsor Official Plan.

Under Section 6, Volume I of the Official Plan, applicable goals include retention and expansion of Windsor's employment base (6.1.4), convenient and viable areas for the purchase and sale of goods and services (6.1.5), and pedestrian oriented clusters of residential, commercial, employment and institutional uses (6.1.10). Applicable objectives include to encourage the orderly development and distribution of commercial uses across the City (6.5.1.1), promote the stabilization, consolidation and improvement of existing commercial centres and corridors (6.5.1.3), locate commercial activities in areas which have sufficient and convenient access by all modes of transportation (6.5.1.4), and accommodate an appropriate range of commercial uses for the trade area (6.5.1.7)

The recommended expansion of commercial uses on the subject parcel expands Windsor's employment base, is located in a convenient and viable pedestrian cluster / area with access to an arterial road, public transit, and cycling infrastructure, stabilizes and improves the existing corridor and accommodates an appropriate range of commercial use. The recommended zoning amendment satisfies the goals in Section 6.1 and objectives set out in Section 6.5.1.

Use permitted in the Mixed Use Corridor designation include retail, wholesale store and service orientated uses (6.5.3.1). The recommended uses are service orientated uses. Section 6.5.3.3 encourages a development have a continuous street frontage and presence. The existing building has frontage and presence on Walker Road.

The recommended zoning amendment conforms to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan. The proposed change to Zoning By-law 8600 conforms to the Official Plan.

Zoning By-Law:

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

The parcel is zoned Commercial District 2.2 (CD2.2) which is a mixed use zoning district that permits a range of commercial uses and dwelling units in a Combined Use Building subject to a maximum building height of 14.0 m, an amenity area of 12.0 m² per dwelling unit and a maximum gross floor area for a bakery or confectionary.

Further to the CD2.2 zoning, the west side of Walker Road between Cataraqui and Ontario Streets, which includes the subject parcel, is subject to two additional site specific provisions. Section 20(1)53 prohibits an Outdoor Storage Yard as a permitted use. Section 20(1)148 further prohibits a Gas Bar, Place of Entertainment or Recreation, and Public Hall as permitted uses, that all permitted activities (excluding parking) shall take place exclusively within a building, and that no loading doors or bays be permitted along any building wall which faces the alley. A further site specific exception - Section 20(1) 267 - prohibits front yard parking, however, this provision does not apply to the development as it currently exists as the parking area is located in the side yard.

The applicant originally requested an amendment to change the zoning from CD2.2 to Commercial District 4.1 (CD4.1) to allow additional uses including Automobile Detailing

Service and Automobile Repair Garage and a site specific provision to prohibit Automobile Collision Shop and Gas Bar.

The CD4.1 is a highway commercial category that permits a broad range of automobile-orientated uses including Service Station, Car Wash, Food Outlet - Drive-Through, Motor Vehicle Dealership, Restaurant with Drive Through, Towing Service, that are not necessarily compatible nor desirable with existing uses such as residential in the surrounding area or with the prohibition on an outdoor storage yard.

The agent provided a revised scope of requested additional permitted uses as follows:

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

Given that two site specific provisions explicitly state that an outdoor storage yard is prohibited and that all activities for permitted uses shall take place exclusively within a building, the Planning Department has no concerns with the scoped list of additional permitted uses. The existing lot area and the maximum building height limit what can be constructed on the parcel, which will minimize any adverse impacts on surrounding uses. The additional uses optimize the use of the existing land and building and enhances the viability of the Walker Road corridor.

The site specific exception in the recommendation states that Sections 20(1)53 and 20(1)148 apply to the additional permitted uses. This eliminates any ambiguity regarding the applicability of the prohibition on Outdoor Storage Yard, requiring all activities take place within a building, and prohibiting loading doors and bays along any wall adjacent to the alley.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, the re-use of existing buildings will minimize the impacts on the Community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

The proposed additional use will provide a limited opportunity to increase resiliency for the development and surrounding area.

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix D. There are no objections to the proposed amendment. Any requirements will be considered during Site Plan Control or Building Permit. Statutory notice will be advertised in the Windsor Star, a local daily newspaper. A courtesy notice will be mailed to property owners and tenants within 120 m of the subject parcel. The Development & Heritage Standing Committee is the public meeting as required by the Planning Act.

Planner’s Opinion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan. Based on the analysis presented in this report, it is my opinion that the recommended amendment to Zoning By-law 8600 is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan and constitutes good planning.

Conclusion:

Staff recommend approval of the amendment to Zoning By-law 8600 to change the zoning of the subject land by adding a site specific exception to allow a limited range of additional permitted uses.

Planning Act Matters:

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

Neil Robertson, MCIP, RPP
Manager of Urban Design

Thom Hunt, MCIP, RPP
City Planner

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

JP *OC*

Approvals:

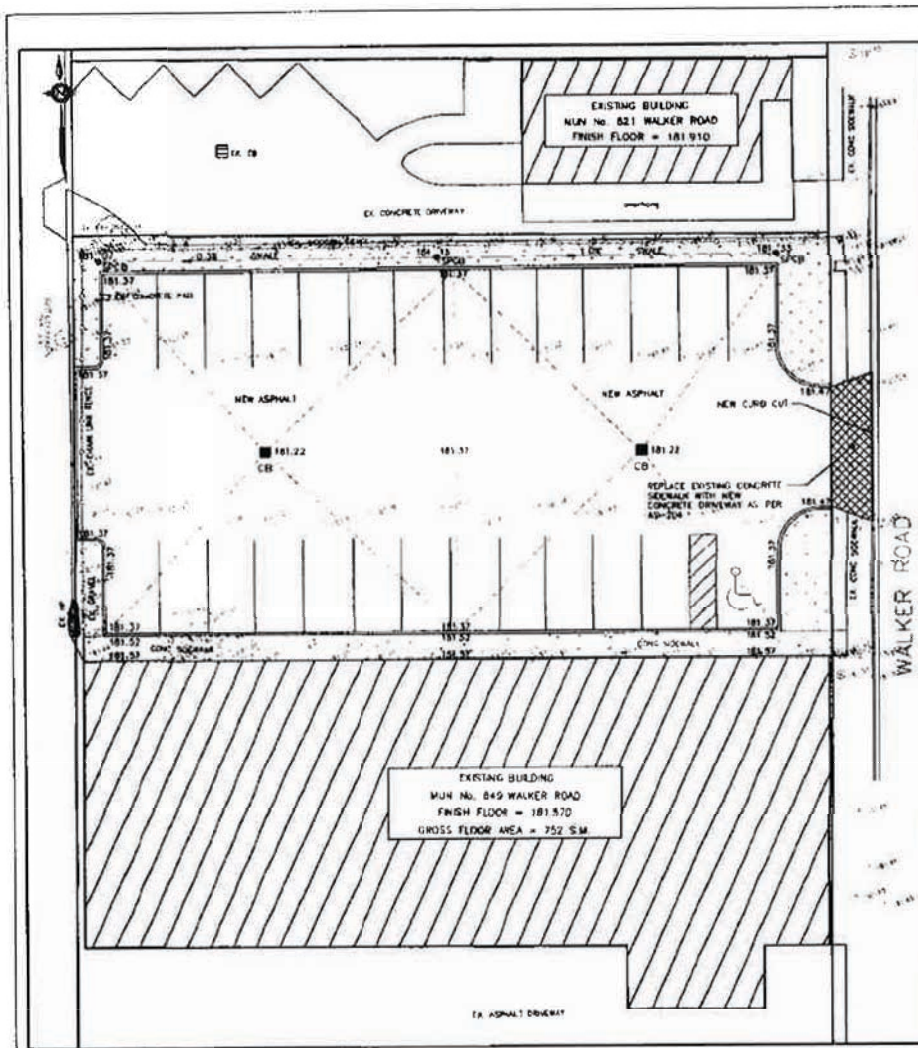
Name	Title
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

Notifications:

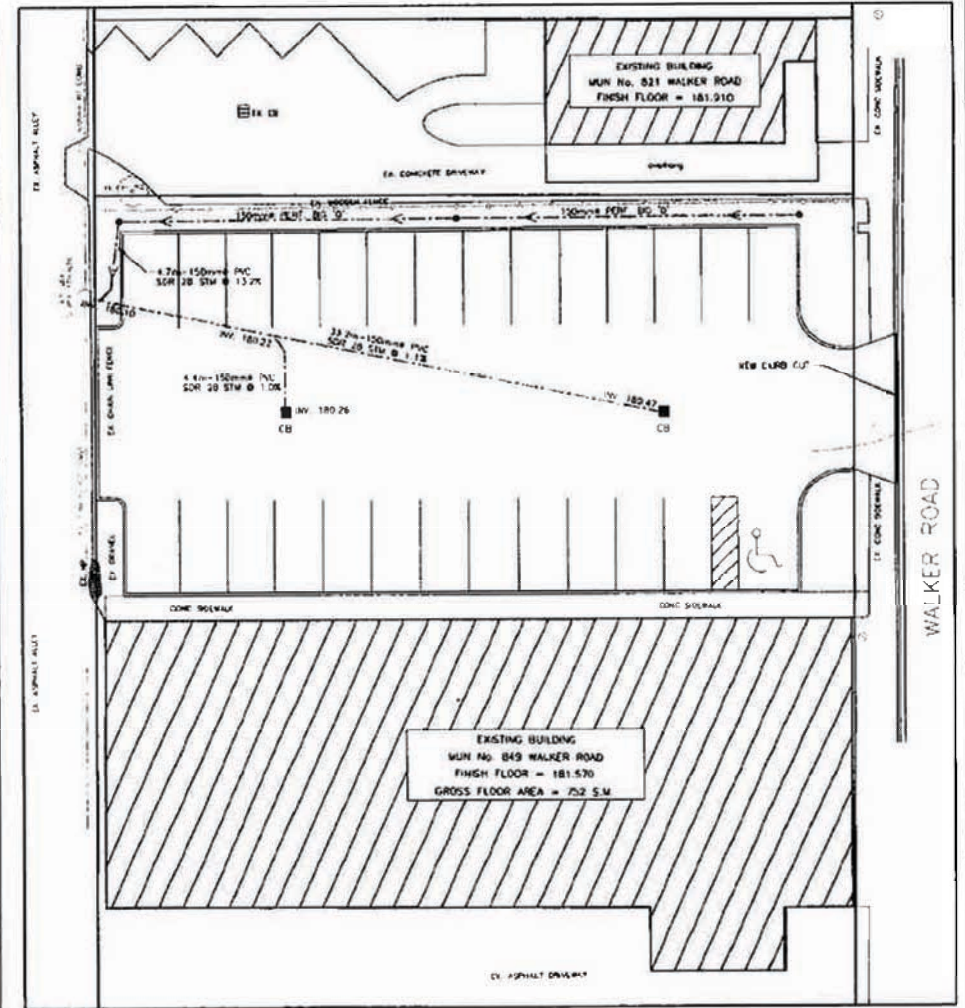
Name	Address	Email
Ron Kirshner Stoyshin Enterprises (Windsor) Ltd.	1560 Blue Heron Drive Windsor, ON N8P 1L6	ronkirshner.rk@gmail.com
Oakview Land Use Planning - Robert Brown	6 Royal Cres, PO Box 188 Pain Court, ON N0P 1Z0	oakviewlup@outlook.com
Councillor Mark McKenzie (Ward 4)		
Councillor Sleiman (Ward 5)		
Property owners and residents within 120 m of the subject lands		

Appendices:

- 1 Appendix A - Site Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Zoning Excerpts
- 4 Appendix D - Comments



PAVING AND GRADING



SITE SERVICES

		SE SPENCE ASSOCIATES INC. CIVIL ENGINEERS 1000 W. 10TH STREET, SUITE 100 WILFRED, ONTARIO M9H 1B7	1				1	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5
			2	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5	181.57	0.5

NO.	REVISION	DATE	BY	APP.	NO.	REVISION	DATE	BY	APP.	NO.	SCALE
1											AS SHOWN

STOYSHIN NEW PARKING LOT			PROJECT NO.	16-591
PAVING AND GRADING AND SITE SERVICES			SHEET NO.	1
			TOTAL SHEETS	2

APPENDIX B - SITE IMAGES

IMAGE 1



Subject Parcel – 849 Walker Road - Looking west

IMAGE 2



**Looking northwest at Walker Road and Edna Street
Subject parcel on left side**

APPENDIX B - SITE IMAGES

IMAGE 3



Looking southwest at Walker Road and Edna Street

IMAGE 4



Looking west at northerly parking area on subject parcel

APPENDIX B - SITE IMAGES

IMAGE 5



Looking north on Walker Road towards Edna Street

IMAGE 6



Looking south on Walker Road towards Edna Street

SECTION 15 - COMMERCIAL DISTRICTS 2. (CD2.)

15.2 COMMERCIAL DISTRICT 2.2 (CD2.2)

15.2.1 PERMITTED USES

<i>Bakery</i>	<i>Place of Entertainment and Recreation</i>
<i>Business Office</i>	<i>Place of Worship</i>
<i>Child Care Centre</i>	<i>Professional Studio</i>
<i>Commercial School</i>	<i>Public Hall</i>
<i>Confectionery</i>	<i>Repair Shop – Light</i>
<i>Food Outlet - Take-Out</i>	<i>Restaurant</i>
<i>Funeral Establishment</i>	<i>Retail Store</i>
<i>Medical Office</i>	<i>Veterinary Office</i>
<i>Micro-Brewery</i>	<i>Wholesale Store</i>
<i>Personal Service Shop</i>	

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

Gas Bar

Outdoor Market

Parking Garage

Public Parking Area

Tourist Home

Existing Automobile Repair Garage

Existing Service Station

Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses: *Outdoor Market, Existing Automobile Repair Garage.*

15.2.3 PROHIBITED USES

A *Gas Bar* and a *Service Station* is prohibited on any *lot* located within 63.50 m of the east or west limits of Sandwich Street between Detroit Street and Brock Street or within 30.0 m of the south limit of Mill Street between Russell Street and Sandwich Street.

15.2.5 PROVISIONS

- | | | |
|-----|--|------------------------------|
| .4 | Building Height – maximum | 14.0 m |
| .9 | Amenity Area – Per Dwelling Unit – minimum | 12.0 m ² per unit |
| .10 | Gross Floor Area – maximum | |
| | <i>Bakery or Confectionary</i> | 550.0 m ² |
| .15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto, shall be located above the non-residential uses. | |
| .24 | An <i>Outdoor Market</i> is permitted within a <i>Business Improvement Area</i> . An <i>Outdoor Market</i> is prohibited elsewhere. | |

SECTION 17 - COMMERCIAL DISTRICTS 4. (CD4.)

17.1 COMMERCIAL DISTRICT 4.1 (CD4.1)

17.1.1 PERMITTED USES

- Ambulance Service*
- Automobile Collision Shop*
- Automobile Detailing Service*
- Automobile Repair Garage*
- Automobile Sales Lot*
- Building Materials Recycling Store*
- Business Office*
- Car Wash Automatic*
- Car Wash Coin-Operated*
- Commercial School*
- Contractor's Office*
- Equipment Rental Shop*
- Food Outlet - Drive-Through Food*
- Food Outlet - Take-Out*
- Funeral Establishment*
- Gas Bar*
- Hotel*
- Medical Appliance Facility*
- Medical Office*
- Micro-Brewery*
- Motor Vehicle Dealership*
- Personal Service Shop*
- Place of Entertainment and Recreation*
- Print Shop*
- Professional Studio*
- Public Hall*
- Public Parking Area*
- Repair Shop – Light*
- Restaurant*
- Restaurant with Drive-Through*
- Retail Store*
- Service Station*
- Temporary Outdoor Vendor’s Site*
- Towing Service*
- Veterinary Office*
- Warehouse*
- Wholesale Store*
- Workshop*

The following existing uses: Any use permitted in Section 18(1)(a)(i) to (v).

Any use accessory to the preceding uses.

17.1.5 PROVISIONS

- .1 Lot Width – *Automobile Sales Lot* – minimum 30.0 m
- .4 Main Building Height – maximum 20.0 m
- .10 Gross Floor Area – *Workshop* – maximum 1,100.0 m²

SECTION 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS

(1) SITE SPECIFIC PROVISIONS

53. For the lands on the west side of Walker Road between Cataraqui and Ontario Streets, an outdoor storage yard shall be prohibited. (ZDM 6)

148. For the lands comprising Lots 1 to 93, both inclusive, Registered Plan 490, on the west side of Walker Road, between Cataraqui and Ontario Streets, the following provisions shall apply:

- (i) The following uses shall not be permitted uses: gas bar; place of entertainment or recreation; public hall.
- (ii) All permitted activities, not including parking, shall take place exclusively within a building.
- (iii) No loading doors or loading bays shall be permitted along any building wall which faces the rear alley.

(ZDM 6)

(ADDED by B/L 39-2004, March 4, 2004)

267. For the lands bound by the Detroit River to the north; Walker road to the east; Ottawa Street to the south; and, Lincoln Road to the west (known as the Walkerville Heritage Area), no Front yard Parking Space shall be permitted, exclusive of any existing Front Yard Parking Space.

(ADDED by B/L 127-2010, September 15, 2010)

APPENDIX D - COMMENTS

City of Windsor - Building Department - Barbara Rusan

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

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

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

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

City of Windsor - Engineering Department – Right-of-Way Division - Alison Lodge

The subject lands are located at 849 Walker Road, designated Commercial by the City of Windsor Official Plan and zoned Commercial District 2.2 (CD 2.2) by Zoning By-Law 8600, with site-specific zoning provision S.20(1)148. The applicant is requesting a zoning by-law amendment from Commercial District 2.2 to Commercial 4.1.

SEWERS – The site may be serviced by a 300mm vitrified clay combined sewer in the alley west of the subject property. A stormwater management report will be required and completed in accordance with the Windsor/Essex Region Stormwater Standards Manual. Existing private drain connections should be utilized if possible in order to minimize work within the right-of-way. Redundant private drain connections shall be abandoned or reused as per Engineering Best Practices B.P.1.3.3.

RIGHT-OF-WAY – The Official Plan classifies Walker Road is a Class II Arterial Road with a required right-of-way width of 20 meters per Schedule X; however, under the approved Walker Road Environmental Assessment, a land conveyance is not required. The applicant will be required to obtain a Street Opening Permit for any curb cut and construction of the driveway approaches.

Driveways will be constructed of concrete as per the City of Windsor Standard Engineering Drawing AS-204 and are to be constructed with a straight flare and no raised curb within the right-of-way. Any proposed driveway entrance shall have a minimum 1-metre separation from any hydro poles.

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

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

Sanitary Sampling Manhole – The owner agrees for all non-residential uses, to install a sanitary sampling manhole accessible at the property line of the subject lands to the

APPENDIX D - COMMENTS

City Engineer at all times. The determination of the requirement or interpretation if a sampling manhole exists or exceptions to such, will be to the satisfaction of the City Engineer.

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

If you have any further questions or concerns, please contact Alison Lodge, of this department at alodge@citywindsor.ca

City of Windsor - Planning Department - Heritage Planner - Tracy Tang

No supporting information required. The subject property is located within the Walkerville Heritage Area and close to recognized heritage properties. Accordingly, any development on the subject property is to be of compatible height, massing, scale, setback, and architectural style with the Walkerville Heritage Area. The subject property 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 Tourism, Culture and Sport 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 Tourism, Culture and Sport and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Tourism, Culture and Sport.

Contacts:

Windsor Police: 911

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 Tourism, Culture and Sport - Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca

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

APPENDIX D - COMMENTS

City of Windsor - Planning Department - Landscape Architect & Acting Senior Urban Designer - Stefan Fediuk

Pursuant to the application for a zoning amendment (Z 034/22) to change Zoning from CD2.2 to CD4.1 on the subject, please note no objections.

Please also note that site was subject to Site Plan Control in 2017 (SPC 003/7) at which time all Landscape Comments and Requirements were made. Since that process, the landscaping has been installed and is being maintained.

As the application is solely for change of use, no additional landscaping or Exterior Lighting requirements are being made.

City of Windsor - Planning Department - Site Plan Control - Jackie Cabral

Site Plan is not applicable for this proposed development pursuant to the Planning Act and City of Windsor By-law 1-200.

City of Windsor - Transportation Planning - Shannon Deehan

- Walker Road is a Class II Arterial Road with a required right-of-way width of 20 meters per Schedule X, however, under the approved Walker Road Environmental Assessment, a land conveyance is not required.
- All parking must comply with Zoning By-law 8600.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ENWIN Utilities Ltd.

HYDRO ENGINEERING - Nillavon Balachandran - Hydro Engineering Technologist

No objection provided adequate clearances are achieved and maintained.

ENWIN has existing overhead primary conductor at 16kV on the west side of the property in the back alley. ENWIN has existing overhead secondary conductor at 120/240 Volts on the west side of the property in the back alley. ENWIN has existing overhead secondary conductor at 347/600 Volts on the west side of the property in the back alley

Prior to working in these areas, we suggest notifying your contractor and referring to the Occupational Health and Safety Act and Regulations for Construction Projects to confirm clearance requirements during construction. Also, we suggest referring to the Ontario Building Code for required clearances for New Building Construction.

WATER ENGINEERING - Bruce Ogg - Water Project Review Officer

Water Engineering has no objections.



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

Reference:

Date to Council: October 3, 2022
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: August 25, 2022
Clerk's File #: Z/14429

To: Mayor and Members of City Council

Recommendation:

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

Executive Summary:

N/A

Background:

Application Information:

Location: 1850 North Service Road
North side of North Service Road, west of Byng Road
Roll No.: 070-200-02020

Ward: 10 **Planning District:** Remington Park **Zoning District Map:** 8 & 12

Applicant: HD Development Group (Steve Habib and Haider Habib)

Agent: Lassaline Planning Consultants (Jackie Lassaline)

Owner: 5054545 Ontario Inc. (Haider Habib, President)

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from Green District 1.2 (GD1.2) to a Residential District 3.3 (RD3.3) to allow a residential development consisting of five multiple dwellings (buildings) having a maximum building height of 20.7 m with 6 storeys and a total of 387 dwelling units. Vehicular access will be to North Service Road via a new driveway. A total of 491 parking spaces, 26 bicycle parking spaces and 5 loading spaces are proposed. Lot coverage is 20% with 41% landscaped open space.

The conceptual site plan, elevations/perspectives and floor plans are subject to change. The proposed development is subject to site plan control. A Plan of Condominium application may be submitted in the future.

Submitted Material:

Attached to this report as an Appendix:

Planning Rationale Report Revised – See Appendix A
Site Plan, Floor Plans and Elevations – See Appendix B

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

Interim Control By-law 103-2020 Exemption Request
Noise Impact Study
Sewer Study Sanitary and Sewer Study Stormwater
Shadow Study March / June
Species At Risk Screening Report
Topographic Survey
Transportation Impact Study Final

All documents are available online via the Current Development Applications [page](#) – click on [Z-021/22](#) or via email at aszymczak@citywindsor.ca

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Green District 1.2 (GD1.1)	Vacant Land	Sports Fields / Parking Lot
LOT FRONTAGE	LOT DEPTH (AVERAGE)	LOT AREA	LOT SHAPE
143.8 m	407.1 m	4.04 ha	Irregular
471.7 ft	1,335.6 ft	9.98 ac	

All measurements are based on data provided by applicant and are approximate.

Neighbourhood Description and Amenities:

The Planning Rationale Report contains site images on pages 8 and 9.

To the north is the Grand Marais Drain, a significant municipal drain that consists of naturalize drain and adjacent lands along with a linear park with manicured areas and a multi-use trail. Further north are low-density residential areas, the CP rail corridor, and more low-density residential (South Walkerville). To the east is low density residential along Byng Road, low to medium density residential along Turner Road, commercial and industrial uses along Walker Road and the CN Rail spur.

To the south is EC Row Expressway, J.A. McWilliam Public School, and low density residential. Commercial uses are located on both sides of Walker Road, south of E C Row Expressway. To the west is the Fogolar Furlan (private hall), Chartwell Oak Park Terrace Retirement Residence (residential care facility), and low density residential.

Nearby significant uses include a motor vehicle assembly plant (Stellantis / Chrysler) about 660 m to the northwest, Temple Drive business/industrial park about 600 m to the east, Rhodes/Deziel Drive business park, about 1 km to the south east, and the Devon Industrial Park and Devonshire Mall, over 1 km to the southwest.

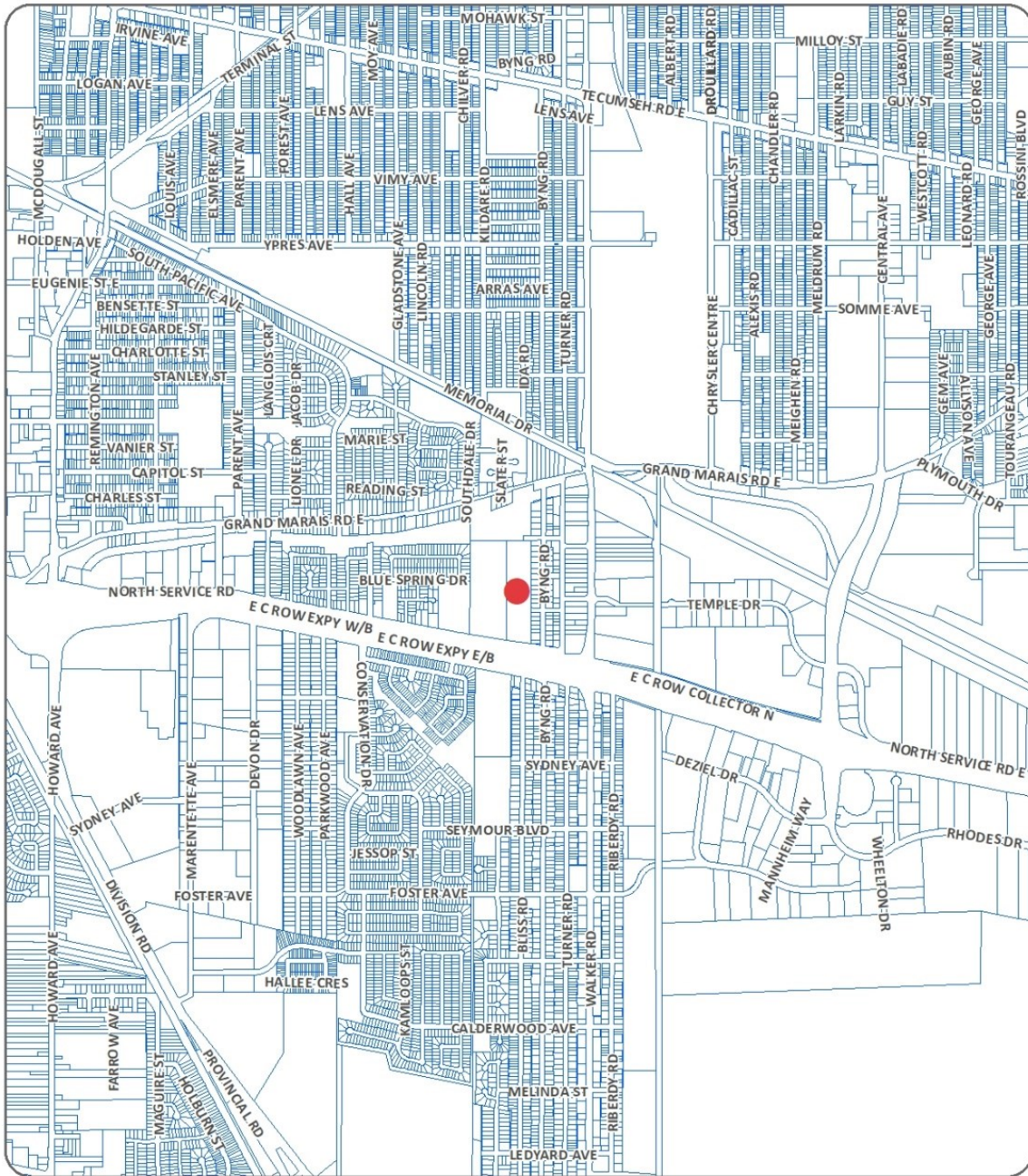
Schools and municipal parks are located within 750 m of the subject parcel. Remington Park, which has an outdoor swimming pool, splash pad, tennis and basketball courts, sports fields and other recreational facilities is just over 1.4 km to the west.

