

# CITY OF WINDSOR AGENDA 4/04/2022

# Development & Heritage Standing Committee Meeting

**Date:** Monday, April 04, 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 during a declared emergency. The minutes will reflect this accordingly. Any delegations will be participating 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 CALL TO ORDER

READING OF LAND ACKNOWLEDGEMENT

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

- 2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
- 3. **REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS**
- 4. **COMMUNICATIONS**
- 5. ADOPTION OF THE PLANNING ACT MINUTES
- 5.1. Minutes of the March 7, 2022 Development and Heritage Standing Committee Meeting (*Planning Act* Matters) (**SCM 74/2022**)
- 6. **PRESENTATION DELEGATIONS** (*PLANNING ACT* MATTERS)
- 7. PLANNING ACT MATTERS
- 7.1. Zoning Bylaw Amendment Wyandotte Developments Inc 0 Wyandotte St E. S/S Wyandotte Street E, between Watson Ave and Isack Drive- Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development Ward 6 (**S 35/2022**)
- 7.2. Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling Farhi Holding Corporation 1624 Lauzon Road- Z 039-21 [ZNG-6590] Ward 6 (**S 37/2022**)
- 7.3. Rezoning Avant Group Inc. 659 Alexandrine St Z-045/21 ZNG/6634 Ward 10 (\$ 33/2022)

8.	ADOPTION OF THE MINUTES
8.1.	Adoption of the Development & Heritage Standing Committee minutes of its meeting held March 7, 2022 ( <b>SCM 64/2022</b> )
9.	PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)
10.	HERITAGE ACT MATTERS
10.1.	364-374 Ouellette Avenue, Canada Building- Heritage Permit Request (Ward 3) (\$ 31/2022)
11.	ADMINISTRATIVE ITEMS
11.1.	Economic Revitalization Community Improvement Plan (CIP) application submitted by 538512 Ontario Limited for 3430 Wheelton Drive - Ward 9 ( <b>S 34/2022</b> )
11.2.	Close and Convey the East-West Alleys Between Rankin Avenue and Glenwood Avenue, North of EC Row Expressway - SAA/6177 (\$ 88/2021)
12.	COMMITTEE MATTERS
13.	QUESTION PERIOD

14.

**ADJOURNMENT** 



Committee Matters: SCM 74/2022

Subject: Minutes of the March 7, 2022 Development and Heritage Standing Committee Meeting (*Planning Act* Matters)

# WINDSOR ONTARIO CANADA

# **CITY OF WINDSOR - MINUTES**

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

Date: Monday, March 7, 2022

Time: 4:30 pm

# **MEMBERS PRESENT:**

#### **Councillors:**

Ward 3 - Councillor Bortolin (Chair)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

## Members:

Member Gyemi Member Moore Member Rondot

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

# ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Neil Robertson, Manager of Urban Design / Deputy City Planner
Barbara Rusan, Manager of Policy & Regulatory Services
Patrick Winters, Development Engineer
Jim Abbs, Planner III – Subdivisions
Kevin Alexander, Planner III – Special Projects
Greg Atkinson, Planner III – Economic Development
Stefan Fediuk, Planner III – Senior Urban Designer
Adam Szymczak, Planner III – Zoning
Kristina Tang, Planner III – Heritage
Rania Toufeili, Policy Analyst
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

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

Michael Cooke, Manager of Planning Policy / Deputy City Planner Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

# 1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee (Planning Act Matters) to order at 4:40 pm.

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

None

# 3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None

## 4. COMMUNICATIONS

None

# 5. ADOPTION OF THE PLANNING ACT MINUTES

# 5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held February 7, 2022.

Moved by: Member Rondot

Seconded by: Councillor Morrison

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held February 7, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 47/2022

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

Item 7.1	Bruno Cacilhas, Owner
Item 7.1, 7.4 & 7.5	Tracey Pillon Abbs, representing the Applicant
Item 7.1 & 7.4	Tony Chau, Senior Project Manager, ADA-Architect
Item 7.2	Chris MacLeod, Applicant
Item 7.3	Karl Tanner, Dillon Consulting
Item 7.4	Aaron Blata, RC Spencer & Associates Inc.
Item 7.4	John Paul Aleo, Aleo Associates Inc.
Item 7.4	Johanna and Nicholas Papador, Area Residents
Item 7.4	David Kassab, Area Resident
Item 7.4	Bushra Hanna, Area Resident
Item 7.4	Roger and Jennifer Bastiaan, Area Residents
Item 7.4	Antonio Buttice, Area Resident
Item 7.4	Paula and Rod Rankin, Area Residents
Item 7.4	Raymond and Charlotte Colautti, Area Residents
Item 7.4	Marianne Rudy-Geleynse, Area Resident
Item 7.4	Andrew Furlong, Area Resident
Item 7.4	Andrew Smith, Realtor
Item 7.4	Patricia McConville, Area Resident
Item 7.4	Annette Trepanier, Area Resident
Item 7.4	Philip Adamson, Area Resident
Item 7.4	Alex Denonville, Area Resident
Item 7.4	Dr. George Grayson, area resident
Item 7.4	Dr. Paula Brook, Area Resident
Item 7.4	Mike Spineti, Area Resident
Item 7.5	Zak Habib, Royalty Homes

# 7. PLANNING ACT MATTERS

# 7.1 Z-005/21 [ZNG/6323] & OPA 143 [OPA/6324] – Maple Leaf Homes 11676 Tecumseh Rd E – Rezoning & Official Plan Amendment Ward 7

Justina Nwaesei (author), Planner III - Subdivisions

Michael Cooke provides the presentation on behalf of Justina Nwaesei.

Ms Tracey Pillon-Abbs briefly reviews the proposed development and changes made to make the proposed development compliant with the zoning.

Moved by: Councillor Gill Seconded by: Councillor Holt

# **Development & Heritage Standing Committee** Monday, March 7, 2022

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Decision Number: DHSC 371

# RECOMMENDATIONS

- THAT the City of Windsor Official Plan Volume I Primary Plan BE AMENDED by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;
- II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

# 16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

#### 16.10.1 Permitted Uses

**Business Office** Personal Service Shop

Child Care Centre Place of Entertainment and Recreation

Commercial School Place of Worship Food Outlet - Take-Out Professional Studio

Hotel Public Hall

Medical Office Repair Shop - Light

Medical Appliance Facility Restaurant Micro-Brewery Retail Store

9 or more dwelling units in a Combined Use Building with any of the above uses Multiple Dwelling with 9 or more dwelling units

Residential Care Facility

Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

#### 16.10.5 Provisions

.1	Lot Frontage – minimum	18.0 m	
.2	Lot Area – minimum		
	For a building containing only non-residential uses	400.0 m <sup>2</sup>	
	For each dwelling unit	$85.0 \text{ m}^2$	
.4	Building Height – maximum	20.0 m	

- Landscaped Open Space Yard minimum 30.0% of lot area
- .15 For a Combined Use Building, all dwelling units, not including entrances thereto, shall be located above the non-residential uses.
- .16 A Multiple Dwelling shall be located above grade, at the rear of non-residential use.
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback minimum
  - a) From an exterior lot line abutting Tecumseh Road East, for that part of the building having a

# **Development & Heritage Standing Committee Monday, March 7, 2022**

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	building height of 10.0 m or less	0.0 m
b)	From an exterior lot line abutting Tecumseh	
	Road East, for that part of the building having a	
	building height of more than 10.0 m:	6.0 m
c)	From an interior lot line where a habitable room	
	window faces the interior lot line	6.0 m
d)	From an interior lot line where a habitable room	
	window does not face the interior lot line	3.0 m

- . 90 Parking space is prohibited in the front yard and in any side yard within 6m of the exterior lot line.
- III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

# "438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey Combined Use Building containing a maximum of 71 dwelling units plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m² minimum gross floor area with minimum parking requirement of 8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

- a) Section 16.10.5.15 of by-law 8600 shall not apply;
- b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
- c) Dwelling units, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;
- d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m<sup>2</sup> minimum gross floor area of non-residential use;
- e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- f) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- g) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way. [ZDM 15; ZNG/6323]

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- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
  - a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
  - b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
  - c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
  - d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report:
  - e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
  - f) Enbridge Gas minimum separation requirements;
  - g) Adequate clearance from existing ENWIN's pole lines and power lines; and
  - h) Canada Post multi-unit policy;
  - i) SAR Snake mitigation measures as in the attached Appendix F to this report.

Motion CARRIED UNANIMOUSLY

Report Number: S 2/2022 & AI 4/2022 Clerk's File: ZB/14064 & ZO/14063

# 7.2 CDM-006/21 [CDM/6637] – 531 Pelissier Inc 531 Pelissier St – Plan of Condominium Ward 3

Jim Abbs (author), Planner III – Subdivisions

Chris MacLeod (applicant) – available for questions

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: DHSC 372

RECOMMENDATIONS

THAT the application of 531 Pelissier Limited 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 and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24, and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.

# **Development & Heritage Standing Committee Monday, March 7, 2022**

Motion CARRIED UNANIMOUSLY

Report Number: S 26/2022

Clerk's File: Z/14297

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# 7.3 CDM-005/21 [CDM/6636] – Farhi Holding Corp 1600 Lauzon Rd – Plan of Condominium Ward 6

Jim Abbs (author), Planner III - Subdivisions

Karl Tanner – Dillon Consulting (agent) – available for questions

Moved by: Councillor Gill

Seconded by: Councillor Morrison

Decision Number: DHSC 373

## RECOMMENDATIONS

THAT the application of Farhi Holdings Corporation 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 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.

Motion CARRIED UNANIMOUSLY

Report Number: S 25/2022

Clerk's File: Z/14295

# 7.4 Z-034/21 [ZNG/6571] – 2811035 Ontario Inc 1913, 1925 & 1949 Devonshire Court – Rezoning Ward 4

Adam Szymczak (author), Planner III – Zoning

Mr Szymczak provides a presentation of the application

Tony Chau – ADA Architect (senior architect) – available for questions Aaron Blata - RC Spencer & Associates Inc – available for questions John Paul Aleo – Aleo Associates Inc – available for questions Tracey Pillon-Abbs (agent) – lists key points of the site in question

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Written submissions were made available to members of the Committee and the Applicant prior to the meeting.

Oral submissions were made by delegations regarding the proposed development.

Those delegations opposed to the proposed amendment noted the following::

- The footprint of the proposed multiple dwelling is too large for the property and there are too many dwelling units
- The proposed development disregards the design, character and heritage of the neighbourhood
- The proposed setbacks are not consistent with existing building setbacks
- Changing the building form and type from one end of the spectrum to the other from three homes to multi-unit building is not acceptable
- Concern for reduction of value in homes surrounding the new development
- Lack of available parking the proposed development would make it worse
- Traffic from the proposed development would conflict with traffic fom the nearby Tim Horton's and with pedestrians
- Intrusion of privacy due to height of the proposed building
- Noise pollution from traffic
- Complete disregard for the previously approved rezoning in 2016 no justification or explanation was given as to why the Applicant could not comply with the 2016 zoning amendment.
- The proposed development represents a large a change from the existing character and zoning in the area
- The proposed multiple dwelling is not appropriate density for the neighbourhood

Other delegations speak in support of the proposed development stating the need for more housing. Describe the redevelopment around Toronto and surrounding area, promoting more family sized apartments and townhomes. The market today makes it difficult for young families to purchase a single detached home. The proposed multiple dwelling will provide an alternative for young people looking for a home.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: DHSC 374

## RECOMMENDATIONS

1. THAT Zoning By-law 8600 BE AMENDED by changing the zoning of Lots 84 to 87, Registered Plan 684, further described as Parts 1 to 4, Plan 12R-27198 (known municipally as 1913, 1925 & 1949 Devonshire Court; Roll No. 020-220-03903, 020-220-03906, 020-220-03901), situated at the southeast corner of Devonshire Court and Kildare Road, by deleting and replacing Section 20(1)340 with the following:

## 340. SOUTHEAST CORNER OF DEVONSHIRE COURT AND KILDARE ROAD

# **Development & Heritage Standing Committee Monday, March 7, 2022**

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For the lands comprising Lots 84 to 87, Registered Plan 684 and further described as Parts 1 to 4, Plan 12R-27198. a *multiple dwelling* shall be an additional permitted use and:

- 1. For any *dwelling*, the following additional provisions shall apply:
  - An access area or driveway is prohibited in any front yard or exterior side yard.
     Access to a parking space shall be from an alley.
  - b) Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.
- 2. For a single unit dwelling, the following additional provisions shall apply:

a)	Main Building Heig	ght – minimum	7.00 m
b)	Front Yard Depth -	– minimum	7.50 m

3. For *multiple dwelling*, the following provisions shall apply:

a)	Lot Width – minimum	35.0 m
b)	Lot Area – minimum	2,152.0 m <sup>2</sup>
c)	Lot Coverage – maximum	35.0%
d)	Main Building Height – maximum	15.0 m

e) Building Setback - minimum

From that part of the lot line abutting

Kildare Road 2.62 m

2. From that part of the lot line abutting

Devonshire Court 3.39 m
3. From the midpoint of the 20ft radius of Lot 87 RP 684 1.89 m
4. From an interior lot line 1.20 m

f) Landscaped Open Space Yard – minimum 27.5% of lot area

g) Dwelling Units - maximum 23

[ZDM 7; ZNG/4715; ZNG/6571]

- 2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:
  - a) The comments from City of Windsor Office of the City Engineer Engineering Department

     Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving,
     Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
  - b) The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
  - c) The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
  - d) The comments of the City of Windsor Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.

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- e) The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
- f) The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

Motion CARRIED
Councillor Gill and Members Gyemi and Moore voting nay

Report Number: S 22/2022 Clerk's File: ZB/14241

# 7.5 Z-040/21 [ZNG/6591] & OPA 155 [OPA/6592] – 1741078 Ontario Inc, 115664 Ontario Inc & Abdul Karim Habib 4845 Walker Rd – Rezoning & Official Plan Amendment Ward 9

Adam Szymczak (author), Planner III – Zoning

Zak Habib (applicant) and Tracey Pillon-Abbs (agent) available for questions

Moved by: Member Rondot

Seconded by: Councillor Sleiman

Decision Number: **DHSC 375** 

# RECOMMENDATIONS

- 1. THAT Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.
- 2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

# 1.X Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)

- 1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;
- 1.X.2 Notwithstanding the "Commercial Corridor" designation on Schedule D: Land Use in Volume I: The Primary Plan and the "Business Park" designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy

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Areas, "dwelling units located at grade and/or above commercial uses in a combined use building" and "multiple dwelling" shall be additional permitted uses.

3. THAT Zoning By-law 8600 BE AMENDED by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:

## 440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

- a) Main Building Height maximum 22.4 m
- b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building, dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

- 4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:
  - A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning Bylaw 8600 to reflect the site plan for which approval is being sought.
- 5. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
  - A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner
  - B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)
  - C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
  - D. Requirements of the City of Windsor Engineering Department Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
  - E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO

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- 6. THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:
  - A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
  - B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.
- 7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Motion CARRIED UNANIMOUSLY

Report Number: S 23/2022 Clerk's File: Z/14269 & Z/14268

# 8. ADJOURNMENT

	There bein	ig no further	business,	the meetin	g of the	Development	& Heritage	Standing	Committee
(	(Planning A	Act Matters)	is adjourn	ned at 7:37	p.m.				

Ward 3 – Councillor Bortolin	Thom Hunt
(Chairperson)	(Secretary)



Council Report: S 35/2022

Subject: Zoning Bylaw Amendment – Wyandotte Developments Inc - South Side of Wyandotte St East, between Watson Ave and Isack Drive-Z 025-21 [ZNG-6499] to permit a Multiple Dwelling Development - Ward 6

#### Reference:

Date to Council: April 4, 2022 Author: Jim Abbs, Senior Planner 255-6543 x6317 jabbs@citywindsor.ca

Planning & Building Services Report Date: March 9, 2022 Clerk's File #: Z/14298

To: Mayor and Members of City Council

## Recommendation:

**THAT** an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED** for the lands at Part of Lots 72 to 78, Part of Lots 106 & 107, part of 30 foot Lane, part of Parkhill Gate, RP 1627, more particularly described as Part 3, 12R-13644 situated on the south side of Wyandotte Street East, east of Watson Avenue, by adding the following site specific provisions to s.20:

## "South Side Wyandotte Street East, between Watson Ave and Isack Drive

For the lands Part of lots 72 to 78, part of lots 106 & 107, part of 30' Lane, part of Parkhill Gate, RP 1627, more particularly described as Part 3, 12R-13644 situated on the south side of Wyandotte Street East, east of Watson Avenue, the provisions of S 20 (1) 102 shall not apply, and the following provisions shall apply:

- a) Building Height Maximum- 20m
- b) Lot Coverage Maximum- 40%
- c) A minimum separation of 12 metres shall be maintained between a multiple dwelling and an RD1.1 District. (ZDM 14; ZNG/6499)"

# **Executive Summary:**

N/A

# Background:

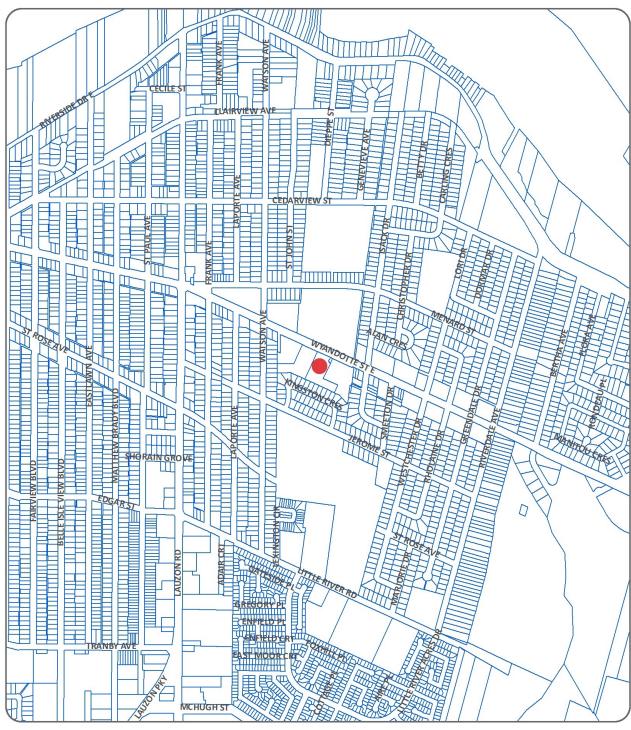
Application Information:

Location: 0 Wyandotte St East Ward: 6

Planning District: 19 – Riverside ZDM: 14

Owner: Wyandotte Developments Inc. (Randy Saccucci)

Agent: Architectural Design Associates Inc. Architect (Stephen Berrill)



KEY MAP - Z-025/21, ZNG-6499



SUBJECT LANDS

# Proposal:

The applicant intends to develop the site as a 20m high (6-storey) Multiple Dwelling containing 64 units on the subject land. The Applicant will provide a total of 29 surface parking spaces and 80 underground parking spaces. Access to the proposed development will be provided by the existing entrance on Wyandotte Street East.

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# WYANDOTTE STREET EAST

To accomplish this, a site specific Zoning By-law Amendment will be required. The site is currently zoned Residential District 3.2 (RD3.2) Zone, with Site Specific Provision (S20 (1) 102). The site specific provision currently requires a minimum set back of 12m from an RD1.1 zone, and requires a minimum unit size of no less than 140  $\text{m}^2$  (over 1500 ft²).

The applicant is requesting removal of the unit size requirement. This will be discussed further in the Zoning section of this report.

It should be noted that the applicant **is not** requesting removal of the 12m setback from an RD1.1 zone.

Additionally, the applicant is requesting:

An increase in maximum building height from 18 m to 20 m; and

An increase in Lot Coverage from 35% to 40%.

These will be discussed further in the Zoning section of this report.

The site will be subject to Site Plan Control.

#### **Site Information:**

Official Plan	Zoning	Current Use	Previous Use
Residential District RD3.2 (RD 3.2) 20(1)102 (set minimum size of individual Residential Dwelling Units, and setback from RD1.1)		Vacant	Vacant
Lot Depth	Lot Frontage	Area	Shape
+/- 54.86 m	+/- 100 m	6906.4 m <sup>2</sup>	Irregular ("L"- shaped)

All measurements are for the entire parcel and are approximate.

# **Neighbourhood Characteristics:**

The proposed development fronts Wyandotte Street East, and is located mid-way between Watson Avenue (to the west) and lsack Street (to the east). The south side of Wyandotte Street East in this area consists of a mix of commercial, single unit dwellings (Watson Ave) and Low and Medium Profile multiple dwelling residential uses.

## **Surrounding Land Uses:**

This area exhibits a wide range of dwelling types and commercial uses.

**North** of the Subject Property Wyandotte Street East a 2 lane, 1 in each direction, class 2 arterial road with a commercial plaza and several low profile (3 storey) multiple dwelling buildings on the north side of the street.

**South** of the Subject Property is an established low profile residential area with single unit dwellings. (Kingston Crescent)

**West** of the Subject Property is a 5 storey Multiple Dwelling and a 4 storey Multiple Dwelling. Further east there is a double duplex dwelling fronting Wyandotte Street E then single unit dwellings fronting Watson Ave.

**East** of the Subject Property there is a development containing a 4 storey multiple unit dwelling and 2 storey townhome units. Further east semi detached dwellings are found fronting Wyandotte Street E.

Wyandotte Street East is classified as a Class II Arterial road. The site is serviced by the Transit Windsor Lauzon 10 bus route. The closest existing bus stop is located on the north side of Wyandotte Street E approximately 90 metres away from this property.

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



NEIGHBOURHOOD MAP - Z-025/21, ZNG/6499



## Discussion:

# **Planning Analysis:**

## **Provincial Policy Statement (PPS) 2020:**

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

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

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

The current provision in S 20(1) 102 that is applied to this vacant parcel to require a minimum dwelling unit size of no less than 140m² (1500 ft²) is not consistent with this policies of the PPS and does not promote cost effective development patterns. Allowing the proposed zoning bylaw amendment to remove the minimum unit size contributes to minimizing land consumption and servicing costs by allowing units that can be sized to provide an appropriate range of and mix of residential units on a site that already has available infrastructure in the immediate area.

## The PPS also states:

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

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

### The PPS also states:

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

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

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

#### The PPS also states:

- "1.4.3 Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:
  - a. permitting and facilitating:
    - 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 to remove the minimum dwelling unit size requirement would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting. In terms of supporting active transportation and transit, the site of the proposed zoning amendment is served by Transit Windsor.

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

The development site is close to a commercial area which will provide commercial services and amenities close to residents, and promotes walkability of the neighborhood.

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

#### Official Plan:

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

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

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

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

The locational criteria for a residential development to have access to an arterial road, be provided with full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. The parcel has direct access to Wyandotte Street East. Public transit is available via the Transit Windsor Lauzon 10 bus route.

Full municipal services are available.

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

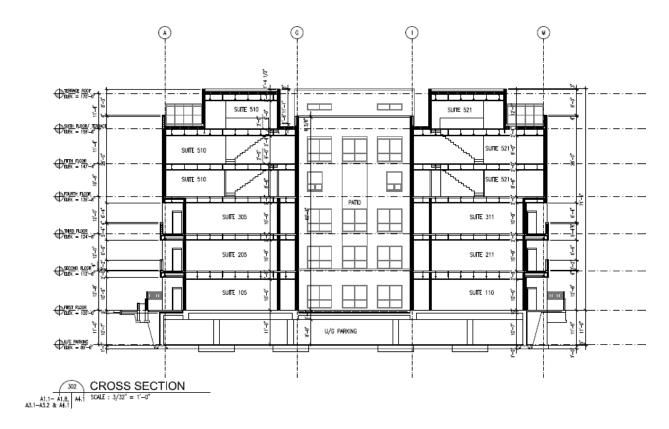
The site is zoned Residential District 3.2 (RD3.2) within By-law 8600. The proposed Multiple Dwelling is permitted in this zone. The applicant is proposing that the regulations for the site be changed to permit the redevelopment of the property to accommodate a six (6) storey 64 dwelling unit residential building with parking for 109 vehicles. Administration is recommending that the zoning of the property be amended with the following site-specific regulations.

# i) Building Height – Maximum- 20m

The building height increase of 2m from the existing permitted building height of 18 m represents an incremental increase from the existing permitted height and is appropriate in this case.

# ii) Lot Coverage – Maximum- 40%

The Residential District 3.2 zone permits a maximum lot coverage of 35%. As a result of projections of the units starting at the 4<sup>th</sup> floor above the balconies of the floors below, the total lot coverage is 36.2%. The Applicant is requesting that the site-specific provision permit a maximum lot coverage of 40%.



The proposed change is not anticipated to have an impact on the adjacent or nearby land uses. It is not anticipated that the coverage increase resulting from the upper floors will impact the experience for the future residents or the adjacent land uses. Additionally, the minimum setbacks and required landscaped area requirements of the RD3.2 zone category are being met.

(iii) A minimum separation of 12 metres shall be maintained between a multiple dwelling and an RD1.1 District.

The minimum separation distance of 12m continues from the previous site specific regulations for this site.

# Interim Control By-law 103-2020:

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted.

Council Resolution 364/2020 directs that the land use study be completed to consider, among other things, residential density. Given the site is located on an arterial road in

an area with other Multiple Dwelling uses, the Planning Department does not anticipate any conflict between the proposed development and the land use study.

If Council approves this application, this development would be exempt from the provisions of BL 103-2020. Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017.

# Risk Analysis:

Type here

# Climate Change Risks

## **Climate Change Mitigation:**

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

## **Climate Change Adaptation:**

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

#### **Financial Matters:**

n/a

#### **Consultations:**

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

#### **Public Notice:**

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

## **Conclusion:**

# Planner's Opinion and Conclusions:

The current provision in S 20(1) 102 to require a minimum dwelling unit size of no less than 140m2 (1500 ft2) is not consistent with policy 1.1.1 of the PPS and does not promote cost effective development pattern or compact forms of development and

implements an unfair barrier of entry to the housing market and therefore should be removed.

The proposed use of this site as a development containing a Multiple Dwelling structure containing 64 units represents an efficient development that will have no adverse impact on the financial well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

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

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

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

# **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.

SAH JR

## **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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

# **Notifications:**

Name	Address	Email
Wyandotte Developments Inc.	1700 Sprucewood Avenue LaSalle, Ontario N9J 1X6	rsaccucci@4cprojectmanagement.com
Architectural Design Associates Inc. Architect		sberrill@ada-architect.ca
Councillor Gignac		

# Appendices:

- Appendix A Z 025-22 Liaison Comments Appendix B Excerpt Bylaw 8600 1
- 2

#### **COMMENTS**

# George Robinnson – Site Plan Control

I'm not sure if you require formal comments from SPC for the rezoning, but our draft report which identified a number of zoning deficiencies was issued in Oct 2021 (city file AMT-015/21). I noticed that the applicant has revised the plans since then to resolve some of the site plan issues. The site plan application remains on hold pending the completion of the rezoning process.

I'd recommend having one of the zoning coordinators do a full review to ensure any other items are captured to avoid having to go back to council for a minor variance exemption.

#### <u>Jason Scott – Transit Windsor</u>

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located directly across the street on Wyandotte at Riverside Plaza providing direct transit access. This will be further enhanced with our Council approved Transit Master Plan as a new local route will be introduced with 2 way conventional transit service versus the 1 way loop that currently exists.

### Jennifer Nantais – Environmental & Sustainability Coordinator

The Environmental Sustainability & Climate Change Team would like to request an energy strategy.

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

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

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

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

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

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

## **Stormwater Management:**

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

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

## **Landscaping**

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

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

## Kristina Tang - Heritage Planner

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

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

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

#### Contacts:

Windsor Planning & Building Department:

519-255-6543 x6179, ktang@citywindsor.ca, 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, <a href="mailto:Crystal.Forrest@ontario.ca">Crystal.Forrest@ontario.ca</a>

### Stefan Fediuk – Landscape Architect

Pursuant to the application for a zoning amendment (Z-025/21) on the subject to amend the existing provisions to permit the one (1), 6-storey multiple dwelling building with 64-units and associated parking area with the following site specific regulations:

- Removal of the site specific provisions requiring a minimum unit size of 140 m2;
- An increase in maximum building height from 18 m to 20 m;
- An increase in maximum lot coverage from 35% to 40% (see attached Planning Justification Report for rationale),

Please note the following comments:

#### Zoning Provisions for Parking Setback:

The Planning Justification Report Addendum identifies that the minimum setbacks and required area requirements per the Zoning Bylaw 8600 for RD3.2 Zoned properties area being met, however, much of the proposed landscape area appears to be hard surfaced and acts as primary access walkways to building from the parking areas or Wyandotte Street. These access ways are not to be included the calculations for landscape areas. Only secondary hard surfaced pathways to amenity areas, isolated patios and greenspaces are to be included in that calculation.

The proposed concrete ramp to the underground garage is an extension of the building and should be considered as park of the building, therefore it should be required to comply with the required rear yard setback. The location will impact the adjacent RD1.1 residential development to south along Kingston Crescent by, increasing noise, drainage patterns and as there are in ground pools with in the private residences, the location and close proximity to the property line may compromise the foundation of the pool at 8370 Kingston Crescent.

#### <u>Tree Preservation:</u>

N/A

## Climate Change Resiliency and Environmental Design:

The proposed development in this Rezoning application demonstrates and increased intensification than the cited Site Plan Control application (SPC-032/18). SPC-032/18 provided an outdoor amenity area at the eastern portion of the site, which would have provided the residents of the building with a common outdoor area for a variety of outdoor recreational activities. An outdoor amenity area is a recommendation for High-Rise Residential development as found in section 4.4. of the current Landscape Manual for Development (4<sup>th</sup> edition). The applicant has instead relocated that amenity space to a larger interior courtyard with a variety of designated uses. This is an acceptable alternative. However, with the proposed interior courtyard, it should be recognized that shade and protection from inclement weather will need to be accommodated.

### <u>Urban Design:</u>

The segment of Wyandotte St. W. at the frontage of the subject is classified as a Theme Street on Schedule 'G' in the Official Plan. The proposal identifies hard surface paving along the entire front of the proposed building facing Wyandotte Street. Provision of outdoor amenity space along this frontage, complete with trees, shade and seating would provide the required enhancements as identified in the O.P. for Theme Streets Clauses 8.11.2.11.

