

Development & Heritage Standing Committee Meeting

Date: Monday, March 07, 2022

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

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

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

MEMBERS:

Ward 3 – Councillor Rino Bortolin (Chairperson)

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 7 – Councillor Jeewen Gill

Ward 10 – Councillor Jim Morrison

Lynn Baker

Andrew Foot

Joseph Fratangeli

Anthony Gyemi

John Miller

Dorian Moore

Jake Rondot

ORDER OF BUSINESS

Item #	Item Description
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1.	CALL TO ORDER
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READING OF LAND ACKNOWLEDGEMENT

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

2.	DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
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3.	REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
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4.	COMMUNICATIONS
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5.	ADOPTION OF THE <i>PLANNING ACT</i> MINUTES
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5.1.	Minutes of the Development and Heritage Standing Committee Meeting (Planning Act) held February 7, 2022 (SCM 47/2022)
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6.	PRESENTATION DELEGATIONS (<i>PLANNING ACT</i> MATTERS)
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7.	<i>PLANNING ACT</i> MATTERS
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- | | |
|------|--|
| 7.1. | Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7 (S 2/2022)
Clerk's Note: Administration providing Additional Information Memo (AI 4/2022) |
| 7.2. | Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – 531 Pelissier Limited - 531 Pelissier Street– CDM 006-20 [CDM-6637]; Ward 3 (S 26/2022) |

- 7.3. Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005-20 [CDM-6636]; Ward 6 (**S 25/2022**)
- 7.4. Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949 Devonshire Court - Z-034/21 ZNG/6571 - Ward 4 (**S 22/2022**)
- 7.5. OPA & Rezoning – 1741078 Ontario Inc & 115664 Ontario Inc – 4845 Walker Road - OPA 155 OPA/6592 Z-040/21 ZNG/6591 – Ward 9 (**S 23/2022**)

8. **ADOPTION OF THE MINUTES**

- 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held December 6, 2021 (**SCM 392/2021**)
- 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held January 10, 2022 (**SCM 11/2022**)
- 8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held February 7, 2022 (**SCM 41/2022**)

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

10. **HERITAGE ACT MATTERS**

- 10.1. 986 Ouellette Ave, Masonic Temple - Heritage Alteration Permit, Community Heritage Fund & Commercial/Mixed Use Building Facade Improvement Program Request (Ward 3) (**S 19/2022**)

11. **ADMINISTRATIVE ITEMS**

- 11.1. Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN_002-21 - Ward #3 (**S 4/2022**)
- 11.2. Brownfield Community Improvement Plan (CIP) application submitted by Mikhail Holdings Limited on behalf of the Property Owner (1174478 Ontario Ltd) for 2970 College Avenue (Ward 2) (**S 18/2022**)
- 11.3. Sandwich Town CIP Application, 357-359 Indian Road; Owners Cam Crowder and Sean Lavin (Owners of GBI Holding Company) (**S 20/2022**)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



Committee Matters: SCM 47/2022

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

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

Date: Monday, February 7, 2022
Time: 4:30 pm

MEMBERS PRESENT:

Councillors:

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

Members:

Member Gyemi
Member Moore
Member Rondot

Clerk's NOTE: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Jason Reynar, Chief Administrative Officer
Shelby Askin Hager, Commissioner of Legal & Legislative Services
Jelena Payne, Commissioner of Human & Health Services
Thom Hunt, City Planner
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
James Chacko, Senior Manager of Parks
Gaspar Horvath, City Forester / Manager of Forestry & Natural Areas
Neil Robertson, Deputy City Planner / Manager of Urban Design
Barbara Rusan, Manager of Policy & Regulatory Services
Patrick Winters, Development Engineer
Stefan Fediuk, Landscape Architect
Justina Nwaesei, Planner III – Subdivisions
Adam Szymczak, Planner III – Zoning
Rania Toufeili, Policy Analyst
Marianne Sladic, Clerk Steno Senior
Lauren Robinet, Order of Business Coordinator
Sandra Gebauer, Council Assistant

MINUTES

Development & Heritage Standing Committee February 7, 2022

Page 2 of 6

Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:32 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 January 10, 2022.

Moved by: Member Gyemi

Seconded by: Councillor Gill

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held January 10, 2022 **BE ADOPTED** as presented.

CARRIED, UNANIMOUSLY.

Report Number: SCM 14/2022

MINUTES

Development & Heritage Standing Committee February 7, 2022

Page 3 of 6

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

Item 7.1	Tony Chau, Senior Project Manager, ADA-Architect
Items 7.1, 7.3 & 7.4	Tracey Pillon-Abbs, Planning Consultant representing Applicant
Item 7.2	Zoe Sotirakos, Dillon Consulting
Item 7.3	David Impens, Area Resident
Item 7.4	Cheryl Colborne, Area Resident
Item 7.4	Neil Valmassoi, Area Resident

7. PLANNING ACT MATTERS

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

Justina Nwaesei (author), Planner III – Subdivisions

THAT the report of the Senior Planner – Subdivisions dated January 14, 2022 entitled “Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7” **BE REFERRED** back to Administration to allow for Administration to provide clarification related to changes requested by the applicant; and further,

THAT this information **BE BROUGHT FORWARD** to the March 7, 2022 meeting of the Development & Heritage Standing Committee.

Motion CARRIED

Report Number: S 2/2022
Clerk’s File: ZB/14064 & ZO/14063

7.2 RICBL Exemption 2021-4 – Sfera Architectural Assoc Inc/D’Amore Group 0 Tecumseh Rd E and Robinet Lane N – Rezoning Ward 7

Adam Szymczak (author), Planner III – Zoning

Mr Szymczak gives a brief presentation of the application.

Zoe Sotirakos – Dillon Consulting Ltd (agent) – available for questions.

Councillor Gil inquires status of the Interim By-law. Thom Hunt provides possible date of June.

MINUTES

Development & Heritage Standing Committee February 7, 2022

Page 4 of 6

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 366**

RECOMMENDATIONS

- 1) THAT Council **APPROVE** the request of Dillon Consulting Limited, on behalf of Sfera Architectural Associated Inc. / The D'Amore Group, for an exemption from the provisions of Interim Control By-law 103-2020 for the property known municipally as 0 Tecumseh Road East (Roll No. 070-880-00200; southwest corner of Tecumseh Road East and Robinet Road).
- 2) THAT Council **AMEND** Interim Control By-law 103-2020 by adding to Section 5 the following clause using the next sequential clause number:

(?) **0 Tecumseh Road East (southwest corner of Tecumseh Road East and Robinet Road)**

N Part Lot 5, Registered Plan 62; Roll No. 070-880-00200

Motion CARRIED, UNANIMOUSLY

Report Number: S 3/2022
Clerk's File: ZB/14231

7.3 Z-037/21 [ZNG/6588] – 2776557 Ontario Ltd 1153-1159 Riverside Dr E – Rezoning Ward 4

Adam Szymczak (author) – Planner III, Zoning

Mr Szymczak provides a brief presentation of the application.

Tracey Pillon-Abbs – Pillon Abbs Inc (agent) – on behalf of the applicant, is in support of the recommendations and requirements. Ms. Pillon-Abbs is available for questions.

David Impens (resident) – notes concerns over:

- maximum coverage relief
- parking relief and subsequent snow removal – saturation onto his property (drainage)
- impede view of waterfront

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 367**

MINUTES

Development & Heritage Standing Committee

February 7, 2022

Page 5 of 6

RECOMMENDATIONS

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 1, Plan 433 (Roll No: 030-020-10200), situated on the south side of Riverside Drive East, west of Pierre Avenue and known municipally as 1153-1159 Riverside Drive East by adding a site specific exception to Section 20(1) as follows:

434. SOUTH SIDE OF RIVERSIDE DRIVE EAST, WEST OF PIERRE AVENUE

For the lands comprising of Lot 1, Registered Plan 433, a *multiple dwelling* containing a maximum of 8 *dwelling units* shall be an additional permitted *main use* and shall be subject to the following additional provisions:

- | | |
|---|----------------------------------|
| a) Lot Width – minimum | 15.0 m |
| b) Lot Coverage – maximum | 52.5 % |
| c) Side Yard Width – minimum | 1.50 m |
| d) Required Parking – minimum | 1 space per <i>dwelling unit</i> |
| e) Required Visitor Parking – minimum | 0 |
| f) Parking Area Separation – minimum | |
| From an <i>interior lot line</i> or alley | 0.60 m |
- [ZDM 6; 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) Enhance the landscaped area along the Riverside Drive frontage per the comments of the Landscape Architect; and
 - c) Consider maximizing the number of bicycle parking spaces to mitigate the reduction in motor vehicle parking spaces.

Motion CARRIED, UNANIMOUSLY

Report Number: S 5/2022
Clerk's File: ZB/14253

7.4 Z-041/21 [ZNG/6624] – 2156567 Ontario Ltd 1092 Dougall Ave – Rezoning Ward 3

Adam Szymczak (author), Planner III – Zoning

Mr Szymczak provides a brief presentation of the application.

MINUTES

Development & Heritage Standing Committee

February 7, 2022

Page 6 of 6

Tracey Pillon-Abbs – Pillon Abbs Inc (agent) – defends the position that there will be no impact to the neighbourhood for the additional unit proposed. There will be no changes to the exterior.

Area residents Cheryl Colborne and Neil Vamassoï note there have been no tenants for over four (4) years. Concern over parking once tenants do enter as well as poor alley conditions to worsen if the alley is closed off. Have issues with loitering in the area.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 368**

RECOMMENDATIONS

THAT the application of 2156567 Ontario Ltd. for an amendment to Zoning By-law 8600 for Lot 328 and Part Lot 327, Registered Plan 581, (known municipally as 1092-1096 Dougall Avenue; Roll No. 040-370-07800; PIN 00187-0245), situated at the northeast corner at Dougall Avenue and Pine Street, to allow a multiple dwelling containing a maximum of five dwelling units as an additional permitted use subject to additional provisions **BE DENIED**; and,

THAT the request for an exemption from Interim Control By-law 103-2020 **BE DENIED**.

Motion CARRIED.

Member Rondot voting nay

Report Number: S 6/2022

Clerk's File: ZB/14265

8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee (Planning Act Matters) is adjourned at 5:50 p.m.

Ward 3 – Councillor Bortolin
(Chairperson)

Thom Hunt
(Secretary)



Council Report: S 2/2022

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

Reference:

Date to Council: March 7, 2022
 Author: Justina Nwaesei, MCIP, RPP
 Senior Planner - Subdivisions
 519-255-6543, ext. 6165
 jnwaesei@citywindsor.ca

Planning & Building Services
 Report Date: January 14, 2022
 Clerk's File #: ZB/14064 ZO/14063

To: Mayor and Members of City Council

Recommendation:

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

16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)**16.10.1 PERMITTED USES**

<i>Business Office</i>	<i>Personal Service Shop</i>
<i>Child Care Centre</i>	<i>Place of Entertainment and Recreation</i>
<i>Commercial School</i>	<i>Place of Worship</i>
<i>Food Outlet - Take-Out</i>	<i>Professional Studio</i>
<i>Hotel</i>	<i>Public Hall</i>
<i>Medical Office</i>	<i>Repair Shop - Light</i>
<i>Medical Appliance Facility</i>	<i>Restaurant</i>
<i>Micro-Brewery</i>	<i>Retail Store</i>

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

Multiple Dwelling with 9 or more dwelling units

Residential Care Facility

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

16.10.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
 - For a *building* containing only non-residential uses 400.0 m²
 - For each *dwelling unit* 85.0 m²
- .4 Building Height – maximum 20.0 m
- .8 Landscaped Open Space Yard – minimum 30.0% of *lot area*
- .15 For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.
- .16 A *Multiple Dwelling* shall be located above grade, at the rear of non-residential use.
- .17 Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.
- .20 Building Setback – minimum
 - a) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of 10.0 m or less 0.0 m
 - b) From an *exterior lot line* abutting Tecumseh Road East, for that part of the building having a *building height* of more than 10.0 m: 6.0 m
 - c) From an *interior lot line* where a habitable room window faces the *interior lot line* 6.0 m
 - d) From an *interior lot line* where a habitable room window does not face the *interior lot line* 3.0 m
- .90 *Parking space* is prohibited in the *front yard* and in any *side yard* within 6m of the *exterior lot line*.

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

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

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), the following additional regulations shall apply:

- a) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*.

- b) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice.
 - c) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
- [ZDM 15; ZNG/6323]

IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:

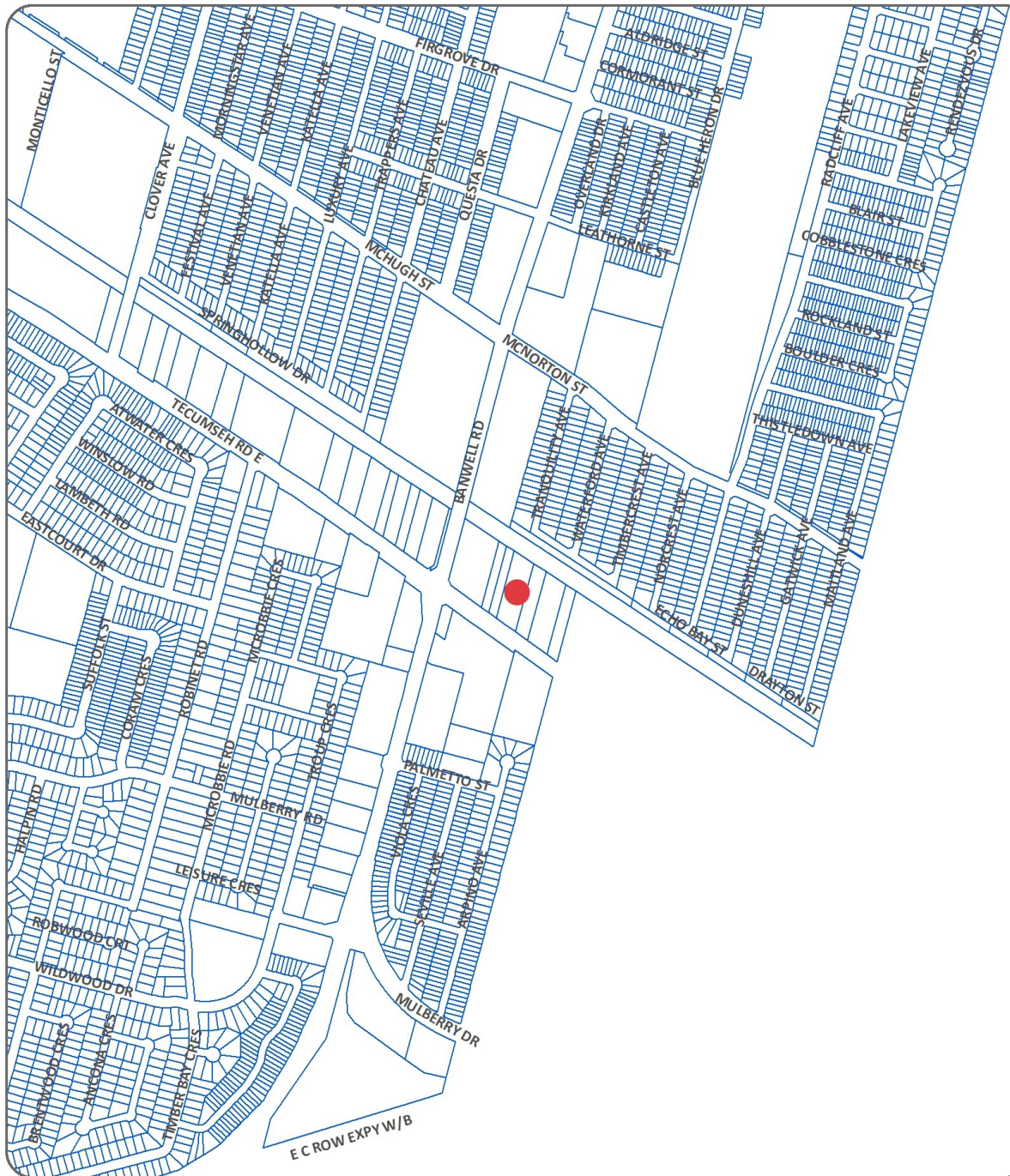
- a) Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
- b) Safety measures per section 7.2.8.8 (d), OP Vol. 1;
- c) Redundant Curb Cuts, Video inspections, and Existing sewers and connections;
- d) Preservation of some existing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

Executive Summary:

N/A

Background:

1. KEY MAP



KEY MAP - Z-005/21, ZNG-6323 & OPA 143 OPA-6324



● SUBJECT LANDS

2. APPLICATION INFORMATION

LOCATION: 11646 TECUMSEH ROAD E. [North side of Tecumseh Road E., west of the City's boundary with Town of Tecumseh; mid-block between Banwell and the City's east limit; municipally known as 11646 Tecumseh Road East.]

APPLICANT: Maple Leaf Homes Ltd. [c/o Bruno Cacilhas]

AGENT: ADA INC., ARCHITECT [c/o Tony Chau]

PROPOSAL: The applicant is requesting amendments to the Official Plan and Zoning By-law 8600 to permit a multi-unit residential development on the land municipally known as 11646 Tecumseh Rd. E.

The subject land is designated Industrial on Schedule D: Land Use, Official Plan Volume 1, and zoned Manufacturing District 1.2 (MD1.2) by Zoning By-law 8600. The applicant proposes to change the land use designation of the subject land from Industrial to Residential and change the zoning category from MD1.2 to RD3.1 to permit a 7-storey residential building (Condo development) with 90 residential units.

The applicant is also requesting the following site-specific zoning provisions:

1. *Decrease the minimum lot area from 9470m² to 6,258m²*
2. *Increase the maximum building height from 10m to 24.9m*
3. *Decrease the minimum front yard depth from 6m to 3m*
4. *Decrease the minimum side yard setback from 6m to 2.23m on the east side of the site*
5. *Decrease the minimum landscape from 35% to 25.3%*
6. *Decrease the minimum parking space requirement from 112 spaces to 90 spaces*
7. *No required visitor parking*

SUBMISSIONS BY APPLICANT:

- Official Plan Amendment and Zoning Bylaw Amendment Application forms and fees;
- Concept Site Plan;
- Agreement of Purchase and Sale (signed Aug. 18, 2020);
- Employment Lands Review (dated Oct. 2021, prepared by Dillon Consulting Limited);
- Planning Rationale Report (dated Jan. 25, 2021, revised Oct. 24, 2021, prepared by Pilon-Abbs Inc.);
- Stormwater Management Report (dated Jan. 21, 2021, prepared by Aleo Associates Inc.);
- Transportation Impact Study (dated Jan. 2021, prepared by R C Spencer Associates Inc.);
- Noise Study (dated Jan. 11, 2021, updated Sep. 18, 2021, prepared by J.J Acoustic Engineering Ltd (JJA));
- Vibration Study (dated Jan. 11, 2021, prepared by Akoustik Engineering Limited);
- Tree Inventory and Preservation Study (dated Dec. 2020, prepared by Bezaire Partners);
- Topographic Survey (dated Dec. 7, 2020, prepared by Verhaegen Land Surveyors);
- Species at Risk Impact Assessment (dated Jan. 2020, prepared by Insight Environmental Solutions Inc).

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
Industrial	Manufacturing District 1.2 (MD1.2) ZDM15	Vacant	Single Unit Dwellings (SUDs)
FRONTAGE	DEPTH	AREA	SHAPE
46.9m	Irregular	6,258 sq.m.	irregular
Note: All measurements are approximate			

4. REZONING MAP



5. NEIGHBOURHOOD CHARACTERISTICS

NEIGHBOURHOOD MAP



SURROUNDING LAND USE

The subject land is in an area with a mix of uses. There are commercial and industrial uses, plus two low profile residential developments of the single unit dwelling type (at 11744 & 11788 Tecumseh Rd E.) within the affected City block.

North of the subject land:

VIA Rail Corridor and on the north side of the rail corridor are low Profile Residential developments (Single Unit Dwellings) and a Place of Worship (Banwell Community Church).

South of the subject land:

Tecumseh Road right-of-way and on the south side of the municipal right-of-way are Financial Office, Funeral Home (Windsor Chapel) and a Retail Store (Metro).

East of the subject land:

A repair garage with spray booths abuts the east lot line of the subject land; next east are a warehouse and 2 legal non-conforming single unit dwellings. Further east are developments in the Town of Tecumseh.

West of the subject land:

A Pool Contractor's Office with accessory retail store abuts the west lot line of the subject land; next west is a vacant land, followed by a Pharmacy and Retail Store (Shoppers Drug Mart) abutting Banwell Road right-of-way.

MUNICIPAL INFRASTRUCTURE IN THE SUBJECT AREA

- The City's records show that there is a 750mm diameter concrete pipe storm sewer and a 375mm diameter polyvinylchloride pipe sanitary sewer within Tecumseh Road East right-of-way, along the south side of the R.O.W. The sewers are available to service the subject land and other lands in the immediate area.
- On both sides of Tecumseh Road R.O.W, there are curb & gutter, concrete sidewalks, LED street lights, and hydro poles with overhead wires in the subject area.
- There are water mains, fire hydrants, and telecommunications & Fibre Optics in the subject area.
- Public Transit is available via Lauzon 10, which runs along Banwell Road. The closest existing bus stop is located at the northeast corner of Banwell and Tecumseh Rd E. The bus stop is approximately 240 metres from the subject property.
- Tecumseh Road E. is classified as Class II Arterial Rd in the Official Plan.

Discussion:

As a matter of background, the subject land is located within an employment area that is situated on the north side of Tecumseh Rd E., extending from the east limit of the City of Windsor to the Rail Corridor east of Jefferson Blvd. The subject broader area described above is designated in the official plan for clusters of business and economic activities including, but not limited to, manufacturing, warehousing, offices, and associated retail and ancillary facilities. There are also some commercial lands within the noted area.

1. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. This Provincial Policy Statement applies to all decisions in respect of the

exercise of any authority that affects a planning matter made on or after May 1, 2020, and shall be implemented in a manner that is consistent with Ontario Human Rights Code and the Canadian Charter of Rights and Freedoms.

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

Section 2 of the Planning Act states that *“The Minister, the council of a municipality, a local board, a planning board and the Tribunal, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as*

- (h) the orderly development of safe and healthy communities;*
- (j) the adequate provision of a full range of housing, including affordable housing;*
- (k) the adequate provision of employment opportunities;*
- (l) the protection of the financial and economic well-being of the Province and its municipalities;*
- (o) the protection of public health and safety;*
- (p) the appropriate location of growth and development; ”*

This part of the discussion focuses on the relevant PPS policy directions regarding the above noted provincial interests in relation to the subject amendments:

PPS Policy 1.1 – Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- i) preparing for the regional and local impacts of a changing climate*

The subject land is situated midblock between Banwell Road and the east limit of the City and was previously occupied by two single unit dwellings that have been demolished; thereby, creating the opportunity for a more efficient use of the land. The proposed amendments will promote efficient development and land use pattern in the subject area.

The amendments will facilitate the redevelopment of an industrial land in a manner that promotes efficient development, such as the proposed multi-unit residential use, on the subject land. The recommended amendments will improve the mix and range of residential types in the area. Policies 1.1.1(a) & (b) are satisfied.

With respect to policy 1.1.1(c), the results of the Road Traffic and Stationary Noise Impact Study, dated January 11, 2021 and updated September 18, 2021, by JJ Acoustic Engineering Ltd, indicate that the potential environmental noise impact from road traffic and stationary noise is significant. According to the Study, *“the proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components.”* The noise warning clauses will be required for each unit. These mitigation measures will be integrated into the Site Plan review and approval process for the proposed development on the subject site.

With respect to policy 1.1.1(d), there are existing developments abutting both sides of the subject land; therefore, the proposed amendments will **not** prevent the efficient expansion of the settlement areas (City of Windsor and Town of Tecumseh).

The subject land and area are currently serviced by existing infrastructure, electricity generation facilities, electricity transmission and distribution systems, and public service facilities per policy 1.1.1(g).

With respect to 1.1.1(i) – Existing active transportation, nearby public transit service and, the fact that people can live and work in their neighbourhood, all contribute to reduction in carbon footprint and positively impact our environment and climate change.

The following relevant policies have also been examined with respect to these amendments:

1.1.3 Settlement Areas

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

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

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

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

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

The proposed amendments are mostly supported by the above policies (policies 1.1.3.1, 1.1.3.2 and 1.1.3.3.) The recommended amendments create opportunity for growth and development within the settlement area. The amendments promote a development type (multi-storey, multi-unit residential housing) that will make efficient use of existing infrastructure. Discussion provided under policy 1.1.1 also applies to policy 1.1.3.2.

There are existing active transportation options (such as sidewalks) adjacent to the subject land and transit services nearby on Banwell Road. The proposed redevelopment/infill development creates an increase in residential density, which in turn supports public transit. The subject land has frontage on Tecumseh Road East, a Class II Arterial Road.

“Taking into account existing building stock or areas” is a phrase from policy 1.1.3.3, which directs our attention to compatibility. Perhaps, this phrase expects us to consider the existing built form in the area to ensure compatibility in terms of scale, massing, height, orientation, etc. It should be noted that the proposed amendments **have to be** designed in a manner that shows regard for existing building stock or area within the City of Windsor boundary.

The recommended amendments promote the opportunity for a transit-supportive development that can be designed to take into account existing building stock or areas. The subject amendments are consistent with policies 1.1.3.1, 1.1.3.2 and 1.1.3.3 of the PPS.

PPS Policy 1.2.6 - Land Use Compatibility

1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants,

minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.

1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures: a) there is an identified need for the proposed use; b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations; c) adverse effects to the proposed sensitive land use are minimized and mitigated; and d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.

The subject amendments will introduce a high density, medium profile, sensitive land use in the subject block within the City. Comment received from the abutting major facility (VIA Rail Canada) states that they are *“not enthused about the introduction of a new high-density residential development abutting our busy railway corridor due to the obvious incompatibility. New industrial, commercial or manufacturing would be our preferred adjacent land uses.”*

However, it should be noted that low and medium density residential developments already exist along the north and south limits of the subject major facility (VIA Rail) within the surrounding area in Windsor and Tecumseh Town. In recognition of this fact, VIA also states that *“should the City of Windsor propose to approve the residential land use applications, VIA requests that the Zoning Amendment include our 30m building setback requirement.”* In addition, VIA requires that *“any new residential development would be expected to address noise, vibration and safety measures to both the Municipality’s and the Railway’s satisfaction.”*

As noted already in this report, a noise report was submitted by the applicant. Please refer to the discussion under policy 1.1.1(c) above. One of the recommended warning clauses (WARNING CLAUSE E) pertains to the abutting Rail Corridor (VIA Rail). A vibration study was also submitted by the applicant. The measured vibration data demonstrated that the ground vibration levels due to rail traffic on the nearby rail corridor do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada’s criteria of 0.14 mm/s RMS velocity. The study concludes that vibration abatement is not required for the proposed development on the subject site. Berms and fences are additional safety measures typically required for developments on lands abutting rail corridors and yards. This report recommends those safety measures including the 30m separation requirement.

PPS Policy 1.3 – Employment

1.3.1 Planning authorities shall promote economic development and competitiveness by:

b) providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;

1.3.2 Employment Areas

1.3.2.1 Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

Despite the above statement in policy 1.3.2.1, Council can consider request(s) for conversion of employment lands to non employment uses subject to the provisions stipulated in policy 1.3.2.4 below.

1.3.2.3 Within employment areas planned for industrial or manufacturing uses, planning authorities shall prohibit residential uses and prohibit or limit other sensitive land uses that are not ancillary to the primary employment uses in order to maintain land use compatibility. Employment areas planned for industrial or manufacturing uses should include an appropriate transition to adjacent non-employment areas.

The proposed residential development is prohibited on the subject site per policy 1.3.2.3; however, policy 1.3.2.4 gives Council the authority to consider a request for conversion of employment lands to non-employment uses.

1.3.2.4 Planning authorities **may permit** conversion of lands within employment areas to non-employment uses through a comprehensive review, only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.

Policy 1.3.2.4 gives Council the power to permit the conversion of employment land to non-employment use through comprehensive review, and *“only where it has been demonstrated that the land is not required for employment purposes over the long term and that there is a need for the conversion.”*

The applicant submitted an Employment Land Review Report dated October 2021, prepared by Dillon Consulting Ltd. According to the report, a review of the designated employment lands in the City of Windsor reveals that approximately 982 hectares are deemed to be vacant and viable for development, which includes the subject site. The report further notes that *“The subject site requested for conversion total 0.63 hectares (1.56 acres), representing approximately 0.06% of the City’s estimated vacant employment lands inventory.”* According to Dillon Consulting’s October 2021, Employment Land Review, 981.37 hectares of vacant employment lands would remain available should the subject land be converted and removed from the employment lands inventory. Furthermore, the 2021 Employment Land Review by Dillon Consulting shows the projected demand for employment lands in the City of Windsor to the year 2026 is estimated to be between 400 and 500 hectares. In the opinion of the planning consultant, the Employment Land Review dated October 2021, *“demonstrates that the employment lands of the subject site are surplus to the supply by the City of Windsor over the 25 year planning period, and that the removal of the subject property from the Employment Lands inventory will have no adverse impact on the City’s ability to accommodate employment growth in the future.”*

1.3.2.5 Notwithstanding policy 1.3.2.4, and until the official plan review or update in policy 1.3.2.4 is undertaken and completed, lands within existing employment areas **may be** converted to a designation that permits non-employment uses provided the area has not been identified as provincially significant through a provincial plan exercise or as regionally significant by a regional economic development corporation working together with affected upper and single-tier municipalities **and subject to the following:**

- a) there is an identified need for the conversion and the land is not required for employment purposes over the long term;
- b) the proposed uses would not adversely affect the overall viability of the employment area; and
- c) existing or planned infrastructure and public service facilities are available to accommodate the proposed uses.

Based on the applicant’s development proposal, the planning analysis (5.0) in the Planning Rationale Report submitted for these amendments, the Employment Land Review by Dillon, and the discussion under policy 1.3.2.4 above, it is fair to say that policy 1.3.2.5 has been satisfied. The Employment Land Review and the Planning Rationale Report identified the need for the conversion. The Employment Land Review concluded that the subject land is not required for employment purposes over the long term and that the proposed residential use would not adversely affect the overall viability of the employment area. As noted already in this report, there are existing infrastructure and public service facilities available to service existing and new developments in the subject area.

PPS Policy 1.4 – Housing

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

- a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development;

1.4.3 Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area by:

- b) permitting and facilitating:

1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and

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

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

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

The above policies 1.4.1 & 1.4.3 are positive directives to Planning Authorities with respect to using residential intensification and redevelopment to provide for appropriate range and mix of housing options and densities in the regional market area. These positive directives support the applicant's proposed amendments and help to increase housing supply in the region.

The recommended amendments promote the redevelopment and infilling of a vacant industrial land previously occupied by two single unit dwellings that were demolished more than 14 years ago. These amendments will encourage commercial activities at street level, while accommodating residential use on the site.

The proposed multi-unit residential use creates the opportunity for a higher density and compact development in the subject area; thereby, resulting in a net increase in residential units or accommodation. The recommended amendments will accomplish the following and more:

- result in the intensification of the subject site and area;
- facilitate the municipality's ability to accommodate residential growth through intensification;
- provide a variety in housing options;
- provide a form of housing that is appropriate in terms of range and mix; and
- meet the social, health and well being of current and future residents.

Appropriate level of infrastructure, active transportation and transit services are available in the subject area. The subject amendments are consistent with policy 1.4 of the PPS.

PPS Policy 1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

*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.*

There are existing municipal sewers and water services in the subject area. The recommended amendments promote intensification and redevelopment in an area serviced by municipal sewage and water; therefore, the amendments are consistent with policy 1.6.6.2 of the PPS.

1.6.6.7 Planning for stormwater management shall:

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

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

The recommended amendments will help to promote landscaping on the subject land; thereby, creating the opportunity to maximize vegetation on the site. In addition, stormwater management plan for the subject development is required to be completed in accordance with regional guidelines. Therefore, the recommended amendments are consistent with policies 1.6.6.7 (e) & (f) of the PPS.

1.6.9 Airports, Rail and Marine Facilities

1.6.9.1 Planning for land uses in the vicinity of airports, rail facilities and marine facilities shall be undertaken so that:

a) their long-term operation and economic role is protected; and

b) airports, rail facilities and marine facilities and sensitive land uses are appropriately designed, buffered and/or separated from each other, in accordance with policy 1.2.6.

Policy 1.6.9.1 (b) references policy 1.2.6, which has already been discussed in this report.

The subject parcel abuts a rail corridor. Consequently, required noise study and vibration study were submitted by the applicant as part of a complete application for the requested amendments. The Noise Study recommends mitigation measures, including ventilation requirements, special building components and noise warning clauses as summarized in the Study. The Vibration Study did not require any vibration abatement to reduce the vibration levels at the proposed development site.

PPS Policies related to Species at Risk

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

2.1.8 Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5, and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.

The applicant submitted Species at Risk Impact Assessment dated Jan 2020, prepared by Insight Environmental Solutions Inc., for the subject land, along with response letter from Ministry of Environment, Conservation and Parks (MECP). The conclusion and recommended mitigation measures for the Species at Risk Impact Assessment are included in Appendix F, attached to this planning report.

EXCERPT FROM MECP'S MARCH 26, 2021 RESPONSE TO THE APPLICANT'S BIOLOGIST: *"MECP notes that the proponent has committed to mitigation measures being implemented as part of the project to ensure that unanticipated impacts to SAR do not occur. We encourage the proponent to carry out these mitigation measures. Further, it is recommended that you and the proponent continue to monitor for SAR activity during the course of the project to document changes, in the event that there should be any".*

Summary: With respect to the PPS policies discussed in this report, I am of the opinion that the requested amendments are consistent with relevant policies of the PPS 2020 as shown in this report. The applicant's planning consultant provided a Planning Rationale Report (PRR) in support of the requested amendments. In addition, the Employment Land Review submitted by the applicant also supports the employment land conversion.

2. OFFICIAL PLAN (OP)

The subject land is designated **Industrial** in the Land Use Schedule D of the OP Vol. 1.

Section 3.3.2, OP Vol. 1 states that Corridors represent the backbones of the urban network structure. City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. Tecumseh Road is classified as a *City Corridor* in the Urban Structure Plan, Schedule J, OP Vol. 1. These corridors are intended to provide services for those living in close proximity to the area but also those who may arrive by transit, bicycle and by car, (3.3.2.1, OP Vol. 1.) These City Corridors have higher density employment and residential opportunities, with a significant amount of retail to support everyday needs and needs beyond the day.

Section 4.2.1.5, OP Vol. 1 encourages a mix of housing types and services to allow people to remain in their neighbourhoods as they age.

Section 4.2.3.1, OP Vol. 1 encourages a mix of uses.

Section 4.2.3.4, OP Vol. 1 requests the accommodation of appropriate range and mix of housing.

Council's land use goals, in keeping with the Strategic Directions, are to achieve "*Housing suited to the needs of Windsor's residents*" (6.1.3, OP Vol. 1), "*The retention and expansion of Windsor's employment base*" (6.1.4, OP Vol. 1) and "*Pedestrian oriented clusters of residential, commercial, employment and institutional uses*" (6.1.10, OP Vol. 1), among others.

The Employment Land Review submitted by the applicant supports the proposed conversion of the 0.63 hectare (1.55 acres) employment land and states that the proposed conversion will have negligible impacts to the supply of employment lands in the City of Windsor.

The recommended change in land use designation from Industrial to Mixed Use promotes Council's goals as shown in 6.1.3 and 6.1.10 of OP Vol. 1.

Section 6.2.1.2 (OP Vol. 1): Types of Development Profile – Development Profile refers to the height of a building or structure and it applies to all land use designations in Schedule D unless specifically provided elsewhere in OP Vol. 1. It should be noted that the existing building stock in the area between Banwell and the City of Windsor east limit generally have building heights no greater than three storeys. Based on the heights of surrounding structures in the subject area, compatibility in terms of massing, scale and height would be less challenging if a low or medium profile development is permitted on the subject land.

As noted already, the subject employment area is designated industrial in Schedule D: Land Use, Official Plan, Volume 1. Below are the relevant policies that guide the proposed conversion of employment lands to non-employment use:

6.4.2.7- Council **may support** the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:

- (a) the proponent can demonstrate that:
 - (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and
 - (ii) the redevelopment of the area is in keeping with the long term transition of the entire area to similar uses;
- (b) the environmental conditions of the site do not preclude development (see Environment chapter); and
- (c) subject to an amendment to this Plan that is consistent with the appropriate policies for the desired land use.

The Employment Land Review and Planning Rationale Report submitted by the applicant both indicate that the proposed redevelopment of the subject site would not be detrimental to other uses in the area and is in keeping with the long term transition of the entire area. The subject land is not within a Development Constraint Area per Schedule C, OP Vol.1. The environmental conditions of the site do not preclude development.

As shown below, the recommended amendment to this Plan (OPA 143) is consistent with the appropriate policies for the desired land use (the Mixed Use designation), per s.6.4.2.7 (c).

Following a detailed review of the relevant PPS policies and OP land use policies in the Primary Plan, it is my opinion that the conversion of the employment lands to a **Mixed Use land use designation** is more appropriate for the subject land in the subject Area. Analysis of the Mixed Use designation is provided below.

6.9 – Mixed Use Land Use designation: The lands designated as "Mixed Use" on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional,

open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

The following are relevant objectives and policies that help establish the framework for development decisions in Mixed Use areas.

6.9.1 - *Mixed Use Objectives:*

6.9.1.1 - To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses

6.9.1.2 - To encourage a compact form of mixed use development.

6.9.2 - *Mixed Use Policies:*

6.9.2.1 - ***Uses permitted*** in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, ***exclusive of small scale Low Profile residential development***. The recommended OPA#143 and ZBA do not permit small scale low profile residential developments.

6.9.2.2(a) - ***Form of Mixed Use Area - MIXED USE CORRIDORS*** which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade. This report recommends a *Mixed Use Corridor* form of development due to the land use pattern in the subject area. Note that a *Mixed Use Centre* is not appropriate form of Mixed Use in the subject area.

6.9.2.3 – ***Locational Criteria*** - see Appendix B attached to this report.

The locational criteria in s.6.9.2.3 are satisfied. The subject land has direct access to a Class II arteria Road (Tecumseh Rd E.); full municipal services are available in the subject area; transit Windsor Bus service is available within comfortable walking distance from the subject land; and the subject land is in an area with a mix of uses (employment, commercial and residential uses).

6.9.2.4 - ***Evaluation Criteria*** – see Appendix B attached to this report.

The applicant's Noise Study and Vibration Study for the proposed amendments suggest that the proposed residential development is feasible in the subject location, provided all recommended mitigation measures and warning clauses are adhered to. The subject area is not within a secondary plan. The evaluation criteria in sections 6.9.2.4(a) & (b), OP Vol. 1 are satisfied. Full municipal services are available in the area and emergency services can be provided. Therefore, s.6.9.2.4 (c), OP Vol. 1, is satisfied.

This report does not recommend a reduction in required parking spaces; therefore, the developer is required to provide parking in compliance with the Zoning By-law 8600. The applicant's conceptual development proposal does not fulfill the Official Plan off-street parking requirement, but the subject development can be designed to provide adequate off street parking per s.6.9.2.4 (d), OP Vol. 1.

The concept plan shows a pedestrian oriented design, which satisfies s.6.9.2.4 (e), OP Vol. 1. The recommended amendments contain provisions that would guide the design of a compatible development on the subject land per s.6.9.2.4 (f), OP Vol. 1. The scale, massing and building height require special design considerations in order to achieve compatibility with the abutting area. The compatibility requirement in policy 6.9.2.4 (f) of the OP, will be further examined through the Site Plan Review and Approval process.

7.2.8.8 - **Development Adjacent to a Corridor** - See Appendix B attached to this report. As noted already in this planning report, the applicant submitted the required Noise Study and Vibration Study. See Appendix F for excerpts from the studies received from the applicant.

11.6.3.3 - Zoning By-law Amendment **Evaluation Criteria** – see Appendix B hereto attached.

This planning report considered the relevant evaluation criteria in the Land Use Chapter of the OP, as well as the recommendations and conclusions contained in the required support studies submitted by the applicant. The relevant provincial policies and comments and recommendations of municipal staff and circularized agencies were also considered in this report. A decision to approve the requested zoning by-law amendment could trigger the loss of employment uses and lands on adjacent or similar lands. However, based on the findings in the 2021 Employment Land Review submitted by the applicant, any request for conversion of adjacent lands to non-employment uses could similarly be accommodated.

Based on the above analysis of the relevant policies and objectives of the OP, together with the zoning analysis below, I am of the opinion that the recommended zoning by-law amendment will be in conformity with the Official Plan when OPA#143 comes into effect.

3. ZONING

As noted already in this report, the subject land is zoned Manufacturing District 1.2 (MD1.2) by the City of Windsor Zoning By-law 8600. Excerpts from Zoning By-law 8600 hereby attached as Appendix C to this report, show the MD1.2 zone does not permit residential use.

The applicant proposes to amend the zoning of the subject land from MD1.2 to RD3.1 (Residential District 3.1) to permit a *Multiple Dwelling* on the land. There is an accompanying Official Plan Amendment (OPA #143). Details of the proposal are found on page 5 of this report.

Upon a thorough review of the Zoning Categories in By-law 8600, along with the Mixed Use land use policies of OP Vol. 1, it was determined that a new zoning category would be required for the subject development because the RD3.1 zoning district is not suitable for the recommended Mixed Use designation. Furthermore, the existing zoning categories (CD3.2 and CD3.5) for mixed use developments permit *small scale low profile residential developments*, which are not permitted in the Mixed Use designation. Consequently, a new zoning district, Commercial District 3.10 (CD3.10) under By-law 8600, as shown in Recommendation II of this report, is being recommended for approval. In addition, site-specific provisions that are different from the applicant's request but implement the OP rail safety policies, are recommended for approval. See Recommendation III of this report.

The applicant's request for an increase in building height from 10 m to 24.9 m has been considered and a 20m maximum building height is being recommended in this report, so as to encourage a medium profile development with a maximum of 6 storeys (see OP section 6.2.1.2.) The recommended height allows for intensification while paying close attention to building height compatibility with surrounding uses in the subject area.

Since the applicant has challenges with provision of required parking for the proposed 90 dwelling units, it makes sense to anticipate a reduction in number of dwelling units. The recommended minimum lot area provision of 85 m² per dwelling unit is deemed appropriate for the subject land.

The applicant's request for reduction in the (i) minimum lot area (ii) minimum front yard depth (iii) minimum side yard setback on the east side of the site; (iv) minimum landscape open space, and (v) minimum parking space requirement, with zero visitor parking, would suggest that the proposed development is excessive for the subject site area. The proposed development as shown in the conceptual site plan is not compatible with the surrounding area (within the City) in

terms of scale, massing, height, setbacks, parking and amenity areas / landscape areas. Furthermore, the applicant's request for site-specific zoning provisions are based on their proposed RD3.1 zoning district for the subject land, but this report recommends the CD3.10 zoning district with other site-specific provisions. Therefore, the applicant's proposal would need to comply with CD3.10 and S.20(1)438 as found in this report. The recommended new zoning district with the recommended site-specific provisions are intended to lead to a development proposal that will conform with OPA#143 and other relevant OP policies.

Section 24.20.5.1 (Required Parking Spaces) of Zoning Bylaw 8600 contains the following:

“Combined use building - Dwelling Units” and *“Multiple dwelling containing a minimum of 5 dwelling units”*, the minimum required parking is 1.25 spaces for each dwelling unit.

In line with the above, 112 parking spaces minimum are required for the proposed 90 dwelling units. The required residential parking spaces shall be clearly marked and separated from the commercial parking spaces on the subject land. With respect to visitor parking requirements, a minimum of 15% of parking spaces shall be marked for visitor parking.

DRAFT BY-LAW: A draft by-law is attached as Appendix H to this report. The Planning Act, in subsection 24(1) requires that no by-law shall be passed for any purpose that does not conform with the Official Plan. As noted already under OFFICIAL PLAN section of this report, the recommended amendment will conform with the OP when OPA#143 comes into effect; therefore, the draft by-law can be passed at the appropriate time.

4. RESIDENTIAL INTERIM CONTROL BY-LAW

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. Residential Interim Control By-law 103/2020 (RICBL) came into effect in the City of Windsor on July 13, 2020.

On July 13, 2020, Council adopted CR364/2020 directing that land use study be undertaken to consider, among other things, residential density and the appropriate location for higher density residential uses in the City of Windsor. The study will review the Official Plan and Zoning By-laws 85-18 and 8600 with respect to land use policies and provisions related to higher density dwellings such as, but not limited to, Group Home, Lodging House, Residential Care Facility, Shelter, and any dwelling with five or more dwelling units within the City of Windsor.

“The main purposes of the study are to:

- 1) Review those definitions that relate to dwellings and dwelling units, or are residential in nature;
- 2) Review zones, zoning districts, and provisions to determine an appropriate range of permitted residential uses and provisions, including merging zones and zoning districts and to ensure that the zones, zoning districts and provisions are consistent with the Provincial Policy Statement 2020 (PPS), especially, but not limited to, Policy 4.4 that requires the implementation of the PPS in a *“manner that is consistent with the Ontario Human Rights Code”* – and are consistent with the policy direction of the Official Plan;
- 3) Ensure compatibility with existing development, while allowing or encouraging certain areas to evolve to a higher-density and/or higher profile residential development.”
[excerpt from Report C141/2020]

Interim Control By-law (ICBL) 99-2021 came into effect on June 7, 2021 and extended the effective date of RICBL 103-2020 to July 13, 2022. The extension allows for the additional time required to complete the land use study commenced under the IRCBL 103-2020, and provides

the necessary time to implement, if deemed appropriate, the findings of the land use study including any amendments to the Official Plan and /or Zoning By-laws.

The following criteria are hereby deemed acceptable for determining if the proposed development can be exempt from the RICBL:

- *Conformity with the Official Plan* – As noted already in this report, the subject development will be in conformity with the Official Plan when OPA 143 is in effect.
- *Distance to Nearby Services and Amenities* – Neighbourhood Parks, Schools, Places of worship, restaurant and retail store are within a 1.4 km or less walk. The proposed development is within an acceptable distance to nearby services and amenities.
- *Distance to Public Transit* - Existing Lauzon 10 route runs along Banwell and provides service to the subject land and surrounding area. The closest existing bus stop is located at the northeast corner of Banwell and Tecumseh Rd E. The bus stop is approximately 240 metres from the subject property. The proposed development is within an acceptable distance to public transit.
- *Potential for impact on the Land Use Study* - The recommended Zoning By-law amendment meets the three criteria analyzed above. Furthermore, the subject area already has a mix of uses as noted in this report. The City's Urban Structure Plan classifies Tecumseh Rd as a City Corridor. Along City Corridors, the OP states that "*Residential development may include high profile, medium profile, and residential over retail at street.*" (see s.3.3.2.1, OP Vol. 1). Therefore, conflict between the proposed development and the land use study is not anticipated.

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 the request for an amendment to Zoning By-law 8600 be approved, and an amending by-law comes into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020.

5. SITE PLAN.

The proposed redevelopment meets the definition of a "development" per the Planning Act and the City of Windsor Site Plan Control By-law 1-2004. The applicant is required to submit an application for Site Plan Approval. Execution of a Site Plan Agreement would be required.

Please note that Site Plan Control is the more appropriate planning tool for addressing the following requirements, among others, of municipal departments and external agencies contained in the attached Appendix D of this report as well as the recommendations contained in the Studies submitted by the applicant for these amendments:

- a) noise mitigation measures recommended in the Noise Study, including warning clauses for rail and road traffic impacts;
- b) appropriate safety measures per section 7.2.8.8 (d), OP Vol. 1;
- c) redundant curb cuts, video inspections and existing sewers and connection;
- d) preservation of 2 existing Burr Oak (Tress #4 & #9 on applicant's Tree Preservation Plan) and one large Red Maple (Tree #6 on applicant's Tree Preservation Plan);
- e) provide necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge;
- f) provide and maintain a minimum separation of 0.3m from all of Enbridge plant;
- g) provide adequate clearance from existing ENWIN's pole lines and power lines;
- h) Canada Post's multi-unit policy; and
- i) SAR Snake mitigation measures as in Appendix F, attached.

Risk Analysis: Climate Change Risks

Mitigation:

- Encourage the use of existing public transit and promote active transportation (the use of existing & future sidewalks and bike lanes) in the area; thereby, reducing carbon footprint.
- Minimize run-off from impervious surfaces (e.g. paved parking areas).
- Increase vegetation on the site by providing soft landscape areas on the property. The proposed development can be designed to promote green roofs and increase the overall vegetation on site; thereby, mitigating the heat effect on the residents.

Adaptation: Low-impact development practice and design should be encouraged at the site plan control and building permit stages. Landscaping, stormwater management, tree-planting and lot-grading help mitigate adverse impacts on our changing climate. Therefore, during the site plan control process, stormwater management measures, servicing study, landscaping requirements and much more, would be discussed in details and incorporated in the site plan approval and site plan agreement. Tree-planting and lot-grading requirements are usually implemented through the building permit process.

FINANCIAL MATTERS: N/A

CONSULTATIONS:

1. DEPARTMENT AND AGENCIES

Municipal departments and external agencies were consulted. Most of the respondents had no objections to the proposed amendments. Their comments can be found in the attached Appendix D to this report. VIA has reservations about the introduction of a new high-density residential development abutting their busy railway corridor. If approved, VIA requests that the Zoning Amendment include their 30 m building setback requirement and appropriate safety measures. This report recommends the 30 m building setback requested by VIA and applicable safety measures.

2. PUBLIC NOTICE

The official notice of the statutory public meeting will be advertised in the local newspaper, the Windsor Star.

Courtesy notice will be mailed to all properties within 120m (400 feet) of the subject parcel prior to the Development & Heritage Standing Committee (DHSC) meeting.

PLANNER'S OPINION AND CONCLUSION:

The proposed medium density residential development will help increase the much needed housing supply in the City of Windsor. Housing is a matter of municipal and provincial interest as evidenced in this report. The Planning Department supports these types of proposal, provided there is consistency with the PPS and conformity with the OP.

The recommended Mixed Use designation and CD3.10 plus site-specific zoning provisions [s.20(1)438] will facilitate the proposed conversion of the subject employment land for a medium profile residential development. The recommended employment land conversion to non-employment use(s) is supported by Employment Land Review and Planning Rationale Report submitted by the applicant.

The recommended Official Plan and Zoning By-law amendments complement the existing developments in the immediate area and promote an efficient use of the subject land, existing services and infrastructure. As noted already in this report, the required noise mitigation

measures, ENWIN and Enbridge separation requirements and other key municipal requirements can be addressed through the Site Plan Review and Approval process.

In my opinion, the recommended amendments to the Official Plan and Zoning By-law are consistent with the Provincial Policy Statement 2020; the recommended Zoning By-law Amendment will maintain conformity with the Official Plan when OPA 143 comes into effect.

The amendments constitute good planning and approval is recommended.

Planning Act Matters:

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

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

Thom Hunt, MCIP, RPP
City Planner/ Executive Director

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

SAH, Commissioner, Legal & Legislative Services

JR, Chief Administrative Officer

Approvals:

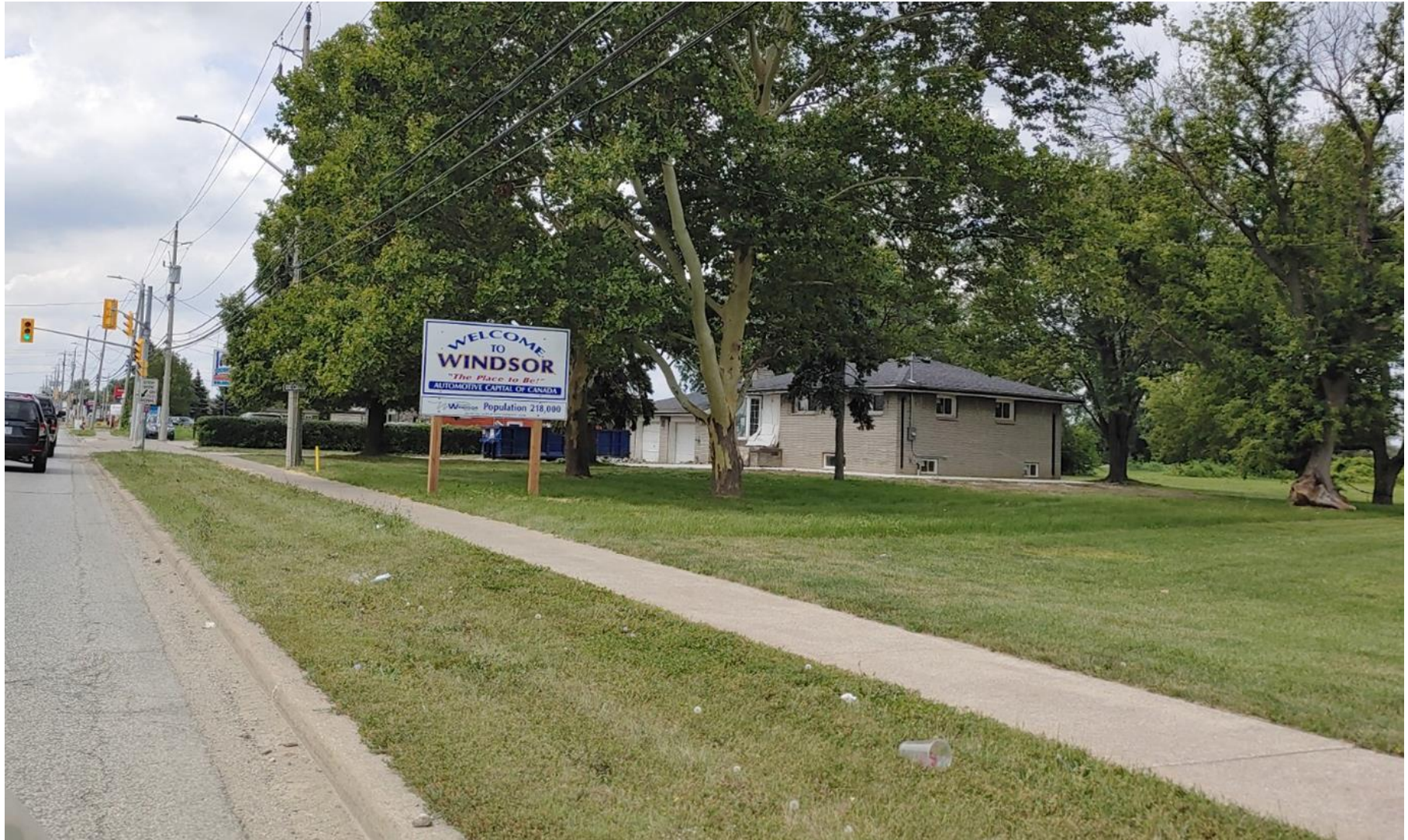
Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

Notifications:

Name	Address	Email
Abutting property owners and tenants within 120 meter (400 feet) radius of the subject land		
Neighbouring Municipality: Town of Tecumseh (c/o Brian Hillman)	Town Hall, 917 Lesperance Road, Tecumseh, ON, N8N 1W9	info@tecumseh.ca and bhillman@tecumseh.ca
Applicant: Maple Leaf Homes Ltd. (c/o Bruno Cacilhas)	1288 Hawthorne dr., Windsor ON N0R 1V0	Mapleleafhomes@live.ca
Agent: ADA Inc. Architect (c/o Tony Chau)	1670 Mercer Street, Windsor ON N8X 3P7	tchau@ada-architect.ca
Planning Consultant: Pillon-Abbs Inc. [c/o Tracey Pillon-Abbs]	23669 Prince Albert Rd., Chatham, ON N7M 5J7	tpillonabbs@gmail.com
Councillor Jeewen Gill	350 City Hall Square West - Suite 220, Windsor, ON, N9A 6S1	jgill@citywindsor.ca

Appendices:

- | | |
|--|--|
| 1 Appendix A, Site Photos | 6 Appendix E-2, Data for Concept Site Plan |
| 2 Appendix B, Excerpt from OP | 7 Appendix F, Excerpts from Reports and Studies submitted by applicant |
| 3 Appendix C, Excerpts from Zoning By-law 8600 | 8 Appendix G, DRAFT OPA 143 |
| 4 Appendix D, Consultations | 9 Appendix H - DRAFT Zoning By-law, Z-005-21 |
| 5 Appendix E-1, Concept Site Plan | |

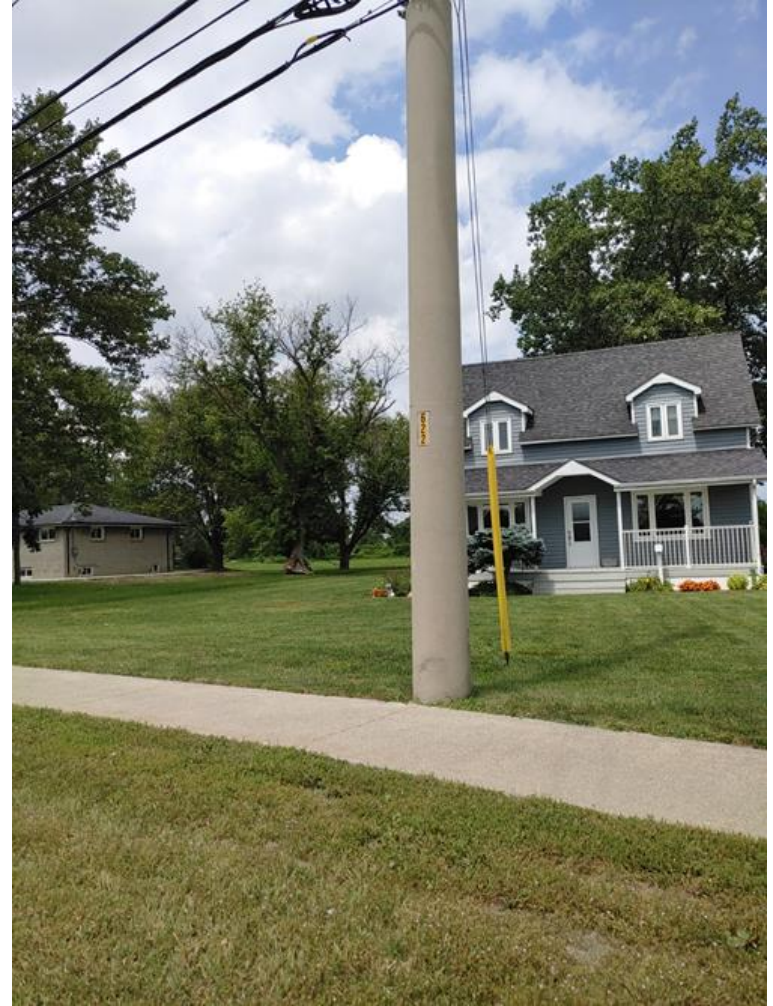


APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



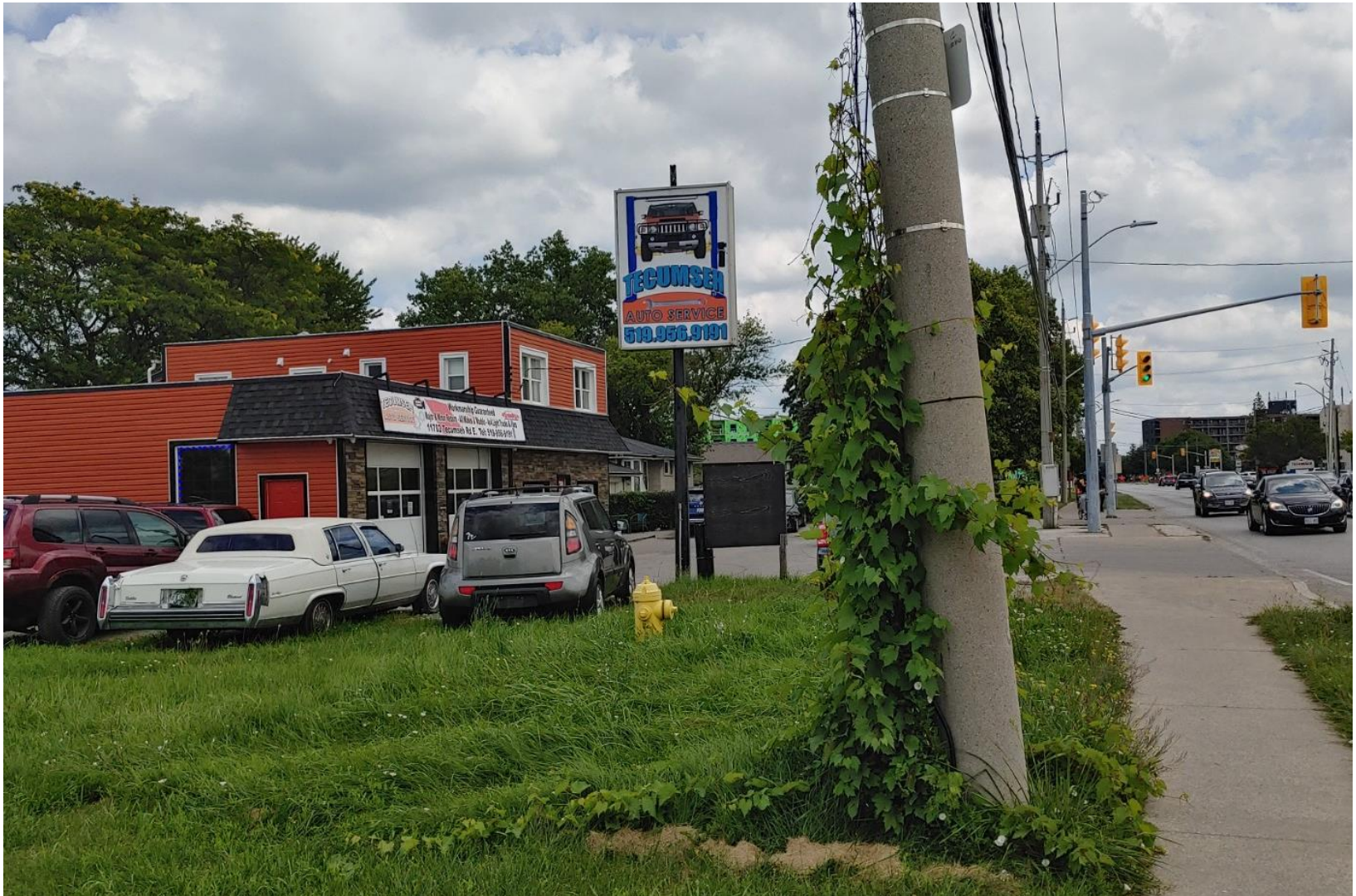
11744 Tecumseh Rd E.

These two are the remaining homes on the subject block between Banwell and the City's east limit



11788 Tecumseh Rd E.

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



11702 Tecumseh Rd E., abutting east of the subject land



VACANT SUBJECT LAND

Development & Heritage Standing Committee - March 7, 2022
Page 36 of 486

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



East wall of 11624 Tecumseh Rd E., abutting west of the subject land

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



West view of 11624 Tecumseh Rd E., abutting west of the subject land

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



Street view of Tecumseh Rd E. looking west of the subject land

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



View of Tecumseh Rd & Banwell intersection, from the subject land

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



Street view of Tecumseh Rd E. looking east from 11624 Tecumseh Rd E.

APPENDIX A – SITE PHOTOS – August 7, 2021 site visit Files Z-005/21 & OPA143



Street view looking east from the subject land

APPENDIX B – EXCERPTS FROM OFFICIAL PLAN VOLUME 1

OP Volume 1 – Primary Plan

6. Land Use

6.4 Employment

Employment lands provide the main locations for business and industrial activities. In order to strengthen Windsor's economy, meet the land and infrastructure needs of employment activities and address concerns over compatibility, employment land uses are provided under two designations on Schedule D as either Industrial or Business Park.

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

6.4.1 Objectives

<i>POSITIVE BUSINESS ENVIRONMENT</i>	6.4.1.1	To ensure Windsor continues to be an attractive place to establish businesses and locate employees.
<i>ASSESSMENT BASE</i>	6.4.1.2	To expand Windsor's assessment base by attracting employers and economic development.
<i>COMPATIBLE DEVELOPMENT</i>	6.4.1.3	To ensure that employment uses are developed in a manner which are compatible with other land uses.
<i>RANGE OF USES</i>	6.4.1.4	To accommodate a full range of employment activities in Windsor.
<i>SUPPORT SERVICES</i>	6.4.1.5	To enhance the quality of employment areas by providing for complementary services and amenities.
<i>ACCESSIBLE</i>	6.4.1.6	To locate employment activities in areas which have sufficient and convenient access to all modes of transportation.
<i>SUFFICIENT LAND SUPPLY</i>	6.4.1.7	To ensure that a sufficient land supply for employment purposes is maintained over the 20 year period of this Plan.
<i>INFRASTRUCTURE</i>	6.4.1.8	To ensure that adequate infrastructure services are provided to employment areas.
<i>VIABLE AREAS</i>	6.4.1.9	To maintain and develop viable industrial areas.

VISIBLE LOCATIONS 6.4.1.10 To provide highly visible and attractive locations for business park development.

COMPREHENSIVELY PLANNED 6.4.1.11 To promote comprehensively planned employment areas.

6.4.2 General Policies

SUFFICIENT SUPPLY 6.4.2.1 Council shall designate a sufficient supply of appropriately located Industrial and Business Park lands to meet the projected 20 year employment demands.

ATTRACT BUSINESS 6.4.2.2 Council shall encourage businesses and industries to locate and expand in Windsor.

CITY PARTICIPATION 6.4.2.3 Council shall facilitate economic investment by:

- (a) planning and developing Industrial and Business Park areas;
- (b) participating in the development or redevelopment of strategic areas of Windsor;
- (c) fostering public-private partnerships to facilitate economic development; and
- (d) other measures as may be appropriate.

SITE PLAN CONTROL 6.4.2.4 Council shall require all development within areas designated as Industrial and Business Park to be subject to site plan control, with the exception of Public Open Space uses.

HERITAGE CONSERVATION 6.4.2.5 Council shall encourage the conservation and adaptive reuse of historic and/or architecturally significant buildings within areas designated as Industrial or Business Park in accordance with the Heritage Conservation chapter of this Plan.

CONTAMINATED SITES 6.4.2.6 Council shall encourage the redevelopment of contaminated Industrial or Business Park sites in accordance with section 5.4.8 of the Environment chapter of this Plan.

AREAS IN TRANSITION 6.4.2.7 Council may support the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided:

- (a) the proponent can demonstrate that:

- HIGH QUALITY DESIGN*
- 6.4.2.8
- (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and
 - (ii) the redevelopment of the area is in keeping with the long term transition of the entire area to similar uses;
 - (b) the environmental conditions of the site do not preclude development (see Environment chapter); and
 - (c) subject to an amendment to this Plan that is consistent with the appropriate policies for the desired land use.
- Council shall require a high standard of architectural and landscape design for Industrial and Business Park designations adjacent to the Highway 401 corridor given its visibility along an international gateway, in accordance with the Urban Design chapter of this Plan. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

6.4.3 Industrial Policies

The Industrial land use designation provides for a broad range of industrial uses which, because of their physical and operational characteristics, are more appropriately clustered together and separated from sensitive land uses. This designation is also applied to certain older industrial areas of Windsor where such a separation may not have been achieved.

- PERMITTED USES*
- 6.4.3.1
- Uses permitted in the Industrial land use designation identified on Schedule D: Land Use include establishments which may exhibit any or all of the following characteristics:
- (a) large physical size of site or facilities;
 - (b) outdoor storage of materials or products;
 - (c) large production volumes or large product size;
 - (d) frequent or continuous shipment of products and/or materials;
 - (e) long hours of production and shift operations;
 - (f) likelihood of nuisances, such as noise, odour, dust or vibration;
 - (g) multi-modal transportation facilities;

*ANCILLARY
USES*

6.4.3.2

- (h) is dependent upon, serves or otherwise complements the industrial function of the area; and (amended by OPA #22 – 07/16/02)
- (i) service and repair facilities. (amended by OPA #22 – 07/16/02)

In addition to the uses permitted above, Council may also permit the following ancillary uses in areas designated as Industrial on Schedule D: Land Use without requiring an amendment to this Plan:

- (a) Open Space uses;
- (b) convenience stores and restaurants provided that:
 - (i) by their size the uses are designed to serve the employees in the Industrial area; and
 - (ii) the evaluation criteria of policy 6.5.3.7 are satisfied.
- (c) adult entertainment parlours provided that:
 - (i) such uses are a minimum of 150 metres from lands used or zoned for residential, institutional or open space purposes; and
 - (ii) the evaluation criteria of policy 6.5.3.7 are satisfied, with the exception of the requirement that the proponent demonstrate that market impacts on other commercial areas is acceptable.
- (d) Motor vehicle sales; club; athletic or sports facility; wholesale store; the sale of goods produced by an industrial use and accessory thereto; retail sale of building supplies and materials, home improvement products, nursery products. (amended by OPA #22 – 07/16/02)

*LOCATIONAL
CRITERIA*

6.4.3.3

Industrial development shall be located where:

- (a) the industrial use can be sufficiently separated and/or buffered from sensitive land uses;
- (b) there is access to an arterial road;
- (c) full municipal physical services can be provided;
- (d) industry related traffic can be directed away from residential areas;

- (e) peak period public transportation service can be provided;
and
- (f) there is access to designated truck routes.

6.9 Mixed Use

The lands designated as “Mixed Use” on Schedule D: Land Use provide the main locations for compact clusters of commercial, office, institutional, open space and residential uses. These areas are intended to serve as the focal point for the surrounding neighbourhoods, community or region. As such, they will be designed with a pedestrian orientation and foster a distinctive and attractive area identity.

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

6.9.1 Objectives

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

6.9.2 Policies

<i>PERMITTED USES</i>	6.9.2.1	Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.
<i>FORM OF MIXED USE AREAS</i>	6.9.2.2	For the purpose of this Plan, Mixed Use development is further classified as follows:

- (a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and
- (b) Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.

*LOCATIONAL
CRITERIA*

6.9.2.3

Mixed Use development shall be located where:

- (a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;
- (b) full municipal physical services can be provided;
- (c) public transportation service can be provided; and
- (d) the surrounding development pattern is compatible with Mixed Use development.

*EVALUATION
CRITERIA*

6.9.2.4

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development is:

- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
 - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
 - (ii) within a site of potential or known contamination;
 - (iii) where traffic generation and distribution is a provincial or municipal concern; and
 - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off street parking;

- (e) pedestrian oriented;
- (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (g) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

*DESIGN
GUIDELINES*

6.9.2.5

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

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment;
- (c) at least one building wall should be located on an exterior lot line and oriented to the street to afford direct sidewalk pedestrian access from the public right-of-way;
- (d) permanent loading, service and parking areas should be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the public right-of-way or within a Mixed Use area;
- (e) mid-block vehicular access to properties is generally discouraged and is encouraged via a rear yard service road or alley;
- (f) parking areas shall be encouraged at the rear of buildings;
- (g) safe and convenient pedestrian access between buildings and public transportation stops, parking areas and other buildings and facilities should be provided;
- (h) the development is designed to foster distinctive and attractive area identity;
- (i) the public rights-of-way are designed to foster distinctive and attractive area identity and to provide for vehicle use, regular public transportation service as well as pedestrian and cycling travel; and
- (j) integration of the development with the surrounding uses to contribute to the unique character of the area.

*SITE PLAN
CONTROL*

6.9.2.6

Council will require all development within areas designated Mixed Use to be subject to site plan control.

*REDUCED
PARKING
REQUIREMENT*

6.9.2.7

Council may establish off street parking standards to reflect public transportation supportive designs or shared parking arrangements in Mixed Use developments.

7.2.8 Rail Zoning By-law Amendment Policies

DEVELOPMENT
ADJACENT TO A
CORRIDOR

7.2.8.8 Council shall evaluate a proposed development adjacent to a Rail Corridor, in accordance with the following:

- (a) All proponents of a new development within 300 metres of a rail corridor, may be required to complete a noise study to support the proposal, and if the need for mitigation measures is determined by such study, shall identify and recommend appropriate mitigation measures, in accordance with the Procedures chapter of this Plan;
- (b) All proponents of new development, located within 75 metres of a rail corridor, shall complete a vibration study to support the proposal, and if the need for mitigation measures is determined by such study, shall identify and recommend appropriate mitigation measures, in accordance with the Procedures chapter of this Plan;
- (c) All proponents of new development adjacent to a rail corridor will consult with the appropriate railway company prior to the finalization of any noise or vibration study required by this Plan;
- (d) All proponents of new development abutting a rail corridor shall incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Municipality, in consultation with the relevant public agency and the appropriate railway company.

11.6.3 Zoning By-law Amendment Policies

AMENDMENTS
MUST CONFORM

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

EVALUATION
CRITERIA

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

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

APPENDIX C – EXCERPTS FROM ZONING BY-LAW 8600

SECTION 18 - MANUFACTURING DISTRICTS 1. (MD1.)

18.2 MANUFACTURING DISTRICT 1.2 (MD1.2)

18.2.1 PERMITTED USES

- Ambulance Service

Building Materials Recycling Store

Bulk Storage Facility

Business Office

Contractor's Office

Equipment Rental Shop

Food Catering Service

Food Processing Facility

Laundry Plant

Manufacturing Facility

Medical Appliance Facility

Micro-Brewery

Public Parking Area

Repair Shop - Heavy

Repair Shop – Light

Self-Storage Facility

Towing Service

Warehouse

Water Transportation Facility

Welding Shop
- Any of the following *Ancillary Uses*:
- Automobile Sales Lot

Car Wash Automatic

Car Wash Coin Operated

Club

Food Outlet - Drive-through

Food Outlet - Take-out

Gas Bar

Health Studio

Restaurant

Restaurant with Drive-through

Retail Store – Equipment & Supplies

Veterinary Office

Wholesale Store
- Any of the following *Existing Uses*:
- Transport Terminal
- Any use accessory to any of the above uses, including a *Caretaker’s Residence* or a *Retail Store*

18.2.3 PROHIBITED USES

Outdoor storage of *aggregate*

18.2.5 PROVISIONS

- .4

Building Height – maximum

14.0 m

.5

Front Yard Depth – minimum

6.0 m

.7

Side Yard Width – minimum

a)

From a *side lot line* that abuts a *lot* on which a *dwelling* or *dwelling unit* is located

6.0 m

b)

From an *exterior lot line*:

3.0 m

.8

Landscaped Open Space Yard – minimum

15.0% of *lot area*

.10

Gross Floor Area – *Retail Store* – maximum

25.0% of the *GFA* of the *main building*

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

12.1.1 PERMITTED USES

<i>Double Duplex Dwelling</i>	<i>Residential Care Facility</i>
<i>Duplex Dwelling</i>	<i>Semi-Detached Dwelling</i>
<i>Lodging House</i>	<i>Single Unit Dwelling (Existing)</i>
<i>Multiple Dwelling</i>	<i>Townhome Dwelling</i>
<i>Religious Residence</i>	Any use accessory to any of the preceding uses

12.1.5 PROVISIONS

- .1 Lot Frontage – minimum 18.0 m
- .2 Lot Area – minimum
For a *corner lot* having a minimum frontage of 30.0 m on each of the *exterior lot lines*:
 - a) For the first 5 *dwelling units* 540.0 m²
 - b) For each additional *dwelling unit* 67.0 m² per unitFor any other *lot*:
 - c) For the first 4 *dwelling units* 540.0 m²
 - d) For each additional *dwelling unit* 85.0 m² per unit
- .3 Lot Coverage – maximum 35.0%
- .4 Main Building Height – maximum
 - Corner Lot* 14.0 m
 - Interior Lot* 10.0 m
- .5 Front Yard Depth – minimum 6.0 m
- .6 Rear Yard Depth – minimum 7.50 m
- .7 Side Yard Width – minimum
 - a) Where a *habitable room window* of any *dwelling unit* faces a *side lot line* 6.0 m
 - b) Any other side yard 3.0 m
- .8 Landscaped Open Space Yard – minimum 35.0% of *lot area*
- .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*. [ZNG/5630]
- .55 A *Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling* having a maximum of 4 *dwelling units, Semi-Detached Dwelling* or *Townhome Dwelling*, or an addition to an *existing Single Unit Dwelling*, and any use accessory thereto, shall comply with the provisions of Section 11.2.5.

APPENDIX D: CONSULTATIONS TABLE

Comments from Municipal Departments & External Agencies

ASSESSMENT MANAGEMENT OFFICER – Mejalli, March 30, 2021

No objection to the proposed land use designation change of the subject roll# from Industrial to Residential; to amend the zoning to permit a 7-storey residential building (Condo development) with 90 residential units dwellings.

CANADA POST - Bruno DeSando, March 31, 2021

Canada Post comments are found on pages 6 & 7 of this document.

ENBRIDGE GAS (Operating as UNION GAS) *Analyst Land Support* – Barbara M.J. Baranow, March 30, 2021

It is Enbridge Gas Inc.'s (operating as Union Gas) 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.

ENBRIDGE GAS - Construction & Growth - *Drafter/Estimator* – Gord Joynson, March 30, 2021

After reviewing the provided drawing at 11646 Tecumseh Rd E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

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

Enbridge Gas requires a minimum separation of 0.3m from all of our plant. 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.



Enbridge Gas pdf drawing

ENGINEERING - DEVELOPMENT, PROJECTS & ROW – Robert Crescenzi & Pat Winters, April 13, 2021

The subject lands are located at 11646 Tecumseh Road East, designated “Industrial” by the City of Windsor Official Plan and zoned Manufacturing District 1.2 (MD1.2) by Zoning By-Law 8600. The Applicant is proposing to change the land use designation from Industrial to Residential on the Official Plan and to change the zoning of the subject property from MD1.2 to RD3.1 to permit a 7-storey residential building (condo development) with 90 residential units. This department has previously provided comments on the proposed development under SPC002/21. Our comments remain consistent with those previously provided, which are included below for reference.

The site may be serviced by a 750mm concrete pipe storm sewer and a 375mm PVC sanitary sewer within Tecumseh Road East right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. Boulevard to be restored to the satisfaction of the City Engineer. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan completed in accordance with the regional guidelines are required. There is also an open ditch bordering the north property line of the site.

Tecumseh Road East is classified as a Class 2 Arterial road requiring a 38m ROW width according to Schedule X. The current ROW width is 36.6m. However, this property is within the limits of the previously completed Tecumseh Road East Improvements Class Environmental Assessment Study which does not identify a need for land conveyance, therefore none is required.

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

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

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

Redundant Curb Cuts – The owner agrees to remove and replace the redundant curb cut on Tecumseh Road with full height curb to the satisfaction of the City Engineer.

Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

If you have any further questions or concerns, please contact Robert Crescenzi, of this department by email at rcrescenzi@citywindsor.ca.

ENWIN UTILITIES (Hydro Engineering) – Technical Services Dispatch, April 13, 2021

Hydro Engineering: No Objection. However, ENWIN has an existing overhead distribution in the right of way along the south property boundary that include 27.6kV primary distribution and 120/240V & 600/347V secondary distribution. We recommend referring to the Occupational Health and Safety Act (Ministry of Labour) and the Building code to ensure that safe limits of approach and minimum clearance requirements are achieved both during and after construction.

ENWIN UTILITIES (Water Engineering) – Technical Services Dispatch, April 13, 2021
Water Engineering Has No Objections.

ESSEX REGION CONSERVATION AUTHORITY (ERCA) – Vitra Chodha, April 12, 2021

See comment on pages 8 & 9 of this document.

HERITAGE PLANNER– Tang Tracy, on behalf of Kristina Tang, April 20, 2021

No supporting information required.

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

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

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

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

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

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

mstaaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

LANDSCAPE ARCHITECT – Stefan Fediuk, April 30, 2021

The Landscape Architect does not object to the rezoning from Industrial MD1.2 to Residential RD3.1. From a climate change and over-intensification perspective, the landscape architect supports the Planner's comments and does not support the site specific proposed reductions in landscape area and setbacks.

In addition, the Development Proposal in Section 3.1 of the Planning Rationale Report recognizes the existing trees along the north property boundary adjacent to the railway line, and appears to preserve the healthy trees. It is recommended that the applicant be required to preserve the 2 Burr Oak (Trees #4 & 9) along the north property boundary, as well as one large Red Maple (Tree #6) near the east property boundary, as identified on the Tree Preservation Plan provided with this application.

MANAGER OF POLICY & REGULATORY SERVICES - Barbara Rusan, April 16, 2021

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca.

TRANSIT WINDSOR – Jason Scott, March 31, 2021

Transit Windsor has no objections to this development. The closest existing transit route is with our Lauzon 10. The closest existing bus stop is located on Banwell at Tecumseh NE Corner. This bus stop is approximately 240 metres away from this property falling within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our Council approved Transit Master Plan as the current route is a one way loop where as the plan will introduce two way conventional transit service. Transit Windsor is pleased to see the building at the road, which will help promote active transportation, such as transit, by reducing the walking distance.

TRANSPORTATION PLANNER – Rania Toufeili, April 20, 2021

- The Official Plan classifies Tecumseh Road East as a Class II Arterial Road. The current right-of-way is sufficient as per the Tecumseh Road Environmental Assessment and Schedule X.
- The applicant will be responsible to remove any redundant curb cuts and accesses along the Tecumseh Road frontage.
- All new 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).
- Comments on the TIS will be provided to the planner in a separate memo.

TRANSPORTATION PLANNING (Comment on Applicant's Transportation Impact Study (TIS)) – Jeff Hagan (Transportation Planning Senior Engineer) & Rania Toufeili (Transportation Planner) April 20, 2021

We have reviewed the transportation impact study report for the above-noted application ("11646 Tecumseh Road East Transportation Impact Study" dated January 2021, by RC Spencer Associates).

