

Development & Heritage Standing Committee Meeting

**Date:** Monday, May 02, 2022

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

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

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

<b>Item #</b>	<b>Item Description</b>
1.	<b>CALL TO ORDER</b>

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.	<b>DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>
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3.	<b>REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS</b>
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4.	<b>COMMUNICATIONS</b>
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5.	<b>ADOPTION OF THE PLANNING ACT MINUTES</b>
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5.1.	Minutes of the Development and Heritage Standing Committee Meeting ( <i>Planning Act Matters</i> ) held April 4, 2022 ( <b>SCM 113/2022</b> )
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6.	<b>PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)</b>
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7.	<b>PLANNING ACT MATTERS</b>
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7.1.	Draft Plan of Subdivision Application - east of 3550 Howard Avenue SDN-002/21 [SDN/6593] - Wonsch Construction Company Limited - Ward 9 ( <b>S 45/2022</b> )
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7.2.	Draft Plan of Subdivision Application 0 Liberty Street n/s Liberty Street, between Dougall Avenue and Gundy Park Lane SDN-003/21 [SDN/6630]- 2342046 Ontario Inc. - Ward 9 ( <b>S 47/2022</b> )
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7.3.	Rezoning - 1933923 Ontario Ltd – 0 and 817 Elinor Street - Z-002/22 ZNG/6657 - Ward 7 ( <b>S 41/2022</b> )
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7.4.	Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to
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the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East Z-008/22 [ZNG/6670] (**S 49/2022**)

8. **ADOPTION OF THE MINUTES**

- 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held April 4, 2022 (**SCM 96/2022**)

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

10. **HERITAGE ACT MATTERS**

- 10.1. City of Windsor Heritage Recognition 2022 (**S 43/2022**)

11. **ADMINISTRATIVE ITEMS**

- 11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Albert and Maria Folino for 660 University Avenue East (Ward 3) (**S 40/2022**)
- 11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9 (**S 48/2022**)
- 11.3. Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Development Inc. (**S 27/2022**)

12. **COMMITTEE MATTERS**

- 12.1. Minutes of the International Relations Committee of its meeting held February 2, 2022 (**SCM 82/2022**)
- 12.2. Minutes of the International Relations Committee of its meeting held March 31, 2022 (**SCM 95/2022**)

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



**Committee Matters: SCM 113/2022**

**Subject: Minutes of the Development and Heritage Standing Committee Meeting  
(*Planning Act* Matters) held April 4, 2022**



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

**Date:** Monday, April 4, 2022  
**Time:** 4:30 pm

**MEMBERS PRESENT:**

**Councillors:**

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

**Members:**

Member Gyemi  
Member Rondot

**Members Regrets:**

Member Moore

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

**ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:**

Thom Hunt, City Planner  
Neil Robertson, Manager of Urban Design / Deputy City Planner  
Barbara Rusan, Manager of Policy & Regulatory Services  
Tracy Tang, Planner II – Revitalization & Policy Initiatives  
Jim Abbs, Planner III – Subdivisions  
Greg Atkinson, Planner III – Economic Development  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Planner III – Heritage  
Robert Perissinotti, Technologist III  
Rania Toufeili, Policy Analyst  
Marianne Sladic, Clerk Steno Senior  
Sandra Gebauer, Council Assistant

# MINUTES

## Development & Heritage Standing Committee

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

Jelena Payne, Commissioner of Economic Development & Innovation  
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
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 4:31 pm.

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

None

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

None

#### 4. COMMUNICATIONS

None

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

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

Moved by: Member Gyemi

Seconded by: Councillor Gill

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

CARRIED, UNANIMOUSLY.

Report Number: SCM 74/2022

# MINUTES

Development & Heritage Standing Committee  
Monday, April 4, 2022

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

- Item 7.1 Randy Saccucci, 4C Project Management
- Item 7.1 Stephen Berrill, ADA-Architect
- Item 7.1 Amy Farkas, Dillon Consulting representing Applicant
- Item 7.1 Nonye Enebeli, Area Resident
- Item 7.1 Gil Leblanc, Area Resident
- Item 7.1 Yildirim Serdar Oyman, Area Resident
- Item 7.2 David French, Storey Samways Planning Ltd.
- Item 7.2 Jim Bujouves, Farhi Holdings Corp.
- Item 7.2 Paolo Collavino, PCR Constructors Inc.
- Item 7.2 Paul Weidl, Baird AE
- Item 7.2 Brandon Munro, Baird AE
- Item 7.3 Fran LaSorda, representing Julie Johns, Area Resident

## 7. PLANNING ACT MATTERS

### 7.1 Z-025/21 [ZNG/6499] – Wyandotte Developments Inc 0 Wyandotte St E – Rezoning Ward 6

Jim Abbs (author), Planner III – Subdivisions

Members of the delegations had the following concerns:

- height of building. Would prefer no higher than 5 storeys.
- Water retention, overflow and flooding
- Increased traffic and pollution
- Don't want an outdoor pickle ball court due to noise and excessive lighting
- Against the reduction in landscape area/increase building footprint
- Increased noise overall

Moved by: Member Rondot

Seconded by: Councillor Morrison

Decision Number: **DHSC 380**

### RECOMMENDATIONS

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**

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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)”

Motion CARRIED UNANIMOUSLY

Report Number: S 35/2022

Clerk's File: Z/14298

### 7.2 Z-039/21 [ZNG/6590] – Farhi Holdings Corp 1624 Lauzon Rd – Zoning Ward 6

Jim Abbs (author), Planner III – Subdivisions

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 381**

#### RECOMMENDATIONS

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

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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.

Motion CARRIED UNANIMOUSLY

Report Number: S 37/2022  
Clerk's File: Z/14267

### **7.3 Z-045/21 [ZNG/6634] – Avant Group Inc 659 Alexandrine St – Rezoning Ward 10**

Adam Szymczak (author), Planner III - Zoning

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 382**

#### RECOMMENDATIONS

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; PIN 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**

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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 <i>dwelling unit</i> – 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]

and further,

THAT the Applicant **CONSIDER** a reduction in the protrusion of the attached garage by bringing the main entrance or building wall closer to the front lot line for safety and security purposes.

Motion CARRIED

Members Gyemi and Rondot voting nay

Report Number: S 33/2022

Clerk's File: Z/14281

## 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 6:00 p.m.

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Ward 3 – Councillor Bortolin  
(Chairperson)

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Thom Hunt  
(Secretary)



**Council Report: S 45/2022**

**Subject: Draft Plan of Subdivision Application - east of 3550 Howard Avenue SDN-002/21 [SDN/6593]- Wonsch Construction Company Limited - Ward 9**

**Reference:**

Date to Council: May 2, 2022  
Author: Jim Abbs,  
Senior Planner  
255-6543 x6317  
jabbs@citywindsor.ca

Planning & Building Services  
Report Date: April 11, 2022  
Clerk's File #: Z/14266

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

**Recommendation:**

I **THAT** the application of Wonsch Construction Company Limited for Draft Plan of Subdivision approval of Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366, 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 SDN002/21-1, which will facilitate the creation of 4 residential lots.
- B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).
- C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners 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).
2. The Owners create, the following rights-of-way, in accordance with the approved Plan of Subdivision:
  - a) 20m right of way for the for the extension of Oakridge Avenue and Farrow Avenue to the northerly limit of the subject lands;
3. The Owners convey 0.3m reserve blocks along the north limit of Oakridge Avenue and Farrow Avenue to the City of Windsor, to the satisfaction of the City Planner.
4. The Owners agrees to complete a geotechnical report to determine the capacity of the soil below the road base and building envelopes to the satisfaction of the City Engineer;
5. The Owner agrees to provide a Noise Study for review prior to registration of the Final Plan of Subdivision and agrees to implement any mitigation measures recommended, to the satisfaction of the City Planner;
6. The Owners agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense, to the satisfaction of the City Planner.
7. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:

On the East Side of Oakridge Avenue and Farrow Avenue, to the satisfaction of the City Engineer and the City Planner;
8. The Owners 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.
  1. 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.
  2. The study shall be finalized to the satisfaction of the City Engineer.
9. The Owners(s) will:
  - a) 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.

- b) 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.
  - c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
10. The Owners provide 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 construction permits.
11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:

“Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space.”

#### NOTES TO DRAFT APPROVAL (File: SDN-002/21)

- 1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
- 2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
- 3. 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.
- II 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,
- III THAT** prior to the final approval of the plan of subdivision 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,
- IV 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.

**Executive Summary:**

N/A

**Background:**

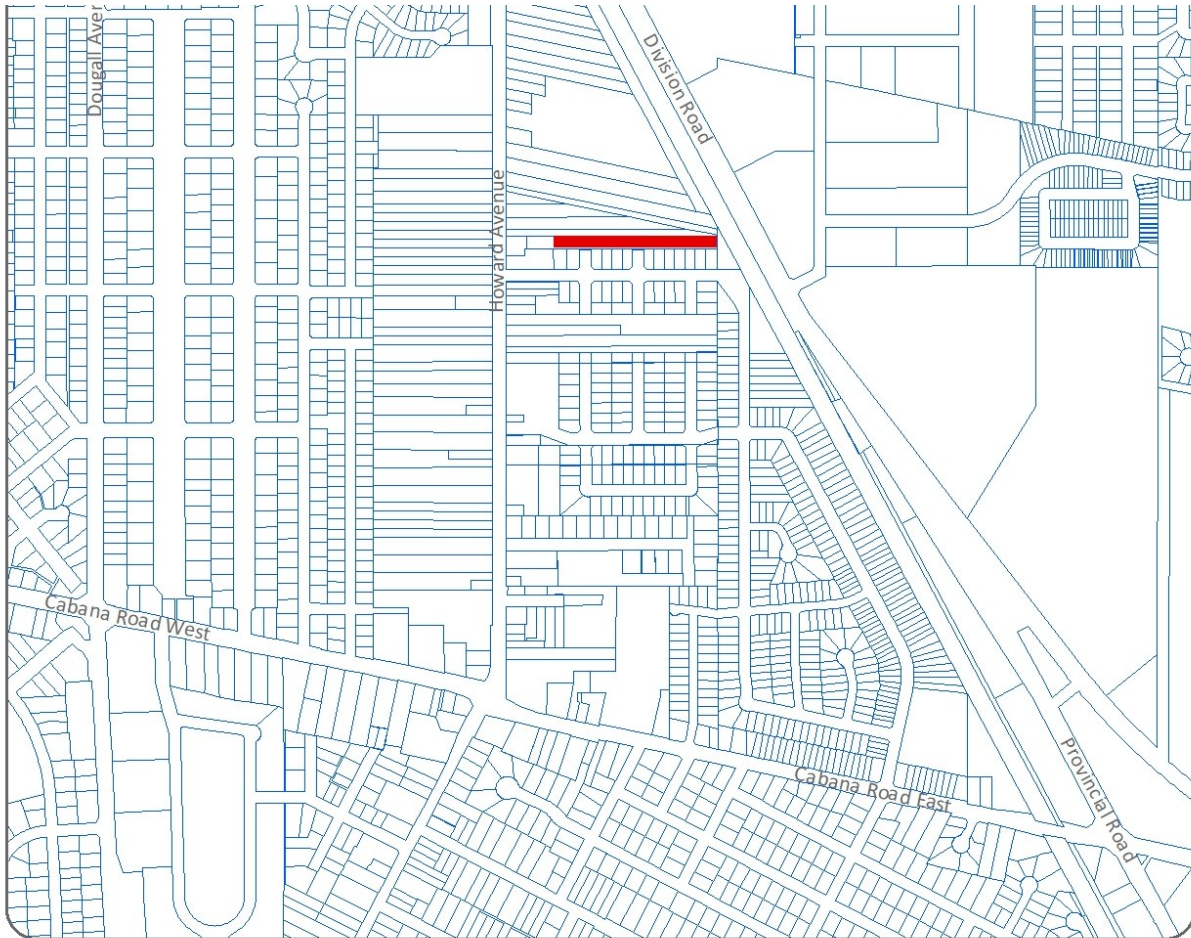
**Application Information:**

**Location:** 3550 Howard Avenue - Part of Block A, Plan 1259, more particularly described as Part 2, 12R-28366.

**Ward:** 9      **Planning District:** 15 – South Windsor      **ZDM:** 8

**Registered Owner\Applicant:** Wonsch Construction Company Limited (Gordon Wonsch)

**Agent:** Dillon Consulting Limited (Karl Tanner)



## KEY MAP - SDN-002/21, SDN-6593

● SUBJECT LANDS

### Proposal:

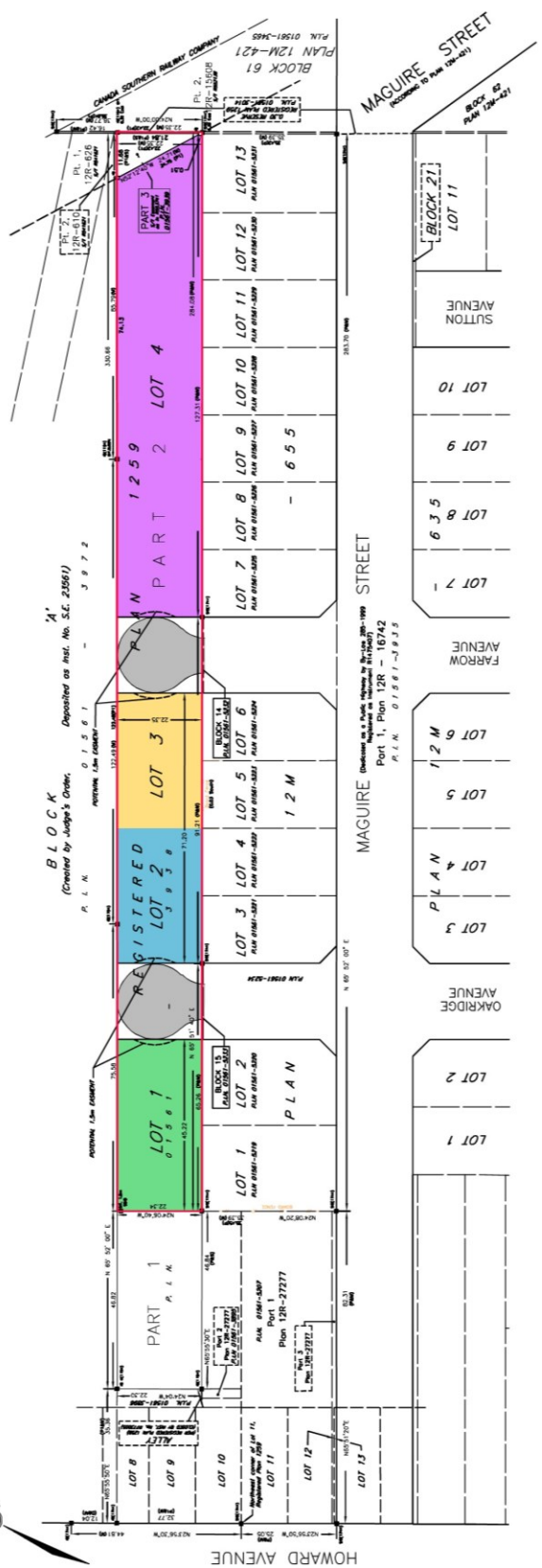
The applicants are requesting Draft Approval of a 4 lot Plan of Subdivision. This proposed residential subdivision is located between existing dwellings on Maguire Street to the south and vacant, residentially designated and zoned lands to the North.

The site is designated Residential in the City of Windsor Official Plan and is zoned Residential District 1.1, with a hold provision requiring that a plan of subdivision be registered and municipal services be available prior to the construction of dwellings (HRD1.1). It is proposed that the Plan of Subdivision will create an extension to the existing Oakridge Avenue and Farrow Avenue northerly that will temporarily terminate 22.34m from the end of the existing Oakridge and Farrow Right of ways.

Further development may take place to the north of this proposed Plan of Subdivision once property consolidation take place.

**Site Information:**

<b>Official Plan</b>	<b>Zoning</b>	<b>Current Use</b>	<b>Previous Use</b>
Residential	HRD1.1	Vacant Residential	Vacant/ Agriculture (Orchard, Market Garden)
<b>Width</b>	<b>Depth</b>	<b>Area</b>	<b>Shape</b>
+/-22.5 m	+/-283 m	.74 ha	Rectangular
All measurements are approximate.			



SDN002/21-1 –Draft Plan of Subdivision

## **Neighbourhood Characteristics:**

This proposed residential subdivision is located at 3550 Howard Avenue east of the existing dwelling on Howard Avenue and existing dwellings on Maguire Street to the south. The proposed development is bordered to the:

North by vacant land designated for residential purposes and zoned to permit single unit dwellings,

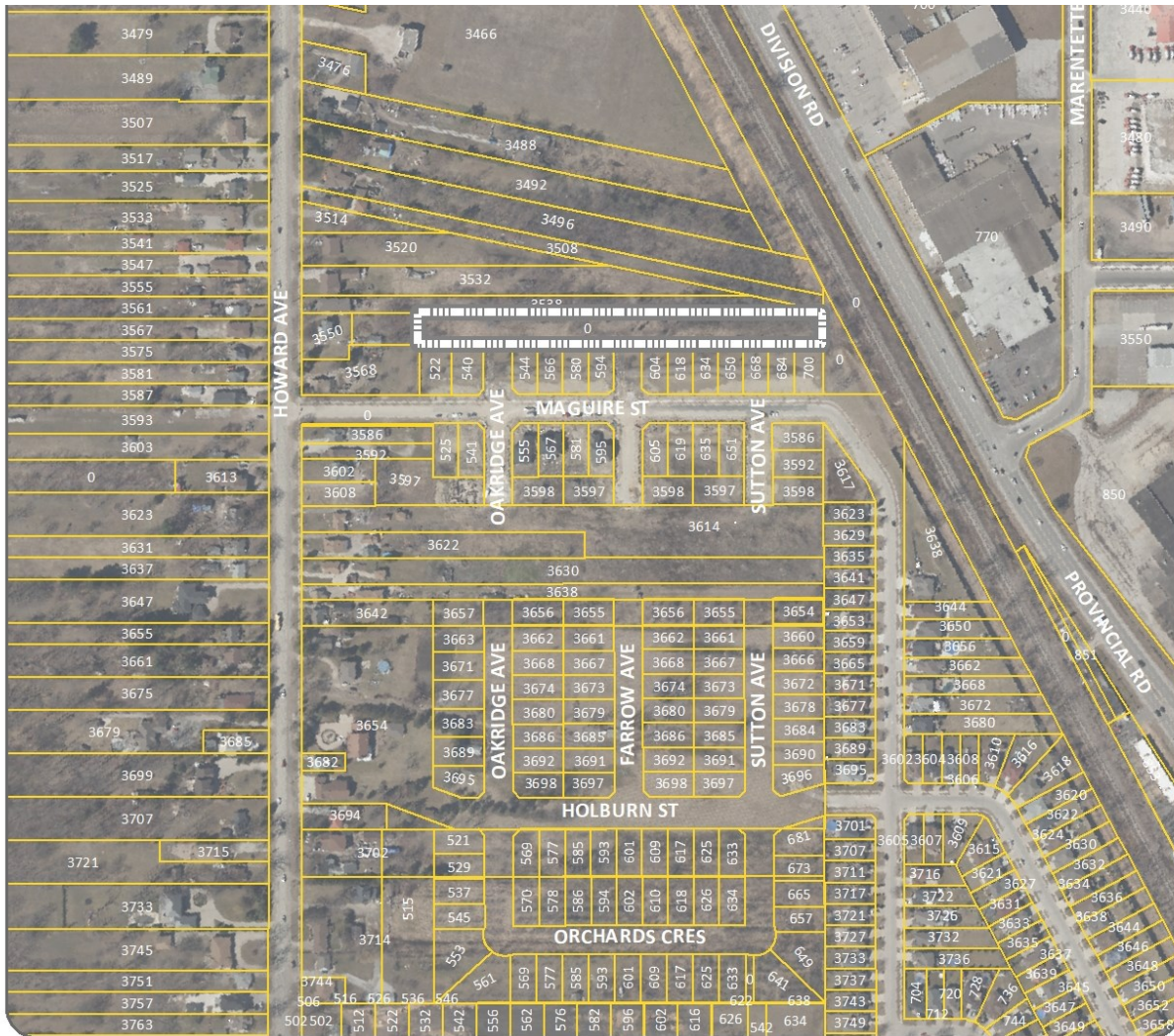
South by single detached residential dwellings fronting Maguire Street,

East by a railway corridor,

West by single detached dwellings on the west side of Howard Avenue.

The intersection at Howard Avenue and Cabana Road East further south to the subject site serves as a commercial node to the area. In general, the area has been subject to increased development pressure with significant residential developments constructed and proposed in the Howard Avenue corridor between Division Road and Cabana Road.





NEIGHBOURHOOD MAP - SDN-002/21, SDN-6593



SUBJECT LANDS

**Discussion:**

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

The Draft Plan Subdivision is 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 (PPS) 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 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 cost-effective development patterns and standards to minimize land consumption and servicing costs;”*

The requested Draft Plan Subdivision promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed Draft Plan Subdivision in this location contributes to minimizing land consumption and servicing costs by using a site that already has available trunk 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 Draft Plan Subdivision is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

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

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

The requested Draft Plan of Subdivision is consistent with the PPS by developing a planned low-density neighbourhood on smaller lots than currently exist fronting Howard Avenue. While the lots proposed are relatively large, the proposed form of development is a more efficient use of land and resources than currently exists on this site. As well, this development will help to provide additional residential inventory within the City of Windsor.



The PPS also states:

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

*a. permitting and facilitating:*

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

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

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

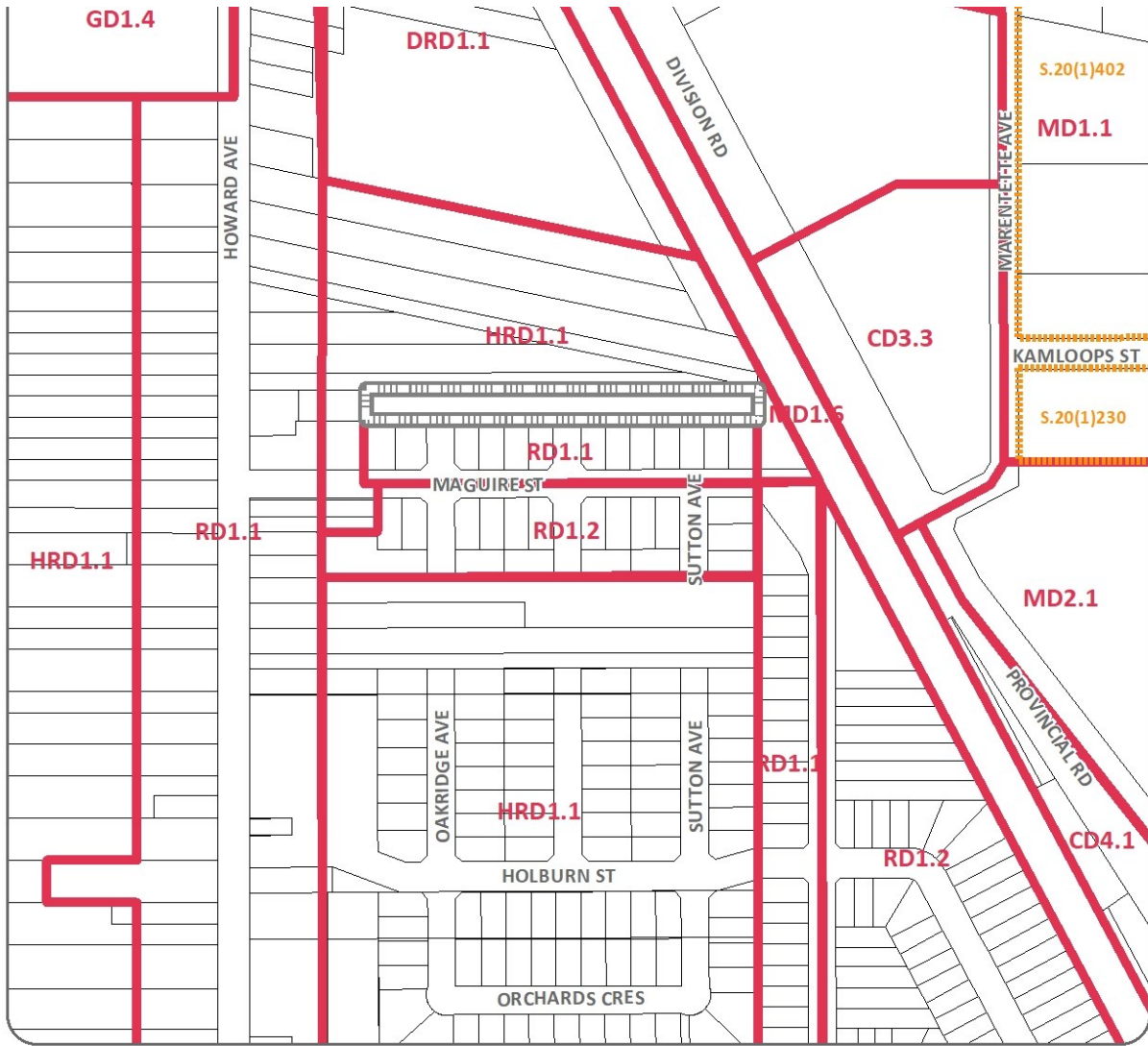
Approving the Draft Plan of Subdivision would support residential development using the infrastructure that is already in place, instead of requiring more expenditure on new infrastructure in a greenfield setting and will not limit future development of lands to the north of the site, once sufficient land consolidation has taken place. In terms of supporting active transportation and transit, the proposed Plan of Subdivision is in close proximity to Transit Windsor service.

**Official Plan:**

The subject lands are designated Residential in the City of Windsor Official Plan. This designation permits the low profile single unit residential development proposed. The City of Windsor Official Plan also contains policies that encourage the efficient use of existing infrastructure, promotes residential redevelopment as well as residential intensification. As such, the proposed development conforms to the Official Plan.

**Zoning:**

The subject lands are zoned Residential District 1.1 (HRD1.1) with a hold provision to ensure the property is developed to municipal standards by way of a plan of subdivision. This zone permits the construction of single unit dwellings on 15.0 m lots. The application proposes to create parcels that will comply with and exceed the zone regulations of the existing RD 1.1 zone category. The developer can apply to remove the hold provision once the Plan has Final Registration.

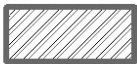


PART OF ZONING DISTRICT MAP 8

N.T.S.

## SCHEDULE 2

APPLICANT: WONSCH CONSTRUCTION



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : APRIL, 2022  
FILE NO. : SDN-002/21, SDN/6593

### Risk Analysis:

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

The site will be subject to a subdivision agreement and will release storm water to the municipal system at a rate determined by a storm water management plan and development servicing plan that will be reviewed and approved by the City's Public Works department

### **Climate Change Adaptation:**

The infill development on the site is close to existing bus routes and also commercial and community facilities. This will encourage the use of public transit and walking as modes of transportation, thereby helping to minimize the City's carbon footprint.

### **Financial Matters:**

N/A

### **Consultations:**

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.

The applications and relevant supporting studies were circulated to commenting agencies. Those responses are included as Appendix A – Comments.

### **Conclusion:**

The proposed draft plan of subdivision is consistent with the provisions of the Provincial Policy Statement, conforms to the City of Windsor Official Plan, complies with City of Windsor Zoning By-law and would provide the impetus for further development in an underutilized part of an established area.

Therefore, the proposed Draft Plan of Subdivision to create 4 new lots does constitute good land use planning.

### **Planning Act Matters:**

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

*Michael Cooke MCIP RPP, Manager of Planning Policy/Deputy City Planner*

*Thom Hunt MCIP RPP, City Planner*

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

*JP JM*

**Approvals:**

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

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Wonsch Construction Company Limited (Gordon Wonsch)	2870 Normandy Street, LaSalle ON N9H 2P3	winmar.ny@gmail.com@1 micgroup.com
Dillon Consulting Limited (Karl Tanner)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	ktanner@dillon.ca
Councillor Mackenzie		

**Appendices:**

- 1 SDN 002-21 COMMENTS

## COMMENTS

### **Averil Parent – Environment & Sustainability Coordinator**

No comments

### **Enwin**

ENWIN Utilities Technical Services Department (TSD) has received your email. Your email has been forwarded to one of the Technical Services Advisors who will be in contact with you if they require further information or with a response to your inquiry.

Please note that this email address serves customers with technical inquiries (for example: new service, relocation of existing service, request for line cover ups, generation connection and other similar inquiries). For EMERGENCIES, please call 519-255-2727 (This line is open 24 hours a day).

### **ONTLands – Enbridge**

Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s (formerly Union Gas Ltd) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

### **Windsor Mapping – Enbridge**

I believe we have an easement on the eastern extents of this application for our 20in transmission line.

After reviewing the provided drawing at 3550 Howard Ave. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

#### **Please Note:**

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

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

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

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

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

## **Canada Post**

Thank you for contacting Canada Post regarding plans for a new development in the City of Windsor. Please see Canada Post's feedback regarding the proposal, below.

### **Service type and location**

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

### **Municipal requirements**

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

### **Developer timeline and installation**

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

**Please see Appendix A for any additional requirements for this developer.**

## **Appendix A**

### **Additional Developer Requirements:**

- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.

- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - Any required walkway across the boulevard, per municipal standards
  - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
  - A Community Mailbox concrete base pad per Canada Post specifications.

### **Kristina Tang – Heritage Planner**

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

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

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

#### Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events:

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

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

## **Enwin**

**Hydro Engineering:** No objection to subdivision.

**Water Engineering:** Water Engineering has no objections.

## **Sherif Barsom – Parks Development**

Please note that there is no comments from Parks Dept. for the above mentioned project.

## **Rob Perissinotti – Engineering/ROW**

The applicant is requesting approval for a Plan of Subdivision consisting of 4 (four) lots for single detached dwellings at the rear of an existing residential property with a detached single family dwelling and detached garage. The lands subject to the application are Part 2 on the Draft Plan of Subdivision.

After reviewing the servicing requirements of the subject lands pertinent to the application, we have the following comments:

### **Roads and Right-of-Way**

The proposed Oakridge Ave and Farrow Ave right-of-ways are required to be 20m wide and have 8.6m wide roadways, measured from face of curb to face of curb as per AS-206D. Temporary cul-de-sacs are required and are to be constructed as per AS-545-A. All road works are to be constructed the satisfaction of the City Engineer.

Additionally, a geotechnical report is required to determine the capacity of the soil below the road base and building envelopes.

### **Sewers**

There are municipal storm and sanitary sewers within the abutting roadways, available to service the subject property as follows:

- Sanitary Sewer: 250mm Poly-vinyl Chlorine Pipe (PVC) on Maguire St. There is an existing 250mm PVC stub at the Maguire St and Farrow Ave intersection. A new connection is needed to service the Oakridge Ave right-of-way.
- Storm Sewer: 750mm Reinforced Concrete Pipe (RCP) at on Maguire St. There is an existing 450mm RCP stub at the Maguire St and Farrow Ave intersection. A new connection is need to service the Oakridge Ave right-of-way.

The stormwater management plan for this development is required to accommodate the vacant lands to the north of the subdivision, approximately 3.2 hectares in size. A servicing study is required, and one has been received with the application. Sewer extensions will be required as part of the development, and if oversizing of the sewers is required cost sharing will be based on a tender procured in a manner satisfactory to the City Engineer, and will be subject to approval by City Council

In Summary, we have no objection to the Subdivision Application, subject to the following conditions:



**Subdivision Agreement** – The applicant agrees to enter into a Development Agreement with the Corporation of the City of Windsor with the General Provisions of Council Resolutions 233/98 and any other specific requirements.

**Servicing Study:** - The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend solutions to addressing the problems and ultimate implementation of solutions should there be a negative impact to the system. The study shall be finalized in agreement with the City Engineer.

**Video Inspection (Mainline)** – The applicant shall agree to complete at its entire expense a video inspection, of ALL EXISTING sanitary/storm sewers downstream of the proposed development which will be tapped to service the development, all to the satisfaction of the City Engineer.