A landscape buffer would be required as part of a future site plan, between the development and the existing residential property to the south along Kingston Crescent.

## Parkland Dedication:

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

#### Sherif Barsom – Parks D&D

Please note there is no comments from Parks Design and Development pertaining this LIAISON: Z-025/21 [ZNG/6499] - Wyandotte Development Inc - 0 Wyandotte St E.

#### **ERCA**

The following is provided as a result of our review of Zoning By-Law Amendment Z-025-21 ZNG 6499. The applicant is proposing to rezone from Residential 3.2 (RD3.2) Zone to Residential 1.1 (RD1.1) Zone with a site specific provision (S20 (1)102) that sets a minimum lot area of 0.6 ha, a minimum unit size of 140 meter square and a minimum separation of 12 meters between multiple dwelling.

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 Detroit River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

The applicant has applied for Permit 52-22.

Upon review of the application and available background information, we note that the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020). Additionally, the applicant must obtain a Section 28 Permit from ERCA prior to undertaking any development on the site.

#### 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 Stormwater Management (PPS, 2020)

Our office has provided stormwater management comments during the Site Plan Control (SPC-032-21) circulation (see attached comments).

# <u>PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES</u> <u>OF THE PPS, 2020</u>

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

Upon review of the application and available background information, we note that the low lying nature of the roadway may result in excess water over the road during a 1:100 year flood event. The Municipality must confirm, through applicable emergency services (i.e. fire, police, etc.), that they have the ability to safely access this area during a 1:100 year flood event, in order to fulfill the municipality's responsibilities under Section 3.1.7 of the Provincial Policy Statement (2020).

Additionally, the applicant must obtain a Section 28 Permit from ERCA, prior to undertaking any development on the site. The applicant has applied for Permit 52-22.

# **Transportation Planning:**

- Schedule X of the Official Plan classifies Wyandotte Street East as a Class 2 Arterial road with a required right-of-way width of 28 metres. The current right-of-way width is 27 metres, therefore a land conveyance of 0.5 metres is required as per Section 7.2.6.23 of the Official Plan.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings AS-204.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

# APPENDIX B - EXCERPT BYLAW 8600

# 12.2 RESIDENTIAL DISTRICT 3.2 (RD3.2)

### 12.2.1 PERMITTED USES

Lodging House

Multiple Dwelling

Religious Residence

Residential Care Facility

Any of the following existing dwellings:

Double Duplex Dwelling

Duplex Dwelling

Semi-Detached Dwelling

Single Unit Dwelling

Any use accessory to any of the preceding uses

### 12.2.5 Provisions

.1	Lot Frontage – minimum	30.0 m	
.2	Lot Area – minimum		
	For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> :		
	a) For the first 5 dwelling units	$540.0 \text{ m}^2$	
	b) For the next 19 dwelling units	67.0 m <sup>2</sup> per unit	
	c) For each additional dwelling unit	44.0 m <sup>2</sup> per unit	
	For any other <i>lot</i> :		
	d) For the first 4 dwelling units	$540.0 \text{ m}^2$	
	e) For the next 15 dwelling units	85.0 m <sup>2</sup> per unit	
	f) For each additional dwelling unit	55.0 m <sup>2</sup> per unit	
.3	Lot Coverage – maximum	35.0%	
.4	Main Building Height – maximum		
	Corner Lot	24.0 m	
	Interior Lot	18.0 m	
.8	Landscaped Open Space Yard – minimum	35.0% of lot area	
.13	Dwelling Unit Density – dwelling units per hectare – maximum		
	For a corner lot having a minimum frontage		

188 units per ha

of 30.0 m on each of the exterior lot lines

For any other *lot* 

150 units per ha

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

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

- .55 A addition to an existing Double Duplex Dwelling, existing Duplex Dwelling, existing Semi-Detached Dwelling or an existing Single Unit Dwelling and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.
- 102. For the lands comprising Lots 69 to 73, 74 to 79, 100 to 111, all inclusive, Parts of Kingston Drive (closed) and Parkhill Gate (unopened) and the east/west lanes east and west of Parkhill Gate, Registered Plan 1627, situated on the south side of Wyandotte Street, east of Watson Avenue, the following provisions shall apply:
  - (i) The minimum lot area shall be 6000 square metres with no less than 140 square metres for each dwelling unit;
  - (ii) A minimum separation of 12 metres shall be maintained between a multiple dwelling and an RD1.1 District. (ZDM 14; ZNG/1062)

    (AMENDED by B/L 132-2011, August 5, 2011)



Council Report: S 37/2022

Subject: Zoning Bylaw Amendment Site specific regulations for Multiple Dwelling – Farhi Holding Corporation - 1624 Lauzon Road- Z 039-21 [ZNG-6590] - Ward 6

### Reference:

Date to Council: 4/4/2022 Author: Jim Abbs, Senior Planner 255-6543 x6317 jabbs@citywindsor.ca

Planning & Building Services Report Date: 3/11/2022 Clerk's File #: Z/14267

To: Mayor and Members of City Council

### Recommendation:

**THAT** an amendment to City of Windsor Zoning By-law 8600 changing the regulations of the Residential District RD3.1 zone on Block 42, 12M-678 in the City of Windsor, known municipally as 1624 Lauzon Road, **BE APPROVED** by applying the following site specific regulations:

# Main Building Height:

- a) 56% of the Main building footprint maximum 31.0 m
- b) Remainder of building footprint— maximum 21.0 m

Lot Area – minimum 63.75 m<sup>2</sup> per unit

Parking Space – Minimum – 1.24 spaces/unit

Side yard - from Bowler Drive - 23.0 m

Landscaped Open Space Yard – minimum 31.0% of lot area

Notwithstanding S24.26.5 and 24.28.1.1, a parking area shall be permitted within a required front yard.

Notwithstanding 24.40.20(3) (a) a Loading Space shall be permitted in a required front yard.

**THAT** the parcel described as Block 42, 12M-678 in the City of Windsor, **BE EXEMPT** from the provisions of section 45(1.3) of the Planning Act; and,

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

a) Parking Area and Amenity Area location to assist in facilitating the transition from the low profile development to the East of the site to the medium and high profile development of the Subject site.

# **Executive Summary:**

N/A

# **Background:**

# **Application Information:**

Location: 1624 Lauzon Road Ward: 6

Planning District: 19 – Riverside ZDM: 14

Owner: Farhi Holding Corporation

Agent: Storey Samways Planning Ltd. (David French).

The site was formerly home to the General Motors trim plant from 1965 to 1996. Peregrine Inc. and Lear Corporation Canada continued industrial operations at this site until 2005 when it was sold to Farhi Holdings Corporation. The approximately 66,797 square metre (719,000 square feet) industrial building was demolished in 2009.

The site was the subject of successful applications to the City's Brownfield Tax Assistance Program as well as the Brownfield Redevelopment Community Improvement Plan approved by Council on March 18, 2019. (S 52/2019)

**Previous application** (OPA123 [OPA5773] Z004/19 [ZNG 5772] & SDN002/19 [SDN5774]

This site is part of an approved larger redevelopment that changed the land use designation on the former 1600 Lauzon Road site from Industrial to Residential and Commercial designations that would facilitate the construction of

- commercial uses in 2 separate locations:
  - at the intersection McHugh Street and Darfield Road,
  - on Lauzon Road, immediately north of the Via Rail tracks.
- 101 Single Unit Residential Dwellings
- 1 block for multiple unit dwellings adjacent to Lauzon Road (1624 Lauzon Road)
- 2 blocks for multiple unit dwellings adjacent to McHugh Street at Darfield Road

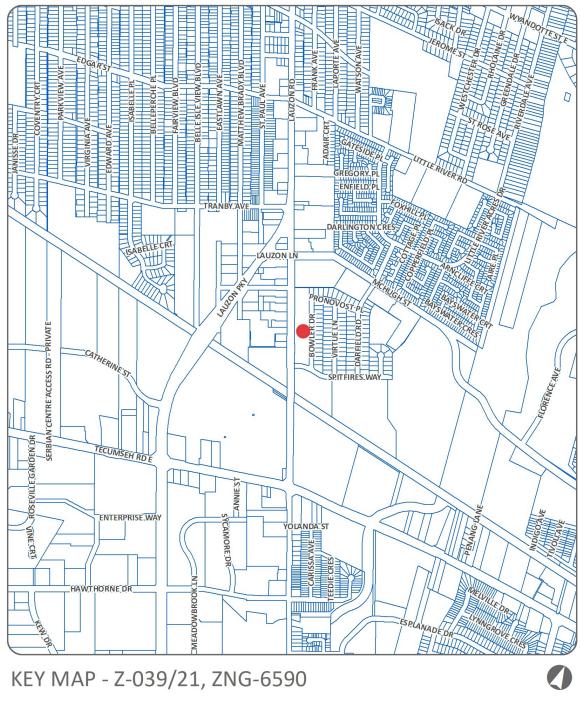
At this time, the Plan of Subdivision creating Lots for the Single unit dwellings has been registered and the Multiple Unit dwellings adjacent McHugh Street are under construction.



Subject Site, Bowler Drive, North of Spitfires Way, Looking North



Single Unit dwellings under construction Bowler Drive, North of Spitfires Way, Looking North





# Proposal:

The applicant is requesting to change the regulations of the RD3.1 zone that applies to the property at 1624 Lauzon Road to facilitate the development of two 151 unit (302 total units) Multiple Unit Dwellings with 386 parking spaces in a combination of underground and at grade parking areas.

The proposed buildings would be a total of 31 m in height (9-storey buildings), a portion of each building is "stepped", meaning a portion of the building is 20.56m (6-storeys,) and the remainder is 31 m (9-storeys).

### SUBMISSIONS BY APPLICANT:

- Rosewater Estates Planning Justification Report (Lauzon Road, Windsor) (September 30, 2021) (includes Urban Design Brief and Shadow Study)
- Rosewater Estates Planning Justification Report (Lauzon Road, Windsor) (Revised February 8, 2022)
- 21-072 Rosewater Estates 1624 Lauzon Rd SPA
- 220208 Rosewater Estates Apartment E&F Site Plan Revision
- Rosewater Traffic Impact Study
- Rosewater Noise Assessment
- Rosewater Sanitary Sewer Study
- Rosewater Stormwater Management Report



ROSEWATER ESTATES BUILDING E & F PERSPECTIVE

Concept Plan View from Lauzon Road

Parking is provided with a combination of below-building parking and surface parking, and central courtyard type landscaped area is provided for the two buildings. It is

proposed that the development will have vehicle access to the complex from one point at the north end of the site to Lauzon Road and 2 points to Bowler Drive. (site plan, Appendix 2)

The site will be subject to Site Plan Control.

### Site Information:

Official Plan	Zoning	Current Use	Previous Use	
Residential (OPA 123, OPA-5773)	Residential District RD3.1 (Z 004-19 [ZNG-5772] B/L137/2019	Vacant	Industrial	
Lot Depth	Lot width	Area	Shape	
+/-315 m	+/- 60 m (Spitfire Way)	19305 m²	Irregular	
			J	

All measurements are for the entire parcel and are approximate.

# **Neighbourhood Characteristics:**

### **Surrounding Land Uses:**

The proposed development is located on Lauzon Road, Between Spitfire Way and McHugh Street, and is surrounded on 3 sides by Lauzon Road, Bowler Drive and Spitfires Way.

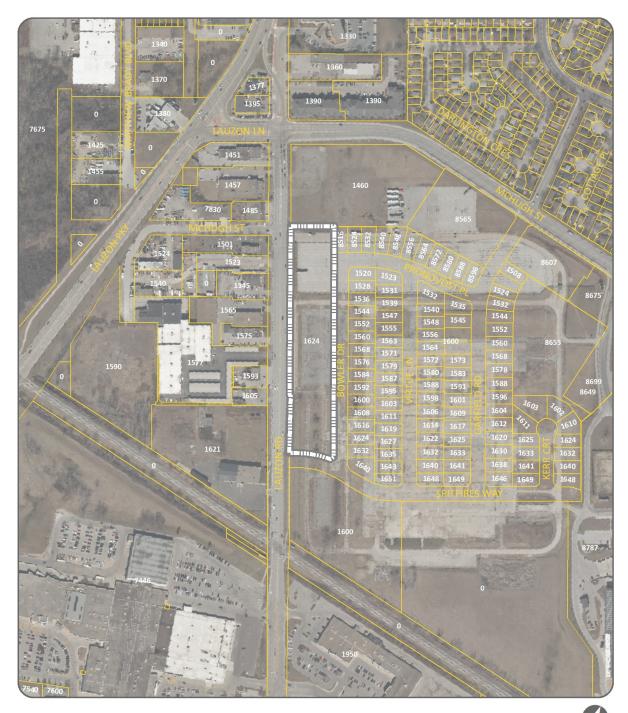
The east side of Lauzon Road in this area was the subject of the recent planning applications that facilitated the redevelopment of the former industrial site at 1600 Lauzon Road. The previous Subdivision application created the subject site and the previous zoning application applied the existing RD3.1 zone. The lands to the south were zoned to permit commercial uses (CD2.2). Further to the south, across the VIA Rail tracks, there are large commercial uses (Eastown Plaza and Tecumseh Mall).

To the north of the site there is a vacant parcel that is currently designated and zoned for industrial uses, and across McHugh Street is mixture of residential (three-storey town-homes; 11-storey multiple unit dwelling) and commercial uses;

The area to the west of the site mix of commercial and light-industrial uses. This area is designated Industrial and is zoned MD 1.2.

East of the Subject site contains lots that were created by previous Planning Act Applications that will contain the single detached dwellings. While not yet completed, single detached dwellings these lots are currently under construction.

Lauzon Road is classified as a Class II Arterial road; Spitfires Way and Bowler Drive are classified as Local Roads. The site is serviced by the Transit Windsor Lauzon 10 bus route. The closest existing bus stops are located on the West side of Lauzon Road at McHugh Street and at Lauzon Road and Spitfires Way.



NEIGHBOURHOOD MAP - Z-039/21, ZNG/6590



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

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

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

The development site is close to a commercial area as well as the WFCU Centre, which will provide commercial services and amenities close to residents, and promotes walkability of the neighborhood.

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 Residential. The use of the site for multiple unit dwellings on the site conforms to the Residential designation. The proposed development is consistent with the following goals and objectives of the City of Windsor Official Plan.

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

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

### TYPES OF DEVELOPMENT PROFILE

- 6.2.1.2 For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:
  - (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
  - (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and
  - (c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.

While the proposed development attempts to provide a transition from low profile development to medium or high profile development by stepping the building from 6 storeys to 9 storeys (20.56 m to 31 m), the proposed structure appears to be an sudden transition from low profile (single detached dwellings, 10m height) development immediately east of the subject site to the Medium and High Profile of the proposed development.

TRANSITION IN 8.7.2.4
BUILDING
HEIGHTS

Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.

To assist in facilitating the transition from the low profile development to the east of the site to the Medium and High profile development of the Subject site, Administration is recommending that additional regulations be placed within the site specific regulations

(see Zoning Bylaw section of this report). The Site Plan Control Officer may also consider additional measures within the proposed development to mitigate the transition through the use of architectural and/or landscape features, in particular, alterations to the location of the parking areas and amenity areas on the site and/or shifting the most northerly building (Building F) further north may provide additional opportunity to soften the transition between the development profiles in this area. This direction to the Site Plan Control Officer will provide notice to the Applicant and the Site Plan Control Officer that the transition in profile from the single detached dwellings to the High Profile development fronting Lauzon Road will be an important consideration during the Site Plan Control Process.

This required review and additional focus on Transition in Profile will serve to ensure that the development will conform to the Official Plan in that consideration will be given to the transition from Low Profile development to Medium and High profile development through the Site Plan Control process.

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.

The locational criteria for a residential development to have access to an arterial road, be provided with full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. Full municipal services are available.

# Zoning By-Law:

The site is zoned Residential District 3.1(RD3.1), within By-law 8600. The proposed Multiple Dwelling is currently permitted in this zone. The applicant is proposing that the existing RD3.1 zone remain, but specific regulations be applied to facilitate the proposed development. The RD 3.1 zone would permit the proposed Multiple Dwelling structure with a number of specific yard regulations. This site being somewhat unique (long and relatively narrow) will require its own set of regulations to facilitate the proposed development. In this case, Administration recommends that the existing RD3.1 zone category be used with site-specific regulations.

### Specific Regulations:

### Applicant's Request:

To facilitate the proposed development the following site-specific regulations will be applied are proposed by the applicant.

- An increase in maximum permitted height for a main building from 14 m to 31 m
- Minimum Lot area corner lot 9,348 m2 (to facilitate the anticipated future separation of the structures into 2 separate condominium corporations)

- Parking Rate- Minimum- 1.16 spaces/unit (to facilitate the anticipated future separation of the structures into 2 separate condominium corporations)
- A reduction in landscaped open space from 35% of lot area to 31% of lot area.
- Side Yard Width minimum where a habitable room window of any dwelling unit faces a side lot line – from 6 m to 5.5 m
- To permit the location of a parking area within a required front yard by providing relief from 24.26(5) to permit parking in a required front yard
- To permit the location of loading spaces within a front yard by providing relief from 24.40.20(3)(a) to permit loading space in a required front yard;

To provide further control, while still facilitating the proposed development the following site-specific regulations should be applied:

# **Building Height**

To ensure a transition in in building height from medium to high profile on the development site, any structure built on the site will be required to step up in height so as not to present the total height of 31 m immediately adjacent to the low profile development to the east. The combined impact of a specific limitation on the building height and the extended exterior side yard requirements from Bowler Drive will serve to ease the transition from one building profile to another.

The applicant's conceptual site plan indicates that the 31m (9 storey) section of the proposed building(s) will occupy 55.76% of the total building area. To ensure transition in building profile, and to prevent the amount of 31 m high building on the site, Administration recommends that a site specific regulation be applied that limits the amount of the building that can be 31 m high to 56% of the area of the building. This will provide a small amount of flexibility through the remainder of the development approval process.

### **Exterior side yard from Bowler Drive**

To assist in mitigating the transition in development profile, the applicant's concept plan indicates a side yard setback from Bowler Drive of 23.5 m. to ensure this setback is maintained Administration recommends that the setback from Bowler Drive be included as a regulation in the zoning Bylaw amendment to ensure the building(s) do not creep toward the single detached structures to the east during the rest of the development process. To provide some flexibility in the regulation the exterior side yard adjacent to Bowler Drive should be set at a minimum of 23.0 m

### Minimum Lot Area

The applicant is requesting a lot area (9,348m2) that would facilitate the future creation of individual plans of condominium

Administration recommends that the minimum lot area be set at its current size, as it is currently not known what size the lots containing the future condominium buildings will be. As is the current practice in the RD3.1 zone category, the minimum lot area will be

expressed as a lot area per unit ratio (63.75 m2/unit) to ensure the maximum number of units does not exceed the applicant's current proposal. (302 units)

If further relief is required prior to the separation of the buildings into individual condominium corporations, further relief could be requested from the Committee of Adjustment, or through a subsequent zoning bylaw amendment. Further relief is discussed in the next section of this report.

# **Required Parking**

The development as a whole will provide 375 parking spaces (1.24 spaces/unit), 2 short of the 377 spaces (1.25 spaces/unit) that are required for this development containing 302 dwelling units. The proposed reduction will not be a detriment for this development, or the surrounding area.

The applicant anticipates that that one of the parcels created by the future plan of condominium may not comply with the parking regulation. While parking will be provided at a rate of 1.24 spaces/dwelling unit, to facilitate the anticipated future separation of the 2 buildings into individual Plans of Condominium, the applicant requests that the parking requirement be reduced to 1.16 spaces per unit.

Administration recommends that the parking requirement be set at 1.24 spaces/unit as it is currently not known how many parking spaces each of the lots containing the future condominium buildings will have when the site is separated into individual condominium corporations.

Should further relief be required prior to the separation of the buildings into individual condominium corporations, this further relief could be requested from the Committee of Adjustment, or through and subsequent zoning bylaw amendment. Further relief is discussed in the next section of this report.

# Parking Spaces and Loading Spaces adjacent to Spitfires Way

While the development will physically "front" Lauzon Road, and is addressed on Lauzon Road, for zoning compliance purposes, the front lot line of the side is located on Spitfires Way. (the shortest exterior lot line) As such, this creates complications for a development designed address a lot line other than the front lot line as its "front". Two of the issues identified as a result of orienting the structures to Lauzon Road are the location of parking spaces and loading spaces within the Front yard, adjacent to Spitfires Way.

Section 24.26(5) of bylaw 8600 prohibits parking spaces within a front yard and Section 24.40.20(3) (a) prohibits loading spaces within a front yard. The applicant is proposing that 3 of the 375 parking spaces on the site be allowed to be located in the front yard and that 2 of the 4 loading spaces be permitted to be located within the Front Yard.

The request to exempt this development from Sections of By-law 8600 that prohibit Parking spaces and loading spaces located within a front yard should be permitted. As the portion of the development adjacent to Spitfires Way is designed to function as a side yard for the development and the spaces will not be in the yard that contain the "front" or Main entrance of the building.

# Required Landscaped Open Space

The proposed reduction in landscaped open space supports the goal of providing residential units in developments that exhibit compact urban form. As well, this development is located in close proximity to public recreation areas that provide additional recreational opportunities and proposes a park-like landscaped open space area as well as amenity space within the buildings that mitigate the reduction of Landscaped Open Space.

# Side Yard Width – minimum - where a habitable room window of any dwelling unit faces a side lot line – from 6 m to 5.5 m

The site plan provided by the applicant indicates that the portion of the buildings that contains habitable room windows will be more than 6m from the side lot line (Lauzon Road side). The portion of the building that is less than 6m from the side lot line does not contain habitable room windows, therefore the requested reduction is not required.

# Further Relief and Sections 45(1.3) and 45(1.4) of the Planning Act

The following sections of the Planning Act contain special provisions with respect to minor variance applications:

# Two-year period, no application for minor variance

(1.3) 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. 2015, c. 26, s. 29 (2).

# **Exception**

(1.4) Subsection (1.3) does not apply in respect of an application if the council has declared by resolution that such an application is permitted, which resolution may be made in respect of a specific application, a class of applications or in respect of such applications generally. 2015, c. 26, s. 29 (2).

In anticipation of possible zoning compliance issues for the proposed redevelopment related to possible alterations to the site plan as a result of managing the transition in Development profile between the subject site and the development to the east as well as unforeseen complications related to the creation of the future Plans of Condominium, the applicant may require relief from section 45 subsection (1.3) of the Planning Act.

As shown above, the Planning Act allows for exception to the requirements of subsection (1.3). Based on subsection 1.4 above, Council has the authority exempt this site from the provisions of the Planning Act limiting the ability to request a variance. Recommendation II of this report is designed to allow the applicant to submit minor variance within a two-year period of this amendment, upon final by-law approval.

# Interim Control By-law 103-2020:

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017.

The subject parcel was the subject of a previous Council Approved Zoning By-law Application to permit residential uses. (Z 004-19 [ZNG-5772] Farhi Holdings Corp. 1600 Lauzon Rd, By-law 137-2019) As such, this site is exempt from the provisions of Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted.

# 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 site will be subject to site plan control and is part of a storm water detention system designed as part of the previous Planning application and that is being implemented trough the construction of the adjacent plan of subdivision.

### **Financial Matters:**

N/A

### Consultations:

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

### **Public Notice:**

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

### Conclusion:

This site is located to take advantage of close by community facilities such as the WFCU Centre, 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 302 units represents an efficient development that will have no adverse impact on the financial well-being of the City of Windsor. The proposed development represents an appropriate residential use, adds to the range and mix of uses and will not cause any environmental or public health and safety concerns. This development is consistent with the Provincial Policy Statement.

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

The proposed 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

SAH JR

### 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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

# Notifications:

Name	Address	Email
Storey Samways Planning Ltd. Attn: David French	55 Forest St., Suite N, Chatham ON N7L 1Z9	davidf@storeysamways.ca
Farhi Holdings Corporation (Shmuel Farhi) (Jim Bujouves)	484 Richmond St. Suite 200, London ON N6A 3E6	jimb@fhc.ca
Councillor Gignac		

# Appendices:

- 1 Comments Farhi Holding Corporation 1624 Lauzon Road- Z 039-21 [ZNG-6590]
- 2 Rosewater Estates Planning Justification Report (Lauzon Road, Windsor) (REVISED FEBRUARY 8, 2022)
- 3 Rosewater Estates Apartment E&F Site Plan Revision page 1
- 4 Rosewater Estates Apartment E&F Site Plan Revision page 2
- 5 Rosewater Estates Apartment E&F Site Plan Revision page 3

### LIAISON COMMENTS

## <u>Windsor Mapping – Enbridge</u>

After reviewing the provided drawing at 1624 Lauzon Rd. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

### Sharif Barsom – Parks D&D

Although that Parks Design and Development has no comments for such planning application, but I want to draw your attention and Stefan as well that the applicant is requesting the following point:

A reduction in landscaped open space from 35% of lot area to 25% of lot area.

This is not a part of a public open space/park and to my understanding that this requested reduction is located within the lot area which means it goes back to the planning department discussion and decision. I CC Stefan here in this email for further information to all of us.

### **Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located on Lauzon Rd at Spitfires Way NW Corner. This property is within 400 metres of this bus stop following our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

### Enwin

Hydro Engineering: No objection provided adequate clearances are achieved and maintained. ENWIN has future planned underground primary conductor running along the east and south limit of the property.

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

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

Below sketch attached for reference purposes only. It does not replace the need for locates.



Water Engineering: Water Engineering has no objections.

### **ERCA**

The following is provided as a result of our review of Zoning By-Law Amendment Z-039-21 ZNG-6590. The applicant is requesting to rezone from RD3.1 to site specific RD3.1 to allow for multi unit residential use.

# <u>DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT</u>

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 Little River. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any future construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

### RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region's Risk Management Official can be reached by email at <a href="riskmanagement@erca.org">riskmanagement@erca.org</a> or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

### 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 Stormwater Management (PPS, 2020)

If this property is subject to Site Plan Control and / or Plan of Subdivision or Condominium Approval, we request to be included in the circulation of those applications. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan / subdivision / condominium approval stages.

# 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 this application for zoning by-law amendment.

### Kristina Tang – Heritage Planner

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

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

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

### Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

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

mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

Archaeology Programs Unit, 1-416-212-8886, <u>Archaeology@ontario.ca</u>

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, <a href="mailto:Crystal.Forrest@ontario.ca">Crystal.Forrest@ontario.ca</a>

### John Walsh - Via Rail

The subject property abuts VIA's Chatham Subdivision, which is classified as a high-speed Principal Mainline, and therefore would be expected to comply with our Noise, Vibration and Safety mitigation measures attached.

From our review of the info provided, the following items have not been addressed:

- 1) 2.5m high safety berm otherwise the building setback should be 120m
- 2) No evidence of changes to the existing surface drainage pattern, no storm water management report provided

Both of the above issues have a direct impact on the Amendments proposed by the Proponent. Please provide VIA with evidence of the intervening safety berm and a copy of the drainage report for our further review.

### Stefan Fediuk - Landscape Architect

Pursuant to the application for a zoning amendment (Z 039/21) to permit development of two, 9-storey, 149-unit, multiple unit dwellings on the subject, please note no objections. The applicant is also requesting the following site specific amendments to the RD3.1 zone category as follows:

- A reduction in minimum required lot area for corner lot from 20,238 sq. m to 19,279 sq. m (resulting 13 more units than would be permitted in the current zone)
- An increase in maximum permitted height for a main building on a corner lot from 14 m to 30 m
- A reduction in landscaped open space from 35% of lot area to 25% of lot area.

The Landscape Architect has concerns related to the third site specific request and rationale for that is cite in the comments below:

### Zoning Provisions for Parking Setback:

As that applicant has cited on Page 14 of the Planning Rationale, in reference to the Official Plan Section 8.5 Ecological Design:

- 8.5.2.5 Council will encourage the use of landscaping to:
  - (h) Provide seasonal variation in form, colour, texture and representation;
  - (i) Assist in energy conservation;
  - (j) Mitigate effects of inclement weather.

and:

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

Also cited in the Planning Rationale, in reference to Section 8.6 Microclimate:

8.6.2.2 Council will encourage the provision of landscaping to modify the extremes of air temperature in public spaces.

The request for the reduction in the landscape open space from 35% to 25% is significant and will greatly impact the sites ability to provide these climate change resiliency measures based on the intensity of the proposed development. Additionally, the proposed future severing of the property into two parcel could also result in greater reductions to the soft landscape areas that will absorb moisture before rainwater and meltwater runs off into the municipal drains. Therefore is strongly recommended that the applicant further review options to reduce or eliminate this requested site specific variance.

If reduced landscape area is approved, then additional tree plantings and reduced hard surfaced landscape areas are to be required. The proposed concept plan demonstrates, that while there is a large open spaced proposed between the two towers, it is dissected heavily with crisscrossing walkways, with little area for softy green space and questionable areas for tree planting.

Additionally, please include a site-specific zoning provision in conjunction with the amendment for change of permitted use, specifying a minimum 3.0 m landscape setback for parking areas in the interior yard to help accommodate the required number of trees to be planted between the development and abutting properties to the east as per the Landscape Manual for Development.

#### Tree Preservation:

N/A

### <u>Urban Design:</u>

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

### Parkland Dedication:

Require a parkland dedication as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department.

As per OPA /5773 (OPA 123) ZNG/5772 (ZNG004/19) SDN/5774 SDN 022/19 – Farhi Holdings Corporation – Ward 6 found in the appendices of the Planning Rationale provide by the applicant, it is identified that no parkland is planned for this development and cash-in-lieu of parkland will be required. As the applicant is requesting significant reduction in landscape open space from 35% to 25%; and whereas the closest parkland within the 0.8km walking distance as outlined in Rediscover our Park, the City of Windsor's Parks Masterplan (WFCU Centre to the east, Tranby Park to the west but across Lauzon Parkway, and Little River Acres Park north of McHugh) are at the extreme distances, greenspace will be important for the residents of this development and the site specific reduction should be reduced or eliminated.