North Service Road is a Class I Collector Road consisting of two lanes and a separated bike lane, and has a signalized intersection at Walker Road and Digby Street / Turner Road. Walker Road is a Class II Arterial Road, and is a major north-south road that provides access to Highway 401, EC Row Expressway, and Riverside Drive. Alternative transportation is available via a separate bike lane on the south side of North Service Road which connects to Walker Road in the east, and via the multi-use trail adjacent to the Grand Marais Drain to the north.

Public transit is available via the Walkerville 8 bus. The closest stops are located on Walker at Parkdale SW Corner and Walker at Digby SW Corner, and are about 350 m and 475 m away. This will be maintained in the Council approved Transit Master Plan.

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

Figure 1: Key Map

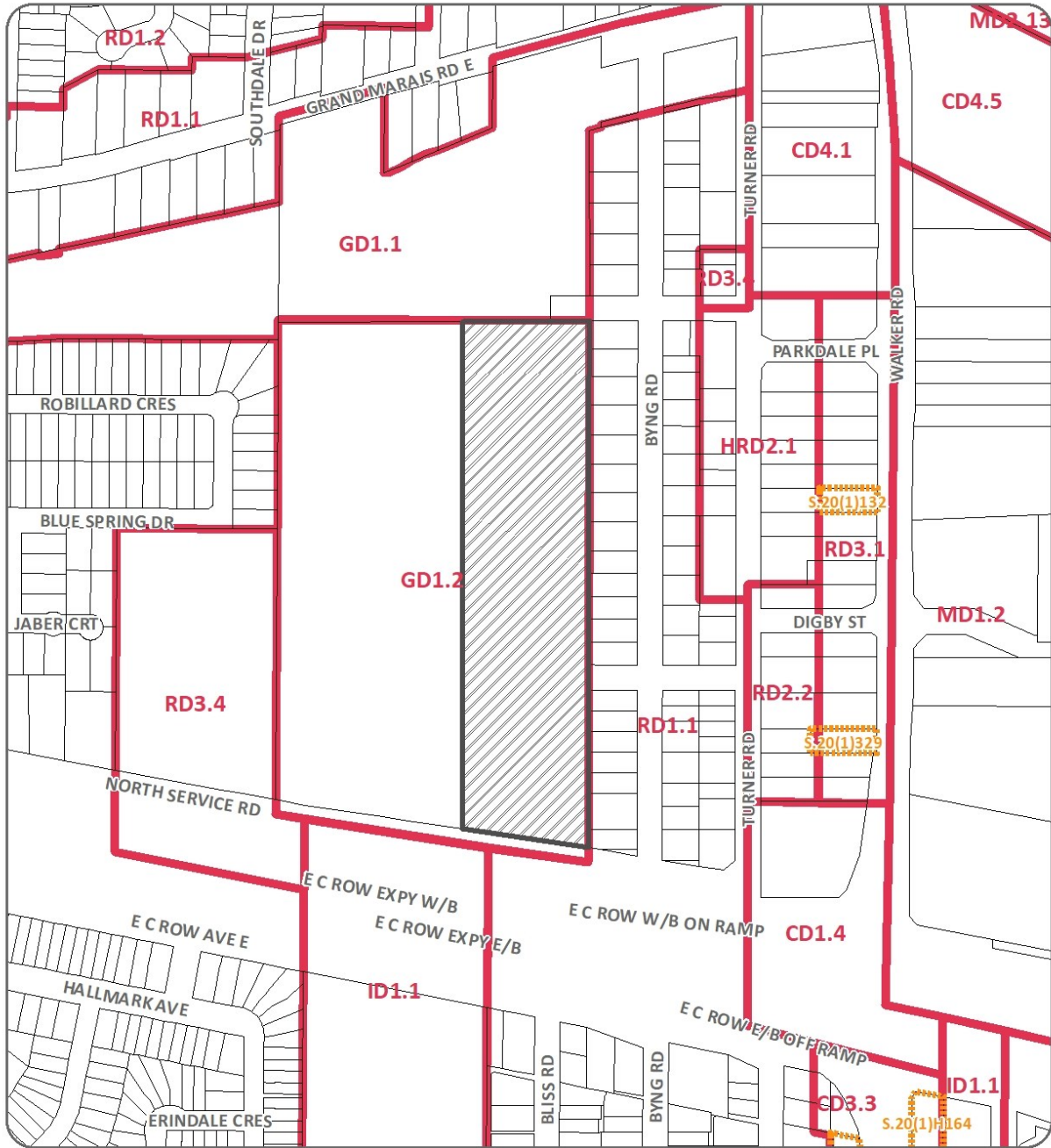


KEY MAP - Z-021/22, ZNG-6784



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning

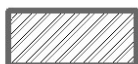


PART OF ZONING DISTRICT MAPS 8 AND 12

N.T.S.

REZONING

Applicant: HD Development Group



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE, 2022
FILE NO. : Z-021/22, ZNG/6784

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-021/22, ZNG/6784



SUBJECT LANDS

Discussion:

Planning Rationale Report (PRR) - Lassaline Planning Consultants, Jackie Lassaline, MCIP, RPP - 24 June 2022) - (See Appendix A to Report S 105/2022)

The PRR provides a description of the site, surrounding land uses, proposed development and amendment. A planning analysis of the Provincial Policy Statement 2020, the City of Windsor Official Plan and Zoning By-law 8600 are provided. The PRR notes that the *“buildings have been located to the furthest points on the west of the property to provide for substantial distance separation to the existing residences”*.

The PRR concludes that the proposed development *“will provide for an alternative style and tenure of housing than the standard single detached residence within the... neighbourhood”*. The PRR notes that *“the medium profile aspect of the buildings will result in a suitable and compatible development within the existing neighbourhood”* and that *“will provide for a compatible development as an infilling development”*.

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

- “1) is consistent with the policies of the 2020 Provincial Policy Statements;*
- 2) conforms with the established policy framework of the OP;*
- 3) maintains the intent of the City of Windsor CZB [Comprehensive Zoning By-law] and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;*
- 4) makes sound planning”*

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

Road Traffic and Stationary Noise Impact Study (JJ Acoustical Engineering Ltd - 17 January 2022)

The Noise Impact Study notes that the *“potential environmental noise impact from road traffic noise is significant. The proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components.”*

Section 6 lists the specific mitigation measures for each building and notes that Outdoor Living Areas 5 & 6 be removed from the site plan. Stationary noise sources were evaluated with predicted sound levels below the noise limits in NPC 300 “Environmental Noise Guideline, Stationary and Transportation Sources—Approval and Planning” – Ontario Ministry of the Environment, Conservation and Parks (MOECP). The mitigation measures identified in the study will be considered during the site plan control process.

Transportation Impact Study (TIS) (Paradigm Transportation Solutions Limited - March 2022)

The TIS concludes that *“study area intersections are forecast to operate at acceptable levels of service”*, that *“no left-turn lanes are forecast to be warranted”* and that *“no improvements to the transportation network be required for the approval of the proposed development”*.

Transportation Planning notes the TIS is “satisfactory in its current form” and that it “establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.

Sanitary Sewer Study

(Aleo Associates Inc. – John-Paul Aleo, P.Eng. – 24 June 2022)

The study states that the *“existing 375 mm dia. sanitary sewer ... has 41% of its capacity utilized and therefore there is capacity available to support future development”* and concludes that *“there is sufficient capacity available in the municipal sanitary sewer to support the proposed condominium development without affecting the municipal system or surrounding properties”*.

Storm Sewer Study

(Aleo Associates Inc. – John-Paul Aleo, P.Eng. – 24 June 2022)

The study notes that “an 85% impervious percentage will be used for the developed site. A new storm connection will be made to the municipal storm trunk sewer to provide a deeper outlet for the site drainage design than what the existing outlet elevation currently provides at the existing catch basin. The existing site storm connection will be abandoned to City of Windsor standards.

Stormwater management will be achieved through *“surface storage on the parking lot surface, in a large detention pond which was incorporated into the site plan design, and in underground storm pipe and structures.”*

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

Species At Risk Screening

(Myler Ecological Consulting – Barry Myler, Biologist – 5 December 2021)

The species at risk (SAR) screening report confirms *“an absence of natural habitat and natural vegetation communities on the site that could support SAR occurrences. None of the listed SAR plant species was observed”* and concludes that *“the proposed severance and condominium development can be completed in compliance with the Endangered Species Act without impact to SAR or SAR habitat and without the need to employ avoidance or mitigation measures to protect SAR”*.

The report notes that the removal of any trees on site should *“avoid the active bird nesting season (approximately late March to late August). Otherwise ... tree removals ... should be conducted under the guidance of a qualified biologist”*.

Provincial Policy Statement, 2020

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

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

Section 4.0 in the Planning Rationale Report contains a list of relevant PPS polices and a response to those polices. The Planning Department generally concurs with the PPS analysis in the PRR.

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

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

No deficiencies in infrastructure and public service facilities have been identified. The Traffic Impact study notes that the intersections in the study areas will operate at acceptable levels of service. Elementary schools and municipal parks are located within the neighbourhood. The preliminary sanitary and storm sewer studies note no issues. A final storm water study will be reviewed during site plan control.

The proposed development represents an opportunity to incorporate climate change measures such as stormwater management to control the flow of rain water into the stormwater system and the use of building materials and devices to mitigate heating, cooling and water use concerns.

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

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

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

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

Policy 1.6 provides direction on infrastructure and public service facilities. Policy 1.6.3 a) states that *“the use of existing infrastructure and public service facilities should be optimized”* and Policy 1.6.6.2 states that for *“existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services”*. The proposed amendment promotes intensification and redevelopment – five multiple dwellings with a total of 387 dwelling units – that will optimize the use of existing infrastructure. Per Policy 1.6.6.7, stormwater management has been integrated into this process and will be further refined during the site plan control process.

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

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

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

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

Policy 1.8 provides direction on energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate, the proposed multiple dwellings represent a compact form, promotes the use of active transportation and transit and a form of intensification that will improve the mix of employment and housing uses to shorten commute journeys and decrease transportation congestion. Existing trees will be protected and landscaping will be enhanced.

The proposed multiple dwellings are consistent with Policy 1.8.

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

City of Windsor Official Plan:

Section 5.0 in the Planning Rationale Report contains a list of relevant Official Plan (OP) polices and a response to those polices. The Planning Department generally concurs with the OP analysis in the PRR. The parcel is located within the Remington Park Planning District and is designated Residential on Schedule D: Land Use of the OP.

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

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

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

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

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

Chapter 6 – Land Use provides policy direction on the land use designations on Schedules D and E in the Official Plan. The preamble states that Chapter 6 “*promotes a compact urban form and directs compatible development to appropriate locations within existing and future neighbourhoods*”.

Applicable goals include 6.1.1 - Safe, caring and diverse neighbourhoods, 6.1.2 - Environmentally sustainable urban development and 6.1.3 - Housing suited to the needs of Windsor’s residents. The proposed multiple dwellings introduce a housing type that creates a diverse neighbourhood, creates an environmentally sustainable development by redeveloping a serviced vacant parcel within the settlement area, and provides housing that is in demand.

The proposed development conforms to the Goals in Section 6.1.

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

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

The proposed development conforms to the Objectives in Section 6.3.1.

Section 6.3.2 lists policies of the Residential land use designation. Low, Medium and High Profile dwelling units are permitted in the Residential land use. The proposed multiple dwellings are a permitted use. Locational criteria in Section 6.3.2.4 include access to a collector or arterial road, provision of full municipal physical services, provision of adequate community services and open spaces are provided or planned, and the provision of public transit.

North Service Road is a Class I Collector and Walker Road is a Class II Arterial. The parcel has access to a collector and arterial road. No deficiencies in physical municipal services have been identified. Several schools, municipal parks and public transit are located within walking distance of the parcel.

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

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

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

The proposed multiple dwellings are able to coexist with existing land uses and are compatible in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

Compatible does not mean the proposed development needs to be identical to or even similar to existing development in an area. A development should be able to coexist with existing land uses. The proposed development is compatible with existing land uses.

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

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

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

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

Applicable objectives in Section 7.2.1 include making efficient use of existing transportation infrastructure (7.2.1.2), promoting a land use pattern, density and mix of uses that reduces vehicle trips and supports alternative transportation modes including public transit (7.2.1.5), providing for adequate off-street parking facilities (7.2.1.9), restricting driveway access based on road classification and minimize the number of driveway access points (7.2.1.12), maintaining a safe and efficient road network (7.2.1.15).

Section 7.2.2 provide general policy direction on Infrastructure. Applicable policies include promoting development patterns that support an increase in walking, cycling and public transportation (7.2.2.5), providing for a more compact urban form to reduce the growth in home based trip making (7.2.2.6 (b)), requiring adequate off-street parking and loading facilities as a condition of development approval (7.2.2.12), requiring bicycle spaces (7.2.2.17), and ensure accessibility for all pedestrians and cyclists (7.2.2.19).

The proposed development makes use of the existing street, cycling facilities, and public transit and represents a density that reduces vehicle trips and supports alternative transportation modes. The Transportation Impact Study notes no issue with anticipated traffic volumes. No issues with municipal sanitary or storm sewers have been identified. Off-street parking meets or exceeds zoning requirements. All access to the development is from North Service Road, a Class I Collector Road. There is an opportunity for pedestrian and cycling access at the north end of the parcel to Udine Park and Byng Road at Parkdale Place.

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

The proposed multiple dwelling conforms to the policies of Section 7 – Infrastructure.

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

The proposed zoning change conforms to the Official Plan.

Zoning By-Law:

Relevant excerpts from Zoning By-law 8600 are attached as Appendix C to this report. The subject lands are zoned Green District 1.2 (GD1.2) which permits a Child Care Centre, Club, Private Park, and Public Park.

The applicant is requesting an amendment changing zoning from GD1.2 to Residential District 3.3 (RD3.3) to allow the proposed development. The RD3.3 zone permits a Lodging House, Multiple Dwelling, Religious Residence, and Residential Care Facility on a lot having a minimum frontage of 45.0 m, maximum lot coverage of 35.0%, a maximum main building height of 24.0 m, a minimum landscaped open space yard of 35.0% and a maximum dwelling unit density of 180 units per hectare. Based on 387 dwelling units, the minimum lot area is 18,385 m² and the minimum number of parking spaces is 483. A total of 26 bicycle parking spaces, 12 accessible parking spaces, and 5 loading spaces (one per building) are required.

The subject parcel has an area of 40,703 m², a lot frontage of 143 m, a lot coverage of 20%, a building height of 20.7 m, a landscaped open space yard of 41% and a dwelling unit density of 95 units per hectare. A total of 491 parking spaces including 14 accessible parking spaces, 26 bicycle parking spaces, and 5 loading spaces are proposed. The zoning by-law requires that 15% of the parking spaces be marked as a visitor parking space. No variances or site specific exceptions have been requested.

The proposed development is in compliance with the provisions of Zoning By-law 8600.

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

Site Plan Control:

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

Interim Control By-law 103-2020:

Interim Control By-law 103-2020 is no longer in effect.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

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

Financial Matters:

N/A

Consultations:

Public Open House: The applicant held an informal public open house at the Fogolar Furlan Club on May 10, 2021 from 5 to 7 pm. A total of 116 properties were provided notice, representing a 120 m radius of the Site. In addition to the Ward Councillor, the Planning Consultant (Agent), Applicant, and Architect, a total of 33 people registered. Section 3.2 in the Applicant's Planning Rationale Report provides a summary of the comments received and responses made at the open house.

Circulation to Municipal Departments and External Agencies: Comments are attached as Appendix D.

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

Planner's Opinion:

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

Based on the documents submitted by the applicant, the comments received from municipal departments and external agencies, and the analysis presented in this report, it is my opinion that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

The staff recommendation will permit a multiple dwelling development that is able to coexist with existing land uses in the surrounding area.

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

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

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

Conclusion:

Staff recommend approval of the requested amendment to Zoning By-law 8600 to change the zoning of the subject land from GD1.2 to RD3.3.

Planning Act Matters:

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

Neil Robertson, MCIP, RPP
Manager of Urban Design

Thom Hunt, MCIP, RPP
City Planner

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

JP

OC

Approvals:

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

Notifications:

Name	Address	Email
HD Development Group (Steve Habib and Haider Habib)	5335 Outer Drive Oldcastle ON N9G0C4	steve@hddevelopmentgroup.com haider@hddevelopmentgroup.com
Lassaline Planning Consultants (Jackie Lassaline)	PO Box 52 1632 County Road 31 St. Joachim ON N0R 1S0	jackie@lassalineplan.ca
Anna & Gino Sovran	2927 Byng Road Windsor ON	gsovran@cogeco.ca
Councillor Morrison (Ward 10)		
Councillor Holt (Ward 4)		
Councillor Sleiman (Ward 5)		
Councillor McKenzie (Ward 9)		
Property owners and residents within 120 m of the subject lands		

Appendices:

- 1 Appendix A - Planning Rationale Report
- 2 Appendix B - Site Plan Floor Plans and Elevations
- 3 Appendix C - Extracts from Zoning By-law 8600
- 4 Appendix D - Comments



REPORT: PLANNING RATIONALE REPORT (PRR)
MUNICIPALITY: CITY OF WINDSOR
MUNICIPAL ADDRESS: 1850 NORTH SERVICE ROAD
DEVELOPMENT: ZBA
DATE: JUNE 24, 2022 (rev)

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1.0 INTRODUCTION

Lassaline Planning Consultants (LPC) has been retained to undertake a planning rationale report regarding the feasibility of a Zoning By-law Amendment (ZBA) for lands known as 1850 North Service Road, Windsor.

HD Development Group (the Owner) is proposing the development of the vacant 4.07 ha site with a new development comprising 387 unit residential condominiums in 5 buildings on site. There will be connection to municipal services and on site parking provided with 491 parking spaces, 5 loading spaces, and 26 bike parking spaces. The development will comprise 5 buildings with a medium profile of 6 storeys (20.7 m) in height and will result in a lot coverage of 20% with 43 % landscaped open space.

This planning rationale report will demonstrate the consistency of the development proposal with the Provincial Policy Statement (PPS) 2020 and how the proposed residential land use conforms with City of Windsor's residential housing policies, supports healthy community initiatives, and provides for healthy, walkable community policies and is considered compatible with the neighbourhood.

Jackie Lassaline, BA MCIP RPP, Lassaline Planning Consultants has prepared this planning rationale report to support, explain and justify the Zoning By-law Amendment (ZBA) application.

1.1 APPLICATION INFORMATION

The landowner, 1433311 ONTARIO INC. (HD Development Group), has applied for:

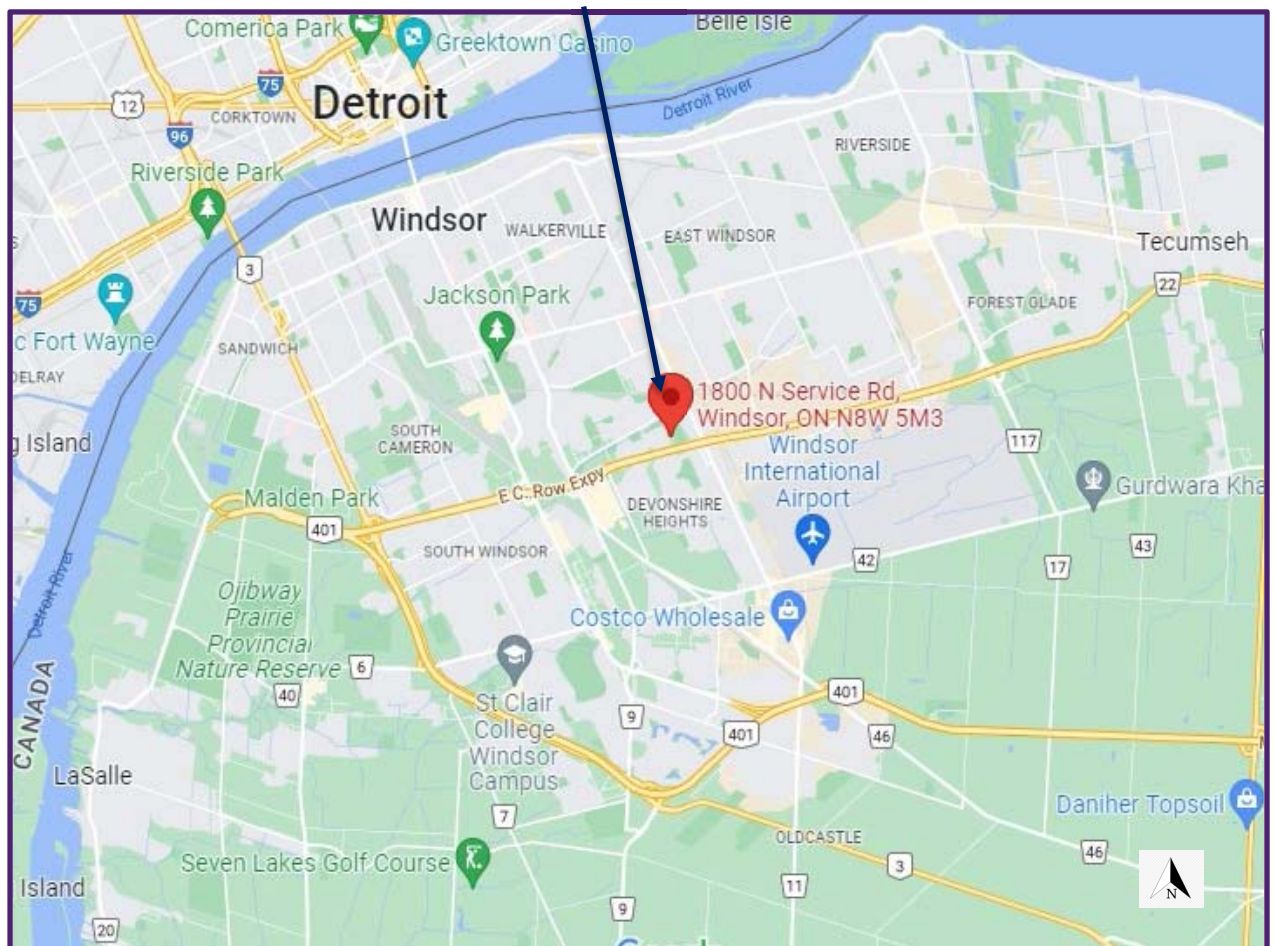
- 1) a Zoning Bylaw Amendment (ZBA) to have the subject 4.07 ha property rezoned from 'Green District (GD1.2)' to a 'Residential District 3.3 (RD3.3)' zone in the City of Windsor's Comprehensive Zoning Bylaw 8600 (CZB). The ZBA purports to provide an appropriate residential regulatory framework for the subject lands;
- 2) an exemption for the development from ICB Bylaw 03-2020 whereby Council passed an Interim Control Bylaw 03-2020 that imposed the prohibition of multiple dwellings;
- 3) a Plan of Condominium will be requested in anticipation of the condominium progressing through Condominium Act review;
- 4) Site Plan Control will be applied for after the passing of the regulatory ZBA.

2.0 SITE AND SURROUNDING LAND USES

Originally, the subject site was the soccer playing field associated with the Fogolar Furlan Italian Club located on North Service Road, in the City of Windsor. The site underwent a consent to sever in 2020 to create the 4.07 ha vacant parcel for the purposes of providing lands for residential development.

The subject site is located at 1850 North Service Road, in the urban settlement area of the City of Windsor. The site is within the 'Remington Park' neighbourhood of WARD 10, beside the Fogolar Furlan Italian Club.

FIGURE 1 – LOCATIONAL MAP: 1850 NORTH SERVICE ROAD



2.1 LEGAL DESCRIPTION AND OWNERSHIP

The subject lands are presently owned by 5054545 Ontario Inc. and are known as HD Development Group.

The subject lands have a legal description of:

Part Lot 95, Concession 2 Sandwich East Parts 1 and 2, 12R28716; S/T R786174E, S/T SE8811; S/T an easement and Right of Way in favour of Pts 3 and 4 12R28716 For Pedestrian and Vehicular Access, Servicing and Supply of Utilities as set out in CE1040237; Windsor.

2.2 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE

The site is presently used as a soccer sports field and manicured lawn. The subject lands are located between the Fogolar Furlan Club and the rear yards of the single detached residences along Byng Road.

There is a manicured berm along the frontage of North Service Road with trees lining the top of the berm that will be incorporated as landscaping for the front yard of the subject development.

There are no natural hazards or human made hazards on the site. There are no water courses, ditches, or significant natural features present on the site. The site is not situated on a flood plan.

2.3 SIZE AND SITE DIMENSION

The subject site is a large rectangular shaped parcel with a road frontage along North Service Road. The site has an area of 4.07 ha with 143.87 m frontage on North Service Road.

FIGURE 2 – SITE AERIAL: PROPOSED DEVELOPMENT SITE



2.4 EXISTING STRUCTURES

The site is presently vacant of buildings with only some metal soccer goal posts on the site that will be removed during the development of the property. There are no other existing buildings or structures on the site.

2.5 VEGETATION AND SOIL

As a greenspace/parkland and soccer pitch associated with the Fogolar Furlan facility, there is only some scrub bushes and trees on the periphery of the property.

FIGURE 3 – SITE PHOTO: LOOKING NORTH FROM NORTH SERVICE ROAD



FIGURE 4 – SITE PHOTO: LOOKING NORTH/EAST FROM PARKING LOT



Myler Consulting Biologists have completed a Species At Risk (SAR) investigation of the property and it was determined there are no species at risk or endangered species of flora or fauna at the subject site.

There are planted amenity trees in the berm along North Service Road that will be maintained. The site is mainly comprised of open manicured lawn and sports field. Landscaping plan prepared by an OLA will be provided at the time of Site Plan Control submission.

2.6 MUNICIPAL SERVICES

The subject property has direct access to sanitary sewers along the northern edge of the property along Udine Park and will provide for access to connect to service the development. Please refer to attached **APPENDIX B- SANITARY SEWER STUDY**

The site also has direct access to storm water sewers along the southern edge of the property along the rear yards of the properties of Byng Road. A Storm Water Management design includes details for a storm pond for the holding and slow release of storm water. This pond will be a dry pond and will only contain water at time of a significant storm event. **APPENDIX C – STORM WATER MANAGEMENT REPORT**

Residents of the new residences will have nearby access to a Transit Windsor Bus Route 14 Parent, which stops on North Service Road at Conservation, a 9 minute walk away. The site is also nearby a multi-use pathway for pedestrians and cyclists, which runs through Urdine Park to the north. The development proposes to create a pathway from the site to the existing multi-use trail for the benefit of pedestrians and cyclists, which will facilitate active transportation.

2.7 NEARBY AMENITIES

The proposed new 5 building condominium complex provides for a needed residential housing infill development that will help to reduce the impacts of climate change by promoting residential densification and facilitating active transportation by walking and cycling. The subject site is accessible to existing Transit Windsor municipal bus routes, with a nearby stop at North Service Road and Conservation Road.

The proposed development is less than a 5 minute drive to access the EC Row Expressway and a one minute drive to access Walker Road.

