

Development & Heritage Standing Committee Meeting

**Date:** September 12, 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 [ ] 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.        Development & Heritage Standing Committee Minutes (*Planning Act Matters*) from the meeting held August 2, 2022 (**SCM 244/2022**)

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

7.            **PLANNING ACT MATTERS**

7.1.        Rezoning – Bassim Al Hamidawy - 953 & 955 Tecumseh Road West - Z-025/22  
ZNG/6795 - Ward 10 (**S 96/2022**)

7.2.        Zoning By-Law Amendment – Matt Zhao - 521,523, & 525 Sandison Street - Z 009/22  
[ZNG-6673] - Ward 9 (**S 104/2022**)

7.3.        Zoning By-law Amendment - 1069 Shepherd Street East Z-012-22 [ZNG-6732]  
(**S 99/2022**)

8. **ADOPTION OF THE MINUTES**

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

10. **HERITAGE ACT MATTERS**

N/A

11. **ADMINISTRATIVE ITEMS**

- 11.1. Closure of the north/south alley between Guy Street and the east/west alley between Bernard Road and Francois Road - Ward 5 **(S 90/2022)**
- 11.2. Closure of the north/south alley between Totten St and Quebec St, east of California Ave and west of Askin Ave; together with the Declaration of the north/south 0.3 metre reserve making up the east limit of the said alley as Surplus - Ward 10 **(S 94/2022)**
- 11.3. Closure of the north/south alley between 1983 Ellrose Avenue and 4440 Tecumseh Road East; east/west alley between Francois Road and said north/south alley; and east/west alley between said north/south alley and Ellrose Avenue - Ward 5 **(S 95/2022)**
- 11.4. Closure of the east/west alley between Ford Boulevard and 5355 Wyandotte Street East, north of 830 Ford Boulevard and south of 5335 Wyandotte Street East, Ward 6 **(S 98/2022)**
- 11.5. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by NuFusion & Associates on behalf of 2830065 Ontario Ltd. for 1460 Lauzon Road (Ward 6) **(S 102/2022)**

12. **COMMITTEE MATTERS**

12.1. Minutes of the Property Standards Committee of its meeting held June 14, 2022  
**(SCM 208/2022)**

12.2. Minutes of the meeting of the International Relations Committee held June 23, 2022  
**(SCM 245/2022)**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**

**Item No. 5.1**



**Committee Matters: SCM 244/2022**

**Subject: Development & Heritage Standing Committee Minutes (Planning Act Matters) from the meeting held August 2, 2022**

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

**Date: Tuesday, August 2, 2022  
Time: 4:30 pm**

**MEMBERS PRESENT:**

**Councillors:**

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

**Members:**

Member Gyemi  
Member Moore  
Member Rondot

**Members Absent:**

Ward 4 - Councillor Holt

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

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

Brian Nagata, Planner II – Development Review  
Kevin Alexander, Planner III – Special Projects  
Greg Atkinson, Planner, III – Economic Development  
Marianne Sladic, Clerk Steno Senior  
Sandra Gebauer, Council Assistant

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

Jelena Payne, Commissioner – Economic Development & Innovation  
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
Thom Hunt, City Planner

# MINUTES

## Development & Heritage Standing Committee Tuesday, August 2, 2022

Page 2 of 5

Michael Cooke, Manager of Planning Policy / Deputy City Planner  
Kirk Whittal, Executive Director of Housing & Children Services  
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

### 1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 pm.

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

None

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

None

### 4. COMMUNICATIONS

None

### 5. ADOPTION OF THE PLANNING ACT MINUTES

#### 5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held July 4, 2022.

Moved by: Councillor Sleiman  
Seconded by: Councillor Gill

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held July 4, 2022 **BE ADOPTED** as presented.

CARRIED.

Member Gyemi was absent when the vote was taken.

Report Number: SCM 207/2022

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

None

# MINUTES

Development & Heritage Standing Committee  
Tuesday, August 2, 2022

Page 3 of 5

## 7. PLANNING ACT MATTERS

### 7.1 Building Facade Improvement Program – City of Windsor Urban Design Guidelines for Main Streets CIP

Kevin Alexander (author), Planner III – Special Projects

Mr Alexander gives a presentation outlining the changes in the program.

Moved by: Member Gyemi

Seconded by: Member Moore

Decision Number: **DHSC 414**

#### RECOMMENDATIONS

- I. **That** the *City of Windsor Building Facade Improvement Program and Urban Design Guidelines for Main Streets Community Improvement Plan (CIP)* adopted January 8<sup>th</sup>, 2018, through By-Law 26-2018 **BE AMENDED** to include the following:
  - i. Minor changes to the Building Facade Improvement Program Grant as identified in Section 3.0 of the DRAFT amended *CIP* (See Appendix 'A') regarding the minimum amount of eligible work required for approval in Categories A (Beautification), B (Restoration), and C (Replacement) to ensure that facade improvements have a significant impact on meeting the goals and objectives of the CIP and the overall improvements have an impact on the building and Main Street area;
  - ii. The addition of the following economic incentive programs as identified in Section 3.0 of the DRAFT amended *CIP*:
    - Building/Property Improvement Tax Increment Grant Program
    - New Residential Development Grant Program; and
  - iii. The expanded areas within the vicinity of the following main street identified in Appendix 'B' (Schedules 'B', 'C', 'F', 'G' and 'H' of the Draft CIP):
    - Wyandotte Street East Improvement Area (Walkerville)
    - Ford City Business District (Ford City)
    - Erie Street Improvement Area (Erie Street East)
    - Ottawa Street Improvement Area;
    - Ouellette Avenue (south of Erie Street and the Downtown)
  - iv. The addition of new Urban Design Guidelines on vacant and underutilized property along the main street and areas within the vicinity of the main street identified in Section 5.4 and 5.5 of the DRAFT amended *CIP*;
  - v. The addition of wording to the Monitoring Program in Section 7.0 of the CIP that will allow Administration and Council to make minor adjustments or revisions to the CIP in the future without a formal amendment to the CIP;



# MINUTES

## Development & Heritage Standing Committee Tuesday, August 2, 2022

Page 4 of 5

- I. **That** the CIP title “*Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP*” **BE AMENDED** and renamed “*Main Streets*” to reflect the new economic incentive programs that will encourage improvements to vacant and underutilized property along the main street and areas within the vicinity of the main street;
- II. **That** By-law 25-2018, being a by-law to Designate the Legal Boundaries of the City of Windsor as a Improvement Project Area for the creation of a Building Facade Improvement Program and Urban Design Guidelines for Main Streets **BE AMENDED** by deleting the reference to the CIP title “*Building Facade Improvement Program and Urban Design Guidelines for Main Streets*” and replacing it with “*Main Streets*”;
- III. **That** By-law 26-2018, being a by-law to Adopt a Community Improvement Plan for the City of Windsor Building Facade Improvement Program and Urban Design Guidelines for Main Streets **BE AMENDED** by deleting Schedule “A” and substituting Schedule “A” with the amended CIP identified in Appendix ‘A’;
- IV. **That** the “*Building Facade Improvement Program—Main Streets CIP*” Project Fund (Project #7219018) **BE RENAMED** as the “*Main Streets CIP*” Project Fund (Project #7219018) to reflect the amendments identified in Recommendation II; and
- V. **That** the changes to the Building Facade Improvement Program Grant and new financial incentive programs identified in Section 3.0 of the “*Main Streets*” (former: *City of Windsor Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP*) dated July 2022 **BE ACTIVATED**, once the Community Improvement Plan amendments are in effect, and that the financial incentive programs other than the municipal tax increment grant program be funded through the CIP Reserve Fund to the extent that funds are available for this purpose;

Motion CARRIED UNANIMOUSLY.

Report Number: S 11/2022  
Clerk’s File: Z/13002

# MINUTES

Development & Heritage Standing Committee  
Tuesday, August 2, 2022

Page 5 of 5

## 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:04 pm.

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Ward 3 – Councillor Bortolin  
(Chairperson)

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Thom Hunt  
(Secretary)



**Subject: Rezoning – Bassim Al Hamidawy - 953 & 955 Tecumseh Road West - Z-025/22 ZNG/6795 - Ward 10**

**Reference:**

Date to Council: September 12, 2022  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca  
Planning & Building Services  
Report Date: August 5, 2022  
Clerk's File #: Z/14279

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

**Recommendation:**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 32 to 34, Registered Plan 730 (known municipally as 953 & 955 Tecumseh Road West; Roll No.: 040-440-17100, 040-440-17200), situated on the west side of Tecumseh Road West, south of Crawford Avenue, by adding a site specific exception to Section 20(1) as follows:

**451. WEST SIDE OF TECUMSEH ROAD WEST, SOUTH OF CRAWFORD AVENUE**

For the lands comprising of Lots 32 to 34, Registered Plan 730, a *motor vehicle dealership* shall be an additional permitted use.

[ZDM 4, 7; ZNG/6795]

**Executive Summary:**

N/A

**Background:****Application Information:**

**Location:** 953 & 955 Tecumseh Road West  
 Lots 32 to 34, Registered Plan 730  
 West side of Tecumseh Road West, south of Crawford Avenue  
 Roll No.: 040-440-17100, 040-440-17200

**Ward:** 10 **Planning District:** Remington Park **Zoning District Map:** 4 & 7

**Applicant:** Bassim Al Hamidawy

**Owner:** 2775385 Ontario Inc. (Bassim Al Hamidawy)

**Agent:** Farhat & Associates - Hajar Tohme

**Proposal:**

The Applicant is requesting an amendment to Zoning By-law 8600 to permit a Motor Vehicle Dealership as an additional permitted use. The parcel is designated Industrial in the City of Windsor Official Plan, zoned Manufacturing District 2.1 (MD2.1), has a total lot area of 1,082.9 m<sup>2</sup>, lot frontage of 27.4 m and lot depth of 39.4 m, and is occupied by a single storey building used as an automobile collision shop / heavy repair shop. No addition to the existing building is proposed at this time.

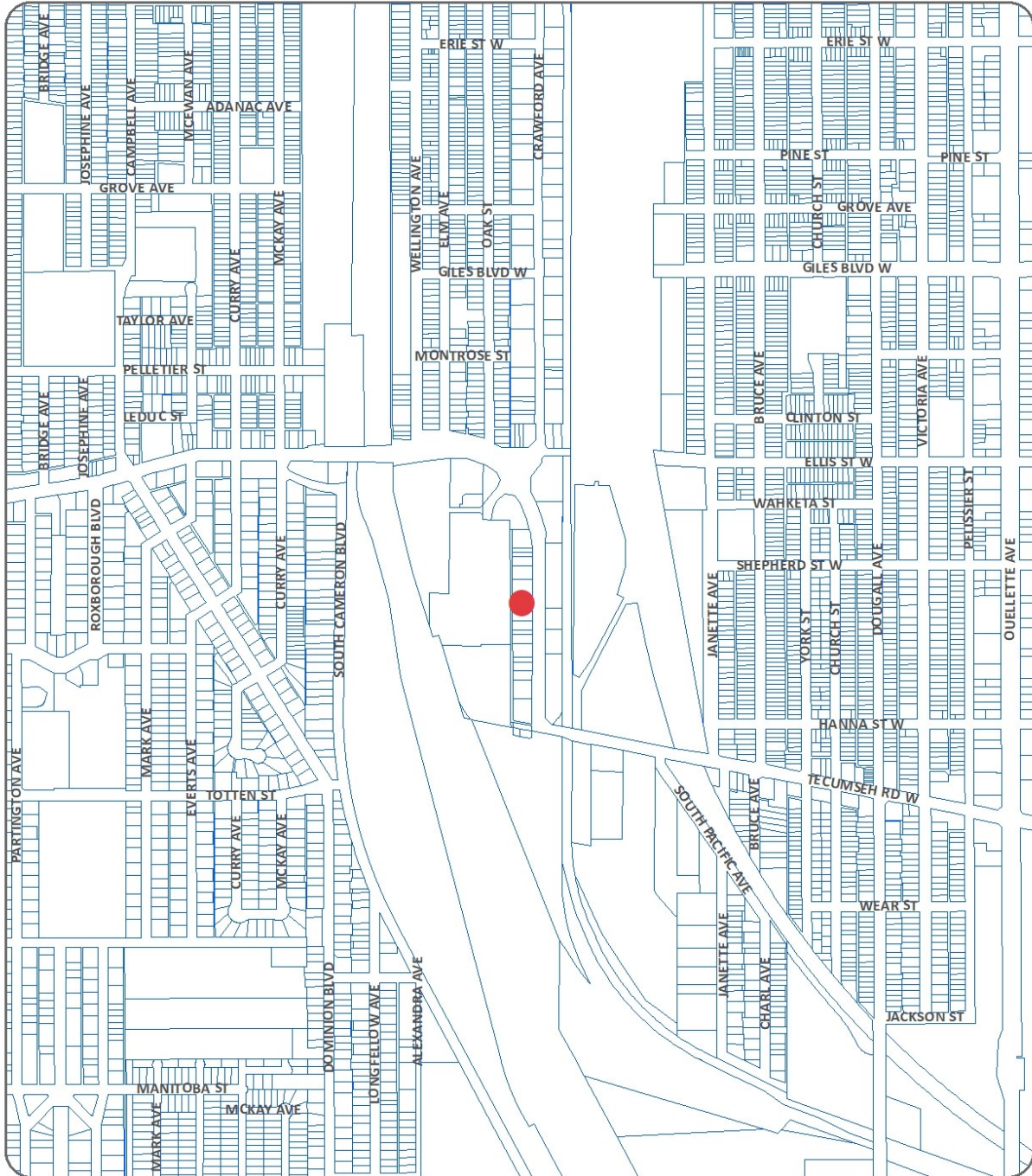
See Appendix A for a Topographic Survey of the subject lands.

**Submissions:** Rezoning Application Form, Deed, Topographic Survey

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Industrial	Manufacturing District 2.1 (MD2.1)	Automobile Collision Shop	N/A
LOT FRONTAGE	LOT DEPTH	LOT AREA	LOT SHAPE
27.4 m	39.4 m	1,082.9 sq. m	Rectangular
89.8 ft	129.2 ft	11,656.2 sq. ft.	
<i>All measurements are approximate and are for information purposes only.</i>			

Figure 1: Key Map



KEY MAP - Z-025/22, ZNG-6795

● SUBJECT LANDS

APPLICANT: 2775385 ONTARIO INC.  
ADDRESS: 953 & 955 TECUMSEH ROAD WEST



**Figure 2: Subject Parcel - Rezoning**

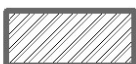


PART OF ZONING DISTRICT MAPS 4 & 7

N.T.S.

## REZONING

APPLICANT: 2775385 ONTARIO INC.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

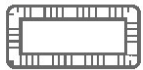


DATE : JULY 2022  
FILE NO. : Z-025/22, ZNG-6795

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-025/22, ZNG-6795



SUBJECT LANDS

APPLICANT: 2775385 ONTARIO INC.

ADDRESS: 953 & 955 TECUMSEH ROAD WEST

## **Neighbourhood Characteristics:**

The subject parcel is located in an industrial area bordered by rail yards on the east and west sides. There are numerous automotive related uses in the Tecumseh Road/Crawford Avenue corridor including an Automobile Collision Shop, Automobile Detailing Service, Automobile Repair Garage and Automobile Sales Lot.

To the north are industrial uses on both sides of Tecumseh Road West, industrial uses along Crawford Avenue and low density low profile residential along Oak Street, Elm Avenue and Wellington Avenue. To the east are light industrial and commercial uses on the east side of Tecumseh Road, the Essex Terminal Railway rail corridor and the CP Rail yard including the Windsor Auto Compound. To the south are industrial uses and rail operations. To the west is the City of Windsor Crawford Yard (Public Works Operations) and the CN Rail Van de Water Yard.

Tecumseh Road West is a Class II Arterial road with four travel lanes and curbs and sidewalks on both sides, and is a major east-west corridor. On-street parking is prohibited. Crawford Avenue to the north provides access to College Avenue, Wyandotte Street, University Avenue and Riverside Drive.

Transit Windsor operates the Dougall 6 bus route along Bruce Avenue and Dougall Avenue with stops at Tecumseh Road West, about 800 m walking distance to the east, and the Central 3 and Central 3 West at Crawford and Tecumseh, about 400 m to the north. The Transit Master Plan recommends maintaining similar transit service.

Sewers are available in the Tecumseh Road West right-of-way. See Appendix B for site images.

## **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 motor vehicle dealership represents an efficient development that will have no adverse impact on the financial well-being of the City, land consumption, and servicing costs, accommodates an appropriate range of employment uses, minimizes land consumption and servicing costs, and optimizes investments in transit. The zoning amendment is consistent with Policy 1.1.1.

Policy 1.1.3.1 of the PPS states:

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

Policy 1.1.3.2 of the PPS states:

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

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

The parcel is located within the settlement area. The zoning amendment promotes a land use that makes efficient use of land and existing infrastructure and is transit-supportive. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

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

#### **Official Plan:**

The subject parcel is located within the Remington Park Planning District and is designated Industrial on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.4.1.3 ensures that employment uses are developed in a manner that are compatible with other land uses. Objective 6.4.1.4 seeks to accommodate a full range of employment activities. Objective 6.4.1.6 states that employment activities shall be located in areas that have convenient access to all modes of transportation. Objective 6.4.1.8 ensures that adequate infrastructure services are provided to employment areas. Objective 6.4.1.9 seeks to maintain and develop viable industrial areas.

The proposed Motor Vehicle Dealership is compatible with other land uses including industrial uses and other automotive-related land uses, helps accommodate a full range of employment activities, and improves the viability of the industrial area. The parcel is located on a major east-west arterial road, has access to public transit, and no deficiencies in services have been identified.

The zoning amendment satisfies the objectives in Section 6.4.1 of the Official Plan.

Permitted uses in the Industrial land use designation include service and repair facilities and uses that are dependent upon, serves or otherwise complements the industrial function of the area (Section 6.4.3.1 (h) and (i)). Permitted ancillary uses include motor vehicle sales (Section 6.4.3.2 (d)). Applicable locational criteria include access to an

arterial road, provision of full municipal physical services, and peak period public transportation service is available.

A Motor Vehicle Dealership conforms to Section 6.4.3 of the Official Plan.

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

The proposed change to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

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

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

The applicant is requesting a site specific exception to allow a Motor Vehicle Dealership as an additional permitted use. There are existing parcels selling motor vehicles in the surrounding areas. The parcel is of adequate area to accommodate the proposed additional use. A Motor Vehicle Dealership is compatible with existing and permitted uses in the surrounding area.

The change of use is subject to site plan control. The requirements and concerns of municipal department, such as parking area and outdoor storage yard setbacks and the provision/restoration of landscaping along Tecumseh Road West, will be considered during site plan control.

### **Risk Analysis:**

N/A

### **Climate Change Risks**

#### **Climate Change Mitigation:**

In general, adaptive reuse of existing buildings minimizes the impact on the Community greenhouse gas emissions as these developments use currently available infrastructure such as sewers, sidewalks, and public transit.

#### **Climate Change Adaptation:**

Minimal opportunity to increase resiliency of the development or surrounding area.

### **Financial Matters:**

N/A

### **Consultations:**

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

Public Notice: Statutory notice was advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and tenants 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 add a site specific exception to allow a Motor Vehicle Dealership as an additional permitted use 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 by adding a site specific exception to allow Motor Vehicle Dealership as an additional permitted use.

## Planning Act Matters:

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

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

*Thom Hunt, MCIP, RPP*  
*City Planner*

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

*JP*            *OC*

## Approvals:

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

## Notifications:

Name	Address	Email
Bassim Al Hamidawy	2523 California Avenue Windsor ON N9E 4L8	bassimal71@gmail.ca
Farhat & Associates ATTN: Hajar Tohme	1 Hanna St W Windsor ON N8X 1C7	htohme@farhatlaw.ca
Councillor Morrison (Ward 10)		
Property owners and tenants within 120 m of the subject parcel		

## Appendices:

- 1 Appendix A - Topographic Survey
- 2 Appendix B - Site Images
- 3 Appendix C - Extracts from Zoning By-law 8600
- 4 Appendix D - Comments

TOPOGRAPHIC SURVEY  
OF  
LOTS 32, 33 and 34  
REGISTERED PLAN 730  
IN THE  
CITY OF WINDSOR  
COUNTY OF ESSEX, ONTARIO

© VERHAEGEN LAND SURVEYORS, A DIVISION OF J.D. BARNES LIMITED.

SCALE : 1"=20'  
0 10.0 20.0 40.0 60.0 100.0  
FEET

**LEGEND AND NOTES**

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS "A" AND "B" BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999994.

ALL SET SBH AND PS MONUMENTS WERE USED DUE TO LACK OF OVERBURDEN AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11(4) OF O.REG. 525/91.

ALL MONUMENTS SHOWN THUSLY □ ARE IRON BARS (B) UNLESS OTHERWISE NOTED.

SIB □ DENOTES STANDING IRON BAR  
SIBB □ DENOTES SHORT STANDARD IRON BAR  
IB □ DENOTES IRON BAR  
IBB □ DENOTES ROUND IRON BAR  
IB-CR □ DENOTES CUT-CROSS  
CP □ DENOTES 5mm X 50mm STEEL PIN  
PB □ DENOTES PLASTIC BAR  
F □ DENOTES SURVEY MONUMENT FOUND  
□ DENOTES SURVEY MONUMENT SET AND MARKED 1744  
WIT □ DENOTES WITNESS (S) DENOTES PERPENDICULAR  
(S) DENOTES SET (S) DENOTES MEASURED  
(S/P) DENOTES OBSERVED REFERENCE POINT (N) DENOTES INST. No.  
(P) DENOTES SET PROPORTIONALLY (N) DENOTES NOT IDENTIFIABLE  
(P1) DENOTES PLAN 128-1669  
(P2) DENOTES PLAN OF SURVEY (1184), Dated July 29, 1986, Plan File 4V-8764  
(P3) DENOTES REGISTERED PLAN 730  
(P4) DENOTES VERHAEGEN LAND SURVEYORS, O.L.S.

- MH DENOTES HYDRO MANHOLE
- MHS DENOTES SEWER MANHOLE
- MHT DENOTES TELEPHONE MANHOLE
- MHT DENOTES TRAFFIC MANHOLE
- MHW DENOTES WATER MANHOLE
- MWH DENOTES WATER MANHOLE
- CB DENOTES CATCH BASIN
- DCB DENOTES DOUBLE CATCH BASIN
- LSc DENOTES LIGHT STANDARD CONCRETE
- LSt DENOTES LIGHT STANDARD STEEL
- LSW DENOTES LIGHT STANDARD WOOD
- UPc DENOTES UTILITY POLE CONCRETE
- UPw DENOTES UTILITY POLE WOOD
- UPH DENOTES UTILITY POLE WOOD
- GP DENOTES GUY POLE
- GW DENOTES GUY WIRE
- Bbl DENOTES BOLLARD
- PM DENOTES PARKING METER
- AC DENOTES TOP OF CURB
- BC DENOTES BOTTOM OF CURB
- FH DENOTES FIRE HYDRANT
- WM DENOTES WATER METER
- WWS DENOTES WATER VALVE (Service)
- WVM DENOTES WATER VALVE (Mash)
- GM DENOTES GAS METER
- GV DENOTES GAS VALVE
- HM DENOTES HYDRO METER
- Pstf DENOTES TELEPHONE PEDESTAL
- Pstc DENOTES CABLE TV PEDESTAL
- Trs DENOTES TRAFFIC SIGN
- Trsg DENOTES TRAFFIC SIGNAL
- Trsb DENOTES TRAFFIC SIGNAL BOX
- TH DENOTES TESTHOLE
- BM DENOTES BENCH MARK
- HCP DENOTES HORIZONTAL CONTROL POINT
- VCP DENOTES VERTICAL CONTROL POINT
- SHR DENOTES SHURUB
- SC DENOTES SEWER CLEANOUT
- IN DENOTES INVERT

DECIDUOUS AND CONIFEROUS TREES ARE DENOTED DT AND CT RESPECTIVELY.  
A PREFIX TO THE DESCRIPTION DENOTES THE NUMBER OF TREE TRUNKS WHEN TREES ARE CLUMPED TOGETHER AND A SUFFIX DENOTES THE TREE DIAMETER OR (N/S) NOT TO SCALE.

- C — C — C — DENOTES OVERHEAD CABLE TV LINE
  - (pipe size) — G — DENOTES GAS LINE
  - H — H — H — DENOTES OVERHEAD HYDRO LINE
  - (pipe size) — CS — DENOTES COMBINED SEWER
  - SA — SA — SA — DENOTES SANITARY SEWER
  - ST — ST — ST — DENOTES STORM SEWER
  - T — T — T — DENOTES OVERHEAD TELEPHONE LINE
  - W — (pipe size) — W — DENOTES WATER LINE
- UNDERGROUND CABLE, HYDRO OR TELEPHONE LINES ARE PREFIXED WITH THE LETTER "U"  
(CABLE = UC HYDRO = UH TELEPHONE = UT)

**SURVEYOR'S CERTIFICATE**

I CERTIFY THAT:

- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYS ACT AND THE REGULATIONS MADE UNDER THEM.
- THIS SURVEY WAS COMPLETED ON THE 27th DAY OF MAY, 2022

DATE JUNE 9, 2022

*Roy Simone*  
ROY A. SIMONE  
ONTOLOGICAL LAND SURVEYOR



**VERHAEGEN**  
LAND SURVEYORS

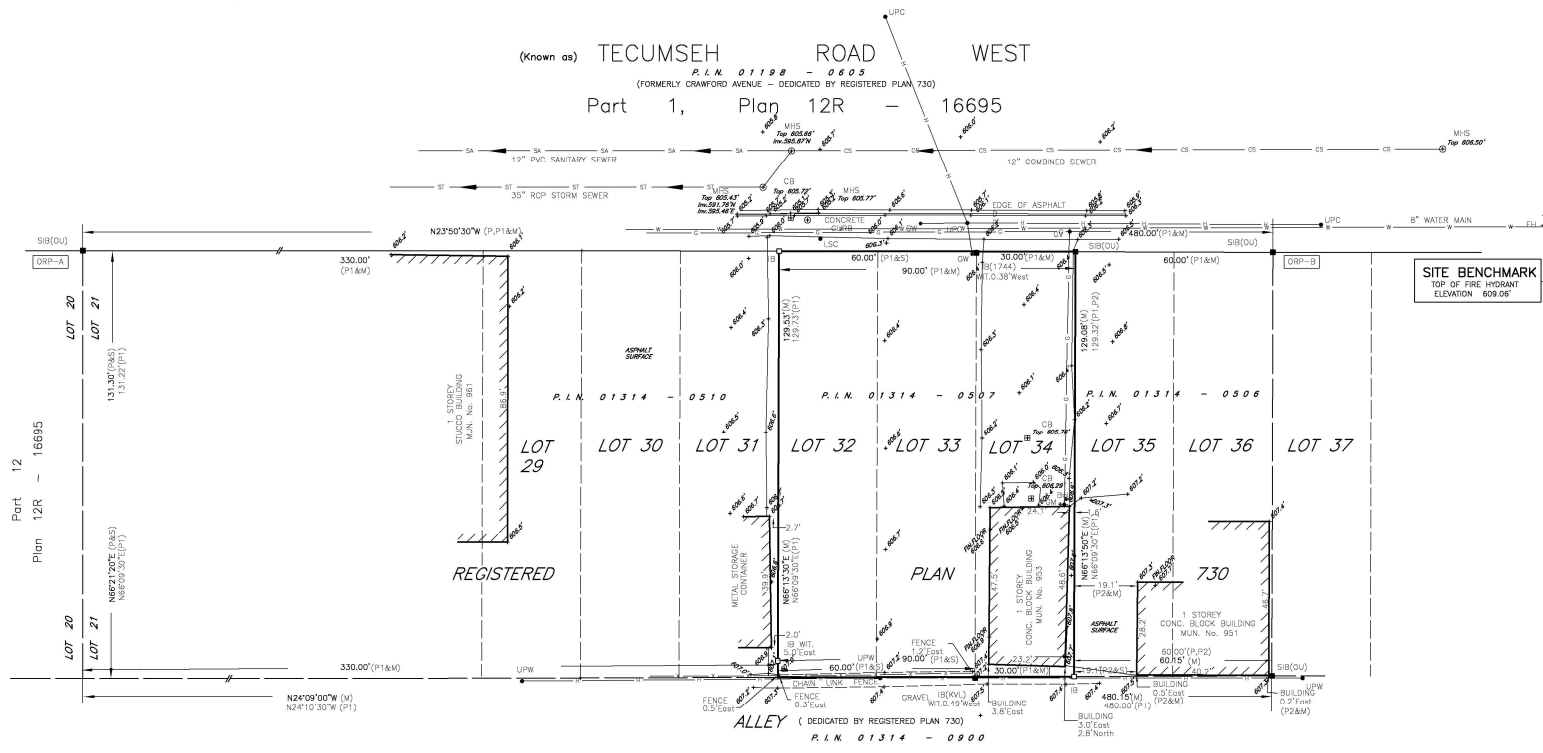
A DIVISION OF J.D. BARNES LTD.

344 OLTAWA STREET, WINDSOR, ON, N9K 2E1  
T: (519) 354-1772 F: (519) 354-1791 www.jdbarnes.com

DRAWN BY:	NGM	CHECKED BY:	RAS	REFERENCE NO.:	22-47-224-00
FILE:	E-730-3	CAD Date:	June 9, 2022 3:11 PM	CAD File:	22-47-224-00.dwg



(Known as) **TECUMSEH ROAD WEST**  
P.L.N. 01198 - 0805  
(FORMERLY CRAWFORD AVENUE - DEDICATED BY REGISTERED PLAN 730)  
Part 1, Plan 12R - 16695



**ELEVATIONS**  
ELEVATIONS SHOWN ON THIS PLAN ARE IN FEET TO CANADIAN GEODETIC VERTICAL DATUM (1928)

**BENCH MARK**  
BENCH MARK 988  
MUN. No. 675 TECUMSEH ROAD WEST (BOWLER); THE PLATE IS LOCATED ON THE NORTH WAL. 2.3 FEET FROM THE EAST WALL AND 1.2 FEET ABOVE GRADE.  
ELEVATION 612.64'

**SITE BENCH MARK**  
TOP OF FIRE HYDRANT SOUTH OF PARCEL.  
ELEVATION 609.06'

**CAUTION**  
UNDERGROUND UTILITIES AND SERVICES SHOWN ON THIS PLAN ARE APPROXIMATE AND MUST BE VERIFIED BEFORE CONSTRUCTION.

**INVERTS**  
SEWER INVERT ELEVATIONS SHOWN HEREON HAVE BEEN DERIVED FROM CITY OF WINDSOR SEWER ATLAS PLATE H7 AND NOT THE RESULT OF FIELD MEASUREMENTS.

**"IMPERIAL"** DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

**INTEGRATION DATA**

OBSERVED REFERENCE POINTS (ORPs): UTM ZONE 17 NAD83 (CSRS) (2010.0), COORDINATES TO URBAN ACCURACY FOR SECTION 14 (2) OF O.REG. 216/10.

POINT ID	NORTHING	EASTING
ORP-A	N15370005.37	E1089039.22
ORP-B	N15369566.42	E1089233.20

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

FOR BEARING COMPARISON, A ROTATION OF 02°59'30" CLOCKWISE WAS APPLIED TO (P3) TO CONVERT TO GRID BEARINGS.

FOR BEARING COMPARISON, A ROTATION OF 02°56'30" CLOCKWISE WAS APPLIED TO (P1) TO CONVERT TO GRID BEARINGS.

**APPENDIX B - SITE IMAGES  
(Google Street View)**



**IMAGE 1**

**Subject Parcel – 953 & 955 Tecumseh Road West - Looking west**



**IMAGE 2**

**Looking north on Tecumseh Road West  
Subject parcel on left side**

**IMAGE 3**



**Looking east from subject parcel on Tecumseh Road West**

**IMAGE 4**



**Looking south on Tecumseh Road West  
Subject parcel on right side**

## APPENDIX C - Extracts from Zoning By-law 8600

### SECTION 3 – DEFINITIONS

#### 3.10 DEFINITIONS

**AUTOMOBILE SALES LOT** means a *premises* used for the lease, rental or sale of an *automobile*. It does not include an *automobile collision shop, automobile detailing service or automobile repair garage*.

**MOTOR VEHICLE** means vehicle propelled, driven or pulled by other than muscular power and includes an *automobile, commercial motor vehicle, recreational vehicle, transport trailer, or transport truck*. It does not include a power-assisted bicycle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. or a train.

**MOTOR VEHICLE DEALERSHIP** means a *lot and building* used for any one or more of the following: the sale, lease or rental of a *motor vehicle*, and may also include as an *accessory use*, any one or more of the following: *outdoor storage yard* exclusively for the storage of *motor vehicles; repair shop – heavy* exclusively for the maintenance and repair of *motor vehicles; washing of a motor vehicle*.

