

Development & Heritage Standing Committee Meeting

Date: Monday, October 3, 2022

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

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

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

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 September 12, 2022 (**SCM 266/2022**)

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

7. **PLANNING ACT MATTERS**

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

7.2. Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation -Z 017-22 [ZNG6760] 0 Riverside Dr W, S/W corner of Riverside Dr W & Janette Ave- Ward 3 (**S 114/2022**)

7.3. Zoning By-law Amendment Application for property known as 1247 -1271 Riverside Dr. E., at the S/W corner of Hall and Riverside Dr. E; Applicant: St. Clair Rhodes Development Corporation; File No. Z-044/21, ZNG/6633; Ward 4. (**S 116/2022**)

8. **ADOPTION OF THE MINUTES**

- 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held June 6, 2022 (**SCM 159/2022**)
- 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 4, 2022 (**SCM 186/2022**)
- 8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 2, 2022 (**SCM 226/2022**)
- 8.4. Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 12, 2022 (**SCM 265/2022**)

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

10. **HERITAGE ACT MATTERS**

- 10.1. 719 Victoria Ave, Treble-Large House - Heritage Permit & Community Heritage Fund Request (Ward 3) (**S 112/2022**)

11. **ADMINISTRATIVE ITEMS**

- 11.1. Closure of remainder of Pall Mall Street right-of-way, east of Virginia Park Avenue, Ward 10 (**S 107/2022**)
- 11.2. Amendment to CR178/2022 for closure of east/west alley segments between Rankin Avenue and Glenwood Avenue, together with south part of north/south alley between Roxborough Boulevard and Glenwood Avenue, all north of E.C. Row Expressway, Ward 10 (**S 108/2022**)
- 11.3. Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10 (**S 111/2022**)
- 11.4. Proposed redevelopment of the former Concord School Site at 6700 Raymond Ave. - City Wide (**S 7/2022**)
- 11.5. Sandwich CIP/Demolition Control By-law Exemption Report-3135 Peter Street; Owner: 1147011 Ontario LTD (C/O: Mamun Chowdury) (**S 109/2022**)
- 11.6. Brownfield Community Improvement Plan (CIP) application submitted by Haerko Inc. on behalf of the Hiatus House of Windsor for 0 Louis Avenue (Ward 4) (**S 113/2022**)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**

Item No. 5.1



Committee Matters: SCM 266/2022

Subject: Development & Heritage Standing Committee Minutes (Planning Act Matters) from the meeting held September 12, 2022

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

**Date: September 12, 2022
Time: 4:30 pm**

MEMBERS PRESENT:

Councillors:

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

Members:

Member Gyemi
Member Rondot

Members Absent:

Member Moore

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

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Pablo Golob, Planner II – Development Review
Samuel Switzer, Planning Assistant
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
Michael Cooke, Manager of Planning Policy / Deputy City Planner
Neil Robertson, Manager of Urban Design / Deputy City Planner
Patrick Winters, Development Engineer

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Shannon Deehan, Transportation Planner I
Brian Nagata, Planner II – Development Review
Simona Simion, Planner II – Research & Policy Support
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 4:33 pm.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Gyemi discloses an interest and abstains from voting on Item 7.2 being the report of the Office of Economic Development & Innovation dated August 23, 2022 entitled “Zoning By-Law Amendment – Matt Zhao - 521,523, & 525 Sandison Street - Z 009/22 [ZNG-6673] - Ward 9,” as his firm is retained as the architectural consultant by the applicant on other properties.

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 August 2, 2022.

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held August 2, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 244/2022

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

Delegations—participating via video conference

- Item 7.1 Bassim Al Hamidawy
- Item 7.2 Tracey Pillon-Abbs, representing Matt Zhao
- Item 7.2 Randy Gould, Area Resident
- Item 7.3 Garrett MacGillivray, Applicant

Delegations—participating in Council Chambers

- Item 7.2 Randy Gould – area resident
- Item 7.2 Vicky Coleman – area resident
- Item 7.2 Curtis Coleman – area resident

7. PLANNING ACT MATTERS

7.1 Z-025/22 [ZNG/6795] – 2775385 Ontario Inc 953 & 955 Tecumseh Rd W – Rezoning Ward 10

Adam Szymczak (author) – Planner III – Zoning
Presented by Samuel Switzer – Planning Assistant

Mr Switzer gives a brief presentation of the application.

Mr Bassim Al Hamidawy is available for questions.

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: **DHSC 420**

RECOMMENDATIONS

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]

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Motion CARRIED UNANIMOUSLY.

Report Number: S 96/2022
Clerk's File: Z/14279

7.2 Z-009/22 [ZNG/6673] – Matt Zhao 521, 523 & 525 Sandison St – Rezoning Ward 9

Pablo Golob (author) – Planner II – Research & Design

Mr Golob gives a brief presentation of the application.

Ms Tracey Pillon-Abbs – Pillon Abbs Inc (agent) is in support of the recommendation and is available for questions.

Area residents note the following concerns:

- Additional traffic of up to 30 more vehicles
- Increased difficulty getting out into traffic on Howard Ave
- Request buffer between parking lot and residences both for sound abatement and privacy
- Request consideration for an internal garbage collection as opposed to outdoor along residences
- Concern over increase in vermin (rats, skunks, etc) with an outdoor refuse area
- Concern over overloading of density of residences in the area

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 421**

RECOMMENDATIONS

- 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]

- II. THAT the side yard setback from the property line shared with the next property east **BE REDUCED** from 6 metres to 3 metres.
- III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following into an approved site plan and executed and registered site plan agreement:

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- Shifting the entire building and proposed parking lot 3 metres to the east in order to provide an additional 3 metres of separation from the parking area and the westerly properties.

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

- Enhancing the landscaping along the eastern property line to help screen and mitigate noise;
- Providing a screening fence along the perimeter of the west and south interior property lines;
- Removing the external refuse storage and storing the refuse internally.

Motion CARRIED UNANIMOUSLY.

Member Gyemi abstains

Report Number: S 104/2022

Clerk's File: Z/14345

7.3 Z-012/22 [ZNG/6732] – Garret MacGillivray & Kristen Cunningham 1069 Shepherd St E – Rezoning Ward 4

Simona Simion (author), Planner II – Research & Policy Support
Presented by Samuel Switzer – Planning Assistant

Mr Switzer gives a presentation of the application.

Mr Garret MacGillivray is available for questions.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 422**

RECOMMENDATIONS

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

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b)	Lot Area – minimum	400.0 m ²
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]

Motion CARRIED UNANIMOUSLY.

Report Number: S 99/2022
Clerk's File: Z/14433

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:35 pm.

Ward 3 – Councillor Bortolin
(Chairperson)

Michael Cooke
(Acting Secretary)

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

Reference:

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

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

To: Mayor and Members of City Council

Recommendation:

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

Executive Summary:

N/A

Background:

Application Information:

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

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

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

Agent: Lassaline Planning Consultants (Jackie Lassaline)

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

Proposal:

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

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

Submitted Material:

Attached to this report as an Appendix:

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

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

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

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

Site Information:

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

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

Neighbourhood Description and Amenities:

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

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

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

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

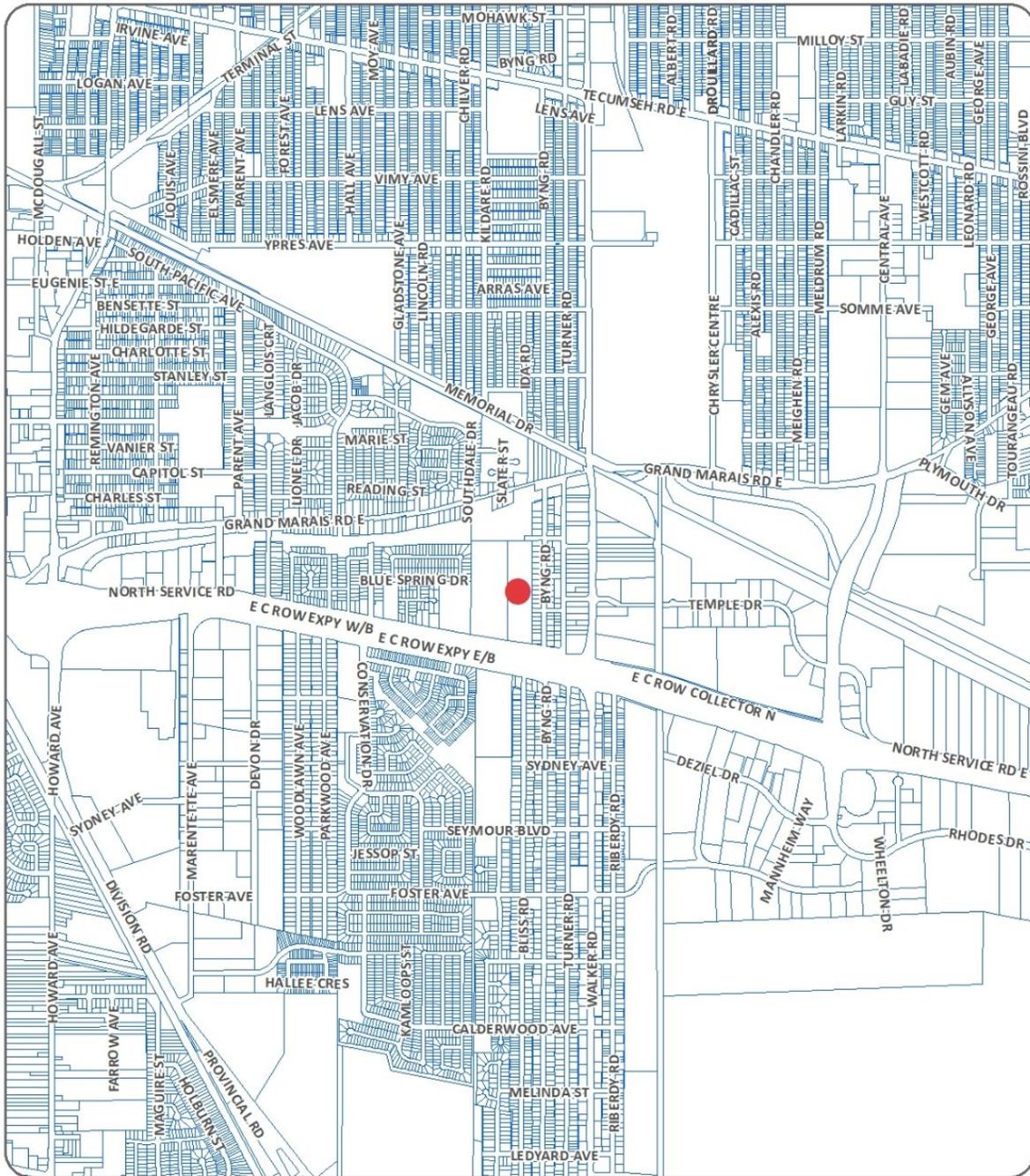
Schools and municipal parks are located within 750 m of the subject parcel. Remington Park, which has an outdoor swimming pool, splash pad, tennis and basketball courts, sports fields and other recreational facilities is just over 1.4 km to the west.

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

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

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

Figure 1: Key Map



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



● SUBJECT LANDS

Figure 3: Neighborhood Map



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



SUBJECT LANDS

Discussion:

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

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

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

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

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

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

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

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

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

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

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

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

Sanitary Sewer Study

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

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

Storm Sewer Study

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

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

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

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

Species At Risk Screening

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

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

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

Provincial Policy Statement, 2020

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed multiple dwellings are consistent with Policy 1.8.

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

City of Windsor Official Plan:

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

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

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

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

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

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

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

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

The proposed development conforms to the Goals in Section 6.1.

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

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

The proposed development conforms to the Objectives in Section 6.3.1.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed zoning change conforms to the Official Plan.

Zoning By-Law:

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

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

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

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

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

Site Plan Control:

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

Interim Control By-law 103-2020:

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

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

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

Financial Matters:

N/A

Consultations:

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

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

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

Planner's Opinion:

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

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

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

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

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

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

Conclusion:

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

Planning Act Matters:

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

Neil Robertson, MCIP, RPP
Manager of Urban Design

Thom Hunt, MCIP, RPP
City Planner

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

JP

OC

Approvals:

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

Notifications:

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

Appendices:

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



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

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1.0 INTRODUCTION

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

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

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

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

1.1 APPLICATION INFORMATION

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

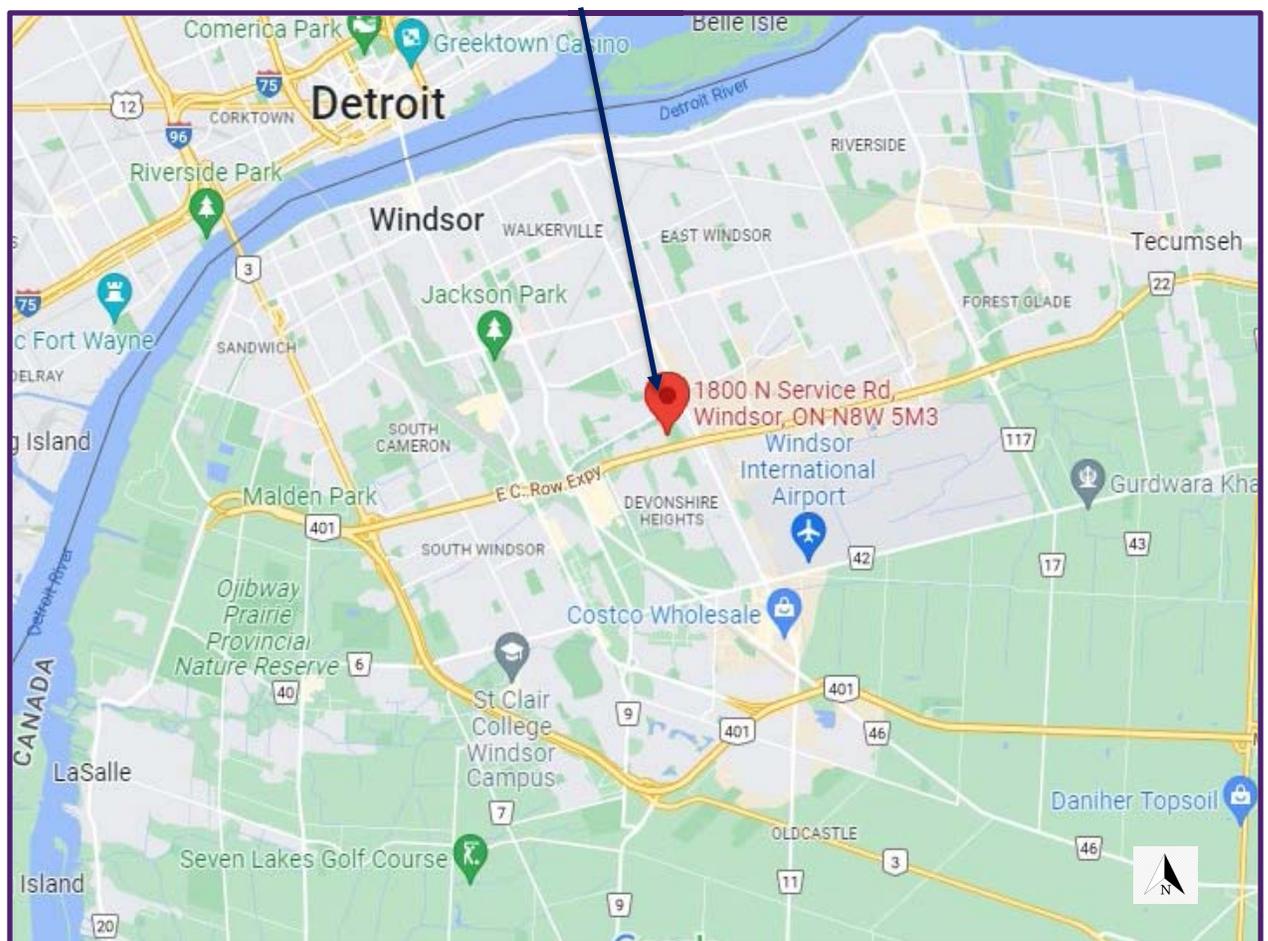
- 1) a Zoning Bylaw Amendment (ZBA) to have the subject 4.07 ha property rezoned from 'Green District (GD1.2)' to a 'Residential District 3.3 (RD3.3)' zone in the City of Windsor's Comprehensive Zoning Bylaw 8600 (CZB). The ZBA purports to provide an appropriate residential regulatory framework for the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

2.0 SITE AND SURROUNDING LAND USES

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

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

FIGURE 1 – LOCATIONAL MAP: 1850 NORTH SERVICE ROAD



2.1 LEGAL DESCRIPTION AND OWNERSHIP

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

The subject lands have a legal description of:

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

2.2 TOPOGRAPHY AND PHYSICAL FEATURES OF THE SITE

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

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

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

2.3 SIZE AND SITE DIMENSION

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

FIGURE 2 – SITE AERIAL: PROPOSED DEVELOPMENT SITE



2.4 EXISTING STRUCTURES

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

2.5 VEGETATION AND SOIL

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

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



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



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

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

2.6 MUNICIPAL SERVICES

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

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

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

2.7 NEARBY AMENITIES

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

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

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

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

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

- Devonshire Mall (7 min)

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

2.8 SURROUNDING LAND USES

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

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

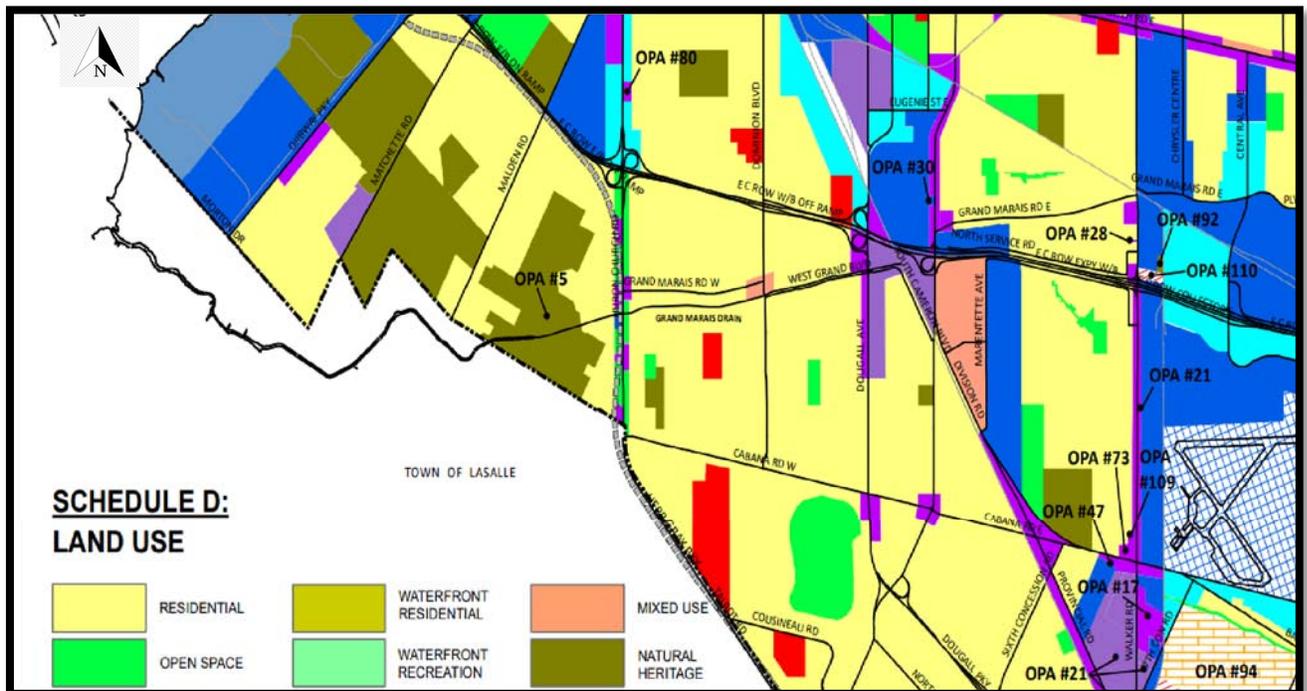
FIGURE 5 – NEIGHBOURHOOD AERIAL: 1850 NORTH SERVICE RD



3.0 DEVELOPMENT PROPOSAL

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

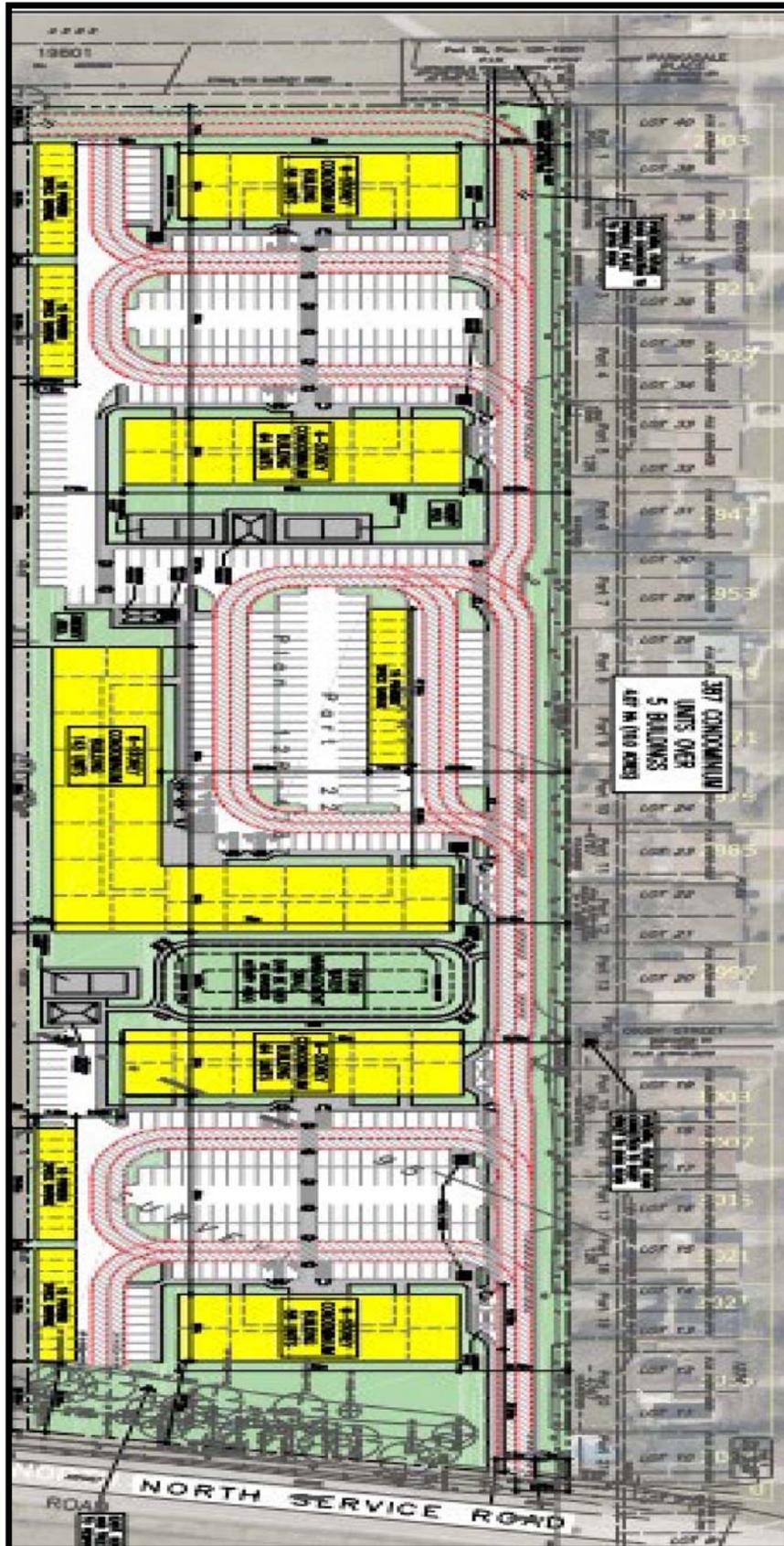
FIGURE 6 – CITY OF WINDSOR OFFICAL PLAN SCHEDULE D: LAND USE



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

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

FIGURE 7 – SITE PLAN



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

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

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

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

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

FIGURE 8 – SITE AERIAL VIEW – NORTH-EAST CORNER



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

Site Aerial View - North-East Corner

HD development group DESIGN | BUILD

FIGURE 9 – SITE AERIAL VIEW – SOUTH-EAST CORNER



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

Site Aerial View - South-East Corner

HD development group DESIGN | BUILD

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

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

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

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

3.1 PROPOSED ZONING BYLAW AMENDMENT (ZBA)

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

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

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

3.2 SANITARY SEWER STUDY

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

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

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

3.3 STORM WATER MANAGEMENT STUDY

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

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

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

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

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

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

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

3.4 SPECIES AT RISK

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

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

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

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

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

3.5 TRAFFIC STUDY

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

EXECUTIVE SUMMARY AND RECOMMENDATIONS:

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

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

Recommendations:

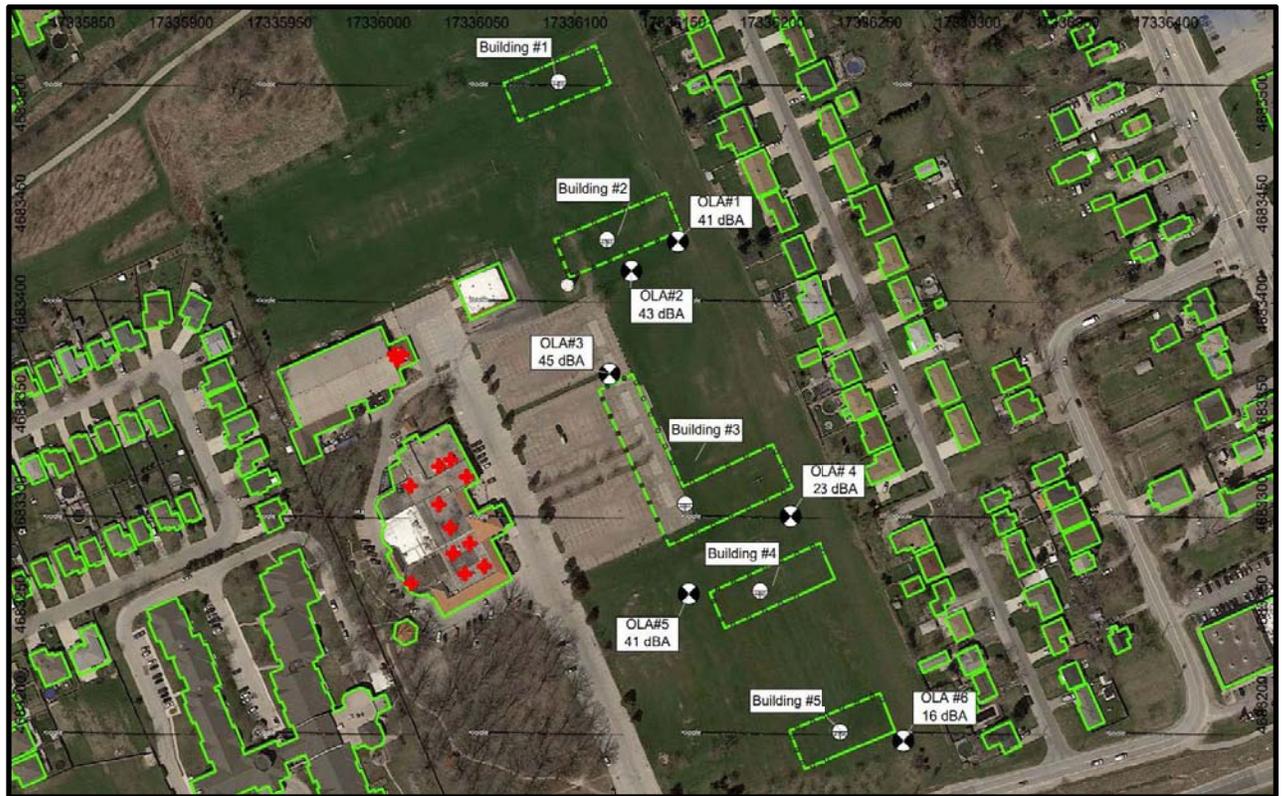
Based on the findings of this study, it is recommended that no improvements to the transportation network be required for the approval of the proposed development.

3.6 NOISE STUDY

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

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

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



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

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

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

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

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

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

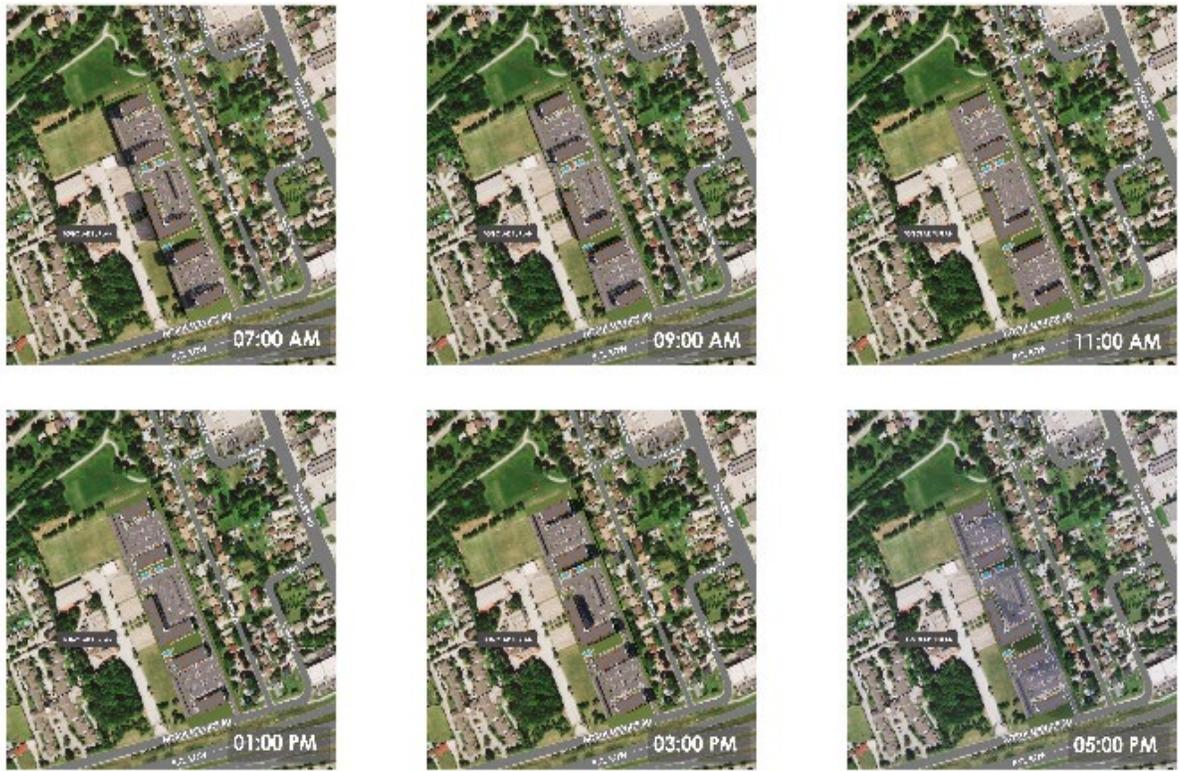
Outdoor Living Area: • Warning Clause Type A • OLA #5 is over noise limit in its current placement, JJAЕ advises to remove from Site Plan. • OLA #6 is over noise limit in its current placement, JJAЕ advises to remove from Site Plan. These have been summarized in Attachment B under Table B1.”

3.7 SHADOW STUDY

JUNE (SUMMER):

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

FIGURE 10 – SHADOW STUDY – JUNE (SUMMER):



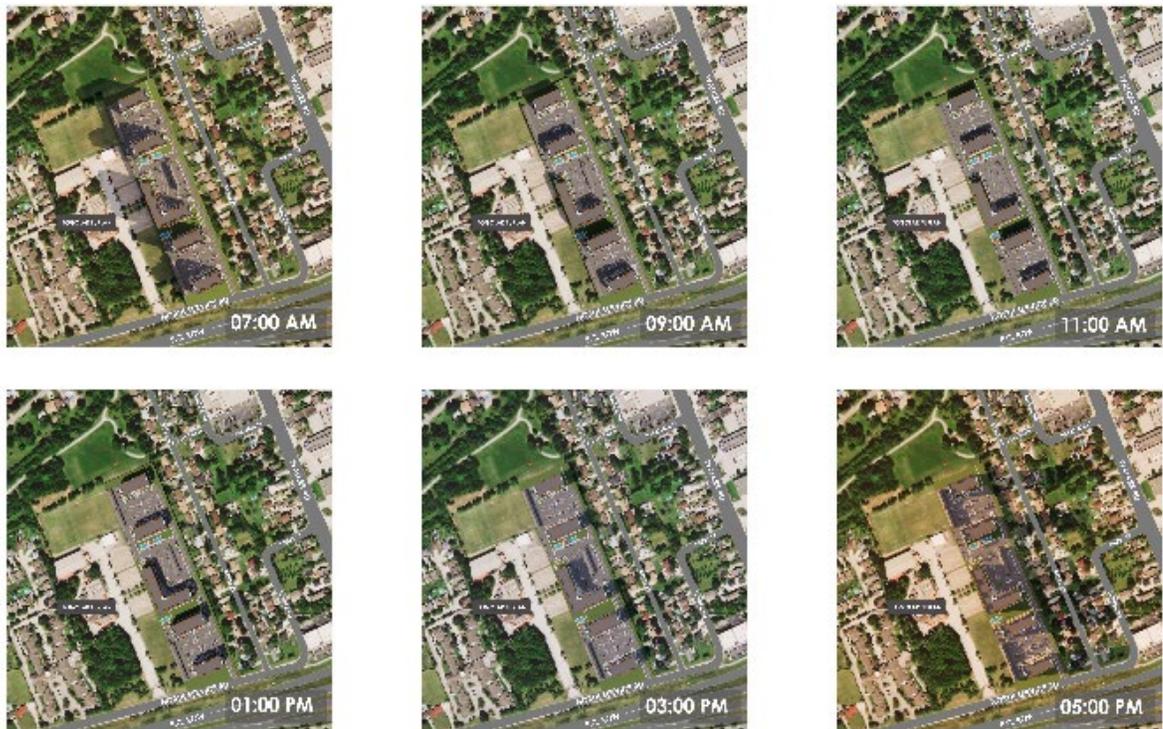
Shadow Study
June 21st - Summer



MARCH (SPRING):

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

FIGURE 11 – SHADOW STUDY – MARCH (SPRING)



Shadow Study
March 20th - Spring



3.8 BUILDING RENDERINGS

BUILDING A & E



FRONT - NORTH EAST CORNER



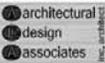
FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

 <p>1670 mercer street richtor ontario canada n6h 3p7 ph: 519.254.3420 fax: 519.254.3642 www.architecturaldesignassociates.com</p>	<p>DATE: 2022/05/25</p> <p>PROJECT: ZBA</p>	<p>PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD]</p> <p>CLIENT: HD DEVELOPMENTS</p> <p>DRAWN BY: BUILDING A & E - RENDERS</p>	<p>DATE: 2022/05/25</p> <p>PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD]</p> <p>CLIENT: HD DEVELOPMENTS</p> <p>DRAWN BY: BUILDING A & E - RENDERS</p>	<p>DATE: 2022/05/25</p> <p>PROJECT: PROPOSED RESIDENTIAL DEVELOPMENT [ADDRESS TBD]</p> <p>CLIENT: HD DEVELOPMENTS</p> <p>DRAWN BY: BUILDING A & E - RENDERS</p>	<p>SCALE: 1/8" = 1'-0"</p> <p>DATE: MAY, 2022</p> <p>PROJECT NO: 2021482</p> <p>SPC 3.2</p>
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BUILDING A & E



FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

<p>1670 mercer street windsor ontario canada n6a 3p7 ph: 519.243.4300 fax: 519.243.3962 www.architecturaldesignassociates.com</p>	<p>date: 2022/05/25</p>	<p>project name: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD)</p>	<p>sheet no: 3.4</p>
	<p>client: HO DEVELOPMENTS</p>	<p>date: MAY, 2022</p>	<p>sheet title: BUILDING B & D - RENDERS</p>

BUILDING C



FRONT - NORTH WEST CORNER



FRONT - NORTH WEST CORNER



REAR - NORTH - FRONT ENTRANCE



REAR - SOUTH EAST CORNER

<p>1670 mercer street windsor ontario canada n6a 3p7 ph: 519.243.4300 fax: 519.243.3962 www.architecturaldesignassociates.com</p>	<p>date: 2022/05/25</p>	<p>project name: PROPOSED RESIDENTIAL DEVELOPMENT (ADDRESS TBD)</p>	<p>sheet no: 3.7</p>
	<p>client: HO DEVELOPMENTS</p>	<p>date: MAY, 2022</p>	<p>sheet title: BUILDING C - RENDERS</p>

3.9 OPEN HOUSE

Please refer to APPENDIX C – OPEN HOUSE INFORMATION

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

4.0 PROVINCIAL POLICY STATEMENT (PPS)

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

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

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

COMMENT:

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

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

COMMENT:

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

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

COMMENT:

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

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

COMMENT:

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

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

COMMENT:

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

COMMENT:

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

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

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

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

COMMENT:

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

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

COMMENT:

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

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

COMMENT:

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

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

COMMENT:

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

“Section 1.1.3.3

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

COMMENT:

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

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

“Section 1.1.3.4 Settlement Areas

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

COMMENT:

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

“Section 1.1.3.6

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

COMMENT:

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

COMMENT:

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

5.0 CITY OF WINDSOR OFFICIAL PLAN

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

"2. Glossary

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

COMMENT:

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

"3.2.1.2 NEIGHBOURHOOD HOUSING VARIETY

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

COMMENT:

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

“3.2.1.4 COMMUNITY DESIGN

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

COMMENT:

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

“3.2.3.5 ENERGY EFFICIENCY

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

COMMENT:

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

“6. Land Use

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

COMMENT:

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

“6.2.1.2 TYPES OF DEVELOPMENT PROFILE

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

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

COMMENT:

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

“6.3 Residential

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

COMMENT:

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

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

“6.3.1 Objectives

6.3.1.1 RANGE OF FORMS & TENURES

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

COMMENT:

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

“6.3.1.2 NEIGHBOURHOODS

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

COMMENT:

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

“6.3.1.3 INTENSIFICATION, INFILL & REDEVELOPMENT

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

COMMENT:

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

“6.3.2.4 LOCATIONAL CRITERIA

Residential development shall be located where:

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

COMMENT:

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

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

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

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

“6.3.2.5 EVALUATION CRITERIA FOR A NEIGHBOURHOOD DEVELOPMENT PATTERN

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

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

COMMENT:

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

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

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

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

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

"8.7.2.3 INFILL DEVELOPMENT

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

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

COMMENT:

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

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

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

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

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

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

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

COMMENT:

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

6.0 CITY OF WINDSOR ZONING REGULATIONS

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

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

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

COMMENT:

After review and evaluation of the CZB for the City of Windsor, the proposed site development complies with the 'Residential District 3.3 (RD3.3)' regulations without modification to recognize site specific provisions.

It is therefore my professional opinion that a ZBA to establish the (RD3.3) zone regulatory framework for the subject lands meets the intent of the CZB for the City of Windsor.

7.0 SUMMARY

In my professional opinion, the requested Zoning Bylaw Amendment (ZBA) purports to apply 'Residential' specific regulatory framework to allow for an appropriate land use for the subject site.

The condominium buildings will provide for an alternative style and tenure of housing than the standard single detached residence within the mixed use and mixed density neighbourhood. The ZBA will facilitate the provision of a variety and diversity of housing needed within a community to support a healthy community. The residential buildings will be developed as condo ownership providing for an alternative housing style and tenure while supporting a diversification of housing styles and tenures accommodating a healthy community. The condominium as infilling housing within an older residential neighbourhood with a mix of housing styles and densities that will provide alternative housing. In addition, the condo style and tenure of housing will provide the neighbours an alternative option for them to continue within their neighbourhood and to 'age in place' as a next stage housing alternative to their single detached residence.

In my professional opinion, the residential condominiums have been designed with respect for the existing adjacent residences and with the location of the buildings on the property, the orientation of the buildings, the beautiful design, separation spacing, extensive landscaping, provision of amenities and parking on site, and the medium profile aspect of the buildings will result in a suitable and compatible development within the existing neighbourhood.

The proposed residential condo development will support the rejuvenation of the existing neighbourhood; will provide for a compatible development as an infilling development; will provide an aesthetically pleasing development; will provide for alternative style and tenure of housing to assist the existing residents to age in place; will provide for an efficient and effective infilling and utilization of municipal services; and will provide for needed alternative residential housing style and tenure supporting the diversification of housing accommodation in the City of Windsor.

In my professional opinion, the requested ZBA makes sound planning and the necessary amendment is supportable.

7.2 CONCLUSION

Given the foregoing assessment and my evaluation of the proposal in relation to the PPS 2020, the City of Windsor Official Plan and the Comprehensive Zoning By-law, in my professional opinion the proposed Zoning By-law Amendment (ZBA) is consistent with policies of the PPS, OP, and regulations found in the Zoning By-law.

In addition, it is my professional opinion that the proposed Zoning By-law Amendment (ZBA) is appropriate and desirable within this policy framework as it will facilitate development of site while also implementing the proposals included in this Planning Justification Report dated May 27, 2022.

In summation, the proposal conforms with the proposed Zoning Bylaw Amendment (ZBA) that will appropriately establish a regulatory framework under the 'Residential District 3.3 (RD3.3)' zone. The ZBA provides a regulatory framework to authorize for needed residential accommodation and supporting a diversity of housing tenures and styles within the municipality.

In my professional opinion the requested ZBA:

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

I hereby certify that this report was prepared by Jackie Lassaline RPP MCIP, a Registered Professional Planner within the meaning of the Ontario Professional Planners Institute Act, 1994.

Lassaline Planning Consultants Inc.



Jackie Lassaline BA MCIP RPP
Principal Planner

APPENDIX A: ZONING

9.2 GREEN DISTRICT 1.2 (GD1.2)

9.2.1 PERMITTED USES

Child Care Centre

Club

Private Park

Public Park

Any use accessory to the preceding uses

9.2.5 PROVISIONS

.2	Lot Area – minimum	1,850.0 m ²
.3	Lot Coverage – maximum	25.0%
.4	Building Height – maximum	
	<i>Lot having a lot area of less than 0.5 ha</i>	9.0 m
	<i>Lot having a lot area of 0.5 ha or more</i>	14.0 m

APPENDIX B:

12.3 RESIDENTIAL DISTRICT 3.3 (RD3.3)

12.3.1 PERMITTED USES

Lodging House

Multiple Dwelling

Religious Residence

Residential Care Facility

Any of the following existing dwellings:

Double Duplex Dwelling

Duplex Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Any use accessory to any of the preceding uses

12.3.5 PROVISIONS

- | | | |
|-----|--|------------------------------|
| .1 | Lot Frontage – minimum | 45.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> : | |
| | a) For the first 23 <i>dwelling units</i> | 1,825.0 m ² |
| | b) For each additional <i>dwelling unit</i> | 37.0 m ² per unit |
| | For any other <i>lot</i> : | |
| | c) For the first 19 <i>dwelling units</i> | 1,825.0 m ² |
| | d) For each additional <i>dwelling unit</i> | 45.0 m ² per unit |
| .3 | Lot Coverage – maximum | 35.0% |
| .4 | Main Building Height – maximum | |
| | <i>Corner Lot</i> | 30.0 m |
| | <i>Interior Lot</i> | 24.0 m |
| .8 | Landscaped Open Space Yard – minimum | 35.0% of <i>lot area</i> |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> | 225 units per ha |
| | For any other <i>lot</i> | 180 units per ha |
| .50 | A <i>Lodging House</i> for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the <i>Single Unit Dwelling</i> provisions of Section 10.1.5 and further, the whole of the <i>building</i> shall be used for a <i>Lodging House</i> , including any <i>accessory use</i> . [ZNG/5630] | |
| | (AMENDED by B/L 95-2019, Sept. 27/2019) | |
| .55 | An addition to an existing <i>Double Duplex Dwelling</i> , existing <i>Duplex Dwelling</i> , existing <i>Semi-Detached Dwelling</i> or an existing <i>Single Unit Dwelling</i> and any use accessory to the foregoing uses, shall comply with the provisions of Section 11.2.5. | |

OPEN HOUSE

MAY 10, 2022 | 5 PM – 7 PM

FOGOLAR FURLAN CLUB – WINDSOR HALL NORTH



We are hosting a community information meeting to discuss the proposed 387-unit multi-residential development at 1850 North Service Road (next to Fogolar Furlan Club).

You are invited to attend the open house to learn about the project. We will be there and will be happy to answer any of your questions.



HD development group
DESIGN | BUILD

**FOR MORE
INFORMATION REGARDING
THE OPEN HOUSE**

**PHONE:
519-966-6200**

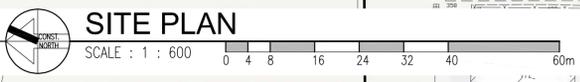
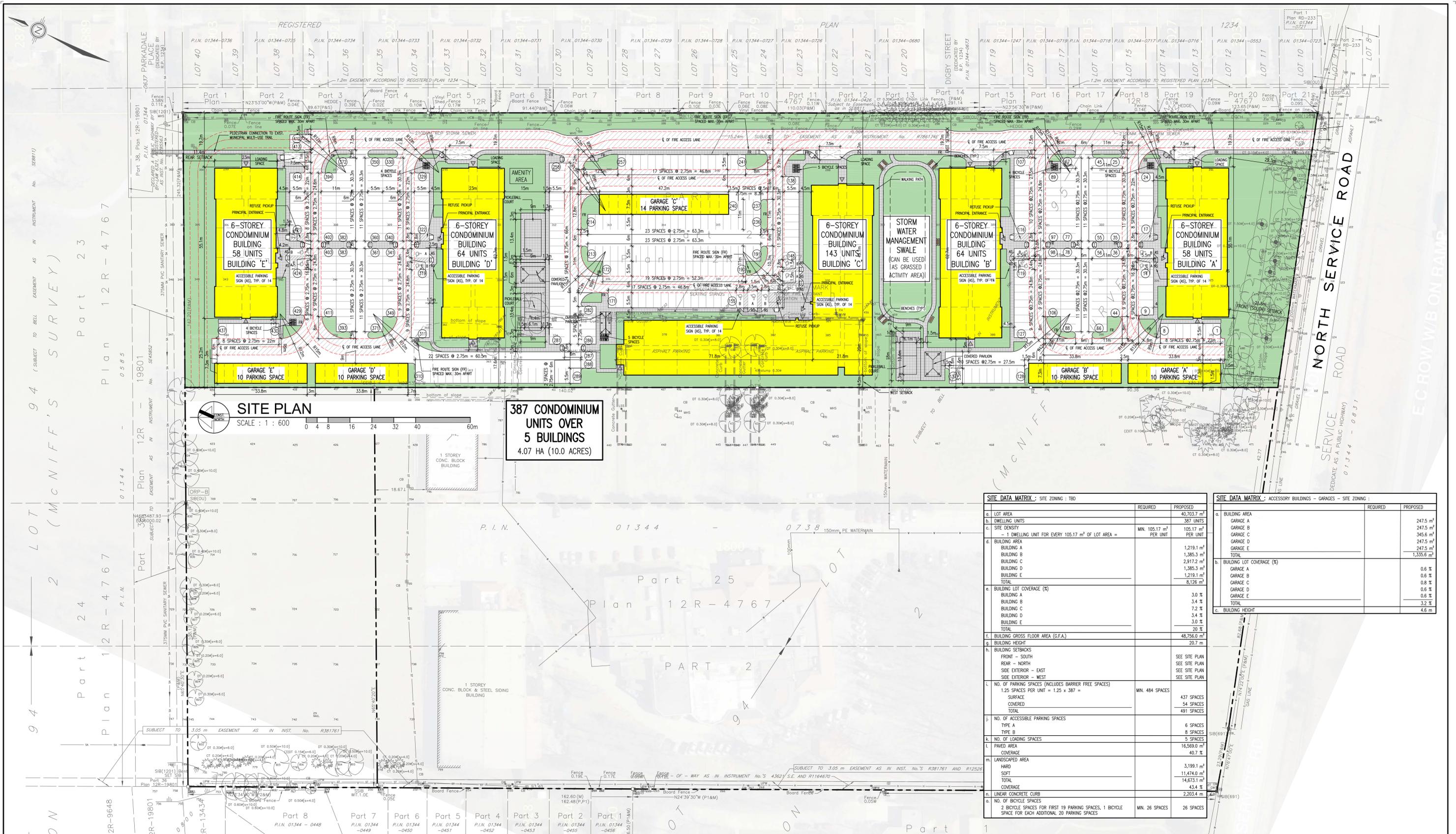
**EMAIL:
info@HDdevelopmentgroup.com**

Fogolar Open House Attendant List - May 10th, 2022

#	Name	Address	Email	Phone Number
1	Y. HANLIN	1875 BUNG RD	Seaside Fogolar (Seaside)	519-941-1510
2	DEBORAH	2947 BUNG RD	DANA & DEBORAH GAMBALON	519-250-8674
3	A. PETER OLSSON	2952 BUNG RD	PHILIP & DEBORAH GAMBALON	519-265-0174
4	GUARDIAN SOUTHERN	5365 OLD CROSSLIE	ASTORIA COMMUNITY	519-818-5100
5	PATRICIA MARTINEZ	8997 BUNG	pacificanative.com	519-965-8317
6	BRUCE WILSON	774 WILSON		519-998-1335
7	BRUCE WILSON			519-786-1891
8	LISA WELING	8927 BUNG	ASIA TRADING CO	519-666-0116
9	LISA WELING	8927 BUNG RD	IMMEDIATE SOLUTIONS	519-559-0816
10	LESLIE CRUTCHER	1945 GRAND MARISE	HELIOROUTER.COM	519-519-1172
11	SAI FURUA	1495 GRAND MARISE	SEACRESTGOLF.COM	519-291-9644
12	MARGA GREELY	3911 BUNG		519-276-2200
13	KIRBY SHAW	2947 BUNG		519-870-1008
14	STOLBY SARAH	2945 BUNG	KentysheW@shaw.ca	519-966-6648
15	STOLBY SARAH	2945 BUNG		519-448-8855
16	ANNONY WILSON	2993 BUNG RD		519-820-6255
17	DAN STEIGER	2993 BUNG RD		519-300-6255
18	MAURSEN RUDOWICZ	3027 BUNG RD		519-966-0583
19	ALTA LEATHER	3953 BUNG RD		519-946-0257
20	W. THOMAS	288 BUNG RD		
21	JIM MARRISON	2920 GLENWOODS		
22	MIKE FOLE	2921 BUNG		519-516-7558
23	FRED WARSOW	2928 BUNG		
24	STANLEY WASSON	2928 BUNG RD		

Fogolar Open House Attendant List - May 10th, 2022

#	Name	Address	Email	Phone Number
24	Lynne Pronger	1141 St. Annis	lynne.pronger@quadco.ca	519-566-7188
25	Darrell Johnston	3011 Bymg		
26				
27				
28				
29				
30				
31				
32				
33				
34				
35				
36				
37				
38				



387 CONDOMINIUM UNITS OVER 5 BUILDINGS
4.07 HA (10.0 ACRES)

SITE DATA MATRIX - SITE ZONING: TBD		REQUIRED	PROPOSED
a. LOT AREA			40,703.7 m ²
b. DWELLING UNITS			387 UNITS
c. SITE DENSITY	- 1 DWELLING UNIT FOR EVERY 105.17 m ² OF LOT AREA =	MIN. 105.17 m ² PER UNIT	105.17 m ² PER UNIT
d. BUILDING AREA			
BUILDING A			1,219.1 m ²
BUILDING B			1,385.3 m ²
BUILDING C			2,917.2 m ²
BUILDING D			1,385.3 m ²
BUILDING E			1,219.1 m ²
TOTAL			8,126 m ²
e. BUILDING LOT COVERAGE (%)			
BUILDING A			3.0 %
BUILDING B			3.4 %
BUILDING C			7.2 %
BUILDING D			3.4 %
BUILDING E			3.0 %
TOTAL			20 %
f. BUILDING GROSS FLOOR AREA (G.F.A.)			48,756.0 m ²
g. BUILDING HEIGHT			20.7 m
h. BUILDING SETBACKS			
FRONT - SOUTH			SEE SITE PLAN
REAR - NORTH			SEE SITE PLAN
SIDE EXTERIOR - EAST			SEE SITE PLAN
SIDE EXTERIOR - WEST			SEE SITE PLAN
i. NO. OF PARKING SPACES (INCLUDES BARRIER FREE SPACES)			
1.25 SPACES PER UNIT = 1.25 x 387 =		MIN. 484 SPACES	
SURFACE COVERED			437 SPACES
TOTAL			54 SPACES
TOTAL			491 SPACES
j. NO. OF ACCESSIBLE PARKING SPACES			
TYPE A			6 SPACES
TYPE B			8 SPACES
k. NO. OF LOADING SPACES			5 SPACES
l. PAVED AREA			
COVERAGE			40.7 %
m. LANDSCAPED AREA			
HARD			3,199.1 m ²
SOFT			11,474.0 m ²
TOTAL			14,673.1 m ²
COVERAGE			43.4 %
n. LINEAR CONCRETE CURB			2,203.4 m
o. NO. OF BICYCLE SPACES			
2 BICYCLE SPACES FOR FIRST 19 PARKING SPACES, 1 BICYCLE SPACE FOR EACH ADDITIONAL 20 PARKING SPACES		MIN. 26 SPACES	26 SPACES

SITE DATA MATRIX - ACCESSORY BUILDINGS - GARAGES - SITE ZONING:		REQUIRED	PROPOSED
a. BUILDING AREA			
GARAGE A			247.5 m ²
GARAGE B			247.5 m ²
GARAGE C			345.6 m ²
GARAGE D			247.5 m ²
GARAGE E			247.5 m ²
TOTAL			1,335.6 m ²
b. BUILDING LOT COVERAGE (%)			
GARAGE A			0.6 %
GARAGE B			0.6 %
GARAGE C			0.8 %
GARAGE D			0.6 %
GARAGE E			0.6 %
TOTAL			3.2 %
c. BUILDING HEIGHT			4.6 m

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project:
PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]
client:
HD DEVELOPMENTS
drawing title:
PROPOSED SITE PLAN

scale: **1:600**
drawn by: **TK**
checked by: **SMB**
date: **MAY, 2022**
comm. no.: **2021-062**