### **Transportation Planning**

- Schedule X of the Official Plan classifies Lauzon Road as a Class II Arterial Road with a required right-of-way width of 30.5 meters. The exiting right-of-way along the frontage of the subject property is sufficient however the current drawings propose a new sidewalk to be located on private property along Lauzon Road. If the sidewalk cannot be located within the right-of-way, a 1.8 meter land conveyance will be required along Lauzon Road, in order to create a consistent right of way width across the west frontage, and placing the proposed sidewalk within right-of-way.
- Additional information is required with respect to the exact location and dimensions of the proposed access on Lauzon Road which has the potential to require a shift in location.
- The applicant shall agree to construct at their own expense, sidewalks within the right-of-way, tying into the newly constructed intersection at Spitfires Way and Lauzon Road, as well as provide a monetary contribution per Engineering Right-of-Way requirements for future curb and gutter along the entire frontage of Lauzon Road.

• A TIS Memorandum has been submitted for this development as a supplementary analysis to the previously

### Public Works - Amy Olsen

The subject lands are located at 1530-1624 Lauzon Road, and is bound by Lauzon Road to the west, 1460 Lauzon Road to the north, Bowler Drive to the east and Spitfires Way to the south. The applicant is proposing to develop two, 9-storey multiple unit dwellings, with a total of 298 dwelling units and parking provided by a combination of below-building and surface parking. The following site-specific changes have been requested to the regulations of the current RD3.1 zone category:

- 1. A reduction in minimum required lot area for corner lot from 20,238 sq. m to 19,279 sq. m (resulting in 13 more units than would be permitted in the current zone)
- 2. An increase in maximum permitted height for a main building on a corner lot from 14 m to 30 m
- 3. A reduction in landscaped open space from 35% of lot area to 25% of lot area.

The subject property is included in an overall Plan of Subdivision, consisting of approximately 11 hectares of residential and 3 hectares of mixed-use and commercial development blocks. The comments included below should be reviewed in conjunction with those submitted under SDN-002/19.

<u>Sewers</u> - A functional servicing study (submitted by Dillon Consulting), identified the existing 600mm sanitary sewer on Lauzon Road and the existing 2000mm box culvert within an easement through 8787 McHugh Street, to be used as the ultimate sewer outlets for this site. Two storm and two sanitary connections were provided to this site at the time the adjacent development was serviced, connecting to the existing 300mm diameter PVC sanitary sewer and 1050mm Sanitite HP storm sewer within Bowler Drive. Post development stormwater flows are restricted through the newly constructed stormwater management pond, with a pumped outlet limiting flows to an allowable release rate of 90 L/s. A Sanitary Sewer Memo submitted with this application confirms that the increase in units from 210 to 298 will not have a negative impact to the existing sanitary sewer system. ERCA approval will be required, as a portion of the site is located within a hazard area regulated by the Conservation Authority.

Right-of-Way - Schedule X of the Official Plan classifies Lauzon Road as a Class II Arterial road with a required right-of-way width of 30.5 meters. While the existing right-of-way along the frontage of the subject property is sufficient, the current drawings propose a new sidewalk to be located on private property along Lauzon Road. If the sidewalk cannot be located within the right-of-way, a 1.8 meter land conveyance will be required along Lauzon Road, in order to create a consistent right of way width across the west frontage, and placing the proposed sidewalk within right-of-way. All other conveyances within the development were obtained under Z-004/19, SDN-002/19 & OPA-123.

Currently, Lauzon Road has a rural cross-section, complete with a roadside ditch and is lacking curb and gutter as well as proper sidewalks. The owner shall agree to construct at their own expense, sidewalks within the right-of-way, tying into the newly constructed intersection at Spitfires Way and Lauzon Road, as well as contribute \$18,500 towards the future construction of curb and gutter along the entire frontage of Lauzon Road. The existing roadside ditch shall be enclosed to the satisfaction of the City Engineer and confirmation of the existing drainage patterns along this entire frontage shall be provided.

Further details are required, outlining the layout of the proposed Lauzon Road access as it relates to the adjacent intersection, including dimensions from the north property line to determine the final alignment. Driveway approaches shall be constructed as per City of Windsor Standard Engineering Drawing AS-204 with straight flares, no raised curbs within the right-of-way and sidewalks continuing through the approaches. Permits will be required for any work within the right-of-way and a Reciprocal Access Agreement is necessary if this property will be severed in the future.

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

<u>Site Plan Control Agreement</u> – 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.

<u>Curb & Gutters</u> – The Owner further agrees to pay to the Corporation, prior to the issuance of a construction permit, the sum of \$18,500 being the Owner's contribution towards the future construction of concrete curb and gutter on the frontage of the subject lands.

<u>Ditch Enclosure</u> – The applicant(s) shall agree to enclose the roadside ditch on Lauzon Road abutting the subject property in a manner satisfactory to the City Engineer and provide the existing drainage patterns along the entire frontage.

<u>Sidewalks</u> - The owner(s) agrees to construct at their own expense and according to City of Windsor Standard Specifications, a concrete sidewalk within the right-of-way, along the entire Lauzon Road frontage of the subject lands, tying into the newly constructed intersection at Spitfires Way and Lauzon Road. All work to be to the satisfaction of the City Engineer.

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

<u>Land Conveyance</u> – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to place the proposed sidewalks into the right-of-way. This conveyance shall be approximately 1.8 metres along the west frontage of Lauzon Road, to create a consistent right of way width.

<u>Reciprocal Access</u> – The owner agrees to enter into a reciprocal agreement with the abutting property owners for access if access will be shared when the property is severed.

If you have any questions or concerns, please contact Amy Olsen, of this department at 519-255-6257, ext. 6562.



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TO: Jim Bujouves, C.A., C.P.A.

President, Farhi Developments 620 Richmond Street, Suite 201

London, Ontario

N6A 5J9

FROM: David French, BA, CPT, Storey Samways Planning Ltd.

DATE: September 30, 2021 (**REVISED FEBRUARY 8, 2022**)

SUBJECT: Planning Rationale Report Regarding Proposed Two, 151-Unit Multiple Unit

Dwellings, 1530 & 1642 Lauzon Road, City of Windsor

### 1.0 GENERAL FILE INFORMATION

Applications: Applications for Zoning By-law Amendment and Site Plan Approval

Owner: Farhi Holdings Corporation

Subject Property: 1530 & 1642 Lauzon Road

Block 42, Registered Plan 12M-678

City of Windsor

#### 2.0 INTRODUCTION

The purpose of this report is to determine the appropriateness of a zoning by-law amendment application and site plan approval application to support the development of two, 151-unit, 9-storey multiple unit dwellings (condominium tenure), along with ancillary parking and landscaped areas, on a 19,279 sq. m (207,524 sq. ft.) vacant parcel that is currently known as 1530 & 1642 Lauzon Road in the City of Windsor. **Please refer to Appendix A**.

Through the City of Windsor's required pre-consultation process for the current applications, the owner was informed that a required component of the Complete Application Package was the provision of a Planning Rationale Report to support the development. This document is intended to serve that purpose, and as such, the proposal will be reviewed against the applicable Provincial and City of Windsor policies to determine whether the proposed multiple - unit dwelling development is consistent with the Provincial Policy Statement (PPS) and City of Windsor Official Plan (OP), and ultimately represents good planning.

Rosewater Estates, 1530 & 1642 Lauzon Road, City of Windsor Planning Rationale Report (Revised February 8, 2022)

### **Current Proposal**

The current proposal calls for the development of two, 9-storey, 151-unit, multiple unit dwellings, providing for a total of 302 dwelling units. It is noted, that although the buildings are considered to be 9-storey buildings, a portion of each building is "stepped", meaning a portion of the building is 6-storeys, and the remainder is 9-storeys. For reference purposes the two buildings are referred to as buildings E & F on the site plan (discussed and referenced further below), with building E to be constructed first, followed by building F (two construction phases).

Parking for the residents is provided with a combination of below-building parking and surface parking, and central courtyard type landscaped area is provided for the two buildings. Vehicular access to the complex is provided off of Lauzon Road (one access point) and Bowler Drive (two access points).

Further discussion regarding the design philosophies and the built-form is provided later in this document under the Analysis and Site Plan sections.

It is important to note that, although not part of the applications at this point in time, it is the intent of the owner to seek approval for Draft Plan of Condominium, and also a Part Lot Control Exemption to place each building on its own lot – these applications coming forward at a later time. Knowing this, the current rezoning application makes allowances for future reductions in setbacks and parking provisions, based on what the anticipated configuration will be post-severance.

### 3.0 BACKGROUND

The site subject of this report, located on the east side of Lauzon Road, just south of McHugh Street, was previously part of a larger tract of land that was home to various industrial uses, all of which ended prior to 2019. In 2019 the larger overall site was subject of official plan amendment, rezoning and draft plan of subdivision applications submitted by the current owner, Farhi Holdings Corporation, to facilitate the redevelopment of the site for residential, commercial and institutional uses. All of those 2019 applications were ultimately approved. Attached as Appendix B is a copy of By-law Number 136-2019 which implemented those official plan and zoning by-law amendments.

For the information of the reader, the following are excerpts from the October 28, 2019 Council report (S 202/2019) prepared my Mr. Jim Abbs, Senior Planner, Planning & Building Services, City of Windsor, which was considered by Council as part of the previous approval for the overall lands:

### Background:

The development 1600 Lauzon Road is proposed to be a Mixed-Use Development that will include commercial uses, a potential hotel, as well as single detached residential dwellings and Multiple dwelling unit buildings (see Conceptual Development Plan). The development will also

include a storm water management facility. Approximately 6.59 hectares of the site has been exchanged with the City of Windsor for future municipal uses. Access to the proposed uses will be provided by way of new roads connecting to Lauzon Road and McHugh Street.

The site is currently designated Industrial and zoned Manufacturing District (MD) 1.2, HMD2.1 and MD2.1. The applicant proposes site-specific Residential, Commercial and Institutional designations and zone categories as shown on the concept plan.

The site was formerly home to the General Motors trim plant from 1965 to 1996. Peregrine Inc. and Lear Corporation Canada continued industrial operations at this site until 2005 when it was sold to Farhi Holdings Corporation. The approximately 66,797 square metre (719,000 square feet) industrial building was demolished at the owner's expense in 2009. The site was the subject of applications to the City's Brownfield Redevelopment Community Improvement Plan approved by Council on March 18, 2019. (\$ 52/2019).

### Proposal:

The developer of 1600 Lauzon Road proposes a mixed-use development that will create:

- commercial uses in 2 separate locations:
- A potential hotel and restaurant at the intersection McHugh Street and Darfield Road,
- General commercial uses on Lauzon Road, immediately north of the Via Rail tracks.
- 101 Single detached Residential Dwellings
- 1 block for multiple unit dwellings adjacent to Lauzon Road (3 structures anticipated) [subject parcel my emphasis]
- 2 blocks for multiple unit dwellings Adjacent to McHugh Street at Darfield Road (4 structures anticipated)
- 2 blocks for Storm water management and related facilities.

Approximately 6.59 hectares (16.3 acres) of the site outside of the proposed Plan of Subdivision has been transferred to the City of Windsor for future municipal uses. Access to the proposed uses will be via new local roads (new Darfield Road Extension and new Street 'A') connecting to McHugh Street and Lauzon Road.

As part of that 2019 approval, this subject parcel (Block 42, Registered Plan 12M-679) was redesignated to Residential and rezoned to Residential Third Density (RD3.1). **Please refer to Appendices C and D.** 

It should be noted that both the current Official Plan (OP) designation and the Zoning By-law (ZBL) classification contemplate, and support the proposed multiple unit dwellings at this location. Further discussion on the OP and ZBL appear in later sections 6.2, and 6.3, respectively, below in this document.

At the time of the 2019 approvals, the exact format for build-out on Block 42 was unknown, however, for conceptual purposes, it was proposed that three multiple unit dwellings could potentially be constructed on the site. Since that time, it has been determined by the owner/developer that the three-building concept previously suggested was not feasible for various reasons, and that a two-building concept would be more appropriate on the site. **Please refer to the site plan attached as Appendix E.** 

### 4.0 NEIGHBOURHOOD CONTEXT

As indicated above, the subject site is located on the east side of Lauzon Road, just south of McHugh Street, and is currently vacant. At the time of writing, the remainder of the original lands are actively undergoing the necessary construction activities to support the planned redevelopment.

Neighbouring Land Uses

Directly to the north (in the southeast corner of the Lauzon Road / McHugh Street intersection) is a vacant parcel owned by another party, and across McHugh Street is mixture of residential (three-storey town-homes; 11-storey multiple unit dwelling) and commercial uses; to the south is a portion of the overall site redevelopment (zoned commercial); to the west is a mix of commercial and light-industrial uses; and to the east is portion of the overall site redevelopment, zoned to permit low-density residential dwellings).

To note, at the time of writing, the approved plan lots proposed to accommodate the low-density residential development, are fully sold-out.

### 5.0 CONSULTATION ACTIVITES

In the course of preparing this report, the following activities were undertaken by various members of the development team:

- Active participation in 2019 approval processes
- Participation in required City of Windsor Pre-Submission process and review/consideration of administration and agency comments
- Discussions and email exchanges with City of Windsor planning administration (Jim Abbs and George Robinson)
- Review of 2019 developer submissions; municipal staff reports and amending documents
- Review of the Provincial Policy Statement (PPS), City of Windsor Official Plan, and the City of Windsor Zoning By-law
- · Weekly developer team meeting

Any correspondence and/or permits received to this point from consulting agencies have been, or will be, provided to the City as stand-alone documents, filed in conjunction with these

Rosewater Estates, 1530 & 1642 Lauzon Road, City of Windsor Planning Rationale Report (Revised February 8, 2022)

Planning Act applications. Further, the following supporting studies / documents, identified to be required through the Pre-Submission process, will be submitted concurrently with this report:

- · Copy of Deed
- Sketch of subject parcel
- Site Plan (SP)
- Transportation Impact Study (TIS)
- Noise Study (NS)
- Sanitary Sewer Study (SSS)
- Storm Water Retention Scheme (SWRS)

### 6.0 ANALYSIS

## 6.1 Provincial Policy Statement, 2020 (PPS)

"The Provincial Policy Statement provides policy direction on matters of provincial interest related to land use planning and development. As a key part of Ontario's policy-led planning system, the Provincial Policy Statement sets the policy foundation for regulating the development and use of land. It also supports the provincial goal to enhance the quality of life for all Ontarians.

The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment. The Provincial Policy Statement supports improved land use planning and management, which contributes to a more effective and efficient land use planning system..."

As such, when considering and promoting a change in land use it is both important and required to consider the Provincial Policy Statement (PPS) to ensure that both the long-term interests of the Province, and municipal interests, are met.

In this case there are multiple sections of the PPS which are relevant and these are identified below, along with comment.

Part IV: Vision for Ontario's Land Use Planning System

"...The Provincial Policy Statement focuses growth and development within urban and rural settlement areas while supporting the viability of rural areas. It recognizes that the wise management of land use change may involve directing, promoting or sustaining development. 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 and avoiding significant or sensitive resources and areas which may pose a risk to public health and safety. Planning authorities are encouraged to permit and facilitate a range of housing options, including new development as well as residential intensification, to respond to current and future needs.

Efficient development patterns optimize the use of land, resources and public investment in infrastructure and public service facilities. These land use patterns promote a mix of housing, including affordable housing, employment, recreation, parks and open spaces, and transportation choices that increase the use of active transportation and transit before other modes of travel..."

Comment: The two proposed 151-unit, multiple unit dwellings will make efficient use of a vacant and under-utilized parcel of land without requiring the need of public investment or tax-payer funded upgrades to existing infrastructure and service facilities.

- 1.0 Building Strong Healthy Communities
  - 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: use of existing, under-utilized land inventory promotes efficient development, and in this case, due to the existing servicing infrastructure being able to accommodate the proposed development, the financial well-being of the Province and the City is not negatively impacted.

b) accommodating an appropriate range and mix of residential (including second units, 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: this project proposes the development of two, 151-unit multiple dwellings (total of 302 dwelling units). Further, it is anticipated that the dwelling units will be of a condominium tenure type of ownership.

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

Comment: as accepted best practices are followed for the design, it is not anticipated that the proposed multiple unit dwelling development will cause environmental or public health and safety concerns.

e) promoting the integration of land use planning, growth management, transitsupportive 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: development on the subject parcel is a clear example of infill development, in that it is an existing parcel of record serviced by an existing road network, and existing services at the road. As such, the proposed development provides for a cost-effective and efficient use of land and municipal roadways and other infrastructure.

### 1.1.3 Settlement Areas

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

Comment: the proposed development is located in the City of Windsor, which is an identified settlement area.

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

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

Comment: as evidenced by the discussion throughout this section on PPS, it can be said that the proposed development meets the above criteria.

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: no publicly funded upgrades to either the transit or servicing systems are anticipated or required.

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

Comment: as indicated above, the proposal calls to develop an existing vacant urban parcel for multiple unit dwellings for residential purposes without requiring upgrades to the existing public service facilities. It is an excellent example of intensification and avoids risks to public health and safety.

### 1.4 Housing

1.4.3(b) permitting and facilitating:

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

1.4.3(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;

1.4.3 (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, ...

Comment: the proposed multiple unit dwelling development both promotes and implements the important housing policies found in the PPS through the efficient use of an underutilized parcel with access to full municipal servicing and other public service facilities.

# 1.7 Long-Term Economic Prosperity

1.7.1(a) promoting opportunities for economic development and community investment readiness;

1.7.1(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;

1.7.1(c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities;

1.7.1(d)maintaining and, where possible, enhancing the vitality and viability of downtowns and mainstreets;

Comment: by making use of an existing underutilized parcel, and the servicing infrastructure already present, it assists in keeping the settlement area boundary as compact as possible ensuring that availability of land and resources is not compromised for the long-term benefit of both the City or Windsor and Province of Ontario. The subject lands are located on a main transportation corridor, as well as being in close proximity to shopping and restaurant services, and to public transportation and park systems, thus providing easy and efficient access to the services provided in the immediate area.

In consideration of the above PPS policy discussion, it is my opinion that the proposed multiple unit dwelling development is consistent with, and implements, the relevant policies of the Provincial Policy Statement. Further to this, the proposed development does not offend the remaining policies and directions of the Provincial Policy Statement.

## 6.2 City of Windsor Official Plan (OP)

The subject property is designated Residential by Schedule "D", Land Use, of the City of Windsor OP (please refer to Appendix "C"). As indicated above, the current Residential designation came as a result of Official Plan Amendment #123, implemented by By-law 136-2019, and permits the proposed multiple unit dwellings at this location.

It is noted that a very thorough and comprehensive justification process was undertaken, and ultimately accepted by Council in 2019 to re-designate the subject lands to Residential, which in addition, included an Employment Lands Review. Although the residential use is already permitted at an OP level in this location, I suggest that it is valuable to the reader to highlight a few of the relevant sections of the OP which clearly support the development of the proposed multiple unit dwellings, and in turn, the proposed development will ultimately assist Council in implementing its own policies:

Section 4, Healthy Communities

4.1 Goals

In keeping with..., Council's healthy community goals are to achieve:

- 4.1.1 Windsor's full potential as a healthy and liveable city.
- 4.1.3 A high quality of life in Windsor.

4.1.6

4.1.7 A safe environment throughout Windsor. 4.2 Objectives 4.2.1.5 To encourage a mix of housing types and services to allow people to stay in their neighbourhoods as they age. 4.2.1.6 To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents. 4.2.2.1 To consider the environment in the planning and design of Windsor. 4.2.2.3 To encourage community planning, design and development that is sustainable. 4.2.2.4 To promote development that meets human needs and is compatible with the natural environment. 4.2.2.5 To reduce environmental impacts. 4.2.3.1 To encourage a mix of uses. 4.2.3.2 To encourage the location of basic goods and services floe to where people live and work. 4.2.3.4 To accommodate the appropriate range and mix of housing. 4.2.4.1 To encourage development which fosters social interactions. 4.2.4.2 To encourage development that fosters the integration of all residents into the community. 4.2.4.3 To encourage developments that adapt to changing resident needs. 4.2.6.1 To provide for a wide range of employment opportunities at appropriate locations throughout Windsor. 4.2.6.2 To encourage a range of economic development opportunities to reach full employment.

Economic opportunities throughout Windsor.

Comment: In my opinion, the proposed development meets the above objectives and will assist the City of Windsor in providing a visibly-needed boost to the City's housing stock, in an under-developed area that is ideal for its development due to its strategic location along a major roadway, and due to its close proximity to commercial and recreational amenities.

Further, while this development will not ultimately provide a fixed employment resource, its construction-phase will provide for a sizable number of high-paying local construction and skilled-trades jobs, and from a longer-term economic perspective, will eventually contribute to the City's tax assessment base.

#### Section 6.3 Residential

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

- 6.3.1 Objectives
- 6.3.1.1 To support a complimentary range of housing forms and tenures in all neighbourhoods.
- 6.3.1.2 To promote compact neighbourhoods which encourage a balanced transportation system.
- 6.3.1.3 To promote selective residential development, infill and intensification initiatives.

Comment: The proposed multi-unit residential dwelling (condominium tenure) development meets the above objectives.

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

Comment: the proposed High Profile residential development is permitted.

6.3.2.4 Residential development shall be located where:

- a) There is access to a collector or arterial road;
- b) Full municipal physical services can be provided;
- c) Adequate community services and open spaces are available or planned; and
- d) Public transportation service can be provided.

Comment: the proposed development meets the above four criteria.

- 6.3.2.6 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having an Undeveloped Area 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:
    - *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;
  - b) In keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
  - c) Capable of being provided with full municipal services and emergency services; and
  - d) In keeping with the subdivision, consent and/or condominium policies of this plan.

Comment: the proposal has regard for, and conforms to, all applicable policies and guidelines, and all required support studies have been provided.

6.3.2.15 Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor's residents.

Comment: this development will provide residents with an option for condominium tenure ownership.

#### Section 8 Urban Design

8.1 Goals

In keeping with the Strategic Directions, Council's urban design goals are to achieve:

- 8.1.1 A memorable image of Windsor as an attractive and livable city.
- 8.1.2 Human scale development throughout Windsor.
- 8.1.3 Pedestrian access to all developments.
- 8.1.6 A high standard of design throughout Windsor.
- 8.1.10 A functional and attractive streetscape.
- 8.1.12 Excellence in exterior building design, site design and right-of-ways.
- 8.1.13 Efficient use of resources and energy that are integrated with the built form.
- 8.1.14 Integrated design for the needs or persons of all ages and abilities.
- 8.3 Design for People
  - 8.3.2.1 Council will encourage building and spaces to be designed to accommodate interpersonal communication and observation.
  - 8.3.2.2 Council will encourage buildings and spaces that establish a pedestrian scale by promoting:
    - (a) The placement of continuous horizontal features on the first two storeys adjacent to the road;
    - (b) The repetition of landscaping elements, such as trees, shrubs or paving modules; and
    - (c) The use of familiar sized architectural elements such as doorways and windows.

- 8.4 Pedestrian Access
  - 8.4.1.1 To integrate barrier-free pedestrian routes in the design of urban spaces.
- 8.5 Ecological Design
  - 8.5.2.5 Council will encourage the use of landscaping to:
    - (a) Promote human scale;
    - (b) Promote defined public spaces;
    - (c) Accentuate or screen adjacent building forms;
    - (d) Frame desired views or focal objects;
    - (e) Visually reinforce a location;
    - (f) Direct pedestrian movement;
    - (g) Demarcate various functions within a development;
    - (h) Provide seasonal variation in form, colour, texture and representation;
    - (i) Assist in energy conservation;
    - (j) Mitigate effects of inclement weather.
  - 8.5.2.9 Council will encourage development to include features that reduce, control or treat site-runoff, use water efficiently and reuse or recycle water for on-site use when feasible.
- 8.6 Micro-climate
  - 8.6.2.1 Council may encourage design measures such as awnings, canopies, arcades, or recessed ground floor facades to offer pedestrian protection from inclement weather.
  - 8.6.2.2 Council will encourage the provision of landscaping to modify the extremes of air temperature in public spaces.
  - 8.6.2.3 Council may require shadow studies of Medium, High and Very High Profile development proposals to evaluate the impact of the shadow cast and to determine the appropriate design measures to reduce or mitigate any undesirable shadow conditions.
  - 8.6.2.6 Council will maintain access to skylight in public spaces by controlling the height, setback and massing of a proposed development or infrastructure undertaking.

- 8.7 Built Form
  - 8.7.1 Objectives
  - 8.7.1.1 To achieve a varied development pattern which supports and enhances the urban experience.
  - 8.7.1.2 To achieve a complimentary design relationship between new and existing development, while accommodating an evolution of urban design styles.
  - 8.7.1.3 To maximize the variety and visual appeal of building architecture.
  - 8.7.1.4 To integrate art and landscaping within the built form.
  - 8.7.1.7 To achieve external building designs that reflect high standards of character, appearance, design and sustainable features.
  - 8.7.2 Policies
  - 8.7.2.1 Council will ensure that the design of new development:
    - (a) Is complimentary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance;
    - (b) Provides links with pedestrian, cycle, public transportation and road networks.
  - 8.7.2.4 Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.
  - 8.7.2.6 Council will encourage the buildings facades to be visually interesting through extensive use of street level entrances and windows. Functions which do not directly serve the public, such as loading bays and blank walls, should not be located directly facing the street.
  - 8.7.2.7 Council shall encourage all Medium, High and Very High Profile developments to setback additional storeys above the

third (3) storey away from the road frontage to provide sunlight access, manage wind conditions and enhance the pedestrian scale.

8.7.2.8 Council will ensure that main entrances to buildings are street oriented and clearly visible from principal pedestrian approaches.

Comment: from the very initial planning stages of this development, the above Urban Design polices were regarded, and adhered to, to the greatest extent possible. The overall design is functional from a social (people) perspective, and also from a municipal perspective in that it takes advantage of the existing social and hard infrastructure systems in the area without causing any undue stress on these existing systems, on the adjacent properties and/or residents.

From an aesthetics perspective, the design is functional, relevant and, most importantly from a marketing perspective, not something that exists elsewhere in the Windsor market due to the design, attention to resident detail, and amenities it provides.

Although not required by the City, an urban design brief is attached as Appendix F, prepared by the project architect, outlines the design philosophies and ultimately supports the notion that this project conforms to Urban Design policies noted immediately above.

Comment: based on the above considerations and discussion, it is my opinion that this proposed residential development conforms to the Windsor Official Plan.

# 6.3 City of Windsor Zoning By-law 8600

As described earlier in this report, the subject parcel is currently zoned Residential District (RD) 3.1. This zoning permits multiple unit dwellings, such as is proposed here. However, this root RD3.1 zoning provides for certain performance standards that do not allow the proposed two building, 298 total dwelling unit, development to proceed as-of-right.

Zoning By-law Amendment

In order to permit the proposed development, it is proposed the subject site be rezoned to a site-specific RD3.### zone which provides the following:

- A reduction in minimum required lot area for corner lot from 20,238 sq. m to 9,348 sq. m
- An increase in maximum permitted height for a main building on a corner lot from 14 m to 31 m

- A reduction in required parking to 1.16 spaces per unit;
- Permission to park in a required front yard;
- Permission to provide a loading space in a required front yard;
- Relief from appropriate RD3.?? provisions to permit a reduced landscape area of 31%.

Comment: the above-noted requested variations to the root zoning, in my opinion, will allow for the most efficient buildout of the site, while making use of the available local servicing capacities, without producing any negative impacts to either the residents of the buildings or the neighburhood. This intensification on the site is supported by the various supporting studies attached to this report. It is the irregular shape of the lot, most notably the curvature of Spitfire Way, which lends to the need for permission to allow parking (three parking spaces) and loading spaces (one) in a required front yard.

Further, I see the variations as nominal as this development is effectively part of a larger redevelopment, which effectively advertises these two buildings at this location in the marketing material covering the overall project lands. As well, the Lauzon Road corridor contains a mixture of use and types/sizes of buildings, including an 11-storey multiple unit dwelling on an adjacent parcel to the north.

As mentioned earlier in this report, it is the ultimate intent of the owner to sever each building on its own lot, and as such, due to the fact that it is not anticipated that the new dividing line will split the parcel, and all its features, in half, the above relief requested (corner lot area, number of required parking spaces and reduced landscape area) will permit, based on what is anticipated at the time of writing, the severance to proceed without offending the amending site-specific zone provisions.

It is recognized that if, at the time of the future severance, that any relief is required over and above what is proposed at this time, then either a minor variance or zoning amendment (whichever is deemed appropriate by the City), will be sought at that time.

# 6.4 Required Studies

Traffic Impact Study

As part of the 2019 OPA process, a Traffic Impact Study was undertaken and the conclusions of that study were accepted by the City. A copy of that 2019 study can be found in the City Planning Department.

As the current proposal differs slightly than the 2019 concept provided for, a review of the 2019 traffic study was deemed to be required, and a revised traffic assessment was prepared and is attached as **Appendix "G"** to this report.

Essentially, the updated assessment indicates that the conclusions and recommendations of the 2019 study remain current and relevant to the current proposal of two, nine-storey multi-unit structures containing a total of 302 dwelling units.

Noise Study

Similar to the Traffic Impact Study noted above, as part of the 2019 OPA process a Noise Study was prepared and its conclusions too were accepted by the City. A copy of that 2019 study can be found in the City Planning Department.

Also similar to the above a review and/or revision to that study was required based on the current proposal. As such, a revised noise study was prepared and is attached as **Appendix "H"** to this report. However, for ease of reference, for the following conclusions are provided:

- Transportation noise
  - No special glazing (windows) required
  - Air conditioning required
  - Warning clause required to be registered on title; lease agreements
- Stationary Noise
  - No changes to 2019 study conclusions in this regard

Sanitary Sewer Study

A Sanitary Sewer Study was undertaken and the results are attached as **Appendix "I"** to this report.

Storm Water Management Plan

A Storm Water Management Plan was prepared and is attached as **Appendix "J"** to this report.

Shadow Study

A Shadow Study was prepared and is attached as **Appendix "K"** to this report.

### 5.5 Site Plan

An application for site plan approval shall be submitted concurrently with the application for zoning by-law amendment. The site plan, **attached as Appendix "E"**, details the proposed two, 151-unit, multiple dwellings, landscaped and amenity space, and parking areas. Further, the conceptual site plan shows the following ancillary features:

 375 parking spaces, which includes 14 AODA (accessible) parking spaces in a combination of underground and at grade parking areas

- Two dedicated loading spaces per building (total four)
- One point of ingress / egress is provided from/to Lauzon Road
- Two points of ingress / egress are provided from/to Bowler Drive
- A central courtyard/park area for residents
- Interconnected onsite pedestrian walkways

#### 6.0 CONCLUSION

Based on the above analysis of Provincial and municipal policies, it is my opinion that the proposed two, 151-unit, multiple unit dwellings is consistent with, and conforms to important Provincial and municipal policies surrounding the economy, housing and intensification in identified settlement areas.

