

Development & Heritage Standing Committee Meeting

**Date:** Tuesday, November 1, 2022

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

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

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

**MEMBERS:**

Ward 3 – Councillor Rino Bortolin (Chairperson)

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 7 – Councillor Jeewen Gill

Ward 10 – Councillor Jim Morrison

Lynn Baker

Andrew Foot

Joseph Fratangeli

Anthony Gyemi

John Miller

Dorian Moore

Jake Rondot

## ORDER OF BUSINESS

**Item #      Item Description**  
1.            **CALL TO ORDER**

**READING OF LAND ACKNOWLEDGEMENT**

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

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

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

4.            **COMMUNICATIONS**

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

5.1.        Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act Matters*) held October 3, 2022 (**SCM 285/2022**)

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

7.            ***PLANNING ACT* MATTERS**

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 (**S 126/2022**)

7.2.        Zoning By-Law Amendment – Jian Lu – 3829-3831 Seminole Street - Z 020/22 [ZNG-6783] - Ward 5 (**S 122/2022**)

- 7.3. Zoning By-Law Amendment - 5335 Wyandotte Street East Z 024-22 [ZNG-6794] - Ward 4 (**S 123/2022**)
- 7.4. Zoning Bylaw Amendment –Z 022-22 [ZNG-6787] & OPA 161 [OPA-6788] Passa Assoc 3821 King St - Ward 2 (**S 124/2022**)
8. **ADOPTION OF THE MINUTES**
  - 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held October 3, 2022 (**SCM 279/2022**)
9. **PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)**
10. **HERITAGE ACT MATTERS**
  - 10.1. Removal of Heritage Easement conditions related to Heritage Incentives (City-wide) (**S 121/2022**)
11. **ADMINISTRATIVE ITEMS**
  - 11.1. Closure of east portion of east/west alley between Meighen Road and Meldrum Road, Ward 5, SAA-6823 (**S 117/2022**)
  - 11.2. Closure of east/west alley between Olive Road and 4850 Seminole Street, Ward 8, SAA-6586 (**S 118/2022**)
  - 11.3. Closure of portion of north/south alley between Reginald Street and Seminole Street, Ward 5, SAA-6600 (**S 119/2022**)
12. **COMMITTEE MATTERS**
13. **QUESTION PERIOD**
14. **ADJOURNMENT**

**Item No. 5.1**



**Committee Matters: SCM 285/2022**

**Subject: Minutes of the Development and Heritage Standing Committee Meeting  
(Planning Act Matters) held October 3, 2022**

**Development & Heritage Standing Committee Meeting**

Date: Monday, October 03, 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 Baker

Member Foot

Member Miller

Member Rondot

**Member Regrets**

Member Fratangeli

Member Gyemi

Member Moore

**Clerk's Note:** Several members of Administration and 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:**

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Sandra Gebauer, Council Assistant

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

Jelena Payne, Commissioner – Economic Development & Innovation

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Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
Thom Hunt, City Planner  
Neil Robertson, Manager of Urban Design / Deputy City Planner  
John Revell, Chief Building Official  
Patrick Winters, Development Engineer  
Shannon Deehan, Transportation Planner I  
Brian Nagata, Planner II – Development Review  
Jim Abbs, Planner III – Subdivisions  
Kevin Alexander, Planner III – Special Projects  
Greg Atkinson, Planner III – Economic Development  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Planner III – Heritage  
Marianne Sladic, Clerk Steno Senior  
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

### Delegations—participating via video conference

Item 7.2 Daryl McDonald, Area Resident  
Item 10.1 Igor and Marina Karasev  
Item 11.3 Ibram Sobhy, Area Resident  
Item 11.6 Chris Pare, Hydrogeologist, Dragun Corporation / Hiatus House

### Delegations—participating in person

Item 7.1 Maureen Rudowicz, Area Resident  
Item 7.1 Adriano Bertolissio, Area Resident  
Item 7.2 Barbara Macedonski, Area Resident  
Item 7.2 Alain DaGuerre, Area Resident  
Item 7.2 Zoe Sotirakos, Dillon Consulting Limited  
Item 7.2 Spiros Govas, Owner of 147 Janette  
Item 7.2 Anastasia Timakis, Area Resident  
Item 7.3 Karl Tanner, Partner, Dillon Consulting Limited  
Item 7.3 Heather Nash, Area Resident  
Item 7.3 Florry Foster, Area Resident  
Item 7.3 Sinisa Simic, Area Resident  
Item 11.3 Azmi Qaqish, Area Resident  
Item 11.5 Terrance Kennedy, Ward 2 Resident

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### 1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

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

None disclosed.

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

See Item 7.1.

### 4. COMMUNICATIONS

None presented.

### 8. ADOPTION OF THE MINUTES

#### 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held June 6, 2022

Moved by: Member Foot  
Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held June 6, 2022 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 159/2022

#### 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 4, 2022

Moved by: Member Foot  
Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held July 4, 2022 **BE ADOPTED** as presented.  
Carried.

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Report Number: SCM 186/2022

### **8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 2, 2022**

Moved by: Member Foot

Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held August 2, 2022 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 226/2022

### **8.4. Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 12, 2022**

Moved by: Member Foot

Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held September 12, 2022 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 265/2022

## **10. HERITAGE ACT MATTERS**

### **10.1. 719 Victoria Ave, Treble-Large House - Heritage Permit & Community Heritage Fund Request (Ward 3)**

#### **Igor and Marina Karasev**

Igor and Marina Karasev appear via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "719 Victoria Ave, Treble-Large House - Heritage Permit & Community Heritage Fund Request (Ward 3)" and are available for questions.

Moved by: Councillor Gill

Seconded by: Member Foot



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Decision Number: **DHSC 432**

- I. THAT a Heritage Permit for the designated heritage property located at 719 Victoria Ave, known as the Treble-Large House, **BE GRANTED** for restoration of the front porch and steps.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the porch restoration.
- III. THAT a total grant of 35% of the cost of the porch restoration, to an upset amount of \$17,006 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of 719 Victoria Avenue.
- IV. THAT a total grant of 35% of the cost of conservation work for the turret and chimney repairs amounting to \$9,257 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of 719 Victoria Avenue.
- V. THAT the grant funding identified under recommendations III and IV **BE SUBJECT** to the following:
  - a. Submission of professional drawings, conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Obtaining a Building Permit;
  - c. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
  - d. Owner's submission of paid receipts for work completed;
  - e. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 112/2022  
Clerk's File: MBA2022

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act Matters*) portion is adjourned at 4:34 o'clock p.m.

The Chairperson calls the *Planning Act Matters* portion of the Development & Heritage Standing Committee meeting to order at 4:35 o'clock p.m.

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## 7. *PLANNING ACT* MATTERS

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

Moved by: Councillor Morrison  
Seconded by: Councillor Gill

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.

Carried.

Report Number: S 105/2022  
Clerk's File: Z/14429

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

### 5.1. Development & Heritage Standing Committee Minutes (*Planning Act* Matters) from the meeting held September 12, 2022

Moved by: Councillor Sleiman  
Seconded by: Councillor Gill

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held September 12, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 266/2022

## 7. *PLANNING ACT* MATTERS

### 7.2. Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation -Z 017-22 [ZNG6760] 0 Riverside Dr W, S/W corner of Riverside Dr W & Janette Ave- Ward 3

Moved by: Councillor Holt  
Seconded by: Councillor Sleiman

Decision Number: **DHSC 430**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 1, Block A, Plan 76 & Part of Lot 77 Concession 1 & Part of Closed Alley, Parts 1, 2 and 3 12R-9686 in the City of Windsor,

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known municipally as 0 Riverside Drive (Roll # 040-110-01200) by adding a site specific exception to Section 20(1) as follows:

### **Southwest corner of Riverside Drive West and Janette Avenue**

For the lands comprising of Lot 1, Block A, Plan 76 & Part of Lot 77 Concession 1 & Part of Closed Alley in the City of Windsor, a Multiple Dwelling shall be an additional permitted use and shall be subject to the applicable provisions in Section 16.1.5, except for the following site specific regulations:

Building Height: Maximum - 85.5 metres  
Amenity Area: Minimum - 1.59 m<sup>2</sup> per unit

[ZDM 3; ZNG/6760]; and further,

THAT the developer/proponent **BE REQUESTED** to meet with area residents informally to discuss their concerns prior to this application moving forward to City Council.

Carried.

Councillor Gill voting nay.

Report Number: S 114/2022  
Clerk's File: Z/14427

### **7.3. Zoning By-law Amendment Application for property known as 1247 -1271 Riverside Dr. E., at the S/W corner of Hall and Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4.**

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 431**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], by amending the existing site specific provision s.20(1)310 to include a "*Multiple Dwelling* with five or more *dwelling units*" as an additional permitted use, subject to the provisions noted in Recommendation II below;
- II. THAT special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

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### “310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

#### ADDITIONAL PERMITTED USES:

*Multiple Dwelling* with five or more *dwelling units* <sup>(New use)</sup>

*Business Office*

*Business Office* in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

#### ADDITIONAL PROVISIONS FOR **BUSINESS OFFICE & BUSINESS OFFICE IN A COMBINED USE BUILDING**:

- .3 Lot Coverage – Total – maximum - 30.0%
- .4 Building Height – maximum - 14.0 m
- .8 Landscape Open Space Yard – minimum - 15% of *lot area*
- .20 Building Setback – minimum:
  - a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
  - b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
  - c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
  - d) From the *rear lot line* – 50.0 m;
- .50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.
- .55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.
- .90 A *parking space* is prohibited in any required *front yard*.
- .95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

#### ADDITIONAL PROVISIONS FOR **MULTIPLE DWELLING WITH FIVE OR MORE DWELLING UNITS**: (New provisions)

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and

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2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:
- |     |   |                                |
|-----|---|--------------------------------|
| .2  | Lot Area – minimum                            | - 93.0 m <sup>2</sup> per unit |
| .3  | Lot Coverage – maximum                        | - 35%                          |
| .4  | Main Building Height – maximum                | - 18.0 m                       |
| .8  | Landscape Open Space Yard – minimum           | - 35% of <i>lot</i> area       |
| .20 | Building setback from rear lot line - minimum | - 30.0 m                       |
3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
- The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
  - The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.  
[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”
- III. THAT the applicant’s request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line **BE DENIED** for reasons noted in this report;
- III. THAT the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue **BE EXEMPT** from the provisions of section 45(1.3) of the *Planning Act*, provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:
- Reduction in the required minimum building setbacks; and,
- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix B of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
  - Storm Detention
  - Sanitary Sampling Manhole
  - Oil & Grit Separator
  - Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
  - Parkland dedication;
  - A Record of Site Condition registered on file with the Ministry; and
  - Canada Post requirements and guidelines for the proposed multi-unit development.
- V. THAT the developer/proponent **BE REQUESTED** to meet with area residents informally to discuss their concerns prior to this application moving forward to City Council.

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VI. THAT Administration **BE REQUESTED** to report back to City Council on the appropriateness of the installation of a pedestrian crossing on Riverside Drive, connecting Hall and the riverfront multi-use path.

Carried.

Report Number: S 116/2022  
Clerk's File: Z/14294

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 6:49 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:49 o'clock p.m.

### 11. ADMINISTRATIVE ITEMS

#### 11.3. Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10

##### Giovanni (John) Miceli, Applicant

Giovanni (John) Miceli, applicant, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10" and is available for questions.

##### Azmi Qaqish, Area Resident

Azmi Qaqish, area resident, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10" and expresses concern with the closure application for the alley, specifically related to his tenants parking in the back alley as the alley closure would eliminate this parking; and concludes by citing concerns related to limited on-street parking, garbage, and rodent control problems in the area, as well as his property value being reduced should the alley closure move forward.

##### Ibram Sobhy, Area Resident

Ibram Sobhy, area resident, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10" and indicates that he has no concerns with closure application; and concludes by suggesting that the closure may eliminate problems they are currently experiencing specifically garbage dumping; criminal activities; safety concerns; rodent issues and suggests that the alley closure be extended to the vacant lot also.

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Councillor Bortolin requests clarification as to which portion of the alley is being closed. Brian Nagata, Planner II – Development Review, appears before the Development & Heritage Standing Committee regarding the administrative report entitled “Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10” and provides details related to which part of the alley will be closed specifically the portion abutting the vacant property at Tecumseh Road West and Mark Avenue with the other portions remaining open.

Councillor Bortolin explains to the delegate that the alley behind his property will remain open. Mr. Qaqish indicates that his property will still be negatively impacted as he will have no access from Campbell and it will be difficult for his tenants to enter and exit the parking area behind his property.

Councillor Morrison requests clarification related to the area and administration provides the clarification.

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 435**

- I. THAT the 24.38 metre portion of the 4.27 metre wide east/west alley located immediately west of Mark Avenue and south of the property known municipally as 0 Tecumseh Road West (Roll No. 080-600-17600), and shown on Drawing No. CC-1814 *attached* hereto as Appendix “A”, **BE ASSUMED** for subsequent closure;
- II. THAT the 24.38 metre portion of the 4.27 metre wide east/west alley located immediately west of Mark Avenue and south of the property known municipally as 0 Tecumseh Road West (Roll No. 080-600-17600), and shown on Drawing No. CC-1814 *attached* hereto as Appendix “A”, **BE CLOSED AND CONVEYED** to the abutting property owner at 0 Tecumseh Road West (Roll No. 080-600-17600) 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 accommodate existing infrastructure;
    - ii. EnWin to accommodate existing overhead 16kV and 120/240 volt distribution, poles and down guy wires;
    - iii. MNSi. to accommodate aerial plant on existing pole line; and
    - iv. The Corporation of the City of Windsor to accommodate existing circa 1955, 600.0 millimetre reinforced concrete storm sewer, to the satisfaction of the City Engineer.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned CD2.1, \$20 per square foot without easements and \$10 per square foot with easements

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- IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1814, *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 111/2022  
Clerk's File: SAA2022

### 11.5. Sandwich CIP/Demolition Control By-law Exemption Report-3135 Peter Street; Owner: 1147011 Ontario LTD (C/O: Mamun Chowdury)

#### Terrance Kennedy, Ward 2 Resident

Terrance Kennedy, ward 2 resident, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Sandwich CIP/Demolition Control By-law Exemption Report-3135 Peter Street; Owner: 1147011 Ontario LTD (C/O: Mamun Chowdury)" and expresses concern with the administrative recommendation and suggests that the landlords be held accountable for concerns related to the condition of the property, including weeds, garbage, rodents and should be cleaning this property up; and concludes by suggesting that Council not approve the demolition request.

Councillor Bortolin requests clarification from the legal department as to whether the use or activity on a property is legislated for example if the property is vacant for a period of time can enforcement address this. Wira Vendrasco, Deputy City Solicitor, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Sandwich CIP/Demolition Control By-law Exemption Report-3135 Peter Street; Owner: 1147011 Ontario LTD (C/O: Mamun Chowdury)" and indicates those type of issues would be landlord/tenant court types of issues, the City cannot regulate the behaviour of the landlord related to what they choose to do with their property. i.e. leave it vacant or rent it out. Other contravenions to City of Windsor By-laws would be investigated accordingly as per complaints received.

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

#### Decision Number: **DHSC 437**

- I. THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner 1147011 Ontario LTD (C/O: Mamun Chowdury), to demolish a three (3) unit dwelling located at 3135 Peter Street (see Appendix 'A'), to construct a two (2) story three (3) unit dwelling when an executed Site Plan Control Agreement has been registered



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on title with the appropriate securities to ensure the redevelopment occurs within a specified time period to fulfill the conditions of the Site Plan Control Agreement;

- II. THAT any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;
- III. THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
  - i. The redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
  - ii. If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars (\$60,000) on the collectors roll of the property and prepare a certificate for registration;
- IV. THAT the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the property;
- V. THAT the request for incentives under the Sandwich Incentive Program made by the registered owner 1147011 Ontario LTD (C/O: Mamun Chowdury) of the property located at 3135 Peter Street, **BE APPROVED** for the following programs:
  - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a maximum amount of (+/- \$24,090.34);
  - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- \$3,226 per year);
- VI. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- VII. THAT funds in the amount of +/- \$24,090.34 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed;
- VIII. THAT grants **BE PAID** to 1147011 Ontario LTD (C/O: Mamun Chowdury) upon completion of the two (2) story three (3)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

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- IX. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 109/2022

Clerk's File: SPL2022

### 11.6. Brownfield Community Improvement Plan (CIP) application submitted by Haerko Inc. on behalf of the Hiatus House of Windsor for 0 Louis Avenue (Ward 4)

#### Chris Pare, Hydrogeologist, Dragun Corporation / Hiatus House

Chris Pare, Hydrogeologist, Dragun Corporation / Hiatus House, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Brownfield Community Improvement Plan (CIP) application submitted by Haerko Inc. on behalf of the Hiatus House of Windsor for 0 Louis Avenue (Ward 4)" and is available for questions.

Councillor Bortolin requests clarification related to the subject land. Mr. Pare confirms that the subject land is on the west side of the street.

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: **DHSC 438**

- I. THAT the request made by Haerko Inc. on behalf of the property owner (Hiatus House of Windsor) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for property located at 0 Louis Avenue (Roll No. 030-070-03200) 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 \$25,000 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study and Remedial Work Plan completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the grant funds in the amount of \$25,000 **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,

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- IV. THAT should the proposed Phase II Environmental Site Assessment Study and/or Remedial Work Plan 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; and,
- V. THAT Council **RECOGNIZE** the City of Windsor as a municipal partner of the Hiatus House of Windsor for the purpose of making an application to the Federation of Canadian Municipalities Green Municipal Fund related to brownfield work at 0 Louis Avenue, located at the southwest corner of Louis Avenue at Chatham Street East; and further,
- VI. THAT the City Planner **BE AUTHORIZED** to sign and execute any documents required to submit the application to the Green Municipal Fund noted above, subject to all documentation being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer; and in technical content to the Commissioner of Economic Development and Innovation, or designates.

Carried.

Report Number: S 113/2022

Clerk's File: SPL2022

### 11.1. Closure of remainder of Pall Mall Street right-of-way, east of Virginia Park Avenue, Ward 10

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 433**

- I. THAT the 45.87 metre portion of the 20.12 metre wide Pall Mall Street right-of-way located east of Virginia Park Avenue, north of 2510 Virginia Park Avenue, south of 939 Northwood Street, and west of 0 Rockwell Boulevard (Roll No. 080-570-04700), and shown on Drawing No. CC-1805 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 45.87 metre portion of the 20.12 metre wide Pall Mall Street right-of-way located east of Virginia Park Avenue, north of 2510 Virginia Park Avenue, south of 939 Northwood Street, and west of 0 Rockwell Boulevard (Roll No. 080-570-04700), and shown on Drawing No. CC-1805 *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. Easements, 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 accommodate existing aerial facilities; and
    - ii. EnWin Utilities Ltd. to accommodate existing overhead plant and pole-line.
      1. 120/240V overhead secondary conductor running north/south along the existing pole-line at the east side of the property.

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2. 16kV overhead primary conductor running north/south along the existing pole-line at the east side of the property.
- III. THAT Conveyance Cost **BE SET** as follows:
- a. For right-of-way conveyed to abutting lands zoned RD1.1, \$1,500 per front foot without easements and \$750 per front foot with easements IF less than 40 feet is purchased; OR \$4,000 per front foot without easements and \$2,000 per front foot with easements IF 40 or more feet is purchased.
  - b. For right-of-way conveyed to abutting lands zoned ID1.1, \$8 per square foot without easements, \$4 per square foot with easements.
- IV. THAT **PRIOR TO** the conveyance of the closed portion of the Pall Mall Street right-of-way, legally described as Part 2, Reference Plan 12R-18955, in accordance with Recommendation 2 of By-law 13024:
- a. Easements, 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 accommodate existing aerial facilities; and
    - ii. EnWin Utilities Ltd. to accommodate existing overhead plant and pole-line.
      1. 120/240V overhead secondary conductor running north/south along the existing pole-line at the east side of the property.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1805, 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 107/2022  
Clerk's File: SPL2022

### **11.2. Amendment to CR178/2022 for closure of east/west alley segments between Rankin Avenue and Glenwood Avenue, together with south part of north/south alley between Roxborough Boulevard and Glenwood Avenue, all north of E.C. Row Expressway, Ward 10**

Moved by: Councillor Sleiman  
Seconded by: Councillor Morrison

Decision Number: **DHSC 434**

THAT CR178/2022, adopted on April 25, 2022, **BE AMENDED** as follows:

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By **DELETING** the following wording under sections I, II & III to the council resolution:

- I. That the segments of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. north of EC Row Expressway together with the north/south alley segment measuring approximately 32m between Roxborough Boulevard and Glenwood Avenue, all as shown on Drawing No. CC-1783 attached as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the portions of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. and north of EC Row Expressway and shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the north side of the alley, subject to the following:
  - a. Easement, subject to their 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, Enbridge Gas Inc., and ENWIN Utilities Ltd.
- III. That the north/south alley segment measuring approximately 32m in length and located at the south end of Roxborough Boulevard and Glenwood Avenue, as shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the east and west sides of the alley, subject to the following:
  - a. Easement, subject to their 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, Enbridge Gas Inc., and ENWIN Utilities Ltd.

And **INSERTING**:

- I. That the three 4.27 metre wide east/west alleys located between Rankin Avenue and Partington Avenue, Partington Avenue and Roxborough Boulevard, and Roxborough Boulevard and Glenwood Avenue respectively, north of the E. C. Row Expressway, and shown on Drawing No. CC-1783, *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the 32.0 metre portion of the 3.65 metre wide north/south alley located between the south limit of the property known municipally as 2485 Glenwood Avenue and the aforesaid 4.27 metre wide alley located between Roxborough Boulevard and Glenwood Avenue, and shown on Drawing No. CC-1783, *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- III. That the three 4.27 metre wide east/west alleys located between Rankin Avenue and Partington Avenue, Partington Avenue and Roxborough Boulevard, and Roxborough Boulevard and Glenwood Avenue respectively, north of the E. C. Row Expressway,

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and shown on Drawing No. CC-1783, *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners to the north 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. The Corporation of the City of Windsor to accommodate existing 250 millimetre PVC sanitary sewer located in the east/west alleys located between Rankin Avenue and Partington Avenue, and Partington Avenue and Roxborough Boulevard; and
    - ii. Enbridge Gas Inc. to accommodate existing natural gas line.
- IV. That the 32.0 metre portion of the 3.65 metre wide north/south alley located between the south limit of the property known municipally as 2485 Glenwood Avenue and the aforesaid 4.27 metre wide alley located between Roxborough Boulevard and Glenwood Avenue, and shown on Drawing No. CC-1783, *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.

Carried.

Report Number: S 108/2022  
Clerk's File: SAA2022

### 11.4. Proposed redevelopment of the former Concord School Site at 6700 Raymond Ave. - City Wide

Councillor Holt requests clarification related to how this type of recommendation based on a survey of the residents related to the redevelopment plans was developed. Neil Robertson, Manager of Urban Design / Deputy City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Proposed redevelopment of the former Concord School Site at 6700 Raymond Ave. - City Wide" and provides a brief background and history related to this property and the plans for the whole property which were scaled back from the original concept following Council direction.

Councillor Holt inquires as to the Planning Department's opinion of the best use for this property. Mr. Robertson indicates they are keeping it close to what Council wanted in the original recommendation. Mr. Robertson provides information related to the zoning, higher density housing and the plan presented.

Councillor Holt questions the current proposal, and that it is not higher density. Mr. Robertson provides information related to the original concept plan where higher density would have been more appropriate closer to Wyandotte Street and how this portion is being suggested for a lower type of density.

Councillor Holt expresses concern with setting a precedent in relation to other proposed developments where surrounding occupants would get to select the type of developments that are

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being propped for neighbouring properties. Mr. Robertson indicates that surrounding residents were polled, suggestions were provided and Council makes the decision.

Councillor Bortolin expresses concern with Council's decision to not recommend higher density housing, and administration's survey questions which contained selection options that were mostly lower density options. Mr. Robertson provides details related to the survey questions and indicates that the property has not been vetted for affordable housing.

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 436**

That the report of the (Acting) Landscape Architect / Senior Urban Designer dated August 11, 2022 entitled "Proposed Redevelopment of the Former Concord School Site at 6700 Raymond Ave. – Ward 7" **BE RECEIVED** for information.

Carried.

Councillor Gill voting nay.

Report Number: S 7/2022

Clerk's File: SPL2022

## 12. COMMITTEE MATTERS

None presented.

## 13. QUESTION PERIOD

None registered.

## 14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 7:34 o'clock p.m.

Carried.

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Ward 3 - Councillor Bortolin  
(Chairperson)

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Deputy City Clerk / Supervisor  
of Council Services



**Subject: 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**

**Reference:**

Date to Council: November 1, 2022  
Author: Jim Abbs, Senior Planner  
255-6543 x6317  
jabbs@citywindsor.ca

Planning & Building Services  
Report Date: October 13, 2022  
Clerk's File #: Z/14431

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

**Recommendation:**

**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

**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.

**Executive Summary:**

N/A

**Background:**

Application Information:

Location:    0 Wyandotte St East            Ward: 7





## Proposal:

The applicant intends to develop the site as a four (4) storey multiple dwelling residential building that fronts onto Wyandotte Street East. The applicant proposes fifteen (15) dwelling units with the total ground floor area of the building being 422 m<sup>2</sup> (4,542 m<sup>2</sup>). The primary access to the site will be through a driveway entrance from Florence Avenue at the rear of the site. This driveway entrance will access the parking area located in the rear of the site. The parking lot will contain twenty-one (21) total parking spaces including one accessible space. The main pedestrian access will face Wyandotte Street East and will provide a connection to the existing sidewalks and the proposed internal sidewalk. This proposed internal sidewalk at the rear of the building will provide access for residents to the parking area in the rear and to Florence Avenue. The proposed development includes a 4 m front yard setback.



## Concept Plan

To accomplish this, a site specific Zoning By-law Amendment will be required. The site is currently zoned Development Reserve District (DRD) 1.1. The DRD1.1 zone only permits existing uses and does not permit new development. The applicant is requesting the reduction front yard depth requirement. This will be discussed further in the Zoning section of this report.

The site will be subject to Site Plan Control.

## Site Information:

| Official Plan   | Zoning                                 | Current Use            | Previous Use       |
|---|--|------------------------|--------------------|
| Residential   | Development Reserve District (DRD) 1.1 | Agriculture/Vacant     | Agriculture/Vacant |
| Lot Depth   | Lot Frontage                           | Area                   | Shape              |
| +/- 45 m  | +/- 35 m                               | +/-1603 m <sup>2</sup> | Rectangular        |
|   |  |                        |                    |
| All measurements are for the entire parcel and are approximate. |  |                        |                    |

## Neighbourhood Characteristics:

The proposed development fronts Wyandotte Street East, immediately east of future Florence Avenue. The surrounding land uses are as follows:

### Surrounding Land Uses:

This area exhibits a wide range of existing and proposed residential uses.

**North** of the Subject Property Wyandotte Street East a 2 lane, 1 in each direction, class 2 arterial road with low profile Single Unit dwelling buildings on the north side of the street.

**South** of the Subject Property is vacant land,

**East** of the Subject Property is a proposed townhome development (ZNG6657) and Low profile single detached dwellings fronting Elinor Street.

**West** of the Subject Property is vacant land with an approved Draft Plan of Subdivision. There is a redevelopment proposal for these lands for a Multiple Dwelling Development (ZNG6789).

Wyandotte Street East is classified as a Class II Arterial road. The site is serviced by the Transit Windsor Lauzon 10 bus route. The closest existing bus stop to this property is located directly across the Wyandotte at Florence.

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



## NEIGHBOURHOOD MAP - Z-023/22, ZNG-6789



SUBJECT LANDS

APPLICANT: VGA INVESTMENT INC  
 ADDRESS: 0 WYANDOTTE STREET EAST

**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.

The use proposed is already permitted by the zoning by-law. This zoning bylaw amendment would result in an infill development (a development on underutilized or vacant land within the context of an existing urban or built up area) consistent with the Provincial Policy Statement in that the development promotes the efficient use of existing land, promotes cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

“1.1.1(b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”

e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The proposed development assist in providing an appropriate range of and mix of residential units on a site that already has available infrastructure in the immediate area.

The PPS also states:

“1.1.2 Sufficient land shall be made available to accommodate an appropriate range and mix of land uses to meet projected needs for a time horizon of up to 20 years.”

The PPS requires that land be available to diversify developments to meet the future needs of the community. The zoning by-law amendment is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

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

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”

The requested zoning bylaw amendment is consistent with the PPS by developing a planned medium-density development on a site that was previously under utilized. The proposed form of development is a more efficient use of land and resources than the previous (vacant) use. As well, this development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

“1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

a. permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;

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

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

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

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

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

#### **Official Plan:**

The City of Windsor Official Plan currently designates the site Residential. The proposed residential use conforms to the Residential designation. The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to

the needs of Windsor's residents. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

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

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

Public transit is available via the Transit Windsor Lauzon 10 bus route.

Full municipal services are available.

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

The site is currently zoned Development Reserve District (DRD) 1.1. The DRD1.1 zone only permits existing uses and does not permit new development. The applicant is proposing that the zone category be changed to the RD 2.5 category, which would permit the proposed use. The applicant also is requesting that the regulations for the site be changed to permit a front yard depth of 4m, rather than the 6m required by the RD2.5 category. This change can be supported as the reduction in front yard depth will allow a building to address Wyandotte Street East. This proposed yard will be greater than the yard adjacent to Wyandotte that was approved by council for the development application to the east of the subject lands. (ZNG6657) As well, because the front lot line of this site is angled, the proposed reduction would only impact the most easterly corner of the site.

### **Issues to be Resolved:**

#### **Access to site:**

Vehicle access to the site is not permitted from Wyandotte Street East, therefore access to the site must be from the future Florence Avenue. Future Florence Avenue is still currently private property, therefore access to Florence Avenue for the development is not available.

It is anticipated that as a result of other development applications in the area that Florence Avenue will eventually connect to Wyandotte Street East and be available for use, but until that time a hold provision should be applied to the site to ensure that a building permit is not issued for the proposed development until the access to Florence Avenue is available and the hold provision is subsequently removed.

### **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

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

### **Climate Change Adaptation:**

The site will be subject to site plan control and 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 development containing a Multiple Dwelling structure containing 15 units represents an efficient development that will have no adverse impact on the financial well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

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

The proposed Multiple Dwelling is located within an area that contains other Multiple Dwelling building proposals of varied forms and is compatible within its context.



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

**Approvals:**

| <b>Name</b>    | <b>Title</b>   |
|----------------|--|
| 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:**

| <b>Name</b>               | <b>Address</b>                                    | <b>Email</b>       |
|---------------------------|---|--------------------|
| VGA Investment Inc.       | 1354 Bruce Avenue<br>Windsor, Ontario<br>N8X 1X3  | xuece824@gmail.com |
| Dillon Consulting Limited | 3200 Deziel Drive,<br>Suite 608 ON<br><br>N8W 5K8 | afarkas@dillon.ca  |
| Councillor Gill           |   |                    |

**Appendices:**

- 1 Appendix A - Z 023-22 Liaison Comments

## COMMENTS

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

The Environmental Sustainability and Climate Change team would like to request an energy strategy be prepared.

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. Please consider providing community garden space as there has been a growing demand for opportunities to grow sustainable food in the City.

#### 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](#).

### **Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located on Wyandotte at Florence Northwest Corner. This bus stop is approximately 110 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be further enhanced

with our Council approved Transit Master Plan as a new local route will be replacing the existing route providing 2 way conventional transit service versus the existing one way loop service.

### **Enwin**

**HYDRO ENGINEERING:** No Objection to Re-zoning, however, please note the following:

- Streetlights along the north limit 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.

### **Sherif Barsom – Parks D&D**

In light of having a tree inventory and preservation study performed by Dillon Consulting and has been directed to Stefan since 7<sup>th</sup> June, Parks Development has no comments for this development.

### **Mark Schaffhauser – Engineering & ROW**

The subject lands are located at 0 Wyandotte Street East, designated as Residential on the Land Use Schedule D of the Official Plan. The property is zoned Development Reserve District 1.1 (DRD1.1). The applicant is proposing to construct a 4 storey apartment building with fifteen dwellings units. Parking on-site is proposed for 21 vehicles, including 1 barrier free space. Access to the parking area will be from a new 2-way entrance along Florence Avenue. The applicant is requesting that Zoning By-law 8600 be amended changing the zoning to RD2.5 with a site specific exception for a reduction in minimum lot area and a reduction in the minimum front yard setback.

