Development & Heritage Standing Committee Meeting

Date: Monday, January 13, 2020
Time: 4:30 o’clock p.m.

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

MEMBERS:
Ward 3 – Councillor Rino Bortolin (Chairperson)
Ward 4 – Councillor Chris Holt
Ward 5 – Councillor Ed Sleiman
Ward 7 – vacant
Ward 10 – Councillor Jim Morrison
Lynn Baker
Jolene Bulmer
Andrew Foot
Joseph Fratangeli
Anthony Gyemi
John Miller
Dorian Moore
Jake Rondot
ORDER OF BUSINESS

Item #      Item Description
1.      CALL TO ORDER

2.      DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3.      REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

4.      COMMUNICATIONS

5.      ADOPTION OF THE PLANNING ACT MINUTES

5.1.      Minutes of the Development & Heritage Standing Committee (Planning Act Matters) meeting held December 9, 2019 (SCM 486/2019)

6.      PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

7.      PLANNING ACT MATTERS


7.2.      Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for vacant land located on the southwest corner of Wyandotte St. E. and Florence Ave. intersection; File Nos. SDN-003/19 [SDN/5831] and Z-013/19 [ZNG/5875]; Applicant - VGA Investment Inc., Ward 7 (S 238/2019)

8.      ADOPTION OF THE MINUTES

8.1.      Adoption of the Development & Heritage Standing Committee minutes of its meeting held December 9, 2019 (SCM 457/2019)
9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS

10.1. Heritage Recognition 2020 - Presentation of Built Heritage Awards (S 232/2019)

10.2. Walker Power Building, 325 Devonshire Road - Request for Heritage Designation (Ward 4) (S 178/2019)

11. ADMINISTRATIVE ITEMS

11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2605385 Ontario Inc. for 1200 University Avenue West (Ward 3) (S 190/2019)

11.2. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Celernes Investment Partners Inc. for 374 Ouellette Ave (Ward 3) (S 234/2019)

11.3. Downtown CIP Grant Applications made by St. Clair Rhodes Development Corp. for 119 Chatham Street and 149 Chatham Street East, Ward 3 (S 233/2019)

12. COMMITTEE MATTERS


13. QUESTION PERIOD

14. ADJOURNMENT
Subject: Minutes of the Development & Heritage Standing Committee (Planning Act Matters) meeting held December 9, 2019
Development & Heritage Standing Committee
(Planning Act Matters)

Date:  Monday, December 9, 2019
Time:  4:30 pm

Members Present:

Councillors
Ward 3 - Councillor Bortolin (Chairperson)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 10 - Councillor Morrison

Members
Member Baker
Member Foot
Member Fratangeli
Member Gyemi
Member Miller
Member Moore
Member Rondot

Member Regrets
Member Bulmer

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor
Michael Cooke, Manager of Planning Policy & Deputy City Planner
Rob Vani, Manager of Inspections & Deputy Chief Building Official
Patrick Winters, Development Engineer
Jim Abbs, Planner III – Subdivisions
George Robinson, Planner II – Revitalization & Policy Initiatives
Justina Nwaesei, Planner III – Subdivisions
Christopher Aspila, Planner III – Policy and Special Studies
Greg Atkinson, Planner III – Economic Development
Laura Diotte, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Ashley D’Alessandro, Clerk Steno Senior
Anna Ciacelli, Supervisor of Council Services
Delegations

Item 7.1 & 7.2  Bill Salzer
Item 7.3  Melanie Muir, Dillon Consulting, representing the applicant  
           John Stasso, resident of Ward 6

Delegations:

1. CALL TO ORDER
The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o'clock p.m.

2. DISCLOURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF
None

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS
None

4. COMMUNICATIONS
None

5. ADOPTION OF THE PLANNING ACT MINUTES
5.1 Minutes of the Planning, Heritage & Economic Development (Planning Act Matters) minutes held November 12, 2019.

   Moved by: Member Gyemi
   Seconded by: Member Moore

   THAT the Planning Act Minutes of the Development & Heritage Standing Committee meeting held November 12, 2019 BE ADOPTED as presented.

   Report Number: SCM 409/2019
   Clerk’s File: MB2019
6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

None

7. PLANNING ACT MATTERS

7.1 7.1. Request for Extension of Draft Approval for Plan of Subdivision (SDN-002/03 as amended), located on the southeast quadrant of Little River Blvd and Florence Avenue intersection; File No. SDN-004/19 [SDN/5941]; Applicant - 2595562 Ontario Limited, o/a Fanelli Real Estate; Ward 7

Justina Nwaesei (author), Senior Planner – is available for questions.

Bill Salzer (agent representing the applicant), Fanelli Real Estate – is available for questions.

Councillor Holt asks if this application adheres to current practices. Mrs. Nwaesei states that no policies have significantly changed since the last approval.

Councillor Holt asks if anything has changed since the original approval in 2003. Mrs. Nwaesei states most of the land was given final approval. The application at hand is a remnant of the original approval.

Moved by: Councillor Sleiman
Seconded by: Member Moore

Decision Number: DHSC 107

 THAT the application of 2595562 Ontario Limited, O/A Fanelli Real Estate for the extension of the Draft Approval of the Plan of Subdivision for the lands located east of Cypress Avenue, from Firgrove Drive to the VIA Railway line, as shown on Map No. SDN-004/19-1 (enclosed) BE APPROVED, and further, that the Draft Plan Approval Extension shall lapse on ____________ (3 years from the date of City Council approval).

Carried.

Report Number: S 218/2019
Clerk’s File: ZP/13641
7.2 Request for Extension Draft Approval for Plan of Subdivision for lands located west of Luxury Avenue, from Firgrove Drive to McHugh Street, as shown on the Location Map below; File No. SDN-005/19 [SDN/5944]; Applicant - 2595562 Ontario Limited, o/a Fanelli Real Estate; Ward 7

Justina Nwaesei (author), Senior Planner – is available for questions.

Bill Salzer (agent representing the applicant), Fanelli Real Estate – is available for questions.

Moved by: Councillor Holt
Seconded by: Member Gyemi

Decision Number: **DHSC 108**
I THAT the application of 2595562 Ontario Limited, O/A Fanelli Real Estate for the extension of the Draft Approval of the Plan of Subdivision for the lands located west of Magnolia Avenue between Firgrove Drive and McHugh Street, as shown on Map No. SDN-005/19-1 (enclosed) **BE APPROVED** and, further, that the Draft Plan Approval Extension shall lapse on ____________ (3 years from the date of approval).

Carried.

Report Number: S 219/2019
Clerk’s File: ZP/13641

7.3 Zoning By-law Amendment - 6550 & 6560 Wyandotte St. E-Management & International Trading Inc. Z017/19 ZNG/5938 - Ward 6

Jim Abbs (author), Senior Planner – presents application.

Melanie Muir (agent representing the applicant), Dillon Consulting Limited – is available for questions.

John Stasso (resident), 6565 Riverside Dr. East – states he has concerns about the water run off during rainstorms.

Mr. Winters responds to Mr. Stasso’s concerns and states that Site Plan Control will review storm water management.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 109**
I THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Part of Lots 120 and 121, Concession 1 (known municipally as 6550 and 6560
Wyandotte Street East) from Residential District (RD) 3.4 (RD3.4) and Holding - Residential District (RD) 2.2 (HRD2.2) with a site specific provision (S. 20 (1) 201) to Residential District (RD) 3.1, with site specific regulations as follows:

i. Lot Frontage: Minimum - 30m

ii. Lot Area: Minimum - As Existing

iii. Main Building Height: Maximum - 24m

iv. Number of Dwelling Units: Maximum – 26

Carried.

Report Number: S 216/2019
Clerk's File: ZB/13640

8. ADJOURNMENT

There being no further business, the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 4:46 o'clock p.m.

__________________________________________
Ward 3 – Councillor Bortolin
(Chairperson)

__________________________________________
Thom Hunt
(Secretary)
Subject: Amendment No. 129 to the Official Plan - Open House Policies – City Wide OPA/5902

Reference:
Date to Council: January 13, 2020
Author: Christopher Aspila MCIP, RPP
Planner III - Policy & Special Studies
Email: caspila@citywindsor.ca
Phone: 519-255-6543 x6446
Planning & Building Services
Report Date: December 16, 2019
Clerk’s File #: ZO/13669

To: Mayor and Members of City Council

Recommendation:
I. THAT Official Plan Amendment No. 129 – Open House Policies BE APPROVED and Official Plan Volume I BE AMENDED by the details of the amendment shown in this report; and,

II. THAT Administration BE DIRECTED to prepare a By-law to implement Official Plan Amendment No. 129.

Background:
The current City of Windsor Official Plan (Volume I: The Primary Plan) was adopted by City Council on October 25, 1999 and approved in part by the Minister of Municipal Affairs and Housing on March 28, 2000 with the remainder being approved by the Ontario Municipal Board on November 1, 2002. City Council has since approved a number of amendments to the Plan, some of which have been site specific while others have introduced changes that effect large areas or even the entire City.

Opportunities exist to learn from previous public participation and update open house practices to improve how the public is consulted. This Official Plan Amendment adds new open house policies that may be used for administrative review of applications, to provide opportunities that increase public awareness of development in Windsor and participation in open houses.

Discussion:
The purpose of this amendment is to add Open House policies to the City of Windsor Official Plan as allowed for under s. 22 (5), 34 (10.2) and 51 (18) of the Planning Act, R.S.O. 1990, c. P. 13. These following sections of the Planning Act are referenced to
provide an understanding of the information that can be required of applicant when requesting various types of development approval:

**Section 22 – Request for amendment (Official Plan)**

**Other information**

(5) A council or a planning board may require that a person or public body that requests an amendment to its official plan provide any other information or material that the council or planning board considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 11 (4).

**Section 34 – Zoning by-laws (Land use controls and related administration)**

**Other information**

(10.2) A council may require that a person or public body that applies for an amendment to a by-law passed under this section or a predecessor of this section provide any other information or material that the council considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 15 (4).

**Section 51 – Plan of subdivision approvals (Subdivision of land)**

**Other information**

(18) An approval authority may require that an applicant provide any other information or material that the approval authority considers it may need, but only if the official plan contains provisions relating to requirements under this subsection. 2006, c. 23, s. 22 (2).

**Policy Changes in the Official Plan Amendment**

For certain applications as identified by the City Planner or designate it may be desirable for the applicant to hold an open house during the pre-consultation stage of the application. The purpose of such an open house is to provide greater opportunity for consultation by the applicant with the residents, property owners and stakeholders who may be impacted by the proposal before the application is deemed to be complete. The intent of this approach is to provide a forum for dialogue with the applicant early in the process. This creates the opportunity for the applicant to make choices about how they may proceed with the application and provides the applicant, Administration and the area residents/property owners with additional information about potential issues that may arise as part of the application.

Official Plan Volume I, Chapter 10, section 10.2.19 – Open House Policies is added to the Plan as follows:
10.2.19 Open House Policies

The applicant may be required to host an open house as part of a complete application for an Official Plan Amendment, Zoning By-law Amendment, Plan of Subdivision or Plan of Condominium and produce a report summarizing the results of the open house. The open house and the report will be provided at the applicant’s expense.

**Purposes 10.2.19.1**

The purpose of the open house is to provide opportunity for consultation by the applicant with the area residents/property owners who may be impacted by the proposal before the application is deemed to be complete.

**Components of Open House 10.2.19.2**

The open house should be held at a location that is accessible to the public and may be accessed by walking, bicycling and public transit and should be located within 1km of the site of the proposed development when practical. The location should be in a structure that meets or exceeds the requirements of the Accessibility for Ontarians with Disabilities Act. The pre-consultation open house should be comprised of the following components:

(a) Notice to the area residents/property owners, as required by the City Planner;

(b) Attendance of assigned municipal planner(s);

(c) Display boards which provide the primary details of the application;

(d) Copies of any reports or studies that have been prepared as part of the application; and

(e) The availability of the applicant or the applicant’s agent to answer any questions that the public may have about the application.

**Report Contents 10.2.19.3**

The open house report shall be comprised of the following contents:

(a) A summary of the results of the open house including issues raised and responses provided;

(b) A copy of the Notice provided;

(c) A copy of any presentation(s) and graphics;

(d) A copy of written questions from the public and written responses to these questions by the applicant; and
A subsequent amendment on the topic of public notification policies is expected to be brought forward following the release of updated Regulations under the Planning Act from Bill 108 pertaining to official plans, land use controls and subdivision of land.

Risk Analysis:

N/A

Financial Matters:

Open house fees are not included as part of any existing fee charged by the Planning and Building Department. This would be a new set fee to offset the time of one planner to attend a typical 2-hour open house event. This fee will be added to the Planning Department’s Schedule of Fees.

Consultations:

Finance, Legal

Conclusion:

This amendment to the City of Windsor Official Plan will provide greater opportunity for participation in planning matters through open houses that will lead to dialogue between applicants and area residents/property owners.

Planning Act Matters:

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

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

*Thom Hunt MCIP, RPP  Executive Director / City Planner*

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

SAH  OC
## Approvals:

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<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Don Nantais</td>
<td>Financial Planning Administrator</td>
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<td>Michael Cooke</td>
<td>Manager of Planning Policy / Deputy City Planner</td>
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<td>Thom Hunt</td>
<td>Executive Director / City Planner</td>
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<td>Wira Vendrasco</td>
<td>Deputy City Solicitor – Legal and Real Estate</td>
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<td>Shelby Askin Hager</td>
<td>City Solicitor and Corporate Leader, Economic Development and Public Safety</td>
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<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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## Notifications:

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Subject: Approval of a Draft Plan of Subdivision and Zoning By-law Amendment for vacant land located on the southwest corner of Wyandotte St. E. and Florence Ave. intersection; File Nos. SDN-003/19 [SDN/5831] and Z-013/19 [ZNG/5875]; Applicant - VGA Investment Inc., Ward 7

Reference:
Date to Council: January 13, 2020
Author: Justina Nwaesei, MCIP, RPP
Senior Planner, Subdivisions
519 255-6543 ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: December 12, 2019
Clerk’s File #: ZP/13552 ZB/13550

To: Mayor and Members of City Council

Recommendation:
I THAT Zoning By-law 8600 BE AMENDED by changing the zoning of the lands described as Part of Lot 138, Concession 1, and further described as Block 35 on Map No. SDN-003/19-1, from Development Reserve District 1.1 (DRD1.1) to Green District 1.4 (GD1.4) subject to the following site specific zoning provision:

“383. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND FLORENCE AVENUE

“For the lands comprising Part of Lot 138, Concession 1, and further described as Block 35 on Map No. SDN-003/19-1, sections 5.8.1 and 5.8.5 shall not apply, and site alteration is not permitted, except after the local Aboriginal communities are consulted and Ministry of Tourism, Culture & Sports (MTCS) has issued its clearance. [ZDM 14; ZNG/5875].”

II THAT Zoning By-law 8600 BE AMENDED by changing the zoning of the lands described as Part of Lot 138, Concession 1, and further described as Block 36 on Map No. SDN-003/19-1, from Development Reserve District 1.1 (DRD1.1) to Green District 1.5 (GD1.5).

III THAT Zoning By-law 8600 BE AMENDED by changing the zoning of the lands described as Part of Lot 138, Concession 1, as in R1158427 save and except Part 1, Plan 12R-22261, along with the abutting north/south alley to be closed and acquired and be further described in a Reference Plan, excluding Blocks 35 & 36 on Map No. SDN-003/19-1, from Development Reserve District 1.1 (DRD1.1) to Residential District 2.1 (RD2.1) with a holding prefix.
IV  THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the ‘H’ symbol and the following conditions are satisfied:

a) The Owner(s) apply to remove the hold provision; and

b) Registration of a Final Plan of Subdivision.

V  THAT the application of VGA Investment Inc. for Draft Plan of Subdivision approval for Part of Lot 138, Concession 1, as in R1158427 save and except Part 1, Plan 12R-22261, along with the abutting north/south alley to be closed and acquired and be further described in a Reference Plan, **BE APPROVED** subject to the following conditions:

A. That the Draft Plan Approval shall lapse on ____________ (3 years from the date of approval);

B. That this approval applies to the draft plan of subdivision presented on attached Map No. SDN-003/19-1, prepared by VERHAEGEN Land Surveyors for VGA Investment Inc., Reference No. 19-47-421-00, dated December 10, 2019, showing 19 Lots for single unit dwellings, 15 blocks for semi-detached dwellings, lands to be conveyed for parkland (Block 35) and storm water management pond (Block 36), proposed road allowances (Streets A & B) including Florence Avenue extension plus the abutting north/south alley (to be closed and acquired and further described in a Reference Plan);

C. That the owner(s) shall enter into a subdivision agreement with the Corporation of the City of Windsor for the proposed development on the subject land;

D. That, prior to the submission of the final draft M-Plan, the Owner(s) shall, at its expense, apply to close and acquire the existing adjacent north-south alley to increase the width of the proposed Florence Avenue Road allowance to conform to the Official Plan requirements.

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

F. That the subdivision agreement between the Owner(s) and the Corporation of the City of Windsor be registered on title and shall contain, among other matters, the following provisions:

1. The Owner(s) shall include all items as set out in the Results of Circulation (Appendix D, attached) with further amendments as required and other relevant matters set out in CR 233/98 (Standard Subdivision Agreement).

2. The Owner(s) shall:
i) undertake an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the City Engineer and the Essex Region Conservation Authority;

ii) install any stormwater management measures identified above, as part of the development of the site, to the satisfaction of the City Engineer and the Essex Region Conservation Authority; and

iii) obtain the necessary permit or development clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

3. Servicing Study: The Owner(s) shall:

i) retain a consulting engineer to review the existing and proposed sewer system for this development to determine its effect on the municipal sewer system. The Study shall be done to the satisfaction of the City Engineer and the Chief Building Official;

ii) have Stormwater management designed in accordance with the newly adopted Windsor/Essex Region Stormwater Management Standards Manual, to the satisfaction of the City Engineer; and

iii) demonstrate, to the satisfaction of the City Engineer, that no negative impacts to existing properties will be realized by the surrounding community, before the proposed development will be allowed to proceed.

4. Corner Cut-off: The Owner(s) shall, prior to final draft M-plan approval, gratuitously convey corner cut offs at the following locations in accordance with City of Windsor Standard Drawing AS-230, to the satisfaction of the City Engineer and City Solicitor:

i) 4.6mx4.6m (15'x15') corner cut off at the southwest corner of the Wyandotte Street East and Florence Avenue intersection;

ii) 4.6mx4.6m (15'x15') corner cut off at the northwest and southwest corners of the intersection between Florence Avenue and Street A; and

iii) 4.6mx4.6m (15'x15') corner cut off at the northwest and southwest corners of the intersection between Florence Avenue and Street B.

5. Additional Conveyance Requirements: The Owner(s) shall, prior to final draft M-plan approval, gratuitously convey:

i) Block 36 on Map No. SDN-003/19-1 to the Corporation of the City of Windsor for Storm Water Management (SWM) Facility SWM purposes and to provide part of the required buffer from the Little River Pollution Control Future Treatment Plant Expansion per Ministry of Environment, Conservation & Parks’ guidelines, to the satisfaction of the City Engineer and City Solicitor; and
ii) Block 37 on Map No. SDN-003/19-1 to the Corporation of the City of Windsor for future road allowance (Florence Avenue extension), to the satisfaction of the City Engineer and City Solicitor;

6. Sidewalks: The Owner(s) shall construct, at its expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, concrete sidewalks on both sides of Florence Avenue, and on one side of Streets A and B.

7. The Owner(s) shall construct all sidewalks in conformity with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA) and to construct all accesses in conformity to the TAC Geometric Design for Canadian Roads and the City of Windsor Standard Engineering Drawings, to the satisfaction of the City Engineer.

8. Oversizing: The Owner(s) shall pay to the Corporation of the City of Windsor, prior to the issuance of a construction permit, its share of the costs as determined by the City Engineer for previously oversized services that were constructed to ensure that the subject lands could be serviced.

9. Servicing of abutting lots: The Owner(s) shall, at its entire expense, install required municipal services to the lots along the east limit of the abutting north/south alley, being Lots 34 to 44 (incl.) on Registered Plan 1142. All work is to be completed to the satisfaction of the City Engineer.

10. East side Florence Avenue abutting properties cost sharing: Upon completion of the infrastructure services noted in paragraph 9 above, the Owner(s) shall, prior to final approval of the Plan of Subdivision, create a 0.3m wide reserve on the M-Plan along the entire east limit of the north/south alley located at the west limit of lots 34 to 44 on RP 1142, to the satisfaction of the City Engineer and City Planner.

Individual property owners of Lots 34 to 44 RP 1142 will have the option of connecting into the infrastructure services within the Florence Avenue extension upon payment to the Owner, the individual property owner’s proportionate share of costs of this infrastructure. After payment of the proportionate share of said infrastructure costs, the corresponding portion of the 0.3m reserve abutting such individual owner’s property will BE DECLARED a public highway.

In the event that some or all of the individual property owners of Lots 34 to 44 RP 1142 have not paid their proportionate share of the infrastructure costs, then the Corporation agrees to pay to the Owner, the Owner’s servicing costs attributable to Lots 34 to 44 RP 1142 less any payments collected by the Owner from the individual property owners. The Corporation agrees to pay these costs to the Owner, subject to budget approval, no earlier than three (3) years following substantial performance of this subdivision agreement, as indicated by the commencement of the maintenance period.
11. Cul-De-Sac: The Owner(s) shall agree to construct a cul-de-sac with a minimum radius of 9.5m at the westerly limit of Street A and at the south limit of Florence Avenue extension.

12. Species at Risk/ Habitat Protection: The Owner(s) shall design the subdivision such that the existing perimeter hedgerows are retained, and furthermore, that the shrub thicket to the south will not be disturbed in any way, to the satisfaction of the City Planner.

13. Fencing Requirement: The Owner(s) shall install a non-permeable 1.8m (6ft) fence with no gates between the boundaries of the proposed residences and the proposed parkland (Block 35 on Map No. SDN-003/19-1) as a condition of the Subdivision development, to the satisfaction of the City’s Landscape Architect.

14. Parkland Conveyance: The Owner(s) shall, prior to the issuance of a construction permit, convey Block 35 to the Corporation primarily for park purposes in accordance with Section 51.1 of the Planning Act, and for other purposes noted below, to the satisfaction of the Executive Director of Parks, City Engineer and City Planner:

   i) to provide part of the required setback/buffer from the Little River Pollution Control Future Treatment Plant Expansion per Ministry of Environment, Conservation & Parks’ guidelines;
   ii) protection of existing south and west hedgerows, per Ministry of Natural Resources & Forestry’s guidelines
   iii) protection of 20m-wide southerly Archaeological Potential Zone per Ministry of Tourism, Culture & Sport’s guidelines.

15. Climate Change Considerations - New Trees: The owner(s) shall

   i) plant new trees in the parkland allowance (block 35), to the satisfaction of the Executive Director of Parks; and
   ii) comply with the requirement that new trees planted as a result of approval of this development shall incorporate native species and be adaptable to future climate models projecting increased hot days and average temperatures to 2050, to the satisfaction of the Executive Director of Parks and the City Engineer.

16. Noise Control Measures for Blocks 26 to 34 (inclusive): The Owner(s) shall at its entire expense

   i) install a noise barrier fence along Wyandotte Street East as recommended in the October 10, 2018 Acoustic Assessment Report prepared by Akoustik Engineering Limited; and
   ii) ensure that ducting is provided for the installation of Central Air Conditioning for all the affected lots, to the satisfaction of the Chief Building Official.
17. Warning Clause(s) for Blocks 26 to 34 (inclusive): The Owner(s) shall place the following warning clauses in all Offers to Purchase, and Agreement of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit that backs onto, or has a shared property line with Wyandotte Street East:

i) “Purchasers/tenants are advised that despite the inclusion of noise control features in the development and within the building units, sound levels due to increasing road traffic (rail traffic) (air traffic) may on occasions interfere with some activities of the dwelling occupants as the sound levels exceed the sound level limits of the Ministry of Environment, Conservation & Parks.”

ii) “This dwelling unit has been designed with the provision for adding central air conditioning at the occupant’s discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Ministry of Environment, Conservation & Parks.”

18. Warning clause for proximity to a Sewage Treatment Plant: The Owner(s) shall place the following warning clause(s) in all Offers to Purchase, and Agreement of Purchase or Sale or lease between the Owner(s) and all prospective home buyers, and in the title of each dwelling unit within the subject subdivision:

iii) “Purchasers/tenants are advised that an existing sewage treatment plant is located west of the subject land and an easterly expansion of the treatment facility is anticipated in the future. As a result of the proximity of the existing and future treatment facilities to the proposed new developments, it is possible that the new treatment facilities could occasionally emit odours that could interfere with some activities of the dwelling occupants.”

19. The Owner(s) shall place the following warnings in all Offers to Purchase, Agreements of Purchase and Sale or lease between the Owner(s) and all prospective home buyers, and in the title:

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

20. The Owner(s) shall:

i) relocate any existing Bell Canada facilities or easements found to be in conflict with the proposed development;

ii) contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to
service the development; and, where the required infrastructure is unavailable, the owner(s) shall agree to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure or demonstrate to the satisfaction of the City Engineer and Chief Building officer that sufficient alternative communication/telecommunication will be provided to enable the effective delivery of communication/telecommunication services for emergency management services.

NOTES TO DRAFT APPROVAL (File # SDN-001/19)

1. The applicant is directed to Section 51(39) of The Planning Act 1990 regarding appeal of any imposed conditions to the Local Planning Appeal Tribunal. Appeals are to be directed to the City Clerk and Licence Commissioner of the City of Windsor.

2. It is the applicant's responsibility to fulfil the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the City of Windsor, to the attention of the Executive Director/City Planner, quoting the above-noted file number.

3. Required agreements with the Municipality will be prepared by the City Solicitor.

4. The applicant should consult with an Ontario Land Surveyor for this proposed plan concerning registration requirements relative to the Certification of Titles Act.

5. The final plan approved by the Corporation of the City of Windsor must be registered within thirty (30) days or the Corporation may withdraw its approval under Section 51(59) of The Planning Act 1990.

6. All plans of subdivision/condominium are to be prepared and presented in metric units and certified by the Ontario Land Surveyor that the final plan is in conformity to the approved zoning requirements.

7. Where agency conditions are included in the City’s Subdivision Agreement, the Applicant is required to forward a copy of the agreement to the agencies in order to facilitate their clearance of conditions for final approval of this plan.

VI THAT the City Clerk and Licence Commissioner BE AUTHORIZED to issue the required notice respecting approval of the draft plan of subdivision under Section 51(37) of The Planning Act.

VII THAT the subdivision agreement shall BE REGISTERED against lands to which it applies prior to the final registration of the Plan of Subdivision.

VIII THAT prior to the final approval by the Corporation of the City of Windsor, the Executive Director / City Planner of the Planning and Building Department shall BE ADVISED, in writing, by the appropriate agencies that conditions have been satisfied.

IX THAT the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary agreements and documents approved as to form and content satisfactory to the City Solicitor.
Executive Summary:
N/A.

Background:
1. KEYMAP
2. APPLICATION INFORMATION:

LOCATION:
Southwest corner of Wyandotte St. E. and Florence Avenue intersection, more particularly described as Part of Lot 138, Concession 1, as in R1158427 save and except Part 1, Plan 12R-22261, geographic township of Sandwich East, now in the City of Windsor, County of Essex.

WARD: 7  PLANNING DISTRICT: 03- EAST RIVERSIDE  ZDM: 14

APPLICANT: VGA INVESTMENT INC. (C/O SAM DAWOOD)

AUTHORIZED AGENT: TRACEY PILLON-ABBS

PROPOSAL:
The applicant is requesting an amendment to Zoning By-law 8600 and approval of a Draft Plan of Subdivision to permit the following:

- A change from the current zoning category of the subject land - Development Reserve District 1.1 (DRD1.1) to two new zoning categories - Residential District 2.1 (RD2.1) and Green District 1.1 (GD1.1).

