PLANNING, HERITAGE & ECONOMIC DEVELOPMENT STANDING COMMITTEE

AGENDA

(available also at www.citywindsor.ca)

Monday, May 9, 2016
4:30 p.m.
Council Chambers, 3rd Floor, Windsor City Hall

Members:

Ward 8 - Councillor Bill Marra, Chairperson
Ward 4 - Councillor Chris Holt
Ward 7 - Councillor Irek Kusmierczyk
Ward 9 - Councillor Hilary Payne
Ward 5 - Councillor Ed Sleiman

Member Lynn Baker
Member Barb Bjarneson
Member Simon Chamely
Member Michael DiMaio
Member Andrew Foot
Member Anthony Gyemi
Member John Miller
Member Dorian Moore
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

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

7. PLANNING ACT MATTERS
   7.1. ZNG/4634 Z-004/16 Rezoning Application, 3021 Walker Road – Brisson Sales Inc., Requesting a site specific provision to permit a retail store - Ward 10 (S 88/2016)

   7.2. Application for Official Plan amendment and rezoning- 800 Block on the west/east side of St. Luke Road and 800 Block on the west side of Albert Road- Corporation of the City of Windsor- OPA #107 and Z-005/16; Ward 5 (S 49/2016)

8. ADOPTION OF THE MINUTES
   8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held April 11, 2016 (SCM 66/2016)
9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS
10.1. Abar's Island View Hotel, 7880 Riverside Drive East - Request for Demolition (Ward 6) (S 84/2016)

11. ADMINISTRATIVE ITEMS
11.1. Request to close part of Belleview Avenue, south of Wyandotte Street East- KEK Investments Inc. - 3255 Wyandotte Street East- SAS/4627; Ward 5 (S 82/2016)
11.2. Economic Revitalization Community Improvement Plan (CIP) Application made by Cavalier Tool & Manufacturing Ltd for 3450 Wheelton Drive (Ward 9) (S 85/2016)
11.3. Request by Roman Lys (applicant) to close the north/south alley east of Buckingham Drive, north of Adstoll Avenue; SAA/4616; Ward No. 8 (S 83/2016)

12. COMMITTEE MATTERS
12.1. Minutes of the International Relations Committee meeting held April 7, 2016 (SCM 65/2016)
12.2. Minutes of the Windsor BIA Advisory Committee of its meeting held March 3, 2016 (SCM 64/2016)

13. QUESTION PERIOD

14. ADJOURNMENT
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

To: Mayor and Members of City Council

Subject: ZNG/4634 Z-004/16 Rezoning Application
3021 Walker Road – Brisson Sales Inc
Requesting a site specific provision to permit a retail store - Ward 10

RECOMMENDATION:

I. THAT an amendment to Zoning By-law 8600 BE APPROVED, amending the zoning for Part of Lot 31, Plan 868, (Part 2, Plan 12R-5650), City of Windsor, (Municipally known as 3021 Walker Road) from Residential District (RD) 3.1 and Residential District (RD) 2.2 to (Holding) Residential District (H)RD 3.1 with special provisions to add the following permitted use:

“A Retail Store within the existing main building.”

II. THAT the minimum lot frontage, maximum building height, minimum front yard, rear yard and side yard widths shall be as existing;

III. THAT a change of use to permit retail use of the main building be a development for site plan control purposes;

IV. THAT the Hold symbol BE REMOVED from the site when the following requirements are met:
   i.) The applicant applies to remove the hold provision;
   ii.) A site plan agreement is registered on the title of the property,
V. THAT the Planning Department UNDERTAKE a land use study for the Walker Road Corridor between the E.C. Row Expressway and Grand Marais Road East, with the goal to determine if the current land use designations and zoning categories are appropriate for the area.

EXECUTIVE SUMMARY:

N/A

BACKGROUND:

APPLICATION INFORMATION:

LOCATION: 3021 WALKER ROAD

WARD: 10 PLANNING DISTRICT: 07 – REMINGTON PARK ZDM: 12

APPLICANT: Brisson Sales Inc.

PROPOSAL:

The applicant is requesting an amendment to Zoning By-law 8600 to add a site specific provision that would permit a retail store, not including outdoor storage, that would allow the site to be used for a Sales Office and Cabinet Showroom.

The subject parcel is located on the west side of Walker Road, between the E.C. Row Expressway and Digby Street. The lot has a total area of 979 m2 (10,538 ft2).

The site is currently designated Residential in the City of Windsor Official Plan and is zoned RD3.1 and RD2.2 in By-law 8600. The site is currently being used illegally as a Sales Office and Cabinet Showroom. The application is made in response to charges laid by the city as a result of the continued illegal use of the site. The applicant wishes to legalize the current use of the site and continue operating the existing business at this location.

The applicant proposes to remove the existing storage trailer from the site and re-locate all storage within the existing structure. The existing waste disposal bins at the rear of the site will be screened with appropriate fencing. The northerly driveway approach from Walker Rd. will be removed, the temporary sign will be removed from the utility pole, and a new site sign will be installed where indicated on the proposed site plan. The front of the site will be landscaped in a manner that supports the residential character of the site.

No new buildings or structures are proposed for the site.
REQUESTED ZONING AMENDMENT MAP:

REQUESTED ZONING AMENDMENT

APPLICANT: Brisson Sale Inc.

SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT

DATE: April 2016
FILE NO: Z-39416, ZNG4686
SITE INFORMATION:

<table>
<thead>
<tr>
<th>OFFICIAL PLAN</th>
<th>ZONING</th>
<th>CURRENT USE</th>
<th>PREVIOUS USE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>RD3.1/RD2.2</td>
<td>Sales office/Showroom</td>
<td>Single Detached Dwelling</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>FRONTAGE</th>
<th>AVERAGE DEPTH</th>
<th>AREA</th>
<th>SHAPE</th>
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<tbody>
<tr>
<td>19.2 m</td>
<td>51 m</td>
<td>979 m² (10538 ft²)</td>
<td>Rectangular</td>
</tr>
</tbody>
</table>

Note:

NEIGHBOURHOOD CHARACTERISTICS:

The site is located in an area containing a mix of uses, including multi unit residential and commercial uses to the south, single detached residential uses to the north, Commercial/industrial consisting of the Walker Rd. Animal Hospital, Dulux Paints and the proposed Institutional use by the Greek Orthodox Church to the east, and a double duplex residential property to the west.

Walker Road is a heavily travelled four lane arterial road with a predominantly commercial character south of the E.C. Row Expressway, and industrial character north of Grand Marais Road East. The area in-between is a transitional mix of uses. Mostly commercial and industrial on the east side of Walker Road and a mix of residential uses, mostly single detached, with some multi unit dwellings and commercial uses on the west side. For most of the street, the adjacent land uses are commercial, industrial, with a very small component of higher density residential units.

Walker Road is a designated truck route and is serviced by Transit Windsor.

The site has full municipal services.

A similar mid block site (2957 Walker Road) was rezoned in 2002 (20(1)132). A residential property was rezoned to add a supplementary regulation to permit automotive repairs and sales.

DISCUSSION:

PROVINCIAL POLICY STATEMENT (PPS) 2014:

The recommended site specific amendment to Zoning By-law 8600 maintains land use compatibility and is consistent with the PPS in that the continued use of the site as a retail store makes use of existing buildings on an existing site within the urban area without the need for additional municipal infrastructure or servicing.
OFFICIAL PLAN:

The City of Windsor Official Plan designates the site “Residential”. The proposal will leave the residential designation and zone category as to continue to permit the construction of a multi unit residential building in the future.