The subject lands are serviced by an 1800mm diameter reinforced concrete pipe storm sewer located on Wyandotte Street East. There is currently no sanitary sewer available to service the subject land, therefore, the applicant will not be able to proceed with the proposed development until the Florence Avenue road and sanitary sewer extensions are construction south of Wyandotte Street East. The applicant will be required to submit lot grading and site servicing drawings, as well as storm detention calculations restricting storm water runoff from this site to pre-development levels. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The property lies within the ERCA fill line. ERCA approval and permits are required.

Wyandotte Street East is designated as a Class 2 Arterial road requiring a 30m right-of-way. The current right-of-way width is 24.5m, therefore, a conveyance of 2.75m is required. Florence Avenue is designated as a Class 2 Collector requiring a 22.0m right-of-way. The current right-of-way width is 3.1m, however, the conveyance will be taken against 0 Wyandotte Street East (Roll #060-450-06500). Furthermore, a 6.1m x 6.1m corner cut-off conveyance will be required at the southeast corner of the Florence Avenue and Wyandotte Street East intersection.

In summary we have no objection to the proposed rezoning, subject to the following requirements (Requirements can be enforced during Building and Right-of-Way permitting):

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

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

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create a 30 metre wide right-of-way on Wyandotte Street East. This conveyance shall be 2.75 metres along the entire Wyandotte Street East frontage of the subject lands

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

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

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

Pursuant to the application for a zoning amendment (**Z 023/22**) to permit rezoning the subject site to the RD2.5 zone category to permit the construction of a Multiple Dwelling Structure containing 15 units, with site specific provisions, please note no objections. Please also note the following comments:

#### Zoning Provisions for Parking Setback:

The proposed reduction in front yard depth would normally impact the available landscape area. The applicant has identified that the property is angled and the reduction is limited to the extreme eastern end of the build structure, resulting in a larger front yard depth at the western end of the building. Therefore, there is not objection and the increased landscape area at the western end of the site will help to provide area for the tree compensation to be implemented on the site.

#### Tree Preservation & Climate Change:

The Tree Inventory and Preservation Study provided by the applicant, has a sound evaluation of the site. The Landscape Architect concurs with the recommendations including, monitoring, and replacement rate of caliper-per-caliper of desirable trees at Diameter per Breast Height (DBH).

The proposed rate for replacement will provide adequate compensation for urban forest replacement, bird habitat and climate change adaptation. Detail recommendations will be made at the time of Site Plan Control.

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

## ERCA

The following is provided as a result of our review of Zoning By-Law Amendment Z-023-22. The applicant wishes to rezone the subject site to the RD2.5 zone category to permit the construction of a Multiple Dwelling Structure containing 15 units, with the minimum lot area per dwelling unit reduced to 106.6 meter square from 166 meter square and the minimum/maximum front yard depth reduced from 6/7 meters to 4.5 meters.

### 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 Lake St. Clair and Little River. 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*.

### 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 application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

### 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.

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

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

#### FINAL RECOMMENDATION

With the review of the background information provided and aerial photograph, 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, site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

We request to be included in the circulation of the Site Plan Control application and we reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

#### **Shannon Deehan – Transportation Planning**

- Wyandotte St E is classified as a Class II Arterial Road with a required right-of-way width of 30 meters according to Schedule X. The current right-of-way along the frontage of the subject property is insufficient, therefore, a conveyance of 2.75 meters is required.
- Florence Ave is classified as a Class II Collector Road according to the Official Plan. An Environmental Assessment will take place in the near future for this section of Florence Avenue and the Right-of-Way requirements will be determined at that time. Therefore, any necessary land must be conveyed to comply with this.
- If Florence Avenue is developed south of Wyandotte St E and it is a non-signalized intersection then a corner cut off of 4.6 meters is required. Depending on the outcome of the Traffic Impact Study of nearby developments the corner cut off may need to be enlarged to 6.1 meters if it becomes a signalized intersection.
- The driveway must align with the "Future Development" driveway shown in the plan in order to avoid potential issues with overlapping left-turns.
- 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.
  - o Driveway width must comply with AS-203 and AS-204 with straight flares.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

**Subject: Zoning By-Law Amendment – Jian Lu – 3829-3831 Seminole Street - Z 020/22 [ZNG-6783] - Ward 5**

**Reference:**

Date to Council: November 1, 2022  
Author: Pablo Golob, MCIP, RPP  
Planner II – Development Review  
pgolob@citywindsor.ca  
519-255-6543 x6918

Planning & Building Services  
Report Date: October 13, 2022  
Clerk's File #: Z/14457

To: Mayor and Members of City Council

**Recommendation:**

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]

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** 3829-3831 Seminole Street  
Lots 164, 166 & Pt Lot 162, Plan 768  
South side of Seminole Street, between Westcott Road and Aubin Road  
Roll No.: 010-280-00100-0000

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

**Applicant / Owner:** Jian Lu

**Agent:** Tracey Pillon-Abbs, Pillon Abbs Inc.

**Proposal:**

The Applicant is requesting an amendment to Zoning By-law 8600 to change the zoning from Commercial District 1.1 (CD1.1) to Residential District 3.1 (RD3.1) to permit the construction of a 3 storey, 12-unit residential development and on-site parking for 15 vehicles. The applicant is also requesting a site-specific exception to the provision for minimum parking area separation from a street (Section 25.5.20.1 of Zoning By-law 8600) to facilitate the proposed site and building design. Vehicular access to the development is proposed via Westcott Road and the abutting alley to the east of the property.

The subject site is designated Mixed Use Node in the City of Windsor Official Plan, zoned Commercial District 1.1 (CD1.1), has a total lot area of 1,058.6 m<sup>2</sup>, lot frontage of 32.5 m, lot depth of 32.6 m, and is currently occupied by a low-profile (1 storey) commercial and residential building (to be demolished). The parcel has frontage along Seminole Street and Westcott Road with existing access to both.

See Appendix A for Conceptual Site Plan

**Submissions:** Rezoning Application Form, Deed, Topographic Survey, Planning Rationale Report, Conceptual Site Plan, SWM Report

**Site Information:**

| OFFICIAL PLAN  | ZONING                          | CURRENT USE                       | PREVIOUS USE |
|----------------|---------------------------------|-----------------------------------|--------------|
| Mixed Use Node | Commercial District 1.1 (CD1.1) | Commercial / Residential Building | N/A          |
| LOT FRONTAGE   | LOT DEPTH                       | LOT AREA                          | LOT SHAPE    |
| 32.5 m         | 32.6 m                          | 1,058.6 sq. m                     | Rectangular  |
| 106.5 ft       | 107.0 ft                        | 11,395 sq. ft.                    |              |

*All measurements are approximate and are for information purposes only.*



Figure 1: Key Map



KEY MAP - Z-020/22, ZNG-6783

● SUBJECT LANDS

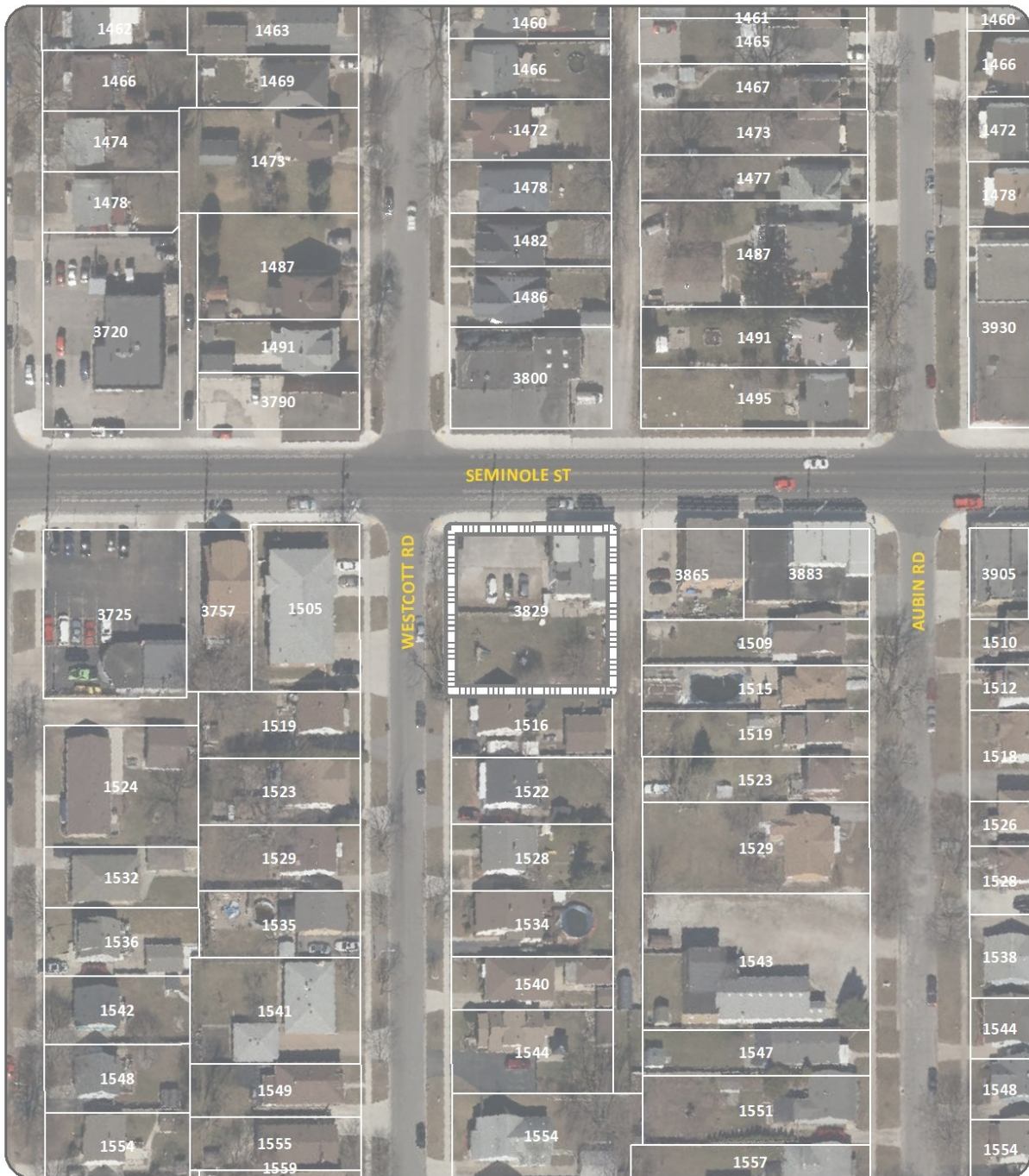
APPLICANT: JIAN LU

ADDRESS: 3829-3831 SEMINOLE STREET





Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-020/22, ZNG-6783



SUBJECT LANDS

APPLICANT: JIAN LU

ADDRESS: 3829-3831 SEMINOLE STREET

## Neighbourhood Characteristics:

The subject lands are located in an established area comprised of an assortment of commercial and residential uses. To the north are various commercial uses along Seminole Street, with low and medium profile residential uses beyond. To the east the assortment of commercial uses continues along Seminole Street, in combination with an array of low and medium profile residential uses. To the south are low profile residential uses and institutional uses. To the west are additional low and medium profile residential uses coupled with a limited number of commercial uses along the Seminole Street corridor.

Seminole Street is classified as a Class I Collector Road with curbs and sidewalks on both sides. On-street parking is permitted (south side only) and bicycle lanes are available on both sides. Westcott Road is classified as a local road with curbs and sidewalks on both sides. On-street parking is permitted. Transit Windsor operates the Ottawa 4 bus route along Seminole Street, with stops adjacent to the subject site. The Transit Master Plan recommends maintaining these existing transit services.

Storm and sanitary sewers are located in the Seminole Street and Westcott Road right-of-ways. No municipal infrastructure or service deficiencies have been identified.

## 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 proposed multi-unit residential development represents an efficient infill development and land use pattern that will have no adverse impact on the financial well-being of the City, land consumption, and servicing costs. The development proposal helps to provide a range of housing types in an area primarily dominated by single

detached dwellings, and optimizes investments in transit. The zoning amendment is consistent with Policy 1.1.1. of the PPS.

Policy 1.1.3.1 of the PPS states:

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

Policy 1.1.3.2 of the PPS states:

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

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

The subject lands are located within the settlement area. The proposed zoning amendment promotes a use that makes efficient utilization of land and existing infrastructure. Active transportation options and transit services are located adjacent the subject site. 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:**

Relevant excerpts from the Official Plan are attached as Appendix C. The subject lands are located within the East Windsor Planning District and are designated *Mixed Use Node* on Schedule D: Land Use of the City of Windsor Official Plan.

The proposed development conforms to the Mixed Use Node objectives in the Official Plan, particularly by proposing a compact and compatible residential use which promotes the use of alternative transportation modes, and ensures the long term viability of the Seminole Street Mixed Use Node (Objectives 6.9.1.1 through 6.9.1.7). The proposed 3-storey multiple dwelling development is classified as a Medium Profile development under Section 6.2.1.2 (b), a height and use permitted in the Mixed Use Node land use designation (Section 6.9.2.1).

Objective 6.3.2.4 of the Official Plan stipulates the locational criteria for residential intensification and directs such intensification to Mixed Use Nodes and areas in proximity to those Nodes. As noted above, the subject lands are located with the Mixed Use Node of the Seminole Street and George Avenue intersection, which provides for a range of neighbourhood commercial uses and transportation options. The subject lands also have direct access to a Class I Collector Road, public transportation services, and are compatible with the surrounding development pattern. Full municipal services are located adjacent the subject lands on the Seminole Street and Westcott Road right-of-ways. As such, the zoning amendment satisfies the location criteria policies for Mixed Use Nodes set out in Section 6.9.2.3 of the Official Plan.

The proposed development also conforms to the evaluation criteria policies in the Official Plan. The proposed development is capable of being provided with full municipal services and emergency services (Section 6.9.2.4 (c)), with adequate off street parking (Section 6.9.2.4 (d)), is designed to be pedestrian oriented (Section 6.9.2.4 (e)), and is compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, and parking (Section 6.9.2.4 (f)). The proposed design of the subject development facilitates a gradual transition from the abutting Low Profile residential uses to the south, in accordance with the Official Plan Urban Design policies and recently adopted Design Guidelines (Section 6.9.2.5 (a)). The proposed design also achieves a compact urban form and pedestrian friendly environment within specified height limitations (Section 6.9.2.5 (b)). The proposed zoning amendment conforms to the policies in Section 6.9.2.5 of the Official Plan.

The proposed 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:**

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

The applicant is requesting a change from Commercial District 1.1 (CD1.1) to a Residential District 3.1 (RD3.1), a zoning district that permits a multiple dwelling. The Residential District 3.1 (RD3.1) zoning category is appropriate for the proposed development and is compatible with the existing uses in the neighbourhood. RD3.1 permits one multiple dwelling on a lot with a minimum width of 18.0 m and a minimum lot area of 540.0 m<sup>2</sup> (first 4 dwelling units, plus 67.0 m<sup>2</sup> for each additional unit – *corner* lot). A minimum front yard depth of 6.0 m, a minimum rear yard depth of 7.50 m, and a minimum side yard width of 3.0 m (6.0 m where a habitable room window faces a side lot line) is also required. The maximum building height is 14.0 m for a *corner* lot, with a maximum lot coverage of 35%.

The development proposal meets and/or exceeds all of the provision of the RD3.1 zoning category. 1.25 parking spaces per dwelling unit are required, for a total of 15 parking spaces. To facilitate the proposed site and building design, the applicant is requesting a site-specific exception to the provision for minimum parking area separation from a street (Section 25.5.20.1 of Zoning By-law 8600), from 3.0 m to 1.57 m. The applicant proposes to construct a new parking area in compliance with all other City of Windsor Engineering best practices

No additional zoning deficiencies have been identified.

### **Site Plan Control**

The proposed development will be subject to site plan control. The requirements and concerns of municipal departments, including the provision of landscaping elements and recently adopted Intensification Design Guidelines, will be considered during the site plan control process.

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

The proposed development minimizes the impact on community greenhouse gas emissions as the utilization of currently available infrastructure, such as sewers, sidewalks, and public transit, is proposed.

### **Climate Change Adaptation:**

The development proposal incorporates landscaping and building design elements to improve energy efficiency and increase resiliency of the development and surrounding area.

## **Financial Matters:**

N/A

## **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix E. There are no objections to the proposed amendment. Any specific requirements of municipal departments will be handled during the subsequent Site Plan Control and Building Permit process.

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 zoning amendment has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity with the policies of the Official Plan.

Based on the information in this report, it is my opinion that an amendment to Zoning By-law 8600 to change the zoning from Commercial District 1.1 (CD1.1) to Residential District 3.1 (RD3.1), with a site-specific exception to the provision for minimum parking area separation from a street (Section 25.5.20.1), 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 from Commercial District 1.1 (CD1.1) to Residential District 3.1 (RD3.1), with a site-specific exception to the provision for minimum parking area separation from a street (Section 25.5.20.1), to permit the construction of a new multiple dwelling building.

**Planning Act Matters:**

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

*Neil Robertson, MCIP, RPP*

*Thom Hunt, MCIP, RPP*

*Manager of Urban Design*

*City Planner*

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

*JP*

*OC*

**Approvals:**

| <b>Name</b>    | <b>Title</b>   |
|----------------|--|
| 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                                       |

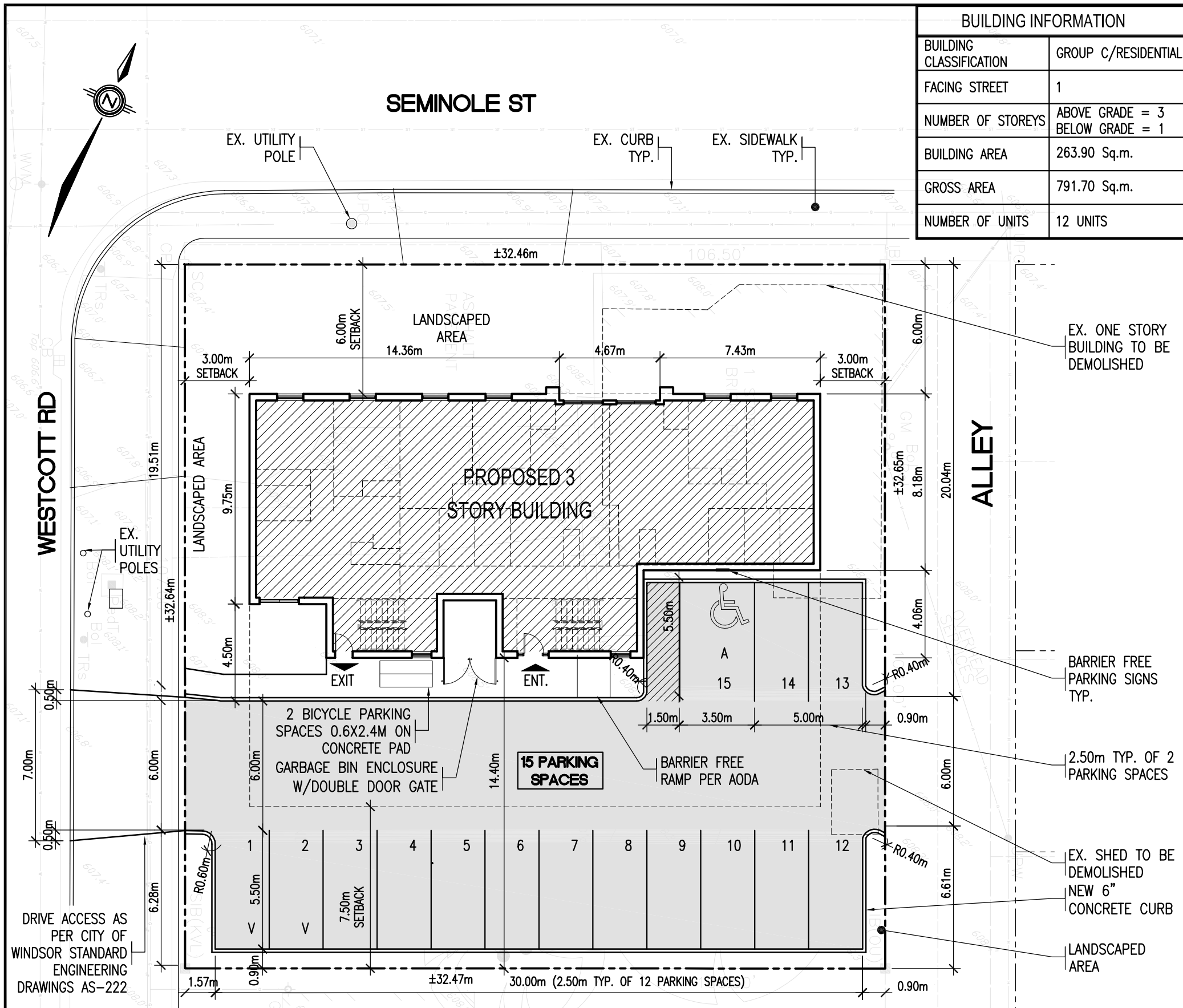
**Notifications:**

| <b>Name</b>  | <b>Address</b>                                  | <b>Email</b>          |
|--|---|-----------------------|
| Jian Lu  | 855 Lakeshore Drive<br>Windsor, ON N9G 2R1      | johnnylu111@yahoo.ca  |
| Pillon Abbs Inc.<br>ATTN: Tracey Pillon-Abbs                   | 23669 Prince Albert Road<br>Chatham, ON N7M 5J7 | tpillonabbs@gmail.com |
| Councillor Sleiman (Ward 5)                                    |   |                       |
| Property owners and tenants within 120 m of the subject parcel |   |                       |

**Appendices:**

- 1 Z 020-22 [ZNG-6783] Report Appendix A - Conceptual Site Plan
- 2 Z 020-22 [ZNG-6783] Report Appendix B - Site Images
- 3 Z 020-22 [ZNG-6783] Report Appendix C - Extracts from Official Plan
- 4 Z 020-22 [ZNG-6783] Report Appendix D - Extracts from Zoning By-law 8600
- 5 Z 020-22 [ZNG-6783] Report Appendix E - Consultations
- 6 Z 020-22 [ZNG-6783] Report Appendix F - Draft Amending By-law





| BUILDING INFORMATION    |                                    |
|-------------------------|------------------------------------|
| BUILDING CLASSIFICATION | GROUP C/RESIDENTIAL                |
| FACING STREET           | 1                                  |
| NUMBER OF STOREYS       | ABOVE GRADE = 3<br>BELOW GRADE = 1 |
| BUILDING AREA           | 263.90 Sq.m.                       |
| GROSS AREA              | 791.70 Sq.m.                       |
| NUMBER OF UNITS         | 12 UNITS                           |

| SITE DATA TABLE  |                      |   |                       |
|------------------|----------------------|---|-----------------------|
| REFERENCE NUMBER | DESCRIPTION          | REQUIRED  | PROPOSED              |
| -                | ZONING               | --  | RD 3.1                |
| 12.1.5.1.        | LOT FRONTAGE         | 18.0m MIN.  | ±32.70m               |
| 12.1.5.2.(a.&b.) | LOT AREA             | 540m <sup>2</sup> +(7*67.0m)<br>= 1009m <sup>2</sup> MIN. | ±1062.7m <sup>2</sup> |
| 12.1.5.3.        | LOT COVERAGE         | 35% MAX.  | ±24.8%                |
| 12.1.5.4.        | MAIN BUILDING HEIGHT | 14.0m MAX.  | 12.4m                 |
| 12.1.5.5.        | FRONT YARD DEPTH     | 6.0m MIN.   | 6.00m                 |
| 12.1.5.6.        | REAR YARD DEPTH      | 7.5m MIN.   | 14.40m                |
| 12.1.5.7.        | SIDE YARD WIDTH      | 3.0m MIN.   | 3.05m                 |
| 12.1.5.8.        | LANDSCAPE COVERAGE   | 35% MIN.  | ±35.6%                |

| PARKING SPACES   |                                  |                              |                           |
|------------------|----------------------------------|------------------------------|---------------------------|
| REFERENCE NUMBER | DESCRIPTION                      | REQUIRED                     | PROPOSED                  |
| 24.20.5.1.       | PARKING SPACES                   | 12 * 1.25 = 15               | 15                        |
| 24.20.10.1.      | PARKING SPACE SIZE               | LENGTH 5.5m<br>WIDTH 2.5m    | LENGTH 5.5m<br>WIDTH 2.5m |
| 24.24.1.         | ACCESSIBLE PARKING SPACES        | 1                            | 1                         |
| 24.24.10.1.      | ACCESSIBLE PARKING SIZE (TYPE A) | LENGTH 5.5m<br>WIDTH 3.5m    | LENGTH 5.5m<br>WIDTH 3.5m |
| 24.30.1.         | BICYCLE PARKING SPACES           | 2                            | 2                         |
| 12.1.5.6.        | BICYCLE PARKING SIZE             | 0.6mX2.5m                    | 0.6mX2.5m                 |
| 24.40.1.5.       | LOADING SPACE NUMBER             | 0                            | 0                         |
| 24.22.1.1.       | VISITOR PARKING SPACES           | 15X0.15= 2.25 PARKING SPACES | 2                         |

| PARKING SEPARATION |                               |          |                        |
|--------------------|-------------------------------|----------|------------------------|
| REFERENCE NUMBER   | DESCRIPTION                   | REQUIRED | PROPOSED               |
| 25.5.20.2.         | STREET                        | 3.00m    | 1.57m<br>M.V. REQUIRED |
| 25.5.20.3.         | INTERIOR LOT LINE OR ALLEY    | 0.90m    | 0.90m                  |
| 25.5.20.5.         | BUILDING WALL (MAIN ENTRANCE) | 2.00m    | 2.00m                  |
| 25.5.20.6.         | BUILDING WALL (HABITABLE)     | 4.50m    | 4.72m                  |

DATE: \_\_\_\_\_ NO. ISSUED FOR: \_\_\_\_\_

PRELIMINARY

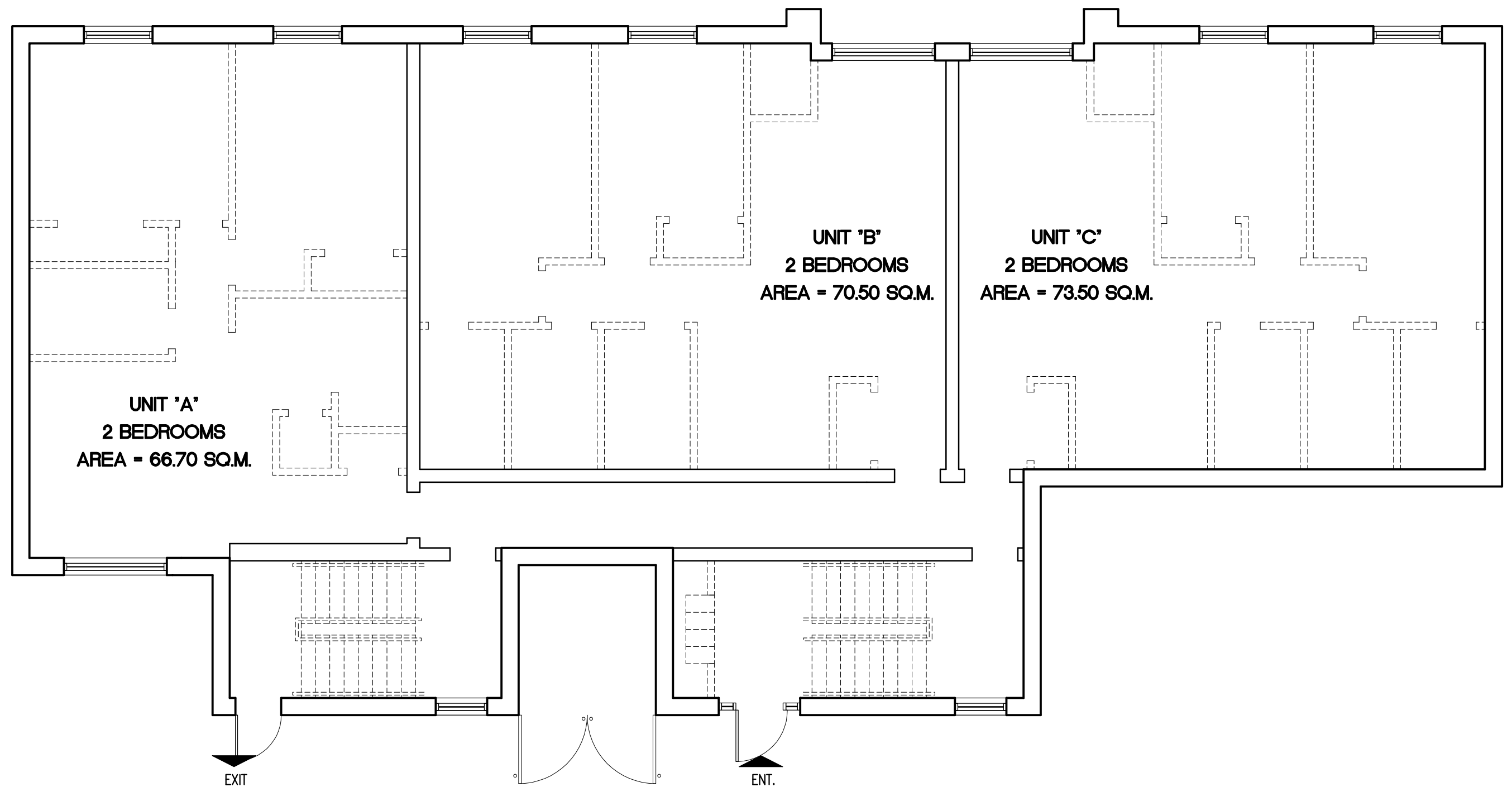
**PROJECT :**  
**3829 SEMINOLE STREET**  
**MULTIPLE DWELLING BUILDING**

**DWG. TITLE :**  
 SITE PLAN AND FIRE ACCESS  
 ROUTE AND SITE DATA TABLE

**DATE :** NOV 25, 2021  
**DR. BY :** SA  
**SCALE :** 1:200

**HADDAD, MORGAN AND ASSOCIATES LTD.**  
 CONSULTING ENGINEERS  
 WINDSOR ONTARIO

21-a199  
**SK-01**



| DATE | NO. | ISSUED FOR |
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|      |     |            |

PRELIMINARY

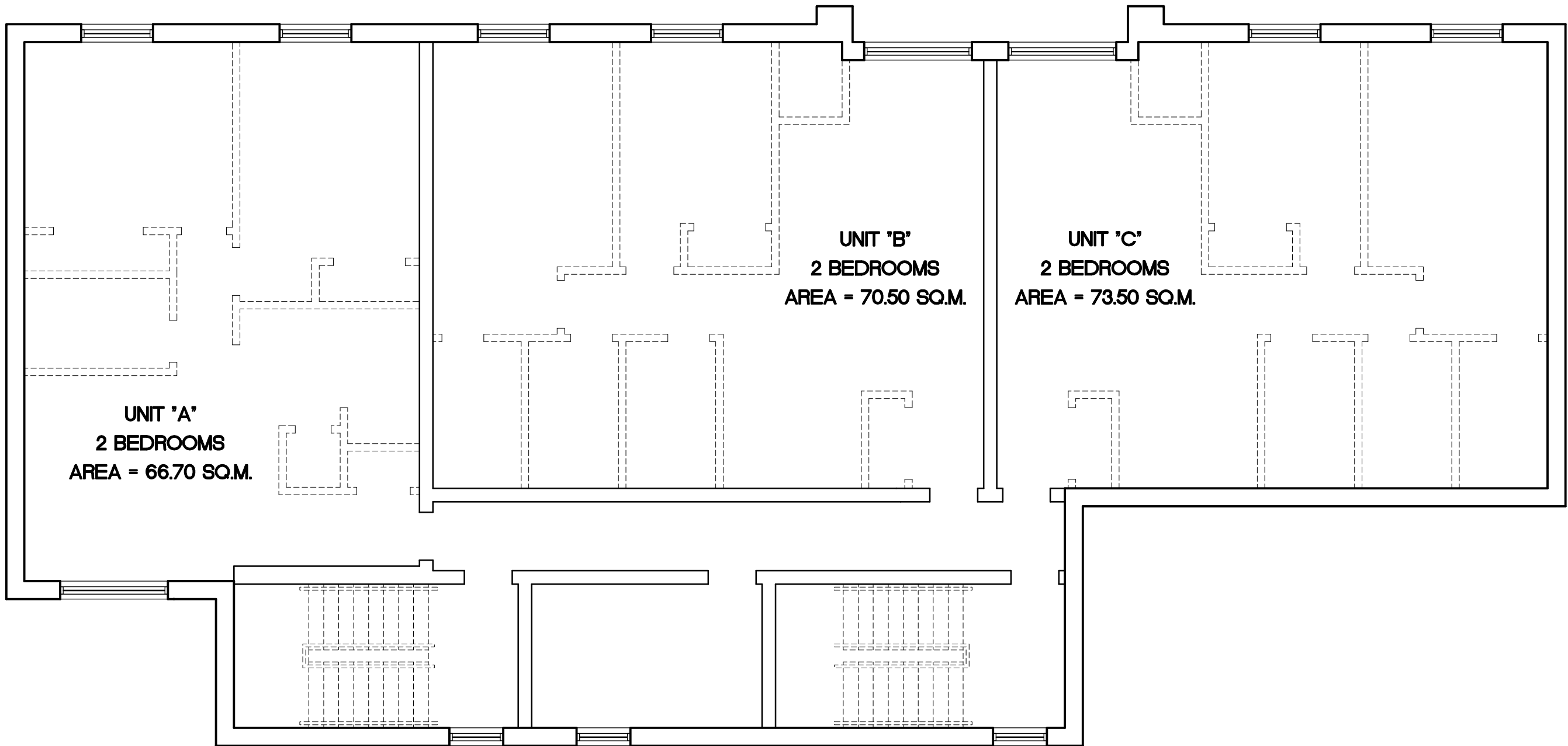
**PROJECT :**  
**3829 SEMINOLE STREET**  
**MULTIPLE DWELLING BUILDING**