- The creation/development of 19 Lots for single detached dwellings and 15 blocks for semi-detached dwellings (resulting in 49 dwelling units, total) on the southwest corner of Wyandotte Street East and Florence Avenue intersection. The proposed Draft Plan of Subdivision includes two new road allowances (shown as Streets A and B), Florence Avenue extension, an L-shaped buffer area (shown as Block 35), a storm water management facility (proposed dry pond) and an abutting 3.05m-wide north/south alley to be closed and acquired by the applicant.

The subject land is a vacant agricultural parcel, designated “Residential” in the Land Use Schedule D of the Official Plan; therefore, Official Plan Amendment is not required for the proposed development on the subject land.

SUBMISSIONS BY APPLICANT:
- Plan of Subdivision Application form, signed and commissioned
- Zoning By-law Amendment Application Form, signed and commissioned
- Land Transfer Document / deed
- Planning Rationale Report
- Draft Plan of Subdivision
- Development Concept Plan
- Storm and Sanitary Sewer Studies and Storm Retention Scheme
- Stage 1 Archaeological Background Study & Stage 2 Archaeological Property Assessment,
- Acoustic Assessment,
- Ingress/Egress Report,
- Topographic Survey,
- Tree Inventory & Preservation Plan Report, and
- Natural Site Features Inventory & Preservation Study prepared by Goodban Ecological Consulting Inc. (GEC) [includes, as Appendix C, 2017-2018 Correspondence between GEC & Aylmer MNRF]
PROPOSED PLAN OF SUBDIVISION:

NOTE: FOR INFORMATION ONLY. SEE LARGE SCALE DRAWINGS FOR FURTHER DETAILS.

DRAFT PLAN OF SUBDIVISION

MAP NO: SDN-003/19-1
APPLICANT: VGA INVESTMENTS INC.
CITY OF WINDSOR PLANNING DEPARTMENT

PREPARED BY: VERHAEGEN
LAND SURVEYORS
PLAN CAD DATE: DEC. 10, 2019
PLAN FILE NO: 19-47-421-00
3. REZONING MAPS:
4. SITE INFORMATION:

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Note: All measurements are approximate.

5. NEIGHBOURHOOD CHARACTERISTICS:

SURROUNDING LAND USE

- **North of the subject land:** Wyandotte Street right-of-way abuts the north limit of the subject land. Further north, there are low density residential uses, mostly single unit dwellings along Paulina Court and Florence Avenue, a church (Calvary Baptist church) and a residential development (Border City Co-Operative homes).

- **South of the subject land:** Mainly Open Space use, including storm water management pond. There are two small parcels of residential lands on the north and south sides of Jerome Street westerly extension. Further south, about 3.6km from the subject land, at Clover by McHugh Street, there is St Joseph’s Catholic High School.

- **West and southwest of the subject land:** Open space use, including a multi-use trail (Ganatchio trail) and municipal park (Riverside Kiwanis Park). Little River drain is within the Open Space Land Use area west of the subject land. Further west, there is the Windsor Little River Pollution Control Plant (approximately 420m distance of the subject land), Riverside Secondary School (approximately 1.8km from the subject land) and MS Hetherington Public School (about 1.6km from the subject land).

- **East of the subject land:** To the immediate east of the subject land, there is an open north/south alley abutting the east limit of the proposed Florence Avenue extension. There are undeveloped lands immediately east of the open north/south alley. Further east, there are low density residential dwellings fronting on both sides of Elinor Street. A closed north/south alley exists between the undeveloped lands and the residential dwellings along Elinor Street.

Attached to this report as **Appendix A** are site photos taken on December 6, 2019. The site photos, along with the neighbourhood map below, show some of the surrounding land uses and the character of the subject neighbourhood.
**Municipal Infrastructure**

- The City’s records show that there are municipal storm and sanitary sewers within the abutting/nearby roadways, available to service the subject property.
  - Wyandotte Street East R.O.W. contains 1950mm Reinforced Concrete Pipe Storm Sewer;
  - Elinor Street contains 350mm Asbestos Cement Pipe Sanitary Sewer;
  - Florence Avenue (south of the subject development) contains 1500mm Reinforced Concrete Pipe Sanitary Sewer.

- There are municipal watermains, Telecommunications Fibre Optics, LED streetlights and fire hydrants along Wyandotte Street and Florence Avenue (north of proposed development). There is a fire hydrant at the southwest corner of Wyandotte Street east and Florence Avenue intersection.

- There are curbs and gutters, concrete sidewalks and bicycle lanes along both sides of Wyandotte Street pavement.

- Florence Avenue (north of proposed development) has curbs & gutters both sides of the pavement and concrete sidewalk on the west side of the pavement.

- Transit Windsor Buses, Lauzon 10, travel (north bound) through Wyandotte Street East. There is a bus stop on the north side of Wyandotte Street East, west of Florence Street intersection, facing the subject land.

- Wyandotte Street is a Class II Arterial Road, and Florence Street is Class II Collector Road.

**Discussion:**

1. **Planning Act**

In accordance with subsection 3(5) of the Planning Act, a decision of the council of a municipality in respect of the exercise of any authority that affects a planning matter, “shall be consistent with” Provincial Policy Statement 2014.

According to subsection 3(6) of the Planning Act, comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government “shall be consistent with” Provincial Policy Statement 2014.

Section 51, subsection 24 of the Planning Act provides the criteria for considering a draft plan of subdivision and states:

> “In considering a draft plan of subdivision, regard shall be had, among other matters, to the health, safety, convenience, accessibility for persons with disabilities and welfare of the present and future inhabitants of the municipality and to,

- (a) the effect of development of the proposed subdivision on matters of provincial interest as referred to in section 2;
- (b) whether the proposed subdivision is premature or in the public interest;
- (c) whether the plan conforms to the official plan and adjacent plans of subdivision, if any;
- (d) the suitability of the land for the purposes for which it is to be subdivided;…”

The above criteria are integrated into the PPS 2014, Official Plan and Zoning By-law and have been considered in the analysis below.
2. PROVINCIAL POLICY STATEMENT (PPS) 2014

Provincial Policy Statement 2014 was issued under section 3 of the Planning Act and came into effect April 30, 2014. The PPS 2014 applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after April 30, 2014, including this application.

The Provincial Policy Statement 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.

In making the determination whether the requested Zoning By-law Amendment and draft Plan of Subdivision are consistent with PPS 2014, a number of policies of the PPS 2014 are relevant for the discussion and have been considered in the Planning Rationale Report (PRR) dated July 2, 2019, prepared by the applicant's planning consultant. Pages 16 to 24 of the PRR contain the planning consultant’s summary of the key policy considerations of the PPS as it relates to the proposed development on the subject land. I have reviewed the planning consultant's summary on pages 16 to 24 of the PRR and I am providing complementary planning analysis to what the planning consultant has already stated in the PRR.

“Efficient land use and development patterns support sustainability by promoting strong, liveable, healthy and resilient communities, protecting the environment and public health and safety, and facilitating economic growth”, 1.0 Building Strong Healthy Communities, PPS 2014.

The PPS points to the important role of land use planning in achieving strong healthy communities, a healthy environment and economic growth.

Policy 1.1.1 outlines specific land use planning activities and values that are known to continuously keep communities healthy, liveable and safe.

1.1.1 of the PPS states that “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 range and mix of residential (including second units, affordable housing and housing for older persons),... and other uses to meet long-term needs;

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

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

e) promoting cost-effective development patterns and standards to minimize land consumption and servicing costs;

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

g) ensuring that necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities are or will be available to meet current and projected needs; and

h) promoting development and land use patterns that conserve biodiversity and consider the impacts of a changing climate.”
With respect to 1.1.1(a) – The proposed draft plan of subdivision for development of 19 lots for single detached dwellings and 15 blocks for semi-detached dwellings, promotes a land use pattern that efficiently utilizes the vacant/undeveloped subject land.

With respect to 1.1.1(b) – The surrounding land uses in the subject area comprise a mix of low-density residential dwelling (mostly single unit dwellings), vacant/undeveloped lands, and open space lands with multiuse trails and storm water facilities. The proposed low density, small scale, low profile residential development is an appropriate mix of residential use for the subject area.

With respect to 1.1.1(c) – The proposed development does not negatively impact the environment or public health and safety. The proponent submitted an Acoustic Assessment for the proposed residential development. Akoustik Engineering Limited prepared the Acoustic Assessment dated October 10, 2018, which recommended noise barrier fence along Wyandotte Street lot line of the subject land, air conditioning installation requirements and Noise warning clauses to mitigate impact on public health and achieve a healthy and efficient living environment.

With respect to 1.1.1(d) – The proposed residential subdivision is within the inner part of the City of Windsor settlement area and is surrounded by existing developments and other land holdings. Therefore, the proposed development does NOT prevent the efficient expansion of settlement areas.

With respect to 1.1.1(e) – The proposed infill development on the subject land minimizes land consumption and is more cost effective.

With respect to 1.1.1(f) – Sidewalks improve accessibility for persons with disabilities and older persons. As noted in the recommendation section of this report, concrete sidewalk will be provided within the subject draft plan of subdivision to connect to existing sidewalks in the area.

With respect to 1.1.1(g) – As noted in this report under “NEIGHBOURHOOD CHARACTERISTICS”, the subject neighbourhood contains existing municipal infrastructure, existing local park(s) with multi-use trails (Ganatchio trail), nearby place of worship. The subject land appears to be within the area serviced by nearby schools.

With respect to 1.1.1(h) – Consideration for climate change is addressed through various methods including lot-grading plans, stormwater management measures, tree planting requirements, landscaping requirements and more. Biodiversity is conserved where necessary/possible, and in areas where soft landscaping is proposed/maintained on the lands. The protection of existing hedgerows and the Archeological Potential Zone (within Block 35) contributes towards conservation of biodiversity.

In summary, the subject applications for draft plan approval and zoning by-law amendment are for an infill development that promotes the efficient use of the existing land pattern and is appropriate for the efficient use of the infrastructure and public services facilities, which are planned or available, and avoids the need for their unjustified and/or uneconomical expansion. The proposed draft plan of subdivision represents an efficient development and land use pattern that will have no adverse impact on (i) the financial well-being of the City of Windsor, (ii) land consumption, and (iii) servicing costs, and will not cause any environmental or public health and safety concerns. The proposed draft plan of subdivision and the requested zoning amendment are consistent with Policy 1.1.1 of the PPS.

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.
The subject parcel is located within the settlement area of the City of Windsor. The proposed development creates growth and development within the City of Windsor settlement area; thereby, promoting the vitality of the settlement area. The proposed development will positively impact the existing nearby facilities (parks, schools, retail establishment and places of worship) in the subject area.

1.1.3.2 Land use patterns within settlement areas shall be based on:
   a) densities and a mix of land uses which:
      1. efficiently use land and resources;
      2. 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;
      4. support active transportation;
      5. are transit-supportive, where transit is planned, exists or may be developed.

The proposed draft plan of subdivision, in the City of Windsor settlement area, promotes a land use pattern that is based on density that makes efficient use of land and existing infrastructure, including existing and planned active transportation options such as sidewalks, bike lanes, and multiuse trails.

1.1.3.3 Planning authorities shall identify appropriate locations and promote opportunities for 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.

Intensification and redevelopment shall be directed in accordance with the policies of Section 2: Wise Use and Management of Resources and Section 3: Protecting Public Health and Safety.

The subject lands are located in an area that is appropriate for residential intensification. The proposed Draft Plan of Subdivision is a residential intensification that takes into account existing building stock (mostly ranch style low-profile developments), infrastructure (existing and planned) and public service facilities in the subject area.

The proposed draft plan of subdivision and the requested zoning by-law amendment are consistent with Policies 1.1.3.1, 1.1.3.2 & 1.1.3.3 of the PPS.

1.2.6.1 Major facilities and sensitive land uses should be planned to ensure they are appropriately designed, buffered and/or separated from each other to prevent or mitigate adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term viability of major facilities.

The nearest existing major facility in close proximity to the subject lands is a sewage treatment facility (Little River Pollution Control Plant). According to the City's Executive Information System (EIS) the existing sewage treatment facility is on a property located approximately 420m distance southwest of the subject land (measured from closest property lines of both lands). Therefore, the proposed development exceeds the Municipal and Ministry buffer requirements and provides the desired separation, which helps to mitigate adverse effects from odour, noise and other contaminants; thereby, minimizing the risk to public health and safety and achieving the required land use compatibility. The proposed residential development is consistent with the Land Use compatibility policy 1.2.6.1 of the PPS.

In addition to the above, it should be noted that a future expansion is planned for the Little River sewage treatment plant. The applicant proposes to incorporate the portions of the subject lands within the 300m buffer of the future treatment facilities into Blocks 35 & 36 on Map No. SDN-003/19-1. Therefore, the applicant will convey Blocks 35 & 36 to the Corporation of the City of
Windsor. See applicant’s Development Concept Plan, attached to this report as Appendix E2, for more details.

The future expansion of the sewage treatment plant is subject to the requirements and approval of the Ministry of Environment Conservation and Parks (MECP). An EA would also be required for such expansion.

The proposed draft plan of subdivision and the zoning by-law amendment are consistent with Policy 1.2.6.1 of the PPS.

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

b.) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and

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

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; and

e.) establishing development standards for residential intensification, redevelopment and new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

The proposed development allows for an appropriate range and mix of housing types and densities on the subject lands located in an area that is appropriate for residential intensification. The proposal is for development of new housing in a location where appropriate levels of infrastructure and public service facilities are or will be available. The proposed draft plan of subdivision and the zoning by-law amendment are consistent with Policy 1.4.3 of the PPS.

1.6.6.2 Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas. Intensification and redevelopment within settlement areas on existing municipal sewage services and municipal water services should be promoted, wherever feasible.

The subject lands are within an area that is serviced by municipal sewage services and municipal water services. Therefore, the draft plan of subdivision and the zoning by-law amendment promote residential intensification that is consistent with policy 1.6.6.2 of the PPS.

The proposed development is consistent with the stormwater management policy (1.6.6.7) of the PPS as reflected in the conditions of approval as a provision of the subdivision agreement.

2.1.1 Natural features and areas shall be protected for the long term.

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.

According to the report dated August 2018, submitted by Goodban Ecological Consulting Inc., the subject land is currently used for agricultural purpose and is largely free of natural features, except for hedgerows dominated by scattered Eastern Cottonwood and thickets of Gray Dogwood and Common Buckhorn. In a 2017 written correspondence between Goodban and the Ministry of Natural Resources and Forestry (MNRF), MNRF confirmed that “there are no known
occurrences of Species at Risk (SAR) on the property, though there are known occurrences of SAR in the general project area with potential to also occur in the hedgerows and thicket on the property”. MNRF further noted that “if the hedgerows and thicket are proposed to be retained, the project will likely not contravene the Endangered Species Act, 2007 (ESA 2007).”

The proposed development shows protection of the hedgerow under Block 35 of the draft plan of subdivision, which the applicant proposes to convey to the City for Parkland. Therefore, the proposed draft plan of subdivision and the requested zoning by-law amendment are consistent with policy 2.1.7 of the PPS.

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

CRM Lab Archaeological Services prepared Stage 1 Archaeological Background Study and Stage 2 Archaeological Property Assessment Reports (Original Report and Supplementary Information) dated October 19, 2018, for the subject land. According to CRM Lab Archaeological Services, “the results of the Stage 1-2 Archaeological Assessment indicate that despite the extensive disturbance in the northern portion of the subject property, the southern portion of the subject property still retains potential for subsurface archaeological resources of cultural heritage value or interest (CHVI) related to the Nicodemo-Dupuis Site located directly to the south of the subject property. There is a very high probability that the Nicodemo-Dupuis Site does extend into the southern portion of the subject property”.

It was noted that further cultural heritage value or interest (CHVI) associated with the subject property would require further assessment prior to development of the southern portion of the subject property. Consequently, a Stage 3 Assessment was recommended along with options for avoiding the required Stage 3 assessment. The applicant is proposing to go along with the option to protect a 20m wide land area along the southern portion of the subject property (marked as Archeological Potential Zone on the Map above) by conveying the said area to the Corporation of the City of Windsor as Parkland (Block 35 on draft plan). The Ministry of Tourism, Culture and Sports is satisfied with the recommended approach, provided they (MTCS) receive a formal letter from the City indicating the following as per the recommendations:

“1. The lands will be conveyed to the Municipality and that the Municipality is
aware of the potential for the Nicodemo-Dupuis Site to be present in this location, and;

2. The Municipality will keep this area passive prohibiting activities that could impact the Nicodemo-Dupuis Site negatively within this Buffer area prior to additional Archaeological Assessment”.

The above is the appropriate wording for the protection of the Archaeological Potential Zone (APZ) on the subject site. Therefore, the proposed draft plan of subdivision and the zoning by-law amendment will be deemed consistent with policies 2.6.1 & 2.6.2 of the PPS upon receipt of MTCS letter of confirmation.

It should also be noted that Block 37 on the draft Plan is a remnant portion of the Archaeological Potential Zone, which would be conveyed to the Corporation of the City of Windsor to be reserved for future road allowance (Florence Avenue future extension). This conveyance of Block 37 to the City also protects the cultural heritage value of the subject area and ensures that Stage 3 assessment is undertaken at the appropriate time.

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.

Essex Region Conservation Authority (ERCA) is delegated the responsibility to represent provincial interest in Natural Hazards (PPS 2014) and regulatory responsibilities of the Conservation Authorities Act. ERCA was consulted on the subject planning matter and the following is an excerpt from the comment they provided to the City: “We have reviewed this development proposal with regard to the natural hazard policies of the PPS and advise that flood risks pertaining to this property can be mitigated through our development review process”. “As the parcel falls within the regulated area of the Little River and Lake St. Clair, the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.”

It should be noted that ERCA requested an ingress and egress report, which the applicant provided.

Based on ERCA’s comment, one can state that the proposed draft plan of subdivision and the zoning by-law amendment are consistent with policy 3.0 of the PPS or will be consistent with policy 3.0 of the PPS upon successfully completing ERCA’s development review process.

In summary, the above planning analysis and the planning analysis provided in the Planning Rationale Report prepared by the applicant’s Planning Consultant and dated July 02, 2019, confirms that the proposed draft plan of subdivision and the requested zoning by-law amendment are consistent with the relevant Policies of the PPS 2014.

3. OFFICIAL PLAN:

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

As shown in the attached Appendix B to this report, the Official Plan supports a complementary range of housing forms, promotes compact residential form for new developments and also promotes selective residential infill and intensification initiative in the City of Windsor. See sections 6.3.1.1, 6.3.1.2 and 6.3 1.3 of OP Vol.1.
The above noted objectives of the OP are satisfied by the proposed development of low density and complementary range of housing form (semi-detached and single detached dwellings) on the subject land. The proposed draft plan of subdivision is an infill development, which by its very nature promotes a compact neighbourhood.

The Residential land use designation permits “Low, Medium and High Profile dwelling units.” (See section 6.3.2 of OP Vol.1). Based on the OP classification of “types of low profile housing” (s. 6.3.2.3), the proposed semi-detached and single detached dwellings are deemed small scale form of low profile housing development and are, therefore, permitted in the Residential land use designation.

The proposed development is on a property with access to an arterial road (Wyandotte Street East) as well as access to a proposed collector Road (Florence Avenue extension). As noted already in this report, there are existing full municipal physical services available to service the subject land. Existing community services, open spaces and public transportation are already in, and near, the neighbourhood and can service the new development. The proposed development satisfies the locational criteria (s.6.3.2.4) of OP Vol. 1.

With respect to the evaluation criteria set out under s. 6.3.2.5 of OP Vol. 1, the proponent has, in their consultant’s Planning Rationale Report, demonstrated to the satisfaction of the City Planner that the proposed development is

- compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- capable of being provided with full municipal physical services and emergency services; and
- provided with adequate off street parking.

In analysing conformity with section 6.3.2.5 (a) under the evaluation criteria, with respect to development constraints, it is important to note that the proposed development is within the Shoreline and Floodprone areas of the City and is in an area of High Archaeological Potential.

- High Archaeological Potential: CRM Lab Archaeologist Services prepared Stage 1 and Stage 2 Archaeological Assessments Reports recommending mitigation measures, which have been incorporated in this report, to address archaeological findings summarized in their reports dated October 19, 2018.
- Shoreline and Floodprone areas: The Essex Region Conservation Authority (ERCA) has advised that the flood risks pertaining to the subject property can be mitigated through ERCA’s development review process.

This report contains information confirming that the proposed development is feasible, having regard to the other provisions of the OP, provincial legislation, policies and appropriate guidelines and support studies. Therefore, the proposed development meets the evaluation criteria set out under s.6.3.2.5, OP Vol. 1.

Section 7.2.3.2 – Pedestrian Network, OP Vol. 1: The Official Plan requires the installation of sidewalks on at least one side of proposed local roads (Streets A and B) and installation of sidewalks on both sides of proposed Florence Avenue extension within the proposed development. Recommendation V (F) 6 of this report ensures compliance with the sidewalk requirements under s.7.2.3.2 (a) of OP Vol. 1.
The subject land is adjacent to the multiuse trail to the west (Ganatchio trail) and bicycle lanes, bus stop plus sidewalks on Wyandotte Street, which support active transportation in the subject neighbourhood.

The proposed development meets the requirements for noise control measures and off-street parking requirements as found in Section 7.2.6.18(b) – Residential Areas, OP Vol. 1. Traffic Calming measures per section 7.2.6.20 of OP Vol. 1, are incorporated in the General Provisions of the Subdivision Agreement.

Section 7.3.4.4 of OP Vol. 1 states, “Council shall protect pollution control plants from incompatible development in accordance with the Environmental chapter of this Plan”.

The Official Plan in section 5.4.10.3 prohibits residential, commercial, mixed use and institutional development within 300m of a Pollution Control Plant and states “The 300m distance shall be measured from the property line of the Pollution Control Plant to the property line of the proposed development.” As noted already in this report, the subject land is more than 300m away from the nearest property line of the Little River Pollution Control Plant land(s); therefore, the proposal is in conformity with s.5.4.10.3 of OP Vol. 1.

As discussed above, the proposed development is in conformity with s.5.4.10.3 (in the Environmental chapter) of OP Vol. 1; therefore, the proposed residential development is deemed compatible due to its adequate separation from the existing pollution control plant.

With respect to the Urban Design chapter of OP Vol. 1, the applicant’s consultant states, “The proposed development will be a natural extension of an established neighbourhood and will be designed to be similar to the existing residential dwellings including lot size, building area and scale.” Therefore, the proposal is anticipated to meet the Official Plan built form policy for infill developments as in section 8.7.2.3, OP Vol. 1.

SECTION 11.4.2, OP VOL. 1 – SUBDIVISION POLICIES (See Appendix B attached)

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<td>(a) Provincal legislation, provincial policies and applicable provincial guidelines;</td>
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<td>(b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines;</td>
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<td>(c) Conformity with the recommendations of any support studies prepared as part of the application;</td>
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<td>(d) The continuation of an orderly development pattern;</td>
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<td>(e) Impact of the development on adjacent properties; and</td>
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<td>(f) The requirements or comments of Municipal departments and public agencies or authorities.</td>
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The proposed draft plan of subdivision is consistent with the relevant policies of the PPS noted in this report and conforms with the relevant policies of OP Vol. 1 discussed above. Therefore, requirements under s.11.4.2.3(a) & (b) are satisfied.

The draft plan of subdivision and the development concept plan show that the proposed development will conform with the recommendations of the various studies submitted to the City as part of the subject rezoning and subdivision approval applications. This report contains recommendations that further ensure compliance with the recommendations of the studies received by the City. The proposed draft plan of subdivision will conform with s.11.4.2.3(c) upon execution of the subdivision agreement.
The proposed draft plan of subdivision is an infill lot, which results in the continuation of an orderly development pattern in the subject area per s.11.4.2.3(d). The proposal will provide additional housing opportunities in the subject area. Potential negative impacts of the development on the adjacent properties have been mitigated satisfactorily through the stipulated conditions of approval in this report; therefore, s.11.4.2.3(e) is satisfied.

The requirements/comments of Municipal departments and public agencies or authorities have been considered per s.11.4.2.3(f); see CONSULTATION section of this report.

SECTION 11.6.3, OP VOL. 1 – ZONING BY-LAW AMENDMENT POLICIES (See Appendix C attached)

**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.

The recommended Zoning By-law Amendment maintains conformity with the Official Plan and, based on the analysis provided in this report in response to s.11.4.2.3 of OP Vol. 1, the proposed development meets the Zoning By-law Amendment evaluation criteria set out above in s. 11.6.3.3 of the OP.

4. ZONING BY-LAW

The property is zoned Development Reserve District 1.1 (DRD1.1) in By-law 8600. The applicant is proposing to amend By-law 8600 by changing the zoning of the subject land from Development Reserve District 1.1 (DRD1.1) to Residential District 2.1 (RD2.1) and Green District 1.1 (GD1.1). See above Rezoning Maps on page 11 of this report.

The RD2.1 category permits duplex dwelling, semi-detached dwelling and single unit dwelling, which are defined as low profile housing developments of the small scale form. The GD1.1 category permits Child Care Centre and Public Park. Categories RD2.1 and GD1.1 permit uses accessory to the listed permitted uses. See Appendix C attached.

Blocks 35 and 36 on map No. SDN-003/19-1 are the proposed land area for the GD1.1 zoning category. However, Block 35 contains natural heritage features (existing hedgerows) and cultural heritage value (Archaeological Potential Zone). On the other hand, Block 36 is intended to function as a dry pond for storm water management of the subject residential development. Requirements of various Ministries, Municipal Departments and External Agencies have prompted Planning Staff to consider alternative zoning categories for Blocks 35 and 36 on the draft plan.

Bylaw 8600 shows that Green District 1.4 (GD1.4) permits “Natural Heritage Area” and accessory uses to Natural Heritage Area and, as such, is a more appropriate zoning for Block 35; whereas, Green District 1.5 (GD1.5) permits “Stormwater Management Facility” and accessory uses to the Stormwater Management Facility and, as such, is a more suitable zoning
for Block 36. Therefore, it is recommended that the zoning for Block 35 be changed from DRD1.1 to GD1.4 and the zoning for Block 36 be changed from DRD1.1 to GD1.5.

To further address the comments of the Ministry of Natural Resources and Forestry (MNRF) and Ministry of Tourism, Culture and Sports (MTCS) on Block 35, a site-specific zoning provision is recommended to exempt Block 35 from the “City of Windsor, Public Authority & Public Utilities” provisions - sections 5.8.1 and 5.8.5 of Zoning By-law 8600. In addition, no site alteration shall be permitted on Block 35, except after consultation with local Aboriginal communities has taken place and MNRF & MTCS clearances/permissions are obtained.

It is important to note the following zoning categories and permitted uses close to the subject land:

- The lands south and west of the subject land are zoned Green District 1.1 (GD1.1), except for two small parcels (north and South of Jerome St. extension) zoned HRD2.3.
- The lands containing the existing residential developments on Paulina Court, Florence Avenue (north of Wyandotte St. E.) and Elinor Street (north and south of Wyandotte St. E.) are all zoned Residential District 1.2 (RD1.2), which permits a new single unit dwelling, existing duplex dwelling and existing semi-detached dwelling.

The proposed amendment will permit three new zoning categories RD2.1 and GD1.4 zoning on the subject land. The RD2.1 zoning category will introduce the same form of low profile housing development that is currently allowed in the surrounding residential lands to the north and east of the subject land.

Based on the information contained in attached Appendices E1 - Draft Plan of Subdivision and E2 - Proposed Site Layout Plan, the following have been determined:

- that each of the lots proposed for single unit dwellings on the subject land meets the RD2.1 minimum lot width requirement of 9m and minimum lot area requirement of 270 m² for a single unit dwelling;
- that each of the blocks proposed for semi-detached dwellings on the subject land meets the RD2.1 minimum lot width requirement of 15m and minimum lot area requirement of 450 m² for a semi-detached dwelling; and
- that the proposed semi-detached dwellings and single unit dwellings will have attached garage for each dwelling unit; therefore, the development meets the zoning by-law requirement of a minimum of one (1) parking space per dwelling unit.