ZONING BY-LAW:

The zoning change requested by the applicant is to permit a Retail Store; not including outdoor storage. Since an outdoor storage yard is not permitted in areas zoned for residential purposes, the prohibition of outdoor storage yards is redundant, and therefore not necessary. The retail store use requested is required in order for the applicant to continue the current use on the site. The uses currently permitted by the RD3.1 zone category will continue to be available on this site.

To ensure that expansion of the building and use on the site does not take place without additional municipal oversight, the regulations that apply to the buildings on the site will limit the use to the existing main building and limit structures on the site to the existing building footprint.

The draft by-law is attached as Appendix C.

ISSUES TO BE RESOLVED:

The site is the subject of charges laid related to the illegal use of the site as a retail store. Should the rezoning be approved, it is important to ensure that the applicant follows through with the site alterations identified in the zoning application. The only tool the municipality has available to ensure compliance is the application of a Hold prefix that is subject to the registration of a Site Plan Control agreement. Securities will be required as part of that agreement and will assure that the required works will be completed. As well, a change of use permit will be required.

The block between the E.C. Row Expressway and Digby Street is part of a corridor without a unified theme, as such they appear to be in transitional state. The uses in the corridor between the expressway and Parkdale Place are zoned to permit higher density residential, have been historically occupied by single detached dwellings and, as illustrated by this and previous zoning amendment applications are subject to pressure to be used as commercial sites. Additional review of the existing and designated use of land in that corridor should be undertaken to determine most appropriate future use of land.(See Recommendation) Changes identified in that review could be made through an OPA or included in the land use section of the OP review.

RISK ANALYSIS:

N/A

FINANCIAL MATTERS:

N/A
CONSULTATIONS:

Comments received from municipal departments and external agencies are attached as Appendix “B” to this report. There are no objections to the proposed amendment. However, various departments have requested that a “hold” prefix be placed on the site to ensure the proposed site alterations and improvements are completed as described by the applicant.

The statutory notice was advertised in the Windsor Star Newspaper and all properties within 120m (400 feet) of the subject parcel received courtesy notice by mail prior to the Planning, Heritage, and Economic Development Standing Committee (PHEDSC) meeting.

CONCLUSION:

The area in which this site is located is an area of transition from the Manufacturing land uses to the east and the lower density Residential land uses to the west. Higher density and higher intensity uses are expected to be developed in the Walker Road Corridor; however, no development has taken place to implement those opportunities. Further review of land use in this area is required.

The proposed amendment provides an interim, transitional use, until such time as the area redevelops to its ultimate use, enables the continued operation of an existing business, is consistent with the policy direction of the City of Windsor Official Plan, is compatible with existing and permitted uses in the surrounding neighbourhood and constitutes good planning.

PLANNING ACT MATTERS:

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

Don Wilson, MCIP, RPP
Manager of Development Applications

Thom Hunt, MCIP, RPP
City Planner

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

SAH
OC

APPROVALS:

N/A
NOTIFICATIONS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>John Gillis,</td>
<td>1880 Assumption St.</td>
<td><a href="mailto:john@jgillis.ca">john@jgillis.ca</a></td>
</tr>
<tr>
<td>John Gillis &amp; Associates Inc.</td>
<td>Windsor, ON N8Y 1C4</td>
<td></td>
</tr>
<tr>
<td>Brisson Sales Inc.</td>
<td>3021 Walker Road, Windsor ON N8W 3R4</td>
<td><a href="mailto:mike@brissonsales.com">mike@brissonsales.com</a></td>
</tr>
<tr>
<td>Paul Bezaire,</td>
<td>3514 Walker Road, Unit 1A</td>
<td><a href="mailto:pbezaire@bezaire.ca">pbezaire@bezaire.ca</a></td>
</tr>
<tr>
<td>Bezaire and Associates</td>
<td>Windsor ON N8W 3S4</td>
<td></td>
</tr>
</tbody>
</table>

APPENDICES:

1. Appendix “A” – Excerpts from City of Windsor Zoning By-law 8600
2. Appendix “B” – Comments from Departments and Agencies
3. Appendix “C” – Draft Bylaw
APPENDIX “A” – Excerpts from City of Windsor Zoning By-law 8600

(l) Residential District 3.1 (RD3.1)

(a) Permitted Uses

(i) A double duplex dwelling; multiple dwelling; residential care facility; lodging house; convent; monastery;


(iv) Any use accessory to the foregoing uses.

(v) Notwithstanding the provisions of clause (a) of subsection (l) of Section l2 of By-law 8600, for the lands comprising Lots 187 and 188, Registered Plan 548, situated on the north side of Brock Street, west of Bloomfield Road, a maximum of six dwelling units shall be permitted. (ADDED by B/L 9545, O.M.B. Order R880673, April 20, 1990 AS AMENDED Jan. 8, 1991)

(b) Regulations

(i) Minimum lot frontage - 18 metres

(ii) Minimum lot area - 550 square metres for the first 4 dwelling units; 85 square metres for each additional dwelling unit.

(iii) Notwithstanding the provisions of sub-paragraph (ii) of this paragraph, on a corner lot having a minimum frontage of 30 metres on each of the exterior lot lines, the maximum number of permitted dwelling units may be increased by 25%.

(iv) Maximum main building height

Interior Lot - 9 metres

Corner Lot - 9 metres, where any exterior lot line is less than 30 metres in length; or
14 metres, where each exterior lot line is a minimum of 30 metres in length. (AMENDED by B/L 9057, July 7/87)

(v) Maximum lot coverage - 35% of the lot area

(vi) Minimum landscaped open space yard - 35% of the lot area.

(vii) (DELETED by B/L 162-1998, June 24, 1998)

(viii) The minimum side yard width on each side shall be equal to 30% of the building height except:

1. Where a habitable room window of any dwelling unit faces a side lot line, the minimum side yard width on that side shall be 6.0 metres;

2. Where an access area is provided between a building wall having no habitable room windows and a side lot line, the minimum side yard width shall be the greater of 3.0 metres or 30% of the building height. (AMENDED by B/L 363-2002, Dec. 31, 2002)

(ix) Minimum front yard depth - 6 metres

(x) Minimum rear yard depth - 7.5 metres

(xi) Notwithstanding the provisions of sub-paragraphs (i) to (x) inclusive of this paragraph, SEMI-DETACHED OR DUPLEX DWELLING, A MULTIPLE DWELLING having a maximum of 4 dwelling units, double duplex dwelling or TOWNHOME DWELLINGS and any use accessory thereto shall be in accordance with the provisions of paragraph (b) of subsection (2), of Section 11, RD2.2 DISTRICT, of this by-law applicable thereto. (AMENDED by B/L 33-2001, October 23, 2001, OMB Decision/Order No. 1716, OMB Case No. PL010233 and AMENDED by B/L 363-2002, Dec. 31, 2002)

(xii) Notwithstanding the provisions of sub-paragraph (i) to (x) inclusive of this paragraph, any building used for a LODGING HOUSE for the accommodation of a maximum of ten (10) persons and any use accessory thereto shall be in accordance with the provisions of paragraph (b), of subsection (l), of Section 10, RD1.1 DISTRICT, of this by-law applicable thereto; provided, further, that the whole of the building shall be used for a lodging house and may also include any use accessory thereto.