In conclusion the proposed multiple unit residential use at this location represents sound planning for the reasons contained within this report.

Prepared by:

David French, BA, CPT

Storey Samways Planning Ltd.

Reviewed by:

Tom Storey, M.Sc., MCIP, RPP Storey Samways Planning Ltd.

#### Attachments:

Appendix "A" – Key Map

Appendix "B" – By-law 136-2019

Appendix "C" – Windsor Official Plan Map Schedule D

Appendix "D" – Windsor Zoning By-law Zoning District Map 14

Appendix "E" – Site Plan

Appendix "F" – Urban Design Brief

Appendix "G" – Traffic Study

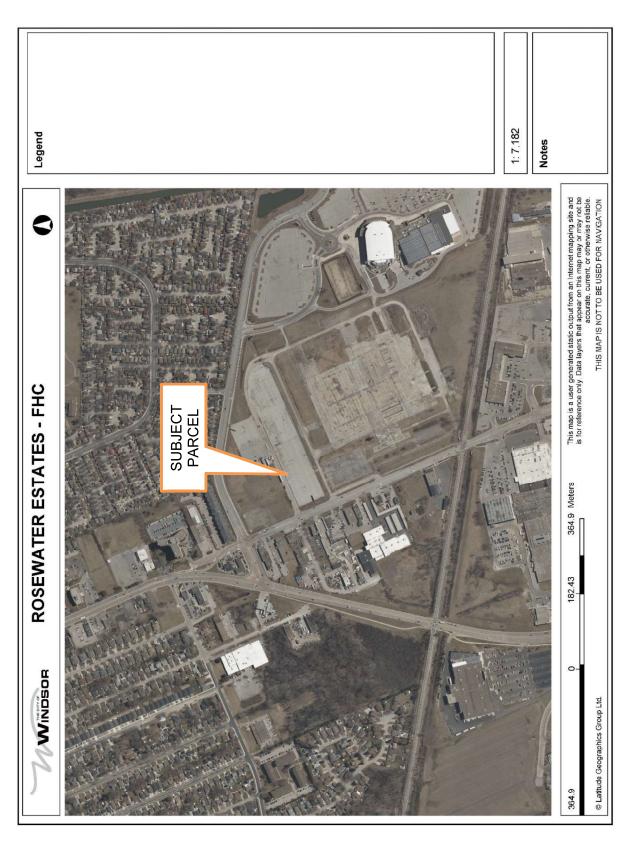
Appendix "H" - Noise Study

Appendix "I" – Sanitary Sewer Study

Appendix "J" – Stormwater Management Plan

Appendix "K" – Shadow Study

# Appendix "A" – Key Map



# Appendix "B" - Map Schedule E-1 of the Chatham-Kent Official Plan

# **BY-LAW NUMBER 136-2019**

#### A BY-LAW TO ADOPT AMENDMENT NO. 123 TO THE OFFICIAL PLAN OF THE CITY OF WINDSOR

Passed the 16th day of December, 2019.

**WHEREAS** pursuant to the provisions of Section 17(1) of the *Planning Act*, R.S.O. 1990, c. P.13 as amended, the Minister of Municipal Affairs and Housing (Minister) is the approval authority in respect of the approval of a plan as an official plan.

**AND WHEREAS** Section 17(9) of the said *Planning Act* provides that the Minister may by order exempt a proposed official plan amendment from his approval under Section 17(1) of the said Act.

**AND WHEREAS** pursuant to the provisions of Ontario Regulation 525/97 all amendments to the official plan of the City of Windsor commenced after January 19, 1998 are exempt from the approval of the said Minister.

**THEREFORE** the Council of The Corporation of the City of Windsor in accordance with the provisions of the said *Planning Act* hereby enacts as follows:

1. That Amendment No. 123 to the Official Plan of the City of Windsor, attached hereto, is hereby adopted.

DREWLØILKENS, MAYOR

CITY CLERK

First Reading - December 16, 2019 Second Reading - December 16, 2019 Third Reading - December 16, 2019 DECLARATION OF THE CITY CLERK

APPROVAL OF

OFFICIAL PLAN AMENDMENT NO. <u>123</u> PURSUANT TO SECTION 17(28) OF THE PLANNING ACT

I, STEVE VLACHODIMOS, Deputy City Clerk of the Corporation of the City of

Windsor, in the County of Essex, hereby certify that the 'Notice of Adoption' for Official

Plan Amendment No. 123 of The Corporation of the City of Windsor, passed by the

Council of The Corporation on December 16, 2019 was given in the manner and form

and to the persons prescribed by regulation made by the Lieutenant Governor-in-Council

under Section 17(23) of The Planning Act.

I ALSO CERTIFY that the objection period expired January 20th, 2020 and to

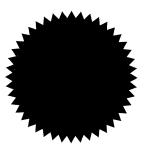
this date no "Notice of Appeal" or request for a change in the provisions of Official

Plan Amendment No. 123 has been filed by any person with the Office of The Clerk.

DATED at the City of Windsor

in the Province of Ontario this

21st day of January, 2020.



STEVE VLACHODIMOS, DEPUTY CITY CLERK WINDSOR, ONTARIO

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#### **AMENDMENT NO. 123**

TO THE

#### **OFFICIAL PLAN**

#### **CITY OF WINDSOR**

Part D (Details of the Amendment) of the following text, and attached map of the City of Windsor Official Plan constitute Amendment No. 123.

Also included, but not constituting part of the Amendment, are explanations of Purpose, Location, Background and Implementation of the Amendment, Appendix 1 (Results of Public Involvement).

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#### A. PURPOSE:

The purpose of this amendment is to allow a Mixed-Use Development that will include a plan of subdivision to create:

- · commercial uses in 2 separate locations,
  - A potential hotel and restaurant at the intersection McHugh Street and Darfield Road, and
  - General commercial uses on Lauzon Road, immediately north of the Via Rail tracks.
- 22 Single detached Residential Dwellings
- 18 Blocks for future single detached, semi-detached or townhome dwellings
- 1 block for multiple unit dwellings adjacent to Lauzon Road (currently 3 structures anticipated)
- 2 blocks for multiple unit dwellings Adjacent to McHugh Street at Darfield Road
- 2 blocks for Storm water management and related facilities;

And to recognise the existing Institutional land use at 8787 McHugh Street (WFCU Centre).

#### B. LOCATION:

The amendment applies to the land generally described 1600 Lauzon Road - Part of Lots 128,129E, 129W, 132, 133 Concession 1 (McNiff's) east of Lauzon Road, south of McHugh Street and north of the Via Rail corridor, situated at the southeast corner of Lauzon Road and McHugh Street.

Ward: 6 Planning District: Riverside ZDM: 14

#### C. BACKGROUND:

The subject lands are designated "Industrial" in the City of Windsor Official Plan. That designation does not permit the proposed uses; therefore, the Official Plan Amendment is required. The proposed changes to the Official Plan are as follows:

- From "Industrial" to "Commercial Corridor" (Block 24, on SDN 002/19-1 and Part 2, 12R-27318),
- From "Industrial" to "Residential" (Lots 1-22 and Blocks 1-23);
- · From "Industrial" to "Institutional"
  - o Parts 1, 7, 8, 9, 10, 11, and 12 12R-27318 (City acquired lands)
  - o Parts 2, 3 and 4, 12R-22910 (WFCU Centre lands)

The Official Plan encourages compact residential form for new developments and the efficient use of existing land pattern, as well as promoting cost-effective development

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patterns and standards to minimize land consumption and servicing costs. Additionally the redevelopment of brownfield lands and returning them to productive use is encouraged by the City of Windsor Official Plan. As such, the proposed development is consistent with the Official Plan.

#### **Employment Lands:**

When lands are to be removed from Industrial or Business Park (Employment Lands) designations, the Planning Act requires that an Employment Lands Review be undertaken. The applicant has completed an Employment Lands Review, which indicates that removing the lands subject to the development proposal will not have a negative impact on the future availability of Employment lands in the City of Windsor.

#### WFCU Centre Official Plan Designation and By-law 8600 category:

The WFCU Centre currently retains the original Industrial Official Plan designation that was in place when the site was used as an Industrial facility. While Municipal Uses are not required to comply with the Official Plan designation, continuing to miss-identify this large municipal use as lands that may be used for industrial purposes may be misleading to users of the Official Plan. The Planning Department recommends that a housekeeping amendment take place to designate the WFCU Centre lands Institutional.

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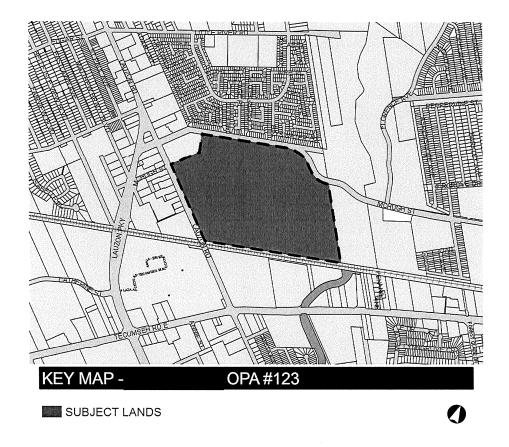
#### D. <u>DETAILS OF THE AMENDMENT:</u>

- 1) THAT the City of Windsor Official Plan BE AMENDED changing the land use designation of Part of Lots 128,129E, 129W, and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road as follows:
  - Block 24 on the proposed Land Use Plan from "Industrial" to "Commercial Corridor";
  - ii. Part 2 on Reference Plan 12R-27318 from "Industrial" to "Commercial Corridor";
  - iii. Lots 1 to 22 and Blocks 1 to 23 (all inclusive) from "Industrial" to "Residential";
  - iv. Parts 1, 7, 8, 9, 10, 11, and 12, on Reference Plan 12R-27318 from "Industrial" to "Institutional".
- 2) THAT City of Windsor Official Plan BE AMENDED changing the land use designation of Part of Lots 129E, 132 and 133 Concession 1 (McNiff's) known municipally as 8787 McHugh Street (WFCU Centre) as follows:
  - i. Parts 2, 3 and 4 on Reference Plan 12R-22910 save and except Part 1 12R-27914 from "Industrial" to "Institutional".

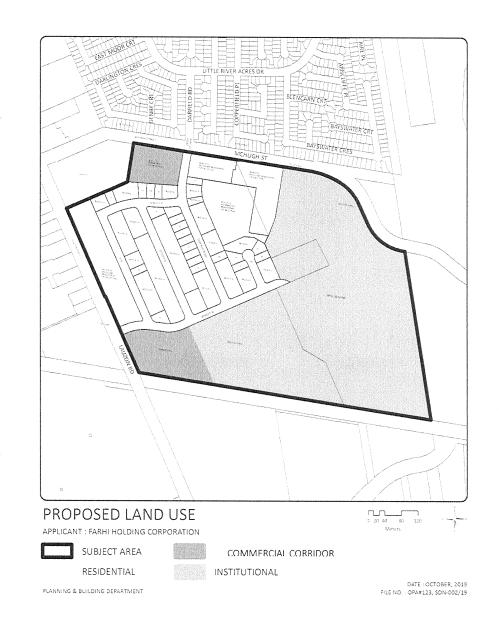
#### E. <u>IMPLEMENTATION:</u>

 This amendment is to be implemented by an amendment to Zoning By-law 8600 as recommended in Report Number S 202/2019 (Z-005/19; ZNG/5772).

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#### **APPENDIX 1**

The following are the results of public notification of the amendments and the outcome of public meetings. Comments relate to the Official Plan amendment and the associated rezoning.

A meeting of the Development and Heritage Standing Committee, the statutory public meeting, was held on November 12, 2019. Below is an extract from the minutes of that meeting.

# 7.1 Z-004/19 [ZNG/5772] & OPA 123 [OPA/5773] – Farhi Holdings Corporation

1600 Lauzon Road- OPA, Rezoning and Subdivision - Ward 3

# 7.1. Development Application 1600 Lauzon Road OPA/5773 (OPA 123) ZNG/5772 (ZNG004/19) SDN/5774 SDN 002/19 - Farhi Holdings Corporation - Ward 6

Jim Abbs (author), Senior Planner presents application. Karl Tanner (agent), Dillion Consulting Limited is available for questions.

Member Gyemi asks what is being done to accommodate the increasing density. Mr. Tanner answers there are single detached dwellings and 7-multi unit residential buildings to increase the density. Member Moore asks if there will be a buffer on "Street B" for the units facing Lauzon Rd. Mr. Tanner states that will be taken up by Site Plan Control. Member Gyemi asks what would happen if Lauzon Road becomes un-signalized. Mr. Tanner states that the Traffic Study shows that it operates at a good level un-signalized. Member Rondot asks if this plan will include a playground parkland. Mr. Abbs answers there is no playground planned in this application and cash-in-lieu of parkland will be required.

Moved by: Councillor Holt Seconded by: Member Moore

Decision Number: DHSC 105

- THAT an amendment to the City of Windsor Official Plan BE APPROVED changing the land use designation of Part of Lots 128,129E, 129W, and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road as follows:
  - v. Block 24 on the proposed Land Use Plan (as identified on Appendix "A") from "Industrial" to "Commercial Corridor";
  - vi. Part 2 on Reference Plan 12R-27318 (as identified on Appendix 'E' from "Industrial" to "Commercial Corridor";
  - vii. Lots 1 to 22 and Blocks 1 to 23 (all inclusive) and as identified on Appendix "A" from "Industrial" to "Residential";

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- viii. Parts 1, 7, 8, 9, 10, 11, and 12, on Reference Plan 12R-27318 (as identified on Appendix "E") from "Industrial" to "Institutional".
- II THAT an amendment to the City of Windsor Official Plan BE APPROVED changing the land use designation of Part of Lots 129E, 132 and 133 Concession 1 (McNiff's) known municipally as 8787 McHugh Street (WFCU Centre) as follows:
  - Parts 2, 3 and 4 on Reference Plan 12R-22910 save and except Part 1 12R-27914 (as identified on Appendix "D") from "Industrial" to "Institutional".
- III THAT an amendment to Zoning By-law 8600 BE APPROVED changing the zoning of Part of Lots 128,129E, 129W and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road as follows:
  - Block 24 on the draft Plan of Subdivision (SDN 002/19-1) and Part 2 on Reference Plan 12R-27318 from Manufacturing MD1.2, HMD1.2 and MD2.1 and S20(1) 199 to Commercial CD2.2;
  - Lots 1-22 and Blocks 1-18 (all inclusive) on the draft Plan of Subdivision (SDN 002/19-1) from Manufacturing MD2.1 and S20(1) 199 to Residential RD1.1:
  - Blocks 19, 20 and 21 on the draft Plan of Subdivision (SDN 002/19-1) from Manufacturing MD1.2 and S20(1) 199 to Residential RD3.1;
  - iv. Parts 1, 7, 8, 9, 10, 11, and 12, as identified on Reference Plan 12R-27318 (Appendix E), from Manufacturing MD2.1 and S20(1) 199 to Institutional ID1.1;
  - v. Blocks 22 and 23 on the draft Plan of Subdivision (SDN 002/19-1) from Manufacturing MD2.1, HMD1.2 and S20(1)199 to Green District GD1.5
- IV THAT an amendment to the Zoning By-law 8600 BE APPROVED changing the zoning of Part of Lots 129E, 132 and 133 Concession 1 (McNiff's) known municipally as 8787 McHugh Street (WFCU Centre) as follows:
  - Parts 2, 3 and 4 on Reference Plan 12R-22910 save and except Part 1 12R-27914, (Appendix D) from Manufacturing MD1.2, HMD2.1 & S20(1)199 to Institutional ID1.1
- V THAT the application of the Farhi Holdings Corporation for Draft Plan of Subdivision approval of Part of 128,129E, 129W, and 132 Concession 1 (McNiff's), City of Windsor; BE APPROVED on the following basis:
  - A. That this approval applies to the draft plan of subdivision, as shown on the attached Drawing SDN002/19-1 (prepared July 16, 2019, with internal reference date of October 2019), which will facilitate the construction of single unit, multiple unit dwellings and commercial blocks.
  - B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).

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- C. That the Owner(s) shall submit for approval of the City Planner, final draft M-Plans, which shall include the names of all road allowances within the plan, as approved by the Corporation.
- D. That the owner undertakes to provide the following matters prior to the registration of the final Plan of Subdivision:
- The Owner will include all items as set out in the results of circularization and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).
- b. The Owner will create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:

20 m right-of-way for the extension of Darfield Road from the existing McHugh Street and Darfield Road intersection south to the new intersection at Street A;

20m right of way for the new Street "A"; 20m right of way for the new Streets "B", "C", "D" and "E"

- c. The Owner will convey a 2.0m road widening along the entire south limit of the McHugh Street Right of Way, to the satisfaction of then City Engineer.
- d. The Owner will provide the following corner cut-offs on the approved Plan of Subdivision:

6.1mx6.1m - Intersection of Darfield Road and McHugh Street, and, Intersection of Street A and Lauzon Road

4.5mx4.5m - Intersection of Street A and Darfield Road

Intersection of Street C and Darfield Road Intersection of Street A and Street B

Intersection of Street A and Street D

Intersection of Street A and Street E

Intersection of Street C and Street D

Intersection of Street B and Street C

e. The Owner(s) shall comply with all the following requirements relating to sidewalks:

Sidewalk shall be constructed:

On both sides of Street A

On the East Side of new Darfield Road

On the East Side of Street B

On the East side of Street D

On the South side of Street C

On the East Side to Street E

to the satisfaction of the City Engineer and the City Planner;

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- f. The Owner agrees to complete a revised Transportation Impact Study that considers the following:
  - i. Revise the analysis to reflect the diversion of WFCU Centre traffic including traffic to the proposed parking expansion to Street 'A'.
  - Identify implementable mitigation for the Lauzon Parkway / Tecumseh Road East intersection to address any issues caused by site traffic and WFCU Centre diversion traffic.
  - Identify appropriate intersection control and lane configurations for the Lauzon Road / Tecumseh Road East intersection.
  - iv. Identify appropriate cost-sharing for any mitigation.
  - All to the satisfaction of the City Engineer and the Chief Building Official
- g. The Owner agrees to complete a sight line analysis for the intersection of Street 'A' and Street 'B', and agrees to implement mitigation to the satisfaction of the City Planner and City Engineer.
- h. The Owner(s) shall provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems to the satisfaction of the City Engineer, prior to the issuance of a construction permit.
  - The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system.
  - ii The study shall be finalized to the satisfaction of the City Engineer.
- i. The Owner(s) will:
  - Undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
  - Install stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority.
  - Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
- j. The Owner will provide the following noise mitigation as described in the Dillon Consulting Noise Assessment for 1600 Lauzon Road dated July 2019
  - The owner will insert the following warning clause into all Agreements of purchase and sale, lease, and transfers/deeds of land for each lot,

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block or dwelling making prospective purchasers aware of the following:

- a) "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 the Environment, Conservation and Parks."
- b) "Purchasers/tenants are advised that due to the proximity of the adjacent facility (WFCU), noise from the facility (WFCU) may at times be audible."
- c) "Purchasers/tenants are advised that sound levels due to the adjacent facility (WFCU) are required to comply with sound level limits that are protective of indoor areas and are based on the assumption that windows and exterior doors are closed. This dwelling unit has been supplied with a ventilation/air conditioning system which will allow windows and exterior doors to remain closed."
- d) "Purchasers/tenants are advised that sound levels due to increasing road and rail traffic may occasionally interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."
  - ii. The Owner will include provision for the installation of central air conditioning for all areas of the development and indicate the same in all building permit applications.
  - iii. The Owner will provide upgraded windows on:
    - a) the south and west facades of any dwelling unit constructed on Block 19,
    - b) the south and west facade of any dwelling unit constructed on Lot 11, and Blocks 1,3,11,12 and 15 adjacent to Street A;

and indicate the same on building permit application for these lands;

- k. The Owner(s) shall construct Street 'A' to the satisfaction of the City Engineer, to connect 8787 McHugh Street to Lauzon Road, prior to the issuance of any construction permits for the multiple dwelling buildings to be constructed on Block 21, identified as buildings B, C and D on the site plan proposed under SPC-024/19.
- It is agreed that the City is responsible for 100% of the costs associated with the design and construction of Street 'A'. The Owner shall agree to include the procurement and construction of Street 'A' in their scope of work, with costs to be paid by the Corporation to the Owner being based on a costsharing and tender process satisfactory to the City Engineer. Timing of

Page 11 of 13

- payment of such costs will be subject to the approval by the Corporation's City Council.
- m. The Owner(s) shall agree to convey to the Corporation, 5% of the lands to be developed, for park purposes or equivalent cash-in-lieu of parkland as permitted in Section 51.1 of the *Planning Act* and in accordance with By-law 12780, as amended, or any successor by-law to the satisfaction of the Executive Director of Parks and the City Planner prior to the issuance of a construction permits.
- n. The Owners shall agree to convey gratuitously to the Corporation Blocks 22 and 23 on the draft Plan of Subdivision (SDN 002/19-1) for the purposes of municipal infrastructure (Storm Water Management) to the satisfaction of the City Engineer and the City Planner prior to the issuance of a construction permits.

#### NOTES TO DRAFT APPROVAL (File: SDN-002/19)

- The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Municipal Board. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.
- 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.
- The applicant should consult with an Ontario Land Surveyor for this
  proposed plan concerning registration requirements relative to the
  Certification of Titles Act.
- 4. 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.
- 5. 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.
- VI THAT the City Clerk and Licence Commissioner BE AUTHORIZED to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of *The Planning Act*; and,
- VII THAT the deed restrictions BE REGISTERED on title at the time of registration of Deeds/Transfers of Land prepared by the Owner in conjunction with the sale of said lands; and,

Page 12 of 13

- VIII THAT prior to the final approval by the Corporation of the City of Windsor, the Executive Director/City Planner shall **BE ADVISED**, in writing, by the appropriate agencies that conditions have been satisfied; and,
- IX 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; and,
- X THAT Part of Lots 128,129E, 129W and 132 Concession 1 (McNiff's) known municipally as 1600 Lauzon Road, BE CLASSIFIED as a Class 4 area pursuant to Publication NPC-300 (Environmental Noise Guideline Stationary and Transportation Sources Approval and Planning).

Mr. Hunt notes that this application is scheduled to be considered by City Council on Monday, November 18, 2019. He announces to all persons in attendance that should they wish to appear as a delegation before City Council, they will need to contact the City Clerk before Friday, November 15 at 12:00 noon.

Carried.

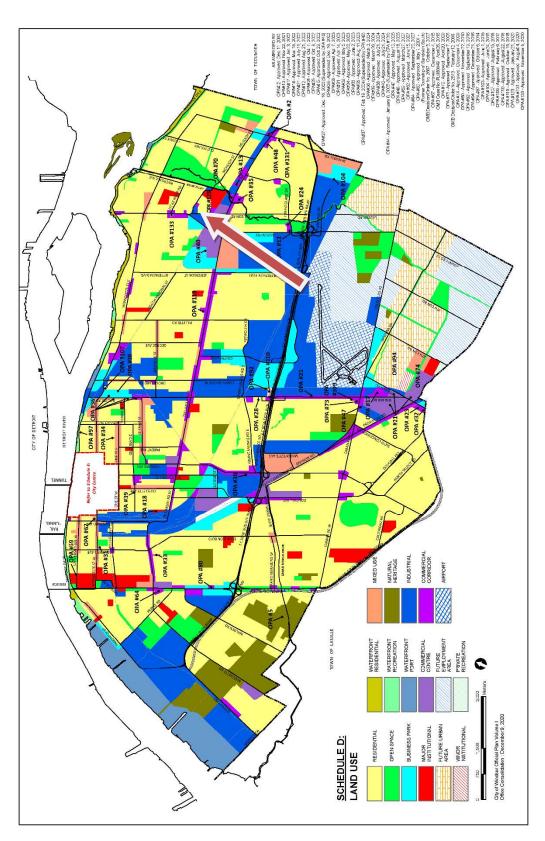
Report Number: S 202/2019 Clerk's File: ZP/13437

#### **COUNCIL MEETING - November 18, 2019:**

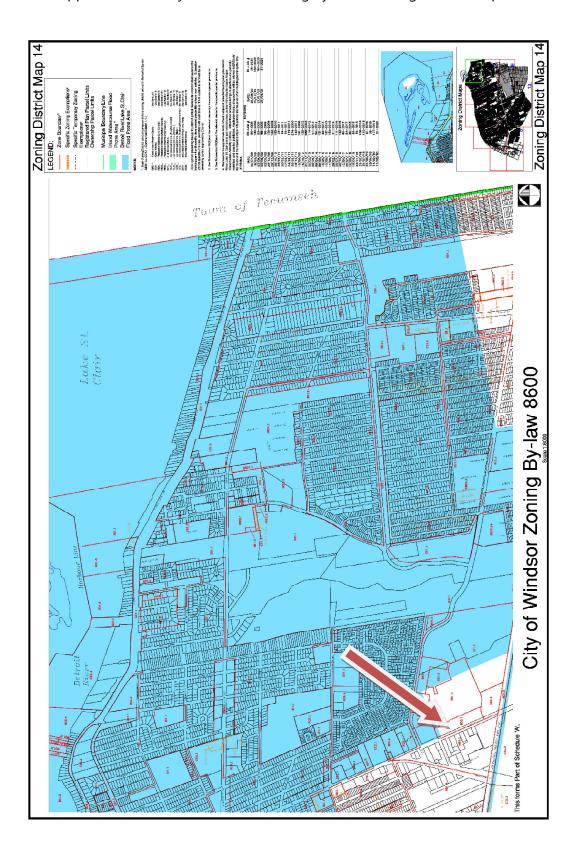
A meeting of City Council was held on Monday, November 18, 2019, at which time the application was considered and OPA #123 was adopted.

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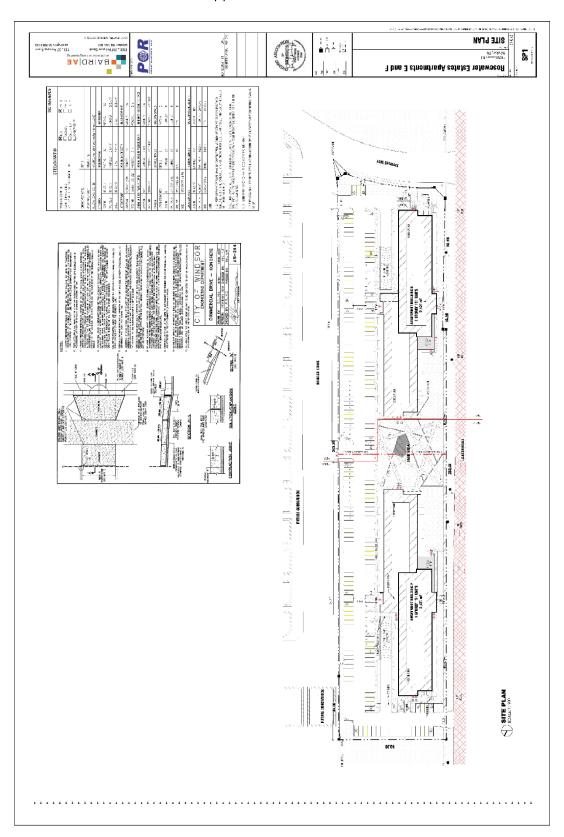
Appendix "C" - City of Windsor Official Plan Map Schedule D

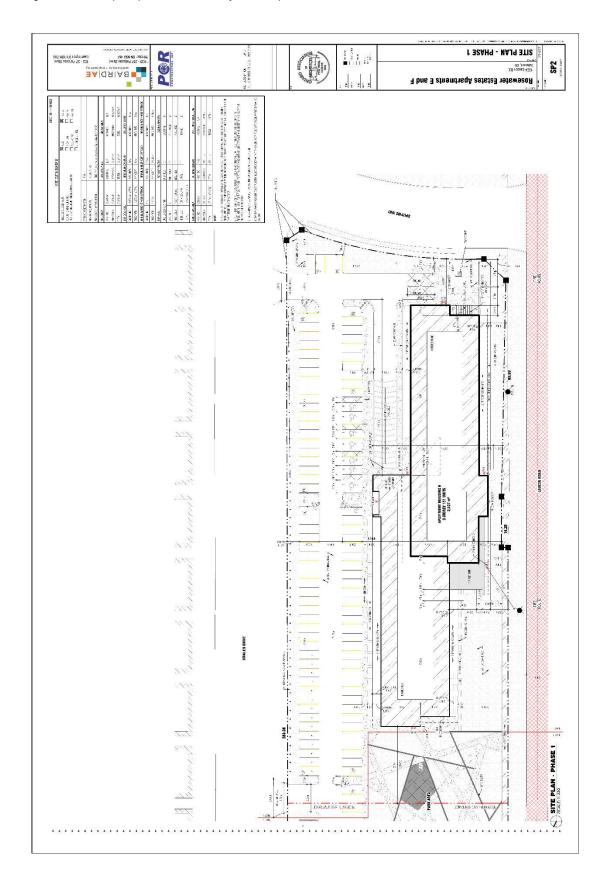


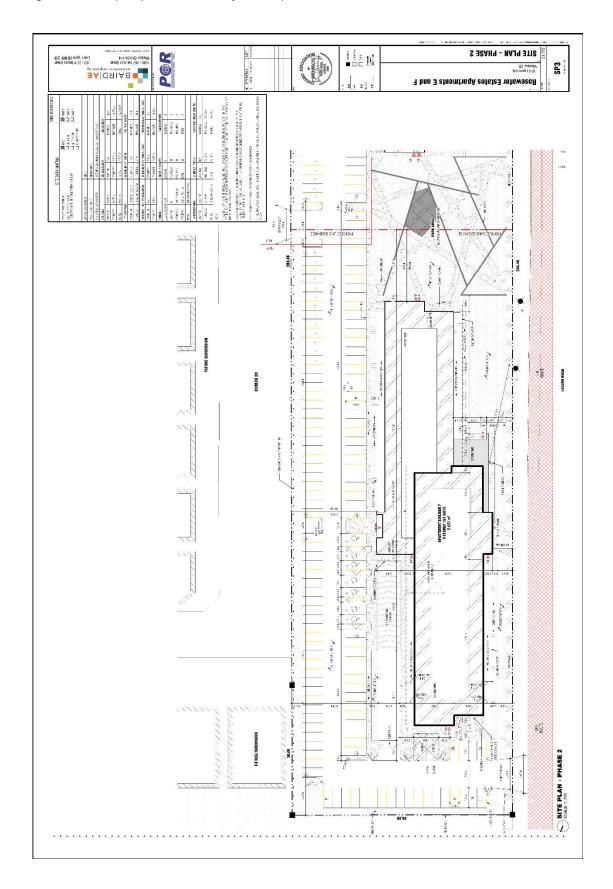
Appendix "D" – City of Windsor Zoning By-law Planning District Map 14



# Appendix "E" - Site Plan







#### Appendix "F" - Urban Design Brief



#### **URBAN DESIGN BRIEF**

#### FHC Rosewater Apartments Buildings E/F – 1624 Lauzon Rd, Windsor, ON

The first design consideration for the two 151-unit apartment buildings was their relative situation on the site based on the site itself and the surrounding and future context. The buildings are weighted to the north and south ends of the site to both define its boundaries as well as allow for a common park area communal to both the buildings. Both structures are also located closer to Lauzon Rd to create a more urban experience there and also keep the large parking area off of the front of the buildings. This orientation provides more distance from the rear of the buildings to the future residential development to the east as well. An underground parking structure also reduces the necessary size of this on-grade lot and extensive landscaping mask it as much as possible.