A hold provision will be applied to ensure that development cannot occur on the site until such time as the final plan of subdivision is registered.

A draft by-law is attached as Appendix F.

Risk Analysis:
N/A

Financial Matters:
N/A

Consultations:

1. DEPARTMENT AND AGENCIES

Comments received from municipal departments, service units and external agencies are included in Appendix D. The applicant/owner shall satisfy all items as set out in the Results of Circulation (Appendix D) attached.
The requirements of Engineering & Geomatics, Transportation Planning, ERCA, Canada Post, Utility companies and other agencies and departments, as found in Appendix D, have all been addressed under Recommendation V of this report and will be included in the subdivision agreement as special provisions or are already included in the general provisions of the subdivision agreement.

The School Boards did not respond, but their standard requirements have been noted in the recommendation section of this report.

Parkland Conveyance: The Ministry of Tourism, Culture & Sport, the Ministry of Natural Resources & Forestry and the City's Landscape Architect have provided comments that resulted in the proposed conveyance of Block 35 on the draft Plan of Subdivision to the Corporation, for park purposes as permitted in Section 51.1 of the Planning Act. It is understood that the conveyance of Block 35 exceeds the 5% required by the Planning Act, because Block 35 also serves the following additional purposes:

(i) buffer zone from Little River Future Treatment Plant Expansion,
(ii) protection of exiting south and west hedgerows, and
(iii) protection of the required 20m-wide Archaeological Potential Zone, all as shown on the Development Concept Plan attached as Appendix F to this report.

Species at Risk/ Habitat Protection: In a letter dated November 28, 2019, the Ministry of Municipal Affairs & Housing (MMAH) confirmed that the Ministry of Natural Resources & Forestry (MNRF) provided comment on the subject development in July 2017 directly to the proponent and that MNRF does not have any concerns with the proposed development at this time.

MMAH also advises that the Ministry of Environment, Conservation & Parks (MECP) recommends that the City of Windsor consider imposing the following conditions of Draft Approval:

"That the fully executed subdivision agreement between the Owner and the City of Windsor shall contain a provision requiring the Owner to design the subdivision such that the existing perimeter hedgerows are retained, and furthermore, that the shrub thicket to the south will not be disturbed in anyway. These measures to be incorporated for the purpose of ‘Species at Risk/ Habitat Protection.’"

MECP prefers that the City be the clearing agency for the above condition of draft approval prior to final approval.

2. PUBLIC NOTICE

The City will advertise the official notice in the Windsor Star Newspaper, as mandated by the Planning Act. In addition, the City will mail courtesy notice to all property owners and tenants within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

Planner's Conclusion and Opinion:

The applications have been processed and evaluated considering the Provincial Policy Statement, Planning Act, City of Windsor Official Plan policies and comments received from municipal staff and outside agencies.

The applicant's planning consultant's Planning Rationale Report provides sufficient information and supporting reasons why the draft plan of subdivision and the zoning by-law amendment
applications should be considered and approved. This report provides additional planning analysis in support of the proposed development on the subject land.

The proposed Draft Plan of Subdivision complies for the development of residential lots and blocks that meet the lot width and lot area requirements of Zoning By-law 8600 (as amended) and will provide housing opportunities in the subject area.

In my professional opinion, both the Zoning By-law Amendment and the Draft Plan of Subdivision are consistent with the policies of the Provincial Policy Statement 2014 and maintain conformity with the City of Windsor Official Plan. The proposed development and zoning amendment constitute good planning.

Administration is recommending that the Draft Plan of Subdivision be approved subject to the conditions as in the Recommendations V, VI, VII, VIII and IX of this report and the Zoning By-law Amendment be approved with a holding prefix as in Recommendations I, II, III and IV of this report, to facilitate the proposed development of the subject site.

**Planning Act Matters:**

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

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

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

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

**SAH, City Solicitor**

**OC, Chief Administrative Officer**

**Approvals:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tr>
<td>Michael Cooke, MCIP, RPP</td>
<td>Manager of Planning Policy / Deputy City Planner</td>
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<tr>
<td>Thom Hunt, MCIP, RPP</td>
<td>City Planner</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
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<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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**Notifications:**

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<tr>
<td>Abutting property owners and tenants within 120 meter (400 feet) radius of the subject land</td>
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<tr>
<td>Applicant: VGA Investment Inc. (c/o Sam Dawood)</td>
<td>24 Shepherd St. E., Windsor ON N8X 2J8</td>
<td><a href="mailto:sam@haddadmorgan.com">sam@haddadmorgan.com</a></td>
</tr>
<tr>
<td>Agent: Tracey Pillon-Abbs</td>
<td>40 Park Lane, Essex, ON N8M 3C8</td>
<td><a href="mailto:tpillonabbs@gmail.com">tpillonabbs@gmail.com</a></td>
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<tr>
<td>Ontario Land Surveyor: VERHAEGEN Land Surveyors (c/o Roy Simone)</td>
<td>944 Ottawa St., Windsor ON N8X 2E1</td>
<td></td>
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Appendices:

1. Appendix A, Site Photos
2. Appendix B, Excerpts from the Official Plan
3. Appendix C, Excerpts from Zoning By-law 8600
4. Appendix D, Consultations - Comments from Departments & External Agencies
5. Appendix E1 - Draft Plan of Subdivision
6. Appendix E2 - Site Layout Plan (Development Concept Plan)
7. Appendix F - Draft By-law for Z-013/19
APPENDIX A – SITE PHOTOS taken on Dec. 6, 2019

Files Z-013/19 & SDN-003/19

PARTIAL VIEW OF FLORENCE AVE. & WYANDOTTE INTERSECTION AND SUBJECT LAND, LOOKING WEST ON WYANDOTTE ST. E.
APPENDIX A – SITE PHOTOS taken on Dec. 6, 2019

PARTIAL VIEW OF SUBJECT LAND & WYANDOTTE STREET EAST, LOOKING WEST ON WYANDOTTE ST. E.
VIEW OF SOUTH SIDE OF THE SUBJECT LAND, LOOKING FROM WYANDOTTE ST. E.
APPENDIX A – SITE PHOTOS taken on Dec. 6, 2019

Files Z-013/19 & SDN-003/19

VIEWS OF WEST SIDE OF THE SUBJECT LAND, LOOKING WEST FROM WYANDOTTE ST. E.
APPENDIX A – SITE PHOTOS taken on Dec. 6, 2019

Files Z-013/19 & SDN-003/19

VIEW OF EAST SIDE OF SUBJECT LAND & ABUTTING LANDS AS SEEN FROM WYANDOTTE ST. E., LOOKING EAST TOWARDS ELINOR STREET
APPENDIX A – SITE PHOTOS taken on Dec. 6, 2019

Files Z-013/19 & SDN-003/19

PARTIAL VIEWS OF THE SUBJECT LAND, LOOKING EAST ON WYANDOTTE ST. E.
APPENDIX A – SITE PHOTOS taken on Dec. 6, 2019

Files Z-013/19 & SDN-003/19

VIEW OF THE SUBJECT LAND, LOOKING EAST ON WYANDOTTE ST. E.
VIEW OF ELINOR STREET FROM SOUTH SIDE OF WYANDOTTE STREET EAST, LOOKING SOUTH TOWARDS HOMES ON BEVERLY GLEN AVENUE
VIEW OF ELINOR STREET FROM SOUTH SIDE OF WYANDOTTE STREET EAST, LOOKING NORTH TOWARDS RIVERSIDE DRIVE EAST
APPENDIX A – SITE PHOTOS taken on Dec. 6, 2019  Files Z-013/19 & SDN-003/19

VIEW OF FLORENCE AVENUE FROM SOUTH SIDE OF WYANDOTTE STREET EAST, LOOKING NORTH TOWARDS RIVERSIDE DRIVE EAST.
OP Volume 1 – Primary Plan

Chapter 5

5.4.10 Pollution Control Plant Policies

The following policies should be read in conjunction with the Infrastructure chapter of this Plan.

**Pollution Control Plants Definition**

5.4.10.1 For the purpose of this Plan, a Pollution Control Plant refers to sewage treatment facilities and associated uses.

**Schedule C: Development Constraint Areas**

5.4.10.2 The Lou Romano Water Reclamation Plant and the Little River Pollution Control Plant and any known Pollution Control Plant within approximately 300 metres of the municipal boundary are identified on Schedule C: Development Constraint Areas.

**Prohibit Incompatible Development**

5.4.10.3 Council shall prohibit residential, commercial, mixed use and institutional development within 300 metres of a Pollution Control Plant. The 300 metre distance shall be measured from the property line of the Pollution Control Plant to the property line of the proposed development.

**Compatible Development**

5.4.10.4 Council may permit Industrial or Open Space uses within 300 metres of a Pollution Control Plant:

(a) in accordance with provincial legislation, policy, and appropriate guidelines; and

(b) where the proponent demonstrates that the development is feasible given the operations of the plant, and in particular, the emission of odours.

**Acquisition of 300m Buffer Area**

5.4.10.5 Council may acquire land within 300 metres or more of the Lou Romano Water Reclamation Plant or the Little River Pollution Control Plant to facilitate the operation and/or expansion of the facility.
Chapter 6

6.3 Residential

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

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

6.3.1 Objectives

**Range of Forms & Tenures**

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

**Neighbourhoods**

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

**Intensification, Infill & Redevelopment**

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

**Maintenance & Rehabilitation**

6.3.1.4 To ensure that the existing housing stock is maintained and rehabilitated.

**Service & Amenities**

6.3.1.5 To provide for complementary services and amenities which enhance the quality of residential areas.

**Home Based Occupations**

6.3.1.6 To accommodate home based occupations.

**Sufficient Land Supply**

6.3.1.7 To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

6.3.2 Policies

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

**Permitted Uses**

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

6.3.2.2 In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan:

(a) community services including libraries, emergency services, community centres and similar public agency uses; *(Amended by OPA #106 – November 6, 2015, B/L 143-2015)*

(b) home based occupations subject to the provisions of policy 6.3.2.7;

(c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;

(d) Open Space uses subject to the provisions of section 6.7; and

(e) Minor Institutional uses subject to the provisions of section 6.6.

TYPES OF LOW PROFILE HOUSING

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

(a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and

(b) large scale forms: buildings with more than 8 units.

LOCATIONAL CRITERIA

6.3.2.4 Residential 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.

EVALUATION CRITERIA FOR A NEIGHBOURHOOD DEVELOPMENT PATTERN

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

(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

   (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;

   (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;

   (iii) within a site of potential or known contamination;
(iv) where traffic generation and distribution is a provincial or
municipal concern; and
(v) adjacent to heritage resources.

(b) in keeping with the goals, objectives and policies of any
secondary plan or guideline plan affecting the surrounding area;

(c) compatible with the surrounding area in terms of scale, massing,
height, siting, orientation, setbacks, parking and amenity areas;

(d) provided with adequate off street parking;

(e) capable of being provided with full municipal physical services
and emergency services; and

(f) facilitating a gradual transition from Low Profile residential
development to Medium and/or High profile development and
vice versa, where appropriate.

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

(a) feasible having regard to the other provisions of this Plan,
provincial legislation, policies and appropriate guidelines and
support studies for uses:

(i) within or adjacent to any area identified on Schedule C:
Development Constraint Areas and described in the
Environment chapter of this Plan;

(ii) adjacent to sources of nuisance, such as noise, odour,
vibration and dust;

(iii) within a site of potential or known contamination;

(iv) where traffic generation and distribution is a provincial or
municipal concern; and

(v) adjacent to heritage resources.

(b) in keeping with the goals, objectives and policies of any
secondary plan or guideline plan affecting the surrounding area;

(c) capable of being provided with full municipal services and
emergency services; and

(d) in keeping with the subdivision, consent and/or condominium
policies of this Plan (see Tools chapter).

6.3.2.7 Council shall permit home based occupations in any dwelling unit
provided:
(a) persons employed in the home based occupation are limited to residents of the dwelling unit from which the home based occupation is conducted;

(b) there are no visible changes to the residential character of the building;

c) the home based occupation is incidental and secondary to the residential use;

(d) outside storage and display is prohibited, and exterior signage is restricted;

(e) the home based occupation is compatible with abutting and/or adjacent dwelling units with respect to traffic generation and parking and potential nuisances such as noise and odour; and

(f) the home based occupation is contained within the dwelling unit.

**Neighbourhood Commercial Definition**

6.3.2.8 For the purposes of this Plan, Neighbourhood Commercial uses include commercial uses which are intended to primarily serve the day to day needs of residents within the immediate neighbourhood or neighbourhoods;

(Added by OPA #106 – November 6, 2015, B/L 143-2015)

**Neighbourhood Commercial Evaluation Criteria**

6.3.2.9 At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Neighbourhood Commercial development within a designated Residential area is:

(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:

(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;

(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;

(iii) within a site of potential or known contamination;

(iv) where traffic generation and distribution is a provincial or municipal concern;

(v) adjacent to heritage resources; and

(vi) where market impact is identified as a municipal concern;

(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;

(c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas;
(d) capable of being provided with full municipal physical services and emergency services; and

(e) provided with adequate off-street parking.

**ANCILLARY USE DESIGN GUIDELINES** 6.3.2.10

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

(a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;

(b) the provision of appropriate landscaping or other buffers to enhance:
   (i) all parking lots, and outdoor loading, storage and service areas; and
   (ii) the separation between the use and adjacent uses, where appropriate;

(c) motorized vehicle access is oriented in such a manner that traffic will be discouraged from using Local Roads where other options are available; and

(d) pedestrian and cycling access is accommodated in a manner that is distinguishable from the access provided to motorized vehicles and is safe and convenient.

**MUNICIPAL ASSISTANCE** 6.3.2.11

Council may direct the allocation of municipal resources for the development and rehabilitation of housing through:

(a) the leasing of land;

(b) the oversizing of infrastructure to provide for future residential development;

(c) the provision of community services and open space;

(d) technical support and planning studies;

(e) development incentives;

(f) partnership arrangements; and

(g) other actions as may be appropriate.

**HOUSING PROGRAMS** 6.3.2.12

Council may assist the federal and provincial governments in the administration of housing programs and initiatives.

**AFFORDABLE HOUSING** 6.3.2.13

Council shall encourage the provision of affordable and social assisted housing.

**SPECIAL NEEDS** 6.3.2.14

Council shall encourage the provision of housing to meet the needs of special segments of Windsor’s population such as the physically challenged.
Council shall encourage the provision of a variety of housing tenures which recognize the diverse needs of Windsor’s residents.

Council shall protect the existing supply of rental housing from conversion in keeping with the Rental Housing Conversion to Condominium policies detailed in Section 11.5.4 of this Plan.

(added by OPA#63, June 21, 2007, B/L 100/2007)

Council shall encourage the retention, restoration and sensitive renovation of historic and/or architecturally significant residential buildings in accordance with the Heritage Conservation chapter of this Plan.

Council shall promote the maintenance of Windsor’s housing stock at a standard sufficient to provide acceptable conditions of health, safety and appearance in accordance with the Community Improvement section of this Plan.

The Municipality will continue to monitor residential development activity and the supply and affordability of existing housing.

Council shall endeavor to maintain at least a three year supply of draft approved and registered residential lots and blocks in order to meet anticipated short term housing demands.

Council shall maintain at least a ten year supply of land designated for residential development to meet anticipated long term housing demands.

A second residential unit (second unit) is a separate residential dwelling unit consisting of a separate access, kitchen, washroom, and living space that is within a single detached, semi-detached, or rowhouse dwelling (i.e. the primary dwelling unit) or a building accessory to the primary dwelling unit located on the same lot.

A second unit:

a) must be located on lands designated for residential use on Schedules D and E;

b) shall not be located within any part of a basement or cellar (i.e. part of a building below grade) within the floodplain areas shown on Schedule C; and

c) outside of the floodplain areas shown on Schedule C, shall not be located within any part of a basement or cellar (i.e. part of a building below grade) unless the following criteria have been met to the satisfaction of the Chief Building Official or City Engineer:

i. Eavestrough downspouts are disconnected from the City of Windsor’s sewer system;

ii. A sump pump has been installed; and
iii. Where possible a backflow sanitary valve has been installed in the second unit.

(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)

**SECOND UNIT REQUIREMENTS**

A second unit shall be permitted within the primary dwelling unit or building accessory to the primary dwelling unit subject to the following criteria:

a) The second unit conforms with the definition and location requirements set out in 6.3.2.22 and 6.3.2.23;

b) No additional dwelling units are present in the primary dwelling unit or buildings accessory to primary dwelling unit;

c) The second unit must be subordinate in scale and function to the primary dwelling unit and the Zoning By-law may regulate the gross floor area of the second unit;

d) Parking can be accommodated where required by the Zoning By-law;

e) Where located on a property identified on the Municipal Heritage Register or within a Heritage Area identified on Schedule G the second unit must not alter the exterior of an existing primary or accessory building visible from the street or other public space unless it is demonstrated, to the satisfaction of the City Planner, that the proposed alteration would not detract from the cultural heritage value and attributes of the property or Heritage Area; and

f) The second unit complies with health and safety standards and the second unit has been constructed in accordance with a building permit.

(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)

**REQUIREMENTS SPECIFIC TO A SECOND UNIT IN AN ACCESSORY BUILDING**

A second unit within a building that is accessory to a single-detached, semi-detached, or a rowhouse dwelling is permitted subject to the following criteria:

a) The proposed second unit conforms with the definition, location, and general requirements set out in 6.3.2.22 - 6.3.2.24;

b) The second unit shall have direct pedestrian access from a paved public street or alley;

c) The second unit shall have municipal sanitary sewer, municipal storm water outlet, electrical, and water services; and

d) A municipal address for the second unit shall be clearly visible from the public street.

(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)
6.3.2.26 Sevérance of Second Unit Prohibited

The severance of a second unit located within the primary dwelling unit or within a building accessory to the primary dwelling unit is prohibited.

(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)

6.3.2.27 Height of Accessory Building Containing a Second Unit Above a Garage

An application to allow a maximum height of up to 8m through a minor variance may be considered where the external second unit is proposed to contain all of its habitable space above a garage subject to the following criteria:

(a) The height of the second unit does not exceed the height of the primary dwelling;
(b) Significant trees and plantings are preserved on the subject property; and
(c) Any adverse impacts to the streetscape or abutting properties are addressed through the second unit design and siting.

(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)

6.3.2.28 Creation of Lodging House

The combination of lodgers (i.e. persons provided with lodging for hire) within the primary and second dwelling units must not constitute a lodging house as defined within any City of Windsor by-law.

(Amended by OPA122 - APPROVED November 21, 2018, B/L#148-2018)

Chapter 7

7.2.3 Pedestrian Network Policies

7.2.3.1 Pedestrian Movement

Council shall require all proposed developments and infrastructure undertakings to provide facilities for pedestrian movements wherever appropriate by:

(a) Requiring safe, barrier free, convenient and direct walking conditions for persons of all ages and abilities;
(b) Ensuring that all residents have access to basic community amenities and services and public transit facilities without dependence on car ownership; and
(c) Providing a walking environment within public rights-of-ways that encourages people to walk to work or school, for travel, exercise, recreation and social interaction.

7.2.3.2 Pedestrian Network

Council shall make pedestrian movement safer and more convenient by:

(a) Requiring the provision of sidewalks in new developments as follows:

(i) On both sides of all Class I and Class II Arterial Roads, Class I and Class II Collector Roads and Scenic Drives; and
(ii) On at least one side of all Local Roads.

(b) Giving priority to the completion of the pedestrian network in areas
where there is significant vehicular and pedestrian traffic and policy clause (a) her-in has not been met;

(c) Installing signalized pedestrian refuge median islands where warranted;

(d) Maintaining the structural integrity of all existing pedestrian network and walkway connections in neighbourhoods;

(e) Ensuring the natural surveillance of all existing pedestrian walkway connections in neighbourhoods to optimize safety such that the amount of unobservable space is minimized;

(f) Requiring street lighting;

(g) Requiring that all new residential subdivisions incorporate traffic calming measures consistent with the Traffic Calming Policy; and

(h) Providing special sidewalk treatments at all intersections to make visible the location of the pedestrian crossing to drivers and to provide a tactile warning to visually impaired pedestrians that they are about to cross a roadway.

**RESIDENTIAL AREAS** 7.2.6.18

Council shall encourage the development of a peaceful atmosphere in residential areas by:

(a) Maintaining an adequate system of Collector and Arterial roads to serve residential areas;

(b) Requiring the provision of appropriate noise control measures and off-street parking;

(c) Locating medium and high density residential development along Collector and Arterial roads; and

(d) Requiring the construction of sidewalks in accordance with policy 7.2.3.2;

(e) Requiring that traffic calming devices be included in the road design of any new residential subdivision in accordance with the Traffic Calming Policy;

(f) Applying the principles of the Traffic Calming Policy to existing roads in residential areas by ensuring that traffic calming is considered as part of any neighbourhood management plan and that traffic calming devices are placed where deemed to be necessary; and

(g) Requiring that the impact of noise and the feasibility of achieving noise control objectives must be considered as factors in determining the design of residential areas and that noise barriers be considered only when it has been demonstrated that alternate noise abatement solutions are not feasible.

**NEW DEVELOPMENT** 7.2.6.19

All proponents of development may be required to complete a Traffic Impact Study to support the feasibility of a proposal, and if feasible, identify appropriate traffic management measures, in accordance with the Procedures chapter of this Plan.
Traffic Calming in New Residential Subdivisions

Council shall require that all new residential subdivisions include traffic calming measures as an integral part of the road design. Administration will recommend appropriate traffic calming devices in all new subdivisions as follows:

(a) Traffic calming devices must permit and enhance safe movement by all non-vehicular modes of travel and by bicycle; and

(b) Traffic calming devices will conform with the provisions of the Traffic Calming Policy and will be considered within the context of the guidelines below:

(i) At the intersections of two local roads, roundabouts or traffic circles may be utilized;

(ii) Curb extensions should be required at all intersections of Local and Collector Roads except where it is determined that they will have an adverse effect on transit or emergency services;

(iii) Within subdivisions, long straight-aways should be avoided. Chicanes should be utilized to avoid long straight-aways exceeding 300 metres in length.

Pollution Control Plants

Council shall protect pollution control plants from incompatible development in accordance with the Environment chapter of this Plan.

Chapter 8

8.7 Built Form

Infill Development

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

(a) massing;
(b) building height;
(c) architectural proportion;
(d) volumes of defined space;
(e) lot size;
(f) position relative to the road; and
(g) building area to site area ratios.
(h) the pattern, scale and character of existing development; and, (Added by OPA #66–11/05/07-B/1.209-2007)
(i) exterior building appearance (Added by OPA #66–11/05/07-B/1.209-2007)
Chapter 9

Heritage Conservation

9.0 Preamble
A community’s identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor’s rich history, Council is committed to recognizing, conserving and enhancing heritage resources.

This chapter of the Official Plan provides goals, objectives and policies to guide the conservation of Windsor’s heritage resources and should be read in conjunction with other parts of this Plan.

9.1 Goal

**RECOGNIZE**

**CONSERVE & ENHANCE**

9.1.1 The identification, recognition, protection, conservation, enhancement and proper management of heritage resources.

9.2 Objectives

**CONSERVATION MANAGEMENT**

9.2.1 To conserve Windsor’s heritage resources for the benefit of the community and posterity in a manner which respects their architectural, historical and contextual significance and ensures their future viability as functional components of Windsor’s urban environment.

**INTEGRATE WITH PLANNING INITIATIVES**

9.2.2 To integrate the conservation of heritage resources into comprehensive planning and urban design initiatives.

**LEADERSHIP BY EXAMPLE**

9.2.3 To lead the community in the protection, improvement, utilization and management of heritage resources by using municipally owned heritage properties as examples of proper conservation and stewardship.

**PUBLIC AWARENESS & PARTICIPATION**

9.2.4 To increase awareness and appreciation of Windsor’s heritage resources and encourage participation by individuals, organizations and other levels of government in heritage conservation.

9.3 Policies

9.3.1 General

**CULTURAL HERITAGE RESOURCES DEFINITION**

9.3.1.1 For the purpose of this Plan, heritage resources include built heritage resources and cultural heritage landscapes that Council has identified as being important to the community.
9.3.1.2 Built heritage resources include buildings, structures, monuments, installations or remains associated with architectural, social, political, economic or military history.

9.3.1.3 Cultural heritage landscapes are defined geographical areas of heritage significance, which have been modified by human activities such as archaeological sites, heritage conservation districts, parks/gardens, golf courses, neighbourhoods, cemeteries, trail ways, streets, street patterns and industrial complexes of cultural heritage value.

9.3.1.4 For the purpose of this Plan, a Heritage Area is an area or neighbourhood where there are collections of important heritage resources.

9.3.4 Protection of Heritage Resources

9.3.4.1 Council will protect heritage resources by:

(a) Requiring that development or infrastructure undertakings on lands containing potential archaeological resources avoid the destruction or alteration of these resources; or where this is not possible, requiring the proponent to conserve significant archaeological resources through documentation and removal or mitigation in advance of land disturbances, in accordance with the Ontario Heritage Act and the policies contained within the Windsor Archaeological Master Plan, its implementation manual and Schedule ‘C-1’: Development Constraint Areas – Archaeological Potential; ...

Chapter 11

11.4.2 Subdivision Policies

11.4.2.1 Council is the approval authority for plans of subdivision.

11.4.2.2 All applications for subdivision approval shall be processed in accordance with the provisions of the Planning Act, and regulations pursuant thereto, and the requirements of this Plan. In general, after an applicant’s pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall:

(a) Be circulated to appropriate agencies and those agencies be provided sufficient time to respond;
(b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the *Planning Act*; and,

(c) Be given due and thorough consideration by Council.

| **EVALUATION CRITERIA** | 11.4.2.3 | Council will evaluate a plan of subdivision according to the following criteria:
| | | (a) Provincial legislation, provincial policies and applicable provincial guidelines;
| | | (b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines;
| | | (c) Conformity with the recommendations of any support studies prepared as part of the application;
| | | (d) The continuation of an orderly development pattern;
| | | (e) Impact of the development on adjacent properties; and
| | | (f) The requirements or comments of Municipal departments and public agencies or authorities.

| **ULTIMATE USE & ZONING** | 11.4.2.4 | The applicant shall be required to indicate the proposed uses for all lots, blocks and parcels in the subdivision and that the appropriate zoning classifications are approved or pending to reflect the intended use.

| **CONDITIONS OF APPROVAL** | 11.4.2.5 | Council shall attach such conditions as it deems appropriate to the approval of a plan of subdivision. The applicant shall be required to satisfy these conditions, failing which, draft plan approval may be withdrawn. Such conditions may include, but are not limited to, the following:
| | | (a) The fulfillment of any financial requirement to the Municipality;
| | | (b) The conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan;
| | | (c) The conveyance of lands for public highways or widenings as may be required, including pedestrian pathways, bicycle pathways and transit rights-of-ways;
| | | (d) The conveyance of appropriate easements; and
| | | (e) The construction of infrastructure.

| **SUBDIVISION AGREEMENT** | 11.4.2.6 | All applicants shall be required to enter into a subdivision agreement with the Municipality in accordance with the *Planning Act* before final approval for a plan of subdivision is given by Council. All applicants shall be required to provide performance and maintenance securities to the Municipality to ensure the conditions of the subdivision agreement are fulfilled.
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.

**Review Procedure**

11.6.3.2 All applications for Zoning By-law amendments shall be processed in accordance with the provisions of the *Planning Act*, and regulations pursuant thereto, and the procedural requirements of this Plan. In general, after an applicant’s pre-application consultation meeting with municipal staff and submission of an application that is determined to be complete, all applications shall:

(a) Be circulated to appropriate agencies and those agencies be provided with sufficient time to respond;  
(b) Be advertised and be presented to the public and the views of the public ascertained at a public meeting to be held in accordance with the *Planning Act*; and  
(c) Be given due and thorough consideration by Council.