(xiii) Notwithstanding the provisions of sub-paragraphs (i) to (x) inclusive of this paragraph, any additions to an EXISTING SINGLE-UNIT DWELLING, EXISTING DUPLEX DWELLING, EXISTING SEMI-DETACHED DWELLING and any use accessory to the foregoing uses shall be in accordance
with the provisions of paragraph (b), of subsection (2), of Section 11, **RD2.2 DISTRICT**, of this by-law applicable thereto.

(xiv) **Supplementary Regulations:**

- See Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations
Memo

Date: March 10, 2016
To: Manager of Development Applications, Attn: Adam Szymczak
From: Adam Pillon, Right-of-Way Supervisor

Subject: Brisson Sales Inc.
3021 Walker Road
Z-004/16, Roll# 070 220 04000

This Department has reviewed the servicing requirements for the subject lands pertinent to this zoning amendment application. Currently, 3021 Walker Road is zoned RD3.1. The subject lands are located on the west side of Walker Road, south of Digby Street. The applicant is requesting approval of a Supplementary Regulation to Zoning Category RD3.1 to permit existing use (retail sales not including outdoor storage).

Please note the following comments have been based on the application for Rezoning (Z-004/16) for the subject lands.

Sewers

The site may be serviced by a 300mm diameter PVC sanitary sewer and a 450mm diameter PVC storm sewer on Walker Road. Existing sewer connections are to be used wherever possible. The applicant will be required to submit storm detention calculations for approval, in order to limit post-development flow from the subject property to pre-development levels for the 1:5 year frequency storm. Furthermore, the applicant will be required to provide a lot grading plan and site servicing drawings.

Right-of-Way

The City of Windsor Official Plan classifies Walker Road as a Class II Arterial Road which requires a right-of-way width of 26.20m according to Schedule X. The current right-of-way width is 26.30m therefore land conveyance will not be required.

The existing south driveway approach conflicts with a hydro pole that is within 1 m of the approach. The driveway approach shall be reconstructed as per City of Windsor Standard Drawings AS-204. A Street Opening permit will be required for a revised driveway approach. The driveway is to be constructed with straight flares and no raise curbs.

The removal of the redundant driveway and any damages to the existing sidewalk and curbs resulting from construction shall be replaced to the satisfaction of the City Engineer.

City of Windsor | 350 City Hall Square West | Windsor, ON | N9A 6S1
www.citywindsor.ca
In summary, we have no objections to the proposed Rezoning application, subject to the following requirements:

**Driveway Approaches** – The Owner further agrees:
(1) To construct driveway approaches in such width and location as approved by the City Engineer;
(2) To provide straight flare driveway approaches and to terminate the raised curbs at the property line, to the satisfaction of the City Engineer. Raised curbs shall not extend into the driveway approaches, outside the subject lands.
(3) Unless otherwise noted, to construct all non-residential driveway approaches of concrete in accordance with City of Windsor Standard Drawing AS-204.

**Lot Grading Plan** – The owner agrees to submit to the satisfaction of the Chief Building Official, the City Engineer, the Executive Director of Parks and Facility Operations and ERCA in regulated areas throughout, a lot grading plan covering the subject lands for their approval, prior to the issuance of any construction permits for the subject lands. The owner further agrees to have the approved elevations as per the lot grading plan on each lot verified by an Ontario Land Surveyor at the following stages of construction:
   a. Prior to the pouring of footings (top of forms elevation); and
   b. Following completion of construction.

Where the finished grade of a lot deviates from the original lot grading plan presented to and accepted by the Chief building Official, the City Engineer and ERCA in regulated areas throughout, the owner shall either submit a new lot grading plan to the satisfaction of the Chief Building Official, the City Engineer and ERCA or re-grade the lands to the elevations indicated on the original lot grading plan.

**Repair of Highway** – The Owner further agrees that any curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway that are damaged during construction on the subject lands shall be restored by the Owner at the Owner’s entire expense, and to the satisfaction of the City Engineer. Any driveway approaches or private drain connections, which become redundant following the development of the subject lands, shall be closed or capped and this area restored to the satisfaction of the City Engineer.

**Sewer Connections** – The owner will be required to obtain a permit from the Engineering Department to connect to existing sanitary and/or storm sewer connections. Existing connections are to be utilized wherever possible at the entire cost and risk of the owner. Redundant connections shall be capped and by trenchless method under the existing pavement from the sewer main tap pit, except when specific consent is given by the City Engineer.

**Site Servicing Plans** – The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.
Storm Detention

a) Prior to the issuance of a construction permit, the owner shall agree to retain a Consulting Engineer for the design and preparation of drawings, satisfactory to the City Engineer and Chief Building Official, for an internal stormwater detention scheme to service the subject lands. The purposes of the said scheme will be to ensure that storm drainage being directed to the Corporation's storm, combined sewer or ditch as the case may be, from the subject lands in their improved state, be restricted to no greater than the present flow from the subject lands.

b) Upon approval of the drawings by the City Engineer and the Chief Building Official, the owner further agrees to construct at its entire expense the said storm detention scheme, in accordance with the approved drawings and to the satisfaction of the Chief Building Official.

Street Opening Permits – The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

If you have any further questions or concerns, please contact Rob Perlasinotti, of this department at 519-255-6257, ext. 6615.

Adam Pillon
Right-of-Way Supervisor

RP/ad
Memo

Date: March 10, 2016

To: Manager of Development Applications, Attn: Adam Szymczak

From: Adam Pillon, Right-of-Way Supervisor

Subject: Brisson Sales Inc.
3021 Walker Road
Z-004/16, Roll# 070 220 04000

This Department has reviewed the servicing requirements for the subject lands pertinent to this zoning amendment application. Currently, 3021 Walker Road is zoned RD3.1. The subject lands are located on the west side of Walker Road, south of Digby Street. The applicant is requesting approval of a Supplementary Regulation to Zoning Category RD3.1 to permit existing use (retail sales not, including outdoor storage).

Please note the following comments have been based on the application for Rezoning (Z-004/16) for the subject lands.

Sewers

The site may be serviced by a 300mm diameter PVC sanitary sewer and a 450mm diameter PVC storm sewer on Walker Road. Existing sewer connections are to be used wherever possible. The applicant will be required to submit storm detention calculations for approval, in order to limit post-development flow from the subject property to pre-development levels for the 1:5 year frequency storm. Furthermore, the applicant will be required to provide a lot grading plan and site servicing drawings.

Right-of-Way

The City of Windsor Official Plan classifies Walker Road as a Class II Arterial Road which requires a right-of-way width of 26.20m according to Schedule X. The current right-of-way width is 26.30m therefore land conveyance will not be required.

The existing south driveway approach conflicts with a hydro pole that is within 1 m of the approach. The driveway approach shall be reconstructed as per City of Windsor Standard Drawings AS-204. A Street Opening permit will be required for a revised driveway approach. The driveway is to be constructed with straight flares and no raise curbs.

The removal of the redundant driveway and any damages to the existing sidewalk and curbs resulting from construction shall be replaced to the satisfaction of the City Engineer.
In summary, we have no objections to the proposed Rezoning application, subject to the following requirements:

**Driveway Approaches** – The Owner further agrees:
(1) To construct driveway approaches in such width and location as approved by the City Engineer;
(2) To provide straight flare driveway approaches and to terminate the raised curbs at the property line, to the satisfaction of the City Engineer. Raised curbs shall not extend into the driveway approaches, outside the subject lands.
(3) Unless otherwise noted, to construct all non-residential driveway approaches of concrete in accordance with City of Windsor Standard Drawing AS-204.