Detailed comments are as follows:

1. **Overall:** The report establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network without off-site improvements.
2. ~~**Author:** The author of the TIS is not identified and the TIS is not stamped. The author of the TIS should be identified. The TIS should be signed and stamped by the professional engineer taking professional responsibility for its contents.~~ *[This matter has been resolved].*
3. **Parking Deficiency:** 113 parking spaces are required for this proposal as per the City of Windsor Zoning By-Law 8600. This proposal plans to provide 90 parking spaces to serve the development. The following information is required:
 - a. The study states that "based on local observations and proxy site studies, a 1:1 parking supply ratio should adequately accommodate the proposed higher-density mid-rise dwelling". The related studies and information must be provided to support this statement and the proposed parking reduction.
 - b. The study justifies the reduction in parking supply ratio as a means to encourage active transportation. Recommendations must be provided on how active transportation will be promoted or enhanced with this proposed development. Potential recommendations for this proposal include; secure bike parking and providing a bike room, a connection to the multi use trail off of Banwell Road, and promoting transit ridership within the area serving this development.

VIA Rail Canada – John Walsh, P.Eng., August 9, 2021

VIA is not enthused about the introduction of a new high-density residential development abutting our busy railway corridor due to the obvious incompatibility. New industrial, commercial or manufacturing would be our preferred adjacent land uses.

We acknowledge the pressure for the expansion of new residential development in urban areas throughout Ontario. As a result the major Railways developed appropriate noise, vibration and safety mitigation measures due to such pressures and historically defended their implementation at the OMB throughout Ontario, including Windsor.

Any new residential development would be expected to address noise, vibration and safety measures to both the Municipality's and the Railway's satisfaction. Should the City of Windsor propose to approve the residential land use applications, VIA requests that the Zoning Amendment include our 30m building setback requirement, especially in the event that neighbouring lands may seek similar Amendments in the future. The Official Plan Amendment should include wording that compels the proponent to have regard for railway noise, vibration and safety measures when adjacent to railway corridors. I believe such provisions may already exist for other locations within the City of Windsor. I trust the above clarifies VIA's concerns.



CANADA POST
955 Highbury Ave N
London ON N5Y 1A3
CANADAPOST.CA

POSTES-CANADA
955 Highbury Ave N
London ON N5Y 1A3
POSTESCANADA.CA

March 31, 2021

JUSTINA NWAESEI
CITY OF WINDSOR
350 CITY HALL SQUARE WEST, ROOM 210
WINDSOR ON N9A 6S1

Re: File No.: Z-005/21 & OPA 143

Dear Justina,

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.

Regards,

Bruno DeSando

Bruno DeSando
CANADA POST CORPORATION
Delivery Planning
955 Highbury Avenue
LONDON ON N5Y 1A3
tel: 519-494-1596
fax: 519-457-5412
e-mail: bruno.desando@canadapost.ca



ADDRESSING AND DELIVERY PLANNING
CANADA POST CORPORATION
CANADAPOST.CA

ADRESSAGE ET PLANIFICATION DE LA LIVRAISON
SOCIÉTÉ CANADIENNE DES POSTES
POSTESCANADA.CA

Lock-Box Assembly Requirements

The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:
https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

Compartments Size

- Horizontal lock-box models used in mailrooms must have the following minimums:
 - o Residential compartments must be at least 12.5 x 13.5 cm
 - o Commercial compartments at least 13.5 x 30.5 cm
 - o Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

Heights

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

Rear-loading Lock-boxes

- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

Access

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

Numbering

- Compartments should be numbered vertically and left to right on the delivery side of the boxes

101	109	207	
102	110	208	
103	201	209	→
104	202	210	
105	203	301	→
106	204	302	
107	205	303	
108	206	304	→

Grade-level Components

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

Essex Region Conservation

the place for life



planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 12, 2021

Ms. Justina Nwaesei, Senior Planner – Subdivisions
City of Windsor, Development Services
350 City Hall Square West
Windsor, Ontario, N9A 6S1

Dear Ms. Nwaesei:

RE: Application for Official Plan Amendment OPA 143 [OPA 6324]
and Zoning By-Law Amendment Z-005-21 [ZNG 6323]
11646 TECUMSEH RD E
ARN 373907073005850; PIN: 015970358
Applicant: THE LALLY GROUP LTD

The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 143 [OPA 6324], and Zoning By-Law Amendment Z-005-21 [ZNG 6323] for a proposed 7 storey condominium.

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

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

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

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.



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

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

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

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment and Official Plan Amendment.

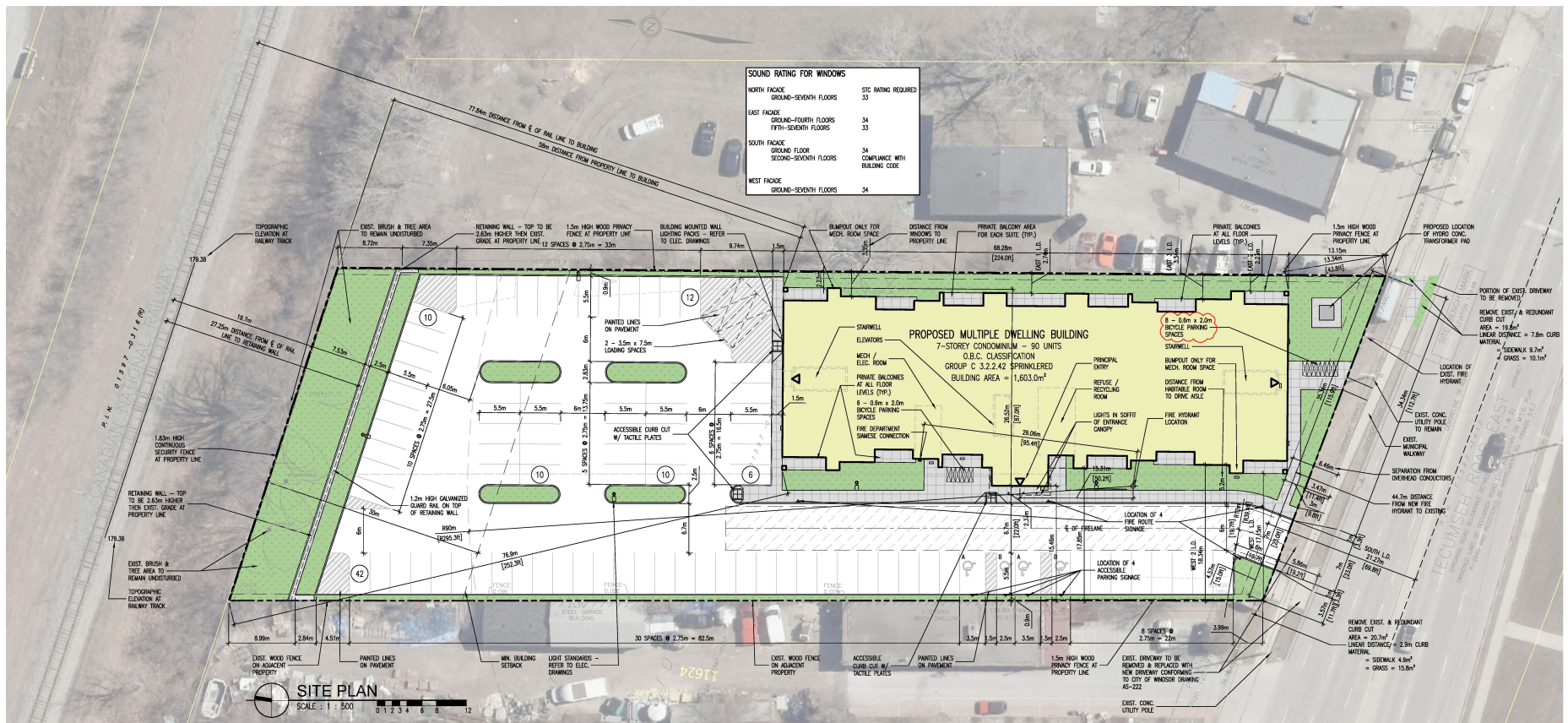
If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Vitra Chodha
Resource Planner
/vc





ITEM	SITE DATA MATRIX				OBC REFERENCE	
1	PROJECT DESCRIPTION <input checked="" type="checkbox"/> NEW PROPOSED 7 STOREY MULTI DWELLING BUILDING – CONDO WITH 90 UNITS <input type="checkbox"/> ADDITION <input type="checkbox"/> ALTERATION <input type="checkbox"/> CHANGE OF USE				<input checked="" type="checkbox"/> PART 3 <input type="checkbox"/> PART 9 <input type="checkbox"/> PART 11	
2	ZONING DESIGNATION:		MD1.1 – TO BE REZONED			
3	EXISTING LAND USE:		NONE – CURRENTLY VACANT			
4	MAJOR OCCUPANCY(S):		PROPOSED MULTI-DWELLING			
5	BUILDING CLASSIFICATION:		GROUP C, DIVISION N/A 3.2.2.42			
6	SITE AREA		BUILDING AREA		GROSS AREA	
	EXISTING:	6,258.8 m ²	EXISTING:	N/A	EXISTING:	N/A
	PROPOSED:	6,258.8 m ²	PROPOSED:	1,603.0 m ²	PROPOSED:	11,026.5 m ²
	TOTAL:	6,258.8 m ²	TOTAL:	1,603.0 m ²	TOTAL:	11,026.5 m ²
7	LOT COVERAGE		MINIMUM LOT WIDTH		BUILDING HEIGHT	
	MAXIMUM:	N/A	REQUIRED:	N/A	MAXIMUM:	N/A
	PROVIDED:	25.6 %	PROVIDED:	44.5 m	PROVIDED:	24.9 m
8	MINIMUM FRONT YARD DEPTH		MINIMUM REAR YARD DEPTH		MINIMUM SIDE YARD DEPTH	
	REQUIRED:	XXX.X m	REQUIRED:	XXX.X m	MAXIMUM:	XXX.X m
	PROVIDED:	3.0 m	PROVIDED:	58.0 m	PROVIDED:	2.23 m
9	PARKING		BICYCLE SPACES		LOADING SPACES	
	USE CLASSIFICATION:		EXISTING: N/A		EXISTING: N/A	
	EXISTING:	N/A	PROPOSED:	6 SPACES	PROPOSED:	2 SPACES
	PROPOSED:	90 SPACES	REQUIRED:	6 SPACES	REQUIRED:	2 SPACES
	REQUIRED:	90 SPACES	TOTAL:	6 SPACES	TOTAL:	2 SPACES
	TOTAL:	90 SPACES				
10	LANDSCAPED AREA		CURBING LENGTH		SCREENING FENCE LENGTH	
	EXISTING:	N/A	EXISTING:	N/A	EXISTING:	0.0 m
	PROPOSED:	1,548.4 m	PROPOSED:	338.9 m	PROPOSED:	158.6 m
	TOTAL:	1,548.4 m	TOTAL:	338.9 m	TOTAL:	158.6 m
<p><i>Should archaeological deposits be found during construction activities, all work in the area must stop immediately and the City's Manager of Cultural Affairs and the Ontario Ministry of Tourism, Culture and Sport must be notified, and clearance given by the Ministry.</i></p> <p><i>In the event that human remains are encountered during construction, 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 Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer Services must then be notified, and clearance be given by the Ministry of Tourism, Culture and Sport.</i></p> <p><i>A building shall not be located beneath existing above ground electrical conductors. Where a building is to be constructed in proximity to above ground electrical conductors, horizontal clearances between buildings and conductors shall comply with Subsection 3.1.19. of the Ontario Building Code.</i></p>						

Excerpts from Reports / Studies received from the Applicant.

A. STORM WATER MANAGEMENT REPORT by Aleo Associates Inc., Jan 21, 2021

The proposed development has a drainage area of 5,866 m² (0.59 ha). The site drainage will discharge to the existing 750 mm diameter storm sewer located within the grass boulevard on the south side of Tecumseh Road East. The developed runoff coefficient for the stormwater management boundary area is 0.83 for both the 1:2 year and 1:100 year storm events.

We have carried out storm detention design for a 1:2 year and 1:100 year frequency storm event. The pre-development runoff coefficient was taken to be 0.25. The release rate from the site for both design storms is being restricted to the 1:2 year allowable discharge rate which is 23.6 L/s. The development flow will be restricted by a 100 mm diameter orifice installed on the 200 mm diameter storm outlet.

Storage has been provided above the catch basins on the surface of the asphalt paved parking lot, and within storm sewer pipe and structures. However, storage for the 1:2 year storm event will occur exclusively underground in storm pipe and structures. Please see the attached calculations showing the storage provided. The 1:2 year and 1:100 year storage elevations are 178.45 m and 178.66 m, respectively. The 1:100 year storage elevation is more than 0.3 m below the proposed floor elevation of 179.05 m. A total volume of 67 m³ is required to be stored for the 1:2 year storm and 69 m³ has been provided. A total volume of 211 m³ is required to be stored for the 1:100 year storm and 215 m³ has been provided.

Stormwater quality control is being accomplished by installing tee traps in all new catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system. Trapped oil and sediments will be removed during routine catch basin cleaning.

B. VIBRATION REPORT by Akoustik Engineering Limited, Jan 11, 2021

Purpose:

condominium development at 11646 Tecumseh Road East, in the City of Windsor. The purpose of this study is to measure and report the ground-borne vibration levels resulting from the nearby railroad line on the proposed residential building. The revision reflects the updated location of the

Rail Vibration Criteria

There are no MECP guidelines for rail vibration limits on proposed sensitive land uses. Instead, the applicable guidelines for rail vibration impacts are given in the 2013 document published by the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC), "Guidelines for New Development in Proximity to Railway Operations". From this, the overall vibration levels from the railway operations should not exceed 0.14 mm/s RMS, measured minimally between the frequency range of 4 Hz and 200 Hz, on and above the first floor of the residential dwelling.

Given that the proposed building has not been constructed, the measurements are conducted on the ground at the perimeter of the proposed building nearest to the rail right-of-way. The 0.14 mm/s RMS limit is based on the threshold limit for human perception of ground-borne vibration and is intended to ensure that vibration levels from the passing trains will not cause discomfort to the building occupants.

Conclusion

A vibration assessment of the nearby rail line operations, consisting of ground-borne vibration measurements, was carried out for the proposed 7-story residential condominium development to be located at 11646 Tecumseh Road East, in the City of Windsor. The measured vibration data has demonstrated that the ground vibration levels due to rail traffic on the nearby CP rail line do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada's criteria of 0.14 mm/s RMS velocity. Given that the measured vibration levels are within compliance to the guideline, and that vibration abatement is not required to reduce the vibration levels at the proposed development, it is recommended that the development be given approval with respect to vibration impacts from the CN/VIA rail line.

C. NOISE STUDY by JJ Acoustic Engineering Ltd., dated Jan. 11, 2021; updated Sep. 18, 2021

The Study was prepared consistent with Ontario Ministry of the Environment, Conservation and Parks (MOECP) NPC 300, "Environmental Noise Guideline, Stationary and Transportation Sources—Approval and Planning" dated August 2013.

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

RECOMMENDED NOISE WARNING CLAUSES IN SECTION 6 OF THE STUDY

Warning Clause C: "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Warning Clause D: "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Warning Clause E: VIA Rail Canada Inc. or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings(s). VIA will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Indoor Living Areas – Building Components (NPC 300, Section C7.1.3)

6. Recommendations

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

- Warning Clause Type C for the South Façade from Levels 2 to Levels 7.
- Warning Clause Type D for all other façades and floors.
- Warning Clause Type E for all units within the building.
- Requirement for Air Conditioning for the entire building.
- A minimum of STC 34 windows for all windows on the North, East and West Facades as well as Level 1 on the South Façade.

These have been summarized in Attachment B under Table B1.

JJAE reviewed the noise impacts from the neighboring buildings and determined the noise impact to be below the NPC 300 requirements. Furthermore, JJAE reviewed the noise impact from the neighboring mechanic garage next door to the Site. JJAE had measured data for a similar sized mechanical garage on a previous project and added this data to our model. The data showed that with the garage door of the mechanic shop closed the noise impact was below the NPC 300 requirements and therefore, no further mitigation measures were required. Typically, these types of facilities operate with the garage door closed to minimize noise impacts as well as maintain temperate control. If the facility needs to operate with the garage door opens during hot days to minimize heat inside the garage space, an agreement should be made between the Site owner, the City, and the owner of the mechanic shop (called a Tri-party agreement) to have air conditioning installed at each of the garage locations (front and back locations) to ensure the garage doors remain closed. This process should be done at Site Plan and can be further discussed in the addendum reviewing the Site's mechanical equipment.

7. Conclusions

The results of this Study indicate that the potential environmental impact from road and rail traffic sources are significant. Mitigation measures will be required including ventilation requirements, special building components and noise warning clauses for each unit as summarized above.

D. TRAFFIC INFORMATION STUDY by RC Spencer Associates, Jan 2021

Purpose:

The purpose of this study is to examine the implications of the proposed development on traffic operations in the area, particularly on Tecumseh Road East and its signalized intersection with Banwell Road. The study will also assess the need for geometric or traffic control improvements at area intersections.

Conclusion:

Using recently obtained turning movement counts and applying industry-standard trip generation and distribution methodologies, an analysis was completed to quantify the development's impact on area traffic operations. Site generated traffic volumes were applied to all horizon scenarios; area background traffic was increased by 2% per year for the 2025 and 2030 horizon years. Upon completion of the analysis, it was concluded that:

- The signalized intersection of Banwell Road at Tecumseh Road East is currently performing satisfactorily; in all peak hour traffic scenarios, it is anticipated that the intersection will exhibit an overall LOS C; the effect of site generated traffic is nominal;
- The proposed stop-controlled intersection of the site access at Tecumseh Road East will operate satisfactorily into the future; even in the most critical traffic scenario, adequate storage is provided on-site, so it is anticipated that a single egress lane will sufficiently accommodate the projected traffic demand;
- The intersection of the Metro Access at Tecumseh Road East is operating at very good levels of service; this is expected to continue in all horizon scenarios;
- There is sufficient sight distance for safe egress from the proposed site access;
- The developer's proposed 1:1 parking supply ratio is in line with provincial trends aiming to encourage increased active transportation and transit use; however, the developer should ensure that appropriate active transportation infrastructure is integrated into the final site plan to support and encourage non-auto modes of travel.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development, as presented, will not adversely affect area traffic operations.

E. **SPECIES AT RISK IMPACT ASSESSMENT**, by Insight Environmental Solutions Inc, Jan 2020

This report provides an overview of the existing site conditions and applicable *Endangered Species Act* (ESA), 2007 policies, identifies any environmental constraints and opportunities, and provides recommendations with respect to the proposed project. The goal of this report is to attain the Ministry of the Environment, Conservation and Parks (MECP) Species at Risk Branch (SARB)'s review of the project documentation to ensure that the project is not likely to contravene Section 9 (Species Protection) or Section 10 (Habitat Protection) of the ESA 2007.

5.0 MITIGATION TO AVOID IMPACTS

The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation. The various mitigation measures are further discussed below.

5.4 SPECIES AT RISK SNAKE MITIGATION

1. All on-site personnel must be made aware of the potential presence of SAR snakes, including Eastern Foxsnake, Massasauga and Butler's Gartersnake.
2. A construction barrier fence and/or a sediment and erosion control fence must be installed before any construction activity is to occur to ensure no harm to the natural system and to exclude snakes from the construction zone.
3. Specific features such as rotting logs or stumps, piles of organic material (such as compost, sawdust, or woodchips), rock piles, brush piles, and dump sites are likely to provide habitat functions for SAR snakes in the project area. If any of these features are found to occur, they must be protected from all disturbances that would result in damage or destruction of their habitat functions.
4. The development footprint should be visually marked with flagging tape to avoid encroachment into natural features.
5. Construction machinery and equipment that is left idle for over 1 hour or is parked overnight on the property between April 1st to November 30th must be surveyed for the presence of Eastern Foxsnake before (re)ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear.
6. Any SAR individual that is present on the property should be reported to the Ministry of Environment, Conservation and Parks (MECP) within 48 hours of the observation or the next working day, whichever comes first.
7. If an Eastern Foxsnake, Massasauga or Butler's Gartersnake is incidentally encountered, the snake must be allowed to disperse from the project site under its own ability, and project machinery and equipment must maintain a minimum operating distance of 30 meters from the individual. MECP must be contacted if this cannot be done.
8. If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container maintained at an appropriate temperature and MECP staff must be contacted immediately.

6.0 CONCLUDING STATEMENT

Based on the results of this SAR Impact Assessment the following conclusions are presented:

1. The proposed project at 11646 Tecumseth Road East, Essex County, Windsor, Ontario.
2. The project proposes to construct a seven-story condominium building consisting of 90 units with the associated servicing and parking.
3. the subject property does not support any natural heritage features nor do any natural heritage features exist within 120m of the subject property.
4. Review of the literature and available data suggests that the only SAR that has potential to occur within the vicinity of the subject property based on available habitats is Eastern Foxsnake.
5. The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation.

Based on Species at Risk information gathering efforts conducted by IES it is argued that the project is not likely to contravene Section 9 or Section 10 of the ESA 2007. The proposed development will have no impact on any Endangered or Threatened species or their habitat if the mitigation measures stated in this report are implemented during construction activities.

APPENDIX G

DRAFT

AMENDMENT NO. 143

TO THE

OFFICIAL PLAN

CITY OF WINDSOR

Part D (Details of the Amendment) of the following text, and attached map of the City of Windsor Official Plan constitute Amendment No. 143.

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

A. PURPOSE:

The purpose of this recommended amendment is to allow residential use on the subject land by converting the employment land to a non-employment designation that would permit residential use and allow the development of a multi-storey, multi-unit dwelling on the subject land.

B. LOCATION:

The amendment applies to the land generally described as located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road East.

Ward: 7

Planning District: Forest Glade

ZDM: 15

C. BACKGROUND:

The subject land is designated Industrial in the land use schedule of the Official Plan Vol. 1. *Residential use* is not listed as a permitted use or permitted ancillary use in the subject land use designation.

The applicant proposes to change the land use designation of the subject land from Industrial to Residential to allow *Residential use* as an additional permitted use on the land. A 7-storey residential building (Condo development) with 90 residential units is proposed on the subject land. However, after a detailed planning review of the supporting documents and relevant policies, it was determined that a Mixed Use designation would be more appropriate for the subject land in the subject area.

The recommended amendment seeks to change the land use designation from Industrial to Mixed Use designation to permit *residential use* as additional permitted use on the subject land. The recommended amendment will allow the development of commercial use(s) at street level, while accommodating residential units above commercial uses or, alternatively, above grade at the rear of the commercial use(s).

D. DETAILS OF THE AMENDMENT:

THAT the City of Windsor Official Plan Volume I – Primary Plan **BE AMENDED** by changing the land use designation of the land located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E. from INDUSTRIAL to MIXED USE.

E. IMPLEMENTATION:

- i. Amend Schedule D: Land Use, in Volume 1: The Primary Plan to add OPA #143.

- ii. This amendment shall be implemented through amendment to the Zoning By-law 8600 as recommended in Report Number S xxx/2021 (Z-005/21; ZNG-6323).
- iii. Site Plan Control shall be an additional implementation tool for this Official Plan Amendment (OPA #143).

APPENDIX I

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

A public meeting of the Development & Heritage Standing Committee (DHSC), the statutory meeting, was held on (insert date later). Below is an extract from the minutes of the meeting.

Following the (insert date later) DHSC meeting, another public meeting (Council meeting) was held on (insert date later) as noted below.

COUNCIL MEETING: (insert date later)

A meeting of City Council was held on (insert date later), at which time the Official Plan Amendment application was considered along with the accompanying Zoning By-law Amendment application (File No. Z-005/21; ZNG/6232). The recommended OPA #143 was (insert Council decision) by CRxxx/2022, and the recommended amendment to the zoning by-law was (insert Council decision), by the same CRxxx/2022.

SCHEDULE D



APPENDIX H

BY - LAW NUMBER -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 Zoning By-law 8600 **BE AMENDED** by adding the following zoning district to Section 16:

16.10 COMMERCIAL DISTRICT 3.10 (CD3.10)

16.10.1 PERMITTED USES

- | | |
|-----------------------------------|--|
| <i>Business Office</i> | <i>Personal Service Shop</i> |
| <i>Child Care Centre</i> | <i>Place of Entertainment and Recreation</i> |
| <i>Commercial School</i> | <i>Place of Worship</i> |
| <i>Food Outlet - Take-Out</i> | <i>Professional Studio</i> |
| <i>Hotel</i> | <i>Public Hall</i> |
| <i>Medical Office</i> | <i>Repair Shop - Light</i> |
| <i>Medical Appliance Facility</i> | <i>Restaurant</i> |
| <i>Micro-Brewery</i> | <i>Retail Store</i> |
- 9 or more dwelling units in a Combined Use Building with any of the above uses*
- Multiple Dwelling with 9 or more dwelling units*
- Residential Care Facility*
- Any use accessory to any of the above uses. An *Outdoor Storage Yard* is prohibited.

16.10.5 PROVISIONS

- | | | |
|-----|---|--------------------------|
| .1 | Lot Frontage – minimum | 18.0 m |
| .2 | Lot Area – minimum | |
| | For a <i>building</i> containing only non-residential uses | 400.0 m ² |
| | For each <i>dwelling unit</i> | 85.0 m ² |
| .4 | Building Height – maximum | 20.0 m |
| .8 | Landscaped Open Space Yard – minimum | 30.0% of <i>lot area</i> |
| .15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto, shall be located above the non-residential uses. | |
| .16 | A <i>Multiple Dwelling</i> shall be located above grade, at the rear of non-residential use. | |
| .17 | Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited. | |
| .20 | Building Setback – minimum | |
| | a) From an <i>exterior lot line</i> abutting Tecumseh Road East, for that part of the building having a <i>building height</i> of 10.0 m or less | 0.0 m |
| | b) From an <i>exterior lot line</i> abutting Tecumseh Road East, for that part of the building having a <i>building height</i> of more than 10.0 m: | 6.0 m |
| | c) From an <i>interior lot line</i> where a habitable room window faces the <i>interior lot line</i> | 6.0 m |
| | d) From an <i>interior lot line</i> where a habitable room window does not face the <i>interior lot line</i> | 3.0 m |
| .90 | <i>Parking space</i> is prohibited in the <i>front yard</i> and in any <i>side yard</i> within 6m of the <i>exterior lot line</i> . | |

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	15	Part of Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit.	143	MD1.2	CD3.10

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

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

For the land comprising Part of Lot 146, Concession 1, (PIN 010540374), the following additional regulations shall apply:

- a) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational *use*.
- b) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice.
- c) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.
[ZDM 15; ZNG/6323]”

4. 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	15	Part of Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City's east limit.	143	S.20(1)438

DREW DILKENS, MAYOR

CLERK

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

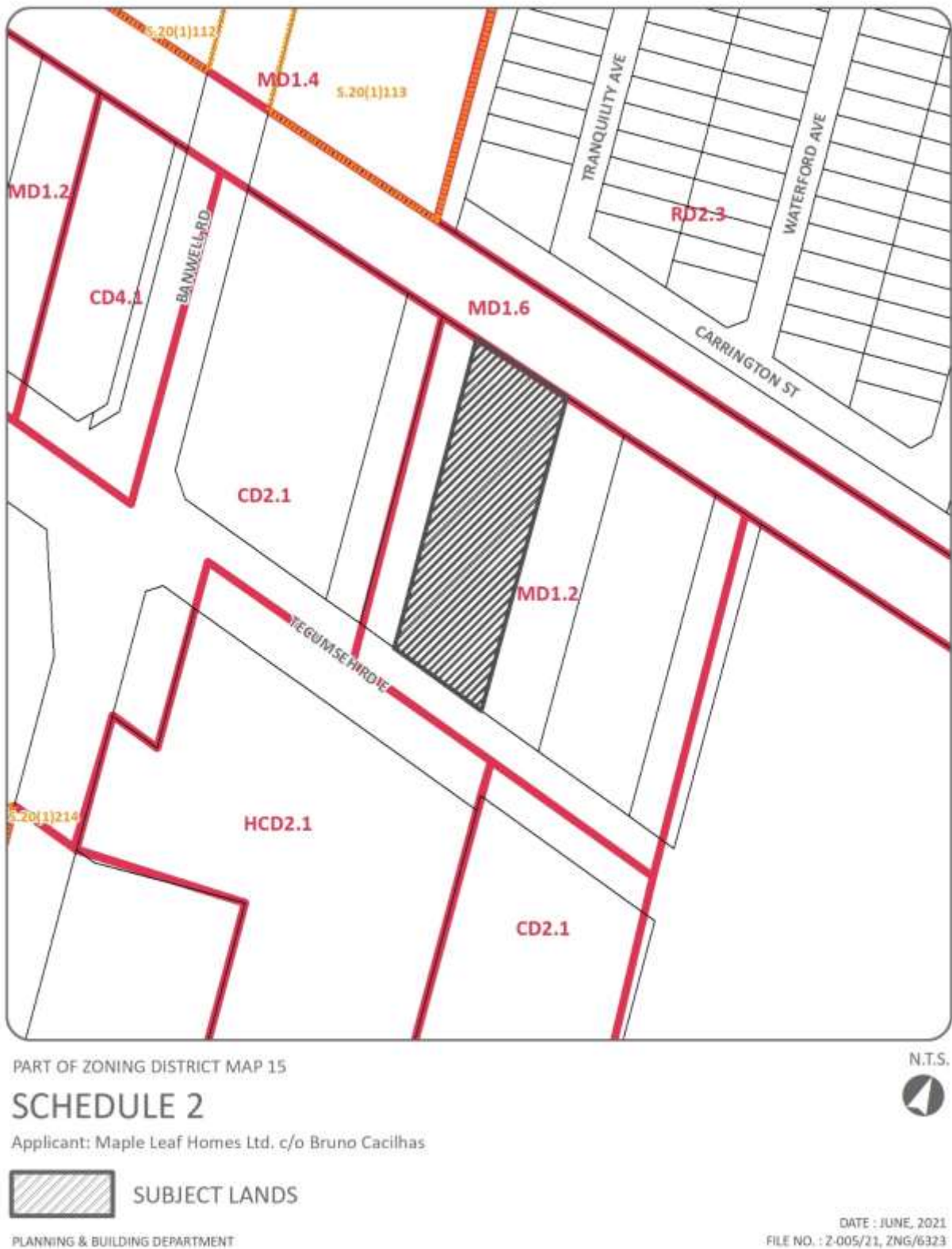
SCHEDULE 2

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

To amend the zoning of the lands described as Part of Lot 146, Concession 1, (PIN 010540374), located on the north side of Tecumseh Road E., between Banwell Road and the City’s east limit, so as to permit the construction of a multi-storey, multi-unit residential building on the subject land.

This amendment also has the effect of accommodating a housing type that increases density and housing options in the area. This amendment has the potential to enhance public transit ridership in the area as a result of the residential units that will be accommodated on the subject land.

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



PLANNING RATIONALE REPORT

ADDENDUM

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT

**11646 Tecumseh Road East
City of Windsor, Ontario**

February 6, 2022

Prepared by:



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Table of Content

1.0	Introduction	2
2.0	Official Plan Amendment	3
3.0	Zoning By-Law Amendment	3
4.0	Site Plan Control	9
5.0	Conclusion	10

1.0 Introduction

I have been retained by the owner/applicant, Maple Leaf Homes Ltd. to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development located at 11646 Tecumseh Road East (herein the "Site") in the City of Windsor, Ontario.

This report is an addendum to the PRR dated October 24, 2021.

The purpose of this report is to respond to the Staff Report dated S 2/2022, which is being presented to the Development and Heritage Standing Committee at a public meeting dated February 7, 2022.

The Site is made up of one parcel located on the north side of Tecumseh Road East, located east of Banwell Road and west of the Town of Tecumseh municipal limits. The Site consists of a total area of approximately 6,258 m², with 44.5 m of frontage along Tecumseh Road East and an irregularly shaped depth. The Site is currently vacant and is in an area of transition whereby fewer commercial and industrial activities are occurring, which is creating an attractive area for residential uses.

It is proposed to construct a 7 storey building with 90 residential units in the tenure form of a condominium. A 1.5 m high wood privacy fence is proposed at the property line on the east and west sides. A 2.5 m retaining wall is proposed along the north side of the Site. Parking will be provided on-site in addition to loading spaces and bicycle parking. Amenity spaces include private balconies, landscaping, open space, seating area, and common space. The property has access to municipal water, storm, and sanitary services.

A site-specific Official Plan Amendment (OPA) and site-specific Zoning By-law Amendment (ZBA) are required in support of the proposed development. Exemption from the provisions of Interim Control By-law 103/2020 is also requested if required.

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

The proposed development is suitable intensification of residential, is consistent with the PPS, conforms to the intent and purpose of the City of Windsor OP, and represents good planning.

2.0 Official Plan Amendment

A site specific Official Plan Amendment (OPA) is required in support of the proposed residential development.

Staff have recommended that the OP be changed the land use designation from "Industrial" to "Mixed Use" which is located on Schedule D: Land Use.

There are no concerns with the proposed land use designation change. It is our understanding that a stand-alone residential use is permitted.

3.0 Zoning By-Law Amendment

A site-specific Zoning By-law Amendment (ZBA) is required in support of the proposed residential development.

Staff has recommended that the ZBL be changed from Manufacturing District 1.2 (1.2) category as shown on Map 15 to a new Commercial District 3.10 (CD3.10) category.

There are concerns with the proposed CD3.10 as it pertains to the proposed regulations.

Every effort has been made to comply with the proposed CD3.10 zone.

A revised concept plan has been prepared (see attached).

The revised concept plan includes a parking deck, adjusted setbacks, reduction in parking islands, reduction in parking space size, a decrease in building height, and an increase in proposed parking.

It is requested that a site-specific Commercial District 3.10 (CD3.10 - S.20(1)(XXX)) be approved in order to accommodate the revised concept plan.

Relief is required for the minimum lot area, minimum landscaped open space yard, permit a stand-alone residential building with no commercial use in the front, and defer the requirements of the berm at the time of site plan control approval.

A review of the proposed CD3.10 zone provisions is as follows:

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
Permitted Uses	Commercial Uses	Multiple Dwelling with 90 units	Complies

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	9 or more dwellings units in a combined use building Multiple Dwelling with 9 or more dwelling units		The ZBA list of permitted uses will allow the proposed Multiple Dwelling.
Minimum Lot Frontage	18 m	44.5 m	Complies
Min Lot Area	For a building containing only non-residential uses 400.0 m ² For each dwelling unit 85.0 m² 90 x 85.0 m² = 7,650 m²	6,258.8 m ²	Relief of 1,391.2 m ² is required based on the proposed 90 units. The Site is physically suitable for the proposed development and provides for on-site parking, open space, landscaping and the required setback from the railway.
Max Building Height	20 m	20.0 m	Complies
Minimum Landscaped Open Space Yard	30 % of the lot area 6,258.8 m² @ 30% = 1,877.64 m²	29.4% = 1,842.6 m ²	Relief of 0.6% (35.04 m ²) is required. The request is minor. Private balconies, seating areas, landscaping, open space and a common room of 59 m ² will be provided for appropriate amenity spaces to the residents.
For a Combined Use Building	all dwelling units, not including entrances thereto, shall be located above the non-residential uses.	N/A	Does not apply as no commercial proposed.
For a Multiple Dwelling	shall be located above grade , at the	No commercial proposed	The proposed building can be built above grade.

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	rear of non-residential use.		<p>Relief is required as no commercial is proposed.</p> <p>The proposed development is not suitable for commercial.</p> <p>The minimum required parking is provided for residential use. There is no parking relief.</p> <p>No additional parking can be provided on the Site for commercial use.</p> <p>It does not appear practical to require commercial use in a residential multiple building.</p>
Prohibited Walls	Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.	No exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited.	Complies
Building Setback – minimum	a) From an exterior lot line abutting Tecumseh Road East, for that part of the building having a building height of 10.0 m or less 0.0 m	N/A	N/A – proposed height is 20 m
	b) From an exterior lot line abutting Tecumseh Road East, for that part of the building having a	6 m (south side)	Complies

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	building height of more than 10.0 m: 6.0 m		
	c) From an interior lot line where a habitable room window faces the interior lot line 6.0 m	15.67 m west side 6.0 m east side	West side complies. East side complies.
	d) From an interior lot line where a habitable room window does not face the interior lot line 3.0 m	54.9 m (north side)	Complies
Parking Spaces	Parking space is prohibited in the front yard and in any side yard within 6m of the exterior lot line.	6.0 m	Complies Parking is proposed at the rear and interior side yard and will be located 6.0 m from Tecumseh Road.
438	A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use.	TBD	Shall be complied to.
	An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and	TBD	Request that this requirement be removed and dealt with at the time of SPC approval.

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
	maintained in good practice.		
	A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way	TBD	Request that this requirement be removed and dealt with at the time of SPC approval.
	A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use.	TBD	Shall be complied to.
Parking Spaces Required (Table 24.20.20.5.1)	Multiple Dwelling containing a minimum of 5 Dwelling units: 1.25 parking spaces required for each dwelling unit 90 x 1.25 = 112.5 space (112 spaces, rounded down)	115 spaces (94 surface parking and 21 paces on a parking deck)	Complies.
Visitor Parking (24.22.1)	15 percent of parking spaces marked	15 percent of parking spaces marked (21 parking spaces will be provided on the parking deck)	Complies

Zone Regulations	Proposed CD3.10 Zone	Proposed Site specific (CD3.10 - S.20(1)(XXX)) Zone	Response
Bicycle Parking (24.30.1)	2 for the first 19 spaces plus 1 for each additional 20 parking spaces: 2 + 4.8 = 6.8 spaces required (6 rounded down)	14 spaces	Complies. Extra bicycle parking is provided.
Accessible Parking Spaces Required (Table 24.24.1)	For 26-100 total number of Parking Spaces Type A – 2 % parking spaces Total B - 2 % parking spaces 2.3 + 2.3 = 4.6 parking spaces (4 rounded down)	4 spaces total	Complies
Loading (Table 24.50.1.5)	Over 1,000 m ² to 7,500 m ² 1 required (based on proposed building size 1,603.0 m²)	2 proposed	Complies

4.0 Site Plan Control

Site Plan Control (SPC) is required in support of the proposed residential development.

Staff has recommended SPC conditions.

There are no concerns with the proposed conditions.

A review of the proposed conditions is as follows:

Proposed Condition	Response
Noise mitigation measures as recommended in the Noise Study, including warning clauses for rail and road traffic impacts;	Mitigation measures will be implemented.
Safety measures per section 7.2.8.8 (d), OP Vol. 1;	All proponents of new development abutting a rail corridor shall incorporate appropriate safety measures such as setbacks, berms and security fencing to the satisfaction of the Municipality, in consultation with the relevant public agency and the appropriate railway company.
Redundant Curb Cuts, Video inspections, and Existing sewers and connections;	Shall be complied to.
Preservation of some existing trees per Landscape Architect's comment in Appendix D of this report;	Shall be complied to.
Easements and/or agreements required for the provision of gas services for this project, in a form satisfactory to Enbridge;	Shall be complied to.
Enbridge Gas minimum separation requirements;	Shall be complied to.
Adequate clearance from existing ENWIN's pole lines and power lines; and	Shall be complied to.
Canada Post multi-unit policy;	Shall be complied to.
SAR Snake mitigation measures as in the attached Appendix F to this report.	Mitigation measures will be implemented, per MECP Clearance.

5.0 Conclusion

The Site is ideally suited for residential development and the above-noted relief be included in the final approval.

Every effort has been made to comply with the proposed OPA and ZBA.

It is requested that a site-specific Commercial District 3.10 (CD3.10 - S.20(1)(XXX)) be approved in order to accommodate the revised concept plan.

Relief is required for the minimum lot area, minimum landscaped open space yard, permit a stand-alone residential building with no commercial use in the front, and defer the requirements of the berm at the time of site plan control approval.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.

The proposed development will be limited to a 7 storey, high-profile neighbourhood development, which is a compatible density with the surrounding area.

Noise and Vibration Studies have been completed with recommended mitigation measures such as ventilation requirements, special building components, and noise warning clauses for each unit.

The Site is capable of accommodating the proposed development in terms of scale, massing, height, and siting. Parking, fire route, and landscaping will be provided.

The proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to affordability and intensification requirements set out in the PPS and the OP.

The Site is not appropriate for industrial or commercial uses and should be converted to residential. An Employment Lands Review was prepared and concluded the proposed redevelopment will not impact the supply of employment lands and that the Site is no longer appropriate and desirable for industrial uses.

Residential use on the Site represents an efficient development pattern that optimizes the use of land. The Site currently has a vacant building and is underutilized. Further, the proposed redevelopment will enhance the area.

There will be no negative impacts on the municipal system as the proposed residential use will not add to the capacity in a significant way.

The topography, soil and environmental characteristics of the Site are able to accommodate an appropriate development that will minimize adverse environmental impacts.

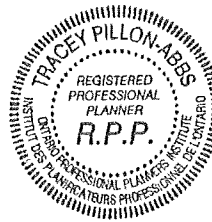
In summary, for the above reasons, it would be appropriate for the City of Windsor to approve the OPA and ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer residential in an area of transition.

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**

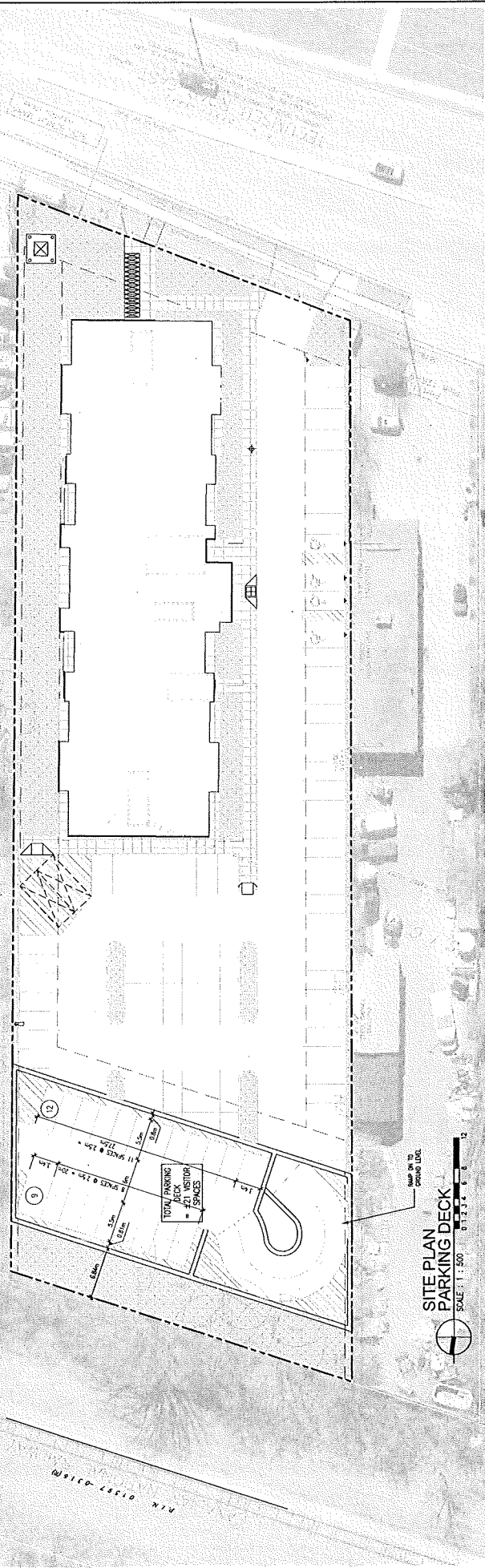


REVISED CONCEPT PLAN

11646 Tecumseh Road East, Windsor, Ontario

12

ITEM	DESCRIPTION	DATE	BY	CHK	REF
1	PROPOSED MULTIPLE DWELLING 7-STORY CONDOMINIUM	2020-09-11	TC	TC	1
2	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
3	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
4	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
5	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
6	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
7	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
8	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
9	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
10	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
11	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
12	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
13	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
14	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
15	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
16	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
17	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
18	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
19	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
20	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
21	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
22	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
23	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
24	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
25	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
26	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
27	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
28	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
29	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
30	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
31	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
32	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
33	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
34	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
35	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
36	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
37	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
38	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
39	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
40	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
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42	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
43	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
44	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
45	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
46	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
47	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
48	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
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51	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
52	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
53	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
54	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
55	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
56	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
57	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
58	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
59	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
60	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
61	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
62	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
63	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
64	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
65	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
66	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
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69	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
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71	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
72	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
73	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
74	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
75	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
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84	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
85	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
86	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
87	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
88	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
89	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1
90	CONDO WITH 90 UNITS	2020-09-11	TC	TC	1



<div> <div> </div> <div> <div>architectural</div> <div>design</div> <div>associates</div> </div> </div>	<div> <div>1670 mercer street</div> <div>windsor ontario canada n6k 3p7</div> <div>ph: 519.254.3430 fax: 519.254.3542</div> <div>email: info@architecturaldesignassociates.com website: www.architecturaldesignassociates.com</div> </div>	<div> <div>project:</div> <div>PROPOSED MULTIPLE DWELLING 7-STORY CONDOMINIUM BUILDING, WINDSOR, ONT.</div> </div>	<div> <div>date:</div> <div>OCT. 2020</div> </div>
<div> <div>checked by:</div> <div>SMB / TC</div> </div>	<div> <div>drawn by:</div> <div>TC</div> </div>	<div> <div>sheet no.:</div> <div>2020-091</div> </div>	<div> <div>sheet no.:</div> <div>A0.1b</div> </div>

**Subject: Planning Department's Response to Applicant's PRR
Addendum re: Report S 2/2022, 11646 Tecumseh Rd E., OPA 143 and Z-005/21, Applicant: Maple Leaf Homes Ltd.; Ward 7**

Reference:

Date to Council: March 7, 2022
Author: Justina Nwaesei, MCIP, RPP
Senior Planner - Subdivisions
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: February 22, 2022
Clerk's File #: ZO/14063 ZB/14064

To: Mayor and Members of City Council

Additional Information:

At the Development & Heritage Standing Committee (DHSC) meeting of February 7, 2022, a Planning Rational Report (PRR) Addendum was tabled for consideration. The applicant's PRR addendum contained the following five issues/requests for consideration by the Committee members:

1. Relief from section 16.10.5.2, minimum lot area requirement of the CD3.10 zoning district;
2. Relief from 16.10.5.8, minimum landscape open space requirement of the CD3.10 zoning district;
3. Relief from 16.10.5.15 (combined use building provision) and 16.10.5.16 (multiple dwelling provision) of the CD3.10 zoning district – request to have no commercial use on the property;
4. Request to delete the berm provision from s.20(1)438 of By-law 8600 and table it for discussion at the site plan control stage; and
5. Request to delete the fence provision from s.20(1)438 of By-law 8600 and table it for discussion at the site plan control stage.

Below is the motion that resulted from the discussion at the DHSC meeting of February 7, 2022:

*Moved by: Councillor Sleiman
Seconded by: Councillor Holt*

*THAT the report of the Senior Planner – Subdivisions dated January 14, 2022 entitled “Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7” **BE REFERRED** back to Administration to allow for Administration to provide clarification related to changes requested by the applicant; and further,*

*THAT this information **BE BROUGHT FORWARD** to the March 7, 2022 meeting of the Development & Heritage Standing Committee.*

Carried.

*Report Number: S 2/2022
Clerk’s File: ZB/14064 & ZO/14063*

Since the February 7, 2022 DHSC meeting, the applicant’s planning team have been in constant communication with the author of Report S 2/2022, in an effort to find solutions to the five (5) issues noted above. There have been virtual meetings (February 9, 2022 and February 18, 2022) plus emails and phone calls between the applicant’s planning team and the staff Planner (author of Report S 2/2022). Appendix 1, hereto attached, contains some of the facts and figures used for discussions with the applicant’s team.

On February 18, 2022, staff Planner and the applicant’s team reached a consensus on the five outstanding issues. Consequently, the applicant’s Planner submitted the following materials to the Planning Department and Clerks:

- Memo dated February 18, 2022 (hereto attached as Appendix 2)
- Concept plan with data matrix (hereto attached as Appendix 3)
- Floor plans (hereto attached as Appendix 4A & 4B)

WITHDRAWAL OF THE PRR ADDENDUM: The above materials show that the items previously noted in the PRR Addendum have been resolved and, as such, a written request was submitted to withdraw the PRR Addendum. As also pointed out in the February 18, 2022 memo (attached as Appendix 2), the applicant has demonstrated that they can satisfy the provisions of CD3.10, except section 16.10.5.15 and/or 16.10.5.16.

REVISED CONCEPT PLAN: The applicant’s revised concept plan shows a proposed 6-storey, combined use building containing 71 dwelling units [13 dwelling units on each of the 5 upper floors, 6 dwelling units on the ground floor], amenity areas and other accessory uses to the dwelling units, along with non-residential uses (2 units) on the ground floor. A total of 96 off-street parking spaces for the combined use building; 88 of the parking spaces are for the 71 dwelling units proposed, while the remaining 8 parking spaces are reserved for the commercial units (A & B) shown on the concept plan.

DENSITY REVIEW: While it is desirable and necessary to have more housing in the City, it is equally important to ensure that the subject property has the capacity to provide basic amenities for future tenants and/or condo owners. The proposed development will have a density of 113 dwelling units per hectare, which is higher density than some nearby high-rise apartments (at 91 dwelling units per hectare) in Tecumseh Town. The nearby City of Windsor buildings along Tecumseh Road East are mostly non-residential uses and a few low density dwellings.

OFFICIAL PLAN MIXED USE CORRIDOR POLICY REVIEW: The revised concept plan received on February 18, 2022 shows 2 proposed non-residential units (Commercial Units A & B) with a combined

gross floor area (GFA) of 196 m². The proposed non-residential units are located at street level, fronting Tecumseh Rd. E., along the south wall of the proposed 6-storey building. Conformity with the Mixed Use Corridor policy (6.9.2.2(a)) of the OP is maintained in a **creative and flexible** manner. Therefore, it is reasonable to allow the proposed form of combined use building, provided the two units for non-residential use will jointly maintain a minimum gross floor area (GFA) of 190m² and be occupied by one or more uses permitted under section 16.10.1 (CD3.10 permitted uses), by-law 8600.

Due to the discussions that occurred surrounding these non-residential units, it is important to stipulate that only permitted non-residential use(s) requiring a total of 8 or less minimum parking spaces shall be allowed in the proposed combined use building in order to avoid future parking issues on the site. Note that Mixed Use Development Evaluation Criteria (6.9.2.4 (e)) of OP Vol. 1 requires that proponents provide adequate off-street parking. The revised concept plan proposes to provide adequate off-street parking; thereby, maintaining conformity with s.6.9.2.4(e) of the OP.

ZONING BY-LAW REVIEW FOR MATTERS OUTSTANDING IN THE PRR ADDENDUM: The proposed combined use building meets the minimum lot area and minimum landscape requirements for the CD3.10 zoning district. The applicant indicates that the proposed development complies with all other provisions of the zoning by-law, except section 16.10.5.15 – “For a *Combined Use Building*, all *dwelling units*, not including entrances thereto, shall be located above the non-residential uses.”

This Additional Information Memo, AI 4, recommends a mix of commercial and residential units on the ground floor of the proposed building on the subject land, which resolves the issue of non-compliance with s.16.10.5.15.

Note that the required berm and chainlink fence issues have also been resolved. The two provisions will remain as special provisions in Zoning By-law 8600.

CONCLUSIONS AND OPINION: Based on the withdrawal of the PRR Addendum, along with the above discussion, it is no longer necessary to provide the requested clarification to the February 7, 2022 PRR Addendum.

This Additional Information Memo (AI 4) was prepared with a focus on the February 18, 2022 revised concept plan (and floor plans) and concludes that the recommendation section in Report S 2/2022 should be revised by adding a site-specific use and additional regulations to section 20(1)438 as shown below.

The recommended amendments to the OP and Zoning By-law will facilitate the proposed development of a 6-storey Combined Use Building with 71 dwelling units and indoor amenities, mixed with two commercial units fronting Tecumseh Road East, and 96 off-street parking spaces on the subject land. The recommended amendments are consistent with the PPS 2020.

Appropriate wording and regulations are recommended in the revised s.20(1)438 to ensure that the applicant's revised concept plan maintains conformity with the Official Plan policies for Mixed Use Corridors. Furthermore, the recommended amendment to the Zoning By-law will maintain conformity with the Official Plan when OPA 143 comes into effect.

Staff supports the applicant's revised proposal and advises that Recommendation III of Report S 2/2022 **be deleted and replaced** with the revised Recommendation III shown below:

- III. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning of the land located on the north side of Tecumseh Road E., between Banwell Road and the

City's east limit, described as Part of Lot 146, Concession 1, (PIN 010540374) and municipally known as 11646 Tecumseh Road E., from MD1.2 to CD3.10 (as shown in Recommendation II above), subject to the following site specific provision:

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

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

- a) Section 16.10.5.15 of by-law 8600 shall not apply;
- b) Non-residential use shall be located at street level along the south wall of the building, fronting Tecumseh Road East;
- c) *Dwelling units*, indoor amenity areas and other indoor accessory uses to dwelling units, within the ground floor area of a Combined Use Building, shall be located above grade and be placed on the north of the non-residential units;
- d) The floor areas occupied by indoor amenity areas and other indoor accessory uses to the dwelling units shall be excluded from the permitted 190 m² minimum gross floor area of non-residential use;
- e) A minimum separation of 30.0 m shall be maintained between the railway right-of-way and a residential, commercial, institutional or recreational use;
- f) An earth berm having a minimum height of 2.50 m and slopes of 2.5 to 1 or greater, shall be constructed continuously adjacent to the common boundary line between the lot and the railway right of way and maintained in good practice; and
- g) A chainlink fence having a minimum height of 1.830 m shall be erected continuously along the common boundary line between the lot and the railway right-of-way.

[ZDM 15; ZNG/6323]

Planning Act Matters:

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

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

Thom Hunt, MCIP, RPP
City Planner/ Executive Director

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

SAH, Commissioner, Legal & Legislative Services

JR, Chief Administrative Officer

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

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

Appendices:

- 1 Appendix 1 - Parking Information, Feb. 18, 2022
- 2 Appendix 2 - Applicant's Memo, Feb. 18, 2022
- 3 Appendix 3 - Revised Concept Plan, Feb. 18, 2022
- 4 Appendix 4A - Revised Floor Plan (Ground Floor), Feb. 18, 2022
- 5 Appendix 4B - Revised Floor Plan (2nd-6th Floors), Feb 18, 2022

Information from **TONY CHAU** [Senior Project Manager], ADA – Friday, February 18, 2022.

PART 1 – Combined Use Building with two Commercial Units totalling 196m2 GFA

- A. The correct floor area of the first floor of the proposed building = 1,306.42m²
- B. If 15% of ground floor area is set aside for commercial use = **195.9m²**
- C. The required number of motor vehicle parking spaces for
 - 1. medical office, 1 space per 13.5m² = 14 spaces rounded down
 - 2. restaurant, 1 space per 7.5m² = 26 spaces rounded down
 - 3. retail store or personal service store, 1 space per 22.5m² = 8 spaces rounded down
 - 4. health studio, 1 space per 36m² = 5 spaces rounded down
 - 5. professional studio or business office, 1 space per 45m² = 4 spaces rounded down
 if each of the above uses occupies the entire 195.9m² on the first floor of the building.
- D. The required number of motor vehicle parking spaces for the proposed 73 dwelling units = 91 spaces rounded down.
- E. Number of parking spaces provided = 96 spaces. Remaining for commercial use = 5 spaces.

PART 2 - Combined Use Building designed with Commercial Units totalling 911.2m2 GFA [This is more in compliance with provision 16.10.5.15, B/L 8600]

Taking out areas such as lobby/elevator/stairs/mech/elec/refuse/2 x stairs/common room, there is **911.2m²** remaining for a non-residential single occupant use.

- 1. medical office, 1 space per 13.5m² = 67 spaces rounded down
- 2. restaurant, 1 space per 7.5m² = 121 spaces rounded down
- 3. retail store or personal service store, 1 space per 22.5m² = 40 spaces rounded down
- 4. health studio, 1 space per 36m² = 25 spaces rounded down
- 5. professional studio or business office, 1 space per 45m² = 20 spaces rounded down

PART 3: TABLE COMPARING ABOVE PARKING INFORMATION (prepared by JN – Feb. 18, 2022)

Excerpt from s.24.20.5.1, Zoning By-law 8600 (some CD3.10 uses)	Required Parking shown in PART 1	Required Parking shown in PART 2	Effect of revised concept plan on required on-site parking	
Assessing non-residential Parking requirements for the proposed development			Parking Reduction	
1. medical office, 1 space per 13.5m ² =	14 spaces	67 spaces	53 spaces	
2. restaurant, 1 space per 7.5m ² =	26 spaces	121 spaces	95 spaces	
3. retail store or personal service store, 1 space per 22.5m ² =	8 spaces	40 spaces	32 spaces	Recommendation in AI 4 will accommodate permitted uses requiring 8 spaces or less within the 196m2 space
4. health studio, 1 space per 36m ² =	5 spaces	25 spaces	20 spaces	
5. professional studio or business office, 1 space per 45m ² =	4 spaces	20 spaces	16 spaces	



23669 Prince Albert Road
Chatham, ON N7M 5J7
tpillonabbs@gmail.com
www.tpillonabbs.ca
226-340-1232

February 18, 2022

Corporation of the City of Windsor
Suite 210, 350 City Hall Square West
Windsor, Ontario N9A 7K6

Attention Clerks Department and Planning Department

**Re: 11646 Tecumseh Rd E., City of Windsor, Proposed Official Plan and Zoning
By-law Amendments, Z-005/21 & OPA143, Staff Report S 2/2022**

Please be advised that the applicant for the above-noted property would like to withdraw the submitted February 6, 2022, Planning Rational Report (PRR) Addendum, as it pertains to the Official Plan and Zoning By-law Amendment applications.

The PRR was presented to the Development and Heritage Standing Committee at a public meeting dated February 7, 2022, which was then deferred.

The reason for this withdrawal is that after further review and design alterations, the proposed development can comply with the proposed Commercial District 3.10 (CD3.10) zoning.

It is now proposed to develop the subject lands with a 20.0 m (6 storey) combined use building with residential use on the main floor and above main floor commercial use. A total of 71 residential units and 2 commercial units are proposed.

However, relief is required to the proposed CD3.10 zone to permit the residential use on the main floor of the proposed combined use building. All other proposed CD3.10 can be complied with.

Please see attached revised floor plan, concept plan and site data matrix, prepared by ADA Inc. Architect, dated February 18, 2022.

Please do not hesitate to contact me if you require any further information

Yours Truly,

A handwritten signature in black ink, appearing to be "Tracey Pillon-Abbs".

Tracey Pillon-Abbs, RPP
Principal Planner

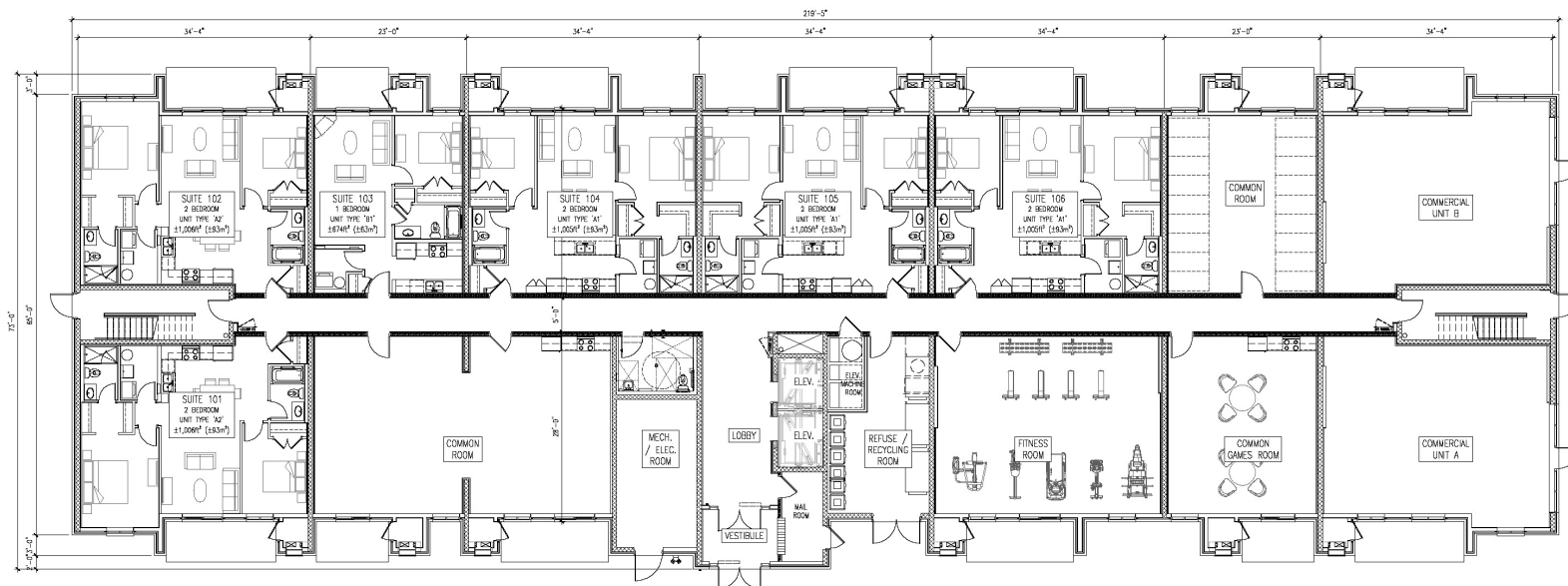
FILE 2020-80

Should archaeological deposits be found during construction activities, all work in the area must stop immediately and the City's Manager of Cultural Affairs and the Ontario Ministry of Tourism, Culture and Sport must be notified, and clearance given by the Ministry.

In the event that human remains are encountered during construction, 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 Ontario Ministry of Tourism, Culture and Sport and the Registrar of the Cemetery Registration Unit of the Ministry of Consumer Services must then be notified, and clearance be given by the Ministry of Tourism, Culture and Sport.

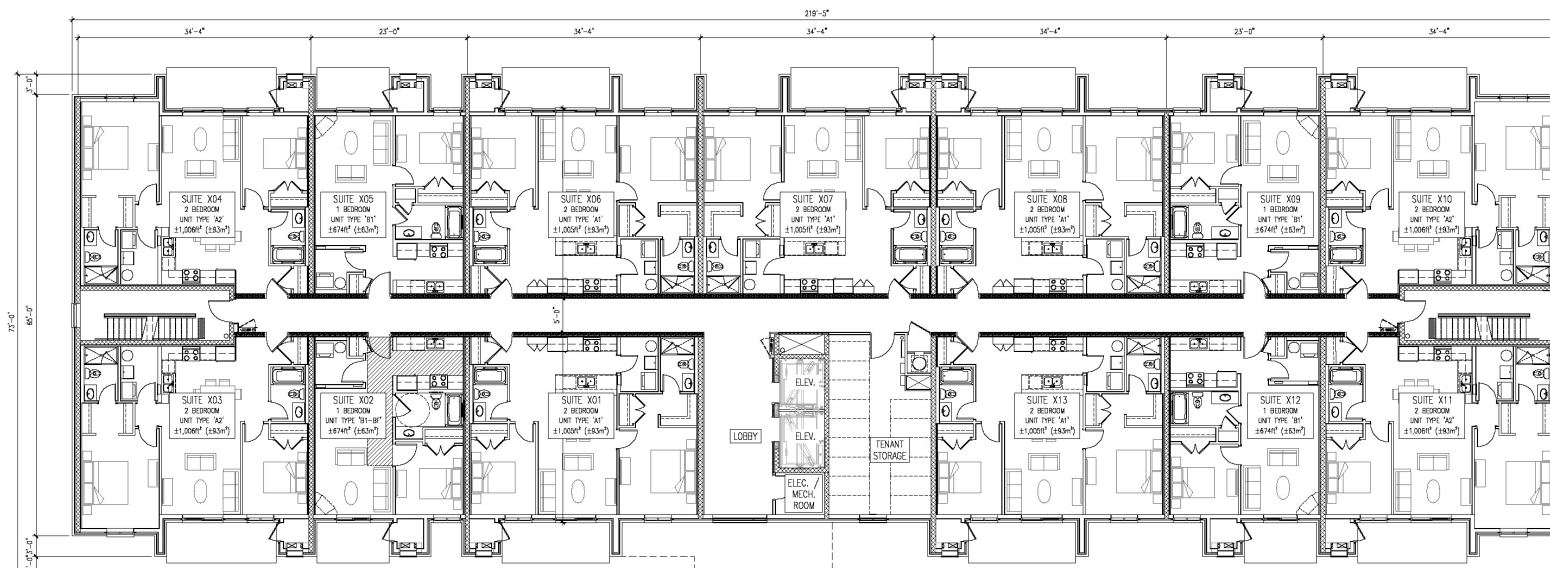
A building shall not be located beneath existing above ground electrical conductors. Where a building is to be constructed in proximity to above ground electrical conductors, horizontal clearances between buildings and conductors shall comply with Subsection 3.1.19 of the Ontario Building Code.





GROUND FLOOR PLAN

architectural design associates inc.	1670 mercer street winston-salem, nc 27106 ph 336.724.3430 fax 336.724.3462 email info@architectural-design-associates.com	project: PROPOSED MULTI-USE 6-STORY CONDOMINIUM / COMM. BUILDING - 11646 TECUMSEH ROAD EAST, WINDSOR, ONT. client: MAPLE LEAF HOMES LTD.	floor plan	date: FEB. 2022
			drawn by: TC	drawing no.: 2022-033
			checked by: SMB / TC	sheet no.: A1.1a



architectural inc. design associates	1670 mercer street windsor ontario canada n6b 3p7 ph 519.254.3430 fax 519.254.3462 and info@architecturalinc.com	project PROPOSED MULTI-USE 6-STORY CONDOMINIUM / COMM. BUILDING -11646 TECUMSEH ROAD EAST, WINDSOR, ONT. client: MAPLE LEAF HOMES LTD.	floor plan TC checked by: SMB / TC	date: FEB. 2022
				drawing no.: 2022-033
				designed by: A1.1b



Council Report: S 26/2022

Subject: Draft Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – 531 Pelissier Limited - 531 Pelissier Street– CDM 006/21 [CDM-6637]; Ward 3

Reference:

Date to Council: March 7, 2022
Author: Jim Abbs
Senior Planner - Subdivisions
519 255 6543 x6317
jabbs@citywindsor.ca

Planning & Building Services
Report Date: February 15, 2022
Clerk's File #: Z/14297

To: Mayor and Members of City Council

Recommendation:

THAT the application of 531 Pelissier Limited for an exemption under Section 9(3) of the Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 24 dwelling units and 3 commercial units, as shown on the attached Map No. CDM-006/21-1 and CDM-006/21-2 within an existing building on a parcel legally described as; Lots 23 and 24, and Part of Lots 22 and 25, west side Pelissier Street, Plan 281, City of Windsor; located at 531 Pelissier Street **BE APPROVED** for a period of three (3) years.

Executive Summary:

N/A.

Background:

Application Information:

Location: West side of Pelissier Street, North of Wyandotte Street West

Ward: 3 **Planning District:** 01- City Centre **ZDM:** 3 & 7

Applicant: 531 Pelissier Limited (Chris Macleod)

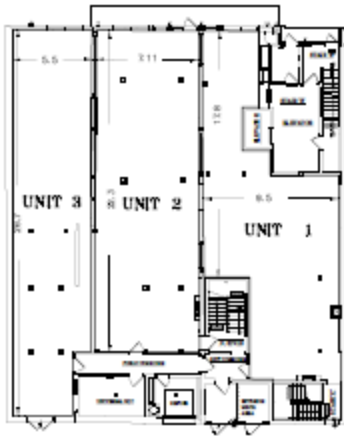
Proposal:

The applicant is applying for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium for in an existing Building to create 24 dwelling units and 3 commercial units.

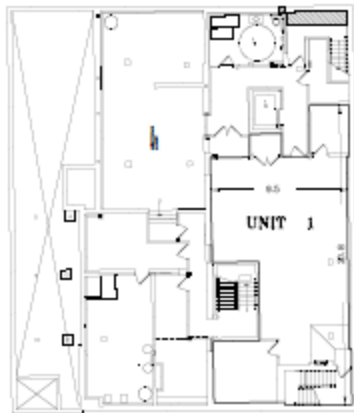
The subject site has received Site Plan Approval (File SPC-034/17) registered as instrument CE854048, on October 15, 2018 which permitted a total of 24 dwelling units and 3 commercial units within an existing building. The Site Plan agreement covers a range of municipal and agency requirements to be completed by the owner including items such as the provision of landscaping, parking, parkland conveyance, levies and lighting, all required prior to the issuance of a construction permit.



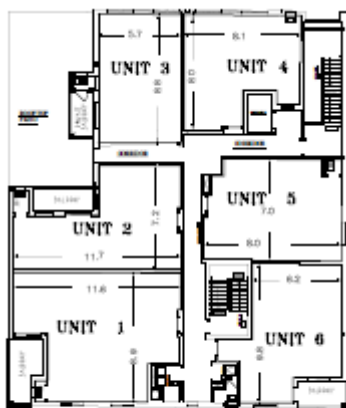
Plan of Condominium:



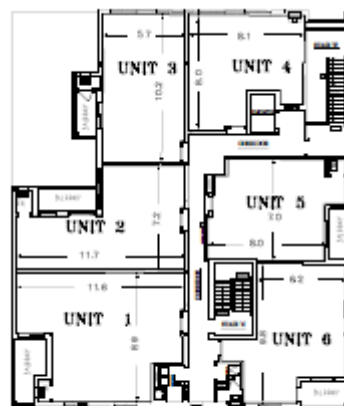
UNITS 1 to 3 (inclusive)
(COMMERCIAL)
LEVEL 1 (MAIN FLOOR)
SCALE = 1:200



UNIT 1 (COMMERCIAL)
LEVEL 1 (BASEMENT)
SCALE = 1:200

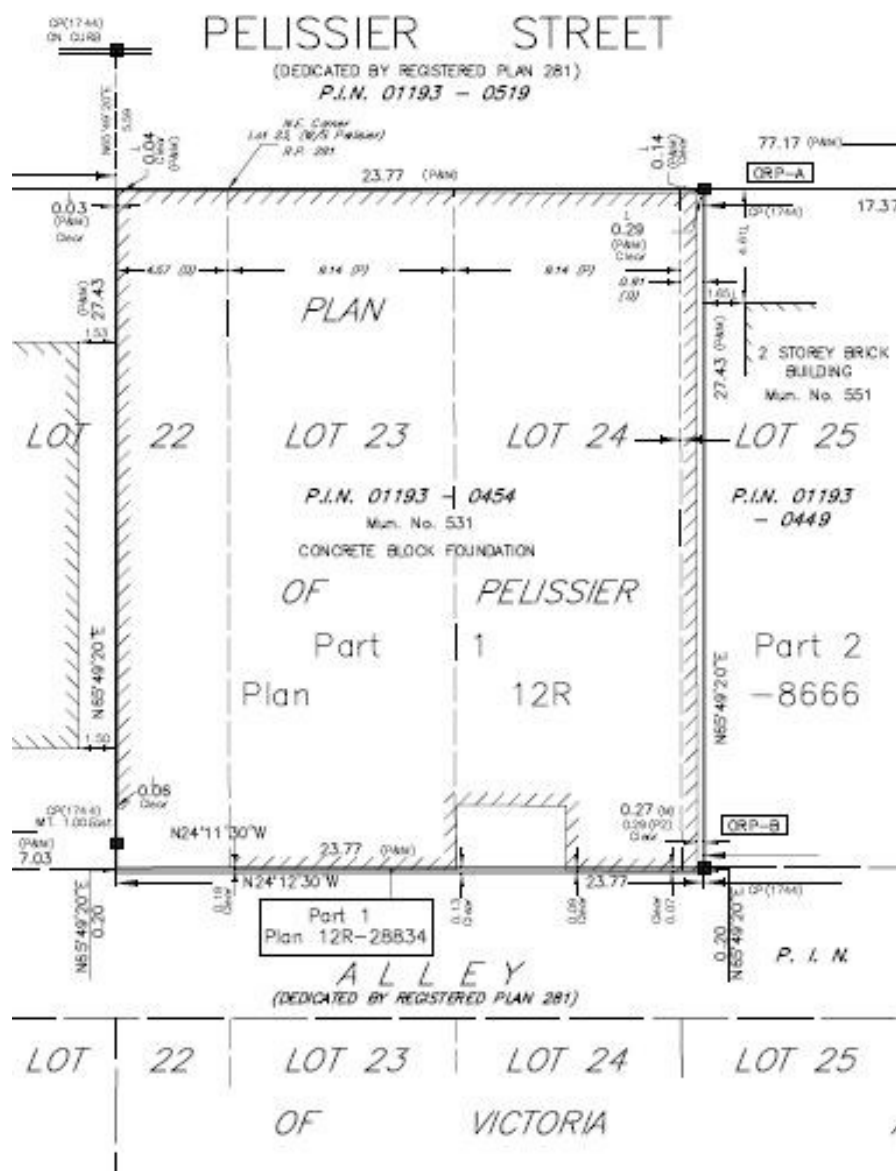


UNITS 1 to 6 (inclusive)
(RESIDENTIAL)
LEVEL 2
SCALE = 1:200



UNITS 1 to 6 (inclusive)
(RESIDENTIAL)
LEVELS 3, 4 AND 5
SCALE = 1:200

CDM-006/21-1



CDM-006/21-2

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Mixed Use - Medium Profile (Schedule E- City Centre)	Commercial District 3.6 (CD3.6)	Combined Use Building (Under Construction)	Commercial/Offices
LOT WIDTH	LOT DEPTH	AREA	SHAPE
23.77m	27.43m	652.18 m ²	rectangular
All measurements are for the entire parcel and are approximate.			

Neighbourhood Characteristics:

The surrounding land uses consist of a mix of commercial businesses and offices consistent with a downtown core area.

Pelissier Street is a Class II Collector. Public transit is available via the Crosstown 2, and Central 3 buses on Wyandotte Street West and the Ottawa 4, Transway 1A and Transway 1C buses on Ouellette Avenue.

Discussion:**Planning Analysis:****Statutory Regulations:**

Under Section 9 of the Condominium Act, an owner may request approval of a plan of condominium subject to Section 51 of the Planning Act (subdivisions). As such, the usual approval process for plans of subdivision is invoked, i.e. review by municipal and provincial agencies, public notification, draft plan approval, a condominium agreement and final registration.

The Condominium Act also provides that owners can be exempted from the above mentioned Planning Act provision if the approval authority (i.e. the City of Windsor) is of the opinion that "such exemption is appropriate in the circumstances". The reasons for exemptions are not specified, but usually applicants can be exempted if the following conditions are satisfied:

- (i) that all municipal requirements and conditions have been addressed (for example by an approved application for rezoning and/or site plan control); and
- (ii) that the building(s) is suitable for a condominium by virtue of design and amenities.

The proposed condominium complies with the above conditions.

Official Plan:

The subject property is designated "Mixed Use - Medium Profile" on Schedule E-City Centre of the City of Windsor Official Plan. The designation is intended to accommodate retail and service commercial establishments, offices, culture, entertainment and open space uses, and residential uses. The proposed development conforms with this policy.

The City of Windsor has policies in the Official Plan for approval of a plan of condominium with exemption under Section 9 of the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) a residential building is constructed or a building permit for its construction has been issued;
- (b) the development has received site plan control approval; and
- (c) the development (new proposed units) do not contain any occupied residential rental units.

The proposed condominium complies with the above conditions.

Zoning By-Law

The property is zoned Commercial District (CD) 3.6. The proposed development is permitted under the CD3.6 category. Building permits have been issued and construction of the building is nearing completion

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

Municipal and agency requirements have been addressed and implemented through the site plan control approval process, and the registration of a site plan agreement. (File SPC-034/17) registered as instrument CE854048, on October 15, 2018)

Public Notice:

No public notification is required where exemptions are requested and the development is properly zoned for the permitted use. Nevertheless, notice was mailed to all property owners within 120 metres (400 feet) and notice was also given in the Windsor Star.

Conclusion:

The application has been processed and evaluated with regard to both the Planning Act and the Condominium Act, as well as the City of Windsor Official Plan, and is in conformity with the zoning regulations and the City of Windsor Official Plan. Municipal requirements regarding this development have been addressed in the site plan control agreement and the draft plan of condominium is consistent with the approved site plan (File SPC-034/17 registered as instrument CE854048, on October 15, 2018)

It is recommended that this application for approval be exempted from Section 51 of the Planning Act (per Section 9(3) of the Condominium Act). This means that the owner can proceed directly to registration following submission of an approved final plan of condominium.

Planning Act Matters:

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

Thom Hunt, City Planner

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

SAH JR

Approvals:

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

Notifications:

Name	Address	Email
531 Pelissier Limited (Chris Macleod)	13405 Desro Drive, Tecumseh ON N9K 0B7	531pelissier@gmail.com

Appendices: N/A



Council Report: S 25/2022

Subject: Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act – Farhi Holdings Corporation 8607, 8649, 8675 and 8699 McHugh Street– CDM 005/21 [CDM-6636]; Ward 6

Reference:

Date to Council: March 7, 2022

Author: Jim Abbs

Senior Planner - Subdivisions

519 255 6543 x6317

jabbs@citywindsor.ca

Planning & Building Services

Report Date: February 15, 2022

Clerk's File #: Z/14295

To: Mayor and Members of City Council

Recommendation:

THAT the application of Farhi Holdings Corporation for an exemption under Section 9(3) of The Condominium Act for approval of a plan of condominium (Standard Condominium), comprised of a total of 232 dwelling units, as shown on the attached Map No. CDM-005/21-1 and CDM-005/21-2 within in 4 newly constructed Multiple Dwelling structures on parcels legally described as; Block 44 and 45, 12M-678, City of Windsor; located at 8607, 8649, 8675 and 8699 McHugh Street **BE APPROVED** for a period of three (3) years.

Executive Summary:

N/A

Background:

Application Information:

Location: South side of McHugh Street, East of Darfield Avenue

Ward: 6

Planning District: 19- Riverside

ZDM: 14

Applicant: Farhi Holding Corporation (Shmuel Farhi)

Authorized Agent: Dillon Consulting Limited (Karl Tanner)

Proposal:

The applicant is applying for an exemption under Section 9(3) of the *Condominium Act* for approval of a plan of condominium for 4 Multiple Dwelling structures containing a total of 232 dwelling units.

The subject site has received Site Plan Approval (File SPC-024/19) registered as instrument CE984878, on January 12, 2021 which permitted a total of 232 units within 4 multiple dwelling structures. The Site Plan agreement covers a range of municipal and agency requirements to be completed by the owner including items such as the provision of landscaping, parking, parkland conveyance, levies and lighting, all required prior to the issuance of a construction permit.