**INDUSTRIAL USE** means, unless specifically prohibited, one or any combination of the following:

1. One or more *main use* identified as an industrial activity in Section 3.10
2. One or more of the following *main uses*:

*Automobile Collision Shop*  
*Automobile Detailing Service*  
*Automobile Repair Garage*  
*Bakery*  
*Confectionary*  
*Contractor's Office*

*Medical Appliance Facility*  
*Repair Shop – Heavy*  
*Research and Development Facility*  
*Warehouse*  
*Welding Shop*  
*Wholesale Store*

3. One or more of the following activities as a *main use*:

Assembling  
 Constructing  
 Manufacturing  
 Packaging  
 Processing  
 Producing  
 Shipping

## SECTION 19 - MANUFACTURING DISTRICTS 2. (MD2.)

### 19.1 MANUFACTURING DISTRICT 2.1 (MD2.1)

#### 19.1.1 PERMITTED USES

*Industrial Use*

*Ambulance Service*

*Building Materials Recycling Store*

*Food Catering Service*

*Micro-Brewery*

*Motor Vehicle Salvage Operation*

*Self-Storage Facility*

*Towing Facility*

Any use accessory to any of the above uses, including a *Caretaker's Residence*.

#### 19.1.3 PROHIBITED USES

*Animal Processing Facility*

*Batching Plant*

*Distillation Plant*

*Manufacturing Heavy*

*Pit*

*Primary Metals Plant*

*Quarry*

*Salvage Operation*

#### 19.1.5 PROVISIONS

.5	Front Yard Depth – minimum	6.0 m
.7	Side Yard Width – minimum	
	a) From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located	6.0 m
	b) From an <i>exterior lot line</i>	3.0 m
.8	Landscaped Open Space Yard – minimum	15% of <i>lot area</i>



## APPENDIX D - COMMENTS

### CITY OF WINDSOR - BUILDING DEPARTMENT - BARBARA RUSAN

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

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application. Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission. The City of Windsor Building Department can be reach by phoning 519-255-6267 or email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

### CITY OF WINDSOR - ENGINEERING & RIGHT-OF-WAY - ALISON LODGE

The site may be serviced by a 375mm vitrified combined sewer located within the proposed development area, along the centerline of Tecumseh Road West. The owner(s) will be required to obtain a permit from the Engineering Department to connect to existing sanitary and/or storm sewer connections. Existing connections are to be utilized wherever possible at the entire cost and risk of the owner. If an existing connection is not utilized, it shall be capped and abandoned in to the satisfaction of the City Engineer. If a new connection is required, it shall be installed, by trenchless method under the existing pavement from the sewer main tap pit on Tecumseh Road West, except when specific consent is given by the City Engineer.

Tecumseh Road West is classified as a Class II Arterial per the Official Plan with a required right-of-way width of 42 meters. The Tecumseh Road West Environmental Assessment does not identify any land conveyance for this property, therefore a conveyance is not required. The current driveway is attached to 953 Tecumseh Road West; therefore; a reciprocal access agreement is required.

In summary, we have no objections to the proposed site plan application, subject to the following requirements:

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

**Reciprocal Access & Services** – The owner agrees to enter into a reciprocal agreement with the abutting property owners for access and services.

**Driveway Approaches** – The Owner further agrees that driveway approaches shall be constructed in such width and location as shall be approved by the City Engineer and the Owner shall have the option of constructing the said driveway approaches as follows:

1. asphalt in accordance with City of Windsor Standard Drawing AS-221; or
2. concrete in accordance with City of Windsor Standard Drawing AS-222;
3. to provide straight flare driveway approaches and to terminate the raised curbs at the property line and the raised curbs shall not extend into the driveway approaches, outside of the subject lands;

All work to the satisfaction of the City Engineer.

**CITY OF WINDSOR - PLANNING - HERITAGE PLANNING - TRACY TANG**

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

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.

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

**CITY OF WINDSOR - PLANNING - LANDSCAPE ARCHITECT - STEFAN FEDIUK**

Zoning Provisions for Parking Setback:

Between October 2018 and December 2020, the owner (or previous owner) has removed all the existing greenspace and replaced it with gravel, including that which was on the municipal right-of-way.

As there is no request for a zoning change other than the additional use, it is strongly recommended that the parking areas for the proposed motor vehicle dealership be required to comply with the setbacks (6.0m front yard) and landscape area (minimum 15%) requirements for the current zoning, as found in the Zoning Bylaw for Manufacturing Districts (MD2.1).

Tree Preservation: N/A

Climate Change:

Requirements related to the Zoning Bylaw for setbacks and landscape area, applied at the time of Site Plan Control will help to mitigate the effects of the heat island effect created by the hard surfaces associated with the proposed use of a motor vehicle dealership.

Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of 2% parkland dedication. Detailed landscape requirements will be provided at the time of site plan review.

**CITY OF WINDSOR - PLANNING - SITE PLAN CONTROL - JACQUELINE CABRAL**

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

**CITY OF WINDSOR - TRANSPORTATION PLANNING - RANIA TOUFEILI**

Tecumseh Road West is classified as a Class II Arterial per the Official Plan with a required right-of-way width of 42 meters. The Tecumseh Road West Environmental Assessment does not identify any land conveyance for this property, therefore a conveyance is not required.

A detailed site plan is required to further review this application and provide comments. The site layout and proposed access will need to be reviewed. No new accesses shall be allowed on Tecumseh Road West without appropriate transportation justification.

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.

Driveway width and standards must comply with AS-203 and AS-204 with straight flares.

A reciprocal access agreement is required with 953 Tecumseh Road West.

All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

**ENBRIDGE – WINDSOR MAPPING**

After reviewing the provided drawing at 953 and 955 Tecumseh Rd W and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing is available for reference. Please Note:

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

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

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

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

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

**ENWIN**

HYDRO ENGINEERING: No objection provided adequate clearances are achieved and maintained. ENWIN has existing primary and secondary overhead conductor running along the east, west and south limits of the property.

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

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

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

**Subject: Zoning By-Law Amendment – Matt Zhao - 521,523, & 525 Sandison Street - Z 009/22 [ZNG-6673] - Ward 9**

**Reference:**

Date to Council: September 12, 2022  
Author: Pablo Golob, MCIP, RPP  
Planner II – Development Review  
519-255-6543 ext. 6918  
pgolob@citywindsor.ca

Planning & Building Services  
Report Date: August 23, 2022  
Clerk's File #: Z/14345

To: Mayor and Members of City Council

**Recommendation:**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Pt Block A, Plan 1259; Part 1 & 2, Plan 12R-26132 (known municipally as 521,523, and 525 Sandison Street), from Residential District 1.1 (RD1.1) to Residential District 3.1 (RD3.1).

[ZDM9; ZNG/6673]

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** 521,523, and 525 Sandison Street  
Pt Block A, Plan 1259 and Part 1 & 2, Plan 12R-26132  
South side of Sandison Street, east of Howard Avenue  
Roll No.: 070-090-07405, 070-090-07404, 070-090-07300

**Ward:** 9    **Planning District:** South Windsor    **Zoning District Map:** 9

**Applicant:** Matt Zhao

**Owner:** 2847625 Ontario Ltd. (Matt Zhao)

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

**Proposal:**

The Applicant is requesting an amendment to Zoning By-law 8600 to change the zoning from Residential District 1.1 (RD1.1) to Residential District 3.1 (RD3.1) to permit the construction of a 3 storey, 34 unit residential development with 42 parking spaces. The parcel is designated Residential in the City of Windsor Official Plan, zoned Residential District 1.1 (RD1.1), has a total lot area of 3,352.7 m<sup>2</sup>, lot frontage of 47.7 m, an irregular lot depth, and is currently vacant. As per the applicant, no site specific relief is required to facilitate the proposed building design.

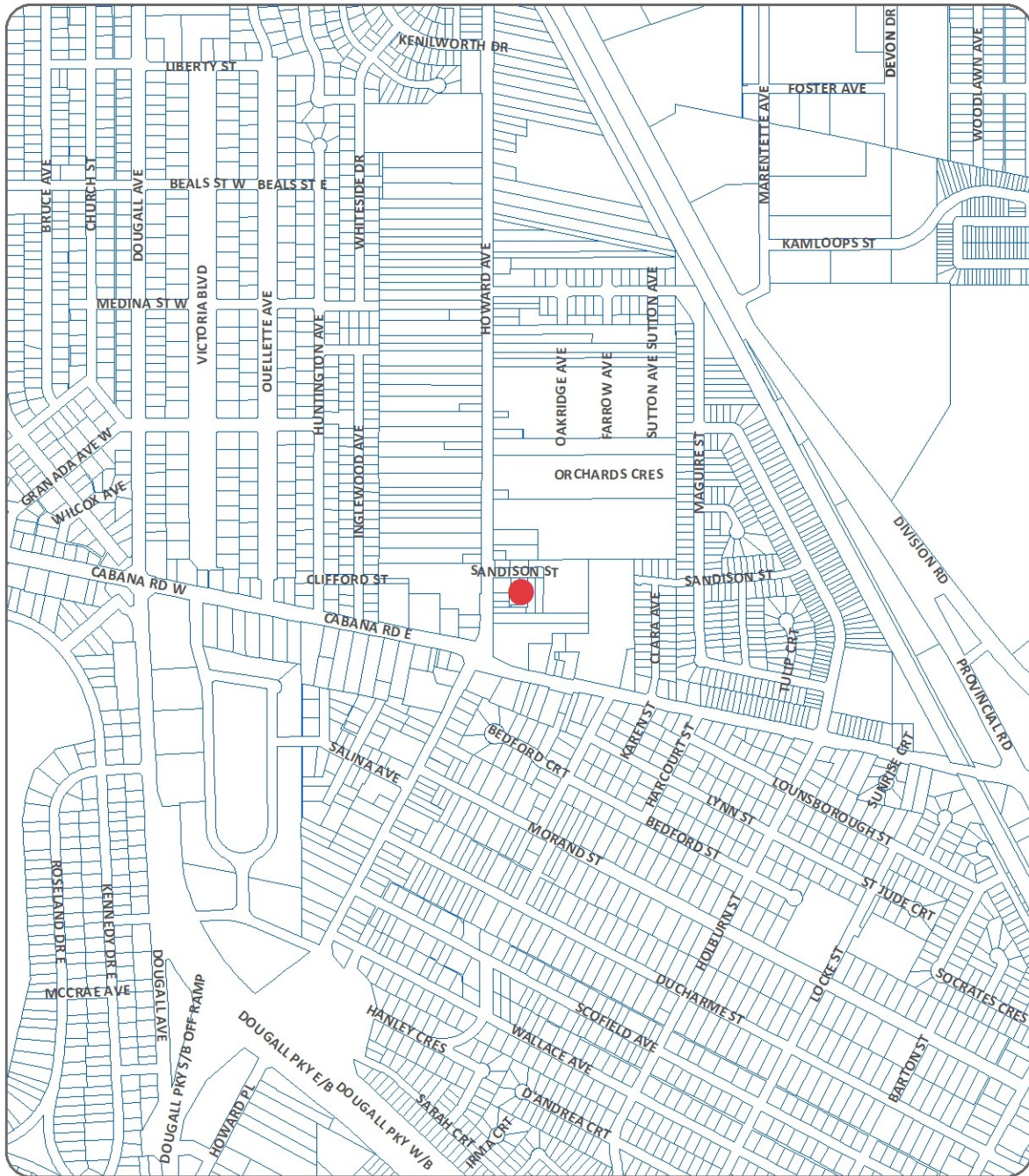
See Appendix A for Conceptual Site Plan

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

**Site Information:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.1 (RD1.1)	Vacant	N/A
LOT FRONTAGE	LOT DEPTH	LOT AREA	LOT SHAPE
47.7 m	Irregular	3,352.7 sq. m	Irregular
156.5 ft	Irregular	36,088.2 sq. ft.	
<i>All measurements are approximate and are for information purposes only.</i>			

Figure 1: Key Map

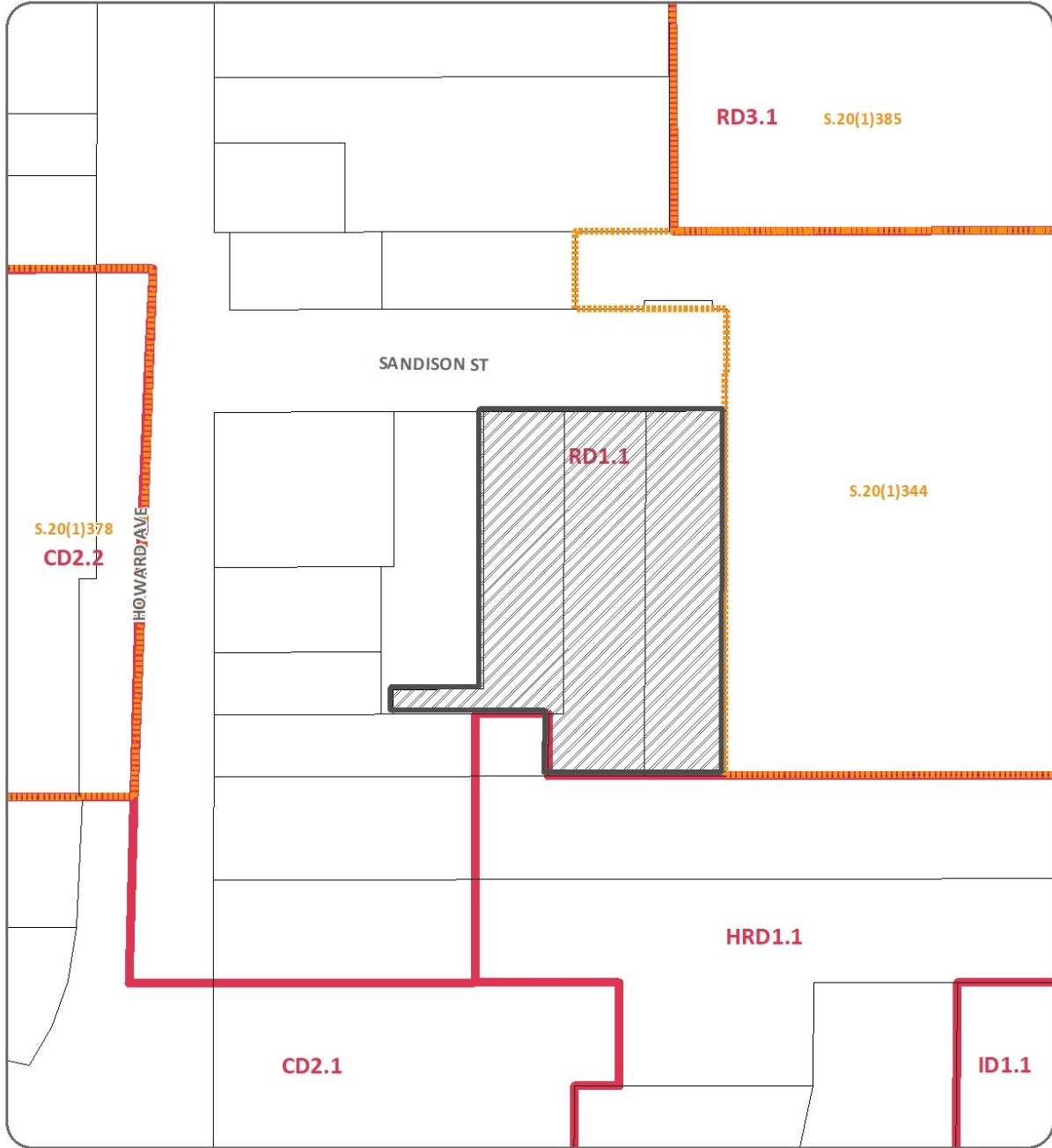


KEY MAP - Z-009/22, ZNG-6673



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**

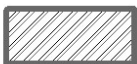


PART OF ZONING DISTRICT MAPS 9

N.T.S.

## REZONING

Applicant: Matt Zhao



SUBJECT LANDS

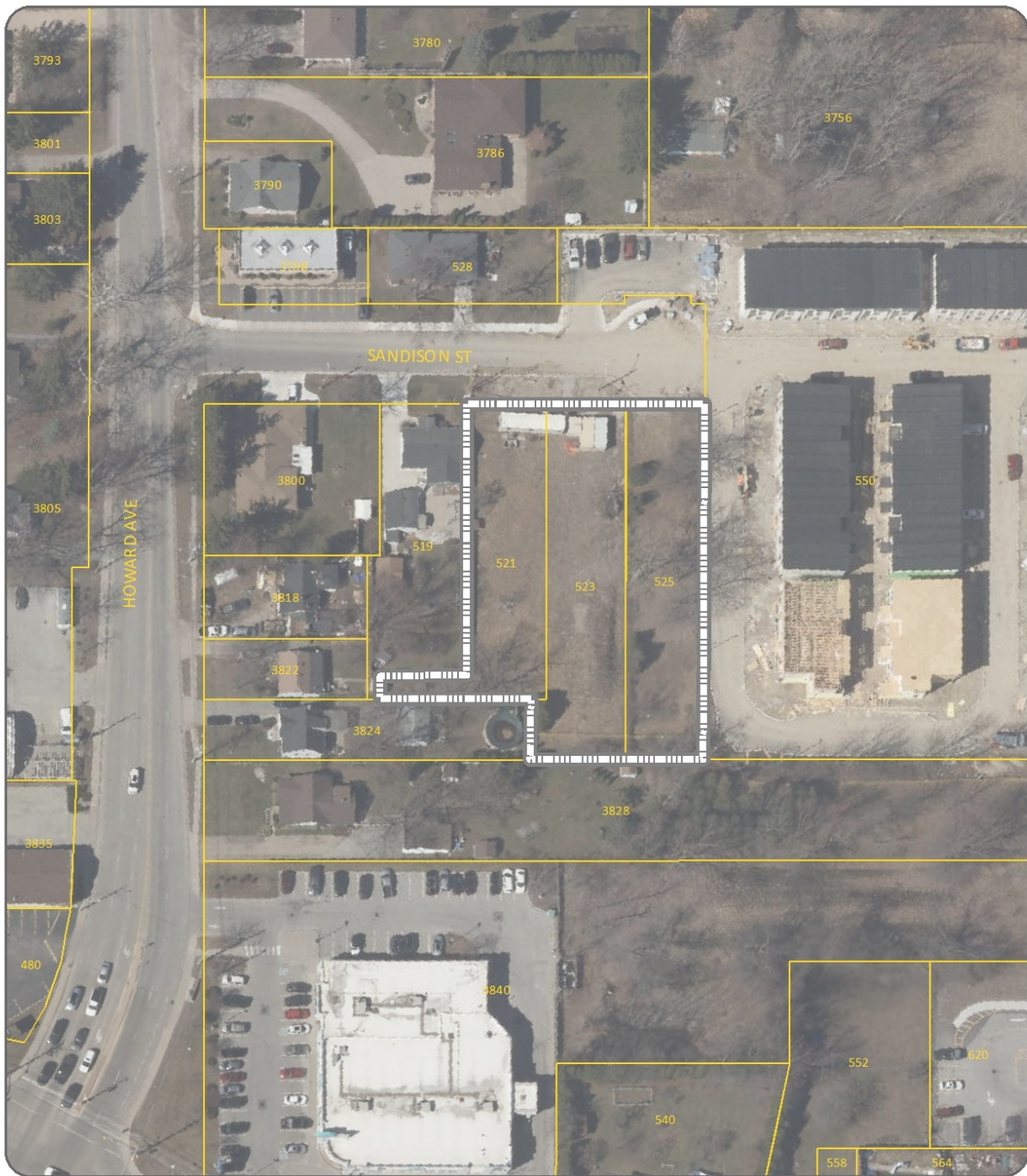
PLANNING & BUILDING DEPARTMENT



DATE : MARCH, 2022  
FILE NO. : Z-009/22, ZNG/6673



Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-009/22, ZNG/6673



SUBJECT LANDS

## **Neighbourhood Characteristics:**

The subject lands are located in an established residential area undergoing significant redevelopment. There are numerous residential developments within the vicinity of the subject lands that have been recently constructed, are currently under construction, or proposed. The abutting commercial node of Howard Avenue and Cabana Road East is also experiencing redevelopment activity of commercial uses.

To the north are low profile residential uses on both sides of Howard Avenue, including newly constructed semi-detached dwelling units along Lily-Mac Blvd. A new 4-storey multiple dwelling development has been approved as part of a phased development proposal along Lily-Mac Blvd. To the east are recently constructed townhome dwelling units, Roseland Public School, and low profile residential uses. To the south are low profile residential uses coupled with commercial uses along the Cabana Road East corridor. To the west are additional low and medium profile residential uses, including a 78-unit mixed-use building currently under construction.

Sandison Street is a local road with curbs on both sides and sidewalks on the north side. On-street parking is permitted, however limited. The nearby Howard Avenue is a Class II Arterial road with three travel lanes at the Sandison Street intersection and curbs and sidewalks on both sides. On-street parking is prohibited on Howard Avenue. The City has completed a Class Environmental Assessment study to address capacity, safety, and operational improvements along Howard Avenue, with implementation of improvements subject to Council budget approvals.

Transit Windsor operates the South Windsor 7 bus route along Howard Avenue and Cabana Road, and the Dougall 6 route along Cabana Road, with stops approximately 200 m from the subject site. The Transit Master Plan recommends maintaining these existing transit services.

Storm and sanitary sewers are located in the Sandison Street right-of-way. 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 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 land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located near 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 South Windsor Planning District and are designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.1.14 of the Official Plan directs residential intensification to areas of the City where transportation, municipal services, community facilities, and goods and services are readily available. The subject lands are in close proximity to the Mixed-Use Node of the Howard Ave. and Cabana Rd. E. intersection, which provides a range of neighbourhood commercial uses and transit options. Municipal services are located adjacent the subject lands on the Sandison Street right-of-way. The zoning amendment satisfies the objectives set out in Section 6.1.14 of the Official Plan.

The proposed development conforms to the Residential objectives in the Official Plan, particularly with the promotion of a complementary housing type in an area dominated

by single detached residential dwellings, promotion of a compact neighbourhood, and promotion of infill and intensification initiatives (Objectives 6.3.1.1 through 6.3.1.3). The proposed multi-unit residential development is classified as a Medium Profile development under Section 6.2.1.2 (b), a permitted use in the Residential land use designation (Section 6.3.2.1).

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 in close proximity to the Mixed-Use Node of the Howard Ave. and Cabana Rd. E. intersection which provides for a range of neighbourhood commercial uses and transit options. The subject lands also have access to an arterial road, full municipal services, and adequate community services. As such, the zoning amendment satisfies the objectives set out in Section 6.3.2.4 of the Official Plan.

The proposed development is compatible with the surrounding area in terms of scale, massing, height, siting, orientation, and setbacks (Section 6.3.2.5 (c)), provides adequate off-street parking (Section 6.3.2.5 (d)), and no deficiencies in municipal physical services and emergency services have been identified (Section 6.3.2.5 (e)). The proposed orientation and setbacks of the development facilitate a gradual transition from the abutting Low Profile residential development, in accordance with recently adopted Design Guidelines (Section 6.3.2.5 (f)). The proposed zoning amendment conforms to the policies in Section 6.3.2.5 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 Residential District 1.1 (RD1.1) 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 area of 540.0 m<sup>2</sup> (first 4 dwelling units, plus 85.0 m<sup>2</sup> for each additional unit). 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 10.0 m 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 42 parking spaces (Section 24.20.7.3 of By-Law 8600 specifies that the calculation of the number of required parking spaces is to be rounded down if the number contains a fraction). The applicant proposes to construct a new parking area per City of Windsor Engineering best practices, including all required bicycle and loading spaces.

No site-specific zoning deficiencies have been identified.

### **Site Plan Control**

The proposed development will be subject to site plan control and will require the submission of a *Design Brief* to address implementation of corresponding zoning provisions and the City's recently adopted Intensification Design Guidelines.

### **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 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 Residential District 1.1 (RD1.1) to Residential

District 3.1 (RD3.1) 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 to change the zoning from Residential District 1.1 (RD1.1) to Residential District 3.1 (RD3.1) to permit the construction of a new multiple dwelling residential development.

**Planning Act Matters:**

Pablo Golob, MCIP, RPP

Planner II

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:**

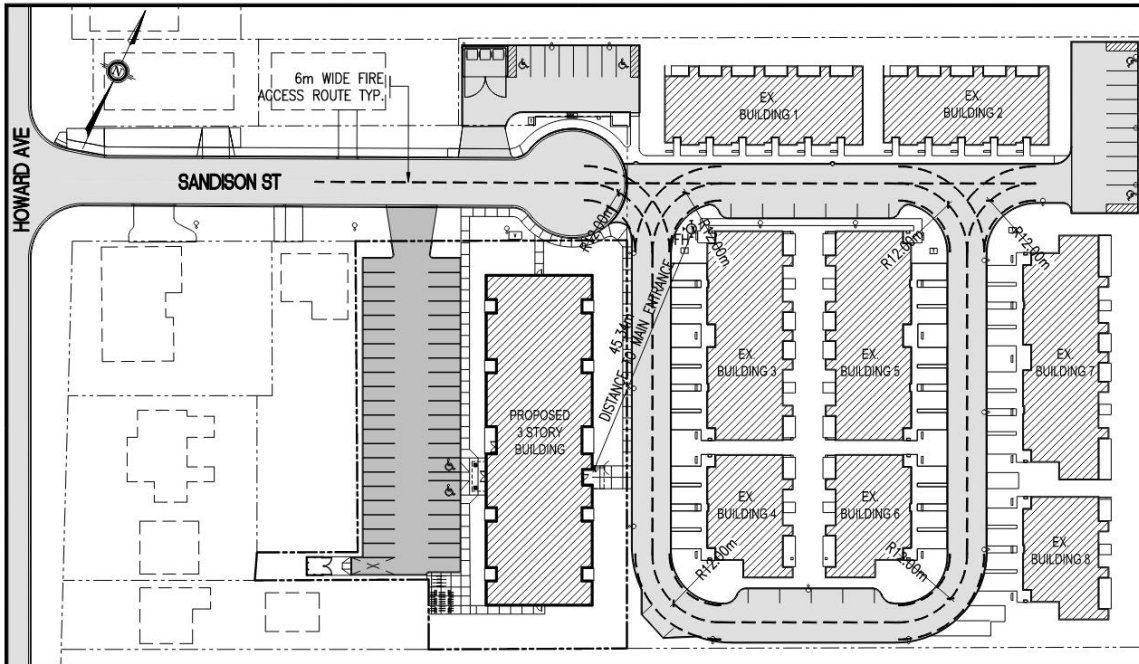
<b>Name</b>	<b>Title</b>
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci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

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
2847625 Ontario Ltd. ATTN: Matt Zhao	445 Apple Creek Blvd-unit 121 Markham, ON L3R 9X7	mattzhao1916@gmail.com
Pillon Abbs Inc. ATTN: Tracey Pillon-Abbs	23669 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor McKenzie (Ward 9)		
Property owners and tenants within 120 m of the subject parcel		

**Appendices:**

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



**1 KEY PLAN AND FIRE ACCESS ROUTE**  
SK-01 1:750

SITE DATA TABLE			
REFERENCE NUMBER	DESCRIPTION	REQUIRED	PROPOSED
-	ZONING	---	RD 3.1
12.1.5.1.	LOT FRONTAGE	18.0m MIN.	±47.7m
12.1.5.2.(a.&b.)	LOT AREA	540m <sup>2</sup> +(30*85.0m) = 2835m <sup>2</sup> MIN.	±3352.7m <sup>2</sup>
12.1.5.3.	LOT COVERAGE	35%	±32%
12.1.5.4.	MAIN BUILDING HEIGHT	10.0m MAX.	10.0m
12.1.5.5.	FRONT YARD DEPTH	6.0m MIN.	6.1m
12.1.5.6.	REAR YARD DEPTH	7.5m MIN.	10.0m
12.1.5.7.	SIDE YARD WIDTH	6.0m MIN.	6.1m
12.1.5.8.	LANDSCAPE COVERAGE	35% MIN.	±37%

BUILDING INFORMATION	
BUILDING CLASSIFICATION	GROUP C, RESIDENTIAL
FACING STREET	1
STAND PIPE SYSTEM	SPRINKLER SYSTEM
NUMBER OF STOREYS	ABOVE GRADE = 3 BELOW GRADE = 1
BUILDING AREA	1034.85 Sq.m.
GROSS AREA	3104.55 Sq.m.
NUMBER OF UNITS	34 UNITS 1 BEDROOM = 10 UNITS 2 BEDROOMS = 24 UNITS

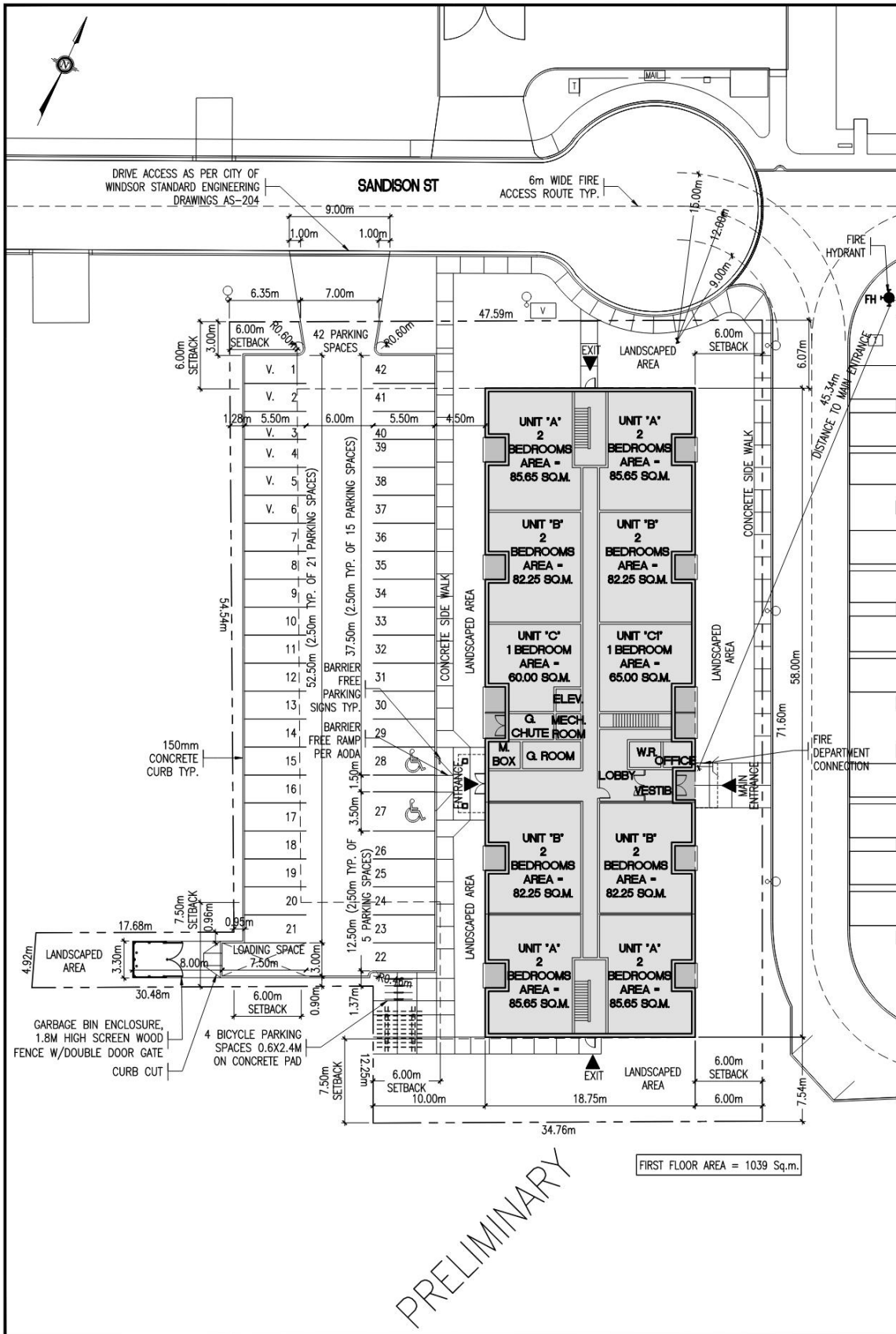
PARKING SPACES			
REFERENCE NUMBER	DESCRIPTION	REQUIRED	PROPOSED
24.20.5.1.	PARKING SPACES	34 * 1.25 = 42.5	42
24.20.10.1.	PARKING SPACE SIZE	LENGTH 5.5m WIDTH 2.5m	LENGTH 5.5m WIDTH 2.5m
24.24.1.	ACCESSIBLE PARKING SPACES	(2/100)*42=1 TYPE A (2/100)*42=1 TYPE B	(1) TYPE A (1) TYPE B
24.24.10.1.	ACCESSIBLE PARKING SIZE (TYPE A)	LENGTH 5.5m WIDTH 3.5m	LENGTH 5.5m WIDTH 3.5m
24.24.10.2.	ACCESSIBLE PARKING SIZE (TYPE B)	LENGTH 5.5m WIDTH 2.5m	LENGTH 5.5m WIDTH 2.5m
24.30.1.	BICYCLE PARKING SPACES	4	4
12.1.5.6.	BICYCLE PARKING SIZE	0.6mX2.5m	0.6mX2.5m
24.40.1.5.	LOADING SPACE NUMBER	1	1
24.40.10.1.	LOADING PARKING SIZE	LENGTH 7.50m WIDTH 3.00m	LENGTH 7.50m WIDTH 3.00m
24.22.1.1.	VISITOR PARKING SPACES	42X0.15= 6.3 PARKING SPACES	6

PARKING SEPARATION			
REFERENCE NUMBER	DESCRIPTION	REQUIRED	PROPOSED
25.5.20.2.	STREET	3.00m	3.00m
25.5.20.3.	INTERIOR LOT LINE OR ALLEY	0.90m	0.90m
25.5.20.5.	BUILDING WALL (MAIN ENTRANCE)	2.00m	4.35m
25.5.20.6.	BUILDING WALL (HABITABLE)	4.50m	4.50m

PRELIMINARY

<b>PROJECT</b> 521 SANDISON ST DEVELOPMENT WINDSOR, ON	<b>DWG. TITLE</b> KEY PLAN AND FIRE ACCESS ROUTE AND SITE DATA TABLE	<b>DATE</b> DEC 17, 2021	<b>HADDAD, MORGAN AND ASSOCIATES LTD.</b>
		<b>DR. I.P.</b> SA	<b>CONSULTING ENGINEERS WINDSOR ONTARIO</b>
		<b>SCALE</b> 1:750	<b>SK-01</b>





PROJECT  
**521 SANDISON ST DEVELOPMENT**  
**WINDSOR, ON**

DWG. TITLE  
**SITE PLAN**

DATE  
 DEC 17, 2021  
 DR. BY  
 SA  
 SCALE  
 1:300

HADDAD, MORGAN AND ASSOCIATES LTD.  
 CONSULTING ENGINEERS  
 WINDSOR ONTARIO

21-a162  
**SK-02**

## APPENDIX B - SITE IMAGES

Photographs taken by agent (Pillon Abbs Inc.) during a site visit on April 10, 2021.