**Lot Grading Plan** – The owner agrees to submit to the satisfaction of the Chief Building Official, the City Engineer, the Executive Director of Parks and Facility Operations and ERCA in regulated areas throughout, a lot grading plan covering the subject lands for their approval, prior to the issuance of any construction permits for the subject lands. The owner further agrees to have the approved elevations as per the lot grading plan on each lot verified by an Ontario Land Surveyor at the following stages of construction:
   a. Prior to the pouring of footings (top of forms elevation); and
   b. Following completion of construction.

Where the finished grade of a lot deviates from the original lot grading plan presented to and accepted by the Chief building Official, the City Engineer and ERCA in regulated areas throughout, the owner shall either submit a new lot grading plan to the satisfaction of the Chief Building Official, the City Engineer and ERCA or re-grade the lands to the elevations indicated on the original lot grading plan.

**Repair of Highway** – The Owner further agrees that any curbs, gutters, pavements, sidewalks, or landscaped areas on the public highway that are damaged during construction on the subject lands shall be restored by the Owner at the Owner’s entire expense, and to the satisfaction of the City Engineer. Any driveway approaches or private drain connections, which become redundant following the development of the subject lands, shall be closed or capped and this area restored to the satisfaction of the City Engineer.

**Sewer Connections** – The owner will be required to obtain a permit from the Engineering Department to connect to existing sanitary and/or storm sewer connections. Existing connections are to be utilized wherever possible at the entire cost and risk of the owner. Redundant connections shall be capped and by trenchless method under the existing pavement from the sewer main tap pit, except when specific consent is given by the City Engineer.

**Site Servicing Plans** – The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.
Storm Detention –

a) Prior to the issuance of a construction permit, the owner shall agree to retain a Consulting Engineer for the design and preparation of drawings, satisfactory to the City Engineer and Chief Building Official, for an internal stormwater detention scheme to service the subject lands. The purposes of the said scheme will be to ensure that storm drainage being directed to the Corporation's storm, combined sewer or ditch as the case may be, from the subject lands in their improved state, be restricted to no greater than the present flow from the subject lands.

b) Upon approval of the drawings by the City Engineer and the Chief Building Official, the owner further agrees to construct at its entire expense the said storm detention scheme, in accordance with the approved drawings and to the satisfaction of the Chief Building Official.

Street Opening Permits – The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts, and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

If you have any further questions or concerns, please contact Rob Perissinotti, of this department at 519-255-6257, ext. 6615.

[Signature]
Adam Pillon
Right-of-Way Supervisor
RP/ad
Transportation Planning:

The applicant is requesting an amendment to Zoning By-law 8600 to add a site specific supplementary use in order to permit continuation of the current use which is a retail store. After review of the subject lands pertinent to the subject application, Transportation Planning has the following comments:

- Walker Road is a municipal roadway classified as a Class II Arterial road with an existing right-of-way width of 26.2 metres. Walker Road is identified in Schedule X requiring a 33 metre right-of-way which reflects the approved design in the Walker Road Environmental Study Report (ESR). This section of Walker Road has been constructed as per the approved design. No property acquisition from the subject lands was identified; therefore, a land conveyance is not required.

- The remaining access shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).

- There are currently two existing driveways on this property. Transportation Planning requires that one access be closed, and that the curb, sidewalk and boulevard be restored back to City of Windsor standards.

- The clear throat length for a Class II Arterial road shall be a minimum of 15m. To facilitate this requirement, curbing or landscaping shall be provided to prevent the front yard from being used as a parking area.

Planning & Building Department, Site Plan Control:

Is this an application that is forcing an unauthorized use of a property (or ask for forgiveness after the fact as it is easier than asking for approval beforehand)? If so requiring Site Plan Review should be necessary especially since it has been in effect along Walker Road for well over 15 years (the length of time listed on the application). Melissa and I are prepared to request approval of and compliance to conditions of a Site Plan Review process as a condition to rezoning.

Windsor Police Services

The proposed Zoning By-Law amendment for this site is not anticipated to have any discernible impact (negatively) from a public safety perspective. Despite the property’s residential zoning classification, a commercial use in this particular area on Walker Road seems acceptable. A review of the property’s police incident history has revealed no problems to date. We therefore have no opposition to the change being requested.

Respectfully,

Barry Horrobin, B.A., M.A., CLEP, CMM-III
Director of Planning & Physical Resources
Windsor Police Service

Property Assessment

We have no objection with this proposed development.

Roger E. Lauzière, A.I.M.A. | Manager of Property Assessment
Planning & Building Department, Inspections Division

If the zoning change is approved this development would require a ‘Change of Use’ (Group C to a Group D) permit under the Ontario Building Code (OBC). There has never been a review of this building to ensure compliance with the code for use as a sales office.

Roberto Vani, C.E.T., CBCO
Deputy CBO/Manager of Inspections
City of Windsor Planning & Building Department, Inspections Division
Appendix “C” – Draft Bylaw

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

Passed the day of , 2016.

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 District Maps or parts thereof referred to in Section 3, 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>12</td>
<td>N/A</td>
<td>RD2.2 &amp;RD3.1</td>
<td>HRD3.1</td>
<td></td>
</tr>
</tbody>
</table>

2. That the Hold provision be removed when the following requirements are met:
   i.) The applicant applies to remove the hold provision;
   ii.) A site plan agreement is registered on the title of the property,

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

“For the lands Part of Lot 31, Plan 868, (Part 2, Plan 12R-5650), City of Windsor, (Municipally known as 3021 Walker Road) a Retail Store shall be an additional permitted use within the existing main building. The minimum front, rear and side yard widths and maximum building height shall be as they existed on the day this clause comes into force.

4. The said by-law is further amended by changing the District Maps or parts thereof referred to in Section 3, 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</th>
<th>Lands Affected</th>
<th>Official Plan Amendment</th>
<th>Zoning Symbol</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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<td></td>
</tr>
<tr>
<td>Map Part</td>
<td>Part of Lot 31, Plan 868, (Part 2, Plan 12R-5650), City of Windsor, (Municipally known as 3021 Walker Road)</td>
<td>Number</td>
<td></td>
<td></td>
</tr>
<tr>
<td>---------</td>
<td>--------------------------------------------------------------------------------------------------</td>
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<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>12</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>S.20(1)329</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

DREW DILKENS, MAYOR

CLERK

First Reading - , 2016
Second Reading - , 2016
Third Reading - , 2016
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 49/2016
Report Date: April 27, 2016
Author’s Contact:
Simona Simion
Planner II- Research and Policy Support
phone: 519-255-6543 ext. 6397
email: ssimion@citywindsor.ca

Samantha Leger
Development Section Research Assistant
phone: 519-255-6543 ext. 6438
email: sleger@citywindsor.ca

Date to Council: May 9, 2016
Clerk’s File #: ZB/12454 ZO/12455

To: Mayor and Members of City Council

Subject: Application for Official Plan amendment and rezoning- 800 Block on the west/east side of St. Luke Road and 800 Block on the west side of Albert Road- Corporation of the City of Windsor- OPA #107 and Z-005/16; Ward 5

RECOMMENDATION:
I. That OPA#107 BE ADOPTED to amend City of Windsor Official Plan, Volume 1, Schedule D: ‘Land Use’ by re-designating the subject lands as follows: the west side of the 800 Block of St. Luke Road from ‘Business Park’ to ‘Residential’; the east side of the 800 Block of St. Luke from ‘Industrial’ to ‘Residential’ and, the west side of the 800 Block of Albert Road from ‘Industrial’ to ‘Residential’ (see attached APPENDIX A).