**DWG. TITLE :**  
 FIRST FLOOR PLAN

**DATE :** NOV 25, 2021  
**DR. BY :** SA  
**SCALE :** 1:75

**HADDAD, MORGAN AND ASSOCIATES LTD.**  
 CONSULTING ENGINEERS  
 WINDSOR ONTARIO

21-a199  
**SK-02**



**UNIT 'A'**  
**2 BEDROOMS**  
**AREA = 66.70 SQ.M.**

**UNIT 'B'**  
**2 BEDROOMS**  
**AREA = 70.50 SQ.M.**

**UNIT 'C'**  
**2 BEDROOMS**  
**AREA = 73.50 SQ.M.**

*PRELIMINARY*

|      |     |            |
|------|-----|------------|
| DATE | NO. | ISSUED FOR |
|      |     |            |

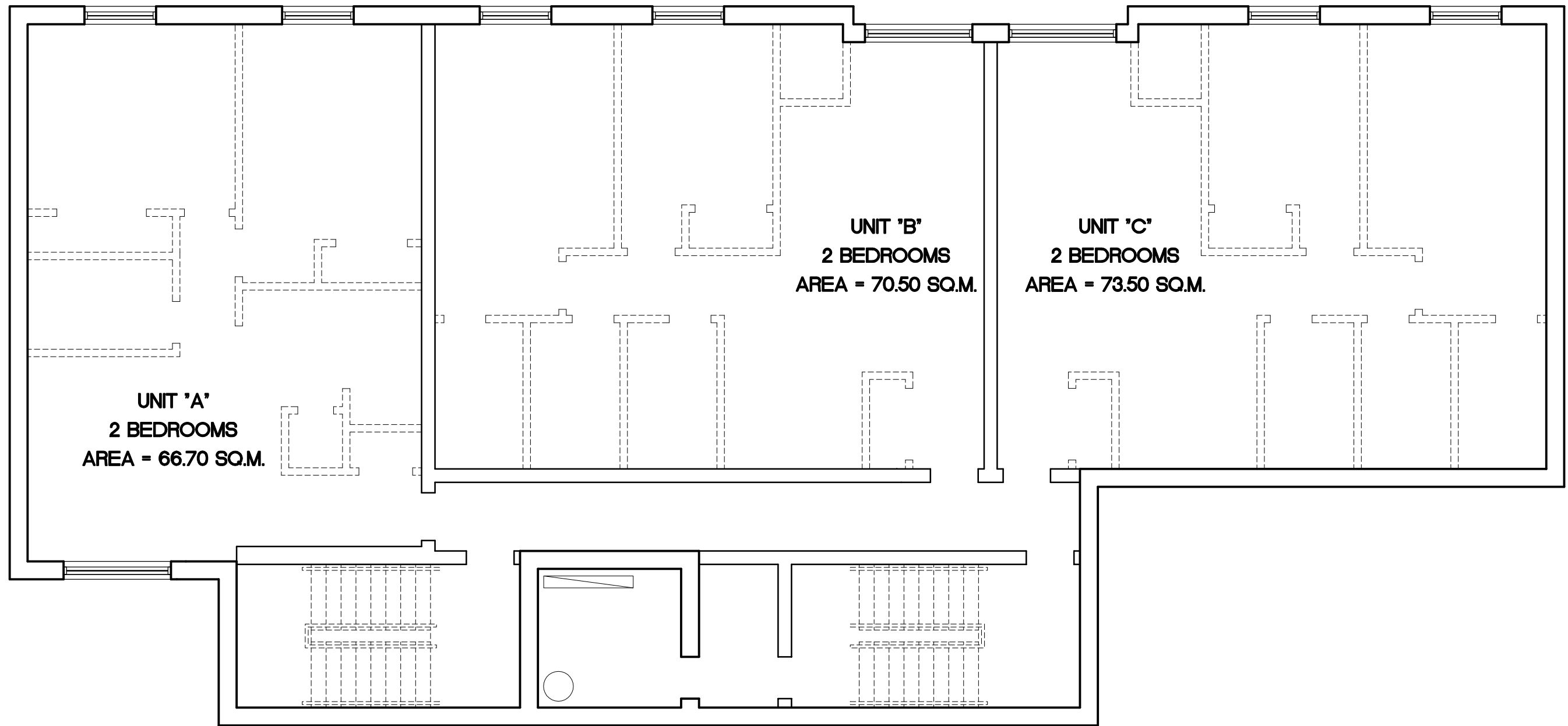
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**3829 SEMINOLE STREET**  
**MULTIPLE DWELLING BUILDING**

**DWG. TITLE :**  
**SECOND AND THIRD**  
**FLOOR PLANS**

**DATE :** NOV 25, 2021  
**DR. BY :** SA  
**SCALE :** 1:75

**HADDAD, MORGAN AND ASSOCIATES LTD.**  
 CONSULTING ENGINEERS  
 WINDSOR ONTARIO

21-a199  
**SK-03**



**UNIT 'A'**  
2 BEDROOMS  
AREA = 66.70 SQ.M.

**UNIT 'B'**  
2 BEDROOMS  
AREA = 70.50 SQ.M.

**UNIT 'C'**  
2 BEDROOMS  
AREA = 73.50 SQ.M.

PRELIMINARY

|      |     |            |
|------|-----|------------|
| DATE | NO. | ISSUED FOR |
|      |     |            |

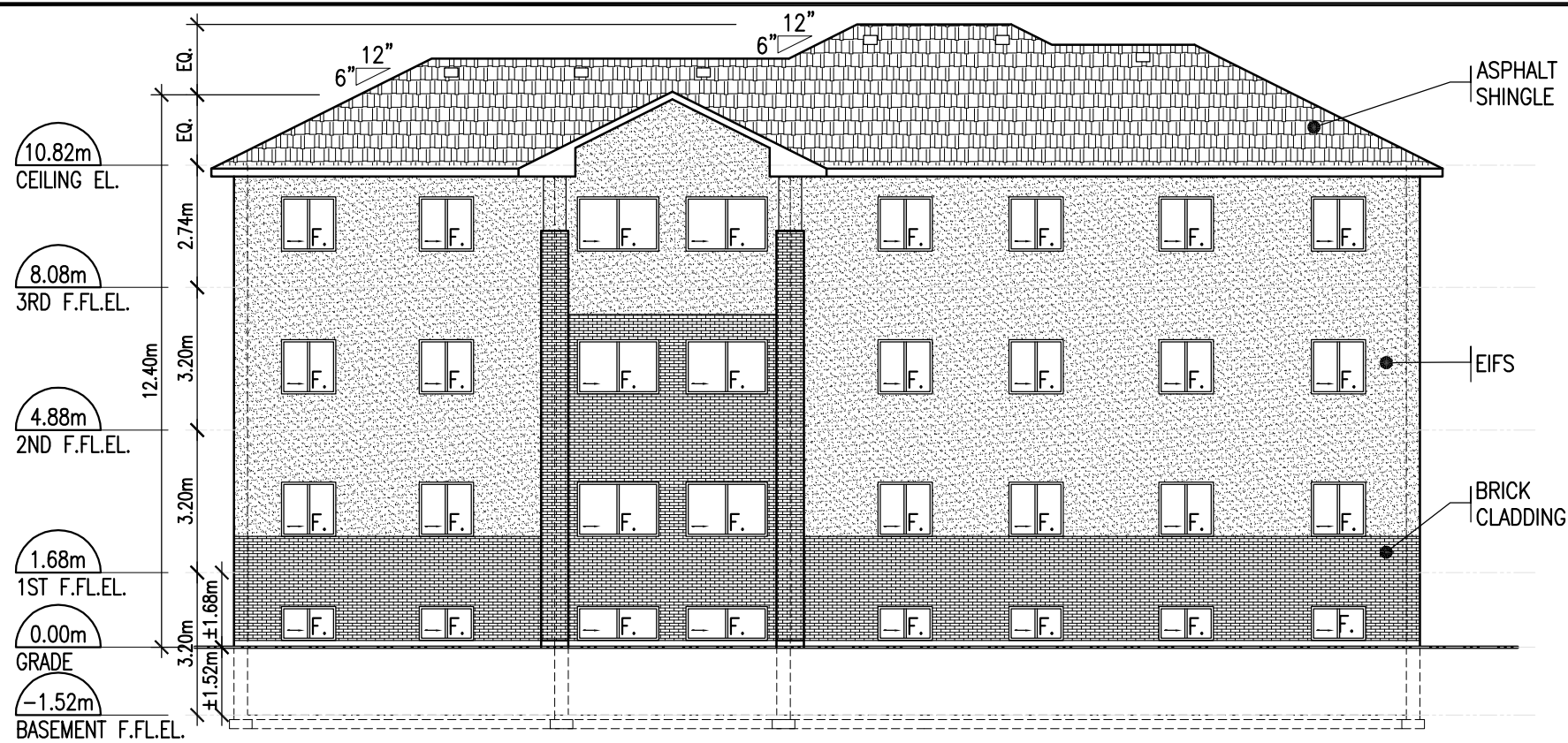
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**3829 SEMINOLE STREET  
MULTIPLE DWELLING BUILDING**

**DWG. TITLE :**  
BASEMENT FLOOR PLAN

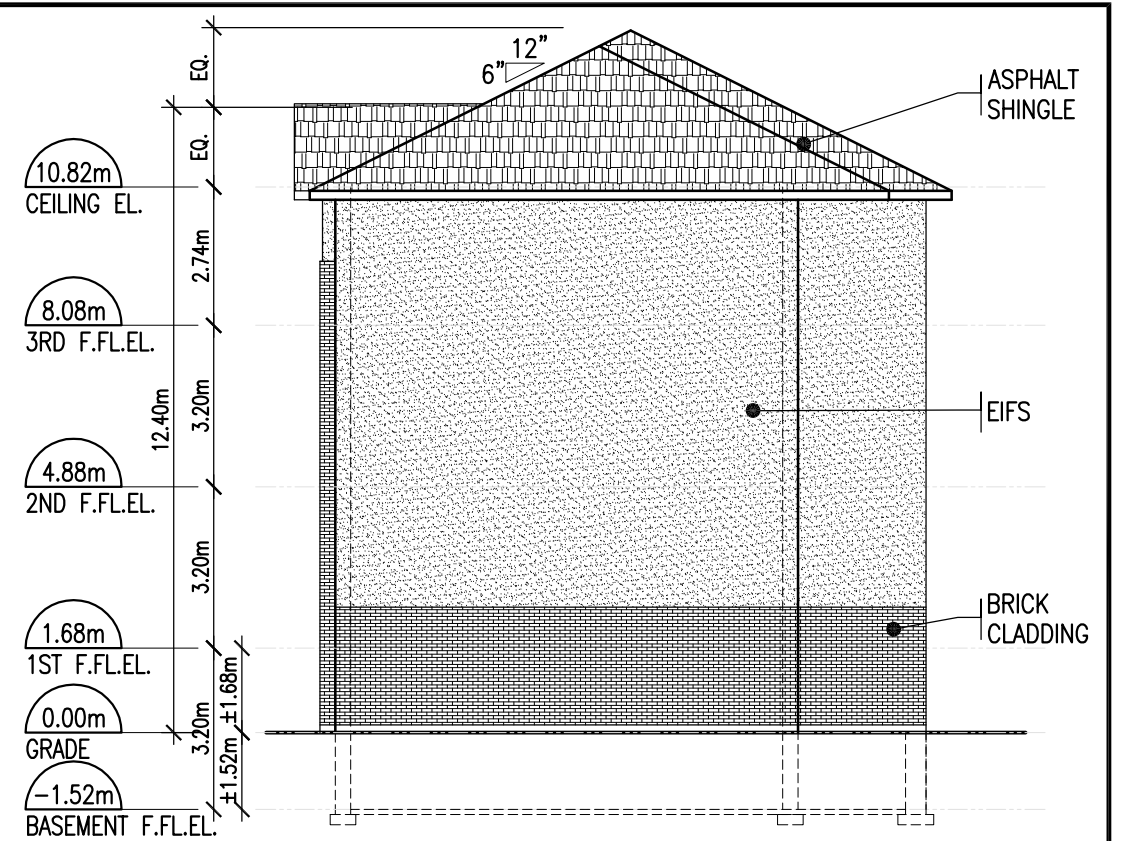
**DATE :** NOV 25, 2021  
**DR. BY :** SA  
**SCALE :** 1:75

**HADDAD, MORGAN AND  
ASSOCIATES LTD.**  
CONSULTING ENGINEERS  
WINDSOR ONTARIO

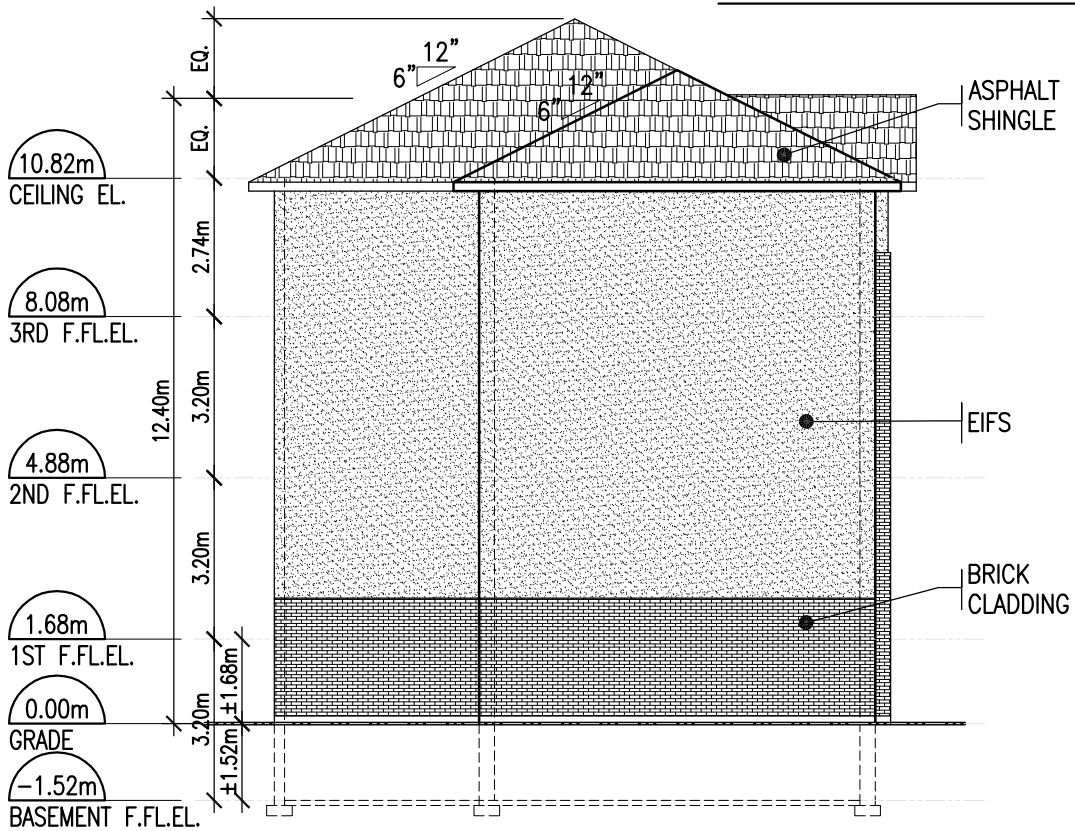
21-a199  
**SK-04**



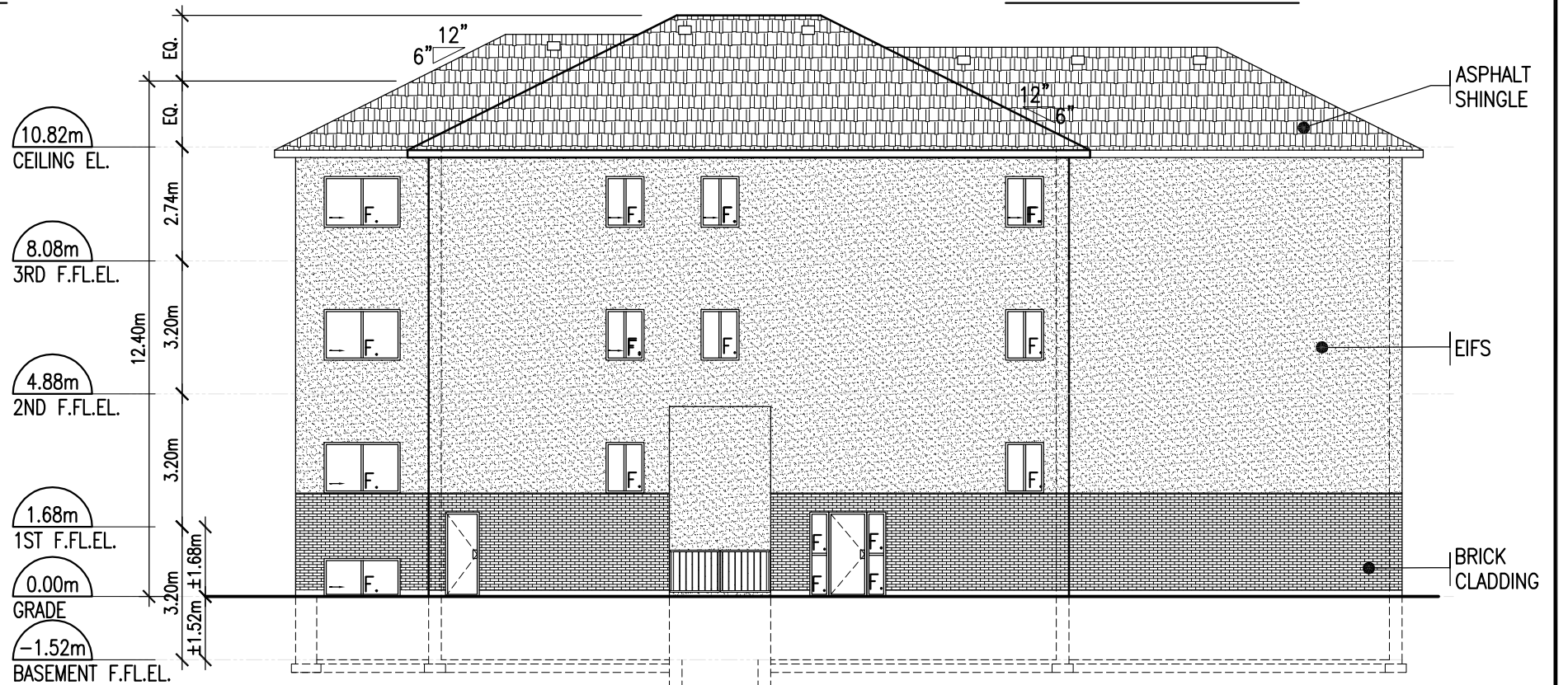
**NORTH ELEVATION**



**WEST ELEVATION**



**EAST ELEVATION**



**SOUTH ELEVATION**

PRELIMINARY

DATE NO. ISSUED FOR

PROJECT :  
**3829 SEMINOLE STREET  
 MULTIPLE DWELLING BUILDING**

DWG. TITLE :

ELEVATIONS

DATE : NOV 25, 2021

DR. BY : SA

SCALE : 1:150

**HADDAD, MORGAN AND  
 ASSOCIATES LTD.**

CONSULTING ENGINEERS  
 WINDSOR ONTARIO

21-a199

**SK-05**

## APPENDIX B - SITE IMAGES

Photographs taken by agent (Pillon Abbs Inc.) during a site visit on May 6, 2022.

### IMAGE 1 & 2



**Looking north from subject parcel**

**IMAGE 3**



**Looking east on Seminole Street  
Subject parcel is located on the right side of Image 3**

**IMAGE 4**



**Looking south onto Westcott Road  
Subject parcel is located on the left side of Image 4**

**IMAGE 5 & 6**



**Looking west onto Seminole Street**



## APPENDIX C - Extracts from City of Windsor Official Plan

### VOLUME I – LAND USE

#### 6.1 Goals

|  |        |  |
|--|--------|--|
| <i>RESIDENTIAL<br/>INTENSIFICATION</i> | 6.1.14 | To direct residential intensification to those areas of the City where transportation, municipal services, community facilities, and goods and services are readily available. |
|--|--------|--|

#### 6.2 General Policies

|   |         |  |
|---|---------|--|
| <i>TYPES OF<br/>DEVELOPMENT<br/>PROFILE</i> | 6.2.1.2 | 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.

#### 6.3 Residential

|                                |         |   |
|--------------------------------|---------|---|
| <i>LOCATIONAL<br/>CRITERIA</i> | 6.3.2.4 | Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up to 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. |
|--------------------------------|---------|---|

#### 6.3 Mixed Use Nodes

The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are generally located within 100 metres of intersections of arterial and collector roads however the size and scale of these Nodes range throughout the City and are defined by the proximity of the non-residential uses to the intersection. Mixed Use Nodes are intended to serve as the focal point for the surrounding

neighbourhoods, community or community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following objectives and policies establish the framework for development decisions in Mixed Use Nodes areas.

**6.9.1 Objectives**

|                               |         |  |
|-------------------------------|---------|--|
| <i>MULTI-FUNCTIONAL AREAS</i> | 6.9.1.1 | To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses.   |
| <i>COMPACT FORM</i>           | 6.9.1.2 | To encourage a compact form of mixed use development.  |
| <i>SPECIAL IDENTITIES</i>     | 6.9.1.3 | To provide opportunities to create and maintain special area identities and focal points within Windsor.   |
| <i>STRATEGIC LOCATIONS</i>    | 6.9.1.4 | To identify strategic locations which are highly visible and accessible for mixed use development..  |
| <i>VIALEAREAS</i>             | 6.9.1.5 | To ensure the long term viability of Mixed Use Nodes areas.  |
| <i>PUBLIC SPACES</i>          | 6.9.1.6 | To provide public places for strolling, recreation, conversation and entertainment.  |
| <i>TRANSPORTATION MODES</i>   | 6.9.1.7 | To increase the use of walking, cycling and public transportation within the designated Mixed Use Node area by fostering a strong livework-shopping-recreation relationship. |

**6.9.2 Policies**

|                                |         |  |
|--------------------------------|---------|--|
| <i>PERMITTED USES</i>          | 6.9.2.1 | Uses permitted in the Mixed Use Nodes land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses of up to four stories in height.   |
| <i>FORM OF MIXED USE AREAS</i> | 6.9.2.2 | Intentionally Deleted  |
| <i>LOCATIONAL CRITERIA</i>     | 6.9.2.3 | Mixed Use Nodes development shall be located where: <ul style="list-style-type: none"> <li>(a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;</li> <li>(b) full municipal physical services can be provided;</li> <li>(c) public transportation service can be provided; and</li> <li>(d) the surrounding development pattern is compatible with Mixed Use development</li> </ul> |

*EVALUATION  
CRITERIA*

6.9.2.4

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use Node development 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) within a site of potential or known contamination;
  - (iii) where traffic generation and distribution is a provincial or municipal concern; and
  - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off street parking;
- (e) pedestrian oriented;
- (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and.
- (g) acceptable with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and.

*DESIGN  
GUIDELINES*

6.9.2.5

The following guidelines shall be considered when evaluating the proposed design of a Mixed Use development:

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment;
- (c) at least one building wall should be located on an exterior lot line and oriented to the street to afford direct sidewalk pedestrian access from the public right-of-way;

- (d) permanent loading, service and parking areas should be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the public right-of-way or within a Mixed Use area;
- (e) mid-block vehicular access to properties is generally discouraged and is encouraged via a rear yard service road or alley;
- (f) parking areas shall be encouraged at the rear of buildings;
- (g) safe and convenient pedestrian access between buildings and public transportation stops, parking areas and other buildings and facilities should be provided;
- (h) the development is designed to foster distinctive and attractive area identity;
- (i) the public rights-of-way are designed to foster distinctive and attractive area identity and to provide for vehicle use, regular public transportation service as well as pedestrian and cycling travel; and
- (j) integration of the development with the surrounding uses to contribute to the unique character of the area.

**VOLUME I – TOOLS**

**11.6.3 Zoning By-law Amendment Policies**

*AMENDMENTS  
MUST CONFORM*

11.6.3.1 All amendments to the Zoning By-law(s) shall conform with this Plan. The Municipality will, on each occasion of approval of a change to the zoning by-law(s), specify that conformity with the Official Plan is maintained or that the change will be in conformity upon the coming into effect of an amendment to the Official Plan.

*EVALUATION  
CRITERIA*

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

## APPENDIX D - 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.

### SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

#### 12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

##### 12.1.1 PERMITTED USES

*Double Duplex Dwelling*

*Duplex Dwelling*

*Lodging House*

*Multiple Dwelling*

*Religious Residence*

*Residential Care Facility*

*Semi-Detached Dwelling*

*Single Unit Dwelling (Existing)*

*Townhome Dwelling*

Any use accessory to any of the preceding uses

##### 12.1.5 PROVISIONS

.1 Lot Frontage – minimum 18.0 m

.2 Lot Area – minimum

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

- |   |                              |
|---|------------------------------|
| a) For the first 5 <i>dwelling units</i>    | 540.0 m <sup>2</sup>         |
| b) For each additional <i>dwelling unit</i> | 67.0 m <sup>2</sup> per unit |

For any other lot:

- |   |                              |
|---|------------------------------|
| c) For the first 4 <i>dwelling units</i>    | 540.0 m <sup>2</sup>         |
| d) For each additional <i>dwelling unit</i> | 85.0 m <sup>2</sup> per unit |

- |     |  |                          |
|-----|--|--------------------------|
| .3  | Lot Coverage – maximum   | 35.0%                    |
| .4  | Main Building Height – maximum   |                          |
|     | <i>Corner Lot</i>  | 14.0 m                   |
|     | <i>Interior Lot</i>  | 10.0 m                   |
| .5  | Front Yard Depth – minimum   | 6.0 m                    |
| .6  | Rear Yard Depth – minimum  | 7.50 m                   |
| .7  | Side Yard Width – minimum  |                          |
|     | a) Where a <i>habitable room window</i> of any<br><i>dwelling unit</i> faces a <i>side lot line</i>  | 6.0 m                    |
|     | b) Any other side yard   | 3.0 m                    |
| .8  | Landscaped Open Space Yard – minimum   | 35.0% of <i>lot area</i> |
| .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> .      |                          |
| .55 | A <i>Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling</i> having a maximum of 4 <i>dwelling units, Semi-Detached Dwelling</i> or <i>Townhome Dwelling</i> , or an addition to an <i>existing Single Unit Dwelling</i> , and any use accessory thereto, shall comply with the provisions of Section 11.2.5. |                          |

## APPENDIX E - Consultations

### **Enbridge – Windsor Mapping**

After reviewing the provided drawing at 3829 Seminole St and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

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

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

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

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

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

### **Canada Post**

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

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

The Environmental Sustainability & Climate Change team requested an energy strategy during Pre-submission in April. We hope to be able to review and provide feedback.



**Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Ottawa 4. The closest existing bus stop is on Seminole at Westcott Southwest Corner directly across the street from this property. This provides direct transit service to this development and excellent service coverage. This will be maintained with our Council approved Transit Master Plan.

**Enwin**

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

ENWIN has existing overhead pole lines along the north limits with 27,600 volt primary, 347/600 and 120/240 volt secondary hydro distribution.

ENWIN has existing overhead pole lines along the east 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. The existing 19mm water service will not be sufficient for this proposed development and will need to be upgraded to a proper size to accommodate the proposed building.

**Jackie Cabral – Site Plan Control**

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

**Yemi Adeyeye – City Forester**

This submission has two (2) key issues

- There is no recognition of current green space use for South half of the lot
- There is no recognition of existing Trees on-site and their contribution to climate/canopy cover as 'natural feature' assets

In view of preserving Canopy Cover and protecting endangered species, we should request for a complete property inventory and assessment for trees, shrubs and plants and general habitat conditions. This inventory should:

- 1) Be undertaken by a Certified Arborist
- 2) Include species data, diameter measurements and a health/physical form assessment for each individual tree.
- 3) Assessment of habitat as related to possible endangered species, plant and animal, in this region

## 4) Presence of rare and endangered plant and animal species

For existing City Tree on-site – Protection during Construction (TPZ), requirements are

- Hi-Viz Fenced Protection zone required (12:1 based on DBH)
- 2019 inventory data : Norway Maple 40cm
- TPZ: minimum fenced 5 meters, if available, in all directions.
- Possible new soil & re-sodding of BLVD to north of tree towards corner

If tree removal is anticipated, planning for tree replacement is advised.

- Tree planting / Canopy compensation level be established based on existing DBH
- o 1 new balled and burlapped tree for every 5cm of existing on-site DBH
- Site plan to include on-site planting if possible of appropriate native tree species (City can provide list)
- In-lieu of on-site plantings – funds Transfer to Forestry required for compensation level.

**Sherif Barsom – Parks D&D**

Parks Development has no comments for this LIAISON: Z-020/22 [ZNG/6783].

**Barbara Rusan – Building Dept**

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

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

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

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

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

In addition to the above this development would require a Record of Site Condition (i.e. proposed change to a more sensitive land use – residential from previous commercial use).

**Tracy Tang – Heritage Planning**

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 Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The

local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

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

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

### **Shannon Deehan – Transportation Planning**

- Seminole St is classified as a Class I Collector Road according to the Official Plan with a required right-of-way width of 20.1 meters according to Schedule X. The current right-of-way along the frontage of the subject property is sufficient, therefore no conveyance is required.
- Westcott Rd is classified as a Local Road according to the Official Plan with a required right-of-way width of 20.1 meters. The current right-of-way along the frontage of the subject property is insufficient, therefore, a conveyance of 0.8 meters is required.
- A corner cut-off of 4.6 meters is required at the corner of Westcott Rd and Seminole Street per AS-230.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
  - o Driveway width must comply with AS-204 with straight flares and no raised curbs in the right-of-way.
  - o The proposed development includes use of the alley located at the east side of the property. The applicant is required to pave the entire alley along their frontage or remove the proposed access.
  - o Redundant curb cuts fronting Seminole Street and Westcott Road shall be removed and restored in accordance with City Standards, to the satisfaction of the City Engineer.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

### **Amy Olsen – Engineering & ROW**

The subject lands are located at 3829-3831 Seminole Street at Westcott Road. The applicant is proposing to construct a 3 storey multiple dwelling building with 12 residential (rental) dwelling units, as well as parking on-site for 15 vehicles. Vehicular access to the development is proposed via Westcott Road and the abutting alley. The lands are currently designated Mixed Use on Schedule D of the Official Plan and zoned Commercial District 1.1 (CD1.1) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-Law 8600 to permit a multiple dwelling and establish site-specific provisions to enable the proposed site and building design, including a reduction to the provision for minimum parking separation from a street.