**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 11 - RESIDENTIAL DISTRICTS 2. (RD2.)

11.1 RESIDENTIAL DISTRICT 2.1 (RD2.1)

11.1.1 Permitted Uses

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

11.1.5 Provisions

<table>
<thead>
<tr>
<th>Provision</th>
<th>Duplex Dwelling</th>
<th>Semi-Detached Dwelling</th>
<th>Single Unit Dwelling</th>
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</thead>
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<tr>
<td>.1 Lot Width – minimum</td>
<td>12.0 m</td>
<td>15.0 m</td>
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<td>.2 Lot Area – minimum</td>
<td>360.0 m²</td>
<td>450.0 m²</td>
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<td>.4 Main Building Height – maximum</td>
<td>10.0 m</td>
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<td>.5 Front Yard Depth – minimum</td>
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<td>6.0 m</td>
<td>6.0 m</td>
</tr>
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<td>.6 Rear Yard Depth – minimum</td>
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<td>7.50 m</td>
</tr>
<tr>
<td>.7 Side Yard Width – minimum</td>
<td>1.20 m</td>
<td>1.20 m</td>
<td>1.20 m</td>
</tr>
</tbody>
</table>

SECTION 9 - GREEN DISTRICTS 1 (GD1.)

9.1 GREEN DISTRICT 1.1 (GD1.1)

9.1.1 Permitted Uses

Child Care Centre
Public Park
Any use accessory to the preceding uses

9.1.5 Provisions

<table>
<thead>
<tr>
<th>Provision</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>.3 Lot Coverage – maximum</td>
<td>25.0%</td>
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<tr>
<td>.4 Building Height – maximum</td>
<td></td>
</tr>
<tr>
<td>Lot having a lot area of less than 0.50 ha</td>
<td>9.0 m</td>
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<tr>
<td>Lot having a lot area of 0.50 ha or more</td>
<td>14.0 m</td>
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</table>
9.2 GREEN DISTRICT 1.2 (GD1.2)

9.2.1 PERMITTED USES

Child Care Centre
Club
Private Park
Public Park

Any use accessory to the preceding uses

9.2.5 PROVISIONS

.2 Lot Area – minimum 1,850.0 m²
.3 Lot Coverage – maximum 25.0%
.4 Building Height – maximum

_ Lot having a lot area of less than 0.5 ha_ 9.0 m
_ Lot having a lot area of 0.5 ha or more_ 14.0 m

9.3 GREEN DISTRICT 1.3 (GD1.3)

9.3.1 PERMITTED USES

Cemetery
Crematorium
Mausoleum

Any use accessory to the preceding uses

9.3.5 PROVISIONS

.2 Lot Area – minimum 10,000.0 m²
.3 Lot Coverage – maximum 25.0%
.4 Building Height – maximum 9.0 m

9.4 GREEN DISTRICT 1.4 (GD1.4)

9.4.1 PERMITTED USES

Natural Heritage Area

Any use accessory to the Natural Heritage Area

9.4.3 PROHIBITIONS

.1 Buildings or structures not accessory to the Natural Heritage Area are prohibited

9.4.5 PROVISIONS

.4 Building Height – maximum 8.0 m, except for an observation platform, deck or tower
9.5 GREEN DISTRICT 1.5 (GD1.5)

9.5.1 PERMITTED USES

Stormwater Management Facility
Any use accessory to the Stormwater Management Facility

9.5.5 PROVISIONS

.50 A Stormwater Management Facility shall be built in accordance with the terms of an agreement entered into with the Corporation of the City of Windsor

SECTION 3 – DEFINITIONS

3.10 DEFINITIONS

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.

DENSITY means a ratio expressed as the number of dwelling units per hectare and indicates the number of dwelling units that may be erected or maintained per hectare on a 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.

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

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

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

NATURAL HERITAGE AREA means an area designated as a Candidate Natural Heritage Site, Environmental Policy Area, Greenway System, Natural Heritage or Waterway Corridors in the City of Windsor Official Plan, any provincially or federally designated area of natural and scientific interest or significant wetland, or any other area reserved for the protection and conservation of environmentally significant and/or sensitive natural features, functions or processes.

STORM WATER MANAGEMENT FACILITY means an area designed to handle run-off, including surface water and other drainage, from a period of precipitation. It does not include the handling of sanitary wastewater.
APPENDIX D: CONSULTATIONS TABLE

Comments from Municipal Departments & External Agencies

BELL CANADA WSP - Ryan Courville, July 30, 2019
We have reviewed the circulation regarding the above noted application. The following paragraph is to be included as a condition of approval:

“The Owner shall indicate in the Agreement, in words satisfactory to Bell Canada, that it will grant to Bell Canada any easements that may be required, which may include a blanket easement, for communication/telecommunication infrastructure. In the event of any conflict with existing Bell Canada facilities or easements, the Owner shall be responsible for the relocation of such facilities or easements”.

We hereby advise the Developer to contact Bell Canada during detailed design to confirm the provision of communication/telecommunication infrastructure needed to service the development.

As you may be aware, Bell Canada is Ontario’s principal telecommunications infrastructure provider, developing and maintaining an essential public service. It is incumbent upon the Municipality and the Developer to ensure that the development is serviced with communication/telecommunication infrastructure. In fact, the 2014 Provincial Policy Statement (PPS) requires the development of coordinated, efficient and cost-effective infrastructure, including telecommunications systems (Section 1.6.1).

The Developer is hereby advised that prior to commencing any work, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is available. In the event that such infrastructure is unavailable, the Developer shall be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure.

If the Developer elects not to pay for the above noted connection, then the Developer will be required to demonstrate to the satisfaction of the Municipality that sufficient alternative communication/telecommunication will be provided to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

WSP operates Bell Canada’s development tracking system, which includes the intake and processing of municipal circulations. Please note, however, that all responses to circulations and other requests, such as requests for clearance, come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.
CANADA POST - Bruno DeSando, August 1, 2019
Attached are Canada Post comments for file ZNG-013/19 [ZNG/5875] AND SDN-003/19 [SDN/5831] – see attachment on pages 8, 9 &10 of this document.

ENGINEERING - DEVELOPMENT, PROJECTS & ROW – Patrick Winters, August 9, 2019
The applicant is requesting a zoning amendment from Development Reserve District 1.1 (DRD1.1) to Residential District 2.1 (RD2.1) and Green District 1.1 (GD1.1) in order to facilitate the construction of single unit dwellings, semi-detached dwellings, as well as a block of parkland and a 20m site buffer area. We have reviewed the servicing requirements of the subject lands pertinent to this application, and offer the following comments:

ROADS AND RIGHTS-OF-WAY:

The section of Wyandotte Street East fronting the subject lands was constructed by the City in 2007 and currently has a right of way width of 24m; no conveyance is required. Florence Avenue, south of Wyandotte Street East is classified as a class 2 collector road and requires a right of way width of 22m. We note based on the information circulated that the existing open alley running parallel to Florence Avenue through the site is needed in order to achieve the required right of way. Through discussions with Planning and Transportation Planning we understand this alley will be closed and conveyed to the applicant for these purposes.

Corner cut offs are required [4.6mx4.6m] in the southeast and southwest corners of the Florence Avenue and Wyandotte Street East Intersection, as well as in the northwest and southwest corners where Florence Avenue intersects Streets A and B.

In accordance with the Official Plan sidewalks will be required on both sides of the Florence Avenue extension and on 1 side of any newly created Streets A and B. A cul-de-sac is also required at the westerly limit of Street A.

We agree that a cul-de-sac should be provided at the south limit of Florence. At this point we do not know the timing for the extension to the south.

SEWERS:

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

W
tandotte
Storm Sewer: 1950mm RCP

Elinor
Sanitary Sewer: 350mm Asbestos Cement

Florence
Sanitary: 1500mm Reinforced Concrete [south of development]

A servicing study is required for this development in order to confirm capacity exists in the proposed sewer outlets from this site. The City has recently completed a re-assessment study for the North Neighbourhood Pond, the findings of which the applicant will be required to comply with. We also note that this site lies within the 300m buffer required for the future expansion of the Little River Pollution Control Plant. The applicant is required to comply with set back requirements as specified by the Ministry of the Environment, Conservation and Parks.

**COST SHARING/OVERSIZING:**

The applicant is required to provide municipal services to the vacant lots fronting the east side of the Florence Avenue Extension. A 1ft reserve will be registered across the frontage of these lots preventing access to the services until such time as the owners have paid their proportionate share of the cost of the infrastructure constructed.

The proposed development is also subject to cost sharing for the past construction of the trunk storm sewer on Wyandotte Street east and the North Neighbourhood. The City of Windsor has previously borne these costs in order to ensure the subject lands are able to be serviced.

In summary, we have no objections to this application, subject to the following conditions:

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

**SERVICING STUDY** – The applicant shall agree to retain a consulting engineer to review the existing and proposed sewer system for this development to determine its affect on the municipal sewer system. The study shall be done to the satisfaction of the City Engineer and the Chief Building Official. The applicant is required to demonstrate that no negative impacts will be realized by the existing surrounding community, before the proposed development will be allowed to proceed.

**ALLEY CLOSING** – Prior to the issuance of a Building Permit, the applicant shall apply to the Street and Alley Closing Committee to close the existing alley adjacent to the subject property.

**CORNER CUT OFF** – The applicant(s) agree, prior to the issuance of a construction permit, to gratuitously convey corner cut offs at the following locations in accordance with City of Windsor Standard Drawing AS-230:

1. 4.6mx4.6m (15’x15’) corner cut off at the southeast and southwest corner of the Wyandotte Street East and Florence Avenue intersection;

2. 4.6mx4.6m (15’x15’) corner cut off at the northwest and southwest corner of the intersection between Florence Avenue and Street A; and
SIDWALKS – The applicant(s) agree to construct concrete sidewalks on both sides of Florence Avenue, and on one side of Streets A and B.

OVERSIZING:

(1) The Owner further agrees to pay to the Corporation, prior to the issuance of a construction permit, its share of the costs as determined by the City Engineer for previously oversized services that were constructed to ensure that the subject lands could be serviced.

(2) In the event that the Owner is required to oversize any services in order to service other vacant lands, it is agreed that any oversizing costs to be paid by the Corporation to the Owner shall be based on a cost-sharing scheme satisfactory to the City Engineer. Any cost-sharing scheme agreed to will be subject to the approval of the Corporation's City Council.

LITTLE RIVER POLLUTION CONTROL PLAN EXPANSION SET BACK – The applicant(s) agree to comply with Ministry of the Environment, Conservation and Parks requirements relating to required set backs from the holding tanks to be constructed in the future when the Little River Pollution Control Plan is expanded.

STREET A CUL-DE-SAC – The applicant(s) agree to construct a cul-de-sac with a minimum radius of 9.5m at the westerly limit of Street A and another at the south limit of Florence.

If you have any questions or concerns, please contact Pat Winters at 519-255-6257, ext. 6462.

ENVIRONMENTAL SERVICES – Anne Marie Albidone, July 19, 2019
No concerns from Environmental Services

ENVIRONMENTAL & SUSTAINABILITY COORDINATOR - Averil Parent, Nov. 4, 2019 (Revised)
I realise the discussion about the trees in the middle coming down has already happened and I am aware that the type of trees they were was undesirable. However, from a climate change perspective, these mature trees would have provided stormwater retention and heat mitigation benefits to the development had they been left in place. My recommendation is that the following be a condition of approval of the draft plan of subdivision:

The owner/applicant shall agree to plant two new trees in blocks 26 to 34, one in the back and one in the front yards, as well as all other blocks having at least one new tree planted, to begin to compensate for this loss, to the satisfaction of the Executive Director of Parks.

I would also recommend that trees should be planted in the parkland allowance, subject to review by the Park department.
Also from a climate change perspective, new trees planted should incorporate native species and be adaptable to future climate models projecting increased hot days and average temperatures to 2050, to the satisfaction of the Executive Director of Parks.

**ENWIN UTILITIES (Hydro Engineering)** - Cecile Dalgleish, August 9, 2019
No Objection, provided adequate clearances are achieved and maintained. Enwin has existing underground infrastructure along the north limits of the site with 120/240 volt streetlight 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.

**ENWIN UTILITIES (Water Engineering)** – Cecile Dalgleish, August 9, 2019
Water Engineering has no objections.

**ESSEX REGION CONSERVATION AUTHORITY (ERCA)** – AUGUST 9, 2019:
[See comment on pages 8, 9 & 10 of this Appendix D]

**HERITAGE PLANNER** – Kristina Tang, August 9, 2019
The Archaeological Assessments provided must be reviewed and confirmed by the Ministry of Tourism Culture and Sport to be entered into the Ontario Public Register of Archaeological Reports.

There are several recommendations offered in the Stage 1 and 2 report.

The chosen strategy as proposed by the applicant is for parkland conveyance of the archaeological protection zone and other lands totaling to 0.52 ha/ 1.29 ac (shown as Block 35 on the Draft Plan of Subdivision) to the City of Windsor. This parkland conveyance has not been confirmed to be agreed to by the City. Decision on the parkland conveyance by the City will determine the subsequent steps necessary to fulfil the archaeological requirements as described in the Stage 1 & 2 Assessment. The recommendations and chosen strategy, as confirmed through MTCS's review letter, will need to be followed and addressed.

**HYDRO ONE** – Iwona Lipowski, July 29, 2019
We are in receipt of your Plan of Subdivision application, SDN 003-19 dated July 19th, 2019. We have reviewed the documents concerning the noted Plan and have no comments or concerns at this time. Our preliminary review considers issues affecting Hydro One's 'High Voltage Facilities and Corridor Lands' only.

For proposals affecting 'Low Voltage Distribution Facilities’ the Owner/Applicant should consult their local area Distribution Supplier. Where Hydro One is the local supplier the Owner/Applicant must contact the Hydro subdivision group at subdivision@Hydroone.com or 1-866-272-3330.

To confirm if Hydro One is your local distributor please follow the following link: http://www.hydroone.com/StormCenter3/
Please select “Service Territory Overly” and locate address in question by entering the address or by zooming in and out of the map.

If you have any further questions or inquiries, please contact Customer Service at 1-888-664-9376 or e-mail CustomerCommunications@HydroOne.com to be connected to your Local Operations Centre.

**LANDSCAPE ARCHITECT** – Stefan Fediuk, August 20, 2019
In collaboration with Parks Department, there are no objections to the proposed development.

Parks approves of the parkland being conveyed to augment the parkland of the Little River Corridor Naturalized Area, since the proposed parkland has been identified by MNRF as naturally significant as well as the City’s Heritage Planner as archeologically significant. Parks intention is to acquire the lands are part of the inventory of green space to help preserve significantly important natural areas as per REDISCOVER OUR PARKS (the City of Windsor’s Parks and Outdoor Recreation Master Plan), however will ensure that the land remains in a natural setting.

In similar situations there has been evidence of encroachment by the abutting residences into such land. Therefore it is recommended, that in addition to the standard one tree per unit as proscribed by the current 4th edition of the City of Windsor’s Landscape Requirement for Development, and as required in section 4.8 Dedicated Parkland, Clause 4.8.15 Fencing the developer shall install a non-permeable (no gates) 1.8m (6ft) fence between the boundaries of the proposed residences and the proposed parkland (Block 35 of the Draft Plan:J-794’A’) and the existing parkland of Little river Corridor, as a Condition of the Subdivision development.

The developer is not required to develop the land however, Parkland Development Fees are to be collected as per the Planning Act.

**MINISTRY OF MUNICIPAL AFFAIRS & HOUSING (MMAH)** – Marion-Frances Cabral, Dec. 11, 2019
- MINISTRY OF ENVIRONMENT CONSERVATION & PARKS (MECP)
- MINISTRY OF NATURAL RESOURCES AND FORESTRY (MNRF)
[See pages 15 & 16 for Ministry comment received dated November 28, 2019]

**PROPERTY ASSESSMENT** – Jose Mejalli, July 22, 2019
We have no objection to the zoning amendment allowing residential development by way of plan of subdivision.

**TRANSIT WINDSOR** – Jason Scott, July 22, 2019
Transit Windsor has no objections to this development. We currently have one bus route servicing the portion of Wyandotte St E that this proposed subdivision is off of with 1 bus stop right at the corner of Florence. We are finalizing our transit master plan this fall, but service would only be enhanced in this area or maintained, not diminished.

**TRANSPORTATION PLANNER** – Juan Paramo, August 9, 2019
Overall, Transportation Planning supports the subject Zoning By-law amendment subject to the following requirements:

- As per Section 7.2.6.23 of the Official Plan, a gratuitous land conveyance for a 4.6m x 4.6m corner cut-off will be required at the following intersections:
  - Southeast and southwest corner of Florence Avenue and Wyandotte Street East
  - Northwest and southwest corner of Florence and “Street A”
  - Northwest and southwest corner of Florence and “Street B”

- Wyandotte Street East is a municipal roadway classified by the Official Plan as a Class II Arterial road. The Little River Crossing Environmental Assessment has been completed for this section of Wyandotte Street East and the approved design does not identify additional land requirements.

- As a condition of this application, the owner shall agree that sidewalks are to be constructed at the owner's expense or contribute towards future construction of sidewalk along both sides of Florence Avenue and on one side of Street A and Street B.

- The westerly limit of Street A shall be terminated in a cul-de-sac that meets the City of Windsor Standards.

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

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

**WINDSOR FIRE & RESCUE SERVICES** – John Lee, July 22, 2019

No concerns from WFRS to rezone.

**WINDSOR POLICE SERVICE** - Barry Horrobin, September 5, 2019

I feel the proposed application to convert this currently vacant agricultural land parcel to a residential development represents a reasonable and appropriate form of infill development on the subject lands that will not negatively impact public safety. I would like to bring forward the following features of this plan of subdivision from the perspective of optimizing safety and security that should be considered as the application moves through the approval process:

The application calls for the construction of two different dwelling types (single detached and semi-detached dwellings). It is important to remember in new subdivisions such as this to ensure the resultant design will allow for each individual property to be easily identified in the event of an emergency. This is so that police responders can accurately locate the right address where an emergency call for assistance is required. Therefore, it is very important that each separate dwelling unit have a prominently displayed address number that is at least 5” high, is of a contrasting colour to the backdrop onto which it is mounted, and can be easily seen from the
adjacent roadway without obstruction. This will optimize the address number location and subsequent identification by the Police during an emergency response.

It is my understanding that Florence Avenue will eventually be opened up to continue southward from this property’s southern limits. This will ultimately help in establishing an additional view corridor into the natural green space area (Block 35) as a means to help detect suspicious activity that may go on there. In the mean time, as the space occupied by lots #5 through 12 gets developed, it will be important that side yard widths for those properties adhere to City standards to maintain some degree of observation connectivity to the natural area that abuts them.

Pedestrian safety is very important in all neighbourhoods; including an infill subdivision like what is being proposed here. In this regard, sidewalks need to be provided for the proper and safe movement of pedestrians, plus proper LED street lighting as well. Ideally, sidewalks should be placed with at least 3 feet of separation from the curb of the adjacent roadway to provide safe physical separation between vehicles and pedestrians. This separation distance also serves to enhance the driver’s field of view of the entire roadway environment (which includes adjacent sidewalk areas) as they are traveling down the road. The outcome from such a design that supports optimal public safety is a greater ability for drivers to safely stop suddenly if circumstances cause them to do so.

From an optimal public safety perspective, we are highly recommending the architectural design, for the majority of the new residential dwellings, not represent a “garage-thrusted” appearance. In such instances, the front entrance of the home is somewhat obscured from view from the abutting roadway due, at least in part, to the protrusion of the attached garage toward the front of the property at the street. Such a design de-emphasizes architectural orientation to the street, thereby reducing the level of natural citizen surveillance within the neighbourhood. Houses where the front door is not easily observable from the roadway can be more susceptible to criminalization since the limited observability of such offers criminals a greater degree of discretion. This request is consistent with section 1.1.1[c] of the Provincial Policy Statement (“Avoiding development and land use patterns which may cause environmental or public health and safety concerns”) and section 8.12.1.1 of the Official Plan (“Designs will be encouraged which enhance a sense of personal safety and to reduce the opportunity of crime”). The Windsor Police Service concedes to the fact this is not something that can be made a condition of the development but we are suggesting it nonetheless to promote an overall safe residential design. A reasonable solution to address this concern is to at least offer a mix of housing designs whereby not all of them feature garage-thrusted façades.
August 1, 2019

JUSTINA NWAESEI
PLANNER
CITY OF WINDSOR
350 CITY HALL SQUARE W, SUITE 320
WINDSOR ON  N9A 6S1

Reference: **ZNG-013/19 [ZNG/5875] AND SDN-003/19 [SDN/5831]**

Dear Justina,

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

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

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

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

Please see Appendix A for any additional requirements for this developer.
Regards,

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
Appendix A

Additional Developer Requirements:
- The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.
- The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.
- The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.
- The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.
- The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:
  - Any required walkway across the boulevard, per municipal standards
  - Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)
  - A Community Mailbox concrete base pad per Canada Post specifications.
August 09, 2019

Ms. Justina Nwaesi, Planner II – Development Review
City of Windsor, Development Services
350 City Hall Square West
Windsor, Ontario, N9A 6S1

Dear Ms. Nwaesi:

ARN 373906045006500; PIN: 015960820

The following is provided as a result of our review of Zoning By-Law Amendment Z-013-19, [ZNG-5875], and application for Draft Plan of Subdivision Approval SDN-003-19, [SDN-5831]. The applicant is requesting a zoning amendment for the subject lands from “Development Reserve District (DRD1.1) to “Residential District (RD2.1) and “Green District 1.1 (GD1.1) in order to permit the proposed development of a new residential subdivision. This subdivision is proposed to contain single detached units, and semi detached units to equal a total of 49 units. It is our understanding that a block will be created for parkland use, a hedgerow buffer area, and a stormwater management pond within the development. We also acknowledge that a holding zone symbol will be in place until a Final Plan of Subdivision can be registered.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed 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 this development proposal with regard to the natural hazard policies of the PPS and advise that flood risks pertaining to this property can be mitigated through our development review process. The above noted property is subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). As the parcel falls within the regulated area of the Little River and Lake St. Clair, the property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

We have reviewed the “Ingress and Egress Report” dated October 24, 2018, completed by Haddad Morgan & Associates Ltd, and are satisfied with the safe access routes identified during the 1:100 year
Ms. Nwaesei  
August 09, 2019

storm event. We would advise the applicant to submit an application for ERCA Development Review for this subdivision development at their earliest convenience.

**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, 2014)**

We are concerned with the potential impact of the quality and quantity of runoff, and overland flow routing with regards to the downstream watercourse. We therefore request the inclusion of the following conditions in the Draft Plan of Subdivision Development Agreement to satisfy our concerns:

1. That the developer undertakes an engineering analysis to identify stormwater quality and quantity measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
2. That the developer installs stormwater management measures identified above, as part of the development of the site, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
3. That the developer obtains the necessary permit or development clearance from the Essex Region Conservation Authority prior to undertaking site alterations and/or construction activities.

**PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

It is our understanding that the subject property may support habitat of endangered species and threatened species. Section 2.1.7 of the PPS 2014 states “Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.” Upon review of the application information circulated, the applicant received correspondence from the Ministry of Natural Resources and Forestry (MNRF) informing of the potential presence of species at risk on the property. We acknowledge that MNRF advised that the retention of the hedge row feature located on the west and south side of the property.
Ms. Nwaesei  
August 09, 2019  

property would be an adequate mitigation to comply with the Species at Risk Act and the Endangered Species Act. As the MNRF has found this proposal acceptable we would have no other concerns regarding the natural heritage polices of the PPS.

**FINAL RECOMMENDATION**

Provided that the above noted conditions are included in the Draft Plan of Subdivision Agreement we would have no objections to these applications for Zoning By-law Amendment or Draft Plan of Subdivision Approval.

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

Sincerely,

Corinne Chiasson  
*Resource Planner*  
/cor
November 28, 2019

Ms. Justina Nwasei
City of Windsor
350 City Hall Square West
Windsor, ON N9A 6S1

Subject: VGA Investment Inc.
Wyandotte St. and Florence Avenue
City of Windsor files: SDN 003/19 AND Z013/19

Dear Ms. Nwasei,

The Ministry received request for comments from the City of Windsor with regard to the above noted file. The City requested review by the Ministry of Natural Resources and Forestry (MNRF) and the Ministry of the Environment, Conservation and Parks (MECP).

In reviewing and making decisions on land use planning applications, all approval authorities are responsible for the consideration of the Provincial interests as set out in the Planning Act and the Provincial Policy Statement. In making the determination of whether the applications are consistent with the Provincial Policy Statement ("PPS") we direct the Municipality’s attention to the following comments.

The MNRF has advised that staff have provided comment on this proposed development in July 2017 directly to the proponent. However, as you are aware the MECP assumed responsibility of the Endangered Species Act since that time.

MNRF understands that the surrounding forested areas of the subject property appear to be considered significant woodland, and no vegetation is planned to be removed as part of the proposed project. MNRF does not have any concerns with the proposed development at this time.

The MECP were also circulated and provide the following comments with regard to the conditions of Draft Approval. MECP recommends that the City of Windsor consider imposing is as follows:

1) "That the fully executed subdivision agreement between the Owner and the City of Windsor shall contain a provision requiring the Owner to design the subdivision such that the existing perimeter hedgerows are retained, and furthermore, that the shrub thicket to
the south will not be disturbed in anyway. These measures to be incorporated for the purpose of “Species at Risk/ Habitat Protection.”

MECP would prefer that the City of Windsor be the clearing agency for this proposed condition of draft approval prior to final approval. That is, the ministry does not need to provide written clearance to the City of Windsor of proposed condition of draft approval #1 above. The MECP does not feel it needs to confirm such prior to final approval as the MECP is confident that the City of Windsor will ensure this provision is incorporated into their own subdivision agreement with the proponent.

Should you have any questions, or require further comments please contact me by telephone at 519-873-4769 or by email at marion-frances.cabral@ontario.ca.

Yours truly,

Marion-Frances Cabral
Planner, Municipal Services Office – Western
No Comment was received from the following:

- COGECO CABLE
- WALPOLE ISLAND FIRST NATIONS
- CANADA MORTGAGE & HOUSING CORPORATION (CMHC)
- WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD (WECDSB)
- GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD (GECDSB)
- SITE PLAN APPROVAL OFFICER
- ENBRIDGE GAS (Formerly UNION GAS)
- WINDSOR ESSEX COUNTY HEALTH UNIT
DRAFT PLAN OF SUBDIVISION

NOTE: FOR INFORMATION ONLY. SEE LARGE SCALE DRAWINGS FOR FURTHER DETAILS.

MAP NO: SDN-003/19-1
APPLICANT: VGA INVESTMENTS INC.
CITY OF WINDSOR PLANNING DEPARTMENT

PREPARED BY: VERHAEGEN LAND SURVEYORS
PLAN CAD DATE: DEC. 10, 2019
PLAN FILE NO.: 19-47-421-00
NOTE: FOR INFORMATION ONLY. SEE LARGE SCALE DRAWINGS FOR FURTHER DETAILS.

PROPOSED SITE LAYOUT

MAP NO: SDN-003/19-2
APPLICANT: VGA INVESTMENTS INC.
CITY OF WINDSOR PLANNING DEPARTMENT

PREPARED BY: HADDAD MORGAN & ASSOCIATES LTD.
DATE: DEC. 11, 2019
PROJECT NO.: 17-A178
DRAWING NO.: SK-01-R1
A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600
CITED AS THE "CITY OF WINDSOR ZONING BY-LAW"

Passed the day of , 2020.