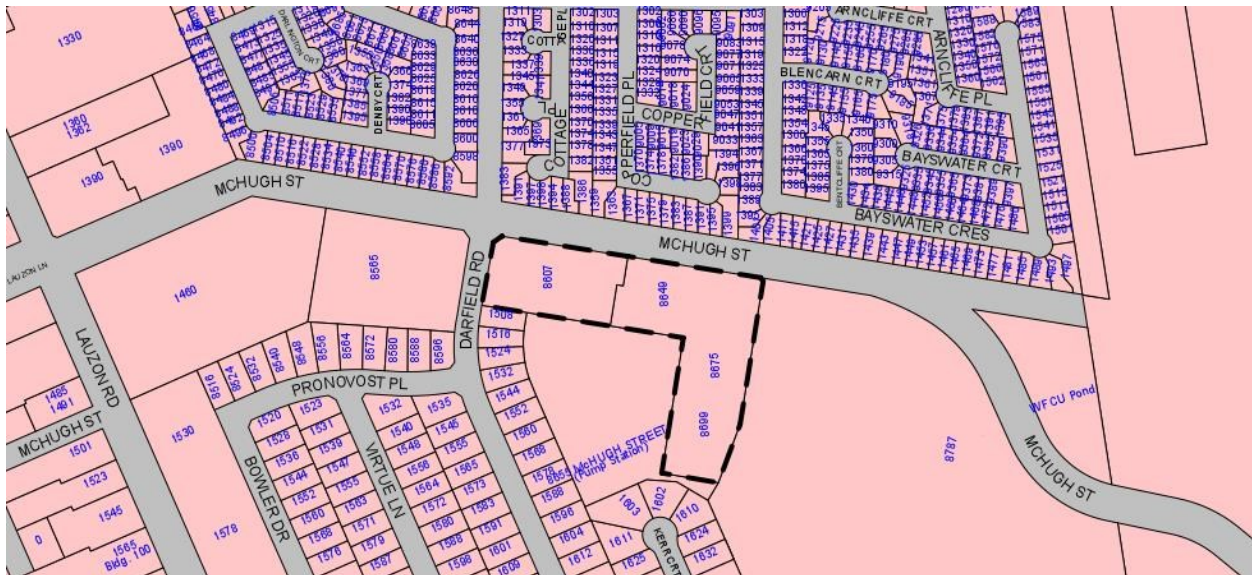
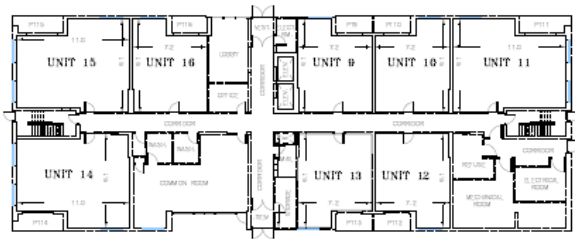


Figure 1: Location Map

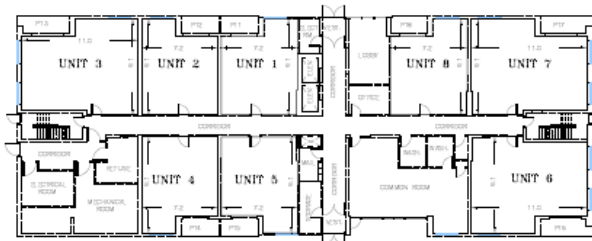
Plan of Condominium:



UNITS 9 to 16 (incl.) and
EXCLUSIVE USE PATIOS PT9 to PT16 (incl.)
LEVEL 1
(BUILDING 'B')
SCALE = 1:200



UNITS 11 to 20 (incl.)
LEVELS 2 to 6 (incl.)
(BUILDING 'B')
SCALE = 1:200



UNITS 1 to 8 (incl.) and
EXCLUSIVE USE PATIOS PT1 to PT8 (incl.)
LEVEL 1
(BUILDING 'A')
SCALE = 1:200



UNITS 1 to 10 (incl.)
LEVELS 2 to 6 (incl.)
(BUILDING 'A')
SCALE = 1:200



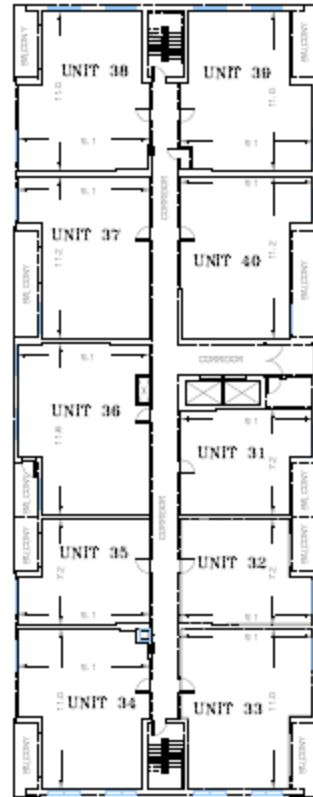
UNITS 17 to 24 (incl.) and
EXCLUSIVE USE PATIOS PT17 to PT24 (incl.)
LEVEL 1
(BUILDING 'C')
SCALE = 1:200



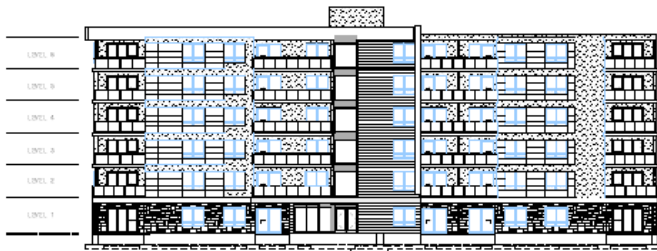
UNITS 21 to 30 (incl.)
LEVEL 2 to 6 (incl.)
(BUILDING 'C')
SCALE = 1:200



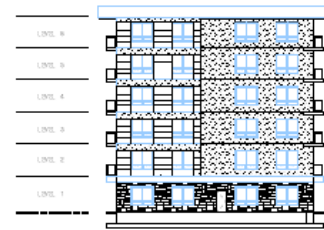
UNITS 25 to 32 (incl.) and
EXCLUSIVE USE PATIOS PT25 to PT32 (incl.)
LEVEL 1
(BUILDING 'D')
SCALE = 1:200



UNITS 31 to 40 (incl.)
LEVEL 2 to 6 (incl.)
(BUILDING 'D')
SCALE = 1:200

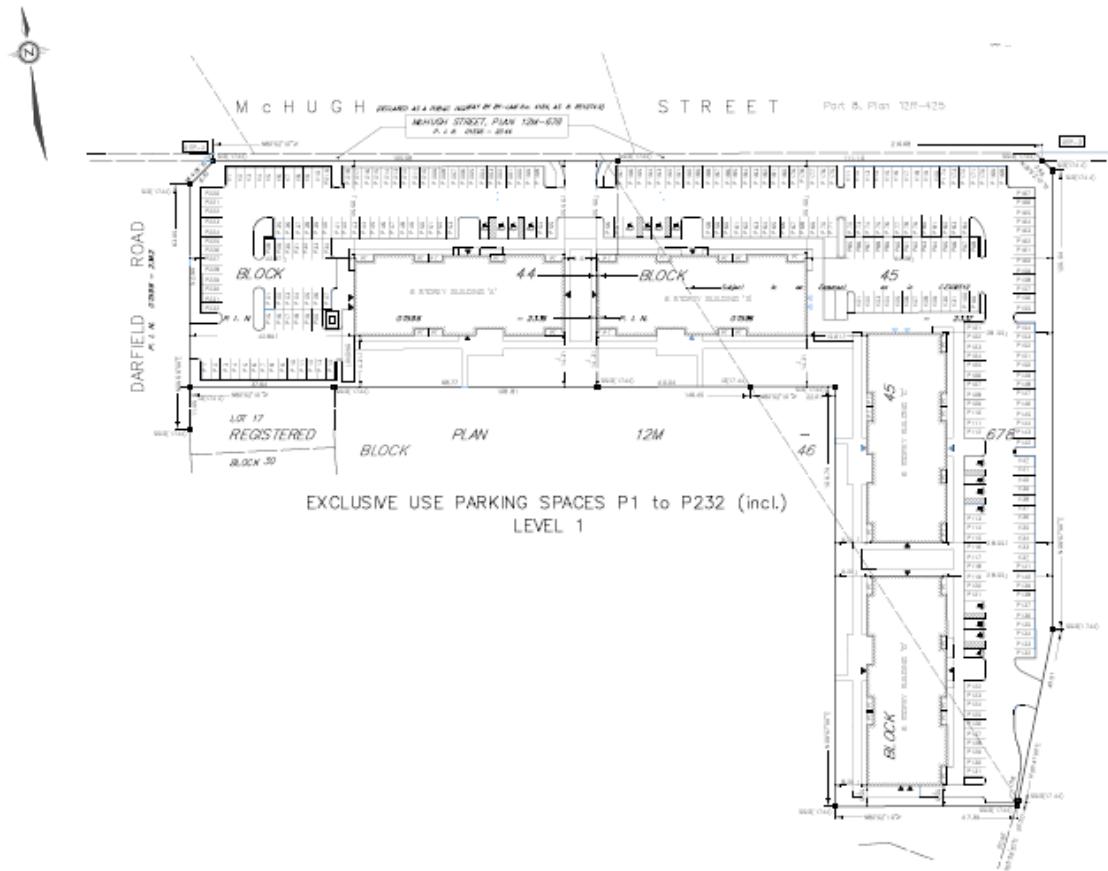


NORTH ELEVATION
(BUILDING 'A')
SCALE = 1:200



EAST ELEVATION
(BUILDING 'A')
SCALE = 1:200

CDM-005/21-1



CDM-005/21-2

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 3.1 (RD3.1)	Multiple Dwelling Building (Under Construction)	vacant
LOT WIDTH	LOT DEPTH	AREA	SHAPE
217m	167m	1.94 ha	Irregular
All measurements are for the entire parcel and are approximate.			

Neighbourhood Characteristics:

The surrounding land uses consist of a mix of residential, commercial, and institutional/recreational uses. To the north are residential uses in the Little River Acres subdivision, A single detached unit subdivision is currently under construction to

the south, a commercial parcel is located west of the site and the parking area for the WFCU center is located to the east of the site.

McHugh Street is a Class II Arterial Road and Darfield Road is a Local Road. Public transit is available via the Lauzon 10 bus on McHugh Street immediately adjacent to the subject lands.

Discussion:

Planning Analysis:

Statutory Regulations:

Under Section 9 of the Condominium Act, an owner may request approval of a plan of condominium subject to Section 51 of the Planning Act (subdivisions). As such, the usual approval process for plans of subdivision is invoked, i.e. review by municipal and provincial agencies, public notification, draft plan approval, a condominium agreement and final registration.

The Condominium Act also provides that owners can be exempted from the above mentioned Planning Act provision if the approval authority (i.e. the City of Windsor) is of the opinion that "such exemption is appropriate in the circumstances". The reasons for exemptions are not specified, but usually applicants can be exempted if the following conditions are satisfied:

- (i) that all municipal requirements and conditions have been addressed (for example by an approved application for rezoning and/or site plan control); and
- (ii) that the building(s) is suitable for a condominium by virtue of design and amenities.

The proposed condominium complies with the above conditions.

Official Plan:

The subject property is designated "Residential" on Schedule "D" - Land Use of the City of Windsor Official Plan. The designation is intended to accommodate dwelling types that will contribute to the mix of housing forms, tenures and price levels in the area.

The City of Windsor has policies in the Official Plan for approval of a plan of condominium with exemption under Section 9 of the Condominium Act. Applications for exemptions may be considered by Council if:

- (a) a residential building is constructed or a building permit for its construction has been issued;
- (b) the development has received site plan control approval; and
- (c) the development (new proposed units) do not contain any occupied residential rental units.

The proposed condominium complies with the above conditions.

Zoning By-Law

The property was the subject of a recent rezoning application (Z004/19 ZNG5772) that applied the current Residential District (RD) 3.1 category. The Multiple Dwelling buildings are permitted under the RD3.1 category. Building permits have been issued and construction of the first building is nearing completion.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

N/A

Climate Change Adaptation:

N/A

Financial Matters:

N/A

Consultations:

Municipal and agency requirements have been addressed and implemented through the site plan control approval process, and the registration of a site plan agreement. (File SPC-024/19 registered as instrument CE984878, January 12, 2021)

Public Notice:

No public notification is required where exemptions are requested and the development is properly zoned for the permitted use. Nevertheless, notice was mailed to all property owners within 120 metres (400 feet) and notice was also given in the Windsor Star.

Conclusion:

The application has been processed and evaluated with regard to both the Planning Act and the Condominium Act, as well as the City of Windsor Official Plan, and is in conformity with the zoning regulations and the City of Windsor Official Plan. Municipal requirements regarding this development have been addressed in the site plan control agreement and the draft plan of condominium is consistent with the approved site plan (File SPC-024/19 registered as instrument CE984878, on January 12, 2021).

It is recommended that this application for approval be exempted from Section 51 of The Planning Act (per Section 9(3) of The Condominium Act). This means that the owner can proceed directly to registration following submission of an approved final plan of condominium.

Planning Act Matters:

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

Thom Hunt, City Planner

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

SAH JR

Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

Notifications:

Name	Address	Email
Farhi Holdings Corporation	484 Richmond Street, Suite 200, London ON N6A 3E6	farhi@farhi.com
Dillon Consulting Limited, Karl Tanner	3200 Deziel Drive, Unit 608 Windsor Ontario N8W 5K8	ktanner@dillon.ca
Councillor Gignac		
Landowners within 120 m		

Appendices: N/A



Council Report: S 22/2022

**Subject: Rezoning - 2811035 Ontario Inc – 1913, 1925 & 1949
Devonshire Court - Z-034/21 ZNG/6571 - Ward 4**

Reference:

Date to Council: March 7, 2022
 Author: Adam Szymczak, MCIP, RPP
 Senior Planner
 519-255-6543 x6250
 aszymczak@citywindsor.ca

Planning & Building Services
 Report Date: February 14, 2022
 Clerk's File #: ZB/14241

To: Mayor and Members of City Council

Recommendation:

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

340. SOUTHEAST CORNER OF DEVONSHIRE COURT AND KILDARE ROAD

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

1. For any *dwelling*, the following additional provisions shall apply:
 - a) An *access area* or driveway is prohibited in any *front yard* or exterior *side yard*. Access to a *parking space* shall be from an *alley*.
 - b) Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.
2. For a *single unit dwelling*, the following additional provisions shall apply:
 - a) Main Building Height – minimum 7.00 m
 - b) Front Yard Depth – minimum 7.50 m
3. For *multiple dwelling*, the following provisions shall apply:

- | | | |
|----|---|--------------------------|
| a) | Lot Width – minimum | 35.0 m |
| b) | Lot Area – minimum | 2,152.0 m ² |
| c) | Lot Coverage – maximum | 35.0% |
| d) | Main Building Height – maximum | 15.0 m |
| e) | Building Setback – minimum | |
| | 1. From that part of the lot line abutting Kildare Road | 2.62 m |
| | 2. From that part of the lot line abutting Devonshire Court | 3.39 m |
| | 3. From the midpoint of the 20ft radius of Lot 87 RP 684 | 1.89 m |
| | 4. From an interior lot line | 1.20 m |
| f) | Landscaped Open Space Yard – minimum | 27.5% of <i>lot area</i> |
| g) | Dwelling Units - maximum | 23 |

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

2. THAT the Site Plan Approval Officer **BE DIRECTED** to consider, but not limited to:

- a) The comments from City of Windsor - Office of the City Engineer - Engineering Department – Right-of-Way Division in Appendix F to Report S 22/2022 regarding Alley Paving, Encroachment Agreement, Existing Sewers and Connections, Site Plan Agreement, Storm Detention, Street Opening Permits, and Video Inspection (Connection).
- b) The comments of the City of Windsor Heritage Planner in Appendix F to Report S 22/2022.
- c) The comments of the City of Windsor Landscape Architect/Urban Design in Appendix F to Report S 22/2022.
- d) The comments of the City of Windsor – Parks Development & Design in Appendix F to Report S 22/2022 regarding the protection of street trees.
- e) The comments from Canada Post Corporation in Appendix F to Report S 22/2022 regarding Canada Post's multi-unit policy, which requires that the owner/developer provide a centralized mail facility at their own expense.
- f) The recommendation in the Traffic Impact Study prepared by RC Spencer Associates Inc and dated August 2021 concerning the review of sightlines.

Executive Summary:

The Planning Department recommends that an amendment to Zoning By-law 8600 to permit a multiple dwelling as an additional permitted use subject to additional provisions be approved. Further direction for the Site Plan Approval Officer is also provided.

The applicant is 2811035 Ontario Inc. (Michael Spinetti and Vito Galifi) and the agent is Pillon Abbs Inc. (Tracey Pillon-Abbs, MCIP, RPP). The subject parcel is located in the Walkerville Heritage Area at the southeast corner of Devonshire Court and Kildare Road, and is vacant. The applicant proposes to construct a multiple dwelling with a maximum building height of 15 m containing 23 dwelling units over four storeys with a total of 30 parking spaces including two accessible spaces and one loading space.

The applicant submitted various documents including a Planning Rationale Report, Built Heritage Impact Assessment, Preliminary Stormwater Management Report, conceptual site plan, elevations & floor plans.

The parcel is located at the south end of a mostly low-density neighbourhood, consisting mostly of single unit dwellings, interspersed with semi-detached dwellings, townhome dwellings and multiple dwellings. Public transit, several elementary schools, a secondary school and municipal parks are located within walking distance. Ottawa Street is located immediately to the south and contains a mix of commercial and residential uses. Walker Road is located to the east and contains a mix of commercial, office and industrial uses and provides access to major such as Highway 401.

The proposed amendment to Zoning By-law 8600 has been evaluated for consistency with the Provincial Policy Statement 2020 and conformity to the City of Windsor Official Plan. Based on the documents submitted by the applicant, comments from municipal departments and external agencies and the planning analysis in this report, it is the opinion of the Planner that requested amendment to Zoning By-law 8600 is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

Staff recommend that the existing site specific zoning exception be revised to allow the multiple dwelling as an additional permitted use subject to additional provisions.

Site plan control is the appropriate tool to incorporate the requirements, and consider the concerns, of municipal departments and external agencies. The Heritage Planner and Landscape Architect have provided preliminary comments for the applicant to consider as part of the site plan review process.

Exemption from Interim Control By-law 103-202 (RICBL) was also considered. RICBL 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 proposed multiple dwelling was evaluated on five criteria and it was determined that it would not prejudice the Land Use Study.

The staff recommendation will permit a multiple dwelling at this location that, while not identical or similar to existing development in the area, is able to coexist with existing land uses in the Walkerville Heritage Area and in the immediate area surrounding the subject parcel.

The proposed multiple dwelling is an appropriate form of intensification and expands the range of dwelling types in an area dominated by single unit dwellings. It allows for residents of the proposed multiple dwelling to use alternative and active transportation modes such as walking, cycling and public transit.

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

Background:

Application Information:

Location: 1913, 1925 & 1949 Devonshire Court
Southeast corner of Devonshire Court and Kildare Road
Roll No.: 020-220-03903, 020-220-03906, 020-220-03901

Ward: 4 **Planning District:** Walkerville **Zoning District Map:** 7

Applicant: 2811035 Ontario Inc. (Michael Spinetti and Vito Galifi)

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

Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to allow a multiple dwelling as an additional permitted use subject to additional provisions. The applicant proposes to construct a multiple dwelling with a maximum building height of 15 m containing 23 dwelling units over four storeys.

A total of 30 parking spaces including two accessible parking spaces, 21 bicycle spaces (7 exterior and 14 interior), and one loading space are proposed. The parking area will have a single two-way access from the east-west alley which has access to Kildare Road to the west and Argyle Road to the east.

The main pedestrian entrance to the building will be located on the south building elevation adjacent to the parking area and will be accessible from Kildare via a walkway.

The conceptual site plan, elevations/perspectives and floor plans are subject to change. Any improvements such as street lights or benches in the public right-of-way are conceptual and for information purposes only. The proposed development is subject to site plan control. A Plan of Condominium application will be submitted in the future.

Submitted Material:

Attached to this report as an Appendix:

Site Plan, Perspectives (Revised) and Floor Plans – See Appendix A
Planning Rationale Report and Addendum– See Appendix B
Built Heritage Impact Study (Revised) – See Appendix C

Not attached to this report but available online or via email:

Deed

Plan of Survey
Preliminary Stormwater Management Report
Shadow Study (also included in Built Heritage Impact Study (Revised)
Stormwater Detention Scheme
Traffic Impact Study

All documents are available online via the Current Development Applications [page](#) – click on [Z-034/21](#) or via email at aszymczak@citywindsor.ca

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.1 (RD1.1) S.20(1)267 S.20(1)340	Vacant Land	Place of Worship Public Hall
LOT FRONTAGE KILDARE ROAD	LOT FRONTAGE DEVONSHIRE COURT	LOT AREA	LOT SHAPE
39.8 m	51.1 m	2,152.4 sq m	Irregular
130.5 ft	167.6 ft	23,168.2 sq ft	
All measurements are based on data provided by applicant and are approximate. Lot frontage is measured to the half way point of the curve at Kildare and Devonshire.			

Neighbourhood Characteristics:

Site images are attached as Appendix D to this report. The subject parcel is located at the southeast corner of Kildare Road and Devonshire Court, immediately north of Ottawa Street East and is currently vacant. It is located in the Walkerville Planning District, which includes the former Town of Walkerville, a town founded by Hiram Walker, the founder of the Hiram Walker and Sons Ltd. distillery. The Town of Walkerville was incorporated in 1890 and annexed into Windsor in 1935.

The parcel is located at the south end of a mostly low-density neighbourhood, consisting mostly of single unit dwellings, interspersed with semi-detached dwellings, townhome dwellings and multiple dwellings. To the north, across the street, are located three single unit dwellings (1912, 1924 and 1924 Devonshire Court). Continuing north is more low density, low-profile residential dwellings, including semi-detached dwellings at 1220-1224, 1228-1232 and 1236-1240 Kildare Road.

Further north is Willistead Park, a large regional municipal park (6 hectare / 15 acres) that includes historic Willistead Manor, a building owned and operated by the City of Windsor for weddings, meetings, banquets and community events. Immediately to the east of Willistead Park is Walkerville Secondary School, an English-language public high school. The area northeast of the subject lands consists of more low-density housing and St. Anne French Immersion Catholic Elementary School at 1140 Monmouth Road.

At the north end of the Walkerville area, between Wyandotte Street East, Monmouth Road, Tuscarora Street and Kildare Road are several Multiple Dwellings with 3 to 4 storeys located south of Wyandotte Street East (1920 & 1980 Tuscarora Street, 625 & 645 Argyle Road, 657, 673 & 693 Argyle Road, 686 Argyle Road). At the corner of Monmouth and Tuscarora is the Club Loft Condominium (2175 Wyandotte Street) which is former Hiram Walker warehouse that was converted into residential apartment building with 10 storeys (each dwelling unit spans two floors).

Immediately abutting the parcel to the east is Devonshire Park, a unique municipal park that consists of three separate parcels. These are located on the northeast and northwest sides of Devonshire Road at Devonshire Court and the larger parcel, similar in area to the subject parcel, on the south side of Devonshire Court. To the east of

Devonshire Park are more residential uses. Walker Road is a significant north-south road corridor and consists of residential, commercial, and industrial uses.

Ottawa Street is major east-west road between Howard Avenue to the west and Walker Road to the east with a mix of residential, institutional, recreational and commercial uses. The Windsor Market Square facility at the southwest corner of Ottawa and Walker, consists of commercial uses in various buildings, a farmer's market, and dwelling units.

South of the parcel is a paved east-west alley, a Tim Horton's with a drive-through, and Ottawa Street. At the southwest corner of Ottawa and Kildare is École Élémentaire L'envolée, a French-language elementary school. Further south is more low-density residential. To the west, is more low-density residential including a multiple dwelling on the west side of Kildare at 1287 Kildare Road.

Kildare Road, Devonshire Court, Devonshire Road and Argyle Road are classified as Local Roads on Schedule F: Roads and Bikeways, are paved with curbs. Kildare Road and Argyle Road have sidewalks on both sides. Devonshire Court has a sidewalk on the south side adjacent to the subject lands. Devonshire Road has no sidewalks. Ottawa Street is a Class I Collector with two lanes of parking, two lanes of traffic, curbs and sidewalks on both sides. Walker Road is a Class II Arterial and provides access to many major east-west arterials and to Highway 401.

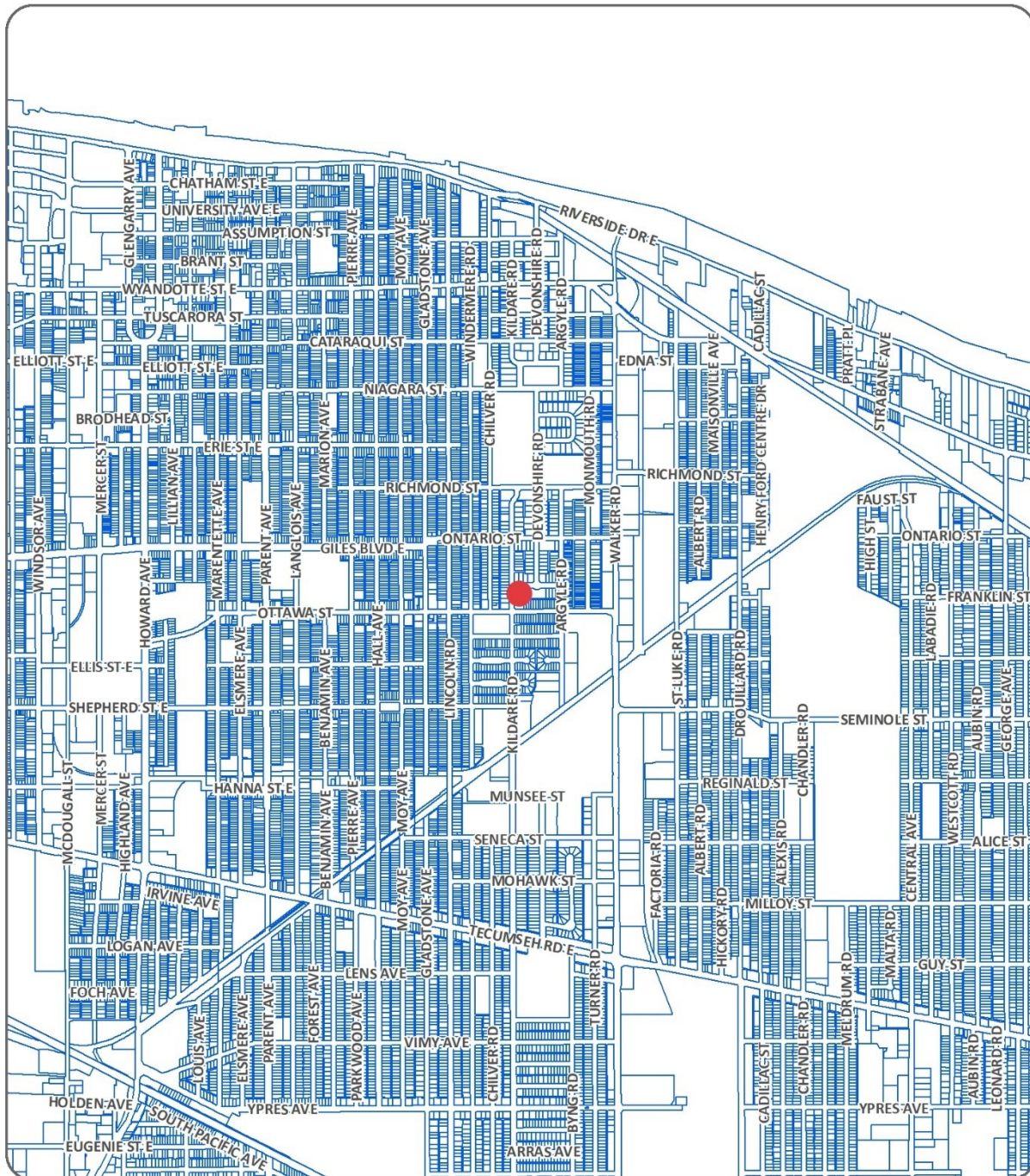
Gladstone Avenue & Lincoln Road, situated to the west, are classified as a Class I Collector and Bikeway north of Ottawa Street, and as a Class II Collector and Bikeway south of Ottawa Street. The intersection of Ottawa Street and Kildare, Ottawa Street and Monmouth and Ottawa Street and Walker Road all have traffic lights.

On-street bicycle lanes are available on Gladstone Avenue (southbound) and Lincoln Avenue (northbound), approximately 425 m to the west. Richmond Street, about 430 m to the north, is signed as an east-west bicycle route. The 2019 Active Transportation Master Plan identifies Kildare Road as a future Regional Spine in the bicycle network and future All Ages and Abilities cycling facilities.

Public transit is available via the Ottawa 4 bus route on Ottawa Street with stops at Kildare Road, approximately 70 m to the south, and the Walkerville 8 bus route on Gladstone Avenue and Lincoln Road to the west, with stops at Ottawa Street, approximately 425 m to the west, all within 1 km walking distance. The 2019 Transit Master Plan maintains similar transit access.

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

Figure 1: Key Map

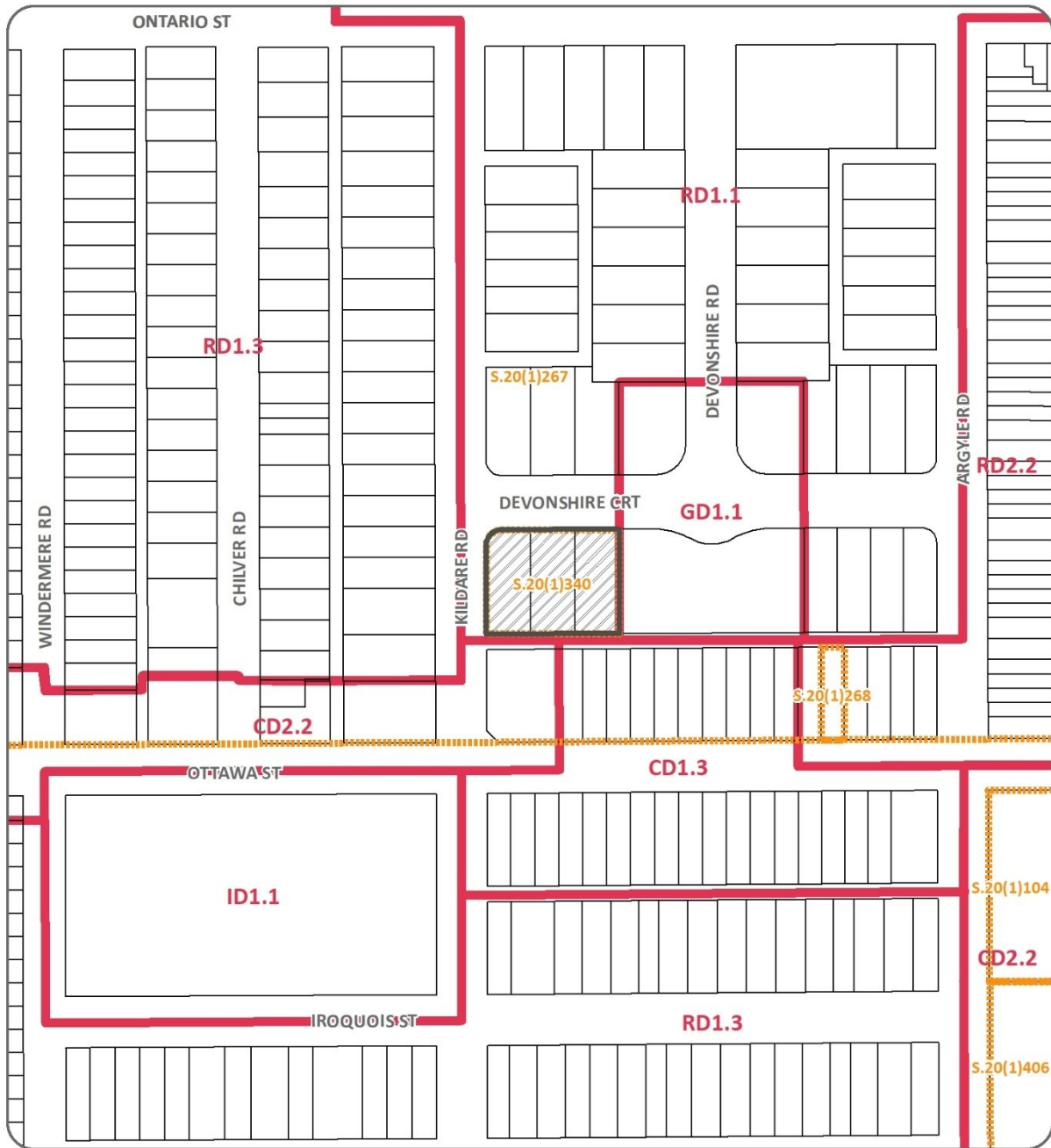


KEY MAP - Z-034/21, ZNG-6571



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 7

REZONING

Applicant: 2811035 Ontario Inc



SUBJECT LANDS

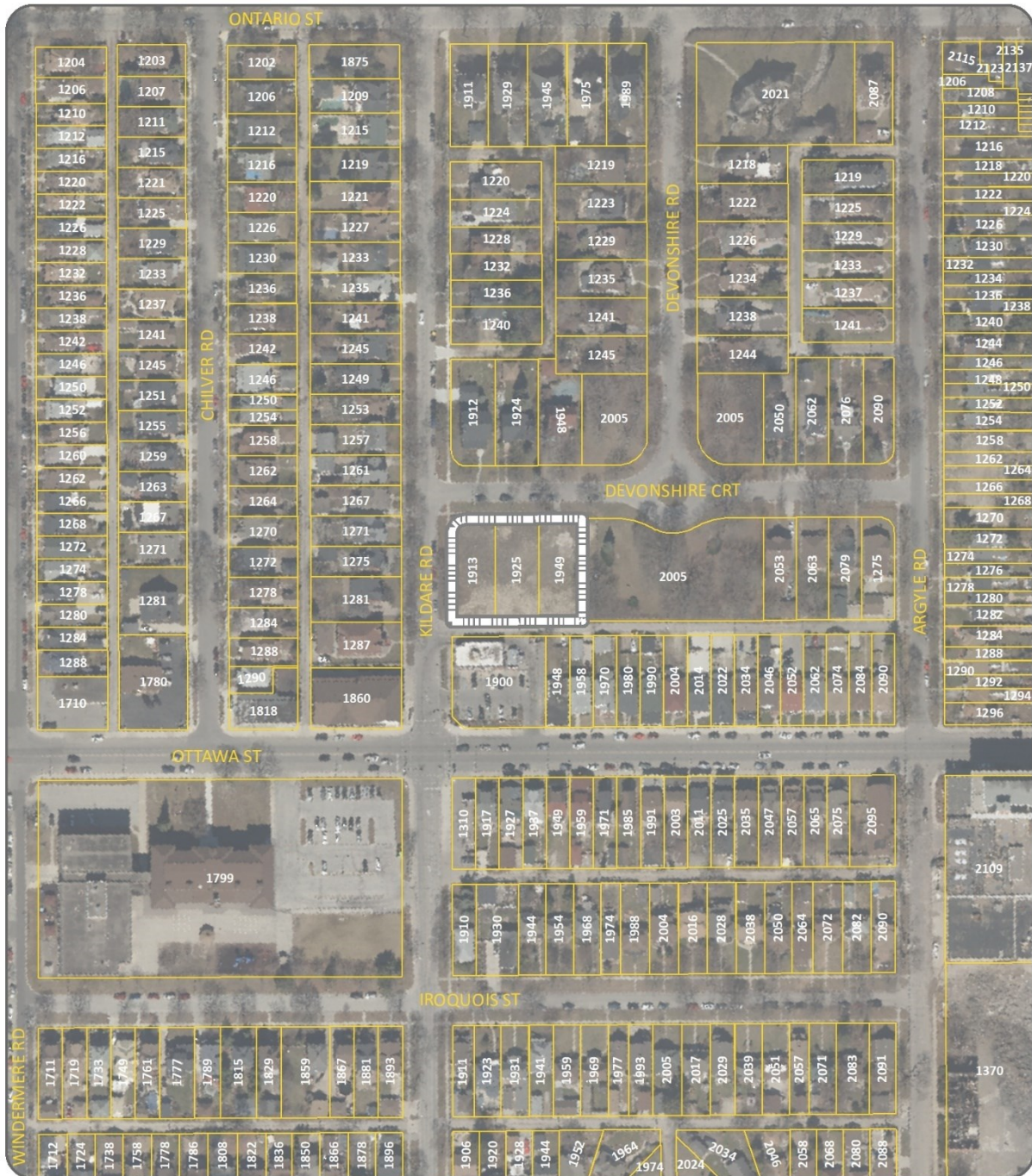
PLANNING & BUILDING DEPARTMENT

N.T.S.



DATE : SEPTEMBER, 2021
FILE NO. : Z-034/21, ZNG/6571

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-034/21, ZNG/6571



SUBJECT LANDS

Discussion:

Reports Submitted by Applicant:

Planning Rationale Report & Addendum (Pillon Abbs Inc. – Tracey Pilon-Abbs, MCIP, RPP)

The Planning Rationale Report (PRR) provides a description of the site, surrounding land uses, proposed development and amendment. A planning analysis of the Provincial Policy Statement 2020, the City of Windsor Official Plan and Zoning By-law 8600, including a zoning matrix on pages 49 to 53 are provided.

The PRR concludes that the *“site is ideally suited for residential development”*, that the proposed development is *“compatible with the existing built-up area, including the low profile residential uses along Devonshire Court and Kildare Road, and the overall character of the Walkerville Heritage Area”*, and that *“proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to a new housing choice and intensification requirements set out in the PPS and the OP.”*

An addendum was submitted during the review process. It summarizes the revised Built Heritage Impact Assessment which also contains the Shadow Study. The addendum also provides feedback from the applicant concerning preliminary comments from municipal departments and external agencies.

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

Built Heritage Impact Assessment (MHBC - Revised February 3, 2022)

The subject parcel does not contain any heritage resources; however, it is located within the Walkerville Heritage Area as identified in the Official Plan, and is within the vicinity of heritage properties listed on the Windsor Municipal Heritage Register. The City of Windsor requested a Built Heritage Impact Assessment (BHIA) to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

During the circulation for comments, the City's Heritage Planner and Landscape Architect requested that the BHIA be revised by including a Shadow Study and a visual character analysis. The analysis in this staff report is based on the revised BHIA dated February 3, 2022. The revised BHIA concludes that the proposed development will have no adverse impacts on nearby heritage properties or the Walkerville Heritage Area, and recommends no mitigation or conservation measures. The BHIA states that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

There is a shadow cast on the three parcels on the north side of Devonshire Court for about one hour or so on the winter equinox and one parcel on the west side of Kildare Road for about one hour on the summer equinox. Given this is a short period of time, the proposed building is not anticipated to create excessive shadows that would negatively impact the heritage resources.

The Heritage Planner and the Landscape Architect generally concur with the revised BHIA. This is an iterative process. Further feedback will be provided during the site plan control process. Both the Heritage Planner and the Landscape Architect provided preliminary site plan control comments for the applicant to consider.

Traffic Impact Study (RC Spencer Associates Inc – August 2021)

Due to the small size of the proposed development, the City of Windsor did not request a Traffic Impact Study (TIS). However, traffic was raised as an issue during the open house held by the applicant in 2021 and the applicant submitted a TIS. City of Windsor Transportation Planning reviewed the TIS and had no concerns.

The TIS concludes that the intersections of Devonshire Court at Kildare Road and Kildare Road at Ottawa Street will not be affected by the addition of site generated traffic and that both intersections will continue to operate at a good level of service.

The TIS does note that existing trees and on-street parking may be problematic for site egress and the applicant and the City of Windsor verify all sight lines on-site to ensure that conditions are deemed “safe” for continued public use of the existing alley.

Preliminary Stormwater Management Report (Aleo Associates Inc. - August 2021)

It is standard practice to request stormwater management reports for development or redevelopment on vacant parcels or where intensification in use is proposed.

The Preliminary Stormwater Management Report notes that stormwater storage has been provided on the asphalt surface above catch basins, and within storm sewer pipe and structures and that storage for the 1:5 year storm event will occur exclusively underground in storm pipe and structures only.

The report notes that *“stormwater quality control is being accomplished by utilizing catch basins with built-in goss gully traps in all catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system. Trapped oil and sediments will be removed during routine catch basin cleaning.”*

A final stormwater management report will be reviewed during site plan control.

Provincial Policy Statement, 2020

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

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

Section 5.1.1 in the Planning Rationale Report prepared by Pilon-Abbs Inc for the Applicant contains a list of relevant PPS policies and a response to those policies. The Planning Department generally concurs with the PPS analysis in the PRR.

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

The sight-line analysis in the Traffic Impact Study submitted by the Applicant, noted *“that existing trees and on-street parking may be problematic for egressing motorists”* and that the Applicant and the City of Windsor developer and *“should verify all sight lines on-site to ensure that conditions are deemed ‘safe’ for continued public use of the existing alley.”* The sight line issue is an existing situation and site plan control is the appropriate process to verify sight lines.

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

No deficiencies in infrastructure and public service facilities have been identified. The Traffic Impact study notes that the intersections of Kildare and Devonshire Court and Kildare and Ottawa Street will operate at *“good level of service”*. Elementary schools, a secondary school, and municipal parks are located within the neighbourhood. The preliminary Stormwater Management Report notes no issues with stormwater management. A final report will be reviewed during site plan control.

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

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

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

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

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

Policy 1.6 provides direction on infrastructure and public service facilities. Policy 1.6.3 a) states that *“the use of existing infrastructure and public service facilities should be optimized”* and Policy 1.6.6.2 states that for *“existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services”*. The proposed amendment promotes intensification and redevelopment – a multiple dwelling with 23 units – that will optimize the use of existing infrastructure. Per Policy 1.6.6.7, stormwater management has been integrated into this process through the submission of a Preliminary Stormwater Management Report which will be further refined during the site plan control process.

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

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

Policy 1.7 promotes long-term economic prosperity. The proposed multiple dwelling is a residential use that is responding to market-based needs and will provide a housing supply and option for a diverse workforce, that optimizes the use of land, resources, infrastructure and public service facilities, that being located near a mainstreet (Ottawa Street) will enhance the vitality and viability of that mainstreet, that encourages a sense of place by promoting a well-designed built form and reflecting the character, including built heritage resources and cultural heritage landscapes, and that through modern construction and building materials will promote energy conservation and minimize the impacts of climate change.

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

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

The proposed multiple dwelling is consistent with Policy 1.8.

Policy 2.6 provides direction on Cultural Heritage and Archaeology. The applicant submitted a revised Built Heritage Impact Assessment (BHIA) that concludes that the proposed development will have no impact on nearby heritage properties or the Walkerville Heritage Area. No mitigation measures are recommended.

The Heritage Planner notes that the BHIA is an iterative process. Preliminary comments for the Site Plan Approval process were also provided by the Heritage Planner.

The BHIA includes a shadow study for four seasons. For the spring, summer, and autumn equinox minimal to no shadow is cast on the heritage properties. The winter equinox (December 21) has some shadowing on the heritage properties on the north side of Devonshire Court during the morning from 9:30 am to 10:30 am and one parcel on the west side of Kildare Road from 7:26 am to 8:26 am on the summer equinox (June 21). Given the short durations of about 2 hours or less, the proposed multiple dwelling is not creating any excessive shadows that will adversely impact the heritage resources. There are some late afternoon shadows cast on Devonshire Park, however, they are short in duration and will not adversely impact any heritage attributes associated with the park.

The subject parcel is designated as having Low Archeological Potential in the Windsor Archeological Master Plan. During the Pre-Submission process, the Heritage Planner provided the applicant with a standard warning clause regarding the finding of any remains or archeological items on the parcel. Indigenous communities (Caldwell First Nation Community and Walpole Island First Nation) were circulated for comment in November 2021. No comments were received.

The development will be subject to Site Plan Control which will provide for further review and feedback regarding the conservation of built heritage resources.

The proposed multiple dwelling development is consistent with Policy 2.6.

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

City of Windsor Official Plan:

Section 5.1.2 in the Planning Rationale Report prepared by Pilon-Abbs Inc for the Applicant contains a list of relevant Official Plan (OP) policies and a response to those policies. The Planning Department generally concurs with the OP analysis in the PRR.

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.

Regarding the Safe, Caring and Diverse Community component (Section 3.2.1) of the Development Strategy in Chapter 3, the proposed multiple dwelling expands the variety of housing types and provides an opportunity for area residents to live in their neighbourhoods as they pass through the various stages of their lives. Ottawa Street is a central corridor that provides a focus of activities and services and is within convenient walking distance of the subject parcel.

The proposed multiple dwelling is being designed to complement the heritage area and heritage structures with the exterior consisting of at least 50 percent of brick, textured concrete block, stucco, stone or any combination thereof. Street trees are being maintained and new landscaping will be enhanced. The proposed multiple dwelling provides both indoor and outdoor bicycle parking and direct pedestrian access to Kildare Road. The BHIA concludes there will be no adverse impact on heritage resources.

The proposed multiple dwelling conforms to the policy direction of Section 3.2.1.

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

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

The proposed multiple dwelling conforms to the policy direction of Chapter 4.

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

Applicable goals include 6.1.1 - Safe, caring and diverse neighbourhoods, 6.1.2 - Environmentally sustainable urban development, 6.1.3 - Housing suited to the needs of Windsor's residents, 6.1.5 - Convenient and viable areas for the purchase and sale of goods and services, and 6.1.10 - Pedestrian oriented clusters of residential, commercial, employment and institutional uses.

The proposed multiple dwelling introduces a housing type that creates a diverse neighbourhood, creates an environmentally sustainable development by redeveloping a serviced vacant parcel well within the settlement area, provides housing that is in demand, and adds potential customers to improve the viability of the commercial corridor along Ottawa Street and Walker Road while creating a pedestrian oriented cluster with a mix of uses along and near those corridors.

The proposed multiple dwelling conforms to Goals in Section 6.1.

Section 6.2.1.2 defines development profiles in the Residential land use designation. Low Profile developments are buildings or structures generally no greater than three storeys in height and Medium Profile developments are buildings or structures generally no greater than six storeys in height. Having a maximum building height of 15 m consisting of four storeys, the proposed multiple dwelling is considered a Medium Profile development, but is at the low end of Medium Profile and is closer to a Low Profile development.

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

The neighbourhood consists mostly of single unit dwellings, semi-detached dwellings and townhome dwellings. The proposed multiple dwelling is a complementary housing form and broadens the range of housing types in the surrounding area and represents a redevelopment, infill and intensification initiative. At height of 15 m and having 23 dwelling units, the proposed multiple dwelling is a compact development which has access to alternative transportation modes such as walking and cycling and public transit.

The proposed multiple dwelling conforms to the Objectives in Section 6.3.1.

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

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

Section 6.3.2.5 lists evaluation criteria for a Neighbourhood development pattern. The subject parcel is not within or adjacent to any area identified on Schedule C:

Development Constraint Areas and described in the Environment chapter of the Official Plan and is not within a site of potential or known contamination.

The southerly wall of the proposed multiple dwelling is about 29 m north of the stacking spaces for the drive-through lane at the Tim Hortons. Zoning By-law 8600 requires that stacking spaces for a drive-through restaurant be located a minimum of 30 m from a dwelling or dwelling unit unless a 1.8 m high noise barrier is constructed. The order board is located about a further 12 m to the south and faces easterly, away from the proposed development. The 1 m difference does not create an adverse impact regarding noise.

Traffic generation and distribution was not a municipal concern. However, the applicant did submit a Traffic Impact Study that notes that the intersections of Kildare and Devonshire Court and Kildare and Ottawa Street will operate at “good level of service”. There is potential sight line problem with existing trees and on-street parking with the alley egress at Kildare. The sight line issue is not caused by the proposed development, but rather an existing situation that warrants further review to deem all sight lines as safe “for continued public use of the existing alley” per the recommendation in the Traffic Impact Study. The sight line review will occur during site plan approval process.

The subject parcel is located within the Walkerville Heritage District per Schedule G: Civic Image in the Official Plan and is located near, but adjacent to, heritage resources that are listed or designated on the Municipal Heritage Register. The applicant submitted a revised BHIA report to address heritage district and heritage resource concerns. The BHIA is an iterative process and remaining design matters will be finalized during site plan control. Municipal staff have provided preliminary site plan control comments to the applicant for their consideration.

Regarding the Shadow Study, the revised BHIA notes that:

“For the spring, summer and autumn equinox minimal to no shadow is cast on any of the heritage properties. The winter equinox illustrates some shadowing on the heritage properties on Devonshire Ct during the morning, approximately 9:30am to 10:30am. Given this is a short period of time, the building is not anticipated to create excessive shadows that would negatively impact the heritage resources. There are also late afternoon shadows cast on Devonshire Park, however, they are only on a portion of the park for brief periods of time and would not negatively impact any heritage attributes associated with the park.”

Page 24 BHIA

Regarding the impact on heritage resources, the revised BHIA notes the following:

“The proposed development is compatible in terms of scale, building materials and land use within the broader Walkerville Heritage Area. The proposed development maintains the residential character of the area by providing multiple residential units, while simultaneously broadening housing options in an area dominated by single detached dwellings. Furthermore, the proposed development is generally consistent with the variety of building materials found throughout the Heritage Area by drawing on existing design elements and materials.” Page 30, BHIA

“Given the range of building heights found throughout the Walkerville Heritage Area, the proposed development it is not found to be disproportionately taller and is consistent with other built-forms.” Page 33 BHIA

The proposed development is not emulating existing buildings, but rather combining the many elements of existing built forms to provide a modern, yet compatible building that will maintain the character of the area.” Page 33 BHIA

The BHIA concludes:

“that the proposed development will improve the current aesthetic of the vacant subject lands. This report also concludes that the proposed development will not negatively impact nearby heritage properties or the broader Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or alternative development options are recommended.” Page 34 BHIA

The subject parcel is not located within a secondary plan or guideline plan. The revised BHIA concludes that the proposed multiple dwelling is compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

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

The City of Windsor Heritage Planner notes that:

“The proposal has attempted to address and reduce the perception its building mass through vertical and horizontal articulation, projections and recessions, variety of glazing and building materials and colours. Common elements such as dormers, brick facade with cornice and window sills are used to match the surrounding Heritage Area.”

The City of Windsor Landscape Architect/Urban Design *“supports the recommendations made by the Heritage Planner with respect to built form’s appropriateness to the character of the neighbourhood”* and that *“some urban design comments have been consolidated into the Heritage Planner’s recommendations”*.

Parking will be provided at the rear of the development which conforms to the prohibition on front yard parking in the Walkerville Heritage District and is consistent with the prohibition on an access area or driveway in the front yard or exterior side yard and with the zoning requirement that access to parking be from the alley. However, to accommodate the parking area adjacent to the alley, the building has been located

closer to both Devonshire Court and Kildare Road which requires a reduction in the minimum setback from the lot lines abutting those streets.

For the development as proposed, shadows are limited to a few dwellings for about an hour or so in the morning on the winter equinox and summer equinox. The City's Landscape Architect found the Shadow Impact Study to be satisfactory. At-grade and balconies provide amenity areas. Residents have access to the adjacent Devonshire Park for additional amenity area.

The character of the Walkerville Heritage Area is primarily residential and represented as single unit dwellings, semi-detached dwellings, and townhome dwellings with some multiple dwellings located in the edges of the area a block or so from major collector and arterial roads. The single unit dwellings are predominantly two storeys in height with considerably high rooflines, while the multiple dwellings range in height from three to four storeys. Given the range of building heights found throughout the Walkerville Heritage Area, the proposed development is consistent and compatible with those built forms.

The proposed multiple dwelling exceeds the parking required by the Zoning By-law and includes two accessible parking spaces. One on-site loading space is also provided reducing the need load and unload on the street.

Since the proposed parking area utilizes the existing east-west alley, no additional driveways are being created, which maximizes the availability of on-street parking. No deficiencies in municipal services have been identified.

Based on the revised BHIA, the comments of the City of Windsor Heritage Planner and the City of Windsor Landscape Architect, and the above analysis, the proposed multiple dwelling is able to coexist with existing land uses and is compatible in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

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

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

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

Applicable goals in Section 7.1 include safe, sustainable, effective and efficient infrastructure (7.1.1), the optimal use of infrastructure (7.1.2), accessible, affordable and available transportation system (7.1.3), all modes of transportation play a balanced role (7.1.4), and the provision of infrastructure in a coordinated, efficient and cost-effective manner (7.1.5).

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

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

The proposed multiple dwelling makes use of the existing alley, streets, sidewalks, cycling facilities, and public transit and represents a density and use that reduces vehicle trips and supports alternative transportation modes. The Traffic Impact Study notes no issue with anticipated traffic volumes and the sight line issue is not related to the development. No issues with municipal sanitary or storm sewers have been identified. Off-street parking exceeds zoning requirements and an off-street loading space is provided. No new driveways are being created. The parking area design complies with the Zoning By-law.

Bicycle parking spaces exceeding zoning requirement is proposed and are located both inside and outside the building. Building access points and bicycle parking spaces will have convenient direct access to the public right-of-way via walkways to municipal sidewalks. The parking area does not adversely impact access to the proposed building.

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

Regarding Pedestrian Network Policies in Section 7.2.3, the proposed development provides safe, barrier free, convenient and direct walking conditions for persons of all ages and abilities, has access to public transit facilities, and maintains the existing sidewalks with no driveways crossing them to encourage people to walk to work or school, for travel, exercise, recreation and social interaction.

The proposed multiple dwelling conforms to the policies in Section 7.2.3.

By providing a total of 21 bicycle parking spaces, when only 3 bicycle parking spaces are required by the zoning by-law, the proposed multiple dwelling satisfies the requirement that developments “provide facilities for cycling movement and parking” in Section 7.2.4.

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

Chapter 8 – Urban Design provides policy direction on the built form of the city. Applicable Goals in Section 8.1 include achieving pedestrian access to all developments (8.1.3), a high standard of design throughout Windsor (8.1.6), a functional and attractive streetscape (8.1.10), public safety (8.1.11), integrated design for the needs of persons of all ages and abilities (8.1.14).

Pedestrians can directly access the main entrance to the proposed multiple dwelling from Kildare Road. Being located within a heritage district and near heritage resources, the proposed multiple dwelling has been subject to a high standard of design through the submission of a Built Heritage Impact Analysis which provides justification for the design of the proposed building. City Staff including the Heritage Planner, Landscape Architect and Urban Designer, have provided feedback to the applicant on design and

landscape matters. This feedback will continue during the site plan control process. This also includes feedback on an attractive streetscape.

Public safety issues will be considered during site plan review, including any sight line issues. The floor plans show that the main pedestrian entrance is located at-grade and is directly connected to the sidewalk on Kildare Road. Secondary/emergency pedestrian access on Devonshire Court is also at-grade and directly connected to the sidewalk on Devonshire Court. Bicycle parking at-grade is proposed inside and outside the building. The building can be accessed by foot, bike or motor vehicle, integrating the needs of persons of all ages and abilities.

The proposed multiple dwelling achieves the goals of Section 8.1.

Sections 8.2.2.3 and 8.2.2.4 state that a proposed development “maintains, reinforces and enhances the character of Heritage Areas”. The BHIA concludes no impact on character of the heritage area and that the proposed multiple dwelling is compatible from a heritage viewpoint.

Section 8.7 provides direction on Urban Form. Applicable objectives include a varied development pattern which supports the urban experience (8.7.1.1), complementary design relationship between new and existing development, while accommodating an evolution of urban design styles (8.7.1.2), maximizing the variety and visual appeal of building architecture (8.7.1.3), integrating landscaping with the built form (8.7.1.4), enhancing the unique character of a district, neighbourhood, prominent building or grouping of buildings (8.7.1.5) and achieving external building designs that reflect high standards of character, appearance, design and sustainable design features. (8.7.1.7).

The proposed development represents a varied development pattern – multiple dwelling with four storeys – enhances the urban experience. The revised BHIA notes that:

“the proposed development utilizes key design elements that are found throughout the Walkerville Heritage Area. These elements include the dormers, brick façade with cornice, and sills. The landscape features are complementary to the area and will improve circulation on the property as well as access to Devonshire Park...the proposed development is generally consistent with the variety of building materials found throughout the Heritage Area by drawing on existing design elements and materials.” Page 30 BHIA

The proposed multiple dwelling conforms to the objectives in Section 8.7.1.

Section 8.7.2.3 lists the built form policies for an infill development. Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area’s existing development pattern. Sections 5.3 and 5.3.1 in the revised BHIA provide a detailed analysis regarding the proposed multiple dwelling and massing, building height, architectural proportion, volumes of defined space, position relative to the road, the pattern, scale and character of existing development, and exterior building appearance. The Planning Department concurs with that analysis.

The proposed multiple dwelling conforms to the built form policies in Section 8.7.1.

Chapter 9 provides policy direction on Heritage Conservation. Objective 9.2.2 integrates the conservation of heritage resources into comprehensive planning and urban design initiatives. The submission of the BHIA was a requirement of the Planning Department.

The City's Heritage Planner and Landscape Architect have been involved throughout the process providing feedback. The revised BHIA provides an analysis of Heritage policies. A part of the Residential land use discussion covered heritage matters and applies to Chapter 9.

The proposed multiple dwelling and proposed amendment to Zoning By-law 8600 conform to the Heritage Conservation policies in Chapter 9.

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

The proposed zoning change conforms to the Official Plan.

Zoning By-Law:

Relevant excerpts from Zoning By-law 8600 are attached as Appendix E to this report. The subject lands are zoned Residential District 1.1 (RD1.1), S.20(1)267 and S.20(1)340. The RD1.1 zoning permits a single unit dwelling with a maximum building height of 10 m on a parcel with a minimum lot width of 15m and a minimum lot area of 450 m². Maximum lot coverage is 45%.

S.20(1)267 is an area wide exception that applies to the Walkerville Heritage Area that prohibits front yard parking, save and except for front yard parking that existed prior to September 15, 2010.

S.20(1)340 is a site specific exception that applies to the subject parcel and that for a single unit dwelling additional provisions apply limiting the Main Building Height to 7.00m, requiring a minimum Front Yard Depth of 7.50 m, prohibiting an access area or driveway in a front yard or exterior side yard, with vehicular access being only from the alley, prohibiting exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall, and requiring a minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

The applicant is requesting an amendment to allow a multiple dwelling as an additional permitted use changing the zoning from RD1.1 to RD3.1 with a site specific exception with the following additional provisions:

1. Decrease the minimum front yard depth from 6.0 m to 1.9 m
2. Decrease the minimum rear yard depth from 7.5 m to 1.2 m
3. Increase the maximum building height from 14 m to 15 m
4. Decrease the minimum landscaped open space from 35% to 27%.

Planning recommends that instead of changing the zoning from RD1.1. to RD3.1 with a site specific exception, that the RD1.1 zoning be maintained and that the applicable provisions for the multiple dwelling be added to a revised S.20(1)340 as follows:

Clause 1 applies a prohibition on access area or driveway in any front yard or exterior side yard and on building materials, while requiring a minimum of 50% of the exterior wall be of specific building materials. This applies to any dwelling.

Clause 2 maintains the minimum main building height and minimum front yard depth for a single unit dwelling.

Clause 3 permits a multiple dwelling as an additional permitted use subject to the provisions listed.

This allows for a clearer presentation of additional permitted uses and specific prohibitions and provisions.

For the proposed multiple dwelling, the applicant is proposing to locate the parking area along the alley with access from that alley and provide 30 parking spaces and one loading space in that parking area. The location of the parking area is consistent with the prohibition on front yard parking and access areas in the front yard in S.20(1)267 and S.20(1)340.

To accommodate the proposed parking area and multiple dwelling, the building is located closer to both Devonshire Court and Kildare Road which requires a reduction in the minimum setback from the lot lines abutting those streets. The proposed building is setback 2.62 m from the lot line abutting Kildare Road and 3.39 m from the lot line abutting Devonshire Court.

The subject parcel is located on RP 684. This registered plan contains an unusual feature at the northeast and southeast corners of the intersection of Kildare Road and Devonshire Court. It is called a 20 foot radius. This complicates the setback measurement of the building from the northwest corner of Lot 87. To accommodate what is essentially a corner cut off and to avoid confusion with front, side and rear lot lines and yards, Planning proposes that a minimum building setback from the lot lines be prescribed as shown in Clause 3 e), and to specifically address this situation at Lot 87.

Along Devonshire Court, the building setback is measured from that part of the building wall containing HVAC equipment adjacent to each balcony. Most of the building wall is setback an additional 1 m or so from the 3.39 m setback. The building setback from lot line adjacent to Devonshire Park will have no adverse impact on the use and enjoyment of the park.

The applicant is requesting that the maximum building height be 15 m to allow building with four-stories. As previously stated, the shadow study concluded minimal adverse impact of one to two hours from shadowing on the winter and summer equinox. There are several multiple dwellings within the Walkerville Heritage Area with building heights in the range of three to four storeys.

The applicant is also requesting a slight decrease in minimum landscaped open space to accommodate a parking area that meets municipal requirements for parking spaces, accessible parking spaces and loading spaces. The landscaped open space provides an amenity area to the tenants. Each dwelling unit in the proposed multiple dwelling has a balcony with an area of 5.34 m² for a total of 122.8 m² for 23 dwelling units. Devonshire Park provides additional outdoor amenity area for future residents.

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

Site Plan Control:

Site plan control will apply to the proposed development. Specific design issues including built heritage concerns and requirements will be considered during site plan review. Recommendation 2 directs the Site Plan Approval Officer to consider comments from various municipal departments and external agencies during site plan review.

Interim Control By-law 103-2020:

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

Compliance with the Zoning By-law – Whether the proposed development is a permitted use and complies with the provisions. Once the amending by-law 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 grocery store, a community or recreational facility, or other uses that meet their daily needs within a 1 km or less walk. Numerous services such as a market, retail stores, convenience stores, restaurants, clothing stores, and amenities are located on Ottawa Street, 100 m to south, and Walker Road, 500 m to east. A small park is immediately adjacent to the subject parcel, Willistead Park is 440 m to the north, and Lanspeary Park is 725 m to the west. École Élémentaire L'envolée, a French language elementary school, is 150 to the southwest, Walkerville Secondary Scholl is 600 m to the north, St. Anne French Immersion Catholic Elementary School is 650 m to the northeast, and King Edward Public School is 950 m to the northwest. Numerous commercial and institutional services and recreational 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 the Ottawa 4 bus route on Ottawa Street with stops at Kildare Road, approximately 100 m to the south, and the Walkerville 8 bus route on Gladstone Avenue and Lincoln Road to the west, with stops at Ottawa Street, approximately 425 m to the west, all withing 1 km walking distance. The 2019 Transit Master Plan maintains similar transit access.

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 conform to 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 these applications 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, intensification and a broader mix of uses will minimize the impacts on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available infrastructure such as parks, sewers, sidewalks, schools and public transit.

Climate Change Adaptation:

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

Financial Matters:

N/A

Consultations:

Public Open House: The applicant held a virtual informal public open house on May 20, 2021. A total of 116 properties were provided notice, representing a 120 m radius of the Site. In addition to City of Windsor Staff, the Mayor, the Ward Councillor, Planning Consultant (Agent), Developer, and Architect, a total of 33 people registered. Section 3.2 in the Applicant's Planning Rational Report provides a summary of the comments received and responses made at the open house.

Circulation to Municipal Departments and External Agencies: Comments are attached as Appendix E. There are no objections and various requirements and concerns will be considered during site plan control.

Public Notice: Statutory notice will be advertised in the Windsor Star, a local daily newspaper. A courtesy notice will be mailed to property owners and residents within

120m of the subject parcel. The Development & Heritage Standing Committee is the public meeting as required by the Planning Act.

Planner's Opinion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The 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 documents submitted by the applicant, the comments received from municipal departments and external agencies, and the analysis presented in this report, it is my opinion that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

The staff recommendation will permit a multiple dwelling that, while not identical or similar to existing development in the area, is able to coexist with existing land uses in the Walkerville Heritage Area.

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

Modern construction methods and building materials will allow the building mitigate stormwater and climate change concerns. Existing infrastructure such as roads, sidewalks, watermain, sewers and public transit, is being utilized, avoiding the need for any unjustified or uneconomical expansion of that infrastructure.

Site plan control is the appropriate tool to incorporate the requirements, and consider the concerns, of municipal departments and external agencies. The Heritage Planner and Landscape Architect have provided preliminary comments for the applicant to consider as part of the site plan review process.

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

Conclusion:

Staff recommend approval of the requested amendment to Zoning By-law 8600 to change the zoning of the subject land by adding a site specific exception to allow the construction of a multiple dwelling.

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

Approvals:

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

Notifications:

Name	Address	Email
Mike Spinetti 2811035 Ontario Inc	711 Kildare Road Windsor ON N8Y 3H2	
Vito Galifi		
Tracey Pillon-Abbs Pillon Abbs Inc.	23699 Prince Albert Road Chatham, ON N7M 5J7	
Tony Chau, Architectural Design Associates Inc.	1670 Mercer Street Windsor ON N8X 3P7	
Jerry Kavanaugh, Architectural Design Associates Inc.	1670 Mercer Street Windsor ON N8X 3P7	
Joanne & Michael Bashura		
Antonio Buttice		
Gary and Sharon Kelly		
Jessica Green		
Cherie Laughton		
Paul Bondy		
Raymond Colautti		
Councillor Holt		
Property owners and residents within 120 m of the subject lands		

Appendices:

- 1 Appendix A - Site Plan, Perspectives Revised and Floor Plans
- 2 Appendix B - Planning Rationale Report and Addendum
- 3 Appendix C - Built Impact Heritage Assessment Revised
- 4 Appendix D - Site Images
- 5 Appendix E - Extracts from Zoning By-law 8600
- 6 Appendix F - Consultations

Should archaeological deposits be found during construction activities, all work in the area must stop immediately and the City's Manager of Cultural Affairs and the Ontario Ministry of Tourism, Culture and Sport must be notified, and clearance given by the Ministry.

In the event that human remains are encountered during construction, 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 Ontario Ministry of Tourism, Culture and Sport and the Registrar General must be notified, and the Ministry of Consumer Services must then be notified, and clearance be given by the Ministry of Tourism, Culture and Sport.

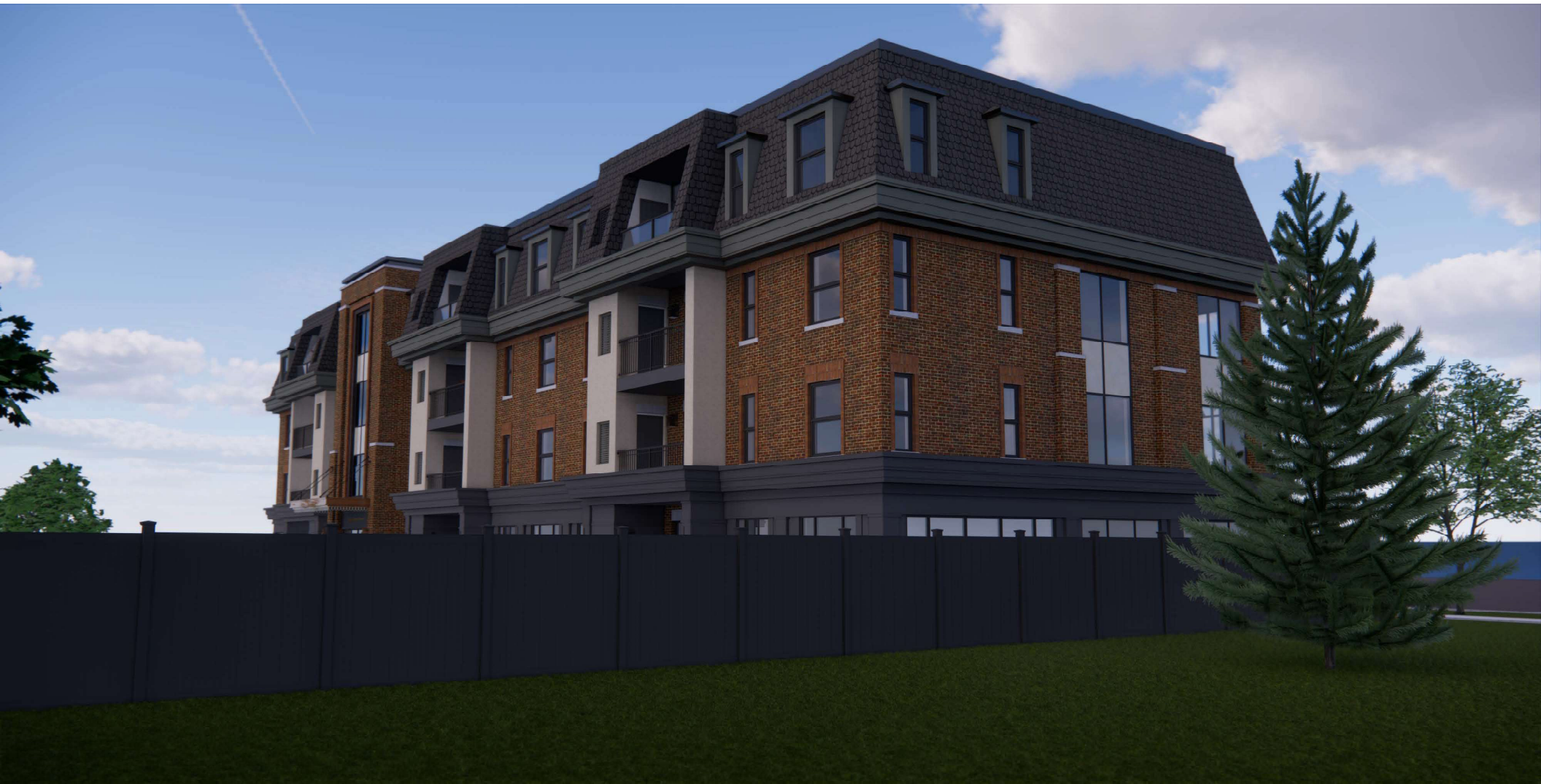
A building shall not be located beneath existing above ground electrical conductors. Where a building is to be constructed in proximity to above ground electrical conductors, horizontal clearances between buildings and conductors shall comply with Subsection 3.1.19 of the Ontario Building Code.



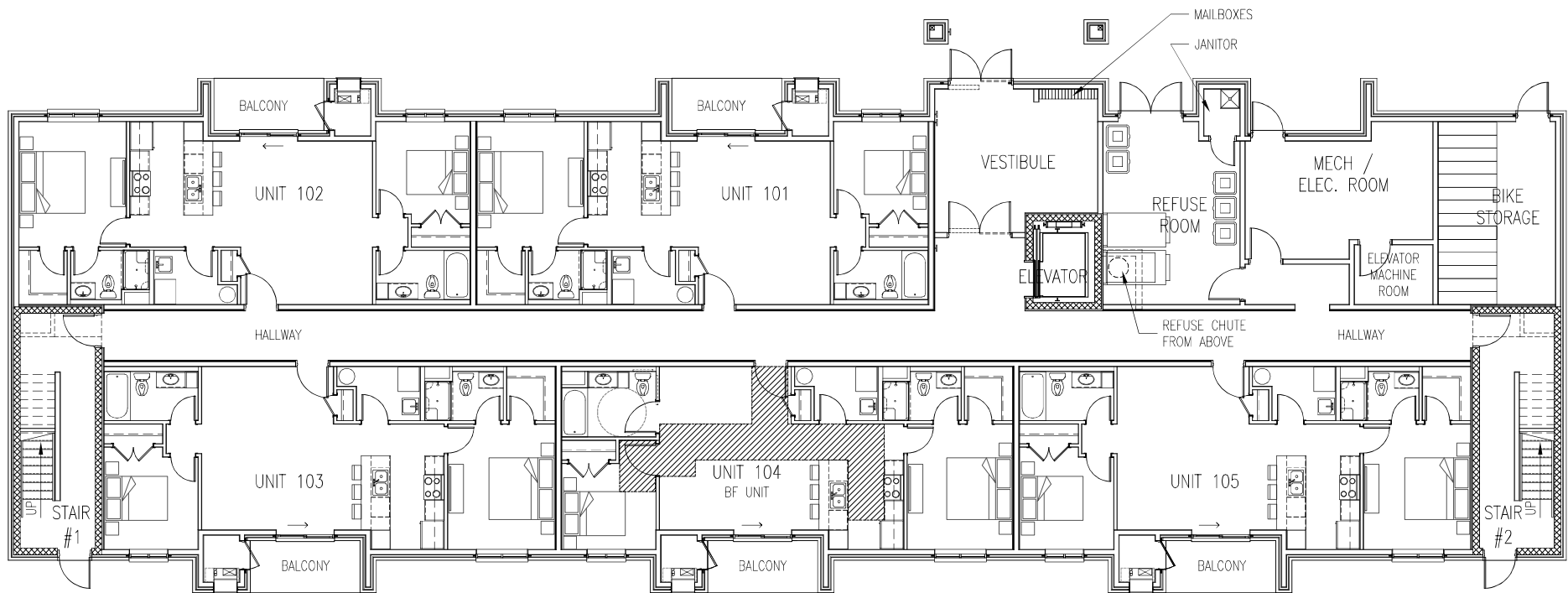












GROUND FLOOR PLAN

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

SUITE COUNT		
FLOOR	2 BED	TOTAL
GROUND	5	5
2ND-4TH	6/FLR	18
TOTAL	23	23 SUITES

architectural
design
associates inc. architect

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email - info@architecturaldesign.ca www.architecturaldesign.ca

project:
PROPOSED 4 STOREY MULTI UNIT DWELLING
1919, 1925 & 1949 DEVONSHIRE COURT, WINDSOR, ONT.

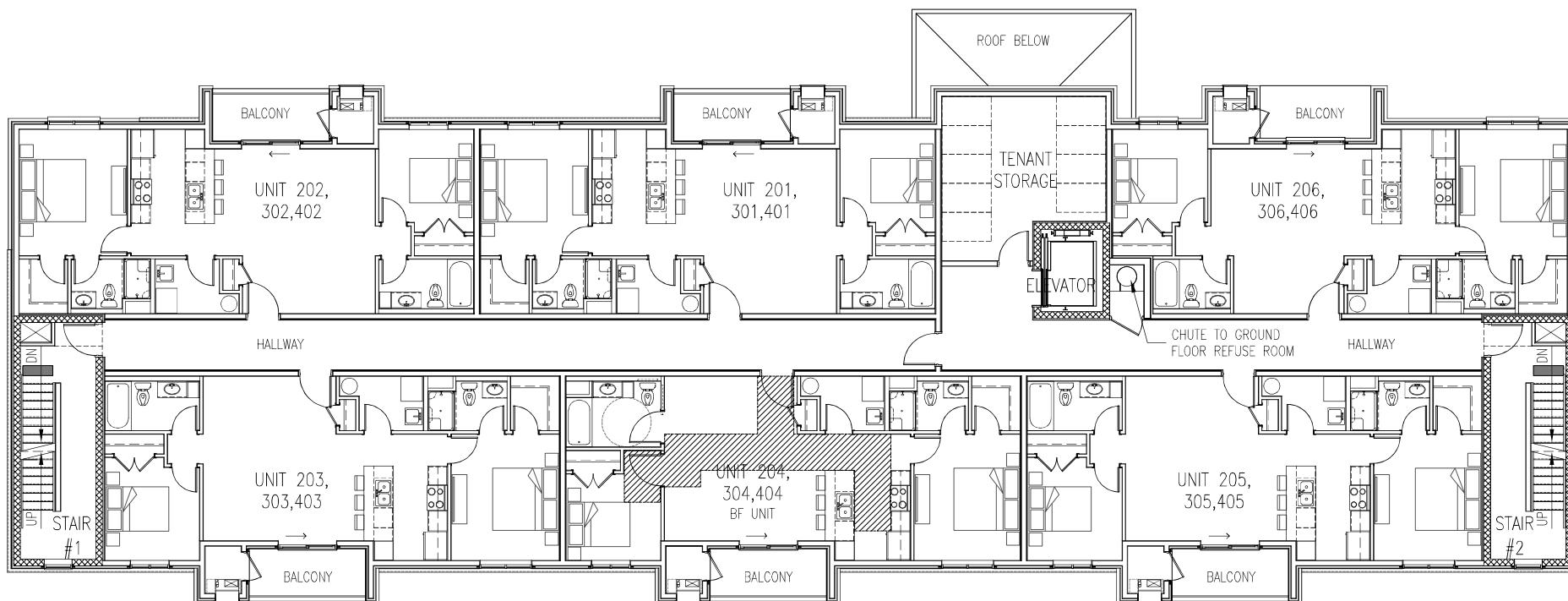
client:
SPINITI

file:
FLOOR PLAN

drawn by: TC
checked by: SMB / JBK / TC

date: NOV. 2020
comm. no.: 2021-007

dwg. no.:
A1.1a



SECOND-FOURTH FLOOR PLANS

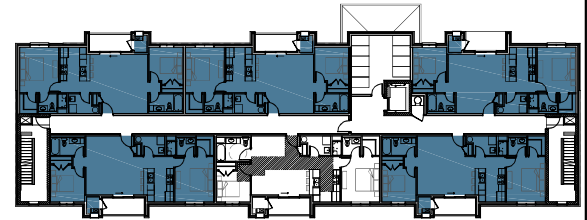
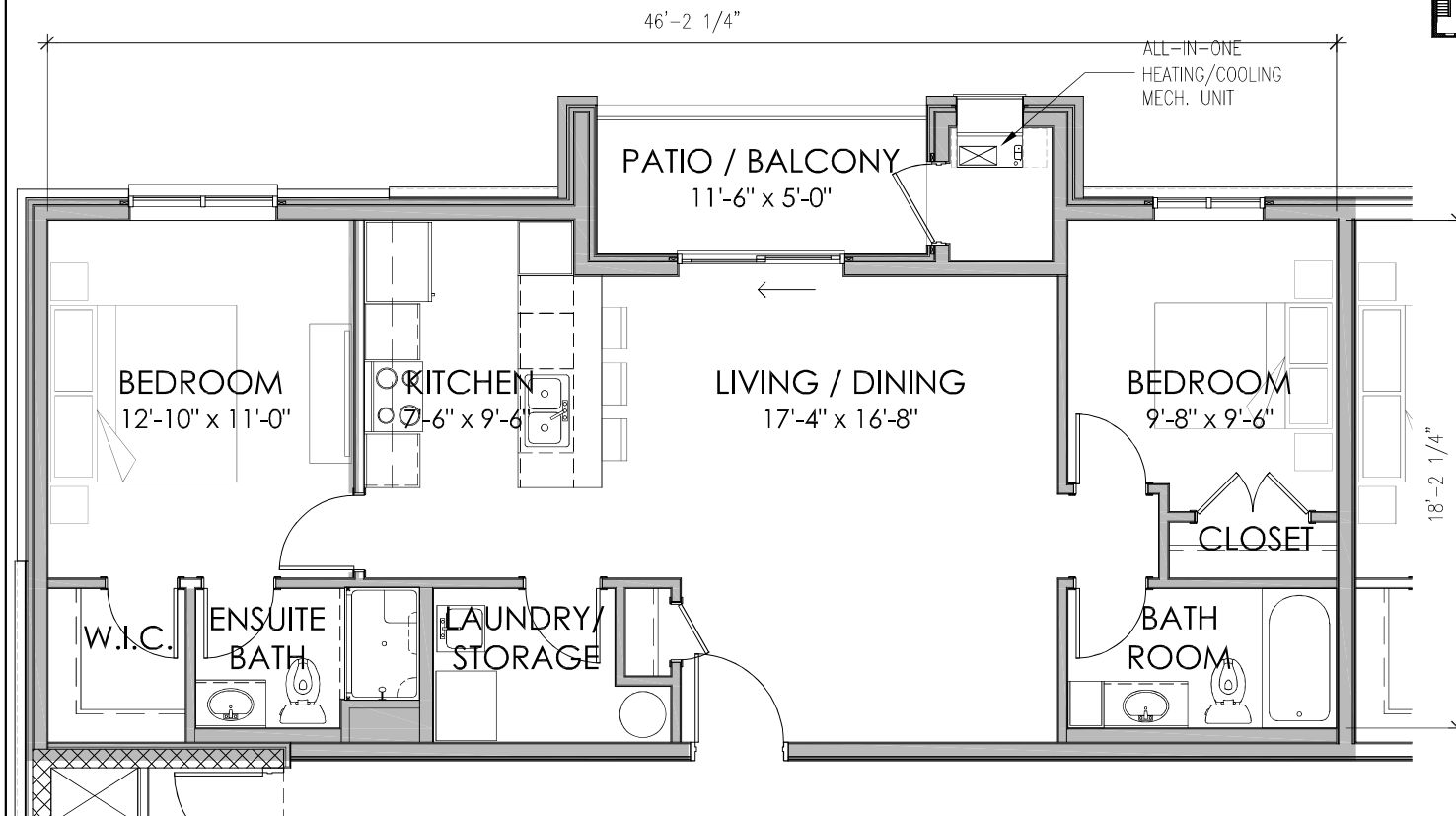
SCALE : 3/32" = 1'-0" 0 2 4 8 16 32 FEET

SUITE COUNT		
FLOOR	2 BED	TOTAL
GROUND	5	5
2ND-4TH	6/FLR	18
TOTAL	23	23 SUITES

	1670 mercer street windsor ontario canada n8x 3p7 ph 519.254.3430 fax 519.254.3642 email - info@ad-architects.ca www.ad-architects.ca	project: PROPOSED 4 STOREY MULTI UNIT DWELLING 1919, 1925 & 1949 DEVONSHIRE COURT, WINDSOR, ONT.	file: FLOOR PLAN	date: NOV. 2020
		client: SPINITI	drawn by: TC	comm. no.: 2021-007
			checked by: SMB / JBK / TC	dwg. no.: A1.2a

UNIT A (SUITE 101, 102, 103, 105, 201, 202, 203, 205, 301, 302, 303, 305, 401, 402, 403, 405)

2 BEDROOMS - 2 BATHS - 828 GROSS SQUARE FEET (NOT INCLUDING 60 SQUARE FEET OF BALCONY OR PATIO)



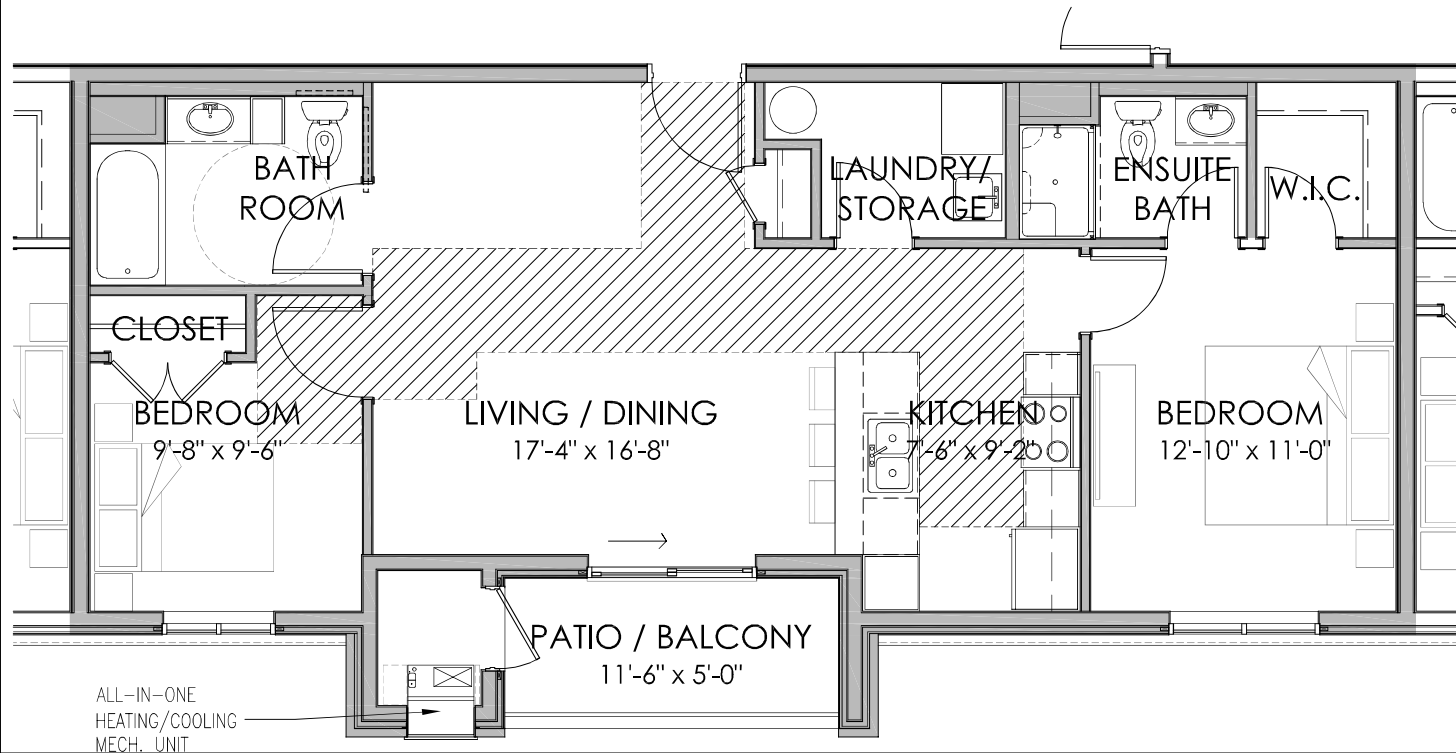
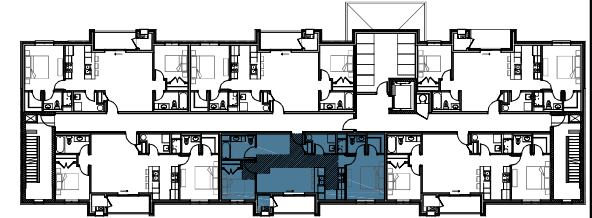
3/16" = 1'-0"
SCALE

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UNIT A BARRIER-FREE (SUITE 104, 204, 304, 404)

2 BEDROOMS - 2 BATHS - 828 GROSS SQUARE FEET (NOT INCLUDING 60 SQUARE FEET OF BALCONY OR PATIO)



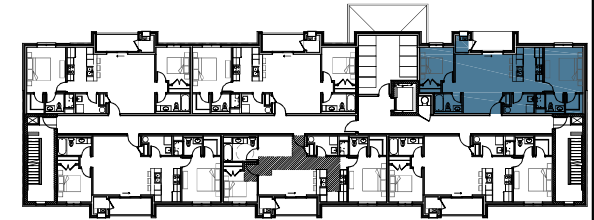
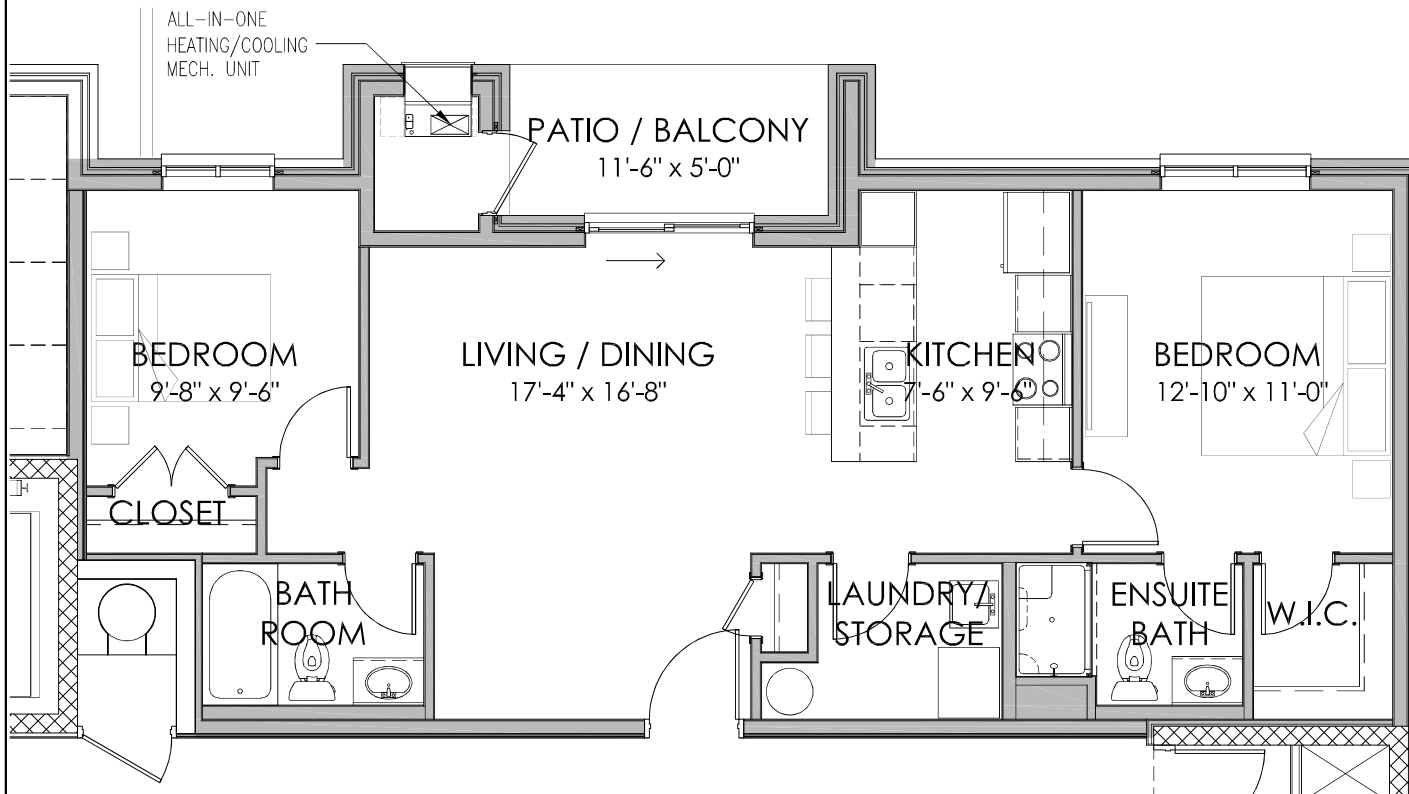
3/16" = 1'-0"
SCALE

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UNIT A1 (SUITE 206, 306, 406)

2 BEDROOMS - 2 BATHS - 828 GROSS SQUARE FEET (NOT INCLUDING 60 SQUARE FEET OF BALCONY OR PATIO)



3/16" = 1'-0"
SCALE

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PLANNING RATIONALE REPORT

ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT

**1913, 1925 and 1949 Devonshire Court
City of Windsor, Ontario**

October 31, 2021

Prepared by:



Tracey Pillon-Abbs, RPP
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Table of Content

1.0	INTRODUCTION	3
2.0	SITE AND SURROUNDING LAND USES	5
2.1	Description of Site and Ownership	5
2.2	Physical Features of the Site	6
2.2.1	Size and Site Dimension	6
2.2.2	Existing Structures and Previous Use	6
2.2.3	Vegetation	6
2.2.4	Topography	6
2.2.5	Other Physical Features	6
2.2.6	Municipal Services	7
2.2.7	Nearby Amenities	7
2.3	Surrounding Land Uses	8
3.0	DEVELOPMENT PROPOSAL	13
3.1	Proposal	13
3.2	Public Consultation Strategy	20
4.0	PROPOSED APPLICATION & AMENDMENT	26
4.1	Zoning By-Law Amendment (ZBA)	26
4.2	Other Application	26
4.3	Supporting Studies	27
4.3.1	Heritage	27
4.3.2	Stormwater	27
4.3.3	Traffic	28
5.0	PLANNING ANALYSIS	29
5.1	Policy and Regulatory Overview	29
5.1.1	Provincial Policy Statement (PPS), 2020	29
5.1.2	Official Plan (OP)	38

5.1.3 Zoning By-law (ZBL)	48
6.0 SUMMARY AND CONCLUSION	55
6.1 Context and Site Suitability Summary	55
6.1.1 Site Suitability	55
6.1.2 Compatibility of Design	55
6.1.3 Good Planning	55
6.1.4 Natural Environment Impacts	56
6.1.5 Municipal Services Impacts	56
6.1.6 Social and/or Economic Conditions	56
6.2 Conclusion	56

1.0 INTRODUCTION

I have been retained by the owner/applicant, 2811035 Ontario Inc., to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development located at 1913, 1925 and 1949 Devonshire Court (herein the “Site”) in the City of Windsor, Ontario.