II. That Zoning By-law 8600 be amended for the subject lands as follows:

a. THAT an amendment to Zoning By-law 8600 BE APPROVED changing the zoning of Lots 18-22 and Part Lot 23, Registered Plan 543, municipally known as 0, 815, 817, 831, 845 & 857 St. Luke Road, situated west of St. Luke Road, east of the North-South Alley between St. Luke Road and Montreuil Avenue, North of Edna Street and South of Wyandotte Street East from Holding Manufacturing District 1.4 (HMD1.4) to Residential District 2.5 (RD2.5)
b. **THAT** an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of Lots 11-17, Registered Plan 508 and Lots 9-14, Registered Plan 507, municipally known as 810, 818, 830, 842, 852, 866, 868 and 880 St Luke Road and 807, 821, 833, 845, 861, 863 & 875 Albert Road, situated west side of Albert Road and east side of St. Luke Road, north of Edna Street and south of Wyandotte Street East from Manufacturing District 1.1 (MD1.1) to Residential District 2.5 (RD2.5).

**EXECUTIVE SUMMARY:**

N/A
BACKGROUND

KEY MAP
APPLICATION INFORMATION

LOCATION:

800 Block of St. Luke and 800 Block west of Albert municipally known as 0, 810, 815, 817, 818, 830, 831, 842, 845, 852, 857, 866, 868 and 880 St. Luke Road and 807, 821, 833, 845, 861, 863 & 875 Albert Road

APPLICANT: The Corporation of the City of Windsor

PROPOSAL:

This application proposes to change the Official Plan designation and By-Law 8600 zoning categories of the 800 block on the west side of Albert Road and 800 block on the east/west sides of St. Luke Road (located south of Wyandotte Street East and North of Edna Street) to recognize the existing residential uses and to protect this area from incompatible manufacturing uses.

The uses on the subject blocks are existing residential (a combination of single unit, duplex and converted multiple unit dwellings). This application proposes to amend the Official Plan designation from Industrial (800 block on the west side of Albert and east side of St. Luke, excluding the property located at 895 Albert Road) and Business Park (800 block on the west side of St. Luke) to a Residential designation. The proposed zoning amendment recommends a change in zoning from Manufacturing District 1.1 (MD1.1) (800 block on the west side of Albert and east side of St. Luke) and Holding Manufacturing District 1.4 (HMD1.4) (800 block on the west side of St. Luke) to Residential District 2.5 (RD2.5) as to reflect the existing residential character of the subject location. No new development or changes to the existing use of the built structures on site is proposed as part of this amendment. It is important to note that the property located at 895 Albert Road (at Edna Street) is excluded from this Official Plan Amendment and Zoning By-Law amendment to protect and recognize its existing use of a service garage.

The above proposal is a result of inquiries received in 2015 from Peter Crisp, the property owner of 866-868 St. Luke Road

“What I’m proposing is that the whole block south of Wyandotte to at least Edna, and east to Drouillard may be better off being rezoned to residential, with perhaps commercial/light industrial buffer zone on Wyandotte and of course grandfathering for current usage. I think that this would help to reduce one of the root causes of derelict properties and land use conflicts in the area”

After reviewing Mr. Crisp’s request and in consultation with the affected property owners, the Planning Department proceeded with the review of Official Plan Amendment and rezoning application.
### SITE INFORMATION

#### 800 BLOCK WEST SIDE OF ST. LUKE ROAD

<table>
<thead>
<tr>
<th>Official Plan</th>
<th>Zoning/ ZDM</th>
<th>Current Use</th>
<th>Previous Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Business Park</td>
<td>HMD1.4</td>
<td>Single Detached Residential Dwellings</td>
<td>Residential since ~ 1920</td>
</tr>
<tr>
<td></td>
<td>ZDM 6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Frontage</th>
<th>Average Depth</th>
<th>Average Area</th>
<th>Total Area</th>
<th>Shapes</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 ft.</td>
<td>57.75 ft.</td>
<td>2310 sq ft.</td>
<td>12,400 sq ft</td>
<td>Rectangular</td>
</tr>
<tr>
<td>12.1 m</td>
<td>17.60 m</td>
<td>214.6</td>
<td>1152 m²</td>
<td></td>
</tr>
</tbody>
</table>

#### 800 BLOCK OF WEST SIDE OF ALBERT ROAD and EAST SIDE OF ST. LUKE ROAD

<table>
<thead>
<tr>
<th>Official Plan</th>
<th>Zoning/ ZDM</th>
<th>Current Use</th>
<th>Previous Use</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial</td>
<td>MD1.1</td>
<td>Single Detached Residential Dwellings</td>
<td>Residential since ~ 1920</td>
</tr>
<tr>
<td></td>
<td>ZDM 6</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Average Frontage</th>
<th>Average Depth</th>
<th>Average Area</th>
<th>Total Area</th>
<th>Shapes</th>
</tr>
</thead>
<tbody>
<tr>
<td>40 ft.</td>
<td>100-110 ft.</td>
<td>4400 sq ft.</td>
<td>335,478.8 sq ft</td>
<td>Rectangular</td>
</tr>
<tr>
<td>12.1 m</td>
<td>30.5-33.5m</td>
<td>408 m²</td>
<td>31167 m²</td>
<td></td>
</tr>
</tbody>
</table>

#### SITE HISTORY

The residences on the subject block were constructed in approximately 1900-1920. The uses of this area have been residential since the construction of the homes.
ZONING MAP

PART OF ZONING DISTRICT MAP 6

REQUESTED ZONING AMENDMENT

APPLICANT: City of Windsor.

DATE: FEBRUARY, 2016
FILE NO: Z-008/16,
ZNG/46335

Page 6 of 16
Surrounding Land Uses

The surrounding area has a variety of land uses. To the south of the subject location there is an older large residential neighbourhood zoned RD1.3 which continues for approximately 5 blocks, this neighbourhood consists of single dwelling homes and a 4 storey apartment complex. To the immediate west there is a car wash, to the east there is a building used for manufacturing which is also listed on the Municipal Heritage Register. To the north there is vacant land adjacent to the C.N. railway line as well as a block of residential homes on the west side of St. Luke, north of Wyandotte Street E. South-west of the site there is a truck and trailer storage yard. Additionally, the site is approximately 220 meters east from the Walkerville Heritage Area which includes commercial and residential land uses.

The 600-700 Block on the west side of St. Luke was not included in this Official Plan and Zoning amendment as the block is more isolated from the other residential uses given the large right of way of Wyandotte Street East. It is not a natural extension of the current zoning by-law and as such, these homes are better suited as legal non conforming uses.

The property located at 895 Albert Road, which is the south-eastern corner lot of the subject block operates as Windsor Auto Electric, and in the past has also operated as an auto garage and gas station since approximately the 1920s. The previous and current uses on this property are not compatible with the requested amendment. Also through consultation, the owner has requested the zoning to remain MD1.1. As such, this property was not included as part of the subject area.

Municipal Infrastructure and Services

Transit Windsor service includes the Crosstown 2 Westbound and Eastbound bus and bus stops are located directly north of the site on Wyandotte Street East.

There is an existing bike lane along Wyandotte Street East and it is proposed to continue south along St. Luke Road, as per the Bicycle Use Master Plan (BUMP).