The subject site is adjacent to greenspace at Urdine Park and is a walkable distance to Jennifer Park and Remington Park. The proposed development is also within a short walk of nearby elementary schools, places of worship, and other recreational and cultural amenities:

- Chartwell Oak Park Terrace retirement residence (adjacent)
- St Christopher Catholic Elementary School (10 min walk)
- J.A. McWilliam Elementary School (16 min walk)
- Spiritual Assembly of the Baha'i (20 min walk)
- Our Lady of Perpetual Help Catholic Elementary School (24 min walk)
- Central Park Athletics (30 min walk)
- Walker Homesite Park (19 min walk)
- Holy Cross Greek Orthodox Church (12 min walk)
- Hellenic Cultural Centre (12 min walk)
- Bait ul Ehsaan Mosque (26 min walk)

The subject site is accessible to bike trails along North Service Road to the south and at Urdine Park through to the north, promoting active transportation by cycling. The following recreational and commercial amenities are less than a 10 minute bike ride away:

- Devonshire Mall (7 min)

- Optimist Community Centre (10 min)
- W.F. Chrisholm Public Library (9 min)
- Metro groceries (7 min)

2.8 SURROUNDING LAND USES

The subject site is located within a residential neighbourhood with a wide variety of existing low, medium, and high density residential housing:

- a) North** - Udine Park (GD1.1). Low density residential area beyond (RD1.2).
- b) East** - Low density Residential area (RD1.1). Medium density Residential area beyond (RD2.2 and HRD2.1).
- c) South** - E.C. Row Expressway, J.A. McWilliam Elementary School beyond (1D1.1)
- d) West** - Fogolar Furlan Italian Club and treed yard, Windsor Hall banquet club (GD1.2), Chartwell Oak Park Terrace retirement residence (RD3.4) and low residential area beyond (RD1.2).

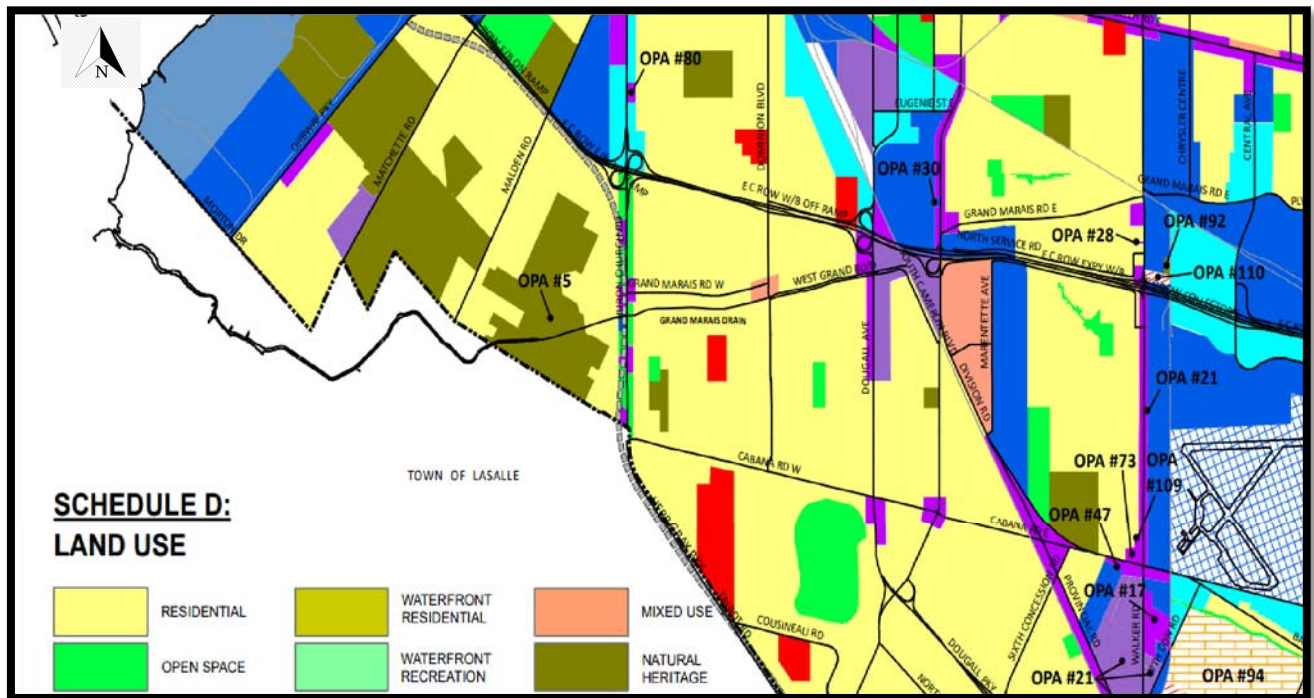
FIGURE 5 – NEIGHBOURHOOD AERIAL: 1850 NORTH SERVICE RD



3.0 DEVELOPMENT PROPOSAL

The Official Plan designates the subject site as “Residential” on Schedule D: Land Use schedule of the Official Plan for the City of Windsor. The proposed land use of residential is a permitted use in the ‘Residential’ designation. It is my professional opinion that an amendment to the Official Plan policies are not required to support the proposed residential development in the residential designation.

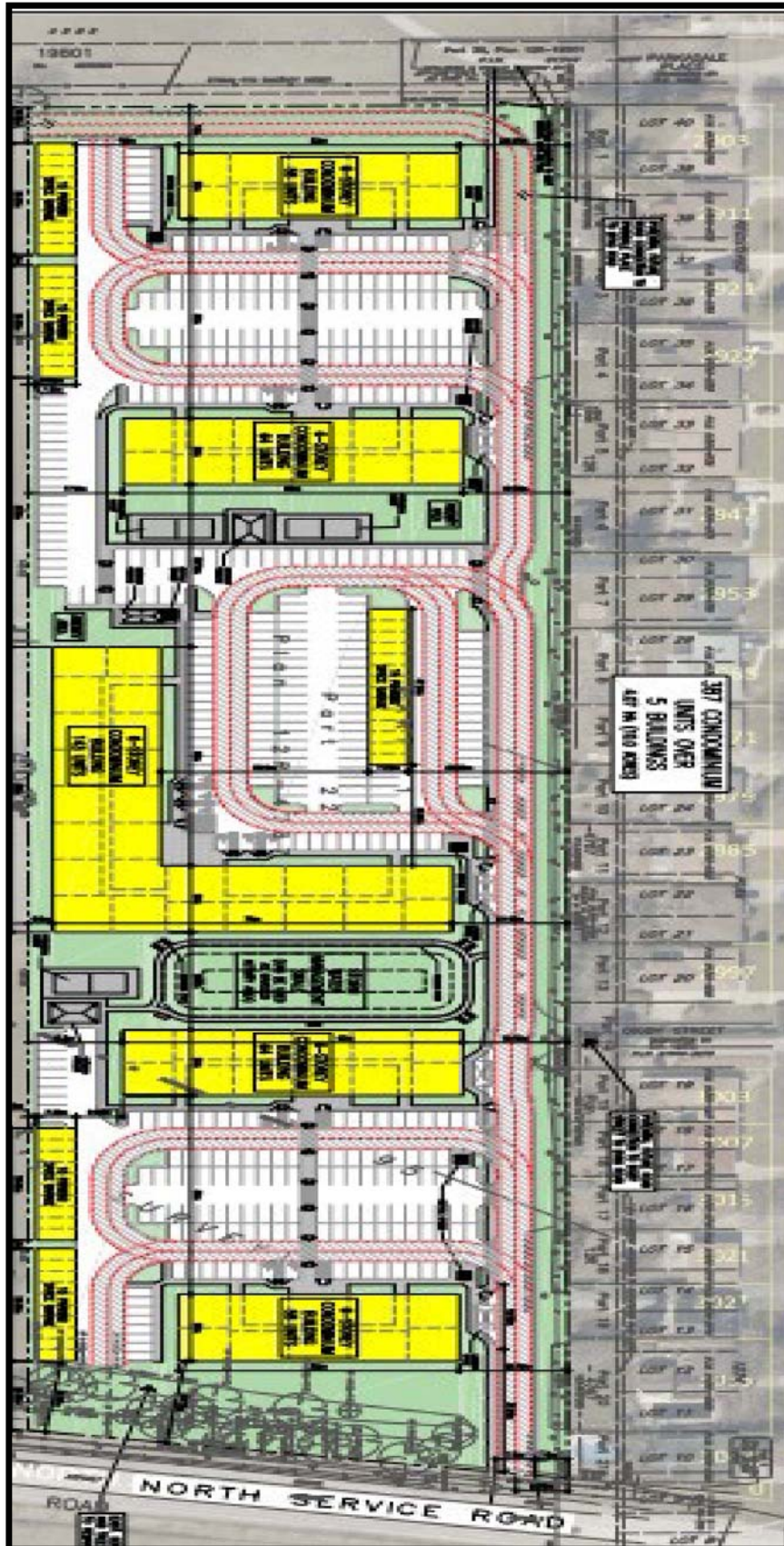
FIGURE 6 – CITY OF WINDSOR OFFICAL PLAN SCHEDULE D: LAND USE



A ZBA is required to establish a regulatory framework for the subject lands to address the uniqueness of the proposed infilling development. The proposed ZBA purports to change the regulatory framework applied to the property from ‘Green District GD1.2’ to a ‘Residential District 3.3 (RD3.3)’ to support the proposed development of the site as a complex of 5 condominium buildings with a total of 387 units and associated parking and amenities.

The presently vacant lands are comprised of 4.07 ha area and are proposed to be developed with 5 residential condominium buildings at 6 storeys each building: Building A with 58 units; Building B with 64 units; Building C with 143 units; Building D with 64 units; and Building E with 58 units for total of 387 condominium units. The total Ground Floor Area (GFA) of the 5 buildings consists of 8,735 m² GFA will result in a building lot coverage of 21.5 %.

FIGURE 7 – SITE PLAN



The parking is proposed at 495 regular parking spaces, comprised of 6 Type A Barrier Free (BF) spaces, 8 Type B BF spaces, 26 bike spaces, and 5 loading spaces. Approximately 54 parking spaces will be covered in parking garages associated with residential units.

The neighbourhood provides for a mix of uses with predominantly residential use and a seniors complex in close proximity. With the design of the site and the design of the buildings, regard for compatibility as an infill development in an established neighbourhood has been the primary design focus.

Design features have been addressed in multiple approaches that will be positive for the neighbourhood and demonstrates the compatibility of the proposed buildings as an infilling development within the existing neighbourhood. Buildings have been oriented laterally in an east west direction providing for balconies on the north and south building faces away from the existing residences on the east side of the buildings. The proposed residential buildings have been designed with the 'ends' of 4.5 of 5 buildings facing the existing residences. The building ends are not habitable rooms or balconies but rather comprise interior stairwells thereby eliminating by design the new owners 'overlooking' the backyards of the existing residents. Please refer below to **FIGURE 5 and FIGURE 6 AERIAL SITE VIEWS**.

The buildings have been located to the furthest points on the west of the property to provide for substantial distance separation to the existing residences. The existing fencing and landscaping buffer will also assist in providing separation distance to the existing residences.

The development will provide for condominiums in a medium profile building, an alternative housing style and tenure that supports diversity and housing alternatives in the City. The ability for young adults to purchase a condominium is a more affordable alternative to the present single detached residences presently in the housing market. As well, the condominium development will support the need for senior residents within the community to age in place as an alternative tenure and style to the single detached residence. The provision of condominiums in the medium density complex will support diversity of housing that is necessary for a vital and healthy community.

FIGURE 8 – SITE AERIAL VIEW – NORTH-EAST CORNER



architectural design associates 1670 Mercer St. Windsor, Ontario N8X 3P7 Tel: 519.254.3430 ada-architect.ca

Site Aerial View - North-East Corner

HD development group DESIGN | BUILD

FIGURE 9 – SITE AERIAL VIEW – SOUTH-EAST CORNER



architectural design associates 1670 Mercer St. Windsor, Ontario N8X 3P7 Tel: 519.254.3430 ada-architect.ca

Site Aerial View - South-East Corner

HD development group DESIGN | BUILD

Landscaped open space has been allocated at 41% as extensive amenity space for the residents. Outdoor amenities include extensive grassed area, trees and landscaping, 4 outdoor pavilions, 3 outdoor pickleball courts, and proposed walking paths, landscaping and benches surrounding the dry storm water management pond/swale with the intent to create a significant gathering place/outdoor amenity space for the residents.

The existing treed berm along North Service Road will be retained. A pedestrian connection will be created to the existing municipal multi-use trail through Urdine Park. The proximity of the complex to recreational greenspace, schools, and public transit will promote active transportation within the City of Windsor. The proposed landscaping with the development of gathering places, outdoor pavilions, pickleball courts, and an outdoor amenity area will encourage residents to develop a sense of community and place. The proposed development is accessible by public transportation to amenities throughout the City such as Devonshire Mall, St. Clair College, and the University of Windsor.

The massing and height of the buildings are medium profile and in my professional opinion are compatible with the adjacent mixed density and use neighbourhood. The buildings provide for a transition between single detached and other densities and uses within the neighbourhood.

The residential condominium complex will provide an alternative form of housing style and tenure from the typical single detached residences common in Windsor, creating a needed diversity of housing options within the City. The condominium complex will provide a new housing choice identified as the 'Missing Middle.'

3.1 PROPOSED ZONING BYLAW AMENDMENT (ZBA)

Subject site is designated 'Residential' on Schedule A of the Official Plan for the City of Windsor. An Official Plan Amendment (OPA) is not being requested as the subject site is already appropriately designated 'Residential' in the City of Windsor Official Plan.

The owner, HD Development Group, is proposing to develop the subject site for a complex of 387 condominium units in 5 buildings of 6 storeys with 495 associated parking spaces and extensive landscaping. The subject lands are currently zoned 'Green District (GD1.2)' in the CZB 8600. A ZBA is requested to change the current zoning of 'GD1.2' to a 'Residential District (RD 3.3)' to ensure compliance with zoning By-laws regulations.

The condominium development is proposed to consist of large-scale high-profile buildings with a density of 95 units per hectare. It is proposed that the new development be designated 'Residential RD 3.3' in the CZB 8600 to ensure compliance with zoning regulations. Refer to **SECTION 6.0 CITY OF WINDSOR ZONING BYLAW REVIEW**.

3.2 SANITARY SEWER STUDY

Aleo Associates Inc., 325 Devonshire Road, Suite 500, Windsor ON N8Y 2L3, is a qualified engineering firm to provide a professional opinion regarding the Sanitary Sewer Study and determine availability and capacity for the proposed residential development. Please refer to report referenced 'Sanitary Sewer Study 1850 North Service Rod 2022.06.24'.

Conclusion by Aleo Associates relating to the Sanitary Sewer Study determined that there is sufficient capacity in the municipal sewer system to accommodate the proposed development:

"This is a significant increase in the total peak sewage flow rate, however, the capacity in the municipal sewer system to support the development exists. The sanitary sewer system will have 64% of its capacity utilized post-development which still allows for additional development within this drainage area in the future. Therefore, there is sufficient capacity available in the municipal sanitary sewer to support the proposed condominium development without affecting the municipal system or surrounding properties."

3.3 STORM WATER MANAGEMENT STUDY

Aleo Associates Inc., 325 Devonshire Road, Suite 500, Windsor ON N8Y 2L3, is a qualified engineering firm to provide a professional study regarding Storm Water Management Report (SMWR) . Please refer to report referenced 'Storm Sewer Study 1850 North Service Rod 2022.06.24'.

Conclusion by Aleo Associates relating to the management of Storm Water on site:

"The proposed development consists of five, six story multi-unit residential buildings with surrounding parking lot and landscape areas. An 85% impervious percentage will be used for the developed site. A new storm connection will be made to the municipal storm trunk sewer to provide a deeper outlet for the site drainage design than what the existing outlet elevation currently provides at the

existing catch basin. The existing site storm connection will be abandoned to City of Windsor standards.

A flow restrictor will be installed at the outlet to restrict the post development flows to the pre-development release of 44 L/s. The runoff rate of the existing pre-developed condition is being maintained as part of the proposed development and therefore there will not be any effect on the receiving storm sewer system or surrounding properties.

A storm detention scheme will be carried out during the detailed design phase and will be completed to conform to the Windsor-Essex Region Stormwater Management Standards. Storage will be provided through surface storage on the parking lot surface, in a large detention pond which was incorporated into the site plan design, and in underground storm pipe and structures.

Stormwater quality control will be accomplished by incorporating an oil and grit separator unit at the outlet to treat stormwater captured from the site before it is released to the municipal sewer system. The level of treatment will be normal (70% TSS removal).”

3.4 SPECIES AT RISK

Myler Ecological Consulting, 7 Olive Crescent, Stoney Creek, ON L8G 2T2, is a qualified firm to provide a professional opinion regarding the presence and significance of SAR.

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

- Myler’s observations confirmed an absence of natural habitat and natural vegetation communities on the site that could support SAR occurrences.
- None of the listed SAR plant species was observed.
- The observed conditions on the site were unsuitable for their occurrence and, except for common suburban songbirds, for wildlife in general, both common species and SAR.
- Accordingly, the proposed severance and condominium development can be completed in compliance with the Endangered Species Act without impact to

SAR or SAR habitat and without the need to employ avoidance or mitigation measures to protect SAR.

- However, to maintain compliance with the Migratory Birds Convention Act, should removal of any of the planted amenity trees on the site be required, it would be best to avoid the active bird nesting season (approximately late March to late August). Otherwise, tree removals during the nesting season should be conducted under the guidance of a qualified biologist who will search for active nests and identify temporary avoidance and temporary buffers if required.

3.5 TRAFFIC STUDY

Paradigm Transportation Solutions Limited, 5A-150 Pinebush Rd, Cambridge ON N1R 8J8, is a qualified transportation engineering firm that undertook a traffic study relating to the proposed development.

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

Based on the investigations carried out, it is concluded that:

- ▶ **Existing Traffic Conditions:** All study area intersections are currently operating within acceptable levels of service;
- ▶ **Proposed Development:** The full build-out of the site is forecast to generate 103 and 130 trips during weekday AM and PM peak hours, respectively;
- ▶ **2030 Background Traffic Conditions:** All study area intersections are forecast to operate at acceptable levels of service;
- ▶ **2030 Total Traffic Conditions:** All study area intersections are forecast to operate at acceptable levels of service; and
- ▶ **Remedial Measures:**
 - **Left-Turn Lane Warrants:** It was found that no left-turn lanes are forecast to be warranted.

Recommendations:

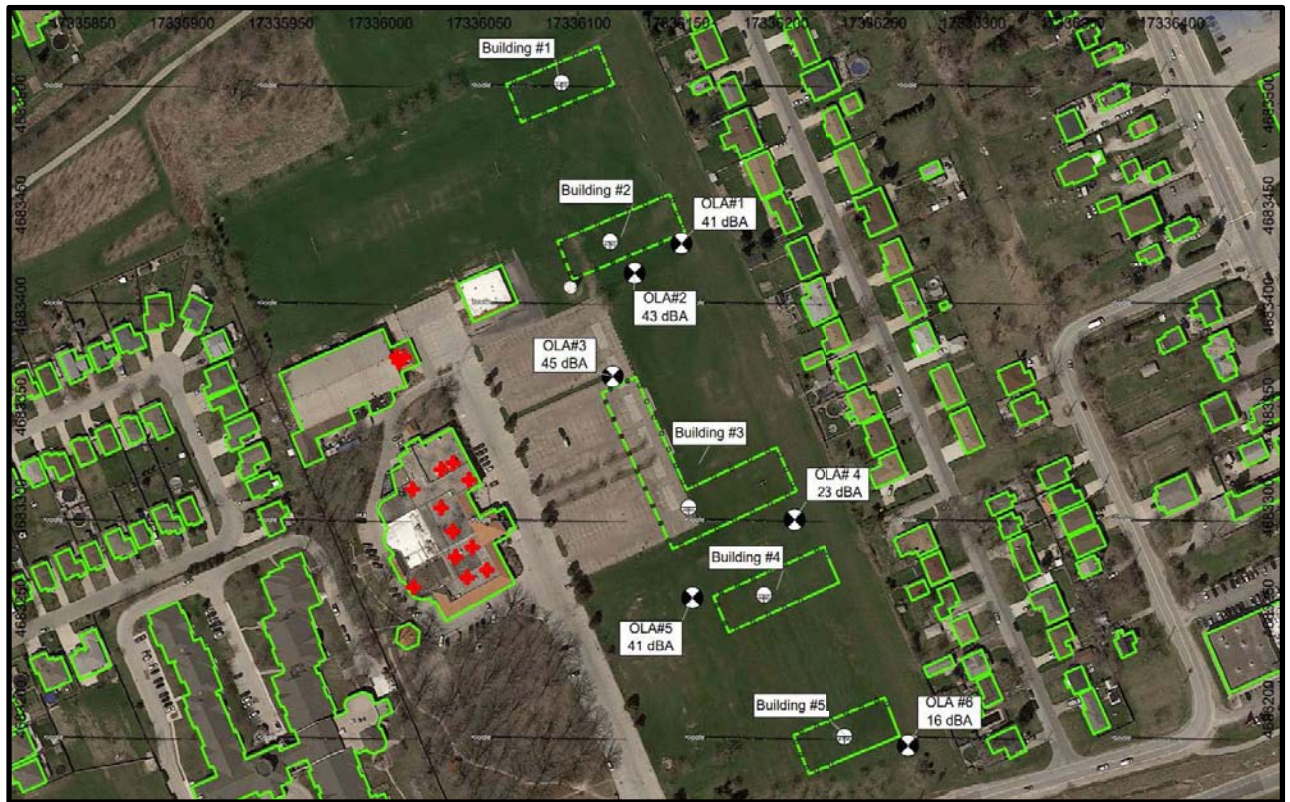
Based on the findings of this study, it is recommended that no improvements to the transportation network be required for the approval of the proposed development.

3.6 NOISE STUDY

JJ Acoustic Engineering Ltd., JJ-00392 NIS1 is a qualified Noise Engineering firm that undertook a noise study relating to the proposed development.

“This Study has determined that the potential environmental noise impact from road traffic noise is significant. The proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components. Road traffic noise control requirements for the Site were determined based on road traffic volumes provided by the City of Windsor (City) and forecasted to 10 years from the date of this study.

Recommendations: The road traffic noise impacts were above the NPC 300 requirements. Noise mitigation measures include:



Building #1 • Warning Clause Type C for the East and South façades. • Requirement for Air Conditioning for the entire building. These have been summarized in Attachment B under Table B1.

Building #2 • Warning Clause Type C for the East façade. • Warning Clause Type D for the South façade. • Requirement for Air Conditioning for the entire building. • A minimum of

STC 29 is required for all exterior glazing for the South façade. These have been summarized in Attachment B under Table B1.

Building #3 • Warning Clause Type C for the North façades. • Warning Clause Type D for the East, South, and West façades. • Requirement for Air Conditioning for the entire building. • A minimum of STC 33 is required for all exterior glazing for the South façade. • A minimum of STC 30 is required for all exterior glazing for the East and West façades. These have been summarized in Attachment B under Table B1

Building #4 • Warning Clause Type C for the North façade. • Warning Clause Type D for the East, South, and West façades. • Requirement for Air Conditioning for the entire building. • A minimum of STC 29 is required for all exterior glazing for the East façade. • A minimum of STC 35 is required for all exterior glazing for the South façade. • A minimum of STC 31 is required for all exterior glazing for the West façade. These have been summarized in Attachment B under Table B1.

Building #5 • Warning Clause Type C for the North façade. • Warning Clause Type D for the East, South, and West façades. • Requirement for Air Conditioning for the entire building. • A minimum of STC 32 is required for all exterior glazing for the East façade. • A minimum of STC 37 is required for all exterior glazing for the South façade. • A minimum of STC 34 is required for all exterior glazing for the West façade.

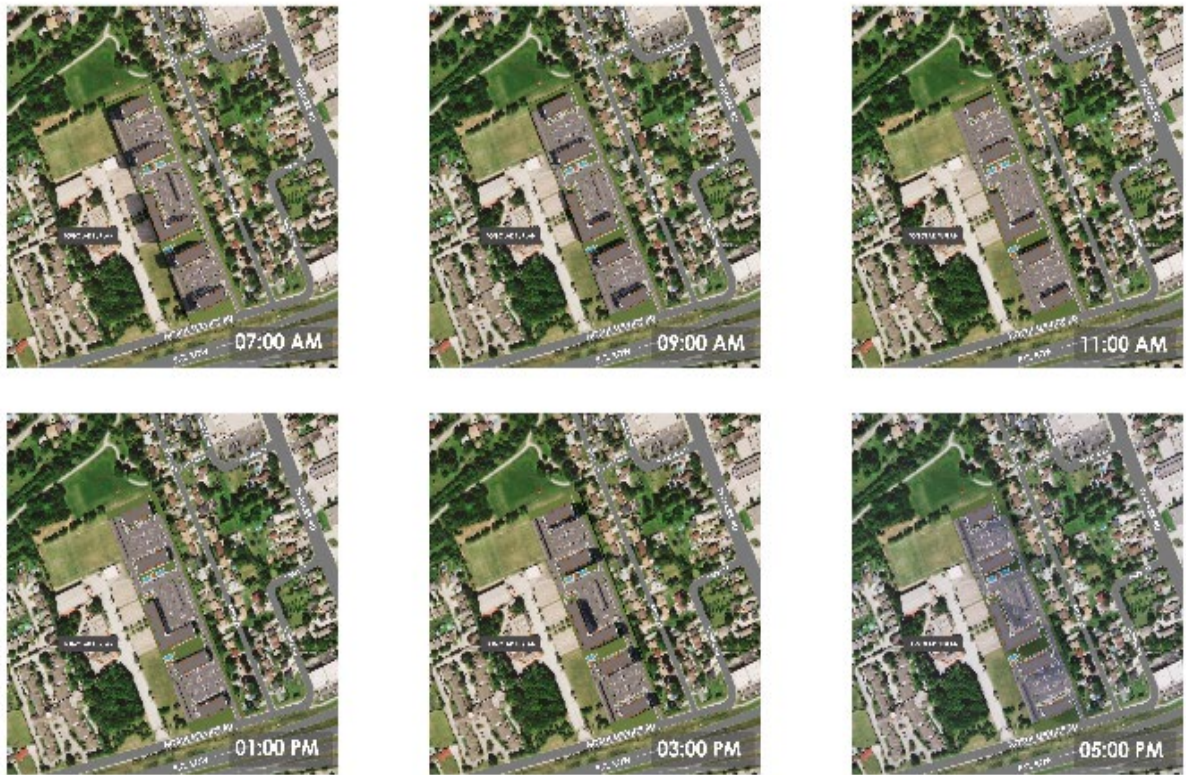
Outdoor Living Area: • Warning Clause Type A • OLA #5 is over noise limit in its current placement, JJAЕ advises to remove from Site Plan. • OLA #6 is over noise limit in its current placement, JJAЕ advises to remove from Site Plan. These have been summarized in Attachment B under Table B1.”

3.7 SHADOW STUDY

JUNE (SUMMER):

As shown in the Shadow Study, Figure 7 – June (Summer) shows that due to the building orientation and location, the buildings do not result in shadows on the adjacent residences during the summer months. The location of the buildings to the west of the property, the orientation of the buildings east and west, and the low profile of the buildings results in no negative impact on the adjacent residences with shadows.