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

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

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

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Zoning District Map Part</th>
<th>Lands Affected</th>
<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
<th>New Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14</td>
<td>Part of Lot 138, Concession 1, described as Block 35 on Map No. SDN-003/19-1 (located on the southwest corner of Wyandotte Street East and Florence Avenue intersection)</td>
<td>-</td>
<td>DRD1.1</td>
<td>GD1.4</td>
</tr>
</tbody>
</table>

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

“383. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND FLORENCE AVENUE

“For the lands comprising Part of Lot 138, Concession 1, further described as Block 35 on Map No. SDN-003/19-1, sections 5.8.1 and 5.8.5 shall not apply, and site alteration is not permitted, except after the local Aboriginal communities are consulted and Ministry of Tourism, Culture & Sports (MTCS) has issued its clearance. [ZDM 14; ZNG/5875]”

3. 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:

<table>
<thead>
<tr>
<th>Item Number</th>
<th>Zoning District Map Part</th>
<th>Lands Affected</th>
<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14</td>
<td>Part of Lot 138, Concession 1, described as Block 35 on Map No. SDN-003/19-1 (located on the southwest corner of Wyandotte Street East and Florence Avenue intersection)</td>
<td>-</td>
<td>S.20(1)383</td>
</tr>
</tbody>
</table>

4. 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:

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<tr>
<th>Item Number</th>
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<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
<th>New Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14</td>
<td>Part of Lot 138, Concession 1, described as Block 36 on Map No.</td>
<td>-</td>
<td>DRD1.1</td>
<td>GD1.5</td>
</tr>
</tbody>
</table>
5. 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:

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<thead>
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<th>Lands Affected</th>
<th>Official Plan Amendment Number</th>
<th>Zoning Symbol</th>
<th>New Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>14</td>
<td>Part of Lot 138, Concession 1, excluding lands described as Block 35 and Block 36 on Map No. SDN-003/19-1 (located on the southwest corner of Wyandotte Street East and Florence Avenue intersection)</td>
<td>-</td>
<td>DRD1.1</td>
<td>HRD2.1</td>
</tr>
</tbody>
</table>

4. That the holding (‘H’) symbol **BE REMOVED** when the applicant/owner submits an application to remove the ‘H’ symbol and the following conditions are satisfied:

   a) The Owner(s) apply to remove the hold provision; and
   b) Registration of a Final Plan of Subdivision.

DREW DILKENs, MAYOR

CLERK

First Reading - , 2020
Second Reading - , 2020
Third Reading - , 2020
SCHEDULE 2

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

To amend the zoning of the lands described as Part of Lot 138, Concession 1, as in R1158427 save and except Part 1, Plan 12R-22261, along with the abutting north/south alley to be closed and acquired and be further described in a Reference Plan (located on the southwest corner of Wyandotte Street East and Florence Avenue intersection), by changing the zoning from Development Reserve District 1.1 (DRD1.1) to

- Residential District 2.1 with an ‘H’ symbol (HRD2.1) on the subject land, excluding Blocks 35 & 36 – for residential development;
- Green District 1.4 (GD1.4) on Block 35 – for protection of existing hedgerows, existing cultural heritage value of the land and future treatment plan expansion buffer; and
- Green District 1.5 (GD1.5) on Block 36 – for storm water maintenance (dry pond).

This amendment facilitates the creation/development of 19 Lots for single detached dwellings and 15 blocks for semi-detached dwellings (resulting in 49 dwelling units, total) on the southwest corner of Wyandotte Street East and Florence Avenue intersection. This amendment supports a more compact development and helps optimize the use of existing municipal infrastructure and public facilities in the subject area. The amendment provides the opportunity to develop the subject underutilized lands.

2. Key map showing the location of the lands to which By-law _________ applies.
Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held December 9, 2019
Development & Heritage Standing Committee Meeting

Date: Monday, December 09, 2019
Time: 4:30 o’clock p.m.

Members Present:

Councillors
Ward 3 - Councillor Bortolin (Chairperson)
Ward 4 - Councillor Holt
Ward 5 - Councillor Sleiman
Ward 10 - Councillor Morrison

Members
Member Baker
Member Foot
Member Fratangeli
Member Gyemi
Member Miller
Member Moore
Member Rondot

Member Regrets
Member Bulmer

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Wira Vendrasco, Deputy City Solicitor
Michael Cooke, Manager of Planning Policy & Deputy City Planner
Rob Vani, Manager of Inspections & Deputy Chief Building Official
Patrick Winters, Development Engineer
Jim Abbs, Planner III – Subdivisions
George Robinson, Planner II – Revitalization & Policy Initiatives
Justina Nwaesei, Planner III – Subdivisions
Christopher Aspila, Planner III – Policy and Special Studies
Greg Atkinson, Planner III – Economic Development
Laura Diotte, Planner III – Special Projects
Kristina Tang, Planner III – Heritage
Minutes
Development & Heritage Standing Committee
Monday, December 09, 2019

Delegations

Item 7.1 & 7.2  Bill Salzer
Item 7.3  Melanie Muir, Dillon Consulting, representing the applicant
          John Stasso, resident of Ward 6
Item 10.2  Christian Trudeau, applicant
Item 10.3  Frank Massimo and Wendy Moore, property owners
Item 11.1  Brentan Dortmans, applicant
Item 11.11 Stephan Mazur, Pattison Outdoor Advertising LP
Item 11.12 Bryan Datoc, co-owner representing Craft Heads

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:33 o’clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

None disclosed.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE PLANNING ACT MINUTES

5.1. Adoption of the minutes of the Development & Heritage Standing Committee (Planning Act Matters) meeting held November 12, 2019
THAT the Planning Act Minutes of the Development & Heritage Standing Committee meeting held November 12, 2019 BE ADOPTED as presented.

Report Number: SCM 409/2019
Clerk’s File: MB2019

6. PRESENTATION DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS

7.1. Request for Extension of Draft Approval for Plan of Subdivision (SDN-002/03 as amended), located on the southeast quadrant of Little River Blvd and Florence Avenue intersection; File No. SDN-004/19 [SDN/5941]; Applicant - 2595562 Ontario Limited, o/a Fanelli Real Estate; Ward 7

Moved by: Councillor Sleiman
Seconded by: Member Moore

Decision Number: DHSC 107
THAT the application of 2595562 Ontario Limited, O/A Fanelli Real Estate for the extension of the Draft Approval of the Plan of Subdivision for the lands located east of Cypress Avenue, from Firgrove Drive to the VIA Railway line, as shown on Map No. SDN-004/19-1 (enclosed) BE APPROVED, and further, that the Draft Plan Approval Extension shall lapse on ___________ (3 years from the date of City Council approval).
Carried.

Report Number: S 218/2019
Clerk’s File: ZP/13641

7.2. Request for Extension Draft Approval for Plan of Subdivision for lands located west of Luxury Avenue, from Firgrove Drive to Mchugh Street, as shown on the Location Map below; File No. SDN-005/19 [SDN/5944]; Applicant - 2595562 Ontario Limited, o/a Fanelli Real Estate; Ward 7

Moved by: Councillor Holt
Seconded by: Member Gyemi

Decision Number: DHSC 108
THAT the application of 2595562 Ontario Limited, O/A Fanelli Real Estate for the extension of the Draft Approval of the Plan of Subdivision for the lands located west of Magnolia Avenue...
between Firgrove Drive and McHugh Street, as shown on Map No. SDN-005/19-1 (enclosed) **BE APPROVED** and, further, that the Draft Plan Approval Extension shall lapse on ____________ (3 years from the date of approval).
Carried.

Report Number: S 219/2019
Clerk’s File: ZP/13641

7.3. Zoning By-law Amendment - 6550 & 6560 Wyandotte St. E- Management & International Trading Inc. Z017/19 ZNG/5938 - Ward 6

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 109**

THAT an amendment to City of Windsor Zoning By-law 8600 **BE APPROVED**, changing the zoning of Part of Lots 120 and 121, Concession 1 (known municipally as 6550 and 6560 Wyandotte Street East) from Residential District (RD) 3.4 (RD3.4) and Holding - Residential District (RD) 2.2 (HRD2.2) with a site specific provision (S. 20 (1) 201) to Residential District (RD) 3.1, with site specific regulations as follows:

i. Lot Frontage: Minimum - 30m

ii. Lot Area: Minimum - As Existing

iii. Main Building Height: Maximum - 24m

iv. Number of Dwelling Units: Maximum – 26

Carried.

Report Number: S 216/2019
Clerk’s File: ZB/13640

There being no further business the meeting of the Development & Heritage Standing Committee (Planning Act Matters) portion is adjourned at 4:46 o’clock p.m.

The Chairperson calls the **Heritage Act Matters** portion of the Development & Heritage Standing Committee meeting to order at 4:48 o’clock p.m.

8. ADOPTION OF THE MINUTES

8.1. Adoption of the Development & Heritage Standing Committee Minutes of the meeting held October 15, 2019

Moved by: Member Baker
Seconded by: Councillor Morrison

THAT the minutes of the Development & Heritage Standing Committee meeting held October 15, 2019 **BE ADOPTED** as presented.
8.2. Adoption of the Development & Heritage Standing Committee Minutes of the meeting held November 12, 2019

Moved by: Member Baker
Seconded by: Councillor Morrison

THAT the minutes of the Development & Heritage Standing Committee meeting held November 12, 2019 BE ADOPTED as presented.
Carried.

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE ADMINISTRATIVE MATTERS)


10. HERITAGE ACT MATTERS

10.2. Request for Demolition of Detached Garage on Property Listed on Heritage Register at 2138 Victoria Ave (Ward 3)

Christian Trudeau, Applicant

Christian Trudeau, Applicant appears before the Development and Heritage Standing Committee regarding the report Request for Demolition of Detached Garage on Property Listed on Heritage Register at 2138 Victoria Avenue (Ward 3) and is available for questions.

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: DHSC 111
THAT the proposed demolition of the detached garage at the rear of 2138 Victoria Ave, BE GRANTED.
Carried.
10.1. Walker Power Building, 325 Devonshire Road - Request for Heritage Conservation Easement (Ward 4)

An inquiry regarding the easement is made. Administration indicates it is for archaeological purposes. Some historical information is provided as well as information related to the Heritage Designation application which will be coming forward to the committee in early 2020.

Moved by: Member Foot
Seconded by: Member Baker

Decision Number: DHSC 110
I. THAT the Owner of 325 Devonshire Road, ‘THE WALKER POWER BUILDING INC.’, ENTER into a Heritage Conservation Easement with the City according to Section 37 of the Ontario Heritage Act, for the conservation of the entirety of the railway turntable, and any other archaeological resources as required by the Ministry of Tourism, Culture & Sport and;

II. THAT the CAO and City Clerk BE AUTHORIZED to sign the Heritage Conservation Easement in content satisfactory to the City Planner and form to the City Solicitor

Carried.

Report Number: S 177/2019
Clerk’s File: MBA/13632

10.3. Heritage Alteration Permit for 2161 Riverside Drive - Exterior alterations to the Ross-Struthers House (Ward 2)

Kristina Tang, Heritage Planner appears before the Development and Heritage Standing Committee regarding the administrative report Heritage Alteration Permit for 2161 Riverside Drive – Exterior alterations to the Ross-Struthers House (Ward 2) and provides a brief overview of the application, the property and includes a timeline of occurrences. Ms. Tang indicates that the public alerted the City of changes occurring to the house and the City staff have had discussions with the current owners related to stucco repairs and balcony railing options. Ms. Tang indicates that the owner failed to apply for a heritage alteration permit prior to changes being completed to the property. Ms. Tang provides a brief overview of the recommendations in the administrative report. Administration indicates any alterations must meet the building code.

Frank Massimo and Wendy Moore, Property owners

Frank Massimo and Wendy Moore, Property owners, appear before the Development and Heritage Standing Committee regarding the administrative report Heritage Alteration Permit for 2161 Riverside Drive – Exterior alterations to the Ross-Struthers House (Ward 2) and indicate the intent of the alterations were not to change the original architectural aspects of the home. Mr. Massimo adds that after years of water damage he was advised by the contractor that the current structure couldn’t be replicated and had to be changed to solve the water issues. Mr. Massimo provides
details of the work that was complete. Mr. Massimo adds that there was a railing present before
that wasn’t to code and now are asking for the permit so that it meets code.

Councillor Bortolin inquires as to why the work was started without having the permit. The
applicants indicate that they applied for the permit in August. Mr. Massimo provides some family
related background related to the property.

Member Fratangeli inquires as to what work was approved to proceed in the fall. Ms. Tang
indicates she met with the applicant to discuss selection of appropriate finishes and colours
although committee approval was required to proceed.

Member Baker inquires whether structural permits of any kind were issued. Rob Vani, Manager
Inspections, Deputy Chief Building Official appears before the Development and Heritage Standing
Committee regarding the administrative report Heritage Alteration Permit for 2161 Riverside Drive –
Exterior alterations to the Ross-Struthers House (Ward 2) and indicates that the permit was applied
for in November after the initial work was completed. Mr. Vani adds that the building department
did issue a compliance order in June.

Councillor Sleiman inquires whether administration has specific heritage related contractors that
they would recommend. Ms. Tang indicates they have a list of contractors that have worked with
Heritage properties before that they can provide to applicants; however, recommendations are not
provided.

Councillor Sleiman requests clarification regarding the recommendations and administration
provides a brief explanation.

Moved by: Councillor Holt
Seconded by: Member Miller

Decision Number:  DHSC 112
I. THAT a Heritage Alteration Permit for installation of the glass railing balcony above the front
enclosed porch of the Ross-Struthers House, 2161 Riverside Drive West, in Appendix B -
September Council Report S 159/2019, BE GRANTED on condition that the Owner
reconstruct designated heritage attributes as per attached drawings in Appendix B for
building permit issuances; and,

II. THAT further minor alterations to the request BE DELEGATED to the City Planner for final
approval.
Carried.

Report Number: S 229/2019
Clerk’s File: MBA/11185

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. To Close and Convey the East/West Alley, South of Fazio Dr, East of Emilia Rd, Abutting 3180 Fazio Dr, Applicant D. Gatti - SAA/5679 Ward 1

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

THAT the report of the Planner III – Policy & Special Studies, dated November 18, 2019, entitled To Close and Convey the East/West Alley, South of Fazio Dr, East of Emilia Rd, Abutting 3180 Fazio Dr – Applicant D. Gatti – SAA/5679 Ward 1 BE DEFERRED to a future meeting of the Heritage & Development Standing Committee to allow for administration to meet with the applicant to discuss options.
Carried.

Report Number: S 170/2019
Clerk’s File: SAA2019

11.1. To Close and Convey the Westerly Portion of North Terminal Rd, Northerly of Essex Terminal Railway. - SAS/5711 Applicant: B & S Dortmans - Ward 3

Christopher Aspila, Planner III, Policy & Special Studies appears before the Development and Heritage Standing Committee regarding the administrative report To Close and Convey the Westerly Portion of North Terminal Rd., Northerly of Essex Terminal railway. Applicant: B&S Dortmans Ward 3 and provides a brief overview of the property, application and displays a map and site photos of the property.

Brentan Dortmans, Applicant

Brentan Dortmans, Applicant appears before the Development and Heritage Standing Committee regarding the report To Close and Convey the westerly portion of North Terminal Road, northerly of Essex Terminal Railway (Ward 3) and indicates that he takes care of the property, refers to the report regarding Enwin having no issue with the closure, and is opposed to the administrative recommendation.

Councillor Holt inquires about a possible active transportation core through this area. Mr. Aspila indicates that has not yet been determined.

Councillor Holt inquires whether this type of closure has been requested in the past. Administration indicates they are not aware. They add that there is a sewer in the area and they would have to
access it for maintenance or replacement and this is the reason that administration is requesting a
denial. Administration adds if it was closed they would have to bring heavy equipment on private
property which could be problematic.

An inquiry is made related to an easement and if that was considered.

Councillor Bortolin inquires as to the difference between a street closure request and an alley
closure request. Wira Vendrasco, Deputy City Solicitor appears before the Development and
Heritage Standing Committee regarding the administrative report To Close and Convey the
Westerly Portion of North Terminal Rd., Northerly of Essex Terminal railway. Applicant: B&S
Dortmans Ward 3 and indicates that streets and alleys are the same legal entity. She adds that
unassumed streets appear as a road although they are not assumed so would not get the same
attention as roadways that are assumed related to winter maintenance and they may not be paved.
As part of the existing alley closing policy, if sewer is present the request is denied.

Councillor Morrison requests clarification as to the location of the sewer line and whether a
severance can be provided. Administration provides clarification and suggests a deferral to
discuss options with the applicant.

Moved by: Councillor Morrison
Seconded by: Councillor Holt

THAT the report of the Planner III – Policy & Special Studies, dated October 24, 2019, entitled To
Close and Convey the Westerly Portion of North Terminal Rd, Northerly of Essex Terminal
Railway. SAS/5711 Applicant: B & S Dortmans – Ward 3 BE DEFERRED to a future meeting of the
the Heritage & Development Standing Committee to allow for administration to meet with the
applicant to discuss options.
Carried.

Report Number: S 204/2019
Clerk’s File: SAA2019

11.11. Reconstruction of Sign Structure on Riverside Drive at Caron Ave. SGN
01-19. Ward 3

Stephen Mazur, Pattison Outdoor Advertising LP

Stephen Mazur, Pattison Outdoor Advertising LP appears before the Development and Heritage
Standing Committee regarding the administrative report Reconstruction of Sign Structure on
Riverside Drive at Caron Avenue, Ward 3 and is available for questions.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman
THAT the application for an amendment to By-law 250-2004 (City of Windsor Sign By-law) to allow for the alteration of a legal non-conforming signs characteristics, as depicted in Appendix “A” Option 2, located along Riverside Drive (Legally known as Concession 1 Part of Lot 76; Part 1 of Registered Plan 12R14305) **BE APPROVED**; and,

THAT “Schedule E: Special Provisions for Individual Signs” of By-law 250-2004 (City of Windsor Sign By-law) **BE AMENDED** to allow for the specific alterations of the sign characteristic to permit double sided sign faces.

Carried.

11.12. Downtown Windsor CIP Grant Application under the Commercial/Mixed Use Building Facade Improvement Grant Program made by Craft Heads at 324-328 Pelissier Street, Ward 3

Bryan Datoc, Co-owner representing Craft Heads

Bryan Datoc, Co-owner representing Craft Heads appears before the Development and Heritage Standing Committee regarding the administrative report Downtown Windsor CIP Grant Application under the Commercial/Mixed Use Building Facade Improvement Grant Program made by Craft Heads at 324-328 Pelissier Street (Ward 3) and is available for questions.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 122**

I. THAT the request made by Craftheads Brewing Company to participate in the Commercial/Mixed Use Building Facade Improvement Grant Program **BE APPROVED** for 50% of the eligible costs to a maximum of $20,000 for masonry repair and storefront renovations at 324-328 Pelissier Street pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

II. THAT the grant **BE PAID** to Craftheads Brewing Company upon completion of the facade improvements as shown in Appendix B to Report S 228/2019 within one (1) year of Council approval to the satisfaction of the City Planner and Chief Building Official. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022).

III. THAT should the facade improvements not be completed in one (1) year, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

Carried.
11.2. Closure of Part of Perth Avenue, East of 1692 Chappus Street, SAS/5686 Ward 1

Moved by: Councillor Holt  
Seconded by: Councillor Morrison

Decision Number: DHSC 113

I. That the 18.29m wide portion of Perth Avenue right-of-way located on the north side of Chappus Street, from the north limit of Chappus Street right-of-way to the south limit of the east/west Alley between the lands legally described as Lots 16 and 17 on Registered Plan 560, as shown on Drawing No. CC-1743 attached as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the 18.29m wide portion of Perth Avenue right-of-way located on the north side of Chappus Street, from the north limit of Chappus Street right-of-way to the south limit of the east/west Alley, between the lands legally described as Lots 16 and 17 on Registered Plan 560, as shown on Drawing No. CC-1743 attached as Appendix “A”, BE CLOSED AND CONVEYED to the applicant;

III. THAT Conveyance Cost BE SET as follows:

For this closure, $2.00 per square foot with or without easements, plus deed preparation fee and proportionate share of survey costs as invoiced by an Ontario Land Surveyor (OLS) to The Corporation of the City of Windsor; and,

IV. That The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1743 attached as Appendix “A”;

V. That The City Solicitor BE REQUESTED to prepare the necessary by-law(s);

VI. That the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor; and,

VIII. That the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.  
Carried.

Report Number: S 169/2019  
Clerk’s File: SAA2019

11.4. Close and Convey the North/South Alley Between Drouillard Rd and Henry Ford Center Drive, South of Richmond St. - SAA/5709 - Applicant: Drouillard Place 1102 Drouillard Rd - Ward 5

An inquiry is made related to alley closings. Administration indicates alley closings are requested for a various number of reasons including but not limited to safety issues. In some instances
someone wants to close the alley for other reasons and brings an application forward. Whenever a request is made the alley closing policy is referred to.

Michael Cooke, Manager Planning Policy, Deputy City Planner appears before the Development and Heritage Standing Committee regarding the administrative report Close and Convey the North/South Alley Between Drouillard Rd and Henry Ford Center Drive, South of Richmond St. – SAA/5709- Applicant: Drouillard Place 1102 Drouillard Rd. – Ward 5 and indicates that all alleys are different and many requests can be made for different reasons. The City’s direction is to close as many of these alleys so that the risk to the City is decreased.

Moved by: Councillor Sleiman
Seconded by: Councillor Morrison

Decision Number:  **DHSC 114**

I. That the 3.66 metres wide north/south alley located on the south side of Richmond Street, between Drouillard Road and Henry Ford Centre Drive, as shown on Drawing No. CC-1748 attached as Appendix “A”, **BE ASSUMED** for subsequent closure;

II. That the 3.66 metres wide north/south alley located on the south side of Richmond Street, between Drouillard Road and Henry Ford Centre Drive, as shown on Drawing No. CC-1748 attached as Appendix “A”, **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:

   a) Easement, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

      - Bell Canada, Cogeco Cable Systems Inc., and Enwin Utilities Ltd.

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

   a. For portions of the alley abutting lands zoned Residential RD2.1: $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

   b. For portions of the alley abutting lands zoned Commercial CD2.2: $4.50 per square foot without easements and $2.25 per square foot with easements plus deed preparation, plus proportionate survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. **THAT The City Planner BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1748, **attached** as Appendix “A”.

V. **THAT The City Solicitor BE REQUESTED** to prepare the necessary by-law(s).
VI. THAT The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter BE COMPLETED electronically pursuant to By-law Number 366-2003. Carried.

11.5. Close and Convey Part of the North/South Alley Between Longfellow Ave and Alexandra Ave., Abutting 1952 Longfellow Ave Southerly to Calumet St - SAA/5710 - Applicant Olivia Construction Homes Inc. - Ward 10

Moved by: Councillor Sleiman
Seconded by: Councillor Morrison

Decision Number: DHSC 115
I. That the portion of the 4.57 metre wide north/south alley located on the south side of Arcadia Street, between Longfellow Avenue and Alexandra Avenue, and north of Calumet Street, and shown on Drawing No. CC-1750 attached as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the portion of the 4.57 metre wide north/south alley located on the south side of Arcadia Street, between Longfellow Avenue and Alexandra Avenue, and shown on Drawing No. CC-1750 attached as Appendix “A”, BE CLOSED AND CONVEYED in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:

a) Easement, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

i. Bell Canada, Cogeco Cable Systems Inc., MNSi and Enwin Utilities Ltd.

III. THAT Conveyance Cost BE SET as follows:

a. For alley abutting lands zoned RD1.1: $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

b. For alley abutting lands zoned HMD1.4: $2.30 per square foot plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. THAT The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1750, attached as Appendix “A”.

V. THAT The City Solicitor BE REQUESTED to prepare the necessary by-law(s).
VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003. Carried.

Report Number: S 188/2019
Clerk's File: SAA2019

11.6. Close and Convey the Westerly Half of the East/West Alley Between Princess and Norman Road, South of Tecumseh Road East Abutting 4947 Tecumseh Road EastSAA/5725 - Applicant: Christopher Horovenko - Ward 8

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: **DHSC 116**

I. That the portion of the 6.10 metre wide east/west alley located on the south side of Tecumseh Road East, between Norman Road and Princess Avenue, and shown on Drawing No. CC-1753 *attached* as Appendix “A”, **BE ASSUMED** for subsequent closure;

II. That the portion of the 6.10 metre wide east/west alley located on the south side of Tecumseh Road East, between Norman Road and Princess Avenue, and shown on Drawing No. CC-1753 *attached* as Appendix “A”, **BE CLOSED AND CONVEYED** to the applicant, subject to the following:

a) Easement, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

i. Bell Canada, MNSi and Enwin Utilities Ltd.

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

a. For alley abutting lands zoned Residential RD1.1: $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor;

b. For alley abutting lands zoned Commercial CD2.1: $12.00 per square foot without easement and $6.00 per square foot with easements plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1753, *attached* as Appendix “A”.

V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
VI. THAT The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.

Carried.

Report Number: S 205/2019
Clerk’s File: SAA2019

11.7. Close and Convey the East/West Alley Between Armanda Street and Wentworth Street East of Werner Street - SAA/5822 - Applicant: Elie Saba - 1545 Armanda Street - Ward 1

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: DHSC 117

I. That the portion of the 4.57 metre wide east/west alley located on the east side of Werner Avenue, between Armanda Street and Wentworth Street, and shown on Drawing No. CC-1754 attached as Appendix “A”, BE ASSUMED for subsequent closure;

II. That the portion of the 4.57 metre wide east/west alley located on the east side of Werner Avenue, between Armanda Street and Wentworth Street, and shown on Drawing No. CC-1754 attached as Appendix “A”, BE CLOSED AND CONVEYED to the abutting property owners, and adjusted as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

   a) Easement, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:

      • Bell Canada and the City of Windsor.

III. THAT Conveyance Cost BE SET as follows:

   a. For alley abutting lands zoned Residential RD1.1 or Development Reserve DRD1.1: $1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. THAT The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1754, attached as Appendix “A”.

V. THAT The City Solicitor BE REQUESTED to prepare the necessary by-law(s).

VI. THAT The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003. Carried.

Report Number: S 207/2019
Clerk’s File: SAA2019

11.8. **Closure of Part of the Westerly Half of the East/West Alley Between Rossini Boulevard and Bernard Road north of Tecumseh Road East - Ward 5**

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: **DHSC 118**

I. That the portion of the 5.5 metre wide east/west alley located on the east side of Rossini Blvd, between Griffin Court and Tecumseh Road East, and shown on Drawing No. CC-1760 *attached* as Appendix “A”, **BE ASSUMED** for subsequent closure;

II. That the portion of the 5.5 metre wide east/west alley located on the east side of Rossini Blvd, between Griffin Court and Tecumseh Road East, and shown on Drawing No. CC-1760 *attached* as Appendix “A”, **BE CLOSED AND CONVEYED** to the abutting property owner, and adjusted as necessary, in a manner deemed appropriate by the City Planner, subject to the following:

a) Easement, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
   - Bell Canada and Enwin Utilities Ltd as detailed in Appendix C

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

a. For alley abutting lands zoned CD2.1: $12.00 per square foot without easements and $6.00 per square foot with easements, plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

IV. **THAT The City Planner BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1760, *attached* hereto as Appendix “A”.

V. **THAT The City Solicitor BE REQUESTED** to prepare the necessary by-law(s).

VI. **THAT The Chief Administrative Officer and City Clerk BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. **THAT the matter BE COMPLETED** electronically pursuant to By-law Number 366-2003. Carried.