Wyandotte Street East is classified as a Class II Arterial Road. St. Luke Road, Albert Road and Edna Street are all classified as Local Roads. There is no on street parking on Wyandotte Street East, however it is permitted on St. Luke Road, Albert Road and Edna Street.
DISCUSSION:

HISTORIC

City of Windsor Official Plan (1971-2000)

The City of Windsor Official Plan (1971-2000) set out land use designations and policies for future development and redevelopment. Schedule ‘B’ Land Use of this Official Plan as shown in APPENDIX B described the subject lands as ‘Industrial’. Permitted Uses were manufacturing, warehousing, wholesaling, and a limited number of retail and service commercial uses. Also, an Insurance Map from 1917 shows the subject lands as residential (attached as APPENDIX C).

St Luke Corridor Study

In 2003 Planning Department conducted the St. Luke Road Corridor Study at the request of the Planning Advisory Committee (June 2003). The Corridor Study examined the land uses on and adjacent to St. Luke Road between Wyandotte St East and the ETR Railway tracks (north of Seminole) including the lands subject of this amendment. The purpose of the Corridor Study was to determine whether or not the Official Plan and Zoning By-law 8600 provided sufficient opportunity for the redevelopment of vacant and underutilized lands and buildings in this older industrial corridor and whether they adequately protected the adjacent residential neighbourhood from loss of amenity features. The St. Luke Road Corridor Study proposed that the west side of St. Luke Road from Wyandotte St E to property located at 1235 St Luke be designated ‘Business Park’ allowing office type uses, which are less likely to create nuisances or impact on surrounding residential properties. There were no proposed changes for the east side of the road designated ‘Industrial’ from Wyandotte St East to Edna St. Similarly, from Edna to the ETR Railway tracks (north of Seminole) there was no change proposed from the current designation of ‘Residential’. In order to meet the desired goals for the St Luke Road Corridor and to implement the provisions of the study, on January 5 2004 City Council approved the Council Resolution CR31/2004, attached as APPENDIX D.

PROVINCIAL POLICY STATEMENT (PPS) 2014

Section 1.4.3 of the Provincial Policy Statement clearly states the importance of providing for an appropriate range and mix of housing for current residents. The subject lands have existed as a residential land use for approximately 95 years. This neighbourhood provides a range of housing forms and tenures which support the greater purpose and intent of section 1.4.3 as it relates to the provision of: affordable housing; different housing forms and tenure; and a range of residential intensification units in a compact urban form. This neighbourhood is currently serviced by
infrastructure and public service facilities as well as active transportation and transit facilities which together support the needs of the residents.

Under the provisions of Section 1.1.3.3 of the PPS, the City must also “…identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas…”

The proposed amendment will maintain the residential character of this neighbourhood by allowing uses that are compatible with the existing residential uses.

The recommended amendment to the Official Plan and Zoning By-law 8600 are consistent with the PPS. There is no effective ‘conversion’ of employment lands as defined in the PPS, but rather a recognition of the existing residential fabric, structure and neighbourhood that has been in existence since the 1920’s. The relevant policies of the PPS are listed below.

1.1.3.1 Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted.

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.

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

a) establishing and implementing minimum targets for the provision of housing which is affordable to low and moderate income households. However, where planning is conducted by an upper-tier municipality, the upper-tier municipality in consultation with the lower-tier municipalities may identify a higher target(s) which shall represent the minimum target(s) for these lower-tier municipalities;

CURRENT OFFICIAL PLAN AMENDMENT

Current Permitted uses in 'Business Park' land use designation area include: research establishments, processing, offices, services, industrial research, training facilities, communication, production uses, printing, publishing and other selected industrial uses that do not require outside storage.

Current permitted uses in 'Industrial' land use designation area include: large size facilities, outdoor storage, multi-modal transportation facilities, and service/repair facilities. Ancillary permitted used include open spaces, convenience stores, adult entertainment parlour, and motor vehicles sales.

Proposed permitted uses in ‘Residential’ land use designation area include: community services, libraries, emergency services, community centres, and neighbourhood commercial and minor institutional.

Under the current land use designations, uses that are not compatible with the residential character of the area may be added and become a nuisance for the residents. The proposed amendment will help protect and preserve the existing residential character of the area.

Neighbourhoods are a fundamental component of Windsor’s urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services. The City of Windsor Official Plan establishes objectives and policies in order to ensure that the existing housing stock is maintained and rehabilitated.

<table>
<thead>
<tr>
<th><strong>RANGE OF FORMS &amp; TENURES</strong></th>
<th>6.3.1.1</th>
<th>To support a complementary range of housing forms and tenures in all neighbourhoods.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>NEIGHBOURHOODS</strong></td>
<td>6.3.1.2</td>
<td>To promote compact neighbourhoods which encourage a balanced transportation system.</td>
</tr>
<tr>
<td><strong>INTENSIFICATION, INFILL &amp; REDEVELOPMENT</strong></td>
<td>6.3.1.3</td>
<td>To promote selective residential redevelopment, infill and intensification initiatives.</td>
</tr>
<tr>
<td><strong>MAINTENANCE &amp; REHABILITATION</strong></td>
<td>6.3.1.4</td>
<td>To ensure that the existing housing stock is maintained and rehabilitated.</td>
</tr>
<tr>
<td><strong>SERVICE &amp; AMENITIES</strong></td>
<td>6.3.1.5</td>
<td>To provide for complementary services and amenities which enhance the quality of residential areas.</td>
</tr>
</tbody>
</table>
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.

As shown above in Sections 6.3.1.3, 7.3.3.1, and 8.7.2.3, the Official Plan promotes compact neighbourhoods and intensification initiatives.

**ZONING**

Excerpts from Zoning By-Law 8600 are attached as **APPENDIX F**

Currently the neighbourhood is zoned HMD1.4 (800 Block west side of St. Luke Road) and MD1.1 (800 Block west side of Albert Road and east side of St. Luke Road). The zoning by-law 8600 permits a wide range of industrial uses. The By-Law 8600 defines “Industrial use” as the following:

“Industrial use means any main use involving one (1) more of the following activities: assembling; communications; industrial research; industrial training facility; manufacturing; power generation; processing; repairing; servicing; and maintaining of motor vehicles, industrial, agricultural, commercial, consumer, or scientific equipment and products; shipping; storing; transporting; warehousing; wholesaling.”

Given that none of the above uses are currently existing within the subject block of land, and further could be considered nuisances to the existing residential homes, the current zoning categories of HMD1.4 (800 Block west side of St. Luke Road) and MD1.1 (800 Block west side of Albert Road and east side of St. Luke Road) are not appropriate for the site.

The proposed zoning (RD2.5) will permit the use of single unit dwelling, semi-detached dwelling, town home dwelling and multiple unit dwelling (with a maximum of 4 storeys in recognition of the existing uses being: single unit dwelling, semi-detached dwelling, duplex and multiple unit dwellings exist on the subject lands.

These homes were built prior to the implementation of By-Law 728 and 8600 and have existed as legal non-conforming uses; as such many of the properties have lot coverage and setback deficiencies for any low density residential zoning category in the By-law. For example many of the existing dwellings have more than 50% lot coverage and minimal front and side yard setbacks, which do not conform to any single unit dwelling allotment in the By-Law 8600. The recommended RD2.5 zoning category allots for the largest lot coverage (that of 45% lot coverage for single unit dwellings, 50% lot coverage for semi detached buildings and 50% lot coverage for a multiple unit dwelling) of all single unit residential zoning categories and also has the smallest front yard setbacks (3 metre for single unit with detached garages and 6 metre for duplex or multiple dwelling) and side yard setbacks (1.2 metre one side and 2.5 metre other side)
which most accurately comply with that of the existing dwellings. The RD2.5 zoning was chosen as it best matches the existing built form on site. Given the provisions within RD2.5 compared to that of the existing neighborhood, the resulting variances from the proposed zoning will be minor in nature. Therefore, the RD2.5 zoning category is compatible with the established uses on site.