**Subject: Draft Plan of Subdivision Application 0 Liberty Street n/s Liberty Street, between Dougall Avenue and Gundy Park Lane SDN-003/21 [SDN/6630]- 2342046 Ontario Inc. - Ward 9**

**Reference:**

Date to Council: May 2, 2022

Author: Jim Abbs,

Senior Planner

255-6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: April 12, 2022

Clerk's File #: Z/14316

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

**Recommendation:**

I **THAT** the application of 2342046 Ontario Inc. for Draft Plan of Subdivision approval of Part of Lots 42 & 43, Plan 713, and Part of Lot 80, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390; **BE APPROVED** on the following basis:

- A That this approval applies to the draft plan of subdivision, as shown on the enclosed Drawing SDN-003/21-1, which will facilitate the creation of 4 residential lots.
- B. That the Draft Plan Approval shall lapse on (3 years from the date of approval).
- C. That the owner(s) enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject lands:

That prior to the execution and registration of the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor, the Owner(s) shall submit for approval of the City Planner/Executive Director of Planning & Building a final draft M-Plan, which shall include the names of all road allowances within the plan, as approved by the Corporation.

That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title prior to the registration of the final plan of subdivision and shall contain, among other matters, the following provisions:

1. The Owners 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).
2. The Owners create, prior to the issuance of a building permit, the following rights-of-way, in accordance with the approved Plan of Subdivision:
  - a) 20m right of way for Street A;
3. The Owner agrees, prior to the issuance of a building permit, to remove the existing barrier on Liberty Avenue and erect a new barrier on the Liberty Avenue Right of way at the west Limit of the Plan of Subdivision to the satisfaction of the City Engineer
4. The Owners convey 0.3m reserve block along the west limit of Street A to the City of Windsor, to the satisfaction of the City Planner.
5. The Owner agrees to complete a geotechnical report to determine the capacity of the soil below the road base to the satisfaction of the City Engineer;
6. The Owner agrees to complete an MECP species at risk screening and comply with all requirements, including any required remediation measures, resulting from any study or report submitted to the MECP/MNRF regarding SAR assessment, all at its entire expense.
7. The Owners will comply with all the following requirements relating to sidewalks:

Sidewalks will be constructed:

On the East Side of Street A, to the satisfaction of the City Engineer and the City Planner;
8. The Owners 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.
  1. 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.
  2. The study shall be finalized to the satisfaction of the City Engineer.
9. The Owners(s) will:
  - a) 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.

- b) 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.
  - c) Obtain the necessary permit or clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.
10. The Owners provide 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 construction permits.
  11. The owner shall agree to provide to Union Gas the necessary easements and/or agreements required by Union Gas for the provision of gas services for this project, in a form satisfactory to Enbridge.
  12. The Owner(s) shall agree to place the following warnings in all Offers to purchase, Agreements of Purchase and Sale or lease between the Developer and all prospective home buyers, and in the title:
 

“Students from this area may not be able to attend the closest neighbourhood school due to insufficient capacity and may have to be bussed to a distant school with available capacity or could be accommodate in temporary portable space.”

NOTES TO DRAFT APPROVAL (File: SDN-003/21)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Ontario Land Tribunal. Appeals are to be directed to the City Clerk of the City of Windsor.
2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.
3. 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.

- II **THAT** the City Clerk **BE AUTHORIZED** to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act; and,
- III **THAT** prior to the final approval of the plan of subdivision 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,
- IV **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,
- V. **THAT** a one-foot wide portion of the Liberty Street right-of-way as shown on Drawing Number. SDN-003/21-1, contained in this report **BE CLOSED AND RETAINED** for municipal purposes subject to the following:
  - a. Easements, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to Enbridge Ltd. and EnWin Utilities Ltd.
- VI. **THAT** the City Planner **BE REQUESTED** to supply the appropriate legal description for the area to be closed, in accordance with Drawing Number. SDN 003-21-1, contained in this report; and,
- VII. **THAT** the City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice regarding the portion of the Liberty St. right-of-way to be closed; and,
- VIII. **THAT** the City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) to facilitate the right-of-way closure; and,
- IX. **THAT** the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor; and,
- X. **THAT** the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003; and,
- XI. **THAT** the portion of Liberty Street closed by By-law 5588 **BE OPENED** for vehicular traffic.

**Executive Summary:**

N/A

**Background:**

**Application Information:**

**Location:** 0 Liberty Street - Part of Lots 42 & 43, Plan 713, and Part of Field Lot E, Concession 3, City of Windsor, more particularly described as Parts 1, 2 and 3, 12R-13390

**Ward:** 9      **Planning District:** 15 – South Windsor      **ZDM:** 8

**Registered Owner\Applicant:** 2342046 Ontario Inc. (Hassan El-Cheikh)

**Agent:** Dillon Consulting Limited (Melanie Muir)

**Neighbourhood Characteristics:**

This proposed residential subdivision is located at 0 Liberty Street, on the north side of Liberty Street, between Dougall Avenue on the west and Gundy Park Avenue/Ouellette Avenue to the east, directly across from Victoria Boulevard. The proposed development is bordered to the:

North by a parking area for a funeral home,

South by single detached residential dwellings fronting Victoria Boulevard,

East by single detached residential dwellings fronting Liberty Street and Gundy Park Boulevard,

West by commercial uses fronting Dougal Avenue (McDonalds Parking Lot).

Through traffic is prohibited (By-law 5588) on Liberty Street and is blocked by a barrier that is located approximately 18 m from the west limit of the subject property, however pedestrian and bicycle access is permitted. The applicant proposes to relocate the barrier to be in line with the west limit of the subject site. The current location of the Liberty Street closure and the location of the existing barrier will be discussed later in this report.







NEIGHBOURHOOD MAP - SDN-003/21, SDN-6630



SUBJECT LANDS

Figure 1: Location Map

**Proposal:**

The applicants are requesting Draft Approval of a 4 lot Plan of Subdivision. The residential subdivision is proposed to have four (4) lots for single detached dwellings, with access to a proposed right-of-way. To facilitate the development, the existing barricade located at the western-most intersection of Liberty Street and Victoria



Boulevard is proposed to be moved further west along Liberty Street to provide access for the proposed right-of-way.



### Proposed Conceptual Development Plan

The site is designated Residential in the City of Windsor Official Plan and is zoned Residential District 1.4 (RD1.4). It is proposed that the Plan of Subdivision will create a small 60 m long cul-de-sac north of Liberty Street.

### Site Information:

Official Plan	Zoning	Current Use	Previous Use
Residential	RD1.4	Vacant Residential	Vacant Residential
Width	Depth	Area	Shape
39.22m	irregular	6395.57 sq.m	"L"-Shaped
All measurements are approximate.			

## Discussion:

### Provincial Policy Statement 2020 (PPS):

The Draft Plan Subdivision is 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 (PPS) 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 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 cost-effective development patterns and standards to minimize land consumption and servicing costs;”*

The requested Draft Plan Subdivision promotes cost-effective development by redeveloping an under-utilized vacant site. Allowing the proposed Draft Plan Subdivision in this location contributes to minimizing land consumption and servicing costs by using a site that already has available trunk 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 Draft Plan Subdivision is consistent with that requirement by accommodating new residential construction on lands designated for that purpose.

The PPS also states:

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

- a. maintain at all times the ability to accommodate residential growth for a minimum of 10 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and*

- b. maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.”*

The requested Draft Plan of Subdivision is consistent with the PPS by developing a low-density neighbourhood on a currently vacant parcel. While the lots proposed are relatively large, the proposed form of development is a more efficient use of land and resources than currently exists on this site. As well, this development will help to provide additional residential inventory within the City of Windsor.

The PPS also states:

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

*a. permitting and facilitating:*

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

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

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

Approving the Draft Plan of Subdivision 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 proposed Plan of Subdivision is in close proximity (+/- 80 m) to Transit Windsor service.

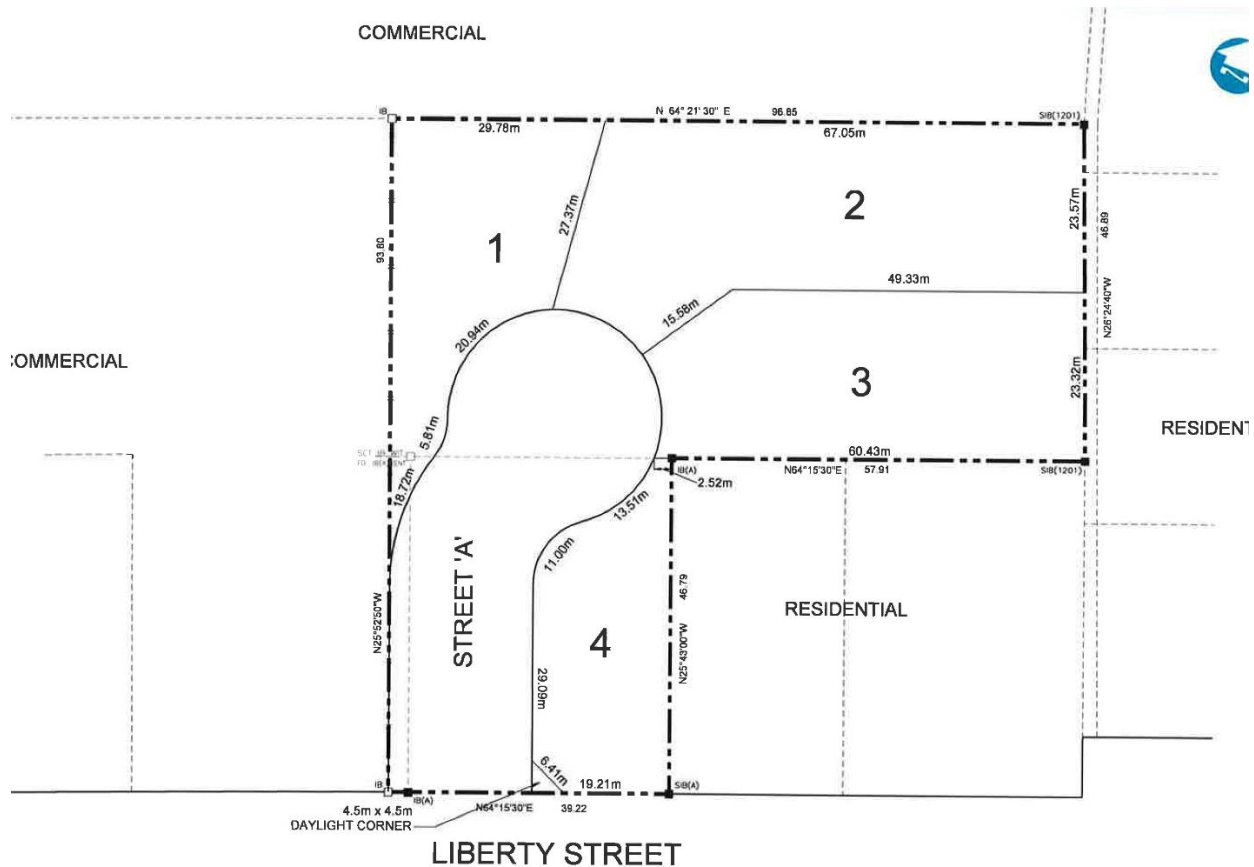
### **Official Plan:**

The subject lands are designated Residential in the City of Windsor Official Plan. This designation permits the low profile single unit residential development proposed. The City of Windsor Official Plan also contains policies that encourage the efficient use of

existing infrastructure, promotes residential redevelopment as well as residential intensification. As such, the proposed development conforms to the Official Plan.

**Zoning:**

The subject lands are zoned Residential District 1.4. This zone permits the construction of single unit dwellings on 18.0 m lots. The application proposes to create parcels that will comply with and exceed the zone regulations of the existing RD 1.4 zone category.



<p style="text-align: center;">RESIDENTIAL</p> <p style="text-align: center;"><b>Draft Plan of Subdivision</b> PART OF LOTS 42 AND 43, CONCESSION 3 GEOGRAPHIC TOWNSHIP OF SANDWICH WEST NOW IN THE CITY OF WINDSOR, COUNTY OF ESSEX, ONTARIO</p> <p style="text-align: center;">Scale: 1:750 (11x17)</p>	<p style="writing-mode: vertical-rl; transform: rotate(180deg);"><b>VICTORIA BOULEVARD</b></p>	<p style="text-align: center;">RESIDENTIAL</p>
<p><b>OWNER'S CERTIFICATE</b> I CERTIFY THAT: I HEREBY CONSENT TO THE FILING OF THIS PLAN FOR DRAFT APPROVAL.</p> <p>DATE: <u>November 9, 2021</u>      SIGNED: </p> <p style="text-align: center; font-size: small;">SOUTH WINDSOR DEVELOPMENT COMPANY LIMITED</p>	<p><b>SURVEYOR'S CERTIFICATE</b> I HEREBY CERTIFY THAT THE BOUNDARIES OF THE LANDS TO BE SUBDIVIDED AND THEIR RELATIONSHIP TO THE ADJACENT LANDS ARE ACCURATELY AND CORRECTLY SHOWN ON THIS PLAN.</p> <p>DATE: <u>November 9, 2021</u>      SIGNED: </p> <p style="text-align: center; font-size: small;">ROY SIMONS REGISTERED LAND SURVEYOR</p>	<p><b>ADDITIONAL INFORMATION REQUIRED UNDER S. 51(17) OF THE PLANNING ACT</b></p> <ul style="list-style-type: none"> <li>(a) SHOWN ON PLAN</li> <li>(b) SHOWN ON PLAN</li> <li>(c) SHOWN ON PLAN</li> <li>(d) RESIDENTIAL</li> <li>(e) SHOWN ON PLAN</li> <li>(f) SHOWN ON PLAN</li> <li>(g) SHOWN ON PLAN</li> <li>(h) PIPED WATER TO BE INSTALLED BY DEVELOPER</li> <li>(i) BROOKSTON CLAY LOAM</li> <li>(j) SHOWN ON PLAN</li> <li>(k) SANITARY &amp; STORM SEWERS TO BE INSTALLED BY DEVELOPER</li> <li>(l) SHOWN ON PLAN</li> </ul>

**Proposed Draft Plan of Subdivision – SDN-003/21-1**



PART OF ZONING DISTRICT MAP 8

N.T.S.

## SCHEDULE 2

APPLICANT: 2342046 ONTARIO INC



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : FEBRUARY, 2022  
FILE NO. : SDN-003/21, SDN/6630

### Existing Liberty Street Closure and Barrier Location:

In 1976 City Council passed Bylaw 5588 that closed a 1ft portion Liberty Street to vehicular traffic. At the time, Administration was not in favour of the closure, citing



Liberty Street's value as a potential access route to a substantial undeveloped area (Kenilworth Drive/Gundy Park Crescent). Local residents were concerned the recently opened McDonalds restaurant would "create a substantial increase in the volume of traffic in the overall area". The Council of the day agreed with the residents and implemented the requested 1ft closure.

As part of the development proposal, the applicant proposes to relocate the existing barricade to a new location further west, in line with the west limit of the subject site. At this time, the barrier and the closed portion of Liberty Street are not in the same location. The barrier would be moved from its existing location (red circle on drawing below) to the location near the west limit of the subject site (yellow line on drawing below). As part of the Agency circulation of the development proposal, Public Works noted that the barricade would have to be moved at the owner's expense, and Transportation Planning noted that the new barricade must permit pedestrian and bicycle access, but neither department noted an objection to moving the barricade to the applicant's proposed location.

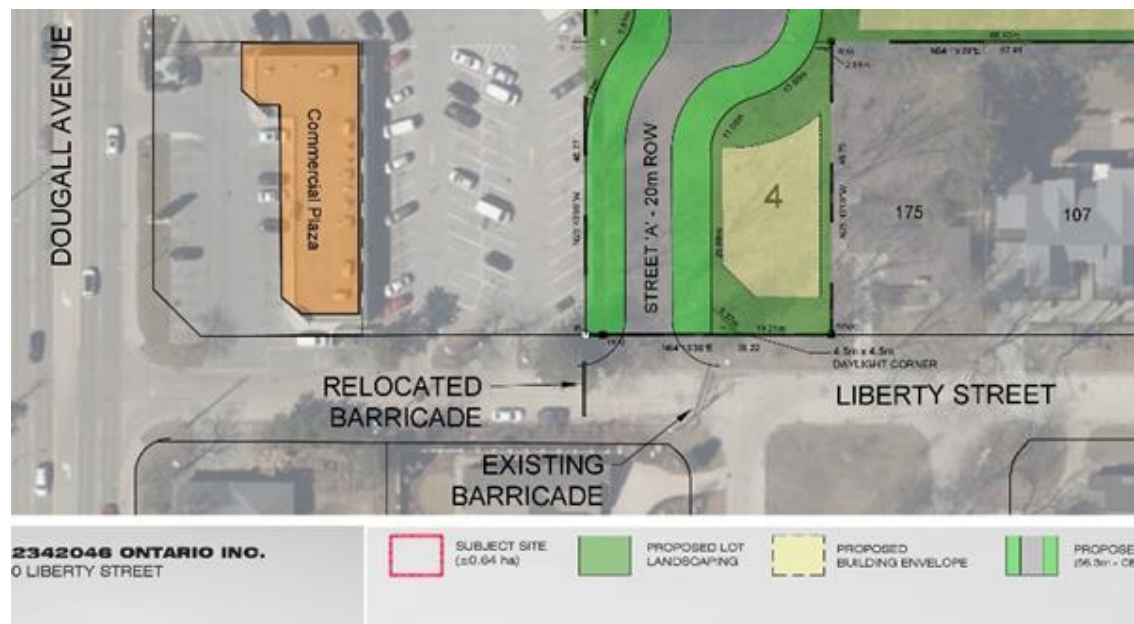


Current locations of 0.3m Liberty Street closure and existing barrier.

Bylaw 5588 prohibits access to the area of the lot that the applicant wishes to use to construct the road that would access 3 of the lots created by the plan of subdivision, therefore if the subdivision is to be constructed, the portion of Liberty Street that is closed would have to be opened.

To maintain established traffic patterns and provide access so that the subject lands can be developed, the Planning Department recommends that the section of Liberty

Street that was closed by By-law 5588 be opened for vehicular traffic, a 0.3m section of Liberty Street that projects southerly from the West limit of the subject property be closed to vehicular traffic and that the existing barrier be removed and a new barrier be rebuilt in a location that coincides with the newly closed portion of Liberty Street.



Proposed New Barrier Location

**0.3m Reserve Block – West side of Street “A”**

The proposed Street “A” right of way will directly abut the McDonalds parking lot. To ensure there is no direct access from the parking lot to Street ‘A’ a 0.3m reserve should be provided along the western limit of Street A where it abuts the McDonalds parking lot.

**Risk Analysis:**

N/A

**Climate Change Risks**

**Climate Change Mitigation:**

The site will be subject to a subdivision agreement and will release storm water to the municipal system at a rate determined by a storm water management plan and development servicing plan that will be reviewed and approved by the City’s Public Works department

**Climate Change Adaptation:**

The infill development on the site is close to existing bus routes and also commercial facilities. This will encourage the use of public transit and walking as modes of transportation, thereby helping to minimize the City’s carbon footprint

**Financial Matters:**

N/A

**Consultations:**

As required in the Planning Act, notice was provided by advertisement in the Windsor Star. In addition, a courtesy notice to all property owners and tenants within 120 metres (400 feet) of the subject parcel were sent by mail.

The applications and relevant supporting studies were circulated to commenting agencies. Those responses are included as Appendix A – Comments.

**Conclusion:**

The proposed draft plan of subdivision is consistent with the provisions of the Provincial Policy Statement, conforms to the City of Windsor Official Plan, complies with City of Windsor Zoning By-law and would provide the impetus for further development in an underutilized part of an established area.

Therefore, the proposed Draft Plan of Subdivision to create 4 new lots does constitute good land use planning.

**Planning Act Matters:**

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

*Michael Cooke MCIP RPP, Manager of Planning Policy/Deputy City Planner*

*Thom Hunt MCIP RPP, City Planner*

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

*JP JM*

**Approvals:**

<b>Name:</b>	<b>Title:</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate



Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administration Officer

**Notifications:**

Name	Address	Email
2342046 Ontario Inc. (Hassan El-Cheikh)	3828 Huntington Avenue, Windsor ON N9E 3N4	hassan.elcheikh.md@gmail.com
South Windsor Properties Inc. (Jack Whiteside)	801 Canada Building, 374 Ouellette Ave, Windsor ON N9A 4J2	
Dillon Consulting Limited (Melanie Muir)	3200 Dezeil Drive, Suite 608, Windsor ON N8W 5K8	mmuir@dillon.ca
Councillor McKenzie		

**Appendices:**

- 1 SDN-003-21 Liaison Comments
- 2 By-law 5588 - Liberty Closure (1ft)
- 3 Liberty Closure minutes (1976)
- 4 Liberty Closure Resolution - 973/76

## COMMENTS

### **Michael Coste – Fire**

No objection

### **Jason Scott – Transit Windsor**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Dougall 6. The closest existing bus stop to this property is located on Dougall at Liberty Northeast Corner. This bus stop is approximately 110 metres away from this property falling well within our 400 metre walking distance guideline. All proposed properties would be covered under this distance as well. This will be maintained with our Council approved Transit Master Plan.

### **Windsor Mapping – Enbridge**

After reviewing the provided drawing at the proposed subdivision on 0 Liberty Street and consulting our mapping system, please note that Enbridge Gas has an active mainline infrastructure along Liberty Street. 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

### **Canada Post**

Canada Post has no comments for the attached application.

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

The Environmental Sustainability & Climate Change team has no comments to add to this application as the applicant will not be building on the site. We will look into further opportunities to request energy initiatives in cases such as this.

### **Barbara Rusan – Building**

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

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

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

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

### **Sherif Barsom – Parks D&D**

Please note that there are no comments from Parks Development for the above mentioned liaison.

### **Enwin**

**Hydro Engineering:** No objections to proposed subdivision. However, the developer will be responsible to cover all costs associated with the relocation of an existing ENWIN overhead service triplex conductor crossing the property that services the adjacent residence at 175 Liberty St.

See attached sketch for reference only.



**Water Engineering:** Water Engineering has no objections.

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

Pursuant to the application for a zoning amendment (SDN-003/21) to permit Plan of Subdivision on the subject to comply with the regulations of the existing RD1.4 zone, with lots fronting onto newly constructed streets, please note no objections. Please also note the following comments:

#### Zoning Provisions for Parking Setback:

The proposed setbacks comply with the current RD1.4.

#### Climate Change & Tree Preservation:

Though the site is not identified on Schedule C; of the OP as a development constraint area, it however is identified in the *Candidate Natural Heritage Site Biological Inventory* as Other Woodlot of interest. The Tree Inventory provided by the applicant indicates that site is populated with various trees, predominantly made up with undesirable and invasive species. The report also identifies several desirable species found on the subject lands (*Tilia cordata*, *Acer x freemanii*, *Ulmus americana*, *Quercus rubra*, and *Juglans nigra*).

The applicant has identified in the Section 4.2 of the Tree Inventory and Preservation Plan that the developer will provide replacement/compensation at a rate of 1 to 1 only for the native species to be removed from the site. Though the non-native and invasive species are undesirable from a conservative viewpoint, these trees also provide environmental benefit to the community and the city from a climate change perspective. In total 125 trees would be removed, with 5 trees to be retained at the far eastern end of the site on one of the proposed lots.

It is strongly recommended that replacement/ compensation for tree loss to the urban canopy at a caliper-for-caliper (DBH) rate for all trees with and condition rating of Good or Excellent as found in the Appendix C- Detailed Tree Inventory.

#### Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication.

### **Patrick Winters – Engineering & ROW**

The Applicant is requesting draft plan of subdivision approval for the creation of a four (4) lot Plan of Subdivision on the subject site. The subject lands are currently designated Residential in the City of Windsor Official Plan and zoned Residential District (RD) 1.4. The applicant indicates the lots will comply with the regulations of the existing RD1.4 zone. The proposed Plan of Subdivision conforms and complies with the permitted uses in those documents. A Plan of Subdivision is required, as the proposed lots will front newly constructed streets created by the Plan of Subdivision.

A functional servicing study has been submitted by Dillon Consulting, which identifies the existing 250mm sanitary sewer and existing 675mm storm sewer on Liberty Street are to be used as the sewer outlets from the site. Post development stormwater flows will be restricted through the construction of new storm sewers and structures, with an outlet limiting flows to an allowable release rate. Public Works supports the servicing strategy submitted. Prior to the issuance of construction permits, the servicing study is required to be finalized to the satisfaction of the City Engineer, including detailed design of the internal subdivision sanitary and storm sewer systems in accordance with applicable standards.

Liberty Street is classified as a Local road with a required right-of-way width of 20.0m; the current right-of-way width is sufficient, therefore, land conveyance is not required.

The proposed access to the development will be from Liberty Street. Road to be designed to City of Windsor Standard AS-206D, the City's Standard Urban Cross Section, and the City of Windsor Development Manual. Curbs and Gutters to be constructed as per City of Windsor Standard AS-208.

The boulevard along the west side of the proposed Street 'A' will have no property fronting it; therefore; it will be the responsibility of the property owner of Lot #1 to maintain this boulevard

There is currently a barrier in place preventing access to Dougall Avenue from Liberty Street. The current location of the barrier was approved as part of a Councilor Resolution to prevent the neighborhood from spilling onto Dougall Avenue at this location. The barrier will need to be moved West so that the proposed development cannot access Dougall Avenue from Liberty Street as well. The current councilor resolution will need to be amended.

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

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

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

### **Transportation Planning – Ranina Toufeili**

- Liberty St is classified as a Local Road with a required right-of-way width of 20 meters according to the Official Plan. The existing right-of-way width is sufficient and therefore no conveyance is required.

- The relocated barricade must accommodate pedestrian and cycling traffic.
- A detailed and dimensioned site plan showing the proposed driveways, curb cuts and cul-de-sac design is required to provide further comments on additional requirements.
- All cul-de-sacs must be constructed to engineering standards and per Engineering Right-of-Way requirements.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

B I L L  
No. 285  
1 9 7 6

B Y - L A W N U M B E R 5588

A BY-LAW TO CLOSE TO VEHICULAR TRAFFIC PART OF  
VICTORIA BOULEVARD AND LIBERTY STREET ADJOINING  
LOT 203, ACCORDING TO REGISTERED PLAN 1124.

Passed the 29th day of November, 1976.

WHEREAS subsection 7 of Section 443 of The Municipal Act,  
R.S.O. 1970, Chapter 284, empowers a municipality to close a highway  
to vehicular traffic without closing it to pedestrian traffic;

AND WHEREAS it is deemed expedient to close that portion of  
Victoria Boulevard and Liberty Street (as described in Schedule "A"  
attached hereto and forming part of this by-law) to vehicular traffic;

AND WHEREAS notice of the intention of The Corporation of the  
City of Windsor to pass this by-law was duly published in The Windsor  
Star on the following days:

1. Thursday, November 4, 1976
2. Thursday, November 11, 1976
3. Thursday, November 18, 1976 and
4. Thursday, November 25, 1976.

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

1. That the lands described in Schedule "A" hereto and forming  
part of this agreement be and the same are hereby closed to vehicular  
traffic.
2. That barricades may be erected by The Corporation of the  
City of Windsor to enforce the due observation of the closing of the  
part of the highway described in Schedule "A" attached hereto, to  
vehicular traffic.
3. This by-law shall come into force and take effect on the day  
following the final passing thereof upon which it is registered in the  
Registry Office for the Registry Division of Essex 12.

  
MAYOR

  
CLERK

FR

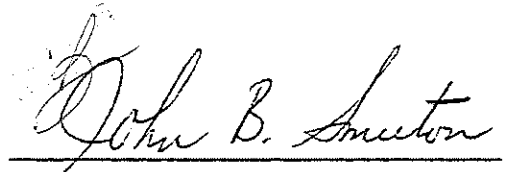
First reading - November 29, 1976  
Second reading - November 29, 1976  
Third Reading - November 29, 1976

\*\*1000



THENCE South Twenty-Six degrees, Forty-Two minutes East (S 26°-42' E) and parallel with the Northern production of the said Western limit of Victoria Boulevard, Sixty-Six and Thirty-Nine One-Hundredths feet (66.39') more or less to a point in the curved North-Eastern boundary of said Lot 203;

THENCE on a curve to the right having a radius of Fifteen feet (15.00') and following the curved North-Eastern boundary of said Lot 203, an arc distance of Five and Fifty-One One-Hundredths feet (5.51') to the place of beginning, the chord of said arc having a length of Five and Forty-Eight One-Hundredths feet (5.48') and a bearing of South Thirty-Seven degrees, Thirteen minutes, Fourteen seconds East (S 37°-13'-14" E):



JOHN B. SMEETON  
Ontario Land Surveyor

WINDSOR, Ontario.

November 15, 1976.

JBS/ma

76-4554

DESCRIPTION OF LAND

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the CITY OF WINDSOR, (formerly the Township of Sandwich West), County of Essex and Province of Ontario, being composed of part of Victoria Boulevard and Liberty Street adjoining Lot 203, all according to a Plan of record under the Land Registry System at the Land Registry Division for Essex (12) as No. 1124, containing by admeasurement the sum of Sixty-Eight Square Feet (68 sq. ft.) be the same more or less, more particularly described as follows:-

Bearings herein are assumed astronomic and are referred to the Western limit of Victoria Boulevard shown as North Twenty-Six degrees, Forty-Two minutes West (N 26°-42' W) on said Registered Plan 1124;

COMMENCING at the beginning of the curved North-Eastern boundary of said Lot 203, said point of commencement being distant Forty-Five feet (45.00') measured Northerly along the Eastern limit of said Lot 203, being also the Western limit of said Victoria Boulevard on a course of North Twenty-Six degrees, Forty-Two minutes West (N 26°-42' W) from the South-Eastern corner of said Lot 203;

THENCE North Twenty-Six degrees, Forty-Two minutes West (N 26°-42' W) and following the Northern production of the said Western limit of Victoria Boulevard, Seventy-One and Seventy-Nine One-Hundredths feet (71.79') more or less to its intersection with the Northern limit of said Liberty Street;

THENCE South Sixty-Two degrees, Fifty-One minutes, Twenty-Five seconds West (S 62°-51'-25" W) and following the last mentioned limit, One foot (1.00') to a point;

Clark

192

Mayer

Clark

81 & 82

11' CLOSING

Field 2nd G

LIBERTY

STREET

60	297	213
60	296	212
60	299	211
60	300	210
60	301	209
60	302	208
60	303	207
60	304	206
60	305	205
60	306	204
60	307	203

60	192	103
60	191	102
60	194	101
60	195	100
60	196	99
60	197	98
60	198	97
60	199	96
60	200	95
60	201	94
60	202	93

3400 BLOCK

BEELS

60	284	216
60	292	218
60	291	219
60	290	220
60	289	221
60	288	222
60	287	223
60	286	224
60	285	225
60	284	226

60	185	109
60	184	111
60	183	112
60	182	113
60	181	114
60	180	115
60	179	116
60	187	107
60	186	109
60	185	109
60	184	111
60	183	112
60	182	113
60	181	114
60	180	115

DOUGALL

VICTORIST

QUILLETTE

LIBERTY

60	273	237
60	274	236
60	275	235
60	276	234
60	277	233
60	278	232
60	279	231
60	280	230
60	281	229
60	282	228

60	176	119
60	175	120
60	174	121
60	173	122
60	172	123
60	171	124
60	170	125
60	169	126
60	168	127
60	177	119
60	176	119
60	175	120
60	174	121
60	173	122
60	172	123
60	171	124
60	170	125

STANVILLE

STANVILLE

N.B. This map is not to scale



2. Robert J. C. McMahon, Solicitor on behalf of property owners in the 3400 block of Ouellette and Victoria Avenues, applying for the one-foot closing of Liberty St. at its intersection with the most westerly limit of Victoria Avenue, as shown on the attached plan. These residents are concerned \* that the two driveways being constructed on Liberty St. to service a new MacDonald's restaurant at the north-east corner of Liberty St. and Dougall Ave. will cause an influx of traffic into their neighbourhood.