Report Number: S 225/2019
Clerk’s File: SAA2019
11.9. Closure of the triangular portion of Havens Drive right-of-way, located west of the property known as 613 Havens Drive and abutting Block 63, 12M-364; Declaration that part of the Land Proposed for Closure, along with Block 63, 12M-364, are Surplus and Authority to Offer the surplus lands for Sale; Applicant – City of Windsor Legal Department – Real Estate Services (c/o Chris Carpenter); File No. SAA/5676 Ward 1

Moved by: Councillor Holt
Seconded by: Councillor Morrison

Decision Number: DHSC 119

I. THAT the triangular portion of Havens Drive right-of-way abutting Block 63, 12M-364, shown as PART 1 on Drawing No. CC-1742 attached hereto as Appendix “A”, BE CLOSED AND CONVEYED by The Corporation of The City of Windsor as a residential building lot, subject to the following:

a. Easement, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
   i. Enwin Utilities Ltd. the location of which is to be to the satisfaction of the Manager of Real Estate Services
b. MTO Permits required prior to any development or changes to the property.
c. A Restrictive Covenant on title prohibiting the erection of opaque fences that would restrict available sight lines into the retention pond space.

II. THAT the 0.3m wide by 40m long westerly portion of Havens Drive shown as PART 2 on the attached Appendix “A”, BE CLOSED AND RETAINED for municipal purposes namely a 1 foot reserve to restrict driveway access along that portion of Havens Drive;

III. THAT The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1742, attached hereto as Appendix “A”.

IV. THAT The City Solicitor BE REQUESTED to prepare the necessary by-law(s).

V. THAT, upon the registration of the necessary by-laws, the following vacant parcels of land BE DECLARED surplus:

   (1) **Property No. 1:** Triangular portion of Havens Drive right-of-way abutting Block 63, 12M-364, shown as PART 1 on Drawing No. CC-1742 attached hereto as Appendix “A”;
      - Legal Description: Part of Havens Drive R.O.W. as in 12M-364, to be further described on a new reference plan of survey.
      - Approximate Lot Area: 900m².

   (2) **Property No. 2:** L-shaped parcel located on the south side of Havens Drive shown as Part 3 on Drawing No. CC-1742 attached hereto as Appendix “A”;


VI. THAT The Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

VII. THAT the matter BE COMPLETED electronically pursuant to By-law Number 366-2003.

VIII. THAT the Manager of Real Estate Services BE AUTHORIZED to offer the vacant parcels of land legally described as Part of Havens Drive R.O.W. along with Block 63, Plan 12M-364, all to be further described on a new reference plan of survey, for sale on MLS at a list price to be determined by the Manager of Real Estate Services or an independent appraisal, as appropriate.

Carried.

Report Number: S 199/2019
Clerk’s File: APM2019

11.10. Economic Revitalization Community Improvement Plan (CIP) application submitted by Ventra Group Inc./Flex-N-Gate Howard, LLC for 309 Ellis Street East (Ward 3)

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: DHSC 120

I. THAT the request made by Ventra Group Inc./Flex-N-Gate Howard, LLC to participate in the Business Retention and Expansion Grant Program BE APPROVED for 100% of the municipal portion of the tax increment resulting from the proposed development located at 309 Ellis Street 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 and Ventra Group Inc./Flex-N-Gate Howard, LLC to implement the Business Retention and Expansion Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

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

Carried.

Report Number: S 191/2019
Clerk’s File: MI/13630
11.13. Ford City CIP Grant Applications-1053 to 1055 Drouillard Road

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: DHSC 123

I. THAT, the request for incentives under the Ford City CIP Financial Incentive Programs made by Marina Juliana and Andrea Rino James Maffessanti, owners of the property located at 1053-1055 Drouillard Road BE APPROVED, for the following incentive programs:

   i. Retail Investment Grant in the amount of $15,000;
   ii. Municipal Development Fees Grant to a maximum amount of $2,000 for exterior improvements;
   iii. Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years (amount to be determined);

II. THAT, subject to completion and review satisfactory to the City Planner, the request made by Marina Juliana and Andrea Rino James Maffessanti, owner of the property located at 1053-1055 Drouillard Road, BE APPROVED for grants totalling a maximum of $30,000 in principle under the Building Facade Improvement Program and Urban Design Guidelines for Main Streets Community Improvement Plan;

III. THAT should the renovations result in an increased assessment which would make this application eligible for a property tax increment grant, Administration BE DIRECTED to prepare the agreement between the City and Marina Juliana and Andrea Rino James Maffessanti 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 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 grants BE PAID to Marina Juliana and Andrea Rino James Maffessanti upon completion of improvements to the interior retail unit through the capital project 7181046 (The Ford City CIP) and future facade improvements through the reserve fund 156 (Community Facade Improvement Program) to the satisfaction of the City Planner and Chief Building Official.

VI. THAT should the grants not be paid, City Council AUTHORIZE that the funds be uncommitted and made available for other development applications.

Carried.
12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None requested.

14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee is adjourned at 6:07 o’clock p.m.

Ward 3 - Councillor Bortolin
(Chairperson)

Supervisor of Council Services
Subject: Heritage Recognition 2020 - Presentation of Built Heritage Awards

Reference:
Date to Council: January 13, 2020
Author: Kristina Tang, MCIP, RPP
Heritage Planner
ktang@citywindsor.ca
519-255-6543 X 6179

George Robinson, MCIP, RPP
Planner II- Revitalization & Policy Initiatives
519-255-6543, ext. 6531
GRobinson@citywindsor.ca

Vincent Wen
Planning Co-op Student

Planning & Building Services
Report Date: November 29, 2019
Clerk’s File #: SPL2020

To: Mayor and Members of City Council

Recommendation:

I. THAT the property owners and project teams responsible for the heritage conservation of the vernacular commercial building, 212-248 Erie St W; Willistead Manor, 1899 Niagara Street; Holy Trinity Russian Orthodox Church, 1410 Drouillard Road; Windsor Airport Hanger No. 401, 104-2600 Airport Rd; Queen Victoria Public School, 1376 Victoria Ave; Prince Edward Public School, 949 Giles Blvd E; Hugh Beaton Public School, 2229 Chilver Rd; and Sandwich Fire Hall & Stable now John Muir Branch, Windsor Public Library, 363 Mill Street; BE RECOGNIZED with Built Heritage Awards for 2020.

Executive Summary:

N/A
Background:

The third Monday of February is the Canadian Heritage Day, a day to recognize and pay tribute to our land and landmarks, our nation's history, our diverse cultures and our traditions. Heritage Day coincides with Ontario Heritage Week, which takes place annually during the third week of February (February 17 to 23, 2020).

In recognition of the heritage celebrations, proclamation of Heritage Week by City Council has been requested. Special events/activities hosted by heritage-related organizations and places of attractions will be updated on the City of Windsor webpage.

In conjunction with the heritage celebrations, for many years City Council has recognized individuals and organizations for long-time heritage stewardship and/or well-done rehabilitations, or for their contributions to successful heritage redevelopment projects through the Built Heritage Awards.

New this year, the City of Windsor held a campaign to invite public nominations of properties. Advertisement and marketing was made through a media release, to public libraries, community centers, City of Windsor facilities, and across City of Windsor channels. In concert with the public nomination, members of the Heritage Committee refined the criteria for the nominations to three categories of Awards, being Heritage Conservation (focused on preservation, rehabilitation or restoration efforts), Adaptive Re-use for properties that have been converted for new used in a heritage context, and the Honour Category for properties that are important contribution to community revitalization and or build awareness and education of heritage. All properties were to generally adhere to Standards & Guidelines for the Conservation of Historic Places in Canada.

Heritage Conservation:

Properties that demonstrate extraordinary or exemplary conservation (preservation, rehabilitation or restoration) of the existing built heritage resource, while protecting its heritage value.

- Preservation work that protects, maintains and stabilizes the original form, material and integrity of a historic place
- Rehabilitation work involving sensitive adaptation of an historic place or individual component for a continuing or compatible contemporary use.
- Restoration work that reveals, recovers or represents the state of an historic place or individual component as it appeared at a particular period in its history
- The property and buildings are well maintained

Adaptive Re-use:

Properties that maintain original features while introducing new features that support the re-use of the property.

- Repurposing a building while retaining its heritage character
• May include additions that are sensitive to the historic context of the heritage property
• Enhancement to the community and adds value to the streetscape

Honour:

• Important contribution to community revitalization
• Builds awareness and education of heritage
• Showcases a commitment to heritage conservation
• Culturally significant landmark

The public nominations were vetted and final selection were made by the Heritage Committee members.

Discussion:

The Built Heritage Awards are to be presented to:

212-248 Erie St W (Listed on the Register in 2007):

Awarded for: Heritage Conservation of Traditional Commercial Storefronts

This c.1920s mixed use building is located on the northwest corner of Victoria Avenue and Erie Street West at 212-248 Erie Street West, within the Victoria Avenue Heritage Area. The building is a two storey, red brick building with five commercial units on the ground floor fronting Erie Street and four residential apartments on the second storey. The parapet walls outline ornate stone crests in the center, and the central entranceways on each side is bordered by brick pilasters and a moulded entablature. Pilasters also articulate the corners of the facade. In spring 2018, the property owner SVB Realty Inc. applied under the Downtown Windsor Community Improvement Plan for the Commercial/Mixed Use Building Facade Improvement Grant Program and Building/Property Improvement Tax Increment Grant Program for masonry work and storefront replacement. The restoration efforts included masonry work on the front and rear of the building. The masonry work involved the removal and replacement of mortar joints, removal and replacement of damaged bricks, and masonry cleaning. The renovation of the storefronts included new entrance door, windows, moldings, and baseplates, all finished in black. The owner also further invested in improvements to the appearance of the property by introducing goose-neck lighting to each commercial unit and projecting signs, and has replaced the residential doors, second floor windows and repainted the cornice and wood trim to match the new colour scheme.

This renovation is being recognized as a good example of appropriate and heritage-sensitive storefronts renovations conducted in the era of original construction. The work completed embraces good heritage conservation practices including respectful maintenance and repair to its character-defining elements. Overall, the building is a well-maintained example of historic commercial development in Windsor.
Willistead Manor, 1899 Niagara Street (Designated since 1976)

Awarded for: Heritage Conservation

Willistead Manor was built in 1906 and designed by Albert Kahn as a 36-room mansion on 15 acres of land. The Manor was built for the second son of Hiram Walker, Edward Chandler Walker. Willistead was Windsor’s first heritage designation in 1976. It is also one of four properties that the City tendered heritage consulting work for. The City of Windsor Facilities Department led this exercise with awarded heritage consultants Goldsmith Borgal & Company (with local partners studio g+G architect, and engineering by Haddad Morgan & Associates Ltd), for a $1.95 million dollar restoration project for Willistead in 2017-2018.

The restoration held to the Standards & Guidelines for the Conservation of Historic Places in Canada. The scope of work included cleaning of the masonry using specific chemicals and removal of biological growth and vines. Repairs were made to the masonry in repointing of mortar, crack repairs to the stucco, reinstallation of support to stone cap, installing crack monitors and consolidating cracked decorative flue cap. In addition, rotten and damaged wood was repaired, replaced and painted to protect the surfaces. Extensive repairs were made to the windows through careful cataloguing of each condition, removal, and application of appropriate repair treatment prior to reinstallation. Work on the roofing system included repairs to the copper leaderboxes, replacing some non-copper rain water leaders and brackets with copper, replacing metal flashing and missing shingle, copper cap flashing was added on top of wood hoist beam for protection, securing copper ridge cap opening at joints, replacement of broken or loose clay roof tile and clay eave tile. A major component of this work was to improve
the foundation drainage system which had been filled with soil and debris, and caused leaks not only to the basement but also filled up to leaking eaves, causing damage to the façade. The new drainage system improvements include the installation of a new waterproof membrane and the weeping tile installation which resulted in excavation of the area around the building at the manor entrance courtyard.

The restoration project at Willistead preserves the high quality of craftsmanship in the building, and showcases high degree of adherence to heritage standards, which would allow Willistead Manor to continue as one of the most significant heritage properties in the City and remain for generations to enjoy.
Holy Trinity Russian Orthodox Church - 1410 Drouillard Road (Listed on the Register in 2007):

Awarded for: Heritage Conservation

Completed in 1947 in a Northern Russian / Byzantine architectural style, the main aisle is laid out in the shape of a cross and leads to the altar. The building is constructed of concrete blocks, with a steel frame supporting the dome. The church dome is supported by four columns, representing the four evangelists of the Christian faith.

The Church has continually maintained the property with best efforts from their membership. Between 2012 to 2017, work was done to repair cracks in the brick wall and leaks in the large cupola, and repairs made to the roofing system. Extensive repairs to the exterior paint was conducted in 2019, including the bell tower and the onion dome. Other recent exterior work includes fascia restoration, eaves trough and downspout upgrades in 2019.
After restoration work, November 2019 (Photo Credit: Administration)

**Windsor Airport Hanger 401** - 104-2600 Airport Rd (Listed on the Register in 2011):

Awarded for: Adaptive Re-use and Honour

Built in 1940, this large (160 ft x 115 ft/49mx35m) metal hanger was constructed with heavy wooden trusses and rigid timber columns due to the wartime shortage of steel. It is the only remaining building from the #7 Elementary Flying Training School complex, which was part of the British Commonwealth Air Training Plan during World War II. In 2009, the Canadian Historical Aircraft Association (CH2A) received a $750,000 Federal grant for infrastructure restoration and maintenance to adaptively reuse the building.
Woodall Construction Company Limited was hired to complete work including the removal of the drop ceiling to expose the original ceiling and beams. Additionally, supports were manufactured to shore up and repair beams. A new flat roof was installed with sheathing to protect deteriorating wood as well as provide insulation to the facility. The hanger floor was epoxied to protect the concrete floor from fluids like oil from planes. A fire suppression system was installed to meet the requirements of a museum. Although a new hanger door was installed in 2002, the original hanger doors are preserved on their original tracks. The front entrance was renovated to include an office, archive room, gift shop and accessible washrooms. However, the original layout and structure of the entrance was maintained. CH2A has a mission statement “to honour Canadian veterans by preserving, maintaining, restoring, displaying, and demonstrating antique or vintage military and civilian aircraft considered important to Canadian aviation history”, representing honour, awareness and education to heritage. The building for CH2A officially opened in 2010. The hanger displays many artifacts from World War II and provides tours to the public, schools, seniors and other groups. As a Non-profit organization, CH2A has been supported by a group of volunteers and active members who host air shows and maintain aircraft. Although the building was listed on the Municipal Heritage Register in 2011, there has not yet been further recognition of the work by CH2A in maintaining the historic character of the structure and the continued work in bringing awareness and education to aviation heritage and history in Windsor. The organization deserves recognition for the adaptive re-use of the building and for promoting the education of the hanger’s involvement in World War II through volunteers and club members.

Greater Essex County District School Board Properties

Awarded for: Heritage Conservation

Greater Essex County District School Board, as the owner of several heritage school buildings, should be recognized for recent efforts in the conservation of 1376 Victoria Ave – Queen Victoria Public School, 949 Giles Blvd E – Prince Edward Public School, and 2229 Chilver Rd – Hugh Beaton Public School. The same project team consisting of JP Thomson Architects, Loaring Construction (now Sterling Ridge General Contracting) as the contractor, and Con-Tact Masonry for masonry work, conducted all of the masonry restoration work for the three GECDSB properties.

1376 Victoria Ave – Queen Victoria Public School & 949 Giles Blvd E – Prince Edward Public School

The work scope for Queen Victoria and Prince Edward Public School were similar. Exterior and interior renovations at the schools included masonry and concrete repairs, foundation waterproofing, electrical and plumbing upgrades, and interior painting. After exploratory work on masonry and paint damage, it was discovered that there was water penetration into the gymnasium causing issues. Repair of concrete and masonry elements and water-proofing was conducted. The work scope also included interior replacement of gym floor, re-painting of interior walls, and installation of new acoustic panels on walls and ceiling.

1376 Victoria Ave – Queen Victoria Public School Photos

Brick mortar re-pointing before and after (Photo credit: JP Thomson Architects).
Interior demolition of gymnasium floor to repair footing and foundations, and restored (Photo credit: JP Thomson Architects).

![Image of gymnasium floor demolition](image1)

Finished brick restoration which preserved historic masonry and stopped water penetration into the gym.

949 Giles Blvd E – Prince Edward Public School Photos

![Image of finished brick restoration](image2)

Initial excavation and finished re-pointed brick and concrete panels (Photo credit: JP Thomson Architects).

![Image of initial excavation and finished re-pointed brick](image3)

Staggered brick removal/re-installation process around entire perimeter of the interior gym walls (Photo credit: JP Thomson Architects).

![Image of staggered brick removal/re-installation process](image4)
2229 Chilver Rd – Hugh Beaton Public School.

Upon initial investigation, it was determined that urgent repairs to the stonework were needed at the entrance to ensure structural stability. Repair and replacement of all deteriorated and cracked/broken stone elements involved dismantling and re-installing the stonework piece-by-piece. Once stones were removed, new structural steel and soffit suspension system were installed. Historically sensitive techniques were used during the restoration, and dismantling process was documented with all stones numbered and stored on site to ensure accurate re-construction.
Sandwich Fire Hall & Stable, now John Muir Branch, Windsor Public Library, 363 Mill Street (Heritage designated in 1998):

Awarded for: Heritage Conservation, Adaptive Reuse & Honour

This two-storey public building is located on Mill Street between Sandwich Street and Peter Street. It was built in 1921 as Fire Hall No. 6 and the first fire hall for the former Town of Sandwich. There were two large doors facing Mill Street that gave access to the truck bays. The tower was the original entrance to the building and was used to hang hoses for drying. A fire circa 1941 destroyed parts of the second floor and the upper portion of the hose tower. In 1945, the structure was rebuilt including masonry, metalwork, and window repairs, with a redesigned upper facade and shortened tower. In 1964, the fire station was decommissioned and later served tenants such as the Metropolitan Hospital Detox Centre until 2005 and the Windsor Art Studio until 2009. The building had not been well maintained over the years and was vacant for a while.

Adaptive re-use of the building for a community or arts use had been identified during the process to create the Sandwich Community Improvement Plan in 2009. In 2015, the Windsor Public Library partnered with the City of Windsor to convert the building into the John Muir Branch. Jason Grossi, OAA, AIA, CAHP from studio g+G architect, who is also a professor at the University of Windsor, School of Creative Arts, was the architect.
for the project. The core project team also included Joseph Dattilo (as the City Project Administrator), William D. Tape, P.E., P.Eng. of Haddad Morgan and Associates Ltd, (for structural and Civil engineering work), Stantec Consulting (Electrical and Mechanical work) and Intrepid General Limited (General Contractor). Initial funding of $2.2 million was increased by Windsor City Council to $5.5 million in 2017 as a stated commitment to local heritage properties. After extensive planning, ground-breaking took place in January 2018. Restoration work included extensive structural repairs, a new wing connecting the fire hall to the old stables at the rear of the lot, and complete replacement of mechanical, electrical, and plumbing systems. A number of heritage design elements from the original structures were retained and enhanced, including the retention of original structural beams that showed the 1941 fire damage, and re-use of the hose-drying tower as a new observation room. The brickwork repointing used sand sourced on site as well as the same “pebbled mortar” technique used in the initial build

All wood windows were recreated to the exact details of the original by training local fabricators. Historic lime and hog hair stucco cladding was used on the exterior. The stable restoration involved 19th century shiplap wood construction with historic limewash, and the reuse of the stable roof. The new connecting building linking the Fire Hall & Stable features an elevated walkway using flooring reclaimed from the stable, and the exterior composes of coated copper, steel, and glass walls. Overall, the work completed at the Sandwich Fire Hall demonstrates a high level of craftsmanship while following the Standards and Guidelines for the Conservation of Historic Places in Canada. The project has also allowed for heritage conservation skills and knowledge to be learned and passed on to local trades, which could be employed for future heritage restoration projects in the City.

Construction completed in summer 2019 and the buildings have become the John Muir Branch, in honour of Mr John Muir, who had been a leader in advocating for a library in the Sandwich area and who was an inspirational figure in the revitalization of Sandwich. Windsor Public Library has created programming work that has continued in celebration of the building and its history. Author readings, book launches, musical concerts are organized in the community rooms on the second floor in the old hay loft in the stables and in the fire hall. WPL staff continue to educate the public by providing tours of the careful heritage conservation work that took place, and by pointing to the historic features in the building which has allowed the history and stories of Sandwich Town to be kept alive. Tours of the hose-drying tower, which has been re-imagined as a glass-capped observation tower, gives over 200 weekly visitors a unique view of Windsor’s west end, and has proven particularly popular with the local school children. Lit up at night, this tower speaks to the spirit of this historic area and the public library’s role as the community’s living room. Windsor Public Library and the Project Team should be awarded for their outstanding work.

Exterior photos of the Fire Hall during initial restoration work (February 2018).

Interior framing and mezzanine construction (June 2018).

Stables before (2005) and during restoration (December 2018).
Photos of John Muir Branch, Windsor Public Library (December 2019).

Pavers made of reclaimed stone from original surfacing approaches to the Ambassador Bridge (Credit: Administration)

View new building connecting the fire hall to the stable (Credit: Jason Grossi)
Risk Analysis:

No risk has been identified.

Financial Matters:

A nominal cost will be incurred for the printing of the award certificates.

Consultations:

Members of the public were invited to submit nominations for the awards from October 23rd to November 24th 2019. Heritage at-large members of the Standing Committee met in November 2019 to discuss candidate sites.

Conclusion:

The owners and their project teams of the nominated properties should be given the Built Heritage Awards to recognize their excellent stewardship and heritage conservation efforts towards the nominated properties and for the residents of the City of Windsor.

Planning Act Matters:

N/A
Approvals:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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</thead>
<tbody>
<tr>
<td>Michael Cooke</td>
<td>Manager of Planning Policy/Deputy City Planner</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner / Executive Director Planning &amp; Building</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
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<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor / CLT</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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Notifications:
Notification list of property owners and project team members provided to Clerks.

Appendices:
N/A
Subject: Walker Power Building, 325 Devonshire Road - Request for Heritage Designation (Ward 4)

Reference:
Date to Council: January 13, 2020
Author: Kristina Tang
Heritage Planner
Phone: 519-255-6543, ext. 6179
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George Robinson
Planner II- Revitalization & Policy Initiatives
Phone: 519-255-6543, ext. 6531
Email: GRobinson@citywindsor.ca

Vincent Wen, Planning Co-Op Student
Planning & Building Services
Report Date: December 16, 2019
Clerk’s File #: MBA/13632

To: Mayor and Members of City Council

Recommendation:
I. THAT the City Clerk BE AUTHORIZED to publish a Notice of Intention to Designate Walker Power Building, at 325 Devonshire Road, in accordance with Part IV of the Ontario Heritage Act for the reasons attached in Appendix ‘A’

Executive Summary: N/A

Background:

The Walker Power Building, constructed circa 1911-1913, located at 325 Devonshire Road (the subject property), was listed on the Windsor Municipal Heritage Register on August 27, 2007, as part of the initial set of properties included on for its cultural heritage value. Although the building has long been recognized for its heritage as an early industrial Walkerville building, it had been vacant for a number of years.

The current owners of the property purchased the property in recent years to redevelop it for commercial use. During the redevelopment process, a railway turntable feature located at the northwest corner of the building footprint was uncovered during excavation. Archaeological assessments conducted confirmed that the subject property has cultural heritage value and interest.
Because of the railway turntable, the Ministry of Tourism, Culture and Sport (MTCS) considers the property as an archaeological site, and subject to Part VI, Section 48 (1) of the *Ontario Heritage Act*, which requires that no person knowing of an archaeological site may alter the site. Since the railway turntable situates within part of the building footprint and spans beyond the building footprint into other proposed development areas, MTCS has required that short term and long term protection measures be provided for the railway turntable. MTCS provided City staff with a list of long-term protection tools for the turntable to assist in the management of this archaeological resource. The tools include the registration of the turntable as an archaeological site, designating the real property including the turntable under section 29 of the Ontario Heritage Act, and protecting the turntable through a Heritage Conservation Easement.

As the approval authority, the City of Windsor has to review development applications and be consistent with the Provincial Policy Statement, which states:

"2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

2.6.3 Planning authorities shall not permit development and site alteration on adjacent lands to 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."

In the City of Windsor, all properties that have a heritage conservation easement registered on titled have also been designated as a heritage property by Council. The attached Appendix B (Summary of Heritage Conservation Easements in the City of Windsor) is provided to as a reference and to demonstrate the implementation of this best practise measure which is: to designate all properties that have been subject of a heritage conservation agreement.

To be consistent with the Provincial Policy Statement, City staff is recommending a heritage designation and the heritage conservation easement (subject of a previous separate heritage report S177/2019) on the property. The use of the Ontario Heritage Act tools of Heritage Conservation Easement and individual property Heritage Designation will allow the Walker Power Building and its archaeological resources to be conserved and protected. In particular, the list of heritage attributes in the proposed heritage designation which includes building features, would provide the building with more heritage recognition, increased protection, and ensure its preservation for the future.

**Discussion:**

**Legal provisions:**

Part IV, Section 29 of the *Ontario Heritage Act* provides for Council to designate a property of cultural heritage value or interest by by-law, where criteria for determining whether the property is of cultural heritage value or interest have been prescribed by
regulation and where the property meets that criteria. Ontario Regulation 9/06 provides the criteria for designation under the *Ontario Heritage Act*. Part 1.(2) of the regulation is bolded for emphasis:

“A property may be designated under section 29 of the Act if it meets **one or more** of the following criteria for determining whether it is of cultural heritage value or interest:

1. The property has **design** value or **physical** value because it,
   i. is a rare, unique, representative or early example of a style, type, expression, material or construction method,
   ii. displays a high degree of craftsmanship or artistic merit, or
   iii. demonstrates a high degree of technical or scientific achievement.

2. The property has **historical** value or **associative** value because it,
   i. has direct associations with a theme, event, belief, person, activity, organization or institution that is significant to a community,
   ii. yields, or has the potential to yield, information that contributes to an understanding of a community or culture, or
   iii. demonstrates or reflects the work or ideas of an architect, artist, builder, designer or theorist who is significant to a community.

3. The property has **contextual** value because it,
   i. is important in defining, maintaining or supporting the character of an area,
   ii. is physically, functionally, visually or historically linked to its surroundings, or
   iii. is a landmark.”

The Walker Power Building meets more than one of the criteria for designation listed above.

Designation requires consideration from Council in two steps: The Notice of Intention to Designate (current step), which provides direction for the City Clerk to give notice to the owner, a newspaper and others, of Council’s intent to initiate the heritage designation. After thirty days, and if there is no objection, Council may pass a by-law to designate the property in accordance with the *Ontario Heritage Act*.

However, should a person serve a notice of objection to the proposed designation with the reason of objection and all relevant facts to the Clerk of the municipality within the objection period (30 days after the publication of the notice of intention to designate), then the item will be referred to the Review Board for a hearing and report. Council would then make a final decision after considering the recommendations of the Review Board as to whether or not the property should be designated.
Architectural Considerations:

The Walker Power Building was presumably designed by architects J. E. Kinsey, Detroit, for Walker Sons Ltd and constructed in c.1911-1913 (Refer to Appendix C for Historical Images of property). The building is a significant landmark for the former Town of Walkerville, showcasing the early phase of the town’s development, and was built in at least two phases due to growing demands for industrial space.

The Walker Power Building demonstrates an early local example of the reinforced concrete construction (The new redevelopment project has incorporated insulation and cladded the concrete with limestone to retain similar historical forms and proportions.) Brick infill spandrel panels span within bays beneath the tripartite glazing system. The design may have been based off an industrial design by Albert Kahn, who built the first multi-storey reinforced concrete industrial building for the automobile industry in 1903 for the Packard Motor Car Company.\(^1\) Kahn is known as the pioneer in concrete industrial architecture and his design was revolutionary as the long-span construction using reinforced concrete beams and columns allowed for larger windows with more natural light, and fire resistance.\(^1\)

The massing of the building is asymmetrical with three bays on the east end and six on the west end. It was built between rail lines and set back from diverging lines hence its asymmetrical form. The building has a recessed bay and tower on its south side, and another 1912 five storey tower on the southwest corner of the building with an additional unenclosed “sixth” storey. The building has an extensive use of windows through a tripartite glazing system that provides natural lighting. (Originally, the 1911 eastern portion of the building had six over six double hung sash windows in sets of three. The western portion of the building had a similar tripartite sash, but with each third composed of 16 to 20 fixed panes, with the exception of the center panels. The center panels consists of a center pivot six panel casement windows. The 2019 redevelopment includes a prefinished aluminum tripartite glazing system on the majority of upper floors, thus mimicking the appearance of the c.1911 glazing.)