SEWERS – This site may be serviced by a 300mm diameter PVC sanitary sewer and a 600mm

diameter RCP storm sewer on Westcott Road as well as a 1050mm diameter RCP storm sewer on Seminole Street. It must be demonstrated that the proposed development will have no negative impacts to the adjacent properties. Site servicing drawing(s), lot grading plan(s), and a stormwater management plan are required, conforming to City Standards and the Windsor/Essex Region Stormwater Management Standards Manual. Existing connections should be utilized, in order to minimize work within the right-of-way. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice BP1.3.3.

RIGHT-OF-WAY – Schedule X of the Official Plan classifies Seminole Street as a Class I Collector requiring a right-of-way width of 20.1 meters. The current width is 20.1 meters; therefore, a land conveyance is not required. Westcott Road is classified as a Local Road, requiring a right-of-way width of 20.1 meters. The current right-of-way width is 18.5 meters; therefore, land conveyance in the amount of 0.8 meters is required. A corner cut-off of 4.6x4.6 meters is required at the south east corner of Seminole Street and Westcott Road. The proposed development includes use of the alley located at the east side of the property. The applicant is required to pave the entire alley along their frontage or remove the proposed access. Driveway accesses shall be constructed as per AS-204 with a minimum width of 3.5 meters per lane, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts fronting Seminole Street and Westcott Road shall be removed and restored in accordance with City Standards, to the satisfaction of the City Engineer. The existing concrete steps and asphalt parking is currently encroaching into the Seminole Street right-of-way. Owner shall remove or enter into an Encroachment Agreement for items to remain in place. Any damage to the adjacent roads will require full lane restoration. Permits are required for any work in the right-of-way.

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

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

Alley Paving – The owner shall agree to drain and pave at his entire expense, the alley abutting the subject lands. The minimum acceptable cross-section will be 300 mm Granular “A” and 100 mm base and surface course asphalt in accordance with Standard City of Windsor Specifications, Selected Granular Base Course (S4) and Hot Mix, Hot Laid Asphaltic Concrete (S-10). The geometrics of the pavement shall comply with City of Windsor Standard Drawing AS-201. All work shall be to the satisfaction of the City Engineer.

Corner Cut-off – The owner agrees prior to the issuance of a construction permit, to gratuitously convey a 4.6m x 4.6m (15’x15’) corner cut-off at the south-east intersection of Seminole Street and Westcott Road in accordance with City of Windsor Standard Drawing AS-230.

Encroachment Agreement – The owner agrees to submit application for and execute an agreement with the Corporation for the existing encroachments into the right-of-way (i.e. concrete steps and asphalt parking) or remove to the satisfaction of the City Engineer.

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create a 20.1 metre wide right-of-way on Westcott Road. This conveyance shall be approximately 0.8 metres along the entire Westcott Road frontage of the subject lands.

**Stefan Fediuk – Landscape Architect**

Pursuant to the application for a zoning amendment (Z 020/22) to permit a multiple dwelling on the subject with site specific provisions including reduced parking separation from the the street, please note no objections. Please also note the following comments:

**Zoning Provisions for Parking Setback:**

There are no objections to the proposed setback reduction as proposed. The developmet will be subject to Site Plan Control at which time detailed landscape comments and requirements will be made including; enhanced landscaping in the form of additional screening to the abutting residences as compensation for the reduced setback.

**Tree Preservation:**

N/A

**Climate Change:**

Additional tree cover will be requested at Site Plan Control to mitigate any additional heat island affect from the hard surface paving associated with the proposed development.

**Parkland Dedication:**

All requirements will be determined at the time of Site Plan application review

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. By-law Number 8600 is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of the by-law and made part thereof, so that the zoning district symbol of the lands described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

| 1.<br>Item<br>Number | 2.<br>Zoning<br>District<br>Map<br>Part | 3.<br>Lands Affected  | 4.<br>Official Plan<br>Amendment<br>Number | 5.<br>Zoning<br>Symbol | 6.<br>New Zoning<br>Symbol |
|----------------------|---|---|--|------------------------|----------------------------|
| 1                    | 9                                       | Lots 164, 166 & Pt Lot 162;<br>Registered Plan 768<br><br>(known municipally as 3829 and<br>3831 Seminole Sreet; Roll No. 010-<br>280-00100; south side of Seminole<br>Street, east of Westcott Road) | --   | CD1.1                  | RD3.1                      |

2. By-law Number 8600 is further amended by amending subsection 1 of Section 20 to add the following paragraph:

**“XXX SOUTH EAST CORNER OF SEMINOLE STREET AND WESTCOTT ROAD**

1. For lands comprising Lots 164, 166 & Pt Lot 162, Registered Plan 768, for a *Multiple Dwelling* the following provisions shall apply:
  - a) Parking Area Separation from a Street            Minimum – 1.57 m

[ZDM 11; ZNG/6783]”;

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

| 1.<br>Item<br>Number | 2.<br>Zoning<br>District<br>Map Part | 3.<br>Lands Affected  | 4.<br>Official<br>Plan<br>Amendment<br>Number | 5.<br>Zoning<br>Symbol |
|----------------------|--------------------------------------|---|---|------------------------|
| 1                    | 11                                   | Lots 164, 166 & Pt Lot 162;<br>Registered Plan 768<br><br>(known municipally as 3829 and<br>3831 Seminole Sreet; Roll No. 010-<br>280-00100; south side of Seminole<br>Street, east of Westcott Road) | -   | S.20(1)XXX             |

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 Lots 164, 166 & Pt Lot 162, Registered Plan 768, (known municipally as 3829 and 3831 Seminole Street; Roll No. 010-280-00100), by changing from Commercial District 1.1 (CD1.1) to a site-specific Residential District 3.1 (RD3.1) to permit a multiple dwelling with reduced parking area separation from a street.

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

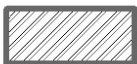


PART OF ZONING DISTRICT MAP 11

N.T.S.

## SCHEDULE 2

APPLICANT: JIAN LU



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JULY 2022  
FILE NO. : Z-020/22, ZNG-6783



**Subject: Zoning By-Law Amendment 5335 Wyandotte Street East Z 024-22 [ZNG-6794] - Ward 4**

**Reference:**

Date to Council: November 1, 2022  
Author: Jim Abbs, Senior Planner  
255-6543 x6317  
jabbs@citywindsor.ca

Samuel Switzer, Planning Assistant  
sswitzer@citywindsor.ca  
519-255-6543 x-6438

Planning & Building Services  
Report Date: October 13, 2022  
Clerk's File #: Z/14426

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

**Recommendation:**

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:

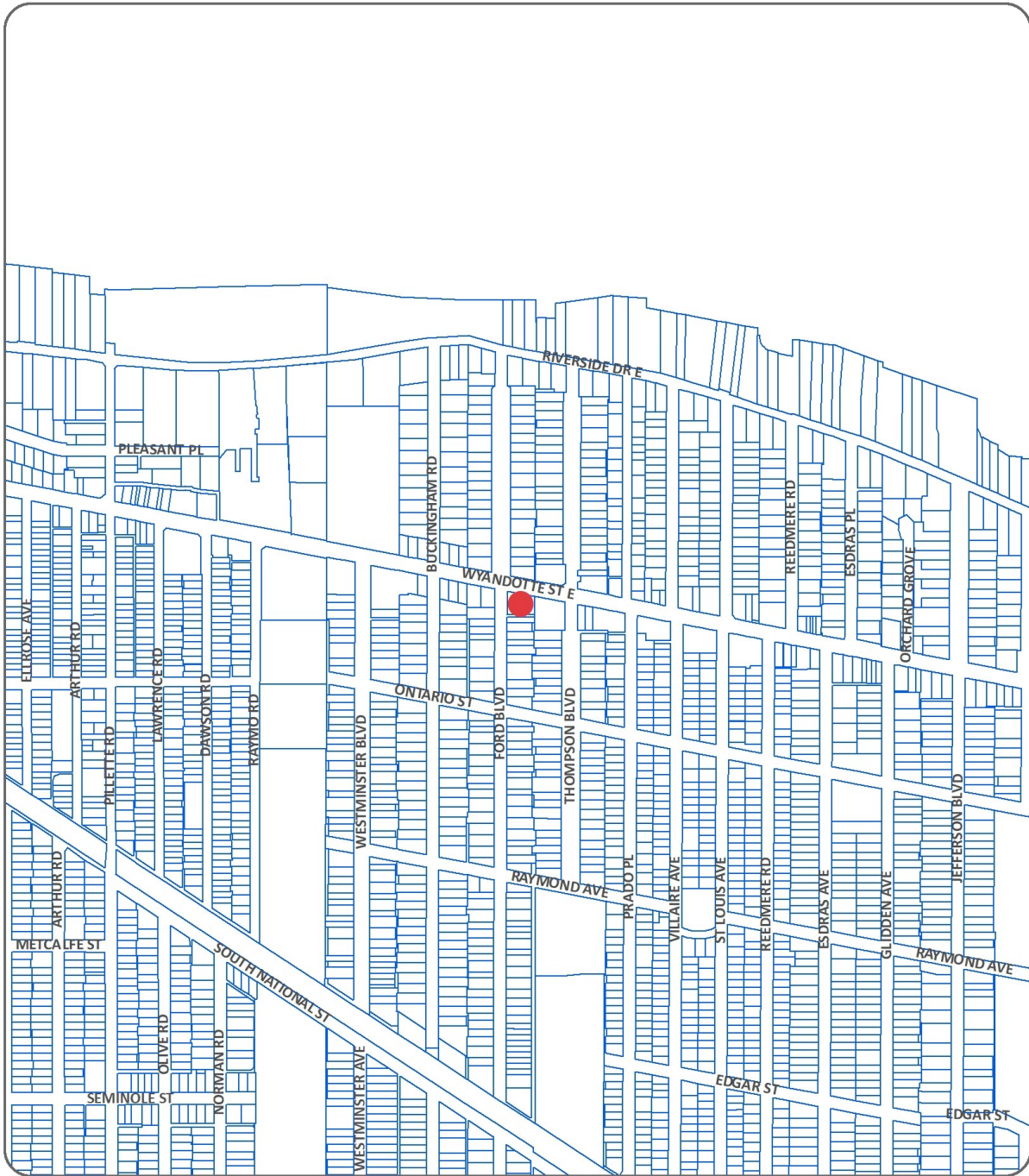
- a) Unit Size – minimum *As Existing*
- b) Parking Requirement – minimum *As Existing*

[ZDM10; ZNG/6794]

**Executive Summary:**

N/A

**Background:**  
1. KEY MAP



KEY MAP - Z-024/22, ZNG-6794



● SUBJECT LANDS

## 2. APPLICATION INFORMATION

Location: South side of Wyandotte Street East, East of Ford Boulevard municipally known as 5335 Wyandotte St E and described as Registered Plan 709; Lots 1 to 4.

Applicant: 2737512 Ontario Inc.

Proposal: The subject lands are situated southeast corner of Wyandotte St East at Ford Boulevard. The subject site is occupied by a multiple dwelling containing 23 residential units. The applicant is proposing to create a new dwelling unit utilizing space within the existing building. The required parking will be provided on site with 24 existing parking spaces. To be noted that the property owner stated that the subject building is a multiple dwelling.

The subject amendment to Zoning By-Law 8600 will alter the current 'Residential District 3.4' (RD3.4) to add site specific provisions to allow a new dwelling unit with a floor space under 40 m<sup>2</sup>, and reduced minimum parking requirements.

Submissions By Applicant: Pre-submission Application, Site plan, Proposed Floor Plans

## 3. SITE INFORMATION

| OFFICIAL PLAN                           | ZONING           | CURRENT USE       | PREVIOUS USE      |
|---|------------------|-------------------|-------------------|
| Residential                             | RD3.4            | Multiple Dwelling | Multiple Dwelling |
| FRONTAGE                                | DEPTH            | AREA              | SHAPE             |
| 44.7 M                                  | 35 M (irregular) | 0.15 HC           | Rectangle         |
| Note: All measurements are approximate. |                  |                   |                   |

# 4. REZONING MAP



PART OF ZONING DISTRICT MAP 10

N.T.S.

## REZONING

Applicant: 2737512 Ontario Inc



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER 2022  
FILE NO. : Z-024/22, ZNG/6794

# 5. NEIGHBOURHOOD CHARACTERISTICS NEIGHBOURHOOD MAP



NEIGHBOURHOOD MAP - Z-024/22, ZNG-6794



SUBJECT LANDS

SURROUNDING LAND USES – refer to Appendix A: Site Photos

North side of subject lands contains: Residential & Commercial uses

East side of the subject lands contains: Residential & Commercial uses

West side of the subject lands contains: Residential area

South side of the subject lands consists of: Residential area

Side photos (Google Street View, September 2017) were attached to this report as Appendix A: Site Photos to identify the surrounding land uses and the character of the subject neighbourhood.

#### MUNICIPAL INFRASTRUCTURE

Sanitary sewer/Storm sewer: A storm sewer and sanitary sewer made of reinforced concrete pipe is located North of this property along Wyandotte St E.

Water Fire Hydrants: A fire hydrant is approximately 2.06m to the West of the property.

Transit Windsor Bus: The closest existing bus stop, Wyandotte at Ford, is located on Wyandotte St E and is approximately 5.64m from the property. This bus stop is utilized by both Crosstown 2 – Eastbound, and Ottawa 4 - Eastbound.

#### **Discussion:**

##### **1. PLANNING ACT**

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

##### **2. PROVINCIAL POLICY STATEMENT (PPS) 2020**

The recommended amendment to Zoning By-law 8600 are consistent with the PPS. The recommended amendment to allow the conversion of existing space into one new dwelling unit is consistent with PPS policies described in this section.

Applicable PPS Sections can be found in detail in the Appendix B: Excerpts from PPS 2020.

PPS provides policy direction for appropriate development. This policy direction takes into consideration efficient use of land and resources, accommodating an appropriate mix of residential uses, supporting active transportation/transit while preparing for the impacts of climate change. The PPS recognizes that land use are to be managed to meet the full range of current and future needs, while protecting public safety and natural environment.

The proposed multiple dwelling use contributes to building of a strong healthy community as per policy 1.1.1. (a, b, c, d, e, f, and g) of PPS. The proposed amendment is consistent with the PPS as follows:

- The subject building is connected to municipal services.
- The proposed new dwelling represents an effective and appropriate re-use of the existing building.
- The subject site complements the surrounding neighbourhood of residential uses.
- The proposed new dwelling unit's accessibility will be established in compliance with Ontario Building Code (OBC).
- There are no impacts on the natural environment, public health and safety.

The subject lands are within the urban area of the settlement for the City of Windsor. The proposed amendment would permit a higher density of residential units, making a more efficient use of land within the existing built up area.

PPS defines Intensification as “means of development of a property at a higher density than currently exists through d) by conversion of the existing buildings. The proposed dwelling unit is contained within an existing building minimizing land consumption.

The PPS recommends accommodating affordable, market-based range, and a mix of residential types including multiple-unit housing, affordable housing such as the proposed multiple dwelling unit. The subject site is located near a transit route which provides an opportunity to promote transit ridership.

The applicable PPS sections promote the vitality of the existing settlements recognizing the importance of long-term prosperity of the community while making use of existing infrastructure.

In my opinion, the proposed development is an efficient use of an existing building and promotes a healthy, liveable and safe community. The recommended amendment to Zoning By-Law 8600 represents a sound planning decision that is consistent with the above sections of the PPS.

### **3. OFFICIAL PLAN (OP)**

#### **Applicable Official Plan Sections:**

Applicable OP Sections can be found in detail in the Appendix C: Excerpts from the Official Plan.

The Official Plan, Schedule D: Land Use designates the subject land as “Residential”. Available municipal records indicate that the subject building has been used as a multiple unit dwelling since 1967 according to municipal records.

The permitted uses in the Residential land use include low, medium and high profile dwelling units. The proposed development is a medium profile, mid scale form

complying with the Official Plan policies. The majority of houses fronting Wyandotte near the subject property contains dwellings with 1 to 2 units, as well as other multiple dwellings with 5 or more units, and other commercial uses. The proposed use integrates well with the surrounding residential and commercial areas. The height of the existing structure will be maintained. The proposed change, one new dwelling unit, will be within the existing footprint.

Section 6.3.1.3 Intensification Infill & Redevelopment promote selective residential redevelopment, infill and intensification initiatives similar to the subject proposal.

Section 6.3.1.4 Maintenance and Rehabilitation recommends that the existing housing stock is maintained and rehabilitated.

Section 3.3.3 Neighbourhood policies (policy 3.3.3) denotes that the residential areas are the most basic component on Windsor's urban structure, facilitating a range of "low-to-medium density residential" built forms.

The Residential policies (Sections 6.3.2.4 and 6.3.2.5) stipulate location and evaluation criteria for Residential development. The proposed development meets the locational criteria that includes access to a collector road, full services, adequate open spaces and community services, and public transportation service.

The land use policies associated with the Residential Land Use designation support a complementary range of housing forms and tenures in all neighbourhoods, promote compact neighbourhoods that encourage a balanced transportation system, promote selective residential redevelopment, infill and intensification initiatives. The proposed development is a compatible residential housing type that will contribute to the diversity of housing forms in the neighbourhood. The built form in terms of mass and height will not change.

The recommended Zoning By-law Amendment maintains conformity with the Official Plan.

#### **4. ZONING**

The Zoning Bylaw 8600 designates the zoning for the subject property as 'Residential District 3.4 (RD3.4).

Applicable Zoning By-law Sections can be found in detail in the Appendix D: Excerpts from the Zoning Bylaw 8600.

As per Section 12.4.1, Permitted Uses include multiple dwelling. The subject amendment to Zoning By-Law 8600 will add site specific provisions to permit a new dwelling unit under 40 m<sup>2</sup>, and reduce minimum parking requirements.

The recommended Zoning By-law amendment provides for an appropriate more intense use of an existing building.



## 5. SITE PLAN

N/A

## 6. ISSUES TO BE RESOLVED

N/A

## 7. ALTERNATIVES FOR CONSIDERATION

N/A

### **Risk Analysis:**

There are no known risks to the Corporation of the City of Windsor.

### **Climate Change Risks**

There are no climate change risks.

### **Climate Change Mitigation:**

Proposed development is within walking distance to transit bus stops promoting active transportation.

### **Climate Change Adaptation:**

Risk may be minimal and no further action is required.

### **Financial Matters:**

N/A

### **Consultations:**

#### 1. City's Departments and Agencies

Comments from the municipal departments and external agencies are attached as Appendix E: Consultations to this report. There are no objections to the proposed amendment.

Please refer to Appendix E: Consultations for additional comments.

#### 2. Public Notice

The official notice will be advertised in the Windsor Star newspaper as mandated by the Planning Act.

A courtesy notice will be mailed to all properties within 120 m (400 feet) of the subject site, prior to the Development Heritage & Economic Standing Committee (DHESC) meeting.

**Conclusion:**

The recommended site-specific amendment to Zoning By-law 8600 is consistent with the Provincial Policy Statement 2020 as it provides an efficient use of an existing building and promotes a healthy, liveable and safe community. The recommended Zoning By-law Amendment maintains conformity with the Official Plan as the proposed multiple dwelling is a compatible residential housing type that will contribute to the diversity of housing forms in the neighbourhood. The subject Zoning By-law Amendment constitutes good planning as it provides for an appropriate more intense use of an existing building.

**Planning Act Matters:**

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

*Michael Cooke, MCIP RPP*

*Manager, Planning Policy*

*Thom Hunt, MCIP RPP*

*City Planner*

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

*Jelena Payne, Commissioner of Economic Development & Innovation*

*Onorio Colucci, Chief Administrative Officer*

**Approvals:**

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

**Notifications:**

| <b>Name</b>   | <b>Address</b> | <b>Email</b> |
|---|----------------|--------------|
| Abutting property owners, tenants/occupants within 120m (400ft) radius of the subject land. |                |              |

| Name  | Address   | Email                          |
|---|---|--------------------------------|
| Registered<br>Owner/Applicant:<br><br>2737512 Ontario Inc | 9-6975 Meadowvale Town<br><br>Centre Circle, Unit 109 | aheath@eviapropertiesgroup.com |

**Appendices:**

- 1 APPENDIX A - SITE PHOTOS
- 2 APPENDIX B - EXCERPTS FROM THE PPS 2020
- 3 APPENDIX C - EXCERPTS FROM THE OP 2012
- 4 APPENDIX D - EXCERPTS FROM ZONING BY-LAW 8600
- 5 APPENDIX E - CONSULTATIONS
- 6 APPENDIX F - SITE LAYOUT
- 7 APPENDIX G - DRAFT BY-LAW AMENDMENT

**APPENDIX A - SITE IMAGES**

**IMAGE 1**



**Subject Parcel – 5335 Wyandotte Street East - Looking South  
Subject Property is directly in front**

**IMAGE 2**



**Looking East on 5335 Wyandotte Street East**

**IMAGE 3**



**Looking West from subject parcel**

**IMAGE 4**



**Looking North of subject parcel**

## **Appendix B**

### **Excerpts from the Provincial Policy Statement (PPS) 2020**

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

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

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

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

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

## **Appendix B**

### **Excerpts from the Provincial Policy Statement (PPS) 2020**

1.1.3.1 Settlement areas shall be the focus of growth and development.

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

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

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

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

**Appendix C**  
**Excerpts from the**  
**City of Windsor Official Plan (OP) 2012**

Applicable Official Plan Sections:

2. Glossary

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

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

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

3 Development Strategy

3.2.1.2 Permitted Uses

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

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

**6.3 Residential**

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

*PERMITTED USES*

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

*NEIGHBOURHOODS*

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

**Appendix C**  
**Excerpts from the**  
**City of Windsor Official Plan (OP) 2012**

*INTENSIFICATION, INFILL & REDEVELOPMENT*

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

*MAINTENANCE & REHABILITATION*

6.3.1.4 To ensure that the existing housing stock is maintained and rehabilitated.

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.



## Appendix D Excerpts from the Zoning By-Law 8600

The City of Windsor Zoning Bylaw 8600 designates the zoning for the subject property as ‘Residential District 3.4’ (RD 3.4).

Zoning By-law 8600

Section 3 – Definitions

Page 3.15

**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*.

CURRENT USE: MULTIPLE DWELLING

### 12.4 RESIDENTIAL DISTRICT 3.4 (RD3.4)

#### 12.4.1 PERMITTED USES

*Lodging House*  
*Multiple Dwelling*  
*Religious Residence*  
*Residential Care Facility*  
*Townhome Dwelling*  
Any use accessory to the preceding uses

#### 12.4.5 PROVISIONS

|     |                                      |             |
|-----|--------------------------------------|-------------|
| .1  | Lot Frontage – minimum               | As Existing |
| .3  | Lot Coverage – maximum               | As Existing |
| .4  | Main Building Height – maximum       | As Existing |
| .5  | Front Yard Depth – minimum           | As Existing |
| .6  | Rear Yard Depth – minimum            | As Existing |
| .7  | Side Yard Width – minimum            | As Existing |
| .8  | Landscaped Open Space Yard – minimum | As Existing |
| .14 | Dwelling Units – maximum             | As Existing |

PROPOSED USE: MULTIPLE DWELLING WITH A MAXIMUM OF THREE UNITS WITH SITE SPECIFIC PROVISIONS

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

431. SOUTH SIDE OF WYANDOTTE STREET EAST, EAST OF FORD BOULEVARD

For the lands comprising Plan 709; Lots 1 to 4, an *additional 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]

## COMMENTS

### Enwin

**HYDRO ENGINEERING:** No objection to re-zoning.

**WATER ENGINEERING:** Water Engineering has no objections to the rezoning.

### Tracy Tang – Heritage Planning

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

### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca), [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Culture and Events (A):

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

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)

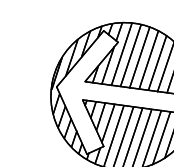
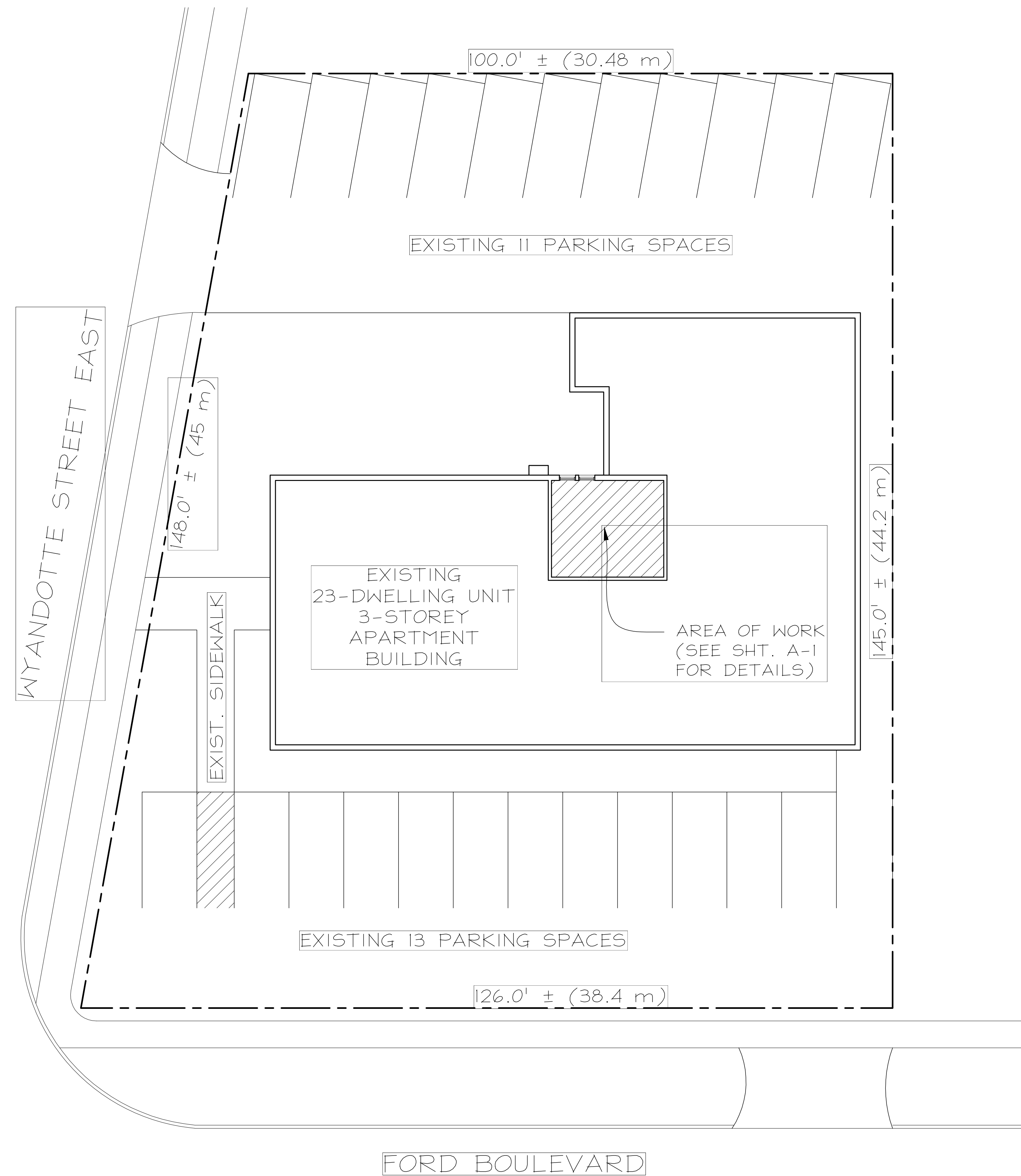
Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

### Rania Toufeili – Transportation Planning

- Wyandotte Street East is classified as a Class II Arterial Road with a required right-of-way width of 28 meters per Schedule X. The current right-of-way is sufficient therefore no conveyance is required.
- A 4.6 meter corner cut-off is required at the corner of Ford Blvd and Wyandotte Street East.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).



**EXISTING SITE PLAN**  
SCALE: 1" = 10'-0"

**VIJAY VASANTGADKAR ARCHITECT INC.**  
1614 LESPERANCE ROAD, SUITE #8A TECUMSEH, ONT. N8N 1Y3  
Tel. (519) 988-1855

PROJECT NAME: **APARTMENT RENOVATION**  
5335 WYANDOTTE STREET EAST WINDSOR, ONTARIO

CLIENT:

GENERAL NOTES:  
ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE JOB SITE. ANY AND ALL DISCREPANCIES TO BE REPORTED TO THE ARCH. / ENGINEER.  
ALL DRAWINGS REMAIN THE PROPERTY OF THE ARCHITECT.  
DO NOT SCALE DRAWINGS.