A 27-inch diameter storm sewer and a 48-inch diameter storm sewer are located in this right-of-way. A new 28 ft. concrete pavement has recently been constructed at a cost of \$44,794.00 of which the City's share was \$35,355.00. Due to the fact that this pavement is in perfect condition and there is no need for this closure, complete reimbursement as well as complete removal and restoration costs would be recommended. Closing Liberty St. would prevent easy access for emergency vehicles which would come from the north.

Liberty St. at this location constitutes a potential access route, not only to the existing Southlawn Gardens area, but to a substantial undeveloped area to the north and east for which no development plans have been reviewed or approved by Council. Accordingly, it is felt that it would be premature to close Liberty, pending adoption of a secondary plan for the entire area, most of which is owned by the South Windsor Development Company. Preliminary discussions related to development east of Huntington were held in 1973 and recently resumed, but the applicant is not in favour of developing Liberty as a collector for the area. No decision has been taken in this regard.

It will be recalled that, on September 7, 1976, City Council adopted Resolution 789/76 which, among other things, approved the curb cut permits for the construction of the two driveways from the MacDonald Restaurant parking lot fronting on Liberty St. on condition that the curb cut and driveway be installed in such a manner that traffic would be directed westerly when leaving the parking lot. Notwithstanding this condition, Mr. McMahon argues that the fact is that this will create a substantial increase in volume of traffic in the overall area. The area itself is perhaps the highest taxed residential area in the City. The citizens are all concerned as is evidenced by a petition which Mr. McMahon has presented, signed by 86 residents of South Gardens. Mr. McMahon states that, as only a portion of Liberty St. would be closed, the people who would normally use it will continue to do so, and the servicing of the area will not be affected.

Doug Lawson, Solicitor for MacDonald's Restaurant, advises that his client is not at odds with the submissions presented by Mr. McMahon on behalf of residents of Southlawn Gardens. MacDonald's would express some concern if two-way traffic is not permitted on Liberty St. from Dougall Ave. to their curb cut. Mr. Seton of the South Windsor Development Company advises that his company does have interest in the lands east of Liberty St. and is concerned with their future development. The company has retained planners, but until they have results of these planners' study on whether or not Liberty St. should be extended, the South Windsor Development Company remains neutral in the subject one-foot closing of Liberty St.

Street and Alley Closing Committee submitting the following recommendation concurred in by the Acting City Manager the intent of which is set forth in the following suggested resolution.

#### SUGGESTED RESOLUTION

That the application of Robert J. C. McMahon, Solicitor on behalf of property owners in the 3400 block of Ouellette and Victoria Avenues, for the one-foot closing of Liberty St. at its intersection with the most westerly limit of Victoria Avenue, BE NOT ENTERTAINED as Liberty St. constitutes a potential access route to a substantial undeveloped area to the north and east of Liberty for which no development plans have been reviewed or approved by City Council.



ITEM 2 CONT'D

Clerk's Note: Council Resolution No. 789/76 approved curb cut permits to MacDonald's Restaurant of Canada Limited subject to MacDonald's entering into an agreement to:

- (a) construct the curb cut and driveways in such a manner that traffic will be directed westerly when leaving the parking lot;
- (b) not oppose the proposed closing of part of Liberty Street to vehicular traffic at the westerly limit of Victoria Boulevard;
- (c) not oppose Liberty Street being made "One Way" westerly from Ouellette Avenue to the west limit of Victoria Boulevard, in the event the closing of the street as referred to in paragraph (b) is not approved;
- (d) Liberty Street between Dougall Avenue and the west limit of Victoria Boulevard to continue to provide two way traffic;
- (e) waive any claim against City for damages arising out of the closing and/or changes in the traffic pattern on Liberty Street as set out in paragraphs (b) and (c) above;

Consideration of the above street closing was deferred on October 12, 1976 at the request of the applicants' solicitor.

B/F 664-1 (102B-1)lp

ADDITIONAL INFORMATION RE ITEM 2

(Taken From Supplementary Agenda Dated  
October 25, 1976)

Robert J. C. McMahon, Solicitor submitting a petition signed by 96 owners and residents on Ouellette, Victoria, Huntington Avenues and Liberty Street requesting the following:

- (a) erecting of signs designating Liberty a one-way street westerly;
- (b) close a portion of Liberty at the west limit of Victoria.



81 & 82

Field No. G  
1' CLOSING

LIBERTY

307	203
306	204
305	205
304	206
303	207
302	208
301	209
300	210
299	211
298	212
297	213
296	214

3400 BLOCK

STREET

202	93
201	94
200	95
199	96
198	97
197	98
196	99
195	100
194	101
193	102
192	103
191	104

BEVELS

295	215
294	216
293	217
292	218
291	219
290	220
289	221
288	222
287	223
286	224
285	225
284	226

DOUGALL

VICTORIA

190	105
189	106
188	107
187	108
186	109
185	110
184	111
183	112
182	113
181	114
180	115
179	116

QUELLETT

92	117
91	118
90	119
89	120
88	121
87	122
86	123
85	124
84	125
83	126
82	127
81	128
80	129
79	130
78	131

WILSON

223	227
222	228
221	229
220	230
219	231
218	232
217	233
216	234
215	235
214	236
213	237
212	238

CHARLIE

271	241
270	242
269	243
268	244
267	245
266	246
265	247
264	248
263	249
262	250
261	251

76	117
75	118
74	119
73	120
72	121
71	122
70	123
69	124
68	125
67	126
66	127
65	128
64	129
63	130
62	131

STREET

101	141
100	142
99	143
98	144
97	145
96	146
95	147
94	148
93	149
92	150
91	151
90	152

Registered Plan 1124

Check

192

Myer  
Check

S

## Farrow/Burr

Mayor

971/76 That the Mayor BE AUTHORIZED to proclaim the week of October 31 to November 6, 1976, inclusive, as "Energy Conservation Week", as suggested by the Minister of Energy as part of the Ontario Energy Management Programme. (89A-1)(90A-1)lp B/F 618

Carried.

## Burr/Farrow

Sect'y, Bd.  
of Cmsnrs.  
of Police  
C/Fin

972/76 That the 1980 Council BE REQUESTED to invite the Canadian Association of Chiefs of Police to hold its 1980 Conference in the City of Windsor and, that the request from the Board of Commissioners of Police that the City sponsor a Municipal banquet for approximately 400 persons during this Conference proposed to be held from August 25 to 29 inclusive, 1980, BE CONSIDERED during the 1980 budget sessions. (86A-1)lp B/F 373

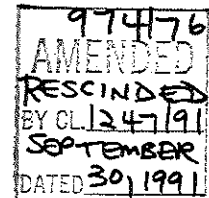
Carried.

## Farrow/Clarke

C/Wks  
D/TE  
C/Sol  
C/Plng.

973/76 That the application of Robert J. C. McMahon, Solicitor on behalf of property owners in the 3400 blocks of Ouellette and Victoria Avenues, BE APPROVED for the one-foot closing to vehicular traffic of Liberty Street at its intersection with the most westerly limit of Victoria Avenue, in order to discourage the influx of traffic into the residential area which would be generated by the construction of a MacDonald's Restaurant at the north-east corner of Liberty Street and Dougall Avenue, subject to the applicant depositing the sum of \$175.00 to cover the cost of advertising, preparation of proper plans and descriptions, etc.; and further, that the City Clerk BE AUTHORIZED to proceed with the required legal notices and the Commissioner of Works to supply appropriate plans and descriptions, prior to the City Solicitor's preparing the necessary by-law for Council's consideration; and also, following legal closure, that proper barricades, similar to pylons, BE INSTALLED. (102B-1)lp B/F 664-1

Carried, Alderman Burr voting nay.



## Burr/Campbell

C/P&R  
C/Sol

974/76 That the Commissioner of Parks and Recreation BE AUTHORIZED to rent the Freedom Festival Food Booths to organizations in the metropolitan area at a rental fee of \$50.00 per booth for the first day, plus \$5.00 per booth for each succeeding day subject to the applicant agreeing to:

- (a) pick up and return the booths by their own forces;
- (b) deposit \$500.00 as a guarantee that damages to the booths will be repaired;
- (c) indemnify the City against all claims for damages which may arise from their use of the booths and file with the Clerk an insurance policy satisfactory in form to the City Solicitor;

and further, that no rental fee be charged to either the Ethnic Council or the Freedom Festival Committee for use of said booths.

(82C-1)gm

Carried.





**Subject: Rezoning - 1933923 Ontario Ltd – 0 and 817 Elinor Street - Z-002/22 ZNG/6657 - Ward 7**

**Reference:**

Date to Council: May 2, 2022  
 Author: Adam Szymczak, MCIP, RPP  
 Senior Planner  
 519-255-6543 x6250  
 aszymczak@citywindsor.ca

Planning & Building Services  
 Report Date: April 5, 2022  
 Clerk's File #: Z/14296

To: Mayor and Members of City Council

**Recommendation:**

I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, (Roll No: 060-450-13120 & 060-450-13130), situated at the southwest corner of Wyandotte Street East and Elinor Street, and known municipally as 817 Elinor Street and 0 Elinor Street from Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2) to Residential District 2.5 (RD2.5) and by adding a site specific exception to Section 20 (1) as follows:

**442. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND ELINOR STREET**

For the lands comprising of Part Alley, Registered Plan 1142, further described as Parts 3 & 4, Plan 12R-25749, and Lots 26 to 31, Registered Plan 1142, a *multiple dwelling* with five or more *dwelling units* shall be subject to the following additional provisions:

- a) Lot Area – per *dwelling unit* - minimum 130.0 m<sup>2</sup>
- b) That the required *front yard depth*, required *rear yard depth*, and required *side yard* width shall not apply.
- c) Building Setback – minimum
  - from the lot line adjacent to Wyandotte Street East (including the corner cut-off) 1.20 m
  - from the lot line adjacent to Elinor Street 2.50 m
  - from an *interior lot line* 2.50 m



- d) Notwithstanding Section 25.5.20.1.6, the minimum separation of a *parking area* from a building wall containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 3.50 m
- e) Notwithstanding Section 24.40, a *loading space* is not required.
- f) An *access area* or direct vehicular access to Wyandotte Street East is prohibited.

[ZDM 14; ZNG/6588]

II. THAT the Site Plan Approval Officer **BE DIRECTED** to:

- a) Circulate any application to the Essex Region Conservation Authority for their review and comment;
- b) Consider the comments from municipal departments and external agencies in Appendix D attached to Report S /2022.

### Executive Summary:

N/A

### Background:

#### Application Information

**Location:** 817 Elinor Street And 0 Elinor Street  
(Southwest corner of Wyandotte Street East and Elinor Street; Roll No: 060-450-13130 & 060-450-13120)

**Ward:** 7    **Planning District:** 03 - East Riverside    **Zoning District Map:** 14

**Applicant:** 1933923 Ontario Ltd (Dan Radmore)

**Owner:** Same as Applicant

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

#### Submitted Documents

Application Form, Archaeological Assessment, Archaeological Assessment Entered into Ontario Public Register, Preliminary Site Plan (attached as Appendix A), Plan of Survey, Planning Rationale Report (attached as Appendix B), Site Services Plan, Species at Risk Preliminary Screening, Stormtech Chamber Specifications, Stormwater Management and Servicing Report, Topographic Survey, Tree Preservation Report

#### Proposal

The applicant proposes to construct three multiple dwellings containing six dwellings units each for a total of 18 dwelling units. Each multiple dwelling building is a maximum of 12 m in height with three storeys. The proposed buildings will face Wyandotte Street

East. The main pedestrian entrances will be from the front and rear. Each proposed building will be 260 m<sup>2</sup> in size. Lot coverage is a maximum of 32.1%.

Parking on-site is proposed for 27 vehicles, including one barrier free space and four visitor parking spaces, and 3 bicycle parking spaces. Access to the parking area will be from Elinor Street.

The applicant is requesting that Zoning By-law 8600 be amended changing the zoning to RD2.5 with a site specific exception for a reduction in minimum lot area, minimum front yard depth, and minimum parking area separation.

### Site Information

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2)	Vacant Land	Unknown
LOT FRONTAGE WYANDOTTE	LOT FRONTAGE ELINOR	LOT AREA	LOT SHAPE
71 m	31 m	2,274 m <sup>2</sup>	Irregular
232.9 ft	101.7 ft	24,477.1 sq. ft	
<i>All measurements are approximate.</i>			

### Neighbourhood Description:

The Planning Rationale Report attached as Appendix B contains site images. The parcel is located at the southwest corner of Wyandotte Street East and Elinor Street. The surrounding area is a mix of existing low-profile development consisting of single unit dwellings and townhome dwellings, parkland, and an undeveloped area. The subject parcel is NOT located within the East Riverside Secondary Plan.

A place of worship, Calvary Baptist Church at 525 Elinor Street, is located about 250 m to the north. The Little River Corridor Park is located about 280 m to the west and the East End Park is about 150 m to the east on Wyandotte Street. Riverside Secondary School is about 1.8 km to the west on Jerome Street and Hetherington Public School is about 1.7 km to the west on Menard Street.

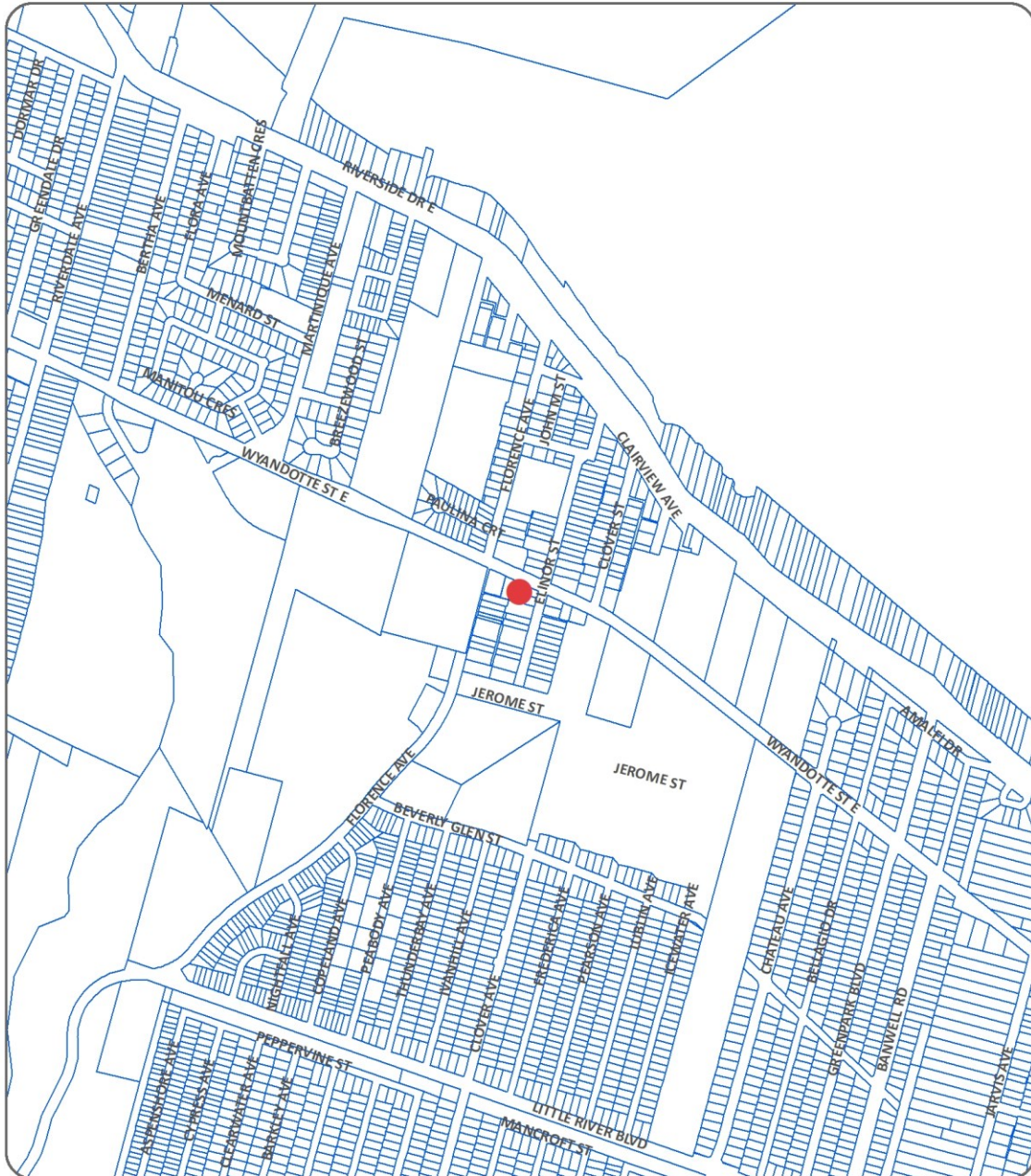
Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Wyandotte Street is a Class II Arterial with a two lane cross section with on-street bike lanes and sidewalks on both sides of the street. Elinor Street is a Local Road. The Ganatchio Trail, a major recreational trail along Riverside Drive, is located about 380 m to the north and the Little River Extension of the Ganatchio Trail is located just over 370 m to the west.

Public Transit is available on the Lauzon 10 bus route (westbound loop). The closest existing bus stop is located at the northwest corner of Wyandotte and Clover,

approximately 100 m from the subject lands. The 2019 Transit Master Plan proposes to enhance service with a two-way bus service.

Sanitary and storm sewers are available to service the subject lands.

**Figure 1: Key Map**



KEY MAP - Z-002/22, ZNG-6657



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



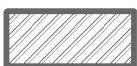
PART OF ZONING DISTRICT MAP 14

N.T.S.

## REZONING



Applicant: 1933923 Ontario Ltd



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE : FEBRUARY, 2022  
FILE NO. : Z-002/22, ZNG/6657



Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-002/22, ZNG/6657



SUBJECT LANDS

## Discussion:

### Provincial Policy Statement 2020:

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

Policy 1.1.1 of the PPS states:

*“Healthy, liveable and safe communities are sustained by:*

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

The proposed multiple dwellings represent 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 and infrastructure. 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”* and Policy 1.1.3.2 of the PPS states:

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

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

The parcel is located within the settlement area. The proposed zoning amendment promotes a land use - multiple dwelling - 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. The Planning Division concurs with the PPS analysis in section 5.1.1 of the Planning Rationale Report submitted by the Applicant.

## **Official Plan:**

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

Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 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 multiple dwellings 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 multiple dwelling containing six dwelling units 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 parcel is located within proximity to a registered archaeological site. Per Section 9.3.7.1(a), the applicant submitted an Archaeological Assessment Report dated December 29, 2021. The report recommends no further archaeological assessment is required. A copy of the report was filed with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries. The Heritage Planner has no concerns from an archaeological perspective.

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 amendment to Zoning By-law 8600 conforms to the general policy direction of the Official Plan.

The Planning Division concurs with the Official Plan analysis in section 5.1.2 of the Planning Rationale Report submitted by the Applicant.

## **Zoning By-Law:**

The parcel is zoned Development Reserve District 1.1 (DRD1.1) which permits an existing single unit dwelling on an existing lot and Residential District 1.2 (RD1.2) which permits a single unit dwelling on a lot having a minimum width of 12 m and a minimum area of 360 m<sup>2</sup> and an existing duplex dwelling and semi-detached dwelling. Excerpts from Zoning By-law 8600 are attached as Appendix C.

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from DRD1.1 and RD1.2 to Residential District 2.5 (RD2.5) to allow the construction of three multiple dwellings each with six dwelling units and having a building height of 12 m with three floors and a site specific exception to accommodate the proposed development.

The conceptual plan was revised due to the requirement of a land conveyance along Wyandotte Street and a corner cut-off at Wyandotte and Elinor. The dwellings must be moved further away from Wyandotte Street. This requires further provisions in addition to the ones requested by the applicant.

The development requires the following site specific exceptions:

- a) Reduction in minimum lot area per dwelling unit from 166.0 m<sup>2</sup> to 130.0 m<sup>2</sup> - Partly due to the land conveyance. The proposed minimum lot area is similar to the requirement for a multiple dwelling with four dwelling units or less and is compatible
- b) That the required front yard depth, required rear yard depth, and required side yard width shall not apply to a multiple dwelling - this is to avoid conflicts with the setback requirements in item c) below.
- c) Utilize minimum building setbacks from Wyandotte Street, Elinor Street and interior lot lines - Further to item b) above, based on the lot line definitions in Zoning By-law 8600, the current front lot line is the lot line adjacent to Elinor Street, which complicates the calculation of required yards and setbacks where the buildings face Wyandotte Street. In lieu of front yard, rear yard, and side yard requirements, the Planning Department proposes minimum building setbacks from the lot lines.
- d) Reduction in the minimum separation of a parking area from a building wall containing a habitable room window or main entrance facing the parking area from 4.5 m to 3.5 m - due to a 2.75 m conveyance for right-of-way widening purposes along Wyandotte Street and a corner cut-off at the southwest corner of Wyandotte and Elinor, the proposed buildings must be setback further from Wyandotte Street. To accommodate the parking area, the parking area separation has been reduced by 1.0 m. As proposed, the distance between the closest part of the building and the sidewalk on Wyandotte Street is 8.9 m, which exceeds the typical front yard depth of 6.0m and provides a landscaped open space yard for residents to use.
- e) Clarifies that a loading space is not required for the proposed development.
- f) Prohibition on an access area or direct vehicular access to Wyandotte Street East - The City is attempting to minimize vehicular access to Wyandotte Street to avoid potential conflicts with vehicles, cyclists and pedestrians using Wyandotte Street. The development proposes a single access area to Elinor Street, which is supported by Administration.

No other changes to the provisions have been requested or required. A total of 22 parking spaces are required and 27 spaces are proposed including one accessible parking space and four visitor parking spaces. Any reference to storey identifies the number of floors at and above grade in a building. Storey is not a measurement of building height and the number of storeys is subject to change.

### **Site Plan Control (SPC):**

SPC is the primary planning tool to implement the policies of the PPS and the Official Plan, the provisions of Zoning By-law 8600, and the requirements and recommendations of municipal departments and external agencies. Recommendation II provides additional direction concerning the circulation of any SPC application.



## **Interim Control By-law 103-2020:**

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL or MRICBL) 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. The criteria below are used to evaluate the exemption:

**Consistency with the Official Plan** – Whether the proposed development is consistent with the land use designation and general policy direction of the Official Plan. The proposed development is consistent with the Residential land use designation.

**Compliance with the Zoning By-law** – Whether the proposed development is a permitted use and complies with the provisions. Once the amending by-law permitting a multiple dwelling is in force, the proposed development will comply with Zoning By-law 8600.

**Distance to Nearby Services and Amenities** – Whether residents have access to services and amenities such as a school, place of worship or recreational facility, or other uses that meet their daily needs within a 1 km or less walk. Numerous services and amenities are located within a 1 km walk of the proposed development.

**Distance to Public Transit** – Whether residents have access to current and future public transit within an approximate 1 km or less walk. Transit Windsor operates bus routes on Wyandotte Street and Riverdale, all within 1 km or less.

**Potential impact on the Land Use Study** – This criterion considers if approval of the exemption may prejudice the Land Use Study. Typically, if the proposed development is consistent with the Official Plan, complies with the Zoning By-law, is within an acceptable distance of nearby services and amenities, and is, or will be, within an acceptable distance of public transit, there should be no impact on the Land Use Study. The proposed development will be consistent with the Official Plan, will comply to Zoning By-law 8600, and is within an acceptable distance of services, amenities, and public transit. The proposed development will not prejudice the Land Use Study.

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. Should Council approve this application and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

## **Risk Analysis:**

N/A

## **Climate Change Risks**

### **Climate Change Mitigation:**

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

### **Climate Change Adaptation:**

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

### **Financial Matters:**

N/A

### **Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix D. The various requirements of municipal departments and external agencies will be considered and/or incorporated during the Site Plan review process.

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

### **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 the requested amendment to Zoning By-law is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

The proposed amendment permits a use, a multiple dwelling containing a maximum of 6 dwelling units, which is compatible with existing and permitted uses in the surrounding neighbourhood. The proposed development represents an incremental increase in density and provides an opportunity for the construction of modern and safe housing stock.

Site plan control is also the appropriate tool to incorporate the requirements of municipal departments and external agencies.

The recommendation to amend Zoning By-law 8600 constitutes good planning.

**Conclusion:**

Staff recommend approval of an amendment to Zoning By-law 8600 to allow development consisting of three dwellings, each with 6 dwelling units. Direction is also provided to the Site Plan Approval Officer in Recommendation II for matters raised from consultations with municipal departments and external agencies.

**Planning Act Matters:**

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

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

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

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

*JP JM*

**Approvals:**

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

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
1933923 Ontario Ltd Attn: Dan Radmore	3203 Walker Road Windsor, ON N8W 3R7	radmoredan@gmail.com
Pillon Abbs Inc. Attn: Tracey Pillon-Abbs	23699 Prince Albert Road Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor Gill		
Property owners and tenants within 120 m of the subject lands		

**Appendices:**

- 1 Appendix A - Preliminary Site Plan
- 2 Appendix B - Planning Rationale Report
- 3 Appendix C - Excerpts from Zoning By-law 8600
- 4 Appendix D - Comments

**Ontario Building Code:**

Classification: Group C Residential (3.2.2.47)

No Accessible Suites will be provided as per OBC 3.8.

Lifts/Elevators not required.

**PARKING CALCULATIONS**

The parkinglot is servicing all 3 buildings therefore parking requirements based on the requirements of all 3 buildings grouped together.

1.25 x 18units = 22 (REGULAR STALLS)

0.15 x 22 = 4 (VISITOR STALLS)

0.02 x 26 = 1 (TYPE 'A' ACCESSIBLE STALLS)

3 BICYCLE SPACES

**ZONING BYLAW 8600**

(Proposed zoning restrictions, similar for all 3 properties)

LOT WIDTH (min.): 20.0 m

LOT AREA (min. per dwelling unit): **130.0 sm**

LOT COVERAGE (max.): 50 %

BUILDING HEIGHT (min.): 7.0 m

BUILDING HEIGHT (max.): 18.0 m

FRONT YARD SETBACK (min.): **1.2 m**

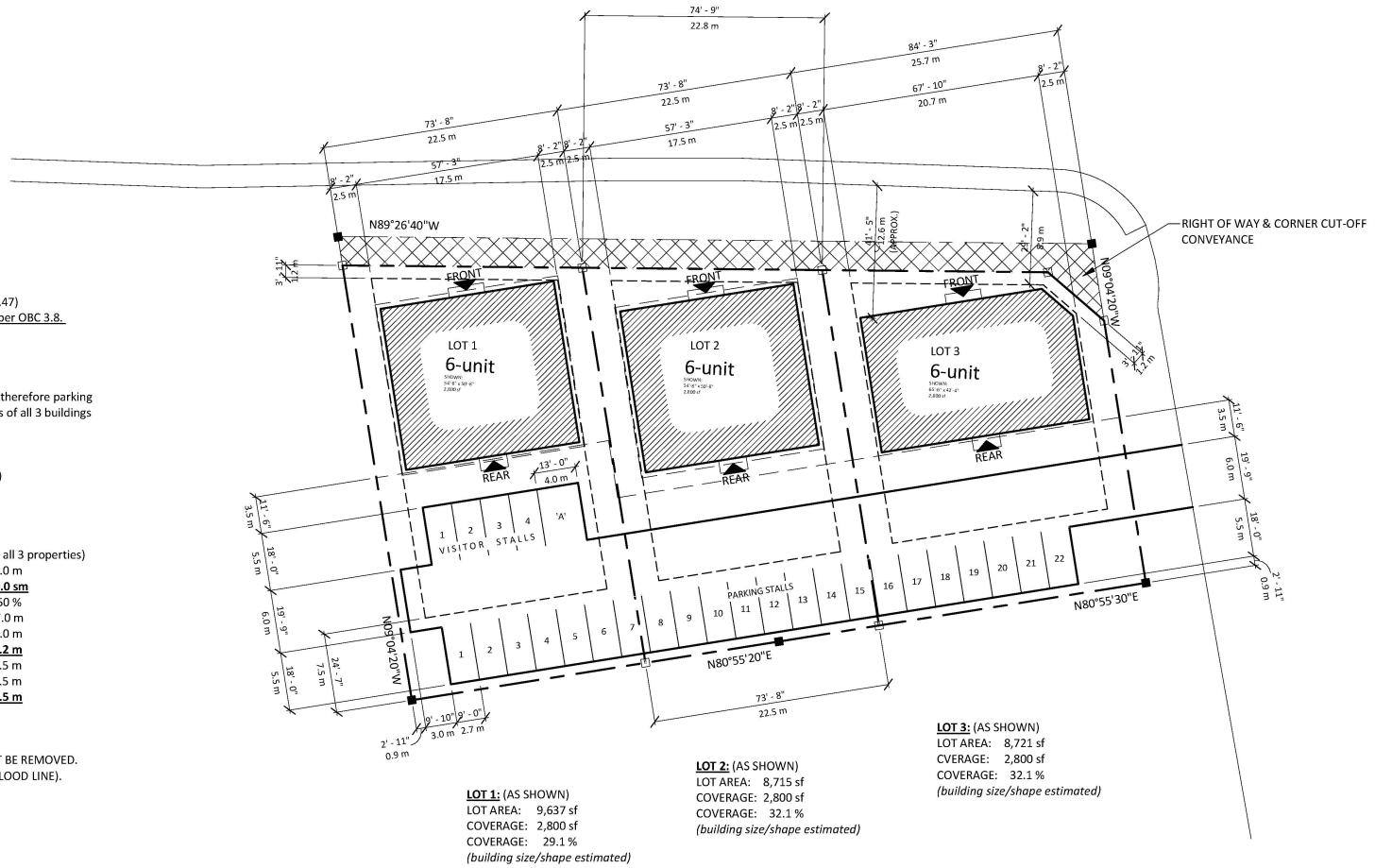
REAR YARD SETBACK (min.): 7.5 m

SIDE YARD SETBACK (min.): 2.5 m

BUILDING SETBACK FROM PARKING: **3.5 m**

**NOTES:**

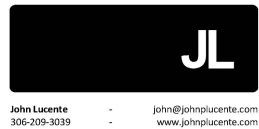
- EXISTING ALLEYWAY EASEMENT MUST BE REMOVED.
- ERCA APPLICATION REQ'D (1:100 YR FLOOD LINE).
- DETAILED SURVEY REQ'D.



**LOT 1: (AS SHOWN)**  
 LOT AREA: 9,637 sf  
 COVERAGE: 2,800 sf  
 COVERAGE: 29.1 %  
 (building size/shape estimated)

**LOT 2: (AS SHOWN)**  
 LOT AREA: 8,715 sf  
 COVERAGE: 2,800 sf  
 COVERAGE: 32.1 %  
 (building size/shape estimated)

**LOT 3: (AS SHOWN)**  
 LOT AREA: 8,721 sf  
 COVERAGE: 2,800 sf  
 COVERAGE: 32.1 %  
 (building size/shape estimated)



Wyandotte Development  
 Elinor Street & Wyandotte  
**Preliminary Site Plan**

Project number: 2121

Sheet:

**P-1**

Scale: 1/32" = 1'-0"

# PLANNING RATIONALE REPORT

## ZONING BY-LAW AMENDMENT FOR PROPOSED RESIDENTIAL DEVELOPMENT

817 Elinor St., 0 Elinor St., and 0 Wyandotte St. E.  
City of Windsor, Ontario

March 22, 2022

Prepared by:



Tracey Pillon-Abbs, RPP  
Principal Planner  
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Chatham, ON N7M 5J7  
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# 1.0 INTRODUCTION

I have been retained by 1933923 Ontario Ltd, the applicant/owner, to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development for property located at 817 Elinor St., 0 Elinor St., and 0 Wyandotte St. E. (herein the “Site”) in the City of Windsor, Province of Ontario.