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).

The Site is currently vacant and was previously used for institutional purposes (St George’s Church), which has since been demolished.

The Site provides for an infilling opportunity allowing a buffer/transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor. There are examples of this type of development in the area.

It is proposed to construct a 4-storey multiple dwelling with a total of 23 residential units. The units are proposed to be freehold.

Parking, bicycle storage and loading are provided on-site. Access to the parking area will be from an existing alley.

The Site will provide for a new housing choice in an existing built-up area, which is an example of “Missing Middle”, while respecting the existing built heritage resources within the Walkerville Heritage Area.

The Site was previously rezoned from institutional to low profile residential. A site specific Zoning By-law Amendment (ZBA) is required for medium profile residential in support of the proposed development of a multiple dwelling. Relief from zoning provisions are also being requested, including building height, front yard depth, rear yard depth and landscaping in order to accommodate the proposed development.

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements, then Draft Plan of Condominium in order to create the freehold units. A building permit will also be required prior to any construction or site alterations.

Pre-submission was completed by the applicant (City File #PS-086-20). Comments were received and have been incorporated into this PRR.

A Neighbourhood Open House was held as part of the public consultation strategy. A summary of comments received is included in this PRR.

This PRR will show that the proposed development is suitable intensification of residential, is consistent with the PPS, conforms to the intent and purpose of the City of Windsor OP and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Description of Site and Ownership

The Site is owned by 2811035 Ontario Inc. and made up of three (3) parcels located on the south side of Devonshire Court and the east side of Kildare Road (see Figures 1 – Site Location).



Figure 1 – Site Location (Source: City of Windsor GIS - area in red)

The Site is locally known as 1913, 1925 and 1949 Devonshire Court and is legally described as:

Address	ARN	Legal Description
1913 Devonshire Court	020-220-03903-0000	PLAN 684; LOT 87 & PT LOT 86; RP 12R27198; PART 1
1925 Devonshire Court	020-220-03906-0000	PLAN 684; PT LOT 86; RP 12R27198; PARTS 2 & 3
1949 Devonshire Court	020-220-03901-0000	PLAN 684; LOT 84 & PT LOT 85; RP 12R27198; PART 4

The three (3) parcels will merge as one (1) parcel as part of the proposed development.

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site subject to the proposed development consists of a total area of 2,152.4m², with 35.1m of lot width along Devonshire Court and an irregular lot depth of 46.33m along Kildare Road and 52.43m along the alley.

2.2.2 Existing Structures and Previous Use

The Site is currently vacant.

The previous use of the Site was for institutional purposes (St George's Church), which has since been demolished.

The Church was removed from the City of Windsor Municipal Heritage Register once it was demolished.

2.2.3 Vegetation

The Site has an open grassed area. There are mature trees located on the municipal Right of Way (R-O-W).

2.2.4 Topography

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

2.2.5 Other Physical Features

There is a 6.1m wide alley located on the south side of the Site between Kildare Road and Argyle Road. There is existing chain link fencing around the Site.

2.2.6 Municipal Services

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

Devonshire Court and Kildare Road are 2 lane local roads with parking on one side of the roadway. The Site is located one block from Ottawa Street, which is an east/west collector road. The intersection of Kildare Road at Ottawa Street is a signalized intersection.

Streetlights and sidewalks are located on Devonshire Court and Kildare Road.

The closest fire hydrant is located at the corner of Devonshire Court and Kildare Road on the northeast corner.

The Site has access to transit with the closest bus stop located on Ottawa Street, east of Kildare Road, Stop ID:1557 (Bus #4).

The Site is in close proximity to major transportation corridors, including Walker Road.

2.2.7 Nearby Amenities

There are several schools nearby, including Ecole Elementaire L'Envolee, Walkerville Montessori School, St. Anne French Immersion Catholic School and Walkerville Secondary School.

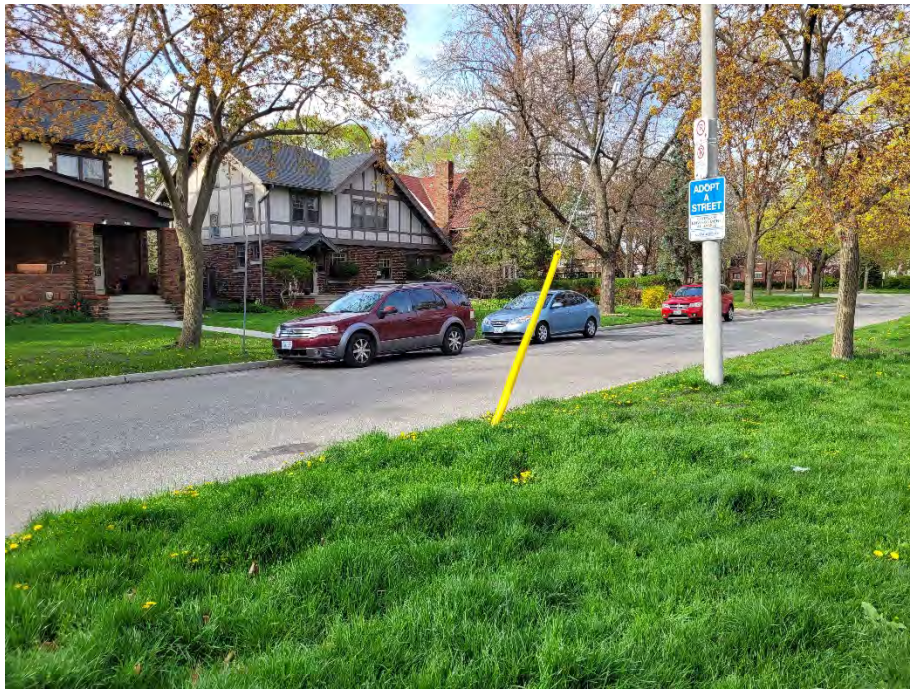
There are many parks and recreation opportunities in close proximity of the Site, including Devonshire Park, Willistead Park, Garry Dugal Park and Lanspeary Park.

There is nearby shopping in the form of plazas and malls as well as employment, places of worship and local/regional amenities.

2.3 Surrounding Land Uses

Overall, the Site is located in between commercial, recreation and residential uses within the Walkerville Planning District. A site visit was undertaken on April 18, 2021.

North – The lands directly north of the Site are used for low density residential (see Photos 1 - North). Those dwellings are located along Devonshire Court. Beyond Devonshire Court is low density residential along Kildare Road.





Photos 1 – North (Source: Pillon Abbs Inc.)

South – The lands directly south of the Site are used for commercial (Tim Hortons) and front onto Ottawa Street with access from Kildare Road (see Photos 2 - South). The alley is located in between the Site and the commercial corridor which runs along Ottawa Street. Beyond Tim Hortons is the Ottawa Street intersection and commercial corridor.





Photos 2 – South (Source: Pillon Abbs Inc.)

East – The lands east of the Site are used for recreation (Devonshire Park) and front onto Devonshire Court (see Photos 3 - East). In front of the park is a round-a-bout. Beyond the park is low density residential uses.



Photos 3 – East (Source: Pillon Abbs Inc.)

West – The lands west of the Site are used for low density residential and front onto Kildare Road (see Photo 4 - West).



Photo 4 – West (Source: Pillon Abbs Inc.)

The total building area is proposed to be 711.4m² in size, which will result in a total lot coverage of 33.1%.

The proposed total net density will be 106.86 units/ha.

The proposed development will be brought to the edge of the municipal space. The building will be located on the northwest corner of the Site.

The main entrance will be located on the south side of the proposed building with two (2) exits on the north side (see Figure 2b – Elevations).



The Residences at Devonshire Court

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Figure 2b - Elevations

Devonshire Court, Windsor, Ontario

17

Parking for 30 vehicles will be located on-site, including 2 barrier free parking spaces. Parking will be available for residents and visitors. Signage will be provided. The parking area will have appropriate lighting.

The entrance to the parking area will be from a 7m access off the alley. The Site includes a fire route.

A loading space will be located close to the main entrance of the building for pick up and deliveries.

A total of 7 bicycle parking spaces are provided outside and 14 bicycle parking spaces are provide inside the proposed building.

The Site will be professionally landscaped with greenspace located around the perimeter of the proposed building and the parking area. The total landscaped area will be 597.5m² (27.8% of the lot).

A low height brick decorative courtyard fence is proposed along the sides of the alley and roadways. Fencing is proposed along the public open space.

The Site will have sidewalks connecting the parking area to the entrances as well as a connection to Devonshire Court and Kildare Street.

The proposed development provides a buffer/transition between the existing established neighbourhood to the north and west along Devonshire Court and Kildare Road, a neighbourhood park to the east along Devonshire Court and an existing commercial corridor to the south along Ottawa Street. There are examples of this type of development in the area.

The main entrance of the building will lead to a lobby with an elevator. Centralized mail, mechanical room, garbage and recycling will be located indoors.

Amenity space for the residential dwellings includes a 5.574m² private patio/balcony for each unit, outdoor seating area and landscaped gardens.

All units will include 2 bedrooms and 2 bathrooms with individual laundry and storage and heating and cooling units.

Units will be 76.923m² in size, not including the patio/balcony area (see Figure 2c – Floor Plans).

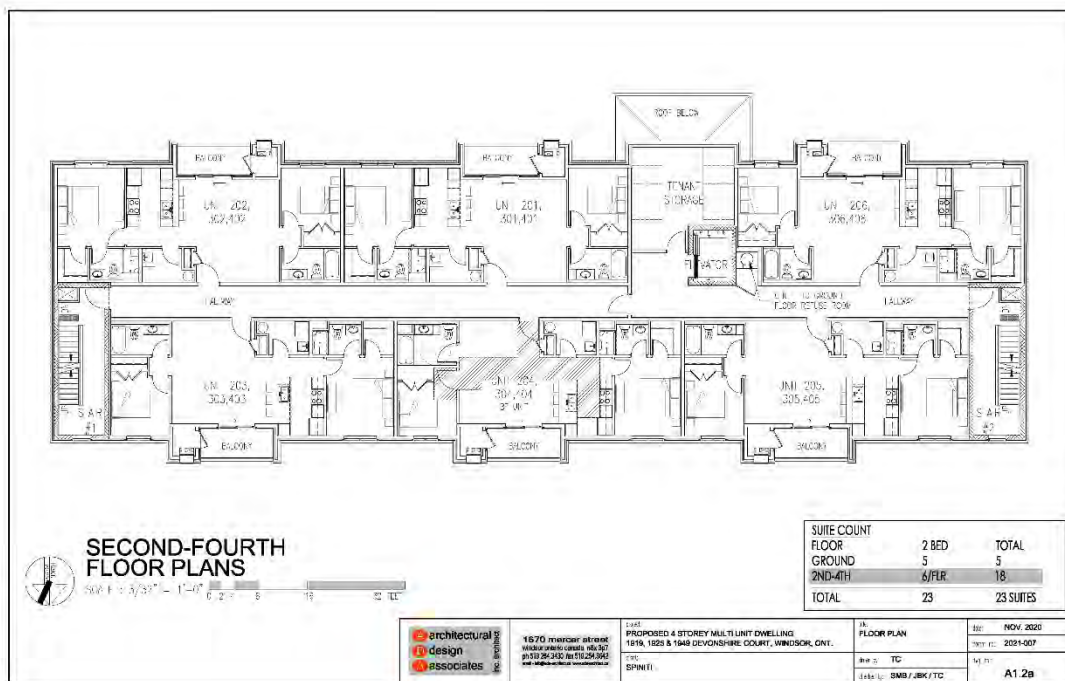
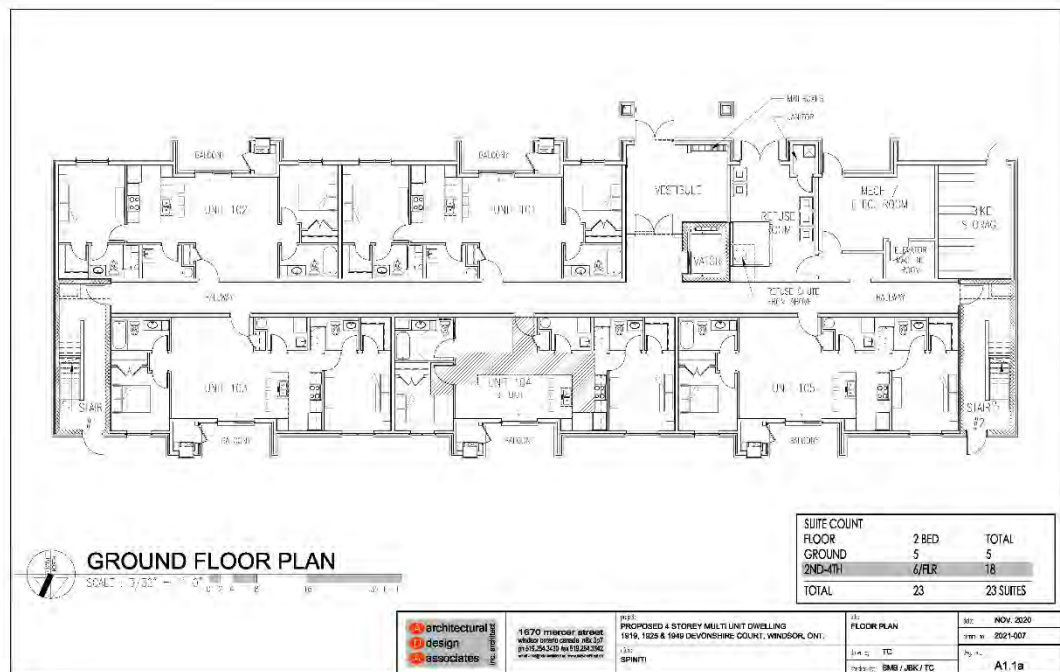


Figure 2c – Floor Plans

3.2 Public Consultation Strategy

In addition to the statutory public meeting, 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, a virtual informal public open house was held with surrounding property owners on May 20, 2021 from 6:00 pm to 7:30 pm. A total of 116 properties were provided notice, which represents 120m radius of the Site. In addition to Staff, the Mayor, Ward Councillor, Planning Consultant, Developer, and Architect, a total of 33 people registered.

The open house provided members of the public with opportunities to review and comment on the proposed 4-storey multiple dwelling with a total of 23 units.

The following is a summary of the comments received and responses provided:

Topic	Public Comments	Applicant Responses
Parking	<p>There is not enough parking in the area.</p> <p>There is no on-street parking in the area.</p> <p>The only option is on Kildare.</p> <p>Parking requirement should be 2 per unit.</p>	<p>The proposed development will provide for on-site parking of 28 parking spaces, including visitor parking and barrier free parking.</p> <p>The City of Windsor Zoning By-law requires a minimum of 1.25 parking spaces for each dwelling unit.</p> <p>On-street parking is also available on Devonshire Court and Kildare Road.</p> <p>Additional bike parking indoors and outdoors is being provided.</p>
Heritage	<p>How will the building blend with the existing neighbourhood period style?</p> <p>How will the 2015 City Report be addressed?</p>	<p>The proposed development has been professionally designed.</p> <p>A Built Heritage Impact Assessment (BHIA) has been completed.</p> <p>The BHIA concluded that the proposed development would have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation</p>

Topic	Public Comments	Applicant Responses
		<p>measures or conservation measures are recommended.</p> <p>Further, the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.</p>
Building Type	<p>A multiple dwelling is not supported.</p> <p>Why not stay with the original 3 single detached dwellings?</p> <p>What has changed?</p>	<p>The Site provides for an infilling opportunity allowing a transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p> <p>The proposed development offers a new housing choice and is suitable intensification.</p>
Density	Density is too high.	<p>The proposed density of the development is below the City's density range provided for low and some medium density.</p> <p>The proposed development supports intensification in an existing neighbourhood.</p>
Traffic	<p>Will there be an increase in traffic?</p> <p>Concerns of children safety while waking.</p> <p>Can you provide accident report from the last 10 year?</p> <p>Can there be speed bumps?</p> <p>Can a traffic study be completed outside of COVID-19?</p>	<p>A Traffic Impact Study (TIS) has been completed.</p> <p>It was concluded that there will be no negative impacts on intersections. Mitigation measures were provided regarding existing trees and on-street parking.</p>
Building Height	The proposed height is too high.	The City of Windsor Zoning By-law requires a maximum building height in the proposed RD3.1 of 14m. Relief is being requested of 1 m, which is considered minor.

Topic	Public Comments	Applicant Responses
	There is a concern of loss privacy with a 4-storey building.	<p>The Site is on a corner lot and will not have any impact on the enjoyment of abutting properties as it pertains to shadow or privacy.</p> <p>The Site provides for an infilling opportunity allowing a transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p>
Alternative Building Type	<p>Would the developer consider 4 or 6 unit multiple dwelling as an alternative?</p> <p>How about townhouses?</p>	Alternative dwelling types were considered; however, the proposed development offers a new housing choice and is suitable intensification.
Alley	<p>Will there be traffic issues with the alley way and the customers coming out of Tim Hortons's?</p> <p>Will there be alley restrictions?</p> <p>The alley is narrow.</p> <p>How will the alley be maintained?</p>	<p>The TIS considered the site access via an existing 6.1 m alley on Kildare Road, which is located immediately adjacent to the existing Tim Hortons drive-through lane. No concerns or mitigation is required.</p> <p>No additional restrictions are anticipated.</p> <p>The City of Windsor will continue to maintain the alley.</p>
Ethics	The proposed development is unethical.	<p>The PPS and the City OP support intensification and infilling opportunities.</p> <p>The proposed development will offer a new housing choice.</p>
Round-a-bout	The round-a-bout currently causes issues with parking.	The proposed development will not impact the existing round-a-bout.
Snow	<p>How will snow ploughing and snow removal be handled?</p> <p>The City needs to re-evaluate the snow plough routes.</p>	<p>The Site will provide for snow removal withing the parking area.</p> <p>Storage of snow will be located on-site.</p>

Topic	Public Comments	Applicant Responses
Property Values	Will they go down?	Real estate values are the product of many factors such as the neighbourhood, current market conditions, the year of construction, recent renovations, etc. The proximity to new development is unlikely to be the dominant factor.
Greenspace	There needs to be more greenspaces on the Site.	<p>The Site will be professionally landscaped with greenspace located around the perimeter of the proposed building and the parking area. The total landscaped area will be 621.3m².</p> <p>Amenity space for the residential dwellings includes a 5.574m² private patio/balcony for each unit, outdoor seating area and landscaped gardens.</p>
Sight lines	A study of sight lines needs to be completed for Kildare and Devonshire Court.	<p>The TIS has made recommendations that the developer and road authority should verify all sight lines on-site to ensure that conditions are deemed safe for continued public use of the existing alley.</p> <p>There were no anticipated concerns regarding sight lines for Kildare Road and Devonshire Court.</p>
Market Demand	There are too many houses on the market and their values are going up.	The City of Windsor Official Plan (OP) 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.
Infrastructure	<p>How will services be addressed. The area has old infrastructure.</p> <p>There is a possibility of flooding.</p>	<p>A Functional Servicing Plan has been completed.</p> <p>No negative impact is anticipated.</p>

Topic	Public Comments	Applicant Responses
Intensification	<p>Walkerville is already overly intensified with housing.</p> <p>The area is NOT a 'live work and play' neighbourhood and people do depend on cars.</p>	<p>The proposed development offers a new housing choice.</p> <p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p>
Property Size	A smaller property would be better.	The Site subject to development is 2,152.4m ² in area and is capable of accommodating the proposed development in terms of scale, massing, height and siting.
Location	This type of development is better suited in Toronto or downtown Windsor.	<p>The Site provides for an infilling opportunity allowing a transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p> <p>The design and style of building will blend well with the scale and massing of the existing surrounding area.</p>
Devonshire Park	The park is too small and there are too many pets.	The location of the park abutting the Site offers an opportunity for additional recreation and open space that can be shared with the existing neighbour.
Pollution	There will be an increase in air and noise pollution with the proposed development.	The proposed development will not have any negative impacts on air quality and climate change and will promote energy efficiency with the availability of indoor and outdoor bike storage, access to transit, walking distance to community amenities and in close proximity to nearby shopping and employment.
Fit	The proposed development is not a good fit.	The proposed density is compatible with the surrounding area and will provide an appropriate transition between existing uses.

Topic	Public Comments	Applicant Responses
		<p>The view of each heritage resource will continue to be visible from the public right of way. The proposed development will not obstruct views of the heritage resources.</p>

4.0 PROPOSED APPLICATION & AMENDMENT

The proposed development requires an application for Zoning By-law Amendment (ZBA). The following explains the application and other required approvals.

4.1 Zoning By-Law Amendment (ZBA)

The Site was previously rezoned from institutional to low profile residential.

A site specific Zoning By-law Amendment (ZBA) is required for medium profile residential in support of the proposed development of a multiple dwelling.

The zoning for the Site is proposed to be changed from Residential District 1.1 (RD1.1) category to a site specific Residential District 3.1 (RD3.1 - S.20(1)(XXX)) category as shown on Map 7 of the City of Windsor Zoning By-Law (ZBL).

In addition to the change in zoning for the permitted use of a multiple dwellings, the proposed development will comply with all zone provisions set out in the RD3.1 Zone except for the following, which requires site specific relief:

1. *Increase the maximum building height from the required 14m to 15m,*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m,*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, and*
4. *Decrease the minimum landscaped open space from the required 35% spaces to 27%.*

The Site is also subject to the following site specific provisions:

- S.20(1)267 – prohibiting front yard parking (B/L 127-2010, September 15, 2010), and
- S.20(1)340 – requiring specific building height and front yard depth minimum, requiring parking from the alley and providing direction regarding exterior wall finishes (B/L 2-2017, February 7, 2017).

No front yard parking proposed. A single unit dwelling is not proposed. The use of a multiple dwelling is proposed to be added as a permitted use. The building will be designed using both contemporary and traditional architectural styles. A mix of materials will be used to accent the building, including red brick, glass, and iron. There will be no vinyl siding.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

4.2 Other Application

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements, then Draft Plan of Condominium in order to create the freehold units.

A building permit will also be required prior to any construction or site alterations.

4.3 Supporting Studies

The following studies have been prepared to support the application.

4.3.1 Heritage

A Built Heritage Impact Assessment (BHIA) was prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), dated August 25, 2021.

The Site does not contain cultural heritage resources; however, the proposed development is located within the Walkerville Heritage Area as identified in the OP and are within the vicinity of heritage properties listed on the Windsor Municipal Heritage Register. As such, a BHIA was requested by the municipality to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

The BHIA concluded that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.

Further, the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

4.3.2 Stormwater

A Preliminary Stormwater Management Report was prepared by Aleo Associates Inc. Consulting Engineers, dated August 16, 2021.

The report provided a review and identified stormwater management requirement for the proposed development.

The report concluded and recommended the following:

- An inlet control device will be installed on the outlet pipe inside storm manhole
- Storm sewer pipe has been oversized to ensure no surface ponding occurs in the parking lot for the minor storm event.
- Stormwater quality control is being accomplished by utilizing catch basins with built-in goss gully traps in all catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system.
- Trapped oil and sediments will be removed during routine catch basin cleaning.

4.3.3 Traffic

A Traffic Impact Study (TIS) was prepared by RC Spencer Associates Inc. Consulting Engineers, dated August 2021.

The report was prepared to examine the potential implications of the proposed development on area traffic operations.

The TIS also considered the site access via an existing alley on Kildare Road, which is located immediately adjacent to the existing Tim Hortons drive-through lane.

The following conclusion were made:

- The stop-controlled tee intersection of Devonshire Court at Kildare Road will not be affected by the addition of site generated traffic; therefore, it is the engineers' opinion that the intersection will continue to operate at a good level of service in all horizon traffic scenarios;
- The signalized intersection of Kildare Road at Ottawa Street will not be affected by the addition of site generated traffic; therefore, it is the engineers' opinion that the intersection will continue to operate at a good level of service in all horizon traffic scenarios;
- Existing trees and on-street parking may be problematic for site egress; although this is not atypical of standard urban environments, it is the engineers' recommendation that the developer and road authority should verify all sight lines on-site to ensure that conditions are deemed safe for continued public use of the existing alley.

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
1.0Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	Windsor has directed growth where the Site is located which will contribute positively to promoting efficient land use and development patterns. The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.
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	The proposed development is consistent with the policy to build strong healthy, and livable communities as it provides for a development where people can live, work and play.

PPS Policy #	Policy	Response
	<p>Province and municipalities over the long term;</p> <p>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;</p> <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>The proposed development offers a new housing choice.</p> <p>There are examples of this type of development in the area.</p> <p>There are no anticipated environmental or public health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion of the settlement area as it is considered infilling and intensification.</p> <p>The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</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 vacant land.</p>

PPS Policy #	Policy	Response
		The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.
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 Site will provide for residential infilling within an existing settlement area.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as the proposal is within an existing settlement area.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>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;</p>	<p>The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.</p> <p>The total density of the proposed development is considered appropriate as most of the existing area is a mix of uses.</p> <p>The Site provides for an infilling opportunity allowing a buffer/transition between an</p>

PPS Policy #	Policy	Response
	<p>c) minimize negative impacts to air quality and climate change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>	<p>existing established neighbourhood, a neighbourhood park and an existing commercial corridor</p> <p>The Site offers an opportunity for intensification by creating a new housing choice using the vacant property.</p> <p>The design and style of building will blend well with the scale and massing of the existing surrounding neighbourhood.</p> <p>Residents will have immediate access to local amenities, shopping, employment, recreational areas, and institutional uses.</p> <p>Transit is available for the area.</p> <p>The Site is located close to major transportation corridors.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned</p>	<p>The proposed development is located on a Site that is physically suitable.</p> <p>The Site is generally level which is conducive to easy vehicular movements.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate use of a vacant parcel of land.</p>

PPS Policy #	Policy	Response
	infrastructure and public service facilities required to accommodate projected needs.	Parking will be provided on-site, including space for tenants and visitors. Bicycle parking and storage are also provided.
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 proposed residential building will be built with a high standard of construction allowing a seamless integration with the existing area.</p> <p>There will be no risks to the public as identified in the support studies.</p> <p>The Site is outside of the ERCA regulated area.</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.
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 built form.</p> <p>The proposed building size will allow for the efficient use of land, pedestrian and vehicle access, infrastructure and public services.</p>
1.4.1 - Housing	To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and	The proposed development will provide for an infill and intensification opportunity in the existing built-up area.

PPS Policy #	Policy	Response
	<p>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 Site offers an opportunity for intensification in an area with a mix of uses.</p> <p>Municipal services are available, as set out in the support studies.</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 density is compatible with the surrounding area and will provide an appropriate buffer/transition between existing uses.</p> <p>The view of each heritage resource will continue to be visible from the public right of way. The proposed development will not obstruct views of the heritage resources.</p>

PPS Policy #	Policy	Response
		<p>The proposed density will have a positive impact on the area as it will blend well with the existing built form.</p> <p>The Site is close to local amenities.</p> <p>There is suitable infrastructure, including transit.</p>
1.6.1 - Infrastructure	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	<p>The development can proceed on full municipal services as identified in the required support studies.</p> <p>Electrical distribution will be determined through detailed design.</p> <p>Access to public transit is available.</p>
1.6.6.2 - Sewage, Water and Stormwater	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.
1.6.6.7 - Stormwater	Planning for stormwater management shall:	The required support studies have been completed to

PPS Policy #	Policy	Response
	<p>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</p> <p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	<p>support the proposed development as it relates to stormwater management.</p> <p>There will be no anticipated impacts on the municipal system and will not add to the capacity in a significant way.</p> <p>There will be no risk to health and safety.</p>
1.6.7.1 - Transportation	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The subject property is in close proximity to major transportation corridors and has access to transit.

PPS Policy #	Policy	Response
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development contributes to the City's requirements for development within a built-up area.
1.6.7.4	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>The proposed development contributes to the City's requirement for infilling and intensification within an existing settlement area.</p> <p>The proposed density, scale, and building height will blend with the existing land use pattern.</p> <p>As noted in the BHIA, the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.</p>
2.1.1 - Natural Heritage	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1 - Water	Planning authorities shall protect, improve or restore the quality and quantity of water.	<p>The required support studies have been prepared in support of the proposed development as it pertains to stormwater management.</p> <p>The Site is outside the regulated area of ERCA.</p>
2.6.1 - Heritage	Significant built heritage resources and significant	The BHIA concluded that the proposed development would have no negative impacts on nearby heritage

PPS Policy #	Policy	Response
	cultural heritage landscapes shall be conserved.	properties or the Walkerville Heritage Area.
3.0 - Health and Safety	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. The Site is outside the regulated area of ERCA.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 Official Plan (OP)

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

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

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

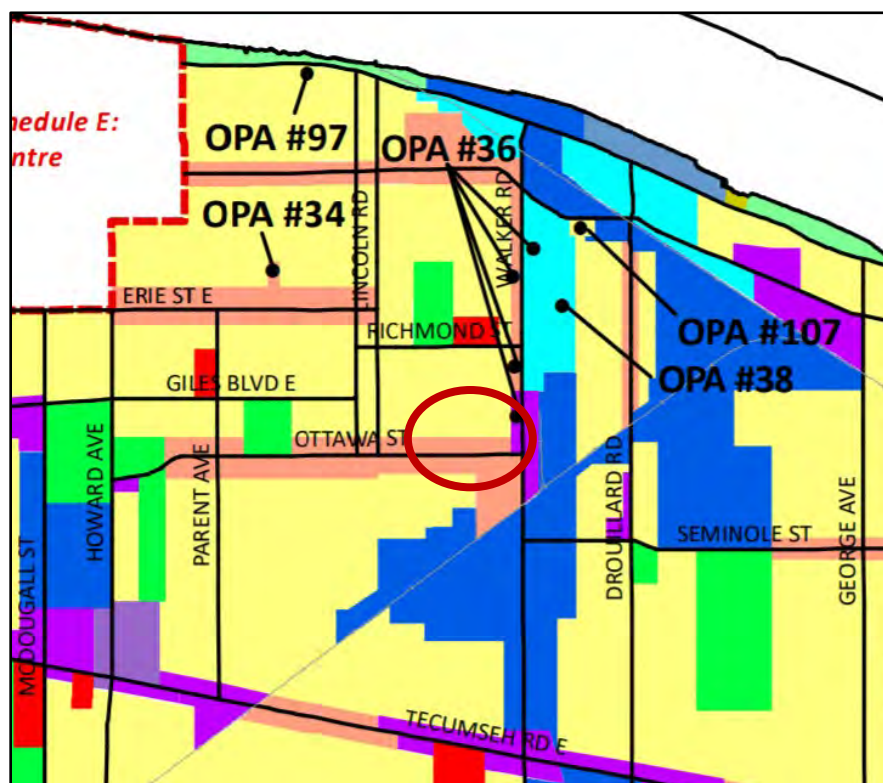


Figure 3 – City of Windsor OP, Schedule “D”

The proposed use is permitted in the “Residential” designation.

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

OP Policy #	Policy	Response
3.1	The planning of Windsor’s future is guided by the following vision taken from Dream Dare Do – The City of Windsor Community Strategic Plan.	The proposed development will support the City’s vision by providing residential in an existing built-up area where citizens can live, work and play.
3.2.1.2 – Growth Concept, Neighbourhood Housing Variety	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as	The proposed development supports one of the City’s overall development strategies of providing for a range of housing types.

OP Policy #	Policy	Response
	they pass through the various stages of their lives.	<p>The Site will provide for a new housing choice in an existing built-up area, which is an example of “Missing Middle” while respecting the existing built heritage resources within the Walkerville Heritage Area.</p> <p>There are examples of this type of development in the area.</p>
3.2.1.3 – Growth Concept, Distinctive Neighbourhood Character	Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced.	<p>The proposed use is outside of the City Centre but considered a medium profile residential in a distinctive neighbourhood.</p> <p>The Site do not contain cultural heritage resources; however, the proposed development is located within the Walkerville Heritage Area.</p> <p>The BHIA concluded that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.</p> <p>Further, the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.</p>
4.0 - Healthy Community	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use,	<p>The proposed development will support the City’s goal of promoting a healthy community.</p> <p>The proposed development is close to nearby transit,</p>

OP Policy #	Policy	Response
	Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	employment, shopping, local/regional amenities and parks.
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.	The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for intensification of residential offering a new housing choice.</p> <p>The Site is located in a very unique neighbourhood. Care in the design of the proposed multiple dwelling has taken into consideration the built heritage resources of the Walkerville Heritage Area.</p> <p>The Site provides for an infilling opportunity allowing a buffer/transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p>
6.2.1.2 – General Policies, Type of Development Profile	For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use	The proposed development is considered a medium profile development as it is proposed to have 4-storeys constructed on the Site.

OP Policy #	Policy	Response
	<p>designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</p> <p>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	<p>The building is considered small in scale and will provide buffer/transition from existing abutting land uses.</p>
6.3.1.1 – Range of Forms & Tenures	To support a complementary range of housing forms and tenures in all neighbourhoods	<p>It is proposed to construct a 4-storey building with 23 residential units in the tenure form of a condominium.</p> <p>The proposed development will offer a new housing choice which will complement the existing built-up area.</p>
6.3.1.2 - Neighbourhoods	To promote compact neighbourhoods which encourage a balanced transportation system.	<p>The proposed development takes advantage of the entire Site.</p> <p>The Site will be pedestrian friendly with sidewalks connection to the roadway and parking area.</p> <p>The Site has access to transit and is in close proximity to major transportation corridors.</p>
6.3.1.3 – Intensification, Infill & Redevelopment	To promote selective residential redevelopment,	The proposed development is considered infill and intensification.

OP Policy #	Policy	Response
	infill and intensification initiatives.	The existing institutional use was demolished, and the parcel of land is vacant and appropriate for redevelopment.
6.3.2.1 – Permitted Uses	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.	The proposed development is a permitted use in the OP as it is considered a medium profile development which is a “building with more than 6-storeys in height”.
6.3.2.4 – Location Criteria	Residential development shall be located where: (a) there is access to a collector or arterial road; (b) full municipal physical services can be provided; (c) adequate community services and open spaces are available or are planned; and (d) public transportation service can be provided	The Site is 1 block north of Ottawa Street, which is considered an ‘arterial roadway’. The required support studies have been completed to confirm traffic, access and services. The proposed development offers open space and is located close to transit.
6.3.2.5 – Evaluation for a Neighbourhood	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is: (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;	This PRR has undertaken the required evaluation.

OP Policy #	Policy	Response
	<p>(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;</p> <p>(iii) within a site of potential or known contamination;</p> <p>(iv) where traffic generation and distribution is a provincial or municipal concern; and</p> <p>(v) adjacent to heritage resources.</p> <p>(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;</p> <p>(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;</p> <p>(d) provided with adequate off street parking;</p> <p>(e) capable of being provided with full municipal physical services and emergency services; and</p> <p>(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.</p>	
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major transportation corridor and has access to full municipal services.</p>

OP Policy #	Policy	Response
8.7.2.3 – Built Form, Infill Development	<p>Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:</p> <ul style="list-style-type: none"> (a) massing; (b) building height; (c) architectural proportion; (d) volumes of defined space; (e) lot size; (f) position relative to the road; (g) building area to site area ratios; (h) the pattern, scale and character of existing development; and (i) exterior building appearance. 	<p>The Site provides for an infilling opportunity allowing a buffer/transition between an existing established neighbourhood, a neighbourhood park and an existing commercial corridor.</p> <p>Massing – the proposed will be brought to the edge of the municipal space. The building will be located on the northwest corner of the Site.</p> <p>Building height – the proposed building height will be limited to 4-storeys. The proposal contemplates a flat roof.</p> <p>Architectural proportion – the façade of the fourth storey units will be made entirely of glass. The building has been designed to address both street frontages, with no blank facades.</p> <p>Volume of defined space – the proposed design and layout of the development includes appropriate setbacks and lot coverage. Relief from zoning provisions are also being requested, including building height, front yard depth, rear yard depth and landscaping in order to accommodate the proposed development.</p> <p>Lot size – the existing parcel is appropriate for the development. It allows for on-site parking, fire route,</p>

OP Policy #	Policy	Response
		<p>sidewalks and landscaping. Relief from zoning provisions are also being requested, including building height, front yard depth, rear yard depth and landscaping in order to accommodate the proposed development.</p> <p>Building area – appropriate lot coverage is proposed. The proposed building will not negatively impact the private use and enjoyment of area residents. The proposed building is 4-storeys and is not anticipated to create shadows or obstructions that would negatively impact the heritage resources.</p> <p>Pattern, scale and character – the building will be designed using both contemporary and traditional architectural styles. The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources. The proposed development will reinforce the residential character of the area.</p> <p>Exterior building appearance – a mix of materials will be used to accent the building, including red brick, glass, and iron.</p>
9.3.1.1 – Cultural Heritage Resources Definition	For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as	The Site does not contain cultural heritage resources; however, the proposed development is located within the Walkerville Heritage Area.

OP Policy #	Policy	Response
	being important to the community.	The Site is within the vicinity of heritage properties listed on the City of Windsor Municipal Heritage Register.
9.3.3.1 – Heritage Properties	Council will recognize Windsor's heritage resources.....	<p>A BHIA was completed to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.</p> <p>There are 5 nearby heritage properties.</p> <p>The proposed development is a minimum of 20 metres from the nearest heritage resource and a maximum of 80 metres from the furthest heritage resource.</p> <p>There is sufficient distance between the proposed development and the heritage resources that no impacts as a result of land disturbances are anticipated.</p>
9.3.4	Council will protect heritage resources.....	The BHIA concluded that the proposed development would have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.
9.3.5.1	Council will enhance heritage resources.....	the BHIA has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.
9.3.7	Council will integrate heritage conservation into the development and infrastructure approval process.....	The proposed development offers a new housing choice while respecting the existing built heritage resources within the Walkerville Heritage Area.

Therefore, the proposed development will conform to the City of Windsor OP.

5.1.3 Zoning By-law (ZBL)

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

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

According to Map 7 attached to the ZBL the Site is currently zoned Residential District 1.1 (RD1.1) category (see Figures 4 – City of Windsor Zoning).

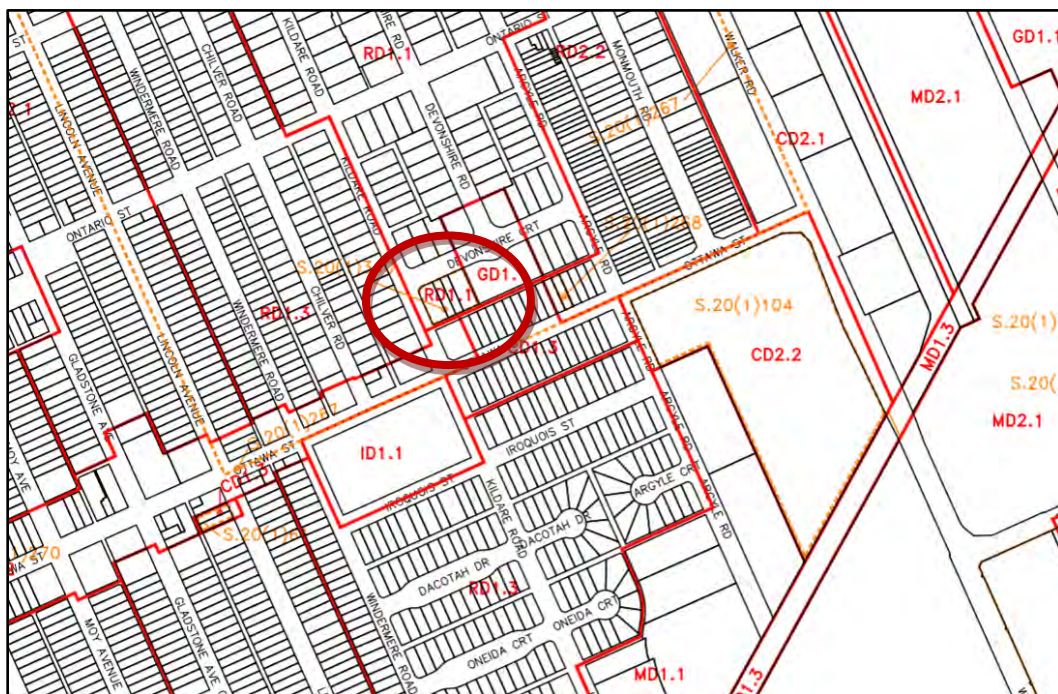


Figure 4 – City of Windsor Zoning

The Site is also subject to the following site specific provisions:

- S.20(1)267 – prohibiting front yard parking (B/L 127-2010, September 15, 2010), and
- S.20(1)340 – requiring specific building height and front yard depth minimum, requiring parking from the alley and providing direction regarding exterior wall finishes (B/L 2-2017, February 7, 2017).

A site specific Zoning By-law Amendment (ZBA) is required for medium profile residential in support of the proposed development of a multiple dwelling.

The zoning for the Site is proposed to be changed from Residential District 1.1 (RD1.1) category to a site specific Residential District 3.1 (RD3.1 - S.20(1)(XXX)) category as shown on Map 7 of the City of Windsor Zoning By-Law (ZBL).

Permitted uses in the RD3.1 includes one Multiple 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

A review of the RD3.1 zone provisions, as set out in Section 12.1.5 of the ZBL is as follows:

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses	Multiple Dwelling	Multiple Dwelling	Zoning amendment is required to permit the use (4-storey building with 23 units).
Min Lot Width	18.0 m	35.1 m (Kildare Road)	Complies
Min Lot Area	<p>For a corner lot having a minimum frontage of 30.0 m on each of the exterior lot lines:</p> <p>a) For the first 5 dwelling units 540.0 m²</p> <p>b) For each additional dwelling unit 67.0 m² per unit</p> <p>For any other lot:</p> <p>c) For the first 4 dwelling units 540.0 m²</p>	2,152.4 m ²	Complies

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
	<p>d) For each additional dwelling unit 85.0 m² per unit</p> <p>540.0 m² (first 5) + 67.0 m² x 18 (1,206.00 m²) = 1,746.00 m²</p>		
Max Lot Coverage	35.0 %	33.1 %	Complies
Max Building Height	Corner Lot – 14.0 m	15 m	<p>Relief required.</p> <p>The request is for an increase in 1m.</p> <p>This will allow the proposed building to be built at 4-storey building with 23 units.</p> <p>The request is minor.</p>
Min Front Yard Depth	6.0 m	1.9 m	<p>Relief required.</p> <p>This will allow the proposed building to be brought to the edge of the municipal space.</p> <p>The building has been designed to address both street frontages, with no blank facades.</p> <p>The front yard acts more like a side yard.</p>
Min Rear Yard Depth	7.50 m	1.2 m	<p>Relief required.</p> <p>This will allow the proposed building to be brought to the edge of the municipal space.</p>

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
			The rear yard acts more like a side yard.
Min Side Yard (interior and exterior)	a) Where a habitable room window of any dwelling unit faces a side lot line 6.0 m b) Any other side yard 3.0 m	3.4 m (Devonshire Court) 21.4 m (Alley)	Complies
Min Landscaped Open Space	35% of the lot area	27.8%	Relief requested. The requested relief is a decrease in 7.2%. The Site is abutting a public open space. Amenity space for the residential dwellings includes a 5.574m ² private patio/balcony for each unit, outdoor seating area and landscaped gardens.
Parking Spaces Required (Table 24.20.20.5.1)	Multiple Dwelling containing a minimum of 5 dwelling units: 1.25 parking spaces required for each dwelling unit 23 x 1.25 = 28.75 space	30	Complies
Visitor Parking (24.22.1)	15 percent of parking spaces marked	15 percent of parking spaces marked	Complies
Accessible Parking Spaces Required	For 26-100 total number of Parking Spaces	2	Complies

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
(Table 24.24.1)	Type A – 2 % parking spaces Total B - 2 % parking spaces $0.56 + 0.56 = 1.12$ parking spaces		
Bicycle Parking (24.30.1)	20 or more parking spaces in parking area: 2 for the first 19 spaces plus 1 for each additional 20 parking spaces: 2 + 4 = 6 spaces required	7 outside 14 inside 21 total	Complies
Loading (Table 24.40.1.5)	1,000 m ² or less 1 required (based on proposed building size 711.4 m ²)	1	Complies
S.20(1)267 – prohibiting front yard parking	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.	No front yard parking proposed.	Complies
S.20(1)340 – requiring specific	For the lands comprising Lots 84 to 87, Registered	A single unit dwelling is NOT proposed.	Complies

Zone Regulations	Required RD 3.1 Zone	Proposed	Compliance and/or Relief Requested with Justification
building height and front yard depth minimum, requiring parking form the alley and providing direction regarding exterior wall finishes	<p>Plan 684, situated at the southeast corner of Devonshire Court and Kildare Road, a Single Unit Dwelling shall be subject to the following additional provisions:</p> <ol style="list-style-type: none"> 1. Main Building Height – minimum - 7.00 m 2. Front Yard Depth – minimum - 7.50 m 3. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley. 4. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof. 	<p>The use of a multiple dwelling is proposed to be added as a permitted use.</p> <p>The building will be designed using both contemporary and traditional architectural styles. A mix of materials will be used to accent the building, including red brick, glass, and iron. There will be no vinyl siding.</p>	

Therefore, in addition to the change in zoning for the permitted use of a multiple dwelling with 5 or more dwelling units, the proposed development will comply with all zone provisions set out in the RD3.1 Zone except for the following, which requires site specific relief:

1. *Increase the maximum building height from the required 14m to 15m,*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m,*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, and*
4. *Decrease the minimum landscaped open space from the required 35% spaces to 27%.*

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 with adequate buffering/transition from abutting land uses,
- The Site is generally level which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic concerns,
- There are no natural heritage concerns,
- There are no cultural heritage concerns,
- There are no hazards, and
- The location of the proposed development is appropriate.

6.1.2 Compatibility of Design

The proposed development has been designed to be compatible with the existing built-up area, including the low profile residential uses along Devonshire Court and Kildare Road, and the overall character of the Walkerville Heritage Area.

The proposed development is a medium profile form of development which incorporates sufficient setbacks to allow for appropriate landscaping and buffering.

The building has been designed to address both street frontages with high quality facades featuring a mix of materials, large windows and other architectural details. All building façades have been designed with architectural detail, as illustrated in the renderings included herein.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking area.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting. The proposed development will not obstruct views of the heritage resources.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the City to provide infilling, which contributes to a new housing choice and intensification requirements set out in the PPS and the OP.

Residential use on the Site represents an efficient development pattern that optimizes the use of land. The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.

There are examples of this type of development in the area.

6.1.4 Natural Environment Impacts

The proposal does not have any negative natural environment impacts.

6.1.5 Municipal Services Impacts

Full municipal services are available, which is the preferred form for development.

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, open space and community amenities.

Infilling in an existing built-up area of the City 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 City of Windsor.

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.

Based on the Site area, the proposed development will result in a total net density, which is appropriate for the area.

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

6.2 Conclusion

In summary, it would be appropriate for Council for the City of Windsor to approve the ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer residential in an area of mixed uses.

The Site will provide for a new housing choice in an existing built-up area, which is an example of "Missing Middle", while respecting the existing built heritage resources within the Walkerville Heritage Area.

This PRR has shown that the proposed development 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



PLANNING RATIONALE REPORT ADDENDUM

ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT

**1913, 1925 and 1949 Devonshire Court
City of Windsor, Ontario**

February 8, 2022

Prepared by:



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Table of Content

1.0	INTRODUCTION	2
2.0	SITE	2
3.0	DEVELOPMENT PROPOSAL	3
4.0	SUPPORTING STUDIES	4
	Heritage Study	4
	Shadow Study	5
5.0	REVIEW OF COMMENTS	5
6.0	CONCLUSION	7

1.0 INTRODUCTION

I have been retained by the owner/applicant, 2811035 Ontario Inc., to provide a land use Planning Rationale Report (PRR) in support of a proposed residential development located at 1913, 1925 and 1949 Devonshire Court (herein the “Site”) in the City of Windsor, Ontario.

Further to the PRR dated October 31, 2021, the purpose of this report is to provide additional information requested by the City of Windsor Staff as it pertains to additional support studies.

The Site is currently vacant. It is proposed to construct a 4-storey freehold multiple dwelling with a total of 23 residential units. Parking, bicycle storage, and loading are provided on-site. Access to the parking area will be from an existing alley.

2.0 SITE

The Site is owned by 2811035 Ontario Inc. and made up of three (3) parcels located on the south side of Devonshire Court and the east side of Kildare Road (see Figures 1 – Site Location).



Figure 1 – Site Location (Source: City of Windsor GIS - area in red)

The Site subject to the proposed development consists of a total area of 2,152.4m², with 35.1m of lot width along Devonshire Court and an irregular lot depth of 46.33m along Kildare Road and 52.43m along the alley.

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

3.0 DEVELOPMENT PROPOSAL

It is proposed to construct a four (4) storey building with twenty-three (23) residential units. The building is considered a multiple dwelling. The units are proposed to be freehold. Parking is located on-site.

A Concept Plan has been prepared (see Figure 2a – Concept Plan).

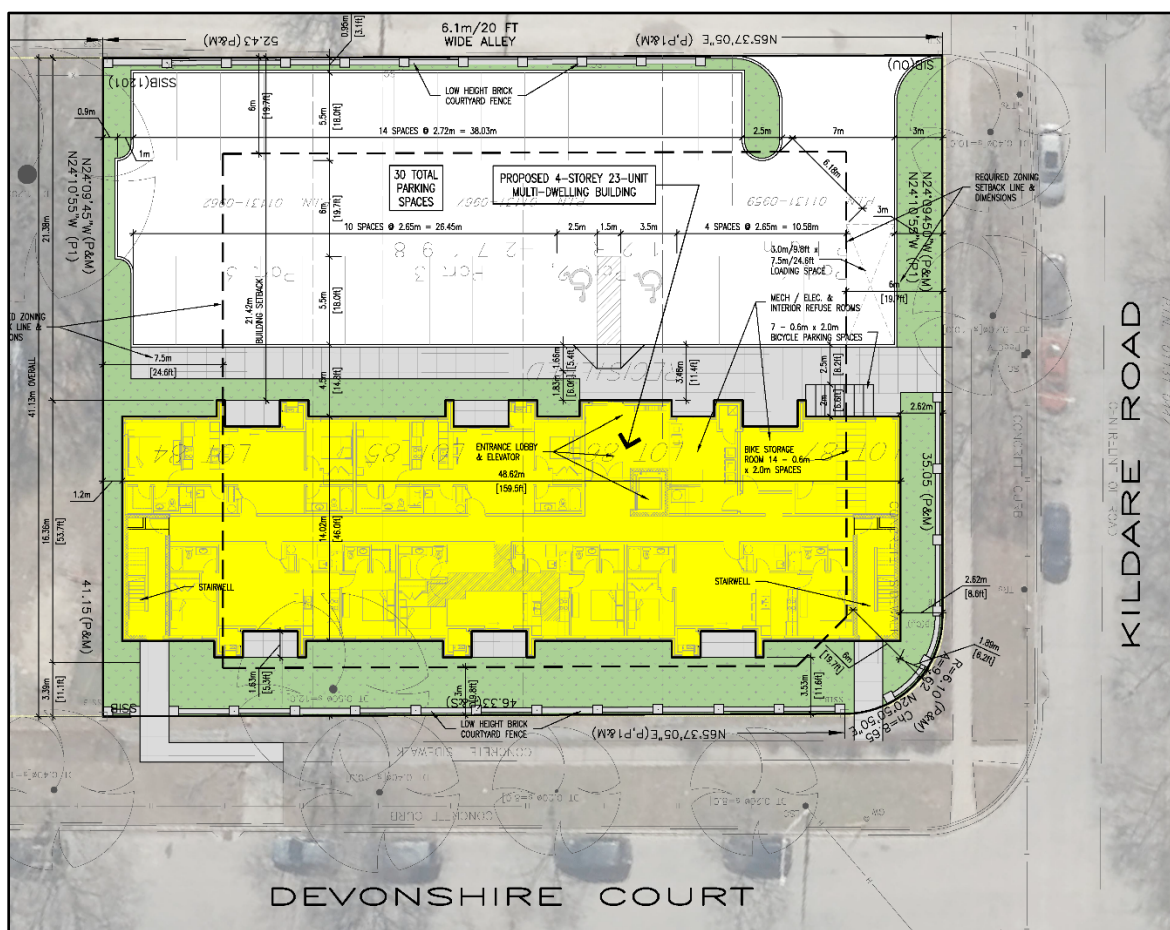


Figure 2a – Concept Plan

A revised elevation has been prepared as part of the concept plan (see Figure 2b – Elevation).



Figure 2b – Elevation

The zoning for the Site is proposed to be changed from Residential District 1.1 (RD1.1) category to a site specific Residential District 3.1 (RD3.1 - S.20(1)(XXX)) category as shown on Map 7 of the City of Windsor Zoning By-Law (ZBL).

In addition to the change in zoning for the permitted use of a multiple dwellings, the proposed development will comply with all zone provisions set out in the RD3.1 Zone except for the following, which requires site specific relief.

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

Once the ZBA has been approved, the applicant will proceed with a Site Plan Control (SPC) application in order to complete the detailed design requirements, then Draft Plan of Condominium in order to create the freehold units.

A building permit will also be required prior to any construction or site alterations.

4.0 SUPPORTING STUDIES

The following additional studies have been prepared to support the application.

Heritage Study

A revised Built Heritage Impact Study (BHIS) was prepared by MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC), dated February 3, 2022.

The BHIS assessed the following, using the revised elevation:

- Identify the Cultural Heritage Resource
- Research on Design/Physical and Historical/Associative and Contextual Values
- Policy Context
- Proposed Site Changes/Development and Impact to the Cultural Heritage Resource
- Options for Mitigation and Alternatives
- Recommended Conservation Strategy

The report concluded that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended.

Further, this report has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

Shadow Study

A Shadow analysis has been prepared by ADA Inc. Architects.

The analysis provides for 4 seasons.

For the spring, summer and autumn equinox minimal to no shadow is cast on any of the heritage properties. The winter equinox illustrates some shadowing on the heritage properties on Devonshire Ct during the morning, approximately 9:30am to 10:30am. Given this is a short period of time, the building is not anticipated to create excessive shadows that would negatively impact the heritage resources. There are also late afternoon shadows cast on Devonshire Park, however, they are only on a portion of the park for brief periods of time and would not negatively impact any heritage attributes associated with the park.

The study has also been included in the above noted BHIS. Refer to Appendix E for the study.

5.0 REVIEW OF COMMENTS

A review of comments received to date from the City of Windsor Staff, as part of application consultation, have been reviewed.

The following provides a summary of the key items that require a response.

Item	Comments	Response
Canada Post	Provide centralized mail facility	Owner agrees

Item	Comments	Response
Building Dept.	Obtain a building permit	Owner agrees
Engineering	<p>Use existing sewers.</p> <p>SWM plan required.</p> <p>Street Opening permit required.</p> <p>Redundant curb cuts and sidewalks shall be removed and restored.</p> <p>Drain and re-pave the alley abutting the property.</p> <p>Existing fence encroachment in the R-O-W of Kildare Road and Devonshire Court to be removed.</p> <p>Properties to merge.</p>	Owner agrees
Heritage	Provide visual contextual analysis with surrounding Walkerville neighbourhood properties in order to demonstrate compatibility with common datum regulating lines and floor to height ratios of surrounding heritage buildings.	A revised BHIS has been provided
Landscape Architect/Urban Design	<p>Shadow Impact Study required.</p> <p>Proposed benches along Devonshire Court.</p> <p>Site furnishings.</p> <p>Definition between parkland and private development.</p> <p>Additional landscaping and landscaping transition.</p> <p>Tree preservation.</p> <p>Parkland dedication fees.</p>	<p>A study has been provided.</p> <p>Additional requirements can be addressed as part of the Site Plan Control review process.</p> <p>The owner agrees to parkland dedication fees.</p>
Parks Development	Tree preservation.	The Owner will agree to protect existing trees that are located on surrounding lots.

6.0 CONCLUSION

In summary, it would be appropriate for the City of Windsor to approve the ZBA to permit the proposed development on the Site as it is appropriate for infilling and will offer residential in an area of mixed uses.

The Site will provide for a new housing choice in an existing built-up area, which is an example of “Missing Middle”, while respecting the existing built heritage resources within the Walkerville Heritage Area.

Planner's Certificate:

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


Tracey Pilon-Abbs, RPP
Principal Planner



BUILT HERITAGE IMPACT ASSESSMENT

Devonshire Court, Windsor

Date:

February 3, 2022

Prepared for:

Pillon Abbs Inc

Prepared by:

MacNaughton Hermsen Britton Clarkson Planning Limited (MHBC)

Project No. 21340A



TABLE OF CONTENTS

EXECUTIVE SUMMARY.....	3
1.0 INTRODUCTION	4
1.1 SCOPE AND CONTENT OF THE BUILT HERITAGE IMPACT STUDY.....	5
2.0 OVERVIEW	6
1.1 DESCRIPTION OF SUBJECT LANDS.....	6
1.2 DESCRIPTION OF SURROUNDING AREA.....	9
1.3 HERITAGE STATUS: SUBJECT LANDS.....	11
1.4 HERITAGE STATUS: SURROUNDING HERITAGE PROPERTIES.....	12
1. 1912 Devonshire Court.....	14
2. 1924 Devonshire Court.....	14
3. 1948 Devonshire Court.....	15
4. 2050 Devonshire Court.....	15
5. 1287 Kildare Road (Designated 08),	16
3.0 POLICY CONTEXT	17
3.1 THE ONTARIO PLANNING ACT.....	17
3.2 PROVINCIAL POLICY STATEMENT (2020)	17
3.3 CITY OF WINDSOR OFFICIAL PLAN.....	18
4.0 DESCRIPTION OF PROPOSED DEVELOPMENT	21
5.0 IMPACT ANALYSIS	23
5.1 INTRODUCTION.....	23
5.3 IMPACT ANALYSIS: CONFORMITY WITH THE OFFICIAL PLAN.....	25
5.3.1 Visual Character Analysis.....	27
6.0 RECOMMENDATIONS AND CONCLUSION	34
6.1 MITIGATION AND ALTERNATIVE DEVELOPMENT OPTIONS.....	34
6.1 CONCLUSION	34
7.0 BIBLIOGRAPHY	35

Appendix A – Location Maps

Appendix B - Site Plan

Appendix C – Renderings

Appendix D – City of Windsor HIA Guidelines

Appendix E – Shadow Study

Acknowledgement of Indigenous Communities

This Cultural Heritage Impact Assessment acknowledges that the subject lands located at 1913, 1925, and 1949 Devonshire Court, Windsor are situated on the traditional territory of the Anishnaabeg people of the Three Fires Confederacy of First Nations. The Three Fires Confederacy includes the Ojibwa, the Odawa, and the Potawatomi. These lands are acknowledged as being associated with the McKee Purchase (Treaty 2, 1790) (Ontario Treaties and Reserves, 2021).

Project Personnel

Dan Currie, MA, MCIP, RPP, CAHP	<i>Managing Director of Cultural Heritage</i>	Senior Review
Rachel Redshaw, MA, HE Dipl.	<i>Heritage Planner</i>	Author & Research
Gillian Smith, MSc	<i>Planner</i>	Author & Research

EXECUTIVE SUMMARY

The subject lands located at 1913, 1925, and 1949 Devonshire Court, Windsor in the former Town of Walkerville are proposed to be redeveloped to accommodate a 4 storey multiple residential building. The subject lands do not contain cultural heritage resources, however, they are located within the Walkerville Heritage Area as identified in the *City of Windsor Official Plan*, and are within the vicinity of heritage properties listed on the *Windsor Municipal Heritage Register*. As such, a Built Heritage Impact Study was requested by the municipality to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

This report concludes that the proposed development will have no negative impacts on nearby heritage properties or the Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or conservation measures are recommended. Further, this report has concluded that the proposed development will result in an improved aesthetic of the vacant properties as well as Devonshire Park.

1.0 INTRODUCTION

MHBC has been retained by Pillon Abbs Inc., to undertake a Built Heritage Impact Study ('BHIS') for the lands municipally addressed as 1913, 1925, and 1949 Devonshire Court, Windsor, in the former town of Walkerville, hereinafter referred to as the 'subject lands'. This BHIS is related to a development proposal for the subject lands which includes a multiple residential dwelling. The subject lands have been removed from the *Windsor Municipal Heritage Register* after the approved demolition of the former St. George's Church by Council in 2016. The subject lands were formally listed in association with the church which included a 1921 English Revival red-brick hall and 1955 addition which was designed by the firm Sheppard & Masson.

The subject lands form part of the Walkerville Heritage Area, as per Schedule G of the *City of Windsor Official Plan*. Within the Heritage Area are properties that are either listed or designated on the Municipal Heritage Register. Some of the listed and designated properties in the Walkerville Heritage Area are in the vicinity of the subject lands. These properties, hereinafter referred to as the 'heritage properties', include:

- *1912 Devonshire Court*
- *1924 Devonshire Court*
- *1948 Devonshire Court*
- *2050 Devonshire Court*
- *1287 Kildare Road, 'The Arthur Davidson Apartments' (Designated under Part IV 2008)*

The purpose of this BHIS is to assess the impact of the proposed development of the subject lands on the Walkerville Heritage Area and surrounding heritage properties in order to ensure their conservation as per Section 9.2 of the Official Plan. The report will analyze the impact of the proposed development on the existing Heritage Area. As required, this BHIS will provide recommendations that ensure the conservation of heritage resources, the compatibility of the proposal with the surrounding area, and that overall design standards are met.

1.1 SCOPE AND CONTENT OF THE BUILT HERITAGE IMPACT STUDY

The City Official Plan identifies that the City will require a BHIS when development is proposed adjacent to a designated heritage resource, or when the City Planner is of the opinion that it is necessary. The City of Windsor provides *Built Heritage Impact Study/ Heritage Impact Assessment Guidelines*, which have been included as **Appendix D** to this report. This report has been guided by these Guidelines, and includes the following elements:

Identify the Cultural Heritage Resource

- Overview of heritage properties including location, Municipal Heritage Register details, land use, photo's and relevant site information

Research on Design/Physical and Historical/Associative and Contextual Values

- A summary on significance and heritage attributes for each structure existing on the property

Policy Context

- An overview of the policy context applicable to this report, including provincial and municipal policies

Proposed Site Changes/Development and Impact to the Cultural Heritage Resource

- Description of proposed development
- Description of positive and adverse impacts of site changes and surrounding lands
- Summary of Heritage Impact Assessment criteria

Options for Mitigation and Alternatives

- No mitigation or development alternatives were necessary
- Overview of conformity with Official Plan policies

Recommended Conservation Strategy

- No conservation strategy was necessary
- Conclusion

2.0 OVERVIEW

1.1 DESCRIPTION OF SUBJECT LANDS

The subject lands consist of three contiguous lots addressed as 1913, 1925, and 1949 Devonshire Court. Collectively these lots comprise the development site. The subject lands are legally described as:

- 1913 Devonshire Court: Lot 8, Part Lot 86, Plan 684 Walkerville Being Part 1 12r27198, City Of Windsor
- 1925 Devonshire Court: Part Lot 86 And Part Lot 85 Plan 684 Being Parts 2 And 3 12r27198, Walkerville, City Of Windsor
- 1949 Devonshire Court: Lot 84 & Pt Lot 85 Plan 684 Walkerville Being Part 4 12r27198, City Of Windsor

The subject lands are approximately 2,164m² in area. See **Appendix A** for map figure showing subject lands.

The lands are adjacent to Devonshire Park which is where Devonshire Road terminates at Devonshire Court. The subject lands are east of Kildare Road, north of Ottawa Street, west of Argyle Road and on the south side of Devonshire Court. The lands are within the Walkerville Heritage Area of Windsor and are surrounded by a range of commercial and low density residential uses.

The subject lands were previously occupied by St. George's Church, which has since been demolished. The lands are now currently vacant. The topography of the development site is flat with minor vegetation in the form of grass, and a few trees on the periphery of the site.



Figure 1: Aerial view of subject lands (Source: MHBC, 2021).



Figure 2: Subject lands, looking east towards Devonshire Park (source: MHBC, 2021)



Figure 3: Subject lands, looking north towards Devonshire Court (source: MHBC, 2021)

1.2 DESCRIPTION OF SURROUNDING AREA

Devonshire Court

Devonshire Court along the south side of the subject lands is characterized by 2 – 2 ½ storey Tudor Revival houses dominated by the use of red brick and stucco and gabled roofs. These homes include generous front yard setbacks with mature trees. The property at 1948 Devonshire Court on the east end of the immediate block abuts Devonshire Park which includes mature trees and seating. A treed boulevard lines both the north and south side of street.



Figures 4 & 5: (above) View of Devonshire Court looking eastward; (below) View of Devonshire Court looking westward (Source: Google maps, 2021).

Kildare Road

Kildare Road commencing at Ottawa Street going north includes a commercial property (currently Tim Hortons) which abuts the subject lands. The remainder of the road is characterized by 1, 2, and 2 ½ storey residences, mainly composed of brick. There is variation in architectural styles and roof lines including: gabled, hipped and gambrel. Architectural styles include: Tudor Revival, Colonial and American Foursquare.



Figures 6 & 7: (above) view of Kildare Road looking northwards towards subject lands bounded by chain link fence; (below) view of Kildare Road looking southwards (Source: Google maps, 2021).

There is a laneway that runs parallel to Devonshire Court on the south side of the subject lands which is bounded by various fencing.



Figure 8: proximity of subject lands to Tim Hortons to the south and laneway between both properties (source: MHBC, 2021)

1.3 HERITAGE STATUS: SUBJECT LANDS

The subject lands were previously on the City of Windsor's Municipal Heritage Register as a listed property. When the former St. George's Church was demolished, the lands were removed from the Register through Council approval in consultation with the Windsor Heritage Committee in accordance with Section 24 (7) of the Ontario Heritage Act. The subject lands are not part of a designated Heritage Conservation District or other identified cultural heritage landscape, however, they are within the Walkerville Heritage Area (see **Appendix 'A'**). Heritage areas are not recognized by the Ontario Heritage Act, but rather subject to municipal policies. In this case, the City of Windsor Official Plan provides policy direction on Heritage Areas.

In summary, the subject lands are not 'listed', adjacent, or contiguous to any 'listed' or 'designated' property identified on the Municipal Heritage Register, or designated under Part IV or V of the Ontario Heritage Act and not considered under the PPS 2020 to be a 'protected property'. This report will not evaluate the subject lands under *Ontario Regulation 9/06* as the property has been formally removed from the Register.

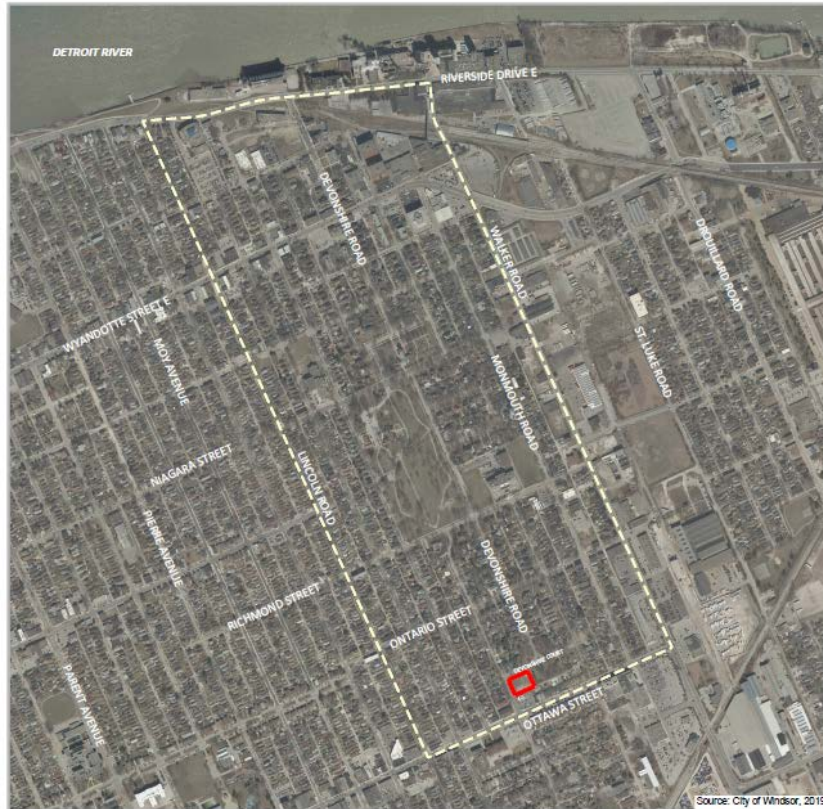


Figure 9: Subject lands identified in red within the greater Walkerville Heritage Area (Source: MHBC, 2021).

1.4 HERITAGE STATUS: SURROUNDING HERITAGE PROPERTIES

There are five heritage properties that are within the immediate vicinity of the subject lands and within the Walkerville Heritage Area. These properties include:

- 1912 Devonshire Court (listed)
- 1924 Devonshire Court (listed)
- 1948 Devonshire Court (listed)
- 2050 Devonshire Court (listed)
- 1287 Kildare Road, 'The Arthur Davidson Apartments' (Designated under Part IV 2008)

It is important to note that these properties are not contiguous to the subject lands. See **Appendix 'A'** for larger version of map figure below.



Figure 10: Aerial view of subject lands and surrounding heritage properties. Listed heritage properties are identified by purple dots and designated property identified by the green. Subject lands noted in red. (Source: MHBC, 2021).

1. 1912 Devonshire Court

This heritage property is listed on the Windsor Municipal Heritage Register. The Register provides that it is a house, built in 1919 and representative of the Foursquare architectural style.



Figure 11: Listed heritage property 1912 Devonshire Court located across from subject lands (Source: MHBC, 2021).

2. 1924 Devonshire Court

This property is listed on the Municipal Register and states that it is a house built in 1920 representative of the Tudor Revival architectural style.



Figure 12: Listed heritage property 1924 Devonshire Court located across from subject lands (Source: MHBC, 2021).

3. 1948 Devonshire Court

This is a listed property on the Municipal Heritage Register. It is a house that was built in 1927 and is representative of the Tudor Revival architectural style.



Figure 13: Listed heritage property 1948 Devonshire Court located across from subject lands (Source: MHBC, 2021).

4. 2050 Devonshire Court

This property is listed on the Municipal Heritage Register, which notes that it is a house built in 1926 and representative of the Picturesque English Revival architectural style.



Figure 14: Listed heritage property 2050 Devonshire Court located north-west of subject lands (Source: MHBC, 2021).

5. 1287 Kildare Road (Designated 08),

This is a designated property on the Municipal Heritage Register. It is known as the Arthur Davidson Apartments, built in 1925 in the Tudor Revival style.



Figure 15: Listed heritage property 2050 Devonshire Court located north-west of subject lands (Source: MHBC, 2021).

3.0 POLICY CONTEXT

3.1 THE ONTARIO PLANNING ACT

The *Planning Act* makes a number of provisions respecting cultural heritage, either directly in Section 2 of the Act or Section 3 respecting policy statements and provincial plans. In Section 2, the *Planning Act* outlines 18 spheres of provincial interest that must be considered by appropriate authorities in the planning process. Regarding cultural heritage, Subsection 2(d) of the Act provides that:

The Minister, the council of a municipality, a local board, a planning board and the Municipal Board, in carrying out their responsibilities under this Act, shall have regard to, among other matters, matters of provincial interest such as,

(d) the conservation of features of significant architectural, cultural, historical, archaeological or scientific interest;

The *Planning Act* therefore provides for the overall broad consideration of cultural heritage resources through the land use planning process.

3.2 PROVINCIAL POLICY STATEMENT (2020)

In support of the provincial interest identified in Subsection 2 (d) of the *Planning Act*, and as provided for in Section 3, the Province has refined policy guidance for land use planning and development matters in the *Provincial Policy Statement, 2020* (PPS). The PPS is “intended to be read in its entirety and the relevant policy areas are to be applied in each situation”. This provides a weighting and balancing of issues within the planning process. When addressing cultural heritage planning, the PPS provides for the following:

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

The PPS also states in Sub-section 2.6.3 that,

Planning authorities shall not permit development and site alteration on adjacent lands to a protected heritage property except where the proposed development and site alteration has been evaluated and it has been demonstrated that the heritage attributes of the protected heritage property will be conserved.

The following definitions are provided in Section 6.0:

Heritage attributes: *means the principal features or elements that contribute to a protected heritage property's cultural heritage value or interest, and may include the property's built, constructed, or manufactured elements, as well as natural landforms, vegetation, water features, and its visual setting (e.g. significant views or vistas to or from a protected heritage property).*

Protected Heritage Property: *means property designated under Parts IV, V or VI of the Ontario Heritage Act; property subject to a heritage conservation easement under Parts II or IV of the Ontario Heritage Act; property identified by the Province and prescribed public bodies as provincial heritage property under the Standards and Guidelines for Conservation of Provincial Heritage Properties; property protected under federal legislation, and UNESCO World Heritage Sites.*

Significant: *e) in regard to cultural heritage and archaeology, resources that have been determined to have cultural heritage value or interest. Processes and criteria for determining cultural heritage value or interest are established by the Province under the authority of the Ontario Heritage Act.*

3.3 CITY OF WINDSOR OFFICIAL PLAN

The subject lands are designated as 'Residential' in the City of Windsor Official Plan. The Residential designation accommodates the majority of housing outside of the City Centre. A variety of housing types, sizes, and densities are permitted within this designation. The City of Windsor has two Heritage Conservation Districts, Sandwich and Riverside. The City also has Heritage Areas which are delineated on Schedule G of the Official Plan, some of which are not designated Heritage Conservation Districts. The Heritage Areas include Sandwich, Victoria Avenue, Walkerville and Prado Place.

Schedule G – Civic Image, provides a map depicting the Heritage Areas within Windsor.

Figure 16 is an excerpt of this map, illustrating Heritage Area #3 as the Walkerville Heritage Area.