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

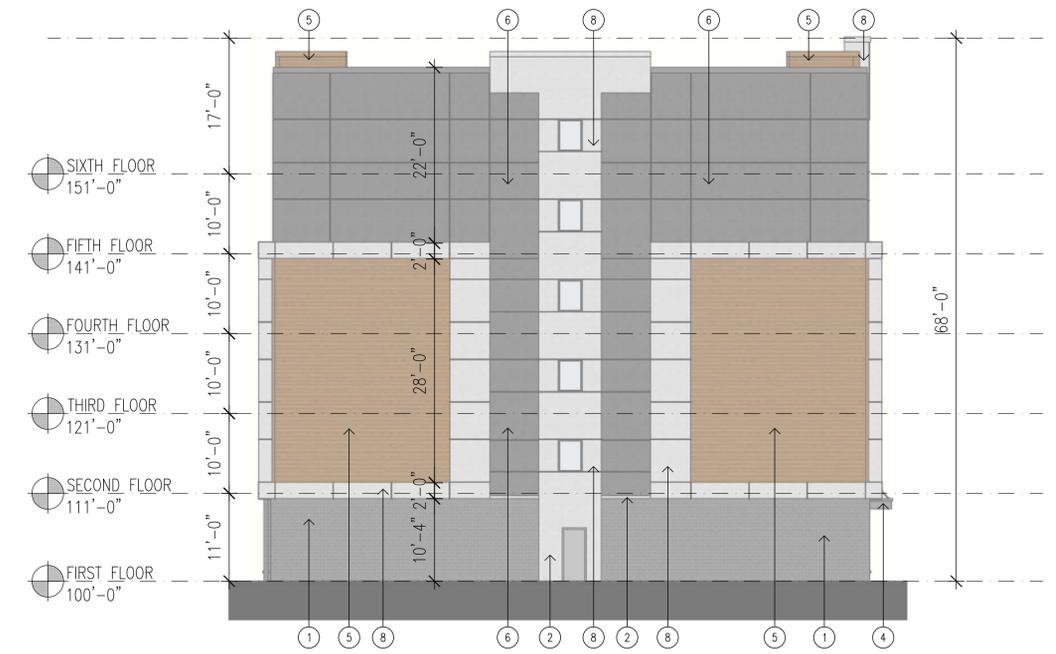
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date (yyy/mm/dd): issued for: _____
2022/05/25 **ZBA**

SPC
1.0



FRONT ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



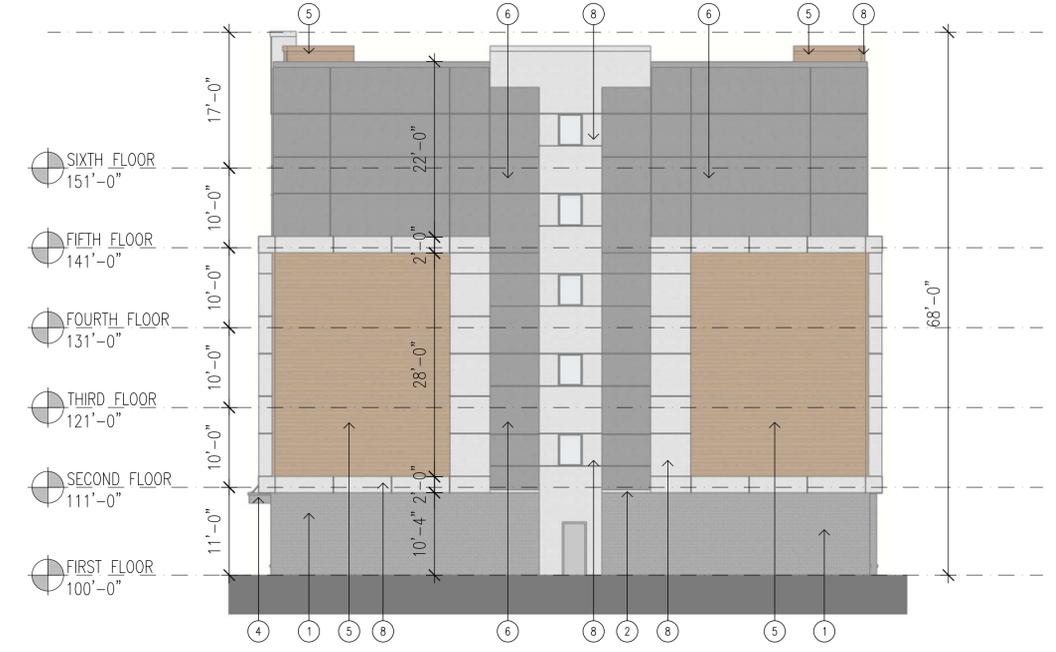
LEFT ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



REAR ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



RIGHT ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET

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drawn by: TK

checked by: SMB

date: MAY, 2022

comm. no.: 2021-062

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3.1



FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH EAST CORNER

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scale:

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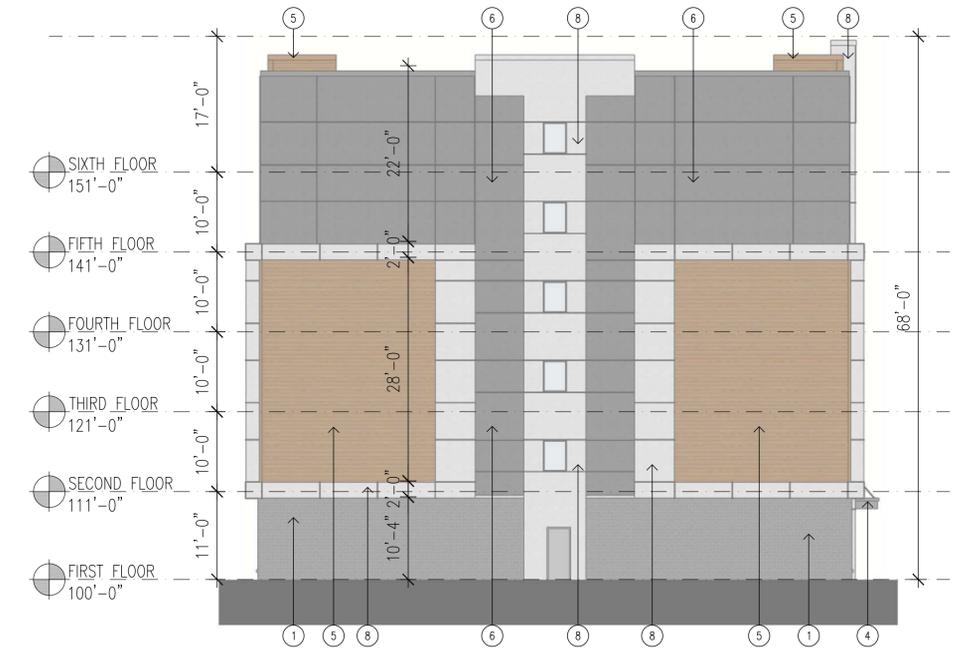
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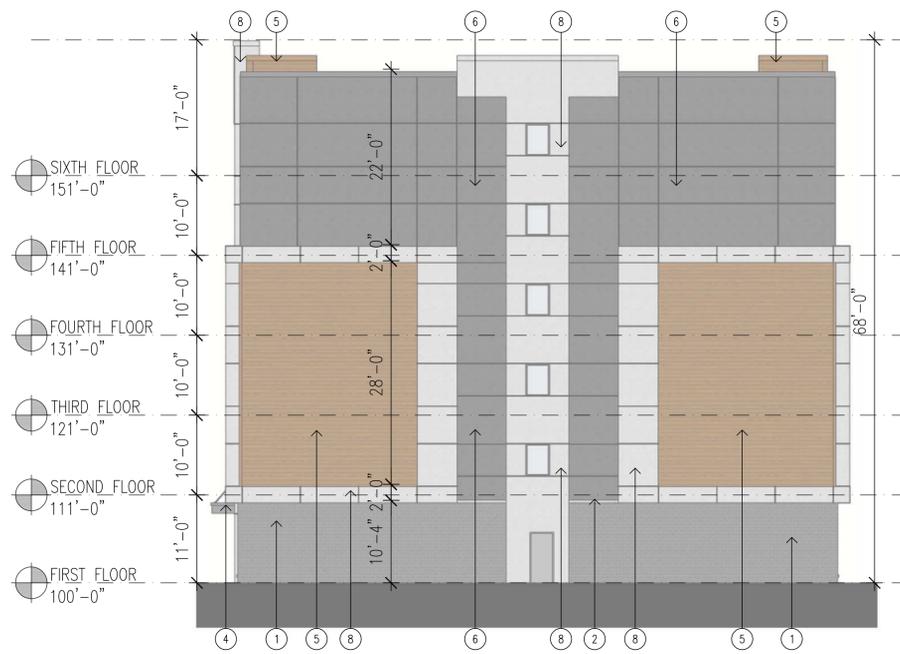
FRONT ELEVATION

SCALE : 3/32" = 1'-0"
0 2 4 8 16 32 FEET



LEFT ELEVATION

SCALE : 3/32" = 1'-0"
0 2 4 8 16 32 FEET



RIGHT ELEVATION

SCALE : 3/32" = 1'-0"
0 2 4 8 16 32 FEET



REAR ELEVATION

SCALE : 3/32" = 1'-0"
0 2 4 8 16 32 FEET

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project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

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date: MAY, 2022

comm. no.: 2021-062

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FRONT - NORTH EAST CORNER



FRONT - NORTH WEST CORNER



REAR - SOUTH EAST CORNER



REAR - SOUTH WEST CORNER

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2022/05/25 ZBA

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project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING B & D - RENDERS

scale:

drawn by: TK

checked by: SMB

date: MAY, 2022

comm. no.: 2021-062

sheet no.:

SPC
3.4



FRONT ELEVATION

SCALE : 3/32" = 1'-0"
 0 2 4 8 16 32 FEET



RIGHT ELEVATION

SCALE : 3/32" = 1'-0"
 0 2 4 8 16 32 FEET

EXTERIOR FINISH SCHEDULE		
IDEN. NO.	FINISH DESCRIPTION	COLOUR
1	BRICK	DARK GREY
2	PRECAST SILL	LIGHT GREY
3	CONCRETE BALCONY	LIGHT GREY
4	ACM	CHARCOAL
5	SIDING	
6	E.I.F.S. 01	CHARCOAL
7	E.I.F.S. 02	LIGHT GREY
8	E.I.F.S. 03	WHITE
9	ALUM./GLASS BALCONY GUARDRAIL SYSTEM	
10	SPANDREL PANEL	GREY



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stamp:

date (yyyy/mm/dd): issued for:

2022/05/25 ZBA

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project:

PROPOSED RESIDENTIAL DEVELOPMENT
 [ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING C - ELEVATIONS

scale:

AS SHOWN

drawn by:

TK

checked by:

SMB

date:

MAY, 2022

comm. no.:

2021-062

sheet no.:

**SPC
3.5**



REAR ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET



LEFT ELEVATION

SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET

EXTERIOR FINISH SCHEDULE		
IDEN. NO.	FINISH DESCRIPTION	COLOUR
①	BRICK	DARK GREY
②	PRECAST SILL	LIGHT GREY
③	CONCRETE BALCONY	LIGHT GREY
④	ACM	CHARCOAL
⑤	SIDING	
⑥	E.I.F.S. 01	CHARCOAL
⑦	E.I.F.S. 02	LIGHT GREY
⑧	E.I.F.S. 03	WHITE
⑨	ALUM./GLASS BALCONY GUARDRAIL SYSTEM	
⑩	SPANDREL PANEL	GREY

A architectural
D design
A associates inc. architect
 1670 mercer street
 windsor ontario canada n8x 3p7
 ph 519.254.3430 fax 519.254.3642
 email - info@ada-architect.ca www.ada-architect.ca

stamp:

date (yyyy/mm/dd): issued for:

2022/05/25 ZBA

general notes:

- THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
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- CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
- ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
- IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
- CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
- THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND/OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING C - ELEVATIONS

scale: AS SHOWN

drawn by: TK

checked by: SMB

date: MAY, 2022

comm. no.: 2021-062

sheet no.:

SPC
3.6



FRONT - NORTH WEST CORNER



FRONT - NORTH WEST CORNER



REAR - NORTH - FRONT ENTRANCE



REAR - SOUTH EAST CORNER

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project:

PROPOSED RESIDENTIAL DEVELOPMENT
[ADDRESS TBD]

client:

HD DEVELOPMENTS

drawing title:

BUILDING C - RENDERS

scale:

drawn by: TK

checked by: SMB

date: MAY, 2022

comm. no.: 2021-062

sheet no.:

SPC
3.7

APPENDIX C - Extracts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

3.10 DEFINITIONS

DWELLING means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution, hotel, motor home, recreational vehicle, tent, tent trailer, or travel trailer* is not a *dwelling*.

MULTIPLE DWELLING means one *dwelling* containing a *minimum* of three *dwelling units*. A *double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling* is not a *multiple dwelling*.

DWELLING UNIT means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

YARD means an open space, which is located on the same *lot* as a *building* or other *structure*, and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by this by-law.

LANDSCAPED OPEN SPACE YARD means a *yard* used for *landscaped open space, patios, terraces, decks and pedestrian walkways*.

SECTION 9 - GREEN DISTRICTS 1 (GD1.)

9.2 GREEN DISTRICT 1.2 (GD1.2)

9.2.1 PERMITTED USES

- Child Care Centre*
- Club*
- Private Park*
- Public Park*
- Any use accessory to the preceding uses

9.2.5 PROVISIONS

.2	Lot Area – minimum	1,850.0 m ²
.3	Lot Coverage – maximum	25.0%
.4	Building Height – maximum	
	<i>Lot having a lot area of less than 0.5 ha</i>	9.0 m
	<i>Lot having a lot area of 0.5 ha or more</i>	14.0 m

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

12.3 RESIDENTIAL DISTRICT 3.3 (RD3.3)

12.3.1 PERMITTED USES

Lodging House

Multiple Dwelling

Religious Residence

Residential Care Facility

Any of the following *existing* dwellings:

Double Duplex Dwelling

Duplex Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Any use accessory to any of the preceding uses

12.3.5 PROVISIONS

- | | | |
|-----|---|------------------------------|
| .1 | Lot Frontage – minimum | 45.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> : | |
| | a) For the first 23 <i>dwelling units</i> | 1,825.0 m ² |
| | b) For each additional <i>dwelling unit</i> | 37.0 m ² per unit |
| | For any other <i>lot</i> : | |
| | c) For the first 19 <i>dwelling units</i> | 1,825.0 m ² |
| | d) For each additional <i>dwelling unit</i> | 45.0 m ² per unit |
| .3 | Lot Coverage – maximum | 35.0% |
| .4 | Main Building Height – maximum | |
| | <i>Corner Lot</i> | 30.0 m |
| | <i>Interior Lot</i> | 24.0 m |
| .8 | Landscaped Open Space Yard – minimum | 35.0% of <i>lot area</i> |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum | |
| | For a <i>corner lot</i> having a minimum <i>lot frontage</i> of 45.0 m on each of the <i>exterior lot lines</i> | 225 units per ha |
| | For any other <i>lot</i> | 180 units per ha |

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

[ZNG/5630]

(AMENDED B/L 95-2019 Sept 27/2019)

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

APPENDIX D - COMMENTS

CANADA POST - Bruno DeSando

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

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

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

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

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

CITY OF WINDSOR - ASSET PLANNING - Jennifer Nantais, Environmental & Sustainability Coordinator

The Environmental Sustainability and Climate Change team request an energy strategy.

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

Energy Conservation, Air Quality and Climate Change:

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

As per these policies the developer should consider energy efficiency in the building design. This may include but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors.

EV Charging

Due to increased production and escalating demands, consideration for EV charging infrastructure and opportunities to increase resiliency such as providing strategic back-up power capacity is suggested.

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

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

Landscaping

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

Windows

The City of Windsor has recently been designated a Bird Friendly City. In order to make structures safer and prevent window collisions it is recommended that bird safe window treatments be considered. See FLAP Canada [recommendations](#).

CITY OF WINDSOR - ENGINEERING DEPARTMENT - RIGHT-OF-WAY DIVISION - Amy Kurek, Technologist I

SEWERS – The site may be serviced by a 375mm PVC sanitary sewer located approximately 7m north of the northerly property line, and a 1200mm reinforced concrete pipe storm sewer located approximately 5m west of the easterly property line. Prior to any approvals, the owner shall provide a Servicing Study analyzing the capacity of the proposed outlets and analyzing the added impact based on the proposed development. Stormwater Management satisfying the requirements of the Windsor/Essex Region Stormwater Management Standards Manual shall be provided. This property is within the Conservation Authority's regulated area and as such, ERCA clearance is required. Existing connections shall be video inspected for proposed reuse at the cost of the Owner and utilized if possible in order to minimize work within the right-of-way. Any redundant connections shall be abandoned as per Best Practice BP 1.3.3.

RIGHT-OF-WAY – The Official Plan classifies North Service Road as a Class 2 collector road with a required right-of-way width of 26.2 m. North Service Road currently has a right-of-way width of 26.2 m, therefore; a land conveyance is not required. The owner will be required to provide cash contribution for the future construction of sidewalks and curb and gutter.

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

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

Development Agreement – The applicant(s) shall agree to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

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

Curbs and Gutters – The Owner further agrees, at the discretion of the City Engineer, to:

1. Construct at their own expense and according to City of Windsor Standard Specifications, a concrete curb and gutter along the entire North Service Road frontage of the subject lands. All work to be to the satisfaction of the Corporation's City Engineer; or
2. Pay to the Corporation, prior to the issuance of a construction permit, the sum of \$8,632.20 being the Owner's contribution towards the future construction of concrete curb and gutter on the frontage of the subject lands.

It will be up to the discretion of the City Engineer whether a cash contribution will be allowed in lieu of curb and gutter construction by the Owner.

Sidewalks -The owner(s) agrees, to:

1. Construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire North Service Road frontage of the subject lands. All work to be to the satisfaction of the City Engineer; or
2. Pay to the Corporation, prior to the issuance of a Building Permit, the sum of \$16,545.05 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Service Road frontage of the subject lands.

It will be up to the discretion of the City Engineer whether or not a cash contribution will be allowed in lieu of sidewalk construction by the Owner.

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

Sewer Easement – *Prior to the issuance of a construction permit*, the owner shall gratuitously convey to the Corporation a 6m wide easement on North Service Road and the northerly property line for the purposes of construction and/or maintenance.

**CITY OF WINDSOR - OPERATIONS DEPARTMENT - Anne Marie Albidone, Manager,
Environmental Services**

No concerns from Environmental Services

**CITY OF WINDSOR - PLANNING DEPARTMENT - HERITAGE PLANNING - Tracy Tang,
Planner II – Revitalization & Policy Initiatives**

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential. The Applicant is notified of the following archaeological precaution.

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

Contacts:

Windsor Planning & Development Department:

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

Windsor Manager of Culture and Events (A):

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

Windsor Police: 911

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI)

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

Ontario Ministry of Government & Consumer Services (MGCS)

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

CITY OF WINDSOR - PLANNING DEPARTMENT – LANDSCAPE ARCHITECT - Stefan Fediuk

Pursuant to the application for a zoning amendment (Z 021/22) to change the zoning from Green District 1.2 (GD1.2) to a Residential District 3.3 (RD3.3) with a site specific exception to allow a residential development on the subject, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback: Please include a site-specific zoning provision in conjunction with the amendment for change of permitted use, specifying preservation or enhancement of the existing earth berm and vegetative screening along the North Service Road frontage as a buffer for the condominium development from the E.C Row Expressway.

Tree Preservation: The Topographic plan of Survey and the Planning Rationale Report have identified the existing trees and that the existing trees located on top of the earth berm are to be preserved as part of the overall landscaping of the site. This effort is to be considered in the overall tree planting requirements of the Site Plan Control process.

Climate Change: The proposed site plan identifies a storm water management swale in the center of the development. Provision of Low Impact Design features (i.e. trees and shrubs) around the periphery of the SWM area will help to slow and reduce the amount of storm water runoff entering the SWM area, provide shade for the spectators and users of the proposed activity area, while helping to reduce the impacts of climate change.

Parkland Dedication: All requirements will be determined at the time a Site Plan application is received

CITY OF WINDSOR - PLANNING DEPARTMENT - SITE PLAN CONTROL - Jackie Cabral

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

CITY OF WINDSOR - TRANSIT WINDSOR - Jason Scott

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The closest existing bus stops to this property are located on Walker at Parkdale SW Corner and Walker at Digby SW Corner. They are approximately 350 metres and 475 metres away each. The one at Parkdale falls within the 400 metre walking distance guideline to a bus stop whereas the one at Digby doesn't. It would depend where on the property people are coming from to access the bus to determine if they would fall within that guideline or not. This will be maintained with our Council approved Transit Master Plan.

CITY OF WINDSOR - TRANSPORTATION PLANNING - Rania Toufeili, Policy Analyst

- North Service Road is classified as a Class II Collector Road with a required right-of-way width of 26.2 meters according to Schedule X. The existing right-of-way along the frontage of the subject property is sufficient, therefore, a conveyance is not required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
 - Driveway width must comply with AS-203 and AS-204 with straight flares.
 - Raised curbs are not allowed within the right-of-way.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- The applicant is to make a contribution towards the construction of sidewalks as required by Engineering Right-of-Way.
- All parking must comply with Zoning By-Law 8600.
- A Transportation Impact Study (TIS) has been received for this development. This study still needs to be reviewed and comments will be provided in a separate memo.

CITY OF WINDSOR - TRANSPORTATION PLANNING - Shannon Deehan, Transportation Planner I, & Jeff Hagan, Transportation Planning Senior Engineer

We have reviewed the Transportation Impact Study for the above-noted application "1850 North Service Road, Windsor, Transportation Impact Study" dated March 2022, by Matthew Brouwer (P. Eng.) of Paradigm Transportation Solutions Limited.

The report is satisfactory in its current form. Overall, the TIS establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network with no off-site improvements.

ENBRIDGE – WINDSOR MAPPING

After reviewing the provided drawing at 1850 North Service Rd E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing is available for reference. *Please Note:*

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

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

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

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

ENWIN UTILITIES

Hydro Engineering: No Objection to Re-zoning.

However please note the following distribution and services:

- Overhead 120v street light duplex, adjacent to the south limit of the property
- Underground 120/240v triplex, at the southwest corner of the property

Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and the Ontario Building Code for adequate clearance requirements for New Buildings and/or Building Additions.

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

ESSEX REGION CONSERVATION AUTHORITY (ERCA)

The following is provided as a result of our review of the Zoning By-Law Amendment Z-021/22 ZNG/6784.

Delegated Responsibility to Represent the Provincial Interest in Natural Hazards (PPS) and Regulatory Responsibilities of the Conservation Authorities Act

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

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

The municipal drain typically has an unregistered working space, and the municipality has the right to use it to maintain or repair the drain. In addition, specific building setbacks from a municipal drain are applicable. Please contact your local municipality's drainage superintendent for more information. Furthermore, please contact our Water Resources Engineer, Tian Martin, at tmartin@erca.org to obtain any ERCA setback requirements from the drain.

Watershed Based Resource Management Agency

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

Section 1.6.6.7 PPS, 2020 - Stormwater Management

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

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

The Turkey Creek Watershed Hydrologic and Hydraulic Modeling study applies to this property.

Planning Advisory Service to Planning Authorities - Natural Heritage Policies of the PPS, 2020

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

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.”

Notwithstanding the above noted references to the PPS policies, we note that the proposed development is either adequately setback and/or physically separated from the natural heritage feature by existing development or infrastructure. Therefore, we do not anticipate any negative impacts associated with the proposal. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

Final Recommendation

With the review of the background information provided and the aerial photograph, the ERCA advises that the property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Specific building setbacks from a municipal drain are applicable for this site. Please contact your local municipality's drainage superintendent for more information. Furthermore, please contact our Water Resources Engineer, Tian Martin, at tmartin@erca.org to obtain any ERCA setbacks.

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



Subject: Zoning Bylaw Amendment – Farhi Holding Corporation – for a property located at the Southwest corner of Riverside Dr W & Janette Ave - Z 017-22 [ZNG6760] - Ward 3

Reference:

Date to Council: October 3, 2022
Author: Jim Abbs, MCIP, RPP
Senior Planner
255-6543 x6317
jabbs@citywindsor.ca

Planning & Building Services
Report Date: September 13, 2022
Clerk's File #: Z/14427

To: Mayor and Members of City Council

Recommendation:

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 1, Block A, Plan 76 & Part of Lot 77 Concession 1 & Part of Closed Alley, Parts 1, 2 and 3 12R-9686 in the City of Windsor, known municipally as 0 Riverside Drive (Roll # 040-110-01200) by adding a site specific exception to Section 20(1) as follows:

Southwest corner of Riverside Drive West and Janette Avenue

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

Building Height: Maximum - 85.5 metres

Amenity Area: Minimum - 1.59 m² per unit

[ZDM 3; ZNG/6760]

Executive Summary:

N/A

Background:

Application Information:

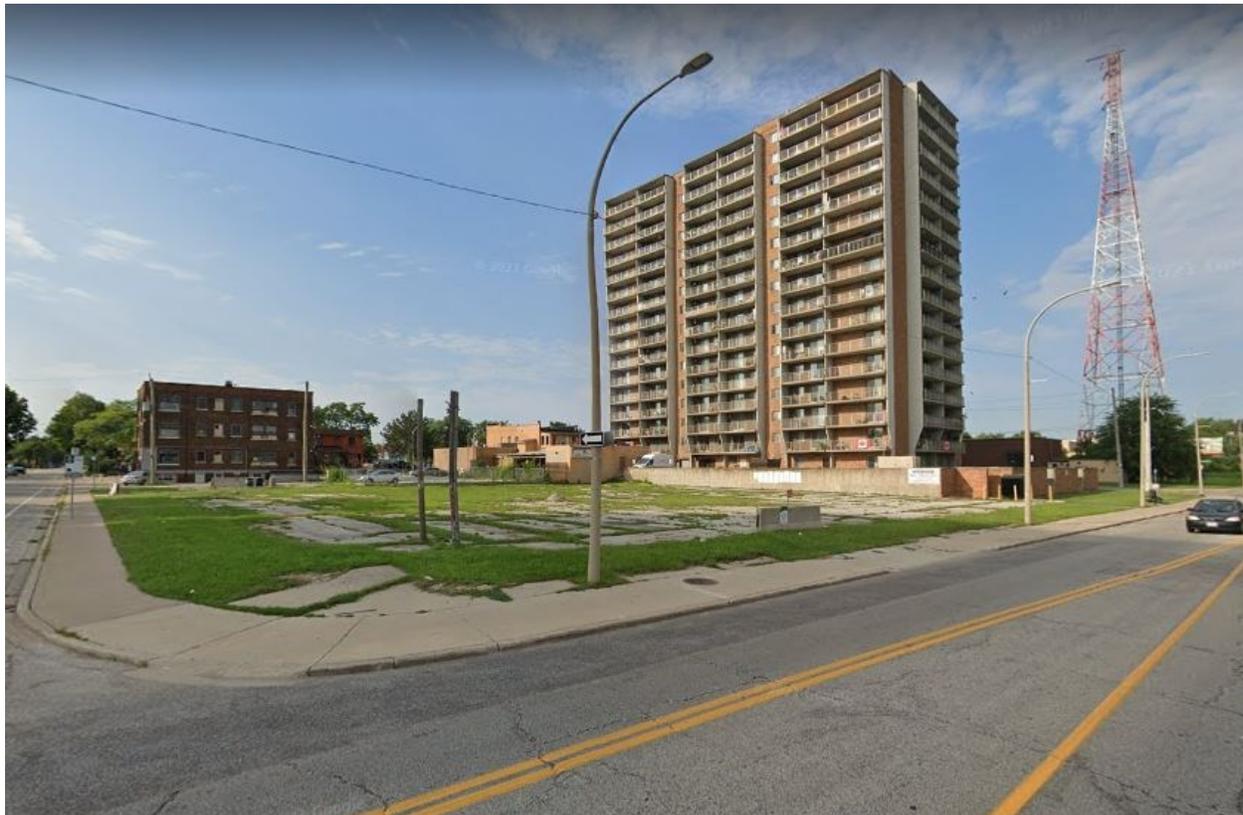
Location: 0 Riverside Dr W at Janette Ave. Ward: 3

Planning District: 01 – City Centre ZDM: 3

Owner: Richmond Block London Corporation (Shmuel Farhi)

Agent: Dillon Consulting Limited (Zoe Sotirakos)

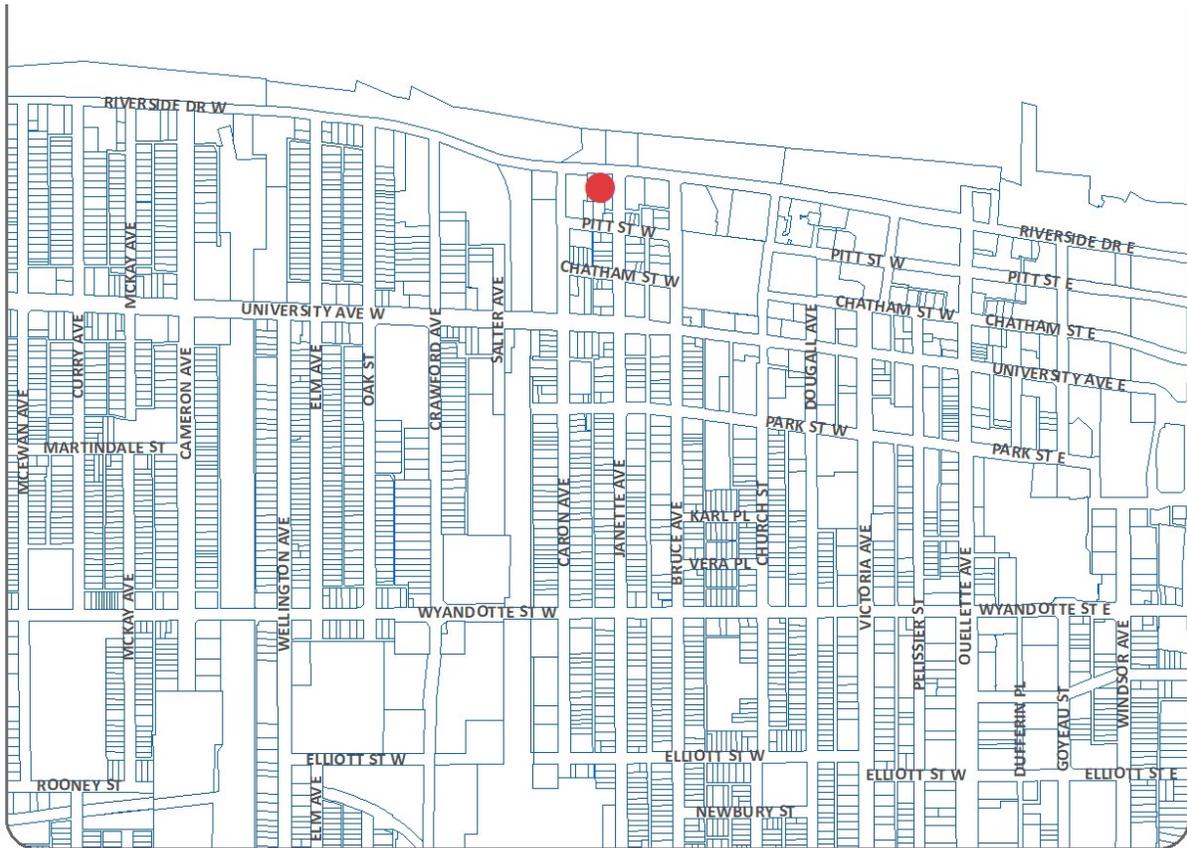
The site is currently vacant, except for cement blockades in front of existing curb cuts to limit vehicular access. There are some remnants of surface paving across the site.



Subject Site, looking southwest from Riverside Drive



Subject Site, looking southeast from Riverside Drive



KEY MAP - Z-017/22, ZNG-6760



● SUBJECT LANDS

APPLICANT: FARHI HOLDINGS CORPORATION

ADDRESS: 0 RIVERSIDE DRIVE WEST

Proposal:

The applicant is requesting to change the permitted uses and regulations of the CD3.1 zone that applies to the property at southwest corner of Riverside Drive West and Janette Avenue (0 Riverside Drive W) to facilitate the development of a total of 166 dwelling units. The proposal includes the provision of 187 parking spaces in an underground parking garage. Vehicular access will be from Janette Avenue.

The proposed development requires 1 parking space for each additional dwelling unit beyond six (6) dwelling units, therefore the total number of spaces required is 160. The proposed development therefore includes more parking than is required.

The proposed buildings would be a total of 85.5 m in height. (projected to be 28-storey). The proposed height of 85.5 metres for the residential development offers a higher density built form to accommodate growth in a strategic and desirable area of the City of Windsor. The development will be subject to Site Plan Control.



This proposed development is contemplated to be part of a larger, two-phase development project. The site subject of this application, has been identified as being the first of the project. The next phase is anticipated to include a second residential tower at the southeast corner of the Riverside Drive West and Janette Avenue (directly opposite the Phase one tower). The phase two tower would also be subject of a zoning amendment. Preliminary discussions have also been held regarding the use of Janette Avenue as part of Phase 2 project. Hereto, any proposed change to the Janette Avenue right-of-way would be subject of a separate report in the future.

Site Information:

Official Plan	Zoning	Current Use	Previous Use
Mixed Use (Very High) (Schedule "E" - City Centre)	Commercial District CD3.1	Vacant Parking Lot	Parking Lot
Lot Depth	Lot width	Area	Shape
+/- 48 m	+/- 45 m	2,244m ²	rectangular
All measurements are for the entire parcel and are approximate.			

Neighbourhood Characteristics:

Surrounding Land Uses:

North -Riverside Drive West, Caron Ave Pumping Station, Caron Ave Pumping Station Park, Steamboat Wharf (park), access to the Riverfront Trail network, and the Detroit River.

South - Janette Avenue, office uses, personal service uses, retail uses, low-rise residential, and parking lots.

East - Waterpark Place Condominiums, a Spa, Art Gallery of Windsor, Vision Corridor (park), Adventure Bay Family Water Park, LCBO, restaurants, retail establishments, hotels, and the Windsor International Transit Centre.

West - Dieppe Tower (high-rise residential), CBC Windsor building and tower, a low-rise residential building, and a parking lot



NEIGHBOURHOOD MAP - Z-017/22, ZNG-6760



SUBJECT LANDS

APPLICANT: FARHI HOLDINGS CORPORATION

ADDRESS: 0 RIVERSIDE DRIVE WEST

Discussion:

Planning Analysis:

Provincial Policy Statement (PPS) 2020:

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

The zoning bylaw amendment would result in a development on a former Industrial site that was previously vacant and underutilized This is consistent with the Provincial Policy Statement in that the development promotes the efficient use of existing land, promotes

cost-effective development patterns and standards to minimize land consumption and servicing costs. Related to this direction, the PPS states:

- “1.1.1(b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs”
- e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;”

The requested Multiple Dwelling development promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed zoning bylaw amendment in this location contributes to minimizing land consumption and servicing costs by using a site that already has available infrastructure in the immediate area.

The PPS also states:

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

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

The PPS also states:

- “1.4.1 To provide for an appropriate range and mix of housing types and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:
 - a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and
 - b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”

The requested zoning bylaw amendment is consistent with the PPS in that the lands have already been the subject of intensification efforts though the previous Official Plan Amendment and Zoning Bylaw amendment and the further intensification of the use of the site will provide additional “appropriate range and mix of housing types and densities”.

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

- a. permitting and facilitating:
 1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
 2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;
- b. directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;
- c. promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;”

Approving the zoning by-law amendment would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is directly served by Transit Windsor on Riverside and is within a 350m of the downtown bus terminal.

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

The development site is within the City Centre area and is close various commercial recreational, institutional amenities.

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

Official Plan:

The City of Windsor Official Plan currently designates the site Mixed Use (City Centre). The use of the site for multiple unit dwellings on the site is permitted within the Mixed Use (City Centre) designation. The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

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

Objective 6.11.3.1 (d) indicates that development in areas identified VH should be greater than 14 storeys in height. The proposed zoning amendment would facilitate a development that conforms to this objective.

Objective 6.11.4.1 supports Residential uses, other than Low Profile Housing in the Mixed Use “very high” (VH) – City Centre designation, therefore the zoning bylaw amendment to permit a Multiple Dwelling conforms to the Official Plan.

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

Zoning By-Law:

The subject site is currently zoned Commercial District 3.1 (CD3.1) in the City of Windsor Zoning By-law 8600. The current zoning does not permit a multiple dwelling, as such the proposed development requires a Major Zoning By-law Amendment for a site specific CD3.1 zone to allow the addition of permitted use to include “multiple dwelling”. As well the applicant is requesting that specific regulations be applied to the site.

Applicant’s Request:

To facilitate the proposed development the following site-specific regulations were requested by the applicant.

- Maximum Height of 85.5 metres;
- Minimum Amenity Area of 1.59 m² per unit;
- Minimum Tower Separation Distance of 14 metres;
- Minimum Parking Rate of 1.31 spaces per unit; and
- Minimum Lot frontage of 44 metres.

The following section outlines how these regulations have been resolved.

Proposed Use:

Currently, the CD3.1 zone category does not permit a Multiple Dwelling building, however, the CD3.1 zone category does permit a Combined Use Building which would contain at least one residential unit and at least one commercial unit. Since the proposed building may not contain at least one commercial unit the applicant proposes that the Multiple Dwelling use be added as an additional permitted use. As outlined in the Official Plan section of this report, the use of the site for multiple unit dwellings on the site is permitted within the Mixed Use (City Centre) designation and would be appropriate in this location.

Specific Regulations:

Building Height

The site is designated Mixed Use - VH (Very High) in the Official Plan. Section 6.11.3.1 (d) states that development in this area should be higher than 14 storeys. The proposed 85.5 m height would provide for a building greater than 14 storeys in height (28 storeys proposed). The height would conform to objective 6.11.4.1 of the Official Plan, and would be consistent with building heights expected in the Central Business District.

Amenity Area

While the development will provide some amenity area for the future residents of the building, those residents will also have access to exceptional public space and facilities adjacent the subject site such as the series of riverfront parks. These parks are comprised of outdoor space that residents can use along the Detroit River waterfront and are connected to the larger park system in the City via the Riverfront Trail network. Future residents will be able to use the Riverfront Trail to access other nearby parks and green spaces for amenity purposes. To the east of the Subject Site is the Vision Corridor Park which will also provide an outdoor amenity area in close proximity for future residents to use. The proximity of the Subject Site to existing parkland and trail networks as well as the Windsor Art Gallery and Windsor Water World will supplement the amenity area available for each resident in the proposed Multiple Dwelling development.

Minimum Tower Separation Distance

There is no "Minimum Tower Separation Distance" requirement in the Bylaw 8600, therefore no change to the regulation is required.

Required Parking

As the proposed development includes 166 residential units, the residential component of the development requires 160 parking spaces. (Table 24.20.1.1 – Required Parking Spaces Central Business District) Given that 187 spaces are proposed to be located in a parking garage beneath the proposed building, this parking garage would be sufficient in providing the required on-site parking as per the requirement in Zoning By-law 8600. No change to the zoning bylaw is required to facilitate this phase of the development.

Minimum Lot Width

There is no minimum lot width requirement in the CD3.1 Zone category, therefore no change to the regulation is required.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

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

Financial Matters:

N/A

Consultations:

Comments received from municipal departments and external agencies are attached as Appendix "A" to this report. The site will be subject to site plan control. The applicant has submitted a Functional Servicing Study, as well as a Storm Water Management Plan that will be further vetted as part of the Site Plan Control Process.

Public Notice:

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

Conclusion:

This site is located to take advantage of close by community facilities such as the existing parkland and trail networks as well as the Windsor Art Gallery and Windsor Water World, as well as nearby commercial enterprises. This project represents a well positioned compact form of high density development. The proposed use of this site as a development containing a Multiple Dwelling structure containing 166 units represents an efficient development that makes use of existing city services and infrastructure. The proposed development represents an appropriate residential use, adds to the range and mix of uses and is not known to cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

The proposed Multiple Dwelling represents a housing type and density that meets the requirements of current and future residents. It is anticipated to provide a positive contribution to the social, health and well-being of current and future residents.

Furthermore, it represents a form of residential intensification, is set in a location with access to infrastructure, public service facilities, and is close to commercial land uses.

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

Planning Act Matters:

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

Michael Cooke, Manager, Planning Policy/Deputy City Planner

Thom Hunt, City Planner

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

JP OC

Approvals:

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

Notifications:

Name	Address	Email
Dillon Consulting Limited (Zoe Sotirakos)	51 Breithaupt Street, Suite 200, Kitchener, ON, N8W 5K8	zsotirakos@dillon.ca
Farhi Holdings Corporation (Shmuel Farhi)	620 Richmond Street, Suite 201, London ON N6A 5J9	farhi@fhc.ca
Ward 3 Councillor Bortolin		

Appendices:

- 1 Appendix A - Comments

COMMENTS

Jennifer Nantais – Environmental & Sustainability Coordinator

The Environmental Sustainability & Climate Change would like to request an energy strategy. Terms of reference and comments 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.

EV Charging

Due to increased production and escalating demands, consideration for EV charging infrastructure and opportunities to increase resiliency such as providing strategic back-up power capacity is suggested.

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

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

Landscaping

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

In addition, we encourage the developer to consider community gardening space for residents. Local, sustainable food production is very popular in Windsor.

Wildlife

In order to reduce the risk of bird/window collisions, consideration of preventative window treatments is recommended. See the [FLAP Canada](#) resource page for details.

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Dominion 5 and Central 3 West. The Central 3 West will be eliminated in September of 2022. The closest existing bus stop to this property is located on Riverside at Caron Southeast Corner almost directly adjacent to this property providing excellent transit service to this development. The Windsor International Transit Terminal located on Church, Pitt, and Chatham is approximately 350 metres from this property falling within our 400 metre walking distance guideline to a bus stop. The Terminal currently has 9 existing routes. Both the existing bus stop on Riverside at

Caron and number of routes at the Terminal will be maintained with our Council approved Transit Master Plan.

Barb Rusan – Building Department

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

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

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

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

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

In addition to the above, a Record of Site Condition, registered on file with the Ministry, is a pre-requisite to Building Permit issuance for the proposed change to a more sensitive use.

Stefan Fediuk – Landscape Architect

Pursuant to the application for a zoning amendment (**Z-017/22**) to permit site specific regulations on the subject, that increase building height, reduce the required amenity area, reduce minimum building separation, parking requirements, and lot frontage, please note no objections from a landscape architectural perspective. Please also note the following comments:

Zoning Provisions for Parking Setback:

As Riverside Drive is designated as a Scenic Drive and a Civic Way (O.P. Schedule F; 8.11.2.12), It is important that the landscape area along Riverside be increased to accommodate trees and shrubs to buffer the view of the structure and parking lot from the drive and the regionally significant parkland immediately north of the subject site.

It is strongly recommended that a site-specific zoning provision be included in conjunction with the amendment, specifying a minimum 3.0m for teh building and 6.0 m landscape setback for parking areas from Riverside Dr West. (see Urban Design comments below for rationale)

Urban Design:

A 6m setback to the surface parking area on the southeast corner of Janette Avenue and Riverside Drive would provide the necessary buffer between the Scenic Drive to be compliant with the various policies found in the Official Plan. Section 8 Urban design of the Official Plan including subsections; 8.2 The Image of Windsor, 8.3 Design for People, 8.9 Views and Vistas, 8.11 Streetscape (specifically 8.11.2.12 Civic Ways and 8.11.2.19 and 8.11.2.20 screening and scale of surface parking areas).

In order to accommodate the above referenced setback, it is recommended that the applicant consider a parking structure setback from Riverside Drive with a cross walk between upper floors and decks of the parking structure to reduce the requirement of closing part of Janette Avenue. The linear character of the streets in the downtown of Windsor are strongly linked to heritage of the city's development dating back to the time of the first European settlements by the French

farmers of South Detroit. Closures former ribbon streets from Riverside drive should only be considered if absolutely necessary for safety concerns.

Tree Preservation:

N/A

Parkland Dedication:

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

Shannon Mills – Engineering & ROW

The subject lands are located at 0 Riverside Drive west at Janette Avenue. The applicant is proposing to construct a 28-storey, 166 dwelling unit residential development with 258 parking spaces. The lands are currently designated Commercial by the City of Windsor Official Plan and zoned Commercial District 3.1 (CD3.1) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-Law 8600 with site-specific provisions to allow for multiple dwelling (only residential) as a permitted use. Additionally, site-specific zoning provisions for maximum height, minimum amenity area, tower separation distance, a reduced parking rate and minimum lot frontage are requested.

SEWERS – This site may be serviced by a 450x600mm diameter combined sewer on Riverside Drive West and Janette Avenue. The applicant is proposing to close a portion of Janette Avenue and re-route the existing sewer, a sewer servicing study is required to demonstrate that there is adequate capacity in the municipal network. It must be demonstrated that no negative impacts will be realized by existing areas adjacent to the proposed development. This study must be completed in accordance with the City of Windsor Development Manual and the Windsor/Essex Region Stormwater Management Standards Manual. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan are required. A servicing agreement is required to construct the proposed new municipal sewers and cul-de-sac on Janette Ave north of Pitt St. W.

RIGHT-OF-WAY – The Official Plan classifies Riverside Drive East as a Scenic Parkway. An Environmental Assessment for the Riverside Drive Vista Improvement Project does not identify any conveyances required along the frontage of this property. Schedule X of the Official Plan classifies Janette Avenue as a Local Road, requiring a right-of-way width of 20.0m. The current right-of-way width is sufficient. If Janette Avenue is not closed, 4.6x4.6 meter corner cut-offs will be required at intersection of Riverside Drive West & Janette Avenue.

More details are required on the proposed road closure; existing services in the Right-of-Way require consultation. The closure area should be for the extent of the subject property frontage only as there are two alleys south of the subject lands that must remain open to provide parking access to adjacent properties on Janette Avenue. A cul-de-sac will be required south of the road closure area to provide turn around access and driveway approaches for the alleys and subject land. Construction of the cul-de-sac shall be included as a part of the servicing agreement.

Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. A Street Opening permit will be required for any work in the right-of-way.

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

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

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

Servicing Agreement – The owner shall enter into a servicing agreement with the Corporation, to supply, construct and install storm and sanitary sewer at its own expense, in accordance with the manner, location and design to be approved by the City Commissioner of Infrastructure Services. Prior to the issuance of a construction permit, the owner shall ensure that:

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

Tracy Tang – Heritage Planning

Supporting information required:

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

Built Heritage

The subject lands are located adjacent to properties listed on the Windsor Municipal Heritage Register, including the following:

- 147 Janette Ave - Wilshire Apartments - c1926 - Three storey brick - Core
- 552-54 Pitt St W - Billings Apartments / Commercial - c1910s - Three-storey brick with shaped concrete blocks on side, commercial first floor - Core
- 570 Pitt St W - House / Commercial - c1914 - One-and-one-half storey, added front - Core
- 594 Pitt St W – House - c1914 - One-and-one-half storey brick - Core

The conceptual plans appear to be designed in podium style with the taller massing proposed away from these lower density heritage resources.

The proposed street closure of Janette will eradicate the continuity of the historical street patterns of ribbon farms that are characteristic of Windsor's historical land development. The street closure is not recommended and should be redesigned to allow for continuity of the north-south street.

Archaeology

The subject property is located within an area of high archaeological potential. A report titled "**Stage 1-2 Archaeological Assessment of Riverside Drive West & Janette Avenue in part of Lot 77 & 78, Concession 1 Petite Cote, Township of Sandwich, Now City of Windsor, Essex County, Ontario**" was received in the rezoning materials package. However, we require the final Stage 1 & 2 Archaeological Assessment report along with the Entered Into Register Letter from the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries for review. Please provide these two materials in future re-submission packages.

Sherif Barsom – Parks D&D

Parks Development has no comments for the above mentioned Liaison.

Shannon Deehan – Transportation Planning

- Riverside Dr W is classified as a Scenic Parkway with a required right-of-way width of 24 meters per the Official Plan. The existing right-of-way width is insufficient, however, a conveyance is not requested as part of the Riverside Drive Vista Improvement Project EA.
- Janette Ave is classified as a Class I Collector with a required right-of-way width of 21.3 meters per Schedule X of the Official Plan. The existing right-of-way is sufficient, therefore, no conveyance is required.
- A TIS has been received for the application and still needs to be reviewed. Comments will be provided once reviewed.
- All parking must comply with Zoning By-Law 8600.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
 - o Driveway must comply with AS-203 and AS-204, straight flares only.
 - o The applicant will be responsible for removing any redundant curb cuts and accesses along the Riverside Dr W and Janette Ave frontage.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- A corner cut-off of 4.6 meters is required at the corner of Janette Ave and Riverside Dr W.
- More information is required on the proposed road closure.
 - o Janette Ave must remain open up to the southern property line of the subject property so that the properties to the south still have access.
 - o At the point where the road will be closed, there must be a turning blub at the property line of the development for people to turn around that are not entering the development.
- Appropriate signage must be identified and will be required based on the road closure for this development. Traffic Operations to be consulted on placement of the signage within the right-of-way at Site Plan Control, and signage will be placed and maintained at the applicant's expense.

Enwin

HYDRO ENGINEERING: No Objection, however, ENWIN has existing overhead 16,000-volt primary hydro distribution pole line in the alley along the south side of the property. Proposed building(s) must have adequate clearance requirements from this line.

We recommend referring to the Occupational Health & Safety Act for minimum safe limits of approach during construction and the Ontario Building Code for adequate clearance requirements for New Buildings.

WATER ENGINEERING: Water Engineering has no objections to the rezoning. The closing of Janette from Riverside to Pitt will require the abandonment of a 300mm watermain and should be

replaced by the developer by installing a 300mm watermain on Bruce Avenue from Riverside to Pitt to compensate.



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

Reference:

Date to Council: October 3, 2022
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: September 15, 2022
Clerk's File #: Z/14294

To: Mayor and Members of City Council

Recommendation:

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

"310. SOUTHWEST CORNER OF RIVERSIDE DRIVE EAST AND HALL AVENUE

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

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* (New use)

Business Office

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

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

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

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

1. The provisions in Section 20(1)310 that apply to a *Business Office* and a *Combined Use Building* shall also apply to a *multiple dwelling* with five or more *dwelling units*, save and except for s.20(1)310.3, s.20(1)310.4, s.20(1)310.8 and 20(1)310.20(d); and
2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:
 - .2 Lot Area – minimum - 93.0 m² per unit
 - .3 Lot Coverage – maximum - 35%
 - .4 Main Building Height – maximum - 18.0 m
 - .8 Landscape Open Space Yard – minimum - 35% of *lot area*
 - .20 Building setback from rear lot line - minimum - 30.0 m
3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
 - a. The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
 - b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.

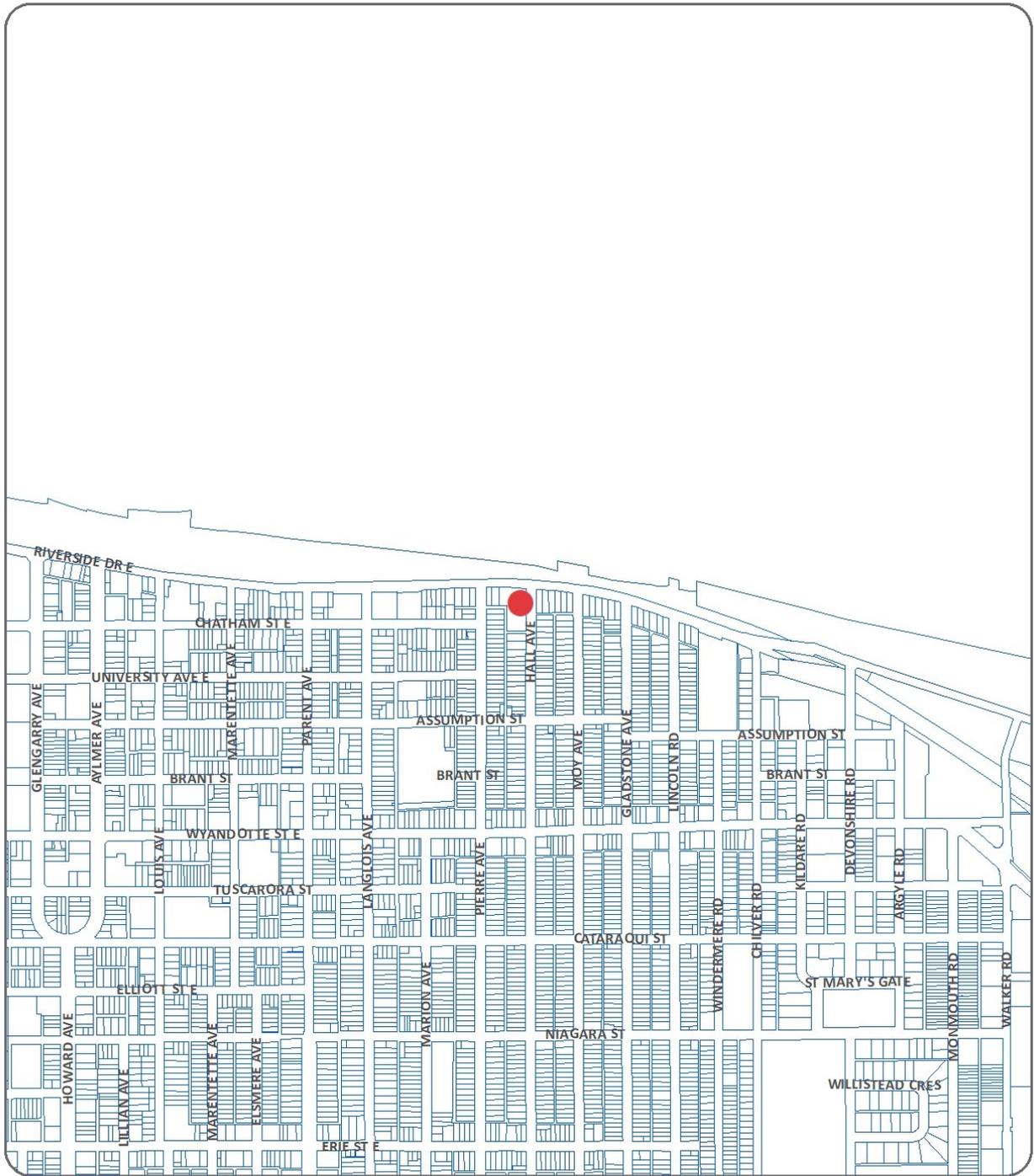
[ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”

- III. That the applicant's request for site-specific provision to allow for a reduction in the required minimum building setback from 1.5m to 0.2m from an interior lot line, **BE DENIED**, for reasons noted in this report;
- III. THAT the parcel described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], located on the southwest corner of Riverside Drive East and Hall Avenue, **BE EXEMPT** from the provisions of section 45(1.3) of the Planning Act, provided the subject exemption excludes minor variance application(s) with the intent to achieve any of the following:
 - a. Reduction in the required minimum building setbacks; and,
- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix B of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
 - 1) 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Dr. E.
 - 2) Storm Detention
 - 3) Sanitary Sampling Manhole
 - 4) Oil & Grit Separator
 - 5) Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr. E.
 - 6) Parkland dedication;
 - 7) A Record of Site Condition registered on file with the Ministry; and
 - 8) Canada Post requirements and guidelines for the proposed multi-unit development.