The Site is presently vacant and is made up of 3 irregularly shaped lots located at the corner of Wyandotte Street East and Elinor Street.

The applicant is proposing to construct three (3) multiple dwellings with six (6) dwellings units each for a total of 18 residential (rental) units, as well as parking on-site for 27 vehicles, including 1 barrier free space, 4 visitor spaces and 3 bicycle spaces.

East building will be located on its own lot. The parking area will be shared.

The proposed development will provide a new housing choice in an existing built-up area and will provide for a transition between the existing residential uses and Elinor Street and Wyandotte Street East.

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

This application will also require an exemption from the current Residential Interim Control By-law (RICBL) for the prohibition on any group homes, lodging homes or development with five or more dwelling units.

The proposed development will also be subject to Site Plan Control (SPC) prior to the issuance of any building permits.

Further, a severance application or part lot control exemption will be required in order to re-configure the 3 lots and permit an easement for the shared parking area.

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

Pre-submission was completed by the applicant/owner (City File #PS-080/20). Comments dated June 26, 2021, were received and have been incorporated into the proposed application.

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



## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Legal Description and Ownership

The Site has been owned by 1933923 Ontario Ltd since May 2021.

The Site is made up of three (3) parcels located in Ward 7 on the south side of Wyandotte Street East and the west side of Elinor Street, between Florence Ave and Clover Street (see Figure 1 – Air Photo).

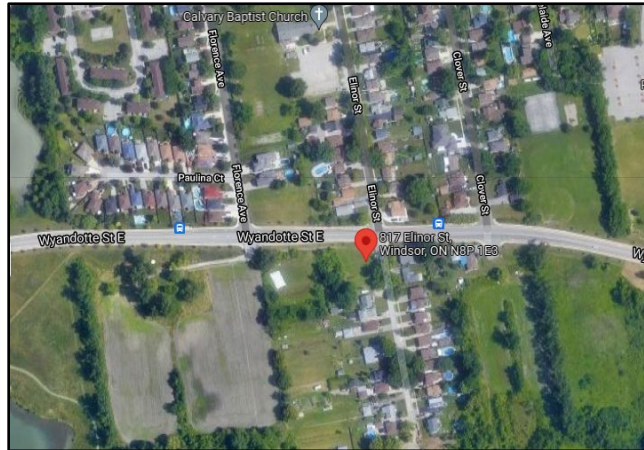


Figure 1 – Air Photo (Google 2021)

The Site is legally described as Lots 26 to 31, Part of Alley, Registered Plan 1142, City of Windsor, and locally known as 817 Elinor St., 0 Elinor St., and 0 Wyandotte St. E., (see Figure 2 – Air Photo).



Figure 2 – Air Photo (ERCA GIS)

There is a sewer easement along the south portion of the Site, described as PINs 01596-1298 and 01596-1300.

The Site has been vacant for 15 years.

It is the intent of the owner/applicant to merge the 3 parcels of land together as one in order to accommodate the proposed development.

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

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

The Site subject to development consists of a total area of approximately 2,274 square metres.

The Site is an irregularly shaped corner lot with a depth of 70.6 m on the south side of Wyandotte Street East and a maximum width of 44.6 m on the west side of Elinor Street.

### **2.2.2 Vegetation and Soil**

The Site is currently vacant and largely has an unmaintained lawn with a small area of wetland.

The soil is made up Clyde Clay (Cc).

### **2.2.3 Topography**

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

The Site is part of the Little River subwatershed and Event Based Area (EBA) under the ERCA Source Water Protection.

### **2.2.4 Other Physical Features**

There is a Canada Post mailbox located along Elinor Street.

There is no fencing around the perimeter of the Site.

### **2.2.5 Municipal Services**

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

The closest fire hydrant is located northeast corner of Elinor Street and Wyandotte Street East.

Streetlights are located on both Elinor Street and Wyandotte Street East.

There are sidewalks on both sides of Wyandotte Street East and one side of Elinor Street and bicycle lanes on both sides of Wyandotte Street East.

Both Elinor Street and Wyandotte Street East are 2-way streets. Elinor Street is a dead-end street with no exit posted. There is on-street parking available along Elinor Street.

### 2.2.6 Nearby Amenities

There are several schools close to the Site, including St. Joseph Catholic High School, Riverside Secondary School and MS Hetherington Public School.

There are many parks and recreation opportunities in proximity of the Site, including Sandpoint Beach Park – East Beach and Shanfield Shores Park.

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

The Site has access to transit, with the nearest bus stop located along Wyandotte Street East at Florence Ave (Stop ID 2016) on the City of Windsor 10 bus line.

## 2.3 Surrounding Land Uses

Overall, the Site is located in an established residential area. A site visit was conducted on December 19, 2021. Photos were taken by Pilon Abbs Inc.

**North** – The lands to the north of the Site are used for residential with frontage along Elinor Street and Wyandotte Street East (see Photo 1 - North).



Photo 1 – North

**East** – The lands to the east of the Site are used for residential with frontage along Elinor Street and Wyandotte Street East (see Photo 2 – East).





Photo 2 – East

**South** – The lands to the south of the Site are used for residential with frontage along Elinor Street (see Photo 3 - South).



Photo 3 – South

**West** – The lands to the west of the Site are used for residential with frontage along Wyandotte Street East (see Photo 4 – West).



Photo 4 – West



# 3.0 DEVELOPMENT PROPOSAL

## 3.1 Proposal

The applicant is proposing to construct three (3) multiple dwellings with six (6) dwellings units each for a total of 18 residential (rental) units.

Each building will be on its own lot.

A concept plan has been prepared by John Lucente, dated 2020-03-21 (see Figure 3a – Concept Plan).

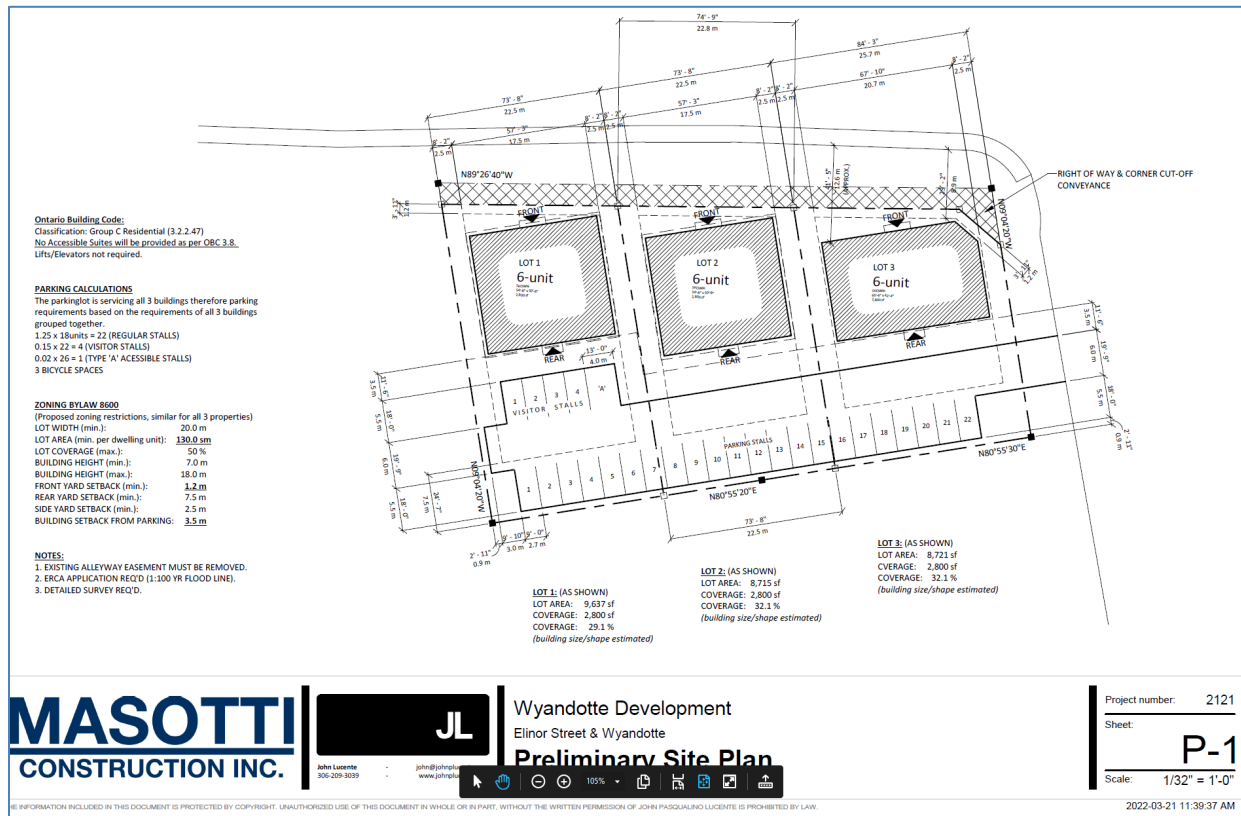


Figure 3a – Concept Plan

The concept plan is based on each multiple dwelling building being 3 storeys and no greater than 12 m in height. The proposed buildings will be facing Wyandotte Street East.

The main entrances into the buildings will be from the front and rear.

Each proposed building will be approximately 260.12 m<sup>2</sup> in size. Each lot will have a lot coverage no greater than 32.1%.

The development will result in a net density of 79.29 units per hectare.

An elevation of a similar project built has been provided (see Figure 3b – Sample Elevations).



Figure 3b – Sample Elevation

Sidewalks will connect the buildings to Wyandotte Street East.

Refuse will be collected internally and brought to the curb for pick up.

A road widening is proposed for the front of the buildings which will require the proposed buildings to be shifted back to allow an appropriate front yard setback of 1.20 m.

Parking on-site is proposed for 27 vehicles, including 1 barrier free space, 4 visitor spaces and a 3 bicycle spaces. An easement will allow the parking to be shared between the 3 lots.

Access to the parking area will be from a new 2-way entrance along Elinor Street.

## 3.2 Public Consultation Strategy

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



As part of a public consultation strategy, the applicant proposes that the required public meeting will be sufficient as the size of the development is small scale. At this time, no informal public open house is proposed to be held by the applicant.

## 4.0 PROPOSED APPLICATION

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

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

The Site is currently zoned “Residential District 1.2 (RD1.2)” and “Development Reserve District 1.1 (DRD1.1)” on Map 14 of the City of Windsor Zoning By-Law 8600.

A zoning amendment is required for the Site to permit 3 multiple dwellings with 5 or more dwelling units each.

It is proposed to change the zoning of the Site to a site-specific “Residential District 2.5 (RD2.5–S.20(1) (XXX))” and to provide relief from zone provisions set out in Section 11.5.

Further analysis is provided in Section 5.1.3 of this PRR.

### 4.2 Other Application

This application will require approval by Council and an exemption from the current Residential Interim Control By-law (RICBL) for the prohibition on any group homes, lodging homes or development with five or more dwelling units. As per the RICBL:

*Council MAY REVIEW, on a case-by-case basis, any requested amendment to the Interim Control By-law where there is a determination that the requested amendment will not conflict with the general purpose and intent of the Interim Control By-law.*

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) Application prior to the issuance of a building permit.

The proposed development will be subject to a Development Agreement, which will include any required fees or securities, lighting, buffering, landscaping, signage, etc.

Further, a severance application or part lot control exemption will be required in order to re-configure the 3 lots and permit an easement for the shared parking area.

### 4.3 Supporting Studies

The following studies have been completed as part of this PRR in support of the application for the zoning amendment.

### **4.3.1 Archeological**

A Stage 1 and 2 Archeological assessment was prepared by AMICK Consultants Limited dated January 31, 2021.

The purpose of the assessment was to review any potentially affected lands by the proposed development. The entirety of the study area was subject to property inspection.

As a result of the assessment of the study area, no archaeological resources were encountered.

The following recommendations are made:

- No further archaeological assessment of the study area is warranted;
- The Provincial interest in archaeological resources with respect to the proposed undertaking has been addressed; and
- The proposed undertaking is clear of any archaeological concern.

The assessment was filed with the Ministry and entered into the Ontario Register on December 29, 2021.

### **4.3.2 Biology**

A Screening for Species at Risk assessment (SARS) was prepared by MTE dated October 8, 2021.

The purpose of the assessment was to review any impact on the natural heritage features of the Site. The entirety of the study area was subject to property inspection.

As a result of the assessment of the study area, no negative impact is anticipated; however, mitigation measures were recommended.

Based on site investigations and a review of all background data, ESA concerns on the Site are limited to Butler's Gartersnake and Eastern Foxsnake.

The following mitigation measures are proposed:

- Measures to be implemented during development; and
- Prior to any works on the Site, sediment and erosion control fencing is to be installed along the limits of the development.

The assessment has been filed with the Ministry.

### **4.3.3 Engineering**

A Stormwater Management and Servicing Report was prepared by Haddad Morgan & Associates Ltd, Consulting Engineers, dated December 7, 2021.

The purpose of the report is to provide the proposed site servicing for the Site and include the stormwater storage and servicing requirements.

It was concluded that full services could be provided.

#### **4.3.4 Trees**

A Tree Preservation Report was prepared by MTE dated January 11, 2022.

The purpose of the report was to assess the existing trees located on the entire Site based on health and structure. A total of 10 trees were reviewed.

It was concluded that:

- two trees within the developable lands and one town-owned tree will be removed to accommodate the development; and
- consent from the City of Windsor will be required prior to removals of any publicly-owned trees; and
- all remaining trees on the adjacent lands will be preserved.

It was recommended that:

- the tree preservation fencing be installed according; and
- tree preservation fencing be inspected by MTE Consultants Inc. prior to and during construction to ensure that it is working properly.

## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

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

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

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

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

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

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	The surrounding area has residential uses, and the proposed development provides a new housing choice.
1.1.1	Healthy, liveable and safe communities are sustained by:  a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term; b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;	The proposed development is consistent with the policy to build strong, healthy and livable communities as it provides for a new housing choice in the form of multiple dwellings.  There are no environmental or public health and safety concerns as the area is well established.  The development pattern does not require expansion of the settlement area as it is

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

PPS Policy #	Policy	Response
		<p>the proposal is within the City's settlement area.</p> <p>The Site will provide for a range of housing choices consistent with developments in the area.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</li> <li>d) prepare for the impacts of a changing climate;</li> <li>e) support active transportation;</li> <li>f) are transit-supportive, where transit is planned, exists or may be developed; and</li> <li>g) are freight-supportive.</li> </ul>	<p>The total density of the proposed development is considered appropriate as most of the surrounding area is residential.</p> <p>The Site offers an opportunity for intensification by creating new residential units on an underutilized site.</p> <p>The intensification can be accommodated for the proposed development as it is an infilling opportunity within an existing land use pattern.</p> <p>The proposed design and style of the multiple dwellings will blend with the residential uses in the area.</p> <p>The proposed development will provide a transition between the residential uses and Elinor Street and Wyandotte Street East.</p> <p>Residents will have immediate access to shopping, employment, transit, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area.</p>



PPS Policy #	Policy	Response
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.	<p>The intensification can be accommodated for the proposed residential development as it is an appropriate development of the vacant parcel of land.</p> <p>The proposed development will provide a transition between the residential uses and Elinor Street and Wyandotte Street East.</p>
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.	<p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing land use pattern.</p> <p>There will be no risks to the public.</p>
1.1.3.5	Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.	The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area and will add new residential units.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	<p>The proposed development does have a compact form.</p> <p>The low-profile density will allow for the efficient use of land, infrastructure and public services.</p>

PPS Policy #	Policy	Response
1.4.1	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	<p>The proposed development will provide for a new housing choice and density in the existing built-up area.</p> <p>The intensification can be accommodated for the proposed development as it is a development opportunity within an existing land use pattern.</p> <p>The area is pedestrian-friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities. The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>Full municipal services are available. A Stormwater Management and Servicing Report was prepared.</p>
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed low-profile density is compatible with the surrounding area and will provide affordable intensification and infilling through the efficient use of the Site.</p> <p>The Site is close to nearby amenities.</p> <p>There is suitable and has access to full municipal infrastructure.</p>

PPS Policy #	Policy	Response
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	The development has access to full municipal services. A Stormwater Management and Servicing Report was prepared.  Access to public transit is available.
1.6.6.2	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.  There will be no anticipated impacts on the municipal system and will not add to the capacity in a significant way.
1.6.6.7	Planning for stormwater management shall:  a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term; b) minimize, or, where possible, prevent increases in contaminant loads; c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;	There will be no risk to health and safety.

PPS Policy #	Policy	Response
	<p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	
1.6.7.1	<p>Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.</p>	<p>The subject property is near major roadways and has access to transit.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.</p>	<p>The proposed development contributes to the City's requirements for development within a built-up area.</p> <p>The area is serviced by transit.</p>
1.6.7.4	<p>A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.</p>	<p>The proposed development contributes to the City's requirement for infilling within a built-up area.</p> <p>Parking is provided on-site.</p> <p>The area is pedestrian-friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities.</p> <p>The proposed density offers an opportunity to efficiently use municipal infrastructure.</p>

<b>PPS Policy #</b>	<b>Policy</b>	<b>Response</b>
1.8	Planning authorities shall support energy conservation and efficiency, improved air quality, reduced greenhouse gas emissions, and preparing for the impacts of a changing climate through land use and development patterns.	The proposed development supports compact form within an existing built-up area of the City.  The Site has access to transit and local amenities.
2.1.1	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.  A SARS assessment has been completed.  Mitigation measures are recommended during development and construction.  A Tree Preservation and Inventory was also completed for the Site with recommendations for protection.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	Full municipal services are available. A Stormwater Management and Servicing Report was prepared.
2.6.1	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	A Stage 1 and 2 assessment was completed.  No resources were found.
3.0	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards that apply to this Site.

Therefore, the proposed development is consistent with the PPS.

### 5.1.2 Official Plan (OP)

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

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

The lands are designated “Residential” according to Schedule “D – “Land Use” attached to the OP for the City of Windsor (see Figure 4 – City of Windsor OP, Schedule “D”).

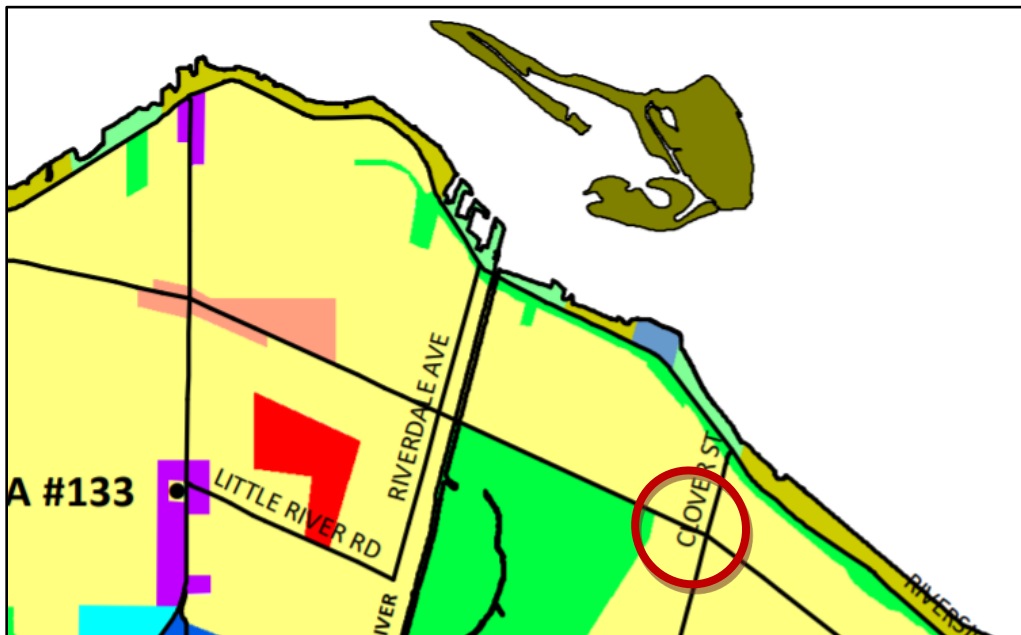


Figure 4 – City of Windsor OP, Schedule “D”

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

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed residential development supports one of the City’s overall development strategies of providing for a range of housing types.

OP Policy #	Policy	Response
		The proposed development will be rental units close to transit and local amenities.
3.3.3	<p>Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.</p> <p>The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses.</p> <p>The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare.</p> <p>This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.</p>	<p>The proposed residential development is in an existing built-up area.</p> <p>The proposed buildings will blend with the surrounding built-up area.</p> <p>The Site is not in a node; however, it offers appropriate infilling in the existing neighbourhood.</p> <p>The area is pedestrian-friendly, allowing people to access nearby amenities, such as public spaces, commercial nodes, and recreational activities. The proposed density offers an opportunity to efficiently use municipal infrastructure.</p> <p>The Site will provide for a range of housing options.</p>
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use,	The proposed development will support the City's goal of promoting a healthy community (live, work and play).



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

OP Policy #	Policy	Response
	6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.	
6.2.1.2 – General Policies	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p><b>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</b></p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally, no greater than fourteen (14) storeys in height.</p>	The proposed dwellings are considered low-profile buildings.
6.3.2.5	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:</p> <p>(a) feasible having regard to the other provisions of this Plan, provincial legislation,</p>	<p>This PRR has addressed these requirements.</p> <p>The proposed development is in keeping with policies and plans.</p> <p>The Site provides for an infill opportunity.</p> <p>The proposed development will offer a transition between</p>

OP Policy #	Policy	Response
	<p>policies and appropriate guidelines and support studies for uses: (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and distribution is a provincial or municipal concern; and (v) adjacent to heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas; (d) provided with adequate off street parking; (e) capable of being provided with full municipal physical services and emergency services; and (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	<p>the existing residential dwellings and the roadway.</p> <p>Relief is only requested from the required lot area, habitable window and front lot line. This will permit the building to be located close to the front of the Site and provide for the appropriate amount of parking at the rear of the dwellings. All other RD2.5 provisions can be complied with.</p>
6.3.1.1 (Residential)	To support a complementary range of housing forms and tenures in all neighbourhoods.	The proposed development provides for a new housing choice in an existing built-up area.
6.3.1.2	To promote compact neighbourhoods which	The design is compact within an existing neighbourhood

OP Policy #	Policy	Response
	encourage a balanced transportation system.	and has access to transportation options.
6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.	The intensification can be accommodated for the proposed development as it is a development opportunity within an existing land use pattern.
6.3.2.3	For the purposes of this Plan, <b>Low Profile</b> housing development is further classified as follows:  (a) <b>small scale</b> forms: single detached, semi-detached, duplex and row and <b>multiplexes with up to 8 units; and</b> (b) large scale forms: buildings with more than 8 units.	The proposed development is considered small scale low profile with a total of 18 residential units proposed.
6.3.2.4	Residential development shall be located where:  (a) there is access to a collector or arterial road; (b) full municipal physical services can be provided; (c) adequate community services and open spaces are available or are planned; and (d) public transportation service can be provided.	The Site has access to Wyandotte Street East.  Full municipal services are available. A Stormwater Management and Servicing Report was prepared.  Access to transit is available.
7.0 - Infrastructure	The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.	The Site is close to nearby transit, off a major roadway and has access to full municipal services.  An assessment of services has been completed.  There will be no negative impacts on the municipal system as the proposed

OP Policy #	Policy	Response
		buildings will be limited to low profile and will not add to the capacity in a significant way.
8 – Urban Design	A memorable, attractive and liveable city is one where people feel comfortable and are inspired by their surroundings. The physical systems and built form of the City are also designed to protect, maintain and improve the quality of life for present and future generations by integrating the principles of sustainability and place making. In order for Windsor to be such a city, Council is committed to urban design principles that enhance the enjoyment and image of Windsor and its people	<p>The design of the multiple dwellings will blend with the surrounding residential area.</p> <p>The proposed buildings will be limited to 3 storeys in the zoning by-law regulations, is pedestrian-friendly, has a clean façade and is a safe place for people to live.</p> <p>Relief is only requested from the required lot area, habitable window and front lot line. This will permit the building to be located close to the corner of the Site and provide for the appropriate amount of parking at the rear of the dwellings. All other RD2.5 provisions can be complied with.</p> <p>The Site is compatible with the surrounding area in terms of scale, massing, height and siting.</p> <p>The proposed buildings are located on a corner lot and will integrate well with the surrounding area and be used as a buffer between the existing residential uses and Wyandotte Street East.</p>

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

### 5.1.3 Zoning By-law (ZBL)

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

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

The Site is currently zoned “Residential District 1.2 (RD1.2)” and “Development Reserve District 1.1 (DRD1.1)” on Map 14 of the City of Windsor Zoning By-Law 8600 (see Figure 5 – City of Windsor Zoning Map 14).



Figure 5 – City of Windsor Zoning Map 14

A site-specific zoning amendment is required for the Site in order to permit 3 multiple dwellings with 5 or more dwelling units each.

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

It is proposed to change the zoning of the Site to a site-specific “Residential District 2.5 (RD2.5–S.20(1) (XXX))” and to provide relief from zone provisions set out in Section 11.5.

A review of the RD2.5 zone provisions, as set out in Section 11.5 of the ZBL are as follows:

Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Permitted Uses	Double Duplex Dwelling Duplex Dwelling <b>Multiple Dwelling</b> Semi-Detached Dwelling Single Unit Dwelling Townhome Dwelling Any use accessory to the above uses	1 Multiple Dwelling with 5 or more dwelling units (6 units total)	1 Multiple Dwelling with 5 or more dwelling units (6 units total)	1 Multiple Dwelling with 5 or more dwelling units (6 units total)	Will comply, subject to the approval of the ZBA application.
Minimum Lot Width	20.0 m  (Wyandotte St E)	22.5 m	22.5 m	25.7 m	Complies
Minimum Lot Area	per dwelling unit –166 m <sup>2</sup>  166 m <sup>2</sup> x 6 = <b>996 m<sup>2</sup></b> required (per lot)	895.30 m <sup>2</sup>	809.64 m <sup>2</sup>	810.20 m <sup>2</sup>	Relief for the 3 lots is requested.  The lots are irregular in shape as Wyandotte Street East is on an angle.  Lot coverage is below the required maximum.  The Site is large enough to accommodate the proposed development.



Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Maximum Lot Coverage	50.0%	29.1 %	32.1 %	32.1 %	Complies
Main Building Height	Minimum 7.0 m Maximum 18.0 m	12 m	12 m	12 m	Complies  (3 storeys)
Front Yard Depth	Minimum 6.0 m Maximum 7.0 m	1.2 m	1.2 m	1.2 m	Relief is required for all three lots.  The lot is irregular in shape as Wyandotte St E is on an angle.  The reduction will only be required for one corner of each building.  Relief will allow the proposed buildings to be located close to the roadway, similar to other lots in the area.  Relief will also allow for parking to be located at the rear of the building with access from Elinor Street.
Minimum Rear Yard Depth	7.50 m	>7.50 m	>7.50 m	>7.50 m	Complies

Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Minimum Side Yard Width	2.50 m	2.50 m	2.50 m	2.50 m	Complies  Both sides of the proposed buildings
Parking Requirements 24.20.5.1	Multiple Dwelling containing a minimum of 5 Dwelling units - 1.25 for each dwelling unit	27	27	27	Complies  Easement required over 3 lots for shared parking agreement
Visitor Parking	a minimum of 15 percent of parking spaces shall be marked as visitor parking  $27 \times 15\% = 4.05$ (4 rounded down)	4	4	4	Complies
Accessible Parking Spaces 24.24.1	$0.02 \times 27 = 0.54$ (Type A)  26 to 100 – 2 percent of parking spaces (Types A and B)  $0.54 + 0.54 = 1$	1	1	1	Complies

Zone Regulations Sec 11.5	Required RD2.5	Proposed Lot 1	Proposed Lot 2	Proposed Lot 3	Compliance and/or Relief Requested with Justification
Bicycle Parking Spaces 24.30.1.1	20 or more - 2 for the first 19 spaces plus 1 for each additional 20 parking spaces  2 + 0.4 = 2.4 (2 rounded down)	3	3	3	Complies
Parking Area Separation 25.5.20.4	0.90 m  An interior lot line or alley	0.90 m	0.90 m	0.90 m	Complies
Habitable Window	4.5 m	3.5 m	3.5 m	3.5 m	Relief requested.  A road widening is proposed for the front of the buildings which will require the proposed buildings to be shifted back to allow an appropriate front yard setback of 1.20 m.

Therefore, the proposed development will require a site-specific zoning RD2.5 - S.20(1)(XXX) in order to permit 3 multiple dwellings with 5 or more dwelling units each.

All other RD2.5 zone provisions shall comply with the exception of the following requested relief:

1. decrease the required minimum lot area from 993 m<sup>2</sup> to 809.64 m<sup>2</sup> per lot,
2. decrease the required minimum front yard width from 6.0m to 1.20 m per lot, and
3. decrease the required minimum setback from a habitable Windsor from 4.5 m to 3.5 m.

## **6.0 SUMMARY AND CONCLUSION**

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

#### **6.1.1 Site Suitability**

The Site is ideally suited for residential development for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- The Site is generally level, which is conducive to easy vehicular movements,
- The Site already accommodates municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- There are no hazards, and
- The location of the proposed development is appropriate in that it will blend well with the residential uses in the surrounding area.

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

The proposed development provides efficient ease of access into the proposed parking area.

The Site is compatible with the surrounding area in terms of scale, massing, height and siting.

The proposed development will provide a transition between the existing residential uses and Elinor Street and Wyandotte Street East.

#### **6.1.3 Good Planning**

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

The additional units will contribute toward affordability and intensification requirements.

Residential use on the Site represents an efficient development pattern that optimizes the use of land in an existing built-up area that has residential uses surrounding the Site.

The additional residential units will not put any additional stress on municipal infrastructure or the current Site.

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

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

Mitigation measures are recommended during development and construction.

### **6.1.5 Municipal Services Impacts**

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

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

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

Adding additional residential units on an underutilized site in an area with residential uses contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

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

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

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

## **6.2 Conclusion**

The proposal to add three (3) multiple dwellings on the Site is appropriate and should be approved by the City of Windsor.

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

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

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

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

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

**Planner's Certificate:**

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



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



## APPENDIX D - Excerpts from Zoning By-law 8600

### SECTION 3 – DEFINITIONS

**BUILDING** means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

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

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

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

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

#### 10.2 RESIDENTIAL DISTRICT 1.2 (RD1.2)

##### 10.2.1 PERMITTED USES

*Existing Duplex Dwelling*

*Existing Semi-Detached Dwelling*

*One Single Unit Dwelling*

Any use accessory to the preceding uses

##### 10.2.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	12.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	360.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m



## SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

### 11.5 RESIDENTIAL DISTRICT 2.5 (RD2.5)

#### 11.5.1 PERMITTED USES

*Double Duplex Dwelling*

*Duplex Dwelling*

*Multiple Dwelling*

*Semi-Detached Dwelling*

*Single Unit Dwelling*

*Townhome Dwelling*

Any use accessory to the above uses

#### 11.5.5 PROVISIONS

##### .1 Double Duplex Dwelling

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

##### .2 Duplex Dwelling

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

## .3 Semi-Detached Dwelling

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

## .4 Single Unit Dwelling

.1	Lot Width – minimum / maximum	9.0 m / 12.0 m
.2	Lot Area – minimum / maximum	270.0 m <sup>2</sup> / 420.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – minimum / maximum	7.0 m / 14.0 m
.5	Front Yard Depth – minimum / maximum	
	Detached <i>garage</i> or <i>carport</i> in <i>rear yard</i>	3.0 m / 4.0 m
	No detached <i>garage/carport</i> in <i>rear yard</i>	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

.5 Multiple Dwelling with four *dwelling units* or less

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

.6 Multiple Dwelling with 5 or more *dwelling units*

.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	166.0 m <sup>2</sup>
.3	Lot Coverage – maximum	50.0%
.4	Main Building Height – minimum / maximum	7.0 m / 18.0 m
.5	Front Yard Depth – minimum / maximum	6.0 m / 7.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	2.50 m

.7 Townhome Dwelling

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

## **APPENDIX D - COMMENTS**

**CANADA POST - Bruno DeSando** - 1-519-494-1596 or [bruno.desando@canadapost.ca](mailto:bruno.desando@canadapost.ca)

This development, as described, falls within our centralized mail policy. I will specify the condition which I request to be added for Canada Post Corporation's purposes.