FIGURE 10 – SHADOW STUDY – JUNE (SUMMER):



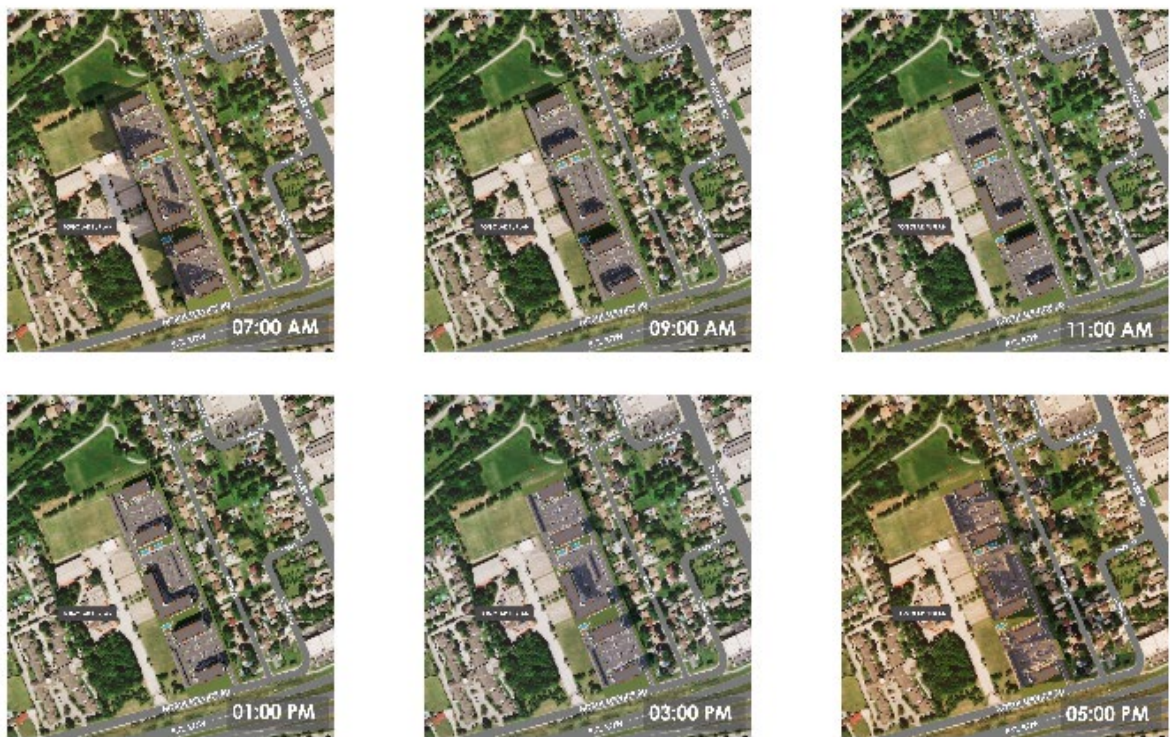
Shadow Study
June 21st - Summer



MARCH (SPRING):

As shown in the Shadow Study, Figure 8 – March (Spring) shows that there is only a minor time late afternoon after 5:00 pm that shadow falls on the adjacent residential neighbourhood. This shadow study shows that the location of the buildings to the west of the property, orientation of the buildings east and west on the parcel, and the medium profile of the building has a positive impact in the reduction of the impact of shadows on the adjacent neighbours.

FIGURE 11 – SHADOW STUDY – MARCH (SPRING)



Shadow Study
March 20th - Spring



3.8 BUILDING RENDERINGS

BUILDING A & E



FRONT - NORTH EAST CORNER




FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

 <p>1670 mercer street richton ontario canada n4w 3p7 ph: 919.254.3420 fax: 919.254.3642 www.architecturaldesignassociates.com</p>	<p>DATE: 2022/05/25</p> <p>PROJECT: ZBA</p>	<p>PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD] HD DEVELOPMENTS</p> <p>DRAWN BY: BUILDING A & E - RENDERS</p>	<p>DATE: 2022/05/25</p> <p>PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD] HD DEVELOPMENTS</p> <p>DRAWN BY: BUILDING A & E - RENDERS</p>	<p>DATE: 2022/05/25</p> <p>PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD] HD DEVELOPMENTS</p> <p>DRAWN BY: BUILDING A & E - RENDERS</p>	<p>DATE: 2022/05/25</p> <p>PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD] HD DEVELOPMENTS</p> <p>DRAWN BY: BUILDING A & E - RENDERS</p>
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SPC 3.2

BUILDING A & E



FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

<p>1670 mercer street windsor ontario canada n6a 3g7 ph: 519.243.4300 fax: 519.243.3962 www.architecturaldesignassociates.com</p>	<p>DATE: 2022/05/24</p>	<p>PROJECT NAME: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD)</p>	<p>DATE: MAY 2022</p>	<p>Sheet No. SPC 3.4</p>
	<p>DATE: 2022/05/24</p>	<p>PROJECT NAME: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD)</p>	<p>DATE: MAY 2022</p>	

BUILDING C



FRONT - NORTH WEST CORNER



FRONT - NORTH WEST CORNER



REAR - NORTH - FRONT ENTRANCE



REAR - SOUTH EAST CORNER

<p>1670 mercer street windsor ontario canada n6a 3g7 ph: 519.243.4300 fax: 519.243.3962 www.architecturaldesignassociates.com</p>	<p>DATE: 2022/05/24</p>	<p>PROJECT NAME: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD)</p>	<p>DATE: MAY 2022</p>	<p>Sheet No. SPC 3.7</p>
	<p>DATE: 2022/05/24</p>	<p>PROJECT NAME: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD)</p>	<p>DATE: MAY 2022</p>	

3.9 OPEN HOUSE

Please refer to APPENDIX C – OPEN HOUSE INFORMATION

- * Notice was prepared and hand delivered to the neighbours along Byng;
- * Open House was held on May 10, 2022 at the Fogolar Furlon facility, Windsor Room;
- * There was a significant turn out of approximately 24-26 neighbours and Councillor Morrison;
- * Most neighbour's issues were based on an existing traffic concern: With shift work at Chrysler's, there are peak periods of excess traffic using Byng St as a 'short cut' – concern is that the new residents will utilize Byng as a 'short cut' adding more traffic;
- * The residents wanted to know range of prices of condos – some were interested in 'aging in place' by purchasing a unit and selling their single detached residence;
- * Concern was raised about privacy – explained about the orientation of the building – were more concerned about 'any' neighbour;
- * Concern was raised about the de-valuation of their homes.
- * Most left with positive response and supportive of the measures taken to ensure compatibility of the development with their existing residence.

4.0 PROVINCIAL POLICY STATEMENT (PPS)

When reviewing a planning application to determine if the requested Zoning Bylaw Amendment (ZBA) makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

"Section 1.1.1 Healthy, liveable and safe communities are sustained by:

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

COMMENT:

In my professional opinion, the proposed ZBA will authorize the proposed new development that will create an efficient and effective use suited and compatible with the existing neighbourhood.

b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;

COMMENT:

The condominium buildings will provide for an alternative style and tenure of housing than the standard single detached residence. The ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be developed as condo ownership providing for an alternative housing style and tenure while supporting a diversification of housing styles and tenures. The condominium as infilling housing within an older residential neighbourhood will provide alternative housing for neighbours to 'age in place' as a next stage housing alternative to their single detached residence.

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

COMMENT:

There are no environmental or health issues associated with the proposed development of the existing vacant lands. The property is an infilling parcel that will support, in my professional opinion, the efficient and effective utilization of municipal services.

- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*

COMMENT:

The subject lands are located within the urban area of the settlement area within the City of Windsor. The ZBA authorizes an infilling residential development within an established residential neighbourhood; the buildings are distance separated from the existing residences, provide a neighbourhood transition in a mixed density and mixed use neighbourhood; the medium density residences that in my opinion, provide a housing tenure and style diversification that is compatible with the neighbourhood. In my professional opinion, the proposed development will not result in the unnecessary expansion of the urban settlement area.

- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification, and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

COMMENT:

The proposed development is infilling in a vacant, under utilized field within an established residential neighbourhood. The development will allow for an infilling development of medium density residential development that will utilize existing municipal services. The utilization of the vacant property for the development of 387 residential condominium units, in my professional opinion, will result in with an appropriate intensification of use.

COMMENT:

Site services are available to the site. As noted in the Engineering report, there is municipal capacity to accommodate the proposed land use and the development will not result in an expansion of municipal infrastructure. In my professional opinion, the site location will allow for an efficient and effective development while providing for a cost effective utilization of existing municipal infra-structure.

The site is located near municipal bus route and has direct access to the Edward Charles Expressway (EC ROW), an expressway providing access across Windsor. In my opinion, the proposal supports the establishment of alternative housing tenure and style while supporting intensification of land use in an appropriate area while supporting wise management and cost effective utilization of municipal services such as the transit system, walking trail and bike trail infrastructure of municipal services, and efficient utilization of existing municipal services.

In my professional opinion, the proposed residential development of the property is consistent with and supports the cost-effective intensification of the property as infilling development while minimizing land consumption and supports the efficient and effective utilization of municipal infrastructure.

f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;

COMMENT:

Building accessibility will be established in compliance with the OBC for all the residential units.

g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs

COMMENT:

As noted in the Sanitary Sewer Study (Appendix B) and the Storm Water Management Report (Appendix C) there is capacity available in the municipal infrastructure to accommodate the proposed 387 residential unit condos. In my professional opinion, the proposed new condo development can be considered an efficient and effective utilization of municipal infrastructure.

h) promoting development and land use patterns that conserve biodiversity; and

COMMENT:

In my professional opinion, the proposed development assists with the conservation and preservation of biodiversity by providing for wise intensification of land use with redevelopment of existing lands as infilling in an urban centre.

i) Preparing for the regional and local impacts of a changing climate.

COMMENT:

The building is located within a neighbourhood providing services and commodities within walking distance. There are employment opportunities within walking distance to the site, supporting the work/live initiative. There is a bus service, trail system, and the EC ROW within close proximity that will reduce the dependence on the vehicle while supporting walking, biking and healthy community initiatives of the Municipality and Province.

“Section 1.1.3.3

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

COMMENT:

The subject lands were designated for residential development and are located within a residential neighbourhood. The proposed residential condominium development is permitted by the OP and will be authorized by the proposed ZBA.

In my professional opinion, the proposed development provides for an efficient and effective utilization of municipal services; provides for an intensification of an appropriate land use; and will provide for suitable and compatible residential development that will provide for alternative housing tenure and style.

“Section 1.1.3.4 Settlement Areas

Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.”

COMMENT:

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

“Section 1.1.3.6

New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.”

COMMENT:

In my professional opinion, the proposed development will provide for a compact built form with appropriate intensification of land use as an infilling residential development in a neighbourhood of mixed uses and mixed residential densities resulting in an efficient and effective use of the subject lands.

COMMENT:

In my professional opinion, the requested ZBA is consistent with the 2020 PPS by supporting the sound and efficient managed intensification and growth associated with the residential development of the land use for the subject site. Providing for a ZBA regulatory framework that support the development of these lands for residential condominiums as an infilling development of a compatible development for the community, in my professional opinion supports the Healthy Community initiatives and is therefore consistent with the Provincial Policy Statements.

5.0 CITY OF WINDSOR OFFICIAL PLAN

The City of Windsor Official Plan provides policies directing land use within the entirety of the municipality of Windsor. The policies are consistent with the Provincial Policy Statements and provides additional policy direction for development within the City of Windsor. The subject lands are designated 'Residential' in the Official Plan and as shown on Schedule D Land use Plan for the City of Windsor. The following review places the proposal in context of the policy framework of the Official Plan for the City.

"2. Glossary

DEVELOPMENT PROFILE *Development Profile refers to the height of a building or structure. There are four development profiles described in the Plan: City of Windsor Official Plan1 Volume 1 1 Glossary 2 - 2 (a) Low Profile development is a building or structure generally no greater than fourteen (14) metres in height. Low Profile Housing development is further classified as follows; (i) small scale forms: single detached, semi-detached, duplex, and row and multiplexes with up to 8 units; and (ii) large scale forms: buildings with more than 8 units; (b) Medium Profile development is a building or structure generally no less than fourteen (14) metres in height and generally no greater than twenty six (26) metres in height; (c) High Profile development is a building or structure generally no less than twenty (26) metres in height and generally no greater than fifty eight (58) metres in height; (d) Very High Profile development is a building or structure generally greater than fifty eight (58) metres in height.*

COMMENT:

The proposed 387 residentials condominium units are proposed to be constructed in 5 buildings as shown on the attached Site Plan. Each building is proposed at 6 storeys in height with 20.7 m in height. The buildings and development can be considered medium profile as infilling within a neighbourhood of mix uses and profiles.

"3.2.1.2 NEIGHBOURHOOD HOUSING VARIETY

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

COMMENT:

The proposed residential condominium development will provide for an alternative housing style and tenure than the standard single detached residence providing a diversity of housing. The condominium housing provides for an opportunity for some of the long established residents within the neighbourhood to remain within their neighbourhood and ‘age in place’, a positive opportunity voiced by attendees of the Open House. In my professional opinion, the proposal conforms with the policy direction to provide for housing variety.

“3.2.1.4 COMMUNITY DESIGN

The design of buildings and spaces will respect and enhance the character of their surroundings, incorporating natural features and creating interesting and comfortable places. Streets, open spaces and the greenway system will serve as public amenities connecting and defining neighbourhoods and contributing to Windsor’s image. New development in Windsor will accommodate the needs of pedestrians, cyclists and other recreational activities.”

COMMENT:

The site plan has been designed with the neighbourhood aspect in consideration. There has been a link to the trail system through the development. There are amenities designed for the site such as landscaping, buffering, etc that will benefit both the residents and the neighbourhood, providing for conformity of the development with this OP policy.

“3.2.3.5 ENERGY EFFICIENCY

Windsor will encourage the design and construction of energy efficient buildings and landscapes to reduce air, water and land pollution.”

COMMENT:

Efforts will be made in the design of the buildings and an increase in landscaping to facilitate energy efficiencies. The development proposal, in my professional opinion, conforms with energy efficiency policies of the Official Plan.

“6. Land Use

“6.0 Preamble *A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations. As such, the Land Use chapter of this Plan promotes a compact urban form and directs compatible development to appropriate locations within existing and future neighbourhoods. This chapter of the Official Plan provides goals, objectives and policies for the land use designations identified on Schedule D: Land Use and Schedule E: City Centre Planning District and should be read in conjunction with the other parts of the Plan.*

COMMENT:

The provision of residential condominiums as alternative housing as infilling in an existing residential neighbourhood supports the healthy community by providing for diversification. The neighbourhood provides for walkability, amenities and a diversifications of uses and residential densities. Compatibility with the neighbourhood was the key element in design features of the proposal. In my professional opinion the development is compatible with the neighbourhood as an infilling development and conforms with this policy of the OP.

“6.2.1.2 TYPES OF DEVELOPMENT PROFILE

For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;*
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and**
- (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.”*

COMMENT:

The development proposal is for a medium profile building in a neighbourhood of mix profiles. The design of the buildings to provide for buffering, setback, and building orientation also ensures compatibility as an infill development within the existing neighbourhood.

“6.3 Residential

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

COMMENT:

The proposed condominium development will provide for an alternative form of housing tenure and style than the typical style of housing in the neighbourhood. The diversification supports rejuvenation of the neighbourhood. Significant amenities such as landscaping, link to the municipal trail system are to be provided on site for the residents benefit as well as the neighbourhood.

The proposed development in my professional opinion conforms with the policy of the Official Plan that supports and encourages diversification in housing to ensure a healthy and prosperous community.

“6.3.1 Objectives

6.3.1.1 RANGE OF FORMS & TENURES

To support a complementary range of housing forms and tenures in all neighbourhoods.”

COMMENT:

The proposed residential condominiums provide for an alternative form of housing tenure and style in the neighbourhood. The condominium form of housing will allow for some existing residents to remain in the neighbourhood and ‘age in place’. The proposed development, in my opinion, conforms with this policy of the Official Plan.

“6.3.1.2 NEIGHBOURHOODS

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

COMMENT:

The subject site is located fronting on North Service Road with direct access to the EC ROW, a major city wide collector road system. The development being proposed will connect with the existing municipal trail located at the north end of the property. There is a municipal bus system within close walking distance to the site. The proposed development will support a balanced transportation system and in my professional opinion, the proposed development conforms with the policy direction.

“6.3.1.3 INTENSIFICATION, INFILL & REDEVELOPMENT

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

COMMENT:

The proposed development will be locating on an under-utilized vacant parcel within a mixed use neighbourhood. The medium profile development will provide for residential use as an infill development on municipal services and with consideration for compatibility to the existing residential development located adjacent to the site. The intensification can be considered well managed intensification providing for a compatible development with the neighbourhood.

“6.3.2.4 LOCATIONAL CRITERIA

Residential development shall be located where:

- (a) there is access to a collector or arterial road;*
- (b) full municipal physical services can be provided;*
- (c) adequate community services and open spaces are available or are planned;*
and
- (d) public transportation service can be provided.”*

COMMENT:

The subject site fronts on North Service Road with direct access to the EC Row, a major collector road within the City of Windsor.

The infilling development will provide for wise management of the existing municipal infra structure and services. The SWM Report and Sanitary Sewer Study provided by the Civil Engineer provides a professional opinion that there is sufficient services and capacity to support the development proposal.

The development is proposed with a significant 41 % landscaped open space while providing connections to municipal trail, extensive landscaping, a gathering place, pickle ball courts, and outdoor pavilions.

Based on the locational criteria, the proposed development location conforms with the relevant policy of the Official Plan to ensure appropriate criteria is met for a sound development and a healthy neighbourhood and community.

“6.3.2.5 EVALUATION CRITERIA FOR A NEIGHBOURHOOD DEVELOPMENT PATTERN

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

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;*
 - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;*
 - (iii) within a site of potential or known contamination;*
 - (iv) where traffic generation and distribution is a provincial or municipal concern; and*
 - (v) adjacent to heritage resources.**
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;*
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;*
- (d) provided with adequate off street parking;*
- (e) capable of being provided with full municipal physical services and emergency services; and*
- f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.”*

COMMENT:

Based on all studies completed and included with this PRR, there are no environmental hazards on site; no negative impact resulting from the traffic that will be generated by the development; all noise impact can be mitigated through architectural or design features; and there are no development constraints associated with the property.

The proposed development is a residential infilling of a medium profile building within a neighbourhood of mix of profiles and uses. The lot size and configuration provides opportunities to support the inclusion of a medium profile building while providing for increased setbacks, appropriate orientation of buildings and buffering to support a compatible new development within an older neighbourhood.

The infilling development will provide for a variety of housing style and tenure to the neighbourhood and the community that supports a healthy community. The condominium style of housing will allow some existing residents stay within their established neighbourhood and 'age in place'. The housing style also provide for a style of housing that is considered the 'missing middle' of the community.

The proposed development is a wise utilization of an under-utilized parcel with the efficient and effective use of municipal services.

The proposed development, in my professional opinion, conforms with this policy by providing for an appropriate and compatible development within the existing

"8.7.2.3 INFILL DEVELOPMENT

Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- (a) massing;*
- (b) building height;*
- (c) architectural proportion;*
- (d) volumes of defined space;*
- (e) lot size;*
- (f) position relative to the road; and*
- (g) building area to site area ratios.*
- (h) the pattern, scale and character of existing development; and,*
- (i) exterior building appearance."*

COMMENT:

The large lot has been utilized to provide for a significant setback of the buildings from the existing residences on the east. Landscaping and buffering have been utilized to further buffer and provide separation of the new development from the existing residences.

Significantly the buildings have been designed with an east/west orientation so that the non-habitable portion (stairway) of the buildings are facing the existing residences providing privacy of use for the existing residences to the east.

As demonstrated in the rendering and the elevations prepared by ADA Architects, the medium profile buildings are of a high quality design that will be a positive attribute to the neighbourhood. The buildings will provide a vibrancy to a property that has been vacant and under utilized. The vibrancy of the new building will help to rejuvenate a neighbourhood that has not recently seen change.

The Shadow Study shows that the new buildings will not create a shadow or negative impact on the enjoyment of the sunshine on the adjacent residences.

The medium profile buildings provide for a nice transition and separation between the existing residences and the commercial use of the Fogolar Furlon and the institutional Chartwell senior's home.

The buildings provide for a diversity of housing style as well as tenure needed within a community to support the healthy community created through diversity.

In my professional opinion, policy directions have been regarded in the design of the proposed development and that the proposal is a sound, compatible development with the neighbourhood.

COMMENT:

In my professional opinion, the requested ZBA conforms with the relevant policies of the Official Plan for the City of Windsor based on the evaluation noted above.

6.0 CITY OF WINDSOR ZONING REGULATIONS

The subject lands are zoned 'Green District GD1.2' in the CBZ 8600 for the City of Windsor. The land use of residential is not a permitted use in the 'Green District GD1.2' zone presently applied to the subject lands. The change of use from a Green District does not comply with the existing regulatory framework applied to the property.

Zoning By-law Amendment (ZBA) is requested to rezone the subject lands to 'Residential RD 3.3' zone under the CZB 8600 for the City of Windsor will ensure compliance of the proposed development of the site as 5 large scale high profile residential building of 6 storeys high at a density of 95 units per hectare.

PROVISION	GREEN DISTRICT GD1.2	RESIDENTIAL R3.3	PROPOSED DEVELOPMENT
LOT AREA	1,850 m ²	1,825 m ² for first 19 units 45 m ² each additional unit (18,385 m ² for 387 units)	4.07 ha 40,703 m ²
LOT FRONTAGE	N/A	45 m	143 m
FRONT SETBACK	N/A		21 m
REAR SETBACK	N/A		11.4 m
INTERIOR SIDE YD	N/A		19.7 m (east)
LANDSCAPED OPEN SPACE	N/A	35% (min)	41%
LOT COVERAGE	25%	35% (max)	20%
PARKING	N/A	1.25 sp x 387 = 484 spaces	491 spaces
BICYCLE PARKING	N/A	26 spaces	26 spaces
DWELLING UNIT DENSITY	N/A	180 units/ ha	95 units/ha
MAXIMUM MAIN BUILDING HEIGHT	14 m	24 m	20.7 m

COMMENT:

After review and evaluation of the CZB for the City of Windsor, the proposed site development complies with the 'Residential District 3.3 (RD3.3)' regulations without modification to recognize site specific provisions.

It is therefore my professional opinion that a ZBA to establish the (RD3.3) zone regulatory framework for the subject lands meets the intent of the CZB for the City of Windsor.

7.0 SUMMARY

In my professional opinion, the requested Zoning Bylaw Amendment (ZBA) purports to apply 'Residential' specific regulatory framework to allow for an appropriate land use for the subject site.

The condominium buildings will provide for an alternative style and tenure of housing than the standard single detached residence within the mixed use and mixed density neighbourhood. The ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be developed as condo ownership providing for an alternative housing style and tenure while supporting a diversification of housing styles and tenures accommodating a healthy community. The condominium as infilling housing within an older residential neighbourhood with a mix of housing styles and densities that will provide alternative housing. In addition, the condo style and tenure of housing will provide the neighbours an alternative option for them to continue within their neighbourhood and to 'age in place' as a next stage housing alternative to their single detached residence.

In my professional opinion, the residential condominiums have been designed with respect for the existing adjacent residences and with the location of the buildings on the property, the orientation of the buildings, the beautiful design, separation spacing, extensive landscaping, provision of amenities and parking on site, and the medium profile aspect of the buildings will result in a suitable and compatible development within the existing neighbourhood.

The proposed residential condo development will support the rejuvenation of the existing neighbourhood; will provide for a compatible development as an infilling development; will provide an aesthetically pleasing development; will provide for alternative style and tenure of housing to assist the existing residents to age in place; will provide for an efficient and effective infilling and utilization of municipal services; and will provide for needed alternative residential housing style and tenure supporting the diversification of housing accommodation in the City of Windsor.

In my professional opinion, the requested ZBA makes sound planning and the necessary amendment is supportable.

7.2 CONCLUSION

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law, in my professional opinion the proposed Zoning By-law Amendment (ZBA) is consistent with policies of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is my professional opinion that the proposed Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report dated May 27, 2022.

In summation, the proposal conforms with the proposed Zoning Bylaw Amendment (ZBA) that will appropriately establish a regulatory framework under the 'Residential District 3.3 (RD3.3)' zone. The ZBA provides a regulatory framework to authorize for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested ZBA:

- 1) is consistent with the policies of the 2020 Provincial Policy Statements;
- 2) conforms with the established policy framework of the OP;
- 3) maintains the intent of the City of Windsor CZB and when the ZBA is passed, it will establish the regulatory framework required for the development to comply with the CZB;
- 4) makes sound planning.

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.



Jackie Lassaline BA MCIP RPP
Principal Planner

APPENDIX A: ZONING

9.2 GREEN DISTRICT 1.2 (GD1.2)

9.2.1 PERMITTED USES

Child Care Centre

Club

Private Park

Public Park

Any use accessory to the preceding uses

9.2.5 PROVISIONS

.2	Lot Area – minimum	1,850.0 m ²
.3	Lot Coverage – maximum	25.0%
.4	Building Height – maximum	
	<i>Lot having a lot area of less than 0.5 ha</i>	9.0 m
	<i>Lot having a lot area of 0.5 ha or more</i>	14.0 m

APPENDIX B:

12.3 RESIDENTIAL DISTRICT 3.3 (RD3.3)

12.3.1 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

12.3.5 PROVISIONS

- | | | |
|-----|--|------------------------------|
| .1 | Lot Frontage – minimum | 45.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> : | |
| | a) For the first 23 <i>dwelling units</i> | 1,825.0 m ² |
| | b) For each additional <i>dwelling unit</i> | 37.0 m ² per unit |
| | For any other <i>lot</i> : | |
| | c) For the first 19 <i>dwelling units</i> | 1,825.0 m ² |
| | d) For each additional <i>dwelling unit</i> | 45.0 m ² per unit |
| .3 | Lot Coverage – maximum | 35.0% |
| .4 | Main Building Height – maximum | |
| | <i>Corner Lot</i> | 30.0 m |
| | <i>Interior Lot</i> | 24.0 m |
| .8 | Landscaped Open Space Yard – minimum | 35.0% of <i>lot area</i> |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> | 225 units per ha |
| | For any other <i>lot</i> | 180 units per ha |
| .50 | A <i>Lodging House</i> for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the <i>Single Unit Dwelling</i> provisions of Section 10.1.5 and further, the whole of the <i>building</i> shall be used for a <i>Lodging House</i> , including any <i>accessory use</i> . [ZNG/5630] | |
| | (AMENDED by B/L 95-2019, Sept. 27/2019) | |
| .55 | An addition to an existing <i>Double Duplex Dwelling</i> , existing <i>Duplex Dwelling</i> , existing <i>Semi-Detached Dwelling</i> or an existing <i>Single Unit Dwelling</i> and any use accessory to the foregoing uses, shall comply with the provisions of Section 11.2.5. | |

OPEN HOUSE

MAY 10, 2022 | 5 PM – 7 PM

FOGOLAR FURLAN CLUB – WINDSOR HALL NORTH



We are hosting a community information meeting to discuss the proposed 387-unit multi-residential development at 1850 North Service Road (next to Fogolar Furlan Club).

You are invited to attend the open house to learn about the project. We will be there and will be happy to answer any of your questions.