Further, if new development is to occur the RD2.5 promotes positive residential development for the area that will match the characteristic residential style and intensity of the southern residential neighborhood. The RD2.5 zoning is an appropriate zoning category for the subject blocks.

SITE PLAN CONTROL

As there are no proposed changes to any of the existing buildings on site, this application is exempt from Site Plan Control at this time.

RISK ANALYSIS: N/A

FINANCIAL MATTERS:

The financial costs of this application were very minimal being mailing costs and administrative time, as the application was city initiated.

CONSULTATIONS:

Comments received from municipal departments and external agencies are attached in APPENDIX G, below are some notable comments:

Public Works Engineering and Geomatics requested the following:

“A gratuitous land conveyance of 4.6m by 4.6m (15’ x 15’) corner cut off is required at the intersection of Wyandotte Street East and St. Luke Road and at the intersection of Wyandotte Street East and Albert Road, as per the Official Plan.”

As this application was initiated by the City this request cannot be recommended as part of this report. At the time of future development on either of these lots, depending on the nature of the application, the request may be subject to the above mentioned conveyance.

PUBLIC NOTICE

In order to facilitate public consultation in this process, a flyer with a suggested Official Plan and zoning amendment was hand distributed to all affected property owners on January 29th 2016. All property owners were given an open comment period between January 29th 2016 and February 19th 2016. In total, the Planning Department received
back 6 inquires from affected property owners via phone and email. Summarizations of these comments are attached in **APPENDIX H**.

An advertisement will be placed in the Windsor Star as mandated by the Planning Act. A courtesy notice was mailed to all property owners and tenants within 120 metres of the subject block.

**CONCLUSION:**

It is being recommended that the subject lands be redesignated in the Official Plan to ‘Residential’ given that the amendment supports the policies of the PPS and the Official Plan.

The RD2.5 zoning category promotes residential development which matches the pattern and style of development that is existing in the subject block, and will ensure that if any future development occurs, it will be consistent with the surrounding residential neighborhood. The recommended change to the zoning by-law will be in conformity with the Official Plan upon the coming into affect of the concurrent Official Plan Amendment (OPA #107). This amendment constitutes good planning.
PLANNING ACT MATTERS:

Simona Simion, Planner II- Research and Policy Support
Samantha Leger, Development Section Research Assistant
Michael Cooke, Manager of Planning Policy RPP, MCIP

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

Don Wilson, Manager of Development Applications, RPP, MCIP

Thom Hunt, City Planner, RPP MCIP

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

SAH OC

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
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NOTIFICATIONS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
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</thead>
<tbody>
<tr>
<td>All affected property owners</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All abutting Property owners within 120 meters</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Councilor Sleiman</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

APPENDICES:

1. Appendix A: Schedule A – Subject Lands
3. Appendix C: Employment Projections
5. Appendix E: Schedule D: Land Use Map of Current City of Windsor Official Plan
6. Appendix F: Excerpts from the Zoning By-Law 8600
7. Appendix G: Comments received from municipal departments and external agencies
8. Appendix H: Consultations from the Public
9. Appendix I: Insurance Map
11. Draft-By Law: Zoning Amendment
SCHEDULE 'A'

PART 1- An explanation of the proposed Official Plan Amendment change

PART 2- A key map showing the location of the lands affected by the Official Plan Amendment change

SCHEDULE 'A'

APPLICANT: CITY OF WINDSOR

DATE: FEBRUARY, 2016
OPA # 107
FILE NO: OPA/4636
APPENDIX “D”: OPA #38

OPA #38

I. That the St Luke Road Corridor for lands on St Luke Road between Wyandotte Street East and the ETR train tracks (north of Seminole) BE ADOPTED

II. That the Official Plan re-designations recommended in the guideline plan for the lands on the west side of St Luke BE APPROVED

The following Official Plan re-designations were implemented: west side of St Luke Rd from Wyandotte St E to the north limit 1235 St Luke Road from Industrial to Business Park

In order to implement the provisions of these new Official Plan designations, the following Zoning changes were also proposed: on the west side of the St Luke Road from Wyandotte but not including 1235 St Luke Road from MD1.1 (light industrial) to H-MD1.4. The MD1.4 zone permits a variety of office, service/repair and light industrial uses.
APPENDIX “F”: EXCERPTS FROM THE ZONING BY-LAW 8600

(l) MANUFACTURING DISTRICT 1.1 (MD1.1)

(a) Permitted Uses

(i) In this sub-section, any product described as small shall not exceed a maximum weight of 50 kilograms and a maximum volume of one cubic metre;

(ii) Any one (l) or more of the following industrial uses:

Food and Beverage Industries

1. A food catering service; preparation packaging and processing of food products, including a bakery, not including any of the following activities: rendering of fats or oils; slaughtering or processing of poultry, fish or meat products; processing of sauerkraut, vinegar, or yeast; flour milling;

Secondary Manufacturing

2. Manufacturing from any of the following materials: textiles; fur; glass; leather; paper; plastics; wood; yarns; tobacco; rubber and rubberized products;

Pharmaceutical Products

3. Manufacture of cosmetics, drugs, pharmaceutical products, toiletries;

Electrical Appliances

4. Construction of electrical products, the manufacture of small parts therefore.

Motor Vehicle

5. Manufacture of small parts for motor vehicles;

(AMENDED by B/L 8614, June 23/86)
<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Parts</strong></td>
<td>(AMENDED by B/L 8614, June 23, 1986)</td>
</tr>
<tr>
<td>Scientific and Industrial</td>
<td>6. Construction of scientific or professional equipment and the construction of industrial equipment;</td>
</tr>
<tr>
<td>Professional Equipment</td>
<td>(AMENDED by B/L 8614, June 23/86)</td>
</tr>
<tr>
<td>Signs</td>
<td>7. Construction or repair of electrical or other signs, billboards or other commercial advertising structures;</td>
</tr>
<tr>
<td>Tool and Die</td>
<td>8. Manufacture of moulds, dies, patterns; machine tools, jigs, fixtures; (AMENDED by B/L 8614, June 23/86)</td>
</tr>
<tr>
<td>Miscellaneous Manufacturing</td>
<td>9. Manufacture of musical instruments, ceramics, jewellery, toys, cutlery, or other small metal products; manufacture and application of protective coatings; (AMENDED by B/L 8614, June 23/86; B/L 370-2001, Nov. 15, 2001)</td>
</tr>
<tr>
<td>Warehousing</td>
<td>10. Warehouse; storage tanks; self-storage facility; (AMENDED by B/L 8614, June 23/86; B/L 370-2001 Nov. 15, 2001)</td>
</tr>
<tr>
<td>Repairs/ Motor Vehicle</td>
<td>11. A light repair shop, a heavy repair shop; (AMENDED by B/L 8614, June 23/86)</td>
</tr>
</tbody>
</table>
**Repair**

**Welding**

12. A welding shop for the welding of small metal products;

(iii) The operation of a water transportation facilities including a public or private dock. Truck transportation facilities are not permitted except as an accessory use to an industrial use permitted under sub-paragraph (ii), of this paragraph;  
(Amended by B/L 324-2004, approved by OMB Decision/Order 1695, issued June 13, 2006)

(iv) Dry cleaning, dyeing, laundry;

(v) Commercial printing, engraving, stereotyping, publishing; photographic processing;

(vi) A contractor's office; towing service, exclusive of an outdoor storage yard for the storage of motor vehicles; building materials recycling centre;  

(vii) Veterinary clinic;  
(AMENDED by B/L 370-2001, Nov. 15, 2001)

(viii) A wholesale store; machinery, tool or equipment rental agency; gas bar; automobile sales lot; a retail store for the sale of any one (l) or more of the following: building supplies, tools, machinery and machine parts, home and garden maintenance and repair equipment, motor vehicle parts; a coin operated car wash; automatic car wash; take-out food outlet; micro-brewery; existing club;  
(AMENDED by B/L 9057, July 7/87 and B/L 10238, May 30, l990 AND AMENDED by B/L 33-2001,
(ix) A public parking area; ambulance service;

(x) Any use accessory to the foregoing uses, which may include the following: a caretaker's residence; an outdoor storage yard, provided that there is no outdoor storage of sand or other aggregates; incidental millwork related to the retail sale of lumber.