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

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service. If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

### **CITY OF WINDSOR - BUILDING DEPARTMENT - Barbara Rusan**

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

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

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

### **CITY OF WINDSOR - ENGINEERING & ROW - Patrick Winters**

The subject lands are located at 0 & 817 Elinor Street, designated as Residential on the Land Use Schedule D of the Official Plan. The property is zoned Development Reserve District 1.1 (DRD1.1) and Residential District 1.2 (RD1.2). The applicant is proposing to construct three multiple dwellings with six dwellings units each for a total of 18 dwelling units. Parking on-site is proposed for 27 vehicles, including 3 barrier free spaces and a minimum of 3 bicycle spaces. Access to the parking area will be from a new 2-way entrance along Elinor Street. The applicant is requesting that Zoning By-law 8600 be amended changing the zoning to RD2.5 with a site specific exception for a reduction in minimum lot area and a reduction in the minimum setback from the westerly lot line.

The subject lands are serviced by a 350mm diameter asbestos cement sanitary sewer and a 675mm reinforced concrete pipe storm sewer located on Elinor Street. The applicant will be required to submit lot grading and site servicing drawings, as well as storm detention calculations restricting storm water runoff from this site to pre-development levels. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The property lies within the ERCA fill line. ERCA approval and permits are required. A sanitary servicing study will also be required

Wyandotte Street East is designated as a Class 2 Arterial road requiring a 30m right-of-way. The current right-of-way width is 24.5m, therefore, a conveyance of 2.75m is required. Elinor Street is designated as a local road requiring a 20.1m right-of-way. The current right-of-way width is 20.1m

and therefore no land conveyance is required. Furthermore, a 4.6m x 4.6m corner cut-off conveyance will be required at the southwest corner of the Elinor Street and Wyandotte Street East intersection.

The existing curbs and gutters along Elinor Street do not extend along the entire frontage. Curbs and gutters will need to be constructed at the owners expense.

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

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

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

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

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

1. Construct at their own expense and according to City of Windsor Standard Specifications, a concrete curb and gutter along the entire Elinor Street frontage of the subject lands. All work to be to the satisfaction of the Corporation's City Engineer;

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

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

#### **CITY OF WINDSOR - PLANNING DEPARTMENT - HERITAGE PLANNER - Kristina Tang**

No supporting information required.

Archaeological Assessment Report Entitled, "ORIGINAL 29 December 2021 Stage 1-2 Archaeological Assessment of Proposed Wyandotte Development at 817 Elinor Street, Part of Lot 139, Concession 1 (Geographic Township of Sandwich, County of Essex), City of Windsor (AMICK File #2021-444/MHSTCI File #P058-2030-2021)", Dated Dec 29, 2021, Filed with MHSTCI Toronto Office on N/A, MHSTCI Project Information Form Number P058-2030-2021, MHSTCI File Number 0014721, has been entered into the Ontario Public Register of Archaeological Reports. Although the report recommends no further archaeological assessment of the property, the applicant is still to note the following archaeological precautions:

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

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

Contacts:

Windsor Planning & Building Department: 519-255-6543 x6179, [ktang@citywindsor.ca](mailto:ktang@citywindsor.ca),  
[planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

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

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

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

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

Pursuant to the application for a zoning amendment to permit the construction of three multiple dwellings with six dwellings units each for a total of 18 dwelling units on the subject, please note no objections. Please also note the following comments:

Zoning Provisions for Parking Setback - The proposed development and requested Site Specific Zoning would align with RD2.5 Multiple Dwelling with 5 or more dwelling units, which requires landscape setbacks as follows:

*.5 Front Yard Depth – 6.0m minimum to 7.0m maximum*

*.6 Rear Yard Depth – 7.5m minimum*

*.7 Side Yard Depth – 2.5m*

The proposed development also proposes a near zero rear yard setback with parking area immediately adjacent to the southern property boundary with a single-family residential home.

The proposed location of the trash enclosure does not comply with the prohibition found in Section 25.5.1.5, which states:

*The placement of a refuse bin within a parking area and within 6.0 metres of the point of intersection of any two streets or any street and an access area; within a required parking space, required accessible parking space or required visitor parking space; or in a manner so as to hamper the movement or prevent the safe operation of a motor vehicle utilizing the parking area is prohibited.*

The proposed location poses a conflict with the adjacent residential land use immediately south of the subject site. Relocation of the trash enclosure to a more centralized location along the south property line or at the western end of the parking area will provide greater distance from the adjacent home on Elinor.

These variances could be supported with appropriate hard and soft landscape considerations being applied.

Urban Design - An amenity space as a picnic area has been proposed near the Wyandotte and Elinor corner. This location can pose problems from a health and safety perspective for the users. A proposed bike rack is also located further south. It is recommended that the location of these two amenities be switched to provide less conflicts for the picnic users, and more security for the bike racks from CPTED perspective.

Tree Preservation - The applicant has provided a Tree Inventory and Preservation Report identifying 10 trees on or adjacent to the subject site.

There are no objections to the removal of the two trees on the property based on the TIP. The applicant has indicated some of the trees situated on the municipal right-of-way will need to be removed to accommodate the proposed site plan. However, the development will be subject to Site Plan Control and it is strongly recommended that the applicant consider shifting the access drive from Elinor Street further north to preserve the older established municipal tree (#4).

Parkland Dedication - There are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication. Detailed landscape requirements will be provided at the time of site plan review.

#### **CITY OF WINDSOR - TRANSPORTATION PLANNING SERVICES - Rania Toufeili**

Elinor St is classified as a local road with a required right-of-way width of 20 meters. The current right-of-way width is sufficient and therefore no conveyance is required.

Wyandotte St E is classified as a Class II Arterial road with a required right-of-way width of 30 meters per Schedule X of the Official Plan. The current right-of-way width is 24.5 and therefore a conveyance of 2.75 is required.

A 4.6 meter corner cut-off is required at the corner of Elinor St and Wyandotte St E.

All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

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



## ENBRIDGE - WINDSOR MAPPING

After reviewing the provided drawing at 817 Elinor St and consulting our mapping system, please note that Enbridge Gas has active infrastructure along Elinor St in the proposed area. A PDF drawing has been attached for reference.

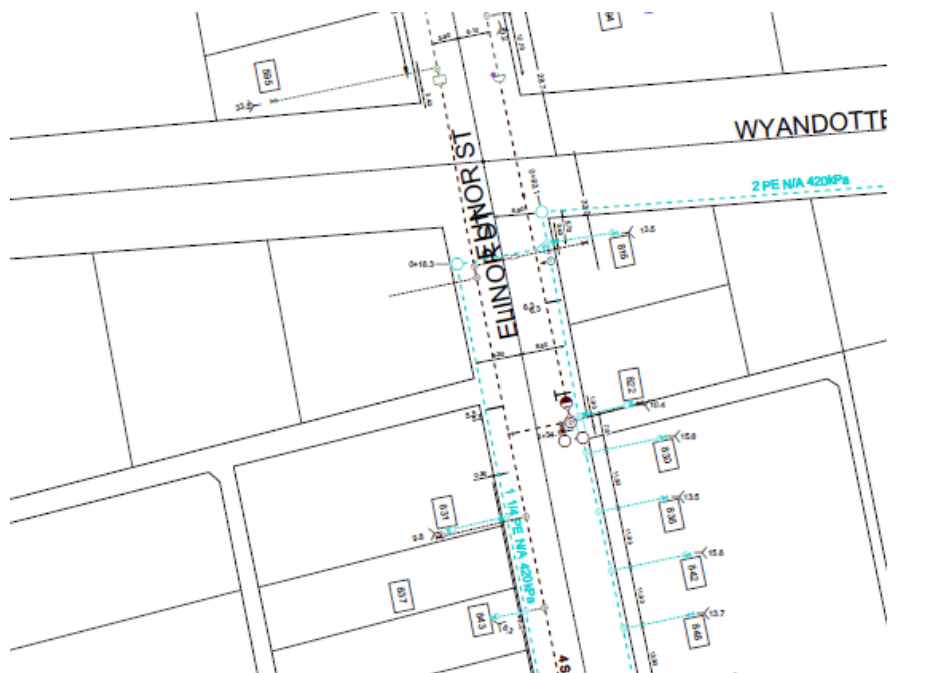
Please Note:

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



## ENWIN

Hydro Engineering: No Objection

Water Engineering: Water Engineering has no objections.

**ESSEX REGION CONSERVATION AUTHORITY (ERCA) - Vitra Chodha, E.P, Resource Planner - [planning@erca.org](mailto:planning@erca.org) or 519-776-5209**

The applicant is requesting that Zoning By-law 8600 be amended changing the zoning to RD2.5 with a site specific exception for a reduction in minimum lot area and a reduction in the minimum setback from the westerly lot line for the construction of three multiple dwellings with six dwellings units each for a total of 18 dwelling units. The concept plan is based on each multiple dwelling building being 3 storeys and no greater than 12 m in height. The proposed buildings will be facing Wyandotte Street East. The main entrances into the buildings will be from the front and rear. Each proposed building will be 232.26 m<sup>2</sup> in size. The total building area of all 3 buildings is 696.77 m<sup>2</sup>, for a total lot coverage of 30%. The development will result in a net density of 79.29 units per hectare. Proposed tenure is rental.

### 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 Little River and Lake St. Clair. The property owner will be required to obtain a Permit 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*.

### WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

#### SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

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

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

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

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

We note that, up until 2019, the subject property did contain a natural heritage feature that may have met the criteria for significance under the PPS, 2020. Natural Heritage policies of the PPS, 2020 state – “*Development and site alterations shall not be permitted... unless it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.*” The demonstration of no negative impact, as required by PPS natural heritage policies, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA) [also known as an Environmental Evaluation Report (EER) in the City of Windsor].

It appears however, that the feature which previously existed on the property was effectively cleared from the property within the last three years. No vegetation clearing for development should take place on a property prior to receiving development approvals. For this particular application because of this premature manipulation of the property (prior to any approvals to conduct development or site alteration), the EER/EIA process has been compromised. A complete EER/EIA should have been completed and reviewed prior to any clearing of vegetation, in order for the current application for development under the *Planning Act* to be consistent with PPS natural heritage policies.

### FINAL RECOMMENDATION

We have no further comments on the re-zoning application. If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage. Please be advised, that, the applicant must obtain a Section 28 Permit from the Essex Region Conservation Authority and stormwater management, must be addressed, to the satisfaction of the Municipality and the Essex Region Conservation Authority.

### **TRANSIT WINDSOR - Jason Scott**

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located on Wyandotte at Clover Northwest Corner. This bus stop is approximately 100 metres away from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our Council approved Transit Master Plan as a new local route will be replacing the existing Lauzon 10 bringing two way conventional transit service to this area versus the existing one way loop.



**Subject: Zoning By-law Amendment Application to add a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, Z-008/22 [ZNG/6670]**

**Reference:**

Date to Council: May 2, 2022  
Author: Brian Nagata  
Planner II - Development Review  
519-255-6543 Ext. 6181  
Planning & Building Services  
Report Date: April 12, 2022  
Clerk's File #: Z/14315

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

**Recommendation:**

THAT the application of Vito Maggio Holdings Inc. to amend Zoning By-law 8600 by adding a site specific zoning provision to allow a permanent patio in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito's Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East **BE DENIED.**

**Executive Summary:**

N/A

**Background:**

Application Information:

**Location:** 642 Windermere Road  
(Lot 3, Registered Plan 502; Roll No. 020-070-06600; PIN 01136-0246)

**Ward:** 4

**Planning District:** Walkerville

**Zoning District Map:** 6

**Applicant/Owner:** Vito Maggio Holdings Inc.

**Proposal:**

The applicant is requesting an amendment to Zoning By-law 8600 to add a site specific zoning provision to allow a permanent patio (the patio) in the rear yard at 642 Windermere Road, which would be exclusive to the restaurant, Vito’s Pizzeria, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East.

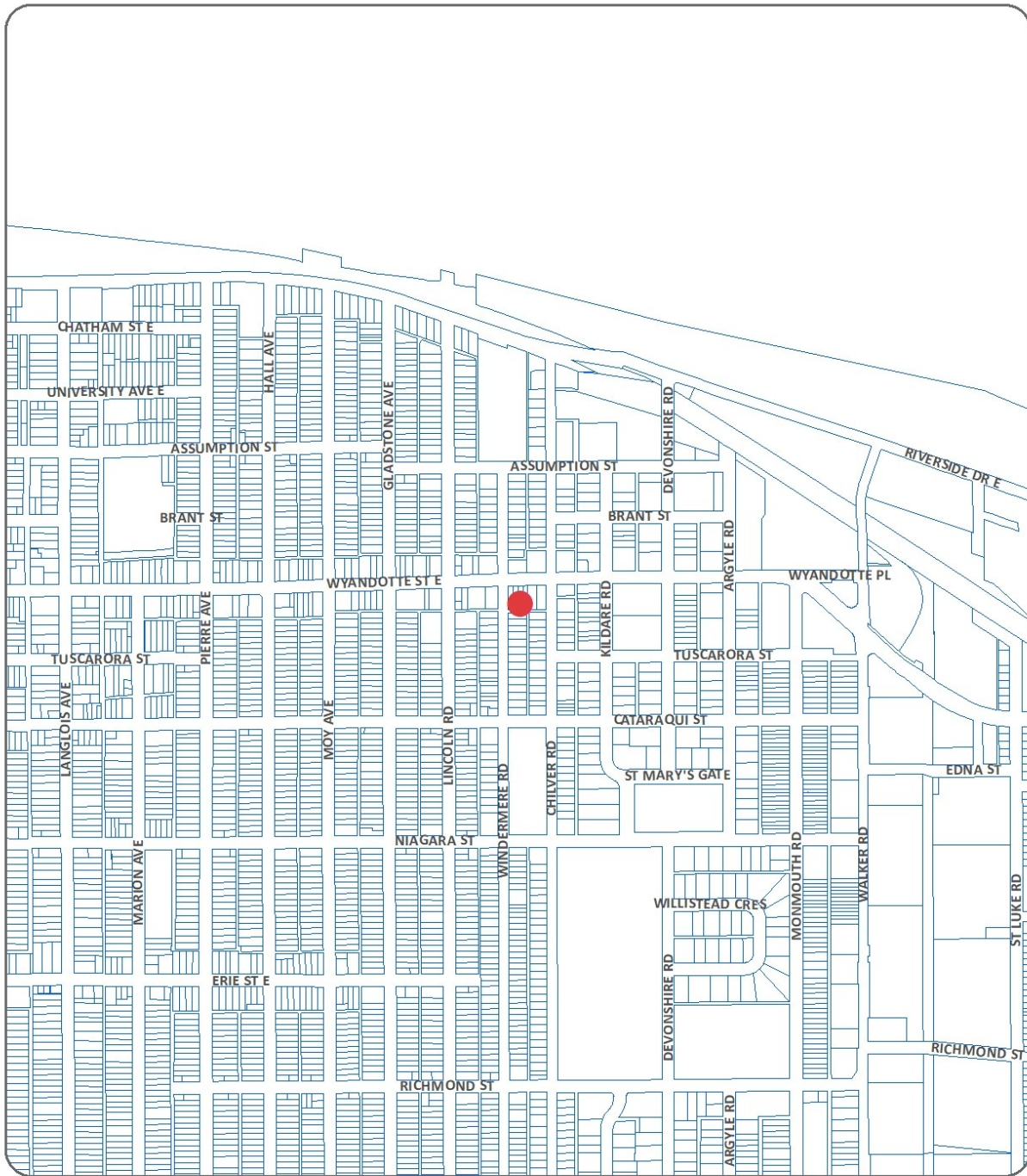
The patio is intended to provide the restaurant with additional outdoor seating to offset occupancy limitations resulting from COVID-19 restrictions. It should be noted that occupancy limitations for restaurants in Ontario were lifted on February 17, 2022, subsequent to the filing of this application on February 7, 2022.

Submitted Information: By-law 129-2021 (Temporary Use By-law) with supporting documentation provided previously to Council; Conceptual Drawings (See Appendix A), Property Ownership documentation; Zoning By-law Amendment Application Form

**Site Information:**

<b>Official Plan</b>	<b>Zoning</b>	<b>Current Use</b>	<b>Previous Use</b>
Residential	Residential District 2.2	Business Office (Legal Non-Conforming)	Single Unit Dwelling
<b>Lot Width</b>	<b>Lot Depth</b>	<b>Lot Area</b>	<b>Lot Shape</b>
10.4 m	28.7 m	298.9 m <sup>2</sup>	Irregular
<i>All measurements are provided by applicant and are approximate.</i>			

Figure 1: Key Map

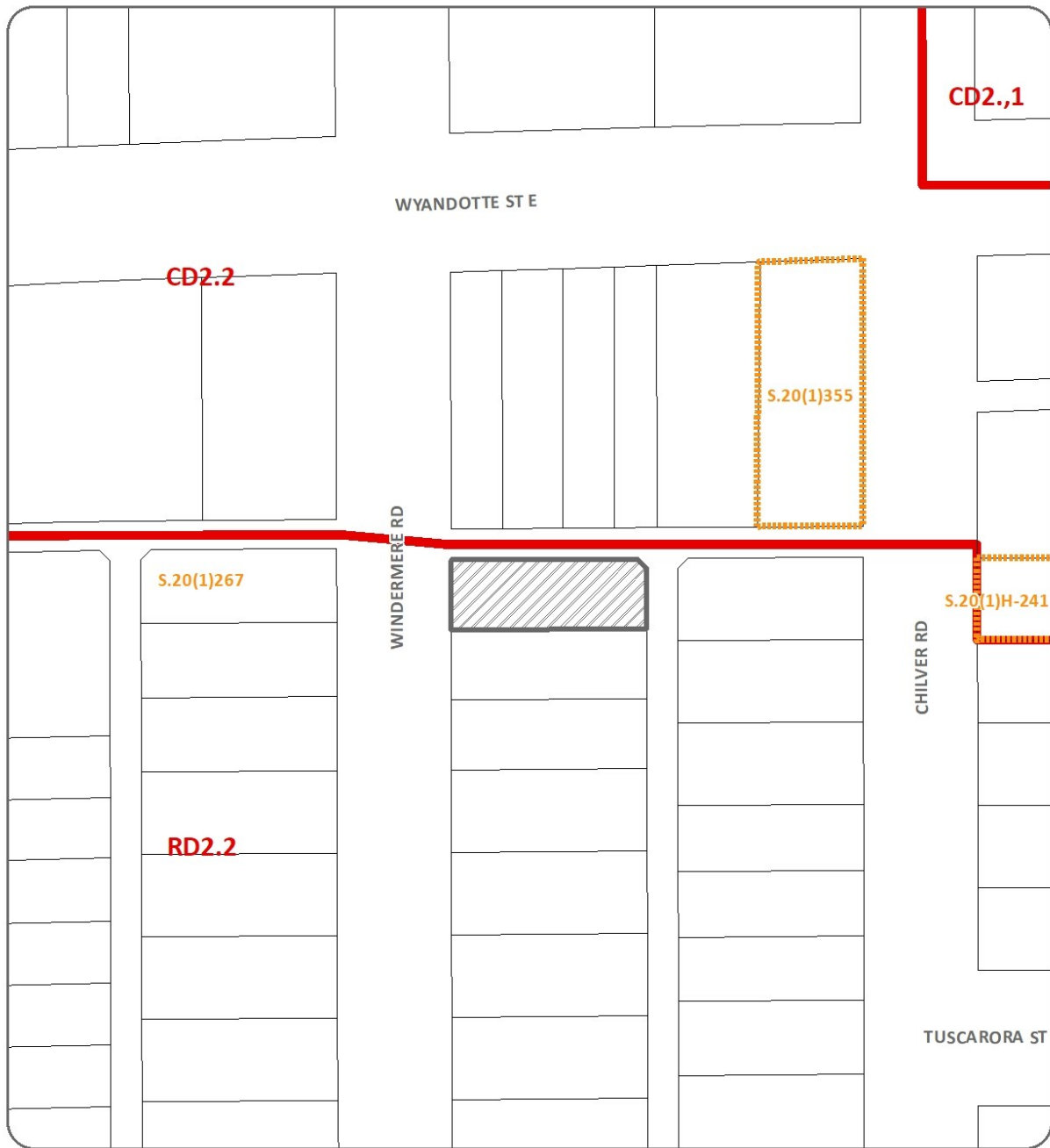


KEY MAP - Z-008/22, ZNG-6670



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**



PART OF ZONING DISTRICT MAP 6

N.T.S.

## REZONING

Applicant: Vito Maggio Holdings Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : FEBRUARY 2022  
FILE NO. : Z-008/22, ZNG/6670



Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-008/22, ZNG-6670



SUBJECT LANDS

## **Neighbourhood Characteristics:**

The subject property is located on the north edge of an established residential neighbourhood in the former Town of Walkerville. The neighbourhood is occupied by a mix of low density residential uses, interspersed with institutional and neighbourhood commercial uses.

A traditional main street block, consisting primarily of street level commercial uses with dwelling units above, is located to the north along the south side of Wyandotte Street East between Chilver Road and Windermere Road. Vito's Pizzeria is situated within this block, three buildings down from Windermere Road. A paved 4.6 metre (15.0 feet) wide alley separates the block from the subject property.

Vito's Pizzeria is a two storey restaurant with street level patios to the front and rear of the building. The restaurant has an approved occupant load (occupancy) of 155 persons, which includes 80 persons for inside the restaurant and 75 persons for the patios (City of Windsor Liquor permits LQ 2014-176306 & LQ 2015-183455).

A paved parking area serving 624 and 640 Chilver Road is located to the east. The parking area has been in existence since at least 1969 (1969 City of Windsor Aerial Photo). A paved 4.6 metre (15.0 feet) wide alley separates the parking area from the subject property.

The subject property is bound by a dwelling with an undetermined number of units to the south, and across from a single unit dwelling at 643 Windermere Road to the west.

The subject property contains a legal non-conforming business office within a former single unit dwelling, and a paved rear yard for parking off of the alley. City of Windsor Directories and Fire Insurance Plans indicate that the single unit dwelling was constructed on a vacant lot around 1906.

The single unit dwelling was converted to a business office without a building permit on March 22, 1996. The Planning Department established the business office as a legal non-conforming use on August 11, 2011, via zoning letter. The rationale for this decision was an August 8, 2011 Affidavit provided by the then property owner (Julie Fodor), which stated that the subject property had been used continuously as a business office since March 22, 1996. (See Appendix G)

Windermere Road is classified as a Local Road, which has a two-lane cross section with alternate-side parking and sidewalks on both sides. Cataraqui Street and Chilver Road are classified as Local Roads. Wyandotte Street East is designated as a Class I Arterial Road on Schedule F: Roads and Bikeways to the Official Plan.

Transit Windsor operates the Crosstown 2 bus route on Wyandotte Street East, with the nearest bus stop located approximately 120 metres to the northwest at Wyandotte Street East and Lincoln Road.

A combined sewer, storm sewer and water line are located in the Windermere Road right-of-way.

No municipal infrastructure or service deficiencies have been identified.

## **Discussion:**

### **Background:**

A Zoning By-law Amendment Application submitted by Julie Fodor was approved by Council on March 18, 1996 (Bill No. 78, By-law No. 12502). This application added site specific provision 278, which allowed a business office as an additional permitted use subject to regulations for maximum building height, minimum front and rear yard depth, minimum side yard width, and a minimum parking requirement of four spaces. Site specific provision 278 was subsequently deleted in 2002, when Zoning By-law 8600 was amended to incorporate the partial repealing of Zoning By-law 3072.

A Site Plan Control Application submitted by Julie Fodor was approved by the Commissioner of Planning on May 16, 1996 (SPC-015-96). SPC-015-96 was for the development of a four space paved area for the business office. Site Plan Control was included as a condition of Council Resolution 210/96, which pertained to the aforementioned Zoning By-law Amendment.

A Zoning By-law Amendment Application submitted by the same applicant (Vito Maggio Holdings Inc.) was approved by Council on July 26, 2021 [Z-021/21 (ZNG-6465)]. Z-021/21 authorized a "Restaurant or Bar Patio" as defined in *Ontario Regulation 345/20* as a temporary use until the end of October 31, 2021. Staff recommended that this application be denied, being of the opinion that it was not in conformity with the Official Plan or a representation of good planning.

*Ontario Regulation 345/20* was made under the *Emergency Management and Civil Protection Act* on July 2, 2020, to provide relief to the hospitality sector, which was significantly impacted by COVID-19. The relief includes exemptions from the mandatory public meeting and right to Appeal to the Tribunal for the temporary use of land, buildings or structures authorized under Section 39 of the *Planning Act*.

Section 39 allows Council to pass a by-law to authorize the temporary use of land, buildings or structures for any purpose that is otherwise prohibited by the zoning by-law, for a specified period which shall not exceed three years from the date of passing. Council may pass subsequent by-laws to grant further periods of not more than three years, during which the temporary use is authorized.

A Zoning By-law Amendment Application to allow a use on a permanent basis is authorized under Section 34 of the *Planning Act*. Thus, *Ontario Regulation 345/20* does not apply to this application.

## 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.

### 1.0 Building Strong Healthy Communities

Policy 1.1.1 of the PPS states:

- *“Healthy, liveable and safe communities are sustained by:*
  - *a) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
    - The patio poses public safety concerns for patrons and restaurant staff travelling between the restaurant and patio through the east-west alley.
    - The public safety concerns cannot be effectively mitigated through the inclusion of clauses under the site specific provision or through planning tools such as Site Plan Control or a Holding Provision.
    - The proposed amendment to Zoning By-law 8600 is thus not consistent with the PPS.

### Official Plan:

Relevant excerpts from the Official Plan are attached as Appendix C.

The subject property is located within the Walkerville Planning District and is designated Residential on Schedule D: Land Use of the City of Windsor Official Plan. The subject property is on the periphery of the Residential designation, having lands designated Mixed Use located to the immediate north.

An objective of the Residential designation is *“to provide for complementary services and amenities which enhance the quality of residential areas”* (Section 6.3.1.5: Service & Amenities). The Residential designation permits a range of ancillary uses, which are intended to achieve diverse and self-sufficient neighbourhoods (Section 6.3.2.2: Ancillary Uses). Neighbourhood Commercial is a listed ancillary use, which is primarily intended to serve the everyday needs of residents within the neighbourhood (Section 6.3.2.2(c): Ancillary Uses & Section 6.3.2.8: Neighbourhood Commercial Definition). A restaurant could be considered Neighbourhood Commercial based on the aforesaid definition.

A proposed Neighbourhood Commercial development within a designated Residential area shall comply with the following evaluation criteria set forth under Section 6.3.2.9: Neighbourhood Commercial Evaluation Criteria of the Official Plan:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (iv) where traffic generation and distribution is a provincial or municipal concern;
    - Refer to the Zoning By-law section herein.
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
  - This policy is not applicable to the patio, which is neither a building nor structure.
- (d) capable of being provided with full municipal physical services and emergency services; and
  - The patio is capable of being provided with municipal hydro service from the legal non-conforming business office.
  - Municipal sanitary sewers, storm sewers and water service are not required for the patio.
  - Emergency services can service the patio through the abutting alleys.
- (e) provided with adequate off-street parking.
  - Refer to the Zoning By-law section herein.

The following guidelines shall be considered when evaluating the proposed design of a Neighbourhood Commercial use within a designated Residential area (Section 6.3.2.10: Ancillary Use Design Guidelines):

- (b) the provision of appropriate landscaping or other buffers to enhance:
  - (ii) the separation between the use and adjacent uses, where appropriate;
    - Refer to the Zoning By-law section herein.

Land use compatibility throughout Windsor is an implementation goal to be achieved when administering a planning tool under Chapter 11: Planning Tools of the Official Plan. Compatibility between land uses is also an objective of the Zoning By-law Amendment planning tool (Section 11.6.1.2: Compatible Uses).

- Neighbourhood Commercial located adjacent to lands designated Mixed Use with established commercial uses is not common or typical. The expansion of a commercial use onto lands designated Residential is also not typical, nor is it desirable.

- The boundary between the said land use designations should be apparent, leaving no room for interpretation. When present, well defined physical features such as an alley are used to delineate this boundary.
- This establishes a defined edge for the residential neighbourhood, which assists in protecting it from the encroachment of commercial uses (commercial creep).
  - Commercial creep has the potential to negatively impact the fabric of a residential neighbourhood, introducing uses that are not compatible with or desirable for the sensitive residential land uses.
  - These uses typically have characteristics that are viewed as nuisances to the sensitive residential land uses, such as invasion of privacy, light pollution, noise pollution, etc.
- The protection of residential neighbourhoods from the encroachment of commercial uses is further emphasized by the establishment of several Demolition Control Areas throughout the City.
  - The by-laws establishing these areas include clauses that aim to prevent the removal of residential buildings for the development of non-residential uses (i.e. parking areas for surrounding commercial uses).
- Neighbourhood Commercial uses are intended to be located entirely within areas designated Residential, thus avoiding commercial creep from outlying commercial uses.
- The patio is a form of commercial creep, which may introduce nuisances on the surrounding residential lands. To permit the patio, risks setting a new precedence for similar development proposals in the future, which may negatively impact their respective residential neighbourhood.
- The legal non-conforming business office is not an ideal use for the subject property, however in this situation it does work. This is accentuated through the use of the former single unit dwelling and retainment of its residential characteristics, which has allowed it to operate cohesively with the surrounding sensitive residential land uses.
- The hard surfacing of a rear yard is permitted under the Residential District 2 zoning. The use of the space for the parking of up to four vehicles is also permitted, subject to meeting the criteria set forth by the Public Works Department (i.e. must be off of a paved alley or road).

The ramifications on the use of adjacent or similar lands shall be examined when considering a Zoning By-law Amendment Application [Section 11.6.3.3(e): Evaluation Criteria].

- The patio may introduce the following nuisances on the surrounding residential lands at 652-654 Windermere Road, 655 Chilver Road and 667 Chilver Road.
  - Invasion of Privacy
    - Refer to Zoning By-law section herein.
  - Light Pollution
    - Lighting for the patio may intrude on the aforesaid residential lands.
    - The *City of Windsor Lighting Intensity Standards Study* (Council Resolution 228-2005) provides guiding principles for the lighting of private lands, subject to Site Plan Control.
    - The Site Plan Control section has confirmed that the patio does not require an amendment to SPC-015/96 under Site Plan Control By-law 1-2004, thus negating the application of the said guiding principles.
    - Lighting can not be regulated by a zoning by-law.
  - Noise Pollution
    - Sound emitting from live entertainment, patrons, restaurant staff and/or sound systems are all potential sources of noise that may adversely effect the aforesaid residential lands. Such noises would be most prominent in the evening hours, when residents are more likely to be at home.
    - Noise attenuation measures such as a noise wall are not practical in this situation, and would introduce other issues such as the obstruction of views for pedestrians and vehicular operators using the alleys.
    - Sound emissions can not be regulated by a zoning by-law.
    - Noise By-law 6716 is therefore the only tool for regulating sound emissions, and would be implemented on a complaint driven basis.
- The patio presents public safety concerns within the adjacent alleys for patrons and restaurant staff travelling between the restaurant and patio.
  - There is a risk of patrons and restaurant staff being struck by vehicles travelling through the alley. These risks are heightened by the following factors:
    - Vehicles travelling east through the alley have obstructed sightlines resulting from the traditional main street block and wood privacy fence flanking the north and south sides of the alley respectively.