STAMP:  
**VIJAY VASANTGADKAR ARCHITECTS INC.**  
ONTARIO ASSOCIATION OF ARCHITECTS  
VIJAY VASANTGADKAR  
LICENCE 3147  
September 24, 2021

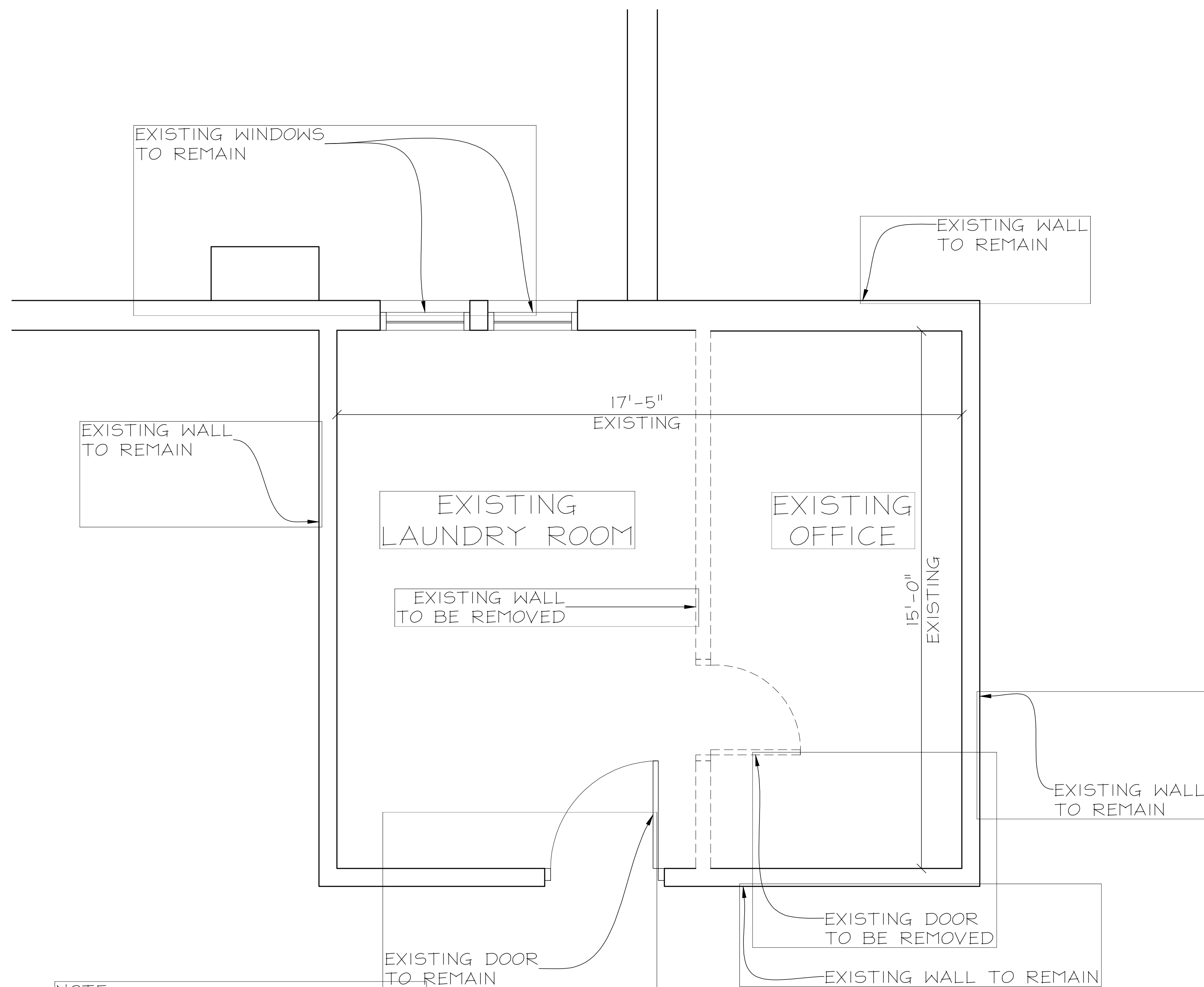
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|        | E.O.         |
|        | CHECKED BY:  |
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|        | V.V.         |
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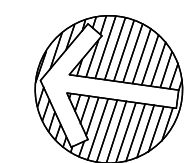
PROJECT:

DWG. TITLE: **SITE PLAN**

DWG. NO. **SP-1**

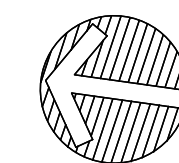
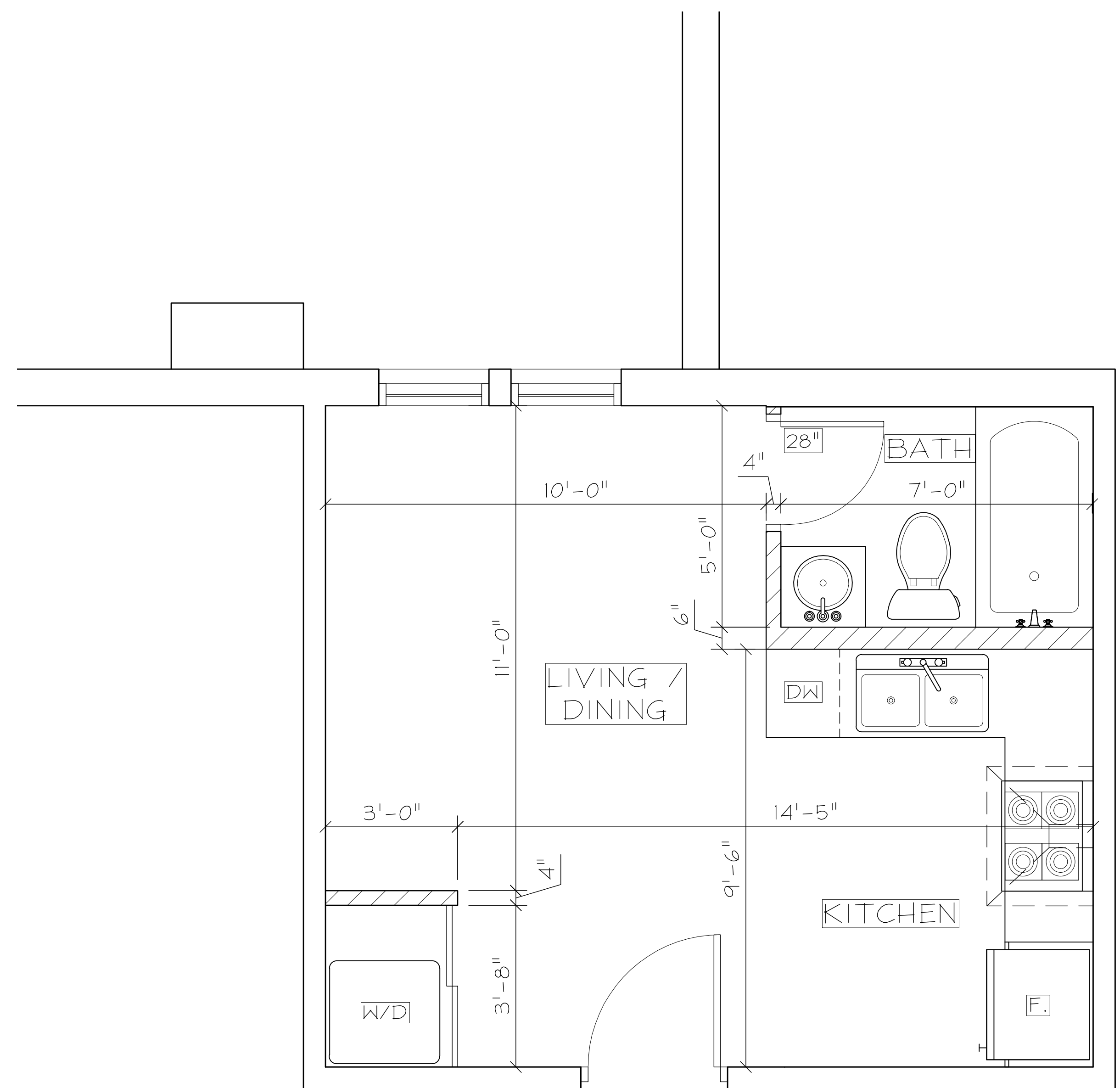


NOTE:  
 ALL EXISTING  
 LAUNDRY PLUMBING FIXTURES  
 TO BE REMOVED & CAPPED AND/OR  
 RE-ROUTED TO ACCEPT NEW  
 BATH & KITCHEN FIXTURING  
 BASED ON ENG. MECH. DWGS.



**EXISTING / DEMOLITION FLOOR PLAN**

SCALE: 1/2" = 1'-0"



**EXISTING / PROPOSED FLOOR PLAN**

SCALE: 1/2" = 1'-0"

261 SQ.FT.

**VIJAY VASANTGADKAR ARCHITECT INC.**  
 1614 LESPERANCE ROAD,  
 SUITE #8A TECUMSEH, ONT.  
 N8N 1Y3  
 Tel. (519) 988-1855

PROJECT NAME: **APARTMENT RENOVATION**  
 5335 WYANDOTTE STREET EAST  
 WINDSOR, ONTARIO

CLIENT:

GENERAL NOTES:  
 ALL DIMENSIONS TO BE CHECKED AND VERIFIED ON THE JOB SITE. ANY AND ALL DISCREPANCIES TO BE REPORTED TO THE ARCH. / ENGINEER.  
 ALL DRAWINGS REMAIN THE PROPERTY OF THE ARCHITECT.  
 DO NOT SCALE DRAWINGS.

STAMP:  
 ONTARIO ASSOCIATION of ARCHITECTS  
 Vijay Vasantgadkar  
 Vijay Vasantgadkar  
 LICENCE 3747  
 September 24, 2021

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|       | V.V.        |
|       | APPROVED BY |
|       | V.V.        |
|       | PROJECT NO. |
|       | 2174        |

PROJECT:

DWG. TITLE: **FLOOR PLANS**

DWG. NO. **A-1**

---

**DATE:** September 13, 2022  
**TO:** City Solicitor  
**FROM:** City Planner – Executive Director  
**RE:** ZONING AMENDMENT BY-LAW FOR COUNCIL CONSIDERATION AT  
SAME TIME AS THEIR REVIEW OF THE APPLICATION  
Planning File Number: Z-024/22 (ZNG/6794) Agenda.Net: S xxx/2022

---

**APPLICANT: 2737512 Ontario Inc**

**Phone:** 416-857-0175 or 289-799-4720  
**Address:** 9-6975 Meadowvale Town Centre Circle, Unit 109, Mississauga, ON L5N2V0  
**Email:** aheath@eviapropertiesgroup.com

**AGENT:** n/a **Phone:** n/a  
**Address:** n/a

**OWNER: Same as Applicant**  
**Address:** n/a

**ASSESSMENT ROLL NO: 060-040-09100**

**LOCATION: 5335 Wyandotte Street East**

**COUNCIL APPROVAL DATE:** \_\_\_\_\_ **CR TBD DHSC TBD**

**ENCLOSURES:**

- Schedule 1 - Draft Zoning Amendment
- Schedule 2 - Purpose and effect of the By-law and, if applicable, a Key Map

After approval, forward all schedules to City Clerk for submission to Council and public notification.

**REQUIREMENTS PRIOR TO BY-LAW ENACTMENT AND NOTIFICATION:**

1. Official Plan Amendment By-law Enactment:  NO  YES:
2. Executed Servicing Agreement:  NO  YES
3. Other:

SIGNED \_\_\_\_\_  
TH:ss



## SCHEDULE 2

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

To amend the zoning of Plan 709; Lots 1 to 4 municipally known as 5335 Wyandotte Street East; Roll No 060 040 09100 0000), situated South side of Wyandotte Street East, East side of Ford Blvd), by adding a site specific exception to Section 20(1) to allow an additional dwelling unit which shall be subject to additional provisions.

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



PART OF ZONING DISTRICT MAP 10

N.T.S.

### REZONING

Applicant: 2737512 Ontario Inc



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : SEPTEMBER 2022  
FILE NO. : Z-024/22, ZNG/6794



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

**Reference:**

Date to Council: November 1, 2022  
Author: Jim Abbs, MCIP, RPP  
Senior Planner  
255-6543 x6317  
jabbs@citywindsor.ca

Planning & Building Services  
Report Date: October 13, 2022  
Clerk's File #: Z/14428

To: Mayor and Members of City Council

**Recommendation:**

**THAT** the application to amend the City of Windsor Official Plan by changing the designation of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050-180-09900) from "Industrial" to "Residential" **BE DENIED**

**THAT** the application to amend Zoning By-law 8600 by changing the zoning of PLAN 953 N PT BLK A;PLAN 40 PT PARK LOT 1; in the City of Windsor, known municipally as 3821 King Street (Roll # 050 - 180 - 09900) from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5 **BE DENIED**

**Executive Summary:**

N/A

**Background:**

**Application Information:**

Location: 3821 King Street. Ward: 2

Planning District: 09 – Sandwich ZDM: 4

Owner: Jiang, Yingwei & Su, Gaoqiang

Agent: Lassaline Planning Consultants (Jackie Lassaline)

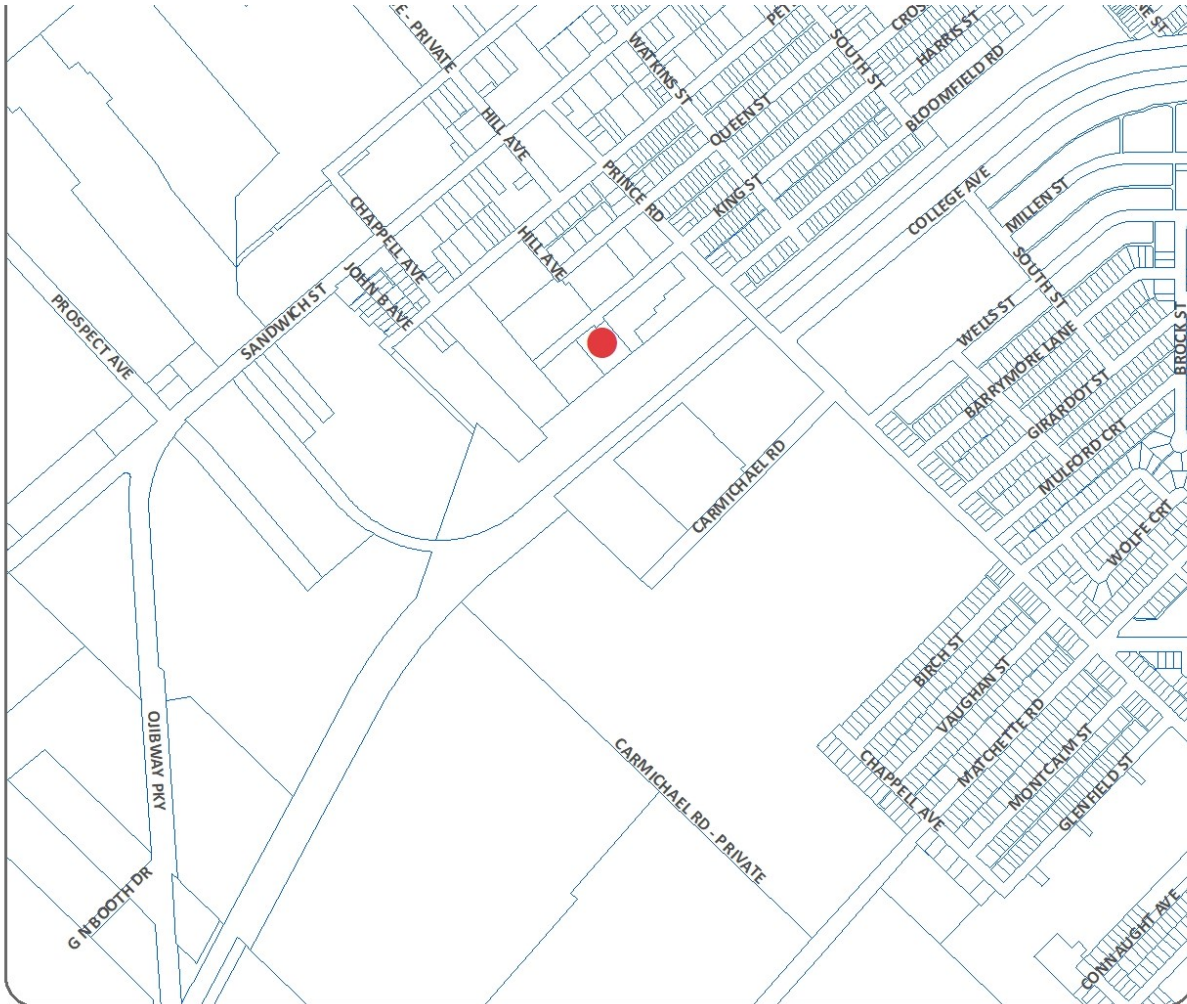
The site is currently vacant, but was previously used for residential purposes. The property contains a derelict and abandoned residence with associated outbuildings including a garage that was damaged by fire in 2021. The now derelict structure appears to have been constructed in 1915 (MPAC assessment data), predating the City of Windsor Official Plan And Zoning Bylaw. As such, the single detached residential use could continue until such time as the use ceased. Any new development on the site would be required to conform to the current Official Plan and comply with the current Zoning Bylaw.



Subject Site, Abandoned house



Subject Site, Fire Damaged garage



**KEY MAP - Z-022/22, ZNG-6787 & OPA 161, OPA-6788**



● SUBJECT LANDS

APPLICANT: PASSA ASSOCIATES ARCHITECTS

ADDRESS: 3821 KING STREET

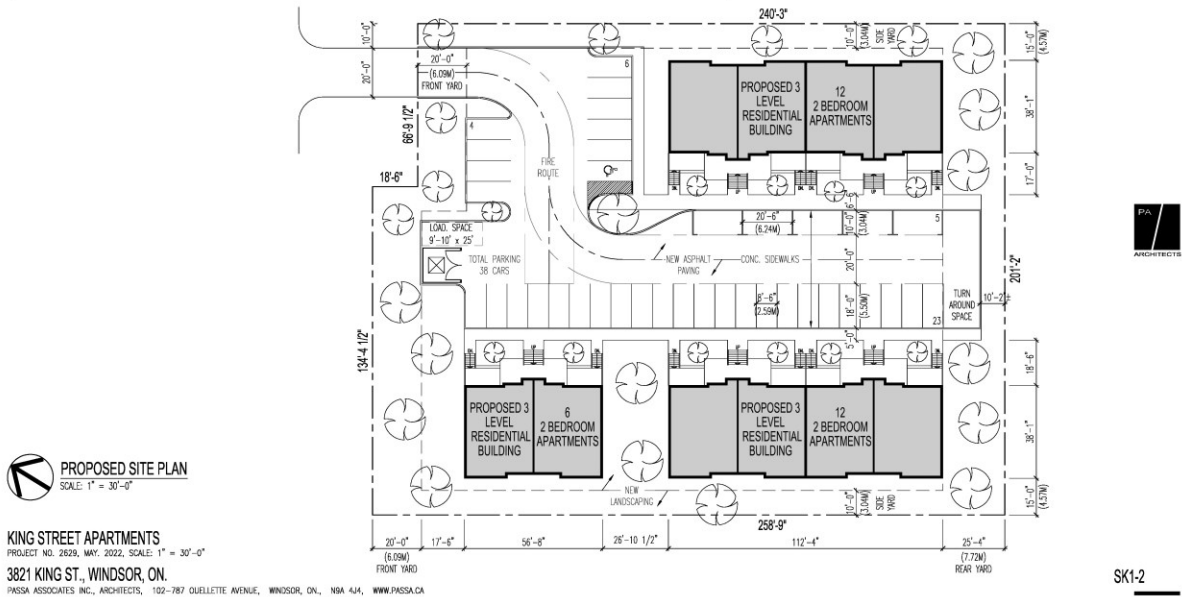
**Proposal:**

The applicant is requesting Official Plan and Zoning By-law amendments for the property 3821 King Street. The applicant proposes that the Official Plan designation be changed from 'Industrial' to 'Residential', and the zoning category be changed from the Manufacturing District (MD) 1.2 category. The zoning of the property site currently includes a site specific provision, (S20(1)9) that permits a stamping forging or casting plant as additional permitted uses.

The applicant is requesting the Official Plan amendment as well as an amendment to the zoning to the Residential District (RD) 2.5 category to facilitate the development of 3 separate residential apartment buildings. The three buildings would be low profile, 3 storey multiple unit residential buildings. One multi-unit building would have 12 units; the second multi-unit building would have 12 units; while the third building would have 6 units. All units are proposed to be 2 bedroom units for a total of 30 residential apartment

units. The site is proposed to be developed with 38 parking spaces, including 1 barrier free space and 1 loading space.

| SITE STATISTICS                       |                                  |                                   |   |
|---------------------------------------|----------------------------------|-----------------------------------|---|
| PROPOSED ZONING FOR SITE:             | RESIDENTIAL DISTRICT 2.5 (R02.5) | TOTAL 2 BEDROOM APARTMENTS:       | 30 UNITS                                |
| TOTAL SITE AREA:                      | 50,816 SQ. FT. (4,720.96 SQ. M.) | TOTAL PROPOSED PARKING SPACES:    | 38 SPACES                               |
| TOTAL PROPOSED BUILDING AREA:         | 10,786 SQ. FT. (1,000 SQ. M.)    | TOTAL PROPOSED ACCESSIBLE SPACES: | 1 TYPE '1' PARKING SPACE                |
| TOTAL PROPOSED SITE COVERAGE:         | 21.22 % SITE COVERAGE            | TOTAL PROPOSED LOADING SPACES:    | 1 LOADING SPACE                         |
| TOTAL FLOOR AREA OF NEW CONSTRUCTION: | 32,357 SQ. FT. (3,006 SQ. M.)    | TOTAL LANDSCAPED AREA:            | 25,524 SQ. FT. (2,371.26 SQ. M.) 50.23% |



**Site Information:**

| Official Plan   | Zoning   | Current Use         | Previous Use |
|---|--|---------------------|--------------|
| Industrial  | Manufacturing District MD1.2 , S20(1)9 additional permitted use stamping, forging or casting plant | Vacant              | Residential  |
| Lot Depth   | Lot width  | Area                | Shape        |
| +/- 79 m  | +/- 40.8 m   | 4720 m <sup>2</sup> | square       |
| All measurements are for the entire parcel and are approximate. |  |                     |              |

### **Neighbourhood Characteristics:**

The lands are vacant but were previously used for residential purposes and the property contains a derelict abandoned residence with associated outbuildings including a garage that was damaged by fire in 2021.

### **Surrounding Land Uses:**

**North -** Sandwich Teen Action Group, Society of St. Vincent De Paul store;

**South –** industrial container supply, solar panel racking manufacture, solar panels, Major FA Tilston Armoury & Police Training Centre

**East –** Welding and stamping plant (Shur-lok), Retail and office uses, Essex Terminal Railway, Automotive Coating and Plating (Narmco)

**West –** Canpar Courier, vacant industrial



NEIGHBOURHOOD MAP - Z-022/22, ZNG-6787 &  
OPA 161, OPA-6788



SUBJECT LANDS

APPLICANT: PASSA ASSOCIATES ARCHITECTS  
ADDRESS: 3821 KING STREET

**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.

The zoning bylaw amendment would result in a development on a residentially used parcel that is designated for Industrial purposes. This is not consistent with the Provincial Policy Statement in that the new and intensified residential development may negatively impact existing industrial uses, may inhibit opportunity for new or intensified industrial uses in the future (1.3.2.2) and will not have the benefit of an appropriate (or any) transition from industrial to sensitive land uses.(1.3.2.2

*1.3.2.2 At the time of the official plan review or update, planning authorities should assess employment areas identified in local official plans to ensure that this designation is appropriate to the planned function of the employment area.*

*Employment areas planned for industrial and manufacturing uses shall provide for separation or mitigation from sensitive land uses to maintain the long-term operational and economic viability of the planned uses and function of these areas.*

*1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility.*

*Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.*

#### **Official Plan:**

The City of Windsor Official Plan currently designates the site 'Industrial'. The proposed use of the site for multiple unit dwellings on the site is not permitted within the Industrial designation. The proposed development is not consistent with the goals and objectives of the City of Windsor Official Plan.

Section 6.4.3.1 describes the uses permitted in the Industrial designation. The uses included in this designation and anticipated to locate in this area

#### **PERMITTED USES**

*6.4.3.1 Uses permitted in the Industrial land use designation identified on Schedule D: Land Use include establishments which may 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)*

The proposed development would be located in a designation that is not conducive to residential development and would not support the Official Plan Goals of creating:

- safe, caring and diverse neighbourhoods (6.1.1);
- seeks environmentally sustainable urban development (6.1.2).
- promotes housing suited to the needs of Windsor's residents. 6.1.3

The proposed development would create a development in the centre of an area designated and zoned for very intense industrial purposes in an area that is not complimentary to residential uses. The proposed development would not conform to the Official Plan

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

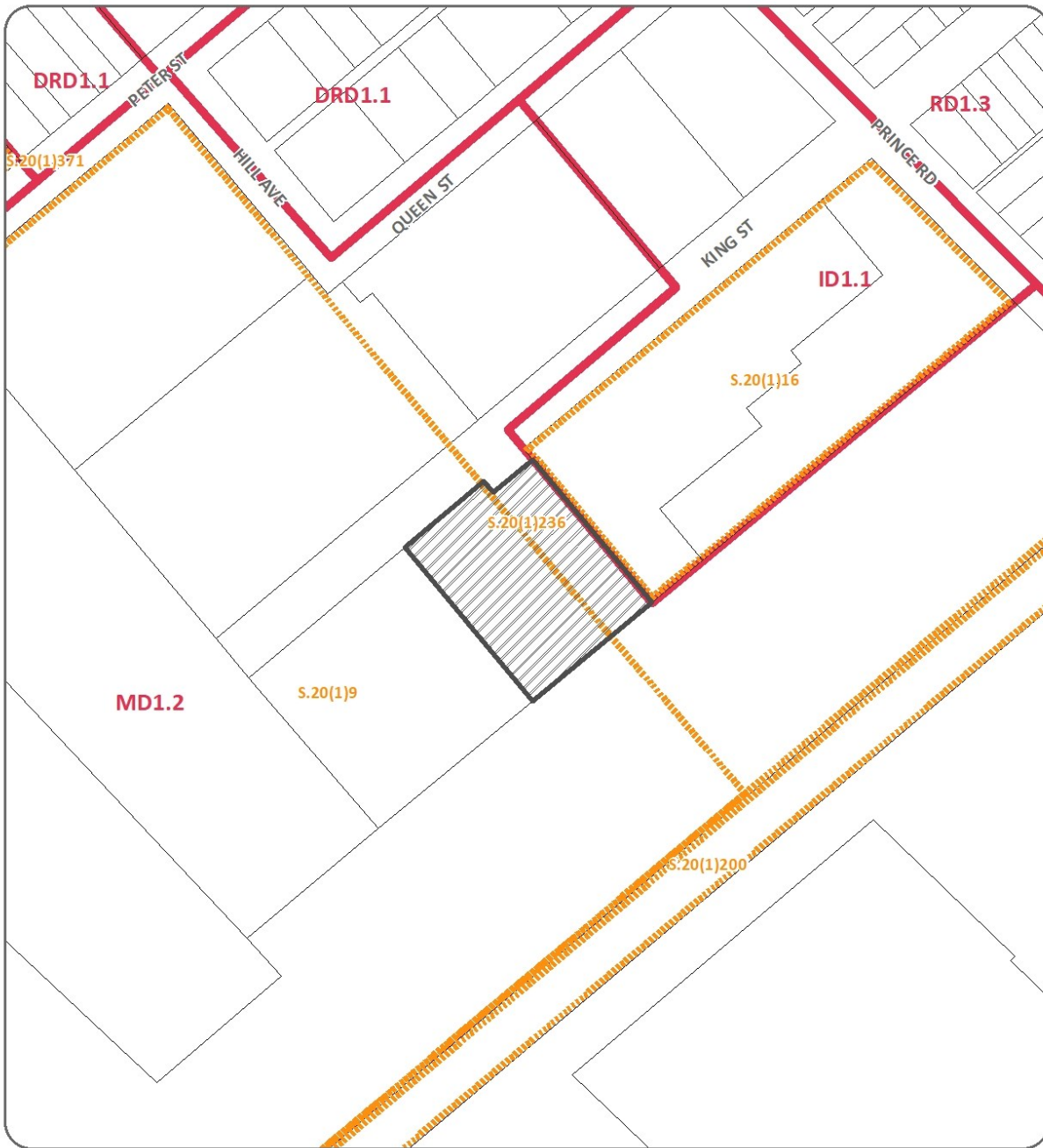
The subject site is currently zoned Manufacturing District (MD) 1.2, S20(1)9 additional permitted use stamping or casting plant in the City of Windsor Zoning By-law 8600. The current zoning does not permit a multiple dwelling, as such the proposed development requires a Major Zoning By-law Amendment.

The subject site lies within an area that is zoned to permit high intensity manufacturing uses that would generally be separated from residential uses. The introduction of a multiple unit residential development could have negative impacts on the continued use of the surrounding lands for industrial purposes. Therefore, applying a residential zone category to the site would not be appropriate in this situation.

#### **Planning Rationale Report:**

The Applicant submitted a Planning Rationale Report (PRR) prepared by a Registered Professional Planner as part of the complete Official Plan Amendment and Zoning Bylaw Amendment applications. While this report provided opinion that the proposed development was appropriate for the site, it focused on the previous residential use of the site, as well as the additional units that would be created. The PRR did not fully discuss the industrial context of the site and the impacts that a new multiple unit residential development placed in the centre of an area designated and zoned for industrial purposes could have on the viability current or future Industrial uses in the area. For this reason, the Planning Department disagrees with the conclusion made in the Applicant's PRR.





PART OF ZONING DISTRICT MAP 4

N.T.S.

## REZONING

Applicant: Passa Associates Architects



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022  
FILE NO. : Z-022/22, ZNG-6787

### Other Issues:

Both Transportation Planning and Public Works (Development) indicate that the existing road (King Street) is not suited for the additional use contemplated by this application,

and that significant improvements to King Street should be undertaken before any new development is undertaken.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

The additional increase in the density of development on the site may encourage the use of transit, walking and cycling as modes of transportation, thereby helping to minimize the City's carbon footprint.

**Climate Change Adaptation:**

The development proposal incorporates landscaping and building design elements to improve energy efficiency and increase resiliency of the development and surrounding area.

**Financial Matters:**

N/A

**Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix "A" to this report. The site would be subject to site plan control. The applicant has submitted a Functional Servicing Study, as well as a Storm Water Management Plan.

**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 by the City Clerk prior to the Development & Heritage Standing Committee Meeting (DHSC) meeting.

**Conclusion:**

This propose Multiple Dwelling development is proposed to be located in an area designated for, zoned for and used for intensive industrial uses, as such this application does not conform with the Provincial Policy Statements related to the maintenance the long-term viability of industrial uses, or the provision of transition between industrial uses. The proposed development does not conform to the Official Plan in that the proposed use would be introducing a sensitive (multiple unit dwelling) land use into an industrial area that would not be supportive of a safe development , or a development that would be suited to the needs of Windsor residents.

The proposed zoning by-law amendment is not consistent the PPS, does not conform with the policy direction of the City of Windsor Official Plan, is not compatible with existing and permitted uses in the surrounding neighbourhood and does not constitute good planning. Therefore, the Planning Department recommends that this development application be denied.

**Planning Act Matters:**

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

*Michael Cooke, Manager, Planning Policy/Deputy City Planner*

*Thom Hunt, City Planner*

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

*JP OC*

**Approvals:**

| <b>Name</b>    | <b>Title</b>   |
|----------------|--|
| 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:**

| <b>Name</b>                                       | <b>Address</b>  | <b>Email</b>         |
|---|---|----------------------|
| Lassaline Planning Consultants (Jackie Lassaline) | P.O. Box 52, 1632 County Road 31,<br>St. Joachim ON N0R 1S0 | jackie@lassalineplan |
| Passa Associates Architects (Joseph Passa)        |   | joseph@passa.ca      |
| Ward 2 Councillor                                 |   |                      |

**Appendices:**

- 1 Appendix A - Comments

## COMMENTS

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

The Environmental Sustainability & Climate Change team would like to request an Energy Strategy.

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

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

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

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

#### EV Charging

Due to increased production and escalating demand, 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 incorporated.

#### Stormwater Management:

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

#### Landscaping

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

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

#### 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](#).

### **Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Crosstown 2. The closest existing bus stop to this property is located on Prince at King Southeast Corner. This bus stop is approximately 220 metres away from this property falling within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

### **Enwin**

**HYDRO ENGINEERING:** No objection to Re-zoning, provided adequate clearances are achieved and maintained.

ENWIN has existing overhead pole lines along the east limits with 27,600 volt primary and 120/240 volt secondary hydro distribution.

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

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

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

**WATER ENGINEERING:** Water Engineering has no objections to the rezoning.

### **Tracy Tang – Heritage Planning**

Supporting information required:

- Final Stage 1 & 2 Archaeological Assessment Report; and
- Associated Entered Into Register Letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

### **Archaeology**

The subject property is located within an area of high archaeological potential with special interest, factors including being within the historically significant Sandwich settlement area. A report titled "**DRAFT Stage 1 & 2 Archaeological Assessment, 3821 King Street, Part of Block A, Registered Plan 953, Part of Park Lot 1, South Side of Centre Road, Registered Plan 40, Town Plot of Sandwich, Geographic Township of Sandwich, City of Windsor, County of Essex**" was received in the rezoning materials package. However, we require the final Stage 1 & 2 Archaeological Assessment report along with the Entered Into Register Letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review. Please provide these two materials in future re-submission packages.

### **Sandy Mio – Engineering & ROW**

The subject lands are located at 3821 King Street, designated Industrial by the City of Windsor Official Plan and zoned Manufacturing District (MD) by Zoning By-Law 8600. The applicant is requesting an Official Plan Amendment to designate the subject lands Residential from the existing Industrial to facilitate a zoning bylaw amendment that would zone the subject site from Manufacturing District (MD) 1.2 to Residential District (RD) 2.5. This would facilitate the development of 3 Multiple Dwelling Structures containing a total of 30 units.

SEWERS - The site may be serviced by a 300mm vitrified clay combined sewer within the King Street right-of-way. The applicant will be required to submit lot grading and site servicing drawings, as well as storm detention calculations restricting storm water runoff from this site to pre-development levels. This study must be completed in accordance with the City of Windsor Development Manual and the Windsor/Essex Region Stormwater Management Standards Manual. A sewer servicing study is required to demonstrate that there is adequate capacity in the municipal network. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P1.3.3. Follow Best Practice B.P.1.1.1 for wye connections to combined sewers, where the Building Department determines that separation of storm and sanitary services is required on private property.

RIGHT-OF-WAY – King Street is classified as a local road, with a current right-of-way width of 20.1m. The current right-of-way is sufficient at 20.1m; therefore land conveyance is not required. The current King Street road cross section does not meet City standards; therefore; road improvements will be required. The road reconstruction should start approximately 90m north of the subject property with a full standard municipal cross-section in order for the development to proceed. The full standard municipal road will include curb & gutter, sidewalk, street lights, and pavement. A cul-de-sac will be required at the end King Street to provide turn around access. A servicing agreement is required to construct municipal road and cul-de-sac on King Street.

Driveways shall be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.

In summary we have no objection to the proposed development, subject to the following requirements (Requirements can be enforced prior to issuance of Building and Right-of-Way Permits):

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.

Servicing Agreement – The owner shall enter into a servicing agreement with the Corporation, to supply, construct and install a full municipal road including curbs and gutters, sidewalk and Cul-de-Sac at its own expense, in accordance with the manner, location and design to be approved by the City Engineer. Prior to the issuance of a construction permit, the owner shall ensure that:

1. The servicing agreement between the owner and the Corporation for servicing of the surrounding lands, has been signed by all parties, and registered on the lands, and
2. All necessary bonding and insurance has been approved by the Manager of Risk Management

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.