HD development group

DESIGN | BUILD

**FOR MORE
INFORMATION REGARDING
THE OPEN HOUSE**

**PHONE:
519-966-6200**

**EMAIL:
info@HDdevelopmentgroup.com**

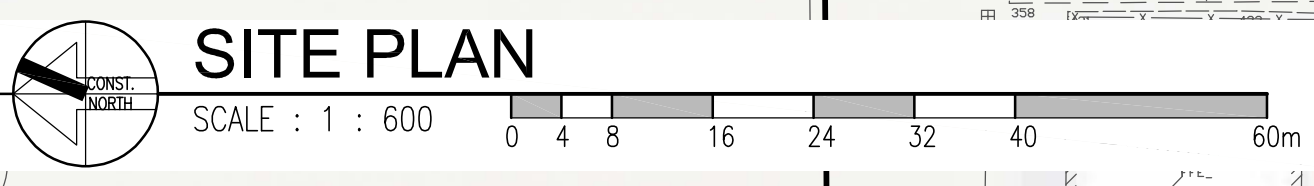
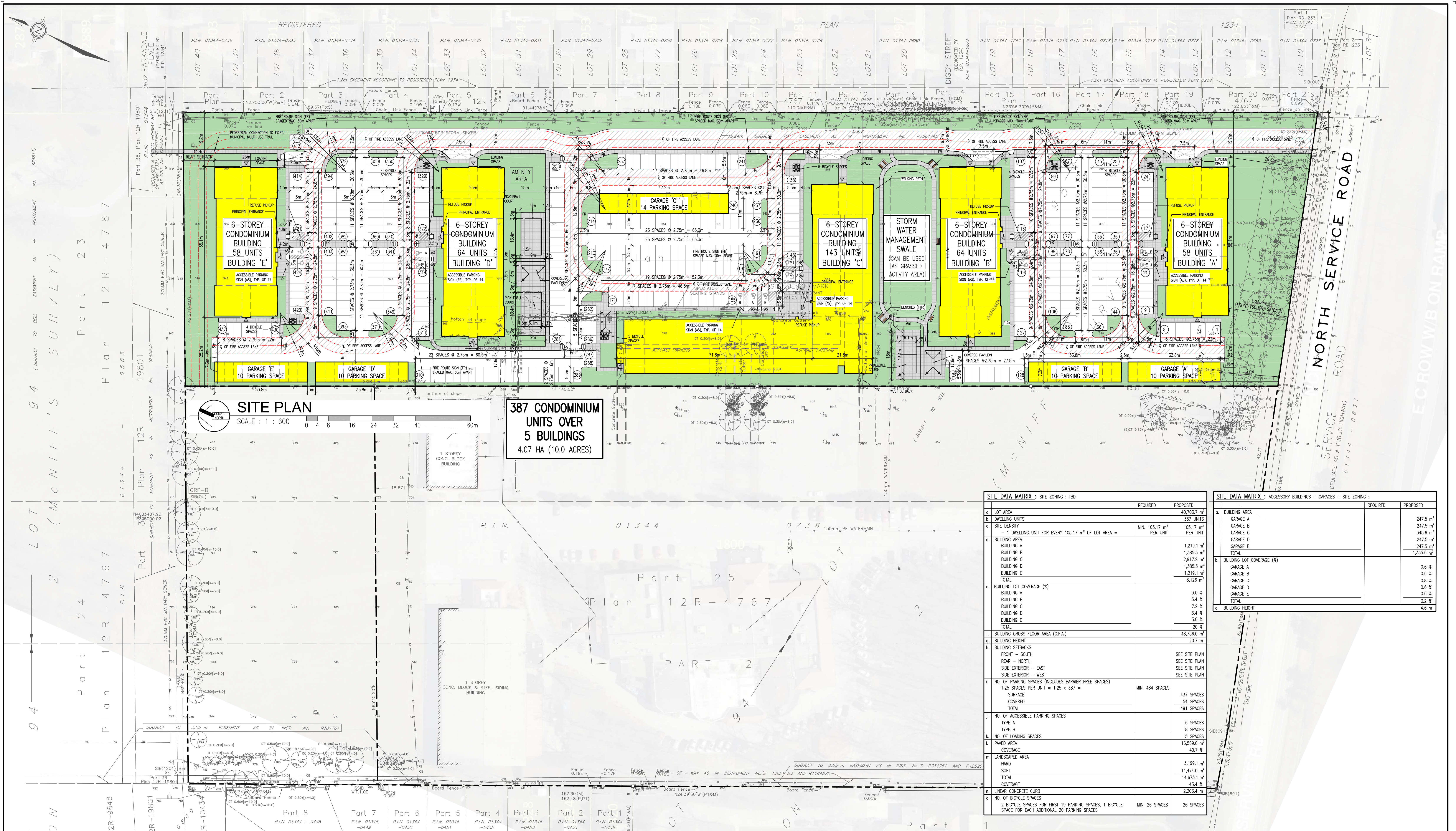
Fogolar Open House Attendant List - May 10th, 2022

#	Name	Address	Email	Phone Number
1	Y. HANLIN	1875 BUNG RD	San Jose Fogolar @ Sanjose.ca	519-941-1520
2	DEBORAH	2947 BUNG RD	DANA & DEBORAH GONZALES	519-250-3674
3	A. PETER OLSSON	2952 BUNG RD	PETER & ADELE OLSSON	519-265-0157
4	GUARDIAN SOCIETY	5365 OLD CREST	Historical.com	519-818-5100
5	PATRICIA MARTINEZ	8997 BUNG	patricia.martinez.a.young.ca	905-881-7171
6	BRUCE WILSON	774 WILSONWAY		519-998-1335
7	BRUCE WILSON			519-786-1891
8	LISA WELING	8927 BUNG	g.saltwateropereca.ca	519-666-0016
9	LISA WELING	8927 BUNG RD	l.weling@wateropereca.com	519-559-0816
10	LESLIE CRUTCHER	1945 GRAND MARISE	HELEN CRUTCHER	519-291-9644
11	SAI FURUA	1945 GRAND MARISE	S.FURUA@wateropereca.com	519-291-9644
12	MARGA CRUTCHER	3911 BUNG		519-296-2200
13	KERRY SHAW	2947 BUNG	kerryshaw@wateropereca.com	519-830-1008
14	STOLBY SARAH	2947 BUNG		519-966-6648
15	STOLBY SARAH	2947 BUNG		519-448-885
16	ANNONY WILSON	2993 BUNG RD		519-820-6235
17	DAN STEIGER	2993 BUNG RD		519-300-6235
18	MAURITEN RUDOWICZ	3027 BUNG RD		519-966-0583
19	ALICE LEATHER	3953 BUNG RD		519-946-0257
20	W. THOMAS	288 BUNG RD		
21	JIM M. JOHNSON	2920 GLENWOODS		
22	MIKE FOLE	2921 BUNG		519-516-7558
23	FRED WARSOW	2928 BUNG		
24	STANLEY WASSON	2928 BUNG RD		

Team
16
16
172-0485

Fogolar Open House Attendant List - May 10th, 2022

#	Name	Address	Email	Phone Number
24	Lynne Pronger	1141 St. Annis	lynn.pronger@quadco.ca	519-566-7188
25	Darrell Johnston	3015 Bymg		
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				



387 CONDOMINIUM UNITS OVER 5 BUILDINGS
4.07 HA (10.0 ACRES)

SITE DATA MATRIX - SITE ZONING: TBD		REQUIRED	PROPOSED
a. LOT AREA			40,703.7 m ²
b. DWELLING UNITS			387 UNITS
c. SITE DENSITY	- 1 DWELLING UNIT FOR EVERY 105.17 m ² OF LOT AREA =	MIN. 105.17 m ² PER UNIT	105.17 m ² PER UNIT
d. BUILDING AREA			
BUILDING A			1,219.1 m ²
BUILDING B			1,385.3 m ²
BUILDING C			2,917.2 m ²
BUILDING D			1,385.3 m ²
BUILDING E			1,219.1 m ²
TOTAL			8,126 m ²
e. BUILDING LOT COVERAGE (%)			
BUILDING A			3.0 %
BUILDING B			3.4 %
BUILDING C			7.2 %
BUILDING D			3.4 %
BUILDING E			3.0 %
TOTAL			20 %
f. BUILDING GROSS FLOOR AREA (G.F.A.)			48,756.0 m ²
g. BUILDING HEIGHT			20.7 m
h. BUILDING SETBACKS			
FRONT - SOUTH			SEE SITE PLAN
REAR - NORTH			SEE SITE PLAN
SIDE EXTERIOR - EAST			SEE SITE PLAN
SIDE EXTERIOR - WEST			SEE SITE PLAN
i. NO. OF PARKING SPACES (INCLUDES BARRIER FREE SPACES)			
1.25 SPACES PER UNIT = 1.25 x 387 =		MIN. 484 SPACES	
SURFACE COVERED			437 SPACES
TOTAL			54 SPACES
TOTAL			491 SPACES
j. NO. OF ACCESSIBLE PARKING SPACES			
TYPE A			6 SPACES
TYPE B			8 SPACES
k. NO. OF LOADING SPACES			5 SPACES
l. PAVED AREA			
COVERAGE			16,569.0 m ²
TOTAL			40.7 %
m. LANDSCAPED AREA			
HARD			3,199.1 m ²
SOFT			11,474.0 m ²
TOTAL			14,673.1 m ²
COVERAGE			43.4 %
n. LINEAR CONCRETE CURB			2,203.4 m
o. NO. OF BICYCLE SPACES			
2 BICYCLE SPACES FOR FIRST 19 PARKING SPACES, 1 BICYCLE SPACE FOR EACH ADDITIONAL 20 PARKING SPACES		MIN. 26 SPACES	26 SPACES

SITE DATA MATRIX - ACCESSORY BUILDINGS - GARAGES - SITE ZONING:		REQUIRED	PROPOSED
a. BUILDING AREA			
GARAGE A			247.5 m ²
GARAGE B			247.5 m ²
GARAGE C			345.6 m ²
GARAGE D			247.5 m ²
GARAGE E			247.5 m ²
TOTAL			1,335.6 m ²
b. BUILDING LOT COVERAGE (%)			
GARAGE A			0.6 %
GARAGE B			0.6 %
GARAGE C			0.8 %
GARAGE D			0.6 %
GARAGE E			0.6 %
TOTAL			3.2 %
c. BUILDING HEIGHT			4.6 m

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ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

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	2022/05/25 ZBA	

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project:
PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]
client:
HD DEVELOPMENTS
drawing title:
PROPOSED SITE PLAN

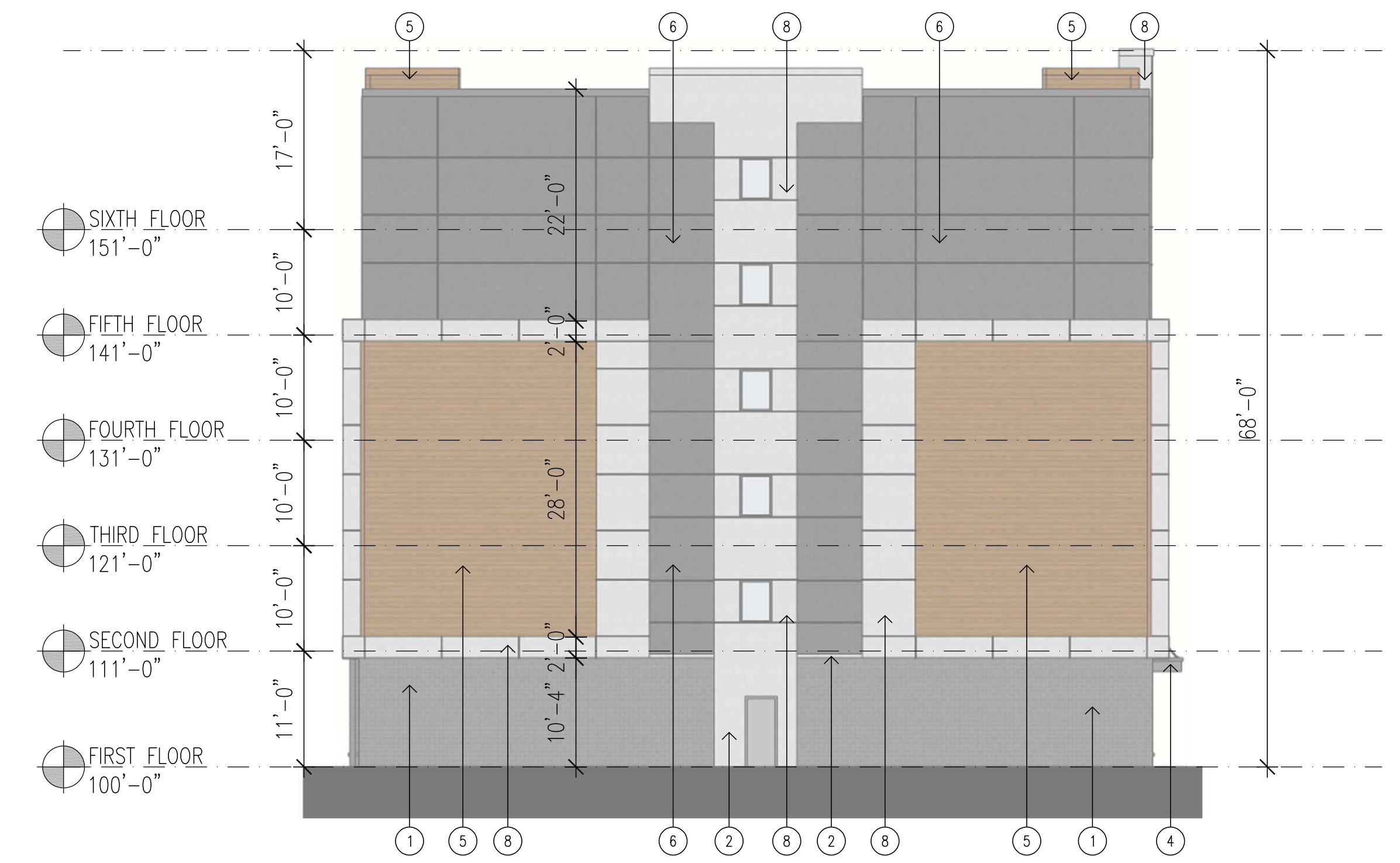
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checked by: SMB
date: MAY, 2022
comm. no.: 2021-062

sheet no.: **SPC 1.0**



FRONT ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



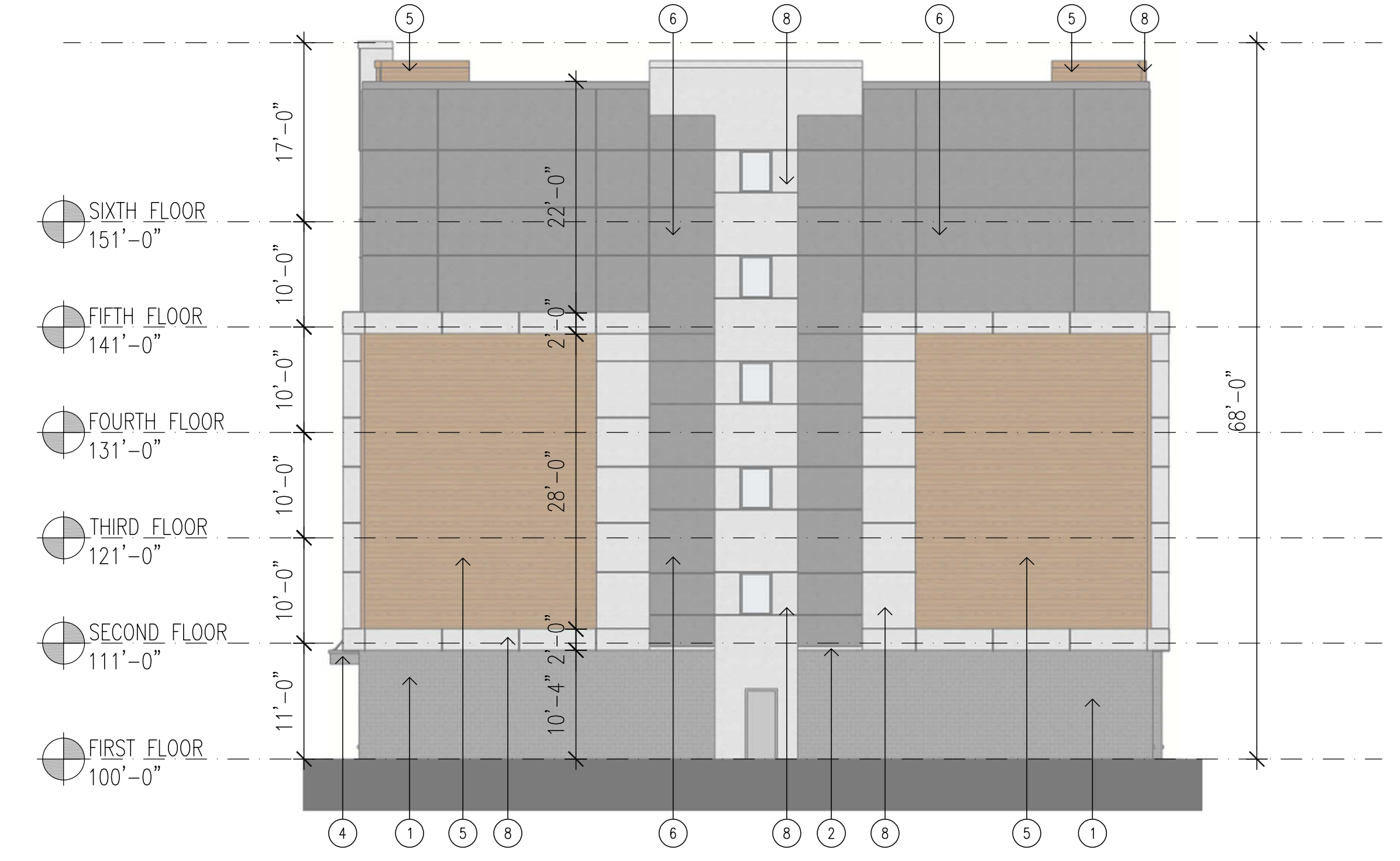
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SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



REAR ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



RIGHT ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



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FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

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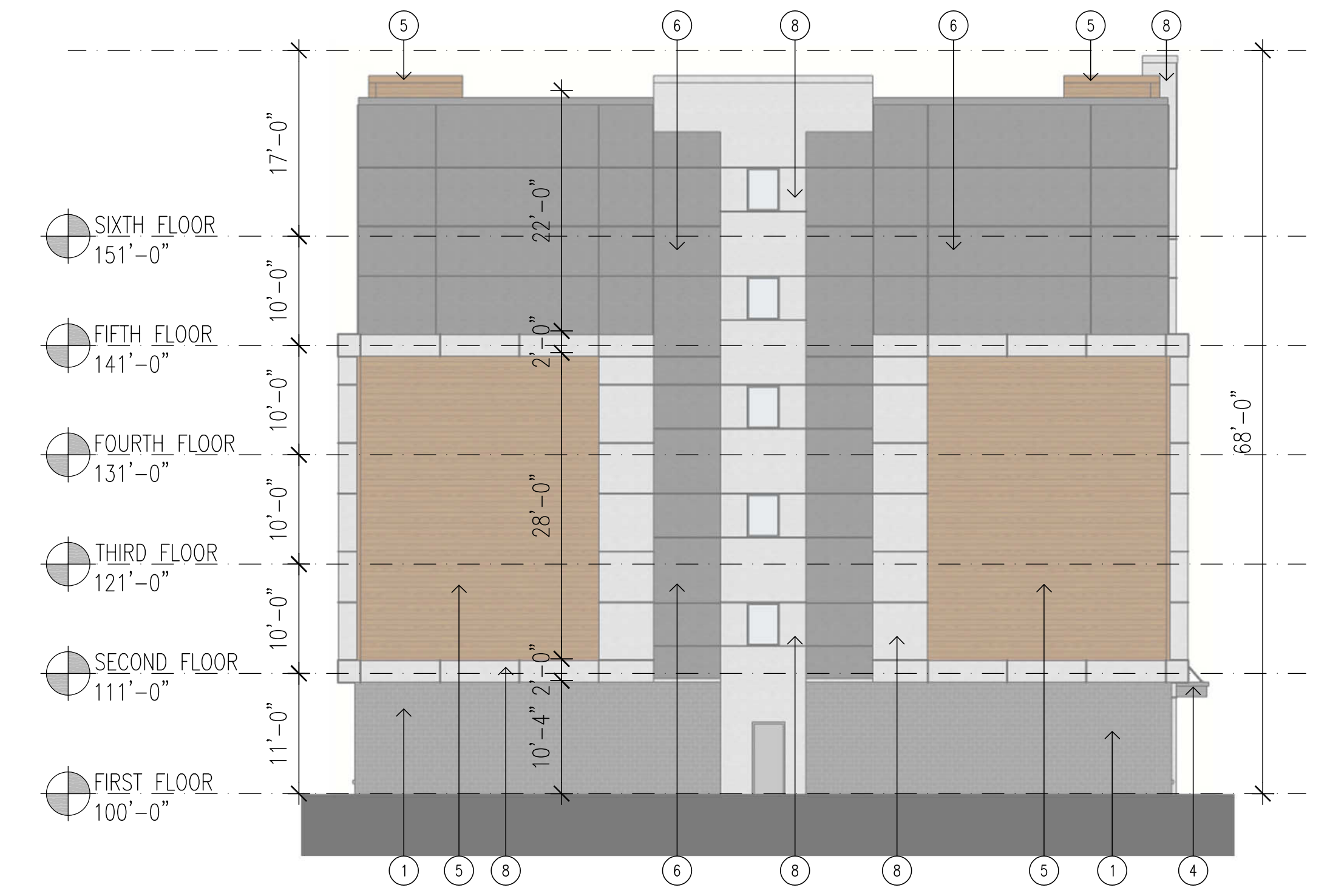
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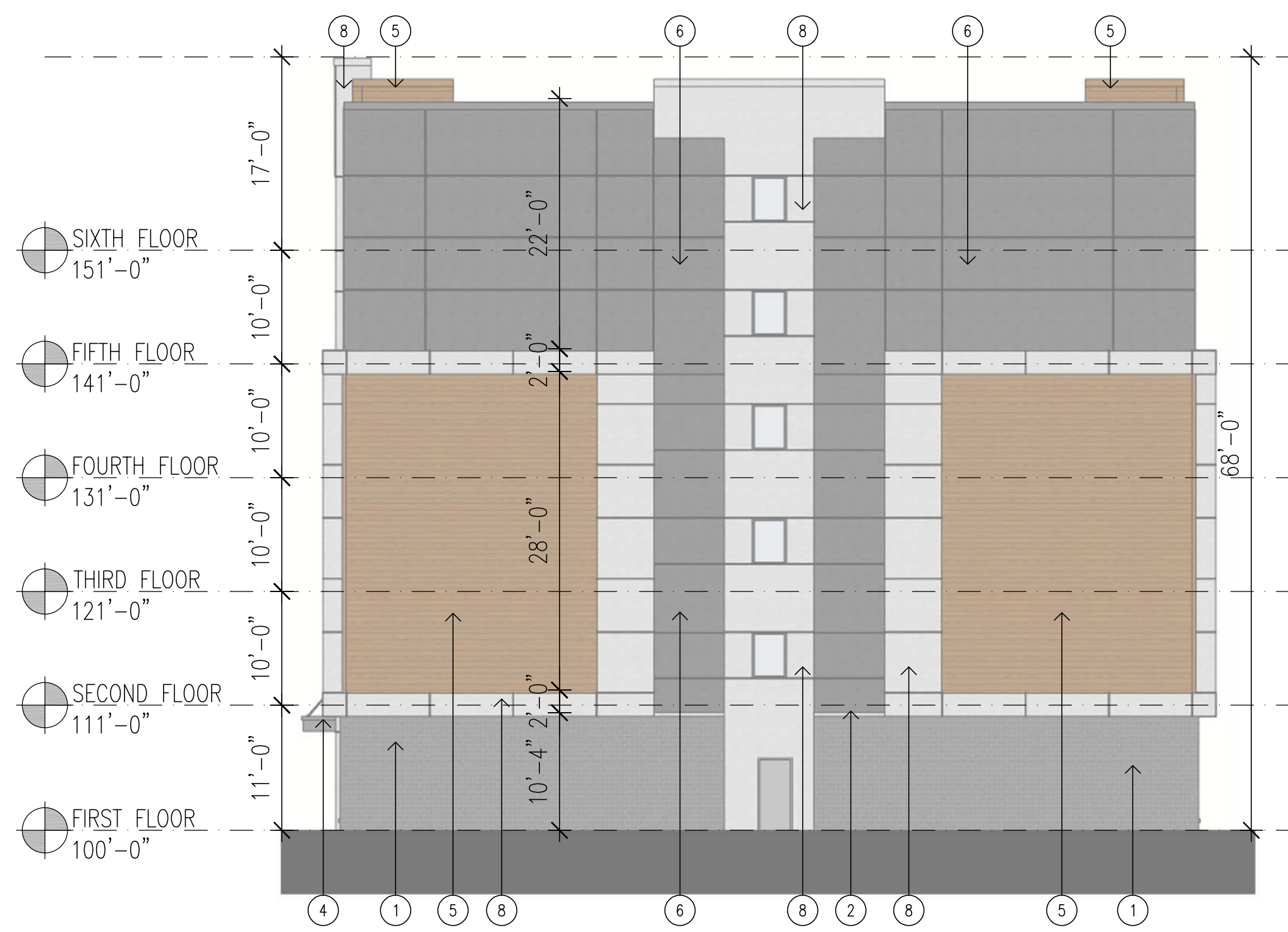
FRONT ELEVATION

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0 2 4 8 16 32 FEET



LEFT ELEVATION

SCALE : 3/32" = 1'-0"
0 2 4 8 16 32 FEET



RIGHT ELEVATION

SCALE : 3/32" = 1'-0"
0 2 4 8 16 32 FEET



REAR ELEVATION

SCALE : 3/32" = 1'-0"
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FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH WEST CORNER

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FRONT ELEVATION

SCALE : 3/32" = 1'-0"
 0 2 4 8 16 32 FEET



RIGHT ELEVATION

SCALE : 3/32" = 1'-0"
 0 2 4 8 16 32 FEET

EXTERIOR FINISH SCHEDULE		
IDEN. NO.	FINISH DESCRIPTION	COLOUR
①	BRICK	DARK GREY
②	PRECAST SILL	LIGHT GREY
③	CONCRETE BALCONY	LIGHT GREY
④	ACM	CHARCOAL
⑤	SIDING	
⑥	E.I.F.S. 01	CHARCOAL
⑦	E.I.F.S. 02	LIGHT GREY
⑧	E.I.F.S. 03	WHITE
⑨	ALUM./GLASS BALCONY GUARDRAIL SYSTEM	
⑩	SPANDREL PANEL	GREY

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project:

PROPOSED RESIDENTIAL DEVELOPMENT
 [ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

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date: MAY, 2022

comm. no.: 2021-062

sheet no.:

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REAR ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



LEFT ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET

EXTERIOR FINISH SCHEDULE		
IDEN. NO.	FINISH DESCRIPTION	COLOUR
①	BRICK	DARK GREY
②	PRECAST SILL	LIGHT GREY
③	CONCRETE BALCONY	LIGHT GREY
④	ACM	CHARCOAL
⑤	SIDING	
⑥	E.I.F.S. 01	CHARCOAL
⑦	E.I.F.S. 02	LIGHT GREY
⑧	E.I.F.S. 03	WHITE
⑨	ALUM./GLASS BALCONY GUARDRAIL SYSTEM	
⑩	SPANDREL PANEL	GREY

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project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING C - ELEVATIONS

scale: AS SHOWN

drawn by: TK

checked by: SMB

date: MAY, 2022

comm. no.: 2021-062

sheet no.:

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3.6



FRONT - NORTH WEST CORNER



FRONT - NORTH WEST CORNER



REAR - NORTH - FRONT ENTRANCE



REAR - SOUTH EAST CORNER

A architectural
D design
A associates inc. architect

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

stamp:

date (yyyy/mm/dd): issued for:

2022/05/25 ZBA

general notes:

1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
2. DRAWINGS SHALL NOT BE SCALED.
3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING C - RENDERS

scale:

drawn by: TK

checked by: SMB

date: MAY, 2022

comm. no.: 2021-062

sheet no.:

SPC
3.7

APPENDIX C - Extracts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

3.10 DEFINITIONS

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

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

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

YARD means an open space, which is located on the same *lot* as a *building* or other *structure*, and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by this by-law.