- There is no lighting, pavement markings, paving materials or signage demarcating the crossing area.
- The alley does not have street lights.
- The aforesaid factors will be more prominent after dusk.
- This risk can be partially mitigated through requiring a fence to be installed along the north and east lot lines, with a single opening across from Vito's Pizzeria. This will direct all pedestrian traffic to one point of crossing, which will reduce the likelihood of conflict with vehicles.
- The patio poses public safety concerns for patrons sitting adjacent to the alley.
  - There is a risk of patrons being clipped by vehicles travelling through the alleys. This may occur when patrons have extremities extended into the alley. The creation of a landscaped open space yard adjacent to the alley will alleviate this risk.
- The patio and point of crossing within the alley are required to be in compliance with the *Accessibility for Ontarians with Disabilities Act (AODA)*.
  - AODA compliance is typically reviewed through a building permit and/or Site Plan Control application, both of which are not required for the patio.

In the event Council decides to approve this application, it should be noted that the City has not received any complaints and Windsor Police has not had to respond to any incidents involving problematic activity/behaviour associated with the patio.

The execution of an Encroachment Agreement between the City and the applicant for the temporary use of part of the alley for the patio has been reviewed as an alternative to this application. The closure and conveyance of part of the alley to the applicant was also reviewed as an alternative to this application. The City Departments that utilize the alley are not in support of either of these alternatives.

The zoning amendment does not conform to the Zoning Amendment Policies of the Official Plan (Section 11.6.3.1: Amendments Must Conform and 11.6.3.3: Evaluation Criteria).

The proposed change to Zoning By-law 8600 does not conform 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 an amendment to Zoning By-law 8600 to add a site specific provision to allow a patio as an additional permitted use, exclusive to Vito's Pizzeria restaurant.

The patio will replace the four existing parking spaces required for the legal non-conforming business office by SPC-015/96. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to remove the parking requirement for the legal non-conforming business office.

The patio proposes privacy concerns for residents using the rear yard at 652-654 Windermere Road. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to require a 1.8 metre high screening fence to be maintained along the segment of the south lot line which bounds the rear yard.

The patio poses public safety concerns within the adjacent alleys for patrons and restaurant staff travelling between the restaurant and patio. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to require a continuous 1.0 metre high fence to be installed along the east lot line and the segment of the north lot line which bounds the rear yard (save and except a 1.5 metre wide opening to provide pedestrian access to the patio).

The patio poses public safety concerns for patrons sitting adjacent to the alley. In the case that Council decides to approve this application, staff is recommending that a clause be included under the site specific provision to require a landscaped open space yard with a minimum depth of 1.2 metres to be installed along the east lot line and the segment of the north lot line which bounds the rear yard, (save and except a 1.5 metre wide opening to provide pedestrian access to the patio).

The existing Residential District 2.2 (RD2.2) will remain.

No other zoning deficiencies have been identified.

In the event that Council should decide to approve this application, a Draft Amending By-law including the aforesaid clauses has been included as Appendix F herein.

Site Plan Control:

The existing paved area in the rear yard was approved by Site SPC-015/96.

The proposed patio does not require an amendment to SPC-015/96, as per Site Plan Control By-law 1-2004.

### **Risk Analysis:**

The risk of conflict between pedestrians and vehicles in the east-west alley will be heightened by the increased foot traffic between the subject property and Vito's Pizzeria if the application was to be approved.

Climate Change Risks

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:** N/A

**Consultations:**

Comments received from City Departments, external agencies and/or members of the public on this application were taken into consideration when preparing this report. A record of the comments is included as Appendix E and Appendix H herein.

The Public Works Department has confirmed that an encroachment agreement must be executed with the City for any temporary or permanent features that encroach within the alleys.

Transportation Planning has confirmed that a Parking Study is required to evaluate the deficiency in parking spaces. In the case that Council decides to approve this application, Council should be aware that there could be minor ramifications resulting from the removal of the four parking spaces.

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 120 metres 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 add a site specific zoning provision to allow a permanent patio at 642 Windermere Road, is not consistent with the PPS 2020, is not in conformity with the City of Windsor Official Plan, and does not constitute good planning.

**Conclusion:**

Staff recommends that the application to amend Zoning By-law 8600 by adding a site specific zoning provision to allow a permanent patio at 642 Windermere Road be denied.

**Planning Act Matters:**

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

*Michael Cooke, MCIP, RPP*      *Thom Hunt, MCIP, RPP*

*Manager of Policy Planning*      *City Planner*

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

*JP JM*

**Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administration Officer

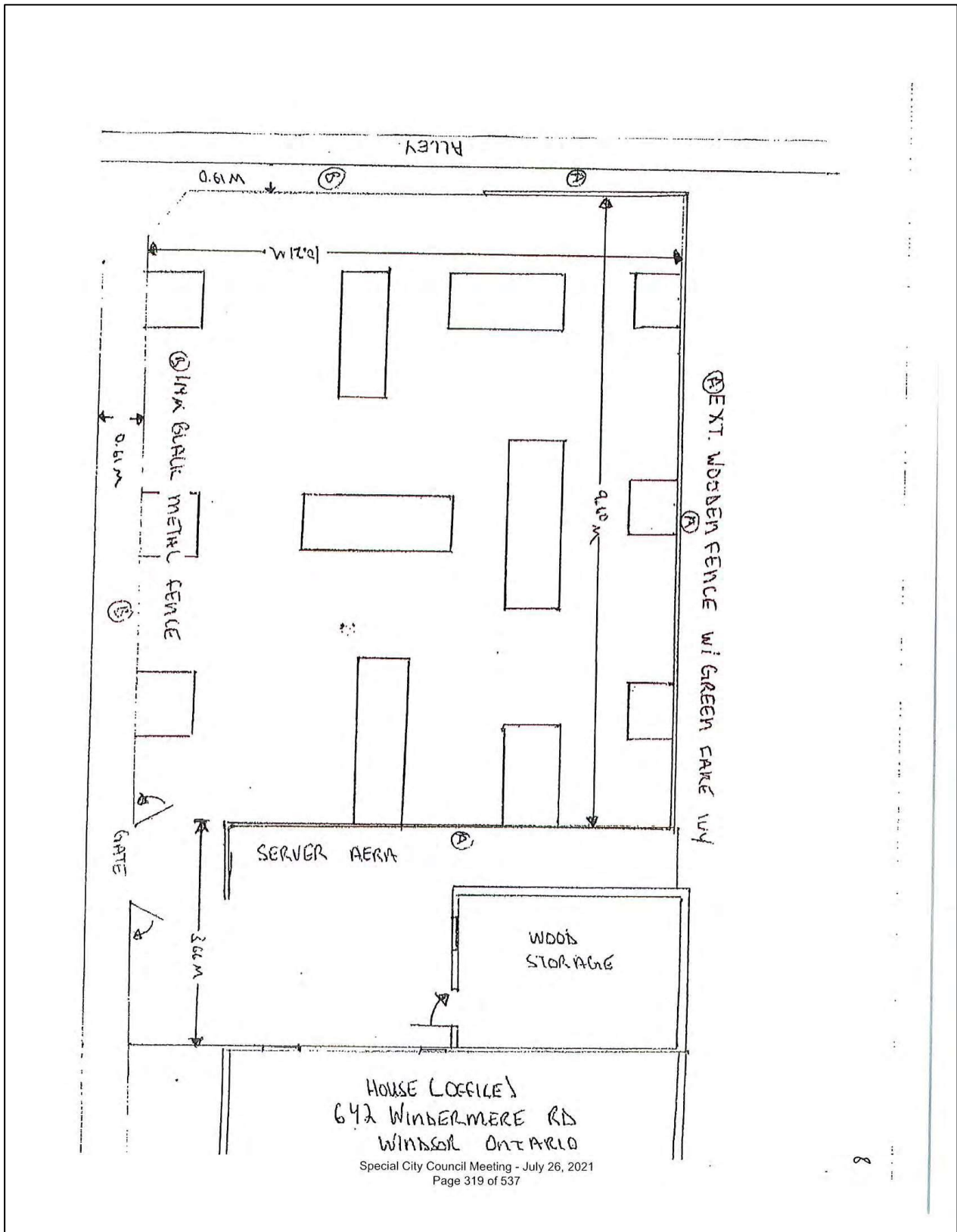
**Notifications:**

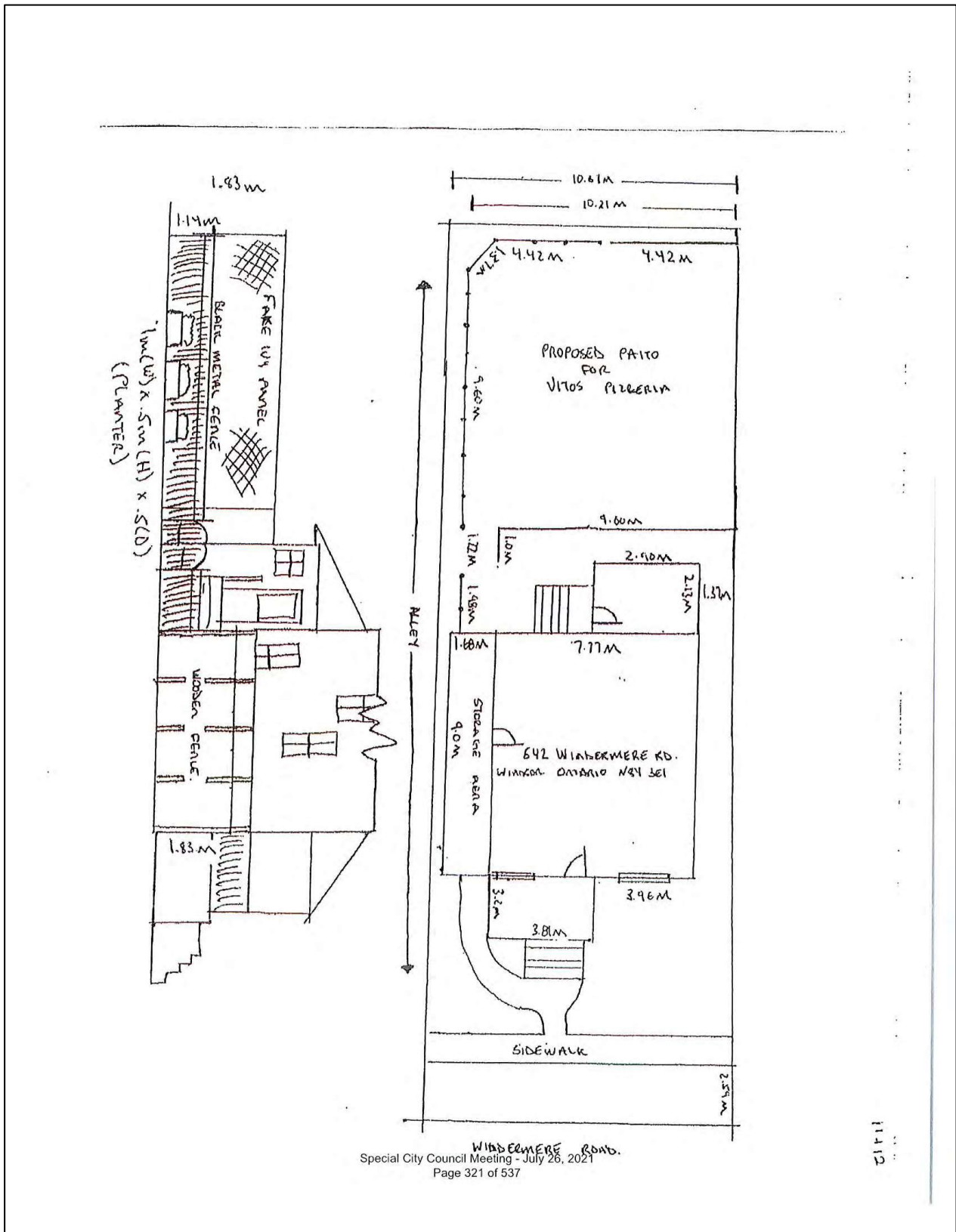
<b>Name</b>	<b>Address</b>	<b>Email</b>
Councillor Chris Holt	350 City Hall Square West, Suite 220  Windsor, ON N9A 6S1	<a href="mailto:cholt@citywindsor.ca">cholt@citywindsor.ca</a>
Property owners and tenants within 120 m of the subject parcel		

**Appendices:**

- 1 Appendix A - Conceptual Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Excerpts from Official Plan Volume I
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Consultations
- 6 Appendix F - Draft Amending By-law
- 7 Appendix G - Zoning Letter & Affidavit
- 8 Appendix H - Public Comments

### APPENDIX "A" Conceptual Plan







**APPENDIX "B"**  
**Site Photos (March 18, 2022)**



*Figure 1 - Looking north towards Vito's Pizzeria from proposed patio at 642 Windermere Road*



*Figure 2 - Looking southwest towards proposed patio from east-west alley*





*Figure 3 - Looking west toward proposed patio from north/south alley*



*Figure 4 - Looking southeast towards proposed patio from east/west alley*





*Figure 5 - Looking east towards east/west alley from Windermere Road  
(642 Windermere Road is on the right side of the alley)*



*Figure 6 - Looking east towards 642 Windermere Road from Windermere Road*





*Figure 7 - Looking west towards Windermere Road from intersection of north/south alley and east/west alley (642 Windermere Road is on the left side of the alley / Vito's Pizzeria's rear patio is on the right side of the alley)*



*Figure 8 - Looking west towards east/west alley from Chilver Road*

## APPENDIX “C”

### Excerpts from Official Plan Volume I

## 6.3 Residential

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

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

### 6.3.1 Objectives

<i>SERVICE &amp; AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
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### 6.3.1 Policies

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

<i>ANCILLARY USES</i>	6.3.2.2	In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan:
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(c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;

<i>NEIGHBOURHOOD COMMERCIAL DEFINITION</i>	6.3.2.8	For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods; (Added by OPA #106 – November 6, 2015, B/L 143-2015)
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<i>NEIGHBOURHOOD COMMERCIAL EVALUATION CRITERIA</i>	6.3.2.9	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:
---	---------	--

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (iv) where traffic generation and distribution is a provincial or municipal concern;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
- (d) capable of being provided with full municipal physical services and emergency services; and
- (e) provided with adequate off-street parking.

ANCILLARY USE DESIGN GUIDELINES 6.3.2.10

The following guidelines shall be considered when evaluating the proposed design of an ancillary use:

- (b) the provision of appropriate landscaping or other buffers to enhance:
  - (ii) the separation between the use and adjacent uses, where appropriate;

**11.6 Zoning**

A municipality can regulate the use and development of lands, buildings and other structures under the zoning provisions of the *Planning Act*.

**11.6.1 Objectives**

ZONING 11.6.1.1 To provide for the establishment of a zoning by-law.

COMPATIBLE USES 11.6.1.2 To ensure compatibility between land uses.

**11.6.3 Zoning By-law Amendment Policies**

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

11.6.3.2 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the *Planning Act*, and regulations pursuant thereto, and the procedural requirements of this Plan. In general, after an applicant’s pre-application consultation

meeting with municipal staff and submission of an application that is determined to be complete, all applications shall: **Added by OPA 65 – 10/22/2007– By-law 192-2007**

- (a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond; **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the Planning Act; and **Added by OPA 65 – 10/22/2007– By-law 192-2007**
- (c) Be given due and thorough consideration by Council. **Added by OPA 65 – 10/22/2007– By-law 192-2007**

#### 11.6.3.3

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

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

**APPENDIX “D”**  
**Excerpts from Zoning By-law 8600**

## SECTION 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

(B/L 10358 Jul 16/1990; B/L 11093 Jul 20/1992; B/L 12651 Approved by OMB Order R960323, Feb 25/1997  
 B/L 169-2001 Jun 1/2001; B/L 33-2001 Oct 23/2001, OMB Decision/Order No. 1716 Case No. PL010233  
 B/L 370-2001 Nov 15/2001; B/L 363-2002 Dec 31/2002; B/L 142-2006 Aug 24/2006; B/L 114-2016 Sep 19/2016)  
 B/L 164-2017, Dec. 7/2017 [ZNG/5270]

### 11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)

#### 11.2.1 PERMITTED USES

*One Double Duplex Dwelling*

*One Duplex Dwelling*

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

*One Semi-Detached Dwelling*

*One Single Unit Dwelling*

*Townhome Dwelling*

Any use accessory to any of the preceding uses

#### 11.2.5 PROVISIONS

##### .1 Duplex Dwelling

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

##### .2 Semi-Detached Dwelling

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

##### .3 Single Unit Dwelling

.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m



.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m
.4	Double Duplex Dwelling or Multiple Dwelling	
.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m
.5	Townhome Dwelling	
.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m <sup>2</sup>
.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 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS**

(AMENDED by By-law 227-2002, Approved by OMB Decision/Order No. 1013, July 24, 2003; OMB Decision/Order No. 1011, July 24, 2003 and OMB Decision/Order No. 1067, August 1, 2003, OMB File No. R020192, Case No. PL020829)

**(1) SITE SPECIFIC PROVISIONS**

Certain parcels of land on the zoning district maps (ZDM) are delineated by a broken orange line and identified by a zoning district symbol and a paragraph(s) of this subsection. Any parcel so identified shall be considered as being within the zoning district symbol and shall be subject to the provisions of that zoning district, the identified paragraph(s) of this subsection and any other applicable provisions of this by-law. In the event of a conflict between the provisions of this Section and the provisions of the zoning district, the provisions of this Section shall apply. Where an additional main use is permitted under this subsection, any use accessory thereto, not including an outdoor storage yard except where permitted within the zoning district, shall also be permitted subject to the provisions of the zoning district and any other provisions of this by-law applicable to such accessory use.

267. For the lands bound by the Detroit River to the north; Walker road to the east; Ottawa Street to the south; and, Lincoln Road to the west (known as the Walkerville Heritage Area)

No Front yard Parking Space shall be permitted, exclusive of any existing Front Yard Parking Space.

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

## **APPENDIX “E” Consultations**

### **BELL CANADA WSP**

No comments provided

### **COGECO**

No comments provided

### **ENVIRONMENTAL SERVICES**

Waste collection occurs in both the east/west and north/south alleys that abut the property in question. Environmental Services requires these alleys to remain fully accessible to waste collection vehicles.

(February 23, 2022)

For my operations, the temporary closure of the alley is worse than what was originally proposed. My collection vehicles need to travel not only the alley section you have highlighted below, but also the north/south alley. I cannot support the execution of an encroachment agreement.

(April 8, 2022)

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

### **ENWIN UTILITIES**

No comments provided

### **PLANNING DEPARTMENT - HERITAGE**

The subject property is located within the Walkerville Heritage Area. Official Plan section 9.3.5.1(a)(ii) states that Council will enhance heritage resources by ensuring that “Development be of compatible height, massing, scale, setback and architectural style” within any Heritage Area. The current request is for a permanent patio. The information provided concerning the design of the patio of the guard/railings/planters from the temporary patio are similar to the front design at the Vito’s Pizza Restaurant property and appear to fit within the Walkerville Heritage Area. No further information is required should the design remain the same/similar. Should there be future design changes to the patio that constitute as a structure, then Site Plan Control process may be triggered to review the proposal.

**[Kristina Tang, Heritage Planner]**

**PLANNING DEPARTMENT – SITE PLAN CONTROL**

The scope of work does not require an amendment to Site Plan Control file SPC-015/96.

(As per March 22, 2022 conversation)

**[George Robinson, Site Plan Approval Officer]**

**PUBLIC WORKS DEPARTMENT**

The subject lands are located at 642 Windermere Road, zoned Residential District 2.2 (RD2.2) by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 in order to allow for an outdoor eating area (patio) related to the restaurant operating as Vito's Pizzeria at 1731 Wyandotte Street East.

SEWERS - The site may be serviced by a 375mm x 500mm brick combined sewer and a 675mm reinforced concrete pipe storm sewer, both of which are located within the Windermere Road right-of-way.

RIGHT-OF-WAY – The Official Plan classifies Windermere Road as a local road, requiring a right-of-way width of 20m. The current right-of-way width is 16.9m; requiring a land conveyance of 1.6m, however, a conveyance is not being requested at this time. Photos attached to the application show bollards where the north/south alley meets the east/west alley, as well as planters located in the east/west alley. If they are located within the right-of-way, the owner shall either relocate the bollards and planters on to private property or enter into an encroachment agreement to the satisfaction of the City Engineer.

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

Encroachment Agreement - The owner shall have the option to:

- a) Remove the encroaching bollards and planters; or
- b) Submit application for and execute an agreement with the Corporation for the bollard and planter encroachment into the alley right-of-way to the satisfaction of the City Engineer.

**[Pat Winters, Development Engineer]**

**TRANSPORTATION PLANNING**

Windermere is classified as a Local Road according to the Official Plan. No conveyance is required along the frontage of this property.

The patio area should not be enclosed with any fence over 1 meter in height in order to maintain visibility for vehicles in the alleyway. A fence of similar style and configuration as last year is appropriate.

All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings

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

(March 10, 2022)

If the deficiency of four spaces is correct they will require a Parking Study here. We had asked about parking last year and this issue wasn't noted so I apologize for not flagging it earlier but they should provide a study if there is a deficiency.

I just realized that this property is technically outside the BIA so I'm not sure what parking requirements they will also need for the patio separate to the parking they are technically removing from the 642 Windermere building. They might actually have a larger deficiency here if they should be providing some spaces for the patio?

(March 23, 2022)

**[Rania Toufeili, Policy Analyst]**

### **WINDSOR POLICE**

The Windsor Police Service has no objections with the proposed amendment to the Zoning By-law to allow a permanent patio on the subject property. It is our understanding the property has been used as a patio during the ongoing COVID-19 pandemic and our incident response records indicate this usage has not resulted in any problematic activity/behavior. The placement of a patio at this location will strengthen safe usage of the overall surrounding space by introducing "positive activity generation" into an area that typically has less overall ongoing observation capacity (due to it being located off an alley). This is a core principle of CPTED (Crime Prevention through Environmental Design) and is deemed to be beneficial. There was a rough sketch attached to the application which seems to depict the intended layout to be used. Principally speaking, the layout appears to satisfy implementing physical features (such as a black metal fence and some planter boxes) that will safely and properly separate patio patrons from passing vehicles using the abutting alley. If approved and if required, it would be helpful to review a slightly more detailed plan that clearly indicates fencing and planter box details, lighting, signage, etc. This would also include, presumably, signs and/or markings that may be necessary for the alley to alert oncoming drivers of the need to take caution while passing through an area where pedestrian traffic will be elevated.

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

**APPENDIX "F"**  
**Draft Amending By-law**

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

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

Passed the                      day of                      , 2022.

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

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

1. That subsection 2 of Section 20, of said by-law, is amended by adding the following clause:

438. For the lands comprising Lot 3, Registered Plan 502 (known municipally as 642 Windermere Road; Roll No. 020-070-06600; PIN 01136-0246), situated on the east side of Windermere, south of Wyandotte Street East, a permanent patio (*deck*), exclusive to the Restaurant, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East (legally described as Lot 1, Registered Plan 502; Roll No. 020-070-06900; PIN 01136-0386) shall be an additional permitted use and the following additional provisions shall apply:

- a) Fence with a height of 1.0 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- b) Landscaped open space yard with a minimum depth of 1.2 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- c) Screening fence with a minimum height of 1.8 metres shall be maintained along the segment of the south lot line which bounds the *rear yard*.
- d) Notwithstanding Table 24.20.5.1 of Zoning By-law 8600 and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no parking spaces are required for the existing legal non-conforming *Business Office* use at the subject property.

[ZDM 6; ZNG/6670]

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	6	Lot 3, Registered Plan 502  (known municipally as 642 Windermere Road; Roll No. 020-070-06600; PIN 01136-0246; situated on the east side of Windermere, south of Wyandotte Street East)		S.20(1)438

DREW DILKENS, MAYOR

CLERK

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



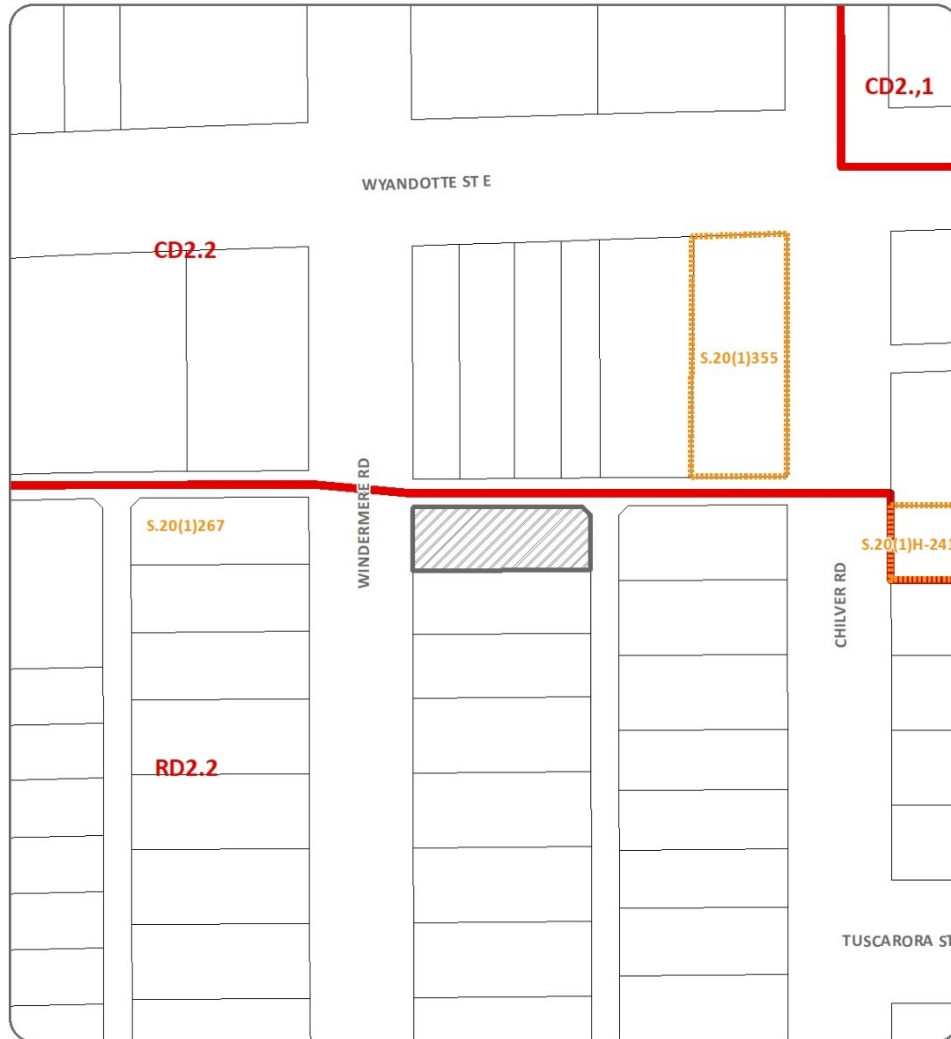
**SCHEDULE 2**

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

To amend the zoning of Lot 3, Registered Plan 502, known municipally as 642 Windermere Road, (Roll No. 020-070-06600; PIN 01136-0246), situated on the east side of Windermere, south of Wyandotte Street East, a permanent patio (*deck*), exclusive to the Restaurant, located on the property to the north, known municipally as 1731-1737 Wyandotte Street East (legally described as Lot 1, Registered Plan 502; Roll No. 020-070-06900; PIN 01136-0386) shall be an additional permitted use and the following additional provisions shall apply:

- a) Fence with a height of 1.0 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- b) Landscaped open space yard with a minimum depth of 1.2 metres shall be installed along the east lot line and the segment of the north lot line which bounds the *rear yard*, save and except a 1.5 metre wide opening to provide pedestrian access to the permanent patio.
- c) Screening fence with a minimum height of 1.8 metres shall be maintained along the segment of the south lot line which bounds the *rear yard*.
- d) Notwithstanding Table 24.20.5.1 of Zoning By-law 8600 and the registered Site Plan Control Agreement, dated May 16, 1996, for file number SPC-015/96, no parking spaces are required for the existing legal non-conforming *Business Office* use at the subject property.

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



PART OF ZONING DISTRICT MAP 6

N.T.S.

### SCHEDULE 2

Applicant: Vito Maggio Holdings Inc.

 SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : FEBRUARY 2022  
 FILE NO. : Z-008/22, ZNG/6670

**APPENDIX "G"**  
**Zoning Letter with Affidavit**



**THE CORPORATION OF THE  
CITY OF WINDSOR  
PLANNING DEPARTMENT**

Office of the City Solicitor  
Donald B. Wilson, MCIP, RPP  
Manager of Development

August 11, 2011

Julie Fodor, B.A., LL.B.  
Barrister and Solicitor  
642 Windermere Road  
Windsor, Ontario N8Y 3E1

Dear Ms. Fodor :

**RE: 642 Windermere (Roll # 2-070-066)**

We have received your letter and affidavit of August 8, 2011 regarding the above mentioned property.

As the business office at this location has been in existence since March 22, 1996 and your affidavit confirms this, a business office would be deemed a legal non conforming use.

Please feel free to contact me should you have any questions.

**Carol Peach**  
**Zoning Coordinator**

Planning Department  
Corporation of the City of Windsor  
Suite 404, 400 City Hall Square East  
Windsor, Ontario N9A 7K6  
T (519) 255-6543 X6198  
F (519) 255-6544

DO NOT DESTROY

IN THE MATTER OF THE ZONING OF 642 WINDERMERE ROAD, WINDSOR, ONTARIO BEING LOT 3, REGISTERED PLAN 502.

AFFIDAVIT

I, JULIE FODOR, of the City of Windsor, in the County of Essex and Province of Ontario, barrister and solicitor, make affirmation and say as follows:

1. I am the owner of the above-mentioned property having purchased same on March 22, 1996.
2. At the time of my purchase I brought an application to amend Zoning By-law number 8600 to permit the property to be used for the purposes of a business office.
3. The application was granted on March 19, 1996 for an amendment to Zoning By-law 8600 changing the zoning of Lot 3, Registered Plan 502 located on the east side of Windermere Road, south of Wyandotte Street East (642 Windermere) by adding a supplementary regulation permitting business offices in the existing building with minimum front, rear, and side yard widths and maximum building height, as they currently exist and a minimum of four parking spaces as set out in the letter of Thomas W. Lynd, City Clerk, a copy of which is attached as Exhibit "A"
4. This use has been in existence continually since March 22, 1996; the whole building, first and second floors are used as offices to the present day.

AFFIRMED BEFORE ME at the City of )  
 Windsor, in the County of Essex, )  
 this 8. day of August, 2011. )

*R. [Signature]*

*Julie Fodor*  
 \_\_\_\_\_  
 JULIE FODOR

A Commissioner, Notary Public in and for the Province of Ontario

## **APPENDIX “H” Public Comments**

### **ELIZABETH STRIANO**

1. Why is a Zoning amendment needed for this project?
2. Can you provide me with the text of Zoning by-law 8600?
3. What is the planned use for the "permanent patio"?
4. What restrictions would need to be met, if approved, to ensure minimum impact on the surrounding neighborhood?
5. Does this applicant have any additional applications pending?

(April 11, 2022 - Email)

(April 11, 2022 - Email response provided by Planner II - Development Review)

Thanks very much Brian. I'm a little concerned by this statement:

*"Please note that we do not have any planning tools to regulate potential light pollution and noise pollution in this situation."*

Fences are great and all, but what if the owner decides to have live music out there? Or his trash kept nearby? Or spotlights? I'm wondering what recourse the neighborhood would have. Is this particular tenant known for complying with city regulations and/or respecting the community?