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

- King Street is classified as a Local Road with a required right-of-way width of 20 meters. The road will need to be extended to the site with a full standard municipal cross-section in order for the development to proceed. The appropriate right-of-way width is available for this

- extension and therefore a conveyance is not required.
- King Street will need to be extended and comply with City standards as per Engineering Right-of-Way requirements. A standard municipal cross-section is required with a cul-de-sac at the end of King Street. The road reconstruction should start approximately 90 meters north of the subject property.
  - Parking must comply with zoning by-law 8600 (vehicle, bicycle and loading spaces).
  - 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).

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

Pursuant to the application for a zoning amendment (**Z 022/22**) and Official Plan amendment (OPA 161) to permit Residential Development (RD 2.5) on the subject, currently Zoned as a Manufacturing District (MD 1.2) please note no objections. Please also note the following comments:

#### Zoning Provisions for Parking Setback:

There are no requests for variance to zoning other than the proposed use and zoning classification. Therefore, there are no additional comments or recommendations related to landscape provisions related to zoning setbacks.

#### Tree Preservation and Climate Change Adaptation:

A tree inventory and preservation plan (TIPP) prepared by Bezaire Partners, Landscape Architects was submitted with the application. The TIPP identified 10 trees of desirable nature on the subject site, of which 6 are in good condition. The 4 other trees were identified in poor condition.

These trees would need to be protected as part of any construction on the subject properties. All conditions of development, including but not limited to the foregoing, would be provided at the time a Site Plan application is received.

Also identified on the subject were many volunteer trees of undesirable invasive character (Tree of Heaven, White Mulberry, and Manitoba Maple) which should be removed from site.

The preservation of existing desirable trees identified for preservation on the TIPP, will assist in providing climate change adaptation from both heat island effects resulting from hard surface paving associate with the development as well as providing shade for users. The well-established root systems will also help to prevent storm water from reaching the storm sewers.

Therefore as a condition of approval, it is requested that the preservation of the trees listed in the TIPP become part of the requirements for Site Plan Approval.

#### Parkland Dedication:

The site is situated in close proximity to Crowley Park, College Bikeway and MicMac Park which have established parkland and recreational amenities. Therefore, no land is required and all parkland cash-in-lieu requirements will be determined at the time a Site Plan application is received.

**Item 8.1**



**Committee Matters: SCM 279/2022**

**Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held October 3, 2022**



## Development & Heritage Standing Committee Meeting

Date: Monday, October 03, 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 Baker

Member Foot

Member Miller

Member Rondot

#### **Member Regrets**

Member Fratangeli

Member Gyemi

Member Moore

**Clerk's Note:** Several members of Administration and 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:**

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Sandra Gebauer, Council Assistant

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

Jelena Payne, Commissioner – Economic Development & Innovation

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## Development & Heritage Standing Committee

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Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
Thom Hunt, City Planner  
Neil Robertson, Manager of Urban Design / Deputy City Planner  
John Revell, Chief Building Official  
Patrick Winters, Development Engineer  
Shannon Deehan, Transportation Planner I  
Brian Nagata, Planner II – Development Review  
Jim Abbs, Planner III – Subdivisions  
Kevin Alexander, Planner III – Special Projects  
Greg Atkinson, Planner III – Economic Development  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Planner III – Heritage  
Marianne Sladic, Clerk Steno Senior  
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

### Delegations—participating via video conference

Item 7.2 Daryl McDonald, Area Resident  
Item 10.1 Igor and Marina Karasev  
Item 11.3 Ibram Sobhy, Area Resident  
Item 11.6 Chris Pare, Hydrogeologist, Dragun Corporation / Hiatus House

### Delegations—participating in person

Item 7.1 Maureen Rudowicz, Area Resident  
Item 7.1 Adriano Bertolissio, Area Resident  
Item 7.2 Barbara Macedonski, Area Resident  
Item 7.2 Alain DaGuerre, Area Resident  
Item 7.2 Zoe Sotirakos, Dillon Consulting Limited  
Item 7.2 Spiros Govas, Owner of 147 Janette  
Item 7.2 Anastasia Timakis, Area Resident  
Item 7.3 Karl Tanner, Partner, Dillon Consulting Limited  
Item 7.3 Heather Nash, Area Resident  
Item 7.3 Florry Foster, Area Resident  
Item 7.3 Sinisa Simic, Area Resident  
Item 11.3 Azmi Qaqish, Area Resident  
Item 11.5 Terrance Kennedy, Ward 2 Resident

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## Development & Heritage Standing Committee Monday, October 03, 2022

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### 1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

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

None disclosed.

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

See Item 7.1.

### 4. COMMUNICATIONS

None presented.

### 8. ADOPTION OF THE MINUTES

#### 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held June 6, 2022

Moved by: Member Foot

Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held June 6, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 159/2022

#### 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 4, 2022

Moved by: Member Foot

Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held July 4, 2022 **BE ADOPTED** as presented.

Carried.

# Minutes

## Development & Heritage Standing Committee Monday, October 03, 2022

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Report Number: SCM 186/2022

### **8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 2, 2022**

Moved by: Member Foot

Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held August 2, 2022 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 226/2022

### **8.4. Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 12, 2022**

Moved by: Member Foot

Seconded by: Member Baker

THAT the minutes of the Development & Heritage Standing Committee meeting held September 12, 2022 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 265/2022

## **10. HERITAGE ACT MATTERS**

### **10.1. 719 Victoria Ave, Treble-Large House - Heritage Permit & Community Heritage Fund Request (Ward 3)**

#### **Igor and Marina Karasev**

Igor and Marina Karasev appear via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "719 Victoria Ave, Treble-Large House - Heritage Permit & Community Heritage Fund Request (Ward 3)" and are available for questions.

Moved by: Councillor Gill

Seconded by: Member Foot

# Minutes

## Development & Heritage Standing Committee

Monday, October 03, 2022

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Decision Number: **DHSC 432**

- I. THAT a Heritage Permit for the designated heritage property located at 719 Victoria Ave, known as the Treble-Large House, **BE GRANTED** for restoration of the front porch and steps.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the porch restoration.
- III. THAT a total grant of 35% of the cost of the porch restoration, to an upset amount of \$17,006 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of 719 Victoria Avenue.
- IV. THAT a total grant of 35% of the cost of conservation work for the turret and chimney repairs amounting to \$9,257 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of 719 Victoria Avenue.
- V. THAT the grant funding identified under recommendations III and IV **BE SUBJECT** to the following:
  - a. Submission of professional drawings, conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
  - b. Obtaining a Building Permit;
  - c. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
  - d. Owner's submission of paid receipts for work completed;
  - e. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 112/2022

Clerk's File: MBA2022

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:34 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:35 o'clock p.m.

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Development & Heritage Standing Committee  
Monday, October 03, 2022

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## 7. *PLANNING ACT* MATTERS

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

Moved by: Councillor Morrison  
Seconded by: Councillor Gill

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.

Carried.

Report Number: S 105/2022  
Clerk's File: Z/14429

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

### 5.1. Development & Heritage Standing Committee Minutes (*Planning Act* Matters) from the meeting held September 12, 2022

Moved by: Councillor Sleiman  
Seconded by: Councillor Gill

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held September 12, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 266/2022

## 7. *PLANNING ACT* MATTERS

### 7.2. Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation -Z 017-22 [ZNG6760] 0 Riverside Dr W, S/W corner of Riverside Dr W & Janette Ave- Ward 3

Moved by: Councillor Holt  
Seconded by: Councillor Sleiman

Decision Number: **DHSC 430**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 1, Block A, Plan 76 & Part of Lot 77 Concession 1 & Part of Closed Alley, Parts 1, 2 and 3 12R-9686 in the City of Windsor,

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## Development & Heritage Standing Committee Monday, October 03, 2022

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known municipally as 0 Riverside Drive (Roll # 040-110-01200) by adding a site specific exception to Section 20(1) as follows:

### **Southwest corner of Riverside Drive West and Janette Avenue**

For the lands comprising of Lot 1, Block A, Plan 76 & Part of Lot 77 Concession 1 & Part of Closed Alley in the City of Windsor, a Multiple Dwelling shall be an additional permitted use and shall be subject to the applicable provisions in Section 16.1.5, except for the following site specific regulations:

Building Height: Maximum - 85.5 metres  
Amenity Area: Minimum - 1.59 m<sup>2</sup> per unit

[ZDM 3; ZNG/6760]; and further,

THAT the developer/proponent **BE REQUESTED** to meet with area residents informally to discuss their concerns prior to this application moving forward to City Council.

Carried.

Councillor Gill voting nay.

Report Number: S 114/2022  
Clerk's File: Z/14427

### **7.3. Zoning By-law Amendment Application for property known as 1247 -1271 Riverside Dr. E., at the S/W corner of Hall and Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4.**

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 431**

- I. THAT Zoning By-law 8600 **BE AMENDED** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], by amending the existing site specific provision s.20(1)310 to include a "*Multiple Dwelling* with five or more *dwelling units*" as an additional permitted use, subject to the provisions noted in Recommendation II below;
- II. THAT special provision **S.20(1)310** for the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], **BE DELETED** and **BE REPLACED** with the following:

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## Development & Heritage Standing Committee

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### “310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

For the lands comprising part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], the following shall apply:

#### ADDITIONAL PERMITTED USES:

*Multiple Dwelling* with five or more *dwelling units* <sup>(New use)</sup>

*Business Office*

*Business Office* in a *Combined Use Building* with any of the uses permitted in Section 11.2.1, provided that all dwelling units, not including entrances thereto, are located entirely above a *business office*;

#### ADDITIONAL PROVISIONS FOR *BUSINESS OFFICE & BUSINESS OFFICE IN A COMBINED USE BUILDING*:

- .3 Lot Coverage – Total – maximum - 30.0%
- .4 Building Height – maximum - 14.0 m
- .8 Landscape Open Space Yard – minimum - 15% of *lot area*
- .20 Building Setback – minimum:
  - a) From the *exterior lot line* along Hall Avenue – 1.20 m; and 3.20 m for any part of the *building* above 8.0 m in height;
  - b) From the *exterior lot line* along Riverside Drive - 6.0 m; and 8.0 m for any part of the *building* above 8.0 m in height;
  - c) From an *interior lot line* – 15.0 m, for the area within 30.0 m from the Riverside Drive right-of-way; and 1.50 m for the remainder of the area;
  - d) From the *rear lot line* – 50.0 m;
- .50 *Parking spaces* shall be setback a minimum of 12.0 m from the south limit of Riverside Drive East right-of-way, and shall be screened from Riverside Drive East and adjacent dwellings.
- .55 The minimum parking area separation from the abutting north-south alley shall be 1.10 m.
- .90 A *parking space* is prohibited in any required *front yard*.
- .95 Vehicular access is prohibited along the Riverside Drive frontage and along the east-west alley abutting Hall Avenue situated at the most southerly limit of the subject land.

#### ADDITIONAL PROVISIONS FOR *MULTIPLE DWELLING WITH FIVE OR MORE DWELLING UNITS*: (New provisions)

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and



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2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:
- |     |   |                                |
|-----|---|--------------------------------|
| .2  | Lot Area – minimum                            | - 93.0 m <sup>2</sup> per unit |
| .3  | Lot Coverage – maximum                        | - 35%                          |
| .4  | Main Building Height – maximum                | - 18.0 m                       |
| .8  | Landscape Open Space Yard – minimum           | - 35% of <i>lot</i> area       |
| .20 | Building setback from rear lot line - minimum | - 30.0 m                       |
3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
- The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
  - The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.  
[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”
- III. THAT the applicant’s request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line **BE DENIED** for reasons noted in this report;
- III. THAT the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue **BE EXEMPT** from the provisions of section 45(1.3) of the *Planning Act*, provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:
- Reduction in the required minimum building setbacks; and,
- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix B of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
  - Storm Detention
  - Sanitary Sampling Manhole
  - Oil & Grit Separator
  - Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
  - Parkland dedication;
  - A Record of Site Condition registered on file with the Ministry; and
  - Canada Post requirements and guidelines for the proposed multi-unit development.
- V. THAT the developer/proponent **BE REQUESTED** to meet with area residents informally to discuss their concerns prior to this application moving forward to City Council.

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## Development & Heritage Standing Committee Monday, October 03, 2022

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VI. THAT Administration **BE REQUESTED** to report back to City Council on the appropriateness of the installation of a pedestrian crossing on Riverside Drive, connecting Hall and the riverfront multi-use path.

Carried.

Report Number: S 116/2022

Clerk's File: Z/14294

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 6:49 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:49 o'clock p.m.

### 11. ADMINISTRATIVE ITEMS

#### 11.3. Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10

##### Giovanni (John) Miceli, Applicant

Giovanni (John) Miceli, applicant, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10" and is available for questions.

##### Azmi Qaqish, Area Resident

Azmi Qaqish, area resident, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10" and expresses concern with the closure application for the alley, specifically related to his tenants parking in the back alley as the alley closure would eliminate this parking; and concludes by citing concerns related to limited on-street parking, garbage, and rodent control problems in the area, as well as his property value being reduced should the alley closure move forward.

##### Ibram Sobhy, Area Resident

Ibram Sobhy, area resident, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10" and indicates that he has no concerns with closure application; and concludes by suggesting that the closure may eliminate problems they are currently experiencing specifically garbage dumping; criminal activities; safety concerns; rodent issues and suggests that the alley closure be extended to the vacant lot also.

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Councillor Bortolin requests clarification as to which portion of the alley is being closed. Brian Nagata, Planner II – Development Review, appears before the Development & Heritage Standing Committee regarding the administrative report entitled “Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10” and provides details related to which part of the alley will be closed specifically the portion abutting the vacant property at Tecumseh Road West and Mark Avenue with the other portions remaining open.

Councillor Bortolin explains to the delegate that the alley behind his property will remain open. Mr. Qaqish indicates that his property will still be negatively impacted as he will have no access from Campbell and it will be difficult for his tenants to enter and exit the parking area behind his property.

Councillor Morrison requests clarification related to the area and administration provides the clarification.

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 435**

- I. THAT the 24.38 metre portion of the 4.27 metre wide east/west alley located immediately west of Mark Avenue and south of the property known municipally as 0 Tecumseh Road West (Roll No. 080-600-17600), and shown on Drawing No. CC-1814 *attached* hereto as Appendix “A”, **BE ASSUMED** for subsequent closure;
- II. THAT the 24.38 metre portion of the 4.27 metre wide east/west alley located immediately west of Mark Avenue and south of the property known municipally as 0 Tecumseh Road West (Roll No. 080-600-17600), and shown on Drawing No. CC-1814 *attached* hereto as Appendix “A”, **BE CLOSED AND CONVEYED** to the abutting property owner at 0 Tecumseh Road West (Roll No. 080-600-17600) 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 accommodate existing infrastructure;
    - ii. EnWin to accommodate existing overhead 16kV and 120/240 volt distribution, poles and down guy wires;
    - iii. MNSi. to accommodate aerial plant on existing pole line; and
    - iv. The Corporation of the City of Windsor to accommodate existing circa 1955, 600.0 millimetre reinforced concrete storm sewer, to the satisfaction of the City Engineer.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned CD2.1, \$20 per square foot without easements and \$10 per square foot with easements

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## Development & Heritage Standing Committee Monday, October 03, 2022

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- IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1814, *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 111/2022  
Clerk's File: SAA2022

### 11.5. Sandwich CIP/Demolition Control By-law Exemption Report-3135 Peter Street; Owner: 1147011 Ontario LTD (C/O: Mamun Chowdury)

#### Terrance Kennedy, Ward 2 Resident

Terrance Kennedy, ward 2 resident, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Sandwich CIP/Demolition Control By-law Exemption Report-3135 Peter Street; Owner: 1147011 Ontario LTD (C/O: Mamun Chowdury)" and expresses concern with the administrative recommendation and suggests that the landlords be held accountable for concerns related to the condition of the property, including weeds, garbage, rodents and should be cleaning this property up; and concludes by suggesting that Council not approve the demolition request.

Councillor Bortolin requests clarification from the legal department as to whether the use or activity on a property is legislated for example if the property is vacant for a period of time can enforcement address this. Wira Vendrasco, Deputy City Solicitor, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Sandwich CIP/Demolition Control By-law Exemption Report-3135 Peter Street; Owner: 1147011 Ontario LTD (C/O: Mamun Chowdury)" and indicates those type of issues would be landlord/tenant court types of issues, the City cannot regulate the behaviour of the landlord related to what they choose to do with their property. i.e. leave it vacant or rent it out. Other contravenions to City of Windsor By-laws would be investigated accordingly as per complaints received.

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

Decision Number: **DHSC 437**

- I. THAT the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner 1147011 Ontario LTD (C/O: Mamun Chowdury), to demolish a three (3) unit dwelling located at 3135 Peter Street (see Appendix 'A'), to construct a two (2) story three (3) unit dwelling when an executed Site Plan Control Agreement has been registered

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## Development & Heritage Standing Committee

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on title with the appropriate securities to ensure the redevelopment occurs within a specified time period to fulfill the conditions of the Site Plan Control Agreement;

- II. THAT any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;
- III. THAT the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
  - i. The redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
  - ii. If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars (\$60,000) on the collectors roll of the property and prepare a certificate for registration;
- IV. THAT the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the property;
- V. THAT the request for incentives under the Sandwich Incentive Program made by the registered owner 1147011 Ontario LTD (C/O: Mamun Chowdury) of the property located at 3135 Peter Street, **BE APPROVED** for the following programs:
  - i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a maximum amount of (+/- \$24,090.34);
  - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- \$3,226 per year);
- VI. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- VII. THAT funds in the amount of +/- \$24,090.34 under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed;
- VIII. THAT grants **BE PAID** to 1147011 Ontario LTD (C/O: Mamun Chowdury) upon completion of the two (2) story three (3)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,

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- IX. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 109/2022

Clerk's File: SPL2022

### **11.6. Brownfield Community Improvement Plan (CIP) application submitted by Haerko Inc. on behalf of the Hiatus House of Windsor for 0 Louis Avenue (Ward 4)**

#### **Chris Pare, Hydrogeologist, Dragun Corporation / Hiatus House**

Chris Pare, Hydrogeologist, Dragun Corporation / Hiatus House, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Brownfield Community Improvement Plan (CIP) application submitted by Haerko Inc. on behalf of the Hiatus House of Windsor for 0 Louis Avenue (Ward 4)" and is available for questions.

Councillor Bortolin requests clarification related to the subject land. Mr. Pare confirms that the subject land is on the west side of the street.

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: **DHSC 438**

- I. THAT the request made by Haerko Inc. on behalf of the property owner (Hiatus House of Windsor) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for property located at 0 Louis Avenue (Roll No. 030-070-03200) 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 \$25,000 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study and Remedial Work Plan completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the grant funds in the amount of \$25,000 **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,

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## Development & Heritage Standing Committee

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- IV. THAT should the proposed Phase II Environmental Site Assessment Study and/or Remedial Work Plan 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; and,
- V. THAT Council **RECOGNIZE** the City of Windsor as a municipal partner of the Hiatus House of Windsor for the purpose of making an application to the Federation of Canadian Municipalities Green Municipal Fund related to brownfield work at 0 Louis Avenue, located at the southwest corner of Louis Avenue at Chatham Street East; and further,
- VI. THAT the City Planner **BE AUTHORIZED** to sign and execute any documents required to submit the application to the Green Municipal Fund noted above, subject to all documentation being satisfactory in legal form to the Commissioner of Legal & Legislative Services, in financial content to the Commissioner of Corporate Services, Chief Financial Officer/City Treasurer; and in technical content to the Commissioner of Economic Development and Innovation, or designates.

Carried.

Report Number: S 113/2022

Clerk's File: SPL2022

### 11.1. Closure of remainder of Pall Mall Street right-of-way, east of Virginia Park Avenue, Ward 10

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 433**

- I. THAT the 45.87 metre portion of the 20.12 metre wide Pall Mall Street right-of-way located east of Virginia Park Avenue, north of 2510 Virginia Park Avenue, south of 939 Northwood Street, and west of 0 Rockwell Boulevard (Roll No. 080-570-04700), and shown on Drawing No. CC-1805 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 45.87 metre portion of the 20.12 metre wide Pall Mall Street right-of-way located east of Virginia Park Avenue, north of 2510 Virginia Park Avenue, south of 939 Northwood Street, and west of 0 Rockwell Boulevard (Roll No. 080-570-04700), and shown on Drawing No. CC-1805 *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. Easements, 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 accommodate existing aerial facilities; and
    - ii. EnWin Utilities Ltd. to accommodate existing overhead plant and pole-line.
      1. 120/240V overhead secondary conductor running north/south along the existing pole-line at the east side of the property.

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## Development & Heritage Standing Committee Monday, October 03, 2022

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2. 16kV overhead primary conductor running north/south along the existing pole-line at the east side of the property.
- III. THAT Conveyance Cost **BE SET** as follows:
- a. For right-of-way conveyed to abutting lands zoned RD1.1, \$1,500 per front foot without easements and \$750 per front foot with easements IF less than 40 feet is purchased; OR \$4,000 per front foot without easements and \$2,000 per front foot with easements IF 40 or more feet is purchased.
  - b. For right-of-way conveyed to abutting lands zoned ID1.1, \$8 per square foot without easements, \$4 per square foot with easements.
- IV. THAT **PRIOR TO** the conveyance of the closed portion of the Pall Mall Street right-of-way, legally described as Part 2, Reference Plan 12R-18955, in accordance with Recommendation 2 of By-law 13024:
- a. Easements, 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 accommodate existing aerial facilities; and
    - ii. EnWin Utilities Ltd. to accommodate existing overhead plant and pole-line.
      1. 120/240V overhead secondary conductor running north/south along the existing pole-line at the east side of the property.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1805, 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 107/2022  
Clerk's File: SPL2022

### **11.2. Amendment to CR178/2022 for closure of east/west alley segments between Rankin Avenue and Glenwood Avenue, together with south part of north/south alley between Roxborough Boulevard and Glenwood Avenue, all north of E.C. Row Expressway, Ward 10**

Moved by: Councillor Sleiman  
Seconded by: Councillor Morrison

Decision Number: **DHSC 434**

THAT CR178/2022, adopted on April 25, 2022, **BE AMENDED** as follows:



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By **DELETING** the following wording under sections I, II & III to the council resolution:

- I. That the segments of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. north of EC Row Expressway together with the north/south alley segment measuring approximately 32m between Roxborough Boulevard and Glenwood Avenue, all as shown on Drawing No. CC-1783 attached as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the portions of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. and north of EC Row Expressway and shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the north side of the alley, subject to the following:
  - a. Easement, subject to their 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, Enbridge Gas Inc., and ENWIN Utilities Ltd.
- III. That the north/south alley segment measuring approximately 32m in length and located at the south end of Roxborough Boulevard and Glenwood Avenue, as shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the east and west sides of the alley, subject to the following:
  - a. Easement, subject to their 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, Enbridge Gas Inc., and ENWIN Utilities Ltd.

And **INSERTING**:

- I. That the three 4.27 metre wide east/west alleys located between Rankin Avenue and Partington Avenue, Partington Avenue and Roxborough Boulevard, and Roxborough Boulevard and Glenwood Avenue respectively, north of the E. C. Row Expressway, and shown on Drawing No. CC-1783, *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the 32.0 metre portion of the 3.65 metre wide north/south alley located between the south limit of the property known municipally as 2485 Glenwood Avenue and the aforesaid 4.27 metre wide alley located between Roxborough Boulevard and Glenwood Avenue, and shown on Drawing No. CC-1783, *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- III. That the three 4.27 metre wide east/west alleys located between Rankin Avenue and Partington Avenue, Partington Avenue and Roxborough Boulevard, and Roxborough Boulevard and Glenwood Avenue respectively, north of the E. C. Row Expressway,

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and shown on Drawing No. CC-1783, *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners to the north 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. The Corporation of the City of Windsor to accommodate existing 250 millimetre PVC sanitary sewer located in the east/west alleys located between Rankin Avenue and Partington Avenue, and Partington Avenue and Roxborough Boulevard; and
    - ii. Enbridge Gas Inc. to accommodate existing natural gas line.
- IV. That the 32.0 metre portion of the 3.65 metre wide north/south alley located between the south limit of the property known municipally as 2485 Glenwood Avenue and the aforesaid 4.27 metre wide alley located between Roxborough Boulevard and Glenwood Avenue, and shown on Drawing No. CC-1783, *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.

Carried.

Report Number: S 108/2022

Clerk's File: SAA2022

### 11.4. Proposed redevelopment of the former Concord School Site at 6700 Raymond Ave. - City Wide

Councillor Holt requests clarification related to how this type of recommendation based on a survey of the residents related to the redevelopment plans was developed. Neil Robertson, Manager of Urban Design / Deputy City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Proposed redevelopment of the former Concord School Site at 6700 Raymond Ave. - City Wide" and provides a brief background and history related to this property and the plans for the whole property which were scaled back from the original concept following Council direction.

Councillor Holt inquires as to the Planning Department's opinion of the best use for this property. Mr. Robertson indicates they are keeping it close to what Council wanted in the original recommendation. Mr. Robertons provides information related to the zoning, higher density housing and the plan presented.

Councillor Holt questions the current proposal, and that it is not higher density. Mr. Robertson provides information related to the original concept plan where higher density would have been more appropriate closer to Wyandotte Street and how this portion is being suggested for a lower type of density.

Councillor Holt expresses concern with setting a precedent in relation to other proposed developments where surrounding occupants would get to select the type of developments that are

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being propped for neighbouring properties. Mr. Robertson indicates that surrounding residents were polled, suggestions were provided and Council makes the decision.

Councillor Bortolin expresses concern with Council's decision to not recommend higher density housing, and administration's survey questions which contained selection options that were mostly lower density options. Mr. Robertson provides details related to the survey questions and indicates that the property has not been vetted for affordable housing.

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 436**

That the report of the (Acting) Landscape Architect / Senior Urban Designer dated August 11, 2022 entitled "Proposed Redevelopment of the Former Concord School Site at 6700 Raymond Ave. – Ward 7" **BE RECEIVED** for information.

Carried.

Councillor Gill voting nay.

Report Number: S 7/2022

Clerk's File: SPL2022

## 12. COMMITTEE MATTERS

None presented.

## 13. QUESTION PERIOD

None registered.

## 14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 7:34 o'clock p.m.

Carried.

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Ward 3 - Councillor Bortolin  
(Chairperson)

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Deputy City Clerk / Supervisor  
of Council Services

**Subject: Removal of Heritage Easement conditions related to Heritage Incentives (City-wide)**

**Reference:**

Date to Council: November 1, 2022

Author: Kristina Tang

Heritage Planner

Email: ktang@citywindsor.ca

Phone: 519-255-6543 x 6179

Planning & Building Services

Report Date: October 12, 2022

Clerk's File #: MBA2022

To: Mayor and Members of City Council

**Recommendation:**

- 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.
- 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** to "provision of Maintenance & Preservation Agreement to the City by Essex Condominium Corporation No. 98."

## **Executive Summary: N/A**

### **Background:**

The existing general guidelines of the Community Heritage Fund (Reserve Fund 157) were developed in the 1990s, with the request for Property Owners to grant a Heritage Conservation Easement to the City for return of an award of \$30,000 or more. Therefore, past Council Decisions were made granting Owners Heritage Incentives conditional to donation of Conservation Easements. Several of these Owners have been reluctant to sign Conservation Easements, and therefore, their committed funding amounts have not been paid out. The Owners are often concerned about additional encumbrances resulting from a heritage easement registered on property title. In recent years, the City has not always found it necessary to request for Heritage Conservation Easements. Current provincial Heritage Legislation has provided for better protection of the heritage resources, and satisfactory conservation work is often vetted through Inspections, even aside from the Heritage Conservation Easements. Based on Administration's review, the recommendation is for removal of the conservation easement conditions for these past Council Decisions. Administration also recommends to reassess and update the 1990s general guidelines for the Community Heritage Fund about the general easement conditions in a separate report.

### **Legal Provisions:**

The *Ontario Heritage Act (OHA)* requires the owner of a heritage designated property to apply to Council to alter the property, and to demolish or remove the property partially or completely. In accordance with the *OHA*, proposed changes must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application.

Part IV, 39 (1) of the *Ontario Heritage Act (OHA)* provides that "The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." The City's Community Heritage Fund (Reserve Fund 157) and Heritage Property Tax Reduction program exists to provide grants to heritage conservation works on designated heritage properties. The Community Heritage Fund general guidelines inform Council's decisions, but conditions attached to approvals are not statutory and subject to Council's discretion.

Section 365.2 of the *Municipal Act* authorizes municipalities to offer tax reductions (for municipal and school purposes) for property designated under Part IV of the *OHA*, or is part of a heritage conservation district under Part V of the *OHA*, in compliance with the provisions of this section. Pursuant to this authority, Council passed By-law 164-2015. This by-law allows a maximum tax reduction of 30% for up to three years to the upset limit of the cost of the eligible heritage conservation works. To activate the tax reduction, property owners need to apply to the City by no later than the last day of February in the year following the first year for which the owner is seeking to obtain the tax reduction. The first year that the tax reduction would be available, would be when the eligible heritage conservation works are completed. To qualify, the Heritage Property Tax

Reduction Bylaw requires an easement agreement with the City or Ontario Heritage Foundation, or a Preservation and Maintenance agreement.

### **Discussion:**

The following properties have had Council decisions granting of Heritage Incentives conditional to the Owners entering into Heritage Conservation Easement with the City:

#### **WHC Report No. 272 – Committee 12/9/2009; Council 1/11/2010 (M18-2010):**

*That the request by Academie Ste. Cecile International School for a grant of \$22,279 from the Community Heritage Fund, for repairs to the Frank H. Joyce House, at 3975 Riverside Drive East, **BE APPROVED**, subject to determination by the Chief Building Official that the work is complete, and subject to a Heritage Conservation Easement.*

#### **WHC Report No. 273 – Committee 12/9/2009; Council 1/11/2010 (M19-2010):**

*That the request by Academie Ste. Cecile International School for a grant of \$29,930 from the Community Heritage Fund, for repairs to the former Holy Redeemer College at 925 Cousineau Road, **BE APPROVED**, subject to determination by the Chief Building Official that the work is complete, and subject to a Heritage Conservation Easement.*

#### **PHEDSC Report No. 487 – PHEDSC 7/10/2017; Council 8/8/2017 (CR442/2017):**

*That the request of St. Mary & St. Moses Coptic Orthodox Church, located at 1125 Ottawa Street at Benjamin Avenue for a grant from the Community Heritage Fund to an upset limit of \$70,200 for repairs to brickwork on the towers and front **BE APPROVED**, subject to the Chief Building Official and Heritage Planner determination that the work is completed in accordance with applicable codes and historic standards, subject to the owner granting a Heritage Conservation Easement to the City, and subject to the owner's submission of paid receipts for work completed.*

#### **DHSC Report No. SCM 90/2021 & S 27/2021– DHSC 3/22/2021; Council 4/19/2021 (CR145/2021)**

- I. *That a Heritage Alteration Permit for reconstruction of a front canopy at the former Edith Cavell School, 5955 Ontario Street, **BE GRANTED**, conditional on the following:*
  - a. *Submission of satisfactory product details and samples (including material and colour selections).*
- II. *That proportionate property tax reductions **BE GRANTED** to each of the 20 condominium unit owners in accordance with the Heritage Property Tax Reduction By-law 164-2015. The property tax reductions may be up to 30% for up to 3 years based on the upset limit of the approved cost of eligible heritage conservation works for the reconstruction of the front canopy, and entrance repairs including repairs to the tiles, stair, and concrete, subject to:*
  - a. *Submission of satisfactory product details and samples.*
  - b. *Approval of any requested mock-ups.*
  - c. *Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance.*

- d. *Provision of conservation easement agreement to the City by Essex Condominium Corporation No. 98.*
- III. *That the City Planner or designate **BE DELEGATED** the authority to approve minor changes associated with this scope of conservation work as described for the property.*

Several of these Owners have expressed reluctance to sign Heritage Easements with the City, resulting in long years of committed funds within Reserve Fund 157 not being issued. Typical Heritage easement covers contents including repairs and alterations, insurance, assignment of interests of mortgagees, demolition, reconstruction requirements, maintenance of building, etc. The covenants run on the property title, which is a concern with property owners. Anecdotally, though unwarranted, heritage property owners have indicated challenges getting Insurance coverage at reasonable rates.