In order to provide architectural interest to the new buildings as well as reduce their perceived size the design steps the buildings in plan, section and elevation. The higher portion of the building is once again weighted towards the front along Lauzon Rd where it is more in scale with the wider street and surrounding buildings. This also presents a lower side to the residential area to the east.

The main entrance along the Lauzon Rd façade is located in a one storey section which houses the entrance lobby as well as the community room. The fitness room is also located on this elevation adjacent to the main entrance to animate the interior of the building to the sidewalk. The first floor of the building is clad in brick which switches to stucco on the second level to give a pedestrian scale to this face. Large continuous balconies run the entirety of the building providing significant private open space to the tenants and also increasing the connectivity to the sidewalk below.

The entire building is Barrier-free Accessible and interior as well as exterior bicycle parking/storage is provided with immediate access to public sidewalks and thoroughfares. Tenants can take advantage of numerous interior amenities but are also provided with a large street-side park to enjoy during pleasant weather.

# Appendix "G" – Traffic Impact Study

(attached as a separate document due to size)

Appendix "H" - Noise Study

(attached as a separate document due to size)

Appendix "I" – Sanitary Sewer Study

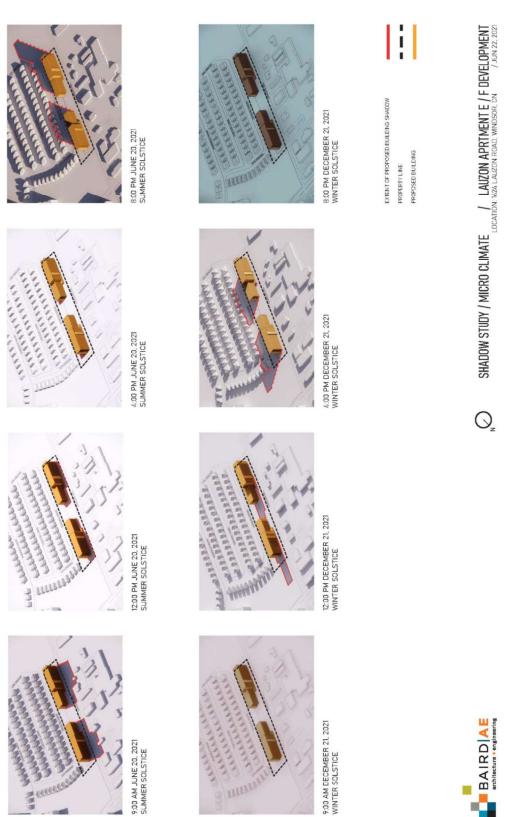
(attached as a separate document due to size)

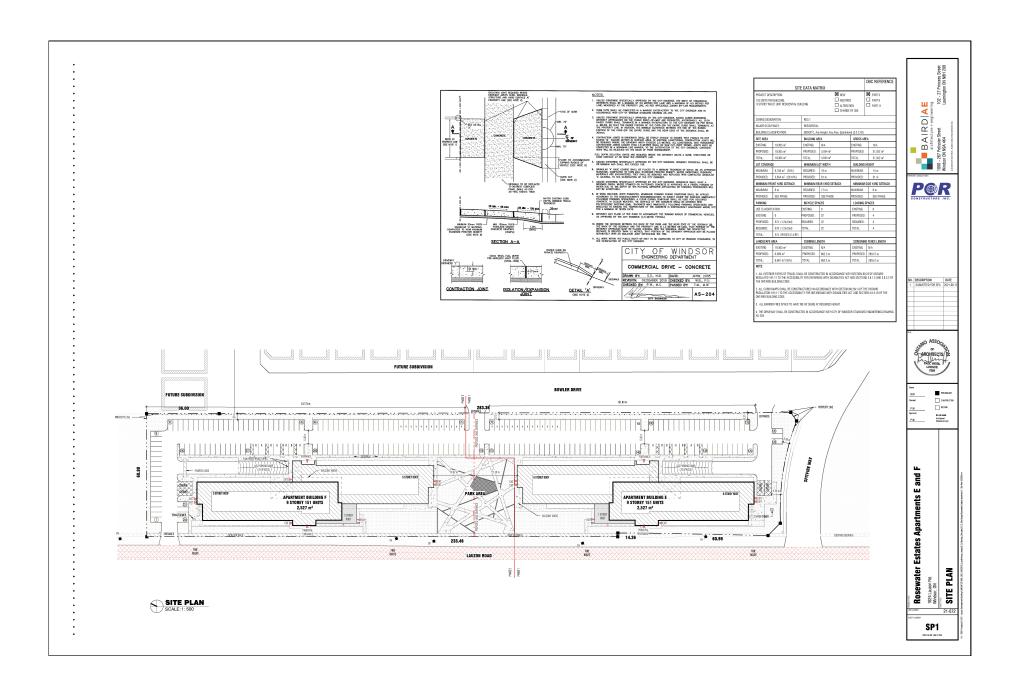
Rosewater Estates, 1530 & 1642 Lauzon Road, City of Windsor Planning Rationale Report (Revised February 8, 2022)

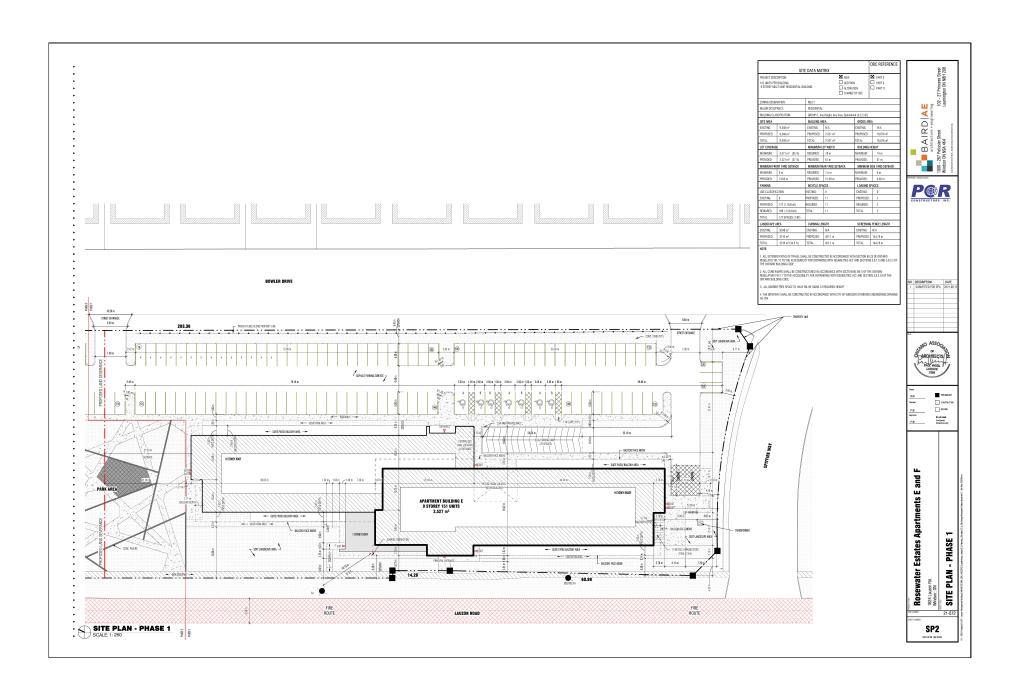
<u>Appendix "J" – Stormwater Management Plan</u>

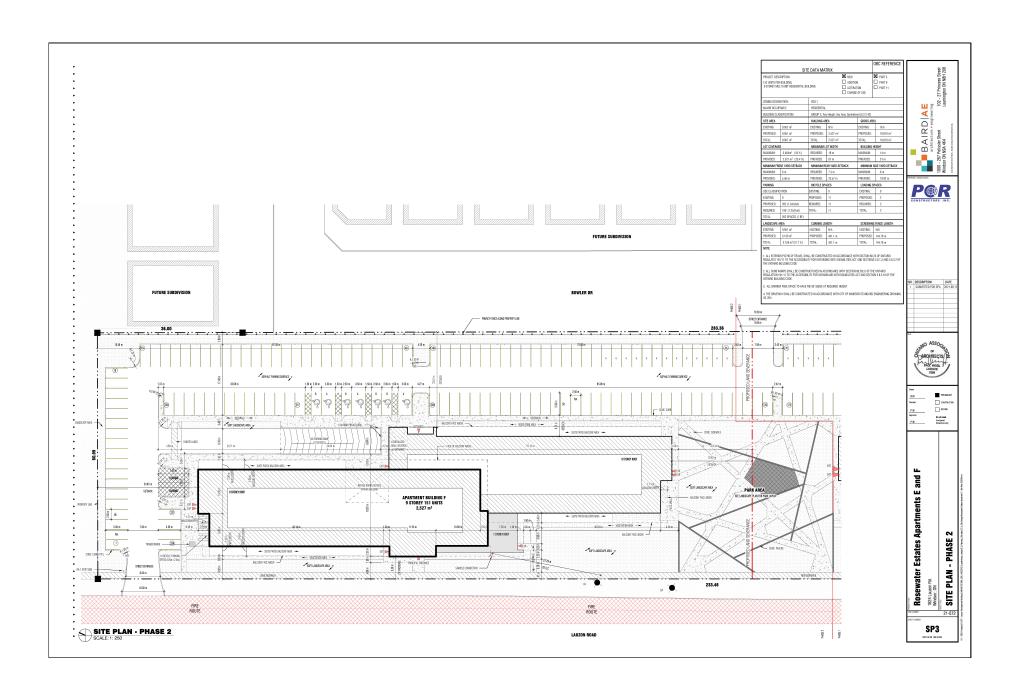
(attached as a separate document due to size)

### Appendix "K" – Shadow Study











Council Report: S 33/2022

Subject: Rezoning - Avant Group Inc. - 659 Alexandrine St - Z-045/21 ZNG/6634 - Ward 10

#### Reference:

Date to Council: April 4, 2022

Author: Adam Szymczak, MCIP, RPP

Senior Planner

519-255-6543 x6250

aszymczak@citywindsor.ca

Planning & Building Services Report Date: March 8, 2022 Clerk's File #: Z/14281

To: Mayor and Members of City Council

### Recommendation:

**THAT** Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 94 & 95 and Part Closed Alley, Registered Plan 1106, (known municipally as 659 Alexandrine Street; Roll No. 070-030-16000; PlN 01339-0396) situated on the south side of Alexandrine Street between Remington Avenue and Lillian Avenue by adding a site specific exception to s.20 as follows:

## 441. SOUTH SIDE OF ALEXANDRINE STREET BETWEEN REMINGTON AVENUE AND LILLIAN AVENUE

For the lands comprising Lots 94 & 95 and Part Closed Alley, Registered Plan 1106 (PIN 01339-0396), a *Townhome Dwelling* shall be an additional permitted use and shall be subject to the following additional provisions:

a)	Lot Width – minimum	20.0 m	
b)	Lot Area – per dwelling unit – minimum	191.0 m <sup>2</sup>	
c)	Lot Coverage – maximum	45.0%	
d)	Main Building Height – maximum	10.0 m	
e)	Front Yard Depth – minimum	6.0 m	
f)	Rear Yard Depth – minimum	7.50 m	
g)	Side Yard Width – minimum	1.20 m	
[ZDM 8; ZNG/6634]			

### **Executive Summary:**

N/A

### **Background:**

### **Application Information:**

**Location:** 659 Alexandrine Street

Lots 94 & 95 and Part Closed Alley, Registered Plan 1106

Roll No. 070-030-16000; PIN 01339-0396

Ward: 10 Planning District: Remington Park Zoning District Map: 8

**Applicant:** Avant Group Inc. (Mohammad Hanash)

Owner: M.N.D. Construction Inc. (Maher Al Ouf)

**Agent:** Avant Group Inc. (Mohammad Hanash)

### Proposal:

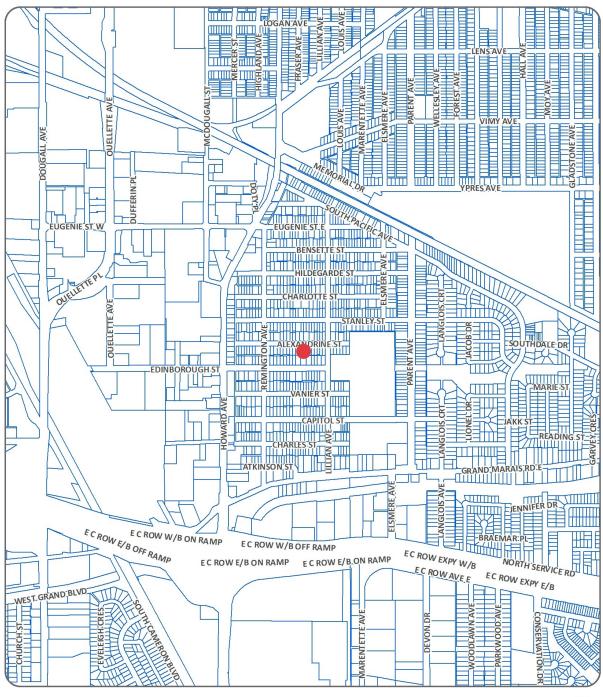
The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning of the subject parcel from Residential District 1.3 (RD1.3) to Residential District 3.1 (RD3.1) to allow a townhome dwelling as an additional permitted use. The applicant proposes to construct a townhome dwelling with four dwelling units. Each dwelling unit will have an attached garage and a driveway to Alexandrine Street, and will have an approximate gross floor area of 185  $\rm m^2$  (2,000 sq. ft.) which includes the attached garage and basement.

**Submitted Information:** Application Form; Land Transfer; Conceptual Site Plan, Elevation & Floor Plans (see Appendix A);

#### Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE	
Residential District 1.3 (RD1.3)  LOT WIDTH LOT DEPTH		Vacant	Single Unit Dwelling	
		LOT AREA	LOT SHAPE	
21.4 m 36.0 m		767.2 sq. m	Poetengular	
70 ft	118.3 ft 8,260 sq. ft.		Rectangular	
All measurements are provided by applicant and are approximate.				

Figure 1: Key Map



KEY MAP - Z-045/21, ZNG-6634



SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning

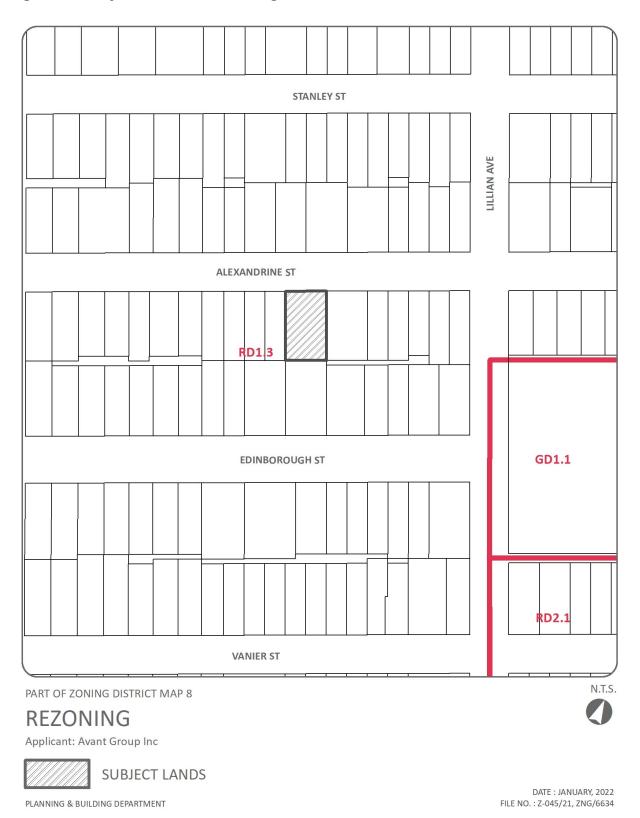
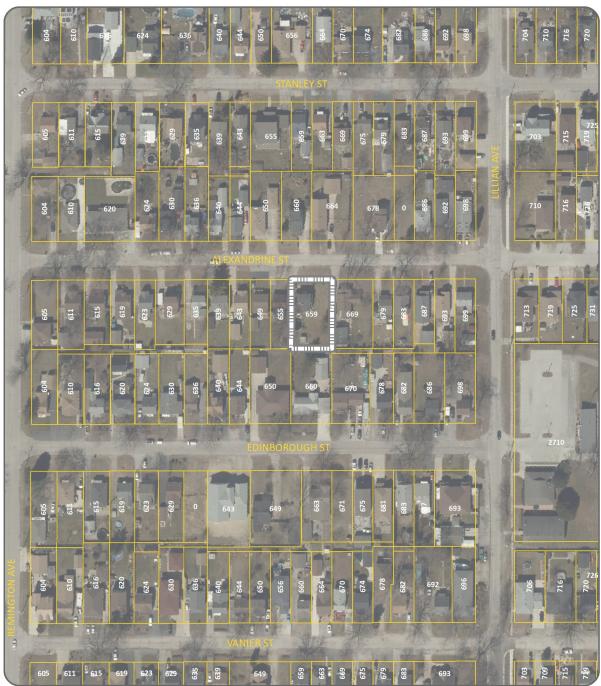


Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-045/21, ZNG/6634



### **Neighbourhood Characteristics:**

The subject parcel is located in the Remington Park residential neighbourhood occupied by low density residential development. The predominant dwelling type is a single unit dwelling, interspersed with duplex, semi-detached, and townhome dwellings.

To the north, the residential area continues towards South Pacific Avenue and the CP Rail corridor. The rail corridor acts as a boundary between Remington Park and the South Walkerville neighbourhood north of the corridor. To the east are more residential uses and the Remington Booster Park, a large park that contains outdoor swimming facilities (pool, water slide and splash pad), accessible playground, playing fields, tennis and basketball courts and an off-leash dog park. Trails in the park connect with an east-west system of parkettes and trails that terminates at Southdale Park to the east (Southdale Drive at Bramley Crescent).

To the south are residential uses, the Grand Marais Drain (a major municipal drain) and the EC Row Expressway. Further south is Devonshire Mall, a large regional shopping centre. To the west, there are residential uses and the Howard Avenue commercial corridor with some existing industrial uses on the west side. Howard Avenue is a major north-south road in the City of Windsor and provides access to Highway 401.

The nearest school is Our Lady of Perpetual Help Catholic Elementary School, about 575 m walking distance to the southeast. The new Catholic Central High School on McDougall Avenue is about 1.2 km walking distance to the northwest.

Alexandrine Avenue, Remington Avenue and Lillian Avenue are classified as a Local Road and have a two-lane cross section with no curbs. Only Lillian Avenue has a sidewalk on the east side of the street. Howard Avenue to the west is designated a Class II Arterial with a five-lane cross section with a middle left turn lane, curbs and sidewalks. Parent Avenue to the east is classified as a Class II Collector Road. A future recreationway is proposed for Edinborough Street, one block to the south.

Transit Windsor operates the Transway 1A bus route on Howard Avenue with stops at Howard Avenue and Edinborough Street, just over 410 m walking distance to the southwest. The Parent 14 bus route is almost 600 m to the north at Eugenie Street and Remington Avenue. The Transit Master Plan proposes similar bus routes.

Storm and sanitary sewers are located in the Alexandrine right-of-way.

No municipal infrastructure or service deficiencies have been identified.

### Discussion:

### **Provincial Policy Statement, 2020**

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

Policy 1.1.1 of the PPS states:

"Healthy, liveable and safe communities are sustained by:

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

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

Policy 1.1.3.1 of the PPS states:

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

Policy 1.1.3.2 of the PPS states:

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

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

The subject parcel is located within the settlement area. The proposed townhome dwelling with four dwelling units promotes a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

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

### Official Plan

Relevant excerpts from the Official Plan are attached as Appendix C. The subject property is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan.

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The proposed townhome dwelling represents a complementary and compact form of housing, redevelopment, and intensification that is near sources of transportation. The zoning amendment satisfies the objectives set out in Section 6.5.1 of the Official Plan.

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

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

### **Zoning By-Law**

Relevant excerpts from Zoning By-law 8600 are attached as Appendix D. The applicant is requesting a change from Residential District 1.3 (RD1.3) to a Residential District 3.1 (RD3.1), a zoning district that permits a townhome dwelling. For a townhome dwelling, Section 12.1.5.55 in RD3.1 redirects to the provisions in Section 11.2.5. Both the RD3.1 and RD2.2 zoning districts permit uses such as a multiple dwelling, residential care facility, lodging house, and religious residence that are not necessarily desirable or compatible. Instead, Planning recommends a site specific exception that permits a townhome dwelling as an additional permitted use,

Based on the conceptual site plan, lot width, front yard depth, and rear yard depth exceed the minimum required by RD2.2, and lot coverage and main building height are less than the maximum allowed by RD2.2.

For a townhome dwelling, RD2.2 requires a minimum lot area of 200 m<sup>2</sup> per dwelling unit and a minimum side yard width of 1.5 m. The total area is about 767 m<sup>2</sup>, which is just over 191 m<sup>2</sup> per unit, resulting in a deficiency of 9 m<sup>2</sup> per dwelling unit. Planning recommends a minimum lot area per dwelling unit of 191 m<sup>2</sup>.

The conceptual plan shows a minimum side yard width of 1.20 m. This is consistent with the RD1.3 zoning requirement of 1.20 m and consistent with several housekeeping amendments where the minimum side yard width for low profile low density dwellings with similar massing (maximum building height of 10 m, minimum front yard depth of 6 m, minimum rear yard depth of 7.5 m and maximum lot coverage of 45%) has been standardized to 1.20 m. The Planning Department recommends a minimum side yard width of 1.20 m.

The deficiencies in minimum lot area per dwelling unit and minimum side yard width are minor in nature and will have not any adverse impact on the use and enjoyment of the proposed townhome dwelling units or adjacent or nearby lots and dwellings.

One parking space per dwelling unit is required and the conceptual plan shows four attached garages with a driveway which complies.

No other zoning deficiencies have been identified.

#### Site Plan Control

The proposed townhome dwelling with four dwelling units is not subject to site plan control.

### Climate Change Risks

### **Climate Change Mitigation:**

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

### Climate Change Adaptation:

The proposed construction of a townhome dwelling with four dwelling units will provide an opportunity to increase resiliency for the development and surrounding area.

### **Financial Matters:**

N/A

#### Consultations:

Comments received from municipal departments and external agencies are attached as Appendix E. There are no objections to the proposed amendment. Any specific requirements will be handled during the building permit process.

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

### Planner's Opinion:

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

Based on the information presented in this report, it is my opinion that an amendment to Zoning By-law 8600 to rezone the subject parcel by adding a site specific exception to

permit a townhome dwelling subject to the additional provisions listed, is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan and constitutes good planning.

### **Conclusion:**

Staff recommend that Zoning By-law 8600 be amended to permit a rezoning of the subject parcel by adding a site specific exception to allow the construction of a townhome dwelling.

### **Planning Act Matters:**

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

Neil Robertson, MCIP, RPP

Thom Hunt, MCIP, RPP

Manager of Urban Design

City Planner

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

### Approvals:

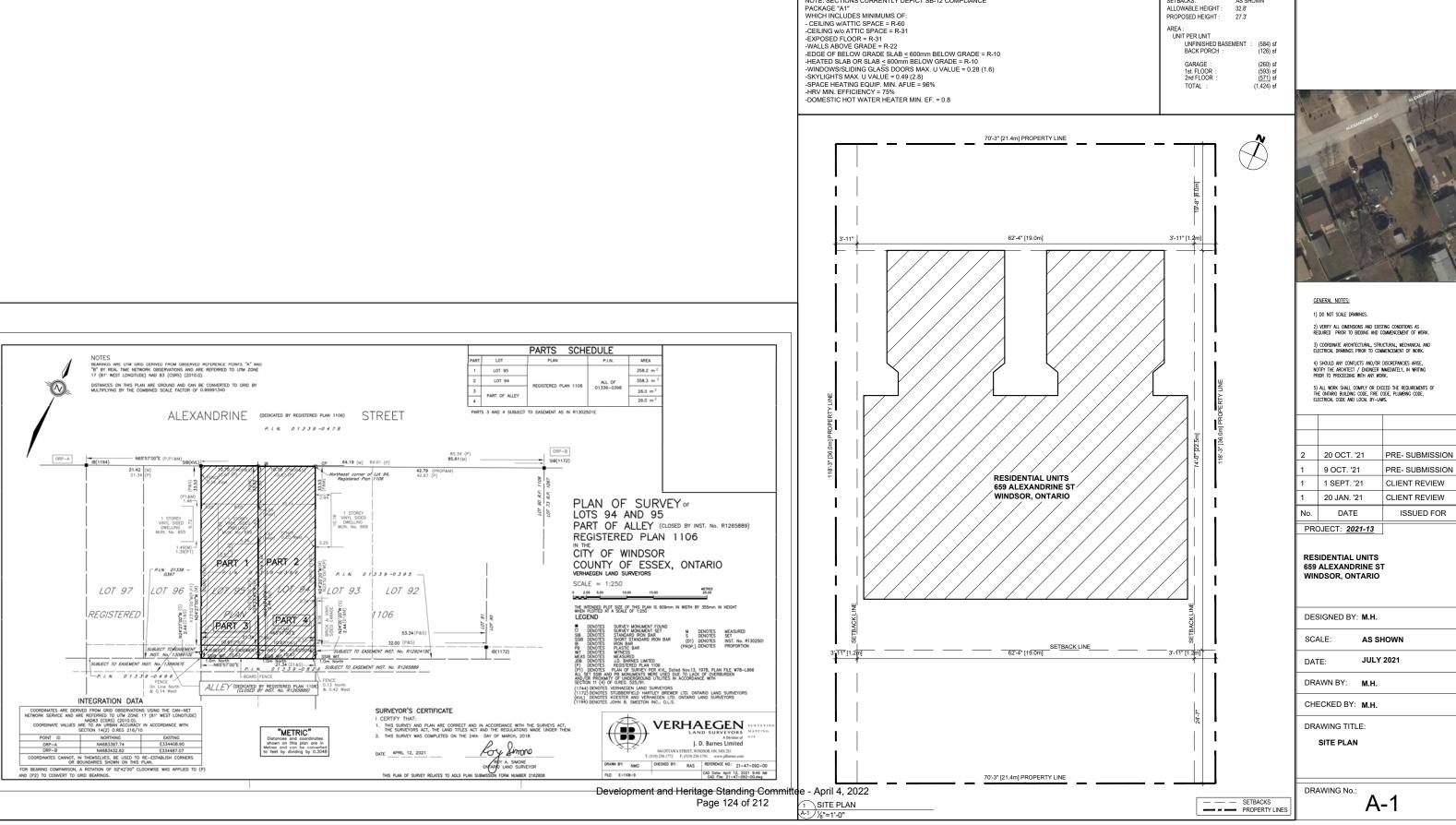
Name	Title
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administrative Officer

### **Notifications:**

Name	Address	Email		
Avant Group Inc.	5980 Tecumseh Road East,	mohammad@avantgroupincorp.com		
(Mohammad Hanash)	Windsor, ON N8T 1E3	monammad@avantgroupincorp.com		
M.N.D. Construction Inc.	5139 Preservation Cir.	maloof@vahoo oom		
(Maher Al Ouf)	Mississauga, ON L5M 7T4	maloaf@yahoo.com		
Councillor Jim Morrison jmorrison@citywindsor.ca		jmorrison@citywindsor.ca		
Property owners and tenants within 120 m of the subject parcel				

### Appendices:

- 1 Appendix A Site Plan Floor Plans and Elevations
- 2 Appendix B Site Images
- 3 Appendix C Extracts from Official Plan
- 4 Appendix D Extracts from Zoning By-law 8600
- 5 Appendix E Consultations



NOTE: THIS DESIGNER HAS DESIGNED THESE PLANS AS PER COMPLIANCE PACKAGE A1 OF TABLE 3.1.1.2.A OF THE O.B.C. IF

DESIGNER AND THE APPROPRIATE BUILDING DEPARTMENT.

THAT ARE MADE TO THESE DRAWINGS.

as per 9.25.5.1. of O.B.C. OTHERWISE G.C. MUST ENSURE WALL ASSEMBLY MEETS 9.25.5.2. of O.B.C.