**IMAGE 1**



**Looking north from subject parcel – 521,523, and 525 Sandison Street**

**IMAGE 2**



**Looking east on Sandison Street  
Subject parcel is located on the right side of Image 2**

**IMAGE 3**



**Looking south onto the subject parcel  
(Left to Right: 525, 523, and 521 Sandison Street)**

**IMAGE 4**



**Looking west from the subject parcel  
Subject parcel is on the left side of Image 4**

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

### VOLUME I – LAND USE

#### 6.1 Goals

<i>RESIDENTIAL 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.
--	--------	--

#### 6.3 Residential

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

The following objectives and policies establish the framework for development decisions in Residential areas.

##### 6.3.1 Objectives

<i>RANGE OF FORMS &amp; TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL &amp; REDEVELOPMENT</i>	6.3.1.3	To promote residential redevelopment, infill, and intensification initiatives in locations in accordance with this plan.

##### 6.3.2 Policies

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

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units.
---------------------------	---------	--

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

*TYPES OF LOW  
PROFILE  
HOUSING*      6.3.2.3

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

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

*LOCATIONAL  
CRITERIA*      6.3.2.4

Residential 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.

New residential development and intensification shall be located where:

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

*EVALUATION  
CRITERIA FOR A  
NEIGHBOURHOOD  
DEVELOPMENT  
PATTERN*      6.3.2.5

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

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
  - (iii) within a site of potential or known contamination;
  - (iv) where traffic generation and distribution is a provincial or municipal concern; and

- (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking, and amenity areas.

In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate, in accordance with Design Guidelines approved by Council.



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

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

**10.1.1 PERMITTED USES**

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

**10.1.5 PROVISIONS**

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

## 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 <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> :  |                              |
|     | a) For the first 5 <i>dwelling units</i>  | 540.0 m <sup>2</sup>         |
|     | b) For 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 <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 *Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling* having a maximum of 4 *dwelling units, Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.

## **SECTION 24 – PARKING, LOADING AND STACKING PROVISIONS**

### **24.20.7.1 CALCULATION OF REQUIRED PARKING SPACES**

- .3 If the calculation of the number of required parking spaces results in a number containing a fraction, the number shall be rounded DOWN to the nearest whole number, but in no case may there be less than one parking space, except when the parking rate is zero.

## APPENDIX E - Consultations

### Jennifer Nantais – Environmental & Sustainability Coordinator

The Environmental Sustainability & Climate Change team request an energy strategy. Comments and terms of reference attached.

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

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

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

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

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

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

#### Stormwater Management:

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

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

#### 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.

**George Robinson – Site Plan Control**

- Proposed building and/or a parking area of 5 or more spaces meets the definition of ‘Development’ through By-law 1-2004, as such, proposed development will be subject to Site Plan Control.
- Pre-consultation review of the site plan application package is required prior to acceptance of an application for Site Plan Control, arrange consultation with a Site Plan Approval Officer. Contact George Robinson ([grobinson@citywindsor.ca](mailto:grobinson@citywindsor.ca)) or Jason Campigotto ([jcampigotto@citywindsor.ca](mailto:jcampigotto@citywindsor.ca)) with PDF copies of the plans to start application process.
- Refer to Appendix ‘B’ of the Site Plan Approval Application for drawing information requirements.

**Mike Coste – Windsor Fire**

What is the width of the road in front on the principal entrance. Needs to be 6 M width

**Windsor Mapping – Enbridge**

After reviewing the provided drawing at 523 Sandison and consulting our mapping system, please note that Enbridge Gas has active and abandoned infrastructure along the right-of-way of Sandison St near 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



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)

**Sherif Barsom – Parks D&D**

Please note that Parks Design & development has no comments for the LIAISON: Z-009/22 [ZNG/6673] - Matt Zhao - 521, 523 & 525 Sandison St.

**Stefan Fediuk – Landscape Architect**

Pursuant to the application for a Rezoning Amendment (**Z 009/22**) from Residential District 1.1 (RD1.1) to Residential District 3.1 (RD3.1) zone to permit the construction of a 3 storey, 34 unit residential development with 42 parking spaces on the subject, please note no objections.

The development will be subject to Site Plan Control at which time detailed landscape requirements and comments will be made.

Please also note the following comments:

**Zoning Provisions for Parking Setback:**

No site specific relief is being requested.

**Tree Preservation:**

The Planning Rationale Report (PRR) prepared by Pillon Abbs, indicates in subsection 2.2.2 Vegetation and Soil that the site is largely a maintained lawn. Aerial photography and Site Photos #2 and #3 contained within the PRR indicate that there are existing trees suggest that there are existing trees on the site. As the development will be subject to Site Plan Control, it is required that the applicant provide a Tree Inventory and Preservation Plan to help assess the loss to the urban tree canopy for calculating the tree planting/compensation requirements through that process.

**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.

**Enwin**

HYDRO RESPONSE: No Objection, provided adequate clearances are achieved and maintained. ENWIN has existing overhead pole lines along the north limits with 120/240 volt secondary hydro distribution.

ENWIN has existing underground along the north limits with 16,000 volt primary 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 RESPONSE: Water Engineering Has No Objections to rezoning

**Kristina Tang – Heritage Planner**

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

**Amy Olsen – Engineering & ROW**

The subject lands are located at 521, 523 & 525 Sandison Street, northeast of the Howard Avenue and Cabana Road East intersection. The lands are currently designated Residential by the City of Windsor Official Plan and zoned Residential District 1.1 (RD1.1) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-Law 8600 to rezone the site to Residential District 3.1 which would permit a 3 storey, 34 unit residential development with 43 parking spaces.

SEWERS - The site may be serviced by a 250mm diameter PVC sanitary sewer and a 450mm diameter PVC storm sewer located on Sandison Street. Existing private drain connections should be utilized if possible in order to minimize work within the right-of-way and any redundant private drain connections shall be abandoned as per Engineering Best Practices B.P.1.3.3. A sanitary sewer servicing study is required, demonstrating that there is adequate capacity in the municipal sanitary sewer network. It must verify that no negative impacts will be realized by existing areas adjacent to the proposed development. Site servicing, lot grading and stormwater management, completed in accordance with the Windsor/Essex Region Stormwater Management Standards Manual are required.

RIGHT-OF-WAY - Sandison Street is classified as a local road by the Official plan and is of sufficient width; therefore, land conveyance is not required. If these three sites will remain separate, a reciprocal agreement will be required for access. Driveways shall be constructed as per AS-204, 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. A Street Opening permit will be required for any work in the right-of-way. The proposed sidewalk in the Sandison Street right-of-way shall be shifted to and remain on private property, as a municipal sidewalk already exists along the north boulevard of Sandison Street. There is an existing curb inlet catch basin as well as an existing tree in the location of the proposed driveway. If this access cannot be shifted, the curb inlet catch basin shall be replaced with a standard catch basin within the pavement and the owner shall consult with the City Forester on any requirements regarding the removal or relocation of the existing tree.

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

Reciprocal Access– The owner agrees to enter into a reciprocal agreement with the abutting properties for access if the three properties if they will not be merged.

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

Tree Relocation - The owner further agrees to consult with the City Forester to coordinate the removal/relocation of the existing municipal tree, if it is found that the driveway cannot be relocated.

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

- Sandison St. is a municipal roadway classified as a Local road requiring a 20 metre right-of-way width in accordance with the Official Plan. The current right-of-way width is 20.1 metres and therefore, land conveyance is not required.
- Vehicle and bicycle parking must comply with Zoning By-Law 8600.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the *Accessibility for Ontarians with Disabilities Act (AODA)*.

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. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	9	Pt Block A, Plan 1259; Part 1 & 2, Plan 12R-26132  (known municipally as 521, 523, and 525 Sandison Sreet; Roll No. 070-090-07405, 070-090-07404, 070-090-07300; PIN 01561-5080, 01561-5081, 01561-5077; south side of Sandison Street, east of Howard Avenue)	--	RD1.1	RD3.1

DREW DILKENS, MAYOR

CLERK

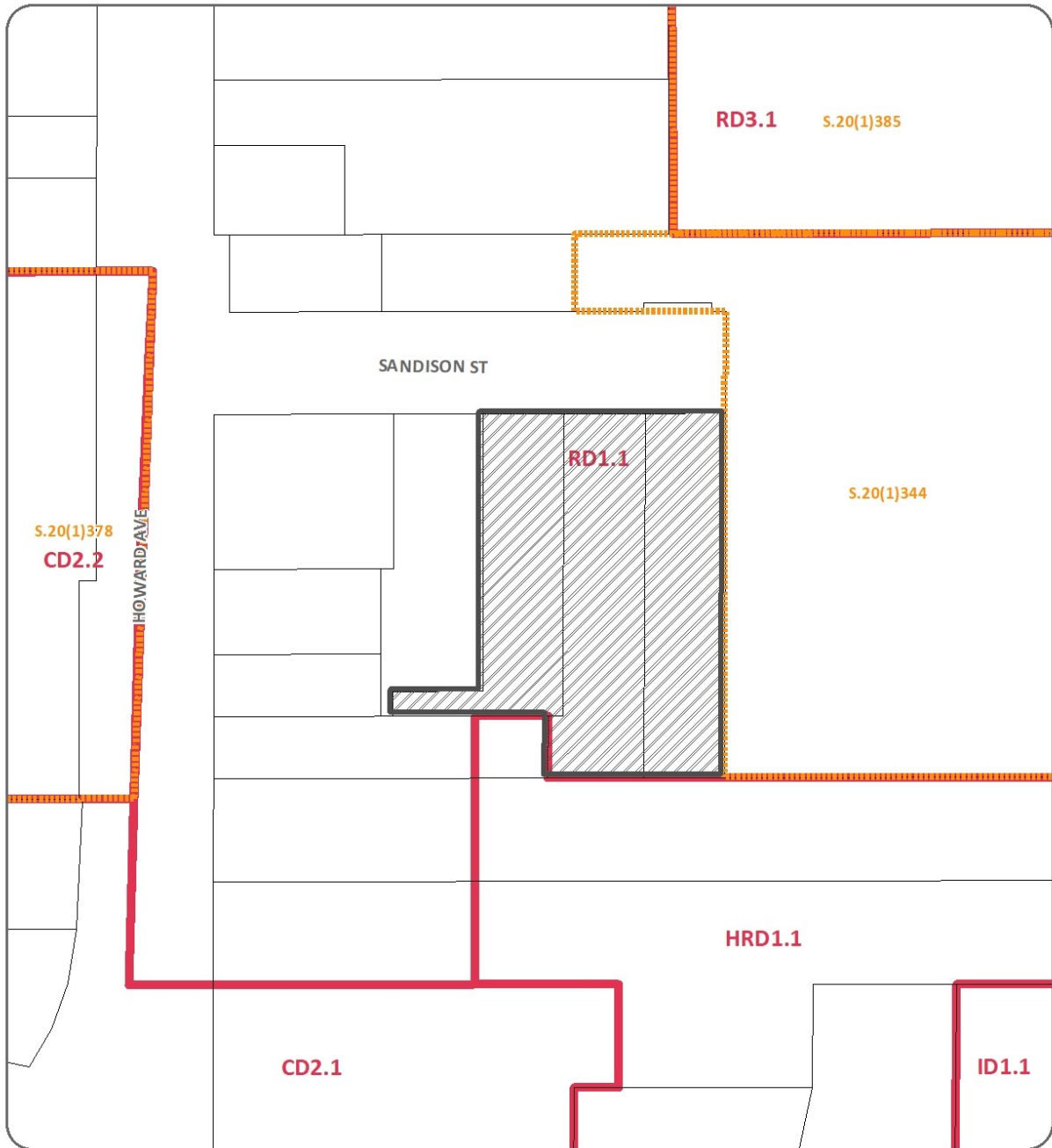
First Reading - , 2022  
Second Reading - , 2022  
Third Reading - , 2022

## SCHEDULE 2

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

To amend the zoning of Pt Block A, Plan 1259; Part 1 & 2, Plan 12R-26132, (known municipally as 521, 523, and 525 Sandison Street; Roll No. 070-090-07405, 070-090-07404, 070-090-07300; PIN 01561-5080, 01561-5081, 01561-5077), situated on the south side of Sandison Street east of Howard Avenue, from Residential District 1.1 (RD1.1) to Residential District 3.1 (RD3.1) to permit a multiple dwelling.

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

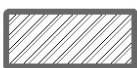


PART OF ZONING DISTRICT MAPS 9

N.T.S.

## SCHEDULE 2

Applicant: Matt Zhao



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : MARCH, 2022  
FILE NO. : Z-009/22, ZNG/6673



**Subject: Zoning By-law Amendment - 1069 Shepherd Street East  
Z-012-22 [ZNG-6732]**

**Reference:**

Date to Council: September 12, 2022

Samuel Switzer, Economic Development & Innovation Program Staff

sswitzer@citywindsor.ca

519-255-6543 x-6438

Simona Simion, Planner II – Research and Policy Support

ssimion@citywindsor.ca

519-255-6543 x-6397

Planning & Building Services

Report Date: August 12, 2022

Clerk's File #: Z/14433

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

**Recommendation:**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for Plan 1445 Lot 2 municipally known as 1069 Shepherd Street East, by adding a site-specific exception to Section 20(1) as follows:

452. SOUTH SIDE OF SHEPHERD STREET EAST, WEST OF BENJAMIN AVENUE

For the lands comprising Lot 2, Plan 1445, one *Multiple Dwelling* with a maximum of three *dwelling units* shall be an additional permitted main use and shall be subject to the following additional provisions:

- |    |                                  |                      |
|----|----------------------------------|----------------------|
| a) | Lot Width – minimum              | 10.9 m               |
| b) | Lot Area – minimum               | 400.0 m <sup>2</sup> |
| c) | Lot Coverage – maximum           | 45.0%                |
| d) | Main Building Height – maximum   | 10.0 m               |
| e) | Front Yard Depth – minimum       | 6.0 m                |
| f) | Rear Yard Depth – minimum        | 7.50 m               |
| g) | Side Yard Width (East) – minimum | 1.2 m                |
| h) | Side Yard Width (West) – minimum | 0.6 m                |

II. THAT the applicant provide an additional paved parking space as per Bylaw 8600 requirements, subject to Engineering Department's approval prior construction.

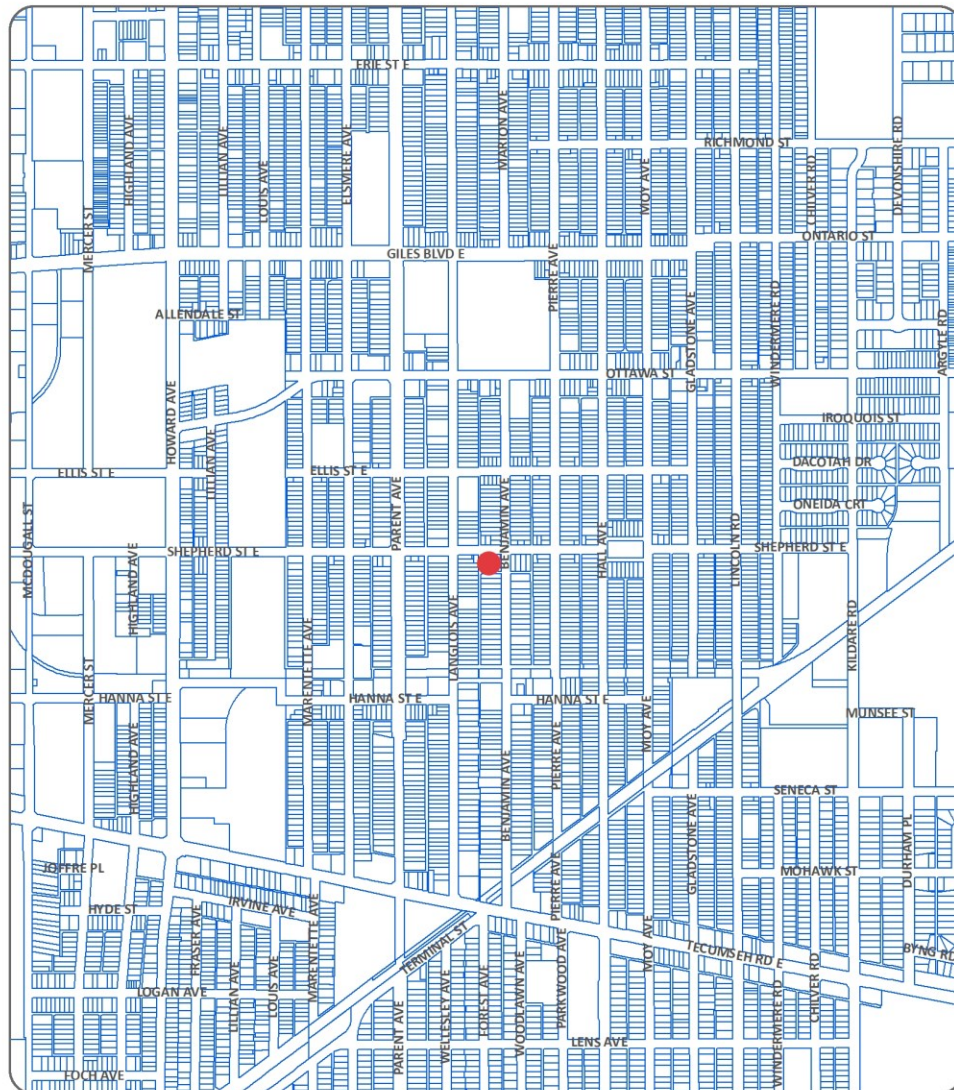
[ZDM7; ZNG/6732]

**Executive Summary:**

N/A

**Background:**

1. KEY MAP



KEY MAP - Z-012/22, ZNG-6732



● SUBJECT LANDS

APPLICANT: GARRETT MACGILLIVRAY & KRISTEN CUNNINGHAM

ADDRESS: 1069 SHEPHERD STREET

## 2. APPLICATION INFORMATION

**Location:** 1069 Shepherd St E; Roll No. 030-410-04900  
Lot 2, Registered Plan 1445

**Ward:** 4

**Planning District:** 18 - Walkerville

**Zoning District Map:** 7

**Applicants:** Garrett MacGillivray & Kristen Cunningham

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

Proposal: The subject lands are situated on the south side of Shepherd St E and west of Benjamin Ave. The subject site is occupied by a duplex dwelling. The applicant is proposing to convert the existing two (2) storey duplex into one *Multiple Dwelling* containing a maximum of three (3) *dwelling units*. The required parking will be provided on site as follows: existing two (2) parking spaces on the existing driveway and an additional minimum one (1) paved parking space on the property. If the proposed paved parking space will be accessed from the alley, consultation with Engineering Department is required and alley maintenance fee applies. The proposed paved parking space shall comply with Zoning Bylaw 8600 requirements.

The subject amendment to Zoning By-Law 8600 will maintain the current 'Residential District 1.3' (RD1.3) and add site specific provisions to allow a multiple dwelling with a maximum of three (3) units, and that for the additional permitted use site specific conditions apply (reduced lot width, lot area, and side yard – west).

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

## 3. SITE INFORMATION

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	RD1.3	Duplex	Single Dwelling Unit
FRONTAGE	DEPTH	AREA	SHAPE
10.97 M	36.58 M	401.34 SQ M	Rectangle

Note: All measurements are approximate.



## 2. REZONING MAP

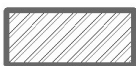


PART OF ZONING DISTRICT MAP 7

N.T.S.

### REZONING

APPLICANT: GARRETT MACGILLIVRAY & KRISTEN CUNNINGHAM



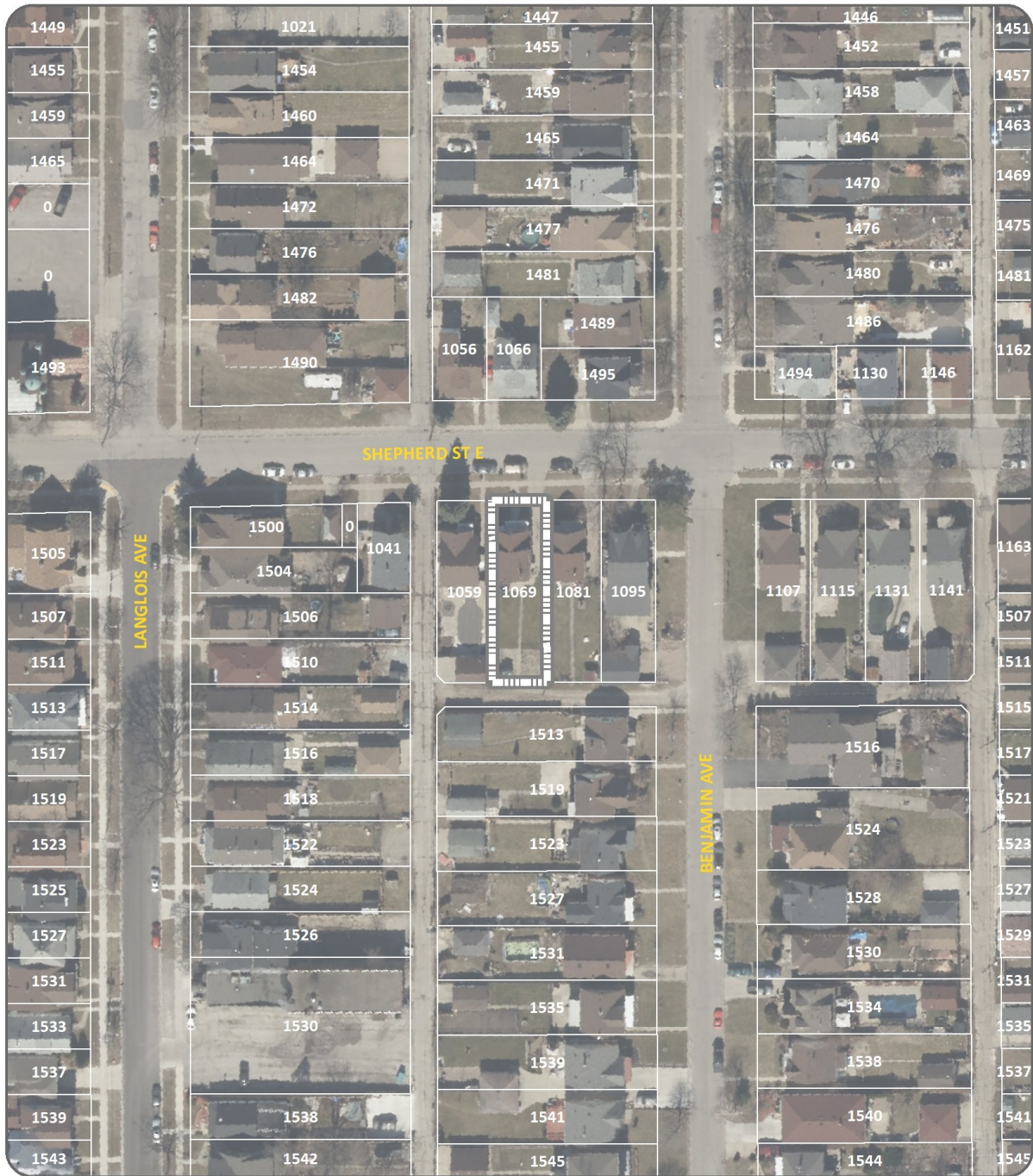
SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : MAY 2022  
FILE NO. : Z-012/22, ZNG-6732

### 3. NEIGHBOURHOOD CHARACTERISTICS NEIGHBOURHOOD MAP



#### NEIGHBOURHOOD MAP - Z-012/22, ZNG-6732



SUBJECT LANDS

APPLICANT: GARRETT MACGILLIVRAY & KRISTEN CUNNINGHAM

ADDRESS: 1069 SHEPHERD STREET

SURROUNDING LAND USES – refer to Appendix A: Site Photos

North side of subject lands contains: Residential Area (low density)

East side of the subject lands contains: Residential Area (low density)

West side of the subject lands contains: Residential Area (low density)

South side of the subject lands consists of: Residential Area (low density)

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: The site may be serviced by a 250mm Vitrified Clay combined sewer which is located in the south boulevard of Shepherd St E.

Water Fire Hydrants: Two fire hydrants are located approximately 70m to the east and 50m of the property.

The Official Plan classifies Shepherd St E as a local road (with bike lanes), requiring a right-of-way width of 20m. The current right-of-way width is 20.1m; therefore, a land conveyance is not required at this time. To the west, Benjamin Ave is a local road with a right-of-way of 20m.

Transit Windsor Bus: The closest existing bus stop, Parent 15 Northbound, is located on Parent Ave at Shepherd St E Northwest corner and is approximately 210.42m from the property. Another Bus route, Parent 14 Southbound is located on Parent Ave at Shepherd St E Southeast corner and is approximately 217.50m from the property.

#### **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 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. This policy foundation 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.

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

The proposed multiple dwelling use contributes to building 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 multiple dwelling represents an effective and appropriate re-use of the existing building.
- The subject site complements the surrounding neighbourhood of low profile small scale residential uses.
- The proposed multiple dwelling's accessibility will be established in compliance with Ontario Building Code (OBC).
- There are no impacts on the natural environment or, 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 contains a definition of Intensification: the development of a property at a higher density than currently exists through the conversion of the existing buildings. The proposed multiple 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. The subject site is located within the existing settlement area, therefore promoting the vitality of the existing community (Section 1.1.3.1).

The recommended amendment to allow the conversion of the existing duplex dwelling to a multiple dwelling unit with a maximum of three dwelling units is consistent with PPS policies (Section 1.1.3.2 and Section 1.1.3.3). These policies promote a range of uses and opportunities for intensification within settlement area and taking into account existing building stock.

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

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 single unit dwelling since 1954 according to municipal records and later as a duplex.

The permitted uses in the Residential land use include low, medium and high profile dwelling units. The proposed development is a low profile, small scale form (multiplexes up to 8 units) complying with the Official Plan policies. The surrounding area near the subject property consists of dwellings with 1 to 2 units. The proposed use integrates well with the surrounding residential area. The height of the existing structure will be maintained. The proposed zoning change, an additional third unit within the basement, will be within the existing footprint.

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

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

The recommended Zoning By-law Amendment maintains conformity with the general policy direction of the Official Plan.

#### 4. ZONING

The Zoning Bylaw 8600 designates the zoning for the subject property as 'Residential District 1.3 (RD 1.3). Applicable Zoning By-law Sections can be found in detail in the Appendix D: Excerpts from the Zoning Bylaw 8600. Current zoning category RD1.3 allows for the existing duplex, existing semidetached and single unit dwelling.

As per Planning Rational Report (see Appendix H), the applicant is requesting a change from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) with site specific exception to allow the proposed multiple dwelling with a maximum of three (3) dwelling units. The site specific exceptions are: reduced minimum lot width from 18 m to 11 m, reduced minimum lot area from 540 sqm to 402.6 sqm, and reduced minimum side yard width (west side) from 1.8 m to 0.6 m. The maximum building height is 10.0 m with a maximum lot coverage of 45%.

The reductions in minimum lot width, minimum lot area, and minimum side yard width are for the lot as existing with no increase in lot coverage and building height; the proposed reductions will have no adverse impact on the proposed development or on surrounding uses. No other changes to the zoning provisions have been requested.

The Residential District 2.2 (RD2.2) zoning district is an appropriate zoning category, however, given that site specific exceptions are required and to avoid clutter on the zoning maps, the Planning Department recommends that the RD1.3 zoning be maintained and that applicable provisions for a multiple dwelling with a maximum of three units be included in the site specific exceptions and that for the additional permitted use additional site specific conditions apply for reduced lot width, lot area, and side yard – west.

The proposed multiple dwelling unit is not subject to site plan control.

As per Section 24.20.5.1 Parking Requirements, the added dwelling unit requires one (1) parking space and this requirement is not satisfied. Two (2) parking spaces are provided on the property, (2) parking spaces on the driveway as shown in Appendix F: Site Layout. An additional one (1) parking space is identified in the rear of the property, accessed by alleyway on the right-side of the lot, as shown in Appendix F: Site Layout. However, the additional parking space is not paved. This additional parking space must be paved by the property owner to comply with regulations under Section 24.20.5.1 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.

**Planner’s Opinion:**

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

**Conclusion:**

The recommended site-specific policy amendment to Zoning By-law promotes an efficient use of existing building, services and infrastructure. The recommended amendment is consistent with the Provincial Policy Statement 2020 and maintains conformity with the Official Plan. The subject Zoning By-law Amendment constitutes good planning.

**Planning Act Matters:**

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

*Michael Cooke, MCIP RPP  
Manager, Planning Policy*

*Thom Hunt, MCIP RPP  
City Planner*

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

*JP OC*

**Approvals:**

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



**Notifications:**

Abutting property owners, tenants/occupants within 120m (400ft) radius of the subject land

<b>Name</b>	<b>Address</b>	<b>Email</b>
Registered Owner/Applicant:  Garrett MacGillivray/Kristen Cunningham	55 East Liberty St. Toronto ON	garrett.macgillivray@gmail.com
Councillor Chris Holt		cholt@citywindsor.ca

**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
- 8 APPENDIX H - PRR 1069 Shepherd St E Windsor

**APPENDIX A - SITE IMAGES**

**IMAGE 1**



**Subject Parcel – 1069 Shepherd Street East - Looking Southwest  
Subject Property is directly in front**

**IMAGE 2**



**Looking South on 1069 Shepherd Street East  
Subject property is left of the image**

**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 1.3’ (RD 1.3).

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: EXISTING DUPLEX

### 10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)

#### 10.3.1 PERMITTED USES

*Existing Duplex Dwelling*

*Existing Semi-Detached Dwelling*

*One Single Unit Dwelling*

Any use accessory to the preceding uses

#### 10.3.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	270.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

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

THAT Zoning By-law 8600 BE AMENDED for Plan 1445 Lot 2 municipally known as 1069 Shepherd Street East, by adding a site-specific exception to Section 20(1) as follows:

452. SOUTH SIDE OF SHEPHERD STREET EAST, WEST OF BENJAMIN AVENUE

For the lands comprising Lot 2, Plan 1445, one *Multiple Dwelling* with a maximum of three *dwelling units* shall be an additional permitted main use and shall be subject to the following additional provisions:

- a) Lot Width – minimum 10.9 m
- b) Lot Area – minimum 400.0 m<sup>2</sup>
- c) Lot Coverage – maximum 45.0%
- d) Main Building Height – maximum 10.0 m
- e) Front Yard Depth – minimum 6.0 m
- f) Rear Yard Depth – minimum 7.50 m
- g) Side Yard Width (East) – minimum 1.2 m
- h) Side Yard Width (West) – minimum 0.6 m

OTHER ZONING CONSIDERATIONS

<b>TABLE 24.20.5.1 - REQUIRED PARKING SPACES</b>	
<b>USE</b>	<b>PARKING RATE - MINIMUM</b>
Multiple Dwelling containing a maximum of 4 Dwelling units	1 for each dwelling unit

Two (2) parking spaces are provided on the property, (2) parking spaces on the driveway as shown in Appendix F: Site Layout. An additional one (1) parking space is identified in the rear of the property, accessed by alleyway on the right-side of the lot, as shown in Appendix F: Site Layout. This additional parking space must be paved by the property owner to comply with regulations under Section 24.20.5.1 Parking Requirements.