Upon staff review, it was determined that there is not much added value for the City to require registered heritage easements. Current Ontario Heritage Act effectively deal with both alterations and demolition (change from the 1990s). In addition s.69 OHA provides for an enforcement/prosecution mechanism for contravention of the OHA and substantial fines. This section also provides the option for the municipality, if it so chooses, to carry out restoration work and recover those costs from the property owner. The Easement agreement can only be enforced by going to court, and has been opined by Legal Staff to be an inefficient process, that is both expensive and would take a very long time. Furthermore, the City now has supplementary standards for heritage properties under the Property Standards Bylaw 9-2019 for maintenance of heritage attributes.

For all of the heritage incentives approved, the grants are withheld until other conditions are fulfilled and the work is done to the City's satisfaction, to accomplish the conservation work intended through the Incentive Programs. For the Heritage Property Tax Reduction approval per CR145/2021, the recommendation to switch to requiring the Maintenance & Preservation Agreement (not registered on property title) maintains the consistent standard for all other Heritage Property Tax Reduction applications, and could become the new standard requirement.

Administration will undertake a further review of the general guidelines in Heritage Grant and Incentive programs which are conditional on donation of a Heritage Easement, and report back to the Development and Heritage Standing Committee and Council.

### **Official Plan Policy:**

The Windsor Official Plan includes (9.3.6.1.), "Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means".

### **Risk Analysis:**

The risk of taking no action is the continued unresolved committed funding in the Reserve Funds, and additional staff time and costs in terms of administrating and negotiating the terms of the Conservation Easement (if Owners decide to sign) or in

communicating with dissatisfied property owners. The risk for waiving the Easement condition is managed through the Ontario Heritage Act requirements and City's Property Standard Bylaw. Additionally, no City incentives will be released until the project has fulfilled the other conditions of approval, such as determination by the Chief Building Official to be compliant to building codes, and by Planning Services Staff to be completed according to good heritage practices, provision of paid receipts, and all other requirements of the Heritage Property Tax Reduction Program.

## **Climate Change Risks**

**Climate Change Mitigation: N/A**

**Climate Change Adaptation: N/A**

## **Financial Matters:**

No new financial decisions would result from the recommendations of this report.

Previous Council decisions have already resulted in commitments in Reserve Fund 157, of the following:

- M18-2010: \$22,279 grant to Academie Ste. Cecile International School for repairs to the Frank H. Joyce House, at 3975 Riverside Drive East
- M19-2010: \$29,930 grant to Academie Ste. Cecile International School for repairs to the former Holy Redeemer College at 925 Cousineau Road
- CR442/2017: 50% of repair cost paid out with remainder half of \$35,100 to St. Mary & St. Moses Coptic Orthodox Church, at 1125 Ottawa Street, for repairs to brickwork on the towers and front.

For the former Edith Cavell property at 5955 Ontario Street, the Heritage Property Tax Reduction is applied to property taxes of each of the 20 units upon completion of all other conditions, and will be accounted for by charging to the annual provision of property tax write-offs.

## **Consultations:**

City of Windsor legal and finance staff have provided their input and confirmation on legal and financial details to the application.

## **Conclusion:**

The requirement for heritage easement as a condition of Heritage Incentives previously approved by Council should be waived as it has been evaluated to be unnecessary. Administration is to conduct further review on these conditions in general in the guidelines and provisions of the existing Heritage Incentive programs offered by the City.



**Planning Act Matters: N/A**

**Approvals:**

| <b>Name</b>     | <b>Title</b>   |
|-----------------|--|
| Kristina Tang   | Heritage Planner   |
| Josie Gaultieri | Financial Planning Administrator   |
| Michael Cooke   | Deputy City Planner/ Manager, Planning Policy  |
| Thom Hunt       | City Planner / Executive Director Planning & Building                                      |
| Wira Vendrasco  | Deputy City Solicitor  |
| Janice Guthrie  | Deputy Treasurer - Taxation, Treasury and Financial Projects                               |
| Janice Guthrie  | On behalf of Commissioner of Corporate Services - Chief Financial Officer & City Treasurer |
| Jelena Payne    | Commissioner of Economic Development & Innovation  |
| Onorio Colucci  | Chief Administrative Officer (Acting)  |

**Notifications:**

| <b>Name</b>  | <b>Address</b> | <b>Email</b>  |
|--|----------------|---|
| Therese Gadoury  |                | tgadoury@stececile.ca   |
| St Mary's St Moses Coptic Orthodox Church                            |                | <a href="mailto:frmoses@windsorcopts.com">frmoses@windsorcopts.com</a><br>jtawfik@yahoo.com<br>lilianbahgat@gmail.com |
| Condominium Contacts - Bill Norris, Huron Shores Property Management |                | <a href="mailto:bnorris@hspm.ca">bnorris@hspm.ca</a>  |

**Appendices: N/A**

**Subject: Closure of east portion of east/west alley between Meighen Road and Meldrum Road, Ward 5, SAA-6823**

**Reference:**

Date to Council: November 1, 2022  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: September 27, 2022  
Clerk's File #: SAA2022

To: Mayor and Members of City Council

**Recommendation:**

- 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".
- 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.

**Executive Summary:**

N/A

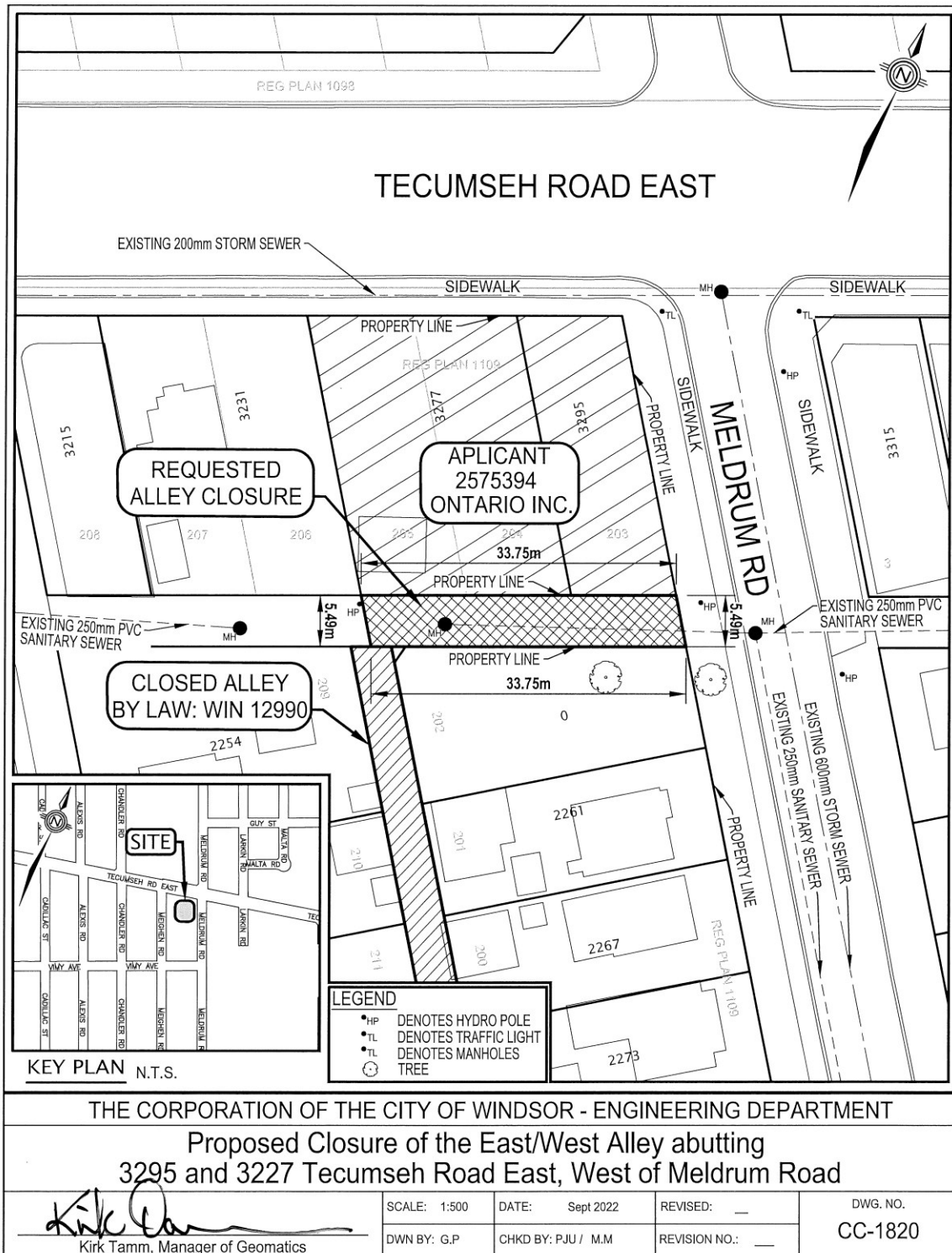


Figure 1 - Key Plan

## Background:

The applicant, Richard Hallett, authorized agent for the owner (2575394 Ontario Inc.) of the properties known municipally as 3277 Tecumseh Road East and 3295 Tecumseh Road East (the subject property), applied to close 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 subject property (the alley), and shown on Drawing No. CC-1820 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

The alley is maintained, composed primarily of asphalt, and includes a small strip of grass along its south boundary. The alley contains a utility pole with guy wire, 200 millimetre PVC sanitary sewer with manhole, and has an existing curb cut off of Meldrum Road. The alley provides secondary vehicular means of access to the subject property and indirect tertiary vehicular means of access to the property known municipally as 3231 Tecumseh Road East.

The remaining portion of the alley is unmaintained, composed primarily of gravel, and includes a small strip of grass along its south boundary. The alley contains two utility poles, a 250 millimetre PVC sanitary sewer with manhole, and has an existing curb cut off of Meighen Road. The remaining portion of the alley provides a secondary vehicular means of access to 3231 Tecumseh Road East and indirect tertiary vehicular means of access to the subject property.

The applicant wishes to close the alley for the purpose of consolidating the subject property with 0 Meldrum Road (Roll No. 070-360-06450), in order to accommodate the development proposed under Planning Pre-Submission Application PS-080/22 (the development). The applicant has an offer to purchase on 0 Meldrum Road (Roll No. 070-360-06450). The development will require a Zoning By-law Amendment and Site Plan Control in addition to the alley closure.

## 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.

## Alley:

1. *Does the alley serve commercial properties?*
  - a. The alley serves the subject property, which is occupied by a Business Office and a Legal Non-Conforming Automobile Sales Lot (Windsor Pre-Owned Auto Sales Inc.).
  - b. The alley **indirectly** serves 3231 Tecumseh Road East, which is occupied by a Business Office and parking area.
    - Notwithstanding the aforesaid uses, this property is not classified as commercial, as the Business Office use was established without a Building Permit around 2009 and the parking area constructed without Site Plan Approval around 2004 to 2006.
2. *Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The alley serves the subject property and **indirectly** serves 3231 Tecumseh Road East, both of which front Tecumseh Road East, a designated Class II Arterial Road on *Schedule F: Roads and Bikeways* to the *Official Plan*.
3. *Does the alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley contains a 200 millimetre PVC sanitary sewer with a manhole.
  - b. The Public Works Department through their comments **attached** hereto as **Appendix "C"** has confirmed that they have no objections to the closure on the condition that an easement is granted in favour of the City for access to service and maintain the sewer.
4. *Does the 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 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 alley lie within a Holding zone or 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?*

- 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 “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed to the owner of the subject property for the following reason:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property’s use of the alley.

The standard manner of conveyance of offering abutting property owners first right to purchase their half of the alley is not possible in this situation. The conveyance of the south half of the alley to 0 Meldrum Road (Roll No. 070-360-06450) will eliminate the secondary vehicular means of access to the subject property.

It should be noted that notice of this application was issued to 0 Meldrum Road on October 1, 2021, with no response being received as of the time of writing this report.

It is our recommendation that, upon closure, the owner of the subject property be given a chance to acquire the alley. Hence the recommendation is to close and convey the alley to the owner of the subject property.

**Risk Analysis:**

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

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The rate for an alley conveyed to abutting lands zoned CD2.1 is assessed at: \$20.00 per square foot without easements and \$10.00 per square foot with easements.

## **Consultations:**

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

An objection to the closure was received from the owner of 3231 Tecumseh Road East on August 29, 2022 via email attached **hereto** as **Appendix “G”**. The owner indicated that they use the alley frequently as an alternative vehicular means of access to Tecumseh Road East, via the signalized intersection at Meldrum Road. This is due to the high volume of traffic which makes it difficult to safely access Tecumseh Road East from their property.

The concerns although legitimate, do not deem the alley indispensable as per the criteria set forth in the document. 3231 Tecumseh Road East will still have access to Tecumseh Road East via the signalized intersection at Meldrum Road, albeit by a slightly longer route that adds approximately 300 metres of additional travel distance. It should also be noted that traffic associated with the parking area would have been evaluated if it had gone through the Site Plan Control process.

An objection to the closure was received from the owner of 2272 Meldrum Road on September 12, 2022 via phone call. The owner indicated that they have concerns with increased traffic volumes resulting from the development and that their daughter uses the alley to access the eastbound lanes on Tecumseh Road East, via the intersection at Meighen Road. The owner's daughter uses the said intersection to avoid the long wait times at the signalized intersection at Meldrum Road and Tecumseh Road East, which does not have a dedicated right turn lane.

The details of the development are not public and subsequently cannot be discussed in detail through this application. The development will require a Zoning By-law Amendment and Site Plan Control, the former of which includes a public meeting where such concerns can be raised. The use of the alley does not deem it indispensable as per the criteria set forth in the document. 3272 Meldrum Road will still have vehicular access to Tecumseh Road East via the intersection at Meighen Road, albeit by a slightly longer route that adds approximately 150 metres of additional travel distance.

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”, subject to easements in favour of Bell Canada, Enbridge Gas, EnWin Utilities Ltd., MNSi and The Corporation of The City of Windsor as in Recommendation II of this report.

The closed alley is to be conveyed to the owner of the abutting properties known municipally as 3277 and 3295 Tecumseh Road East, as in Recommendation II of this report.



**Planning Act Matters:**

N/A

**Approvals:**

| <b>Name</b>     | <b>Title</b>   |
|-----------------|--|
| 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                                       |

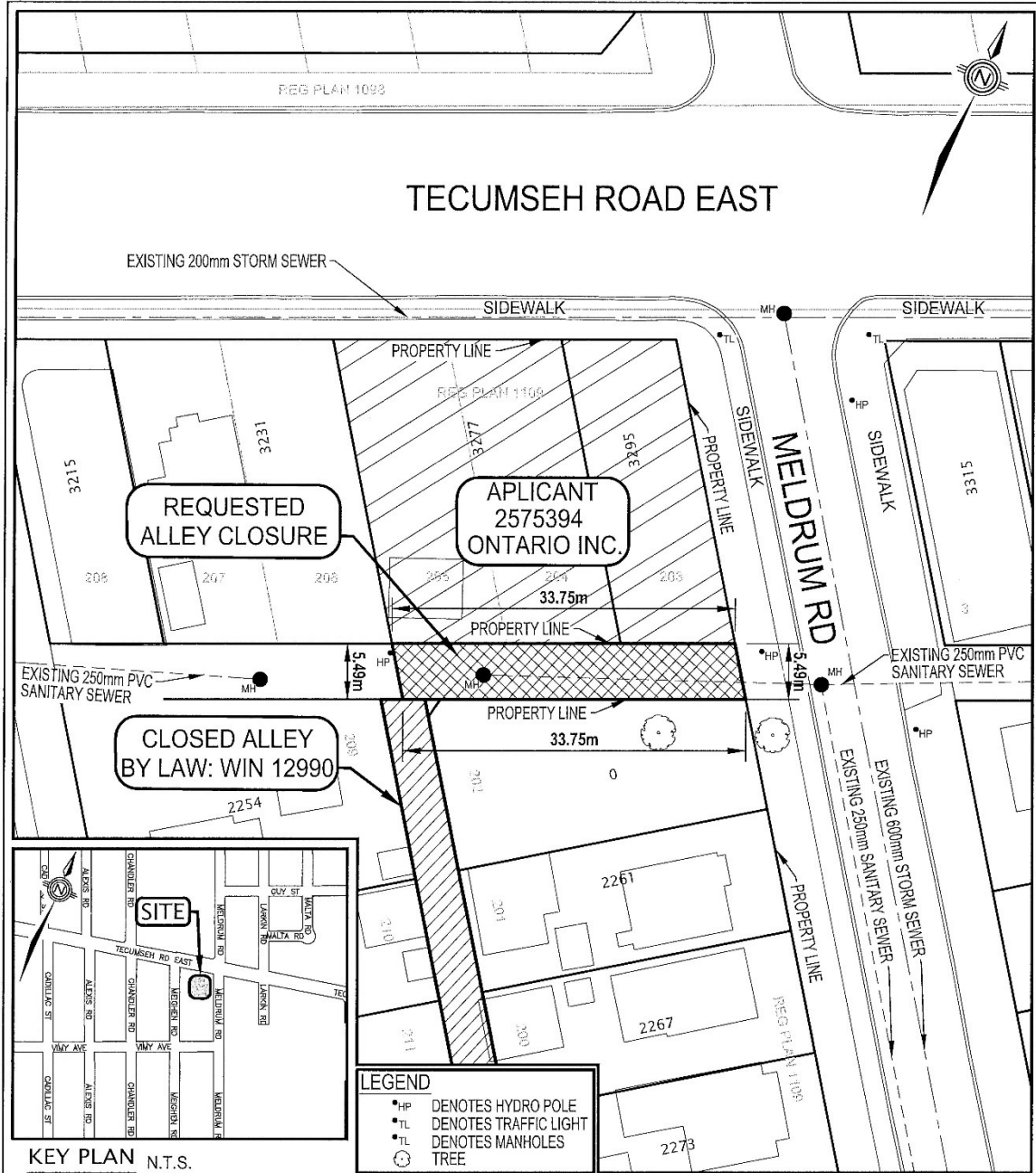
**Notifications:**

| <b>Name</b>           | <b>Address</b>  | <b>Email</b>            |
|-----------------------|---|-------------------------|
| Councillor Ed Sleiman | 350 City Hall Square West,<br>Suite 220<br><br>Windsor, ON<br>N9A 6S1 | esleiman@citywindsor.ca |

**Appendices:**

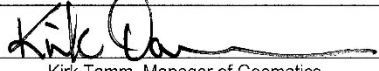
- 1 Appendix A - Drawing No. CC-1820
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - EnWin Utilities Ltd. Aboveground Hydro Easement Diagram
- 7 Appendix G - Objection to Alley Closure from Owner of 3231 Tecumseh Road East

**APPENDIX "A"**  
**Drawing No. CC-1820**



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

Proposed Closure of the East/West Alley abutting  
 3295 and 3227 Tecumseh Road East, West of Meldrum Road

|  |              |                    |                 |          |
|--|--------------|--------------------|-----------------|----------|
| <br>Kirk Tamm, Manager of Geomatics | SCALE: 1:500 | DATE: Sept 2022    | REVISED: —      | DWG. NO. |
|  | DWN BY: G.P  | CHKD BY: PJU / M.M | REVISION NO.: — | CC-1820  |


# APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6823)

1:750

APPLICANT : 2575394 ONTARIO INC

 SUBJECT LANDS

PLANNING DEPARTMENT - PLANNING POLICY

DATE: AUGUST, 2022



## APPENDIX "C"

### Consultations with Municipal Departments and Utility Companies

#### **BELL CANADA WSP**

Bell Canada requests a 3 m wide easement to protect existing aerial facilities within the proposed closure area. Please see attached sketch.

#### **[Charleyne Hall, Bell Canada External Liaison]**



#### **CANADA POST**

No comments provided

#### **COGECO CABLE SYSTEMS INC.**

No comments provided

#### **ENBRIDGE (FORMERLY UNION GAS)**

After reviewing the provided drawing at 3295 Tecumseh Rd E and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

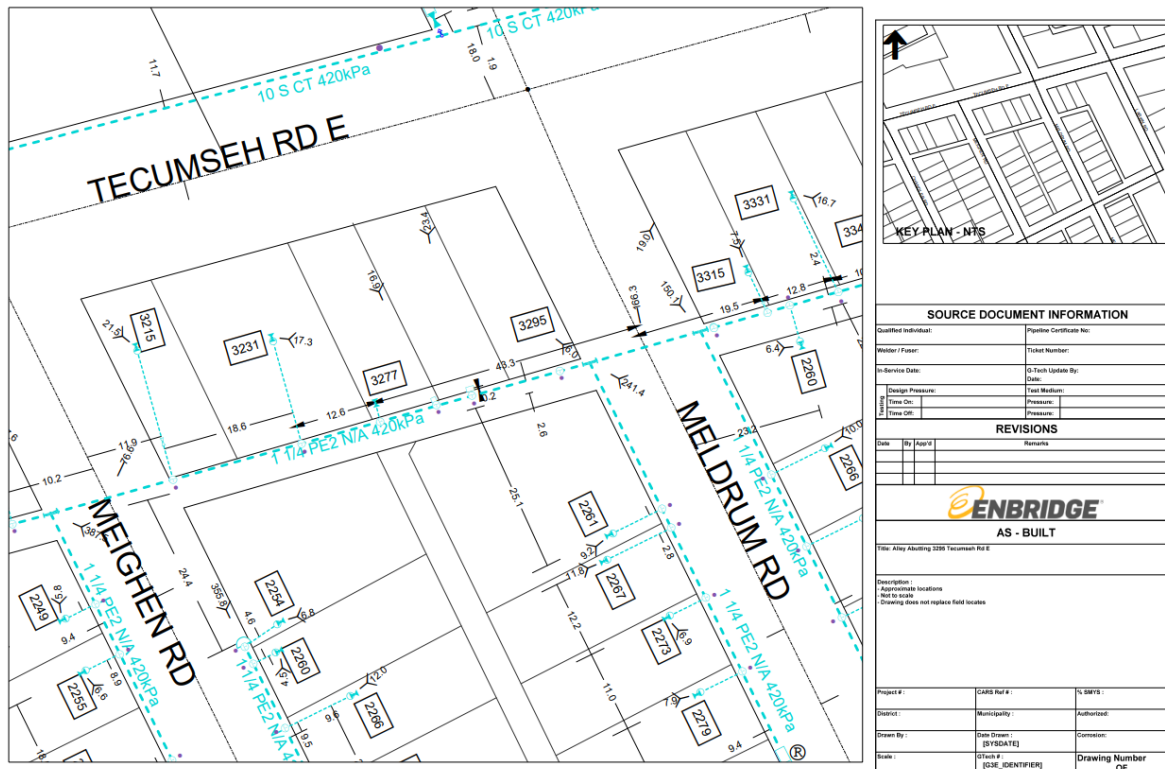
1. The shown piping locations are approximate and for information purposes only
2. The drawings are not to scale
3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc.

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

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

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

**[James Makhlof, Engineering Summer Student]**



**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

**[Anne-Marie Albidone, Manager, Environmental Services]**

**ENWIN UTILITIES - HYDRO**

If no open alley exists, we will require a minimum 10 ft wide easement (5 ft each side of the pole line) to accommodate the poles, anchors and existing overhead plant within the alley.

Also, please note communications may also require easements (i.e.: Bell, Cogeco).

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

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**

**LEGAL DEPARTMENT**

As the closure is to close and retain for municipal purposes (no conveyance taking place) there is no conveyance cost.

**[Chris Carpenter, Coordinator of Real Estate Services]**

**MNSi**

MNSi would like to have an aerial easement to the pole lines for access for plant maintenance that run through the subject lands.

**[Dave Hartleib, Outside Plant Manager]**

**PARKS & FACILITIES**

No comments from Parks development for this SAA/6823 LIAISON.

**[Sherif Barsom, Landscape Architect]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No objections form a landscape architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING**

The proposed alley closure is approximately 6.0 m wide and 34.0m long and is composed of concrete. There is a municipal sanitary sewer and a manhole located in the alley. An easement will be required for the municipal sewer. There are hydro poles and guy wires running along the north side of the alley. An easement will be required for utilities. There is a driveway approach on the east side of the proposed closure. The property owner at 3295/3277 Tecumseh Rd East will be required to obtain a driveway permit to keep and maintain the driveway approach to city standard AS-204. This subject alley has some usefulness by CR146/2005; however, we have no objections to the closure subject to the easement.

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

**PUBLIC WORKS - TRAFFIC**

Alley can be closed without affecting pedestrian or vehicular access. Garage at rear of 3231 will still have access via Meighen Road.

**[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 issues with proposed closure. The n/w grass alley can still be accessed if needed from Meighen Rd, however, it appears the gravel alley is not being used for transportation purposes. The western portion of the alley opening onto Meighen Rd should remain open since there is a garage at 3231 Tecumseh Rd E that must use it in order to access the garage based on the orientation.

**[Shannon Deehan, Transportation Planning Coordinator]**

**TRANSIT WINDSOR**

Transit Windsor has no objections or concerns.

**[Jason Scott, Supervisor, Planning]**

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of this alley. From observation, it appears to be an open and easily accessible laneway by either vehicles or pedestrians. Closure however will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as other viable options will remain for this.

**[Barry Horrobin, Director of Planning & Physical Resources]**



**APPENDIX "D"**  
**Site Photos (September 15, 2022)**



*Figure 1 - Looking northwest towards portion of alley requested for closure and 3277 & 3295 Tecumseh Road East from Meldrum Road*



*Figure 2 - Looking west towards portion of alley requested for closure from Meldrum Road*



*Figure 3 - Looking east from west end of portion of alley requested for closure*



*Figure 4 - Looking west from east end of portion of alley to remain open*



*Figure 5 - Looking east towards portion of alley to remain open from Meighen Road*



*Figure 6 - Looking south toward Meighen Road driveway approach to portion of alley to remain open*



*Figure 7 - Looking north toward Meighen Road driveway approach to portion of alley to remain open*

## **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:

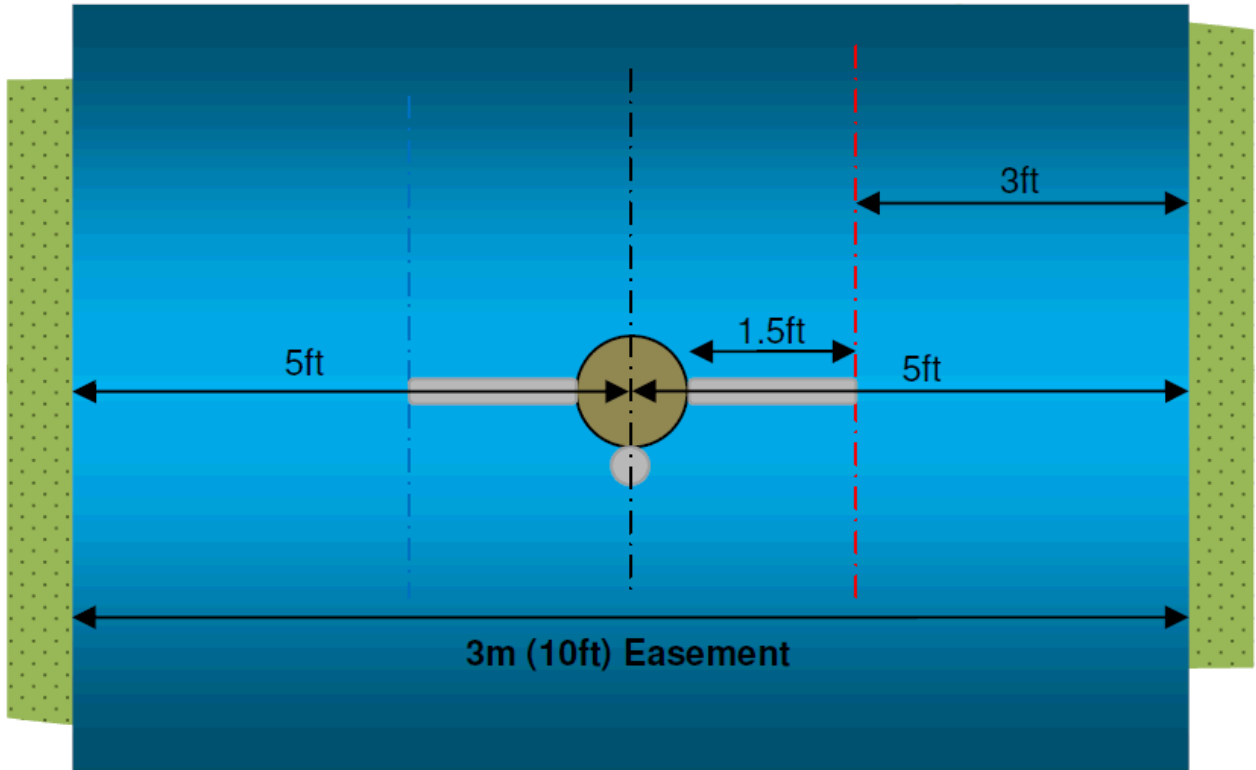
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means 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



**APPENDIX "G"****Objection to Alley Closure from Owner of 3231 Tecumseh Road East****From:** [REDACTED]**Sent:** Monday, August 29, 2022 6:27 PM**To:** Matthews, Meghan <MMatthews@citywindsor.ca>; [REDACTED]**Subject:** Alley - File Number SAA/6823

Hello. I own the property at 3231 Tecumseh Road East. Further to your letter dated August 18, 2022, I do object to the alley being closed. Tecumseh Road is extremely busy. We use that alley all the time to leave safely. We go to Meldrum to use the light to get onto Tecumseh Road.

[REDACTED]

3231 Tecumseh Road East  
Windsor, Ontario

[REDACTED]

**Subject: Closure of east/west alley between Olive Road and 4850 Seminole Street, Ward 8, SAA-6586**

**Reference:**

Date to Council: November 1, 2022  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: September 27, 2022  
Clerk's File #: SAA2022

To: Mayor and Members of City Council

**Recommendation:**

- 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:
    - i. Bell Canada to protect existing aerial facilities;
    - ii. EnWin Utilities Ltd to accommodate the existing overhead plant;  
and
    - iii. MNSi for existing aerial infrastructure.



- 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.

**Executive Summary:**

N/A

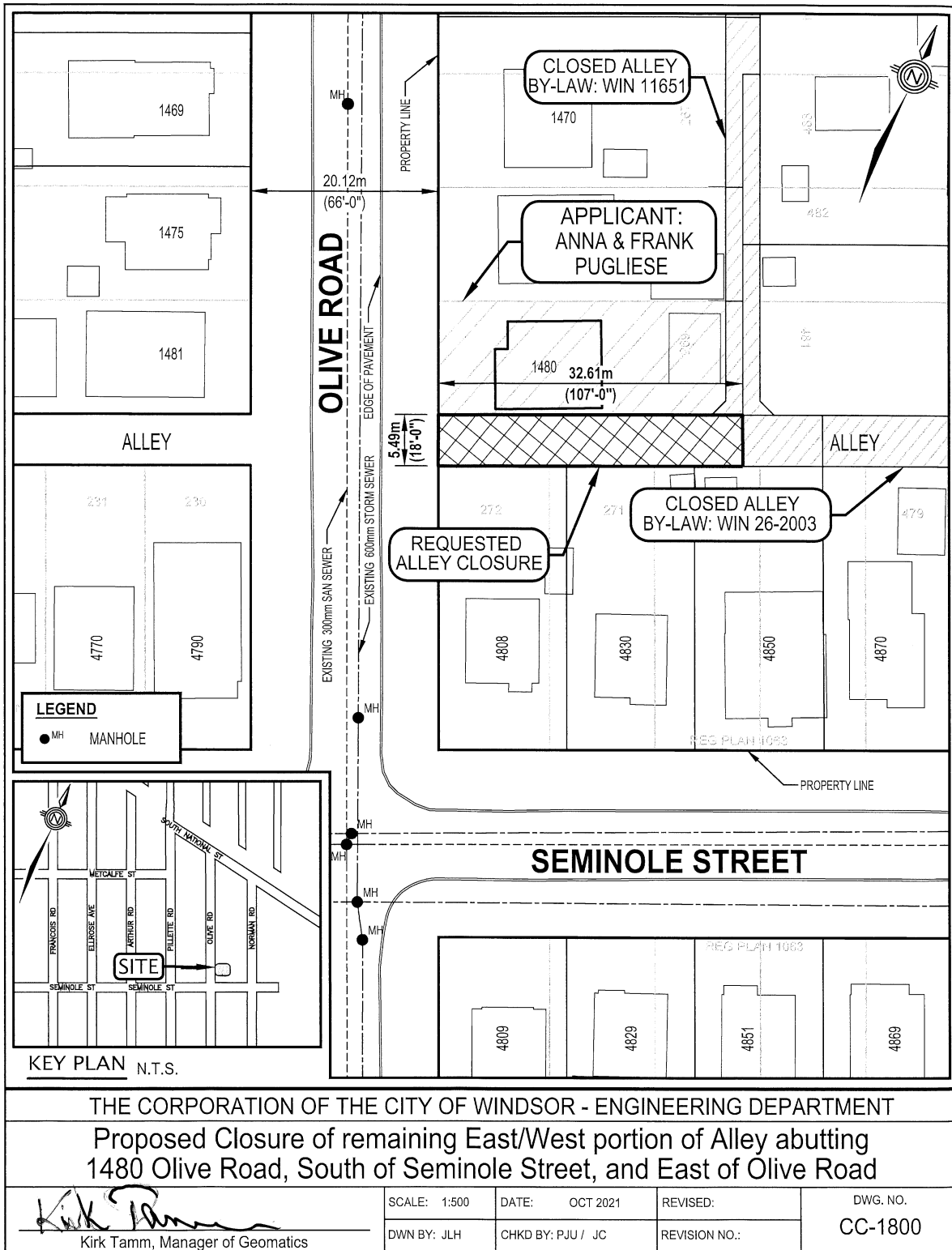


Figure 1 - Key Plan

## Background:

The applicants, Frank and Anna Pugliese, owners of the property known municipally as 1480 Olive Road (the subject property), applied to close the 5.49 metre wide east/west alley located between Olive Road and the property known municipally as 4850 Seminole Street (the alley), and shown on Drawing No. CC-1800 **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 gravel, and includes a mature coniferous tree on its south boundary. The alley contains a utility pole and has an existing curb cut off of Olive Road. The alley provides vehicular access to the detached garage at the rear of the subject property. The detached garage was constructed between 1958 and 1962 with Building Permit 58 B 8940, issued on April 9, 1958.