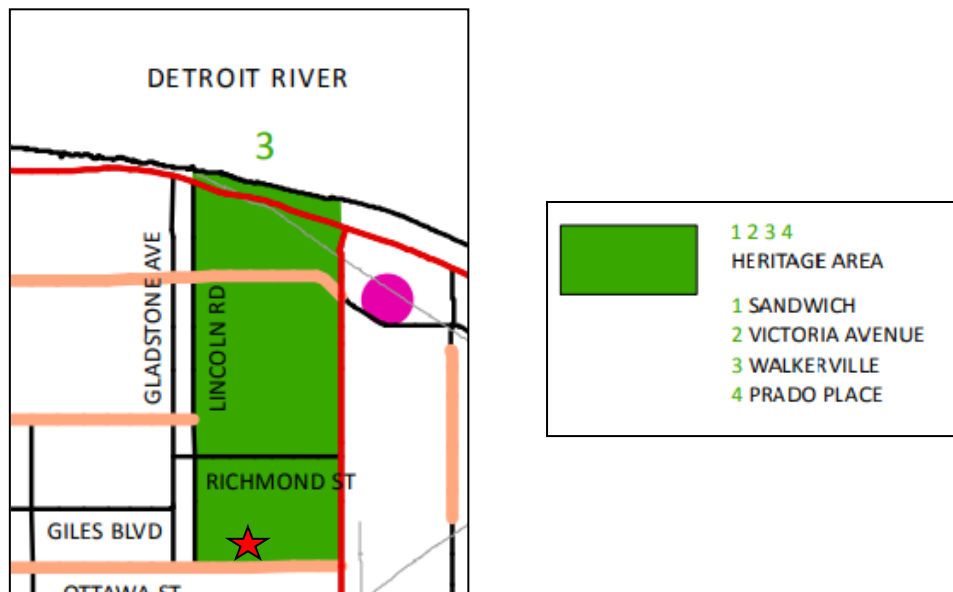


Figure 16: Excerpt of Schedule G showing the Walkerville Heritage Area. Subject lands noted in red
(Source: Windsor Official Plan)

The Official Plan defines Heritage Area as an area or neighbourhood where there are collections of important heritage resources.

Section 9 of the Official Plan speaks to Heritage Conservation providing goals, objectives and policies. The goal of heritage conservation in Windsor is to recognize, conserve and enhance heritage resources. Objectives of Heritage Conservation relevant to this HIA include:

- Conservation management: conserve resources for the benefit of community members in a way that respects the historical, contextual significance, and ensures their future viability;
- Integrate with planning initiatives: to integrate conservation into comprehensive planning and urban design initiatives; and
- Public Awareness: increase awareness and appreciation of heritage resources.

The Official Plan distinguishes the various terms often used to reference cultural heritage resources. Accordingly, *cultural resources* include built heritage resources and cultural heritage landscapes that the City has identified as being important components of the community, whereas *heritage resources* include buildings, structures, monuments, installations or remains associated with architectural, social, political, economic or military history. A cultural heritage landscape is a geographical area of heritage significance.

Section 9.3.3 outlines the process for which Windsor will recognize heritage resources, either by designation in accordance with the Ontario Heritage Act, by designating

Conservation Districts in accordance with the Ontario Heritage Act, listing heritage resources, or other forms of commemoration. Council maintains a list of heritage resources, referred to as the Municipal Heritage Register. Council has also identified Heritage Areas, which are not Conservation Districts, but rather collections of heritage resources where several properties within the area are either listed or designated under the OHA.

Section 9.3.4 speaks to the protection of heritage resources. The City will require that development projects avoid any demolition or damage to resources, and that prior to approval the applicant demonstrate the proposal will not impact the heritage significance of the property.

Section 9.3.7 focuses on the intersection of heritage resources and planning initiatives. Policies of this section that are relevant to this proposal include:

(c) Ensure that designated properties under the OHA are conserved and any development of adjacent property is required to

- i) prepare a Built Heritage Impact Study to identify potential adverse impacts;
- ii) in the event adverse impacts are identified, the development shall be subject to Site Plan control

(e) having regard to the following when assessing planning applications which may impact heritage resources

- i) respecting the massing, profile and character of adjacent buildings;
- ii) approximating the width and setback pattern of nearby heritage buildings;
- iii) respecting the yards, gardens, trees and landscaped grounds associated with heritage properties
- iv) maintaining vistas and views of heritage resources
- v) minimizing shadow impacts on adjacent heritage properties

(i) require development proposals that abut or in the opinion of the City Planner are likely to affect designated heritage buildings complete a Built Heritage Impact Study

The Official Plan does not provide specific policies for the Walkerville Heritage Area. Section 9.3.5.1 speaks to Heritage Areas generally and states that within any Heritage Area or Heritage Conservation District development will be of a compatible height, massing, scale, setback and architectural style.

4.0 DESCRIPTION OF PROPOSED DEVELOPMENT

The applicant is proposing to redevelop the subject lands as a multiple residential dwelling. The primary component of the development will be a four- storey apartment building comprised of 23 units. The residential units will range in size from one to two bedrooms. See **Appendix 'B'** and **Appendix 'C'** for site plan and renderings of proposed development.

Access to the development will be provided from an existing alleyway that currently provides rear yard access to buildings on Ottawa Street. Parking will be provided in the form of a surface parking lot with a total of 28 parking spaces, including two barrier free spaces. Sidewalk connections are proposed to Devonshire Court and Kildare Road. A sidewalk will also connect the parking area to the building.

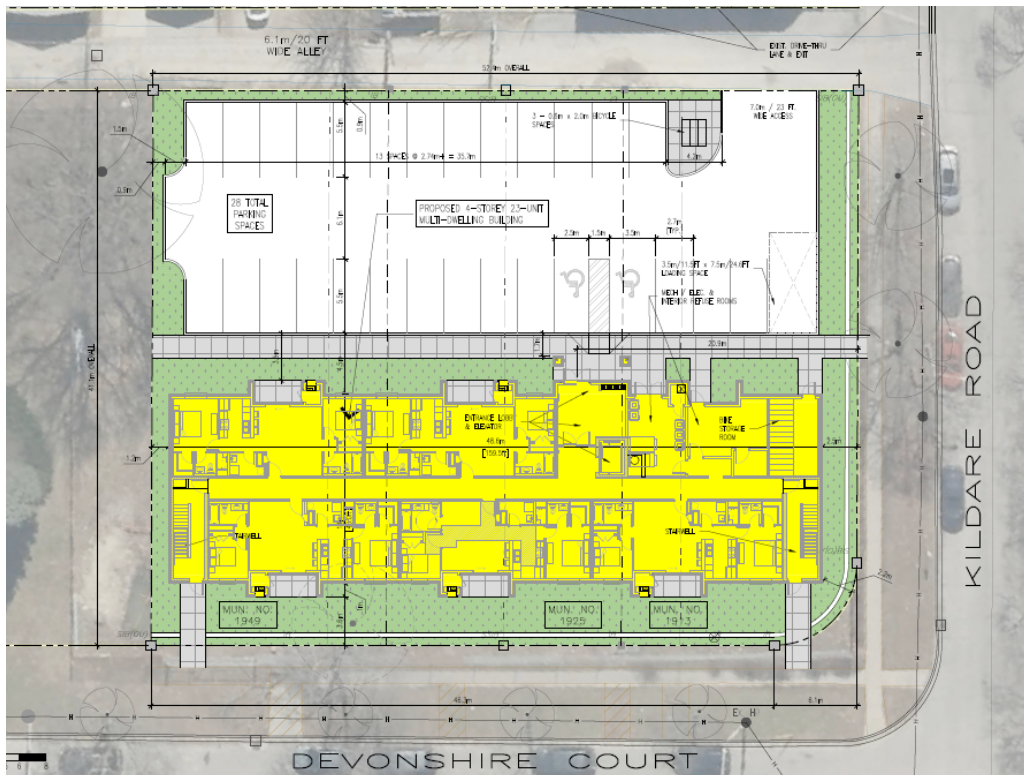


Figure 17: Proposed Site Plan for the four-storey multiple unit residential dwelling (Source: ADA Inc. Architect, 2021)

The building will be designed using both contemporary and traditional architectural styles. A mix of materials will be used to accent the building, including red brick, glass, and iron. The proposal contemplates a mansard roof with dormers. The building has been designed to address both street frontages, with no blank facades.



Figure 18: Coloured rendering of looking southwards on Devonshire Court (Source: ADA Inc. Architect, 2022).



Figure 19: Coloured rendering looking north on Kildare Rd (Source: ADA Inc. Architect, 2022).

5.0 IMPACT ANALYSIS

5.1 INTRODUCTION

The impacts of a proposed development or change to a cultural heritage resource may be direct or indirect. They may occur over a short term or long term duration, and may occur during a pre-construction phase, construction phase or post-construction phase. Impacts to a cultural heritage resource may also be site specific or widespread, and may have low, moderate or high levels of physical impact.

The following sub-sections of this report provide an analysis of the impacts which may occur as a result of the proposed development in accordance with the Ontario Heritage Toolkit.

- **Destruction:** of any, or part of any *significant heritage attributes* or features;
- **Alteration:** that is not sympathetic, or is incompatible, with the historic fabric and appearance;
- **Shadows:** created that alter the appearance of a *heritage attribute* or change the viability of a natural feature or plantings, such as a garden;
- **Isolation:** of a *heritage attribute* from its surrounding environment, context or a significant relationship;
- **Direct or Indirect Obstruction:** of significant views or vistas within, from, or of built and natural features;
- **A change in land use:** such as rezoning a battlefield from open space to residential use, allowing new development or site alteration to fill in the formerly open spaces;
- **Land disturbances:** such as a change in grade that alters soils, and drainage patterns that adversely affect a cultural heritage resource.

5.2 IMPACT ANALYSIS: SURROUNDING HERITAGE PROPERTIES

The five heritage properties are not considered to be contiguous or adjacent to the subject lands. However, they are within the vicinity of the subject lands and collectively contribute to the Walkerville Heritage Area.

- 1) 1912 Devonshire Court is approximately 30 metres from the subject lands
- 2) 1924 Devonshire Court is approximately 30 metres from the subject lands
- 3) 1948 Devonshire Court is approximately 35 metres from the subject lands
- 4) 2050 Devonshire Court is approximately 80 metres from the subject lands
- 5) 1287 Kildare Road is approximately 20 metres from the subject lands

A chart below evaluates any potential adverse impacts to surrounding heritage properties. This chart concludes that the proposed development, in this regard, has a neutral impact.

Table 1.0 Adverse Impacts

Impact	Assessment Comment
Destruction/alteration of heritage attributes	There will be no destruction or alteration to any of the heritage resources as a result of the proposed development.
Shadows	The proposed building is four storeys and is similar in scale to what was previously on the property. A shadow study was completed for the proposed development. For the spring, summer and autumn equinox minimal to no shadow is cast on any of the heritage properties. The winter equinox illustrates some shadowing on the heritage properties on Devonshire Ct during the morning, approximately 9:30am to 10:30am. Given this is a short period of time, the building is not anticipated to create excessive shadows that would negatively impact the heritage resources. There are also late afternoon shadows cast on Devonshire Park, however, they are only on a portion of the park for brief periods of time and would not negatively impact any heritage attributes associated with the park. Refer to Appendix E for the Shadow Study.
Isolation	The proposed development will not change lotting or street patterns in the area and will not result in the isolation of any of the heritage resources.
Direct/Indirect Obstruction of Views	The view of each heritage resource will continue to be visible from the public right of way. The proposed development will not obstruct views of the heritage resources.
A Change in Land Use	No change in land use for any of the heritage resources is anticipated as a result of the proposed development. The proposed development will reinforce the residential character of the area.
Land Disturbance	The proposed development is a minimum of 20 metres from the nearest heritage resource and a maximum of 80 metres from the furthest heritage resource. There is sufficient distance between the proposed development and the heritage resources

that no impacts as a result of land disturbances are anticipated.

5.3 IMPACT ANALYSIS: CONFORMITY WITH THE OFFICIAL PLAN

The goal of heritage conservation in the City of Windsor is to recognize, conserve and enhance heritage resources. The proposal contemplates the development of a vacant site that does not contain any identified heritage resources. The following outlines policies within the Official Plan and evaluates whether the proposed development is compliant or not.

Table 2.0 Compliance with Official Plan

Policy	Compliance (Yes/ No)
Section 9.3.7 Heritage Resources and Planning Initiatives	
<p><i>(c) Ensure that designated properties under the OHA are conserved and any development of adjacent property is required to</i></p> <ul style="list-style-type: none"> <i>i. prepare a Built Heritage Impact Study to identify potential adverse impacts;</i> <i>ii. in the event adverse impacts are identified, the development shall be subject to Site Plan control.</i> 	<p>Yes.</p> <p>There are no designated properties adjacent to the subject lands, nevertheless, Sub-section 5.2 does evaluate potential impact to 1287 Kildare Road which is a designated property under Part IV of the OHA. It was determined that the proposed development will not result in any adverse impacts to this property. The designated building is approximately 20 metres from the property line of the subject lands.</p>
<p><i>(e) having regard to the following when assessing planning applications which may impact heritage resources</i></p> <ul style="list-style-type: none"> <i>i. respecting the massing, profile and character of adjacent buildings;</i> <i>ii. approximating the width and <u>setback patterns</u> of nearby heritage buildings;</i> <i>iii. respecting the yards, gardens, trees and landscaped grounds associated with heritage properties;</i> <i>iv. maintaining vistas and views of heritage resources;</i> <i>v. minimizing shadow impacts on adjacent heritage properties.</i> 	<p>Yes.</p> <p>The proposed building is constructed mainly of masonry (red brick) which is one of the most common materials in the surrounding neighbourhood. The massing, although larger than the neighbouring buildings, is similar to the massing of the former St. George's Church. The façade of the building is consistent with surrounding property facades and other developments within the vicinity.</p> <p>The proposed development is of a larger scale, however, the former building complex was also of a larger scale within the neighbourhood. The proposed front yard setback is similar to that of the previous structure. No landscaping elements of any of the heritage properties will be removed or otherwise altered.</p>

	<p>The proposed development is retaining the existing treed boulevard which is consistent and complementary to Devonshire Park. No vistas or views of heritage resources will be impacted; the positioning and orientation of the new building on the subject lands negates any obstruction of existing views. The parking is located to the rear of the building to avoid detracting from views and vistas of nearby heritage building and Devonshire Park.</p> <p>The development is four storeys which will not result in excessive shadowing on nearby heritage properties.</p>
<p><i>(i) require development proposals that abut or in the opinion of the City Planner are likely to affect designated heritage buildings complete a Built Heritage Impact Study.</i></p>	<p>Yes.</p> <p>Sub-section 5.2 does evaluate potential impact to 1287 Kildare Road which is a designated property under Part IV of the OHA. It was determined that the proposed development will not result in any adverse impacts to this property.</p>
<p>Section 9.3.5 Enhancement of Heritage Resources</p>	
<p><i>9.3.5.1 a) ii) Council will enhance heritage resources by ensuring that within any Heritage Area or Heritage Conservation District that development be of a compatible height, massing, scale, setback and architectural style</i></p>	<p>Yes.</p> <p>The proposed development is compatible with the identified heritage resources within the Walkerville Heritage Area. The styles, scales, and massing of the buildings within the Heritage Area vary, with no two buildings identical. While the height and massing of the proposed development is not identical to surrounding properties, it is not incompatible. Section 5.3.1 of this report provides a visual analysis, finding that the proposed development is consistent with existing development in the Walkerville Heritage Area.</p>

5.3.1 Visual Character Analysis

The character analysis will assess the compatibility of the proposed development with existing development in the Walkerville Area, looking at land uses, architectural styles, building materials and height. Figures 20 to 23 will examine the previous building that occupied the site, demonstrating that the church was of similar scale to the proposed development. Note that the proposed development will occupy less area compared to St. Georges Church. Figures 24 to 29 will assess the proposed design elements and illustrate surrounding built forms.



Figure 20 & 21: Aerial view of the former St. George's Church complex in 2017; (Source: Google Maps, 2021); Coloured site plan of proposed development to compare building footprint of Devonshire Court (Source: ADA Inc. Architect, 2021).



Figure 22 & 23: Photograph of the former St. George's Church and Hall looking south-east along Devonshire Court; (Source: Loiselle, 2015); Coloured rendering of proposed development looking south-east along Devonshire Court (Source: ADA Inc. Architect, 2022).

The proposed development has been designed to be compatible with the existing community, including the low density residential uses along Devonshire Court and Kildare Road, and the

overall character of the Walkerville Heritage Area. The proposed development is a medium-density form of development which incorporates sufficient setbacks to allow for appropriate landscaping and buffering.

The building has been designed to address both street frontages with high quality facades featuring a mix of materials, large windows and other architectural details. All building façades have been designed with architectural detail as illustrated in the renderings included herein.

As illustrated below, the perception of building mass is minimized by using a number of design techniques including:

- *Vertical and horizontal articulation;*
- *Projections*
- *Recessions*
- *A variety of window sizes.*
- *Landscaping; and,*
- *Changes in building materials and colours.*



Changes in Building Materials:

- window sizes
- Red brick
- Iron
- Wood trim (exterior)

(ADA Inc Architect, 2022)



Vertical and Horizontal Articulation:

- Balconies
- Exterior Wall
- Recessions and projections

(ADA Inc Architect, 2022)

Landscaping Features:

- Mature deciduous trees with retention of treed boulevard;
- Sidewalk connections from Devonshire Court and to laneway to the south, as well as pedestrian access to Devonshire Park; and
- Pedestrian oriented elements, such as seating and lighting for to encourage pedestrian engagement.

Surrounding Area

The surrounding area is comprised of a variety of buildings, built throughout the 20th and 21st century that feature various building styles, materials and heights that range in scale. The proposed design of the building is compatible with the heritage character of the nearby listed and designated heritage properties.

Overall, the proposed development utilizes key design elements that are found throughout the Walkerville Heritage Area. These elements include the dormers, brick façade with cornice, and sills. The landscape features are complementary to the area and will improve circulation on the property as well as access to Devonshire Park.

The proposed development is compatible in terms of scale, building materials and land use within the broader Walkerville Heritage Area. The proposed development maintains the residential character of the area by providing multiple residential units, while simultaneously broadening housing options in an area dominated by single detached dwellings. Furthermore, the proposed development is generally consistent with the variety of building materials found throughout the Heritage Area by drawing on existing design elements and materials. Figures 24 to 29 illustrate existing buildings in the Heritage Area.

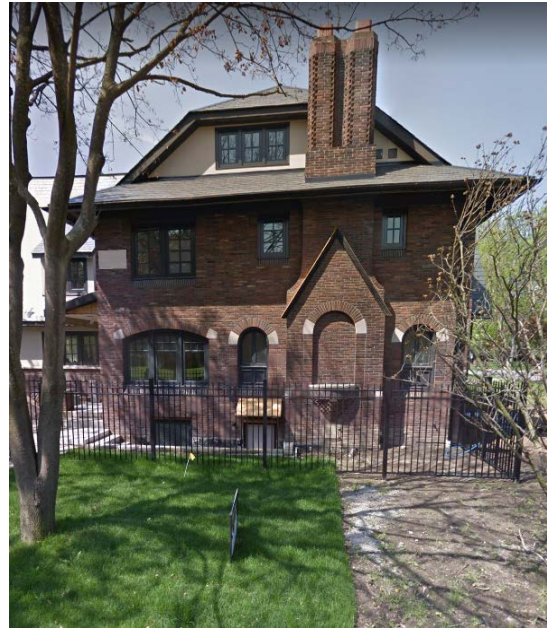


Figure 24 & 25: Single detached dwelling down the road from the subject lands. The proposed development draws on similar elements including red brick, dark trim and iron fencing.



Figure 26: New development east of the subject lands located at Devonshire Court and Argyle Road. The proposed development is consistent with old and new development in the area and is similar in scale, height and building materials, drawing on the use of dormers and sills.



Figure 27: Mixed-use building located within the Heritage Area at the corner of Kildare Rd and Wyandotte St, within the Heritage Area. The proposed development draws on the same style, scale and building materials.



Figure 28: Four storey apartment building located on Devonshire Rd, within the Heritage Area. The above building demonstrates the wide range of building types and materials found throughout the area.



Figure 29: Row of semi-detached residential units located on Devonshire Rd, within the Heritage Area. The proposed development uses similar building colours and materials.

The character of the Walkerville Heritage Area is primarily residential and represented as single-detached, semi-detached and multiple-unit dwellings. The single detached dwellings are predominantly two storeys in height with considerably high rooflines, while the multiple-unit dwellings range in height from three to four storeys. Given the range of building heights found throughout the Walkerville Heritage Area, the proposed development it is not found to be disproportionately taller and is consistent with other built-forms.

There is a diversification in the built forms that exist within the Heritage Area as well as within the immediate surrounding area. The proposed development is not emulating existing buildings, but rather combining the many elements of existing built forms to provide a modern, yet compatible building that will maintain the character of the area. The proposed development conforms to the policies of the Windsor Official Plan and is designed to be compatible with new and existing buildings in the area, as demonstrated in figures 24 to 29. This report concludes that there are no adverse impacts as a result of the proposed development, and finds the proposed development to be compatible with the surrounding area.

6.0 RECOMMENDATIONS AND CONCLUSION

6.1 MITIGATION AND ALTERNATIVE DEVELOPMENT OPTIONS

The impact assessment found that the proposed development will not result in negative impacts to the surrounding heritage resources. The proposed development will be compatible with the surrounding area and will be a beneficial addition to the broader Walkerville Heritage. Therefore, mitigation measures and alternative development options are not warranted.

6.1 CONCLUSION

The subject lands located at 1913, 1925, and 1949 Devonshire Court, Windsor in the former Town of Walkerville are proposed to be redeveloped to accommodate a four storey multiple unit building. The subject lands do not contain cultural heritage resources, however, they are located within the Walkerville Heritage Area as identified in the *City of Windsor Official Plan*, and are within the vicinity of heritage properties listed on the *Windsor Municipal Heritage Register*. As such, a Built Heritage Impact Study was requested by the municipality to determine the impact that the proposed development may have on the surrounding Walkerville Heritage Area.

This report concludes that the proposed development will improve the current aesthetic of the vacant subject lands. This report also concludes that the proposed development will not negatively impact nearby heritage properties or the broader Walkerville Heritage Area. With no anticipated impacts, no mitigation measures or alternative development options are recommended.

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APPENDIX A

LOCATION MAPS



Source: City of Windsor, 2019

Figure
Aerial

LEGEND



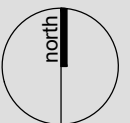
Subject Lands

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1913, 1925 & 1949
Devonshire Court
Walkerville
City of Windsor

Development & Heritage Standing Committee - March 7, 2022
Page 258 of 486



PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

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P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM



Source: City of Windsor, 2019

Figure
**Surrounding
Heritage Properties**

LEGEND

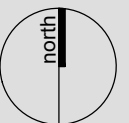
- ▬ Subject Lands
- - - Walkerville Heritage Area Limit
- Listed Properties
- Designated Properties

DATE: August 2021

SCALE: 1:1,250

FILE: 21340A

DRAWN: CAC



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**1913, 1925 & 1949
Devonshire Court**
Walkerville
City of Windsor

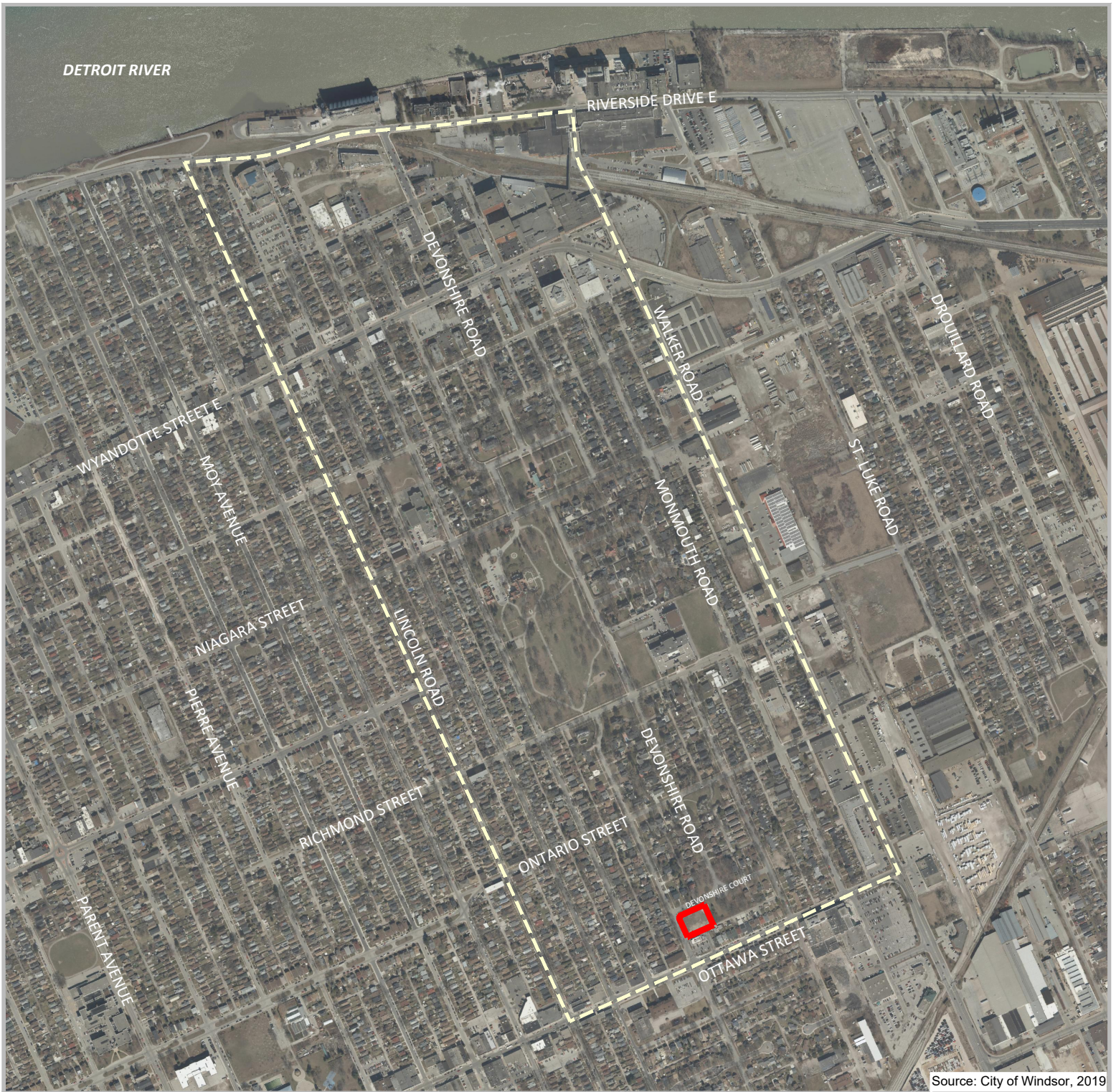


Figure Walkerville Heritage Area

LEGEND

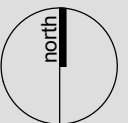
- Subject Lands
- Limit of Heritage Area

DATE: August 2021

SCALE: 1:10,000

FILE: 21340A

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**1913, 1925 & 1949
Devonshire Court**
Walkerville
City of Windsor

Development & Heritage Standing Committee - March 7, 2022
Page 260 of 486

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PLANNING
URBAN DESIGN
& LANDSCAPE
ARCHITECTURE

200-540 BINGEMANS CENTRE DR. KITCHENER, ON, N2B 3X9
P: 519.576.3650 F: 519.576.0121 | WWW.MHBCPLAN.COM

APPENDIX B

SITE PLAN

APPENDIX C

RENDERINGS











APPENDIX D

CITY OF WINDSOR HIA GUIDELINES

City of Windsor Built Heritage Impact Study/ Heritage Impact Assessment Guidelines

This Guideline details components of a Built Heritage Impact Study/Heritage Impact Assessment that is required to the satisfaction of the City of Windsor.

The Built Heritage Impact Study or Heritage Impact Assessment is a study used to identify and evaluate the impacts of proposed development on the cultural heritage resources, and to determine the appropriate conservation strategy for it. The HIA shall be based on accepted conservation principles and guidelines, including the following:

- The Parks Canada [*Standards and Guidelines for the Conservation of Historic Places in Canada*](#);
- Ontario Ministry of Tourism, Culture & Sport's [*Eight Guiding Principles in the Conservation of Historic Properties*](#);
- Ontario Ministry of Tourism, Culture & Sport's [*Ontario Heritage Tool Kit*](#), in particular,
- Ontario's *Heritage Conservation Principles for Landuse Planning*; and
- [*Well Preserved: the Ontario Heritage Foundation's Manual of Principles and Practice for Architectural Conservation*](#).

Details of Contents

Identify the Cultural Heritage Resource

Site Documentation and Analysis/Site Information

- Document the context in which the site is located (may include Aerial Photo, Location Map and context with the area), including adjacent properties and land uses
- Describe the site and all structures on property and its heritage status under the *Ontario Heritage Act* and identification of any heritage easements or restrictions
- Document the existing condition or concerns surrounding the property, including quality photo documentation

Research on Design/Physical and Historical/Associative and Contextual Values

- Describe all heritage resources and values within the subject property (include exterior and interior, landscaping etc.)
- Include a chronological history of the property from land and development history, building history (document any additions or alterations etc. to property), with confirmation to construction dates
- Include ownership and user history
- Research material should include relevant historical maps, drawings, photographs, land records, assessment rolls, city directories, news articles etc.
- Provide summary on significance and heritage attributes for each structure existing on the property

Proposed Site Changes/Development and Impact to the Cultural Heritage Resource

- Describe site changes to heritage resource
- Describe positive and adverse impacts of site changes to the heritage resource and surrounding lands. Refer to adverse impacts identified in the *Ontario Heritage Toolkit* which may include but not limited to:
 - Removal/destruction of heritage features and loss to cultural heritage values
 - Changes to the historic fabric and impact on the appearance

- Shadowing impact that may alter the appearance of the heritage attribute
- Isolation of heritage attribute from its surrounding environment, context or a significant relationship
- Obstruction of significant views or vistas within, from, or of built and natural features
- Change in use and impact on heritage resource
- Land disturbance and impact on soils, drainage patterns affecting built heritage or archaeological resources
- Provide full set drawing
- Provide visual depiction of subject proposal and streetscapes with neighbouring properties (eg. composite photograph of the subject property streetscape with and without the proposed development)
- Assess and describe the structural concern of the impact of proposed changes to the heritage resource

Options for Mitigation and Alternatives

- Consider and describe alternative conservation/mitigation and development options that reduce and avoid negative impacts to the heritage resource
- Assess and clarify the benefits and negatives of each options proposed and conservation principles used

Recommended Conservation Strategy

- Rationale and Justification for chosen option, specifying how the option ensures protection and enhancement of the heritage resource
- Conservation Scope of Work
- Implementation and Monitoring Plan when development is undertaken
- Provide References/Samples/Precedents to Conservation work

Other Requirements

- Provide bibliographical sourcing of all research material
- HIA is to be prepared by a qualified cultural heritage conservation professional who is a member of the Canadian Association of Heritage Professionals, or persons with proven professional heritage expertise (to be confirm with City Heritage Planning Staff)
- City Staff will determine completeness or acceptance of the HIA
- For review of the HIA, City staff may require to conduct site visit(s) on the property
- City Staff reserves the ability to require an alternative option for mitigation for consideration

Contact Kristina Tang, Heritage Planner at ktang@citywindsor.ca for additional information or clarification.

Other Recommended Resources:

- National Park Service, U.S. Department of the Interior's [Preservation Briefs](#).
- National Park Service, U.S. Department of the Interior's [Preservation Tech Notes](#).
- Region of Waterloo's [Practical Conservation Guides for Heritage Properties](#)

APPENDIX E

SHADOW STUDY



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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 273 of 486

WINDSOR, ON.
MARCH/20



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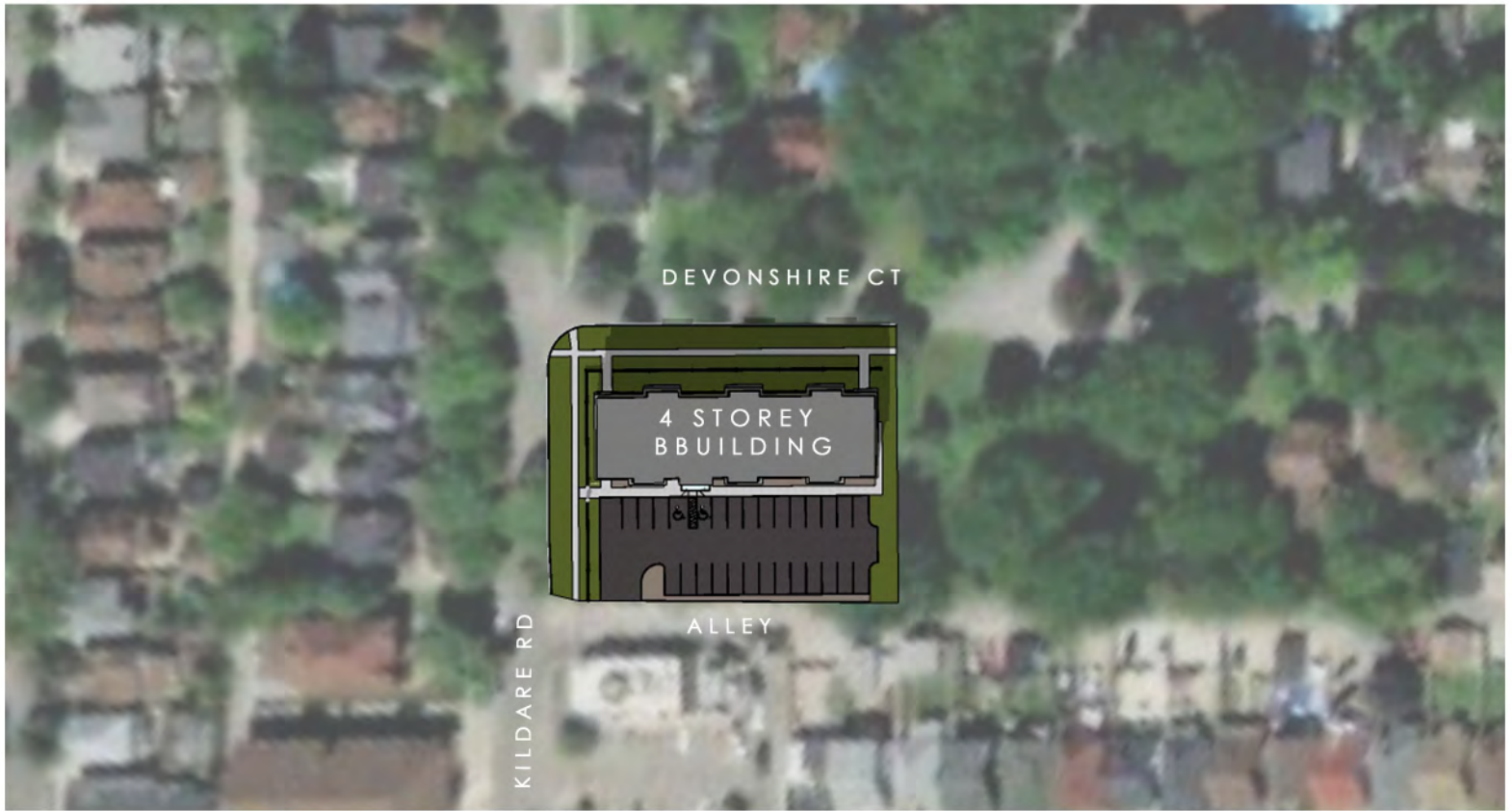
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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 274 of 486

WINDSOR, ON.
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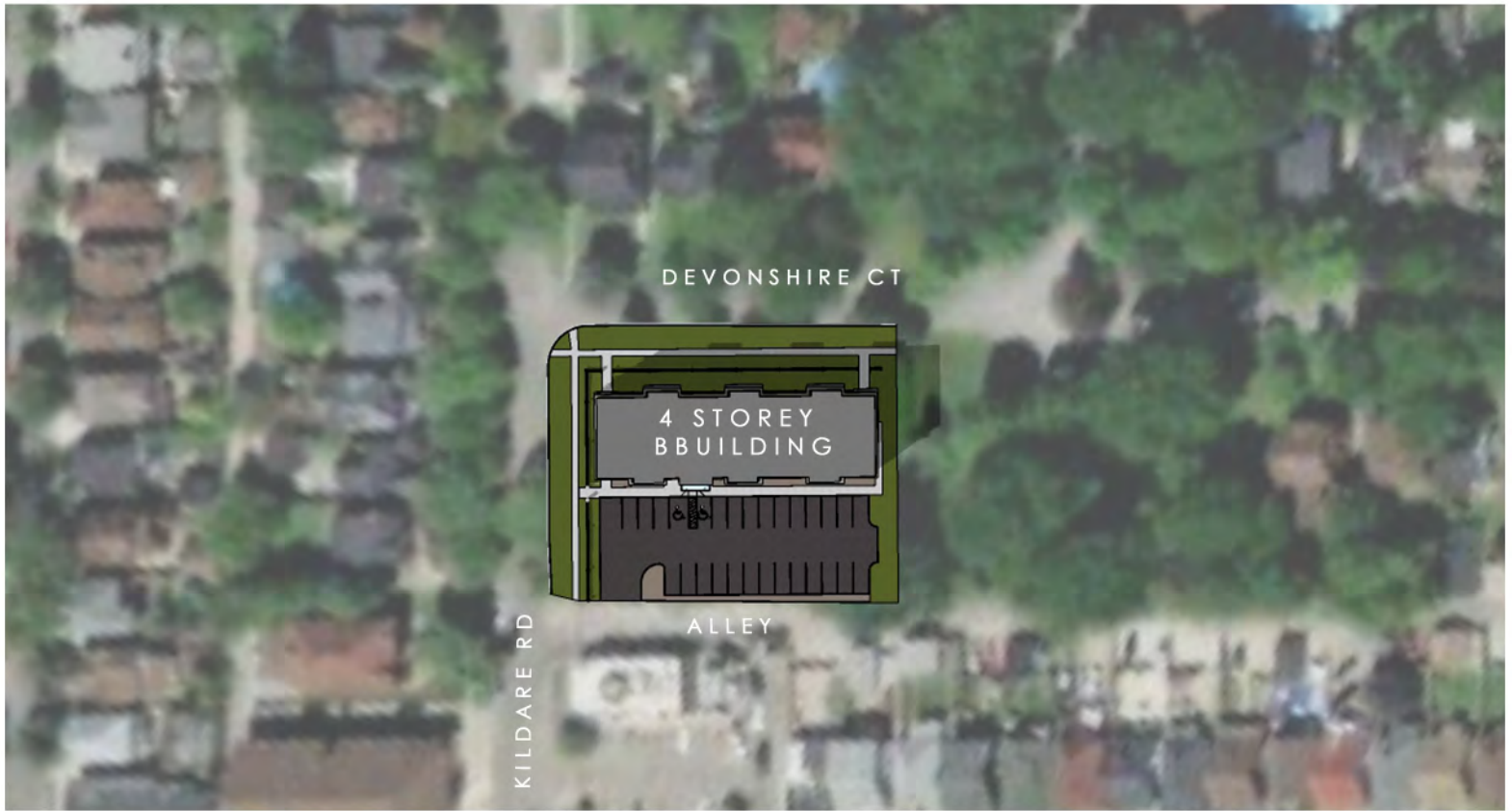
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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 275 of 486

WINDSOR, ON.
MARCH/20



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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 276 of 486

WINDSOR, ON.
MARCH/20



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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 277 of 486

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4 STOREY BBUILDING
SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 278 of 486

WINDSOR, ON.
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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 279 of 486

WINDSOR, ON.
JUNE/21



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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 280 of 486

WINDSOR, ON.
JUNE/21



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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 281 of 486

WINDSOR, ON.
JUNE/21



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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 282 of 486

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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 283 of 486

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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 284 of 486

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Development & Heritage Standing Committee - March 7, 2022
Page 285 of 486

WINDSOR, ON.
JUNE/21



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Development & Heritage Standing Committee - March 7, 2022
Page 286 of 486

WINDSOR, ON.
SEPTEMBER/22



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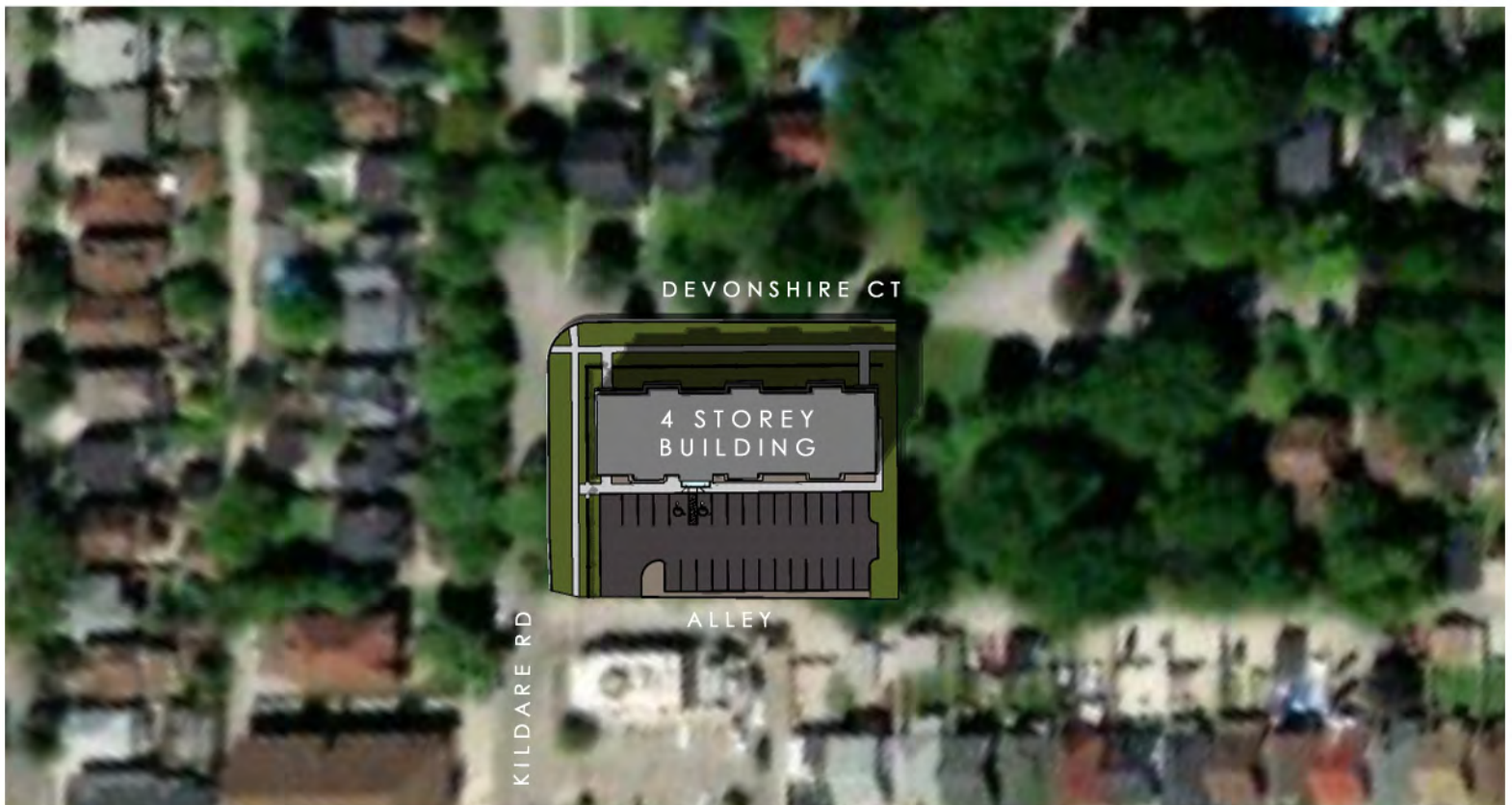
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Development & Heritage Standing Committee - March 7, 2022
Page 287 of 486

WINDSOR, ON.
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Development & Heritage Standing Committee - March 7, 2022
Page 288 of 486

WINDSOR, ON.
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Development & Heritage Standing Committee - March 7, 2022
Page 289 of 486

WINDSOR, ON.
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Development & Heritage Standing Committee - March 7, 2022
Page 290 of 486

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Development & Heritage Standing Committee - March 7, 2022
Page 291 of 486

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Development & Heritage Standing Committee - March 7, 2022
Page 292 of 486

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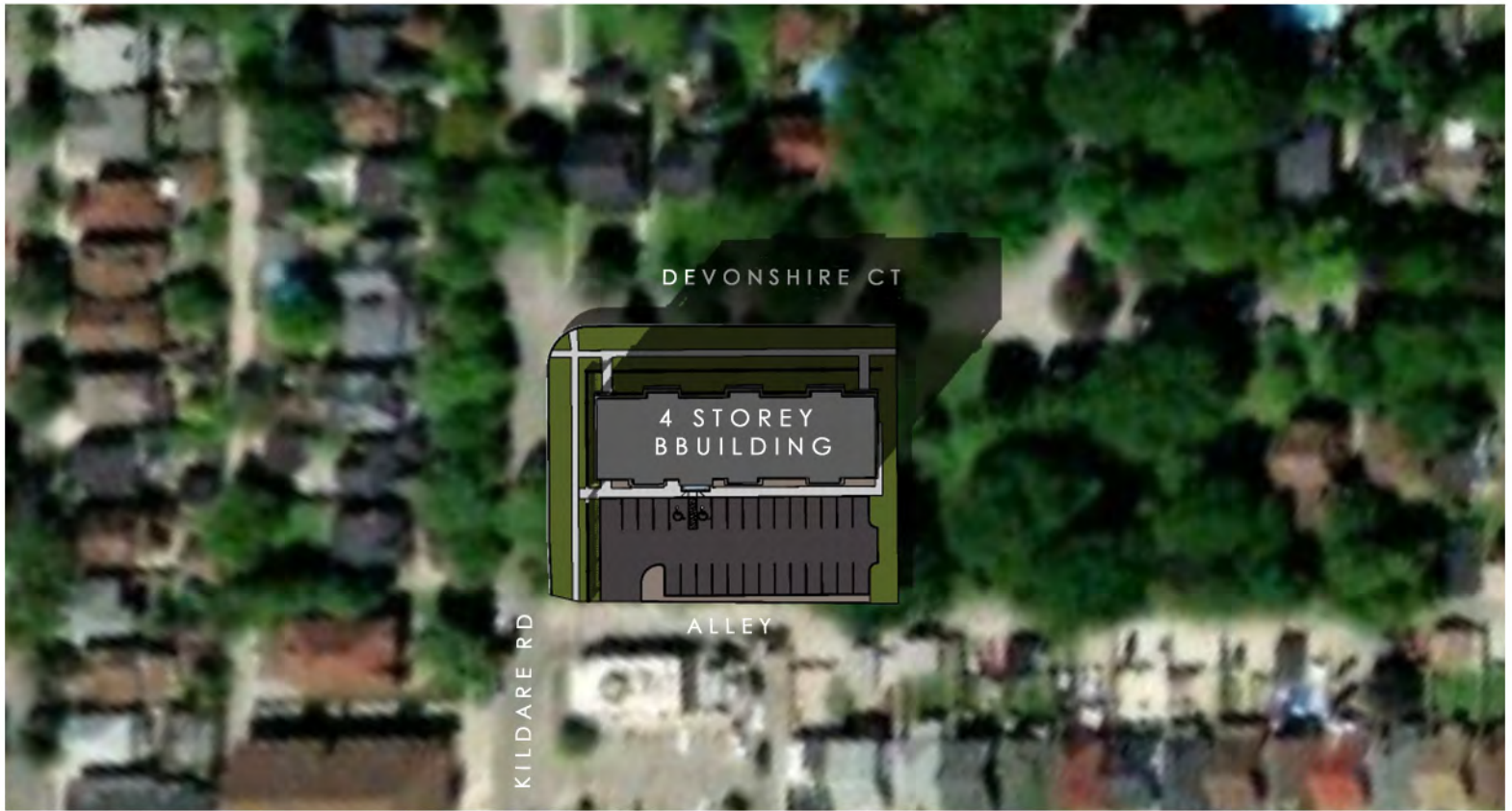
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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 293 of 486

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Development & Heritage Standing Committee - March 7, 2022
Page 294 of 486

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4 STOREY BUILDING SHADOW STUDY

Development & Heritage Standing Committee - March 7, 2022
Page 295 of 486

WINDSOR, ON.
DECEMBER/21

APPENDIX D - SITE IMAGES (GOOGLE STREET VIEW)**IMAGE 1****Image 1 - Subject Parcel – Looking southeast
Devonshire Court at Kildare Road****IMAGE 2****Image 2 - Subject Parcel – Looking northeast
Kildare Road, north of Ottawa Street**

IMAGE 3

**Image 3 – Looking west towards Kildare Road at
Devonshire Court at Devonshire Road
Devonshire Park on left and right sides of image**

IMAGE 4

**Image 4 - Looking northwest
North side of Devonshire Court between
Devonshire Road and Kildare Road**

IMAGE 5

**Image 5 - Looking east down Devonshire Court at Kildare Road
Subject parcel on right side of image**

IMAGE 6

**Image 6 - Looking west
West side of Kildare Road at Devonshire Court
Subject Parcel on left side of image**

IMAGE 7

Image 7 - Looking south on Kildare Road at Devonshire Court towards Ottawa Street - Subject Parcel on left side of image

IMAGE 8

**Image 8 - Looking north on Kildare Road at Ottawa Street
Subject Parcel on right side of image behind Tim Hortons**

APPENDIX E - Extracts from Zoning By-law 8600

SECTION 3 – DEFINITIONS

3.1 GENERAL PROVISIONS

- 3.1.1 For any word, phrase or term not defined in this by-law, the ordinary meaning shall apply.
- 3.1.10 Terms used in the singular may also mean the plural and vice versa, except "one" or "1" always means the singular.
- 3.1.20 Any reference to a *building, lot, premises, or structure* includes the whole, or part of the, *building, lot, premises, or structure*.
- 3.1.25 Any reference in this by-law to all or any part of any act, by-law, regulation, or statute shall, unless otherwise specifically stated, be a reference to that act, by-law, regulation, or statute or the relevant part thereof, as amended, substituted, replaced, or re-enacted from time to time.
- 3.1.50 Abbreviations:
- | | |
|----------------|----------------------------------|
| % | percent |
| B/L | City of Windsor By-law |
| BIA or B.I.A. | <i>business improvement area</i> |
| cm | centimetre |
| GFA or G.F.A. | <i>gross floor area</i> |
| ha | hectare |
| kg | kilogram |
| m | metre |
| m ² | square metre |
| mm | millimetre |
| N/A | see <i>N/A</i> in Section 3.10 |
| R.S.C. | Revised Statutes of Canada |
| R.S.O. | Revised Statutes of Ontario |
| S.C. | Statutes of Canada |
| S.O. | Statutes of Ontario |
| sq. m. | square metre |

3.10 DEFINITIONS

ACCESS AREA means a driveway that connects any one or more of the following to a *highway: building; outdoor storage yard; parking area; structure*.

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

AVERAGE means the arithmetic mean.

BASEMENT means any part of a *building*, which is partially below *grade*, where the vertical distance from the *grade* to the floor is equal to or less than the vertical distance from the *grade* to the ceiling next above.

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.

ACCESSORY BUILDING means a completely detached *building* used for an *accessory use* of the *lot*, for one *dwelling unit* where permitted by Section 5.99.80, or for any combination thereof.

MAIN BUILDING means a *building* used for the *main use* of the *lot* and may also include in combination therewith an *accessory use* subject to any applicable provisions for an *accessory use*.

BUILDING HEIGHT means:

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

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

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

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

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

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

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

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

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

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

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

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

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.

EXISTING means:

1. where a provision states a specific date, a *building*, *lot*, *premises*, *structure*, or *use* lawfully existing on the date specified;
2. where clause 1 does not apply and an amending by-law added the defined term “*existing*” after July 22, 2002, a *building*, *lot*, *premises*, *structure*, or *use* lawfully existing on the date the amending by-law came into force; or
3. where clause 1 and clause 2 do not apply, a *building*, *lot*, *premises*, *structure*, or *use* lawfully existing on July 22, 2002.

Where the term “existing” is not italicized, the ordinary meaning shall apply to a lawfully existing *building*, *lot*, *premises*, *structure*, or *use*.

FLOOR AREA means the area of a floor in a *building*.

GROSS FLOOR AREA means the total combined floor area in square metres of all *buildings* on a *lot*, excluding the *cellar* of any *building*, measured from the outside face of the exterior walls of each *building*.

GRADE

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

GROUND means the average elevation of the ground within 3.0 m of the *main building* on the *lot*.

HABITABLE ROOM WINDOW means a window in any room or area designed for living, sleeping, eating or food preparation within a *dwelling*, *dwelling unit* or *mobile home dwelling*. It does not include a window in any room or area designed for personal care and grooming, maintaining or storing wardrobe items and household goods, operation of mechanical or utility systems, or parking of a motor vehicle.

HIGHWAY means all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them or on which statute labour has been usually performed, all roads dedicated by the owner of the lands to public use, and all alterations and deviations of and all bridges over such allowances

ALLEY means a *highway* having a *maximum* right-of-way width of less than 7.0 m.

STREET means a *highway* having a *minimum* right-of-way width of 7.0 m.

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

LOADING SPACE means an area used for the temporary parking of a *motor vehicle* while goods are loaded thereon or unloaded therefrom.

LOT means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

CORNER LOT means a *lot* situated at the intersection of and abutting upon two or more *streets*, provided that the angle of intersection of at least two of the intersecting *streets* is not more than 135.0 degrees.

LOT AREA means the total land area in square metres, as measured along a horizontal plane, within the *lot lines* of a *lot*, excluding any part of a *lot* permanently covered by water.

LOT COVERAGE means:

1. the percentage of *lot area* covered by all *buildings* at *grade*, combined with
2. the percentage of *lot area* covered by the vertical downward projection of all roofs, cantilevered building walls and other projecting features exclusive of the following: balconies; chimney breasts; cornices; decks; eaves; fire escapes; steps and ramps; a swimming pool open to the sky; the first 15.0 m² of a *sunroom*.

Lot coverage may also be indicated in square metres.

LOT DEPTH means the average horizontal distance in metres between the *front lot line* and the *rear lot line*. Where a *lot* has an irregular shape, *lot depth* is calculated by dividing the *lot area* by the *lot frontage*.

LOT FRONTAGE means the distance in metres measured on a horizontal plane between the *side lot lines*, such distance being measured at a right angle to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines*, and at a point thereon 6.0 m distance from the *front lot line*.

LOT LINE means the boundary of a *lot*.

EXTERIOR LOT LINE means a *lot line* which parallels and abuts a *street*.

FRONT LOT LINE means the shortest *exterior lot line*. On a *corner lot*, where the *front lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *front lot line* shall be determined to extend to the mid-point on the curve where the *front lot line* and *side lot line* meet.

INTERIOR LOT LINE means a *lot line* which does not parallel and abut a *street*.

REAR LOT LINE means the *exterior lot line* or *interior lot line* which is farthest from the *front lot line*. On a *corner lot*, where the *rear lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *rear lot line* shall be determined to extend to the mid-point on the curve where the *rear lot line* and *side lot line* meet.

SIDE LOT LINE means any *exterior lot line* or *interior lot line* other than a *front lot line* or a *rear lot line*.

LOT WIDTH means the perpendicular distance in metres between the *side lot lines*. Where the *side lot lines* are not parallel, the *lot width* shall be the average distance in metres between the *side lot lines*.

MAIN WALL means the *building wall* that is closest to the *front lot line*.

MAXIMUM means not more than.

MAY means permissive.

MINIMUM means not less than.

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

AUTOMOBILE means a *motor vehicle* having a maximum gross weight of 3,000.0 kg. It does not include a bus, combination truck or vehicle of the tractor trailer or semi-trailer type, construction equipment, or farm tractor, or any other motorized farm implement.

N/A means for the purpose of Section 5.35 that a minimum separation is not required. For the remainder of the By-law it means not applicable.

PARKING AREA means an area used for *parking spaces*, bicycle parking spaces and *loading spaces* and includes all *collector aisles* and *parking aisles*. A *loading compound*, *outdoor storage yard*, or *transport storage area* is not a *parking area*.

COLLECTOR AISLE means an unobstructed part of a *parking area* that provides direct access to a *parking aisle*.

PARKING AISLE means an unobstructed part of a *parking area* that provides direct access to a *parking space*. A manoeuvring aisle is a *parking aisle*.

PARKING SPACE means an area used for the parking of an operable *motor vehicle*. It includes a visitor parking space and an accessible parking space. A bicycle parking space, a *loading space* or a *stacking space* is not a *parking space*.

PORCH means a *structure*, with a floor and a fixed roof directly above, primarily intended to provide sheltered access to a *building*. It may include perimeter guardrails, a door, seasonal screens or windows.

PREMISES means a *lot*, *building*, *structure* or any combination thereof where a *use* is carried on.

REQUIRED means mandated by this by-law.

SCREENING FENCE means a fence designed and used to visually separate different property uses and to block off views and which is continuous or effectively continuous throughout its entire length in accordance with the provisions of the Fence By-law.

SHALL means mandatory.

STOREY means that part of a *building* between any floor and the floor, ceiling or roof next above. Any part of a *storey* exceeding 4.0 m in height is deemed to be an additional *storey* for each 4.0 m, or fraction thereof, of such excess. A *cellar* and that part of a *building* located entirely within a sloping roof and having a ceiling height greater than 2.0 m over a *floor area* less than 50.0 percent of the area of the floor next below, is not a storey.

STRUCTURE means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

USE

1. when used as a noun means the purpose for which a *building*, *lot*, *premises* or *structure* is designed, maintained or occupied.
2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a *building*, *lot*, *premises* or *structure*.

ACCESSORY USE means a *use* which is customarily incidental, subordinate and exclusively devoted to the *main use* and is carried on with such *main use* on the same *lot*.

MAIN USE means the principal *use* or *uses* of a *building*, *lot*, *premises* or *structure*.

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

EXTERIOR SIDE YARD means the *side yard* of a *corner lot* between an exterior *side lot line* and the nearest wall of a *main building* on such *lot*.

FRONT YARD means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of a *main building* on such *lot*.

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

OUTDOOR STORAGE YARD means a *yard* which has a *minimum* area of 10.0 m² and is used for storage. A *loading compound*, *parking area*, *transport storage area*, or transport terminal is not an *outdoor storage yard*.

REAR YARD means a *yard* extending across the full width of a *lot* between the *rear lot line* or the intersection of the *side lot lines*, and the nearest wall of a *main building* on such *lot*.

REQUIRED YARD means for the purpose of Section 5.35 any of *required front yard*, *required rear yard*, *required side yard*, or *required landscaped open space yard*.

SIDE YARD means a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest wall of the *main building* on such *lot*.

SECTION 5 – GENERAL PROVISIONS

5.99 ADDITIONAL USE PROVISIONS

5.99.80 SECOND UNITS / ADDITIONAL DWELLING UNITS

- .1 For any zoning district that permits a *single unit dwelling*, *semi-detached dwelling*, or *townhome dwelling*, the following additional provisions shall apply:
 - .1 ADDITIONAL PERMITTED USES
 - a) Two *dwelling units* in a *single unit dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*.
 - b) One *dwelling unit* in an *accessory building* which is accessory to a *single unit dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit*.
 - .3 PROHIBITIONS
 - a) In any *development reserve district* or *industrial district*, or where a *single unit dwelling*, *semi-detached dwelling*, or *townhome dwelling* is not a permitted use in a *zoning district*, the uses in Section 5.99.80.1.1 are prohibited.
 - b) Where a *dwelling* is located in a *floodplain*, an additional *dwelling unit* within a *basement* or *cellar* is prohibited.
 - c) Where two *dwelling units* are located in a *main building* of a *single unit dwelling*, *semi-detached dwelling unit*, or *townhome dwelling unit* and one *dwelling unit* is located in an *accessory building*, an additional *dwelling unit* in any *building* is prohibited.
 - .5 PROVISIONS
 - a) For an additional *dwelling unit* located within a *basement* or *cellar* in a *dwelling* not located in a *floodplain*,

1. Downspouts shall be disconnected from the municipal sewer system and splash to *grade*;
2. A sump pump is required. Foundation drains shall be disconnected from the municipal sewer and shall be connected to the sump pump;
3. A sanitary backflow valve shall be installed in the *dwelling unit* located within the *basement* or *cellar*;

all to the satisfaction of the City Engineer or Chief Building Official.

b) For a *dwelling unit* located within an *accessory building*:

1. There shall be direct pedestrian access between said *dwelling unit* and a *highway*.
2. Municipal sanitary sewer, municipal electrical service and municipal water service shall be provided to said *dwelling unit*.
3. Notwithstanding Section 5.10.7, any *accessory building* which is new construction or a new addition to an existing *accessory building* to include an additional *dwelling unit*, shall have a minimum separation of 1.20 m from a *rear lot line* or *side lot line*. This minimum separation does not apply to any portion of an existing building which is not being altered.
4. Notwithstanding Section 5.10.9.1, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes where the lowest slope is greater than the uppermost slope, the maximum *building height* shall be 6.0 m from *grade*.
5. Notwithstanding Section 5.10.9.2, for an *accessory building* which is constructed to include an additional *dwelling unit*, with a roof other than described in Section 5.10.9.1, the maximum *building height* shall be prohibited from exceeding 8.0 m from *grade*.
6. The maximum *building height* for an *accessory building* which contains an *additional dwelling unit* is prohibited from exceeding the *building height* of the *main building*.

c) For any additional dwelling unit:

1. Where the minimum lot area is expressed on a per *dwelling unit* basis, the minimum lot area provision shall not apply to the additional *dwelling unit*;
2. For the purpose of this provision, the gross floor area shall include that portion of the *main building* located within a *basement* or *cellar*.

For each additional *dwelling unit*, the minimum gross floor area shall be 40.0 m² and the maximum gross floor area shall be 100.0 m².

3. Notwithstanding Section 24.20.5, the required number of *parking spaces* shall be as follows:
 - a) One *parking space* for the first *dwelling unit*; and
 - b) One *parking space* for the second *dwelling unit* on a *lot* except for an second *dwelling unit* on a *lot* located south of the Detroit River, west of Cadillac Street or Henry Ford Centre Drive, including any lot abutting the east side of Cadillac Street or Henry Ford Centre Drive, north of Tecumseh Road, and east of Prince Road; and
 - c) No *parking space* for the third *dwelling unit* on the lot.

SECTION 10 - RESIDENTIAL DISTRICTS 1. (RD1.)

10.1 RESIDENTIAL DISTRICT 1.1 (RD1.1)

10.1.1 PERMITTED USES

Existing Duplex Dwelling

Existing Semi-Detached Dwelling

One Single Unit Dwelling

Any use accessory to the preceding uses

10.1.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	15.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	450.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.50 m

SECTION 12 - RESIDENTIAL DISTRICTS 3. (RD3.)

12.1 RESIDENTIAL DISTRICT 3.1 (RD3.1)

12.1.1 PERMITTED USES

<i>Double Duplex Dwelling</i>	<i>Residential Care Facility</i>
<i>Duplex Dwelling</i>	<i>Semi-Detached Dwelling</i>
<i>Lodging House</i>	<i>Single Unit Dwelling (Existing)</i>
<i>Multiple Dwelling</i>	<i>Townhome Dwelling</i>
<i>Religious Residence</i>	
Any use accessory to any of the preceding uses	

12.1.5 PROVISIONS

- | | | | |
|-----|--|------------------------------|--|
| .1 | Lot Frontage – minimum | 18.0 m | |
| .2 | Lot Area – minimum | | |
| | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> : | | |
| | a) For the first 5 <i>dwelling units</i> | 540.0 m ² | |
| | b) For each additional <i>dwelling unit</i> | 67.0 m ² per unit | |
| | For any other <i>lot</i> : | | |
| | c) For the first 4 <i>dwelling units</i> | 540.0 m ² | |
| | d) For each additional <i>dwelling unit</i> | 85.0 m ² per unit | |
| .3 | Lot Coverage – maximum | 35.0% | |
| .4 | Main Building Height – maximum | | |
| | <i>Corner Lot</i> | 14.0 m | |
| | <i>Interior Lot</i> | 10.0 m | |
| .5 | Front Yard Depth – minimum | 6.0 m | |
| .6 | Rear Yard Depth – minimum | 7.50 m | |
| .7 | Side Yard Width – minimum | | |
| | a) Where a <i>habitable room window</i> of any <i>dwelling unit</i> faces a <i>side lot line</i> | 6.0 m | |
| | b) Any other side yard | 3.0 m | |
| .8 | Landscaped Open Space Yard – minimum | 35.0% of <i>lot area</i> | |
| .50 | A <i>Lodging House</i> for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the <i>Single Unit Dwelling</i> provisions of Section 10.1.5 and further, the whole of the <i>building</i> shall be used for a <i>Lodging House</i> , including any <i>accessory use</i> . | | |
| .55 | A <i>Double Duplex Dwelling</i> , <i>Duplex Dwelling</i> , <i>Multiple Dwelling</i> having a maximum of 4 <i>dwelling units</i> , <i>Semi-Detached Dwelling</i> or <i>Townhome Dwelling</i> , or an addition to an <i>existing Single Unit Dwelling</i> , and any use accessory thereto, shall comply with the provisions of Section 11.2.5. | | |

SECTION 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS

(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 B/L 127-2010, September 15, 2010)**

340. For the lands comprising Lots 84 to 87, Registered Plan 684, situated at the southeast corner of Devonshire Court and Kildare Road, a Single Unit Dwelling shall be subject to the following additional provisions:

1. Main Building Height – minimum - 7.00 m
2. Front Yard Depth – minimum - 7.50 m
3. An access area or driveway is prohibited in any front yard or exterior side yard. Access to a parking space shall be from an alley.
4. Exposed flat concrete block, untextured concrete whether painted or unpainted and vinyl siding on any exterior wall is prohibited. A minimum of fifty per cent of the area of any exterior wall shall be covered in brick, textured concrete block, stucco, stone or any combination thereof.

[ZDM 7; ZNG/4715]

(ADDED by B/L 2-2017, Feb. 7, 2017)

APPENDIX F - CONSULTATIONS

CANADA POST

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

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

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

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 any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca.

CITY OF WINDSOR – ENGINEERING - Patrick Winters

The subject lands are located at 1913, 1925 & 1949 Devonshire Court, designated “Residential” by the City of Windsor Official Plan and zoned Residential District 1.1 (RD1.1) and S.20(1)340 by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 to allow a multiple dwelling as an additional permitted use subject to additional provisions. The applicant proposes to construct a multiple dwelling with a maximum building height of 15m with four storeys containing 23 dwelling units.

The site may be serviced by a 375mm x 500mm concrete pipe combined sewer on the alley south of the subject property. A 2725mm diameter reinforced concrete pipe trunk storm sewer is located in the center line of Kildare Road. Existing sewer connections are to be used wherever possible and redundant connections are to be capped as per Best Practice BP 1.3.3. It is the responsibility of the applicant to camera the existing sewer connections to ensure they are suitable for use prior to connection. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan completed in accordance with the regional guidelines are required.

The City of Windsor Official Plan classifies Kildare Road and Devonshire Court as Local Roads requiring a right-of-way width of 20m. Both roads meet the required right-of-way width; therefore, land conveyance is not required. A Street Opening permit will be required for any work within the Right-of-Way. Driveway is to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. The applicant will be required to drain and re-pave the alley abutting the property. If the surrounding sidewalks or boulevard in the Right-of-Way are damaged during construction then they must be restored to the satisfaction of the City Engineer.

There is an existing fence encroachment in the Right-of-Way of Kildare Road and Devonshire Court that must be removed or an application for an encroachment will have to be submitted and executed.

The development is currently across three (3) separate properties. The properties should be merged, or reciprocal access and servicing agreements will be required.

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

Alley Paving – The owner shall agree to drain and pave at his entire expense, the alley abutting the subject lands. The minimum acceptable cross-section will be 230 mm Granular “A” and 75 mm surface course asphalt in accordance with Standard City of Windsor Specifications, Selected Granular Base Course (S4) and Hot Mix, Hot Laid Asphaltic Concrete (S-10). The geometrics of the pavement shall comply with City of Windsor Standard Drawing AS-201. All work shall be to the satisfaction of the City Engineer.

Encroachment Agreement – The owner agrees to remove encroachment or submit application for and execute an agreement with the Corporation for the existing fence encroachment into the Kildare Road and Devonshire Court right-of-way to the satisfaction of the City Engineer.

Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

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

Storm Detention –

1. Prior to the issuance of a construction permit, the owner shall agree to retain a Consulting Engineer for the design and preparation of drawings, satisfactory to the City Engineer and Chief Building Official, for an internal stormwater detention scheme to service the subject lands. The purposes of the said scheme will be to ensure that storm drainage being directed to the Corporation’s storm, combined sewer or ditch as the case may be, from the subject lands in their improved state, be restricted to no greater than the present flow from the subject lands.
2. Upon approval of the drawings by the City Engineer and the Chief Building Official, the owner further agrees to construct at its entire expense the said storm detention scheme, in accordance with the approved drawings and to the satisfaction of the Chief Building Official.

Street Opening Permits – The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

Video Inspection (Connection) – The applicant shall agree to conduct at its entire expense a video inspection or pay the cost of similar inspection, of any existing connections proposed for use to ensure the suitability of the connection for use, all to the satisfaction of the City Engineer.

CITY OF WINDSOR – ENVIRONMENT & SUSTAINABILITY COORDINATOR - Averil Parent

No comment

CITY OF WINDSOR - HERITAGE PLANNER – Kristina Tang

The subject property was the location of former Windsor Municipal Heritage Register resources (St George's Church), which had been approved by Council for demolition in 2016. The subject lands are located within the Walkerville Heritage Area identified in the City of Windsor Official Plan. The associated redevelopment discussions then included public open house consultations, along with evaluations of Official Plan (OP) policies and the Walkerville Heritage Area context, ultimately resulting in the rezoning of the subject lands into its current special zoning provisions permitting the three single unit dwellings and other specific parameters.

In Heritage Areas, development is to be of compatible height, massing, scale, setback and architectural style (OP s.9.3.5.1.a.ii). Further, there are several Windsor Municipal Heritage Register resources located in close proximity just north of the subject lands (ie. 1912, 1924, 1948 Devonshire Court). Section 9.3.7.1(e) of the Official Plan requires regard for the following Urban Design Criteria where heritage resources may be impacted, including:

- (i) Respecting the massing, profile and character of adjacent buildings;
 - (ii) Approximating the width and established setback pattern of nearby heritage buildings;
 - (iii) Respecting the yards, gardens, trees and landscaped grounds associated with the heritage properties and districts which contribute to their integrity, identity, and setting;
 - (iv) Maintaining, enhancing or creating views and vistas of heritage resources; and
 - (v) Minimizing the impact of shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas.
- (i) Requiring for all development proposals that abut or in the opinion of the City Planner are likely to materially affect a designated heritage building or structure, a Built Heritage Impact Study to the satisfaction of the City Planner;

In addition, OP policies section 10.2.15.1 state that the purpose of a Built Heritage Impact Study is to determine if any listed or designated heritage resources are impacted by development proposals and the potential need for mitigation measures. S. 10.2.15.2 elaborate on the study components to be:

- (a) An analysis of the proposed development or site alteration that affects listed or designated heritage resources on adjacent lands;
- (b) A demonstration that the heritage attributes of the listed or designated heritage resource will be conserved as part of the proposed development and site alteration; and,
- (c) A commitment to mitigation measures and/or alternative development approaches in order to conserve the attributes of the listed or designated heritage resource affected by the adjacent development or site alteration.

A Built Heritage Impact Assessment, prepared by MacNaughton Hermsen Britton Clarkson (MHBC) was submitted as part of the rezoning application. Staff has reviewed the drawings and study provided and have the following comments that should be addressed as part of the rezoning application:

Windsor's Heritage Impact Assessment Guidelines request for provision of visual depiction of the subject proposal and streetscapes with neighbouring properties. The Study submitted includes *Section 5.2 Impact Analysis: Surrounding Heritage Properties* and *Section 5.3.1 Visual Contextual Analysis*, describing the varied massing and types of builds in Walkerville. The proposal has attempted to address and reduce the perception its building mass through vertical and horizontal articulation, projections and recessions, variety of glazing and building materials

and colours. Common elements such as dormers, brick facade with cornice and window sills are used to match the surrounding Heritage Area. Some remaining design details are to be reviewed through application to Site Plan Control:

- Consider providing a visually distinctive functional main entrance on the north facade facing Devonshire Court.
- Use high quality materials such as brick or stone to be more respectful of and compatible with the materials on existing nearby buildings. Vertical articulation on the second and third floors (white-cream accents) is acceptable however note that EFIS would not be a supported material choice for the Heritage Area.
- Consider continuation of the red brick appearance on the second and third floors to the ground floor instead of the grey cladding. The grey colour palette is not common in Walkerville Heritage Area. Alternatively, to brick, choose a cladding material in a heritage appropriate colour and material that can be found in the surrounding residential dwellings to provide stronger connection to the Walkerville context.
- Verify that none of the glazing uses reflective/mirrored glass and use profiled glazing.
- Provide coloured rendering or elevations with material labels and colour descriptions.
- Provide product information verification through provision of samples and product info sheet provision as a condition of Site Plan Control to the satisfaction of the City Planner or delegate.

CITY OF WINDSOR - LANDSCAPE ARCHITECT/URBAN DESIGN - Stefan Fediuk

The applicant is proposing to construct a multiple dwelling with a maximum building height of 15 m with four storeys containing 23 dwelling units on the subject, and will be subject to Site Plan Review and a Plan of Condominium application may also be submitted in the future. Pursuant to the application for a Zoning By-law Amendment (Z 034/21) to allow a multiple dwelling as an additional permitted use subject to additional provisions and change from the current Residential District 1.1 to a site specific Residential District 3.1, please note no objections. Please also note the following comments:

Urban Design:

The Urban section supports the recommendations made by the Heritage Planner with respect to built form's appropriateness to the character of the neighbourhood. As some urban design comments have been consolidated into the Heritage Planner's recommendations and are to read in conjunction with the comments found in this section of the report.

Key elements to be considered at the time of Site Plan Review are:

- **Shadow patterns** of the proposed development on existing residential properties: Official Plan policy s.8.6.2.3 shadow studies can be required to evaluate impact of shadow cast to determine the appropriate design measures to reduce or mitigate any undesirable shadow conditions. A Shadow Impact Study showing impacts of the proposed building on surrounding properties was received and is found to be satisfactory. For the properties impacted by the early morning winter shadows, verify the number of daylight hours lost due to the increased height of the proposed development.
- **Proposed benches along Devonshire Court:** Benches which face Devonshire Court and look into the residential dwellings to the north are discouraged for privacy reasons. Alternatively, benches facing the park to the east would be more acceptable

- **Site furnishings:** Some of the renderings show proposed heritage-style pedestrian-scaled street lights components sited on both private and public lands. Details to the contributions of the streetscape infrastructure are to be confirmed at Site Plan Control.
- **Definition between parkland and private development:** A landscape buffer would be required as part of a future site plan, between the development and the existing residential/parkland properties surrounding the site. Similarly, an appropriate buffer would be required along the alley lands.

Zoning Setback Provisions for Separation/transitions between public and private realms:

As found in section 5.1.3 of the Planning Rationale provided by Pillon Abbs Inc., the following variances to the requested RD3.1 designation are being proposed:

1. *Increase the maximum building height from the required 14m to 15m,*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m,*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, and*
4. *Decrease the minimum landscaped open space from the required 35% spaces to 27%.*

These proposed setback variances from the Zoning Bylaw could be supported with additional landscape considerations.

The applicant has proposed a courtyard fence (ornamental brick wall topped with an iron fence detail) surrounding the property, to help address the heritage character of the neighbourhood, while delineating between private and public realms. The plan and renderings seem inconsistent. The plan shows the fence along the frontages of Devonshire Court, the frontage of Kildare limited to the proposed building facade, and between the parking spaces and the alley off Kildare. The renderings provided show the courtyard fence to be extended along the entire frontage of Kildare. Additionally it shows the separation between the alley and the parking lot as a taller vegetative wall/fence. It is strongly recommended that the details associated with the rendering provided be required to help address the neighbourhood character, provide adequate landscape transition from public to private realms and provide additional compensation for the reliefs being requested from the Zoning Bylaw for RD3.1.

In addition, to the site specific rezoning, the provision of a vegetative fence or low courtyard wall as landscape transition along the eastern boundary of the site between the subject land and the municipal parkland be required to provide adequate landscape transition from public to private realms.

Tree Preservation:

The site is encircled by 6 mature trees in the City right-of-way, ranging from 40 to 75 years. These trees are situated in close proximity to the property boundary would need to be protected as part of any construction on the subject property.

There is also a stately mature 109cm diameter Red Oak immediately east of 1949 Devonshire Court, which would be well over 100 years old. While this tree appears to be within the property's eastern fence line, it appears that 6m of frontage along Devonshire Court actually lies within city-owned parkland. Regardless of the ownership, and given the significance of this tree the developer is to provide all necessary measures to preserve this tree and those identified on the municipal right-of-way to the satisfaction of the City Forester.

All tree preservation conditions of development, including but not limited to the above, would be provided at the time a Site Plan application is received.

Climate Change & Environmental Design:

As per the goals & objectives found in Chapter 5 Environment of Official Plan (2012), the City of Windsor's Climate Change Adaptation Plan (2012), as well as through the Vision Statement of the Provincial Policy Statement (2020) and Section 1.8 Energy conservation, Air Quality and Climate Change, resiliency to climate change is required.

As noted in the Tree Preservation comments above, there are existing trees to be retained. Preservation of established trees provide stronger mitigation measures to climate change, however, as they are organic and have a lifespan it is important to ensure that there is succession planned to fill in those voids once those trees have met their lifecycle. Provision of new younger trees will provide that long-term asset and are to be provided in appropriate locations within the development to provide shade from the south and westerly directions and to help reduce any potential heat island effect.

Parkland Dedication:

There is some inconsistencies identified between the area of land that has been fenced and what the survey show, as part of the subject property. There appears to be 6m of frontage of Devonshire Court Parkland enclosed with the fenced area. While there are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication for residential development, the appropriate property lines will need to be determined before the cash-in-lieu can be assessed.

Detailed landscape requirements will be provided at the time of site plan review.

CITY OF WINDSOR – PARKS DEVELOPMENT & DESIGN - Sherif Barsom

Please note that after carefully reviewing of the sent planning application, Parks D&D has no comments at this stage except for one general comment as below:

- The Developer has to protect and keep it safe the existing street trees that located surrounding the subject 3 land lots on the street walkway side.

ENBRIDGE

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

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

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

ENWIN

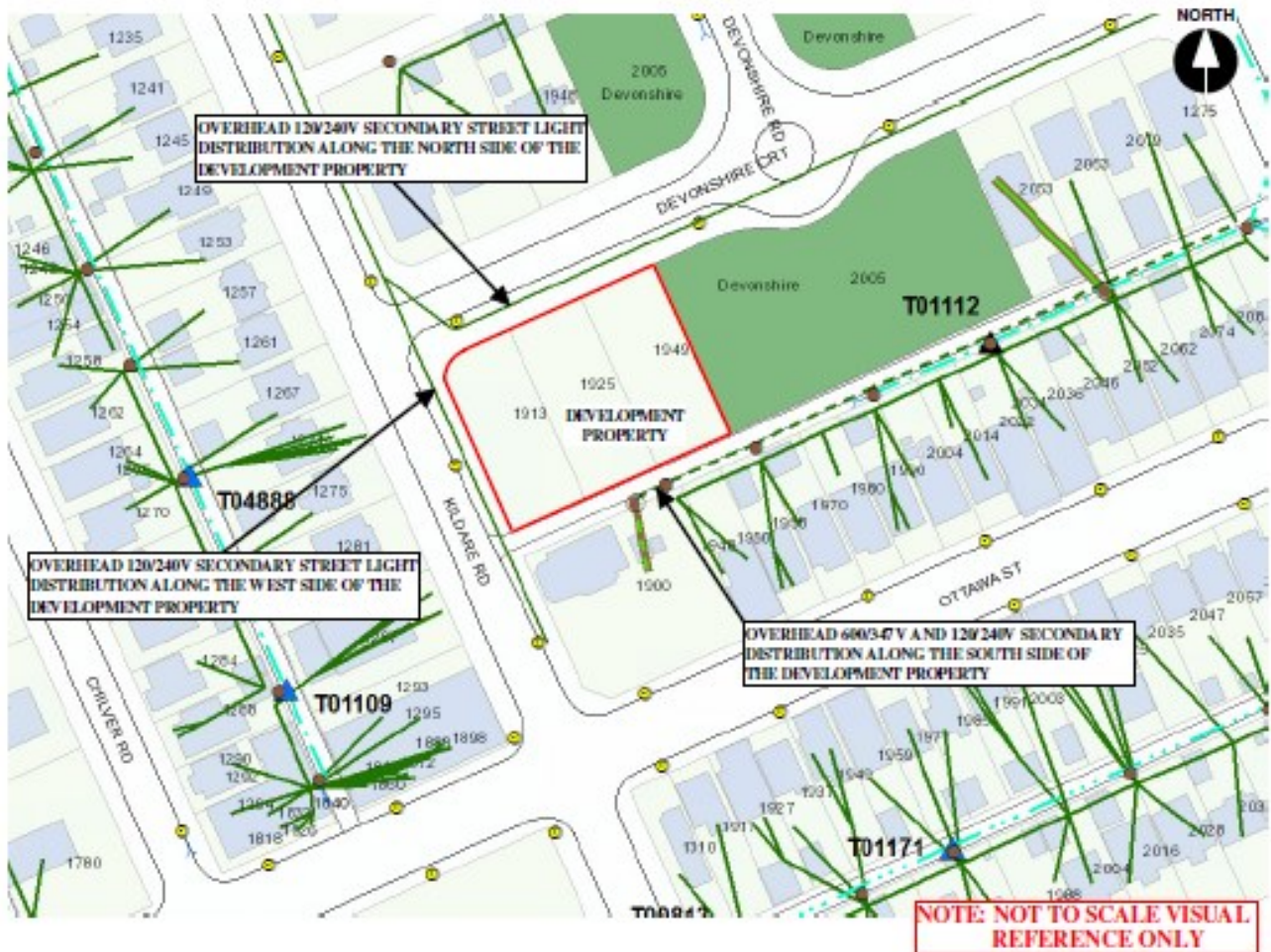
Hydro Engineering: No Objection, provided clearances are achieved and maintained from our distribution plant.