## COMMENTS

### **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.

### **Anne Marie Albidone – Environmental Services**

No concerns from Environmental Services.

### **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)

### **Jose Meilli – Assessment Management Officer**

No objection to the zoning amendment to allow the 3<sup>rd</sup> basement unit.

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

- The Official Plan classifies Shepherd Street E as a Local Road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.
- Parking supply must meet Zoning By-Law 8600 requirements.
- Driveways must comply with and be constructed to City Standards.
- 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).

### **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)

**Enwin**

**HYDRO ENGINEERING:** No Objection to the rezoning.

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

**Engineering**

# Memo

**Date:** July 22, 2022  
**To:** Planning Department, Attention: Simona Simion  
**From:** Engineering Department – Right-of-Way Division  
**Subject:** **1069 Shepherd St East**  
**Roll# 030-410-04900**  
**Z-012/22**

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The subject lands are located at 1069 Shepherd St E, zoned Residential District 1.3 (RD1.3) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 in order to rezone the property from RD1.3 to RD 2.2 to allow for the conversion of the basement into a third unit.

**SEWERS** - The site may be serviced by a 250mm Vitrified Clay combined sewer which is located in the south boulevard of Shepherd St E.

**RIGHT-OF-WAY** – The Official Plan classifies Shepherd St E as a local road, requiring a right-of-way width of 20m. The current right-of-way width is 20.1m; therefore a land conveyance is not required at this time.

The proposed development includes use of the alley located at the rear of the property; therefore alley contribution as per the 2022 User Fee Schedule will be required for the purpose of maintenance. The parking in the rear of the property should be provided one common entrance. The alley should not be used to back out the parking spaces.

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

**Right-of-Way Permits** – The owner agrees to obtain right-of-way permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

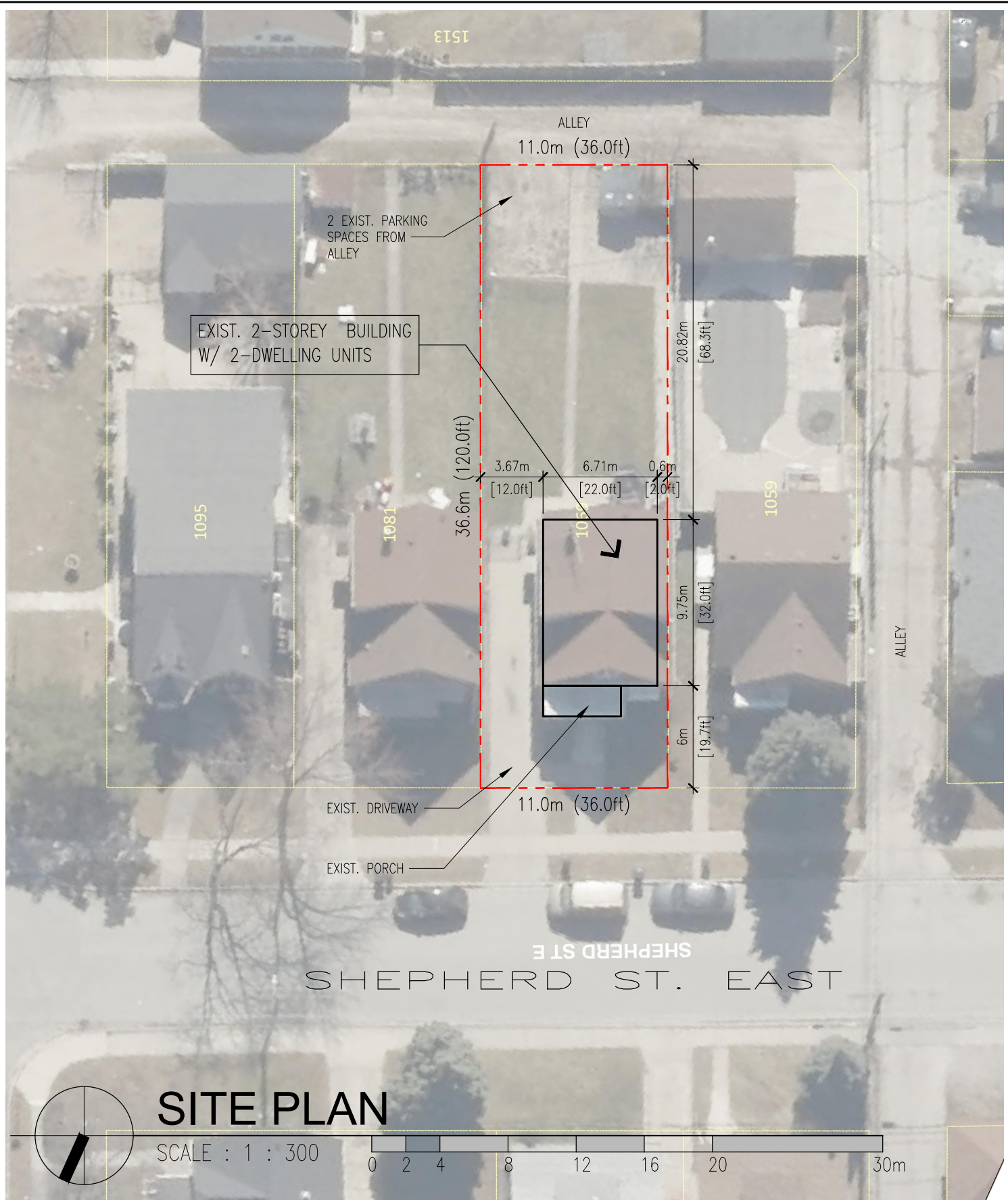
**Alley Contribution** – The owner agrees, prior to the issuance of a Building Permit, to contribute \$250 per linear meter payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

If you have any further questions or concerns, please contact Andrew Boroski, of this department at [aboroski@citywindsor.ca](mailto:aboroski@citywindsor.ca)

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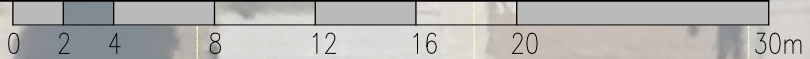
Rob Perissinotti  
Development Engineer

AB



# SITE PLAN

SCALE : 1 : 300



**A** architectural  
**D** design  
**A** associates  
inc. architect

1670 mercer street  
windsor ontario canada n8x 3p7  
ph 519.254.3430 fax 519.254.3642  
email - info@ada-architect.ca www.ada-architect.ca

project:  
1069 SHEPHERD ST. E.  
WINDSOR, ONT.

client:  
GARRET MACGILLIVRAY

title:  
SITE PLAN

drawn by: TC

checked by: SMB / TC

date: MAY 2021

comm. no.:

dwg. no.:

A0.1a

DEVELOPMENT & HERITAGE STANDING COMMITTEE - SEPTEMBER 12, 2022

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**DATE:** July 27, 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-012/22 (ZNG/6732) Agenda.Net: S xxx/2022

---

**APPLICANT: Garrett MacGillivray & Kristen Cunningham**

Phone: 613-856-6563

Address: 55 East Liberty St, Unit 1608, Toronto, ON M6K3P9

Email: garrettmacgillivray@gmail.com

**AGENT:** n/a

Phone: n/a

Address: n/a

**OWNER: Same as Applicant**

Address: n/a

**ASSESSMENT ROLL NO: 030-410-04900**

**LOCATION: 1069 Shepherd 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

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

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

Passed the            day of            , 2022.

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

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

1. That subsection 1 of Section 20 is amended by adding the following paragraph:

**452. SOUTH SIDE OF SHEPHERD STREET EAST, WEST OF BENJAMIN AVE**

For the lands comprising Lot 2, Plan 1445, one *Multiple Dwelling* with a maximum of three *dwelling units* shall be an additional permitted main use and shall be subject to the following additional provisions:

- a) Lot Width – minimum 10.9 m
- b) Lot Area – minimum 400.0 m<sup>2</sup>
- c) Lot Coverage – maximum 45.0%
- d) Main Building Height – maximum 10.0 m
- e) Front Yard Depth – minimum 6.0 m
- f) Rear Yard Depth – minimum 7.50 m
- g) Side Yard Width (East) – minimum 1.20 m
- h) Side Yard Width (West) – minimum 0.60 m

[ZDM 7; ZNG/6732]

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

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Specific Zoning Exception Symbol
1	7	Lot 2, Plan 1445 (known municipally as 1069 Shepherd St E, Roll No. 030-410-04900; South side of Shepherd St E, West of Benjamin Ave)	--	S.20(1)452

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 Plan 1445 Lot 2 municipally known as 1069 Shepherd Street East; Roll No 030 410 04900 0000; PIN 011580002), situated South side of Shepherd Street East, West side of Benjamin Ave), by adding a site specific exception to Section 20(1) to allow one *multiple dwelling* with a maximum of three *dwelling units* as an additional permitted main use on the subject property and subject to site specific provisions.

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



PART OF ZONING DISTRICT MAP 7

N.T.S.

### REZONING

APPLICANT: GARRETT MACGILLIVRAY & KRISTEN CUNNINGHAM

 SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : MAY 2022  
FILE NO. : Z-012/22, ZNG-6732

# PLANNING RATIONALE REPORT

## ZONING BY-LAW AMENDMENT

**1069 Shepherd Street East  
City of Windsor, Ontario**

**December 22, 2021**

**Prepared by:**



Tracey Pillon-Abbs, RPP  
Principal Planner  
23669 Prince Albert Road  
Chatham, ON N7M 5J7  
226-340-1232  
tpillonabbs@gmail.com  
www.tpillonabbs.ca



# Table of Content

1.0	INTRODUCTION	3
2.0	SITE AND SURROUNDING LAND USES	4
2.1	Legal Description and Ownership	4
2.2	Physical Features of the Site	5
2.2.1	Size and Site Dimension	5
2.2.2	Vegetation	5
2.2.3	Topography	5
2.2.4	Other Physical Features	5
2.2.5	Municipal Services	6
2.2.6	Nearby Amenities	6
2.3	Surrounding Land Uses	6
3.0	DEVELOPMENT PROPOSAL	9
3.1	Proposal	9
3.2	Support Studies	11
3.3	Public Consultation Strategy	11
4.0	PROPOSED APPLICATION	12
4.1	Zoning By-Law Amendment (ZBA)	12
4.2	Other	12
5.0	PLANNING ANALYSIS	13
5.1	Policy and Regulatory Overview	13
5.1.1	Provincial Policy Statement (PPS), 2020	13
5.1.2	Official Plan (OP)	21
5.1.3	Zoning By-law (ZBL)	28
6.0	SUMMARY AND CONCLUSION	32
6.1	Context and Site Suitability Summary	32
6.1.1	Site Suitability	32
	1069 Shepherd St. E., Windsor, Ontario	1

6.1.2 Compatibility of Design	32
6.1.3 Good Planning	32
6.1.4 Natural Environment Impacts	32
6.1.5 Municipal Services Impacts	33
6.1.6 Social and/or Economic Conditions	33
6.2 Conclusion	33

# 1.0 INTRODUCTION

I have been retained by Garret MacGillivray and Kristen Cunningham, the applicants, to provide a land use Planning Rationale Report (PRR) in support of a proposed residential renovation for property located at 1069 Shepherd Street East (herein the “Site”) in the City of Windsor, Province of Ontario.

There is presently a 2 storey residential dwelling on the subject lands. The dwelling is an existing duplex dwelling with two (2) units.

The Site is an interior lot with access from Shepherd Street East and an existing alley at the rear of the dwelling.

The applicant intends to convert the basement of the existing structure into an additional one (1) unit for a total of three (3) units, which will be considered a multiple dwelling unit.

The Site will provide for an affordable housing choice in an existing neighbourhood.

There are currently two (2) existing parking spaces on the property accessible from the alley along with a driveway for two (2) cars.

A site specific Zoning By-law Amendment (ZBA) is required in support of the proposed development. Council for the City of Windsor is the approval authority.

The purpose of this report is to review the relevant land use documents, including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL) as it pertains to the ZBA application.

Pre-submission was completed (City File #PS-074/21). Comments dated July 5, 2021, were received and have been incorporated into the proposed application.

This PRR will show that the proposed development represents good planning addressing the need for the City to provide residential infilling development in the form of a multiple dwelling unit, which contributes to affordability and intensification requirements.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site is a large interior lot, made up of one (1) parcel located on the south side of Shepherd Street East and the west side of Benjamin Avenue (see Figure 1a – Air Photo).

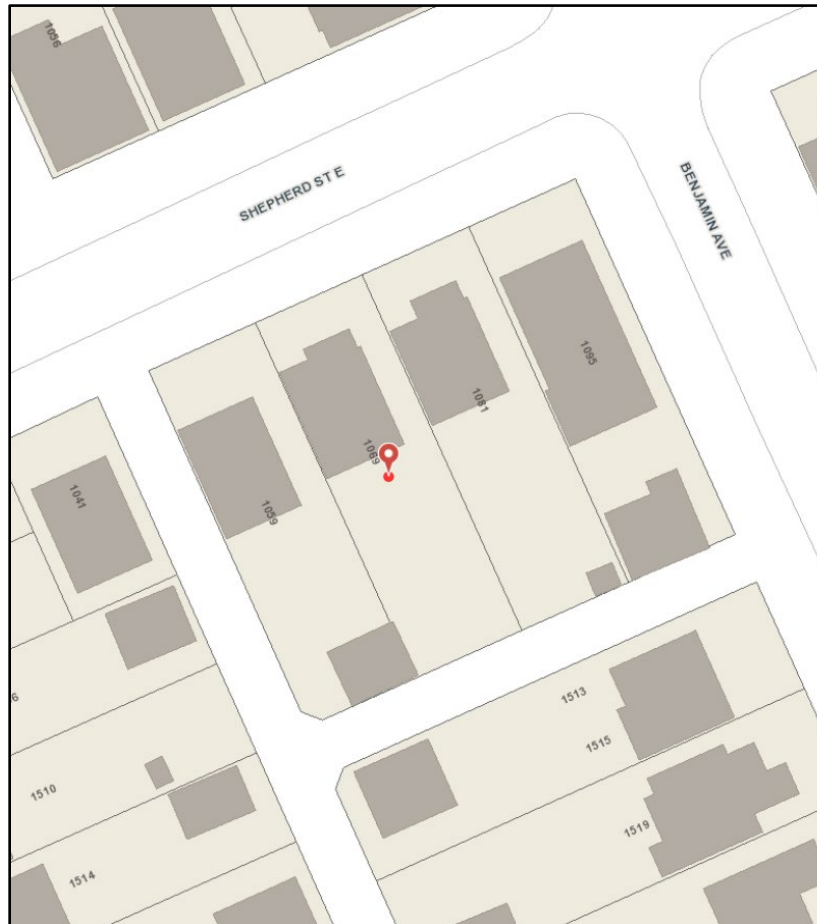


Figure 1a – Air Photo (Source: City of Windsor GIS)

The Site is located in Ward 4, legally described as Plan 1445, Lot 2 and locally known as 1069 Shepherd Street East, City of Windsor, Province of Ontario.

The Site currently has an existing duplex dwelling with two (2) residential units.

There is an alley way at the rear of the Site. There are 2 parking spaces on-site in addition to parking on the existing driveway for 2 cars (see Figures 1b - Street View).



Figure 1b – Street View (Source: Google Maps 2021)

## **2.2 Physical Features of the Site**

### **2.2.1 Size and Site Dimension**

The Site is an interior lot and consists of a total area of approximately 402.6 square metres. It has 11 m of frontage along the south side of Shepherd Street East and a 36.6 m of depth.

### **2.2.2 Vegetation**

The Site is made up of manicured lawn with no existing trees.

### **2.2.3 Topography**

The Site is flat and is outside the regulated area of the Essex Region Conservation Authority (ERCA).

### **2.2.4 Other Physical Features**

The property is currently fenced for separation between the neighbors.

There is a patio at the rear of the building and a small accessory building abutting the alley.

The driveway is paved with sidewalks leading to the front and rear of the building.

### **2.2.5 Municipal Services**

The property has access to municipal water, storm and sanitary services.

The subject property is in close proximity to major transportation corridors including Parent Ave, Ellis St E and Tecumseh Road East.

Shepherd St. E. is a two-way street with on-street parking on the south side of the street.

There are streetlights and sidewalks along Shepherd St. E.

The nearest fire hydrant is located on the east corner of Shepherd St. E. and Benjamin Ave.

### **2.2.6 Nearby Amenities**

There are several schools located nearby the Site including St. Angela Catholic Elementary School and Prince Edward Public School.

There are parks and recreation opportunities in close proximity of the Site including Lanspeary Park.

There are nearby commercial nodes, such as food service, personal service shops, and retail. There are also nearby employment lands, places of worship, and local/regional amenities.

The Site has access to transit, with the nearest bus stop located at the corner of Parent Ave and Shepherd St. E. (Stop ID 2069), which is part of City of Windsor Bus Route 14.

## **2.3 Surrounding Land Uses**

Overall, the Site is located within an existing low profile residential neighbourhood (Photo Source: Google 2021).

**North** – The lands to the north of the Site are used for residential with frontage on Shepherd Street East (see Photo 1 – North).



Photo 1 – North

**East** – The lands east of the Site are used for residential with frontage on Shepherd Street East (see Photo 3 - East).



Photo 3 – East

**South** – the lands to the south of the Site are used for residential with frontage on Benjamin Ave and also includes the alley (see Photo 3 - South).



Photo 3 – South

**West** – The lands to the west of the Site are used for residential with frontage on Shepherd St. E.. There is also a place of worship at the corner to Langlois Ave and Shepherd St, E. (see Photo 4 – West).



Photo 4 – West

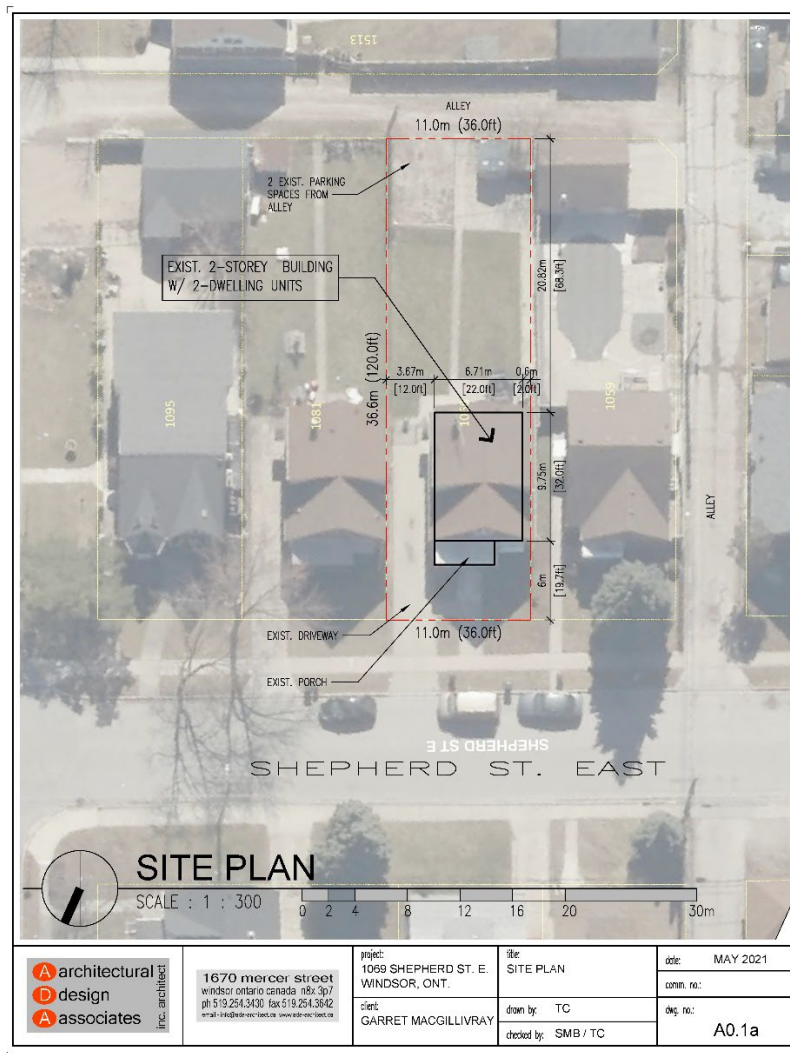


# 3.0 DEVELOPMENT PROPOSAL

## 3.1 Proposal

There is presently a 2 storey residential dwelling on the subject lands. The dwelling is an existing duplex dwelling with two (2) units. The units are located on the first and second floor of the structure.

The applicant intends to convert the basement of the existing structure into an additional one (1) unit for a total of three (3) units, which will be considered a multiple dwelling unit (see Figure 2a – Site Plan).



1069 Shepherd St. E., Windsor, Ontario

Figure 2a – Site Plan

The basement is an existing space in the residential dwelling and will have direct access from the exterior of the building (see Figure 2b – Floor Plan).

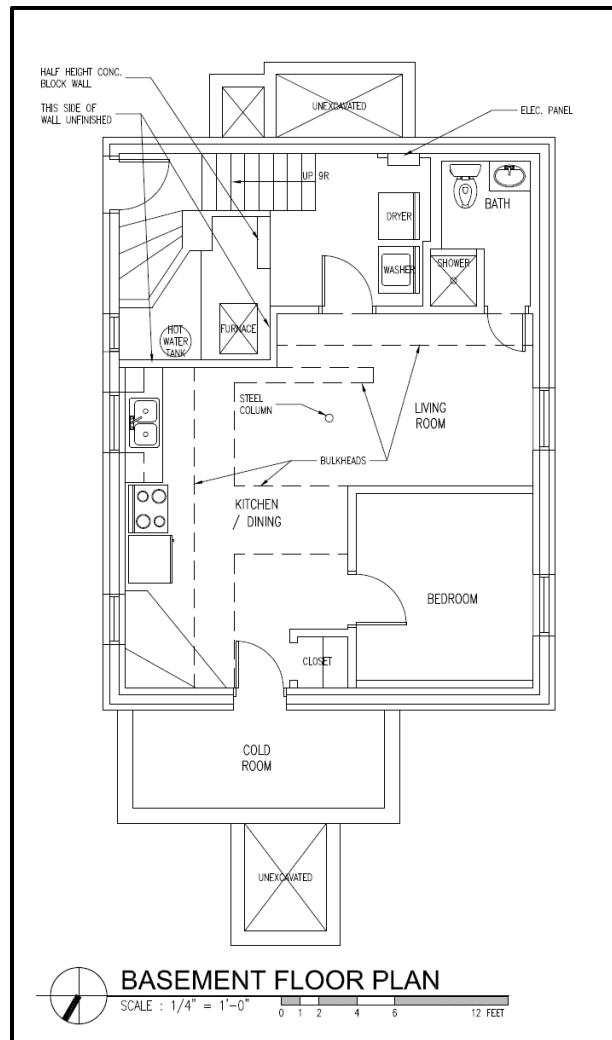


Figure 2b – Floor Plan

Renovations will only be required in the interior of the existing building. There will be no required or proposed alterations to the exterior of the dwelling.

The current building is 65.42 m2 in size in addition to an existing front porch. This represents an existing lot coverage of approximately 16.25% and a net density of 75 units per hectare.

There are 2 parking spaces located at the rear of the existing building with access from the alley. There is also parking on the paved driveway for 2 cars which has access from Shepherd St. E. on the east side of the building.

There is storage in the accessory structure for bicycles.

## **3.2 Support Studies**

No support studies are required.

## **3.3 Public Consultation Strategy**

The Planning Act requires that the applicant submit a proposed strategy for public consultation with respect to an application, as part of the complete application requirements.

As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of development is small scale.

At this time, no informal public open house is proposed to be held by the applicant.

## 4.0 PROPOSED APPLICATION

### 4.1 Zoning By-Law Amendment (ZBA)

A site specific Zoning By-law Amendment (ZBA) is required in order to permit the proposed residential renovation.

The Site is currently zoned “Residential District 1.3 (RD1.3)” on Map 7 of the City of Windsor Zoning By-Law.

It is proposed to change the zoning of the Site from the existing “Residential District 1.3(RD1.3)” zoning to a site specific “Residential District 2.2 (RD2.2 –(20)(1) (XXX)” to permit a one multiple dwelling containing a maximum of four dwelling units.

All other RD2.2 provisions will comply with the exception of the following requested relief;

1. *decrease minimum lot width from 18.0 m to 11.0 m,*
2. *decrease minimum lot area from 540.0 m<sup>2</sup> to 402.6 m<sup>2</sup>, and*
3. *decrease minimum side yard width (west side) from 1.80 m to 0.6 m.*

Further analysis is provided in Section 5.1.3 of this PRR.

### 4.2 Other

Prior to renovation, a building permit will be required to be obtained.

## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement (PPS), 2020

The Provincial Policy Statement (PPS) provides policy direction on matters of provincial interest related to land use planning and development providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The City has directed growth where the Site is located which will contribute positively to promoting efficient land use and development 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, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;	The proposed development is consistent with the policy to build strong, healthy and livable communities as it provides for a range and mix of residential in the form of affordable development.  There are no environmental or public health and safety concerns as the area is well established.  The development pattern does not require expansion of the settlement area as it is

PPS Policy #	Policy	Response
	<p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>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;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>development of an existing structure.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, parks and schools.</p> <p>Accessibility of the basement unit will be addressed at the time of the building permit application.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	<p>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 25 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>The proposed development will help the City meet the full range of current and future residential needs through intensification.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing neighbourhood.</p> <p>The Site will provide for affordable residential infilling within an existing settlement area in the form of a multiple dwelling.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as

PPS Policy #	Policy	Response
		<p>the proposal is within the City's settlement area.</p> <p>The Site will provide for affordable housing.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>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;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ul>	<p>The total density of the proposed development is considered appropriate as most of the existing neighborhood is made up of low profile residential in the form of single unit dwellings.</p> <p>The Site offers an opportunity for intensification by creating a new residential unit in an existing structure.</p> <p>The intensification can be accommodated for the proposed development as it is an infilling opportunity within an existing neighbourhood.</p> <p>The existing design and style of the residential dwelling will be unchanged.</p> <p>The existing building blends with the dwellings in the area and is a similar scale and massing of the existing dwellings in the neighborhood.</p> <p>Minor relief is requested for the existing structure.</p> <p>The land area is sufficient to accommodate the proposed development with adequate existing buffering from abutting land uses.</p>

PPS Policy #	Policy	Response
		<p>Residents will have immediate access to shopping, employment, parks and institutional uses.</p> <p>Transit is available for the area.</p> <p>There is storage in the accessory structure for bicycles.</p>
1.1.3.3	<p>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.</p>	<p>The intensification can be accommodated for the proposed residential renovation as it is an appropriate use of the existing basement space.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing building.</p> <p>There will be no risks to the public. The Site is outside of the ERCA regulated area.</p>
1.1.3.5	<p>Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</p>	<p>The City has established targets for intensification and redevelopment.</p> <p>The proposed development will assist in meeting those targets as the Site is located</p>



PPS Policy #	Policy	Response
		<p>in an existing built-up area and will add a new residential unit.</p> <p>The Site will provide for affordable housing.</p>
1.1.3.6	<p>New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<p>The proposed development does have a compact form.</p> <p>The low profile density will allow for the efficient use of land, infrastructure and public services.</p>
1.4.1	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>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</p>	<p>The proposed development will provide for a mix of housing options in the existing built-up area.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing neighbourhood.</p> <p>The area is pedestrian friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>Existing municipal services are available.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p>

PPS Policy #	Policy	Response
	draft approved and registered plans.	
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.	<p>The proposed low profile density is compatible with the surrounding area and will provide affordable intensification and infilling through the efficient use of an existing dwelling.</p> <p>The Site will provide for affordable housing.</p> <p>The Site is close to amenities.</p>
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	<p>The development is on existing full municipal services.</p> <p>Access to public transit is available.</p>
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	<p>The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for existing settlement areas.</p>
1.6.6.7	<p>Planning for stormwater management shall:</p> <p>a) be integrated with planning for sewage and water services and ensure that</p>	<p>There will be no risk to health and safety. The area is outside ERCA regulated areas.</p>

PPS Policy #	Policy	Response
	<p>systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	<p>Renovations will only be required in the interior of the existing building.</p> <p>There will be no required or proposed alterations to the exterior of the dwelling.</p> <p>The Site is a large interior lot with access from Shepherd St. E and the alley.</p>
1.6.7.1	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The subject property is in close proximity to major transportation corridors and has access to transit.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	<p>The proposed development contributes to the City's requirements for development within an existing built-up area.</p> <p>The area is serviced by transit.</p>
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the	The proposed development contributes to the City's

PPS Policy #	Policy	Response
	length and number of vehicle trips and support current and future use of transit and active transportation.	<p>requirement for affordable infilling within a built-up area.</p> <p>There are 2 parking spaces located on the Site as well as parking on the paved driveway for 2 cars.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use existing municipal infrastructure.</p>
1.8	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	<p>The proposed development supports compact form within an existing built-up area of the City.</p> <p>The Site has access to transit and local amenities.</p>
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Existing services are already in place on this site.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no heritage resources that apply to this Site.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not	There are no natural or human-made hazards that apply to this Site.

PPS Policy #	Policy	Response
	create new or aggravate existing hazards.	

Therefore, the proposed development is consistent with the PPS.

**5.1.2 Official Plan (OP)**

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000 and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The lands are designated “Residential” according to Schedule “D – “Land Use” attached to the OP for the City of Windsor (see Figure 3 – City of Windsor OP, Schedule “D”).

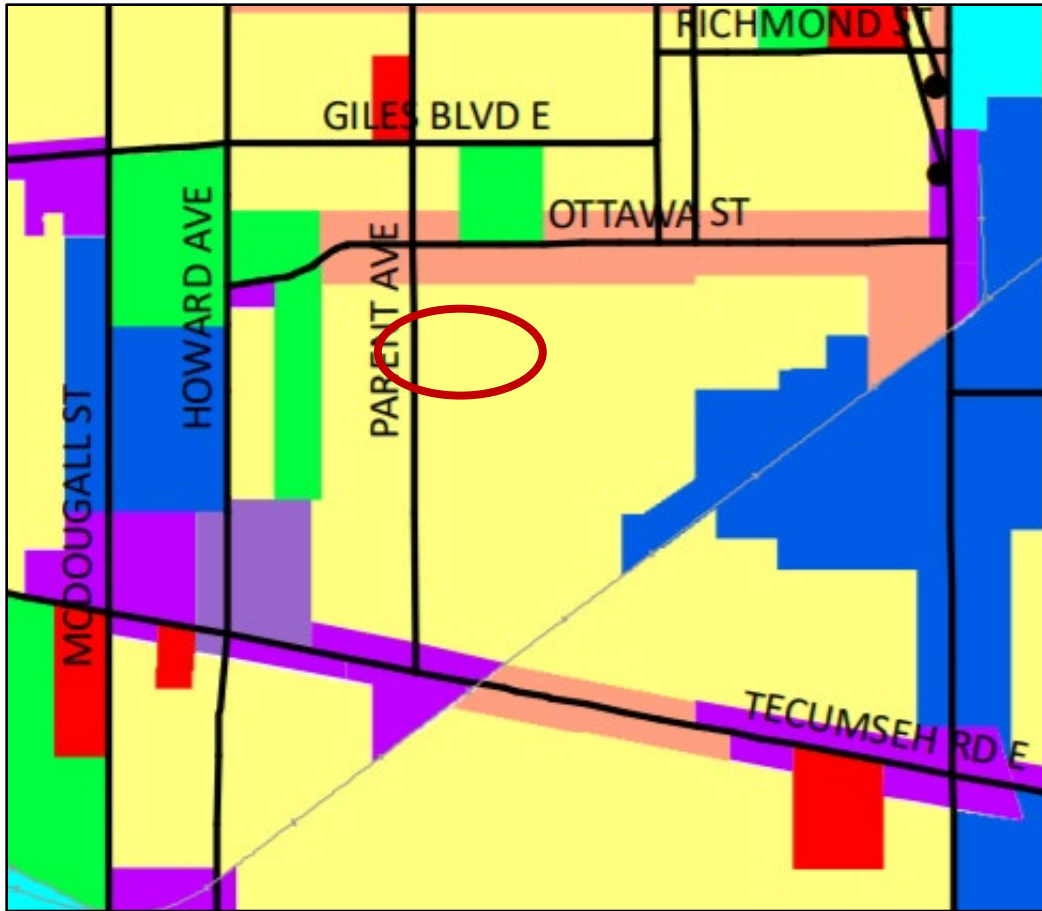


Figure 3 – City of Windsor OP, Schedule “D”

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	<p>The proposed residential renovation supports one of the City’s overall development strategies of providing for a range of housing types.</p> <p>It is proposed to convert the existing basement into an additional dwelling unit in an existing residential dwelling.</p> <p>The new unit will be an affordable rental unit with</p>

OP Policy #	Policy	Response
		<p>access from the exterior of the building.</p> <p>The Site is close to transit and local amenities.</p>
3.3.3	<p>Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.</p>	<p>The proposed residential renovation is in an existing built-up area.</p> <p>There will be no change to the exterior of the structure, which allows the multiple dwelling to blend with the surrounding area.</p> <p>Minor relief is requested for the existing structure.</p> <p>The land area is sufficient to accommodate the proposed development with adequate existing buffering from abutting land uses.</p> <p>The area is pedestrian friendly allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site will provide for affordable housing.</p>
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use,	The proposed development will support the City's goal of promoting a healthy community (live, work and play).