The applicants wish to close the alley for the purpose of enlarging the subject property to allow for the construction of a concrete driveway to their detached garage.

## 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.

#### Alley:

1. *Does the alley serve commercial properties?*
  - a. The alley does not serve any commercial properties.
2. *Does the 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 alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley does not contain any sewers.

4. *Does the alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The alley serves as the only means of vehicular access to the rear garage on the subject property.
  - b. The subject property does not have sufficient width for a side driveway.
5. *Does the 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 alley lie within a Holding zone or 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?*
  - 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 “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed to the owner of the subject property for the following reasons:

- The aforesaid factor that deems the alley indispensable stems solely from the subject property’s use of the alley.
- The alley can only serve as a means of vehicular access to the subject property, as new vehicular accesses off of an unmaintained alley are prohibited.

The standard manner of conveyance of offering abutting property owners first right to purchase their half of the alley is not possible in this situation. The conveyance of the south half of the alley to the south abutting properties will eliminate the said means of vehicular access to the subject property.

It should be noted that the owners of the south abutting properties were issued notice of this application on October 1, 2021 and have not provided any response as of the time of writing this report.

It is our recommendation that, upon closure, the owner of the subject property be given a chance to acquire the alley. Hence the recommendation is to close and convey the alley to the owner of the subject property.

### **Risk Analysis:**

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

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

The rate for an alley conveyed to abutting lands zoned RD1.2 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 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", 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 owner of the abutting property known municipally as 1480 Olive Road, as in Recommendation II of this report.

### Planning Act Matters:

N/A

### 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                                |

| Name           | Title   |
|----------------|---|
| Wira Vendrasco | Deputy City Solicitor, Legal Services & Real Estate |
| Jelena Payne   | Commissioner, Economic Development & Innovation     |
| Onorio Colucci | Chief Administration Officer                        |

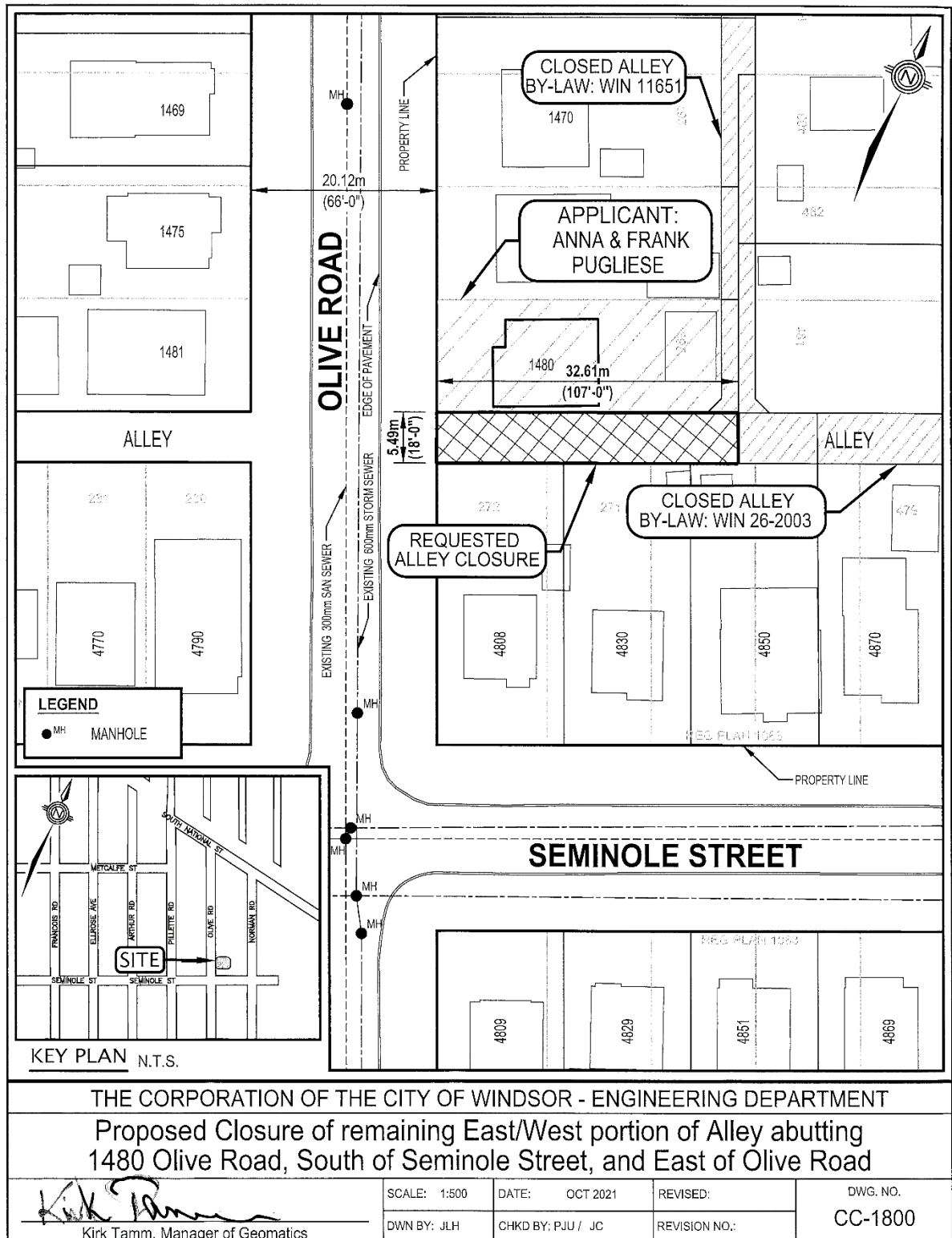
**Notifications:**

| Name                    | Address   | Email  |
|-------------------------|---|--|
| Councillor Gary Kaschak | 350 City Hall Square West,<br>Suite 220<br><br>Windsor, ON<br>N9A 6S1 | <a href="mailto:gkaschak@citywindsor.ca">gkaschak@citywindsor.ca</a> |

**Appendices:**

- 1 Appendix A - Drawing No. CC-1800
- 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-1800**



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

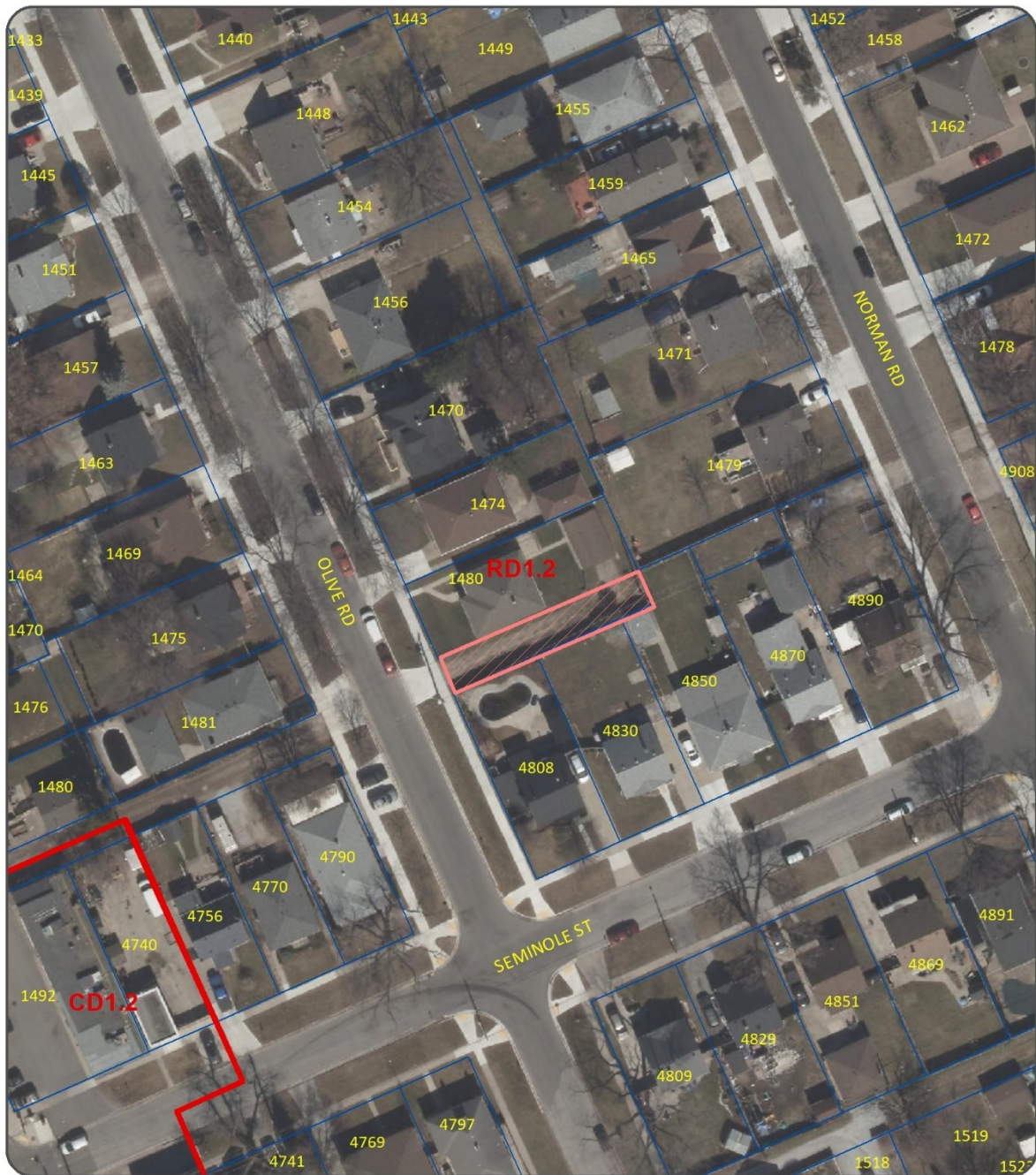
Proposed Closure of remaining East/West portion of Alley abutting 1480 Olive Road, South of Seminole Street, and East of Olive Road

*Kirk Tamm*  
 Kirk Tamm, Manager of Geomatics

|              |                   |               |
|--------------|-------------------|---------------|
| SCALE: 1:500 | DATE: OCT 2021    | REVISED:      |
| DWN BY: JLH  | CHKD BY: PJU / JC | REVISION NO.: |

DWG. NO.  
**CC-1800**

### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAS/6586)

1:750

APPLICANT : ANNA & FRANK PUGLIESE



 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: OCTOBER, 2021



## APPENDIX “C”

### Consultations with Municipal Departments and Utility Companies

#### BELL CANADA WSP

Bell Canada requests a 3 m wide easement to protect existing aerial facilities within the proposed closure area. Please see attached sketch.

#### [Charleyne Hall, Bell Canada External Liaison]



#### CANADA POST

No comments provided

#### COGECO CABLE SYSTEMS INC.

No comments provided

#### ENBRIDGE (FORMERLY UNION GAS)

After reviewing the provided drawing at 3295 Tecumseh Rd E and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

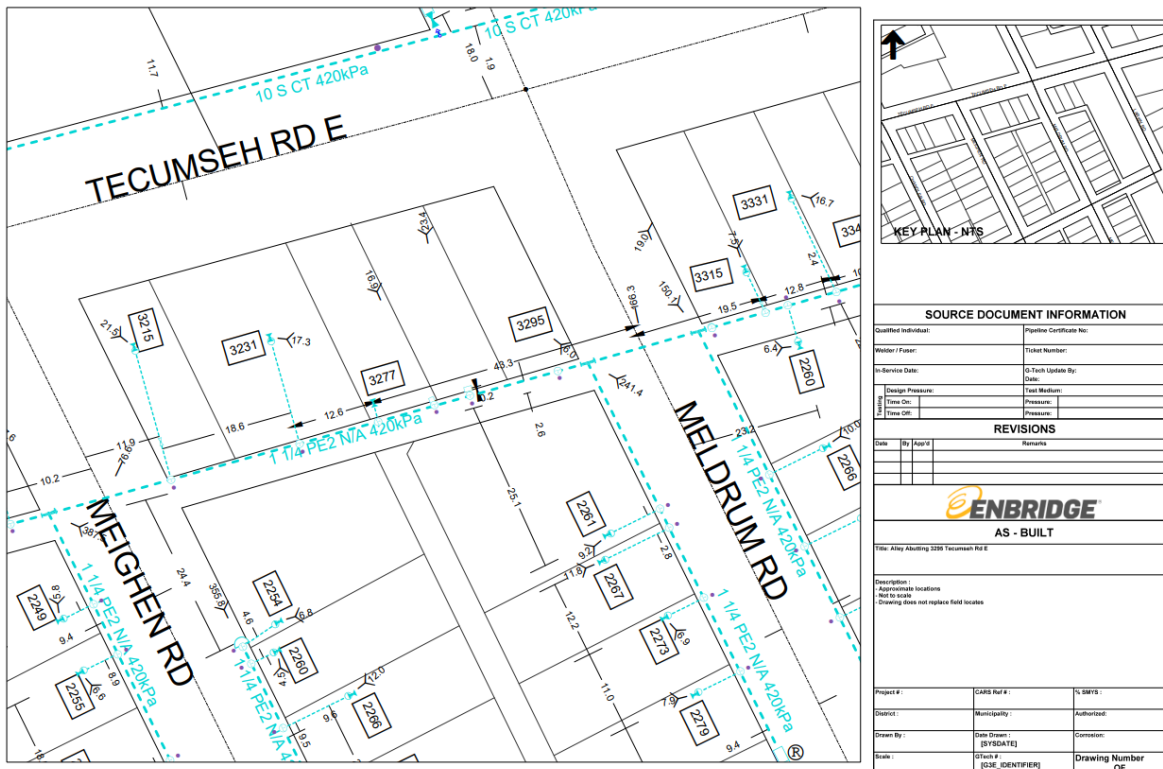
1. The shown piping locations are approximate and for information purposes only
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Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m 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.

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

[James Makhlof, Engineering Summer Student]



**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

**[Anne-Marie Albidone, Manager, Environmental Services]**

**ENWIN UTILITIES - HYDRO**

If no open alley exists, we will require a minimum 10 ft wide easement (5 ft each side of the pole line) to accommodate the poles, anchors and existing overhead plant within the alley.

Also, please note communications may also require easements (i.e.: Bell, Cogeco).

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

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**

**LEGAL DEPARTMENT**

As the closure is to close and retain for municipal purposes (no conveyance taking place) there is no conveyance cost.

**[Chris Carpenter, Coordinator of Real Estate Services]**

**MNSi**

MNSi would like to have an aerial easement to the pole lines for access for plant maintenance that run through the subject lands.

**[Dave Hartleib, Outside Plant Manager]**

**PARKS & FACILITIES**

No comments from Parks development for this SAA/6823 LIAISON.

**[Sherif Barsom, Landscape Architect]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No objections form a landscape architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING**

The proposed alley closure is approximately 6.0 m wide and 34.0m long and is composed of concrete. There is a municipal sanitary sewer and a manhole located in the alley. An easement will be required for the municipal sewer. There are hydro poles and guy wires running along the north side of the alley. An easement will be required for utilities. There is a driveway approach on the east side of the proposed closure. The property owner at 3295/3277 Tecumseh Rd East will be required to obtain a driveway permit to keep and maintain the driveway approach to city standard AS-204. This subject alley has some usefulness by CR146/2005; however, we have no objections to the closure subject to the easement.

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

**PUBLIC WORKS - TRAFFIC**

Alley can be closed without affecting pedestrian or vehicular access. Garage at rear of 3231 will still have access via Meighen Road.

**[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 issues with proposed closure. The n/w grass alley can still be accessed if needed from Meighen Rd, however, it appears the gravel alley is not being used for transportation purposes. The western portion of the alley opening onto Meighen Rd should remain open since there is a garage at 3231 Tecumseh Rd E that must use it in order to access the garage based on the orientation.

**[Shannon Deehan, Transportation Planning Coordinator]**

**TRANSIT WINDSOR**

Transit Windsor has no objections or concerns.

**[Jason Scott, Supervisor, Planning]**

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of this alley. From observation, it appears to be an open and easily accessible laneway by either vehicles or pedestrians. Closure however will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as other viable options will remain for this.

**[Barry Horrobin, Director of Planning & Physical Resources]**

**APPENDIX "D"**  
**Site Photos (June 29, 2022)**



*Figure 1 - Looking east towards alley from Olive Road 1 (1480 Olive Road to right of alley)*



*Figure 2 - Looking east towards alley from Olive Road 2*



*Figure 3 - Looking east towards rear detached garage at 1480 Olive Road from alley*



*Figure 4 - Looking west towards Olive Road from east end of alley*

## **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.

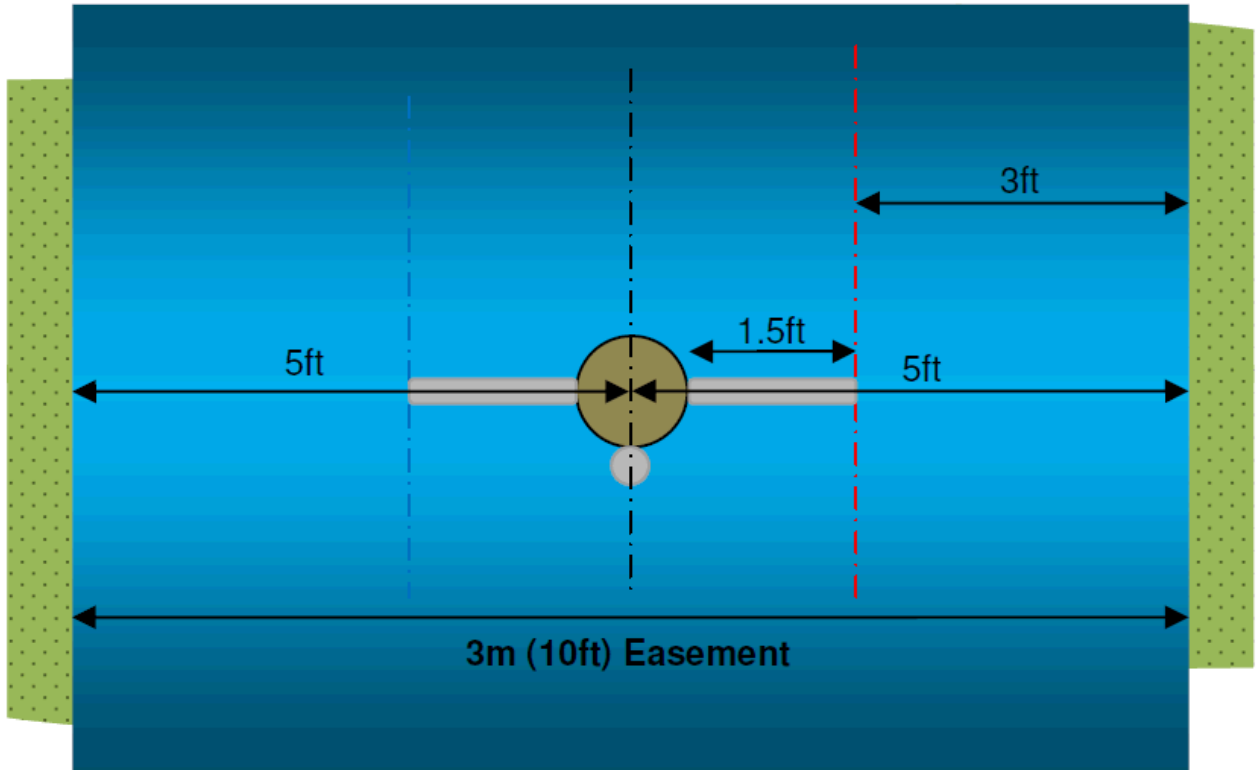
#### **Suitability for Closing:**

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: Closure of portion of north/south alley between Reginald Street and Seminole Street, Ward 5, SAA-6600**

**Reference:**

Date to Council: November 1, 2022  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: October 13, 2022  
Clerk's File #: SAA2022

To: Mayor and Members of City Council

**Recommendation:**

- 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.

**Executive Summary:**

N/A



# STREET & ALLEY CLOSING (SAA/6600)

1:1,500

APPLICANT : RICK TRELEAVEN



 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: OCTOBER, 2021

**Figure 1 - Location Map**

## Background:

The applicant, Rick Treleaven, owner of the property known municipally as 1544 St Luke Road (the subject property), applied to close the north/south alley located between Seminole Street and Reginald Street (the alley), and shown on Drawing No. CC-1802 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

The alley is unmaintained, and is composed of grass, gravel and heavy vegetation in a natural state. The alley contains multiple utility poles, some of which have guy wires and anchors, and has existing curb cuts off of Seminole Street and Reginald Street. The alley provides vehicular access to the detached garage at the rear of the property known municipally as 1527 Albert Road, and driveways to the rear of the properties known municipally as 1523 Albert Road and 2521 Seminole Street.

The applicant wishes to close the alley for the purpose of alleviating ongoing criminal activity caused by abutting property owners not maintaining the portion of the alley that they are responsible for. The lack of maintenance has allowed three sections of the alley to naturalize with heavy vegetation, creating spaces ideal for unlawful activities to occur unnoticed.

## 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.

### Alley:

1. *Does the alley serve commercial properties?*
  - a. The alley does not serve any commercial properties.
2. *Does the 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 alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley does not contain any sewers.

4. *Does the alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The alley serves as the only means of vehicular access to the rear driveway at 1523 Albert Road.
  - b. The alley serves as the only means of vehicular access to the rear garage at 1527 Albert Road.
  - c. The aforesaid properties do not have sufficient width for a side driveway.
5. *Does the 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 alley lie within a Holding zone or 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?*
  - 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 “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that the portion of the alley not serving as the only means of vehicular access to 1523 Albert Road and 1527 Albert Road be closed and conveyed. This portion of the alley being more particularly described as that located between Reginald Street and the south limit of 1527 Albert Road.

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

### **Risk Analysis:**

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

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

## Financial Matters:

The rate for an alley conveyed to abutting lands zoned RD1.3 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.

The rate for an alley conveyed to abutting lands zoned ID1.1 is assessed at \$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.

## Consultations:

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

The owner of 1527 Albert Road, via email **attached** hereto as **Appendix "F"**, has indicated that they use the alley as the only means of vehicular access to their rear garage.

The owner of 2521 Seminole Street, via email **attached** hereto as **Appendix "F"**, has indicated that they are opposed to the closure of the alley, which is their primary means of vehicular access.

The recommendation herein will keep the portion of the alley abutting 2521 Seminole Street open.

The owner of the property known municipally as 1571-1573 Albert Road, via email **attached** hereto as **Appendix "F"**, has objected to the closure of the alley. The owner indicated that they plan to split the property into two lots for the purpose of constructing a second Single Family Dwelling. The owner claims that they were advised by the Planning Department that the provision of the required parking space for the second Single Family Dwelling off of the alley would be a condition of its development.

The Planning Department has confirmed that they did not advise the owner of 1571-1573 Albert Road of such a condition. Furthermore, new driveways and garages off of an unmaintained alley are prohibited. 1571-1573 Albert Road does not have an existing driveway or garage with vehicular access off of the alley (refer to Figure 1 below). The owner will need to apply for a Minor Variance if they cannot meet the parking requirements of Zoning By-law 8600.



Figure 2 - Looking east from alley towards west wall of detached garage (2019)

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.

Surveyor.

**Conclusion:**

The Planning Department recommends closure of the portion of the north/south alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, EnWin Utilities Ltd., Enbridge Gas and MNSi, as in Recommendation II of this report.

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

**Planning Act Matters:**

N/A

**Approvals:**

| Name          | Title  |
|---------------|--|
| Michael Cooke | Manager of Planning Policy/Deputy City Planner                     |
| Thom Hunt     | City Planner / Executive Director, Planning & Development Services |



| <b>Name</b>     | <b>Title</b>  |
|-----------------|---|
| 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:**

| <b>Name</b>           | <b>Address</b>  | <b>Email</b>   |
|-----------------------|---|--|
| Councillor Ed Sleiman | 350 City Hall Square West,<br>Suite 220<br><br>Windsor, ON<br>N9A 6S1 | <a href="mailto:esleiman@citywindsor.ca">esleiman@citywindsor.ca</a> |

**Appendices:**

- 1 Appendix A - Drawing No. CC-1802
- 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 - Objections from Abutting Property Owners



# APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6600)

1:1,500

APPLICANT : RICK TRELEAVEN

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: OCTOBER, 2021



**APPENDIX "C"****Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

Bell Canada requests an easement over the entire closure area to protect existing aerial facilities.

**[Charleyne Hall, Bell Canada External Liaison]**

**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 alley to accommodate existing 16kV primary and 120/240v secondary overhead hydro distribution pole line.

**[Jerry Raniwsky, Hydro Engineering Technologist]**

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Bruce Ogg, Water Project Review Officer]**

**LEGAL DEPARTMENT**

For lands abutting properties zoned Institutional ID1.1, as the abutting property is not an operating school, \$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.

For lands abutting properties zoned Residential RD1.3: \$1 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 would like an aerial easement through the subject properties please.

**[Dave Hartleib, Outside Plant Manager]**

**PARKS & FACILITIES**

No comments / objection from Park Development pending further review by City Planning LA (Stefan) copied on this e-mail.

**[Wadah Al-Yassiri, Manager, Parks Development]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No objection from a landscape architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING**

No comments provided

**PUBLIC WORKS - TRAFFIC**

There is parking in the rear of 1523 Albert and a garage with alley access at 1527 Albert. There are areas south of these addresses that are not maintained suggesting vehicle access these properties from Seminole. Based on the length of the alley and the few properties utilizing it, I recommend closing the alley from Reginald to the south property line of 1527 Albert Rd, and keeping the alley open from Seminole to the south property line of 1527 Albert.

**[Mike Spagnuolo, Signal Systems Analyst]**

**ROGERS COMMUNICATIONS**

No comments provided

**TELUS COMMUNICATIONS**

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

**[Derek Dukhu, CAD Technician]**

**TRANSPORTATION PLANNING**

1523 Albert Road and 1527 Albert Road appear to be using the alley to access parking at their property. The alley closure is not supported as shown. The alley should remain open on parts where it is needed for access; potential closure limits include Reginald St to the property south of 1527 Albert Road.

**[Rania Toufelli, Policy Analyst]**

**TRANSIT WINDSOR**

No comments provided

**UNION GAS**

After reviewing the provided drawing of the Alley between Seminole St. and Reginald St. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area.

Enbridge will require an easement for this alley from Seminole St to Reginald St.

A PDF drawing has been attached for reference.

Please Note:

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

Enbridge Gas requires a minimum separation of 0.6 m horizontal and 0.3 m vertical from all of our plant less than NPS 16 and a minimum separation 1.0m 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

**[Gord Joynson, Drafter Estimator]**



### **WINDSOR FIRE**

No comments provided

### **WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with this application. The alley in question is unpaved, with considerable 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 28, 2022)**



*Figure 1 - Looking north towards alley from Reginald Street*



*Figure 2 - Alley looking north from south terminus*





*Figure 3 - Alley looking north from point between 1570 St Luke Road and 1575 Albert Road*



*Figure 4 - Alley looking south from north terminus (rear vehicular access to 2521 Seminole Street on right)*



*Figure 5 - Alley looking south from point between 1518 St Luke Road and 1519 Albert Road*



*Figure 6 - Looking east from alley towards detached garage at the rear of 1527 Albert Road*



*Figure 7 - Alley looking south from point between 1528 St Luke Road and 1529 Albert Road*



*Figure 8 - Alley looking south from point between 1550 St Luke Road and 1553 Albert Road*



*Figure 9 - Looking north from alley towards access to driveway at the rear of 1523 Albert Road*



*Figure 10 - Alley looking north from point between 1514 St Luke Road and 1515 Albert Road*

## **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”**  
**Objections from Abutting Property Owners**

**1527 Albert Road**

**From:** [REDACTED]

**Sent:** Tuesday, January 11, 2022 2:19 PM

**To:** Cabral, Jacqueline <jcabral@citywindsor.ca>

**Subject:** Closing alley between st. Luke & Albert st.

Hello,

I am the new homeowner for 1527 Albert Rd. I have just been made aware that the city may close the alley between Luke and Albert.

This alley is the only way for me to park my car in my garage/on my driveway.

Seeing as how we are only the fourth house in south of Seminole St, I am hoping it can be arranged to have the alley blocked after my house.

This will allow me to continue to access my garage and also prevent others from using the rest of the alley.

Please take this into consideration, as it is very important to us that we have access to our garage.

Please let me know if you need any more information from me.

Thank you,

[REDACTED]

**1571 Albert Road**

**From:** [REDACTED]  
**Sent:** Wednesday, November 24, 2021 8:23 AM  
**To:** Cabral, Jacqueline <jcabral@citywindsor.ca>  
**Subject:** Objection to Closing of Alley between St. Luke and Albert St

Hi Jacqueline,

I am the owner of 1571 Albert. I received letter dated Oct 22nd regarding the closing of Alley between St Luke and Albert property. This will impact my property and I have objection to this closing.

Regards,

[REDACTED]

[REDACTED]

**From:** kamaljit dhillon <[REDACTED]>  
**Sent:** Tuesday, August 30, 2022 7:25 AM  
**To:** Matthews, Meghan <MMatthews@citywindsor.ca>  
**Subject:** Re: Objection to Closing of Alley between St. Luke and Albert St

Thanks for reaching out to me. My property has two lots. I am planning to separate two lots and build one more house on the lot. When I had survey done and consulted the city for a separate lot, the only one condition was placed for approval. The condition was that I will be allowed to build one more house on my property, if I have alley on the back that can be used to give access to car parking to the existing lot and demolish the existing garage. And since alley was there, it fulfilled the condition. Now if you close the alley, I will lose the opportunity to get that permission. This will impact the value of my property as second lot can't be used to build. I checked the property when I purchased and gave the amount based on future prospective to increase the value by developing another house on the lot as property had access from both sides.

As I mentioned earlier too, this will badly impact the value of my property and my future planning.

Hence, I still strongly object the consideration to close ally. I would request to not make any change to the alley and keep the alley there open and running.

Thanks

Regards,

[REDACTED]  
Owner 1571 Albert

**2521 Seminole Street**

**From:** [REDACTED]  
**Sent:** Thursday, December 9, 2021 11:20 AM  
**To:** Cabral, Jacqueline <jcabral@citywindsor.ca>  
**Subject:** 2521 Seminole St. SAA/6600

Hi Jacqueline,

For the record I am strictly opposed to closing the alley to the east of my property. I was also strictly opposed to the city removing my driveway access. I now need the alley to access my property. I am disabled and will put up my best to keep my property access as it is now.

Regards,

[REDACTED]

[REDACTED]