Executive Summary: N/A

Background:

1. KEY MAP



KEY MAP - Z-044/21, ZNG-6633



● SUBJECT LANDS

APPLICANT: ST. CLAIR RHODES DEVELOPMENT CORPORATION

ADDRESS: 1247 RIVERSIDE DRIVE EAST

2. APPLICATION INFORMATION

LOCATION: 1247 & 1271 Riverside Dr. E. [southwest corner of Riverside Dr. E. & Hall Ave.]

APPLICANT: ST. CLAIR RHODES DEVELOPMENT CORPORATION; c/o Dino Maggio.

AGENT: DILLON CONSTRUCTION LIMITED; c/o Karl Tanner

REGISTERED OWNER: SAME AS APPLICANT

PROPOSAL: The applicant is requesting an amendment to Zoning By-law 8600 for the lands municipally known as 1247 & 1271 Riverside Drive East. The subject land is designated Residential on the Land Use Schedule D of the Official Plan. The property is zoned Residential District 2.2 (RD2.2) by Zoning By-law 8600, with site-specific zoning provision S.20(1)310.

The RD2.2 zoning permits one *multiple dwelling* containing a maximum of four *dwelling units*. The applicant proposes a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* with five or more *dwelling units* on the subject land.

The applicant is also requesting the following additional provisions:

- Lot coverage – maximum - 35%,
- Building height – maximum - 18m,
- Building setback - 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and
- Building setback – minimum - 30m from the rear lot line.
- Relief from section 5.35.5 of by-law 8600.

The applicant proposes to develop a multi-storey, *multiple dwelling* with 42 *dwelling units* on the subject land. The applicant's revised Planning Justification Report dated September 13, 2022, prepared by Dillon Consulting, indicates the proposed building will have 5 storeys above grade and 1 storey below grade with 20 surface parking spaces and 49 below grade parking spaces. The fifth storey will contain amenity area (scenery loft).

SUBMISSIONS BY APPLICANT:

- Zoning By-law Amendment Application form;
- Property Deed;
- Development Concept plan;
- Project Summary/Planning Justification Report dated October 2020, REVISED June 29, 2022, September 8, 2022 and September 13, 2022, prepared by Dillon Consulting;
- StormWater Management Report dated Nov. 23, 2021, prepared by Aleo Associates Inc.;
- Topographic Plan of Survey dated Jan. 31, 2014, prepared by Verhaegen/ Stubberfield/ Hartley/ Brewer/ Bezaire Inc.;
- Stage 1 Archaeological Assessment Report dated Oct. 2015, Revised Feb. 2016, prepared by Cultural Resource management Group Limited;
- Stage 2 Archaeological Assessment Report dated Sep. 2016, prepared by Cultural Resource Management Group Limited;
- Ministry of Tourism Culture and Sport (MTCS) Letter dated Oct. 28, 2016, RE: Review and Entry into the Ontario Public Register of Archaeological Reports;
- Urban Design Brief dated July 22, 2022, prepared by Dillon Consulting;
- Shadow Impact Analysis dated March 20, 2022, prepared by Dillon Consulting; and
- Energy Strategy dated March 2022, prepared by Dillon Consulting.

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
RESIDENTIAL [Land Use]	RESIDENTIAL DISTRICT 2.2 (RD2.2) & S.20(1)310; ZDM6	Vacant land (since 2014)	1247 Riverside Dr. E.: Residential (Single unit dwelling) 1271 Riverside Dr. E.: Commercial (Danny's Tavern)
FRONTAGE	DEPTH	AREA	SHAPE
54.18m along Riverside 85.57m along Hall	irregular	3953.78m ² (0.977acres)	irregular
<p>Note: (1) All measurements are based on the 2014 topographic plan of survey. (2) House and Tavern were demolished in 2014) (2) This site is within the limits of the Riverside Dr. Vista Improvement Environmental Assessment (EA). (3) The EA does not identify any property requirements from the subject land. (4) The subject site is not located within a regulated area that is under the jurisdiction of ERCA.</p>			

4. PREVIOUS AMENDMENTS RELATED TO SECTION 20(1)310:

OPA 97: October 6, 2014, Council enacted By-law 174-2014 for the adoption of OPA 97. The purpose of the amendment (OPA97) is as follows:

- (i) to provide a site specific policy permitting “a business office use” as additional permitted use on the subject land designated Residential in the land use Schedule of the Official Plan, and
- (ii) to also expand the site specific policy to allow for the development of a business office jointly with a residential use on the subject land designated residential.

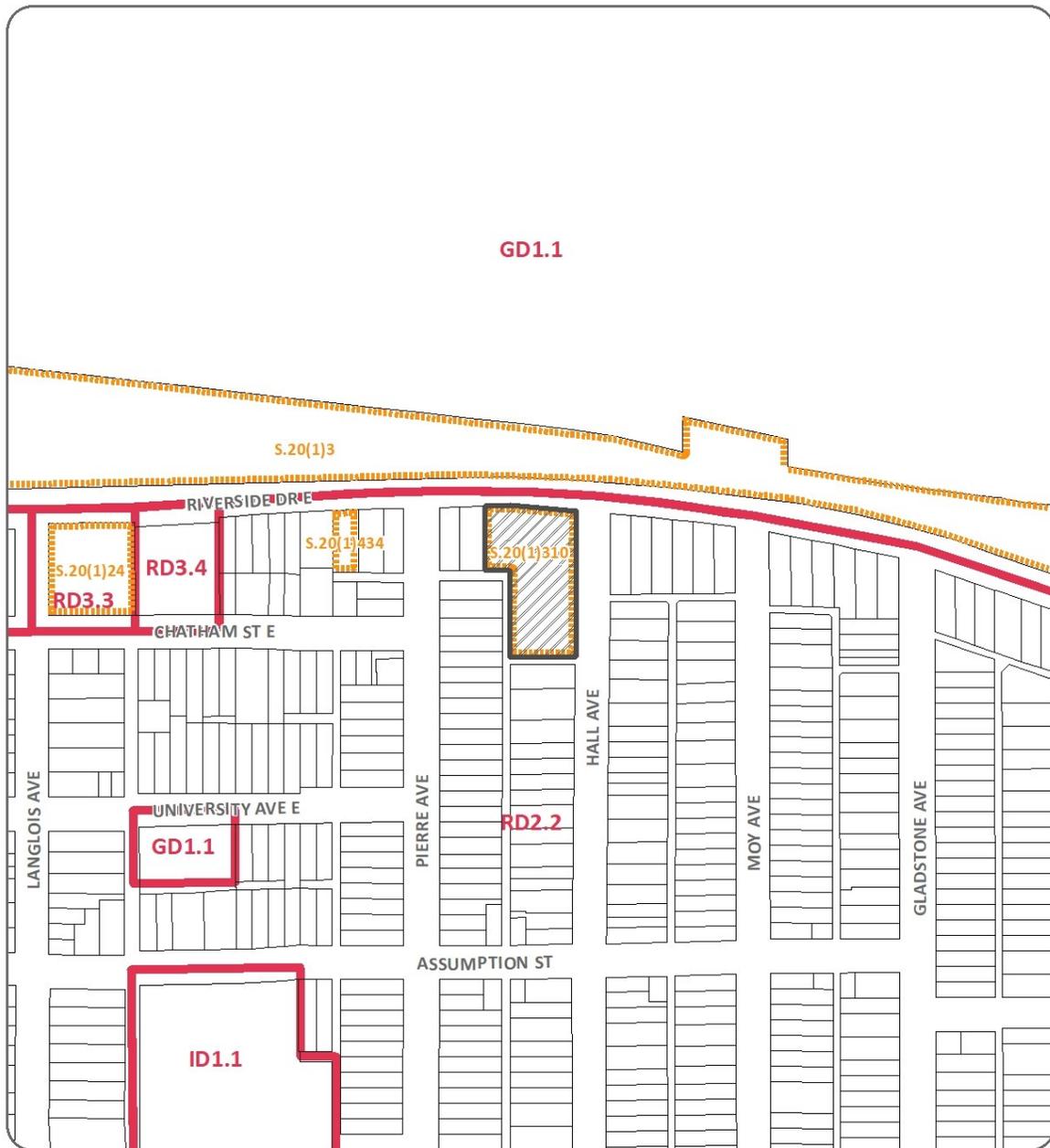
Z-007/14, ZNG/4153: October 6, 2014, Council also passed By-law 175-2014, which further amended By-law Number 8600 by adding section 20(1)310. By-law 175-2014 had the following purpose and effect:

- Permits the use of the subject land for “a business office” or “a business office in a combined use building with any one of the uses listed under Section 11(2)(a), provided that all dwelling units, not including entrances thereto, are located entirely above the office use”.
- By-law 175-2014 expands the permitted uses on the subject land through the addition of a site-specific provision to the Zoning By-law.

Z-021/17, ZNG/5270: November 6, 2017, Council adopted a resolution (CR677/2017) to approve a house-keeping amendment (File Z-021/17; ZNG/5270), which included some minor corrections to section 20(1)310. On the same November 6, 2017, Council also passed By-law 164-2017 to amend Zoning By-law 8600 as follows:

- Revise Section 5.10 Accessory Buildings by adding provisions for accessory buildings located in Institutional Districts.
- Replace Section 8, 9, 10, 11, 12 and 13 with new and updated Sections 8, 9, 10, 11, 12 and 13.
- Revise Section 20(1) Site Specific Exceptions to refer to new provisions in Sections 8, 9, 10, 11, 12 and 13.
- Minor corrections and revisions.

5. REZONING MAP



PART OF ZONING DISTRICT MAP 6

N.T.S.

REZONING

Applicant: St. Clair Rhodes Development Corporation



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022
FILE NO. : Z-044/21, ZNG-6633

6. NEIGHBOURHOOD CHARACTERISTICS



NEIGHBOURHOOD MAP - Z-044/21, ZNG-6633



SUBJECT LANDS

APPLICANT: ST. CLAIR RHODES DEVELOPMENT CORPORATION

ADDRESS: 1247 RIVERSIDE DRIVE EAST

The surrounding area is an established residential neighbourhood with small scale low profile residential uses mixed with a few medium and high profile developments. The medium and high profile residential developments are mainly along the south side of Riverside Dr. There are some open space/ recreational uses along the north side of Riverside Dr. The character of the neighbourhood shifts to a mixed use area with commercial, residential and institutional uses as you approach Wyandotte Street, south of the subject land as shown below.

SURROUNDING LAND USE

North: Open Space uses – Riverfront Trail, Memorial Garden, Flower Garden and, further north, the Detroit River.

West (Along south side of Riverside Dr. from Hall Ave. to Langlois Ave.): Residential uses - mostly small-scale low profile housing developments and two high profile residential buildings (10-storey apartment building known as Riverside Heights, at 1070 Chatham Street E. and a 12-storey apartment building known as Royal Towers, at 101 Langlois Ave.). Further west, on the Southeast corner of Parent Ave. and Riverside Dr. intersection, there is a 2-storey commercial building (Blondie Cleaners) at 909 Riverside Dr. E.

East: (Along south side of Riverside Dr., from Hall Ave. to Gladstone Ave.): Residential uses – small-scale low profile housing developments. Further east, at 1671 Riverside Dr. E., there is a high profile institutional building (Children’s Aid Society, Admin Building).

South: (Along east & west sides of Hall Ave. to Wyandotte St. E.): Residential and Commercial uses – mostly small-scale low profile housing developments on Hall Avenue frontage and commercial developments on Wyandotte Street intersection.

Southeast: Residential uses - low profile housing developments

Southwest: Residential, Open Space, Institutional and Commercial uses

- Low profile housing developments,
- University Park (at 1075 University Ave. E., east of Langlois Ave.),
- Place of Worship (Jesus Christ Tabernacle church at 381 Pierre St, N/W CNR of Pierre and Assumption),
- School (Frank W. Begley Public School at 1093 & 1105 Assumption St., between Langlois and Hall Avenues),
- Commercial uses (retail stores, restaurants, personal service shops, etc. along Wyandotte St. E.)

MUNICIPAL INFRASTRUCTURE

- The City’s records show that there are municipal storm and sanitary sewers within the abutting roadways, available to service the subject land.
- Municipal watermains, fire hydrants and LED streetlights are available in the subject area.
- There are concrete sidewalks, curbs and gutter along both sides of Hall Avenue and Riverside Drive East.
- There are Multi-Use Trails along the north side of Riverside Dr. E. and within the waterfront.
- Transit Windsor Bus routes (Walkerville 8 and Crosstown 2) are available to service the subject land and area. The closest existing transit route to this property is the Walkerville 8. Bus stop is located at the southwest corner of Riverside and Hall, in front of the subject property.
- Riverside Drive East is classified as a Scenic Drive in the Official Plan; while Hall Avenue is classified as a local Road.
- Nearby Class II Arterial Road – Wyandotte St. E. (approx. 400m south of the subject land)

- Nearby Class I Collector Roads – Gladstone and Lincoln Ave. (approx. 200m and 300m, respectively, east of the subject land).

Discussion:

PLANNING ANALYSIS:

1. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. It provides policy direction on matters of provincial interest related to land use planning and development, and sets the policy foundation for regulating the development and use of land in Ontario.

The recommended zoning by-law amendment promotes residential intensification, infill and redevelopment in an established residential neighbourhood that has a mix of commercial and institutional uses along nearby commercial corridor(s). The following policies of PPS 2020 are considered relevant in discussing provincial interests related to this amendment:

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;

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;

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

With respect to 1.1.1(a) – This property has been vacant for 8 years following the demolition of the single unit dwelling and tavern on the subject land. This amendment will, therefore, facilitate an infill residential development / redevelopment of the subject land. The amendment will introduce a medium profile, higher density residential use on the subject land; thereby, resulting in an efficient use of land, municipal services and infrastructure. Consequently, the amendment will promote efficient development and land use pattern that will positively impact the financial well-being of the City of Windsor.

With respect to 1.1.1(b) - There are a few medium and high profile residential developments west of the subject land. As noted already in this report, the east and south sides of the subject land are mostly low profile residential developments. The north side is the Windsor Riverfront. The recommended amendment will bring about the accommodation of a new *multi-unit, multi-storey* housing type that will constitute an appropriate market-based range and mix of residential types.

With respect to 1.1.1(c) – There are no known environmental or public health & safety concerns.

With respect to 1.1.1(f) - Sidewalks improve *accessibility for persons with disabilities and older persons*. As noted already in this report, there are existing concrete sidewalks on abutting and nearby roadways. The concept plan shows proposed on-site sidewalks, which connect to city side walks on Hall Avenue; thereby, enhancing on-site and off-site connectivity and accessibility.

With respect to 1.1.1(g) – The subject land is in an area of the City that is built-up and serviced by necessary infrastructure and public utilities.

With respect to 1.1.1(i) – Regional and local impacts of climate change is best addressed at the time of site plan approval when the lot-grading provisions, stormwater management measures, servicing study, landscaping requirements and much more, can be discussed in details and incorporated in the site plan approval and site plan agreement. The subject site is serviced by public transit and there is a bus stop in front of the subject land, at the southwest corner of Riverside and Hall. Therefore, the proposed development with 42 dwelling units will support the use of public transit and help to reduce carbon foot-print, causing a positive impact on climate change.

In summary, the recommended zoning by-law amendment will facilitate an efficient development on the subject land and sustain a healthy, liveable and safe community. The recommended zoning by-law amendment is consistent with policy 1.1.1 of the PPS.

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 ...*

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.

This amendment creates opportunity for growth and development within the City of Windsor settlement area. This amendment will facilitate the development of a medium profile housing option, which is both an infill development and a redevelopment; hence, the recommended amendment promotes residential intensification. The amendment will facilitate a transit-supportive multi-unit residential development that will efficiently use land, resources, and existing infrastructure, including existing and planned active transportation options such as sidewalks. The subject amendment is consistent with policies 1.1.3.1 and 1.1.3.2 of the PPS.

1.4 Housing

1.4.1 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:

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;

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 by:

b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, ...; and

2. all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;

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

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

This amendment is intended to:

- promote the redevelopment of the subject site at a much higher density than previously existed on the subject land;
- create an opportunity for a higher density and compact development in an established residential area containing mostly low-density developments;
- facilitate a net increase in residential units or accommodation;
- result in the intensification of the subject site and area;
- facilitate the municipality's ability to accommodate residential growth through intensification;
- provide a form of housing that is appropriate in terms of range and mix, and
- meet the social, health and well-being of current and future residents.

Appropriate level of infrastructure, active transportation and transit services are available or will be available in the subject area. This amendment is consistent with policy 1.4 of the PPS.

1.6 Infrastructure and Public Service Facilities

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.*

The subject land is within an area that is serviced by municipal sewage services and municipal water services. The recommended zoning by-law amendment is consistent with policy 1.6.6.2 of the PPS.

1.6.6.7 *Planning for stormwater management shall:*

e) *maximize the extent and function of vegetative and pervious surfaces; and*

f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

The applicant's site-specific relief from the zoning by-law with respect to reduction in interior side yard width amounts to minimizing the extent and function of vegetative landscape and pervious surface on the subject land, therefore, is not consistent with policy 1.6.6.7 (e) of the

PPS. Consequently, in order to help maximize the extent and function of vegetative and pervious surfaces on the subject site, the applicant's site-specific request for a reduction in interior side yard width is not being recommended. The recommended amendment eliminates the site-specific zoning provision regarding reduction in interior side yard width. The recommended amendment is consistent with policy 1.6.6.7 (e) of the PPS.

Applicant is advised that landscaped area should be maximized as much as possible to enhance stormwater attenuation. Applicant is encouraged to consider Low Impact Design in the Site Plan Review process to address quantity and quality of stormwater leaving the site.

The applicant submitted a Stormwater Management (SWM) Report dated November 23, 2021. The SWM report indicates that the proposed development will discharge entirely to the existing 18" diameter municipal storm sewer on Hall Avenue located east of the site. The SWM report also states that storage has been provided entirely underground in the depressed grass area and in oversized storm sewer pipe and structures. The recommended amendment is consistent with policy 1.6.6.7 (f) of the PPS.

1.7 Long-Term Economic Prosperity

1.7.1 Long-term economic prosperity should be supported by:

- b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*
- c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities*

This amendment encourages residential intensification which provides additional housing supply to the City. This amendment, therefore, symbolizes an appropriate response to the housing needs in the City of Windsor. The proposed development of a 5-storey, 42-unit multiple dwelling will optimize the availability and use of land, infrastructure and public service facilities. The amendment is consistent with policy 1.7.1 of the PPS.

1.8 Energy Conservation, Air Quality and Climate Change

1.8.1 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 which:

- a) promote compact form and a structure of nodes and corridors;*
- b) promote the use of active transportation and transit in and between residential, employment (including commercial and industrial) and institutional uses and other areas; and*
- g) maximize vegetation within settlement areas, where feasible.*

The amendment promotes a compact development, which is transit-supportive, in an area that promotes active transportation and connectivity through the existing and planned sidewalks and multi-use trails. The recommended amendment contains zoning provisions (building setbacks from exterior and interior lot lines) that will help to maximize vegetation within the subject site and enhance air quality and positively impact storm management design for the site. The developer should consider energy efficiency in the building design as recommended in the energy study submitted by the applicant. This may include, but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors. It is also recommended that shade trees be provided for heat reduction as well as Green Infrastructure through Low Impact Design best practices to reduce and slow the flow of storm water to the proposed SWM area.

In summary, the above planning analysis demonstrate that the recommended zoning by-law amendment is consistent with the relevant Policies of PPS 2020.

2. OFFICIAL PLAN (OP)

A **safe, caring and diverse community** encourages a range of housing types to ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives. “As the city grows, more housing opportunities will mean less sprawl onto agricultural and natural lands.” S. 3.2.1.2 (Neighbourhood Housing variety), OP Vol. 1.

One of the **healthy and liveable city** objectives in the Official Plan is to encourage a mix of housing types to allow people to remain in their neighbourhoods as they age; s.4.2.1.5 (Aging in Place), OP Vol. 1

Land Use Designation: The site is designated “Residential” in Schedule D of City of Windsor Official Plan. The objectives and policies of the Residential land use designation establish the framework for development decisions in Residential areas within the City of Windsor.

The Official Plan’s objectives are to support a complementary range of housing forms, promote compact residential form for new developments and promote selective residential redevelopment, infill and intensification initiatives in the City of Windsor. See sections 6.3.1.1, 6.3.1.2 and 6.3.1.3 of OP Vol.1. These objectives of the OP are satisfied by the proposed development on the subject land. The amendment supports a complementary range of housing form in the subject neighbourhood. The amendment also provides opportunity for residential redevelopment, infill and intensification; thereby, promoting a compact neighbourhood.

Permitted Uses: “Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.” s. 6.3.2, OP Vol. 1.

Proposed Use: The amendment will facilitate the development of a 5-storey, 42-unit Apartment, which is deemed a medium profile housing development per s. 6.2.1.2 of the OP. Therefore, the amendment is for a permitted use within the residential land use designation.

Locational criteria, s.6.3.2.4 of OP Vol. 1, are satisfied by the proposed residential development. The amendment is for a residential development located in a built-up area with access to a nearby Class II Arterial Road (Wyandotte St. – 400m south of the subject land) via Hall Ave. (a local Road). The subject development has access to nearby Class I Collector Roads (Gladstone Ave. and Lincoln Rd – 200m and 300m east of the subject land, respectively). The subject land can be serviced by full municipal physical services. Existing community services, open spaces and public transportation are available or planned for in the neighbourhood.

Evaluation criteria for neighbourhood development pattern, s.6.3.2.5 of OP Vol. 1. With respect to the proposed development on the subject land, the following evaluation criteria are applicable:

- s.6.3.2.5 (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.

The term “Compatible” means the proposed development needs to be able to coexist with existing land uses; it does not mean the proposed development needs to be identical or similar to existing development in an area. As noted already in this report, there is a mix of low, medium and high profile residential developments co-existing in the subject area.

This recommended by-law amendment utilizes site-specific zoning to guide the proposed development towards compatibility with surrounding low profile residential developments. By applying the recommended site specific zoning regulations to the subject land, the proposed multiple dwelling can be designed to achieve compatibility with existing developments in the neighbourhood.

Massing and scale of a development are influenced mostly by the lot size, lot coverage, building height and setback requirements, which have been incorporated in the recommended site-specific provisions.

The recommended main building height of 18m is acceptable, based on what exists in another zoning category (RD2.5 in By-law 8600), where compatibility between low and medium profile residential developments is guided by a main building height of 7m minimum to 18m maximum.

Where a building is sited, its orientation and setback on the subject land are determined by a number of factors such as the building envelope set out in the minimum building setback requirements that are contained in the applicable zoning district and in any site-specific provisions. The recommended amendment contains building setback requirements that are geared towards achieving compatibility with nearby existing low profile residential developments in the area.

For a multiple dwelling with 5 or more dwelling units, the requirement is 1.25 parking spaces per dwelling unit. The provision of adequate off-street parking spaces at the rear of the building with vehicular access from Hall Avenue demonstrates compatibility with uses in the immediate area.

Zoning By-law 8600 defines *Amenity Area* as a *landscaped open space yard* or a recreational facility as an accessory use to a dwelling or a dwelling unit **located on the same lot**. This amendment incorporates site-specific landscape open space requirements, which further helps to achieve compatibility with the existing dwellings in the subject area.

Implementation of the recommended site specific zoning provisions, along with applicable RD2.2 zoning provisions, will help achieve compatibility with surrounding low profile residential uses.

In terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas, it is my opinion that the recommended amendment can result in a design that is compatible with the surrounding area as required under s.6.3.2.5 (c) above.

Concept plan shows adequate off-street parking for the proposed development; s. 6.3.2.5 (d).

As noted already in this report, the subject land is within a built-up residential neighbourhood and municipal infrastructure and services are available in the area; therefore, the proposed infill residential development is capable of being provided with full municipal physical services and emergency services per s.6.3.2.5 (e).

The recommended amendment is for a medium profile residential development and, as such, gradual transition is necessary and has been considered in the recommended site-specific building setbacks. Therefore, this amendment satisfies s.6.3.2.5 (f).

Energy Conservation, s.8.5.2.8 of OP Vol. 1: The proposed infill redevelopment is a compact, transit-oriented development with increased density, making transit service a viable investment for the City, per s.8.5.2.8(b), OP Vol. 1.

Reduction in landscaping is not desirable and should not be encouraged because landscaping can assist in reducing heating and cooling requirements. Hence the recommended amendment is structured to conform with s.8.5.2.8(c), OP Vol. 1.

Infill Development, s.8.7.2.3 of OP Vol. 1: The proposed infill residential development on the subject land is capable of being designed to function as an integral and complementary part of the existing residential development pattern. The requirements under s.8.7.2.3 can be more appropriately addressed at the time of Site Plan Approval. If Council approves the recommended zoning by-law amendment, the next step in the development process is for the proponent to submit an application for site plan review and approval, which will ensure that the proposed residential development is in keeping with the Official Plan built form policy for infill developments as in section 8.7.2.3, OP Vol. 1.

Amendments Must Conform, s. 11.6.3.1 of OP Vol. 1: “All amendments to the Zoning By-law(s) shall conform with this Plan”. Based on the analysis provided in this report, the recommended zoning by-law amendment maintains conformity with the Official Plan.

Evaluation criteria for zoning by-law amendments, s.11.6.3.3 OP Vol. 1:

- As noted already in this report, the amendment satisfies the evaluation criteria under s.6.3.2.5; therefore, 11.6.3.3(a) is satisfied;
- Relevant support studies were submitted as part of this application and were considered in the preparation of this planning report; therefore, 11.6.3.3(b) is satisfied;
- The requirements, comments and recommendations from municipal departments and circularized agencies have been considered, as noted in the CONSULTATION section of this report; therefore, 11.6.3.3(c) is satisfied;
- This amendment promotes opportunity for residential intensification, redevelopment and infill, which creates a compact form of neighbourhood and ensures continuation of an orderly development pattern in the subject area. The recommended zoning by-law amendment is consistent with the relevant policies of the PPS and conforms with, or can be designed to conform with, the applicable objectives and policies of OP Vol. 1. Therefore, 11.6.3.3(d) is satisfied; and
- The zoning by-law amendment will provide additional housing options and opportunities in the area. Potential adverse impacts on nearby residential properties can be mitigated with design elements and landscaping features and these will be further addressed at the time of site plan review. Therefore, 11.6.3.3(f) is satisfied.

The recommended amendment meets the evaluation criteria set out in s.11.6.3.3 of the OP.

3. ZONING

The subject land is zoned Residential District 2.2 (RD2.2) with special provision s.20(1)310, in the City of Windsor Zoning By-law 8600. **Appendix A**, attached to this report, contains relevant excerpts from Zoning By-law 8600. Permitted uses in the RD2.2 zoning district can be found in Appendix A. The proposed 5-storey, 42-unit multiple dwelling is not permitted in the R2.2 zoning nor by S.20(1)310.

The applicant's requests for site-specific zoning provisions in the revised PJR dated September 13, 2022, have all been considered and are supported in this report, save and except for the interior side yard reduction from 1.5m to 0.2m. The side yard reduction minimizes the extent and function of vegetative landscape and pervious surface on the subject land as discussed under 1.6.6.7(e) in this report. Secondly, the RD2.2 zoning requires a side yard width of 1.8m for a multiple dwelling containing a maximum of 4 dwelling units and 1.2m for a single unit dwelling. The 1.5m minimum interior side yard required in s.20(1)310 is already a reduction in the

required side yard for a 10m tall multiple dwelling in an RD2.2 zoning district. Thirdly, in another zoning district (RD2.5, By-law 8600) in which low and medium profile dwellings are planned to co-exist, a multiple dwelling with five or more dwelling units (and a maximum building height of 18m) is required to have a minimum side yard width of 2.5m. Lastly, in my opinion, it is not good planning to support a further reduction in the minimum required interior side yard width for the proposed 18m tall medium profile multiple dwelling abutting a low profile residential development.

The existing special section [s.20(1)310] on the subject land will have to be deleted and replaced with a new (revised) s.20(1)310 as shown in Recommendation II of this report.

With respect to parking requirements for the proposed 42 residential units, the by-law requires 1.25 spaces for each unit; therefore, the development requires a minimum of 52 parking spaces. The applicant proposes 69 off-street parking spaces (20 surface parking spaces and 49 below grade parking spaces). Since most of the parking is going to be located below grade, Planning Department has no issue with the 17 extra parking spaces being proposed.

DRAFT BY-LAW: A draft by-law is attached as **Appendix D**. The Planning Act, in subsection 24(1) requires that no by-law shall be passed for any purpose that does not conform with the Official Plan. As noted already under OFFICIAL PLAN section of this report, the recommended amendment conforms with the OP; therefore, the draft by-law can be passed at the appropriate time.

4. SITE PLAN

The proposed amendment is a “development” as defined in section 41(1) of the Planning Act; therefore, the applicant is required to submit an application for Site Plan Approval. Execution of a Site Plan Agreement is required.

The following municipal department requirements and other relevant requirements found in Appendix B attached, shall be addressed through the Site Plan Review and Approval process for the proposed development on the subject land:

- a. 4.6m x 4.6m corner cut-off at the corner of Hall Avenue and Riverside Drive East
- b. Storm Detention
- c. Sanitary Sampling Manhole
- d. Oil & Grit Separator
- e. Encroachment of existing concrete retaining wall (and footings) fronting Riverside Dr.
- f. Parkland dedication;
- g. A Record of Site Condition registered on file with the Ministry; and
- h. Canada Post requirements and guidelines for the proposed multi-unit

5. STORMWATER MANAGEMENT REPORT

The applicant’s consultant, Aleo Associates Inc., submitted stormwater management report dated November 23, 2021, for the proposed multi-storey residential development on the subject land. Aleo Associate’s storm management report summarizes as follows:

- a) That the property has a total area of 42,540 ft² (0.98 acres) and the southern portion of the property has a drainage area of 14,505 ft² (0.33 acres) and is tributary to the 18” diameter storm sewer on Hall Avenue with an allowable runoff coefficient 0.42; while the northern portion of the property has a drainage area of 28,035 ft² (0.64 acres) and is not assessed to a storm sewer;
- b) That the proposed development will discharge entirely to the existing 18” diameter municipal storm sewer on Hall Avenue located east of the site;

- c) That the allowable release rate will be based on a runoff coefficient of $C=0.42$ and a drainage area of 14,505 ft² (0.33 acres); and
- d) That the developed runoff coefficient for the stormwater management boundary area is 0.76 for both the 1:5 year and 1:100 year storm events.

Aleo Consulting Inc. indicates, in their storm management report, that they had carried out storm detention design for a 1:5 year and 1:100 year frequency storm event, and the release rate from the site is being restricted to the 1:5 year allowable discharge rate which is 0.41 cfs (11.6 L/s). The applicant's engineering consultant also states that

- The development flow will be restricted by a Tempest "HF" (High Flow Rate) Inlet Control Device by Ipx (74 mm diameter ICD);
- Storage has been provided entirely underground in the depressed grass area and in oversized storm sewer pipe and structures;
- The 1:5 year and 1:100 year storage elevations are 591.75' and 592.75', respectively; and
- The 1:100 year storage elevation is 12" below the proposed floor elevation 593.75'.

Risk Analysis:

Mitigation: The subject site is serviced by public transit and the proposed development is transit-supportive; therefore, this amendment will help in reducing carbon foot-print, thereby, positively impacting climate change. The proposed development will promote active transportation by utilizing existing and new sidewalks in the area, thereby, reducing carbon footprint.

Adaptation: As noted in this report under policy 1.1.1(i) of the PPS, impact of climate change is best addressed at the time of site plan approval when the lot-grading provisions, stormwater management measures, servicing study, landscaping requirements and much more, would be discussed in details and incorporated in the site plan approval and site plan agreement.

Financial Matters: N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Appendix B, attached to this report, contains comments from municipal departments and external agencies that were consulted. There are no objections to the requested amendment. However, some municipal departments and external agencies have conditions/requirements for approval of the subject zoning amendment. See Appendix B hereto attached.

2. PUBLIC NOTICE

The City advertised the official notice in the local Newspaper, the Windsor Star Newspaper, per the Planning Act.

The City will also mail courtesy notice to all properties within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

Conclusion:

Following my evaluation of materials submitted by the applicant, relevant policies of the Provincial Policy Statement 2020 and the Official Plan, comments from municipal departments and external agencies, it is my professional opinion that the recommended zoning amendment

is consistent with the Provincial Policy Statement 2020, maintains conformity with the Official Plan and constitutes good planning.

It is also my opinion that the requested reduction in interior side yard width should be denied for the reasons outlined in this report, under zoning discussion.

Planning Act Matters:

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

Michael Cooke, MCIP, RPP

Manager, Planning Policy / Deputy City Planner

Thom Hunt, MCIP, RPP

City Planner

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

JP, Commissioner of Economic Development & Innovation

OC, Chief Administrative Officer

Approvals:

Name	Title
Michael Cooke, MCIP, RPP	Manager of Planning Policy / Deputy City Planner
Thom Hunt, MCIP, RPP	City Planner
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Jelena Payne	Chief Administrative Officer (Acting)

Notifications:

Name	Address	Email
Abutting property owners, tenants/occupants within 120 meter (400 feet) radius of the subject land		
Applicant & Owner: St. Clair Rhodes Development Corporation; c/o Dino Maggio	3235 Electricity Dr., Windsor ON N8W 5J1	dino@midsouth.ca
Agent: Dillon Consulting Limited c/o Karl Tanner	3200 Deziel Drive, Suite 608, Windsor, ON N8W 5K8	ktanner@dillon.ca
Councillor Chris Holt	350 City Hall Square West, Suite 220, Windsor, ON	cholt@citywindsor.ca

Appendices:

- 1 Appendix A - Excerpts from Zoning By-law 8600
- 2 Appendix B - Consultations Table
- 3 Appendix C - Concept plan
- 4 Appendix D - Draft By-law for Z-044-21
- 5 Appendix E - Planning Act Exemption Letter

APPENDIX A- Excerpts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

AMENITY AREA means a *landscaped open space yard* or a recreational facility as an *accessory use* to a *dwelling* or a *dwelling unit* located on the same *lot*.

BUILDING HEIGHT means:

1. For any *building* with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, the vertical distance in metres between the *grade* and the highest point of the roof.

Where a *building height* provision is expressed in storeys, the *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m results in a maximum building height of 12.0 m.

2. For a *main building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the mid-point between the lowest eaves and the highest point of the roof.

Where *building height* is expressed in storeys, the minimum *building height* in metres shall be the number of storeys required multiplied by 4.0 m, and the maximum *building height* in metres shall be the number of storeys permitted multiplied by 4.0 m plus an additional 2.0 m for the roof.

Example: If the maximum building height is 2 storeys, multiplying 2 storeys by 4.0 m plus 2.0 m for the roof, results in a maximum building height of 10.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m plus 2.0 m for the roof results in a maximum building height of 14.0 m.

3. For an *accessory building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the highest point of the roof.

BUILDING SETBACK means the horizontal distance measured at right angles from a *lot line* to the closest wall of any *building* or *structure* on the same *lot*.

DOUBLE DUPLEX DWELLING means one *dwelling* divided into four *dwelling units* by vertically attaching two *duplex dwellings* with no direct internal connection between the *dwelling units*. A *multiple dwelling*, *semi-detached dwelling*, *stacked dwelling*, or *townhome dwelling* is not a *double duplex dwelling*.

DUPLEX DWELLING means one *dwelling* divided horizontally into two *dwelling units* with no direct internal connection between the *dwelling units*. A *single unit dwelling* with two *dwelling units* is not a *duplex dwelling*.

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*.

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.

GRADE

1. For the purpose of Section 5.10.9, means the average elevation of the finished surface of the ground adjacent to the *accessory building*.
2. For the remainder of the By-law, means the average elevation of the crown of that part of the *street* abutting the *front lot line*. Where the elevation of a point on a *building* located on the *lot* is equal to the *grade* elevation, that point is deemed to be "at grade".

LANDSCAPED OPEN SPACE means an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a *dwelling* or *dwelling unit*.

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*.

SCENERY LOFT means an *amenity area* which occupies a fully enclosed room or group of rooms, is located above the uppermost *storey* of a *main building*, is fully and readily accessible to all residential occupants of the *building*, and is not used in whole or in part as a *dwelling unit*.

SEMI-DETACHED DWELLING means one *dwelling* divided vertically into two *dwelling units* by a common interior wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, up to two additional *dwelling units*.

SINGLE UNIT DWELLING means one *dwelling* having one *dwelling unit* or, where permitted by Section 5.99.80, one *dwelling* having two *dwelling units*. A single family dwelling is a *single unit dwelling*. A *duplex dwelling*, *mobile home dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*, is not a *single unit dwelling*.

TOWNHOME DWELLING means one *dwelling* vertically divided into a row of three or more *dwelling units* attached by common interior walls, each wall having a *minimum* area above *grade* of 10.0 sq. m., and may include, where permitted by Section 5.99.80, additional *dwelling units*. A *semi-detached dwelling* is not a *townhome dwelling*.

SECTION 5 – GENERAL PROVISIONS

5.35 EXCEPTIONS TO MAXIMUM BUILDING HEIGHT PROVISIONS

- 5.35.1 **FIXTURES OR STRUCTURES** - The features or structures listed in Table 5.35.1 may extend above the permitted maximum *building height*, provided that such fixtures or structures are erected only to such height as is necessary to accomplish their purpose:

Antenna	HVAC Equipment	Skylight
Belfry	Mechanical Penthouse	Smokestack
Chimney	Protective Fencing	Solar Panel
Cupola	Satellite Dish	Spire
Fire Wall	Screening Fencing	Water Tank

- 5.35.5 **SCENERY LOFT** - A *scenery loft* shall be an additional permitted facility on a *multiple dwelling* or a *combined use building* provided that the *multiple dwelling* or *combined use building* has a minimum *building height* of 30.0 metres and the *scenery loft* shall have a maximum height of 4.0 metres and a maximum *gross floor area* of 100.0 square metres.

SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

11.2.1 PERMITTED USES

One Double Duplex Dwelling
One Duplex Dwelling
One Multiple Dwelling containing a maximum of four *dwelling units*
One Semi-Detached Dwelling
One Single Unit Dwelling
Townhome Dwelling
 Any use accessory to any of the preceding uses

11.2.5 PROVISIONS

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

.2	Semi-Detached Dwelling	
.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

11.5 RESIDENTIAL DISTRICT 2.5 (RD2.5)

11.5.1 PERMITTED USES

Double Duplex Dwelling

Duplex Dwelling

Multiple Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Townhome Dwelling

Any use accessory to the above uses

11.5.5 PROVISIONS

.1 Double Duplex Dwelling

.1	Lot Width – minimum / maximum	18.0 m / 24.0 m
.2	Lot Area – minimum / maximum	540.0 m ² / 840.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.2 Duplex Dwelling

.1	Lot Width – minimum / maximum	12.0 m / 15.0 m
.2	Lot Area – minimum / maximum	360.0 m ² / 525.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	<i>Detached garage or carport in rear yard</i>	3.0 m / 4.0 m
	<i>No detached garage/carport in rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.3 Semi-Detached Dwelling

.1	Lot Width – minimum / maximum	15.0 m / 18.0 m
.2	Lot Area – minimum / maximum	450.0 m ² / 630.0 m ²
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	<i>Detached garage or carport in rear yard</i>	3.0 m / 4.0 m
	<i>No detached garage/carport in rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.4 Single Unit Dwelling

.1	Lot Width – minimum / maximum	9.0 m / 12.0 m
.2	Lot Area – minimum / maximum	270.0 m ² / 420.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m

- | | | |
|-----|--|---|
| .5 | Front Yard Depth – minimum / maximum | |
| | Detached <i>garage</i> or <i>carport</i> in <i>rear yard</i> | 3.0 m / 4.0 m |
| | No detached <i>garage/carport</i> in <i>rear yard</i> | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 1.20 m |
| .5 | Multiple Dwelling with four <i>dwelling units</i> or less | |
| .1 | Lot Width – minimum / maximum | 18.0 m / 24.0 m |
| .2 | Lot Area – minimum / maximum | 540.0 m ² / 840.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – minimum / maximum | 7.0 m / 14.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 1.20 m |
| .6 | Multiple Dwelling with 5 or more <i>dwelling units</i> | |
| .1 | Lot Width – minimum | 20.0 m |
| .2 | Lot Area – per <i>dwelling unit</i> – minimum | 166.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – minimum / maximum | 7.0 m / 18.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 2.50 m |
| .7 | Townhome Dwelling | |
| .1 | Lot Width – minimum | 20.0 m |
| .2 | Lot Area – per <i>dwelling unit</i> – minimum | 190.0 m ² |
| .3 | Lot Coverage – maximum | 50.0% |
| .4 | Main Building Height – maximum | 14.0 m |
| .5 | Front Yard Depth – minimum / maximum | 6.0 m / 7.0 m |
| .6 | Rear Yard Depth – minimum | 7.50 m |
| .7 | Side Yard Width – minimum | 2.50 m |
| .50 | Notwithstanding Section 24, for a <i>townhome dwelling</i> unit that fronts a <i>street</i> , the required number of <i>parking spaces</i> shall be one <i>parking space</i> for each <i>dwelling unit</i> . | |
| .50 | For all <i>dwelling</i> s, except a <i>Multiple Dwelling</i> with five or more <i>dwelling units</i> , the exterior walls shall be entirely finished in brick. | |
| .60 | Where a <i>garage</i> forms part of the <i>main building</i> , no exterior wall enclosing the <i>garage</i> shall project more than 1.0 m beyond the front wall or side wall of the <i>dwelling</i> . | |

APPENDIX B – Consultations Table

Anne Marie Albidone – Environmental Services

Garbage collection occurs in the alley abutting this property. Therefore the alley must remain accessible at all times. Otherwise, there are no concerns from Environmental Services.

Jose Mejalli – Assessment Management Officer

No objection to the zoning amendment to allow development of a 4-storey, *multiple dwelling* with 23 *units* in total and related parking.

Jennifer Nantais – Environmental & Sustainability Coordinator

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 as recommended in the requested energy study. This may include but not be limited to increased insulation, energy efficient appliances and fixtures, high efficiency windows and doors.

In addition, EV charging infrastructure should be included.

Opportunities to increase resiliency such as providing strategic back-up power capacity is warranted.

The large scale paving of natural space will increase the urban heat island effect 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.

Please note that this area of Windsor has a high risk of basement flooding. The applicant should be aware of this risk and take additional measure to minimize the risk of flooding.

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 and enhance natural habitat.

In addition we encourage the developer to consider community gardening space for residents. Local food production is very popular in Windsor and a space for community garden boxes could be beneficial.

The Environmental Sustainability & Climate Change team has also requested an Energy Study to be completed during the pre-submission stage this past summer.

Canada Post

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

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

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

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

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

Jason Scott – Transit Windsor

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. The closest existing bus stop to this property is located directly in front of this property on Riverside at Hall Southwest Corner providing excellent transit coverage to this development. This will be maintained with our Council approved Transit Master Plan. Transit Windsor has no plans or any intention to relocate this bus stop for this development. If the bus stop needs to temporarily be closed for construction on the property, Transit Windsor requires a minimum of 2 weeks notice.

ERCA

The following is provided as a result of our review of Zoning By-Law Amendment Z-044-21 ZNG 6633. The applicant proposes a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* on the subject land. Currently, one *multiple dwelling* containing a maximum of 4 *dwelling units* is permitted on the subject land. The applicant is also requesting for a maximum lot coverage of 30.9%, a maximum building height of 24m, minimum building setback of 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and a minimum building setback of 31.9m from the rear lot line. The proposed development is a multi-storey, *multiple dwelling* with 23 *dwelling units* total. The proposed building will have 4 storeys above grade and 1 storey below grade with 50 above grade parking spaces and 20 below grade parking spaces.

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

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

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

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

If this property is subject to Site Plan Control and a site plan application submission in the future, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on stormwater management concerns, until we have had an opportunity to review the specific details of the proposal, through a complete and detailed site plan application submission.

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

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

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

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to the proposed Zoning By-law Amendment. However, we reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

Barbara Rusan – Building

Comments from the City of Windsor Building Division relating to the subject line matter are as follows:

- The Building Code Act, Section 8.1(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Divisions can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca
- A Record of Site Condition registered on file with the Ministry, is a pre-requisite to Building Permit issuance for the proposed residential use.

Sherif Barsom – Parks D&D

Please note that there are no comments for this liaison from our Parks design and development dept..

Patrick Winters – Engineering & ROW

The subject lands are located at 1247 Riverside Dr. E, designated as Residential on the Land Use Schedule D of the Official Plan. The property is zoned Residential District 2.2 (RD2.2) by Zoning By-law 8600, with site-specific zoning provision S.20(1)310. The applicant proposes a site-specific exemption to the zoning by-law, to permit one multiple dwelling on the subject land. Currently, one multiple dwelling containing a maximum of 4 dwelling units is permitted on the subject land. The applicant is also requesting for a maximum lot coverage of 30.9%, a maximum building height of 24m, minimum building setback of 0.2m for interior side yard in the area beyond 30m from the Riverside Drive right-of-way, and a minimum building setback of 31.9m from the rear lot line.

This site is within the limits of the Riverside Dr. Vista Improvement Environmental Assessment (EA). The EA does not identify any property requirements from this parcel. The current Riverside Drive right-of-way width is 17.4m. Similarly, Hall Ave. is designated as a local road requiring a 20.0m right-of-way. The current right-of-way width is 20.1m and therefore no land conveyance is required along the Hall Ave. frontage. Furthermore, a 4.6m x 4.6m corner cut-off conveyance will be required at the southwest corner of the Riverside Dr. E. and Hall Ave. intersection.

The existing concrete retaining wall fronting Riverside Dr. E is encroaching onto the right-of-way. The applicant shall have this wall removed, including footings, from City property and relocate it to private property if necessary.

The subject lands are serviced by an 825 mm diameter vitrified clay pipe sanitary sewer on Riverside Dr. E., a 450mm diameter reinforced concrete pipe sanitary sewer and a 450mm diameter reinforced concrete pipe storm sewer on Hall Ave. A stormwater management report is required to be completed for the subject lands; storm management facilities must be constructed on site and will ultimately outlet to the municipal sewer using an allowable release rate based on a runoff coefficient of $C = 0.43$. A sanitary sampling manhole will need to be installed on any new sanitary connection at the property line to the satisfaction of the City Engineer.

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

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

Storm Detention - Prior to the issuance of a Building Permit, the applicant(s) shall agree to retain a consulting engineer for the design and preparation of drawings, satisfactory to the City Engineer, for an internal stormwater detention scheme to service the subject lands. The purpose of this scheme will be to ensure that the storm drainage being directed to the Corporation's storm sewer or ditch, from the lands in their improved state, be restricted using an allowable release rate based on a runoff coefficient of $C = 0.43$. If these drawings are approved, the applicant(s) shall agree to construct this storm detention scheme, to the satisfaction of the City Engineer.

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

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6 m x 4.6 m (15' x 15') corner cut-off at the intersection of Riverside Dr. E. and Hall Ave. in accordance with City of Windsor Standard Drawing AS-230.

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

Encroachment – The owner agrees to remove the existing retaining wall encroachment into the Riverside Dr. E. right-of-way and the boulevard is to be restored to the satisfaction of the City Engineer.

Stefan Fediuk – Landscape Architect

Pursuant to the application for a zoning amendment (Z 044/21) to permit a site-specific exemption to the zoning by-law, to permit one *multiple dwelling* on the subject, please note no objections.

Please also note the following comments:

Zoning Provisions for Parking Setback:

There are no additional zoning requirements from a landscape architectural or urban design perspective.

Urban Design:

This segment of Riverside Drive East is designated as a Civic Way in the Official Plan (Schedule G), and adjacent to the Greenway System (Schedule 'B') of Central Riverfront Lands. Development along Riverside Drive is to be complementary to those areas as identified in the Official Plan sections 8.11.12.12 and 8.11.12.13, which require the provision of enhanced landscape and urban design for the frontages of the development along Civic Ways. Enhancement of the proposed SWM area as vegetative will help to provide this enhancement.

In addition, substantial tree planting would help mediate between the scale of the proposed development and the scale of the surrounding residential properties.

Furthermore, fencing and/or hedge planting along the south property boundary may be required in order to provide privacy for the abutting.

Climate Change:

Aside from Stormwater Management proposals for this application, the applicant has not addressed climate change requirements found in the PPS (see 1.1.3.2 c) & d). The project summary does site sections of the PPS that include climate change resilience through adaptation and mitigation (PPS 1.8 Energy Conservation, Air Quality and Climate Change) especially PPS1.8.1 which states:

- 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 which:
 - f) promote design and orientation which maximizes energy efficiency and conservation, and considers the mitigating effects of vegetation and *green infrastructure*; and
 - g) maximize vegetation within *settlement areas*, where feasible.The PPS defines Green Infrastructure as: "...natural and human-made elements that provide ecological and hydrological functions and processes. *Green infrastructure* can include components such as natural heritage features and systems, parklands, stormwater management systems, street trees, urban forests, natural channels, permeable surfaces, and green roofs."

Section 4.2.1 Healthy and Liveable City of the Official Plan also supports the PPS's climate change requirements in 4.2.1.4 which states: "To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality life."

However, the proposal as per the accompanying site plan is silent to those requirements. Climate change adaptation also needs to address to air quality and heat island effect reduction. Therefore, it is recommended that the development proposal provide measures for adaption through the provision of shade trees for heat reduction as well as Green Infrastructure through Low Impact Design best practices (i.e. trees and vegetative landscaped edges of the stormwater management area) to reduce and slow the flow of storm water to the proposed SWM area.

Tree Preservation:

N/A

Parkland Dedication:

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

Rania Toufeili – Transportation

- Riverside Drive East is classified as a Scenic Drive per the Official Plan with a required right-of-way width of 24 meters. No conveyance is required per the Riverside Vista Improvement Environmental Assessment.
- Hall Avenue is classified as a local road per the Official Plan with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.
- A 4.6 meter corner cut-off is required at the corner of Hall Avenue and Riverside Drive East.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

Enwin

Hydro Engineering: No Objections to the proposed Multiple Dwelling.

Water Engineering: Water Engineering Has No Objections to Rezoning

Kristina Tang – Heritage Planner

Archaeological Assessment Report Entitled, " Stage 2: Archaeological Assessment 1247-1271 Riverside Drive Lot 6 and Part of Lot 92, Concession 1 Geographic Township of Sandwich East City of Windsor Essex County, Ontario", Dated Sep 6, 2016, Filed with MTCS Toronto Office on Sep 13, 2016, MTCS Project Information Form Number P109-0053-2016, MTCS File Number 0003405, has been entered into the Ontario Public Register of Archaeological Reports. Although the report recommends that no further archaeological assessment of the property is recommended, the applicant is still to note the following archaeological precautions:

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.
2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site

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

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events:

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

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

APPENDIX D – DRAFT BY-LAW AMENDMENT

BY - L A W N U M B E R -20212
A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2022.

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

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

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

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

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

ADDITIONAL PERMITTED USES:

Multiple Dwelling with five or more *dwelling units* ^(New use)

Business Office

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

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

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

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

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

2. The following additional provisions shall apply to a *multiple dwelling* with five or more *dwelling units*:

- .2 Lot Area – minimum - 93.0 m² per unit
- .3 Lot Coverage – maximum - 35%
- .4 Main Building Height – maximum - 18.0 m
- .8 Landscape Open Space Yard – minimum - 35% of *lot area*
- .20 Building setback from rear lot line - minimum - 30.0 m

3. A scenery loft shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:

- a. The “*Exceptions To Maximum Building Height Provisions*” shall not apply to a scenery loft on the subject land; and
- b. The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a 4.0 metres maximum height. [ZDM 6; ZNG/4153; ZNG/5270; ZNG/6633]”

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	6	Part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT]	-	S.20(1)310

DREW DILKENS, MAYOR

CLERK

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

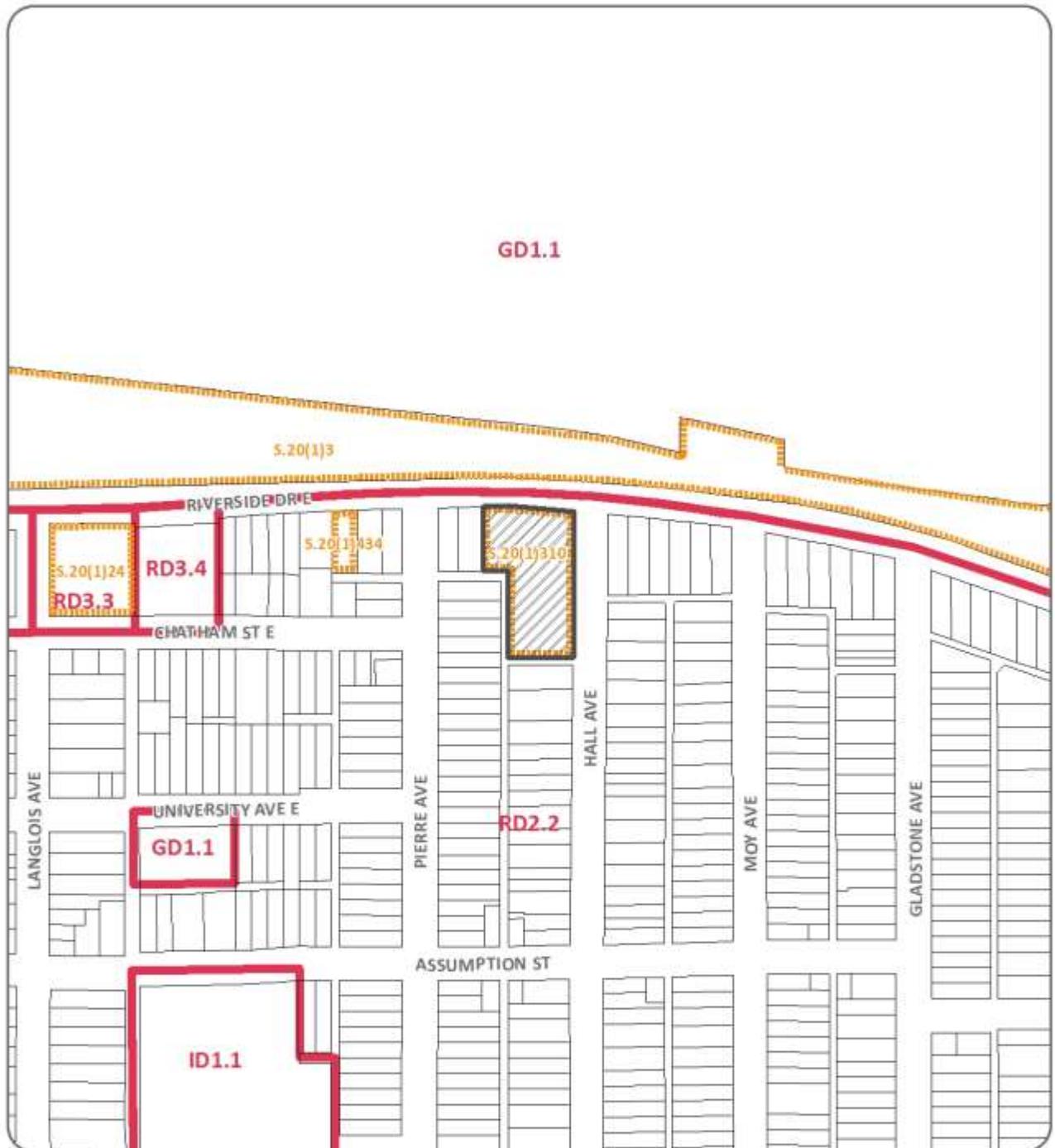
SCHEDULE 2

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

To amend the zoning of the lands located on the southwest corner of Riverside Drive East and Hall Avenue, described as part of Lot 92, Concession 1, [PIN 01150-0313 LT] and Lot 6, Registered Plan 433 [PIN 01150-0110 LT], so as to permit the development of a multiple dwelling with 5 or more units on the subject land.