Please note ENWIN has the following distribution around the development property:

- 1) Overhead 120/240V secondary street light distribution along the north side of the property development.
- 2) Overhead 600/347V and 120/240V secondary distribution along the south side of the development
- 3) Overhead 120/240V secondary street light distribution along the west side of the property development.

An acceptable clearance must be maintained from our existing pole lines and conductors to the proposed development area. Please refer to the Ontario Building Code for adequate clearance requirements. We also recommend referring to the Occupational Health & Safety Act for the minimum safe limits of approach during construction.

Sketch attached for reference only. This attachment does not replace the need for utility locates.



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

TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit route is with the Ottawa 4. The closest existing bus stop to this property is located on Ottawa at Kildare NE Corner. This bus stop is approximately 70 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.



Council Report: S 23/2022

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

Reference:

Date to Council: March 7, 2022
 Author: Adam Szymczak, MCIP, RPP
 Senior Planner
 519-255-6543 x6250
 aszymczak@citywindsor.ca

Planning & Building Services
 Report Date: February 14, 2022
 Clerk's File #: Z/14269 Z/14268

To: Mayor and Members of City Council

Recommendation:

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

2. THAT Section 1 of Volume 2: Secondary Plans & Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a Special Policy Area as follows:

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

1.X.1 The property described as Part of Lot 13, Concession 6, further described as Part 1, Plan 12R-17667, known municipally as 4845 Walker Road (Roll No. 070-150-00270), situated at the southwest corner of Walker Road and Ducharme Street, **IS DESIGNATED** on Schedule A: Planning Districts and Policy Areas in Volume I: The Primary Plan;

1.X.2 Notwithstanding the "Commercial Corridor" designation on Schedule D: Land Use in Volume I: The Primary Plan and the "Business Park" designation on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas, "dwelling units located at grade and/or above commercial uses in a combined use building" and "multiple dwelling" shall be additional permitted uses.

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

440. SOUTHWEST CORNER OF WALKER ROAD AND DUCHARME STREET

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

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

[ZDM 13; ZNG/6591]

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

- A. Updated documents, reports, or studies, including any addendum or memorandum, submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 to reflect the site plan for which approval is being sought.

5. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and executed and registered site plan agreement:

- A. Mitigation measures identified Table B1 in Appendix B in the Road Traffic and Stationary Noise Impact Study, prepared by JJ Acoustic Engineering Ltd and dated January 14, 2021, subject to the approval of the City Planner
- B. Measures identified in the Servicing Study prepared by Haddad Morgan & Associates and dated April 23, 2020, subject to the approval of the City Planner and City Engineer, the Essex Region Conservation Authority, and, if required, the Ontario Ministry of Transportation (MTO)
- C. Transportation Impact Study requirements of the City of Windsor Transportation Planning Division and MTO contained in Appendix E of this report and measures identified in Sections 5 and 8 in the Transportation Impact Study prepared by Dillon Consulting and dated May 2019, subject to the approval of the City Planner, City Engineer, or Transportation Planning Senior Engineer, and MTO
- D. Requirements of the City of Windsor – Engineering Department – Right-Of-Way Division contained in Appendix E of this report subject to the approval of the City Engineer
- E. Requirements of the Ontario Ministry of Transportation contained in Appendix E of this report subject to the approval from the MTO

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

- A. Tree Preservation and Urban Design comments from the Landscape Architect contained in Appendix E of this report
- B. Comments from the Essex Region Conservation Authority contained in Appendix E of this report.

7. THAT the Site Plan Approval Officer **PROVIDE** a draft copy of the Site Plan Agreement to the Ontario Ministry of Transportation referencing all final plans and reports for review as a condition of consideration of MTO permits.

Executive Summary:

N/A

Background:

Application Information:

Location: 4845 Walker Road; Southwest corner of Walker Road & Ducharme Street
Roll No. 070-150-00270

Ward: 9 **Planning District:** Roseland **Zoning District Map:** 13

Applicant: 1741078 Ontario Inc & 115664 Ontario Inc (Abdul Karim Habib)

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

Submitted Documents:

Applications - Official Plan Amendment & Zoning By-law Amendment

Conceptual Plan (attached as Appendix A)

Geotechnical Report

Grading Site Services Drawing

Noise Impact Study

Parking Study (Revised)

Planning Rational Report (Revised) (attached as Appendix B)

Topographic Survey

Transportation Impact Study (May 2019)

Proposal:

The applicant is proposing to construct one combined use building with a building height of 22.4 m with 6-storeys and 101 dwelling units and 468 m² of commercial gross floor area, and one multiple dwelling with a building height of 22.4 m with 6 storeys and 70 dwelling units, for a total of 171 dwelling units. On-site parking consisting of 213 spaces for the dwelling units and 21 spaces for the commercial GFA, for a total of 234 parking spaces and four loading spaces will be provided. Vehicular access will be from Ducharme Street. Exemption from Interim Control By-law 103/2020 (RICBL) is also requested. Any development is subject to site plan control. A Plan of Condominium may be submitted in the future.

Site Information:

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Commercial Corridor (Schedule D) Business Park (Schedule NR2-7)	Commercial District 2.1 (CD2.1)	Vacant	Vacant
LOT FRONTAGE WALKER RD	LOT FRONTAGE DUCCHARME ST	LOT AREA	LOT SHAPE
77.1 m	123.58 m	14,080 m ²	Irregular
253 ft	405.4 ft	155,555 sq. ft	
All measurements are provided by the applicant and are approximate.			

Neighbourhood Description:

The subject parcel is a corner parcel located at the southwest corner of Walker Road and Ducharme. Site images are provided in Appendix C.

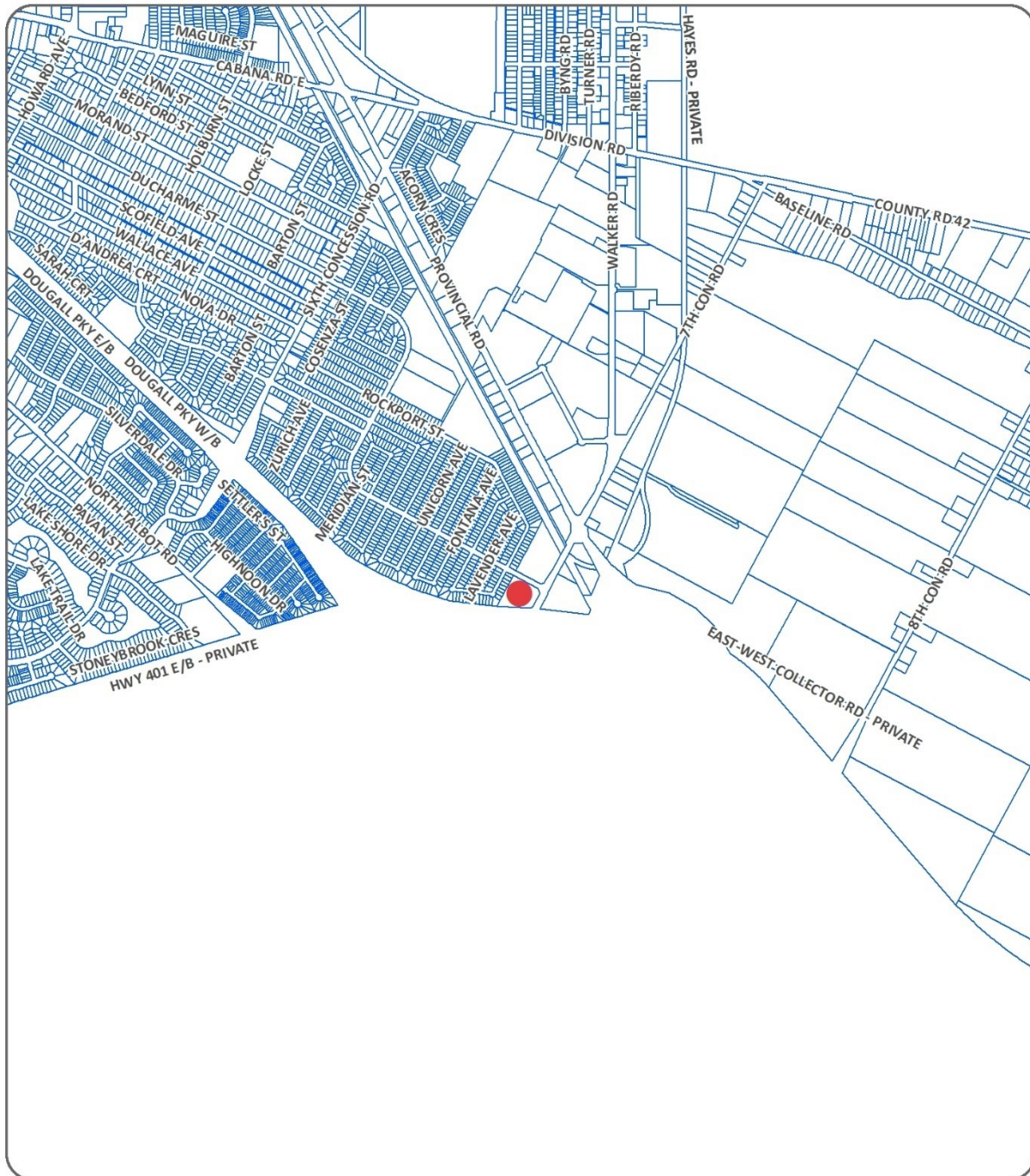
To the north is a parcel where a mixed use development consisting of over 200 dwelling units and ground floor commercial is under construction. Continuing north is a rail corridor which swings to the north, east of Walker Road, a mix of commercial uses along Provincial Road, including big box retail at the northwest corner of Walker and Provincial. To the east are light industrial uses consisting of Pearl D & Sons Produce and Empire Roofing, and the interchange of Provincial Road with Highway 401.

To the south is Highway 401. Continuing south, is the Oldcastle industrial area located in the Town of Tecumseh. To the west is the Walker Gate Estates residential area, consisting of low density housing.

Per Schedule F: Roads and Bikeways in the City of Windsor Official Plan, Walker Road is a Class II Arterial Road with a five-lane urban cross-section with sidewalks on both sides. Walker Road is a major north-south road that runs from Riverside Drive East to the north and to Harrow (as County Road 11) to the south. Ducharme Street is a Class II Collector with a two-lane cross section with sidewalks planned on both sides and is the primary collector road in Walker Gate Estates. The intersection of Walker Road and Ducharme Street is signalized with left turn lanes on Walker Road. The intersection of Walker Road and Provincial Road to the north is also signalized.

Public Transit is available on Walkerville 8 bus route. The 2019 Transit Master Plan maintains similar access to public transit.

Figure 1: Key Map



KEY MAP - Z-040/21, ZNG-6591 & OPA 154, OPA-6592



● SUBJECT LANDS

Figure 2: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAP 13

N.T.S.

REZONING

Applicant: 1741078 & 115664 Ontario Inc



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : NOVEMBER, 2021
FILE NO. : Z-040/21, ZNG/6591

Figure 3: Neighborhood Map



NEIGHBOURHOOD MAP - Z-040/21, ZNG-6591
& OPA 154, OPA-6592



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.

The review of the PPS 2020 applies to both the Official Plan Amendment and the Zoning By-law amendment. Excerpts from the PPS 2020 are contained in Appendix B of the Planning Justification Report submitted by the applicant.

The amendments are consistent with Policy 1.1.1 of the PPS. The requested amendments will allow the proposed uses of “combined use building” and “multiple dwelling” to make use of existing services and infrastructure. The development represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, promotes intensification, achieves a cost-effective development pattern and minimizes land consumption and servicing costs. No servicing issues have been identified. Necessary infrastructure will be available to meet the needs of the proposed development.

The amendments are consistent with PPS Policies 1.1.3.1, 1.1.3.2, and 1.1.3.3. The subject parcel is located within the settlement area. The requested amendments promote a land use that makes efficient use of land and existing infrastructure. Active transportation options and transit services are located or planned adjacent to, or near, the subject lands. The subject location represents an appropriate location for intensification.

The amendments are consistent with PPS Policy 1.4. The proposed development is a form of intensification that will expand the range and mix of housing options in the surrounding area. It will facilitate the municipality’s ability to accommodate residential growth through intensification, will provide a form of housing that is appropriate in terms of range and mix, and will meet the social, health and well being of current and future residents. Appropriate levels of infrastructure, active transportation, and transit are available or will be available.

The amendments to allow the proposed development are consistent with the overall policy direction of the PPS.

The Planning Division generally concurs with the PPS 2020 analysis in section 4.2 of the Planning Rational Report submitted by the Applicant.

Official Plan:

The subject property is designated Commercial Corridor on Schedule D: Land Use in Volume I: The Primary Plan and Business Park on Schedule NR2-7: Land Use Designations & Concept Plan in Volume II: Secondary Plans & Special Policy Areas. The applicant is requesting an amendment by adding a Special Policy Area to allow residential units in a combined use building and a multiple dwelling as additional permitted uses. Section 4.3 in the Planning Rationale Report submitted by the Applicant contains excerpts from the Official Plan.

Goal 6.1.1 is to achieve safe, caring and diverse neighbourhoods. Goal 6.1.2 seeks environmentally sustainable urban development. Goal 6.1.3 promotes housing suited to the needs of Windsor's residents. Goal 6.1.5 seeks convenient and viable areas for the purchase and sale of goods and services. Goal 6.1.10 is to achieve pedestrian oriented clusters of residential, commercial, employment and institutional uses.

Section 6.3 provides policy direction for residential uses. Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives.

The proposed development will create a diverse neighbourhood that represents an environmentally sustainable development and that will provide housing that is in demand. The addition of residential uses will create a pedestrian orientated cluster of residential, commercial and employment uses. The proposed development represents a complementary and compact form of housing and intensification that is near sources of transportation.

The locational criteria for a residential development require access to an arterial road, be provided with full municipal services, be provided with public transit, and adequate community services and open spaces are available or planned. The parcel has access to Walker Road via Ducharme Street. Public transit is available on the Walkerville 8 bus route, full municipal services are available, and parks and schools are located within walking distance.

The proposed commercial uses at the ground floor level are consistent with the existing land use designations.

Road Traffic and Stationary Noise Impact Study notes that noise from multiple transportation sources can be mitigated through the use of appropriate construction materials, through the use of HVAC systems to allow the closure of windows, and with standard warning clauses in the Site Plan Agreement and Offers to Sell and Purchase. Noise impact from stationary sources were determined to be below the noise limits for all façades.

The Servicing Study concludes that the change from commercial to residential will decrease demand on the sanitary sewer system and that the "*proposed development will not adversely affect*" the existing sanitary sewer system. Regarding stormwater management, the Servicing Study further notes that runoff control and storage requirements can be met onsite through appropriate measures such as flow control devices and a dry pond and underground chamber system. Additional review of sanitary and stormwater management will occur during site plan control.

The Transportation Impact Study (TIS) establishes that the existing surrounding road network can accommodate the traffic impacts of the proposed development. The TIS recommends that consideration should be made to introduce railway pre-emption technology at the Walker Road and Ducharme Street traffic signal, linking to the CN Railway crossing. City of Windsor Transportation Planning Services notes that the traffic signal at this intersection is adaptive and will continue to be monitored by Traffic

Operations in consultation with the railway to determine if any changes would be required in the future.

The Ontario Ministry of Transportation (MTO) has no objections in general to the applications. However, it has provided comments regarding the TIS. These comments have been forwarded to the Agent for the Applicant. The development is subject to MTO permits, so any concerns of MTO will be handled through that process.

When Official Plan Amendment 155 is approved, the requested zoning amendment will conform to the Zoning Amendment Policies, Section 11.6.3.1 and 11.6.3.3, of the Official Plan and conform to the general direction of the Official Plan.

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

Zoning By-Law:

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. Per the Building Height definition in Zoning By-law 8600, for a building with a flat roof, building height is the vertical distance in metres between grade and the highest point of the roof.

The parcel is zoned Commercial District 2.1 (CD2.1) which permits a range of commercial uses. Relevant excerpts from Zoning By-law 8600 are attached as Appendix D.

The applicant is requesting an amendment to Zoning By-law 8600 changing the zoning from CD2.1 to Commercial District 2.2 (CD2.2) and a site specific exception increasing the maximum building height from 14.0 m to 22.4 m and allowing dwelling units at grade in a combined use building. The proposed development complies with all other applicable zoning provisions.

The increase in building height is consistent with the mixed use development approved to the north.

Site Plan Control:

Site Plan Control will be 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. Recommendations 4 to 7 provide additional direction to the Site Plan Approval Officer.

Interim Control By-law 103-2020 (RICBL):

The parcel is subject to Residential Interim Control By-law 103-2020 (RICBL) which prohibits a Group Home, Lodging House, a Shelter, and a dwelling with five or more dwelling units throughout the City of Windsor to allow a land use study to be conducted. 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. Once the Special Policy Area is in force, the proposed development will be consistent with the Official Plan.

Compliance with the Zoning By-law – Whether the proposed development is a permitted use and complies with the provisions. Other than an increase in the main building height, the proposed development will comply with the provisions of the Commercial District 2.2 zoning. Once the amending by-law 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 grocery store, a community 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 a bus route on Walker Road and Ducharme Street, with bus stops adjacent to the proposed development.

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 these applications 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, intensification and a broader mix of uses will minimize the impacts on 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 development will provide opportunities to increase resiliency for the development and surrounding area, including improved stormwater management.

Financial Matters:

N/A

Consultations:

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

Conclusion:

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 official plan and zoning amendments have 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 the City of Windsor Official Plan, to add a Special Policy Area to allow a dwelling units in a combined use building and a multiple dwelling, is consistent with the PPS 2020 and is in general conformity with the City of Windsor Official Plan.

The requested amendment to Zoning By-law is consistent with the PPS 2020 and will be in conformity with the City of Windsor Official Plan when OPA 155 is approved.

The proposed site specific exception will permit uses – dwelling units in a combined use building and a multiple dwelling - that are compatible with existing and permitted uses in the surrounding neighbourhood. Site plan control is the appropriate tool to incorporate the requirements of municipal departments and external agencies. The development is also subject to MTO permits.

The proposed Combined Use Building and Multiple Dwelling provide additional housing choice in an area dominated by single detached dwellings. The proposed development is consistent with the development currently underway at the northwest corner of Walker and Ducharme, for which Council approved amendments to the Official Plan (OPA 112) and Zoning By-law 8600 (Z-004/18 ZNG/5405).

The recommendations to amend the Official Plan and Zoning By-law 8600 constitute good planning.

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:

SAH JR

Approvals:

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

Notifications:

Name	Address	Email
Abdul Karim Habib 1741078 Ontario Inc & 1156664 Ontario Inc.	4521 Southwood Lakes Blvd Windsor ON N9G 2M6	abdulhabib@msn.com
Pillon Abbs Inc. Tracey Pillon-Abbs	23699 Prince Albert Road Chatham ON N7M 5J7	tpillonabbs@gmail.com
Councillor Kieran McKenzie		kmckenzie@citywindsor.ca
Director Legislative Services & Clerk, Town of Tecumseh	917 Lesperance Rd. Tecumseh, ON N8N 1W9	
Property owners and tenants within 120 m of the subject lands		

Appendices:

- 1 Appendix A - Conceptual Site Plan Revised
- 2 Appendix B - Planning Rationale Report
- 3 Appendix C - Site Images
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Results of Circulation

CASTLE GATE TOWERS SOUTH

PLANNING RATIONALE REPORT

Application of Official Plan and Zoning By-Law
Amendments

**4845 Walker Road, City of Windsor
Windsor, Ontario**

January 24, 2022

Prepared by:



Tracey Pillon-Abbs, RPP
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Table of Content

1.0	INTRODUCTION	2
2.0	PURPOSE OF THE APPLICATIONS	4
3.0	BACKGROUND AND NEED	5
4.0	PLANNING ANALYSIS	6
4.1	Site and Surrounding Land Uses	6
4.2	Provincial Policy Statement (PPS)	9
4.3	Official Plan (OP)	17
4.4	Zoning By-law (ZBL)	23
4.5	Land Use Compatibility	27
4.6	Traffic	29
4.7	Environmental	30
4.8	Noise	30
4.9	Servicing	31
4.10	Parking	31
5.0	CONCLUSION	32

FIGURES

FIGURE 1	LOCATION MAP
FIGURE 2	PROPERTY FEATURES
FIGURE 3	SURROUNDING LAND USE
FIGURE 4	EXISTING OFFICIAL PLAN
FIGURE 5	EXISTING ZONING
FIGURE 6	CONCEPT PLAN

1.0 INTRODUCTION

Pillon Abbs Inc. has been retained by the applicant, 1741078 Ontario Inc. and 115664 Ontario Inc. (Castle Gate Towers South), to provide a land use Planning Rationale Report (PRR) in support of a proposed mixed-use development located at 4845 Walker Road (herein the “Site”) in the City of Windsor, Ontario.

The purpose of this report is to provide background and planning analysis in support of the applications. The report provides an overview of the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications and considers applicable documents, including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

The Site subject to the OPA and ZBA applications is located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401 and locally known as 4845 Walker Road. The legal description is Concession 6; Part Lot 13; Registered Plan 12R-17667, in the City of Windsor, Windsor, Ontario. **Refer to Figure 1 – Location Map.**

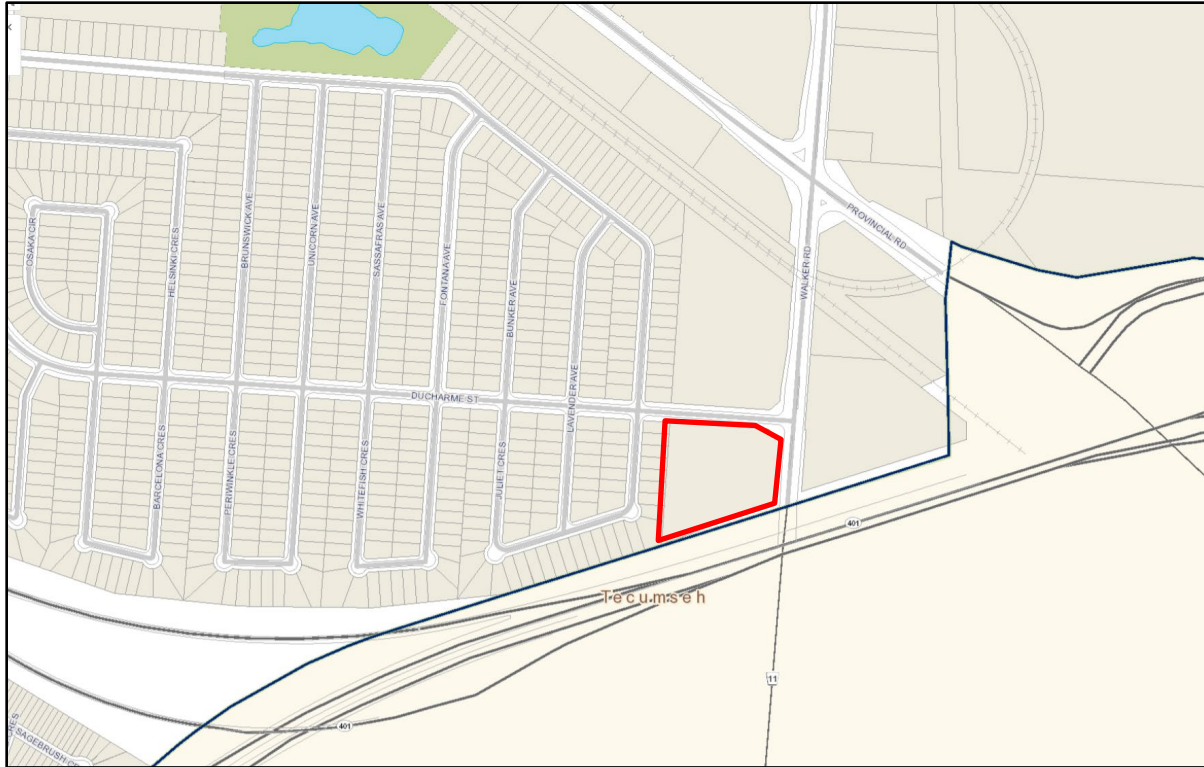


Figure 1 – Location Map

2.0 PURPOSE OF THE APPLICATIONS

The purpose of the OPA and ZBA application is to support the development of

On-site parking is provided. A total of 213 spaces are provided for the proposed residential use, and 21 spaces are provided for the proposed commercial use.

Specifically, the amendments seek to:

1. Re-designate the Site in the OP from “Commercial Corridor” (OPA #32) to a “Site Specific Commercial Corridor” policy, which is located on Schedule D: Land Use, in order to permit a combined use building with commercial on the main floor and residential above and a multiple dwelling, and
2. Re-zone the Site in the ZBL from “Commercial District 2.1 (CD2.1)” category to a “Site Specific Commercial District 2.2 (CD2.2 - S.20(1)(XXX))” category, which is located on Map 13. A multiple dwelling is requested to be permitted as an additional use. Relief is also requested for the following:

a) *Increase the maximum building height from the required 14 m to 22.4 m.*

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

3.0 BACKGROUND AND NEED

The Site consists of a total area of approximately 14,105 m² located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401.

The Site is currently vacant and is recognized and supported by the City of Windsor as an established settlement area.

The Site was previously developed with a farmhouse and associated agriculture as the prior use.

A previous OPA (#32) was approved for the Site, which received approval on April 24, 2003. The OPA changed the Site from “Business Park” to “Commercial Corridor” designation.

There is a recognized need for additional residential units and commercial gross floor area.

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 the required public meeting.

4.0 PLANNING ANALYSIS

Within the context of the OPA and the ZBA applications, a comprehensive planning evaluation was undertaken consisting of the following:

- Surrounding land uses;
- Provincial and Municipal planning documents;
- Land use compatibility;
- Geotechnical investigation;
- Noise assessment;
- Servicing and storm water management;
- Traffic impact assessment; and
- Parking Justification Report.

4.1 Site and Surrounding Land Uses

The Site

The Site consists of a total area of 14,105 m² located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401.

The Site is currently vacant and is recognized and supported by the City of Windsor as an established settlement area.

The Site is level and is outside the regulated area of the Essex Region Conservation Authority (ERCA). There is no vegetation on the Site.

The property has access to municipal transit, water, storm, and sanitary services. There are several schools, places of worship and parks nearby. **Figure 2 – Property Features.**

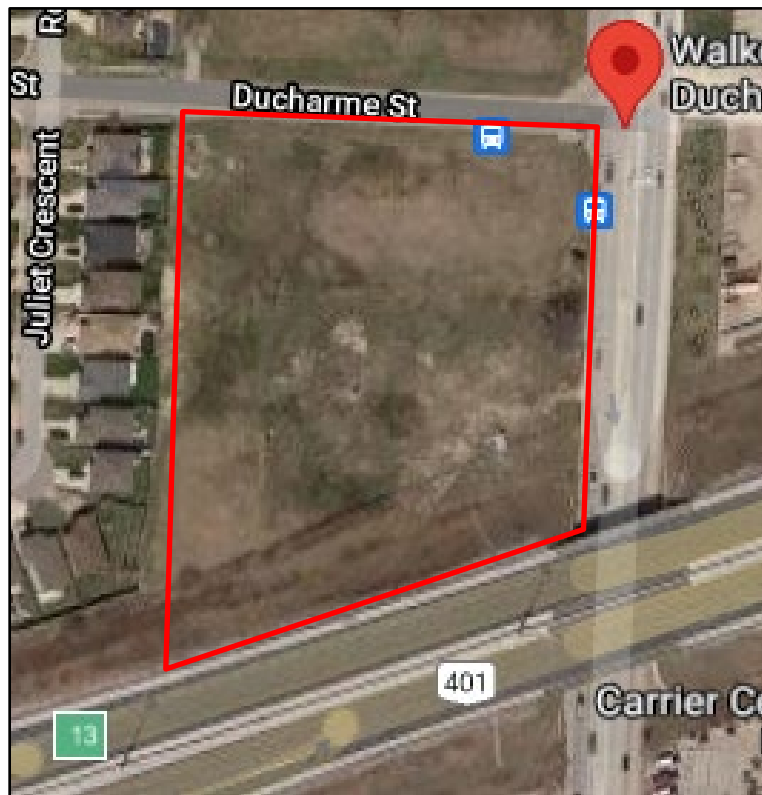


Figure 2 – Property Features

Surrounding Land Uses

The following surrounding land uses are located near the Site:

- To the South: Hwy 401.
- To the East: Industrial uses.
- To the North: Proposed mixed-use development.
- To the West: Residential uses.

Refer to **Figure 3 – Surrounding Land Use** for the specific locations.



Figure 3 – Surrounding Land Use

4.2 Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS), 2020 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
1.1.1	<p>Healthy, liveable and safe communities are sustained by:</p> <p>a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;</p> <p>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;</p> <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</p>	<p>The proposed development is consistent with the policy to build strong healthy and livable communities as it provides for employment opportunities and a new affordable housing choice.</p> <p>There are no environmental or public health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion of the settlement area as it is considered infilling.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p>

PPS Policy #	Policy	Response
	<p>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>Public service facilities are available, such as local schools and transit.</p> <p>The development pattern is proposed to be an efficient use of the vacant property.</p> <p>The proposed development provides a buffer/transition between the existing residences and the proposed commercial along Walker Road.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as the proposal is within an existing settlement area.
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <p>a) efficiently use land and resources;</p> <p>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;</p> <p>c) minimize negative impacts to air quality and climate</p>	<p>The total density of the proposed development is considered appropriate as most of the existing area is a mix of uses.</p> <p>Walker Road is an arterial road in the City of Windsor and provides for a high volume of car, pedestrian and bike traffic.</p> <p>The Site offers an opportunity for intensification by creating a new mixed-use building using the vacant property.</p> <p>The design and style of the building will blend well with</p>

PPS Policy #	Policy	Response
	<p>change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>	<p>the scale and massing of the existing surrounding area.</p> <p>Residents will have immediate access to shopping, employment, trails, active transportation, recreational areas and institutional uses.</p> <p>Transit is available for the area. Bike parking will be provided on-site.</p> <p>There are sidewalks along Walker Road to connect to Provincial Road.</p> <p>The Site is located close to major roadways. Walker Road provides direct access to Hwy 401, which is a controlled access highway.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	<p>The development is a Site that is physically suitable as it pertains to size and location.</p> <p>The intensification can be accommodated for the proposed mixed-use development as it is an appropriate use of a vacant parcel of land.</p> <p>The Site is level which is conducive to easy vehicular movements.</p> <p>Parking will be provided on-site including space designated for visitors. Releid is requested. A Parking Justification Report</p>

PPS Policy #	Policy	Response
		has been completed. Bicycle parking is also provided.
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.	The proposed mixed-use building will be built with a high standard of construction, allowing seamless integration with the existing area. There will be no risks to the public.
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.	The proposed development is located within the settlement area. The proposed buildings do have a compact built form with a mix of commercial and residential uses. Parking will be located on-site. Relief for parking is not required. A Parking Justification Report has been completed.
1.2.6 - Compatibilitysensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate and potential adverse effects.....	A noise assessment has been completed. It was concluded that the proposed development could, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.
1.3.1 - Employment	Planning authorities shall promote economic	The proposed development offers commercial retail space, which will help

PPS Policy #	Policy	Response
	development and competitiveness.....	provide employment opportunities.
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 mixed-use opportunity in the existing built-up area.</p> <p>Municipal services are available. A Servicing Study concluded that the proposed development would not adversely impact the existing infrastructure.</p>
1.4.3	Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of	The proposed density will have a positive impact on the area as it will blend well with the existing built form.

PPS Policy #	Policy	Response
	current and future residents of the regional market area.	The Site is close to nearby community amenities. There is suitable infrastructure.
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 can proceed on full municipal services. Electrical distribution will be determined through detailed design. 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.
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;	A servicing study has been completed and concluded that the proposed development would not adversely impact the existing infrastructure. There will be no negative impacts on the municipal

PPS Policy #	Policy	Response
	<p>b) minimize, or, where possible, prevent increases in contaminant loads;</p> <p>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</p> <p>d) mitigate risks to human health, safety, property and the environment;</p> <p>e) maximize the extent and function of vegetative and pervious surfaces; and</p> <p>f) promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.</p>	<p>system and will not add to the capacity in a significant way.</p> <p>The Site provides for drainage.</p> <p>There will be no risk to health and safety.</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>A TIS has been completed noting no negative impact anticipated.</p> <p>The subject property is serviced by an efficient network of roadways.</p>
1.6.7.2	<p>Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand</p>	<p>The proposed development contributes to the City's requirements for development within a built-up area.</p>

PPS Policy #	Policy	Response
	management strategies, where feasible.	The area is serviced by transit.
1.6.7.4	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>The proposed development contributes to the City's requirement for infilling within a built-up area.</p> <p>The proposed density, scale, and building height will blend with the existing land use pattern.</p> <p>The proposed development will provide a buffer/transition between the existing neighbourhood and Walker Road.</p>
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	A servicing study has been prepared in support of the proposed development. The study concluded that the proposed development would not adversely impact the existing infrastructure.
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.	<p>A noise assessment has been completed.</p> <p>There are no natural or human-made hazards.</p>

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

4.3 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 Site is designated “Commercial Corridor” according to Schedule “D” Land Use attached to the OP for the City of Windsor. **Figure 4 – Existing Official Plan Amendment.**

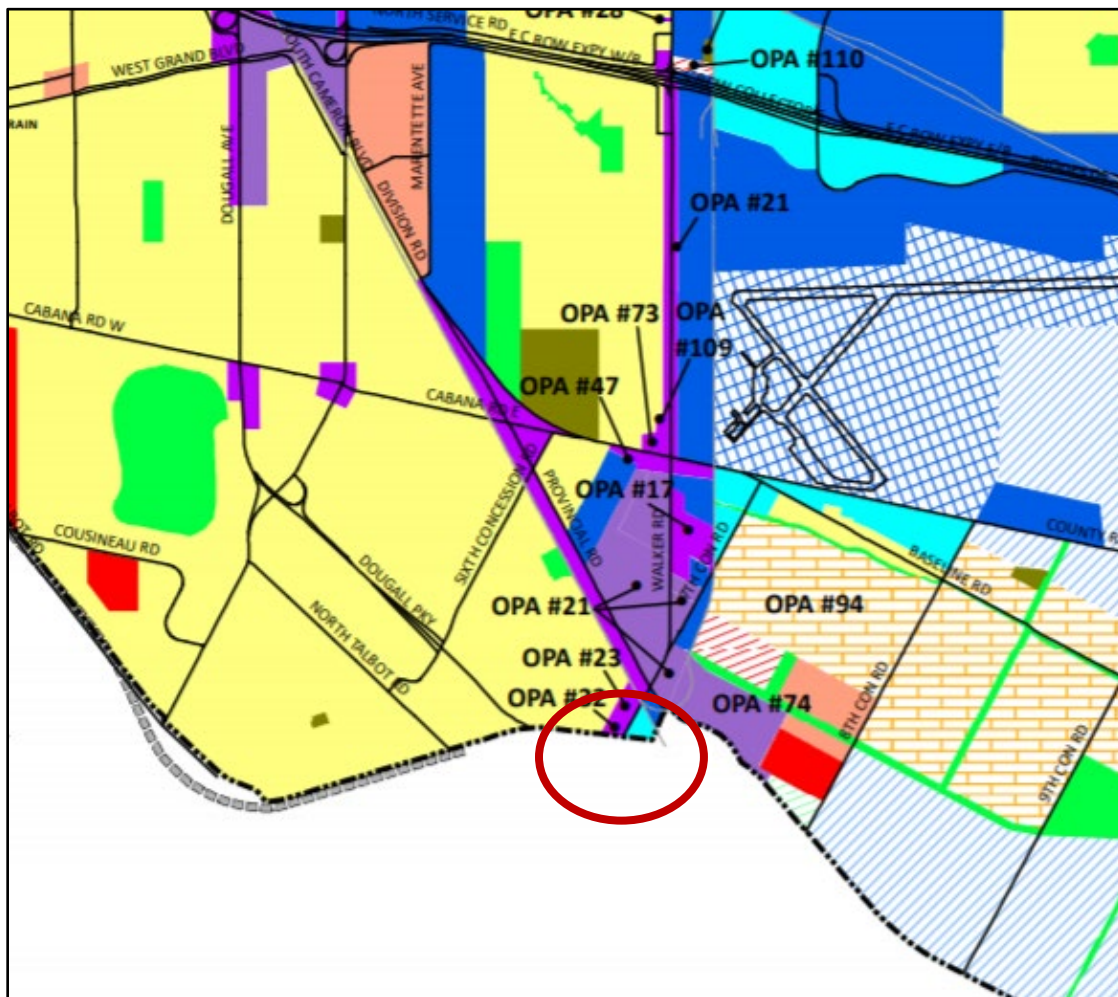


Figure 4 – Existing Official Plan Amendment

It is proposed to re-designate the Site to a site specific “Commercial Corridor” policy in order to permit a combined use building with commercial on the main floor and residential above and a multiple dwelling.

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

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	<p>The proposed development supports one of the City’s overall development strategies of providing for a range of housing choices.</p> <p>The requested OPA and ZBA will allow for the addition of residential land use on the Site, which will create a mixed-use development.</p> <p>The two 6-storey buildings will provide a transition between the single detached dwellings and Walker Road.</p> <p>The mixed-use development will provide for an alternative housing choice as well as a new commercial facility.</p>
3.3.2.1 (Development Strategies)	City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. City corridors radiate from these Centres following numerous high frequency transit corridors. City corridors connect to Regional Commercial Centres along selected arterial roads but do not extend as far outward or as numerous as corridors connected to the City Centre. These corridors are intended to provide services for those	<p>The proposed residential and commercial mixed use development will have access to major roadways.</p> <p>The proposed commercial uses will be located close to the corner of the Site where there is exposure.</p> <p>Loading spaces are provided on-site.</p>

OP Policy #	Policy	Response
	living in close proximity to the area but also those who may arrive by transit, bicycle and by car.	
4.0	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	<p>The proposed development will support the City's goal of promoting a healthy community (live, work and play).</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities, and parks/trails.</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.	The proposed development supports the policy set out in the OP as it is suited for the residential and commercial needs of the City.
6.5.3.1 (Commercial Corridor Policies)	Uses permitted in the Commercial Corridor land use designation are primarily retail, wholesale store and service oriented uses and, to a lesser extent, office uses.	The proposed development will include main floor commercial and residential uses.
6.5.3.3	<p>Council will encourage Commercial Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Commercial Corridor shall be:</p> <p>(a) no more than two storeys in height, except on lands</p>	<p>The proposed development will face Walker Road.</p> <p>The proposed development provides a buffer/transition between the existing residences and the proposed commercial along Walker Road.</p>

OP Policy #	Policy	Response
	<p>immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of the building(s) may be no more than six storeys in height; and</p> <p>(b) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.</p>	<p>The development will be brought to the edge of the municipal space.</p> <p>The abutting road is a collector road.</p> <p>On-site parking will be provided. Relief is not being requested. A Parking Justification Report has been completed.</p>
6.5.3.4	Council shall promote the infilling and consolidation of existing Commercial Corridors.	The proposal represents good planning as it addresses the need for the City of Windsor to provide infilling development, which contributes to affordability and intensification requirements set out in the PPS and the OP.
6.5.3.7 (Evaluation Criteria)	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed commercial development is:</p> <p>(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:</p> <p>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;</p> <p>(ii) within a site of potential or known contamination;</p> <p>(iii) where traffic generation and distribution is a provincial or municipal concern; and</p>	<p>There are no development constraints identified.</p> <p>There is no known contamination, as set out in the geotechnical investigations.</p> <p>A traffic assessment was completed, and no mitigation measures were required.</p> <p>A noise assessment was prepared for this Site to address sensitive land uses. Recommendations were made to provide mitigation measures.</p>

OP Policy #	Policy	Response
	(iv) adjacent to sensitive land uses and/or heritage resources.	
	(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;	There are no secondary plans that impact this Site.
	(c) capable of being provided with full municipal physical services and emergency services;	A servicing study has been prepared and concluded that the proposed development would not adversely impact the existing infrastructure.
	(e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and	<p>The Site offers an opportunity for intensification by creating a new mixed-use building using the vacant property.</p> <p>The design and style of the building will blend well with the scale and massing of the existing surrounding area.</p> <p>The proposed building will not negatively impact the private use and enjoyment of area residents.</p> <p>Parking will be located back from the street screened by the proposed buildings.</p>
	(f) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).	No market assessment was required as the proposed commercial use in small scale and is permitted in the proposed site specific CD2.2 zone category.
6.5.3.8 (Design Guideline)	The following guidelines shall be considered when evaluating the proposed design of a Commercial Corridor development:	<p>The proposed development will be constructed to be attractive and functional.</p> <p>The Site will be professionally landscaped and buffered.</p>

OP Policy #	Policy	Response
	<p>(a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;</p> <p>(b) the provision of appropriate landscaping or other buffers to enhance:</p> <p>(i) all parking lots, and outdoor loading and service areas; and</p> <p>(ii) the separation between the use and adjacent sensitive uses, where appropriate;</p> <p>(c) as a general rule, the height of buildings are consistent with the height of buildings which characterize the Commercial Corridor. Where Council deems it desirable that higher profile development be permitted in an existing Commercial Corridor, the development should be built at a human scale by utilizing one or both of the following measures:</p> <p>(i) treatment of the lower floors of building(s) to provide continuity; and/or</p> <p>(ii) setting back the upper floors of building(s) from the street to avoid overpowering effects at-grade;</p> <p>(d) where possible, parking is located in the rear of the property to encourage continuous building facades adjacent to the street; and</p> <p>(e) measures are taken in site design which provide for ease of access for pedestrians between the public sidewalk</p>	<p>The Site will be pedestrian friendly with a welcoming public space.</p> <p>Relief for parking is not being requested. Extra bike parking will be provided. The Site is close to transit. A Parking Justification Report has been completed.</p> <p>Height will be limited to 6-storeys in order to blend with the surrounding neighbourhood. Relief is requested from the required 14 m to 22.4 m.</p> <p>The building will provide for street level access, front and rear access and welcoming public spaces.</p> <p>The design and placement of the mixed-use building will support the design guidelines of the OP.</p>

OP Policy #	Policy	Response
	and building main entrances in a manner which is distinguishable from access provided for vehicles.	
7.0	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 proposed development is close to nearby transit, off a major roadway and has access to full municipal services.

Therefore, the proposed development conforms to the City of Windsor OP with the proposed site specific amendment.

4.4 Zoning By-law (ZBL)

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

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

According to Map 13 attached to the ZBL the Site is currently zoned Commercial District 2.1 (CD2.1). Refer to **Figure 5 – Existing Zoning**.

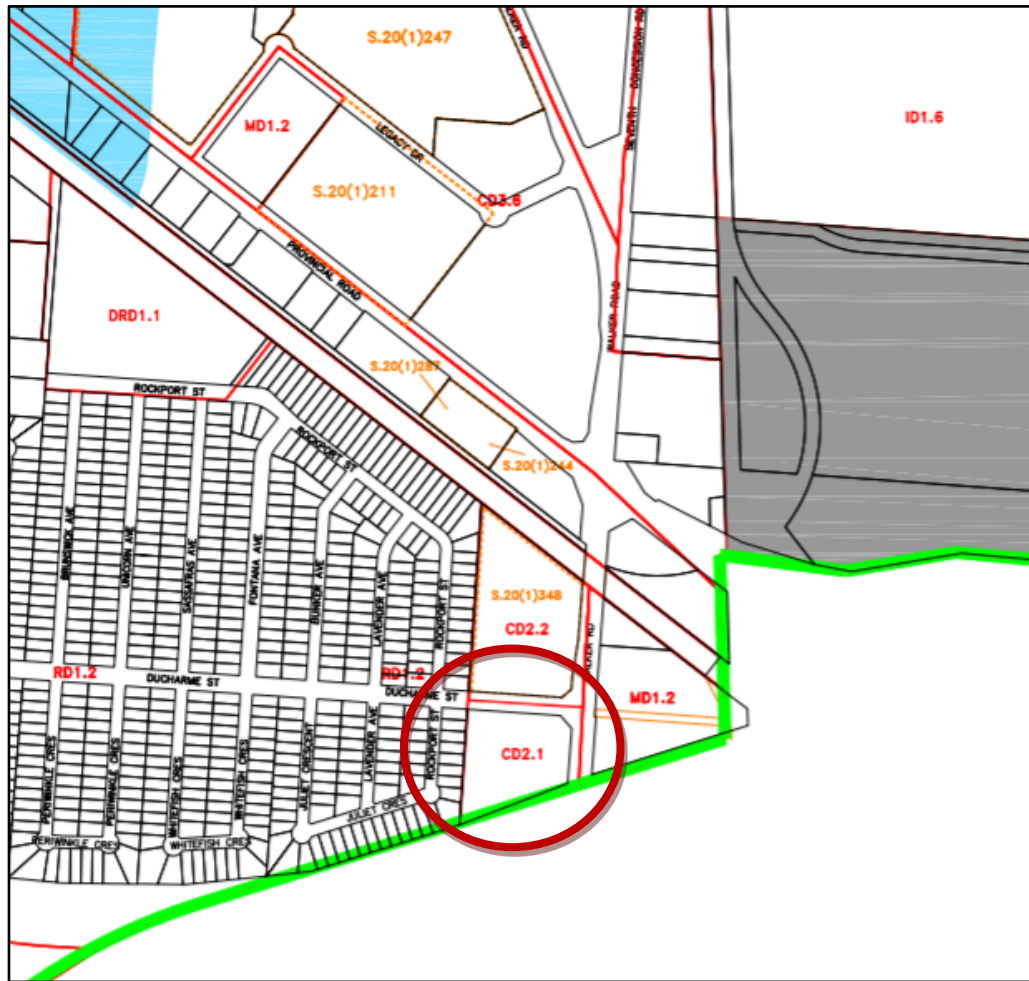


Figure 5 – Existing Zoning

A site specific ZBA is required for the proposed development. The zoning for the Site is proposed to be changed to a site specific Commercial District 2.2 (CD2.2 - S.20(1)(XXX)) category as shown on Map 13 of the City ZBL.

Permitted uses in the CD2.2 include combined use buildings with any one or more of the commercial uses identified.

“COMBINED USE BUILDING means a building having, as main uses, at least one dwelling unit and at least one non-residential use. If a Combined use Building is occupied in part by a Minor Commercial Centre or a Major Commercial Centre, the total required number of parking spaces is the sum of the required number of parking spaces for each Dwelling Unit and for the Minor Commercial Centre of a Major Commercial Centre.”

It is proposed to add the proposed residential dwelling as a permitted use in the form of a multiple 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.”

A review of the CD2.2 zone provisions, as set out in Section 15.2 of the ZBL is as follows:

Zone Regulations	Required CD2.2 Zone	Proposed	Compliance and/or Relief Requested with Justification
Permitted Uses	Dwelling Units in a Combined Use Building with any one or more of the permitted uses (listed in 15.2.1 of the zoning bylaw)	One 6-storey combined use building One 6-storey multiple dwelling	Will comply, subject to the ZBA applications. A multiple dwelling is requested to be permitted as an additional use.
Maximum Building Height	14 m	22.4 m	Relief required. A total is 10.4 m is requested. The Site is suitable for the proposed density. Appropriate buffering has been included in the concept plan, including keeping the proposed building close to the roadway and set back

			from abutting residential uses.
Minimum Amenity Areas – per dwelling unit	12 m2 per unit (12 x 171 = 2,052 m2)	5,557 m2	Complies.
Gross Floor Area – maximum per unit Bakery or Confectionary	550.0 m2	468 m2	Complies.
Other	For a Combined Use Building, all dwelling units, not including entrances thereto, shall be located above the non-residential uses.	One 6-storey combined use building with commercial on the main floor.	Combined use building complies. Multiple dwelling proposed is subject to the ZBA application.
Parking Spaces Required	<p>Combined Use Building, Dwelling Units and Multiple Dwellings – 1.25 for each dwelling unit:</p> <p>213 parking spaces required (1.25 x 171 = 213.75 parking spaces, rounded down 213)</p> <p>Retail:</p> <p>1 for each 22.5 m² GFA:</p> <p>20 parking spaces required, based on 468 m2 (20.8 parking spaces rounded down, 20)</p>	<p>213 residential parking spaces provided</p> <p>21 commercial parking spaces provided</p>	<p>Residential and commercial parking complies.</p> <p>A total of 234 parking spaces are provided.</p>

Visitor Parking – minimum (24.22.1)	15 percent of parking spaces marked = 31.95 parking spaces (based on 213 residential parking spaces, rounded down 31)	35	Complies.
Accessible Parking Spaces Required – Minimum (24.24.1)	For 201-1000 total number of Parking Spaces Type B - 1 space plus 1 percent of parking spaces:	25 spaces provided	Complies
Bicycle Parking – minimum (24.30.1)	2 for the first 19 spaces plus 1 for each additional 20 parking spaces: $25 = 1 + 0.04 \times 234$ spaces required	30 spaces provided	Complies.
Loading - minimum (24.40.3)	= 3 residential = 1 commercial	4 spaces provided	Complies.

Therefore, the proposed development will comply with all zone provisions set out in the CD2.2 Zone except for the following, which requires relief:

- a) Increase the maximum building height from the required 14 m to 22.4 m.*

4.5 Land Use Compatibility

The compatibility of land uses is an important and accepted principle of good land use planning. Although commonly used, there is no one widely accepted definition for “land use compatibility”. For the purpose of this review, the compatibility of land uses will be determined on the negative impact a use, activity or facility will have on another land use. The term negative impact is often characterized as having an “adverse effect” which may include but not limited to:

- Damage to property;
- Harm or discomfort to any person;

- Loss of enjoyment of normal use of property; and
- Interference with the normal conduct of business.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.

The proposed development will be limited to a two 6-storey, medium profile neighbourhood development, which is a compatible density with the surrounding area.

The Site can accommodate the proposed development in terms of scale, massing, height and siting. On-site parking and landscaping will be provided. Refer to **Figure 6 – Concept Plan**.

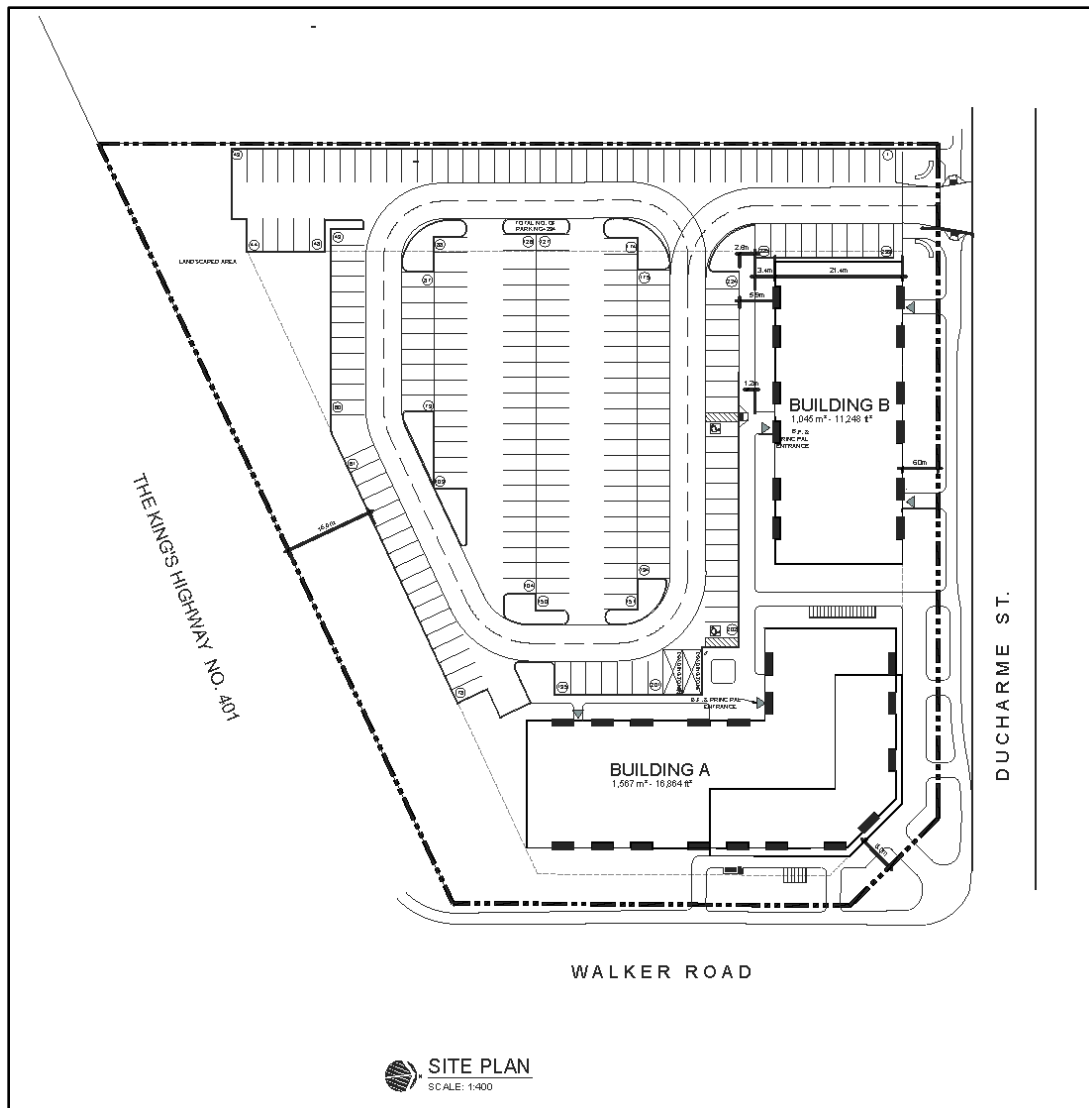


Figure 6 – Concept Plan

4.6 Traffic

A Traffic Impact Study (TIS) was prepared by Dillon Consulting, dated May 2019.

The study was completed to determine the existing and future operating conditions of intersections, traffic volumes and individual turning movements.

It should be noted that the TIS was for a conceptual development of three (3) buildings with approximately 276 residential units and over 1,000 m² of GFA. The current proposal is much smaller in size.

It is concluded that all intersections within the study area currently operate at a reasonable level of service. No mitigation or signal calming changes have been identified for any of the study area intersections in order to accommodate the background traffic growth and new trips generated by the proposed development.

Further, sight distance requirements for this new access were reviewed and found to be acceptable and in accordance with current guidelines.

The following are recommendations/considerations:

- The proposed access to Ducharme Street should be centered with the proposed access found on the north side of Ducharme Street; and
- If not already present, consider introducing railway pre-emption technology at the Walker Road and Ducharme Street traffic signal due to southbound queues being forecast to extend up to and across CN Railway crossing.

4.7 Environmental

A Geotechnical Report has been prepared by CT Soils and Materials Engineering Inc, Consulting Engineers, dated June 15, 2005.

The geotechnical investigation was completed to determine relevant subsurface conditions at select test hole locations and to provide geotechnical recommendations for the building and pavement design of the proposed development.

The study provided recommendations for construction techniques.

4.8 Noise

A Road Traffic and Stationary Noise Impact Study was prepared by JJ Acoustic Engineering Ltd., dated January 14, 2021.

The study was based on road traffic noise and neighbouring buildings.

The report concluded that the potential for environmental noise impact from road traffic noise is significant. Mitigation measures are required and included the following:

- a requirement for central air-conditioning,
- noise warning clauses, and
- special building components.

Road traffic noise control requirements for the Site were determined based on road traffic volumes provided by the City of Windsor (City) and forecasted to 10 years from the date of this study.

It was concluded that the proposed development can, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.

4.9 Servicing

A Servicing Study was prepared by Haddad Morgan & Associates Ltd, Consulting Engineers, dated April 23, 2020.

The study provided a review and identified servicing requirements for the proposed development.

The study concluded that the proposed development will not adversely impact the existing infrastructure.

4.10 Parking

A Parking Justification Report was prepared by BairdAE, dated January 24, 2022.

The purpose of the study was to determine the adequacy of the proposed parking supply to meet the demand of the proposed mix-use development.

Originally, relief for parking was anticipated; however, the report has re-looked at the parking area layout and confirmed that the required parking could be provided, including visitor, barrier-free, bicycle, and loading spaces.

The report concluded that the proposed development would not adversely impact the neighboring street parking and that parking spaces are satisfactory.

5.0 CONCLUSION

The applicant intends to develop the Site for commercial and residential uses. Amendments to the City of Windsor Official Plan and Zoning By-law are being requested to recognize the proposed use in addition to the requested relief.


Based upon the analysis and the technical information which accompanies the applications, it is my professional planning opinion that the proposed residential and commercial uses are appropriate and represents “good planning”.

The applications to amend the Official Plan and Zoning By-law as submitted warrants favourable consideration for the following reasons:

- Consistent with the Provincial Policy Statement, 2020 and conforms with the intent and policies of the City of Windsor Official Plan;
- Conforms to the general intent and purpose of the City of Windsor Zoning By-law;
- There is a recognized need for additional residential units and commercial gross floor area;
- The Site’s soil and drainage conditions are suitable to permit the proposed development. Stormwater management will occur in an orderly and planned manner that is environmentally sound;
- The area’s road network can accommodate the project traffic generated by the proposal in a safe and efficient manner;
- The subject lands front onto two paved municipal roads which are in good condition;
- Servicing will be provided in an efficient and cost effective manner. The proposal will be serviced on full municipal sewage and water systems. Utilities are available adjacent to the Site. There is sufficient capacity for the proposed light industrial use;
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- The location of the proposed development is appropriate in that it will blend well with the surrounding area, and
- Mixed-use on the Site represents an efficient development pattern that optimizes the use of land. The Site currently has a vacant building and is underutilized.

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 C - SITE IMAGES (GOOGLE STREET VIEW)**IMAGE 1**

**Image 1 - Subject Parcel – Looking southwest
Walker Road at Ducharme Street (Highway 401 on left)**

IMAGE 2

**Image 2 - Subject Parcel – Looking north
Walker Road at Highway 401**

IMAGE 3

**Image 3 - Looking south towards Highway 401
Ducharme Street, east of Juliet Crescent / Rockport Street**

IMAGE 4

**Image 4 - Looking west
Ducharme Street towards Juliet Crescent / Rockport Street**

IMAGE 5

Image 5 - Looking east - Ducharme Street at Walker Road

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.

COMBINED USE BUILDING means a *building* having, as *main uses*, at least one *dwelling unit* and at least one non-residential *use*.

BUILDING HEIGHT means:

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

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

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

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

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

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

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

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

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.

GRADE

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

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

LOT means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

CORNER LOT means a *lot* situated at the intersection of and abutting upon two or more *streets*, provided that the angle of intersection of at least two of the intersecting *streets* is not more than 135.0 degrees.

LOT AREA means the total land area in square metres, as measured along a horizontal plane, within the *lot lines* of a *lot*, excluding any part of a *lot* permanently covered by water.

LOT COVERAGE means:

1. the percentage of *lot area* covered by all *buildings* at *grade*, combined with
2. the percentage of *lot area* covered by the vertical downward projection of all roofs, cantilevered building walls and other projecting features exclusive of the following: balconies; chimney breasts; cornices; decks; eaves; fire escapes; steps and ramps; a swimming pool open to the sky; the first 15.0 m² of a *sunroom*.

Lot coverage may also be indicated in square metres.

LOT FRONTAGE means the distance in metres measured on a horizontal plane between the *side lot lines*, such distance being measured at a right angle to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines*, and at a point thereon 6.0 metres distance from the *front lot line*.

LOT LINE means the boundary of a *lot*.

EXTERIOR LOT LINE means a *lot line* which parallels and abuts a *street*.

FRONT LOT LINE means the shortest *exterior lot line*. On a *corner lot*, where the *front lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *front lot line* shall be determined to extend to the mid-point on the curve where the *front lot line* and *side lot line* meet.

INTERIOR LOT LINE means a *lot line* which does not parallel and abut a *street*.

REAR LOT LINE means the *exterior lot line* or *interior lot line* which is farthest from the *front lot line*. On a *corner lot*, where the *rear lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *rear lot line* shall be determined to extend to the mid-point on the curve where the *rear lot line* and *side lot line* meet.

SIDE LOT LINE means any *exterior lot line* or *interior lot line* other than a *front lot line* or a *rear lot line*.

SCREENING FENCE means a fence designed and used to visually separate different property uses and to block off views and which is continuous or effectively continuous throughout its entire length in accordance with the provisions of the Fence By-law.

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

EXTERIOR SIDE YARD means the *side yard* of a *corner lot* between an exterior *side lot line* and the nearest wall of a *main building* on such *lot*.

FRONT YARD means a *yard* extending across the full width of a *lot* between the *front lot line* and the nearest wall of a *main building* on such *lot*.

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

OUTDOOR STORAGE YARD means a *yard* which has a *minimum* area of 10.0 m² and is used for storage. A *loading compound*, *parking area*, *transport storage area*, or transport terminal is not an *outdoor storage yard*.

REAR YARD means a *yard* extending across the full width of a *lot* between the *rear lot line* or the intersection of the *side lot lines*, and the nearest wall of a *main building* on such *lot*.

REQUIRED YARD means for the purpose of Section 5.35 any of *required front yard*, *required rear yard*, *required side yard*, or *required landscaped open space yard*.

SIDE YARD means a *yard* extending from the *front yard* to the *rear yard* between the *side lot line* and the nearest wall of the *main building* on such *lot*.

SECTION 15 - COMMERCIAL DISTRICTS 2. (CD2.)

15.1 COMMERCIAL DISTRICT 2.1 (CD2.1)

15.1.1 PERMITTED USES

<i>Bakery</i>	<i>Place of Entertainment and Recreation</i>
<i>Business Office</i>	<i>Place of Worship</i>
<i>Child Care Centre</i>	<i>Professional Studio</i>
<i>Commercial School</i>	<i>Public Hall</i>
<i>Confectionery</i>	<i>Public Parking Area</i>
<i>Food Outlet - Drive-Through</i>	<i>Repair Shop – Light</i>
<i>Food Outlet - Take-Out</i>	<i>Restaurant</i>
<i>Funeral Establishment</i>	<i>Restaurant with Drive-Through</i>
<i>Garden Centre</i>	<i>Retail Store</i>
<i>Gas Bar</i>	<i>Temporary Outdoor Vendor's Site</i>
<i>Medical Office</i>	<i>Tourist Home</i>
<i>Micro-Brewery</i>	<i>Veterinary Office</i>
<i>Parking Garage</i>	<i>Wholesale Store</i>
<i>Personal Service Shop</i>	
<i>Existing Automobile Repair Garage</i>	
<i>Existing Service Station</i>	

Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses:

Garden Centre, Temporary Outdoor Vendor's Site, Existing Automobile Repair Garage.

15.1.5 PROVISIONS

.4	Building Height – maximum	14.0 m
.10	Gross Floor Area – maximum	
	<i>Bakery or Confectionary</i>	550.0 m ²
.26	A <i>Temporary Outdoor Vendor's Site</i> is prohibited in a <i>Business Improvement Area</i> .	

15.2 COMMERCIAL DISTRICT 2.2 (CD2.2)

15.2.1 PERMITTED USES

<i>Bakery</i>	<i>Place of Entertainment and Recreation</i>
<i>Business Office</i>	<i>Place of Worship</i>
<i>Child Care Centre</i>	<i>Professional Studio</i>
<i>Commercial School</i>	<i>Public Hall</i>
<i>Confectionery</i>	<i>Repair Shop – Light</i>
<i>Food Outlet - Take-Out</i>	<i>Restaurant</i>
<i>Funeral Establishment</i>	<i>Retail Store</i>
<i>Medical Office</i>	<i>Veterinary Office</i>
<i>Micro-Brewery</i>	<i>Wholesale Store</i>
<i>Personal Service Shop</i>	

Dwelling Units in a Combined Use Building with any one or more of the above uses

Gas Bar

Outdoor Market

Parking Garage

Public Parking Area

Tourist Home

Existing Automobile Repair Garage

Existing Service Station

Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses:
Outdoor Market, Existing Automobile Repair Garage.

15.2.3 PROHIBITED USES

A *Gas Bar* and a *Service Station* is prohibited on any lot located within 63.50 m of the east or west limits of Sandwich Street between Detroit Street and Brock Street or within 30.0 m of the south limit of Mill Street between Russell Street and Sandwich Street.

15.2.5 PROVISIONS

- | | | |
|-----|--|------------------------------|
| .4 | Building Height – maximum | 14.0 m |
| .9 | Amenity Area – Per Dwelling Unit – minimum | 12.0 m ² per unit |
| .10 | Gross Floor Area – maximum | |
| | <i>Bakery or Confectionary</i> | 550.0 m ² |
| .15 | For a <i>Combined Use Building</i> , all <i>dwelling units</i> , not including entrances thereto, shall be located above the non-residential uses. | |
| .24 | An <i>Outdoor Market</i> is permitted within a <i>Business Improvement Area</i> . An <i>Outdoor Market</i> is prohibited elsewhere. | |

APPENDIX E- Results of Circulation

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 any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca

CITY OF WINDSOR - ENGINEERING – DESIGN AND DEVELOPMENT

Sewers – This site may be serviced by a combination of the 1800mm RCP storm sewer on Walker Road, a 250mm RCP sanitary sewer on Walker Road, a 300mm CP storm sewer on Ducharme Street and a 250mm PVC sanitary sewer on Ducharme Street. A functional servicing study for municipal services (sanitary & storm) is required. Site servicing and stormwater management, demonstrating compliance with the 7th Street Drain Diversion/Walker Road Project and the Windsor/Essex Region Stormwater Management Standards Manual are required.

ERCA approval is required, as a portion of the site is located within a hazard area regulated by the Conservation Authority.

Right-of-Way – Walker Road is classified by the Official Plan as a Class II Arterial road requiring a 42 metre right-of-way. This section of Walker Road was reconstructed in 2010; and all required property (easement and conveyances) fronting this site were acquired at that time. Schedule X of the Official Plan classifies Ducharme Street as a Class II Collector road with a required right-of-way width of 22 metres. The current right-of-way width is 22 metres; therefore a land conveyance is not required.

All driveway approaches to Ducharme Street shall be constructed as per City of Windsor Standard Engineering Drawing AS-204, with straight flares and no raised curbs with the right-of-way. Any redundant driveway approaches shall be restored to the satisfaction of the City Engineer. A Street Opening permit will be required for any work in the right-of-way.

A sidewalk shall be constructed on the south side of Ducharme Street and continue through the driveway approach, in accordance with City standards. Tactile surface indicators will not be required at this location.

In summary, we have no objections to the proposed rezoning and Official Plan amendment application, subject to the following requirements (requirements may be imposed as part of site plan control):

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

Site Servicing Plans – The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.

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. The Study is required to be finalized to the satisfaction of the City Engineer prior to the issuance of construction permits.

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

Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

- a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
- b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
- c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

Sidewalks – The owner(s) agrees to construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire Ducharme Street frontage of the subject lands. All work to be to the satisfaction of the City Engineer.

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

If you have any questions or concerns, please contact Shannon Mills, of this department at smills@citywindsor.ca

Patrick Winters, Development Engineer

CITY OF WINDSOR – ENVIRONMENTAL SERVICES

No concerns

CITY OF WINDSOR – HERITAGE PLANNER - KRISTINA TANG

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

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

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

Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events:

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

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

CITY OF WINDSOR – LANDSCAPE ARCHITECT - Stefan Fediuk

Pursuant to the application for a zoning amendment (Z 040/21) please note no objections from a Landscape Architectural or Urban Design perspective. Please also note the following comments:

Zoning Provisions for Parking Setback:

The proposed site development concept plan appears to provide the appropriate setback and landscape areas as per Zoning Bylaw. Therefore, all landscape comments will be reserved to the time of Site Plan Control.

Tree Preservation:

A large tree 130 cm in trunk diameter (measured 1.2 metres from surrounding grade) is situated near the Walker Rd right-of-way on the subject properties. It is recommended that this tree be preserved as part of the site development. Should the tree not be able to be preserved, as per the Landscape Manual for Development replace/compensation at a rate of caliper per caliper is to be applied. All tree replacement/compensation conditions will be provided at the time a Site Plan application is received.

Urban Design:

Fencing and/or hedge planting along the west property boundary may be required to provide privacy for the abutting residence given that the canopies of the existing coniferous trees do not extend below 1.5 metres from grade.

A dense landscape buffer with extensive tree planting would be required between the proposed residential development and the embankment of the King's Highway No.401. This buffer is to consist of coniferous (evergreen) trees is situated in several rows along with deciduous trees to provide visual and some level of noise protection through baffling the sound from the highway traffic.

Parkland Dedication:

There are no parkland implications beyond the usual requirement as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department.

CITY OF WINDSOR – TRANSPORTATION PLANNING – GENERAL COMMENTS

- Walker Rd. is a municipal roadway classified by the Official Plan as a Class II Arterial road requiring a 42 metre right-of-way. The Walker Road Environmental Assessment has been constructed for this section of Walker Rd and the approved design does not require any more land to be conveyed.
- Schedule X of the Official Plan classifies Ducharme Street as a Class II Collector road with a required right-of-way width of 22 metres. The current right-of-way width is 22 metres; therefore a land conveyance is not required.
- This development is in the MTO permit corridor control. The applicant should consult with MTO on their requirements.
- The parking variance for this development is not supported based on the previously submitted parking study. Comments have been provided to the applicant from Planning and parking supply mitigation and strategies should be addressed as discussed.
- Sidewalks must be constructed along the Ducharme Street frontage per Engineering Right-of-Way requirements.
- A TIS has been submitted with this application and is currently under review. Comments will be provided in a separate memo to the Planner on this file.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

CITY OF WINDSOR – TRANSPORTATION PLANNING – TIS COMMENTS

We have reviewed the transportation impact study report for the above-noted application Castle Gate Towers South Development at 4845 Walker Road dated May 2019, by Mike Walters (P.Eng.) from Dillon Consulting.

Overall, the report establishes that the existing surrounding road network can accommodate the traffic impacts of the proposed development. It is recommended in the TIS that consideration should be made to introduce railway pre-emption technology at the Walker Road and Ducharme Street traffic signal, linking to the CN Railway crossing. This signal at this intersection is adaptive and will continue to be monitored by Traffic Operations in consultation with the railway to determine if any changes would be required in the future.

CANADA POST

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

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

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

CN RAIL

It is noted that the railway corridor adjacent to the subject site is owned by Borealis Transportation Infrastructure Trust (DETROIT RIVER TUNNEL COMPANY). Please reach out to them for further comments. With respect to developments in proximity to the railway corridor, please refer to the policies developed by the Railway Association of Canada and the Federation of Canadian Municipalities. Please visit <http://www.proximityissues.ca> for more information.

ENBRIDGE - WINDSOR MAPPING

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

Please Note:

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

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

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

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

ENWIN

Hydro Engineering:

No Objection, provided adequate clearances are achieved and maintained.

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

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

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

Water Engineering: No objections to the rezoning.

ESSEX REGION CONSERVATION AUTHORITY

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 7th Street Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

In addition, the proponent should have regard for any required building setbacks from any drains (covered or open). Please contact your local municipality's drainage superintendent for more information or the Municipality's applicable Zoning By-law.

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

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

Significant Groundwater Recharge Area

The property is located within a Significant Groundwater Recharge Area (SGRA). There are no associated Significant Drinking Water Threats (SDWTS) or policies with these areas because the municipal water treatment plant does not use groundwater as its supply. However, the proponent should consider the sensitive nature of this natural feature. These areas are at a greater risk for contamination from land use activities. Any future proposed activity on these properties at minimum should not result in increased risk of contamination of the recharge area.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

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

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.

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

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning by-law amendment and Official Plan Amendment at this time.

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.

If you have any questions or require any additional information, please contact the undersigned

Sincerely,

Vitra Chodha, E.P, Resource Planner

ONTARIO MINISTRY OF TRANSPORTATION – Ryan Mentey

The Ministry of Transportation (MTO) has completed its review of the proposed OPA and ZBA to accommodate the proposed development that includes residential and commercial components located at 4845 Walker Road. The proposal has been considered in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA) and MTO's access management guidelines.

MTO does not object to the proposed OPA, ZBA and the proposed development, however, the property is located adjacent to Highway 401 within MTO's Permit Control Area, and as such, MTO permits are required prior to any work taking place. As a condition of MTO permits, MTO provides the following:

- The Proponent shall submit an acceptable Site Plan, Grading Plan, Drainage Plan and Site Servicing Plan for MTO review and approval. MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit, inclusive of fire-lanes, parking and storm water management facilities.
- Storm Water Management - As a condition of MTO permits, to ensure that stormwater runoff from this property does not adversely affect our highway drainage system or highway corridor, MTO may require the owner to submit a Storm Water Management Report (SWMR) report along with the above-noted grading/drainage plans for the proposed development for our review and approval. MTO will provide further comments upon review of the grading/drainage plans.
- MTO is currently reviewing the Transportation Impact Study (TIS) dated May 2019, and will provide comments in the near future. If the TIS identifies a need for improvements to the highway/intersection, it is the responsibility (financially and otherwise) of the owner to design and construct the works in accordance with all ministry standards, specifications, and criteria. Any required improvements to the highway that cannot be geometrically accommodated, will not be permitted, and development permits will not be made available.
- All signs visible from Highway 401 shall be subject to MTO's review and approval and MTO Sign Permits are required prior to installation (including temporary development signs).
- Any encroachments and works identified within the Highway 401 property limits are subject to MTO conditions, approval and permits, prior to construction. All provincial highway property encroachments are strictly regulated and must meet all conditions set out by MTO.
- MTO will respectfully request a draft copy of the municipal Site Plan Agreement when available referencing all final plans and reports for review as a condition of consideration of MTO permits.

MTO looks forward to reviewing additional documents as the project progresses. Feel free to contact me with any questions or concerns you have.

ONTARIO MINISTRY OF TRANSPORTATION – TIS COMMENTS

The Ministry of Transportation (ministry) has reviewed the submitted Traffic Study dated May 10, 2019 (attached), and provides the following comments.

- The ministry disagrees with the study area outlined in the report. The study did not include the Provincial Rd – Walker Rd intersection.
- Queue and storage lengths for left turn and through movements for the ramp terminals at Highway 401 – Provincial Road and the south approach of Provincial Road – Walker Road

need to be calculated using the arrival rate method explained on MTO's Signal Timing Policy (attached). For queues/storage lengths for right turn movements please refer to Chapter 9 of TAC's Geometric Design Guide for Canadian Roads. Queue assessment shall include a review to determine if the thru queues impede access the free flow ramps/channelizations, auxiliary lanes or if they reach the adjacent intersection or the freeway. Volume distribution for queue/storage length assessment for multilane approaches:

- 60/40 for dual left turn lanes,
- 50/50 for through volumes distributed in a 2 lane cross section
- For Section 4.1 Trip Generation, please include all totals, directional distribution, and internal captures in Table 6 as extra rows and columns, rather than in the paragraphs below.
- Use the fitted curve equation to calculate the trip generation for both the Multi-Family Housing and the Shopping Centre.
- Double left turn lanes should be considered when the peak left turn volumes exceeds 300 vph .

Synchro

- Please use a PHF of 0.92.
- This review did not include the digital Synchro files. Synchro files will be reviewed in the next submission.

The Ministry looks forward to receiving additional materials as the project progresses.

TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. There are 2 bus stops directly adjacent to this property located on Ducharme at Walker Southwest Corner and Walker at Ducharme Southwest Corner. There are no plans to move either one of these stops. If either stop needs to temporarily be closed for construction, Transit Windsor requires a minimum of 2 weeks notice. This will be maintained with our Council approved Transit Master Plan.



Committee Matters: SCM 392/2021

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held December 6, 2021

Development & Heritage Standing Committee Meeting

Date: Monday, December 06, 2021

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 Gyemi

Member Moore

Members Regrets

Member Fratangeli

Member Miller

Member Rondot

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

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Tracy Tang, Planner II – Revitalization & Policy Initiatives

Kevin Alexander, Planner III – Special Projects

Greg Atkinson, Planner III – Economic Development

Justina Nwaesei, Planner III – Subdivisions

Adam Szymczak, Planner III – Zoning

Kristina Tang, Planner III – Heritage

Minutes

Development & Heritage Standing Committee Monday, December 06, 2021

Page 2 of 12

Rania Toufeili, Policy Analyst
Steven Payne, Student Planner
Minan Song, Student Planner
Marianne Sladic, Clerk Steno Senior
Sandra Gebauer, Council Assistant

ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner
Michael Cooke, Manager of Planning Policy / Deputy City Planner
Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1 & 7.2	Tracey Pillon-Abbs, Planner representing Applicant
Item 7.1	Paolo DiBartolomeo, Applicant; and Maria DiBartolomeo, Paul Mar Housing
Item 7.2	Lenn Curtis and Christine Oszter, Property Owners in Area
Item 7.3	Jackie Lassaline, Planning Consultant representing Deniz Orak
Item 7.3	Mark Nouhra, Area Resident
Item 10.1	Mark McCloskey, McCloskey Engineering
Item 10.2	Jason Grossi, Architect representing Southwestern Sales

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

Minutes

Development & Heritage Standing Committee
Monday, December 06, 2021

Page 3 of 12

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development and Heritage Standing Committee Meeting (*Planning Act* Matters) held November 8, 2021

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held November 8, 2021 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 373/2021
Clerk's File: MB2021

7. *PLANNING ACT* MATTERS

7.1. Zoning By-law Amendment Application for property known as 739 Bridge Avenue, south of Wyandotte Street West, west side of Bridge Ave.; Applicant: Paul Mar Housing; File No. Z-038/21, ZNG/6589; Ward 2

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 349**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the west side of Bridge Ave., south of Wyandotte Street West, described as Plan 369, Lots 234 & 235 (PIN 01224-0375), from Residential District 1.3 (RD1.3) to Residential District 2.1 (RD2.1) in Zoning By-law 8600.
Carried.

Report Number: S 152/2021
Clerk's File: ZB/14030

7.2. AMENDMENTS to OFFICIAL PLAN and ZONING BY-LAW 8600; requested by 2800573 Ontario Inc. for the land municipally known as 3165 Walker Road; File Nos. OPA 151 (OPA/6502) and Z-027/21 (ZNG/6501); Ward 9

Moved by: Councillor Sleiman
Seconded by: Councillor Morrison

Decision Number: **DHSC 350**

I. THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding a site specific policy as follows:

Minutes

Development & Heritage Standing Committee

Monday, December 06, 2021

Page 4 of 12

1. X WEST SIDE OF WALKER ROAD, BETWEEN E.C. ROW EXPRESSWAY AND SYDNEY AVENUE

1.X.1 The property described as Lots 810 to 814, Pt Lot 809 and Pt Closed Alley, Registered Plan 1126, designated as Part 2 on Plan 12R-13004 and Parts 5 to 10 on Plan 12R-18422, (PIN 01345-0220 LT and PIN 01345-0470 LT), located on the west side of Walker Road, between the E.C. ROW Expressway and Sydney Avenue, municipally known as 3165 Walker Road, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 6.5.3.1 of the Official Plan, Volume I, *residential use in a combined use building* shall be an additional permitted use on the subject land and all residential units shall be located on the second floor above the non-residential uses on the main floor of a 2-storey building.

II. THAT an amendment to the Zoning By-law 8600 **BE APPROVED** to change the zoning for the property described as Lots 810 to 814, Pt Lot 809 and Pt Closed Alley, Registered Plan 1126, designated as Part 2 on Plan 12R-13004 and Parts 5 to 10 on Plan 12R-18422, (PIN 01345-0220 LT and PIN 01345-0470 LT), located on the west side of Walker Road, between the E.C. ROW Expressway and Sydney Avenue, by adding the following site-specific zoning provisions to permit *dwelling units in a combined use building* as additional permitted use on the subject land:

“437. WEST SIDE OF WALKER ROAD, BETWEEN E.C. ROW EXPRESSWAY AND SYDNEY AVENUE

For the land comprising Lots 810 to 814, Pt Lot 809 and Pt Closed Alley, Registered Plan 1126, designated as Part 2 on Plan 12R-13004 and Parts 5 to 10 on Plan 12R-18422, (PIN 01345-0220 LT and PIN 01345-0470 LT) *Dwelling Units in a Combined Use Building* with any one or more of the commercial uses permitted in Section 16.2.1 except an existing *funeral establishment, existing gas bar, or existing service station*, shall be an additional permitted use and shall be subject to the following additional provisions:

- a) All *dwelling units*, not including entrances thereto, shall be located above the non-residential uses;
- b) Section 16.3.5 shall not apply to a *combined use building*;
- c) Building Height – Maximum – 10 m
- d) Building Setback from an Interior Lot Line – Minimum
 1. Where a *habitable room window* faces the *interior lot line* 6.0 m
 2. Where a *habitable room window* does not face the *interior lot line* 3.0 m from the west lot line; and 0 m for the north and south lot lines.
- e) Landscape Open Space Yard – Minimum – 30% of Lot Area
- f) Exposed flat concrete block walls or exposed flat concrete walls, whether painted or unpainted, are prohibited; and

Minutes

Development & Heritage Standing Committee

Monday, December 06, 2021

Page 5 of 12

- g) *Parking spaces* for the *dwelling units* shall be clearly marked, assigned and set apart from other *parking spaces*.
[ZDM12; ZNG-6502]"

- III. THAT the parcel described as Lots 810 to 814, Pt Lot 809 and Pt Closed Alley, Registered Plan 1126, designated as Part 2 on Plan 12R-13004 and Parts 5 to 10 on Plan 12R-18422, located on the west side of Walker Road, between the E.C. ROW Expressway and Sydney Avenue, **BE EXEMPT** from the provisions of section 45(1.3) of the *Planning Act*; and
- IV. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements and other requirements found in Appendix D of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
- 1) Noise mitigation measures recommended by JJ Acoustic Engineering Ltd.
 - 2) Sanitary Sampling Manhole;
 - 3) Record of Site Condition;
 - 4) Parkland dedication;
 - 5) Stormwater management – underground storage required (stormwater chambers);
 - 6) Enbridge Gas minimum separation requirements;
 - 7) Adequate clearance from existing ENWIN's pole lines and power lines; and
 - 8) Canada Post requirements and guidelines for the proposed multi-unit.