LANDSCAPED OPEN SPACE YARD means a *yard* used for *landscaped open space, patios, terraces, decks and pedestrian walkways*.

SECTION 9 - GREEN DISTRICTS 1 (GD1.)

9.2 GREEN DISTRICT 1.2 (GD1.2)

9.2.1 PERMITTED USES

- Child Care Centre*
- Club*
- Private Park*
- Public Park*
- Any use accessory to the preceding uses

9.2.5 PROVISIONS

.2	Lot Area – minimum	1,850.0 m ²
.3	Lot Coverage – maximum	25.0%
.4	Building Height – maximum	
	<i>Lot having a lot area of less than 0.5 ha</i>	9.0 m
	<i>Lot having a lot area of 0.5 ha or more</i>	14.0 m

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

12.3 RESIDENTIAL DISTRICT 3.3 (RD3.3)

12.3.1 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

12.3.5 PROVISIONS

- | | | |
|-----|---|------------------------------|
| .1 | Lot Frontage – minimum | 45.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> : | |
| | a) For the first 23 <i>dwelling units</i> | 1,825.0 m ² |
| | b) For each additional <i>dwelling unit</i> | 37.0 m ² per unit |
| | For any other <i>lot</i> : | |
| | c) For the first 19 <i>dwelling units</i> | 1,825.0 m ² |
| | d) For each additional <i>dwelling unit</i> | 45.0 m ² per unit |
| .3 | Lot Coverage – maximum | 35.0% |
| .4 | Main Building Height – maximum | |
| | <i>Corner Lot</i> | 30.0 m |
| | <i>Interior Lot</i> | 24.0 m |
| .8 | Landscaped Open Space Yard – minimum | 35.0% of <i>lot area</i> |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> | 225 units per ha |
| | For any other <i>lot</i> | 180 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 B/L 95-2019 Sept 27/2019)

- .55 An 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 foregoing uses, shall comply with the provisions of Section 11.2.5.

APPENDIX D - COMMENTS

CANADA POST - Bruno DeSando

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

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

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

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

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

CITY OF WINDSOR - ASSET PLANNING - Jennifer Nantais, Environmental & Sustainability Coordinator

The Environmental Sustainability and Climate Change team request an energy strategy.

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

Energy Conservation, Air Quality and Climate Change:

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

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

EV Charging

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

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

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

Landscaping

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

Windows

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

CITY OF WINDSOR - ENGINEERING DEPARTMENT - RIGHT-OF-WAY DIVISION - Amy Kurek, Technologist I

SEWERS – The site may be serviced by a 375mm PVC sanitary sewer located approximately 7m north of the northerly property line, and a 1200mm reinforced concrete pipe storm sewer located approximately 5m west of the easterly property line. Prior to any approvals, the owner shall provide a Servicing Study analyzing the capacity of the proposed outlets and analyzing the added impact based on the proposed development. Stormwater Management satisfying the requirements of the Windsor/Essex Region Stormwater Management Standards Manual shall be provided. This property is within the Conservation Authority's regulated area and as such, ERCA clearance is required. Existing connections shall be video inspected for proposed reuse at the cost of the Owner and utilized if possible in order to minimize work within the right-of-way. Any redundant connections shall be abandoned as per Best Practice BP 1.3.3.

RIGHT-OF-WAY – The Official Plan classifies North Service Road as a Class 2 collector road with a required right-of-way width of 26.2 m. North Service Road currently has a right-of-way width of 26.2 m, therefore; a land conveyance is not required. The owner will be required to provide cash contribution for the future construction of sidewalks and curb and gutter.

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

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

Development Agreement – The applicant(s) shall agree to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

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

Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to:

1. Construct at their own expense and according to City of Windsor Standard Specifications, a concrete curb and gutter along the entire North Service Road frontage of the subject lands. All work to be to the satisfaction of the Corporation's City Engineer; or
2. Pay to the Corporation, prior to the issuance of a construction permit, the sum of \$8,632.20 being the Owner's contribution towards the future construction of concrete curb and gutter on the frontage of the subject lands.

It will be up to the discretion of the City Engineer whether a cash contribution will be allowed in lieu of curb and gutter construction by the Owner.

Sidewalks -The owner(s) agrees, to:

1. Construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire North Service Road frontage of the subject lands. All work to be to the satisfaction of the City Engineer; or
2. Pay to the Corporation, prior to the issuance of a Building Permit, the sum of \$16,545.05 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Service Road frontage of the subject lands.

It will be up to the discretion of the City Engineer whether or not a cash contribution will be allowed in lieu of sidewalk construction by the Owner.

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

Sewer Easement – *Prior to the issuance of a construction permit*, the owner shall gratuitously convey to the Corporation a 6m wide easement on North Service Road and the northerly property line for the purposes of construction and/or maintenance.

**CITY OF WINDSOR - OPERATIONS DEPARTMENT - Anne Marie Albidone, Manager,
Environmental Services**

No concerns from Environmental Services

**CITY OF WINDSOR - PLANNING DEPARTMENT - HERITAGE PLANNING - Tracy Tang,
Planner II – Revitalization & Policy Initiatives**

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential. The Applicant is 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 Heritage, Sport, Tourism and Culture Industries (MHSTCI) 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 MHSTCI and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the MHSTCI.

Contacts:

Windsor Planning & Development 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

Windsor Police: 911

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI)

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

Ontario Ministry of Government & Consumer Services (MGCS)

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

CITY OF WINDSOR - PLANNING DEPARTMENT – LANDSCAPE ARCHITECT - Stefan Fediuk

Pursuant to the application for a zoning amendment (Z 021/22) to change the zoning from Green District 1.2 (GD1.2) to a Residential District 3.3 (RD3.3) with a site specific exception to allow a residential development on the subject, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback: Please include a site-specific zoning provision in conjunction with the amendment for change of permitted use, specifying preservation or enhancement of the existing earth berm and vegetative screening along the North Service Road frontage as a buffer for the condominium development from the E.C Row Expressway.

Tree Preservation: The Topographic plan of Survey and the Planning Rationale Report have identified the existing trees and that the existing trees located on top of the earth berm are to be preserved as part of the overall landscaping of the site. This effort is to be considered in the overall tree planting requirements of the Site Plan Control process.

Climate Change: The proposed site plan identifies a storm water management swale in the center of the development. Provision of Low Impact Design features (i.e. trees and shrubs) around the periphery of the SWM area will help to slow and reduce the amount of storm water runoff entering the SWM area, provide shade for the spectators and users of the proposed activity area, while helping to reduce the impacts of climate change.

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

CITY OF WINDSOR - PLANNING DEPARTMENT - SITE PLAN CONTROL - Jackie Cabral

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

CITY OF WINDSOR - TRANSIT WINDSOR - Jason Scott

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The closest existing bus stops to this property are located on Walker at Parkdale SW Corner and Walker at Digby SW Corner. They are approximately 350 metres and 475 metres away each. The one at Parkdale falls within the 400 metre walking distance guideline to a bus stop whereas the one at Digby doesn't. It would depend where on the property people are coming from to access the bus to determine if they would fall within that guideline or not. This will be maintained with our Council approved Transit Master Plan.

CITY OF WINDSOR - TRANSPORTATION PLANNING - Rania Toufeili, Policy Analyst

- North Service Road is classified as a Class II Collector Road with a required right-of-way width of 26.2 meters according to Schedule X. The existing right-of-way along the frontage of the subject property is sufficient, therefore, a conveyance is not required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
 - Driveway width must comply with AS-203 and AS-204 with straight flares.
 - Raised curbs are not allowed within the right-of-way.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- The applicant is to make a contribution towards the construction of sidewalks as required by Engineering Right-of-Way.
- All parking must comply with Zoning By-Law 8600.
- A Transportation Impact Study (TIS) has been received for this development. This study still needs to be reviewed and comments will be provided in a separate memo.

CITY OF WINDSOR - TRANSPORTATION PLANNING - Shannon Deehan, Transportation Planner I, & Jeff Hagan, Transportation Planning Senior Engineer

We have reviewed the Transportation Impact Study for the above-noted application "1850 North Service Road, Windsor, Transportation Impact Study" dated March 2022, by Matthew Brouwer (P. Eng.) of Paradigm Transportation Solutions Limited.

The report is satisfactory in its current form. Overall, the TIS establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.

ENBRIDGE – WINDSOR MAPPING

After reviewing the provided drawing at 1850 North Service Rd E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing is available for reference. *Please Note:*

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

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

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

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

ENWIN UTILITIES

Hydro Engineering: No Objection to Re-zoning.

However please note the following distribution and services:

- Overhead 120v street light duplex, adjacent to the south limit of the property
- Underground 120/240v triplex, at the southwest corner of the property

Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

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

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

ESSEX REGION CONSERVATION AUTHORITY (ERCA)

The following is provided as a result of our review of the Zoning By-Law Amendment Z-021/22 ZNG/6784.

Delegated Responsibility to Represent the Provincial Interest in Natural Hazards (PPS) and Regulatory Responsibilities of the Conservation Authorities Act

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

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

The municipal drain typically has an unregistered working space, and the municipality has the right to use it to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information. Furthermore, please contact our Water Resources Engineer, Tian Martin, at tmartin@erca.org to obtain any ERCA setback requirements from the drain.

Watershed Based Resource Management Agency

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

Section 1.6.6.7 PPS, 2020 - Stormwater Management

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

We request to be included in the circulation of the Site Plan Control and/or Plan of Condominium application. We reserve to comment further on stormwater management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage and/or Plan of Condominium process.

The Turkey Creek Watershed Hydrologic and Hydraulic Modeling study applies to this property.

Planning Advisory Service to Planning Authorities - Natural Heritage Policies of the PPS, 2020

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

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

Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

Final Recommendation

With the review of the background information provided and the aerial photograph, the ERCA advises that the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Specific building setbacks from a municipal drain are applicable for this site. Please contact your local municipality's drainage superintendent for more information. Furthermore, please contact our Water Resources Engineer, Tian Martin, at tmartin@erca.org to obtain any ERCA setbacks.

We request to be included in the circulation of the Site Plan Control and/or Plan of Condominium application. We reserve to comment further on stormwater management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage and/or Plan of Condominium process.

THIS IS A WRITTEN SUBMISSION
PERTAINING TO PROPOSED ZONING
CHANGE FOR 1850 NORTH SERVICE
ROAD (387 UNIT RESIDENTIAL PROJECT)

NO ZONING CHANGE SHOULD BE
ALLOWED ON THIS PROPERTY
WITHOUT TOTAL REDESIGN.

THE PROPOSAL HAS A 8 TO 9
TIMES DENSITY OF BING RD.

THE PROPOSAL HAS INSUFFICIENT
PARKING FOR NUMBER OF UNITS
PROPOSED.

THE PROPOSAL WOULD TOTALLY
CHANGE QUALITY OF LIFE FOR
ALL RESIDENCE OF BING RD.!

a) BACKYARD LIVING (ENJOYMENT)
FOR HOMES BACKING ONTO PROJECT

i) FROM OPEN SPORTS FIELDS
TO ASPHALT PARKING LOT.

ii) CLIMATE CHANGE IN
SUMMER DUE TO HEAT OF
ASPHALT AND INCREASED
DUST (POLLUTION).

iii) PRIVACY, DO TO HEIGHT
AND SCOPE OF PROPOSED
PROJECT.

iv) TRAFFIC AND PARKING, DO TO
~~THE~~ NUMBER OF UNITS AND LACK
OF PARKING ON SITE. THIS
WILL CREATE A HAZARDOUS
ENVIRONMENT FOR
PEDESTRIANS ON BTHM RD.

(3)

WILL ALSO CREATE A PARKING NIGHT-MARE ON BYNG RD. (NOW UNITS ON BYNG RD. AVERAGE 7 TO 8 SPOTS PER UNIT ^{MORE THAN} ONE OF WHICH IS A CLIMATE CONTROLLED UNIT (GARAGE).)

PARKING FOR PROPOSED PROJECTS WILL ONLY BE ONE PER UNIT, OF WHICH NONE WILL BE TOTAL CLIMATE CONTROLLED (UNDER GROUND AND ACCESSED WITHOUT GOING OUTSIDE)

THIS WILL LEAD TO PROJECT NOT BEING CONSIDERED ^{AS A} ~~TO BE~~ LUXURY CONDOS ^{PROJECT} AS ALLEGED.

TO ALLEVIATE STATED CONCERNS,
THE FOLLOWING IS REQUESTED.

1) A TRANSITION ZONE ON EAST
SIDE OF PROJECT CONSISTING OF
A ROW OF 4 TO 6 UNIT^{RACH} RAISED
RANCH STYLE CONDOS WITH GARAGES,
THESE^{UNITS} MAY FRONT OR ~~BE~~ BACK ONTO
BANK RD. UNITS.

2) AT LEAST 2 PARKING SPOTS
PER UNIT FOR ANY HIGH RISE
UNITS, WITH ONE BEING A
CLIMATE CONTROLLED UNIT (UNDER
GROUND OR 1ST FLOOR).

3) HIGH RISE UNITS NO MORE
4 LEVELS HIGH TO BETTER
FIT IN WITH EXISTING CHARACTER
OF AREA AND PRIVACY.

5

4) MAX. GREEN SPACE (w) GRASS
WATER, TREES, ETC

5) DENSITY OF PROJECT (PEOPLE)
MUST NOT BE GREATER THAN
4 TO 5 TIME THAT OF BANG RD.

//
IN SUMMATION, THIS PROJECT
AS PROPOSED IS IN NO WAY IN
CHARACTER WITH SURROUNDING
AREA:

1) DENSITY TOO HIGH (4 TO 5 TIMES)
MAX.

2) PARKING (AMOUNT & TYPE) NOT
TO LUXURY STANDARD (AS STATED);
WILL CREATE PARKING LOT ON
BANG RD AND HAZARDOUS
ENVIRONMENT FOR PEDESTRIANS.

①

3) QUALITY OF LIFE FOR BYNG RD.
WILL BE GRAVELY DETROMENTED
IF ALLOWED TO PROCEED AS
NOW DESIGNED.

PLEASE DO NOT ALLOW THIS
5 HEADED HYDRA TO BE
BUILT ~~TO~~ AS DESIGNED

YOURS TRULY,

ADRIANO

BERTOISSIO

* VERY CONCERNED RESIDENT
OF BYNG RD.

October 3, 2022
Development & Heritage Standing Committee
Item 7.1 – Written Submission

From: Maria Anzolin
Sent: September 30, 2022 3:37 PM
To: voteforjim22@outlook.com
Cc: clerks <clerks@citywindsor.ca>; Szymczak, Adam <aszymczak@citywindsor.ca>
Subject: RE: Development & Heritage Standing Committee (Monday, October 3, 2022) - Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10

(Re-sending to correct a few typos and to respond to your question)

Q: What was the reply by other candidates?

A: Not certain that I should be replying to this question, because each responded in a different manner (phone, in-person and/or in writing). Regardless, the other candidates did indicate that the existing residents deserve a proper consultation/engagement process now that the detailed material has been made available.

Dear Mr. Morrison,

Thank you for your reply to my message. I did not reply earlier because I wanted to review the report being submitted by the City of Windsor to the Committee on this proposal and I only accessed the documents yesterday evening further complicated by toadying being a holiday to commemorate the National Day for Truth and Reconciliation.

In reading the report by the City of Windsor's Administration, I am disappointed that the re-zoning of Z-021/22 ZNG/6784 is being endorsed by the City's Administration for review by Council. I respectfully suggest that this development requires further consideration. And, as indicated in my earlier message, I do not understand why the City of Windsor is allowed to conduct new business during an active election. Most governments adhere to "care-taking" practices during an election to respect the democratic process.

Given that the meeting is scheduled for Monday, October 3, 2022 at 4:30PM, I am emailing you my comments for you to consider as my representative for Ward 4. Due to my limited mobility, I cannot attend but wanted to make sure that I did not miss the opportunity to have my comments on record. I have copied the City in hopes that this message will be treated as an official request to be notified of the decision

In reviewing many of the documents, including the City's Official Plan and the Multi-Residential Interim Control By-law Study adopted by the Council, here are some key issues for consideration by you and other Committee members:

1) City of Windsor's Official Plan: The City's Plan cites that new developments should strengthen existing and future neighbourhood. The analysis pertaining to Z-021/22 ZNG/6784 focuses the impact on the future neighbourhood but fails to outline the impact on the existing neighbourhood. In fact, I was surprised to see that none of the material provided to the committee refers to the views by those currently residing in the neighbourhood. As you attended the public session, you know that the reaction was strongly against the proposal as it exists..

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor hold a proper public engagement session and not just an open house.

The City's site plan control is used to ensure that:

- developments are built and maintained in the way that council approved
- new developments meet certain standards of quality and appearance
- there is safe and easy access for pedestrians and vehicles
- the appearance and design features of buildings, and their sustainable design, are satisfactory
- there is adequate landscaping and drainage
- nearby properties are protected from incompatible development.

2) "Incompatible development": The City's Plan makes numerous reference to "compatibility" with that any new developments must take into account the existing neighbourhood. Here is where I think the analysis provided to Committee members is weak (if not negligent). While many can argue "compatibility" is subjective, I will argue that there several areas that provide clear evidence of incompatibility and thus the Administration should recommend that the Developer undertake additional due diligence.

The City's Official Plan cites through Policies 3.2.1.1 and 3.2.1.3 the importance of walkable neighbourhood centres and importance of retaining distinctive character within existing neighbourhoods. I think the impact on these two elements was not properly considered within the proposal nor through the assessment by the City Administration. As an example, a single copy of the "transportation study" was available at the open house but residents were not provided any detailed information for further review despite having made requests. In quickly reviewing the transportation study (that evening at the open house) in a cursory manner, the study did **NOT** conduct an assessment of the impact of traffic on Byng Road - the road that is likely to be impacted most. Similarly, the study does not take into account the impact of increased traffic on Walker Road with the increase in production at the Windsor Assembly Plant

within a short period of time. Nor did the analysis refer to the distinctive nature of the existing neighbourhood – a quiet, green neighbourhood.

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor conduct an impact analysis of transportation on Byng Road and provide a copy of the revised assessment to residents on Byng Road.

3) Multi-Residential Interim Control By-law: Adopted by Council in June 2022, the Infill Design Guidelines provide further direction for the design of infill development that respect the unique character of Windsor's existing neighbourhoods. In reviewing, I found reference to townhouses but not large apartment/condo buildings. Suggesting that the focus should be townhouses and not apartment buildings. Of further note, the by-law indicates that buildings should be no more than three storeys of building height (height will depend on the height of housing in the immediate vicinity of the development). These references suggest that one 6-storey building is incompatible, imagine five, 6-storey buildings!

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor should engage with existing residents to discuss possible mitigation measures to promote compatible development!

This enormous building proposal is NOT compatible with the existing quiet neighbourhood. I respectfully request that more analysis is needed to understand how the area can safely accommodate a new development that is five-fold the size of the existing neighbourhood in a relatively closed ecosystem. I submit it cannot but we deserve the respect of having a proper discussion and not just an open house.

I hope, as you wrote, that you will represent views of the existing neighbourhood. This is an important issue to me and my neighbours. The demise of an existing neighbourhood needs to be carefully assessed and MUST involve the voices of existing residents and NOT just the wallets of the developers!

Yours respectfully,

Maria

PS: Thank you for the update on Udine Park. The addition of lights is a great step in making the area more secure. As per my messages, I think proper cleaning (removal of dead or decaying trees and de-thinning of the trees along the creek is also required.

From: [MARIA ANZOLIN](#)

Sent: September 30, 2022 12:35 PM

To: voteforjim22@outlook.com

Cc: [clerks](#); [aszymczak](#)

Subject: Development & Heritage Standing Committee (Monday, October 3, 2022) - Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10
Importance: High

Dear Mr. Morrison,

Thank you for your reply to my message. I did not reply earlier because I wanted to review the report being submitted by the City of Windsor to the Committee on this proposal. Unfortunately, I am disappointed that a recommendation to go ahead is being submitted to Council. I respectfully suggest that this development requires further consideration. And, as indicated in my earlier message, I do not understand why the City of Windsor is allowed to conduct new business during an active election. Most governments adhere to "care-taking" practices during an election to respect the democratic process.

Given that the meeting is scheduled for Monday, October 3, 2022 at 4:30, I am emailing you my comments for you to consider as my representative for Ward 4. Due to my limited mobility, I cannot attend but wanted to make sure that I did not miss the opportunity to have my comments on record. I will also submit a request to be notified of the decision. However, the (expedited) deadline for doing so was yesterday because of the commemoration of the National Day for Truth and Reconciliation.

In reviewing many of the documents, including the City's Official Plan and the Multi-Residential Interim Control By-law Study adopted by the Council, here are some key issues for consideration by you and other Committee members:

1) City of Windsor's Official Plan: The City's Plan cites that new developments should strengthen existing and future neighbourhood. The analysis focus the impact on the future neighbourhood but fails to outline the impact on the existing neighbourhood. In fact, I was surprised to see that none of the material provided t the committee refers to the views by those currently residing in the neighbourhood. As you attended the public session - unfortunately I did not see you there - you know that the reaction was strongly against the proposal as it exists.

- **Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor hold a proper public engagement session and not just an open house.**

The City's site plan control is used to ensure that:

- developments are built and maintained in the way that council approved
- new developments meet certain standards of quality and appearance
- there is safe and easy access for pedestrians and vehicles

- the appearance and design features of buildings, and their sustainable design, are satisfactory there is adequate landscaping and drainage
- nearby properties are protected from incompatible development.

2) "Incompatible development": The City's Plan makes numerous reference to "compatibility" with the existing neighbourhood. Here is where I think lies the issue for greatest disagreement. And, while many can argue "compatibility" is subjective, I will argue that there are several areas that need to be studied with greater rigour. The City's Official Plan cites through Policies 3.2.1.1 and 3.2.1.3 the importance of walkable neighbourhood centres and importance of retaining distinctive character within existing neighbourhoods. I think the impact on these two elements was duly considered within the proposal nor the assessment by the City Administration. As an example, a copy of the "transportation study" was available at the open house but residents were not provided any detailed information despite having made requests. In reviewing the transportation study in a cursory manner at the open house, the study DID not conduct an assessment of the impact of traffic on Byng Road - the road that is likely to be impacted most. Similarly, the study does not take into account the impact of traffic on Walker Road with the increase in production at the Windsor Assembly Plant.

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor conduct an impact analysis of transportation on Byng Road and provide a copy of the revised assessment to residents on Byng Road.

3) Multi-Residential Interim Control By-law: Adopted by Council in June 2022, the Infill Design Guidelines provide further direction for the design of infill development that respect the unique character of Windsor's existing neighbourhoods. In reviewing, I found reference to townhouses but not large apartment/condo buildings. Suggesting that the focus should be townhouses and not apartment buildings. Of further note, the by-law indicates that buildings should be no more than three storeys of building height (height will depend on the height of housing in the immediate vicinity of the development).

Recommendation: Prior to making any decision on the proposal, it is recommended that the developers, along with representatives of the City of Windsor should engage with existing residents to discuss possible mitigation measures to promote compatible development!

As mentioned in my earlier correspondence, I do not understand how an enormous building proposal is compatible with the existing quiet neighbourhood. Moreover, more analysis is needed to understand how the area can safely accommodate a new development that is five-fold the size of the existing neighbourhood in a relatively closed ecosystem.

I hope, as you wrote, that you will represent review of the existing neighbourhood. This is an important issue to me and my neighbours. The

demise of an existing neighbourhood needs to be carefully assessed and MUST involve the voice of existing residents and just the wallets of the developers!

Yours respectfully,

Maria

PS: Thank you for the update on Udine Park. The addition of lights is a great step in making the area more secure. As per my messages, I think proper cleaning (removal of dead or decaying trees and de-thinning of the trees along the creek is also required.

October 3, 2022
Development & Heritage Standing Committee
Item 7.1
Written Submission

From: Moe R.
Sent: September 13, 2022 2:48 PM
To: clerks <clerks@citywindsor.ca>
Subject: File ZNG/6784 Z-021/22

I propose traffic calming in this neighborhood specifically Byng Road by making Parkdale a dead end at Byng Road (see below). This has been successful in other areas eg Remington Park & Roseland. At present Byng Road is used as a short cut from Walker Road to North Service Road - with the increased traffic with the proposed development we will desperately need traffic calming measures- please consider this proposal.

Thank you,

Maureen Rudowicz Byng Road



Subject: Additional Information Memo to S 105/2022 - Ward 10

Reference:

Date to Council: December 5, 2022
Author: Adam Szymczak, MCIP, RPP
Senior Planner
519-255-6543 x6250
aszymczak@citywindsor.ca

Planning & Building Services
Report Date: November 14, 2022
Clerk's File #: Z/14429

To: Mayor and Members of City Council

Additional Information:

Re: Rezoning – HD Development Group – 1850 North Service Road – Z-021/22
ZNG/6784 - Ward 10 S 105/2022

At the October 3, 2022 meeting of the Development & Heritage Standing Committee (DHSC) deferred the application:

*THAT the report of the Senior Planner dated August 25, 2022 entitled "Rezoning – HD Development Group – 1850 North Service Road – Z-021/22 ZNG/6784 - Ward 10" **BE DEFERRED** to a future meeting of the Development & Heritage Standing Committee to allow for additional information related to the traffic study and Byng Road to be provided.*

This Additional Information Memo provides the information requested in the motion.

Attached as an Appendix to this memo is a Transportation Impact Study Addendum prepared by Matt Brouwer, P.Eng, Senior Project Manager, Paradigm Transportation Solutions Limited and dated October 26, 2002. The TIS Addendum notes that prior to submitting the Transportation Impact Study (TIS):

"... the scope of the analysis was discussed with and approved by City of Windsor Staff. The intersection of North Service Road and Byng Road was not identified as an intersection to be studied."

As part of the circulation of the rezoning application to municipal departments and external agencies, Transportation Planning Services provided the following comment:

“The report is satisfactory in its current form. Overall, the TIS establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.”

Regarding Byng Road, the TIS Addendum notes that while there is a possibility that vehicles could use Byng Road, the likelihood is low, as Byng Road is a longer route. It is further noted that *“using Byng Road as a “cut-through” route to access Walker Road is not a likely outcome for traffic generated by the subject development”*. Transportation Planning Services reviewed the TIS Addendum and had no concerns.

The staff recommendations in Report S 105/22 to approve an amendment to Zoning By-law 8600 and provide direction to the Site Plan Approval Officers remain unchanged and are as follows:

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

Approvals:

Name	Title
Adam Szymczak	Senior Planner
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Chief Administration Officer

Appendices:

- 1 Transportation Impact Study Addendum

2022-10-26
Project: 210752

Steve Habib
HD Development Group
5335 Outer Drive
Oldcastle ON N9G 0C4

Dear Mr. Habib:

**RE: 1850 NORTH SERVICE ROAD TRANSPORTATION IMPACT STUDY ADDENDUM
IMPACT ON BYNG ROAD**

The Transportation Impact Study (TIS) for the proposed development located at 1850 North Service Road was completed in March 2022. Questions regarding the potential impact on Byng Road have been asked. This letter addendum will address those potential impacts.

Before the TIS commenced, the scope of the analysis was discussed with and approved by City of Windsor staff. The intersection of North Service Road and Byng Road was not identified as an intersection to be studied. Turning movement counts were not collected at that intersection and therefore, the current volumes on Byng Road are not available for analysis.