The amending by-law maintains the RD2.2 zoning on the subject land, deletes an existing special section [s.20(1)310] on the subject land and replaces the special section with an expanded version that accommodates the proposed 5-storey, 42-unit multiple dwelling on the subject land.

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



PART OF ZONING DISTRICT MAP 6

N.T.S.

SCHEDULE 2

Applicant: St. Clair Rhodes Development Corporation



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE 2022
FILE NO. : Z-044/21, ZNG-6633



File No.: 21-2724

September 13, 2022

The Corporation of the City of Windsor
Planning Department
350 City Hall Square
Windsor, ON
N9A 6S1

Attention: Justina Nwaesei, MCIP RPP
Senior Planner

Request for Relief from Section 45 (1.3)
1247 Riverside Drive East
City of Windsor

In light of the two-year moratorium on minor variances or zoning by-law amendments to amend site specific zoning by-law amendments, on behalf of St. Clair Rhodes Development Corporation, we respectfully request that Council pass a resolution to permit the Development and Heritage Standing Committee to grant relief from this provision to permit Minor Variance Applications for the above noted site should they become necessary in the next two years. The request is pre-emptive in nature as the final design has not been completed.

Background

The Planning Act provides the basis for the establishment of a Committee of Adjustment to evaluate requests for relief from regulations of a Zoning By-law.

In Section 45 (1) of the Act, the Committee of Adjustment may authorize the approval of minor variances from the provisions of the by-law, if in its opinion said variance is desirable for the appropriate development or use of the land, building or structure.

Section 45 (1.3) states that "Subject to subsection (1.4), no person shall apply for a minor variance from the provisions of the by-law in respect of the land, building or structure before the second anniversary of the day on which the by-law was amended."

The Act does, however, also provide Municipalities the ability, through Council resolution, to allow minor variance applications to proceed on a case-by-case basis, resolution to permit minor variance applications to proceed within the 2-year time frame (Section 45 (1.4) of the Planning Act).

In situations where a proposed minor variance upholds or otherwise does not offend the intent of the recent Zoning By-law Amendment, Council may approve a resolution permitting the application to proceed to the Committee of Adjustments.

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

Dillon Consulting
Limited



Conclusion

As such, the applicant has made a request of City Council, by way of the City Solicitor and the Planning Department in accordance with Section 45 (1.4), to permit such a resolution to be passed.

We trust that the application can be processed at your earliest convenience.

DILLON CONSULTING LIMITED

Karl Tanner MCIP, RPP
Partner
zcs:dt

cc: Dino Maggio – St. Clair Rhodes Development Corporation
Jerry Kavanaugh – ADA Inc.
Jason Thibert – ADA Inc.



Committee Matters: SCM 159/2022

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held June 6, 2022

Development & Heritage Standing Committee Meeting

Date: Monday, June 06, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Baker

Member Bulmer

Member Foot

Member Fratangeli

Member Gyemi

Member Moore

Member Rondot

Members Absent

Member Miller

Clerk's Note: Councillors Morrison and Members Fratangeli, Gyemi, and Rondot participated via video conference (Zoom), in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Jelena Payne, Commissioner of Economic Development & Innovation

Debbie Cercone, (Acting) Commissioner of Human & Health Services

Kirk Whittal, Executive Director of Housing & Children Services

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Neil Robertson, Manager of Urban Design / Deputy City Planner

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Barbara Rusan, Manager of Policy & Regulatory Services / Deputy Chief Building Official
Jeff Hagan, Transportation Planning Senior Engineer
Robert Perissinotti, Development Engineer
Jim Abbs, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Justina Nwaesei, Planner III – Subdivisions
Laura Strahl, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Adam Szymczak, Planner III – Zoning
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1	Jim Dymont, Municipal Planning Consultants
Item 7.1 & 7.5	Andi Shallvari, CPA
Item 7.2	Jacob Dickie, Agent, Urban in Mind
Item 7.3 & 7.6	Tracey Pillon-Abbs, Principal Planner
Item 7.4	Brian Chillman, Solicitor representing applicant St. Clair-Rhodes Development
Item 7.5	Beau Wansbrough, Agent for Applicant
Item 7.6	Tosin Bello, Applicant; and Chintan Virani, Architect
Item 10.1	James Gibb, Representing the Applicant
Item 10.2	Terry Kennedy, Resident of Ward 2
Item 11.2	David Mady, VP Real Estate, Rosati Group
Item 11.2	Kelly White, Area Resident
Item 11.2	Dr. Lara Doan, Area Resident

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Gill discloses an interest and abstains from voting on Item 7.6 being the report of the Office of the Commissioner of Economic Development & Innovation dated May 17, 2022 entitled

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“Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1,” as one of his employees' spouse (his brokerage) is the architect for this application.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held May 2, 2022

Moved by: Member Baker

Seconded by: Councillor Gill

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

Carried.

Member Fratangeli was absent from the meeting when the vote was taken on this matter.

Report Number: SCM 125/2022

10. HERITAGE ACT MATTERS

10.1. 1478 Kildare Road, Cunningham Sheet Metal (formerly) - Heritage Permit Request (Ward 4)

James Gibb, representing the Applicant

James Gibb, representing the applicant, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled “1478 Kildare Road, Cunningham Sheet Metal (formerly) - Heritage Permit Request (Ward 4)” and is available for questions.

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Development & Heritage Standing Committee

Monday, June 06, 2022

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Councillor Sleiman inquires whether there are changes from the previous application. Mr. Gibb indicates that there are no changes, there were damages to the structure due to a fire and provides other details related to the improvements being made and the application.

Moved by: Councillor Sleiman

Seconded by: Member Foot

Decision Number: **DHSC 403**

- I. THAT a Heritage Permit at 1478 Kildare Road, Cunningham Sheet Metal (formerly), **BE GRANTED** for removal and replacement of the wood carriage-style shop doors.
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the proposed scope of work for the shop doors restoration.

Carried.

Report Number: S 60/2022

Clerk's File: MBA/12747

10.2. Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)

Terry Kennedy, Resident of Ward 2

Terry Kennedy, resident of Ward 2, appears via telephone conference before the Development & Heritage Standing Committee regarding the administrative report entitled “Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)” and expresses concern related to public consultation, planning policy, designation, removing trees, archaeological digs; and concludes by suggesting that the project should be reviewed before moving forward and provides historical information related to the Sandwich area.

Lynn Baker inquires about the trees to be taken down related to their condition and public consultation related to this. James Chacko, Executive Director of Parks, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled “Request for Heritage Permit – 3036 Sandwich Street, McKee Park (Ward 2)” and indicates that the department received some complaints related to trees that were marked for removal. Mr. Chacko provides clarification that the marking was not done by administration and those trees will not be removed. Mr. Chacko provides details related to one large tree that will be removed due to its condition. Mr. Chacko provides information related to flooding issues and smaller trees being removed due to the damage that was caused by the flooding issues in the park. Mr. Chacko indicates that new trees will be planted to replace the removal of the young trees and the one large tree. This will occur on site or nearby. Mr. Chacko provides details related to the public consultation process that was launched in November 2020, which included on-line notification, mail outs, video announcements, and a survey. Mr. Chacko outlines details related to

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meetings with the Bridging North America Group related to funding with a portion coming from the Community Benefit program for the Sandwich area.

Moved by: Councillor Sleiman

Seconded by: Member Baker

Decision Number: **DHSC 404**

- I. THAT a Heritage Permit at 3036 Sandwich Street, McKee Park, for the alterations and addition of the gazebo, plaza, boardwalk, benches, decorative light standards, changes to address drainage, and playground, **BE APPROVED**, subject to the following condition(s):
 - a. Submission of satisfactory product details and samples (including material and colour selections as necessary) to the City Planner or designate; and further,
- II. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further changes to the heritage alteration permit associated with the current phase of proposed scope for McKee Park including but not limited to the following items:
 - a. Receptacles
 - b. Widened paths

Carried.

Report Number: S 61/2022

Clerk's File: MBA2022

10.3. Request for Partial Demolition of a Heritage Listed Property – 2038 Willistead Crescent, C.E. Platt House (Ward 4)

Councillor Holt requests clarification related to the wording of the recommendation. Kristin Tang, Heritage Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Request for Partial Demolition of a Heritage Listed Property – 2038 Willistead Crescent, C.E. Platt House (Ward 4)" and provides details related to this property and indicates that this report is simply updating Council related to the application and discussions are on-going with the applicant and administration related to designation.

Moved by: Councillor Holt

Seconded by: Member Foot

Decision Number: **DHSC 405**

THAT Council **BE INFORMED** of the proposed removal of the cement and flagstone walkway, front stone porch and front door landing, and stone walls around the house above the collapsing porch, at 2038 Willistead Crescent, C.E. Platt House.

Carried.

Report Number: S 62/2022

Clerk's File: MBA2022

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There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:48 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:49 o'clock p.m.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Development and Heritage Standing Committee Minutes (*Planning Act* Matters) from the meeting held May 2, 2022

Moved by: Councillor Sleiman
Seconded by: Member Gyemi

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

Report Number: SCM 136/2022

5.2. Adoption of the Development & Heritage Standing Committee minutes of its Special Meeting (*Planning Act* Members only) held May 10, 2022

Moved by: Councillor Sleiman
Seconded by: Member Gyemi

THAT the minutes of the Development & Heritage Standing Committee of its Special Meeting (*Planning Act* Members only) held May 10, 2022 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 148/2022

7. *PLANNING ACT* MATTERS

7.1. Multi-Residential Interim Control By-law Study - Proposed Official Plan Amendment and Zoning By-law Amendment

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

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Decision Number: **DHSC 397**

1. THAT the reports titled "MRICBL Background Study" prepared by Municipal Planning Consultants, dated April 2022, attached as Appendix A to Report S 64/2022 **BE ACCEPTED**.
2. THAT Volume 1: The Primary Plan of the City of Windsor Official Plan ("Official Plan") **BE AMENDED** as follows:
 - 2A) Change the text of the Official Plan as follows:
 - a) "Commercial Corridor" changes to "Mixed Use Corridor"
 - b) "Commercial Centre" changes to "Mixed Use Centre"
 - c) "Mixed Use" changes to "Mixed Use Node"; and

THAT Schedule A-1: Special Policy Areas of the Official Plan **IS AMENDED** by adding the Mature Neighbourhoods designation as shown on Schedule A-1-1 attached to this report; and,

THAT Schedule D: Land Use of the Official Plan **IS AMENDED** by changing the names of the designations in the Legend as follows:

- i. "Commercial Corridor" changes to "Mixed Use Corridor"
- ii. "Commercial Centre" changes to "Mixed Use Centre"
- iii. "Mixed Use" changes to "Mixed Use Node"; and

THAT Schedule D: Land Use of the Official Plan **IS FURTHER AMENDED** by changing the existing land use designations to the Mixed Use Corridor, Mixed Use Centre, and Mixed Use Node designations as shown on Schedule D-1 attached to this report.

2B) Add the following to the Chapter 6 – Land Use:

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

2C) Delete 6.3.1.3 and replace it with the following:

INTENSIFICATION, INFILL & REDEVELOPMENT 6.3.1.3 To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the City.

2D) Delete 6.3.2.1 and replace it with the following:

PERMITTED USES 6.3.2.1 Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units. High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

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Development & Heritage Standing Committee

Monday, June 06, 2022

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2E) Delete 6.3.2.3 and replace it with the following:

TYPES OF 6.3.2.3 For the purposes of this Plan, Low Profile housing
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.

2F) Delete 6.3.2.4 and replace it with the following:

LOCATIONAL 6.3.2.4 Residential intensification shall be directed to the Mixed
CRITERIA Use Nodes and areas generally within 200 metres of those
Nodes. Within these areas mid-profile buildings, up 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. 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.

2G) Delete 6.3.2.5 (c) and replace it with the following:

- (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;

2H) Delete 6.3.2.5 (f) and replace it with the following:

- (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.

2I) Delete 6.3.2.9 and replace it with the following:

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NEIGHBOURHOOD 6.3.2.9
COMMERCIAL
EVALUATION
CRITERIA

Neighbourhood Commercial uses shall be encouraged to locate in Mixed Use Nodes as shown on Schedule J. Ideally these uses would form part of a multi-use building with residential uses located above or behind the non-residential uses on the street front.

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area 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;
 - (v) adjacent to heritage resources; and
 - (vi) where market impact is identified as a municipal concern;
- (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 landscaped areas;
- (d) capable of being provided with full municipal physical services and emergency services; and
- (e) provided with adequate off-street parking.

2J) Delete 6.3.2.17 and replace it with the following:

HERITAGE 6.3.2.17
CONSERVATION

Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.

Infill and intensification within Mature Neighbourhoods, shown on Schedule A-1, shall be consistent with the built form, height, massing, architectural and landscape of the area. Council will adopt Design Guidelines to assist in the design and review of development in these areas.

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2K) Delete 6.3.2.29 and replace it with the following:

COMPATIBLE 6.3.2.29 The creation of additional units through renovation or
ADDITIONAL redevelopment in existing residential neighbourhoods shall
UNITS be done in a manner that is compatible and complimentary
to the character of the neighbourhood. The Zoning By-law
will establish regulations for height, density, and massing
that will preserve the character of stable neighbourhoods.
Council will adopt Design Guidelines to assist in the design
and review of development applications within existing
stable neighbourhoods.

2L) Delete 6.5 and replace it with the following:

6.5 Commercial

Commercial lands provide the main locations for the purchase and sale of goods and services. In order to strengthen Windsor's economy, ensure convenient access and address compatibility concerns, Commercial land uses are provided under three designations on Schedule D: Mixed Use Centre, Mixed Use Corridor and Mixed Use Nodes.

Over the lifetime of this Plan, the Mixed Use Centres will evolve to become vibrant mixed-use commercial and residential areas. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

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

2M) Add the 6.5.1.8 to the Chapter 6 – Land Use:

RESIDENTIAL 6.5.1.8 To promote residential intensification with medium and high profile
INTENSIFICATION buildings to meet the housing needs of the City in appropriate
areas where municipal services, transit and employment are in
proximity.

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2N) Delete 6.5.2.2 and replace it with the following:

RESIDENTIAL 6.5.2.2
AND ANCILLARY
USES

Medium and high profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be integrated within the Mixed Use Centres in a manner that creates a mixed-use community in a modern and attractive urban environment.

Institutional uses, community, cultural, recreational and entertainment facilities shall be permitted in stand-alone buildings, or in mixed-use buildings/developments. Hotels, institutional uses, community, cultural, recreational and entertainment facilities may be located on individual sites, or form part of a larger, comprehensively planned retail commercial centre.

In addition to the uses permitted above, Council may permit ancillary Open Space and Major Institutional uses in areas designated as Mixed Use Centre on Schedule D: Land Use without requiring an amendment to this Plan provided that:

- (a) the ancillary use is clearly incidental and secondary to, and complementary with, the main commercial use; and
- (b) the development satisfies the policies for the proposed land use.

2O) Add 6.5.2.6 (i) to 6.5.2.6:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure implementation of these policies.

2P) Delete 6.5.3 and replace it with the following:

The Mixed Use Corridor land use designation is intended for areas which are designed for vehicle oriented Mixed Use uses. Mixed Use Corridors take the form of Mixed Use strips along Arterial and Collector roads within Windsor. These Mixed Use Corridors are expected to provide people-oriented employment and to accommodate higher density/intensity development, while maintaining a broad mix of land uses that support investment in transit and the achievement of complete communities.

2Q) Delete 6.5.3.1 and replace it with the following:

PERMITTED 6.5.3.1
USES

Uses permitted in the Mixed Use Corridor land use designation are primarily retail, wholesale store (added by OPA 58, 24 07 2006) and service oriented uses and, to a lesser extent, office uses.

Medium and High profile residential uses either as stand-alone buildings or part of a commercial-residential mixed use buildings shall be throughout the Corridors.

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2R) Delete 6.5.3.3 and replace it with the following:

STREET 6.5.3.3 Council will encourage Mixed Use Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Mixed-Use Corridor shall be:

PRESENCE

- (a) no more than four storeys in height, except on lands immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of buildings shall generally not exceed the width of the road right-of-way abutting the development site; and
- (b) Notwithstanding the identified maximum building height, the City may consider additional height, where the City is satisfied that the proposed height achieves compatible development, and where appropriate transitions to abutting lower scale development are established. Appropriate transitions may be achieved through the implementation of regulatory techniques including, but not limited to new height limitations, enhanced building setbacks and step backs, enhanced landscape buffers and planting requirements and/or the implementation of an angular plane. Permissions for taller buildings may be established through a site specific zoning By-law Amendment;
- (c) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.

2S) Add 6.5.3.8 (f) to 6.5.3.8:

- (i) Council will adopt Design Guidelines that will assist in the design and review of development applications in a manner that will ensure

2T) Delete 6.9 and replace it with the following:

The lands designated as “Mixed Use Nodes” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

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

2U) Delete 6.9.2.2

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2V) Delete 6.9.2.3 and replace it with 6.9.2.2:

LOCATIONAL 6.9.2.2 Mixed Use Nodes development shall be located where:

CRITERIA

- (a) there is access to Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and
- (d) the surrounding development pattern is compatible with Mixed Use Nodes development.

2W) Delete 6.9.2.5(b) and replace it with 6.9.2.4 (b):

- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment. Building should not exceed 4 storeys in height;

2X) Add 8.7.2.3 (j) to the Chapter 8 – Urban Design:

- (j) Council may adopt Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above.

2Y) Add 9.3.8 to Chapter 9 – Heritage Conservation:

RECOGNIZE 9.3.8 Schedule A-1 illustrates Mature Neighbourhoods in the City. These areas are not designated as Heritage Areas or Heritage Conservation Districts. However, the areas reflect the cultural heritage of the City and should be protected. When considering the development of these areas, the policies of Section 9.3.7(d) shall be applied.
MATURE NEIGHBOURHOODS AS HERITAGE RESOURCE

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

3A) Delete Section 10.1.5.4 and substitute with a new Section 10.1.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building maximum	Height	-	9.0 m	9.0 m	9.0 m

3B) Add Section 10.1.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

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3C) Delete Section 10.2.5.4 and substitute with a new Section 10.2.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building	Height	-	9.0 m	9.0 m	9.0 m
	maximum					

3D) Add Section 10.2.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3E) Delete Section 10.3.5.4 and substitute with a new Section 10.3.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building	Height	-	9.0 m	9.0 m	9.0 m
	maximum					

3F) Add Section 10.3.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3G) Delete Section 10.4.5.4 and substitute with a new Section 10.4.5.4 as follows:

				Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building	Height	-	9.0 m	9.0 m	9.0 m
	maximum					

3H) Add Section 10.4.5.10 as follows:

		Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

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3I) Delete Section 10.5.5.4 and substitute with a new Section 10.4.5.4 as follows:

.4 Main Building Height - 9.0 m
maximum

3J) Add Section 10.5.5.10 as follows:

.10 Gross Floor Area - maximum 400 m²

3K) Delete Section 11.1.5.4 and substitute with a new Section 11.1.5.4 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.4 Main Building Height - 9.0 m maximum	9.0 m	9.0 m	9.0 m

3L) Add Section 11.1.5.10 as follows:

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.10 Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3M) Delete Section 11.2.5 and substitute with a new Section 11.2.5 as follows:

11.2.5 PROVISIONS

.1 Duplex Dwelling

.1 Lot Width – minimum	12.0 m
.2 Lot Area – minimum	360.0 m ²
.3 Lot Coverage – maximum	45.0%
.4 Main Building Height – maximum	9.0 m
.5 Front Yard Depth – minimum	6.0 m
.6 Rear Yard Depth – minimum	7.50 m
.7 Side Yard Width – minimum	1.20 m
.10 Gross Floor Area – maximum	400 m ²

.2 Semi-Detached Dwelling

.1 Lot Width – minimum	15.0 m
.2 Lot Area – minimum	450.0 m ²
.3 Lot Coverage – maximum	45.0%
.4 Main Building Height – maximum	9.0 m
.5 Front Yard Depth – minimum	6.0 m
.6 Rear Yard Depth – minimum	7.50 m

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.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m ²
.3	Single Unit Dwelling	
.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.10	Gross Floor Area – maximum	400 m ²
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m ²
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	9.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m

3N) Delete Section 11.3.5.4 and substitute with a new Section 11.3.5.4 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.4	Main Building Height - maximum	9.0 m	9.0 m	9.0 m

3O) Add Section 11.3.5.10 as follows:

		Semi-Detached Dwelling	Single Unit Dwelling	Townhome Dwelling
.10	Gross Floor Area - maximum	400 m ²	400 m ²	400 m ²

3P) Delete Section 11.4.5.4 and substitute with a new Section 11.4.5.4 as follows:

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					Semi-Detached Dwelling	Single Unit Dwelling
.4	Main Building maximum	Height	-	9.0 m	9.0 m	

3Q) Add Section 11.4.5.10 as follows:

					Semi-Detached Dwelling	Single Unit Dwelling
.10	Gross Floor Area - maximum			400 m ²	400 m ²	

3R) Delete Section 5.2.20.1

3. THAT Interim Control By-law 103-2020 **BE REPEALED** when the amending by-laws that implement the Official Plan Amendment and Zoning By-law amendments are in force.
 4. THAT the City of Windsor Intensification Guidelines **BE ADOPTED** as the Design Guidelines referenced in the Official Plan to evaluate Infill and Intensification development proposals.
- Carried.

Report Number: S 64/2022
Clerk's File: Z/14384 & Z/13872

7.2. Zoning By-Law Amendments for 1646 to 1648 Drouillard Road; File Z-004/22 (ZNG/6659) Ward 5

Councillor Bortolin leaves the meeting at 6:27 o'clock p.m. and Councillor Holt assumes the Chair.

Councillor Bortolin returns to the meeting at 6:30 o'clock p.m. and Councillor Holt returns to his seat at the Council table.

Moved by: Councillor Sleiman
Seconded by: Councillor Morrison

Decision Number: **DHSC 398**

THAT Zoning By-law 8600 **BE AMENDED** by adding the following site specific amendment to the existing Commercial District 2.2 (CD2.2) zoning category for the property known municipally as 1646 to 1648 Drouillard Road on Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235), situated on the northeast side of Drouillard Road, by adding the following site specific provision to Section 20(1):

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384. Northeast Side of Drouillard Road

For the lands comprising Lot 20 and North Part Lot 21, Plan 719 (PIN 011260235); a *multiple dwelling* shall be an additional permitted use; and the following provisions shall apply:

- a) Section 15.2.5.9 shall not apply.
 - b) Section 15.2.5.15 shall not apply.
 - c) The maximum number of *dwelling units* shall be 4.
- [ZDM 7; ZNG/6659]; and,

THAT the owner of the property located at 1646 to 1648 Drouillard Road **BE REQUIRED** to provide elevation drawings as part of the Site Plan Review process to ensure that alterations will not be irreversible to the commercial storefront facing Drouillard Road and landscaping is provided when converting the existing commercial units to residential.

Carried.

Report Number: S 46/2022

Clerk's File: Z/14314

7.3. Official Plan and Rezoning Amendments – Tunio Development – 3885 & 0 Sandwich Street - OPA 152 OPA[6504] Z-028/21 ZNG[6503] - Ward 2

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 399**

THAT the City of Windsor Official Plan, Volume II, Part 1-Special Policy Areas **BE AMENDED** by deleting and replacing Specific Policy Area 1.7 as follows:

“1.7 Sandwich Street and Chappell Avenue

- 1.7.1 The property comprising Part of Lot 27, Registered Plan 40S, east side of Sandwich Street and Part of Lot 28, east Side of Sandwich Street, and Lot 28 west side corner of Sandwich Street, Registered Plan 40, located at the northeast corner of Sandwich Street and Chappell Avenue;

Site Specific Policy Direction 1.7.2

Notwithstanding Section **6.4.3.1 Industrial Policies-Permitted Uses** designation of the subject lands on Schedule D: Land Use in Volume I--The Primary Plan, the uses permitted in Section 6.9.2.1 shall be additional permitted uses; and,

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Lot 27, Registered Plan 40S, Lot 28 East Side, Registered Plan 40, and Lot 28 West Side, Registered Plan 40, situated at the northeast corner of Sandwich Street and Chappell Avenue (known municipally as 0 and 3885 Sandwich Street; Roll # 050-170-09700 and 050-170-09800) from Development Reserve District

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1.1 (DRD1.1), Commercial District 2.1 (CD2.1) and Manufacturing District 1.4 (MD1.4) to Commercial District 2.1 (CD2.1) and by adding the following site specific provision:

445. NORTHEAST SIDE OF SANDWICH STREET AND CHAPPELL AVENUE

For the lands comprising Part Lot 27, Registered Plan 40S; Lot 28 East Side on Registered Plan 40; and Lot 28 West Side, Registered Plan 40:

1. The following uses are prohibited:
 - Bakery
 - Food Outlet-Drive-Through
 - Gas Bar
 - Place of Entertainment and Recreation
 - Public Hall
 - Restaurant with Drive-through
2. A *Multiple Dwelling* and *Dwelling Units in a Combined Use Building* shall be additional permitted main uses and shall be subject to the following provisions:
 - a) Main Building Height – maximum 37.0 m
 - b) Amenity Area – Per Dwelling Unit – minimum 5.0 m²
 - c) For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, are located above the non-residential uses
 - d) Exposed flat concrete block walls or exposed flat concrete wall, whether painted or unpainted, are prohibited
 - e) Required Number of Parking Spaces – minimum - 156

[ZDM 4; ZNG/6503]; and,

THAT Part Lot 27 on Registered Plan 40S (PIN 012580193) (Roll # 050-170-09800-0000) known municipally as 0 Sandwich Street and for Lots 28 East Side; & Lot 28 West Side; Corner on Registered Plan 40 (PIN 012580190) (Roll #170-09700-0000) known municipally as 3885 Sandwich Street, situated at the northeast corner of Sandwich Street and Chappell Avenue **BE CLASSIFIED** as a Class 4 area pursuant to Publication NPC-300 (MOECP Environmental Noise Guideline – Stationary and Transportation Sources – Approval and Planning); and,

THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the mitigation measures including warning clauses required for a Class 4 designation pursuant to Publication NPC-300 identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021, in the site plan approval and the site plan agreement; and,

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THAT the City Planner or their designate **BE DIRECTED** to provide a copy of the Council Resolution approving the Class 4 area classification and a copy of any development agreement or site plan agreement for the subject lands that incorporates noise mitigation measures to the surrounding noise sources identified in the Acoustical Report prepared by Baird AE (Project No. 20-028), dated October 1, 2021.

Carried.

Report Number: S 65/2022

Clerk's File: Z/14317

7.4. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – St. Clair Rhodes Development – 233 Watson Avenue – ; Ward 6

Moved by: Member Gyemi

Seconded by: Councillor Morrison

Decision Number: **DHSC 400**

THAT the application of St. Clair Rhodes Development for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units, as shown on the attached Map No. CDM-001/22-1 and CDM-001/22-2 on a parcel legally described as; Part of Lot 129, Concession 1, and Part of Closed Alley, Registered Plan 895; more particularly described as Parts 1 to 4, 12R-25008; City of Windsor; located at 233 Watson Avenue **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 55/2022

Clerk's File: Z/14381

7.5. Rezoning – Andi Shallvari - 716 Josephine Ave - Z-011/22 ZNG/6703 - Ward 2

Moved by: Councillor Holt

Seconded by: Member Moore

Decision Number: **DHSC 401**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, (known municipally as 716 Josephine Avenue; Roll No. 050-300-01500) situated on the east side of Josephine Avenue, between Wyandotte Street West and Rooney Street by adding a site specific exception to Section 20(1) as follows:

443. EAST SIDE OF JOSEPHINE AVENUE, BETWEEN WYANDOTTE STREET WEST AND ROONEY STREET

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For the lands comprising of Part of Lot 24, Registered Plan 1148 and Part of Lot 17, Registered Plan 1042, a *semi-detached dwelling* shall be an additional permitted use and the following additional provisions shall apply to a *semi-detached dwelling*:

- a) Lot Width – minimum 12.0 m
 - b) Lot Area – minimum 371.0 m²
 - c) Lot Coverage – maximum 48.0%
 - d) Main Building Height – maximum 10.0 m
 - e) Front Yard Depth - minimum 6.0 m
 - f) Rear Yard Depth – minimum 2.70 m
 - g) That the rear *wall* of the *main building* shall extend eastward from Josephine Avenue a maximum of 24.5 m
 - h) Side Yard Width - minimum 1.20 m
- [ZDM 3; ZNG/6703]

Carried.

Report Number: S 56/2022
Clerk's File: Z/14346

7.6. Approval of a Draft Plan of Subdivision for lands located on the south side of North Talbot Rd, between Southwood Lakes Blvd and HWY 401; File No. SDN-001/21[SDN/6575]; Applicant – Bellocorp Inc.; Ward 1

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 402**

- I. THAT the application of Bellocorp Inc. for Draft Plan of Subdivision approval for Part Lot 306 and Part Lot 307, Concession N Talbot Rd., Sandwich East, Windsor (PIN 01558-0962 LT, PIN 01558-0544 LT and PIN 01558-0964 LT), **BE APPROVED** subject to the following conditions:
- A. That the Draft Plan Approval shall lapse on _____ (3 years from the date of approval);
 - B. That this approval applies to the draft plan of subdivision identified on attached Map No. SDN-001/21-1, prepared by VERHAEGEN Land Surveyors for Bellocorp Inc., Reference No. 21-47-019-01, dated May 20, 2022, showing 33 Lots for single unit dwellings, 1 block for Stormwater Management Facility (SWM), 1 block for Parkland and 1 block for Reserve, plus proposed road allowances (Streets A, B & C);
 - C. That the Owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;
 - D. That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final M plan; and

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- E. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:
1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix C, attached) with further amendments as required and other relevant matters set out in CR233/98 (Standard Subdivision Agreement).
 2. That the Owner(s) shall create, prior to the issuance of a building permit, a 20m right-of-way for the new Street A, Street B and Street C, in accordance with the approved Plan of Subdivision.
 3. The Owner(s) shall, prior to the issuance of a construction permit,
 - (i) Finalize the engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Stormwater Management Standards Manual, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (ii) install the stormwater management measures identified in the engineering analysis completed as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;
 - (iii) obtain the necessary development review clearances from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities of any kind; and
 - (iv) provide, to the Essex Region Conservation Authority, a copy of the fully executed subdivision agreement between the Owner(s) and the City of Windsor, containing provisions to carry out the recommendations of the final plans, reports and requirements noted in Recommendations I.E.4 (i) & (ii) above;
 4. Servicing Study - Prior to the issuance of a construction permit, the Owner(s) shall at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer. The Servicing study shall
 - (i) review the proposed impact and recommend solutions to address the problems and ultimate implementation of solutions should there be a negative impact to the municipal sewer system, and
 - (ii) be finalized in agreement with the City Engineer.
 5. Site Servicing Plans – The Owner(s) shall submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.
 6. Sidewalks -The Owner(s) shall pay to the Corporation

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- (i) the sum of \$33,500.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Talbot Road frontage of the subject lands, prior to the issuance of a Building Permit; and
 - (ii) the sum of \$16,500.00, being the Owner's contribution towards the future construction of a 3.0m wide multi-use trail connection from the Southwood Lakes Multi-use Trail, in Stoneybrook Park, to the proposed cul-de-sac at the western end of the proposed Street 'A', prior to the execution of a Subdivision Agreement,.
 7. Curbs and Gutters – The Owner(s) shall also pay to the Corporation, prior to the issuance of a construction permit, the sum of \$17,750.00 being the Owner's contribution towards the construction of concrete curb and gutter on the North Talbot Road frontage of the subject lands.
 8. Corner Cut-Off - The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey a 4.6m x 4.6m (15' x 15'), corner cut-off at the intersection of North Talbot Road and Street 'B' as well as North Talbot Road and Street 'C' on Map No. SDN-001/21-1, in accordance with City of Windsor Standard Drawing AS-230.
 9. Cul-De-Sac: The Owner(s) shall, prior to the issuance of construction permit, construct a cul-de-sac with a minimum radius of 9.5m at the west and east limits of Street A.
 10. Stormwater Management Facility: The Owner(s) shall, prior to the issuance of a construction permit, gratuitously convey Block 34 on Map No. SDN-001/21-1 to the Corporation of the City of Windsor for Storm Water Management (SWM) Facility SWM purposes, to the satisfaction of the City Engineer and City Solicitor.
 11. Berm Requirement - Prior to the issuance of a construction permit, the Owner(s) shall install a berm along the west, south and east limits of the plan of subdivision, as proposed in Appendix A attached to the Stormwater and Functional Servicing Report dated May 14, 2021, prepared by Bill Fuerth of BAIRD AE Inc., to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
 12. Fencing Requirement – Prior to the issuance of a construction permit, the Owner(s) shall install a 1.8m (6ft) chain link fence on Block 34, along the mutual boundary line with Lots 9, 10 and 11, to the satisfaction of the City Engineer, the Executive Director of Parks and the Chief of Police.
 13. Video Inspection (Mainline) - The applicant shall, prior to the issuance of a construction permit, conduct at its entire expense a video inspection, or pay the cost of similar inspection, of ALL EXISTING sanitary/storm sewers on North Talbot Road which will be tapped to service the development, all to the satisfaction of the City Engineer.
 14. MTO Corridor Management (MTO Requirement) - The Owner(s) shall, prior to the issuance of a construction permit, contact the Ministry of Transportation (MTO)

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Corridor Management to obtain the necessary permits, clearances and/or approvals in accordance with the *Public Transportation & Highway Improvement Act*.

15. Noise Control Measures for Lots 4, 5 & 6 (inclusive): The Owner(s) shall at its entire expense
 - i) install a noise barrier fence along North Talbot Road as recommended in the Acoustical Report, prepared by Shurjeel Tunio of Baird AE Inc. (Baird AE Acoustical Report) dated March 16, 2021; and
 - ii) ensure that ducting is provided for the installation of Central Air Conditioning for all the affected lots (Lots 4, 5 & 6), to the satisfaction of the Chief Building Official.

16. Noise Control Measures for all Lots on Map No. SDN-001/21-1: The Owner(s) shall at its entire expense
 - i) ensure that all windows and doors leading to sensitive living areas have a minimum sound transmission class (STC) to meet the Ministry of Environment and Climate Change (MOECC) indoor noise level criteria, as specified in the March 16, 2021 Baird AE Acoustical Report;
 - ii) engage an acoustical consultant for review of the sound transmission class (STC) for walls, windows and doors, after being installed, to ensure they conform to the recommendations outlined in the March 16, 2021 BAIRD AE Acoustical Report.

17. Warning Clause(s) for Lots 4, 5 & 6 (inclusive): The Owner(s) shall place the following warning clauses in all Offers to Purchase, and Agreements of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within Lots 4, 5 & 6 on Map No. SDN-001/21-1:
 - i) "Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of Environment."
 - ii) "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of Environment."

18. Species at Risk/Habitat Protection: The Owner(s) shall comply with, and implement, mitigation measures for construction adjacent to habitat for SARS Reptiles (which include awareness training, strategic vegetation clearing, wildlife exclusion and erosion control fencing, equipment inspection, proper site maintenance and management, and implementation of encounter and reporting protocols) as detailed in Appendix B attached to the report (Preliminary Screening For Species at Risk) by MTE Consultants Inc., dated April 29, 2021, for the subject development.

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19. Additional *Endangered Species Act* measures: To reduce the potential for impacts to maternity roosting habitat for Protected Species of bats, the Owner(s) shall
 - i) ensure that vegetation removal will occur between October 1 and March 31, outside of the active season for bats; and
 - ii) install replacement bat roosting habitat (two rocket boxes) under the direction of a qualified professional, prior to the issuance of a construction permit.

 20. Parkland Conveyance - The Owner(s) shall, prior to the issuance of any construction permit, convey to the Corporation Block 35 on Map No. SDN-001/21-1 which represents 2.7% Parkland conveyance and the 2.3% remaining balance of the Parkland conveyance in the form of cash payment.

 21. Tree Preservation –
 - i) Prior to the final Subdivision Plan approval, the Owner(s) shall provide a Landscape and Tree Preservation Plan identifying the proposed locations of all existing trees removed from the development and those to be retained in Block 35, to the satisfaction of the Executive Director of Parks and the City Planner/Executive Director of Planning and Development Services.
 - ii) Prior to the issuance of the construction permit the Owner(s) shall pay to the Corporation the sum of \$130,000.00 which represents replacement tree compensation, at a rate of one (1) street tree for every 70mm caliper (dbh) of desirable trees removed. Costs for the replacement trees is in accordance with the Corporation's Fees and Charges By-law 392-2002.

 22. Performance Security - for preservation of the existing desirable trees in Block 35:
 - i) Prior to issuance of the construction permit, the Owner(s) shall provide a Performance Security in the amount of \$25,000.00, in the form of cash or a certified cheque, to the Corporation to ensure that the nine (9) desirable trees located on Block 35 are preserved during the construction process;
 - ii) Prior to release of the Performance Security, the Owner(s) shall request inspection by the Corporation's City Forester to ensure that the proposed tree protection and appropriate method of protection has been completed to the satisfaction of the Executive Director of Parks;
 - iii) Where trees proposed to be preserved have been removed, at the time of inspection by the Corporation's City Forester, replacement tree compensation will be deducted from the Performance Security at a rate of one tree for every 70mm of tree caliper (dbh) or portion thereof missing. Costs for the replacement trees will be in accordance with the Corporation's Fees and Charges By-law 392-2002.

 23. Climate Change Considerations:
 - i) Replacement trees will be planted at locations deemed appropriate by the Corporation's City Forester within and near the subject development, including the parkland allowance (Block 35), the Stormwater facility (Block 34), Stonybrook Park and nearby Public Park(s), to compensate for the removal of existing trees on the subject lands.

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- ii) The Corporation's City Forester shall incorporate shade trees, among the new trees, to minimize the urban heat island impacts, and incorporate native, drought resistant plants to limit watering requirements.
24. Bell Canada - The Owner(s) shall, prior to the issuance of a construction permit,
- i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;
 - ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development;
 - iii) provide entrance/service duct(s) from Bell Canada's existing network infrastructure to service the subject development, and, where the required infrastructure is unavailable, the Owner(s) shall agree to pay for the connection to and/or extension of such network infrastructure.
25. Schools - The Owner(s) shall place the following warnings in all Offers to Purchase, Agreements of Purchase and Sale or lease between the Owner(s) and all prospective home buyers, and in the title:
- i) "Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space."
26. Archaeological Warning Clause(s) - The Owner(s) agrees to insert, the following warning clauses in all construction documents concerning the subject lands:
- 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.

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NOTES TO DRAFT APPROVAL (File # SDN-001/21)

1. *The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.*
 2. *It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.*
 3. *Required agreements with the Municipality will be prepared by the City Solicitor.*
 4. *The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.*
 5. *The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.*
 6. *All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.*
 7. *Where agency conditions are included in the City's Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.*
- II. THAT the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*.
- III. THAT the subdivision agreement shall **BE REGISTERED** against lands to which it applies prior to the final registration of the Plan of Subdivision.
- IV. THAT prior to the final approval by the Corporation of the City of Windsor, the City Planner/Executive Director of Planning and Development Services shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied.
- V. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.
- VI. THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Block 34 on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.5 for the purposes of a stormwater management facility, and Block 35

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on the Draft Plan of Subdivision, identified as SDN001/21-1 in this report from HRD1.4 to GD1.1 for Parkland.

Carried.

Councillor Gill discloses an interest and abstains from voting on this matter.

Report Number: S 59/2022

Clerk's File: Z/14278

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 7:21 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 7:21 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.1. Bill 109, *More Homes for Everyone Act, 2022* – Changes to the *Planning Act* Affecting Site Plan Control Approval, City Wide

Councillor Holt inquires about the financial penalties related to the timelines regarding Bill 109 and how this will affect operations in the Planning Department. Neil Robertson, Manager of Urban Design / Deputy City Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Bill 109, *More Homes for Everyone Act, 2022* – Changes to the *Planning Act* Affecting Site Plan Control Approval, City Wide" and does not anticipate this to cause any problems related to site plan control daily operations.

Thom Hunt, City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "Bill 109, *More Homes for Everyone Act, 2022* – Changes to the *Planning Act* Affecting Site Plan Control Approval, City Wide" and indicates that changes will be forthcoming in the new year related to zoning amendments, and official plan amendments, which may be problematic. Mr. Hunt indicates that discussions will be taking place with the AMO related to this as well. Mr. Hunt indicates that the capacity and timelines related to these changes can be a concern and administration will provide updates as necessary moving forward.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 406**

- I. THAT Council **REPEAL** Bylaw Number 11275: A by-law to delegate authority to the City Planner or designate, to approve plans and drawings and to impose conditions of the approval.

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- II. THAT Council **AMEND** Bylaw 139-2013 to delegate site plan control approval authority to the City Planner, allow the City Planner to determine the completeness of site plan control applications before accepting an application, terminate redundant site plan control agreements and remove all references to the Manager of Development Applications in accordance with the requirements of Bill 109, *More Homes for Everyone Act, 2022*.

Carried.

Report Number: S 57/2022

Clerk's File: Z2022

11.2. Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 4

Michael Cooke, Manager of Planning Policy / Deputy City Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and provides details related to the application.

David Mady, VP Real Estate, Rosati Group

David Mady, VP Real Estate, Rosati Group, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and is available for questions.

Kelly White, Area Resident

Kelly White, area resident, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and resides close to the location of the alley closure request and expresses concern related to the increased noise, foot and car traffic, which would result from this potential closure. Ms. White indicates that changes to the type of business could be problematic related to closing times and will result in a negative impact to her property value.

Dr. Lara Doan, Area Resident

Dr. Lara Doan, area resident, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Closure of part of southerly half of north/south alley between Brant Street and Wyandotte Street East, Ward 3" and indicates that she is a resident of the local area. Dr. Doan expresses concerns related to increased foot traffic, litter, noise pollution, and increased vandalism, which may result if this application is approved. Dr. Doan adds that there is a great deal of vandalism in the area currently and notes that the condition of the alley is quite poor and concludes by suggesting that waste receptacles, lighting improvements, and vandalism in the area should be addressed.

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Councillor Holt requests clarification as to what the space will be used for. Mr. Mady indicates that they envision a small patio with a walk-up to go area, small seasonal events, and a sit-down patio, area for the Twisted Apron. Mr. Mady adds that they will be making improvements to and cleaning up the area. Councillor Holt inquires as to whether pedestrian walk-through access will be permitted. Mr. Mady indicates that it would be blocked off to general public traffic access would enter and exit from the Wyandotte access point.

Councillor Morrison inquires about the alley ownership. Administration indicates that the adjacent owners are in agreement with the closure.

Councillor Holt inquires about the licensing piece and concerns related to amplified music and lighting. Mr. Hunt indicates that the patio would be subject to regular business licensing practice and processed as per the normal process with Licence Commission involved. The business will have to comply with the approval process.

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 407**

- I. THAT the 23.0 metre portion of the 6.1 metre wide north/south alley located on the north side of Wyandotte Street East, between the properties known municipally as 1900-1942 and 1958-1998 Wyandotte Street East, and shown on Drawing No. CC-1807 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure.
- II. THAT the 23.0 metre portion of the 6.1 metre wide north/south alley located on the north side of Wyandotte Street East, between the properties known municipally as 1900-1942 and 1958-1998 Wyandotte Street East, and shown on Drawing No. CC-1807 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owner at 1958-1998 Wyandotte Street East 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:
 - Bell Canada to accommodate existing infrastructure;
 - EnWin to accommodate existing 120/240 volt and 120/208 volt hydro distribution pole line with guy wires;
 - MNSi. to accommodate aerial plant on existing utility poles;
 - Owner of the property known municipally as 1900-1942 Wyandotte Street East (legally described as Lots 7 & 9, Part of Lot 5 & Block F, Plan 211; PIN No. 01134-0118) to accommodate existing street level pedestrian entrance/exit from the easterly vacant mercantile unit (1942 Wyandotte Street East) in the commercial building "Imperial Building" onsite, and shown on Ground Floor Plan *attached* hereto as Appendix "F", to the satisfaction of the Chief Building Official; and,

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- The Corporation of the City of Windsor to accommodate existing circa 1905, 200.0 millimetre vitrified clay combined sewer and catch basin, to the satisfaction of the City Engineer.
- III. THAT the Applicant/Owner **OBTAIN** a Driveway Permit to remove the redundant curb cut on Wyandotte Street East and reinstate the curb and sidewalk to City of Windsor standards.
- III. THAT The City Planner **BE REQUESTED** to include, as part of the Site Plan Agreement for Site Plan Control file SPC-002/22, a Special Provision requiring the Applicant/Owner to grant an easement in favour of The Corporation of the City of Windsor, to allow its garbage collection vehicles unobstructed passage over the parking aisle on the property known municipally as 1958-1998 Wyandotte Street East.
- IV. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley abutting lands zoned CD2.1: \$10.00 per square foot, plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- V. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1807, attached hereto as Appendix "A".
- VI. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-Law Number 366-2003.
- IX. THAT Administration **BE REQUESTED** to provide additional information related to the approval process for a business license related to a patio; and that this information **BE BROUGHT FORWARD** at the same time the report moves forward to Council for consideration.

Carried.

Report Number: S 58/2022
Clerk's File: SAA2022

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

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14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 7:44 o'clock p.m.

Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Item No. 8.2



Committee Matters: SCM 186/2022

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 4, 2022

Development & Heritage Standing Committee Meeting

Date: Monday, July 04, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Gyemi

Member Rondot

Members Absent

Member Moore

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Adam Szymczak, Planner III - Zoning

Greg Atkinson, Planner, III - Economic Development

Justina Nwaesei, Planner, III - Subdivisions

Frank Garardo, Senior Planner

Rob Perissinotti, Development Engineer

Marianne Sladic, Clerk Steno Senior

Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner

John Revell, Chief Building Official

Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

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Development & Heritage Standing Committee Monday, July 04, 2022

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Delegations—participating via video conference

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

Delegations—participating in Council Chambers

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

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act* Matters) held June 6, 2022

Moved by: Member Gyemi
Seconded by: Councillor Morrison

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Development & Heritage Standing Committee

Monday, July 04, 2022

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

Carried.

Report Number: SCM 160/2022

7. PLANNING ACT MATTERS

7.1. Rezoning - 1731952 Ontario Limited - 987 and 1003 California Avenue - Z-024/21 [ZNG/6484] - Ward 2

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 408**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of land described as Plan 50, Block D, Lots 2 to 10 and Lots 11 and 12 (known municipally as 987 and 1003 California Avenue; Roll No. 020-230-12500 and 020-230-12600) situated on the west side of California Avenue between Davis Street and Giradot Street by changing the district from Residential District 1.3 (RD 1.3) to Residential District 2.2 (RD 2.2) and adding the following site specific provision to Section 20(1):

“450 WEST SIDE OF CALIFORNIA AVENUE, BETWEEN DAVIS STREET AND GIRADOT STREET

1. For lands comprising Lots 2 to 10 and Lots 11 and 12 on Plan 50, Block D, for a *Townhome Dwelling* the following additional provisions shall apply:
 - a) Lot Width – minimum - 19.0 m
 - b) Side Yard Width – minimum - 1.23 m
 - c) A flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, are prohibited.

[ZDM 4; ZNG/6484]”; and,

II. THAT the owner **BE REQUIRED**, prior to the issuance of a Building Permit, to contribute the sum of \$3,800.00 payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.

Carried.

Report Number: S 28/2022

Clerk’s File: Z/14277

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7.2. Rezoning – Mohammad Naserian & Sara Etemad-Rad - 940 Cousineau - Z-013/22 ZNG/6733 - Ward 1

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 409**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478 (known municipally as 940 Cousineau Road; Roll No. 080-080-00200) situated on the north side of Cousineau Road, east of Casgrain Drive, by adding a site specific exception to Section 20(1) as follows:

446. NORTH SIDE OF COUSINEAU ROAD, EAST OF CASGRAIN DRIVE

For the lands comprising of Part of Lot 80 & Part of Guppy Ave, Registered Plan 1478, a *semi-detached dwelling* shall be an additional permitted use subject to the semi-detached dwelling provisions in Section 10.4.5.

[ZDM 9; ZNG/6733]

Carried.

Report Number: S 72/2022

Clerk's File: Z/14376

7.3. Rezoning – City of Windsor - 542 Dougall – Z-042/21 - Ward 3

Moved by: Councillor Gill

Seconded by: Councillor Morrison

Decision Number: **DHSC 410**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 5 Plan 82, (known municipally as 542 Dougall Avenue) Roll No. 040-070-00800;[PIN 01193-0164(LT)], situated on the east side of Dougall Avenue, (north of Wyandotte Street West) by adding a site specific exception to Section 20(1) as follows:

XX. EAST SIDE OF DOUGALL AVENUE, NORTH OF WYANDOTTE STREET WEST

For the lands comprising of Lot 5, Registered Plan 82, a single unit dwelling shall be an additional permitted use, and the following additional provisions shall apply

- a) Lot Width – minimum 9.0 m
- b) Lot Area – minimum 250.0 m²
- c) Lot Coverage – maximum 45.0%
- d) Side Yard Width – minimum 1.20 m

[ZDM 3; ZNG/6625]

Carried.

Report Number: S 68/2022

Clerk's File: Z/14280

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Development & Heritage Standing Committee Monday, July 04, 2022

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7.4. Zoning By-law Amendment Application for 2601 Lauzon Parkway, S/W CNR of Lauzon Parkway and Enterprise Way; Applicant: JBM Capital Inc.; File No. Z-005/22, ZNG/6660; Ward 8

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 411**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the east side of Enterprise Way, north of Hawthorne Drive, described as Part of Block A, Registered Plan 1644, and designated as Part 3 and Part 4 on Reference Plan 12R27242, from Commercial District 3.3 (CD3.3) to Residential District 3.2 (RD3.2) in Zoning By-law 8600; subject to the following site specific zoning provisions:

“448. East side of Enterprise Way, north of Hawthorne Drive

For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 3 and Part 4 on Reference Plan 12R27242,

1. Section 20(1)97(i) shall not apply to a *multiple dwelling*; and
2. The following additional provision shall apply to a *multiple dwelling*:
 - a) Front Yard Depth - minimum - 6 metres
[ZDM 15; ZNG/6660]”;

II. THAT Transportation Impact Statement and Servicing Study **BE SUBMITTED** by the applicant, along with any other required support studies, at Site Plan Control; and further,

III. THAT Site Plan Approval Officer **BE DIRECTED** to incorporate the following in the site plan approval and site plan agreement for the proposed development on the subject land:

- (a) Easement requests from Utility Companies, as noted in **Appendix D** to this report;
- (b) Enbridge Gas minimum separation requirements, as noted in **Appendix D** to this report;
- (c) Reciprocal Access and Services Agreement;
- (d) Preservation of two existing mature trees along the south boundary of the site;
- (e) Parkland Conveyance requirement; and
- (f) Record of Site Condition; and
- (g) Sidewalk(s) within the subject site for safe pedestrian connection to existing uses north of the subject development.

Carried.

Report Number: S 77/2022

Clerk's File: Z/14313

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:16 o'clock p.m.

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Development & Heritage Standing Committee Monday, July 04, 2022

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The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:17 o'clock p.m.

10. HERITAGE ACT MATTERS

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Alley Closure between Spring Garden Road and Yorktown Avenue, and Partial Closure of Yorktown Avenue R.O.W. from Malden Road to east limit of said alley

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 412**

- I. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A"**, **BE ASSUMED** for subsequent closure.
- II. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A"**, **BE CLOSED**.
- III. THAT the 4.6 metre wide north/south alley located between Spring Garden Road and Yorktown Avenue, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A"**, **BE CONVEYED** to the abutting property owners at 1817 Spring Garden Road, 4769 Malden Road and 4787 Malden Road and as necessary, in a manner deemed appropriate by the City Planner.
- IV. THAT the 36.4 metre portion of the 20.1 metre wide east/west Yorktown Avenue right-of-way located on the east side of Malden Road, between the properties known municipally as 4787 Malden Road and 4815 Malden Road, and shown on Drawing No. CC-1786 **attached** hereto as **Appendix "A"**, **BE DENIED** for subsequent closure.
- V. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned CD1.1: \$18.00 per square foot without easements, and \$9.00 per square foot with easements.
 - b. For alley conveyed to abutting lands zoned RD1.4: \$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.