(April 13, 2022 - Email)

(April 14, 2022 - Email response provided by Planner II - Development Review)

### **JEREMY MCLENNAN (NEIGHBOURHOOD RESIDENT)**

Issues arising in the evening and early morning hours during the period that the patio operated on a temporary basis:

1. Excessive noise
  - a. Recorded and live music at large gatherings (i.e. weddings)
  - b. Raised voices from patrons
2. Disruptive behaviour from patrons
  - a. Rowdiness

Tolerated these nuisances while the restaurant was subjected to COVID-19 restrictions, however not willing to do so on a permanent basis

(April 12, 2022 - Phone Discussion)

**STEPHEN JOHN DEASY (521 LINCOLN ROAD)**

Dear City of Windsor Clerks,

I received in the mail a notice that Vito Maggio Holdings requests an amendment allow a permanent patio across the alley behind the Vito's Pizzeria restaurant.

I think the city should look kindly on their request, and on other similar requests. As you know, the COVID pandemic had a profound effect on local businesses, and temporary arrangements had to be made to allow for dining on sidewalks, parking lots, repurposed parking spaces, decks and on and on. Now that things are opening up and such temporary measures begin to be disallowed, consideration should be given to permitting permanent outdoor bistro-like dining, such as the Maggio request.

My reasons are:

1. The pandemic is not over, nor is it likely to end ever. As we move from pandemic to endemic, some will be comfortable with indoor dining, some will not. Some will continue to mask, and some will not. This change supports this "new normal".
2. If approved, the owner will likely invest in permanent patio structure that will be really nice - nicer than the temporary ones. One need only look at what Milos across the street for an example of that.
3. Walkerville is fast becoming the "it" neighborhood of Windsor. Allowing changes like this will only add to our "coolness" factor.

I admit that with my location at 521 Lincoln Road, I will not be impacted by noise, et cetera, at Vito's. However, I have been impacted by the rooftop patio at Wineology and Holy Roller revivals in the Rapha parking lot, but I don't complain about them. It's about having a vibrant and alive Olde Walkerville neighborhood and maintaining its status as a desirable destination.

Best Regards,

(April 12, 2022 - Email)



**Committee Matters: SCM 96/2022**

**Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held April 4, 2022**



## Development & Heritage Standing Committee Meeting

Date: Monday, April 4, 2022

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

### **Members Present:**

#### **Councillors**

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

#### **Members**

Member Baker

Member Bulmer

Member Foot

Member Fratangeli

Member Gyemi

Member Miller

Member Rondot

#### **Members Regrets**

Member Moore

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

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

Thom Hunt, City Planner

Neil Robertson, Manager of Urban Design / Deputy City Planner

Barbara Rusan, Manager of Policy & Regulatory Services

Tracy Tang, Planner II – Revitalization & Policy Initiatives

Jim Abbs, Planner III – Subdivisions

Greg Atkinson, Planner III – Economic Development

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## Development & Heritage Standing Committee

Monday, April 4, 2022

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Adam Szymczak, Planner III – Zoning  
Kristina Tang, Planner III – Heritage  
Robert Perissinotti, Technologist III  
Rania Toufeili, Policy Analyst  
Marianne Sladic, Clerk Steno Senior  
Sandra Gebauer, Council Assistant

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

Jelena Payne, Commissioner of Economic Development & Innovation  
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate  
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 Randy Saccucci, 4C Project Management  
Item 7.1 Stephen Berrill, ADA-Architect  
Item 7.1 Amy Farkas, Dillon Consulting representing Applicant  
Item 7.1 Nonye Enebeli, Area Resident  
Item 7.1 Gil Leblanc, Area Resident  
Item 7.1 Yildirim Serdar Oyman, Area Resident  
Item 7.2 David French, Storey Samways Planning Ltd.  
Item 7.2 Jim Bujouves, Farhi Holdings Corp.  
Item 7.2 Paolo Collavino, PCR Constructors Inc.  
Item 7.2 Paul Weidl, Baird AE  
Item 7.2 Brandon Munro, Baird AE  
Item 7.3 Fran LaSorda, representing Julie Johns, Area Resident  
Item 10.1 Jackie Lassaline, Principal Planner  
Item 11.2 Karl Tanner, Dillon Consulting

## **1. CALL TO ORDER**

Following the reading of the Land Acknowledgement, the Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 o'clock p.m.

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

None disclosed.

# Minutes

Development & Heritage Standing Committee  
Monday, April 4, 2022

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## 3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

## 4. COMMUNICATIONS

None presented.

## 8. ADOPTION OF THE MINUTES

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

Moved by: Member Foot

Seconded by: Member Baker

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

Carried.

Report Number: SCM 64/2022

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

See Items 10.1 and 11.2.

## 10. HERITAGE ACT MATTERS

### 10.1. 364-374 Ouellette Avenue, Canada Building- Heritage Permit & Heritage Property Tax Reduction Request (Ward 3)

**Jackie Lassaline, Principal Planner**

Jackie Lassaline, Principal Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “364-374 Ouellette Avenue, Canada Building- Heritage Permit Request (Ward 3)” in support of the administrative recommendation and is available for questions.

# Minutes

## Development & Heritage Standing Committee Monday, April 4, 2022

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Moved by: Member Foot

Seconded by: Member Baker

Decision Number: **DHSC 383**

- 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.  
Carried.

Report Number: S 31/2022  
Clerk's File: MBA/14331

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 4:37 o'clock p.m.

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

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

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

Moved by: Member Gyemi

Seconded by: Councillor Gill

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

Report Number: SCM 74/2022

# Minutes

Development & Heritage Standing Committee  
Monday, April 4, 2022

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## 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

Moved by: Member Rondot  
Seconded by: Councillor Morrison

Decision Number: **DHSC 380**

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)”

Carried.

Report Number: S 35/2022  
Clerk's File: Z/14298

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

Moved by: Councillor Sleiman  
Seconded by: Councillor Holt

Decision Number: **DHSC 381**

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

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## Development & Heritage Standing Committee Monday, April 4, 2022

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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.

Carried.

Report Number: S 37/2022  
Clerk's File: Z/14267

### **7.3. Rezoning - Avant Group Inc. - 659 Alexandrine St - Z-045/21 ZNG/6634 - Ward 10**

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 382**

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; PIN 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**

# Minutes

## Development & Heritage Standing Committee

Monday, April 4, 2022

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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 <i>dwelling unit</i> – 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]; and further,

THAT the Applicant **CONSIDER** a reduction in the protrusion of the attached garage by bringing the main entrance or building wall closer to the front lot line for safety and security purposes.

Carried.

Members Gyemi and Rondot voting nay.

Report Number: S 33/2022

Clerk's File: Z/14281

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:00 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:01 o'clock p.m.

## 11. ADMINISTRATIVE ITEMS

### 11.1. Economic Revitalization Community Improvement Plan (CIP) application submitted by 538512 Ontario Limited for 3430 Wheelton Drive - Ward 9

Councillor Gill requests clarification related to the length of the term of the grant agreement. Greg Atkinson, Senior Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Economic Revitalization Community Improvement Plan (CIP) application submitted by 538512 Ontario Limited for 3430 Wheelton Drive-Ward 9" and indicates that the term of the agreement is for a maximum of 10 years. Mr. Atkinson adds that this is the norm for most of these types of grant agreements and also provides details related to the financial information.

Councillor Gill inquires about the assessment rates. Mr. Atkinson indicates that only taxes levied are affected by the program.



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Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 384**

- 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; and,
- 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; and,
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and further,
- 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.

Carried.

Report Number: S 34/2022

Clerk's File: Z/14332

### **11.2. 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**

#### **Karl Tanner, Dillon Consulting**

Karl Tanner, Dillon Consulting, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "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" in support of the closing and requests, recommendation IV (a) be amended and that the value of the land be set by the City Solicitor/City Planner in an effort to expedite the application and South Windsor Development Co. can keep options open related to exchange of land.

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Councillor Bortolin provides options related to the modification to the recommendation as presented by administration.

Councillor Sleiman requests clarification related to the request for the reduction in cost. Councillor Bortolin provides details and clarification.

Councillor Morrison inquires about the closing of the alley along the sidewalk along the EC Row and would like to see access to that sidewalk from Roxborough, Partington, and Glenwood. Mr. Tanner indicates that the sidewalks in that area will be extended to the trail and provides more details related to the project.

Councillor Holt requests clarification related to the proposed amendment to the motion and whether it addresses Mr. Tanner's request. Mr. Tanner indicates that it does not necessarily, although he will attempt to discuss this with administration to find an amenable solution, prior to the Council Meeting date.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 385**

- 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 length and located at the south end of Roxborough Boulevard and Glenwood Avenue, as shown on Drawing No. CC-1783 attached as Appendix "A", **BE CLOSED AND CONVEYED** in full width, to the abutting property owners on the east and west sides of the alley, subject to the following:
  - 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.

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## Development & Heritage Standing Committee Monday, April 4, 2022

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- 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) or reduced to \$6,560 (\$2000/front foot) where easements are required; and,
  - 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.  
Carried.

Report Number: S 88/2021  
Clerk's File: SAA2022

## 12. COMMITTEE MATTERS

None presented.

## 13. QUESTION PERIOD

None registered.

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## Development & Heritage Standing Committee

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### 14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:11 o'clock p.m.

Carried.

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Ward 3 - Councillor Bortolin  
(Chairperson)

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Deputy City Clerk / Supervisor  
of Council Services



**Subject: City of Windsor Heritage Recognition 2022- City Wide**

**Reference:**

Date to Council: May 2, 2022

Author: Kristina Tang

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: April 6, 2022

Clerk's File #: MBA/2274

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

**Recommendation:**

- I. THAT Council **BE INFORMED** of the joint partnership between the City of Windsor Heritage Recognition 2022 with Doors Open Windsor 2022 and that Administration **ASSIST** in cross promotional efforts.
- II. THAT the property owners and project team for the recent heritage conservation work at:
  - 1008 Drouillard Road
  - Hiram Walker Bridge (Peche Island) Restoration
  - 1785 Walker Road- Teron Building
  - 225 Giles Boulevard W.- William T. Wesgate House
  - 3277 Sandwich Street- Mackenzie Hall Masonry Restoration Project

**BE RECOGNIZED** with the 2022 Built Heritage Awards.

- III. THAT the property owners of Neils C. Ortvad House, 766 Devonshire Road, and 436 Askin Avenue **BE RECOGNIZED** with a heritage designation plaque.

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

### **Background:**

In past years, City of Windsor celebrated heritage recognition in February, alongside National and Provincial heritage celebrations to recognize and pay tribute to our land and landmarks, our nation's history, our diverse cultures and our traditions. City Council would present property owners of newly designated buildings with a heritage plaque that can be affixed to the exterior of their building. Council would also recognize individuals and organizations for their heritage stewardship and/or well-done rehabilitations through the Built Heritage Awards at a regular Council Meeting.

Because of COVID-restrictions, a different approach was suggested by citizen Heritage Committee members and attempted last year through the support of the Mayor's Office, Communications and Facilities staff. Mayor Drew Dilkens visited recipient sites to present the Heritage Awards. The event was successful in obtaining media coverage on the Awards. Video content with interviews of the recipients was screened at a later Council meeting and posted on the City's social media platforms to reach a wider audience.

This year, a similar approach is planned for presentations of recipients on/near some recipient sites. The nominations for the Awards were selected by citizen members of the Heritage component of the Development & Heritage Standing Committee. Additionally, the celebrations are planned in conjunction with Doors Open Windsor 2022, with hopes of hosting the presentations at the same week as Doors Open Windsor. Doors Open Windsor is a city supported event which opens doors to places that are not usually available for public tours, many featuring the city's architecture, culture and heritage. The intent is to explore synergies of a collaborative effort in promoting and celebrating Heritage in the City.

### **Discussion:**

#### **Partnership with Doors Open Windsor 2022**

In partnering with Doors Open Windsor to hold a joint heritage celebration, there are opportunities for activities and promotions that may generate more awareness and thus more community presence at both events. Below are some potential activities that are planned, subject to resources and timing:

- Presentation by project team for Mackenzie Hall Masonry Restoration Project
- Built heritage scavenger hunt with a prize component
- Social media-based contests for photography/artwork

- ESRI StoryMaps online mapping platform of Doors Open locations and Built Heritage Award nominations

These activities are planned to take place in September during the week of the in-person Built Heritage Awards and leading up to the Doors Open Windsor weekend, to create more interest and excitement for both events together. Additionally, some local community interest groups (such as the Architectural Conservancy Ontario- Windsor Branch, etc.) have expressed their willingness to support the joint heritage celebrations through promoting the events and activities on their social media pages and within their networks.

City of Windsor staff will collaborate with the Doors Open Windsor 2022 Committee to explore these options and establish the resources required to successfully execute them.

### **Built Heritage Awards**

The following properties/sites to be recognized with the Heritage Award:

#### **1008 Drouillard Road**

The property owner (Kyle McDonald) and project team (Archon Architects) removed the cornice that was original to the building and the canopy fixture that was obscuring views into the storefront. Wall plates were used to reinforce the building which matched well with the individual lettering of the signage for the storefront. The windows replaced on the second floor imitated some of the proportions of the original windows in its horizontal and vertical alignments. The previously bricked in storefront on the ground floor was removed to introduce a compatible storefront glazing system with imitation of transom at upper portions. The treatment of the building is appropriate for the Mainstreet context and enhances character of Ford City/Drouillard Road. The retail tenant (City Cyclery) has also added much interest and activity to the area.





1008 Drouillard is the Building on right of the historic photo which had been modified on the years. The picture on right shows inappropriate modifications to the building



### Hiram Walker (Peché Island) Bridge Restoration

The Peché Island Bridge is known on the Windsor Municipal Heritage Register as the Hiram Walker Bridge & Canal, constructed c1892, to provide transportation to Hiram Walker's summer residence on Peché Island. The bridge featured wing walls, corbels, brackets and balustrades in classical style. Over the years, the reinforced concrete bridge deteriorated and in 2018 Parks Design & Development Department staff (Darron Ahlstedt was Project Manager) began the project of conducting repairs to the bridge. The historic sensitivity of the bridge was taken into consideration at the project start with the PJ Material Consultants (specialty materials consultants) being hired to conduct a Condition Assessments of the Bridge, who guided the project team according to the *Standards & Guidelines for Conservation of Historic Places in Canada*. In addition to the structural reinforcements that were needed at the girder and corbels, the repair methods, materials and their finishes were evaluated through mock-ups to visually blend with the historic appearances. Besides the heritage considerations, the project team also had to work around tight timelines for in-stream work, and different governing bodies for environmental and species considerations. The project was successfully completed through the collaborative efforts of the project team which also included Landmark Engineers Inc. and Facca Incorporated who were the contractors.







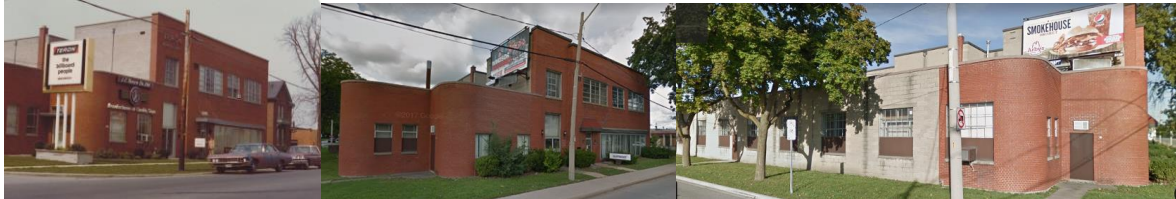
Photos of some of the visible deteriorated conditions of the bridge



Repair work conducted and the finished work.

### **1785 Walker Road- Teron Building**

The property is listed on the Windsor Municipal Heritage Register as the Teron building, constructed in c.1949 in simple Art Deco Streamlined architecture style. Previous owners vacated the property and the building was at risk of being requested for demolition. The current Owner (Scott Woodall) purchased the vacant industrial/office building in December 2019 with the intention of keeping and investing in it to create new business office unit with accessory research and development facility “Brave Control Solutions” in the north 2 storey section. As the building was in poor shape at time of purchase, extensive work went into the transformation of the property, including structural upgrades, roofing, brick pointing, and interior and exterior renovations to the sum of over two million dollars. New glazing consistent with the architectural style of the building was installed, as well as a faux canopy metal band stretching across the building which highlighted and enhanced the horizontal streamlined style. As the sides of the building were originally constructed of cement blocks, new siding with an appropriate colour scheme was used to reduce water penetration into the building. The project team included ADA Architects and Lester Group.



Early photo & google streetview of property in previous vacant state.



Pre-renovation photos. (Source: Lester Group).





Rehabilitated appearance of the property. (Source: Lester Group)

### **225 Giles Boulevard W.- William T. Wesgate House**

Kathleen Pistor is a long-time Owner and steward of this heritage designated property. The property sits on the corner of Giles Boulevard W and Victoria Avenue, and features a distinctive red tile roof amongst other Colonial Revival features. The roof was in need of repair or risk of replacement and with the challenge of materials and trades people, a less heritage-conscientious owner would have changed the roof to another material. The owner however spent intensive efforts sourcing for reclaimed clay tiles that were with correct dimensions and appropriate match for the tile repair, as well as skilled trades to repair the tile roof. The recent work done on the property included repairs to the clay tile roof both on the primary building and accessory detached garage building, eavestrough and flashing work, waterproofing and balcony repair work. In years past, the Owner had also always ensured that the right types of replacement/repair materials were used on the property to preserve its heritage attributes for years to come.



Tile work that needed repairs, and view of front arched dormers and rear shed dormer.



### **3277 Sandwich Street- Mackenzie Hall Masonry Restoration Project**

Mackenzie Hall was the Essex County Court House. Constructed in 1855, it was recognized as one of the first heritage designated properties in the city, and its significance is also indicated by the Ontario Heritage Trust conservation easement on the property. The City has committed to investing about \$3 million over the next decade to conserve this landmark property. The first phase of work was the extensive Masonry Restoration project. Some walls sections had mortar failing badly and crumbling upon touch, as well as water retention issues. Portland cement mortar had been used in the stone walls, trapping moisture in the walls and causing the stone to deteriorate before the mortar. The Facilities Department led a successful project alongside the heritage architect/consultants GBCA and studio g+G inc. The right coloured mortar, texture and composition were used following laboratory investigation to ensure that the mortar used would be chemically, physically and visually compatible with the historic stone and other sound historic mortar. The project team specified and conducted several mock-ups with the experienced masonry contractor Roof Tile Management (RTM). Organic growth, staining and abandoned objects were removed to clean up the facade. Back-pointing filled voids in mass wall cavities. The repointing was careful to replicate the pointing joint styles used on the building. For stones that were cracked or deteriorated, Dutchman stone repairs as well as Jahn mortar stone repair was used. The skilled masons of RTM was able to replicated curvatures and patterns such as convict's pick to provide a visually compatible finish between the original stone and the repairs. Lead coated copper flashing work was conducted around stone projections on the sandwich



(west) elevation and there was also replacement of solid wood window sill replacements. JOS and TORC Cleaning systems sensitive to historic masonry materials were used to remove various types of staining and organic material that allow for proper “breathability” of the masonry walls as well as improve aesthetics. While other phases of investments into Mackenzie Hall are still anticipated, the masonry restoration represents a significant scope of work and the project team has provided an example of excellent conservation work.



Front view of Mackenzie Hall



Variety of issues at the building including deep voids, cementitious mortar, organic growth and staining.



Lead coated copper flashing work above stone projections and the JOS & TORC Cleaning systems.



Removal of inappropriate cement mortar for repointing work



Jahn mortar repairs with appropriate texture and form to match and solid wood window sill repairs

## Recent Designated Properties

The Neils C. Ortved House at 766 Devonshire Road, and 436 Askin Avenue were recent individual heritage designations approved by the City Council. Neils C. Ortved House is an Arts & Craft & Tudor Revival style property designed for the Chief Chemist for Hiram Walker and Sons Ltd., while 436 Askin Avenue is a well-preserved Tudor Revival style property with interesting decorative brickwork. Willing property owners of these recent designated properties will receive a designation plaque for display on the exterior of their buildings.



Photo of 766 Devonshire Road on left and 436 Askin Avenue on right.

## **Risk Analysis:**

No risk has been identified.

## **Climate Change Risks**

**Climate Change Mitigation: N/A**

**Climate Change Adaptation: N/A**

## **Financial Matters:**

A nominal cost will be incurred for the Heritage Awards. The cost of the designation plaque is paid from the Heritage Committee Operating Fund account #0111610.

## **Consultations:**

Citizen members of the Heritage Component of the Development & Heritage Standing Committee discussed the Heritage Recognition format and convened virtually in past months to discuss candidate sites. The Mayor's Office and City Communication staff were also consulted and will be involved in the September site and media events. Doors Open Windsor 2022 Committee, and Facilities Department staff have also been involved in the discussion.

## **Conclusion:**

The City of Windsor will be celebrating Heritage Recognition in joint partnership with Doors Open Windsor 2022. The owners of the newly designated properties (766 Devonshire Road and 436 Askin Avenue) should be recognized with a heritage plaque while the Owners and project teams for recent heritage conservation work at the properties of 1008 Drouillard Road, Hiram Walker (Pêche Island) Bridge, 1785 Walker Road, 225 Giles Boulevard West, and Mackenzie Hall, should also be recognized for their excellent stewardship and conservation work.

**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
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Chief Administrative Officer (Acting)

**Notifications:**

Notification list of property owners and recipients provided to Clerks.

**Appendices:** N/A





**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Albert and Maria Folino for 660 University Avenue East (Ward 3)**

**Reference:**

Date to Council: May 2, 2022  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca  
Planning & Building Services  
Report Date: March 28, 2022  
Clerk's File #: Z/14362

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

**Recommendation:**

- I. THAT the request made by Albert and Maria Folino 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 660 University Avenue East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. THAT the grant funds in the amount of \$8,550 **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;
- III. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$8,550 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;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

- V. THAT the request made by Albert and Maria Folino to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 660 University Avenue East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- VI. THAT, Administration **BE DIRECTED** to prepare an agreement between Albert and Maria Folino, the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;
- VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement;
- VIII. That the City Planner **BE AUTHORIZED** to sign an Assignment Agreements, if required, satisfactory in form and content to the City Solicitor, in technical content to the City Planner and in financial content to the City Treasurer; and,
- IX. THAT the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

**Executive Summary:**

N/A

**Background:**

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

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

## **Importance of Brownfield Redevelopment**

In 2009 the City's Planning Department identified 137 brownfield properties (i.e. 226 hectares or 559 acres) that are candidates for redevelopment. While the inventory is not exhaustive, it illustrates the significance of Windsor's brownfield stock and the need to work with land owners to put these properties back into productive use. Based on approvals to date under the Brownfield CIP a total of 30.4 hectares (75.1 acres) or 13.5% of the inventory has been or is planned to be redeveloped.

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

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

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

## **Site Background**

The subject site is located on the north side of University Avenue East between Aylmer and Louis Avenues within the Glengarry-Marentette neighbourhood immediately east of Downtown (see location map). The property is 0.07 hectares (or 0.2 acres) in size and is currently vacant. The site was used for the manufacture of concrete blocks in the 1920s and has been vacant for the past 70+ years.

The subject property is designated 'Medium Profile Residential' on Official Plan Schedule E: City Centre Planning District and is zoned Residential District RD2.2.

## **Discussion:**

## **Environmental Site Assessment Grant Program**

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

The owner proposes to redevelop the site for residential use, which involves filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed Phase 1 and 2 Environmental Site Assessments (ESA) to CSA standard to support the redevelopment plan. The Phase 2 ESA identified soil contamination in the northwest corner of the property related to the historical manufacturing use. To file a RSC the Phase 2 ESA must be revised and upgraded to the standard in Ontario Regulation 153/04.

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

## **Brownfield Rehabilitation Grant Program**

The Brownfield Rehabilitation Grant Program encourages the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. development application and building permit fees, and upgrading on-site /off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification.

Annual grants are only paid out following the filing of a RSC, reassessment of the property and the payment of the property taxes for the year in which the grant is to be provided.

## **CIP Goals**

City staff are supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

### **Policy Support**

The clean up, redevelopment, and intensification of the site is supported by numerous policies within the 2020 Provincial Policy Statement, the City's Official Plan, Community energy plan, and the City's Environmental Master Pan.

### **Risk Analysis:**

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. In this case there is also a risk of the property remaining in a derelict state, which negatively affects the surrounding properties. The proposed study will assist in mitigating these risks. The City would retain a copy of the study for future reference.

### **Climate Change Risks**

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

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

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

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

### **Financial Matters:**

The cost estimate (excluding HST) for upgrading the Phase 2 ESA study to RSC standard is \$17,100. If approved, the grant would total \$8,550. Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003). The funds will be transferred from Fund 226 which has a current uncommitted balance of \$1,202,813.09 to project 7069003 when the work is complete to the satisfaction of the City Planner.

The estimated cost of soil remediation and filing a RSC is \$8,500. This amount plus Phase 2 ESA costs not reimbursed through the Environmental Site Assessment Grant Program are eligible under the Brownfield Rehabilitation Grant Program (total eligible costs of \$17,050). No redevelopment plan was provided, however the existing RD 2.2 zoning permits a multiple dwelling or double duplex with up to 4 dwelling units. If a 4 unit building was constructed administration estimates the post-development property value assessment to be \$550,000 (the current assessed value is \$17,200). The post-development total annual tax levy (i.e. municipal and education) is estimated to be \$10,003, which is an increase of \$9,690 from the current total (pre-development) annual levy of \$313.

The Brownfield Redevelopment grants are paid back to the applicant after redevelopment has occurred, property assessment value has been reassessed by MPAC, and total taxes as it relates to the redevelopment have been paid to the City in full. Based on the estimated increase in assessment the annual grant would be \$6,212, which would reimburse 100% of the eligible costs of \$17,050 within 3 years of grant commencement.

The property would continue to generate \$2,949 in annual municipal taxes, which would be retained by the City through the first 3 years of the grant. After the grant programs cease the full amount of increased annual municipal taxes (i.e. \$9,161) would be retained by the City in perpetuity.

### **Consultations:**

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

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

**Conclusion:**

Administration recommend Council approve the requests from Albert and Maria Folino to participate in the Environmental Site Assessment and Brownfield Rehabilitation Grant Programs. The recommended grant package would offset 100% of all eligible costs under the Brownfield Redevelopment CIP (e.g. environmental remediation and application fees).

The proposed clean-up and redevelopment of this brownfield site conforms to the Brownfield Redevelopment CIP; assists the City in the achievement of a number of CIP, Official Plan, Community Energy Plan, and Environmental Master Plan goals; and exemplifies the purpose for which the Brownfield Redevelopment Strategy was created.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Tony Ardovini	Acting Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Joe Mancina	Acting Chief Administration Officer



**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
		Radwan.tamr@wsp.com
		ajfolino@hotmail.com

**Appendices:**

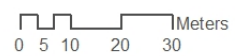
- 1 Location Map



# LOCATION MAP : 660 UNIVERSITY AVENUE WEST



SUBJECT PROPERTY





**Subject: Economic Revitalization Community Improvement Plan (CIP) application submitted by Bijoy Foods Inc. for 3190 Devon Drive - Ward 9**

**Reference:**

Date to Council: May 2, 2022  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkinson@citywindsor.ca

Tracy Tang  
Planner II- Revitalization & Policy Initiatives  
519-255-6543 x 6449  
ttang@citywindsor.ca

Planning & Building Services  
Report Date: April 12, 2022  
Clerk's File #: Z/14364

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

**Recommendation:**

- I. THAT the request made by Bijoy Foods Inc. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the property located at 3190 Devon 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, Bijoy Foods Inc., 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.

The principle owner of Bijoy Foods Inc., Hema Patel, has applied for financial incentives under the Business Retention and Expansion Grant Program for the property located at 3190 Devon Drive (see Appendix 'A' - Location Map). The subject property is operating as Medicap Laboratories.

Medicap Laboratories is a nutraceutical company that is a contract manufacturer of dietary and nutritional supplement products. The company has been in business since 2009, and specializes in contract manufacturing, formulation development, regulatory affairs consulting, private labeling, technical writing, and storage and fulfillment. Medicap Laboratories manufactures and packages their products on-site in their facility.

The property is 1.08 hectares (2.67 acres) in size, designated 'Industrial' in the City's Official Plan and zoned Manufacturing District 1.1 (MD 1.1), which permits a range of Light Industrial with limited Commercial uses. The subject property is currently occupied by a one-storey 5,760 m<sup>2</sup> (62,000 ft<sup>2</sup>) industrial building.

## **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 applicant proposes to renovate a vacant section of the existing building to add production area. Approximately 1,728m<sup>2</sup> (18,600 ft<sup>2</sup>) of manufacturing space will be renovated to accommodate expansion of manufacturing and production lines. Proposed facility upgrades include: clean rooms, epoxy flooring, electrical/lighting, HVAC system, microbiology testing lab, and chemical testing lab. Details are provided in Appendix 'B' – Application Overview.

### *Eligible Sector*

Medicap Laboratories 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, Medicap Laboratories currently has 26 employees located at 3190 Devon Drive. These employees would be retained, and 50 employees are expected to be added as a result of the proposed renovation and expansion.

### *CIP Objectives*

The proposed renovation of the industrial building located at 3190 Devon 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 Medicap Laboratories may not proceed with the proposed renovations.

### **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 renovation 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.



## **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 \$3,735,530 in eligible costs on the project. The current assessment value for the property is \$984,000 and the annual property taxes are \$41,669 with the municipal share being \$33,010.

City staff anticipate the post-development assessment value to be \$1,184,000. Total annual property taxes on the increased assessment value would be \$50,138—an increase of \$8,469. The post-development annual municipal tax levy would be \$39,719—an increase of \$6,709. This would result in a total grant value of \$67,090 over the lifespan of the 10-year grant program and would offset approximately 1.8% of the eligible investment proposed by Bijoy Foods Inc. These estimates are based on the current Commercial classification of tax rates; however, should MPAC reassess the classification category of the subject property to Industrial, the total grant related to the municipal tax increase would become \$126,606 (\$12,660 annually).

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.

Additionally, Medicap Laboratories has received \$926,640 in funding through the Southwestern Ontario Development Fund program and is also pursuing funding from FedDev Ontario. This funding will be deducted from the determination of eligible costs for purposes of the grant calculation.