THE HOME OWNER OR CONTRACTOR WISHES TO USE SOMETHING OTHER THEN WHAT IS DEPICTED THEY MUST NOTIFY THIS

NOTE: THE GENERAL CONTRACTOR MAY / CAN CHANGE ANY DOORS, WINDOWS MATERIALS, OR EXTERIOR DETAILS TO MEET THE CONTRACT BETWEEN THE G.C. AND HIS/HER CLIENT. THE G.C. IS TO NOTIFY THIS DESIGNER OF ANY CHANGES

NOTE: G.C. TO CONFIRM WALL SYSTEM TO INCLUDE NO LOW PERMEANCE MATERIALS

NOTE: SECTIONS CURRENTLY DEPICT SB-12 COMPLIANCE

A-1 Site .1 - Property Plan, Wall Section

.1 - Basement & First Floors .2 - Second Floor & Roof layout

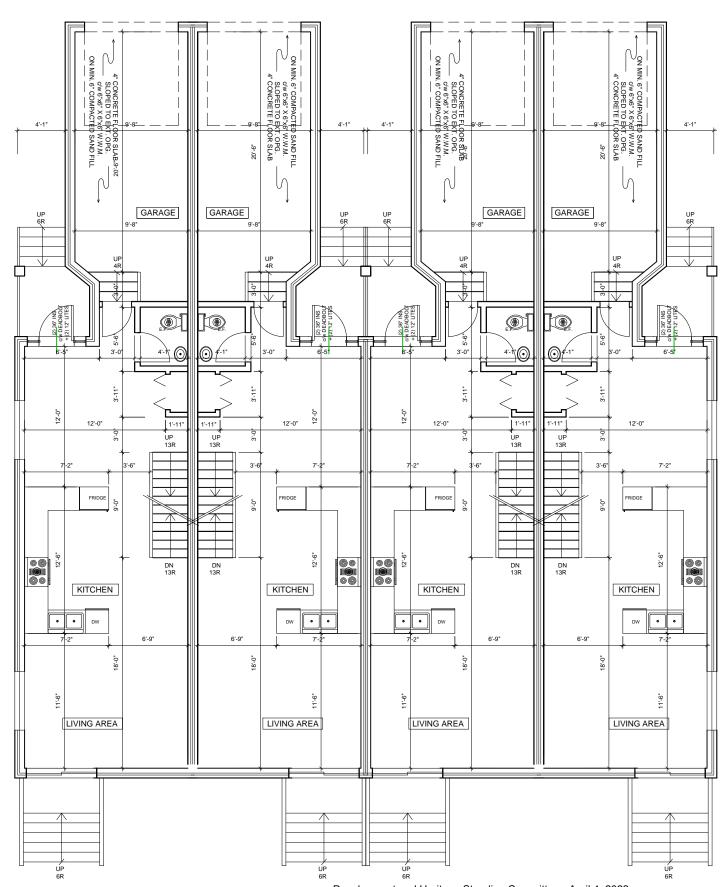
ADDRESS: PLAN 1106 LOTS 94 & 95 & PT 659 ALEXANDRINE ST

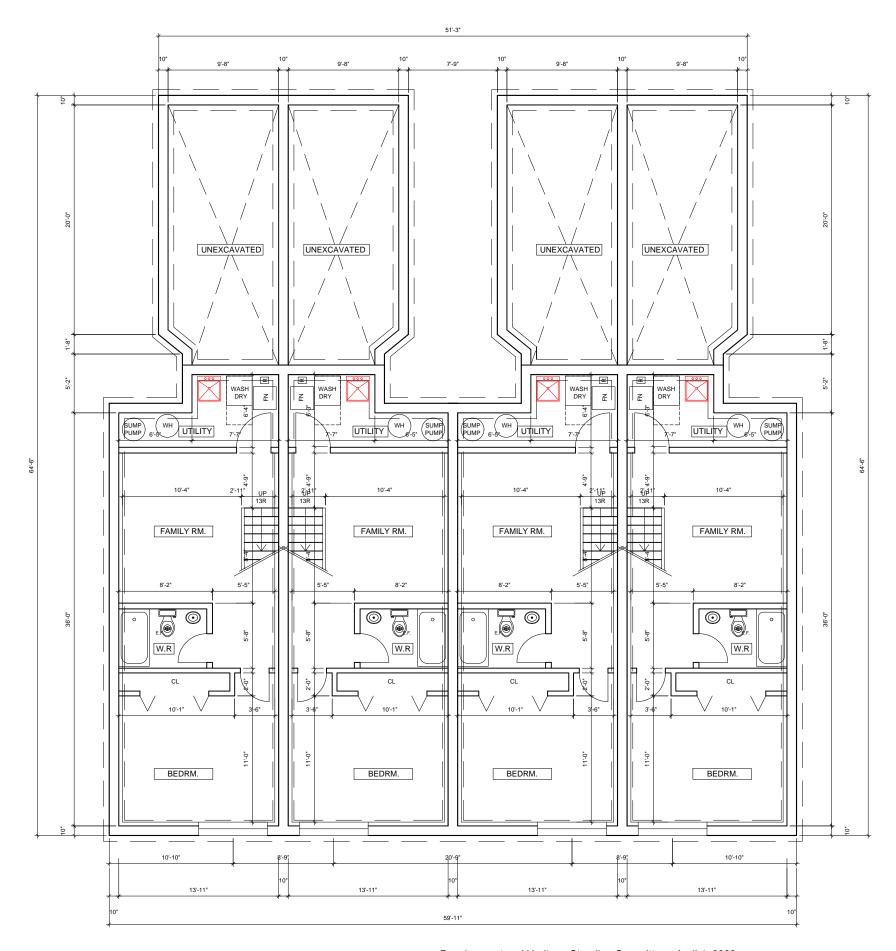
WINDSOR, ON PROPOSED RD 3.1 ZONE: PROPOSED RD 3.1
SITE AREA: 8.260.0 sf
COVERAGE ALLOWANCE: 45% (3.717) sf
PROPOSED COVERAGE: 30.6% (3.381) sf
SETBACKS: AS SHOWN
ALLOWABLE HEIGHT: 32.8'

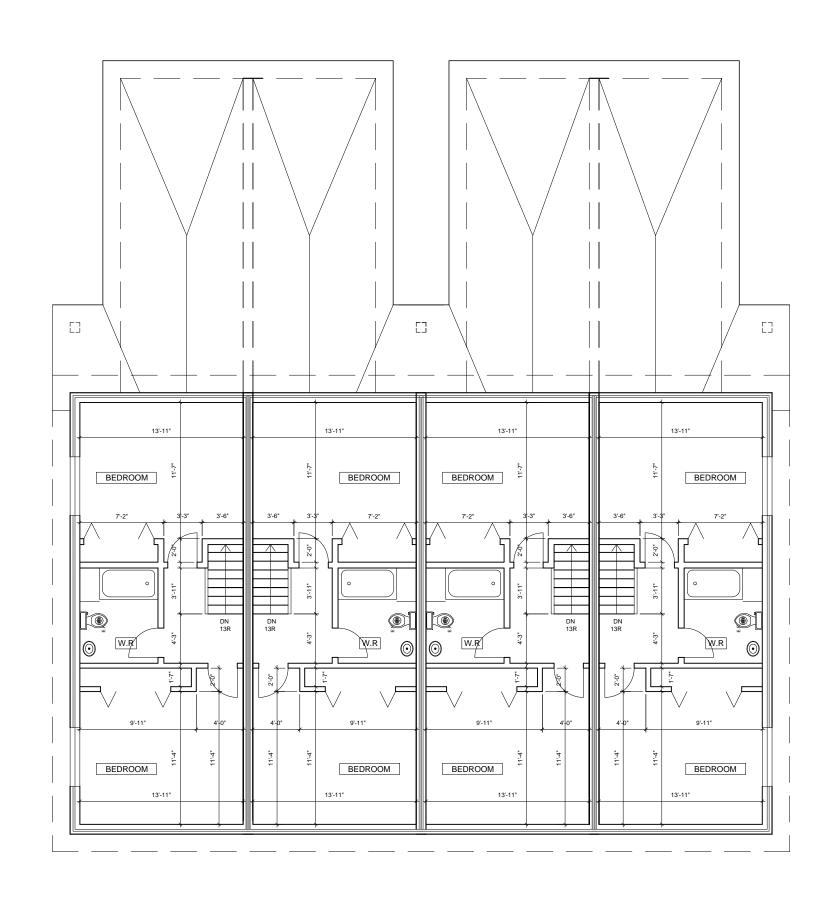
And Schedule A-2 &3 Plans

A-2 Elevations .1 - Front, Back And Sides

PROPOSED HEIGHT: UNIT PER UNIT









# APPENDIX B - SITE IMAGES (Google Street View)



Subject Parcel – 659 Alexandrine Street - Looking south (Parcel is now vacant)



Looking west on Alexandrine towards Remington Avenue Subject parcel is on the left side of the image



Looking north from subject parcel



Looking east on Alexandrine Street towards Lillian Avenue
Subject parcel is on the right side of the image, behind the green/silver
pickup truck

Appendix C Page C1 of C3

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

### **VOLUME I – LAND USE**

### 6.3 Residential

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

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

### 6.3.1 Objectives

RANGE OF FORMS & TENURES	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
NEIGHBOURHOODS	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
INTENSIFICATION, INFILL & REDEVELOPMENT	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.

### 6.3.2 Policies

	In order to facilifollowing police	litate the orderly development and integration of housing in Windsor, the ries shall apply.
PERMITTED USES	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
TYPES OF LOW PROFILE HOUSING	6.3.2.3	For the purposes of this Plan, Low Profile housing development is further classified as follows:
		(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and
		(b) large scale forms: buildings with more than 8 units.

EVALUATION 6.3.2.5
CRITERIA FOR A
NEIGHBOURHOO
D 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.

### **VOLUME I – TOOLS**

11.6.3.1

### 11.6.3 Zoning By-law Amendment Policies

## AMENDMENTS MUST CONFORM

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

## EVALUATION CRITERIA

11.6.3.3 When considering applications for Zoning By-law amendments, Council shall consider the policies of this Plan and will, without limiting the generality of the foregoing, consider such matters as the following:

- (a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;
- (b) Relevant support studies;
- (c) The comments and recommendations from municipal staff and circularized agencies;
- (d) Relevant provincial legislation, policies and appropriate guidelines; and
- (e) The ramifications of the decision on the use of adjacent or similar lands.

### **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*.
  - **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 man include, where permitted by Section 5.99.80, additional dwelling units. A *semi-detached dwelling* is not a *townhome 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.
  - **TOWNHOME DWELLING UNIT** means one *dwelling unit* in a *townhome dwelling*, and may include, if permitted by Section 5.99.80, one additional *dwelling unit*.

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

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

### 10.3.1 PERMITTED USES

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

### 10.3.5 Provisions

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

### **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

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.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m
.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

	$\epsilon$	
.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	$450.0 \text{ m}^2$
.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	$270.0 \text{ m}^2$
.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 D	ouplex D	welling or l	Multiple	Dwelling
	1 T.	of Width		••	

.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	$540.0 \text{ m}^2$
.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 dwelling unit – minimum	$200.0 \text{ m}^2$
.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

### SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.) 12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

### 12.1.1 PERMITTED USES

Double Duplex DwellingResidential Care FacilityDuplex DwellingSemi-Detached Dwelling

Lodging House Single Unit Dwelling (Existing)

Multiple Dwelling Townhome Dwelling

Religious Residence

Any use accessory to any of the preceding uses

### 12.1.5 Provisions

.1	Lot Frontage – minimum	18.0 m
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.2 Lot Area – minimum

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

a)	For the first 5 <i>dwelling units</i>	$540.0 \text{ m}^2$
b)	For each additional dwelling unit	67.0 m <sup>2</sup> per unit

For any other *lot*:

c) For the first 4 dwelling units 540.0 m<sup>2</sup>

d) For each additional *dwelling unit* 85.0 m<sup>2</sup> per unit

.3 Lot Coverage – maximum 35.0%

8.

35.0% of lot area

.4 Main Building Height – maximum	
Corner Lot	14.0 m
Interior Lot	10.0 m
Front Yard Depth – minimum	6.0 m
Rear Yard Depth – minimum	7.50 m
7 Side Yard Width – minimum	
a) Where a <i>habitable room window</i> of any <i>dwelling unit</i> faces a <i>side lot line</i>	6.0 m
b) Any other side yard	3.0 m
	Corner Lot Interior Lot Front Yard Depth – minimum Rear Yard Depth – minimum Side Yard Width – minimum a) Where a habitable room window of any dwelling unit faces a side lot line

Landscaped Open Space Yard – minimum

- .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*.
- .55 A *Double Duplex Dwelling*, *Duplex Dwelling*, *Multiple Dwelling* having a maximum of 4 *dwelling units*, *Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.

#### **CANADA POST**

No objections/comments

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

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

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.

Review of the proposed project construction for compliance to the Ontario Building Code has not yet been conducted.

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.

It is strongly recommended that the owner and/or applicant contact the Building Department for any questions relating to determining building permit needs for the proposed project.

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

#### CITY OF WINDSOR - ENGINEERING & ROW - PATRICK WINTERS

The subject lands are located at 659 Alexandrine St, designated Residential by the City of Windsor Official Plan and zoned Residential District 1.3 (RD1.3) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 to allow for a townhome dwelling as an additional permitted use. The applicant proposes to construct a townhome dwelling with four dwelling units each with an attached garage and driveway in the front yard. This Department has reviewed the servicing requirements relative to a Rezoning Application and offer the following comments:

**Sewers** - The site may be serviced by a 250mm PVC sanitary sewer and a 300mm CP storm sewer, located within the Alexandrine St right-of-way. If possible, existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P1.3.3. The applicant will be required to submit lot grading and site servicing drawings to the satisfaction of the City Engineer.

**Right-Of-Way** - Schedule X of the Official Plan classifies Alexandrine St as a local road, requiring a right-of-way width of 20.m. The current right-of-way is sufficient at 20m; therefore, land conveyance is not required. Driveways shall be constructed as per AS-221 or AS-222, complete with straight flares, no raised curbs within the right-of-way and maintain 1m clearance from any vertical object.

Sewer and Driveway Permits will be issued based on the type of structure to be built. If the applicant proceeds with a townhome, one (1) driveway permit and one (1) connection permit to the storm and sanitary sewers will be required for each unit.

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

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

**Video Inspection (connection)** - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- 1. To undertake a video inspection, of any existing connections proposed for reuse to ensure the suitability of the connection for use in accordance with City of Windsor Standard Specifications S-32 CCTV Sewer Inspection.
- 2. Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.

Any new Connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

#### CITY OF WINDSOR - PLANNING DEPARTMENT - HERITAGE PLANNER

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

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

#### Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

Michelle 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

## CITY OF WINDSOR - PLANNING DEPARTMENT - LANDSCAPE ARCHITECT - STEFAN FEDIUK

Pursuant to the application for a zoning amendment (Z 045/21) to allow a townhome dwelling as an additional permitted use on the subject, Please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback:

Though not requested as a site specific amendment to the re-zoning, the position of the proposed garages appear to require significant access drives that will exceed the maximum 50% of the required frontage of any residential.

Tree Preservation:

There are no trees of concern on the property.

Urban Design:

N/A

Parkland Dedication:

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

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

- Alexandrine Street is classified as a local road per the Official Plan with a required right-ofway width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.
- 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 (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 objection provided adequate clearances are observed and maintained. ENWIN has an existing pole line along the south limit of the property with 120/240V secondary overhead conductor.

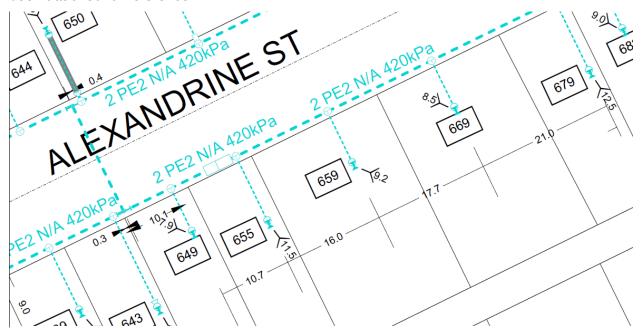
**Water Engineering:** Water Engineering has no objections to the rezoning. The existing water service may not be large enough for the new development. No record of the water service size so it would be 19mm or smaller.

### **TRANSIT WINDSOR**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Transway 1A. The closest existing bus stop to this property is located on Howard at Edinborough Southeast Corner. This bus stop is approximately 400 metres from this property so just falling within our walking distance guideline of 400 metres to a bus stop. This will be maintained with our Council approved Transit Master Plan.

### **ENBRIDGE - WINDSOR MAPPING**

After reviewing the provided drawing at 659 Alexandrine St and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.



### Please Note:

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

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

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

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



Committee Matters: SCM 64/2022

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held March 7, 2022



### CITY OF WINDSOR MINUTES 03/07/2022

### **Development & Heritage Standing Committee Meeting**

Date: Monday, March 7, 2022 Time: 4:30 o'clock p.m.

### **Members Present:**

#### Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

### **Members**

Member Baker Member Foot Member Fratangeli Member Gyemi

Member Gyenn

Member Moore

Member Rondot

### **Members Regrets**

Member Miller

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

## ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate Neil Robertson, Manager of Urban Design / Deputy City Planner Barbara Rusan, Manager of Policy & Regulatory Services Patrick Winters, Development Engineer Jim Abbs, Planner III – Subdivisions Kevin Alexander, Planner III – Special Projects Greg Atkinson, Planner III – Economic Development

### **Minutes**

# **Development & Heritage Standing Committee Monday, March 7, 2022**

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Stefan Fediuk, Planner III – Senior Urban Designer Adam Szymczak, Planner III – Zoning Kristina Tang, Planner III – Heritage Rania Toufeili, Policy Analyst Marianne Sladic, Clerk Steno Senior Sandra Gebauer, Council Assistant

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

Michael Cooke, Manager of Planning Policy / Deputy City Planner Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

### Delegations—participating via video conference

Item 7.1	Bruno Cacilhas, Owner
	Tracey Pillon Abbs, representing the Applicant
Item 7.1 & 7.4	Tony Chau, Senior Project Manager, ADA-Architect
Item 7.2	Chris MacLeod, Applicant
Item 7.3	Karl Tanner, Dillon Consulting
Item 7.4	Aaron Blata, RC Spencer & Associates Inc.
Item 7.4	John Paul Aleo, Aleo Associates Inc.
Item 7.4	Johanna and Nicholas Papador, Area Residents
Item 7.4	David Kassab, Area Resident
Item 7.4	Bushra Hanna, Area Resident
Item 7.4	Roger and Jennifer Bastiaan, Area Residents
Item 7.4	Antonio Buttice, Area Resident
Item 7.4	Paula and Rod Rankin, Area Residents
Item 7.4	Raymond and Charlotte Colautti, Area Residents
Item 7.4	Marianne Rudy-Geleynse, Area Resident
Item 7.4	Andrew Furlong, Area Resident
Item 7.4	Andrew Smith, Realtor
Item 7.4	Patricia McConville, Area Resident
Item 7.4	Annette Trepanier, Area Resident
Item 7.4	Philip Adamson, Area Resident
Item 7.4	Alex Denonville, Area Resident
Item 7.4	Dr. George Grayson, area resident
Item 7.4	Dr. Paula Brook, Area Resident
Item 7.4	Mike Spineti, Area Resident
Item 7.5	Zak Habib, Royalty Homes
Item 10.1	Cameron Adamson, Border Masonic Temple Association Building Committee
	Chair
Item 11.1	Vas Papadiamantopoulos, Senior Discipline Manager, Architecttura

# **Development & Heritage Standing Committee Monday, March 7, 2022**

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### 1. CALL TO ORDER

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

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

Member Fratangeli discloses an interest and abstains from voting on Item 10.1 being the report of the Office of Economic Development & Innovation dated February 9, 2022 entitled "986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)," as he is a member of the Masonic Temple.

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

None requested.

### 4. COMMUNICATIONS

None presented.

### 11. ADMINISTRATIVE ITEMS

## 11.1. Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN\_002-21 - Ward #3

### Vas Papadiamantopoulos, Senior Discipline Manager, Architecttura

Vas Papadiamantopoulos, Senior Discipline Manager, Architecttura, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN\_002-21 - Ward #3" and is available for questions.

Moved by: Councillor Sleiman Seconded by: Councillor Holt

# Development & Heritage Standing Committee Monday, March 7, 2022

Decision Number: DHSC 377

THAT the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a 23.22m<sup>2</sup> pylon ground sign at 1220 University Ave W with offsite advertising as a directory of businesses for 1100 and 1200-1220 University Ave W, **BE APPROVED.** Carried.

Report Number: S 4/2022 Clerk's File: Z/8955

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# 11.2. Brownfield Community Improvement Plan (CIP) application submitted by Mikhail Holdings Limited on behalf of the Property Owner (1174478 Ontario Ltd) for 2970 College Avenue (Ward 2)

Moved by: Councillor Holt Seconded by: Councillor Gill

Decision Number: DHSC 378

- I. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Feasibility Study Grant Program BE APPROVED for the completion of the proposed structural feasibility study for the building located at 2970 College Avenue 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 \$5,000 based upon the completion and submission of a structural feasibility study completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the request made by Mikhail Holdings Limited on behalf of the property owner (1174478 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 2970 College Avenue pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- IV. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission an eligible study Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor; and,
- V. THAT the grant funds in the amount of \$20,000 **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,
- VI. THAT should the proposed Feasibility and/or Phase II Environmental Site Assessment Study and 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.

Carried.

# Development & Heritage Standing Committee Monday, March 7, 2022

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Report Number: S 18/2022 Clerk's File: Z/8955

## 11.3. Sandwich Town CIP Application, 357-359 Indian Road; Owners Cam Crowder and Sean Lavin (Owners of GBI Holding Company)

Moved by: Councillor Gill

Seconded by: Councillor Sleiman

Decision Number: DHSC 379

- I. THAT the request for incentives under the Sandwich Incentive Program made by GBI Holding Company (Cam Crowder and Sean Lavin), owners of the property located at 357-359 Indian 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 (+/-\$3,113 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 (+/- \$11,436.74);
- II. 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;
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and GBI Holding Company (owners Cam Crowder and Sean Lavin) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) 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;
- IV. THAT funds in the maximum amount of **+/-\$11,436.74** 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;
- V. THAT grants BE PAID to GBI HOLDING COMPANY (owners Cam Crowder and Sean Lavin) upon completion of the two and a half (2.5) storey, two (2) unit duplex dwelling from the Sandwich Community Development Plan Fund (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- VI. THAT grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

  Carried.

Report Number: S 20/2022 Clerk's File: Z/14306

# Development & Heritage Standing Committee Monday, March 7, 2022

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There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items) portion is adjourned at 4:38 o'clock p.m.

The Chairperson calls the *Heritage Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:38 o'clock p.m.

### 8. ADOPTION OF THE MINUTES

## 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held December 6, 2021

Moved by: Councillor Sleiman Seconded by: Member Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held December 6, 2021 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 392/2021

# 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held January 10, 2022

Moved by: Councillor Sleiman Seconded by: Member Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held January 10, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 11/2022

## 8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held February 7, 2022

Moved by: Councillor Sleiman Seconded by: Member Fratangeli

THAT the minutes of the Development & Heritage Standing Committee meeting held February 7, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 41/2022

# Development & Heritage Standing Committee Monday, March 7, 2022

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### 10. HERITAGE ACT MATTERS

# 10.1. 986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)

### Cameron Adamson, Border Masonic Temple Association Building Committee Chair

Cameron Adamson, Border Masonic Temple Association Building Committee Chair, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3)" and is available for questions.

Moved by: Councillor Holt Seconded by: Member Baker

Decision Number: DHSC 376

- I. THAT the importance and value of the Masonic Temple, 986 Ouellette Avenue, a municipal designated heritage property **BE RECOGNIZED** by City Council and further, that Council supports the various grant applications made by the Border Masonic Temple Association Ltd to other levels of government, including the Legacy Fund, Building Communities Through Arts and Heritage, Green and Inclusive Community Building Fund, Ontario Trillium Resilient Places Grant & Digital Museum Canada Grant.
- II. THAT a total grant of 15% of the cost of conservation work for the facade, to an upset amount of \$46,612.50 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to Border Masonic Temple Association Ltd. for the Masonic Temple, at 986 Ouellette Avenue, subject to:
  - 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. 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);
  - c. Owner's submission of paid receipts for work completed;
  - d. 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;
- III. THAT the authority to approve alterations associated with the roofing, facade, and windows, **BE DELEGATED** to the City Planner or designate;
- IV. THAT the request for incentives under the *Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP)* made by Building Committee Chair Cameron Adamson

# **Development & Heritage Standing Committee Monday, March 7, 2022**

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on behalf of the Border Masonic Temple Association located at 986 Ouellette Avenue **BE APPROVED** for the *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs of the façade improvements, up to a maximum amount of \$30,000 per property;

- V. THAT funds in the amount of up to \$30,000 under the Commercial/Mixed Use Building Facade Improvement Program BE TRANSFERRED from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;
- VI. THAT grants **BE PAID** to the Border Masonic Temple Association (C/O Cameron Adamson), upon completion of the improvements to the existing three (3) storey building and property located at 986 Ouellette Avenue, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;
- VII. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* for 986 Ouellette Avenue be uncommitted and made available for other applications;
- VIII. THAT administration **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 Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.

Carried.

Member Fratangeli discloses an interest and abstains from voting on this matter.

Report Number: S 19/2022 Clerk's File: Z/13002

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:40 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:40 o'clock p.m.

### 5. ADOPTION OF THE PLANNING ACT MINUTES

# 5.1. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act*) held February 7, 2022

Moved by: Member Rondot Seconded by: Councillor Morrison

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THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held February 7, 2022 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 47/2022

### 7. PLANNING ACT MATTERS

7.1. Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7

Moved by: Councillor Gill Seconded by: Councillor Holt

Decision Number: DHSC 371

- I. THAT the City of Windsor Official Plan Volume I Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from Industrial to Mixed Use;
- II. THAT Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

### **16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)**

#### 16.10.1 PERMITTED USES

Business Office Personal Service Shop

Child Care Centre Place of Entertainment and Recreation

Commercial School Place of Worship Food Outlet - Take-Out Professional Studio

Hotel Public Hall

Medical Office Repair Shop - Light

Medical Appliance Facility Restaurant
Micro-Brewery Retail Store

9 or more dwelling units in a Combined Use Building with any of the above uses Multiple Dwelling with 9 or more dwelling units

Residential Care Facility

Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

#### 16.10.5 Provisions

.1 Lot Frontage – minimum

18.0 m

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.2	Lot Area – minimum	
	For a <i>building</i> containing only non-residential uses	400.0 m <sup>2</sup>
	For each dwelling unit	85.0 m <sup>2</sup>
.4	Building Height – maximum	20.0 m
.8	Landscaped Open Space Yard – minimum	30.0% of <i>lot area</i>
4 -		

- .15 For a Combined Use Building, all dwelling units, not including entrances thereto, shall be located above the non-residential uses.
- .16 A Multiple Dwelling shall be located above grade, at the rear of non-residential use.
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback minimum
  - a) From an exterior lot line abutting Tecumseh Road East, for that part of the building having a building height of 10.0 m or less  $0.0 \, \text{m}$

b) From an exterior lot line abutting Tecumseh Road East, for that part of the building having a building height of more than 10.0 m: 6.0 m

c) From an interior lot line where a habitable room window faces the interior lot line 6.0 m

d) From an interior lot line where a habitable room window does not face the interior lot line 3.0 m

. 90 Parking space is prohibited in the front yard and in any side yard within 6m of the exterior lot line.

III. THAT an amendment to the Zoning By-law 8600 BE APPROVED to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

### "438 NORTH SIDE OF TECUMSEH ROAD E., BETWEEN BANWELL ROAD AND THE CITY LIMIT TO THE EAST

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), a 6-storey Combined Use Building containing a maximum of 71 dwelling units plus one or more non-residential uses listed in section 16.10.1 of by-law 8600 having 190m<sup>2</sup> minimum gross floor area with minimum parking requirement of 8 spaces as in by-law 8600, shall be permitted subject to the following additional regulations:

- a) Section 16.10.5.15 of by-law 8600 shall not apply;
- b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
- c) Dwelling units, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;

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- d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m<sup>2</sup> minimum gross floor area of non-residential use;
- e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*;
- f) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- g) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way. [ZDM 15; ZNG/6323]
- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
  - a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
  - b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
  - c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
  - d) Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;
  - e) Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;
  - f) Enbridge Gas minimum separation requirements;
  - g) Adequate clearance from existing ENWIN's pole lines and power lines; and
  - h) Canada Post multi-unit policy;
  - i) SAR Snake mitigation measures as in the attached Appendix F to this report.

Carried.

Report Number: S 2/2022 & AI 4/2022 Clerk's File: ZB/14064 & ZO/14063

# 7.2. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – 531 Pelissier Limited - 531 Pelissier Street – CDM 006-20 [CDM-6637]; Ward 3

Moved by: Councillor Holt

Seconded by: Councillor Morrison

Decision Number: **DHSC 372** 

THAT the application of 531 Pelissier Limited 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 and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24,

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and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 26/2022 Clerk's File: Z/14297

# 7.3. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005-20 [CDM-6636]; Ward 6

Moved by: Councillor Gill

Seconded by: Councillor Morrison

Decision Number: **DHSC 373** 

THAT the application of Farhi Holdings Corporation 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 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.

Carried.

Report Number: S 25/2022 Clerk's File: Z/14295

## 7.4. Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 374** 

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 84 to 87, Registered Plan 684, further described as Parts 1 to 4, Plan 12R-27198 (known municipally as 1913, 1925 & 1949 Devonshire Court; Roll No. 020-220-03903, 020-220-03906, 020-220-03901), situated at the southeast corner of Devonshire Court and Kildare Road, by deleting and replacing Section 20(1)340 with the following:

#### 340. SOUTHEAST CORNER OF DEVONSHIRE COURT AND KILDARE ROAD

For the lands comprising Lots 84 to 87, Registered Plan 684 and further described as Parts 1 to 4, Plan 12R-27198. a *multiple dwelling* shall be an additional permitted use and:

- 1. For any *dwelling*, the following additional provisions shall apply:
  - a) An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.

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- b) Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.
- 2. For a *single unit dwelling*, the following additional provisions shall apply:

a)	Main Building Height – minimum	7.00 m
b)	Front Yard Depth – minimum	7.50 m

3. For *multiple dwelling*, the following provisions shall apply:

a)	Lot Width – minimum	35.0 m
b)	Lot Area – minimum	2,152.0 m <sup>2</sup>
c)	Lot Coverage – maximum	35.0%
ď)	Main Building Height – maximum	15.0 m
` `	Bur Ou Line	

e) Building Setback – minimum

From that part of the lot line abutting
 Kildare Road
 2.62 m

From that part of the lot line abutting
 Devonshire Court
 3.39 m

3. From the midpoint of the 20ft radius of Lot 87 RP 6844. From an interior lot line1.89 m1.20 m

f) Landscaped Open Space Yard – minimum 27.5% of lot area

g) Dwelling Units - maximum 23

[ZDM 7; ZNG/4715; ZNG/6571]

- 2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:
  - a) The comments from City of Windsor Office of the City Engineer Engineering Department Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving, Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
  - b) The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
  - c) The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
  - d) The comments of the City of Windsor Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.
  - e) The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
  - f) The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

Carried.