OP Policy #	Policy	Response
	Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks.
5.0	A healthy and sustainable environment represents a balance between human activities and natural features and functions. In order to attain this balance, Council will enhance the quality of Windsor's natural environment and manage development in a manner that recognizes the environment as the basis of a safe, caring and diverse community and a vibrant economy.	<p>The proposed development will support the City's goal of a healthy and sustainable environment.</p> <p>The Site is pedestrian friendly as there are sidewalks along the roadway which link to the surrounding amenities.</p> <p>There are no anticipated traffic concerns, no environmental concerns, and no expected hazards.</p>
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.	<p>The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.</p> <p>The Site will provide for affordable housing.</p>
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial,</p>	The proposed development supports the goals set out in the OP as it provides for housing that is suited to residents in this area of Windsor, is pedestrian oriented, close to employment and schooling opportunities.



OP Policy #	Policy	Response
	employment and institutional uses.	
6.2.1.2 – General Policies	<p>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:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally, no greater than fourteen (14) storeys in height.</p>	<p>The current structure is considered a low profile building.</p> <p>The Site is a large interior lot with access from Shepherd St. E. and the alley.</p>
6.3.2.1 – Permitted uses/Residential	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.	Residential is a permitted use.
6.3.2.5 – Evaluation Criteria	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:</p> <p>(a) feasible having regard to the other provisions of this</p>	<p>This PRR has attempted to address these requirements.</p> <p>The proposed renovation is feasible.</p> <p>The goals and objectives set out in the PPS and the City OP are being maintained.</p>

OP Policy #	Policy	Response
	<p>Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; and (v) adjacent to heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	<p>The existing residential designation is supportive of this type of development.</p>
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in</p>	<p>The Site is close to nearby transit, off major transportation corridors and has access to full municipal services.</p>

OP Policy #	Policy	Response
	Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.	The Site has access to full municipal services.
8 – Urban Design	A memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical systems and built form of the city are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people	<p>The existing design of the dwelling blends with the surrounding area and there will be no exterior changes.</p> <p>The land area is sufficient to accommodate the proposed development with adequate existing buffering from abutting land uses.</p> <p>The Site is a large interior lot with access from Shepherd St. E. and the alley.</p> <p>The Site is pedestrian-friendly, has a clean façade and is a safe place for people to live.</p> <p>There are 2 parking spaces located on the Site and parking on the paved driveway for 2 cars.</p> <p>There is storage in the accessory structure for bicycles.</p> <p>The Site will provide for affordable housing.</p> <p>The existing building is compatible with the surrounding area in terms of scale, massing, height and siting and the conversion of the dwelling will integrate well with the area.</p> <p>Minor relief is requested for the existing structure.</p>

Therefore, the proposed development conforms to the City of Windsor OP.

### **5.1.3 Zoning By-law (ZBL)**

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Map 7 attached to the ZBL the Site is currently zoned “Residential District 1.3 (RD1.3)” category (see Figures 4 – City of Windsor Zoning Map 7).

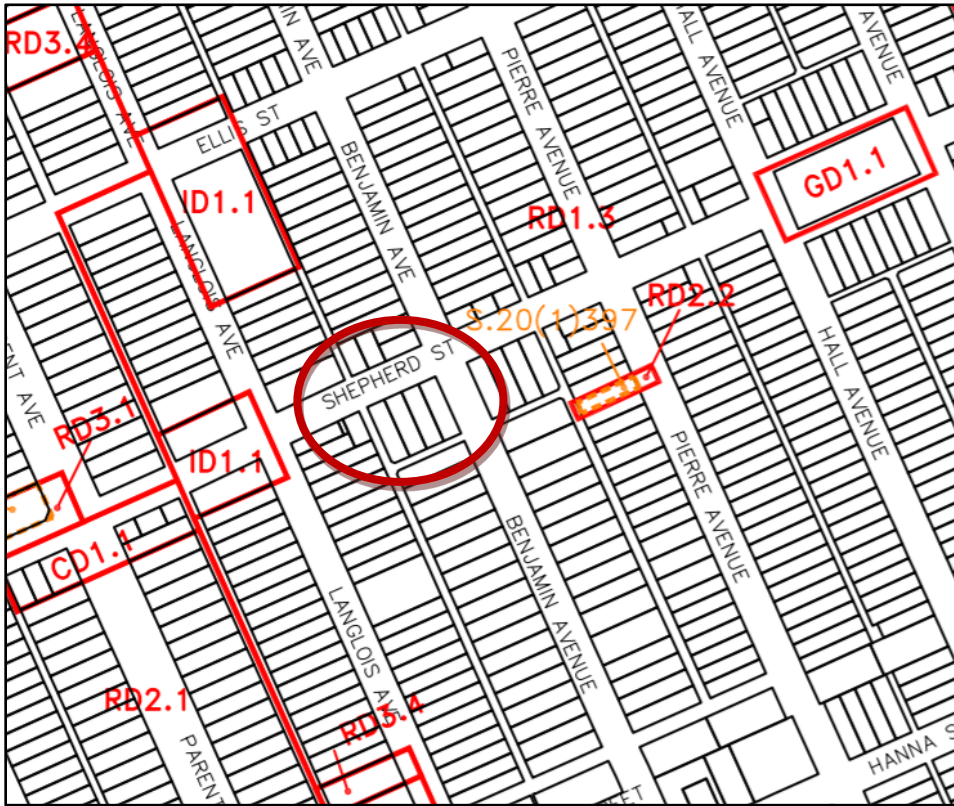


Figure 4 – City of Windsor Zoning Map 7

It is proposed to change the zoning of the Site from the existing “Residential District 1.3(RD1.3)” zoning to a site specific “Residential District 2.2 (RD2.2 –(20)(1) (XXX)” to permit a one multiple dwelling containing a maximum of four dwelling units.

A Multiple Dwelling is defined in the City of Windsor ZBL as:

*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.*

A review of the RD2.3 zone provisions, as set out in Section 11.2 of the ZBL are as follows:

Zone Regulations (Section 11.2)	Required RD2.2 (Existing duplex)	Proposed (Multiple Dwelling with 3 units)	Compliance and/or Relief Requested with Justification
Permitted Uses	One Double Duplex Dwelling One Duplex Dwelling One Multiple Dwelling containing a maximum of four dwelling units One Semi-Detached Dwelling One Single Unit Dwelling Townhome Dwelling Any use accessory to any of the preceding uses	One Multiple Dwelling containing a maximum of four dwelling units	Subject to the ZBL amendment.
Minimum Lot Width	18.0 m	11.0 m	Relief required of 7 m.  The lot is existing.  The lot is very deep.
Minimum Lot Area	540.0 m <sup>2</sup>	402.6 m <sup>2</sup>	Relief required of 137.4 m <sup>2</sup> .  The lot is existing.  The rear yard is very deep and provides for amenity area.  Maximum lot coverage can be complied with and is very low.
Maximum Lot Coverage	45.0 %	16.25 %	Complies
Maximum Main Building Height	10.0 m	< 10.0 m	Complies.  No change to the building exterior.

		Existing 2 storey residential dwelling	
Minimum Front Yard Depth	6.0 m	6.0 m	Complies, the building is existing.
Minimum Rear Yard Depth	7.50 m	20.81 m	Complies, the building is existing.
Minimum Side Yard Width	1.80 m	3.67 m / 0.6 m	East side complies.  West side requires relief of 1.2 m.  The building is existing.  There is room to access the rear yard from the east side and there is access from the alley.
Parking 24.20.5.1	Multiple Dwelling containing a maximum of 4 Dwelling units  1 for each dwelling unit  1 x 3 = 3 total	2 parking spaces from alley  2 parking spaces on the driveway  4 total	Complies  The Site is also close to transit.  There is storage in the accessory structure for bicycles.

Therefore, the proposed development will require a site specific “Residential District 2.2 (RD2.2 –(20)(1) (XXX)” to permit a one multiple dwelling containing a maximum of four dwelling units.

All other RD2.2 provisions will comply with the exception of the following requested relief;

1. decrease minimum lot width from 18.0 m to 11.0 m,
2. decrease minimum lot area from 540.0 m<sup>2</sup> to 402.6 m<sup>2</sup>, and
3. decrease minimum side yard width (west side) from 1.80 m to 0.6 m.

## **6.0 SUMMARY AND CONCLUSION**

### **6.1 Context and Site Suitability Summary**

#### **6.1.1 Site Suitability**

The Site is ideally suited for further residential renovation for the following reasons:

- The land area is sufficient to accommodate the existing development with adequate existing buffering from abutting land uses,
- The Site already accommodates municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding area.

#### **6.1.2 Compatibility of Design**

The Site is compatible with the surrounding area in terms of scale, massing, existing height and siting. Minor relief is requested for the existing structure.

The Site is a large interior lot with access from Shepherd St. E. and the alley.

There are 2 parking spaces located on the Site in addition to parking on the paved driveway for 2 cars.

#### **6.1.3 Good Planning**

The proposal represents good planning as it addresses the need for the City to provide residential infilling development.

The additional unit will contribute toward affordability and intensification requirements.

Continued residential use on the Site represents an efficient development pattern that optimizes the use of land in an existing neighbourhood which has a low profile residential use.

The Site currently accommodates a dwelling with 3 units on municipal services. The additional basement unit will not put any additional stress on municipal infrastructure.

#### **6.1.4 Natural Environment Impacts**

The proposal does not have any negative natural environment impacts, as there are no natural heritage features on the Site.



### **6.1.5 Municipal Services Impacts**

There will be no negative impacts on the municipal system as the residential renovation is limited to low profile and will not add to the capacity in a significant way.

### **6.1.6 Social and/or Economic Conditions**

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors, transit, parks and community amenities.

Adding an additional residential unit in an existing residential dwelling in an area with similar residential uses contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use pattern which sustains the financial well-being of the municipality.

The proposal does not cause any public health and safety concerns. The proposal represents a cost effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal development opportunity.

## **6.2 Conclusion**

The proposal to add an additional residential unit on the Site is appropriate and should be approved by the City of Windsor.

This PRR has shown that the proposed development is suitable intensification of affordable residential use, is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

The report components for this PRR have set out the following, as required under the City of Windsor OP:

*10.2.13.2 Where a Planning Rationale Report is required, such a study should:*

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the site's previous development approval history;*
- (c) Describe major physical features or attributes of the site including current land uses(s) and surrounding land uses, built form and contextual considerations;*
- (d) Describe whether the proposal is consistent with the provincial policy statements issued under the Planning Act.*

- (e) Describe the way in which relevant Official Plan policies will be addressed, including both general policies and site-specific land use designations and policies;*
- (f) Describe whether the proposal addresses the Community Strategic Plan;*
- (g) Describe the suitability of the site and indicate reasons why the proposal is appropriate for this site and will function well to meet the needs of the intended future users;*
- (h) Provide an analysis of the compatibility of the design and massing of the proposed developments and land use designations;*
- (i) Provide an analysis and opinion as to why the proposal represents good planning, including the details of any methods that are used to mitigate potential negative impacts;*
- (j) Describe the impact on the natural environment;*
- (k) Describe the impact on municipal services;*
- (l) Describe how the proposal will affect the social and/or economic conditions using demographic information and current trends; and,*
- (m) Describe areas of compliance and non-compliance with the Zoning By-law.*

**Planner's Certificate:**

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.

  
**Tracey Pillon-Abbs, RPP**  
**Principal Planner**



**Subject: Closure of the north/south alley between Guy Street and the east/west alley between Bernard Road and Francois Road - Ward 5**  
**Applicant/Owner: Terrence and Connie Cullen File No.: SAA-5809**

**Reference:**

Date to Council: September 12, 2022  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181  
Planning & Building Services

Report Date: July 14, 2022  
Clerk's File #: SAA2022

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

**Recommendation:**

- I. THAT the 4.27 metre wide north/south alley located between Guy Street and the southwest corner of the property known municipally as 1969 Francois Road (legally described as Lot 130, Plan 907), and shown as Part 1 on Drawing No. CC-1755 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 4.27 metre wide north/south alley located between Guy Street and the southwest corner of the property known municipally as 1969 Francois Road (legally described as Lot 130, Plan 907), and shown as Part 1 on Drawing No. CC-1755 *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 in accordance with diagrams submitted with EnWin Utilities Ltd. comments *attached* hereto as Appendix "C".;
    - ii. Cogeco Connexion Inc. to accommodate existing infrastructure in accordance with diagrams submitted with EnWin Utilities Ltd. comments *attached* hereto as Appendix "C".;
    - iii. EnWin Utilities Ltd. to accommodate existing overhead 28kV primary hydro distribution, 120/240V, 120/208V and 347/600V

secondary hydro distribution, poles, transformers, associated down guys and anchors in accordance with diagrams submitted with comments *attached* hereto as Appendix “C”.

- iv. MNSi to accommodate existing aerial infrastructure in accordance with diagrams submitted with EnWin Utilities Ltd. comments *attached* hereto as Appendix “C”.

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

- a. For alley conveyed to abutting lands zoned RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1755, *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

### **Background:**

The applicants, Terrence and Connie Cullen, owners of the property known municipally as 1969 Francois Road (the subject property), applied to close the 4.27 metre wide north/south alley (the alley) that abuts the subject property to the west, and shown on Drawing No. CC-1755 *attached* hereto as **Appendix “A”**, and also shown on the aerial photo *attached* hereto as **Appendix “B”**.

The alley is composed primarily of grass, save and except for an asphalt section abutting the property known municipally as 1983 Francois Road. The alley is unmaintained and contains utility poles with overhead wires, transformers and associated down guys and anchors along its west limit, together with small patches of vegetation scattered along its east and west limits. There is an existing curb cut serving the alley from Guy Street. The abutting residential properties to the east known municipally 1907 Francois Road and 1971 Francois Road each have a detached rear yard garage with an overhead door that fronts the alley.

The applicant wishes to close the said portion of the alley to enlarge the subject property for the purpose of establishing new gardens and eliminating illegal vehicle parking.

### **Discussion:**

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

### **Classification of Public Right-of-Ways**

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

1. *Does the subject alley serve commercial properties?*
  - a. The alley does not serve any commercial properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The alley does not serve properties fronting on heavily traveled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley does not contain any sewers.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The detached rear garage at 1907 Francois Road has vehicular access from the alley and Francois Road.
  - b. The alley serves as the only vehicular means of access to the detached rear garage at 1971 Francois Road.
    - There is not sufficient lot width to accommodate a side driveway.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The alley does not contain any Fire Department connections.

Based on the above, the Planning Department deems the subject alley "indispensable".

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed in the following alternative manner:

- The 234.7 metre portion of the 4.27 metre wide alley located between Guy Street and the southwest corner of the subject property be closed and conveyed to the abutting property owners, thus avoiding eliminating vehicular access to the detached rear garage at 1971 Francois Road.

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

### **Risk Analysis:**

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

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.2 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 north/south alley shown on **attached Appendix “A”** as Part 1, subject to the easements as in Recommendation II of this report, in favour of Bell Canada, Cogeco Connexion Inc., Enwin Utilities Ltd. and MNSi.

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
Chris Carpenter	Coordinator of Real Estate Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Onorio Colucci	Acting Chief Administration Officer

**Notifications:**

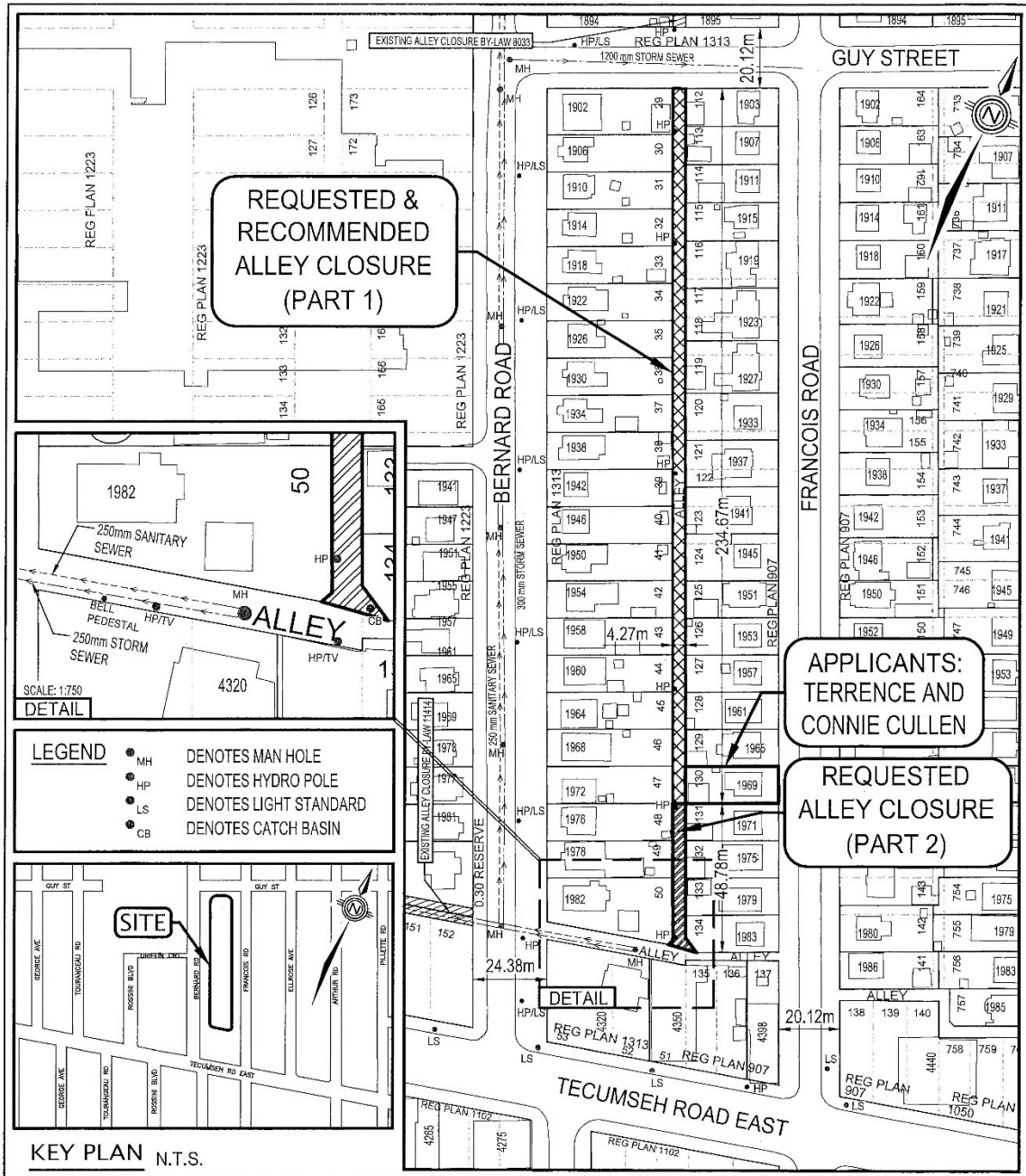
Name	Address	Email
Councillor Ed Sleiman		<a href="mailto:esleiman@citywindsor.ca">esleiman@citywindsor.ca</a>
Property owners abutting the alley		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1755
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

## APPENDIX "A"

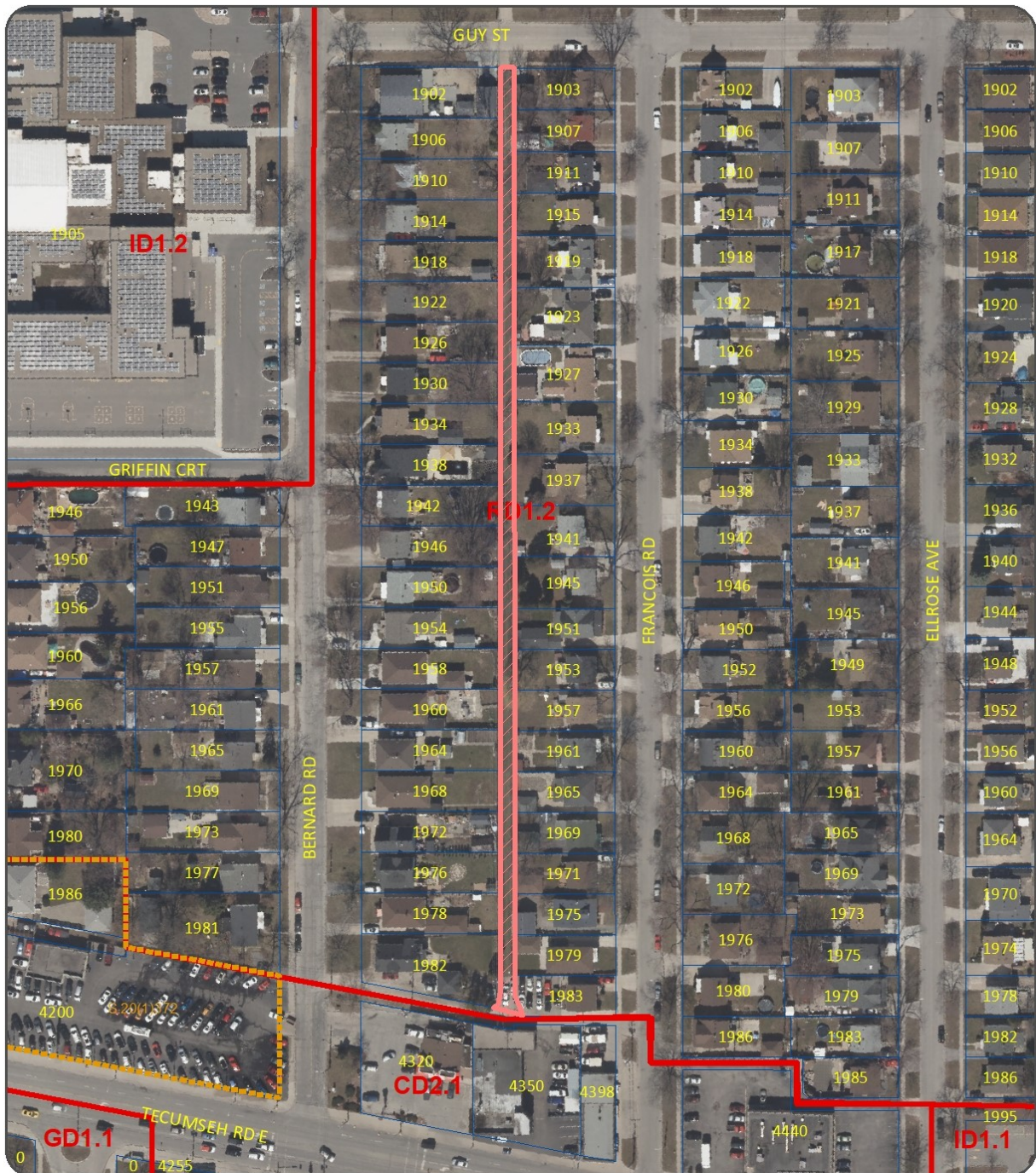
### Drawing No. CC-1755



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT			
<b>Proposed Closure of the North/South Alley from Guy Street to Alley North of Tecumseh Rd. East Between Bernard Rd. and Francois Rd.</b>			
Kirk Tamm, Manager of Geomatics	SCALE: 1:1750	DATE: JULY 2022	REVISED:
	DWN BY: AN, NS	CHKD BY: PJU / BN	REVISION NO.:
			DWG. NO. <b>CC-1755</b>



# APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/5809)

1:1,500

APPLICANT : CONNIE & TERRY CULLEN



 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: AUGUST, 2021

**APPENDIX “C”****Consultations with Municipal Departments and Utility Companies****BELL CANADA WSP**

Bell Canada requests an easement over the entire alley for protection of aerial facilities.

**[Charleyne Hall, Right-of-Way Associate]**

**CANADA POST**

Canada Post has no comments

**[Bruno DeSando, Delivery Planning]**

**COGECO CABLE SYSTEMS INC.**

Please be advised that Cogeco Connexion Inc. will require this Easement.

**[Rebecca Borsellino, Senior Agreements Administrator]**

**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services

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

**ENWIN UTILITIES - HYDRO**

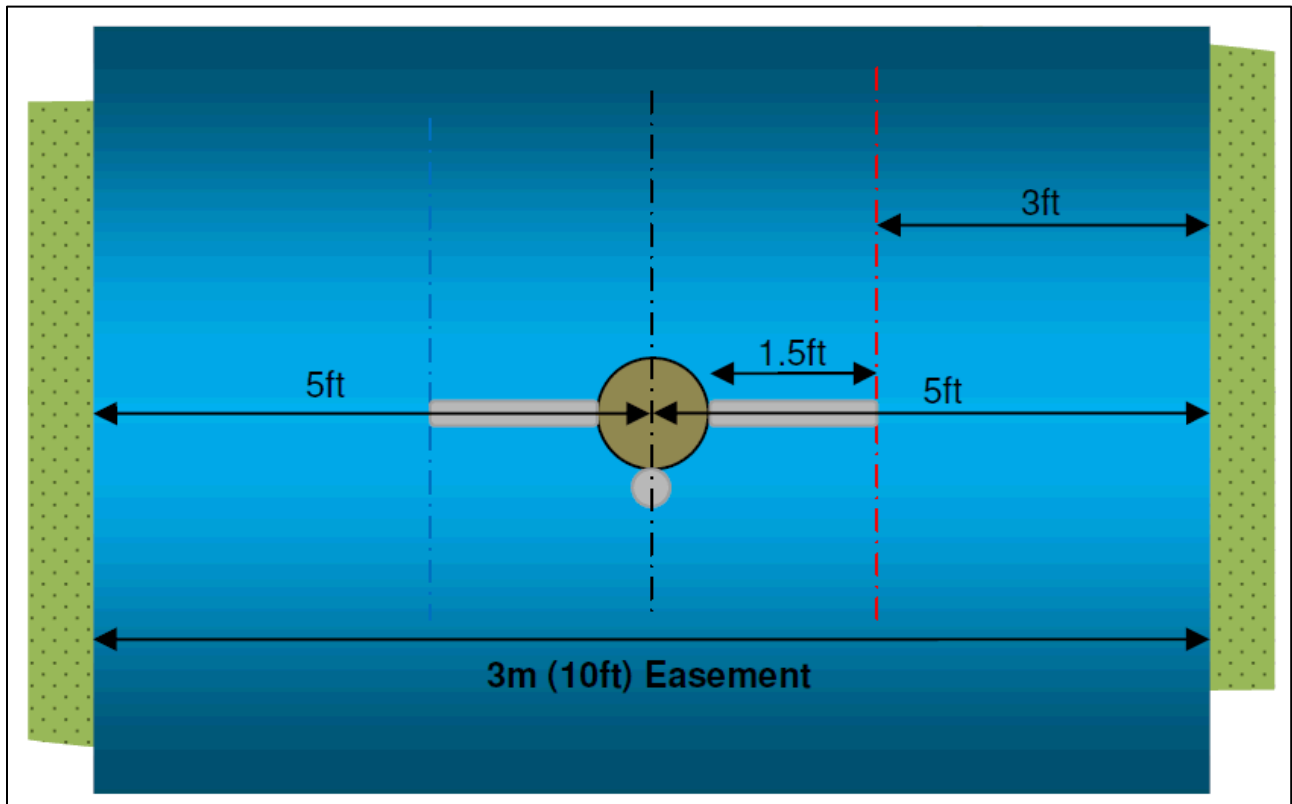
**May 7, 2019**

No Objection, however, an easement named to ENWIN Utilities Ltd is required for the entire north / south alley between Bernard Rd. and Francois Rd. from Guy St. to Tecumseh Rd. E and the alley along the north property limit of 4320 Tecumseh Rd. E between Bernard Rd. and Francois Rd. upon closing to accommodate existing overhead 28kV primary hydro distribution, 120/240V, 120/208V and 347/600V secondary hydro distribution, poles, transformers, associated down guys and anchors.

Refer to documentation attached below for easement requirements.

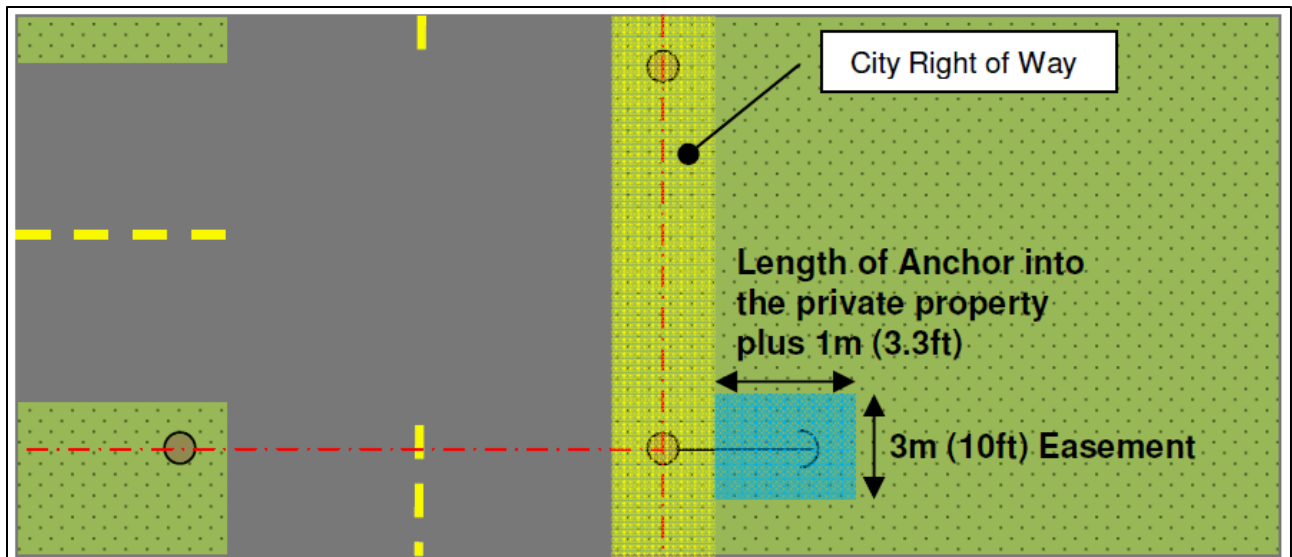
**Overhead Line**

A 3m (10ft) Easement is required for a straight pole line (5ft on each side). This takes into consideration a 1ft pole diameter, 1.5ft primary insulator, and 3ft clearance from any nearby structure. See top view representation below:



**Guy and Anchor**

A 3m (10ft) wide easement is required for guy and anchor installations into private property. This easement should extend 1m (3.3ft) into the property.



**September 10, 2021**

No Objections. However an easement will be required as previously stated, as well as E/W as highlight in the picture below.

**September 16, 2021**

If we are closing off the entire ally we will not object however an easement will be required all the way down the alley.

**[Usman Bhatti, Hydro Engineering Technologist]**



## **ENWIN UTILITIES - WATER**

Water Engineering has no objections to the alley closure.

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

## **LEGAL DEPARTMENT**

For land abutting properties zoned RD1.1, \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. For lands abutting properties zoned CD2.1, \$15.00 per square foot without easements and \$7.50 per square foot with easements.

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

## **MNSi**

MNSi would like to be included in an aerial easement through this entire alley closure.

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

## **PARKS & FACILITIES**

No objections.