Carried.

Report Number: S 158/2021
Clerk's File: ZO/14209 & ZB/14208

7.3. Rezoning - Orak - 1174 Curry - Z-019/21 ZNG/6443 - Ward 2

Moved by: Councillor Morrison

Seconded by: Member Gyemi

Decision Number: **DHSC 351**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 36 to 37, Registered Plan 1168, (known municipally as 1174 Curry Avenue; Roll No. 040-430-12400; PIN 01217-0209) situated on the east side of Curry Avenue between Grove Avenue & Pelletier Street) from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2).

Carried.

Report Number: S 155/2021
Clerk's File: ZB/14135

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:25 o'clock p.m.

The Chairperson calls the *Heritage Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:25 o'clock p.m.

Minutes

Development & Heritage Standing Committee Monday, December 06, 2021

Page 6 of 12

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 12, 2021

Moved by: Member Baker
Seconded by: Councillor Gill

THAT the minutes of the Development & Heritage Standing Committee meeting held July 12, 2021 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 234/2021
Clerk's File: MB2021

8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 13, 2021

Moved by: Member Baker
Seconded by: Councillor Gill

THAT the minutes of the Development & Heritage Standing Committee meeting held September 13, 2021 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 297/2021
Clerk's File: MB2021

8.3. Adoption of the Development & Heritage Standing Committee minutes of its meeting held October 12, 2021

Moved by: Member Baker
Seconded by: Councillor Gill

THAT the minutes of the Development & Heritage Standing Committee meeting held October 12, 2021 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 348/2021
Clerk's File: MB2021

8.4. Adoption of the Development & Heritage Standing Committee minutes of its meeting held November 8, 2021

Moved by: Member Baker
Seconded by: Councillor Gill

Minutes

Development & Heritage Standing Committee

Monday, December 06, 2021

Page 7 of 12

THAT the minutes of the Development & Heritage Standing Committee meeting held November 8, 2021 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 366/2021

Clerk's File: MB2021

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Items 10.1 and 10.2.

10. HERITAGE ACT MATTERS

10.1. Request for Partial Demolition of a Heritage Listed Property - 1200 University Avenue West, S.W.&A. East Car Barn (Ward 3)

Mark McCloskey, McCloskey Engineering

Mark McCloskey, McCloskey Engineering, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Request for Partial Demolition of a Heritage Listed Property - 1200 University Avenue West, S.W.&A. East Car Barn (Ward 3)" and is available for questions.

Moved by: Councillor Holt

Seconded by: Member Baker

Decision Number: **DHSC 352**

THAT Council **BE INFORMED** of the proposed partial demolition (deconstruction) and reconstruction of the exterior brick wall and reinforcement of the foundation on the east facade of 1200 University Avenue West, S.W.&A. East Car Barn.

Carried.

Report Number: S 154/2021

Clerk's File: MBA/11662

10.2. Request for Partial Demolition of a Heritage Listed Property- 10150 Riverside Drive East, Monarch Liqueurs / W.L. Webster Mfg. Ltd. (Ward 7)

Jason Grossi, Architect representing Southwestern Sales

Jason Grossi, Architect representing Southwestern Sales, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Request for

Minutes

Development & Heritage Standing Committee

Monday, December 06, 2021

Page 8 of 12

Partial Demolition of a Heritage Listed Property- 10150 Riverside Drive East, Monarch Liqueurs / W.L. Webster Mfg. Ltd. (Ward 7)" and is available for questions.

Moved by: Member Foot

Seconded by: Member Baker

Decision Number: **DHSC 353**

THAT Council **BE INFORMED** of the proposed partial demolition of the one-storey addition at 10150 Riverside Drive East, Monarch Liqueurs / W.L. Webster Mfg. Ltd.

Carried.

Report Number: S 156/2021

Clerk's File: MBA/14260

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:29 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:29 o'clock p.m.

11. ADMINISTRATIVE ITEMS

11.3. Downtown CIP Grant Applications made by Roman Maev, owner of Tessonics Holding Corp. for 787 Ouellette, Ward 3

Councillor Bortolin inquires about other Community Improvement Plans (CIP) on corner lots that were able to access two portions of CIP grant funding and why that was not an option for this application. Kevin Alexander, Senior Planner – Special Projects, appears before the Development & Heritage Standing Committee via video conference regarding the administrative report "Downtown CIP Grant Applications made by Roman Maev, owner of Tessonics Holding Corp. for 787 Ouellette, Ward 3" and indicates that both portions could be included and it would be at Council's discretion to increase the grant funding if the building is highly visible to another street, in this case, Elliott St. as well as Ouellette Ave.

Councillor Sleiman requests clarification related to a previous application, and Councillor Bortolin provides clarification as it was the building next door that had previously made an application. Thom Hunt, City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report "Downtown CIP Grant Applications made by Roman Maev, owner of Tessonics Holding Corp. for 787 Ouellette, Ward 3" and indicates that in order to include the Elliott St. portion in the grant funding, a modification to the recommendation to include a \$10,000.00 increase to the grant funding would be required.

Minutes

Development & Heritage Standing Committee

Monday, December 06, 2021

Page 9 of 12

Councillor Morrison requests clarification related to the visibility of the building to Elliott St. should another building occupy the current vacant portion next to this building. Mr. Hunt provides details related to this application and the guidelines of the Community Improvement Plan.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 356**

- I. THAT the request for incentives under the Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP) made by Roman Maev, owner of Tessonics Holding Corp. for the property located at 787 Ouellette Avenue **BE APPROVED** for the following programs:
 - i. *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs to a maximum of \$30,000 for improvements to the Ouellette Avenue and Elliott Street West facades;
- II. THAT funds in the amount of up to \$30,000 under the *Commercial/Mixed Use Building Facade Improvement Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;
- III. THAT grants **BE PAID** to Roman Maev, owner of Tessonics Holding Corp., upon completion of the improvements to the existing three (3) storey building and property located at 787 Ouellette Avenue, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;
- IV. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* for 787 Ouellette be uncommitted and made available for other applications.

Carried.

Report Number: S 157/2021

Clerk's File: Z/14259

11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1762643 Ontario Inc. for 669 Tuscarora Street (Ward 4)

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 354**

- I. THAT the request made by 1762643 Ontario Inc. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II

Minutes

Development & Heritage Standing Committee

Monday, December 06, 2021

Page 10 of 12

Environmental Site Assessment Study for property located at 669 Tuscarora Street pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$14,175 based upon the completion and submission of a Phase II Environmental Site Assessment completed in a form acceptable to the City Planner and City Solicitor;
- III. THAT the grant funds in the amount of \$14,175 under the Environmental Site Assessment Grant Program **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;
- IV. THAT should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: S 150/2021

Clerk's File: Z/14257

11.2. Downtown CIP Grant Applications made by Jackie Lassaline for 493 University Avenue, Owner: 1233961 Ontario Ltd, Ward 3

Moved by: Councillor Morrison

Seconded by: Councillor Gill

Decision Number: **DHSC 355**

- I. THAT the request for incentives under the Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP) made by Jackie Lassaline Applicant for 2770722 ONTARIO Limited for the property located at 493 University Avenue West **BE APPROVED** for the following programs:
 - ii. *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs of the façade improvements, up to \$20,000 per property;
 - iii. *Building/Property Improvement Tax Increment Grant Program* for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in the amount of +/- \$2,715.85 annually;
 - iv. *Upper Storey Residential Conversion Grant Program* for \$15,000 (\$5000 per new upper storey residential unit created).
- II. THAT Administration **BE AUTHORIZED** to prepare the agreement between the City and 2770722 ONTARIO Limited to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the

Minutes

Development & Heritage Standing Committee

Monday, December 06, 2021

Page 11 of 12

satisfaction of the City Planner as to content, the City Solicitor 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 Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;
- IV. THAT funds in the amount of up to \$20,000 under the *Commercial/Mixed Use Building Facade Improvement Program*, and funds under the *Upper Storey Residential Conversion Grant Program* in the amount of \$15,000 **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;
- V. THAT *Commercial/Mixed Use Building Facade Improvement Program* and *Upper Storey Residential Conversion Grant Program* grants **BE PAID** to 2770722 ONTARIO Limited, upon completion of the improvements to the existing two (2) storey building and property located at 493 University Avenue West, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;
- VI. THAT should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* and *Upper Storey Residential Conversion Grant Program* for at 493 University Avenue West be uncommitted and made available for other applications;
- VII. THAT the approval to participate in the *Building/Property Improvement Tax Increment 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;
- VIII. THAT the City Planner **BE DELEGATED** authority to approve the Site Plan Control application for at 493 University Avenue West.

Carried.

Report Number: S 124/2021

Clerk's File: Z/14258

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

Minutes

Development & Heritage Standing Committee Monday, December 06, 2021

Page 12 of 12

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 5:39 o'clock p.m.
Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services



Committee Matters: SCM 11/2022

Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held January 10, 2022

Development & Heritage Standing Committee Meeting

Date: Monday, January 10, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Gyemi

Member Moore

Member Rondot

Clerk's Note: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, City Planner

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

Michael Cooke, Manager of Planning Policy / Deputy City Planner

Neil Robertson, Manager of Urban Design / Deputy City Planner

Simona Simion, Planner II – Research & Policy Support

Tracy Tang, Planner II – Revitalization & Policy Initiatives

Kevin Alexander, Planner III – Special Projects

Greg Atkinson, Planner III – Economic Development

Justina Nwaesei, Planner III – Subdivisions

Adam Szymczak, Planner III – Zoning

Rania Toufeili, Policy Analyst

Marianne Sladic, Clerk Steno Senior

Sandra Gebauer, Council Assistant

Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Minutes

Development & Heritage Standing Committee Monday, January 10, 2022

Page 2 of 12

Delegations—participating via video conference

Item 7.1	Melanie Muir, Dillon Consulting representing Applicant
Item 7.1	Gerald Trottier, Legal Counsel for Applicant
Item 7.3	Mike Stamp, Consultant representing Property Owner
Item 11.1	Dr. Barry Emara, Applicant
Item 11.2	Gabe Valente and Amy Valente-Sarkis, Applicants
Item 11.4 & 11.5	Settimo Vilardi, Agent for the Owner

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:31 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. *Planning Act* Minutes from the Development and Heritage Standing Committee meeting held December 6, 2021

Moved by: Member Gyemi

Seconded by: Councillor Sleiman

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

Carried.

Report Number: SCM 404/2021

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 3 of 12

7. PLANNING ACT MATTERS

7.1. Rezoning Application for properties known as 3945 and 3985 Dougall Avenue; Applicant: 2319576 Ontario Ltd.; File No. Z-014/19, ZNG/5898; Ward 1

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 357**

- I. THAT an amendment to the Zoning By-law 8600 to change the zoning of Part of lots 133 and 134, RP 1478, located on the northwest corner of the intersection of Dougall Avenue and Roseland Drive East, and municipally known as 3945 and 3985 Dougall Avenue, from RD1.4 to CD1.3 **BE DENIED** for reasons noted in the report, particularly the following:
- a. The amendment is not consistent with the PPS;
 - b. The amendment does not conform with the Official Plan; and
 - c. Approval of the requested amendment is not good planning.

Carried.

Member Gyemi voting nay.

Report Number: S 39/2020

Clerk's File: ZB/13592

7.2. Rezoning - Chantelle Bayley - 2422 Rossini Blvd Z 035-21 [ZNG-6573] - Ward 5

Moved by: Councillor Sleiman

Seconded by: Member Gyemi

Decision Number: **DHSC 358**

THAT Zoning By-law 8600 **BE AMENDED** for Lot 81 and Pt Block I, Plan 1102 municipally known as 2422 Rossini Blvd, by adding a site-specific exception to Section 20(1) as follows:

431. EAST SIDE OF ROSSINI BOULEVARD, SOUTH OF YPRES STREET

For the lands comprising Lot 81 and Pt Block I, Plan 1102, one *multiple dwelling* with a maximum of three *dwelling units* shall be an additional permitted main use and shall be subject to the following additional provisions:

- a) Lot Width – minimum 15.0 m
- b) Lot Area – minimum 450.0 m²
- c) Lot Coverage – maximum 45.0%
- d) Main Building Height – maximum 10.0 m
- e) Front Yard Depth – minimum 6.0 m
- g) Side Yard Width – minimum 1.20 m

Carried.

Report Number: S 166/2021

Clerk's File: ZB/14252

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 4 of 12

7.3. Rezoning - Brisson Property Management - 2920 Langlois - Z-033/21 ZNG/6544 - Ward 10

Moved by: Councillor Morrison

Seconded by: Member Moore

Decision Number: **DHSC 359**

THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 5 & Part Lot 6, Registered Plan 1246 (known municipally as 2920 Langlois Avenue; Roll No 070-070-02200) situated on the east side of Langlois, south of Grand Marais Road East, from Residential District 1.1 (RD1.1) to Residential District 2.1 (RD2.1).

Carried.

Report Number: S 168/2021

Clerk's File: ZB/14230

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:02 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:02 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Items 11.1, 11.4, 11.5 & 11.2.

10. HERITAGE ACT MATTERS

None presented.

11. ADMINISTRATIVE ITEMS

11.1. Economic Revitalization Community Improvement Plan (CIP) application submitted by 2810859 Ontario Inc for 10700 Tecumseh Road East (Ward 7)

Dr. Barry Emara, Applicant

Dr. Barry Emara, Applicant, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Economic Revitalization Community

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 5 of 12

Improvement Plan (CIP) application submitted by 2810859 Ontario Inc. for 10700 Tecumseh Road East (Ward 7)" and is available for questions.

Councillor Bortolin commends the applicant/owner and indicates that the CIP applications are garnering positive outcomes for the community; that these groups that are applying for the grants are taking time and ensuring that the heritage aspects of these properties are respected and are bringing good things to the neighbourhoods.

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: **DHSC 360**

- I. THAT the request made by 2810859 Ontario Inc to participate in the Small Business Investment Grant Program **BE APPROVED** for the property located at 10700 Tecumseh Road East 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, 2810859 Ontario Inc, and/or persons or companies that have legally been assigned the right to receive grant payments, to implement the Small Business Investment 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 Small Business Investment Grant Program Agreement; and further,
- IV. THAT the approval to participate in the Small Business Investment 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 161/2021

Clerk's File: SPL/10759

11.4. Ford City/Building Facade Improvement CIP Application for 1093 Drouillard Road. Owner: Kyle McDonald – Ward 5

Settimo Vilardi, Agent for the Owner

Settimo Vilardi, agent for the owner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Ford City/Building Facade

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 6 of 12

Improvement CIP Application for 1093 Drouillard Road. Owner: Kyle McDonald – Ward 5” and is available for questions.

Councillor Sleiman inquires about two buildings being merged on title and incorporated into one address. Kevin Alexander, Senior Planner – Special Projects, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Ford City/Building Facade Improvement CIP Application for 1093 Drouillard Road. Owner: Kyle McDonald – Ward 5” and indicates that for this application the buildings will be treated as two separate applications and provides details related to the application. Mr. Alexander indicates that he anticipates that there will be two separate addresses.

Moved by: Councillor Sleiman

Seconded by: Councillor Gill

Decision Number: **DHSC 363**

- I. THAT the request for incentives under the Ford City CIP Financial Incentive Programs made by 2156567 Ontario Ltd., (c/o Kyle McDonald), owner of the property located at 1093 Drouillard Road **BE APPROVED**, for the following incentive programs:
 - i. Retail Investment Grant in the amount of \$15,000 for one (1) ground floor retail unit;
 - ii. Municipal Development Fees Grant Program in the amount of \$3,902;
 - iii. Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years in the amount of +/- 1,040 per year.
- II. THAT subject to completion and review satisfactory to the City Planner, the request made by 2156567 Ontario Ltd., (c/o Kyle McDonald), owner of the property located at 1093 Drouillard Road **BE APPROVED** for grants totalling a maximum of \$15,000 in principle under the *Building Facade Improvement Program and Urban Design Guidelines for Main Streets* Community Improvement Plan; and,
- III. THAT Administration **BE AUTHORIZED** to prepare the agreement between the City and 2156567 Ontario Ltd. (c/o Kyle McDonald) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- IV. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor; and,
- V. THAT funds in the amount of \$15,000 for the *Retail Investment Grant Program* and \$3,902 for the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund to the Ford City CIP Fund (Project #7181046); and,

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 7 of 12

- VI. THAT funds in the amount of \$15,000 under the *Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund to the new Building Facade Improvement Program – Main Streets CIP project fund; and,
- VII. THAT grants **BE PAID** to 2156567 Ontario Ltd. (c/o Kyle McDonald) upon completion of improvements to the interior/exterior of the Ford City CIP Fund (Project #7181046) and facade improvements through the new Building Facade Improvement Program – Main Streets CIP project fund to the satisfaction of the City Planner and Chief Building Official; and further,
- VIII. THAT grants approved **SHALL LAPSE** and **BE UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 3 years of the approval date.
- Carried.

Report Number: S 170/2021

Clerk's File: Z/13251

11.5. Ford City/Building Facade Improvement CIP Application for 2778 Richmond Street. Owner: Kyle McDonald – Ward 5

Settimo Vilardi, Agent for the Owner

Settimo Vilardi, agent for the owner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Ford City/Building Facade Improvement CIP Application for 2778 Richmond Street. Owner: Kyle McDonald – Ward 5” and is available for questions.

Councillor Holt commends the agent and the owner for the application.

Councillor Bortolin commends the efforts by the agent and applicant to take advantage of the CIP funding that is available and to build something long-lasting and beneficial for the community.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 364**

- I. THAT the request for incentives under the Ford City CIP Financial Incentive Programs made by 2156567 Ontario Ltd., (c/o Kyle McDonald), owner of the property located at 2778 Richmond Street **BE APPROVED**, for the following incentive programs:
- i. Retail Investment Grant in the amount of \$15,000 for one (1) ground floor retail unit;
 - ii. Municipal Development Fees Grant Program in the amount of \$40.00
 - iii. Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years in the amount of +/- 1,275 per year.

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 8 of 12

- II. THAT subject to completion and review satisfactory to the City Planner, the request made by 2156567 Ontario Ltd., (c/o Kyle McDonald), owner of the property located at 2778 Richmond Street **BE APPROVED** for grants totalling a maximum of \$15,000 in principle under the *Building Facade Improvement Program and Urban Design Guidelines for Main Streets* Community Improvement Plan; and,
- III. THAT Administration **BE AUTHORIZED** to prepare the agreement between the City and 2156567 Ontario Ltd. (c/o Kyle McDonald) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- IV. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor; and,
- V. THAT funds in the amount of \$15,000 under the *Retail Investment Grant Program* and funds in the amount of \$40.00 under the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund to the Ford City CIP Fund (Project #7181046); and,
- VI. THAT funds in the amount of \$15,000 under the *Building Facade Improvement Program and Urban Design Guidelines for Main Streets CIP* **BE TRANSFERRED** from the CIP Reserve Fund to the new Building Facade Improvement Program – Main Streets CIP project fund; and,
- VII. THAT grants **BE PAID** to 2156567 Ontario Ltd. (c/o Kyle McDonald) upon completion of improvements to the interior/exterior of the Ford City CIP Fund (Project #7181046) and facade improvements through the Building Facade Improvement Program – Main Streets CIP project fund to the satisfaction of the City Planner and Chief Building Official; and further,
- VIII. THAT grants approved **SHALL LAPSE** and **BE UNCOMMITTED** if the applicant has not completed the work and fulfilled the conditions within 3 years of the approval date.

Carried.

Report Number: S 169/2021

Clerk's File: Z/13251

11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Amy-Lynn and Gabriel Valente for 10965 Riverside Drive East (Ward 7)

Gabe Valente and Amy Valente-Sarkis, Applicants

Gabe Valente and Amy Valente-Sarkis, Applicants, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Brownfield

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 9 of 12

Redevelopment Community Improvement Plan (CIP) application submitted by Amy-Lynn and Gabriel Valente for 10965 Riverside Drive East (Ward 7)" and are available for questions.

Councillor Gill inquires about the funding for the Brownfield Redevelopment CIP.

Greg Atkinson, Senior Planner – Economic Development, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Amy-Lynn and Gabriel Valente for 10965 Riverside Drive East (Ward 7)" and indicates that the CIP reserve fund currently has \$682,341.52, and this does not include requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

Councillor Gill inquires about how the fund is replenished. Mr. Atkinson indicates that the fund is replenished by Council approval. Councillor Bortoloin provides some background related to when Council decides to replenish the account; it has been done through the budget process. Councillor Bortolin adds that administration will provide Council a report prior to the fund being depleted so that Council can decide to provide additional funding and that, in the past, the funding request has been dealt with through the budget process.

Moved by: Councillor Gill

Seconded by: Councillor Holt

Decision Number: **DHSC 361**

- I. THAT the request made by Amy-Lynn and Gabriel Valente to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study and Remedial Work Plan for property located at 10965 Riverside Drive East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$25,000 based upon the completion and submission of a Phase II Environmental Site Assessment and Remedial Work Plan (if necessary) completed in a form acceptable to the City Planner and City Solicitor; and,
- III. THAT the grant funds in the amount of \$25,000 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and further,
- 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.

Carried.

Minutes

Development & Heritage Standing Committee Monday, January 10, 2022

Page 10 of 12

Report Number: S 162/2021
Clerk's File: Z/8955

11.3. University Avenue and Wyandotte Street Community Improvement Plan (CIP) Application submitted by 2605385 Ontario Inc. on behalf of AIPL Holdings Inc. for 1200 University Avenue West (Ward 3)

Moved by: Councillor Holt
Seconded by: Councillor Gill

Decision Number: **DHSC 362**

- I. THAT the request made by 2605385 Ontario Inc. on behalf of AIPL Holdings Inc. for the redevelopment of 1200 University Avenue West to participate in the:
 - a. Commercial/Mixed Use Building Facade Improvement Program **BE APPROVED** for a 50% matching grant to a maximum amount of \$30,000 for eligible costs incurred after November 4, 2021 pursuant to the University Avenue and Wyandotte Street Community Improvement Plan;
 - b. Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for five (5) years in accordance with the University Avenue and Wyandotte Street Community Improvement Plan;
 - c. Should 1200 University Avenue West be designated under Part IV of the *Ontario Heritage Act*, the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for an additional five (5) years for a total of ten (10) years in accordance with the University Avenue and Wyandotte Street Community Improvement Plan;
 - d. Municipal Development Fees Grant Program **BE APPROVED** for eligible municipal fees incurred after November 4, 2021 up to a maximum amount of \$50,000 pursuant to the University Avenue and Wyandotte Street Community Improvement Plan;
- II. THAT any replacement masonry unit samples **BE APPROVED** by the City to the satisfaction of the City Planner prior to installation; and,
- III. THAT the means, methods, and materials for cleaning of the brick and any historic masonry restoration/repair **BE COMMUNICATED** to the City for approval to the satisfaction of the City Planner prior to the work being undertaken; and,

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 11 of 12

-
- IV. THAT the reconstruction of the east wall and a sample of the work **BE REVIEWED** and **BE APPROVED** by the City to the satisfaction of the City Planner prior to the reconstitution of the entire wall face; and,
- V. THAT any further building and property signage designs not shown in Appendix 2 (Proposed Facade Improvements) **BE REVIEWED** and **BE APPROVED** to the satisfaction of the City Planner; and,
- VI. THAT Grant funds in the amount of \$30,000 under the Commercial/Mixed Use Building Facade Improvement Program and funds under the Municipal Development Fees Grant Program **BE TRANSFERRED** from the CIP Reserve Fund to a new Project for the University Avenue and Wyandotte Street Planning Fund when the work is completed;
- VII. THAT the Commercial/Mixed Use Building Facade Improvement grant **BE PAID** to 2605385 Ontario Inc. or any person or corporation that has been legally assigned the right to receive grant payments upon satisfying recommendations II through V as well as completion of the facade improvements as shown in Appendix B to Report S 163/2021 to the satisfaction of the City Planner and Chief Building Official; and,
- VIII. THAT should the eligible work not be completed within two (2) years, City Council **AUTHORIZE** that the funds under the Commercial/Mixed Use Building Facade Improvement Program be uncommitted and made available for other applications; and,
- IX. THAT Administration **BE DIRECTED** to prepare a Building/Property Improvement Tax Increment Grant agreement between the City, AIPL Holdings Inc., 2605385 Ontario Inc. or any person or corporation that has been legally assigned the right to receive grant payments to implement the grant program in accordance with all applicable policies, requirements, and provisions contained within the University Avenue and Wyandotte Street Community Improvement Plan to the satisfaction of the City Planner as to content, the Commissioner of Legal and Legislative Services as to legal form, and the CFO/City Treasurer as to financial implications; and,
- X. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Agreement; and further,
- XI. THAT the approval to participate in the Building/Property Improvement Tax Increment 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.

Carried.

Report Number: S 163/2021
Clerk's File: Z/14007

Minutes

Development & Heritage Standing Committee

Monday, January 10, 2022

Page 12 of 12

12. COMMITTEE MATTERS

12.1. Minutes of the Property Standards Committee of its meeting held October 6, 2021

Moved by: Councillor Holt

Seconded by: Councillor Gill

Decision Number: **DHSC 365**

THAT the minutes of the Property Standards Committee of its meeting held October 6, 2021 **BE RECEIVED.**

Carried.

Report Number: SCM 378/2021

Clerk's File: MB2021

13. QUESTION PERIOD

None registered.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:14 o'clock p.m.

Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services



Committee Matters: SCM 41/2022

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

Development & Heritage Standing Committee Meeting

Date: Monday, February 7, 2022

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

Members Present:

Councillors

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Councillor Gill

Ward 10 - Councillor Morrison

Members

Member Gyemi

Member Moore

Member Rondot

Clerk's Note: Members participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation during a declared emergency.

ALSO PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM ADMINISTRATION:

Jason Reynar, Chief Administrative Officer

Shelby Askin Hager, Commissioner of Legal & Legislative Services

Jelena Payne, Commissioner of Human & Health Services

Thom Hunt, City Planner

Wira Vendrasco, Deputy City Solicitor – Legal & Real Estate

James Chacko, Senior Manager of Parks

Gaspar Horvath, City Forester / Manager of Forestry & Natural Areas

Neil Robertson, Deputy City Planner / Manager of Urban Design

Barbara Rusan, Manager of Policy & Regulatory Services

Patrick Winters, Development Engineer

Stefan Fediuk, Landscape Architect

Justina Nwaesei, Planner III – Subdivisions

Adam Szymczak, Planner III – Zoning

Rania Toufeili, Policy Analyst

Minutes

Development & Heritage Standing Committee Monday, February 7, 2022

Page 2 of 9

Marianne Sladic, Clerk Steno Senior
Lauren Robinet, Order of Business Coordinator
Sandra Gebauer, Council Assistant
Anna Ciacelli, Deputy City Clerk / Supervisor of Council Services

Delegations—participating via video conference

Item 7.1 Tony Chau, Senior Project Manager, ADA-Architect
Items 7.1, 7.3 & 7.4 Tracey Pillon-Abbs, Planning Consultant representing Applicant
Item 7.2 Zoe Sotirakos, Dillon Consulting
Item 7.3 David Impens, Area Resident
Item 7.4 Cheryl Colborne, Area Resident
Item 7.4 Neil Valmassoi, Area Resident
Item 11.1 Bridget Scheuerman, Pillette Village BIA

1. CALL TO ORDER

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

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

See Item 7.1.

4. COMMUNICATIONS

None presented.

Minutes

Development & Heritage Standing Committee
Monday, February 7, 2022

Page 3 of 9

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Minutes of the Development & Heritage Standing Committee Meeting (*Planning Act* Matters) held January 10, 2022

Moved by: Member Gyemi
Seconded by: Councillor Gill

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

Report Number: SCM 14/2022

7. *PLANNING ACT* MATTERS

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

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

THAT the report of the Senior Planner – Subdivisions dated January 14, 2022 entitled “Official Plan Amendment and Zoning By-law Amendment for 11646 Tecumseh Rd. E.; Applicant: Maple Leaf Homes Ltd.; File Nos. OPA 143 [OPA/6324]; Z-005/21 [ZNG/6323]; Ward 7” **BE REFERRED** back to Administration to allow for Administration to provide clarification related to changes requested by the applicant; and further,

THAT this information **BE BROUGHT FORWARD** to the March 7, 2022 meeting of the Development & Heritage Standing Committee.
Carried.

Report Number: S 2/2022
Clerk’s File: ZB/14064 & ZO/14063

7.2. RICBL Exemption 2021-4 - Dillon Consulting Limited - 0 Tecumseh Road East - Ward 7

Moved by: Councillor Gill
Seconded by: Councillor Sleiman

Decision Number: **DHSC 366**

- 1) THAT Council **APPROVE** the request of Dillon Consulting Limited, on behalf of Sfera Architectural Associated Inc. / The D’Amore Group, for an exemption from the provisions of

Minutes

Development & Heritage Standing Committee

Monday, February 7, 2022

Page 4 of 9

Interim Control By-law 103-2020 for the property known municipally as 0 Tecumseh Road East (Roll No. 070-880-00200; southwest corner of Tecumseh Road East and Robinet Road).

- 2) THAT Council **AMEND** Interim Control By-law 103-2020 by adding to Section 5 the following clause using the next sequential clause number:

- (?) **0 Tecumseh Road East (southwest corner of Tecumseh Road East and Robinet Road)**

N Part Lot 5, Registered Plan 62; Roll No. 070-880-00200

Carried.

Report Number: S 3/2022

Clerk's File: Z/14231

7.3. Rezoning - 2776557 Ontario Ltd - 1153-1159 Riverside Drive East - Z-037/21 ZNG/6588 - Ward 4

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 367**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 1, Plan 433 (Roll No: 030-020-10200), situated on the south side of Riverside Drive East, west of Pierre Avenue and known municipally as 1153-1159 Riverside Drive East by adding a site specific exception to Section 20(1) as follows:

434. SOUTH SIDE OF RIVERSIDE DRIVE EAST, WEST OF PIERRE AVENUE

For the lands comprising of Lot 1, Registered Plan 433, a *multiple dwelling* containing a maximum of 8 *dwelling units* shall be an additional permitted *main use* and shall be subject to the following additional provisions:

- | | |
|---|----------------------------------|
| a) Lot Width – minimum | 15.0 m |
| b) Lot Coverage – maximum | 52.5 % |
| c) Side Yard Width – minimum | 1.50 m |
| d) Required Parking – minimum | 1 space per <i>dwelling unit</i> |
| e) Required Visitor Parking – minimum | 0 |
| f) Parking Area Separation – minimum | |
| From an <i>interior lot line</i> or alley | 0.60 m |

[ZDM 6; 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;

Minutes

Development & Heritage Standing Committee

Monday, February 7, 2022

Page 5 of 9

- b) Enhance the landscaped area along the Riverside Drive frontage per the comments of the Landscape Architect; and
- c) Consider maximizing the number of bicycle parking spaces to mitigate the reduction in motor vehicle parking spaces.

Carried.

Report Number: S 5/2022

Clerk's File: ZB/14253

7.4. Rezoning - 2156567 Ontario Ltd. – 1092-1096 Dougall Avenue - Z-041/21 ZNG/6624 - Ward 3

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 368**

THAT the application of 2156567 Ontario Ltd. for an amendment to Zoning By-law 8600 for Lot 328 and Part Lot 327, Registered Plan 581, (known municipally as 1092-1096 Dougall Avenue; Roll No. 040-370-07800; PIN 00187-0245), situated at the northeast corner at Dougall Avenue and Pine Street, to allow a multiple dwelling containing a maximum of five dwelling units as an additional permitted use subject to additional provisions **BE DENIED**; and,

THAT the request for an exemption from Interim Control By-law 103-2020 **BE DENIED**.

Carried.

Member Rondot voting nay.

Report Number: S 6/2022

Clerk's File: ZB/14265

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:50 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:50 o'clock p.m.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

See Item 11.1.

10. HERITAGE ACT MATTERS

None presented.

Minutes

Development & Heritage Standing Committee

Monday, February 7, 2022

Page 6 of 9

11. ADMINISTRATIVE ITEMS

11.1. Pillette Village BIA Streetscape Improvements - Funding Proposal

Bridget Scheuerman, Pillette Village BIA

Bridget Scheuerman, Pillette Village BIA, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Pillette Village BIA Streetscape Improvements - Funding Proposal” and is available for questions.

Councillor Holt refers to a similar project for the Wyandotte Town Centre BIA that was initially approved by Council but was later cancelled and asks administration if there is a plan in place for the Pillette Village BIA and whether there are competing priorities or obligations that would prevent this plan from being carried out.

Stefan Fediuk, Landscape Architect, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report “Pillette Village BIA Streetscape Improvements – Funding Proposal” and explains that different types of projects indicate different processes. He clarifies that the Wyandotte Town Centre BIA project went through a design competition, performed by the BIA itself, and was not vetted through all of the City departments. Mr. Fediuk indicates that the Pillette Village BIA Streetscape improvement project has been vetted through the various City departments, including Enwin, and will not receive the same kind of resistance.

Councillor Sleiman inquires about improvements that can be undertaken by the City, such as the replacement of the garbage receptacles.

Stefan Fediuk indicates that new trash and recycle bins along Wyandotte Street East were already installed a few years ago due to special funding through the Association of Municipalities of Ontario (AMO) and additional receptacles will be required along Pillette Avenue; however, the City of Windsor does not have funds designated for any improvements on Pillette Avenue at this time.

Moved by: Councillor Sleiman

Seconded by: Councillor Holt

Decision Number: **DHSC 369**

- I. THAT the proposed streetscape modifications for Pillette Village BIA as shown in Appendix B as prepared by the Pillette Village BIA Association in collaboration with the Planning & Building Department **BE APPROVED**;
- II. THAT the request of the Pillette Village BIA Association for consideration of a 50/50 cost sharing arrangement subject to the following terms **BE APPROVED**:
 - a. THAT the Pillette Village BIA Association be provided with a 10-year interest free loan in the amount of \$160,000;

Minutes

Development & Heritage Standing Committee

Monday, February 7, 2022

Page 7 of 9

- b. THAT prior to commencement of the project, an amount of \$54,000 representing funds that have been collected from the Pillette Village BIA Association membership for purposes of this project be remitted to the City and deducted from the initial loan amount; and,
 - c. THAT commencing in 2023, an annual amount of \$10,600 be included in the Pillette Village BIA Association's budget and remitted directly to the City.
- III. THAT a capital project in the amount of \$320,000 **BE ESTABLISHED** with funding as follows:
- a) THAT funding in the amount of a \$160,000 representing the City's share of the estimated costs be transferred from the BIA Assistance Program project 7069002 to the capital project; and,
 - b) THAT funding in the amount of \$160,000 be set up as a long-term receivable from the Pillette Village BIA Association.
- IV. THAT the CAO and the City Clerk **BE AUTHORIZED** to sign an Agreement with the Pillette Village BIA Association with regards to the loan, satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Planner.
- V. THAT the CAO and City Clerk **BE AUTHORIZED** to execute any other agreements that may be required as a result of the proposed capital works satisfactory in form to the City Solicitor, in financial content to the Chief Financial Officer and City Treasurer, and in technical content to the City Planner.
- Carried.

Report Number: C 21/2020

Clerk's File: Z/13002

11.2. Response to CQ 32-2020: Tree Protection and Replacement Policies Related to Development – City Wide

Councillor Morrison speaks to the importance of tree protection and inquires about the status of the revision of the Landscape Manual for Development document, which was last updated in 1997.

Stefan Fediuk, Landscape Architect, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Response to CQ 32-2020: Tree Protection and Replacement Policies Related to Development – City Wide" and indicates that the process of updating this document is currently underway and will come before Council before the end of the year.

Councillor Morrison inquires about a developer's ability to clear-cut a property prior to submitting an application for development. Mr. Fediuk confirms that without any kind of tree by-law protection in place, this is the case in any municipality due to the way that the *Provincial Act* and *Municipal Act* are written. Mr. Fediuk also indicates that once a development application is submitted there are numerous mechanisms that will help identify what is on the site as well as if any of that plant material or vegetation is required from a species at risk perspective. Further, he indicates that the

Minutes

Development & Heritage Standing Committee

Monday, February 7, 2022

Page 8 of 9

City has added a climate change adaptation plan, which cites numerous aspects of how trees contribute to the well being of a city.

Councillor Morrison refers to several developments in Ward 10, some of which have been clear-cut, and is concerned that developers will continue to use the loophole and remove the trees prior to submitting an application.

James Chacko, Senior Manager of Parks, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Response to CQ 32-2020: Tree Protection and Replacement Policies Related to Development – City Wide" and indicates that the Urban Forest Management Plan that will be brought to Council later this year will identify a potential Private Tree By-law. The plan will also include a number of other measures that Council will be able to review and approve as it sees fit. Mr. Chacko indicates that the City Forester is currently responsible for and only has the power to deal with trees that are on municipal property.

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 370**

THAT the report of the Landscape Architect dated September 23, 2021 entitled "Response to CQ 32-2020: Tree Protection and Replacement Policies Related to Development – City Wide" **BE RECEIVED** for information.

Carried.

Report Number: C 142/2021

Clerk's File: SRT2022

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None registered.

Minutes

Development & Heritage Standing Committee

Monday, February 7, 2022

Page 9 of 9

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Matters) is adjourned at 6:22 o'clock p.m.

Carried.

Ward 3 - Councillor Bortolin
(Chairperson)

Deputy City Clerk / Supervisor
of Council Services



Council Report: S 19/2022

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

Reference:

Date to Council: March 7, 2022

Author: Kristina Tang

Heritage Planner

Email: ktang@citywindsor.ca

Phone: 519-255-6543 X 6179

Kevin Alexander

Planner III- Special Projects

Planning & Building Services

Email: kalexander@citywindsor.ca

Phone: 519-255-6543 X 6732

Planning & Building Services

Report Date: February 9, 2022

Clerk's File #: Z/13002

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the importance and value of the Masonic Temple, 986 Ouellette Avenue, a municipal designated heritage property **BE RECOGNIZED** by City Council and further, that Council supports the various grant applications made by the Border Masonic Temple Association Ltd to other levels of government, including the Legacy Fund, Building Communities Through Arts and Heritage, Green and Inclusive Community Building Fund, Ontario Trillium Resilient Places Grant & Digital Museum Canada Grant.
- II. **THAT** a total grant of 15% of the cost of conservation work for the facade, to an upset amount of \$46,612.50 from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to Border Masonic Temple Association Ltd. for the Masonic Temple, at 986 Ouellette Avenue, subject to:
 - a. Submission of professional drawings, conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
 - b. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);

- c. Owner's submission of paid receipts for work completed;
 - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;
- III. **THAT** the authority to approve alterations associated with the roofing, facade, and windows, **BE DELEGATED** to the City Planner or designate;
 - IV. **THAT** the request for incentives under the *Downtown Windsor Enhancement Strategy and Community Improvement Plan (CIP)* made by Building Committee Chair Cameron Adamson on behalf of the Border Masonic Temple Association located at 986 Ouellette Avenue **BE APPROVED** for the *Commercial/Mixed Use Building Facade Improvement Program* for 50% of the eligible costs of the façade improvements, up to a maximum amount of \$30,000 per property;
 - V. **THAT** funds in the amount of up to \$30,000 under the *Commercial/Mixed Use Building Facade Improvement Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Downtown Windsor Enhancement Strategy and CIP (#7011022) once the work is completed;
 - VI. **THAT** grants **BE PAID** to the Border Masonic Temple Association (C/O Cameron Adamson), upon completion of the improvements to the existing three (3) storey building and property located at 986 Ouellette Avenue, from Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to the satisfaction of the City Planner and Chief Building Official;
 - VII. **THAT** should the project not be completed in two (2) years, City Council **AUTHORIZE** that the funds under the *Commercial/Mixed Use Building Façade Improvement Grant Program* for 986 Ouellette Avenue be uncommitted and made available for other applications;
 - VIII. **THAT** administration **BE DELEGATED** the authority to adjust the amounts granted to the upset costs of this Council Decision, on the basis that the total amount of all grants and funding received by Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.

Executive Summary: N/A

Background:

The property at 986 Ouellette is the Masonic Temple, which was constructed for and remains used for the gathering of Masons and other community uses. (Appendix A- Location Map). This 1921 building and property was designated by City of Windsor Council through By-law No. 11786 on April 11, 1994. (The Reasons for Designation from the Designation by-law is included as Appendix 'B'.)



Ouellette Avenue view of the property.

In recent months, there has been discussion with the representatives of the Border Masonic Temple Association Ltd. (BMTA) of their desires to enhance the energy efficiency, upgrade accessibility, and conduct repairs on the Masonic Temple. BMTA wishes to improve and make repairs on the building's roof, facade, window and lift, and is applying to a number of provincial and federal grant to fund the projects. Facade improvements will include Brick/Limestone and Mortar repair and cleaning, and replacement of existing vinyl (non-original) windows with new heritage appropriate windows. Each component of the project would be dependent on funding approval. Staff attended the site and discussed some options with Cameron Adamson (Building Committee Chair from BMTA) and the contractors. A requirement of the Legacy Fund, Building Communities Through Arts and Heritage federal grant program is for financial or in-kind municipal support for the project and hence the Owner has applied for the City of Windsor Community Heritage Fund (Appendix C) to advance their federal grant application. The Community Heritage Fund does not fund energy efficiency upgrades nor accessibility costs so the funds would be limited to just the heritage conservation work on the facade as only two quotes were provided for the facade.

The owner also applied for the *Commercial/Mixed Use Building Facade Improvement Program* through the *Downtown Windsor Enhancement Strategy and Community Improvement Plan* (Downtown CIP). The Downtown CIP was adopted by City Council on September 29, 2017 and an adopting by-law was passed by City Council on October 16, 2017. The *Commercial/Mixed Use Building Facade Improvement Program* is

intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides a grant for 50% of the eligible costs of the façade improvements, up to \$20,000 per property. Given that the building is Designated under Part IV of the *Ontario Heritage Act* and improvements will be made to at least the Ouellette Avenue and the Erie Street facing facades the owner is eligible for an additional \$10,000 from the program.

At staff's advice, BMTA has provided the heritage permit application form simultaneously for the proposed work (Appendix D). In addition, Building Department has indicated that building permit applications with architect or engineer stamp would be needed for the roof and facade scopes of the project. At this stage in the project, the professionals have not been engaged as the work is largely dependent on funding received from upper levels of government. However, BTMA would like to secure a Council decision indicating support for the project.

Legal Provisions:

Part IV, 39 (1) of the *Ontario Heritage Act* (OHA) provides that "The council of a municipality may pass by-laws providing for the making of a grant or loan to the owner of a property designated under this Part for the purpose of paying for the whole or any part of the cost of alteration of such designated property on such terms and conditions as the council may prescribe." The City's Community Heritage Fund (Reserve Fund 157) exists to provide grants to heritage conservation works on designated heritage properties.

The *OHA* also requires the owner of a heritage designated property to apply to Council to alter the property. The designation by-law includes reasons for designation (see Appendix 'B'). In accordance with the *OHA*, changes to designated property that affect reasons for designation must be considered by City Council after consulting with the municipal Heritage Committee. Council has the option of granting consent with or without terms and conditions, or refusing the application. However, Council also has the option to delegate the item to an employee or official of the municipality. In this case, as some details of the conservation work and facade improvements still need to be finalized and may involve alterations to roof, facade and the windows, delegation of these items would be more expediently handled through staff review and approval.

Discussion:

Property Description:

The Masonic Temple is located on Ouellette Avenue, on the northeast corner of Erie Street East. The Masonic Temple was built in 1921, designed by architect J.C. Pennington in Neo-classical Revival style. Although the designation is only for exterior features, there remains outstanding interior features such as "The Blue Room" which is not part of the designation.



Some exterior features (left) and photo of “The Blue Room” (right).

Proposal:

Facade Work

The conservation work proposed would address water/moisture penetration issues from the top down on the roof, to breaches and disrepairs on the masonry. The work will require building permits.

Two quotes were received for the facade work. The lower-priced quote involves the following work:

- Remove and replace approximately 500 damaged bricks that will be matched by dimension, colour, and material to the original.
- Grind out all failed mortar joints to a depth of ½" minimum and replace them with heritage mortar to match the original. The main areas that require repainting are the mortar between the limestone columns, ledges, and other decorative stones. There are also numerous areas at the parapet wall and elevations around the building.
- Any damaged limestone at the facade, columns, or ledges to be removed and replaced with newly manufactured stones.
- All remaining limestone to be cleaned with Diedrich Technologies 707X Limestone Cleaner Pre-rinse, power washed, and then finished with Diedrich Technologies 707N Limestone Neutralizer After Rinse.
- All upper flashings and any other auxiliary flashings around the facility must be removed and replaced with copper.
- The failed clay parapet capping must be removed and replaced with metal flashing or alternative material.



Photo of the side and front flashing and parapet, with the clay tile parapet coping on right.

The historic masonry work would be expected to adhere to the City of Windsor Historic Masonry Guidelines as well as Heritage Standards and best practices. The masonry units (brick and limestone) being replaced will need to be like-for-like (dimension, colour and texture) and subject to product sample provision and approval by the Heritage Planner. Verification is also needed for the type of mortar being used to ensure its appropriateness for the historic masonry. Mock-up of the masonry work would be required.

The issue of cleaning would require further discussion. Power washing would not be permitted as it is a type of abrasive cleaning, and may cause the masonry to be engorged with water. In general, the contractor would be requested to use the gentlest possible means of cleaning, starting from lower pressures of 100psi to generally no higher than 400 psi. There has also been suggestion to use alternative methods of cleaning, such as using a CO2 dry ice blasting system. All of these cleaning methods would be further evaluated and confirmed by City staff to ensure that damage would not result from the cleaning processes.

For the parapet capping, the current vitrolite tile coping replaced the original concrete coping on the parapet in 1960 and has existed on this building for over 60 years.

Heritage Standards from the *Standards & Guidelines for Conservation of Historic Places in Canada* are to:

2. Conserve changes to an *historic place* that, over time, have become *character-defining elements* in their own right.

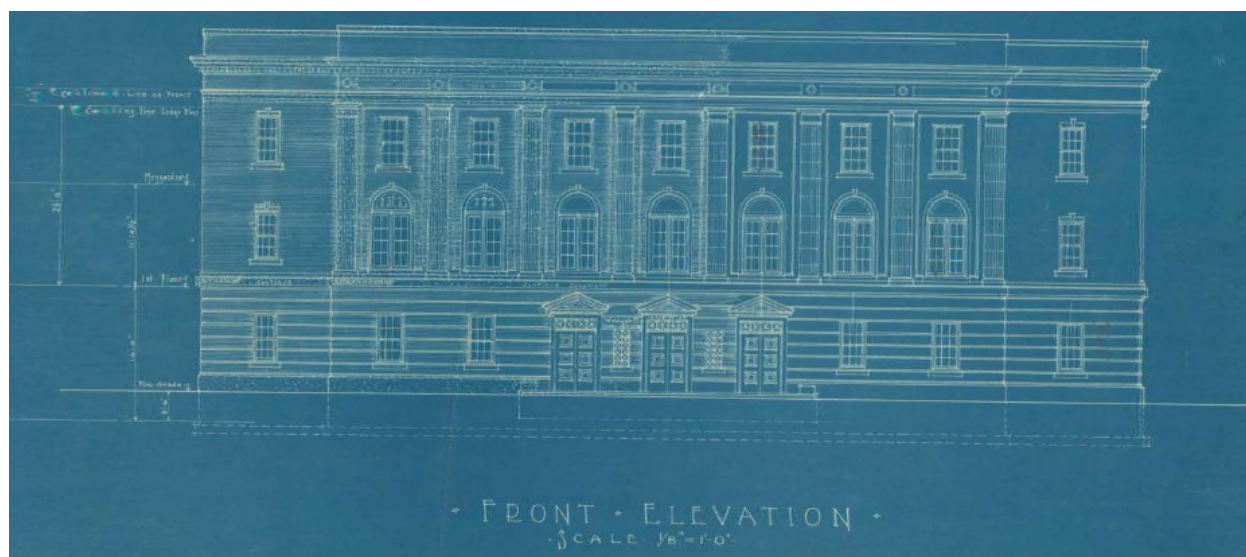
Additional Standards Relating to Restoration

13. Repair rather than replace *character-defining elements* from the *restoration* period. Where character-defining elements are too severely deteriorated to repair and where sufficient physical evidence exists, replace them with new elements that match the forms, materials and detailing of sound versions of the same elements.
14. Replace missing features from the *restoration* period with new features whose forms, materials and detailing are based on sufficient physical, documentary and/or oral evidence.

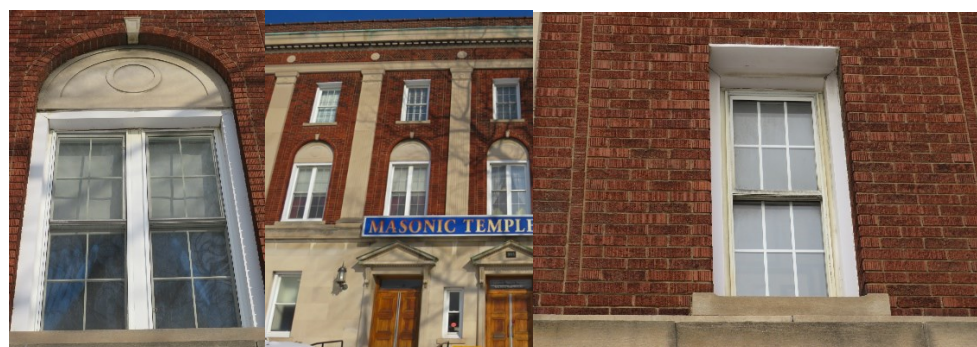
Therefore, it is an option to replace like-for-like of the vitrolite tile though it is not a requirement to. Another option would be to return to the original cement coping or similar appearance be proposed if the project is to make replacements. Product information and details would need to be finalized.

In addition, Building Department has conveyed to BTMA that professional drawings prepared and stamped by an Engineer or Architect would be required for the facade and roofing work. Submission of these documents and plans would be a requirement to demonstrate adherence to heritage standards. Staff will coordinate with the Owner and their agents with respect to the finalizing details of the products, materials, and methods conservation work.

Windows



Original blueprints of the building's front elevation.

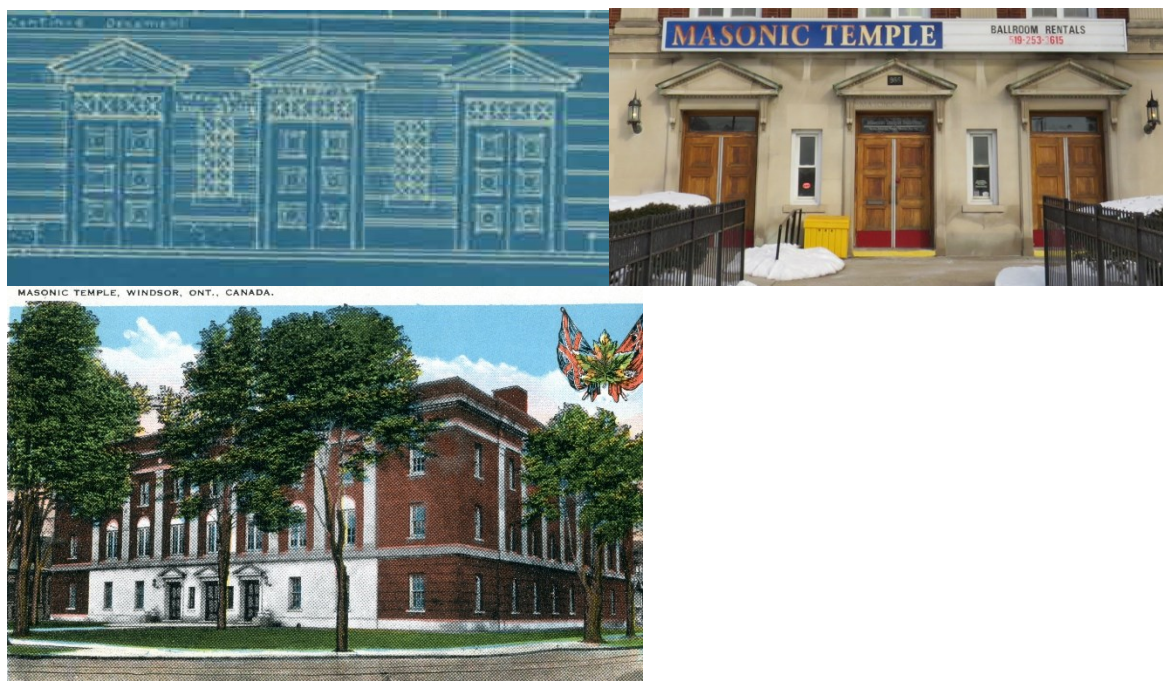


Photos of the current window types

Originally, most of the building had 6 over 6 sashes and the second floor windows at the center block were 8-pane casement windows. Currently, the second floor and third floor windows follow some patterns of the original dividers, though the current types are all 1980s vinyl replacements with internal grills. The applicant is considering window replacements but the actual project execution would be dependent on the funding received by upper levels of government. Original wood material for the windows are preferable, and the priority facades are the west (front) elevation, and the south (Erie

Street side) elevation. Additionally, staff have conveyed to the applicant that as a matter of alteration to this heritage designated property, the minimum requirement (not considering material consideration) would be to replace the windows with the form and appearance of the original windows. After the applicant receives decisions on the various grant applications, there would be a decision made on the type of windows that can be pursued. At that time, staff will require more product information and window shop drawings. The request for delegated approval authority to staff will allow flexibility for further discussion and finalization of acceptable window material and design.

Potential Other work



Blueprint drawings and current photo of window grills next to front doors (at top), and at bottom a 1925 postcard of the building.

BMTA also suggested the possibility of recreating cast iron grill at the small windows between the front doors in keeping with the original design. As well, staff suggested potential facade improvement to include replacement of the internally lit signage box with more heritage appropriate signage types. Details of this potential facade work will be further discussed and reviewed with city staff.

Official Plan Policy:

The Windsor Official Plan includes (9.3.6.1.), “Council will manage heritage resources by: (e) providing support and encouragement to organizations and individuals who undertake the conservation of heritage resources by private means”, and (g) Coordinating the Municipality’s heritage planning and programmes with other levels of government to avoid duplication of effort and to reinforce mutual objectives;

The Plan includes protection (9.3.4.1). “Council will protect heritage resources by: (c) Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property ...”

Risk Analysis:

The risk of taking no action for this property is the potential loss of the property’s opportunity to secure upper levels of government funding for improvements to the continued use of the building and repairs needed on its roof and facade, which would result in deterioration of the heritage attributes from age and water intrusion. There is also the opportunity now to revisit restoration of some facade items such as the windows and cast-iron grill features.

Concerning the Community Heritage Fund and the *Commercial/Mixed Use Building Facade Improvement Program* (Downtown CIP), no City funds will be expended until the project is determined by the Chief Building Official for Building Code compliance and by Planning Staff to be completed according to good heritage practices. Conditions of this determination include provision of drawings, detailed technical information, such as specifications of the material and conservation techniques employed, provision of material samples or mock-up, to ensure that the conservation work is heritage appropriate, prior to disbursement of the funds.

Climate Change Risks

Climate Change Mitigation: N/A

Climate Change Adaptation: N/A

Financial Matters:

Community Heritage Fund guidelines include "As a general principle, awards will be limited to a maximum of \$50,000 unless the DHSC (Development & Heritage Standing Committee) so recommends and Council approves." The award from the Community Heritage Fund will generally be given according to the following formula: Grant: 15 percent of the award in the form of a grant & Low Cost Loan: 85 percent of the award". "A minimum of two cost estimates, based on specifications approved by the DHSC and the Commissioner of Building & Development Services, shall be obtained by the owner for all restoration work to be done." The estimates will be reviewed to ensure that all work specified is covered. The lower bid will usually be recommended for funding."

The Owner has provided two quotes for repairs for part of the facade work although the entirety of the project entitled “For the Next 100 Years” estimates a total project cost of \$649,430 plus HST (Elevator: \$30,020; Windows: \$64,410; Façade: \$275,000; Roof: \$280,000). BTMA is also applying for a Canadian Digital Museum Grant (at \$184,179.25) to allow the Temple to digitally preserve, archive, and create a website and database to feature the rich records available at the Masonic Temple.

The heritage financial incentive through the Community Heritage Fund (CHF) would provide support to the continued retention of the masonry and facade features of the

building. As the Owner had indicated that the project is largely dependent on the upper levels of funding from the government and based on the only costs provided (of the facade), Administration recommends that the amounts of the general 15% after HST to an upset amount of \$46,612.50 $((\$275,000 + \text{HST}) \times 15\%)$ be approved. Note this does not include the additional expense of Building Permit requirements. 15% request through the CHF grant program is appropriate as the applicant has also applied for other municipal financial incentive programs including the Heritage Property Tax Reduction Program (approximately total tax reductions amounting to \$12,472.43 based on 2021 Taxes), and the Downtown Windsor Community Improvement Plan grant program.

As of December 2021, Community Heritage Fund (Reserve Fund 157) has \$73,071 available as uncommitted funds (including the safeguard of having the minimum balance of \$50,000 in the committed funds). Therefore, there is sufficient funds in Fund 157 to cover the cost of the grant. The total recommended CHF grant (including HST) is 15% of the total facade cost at an upset value of \$46,612.50. However, the total amount of all grants and funding received by Border Masonic Temple Association Limited (BMTA) by all levels of government, cannot exceed the approved eligible costs for the project.

A Grant for the *Commercial/Mixed Use Building Facade Improvement Program* will be paid from the Downtown Windsor Enhancement Strategy Fund (Project # 7011022) to a maximum amount of \$30,000. On February 22, 2021 Council approved the 2021 budget, which included a new reserve fund 226 for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project once the facade improvements for the property located at 986 Ouellette Avenue (Masonic Temple) are completed to the satisfaction of the City Planner and Chief Building Official; the funds are to be kept as committed funds, until the grant is ready to be paid out. The uncommitted balance of the CIP reserve fund is \$505,877.95.

If this report is approved the applicant will receive \$46,612.50 from the Community Heritage Fund and \$30,000 from the Building Facade Improvement Grant through the Downtown CIP. According to the applications, the owner will invest approximately \$649,430 on all improvements to the building. Therefore, the grant to investment ratio will be \$8.50 for every municipal dollar granted to this project.

Recommendation VIII includes a clause that will give city staff the flexibility to adjust the amounts of the grant (to upset amount approved by Council) depending on the amounts received by the applicant from all other levels of government, and discretion based on potential expanded scope/cost of facade work such as in the matter of windows and restoration of cast iron grills and signage improvement. This will encourage high quality facade improvements/heritage conservation work while ensuring that no amounts will exceed the eligible cost of the project as identified in the Downtown CIP and Section 28 (7.3) of the Ontario Planning Act.

Consultations:

City staff have been consulting with Owner's representative in recent months. Building Department staff conveyed the requirements of building permit for certain project

components, and Josie Gaultieri, Financial Planning Administrator, assisted with confirmation of fund balance.

Conclusion:

A total grant amount of \$46,612.50 from the Community Heritage Fund (Reserve Fund 157), for conservation work for the facade at 986 Ouellette Avenue and \$30,000 from the Downtown Windsor Enhancement Strategy Fund (Project # 7011022) should be approved, subject to conditions. Further heritage alteration approvals necessitated for this scope of work is recommended to be delegated to the City Planner or designate to direct further conservation details. The final amounts disbursed is also recommended to be delegated to staff to provide the flexibility and discretion needed to assist the Owner in pursuing high quality heritage conservation and facade improvement works, as well as to ensure that the amounts granted by the municipality in combination with upper levels of government, will not exceed the eligible project costs.

Planning Act Matters: N/A

Approvals:

Name	Title
Kristina Tang	Heritage Planner
Kevin Alexander	Planner III- Special Projects
Josie Gaultieri	Financial Planning Administrator
Janice Guthrie	Deputy Treasurer Taxation and Financial Planning
Michael Cooke	Deputy City Planner/ Manager, Planning Policy
Neil Robertson	Deputy City Planner/ Manager, Urban Design
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administrative Officer

Notifications:

Name	Address	Email
Cameron Adamson		adamson_cameron@hotmail.com
Nicole Cl��roux		nicole.cleroux@pch.gc.ca
John Revell- Chief Building Official		jrevell@citywindsor.cca

Appendices:

- 1 Appendix A- Location Map
- 2 Appendix B- Reasons for Designation
- 3 Appendix C- Community Heritage Fund Application
- 4 Appendix D- Heritage Permit Application Form

APPENDIX 'A'

LOCATION MAP



LOCATION MAP



SUBJECT PROPERTY : 986 OUELLETTE AVENUE



986 Ouellette Ave.-Masonic Temple. By-Law No. 11786 passed by council on April 11th, 1994.

Reasons for Designation

Architectural - entire Ouellette Avenue and Erie Street
 elevations;
 - ornamental brick and stone work.

Historical - association with respected local architect,
 James Carlisle Pennington;
 - Ouellette Avenue landmark.

**CITY OF WINDSOR
COMMUNITY HERITAGE FUND**

APPLICATION FOR LOAN AND/OR GRANT

(To be completed in full)

APPLICANT/AGENT/OWNER INFORMATION

1. APPLICANT(S): Border Masonic Temple Association-Windsor Masonic Temple
- Address, City: 986 Ouellette Ave, Windsor Postal Code: N9A 1C6
- Email: information@masonictempleballroom.com Telephone: (519) 253-3615
2. AGENT/ARCHITECT/ENGINEER/SOLICITOR: Cameron Adamson-Building Committee Chair
- Address, City: c/o Windsor Masonic Temple 986 Ouellette Ave Postal Code: N9A 1C6
- Email: info@squareandcompass.ca Telephone: (519) 965-6400
3. REGISTERED OWNER(S): Border Masonic Temple Association
- Address, City: See above Postal Code: See above
- Email: See above Telephone: See above

PROPERTY FOR WHICH HERITAGE FUND ASSISTANCE IS REQUESTED

4. HERITAGE NAME OF PROPERTY Windsor Masonic Temple
5. MUNICIPAL ADDRESS 986 Ouellette Ave
6. LEGAL DESCRIPTION (Lot and Plan) Lot 19, Block 3, Plan 256
7. ASSESSMENT ROLL NUMBER(S) 040-320-00300-0000
8. EXISTING USE Masonic Temple & Ballroom
9. THIS PROPERTY IS DESIGNATED UNDER THE ONTARIO HERITAGE ACT
- YES ☒ By-law No. By-law 11786 Date 1994/11/04

REQUESTED HERITAGE FUND ASSISTANCE

10. AMOUNT AND TYPE OF FINANCIAL ASSISTANCE REQUESTED:

Loan \$

Grant \$ 50,000

TOTAL \$ 50,000

NOTE: Details for loan/grant are set out in the attached pamphlet "Windsor's Community Heritage Fund".

11. If a loan is requested, please indicate your term of repayment: years.

12. Are there any outstanding mortgages or liens against this property?

NO ☒

YES ☐ Amount: Institution:

13. If your application for a loan, grant or loan/grant combination is in an amount not to exceed \$15,000, you may be required to obtain a property appraisal from a real estate agent or certified appraiser. If your application is in an amount in excess of \$15,000, you may be required to obtain an appraisal from a certified appraiser.

14. Have you previously received assistance from the City for the property named above?

NO ☒

YES ☐ Amount: _____ Date: _____

Source of funds: _____

REASONS FOR REQUESTING HERITAGE FUND ASSISTANCE

A. *Rehabilitation of Owner's designated property:*

15. Describe fully here (or on attached sheets) the proposed work to be undertaken:

See attached sheets

Proposed work to be undertaken is facade restoration and roof restoration, both of which are necessary to preserve the

heritage character of the Windsor Masonic Temple, pursuant to the Temple's By-Law Restoration

16. The applicant is responsible for providing at least two written estimates from qualified contractors and/or qualified design consultants for the proposed restoration work. The estimates should contain sufficient detail to permit a review of individual components of the proposed work. Attach estimates to this form when filing. (Some specifications are available from the Heritage Planner – see contact information at the bottom of this page.)

17. Describe any new uses of the property, if different from the existing use.

Addition of Scottish Rite Learning Centre, which provides free tutoring (reading comprehension) for children with dyslexia

18. The application shall include recent, dated photographs of the property, to clearly illustrate the areas of the property that are the subject of the proposed work. Any available architectural drawings should be included as well.

19. Early photographs or drawings showing the property's original appearance should be submitted, if available, to assist in the review of the application.

B. *Purchase of designated property:*

20. Indicate the full price of the property you wish to purchase: \$ _____ and include a copy of the "offer to purchase."

21. Indicate your other sources of funding, the amount you will receive, and any subsequent liens/mortgages.

C. *Architectural/engineering study of Owner's designated property:*

22. Indicate the full price of the architectural/engineering study by a restoration specialist: \$ _____ and include a copy of the estimate or invoice from the study.

SIGNATURES

APPLICANT OR AGENT _____ Date January 18th, 2022

REGISTERED OWNER(S) Committee Chair - _____ Date January 18th, 2022

CHECKED/RECEIVED BY
HERITAGE PLANNER _____ Date _____

This application should be completed and filed with the:

Planning Department
Suite 320 - 350 City Hall Square West
Windsor ON, N9A 6S1

For assistance and/or information on filing, please contact the Planning Department:
Telephone 519-255-6543 x 6179 Fax 519-255-6544

NOTICE WITH RESPECT TO COLLECTION OF PERSONAL INFORMATION:

I/We also acknowledge that the information requested on this form is required in order to process the application to the Development & Heritage Standing Committee. Please be advised that the information in this application form may be released to the public in an electronic form, i.e. web site and/or paper format, i.e. agenda or minutes.

Dated: Jan 18th, 2022

Signed: _____
Signature of Applicant

Border Masonic Temple Association

To Whom It May Concern
Development & Heritage Standing Committee

ATT: March 7th, 2022 Standing Committee Presentation; Financial or In-Kind Support Request

Introduction

The Border Masonic Temple Association ("BMTA"¹) is requesting from the City of Windsor financial or in-kind support for its project, entitled "For the Next 100 Years."

On March 7th, 2022 a BMTA representative will appear before the Development & Heritage Standing Committee ("Committee") to answer any questions the committee may have.

Background

Constructed in 1921, and opened in January 1922², the Temple remains for the people of Windsor and Essex (and beyond) a place of friendship, community, and heritage.

In July 1921, hundreds of Masons gathered to see the M. W. Grand Master conduct at the future Temple site a cornerstone ceremony (a Masonic Ceremony marking special buildings). He stated: "Masonry teaches the lesson of universality. Some organizations are inclined to be narrow, but the Masonic order seeks to crush out prejudice and to set up a high standard of morals for its members to keep before them."

Windsor (and Detroit) Freemasons also held three cornerstone ceremonies at Windsor's City Halls, the most recent of which (2017) placed a cornerstone at the North East Angle of City Council Chambers.

In July 2022, the Windsor Mayor, Windsor-West MPP, and Windsor West MP each commended the Temple for its 100 years of friendship, community, and heritage.

This 100 year anniversary caused the BMTA to consider how to address any possible challenges the Temple may face "For the Next 100 Years."

For the Next 100 Years

As with any heritage property, the Temple must balance accessibility³ and energy efficiency with heritage preservation.⁴

¹ The BMTA is the administrative body responsible for the operation of the Windsor Masonic Temple, such as bill payment, general maintenance, and assessment collection.

² The Windsor Masonic Temple is a heritage designated property, pursuant to Windsor By-Law 11786, 1994.

³ In 2021, the BMTA received a \$60,000 Federal Grant (from Education and Development Services Canada) to upgrade our 3rd floor washrooms, to make them fully accessible.

⁴ The BMTA also recognizes the importance of heritage documentation (photographs, correspondence, minutes) preservation. In order to preserve these heritage documents, in 2021 the BMTA applied for an approx. \$150,000 Digital Museum of Canada Grant.

To ensure a successful balance, the BMTA has applied for several provincial⁵ and federal grants⁶. If the applications are successful, the grants will allow the BMTA to:

1. Upgrade the Temple's lift (to improve accessibility and energy efficiency);
2. Upgrade the Temple's roof (to improve moisture protection and energy efficiency);
3. Upgrade the Temple's windows⁷ (to improve historical accuracy and energy efficiency); and
4. Upgrade the Temple's façade⁸ (to improve preservation, moisture protection, and energy efficiency).

Each item on the above-list is a part of the entire project; each item will allow the Temple to remain a place of friendship, community, and heritage "For the Next 100 Years."

Each item has received professional estimates (the façades received two estimates).

The cost (estimated) for the entire list is: \$649,430.00. When factoring in a 5 percent contingency, the cost (estimated) for the entire list is: \$681,901.50.

Financial or In-Kind Support Request

Having applied for provincial and federal grants, the BMTA is now approaching the City of Windsor to request municipal funding. This funding may be financial or in-kind. The BMTA would be grateful for *any* amount of funding City Council may approve.

Per the *Heritage Fund Brochure*, the BMTA understands the amount available in one year is limited to \$50,000 (as a grant). Due to the significant (estimated) project cost, the BMTA in its original application requested the maximum. However, as noted above, *any amount of funding will be gratefully accepted*.

Not only would this funding assist in the project, municipal support is a necessary aspect of the federal grant application process.

Conclusion

The BMTA welcomes any Heritage Committee Member to tour the Temple before its March 7th, 2022 meeting. The BMTA also thanks the City of Windsor for all of its support and assistance thus far. To organize a tour, members can contact Cameron Adamson at 519 965-6400.

The Temple is vital part of the City of Windsor's historical and architectural character, and remains an important community hub.

Financial or in-kind municipal support will allow the Temple to remain as such "For the Next 100 Years."

⁵ Trillium Resilient Places Grant

⁶ Legacy Fund Supporting Arts Grant and Green Inclusive Community Building Fund. One requirement of the former (Legacy fund) is *financial or in-kind municipal support*.

⁷ The current Temple windows date to the late 1980's. They were installed by Mr. William Holzel ("Dutchy's Windows"). They are vinyl Superior Seal Windows and either single or double hung. The proposed windows are: [Ultra Series 820 Double Hung](#).

⁸ Upgrades on the roof will help maintain the façade by protecting against moisture and possible water damage.

The BMTA understands that COVID-19 and other challenges have presented Windsor with financial pressures.

COVID-19 has also presented Freemasonry and the Temple with many challenges; however, the BMTA can state that both admirably rose to meet these challenges.

As our Masonic Grand Lodge noted in September 2021: "Freemasons are committed to doing what is best for Society and [Freemasons] have always kept what is best for the health and safety of our members at the forefront of our thoughts." Part of doing what is best for society relates to compliance with health and safety standards. It also relates to ensuring the Temple is as energy efficient as possible, as accessible as possible, and ensuring the Temple's heritage character is preserved for future generations.

Thank You,



Cameron Adamson

BMTA – Building Committee Chair



THE CITY OF WINDSOR

OFFICE OF THE MAYOR

DREW DILKENS, DBA
MAYOR

July 9, 2021

“The importance of improvement, setting an example and shouldering responsibility for the future are our Masonic goals. What we build today will endure. That is our hope and our faith.” | Stanley F. Maxwell

On behalf of the City of Windsor, it is my honour to congratulate the Border Masonic Temple Association as you commemorate the 100th anniversary of the founding of Windsor Masonic Temple on July 9, 2021.

For more than a century, the Windsor Masons have lived up to the noble goals of the Freemasonry, as summarized in the quote above by Sovereign Grand Commander Maxwell. You have shouldered responsibility and improved our city by sponsoring a number of educational programs, breakfast clubs and many social events to support residents in our community. In Windsor, we are fortunate to host seven active lodges, and I am proud to say that my grandfather was a member and a past master of one of those lodges, helping instill the spirit of community service in me at a very young age.

The Freemasons have a long and distinguished history helping build up communities around the world, in some ways quite literally. In Windsor, each of our City Hall buildings constructed during the 1800s featured a cornerstone ceremoniously set by our local Freemasons. This is a tradition we kept up with the groundbreaking of our modern new city hall facility, and is emblematic of the important role the Masons continue to play in strengthening Windsor-Essex County, one building block at a time.

In 1921, when construction of the Windsor Masonic Temple got underway, it set the foundation of what would become one of our city's most recognizable historical landmarks - the treasured ornate building on the corner of Ouellette and Erie. The temple is much more than bricks and mortar. It is a special place filled with traditions where thousands of people have passed through, building friendships and forming cherished memories to last a lifetime.

While the Windsor Freemasonry has undergone many changes over the past 100 years, one thing has remained the same, and that is the organization's unwavering commitment to service for our community. I would like to take this opportunity to thank all Masons for contributing to Windsor's vitality and helping to make our home one of the best communities to live, work and play.

Congratulations on celebrating the 100th anniversary Windsor Masonic Temple and best wishes on all that the future will bring.

Sincerely,



Drew Dilkens



FOR IMMEDIATE RELEASE

July 9, 2021

**GRETZY & MASSE CONGRATULATE THE WINDSOR MASONIC ORDER ON THEIR TEMPLE BUILDING'S
100TH ANNIVERSARY**

(WINDSOR) – Today, Lisa Gretzky NDP M.P.P. (Windsor West) and Brian Masse NDP M.P. (Windsor West) congratulated the Windsor Masonic Order on their temple building's 100th anniversary.

The Masonic Temple represents a long history of the Masonic Order in the Windsor-Detroit area dating back to 1794 and exemplifies the continuing role of societies in the cultural and social life of Windsor. The Temple building is a large, three-storey, red brick Neo-Classical Revival style building with limestone trim. Located on Ouellette Avenue in the city core, it has been recognized for its heritage value by the City of Windsor in 1994. The Masonic Temple was designed by James Carlisle Pennington, a highly regarded local architect. Constructed in 1921-22, it was the first permanent facility for the Masonic Order of the Border Cities. It still functions as a meeting place for Freemasons, as well as hosting banquets, weddings, and concerts.

Pat Chartier-Temple Board President said, "Every Mason should feel he is a better Mason because of what he has done towards maintaining this Temple for 100 years!"

"A one-hundred-year-old building still operating as it was originally intended, let alone an architecturally distinct and impressively constructed one, is a unique situation in this city. It should be cherished and celebrated. I wish to congratulate Windsor Masonic Order on this rare achievement and hope this continues on for the next century," stated Gretzky.

"Many residents of the city have attended events and gatherings at this institution over the past century. Young people going to dances, having their weddings there, numerous fundraising dinners and many other functions. It is part of the collective memory of our city. The Masonic Order should proud that they have been able to maintain it for the purposes it was conceived for. A real milestone has been reached today, and it is due to all the hard work and perseverance of its many members over the decades," stated Masse. The Masonic Temple recently been approved for funding of approx. \$60,000 through Employment and Social Development Canada (ESDC) for upgrades of the building.

The Neo-Classical Revival style building was designed by Pennington and built by Muxlow and Gale Construction Company. It displays characteristic symmetry and classical elements representing antiquity and permanence. The main facade has eight fluted stone pilasters with capitals. Topped with decorative stone roundels, the columns rise two storeys above the ground floor. The three wooden front doors are adorned with triangular stone pediments.

Should you wish to book the Windsor Masonic Temple Ballroom for any special events: 519 253-3615

-30-

For additional information please contact:

Cameron Adamson Square and Compass Promotions Director – Masonic Temple (519) 965-6400

Darlene Dunn Mahler - Office of Brian Masse MP (519) 255-1631

Ottawa Office: Rm. 1000 The Valour Bldg., House of Commons, Ottawa ON K1A 0A6

t (613) 996-1541 f (613) 992-5397 e-mail: masse.b@parl.gc.ca

Community Office: 1398 Ouellette Ave. Windsor ON N8X 1J8

t (519) 255-1631 f (519) 255-7913
Development & Heritage Standing Committee - March 7, 2022

Page 439 of 486

CONGRATULATIONS TO THE

MASONIC TEMPLE

ON THE CELEBRATION OF YOUR

100TH ANNIVERSARY

THE MASONIC TEMPLE REPRESENTS A LONG HISTORY OF THE
MASONIC ORDER IN THE WINDSOR DETROIT AREA DATING TO 1794.

THE NEO-CLASSICAL REVIVAL STRUCTURE LOCATED
IN WINDSOR'S DOWNTOWN CORE WAS CONSTRUCTED IN 1921
AND WAS THE FIRST PERMANENT FACILITY FOR THE
MASONIC ORDER OF THE BORDER CITIES,
DESIGNED BY PROMINENT LOCAL ARCHITECT
JAMES CARLISLE PENNINGTON.

THE CITY OF WINDSOR'S FOUNDATION AND FUTURE HAS BEEN
SHAPED THROUGH THE LONGSTANDING CONTRIBUTIONS OF THE
MASONIC TEMPLE THROUGH TRADITIONS AND HERITAGE.

MAY YOUR ADMIRABLE EFFORTS CONTINUE
FOR MANY MORE YEARS TO COME.

BRIAN MASSE M.P. & LISA GRETZKY M.P.P.
WINDSOR WEST

JULY 9, 2021



It is an honour and privilege to extend my
very best wishes to

Windsor Masonic Temple

on the occasion of your

100th Anniversary

Congratulations on this marvelous milestone. Your years of dedication, professionalism and service to the Windsor-Essex community are very appreciated. The impacts you have had on many lives – in celebration and commemoration does not go unnoticed or forgotten.

I look forward to celebrating many more milestones with you.

Yours Most Respectfully,

Lisa Gretzky,

Member of Provincial Parliament

Windsor West



July 2021



BUILDING RESTORATION AND COATINGS

www.sealconltd.com

4815 Concession 4 RR2
Harrow, Ontario
N0R 1G0

519-977-2600 Ans.
519- 995-8282 Cell

Date: September 13, 2021

PROPOSAL

Attention: Cameron Adamson

Project Location: Windsor Masonic Temple
986 Ouellette Ave. Windsor, ON

Project Description: Exterior Façade Restoration

Devon Gale has attended the site for assessment to recommend repairs and solutions for the exterior façade walls and building components. The building was opened on January 1, 1922, consisting of brick and limestone on its façade. The brick generally is in good condition and does have sections that will need some minor replacement and tuckpointing replaced at the mortar joints. A heritage mortar can be used to match the existing and will be a close colour match.

The limestone components at the entrance façade, columns, and decorative details are generally in decent shape. Some lower sections will need replacement due to salt erosion over the years, and limestone columns will need to be reset around the facility.

The upper parapet wall is in poor condition and will need attention. The original copper flashing has failed and has multiple repairs completed over the years. This section will require brick replacement and extensive tuckpointing at mortar joints. A new flashing will need to be installed around the perimeter and a replacement metal cap at the top of the parapet wall to prevent further water intrusion into the facility. It is tough to quantify, but this restoration work should provide energy efficiency and reduce heating and cooling costs by 5-10%.

Before any work commences, we must complete a closer inspection and exploratory work to determine actual building conditions.



The following scope of work and pricing are for budget purposes only.

Scope of Work

- Remove and replace approximately 500 damaged bricks that will be matched by dimension, colour, and material to the original.
- Grind out all failed mortar joints to a depth of ½” minimum and replace them with heritage mortar to match the original. The main areas that require repointing are the mortar between the limestone columns, ledges, and other decorative stones. There are also numerous areas at the parapet wall and elevations around the building.
- Any damaged limestone at the façade, columns, or ledges to be removed and replaced with newly manufactured stones.
- All remaining limestone to be cleaned with Diedrich Technologies 707X Limestone Cleaner Pre-rinse, power washed, and then finished with Diedrich Technologies 707N Limestone Neutralizer After Rinse.
- All upper flashings and any other auxiliary flashings around the facility must be removed and replaced with copper.
- The failed clay parapet capping must be removed and replaced with metal flashing or alternative material.

Our Budget price- \$ 275,000.00 + HST

Notes

The pricing mentioned above includes all material, labour, booms/man lifts, liability insurance, permits, and Workers Compensation.



Sealcon will provide a two-year workmanship warranty after substantial completion and will provide a standard manufacturer's warranty.

All work will be completed professionally according to standard practices. Any alteration or deviation from the proposal specifications involving extra costs will be executed only upon written orders and will become an additional charge over and above the estimate.

Our workers are fully insured and have valid fall arrest and lift training and certifications.

Please contact me with any questions you may have about the above quotation.

Devon Gale
Owner, General Manager



"Quality means doing it right when no one is looking." H.F.



January 20, 2022

RE: Windsor Masonic Temple – Exterior Façade Restoration

BUDGET

As per your request, we submit our budget proposal for the Exterior Façade Restoration work as specified for your consideration. Our scope of work is as follows: To provide labour, material and equipment.