The concern regarding Byng Road is that vehicles would use Byng Road and Parkdale Place to access Walker Road for trips to/from the north, instead of North Service Road, Turner Road, and Digby Street.

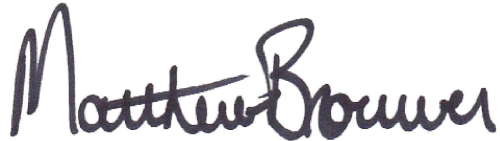
The only trips that would have potential to use Byng Road would be trips heading to / from the north on Walker Road. The other origin / destinations (south on Walker Road, south via Conservation Drive, and West via Grand Marias Road East) for trips from the subject development would not use Byng, as it does not serve trips taken in those directions. According to the estimated trip distribution, trips to / from the north on Walker Road will account for 20% of trips from the subject development.

While it is possible that a vehicle would use the Byng Road, instead of continuing on North Service Road, as drivers are free to use any public road they wish, the likelihood of using Byng Road is low, as it is a longer route. **Figure 1** shows the comparison of the two routes. Using Byng Road as a “cut-through” route to access Walker Road is not a likely outcome for traffic generated by the subject development.

If a condition of cut-through traffic or speeding exists on Byng Road, the City of Windsor could undertake a traffic calming study to identify any issues and potential solutions.

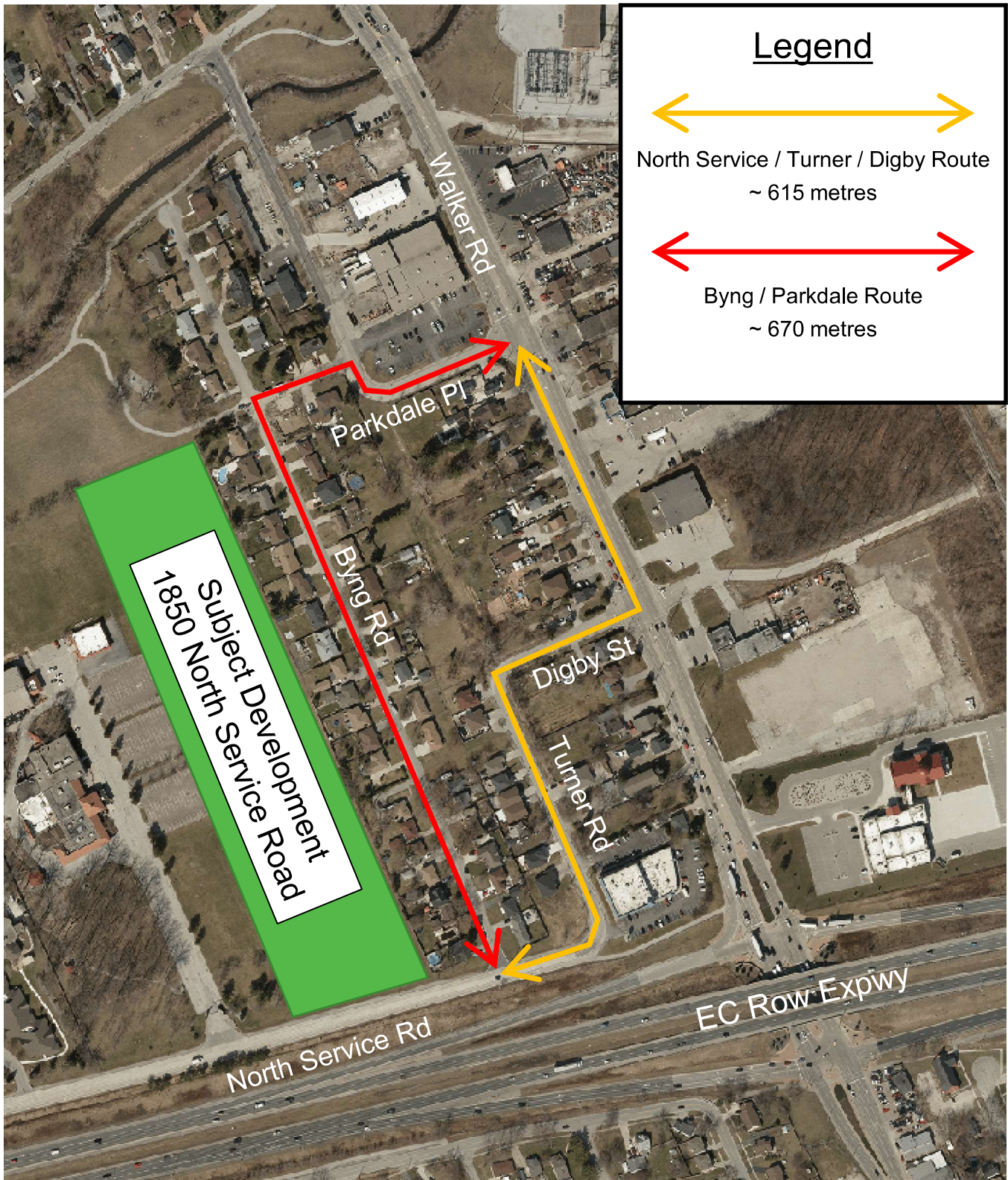
Yours very truly,

PARADIGM TRANSPORTATION SOLUTIONS LIMITED



Matt Brouwer
P.Eng.
Senior Project Manager





Route Alternatives for Trips To / From North on Walker Road

Item No. 8.1



Committee Matters: SCM 303/2022

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

Development & Heritage Standing Committee Meeting

Date: Tuesday, November 1, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Bulmer

Member Foot

Member Fratangeli

Member Gyemi

Member Miller

Member Moore

Members Regrets

Member Baker

Member Rondot

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

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Marianne Sladic

Sandra Gebauer, Council Assistant

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

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ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

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

Delegations—participating via video conference

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

Delegations—participating in person

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

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See item 7.4.

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Development & Heritage Standing Committee
Tuesday, November 1, 2022

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4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

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

Moved by: Member Foot

Seconded by: Councillor Morrison

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

Carried.

Report Number: SCM 279/2022

10. HERITAGE ACT MATTERS

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

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

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

Moved by: Councillor Holt

Seconded by: Member Foot

Decision Number: **DHSC 442**

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

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Development & Heritage Standing Committee Tuesday, November 1, 2022

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

Carried.

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

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

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

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

5. ADOPTION OF THE *PLANNING ACT* MINUTES

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

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

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

Carried.

Report Number: SCM 285/2022

Minutes

Development & Heritage Standing Committee
Tuesday, November 1, 2022

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7. PLANNING ACT MATTERS

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

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

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

Carried.

Report Number: S 124/2022

Clerk’s File: Z/14428

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

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 439**

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

Front Yard Depth- Minimum 4.0 m

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

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

Carried.

Report Number: S 126/2022

Clerk’s File: Z/14431

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

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

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 440**

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

4XX. SOUTHEAST CORNER OF SEMINOLE STREET AND WESTCOTT ROAD

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

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

[ZDM11; ZNG/6783]

Carried.

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

Report Number: S 122/2022

Clerk's File: Z/14457

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

Moved by: Councillor Gill

Seconded by: Member Gyemi

Decision Number: **DHSC 441**

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

431. SOUTHEAST CORNER OF WYANDOTTE STREET EAST AT FORD BOULEVARD

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

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

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

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[ZDM10; ZNG/6794]

Carried.

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

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

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

11. ADMINISTRATIVE ITEMS

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

Kevin Miller, Agent for Owner

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

Richard Hallet, Applicant

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

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

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

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Moved by: Councillor Sleiman

Seconded by: Councillor Morrison

Decision Number: **DHSC 443**

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

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Development & Heritage Standing Committee Tuesday, November 1, 2022

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- VI. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

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

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

Frank Pugliese, Area Resident

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

Moved by: Councillor Morrison
Seconded by: Councillor Holt

Decision Number: **DHSC 444**

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

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

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- III. THAT the Applicant/Owner **PRIOR TO** the conveyance of the 5.49 metre wide east/west alley located between Olive Road and the property known municipally as 4850 Seminole Street (legally described as Part of Lots 270 & 480 and Part of Closed Alley, Plan 1063; Parts 3 & 4, Plan 12R-20195), and shown on Drawing No. CC-1800 *attached* hereto as Appendix "A", **OBTAIN** a Driveway Permit to complete and maintain the Olive Road right-of-way to City of Windsor Standard Engineering Drawing AS-222.
- IV. THAT Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of The City of Windsor by an Ontario Land Surveyor.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1800, *attached* hereto as Appendix "A".
- VI. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

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

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

Robert Talford, Area Resident

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

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

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

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Decision Number: **DHSC 445**

- I. THAT the 192.9 metre portion of the north/south alley located between Reginald Street and the property known municipally as 1527 Albert Road (legally described as Lot 8, Plan 803), and shown on Drawing No. CC-1802 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 192.9 metre portion of the north/south alley located between Reginald Street and the property known municipally as 1527 Albert Road (legally described as Lot 8, Plan 803), and shown on Drawing No. CC-1802 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. Enbridge Gas to protect existing infrastructure;
 - iii. EnWin Utilities Ltd to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line; and
 - iv. MNSi for existing aerial infrastructure.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.3: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of The City of Windsor by an Ontario Land Surveyor; and
 - b. For alley conveyed to abutting lands zoned ID1.1: \$2.50 per square foot without easements and \$1.25 per square foot with easements, plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of The City of Windsor by an Ontario Land Surveyor.
- IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1802, *attached* hereto as Appendix "A".
- V. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 119/2022

Clerk's File: SAA2022

Minutes

Development & Heritage Standing Committee Tuesday, November 1, 2022

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12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

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

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

14. ADJOURNMENT

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

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services



Subject: Subject: Closure of east/west alley between Aubin Road and north/south alley between Seminole Street and Reginald Street, Ward 5, SAA-6751

Reference:

Date to Council: December 5, 2022
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181

Planning & Building Services
Report Date: November 7, 2022
Clerk's File #: SAA2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 4.27 metre wide east/west alley located between Aubin Road and the north/south alley located between Seminole Street and Reginald Street, and shown on Drawing No. CC-1812 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the 4.27 metre wide east/west alley located between Aubin Road and the north/south alley located between Seminole Street and Reginald Street, and shown on Drawing No. CC-1812 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the owner of the property known municipally as 1590 Aubin Road (legally described as Part of Lots 38 to 41, Plan 1340), in a manner deemed appropriate by the City Planner;
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1812, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City

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

Executive Summary:

N/A



Figure 1 - Location Map

Background:

The applicant, Greg Hryniw, owner of the property known municipally as 1590 Aubin Road (the subject property), applied to close the 4.27 metre wide east/west alley located between Aubin Road and the north/south alley located between Seminole Street and Reginald Street (the alley), and shown on Drawing No. CC-1812 **attached** hereto as **Appendix "A"**, and also shown on the aerial photo **attached** hereto as **Appendix "B"**.

The alley is unmaintained, composed primarily of grass and concrete, and includes a curb cut off of Aubin Road. The alley contains a wood privacy fence separating the rear yards of 1582 Aubin Road and the subject property, together with a shed covered in vines, concrete driveway and concrete patio belonging to the subject property. The Public Works Operations Department issued an Order to Comply (File No. VPW 22-111757) on February 15, 2022 for the removal of the aforesaid encroachments.

The subject property contains a Single Family Dwelling which was constructed between 1957 and 1958 with Building Permit 57 B 8637, issued on December 9, 1957 and completed on October 17, 1958.

The alley has contained a driveway for the subject property, privacy fence separating the rear yards of 1582 Aubin Road and the subject property, and been utilized as a rear yard for 1582 Aubin Road and the subject property since at least 1969 (Refer to Figures 1 through 4 below).

The City issued a Driveway Permit (File No. 87PW004819) for the subject property on August 18, 1987, which was completed on September 30, 2010.

Figure 1 - 1969 Aerial Photo



Figure 2 - 1977 Aerial Photo

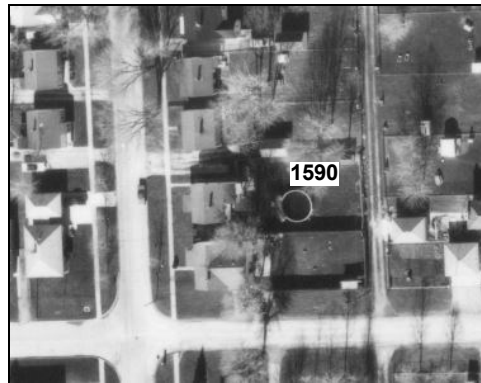


Figure 3 - 1987 Aerial Photo



Figure 4 - 1996 Aerial Photo



The applicant wishes to close the alley for the purpose of conforming to the aforesaid Order to Comply.

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 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 properties fronting on heavily traveled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The alley does not contain any sewers.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The alley does not serve as the only vehicular means of access to any rear parking areas or garages.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The 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 owner of the subject property be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the entire width of the alley to the owner of the subject property. In this case, the Planning Department is deviating from the City’s standard manner of conveyance of offering abutting property owners first right to purchase their half of the alley. This adjustment is necessary and Administration often makes a recommendation to convey the entire width of an alley to a single property owner under specific circumstances such as this one. It is necessary in this

application so as to address the long standing encroachments and recognize the aforesaid driveway permit issued to the subject property.

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 lands zoned RD1.2 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

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 on April 29, 2021, with no correspondence being received as of the date of writing this report.

Email was issued to the owner of 1582 Aubin Road on November 10, 2022, requesting confirmation on whether they support the Planning Department’s recommendation. The owner, via November 14, 2022 email and phone conversation, confirmed that they have no objection to this recommendation. (Email correspondence *attached* hereto as **Appendix “F”**)

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

Conclusion:

The Planning Department recommends closure of the east/west alley shown on attached Appendix “A”, as in Recommendation II of this report.

The closed alley is to be conveyed to the owner of the property known municipally as 1590 Aubin Road, as in Recommendation II this report.

Planning Act Matters:

Brian Nagata, MCIP, RPP
Planner II - Development

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

Michael Cooke, MCIP, RPP
Manager of Policy Planning

Thom Hunt, MCIP, RPP
City Planner

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

JP *OC*

Approvals:

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

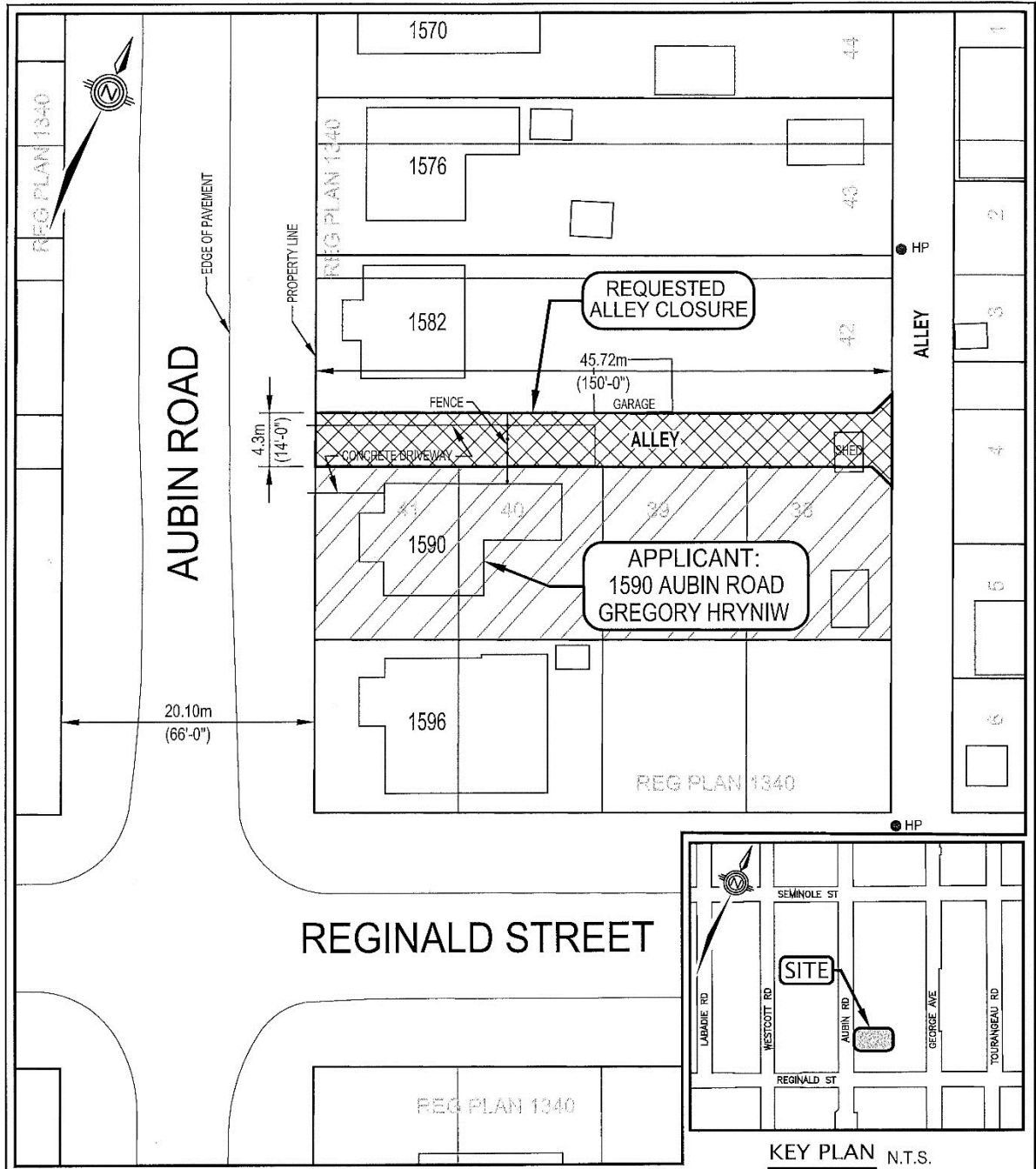
Notifications:

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

Appendices:

- 1 Appendix A - Drawing No. CC-1812
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - Correspondence with 1582 Aubin Road

APPENDIX "A"
Drawing No. CC-1812



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Proposed Closure of East/West Alley Between Aubin Road and George Avenue,
 South of Seminoles Street, North of Reginald Street

Kirk Tamm
 Kirk Tamm, Manager of Geomatics

SCALE: 1:400	DATE: MAY 2022	REVISED:
DWN BY: DB	CHKD BY: PJU / MM	REVISION NO.:

DWG. NO.
 CC-1812

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6751)

1:750

APPLICANT : GREG HRYNIW

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: APRIL, 2022



APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

No comments provided

CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No objection, provided the N/S alley from Reginald to Seminole remains intact.

[Nathan Short, Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

For lands abutting RD1.2, \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

[Chris Carpenter, Coordinator of Real Estate Services]

MNSi

MNSi does not require an easement through the subject lands.

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

No comments provided

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objection from a Landscape Architectural perspective

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject alley closure is approximately 4.27 m (14 feet) wide, and is composed of concrete and grass. There are no sewers, manholes, catch basins, wooden hydro poles, guy-wires, or overhead wires located in the alley closure. There is a wooden fence and shed obstructing the alley belonging to 1590 Aubin Road. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.

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

PUBLIC WORKS - TRAFFIC

No comments provided

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

No comments provided

TRANSPORTATION PLANNING

No objections for the proposed closure.

[Shannon Deehan, Transportation Planner]

TRANSIT WINDSOR

No comments provided

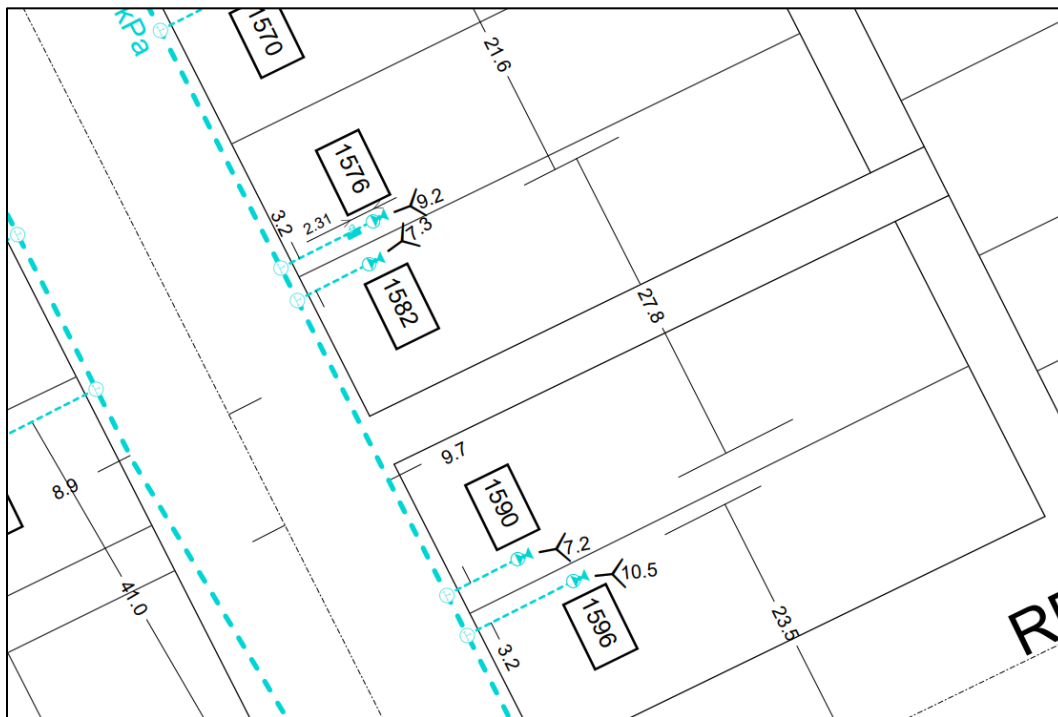
UNION GAS

After reviewing the provided drawing at 1582 Aubin and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

[Jose Dellosa, Drafter Estimator]

**WINDSOR FIRE**

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of east/west alley. The end result from this closure will not affect the ability of the police to provide incident response or other service delivery activities to the surrounding properties.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (June 29, 2022)



Figure 1 - Looking east towards alley from Aubin Road (1590 Aubin Road on right)



Figure 2 - Looking east towards alley from Aubin Road (1582 Aubin Road on left)



Figure 3 - Alley looking east from Single Family Dwelling at 1590 Aubin Road



Figure 4 - Alley looking east from Single Family Dwelling at 1590 Aubin Road



Figure 5 - Alley looking west from Single Family Dwelling at 1590 Aubin Road (left)

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

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

Suitability for Closing:

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

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

APPENDIX "F"**Correspondence with 1582 Aubin Road**

From: Debra Belleperche [REDACTED]
Sent: Monday, November 14, 2022 5:51 PM
To: Nagata, Brian <bnagata@citywindsor.ca>
Subject: Re: Alley Closure Application SAA-6751 (East/West Alley between Aubin Road & North/South Alley)

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

Good afternoon Brian I am well aware of my neighbour purchasing the whole alleyway I do not oppose this at all

Thanks
[REDACTED]

Sent from my iPhone

On Nov 10, 2022, at 12:28 PM, Nagata, Brian <bnagata@citywindsor.ca> wrote:

Good morning [REDACTED],

I would like to take the opportunity of introducing myself as the Planner who is coordinating the application to close the east/west alley to the south of your property known municipally as 1582 Aubin Road.

It is my understanding that you do **not** have any objection to the City offering the **entire alley** to the owner of the property known municipally as 1590 Aubin Road. **Please confirm**

In my review of this application, I noticed that it appears that a small portion of your rear yard is located within the alley. This assessment is based on the Surveyor's Real Property Report prepared for your property in 1996 (attached), aerial photos, Google Street View and site visit photos from June 2022. I have subsequently drafted a recommendation to divide the alley using the encroaching wood privacy fence. **This recommendation would give you first right to purchase any portion of the your rear yard located within the alley.**

I presented my draft recommendation to management this morning and was advised to inquire if you would have any **objection to the entire alley being conveyed to 1590 Aubin Road in the event that a small portion of your rear yard is located within the alley.** **Please confirm** This is to avoid having to retain an Ontario Land Surveyor to prepare a Reference Plan to describe the portion of the alley being conveyed to each property owner, subsequently adding substantial costs to the process.

There is also the possibility that the wood privacy fence is located on your south property line, as the resources (save and except the Surveyor's Real Property Report) that I based my assessment on are **not** 100% accurate.

Would you have any objection if I conducted a site visit at your property to confirm the distance from the detached garage to the wood privacy fence?

This will determine if the fence is constructed on your south property line or is encroaching within the alley.

Another option would be if you measured the distance and provided it to me via email. The Surveyor's Real Property Report shows that your south property line is 0.8 to 1.0 foot from your detached garage.

I can also give you a call to discuss this matter in more detail if needed. Let me know.

Please note that City Hall is closed tomorrow.

Regards,

BRIAN NAGATA, MCIP, RPP, B.A.A., Dipl.URPI | PLANNER II – DEVELOPMENT REVIEW

<image001.jpg>

Planning & Building Services

350 City Hall Square West | Reception - 2nd Floor | Windsor, ON | N9A 6S1

(519) 255-6543 ext. 6181

Subject: Closure of north/south alley between Alice Street & Milloy Street, Ward 5, SAA-6652

Reference:

Date to Council: December 5, 2022

Author: Brian Nagata, MCIP, RPP

Planner II - Development Review

(519) 255-6543 ext. 6181

Planning & Building Services

Report Date: 11/9/2022

Clerk's File #:

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 3.66 metre wide north/south alley located between Alice Street and Milloy Street and shown on Drawing No. CC-1806 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the 3.66 metre wide north/south alley located between Alice Street and Milloy Street and shown on Drawing No. CC-1806 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as **Appendix "F"**, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. EnWin Utilities Ltd to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line; and
 - iii. MNSi for access to service and maintain existing aerial infrastructure;
- III. Type THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1806, *attached* hereto as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

Executive Summary:


N/A



STREET & ALLEY CLOSING (SAA/6652)

1:1,250

APPLICANT : LISA LACHARITE

 SUBJECT LANDS



PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JANUARY, 2022

Figure 1 - Location Map

Background:

The applicant, Lisa Lacharite, owner of the property known municipally as 1794 Factoria Road (the subject property), applied to close the 3.66 metre wide north/south alley located between Alice Street and Milloy Street (the alley), and shown on Drawing No. CC-1806 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

The alley is unmaintained and composed primarily of grass. The alley contains sporadic patches of natural vegetation (shrubs, trees and vines), utility poles with guy wires and anchors, and includes curb cuts off of Alice Street and Milloy Street.

The applicant wishes to close the alley for the purpose of eliminating the potential for any unwanted activities.

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 properties fronting on heavily travelled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The alley does not contain any sewers.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The alley does not provide vehicular access to any rear parking areas or garages.

5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The alley 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 RD1.3 is assessed at \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to the City by an Ontario Land Surveyor.

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 January 10, 2022. No written or verbal correspondence to this notice has been received as of the writing of this report.

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

Conclusion:

The Planning Department recommends closure of the north/south alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, EnWin Utilities Ltd., and MNSi as in Recommendation II of this report.