Councillor Gill and Members Gyemi and Moore voting nay.

Report Number: S 22/2022 Clerk's File: ZB/14241

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## 7.5. OPA & Rezoning – 1741078 Ontario Inc & 115664 Ontario Inc – 4845 Walker Road - OPA 155 OPA/6592 Z-040/21 ZNG/6591 – Ward 9

Moved by: Member Rondot Seconded by: Councillor Sleiman

Decision Number: DHSC 375

- 1. THAT Schedule "A" of Volume 1: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by applying a Specific Policy Area to Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street.
- 2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:
- 1.X Southwest Corner of Walker Road and Ducharme Street (4845 Walker Road)
- 1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;
- 1.X.2 Notwithstanding the "Commercial Corridor" designation on Schedule D: Land Use in Volume I: The Primary Plan and the "Business Park" designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, "dwelling units located at grade and/or above commercial uses in a combined use building" and "multiple dwelling" shall be additional permitted uses.
- 3. THAT Zoning By-law 8600 BE AMENDED by changing the zoning of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, from Commercial District 2.1 (CD2.1) to Commercial District 2.2 (CD2.2) and adding a new site specific exception to Section 20(1) as follows:

### 440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

For the lands comprising of Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, a *multiple dwelling* shall be additional permitted use and that for a *combined use building* and a *multiple dwelling*, the following additional provisions shall apply:

- a) Main Building Height maximum 22.4 m
- b) Notwithstanding Section 15.2.5.15, for a *Combined Use Building*, *dwelling units* are permitted at grade.

[ZDM 13; ZNG/6591]

4. THAT, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer, the following **BE SUBMITTED** either prior to, or with, an application for site plan approval:

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- A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning Bylaw 8600 to reflect the site plan for which approval is being sought.
- 5. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:
  - A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner
  - B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)
  - C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
  - D. Requirements of the City of Windsor Engineering Department Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
  - E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO
- 6. THAT the Site Plan Approval Officer **CONSIDER** the following matters in an approved site plan and/or executed and registered site plan agreement:
  - A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
  - B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.
- 7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Carried.

Report Number: S 23/2022 Clerk's File: Z/14269 & Z/14268

### 12. COMMITTEE MATTERS

None presented.

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### 13. QUESTION PERIOD

None registered.

### 14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) is adjourned at 7:37 o'clock p.m. Carried.

Ward 3 - Councillor Bortolin (Chairperson)

Deputy City Clerk / Supervisor of Council Services



Council Report: S 31/2022

Subject: 364-374 Ouellette Avenue, Canada Building- Heritage Permit Request (Ward 3)

#### Reference:

Date to Council: 4/4/2022

Author: Kristina Tang, MCIP, RPP

Heritage Planner ktang@citywindsor.ca 519-255-6543 x 6179

Tracy Tang

Planner II- Revitalization & Policy Initiatives

ttang@citywindsor.ca 519-255-6543 x 6449

Planning & Building Services

Report Date: 3/8/2022 Clerk's File #: MBA/14331

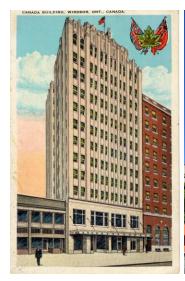
To: Mayor and Members of City Council

#### Recommendation:

- I. THAT a Heritage Permit at the Canada Building, 364-374 Ouellette Street, **BE GRANTED**, for canopy restoration work, subject to the approval conditions prior to work start:
  - a. Submission of satisfactory product details and samples (including material and colour selections)
  - b. Approval of any requested Mock-up
  - c. Determination that the work is satisfactory to meet Building code compliance.
- 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 canopy restoration.

**Executive Summary: N/A** 

### **Background:**





The property at 364-374 Ouellette Avenue is known as the Canada Building. Designed in Art Deco style by Architect A.H. McPhail, the building was constructed in 1930, and at 12 stories high was the tallest building in Windsor at that time. The first floor originally had some commercial component and the other floors were office space.

On August 5, 2008, City Council approved the heritage designation for the former Canada Building with By-Law No. 141-2008 with exterior and interior heritage attributes. The Statement of Cultural Heritage Value or Interest from the By-law is attached as Appendix A.

The current Owner (2757395 Ontario Incorporated) plans to rehabilitate the building to convert the upper floors into residential units, while retaining commercial units on the main floors. A Heritage Permit for the interior rehabilitation and restoration work, exterior door entrance restoration, and exterior masonry restoration was approved with conditions by Council on May 3, 2021 (CR 202/2021) as part of the Phase 1 proposed work to the building. At that time, it was noted that separate Heritage Permits would be required for other Phases of work, including work to the west entrance canopy facing Ouellette Avenue.

In December 2021, an Order to Repair was issued for the canopy, which was not compliant with the City's Property Standards By-law due to deteriorated materials and structural concerns. The metal canopy is a featured heritage attribute in the Heritage Designation By-law and a Heritage Permit is required for the repairs, alterations or replacement of the canopy. A Heritage Permit application was submitted to the City on March 7, 2022 (Appendix B - Heritage Permit Application).

### **Legal Provisions:**

The Ontario Heritage Act (OHA) requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes heritage attributes (see Appendix A). In accordance with the OHA, changes to designated property that affect heritage attributes 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 within 90 days of the application.

### Discussion:

### **Property Description:**

The building is a 1930 12-storey brick and limestone building in Art Deco style. Built for the Border Cities Star, it was the largest construction in Southwest Ontario at that time and undoubtedly one of prestige. The west-facing entrance to the building has exterior features included in the designation by-law:

- West entrance way of brass trim doors and polished granite, while the remainder of the first floor has been replaced with red granite.
- Metal Canopy over entrance way on West entrance way.

In particular, the canopy has decorative metalwork trim in a scroll pattern and metal cap flashing, fascia, wall plates/brackets, and hanger rods. Historic documentation shows that the metal fascia was originally patterned and had a dark-coloured decorative trim. The decorative trim is presently painted a green colour in resemblance of copper patina.

### **Proposal and Heritage Conservation Considerations**

The previous heritage permit report (CR 202/2021) briefly described some of the interior rehabilitation and restoration work (involving plaster repairs, painting, maintaining of bronze fixtures (doors and railings), exterior door entrance restoration, and exterior masonry restoration.

For the proposed canopy scope of work, some relevant references from the *Standards* & *Guidelines for Conservation of Historic Places* have been considered.

Conserve heritage value by adopting an approach calling for minimal intervention.

- 7. Evaluate the existing condition of character-defining elements to determine the appropriate intervention needed. Use the gentlest means possible for any intervention. Respect heritage value when undertaking an intervention.
- 8. Maintain character-defining elements on an ongoing basis. Repair character-defining elements by reinforcing their materials using recognized conservation methods. Replace in kind any extensively deteriorated or missing parts of character-defining elements, where there are surviving prototypes.
- Make any intervention needed to preserve character-defining elements
  physically and visually compatible with the historic place and
  identifiable on close inspection. Document any intervention for
  future reference.
- 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.

### From Section 4.3.6 Entrances, Porches & Balconies:

	Parammandad	Not Decommended
	Recommended	Not Recommended
3	<b>Documenting</b> the form, materials and condition of entrances, porches and balconies before undertaking an intervention.	Undertaking an intervention that affects entrances, porches and balconies without first documenting their existing character and condition.
4	<b>Assessing</b> the condition of entrances, porches and balconies early in the planning process so that the scope of work is based on current conditions.	
5	<b>Determining</b> the cause of distress, damage or deterioration of entrances, porches and balconies through investigation, monitoring and minimally invasive or non-destructive testing techniques.	
6	<b>Protecting</b> and maintaining entrances, porches and balconies, by using appropriate surface treatments, such as cleaning, rust removal, limited paint removal, and reapplying protective coating systems in kind.	Failing to maintain paint and coatings, to replace damaged flashings, and to prevent the growth of plants and access by animals.

	Recommended	Not Recommended
7	<b>Cleaning</b> painted metals using appropriate techniques and products to remove corrosion and layers of paint, if required, before repainting.	Exposing metals intended to be protected from the environment.  Applying paint or other coatings to metals that were meant to be exposed.

Repairing parts of entrances, porches or balconies by patching, piecing-in, consolidating, or otherwise reinforcing, using recognized conservation methods. Repair might also include the limited replacement in kind, or with a compatible substitute material, of those extensively deteriorated or missing parts of entrances, porches and balconies. Repairs should match the existing work as closely as possible, both physically and visually. 14 Repairing an entrance, porch or balcony by using a minimal Replacing an entire entrance, porch or balcony when the intervention approach. Such repairs might include the limited repair of materials and limited replacement of deteriorated replacement in kind, or replacement with an appropriate or missing elements is feasible. substitute material, of irreparable or missing elements, based on documentary or physical evidence. 15 Replacing in kind an irreparable entrance, porch or balcony Removing an irreparable entrance, porch or balcony based on physical and documentary evidence. If using the same and not replacing it, or replacing it with a new one materials and design details is not technically or economically that does not convey the same appearance or serve feasible, then compatible substitute materials or details may the same function. be considered. 16 Replacing missing historic features by designing and Creating a false historical appearance because the new constructing a new entrance, porch or balcony, based on physical entrance, porch or balcony is incompatible, or based on and documentary evidence, or one that is compatible in size, insufficient physical and documentary evidence. scale, material, style or colour. 30 Replacing in kind an entire entrance, porch or balcony from Removing an irreparable entrance, porch or balcony from the restoration period that is too deteriorated to repair, using the restoration period and not replacing it, or replacing it the physical evidence as a model to reproduce the assembly. The with an inappropriate entrance, porch or balcony. new work should be well documented and unobtrusively dated Reinstating an entrance, porch or balcony detail that is to guide future research and treatment. damaging to character-defining elements.

### From Section 4.5.5 Architectural & Structural Metals:

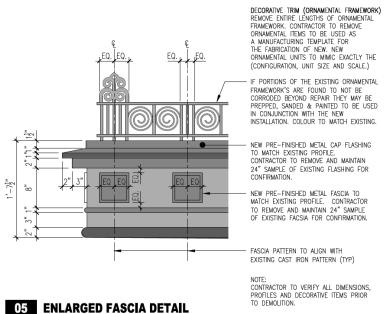
12	<b>Retaining</b> all sound and repairable metals that contribute to the heritage value of the historic place.	Replacing metals that can be repaired.
14	<b>Repairing</b> parts of metal elements by welding, soldering, patching, or splicing, using recognized conservation methods.	Replacing an entire metal element, when repair and limited replacement of deteriorated or missing parts is possible.
15	<b>Replacing</b> in kind, extensively deteriorated or missing parts of metal elements, based on physical and documentary evidence.	Replacing an entire metal element, when limited replacement of deteriorated and missing parts is appropriate.  Using a substitute material that neither conveys the appearance of the surviving parts of the metal element, nor is physically or chemically compatible.

18	<b>Replacing</b> in kind an irreparable metal element, based on documentary and physical evidence.	Removing an irreparable metal element and not replacing it, or replacing it with an inappropriate new element.
20	<b>Repairing</b> , stabilizing and conserving fragile metal elements from the restoration period, using well-tested consolidants, when appropriate. Repairs should be physically and visually compatible and identifiable on close inspection for future research.	Removing metal elements from the restoration period that could be stabilized and conserved.
21	<b>Replacing</b> in kind a metal element from the restoration period that is too deteriorated to repair, based on documentary and physical evidence. The new work should be well documented and unobtrusively dated to guide future research and treatment.	Removing an irreparable metal element from the restoration period and not replacing it, or replacing it with an inappropriate new element.

As much as there is there is an intent in the canopy proposal to avoid removals, the restoration work would require a new canopy as the current requires a structural replacement. The current canopy is planned to be completely removed to facilitate repairs, cleaning, and replacement of selected unsalvageable parts. The proposed works include:

- Clean, repair, and restore wall plates/brackets and hanger rods with a colour determined in consultation with the Heritage Planner;
- Clean, repair, and re-install salvageable portions of the cast iron ornamental trim.
   For portions that are unsalvageable, remove and replicate with cast iron;
- Recreate fascia with pattern based on historic documentation;
- Remove and replicate metal cap flashing to match original profile; and
- Paint cast iron decorative trim/ornamental framework with a colour determined in consultation with the Heritage Planner.

These have been identified on drawings in the attached Appendix B.





Detailed side profile drawing of the proposed canopy decorative trim, fascia, and cap flashing matching original canopy details.



Photographs of existing canopy and decorative trim

As part of the restoration, the proponent is conducting investigations on the extent of the deterioration of the decorative metal trim. Where possible, restoration of the historic metal pieces are proposed (cleaning, repairs, and painting). It is important that heritagesensitive approaches and materials be employed, so as not to result in unintentional harm to the historic material.

Further, where there are areas of deterioration beyond repair, the proposed approach is to replace in exact likeness to existing, or as per the original documentations. The heritage permit application is explicit in providing wording on the intent to restore these elements in "100% replication". Satisfactory and detailed specifications for both the heritage-appropriate repairs and new replacement pieces would be required as a condition of approval, not limited to material choice, finishes, and colour selections which may include mock-ups and/or samples of replicated pieces. The drawings prepared by the licensed structural engineer and architect will need to be reviewed by the Building Department further for Building Code compliance. Therefore, staff request that the City Planner or designate be delegated the authority to approve any further changes, and to confirm, through applicant submission, satisfactory product details and samples (including material and colour selections) and approval of any requested Mockup.

### Official Plan Policy:

The Windsor Official Plan states "Council will recognize Windsor's heritage resources by: Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act." (9.3.3.1(a))

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 ..."

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

### Risk Analysis:

The risk of taking no action for the canopy is the continued deterioration of the metal decorative trim details and inappropriate repairs incompatible with the nature of the heritage attribute. At this point, the canopy has also been deemed to require repairs through an Order to Repair and needs to be addressed. Risk of the alterations are being mitigated through the heritage-cognizant proposal and through the conditions of the approval requiring confirmation of specifications and product information, and mock-up samples as required, prior to work start.

### Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

#### **Financial Matters:**

The entire redevelopment project is budgeted to cost approximately \$18 million. The applicant has submitted that the cost of the canopy work is budgeted at \$270,000, and the other heritage conservation work has been budgeted for \$1.125 million.

The owner has already been granted approval by Council for a number of incentives under the Downtown Community Improvement Plan and has expressed interest in applying for additional financial incentives under the Heritage Property Tax Reduction Program in the future. Any discussions around heritage-related financial incentive applications may be brought forward to Heritage Committee and Council as part of a separate future report.

#### Consultations:

The Heritage Planner has been in communication with the Owner and their consultant team, as well as City Building Department staff.

### Conclusion:

The heritage permit request for metal canopy restoration work is recommended for approval subject to conditions. Delegated authority to the City Planner or designate to direct any further minor changes as needed to the project scope will provide project efficiencies and confirm that the interventions proposed would not have a negative impact on the heritage attributes of the property.

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 & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor / CLT
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Joe Mancina	Chief Financial Officer/ City Treasurer
Jason Reynar	Chief Administrative Officer

### **Notifications:**

Name	Address	Email
2757395 Ontario Inc.		rhys@thevanguardteam.com
Owner Representative-		
Rhys Trenhaile of The		
VanGuard Team at Manor		
Realty		
Jackie Lassaline		jackie@lassalineplan.ca
Marco Raposo		marco@roastudio.com

### Appendices:

- 1 Appendix A Statement of Cultural Heritage Value or Interest from Heritage Designation by-law 141-2008
- 2 Appendix B Heritage Permit Application

From By-law No. 141-2008, August 5, 2008:

### Reasons for Designation/Statement of Significance Canada Building 374 Ouellette Ave (Plan 333 Lot 7 N PT Lot 8)

### **Description of Historic Place**

The Canada Building is located at 374 Ouellette, only four blocks from the riverfront, in the heart of downtown Windsor. Other than the main floor, the building was built for offices and remains to be used as office space. When the building was built in 1930 it was the tallest building in Windsor at 12 stories high.

### Heritage Value

#### **Historic Value**

At the time of completion in 1930, the Canada Building was the largest office building in Southwestern Ontario at 12 stories tall. The first floor originally designed for shops, in its early days the Canada building housed a beauty salon, a barbershop, and a dress studio.

Architect A.H. McPhail designed the building in the Arts and Crafts style for Border Cities Star, now the Windsor Star, when W.F. Herman was publisher. A.H McPhail also designed the Border Cities Star Building, now the Windsor Star, at 167 Ferry Street. The building remained in the hands of the Star until 1967 when it was taken over by the paper's former editor W.L. Clark. It switched hands again in 1976 when Ben Matthews, the founder of former "Matthew's Lumber Co. Ltd" purchased it.

Ben Matthews purchased the building at the age of 72. Matthews plans were to revitalize the Canada Building so it matches its prestige address in the business community. Matthews planned on installing new elevators, air-conditioning, and modernize all the offices. He has had great confidence in Windsor, as he also owned the Canada Trust Building at 156 University Ave. W.

#### **Architectural Value**

Architect A.H McPhail designed the building in Arts and Crafts style. The first story of the building was polished granite, but now only around the entranceway remains original, and the remainder of the first floor is red granite. The second story is constructed of limestone and remaining stories are light polished brick pilasters and limestone. The Front façade (West side) hosts 6 pairs of rectangular windows on each floor. The windows are separated vertically by polished brick pilasters that extend to the top of the building and horizontally by square stone details. The top floor windows are arched, which accents the ornate detailing of stone along the roofline. A metal canopy covers the entrance on the West Façade.

The North South and East Facades of the building is solid brick, except for the ornate details of the roofline in limestone, which extends around the entire building.

Today not much of the original interior design is left, however, characteristics such as the stunning marble on the first and second floor lobbies are reminiscent of the Canada Building's 1930's interior. The building also features brass trimming of doors, windows, fixtures, and most notably the Canada Post letterbox, which is still in use today.

#### **Contextual Value**

The Canada Building is located for blocks from the riverfront in the heart of downtown Windsor on Ouellette Ave. The building is adjacent to the Windsor Armories, which is a designated heritage property.

### **Character Defining Elements**

### Items that contribute to the historical value of the Canada Building include:

- Its association with the Border Cities Star, now the Windsor Star.
- Its status of being the tallest building in Windsor at the time of construction.
- Architect Mr. A.H McPhail designed the Canada Building.
- Its association with Ben Matthews, a local businessman for 50 years at the time he purchased the building. He was the founder and president of Matthews Lumber Company Ltd.

#### Exterior features that contribute to the architectural value of the Canada Building include:

- Metal Canopy over entrance way on West entrance way.
- West entrance way of brass trim doors and polished granite, while the remainder of the first floor has been replaced with red granite.
- Second story of limestone.
- Third to twelfth stories of polished brick pilasters and limestone.
- Front façade (West) hosts 6 pairs of rectangular Windsor on each floor, separated horizontally by polished brick and vertically by limestone square details.
- Top floor arched windows accent the ornate limestone detailing along the roofline.
- Remaining facades (North, South, and East) of polished brick with ornate limestone detailing on roofline extending around the building.

#### Interior features that contribute to the architectural value of the Canada Building include:

- Marble lobby on first and second floors with brass trimming on the windows, doors, elevators, fixtures, and stair rails.
- Two sets of marble stairs in the first floor lobby.
- Brass Canada Post mailbox.
- Crested elevator doors on the first and second floors.

• Ornate ceiling trim painted gold in lobby.

### Characteristics that contribute to the contextual value of the Canada Building include:

- Its location in the heart of downtown Windsor on Ouellette Ave.
- Adjacent to the Windsor Armouries, which is a designated heritage property.



ADDI ICANT

# HERITAGE PERMIT APPLICATION

### **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.

Contact Name(s) Rhys Tre	enhaile	
Company or Organization _		Manor Realty
Mailing Address 3276 Walke		
		Postal Code N8W 3R8
Email		Phone(s)
REGISTERED OWNER IF N Contact Name(s)		
		ated
Mailing Address 1001 Ch	amplain Ave, Burlington (	DN L7L 5Z4
		Postal Code
Email		
Contact Name(s)	ackie Lassaline, Lassaline	TO FILE THE APPLICATION Planning Consultants
Company or Organization		
Mailing Address P.O. Bo	x 52, 1632 County Road 3	31, St. Joachim ON NOR 1S0
		Postal Code
Email jackie@lassalineplan.ca		Phone(s) <u>519-563-8814</u>
Who is the primary contac	t?	
□ Applicant	☐ Registered Owner	✓ Agent



# HERITAGE PERMIT APPLICATION

### 2. SUBJECT PROPERTY

Municipal Address:	364-374 Ouellette	- Canada Building	
Legal Description (if k	nown):		
Building/Structure Typ  Residential	ee: ☑ Commercial	□ Industrial	□ Institutional
Heritage Designation:  ☑ Part IV (Individual		□ Part V (Herita	age Conservation District)
By-law #:Bylaw 14	1-2008	District:	
Is the property subject  ☐ Yes	t to a Heritage Ease ↓∕No	ment or Agreement	?
3. TYPE OF APPLIC Check all that apply:  ☐ Demolition/Remove attributes ☐ Demolition/Remove or structure	al of heritage □ A		
*The Ontario Heritage Act's defin	ition of "alter" means to chang	ge in any manner and include	s to restore, renovate, repair or disturb.
attributes where work number of storeys, sty Exisiting Canopy is to be	g design or appea is requested. Includ rle, features, etc e repaired and rejuver	rance of buildings de site layout, histor nated:	, structures, and heritage ry, architectural description, ted in cast iron and re-installed
2. cast iron scroll work t	o be painted - colour	to be confirmed with I	Hertiage Dept. after exploration
3. Faccade - original bl	ack faccia to replace ı	ruined material - origi	nal details to be included
Plese refer to attached	details and materials	as shown on architec	tural drawings.



# HERITAGE PERMIT APPLICATION

## 5. PROPOSED WORK

methods you plan to use. Provide details, drawings, and written specifications such building materials, measurements, window sizes and configurations, decorative detaetc Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.	ils,
Please refer to attached architectural plans and memo	_
6. HERITAGE PERMIT RATIONALE  Explain the reasons for undertaking the proposed work and why it is necessary.	
Plesae refer to attached architectural plans and memo	<u>_</u>
Describe the potential impacts to the heritage attributes of the property.	
Please refer to attached architectural plans and memo	_
	_
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)	
<ul> <li>☑ Drawings of proposed work (e.g. existing and proposed elevations, floor plans, ropplans, etc., as determined by Heritage Planning staff)</li> <li>☑ Specifications of proposed work (e.g. construction specification details)</li> </ul>	of
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.

<b>APPLICANT</b> Signature(s)	() M Lassalins	Date	March 3, 2022
		Date	





### **SCHEDULE A**

A. Authorization of Registered Owner for Agent to Make the A If the applicant is not the registered owner of the land that is the su application, the written authorization of the registered owner that the authorized to make the application must be included with this application below must be completed.	ibject of this ne applicant is			
I, 2757395 Ontario Inc. c/o Rhys Trenhaile, am the registered owner o	f the land that is			
name of registered owner subject of this application for a Heritage Alteration Permit and I aut Jackie Lassaline, Lassaline Planning Con. to make this application or name of agent	horize			
Row	March 3, 2022			
Signature of Registered Owner	Date			
If Corporation – I have authority to bind the corporation.				
B. Consent to Enter Upon the Subject Lands and Premises I, 2757395 Ontario Inc. c/o Rhys Trenhaile, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.				
- Colympian - Coly	March 3, 2022			
Signature of Registered Owner	Date			
If Corporation – I have authority to bind the corporation.				
C. Acknowledgement of Applicant I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted. I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.				
QM Lassalins	March 3, 2022			
Signature of Applicant	Date			



# HERITAGE PERMIT APPLICATION

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.:  Council Motion or City Planner's Signature:	Date:

Please contact Heritage Planning to request inspections at <a href="mailto:ktang@citywindsor.ca">ktang@citywindsor.ca</a>

### **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 March 7, 2022



Kristina Tang, Heritage Planner Planning Department City of Windsor

SUBJECT: HERITAGE PERMIT EVALUATION

- 374 Ouellette The Canada Building
- CANOPY HERITAGE PERMIT

The subject lands are located as Lot 7 and Part Lot 8 of Plan 333 and known municipally as 374 Ouellette in the central business district (downtown) of the City of Windsor.

Official Plan Schedule 'A' designates the subject site as 'Mixed Use' and the Comprehensive Zoning Bylaw 8600 (CZB) identifies the subject property as 'Commercial District 3.1 (CD3.1)'.

The existing structure is known locally as 'The Canada Building' and was constructed in 1930. The Canada Building was designated a heritage building by the City of Windsor in 2008 under Bylaw 141-2008. Please refer to Appendix A – Pictures showing pictures of the Canada Building.

In 2021 a Heritage Permit was issued for the preservation and conservation of the heritage features within the Canada Building to support the adaptive re-use of the building from fully commercial use to a combination commercial main floor and residential units on the remaining 11 floors.

At the time of review and subsequent Heritage Permit issuance, it was determined that the canopy would be addressed under a Phase 3 of the Canada Building Restoration project.

#### 1. PROPOSAL FOR CONSIDERATION:

In 2021 the canopy, an iconic feature of the front façade of the Canada Building, was identified as being in disrepair and required extensive structural study. The City issued an Order to Repair in 2021 as a piece of the balcony dislodged and caused concern. There has been scaffolding and hoarding placed around the building to ensure safety of the public as Phase 3 Canopy was studied and prepared for permit request.

As part of the structural study, the heritage components of the balcony were examined. This memo is a review of the heritage component of the restoration for the canopy required to re-establish the iconic symbol on the front façade of the Canada Building.

### 2. DETAILS ON RESTORATION WORK ON DAMAGED CANOPY:

The entire canopy will be removed, restored and replaced in compliance with the ROA Studio plans provided and attached hereto dated February 25, 2022 and in compliance with the following details:

- a. Wall brackets are to remain and be cleaned, repaired and restored with a colour as selected in consultation with the Heritage Planner.
- b. Hanger rods are to remain and be cleaned, repaired and restored with colour as selected in consultation with the Heritage Planner.
- c. The ornamental framework/decrorative trim presently existing is pitted, rusted and not repairable. The significant ornamental framework is cast iron material. The ornamental framework will be removed and replaced at 100% replication with new framework that will be cast iron and in a pattern that is exactly the same as the existing framework profile. Should it be determined that ornamental framework is salvageable, it will be cleaned and painted and re-installed in conjunction with the new components.
- d. The ornamental framework colour is presently painted a green to resemble copper patina. The colour of the framework will be further examined to determine the previous colours painted. At this juncture, the colour is either the re-establishment of the green to resemble copper patina or black as noted historically. This will be discussed with the Heritage Planner to confirm an appropriate colour to paint on the framework.
- e. As noted on the architectural documents, the existing **metal facia** is metal and will be removed and replaced with 100% replication metal to match existing profile. Pattern is to be aligned with existing cast iron block pattern. The present colour of the facia is black and will be replicated with a black exterior paint approved by the Heritage Planner.

f. As noted on the architectural documents, the existing **metal cap flashing** is metal and will be removed and replaced with 100% replication metal to match existing profile. Pattern is to be aligned with existing cast iron block pattern. The present colour of the facia is black and will be replicated with a black exterior paint approved by the Heritage Planner.

#### 3. HERITAGE PERMIT RATIONALE:

Over years of weathering from the environment and lack of repairs, the canopy has gone into disrepair. In addition, the location of the canopy has prohibited access to repairs and maintenance of the canopy to the point that the canopy is now a hazard.

The approach undertaken and purported by the structural engineer and the architect will support both the restoration and revitalization of the iconic canopy at the front of the Canada Building.

The plans support the reestablishment of the historical canopy as a significant feature on the front façade of the building. The owners are going to support the restoration and preservation of the canopy to ensure the Canada Building remains a vibrant example of the art deco period in Windsor.

All practices and procedures will be executed in compliance with rehabilitation and conservation measures established in the Ontario Heritage Foundation's Manual of Principles and Practices for Architectural Conservation.

The grandeur of the Canada Building remains a visual icon in the downtown core of the City of Windsor. The canopy will be restored to it's former beauty and will continue as a visual heritage structure providing the Canada Building the distinction it warrants in the downtown area of Windsor.

#### **CONCLUSION:**

A Heritage Application dated March 3, 2022 and ROA Studio Architectural/Engineering plan stamped and dated February 25, 2022 accompanies this memo requesting the renovations/modifications required to the interior of the building and any exterior cleaning and repair works.

Should you have any questions or comments, do not hesitate to contact me.