A railroad turntable feature is located on the northwest end of the building footprint (Original built heritage and archaeological feature.)

The building is an example of early industrial architecture. The current owner, Walker Power Building Inc., bought the property which had been vacant for a number of years and envisioned the transformation of the building into a mix of office and commercial space. The resulting appearance of the rehabilitation project includes the limestone cladded over the concrete reinforced concrete structural frame, the retention of the original five storey tower at the southwest corner, a tripartite glazing system as well as brick infill spandrel panels within bays beneath the tripartite glazing system. Other new alterations to the original structure include the front entrance facing Riverside Drive East, the fifth storey roof addition, and the new/enlarged elevator tower on the south side of the building (Refer to Appendix D: Recent photos of property).

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Historical or Associative Considerations:

The subject property is located in the former Town of Walkerville, founded by Hiram Walker (1816-1899), the industrial entrepreneur from the United States. What is now Southwestern Ontario was inhabited by First Nations peoples, including the Ottawas. Following unsuccessful attempts to resist the French (who had settled earlier than British) newcomers, the Ottawa leader Pontiac granted lands to settlers in the vicinity of what became Walkerville. By the mid-1850s Hiram Walker had bought several farm parcels. In the beginnings in 1858, Hiram Walker relocated his distillery from Detroit to Canada, and prospered as he introduced rail lines, street railways and ferry services, which spurred the growth of the distillery village further into a town with diversified businesses well-connected with multiple transportation systems. Walkerville became a planned community, almost entirely owned by the Walker family until the early 20th century.

The subject property is located on Part of Lots 93 and 94, Concession 1 Petite Cote, in the Township of Sandwich, Essex County, Ontario. In the 1881 Illustrated Historical Atlas of the County of Essex (H. Belden & Co.), the subject area within Lots 94 and 93 had no listed owner. In 1885, the Lake Erie, Essex and Detroit River Railway Company was formed and a few years later the company bought over some of the right-of-way on the southern section of the subject property.

By 1890, Walkerville had obtained town status and was a self-sufficient model town. The Walker Power Building and the discovered archaeological artifact of the railway turntable had deep connections with the railway, which provided a transportation network for Walker’s products, and other businesses. The 1890 Fire Insurance Plan of Walkerville shows Grand Trunk Railway Western Division and Lake Erie, Essex, & Detroit River Railway (later ownership changed to Canadian National Railway, Pere Marquette Railway, and Chesapeake & Ohio Railway) rail lines over the subject property. Also seen on the Fire Insurance Plan are the railroad turntable as well as a water tower, a hotel, a roundhouse and other structures. (Refer to Appendix C for Historical Images and Fire Insurance Plan)

The Walker Power Building was constructed circa 1911-1913 over some of the earlier rail lines and the railroad turntable, and was apparently owned by Hiram Walker & Sons (based on Land Registry Office Records). Originally built in 1911 as a three storey building at the corner of Devonshire and Sandwich Street (now Riverside Drive East) as what was considered a large development, the success of the development with factory occupancies led to a four storey addition to the west of the building in 1912. A 1913 article by The Evening Star reported on the budding presence of United States industries operating in the building and the hiring of considerable skilled labor. Factory occupants including tenants included the Walkerville Light and Power Company, the Dominion Malleable Range Company (manufacturers of stoves and cooking equipment), the Agnew Electrical Welding Machinery Company, the Sparks Washington

2 “Revised Report: Stage 1 Archaeological Assessment.” Wood Environment & Infrastructure Solutions, September 12, 2019

Co. (manufacturers of automobile fans), Perforate Hone Co. (manufacturing hones for razors), the E.W. Jeffress Co. (manufacturers of extracts and other bottled goods), the Wilt Twist Drill Co. (manufacturing drills of all descriptions), and the Heinz Company of Milwaukee (manufacturer of electrical fixtures and loose-leaf ledgers). Later, another fourth storey was added to the original east 1911 portion.

The Walker Power Building was often mistaken as the Peabody Building, which was actually an attached building to the west which manufactured uniforms for the British Army during the War. The Peabody was bombed by German sympathizers on June 21, 1915. The force of the explosion blew out windows, crumbled concrete and damaged the frame of the Peabody Bridge, but the building was subsequently repaired.

The 1924 Fire Insurance Plans shows the Walker Power Building, and the Grand Trunk Railway Western Division and Lake Erie, Essex & Detroit River Railway renamed after a change in ownership to the Canadian National Railway and Pere Marquette respectively. Walker Power Building was municipally addressed as 22 Devonshire Road and served for various factories and offices.

In 1957, the Walkerville/Pere Marquette Train Station to the south of the Walker Power Building was demolished. The Peabody Building to the west of Walker Power Building was also demolished in 1985 leaving the lands west of the Walker Power Building vacant. Then in the 1990s, the Peabody Bridge was also removed making the Walker Power Building even more visible from Riverside Drive. A 1994 Windsor Star article reported Philip Howe as the owner of the building since 1975. He operated a post packaging business on the ground floor and had several small business tenants from the arts/craft-maker industries including several art galleries, art studios, woodworking, and furniture refinishing.

As decades passed, the Walker Power Building fell out of favour as an industrial building, no longer supported by active rail lines adjacent to the building. In 2005 Windsor Fire prevention officer declared the structure to be unsafe due to the lack of a fire alarm system, lack of emergency exists, lack of proper lighting, electrical hazards and lack of exit signs. There were also makeshift living spaces that were against zoning laws. At that time, the building owner anticipated to sell the building to a potential buyer and did not update the building. However, the deal fell through and the building was not sold and left vacant until the current redevelopment.

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6 “Sabotage at the Peabody Building.” Postcard by Mike Skreptak Collection. 1915.


Railroad Turntable

The Walker Power Building, was constructed over some of the earlier rail lines and the railroad turntable. The property existed with the appearance of a large industrial building with little physical memory of its railway history, especially after the subsequent demolition of the adjacent Pere Marquette Train Station in the 1957. This history was brought to surface when the intact railroad turntable was uncovered below the Walker Power Building foundation during soil remediation conducted as part of the current property redevelopment project. The railway turntable was found to have been left intact at the northwest end of the Walker Power building and constructed atop by the building, which has some of its column supports placed directly on top of the turntable. The turntable was also found to be about 100cm below the ground surface, however the exact limits of the turntable will be subject to locational measurements as indicated through subsequent Archaeological reporting. The unearthing of the railroad turntable was reported by a local newspaper, with description of how the turntable potentially served small locomotives on the rail line, transporting grain from the county to Hiram Walker’s distillery in Walkerville, and transportation of tourist to Kingsville’s waterfront. The turntable functioned to assist steam engine trains in reversing the direction of travel upon reaching the end of the rail line.

Historical & Associative Conclusions

Railroads were an important contributor to the rapid growth of the former town of Walkerville in its formative years. The discovery of the railroad turntable has direct associations with, and contributes to the understanding of the railroad history in Walkerville. Through the past century, the Walker Power Building property was strongly associated with and contributed to the industrial and manufacturing base in Walkerville. The property (both building and the archaeological resource of the turntable) is a significant remnant of the area’s history.

Contextual Considerations:

The property is a rare survivor of early industrial properties constructed within the core areas of Walkerville, and remains as one of the few original properties to reflect the early industrial activities which led to the economic prosperity of the former Town of Walkerville. Located on 325 Devonshire Road which was formally addressed as 22 Devonshire Road, the Walker Power Building served as a major industrial building and was ideally located next to the railway lines, which would have been extremely advantageous in terms of transportations of goods for manufacturing businesses. The railway turntable is also physically and historically linked to the surrounding area being the site of termination/end of a railway line. The Walker Power Building is a long-standing and prominent landmark in Walkerville, and is highly visible being along Riverside Drive. The property is also located at the corner of Devonshire Road, which was considered the “Main Street” of the former Town of Walkerville, and is evocative of early streetscape.

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Official Plan Policy:

The Windsor Official Plan Volume 1 includes (9.0) “A community’s identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor’s rich history, Council is committed to recognizing, conserving and enhancing heritage resources.” Goals include (9.1.1) “The identification, recognition, protection, conservation, enhancement and proper management of heritage resources.” Objectives include (9.2.4) “To increase awareness and appreciation of Windsor’s heritage resources and encourage participation by individuals, organizations and other levels of government in heritage conservation.”

Also, (9.3.2.1) “Council will identify Windsor’s heritage resources by: ... (c) Researching and documenting the history and architectural and contextual merit of potential heritage resources on an individual property basis”. (9.3.3.1) “Council will recognize Windsor’s heritage resources by: ... (a) Designating individual buildings, structures, sites and landscapes as heritage properties under the Ontario Heritage Act;” (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”

Protection of archeological sites is also addressed by “Requiring that development or infrastructure undertakings on lands containing potential archaeological resources avoid the destruction or alteration of these resources; or where this is not possible, requiring the proponent to conserve significant archaeological resources through documentation and removal or mitigation in advance of land disturbances” (9.3.4.1).

Archeological policies of the official plan are implemented in part by “requiring the preparation of an archaeological assessment when development proposals or infrastructure undertakings affect known archaeological resources or areas of archaeological potential” (9.3.7.1).

All of these OP policies would be fulfilled through the recommendations of this report, along with any other archaeological requirements of MTCS.

Risk Analysis:

Heritage designation does not preclude the building from making heritage-sensitive alterations. If designated, modifications or additions that affect any identified heritage attribute will require approval by Council, after consultation with the municipal heritage committee. This ensures future alterations do not negatively impact the attributes listed in the designation by-law. Heritage designation is generally a well-established and well-understood process amongst City staff in Windsor. It ensures that all City staff would be aware of the archaeological artifact (railway turntable), as well as other designated heritage attributes.

If not designated, the archaeological artifact may perhaps not be sufficiently identified, recognized, or protected (by the Conservation Easement alone). Although the Conservation Easement is registered on title, information on property title restrictions is not generally flagged to all City Staff and may not be well-understood. Without the individual heritage designation, in the future, inappropriate changes/removals could be
accidentally or intentionally made to the railway turntable and the building, and demolition may be more readily allowed by current or future owners of the property.

**Financial Matters:**

The City will pay the costs of legal notices and registering the designation bylaw with the Land Registry Office. The Committee's heritage operating budget will cover the cost of the designation plaque. Once designated, the owner could be eligible to apply for the Financial Incentive Programs that are available to heritage designated properties.

**Consultations:**

City staff have communicated with the property owner and representatives, and consulted with MTCS staff, and the property owner’s licensed archaeologist. Many other City staff were consulted for this development project including and not limited to Site Plan Control, Building Department, and Legal staff.

**Conclusion:**

The Walker Power Building property has exceptionally high cultural heritage value and interest, and meets the criteria to be individually designated under provisions of Part IV Section 29 of the *Ontario Heritage Act*. The request is to include both building features and the railroad turntable as heritage attributes to be protected and conserved. Heritage designation for the railroad turntable in particular, was recommended by the Ministry of Tourism, Culture, and Sport (MTCS) as a good method of long-term protection and agreed and recommended by Administration.

**Planning Act Matters:** N/A

**Approvals:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Kristina Tang</td>
<td>Heritage Planner</td>
</tr>
<tr>
<td>Michael Cooke</td>
<td>Manager of Planning Policy/ Deputy City Planner</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner / Executive Director Planning &amp; Building</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor / CLT</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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Notifications:

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<td>Walker Power Building Inc.-Piero Aleo</td>
<td></td>
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<tr>
<td>Kathleen Montello</td>
<td></td>
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<td>Wood – For Archaeology</td>
<td></td>
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<td>Ministry of Tourism, Culture &amp; Sport</td>
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Appendices:

1. Appendix A- Proposed Heritage Designation Bylaw, Statement of Significance
2. Appendix B- Summary of Heritage Conservation Easements in the City of Windsor
3. Appendix C - Historical Images and Fire Insurance Map
4. Appendix D - Recent Photos of the Property
Appendix ‘A’: Proposed Heritage Designation By-Law

Statement of Significance

Walker Power Building
325 Devonshire Road

Description of Property

The Walker Power Building located at 325 Devonshire Road, at the southwest corner of Riverside Drive East and Devonshire Road, was constructed in c.1911-1913. The property consists of a building with a reinforced concrete structure and original tower at the southwest corner of the building, as well as a railroad turntable feature at the northwest corner of the building. The Walker Power Building is an excellent remnant of early industrial architecture in the former Town of Walkerville.

Statement of Cultural Heritage Value or Interest

Design or Physical Value:

The building is an early local example of reinforced concrete construction in the area. Constructed primarily of concrete, the building is clad with brick infill spandrel panels within bays beneath the tripartite glazing system. The limestone cladding of the concrete structural frame in the recent 2019 works retains similar historical forms and proportions. The reinforced concrete construction afforded the building an extensive use of windows which provides natural lighting. The windows consist of a tripartite glazing system (Originally, the eastern portion of the building had six over six double hung sash windows in sets of three. The western portion of the building had a similar tripartite sash, but with each third composed of 16 to 20 fixed panes, with the exception of the center panels. The center panels consists of a center pivot six panel casement windows. The 2019 redevelopment includes a prefinished aluminum tripartite glazing system on the majority of upper floors, thus replicating the appearance of the c.1911 glazing.) The Walker Power Building has an asymmetrical massing with three bays on east end and six on the west end, with recessed bay with tower on the south side of the building, and another five storey tower on the southwest corner of the building with an additional unenclosed “sixth” storey. It enjoys an otherwise generally uniform rhythm of bays on all sides (other than the new entrance on the Riverfront side).

A railroad turntable feature is located on the northwest end of the building footprint (Original built heritage and archaeological feature.)

Historical or Associative Value:

The Walker Power Building is associated with the early manufacturing base of Walkerville, from the Walkerville Light and Power Company, to the Agnew Electrical Welding Machinery Company, as well as many other industrial businesses including pioneering Canadian branches of industries from the United States. In early decades, the Walker Power Building thrived, being ideally situated adjacent to the Grand Trunk Railway...
Western Division and the Lake Erie, Essex & Detroit River Railway lines (later changed ownership to the Canadian National Railway and Pere Marquette respectively).

The Walker Power Building, was constructed over some of the earlier rail lines and the railroad turntable. Its deep roots to the railroad history of Walkerville was brought to surface when the intact railroad turntable was uncovered below the Walker Power Building foundation. The railway turntable was found to have been left intact and constructed atop by the Walker Power Building, which has some of its column supports placed directly on top of the turntable. The turntable potentially served small locomotives on the rail line, transporting grain from the county to Hiram Walker's distillery in Walkerville, and transportation of tourist to Kingsville's waterfront. The turntable functioned to assist steam engine trains in reversing the direction of travel upon reaching the end of the rail line.

Railroads were an important contributor to the rapid growth of the former town of Walkerville in its formative years. The discovery of the railroad turntable has direct associations with, and contributes to the understanding of the railroad history in Walkerville. Through the past century, the Walker Power Building property was strongly associated with and contributed to the industrial and manufacturing base in Walkerville. The property (both building and the archaeological resource of the turntable) is a significant remnant of the area’s history.

**Contextual Value**

The property is a rare survivor of early industrial properties constructed within the core areas of Walkerville, and remains as one of the few original properties to reflect the early industrial activities and economic prosperity of the former Town of Walkerville. Located on 325 Devonshire Road which was formally addressed as 22 Devonshire Road, the Walker Power Building served as a major industrial building and was located next to the railway lines, which would have been advantageous in terms of transportations of goods for manufacturing businesses. The railway turntable is also physically and historically linked to the surrounding area being the site of the end of railway lines and close to a railway station. The Walker Power Building is a long-standing and prominent landmark in Walkerville, and is highly visible being along Riverside Drive. The property is also located at the corner of Devonshire Road, which was considered the “Main Street” of the former Town of Walkerville.

**Description of Heritage Attributes:**

**Features that contribute to the design or physical value of the Walker Power Building:**

Built in c.1911-1913, presumably by architect J.E. Kinsey from Detroit for Walker Sons Ltd,

- Early local industrial example of reinforced concrete construction
• Railroad turntable feature at north west corner of the building footprint spanning within the building footprint and outside of the building footprint (original built heritage and archaeological feature)
• Reinforced concrete structural frame (The 2019 work clads the concrete with limestone to retain similar historical forms and proportions.)
• Asymmetrical massing with three bays on east end and six on the west end, with recessed bay on the south side of the building
• Five storey tower on the southwest corner of the building with additional unenclosed “sixth” storey (feature of 1912 construction)
• Otherwise generally uniform rhythm of bays on sides
• Articulated brick parapet wall
• Tripartite glazing system (The original eastern portion of the building had six over six double hung sash windows in sets of three. The western portion of the building had a similar tripartite sash, but with each third composed of 16 to 20 fixed panes, with the exception of the center panels. The center panels consist of a center pivot 6 panel casement windows. The 2019 redevelopment includes a prefinished aluminum tripartite glazing system on the majority of upper floors, thus replicating the appearance of the c.1911 glazing.)
• Brick infill spandrel panels within bays beneath the tripartite glazing system
• Brick pillars on the east side of the property

Features that contribute to the historical or associative value of the Walker Power Building:

• Designed presumably by Detroit architect J. E. Kinsey
• Association with the early growth of the Town of Walkerville through its industrial and manufacturing history
• Railway turntable is an archaeological site with direct association to the railway history of Walkerville

Features that contribute to the contextual value of the Walker Power Building:

• Excellent remnant of early industrial architecture
• A major industrial building located at the start of the original Devonshire Road, which was the “Main Street” of the town
• A prominent landmark for Walkerville and is highly visible along Riverside Drive
### Appendix B - Summary of Heritage Conservation Easements

Conservation easements are legal agreements between heritage property owners and the agency that will hold the easement in perpetuity. Easement are registered on title against the real property and runs with the real property, and may be enforced by the municipality against the owner or subsequent owners of the real property. In the City of Windsor, all 18 of the heritage properties that either have a heritage conservation easement registered in favour of either the City of Windsor or the Ontario Heritage Trust (OHT) are also individually designated heritage properties. The following table shows all 18 properties:

<table>
<thead>
<tr>
<th>Location</th>
<th>Name or Type of Building</th>
<th>Built</th>
<th>Reasons for Consideration</th>
<th>Context</th>
<th>Easement</th>
<th>By-Law</th>
<th>Designation Date</th>
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<tbody>
<tr>
<td>546 Devonshire</td>
<td>Semi-Detached House</td>
<td>c1890</td>
<td>Arch. Mason &amp; Rice</td>
<td>Walkerville</td>
<td>City</td>
<td>9978</td>
<td>11/3/1989</td>
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<tr>
<td>548 Devonshire</td>
<td>Semi-Detached House</td>
<td>c1890</td>
<td>Arch. Mason &amp; Rice</td>
<td>Walkerville</td>
<td>City</td>
<td>9979</td>
<td>11/3/1989</td>
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<tr>
<td>350 Huron Church Rd / University Ave W</td>
<td>Assumption Church</td>
<td>1845,1874</td>
<td>Arch. Robert Thomas Elliott; Mission 1748</td>
<td>Sandwich</td>
<td>OHT</td>
<td>5893</td>
<td>2/6/1978</td>
</tr>
<tr>
<td>795 McDougall St</td>
<td>Mount Zion Church of God in Christ</td>
<td>1939</td>
<td>Black History; Arch. J.P. Thomson</td>
<td>Core</td>
<td>City</td>
<td>132-2004</td>
<td>5/10/2004</td>
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<td>351 Mill St</td>
<td>Arthur &amp; Marie Langlois House</td>
<td>1888</td>
<td>Queen Anne Cottage</td>
<td>Sandwich</td>
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<td>Year</td>
<td>Style/Other Information</td>
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<tr>
<td>3203 Peter St</td>
<td>Mason-Girardot Manor</td>
<td>1878</td>
<td>Italianate/Victorian; Cast-Iron Fence</td>
<td>Sandwich</td>
<td>City</td>
<td>5896</td>
<td>2/6/1978</td>
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<tr>
<td>3652 Peter St (National Historic Site of Canada)</td>
<td>Sandwich First Baptist Church</td>
<td>1851</td>
<td>Built Black Underground Railroad Refugees</td>
<td>Sandwich</td>
<td>City</td>
<td>12124</td>
<td>2/20/1995</td>
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<tr>
<td>Riverside Dr W / Huron Church Rd / University Ave W</td>
<td>Assumption Park</td>
<td></td>
<td>Early Settlement; Landscape</td>
<td>Sandwich</td>
<td>OHT</td>
<td>10620</td>
<td>3/25/1991</td>
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<td>3118 Sandwich St</td>
<td>McGregor-Cowan House</td>
<td>c1805-09</td>
<td>Georgian; French-Canadian chimneys</td>
<td>Sandwich</td>
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<td>5814</td>
<td>10/3/1977</td>
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<tr>
<td>3277 Sandwich St</td>
<td>Mackenzie Hall / Essex County Court House</td>
<td>1855</td>
<td>Arch. A.H. Jordan, Bldr. Alexander Mackenzie</td>
<td>Sandwich</td>
<td>OHT</td>
<td>5894</td>
<td>2/6/1978</td>
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<tr>
<td>2735 University Ave W / Huron Church Rd</td>
<td>Rosary Chapel &amp; Sacristy</td>
<td>1908</td>
<td>Attached to Assumption Church</td>
<td>Sandwich</td>
<td>OHT</td>
<td>5893</td>
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<tr>
<td>694 Victoria Ave</td>
<td>Abner Nash House</td>
<td>1895</td>
<td>Queen Anne Revival</td>
<td>Core</td>
<td>City</td>
<td>12086</td>
<td>1/16/1995</td>
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<td>1900-42 Wyandotte St E</td>
<td>Imperial Bldg.</td>
<td>c1922</td>
<td>Arch. J.C. Pennington</td>
<td>Walkerville</td>
<td>City</td>
<td>10594</td>
<td>3/4/1991</td>
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</table>
Appendix ‘C’ - Historical Images and Fire Insurance Maps

1890 Walkerville Fire Insurance Map Sheet 3 (C. E. Goad, 1890). Project Site indicated by arrow


Photo of Building when it was just completed (Source: The Evening Record, dated Sep 20, 1911)
Photo of Building (Source: Wells and Gray Limited)

Photo of Walker Power Building (Source: The Evening Record dated May 16, 1913).
Photo of building in c.1913, prior to fourth story addition (Source: Windsor Ontario 1913 Canada including Walkerville, Ford, Sandwich and Ojibway: an authentic compilation embracing in word and pictorial representation the growth and expansion of these municipalities / compiled by H. W. Gardner. Published: Windsor, Ontario: The Evening Record Limited, 1913. Page 74)

North elevation of the Walker Power Building in 1996
Southeast elevation of the Walker Power Building in July 2004

Northeast elevation of the Walker Power Building in May 2008
Appendix D - Recent Photos of the Property

Northeast elevation of the Walker Power Building in May 2018

All other photos taken Sept. 30th, 2019

View of building looking east from access point on Chilver Road.
West view of building showing tower on southwest corner of building.

Looking north towards the building’s south side from Assumption Street.
Looking northwest towards the building from the corner of Assumption Street and Devonshire Road.

Looking west towards south side of building from Devonshire Road.
Looking west towards south side of building from Devonshire Road.

View of northeast corner of building from Devonshire Road and Riverside Drive East.
Views of the north side of building from Devonshire Road and Riverside Drive East.

Views of northwest corner of building from Riverside Drive East.
View of west side of building from Riverside Drive East.
Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2605385 Ontario Inc. for 1200 University Avenue West (Ward 3)

Reference:
Date to Council: January 13, 2020
Author: Greg Atkinson, Senior Planner
519-255-6543 ext. 6582
gatkinson@citywindsor.ca
Planning & Building Services
Report Date: October 16, 2019
Clerk’s File #: Z/8955

To: Mayor and Members of City Council

Recommendation:

I. THAT the request made by 2605385 Ontario Inc. on behalf of the property owner (i.e. AIPL Canada Holdings Inc.) to participate in the Brownfield Tax Assistance Program BE APPROVED for the proposed remediation and redevelopment at 1200 University Avenue West for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

II. THAT the request made by 2605385 Ontario Inc. on behalf of the property owner (i.e. AIPL Canada Holdings Inc.) to participate in the Brownfield Rehabilitation Grant Program BE APPROVED for 70% of the municipal portion of the tax increment resulting from the proposed redevelopment at 1200 University Avenue West for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,

III. THAT, Administration BE DIRECTED to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the Municipal Act and that the draft tax cancellation by-law and appropriate information and material be sent to the Provincial Government for approval and request matching education property tax assistance for 1200 University Avenue West in accordance with the Provincial Brownfield Financial Tax Incentive Program; and,
IV. THAT, Administration BE DIRECTED to prepare an agreement between 2605385 Ontario Inc., AIPL Canada Holdings Inc., and/or persons or companies that have legally been assigned the right to receive grant payments and the City to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

V. THAT the CAO and City Clerk BE AUTHORIZED to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements; and,

VI. THAT the approval to participate in the Brownfield Tax Assistance and Brownfield Rehabilitation Grant Program EXPIRE if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Executive Summary:
N/A

Background:

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

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

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

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

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

**Site Background**

The 0.9 hectare (2.3 acre) site is located at 1200 University Avenue West between Cameron Avenue and Elm Avenue (see Location Map). The property is designated Mixed Use in the Official Plan and zoned Commercial District (CD) 2.2, which permits a range of commercial uses and residential units within a mixed use building.

The property contains two existing buildings: 2,023 square metres (21,780 square feet) and 750 square metres (8,075 square feet) in size, respectively. The property was first developed in approximately 1783 as a horse-drawn passenger carriage operation. SW&A Street Railway (and later Hydro Electric Street Railway) operated at the property from approximately 1890 until 1947 as a trolley car (and bus) storage and maintenance operation.

MG Butler operated a hardware and industrial supply operation at 1220 University Avenue West from approximately 1951 until 2011. The building was renovated between 2012 and 2014 with plans for use as a restaurant and greenhouse, which did not materialize. 1200 University Avenue West was used as a roller skating rink, goods distribution, contractors office, and restaurant between 1949 and 2011. Both buildings are currently vacant. A building formerly located on north part of the property was occupied by manufacturing uses from the 1950s to 1980. It was demolished in 1987.

The property is recognized as a cultural heritage resource and is listed on the Municipal Heritage Registry.
An application under the Environmental Site Assessment Grant Program was approved by Council on April 15, 2019. The grant reimburses 50% of cost of Phase 2 Environmental Site Assessment work (e.g. soil and groundwater sampling)—in this case up to a maximum of $23,795.

The corporate directors for 2605385 Ontario Inc. (CIP applicant) are: Shabeg Singh, Dev Singh, and Sartaj S. Dhillon.

The corporate directors for AIPL Canada Holdings Inc. (property owner) are: Shabeg Singh and Dev Singh.

**Discussion:**

**Proposed Brownfield Redevelopment**

The redevelopment proposal includes a new six storey, multiple residential dwelling containing 148 dwelling units. The redevelopment plans also propose redevelopment of 1,737 square metres (or 18,700 square feet) of commercial space within the two existing buildings.

The Phase 2 Environmental Site Assessment study indicates remedial work is required in order to file a Record of Site Condition (RSC). A RSC documents the soil and groundwater quality relative to the prescribed standards for the proposed land uses. A remedial work plan prepared by the applicant’s environmental consultant proposes to remove 2,200 cubic metres of contaminated soil.

The total cost of the proposed soil remediation and filing a RSC is $400,000. The applicant also proposed to spend approximately $4,300,416 on other eligible costs such as:

- building rehabilitation and retrofit works;
- application and permit fees; and
- infrastructure upgrades.