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- VI. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1786, **attached** hereto as **Appendix "A"**.
- VII. THAT the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VIII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- IX. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 75/2022
Clerk's File: SAA2022

11.2. Repeal By-law 49-2020 and By-law 50-2020 and Close part of the north/south alley between Ontario Street and 825 Ford Boulevard Applicant/Owner: Donald and Julia Nelson File No.: SAA-5347 Ward 6

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 413**

- I. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-laws to repeal By-law 49-2020 and By-law 50-2020.
- II. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 **attached** hereto as **Appendix "D"**, **BE ASSUMED**.
- III. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 **attached** hereto as **Appendix "D"**, **BE CLOSED**.
- IV. THAT the 3.7 metre wide north/south alley located between Ontario Street and 825 Ford Boulevard, and shown on Drawing No. CC-1726 **attached** hereto as **Appendix "A"**, and also shown as Parts 8 to 37, inclusive, on Reference Plan 12R-27989 **attached** hereto as **Appendix "D"**, **BE 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:
- Bell Canada to accommodate existing buried infrastructure;
 - Cogeco Cable Systems Inc. to accommodate existing infrastructure;

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-
- EnWin to accommodate existing 16 kV & 120/240 volt overhead hydro distribution, pole and down guys; and
 - MNSi to accommodate existing aboveground infrastructure.
- V. 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.
- VI. THAT the City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1726, **attached** hereto as **Appendix "A"**.
- VII. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 79/2022
Clerk's File: SAA2022

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 5:18 o'clock p.m.
Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Item No. 8.3



Committee Matters: SCM 226/2022

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 2, 2022

Development & Heritage Standing Committee Meeting

Date: Tuesday, August 02, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Gyemi

Member Moore

Member Rondot

Members Regrets

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 Vendasco, Deputy City Solicitor – Legal & Real Estate

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Thom Hunt, City Planner
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

Delegations—participating via video conference

Item 11.4 Jay Shanmugam, Agent, Windsor Essex Community Housing Corporation

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Development & Heritage Standing Committee Minutes (*Planning Act Matters*) from meeting held July 4, 2022

Moved by: Councillor Sleiman
Seconded by: Councillor Gill

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

Carried.

Member Gyemi was absent when the vote was taken.

Report Number: SCM 207/2022

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7. PLANNING ACT MATTERS

7.1. Amendments to the Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 414**

- I. THAT the *City of Windsor Building Facade Improvement Program and Urban Design Guidelines for Main Streets Community Improvement Plan (CIP)* adopted January 8th, 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*; and,
 - 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; and,
- II. 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

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incentive programs that will encourage improvements to vacant and underutilized property along the main street and areas within the vicinity of the main street; and,

- III. 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*"; and,
- IV. 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'; and,
- V. 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 further,
- VI. 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.

Carried.

Report Number: S 11/2022

Clerk's File: Z/13002

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:04 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:04 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

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9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Item 11.4.

11. ADMINISTRATIVE ITEMS

11.4. Sandwich Town CIP Application, 3351 Bloomfield Road; Owner Jay Shanmugam (Windsor Essex Community Housing Corporation)

Jay Shanmugam, Agent, Windsor Essex Community Housing Corporation

Jay Shanmugam, Agent, Windsor Essex Community Housing Corporation, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report entitled "Sandwich Town CIP Application, 3351 Bloomfield Road; Owner Jay Shanmugam (Windsor Essex Community Housing Corporation)" and is available for questions.

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 418**

- I. THAT the request for incentives under the Sandwich Incentive Program made by Windsor Essex Community Housing Corporation, owners of the property located at 3321-3327, 3331-3337, 3341-3347 Bloomfield Road, **BE APPROVED** for the following programs when all work is complete:
 - i. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- **\$23,319** per year); and,
 - ii. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/- **\$66,371.89**);
- II. THAT the CFO/City Treasurer **BE DELEGATED** the authority to adjust the amounts granted to the upset costs of this Council Decision, on the basis that the total amount of all grants and funding received by Windsor Essex Community Housing Corporation by all levels of government, cannot exceed the approved eligible costs for the project;
- III. THAT Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;

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- IV. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and Windsor Essex Community Housing Corporation to implement the *Building/Property Improvement Tax Increment Grant Program* in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;
- V. THAT funds in the maximum amount of +/- **\$66,371.89** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;
- VI. THAT, subject to Recommendation II, grants **BE PAID** to Windsor Essex Community Housing Corporation upon completion of three (3) buildings with a total of twelve (12) units, each building consisting of a two (2) storey, four (4) unit multiple dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- VII. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Carried.

Report Number: S 89/2022
Clerk's File: SPL2022

11.1. Closure n/s alley between Gratiot St and Nichols St, together with pt of w half of e/w alley between said alley and Second St

Councillor Gill inquires as to why the alley on the other side of Malden is not closed. Michael Cooke, Manager of Planning Policy / Deputy City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report "Closure n/s alley between Gratiot St and Nichols St, together with pt of w half of e/w alley between said alley and Second St" and indicates that there was no request to close that portion of the alley.

Councillor Bortolin adds that the City does not proactively close the alleys; they follow the application process. Brian Nagata, Planner II – Development Review, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report "Closure n/s alley between Gratiot St and Nichols St, together with pt of w half of e/w alley between said alley and Second St" and indicates that typically, if Administration recommends that the whole alley be closed, they will do the reference plan for the whole alley, which adds additional costs. Mr. Nagata adds that in this case, being that there are only three properties, there would not be much incentive on those property owners to purchase their portion at this time.

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

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Decision Number: **DHSC 415**

- I. THAT the 4.6 metre wide north/south alley located between Gratiot Street and Nichols Street, and shown on Drawing No. CC-1795 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 19.8 metre portion of the 4.6 metre wide east/west alley located on the east side of the said north/south alley, and shown on Drawing No. CC-1795 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- III. THAT the 4.6 metre wide north/south alley located between Gratiot Street and Nichols Street, and shown on Drawing No. CC-1795 *attached* hereto as Appendix "A", **BE CLOSED**;
- IV. THAT the 19.8 metre portion of the 4.6 metre wide east/west alley located on the east side of the said north/south alley, and shown on Drawing No. CC-1795 *attached* hereto as Appendix "A", **BE CLOSED**;
- V. THAT the 4.6 metre wide north/south alley located between Gratiot Street and Nichols Street, and shown on Drawing No. CC-1795 *attached* hereto as Appendix "A", **BE CONVEYED** to the abutting property owner at 5321 Malden Road 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:
 - Bell Canada to accommodate existing infrastructure; and
 - EnWin to accommodate existing distribution pole and down guy wire.
- VI. THAT the 19.8 metre portion of the 4.6 metre wide east/west alley located on the east side of the said north/south alley, and shown on Drawing No. CC-1795 *attached* hereto as Appendix "A", **BE CONVEYED** to the abutting property owner at 0 Gratiot Street (Roll No. 080-790-07800) 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:
 - Bell Canada to accommodate existing infrastructure.
- VII. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned DRD1.1: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
 - b. For alley conveyed to abutting lands zoned RD1.4: \$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.
- VIII. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1795, *attached* hereto as Appendix "A".

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- IX. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- X. 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.
- XI. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 80/2022
Clerk's File: SAA2022

11.2. Amendment to CR485/2002 for the disposal of surplus walkways in the Little River Acres Subdivision (formerly Villages of Riverside)

Moved by: Councillor Gill
Seconded by: Councillor Morrison

Decision Number: **DHSC 416**

- I. THAT CR485/2002, adopted on June 10, 2002, **BE AMENDED** as follows:

By **DELETING** the following wording:

Actual cost for removal of fences and concrete and restoration with top soil - approximately \$2,000.00 (improved)

\$1.00 plus cost of deed - \$395.00 plus reference plan

And **INSERTING**:

For walkway conveyed to abutting lands zoned RD1.5: \$1.00 plus deed preparation fee.

Carried.

Report Number: S 82/2022
Clerk's File: Z2022

11.3. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1762643 Ontario Inc. for 669 Tuscarora Street (Ward 4)

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 417**

- I. THAT the request made by 1762643 Ontario Inc. to participate in the Brownfield Tax Assistance Program **BE APPROVED** for the proposed remediation and redevelopment at 669 Tuscarora Street for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

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- II. THAT Administration **BE DIRECTED** to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the *Municipal Act* and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 669 Tuscarora Street in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
 - III. THAT the request made by 1762643 Ontario Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 669 Tuscarora Street for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
 - IV. THAT Administration **BE DIRECTED** to prepare an agreement between 1762643 Ontario Inc., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
 - V. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Tax Assistance and Rehabilitation Grant Agreement; and,
 - VI. THAT the approval to participate in the Tax Assistance and Brownfield Rehabilitation Grant Programs **EXPIRE** if the agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.
- Carried.

Report Number: S 86/2022
Clerk's File: SPL2022

11.5. Bill 109, More Homes for Everyone Act, 2022, City Wide

Thom Hunt, City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report "Bill 109, More Homes for Everyone Act, 2022, City Wide" and provides a brief summary of the administrative report; specifically that the provincial government is going to ask the city to refund development applications that are not processed within specified timelines. Mr. Hunt adds that these legislative changes to the *Planning Act* are punitive to the municipality and it is one that development does not pay for development. Mr. Hunt adds that he will be speaking at the Association of Municipalities of Ontario (AMO) conference, which is coming up in Ottawa on behalf of not only the City of Windsor but the regions of Ontario as well as separate cities as part of his capacity as Chair of the Regional Planning Commissioners of Ontario to ask the government to reconsider the legislation. Mr. Hunt indicates that there are opportunities that the government can make amendments to the proposed legislation as outlined in the conclusion in the report to lessen the effect on what it would mean to the municipality in terms of budget impact. Mr. Hunt states that all municipalities are very concerned about this. Mr. Hunt

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indicates that they will be asking for similar legislation as the *Heritage Act* under Bill 108 whereby administration could pause the clock, i.e. the developer would say that they are happy with the speed or the activity on the file and we could suspend the clock. Mr. Hunt adds that there are some good aspects of the legislation in Bill 109 that included delegation of approval to the City Planners or Chief Planners of Ontario which should speed up the process. Mr. Hunt states that on this fundamental issue of refunding development application fees, they do not support and they will ask that Council pen a letter outlining the concerns by way of resolution which will be sent to the province.

Councillor Morrison inquires about the composition of the Task Force and whether it is made up of the Mayors of the large cities. Mr. Hunt indicates that the Task Force membership was generally comprised of members of the “built community” in Ontario which is bankers, investment lenders or developers and was fairly unbalanced in terms of it only represented the interest of home builders and not the municipal process for development application review. The Task Force really looked at an oversimplified solution that the supply of housing was the thing that would solve the crisis; it did not look at the financials of housing, the investment, domestic or foreign in driving demand. It did not look at labour shortage or material supply problems and inappropriately came to the conclusion that if municipalities were to provide approvals faster, there would be more supply and it did not begin to understand or make a comparison or analysis that the developer plays a role in that review process, i.e. supplying good information to the municipality and having public meetings with resident concerns.

Councillor Bortolin comments that the Task Force was separate from the government and came back with thirty-six recommendations and only one or two of those were taken into consideration in devising these changes and so the expectation that things move faster would be accurate if you were to change the zoning rules and the Planning Act to allow things to move faster and they did not change any of that. Councillor Bortolin adds that there were also things on the financial side related to the thirty six recommendations, they implemented none and augmented some to essentially put the onus on the municipalities.

Moved by: Councillor Morrison
Seconded by: Councillor Gill

Decision Number: **DHSC 419**

THAT Council **RECEIVE** report S 91/2022 as the basis for comments on *Bill 109*; and,

THAT Mayor and Council **SUBMIT** a letter referencing the City of Windsor’s significant concerns about the passed legislation, and further request changes to *Bill 109, More Homes for Everyone Act, 2022* prior to its implementation date set for January 1, 2023; and further,

THAT the letter **BE SUBMITTED** to the Association of Municipalities of Ontario (AMO) for their consideration.

Carried.

Report Number: S 91/2022
Clerk’s File: GH/6905

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12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 5:34 o'clock p.m.
Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services

Item No. 8.4



Committee Matters: SCM 265/2022

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 12, 2022

Development & Heritage Standing Committee Meeting

Date: Monday, September 12, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Gyemi

Member Rondot

Member Regrets

Member Moore

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

PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Pablo Golob, Planner II – Development Review

Samuel Switzer, Planning Assistant

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

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Michael Cooke, Manager of Planning Policy / Deputy City Planner
Neil Robertson, Manager of Urban Design / Deputy City Planner
Patrick Winters, Development Engineer
Shannon Deehan, Transportation Planner I
Brian Nagata, Planner II – Development Review
Simona Simion, Planner II – Research & Policy Support
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1 Bassim Al Hamidawy
Item 7.2 Tracey Pillon-Abbs, representing Matt Zhao
Item 7.2 Randy Gould, Area Resident
Item 7.3 Garrett MacGillivray, Applicant

Delegations—participating in person

Item 7.2 Vicki & Curtis Coleman, Area Residents
Item 11.4 Patricia Thorburn, Area Resident

1. CALL TO ORDER

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Member Gyemi discloses an interest and abstains from voting on Item 7.2 being the report of the Office of Economic Development & Innovation dated August 23, 2022 entitled “Zoning By-Law Amendment – Matt Zhao - 521,523, & 525 Sandison Street - Z 009/22 [ZNG-6673] - Ward 9,” as his firm is retained as the architectural consultant by the applicant on other properties.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

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5. ADOPTION OF THE *PLANNING ACT* MINUTES

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

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

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

Report Number: SCM 244/2022

7. *PLANNING ACT* MATTERS

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

Moved by: Councillor Morrison
Seconded by: Councillor Sleiman

Decision Number: **DHSC 420**

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]

Carried.

Report Number: S 96/2022
Clerk's File: Z/14279

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

Moved by: Councillor Morrison
Seconded by: Councillor Holt

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Decision Number: **DHSC 421**

- 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]

- II. THAT the side yard setback from the property line shared with the next property east **BE REDUCED** from 6 metres to 3 metres.
- III. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following into an approved site plan and executed and registered site plan agreement:
- Shifting the entire building and proposed parking lot 3 metres to the east in order to provide an additional 3 metres of separation from the parking area and the westerly properties.
- IV. THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:
- Enhancing the landscaping along the eastern property line to help screen and mitigate noise;
 - Providing a screening fence along the perimeter of the west and south interior property lines;
 - Removing the external refuse storage and storing the refuse internally.

Carried.

Member Gyemi discloses an interest and abstains from voting on this matter.

Report Number: S 104/2022
Clerk's File: Z/14345

7.3. Zoning By-law Amendment - 1069 Shepherd Street East Z-012-22 [ZNG-6732]

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 422**

- 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:

II.

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:

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a)	Lot Width – minimum	10.9 m
b)	Lot Area – minimum	400.0 m ²
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

III. 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]

Carried.

Report Number: S 99/2022
Clerk's File: Z/14433

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:35 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:36 o'clock p.m.

8. ADOPTION OF THE MINUTES

None presented.

10. HERITAGE ACT MATTERS

None presented.

11. ADMINISTRATIVE ITEMS

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

Patricia Thorburn, Area Resident

Patricia Thorburn, area resident, appears before the Development & Heritage Standing Committee regarding the administrative report entitled "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

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East, Ward 6” and provides some details related to her family and the home ownership; expresses concern with receiving her notification late; the increase in crime in the area; and concludes by requesting that she should be considered to purchase the alley at the appropriate time.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 426**

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

Report Number: S 98/2022
Clerk’s File: SAA2022

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11.1. Closure of the north/south alley between Guy Street and the east/west alley between Bernard Road and Francois Road - Ward 5

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 423**

- 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).

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- VI. THAT the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
Carried.

Report Number: S 90/2022
Clerk's File: SAA2022

11.2. Closure of the n/s alley between Totten St and Quebec St, east of California Ave and west of Askin Ave; together with the Declaration of the n/s 0.3 metre reserve making up the east limit of the said alley as Surplus - Ward 10

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: **DHSC 424**

- 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:
- Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - 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";
 - 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.

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- 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 m²
- 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"
- 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.
Carried.

Report Number: S 94/2022
Clerk's File: SAA2022

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

Moved by: Councillor Sleiman
Seconded by: Councillor Gill

Decision Number: **DHSC 425**

- 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,

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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.

Carried.

Report Number: S 95/2022

Clerk's File: SAA2022

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)

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 427**

- 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.

Carried.

Report Number: S 102/2022

Clerk's File: SPL2022

12. COMMITTEE MATTERS

12.1. Minutes of the Property Standards Committee of its meeting held June 14, 2022

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

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Decision Number: **DHSC 428**

THAT the minutes of the Property Standards Committee of its meeting held June 14, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 208/2022

Clerk's File: MB2022

12.2. Minutes of the meeting of the International Relations Committee held June 23, 2022

Moved by: Councillor Morrison

Seconded by: Councillor Gill

Decision Number: **DHSC 429**

THAT the minutes of the International Relations Committee of its meeting held June 23, 2022 **BE RECEIVED**.

Carried.

Report Number: SCM 245/2022

Clerk's File: MB2022

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 5:56 o'clock p.m.

Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services



Subject: 719 Victoria Ave, Treble-Large House - Heritage Permit & Community Heritage Fund Request (Ward 3)

Reference:

Date to Council: October 3, 2022
Author: Kristina Tang
Heritage Planner
Email: ktang@citywindsor.ca
Phone: 519-255-6543 X 6179
Planning & Building Services
Report Date: September 13, 2022
Clerk's File #: MBA2022

To: Mayor and Members of City Council

Recommendation:

- I. That a Heritage Permit for the designated heritage property located at 719 Victoria Ave, known as the Treble-Large House, **BE GRANTED** for restoration of the front porch and steps.
- II. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the porch restoration.
- III. THAT a total grant of 35% of the cost of the porch restoration, to an upset amount of \$17,006 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of 719 Victoria Avenue.
- IV. THAT a total grant of 35% of the cost of conservation work for the turret and, chimney repairs amounting to \$9,257 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owners of 719 Victoria Avenue.
- V. THAT the grant funding identified under recommendations III and IV **BE SUBJECT** to the following:
 - a. Submission of professional drawings, conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
 - b. Obtaining a Building Permit;

- c. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
- d. Owner's submission of paid receipts for work completed;
- e. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Executive Summary: N/A

Background:

The property at 719 Victoria Avenue is the Treble-Large House, which was constructed around 1895 in the Queen Anne Style. The picturesque style architecture features distinctive towers and decorative chimneys. This property was designated by City of Windsor Council through By-law No. 6961 on May 19, 1981. (The Reasons for Designation from the Designation by-law is included as Appendix 'A'.)



View of the property.

There has been discussion with the Owners of the property about conducting repairs on the Treble-Large House in the past few years. Last year, repairs to the turret, built-in eavestrough system, minor roof repair, and chimney work were conducted. Due to the ongoing and urgent nature of the scheduling of work, communication continued with the Heritage Planner for the work and the Owners applied for the staff-administered Heritage Property Tax Reduction program. The Owners were also interested in applying for Community Heritage Funding for that work and were advised by staff to combine the request with Porch work that was being contemplated.

However, the porch started showing signs of collapse and the porch column gave way in mid June 2022. Temporary support was provided for the porch and the porch was inspected by the Owner and his contractors. The rotted components would need to be replaced. The Owner has made a Heritage application for the work (in Appendix B) and would need to obtain a Building Permit as well. The porch restoration should take place soon in consideration of the construction season. The Owner has indicated their hope to work on the porch in the end of September/early October. Since the approval process will not be complete, the Owner will have to obtain verification from Building Department as to what investigative/removal work would be acceptable in the meantime.

The Owner has submitted a Community Heritage Fund Application for a total grant of \$26,240 with rationale of asking for 35% for the cost of all work (See Appendix C). Administration is recommending to separate the grant disbursement of 35% for the turret/chimney work already completed, and the porch restoration proposed. The current request supports the Heritage Property Tax Reduction for the turret/chimney work that has already been applied for and administratively processed.

Legal Provisions:

Part IV, 39 (1) of the *Ontario Heritage Act* (OHA) provides that “The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe.” The City’s Community Heritage Fund (Reserve Fund 157) exists to provide grants to heritage conservation works on designated heritage properties.

The *OHA* also requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes reasons for designation (see Appendix ‘B’). In accordance with the *OHA*, changes to designated property that affect reasons for designation must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application. However, Council also has the option to delegate the item to an employee or official of the municipality. The delegation of final details would be more expediently handled through staff review and approval.

Discussion:

Proposal:

Porch

The porch appears to be deteriorating due to multiple factors including structural deficiencies at the foundation, but also due to the failure of the eavestroughs resulting in the rotting of the porch column. Missing connections between the eavestroughs on the porch and to the main downspouts of the building would need to be reattached. Segments of the railings and newel post are also rotted out.



Photos of porch (taken June 2022)

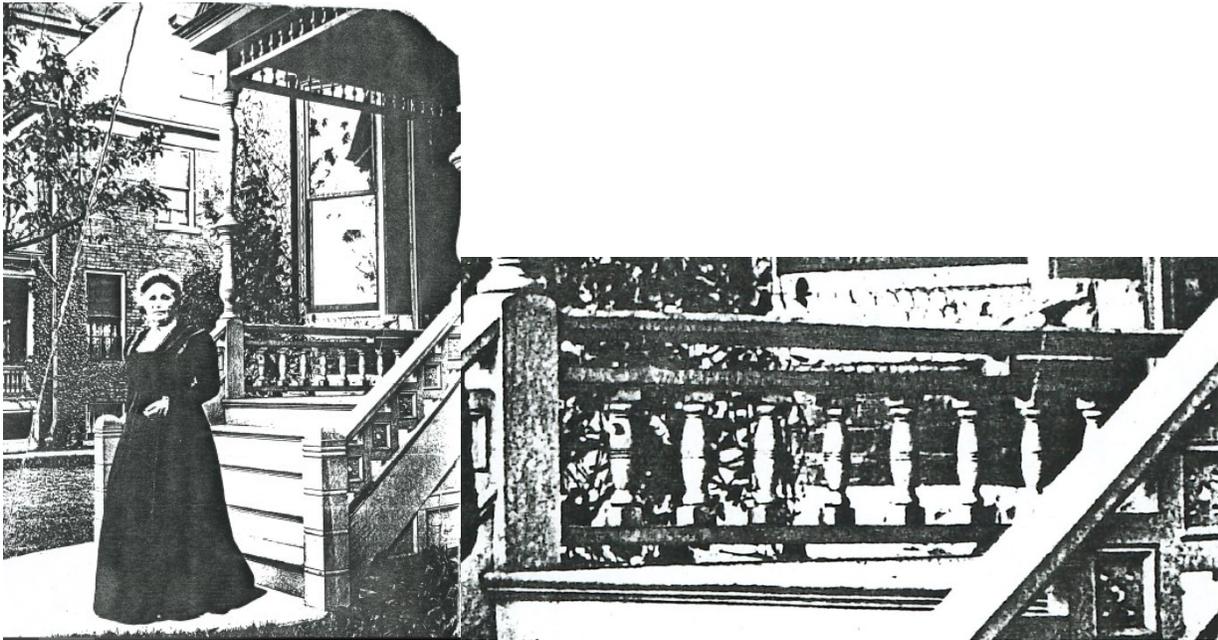


Photos of the newel posts, skirting, railings & guards.

The proposed scope of work includes:

- Removal of all rotted material and replacement of damaged fascia and soffit
- Replacing irreparable portions of eavestrough with copper gutters
- Replacing new wood column with matching detailing
- Restoration of railings and guards similar to original profiles
- Replacing deck (with IPE wood)
- Rebuilding stairs
- Removing and reinstalling wood detailing with correct period finishes, including reconstruction of porch skirting with compatible ventilation
- Repair structural integrity of porch by examining foundation connections for existing and new columns to meet building code

The guards and railings that are existing were not the original design. The original design can be reasonably assumed to be what is depicted in the 1910 photo of the property, and as per the sample that is existing now on the second floor balcony. The Owners wishes to return to more of the original design.



1910 photo with close-up



1990s photo of guard and railings



Current railings with similar design on 2nd floor balcony

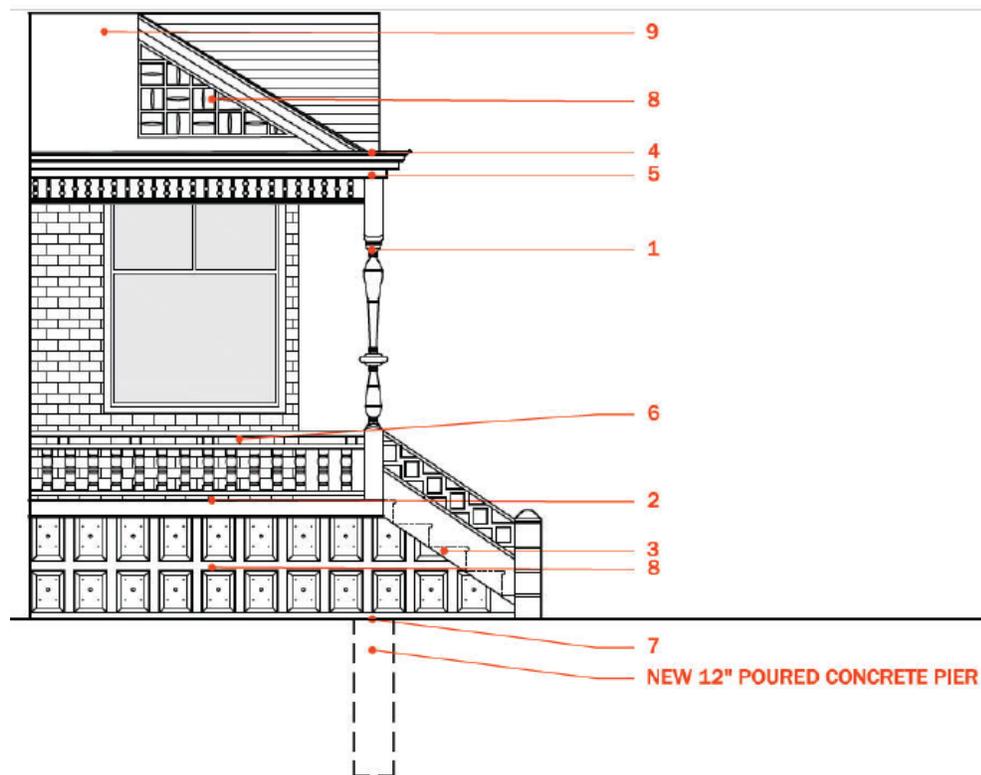
The drawing proposed for the porch restoration indicates the use of quality materials and workmanship, with detailing matching existing features or to match the original design.

The conservation work proposed follows the Standards & Guidelines for Conservation of Historic Places. Standards 13 and 14 are listed below.

Additional Standards Relating to Restoration

- 13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
- 14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

Building Code discussions were made with the Building Department concerning different options for the guards and railings. Compliance alternatives for the preservation of the heritage porch appearance at the guards and handrails were considered, so as not to have the standard Code requirements (of taller 36" guards) become detrimental to the preservation of the designated heritage building. Building Department has reviewed the drawings preliminarily and suggested to keep the current heights of guards, while allowing for the look of the 1910 guards. Suggestions were also made to ensure the guards would be more structurally stable.



Side view of proposed porch restoration plan



Before Photos of the turret and chimney



Repair work in progress



Post repairs

The repairs of the turret and chimney were reviewed through the Heritage Property Tax Reduction process, and through ongoing communication with the Heritage Planner. The finished work was deemed satisfactory. The Owner expended \$26,450 for the work would like to apply for financial support for the heritage work.

Official Plan Policy:

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”, and (g) Coordinating the Municipality’s heritage planning and programmes with other levels of government to avoid duplication of effort and to reinforce mutual objectives;

The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

Risk Analysis:

The risk of taking no action for this property is the potential deterioration of a designated heritage property and safety concerns on the porch which has been temporarily stabilized. No city funds will be expended until the project is determined by the Chief Building Official for Building Code compliance and by Planning Staff to be completed according to good heritage practices. Conditions of this determination include provision of drawings, detailed technical information, such as specifications of the material and conservation techniques employed, provision of material samples or mock-up, to ensure that the conservation work is heritage appropriate, prior to disbursement of the funds.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

The Community Heritage Fund (CHF) guidelines includes the following:

“As a general principle, awards will be limited to a maximum of \$50,000 unless the DHSC (Development & Heritage Standing Committee) so recommends and Council approves.” The award from the Community Heritage Fund is generally given according to the following formula: Grant: 15 percent of the award in the form of a grant & Low Cost Loan: 85 percent of the award”. However, in this particular case the applicant is asking for 35% grant approval with no loan component. As well the Community Heritage Fund asks for "A minimum of two cost estimates, based on specifications approved by the DHSC and the Commissioner of Building & Development Services, shall be obtained by the owner for all restoration work to be done." The estimates will then be reviewed to ensure that all work specified is covered. The lower bid will usually be recommended for funding."

Porch Restoration Grant

The Owners provided a quote from Laasanen Contract Services (LCS) which did not include a full detailed scope of work needed, nor material and design specifications, and so was initially estimated to be \$20,000 plus HST. The actual cost was expected to cost much more. A separate quote was provided by Rawlings Studio for all of the restoration and rebuild work needed, as per drawings prepared with restoration details using quality materials as per appendix B, and therefore that quote came up to \$48,590.00 after tax. (Higher lumber prices were cited for the quote given.) Though the lower bid is usually recommended for funding, technically the Rawlings quote was the only one provided for the full scope of work needed. The Owner has used the services of Rawlings Studio for the Turret and chimney repairs previously and has a level of comfort in the work

produced, including the details to the porch sketch that was produced by their company, and is prepared to use the services of Rawlings Studio. In addition, the Owners have sought for quotes from other local contactors but did not hear back.

Turret and Chimney Grant

For the turret and chimney repair work, the Owner has already applied for the Heritage Property Tax Reduction Program and processed administratively as per Bylaw 164-2015. Through that program, the work scope and invoices were already vetted. The property tax reductions may be up to 30% for up to 3 years based on the upset limit of the approved cost of eligible heritage conservation works (total cost of \$26,450.00 for the turret & chimney conservation work). It is anticipated there would be tax reductions of approximately \$1,200 per year (based on 2021 tax amounts) starting from 2022 to 2024. No additional application can be made under this program until 2025 for the subject property at 719 Victoria Ave for this type of heritage conservation work.

TOTAL SUMMARY Turret & Chimney Restoration Cost		
Invoice from Vendor	Material/Service	Cost in CDN
*Classic Gutter systems LLC	Downspout, gutters, flashing materials	\$ 6,959.38
OKO Pro Group Inc	Chimney repair and brick repointing	\$ 6,000.00
Laasanen Contract Services	Downspout, gutters, flashing, roofing installation	\$ 8,405.62
Rawlings Studio	Soffit restoration and painting	\$ 5,085.00
	SUM TOTAL	\$ 26,450.00

*Classic Gutters invoices were \$3,407.20 & \$2,101.22 in USD totalling to USD \$5,508.44, which was converted to CDN \$6,959.38 for Classic Gutters Invoice. This was confirmed to be acceptable by City Financial Staff, which was converted at 26% exchange, matching the US exchange rate in the City's PeopleSoft software for the same date.

The Owner is requesting for 35% of cost of the conservation work to be covered by the CHF due to additional cost of conserving special heritage features, especially in today's climate of increasingly expensive trades work. While the higher percentage of grants is usually granted to non-profits and places of worship, Council has in the past granted to private residential owners 30% of cost of wood windows and around 35% for replacement and repair of clay tile roof and other specialty roof related repairs through the CHF. Additionally, applications to both Community Heritage Fund and Heritage Property Tax Reduction programs are not uncommon. Some examples of properties that have been approved for both CHF and the Heritage Property Tax Reduction Program include the Esdras-Parent House for chimney repairs, Wesgate House for clay tile and other roofing repairs, Cunningham Sheet Metal for masonry repairs. Therefore, administration recommends the request by the Owners for CHF of 35% for the work already completed at the turret and chimney, and a separate 35% grant for the porch restoration when completed.

The heritage financial incentive through the Community Heritage Fund (CHF) would provide support to the continued conservation of the heritage features of this designated building. As of August 2022, Community Heritage Fund (Reserve Fund 157) has an uncommitted balance of \$102,819.73 available (including the safeguard of having the minimum balance of \$50,000 in the Committed funds). Therefore, there is sufficient funds in Fund 157 to cover the cost of the two grant projects. Administration recommends that the amounts of 35% after HST to an upset amount of \$17,006 be provided for the Porch Restoration project, and a separate \$9,257 be approved for the turret and chimney repairs. (Note this does not include the additional expense of Building Permit requirements for the porch work).

Consultations:

City staff have been consulting with Owners in recent months. Building Department staff conveyed the requirements and acceptability of alternative Building Code compliant for the porch repairs. Josie Gaultieri, Financial Planning Administrator, assisted with confirmation of fund balance.

Conclusion:

A total grant amount of 35% of the cost of porch restoration work at 719 Victoria Avenue to upset amount of \$17,006, and a separate \$9,257 for the turret and chimney repairs, from the Community Heritage Fund (Reserve Fund 157), should be approved, subject to conditions. Further heritage alteration approvals necessitated for this scope of work is recommended to be delegated to the City Planner or designate to direct further conservation details.

Planning Act Matters: N/A

Approvals:

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

Notifications:

Name	Address	Email
Marina Zaikina		m_zaikina@hotmail.com
Igor Karasev		i_karasev@hotmail.com
John Revell- Chief Building Official		jrevell@citywindsor.ca

Appendices:

Appendix A- Reasons for Designation

Appendix B- Heritage Permit Application

Appendix C- Community Heritage Fund Application

Appendix A- Reasons For Designation

719 Victoria Avenue: Treble-Large House

By-Law 6961 passed by Council on May 19, 1981

(The same by-law also applied to 803 Victoria Avenue. Schedule "A" of By-Law 6961, the boundaries of 803 Victoria Avenue, was later found to be erroneous and was corrected with Schedule "A" of By-Law 10256, passed by Council on May 7, 1990. No changes applied to 719 Victoria Avenue.)

719 VICTORIA AVENUE

REASONS FOR DESIGNATION

- (a) Picturesque style of architecture with towers, built about 1895, mainly of stretcher brick, several stone belt courses.
- (b) Decorative chimneys northeast corner and at rear centre.
- (c) Curved glass windows in each tower.*
- (d) Wood porch with wood spindles, decorative wood detail and columns; balcony on second storey front elevation; bay dormer on upper level.

* Report of July 8, 1993: "It should be noted that the Reasons for Designation erroneously stated that both towers contain curved-glass windows. In fact, only the northeast tower ever had these features."



HERITAGE PERMIT APPLICATION

Revised 12/2021

CORPORATION OF THE CITY OF WINDSOR

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1
519-255-6543 | 519-255-6544 (fax) | planningdept@citywindsor.ca

1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT

Contact Name(s) MARINA KARASEV, IGOR KARASEV
Company or Organization _____
Mailing Address 719 VICTORIA AVE, WINDSOR, ON

Email _____ Postal Code N9A4N3
Phone(s) _____

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Email _____ Postal Code _____
Phone(s) _____

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s) _____
Company or Organization _____
Mailing Address _____

Email _____ Postal Code _____
Phone(s) _____

Who is the primary contact?

- Applicant Registered Owner Agent

2. SUBJECT PROPERTY

Municipal Address: 719 Victoria Ave, Windsor, ON N9A4N3

Legal Description (if known): _____

Building/Structure Type:

- Residential Commercial Industrial Institutional

Heritage Designation:

- Part IV (Individual) Part V (Heritage Conservation District)

By-law #: _____ District: _____

Is the property subject to a Heritage Easement or Agreement?

- Yes No

3. TYPE OF APPLICATION

Check all that apply:

- Demolition/Removal of heritage attributes Addition Erection Alteration*
 Demolition/Removal of building or structure Signage Lighting

*The Ontario Heritage Act's definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

4. HERITAGE DESCRIPTION OF BUILDING

Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..

Queen Ann porch
please, see the attachment

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

Please, see attached

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

Deteriorating wood structure, not safe, hazardous condition

Describe the potential impacts to the heritage attributes of the property.

N/A

7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- Site plan/ Sketch (showing buildings on the property and location of proposed work)
- Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):

- Registered survey
- Material samples, brochures, product data sheets etc.
- Cultural Heritage Evaluation Report
- Heritage Impact Assessment (HIA)
- Heritage Conservation Plan
- Building Condition Assessment

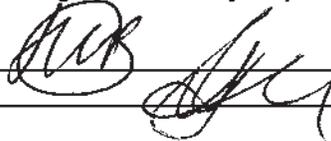
8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s) _____



Date _____

Sep 1, 2022

Date _____

Sep 1, 2022

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

Application Approval (City Council):
 Development & Heritage Standing Committee: _____
 City Council: _____

Application Approval (City Planner):
 Heritage Planner: _____
 Staff Decision Appealed to City Council: _____
 If so, Date to City Council: _____
 Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
 Corporation of the City of Windsor
 Suite 320 - 350 City Hall Square West
 Windsor ON N9A 6S1
planningdept@citywindsor.ca
 519-255-6543 x 6179
 519-255-6544 (fax)
<http://www.citywindsor.ca>



PROJECT
FRONT PORCH RESTORATION

CITY, PROVINCE

DATE: DATE
PROJECT NO. NO.

REVISION	DATE
1	
2	
3	
4	
5	
6	

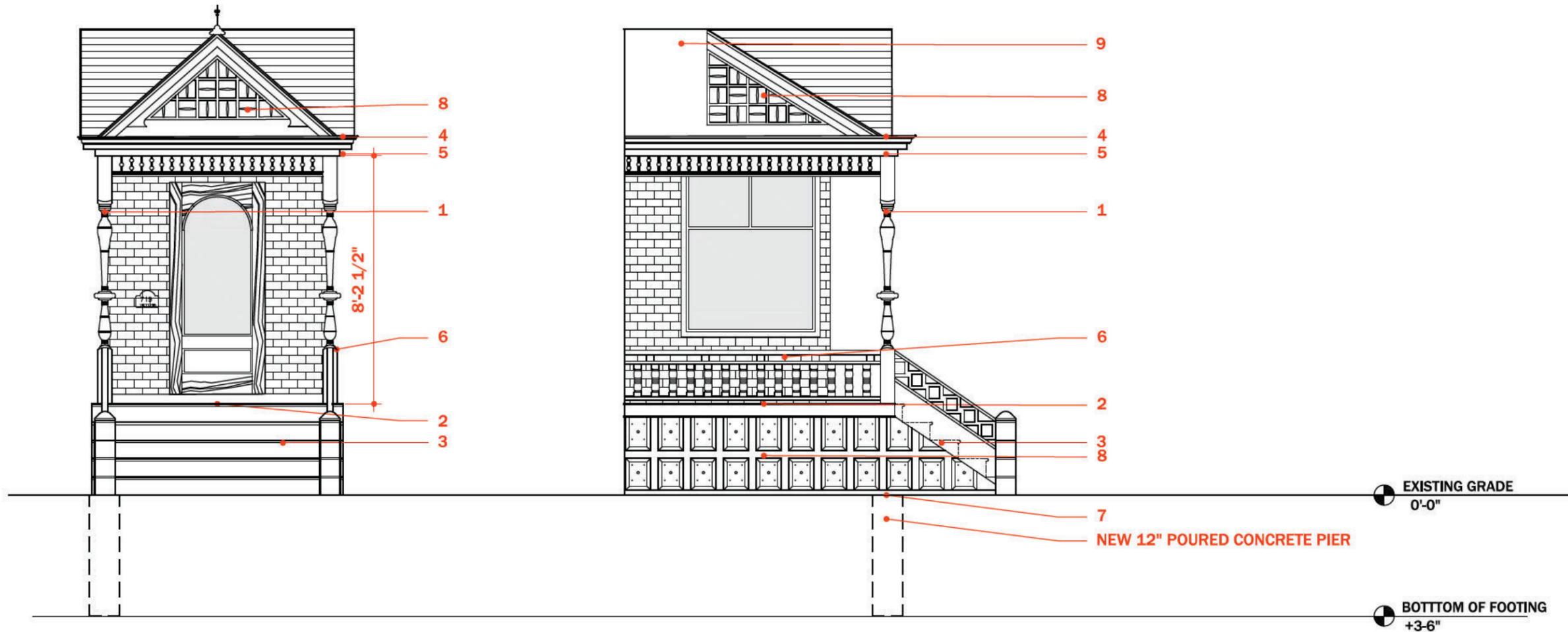
NOTES:
SEE SHEET

ELEVATIONS

SCALE: 1/4" = 1'-0"

A1.1

DRAWN BY: CARLY



1 WEST ELEV.
SCALE: 1/4" = 1'-0"

2 NORTH ELEV.
SCALE: 1/4" = 1'-0"

GENERAL RESTORATION NOTES:

- 1) CONTRACTOR SHALL COORDINATE ALL RESTORATION TO MEET WINDSOR HERITAGE GUIDELINES.
- 2) ALL WORK TO BE THE HIGHEST QUALITY IN WORKMANSHIP STANDARDS. RESTORATION OF ALL ITEMS ON PROJECT WILL BE BASED ON ORIGINAL PERIOD DETAILS.
- 3) ALL WALKABLE SURFACES TO BE IPE WOOD. ALL OTHER WOOD TO BE DECAY-RESISTANT HIGH GRADE LUMBER; MAHOGONY, DOUGLASFUR, OR CLEAR KNOT FREE. ALL WOOD TO BE COMPLETE W/ HISTORICAL FINISHES AND PAINTED ALLBAVK LINSEED OIL, SHADE HISTORIC WHITE.
- 4) ALL EXISTING HERITAGE DETAILS OF SOUND STRUCTURE WILL BE REUSED AND RESTORED WHERE NEEDED.

NOTES:

- 1) NEW WOOD COLUMN TO MATCH DETAILS OF EXISTING WHICH RESEMBLES ORIGINAL CONSTRUCTION AS SHOWN IN HISTORIC PHOTOGRAPHS.
- 2) REBUILD PORCH BASE W/ IPE. DETAILS TO MATCH EXISTING.
- 3) STAIRS TO BE REBUILT TO MEET T.B.L. 9.8.4.1.
- 4) REMOVE EXISTING ROTTED GUTTER TO BE REPLACED WITH COPPER TO MATCH EXISTING DETAILS IN PLACE.
- 5) EXAMINE EXISTING WD SOFFIT AND REPLACE DETERIORATED AREAS AS NECESSARY.
- 6) REBUILD EXISTING HANDRAIL TO ORIGINAL PROFILES AND SPACING AS LOCATED ON EXISTING SECOND FLOOR BALCONY.

- 7) EXAMINE ALL FOUNDATION CONNECTIONS FOR EXISTING AND NEW COLUMNS TO MEET O.B.C.
- 8) REMOVE AND REINSTALL ALL WOOD DETAILING WITH CORRECT PERIOD FINISHES. RECONSTRUCT PORCH SKIRT W/ COMPATIBLE VENTILATION REFLECT HISTORIC PHOTOGRAPH.
- 9) EXISTING EAVESTROUGH AND WATER MIGRATION WILL REFLECT ORIGINAL 1910 HISTORICAL IMAGES. FLASHING AT INTERSECTION OF PORCH AND EXISTING BRICK TO BE CONSISTENT WITH HISTORICAL DETAILING, FUTURE DOCUMENTATION BASED ON CORNER DISSECTION TO BE PROVIDED IF NEEDED.



CITY OF WINDSOR
COMMUNITY HERITAGE FUND

APPLICATION FOR LOAN AND/OR GRANT
(To be completed in full)

APPLICANT/AGENT/OWNER INFORMATION

1. APPLICANT(S): MARINA KARASEV
Address, City: 719 Victoria Ave, Windsor Postal Code: N9A 4N3
Email: [REDACTED] Telephone: [REDACTED]
2. AGENT/ARCHITECT/ENGINEER/SOLICITOR: _____
Address, City: _____ Postal Code: _____
Email: _____ Telephone: _____
3. REGISTERED OWNER(S): Igor KARASEV, MARINA KARASEV
Address, City: same Postal Code: same
Email: same Telephone: same

PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED

4. HERITAGE NAME OF PROPERTY Trebl Large House
5. MUNICIPAL ADDRESS 719 Victoria Ave, Windsor, ON
6. LEGAL DESCRIPTION (Lot and Plan) Plan 381 Lot 30 6031
7. ASSESSMENT ROLL NUMBER(S) 3739 - 040 - 290 - 06900 - 0000
8. EXISTING USE residential
9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT
YES By-law No. _____ Date _____

REQUESTED HERITAGE FUND ASSISTANCE

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:
Loan \$ 0
Grant \$ ~~1500~~ 26264.00 TOTAL \$ ~~1500~~ 26264.00
M.K.S.K. M.K.S.K.

NOTE: Details for loan/grant are set out in the attached pamphlet "Windsor's Community Heritage Fund".

11. If a loan is requested, please indicate your term of repayment: N/A years.
12. Are there any outstanding mortgages or liens against this property?
NO
YES Amount: _____ Institution: _____
13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed \$15,000, you may be required to obtain a property appraisal from a real estate agent or certified appraiser. If your application is in an amount in excess of \$15,000, you may be required to obtain an appraisal from a certified appraiser.
14. Have you previously received assistance from the City for the property named above?
NO

YES Amount: _____ Date: _____

Source of funds: _____

REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

A. Rehabilitation of Owner's designated property:

15. Describe fully here (or on attached sheets) the proposed work to be undertaken:

To complete projects involving the restoration of original existing architectural features mentioned in the reasons for designation: turpents & porch. Please, see the scope of work attached.

16. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing. (Some specifications are available from the Heritage Planner – see contact information at the bottom of this page.)

17. Describe any new uses of the property, if different from the existing use.

18. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.

19. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.

B. Purchase of designated property:

20. Indicate the full price of the property you wish to purchase: \$ _____ and include a copy of the "offer to purchase."

21. Indicate your other sources of funding, the amount you will receive, and any subsequent liens/mortgages.

C. Architectural/engineering study of Owner's designated property:

22. Indicate the full price of the architectural/engineering study by a restoration specialist: \$ _____ and include a copy of the estimate or invoice from the study.

SIGNATURES

APPLICANT OR AGENT  Date *Sep 15, 2022*

REGISTERED OWNER(S)   Date *Sep 15, 2022*

CHECKED/RECEIVED BY HERITAGE PLANNER _____ Date _____

This application should be completed and filed with the:
Planning Department
Suite 320 - 350 City Hall Square West
Windsor ON, N9A 6S1

For assistance and/or information on filing, please contact the Planning Department:
Telephone 519-255-6543 x 6179 Fax 519-255-6544

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:

I/We also acknowledge that the information requested on this form is required in order to process the application to the Development & Heritage Standing Committee. Please be advised that the information in this application form may be released to the public in an electronic form, i.e. web site and/or paper format, i.e. agenda or minutes.

Dated: *Sep 15, 2022*

Signed: 
Signature of Applicant

From: [Karasev Marina](#)
To: [Tang, Kristina](#)
Cc: [Igor Grebenyuk](#); [Igor G Grebenyuk](#)
Subject: Re: victoria ave quote
Date: Thursday, September 15, 2022 6:22:37 PM
Attachments: [attachment 1.pdf](#)

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 Kristina,

Please, see attached the updated Application for grant form and revised rationale.

Rationale: For the last 2 years we are living project to protect to preserve Heritage appearance of our beautiful historic house. We spend a lot of time and money to restore the turret and we are now starting another project -porch. We spend about \$26450 on our first project and the estimate for Porch project is coming even higher due to the lumber cost and labour cost increase and it is \$48590. We would like to apply for 35% grant of the total amount of projects (\$75040) which equals to \$26264.

As responsible owners, we want to do a quality work and quality restoration, which comes with the cost. We don't want to repeat the previous owners mistakes with patch repairs.

The cost of repairs are taking a big stake in our family budget and with increased interest rates it makes it even more difficult, but we are determined to finish these projects.

We hope for your help and assistance.

Thank you for your time.

Kind regards,
Marina and Igor Karasev

Sent from my iPhone

On Sep 15, 2022, at 4:57 PM, Tang, Kristina <ktang@citywindsor.ca> wrote:

Information for Porch Restoration

From: [Karasev Marina](#)
To: [Igor G Grebenyuk](#)
Cc: [Tang, Kristina](#)
Subject: Re: Heritage fund assistance
Date: Wednesday, September 14, 2022 7:17:37 PM

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.

Sorry autocorrect

Hello Kristina,

Apologize about the delay. We haven't received any new quotes unfortunately. We tried to reach out to the following companies:

Joe's Woodcraft of Windsor 5041 Ure St, Oldcastle, ON N0R 1L0 - one of my good friends recommended them. No response left multiple voicemails.

Miller's Millwork & Hardware 1156 Crawford Ave, Windsor, ON N9A 5C9 - did not have proper equipment to help replicate the woodwork.

Bettermade Cabinets 3275 Odessa Dr, Tecumseh, ON N8N 2M1 - Did not receive a call back

Please let us know if you need anything from us.

Thank you,

Sent from my iPhone

On Sep 14, 2022, at 5:08 PM, Igor G Grebenyuk <i_karasev@hotmail.com> wrote:

Hello Kristina,

Apologize about the delay. We haven't received any new quotes unfortunately. We tried to reach out to the following companies:

PROPOSAL

LAASANEN CONTRACT SERVICES
 WINDSOR, ONTARIO
 G.S.T. #R120212064

Proposal No.
 Sheet No.
 Date Sept 3/2022

Proposal Submitted To	Work To Be Performed At
Name <u>IGOR Grabenyski</u>	Street <u>SAME</u>
Street <u>719 Victoria</u>	City _____
City <u>WINDSOR</u>	Date of Plans _____
State <u>ONTARIO</u>	Architect _____
Telephone <u>1-647-833-8705</u>	

We hereby propose to furnish the materials and perform the labor necessary for the completion of

- work to include removal of all rotted material and
 restore or replace all damaged fascia, soffit and
 trough, ready for paint
 - Budget at \$5000.00 for material & labour

Restoration work to repair structural integrity of front
 porch and replace deck & railings to match original
 look of porch
 - Budget at \$15,000 for material & labour

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of

Dollars (\$ 20,000.00)
 plus HST.

with payments to be made as follows:

Payment schedule to be determined at time
 of final contract

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by

Laasanen Contract Services

Respectfully submitted

Kari Laasanen

Per owner/operator

Note - This proposal may be withdrawn
 by us if not accepted within 30 days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date _____ Signature _____

Photos of the Property – Before Works

2021-02-25



Information for Turret/Chimney Restoration

2021-05-11



BetterMade Cabinets Inc.

www.bettermadecabinets.com

info@bettermadecabinets.com

3275 Odessa Drive

Tecumseh, ON., N8N 2M1

Phone 519-739-3330 Fax 519-739-3340

Manufacturing Facility and Showroom

May 22, 2019

Proposal to Restore Existing Soffit at 719 Victoria Ave, Windsor

Proposal includes;

- Scaffolding
- Repair/restoration to soffit and attached moulding on north turret
- Scrap and paint repair/restoration
- Paint material included

Proposal does not include;

- Roof or structural repairs.
- Any deficiencies that are uncovered as restoration on original scope of work is in progress.
- Permits (although it should not be required as it is a private residential property)

Total \$29,000.00 + HST

Terms: Start up 40% deposit
Mid work 40% deposit
Upon completion 20%

OKO PRO GROUP INC
 478 Hall Ave,
 Windsor, Ontario N9A
 2L8

QUOTATION

Date:	12/1/2020
Quote #:	11025
PO:	

Client:
Igor Grebenyk 719 Victoria Ave, Windsor ON N9A 4N3

Terms	Rep
	ML

Item	Description	Quantity	U/M	Price Each	Total
CTI Installatio...	Restoration of Existing Box Gutter at 719 Victoria Ave, Windsor Quote Includes: Scaffolding; Repair/restoration to soffit and attached moulding on north turret; Scrap and paint repair/restoration, Paint material included. *** Permits (although it should not be required as it is a private residential property)			8,365.00	8,365.00

The information contained in this quote shall not be used or duplicated in any other purpose then to evaluate the quote. Prices and tax rates are subject to change.

+ HST

Total **\$8,365.00**

Acceptance of proposal:
 If the above prices, specifications, and conditions are satisfactory, OKO PRO GROUP INC. is authorized to order products and/or perform services as specified. Upon acceptance of this quote, a purchase order number must be issued for the value of the project bearing an authorized signature. All work will be invoiced at the time of project completion.

Signature:

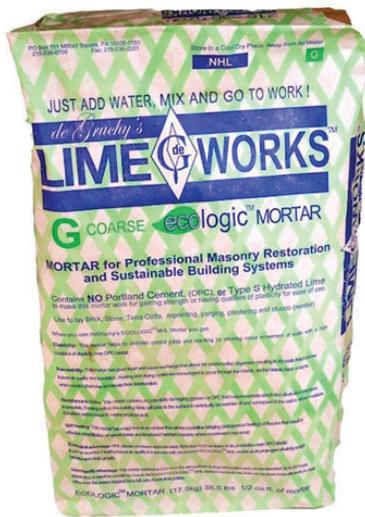
Date:

deGruchy's **LIMEWORKS.us** Makers of **ecologic**® Mortar & Plaster Brand For Historic Restoration and Green Building

Phone: 215-536-6706 Fax: 215-453-1310 3145 State Road, Telford, PA 18969 www.LimeWorks.us

Last Modified: Jun 15, 2016

deGruchy's Ecologic™ Mortar ... Just add water!



deGruchy's Ecologic™ Mortar, in any of the stock colors, are simply a prepared blend of binder/aggregate/pigments to which you just add water, mix and go to work. Use it to repoint historic buildings, stucco and build new buildings which are considered a Green Application and result in a desired "Old World" Lime finish. It is as simple as mixing the mortar with water using a high torque industrial electric drill and a rigid paddle attachment in five-gallon pail or using a mason's paddle-style mortar mixer. The bag weight is 38.5 pounds.

deGruchy's Ecologic™ Mortar is coded as "DGM" followed by a number to correspond to a certain stock mortar color. "SCG" on bags means "Standard Construction Grade" where no pigment is added. Type "F" stands for "fine sands" for the application of butter joint repointing, fine jointed Ashlar stonework and for smooth stuccos. Type "G" stands for "coarse granules" for most all other applications. The granules in Type G are coarse in comparison to the fine sands in a Type F mortar, but the coarse granules are likened to regular mason's sand that

meets ASTM C-144 standards for sharp, well-graded sand. The coarse grains are not as coarse as typical concrete sand. Both the Type F and Type G sands have four grades of sand making up the majority of the component sizes in the entire sand blend. All Stock Ecologic™ Mortars are made with NHL 3.5 and "G" type sand blend. Ecologic™ Mortar (F) with fine sand is also made with NHL 3.5 and is a stock product in the SCG Non-Pigmented color only. All other mixes are considered a custom blend.