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

Planning Act Matters:

Brian Nagata, MCIP, RPP
Planner II - Development

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

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

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

JP OC

Approvals:

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

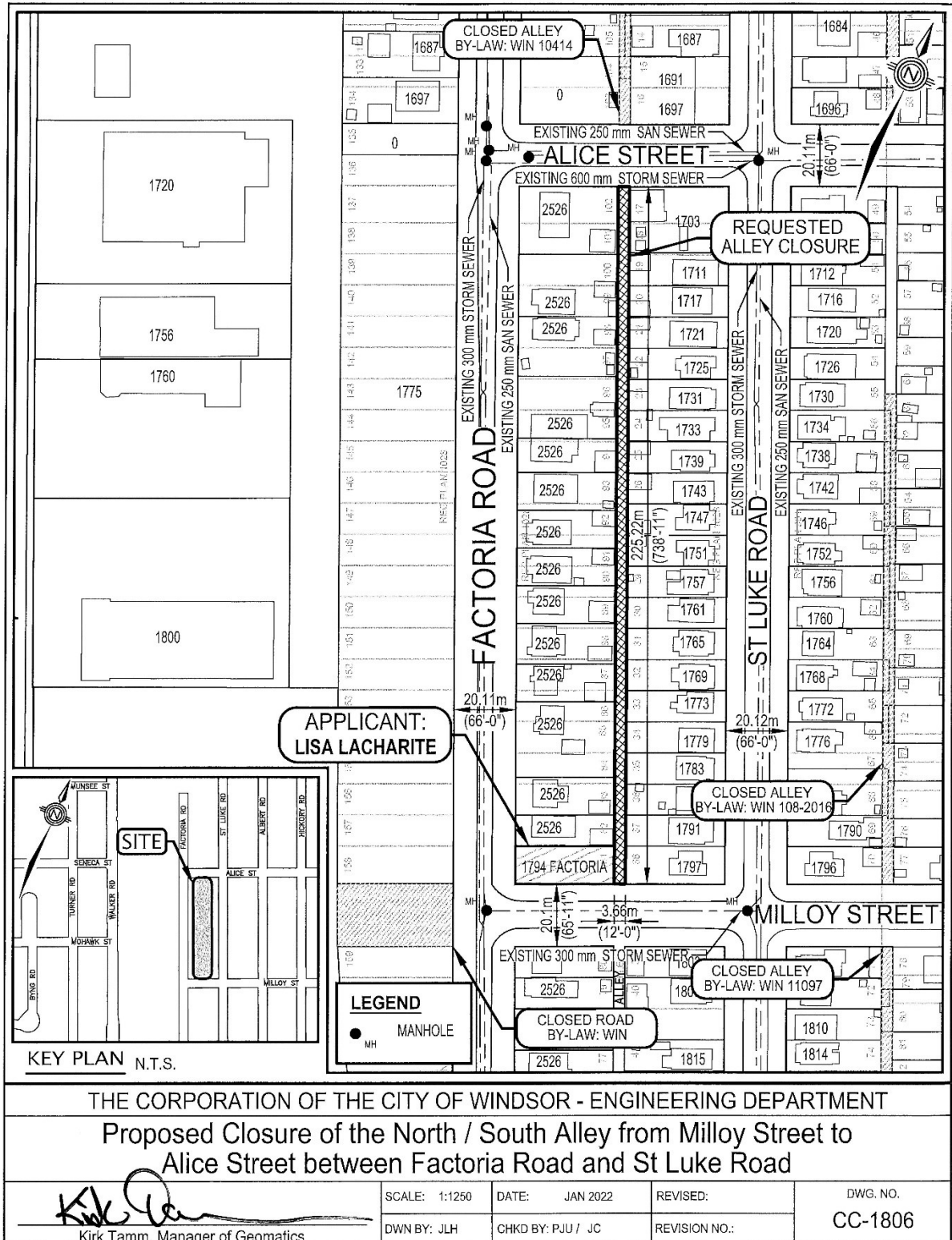
Notifications:

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

Appendices:

- 1 Appendix A - Drawing No. CC-1806
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - EnWin Utilities Ltd. Aboveground Hydro Easement Diagram

APPENDIX "A"
Drawing No. CC-1806



APPENDIX "B"

EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6652)

1:1,250

APPLICANT : LISA LACHARITE

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JANUARY, 2022



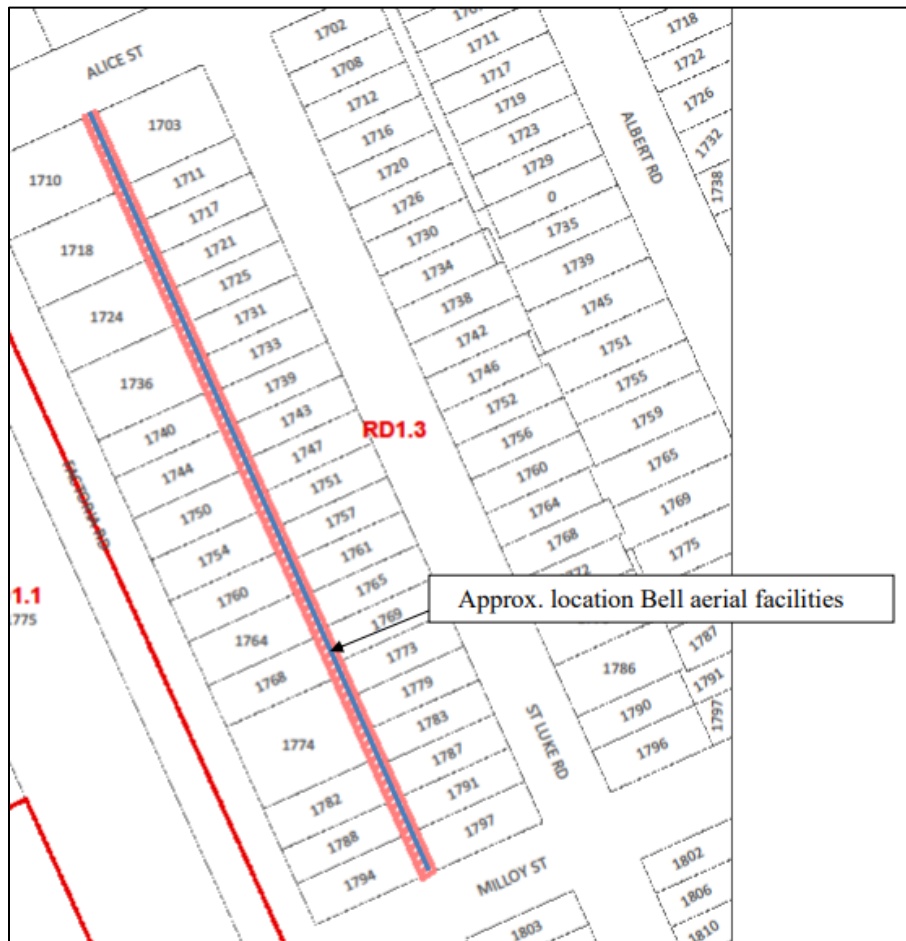
APPENDIX "C"

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

Bell Canada requests an easement over the entire alley to protect existing aerial facilities.

[Charleyne Hall, Bell Canada External Liaison - Right-of-Way]



CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

No objection to alley closing, however, an easement named to ENWIN Utilities Ltd. is required upon closing for the whole width and length of the entire alley to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line.

[Jerry Raniwsky, Senior Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

For lands abutting RD1.3, \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

[Chris Carpenter, Coordinator of Real Estate Services]

MNSi

MNSi will require an aerial easement through the area of this closure as we are currently on the pole line that runs down this alley.

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

Please note that Parks development has no comments for this SAA/6652 LIAISON.

[Sherif Barsom, Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objections from a landscape architectural or urban design perspective.

[Stefan Fediuk, Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject alley closure is approximately 3.66 m (12.0ft) wide, traveled and composed of grass. There are no municipal sewers or manholes within the alley. There are guy-wires, wooden hydro poles, and overhead wires located within the alley, an easement will be required for utilities. There are driveway approaches at the south and north ends of the subject alley; it may be the responsibility of the City to remove the curb cuts in the future when funds exist. If the alley is closed and purchased, a permit will be required by the property owners to keep and maintain the driveway approaches to City Standard AS-221 or AS-222. This subject alley has no usefulness by CR146/2005; therefore, we have no objections to the closure subject to the easement.

[Adam Pillon - Manager Right-of-Way]

PUBLIC WORKS - TRAFFIC

No concerns

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

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

[Meghna Patel, Permit Coordinator]

TRANSPORTATION PLANNING

No objections to the proposed closure.

[Rania Toufelli, Policy Analyst]

TRANSIT WINDSOR

No comments provided

UNION GAS

After reviewing the provided drawing, 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

[Sandro Aversa, Drafter / Estimator]



WINDSOR FIRE

Windsor fire and rescue has no issue.

[Mike Coste, Chief Fire Prevention Officer]

WINDSOR POLICE

The Windsor Police Service supports the reasoning provided to close this alley and thus has no concerns or objections with this application. The alley in question is unpaved, with sections that have encroaching vegetation (depending on the season of the year). In its current state, the alley offers a relatively discreet space for activity to occur with reduced observation capacity, potentially elevating risk for crime and disorder to occur. If the alley is not required for any of the abutting property owners to physically access their property, closure would be supported as a means of reducing opportunity for access that could be problematic. The closure will not impair police patrol or incident response capability in any way to the general area/neighbourhood.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (June 29, 2022)



Figure 1 - Looking south towards alley from Alice Street



Figure 2 - Alley looking south from 1724 Factoria Road (right)



Figure 3 - Alley looking south from 1736 Factoria Road (right)



Figure 4 - Alley looking south from 1743 St Luke Road (left)



Figure 5 - Alley looking south from 1754 Factoria Road (right)



Figure 6 - Looking north towards alley from Milloy Street



Figure 7 - Alley looking north from 1757 St Luke Road (right)



Figure 8 - Alley looking north from 1740 Factoria Road (left)



Figure 9 - Alley looking north from 1724 Factoria Road (left)

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

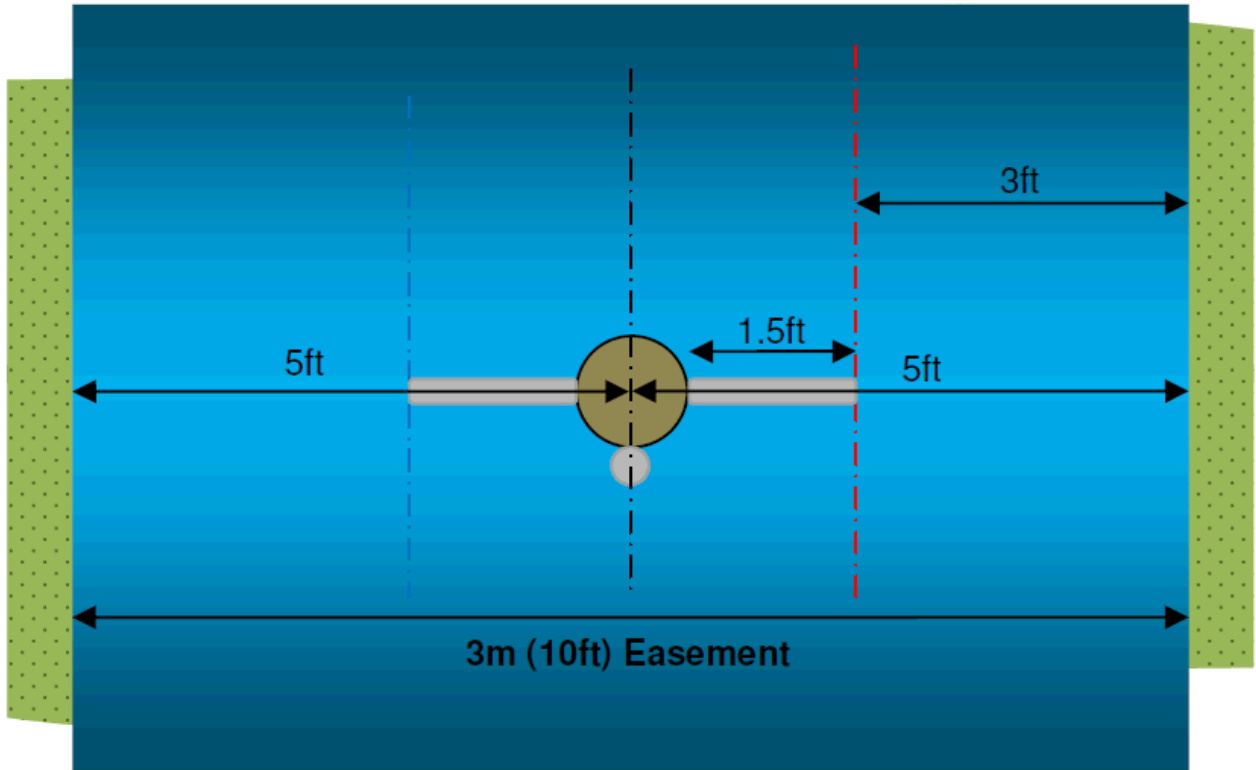
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means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

Suitability for Closing:

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

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

APPENDIX "F"
EnWin Utilities Ltd. Aboveground Hydro Easement Diagram



Subject: Downtown CIP Grant Application made by Bay 20 Inc. for 880 Ouellette Avenue Ward 3

Reference:

Date to Council: December 5, 2022

Author: Samuel Switzer

Assistant Planner

519-255-6543 ext. 6438

sswitzer@citywindsor.ca

Laura Strahl

Planner III Special Projects

519-255-6543 Ex 6396

lstrahl@citywindsor.ca

Planning & Building Services

Report Date: October 27, 2022

Clerk's File #: SPL2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Bay 20 Inc. (Owner) for the proposed development at 880 Ouellette Avenue to participate in:
 - a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
 - b. the Upper Storey Residential Conversion Grant Program **BE APPROVED** for \$5,000 for every new residential unit, up to a maximum of \$50,000 per property in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- II. THAT Administration **BE DIRECTED** to prepare the agreement between the City and Bay 20 Inc. (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 880 Ouellette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program Agreement at 880 Ouellette Avenue

to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.

- IV. THAT the grants under the Upper Storey Residential Conversion Grant Program for 880 Ouellette Avenue **BE PAID** to Bay 20 Inc. upon completion of the upper storey residential units as described in Report S128/2022 within two (2) years of Council approval subject to the satisfaction of the City Planner and Chief Building Official.
- V. Grant funds in the amount of \$50,000 under the Upper Storey Residential Conversion Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when the work is completed.
- VI. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the Upper Storey Residential Conversion Grant Program be uncommitted and made available for other applications.
- VII. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Executive Summary:

N/A

Background:

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

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

The subject property is located on the east side of Ouellette Avenue, South of Elliot St W, as shown on Appendix A and appendix B. The existing 9 floor building was comprised entirely of offices, which are now vacant. The owner now plans to convert the first floor of the building into a commercial use, and convert the 8 upper floors to residential. The applicant proposes to create 64 new residential units in total.

Applicant Information:

Property Owner: Bay 20 Inc. (Ahmed Khan)

Discussion:

Building/Property Improvement Tax Increment Grant Program

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

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

Upper Storey Residential Conversion Grant Program

The Upper Storey Residential Conversion Grant Program is intended to provide an incentive to convert vacant and underutilized upper storey space to new residential units in Downtown Windsor. The program will consist of a grant whereby property owners will be eligible to receive a grant to \$5,000 for every new residential unit, up to a maximum of \$50,000 per property.

The owner proposes to convert the existing upper storey space to 64 residential units, therefore qualifying for the maximum grant under this program of \$50,000.

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

N/A

Financial Matters:

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

- \$5,000 per new residential unit, therefore the project qualifies for \$50,000 for the Sixty-Four (64) new residential units.

If approved, the funds would come from the City Centre Community Development Planning Fund (Project #7011022) to the maximum amount of \$50,000. 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 by Council, the approved grant amount will be transferred to the capital project when the work is completed and will be kept as committed funds in Reserve fund 226, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund 226 is \$1,080,025.95 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Building/Property Improvement Tax Increment Grant Program

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project, a designated heritage property, projects where at least 20% of the residential units are considered affordable or the project is certified LEED bronze. Since the development does not qualify as a Catalyst Project, is not certified LEED bronze and is not proposing affordable units, it will not be eligible for the five (5) year extension.

The applicant indicates the estimate eligible costs for the project at \$4,009,300. The *Planning Act* stipulates that the grants under a CIP cannot be more than the eligible costs. The total grant amount of \$190,765 (including the \$50,000 under the Upper Storey Residential Conversion Grant Program) is 4.76% of the estimate eligible costs.

Estimate Property/Building Improvement Tax Increment Grant Calculation		
880 Ouellette Avenue		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant
\$49,496	\$77,649	\$28,153
	Total Estimated Value of Grant over 5 years	\$140,765

The Grant Program does not cancel taxes, so the owner 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 back shortly after. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant

program; however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Consultations:

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

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

Conclusion:

Staff recommends that the application for the Upper Storey Residential Conversion Grant Program and Building/Property Improvement Tax Increment Grant be approved.

Planning Act Matters:

N/A

Approvals:

Name	Title
Laura Strahl	Planner III Special Projects
Josie Gualtieri	Financial Planning Admin.
Neil Robertson	Manager of Urban Design/Deputy City Planner
Thom Hunt	City Planner/Executive Director of Planning and Building Services
Wira Vendrasco	Deputy City Solicitor
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Joe Mancina	Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner of Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Ahmed Khan		hensey@henseyfinancial.ca
Joseph Passa		joseph@passa.ca

Appendices:

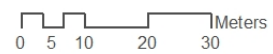
- 1 Appendix A - Location Map
- 2 Appendix B – Existing Building



LOCATION MAP : 880 OUELLETTE AVENUE



SUBJECT PROPERTY





Subject: Downtown CIP Grant Application made by 304830 Ontario Limited for 156 - 190 University Avenue West, Ward 3

Reference:

Date to Council: December 5, 2022

Author: Laura Strahl

Planner III – Special Projects

Planning & Building Services

519-255-6543 ext. 6396

lstrahl@citywindsor.ca

Planning & Building Services

Report Date: November 17, 2022

Clerk's File #: SPL2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by 304830 Ontario Limited (Owner) for the proposed development at 156-190 University Avenue West to participate in:
 - a. the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - b. the Upper Storey Residential Conversion Grant Program **BE APPROVED** for \$5,000 for every new residential unit, up to a maximum of \$50,000 per property in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - c. the Retail Investment Grant Program **BE APPROVED** for \$15,000 for every new retail unit, up to a maximum of two (2) retail units (maximum of \$30,000) per property in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan;
 - d. the Commercial/Mixed Use Building Facade Improvement Grant Program **BE APPROVED** for \$30,000 towards facade improvements in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan, subject to the applicant completing window

replacement, repair and painting on the west and south facade, and brick cleaning and railing repair along north facade of the building.

- II. THAT Administration **BE DIRECTED** to prepare the agreements between the City and 304830 Ontario Limited (Owner) to implement the Building/Property Improvement Tax Increment Grant Program at 156-190 University Avenue West in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program at 156-190 University Avenue West to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.
- IV. THAT the grants under the Upper Storey Residential Conversion Grant Program, Commercial Mixed Use Building Facade Improvement Grant Program, and Retail Investment Grant Program for 156-190 University Avenue **BE PAID** to 304830 Ontario Limited upon completion of the new residential units, revitalized retail units, and façade improvements as described in Report C198/2022, including the brick cleaning and railing repair on the north facade of the building, within two (2) years of Council approval subject to the satisfaction of the City Planner and Chief Building Official.
- V. Grant funds in the amount of \$50,000 under the Upper Storey Residential Conversion Grant Program; \$30,000 under the Commercial/Mixed Use Building Facade Improvement Grant Program and \$30,000 under the Retail Investment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to the City Centre Community Development Planning Fund (Project #7011022) when all work is completed.
- VI. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the Upper Storey Residential Conversion Grant Program, Commercial/Mixed-Use Building Facade Improvement Grant Program and Retail Investment Grant Program be uncommitted and made available for other applications.
- VII. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Executive Summary:

N/A

Background:

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

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

The subject property is located at the corner of University Avenue West and Victoria Avenue as shown on Appendix A. The property contains an existing 10 storey building shown in schedule B. The subject building is listed (not designated) on the Municipal Heritage Register.

The applicant proposes to convert existing commercial floors 2, 3, 9, and 10 to residential apartments for a total of 32 new residential units; prepare ground level commercial for future tenants and renovate/upgrade the facade. The proposed facade improvements are shown in Schedule C.

Applicant Information:

Property Owner: 304830 Ontario Limited (ROSARIO COSCO)

Discussion:

Building/Property Improvement Tax Increment Grant Program

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

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

Upper Storey Residential Conversion Grant Program

This program is aimed at converting vacant upper storey space to residential units. A minimum of two new residential units must be created. This program offers a grant, whereby property owners will be eligible to receive a \$5,000 for every new residential unit, up to a maximum of \$50,000 per property. The applicant is proposing 32 new residential units, therefore they qualify for the maximum of \$50,000.

Retail Investment Grant Program

This program aims to encourage businesses and property owners to invest in tenant and building improvements by offering 50% matching grants up to \$15,000, per new or revitalized retail unit (maximum \$30,000 per property/project) to assist with the capital

costs associated with renovating the interior of retail spaces occupied by retail businesses. The owner proposes commercial/retail units on the ground floor.

Staff recommend approval of the matching grant for this property towards eligible costs at a maximum of \$15,000 per retail unit (maximum \$30,000), provided it meets the provisions of the Downtown Windsor Enhancement Strategy and Community Improvement Plan. Not knowing the tenants or the exact configuration of the ground floor retail units is not a significant risk since the grant is paid once the project is completed and will be adjusted based on what is ultimately constructed.

Commercial/Mixed Use Building Facade Improvement Grant Program

This program is intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides a grant for 50% of the eligible costs of the façade improvements, up to \$20,000 per property, and offers an additional \$10,000 for corner buildings. The subject property is located on a corner and proposes facade improvements along both facades.

Current images of the building are provided in Appendix B and the proposed facade improvements are shown in Appendix C. The Art Deco property was originally constructed in c.1928, and designed by Architects Pennington & Boyde with stone arches and pilasters surrounding each ground floor bay. Unfortunately, over the years, the storefronts and stones have been removed and replaced with basic glazing systems, and concrete clad with peastone panels. Given there is no historic material available to be restored on the storefronts, the applicant proposes replacement of the existing glazing system, repair and painting of the exposed aggregate panels, new lighting and new banners/signage. It was also determined that features along the north facade (rear of the building) are in need of repair (railing along the second storey and brick needs cleaning). Administration recommends that these items be completed before the grant be paid out.

This project qualifies for the Commercial/Mixed Use Building Facade Improvement Grant and the Financial Matters section of this report discusses the estimated grant amount.

Risk Analysis:

There is low risk associated with the approval of the subject Downtown CIP grant applications. An agreement between the City and owner will be prepared to ensure the Building/Property Improvement Tax Increment Grant Program requirements and provisions of the Downtown Windsor Enhancement Strategy and Community Improvement are met. The New Residential Development Grant Program will only be paid after the work is complete to the satisfaction of the City Planner.

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

N/A

Financial Matters:

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

- \$5,000 per new residential unit, therefore the project qualifies for \$50,000 for the 32 new residential units;
- \$15,000 per new retail unit, to a maximum of two (2) retail units per property, therefore the project qualifies for a total of \$30,000;
- \$30,000 towards facade improvements.

If approved, the funds would come from the City Centre Community Development Planning Fund (Project #7011022) to the maximum amount of \$110,000. 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 by Council, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$1,080,025.95 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Building/Property Improvement Tax Increment Grant Program

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project, a designated heritage property, projects where at least 20% of the residential units are considered affordable or the project is certified LEED bronze. Since the development does not qualify as a Catalyst Project, it will not be eligible for the five (5) year extension.

The applicant indicates the estimate construction costs for the project at \$6,470,015. The *Planning Act* stipulates that the grants under a CIP cannot be more than the eligible costs. The total grant amount of \$167,620 (including the \$50,000 under the Upper Storey Conversion Grant Program, \$30,000 Commercial/Mixed-Use Building Facade Improvement Grant Program and \$30,000 Retail Investment Grant Program) is approximately 2.6% of the estimate eligible costs.

Estimate Property/Building Improvement Tax Increment Grant Calculation		
156-190 University Avenue West		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant
\$ 91,640	\$ 103,164	\$ 11,524
	Estimated Value of Total Grant over 5 years	\$57,620

The Grant Program does not cancel taxes, so the owner 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 back shortly after. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program; however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Consultations:

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

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

Conclusion:

Staff recommends that the application for the Upper Storey Residential Conversion Grant Program, Retail Investment Grant Program, Commercial/Mixed-Use Building Facade Improvement Grant Program and Building/Property Improvement Tax Increment Grant be approved.

Planning Act Matters:

N/A

Approvals:

Name	Title
Laura Strahl	Planner III Special Projects
Josie Gualtieri	Financial Planning Admin.
Neil Robertson	Manager of Urban Design
Thom Hunt	City Planner/Executive Director of Planning and Building Services

Wira Vendrasco	Deputy City Solicitor
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Joe Mancina	Chief Financial Officer/City Treasurer
Jelena Payne	Commissioner of Economic Development & Innovation
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Denis Gauthier, Rosati Construction Inc.		Denis.gauthier@rosatigroup.com
304830 Ontario Limited		vcosco@hotmail.com

Appendices:

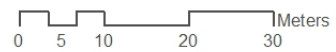
- 1 Appendix A - Location Map
- 2 Appendix B - Current Building
- 3 Appendix C - Proposed Facade Improvements



LOCATION MAP : 176 UNIVERSITY AVENUE WEST



SUBJECT PROPERTY



Appendix B



Appendix B



Appendix C



METROPOLITAN BUILDING
Windsor, Ontario



METROPOLITAN BUILDING
Windsor, Ontario



Subject: Brownfield Community Improvement Plan (CIP) application submitted by Agri-Box Inc Inc. for 3324 Marentette Avenue and 3350 Devon Drive (Ward 9)

Reference:

Date to Council: December 5, 2022
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: November 10, 2022
Clerk's File #: SPL2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Agri-Box Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 3324 Marentette Avenue and 3350 Devon Drive pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission an eligible Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the grant funds in the amount of \$15,000 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval(s) **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

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

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares

of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

Site Background

The subject sites are located on Marentette Avenue and Devon Drive at Foster Avenue. (see location map). The Marentette Avenue property is 3.29 hectares (8.14 acres) and contains a vacant 200,000 square foot industrial building. 3350 Devon Drive is 4.04 hectares (9.99 acres) and contains a parking area and vacant land. Both properties are owned by Agri-Box Inc.

The subject properties are designated 'Industrial' on Official Plan Schedule D: Land Use and are zoned Manufacturing District MD1.1, which permits a range of light industrial and service commercial uses. Based on the previous industrial use of the sites A Phase 1 Environmental Site Assessment (ESA) Study determined that soil and groundwater contamination may be possible. The Phase 1 ESA recommends that a Phase 2 ESA study be undertaken to identify and delineate any contamination that may be present.

Discussion:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum grant of \$15,000.

The sites are proposed to be reused for industrial purposes and would be cleaned up (if necessary) as part of the redevelopment process. An essential step in moving forward with redevelopment plans is to clearly delineate the extent of any contamination. Upon completion the City would retain a copy of the final Phase 2 ESA report.

CIP Goals

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;

- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. The proposed study will assist in mitigating this risk. The City would retain a copy of the study for future reference.

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

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

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase 2 ESA study is \$30,000. If approved, the grant would total \$15,000, which is the maximum grant value for one study under the program. Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003). The funds will be transferred from Fund 226, which has a current uncommitted balance of \$1,080,025 when work is completed.

Consultations:

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

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

Conclusion:

City Staff recommend Council approve the request from Agri-Box Inc. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters:

N/A

Approvals:

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

Notifications:

Name	Address	Email
Christopher Paré		cpare@dragun.com

Appendices:

1. Location Map



LOCATION MAP : 3324 MARENTETTE AVENUE & 3350 DEVON DRIVE



SUBJECT PROPERTIES