## **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 Bijoy Foods Inc. 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 3190 Devon 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:**

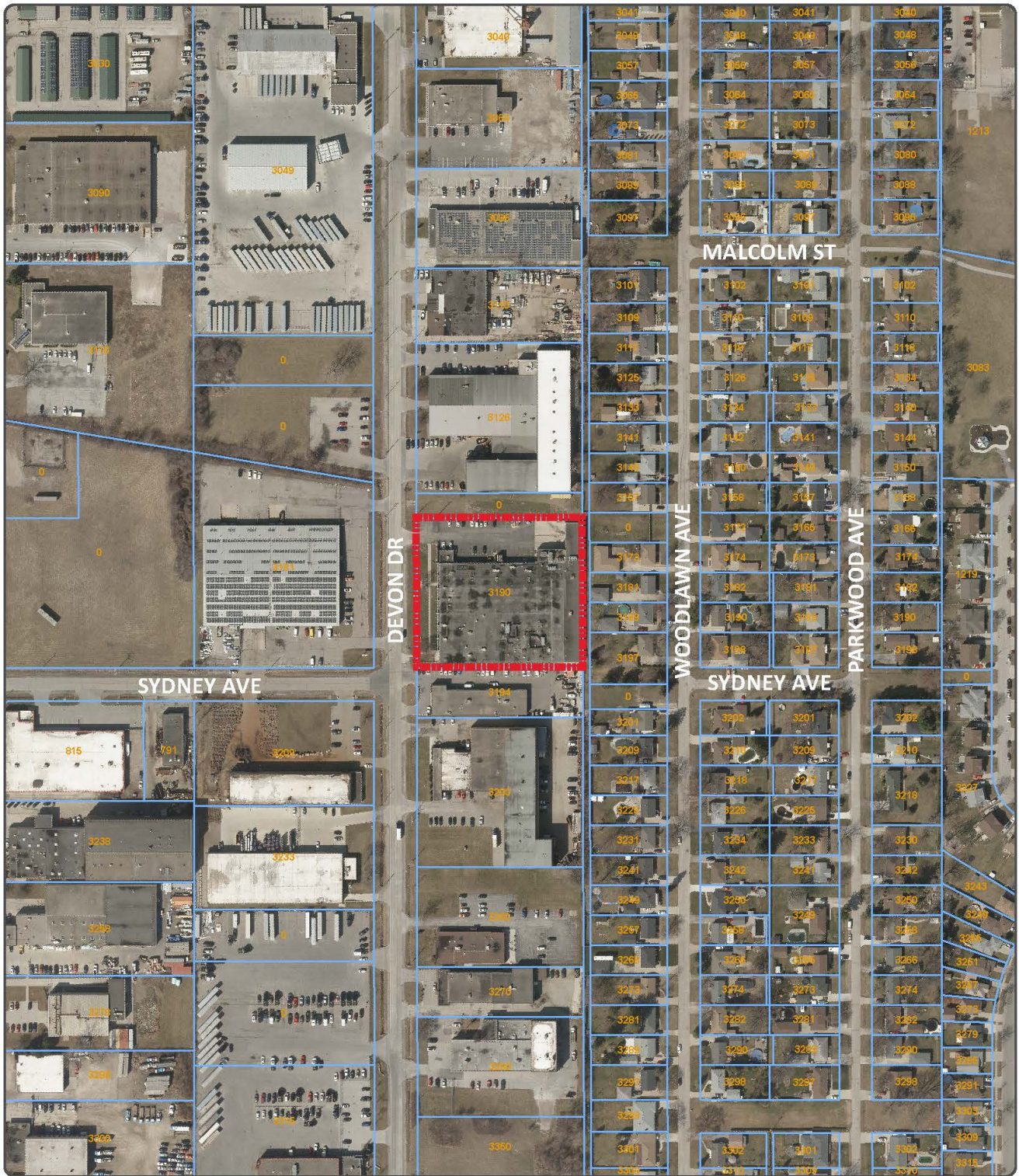
Name	Title
Josie Gualtieri	Financial Planning Administrator
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development & Innovation
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Tony Ardovini	Acting Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Joe Mancina	Acting Chief Administration Officer

Notifications:

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Amanda Gellman		<a href="mailto:amanda@fundingenvelope.com">amanda@fundingenvelope.com</a>

**Appendices:**

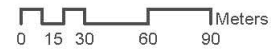
- 1 Appendix A - Location Map
- 2 Appendix B - Application Overview



# LOCATION MAP : 3190 DEVON DRIVE



SUBJECT PROPERTY





# City of Windsor – CIP

## Business Plan – Medicap Laboratories

3190 Devon Drive, Windsor, ON N8X4L2

Zurich Pharma, owned by Manish and Hema Patel, operates as Medicap Laboratories. Since 2010 it has grown to become one of the leading nutraceutical companies in Southwestern Ontario. Medicap is a contract manufacturer of Dietary and Nutritional Supplement products, located in Windsor, ON. The company specializes in contract manufacturing, formulation development, regulatory affairs consulting, private labeling, technical writing, and storage and fulfillment. Medicap owns a 62,000 sq ft manufacturing facility that is licensed by Health Canada and GMP certified by NSF-GFPC, and also registered with the US Food and Drug Administration. Medicap strictly adheres to over 300 SOPs and regulations set forth as per 21 CFR and Health Canada.

Medicap employs ~ 26 highly trained and motivated formulation chemists, research scientists, pharmacists and product formulation managers who are available to solve problems for our customers. Medicap's Team of experts develop customers' current formulas from planning to production, optimize existing formulas, and produce new and unique formulas. Our Team assists clients in identifying bonafide product ingredients and absorption of nutrients for set outcomes/results. They also identify the best delivery system for clients' product(s), no matter the medium - capsules, gels, tablets, liquids and powders - and provide solutions for the same.

Medicap has been working for several years on a long-term plan to achieve increased automation in our manufacturing facility, which is 30% vacant, in order to acquire an increased foothold on the domestic and export markets. We investigated partnerships, collaborations, acquisitions and more. The end result is a plan to work with the newly incorporated, SofTab Technologies Inc., as our exclusive in-house contract manufacturer. SofTab does not have a facility. The new company will be manufacturing out of Medicap.

### **PARTNER:**

SofTab: SofTab Technologies Inc. has been established and will be setting up, within the Medicap Laboratories facility, as a contract manufacturer to offer a patented dosage delivery system (ConCordix) to the North American Market. SofTab Technologies has a total of seven investors to-date, each playing a significant role in the development of the company and our products.

Medicap is responsible for providing the space and securing the funding for the launch, and will own all leasehold improvements and equipment. This plan supports Medicap's goal to increase automation and clean manufacturing space to respond faster and more efficiently to a growing demand from existing and new customers. This will allow revenue streams that diversity

offerings and create new jobs resulting from increased levels of production that meet growing demand in domestic and export markets.

## **THE EXPANSION PROJECT:**

Medicap will automate its operation to expand current business contracts and acquire new contracts, as well as grow new client business by adding an exclusive in-house contract manufacturer.

Medicap has been operating a clean manufacturing plant in Windsor, Ontario for 10 years. The growth has been slow but steady, which has built confidence and stability. The company is now ready to accelerate future growth. Medicap has great potential for expansion, especially with respect to exports, but our facility first needs to be automated. We also have a unique opportunity to house a patented, innovative product in-house that is currently being produced in Norway. Bringing this innovative technology to Canada will mean that we are the only company with the patented machinery and product.

## **JOB CREATION:**

During Medicap's expansion, growth and automation, Medicap will be creating 50 new jobs, as well as retain 26 jobs, in two priority areas – clean tech and health sciences/health technology. Windsor-Essex has been designated by the Windsor Essex Economic Development Corporation, which is supporting this application (see letter of support), as a cluster for the health-science industry.

Medicap works with both St. Clair College and the University of Windsor, and has paid co-op students on-site. We pride ourselves in being a diverse workplace, and we are an equal opportunity employer. Medicap is 50% owned by a visible minority female, Hema Patel, who built the company from scratch – she perfected the operations while her spouse drove sales.

Further, it is anticipated that the jobs will continue to grow long after the project since nutraceuticals is a high growth industry that will help to diversify the economy in what has historically been an automotive region.

Although a great training ground to kick-start a career, the company has a very low turnover and will continue to invest in both salaries and in-house training. Experts will be brought in to train on new equipment. Medicap did not lay off any employees during COVID-19, and had no issues. The company has strict policies and procedures that were followed.

## **EXPORT:**

Export is another priority and 65% of good manufactured will be exported, while close to 50% of the suppliers will come from Ontario.

The expansion will allow Medicap to offer new products and services, as well as diversify our revenue stream, which also provides opportunities to current and new suppliers. As business grows so will our economies of scale. We will work closer with our key suppliers on incentives from which we will both benefit. In today's ever changing innovative and competitive nutraceutical marketplace, Medicap can no longer stay as small as the risk is too great in that other innovative and competitive companies will take over our markets. The goal was to complete the facility and expand following 10 years of operation, and that time has come. We have found the perfect solution for expansion and growth, and our suppliers will grow along with us - especially in the export market.

Approximately 50% of Medicap's current business is export to the US, and this business continued to grow during the global pandemic. This project will help Medicap to improve competitiveness, productivity and pursue new markets in ways that were not previously possible, diving export business to 65% and greater in future years. The company has had 10 years of steady, stable growth and is now ready to take a leap forward by offering new products and expertise.



**Council Report: S 27/2022**

**Subject: Northway Avenue Development from Malden Road to Manitoba Street | Cost Sharing | Carthage Developments Inc.**

**Reference:**

Date to Council: May 2, 2022  
Author: Patrick Winters  
Development Engineer  
pwinters@citywindsor.ca

Report Date: February 16, 2022  
Clerk's File #: SW/14365

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

**Recommendation:**

- I. THAT Council **APPROVE** a Cost Sharing payment to Carthage Developments Incorporated **estimated at** \$313,069, excluding HST (final payment to be based on actual construction costs), as the City's share of infrastructure costs associated with the Northway Avenue Development, to be funded from the New Infrastructure Development Project (Project ID# 7035119).
- II. THAT the CAO and City Clerk **BE AUTHORIZED** to execute a Servicing Agreement with Carthage Developments Inc. for the installation of full municipal services on Northway Avenue from Malden Road to Manitoba Street, satisfactory in form to the Commissioner of Legal & Legislative Services and in content to the Commissioner of Infrastructure Services in accordance with the following terms:
  - a. The general servicing requirements as detailed by CR233/98.
  - b. Cost Sharing - The Corporation agrees to pay to the Owner **THREE HUNDRED THIRTEEN THOUSAND SIXTY NINE DOLLARS (\$313,069)** excluding HST, based on estimated construction costs, final payment to be based on actual progress certificate payments, representing the Corporation's share of costs associated with the following:
    - i. The extension of Malden Road from Daytona Avenue east to Northway Avenue [The City is responsible for 70% of the construction costs];



- ii. Curb and base asphalt repairs, as well as the installation of surface asphalt on Northway Avenue, north of Malden Road [The City is responsible for 100% of the construction costs]; and
- iii. The installation of storm and sanitary private drain connections, as well as water and hydro connections needed to service two new building lots fronting Daytona Avenue and Northway Avenue.

### **Executive Summary:**

N/A

### **Background:**

In 2020 Carthage Developments Inc. (Carthage) acquired a few non-viable, unserviced parcels of land on Northway Avenue between Malden Road and Manitoba Street from the City. At that time, Carthage already owned the balance of the vacant land parcels on that section of Northway, which they intended to develop. Following acquisition of the City lands, Carthage retained Dillon Consulting to act as their agent for the design and construction of full municipal services on Northway Avenue from Malden Road south to Manitoba Street.

Under existing conditions Northway Avenue ends in a cul-de-sac at the Malden Road right of way. There is an existing emergency access which extends from the cul-de-sac west to Daytona Avenue, which has collapsible bollards at each end. Since it's construction in 2007, the existing emergency access has routinely created operational issues for the City, with local area residents often using the emergency access as a secondary means of ingress/egress from Northway Avenue to Malden Road. Because of this, Administration has requested that the existing emergency access be removed during site servicing for the Northway Avenue Development, and replaced with a standard 8.6m wide road built to full municipal standards, with sidewalks on both sides of the street. The extension of Malden Road is not a requirement of the development, and as such the City has agreed to cover the majority of the associated costs [70% of construction costs].

The elimination of the emergency access also creates a development opportunity for the City. Under existing conditions, the emergency access is located on two vacant land parcels owned by the City, each having an approximate frontage of 110.5ft on Northway Avenue, and Daytona Avenue respectively. As specified above, Malden Road is proposed to be extended from Daytona Avenue to Northway Avenue under this project. Concurrent to the construction of the new road, a new, 66ft right of way will be established for this section of Malden Road, which will create two new land parcels north of the new right of way, each having approximately 44.5ft of frontage on Daytona Avenue and Northway Avenue. These two new land parcels represent viable building lots, and as such, Administration is requesting approval from Council to service them under this report.

## **Discussion:**

As part of the required site servicing for the Northway Avenue Development, Administration is recommending cost sharing be provided to the Developer based on the following:

### *Malden Road Extension – Daytona Avenue to Northway Avenue:*

As mentioned above the City requested that Malden Road be extended from Daytona Avenue east to Northway Avenue as part of this development. The inclusion of the extension will eliminate operational issues with the existing emergency access at the Northway cul-de-sac, and should help to improve overall connectivity for the transportation network in the area. The new road will include 8.6m wide asphalt pavement, with sidewalks on both sides of the street. Recognizing a mutual benefit to the extension of the roadway, the Developer has agreed to cover 30% of the costs associated with the extension, with the City agreeing to cover the balance of the work which is estimated at \$147,234 [Excluding HST].

### *Northway Completion – North of Malden:*

Northway Avenue from Quebec Street to Malden Road was originally constructed in 2007, and remains without surface asphalt. The section of roadway is approximately 15 years old and requires curb and base asphalt repairs prior to the placement of surface asphalt. In order to take advantage of economies of scale, Administration has requested that work required to complete the road be included as part of the scope for the overall development. Costs associated with the completion of the work are estimated at \$75,000 [Excluding HST].

### *Servicing Costs for Two New Building Lots – North of Malden Right of Way:*

Private drain connections for both sanitary and storm water, as well as individual water and hydro connections are needed to service the two new proposed building lots specified above. Again, in order to take advantage of economies of scale, it would be beneficial to have this work completed concurrent with the work being undertaken for the overall development. Costs associated with the completion of the work are estimated at \$50,000 [Excluding HST].

An overall summary of the City's share of the costs is provided below:

<b>Description</b>	<b>Amount</b>
Estimated Project Costs	
1) City's Share Malden Road Tender	\$122,234
2) Contingency	\$25,000
3) City's Share Existing Northway Work	\$75,000
4) Servicing Costs 2 New Building Lots North of Malden	\$50,000
5) City's Share of Engineering and Construction Administration	\$40,835
<b>SUB TOTAL (excluding tax)</b>	<b>\$313,069</b>
Non-Recoverable HST	\$5,511
<b>TOTAL NET CITY COST</b>	<b>\$318,580</b>

### **Risk Analysis:**

Associated risks to the Corporation resulting from the undertaking of this project include risks typical to facilitation private development, mainly non-performance by the Developer. These risks are mitigated through the terms of the servicing agreement entered into, including the requirement of the Developer to provide performance securities and insurance. Performance securities can be drawn upon in the event the Developer breaches the terms of the agreement with the Corporation, and the insurance will indemnify the Corporation against potential damage and claims which may arise during construction and the maintenance period.

### **Climate Change Risks**

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

Construction of the project will result in greenhouse gas emissions that are accounted for within the annual community greenhouse gas emissions inventory.

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

In 2018, the City of Windsor, together with our partner municipalities and under the direction of ERCA developed a new regional guideline for stormwater management [Windsor/Essex Region Stormwater Management Standards Manual – by Stantec Consulting, Initial Publication dated December 6, 2018]. Detailed design for the Northway Avenue Development includes construction of a new, enlarged storm sewer meeting the current guidelines.

### **Financial Matters:**

Tender Submissions for the Northway Avenue Development were received by Dillon Consulting on November 19, 2021. The contract was competitively tendered, with bids received from 9 contractors. D'Amore Construction (2000) Ltd. was the low bidder with an overall tender amount of \$1,170,717 excluding HST. Based on the low tender, the

City's share of the construction costs are estimated at \$147,234 [Excluding HST] plus an additional \$125,000 [Excluding HST] estimated to be needed for the completion of Northway Avenue, north of Malden Road, as well as to service two new building lots on the north side of Malden Road. The final payment will be based on actual costs following construction. It is the intention of Administration to bring back a separate report in the future regarding disposal of the two new building lots proposed under this project. Traditionally, commitments have been made to Developers to compensate them for oversizing of services following the installation of said services. Currently, there are sufficient uncommitted funds available in the New Infrastructure Development Account [Project ID #7035119] available for the estimated payment. Payment will be made to the Developer once the project is deemed substantially performed and accepted onto maintenance.

**Consultations:**

Carrie McCrindle – Financial Planning Administrator [Engineering]

Wira Vendrasco – Deputy City Solicitor

Frank Scarfone – Manager of Real Estate Services

**Conclusion:**

Administration recommends a cost sharing payment to Carthage Developments Inc. estimated at \$313,069 [plus taxes] as compensation for the City's share of municipal infrastructure needed to support the proposed development; payment to be funded from the New Infrastructure Development Project ID# 7035119 based on the timing specified.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Patrick Winters	Development Engineer
France Isabelle-Tunks	Executive Director Engineering/Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Tony Ardovini	Acting Commissioner, Corporate Services CFO/City Treasurer

Name	Title
Jelena Payne	Commissioner, Economic Development & Innovation
Joe Mancina	Acting Chief Administrative Officer

**Notifications:**

Name	Address	Email
Jim Morrison – Councillor Ward 10		<a href="mailto:jmorrison@citywindsor.ca">jmorrison@citywindsor.ca</a>
Kyle Edmunds – Dillon Consulting		<a href="mailto:kedmunds@dillon.ca">kedmunds@dillon.ca</a>
Mohamed Tabib – Carthage Developments Inc.		<a href="mailto:rinad03@gmail.com">rinad03@gmail.com</a>

**Appendices:**



**Committee Matters: SCM 82/2022**

**Subject: Minutes of the International Relations Committee of its meeting held  
February 2, 2022**

## **International Relations Committee**

Meeting held February 2, 2022

A meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Fred Francis, Chair  
Councillor Fabio Costante  
Councillor Gary Kaschak  
Councillor Ed Sleiman  
Daniel Ableser  
Jerry Barycki  
Maria Belenkova  
Ronnie Haidar  
William Ma  
Scott Despina

***Regrets received from:***

Steven Spagnuolo

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

Wadah Al-Yassiri, Manager Parks Development  
Sandra Gebauer, Council Assistant  
Karen Kadour, Committee Coordinator

**1. Call to Order**

The Chair calls the meeting to order at 3:33 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

**2. Declaration of Conflict**

None disclosed.



### 3. Adoption of the Minutes

Moved by Councillor Kaschak, seconded by J. Barycki,  
That the minutes of the International Relations Committee of its meeting held  
October 20, 2021 **BE ADOPTED** as presented.  
Carried.

### 4. Business Items

#### 4.1 Twin City Post

W. Al-Yassiri provides a presentation **attached** as Appendix “A” illustrating the final design of the Twin City Post, as follows:

- Mock-up provided which depicts the look of the signs for the post.
- Pole location with the directional signs
- Confirmed all aspects of the post have been vetted with other city departments.
- The signage on the post will replicate the city street signs with the addition of colours, fonts and according to the direction of the Committee. The sign will be on a white backdrop with a black border, with the arrow and lettering in black with the exception of the flag which will be in colour.
- Seeking direction on how the signage will look, i.e. which option is preferred by the Committee.
- Signs will be double-sided.

The Chair indicates that any reference to the Post should be “Twin Cities” rather than “Sister Cities”. He suggests that the country of the respective twin city should be included on the signage.

J. Barycki states that the country should not be included on the post as the public should be aware of that particular country’s flag.

M. Belenkova concurs with Mr. Barycki and adds if people are unaware of a country’s flag; it will offer an opportunity to do research about that country.

Discussion ensues regarding the font size on the signage.

R. Haidar remarks that the Twin City Post is more about the twin city than the country.

D. Ableser leans towards including the country name. He states that he would not recognize Las Vueltas or the country flag and visually prefers the third option from the presentation.

Councillor Sleiman is in agreement with adding the country to the Twin City Post.

R. Haidar suggests that the current rectangular sign be tapered off as an arrow pointing in the direction of the respective country.

W. Al-Yassiri indicates that the amount of space on the sign will be affected by the tapering of the sign to create an arrow. He adds that he will contact the Traffic Department regarding this request. He remarks that the majority of the signs will be pointed in a northeast direction.

In response to a question asked by the Chair regarding the font size on Option #1 and Option #4, W. Al-Yassiri responds that Option #1 has four inch lettering and Option #4 has two inch lettering.

The Chair asks which of the four options is favoured by the Committee and the vote indicates that five members prefer Option #1 (includes the country) and four members choose Option #4. The Chair indicates that #1 is the preferred option.

W. Al-Yassiri advises that the Twin Cities Post will be placed at the northwest corner of City Hall, south of the Councillor's parking lot. The Post will have a cobra head, which will provide light to the signs and will ensure that the signs are staggered in a way so they will fit nicely and will be out of reach of any vandals.

The Chair requests that W. Al-Yassiri provide a full mock-up for Option #1 that includes the tapered signs and the post.

W. Al-Yassiri states that the sign at the top of the Post sign will say "Twin Cities of Windsor" with the Canadian flag. He asks what the verbiage will be on the plaque at the bottom the Post.

The Chair responds that there is verbiage that outlines the purpose of the Twin Cities.

## 5. Communications

Moved by Councillor Costante, seconded by Councillor Sleiman,  
That the following Communications **BE RECEIVED:**

- 5.1 Sister City Partnership Agreement between the Sovereign State of Shrikailasa and the City of Windsor.
- 5.2 International Children's Games to be held in 2022 in Coventry, England.
- 5.3 2021 Virtual Children's Art Exhibition – E-mail from Pia Schanne, Mannheim, Germany
- 5.4 Letter from Mayor Dr Kurz, Mannheim, Germany thanking Mayor Dilkens for congratulating him on receiving the World Mayor International Award.

- 5.5 E-mail from Pia Schanne, Mannheim, Germany regarding the Youth Workcamp – Garden of Twin Cities.

Carried.

**6. New Business**

None.

**7. Date of Next Meeting**

The next meeting will be held at the call of the Chair.

**8. Adjournment**

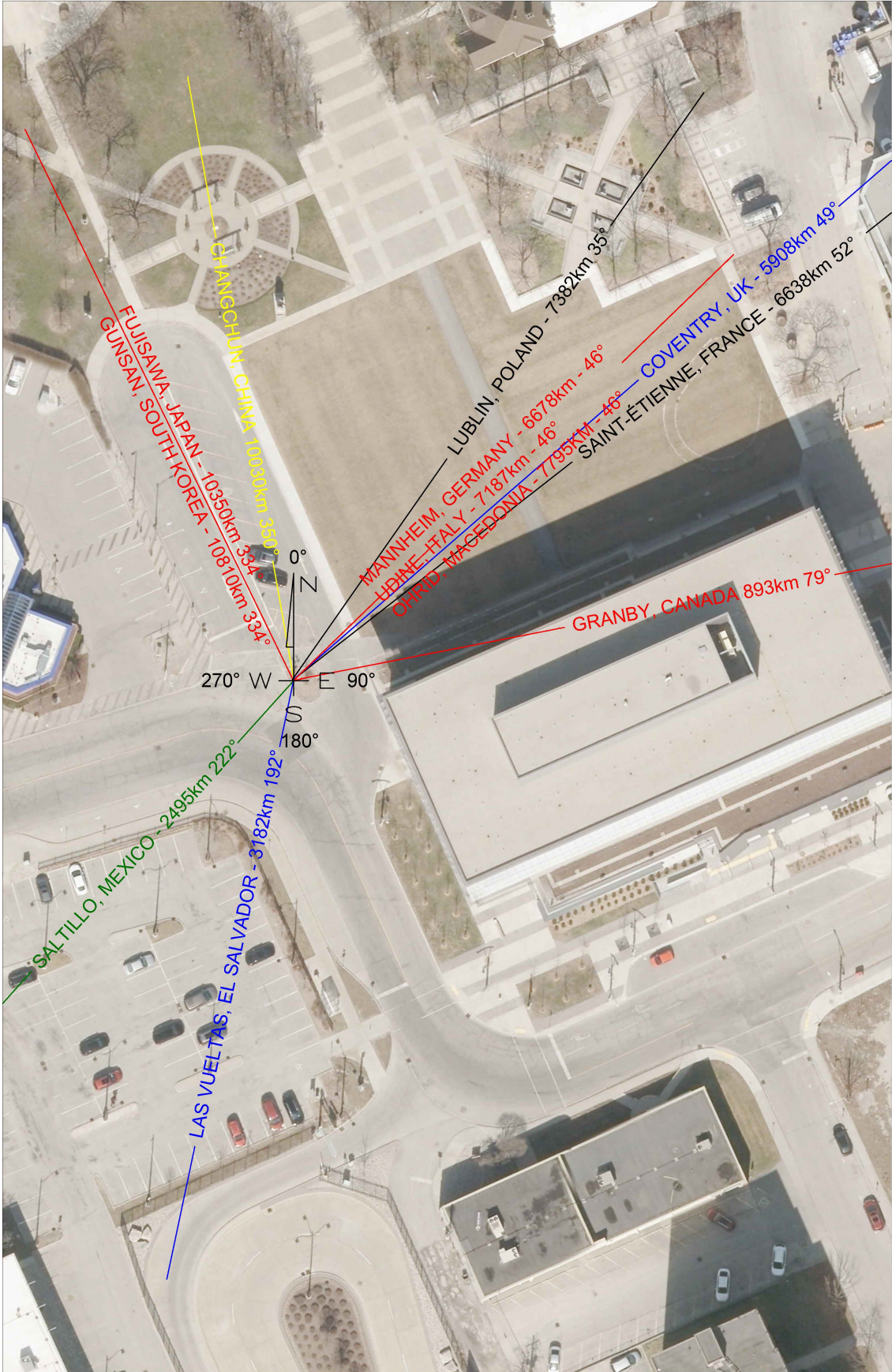
There being no further business, the meeting is adjourned at 3:56 o'clock p.m.

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**CHAIR**



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**COMMITTEE COORDINATOR**





3'-0"

6"

**LAS VUELTAS, EL SALVADOR 3182km**   1

**LAS VUELTAS**  **3182km**  2

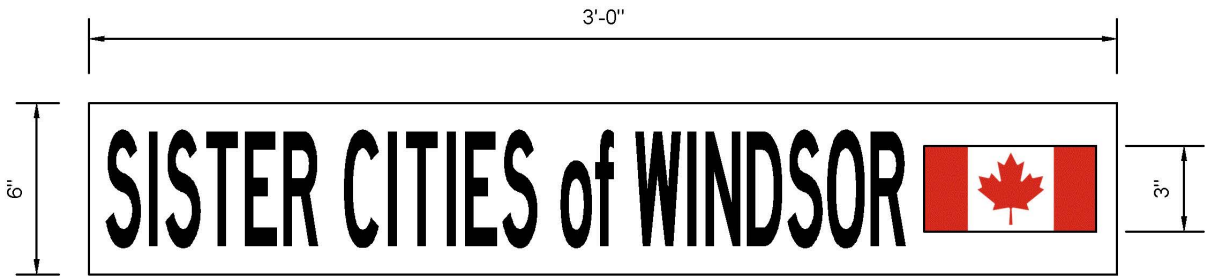
HIGHWAY GOTHIC FONT 4" LETTER HEIGHT

**GUNSAN**  **10810km**  3

HIGHWAY GOTHIC FONT 3½ " LETTER HEIGHT

**GUNSAN, SOUTH KOREA**  
**10810km**   4

HIGHWAY GOTHIC FONT 2" LETTER HEIGHT



HIGHWAY GOTHIC FONT 4" LETTER HEIGHT



HIGHWAY GOTHIC FONT 2" LETTER HEIGHT

**Item No. 12.2**



**Committee Matters: SCM 95/2022**

**Subject: Minutes of the International Relations Committee of its meeting held  
March 31, 2022**



## International Relations Committee

Meeting held March 31, 2022

A meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. via Zoom video conference, there being present the following members:

Councillor Fred Francis  
Councillor Fabio Costante  
Councillor Ed Sleiman  
Daniel Ableser  
Jerry Barycki  
Maria Belenkova-Buford  
Ronnie Haidar  
William Ma  
L.T. Zhao

***Regrets received from:***

Steven Spagnuolo

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

Sandra Gebauer, Council Assistant  
Karen Kadour, Committee Coordinator

**1. Call to Order**

The Chair calls the meeting to order at 3:51 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

**2. Declaration of Conflict**

None disclosed.

**3. Adoption of the Minutes**

Moved by J. Barycki, seconded by L.T. Zhao,  
That the minutes of the International Relations Committee of its meeting held February 2, 2022 **BE ADOPTED** as presented.  
Carried.

#### 4. Communications

The Chair advises that the purpose of this meeting relates to discussions held with our Sister City in Lublin, Poland and the number of Ukrainian refugees that have crossed into Poland as a result of the conflict between Ukraine and Russia. City Administration has gathered information for fundraising initiatives and have worked with other stakeholders to assist.

The Chair states that he worked with D. Ableser and Administration on a motion to be considered and supported. The proposed motion is read by D. Ableser.

Moved by D. Ableser, seconded by L.T. Zhao,

**WHEREAS** the City of Windsor, Ontario, Canada and the City of Lublin, Poland are twin cities and respect and honour our long standing relationship and friendship; and

**WHEREAS** the City of Lublin is approximately 100 kms from the border with Ukraine and, as the largest major city in Poland near the Ukraine border, has become the host community and point of first refuge for many refugees fleeing the ongoing war in Ukraine; and

**WHEREAS** the City of Windsor International Relations Committee wishes to support its twin city, the City of Lublin and relief agencies operating in Lublin, in their humanitarian efforts to support residents from Ukraine fleeing the war in Ukraine;

#### **NOW THEREFORE BE IT RESOLVED THAT:**

1. That the IRC contribute Five Thousand (\$5,000.00) dollars from the International Relations Committee's 2022 operating budget towards a humanitarian organization operating in Lublin to support refugees in Lublin from Ukraine;
2. That the IRC's contribution be to the Stowarzyszenie Homo Faber (Homo Faber Association) unless Administration, in consultation with local Polish and/or Ukrainian community organizations or our municipal partners in Lublin, Poland identify an alternative humanitarian organization to best support support refugees in Lublin from Ukraine.

Carried.

D. Ableser remarks that two of the objectives of the IRC are to support the efforts of Mayor and Council in the enhancements of the City of Windsor's image and to promote and enhance our relationship with our Twin Cities. These objectives can be met by supporting Lublin, one of our Twin Cities. Due to COVID, there has not been much of an opportunity to promote our Twin Cities relationships and spend money as directed to us by Council. The letter from the Mayor of Lublin identifies three Non-Governmental

Organizations (NGO's). The motion was crafted to mention the first NGO listed as the target for the donation but attempted to leave it open in the event that a determination by administration indicates that there is a better target organization.

M. Belenkova-Buford asks what the identified organization does.

S. Gebauer responds that Director Stanowski advised in the Zoom meeting held March 10, 2022, that they had selected these three NGO's that are providing humanitarian aid – everything from financial support to helping refugees coming across the border to help integrate them into the community. The money being collected is also used to provide free public transit.

In response to a question asked by Councillor Sleiman regarding providing notice to Lublin relating to the donation from the IRC, the Chair responds that Administration will reach out to the contacts in Lublin and to the organization who will receive the donation.

Moved by Councillor Costante, seconded by Councillor Sleiman,  
That the following communications **BE RECEIVED:**

- 4.1 Letter from Mayor Zuk, Lublin, Poland dated March 3, 2022 regarding the current refugee crisis resulting from the conflict in Ukraine.
- 4.2 E-mail from the Coventry Association for International Friendship (CAIF), Coventry, England dated March 1, 2022 providing CAIF's Statement on Ukraine.
- 4.3 E-mail from the Coventry Association for International Friendship (CAIF), Providing their Second Statement on Ukraine.
- 4.4 Notes from a Zoom meeting held March 10, 202 regarding the current situation in the City of Lublin.
- 4.5 Windsor Star Article – Ukrainians seek refuge in Windsor's sister city in Poland.
- 4.6 Windsor Star Article – Plea for help from our twin city in Poland.
- 4.7 Mannheim Study Tour to Windsor – April 4-2022 .
- 4.8 Fundraising event for the refugees coming to Windsor to be held on April 6, 2022.
- 4.9 Article from The Associated Press dated March 11, 2022 entitled "China locks down city of 9 million amid new spike in cases".

Carried.

The Chair refers to the Mannheim Study Tour coming to the City of Windsor from April 4-6, 2022 and asks if three members of the IRC are available to welcome the delegations.

S. Gebauer responds that due to the restrictions, it was requested that the IRC host a luncheon for a small group (for two of their sessions on April 4, 2022). The lunch will be a “box lunch” and a motion for an expenditure in the upset amount of \$250. is required. The Study Tour offered three spots for IRC members to attend the networking event to be held on April 5, 2022. W. Ma, L.T. Zhao and D. Ableser have agreed to attend.

Moved by M. Belenkova-Buford, seconded by W. Ma,  
That **APPROVAL BE GIVEN** to an expenditure in the upset amount of \$250. to sponsor a luncheon for the delegation of the Mannheim Study Tour to be held on April 4, 2022.

Carried.

**5. News Business**

None.

**6. Date of Next Meeting**

The next meeting will be held at the call of the Chair.

**7. Adjournment**

There being no further business, the meeting is adjourned at 4:04 o'clock p.m.

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CHAIR

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COMMITTEE COORDINATOR