The advantage of the pre-blended material with sand and pigment already added is that the mixing can take place on each level of scaffold, if suitable conditions allow using the drill and paddle mixing method, with no excess sand piles or other bags of material stored on site. deGruchy's Ecologic™ pre-blended mortar is all you need. Having all the materials in one bag reduces the temptation for masons to add Portland cement to the straight Natural Hydraulic Limes thinking this is what is customary when they use local type S hydrated lime. The preblended material ensures that the engineering of the mortar's final properties is kept in a high quality control environment with the right sand and the right pigments for consistent color.

Ecologic™ Lime Mortar And Color-Matching System

NO Portland Cement is present deGruchy's Ecologic™ mortars yet the stock material will still reach the required 750 p.s.i. required for a type N mortar while maintaining the high permeability required for repointing and repair to historic structures originally built with lime mortars.

Ecologic™ Mortars can be used for sustainable applications in stucco, interior plaster, laying up of masonry units, stonework and as historic building repointing mortars.

The colors shown below represent the 12 stock Ecologic™ Mortar colors.



Disclaimer: Many factors affect how these images may appear on your computer monitor and how it prints on your specific printer. Print this page to provide a similar representation of the actual shades of all stock Ecologic™ Mortars. It is suggested that you purchase the Ecologic™ Mortar kit so that you may view each strip individually or hold one or more of these channels of dried mortar up to a building to determine a match when planning to duplicate a repointing mortar.

Ecologic™ Lime Mortar And Color-Matching System

NO Portland Cement is present deGruchy's Ecologic™ mortars yet the stock material will still reach the required 750 p.s.i. required for a type N mortar while maintaining the high permeability required for repointing and repair to historic structures originally built with lime mortars.

Ecologic™ Mortars can be used for sustainable applications in stucco, interior plaster, laying up of masonry units, stonework and as historic building repointing mortars.

4 Examples of custom mixes are included in the Ecologic™ Mortar Kit:



Disclaimer: Many factors affect how these images may appear on your computer monitor and how it prints on your specific printer. Print this page to provide a similar representation of the actual shades of all stock Ecologic™ Mortars. It is suggested that you purchase the Ecologic™ Mortar kit so that you may view each strip individually or hold one or more of these channels of dried mortar up to a building to determine a match when planning to duplicate a repointing mortar.

Ecologic™ Mortar Type G NHL 3.5 Ready Mix

Ecologic™ mortar G is a premixed pure & natural hydraulic lime and sand mortar for building, pointing, repointing, stucco work, plastering, and finishing in a variety of colors.

The absence of cement, ashes, gypsum, and other pozzolanic additions together with its other qualities make Ecologic™ mortar G highly suitable for repair and conservation work on traditional, vernacular, and historic buildings. In new build the properties of Ecologic™ mortar G will allow the reduction of strategically placed control joints in new building, dispersion of condensation, and will accommodate small settlement movements.

Ecofriendly Characteristics:

- High vapor exchange qualities
- Produced with lower energy than cementitious mixes
- Re-absorption of CO₂ in curing
- Will not deteriorate timber
- Possibility of recycling the materials used in buildings
- Elimination of painted finishes

Granulometry: G granulometry using US Standard Test Sieve #16 (1.18mm) to #200 (0.075mm) for masonry, pointing, dubbing out, first and main coats on renders and rough finishing coats.

Packing: Ecologic™ mortar G 38.5lbs (17.5kg)

Consumption: (See – Ecologic™ mortar Consumption Chart)

Preperation: In ordinary drum mixers (mix for about 5 minutes)

Water Addition:

Ecologic™ mortar G: .6 gallons (2.25 liters) – .65 gallons (2.50 liters) per bag of 38.5lbs. (17.5kg)

Application:

On clean and dry background not water proofed. Dampen adequately dry or high suction surfaces. Do not apply at temperatures below 40°F (5°C) or above 85°F (30°C). Protect against strong rain, frost, drying wind or direct strong sun until sufficient hardening has occurred.

Application by Spray Gun:

Possible. Please consult us.

The above details are given for information purposes only. Final dosages and application should be checked with our technicians. The Factory reserves the right to alter specifications.

Comparison Blends NHL vs. Cement		Ecologic™ NHL 1:2.5	Type N Cement 1:1:6	Type O Cement 1:2:9
Water content		7.76 oz	200 g	200 g
Water to binder ratio		1.07	.72	.65
Penetration	INCH	23/64	9/32	9/32
Set (beginning)	H	6	1.3	1
Bulk density (no curing)	lb/cu.ft.	134	131	131
Air content	%	0	0	0
Elasticity Moduli	Mpa			
28 days		9000	16200	15595
6 months		13505	22010	19300
12 months		13620	22010	19700
24 months		13785	22150	19650
Flexual strength	PSI			
7 days		83	297	239
28 days		69.6	283	225
6 months		246.5	304	217
12 months		297.25	319	246
24 months		290	319	254
Compressive strength	PSI			
7 days		83	728	719
28 days		213	1116	834
6 months		774	1174	834
12 months		855	1261	877
24 months		870	1232	863
Permeability vapor exchange. gr of air x m2 x hour x mmHg		.65	.23	.25
Shrinkage at 28 days	mm.m	.44	.63	.42
Water absorbtion	L.h.m2	7.3	.23	.25
Capillarity	g.min	4.7	1.08	6.86

The above details are given for information purposes only. Final dosages and application should be checked with our technicians. The Factory reserves the right to alter specifications.

PROPOSAL

LAASANEN CONTRACT SERVICES
 WINDSOR, ONTARIO
 G.S.T. #R139219364

Proposal No.

Sheet No.

Date DEC 3 / 2020

Proposal Submitted To	Work To Be Performed At
Name <u>IGOR Grobenyuk</u>	Street <u>SAME</u>
Street <u>719 Victoria</u>	City _____
City <u>WINDSOR</u>	Date of Plans _____
State <u>ONTARIO</u>	Architect _____
Telephone <u>1-647-835-8705</u>	

We hereby propose to furnish the materials and perform the labor necessary for the completion of
Restoration work to second floor circular overhang and eaves trough
 - work to include removal of all rotted material and replace or replace all damaged fascia, soffit and trough, ready for paint
 - Budget at \$5000.00 for material & labour

Restoration work to repair structural integrity of front porch and replace deck & railings to match original look of porch
 - Budget at \$15,000 for material & labour

All material is guaranteed to be as specified, and the above work to be performed in accordance with the drawings and specifications submitted for above work and completed in a substantial workmanlike manner for the sum of Dollars \$20,000.00 plus HST.

with payments to be made as follows:
Payment schedule to be determined at time of final contract

Any alteration or deviation from above specifications involving extra costs, will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance upon above work. Workmen's Compensation and Public Liability Insurance on above work to be taken out by Laasanen Contract Services

Respectfully submitted Kari Laasanen
 Per owner/operator

Note — This proposal may be withdrawn by us if not accepted within 30 days

ACCEPTANCE OF PROPOSAL

The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____
 Date _____ Signature _____

RJ STEEL & Copper Co.

Ph: (519) 791 - 4066

Fax: (519) 969-1412

2910 Walker Rd

Windsor, Ontario N8W 3R3 www.rjsteel.com

Quotation: 20210628

June 28, 2021

719 Victoria St.
Windsor, Ontario

Thank you for the opportunity to provide pricing for your project.

Project:

Fully Soldered Copper Eavestrough System

1.1 - Products:

- A) Main Turret Roof - Curved Copper Eavestrough and Downspout System.
- B) Patio Roof - Formed Copper Eavestrough System.

A) Main Turret Roof - Curved Copper Eavestrough and Downspout System

2.1 - Material:

- 16 ounce pure copper

3.1 - Solder/Sealant:

- 50/50 permanent Solder

4.1 - Fasteners:

- #308 - 18 Stainless Steel fasteners
- Copper and Brass fasteners

5.1 - Scope of Work:

A) Shop Work: Based on Wood Buck supplied by others:

- To fabricate a fully soldered and curved eavestrough system matching the 3ft long wood buck (Wood Buck supplied by others)

B) Installation: Using the existing Scaffold System

- To install the fully soldered 3ft long eavestrough sections.

6.1 - Pricing:

We hereby propose to supply all material and labour as per our listed Scope of Work for the sum of:

\$35,910.00

B) Patio Roof - Formed Copper Eavestrough System (10ft)

7.1 - Pricing:

We hereby propose to supply all material and labour as per our listed Scope of Work for the sum of:

\$5,750.00

Feel free to contact us with any questions you may have,

Respectfully,

Ryan Jordan

Information for Turret/Chimney Restoration

Information for Turret/Chimney Restoration



2000 Fasan Drive
Oldcastle, Ontario N0R 1L0
Tel: (519) 737-2603 Fax: (519) 737-2604

August 10, 2021

VIA e-mail

ATTENTION: Igor

RE: Masonry repairs at 719 Victoria Ave., Windsor

QUOTATION

As per your request, we submit our proposal for masonry repairs based on the following scope of work:

EXISTING CHIMNEY on North elevation

- Add additional scaffolding to existing scaffold frames to reach top of chimney
- Cut joints and tuck point with new Type 'O' mortar
- Owner to provide replacement bricks if required – this quote includes for 12 bricks to be replaced

EXISTING FRONT ENTRANCE

- Re-point masonry over existing front entrance (2nd floor)

All re-pointed areas to be cleaned upon completion – masonry detergent may be used if necessary
All work to be performed on Owner’s scaffolding with the exception of additional scaffold for chimney access

Work shall be completed during regular hours

TOTAL QUOTE: \$ 11,880.00 + HST

NOTE: Not included in quote

- construction permits
- all power, water and staging area to be supplied by Owner
- landscape restoration by Owner
- winter heat/handling
- painting or caulking
- premium time
- brick replacement unless noted
- working around/near existing utilities

We thank you for the opportunity to be of service to you,

ARTISAN MASONRY INC.

Perry Wong
Project Manager

Estimate

Classic Gutter Systems, L.L.C.

155 McCollum
Galesburg, MI 49053

Phone # 269-665-2700
Fax # 269-665-1234

DATE	ESTIMATE NO.
8/9/2021	34443

www.classicgutters.com

NAME / ADDRESS
Grenbenyuk, Igor 719 Victoria Ave. Windsor Ontario, CA N9A4N3

Ship To
Grenbenyuk, Igor 719 Victoria Ave. Windsor Ontario, CA N9A4N3

P.O. NO.	TERMS	REP	VIA	Special Instructions
	Prepaid	SN	OLD DOMINION	

QTY	ITEM	DESCRIPTION	COST	TOTAL
14	G6C20	6" x 20 oz. half round copper gutter 2 @ 7' * Seven foot sections can travel with crate at no additional charge and less chance of damage.	12.85	179.90T
7	GBC	Corrugated gutter box (necessary for shipping gutter)	3.25	22.75T
6	QA6B1	6" cast brass Queen Anne fascia bracket	29.00	174.00T
5	DS4CCR	4" x 16 oz. x 10' corrugated round copper downspout	108.50	542.50T
6	EL4C4CR	4" x 16 oz. corrugated round copper elbow - 40 degree	13.50	81.00T
10	PM4BFL	Cast projecting mount (brass) fleur-de-lis bracket & spring for 4" downspout	37.00	370.00T
4	OUT4C	4" round outlet - copper (inside/outside mount)	9.00	36.00T
2	SCB4C	Scupper collector box for 4" round downspout (copper)	205.00	410.00T
		Subtotal		1,816.15
1	Surcharge	Current Price Increase of 15% 05/01/2021	15.00%	272.42T
1	Freight	Freight charged on Invoice # 83255 \$487.00 COMBINED SHIPMENT W/ RADIUS ORDER	0.00	0.00

			\$2,088.57
--	--	--	------------

QUOTE GOOD FOR 7 DAYS	Customer Phone	Customer Contact	(0.0%)	\$0.00
			Total	\$2,088.57

Information for Turret/Chimney Restoration

Photos of the Property – In Progress & After Works

2021-10-27



Information for Turret/Chimney Restoration

2022-02-08



Information for Turret/Chimney Restoration

Invoice

Classic Gutter Systems, L.L.C.

155 McCollum
Galesburg, MI 49053

Phone # 269-665-2700

Fax # 269-665-1234

Date	Invoice #
8/6/2021	83255

www.classicgutters.com

PAID
08/23/2021

Bill To	Ship To
Igor Grebenyuk 719 Victoria Ave. Windsor Ontario, CA N9A4N3	Grenbenyuk, Igor 719 Victoria Ave. Windsor Ontario, CA N9A4N3

P.O. Number	Terms	Rep	Ship Via	STATUS	Special Inst.
	Prepaid	SN	Old Dominion-R		
Quantity	Item Code	Description		Price Each	Amount
3.00	11RG5HRC	11' Radius Gutter x 5" Half Round Copper (11 foot)		835.00	2,505.00T
1.00	RGC11	Crate necessary for shipping 11' radius gutter		350.00	350.00T
6.00	G5C16	5" x 16 oz copper half-round gutter		8.95	53.70T
2.00	EC5C	5" copper endcap-reversible		5.00	10.00T
1.00	Surcharge	Current Price Increase of 15% 05/01/2021		15.00%	1.50T
		Subtotal			2,920.20
1.00	Freight	Freight charge		487.00	487.00
8-9-2021 \$1500.00 Deposit Balance sent in Check shipped, notified 9-8-2021 pro# 80997063492					
ALL ITEMS RETURNED SUBJECT TO A 20% RESTOCKING FEE! Invoices not paid by the due date are subject to a 1.5% (18% Annual) finance charge.				Sales Tax (0.0%)	\$0.00
				Total	\$3,407.20
Customer Contact				Payments/Credits	-\$3,407.20
Customer Phone				Balance Due	\$0.00
586-489-7784					

Information for Turret/Chimney Restoration

Invoice

Classic Gutter Systems, L.L.C.

155 McCollum
Galesburg, MI 49053

Phone # 269-665-2700

Fax # 269-665-1234

Date	Invoice #
8/9/2021	83275

www.classicgutters.com

PAID
08/23/2021

Bill To	Ship To
Igor Grebenyuk 719 Victoria Ave. Windsor Ontario, CA N9A4N3	Grenbenyuk, Igor 719 Victoria Ave. Windsor Ontario, CA N9A4N3

P.O. Number	Terms	Rep	Ship Via	STATUS	Special Inst.
	Prepaid	SN	Old Dominion-R		
Quantity	Item Code	Description		Price Each	Amount
14.00	G6C20	6" x 20 oz. half round copper gutter 2 @ 7'		12.85	179.90T
7.00	GBC	Corrugated gutter box (necessary for shipping gutter)		3.25	22.75T
1.00	EC6CL	6" copper half-round endcap - left		5.50	5.50T
1.00	EC6CR	6" copper half-round endcap - right		5.50	5.50T
6.00	QA6B1	6" cast brass Queen Anne fascia bracket		29.00	174.00T
5.00	DS4CCR	4" x 16 oz. x 10' corrugated round copper downspout		108.50	542.50T
6.00	EL4C4CR	4" x 16 oz. corrugated round copper elbow - 40 degree		13.50	81.00T
10.00	PM4BFL	Cast projecting mount (brass) fleur-de-lis bracket & spring for 4" downspout		37.00	370.00T
4.00	OUT4C	4" round outlet - copper (inside/outside mount)		9.00	36.00T
2.00	SCB4C	Scupper collector box for 4" round downspout (copper)		205.00	410.00T
		Subtotal			1,827.15
	Surcharge	Current Price Increase of 15% 05/01/2021		15.00%	274.07T
1.00	Freight	Freight charged on Invoice # 83255 \$487.00		0.00	0.00
		COMBINED SHIPMENT W/ RADIUS ORDER shipped, notified 9-8-2021 pro# 80997063492			
ALL ITEMS RETURNED SUBJECT TO A 20% RESTOCKING FEE! Invoices not paid by the due date are subject to a 1.5% (18% Annual) finance charge.				Sales Tax (0.0%)	\$0.00
				Total	\$2,101.22
Customer Contact				Payments/Credits	-\$2,101.22
Customer Phone				Balance Due	\$0.00
586-489-7784					

Information for Turret/Chimney Restoration

1-877-242-7837
Call Citizens' PhoneBank anytime for account information, current rates and answers to your questions.

Checking Account Statement

3 OF 3

Beginning August 17, 2021 through September 16, 2021

Images for account 451441-034-8

IGOR A. GREBENYUK 11875 JARVIS ST LIVONIA, MI 48150 2450	8-7814/2815 1238
	DATE 8/10/2021
PAID TO <u>Classic Gutter Systems LLC</u> \$ 4,008.42	
the order of <u>Four thousand eight and 42/100 DOLLARS</u>	
Charter One®	
MEMO <u>Inv # 83255</u>	
⑆ 24 10 704 1 7 ⑆ 4 5 1 4 4 1 0 3 4 8 ⑆ 1 2 3 8	

1238

08/24/2021

\$4008.42

Information for Turret/Chimney Restoration

OKO PRO GROUP INC.
478 Hall Ave,
Windsor, Ontario N9A 2L8

Invoice

Date	Invoice#
11/24/2021	12877

PAID
10/19/2021

Bill To	Ship To
Igor Grebenyk 719 Victoria Ace, Windsor ON, N9A4N3	

PO Number

Representative
CM

Quantity	Item Code	Description	U/M	Price Each	Amount
	Misc	EXISTING CHIMNEY on North elevation Add additional scaffolding to existing scaffold frames to reach top of chimney. Cut joints and tuck point with new Type 'O' mortar Owner to provide replacement bricks if required – includes for 12 bricks to be replaced.		6,000.00	6,000.00

Total	\$6,000.00

Please make checks payable to OKO PRO GROUP INC
Invoices past due date are subject to a 6.25% finance charge per annum, where allowed by law.

Please mail the payment to:
OKO PRO GROUP INC
478 Hall Ave, Windsor, Ontario N9A 2L8

Thank You for Your Business!

LAASANEN CONTRACT SERVICES
 WINDSOR, ONTARIO
 G.S.T. #R139219364

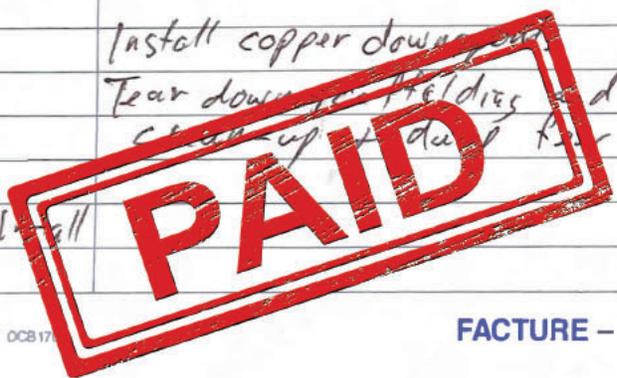
NOTRE NUMERO / OUR NUMBER	609529
DATE	Nov 13 / 2021
COMMANDE DU CLIENT / CUSTOMER'S ORDER	

VENDU A / SOLD TO: **IGOR Grebanyuk**
 ADRESSE / ADDRESS: **719 - VICTORIA Ave**
Windsor, Ontario
 ph # **1-647-835-8705**

jobsite
 LIVRE A / SHIP TO: **Same**
 ADRESSE / ADDRESS:

N° D'ENR. DE TAXE TAX REG. NO.	VENDEUR SALESPERSON	FAB FOB	CONDITIONS TERMS	VIA
-----------------------------------	------------------------	------------	---------------------	-----

QUANTITE QUANTITY	DESCRIPTION	PRIX PRICE	MONTANT AMOUNT
Job -	Roof turret + trough restoration		
	Scaffolding delivery + set-up	485.-	
	Tear off old material + weather proof work area	452.50	
	Rebuild overhang to specifications + water proof	2002.56	
	Assemble + install copper trough		
	Flash roof for shingles + install copper flashings over new overhang		
	Re-shingle roof area that was exposed	3798.55	
	Install copper downspout	150.-	
	Tear down old fieldings and put into storage	485.-	
	clean up + dump fees	65.-	
	sub-total	7438.67	
	HST	967.01	
	Total	8405.62	



FACTURE - INVOICE

Subject: Closure of remainder of Pall Mall Street right-of-way, east of Virginia Park Avenue, Ward 10, SAS-6632

Reference:

Date to Council: October 3, 2022
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181
Planning & Building Services

Report Date: August 29, 2022
Clerk's File #: SPL2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 45.87 metre portion of the 20.12 metre wide Pall Mall Street right-of-way located east of Virginia Park Avenue, north of 2510 Virginia Park Avenue, south of 939 Northwood Street, and west of 0 Rockwell Boulevard (Roll No. 080-570-04700), and shown on Drawing No. CC-1805 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 45.87 metre portion of the 20.12 metre wide Pall Mall Street right-of-way located east of Virginia Park Avenue, north of 2510 Virginia Park Avenue, south of 939 Northwood Street, and west of 0 Rockwell Boulevard (Roll No. 080-570-04700), and shown on Drawing No. CC-1805 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easements, subject to there being accepted in the City's standard form, and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", be granted to:
 - i. Bell Canada to accommodate existing aerial facilities; and
 - ii. EnWin Utilities Ltd. to accommodate existing overhead plant and pole-line.
 1. 120/240V overhead secondary conductor running north/south along the existing pole-line at the east side of the property.

2. 16kV overhead primary conductor running north/south along the existing pole-line at the east side of the property.

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

- a. For right-of-way conveyed to abutting lands zoned RD1.1, \$1,500 per front foot without easements and \$750 per front foot with easements **IF** less than 40 feet is purchased; OR \$4,000 per front foot without easements and \$2,000 per front foot with easements **IF** 40 or more feet is purchased.
- b. For right-of-way conveyed to abutting lands zoned ID1.1, \$8 per square foot without easements, \$4 per square foot with easements.

IV. THAT **PRIOR TO** the conveyance of the closed portion of the Pall Mall Street right-of-way, legally described as Part 2, Reference Plan 12R-18955, in accordance with Recommendation 2 of By-law 13024:

- a. Easements, subject to there being accepted in the City's standard form, and in accordance with the City's standard practice and EnWin Utilities Ltd. Aboveground Hydro Easement Diagram *attached* hereto as Appendix "F", be granted to:
 - i. Bell Canada to accommodate existing aerial facilities; and
 - ii. EnWin Utilities Ltd. to accommodate existing overhead plant and pole-line.

1. 120/240V overhead secondary conductor running north/south along the existing pole-line at the east side of the property.

V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1805, *attached* hereto as Appendix "A".

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

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

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

Executive Summary:

N/A

Background:

The applicant, Daniel Prange, owner of the property known municipally as 2510 Virginia Park Avenue (the subject property), applied to close the 45.87 metre portion of the

20.12 metre wide Pall Mall Street right-of-way located east of Virginia Park Avenue, north of the subject property, south of 939 Northwood Street, and west of 0 Rockwell Boulevard (Roll No. 080-570-04700) (the right-of-way), and shown on Drawing No. CC-1805 **attached** hereto as **Appendix “A”**, and also shown on the aerial photo **attached** hereto as **Appendix “B”**.

The right-of-way is unmaintained and composed primarily of manicured lawn cared for by the applicant. The right-of-way contains an east/west row of large mature deciduous trees, a small gravelled area adjacent to Virginia Park Avenue, and a utility pole with guy wires and anchors at its east terminus. The right-of-way is also bordered by an Environmental Policy Area B on *Schedule C: Development Constraint Areas* to the *Official Plan* (Northwood Grove Natural Heritage Area).

The Northwood Grove Natural Heritage Area **may provide habitat for species at risk** as defined under the *Endangered Species Act, 2007, S. O. c.6* (the Act) (See Site Photos **attached** hereto as **Appendix “D”**). This subsequently **may require a permit or other authorization** from the Ministry of the Environment, Conservation and Parks (MECP), **prior** to a party conducting an activity on the right-of-way that could impact an endangered or threatened plant or animal or its habitat (e.g. construction, demolition, excavation, grading, grass cutting, landscaping, recreation, removal of vegetation, etc.) due to its close proximity. The party who is to conduct such activity is **responsible to obtain any required permit or authorization from the MECP**, and **comply** with the provisions of the **Act**. **Consultation** by the party with the MECP **prior** to undertaking an activity is **strongly advised** (SAROntario@ontario.ca). Additional information can be found at the following MECP webpage:

[Development and infrastructure projects and endangered or threatened species](#)

The remaining portion of the Pall Mall Street right-of-way was closed by By-law 13024 on July 14, 1997, registered as instrument number 1399740, and amended by By-law 273-2001 on July 30, 2001. The said portion of right-of-way makes up part of 0 Rockwell Boulevard (Roll No. 080-570-04700) and 0 Rockwell Boulevard (Roll No. 080-570-04600), save and except Part 2, Reference Plan 12R-18955 which has yet to be conveyed. The aforesaid by-laws do not include the granting of the easements being requested by Bell Canada and EnWin Utilities Ltd through this application as a prerequisite of conveyance. Notwithstanding this fact, the granting of the requested easements will be a prerequisite to the conveyance of Part 2, Reference Plan 12R-18955.

The applicant wishes to close the right-of-way for the purpose of enlarging the subject property.

Discussion:

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

Classification of Public Right-of-Ways

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

Right-of-Way:

1. *Does the right-of-way serve commercial properties?*
 - a. The right-of-way does not serve any commercial properties.
2. *Does the right-of-way serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The right-of-way does not serve properties that front on a heavily traveled street.
3. *Does the right-of-way contain sewers, and must the alley remain accessible for servicing?*
 - a. The right-of-way does not contain any sewers.
4. *Does the right-of-way serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The right-of-way does not provide vehicular access to any rear parking areas or garages.
5. *Does the right-of-way contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The right-of-way does not contain any fire department connections.
6. *Does the right-of-way lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
 - a. The right-of-way does not lie within a Holding zone or other similar undeveloped area.

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

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the right-of-way in the manner described in the Recommendation

section herein. Hence the recommendation is to close and convey the right-of-way to the abutting property owners, which is the standard manner of conveyance.

The Planning Department further recommends that easements be granted to Bell Canada and EnWin Utilities Ltd. as a prerequisite to the conveyance of the remaining portion of the closed right-of-way, legally described as Part 2, Reference Plan 12R-18955. An amending by-law to By-law 13024 is not required for the granting of the said easements.

Risk Analysis:

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

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The rate for a right-of-way conveyed to abutting lands zoned RD1.1, is assessed at \$1,500 per front foot without easements and \$750 per front foot with easements **IF** less than 40 feet is purchased; **OR** \$4,000 per front foot without easements and \$2,000 per front foot with easements **IF** 40 or more feet is purchased.

The conveyance of 40 feet or more of the right-of-way provides the opportunity for the creation of a buildable lot through consent or transfer, hence the higher rate.

The rate for a right-of-way conveyed to abutting lands zoned ID1.1, is assessed at \$8 per square foot without easements, \$4 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"**.

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 right-of-way shown on **attached Appendix "A"**, subject to the easements as in Recommendation II of this report, in favour of Bell Canada and EnWin Utilities Ltd.

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

The Planning Department further recommends that easements be granted to Bell Canada and EnWin Utilities Ltd. as a prerequisite to the conveyance of the remaining portion of the closed right-of-way, legally described as Part 2, Reference Plan 12R-18955, as in Recommendation IV 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	Chief Administration Officer

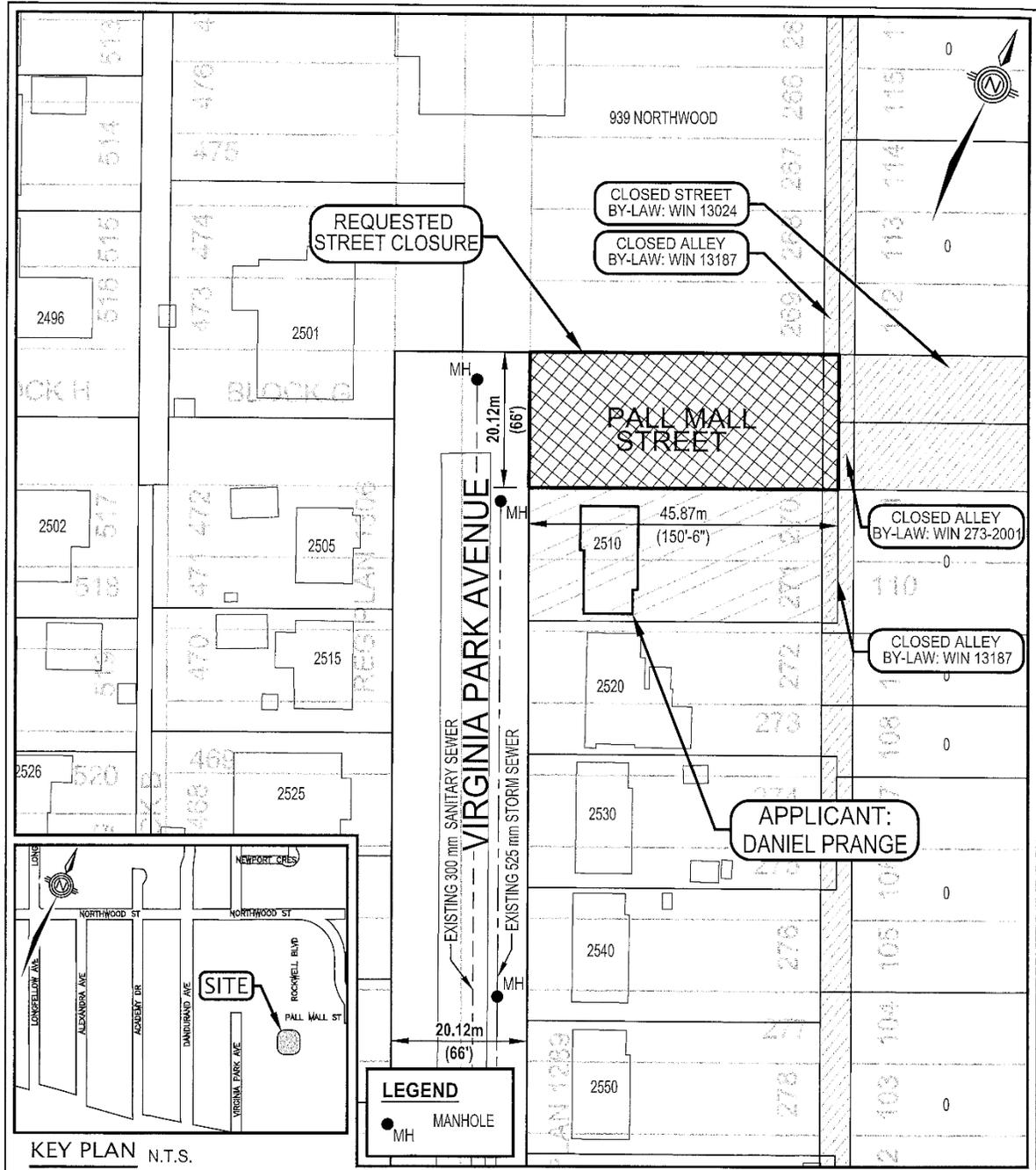
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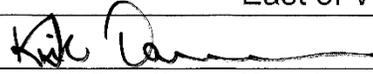
Name	Address	Email
Councillor Jim Morrison	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	jmorrison@citywindsor.ca

Appendices:

- 1 Appendix A - Drawing No. CC-1805
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments and Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure
- 6 Appendix F - EnWin Utilities Ltd. Aboveground Hydro Easement Diagram

APPENDIX "A"
Drawing No. CC-1805



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT			
Proposed Closure of Part of Pall Mall Street, East of Virginia Park and West of Rockwell			
 Kirk Tamm, Manager of Geomatics	SCALE: 1:750	DATE: DEC 2021	REVISED: AUG 2022
	DWN BY: JLH/G.P.	CHKD BY: PJU / JC	REVISION NO.: 1
			DWG. NO. CC-1805

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAS/6632)

1:750

APPLICANT : DANIEL PRANGE

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: DECEMBER, 2021



APPENDIX “C”

Consultations with Municipal Departments and Utility Companies

BELL CANADA WSP

Bell Canada requests a 3.0 m easement, 1.5 m on either side of aerial facilities as can be reasonably accommodated.

[Charleyne Hall, Right of Way Associate]

CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENVIRONMENTAL SERVICES

No concerns from Environmental Services

[Anne-Marie Albidone, Manager, Environmental Services]

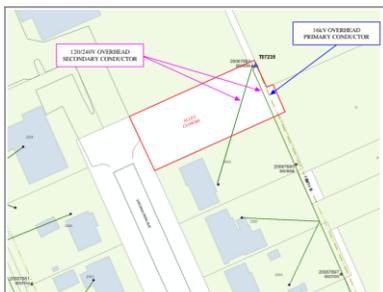
ENWIN UTILITIES - HYDRO

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 overhead plant and pole-line.

ENWIN has the following plant in the area:

- 120/240V overhead secondary conductor running north/south along the existing pole-line at the east side of the property.
- 16kV overhead primary conductor running north/south along the existing pole-line at the east side of the property.

[Nathan Short, Hydro Engineering Technologist]



ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

As discussed, I think we need to provide two price scenarios. If the abutting residential owner (RD1.1) buys less than 40 feet, than \$1,500/front foot (\$750/front foot with easements). If he buys more than 40 feet, \$4,000/front foot (\$2,000 with easements). For the academy to the north (ID1.1), \$8 per square foot without easements, \$4 per square foot with easements.

[Chris Carpenter, Coordinator of Real Estate Services]

MNSi

MNSi does not require an easement through on the subject lands.

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

January 10, 2022

Although that the required subject land is not a public park but it is noticed that there are some mature existing trees are planted on this land parcel and it's not counted on City Trees inventory 2019 under the EIS.

So, our comment here is who planted those trees and are those trees part of City's trees inventory now or not and does the applicant has to provide any tree report pertaining those existing trees or not.

[Sherif Barsom, Landscape Architect]

August 23, 2022 (REVISED)

The trees in the identified Pall Mall road allowance are City trees. Indeed, the inventory we have is yet to capture all greenspaces and alleyways.

In view of preserving Canopy Cover and protecting endangered species, the City Forestry office requires a complete inventory and assessment for trees, shrubs and plants and general habitat conditions. This inventory should:

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

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

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

There are no additional comments from a landscape architectural perspective, other than those made by Parks Development.

[Stefan Fediuk - Landscape Architect]

PUBLIC WORKS - ENGINEERING

The subject street closure is approximately 20.0 m (66.0 ft) wide, composed of grass. There are no municipal sewers and manholes that appears within the closure. There are guy wires, a wooden hydro pole, and overhead wires located in the closure, an easement would be required for utilities. There appears to be many trees located in the closure. Public Works has no objections to the street closure subject to an easement.

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

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.

[Meghna Patel, Permit Coordinator]

TRANSPORTATION PLANNING

No concerns with the alley closure.

[Rania Toufelli, Policy Analyst]

TRANSIT WINDSOR

No comments provided

UNION GAS

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

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

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

[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 not impact (negatively speaking) the ability of the police to carry out patrol and incident response activities for the subject lands or any abutting properties.

[Barry Horrobin, Director of Planning & Physical Resources]

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



Figure 1 - Looking east towards alley from Virginia Park Avenue



Figure 2 - Looking towards east limit of alley from within alley



Figure 3 - Looking west towards Virginia Park Avenue from east end of alley 1



Figure 4 - Looking west towards Virginia Park Avenue from east end of alley 2

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

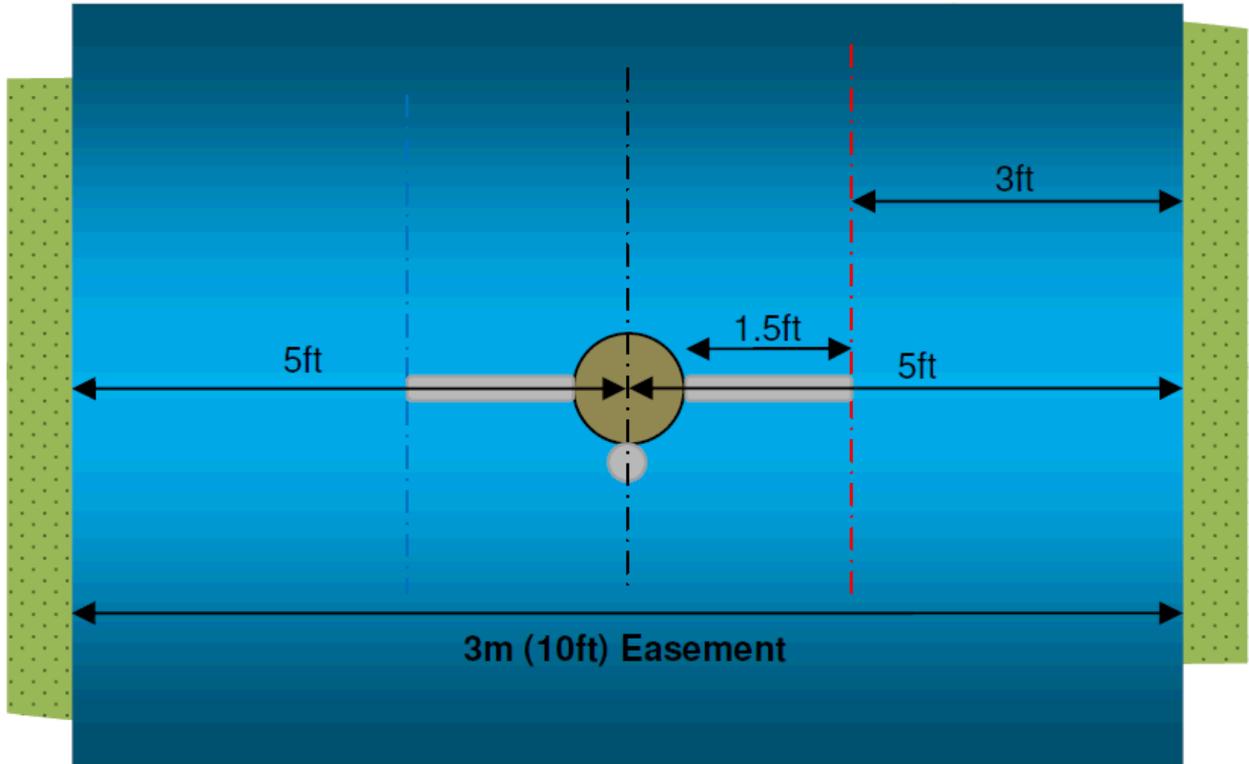
- 1) Alleys that are **indispensable**. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means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

Suitability for Closing:

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

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

APPENDIX "F"
EnWin Utilities Ltd. Aboveground Hydro Easement Diagram



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

**Applicant/Owner: South Windsor Properties Inc.
File No.: SAA-6177**

Reference:

Date to Council: October 3, 2022
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181
Planning & Building Services

Report Date: August 29, 2022
Clerk's File #: SAA2022

To: Mayor and Members of City Council

Recommendation:

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

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

- I. That the segments of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. north of EC Row Expressway together with the north/south alley segment measuring approximately 32m between Roxborough Boulevard and Glenwood Avenue, all as shown on Drawing No. CC-1783 attached as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. That the portions of the 4.27m wide east/west alley segments located at the south end of Partington Ave. Roxborough Blvd. and Glenwood Ave. and north of EC Row Expressway and shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the north side of the alley, subject to the following:
 - a. Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:

Partington Avenue, and Partington Avenue and Roxborough Boulevard; and

- ii. Enbridge Gas Inc. to accommodate existing natural gas line.
- IV. That the 32.0 metre portion of the 3.65 metre wide north/south alley located between the south limit of the property known municipally as 2485 Glenwood Avenue and the aforesaid 4.27 metre wide alley located between Roxborough Boulevard and Glenwood Avenue, and shown on Drawing No. CC-1783, *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner.

Executive Summary:

N/A

Background:

CR178/2022 was adopted by Council on April 25, 2022, directing administration to undertake the necessary steps to assume, close and convey the following alleys, subject to the granting of easements in favour of The Corporation of the City of Windsor, Enbridge Utilities Ltd. and EnWin Utilities Ltd. (the parties):

- 4.27 metre wide east/west alley located between Rankin Avenue and Partington Avenue.
- 4.27 metre wide east/west alley located between Partington Avenue and Roxborough Boulevard.
- 4.27 metre wide east/west alley located between Roxborough Boulevard and Glenwood Avenue.
- 32.0 metre portion of the 3.65 metre wide north/south alley located between the south limit of the property known municipally as 2485 Glenwood Avenue and the aforesaid east/west alley located between Roxborough Boulevard and Glenwood Avenue.

The applicant through their lawyer is claiming that the easements do not need to extend the full width of the aforesaid alleys (the subject alleys), thus prompting a review of the requirements set forth by the parties for their easements.

Discussion:

The easement requirements were reviewed in depth, which presented the following findings:

- EnWin Utilities Ltd., via July 25, 2022 email, confirmed that they have no infrastructure within the subject alleys and therefore do not require an easement.

- Public Works - Engineering Department, via July 29, 2022 email, confirmed that there is a sanitary sewer located within the three east/west alleys, thus requiring an easement.
 - The sanitary sewer was under construction when the alley closure application was made on September 16, 2020, and subsequently overlooked prior to the adoption of CR178/2022.
 - The entire width of the alley is required in order to provide sufficient area for maintenance and servicing.
- Enbridge Utilities Ltd. comments remain unchanged for their natural gas line located within the three east/west alleys.
 - The entire width of the alley is required in order to provide sufficient area for maintenance and servicing.
 - That being said, it should be noted that they do not have any infrastructure within the north/south alley, and therefore do not require an easement.

CR178/2022 must be amended to reflect the aforesaid changes to the easements required as conditions of the closure and conveyance of the subject alleys. An amendment is typically undertaken at the time when an application to acquire a closed alley has been submitted.

Risk Analysis:

The recommended amendment to CR178/2022 poses no known risk to the City.

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

The recommended amendment to CR178/2022 does not impact the conveyance costs.

Consultations:

Consultations were held with EnWin Utilities Ltd. and the Public Works - Engineering Department, which resulted in the information found in attached **hereto as Appendix “B”**.

Conclusion:

The Planning Department recommends that CR178/2022 be amended to allow for the update to the easements required for the closure and conveyance of the subject alleys.

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	Chief Administration Officer

Notifications:

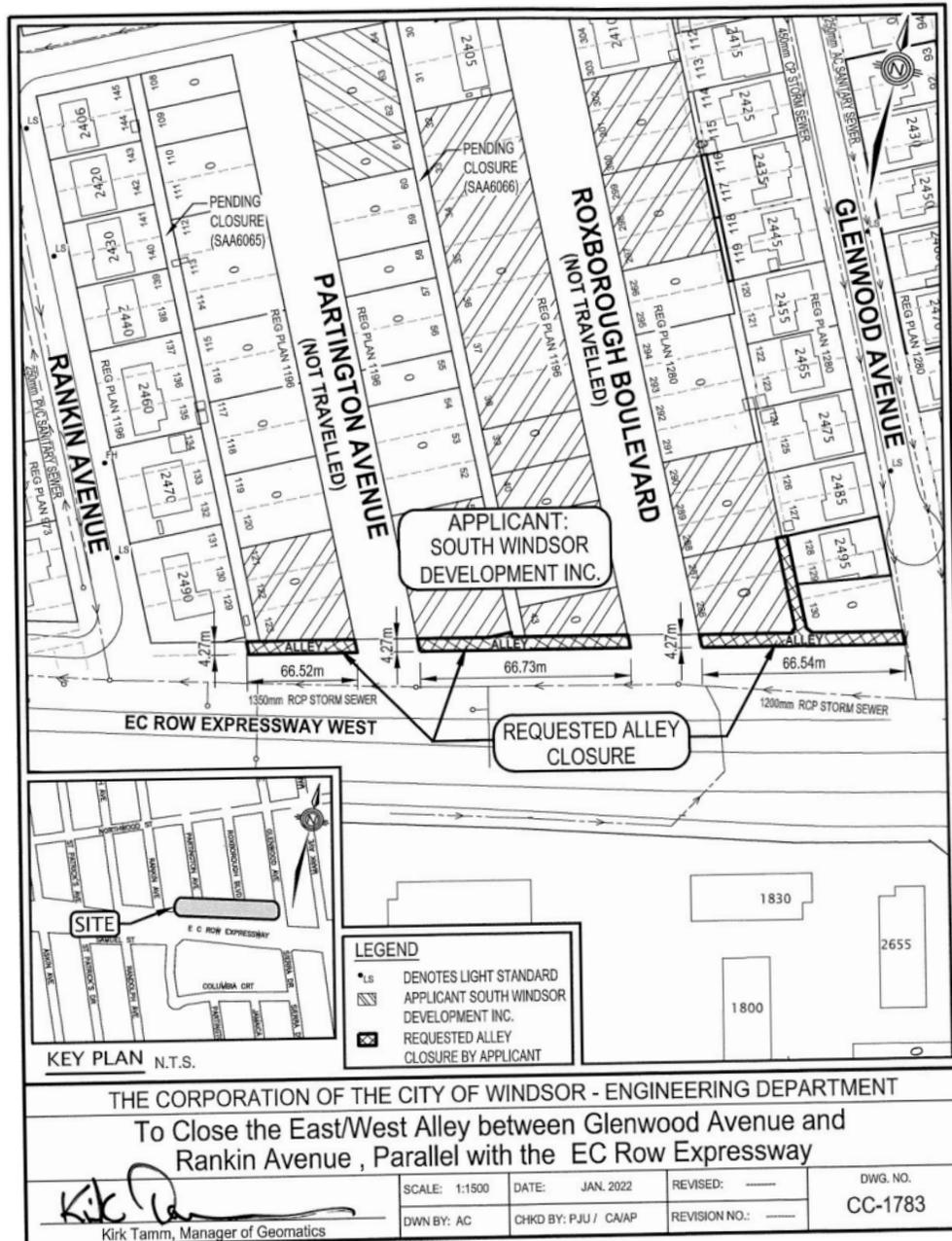
Name	Address	Email
Councillor Jim Morrison	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	jmorrison@citywindsor.ca

Appendices:

- 1 Appendix A - Drawing No. CC-1783
- 2 Appendix B - Consultations with Municipal Departments and Utility Companies

APPENDIX "A"

Drawing No. CC-1783



APPENDIX "B"

Consultations with Municipal Departments and Utility Companies

ENWIN UTILITIES - HYDRO & WATER

No easement is required for us in that area. We don't have any infrastructure in that area.

[Justin Orton, Manager Geomatics]

PUBLIC WORKS - ENGINEERING

The municipal sanitary sewer is new and an easement is required.

[Adam Pillon, Manager of Right-of-Ways]

UNION GAS

Original Comments from October 6, 2020

Yes Enbridge will require an easement on the intended portions of lane to be closed.

Once the reference plan has been created please forward to myself for review.

[James Cartier, Land Agent]



Subject: Closure of part of the easterly half of the east/west alley between Campbell Avenue and Mark Avenue, Ward 10

Applicant: Giovanni Miceli
Owner: 2832765 Ontario Inc.
File No.: SAA-6766

Reference:

Date to Council: October 3, 2022
Author: Brian Nagata, MCIP, RPP
Planner II - Development Review
(519) 255-6543 ext. 6181
Planning & Building Services

Report Date: September 1, 2022
Clerk's File #: SAA2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the 24.38 metre portion of the 4.27 metre wide east/west alley located immediately west of Mark Avenue and south of the property known municipally as 0 Tecumseh Road West (Roll No. 080-600-17600), and shown on Drawing No. CC-1814 *attached* hereto as Appendix "A", **BE ASSUMED** for subsequent closure;
- II. THAT the 24.38 metre portion of the 4.27 metre wide east/west alley located immediately west of Mark Avenue and south of the property known municipally as 0 Tecumseh Road West (Roll No. 080-600-17600), and shown on Drawing No. CC-1814 *attached* hereto as Appendix "A", **BE CLOSED AND CONVEYED** to the abutting property owner at 0 Tecumseh Road West (Roll No. 080-600-17600) and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. Easement, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing infrastructure;
 - ii. EnWin to accommodate existing overhead 16kV and 120/240 volt distribution, poles and down guy wires;
 - iii. MNSi. to accommodate aerial plant on existing pole line; and

- iv. The Corporation of the City of Windsor to accommodate existing circa 1955, 600.0 millimetre reinforced concrete storm sewer, to the satisfaction of the City Engineer.
- III. THAT Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned CD2.1, \$20 per square foot without easements and \$10 per square foot with easements
 - IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1814, *attached* hereto as Appendix "A".
 - V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
 - VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
 - VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.

Executive Summary:

N/A

Background:

The applicant, Giovanni Miceli, representative of the owner (2832765 Ontario Inc.) of the property known municipally as 0 Tecumseh Road West (Roll No. 080-600-17600) (the subject property), applied to close the 24.38 metre portion of the 4.27 metre wide east/west alley (the alley) located immediately west of Mark Avenue and south of the subject property, east of Campbell Avenue, and shown on Drawing No. CC-1814 *attached* hereto as **Appendix "A"**, and also shown on the aerial photo *attached* hereto as **Appendix "B"**.

The alley is unmaintained, composed primarily of grass and gravel, and includes a row of mature deciduous trees along its south boundary. The alley contains a utility pole with guy wires and anchors, a circa 1955, 600.0 millimetre reinforced concrete storm sewer, and has an existing curb cut off of Mark Avenue. The alley provides secondary vehicular access to the subject property.

The applicant wishes to close the alley for the purpose of enlarging the subject property to accommodate the development proposed through Planning Pre-Submission Application PS-129/21 (PS-129/21).

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 indirectly serves the commercial properties to the west of the subject property, known municipally as 1677-1691 Tecumseh Road West and 1695 Tecumseh Road West, providing a tertiary means of vehicular access from Mark Avenue.
 - b. The closure will not impede vehicular access to these properties.
2. *Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?*
 - a. The subject property fronts Tecumseh Road West, which is classified as a Class II Arterial Road on *Schedule F: Roads and Bikeways* to the *Official Plan*.
 - The alley is necessary to accommodate the development of the subject property proposed through PS-129/21.
 - b. Refer to section 1 comments above for 1677-1691 Tecumseh Road West and 1695 Tecumseh Road West.
3. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?*
 - a. The alley contains a circa 1955, 600.0 millimetre reinforced concrete storm sewer.
 - b. The Public Works Department has confirmed that they have no objection to this alley closure subject to an easement being granted in favour of the City to access and maintain the storm sewer.
4. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?*
 - a. The alley does not serve as the only vehicular means of access to the subject property or 1677-1691 Tecumseh Road West and 1695 Tecumseh Road West.

5. *Does the subject alley contain Fire Department connections that are deemed to be necessary for firefighting access?*
 - a. The alley does not contain any Fire Department connections.

6. *Does the right-of-way lie within a Holding zone or other similar undeveloped areas where the right-of-way system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent?*
 - a. No

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

Notwithstanding the alley being deemed “dispensable”, easements will be required to grant access to the aforesaid hard services located therein. Bell Canada, EnWin Utilities, MNSi and The Corporation of the City of Windsor require blanket easements to access their aboveground/underground services. The required easements shall remain unencumbered in perpetuity by any building or other structure, but this shall not prevent the Transferee from paving and utilizing the said lands.

It is our recommendation that, upon closure, the subject property owner be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley to the subject property owner, which is contrary to the standard manner of conveyance of offering abutting property owners first right to purchase their half of the alley. In this case, the alley cannot be conveyed to the property to the south, known municipally as 1431 Mark Avenue, as it serves the subject property which fronts a heavily travelled street. Furthermore, the owner of 1431 Mark Avenue was issued notice of this application on May 13, 2022 and has not provided any response as of the time of writing this report.

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 CD2.1 is assessed at \$20 per square foot without easements and \$10 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 owner of the commercial property, known municipally as 1434 Campbell Avenue objected to the alley closure via July 13, 2022 phone conversation. The owner indicated that clients utilize the alley to exit their property to Mark Avenue in lieu of Campbell Avenue, which can be difficult to turn onto at peak traffic times.

1434 Campbell Avenue currently does not have vehicular access off of the east/west alley, nor will it be permitted in the future as the east/west alley is unmaintained (refer to Figure 1 below). Vehicles accessing the east/west alley must do so from Campbell Avenue. The use of the east/west alley by clients of 1434 Campbell does not meet any of the criteria for deeming an alley to be indispensable.

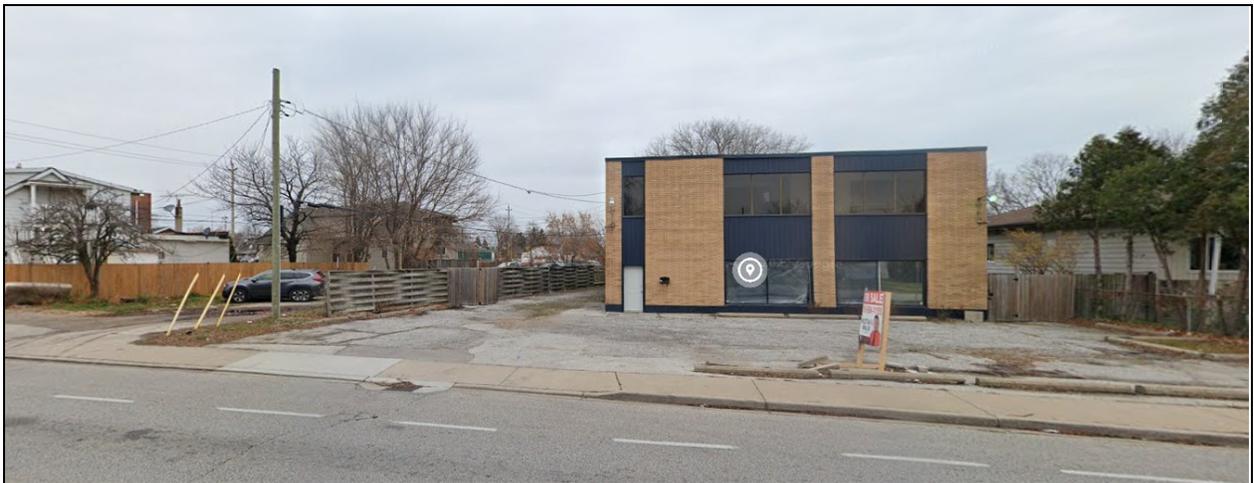


Figure 1 - Looking east towards 1434 Campbell Avenue and the east/west alley from Campbell Avenue (November 2020 - Google Street View)

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 portion of the east/west alley shown on attached Appendix “A”, subject to easements as in Recommendation II of this report, in favour of Bell Canada, Enwin Utilities Ltd., MNSi and The Corporation of the City of Windsor.