The total project budget is $34,792,798. To offset the eligible costs the applicant has applied under the following Brownfield Redevelopment CIP programs:

**Brownfield Property Tax Assistance Program**
The Brownfields Property Tax Assistance Program may cancel any increase in municipal property taxes on a brownfield property for up to three years during rehabilitation and redevelopment. Through the municipality—applicants or property owners may also apply to the Province for a matching cancellation of any increase in education property taxes. Under the tax cancellation provision of the Municipal Act (i.e. section 365.1) the program may continue for up to three years while remediation and redevelopment are taking place.

The value of tax cancellation must be offset by eligible costs, which include any action taken to reduce the concentration of contaminants on, in, or under the property to permit a RSC to be filed (e.g. Phase II ESA, Risk Assessment, environmental remediation, placing of clean fill, installing environmental controls, monitoring, environmental insurance premiums, etc.).

To enact the program, Council must pass a tax cancellation by-law and make application to the Ministry of Municipal Affairs and Housing (i.e. on behalf of the applicant or owner) for cancellation of the education portion of the tax levy under the Provincial Brownfield Financial Tax Incentive Program (BFTIP). A tax cancellation agreement between the City, applicant, and owner is also required, which would cause any tax cancellation be repaid should a RSC not be filed. The tax cancellation agreement will be finalized prior to the passing of the tax cancellation by-law.

**Brownfield Rehabilitation Grant Program**

The Brownfield Rehabilitation Grant Program starts after the Brownfield Property Tax Assistance Program and Provincial BFTIP are complete. The purpose of the program is to encourage the remediation, rehabilitation and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs not fully disbursed by the Brownfield Tax Assistance Program and BFTIP as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. building rehabilitation, development application and building permit fees, and upgrading on-site /off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. In total the Tax Assistance and Rehabilitation Grant programs may offer up to 13 years of tax-based incentives. The annual grants are based on 70% of the difference between the municipal tax levy at the time of grant issuance and the date of approval to participate in the program. Annual grants are only paid out following the filing of a RSC, reassessment of the property, and the payment of the property taxes for the year in which the grant is to be provided.
The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification. Should Council wish to approve less than the maximum Brownfield Rehabilitation Grant value it would achieve this by limiting how many years the grant payments would continue (i.e. between 1 and 10 years). Or a maximum grant limit may be imposed by Council.

**Brownfield Development Charges Exemption Program**

There is no application form for this program, however if approved under the Brownfield Rehabilitation Grant Program the applicant would automatically receive a 60% reduction in development charges owing in accordance with the Brownfield Redevelopment CIP and the City’s Development Charges By-law (No. 60-2015). Assuming the development employs standard construction methods—the reduction in development charges would be deducted from brownfield rehabilitation grants to be paid out. The reduction would be calculated based on already reduced core area development charges.

**CIP Goals**

City staff are supportive of the application as it meets all of the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the former industrial property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Improving the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

**Policy Support**

The clean up and redevelopment of the site is supported by numerous policies within the 2014 Provincial Policy Statement, the City’s Official Plan, and the City’s Environmental Master Pan.
Risk Analysis:

There is little risk associated with the approval of the CIP applications in principle. Staff resources are required for the upfront administration of the grant programs, finalization of the legal agreements, and making application to the Province under the BFTIP.

Should Council refuse the request for financial incentives or approve an insufficient amount of incentives there is a risk of the project not moving forward. Should the clean up and redevelopment not occur the property would remain vacant and continue to negatively affect the surrounding properties and natural environment.

Approval to participate in the Tax Assistance Program is a prerequisite for participation in the Provincial Brownfield Financial Tax Incentive Program during the first three years of the project. Refusing the request to participate in this program would preclude the leverage of this Provincial tax cancellation.

Financial Matters:

Based on the proposed redevelopment plan submitted by the applicant, administration estimates the post-development property value assessment to be $23,172,000 (the current assessed value is $972,000). The post-development total annual tax levy is estimated to be $441,736, which is a significant increase from the current total (pre-development) annual levy of $44,490. The property owner has received a vacancy tax rebate for the past 13 years (e.g. 2018 vacancy tax rebate was $13,582).

The following is a summary of the maximum potential total grant value based on standard construction methods:

<table>
<thead>
<tr>
<th>Grant Description</th>
<th>Grant Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Environmental Study Grants</td>
<td>$23,795</td>
</tr>
<tr>
<td>Reduction of Development Charges</td>
<td>$94,217</td>
</tr>
<tr>
<td>Tax Assistance Program/BFTIP (Year 1)</td>
<td>$397,245</td>
</tr>
<tr>
<td>Brownfield Rehabilitation Grants (standard construction) (Years 2-11)</td>
<td>$2,504,586</td>
</tr>
<tr>
<td>Total</td>
<td>$3,019,843</td>
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</table>

The total grant value would offset an estimated 8.6% of the total project budget (i.e. $34,792,798) and 64% of the eligible costs under the Brownfield Redevelopment CIP (i.e. $4,700,416).
The Environmental Study Grant would be paid upon the submission of the Phase 2 ESA report and the development charges reduction would be provided at the time of building permit issuance. Both the Tax Assistance and Brownfield Redevelopment grants are provided after redevelopment has occurred, the property has been reassessed by MPAC, and the total taxes as it relates to the redevelopment have been paid to the City in full.

**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 Brownfield CIP applications. Staff from the Planning, Finance, and Legal Departments were consulted in the preparation of this report.

**Conclusion:**

Administration recommends that Council approve the requests from 2605385 Ontario Inc. on behalf of the property owner (i.e. AIPL Canada Holdings Inc.) to participate in the Tax Assistance and Brownfield Rehabilitation Grant Programs and direct Administration to make application to the Province under the BFTIP program on the applicant or owner’s behalf.

The proposed clean-up and redevelopment of this brownfield site conforms to the Brownfield Redevelopment CIP; assists the City in the achievement of a number of CIP, Official Plan, and Environmental Master Plan goals; and exemplifies the purpose for which the Brownfield Redevelopment Strategy was created.

**Planning Act Matters:**

N/A
Approvals:

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<tbody>
<tr>
<td>Don Nantais</td>
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<td>Michael Cooke</td>
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<td>CAO</td>
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<tr>
<td>Shabeg Singh</td>
<td></td>
<td><a href="mailto:shabeg@advanceindia.co.in">shabeg@advanceindia.co.in</a></td>
</tr>
<tr>
<td>Cindy McKee</td>
<td></td>
<td><a href="mailto:cindy.mckee@woodplc.com">cindy.mckee@woodplc.com</a></td>
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<tr>
<td>Vas Papadimantopoul</td>
<td></td>
<td><a href="mailto:vas@architecttura.com">vas@architecttura.com</a></td>
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Appendices:

1. Location Map
Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Celernus Investment Partners Inc. for 374 Ouellette Ave (Ward 3)

Reference:
Date to Council: January 13, 2020
Author: George Robinson, MCIP, RPP
Planner II- Revitalization & Policy Initiatives
Phone: 519-255-6543, ext. 6531
Email: grobinson@citywindsor.ca

Greg Atkinson, MCIP, RPP
Senior Planner- Economic Development
Phone: 519-255-6543 ext. 6582
Email: gatkinson@citywindsor.ca

Planning & Building Services
Report Date: December 4, 2019
Clerk’s File #: Z/8955

To: Mayor and Members of City Council

Recommendation:

I. THAT the request made by Celernus Investment Partners Inc. to participate in the Environmental Site Assessment Grant Program BE APPROVED for the completion of the proposed Phase II Environmental Site Assessment Study at 374 Ouellette Ave 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 $8,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor.

Executive Summary:
N/A.
Background:

Brownfield Redevelopment Community Improvement Plan (CIP)

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

Importance of Brownfield Redevelopment

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

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

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

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

The site is located in the Downtown neighbourhood on the east side of Ouellette Ave and north of Park Street (see Appendix A). The property has a frontage of 21m and an approximate land area of 0.07 hectare. It currently contains a 12 storey commercial building with a 2 storey mechanical penthouse that was completed in 1930, known as the Canada Building. According to the Phase I Environmental Site Assessment (ESA) report completed in November 2019, previous uses of the property have included a restaurant, beauty salon, barber shop, and retail on the main floor, and offices on the other floors. Historical uses surrounding the property have included retail, office, a former dry cleaning business, and a rifle range at the former Windsor Armory directly across the alley to the east.

The Canada Building was added to the Windsor Heritage Register as a designated property in 2008. Designed by architect Albert H. McPhail in the Arts and Crafts style, at the time of its completion in 1930 it was the tallest building in southwestern Ontario. Important elements in the heritage designation include the stonework on the western facade facing Ouellette, marble flooring in the first and second floor lobby areas, and ornate limestone detailing along the roofline of all four facades.

The subject property is located in the City Centre Planning District (Schedule E of the Official Plan). The land is designated ‘Mixed Use’ in the City’s Official Plan and it is zoned Commercial District (CD) 3.1, which permits a wide range of retail and service commercial uses, office uses, as well as dwelling units in a combined use building.

This grant application was made by Jackie Lassaline of Lassaline Planning Consultants, which has been authorized by the owner to act as agent for this application. The purchasers of the property are Celernus Investment Partners Inc., which is owned by Gordon Martin.

Discussion:

Environmental Site Assessment Grant Program

The Environmental Site Assessment (ESA) Grant Program offers a matching grant to property owners of brownfield sites to conduct environmental studies that provide information on the type and extent of contamination and potential remediation costs. The program offers 50% of the cost of an eligible study up to a maximum grant of $15,000.

The owner has redeveloped the ground floor for restaurant use (i.e. Mazaar). While a Record of Site Condition (RSC) is not required for regulatory purposes, the owner is undertaking a Phase II ESA study to determine if the subject property has been
impacted by uses that have historically surrounding the property. The Phase I ESA also identified potential environmental concern from former on-site coal use as a fuel source. Phase I and II ESA reports are often required to obtain traditional financing and insurance.

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.

**Downtown CIP**
This property is also located in the Downtown Community Improvement Plan area. No applications for any program funds from the Downtown CIP have been received at this time, but the applicant has been advised of additional programs that are available for their project. Administration anticipates additional applications in the future.

**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 374 Ouellette Ave 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 2014 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. There is also risk associated with the inability to obtain a traditional mortgage for the property. The proposed study will assist in mitigating these risks. As already indicated, the City would retain a copy of the study for future reference.

Financial Matters:

The cost estimate (excluding HST) for completing the proposed Phase II ESA is $16,000. If approved the requested grant programs would provide a maximum of $8,000 toward the completion of the study. 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), which has a current uncommitted balance of $633,083.

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 programs. 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 Celernus Investment Partners Inc. to participate in the Environmental Site Assessment Grant Program. In the opinion of planning staff, the proposed study conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

Planning Act Matters:

N/A
Approvals:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Michael Cooke</td>
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<td>Don Nantais</td>
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<td>Joe Mancina</td>
<td>Chief Financial Officer</td>
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<tr>
<td>Onorio Colucci</td>
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Notifications:

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<th>Name</th>
<th>Address</th>
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<tbody>
<tr>
<td>Jackie Lassaline</td>
<td></td>
<td><a href="mailto:jackie@lassalineplan.ca">jackie@lassalineplan.ca</a></td>
</tr>
<tr>
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<td></td>
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<tr>
<td>Cindy Mckee</td>
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<tr>
<td>Gordon Martin</td>
<td></td>
<td><a href="mailto:gmartin@celernus.com">gmartin@celernus.com</a></td>
</tr>
</tbody>
</table>

Appendices:

Appendix A – Location Map for 374 Ouellette Ave
Subject: Downtown CIP Grant Applications made by St. Clair Rhodes Development Corp. for 119 Chatham Street and 149 Chatham Street East, Ward 3

Reference:
Date to Council: 1/13/2020
Author: Laura Diotte, MCIP, RPP
Planner III - Special Projects
519-255-6543 ext. 6396
lbdiotte@citywindsor.ca

Planning & Building Services
Report Date: 12/2/2019
Clerk’s File #: Z/12916

To: Mayor and Members of City Council

Recommendation:
I. THAT the request made by 2637283 Ontario Inc. (Owner) for the proposed development at 119 Chatham Street to participate in:

   a. 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 five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,

   b. the Commercial/Mixed Use Building Facade Improvement Grant Program **BE APPROVED** for a 50% matching grant to a maximum of $30,000 towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

II. THAT the request made by St. Clair Rhodes Development Corp. (Owner) for the proposed development at 149 Chatham Street to participate in:

   a. 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 five (5) years in accordance with the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,

   b. the Commercial/Mixed Use Building Facade Improvement Grant Program **BE APPROVED** for a 50% matching grant to a maximum of $20,000
towards eligible costs pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.

III. THAT Administration **BE DIRECTED** to prepare the agreements between the City and St. Clair Rhodes Development Corp. and 2637283 Ontario Inc. (Owners) to implement the Building/Property Improvement Tax Increment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications.

IV. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreements.

V. THAT the grant under the Commercial/Mixed Use Building Facade Improvement Grant Program for 119 Chatham Street and 149 Chatham Street **BE PAID** to St. Clair Rhodes Development Corp. and 2637283 Ontario Inc. upon completion of the facade improvements as shown in Appendix B to Report S233/2019 within one (1) year of Council approval subject to the satisfaction of the City Planner and Chief Building Official. Grant funds to come from the City Centre Community Development Planning Fund (Project #7011022).

VI. THAT should the facade improvements not be completed in one (1) year, City Council **AUTHORIZE** that the funds be uncommitted and made available for other applications.

**Executive Summary:**

N/A

**Background:**

The Downtown Windsor Enhancement Strategy and Community Improvement Plan (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 Downtown CIP provides financial incentives to encourage new residential development, retail investment, facade improvements, and building/property improvements.

St. Clair Rhodes Development Corp. has applied for the Building/Property Improvement Tax Increment Grant Program and Commercial/Mixed Use Building Facade Improvement Grant Program under the Downtown CIP for the properties located at 119-149 Chatham Street (as shown on Appendix A).

The existing five (5) storey building at 119 Chatham Street contains ground floor commercial and four (4) storeys of existing residential apartments. The existing two (2) storey building at 149 Chatham Street contains ground floor commercial and one storey of existing residential. The ground floor commercial of both buildings was renovated to for Windsor Essex Economic Development Corporation offices. The owner is currently
completing all the interior and facade improvements and the new ground floor tenant has moved in. The application for these properties was submitted on May 7, 2019, and the proposed facade improvements were reviewed internally and agreed upon. The applicant needed to submit supporting documentation (i.e. – quotes for the proposed work), and therefore the City did not proceed to the Development and Heritage Standing Committee/Council. The applicant has completed the submission requirements and therefore the application can now proceed to Committee/Council.

**Applicant Information:**

**119 Chatham Street Owner/Applicant:** 2637283 Ontario Inc.  
**Principles Owners of 2637283 Ontario Inc.:** Dino Maggio, Brian Schwab, Stephen Savage and John Savage

**149 Chatham Street Owner/Applicant:** St. Clair Rhodes Development Corp.  
**Principles Owners of St. Clair Rhodes Development Corp.:** Dino Maggio, Brian Schwab, Stephen Savage and John Savage

**Discussion:**  
**Commercial/Mixed Use Building Facade Improvement Grant Program**

This program is intended to encourage the redesign, renovation or restoration of commercial and mixed-use building facades in Downtown Windsor by providing a financial incentive to offset some of the costs associated with the improvement of commercial facades.

The program will consist of a grant whereby property owners will be eligible to receive a grant for 50% of the eligible costs of the facade improvements, up to a maximum of $20,000. Where facade improvements are proposed on a corner building, an additional $10,000 in grant funds can be applied for.

Appendix B contains a rendering of the proposed facade improvements, Appendix C contains photograph of the current building and Appendix D contains before photographs of the building. The owner’s estimated eligible costs for facade improvements are $600,000.

**Building/Property Improvement Tax Increment Grant Program**

This program is intended to provide economic incentive for the development, rehabilitation and redevelopment of properties in Downtown Windsor. The program provides an annual grant equal to 100% of the increase in municipal property taxes for five years, with the possibility of an extension up to a total of ten (10) years, after the project is completed and reassessed to help offset the costs of rehabilitating and redeveloping properties, as long as such development results in an increase in assessment and therefore an increase in property taxes.

The proposed improvements to the building are anticipated to increase the assessed value and therefore increase municipal taxes. This project qualifies for the Building/Property Improvement Tax Increment Grant and the Financial Matters section of this report discusses the estimated grant amount.
**Risk Analysis:**

There is low risk associated with the approval of the subject Downtown CIP grant applications. An agreement between the City and owner will be prepared to ensure the Building/Property Improvement Tax Increment Grant Program requirements and provisions of the Downtown Windsor Enhancement Strategy and Community Improvement are met. The Commercial/Mixed Use Building Facade Improvement Grant will only be paid after the work is complete to the satisfaction of the City Planner.

**Financial Matters:**

As mentioned in the discussion section of the report the proposed redevelopment is eligible for:

- 119 Chatham Street: fifty percent (50%) of the costs of facade improvements to the maximum amount of $30,000 ($20,000, plus $10,000 for a corner building).
- 149 Chatham Street: fifty percent (50%) of the costs of facade improvements to the maximum amount of $20,000.

If approved, the funds would come from the City Centre Community Development Planning Fund (Project #7011022) in the maximum amount of $50,000. The uncommitted balance in this fund is $138,158.

**Building/Property Improvement Tax Increment Grant Program**

The program provides an annual grant equal to 100% of the increase in municipal property taxes for five (5) years, with the possibility of a five (5) year extension, up to a total of ten (10) years if the project is considered a Catalyst Project.

The base rate from which the grant is calculated is the total amount of municipal taxes payable in the calendar year that City Council approves the financial incentives for the eligible works. The Downtown CIP stipulates that the base rate may be reduced to reflect a Vacancy Tax Rebate where such a rebate was issued for the previous tax year and the subject property, or a portion thereof, is vacant at the time of application.

Council will recall in June 2017, amendments to the vacancy rebate program within the DWBIA were approved and as such, for commercial properties, the annual amount of rebate is to be phased out over a 3 year period.

As it relates to the subject properties, vacancy rebate applications have been received consecutively for the past several years dating back to 2014 for 119 Chatham St. and 2011 for 149 Chatham St. No further tax relief is available under this program for either property. Given the longstanding vacancy of both properties, Administration supports a further reduction be provided in what is used for purposes of the base municipal property tax. The average of the previous Vacancy Tax Rebates was subtracted from the Pre-Development Municipal Taxes, and is referred to as the Vacancy Rebate Allowance. This approach creates a more attractive grant package compared to the project being considered a Catalyst Project and receiving an annual grant for a period of ten (10) year without the Vacancy Rebate Allowance. Therefore, staff only recommended approval for an annual grant for a five (5) year period.
The estimated value of the grant represents 100% of the increase in the municipal portion of property taxes for a period of 5 years. The Downtown CIP stipulates that the grant cannot be more than the eligible costs. The estimated total tax increment grant of $131,872, plus the $50,000 from the Commercial/Mixed Use Building Facade Improvement Grant, the total grant funds equals $181,872 over 5 years. The applicant estimates $2,355,000 in investment into properties including the interior fit up for the tenant. The grant represents approximately 7.7% of the estimated investment for this development.

119 Chatham Street

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<tr>
<th>Year of Grant</th>
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<td>Total Grant Estimate</td>
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Assumptions

- Current Property Value Assessment (2019 - Commercial) $610,155
- Current Property Value Assessment (2019 - Residential) $747,345
- Current Municipal Tax Levy (2019) $44,396.68
- Estimate Post Development Property Assessment (Commercial) $671,171
- Estimate Post Development Property Assessment (Residential) $822,080
- Estimate Post Development Municipal Taxes (Commercial New Construction) $22,063
- Estimate Post Development Municipal Taxes (Multi-Residential) $26,773
- Municipal Multi-Residential Tax Rate 0.03256788
- Municipal Commercial Tax Rate 0.03287237
- Vacancy Rebate Allowance $6,664
149 Chatham Street

Estimate Property/Building Improvement Tax Increment Grant Calculation 149 Chatham Street West

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Assumptions

- Current Property Value Assessment (2019 - Commercial) $684,900
- Current Property Value Assessment (2019 - Residential) $176,575
- Current Municipal Tax Levy (2019) $25,389.00
- Estimate Post Development Property Assessment (Commercial) $753,390
- Estimate Post Development Property Assessment (Residential) $194,233
- Estimate Post Development Municipal Taxes (Commercial New Construction) $24,766
- Estimate Post Development Municipal Taxes (Multi-Residential) $6,326
- Municipal Multi-Residential Tax Rate 0.03256788
- Municipal Commercial Tax Rate 0.03287237
- Vacancy Rebate Allowance $9,569

Because the Grant Program does not cancel taxes, the owner must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program; however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Consultations:  
The Downtown CIP was subject to stakeholder and public consultation as part of the approval process, including public meetings, a statutory public meeting and circulation among internal City staff and the Province.

Planning staff have consulted with the owner prior to accepting the application. Staff from the Planning and Building Division were consulted in the preparation of this report. Additionally, the following staff were consulted in the preparation of this report:

- Don Nantais, Financial Planning Admin.
- Carolyn Nelson, Manager of Property Valuations and Admin.
Conclusion:
Staff recommends that the application for the Commercial/Mixed Use Building Facade Improvement Grant Program and Building/Property Improvement Tax Increment Grant be approved.

Planning Act Matters:
N/A

Approvals:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Neil Robertson</td>
<td>Manager of Urban Design</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner/Executive Director of Planning and Building Services</td>
</tr>
<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Don Nantais</td>
<td>Financial Planning Admin.</td>
</tr>
<tr>
<td>Janice Guthrie</td>
<td>Deputy Treasurer Taxation and Financial Planning</td>
</tr>
<tr>
<td>Joe Mancina</td>
<td>Chief Financial Officer/City Treasurer</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
</table>

Notifications:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA Inc Architect (Jerry Kavanaugh)</td>
<td></td>
<td>@ada-architect.ca</td>
</tr>
<tr>
<td>St.Clair Rhodes Development Corp.</td>
<td></td>
<td><a href="mailto:shelia@midsouth.ca">shelia@midsouth.ca</a></td>
</tr>
</tbody>
</table>

Appendices:

1. Appendix A - Location Map
2. Appendix B - Proposed Facade Improvements
3. Appendix C - Current Photographs
4. Appendix D - Before Photographs
Appendix C – Current Photographs

119 Chatham Street - Current

149 Chatham Street - Current
Subject: International Relations Committee - 2019 Annual Report
International Relations Committee – 2019 Annual Report

Membership

Councillor Fred Francis, Chairperson
Councillor Fabio Costante
Councillor Gary Kaschak
Councillor Ed Sleiman
Mr. Daniel Ableser
Ms. Maria Belenkova
Mr. Jerry Barycki
Mr. Scott Despins
Mr. Ronnie Haidar
Mr. William Ma
Mr. Steven Spagnuolo
Mr. L.T. Zhao

Mandate

- Support the efforts of the Mayor and Council in the enhancement of Windsor's international image
- Promote and enhance our relationship with current twin cities
- Support international education, cultural, sport and economic initiatives

The International Relations Committee continues to promote Windsor's international interests and image through its focus on strengthening the current community based twin city relationships both abroad and in the local community. This is achieved through the committee's continued support towards educational, cultural, social and economic based exchanges. The committee also devotes its energies towards the exploration of potential new or emerging twin city relationships where there is a desire to twin based on a strong local community commitment, and where long term, valuable exchanges are realized.

This new members of the Committee, for the 2018-2022 term, met three times in 2019, giving them the opportunity to get to know each other and become familiar with their experience and expertise through introductions and sharing of information. The members had numerous opportunities to take part in events throughout the year, as evidenced in the following report.
Fujisawa Marathon

On January 27th, 2019 our Twin City of Fujisawa, Japan held their 2019 Shonan Fujisawa Citizens marathon. While no one from our City was able to take part in this event, the City of Windsor was once again very well represented. A City of Windsor display was set up, twin cities were introduced during the prize presentation ceremony and the 1st and 2nd place winners of the race were presented with swag from the City of Windsor.

Visiting Delegation from Saltillo, Mexico

The City of Windsor and the International Relations Committee (IRC) hosted a delegation from Saltillo Mexico from July 14th through July 16th, 2019, to commemorate the milestone 25th anniversary of our sister city relationship. The delegation included Mayor Manolo Jiménez Salinas, Liliana Salinas, DIF President, Oscar Pimentel, Director of the Municipal Planning Institute of Saltillo and Gabriel Elizondo, Private Secretary for the Mayor. The delegates were invited to City Hall for the opening of the 3rd Annual Children’s Art Exhibition, which included art from children of Saltillo. During their short stay they attended a luncheon focusing on Tourism and Economic Development, participated in an informative tour of the St. Clair College Ford Centre For Excellence in Manufacturing and attended an Official dinner at Willistead Manor to celebrate 25 years of our sister city relationship. Mayor Dilkens and Mayor Jiménez Salinas signed a symbolic agreement re-committing to the existing twin city bond between our two communities.
3rd Annual Children’s Art Exchange

The International Relations Committee held the City of Windsor’s third Children’s Art Exchange, which included art from children between the ages of 6-12 years old from Windsor, Changchun, China, Fujisawa, Japan, Gunsan, South Korea and Saltillo, Mexico. The art was displayed from July 15th through July 23rd in the lobby of Windsor’s City Hall with the assistance of Cathy Masterson, Manager of Cultural Affairs, and her wonderful staff. The Exhibition was extremely successful and well received by all, including our visitors from Saltillo and the Misono Jogakuin High School exchange students from Fujisawa.

Children’s Art Exchange - Fujisawa

From October 17th through October 24th, 2019, a Children’s Art Exchange was held in Fujisawa, Japan and along with some of Fujisawa’s twin cities, the City of Windsor sent the art from local children to be displayed during the exhibit. This was the first time that Fujisawa has participated in this exchange. It is our hope that one day all of our twin cities will host a similar event, which will serve to celebrate and strengthen our twin city connections through children’s artwork.
Children’s Art Exchange - Gunsan

Our twin city of Gunsan, South Korea held their Children’s Art Exchange from December 16th through December 22nd, 2019 at the Gunsan Arts Centre. The City of Windsor once again participated in this wonderful event sending drawings from local children for display.

Fujisawa Japan: Misono Jogakuin High School Exchange Students

The International Relations Committee once again welcomed a group of students from Windsor’s twin city of Fujisawa, Japan. The group from the Misono Jogakuin High School, which included 27 exchange students, 2 teachers and 2 escorts, were in Windsor from July 20th through August 2nd, 2019. On Monday, July 22nd they were greeted in Council Chambers by Mayor Drew Dilkens as well as some members of the International Relations Committee. After some welcoming remarks, several photos and a cake to celebrate their visit, the group visited the Children’s Art Exhibit, explored the grounds at City Hall and took some pictures next to the tree that was planted by the very first Misono School Group that visited in 2009. During their two-week stay, the group will also have the opportunity to experience Adventure Bay, Willistead Manor, Point Pelee National Park and more.
**Medal Presentation from Lublin**

On July 1, 2019, International Relations Board Member and President of the Polish Canadian Business and Professional Association of Windsor was in Lublin, Poland, a twin city since 2000, and received a medal presented by Mayor Krzysztof Żuk, to the City of Windsor. The Medal was presented to Mayor Drew Dilkens during the City Council meeting on October 7, 2019.

![Medal Presentation from Lublin](image1)

On November 22\textsuperscript{rd}, 2019, some members of the International Relations Committee attended the 24\textsuperscript{rd} Annual Polish-Canadian Society Dinner.

The City of Windsor has three twinning anniversaries scheduled in 2020, which include:

1. Gunsan, South Korea: 15 years
2. Lublin, Poland: 20 years
3. Mannheim, Germany: 40 years

As a result, the committee anticipates an increase in correspondence and the potential for both in-bound and out-bound delegations to and from these cities during that calendar year.