**[Mike Clement, Manager of Parks Development]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No objection from a Landscape Architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS DEPARTMENT**

The subject alley closure is approximately 4.26m (14ft) wide, untraveled and composed mostly of grass. There are municipal sewers in the east/west section of the closure an easement will be required. There are hydro poles, guy wires, anchors and overhead wires running through the closure. An easement is required for utilities. There is concrete driveway approach and curb cut on Guy Street to access the alley; it may be the responsibility of the City to remove the curb cut in the future when funds exist. There is a gravel approach off Bernard Road and if the abutting owner at 1982 Bernard use this approach for access they will be required to obtain a driveway permit to complete and maintain the approach to City Standard AS-221 or AS-222. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.

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

**PUBLIC WORKS – TRANSPORTATION/TRAFFIC**

The only garage was at the back of 1907 Francois. If resident needs vehicular access, then recommend leaving the alley open from Guy to the south side of 1907. No objections closing the remainder of the alley.

**[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.

**[Indira Sharma, Project Support]**

**TRANSPORTATION PLANNING**

No comments provided

**UNION GAS**

I can confirm that Union Gas Limited does not have any facility located within the proposed closure.

**[Mary Jane Patrick, Analyst, Land Services]**

**WINDSOR FIRE**

No concerns from WFRS

**[John Lee, Chief Fire Prevention Officer]**

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with this proposed closure, particularly since the City will no longer maintain it. Unmaintained alleys attract unlawful behaviour/activity and closure will be the best measure available to permanently mitigate such activity over the long term. We do not require this alley for police patrol or incident response capability so closure will not have a negative impact on public safety.

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

**APPENDIX "D"**  
**Site Photos (June 29, 2022)**



*Figure 1 - Looking south towards alley from Guy Street 1*



*Figure 2 - Looking south towards alley from Guy Street 2*



*Figure 3 - Alley looking south from point between 1910 Bernard Road and 1911 Francois Road*



*Figure 4 - Looking north towards alley from east/west alley*





*Figure 5 - Detached Rear Yard Garage at 1907 Francois Road*



*Figure 6 - Detached Rear Yard Garage at 1971 Francois 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.



**Council Report: S 94/2022**

**Subject: Closure of the n/s alley between Totten St and Quebec St, east of California Ave and west of Askin Ave - Ward 10 Applicant/Owner: Hassan Farhat & Sana Shana'a File No.: SAA-6516**

**Reference:**

Date to Council: September 12, 2022  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181  
Planning & Building Services

Report Date: July 19, 2022  
Clerk's File #:

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

**Recommendation:**

- I. THAT the 3.96 metre wide north/south alley located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on Drawing No. CC-1797 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 3.96 metre wide north/south alley located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on Drawing No. CC-1797 *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. EnWin to accommodate existing down guy wires and anchors in the portion of the west half of the said alley abutting the property known municipally as 1700 California Avenue (legally described as Lots 55 & 56, Plan 629), in accordance with the Guy and Anchor diagram submitted with their comments *attached* hereto as **Appendix "C"**;
  - b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner (i.e. accessory buildings, features, fences, hedges and/or structures).
- III. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned RD1.1: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1797, **attached** hereto as **Appendix “A”**.
- V. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT upon the registration of the necessary by-laws, the following vacant parcel of land **BE DECLARED** surplus:
- a. 0.3 metre wide north/south reserve located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on the excerpt from Reference Plan 12R-14496 **attached** hereto as Appendix “F”.
    - i. Legal Description: Reserve Plan 629 Sandwich West between Totten Street & Quebec Street
    - ii. Lot Area: 83.61 m<sup>2</sup>
- VII. THAT the 0.3 metre wide north/south reserve located between Totten Street and Quebec Street, east of California Avenue and west of Askin Avenue, and shown on the excerpt from Reference Plan 12R-14496 **attached hereto as Appendix “F” BE CONVEYED** to the abutting property owners to the east and as necessary, in a manner deemed appropriate by the City Planner.
- VIII. THAT Conveyance Cost BE SET as follows:
- a. For reserve conveyed to abutting lands zoned RD1.1: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IX. 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.
- X. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

**Executive Summary:**

N/A

**Background:**

The applicants, Hassan Farhat and Sana Shana’a, owners of the property known municipally as 1761 Askin Avenue (the subject property), applied to close the portion of

the east half of the 4.27 metre wide north/south alley (the alley) that abuts the subject property to the west, and shown on Drawing No. CC-1797 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

The alley was established by Windsor Park Subdivision Plan 629 (Plan 629), registered on February 25, 1913, and used for agricultural purposes until approximately 1990 when the abutting lands began to be developed as Single Family Dwelling lots. The abutting property owners have extended their rear yards to include approximately half of the alley, by constructing encroaching accessory buildings, features, fences and/or structures within. The alley also includes guy wires and anchors from an existing utility pole located within the Totten Street right-of-way. There are no Encroachment Agreements on record for the use of the alley. (See Site Visit Photos **attached** hereto as **Appendix “D”**)

Plan 629 also established a north/south 0.3 metre wide reserve (the reserve) along its eastern limit. The reserve runs through the alley, constituting its eastern limit, and shown on the excerpt from Reference Plan 12R-14496 **attached** hereto as **Appendix “F”**. The purpose of the reserve was likely to restrict the development of the abutting lands to the east until a Subdivision Plan was registered and all required services are in place.

Plan of Subdivision 883 was registered on May 17, 1919 for the lands to the east. The portion of the reserve within the alley could have been deemed surplus and conveyed to the abutting property owners to the east at the time when building permits were submitted to develop the aforesaid Single Family Dwelling lots.

The applicant wishes to close the said portion of the alley to enlarge the subject property for the purpose of accommodating a new 3.66 metre by 7.32 metre aboveground swimming pool.

### **Discussion:**

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), **attached** hereto as **Appendix “E”**. The document details four classifications of alleys based on their usefulness, and provides corresponding criteria for determining suitability for closure.

### **Classification of Public Right-of-Ways**

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

1. *Does the subject alley serve commercial properties?*
  - a. The alley does not serve any commercial properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*

- a. The alley does not serve properties fronting on heavily traveled streets.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley does not contain any sewers.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The alley does not serve as a means of vehicular access to rear parking areas and garages.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The alley does not contain any Fire Department connections.

Based on the above, the Planning Department deems the subject alley “dispensable”, and supports the requested closure together with the closure of the remainder of the alley. The closure will exclude the reserve, which is not designated as a public highway.

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

### **0.3 Metre Reserve**

The *Corporation of the City of Windsor Disposal of Land Policy*, included as Schedule “A” to By-law 52-2014, requires City Real Estate staff to determine if City-owned land may be considered surplus and disposed.

Consultation was held with a representative of the Legal, Real Estate & Risk Management Department on July 6, 2022, who confirmed that the reserve is deemed surplus and can be disposed of via conveyance to the abutting property owners to the east.

It is our recommendation that, upon being deemed surplus, the property owners be given a chance to acquire the reserve. Hence the recommendation is to deem the reserve surplus and convey it to the abutting property owners.

### **Risk Analysis:**

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

## Climate Change Risks

### Climate Change Mitigation:

N/A

### Climate Change Adaptation:

N/A

### Financial Matters:

The rate for an alley and surplus lands conveyed to abutting lands zoned RD1.1 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 north/south alley shown on **attached Appendix “A”**, subject to the easement as in Recommendation II of this report, in favour of Enwin Utilities Ltd.

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

The Planning Department recommends that the north/south 0.3 metre reserve shown on **attached Appendix “F”**, be deemed surplus, subject to the easement as in Recommendation VI of this report, in favour of Enwin Utilities Ltd.

The surplus 0.3 metre reserve is to be conveyed to the abutting property owners to the east, as in Recommendation VII of this report.

### Planning Act Matters:

Brian Nagata, MCIP, RPP  
Planner II - Development

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

*Michael Cooke, MCIP, RPP*  
*Manager of Policy Planning*

*Thom Hunt, MCIP, RPP*  
*City Planner*

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

JP OC

**Approvals:**

<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	Acting Chief Administration Officer

**Notifications:**

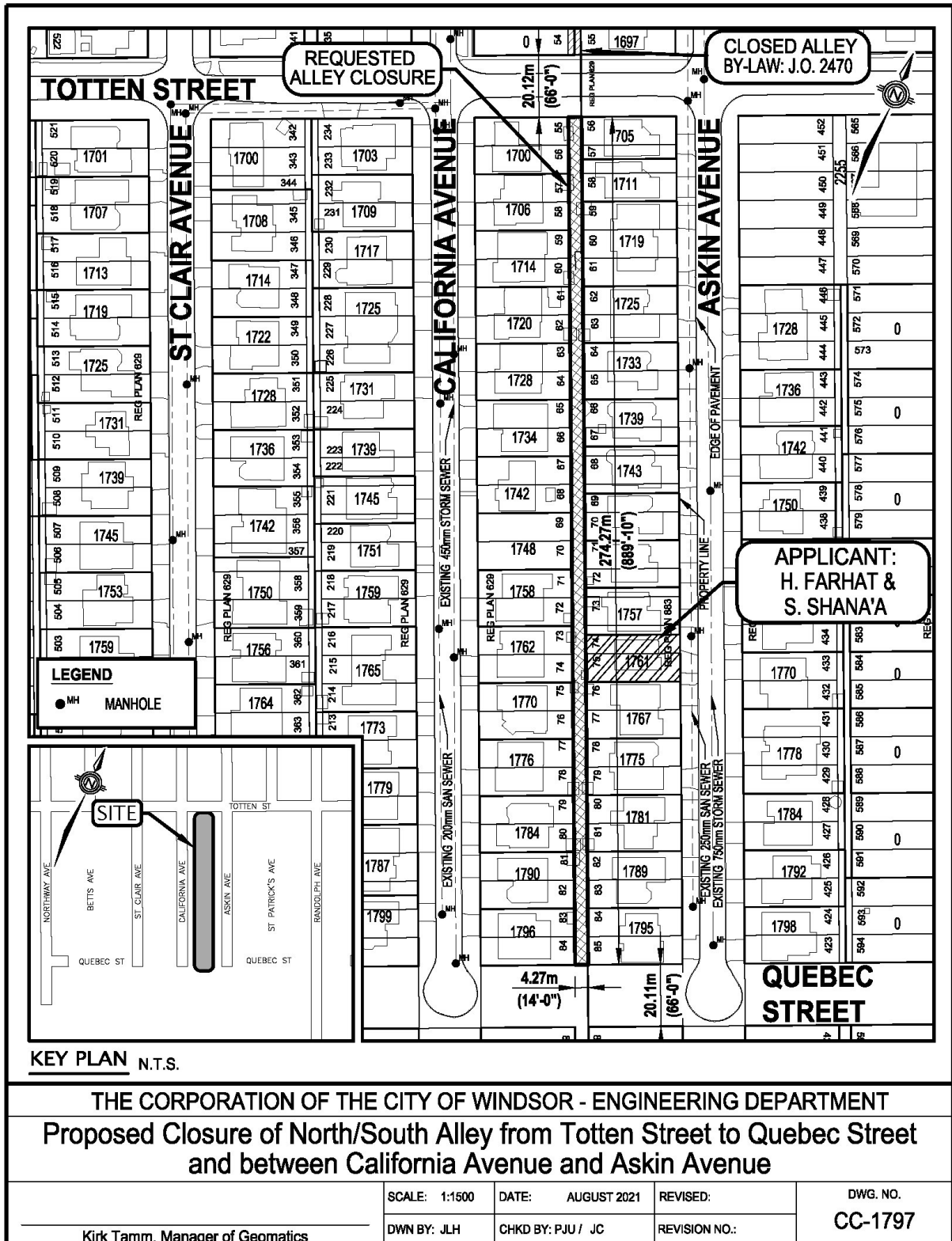
<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Jim Morrison	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	<a href="mailto:jmorrison@citywindsor.ca">jmorrison@citywindsor.ca</a>
Property owners abutting the alley		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1797
- 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 - Excerpt from Windsor Park Subdivision Plan 629



### APPENDIX "A" Drawing No. CC-1797



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



## STREET & ALLEY CLOSING (SAA/6516)

1:1,500

APPLICANT : H. FARHAT & S. SHANA'A

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JULY, 2021



## APPENDIX "C"

### Consultations with Municipal Departments and Utility Companies

#### **BELL CANADA WSP**

Bell Canada has no easement requirements regarding this liaison.

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

#### **CANADA POST**

No comments provided

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

No comments provided

#### **ENVIRONMENTAL SERVICES**

No comments provided

#### **ENWIN UTILITIES - HYDRO**

**August 10, 2021**

No Objection, however, an easement named to Enwin Utilities Ltd. is required upon closing of the alley at the highlighted location to accommodate existing down guy wires and anchors.

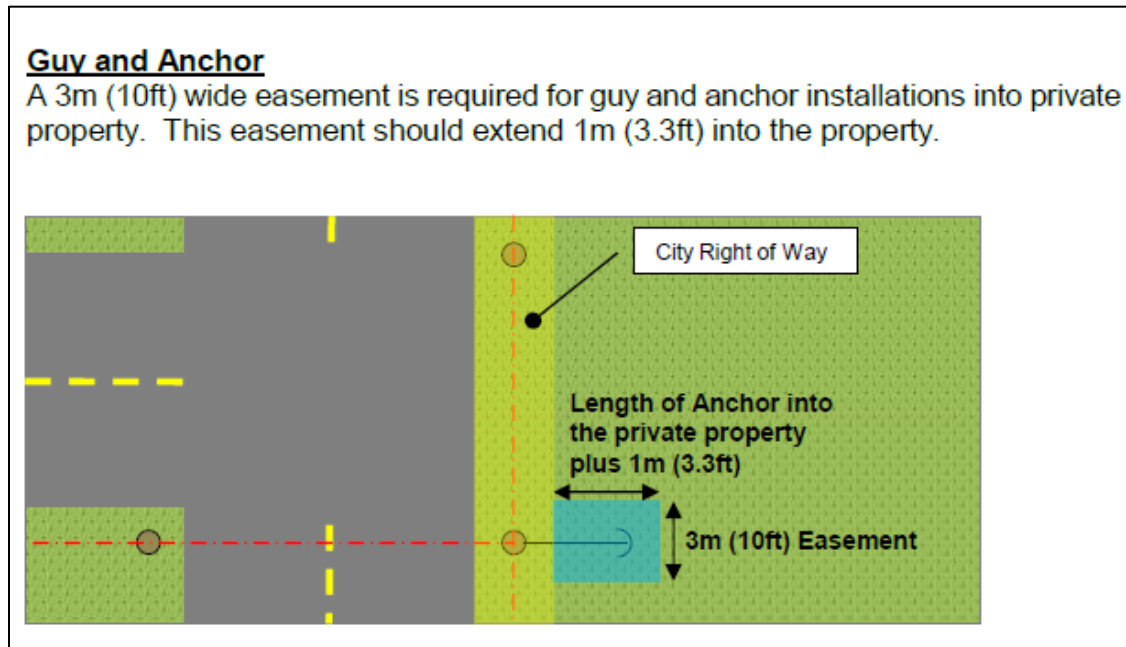
Find this marked location in the sketch below.

**[Cassidy Chevalier-Gray, Hydro Engineering Technologist]**



**July 18, 2022**

ENWIN will require an easement for the down guy and anchor in the backyard of 1700 California that meets the requirements of the attachment below.



**[Steve Zambito, Senior Hydro Engineering Technologist]**

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

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

**LEGAL DEPARTMENT**

For lands abutting RD1.1, \$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

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

**MNSi**

MNSi does not require an easement through this alley closing.

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

**PARKS & FACILITIES**

No comments / objection from Park Department; depending further review by City Planning Landscape Architect (Stefan) copied on this e-mail.

**[Wadah Al-Yassiri, Manager of Parks Development]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No objection from a landscape architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS DEPARTMENT**

No comments provided

**PUBLIC WORKS – TRANSPORTATION/TRAFFIC**

No objections

**[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.

**[Indira Sharma, Project Support]**

**TRANSPORTATION PLANNING**

No comments provided

**UNION GAS**

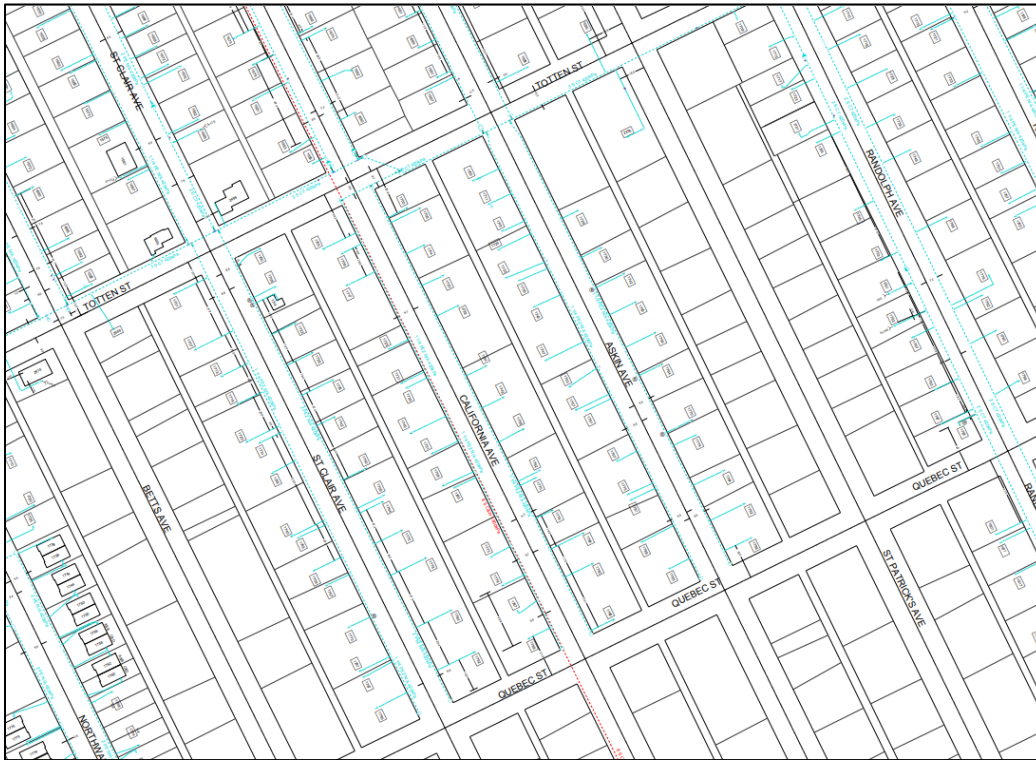
After reviewing the provided drawing at the Alley between Askin Avenue and California Avenue and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing is provided below for reference.

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

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

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

**[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 appears to be largely untraversable and the outcome from this closure will not impair police patrol or incident response capability in any way to the general area.

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

**APPENDIX "D"**  
**Site Photos (June 28, 2022)**



*Figure 1 - Looking east towards alley from Totten Street*



*Figure 2 - Looking south towards alley from Totten Street*



*Figure 3 - Looking south towards alley from Totten Street*



*Figure 4 - Looking north towards alley from Quebec Street right-of-way*



## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

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

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

#### **Suitability for Closing:**

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

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



**Subject: Closure of the north/south and east/west alleys north of 4440 Tecumseh Road E between Francois Road and Ellrose Avenue - Ward 5**

**Applicant/Owner: Ontario Inc, 2767226 (Alireza Bagherli) File No.: SAA-6347**

**Reference:**

Date to Council: September 12, 2022

Author: Brian Nagata, MCIP, RPP

Planner II - Development Review

(519) 255-6543 ext. 6181

Planning & Building Services

Report Date: July 20, 2022

Clerk's File #: SAA2022

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the 3.66 metre wide north/south alley located between the properties known municipally as 1983 Ellrose Avenue (legally described as Lot 756 & Part of Closed Alley, Plan 1050) and 4440 Tecumseh Road East (legally described as Part of Lots 138 to 140, Plan 907; and Part of Lots 758 to 760, Plan 1050), and shown on Drawing No. CC-1788 *attached* hereto as Appendix "A", **BE DENIED** for subsequent closure.

**Executive Summary:**

N/A

**Background:**

The applicant, Ontario Inc., 2767226 (Alireza Bagherli), owner of the property known municipally as 4440 Tecumseh Road East (the subject property), applied to close the north/south alley between 1983 Ellrose Avenue and 4440 Tecumseh Road East; east/west alley between Francois Road and said north/south alley; and east/west alley between said north/south alley and Ellrose Avenue that abuts the subject property to the north and east (the alley), and shown on Drawing No. CC-1788 *attached* hereto as **Appendix "A"**, and also shown on the aerial photo *attached* hereto as **Appendix "B"**.

The alley is maintained and provides vehicular access to the two parking areas on the subject property. City of Windsor aerial photos show that this arrangement has been in place for the east parking area since at least 1987, and west parking area since at least

1969 (Refer to Figures 1 to 4 below). There are two existing curb cuts serving the alley from Francois Road and Ellrose Avenue.

The alley is composed primarily of asphalt paving, and contains a 250 millimetre PVC sanitary sewer with manhole and two 250 millimetre PVC storm sewers, one of which contains a manhole; together with two utility poles, one of which has a guy wire and anchor. The alley also includes multiple encroachments in the form of concrete bumper curbs, screening fences, and a raised garden. There are no Encroachment Agreements on record for the use of the alley.

The **submission** of an application to close the alley is a condition of the Site Plan Agreement for the development at the subject property, approved by Site Plan Control file SPC-045/20 (the development). The scope of SPC-045/20 includes the change of use of the existing commercial building from a Restaurant (formerly *Rise'n Shine Cuisine* Restaurant) to a Medical Office, together with improvements to the parking areas and surrounding site. The development is **not** dependent on the alley being closed.



Figure 1 - 1969 Aerial Photo



Figure 2- 1978 Aerial Photo



Figure 3 - 1987 Aerial Photo



Figure 4 - 1996 Aerial Photo

## Discussion:

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

### Classification of Public Right-of-Ways

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

1. *Does the subject alley serve commercial properties?*
  - a. The alley provides tertiary and quaternary vehicular access to the parking areas on the subject property.
    - The conveyance of half of the alley to the abutting properties to the north, known municipally as 1985 Ellrose Avenue and 1986 Francois Road, will eliminate these accesses, both of which are required for the development.
    - The standard manner of conveyance is to offer the abutting property owners first right to purchase their half of the alley.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
  - a. The subject property fronts Tecumseh Road East, which is classified as a Class II Arterial Road on *Schedule F: Roads and Bikeways* to the *Official Plan*.
  - b. The conveyance of half of the alley to 1985 Ellrose Avenue and 1986 Francois Road will leave the development with only one vehicular access off of Tecumseh Road East.
    - This will increase the volume of traffic using this access, which further disrupts traffic flow and heightens the chance of collisions at this juncture of Tecumseh Road East.
    - The Official Plan discourages vehicular access from a property to a Class Arterial Road II (Section 7.2.6.5 of Chapter 7 Infrastructure to the Official Plan). Granted that this access is existing, its impact on Tecumseh Road East should not be heightened where alternative solutions exist.

3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
  - a. The alley contains a 250 millimetre PVC sanitary sewer and two 250 millimetre PVC storm sewers.
  - b. The Public Works Department has confirmed that the alley must remain accessible for servicing the sewers, and thus objects to its closure.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
  - a. The alley serves as the only vehicular means of access to the east parking area.
  - b. Refer to sections 1 and 2 above.
5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
  - a. The alley does not contain any Fire Department connections.

Based on the above, the Planning Department deems the subject alley “indispensable”.

It is our recommendation that, for the reasons noted above, the request to close the alley be denied.

### **Risk Analysis:**

The denial of the recommended closure places no additional liability risks and maintenance costs on 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 \$18 per square foot without easements and \$9 per square foot with easements.

The rate for an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1 plus deed preparation and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

## 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 1985 Ellrose Avenue through email correspondence **attached** hereto as **Appendix “G”** has confirmed that they wish to purchase their half of the alley should it be closed. The owner claims that they have been maintaining the abutting alley for over 20 years.

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 based on information presented in this report that closure of the alley shown on attached Appendix “A”, be denied.

## Planning Act Matters:

Brian Nagata, MCIP, RPP  
Planner II - Development

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

*Michael Cooke, MCIP, RPP*  
*Manager of Policy Planning*

*Thom Hunt, MCIP, RPP*  
*City Planner*

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

*JP*            *OC*

## Approvals:

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

**Notifications:**

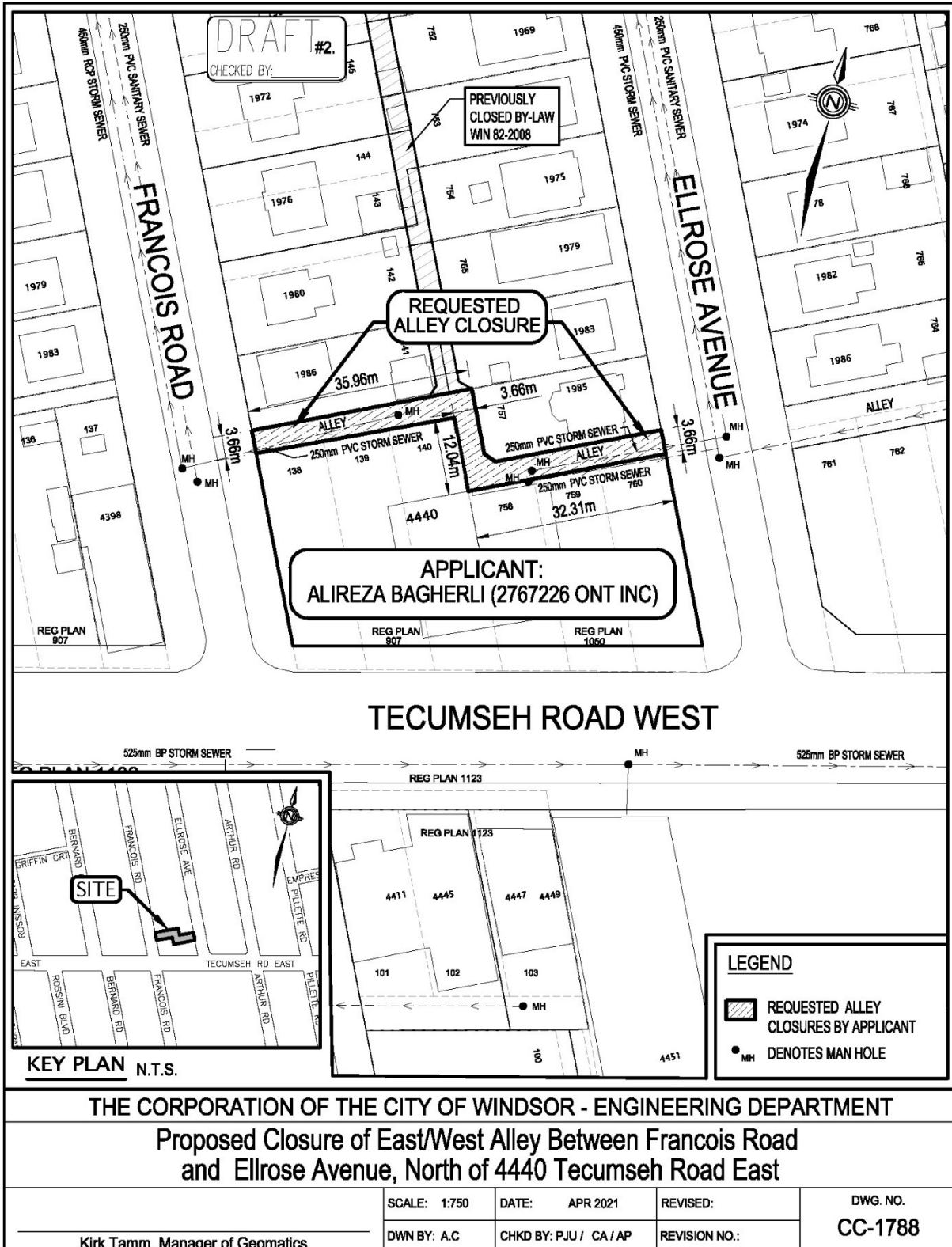
<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Ed Sleiman	350 City Hall Square West, Suite 220  Windsor, ON N9A 6S1	<a href="mailto:esleiman@citywindsor.ca">esleiman@citywindsor.ca</a>
Property owners abutting the alley		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1788
- 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 - Correspondence from owner of 1985 Ellrose Avenue



**APPENDIX "A"**  
**Drawing No. CC-1788**



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



## STREET & ALLEY CLOSING (SAA/6347)

1:1,000

APPLICANT : ALIREZA BAGHERLI

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: MARCH, 2021



## APPENDIX "C"

### Consultations with Municipal Departments and Utility Companies

#### **BELL CANADA WSP**

Bell Canada requests an easement over the entire alley.

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

#### **CANADA POST**

No comments provided

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

No comments provided

#### **ENVIRONMENTAL SERVICES**

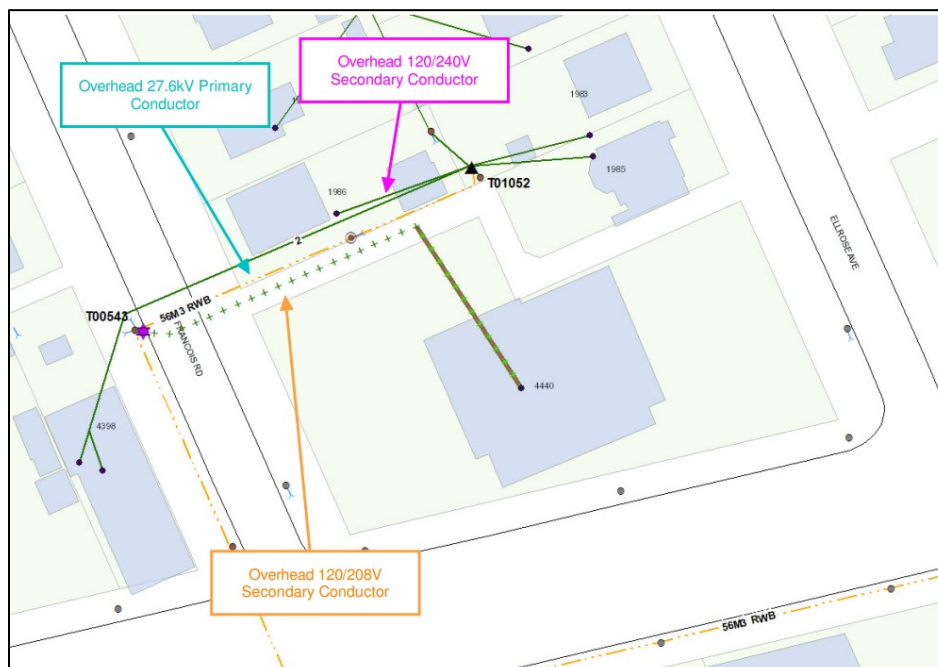
No comments provided

#### **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 existing overhead pole line at the north boundary of the property. See sketch attached for reference only.

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

**[Cecile Dalgleish, Technical Services Dispatch]**



**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

**[Technical Services Dispatch]**

**LEGAL DEPARTMENT**

For alley conveyed to abutting lands zoned CD2.1, \$18 per square foot without easements and \$9 per square foot with easements

For alley conveyed to abutting lands zoned RD1.2, \$1 plus deed preparation and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor

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

**MNSi**

No comments provided

**PARKS & FACILITIES**

No comments provided

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

No comments provided

**PUBLIC WORKS DEPARTMENT****August 19, 2022 (Revised Comments)**

The subject alley closure is approximately 4.27m (14 ft) wide and is composed of asphalt. There are hydro poles and overhead wires located in the alley. There are municipal sewers and manholes also located in the alley closure. An easement would be required for the utilities and municipal sewers if the alley is closed. The alley appears to be used for parking access for 4440 Tecumseh Road East; they will be required to obtain a driveway permit and maintain the approaches to City Standard AS-204 if the alley is closed. There are a number of different encroaching objects within the open alley. If the alley is not closed, the adjacent property owners are required to remove the objects or apply for an encroachment agreement. The subject alley is classified as indispensable by CR146/2005; therefore, we object to the closure of the subject alley.

**May 19, 2021**

The subject alley closure is approximately 4.27m (14ft) wide, is composed of asphalt. There are hydro poles and overhead wires located in the alley. There are municipal sewers and manholes also located in the alley closure. An easement would be required for the utilities and Municipal sewers. The alley appears to be used for parking access for 4440 Tecumseh Road East; they will be required to obtain a driveway permit and maintain the approaches to City Standard AS-204. The subject alley is classified as having some usefulness by CR146/2005; however, we have no objections to the alley closure subject to the easements.

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

### **PUBLIC WORKS – TRANSPORTATION/TRAFFIC**

Closing this alley would not have an impact on vehicular or pedestrian traffic. No concerns with closing the alley as proposed.

**[Mike Spagnuolo, Signal Systems Analyst]**

### **ROGERS COMMUNICATIONS**

No comments provided

### **TELUS COMMUNICATIONS**

Telus has no infrastructure in your area of study.