The closed alley is to be conveyed to the abutting property owner 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	Chief Administration Officer

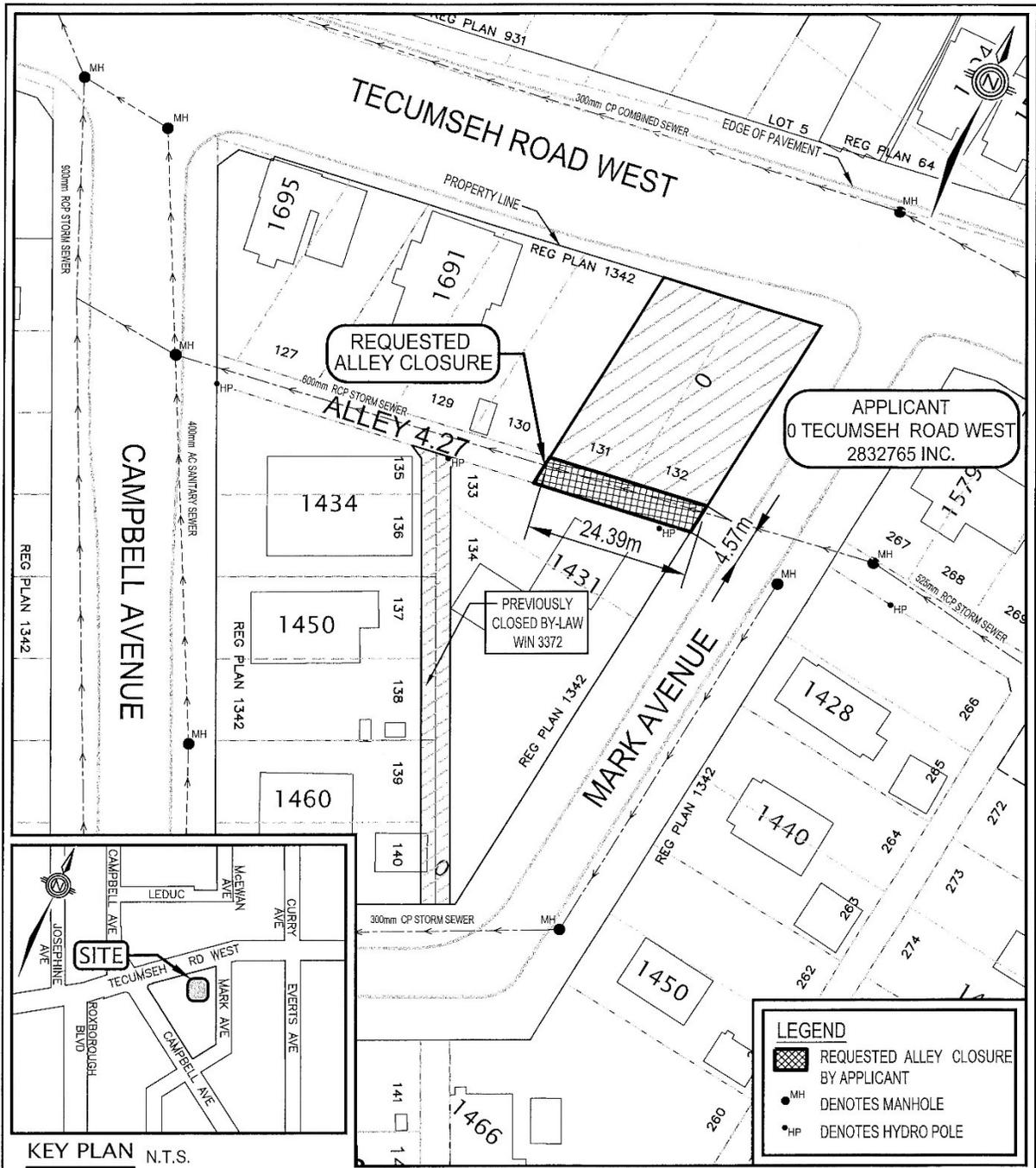
Notifications:

Name	Address	Email
Councillor Jim Morrison	350 City Hall Square West, Suite 220 Windsor, ON N9A 6S1	jmorrison@citywindsor.ca
Property owners abutting the alley		

Appendices:

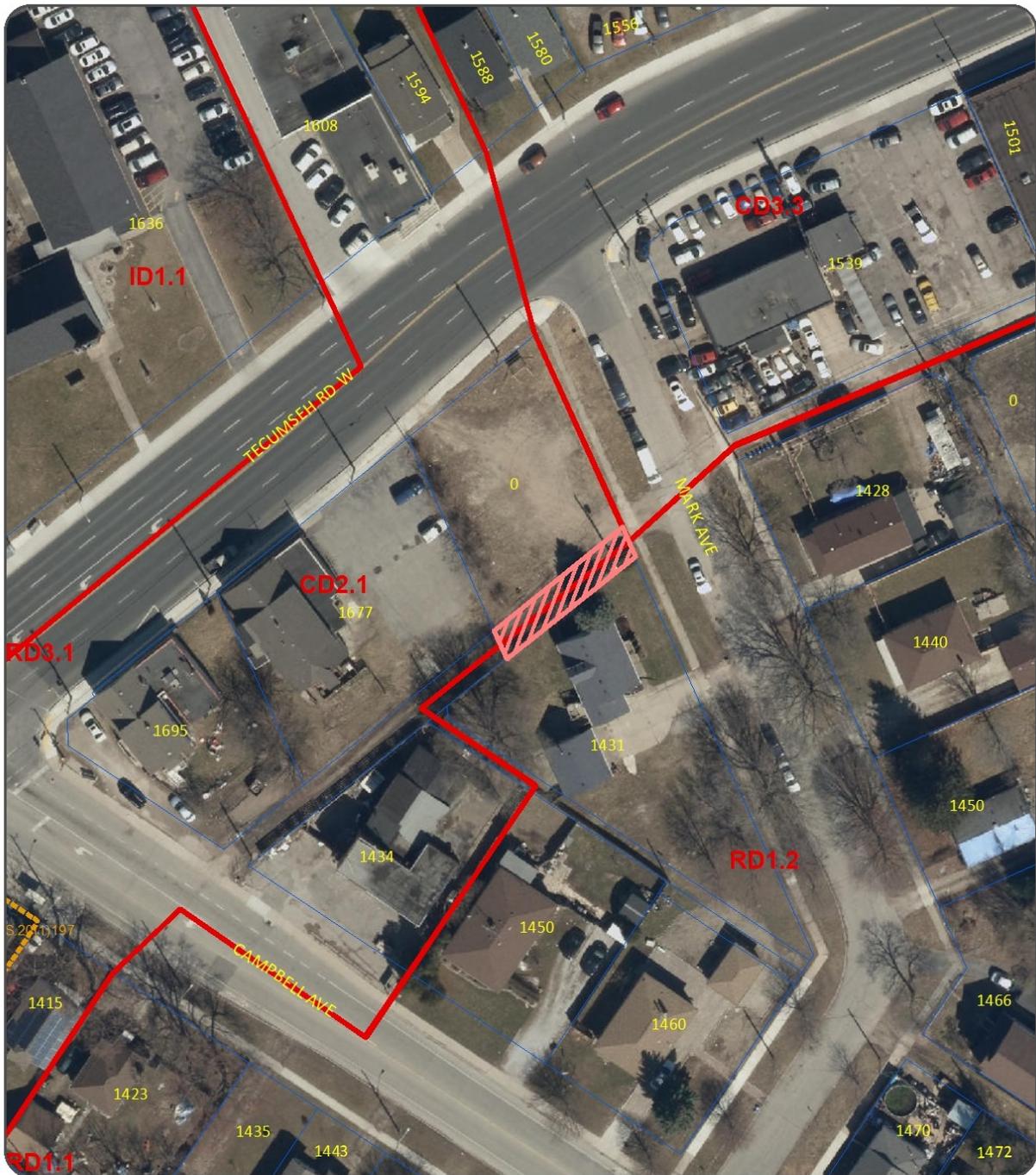
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APPENDIX "A"
Drawing No. CC-1814



THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT PROPOSED CLOSURE OF E/W ALLEY ABUTTING 0 TECUMSEH ROAD WEST BETWEEN MARK AVE AND CAMPBELL AVE				
 Kirk Tamm, Manager of Geomatics	SCALE: 1:750	DATE: July 2022	REVISED: —	DWG. NO. CC-1814
	DWN BY: NB	CHKD BY: PJU / GN	REVISION NO.: —	

APPENDIX "B" EIS Drawing - Aerial Photo



STREET & ALLEY CLOSING (SAA/6766)

1:750

APPLICANT : 2832765 ONTARIO INC.

 SUBJECT LANDS



PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: MAY, 2022

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

Bell Canada is requesting easement protection.

[Charleyne Hall, Bell Canada External Liaison - Right of Way & Indigenous Relations]

CANADA POST

No comments provided

COGECO CABLE SYSTEMS INC.

No comments provided

ENVIRONMENTAL SERVICES

No concerns from Environmental Services.

[Anne-Marie Albidone, Manager, Environmental Services]

ENWIN UTILITIES - HYDRO

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

[Steve Zambito, Senior Hydro Engineering Technologist]

ENWIN UTILITIES - WATER

Water Engineering has no objections.

[Bruce Ogg, Water Project Review Officer]

LEGAL DEPARTMENT

For alley lands conveyed to property zoned CD2.1, \$20/sq ft without easements and \$10/sq ft with easements.

[Chris Carpenter, Coordinator of Real Estate Services]

MNSi

Please allow for an Aerial Easement for MNSi in this area as we have existing plant on the Pole line.

[Dave Hartleib, Outside Plant Manager]

PARKS & FACILITIES

Parks Department has no comments or requirements pertaining this SAA/6766 LIAISON.

[Sherif Barsom, Landscape Architect]

PLANNING DEPARTMENT

No comments provided

PLANNING DEPARTMENT - LANDSCAPE ARCHITECT

No objections from a landscape architectural perspective.

[Stefan Fediuk, Landscape Architect]

PUBLIC WORKS DEPARTMENT

The proposed alley closure is approximately is 4m wide and 24m long and is composed of grass/dirt. A storm sewer runs through the alley but there are no manholes, an easement will be required for sewer access. There is a Hydro pole and guy wires within the alley. An easement will be required for utilities. There is a driveway approach on the east side composed of gravel. A permit may be required by the applicant to keep and maintain the driveway approach to City Standard AS-204. This subject alley is deemed to have some usefulness by CR146/2005; however, we have no objections to the closure subject to the easements.

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

PUBLIC WORKS - TRAFFIC OPERATIONS

The east/west alley shown is accessible by multiple properties fronting Tecumseh Road West.

No concerns with the closure of this section of alley given that the west access to Campbell is being maintained.

Site plan should be reviewed to maintain the exit on to Mark in order to minimize access/egress onto Tecumseh Road.

[Mike Spagnuolo, Signal Systems Analyst]

ROGERS COMMUNICATIONS

No comments provided

TELUS COMMUNICATIONS

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

[Meghna Patel, Permit Coordinator]

TRANSPORTATION PLANNING

There are no concerns with the proposed alley closure. The alley is to remain open to the west of this closure for properties to maintain access from Campbell Avenue.

[Shannon Deehan, Transportation Planner I]

UNION GAS

After reviewing the provided drawing at 1677 Tecumseh Road West and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

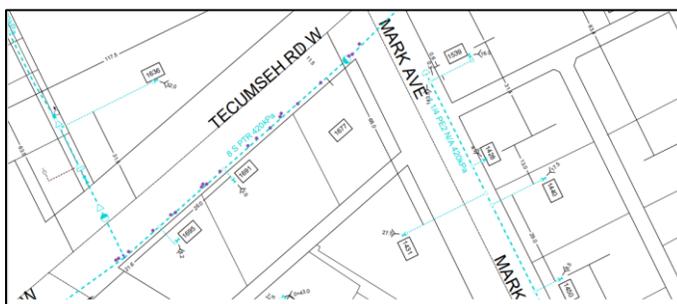
- The shown piping locations are approximate and for information purposes only
- The drawings are not to scale
- This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc. accordingly

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

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

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

[James Makhlof, Summer Student, Drafting]



WINDSOR FIRE

No comments provided

WINDSOR POLICE

The Windsor Police Service has no concerns or objections with the closure of this section of east/west alley. The end result from this closure will not affect the ability of the police to provide incident response or other service delivery activities to the surrounding properties.

[Barry Horrobin, Director of Planning & Physical Resources]

APPENDIX "D"
Site Photos (July 28, 2022)



Figure 1 - Looking west towards alley from Mark Avenue



Figure 2 - Alley looking west from Mark Avenue



Figure 3 - Alley looking east towards Mark Avenue



Figure 4 - Looking west towards alley from Mark Avenue

APPENDIX “E”

Classification of Alleys and Suitability for Closure

Classification of Public Rights-of-Ways:

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

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

Suitability for Closing:

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

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

Subject: Proposed Redevelopment of the Former Concord School Site at 6700 Raymond Ave. – Ward 7

Reference:

Date to Council: October 3, 2022
Author: Stefan Fediuk
Landscape Architect/ Sr. Urban Designer (A)
350 City Hall Square West | Suite 320
519-255-6543 ext.6025

Planning & Building Services
Report Date: August 11, 2022
Clerk's File #: SPL2022

To: Mayor and Members of City Council

Recommendation:

- I. That the report from the Planning Department regarding the proposed redevelopment of the former Concord Public School (6700 Raymond) site **BE RECEIVED**; and,

REDEVELOPMENT CONCEPT 1: CUL-DE-SAC RECOMMENDATION

- II. That Council **APPROVE** *Redevelopment Concept 1: Cul-de-Sac Development* as the preferred concept plan for the redevelopment of the former Concord school property;
- III. That Council **DIRECT** Administration to prepare the Zoning Bylaw Amendment to facilitate the development of the preferred concept plan;
- IV. That Council **DIRECT** Administration to prepare the Plan of Subdivision to facilitate the development of the preferred concept plan;
- V. That Council **DIRECT** Administration to prepare the tender documents for the construction of the infrastructure, and report to back to Council about the construction costs and funding source; and,
- VI. That Council **DIRECT** Administration list the building lots for sale in accordance with the Disposal of Land policy.

OR

REDEVELOPMENT CONCEPT 2: COTTAGE STYLE DEVELOPMENT RECOMMENDATION

- VII. That Council **APPROVE** *Redevelopment Concept 2: Cottage Style Development* as the preferred concept plan for the redevelopment of the former Concord school property; and,
- VIII. That Council **DIRECT** Administration to an Expression of Interest (EOI) to solicit developer interest in building the preferred concept plan from the private sector, and to determine what a potential developer can pay for the property;
- IX. That Administration **REPORT BACK** to Council with the results of the Expression of Interest including recommendations for the implementation of the recommended EOI submission and the financial implications of the proposal.

Executive Summary:

In 2011, the City of Windsor acquired the former Concord School Site at 6700 Raymond Avenue to incorporate the site with the existing Community Sports Park complex north of the site. However, after the development of Farrow Riverside Miracle Park in 2017, Council directed Administration to provide development options for the former school site as a low-density residential development that would allow for connection to the park from the neighbour immediate south of the former school site.

Administration, lead by the Planning Department, developed three concepts based on different built forms including: cul-de-sac; cottage style; and, a crescent neighbourhood. Each concept is presented by its built form characteristics, architectural styles, as well as benefits to the community and development opportunities. The challenges and risks related to each concept are also presented.

Both internal consultations with various departments including Public Works, Planning, Engineering, Parks and Real-Estate were conducted throughout the process, as well as an online survey with the public. The survey resulted in community support for the direction that Council had provided to date (i.e. low density development).

Of the three development options reviewed, two were identified as potentially for further exploration.

Redevelopment Concept 1: Cul-De-Sac demonstrates the best opportunity to achieve the direction by Council for single-detached residential homes. It is the only concept that can accommodate individual lots that front onto a municipal right-of-way. This option also provides the City with more control over the potential development because it will fulfil the role of the developer and will sell the individual building lots. However, this option will require additional funding from the City for the infrastructure (e.g. roads, sewers, etc) to service the lots, and would result in the land not being sold until those services were installed. The proceeds from the final sale of the lots will be used to fund the costs associated with the infrastructure.

Redevelopment Concept 2: Cottage Style Development was preferred by the community but has many challenges especially since such a development has not been tested in the current housing market in Windsor. Additionally, because the concept cannot accommodate a municipal right-of-way, it could only work as condominium development or as a single entity owning the entire property (e.g. rentals). To achieve the desired results, which are quite prescriptive, the City will need to impose various covenants and zoning regulations upon the development. Some of these are hard to enforce

and could translate into a lack of interest or additional concessions for developers. The City also risks losing control once the developer has been awarded the site, due to the fluctuations in the market. Administration is recommending an Expression of Interest process to address some of the risks and uncertainty around this development concept.

Financially, Redevelopment Concept 1: Cul-De-Sac provided the greatest potential for the Corporation to generate revenue. The Redevelopment Concept 2: Cottage Style Development allows the City to explore an alternative development model. However, an Expression of Interest is recommended to establish developer interest and the true potential real estate value of the land for this form of development.

Administration presents the merits and challenges of the two most feasible options and has requested that Council provide direction as to which of the two options it would like to see implemented.

Background:

The former Riverside Arena was closed and demolished as part of the business case supporting the development of the WFCU Centre. At the time the former Concord School had been closed and was offered for purchase to the City. Council provided Administration with the following direction (M244-2011) about the possible acquisition of the Concord school property:

THAT in the event City Council wishes to expand the residential development by 14 building lots that Administration BE GRANTED PERMISSION to enter into negotiations with the Greater Essex County District School Board (GECDSB) for the acquisition of vacant Concord School; and

THAT the results of the negotiations with GECDSB BE BROUGHT BACK to City Council.

M205-2013 approved the purchase of the former Concord School located at 6700 Raymond Avenue for \$155,000, which is immediately south of the current baseball diamonds. The intention at the time was to incorporate that site with the baseball diamonds to create an approximate 32 lot single family residential subdivision with the extension of Coventry Court northerly from Raymond Avenue to the extension of Ontario Street.

At its meeting of April 24, 2017, City Council considered Report C 72/2017 - Proposed Redevelopment of the Former Riverside Arena Site/St. Rose Park, Riverside Baseball Park and the Former Concord Public School – Ward 6. Administration provided three options to Council for the redevelopment of these properties in keeping with Council's previous direction. At the April 24, 2017 Council meeting, the Riverside Minor Baseball Association (RMBA) attended as a delegate and presented a proposal to maintain the site as green space with the inclusion of a new Miracle Diamond. City Council approved the following resolution:

CR256/2017 That the report of the Manager of Real Estate Services dated April 7, 2017 regarding the Proposed Redevelopment of the former Riverside Arena site/St. Rose Park, Riverside Baseball Park and the Former Concord Public School BE REFERRED back to administration to allow for consultation with the Riverside Minor Baseball Club, and that this matter BE REPORTED BACK to Council in early June, outlining the Club's request/proposal.

On June 19, 2017 Council considered a report from the then Corporate Leader of Parks, Recreation, Culture and Facilities regarding the proposal from Riverside Minor Baseball Association (RMBA) to

redevelop the former Riverside Arena site/St. Rose Park, Riverside Baseball Park and the former Concord Public School as a park that incorporated a Miracle Baseball Diamond. By CR366/2017, City Council endorsed the Riverside Minor Baseball Association's proposal and directed Administration to develop an agreement with RMBA to develop and operate the park and baseball facilities, for the former Riverside Arena land only (i.e. not including the former Concord school site), and subject a number of conditions including:

That Administration (City of Windsor) BE AUTHORIZED to demolish the former Concord School and the City of Windsor to develop the site as low density housing.

City Council approved the expenditures to complete the demolition of the former Concord School at 6700 Raymond Avenue, as per CR 155/2018, and that the costs associated with this work be charged to the Concord School Demolition Project (ID# 7171099) and be recovered through future sales of the 6700 Raymond Lands. The tender to demolish the school was awarded to Jones Group Ltd with a total tender price of \$247,000.00 (excluding taxes).

The grand opening of the Farrow Riverside Miracle Park was held in May 2022. The park includes a fully accessible playground, pavilion and workout station, as well as the Miracle Diamond.

Discussion:

The purpose of this comprehensive report is to provide Council with options to redevelop the subject site based on Council's previous direction. This report includes:

- A brief description of each of the development concepts;
- The possible benefits and challenges facing each of the options;
- Outline the steps necessary to implement the redevelopment of the preferred option;
- An explanation and mitigation measures for the development constraints (e.g. large existing sanitary sewers, Sewer Master Plan) that impact the redevelopment of the site;
- The overall infrastructure development costs associated with preparing the site for redevelopment; and,
- Outcomes of the online Visual Preference Survey to identify options that are preferable to the surrounding neighbours and general public.

The City will play a significant role in the redevelopment of the subject site, with some concepts requiring more city involvement than is typical. The following is a high-level summary of some of the steps necessary to move the redevelopment forward:

- Council will establish the overall design vision for the redevelopment by providing specific direction about which Redevelopment Option to pursue;
- Staff will implement the design vision by developing the Development Regulations (Zoning Regulations, Subdivision requirements, Design Guidelines, etc) necessary to achieve it;
- Council will provide direction for the method of disposition recommended to achieve the vision; and,
- The City will be the final approval authority for all Planning and Building approvals required to develop the site and construction of individual buildings.

EXISTING STORM SEWERS

It should be noted that any residential redevelopment of the property will be constrained by the existence of a large (1500 mm) storm sewer, which runs along the west limit of the land. This sewer cannot be relocated and will have an impact on how the property can be developed. This impact means that it is highly likely that the full backyard of properties on the west side of the property will be encumbered by a sewer easement. As a result, it may impact the size of home that can be constructed.

There is also a 900 mm sewer running north/south approximately 30 metres from the eastern property line. This sewer can be relocated; however, moving it will come with a cost. Each Redevelopment Concept will describe how these sewers are addressed in the design and/or how it may impact the development. (See Appendix 'E')

REDEVELOPMENT CONCEPTS

The infill redevelopment of the subject site presented an opportunity to explore the alternative development layouts and building type. This report presents Council with three (3) Redevelopment Concepts that were arrived at through previous Council direction and public consultation. The Redevelopment Concepts represent different approaches for the same property. The options should be viewed as the overall design vision for the development, or in simpler terms, how it is intended to look and feel at full build out. As such, the Design Options start to address the individual characteristics that comprise a development (housing types, architectural styles, building materials, road configuration and size, etc) in a way that pulls them all together to achieve a more comprehensive vision for the redevelopment. Council is being asked to provide direction to pursue one of the Redevelopment Options.

The Built Form Description identifies the potential layout of the development site, demonstrating how the road network connects, and what features are retained or are necessary to achieve the vision for the Redevelopment Concept. The anticipated building type, orientation, and site features are also captured in this description. Design options and the built form (e.g. singles, semi-detached, townhouses, etc) are mostly addressed through typical planning approvals (e.g. rezoning, plan of subdivision/condominium, etc), while architectural styles and details, and building materials may require more municipal involvement, and other legal mechanisms in order to achieve the desired outcome. This may include restrictive covenants on title, alternative disposition methods (e.g. Expression of Interest), and/or applying Site Plan Control to all of the buildings (usually residential under 5 units is exempt).

Each Redevelopment Concept will speak to the possible benefits to be derived and challenges that it faces. The level of specificity around the outcome may also start to influence the best method for gauging developer interest and to selling the property.

REDEVELOPMENT CONCEPT 1 – CUL-DE-SAC

Built Form Description: This concept would consist of single detached lots on a municipally owned cul-de-sac with the fronts of the homes and driveways facing the street. Backyards would be private; however, the properties on the west side of the road will be heavily encumbered by the large sewer running along the west boundary of the property. To accommodate the existing sewers, the subdivision development would be shifted eastward allowing for the central sewer to be situated under the

municipal right of way of cul-de-sac and a deeper yard for the western half with an easement or alley for the City of Windsor to access the sewer as required.

Potential Benefits:

- This concept has the fewest unknowns and will be easiest to dispose of the site;
- Potential for up to 16 detached homes;
- Developer directed housing/architectural designs;
- Central cul-de-sac form is a traditional subdivision style which would be a faster turn-around for developers;
- Connection to the park is possible at the end of the cul-de-sac;
- Smaller affordable housing types could appeal to younger buyers;



Potential Challenges or Risks:

- Easements will be required for existing sewer infrastructure, potentially requiring reduced front and limited backyard usability along western boundary;
- Challenge to prescribe the design of the houses;
- Dealing with the existing sewers could result in reduced lot depths or large easements for single detached homes;
- The developer could bring a future rezoning request in the future to change the outcome; and,
- Has an estimated cost of \$1,023,048 to construct the road and infrastructure needed to sell the individual building lots.

Summary:

The Cul-de-sac option provides the easiest and most convenient solution that is consistent with Council’s previous direction for the property. It is also the only design concept that would support a municipal right-of-way (vs. private roads or access) as part of the development. While it does have its own challenges due to the existing sewers, the cul-de-sac solution offers more potential to work around these constraints, while still providing pedestrian access to Farrow Riverside Miracle Park.

The implementation of this concept will require a rezoning of the property from RD3.2 to a RD1 category that only permits single detached homes as of right. The zoning will establish the minimum lot sizes and can also be used to establish a maximum size for the dwelling units, if it is Council’s desire to limit the size of the houses that can be built.

To maximize the financial benefit to the City, it would have to fulfil the role of the developer. This would entail the City doing the Plan of Subdivision and constructing the infrastructure, then selling individual building lots. The estimated costs associated with going this route is as follows:

Raymond Work		\$	80,000.00
Road Construction [including CB's, sidewalks and/or pathway, driveways]		\$	158,183.75
Sanitary [including main and laterals]		\$	96,250.00
Stormwater Management	1	\$	375,000.00
Watermain		\$	85,312.50
Hydro and Streetlights	1	\$	39,812.50

	SUB	\$ 794,746.25
10% Contingency		\$ 79,474.63
15% Engineering		\$ 131,133.13
Net HST		\$ 17,694.23
	Total	\$ 1,023,048.24

Alternatively, the City could just rezone and then sell the entire parcel for redevelopment once the rezoning is finalized. The developer would then be responsible for the Plan of Subdivision, constructing the infrastructure, and building the houses.

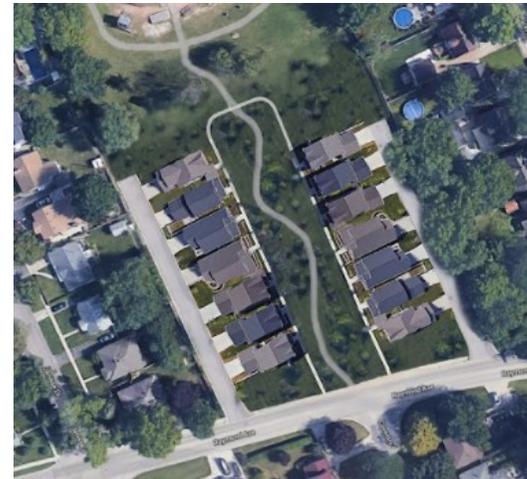
See Recommendations II-VI to provide direction to proceed with this concept.

REDEVELOPMENT CONCEPT 2 – COTTAGE STYLE NEIGHBOURHOOD

Built Form Description: This concept would consist of smaller single detached, cottage style homes with vehicle access at the rear and front doors, porches and sidewalks fronting a shared green space that also includes a public connection to the Farrow Riverside Miracle Park. Two private narrow laneways along the east and west property boundaries provide vehicular access, and garage doors are at the rear of each unit.

Potential Benefits:

- City can take a leadership role in developing a model for future development in the city by offering a more integrated development;
- City directed housing/architectural designs through a combination of Restrictive Covenants, zoning regulations and Site Plan Control;
- Potential for 14+ detached homes allows for slightly higher densities, results in more housing units;
- Design can accommodate other building forms such as townhomes;
- Access through the shared greens space to parkland north of development;
- Centre facing front porches and sidewalk access promote sense of community and neighbourhood;
- Current sewer easements would be situated under public greenspace and western access drive.



Example of Cottage Style

Potential Challenges or Risks:

- The biggest challenge may be lack of developer interest because a heavily prescribed design outcomes;
- The land value may be perceived to be lower given the uncertainty of a new product to market and the heavily prescribed outcome;
- It is challenging to determine the value of the property without an appraisal, or relatively similar projects to compare it to;

- A standard municipal right of way cannot be accommodated by this design allowing for more limited ownership and development forms. The site could be rentals under a single ownership or multiple ownership through a Plan of Condominium;
- The City would have little recourse if the Developer changes the concept once the property is sold to them;
- Restrictive Covenants that may be necessary to implement the vision are not applicable law for building permits and a challenging to enforce until after something that doesn't comply is built;
- Potentially higher development and construction costs for developers (which may translate into requests for a reduction in the land value to compensate); and,
- The development does not achieve the sales volume or prices to support the development; and,
- Requires more staff time to develop concepts and institute regulations and controls for the desired outcome.

Summary:

This redevelopment concept offers some interesting new ideas that could serve as an example of an alternative form of development for future projects. However, there are several challenges with trying to introduce a new concept to the housing market, with one of the biggest being that the private sector interest in building it is unknown.

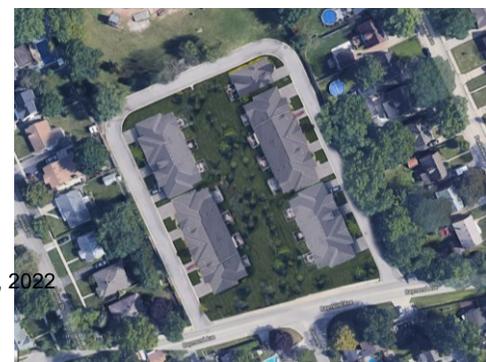
The level of developer interest, or what they are willing to pay for the property may be reduced, especially as the desired outcome becomes more prescriptive and varies from what they typically build. Additionally, there will be a significant amount of effort and approvals required by the City to ensure that the outcome at the end of the day is consistent with what Council envisions. This will include putting restrictive zoning in place, undertaking a Plan of Condominium and Site Plan Control approval. The City would also have to look at putting restrictive covenants in place to help guide the development. The City could go through all of this effort only to find a lack of developer interest at the end of the process. Alternatively, the City could sell the entire parcel to a developer letting them seek some of the approvals, but it risks losing a level of control over the outcome once that land has been sold.

As such, Administration is recommending that the City issue an Expression of Interest (EOI) for this concept in order to determine the level of private sector interest in building it, and how the concept affects the value of the land. This approach allows developers some flexibility to explore options to achieve Council's overall vision, and to determine if they can make a financial case for building it. The EOI can be structured and specific as to what Council wants to see as the final outcome for the redevelopment of this property. If approved, Administration will develop an EOI based on the concept as it is described above. Proposals will be evaluated on how closely they achieve Council's vision.

This approach will also allow the City to determine if there is interest in building the project without having to undertake the significant amount of work that would be necessary to ensure an outcome that reflects Council's vision. The results of EOI will be presented to Council for decision and will include additional recommendations to implement the proposal, while protecting the City's interests for a desired outcome.

See Recommendations VII-IX to provide direction to proceed with this concept.

REDEVELOPMENT CONCEPT 3 – TRADITIONAL DETACHED OR SEMI-DETACHED CONDOMINIUMS.



Built Form Description:

The third concept explored is similar to the previous concept (Concept 2) in that it would require a private road (cannot meet municipal standards) that in this case connects, forming a private crescent. The main differences are that the dwellings face the private road, similar to how they would in a typical subdivision.

The potential benefits, and challenges and risks are the same as Concept 2, and can be explored as part of the EOI issued for Concept 2.

This concept is not recommended by Administration.

Risk Analysis:

Each concept has its own set of unique risks so a Risk Analysis will be presented for each.

REDEVELOPMENT CONCEPT 1 – CUL-DE-SAC

There is the risk of the developer sitting on the property waiting for a change in market conditions after the City sells the property. This risk is largely mitigated by the fact that the City would be selling individual building lots.

The slow down in the real estate market and increasing borrowing costs raises the risk that the demand for the residential lots will drop off, potentially leading to a situation where the lots are not sold, or the value of them drops below the amount needed for the City to recover the costs it has incurred. Assuming the costs for the infrastructure remain close to what is provided in this report, the individual lot values would have to drop below +/- \$110,000 for the City to not recover its costs.

The construction sector is experiencing volatility and other challenges that could result in the tender for the infrastructure coming in higher than expected. The estimates provided are conservative and include a healthy contingency, but this aspect of the development is at the mercy of the market.

There is a risk that the home builder constructs homes that are out of character with the surrounding neighbourhood. This could be homes that are much larger or smaller than the surrounding homes, or that have an entirely different architectural style. The requisite zoning amendment can address the size of the houses built but the architectural style will be up to the developer. However, the City will retain control over the outcome until very late in the process (i.e. selling the building lots) and will explore the use of Restrictive Covenants to further direct the development where appropriate.

REDEVELOPMENT CONCEPT 2 – COTTAGE STYLE NEIGHBOURHOOD

Developers like certainty and the flexibility to be able to adapt to market conditions. As such, the Developer interest is unknown and likely lower for this concept because it is very prescriptive in the desired housing form and the layout of the development. Additionally, the City could undertake a lot of the work necessary to implement this solution, only to find out that there is not a developer interested in building it.

Furthermore, zoning and restrictive covenants have limitations and may fall short of getting to Council's desired outcome. The City loses a significant amount of control over the final outcome once it sells the property.

A developer could decide to change the concept or sell the property, which the City would have to challenge through the legal process. Restrictive covenants are not applicable law for a building permit,

so the Building Department would not be in the position to deny a building permit that is not consistent with the desired building form or architectural style, and the restrictive covenants cannot be enforced until there is a violation of them.

Preparing an Expression of Interest for this concept will help to better assess the opportunity to develop the lands with a private developer taking the lead, as well as determining how the constraints (e.g. the existing sewers) and restrictions (e.g. zoning and covenants) impact the value of the property. One risk to moving forward with an EOI is potential lack of interest by the development community because of the covenants and restrictions. Should this happen then the City may need to revisit the idea of an unencumbered sale of the property at the appropriate time.

Climate Change Risks

Climate Change Mitigation:

The site is an adaptive reuse from the former school site and development for low density residential housing would be an improvement on climate change from the former use. As with any development on what is currently open greenspace, the increase of hard surfaces for paving (roads and driveways), as well as residential infrastructure is unavoidable and will increase the greenhouse gas emissions being produced on that site. The concept that promotes a more compact form with smaller homes should ideally minimize the emissions of the development as compared to larger residential housing types. The inclusion of a central greenspace can help to mitigate the increased emissions through careful selection of broad spreading and carbon sequestering trees.

Climate Change Adaptation:

Mature neighbourhoods are generally prone to some flooding in extreme events. The 2020 data indicates that the area has a medium risk to basement flooding under extreme precipitation events. The area would also be prone to affects from high water levels in Detroit River and Lake St Clair. Storm water detention through Low Impact Design methods in a centralized greenspace will help to provide some relief under these circumstances. There will however always remain some level of risk to basement flooding with the most-extreme flooding scenarios of the Detroit River and Lake St Clair, as the ground would become fully saturated and water table levels would increase.

Financial Matters:

As identified in the background of this report, the City has expended \$402,000 on the acquisition (\$155,000) and demolition for the former school (\$247,000).

REDEVELOPMENT CONCEPT 1 – CUL-DE-SAC

While there are still many financial unknowns, as the property has yet to be rezoned to get a proper real estate appraisal. While potentially a larger recovery for the Corporation, there would also be more Capital invested by the City to get the infrastructure in place. As Redevelopment Concept 1: Cul-De-Sac is the only one that allows for the construction of a municipal road, it is also the only reasonable solution that the City can be actively involved in before selling off to developers/homebuilders.

The proceeds from the final sale of the lots will be used to fund the costs associated with constructed the infrastructure. However, the Administration will report back to Council with proposed tender documentation, more accurate construction estimates and an identifiable funding source before proceeding with the tender for the infrastructure. The funding source will be replenished as building lots are sold.

Expenditure	Value
Purchase price	\$155,000.00
Site clearing & Demolition	\$247,000.00
Infrastructure (road and sewers)	\$1,023,048.24
Total Expenditures	\$1,425,048.24

With the City of Windsor acting as the developer, it is reasonable that there could be approximately 14 to 16 buildable lots for small homes.

REDEVELOPMENT CONCEPT 2 – COTTAGE STYLE NEIGHBOURHOOD

The desire for smaller homes from the public has a perception of better affordability for seniors and first-time buyers, however as this development style has not been tested in the current City of Windsor housing market, there would likely be additional costs related to development and the uniqueness of such a proposed community. Developer and homebuilders will need to recover their costs through the sales of the units and make a reasonable profit commensurate with the level of risk associated with the development.

Recovery of current expenditures would be the minimum target of around \$400,000 - \$500,000. It is reasonable to assume that the City will be made financially whole as a result of implementing Concept 2, but because many of the potential costs are borne by the private sector and are unknown at this time, it makes it difficult to assess the true value of the land until an EOI has been completed including finding a value the developers can reasonably pay given the constraints and Council's desired outcome.

Expenditure	Value
Purchase price	\$155,000.00
Site clearing & Demolition	\$247,000.00
Total Expenditures	\$402,000.00

The costs associated with issuing the Expression of Interest are negligible and will be absorbed by the Planning Department's Neighbourhood Studies and Design Guidelines capital project (PLN-018-07).

Consultations:

Various departments have been consulted throughout the process including: Planning Development and Urban Design Divisions; Engineering – Development; and, Real Estate. In addition, a Community Survey was conducted to provide information and public input to the process.

COMMUNITY VISUAL SURVEY

Since the surrounding neighbourhood will be impacted by any residential development, community consultation on the proposed residential was sought by Administration. As part of the Administrative review, an online Visual Preference Survey was conducted by the Planning Department from October 10, 2021 through October 31st (see Appendix 'B'). Participants were provided with the four proposed low-density residential redevelopment options and a variety of housing types.

The Survey results (Appendix 'C') were evaluated three ways:

- All responses to understand all citizens preferences as a whole;
- Ward 6 residents only to understand those to be immediately impacted by any development; and
- Non-city responses to understand any potential to attract new residents.

For the greater part the end results were similar, with few notable differences. Similar responses included a strong desire for small single-detached homes that were unique, affordable and compatible with the existing character of the neighbourhood. In addition, a desire for a common greenspace was identified to provide more community interaction and a healthy green public access environment.

While small single-family homes were clearly favoured, the street layout was not as clear, with both a community oriented open space bounded by homes facing inward with rear access to parking, as well as a favour towards a traditional cul-de-sac development but with no common greenspace. Development options with front yard parking and houses facing the backyards of the existing residences along Janisse Drive and Parkview Avenue were strongly rejected. This is important to note as this would have been the more contemporary type of development that is occurring in the city at this time.

As in any potential subdivision, where land has been undeveloped for a long period, there was strong public opinion for no development and an expression to maintain the site as parkland as extension of the Farrow Riverside Miracle Park immediately to the north of the site.

In addition, Administration received a formal proposal, prepared by the Miracle Orchard Project to develop the property as a Community Garden with the potential for generating economic revenue. According to the proposal, the goal of the Miracle Orchard Project is to create a publicly accessible garden featuring native and heritage fruit bearing trees. The for-profit aspect of the financial model for the Miracle Orchard Project is not consistent with Council's current Community Gardens on Municipal Property Policy and Code of Conduct that states that no produce from community gardens can be sold. Additionally, maintaining the land solely as parkland is not aligned with Council's previous direction to redevelop the site for low density residential.

The Miracle Orchard Project cites a number of benefits and provides economic impacts that have not been validated or vetted for accuracy. A more thorough analysis of the proposal is advisable if Council wants to consider the Miracle Orchard Project as an option for the redevelopment of this property.

Conclusion:

This report outlines all of the options considered following Council's previous direction about redeveloping the former Concord School property for low density residential. The recommendations narrow the options down to the two most feasible options that can achieve Council's vision for the property. Both of the feasible options have their benefits and challenges. As well, the concept selected will have a different process for implementation. Administration is seeking direction as to what redevelopment option Council wants to pursue.

Planning Act Matters:

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

Jelena Payne, Commissioner, Economic Development & Innovation

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

JP, JM, OC

Approvals:

Name	Title
Stefan Fediuk	Landscape Architect; Sr. Urban Designer (A)
Neil Robertson	Manager of Urban Design/Deputy City Planner
Thom Hunt	City Planner / Executive Director of Planning & Development
Wira Vendrasco	Deputy City Solicitor Legal and Real Estate
Jelena Payne	Commissioner of Economic Development & Innovation
Shelby Askin Hager	City Solicitor and Commissioner, Legal and Legislative Services
Janice Guthrie	On behalf of Commissioner, Corporate Services/Chief Financial Officer Treasurer
Ray Mensour	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
Ashley Lafreniere		miraclorcharproject@gmail.com

Appendices:

- 1 Appendix 'A' – Concord Public School Site
- 2 Appendix 'B' – Online Visual Survey
- 3 Appendix 'C' - Public Survey Results
- 4 Appendix 'D' – Pro Forma Profile Summary
- 5 Appendix 'E' – Existing Storm Sewers

Appendix 'A' – Concord Public School site



Appendix 'B' – Online Visual Survey



Windsor Visual Preference Survey: Residential Infill 6700 Raymond Ave

In reference to Council resolution CR366/2017 the City of Windsor is looking for input regarding low density development at 6700 Raymond Ave. The use of images below may help you give us an idea of the kind of residential infill you see in the City of Windsor. The following questions will ask you about what your preference regarding residential built form, neighborhood design, architectural style, and common visual elements in residential developments. The homes and neighborhoods represent what is being built, or could be built as part of neighborhood infill developments in the City of Windsor. Development of this site will be consistent with the City of Windsor Sewer Master Plan. This survey should take approximately five minutes or less to complete.

The information on this form is collected under the authority of section 10, Municipal Act. This survey is anonymous and the information will only be used to gauge design preferences and is subject to the provisions of the Municipal Freedom of Information and Protection of Privacy Act, 1990.



Residential

1. Thinking about residential, click on the single-family houses you like. Leave the images you don't like unchecked.



Townhomes that address the front street with stoops. Parking access at the rear of properties.



Detached 2-story home with porch addressing the front street and vehicle access at the rear of property.



Small house design with small yard, and front porch and minimal architectural details.



Small single family home with front porch and architectural details.



Single family home with driveway access at front of house with protruding garage.



Semi-Detached home with driveways at the front of the house and protruding garages.



Single family brick ranch house.



Large Single Family subdivision home with minimal size yard.



Narrow house on small lot facing shared courtyard.



Bungalow with front porch facing street and detached garage set in backyard.

None of the above

2. Thinking about your choices from the images in the previous question, please share your thoughts about what you liked or didn't like about the images. Is there any image that you think would serve as a good model for Windsor.

Neighbourhood Dwellings and Components

5. Thinking about the components that make up the design of a neighbourhood and of homes within that neighbourhood, please indicate your opinion the following statements.

	Disagree	Slightly Agree	Neutral	Agree	Stongly Agree
Neighbourhoods should be pedestrian friendly	<input type="radio"/>				
Green space is important in a neighbourhood	<input type="radio"/>				
Interaction with neighbours is important?	<input type="radio"/>				
Garages should be located at the front of the house	<input type="radio"/>				
Vehicle access should be located along a service road or alley	<input type="radio"/>				
Residential roads should have sidewalks	<input type="radio"/>				
Enclosed backyards are important	<input type="radio"/>				
The look of a house on the outside, the architectural style and details are important	<input type="radio"/>				

6. Please indicate what type of dwelling unit you would consider living in.

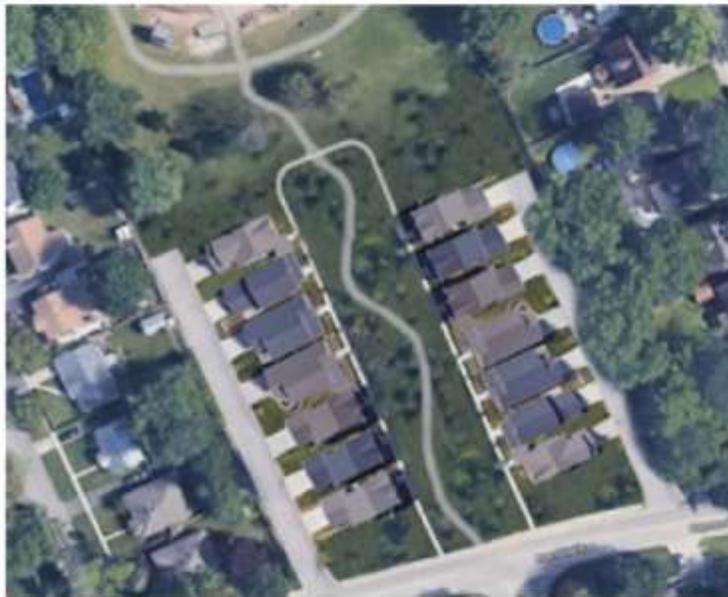
	Yes	Possibly	Not Intersted
Cottage Style home.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Single detached home.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Semi-Detached home.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Townhome / Row Housing.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Stacked Townhomes.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Residential building with less than 6 storeys.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>
Residential building with more than 6 storeys.	<input type="radio"/>	<input type="radio"/>	<input type="radio"/>

Neighborhood Layout and Design

The following site provides an opportunity for residential infill within the City of Windsor. Please share your thoughts on the following designs:



Single family cottage style home with front doors, porches and sidewalks fronting shared green space and vehicle access at the rear



Single family cottage style home with front doors, porches and sidewalks fronting shared green space and vehicle access at the rear.

7. Indicate how appropriate you feel the photo above would fit into the site:

Not Appropriate

Neutral

Very Appropriate



Single family condominium homes with front of house facing street and shared backyard greenspace.



Single family condominium homes with front of house facing street and shared backyard greenspace.

8. Indicate how appropriate you feel the photo above would fit into the site:

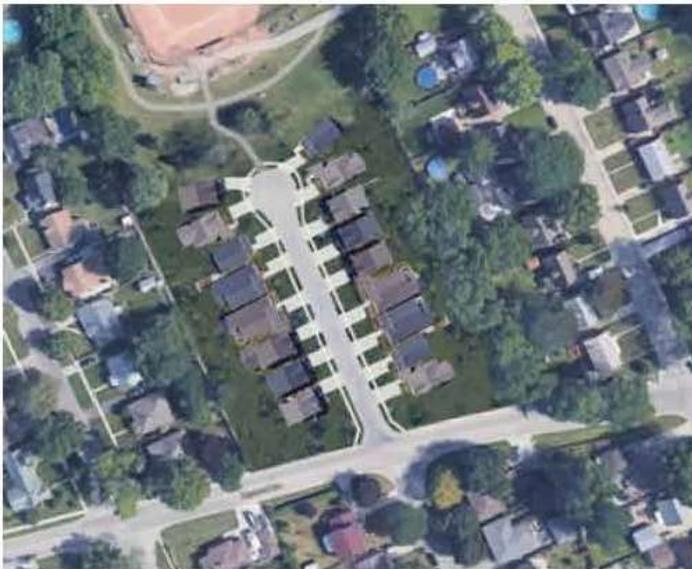
Not Appropriate

Neutral

Appropriate



Single family home on cul-de-sac, front of homes facing the street, prioritizing driveways and garages at front of house



Single family home on cul-de-sac, front of homes facing the street, prioritizing driveways and garages at front of house.

9. Indicate how appropriate you feel the photo above would fit into the site:

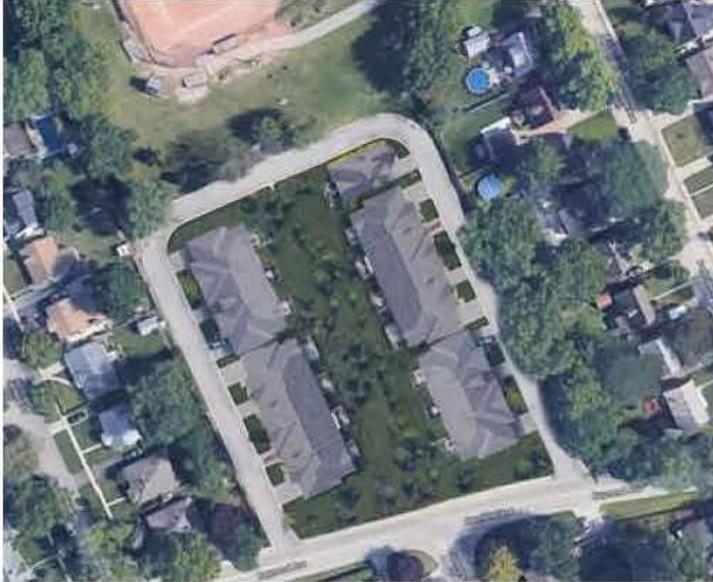
Not Appropriate

Neutral

Appropriate



Townhomes / Row-housing with fronts facing the street, and shared backyard greenspace.



Townhomes / Row-housing with fronts facing the street, and shared backyard greenspace.

10. Indicate how appropriate you feel the photo above would fit into the site:

Not Appropriate

Neutral

Appropriate

11. Thinking about the design and images in the previous question, rank the neighbourhood design profiles from least favourite (1) to favourite (4).

Single family cottage style home with front doors, porches and sidewalks fronting shared green space and vehicle access at the rear

Single family condominium homes with front of house facing street and shared backyard greenspace

Single family home on cul-de-sac, front of homes facing the street, prioritizing driveways and garages at front of house

Townhomes / Row-housing with fronts facing the street, and shared backyard greenspace

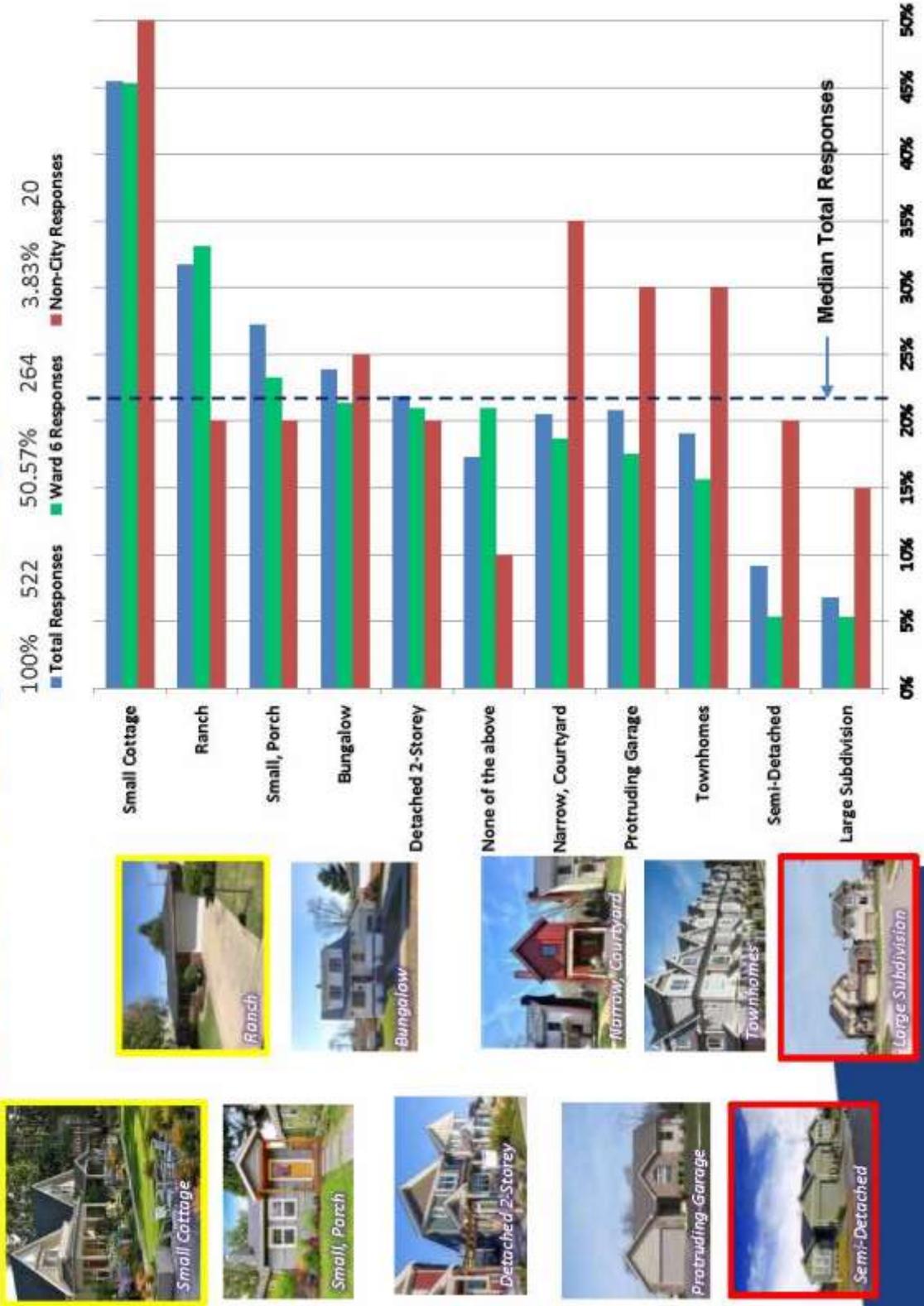
12. Did you find out about this survey from the on-site sign at 6700 Raymond?