Regards,

Lassaline Planning Consultants

M Lassaline

Sackie Lassaline BA MCIP RPP

### **APPENDIX A – CANOPY PICTURES (HISTORICAL)**





# APPENDIX B - CANOPY PICTURES (PRESENT)

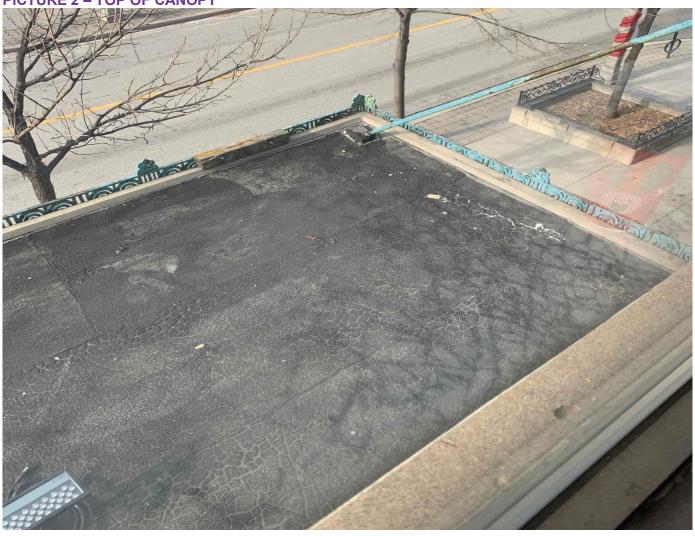


**PICTURE 1: UNDERSIDE OF CANOPY** 



Development and Heritage Standing Committee - April 4, 2022 Page 182 of 212

# **PICTURE 2 – TOP OF CANOPY**

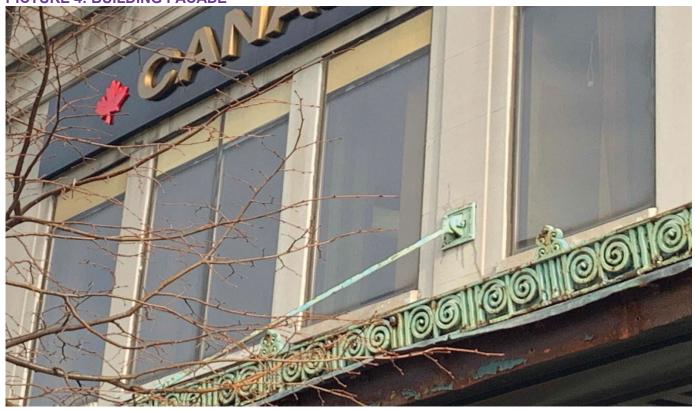


**PICTURE 3: SCROLL WORK AND CONNECTORS** 



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**PICTURE 4: BUILDING FACADE** 





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PICTURE 6: CANOPY SCROLL WORK

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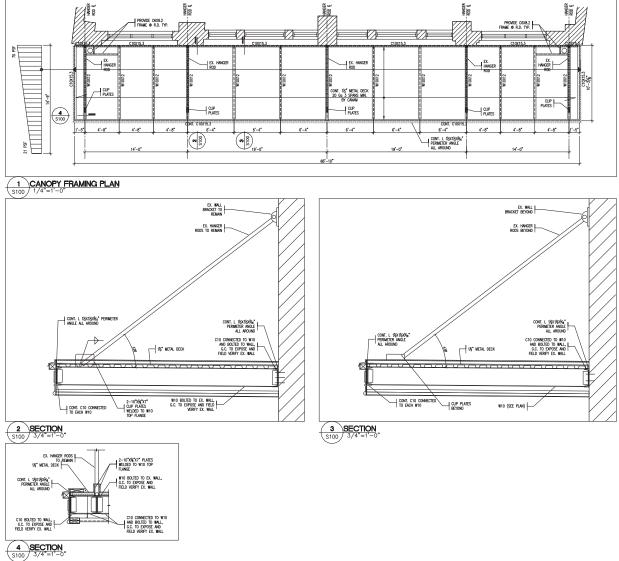
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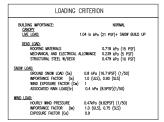
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PROJECT IDENTIFICATION

CANADA BUILDING ADDITION

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REVIEW APPROVAL PERMIT DOCUMENTSDOCUMENTSDOCUMENTSDOCUMENTS

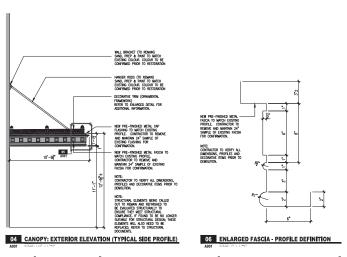
374 OUELLETTE AVENUE

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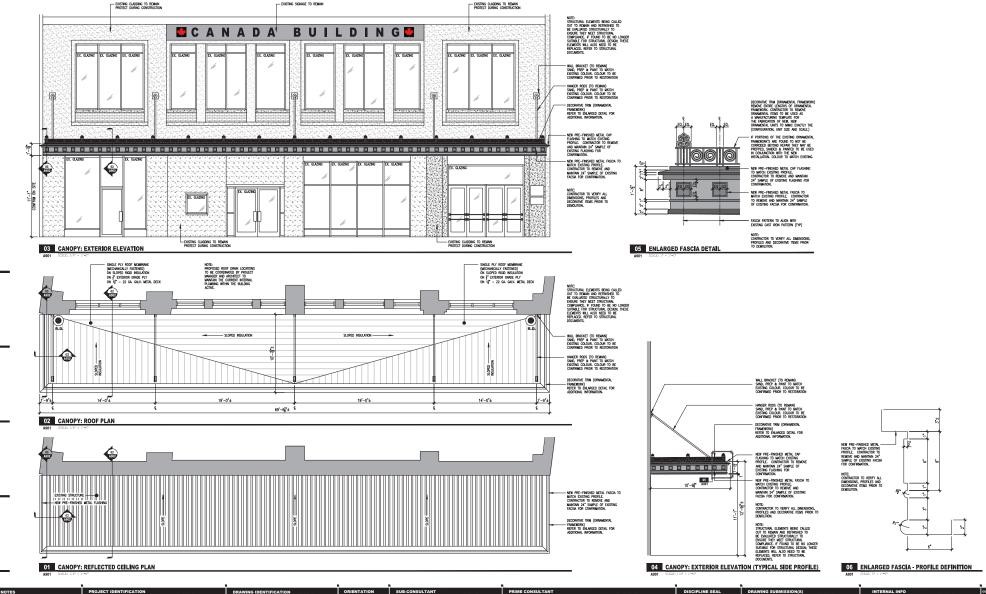


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Adur

STUDIO 67 KING STREET WEST, CHATHAM ON N7M 1C7



- EXISTING SIGNAGE TO REMAIN

CANADA BUILDING: INTERIOR RENOVATION DRAWING PACKAGE #2

374 OUELLETTE AVE.

N9A 1A8

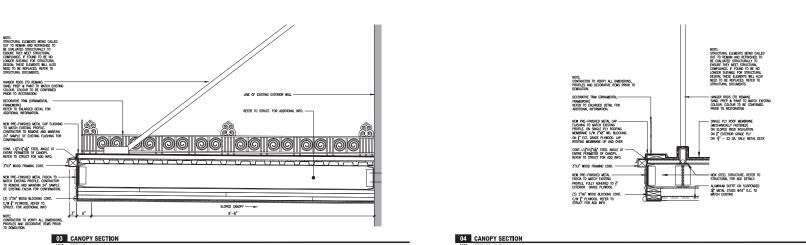
CANOPY ELEVATION

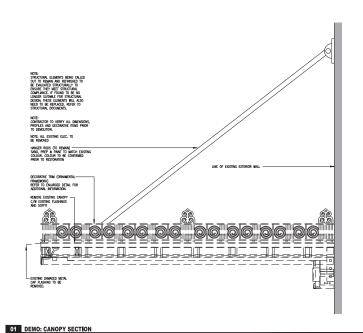
SECTIONS & DETAILS

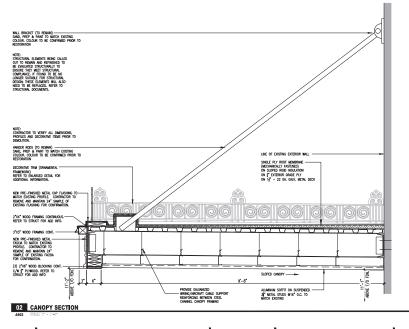
TEL . 519.397.0943









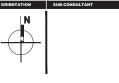














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DI	DRAWING SUBMISSION(S)		
		NWI-DO-YY	
2	ISSUED FOR - REQUESTED EDITS	03-07-2022	
- 1	ISSUED FOR PHASE 1 - CANOPY RESTORATION	02-25-2022	
MO.	DESCRIPTION	DATE	

A902R1



Council Report: S 34/2022

Subject: Economic Revitalization Community Improvement Plan (CIP) application submitted by 538512 Ontario Limited for 3430 Wheelton Drive - Ward 9

#### Reference:

Date to Council: April 4, 2022
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkinson@citywindsor.ca
Planning & Building Services
Report Date: March 9, 2022
Clerk's File #: Z/14332

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

#### Recommendation:

- I. THAT the request made by 538512 Ontario Limited to participate in the Business Retention and Expansion Grant Program BE APPROVED for the property located at 3430 Wheelton Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan;
- II. THAT, Administration BE DIRECTED to prepare an agreement between the City, 538512 Ontario Limited., and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the Commissioner of Legal Services as to legal form, and the CFO/City Treasurer as to financial implications;
- III. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and,
- IV. THAT the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

# **Executive Summary:**

N/A

# **Background:**

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

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

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

538512 Ontario Limited has applied for financial incentives under the Business Retention and Expansion Grant Program for property located at 3430 Wheelton Drive (see Location Map). The principle owner of 538512 Ontario Limited (Bendig Enterprises) also owns and operates Cavalier Tool & Manufacturing Ltd (Cavalier Tool), which abuts the subject property to the south at 3450 Wheelton Drive.

Cavalier Tool designs and builds molds for diverse applications, including products for the automotive, commercial, recreational and domestic industries. The company has been in business for 45 years operating at 3450 Wheelton Drive, which abuts the subject property to the south. Cavalier Tool was approved to participate in the Business Retention and Expansion Grant Program in 2016 related to an expansion of the industrial building at 3450 Wheelton Drive.

The property is 0.86 hectares (1.67 acres) in size, designated 'Industrial' in the City's Official Plan and zoned Manufacturing District 2.7 (CD 2.7), which permits a range of industrial uses. The subject property is currently occupied by a two storey 2,196.30 m<sup>2</sup> (23,640 ft<sup>2</sup>) industrial building that was most recently used as office space.

#### Discussion:

## Business Retention and Expansion Grant Program

The Business Retention and Expansion Grant Program is intended to stimulate investment in targeted economic sectors for the purpose of expanding and diversifying Windsor's economy. Existing manufacturing business that retain or create a minimum of 50 jobs are eligible to apply under the program.

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

#### Proposed Construction

The application proposes to expand the existing building by adding 1,086 m<sup>2</sup> (11,689 ft<sup>2</sup>) of manufacturing space. The plans also include removal of approximately 372 m<sup>2</sup> (4,000 sq. ft.) of the existing 2nd floor to accommodate a high bay manufacturing area.

## Eligible Sector

Cavalier Tool falls under the eligible Manufacturing sector, which is defined as:

#### Manufacturing

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

# **Employment**

According to the CIP application Cavalier Tool currently has 202 employees located at 3450 Wheelton Drive. These employees would be retained and 30 employees are expected to be added as a result of the proposed expansion.

#### CIP Objectives

The proposed expansion of the industrial building located at 3430 Wheelton Drive and recommended Business Retention and Expansion Grant supports the following CIP objectives:

 Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;

- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Attract investment based on the community's strengths and competitive advantages;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs;
- Support the establishment and on-going development of sector clusters and encourage businesses to take advantage of cluster -related synergies; and,
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

# Risk Analysis:

There is little risk associated with the approval of the CIP application. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the eligible employment uses and issuance of annual grants will also be required over the next ten years. Should Council refuse the CIP request there is a risk that Cavalier Tool may not proceed with the proposed expansion.

# Climate Change Risks

# **Climate Change Mitigation:**

The proposed addition to the existing industrial building implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas.

# **Climate Change Adaptation:**

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

# **Financial Matters:**

# Business Retention and Expansion Grant Program

The tax increment portion of the Business Retention and Expansion Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by MPAC. Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on the actual assessed property value, tax class, and municipal tax rate.

# Summary of Potential Financial Incentives

The applicant proposes to spend a total of \$3,175,000 on the project. The current assessment value for the property is \$2,338,000 and the annual property taxes are \$99,006 with the municipal share being \$78,431.60.

City staff anticipate the post-development assessment value to be \$2,645,031. Total annual property taxes on the increased assessment value would be \$125,304—an increase of \$26,298. The post-development annual municipal tax levy would be \$102,027—an increase of \$23,596. This would result in a total grant value of \$235,960 over the lifespan of the 10-year grant program and would offset approximately 7.4% of the eligible investment proposed by 538512 Ontario Limited.

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

#### **Consultations:**

The Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province.

Planning staff have consulted with the applicant prior to accepting the application for the Business Retention and Expansion Grant Program. Staff from the Planning, Finance, and Legal departments were consulted in the preparation of this report.

# **Conclusion:**

Administration recommends that Council approve the request made by 538512 Ontario Limited to participate in the Business Retention and Expansion Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed development located at 3430 Wheelton Drive be provided as an annual grant for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

It is also recommended that approval to participate in the CIP expire if the grant agreement is not signed within one year following Council approval. The planned development conforms with the Economic Revitalization CIP and assists the City in the achievement of a number of the CIP objectives.

# **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
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Josie Gualtieri	Financial Planning Administrator
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administration Officer

# **Notifications:**

Name	Address	Email
Brian Bendig		brianb@cavaliertool.com
Brenda Quint		brendaQ@cavaliertool.com
Tim Galbraith		timg@cavaliertool.com

# Appendices:

- 1 Location Map
- 2 Application Overview



# **LOCATION MAP: 3430 WHEELTON DRIVE**





PEOPLE - PROCESS - EQUIPMENT

#### **Business Overview - March 2022**

Cavalier Tool & Manufacturing was founded in Windsor in 1975. Cavalier has two manufacturing locations, one in Windsor and one in Tecumseh (2021 acquisition of Mold Services International). Cavalier also has three support locations in India, two in Chennai and one in Lucknow. The India locations are non-manufacturing support services to Engineering, Estimating and Purchasing for the North American operation. We are opening our third manufacturing location here in Windsor – 3430 Wheelton Drive, hence the CIP application. Current employment is 160 in Windsor, 42 in Tecumseh and 33 in India.

Cavalier's business strategy encompasses several markets including Automotive, Heavy Truck, Powersport, Commercial, Consumer and Medical industries. This diverse strategy has led to the steady and consistent growth realized over the past decade. Cavalier has recently moved into the top 20 mold manufacturers (by sales turnover) in North America and is recognized as an industry leader. Our 5-year goal is to be in the top 10.

# **Project: Industrial Building Acquisition**

By positioning ourselves as an industry leader in technology and innovation we can compete in a global market. As an early adopter (in our industry) of digital marketing, we were well prepared when the pandemic closed the border to non-essential travel. By capitalizing on our pre pandemic momentum we were able to maintain our growth projections.

#### **CURRENT ISSUES**

- This growth has resulted in an increase in offshore content (China) as well as significant North American outsourcing as we do not have the footprint to accommodate the requirements.
- North American outsourcing costs rise exponentially to accommodate capacity issues.
- Since Cavalier is a discreet manufacturing business we rely heavily on design and engineering as part of
  our build process. Design staff requirements have grown commensurate with the business increase. To
  accommodate our design staffing requirements, we have increased our presence both in Windsor and in
  India. With our current staffing level in our Windsor design department, we do not have enough space
  requiring all designers to work-from-home.
- Infrastructure footprint has been maximized.

#### **OPPORTUNITIES & OPTIONS**

- Acquisition:
  - This comes with its own set of challenges. Without a significant prior relationship integration takes at least one year.
  - It is expensive. Acquiring a functioning business includes the costs not congruent with capacity acquisition.
  - Fastest and most costly way to add capacity.



#### • Expansion:

- o Requires land and building acquisition.
- o Allows organic growth with equipment designed to maximize current processes.
- More cost effective than acquisition but still significant CapEx.
- Maintain Outsource level
  - Minimal CapEx investment
  - Not cost effective
  - Lack of control

#### **SOLUTIONS:**

#### Acquisition

o In 2020 it became apparent that we needed immediate capacity to face the expected business projections. We had an ongoing relationship with MSI in Oldcastle as they had been an outsource supplier for several years. The workload they were taking from Cavalier became significant. With similar culture, process, and business practices they became a prime candidate for acquisition. January 1, 2021, it was announced that Cavalier had acquired the company and would proceed with the integration process. This became Cavalier Plant 2.

#### • Expansion:

- o In Q1 2021 Cavalier was approached to purchase the building at 3430 Wheelton. While other acquisitions were being explored, having the lot, and building adjacent to Plant 1 would allow future strategic options. It was decided to proceed with the purchase and July 1, 2022, Cavalier took possession of what will become Cavalier Plant 3.
  - While the building at one point was a tool shop, it had been acquired and converted to all offices including adding a full second floor. All vestiges of a manufacturing facility were removed, cranes, electrical etc.
  - Plans were commissioned to return the building to its former configuration by removing the second floor and install all required infrastructure. Preliminary designs and construction costs were collected and reviewed.
  - While all immediate needs could be met, our projected growth would require further resources in the near future. Proposals were issued to demolish only a small portion of the second floor incorporate an addition on to accommodate the manufacturing floor requirements.
  - This would allow the entire Design department to return to work, the Sales and Estimating departments to move to Plant 3 and allow renovation and optimizing of the Plant 1 office layout. This solution would also allow for expected future space requirement for both office and shop requirements.

#### Plans:

- o Addition of a fully automated enclosed manufacturing cell. This will include:
  - Three 5-axis high speed CNC Hermle
  - One multi-axis CNC EDM machines OPS-Ingersoll
  - One Wire EDM machine Mitsubishi
  - Two external manned stations Load and unload of cell.
  - Full automated 9-axis Kuka robot accessing a 200-pallet library
  - Designed to be expandible to accommodate future growth.

- A large 5-axis high speed bridge mill
  - 3.0 M x 5.0 M cutting envelope
  - Triple head interchangeability horizontal, vertical, and multi-axis configuration
- Material Handling infrastructure
  - 3 overhead bridge cranes ranging from 10 to 35 tons will be installed. 2 Walking beam cranes and several jib cranes will be installed throughout the manufacturing floor for efficient movement of workpieces.
- Office Renovation
  - Custom designed work environment to allow both privacy and enhanced collaborative efforts between designers, and with the manufacturing team. While designers working from home fulfills the technical requirements for a designer, the daily collaboration and creativity is absent in an WFH environment. The interaction between design and manufacturing having a designer walk out and collaborate with toolmakers and machinists will bring a much-needed feedback loop back into our process.
  - Office infrastructure will allow for 40 design team members in the offices at Plant 3.
     Current requirement is 29 allowing 11 additional designers in the future. Similar capacities are built into the Sale & Estimating area, Purchasing and Logistics area. We are planning for the continued growth.
  - Fiber and Cat6 connectivity will be installed to for hardwire integration with Plant 1 and cloud integration with Plant 2.
  - Acoustic baffles and white noise generators will be integrated into the office.
  - Renovations of Plant 1 offices will be completed once Plant 3 is done. This will
    accommodate current team members and allow for future increase in staff there.
- Enhanced service offering:
  - An Additive Manufacturing lab which is expected to include Industrial Design, 3D
    printing, finite element analysis and testing & metrology capability are planned for 2024
    in this facility.

#### **EXPECTATIONS:**

- LCC/Offshore outsourcing:
  - While offshore outsourcing provides a buffer to manufacturing capacity issues the intent is to reduce the current dependency through automated manufacturing processes to repatriate a significant amount of current component requirements and create capacity to accommodate future requirements.
- North American outsourcing:
  - Like offshore outsourcing, domestic partners also mitigate the cyclic nature of our business. Used strategically, they can enhance the customer experience, allow for timing compression and fill-in resources when required. It is not financially sustainable on a continuing basis as the premium cost reduces, and in extreme cases eliminates the profit margins.

#### **RESULTS:**

- Growth:
  - Plant 1 & 2 currently employ 202 team members, office, and manufacturing. Based on projections, that number will exceed 250 by 2024.
  - Current outsource costs are in excess of \$10M/yr. Even with projected sales increase, that number is expected to be under \$5M/yr. in 2023 when the addition and equipment are fully online.
  - 85% of our business is export. Our growth promotes growth in our supply chain partners, from component and raw material suppliers to our computer, software, and service suppliers.
     Cavalier's success is Windsor and Essex County's success.

#### **CONCLUSION:**

The current economic, geopolitical and supply chain challenges have put a significant strain on our plans. As mentioned in our original application. Construction costs are 70% higher than was originally quoted. We have pushed back the AM lab, scaled back on the office renovations, all to preserve capital. The CIP grant is essential for us to maintain the cadence of our growth. We have spent a decade positioning the company to capitalize on our past investments. Our two biggest challenges are people and manufacturing capacity. We have added two people whose sole responsibility is to recruit and onboard talent at Cavalier, that problem is being addressed. The manufacturing capacity will be addressed through our expanding footprint here in Windsor. The CIP grant is a key component and will expedite our growth and employment levels. Should you have any questions, we would be pleased to answer them.



Council Report: S 88/2021

Subject: Close and Convey the East-West Alley Segments at the South end of Partington Ave., Roxborough Blvd., and Glenwood Ave, and the North-South segment between Roxborough and Glenwood Avenue, all being North of EC Row Expressway SAA/6177

#### Reference:

Date to Council: April 4, 2022 Author: Michael Cooke MCIP, RPP

Manager of Planning Policy/Deputy City Planner

Email: mcooke@ctiywindsor.ca Phone: 519-255-6543 x6102 Planning & Building Services

Report Date: March 20, 2022 Clerk's File #: SAA2022

To: Mayor and Members of City Council

#### Recommendation:

- 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:
    - The Corporation of the City of Windsor, Enbridge Gas Inc., and ENWIN Utilities Ltd.
- III. That the north/south alley segment measuring approximately 32m in lenght and located at the south end of Roxborough Boulevard and Glenwood Avenue, as shown on Drawing No. CC-1783 attached as Appendix "A", **BECLOSED AND**

**CONVEYED** in full width, to the abutting property owners on the east and west sides of the alley, subject to the following:

- b) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
  - The Corporation of the City of Windsor, Enbridge Gas Inc., and ENWIN Utilities Ltd.
- IV. THAT Conveyance Cost **BE SET** as follows:
  - a. For the 4.27m wide east/west alley segments identified in Recommendation II above, the land value is set at a market value of \$13,120 per front metre (\$4000/front foot).
  - b. For the north/south alley identified in Recommendation III above, the land value is set at \$1.00; and
  - c. In addition to (a) and (b), costs include 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 Number. CC-1783, *attached* 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:**

South Windsor Development Co. owns 4 of the 5 properties on the north side of the proposed closure between Rankin Avenue and Glenwood Avenue. Agent Karl Tanner on behalf South Windsor Development Co. applied to close the 4.27 metres wide east/west alley, north of the existing trail system and EC Row Expressway between Rankin Avenue and Glenwood Avenue. In addition, a north/south alley segment between Roxborough Boulevard and Glenwood Avenue measuring approximately 32m in length has also be requested for closure. All alley segments are shown on Drawing No. CC-1783 attached as Appendix "A".

An application for part lot control exemption (which includes the alleys subject of this report) has recently been approved by City Council. The granting of part lot exemption will allow for the proposed building lots at the south end of Partington, Roxborough and Glenwood to effectively benefit from the additional 4.27m of frontage should the eastwest alley segments be approved for closure. For this reason, the applicant is requesting to close these alley segments to increase lot frontage and/or depth on their properties.

The surface of the alley is composed of grass and does not appear to be travelled by vehicles. There are no sewers, manholes, catchbasins, wooden hydro poles, guy-wires, or overhead wires located in the proposed alley closure.

#### Discussion:

Planning Department's analysis of the requested alley closures:

The first test is to determine whether the subject alley is dispensable. To make such determination the guideline *attached* herein as Appendix "E" would be relevant as shown below:

a. Does the subject alley serve commercial properties?

The answer is **NO**.

b. Does the subject alley serve properties fronting on heavily traveled streets i.e. major arterial routes?

The answer is NO.

c. Does the subject alley contain sewers, and must the alley remain accessible for servicing?

The answer is NO.

d. 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?

The answer is **NO**.

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

The answer is **NO**.

Based on the above, the Planning Division deems the subject east/west and north/south alley portions as "dispensable", and supports the requested closure.

The Planning Division notes that alleys are typically conveyed in equal halves to abutting property owners. As the City of Windsor is the abutting property owner on the south side of the alley and does not require the alley for the existing sidewalk/trail system, the entire width of the alley can be conveyed to the abutting property owners. The north/south alley segment can be offered in equal halves to the abutting property owners.

# Risk Analysis:

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

# Climate Change Risks

**Climate Change Mitigation:** 

N/A

**Climate Change Adaptation:** 

N/A

**Financial Matters:** 

N/A

#### Consultations:

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

The Parks Department confirmed that lands abutting the existing sidewalk/trail system to the north will not be required for future needs.

The City of Windsor, Enbridge Gas and ENWIN Utilities Ltd. have requested easements in the subject area of closure.

Notices of the meetings of the Development & Heritage Standing Committee and Council 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 Division recommends closure of the portions of the east/west alley and north/south alley all as shown on attached Appendix "A", subject to easements as in Recommendation II of this report, in favour of the City of Windsor, Enbridge Gas and ENWIN Utilities Ltd.

# **Planning Act Matters:**

N/A

# Approvals:

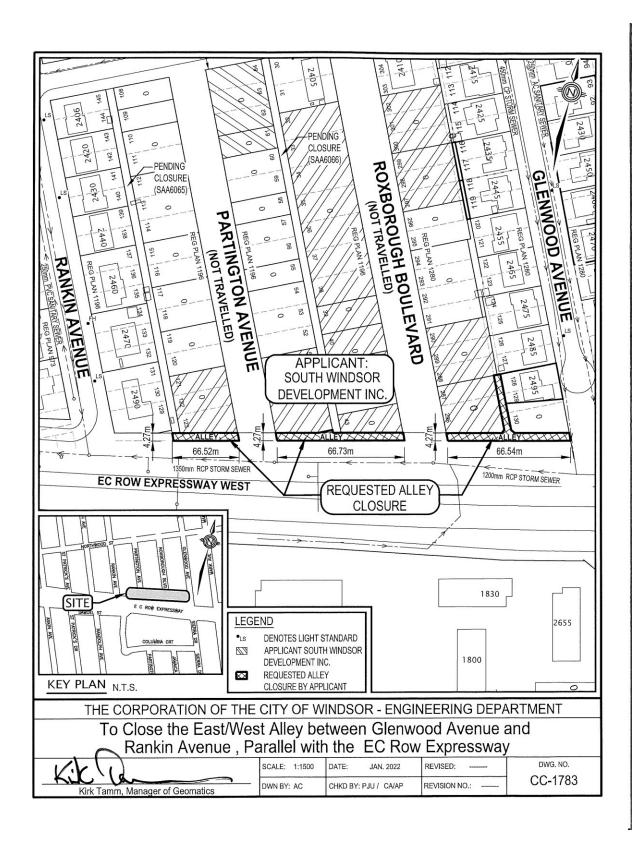
Name	Title
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner – Legal and Legislative Services
Jason Reynar	Chief Administrative Officer

## **Notifications:**

Name	Address	Email
Councillor Jim Morrison	City Hall Square W., Suite 220, Windsor Ontario N9A 6S1	jmorrison@citywindsor.ca
Karl Tanner (Agent for the Applicant)		ktanner@dillon.ca

# Appendices:

- 1 Appendix "A" Drawing No. CC-1783
- 2 Appendix "B" Aerial Photo
- 3 Appendix "C" Consultations
- 4 Appendix "D" Site Photos
- 5 Appendix "E" Classification of Alleys





STREET & ALLEY CLOSING (SAA/6177)

APPLICANT: DILLON CONSULTING LTD. C/O SOUTH WINDSOR PROPERTIES INC.



ORIGINAL APPLICATION



ALLEY TO BE CLOSED

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: MARCH, 2022

1:1,500



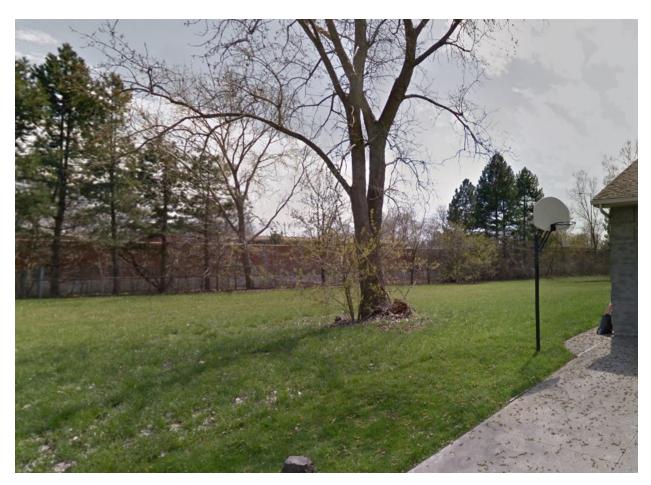
Agency	Comments
Fire and Rescue Services	No comments received.
Windsor Police Services	No comments received.
Parks & Facilities	The conclusion is to have the reinstatement of the sidewalk out here, as this infrastructure will fall within the ROW, and Public Works Operations will be responsible for future maintenance.
Public Works – Engineering	The subject alley closure is approximately 4.27m (14ft) wide, and is composed of grass. There are no sewers, manholes, catchbasins, wooden hydro poles, guy-wires, or overhead wires located in the alley closure. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.
Public Works – Environmental	No concerns from Environmental Services.
Public Works – Transportation	The proposed alley closure would leave enough ROW to accommodate the existing sidewalk. If the relocation of the sidewalk is necessary, the applicant shall assume this cost.
Transit Windsor	No comments received.
Bell Canada	Bell Canada has no concerns with the proposed alley closures.
Cogeco Cable Systems Inc.	No comments received.
Canada Post	No comments received.
Rogers Communications	No comments received.
Telus Communications	TELUS has no infrastructure in the area of your proposed work. Permit expires six(6) months from approval date.
MNSi	MNSi does not require an easement through the subject lands.
EnWin Utilities – Hydro	Hydro Engineering: No objection, however, an easement named to ENWIN Utilities Ltd. and the City of Windsor is required for the entire east/west alley upon closing to accommodate existing underground 600 volt EC Row streetlight distribution and poles.
Windsor Utilities – Water	Water Engineering: Water Engineering has no objections.
Enbridge Gas	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.
Legal Department	For the east/west portions of the alley segments measuring 4.27m in width: the market rate per front metre is \$13,120 (\$4000/front foot)  For the north/south alley segment: \$1.00.  Plus deed preparation, plus proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
OTHER:	

# Appendix "D" – Site Visit Photos



1. Looking east towards alley from Rankin Ave.



2. Looking west towards alley from Glenwood Ave.

# Classification of Public Rights-of-Ways:

Appendix 'E'

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.

- 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.
- Alleys having some usefulness should **be considered for closing** only upon request of abutting owners rather than by encouragement of the City.
- 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.
- 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.