**[Indira Sharma, Project Support]**

### **TRANSPORTATION PLANNING**

No comments provided

### **UNION GAS**

After reviewing the provided drawing North of 4440 Tecumseh Rd E. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

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



**APPENDIX "D"**  
**Site Photos (July 20, 2022)**



*Figure 1 - Looking west towards east/west alley from Ellrose Avenue 1*



*Figure 2 - Looking west towards east/west alley from Ellrose Avenue 2*



*Figure 3 - Looking east towards east/west alley from Francois Road 1*



*Figure 4 - Looking east towards east/west alley from Francois Road 2*





*Figure 5 - Looking north towards encroaching landscaping feature in north/south alley*



*Figure 6 - Looking west towards east/west alley from north/south alley*



*Figure 7 - Looking east towards east/west alley from north/south 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:

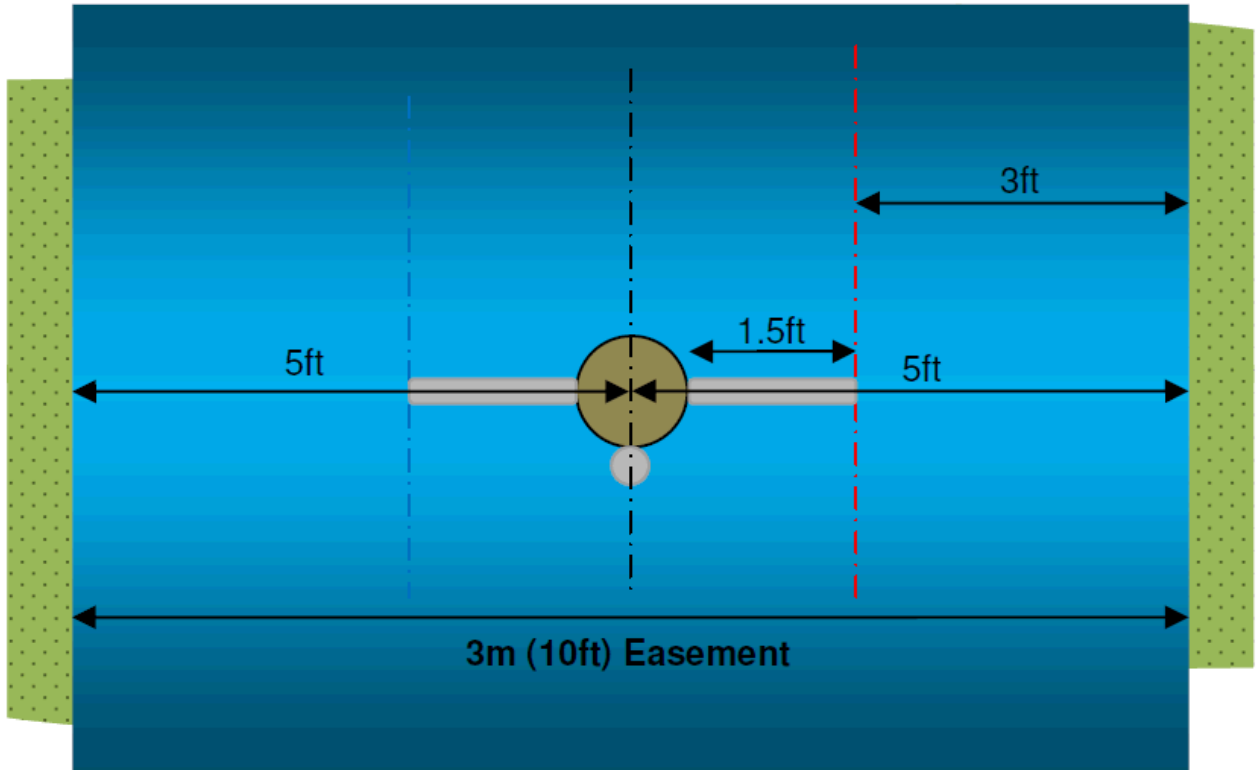
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means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



## APPENDIX "G"

### Correspondence from owner of 1985 Ellrose Avenue

> -----Original Message-----  
 > From: [REDACTED]  
 > Sent: Saturday, March 27, 2021 9:52 AM  
 > To: Aspila, Christopher  
 > Subject: Alley closing for 1985 Ellrose ave  
 >  
 > CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.  
 >  
 >  
 > Hello Chris  
 >  
 > This email is in reference to our conversation last week regarding the closure of the alley on the east and west side of my property. I want to purchase both sides of the alley that would be open to me. Please advise if we need to due anything further for this application or request, we look forward to hearing from you.  
 >  
 > [REDACTED]  
 > 1985 Ellrose ave  
 > [REDACTED]  
 >  
 >  
 > Sent from my iPad

**From:** [REDACTED]  
**Sent:** April 2, 2021 12:43:33 AM  
**To:** Aspila, Christopher  
**Subject:** Re: Alley closing for 1985 Ellrose ave

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

Thank you Chris I just want to be sure my request is on file and I get a fair chance at obtaining my portion of the alley available for purchase, looking forward to hearing from the planning division.

Regards [REDACTED]

Sent from my iPad

**From:** Matthews, Meghan  
**Sent:** Monday, July 11, 2022 9:31 AM  
**To:** [REDACTED]  
**Subject:** RE: SAA/6347 || 1985 Ellrose Ave


Hello [REDACTED]

Thank you for speaking to me today. You called to inform me that you wish to purchase your ½ width of the alley abutting 2 sides of your property. You informed me today that you have been maintaining the property for over 20 years, including shoveling. I have advised you I will put a copy of this e-mail in our file for the planner to review when he creates his report.

As I've previously stated this file is in need of a report. A report will include the recommendations of the planner regarding the division of the alley. You will receive a copy of this report in the mail when it is to be presented to the Development and Heritage Standing Committee. Unfortunately I do not have a date for when the report will be completed. Please know we are working hard to ensure these reports are finalized.

-Meghan

MEGHAN MATTHEWS | STREET & ALLEY LEGAL CLERK





**Subject: Closure of east/west alley between Ford Boulevard and 5355 Wyandotte Street East, north of 830 Ford Boulevard and south of 5335 Wyandotte Street East - Ward 6** Applicant/Owner: Anya Heath (2737512 Ontario Inc.) File No.: SAA-6564

**Reference:**

Date to Council: September 12, 2022  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181  
Planning & Building Services

Report Date: August 5, 2022  
Clerk's File #: SAA2022

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the 3.66 metre wide east/west alley located between Ford Boulevard and the property known municipally as 5355 Wyandotte Street East (legally described as Essex Condo Plan 55), and shown on Drawing No. CC-1798 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
  
- II. THAT the 3.66 metre wide east/west alley located between Ford Boulevard and the property known municipally as 5355 Wyandotte Street East (legally described as Essex Condo Plan 55), and shown on Drawing No. CC-1798 *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 facilities; and
    - ii. MNSi for aerial infrastructure.
  
- III. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned RD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
  - b. For alley conveyed to abutting lands zoned RD3.4: \$22.00 per square foot without easements and \$11.00 per square foot with easements.
- IV. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1798, *attached* hereto as Appendix “A”.
  - V. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
  - VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

### **Executive Summary:**

N/A

### **Background:**

The applicant, Anya Heath (2737512 Ontario Inc.), owner of the property known municipally as 5335 Wyandotte Street East (the subject property), applied to close the 3.66 metre wide east/west alley located between Ford Boulevard and the property known municipally as 5355 Wyandotte Street East, north of the property known municipally as 830 Ford Boulevard and south of the subject property, and shown on Drawing No. CC-1798 *attached* hereto as **Appendix “A”**, and also shown on the aerial photo *attached* hereto as **Appendix “B”**.

The subject property contains a circa 1956 three storey 23 unit multiple dwelling “Edinburgh Place”, with parking areas to the east and west of the building.

The subject alley (the alley) is unmaintained and composed of asphalt, grass and gravel, and includes three large mature deciduous trees and one small deciduous tree. City of Windsor aerial photography and Google Street View appears to show the alley being used as a driveway and rear yard by 830 Ford Boulevard since at least 2000. 830 Ford Boulevard contains a Single Family Dwelling with a non-conforming accessory building in the front yard. There are no Encroachment Agreements on record for the use of the alley. 830 Ford Boulevard is also not eligible to make a claim of adverse possession (squatter’s rights). (See site photos *attached* hereto as **Appendix “D”**)

The applicant wishes to close the alley for the purpose of expanding the aforesaid parking areas. The proposed expansion will include constructing a collector aisle to connect the parking areas and a paved area to accommodate a new refuse bin enclosure. The expansion aims to improve the functionality of the parking areas, as well as access to the utility services on the south side of the multiple dwelling. Functionality enhancements include, but are not limited to the following:

- Improved maneuverability for refuse collection vehicles, reducing the risk for conflict between pedestrians and automobiles
  - Will also block views of the refuse collection bins from the public right-of-way
- Additional space for snow storage
- Improved maneuverability for snow plows
- Improved maneuverability for automobiles utilizing the parking areas

The expansion will require a Zoning By-law Amendment (ZBA) to address the following non-compliances with Zoning By-law 8600.

- Minimum collector aisle width is 6.0 metres
- Minimum separation between a collector aisle and a parallel parking space is 2.50 metres
  - Separation shall be maintained as landscaped open space yard
- Minimum separation between a collector aisle/parking area and an interior side lot line is 0.90 metres
- Minimum separation between a collector aisle/parking area and a wall containing a habitable room window is 4.50 metres
- Parking area shall be bound by a poured in place concrete curb
- Refuse bin is prohibited in a required yard
- Refuse bin is prohibited from hampering the safe operation of a motor vehicle utilizing the parking area if located within

The applicant has been advised that such a ZBA may be difficult for the Planning Department to support.

In the event that the applicant is not offered the right to purchase the full width of the alley, they are considering using their half to provide additional space for accessing utility services on the south of the multiple dwelling.

### **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 does not provide vehicular 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 “dispensable”, and supports the requested closure.

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

### **Risk Analysis:**

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

In the event that the alley is transferred to the subject property in part or in full, it shall be the applicant’s sole responsibility to address 830 Ford Boulevard’s use of the said lands.

## 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.

The rate for an alley conveyed to abutting lands zoned RD3.4 is assessed at \$22.00 per square foot without easements and \$11.00 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”**.

The Public Works Department has noted that it appears that one large driveway approach serves the alley, the subject property and 830 Ford Boulevard. This approach does not comply with the City’s Standard Engineering Drawings for a residential drive. Public Works has requested that the obtainment of a driveway permit(s) to bring the driveway approach in compliance with Standard Engineering Drawing AS-221 or AS-222 be included as a condition of conveyance. Notwithstanding Public Works request, the Planning Department is of the opinion that the enforcement of this non-compliance is better suited to be addressed separately from the closure.

A sibling of the owner of 830 Ford Boulevard, via a September 24, 2021 email attached **hereto** as **Appendix “F”**, has raised several concerns with the closure on their behalf. The concerns pertaining specifically to the closure are listed as follows:

- Invasion of privacy
  - Closure could extend the subject property to within a few feet of the Single Family Dwelling
  - The Single Family Dwelling has one window facing the alley
- Refuse bin enclosure could be located closer to the Single Family Dwelling
  - Odour and rodents are currently an issue
- Undue hardship
  - Owner has limited income to cover expenses associated with closing and purchasing their half of the alley
  - Stress caused by aforesaid financial burden

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 and MNSi as in Recommendation II of this report.

The closed alleys are to be conveyed to the abutting property owners, as in Recommendation II of this report.

**Planning Act Matters:**

Brian Nagata, MCIP, RPP  
Planner II - Development Review

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

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

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

*JP*              *OC*

**Approvals:**

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

**Notifications:**

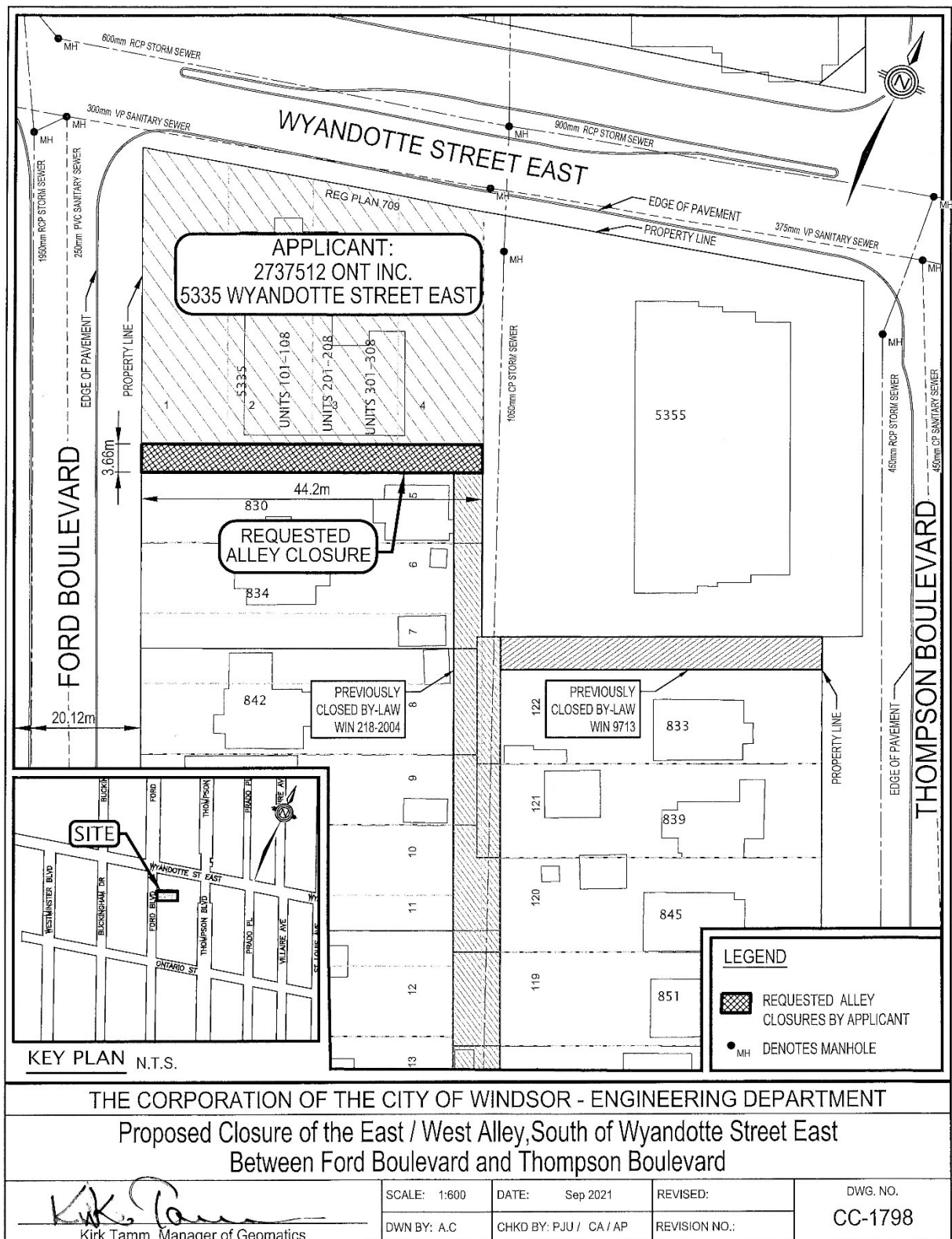
Name	Address	Email

Name	Address	Email
Councillor Jo-Anne Gignac	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	<a href="mailto:joagignac@citywindsor.ca">joagignac@citywindsor.ca</a>

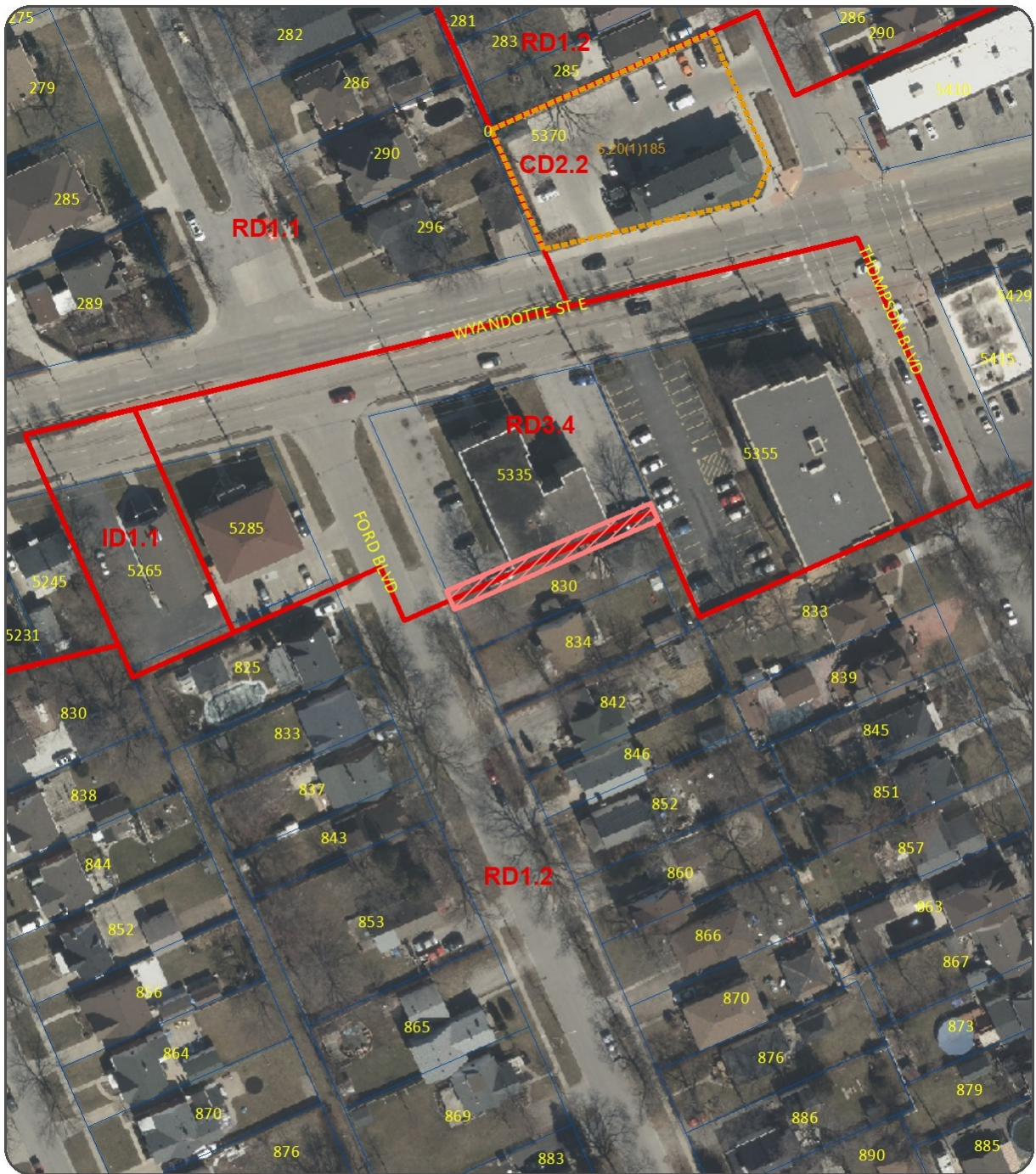
**Appendices:**

- 1 Appendix A - Drawing No. CC-1798
- 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 - Email Correspondence from 830 Ford Boulevard

**APPENDIX "A"**  
**Drawing No. CC-1798**



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



## STREET & ALLEY CLOSING (SAA/6564)

1:1,000

APPLICANT : 2737512 ONT INC - ANYA HEATH

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: SEPTEMBER, 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 facilities.

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

**CANADA POST**

No comments provided

**COGECO CABLE SYSTEMS INC.**

No comments provided

**ENVIRONMENTAL SERVICES**

No comments provided

**ENWIN UTILITIES - HYDRO**

No objections to alley closing, no easements needed.

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

**ENWIN UTILITIES - WATER**

Water Engineering has no objections.

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

**LEGAL DEPARTMENT**

For lands abutting RD3.4, \$22 per sq/ft without easements and \$11 per sq/ft with easements. For lands abutting RD1.1,

\$1.00 plus deed preparation fee and proportionate share of the survey cost as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

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

**MNSi**

Please include MNSi in an aerial easement through the subject lands.

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

**PARKS & FACILITIES**

No comments / objection from Parks; pending further review by City Planning Landscape Architect (Stefan) copied on this e-mail.

**[Wadah Al-Yassiri, Manager, Parks Development]**

**PLANNING DEPARTMENT**

No comments provided

**PLANNING DEPARTMENT - LANDSCAPE ARCHITECT**

Since the Parks Department has no concerns related to the existing trees in the ally to be closed, then there are no objections from a landscape architectural perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - ENGINEERING**

The subject alley closure is approximately 3.75m (12ft) wide and composed of asphalt and grass. There are no municipal sewers, manholes, hydro poles, guy-wires, or overhead wires located in the alley. There are trees in the alley. There is a fence obstructing the alley belonging to 830 Ford Blvd. It appears 830 Ford Blvd may also be using the paved portion of the alley for parking and storing old appliances. There is a curb cut and approach on Ford Blvd to access the alley. It appears said access is joined with adjacent driveways to the north and south of the alley making one large curb cut. It may be the responsibility of the City to remove the alley portion of the curb cut in the future when funds exist, if the alley is not purchased. Should the abutting owners use this access they will be required to obtain a driveway permit to complete and maintain the approach to City Standard AS-221 or AS-222. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure.

**[Adam Pillon, Development Engineer]**

**PUBLIC WORKS - TRAFFIC**

No concerns with closing the alley as proposed.

**[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 dated.

**[Indira Sharma, Project Support]**



## TRANSPORTATION PLANNING

No concerns with the closure of this alley.

**[Rania Toufelli, Policy Analyst]**

## TRANSIT WINDSOR

No comments provided

## UNION GAS

After reviewing the provided drawing of alley behind 5335 Wyandotte St E and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed alley area. A PDF drawing has been attached for reference.

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

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

**[Gord Joynson, Drafter Estimator]**



**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with this closure request. The outcome from this will have no impact (negatively speaking) on the ability of the police to carry out patrol and incident response activities for the abutting properties.

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

**APPENDIX "D"**  
**Site Photos (June 29, 2022)**



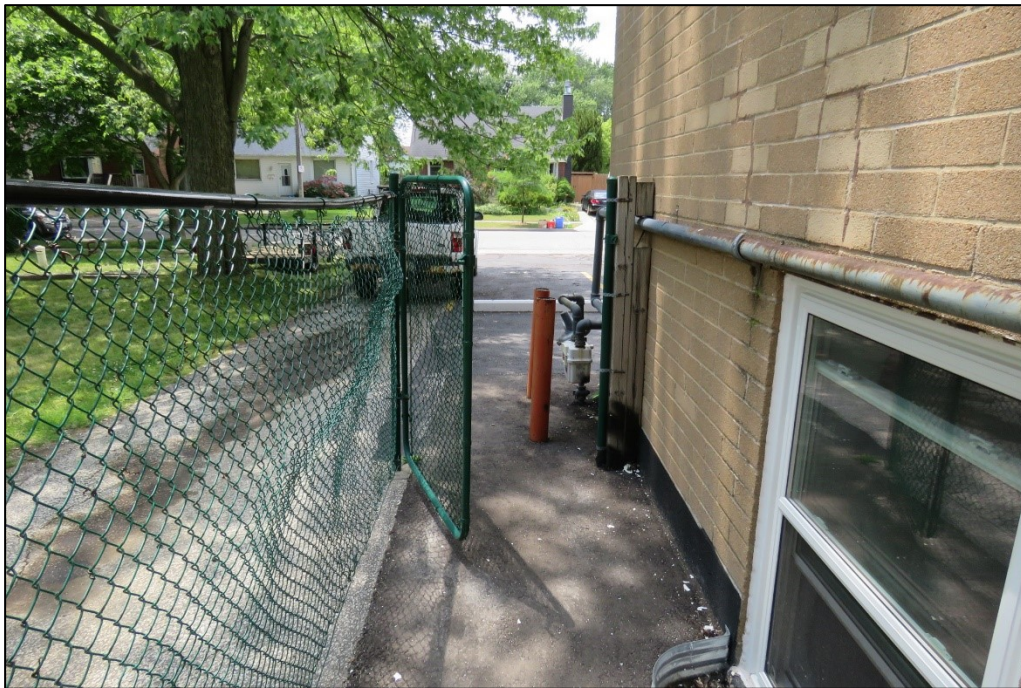
*Figure 1 - Looking west towards alley from east parking area at 5335 Wyandotte Street East (alley located to the left of wood fence)*



*Figure 2 - Looking south towards alley from east parking area at 5335 Wyandotte Street East (alley located behind wood fence)*



*Figure 3 - Looking west from midpoint of alley  
(alley located to the left of wood fence)  
(apartment building at 5335 Wyandotte Street East to the right)*



*Figure 4 - Looking west from midpoint of alley  
(alley located to the left of chain link fence)*



Figure 5 - Looking east towards alley from Ford Boulevard (830 Ford Boulevard to right)



Figure 6 - Looking east from west end of alley (alley located to the right of chain link fence)



Figure 7 - Looking west towards southeast corner of apartment building at 5335 Wyandotte Street East

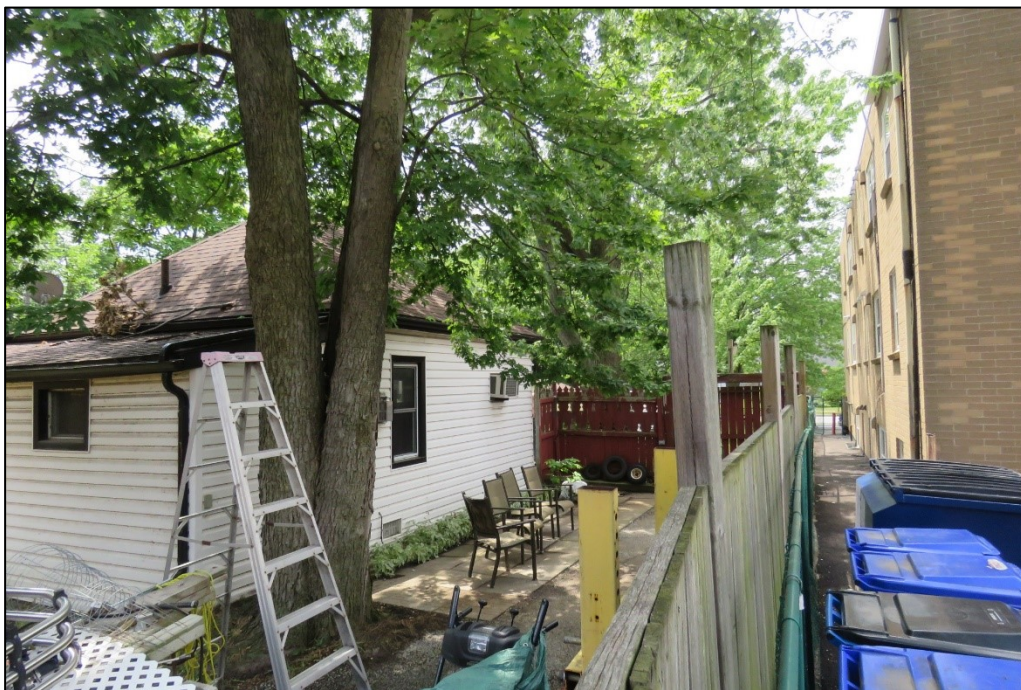


Figure 8 - Looking west towards alley from east parking area at 5335 Wyandotte Street East (alley located to the left of wood fence)

## **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"

### Email Correspondence from 830 Ford Boulevard

**From:** [REDACTED]  
**Sent:** Friday, September 24, 2021 2:48 PM  
**To:** joagignac@citywindos.ca; Aspila, Christopher <caspila@citywindsor.ca>; Cabral, Jacqueline <jcabral@citywindsor.ca>  
**Cc:** [REDACTED]  
**Subject:** closure of ally way

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

I am writing in response to the letter received for the closure of ally way E/W South of Wyandotte E, East of Ford Blvd, West of Thompson St.

I have spoken to the planning department and have been advised that the apartment building beside us has applied to close the ally. We thought this was already closed when we purchased the ally behind my brothers house.

The reason stated was to have access to the back of the building for service vehicles. We have many concerns to address with this request.

1. There are no entrances or exits from the building at the back. No need for any vehicle to drive around the back of the building.
2. The previous owner put up a chain link fence which we thought was half the ally. They also paved over half way to allow my brother [REDACTED] to park on.
3. The garbage bin used to be at the road on Ford Blvd and never caused a problem. It was moved to the side of the apt building along the chain link fence. This is placed approx. 8-10 to our side door.
4. We have a problem now with RATS. They go into the bin and climb the fence into our yard. They are going under the house and our shed. We are constantly having to put down rat poison.
5. If the ally is closed and they take ownership of it the new fence line would be about 2 feet from our back door.
6. We have had many issues over the years with people climbing the chain link fence into our yard, stealing our lawn furniture and sitting on them on their paved area.
7. A previous tenant broke into my brother home and stole many items. He was caught and charged. Some personal items we never got back. eg: our late fathers garnet ring
8. We have had garbage thrown out the upper apt windows into our yard while the tenants laughed.
9. We have had someone smashing our outdoor lights which causes loud bangs.
10. We have had to put up with the smell of the garbage bin so close to our house in the humid weather.
11. We put up a moveable wooden fence for privacy and to stop climbing into our yard.
12. This has affected our quality of life and will only add to the intrusion.

This is my brothers principal residence and has lived there for over 25 years. (or longer) He is on disability and recently move to OAS/ CPP. His income is limited as well as his health. We now find ourselves having to address this and purchasing the ally or at least half causing him and myself a lot of stress.

As you can imagine this will call a great hardship. We feel that he is now be taken advantage of and need you to take our concerns into consideration.



As you can imagine this will call a great hardship. We feel that he is now be taken advantage of and need you to take our concerns into consideration.

I trust you will address as soon as possible.

Please respond by email or call me at [REDACTED]

Please send all correspondence to email [REDACTED]

RE: 830 Ford Blvd  
Windsor Ontario

[REDACTED]

[REDACTED]



**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by NuFusion & Associates on behalf of 2830065 Ontario Ltd. for 1460 Lauzon Road (Ward 6)**

**Reference:**

Date to Council: September 12, 2022  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkinson@citywindsor.ca

Tracy Tang, Planner II- Revitalization & Policy Initiatives  
519-255-6543 ext. 6449  
ttang@citywindsor.ca  
Planning & Building Services  
Report Date: August 18, 2022  
Clerk's File #: SPL2022

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

**Recommendation:**

- I. THAT the request made by NuFusion & Associates on behalf of 2830065 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 1460 Lauzon Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan.
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$19,750 based upon the completion and submission of a Phase II Environmental Site Assessment completed in a form acceptable to the City Planner and City Solicitor.
- III. THAT the grant funds in the amount of \$19,750 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the work is complete.
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

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

### **Background:**

#### **Brownfield Redevelopment Community Improvement Plan (CIP)**

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

#### **Importance of Brownfield Redevelopment**

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use.

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available, therefore additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also remove the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

Brownfield sites also represent a significant underutilization of the land base. According to the National Round Table on the Environment and the Economy (2003), every hectare redeveloped through a brownfield project saves up to an estimated 4.5 hectares of greenfield land from being developed (i.e. agricultural land on the edge of the City); and for every dollar invested in a brownfield redevelopment, it is estimated that \$3.80 is invested in the economy.

## **Site Background**

The subject site is located on the southeast corner of the intersection of Lauzon Road and McHugh Street (see Appendix 'A' – Location Map). The site consists of one vacant industrial property that totals at approximately 2.1 hectares (5.2 acres) in size. The property is owned by 2830065 Ontario Ltd. The Phase II Environmental Site Assessment (ESA) study is proposed for the entire subject site. Previously on the property was a parking lot on the southeastern portion associated with the former 1600 Lauzon Road and a parking lot on the northwestern corner. Former 1600 Lauzon Road is immediately to the south of 1460 Lauzon Road, and was an industrial site that operated as the General Motors Canada Windsor Trim Plant, Peregrine Windsor Inc., and Lear Corporation Canada Ltd. before being closed and demolished for redevelopment as a residential subdivision. Surrounding uses consist of mixed residential, commercial, and (former) industrial properties such as plastic manufacturing, plating and stamping manufacturing, and automotive service garage.

The subject property is designated 'Industrial' on Official Plan Schedule D: Land Use. The site is zoned MD1.2 (Manufacturing District) and HMD1.2, which permits a range of light industrial with limited commercial uses on the site.

### **Discussion:**

#### **Environmental Site Assessment Grant Program**

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum of \$15,000. If two studies are required, an additional \$10,000 is available for a maximum total grant value of \$25,000.