Yes

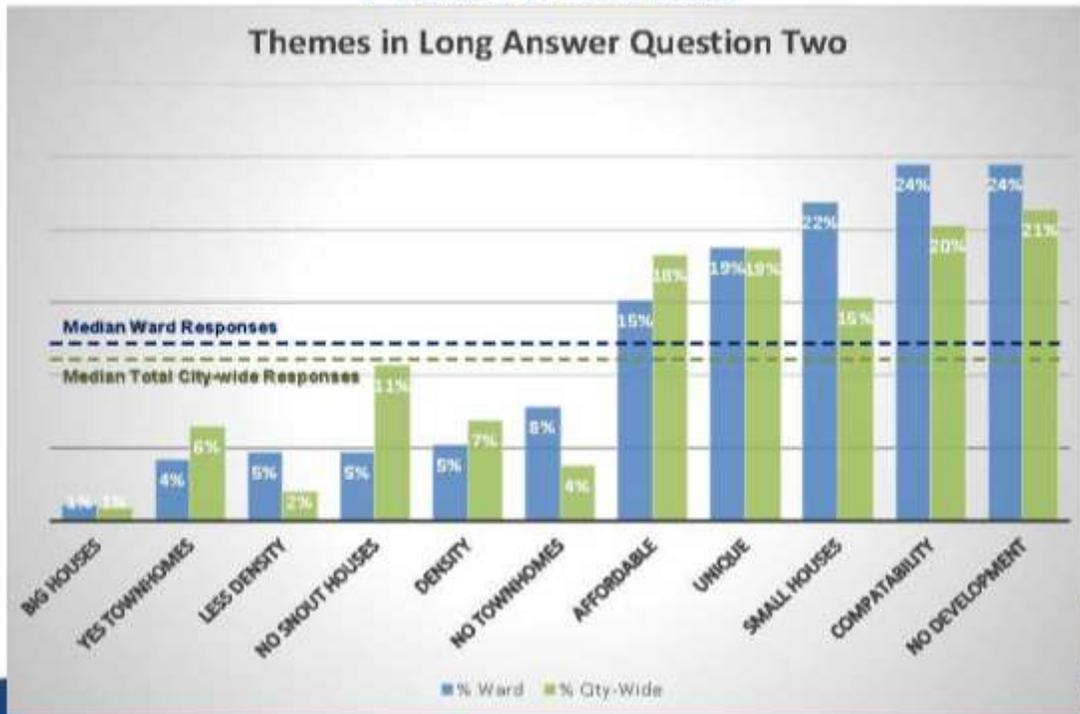
No

Appendix 'C' - Public Survey Results

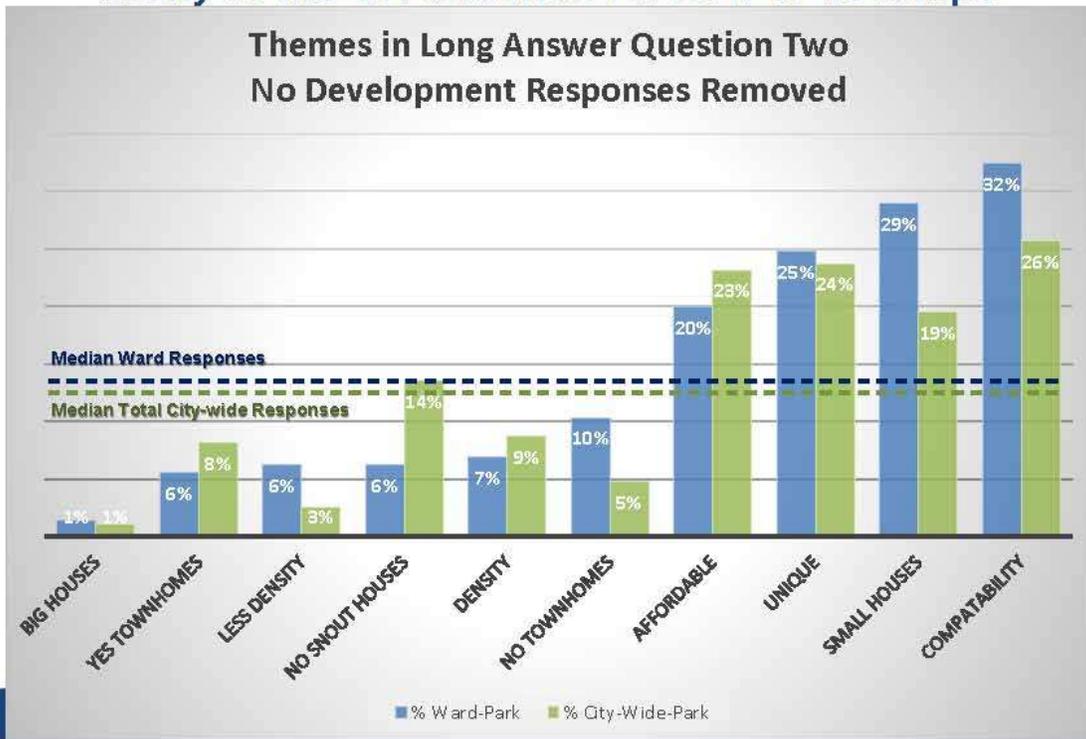
Question 1: Single-Family Homes



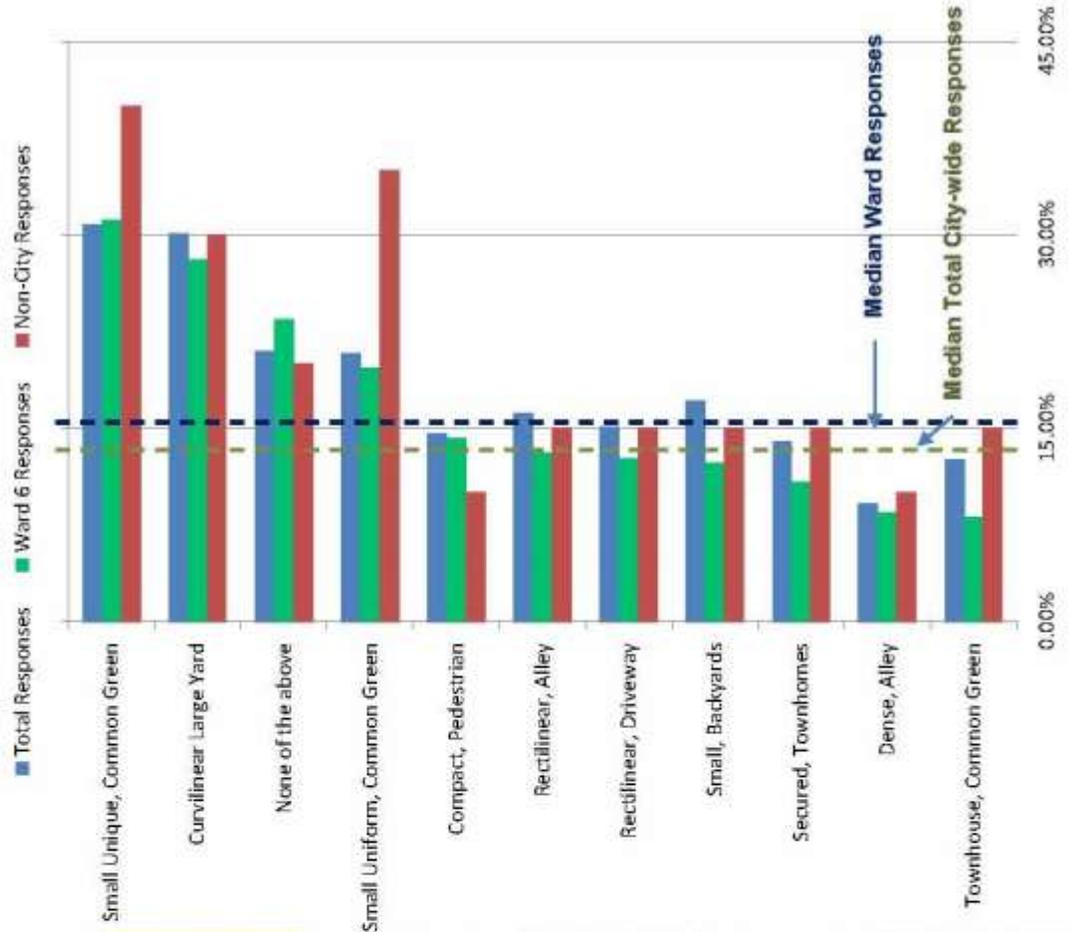
Question 2: Single-Family Homes Positive Results



Question 2: Single-Family Homes *No Development* responses removed to respond solely to the CR direction for how to develop?

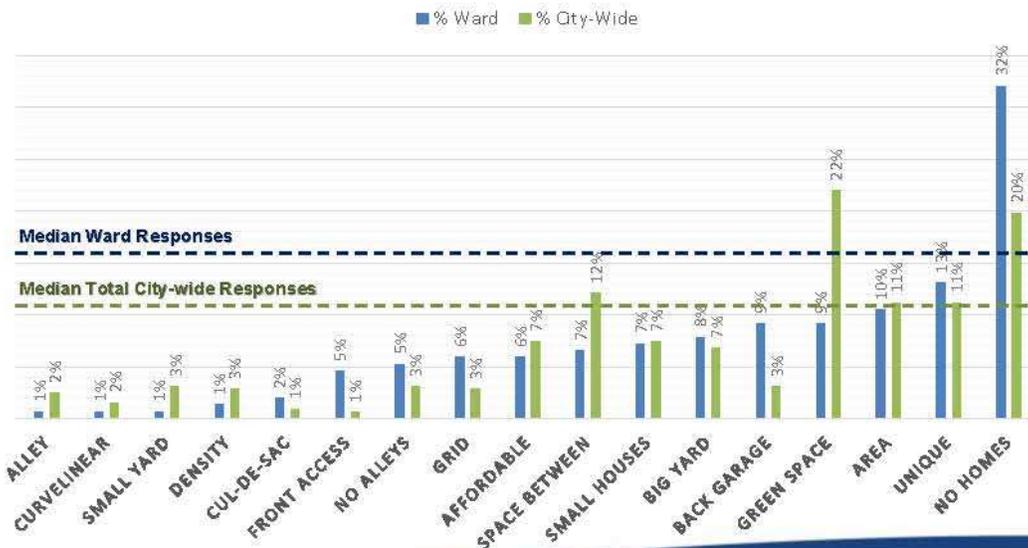


Question 3: Neighbourhoods



Question 4: Neighbourhoods All Positive Comments Results

THEMES IN LONG ANSWER QUESTION FOUR



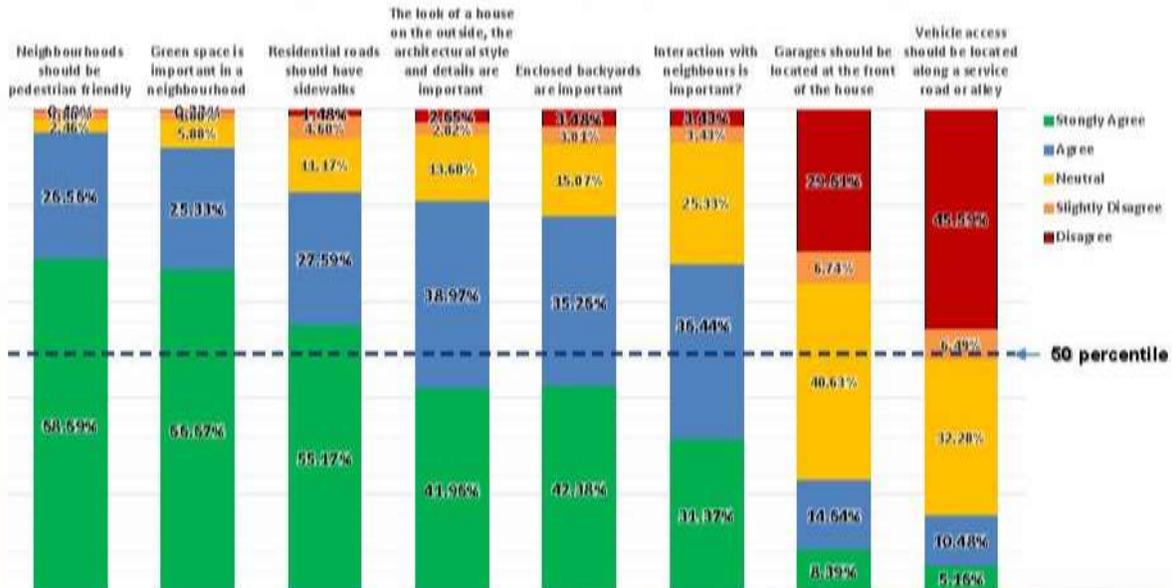
Question 4: Neighbourhoods *No Homes and Park Only* responses removed to respond solely to the CR direction for how to develop?

THEMES IN LONG ANSWER QUESTION FOUR - PARK ANSWERS



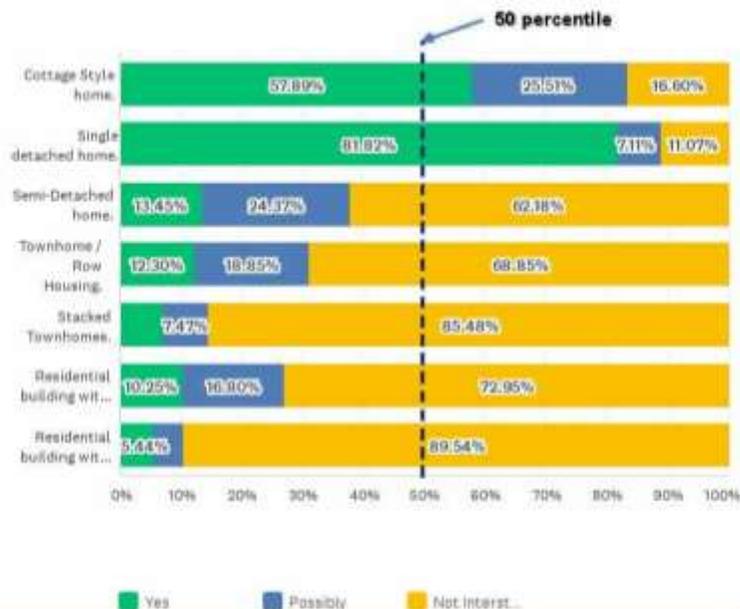
Question 5: Neighbourhood Design

Thinking about the components that make up the design of a neighbourhood and of homes within that neighbourhood, please indicate your opinion about the following statements.

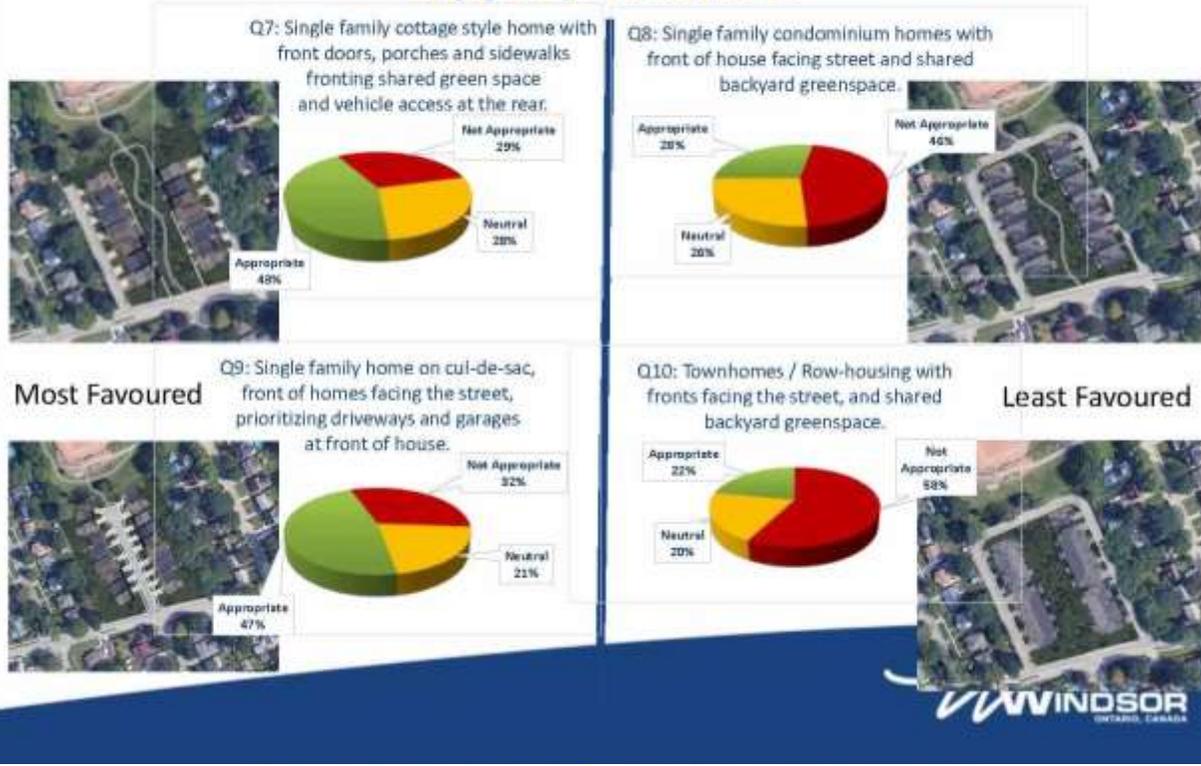


Question 6: Dwellings Considered by Ward 6 Respondents

Q6 Please indicate what type of dwelling unit you would consider living in.

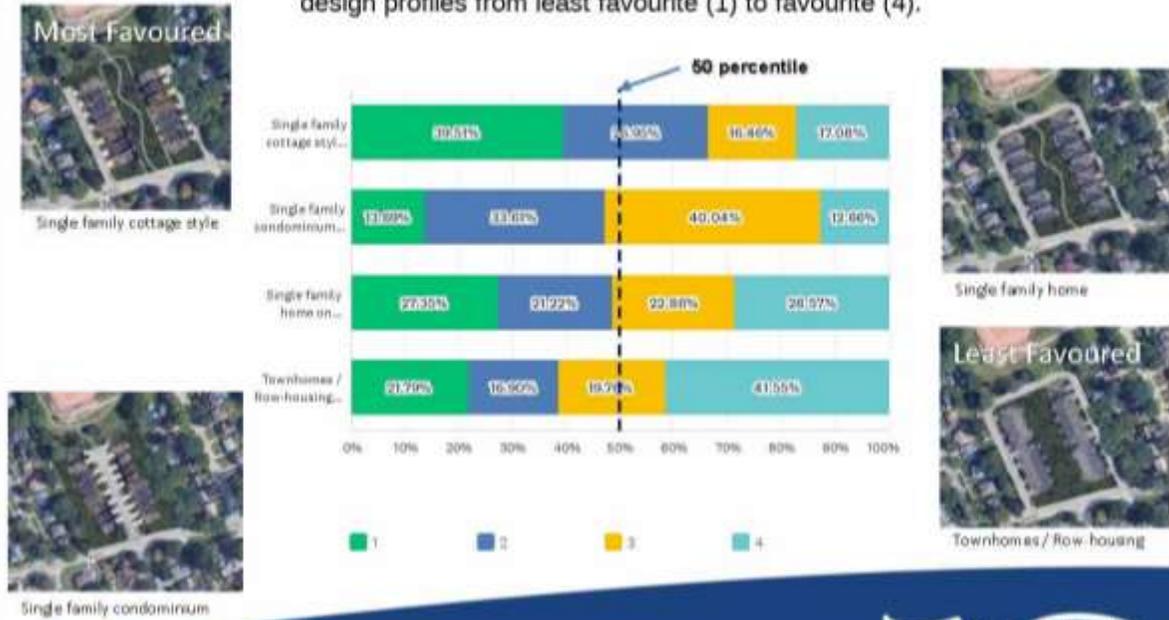


Questions 7 thru 10: Neighbourhood Appropriateness

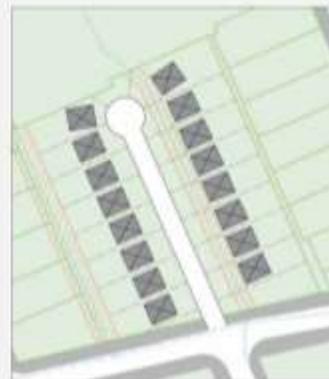
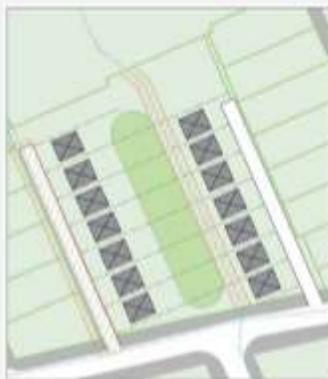
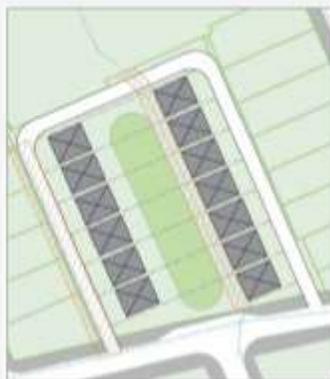


Question 11: Favourite Designs

Q11 Thinking about the design and images in the previous question, rank the neighbourhood design profiles from least favourite (1) to favourite (4).



PROFILE SUMMARY



	Profile 1	Profile 2	Profile 3
Lot Width (lf)	40 – 50	35-40	35-40
Type of Units	Detached, Semi-Detached, Row	Detached	Detached
Number of Units	13 + Depending on mix of unit types.	14	16
Size of Units (sqft)	1,400 – 1,800	1000	1000
Road Length (lf)	950	590	300
Estimate Infrastructure Cost	\$1,495,000	\$1,233,000	\$1,023,000

Notes:

Estimate assumes underground stormwater storage would be provided with the same cost for all three options. (\$300,000)

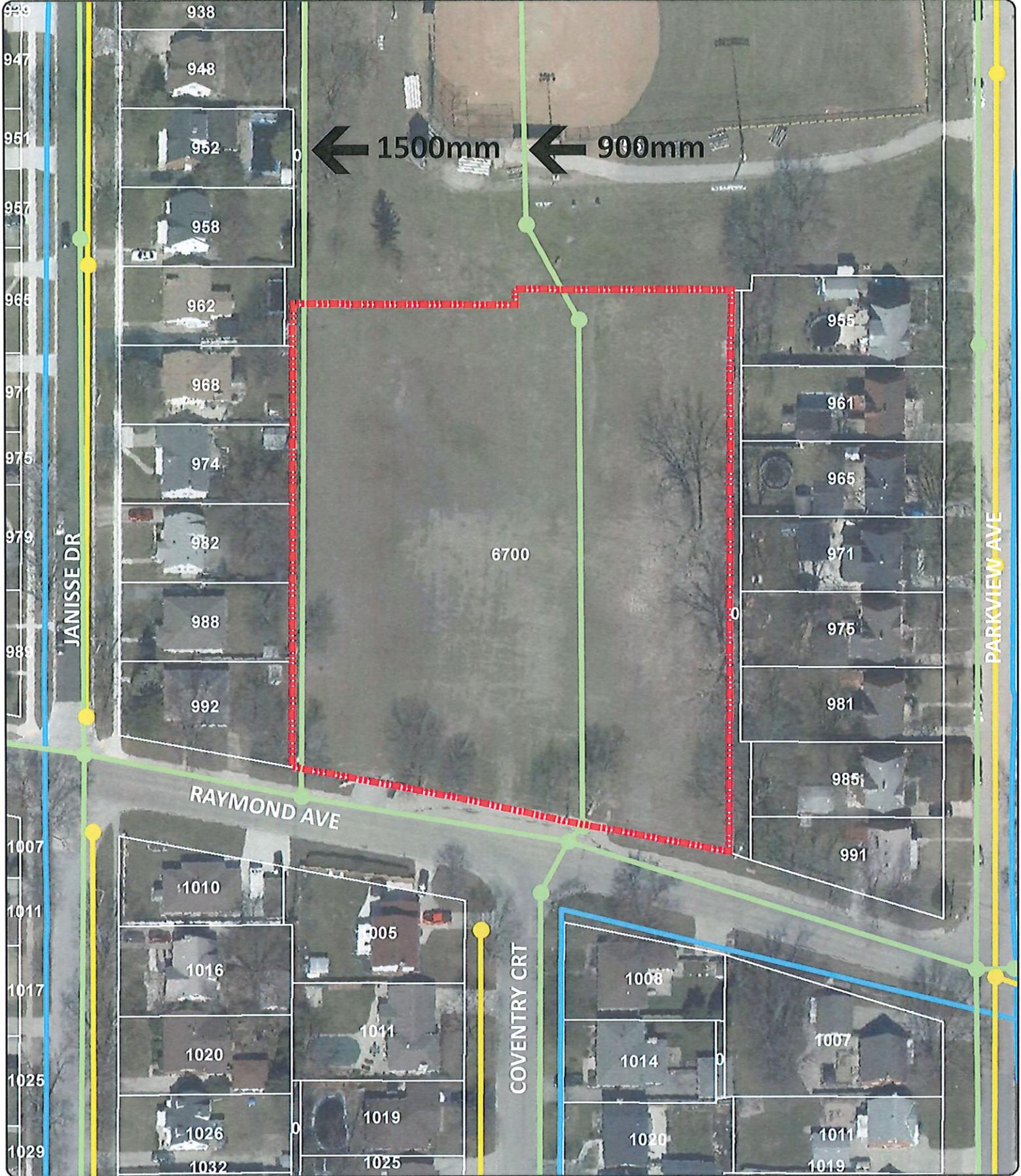
Road is 6m wide asphalt with curb and gutter on both sides.

No storm sewers are assumed to be needed within the development.

CB's would be cored into the existing sewers and units would splash their sumps on grade
Road construction pricing includes price for pathways/sidewalks and driveways.

All three options assume the 750mm storm sewer will remain in place.

Relocation costs would be ~100k. Watermain and hydro costs were pro-rated per length of road.



LOCATION MAP : 6700 RAYMOND AVENUE

Appendix 'E' – Existing Storm Sewers

- SUBJECT PROPERTY
- SANITARY MANHOLE
- STORM MANHOLE
- WATERMAIN
- SANITARY SEWER
- STORM SEWER



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

Reference:

Date to Council: October 3, 2022
Author: Kevin Alexander, MCIP RPP
Senior Planner Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca

Report Date: August 29, 2022
Clerk's File #: SPL2022

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the Chief Building Official **BE AUTHORIZED** to issue a demolition permit to the registered owner 1147011 Ontario LTD (C/O: Mamun Chowdury), to demolish a three (3) unit dwelling located at 3135 Peter Street (see Appendix 'A'), to construct a two (2) story three (3) unit dwelling when an executed Site Plan Control Agreement has been registered on title with the appropriate securities to ensure the redevelopment occurs within a specified time period to fulfill the conditions of the Site Plan Control Agreement;
- II. **THAT** any minor changes **BE SUBJECT** to the approval of the City Planner and Chief Building Official at the time of issuance of the Building Permit;
- III. **THAT** the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - i. The redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
 - ii. If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition the Clerk enter the sum of Sixty Thousand Dollars (\$60,000) on the collectors roll of the property and prepare a certificate for registration;
- IV. **THAT** the City Solicitor **BE DIRECTED** to register the certificate in the land registry office against the property;

- V. **THAT** the request for incentives under the Sandwich Incentive Program made by the registered owner 1147011 Ontario LTD (C/O: Mamun Chowdury) of the property located at 3135 Peter Street, **BE APPROVED** for the following programs:
- i. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/- **\$24,090.34**);
 - ii. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- **\$3,226** per year);
- VI. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- VII. **THAT** funds in the amount of +/- **\$24,090.34** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Project 7076176) once the work is completed;
- VIII. **THAT** grants **BE PAID** to 1147011 Ontario LTD (C/O: Mamun Chowdury) upon completion of the two (2) story three (3)-unit single family dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- IX. **THAT** grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date. Extensions **SHALL BE** given at the discretion of the City Planner.

Executive Summary:

N/A

Background:

On January 26, 2009, City Council passed by-laws to establish the Sandwich Heritage Conservation District Plan (By-law 22-2009), Olde Sandwich Towne Community Improvement Plan (By-law 27-2009), and Supplemental Development and Urban Design Guidelines (By-law 28-2009). These By-laws came into effect on October 18, 2012. One of the key recommendations of the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) is the implementation of the Incentive Program(s).

On June 17, 2013 through M265-2013 Council activated the following Incentive Programs from the Sandwich Incentive Program:

- a) Commercial/Mixed Use Building Facade Grant Program
- b) Revitalization Grant Program
- c) Commercial Core Feasibility Grant Program
- d) Development Charge Grant Program
- e) Development and Building fees Grant Program
- f) Neighbourhood Residential Rehabilitation Grant Program.

On June 17, 2013 Council also received the Development Review Process for development applications within the Sandwich Heritage Conservation District (HCD) area, and within the Sandwich Community Improvement Plan (CIP) Area (outside of the Sandwich HCD Area) (M264-2013).

Discussion:

On September 8th, 2020, a Sandwich CIP grant application and Site Plan Control Application was submitted for the purpose of constructing a two (2) story three (3) unit dwelling located at 3135 Peter Street (See Appendix 'A' for location map). The owner also applied for an exemption from Demolition Control By-law 20-2007 to demolish the existing three (3) unit single dwelling located at 3135 Peter Street.

The property was later sold to the new owner 1147011 Ontario LTD (C/O: Mamun Chowdury) with the active Site Plan Control Application and CIP grant application. On June 15th, 2022, the new owner provided an updated Sandwich CIP grant application with new ownership information.

The property is located within the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) area (outside of the Sandwich Heritage Conservation District), and for the purpose of financial incentives, located within Target Area 3. The property has also been identified as being within an area of High Archaeological Potential. The requirement for a Stage 1 and 2 Archeological Assessment will be addressed through the Site Plan Review process.

One of the general requirements of Section 10.3 q) of the Sandwich CIP requires that approval of any application for the financial incentive program is based on the compatibility of the proposed use with the vision and goals of the CIP, the Sandwich Community Planning Study (CPS), and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines (Sandwich Urban Design Guidelines) and any other guidelines applicable to the CIP area. The following identifies how this particular development addresses section 10.3 (q) of the CIP.

Sandwich Vision and Design Guidelines

The Sandwich CIP and CPS

The construction of the proposed building located at 3135 Peter Street is consistent with the Vision and Goals for Sandwich Town.

Sandwich CIP Urban Design Guidelines

The proposed development is in keeping with the Sandwich Urban Design Guidelines, in terms of siting and scale, use of materials, proportion, height and built form, profile and selection of materials.

Exemption to Demolition Control By-law 20-2007

The existing three (3) unit dwelling located at 3135 Peter Street is currently vacant. The owner believes that the structure is in a poor condition and intends to demolish the dwelling and redevelop the site.

Section 3 of the Demolition Control By-law states that *“...no person shall demolish the whole or any part of any residential property in the area of demolition control unless the person is the holder of a demolition permit issued by the council...”* The decision to issue (or not issue) a demolition permit is at City Council’s sole discretion.

Section 5 of the Demolition Control By-law states that *“Council shall, on an application for a demolition permit, issue a demolition permit where a building permit has been issued to erect a new building on the site of the residential property to be demolished”*

Section 6 states that a demolition permit may be issued on the following conditions:

- (a) That the applicant for the demolition permit construct and substantially complete the new building to be erected on the site of the residential property to be demolished by not later than such date as may be determined by Council, provided, however, that such date is not less than two years from the day demolition of the existing residential property is commenced;*
- (b) that, on failure to complete the new building within the time specified in the permit issued under Section 5, the Clerk shall be entitled to enter on the collectors roll, to be collected in like manner as municipal taxes, such sum of money as may be determined by Council but not in any case to exceed the sum of twenty Thousand Dollars (\$20,000.00) for each dwelling unit contained in the residential property in respect of which the demolition permit is issued, and such sum shall, until payment thereof, be a lien or charge upon the land in respect of which the permit to demolish the residential property is issued.*

The applicant has indicated in their application that they intend to demolish the existing three (3) unit dwelling and construct a new two (2) story three (3) unit dwelling which meets the intent of the Sandwich CIP Urban Design Guidelines. Section 6(b) of the Demolition Control By-law entitles the Clerk to enter on the collectors roll a maximum of \$20,000 per residential unit (to be collected in like manner as municipal taxes) if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition.

Given that the applicant proposes to demolish the existing three (3) unit dwelling, Recommendation III ii. of this Report specifies the maximum amount of \$60,000 will be entered on the tax roll if the applicant fails to construct the new dwelling units within two (2) years of the commencement of the demolition.

The plan to demolish the existing three (3) unit dwelling and to replace it by constructing a two (2) story three (3) unit dwelling is consistent with the recommendations of the Sandwich CIP regarding continuing to process Demolition Control By-law exemption requests. This plan is also in keeping with Section 1.27.12, Vol. II of the City's Official Plan regarding Demolition within the Olde Sandwich Towne Community Improvement Plan (CIP) area. The applicant will be required to submit the following prior to obtaining a Building Permit to demolish:

- (a) a plan for redevelopment in conformity with the Official Plan and Zoning By-law requirements (all plans will be reviewed to ensure compliance the Official Plan and Zoning By-law),
- (b) an executed Site Plan Control Agreement ; and
- (c) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill the conditions of the Site Plan Control Agreement

Demolishing the existing three (3) unit dwelling to construct a larger two (2) story three (3) unit dwelling with improved living spaces for residents is consistent with the intent of the Demolition Control By-law.

Sandwich Incentive Program

The proposal is located within Target Area 3 of the Sandwich CIP Area and eligible for the following Incentive programs. The eligible costs for each incentive program are based on the costs estimates provided by the applicant, as the project is implemented these costs could fluctuate slightly which could have a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, and with the following program specific requirements:

Development and Building fees Grant Program

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. The applicant is required to apply for the following applications and pay the following fees, which are eligible under this program.

- Site Plan Control Application Fee--\$6,099.50
- Minor Variance Application Fee—\$2,499.00
- Building Permit Fee—\$8,313.97
- Demolition Permit Fee—\$350.00
- Mechanical Fee--\$1,395.00
- Plumbing Fee--\$522.00

- Sanitary Drainage Piping Service Fee--\$515.00
- Storm Drainage Piping Service Fee--\$765.00
- Parkland Dedication Fee--\$2,769.80
- GIS User Fee--\$861.07

TOTAL: \$24,090.34

Revitalization Grant Program

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped, or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in municipal property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes. Based on the project description and current value vs. estimated post-project assessment value of land, and buildings identified in the Grant Application, the property assessment is expected to increase.

The confirmed current value assessment of the subject property located at 3135 Peter Street is \$94,000.00. The owner currently pays annual total property taxes of \$1,742.53 (based upon 2022 tax levies). The municipal portion, to which the grant would apply, is \$1,599.00. The Applicant's Estimated Post-Project Value of Land and Buildings based on the cost of construction is \$600,000. However, some of the proposed costs which will be incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value assessment, as determined by MPAC after project completion. Administration has estimated the Post-Redevelopment Property Value Assessment based on the drawings and information provided to be \$365,000. The grant will however be based upon the actual tax increment once the assessment has been determined by MPAC.

For illustrative purposes, the table below identifies the annual grant equal to 70% of the increase in City property taxes for 10 years after project completion, based on the Current Value Assessment and the (projected) Estimated Post Project Assessment Value. The taxes retained by the City over the duration of the grant program is equal to a 30% increase of the tax increment. After completion of the grant program (10 years), the City will collect the full value of municipal tax increase (\$4,609 annually).

Estimated Revitalization Tax Increment Grant for 3135 Peter		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Tax <u>Increase</u>	Annual Estimate Value of Grant (70% of the municipal increase)
\$1,599	\$4,609	\$3,226

Assumptions

Current Property Value Assessment (2022 – Residential)	\$94,000
Estimate Total Post Development Assessment (2022 – Residential)	\$365,000

Risk Analysis:

The Building Department has not received or conducted a review of the building plans to confirm compliance with the Ontario Building Code and applicable law (e.g. zoning by-law). A review of the drawings will be conducted to ensure that the City's incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Sandwich Incentive Program(s) "toolkit". As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the total amount of all of the grants does not exceed the total cost of the project.

The *Development and Building Fees Grant Program* will not be disbursed until all work is completed and inspected by Administration as per the Site Plan Control Agreement and Building Permit. The *Revitalization Grant Program* will not be dispersed until an agreement for the Sandwich Incentive Program have been registered on title between the owner and the City of Windsor and the property taxes for the applicable year paid.

There is little risk associated with approval of a tax increment-based grant such as the *Revitalization Grant Program* as the payments commence after the eligible work has been completed and the property reassessed by MPAC, and will only continue if the development remains eligible in accordance with the Sandwich CIP. Should the development fail to meet its requirements under the CIP, grant payments would cease.

Climate Change Risks

Climate Change Mitigation:

The demolition of the existing three (3) unit dwelling affects climate change, because the existing structure will not be re-used and may likely end up in a land fill. However, the rehabilitation of the site contributes to the revitalization of the Sandwich Town Neighbourhood limiting vehicular travel and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

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

Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property does not appear to be located within a Heat Vulnerability area. However, the rehabilitation of the existing site and construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning energy efficiency.

Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$1,198,602.76 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the amount of +/- \$24,090.34 for the *Development and Building Fees Grant Program* identified in this report.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department in consultation with the Municipal Property Assessment Corporation (MPAC) once the project is completed.

Eligible Incentive Programs	Grant
<i>Development and Building Fees Grant</i>	\$24,090.34
<i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i>	
<i>Revitalization Grant</i>	\$32,260.00
<i>*\$3,226.00 per year between years 1 to 10</i>	
Total	\$56,350.34

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund* (project 7076176). The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.

Consultations:

The owner of the property located at 3135 Peter Street have been consulted regarding grants related to the improvements outlined in this report. Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects was consulted with respect to the *Sandwich CIP Revitalization Grant Program*. Josie Gualtieri, Financial Planning Administrator was also consulted regarding the Ford City CIP and Building Facade Improvement CIP grants, and

related capital project/reserve fund balances. Planning & Building Department staff were consulted regarding Fees with respect to the *Building & Development Fees Program*

Conclusion:

The demolition of the existing residential dwelling located at 3135 Peter Street will provide sufficient lot area to allow the owner 1147011 Ontario LTD to construct a two (2) story three (3) unit dwelling, thereby meeting the intent of Demolition Control By-law 20-2007. The new residential development will also provide an opportunity to attract new residents to the neighbourhood and improve the physical appearance of the area through the redevelopment of a derelict property. The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report and is compatible with the Sandwich Urban Design Guidelines.

There are sufficient funds in the CIP Reserve Fund 226 to provide funds for the *Development & Building Fees* grant amount, which has been applied for by the applicant for this project with the Revitalization Grant portion funded through the municipal portion of the annual tax levy. Therefore, Administration recommends that the application request by the owner of 3135 Peter Street for incentives under the Sandwich Incentive Program be approved.

Planning Act Matters:

N/A

Approvals:

Name	Title
Kevin Alexander	Planner III – Special Projects
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Manager of Urban Design/ Deputy City Planner
John Revell	Chief Building Official
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	Deputy Treasurer, Taxation & Financial Planning
Janice Guthrie	On behalf of Commissioner, Corporate Services Chief Financial Officer / City Treasurer

Jelena Payne	Commissioner, Economic Development & Innovation
Jelena Payne	Acting Chief Administrative Officer

Notifications:

Name	Address	Email
1147011 Ontario LTD		russell79@gmail.com
Mamun Chowdury		russell79@gmail.com

Appendices:

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

Appendix 'A' - Location Map



LOCATION MAP



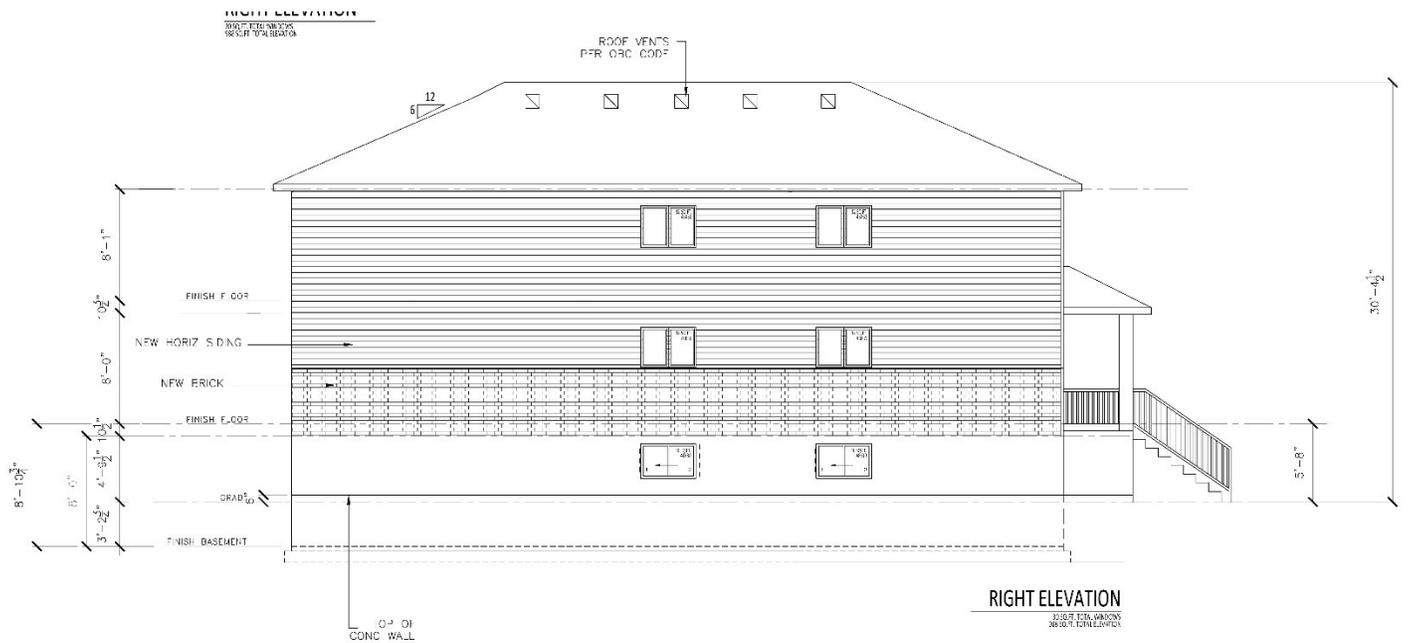
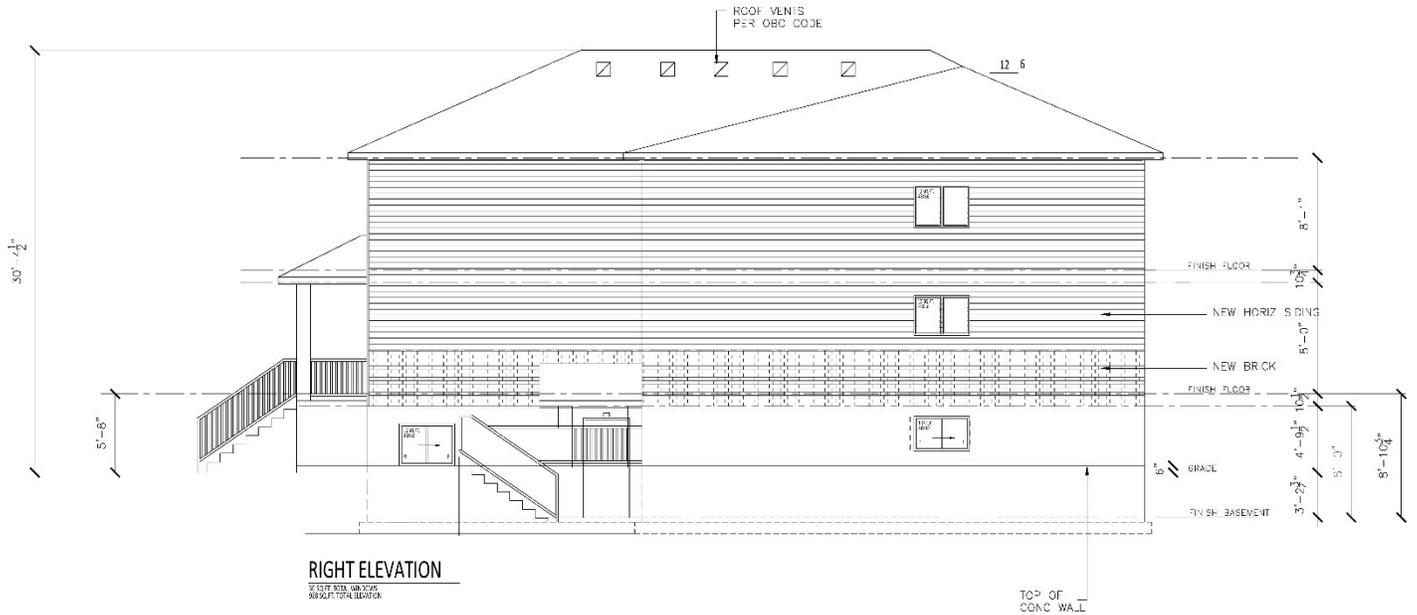
Appendix 'A' – Existing Condition (*Google Earth*)



Appendix 'A' – Existing Condition (*Google Earth*)

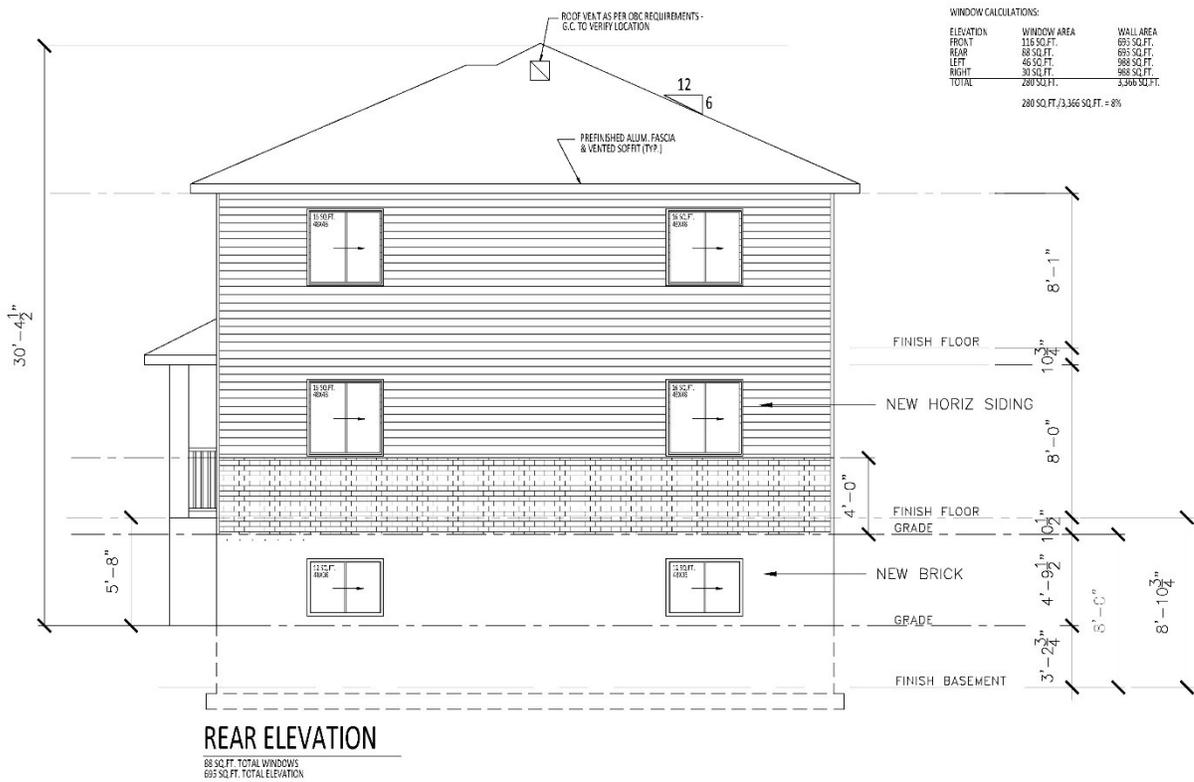
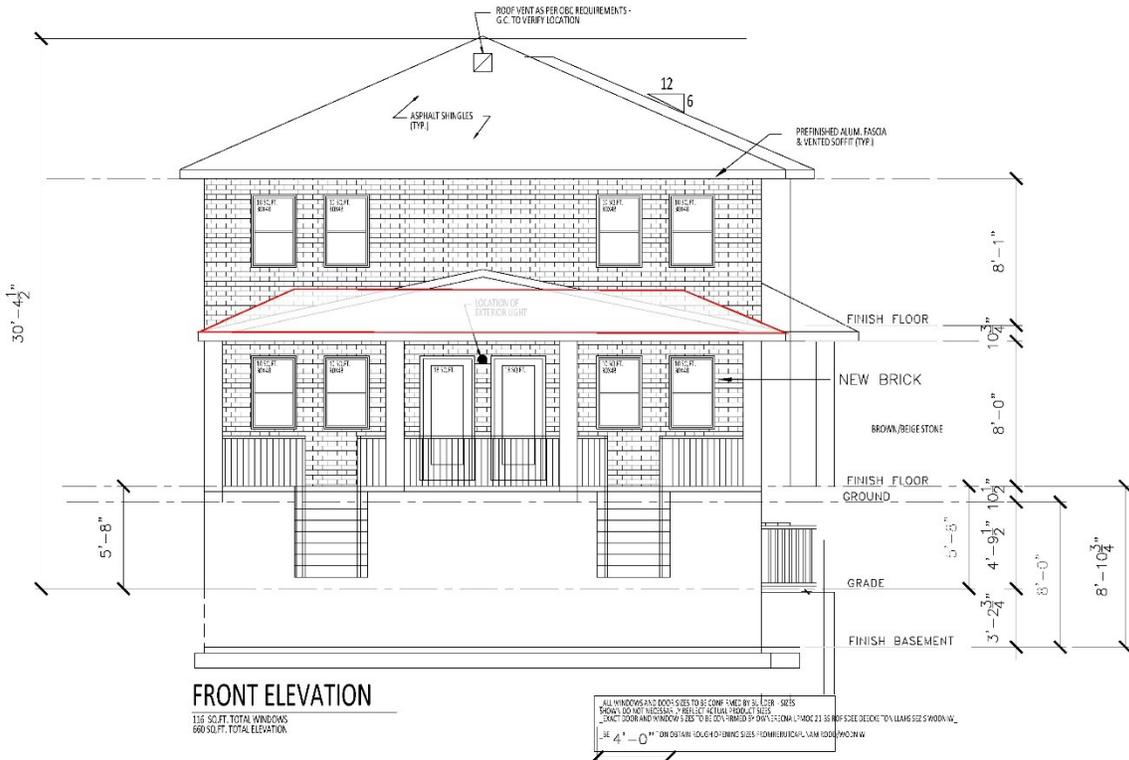


Appendix 'B' - Proposed Development



Appendix 'B' - Proposed Development

HIP ROOF





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

Reference:

Date to Council: October 3, 2022
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: September 13, 2022
Clerk's File #: SPL2022

To: Mayor and Members of City Council

Recommendation:

- I. THAT the request made by Haerko Inc. on behalf of the property owner (Hiatus House of Windsor) to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for property located at 0 Louis Avenue (Roll No. 030-070-03200) pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$25,000 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study and Remedial Work Plan completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the grant funds in the amount of \$25,000 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and/or Remedial Work Plan not be completed within two (2) years of Council approval, the approval(s) **BE RESCINDED** and the funds be uncommitted and made available for other applications; and,

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

Executive Summary:

N/A

Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

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

Importance of Brownfield Redevelopment

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped.

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

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

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

Site Background

The subject site is located on the west side of Louis Avenue between Chatham Street East and University Avenue East in the Glengarry-Marentette neighbourhood (see location map). The property is 0.26 hectares (or 0.64 acres) and is currently vacant. It was historically used for residential purposes, however contamination has been discovered as a result fill material placed at the property over the years.

The subject property is designated 'Residential' on Official Plan Schedule D: Land Use and is zoned Manufacturing District RD2.2 with site specific provision permitting a lodging house and business office of a non-profit organization. The property is owned by the Hiatus House of Windsor, which operates an emergency shelter across the street at 250 Louis Avenue. A minor variance was approved in June, 2022 to provide relief from some zoning by-law provisions in anticipation of a proposed residential development.

Discussion:

Environmental Site Assessment Grant Program

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

The owner proposes to redevelop the site for residential use and intends to file of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and

Parks. The owner has completed Phase 1 and 2 Environmental Site Assessment (ESA) studies to support the redevelopment plan. The Phase I ESA study identifies areas of potential environmental concern related to importation of fill material of unknown quality and storage of gasoline on site. The draft Phase II ESA study confirmed the presence of contamination. Additional Phase 2 ESA study and the preparation of a remedial work plan is required 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.

Municipal Leadership Strategy

The Brownfield CIP contains a Municipal Leadership Strategy that is intended to compliment the financial incentive programs. Municipal Leadership Actions set out in Section 6.4 of the CIP encourage support for private or publicly owned brownfield projects that wish to leverage remediation funding available from the Federation of Canadian Municipalities (FCM) Green Municipal Funds (GMF). FCM funding is important for this particular project as the Hiatus House of Windsor is a tax exempt organization and is not able to take advantage of the City's Brownfield Tax Assistance and Rehabilitation Grant Programs offered under the CIP.

To apply to FCM's brownfield programs the City must be considered a municipal partner in the project by contributing grant funding or passing a resolution (or both). Accordingly recommendations V and VI are intended to clearly indicate the City's support for clean-up and redevelopment of this property and provide authority for administration to sign any documents related to a GMF application.

CIP Goals

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

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;

- Promote Smart Growth, including the reduction of urban sprawl and its related costs;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

Policy Support

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

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. The proposed study will assist in mitigating this risk. The City would retain a copy of the study for future reference.

Climate Change Risks

Climate Change Mitigation:

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

Climate Change Adaptation:

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

Financial Matters:

The cost estimate (excluding HST) for completing the proposed additional Phase 2 ESA study is \$30,000. If approved, the grant would total \$15,000, which is the maximum grant value for one study under the program. The cost estimate (excluding HST) for completing the proposed Remedial Work Plan is \$30,000. If approved, the second

eligible study would receive an additional grant of \$10,000, which would result in a maximum grant value of \$25,000.

Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003). The funds will be transferred from Fund 226, which has a current uncommitted balance of \$1,198,602.76, to project 7069003 when the work is complete.

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 Haerko Inc. on behalf of the property owner (Hiatus House of Windsor) 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.

It is also recommended that Council clearly indicate the City's support for clean-up and redevelopment of this property and provide authority for administration to sign any documents related to a GMF application.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Janice Guthrie	On behalf of Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jelena Payne	Commissioner, Economic Development & Innovation
Jelena Payne	Acting Chief Administration Officer

Notifications:

Name	Address	Email
Hans Kogel		hkogel@haerkoinc.com
Christopher Paré		cpare@dragun.com

Appendices:

- 1 Location Map



LOCATION MAP : 0 LOUIS AVENUE



SUBJECT PROPERTY