- remove, dispose and replace approx. 500 damaged brick with new facebrick (new brick to match existing as closing as possible)
- repoint failed mortar joints throughout building exterior only using pre-mix Type 'O' mortar (solid mortar joints to remain)
- remove, dispose and replace damaged limestone throughout building exterior with new limestone as required
- remove, dispose and replace existing copper flashing above top band of stone
- remove, dispose and replace all existing clay parapet cap with metal flashing
- wash all exterior brick/stone upon completion of work
- provide all equipment to complete work
- apply and pay for all necessary permits

Not included

- repairs to interior finishes
- repairs to existing chimney
- miscellaneous steel items
- caulking or sealing
- construction fencing/hoarding
- site/landscape restoration
- bonds or testing
- overhead protection
- power, water and lighting (Owner to provide)
- access to work area and adequate staging area (Owner to provide)
- premium time/overtime
- weather protection/winter heating or handling

BUDGET: \$ 301,800.00

**H.S.T. is extra
Terms – 30 days**

**2000 Fasan Drive, Oldcastle, Ontario N0R 1L0
Phone (519) 737-2603, Fax (519) 737-2604, e-mail: anthony@artisangroup.net**

From: Lukic, Petar
Sent: Saturday, September 18, 2021 10:22 AM
To: adamson_cameron@hotmail.com
Cc: manobec1@gmail.com; Devon Gale
Subject: Windsor Masonic Temple Images

Cameron,

It was a pleasure meeting you yesterday, this is a fantastic project you are spearheading!

Below are a couple links to the images taken yesterday.

[Drone Images](#)

[Inspection Images](#)

Your existing roofing composition is:

- Wood Deck
- Two Layers of 0.5" fiberboard, total of 1"
- Modified bitumen roof membrane
- R-value of 2.8

Proposed energy savings roof assembly is:

- Vapor barrier
- Two layers of 3" polyisocyanurate insulation, total of 6"
- One layer of 0.5" fiberboard
- Built-up roof assembly, three inter plies
- Flood coat with gravel imbedded, the gravel is white dolomite stone that is solar reflection to reduce heat as well.
- R-value of 36

If you need a budget price, please input \$28 sq.ft. This should protect us from material cost increases and labour increases.

If we need to have a lower per sq/ft advise and we can adjust the roof assembly to accommodate.

Please copy these images to your computer, I will be reducing the file size on Monday. Let me know that you have downloaded all the images.

Regards,

Petar Lukic

Sales Associate
Tremco Roofing & Building Maintenance
T. 519.800.7663
M. 519.563.9962
plukic@tremco.ca

2. SUBJECT PROPERTY

Municipal Address: 986 Ouellette Ave. Windsor, ON N9A 1C6

Legal Description (if known): Lot 19, Block 3, Plan 256

Building/Structure Type:

☐ Residential ☐ Commercial ☐ Industrial ☒ Institutional

Heritage Designation:

☒ Part IV (Individual) ☐ Part V (Heritage Conservation District)

By-law #: 11786 (1994/11/04) District: _____

Is the property subject to a Heritage Easement or Agreement?

☐ Yes ☐ No

3. TYPE OF APPLICATION

Check all that apply:

☐ Demolition/Removal of heritage attributes ☐ Addition ☐ Erection ☒ Alteration*
☐ Demolition/Removal of building or structure ☐ Signage ☐ Lighting

*The *Ontario Heritage Act's* definition of "alter" means to change in any manner and includes to restore, renovate, repair or disturb.

4. HERITAGE DESCRIPTION OF BUILDING

Describe the existing design or appearance of buildings, structures, and heritage attributes where work is requested. Include site layout, history, architectural description, number of storeys, style, features, etc..

Built in 1921 and opened in 1922, the Windsor Masonic Temple has been for the people of Windsor, Essex (and beyond) a place of friendship, community, and heritage. It has four floors, with the following uses:

-Main floor: Ballroom, available for community rentals (including charitable endeavours)

-Second floor: Main entrance

-Third Floor: Masonic Temple Lodge Rooms and Museum with archives

-Fourth Floor: Refreshment area and Scottish Rite Learning Centre for Children with Dyslexia

It is approx. 100,000 meters squared. In 1991, Bob Peddler assessed the Temple at \$1,000,000. In 1921, it cost \$200,000 to build.

5. PROPOSED WORK

Provide a detailed written description of work to be done, including any conservation methods you plan to use. Provide details, drawings, and written specifications such as building materials, measurements, window sizes and configurations, decorative details, etc.. Attach site plans, elevations, product spec sheets, etc. to illustrate, if necessary.

The Border Masonic Temple Association has provided to the City of Windsor quotes/estimates which include descriptions of the work intended. The BMTA's ability to complete this

work will depend of the extent of funding received through Federal, Provincial, and Municipal Grants. Relating to the Masonic Temple's heritage elements in particular, the BMTA

intends to renovate the facade to both replace (with "like-for like" material) damaged brick, limestone, and parapet material, clean the remaining, repoint and fix

damaged mortar, and examine the parapet. The BMTA is also examining the windows, and searching for energy efficient windows that will also maintain and preserve the

Temple's heritage character. Within the building, we are also undertaking several projects to preserve our heritage documentation, and maintain our

accessibility standards.

6. HERITAGE PERMIT RATIONALE

Explain the reasons for undertaking the proposed work and why it is necessary.

In administering the Windsor Masonic Temple, the Border Masonic Temple Association (BMTA) must balance MANY priorities. The BMTA needs to first consider the Temple's

Heritage Characteristics, while also considering energy efficiency (both to reduce energy costs AND to be environmentally conscience), reducing long-term maintenance

issues, maintaining and improving accessibility standards, (while working within the budget provided by any grants received). The proposed work is necessary because, if completed,

maintain the Temple's heritage character, greatly improve energy efficiency, reduce long-term maintenance costs, and (for the work being proposed within the building)

improve accessibility standards.

Describe the potential impacts to the heritage attributes of the property.

Any damaged heritage attributes (brick, limestone, mortar) will be (if necessary) replaced with "like-for-like" material. If it is not necessary to replace, these heritage attributes will

be cleaned using the least-invasive/damaging methods. Options for the parapet are being examined. In terms of the windows, the BMTA is examining options for replacing the current windows

installed in the late 1980's) with energy efficient but heritage appropriate windows are being examined. The main potential impact of our proposed work is simple:

it will reduce maintenance costs, reduce energy costs, and preserve the Masonic Temple "For the Next 100 Years."

7. CHECKLIST OF MATERIALS SUBMITTED Check all that apply:

Required:

- ☒ Photographs (showing the current condition and context of existing buildings, structures, and heritage attributes that are affected by the application)
- ☒ Site plan/ Sketch (showing buildings on the property and location of proposed work)
- ☒ Drawings of proposed work (e.g. existing and proposed elevations, floor plans, roof plans, etc., as determined by Heritage Planning staff)
- ☒ Specifications of proposed work (e.g. construction specification details)

Potentially required (to be determined by Heritage Planning staff):

- ☐ Registered survey
- ☒ Material samples, brochures, product data sheets etc.
- ☐ Cultural Heritage Evaluation Report
- ☐ Heritage Impact Assessment (HIA)
- ☐ Heritage Conservation Plan
- ☒ Building Condition Assessment

8. NOTES FOR DECLARATION

The applicant hereby declares that the statements made herein and information provided are, to the best of their belief and knowledge, a true and complete representation of the purpose and intent of this application.

The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

APPLICANT Signature(s) _____



Date _____

Feb 17, 2022

Date _____

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

I, _____, am the registered owner of the land that is
name of registered owner
subject of this application for a Heritage Alteration Permit and I authorize
_____ to make this application on my behalf.
name of agent

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, _____, hereby authorize the members of the Windsor Heritage Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

Signature of Registered Owner

Date

If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Signature of Applicant

Date

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record

Date Received by Heritage Planner: _____

Building Permit Application Date, if needed: _____

☐ Application Approval (City Council):

Development & Heritage Standing Committee: _____

City Council: _____

☐ Application Approval (City Planner):

Heritage Planner: _____

Staff Decision Appealed to City Council: _____

If so, Date to City Council: _____

Council Decision Appealed: _____

Additional Notes / Conditions:

DECISION

Heritage Permit No.: _____ Date: _____

Council Motion or City Planner's Signature: _____

Please contact Heritage Planning to request inspections at ktang@citywindsor.ca

CONTACT INFORMATION

Planning Department - Planning Policy
Corporation of the City of Windsor
Suite 320 - 350 City Hall Square West
Windsor ON N9A 6S1
planningdept@citywindsor.ca
519-255-6543 x 6179
519-255-6544 (fax)
<http://www.citywindsor.ca>



Council Report: S 4/2022

Subject: Amendment to Sign By-law 250-04 for 1200-1220 University Avenue, File No. SGN_002-21 - Ward #3

Reference:

Date to Council: March 7, 2022
Author: Stefan Fediuk
Landscape Architect
Sr. Urban Designer (A)
519-255-6543 ext.6025
Planning & Building Services

Planning & Building Services
Report Date: January 18, 2022
Clerk's File #: Z/8955

To: Mayor and Members of City Council

Recommendation:

THAT the application for a Site Specific Amendment to the Windsor Sign By-law 250-2004, to allow for the installation of a 23.22m² pylon ground sign at 1220 University Ave W with offsite advertising as a directory of businesses for 1100 and 1200-1220 University Ave W, **BE APPROVED.**

Executive Summary:

N/A

Background:

The applicant 2605385 Ontario Inc. and AIPL Canada Holdings own and currently developing the properties on 1100 and 1200-1220 University Ave W. The current phases of the development plan consist of adaptive reuse of three existing buildings into a complex of medical/business offices and commercial uses. At a later phase, a new multiple dwelling building will be constructed at the north side of the 1200-1220 property.

The applicant is looking to install a new pylon ground sign, as depicted in Appendix "A", with the proposed sign acting as a directory of businesses for the all three adjacent properties that they own.

This location, as depicted in Appendix "B," is subject to the City of Windsor Sign By-law 250-2004. The proposed sign is classified as GROUND SIGN and regulated by Section

6.6: Regulations for PERMANENT GROUND SIGNS”. Though many of the uses are medical in nature and fall under the use a User Group 3 classification which would have stricter regulations related to size, the proposed location of the sign will be on a property classified as a User Group 4 due to the nature of the commercial operation found within.

The proposed sign falls within a SPECIAL DISTRICT as outlined in Section 9.4: Regulations for SIGNS in SPECIAL DISTRICT: THEME STREET, specifically identified in Subsection 9.4.1(e) University Avenue between Huron Church Road and Glengarry Avenue.

Variance to Section 6.6 Regulations for Permanent Ground Signs include:

6.6.5 Maximum Sign Face Area from 12.555 square metres to 23.224 square metres (Subsection 6.6.5), and

Variance to Section 10.1 Signs Prohibited throughout the city of Windsor include:

(g) An OFF SITE SIGN.

While the size variance could be referred to Committee Adjustment, the Prohibition for an Offsite Sign requires City Council approval.

Discussion:

The applicant had worked with City Staff related to heritage and urban design aspects of the buildings and the proposed pylon sign to act as a business directory for the entire site.

In a recent application to Committee of Adjustment (B-054/21, B-055/21 & B-056/21), the owner severed the property into several parcels allowing for reciprocal parking and access to all the sites was heard and approved at the September 16, 2021 Committee of Adjustment Hearing. While the size of the pylon sign as designed would have been allowed for the site based on the regulations found in the Site Bylaw 250-2004, the severance resulted in the sign being oversized. As per Clause 6.6.5 of the Sign Bylaw, the total allowable sign face is 12.555 m². The sign will be faced perpendicular to University Avenue West, having two sign faces with a total sign face of 23.224m².

Additionally, the severance has created a second non-compliance and therefore requires Site-specific Sign Bylaw Amendment required per Prohibitions under Sign Bylaw 10.1 (g), Prohibitions are outside of the authority of Committee of Adjustment.

The site is part of a Brownfield Redevelopment Grant Program, including heritage properties, to become a mix use destination for the community and the City of Windsor (CR186/2019 DHSC28). Minimizing signage to one location is a sensitive way to display the types of businesses found on the sites while respecting the heritage value of the properties.

Risk Analysis:

The proposed sign location is in an area that experiences regular daily traffic. Like all signs, there are potential impacts of these signs attracting the attention of drivers.

Climate Change Risks

Climate Change Mitigation:

There are no climate change impacts related to this type of sign that would require Climate Change Mitigation measures.

Climate Change Adaptation:

There are no climate change impacts related to this type of sign that would require Climate Change Adaptation measures.

Financial Matters:

There are no direct matters of financial consequence to the Corporation of the City of Windsor arising from the recommendations of this application for an amendment.

Consultations:

Several municipal departments were circulated for consultation and comments, including Transportation Planning, Zoning, Planning and Building Services, Kristina Tang (Heritage Planner), Adam Coates (Senior Urban Designer).

Conclusion:

The Sign By-law is in place to help manage the use of advertising devices and ultimately the clutter or negative visual impact that signs can have on the City's image. While the proposed sign is significantly larger in height, face area than allowed through the calculation process established by the Sign Bylaw, it is contextually appropriate for this type of development with shared vehicular access and parking. It is also a sensitive response to helping to reduce sign clutter by concentrating the business directory for the three properties in one prominent location as means of wayfinding. It is believed that the sign will enhance the City's and the business's image.

It is the opinion of the Planning Department that the proposed site-specific amendments to the Sign Bylaw, would still provide conformity to the provisions for Theme Streets, found in the Official Plan recommended as part of this report, the application to amend the by law can be supported.

Planning Act Matters:

N/A

Approvals:

Name	Title
Joe Baker	Manager Permits / Deputy Chief Building Officer
Neil Robertson	Manager of Urban Design / Deputy City Planner
Thom Hunt	City Planner / Executive Director, Planning & Development

Name	Title
	Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Jason Reynar	Chief Administration Officer

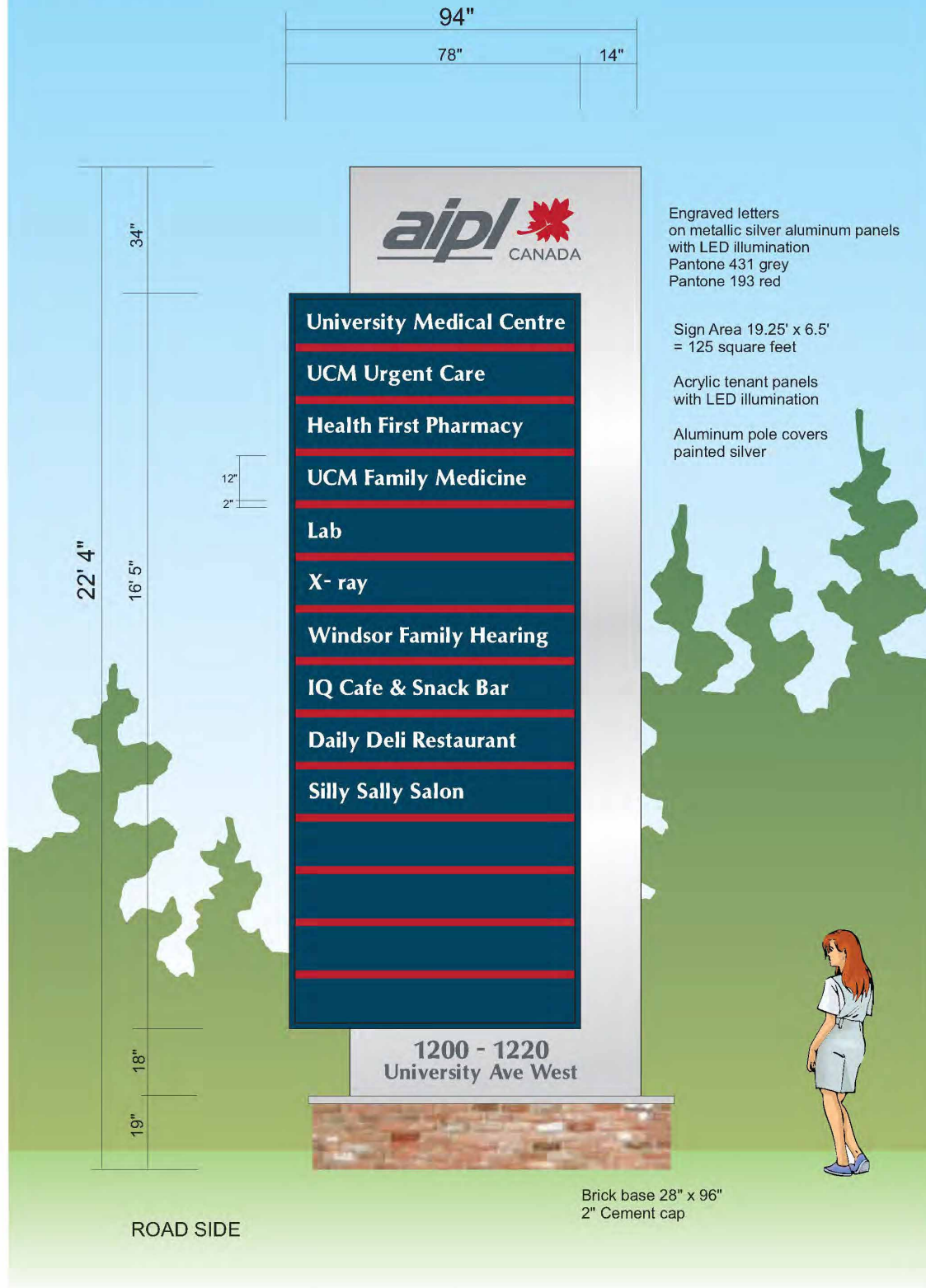
Notifications:

Name	Address	Email
Shabeg Singh	AIP Limited	shabeg@aipl.com
Vas Papadiamantopoulos	A+e architecttura	vas@architecttura.com
Maurice Pomerleau	Roland Sign & Lighting 3240 Jefferson Blvd., Windsor, ON N8T 2W8	maurice@rolandsigns.com

Appendices:

- 1 Appendix 'A' - University Medical Centre Pylon Sign
- 2 Appendix 'B' - Site Plan - Pylon Sign (1200-1220 University Ave W)

Appendix 'A' - University Medical Centre Pylon Sign



www.rolandsgn.com
2500 Jefferson Blvd., Windsor, ON
N9T 2P8
519-944-6446 / Fax: 519-944-2952
This design and concept is the exclusive property of Roland's Neon Signs.

Customer: University Medical Centre
Address: 1100-1200 University W
Windsor On

Job No: M210222-1
Date: Feb 22, 2021
Design: PM Sales MP Page 1
Revision:

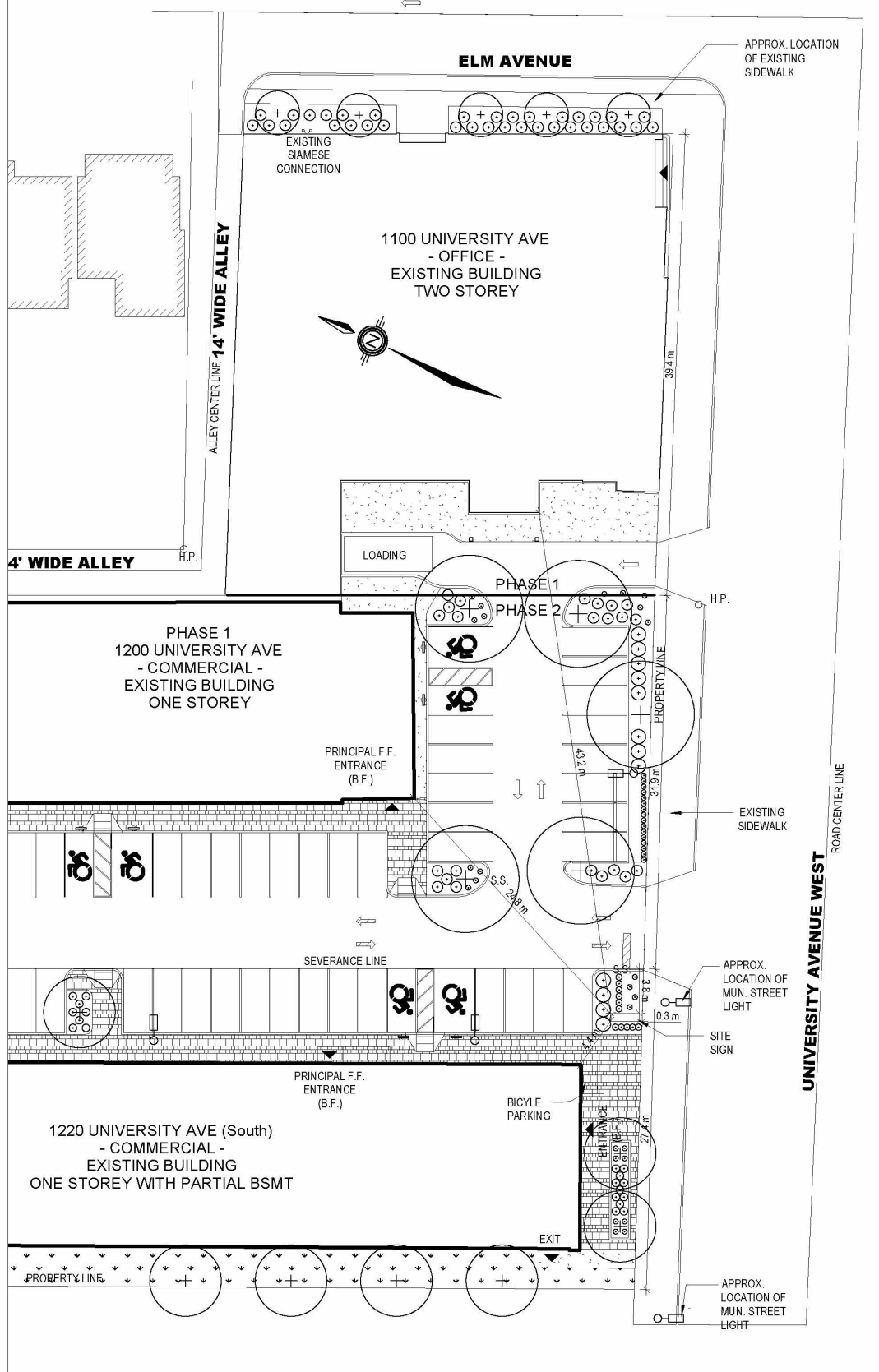
☒ **CONCEPT**
Not for production.

☐ **SHOP READY**
Ready for production.

Signature: _____ Date: _____

☐ APPROVED AS IS ☐ AS NOTED

Appendix 'B' - Site Plan - Pylon Sign (1200-1220 University Ave W)





Council Report: S 18/2022

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

Reference:

Date to Council: March 7, 2022
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkenson@citywindsor.ca
Planning & Building Services
Report Date: February 8, 2022
Clerk's File #: Z/8955

To: Mayor and Members of City Council

Recommendation:

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

- V. THAT the grant funds in the amount of \$20,000 **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner; and,
- VI. THAT should the proposed Feasibility and/or Phase II Environmental Site Assessment Study and Remedial Work Plan not be completed within two (2) years of Council approval, the approval(s) **BE RESCINDED** and the funds be uncommitted and made available for other applications.

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 College Avenue between Felix Avenue and Huron Church Road in the Sandwich neighbourhood (see location map). The property is 0.44 hectares (or 1.08 acres) and contains a 45,000 square foot office building that is currently vacant. It was historically used for railway and manufacturing uses.

The subject property is designated 'Industrial' on Official Plan Schedule D: Land Use and is zoned Manufacturing District MD1.2. The principle owners of Mikhail Holdings Limited and 1174478 Ontario Ltd are the same.

Discussion:

Feasibility Study Grant Program

The Feasibility Study Grant Program offers a matching grant to property owners of brownfield sites to conduct studies on the feasibility of rehabilitating and redeveloping these sites. The program offers 50% of the cost of an eligible feasibility study up to a maximum grant of \$7,500.

The following feasibility work is proposed by the applicant:

- Rendering and concept plans (exterior) for conversion of existing space,
- Unit layouts and concept floor plans including common areas,
- Mechanical study to determine if existing HVAC units can support the proposed use and determine if new individual units are required,
- Preparation of an electrical schematic plan to determine if existing electrical systems can be broken into individual units, and
- Structural study to determine existing footings will support the proposed use.

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, which involves filing of a Record of Site Condition (RSC) with the Ministry of the Environment, Conservation and Parks. The owner has completed a Phase 1 Environmental Site Assessment (ESA) study to support the redevelopment plan. The Phase I ESA study identified areas of potential environmental concern and recommends a Phase II ESA study be completed to assess the soil and groundwater quality and delineate the extent of any contamination. The Phase II ESA study is required to support the filing of a RSC.

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

CIP Goals

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

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

Policy Support

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

Risk Analysis:

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. 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. Any site plan control application will be reviewed for opportunities to enhance resiliency.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed feasibility study is \$10,000. If approved the Feasibility Study Grant program would provide \$5,000 to offset 50% of the study cost. The cost estimate for completing an initial Phase 2 ESA study is \$45,300. If approved, the grant would total \$15,000, which is the maximum grant value for one study under the program. The total grant value would be \$20,000.

Should the actual costs of the study be less than what has been estimated the grant payments would be based on the lower amount. The grants would be paid out of the Brownfield Strategy/Remediation Account (project # 7069003). The funds will be transferred from Fund 226 which has a current uncommitted balance of \$505,877.95 to project 7069003 when the work is complete.

Consultations:

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

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

Conclusion:

City Staff recommend Council approve the request from Mikhail Holdings Limited on behalf of the property owner (1174478 Ontario Ltd) to participate in the Feasibility and Environmental Site Assessment Grant Programs. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters:

N/A

Approvals:

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
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administration Officer

Notifications:

Name	Address	Email
Jeff Belanger		jeffbelanger@gmail.com
Tom O'Dwyer		todwyer@ctsoil.com

Appendices:

1. Location Map



LOCATION MAP : 2970 COLLEGE AVENUE



SUBJECT PROPERTY

0 10 20 40 60 Meters





Council Report: S 20/2022

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

Reference:

Date to Council: March 7, 2022
Author: Kevin Alexander, MCIP RPP
Senior Planner Special Projects
519-255-6543 x6732
kalexander@citywindsor.ca
Planning & Building Services

Report Date: February 10, 2022
Clerk's File #: Z/14306

To: Mayor and Members of City Council

Recommendation:

- I. **THAT** the request for incentives under the Sandwich Incentive Program made by GBI Holding Company (Cam Crowder and Sean Lavin), owners of the property located at 357-359 Indian Road, **BE APPROVED** for the following programs when all work is complete:
 - i. *Revitalization Grant Program* for 70% of the municipal portion of the tax increment for up to 10 years (+/- **\$3,113** per year); and
 - ii. *Development and Building Fees Grant* for 100% of the Development and Building Fees identified in the Sandwich CIP to a Maximum amount of (+/- **\$11,436.74**);
- II. **THAT** Administration **BE AUTHORIZED** to prepare the Sandwich Incentive Program Agreement for the *Revitalization Grant* in accordance with all applicable policies, requirements, and provisions contained within the Olde Sandwich Towne Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implication;
- III. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the agreement between the City and GBI Holding Company (owners Cam Crowder and Sean Lavin) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction

of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications;

- IV. **THAT** funds in the maximum amount of **+/- \$11,436.74** under the *Development Building Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (Account 7076176) when the work is complete;
- V. **THAT** grants **BE PAID** to GBI HOLDING COMPANY (owners Cam Crowder and Sean Lavin) upon completion of the two and a half (2.5) storey, two (2) unit duplex dwelling from the *Sandwich Community Development Plan Fund* (Account 7076176) to the satisfaction of the City Planner and Chief Building Official; and,
- VI. **THAT** grants approved **SHALL LAPSE** if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Executive Summary:

N/A

Background:

On January 26, 2009, City Council passed by-laws to establish the Sandwich Heritage Conservation District Plan (By-law 22-2009), Olde Sandwich Towne Community Improvement Plan (By-law 27-2009), and Supplemental Development and Urban Design Guidelines (By-law 28-2009). These By-laws came into effect on October 18, 2012. One of the key recommendations of the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) is the implementation of the Incentive Program(s).

On June 17, 2013 through M265-2013 Council activated the following Incentive Programs from the Sandwich Incentive Program(s) "toolkit" (See):

- a) Commercial/Mixed Use Building Facade Grant Program
- b) Revitalization Grant Program
- c) Commercial Core Feasibility Grant Program
- d) Development Charge Grant Program
- e) Development and Building fees Grant Program
- f) Neighbourhood Residential Rehabilitation Grant Program.

On June 17, 2013 Council also received the Development Review Process for development applications within the Sandwich Heritage Conservation District (HCD) area, and within the Sandwich Community Improvement Plan (CIP) Area (outside of the Sandwich HCD Area) (M264-2013). On April 28, 2014 Council also activated the *Commercial/Mixed Use Building Improvement Loan Program* from the Sandwich Incentive Program(s) "toolkit".

Discussion:

On June 8th, 2021, GBI Holding Company (Cam Crowder and Sean Lavin) applied for grants through the Sandwich Town CIP Incentive program for the purpose of redeveloping a two and a half (2.5) storey, two-unit duplex dwelling located at 357 to 359 Indian Road (See Appendix A for location map and existing condition).

The property is located within the Sandwich Heritage Conservation District (HCD) and the Olde Sandwich Towne Community Improvement Plan (Sandwich CIP) area. In keeping with the development review process put in place for all development applications in Sandwich Town the applicant was required to submit a Heritage Permit for Demolition, before a Building Permit can be issued for the new proposal, to ensure that the development is compatible in its surroundings and with the characteristics of the HCD.

On May 3, 2021, through CR204/2021 DHSC 274 Council approved the following Heritage Permit concerning the property located at 357 to 359 Indian Road:

- I. That the request for a s. 42(1)2. *Ontario Heritage Act*, Heritage Permit for the demolition and replacement with a historically accurate reconstruction at 357-359 Indian Road **BE GRANTED** generally as per plans in Appendix B, conditional to the following:
 - a. Recommendations of the Heritage Consultant as per Section 7.2 of the Built Heritage Assessment; and
 - b. Further revisions requested as outlined in this report, including concerns about windows on north elevation; and
- II. That an Exemption under Demolition Control Bylaw 20-2007 **BE GRANTED** subject to the fulfillment of the following standard requirements for demolitions within the Olde Sandwich Towne Community Improvement Plan Area:
 - (i) a plan for a redevelopment in conformity with the Official Plan and Zoning Bylaw requirements,
 - (ii) an executed Site Plan Control Agreement(s),
 - (iii) appropriate securities to ensure the redevelopment occurs within a specified time period and to fulfill conditions of the Site Plan Control Agreement;
 - (iv) the Chief Building Official **BE DIRECTED** to require, as a condition of the demolition permit:
 - a) The Redevelopment identified in Appendix 'B' and Site Plan be substantially complete within two (2) years following the issuance of the demolition permit;
 - b) If the redevelopment, including construction of a new building, is not substantially complete within two (2) years of the commencement of the demolition, the Clerk enter the sum of Twenty Thousand Dollars (\$20,000 per unit) on the collectors roll of the property and prepare a certificate for registration and the City Solicitor register the certificate in the land registry office against the property.
- III. That all approvals **BE SUBJECT** to further finalization of construction drawings and details, the provision and approval of building material samples and colour samples by the Heritage Planner prior to issuance of building permits, as determined by the City Planner or his designate; and,
- IV. That the City Planner or his designate **BE DELEGATED** the authority to approve further minor changes to the approved scope for this property.

One of the general requirements of Section 10.3 q) of the Sandwich CIP requires that approval of any application for the financial incentive program is based on the compatibility of the proposed use with the vision and goals of the CIP, the Sandwich Community Planning Study (CPS), and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines (Sandwich Urban Design Guidelines) and any other guidelines applicable to the CIP area. In this case the development is within the Sandwich HCD therefore the design guidelines in the HCD would be considered as “other applicable guidelines”. The following identifies how this particular development addresses section 10.3 (q) of the City’s Official Plan.

Sandwich HCD Policy and Urban Design Guidelines

The Planning and Building Department (Heritage and Urban Design) reviewed the plans for the proposed improvements (See Appendix ‘B’) through the Heritage Permit approval process and continues to work with the applicant and architect on details related to heritage and design to reflect the intent of the Sandwich HCD Plan and the Sandwich CIP Urban Design Guidelines.

The proposed design of the new duplex building addresses the vision, goals, and policies identified in the Sandwich HCD and the urban design guidelines in the Sandwich Town CIP.

The existing building will be demolished and recreated (with additions at the rear) to be as historically correct as possible and so that it is consistent with the surrounding built form of the neighbourhood in a heritage appropriate appearance. The applicant is proposing to save the original bricks so that they can be used in the facade for the redevelopment. The Heritage Permit was approved by City Council through CR204/2021 DHSC 274. The proposed improvements meet the intent of the Sandwich CIP and Urban Design Guidelines.

Sandwich Incentive Program(s)

The proposal is located within Target Area 3 of the Sandwich CIP Area and eligible for the following Incentive programs. The eligible costs for each incentive program are based on the costs estimates provided by the applicant, as the project is implemented these costs could fluctuate slightly which could have a minor impact on the eligible costs for each incentive program. The application is consistent with the general program requirements identified in Section 10.3 of the CIP, with the following program specific requirements:

1. *Development and Building fees Grant Program*

The purpose of the program is to provide an additional incentive to augment the other incentive programs and to facilitate and spur adaptive re-use, redevelopment and new construction. The program provides a grant equal to 100% of the fees paid for the eligible types of development applications and building permits. The applicant is required to apply for the following applications, which are eligible under this program:

-
- | | |
|--|----------------|
| • Minor Variance | +/- \$2,499.00 |
| • Site Plan Review Application (small residential) | +/- \$1071.74 |

• Residential Building Permit	+/- \$5,491.00
• Zoning Certificate Fee for Residential Building Permit	+/- \$100.00
• Demolition Permit Fee	+/- \$300.00
• Zoning Certificate Fee for Demolition Permit	+/- \$50.00
• Parks Fee	+/- \$1,925.00
<hr/>	
Total:	+/- 11,436.74

2. Revitalization Grant Program

The purpose of this program is to use the tax increase that can result when a property is rehabilitated, redeveloped or developed to provide assistance in securing the project financing and offset some of the costs associated with the rehabilitation. The program will provide an annual grant equal to 70% of the increase in City property taxes for 10 years after project completion as long as the project results in an increase in assessment and therefore an increase in property taxes.

The confirmed current value assessment of the property located at 357-359 Indian Road is \$58,000. The owner currently pays municipal property taxes of \$966.09 (based on 2021 tax levies). The estimated Post-Project Value of Land and Buildings based on the cost of construction is \$325,000. However, some of the proposed costs incurred, although eligible for purposes of the application, may not result in a direct increase in assessment value. In other words, the grant is calculated and paid, not on the post-project value or projections made in this report, but on the actual post-development value, as determined by MPAC after completion.

For illustrative purposes, the table below identifies the 70% of the municipal portion (over a 10 year period) that the applicant would be eligible for based on the Current Value Assessment and the Estimated Post Project Assessment Value. The estimated post project assessment value of \$325,000 was completed by Administration based upon the construction and permit drawings provided by the applicant. However, the actual amount of the new assessment will be dependent upon a full review of the building after completion of renovations as determined by the Municipal Property Assessment Corporation (MPAC). Although the City only collects 30% of the increment, this results in the City collecting \$1,334, which is \$367.91 more than the predevelopment amount. After 10 years, the City will collect the full amount (\$4,447).

Estimated Revitalization Grant for 357-359 Indian Road		
Annual Pre Development Municipal Taxes	Annual Estimate Post Development Municipal Taxes	Annual Estimate Value of Grant
\$ 966.09	\$ 4,447	\$ 3,113

Assumptions

Current Property Value Assessment (2021 – Residential)	\$58,000
Estimate Total Post Development Assessment	\$325,000

Risk Analysis:

The Planning & Building Department received and conducted a review of the building plans to confirm compliance with the Ontario Building Code, the Heritage Permit and applicable law (e.g. zoning by-law and the Ontario Heritage Act). The drawings will continue to be reviewed to ensure that the City's incentives are being used appropriately and the City is receiving good value for the public investment allocated through the Sandwich Incentive Program(s). As a requirement of Section 28 (7.3) of the Planning Act Administration has confirmed that, the Grant amount does not exceed the total cost of the project.

The following grants will not be disbursed until an agreement for the Sandwich Incentive Program have been registered on title between the owner and the City of Windsor and not until all work is completed and inspected by Administration as per the approved drawings and Building Permit:

- *Revitalization Grant Program*
- *Development and Building Fees Grant Program*

There is little risk associated with approval of a tax increment-based grant such as the *Revitalization Grant Program* as the payments commence after the eligible work has been completed and the property reassessed by MPAC, and will only continue if the development remains eligible in accordance with the Sandwich CIP. Should the development fail to meet its requirements under the CIP, grant payments would cease.

Climate Change Risks:

Climate Change Mitigation:

Once the existing building is demolished, some material may end up in a landfill, which may have an impact on the environment. Additional materials (i.e. stone, brick, lumber) will be required for the construction of the new building which will have an indirect impact on Carbon dioxide emissions (CO₂), however, the applicant also plans on recycling some material (i.e. brick) to be used in the construction of the new building. The redevelopment of the site contributes to the revitalization of the Sandwich Town Neighbourhood through increasing the density and promoting walking and other alternative modes of transportation, thereby contributing to a complete community. The construction of the new building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.

Utilizing a property in an existing built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

Climate Change Adaptation:

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor the property does not appear to be located within a Heat Vulnerability area. However, the redevelopment of the site will utilize modern building methods which will conform to the Ontario Building Code concerning energy efficiency. New doors and windows are also proposed that will be more energy efficient than what is existing.

Financial Matters:

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out. The current uncommitted balance of the CIP reserve fund is \$505,877.95 however this balance does not account for other CIP grant requests that are currently being considered by the Development & Heritage Standing Committee/City Council standing committee or have been endorsed by the standing committee and are not yet approved by City Council.

If approved, funds will be transferred from the CIP Reserve Fund 226 to the *Sandwich Community Development Plan Fund* (project 7076176) to disperse the amount of +/- \$11,436.74 for the *Development and Building Fees Grant Program* identified in this report.

The *Revitalization Grant* will be based upon the municipal tax increase and will be calculated by the Finance Department when all work is complete.

Eligible Incentive Programs	Grant
<i>Development and Building Fees Grant</i>	+/- \$11,436.74
<i>Note: Development and Building Fees are paid upfront by the applicant and these fees are approximate and can change at the time of Building Permit</i>	
<i>Revitalization Grant</i>	\$31,130.00
<i>*(\$3,113 per year between years 1 to 10</i>	
Total	\$42,566.74

Except for the *Revitalization Grant*, the owner will be reimbursed through the project *Sandwich Community Development Plan Fund* (project 7076176) when all work is complete. The *Revitalization Grant* is funded through the municipal portion of the annual tax levy.

Consultations:

The Planning and Building Department has consulted with the owner and architect of 357-359 Indian Road through the Sandwich Incentive(s) Program application and all other aspects of the Development Review Process including the requirements of the Heritage Permit process.

For the purpose of determining the approximate dollar value of grants Carolyn Nelson, Manager of Property Assessment Taxation & Financial Projects was consulted regarding annual Tax Assessment information and the Estimated Post-Redevelopment Property Value Assessment. Josie Gualtieri, Financial Administrator from Financial Planning was consulted regarding funding through Account 7076176-Sandwich Community Development Plan.

The Development and Building fees Grant was determined through consultation with Brian Nagata, Customer Service Representative from the Planning and Building Department. Kristina Tang, Heritage Planner was consulted regarding the requirements of the Sandwich HCD and Heritage Permit process and design of the replacement building. We continue to work towards ensuring that the replacement building is historically correct and consistent with the surrounding built form of the neighbourhood.

Conclusion:

The proposed residential redevelopment located at 357-359 Indian Road will provide an opportunity to improve the appearance of the area and create new housing units in the Sandwich CIP area. This development addresses the Sandwich CIP Urban Design Guidelines and Sandwich HCD requirements to ensure a heritage appropriate appearance.

The incentive program application meets all of the eligibility criteria as identified in the Discussion section of this report. There are sufficient funds in the Sandwich Community Development Plan Fund to provide the Development & Building Fees grant amount, which has been applied for by the applicant for this project with the Revitalization Grant portion funded through the municipal portion of the annual tax levy. Administration recommends that the application request by the owner of 357-359 Indian Road for incentives under the Sandwich Incentive Program be approved.

Planning Act Matters:

N/A

Approvals:

Name	Title
Josie Gualtieri	Financial Planning Administrator
Neil Robertson	Manager of Urban Design / Deputy City Planner

Name	Title
John Revell	Chief Building Official
Thom Hunt	City Planner / Executive Director, Planning & Development Services
Wira Vendrasco	Deputy City Solicitor, Legal Services & Real Estate
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	Deputy Treasurer, Taxation & Financial Projects
Joe Mancina	Commissioner, Corporate Services Chief Financial Officer / City Treasurer
Jason Reynar	Chief Administrative Officer

Notifications:

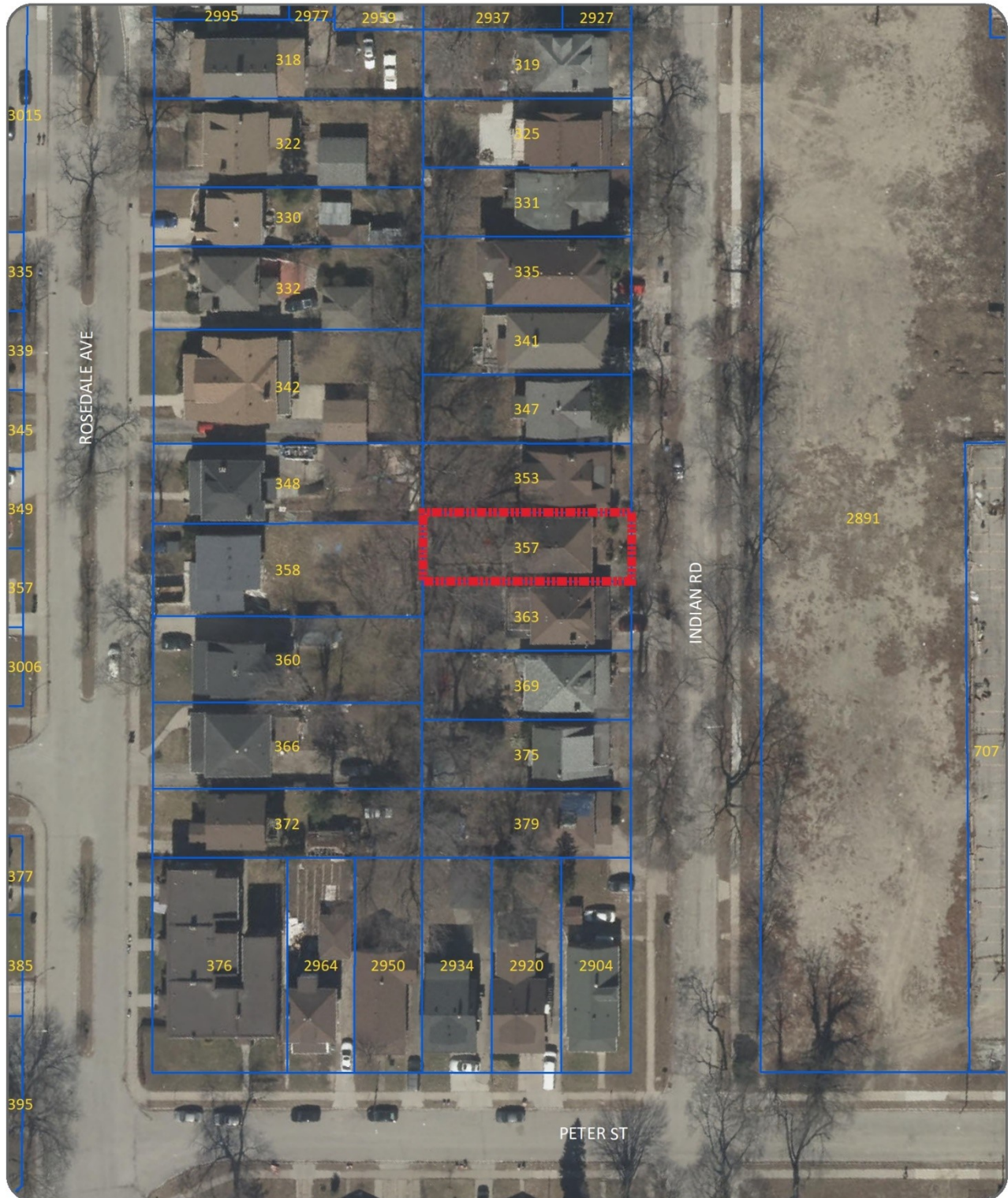
Name	Address	Email
GBI Holding Company	4145 Basline Rd, Windsor ON, N8V 1A0	
Dr. Greg Hanaka, Chair	Sandwich Town BIA	
Mary Anne Cuderman, Co-Chair	Sandwich Town BIA	
Thomas Coke, Coordinator	Sandwich Town BIA	

Appendices:

- 1 Appendix 'A' Location Map and Existing Condition
- 2 Appendix 'B' Proposed Redevelopment

APPENDIX 'A'

LOCATION MAP



LOCATION MAP



SUBJECT PROPERTY : 357-359 INDIAN ROAD

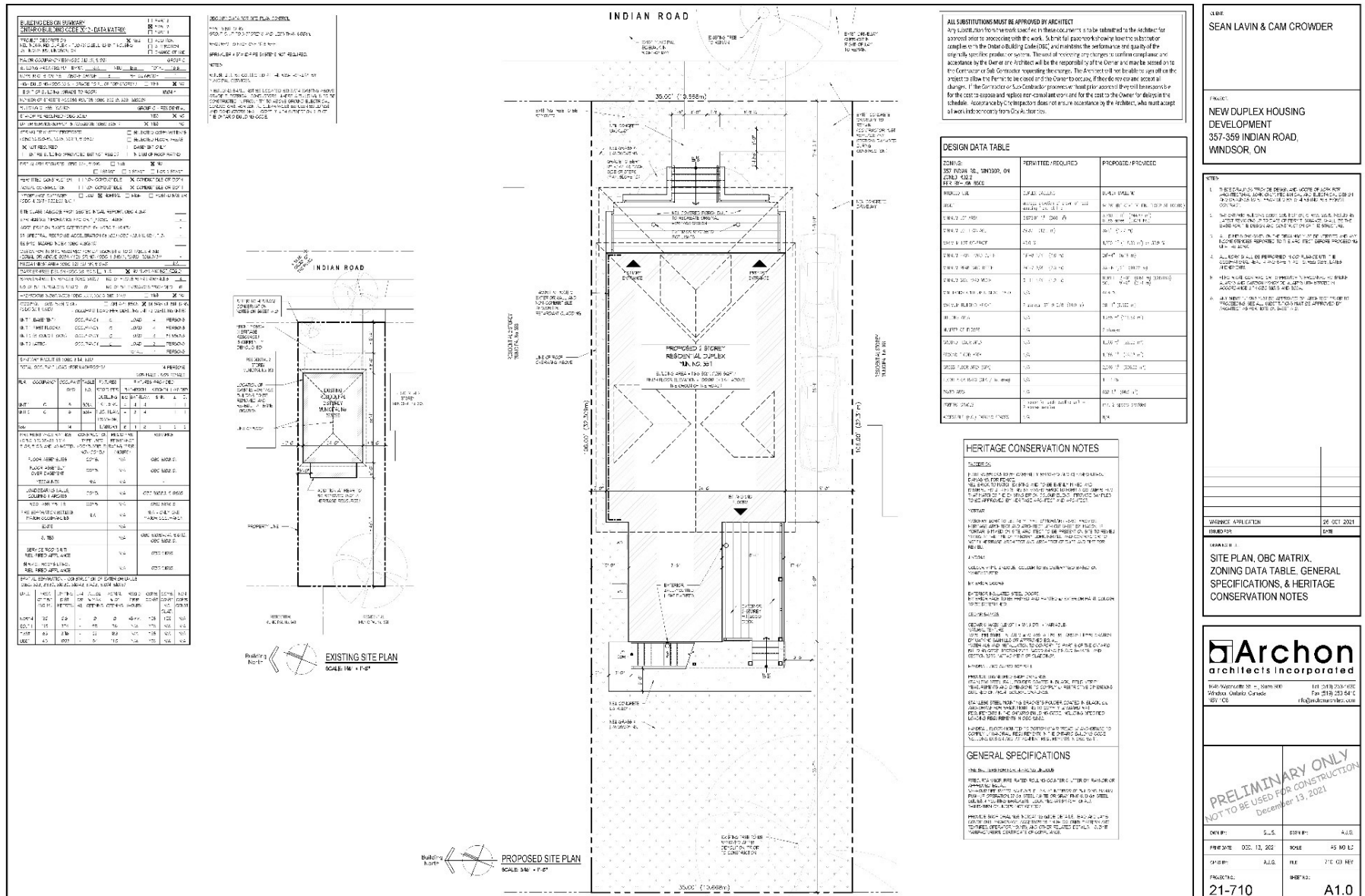
APPENDIX 'A'

EXISTING CONDITIONS



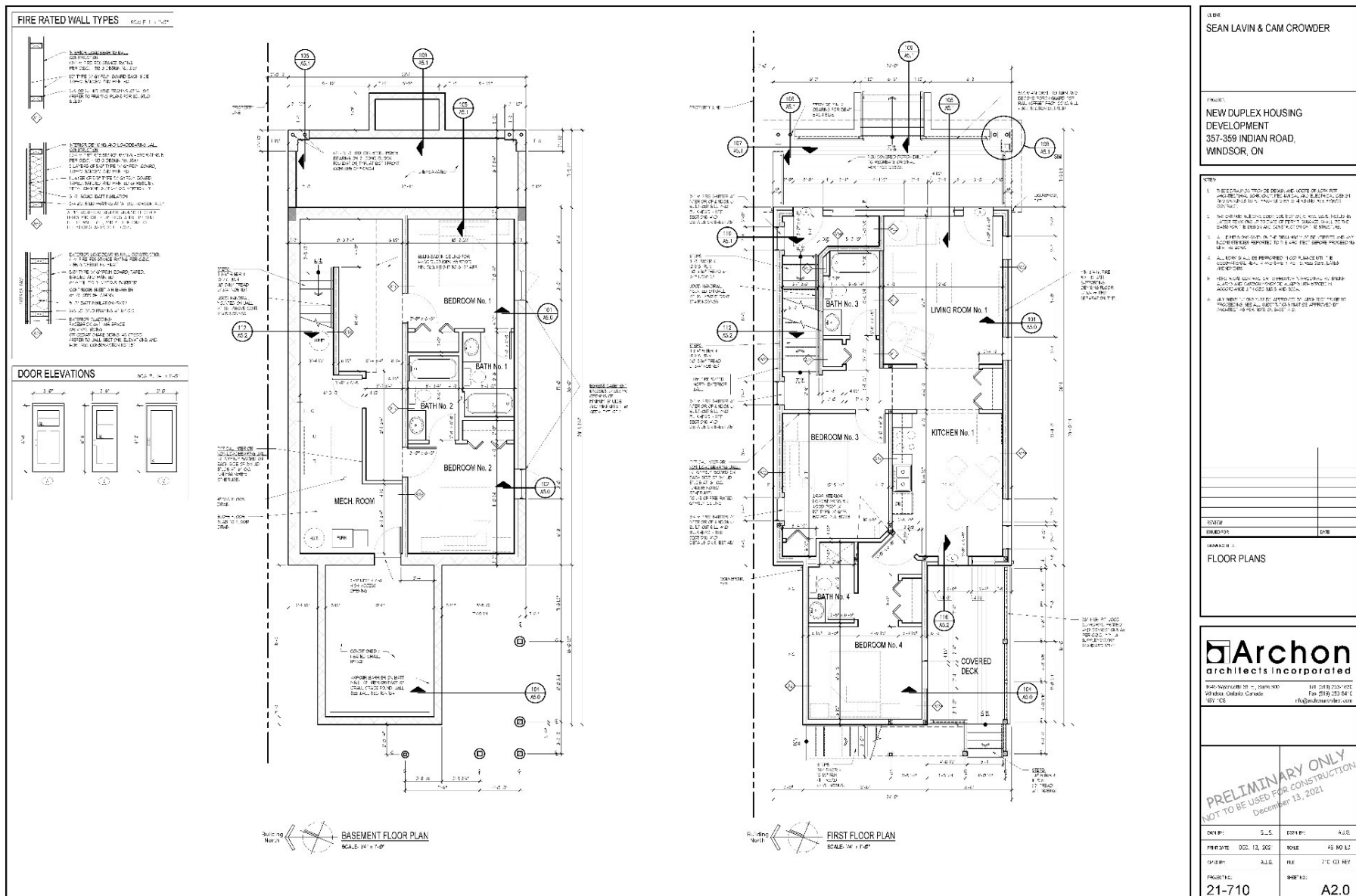
APPENDIX 'B'

PROPOSED REDEVELOPMENT



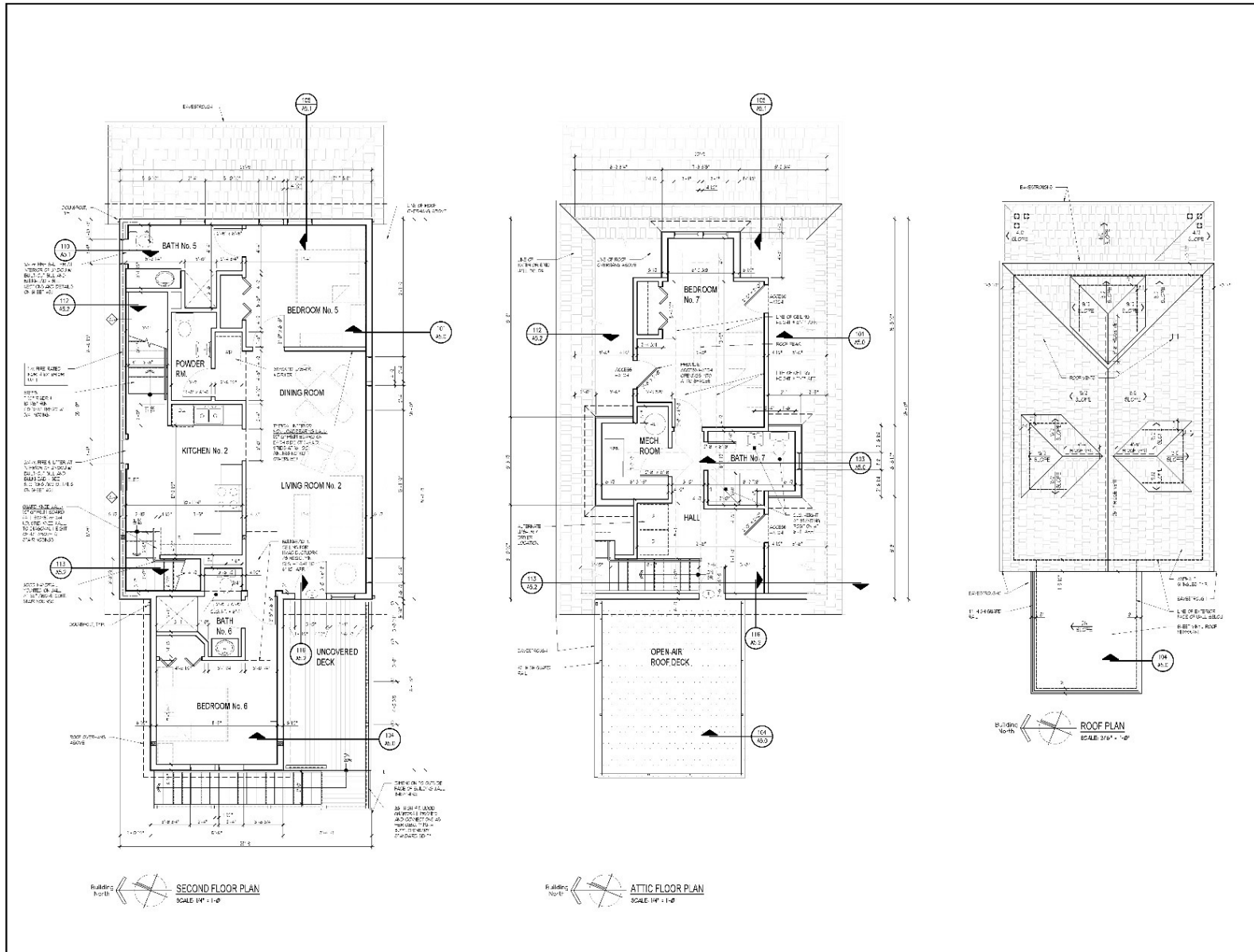
APPENDIX 'B'

PROPOSED REDEVELOPMENT



APPENDIX 'B'

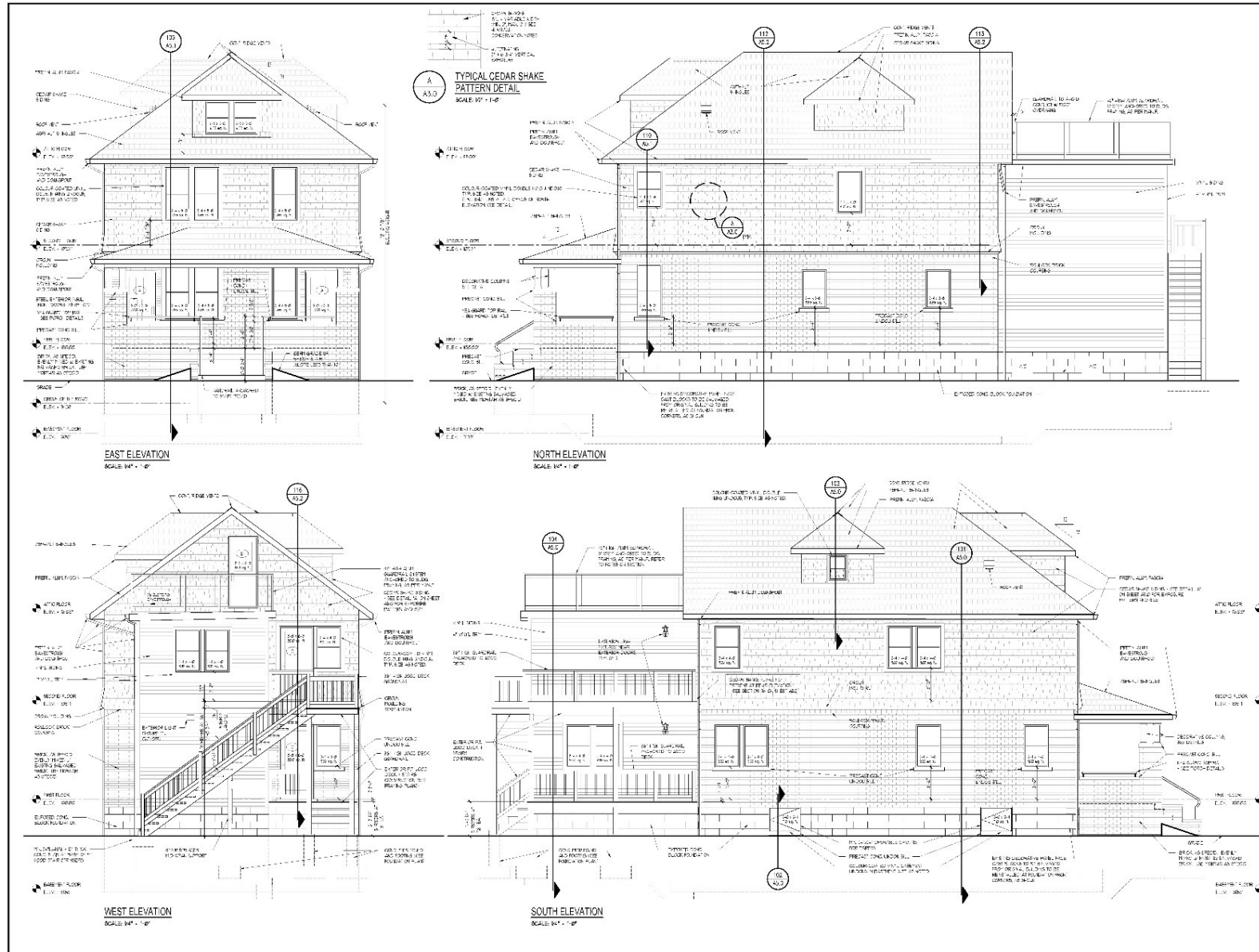
PROPOSED REDEVELOPMENT



CLIENT: SEAN LAVIN & CAM CROWDER	
PROJECT: NEW DUPLEX HOUSING DEVELOPMENT 357-359 INDIAN ROAD, WINDSOR, ON	
NOTES: 1. ALL DIMENSIONS SHOWN ARE IN FEET AND INCHES. DIMENSIONS IN PARENTHESES ARE IN METERS. 2. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS SHOWN ARE TO THE FACE OF THE FINISH MATERIAL UNLESS OTHERWISE NOTED.	
DATE:	
REVISION:	
FLOOR PLANS	
Archon architects incorporated 1000 Wellington St. W., Suite 100 Windsor, Ontario Canada N9A 1C5 Tel: (519) 253-0000 Fax: (519) 253-0400 info@archoninc.com	
PRELIMINARY ONLY NOT TO BE USED FOR CONSTRUCTION December 13, 2021	
OWNER:	A.J.S.
DESIGNER:	A.J.S.
DATE:	DEC. 13, 2021
ROLE:	AS NO LG
FILE:	710-001 REV
PROJECT:	21-710
DATE:	A2.1

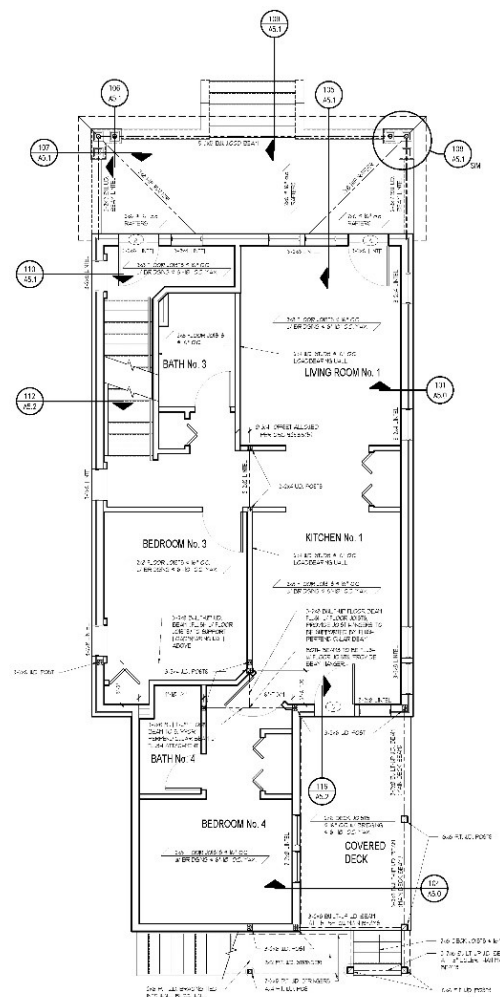
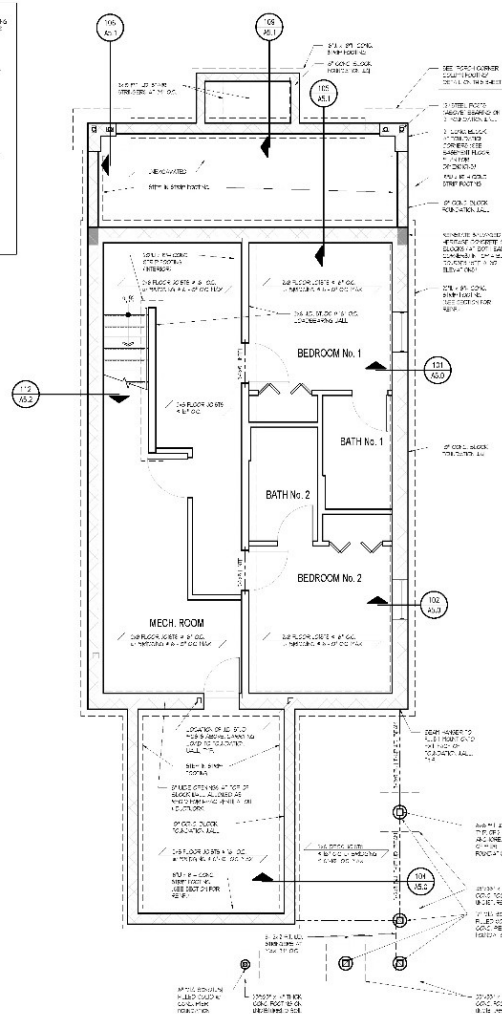
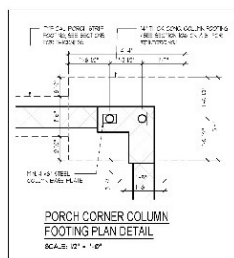
APPENDIX 'B'

PROPOSED REDEVELOPMENT



CLIENT SEAN LAVIN & CAM CROWDER	
PROJECT NEW DUPLEX HOUSING DEVELOPMENT 357-359 INDIAN ROAD, WINDSOR, ON	
NOTES 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL BUILDING CODE (CNBC) AND THE ONTARIO BUILDING CODE (OBC). 2. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL ELECTRICAL CODE (CNEC) AND THE ONTARIO ELECTRICAL CODE (OEC). 3. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL PLUMBING CODE (CNPC) AND THE ONTARIO PLUMBING CODE (OPC). 4. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL MECHANICAL CODE (CNMC) AND THE ONTARIO MECHANICAL CODE (OMC). 5. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL FIRE CODE (CNFC) AND THE ONTARIO FIRE CODE (OFC). 6. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL SAFETY CODE (CNSC) AND THE ONTARIO SAFETY CODE (OSC). 7. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL ENVIRONMENTAL CODE (CNEC) AND THE ONTARIO ENVIRONMENTAL CODE (OEC). 8. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL ACCESSIBILITY CODE (CNAC) AND THE ONTARIO ACCESSIBILITY CODE (OAC). 9. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL ENERGY CODE (CNEC) AND THE ONTARIO ENERGY CODE (OEC). 10. ALL WORK SHALL BE IN ACCORDANCE WITH THE CANADIAN NATIONAL TRANSPORTATION CODE (CNTC) AND THE ONTARIO TRANSPORTATION CODE (OTC).	
REVIEW	DATE
REVISIONS	
DRAWING NO. 1 ELEVATIONS	
Archon architects incorporated 1000 WARDEN AVENUE, SUITE 100 WILLOWDALE, ONTARIO M2H 1G7 TEL: (416) 223-1000 FAX: (416) 223-1001 INFO@ARCHONONLINE.COM	
PRELIMINARY ONLY NOT TO BE USED FOR CONSTRUCTION December 13, 2021	
OWNER:	S.L.S.
DATE:	DEC 13, 2021
PROJECT:	NEW DUPLEX HOUSING DEVELOPMENT
21-710	A3.0

PROPOSED REDEVELOPMENT



SEAN LAVIN & CAM CROWDER

NEW DUPLEX HOUSING
DEVELOPMENT
357-359 INDIAN ROAD,
WINDSOR, ON

1. The first step in preparing the 2008 consolidated income statement for ABC and DEF is to determine the amount of income tax expense to be reported on the consolidated income statement.
2. The second step is to determine the amount of income tax expense to be reported on the consolidated income statement. This is done by multiplying the consolidated taxable income by the applicable tax rate.
3. The third step is to determine the amount of income tax expense to be reported on the consolidated income statement. This is done by multiplying the consolidated taxable income by the applicable tax rate.
4. The fourth step is to determine the amount of income tax expense to be reported on the consolidated income statement. This is done by multiplying the consolidated taxable income by the applicable tax rate.
5. The fifth step is to determine the amount of income tax expense to be reported on the consolidated income statement. This is done by multiplying the consolidated taxable income by the applicable tax rate.
6. The sixth step is to determine the amount of income tax expense to be reported on the consolidated income statement. This is done by multiplying the consolidated taxable income by the applicable tax rate.

FRAMING PLANS



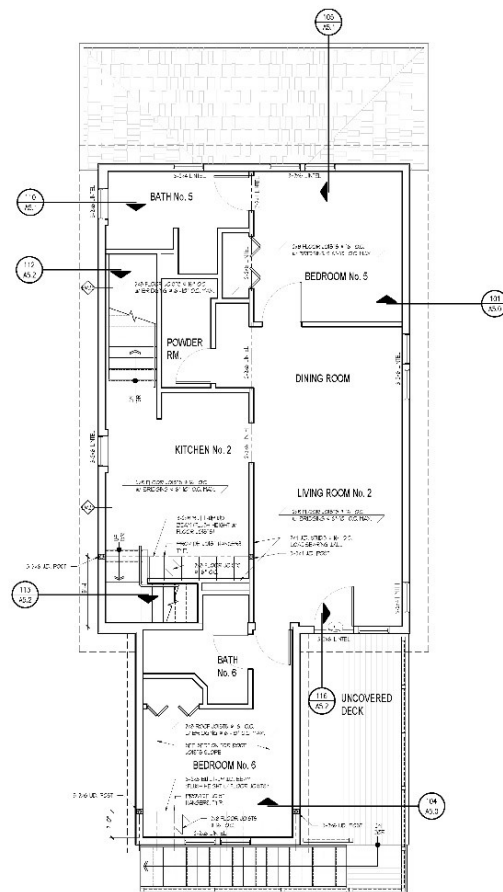
1940 Waverille St. E., Suite 303
Windsor, Ontario, Canada
N9Y 1C8
Tel: (519) 253-1688
Fax: (519) 252-5471
info@harcourt.com

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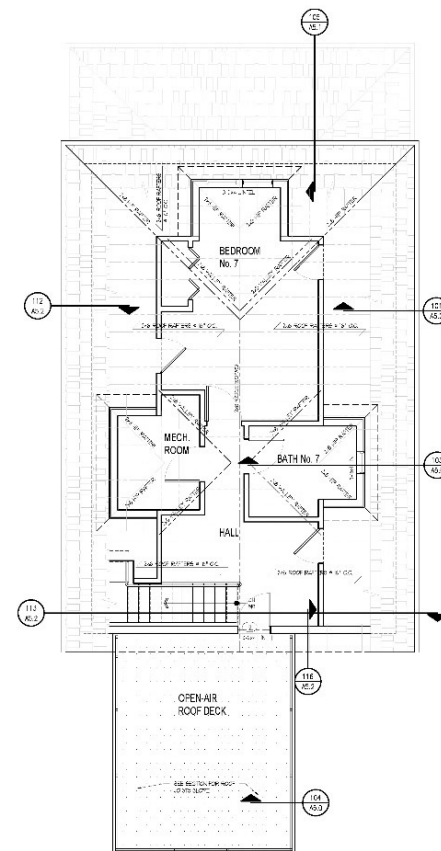
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PRINT DATE:	DEC 13, 2021	DATE:	AS NOTED
QTY BY:	AJC	FILE:	710 22 RES
PRINT DATE:		DATE:	
21-710		A4.0	

APPENDIX 'B'

PROPOSED REDEVELOPMENT



ATTIC FLOOR FRAMING PLAN



Building North

ROOF FRAMING PLAN

SCALE: 1/4" = 1'-0"

CLIENT
SEAN LAVIN & CAM CROWDER

**NEW DUPLEX HOUSING
DEVELOPMENT
357-359 INDIAN ROAD,
WINDSOR, ON**

NOTES

- [illegible]

3470 E 90

REQUIRED FILES

CRATING TIME

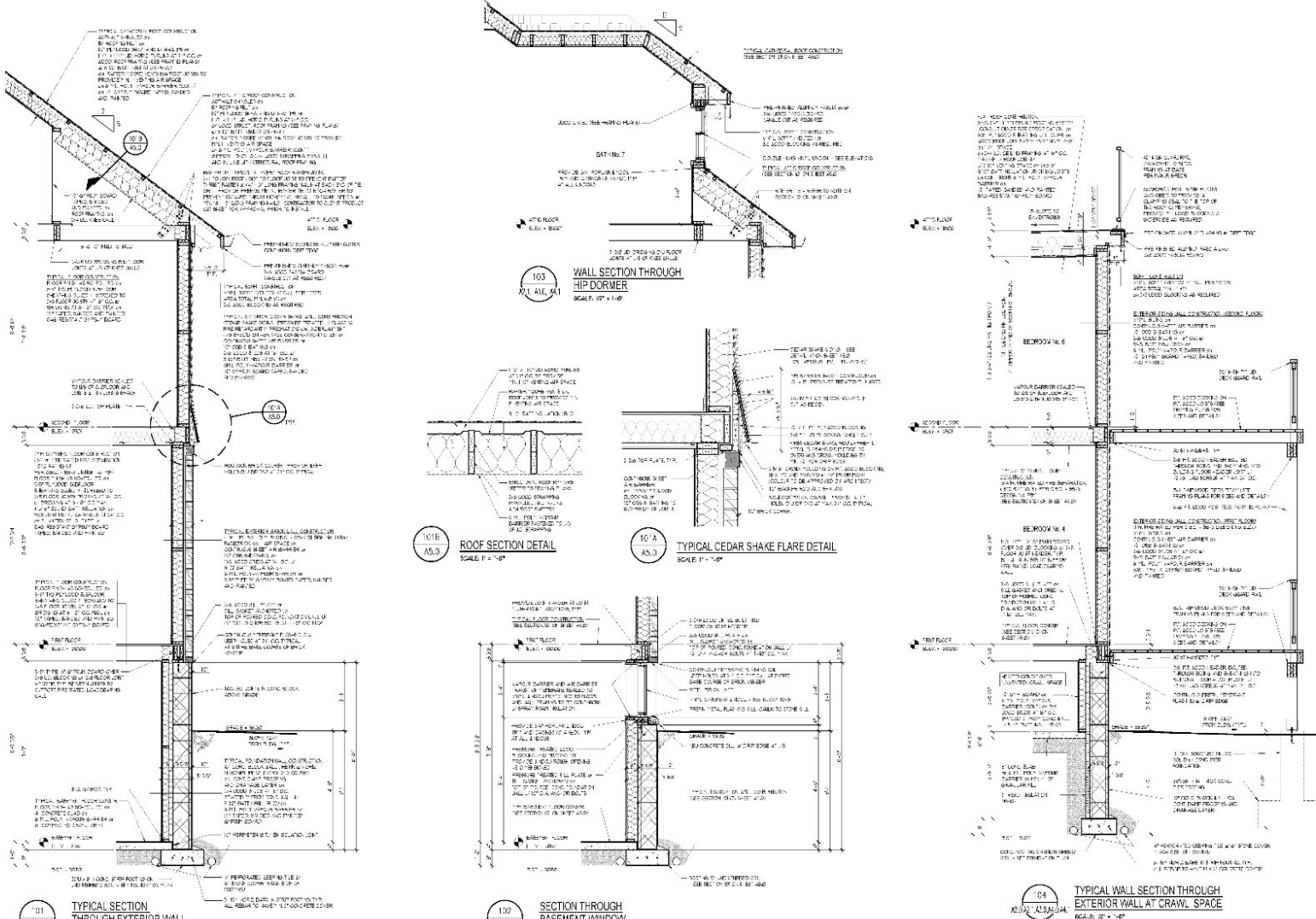
FRAMING PLANS



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DATE:	U.S.	DATE:	A.G.
WFO OFF:	DEC. 15, 2022	FILE:	43 NOTED
CHIEF:	A.J.G.	FILE:	710 C1 REV
PROJECTING:		SHEETING:	
21-710			A4.1

PROPOSED REDEVELOPMENT



SEAN LAVIN & CAM CROWDER

**NEW DUPLEX HOUSING
DEVELOPMENT**
357-359 INDIAN ROAD,
WINDSOR, ON

1. TO HAVE A PERSONAL PROCEEDING IN ORDER TO OBTAIN AN ORDER OF ARREST
2. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
3. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
4. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
5. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
6. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
7. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
8. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
9. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME
10. TO OBTAIN AN ORDER OF ARREST FOR THE PURPOSE OF OBTAINING A WARRANT TO SEARCH A PERSON'S HOME

NO-20-25	
其他, 但不在此	其他,

WALL SECTIONS



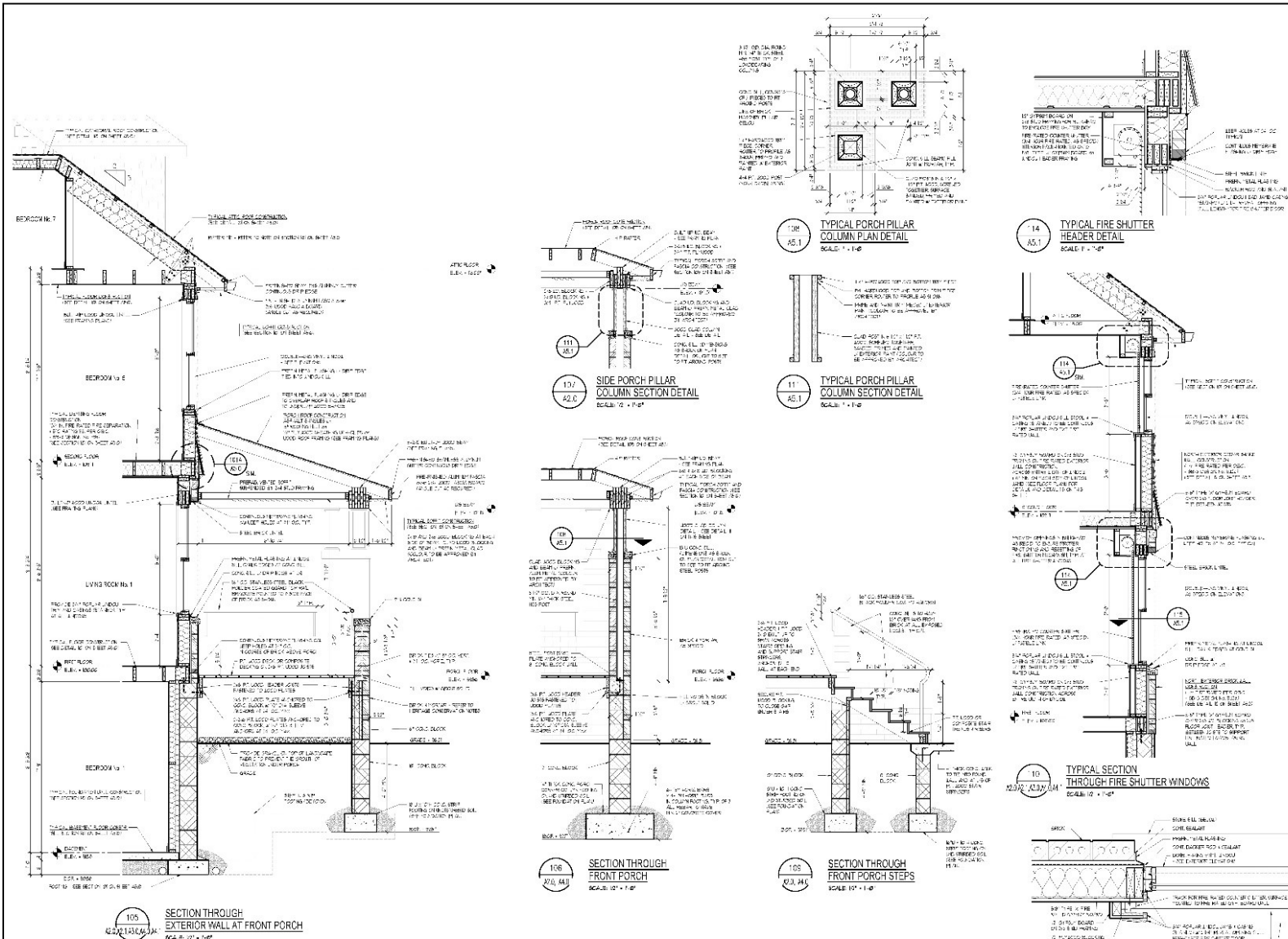
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architects incorporated

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CHG BY	A.J.G.	FILE	110 CJ Rev
PROJECT NO.	SHEET NO.		
21-710	A5.0		

PROPOSED REDEVELOPMENT



SEAN LAVIN & CAM CROWDER

**NEW DUPLEX HOUSING
DEVELOPMENT
357-359 INDIAN ROAD,
WINDSOR, ON**

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ISSUE 181215
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ISSUED BY	S.S.	RECEIVED BY	A.J.G.
DATE	DEC. 12, 2021	DATE	AS NOTED
ISSUED BY	A.L.C.	FILE	710 DE REV
PROJECT NO.	21-710	REVISION	A5.1

APPENDIX 'B'

PROPOSED REDEVELOPMENT

SEAN LAVIN & CAM CROWDER

NEW DUPLEX HOUSING
DEVELOPMENT
357-359 INDIAN ROAD,
WINDSOR, ON

- NOTES:
1. SEE PLAN FOR THE LOCATION OF THE DEVELOPMENT AND THE LOCATION OF THE EXISTING BUILDING.
 2. THE EXISTING BUILDING IS TO BE DEMOLISHED AND THE NEW BUILDING IS TO BE CONSTRUCTED ON THE SAME SITE.
 3. THE NEW BUILDING IS TO BE CONSTRUCTED TO THE EXISTING FOUNDATION AND THE EXISTING FOUNDATION IS TO BE REINFORCED.
 4. THE NEW BUILDING IS TO BE CONSTRUCTED TO THE EXISTING FOUNDATION AND THE EXISTING FOUNDATION IS TO BE REINFORCED.
 5. THE NEW BUILDING IS TO BE CONSTRUCTED TO THE EXISTING FOUNDATION AND THE EXISTING FOUNDATION IS TO BE REINFORCED.
 6. THE NEW BUILDING IS TO BE CONSTRUCTED TO THE EXISTING FOUNDATION AND THE EXISTING FOUNDATION IS TO BE REINFORCED.

REVISION	DATE
1	2022.12.13
2	2022.12.13
3	2022.12.13
4	2022.12.13
5	2022.12.13
6	2022.12.13
7	2022.12.13
8	2022.12.13
9	2022.12.13
10	2022.12.13

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DATE:	S.D.	DATE:	A.S.
DATE:	DEC 13, 2021	DATE:	AS NO. 12
DATE:	A.S.	DATE:	710 02 001
DATE:	21-710	DATE:	A5.2