The owner proposes to redevelop the property for residential use, which requires the filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed a Phase I Environmental Site Assessment (ESA) study to support the redevelopment of the property. The Phase I ESA study identified areas of potential environmental concern, and recommended that a Phase II ESA study be completed to assess the existing soil and groundwater conditions at the site and delineate the extent of any contamination. The Phase II ESA study is necessary to support the filing of a RSC.

Clearly identifying the type and delineating the extent of any contamination is an essential step in moving forward with redevelopment plans. Upon completion, the City would retain a copy of the final study report.

## **CIP Goals**

City staff is supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed study of the subject site also supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

## **Policy Support**

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan and the City's Environmental Master Plan.

## **Risk Analysis:**

As with all brownfield sites, there is a high degree of risk associated with the property remaining contaminated and vacant. Uncertainty related to the extent of contamination will continue to act as a barrier to redevelopment if not addressed. If the site remains contaminated and vacant it will continue to have a negative effect on the surrounding area—which includes a new residential subdivision to the immediate south of the property.

The proposed Phase II ESA study will assist in mitigating the above noted risks by providing an estimated cost to remediation and establishing next steps in the remediation process. As already indicated, should remediation and redevelopment not be pursued, the City would retain copies of the studies for future reference.

## **Climate Change Risks**

### **Climate Change Mitigation:**

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

**Climate Change Adaptation:**

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

**Financial Matters:**

The cost estimate (excluding HST) for completing the proposed initial Phase II ESA study is \$21,500 plus \$15,000-18,000 for delineation of contamination (if required) totalling at \$36,500-39,500. If approved, the maximum grant would total \$19,750. Should the actual costs of the study be less than what has been estimated, the grant payments would be based on the lower amount.

The grant would be paid from the Brownfield Strategy/Remediation Account (Project #7069003) in the maximum amount of \$19,750. The funds will be transferred from Fund 226 which has a current uncommitted balance of \$1,198,602.76 to Project 7069003 when the work is complete to the satisfaction of the City Planner.

**Consultations:**

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

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

**Conclusion:**

City Staff recommend Council approve the request from NuFusion & Associates on behalf of 2830065 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

**Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager 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 & Innovation
Tony Ardovini	Commissioner, Corporate Services Chief Financial Officer / City Treasurer (A)
Onorio Colucci	Acting Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Anthony Pipolo		ap.nufusion@gmail.com
2830065 Ontario Ltd.		altanota@live.com
Cindy McKee		cindy.mckee@woodplc.com

**Appendices:**

- 1 Appendix A - Location Map



# LOCATION MAP : 1460 LAUZON ROAD



**SUBJECT PROPERTY**

DEVELOPMENT & HERITAGE STANDING COMMITTEE | SEPTEMBER 12, 2022





**Item No. 12.1**



**Committee Matters: SCM 208/2022**

**Subject: Minutes of the Property Standards Committee of its meeting held June 14, 2022**

## **Property Standards Committee**

Meeting held June 14, 2022

A meeting of the Property Standards Committee is held this day commencing at 4:00 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Rino Bortolin, Chair  
Councillor Ed Sleiman  
Darrel Laurendeau

### ***Regrets received from:***

Councillor Chris Holt  
Matthew Wachna

### ***Delegations in attendance:***

Louis Vaupotic and Helen Tascona, regarding Item 5.1

### ***Also present are the following resource personnel:***

Brandon Calleja, Supervisor of Inspections, Building  
Jay McGuire, Building By-law Enforcement Officer  
Karen Kadour, Committee Coordinator

## **1. Call to Order**

The Chair calls the meeting to order at 4:00 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

## **2. Disclosure of Interest**

None disclosed.

### 3. Adoption of the Minutes

Moved by D. Laurendeau, seconded by Councillor Sleiman,  
That the minutes of the Property Standards Committee of its meeting held  
February 10, 2022 **BE ADOPTED** as presented.  
Carried.

### 4. Request for Deferral, Referral or Withdrawal

None.

### 5. Appeal – 575 Riverside Drive East

- 5.1 Louis Vaupotic and Helen Tascona, sole Estate Trustee appear before the Property Standards Committee via Zoom video conference regarding property at 575 Riverside Drive East.

Officer Jay McGuire provides the following Presentation entitled “575 Riverside Drive East – OTR 22-120998”, **attached** as Appendix ‘A’:

#### ***Summary of events – April 20, 2022 – Site Inspection***

- Attended property to complete follow-up inspection in continued effort to gain compliance. Observed the multi-unit residential building continues to present as vacant and derelict/neglected for a period of more than 120 days.
- The following property standard defects were observed:
- Defective concrete block/missing mortar at foundation walls of main building and exterior walls of accessory structure.
- Defective/missing siding at main building and accessory structure.
- Several windows and exterior doors beyond life span and in need of repair/replacement.
- Defective overhead door to accessory structure.
- Missing handrail at front and rear doors.
- Missing rear exterior stairs; rear 2<sup>nd</sup> floor deck/balcony/canopy poorly repaired containing defective/deteriorated materials. Permit with engineer’s report/scope of work required for required repairs/replacement.
- Defective asphalt roof, soffits and fascia.
- Missing/defective deteriorated eaves troughs and down spouts throughout.
- ***No Action Taken – The foregoing defects are not in compliance.***

The Chair states that the crux of the discussion relates to who has ownership of the property and who is responsible . He asks L. Vaupotic and H. Tascona if they contest the Order to Repair.

H. Tascona responds that she does not contest on behalf of the estate.

L. Vaupotic responds that plans were submitted to the city in 2021 and advises that he did not receive a call back. He adds that he does agree that the deficiencies outlined by B. Calleja do exist but added that he was told this matter was going to court.

In response to a question by the Chair to Administration regarding who has ownership of the property and the basis of appeal from H. Tascona, B. Calleja responds that the Order was originally sent to Smaragda Vaupotic in 2018 who has since passed. He adds that the current owner is the Estate of Smaragda Vaupotic c/o Helen Tascona. A permit was applied for in 2018 and a permit was obtained to repair the existing dwelling. As there was no meaningful progress on the permit, it was revoked in February 2020. Since then, the property has changed hands and an new Order was issued on April 20, 2022.

H. Tascona states that she allowed the appeal to go forward as they were in the process of negotiating a settlement agreement which was signed on this day. The settlement is contingent on the Committee of Adjustment's providing a severance for two properties.

The Chair advises that the severance of the properties is outside of the scope of this Committee. He notes that it has been four years since Smaragda Vaupotic passed, and nothing has been done to address these issues. This house has been allowed to fall into a state of disrepair where it will require a demolition permit or a huge effort to bring it back.

H. Tascona responds that area is a demolition free zone so Council would have to approve a permit to demolish.

The Chair asks what is the rationale that allowed this property to get into this state.

H. Tascona responds that she attempted to sell the home in March, but there was no settlement at that time. L. Vaupotic did not want the sale to proceed, however H. Tascona put in a motion to sell it again and the Judge gave her the authority to do so and L. Vaupotic's lawyer put in an appeal which was dismissed. She requests that L. Vaupotic be given six to eight months to do the repairs.

D. Laurendeau indicates that he is most concerned with the remnants of the metal rail that are left on the stairs, and any potential for broken glass, broken windows. It is imperative that the Estate provides a remedy to these issues. He asks Administration to provide their immediate safety concerns in this matter.

J. McGuire responds that the remnant of the former handrail needs to be resolved.

The Chair wants to ensure that the nub on the front steps is dealt with immediately, and if not, then the Order would stand and continue to the next step.

The Chair asks if the sale of the property goes through and the Order is quashed, it would then be reaffirmed with L. Vaupotic as the new owner.

B. Calleja responds that the Order would have to be quashed and H. Tascona would have to provide confirmation that the Estate has agreed upon the sale to J. McGuire.

The Chair asks H. Tascona to provide a date when the sale will actually occur.

H. Tascona responds that the decision from the Committee of Adjustment will be received on July 21, 2022. The actual sale or transfer of the property as part of the settlement will occur on August 15, 2022.

B. Calleja advises if the sale does not occur, the Committee will be agreeing on a date where Administration will continue their enforcement potentially as the Order stands.

Moved by Councillor Sleiman, seconded by D. Laurendeau,  
That the the safety risks and hazards at 575 Riverside Drive East including the metal on the hand railing on the front steps (Defect 1.10) and the broken and missing windows on the front door (Defect 3.4) **BE CONFIRMED** before July 1, 2022 and for Administration to **STAND DOWN** until the sale of the property is confirmed to August 20, 2022.

Carried.

## 6. Adjournment

There being no further business, the meeting is adjourned at 5:04 o'clock p.m.

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CHAIR

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COMMITTEE COORDINATOR



# 575 RIVERSIDE DR E – OTR 22-120998

Building By-law Officer: Jay McGuire

Inspection Completed: April 20, 2022

OTR Issued: April 20, 2022

Follow Up Inspection: June 13, 2022

Property Standards Committee Meeting: June 14, 2022

## SUMMARY OF EVENTS

April 20, 2022 – Site inspection at 9:15 AM.

Attended property to complete follow up inspection in continued effort to gain compliance at historically problematic property. Observed the multi-unit residential building continues to present as vacant and derelict / neglected for a period of more than 120 days.

I observed the following property standard defects pursuant to By-Law 9-2019:

Sections 1.6 & 1.7

1. Defective concrete block / missing mortar at foundations walls of main building and exterior walls of accessory structure.
2. Defective / missing siding at main building and accessory structure

Sections 1.8 & 3.4

1. Several windows and exterior doors beyond life span and in need of repair / replacement.
2. Defective overhead door to accessory structure.

Sections 1.9, 1.10, 1.11, 1.12

1. Missing handrail at front and rear doors
2. Missing rear exterior stairs; rear 2nd floor deck / balcony / canopy poorly repaired containing defective / deteriorated materials. Permit with engineer's report / scope of work required for required repairs / replacement.

Section 1.14

1. Defective asphalt roof, soffits and fascia.

Sections 1.15 & 1.32

1. Missing / defective / deteriorated eaves troughs and down spouts throughout.

Order to Repair issued and sent registered mail same day as inspection with compliance date of **May 20, 2022**.



1. Rear accessory structure.



2. Rear accessory structure.





3. Front of building (North elevation).



4. Rear of building (South elevation).



5. Side of building (East elevation).



6. Side of building (West elevation).



7. Roof line close up at side of building (West elevation).



8. Side of building (West elevation).



9. Foundation wall close up at side of building (West elevation).

## CURRENT COMPLIANCE STATUS

Follow up inspection complete June 13, 2022. Status of defects:

### Sections 1.6 & 1.7

1. Defective concrete block / missing mortar at foundations walls of main building and exterior walls of accessory structure. **NO ACTION TAKEN – NOT IN COMPLIANCE.**
2. Defective missing siding at main building and accessory structure. **NO ACTION TAKEN – NOT IN COMPLIANCE.**

### Sections 1.8 & 3.4

1. Several windows and exterior doors beyond life span and in need of repair / replacement. **NO ACTION TAKEN – NOT IN COMPLIANCE.**
2. Defective overhead door to accessory structure. **NO ACTION TAKEN – NOT IN COMPLIANCE.**

### Sections 1.9, 1.10, 1.11, 1.12

1. Missing handrail at front and rear doors. **NO ACTION TAKEN – NOT IN COMPLIANCE.**
2. Missing rear exterior stairs; rear 2nd floor deck / balcony / canopy poorly repaired containing defective / deteriorated materials. Permit with engineer's report / scope of work required for required repairs / replacement. **NO ACTION TAKEN; NO RECORD OF PERMIT APPLICATION IN CLOUDPERMIT OR AMANDA – NOT IN COMPLIANCE.**

### Section 1.14

1. Defective asphalt roof, soffits and fascia. **NO ACTION TAKEN – NOT IN COMPLIANCE.**

### Sections 1.15 & 1.32

1. Missing / defective / deteriorated eaves troughs and down spouts throughout. **NO ACTION TAKEN – NOT IN COMPLIANCE.**

**Item No. 12.2**



**Committee Matters: SCM 245/2022**

**Subject: Minutes of the meeting of the International Relations Committee held  
June 23, 2022**

## **International Relations Committee**

Meeting held June 23, 2022

A meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Fred Francis, Chair  
Councillor Gary Kaschak  
Councillor Ed Sleiman  
Daniel Ableser  
Jerry Barycki  
Scott Despins  
William Ma

### ***Regrets received from:***

Councillor Fabio Costante  
L.T. Zhao

### ***Guests in attendance:***

Dr. Fazle Baki, Dr. Fouzia Baki, and Rabiul Biplob regarding *Item 4.0*

### ***Also present are the following resource personnel:***

Sandra Gebauer, Council Assistant  
Karen Kadour, Committee Coordinator

## **1. Call to Order**

The Chair calls the meeting to order at 3:30 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

## **2. Declaration of Conflict**

None disclosed.



### 3. Minutes

Moved by Councillor Sleiman, seconded by S. Despins,  
That the minutes of the International Relations Committee of its meeting held  
March 31, 2022 **BE ADOPTED** as presented.  
Carried.

### 4. Presentation – Bangladesh-Canada Association Windsor-Essex – International Mother Language Plaza

Dr. Fazle Baki and Rabiul Biplob provide a Presentation entitled “International  
Mother Language Plaza (Martyr’s Monument)”, **attached** as Appendix A as follows:

- International Mother Language Day is a worldwide annual observance held on February 21 of each year to promote an awareness of linguistic, cultural diversity and multilingualism.
- On this day, millions of people pay homage to the language martyrs who sacrificed their lives in the fight to retain their mother language.
- UNESCO honoured this date to acknowledge to the world that we will never forget this date to acknowledge to the world that we will never forget the sacrifices made for language rights.
- The Bangladesh-Canada Association Windsor-Essex’s vision was to have the martyrs’ monument standing in the heart of the Windsor city to show solidarity and compassion towards Windsorites.
- City Council at its meeting held May 4, 2020 approved the “Martyrs’ Monument” subject to the acquisition of full funding for the monument.
- An estimate from an engineer quoted approximately \$100,000 and recently a quote was received from a builder in the amount of \$98,300 plus HST.
- If they are able to raise these funds, they are targeting 2023 for the construction.
- At this time, they have raised \$30,000 in cash donations and \$48,000 in pledges.
- The total budget required for the project is \$130,000.
- Advises that the International Mother Language Project will be erected in Jackson Park.

In response to a question asked by J. Barycki regarding the number of Bangladesh people who reside in the city, Dr. Baki responds there are between one thousand and two thousand residents living in Windsor and Essex County.

The Chair thanks Dr. Baki and Rabiul Biplob for their presentation.

Councillor Kaschak asks Administration to provide information relating to the City’s contribution for the Bangladesh Peace Clock at Ouellette and Wyandotte.

The Chair asks regarding the Peace Clock, if the city provided donations, matching funds or were there private donations from their community

D. Ablesser asks if there is any history of the International Relations Committee providing grants for community based projects.

J. Barycki responds that he does not recall that grants for community based projects were provided in the past. He asks what is the policy going forward for community requests.

S. Gebauer responds that in speaking with James Chacko, Executive Director Parks and Facilities that the city did not contribute any funds towards the Bangladesh Peace Clock. The City did provide repairs to the boulevard where the clock is located currently and approximately four years ago, did contribute funds to add language on the north facing side of the clock.

In response to a question asked by the Chair regarding if this matter is outside the mandate of the Committee, S. Gebauer responds that Bangladesh is not a twin city, but is an international country.

Moved by Councillor Kaschak, seconded by Councillor Sleiman,  
That the request of the Bangladesh-Canada Windsor-Essex for funding for the International Mother Language Plaza (Martyr's Monument) **BE DEFERRED** to allow for Administration to provide best practices and additional information for the next meeting of the IRC.

Carried.

## 5.2 Invitation for a Delegation from the City of Windsor to visit Fujisawa, Japan – 35<sup>th</sup> Anniversary as a Twin City

The Chair states that there is a request for a delegation of five persons from Fujisawa, Japan to visit the City of Windsor from October 29, 2022 to November 2, 2022 for three nights.

Moved by J. Barycki, seconded by W. Ma,  
That the Mayor's Office **BE REQUESTED** to send a letter of invitation for five delegations from Fujisawa, Japan to visit the City of Windsor from October 29, 2022 to November 2, 2022 for three nights.

Carried.

The Chair advises that an invitation for a delegation to visit Fujisawa, Japan before February 2023 has been extended to the City of Windsor. He suggests that the newly appointed IRC Committee review this request.

Moved by Councillor Sleiman, seconded by Councillor Kaschak,  
That the invitation from Fujisawa, Japan for a delegation of five from the City of Windsor to visit Fujisawa by the end of February 2023 **BE DEFERRED** until after the Municipal Election.  
Carried.

### 5.3 Fujisawa Misono High School Girls Exchange Group

S. Gebauer states that the Misono High School girls will be visiting the City of Windsor for two weeks (from the end of July to August 2, 2022). She adds that the itinerary shows that they will visit Windsor City Hall on July 26, 2022 which will be confirmed by the local organizers. She notes that in the past, passes for Adventure Bay were provided to the students.

The Chair notes that once further information is received, an E-Mail Poll will be sent to the IRC members for approval of expenditures.

### 5.4 Children's Art Exhibition

S. Gebauer indicates that requests for the Children's Art Exhibition have been received from Gunsan, Korea, Changchun, China and Fujisawa, Japan and are asking if the exhibition will be held in 2022 (virtual or in-person).

The Chair suggests holding the Children's Art Exhibition in person, whereby the countries mail their art submissions to the City of Windsor for display.

Moved by D. Ableser, seconded by S. Despins,  
That the Children's Art Exhibition for 2022 **BE HELD** in person at Windsor City Hall, to coincide with the Fujisawa delegation visit in October 2022.  
Carried.

## 6. Communications

Moved by Councillor Sleiman, seconded by W. Ma,  
That the following communications **BE RECEIVED**:

- 6.1 Mannheim Summer Camp for young gardeners and other young people from our Twin Cities
- 6.2 International Work camp Mannheim Garden of Twin Cities
- 6.3 City of Mannheim invitation to participate in a twin city film project. Letter to Mayor Dilkens regarding the making of a short film in which the heads of our twin towns and Mayor Dr. Kurz have their say.
- 6.4 Polish Heritage Month – May 1, 2022 to May 28, 2022

- 6.5 International Relations Committee sending \$5K to Polish twin city- Windsor Star article.
- 6.6 Letter from the Tigray Community of Windsor and Essex County to the Mayor and Members of Council.

Carried.

**7. New Business**

None.

**8. Date of Next Meeting**

The next meeting will be held in September 2022.

**9. Adjournment**

There being no further business, the meeting is adjourned at 4:09 o'clock p.m.

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CHAIR

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COMMITTEE COORDINATOR



**Project:**  
**International  
Mother  
Language  
Plaza  
(Martyr's  
Monument)**



# Bangladesh-Canada Association Windsor-Essex



**International Mother Language Day** is a worldwide annual observance held on **February 21** of each year to promote an awareness of linguistic, cultural diversity and multilingualism.

On this day, millions of people pay homage to the language martyrs who sacrificed their lives in the fight to retain their mother language. **UNESCO** honoured this date to acknowledge to the world that we will never forget the sacrifices made for language rights. International Mother Language Day was first announced by UNESCO on **November 17, 1999**. Since then, it is being celebrated every year, throughout the world.



**Let the DREAM .....**

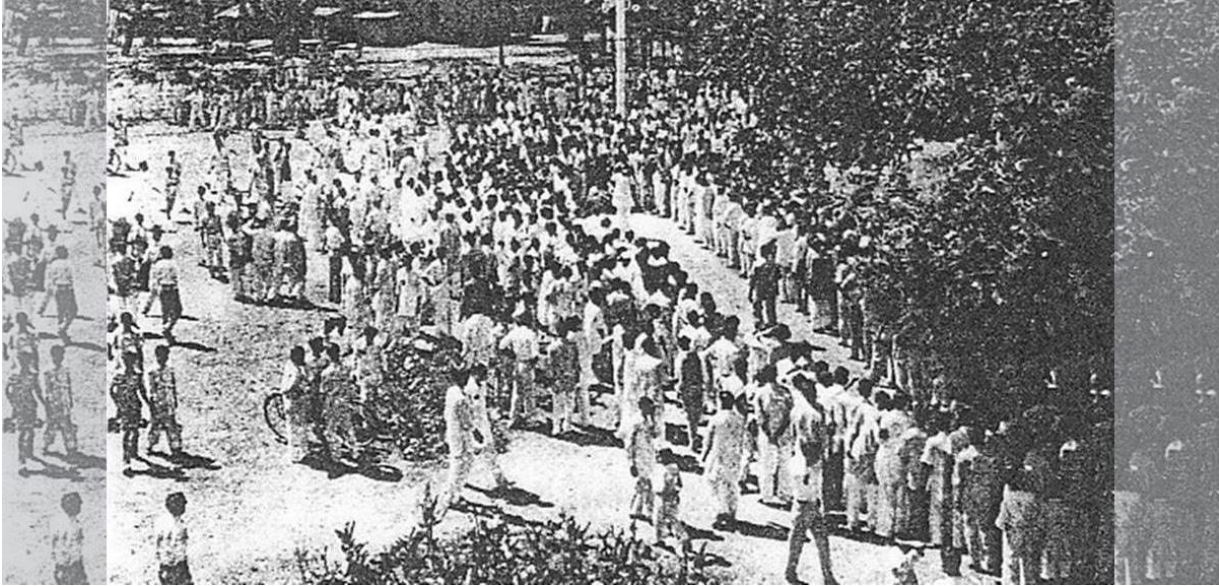
**.....come true**

BCAWE's long time vision was to have the martyrs' monument standing in the heart of the Windsor city to show solidarity and compassion towards windsorites. We are glad that the structural design of the martyrs' monument has already been done. The location will be negotiated with the City of Windsor. Now we are raising fund to make the dream come true. We are now just one step behind to make this project real.

In recognition of the glorious history of the language movement held in Bangladesh the “**City of Windsor**”

**APPROVED** us to erect a martyrs' monument. Decision no: CR193/2020

February 21, 1952





# Celebration in Bangladesh



USA



UK



New Zealand



China









# Raising Bangladesh Flag on Victory Day and International Mother Language Day











## Charity @ BCAWE

\$1,000 for Mosque

\$500 for Downtown Mission

\$500 for Unemployment Help Centre and

12 boxes of food in December 2020

\$475 for Downtown Mission

3 boxes of food and

21 bags of clothes in December 2021

\$2,500 for cultural artists from ACHF grants in 2020 & 2021

\$1,065 for Mosque from community Iftar in April 2022

\$19,700 for Shahid Minar from donors till May 31, 2022

\$4,700 for Shahid Minar from Boishakhi in May, 2022

Discounted tickets for students, seniors and people in distress

Free Bangla language class for elementary school children



# Bangladesh-Canada Association, Windsor-Essex



## OFFICE OF THE CITY CLERK COUNCIL SERVICES

CITY HALL  
WINDSOR, ONTARIO  
N9A 6S1

Phone: (519)255-6211

Fax: (519)255-6868

E-mail: [clerks@citywindsor.ca](mailto:clerks@citywindsor.ca)

WEBSITE: [www.citywindsor.ca](http://www.citywindsor.ca)

City Council  
Decision  
Monday, May 4, 2020

Moved by: Councillor Sleiman  
Seconded by: Councillor Kaschak

Decision Number: CR193/2020 CSPA 108

That Report No. 22 of the Community Public Art Advisory Committee indicating:  
That the request by the Bangladesh Canada Association of Windsor-Essex to erect a "Martyrs Monument" whose significance carries the glorious history of the language movement held in Bangladesh in 1952 where people sacrificed their lives to keep their mother tongue BE APPROVED subject to the acquisition of full funding for the monument by the applicant and further, that Administration will work with the applicant to locate a suitable location for the monument  
**BE APPROVED.**

Carried.

Report Number: SCM 89/2020 & SCM 25/2020  
Clerk's File: MB2020 8.16

*Steve Vlachodimos*  
Deputy City Clerk/Senior Manager of Council Services  
May 26, 2020



# Bangladesh-Canada Association, Windsor-Essex

## BANGLADESH-CANADA ASSOCIATION, WINDSOR-ESSEX INTERNATIONAL MOTHER LANGUAGE PLAZA FUND



# Benefits of the International Mother Language Plaza Project

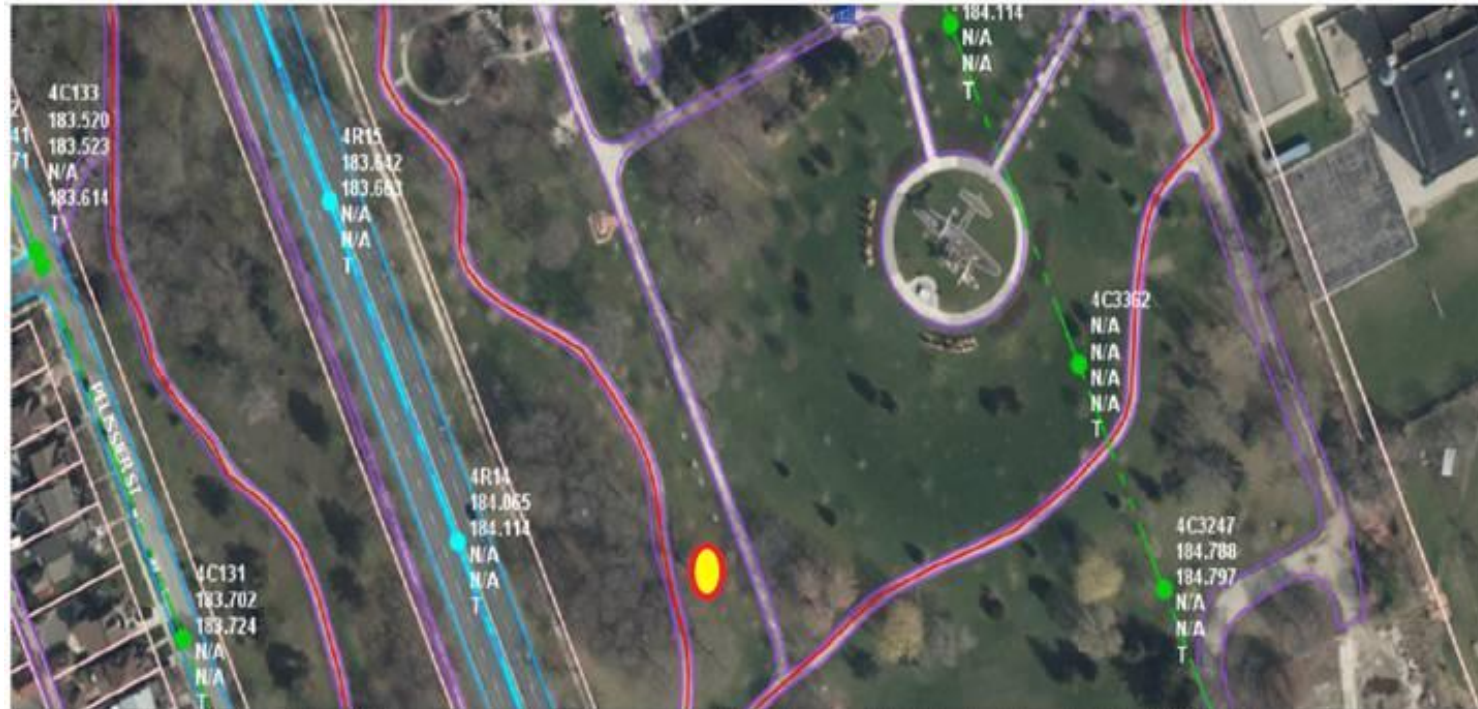
Build	Build space where professional artists can present language and culture of diverse nations on the International Mother Language Day, February 21 in a befitting manner
Create	Create a diverse environment where people meet, show respect for the language martyrs, reflect on sacrifices of the martyrs, and celebrate diversity in a befitting manner
Participate	Participate in the worldwide movement on diversity and show solidarity with the people whose mother tongues and cultures have been attacked and destroyed
Preserve	Preserve the history of the language movement
Give	Give all people of Windsor, including the international students of Bangladeshi descent an opportunity to pay their humble respects to the language martyrs.
Improve	Improve park infrastructure to attract people and tourists

## Budget Details

Item Description	Estimated cost
Earthwork (including equipment and Labour)	12,000.00
Concrete Works, (including formworks, rebar, fabrication, materials, labour, pouring, 12 mm grouting and finishing at site)	18,000.00
Steel Works (including materials, labour, fabrication, welding, epoxy coating, installation at site etc.)	15,000.00
Electrical Works	12,000.00
Labour, operator & Equipment rental 40%	20,000.00
HST	10,000.00
Developer Profit Margin	13,000.00
<b>Total Estimated cost</b>	<b>100,000.00</b>

# Projected Location 55ft Wide x 45ft Depth

## Jackson Park





# Project Milestones

## City of Windsor project Approved Q2 2020



**Q3-Q4  
2020**

Fund commitment- Pledge  
in process  
Building plan preparation



**Q1-Q3  
2021**

Structural design  
Cost estimation



**Q4  
2021**

*Fund commitment pledge  
finalized*  
*Expected Project Location  
confirmation from City*



**Q1-Q3  
2022**

City Approval for building  
permit  
Fund realization  
Negotiate with Builder



**Q3-Q4  
2022**

Construction start  
Finishing touches before  
final opening



**Q1  
2023**

*Final  
Launch*





HOUSE OF COMMONS  
CHAMBRE DES COMMUNES  
CANADA

*Trek Kusmierczyk*

Member of Parliament  
Windsor—Tecumseh

**This project honors diversity and demonstrates a commitment to be inclusive by inviting all communities including our Indigenous communities, to share in it.**



**THE CITY OF WINDSOR**

OFFICE OF THE MAYOR

DREW DILKENS, DBA  
MAYOR

**This application is a perfect example of a project that unites art, expression, culture, and history under the umbrella of a remarkable Windsor based organization.**

**Under the mantra, "All language should survive", the BCAWE organizes an International Mother Language Day event to promote awareness of linguistic and cultural diversity and multilingualism.**



**Office of the Dean**

401 Sunset Ave.  
Windsor, Ontario  
Canada N9B 3P4  
T 519-253-3000



**BCAWE organized IMLF in 2019, 2020, and 2022.**

**The Odette School of Business has sponsored the festival every year.**

**Odette students from many different countries and cultures have attended these events, including several who have also actively participated in the cultural presentations.**

**In 2022, our students carried flags of 16 countries representing the backgrounds of the festival attendees.**



University  
of Windsor

**Aboriginal  
Education Centre**



**South Asian Centre of Windsor**

4045- B Seminole St. Windsor, ON N8Y 4W4

Tel: (519) 252-7447 [www.southasiancentre.ca](http://www.southasiancentre.ca)

Registered Charity Organization Serving the South Asian Canadian Community in Windsor Essex

CRA Bus.# 132414210RR0001

Letters of  
Support



**Chinese Association of Greater Windsor**

**大温莎中国人协会** ([www.cagw.ca](http://www.cagw.ca))

2395 Virginia Park Ave, Windsor, Ontario, Canada, N9E 4Z4. Phone: (519) 817-8168, Email: [board@cagw.ca](mailto:board@cagw.ca)

**INDIA CANADA ASSOCIATION OF  
WINDSOR & ESSEX COUNTY**

PO Box 31059(Roseland), 3850 Dougal Ave. Windsor, ON N9G 2Y2

Email: [icawindsorpresident@gmail.com](mailto:icawindsorpresident@gmail.com)



- Thanks Councillor Fabio Costante for \$1,000 from his Ward 2 Fund



## International Mother Language Plaza

**\$30,000 Cash**

**\$48,000 Pledge**

**Raised as of June 14, 2022**



**An Inclusive Project  
of BCAWE**



## International Mother Language Plaza

### Proposed Budget As of June, 2022

Estimated Cost	\$100,000
Fees and taxes	\$ 30,000
<b>Total</b>	<b>\$130,000</b>

<b>Fund-Raising Target</b>	
Community Sources	\$50,000
Non-Government Grants	\$30,000
City, Provincial and Federal Grants	\$50,000
<b>Total</b>	<b>\$130,000</b>



**An Inclusive Project  
of BCAWE**

## Contribution

To make the dream come true, we need at least 100K CAD. To build the martyrs' monument, your moral and financial support will make a difference.

Please make your DONATION.

## Banking Information

Make your contribution payable to the account: Bangladesh-Canada Association, Windsor-Essex.  
Bank of Montreal (BMO), Windsor.

e-Transfer: [bcawelm@gmail.com](mailto:bcawelm@gmail.com)

## WindsorEssex Community Foundation

Tax receipts will be available for donations at [wecf.ca](http://wecf.ca)  
Choose Bangladesh-Canada Association, Windsor-Essex  
International Mother Language Plaza Fund