(b) Regulations

(i) Maximum building height - 14 metres

(ii) Minimum Front Yard Depth - 6 meters [ZNG/4046]
   (AMENDED by B/L 48-2014, April 15/2014)

(iii) Minimum side yard width -

from an exterior lot line - 3 metres;
from a dwelling - 6 metres;

(iv) Minimum landscaped open space yard - 15% of the lot area;

(v) The required yards shall be maintained exclusively as landscaped open space yards, except that an access area may cross a required yard.
(vi) Supplementary Regulations:
- see Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations

(AMENDED by B/L 370-2001, November 15, 2001)

MANUFACTURING DISTRICT 1.4 (MD1.4)

(ADDED by B/L 370-2001, November 15, 2001)

(a) Permitted Uses

Offices (i) Business, financial and medical offices;
        (AMENDED by B/L 141-2006, Aug. 24, 2006)

Studios (ii) Professional studios;

Research (iii) Scientific, medical, optical or dental laboratory;
               research facility;

School (iv) Commercial school; school;
Industrial (v) Any one (1) or more of the following uses:

1. A food catering service; preparation and packaging of food products, including a bakery;

2. Manufacturing from any of the following materials: textiles; fur; glass; leather; paper; plastics; wood; yarns; tobacco; rubber and rubberised products;

3. Manufacturing of cosmetics, drugs, pharmaceutical products, toiletries;

4. Construction of small electrical products;

5. Manufacturing of small parts for motor vehicles;

6. Construction of scientific or professional equipment;

7. Construction or repair of electrical or other signs, billboards or other commercial advertising structures;

8. Manufacturing of moulds, dies, patterns; machine tools, jigs, fixtures;

9. Manufacturing of musical instruments, ceramics, jewellery, toys, cutlery or other small metal products; application of protective coatings; commercial printing and photographic processing;
10. Communications facility;

**Ancillary Uses**  
(vi) Day nursery; food convenience store; gas bar; personal service shop; restaurant; take-out food outlet; ambulance service; drive-through food outlet; drive-through restaurant; veterinary office or clinic; warehouse; wholesale store.


**Existing Uses**  
(vii) Any of the following existing uses: athletic or sports facility; automobile repair garage; club; health studio; motor vehicle dealership;

**Accessory Uses**  
(viii) Any use accessory to the foregoing uses, including

a retail store having a maximum gross floor area equal to 20% of the gross floor area of the main use;

**Outdoor Storage**  
(ix) An outdoor storage yard shall not be permitted.
(b) **Regulations**

(i) Maximum building height - equal to the length of the longest exterior lot line or 20 metres, whichever is the lesser;


(ii) All activities shall take place entirely within a fully enclosed building. This provision does not apply to motor vehicle parking, a gas bar, or other vehicle refuelling areas, loading or unloading an outdoor eating area or recreational facilities, provided that all such activities are accessory to a permitted use;

(iii) Minimum front yard depth - 9 metres;

(iv) Minimum rear yard depth - 6 metres, where a rear lot line abuts a lot on which a dwelling unit is located;

(v) Minimum side yard width - 6 metres, where a side lot line abuts a street or a lot on which a dwelling unit is located;

(vi) The required front and side yards shall be maintained exclusively as landscaped open space yards, save and except that an access area may cross a required yard;

(vii) Minimum lot width - 30 metres;
(viii) Minimum landscaped open space - 15% of the lot area;

(ix) Supplementary Regulations:

- See Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations

**RESIDENTIAL DISTRICT 2.5 (RD2.5)**
(ADDED by B/L 370-2001, Nov. 15, 2001)

(a) **Permitted Uses**

(i) A single unit dwelling;
(ii) A semi-detached dwelling;
(iii) A duplex dwelling;
(iv) A townhome dwelling;
(v) A multiple dwelling;
(vi) Any use accessory to the foregoing uses.

(b) **Regulations**

(i) Single Unit Dwellings

Minimum lot width - 9 metres
Maximum lot width - 12 metres
Minimum lot area - 270 square metres
Maximum lot area - 420 square metres

Maximum lot coverage - 45% of the lot area for all buildings

Minimum building height - 2 storeys
Maximum building height - 3 storeys

Minimum front yard depth - 6 metres provided that there is a detached garage located in the rear yard, the minimum front yard depth shall be 3 metres;

Maximum front yard depth - 7 metres provided that there is a detached garage located in the rear yard, the maximum front yard depth shall be 4 metres.

Minimum rear depth - 7.5 metres
Minimum side yard width - 1.2 metres (one side) and 2.5 metres (other side) provided that there is an attached garage, the minimum side yard width shall be 1.2 metres (each side)

(ii) Semi-Detached Dwellings

Minimum lot width - 15 metres
Maximum lot width - 18 metres

Minimum lot area - 450 square metres
Maximum lot area - 630 square metres

Maximum lot coverage - 50% of the lot area for all buildings

Minimum building height - 2 storeys
Maximum building height - 3 storeys
<table>
<thead>
<tr>
<th>Minimum front yard depth</th>
<th>-</th>
<th>6 metres, provided that where there is a detached garage located in the rear yard, the minimum front yard depth shall be 3 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum front yard depth</td>
<td>-</td>
<td>7 metres, provided that where required parking spaces are in a detached garage located in the rear yard, the maximum front yard depth shall be 4 metres</td>
</tr>
<tr>
<td>Minimum rear yard depth</td>
<td>-</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>Minimum side yard widths</td>
<td>-</td>
<td>2.5 metres provided that where required parking spaces are in an attached garage, the minimum side yard width shall be 1.2 metres</td>
</tr>
</tbody>
</table>

(iii) Duplex Dwelling

<table>
<thead>
<tr>
<th>Minimum lot width</th>
<th>-</th>
<th>12 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum lot width</td>
<td>-</td>
<td>15 metres</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>-</td>
<td>360 square metres</td>
</tr>
<tr>
<td>Maximum lot area</td>
<td>-</td>
<td>525 square metres</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>-</td>
<td>50% of the lot area for all buildings</td>
</tr>
<tr>
<td>Minimum building height</td>
<td>-</td>
<td>2 storeys</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>-</td>
<td>3 storeys</td>
</tr>
<tr>
<td>Minimum front yard depth</td>
<td>-</td>
<td>6 metres provided that where required parking spaces are in a detached garage located in the rear yard, the minimum front yard depth shall be 3 metres</td>
</tr>
<tr>
<td>Maximum front yard depth</td>
<td>-</td>
<td>7 metres provided that where required parking spaces are in a detached garage located in the rear yard, the maximum front yard depth shall be 4 metres.</td>
</tr>
<tr>
<td>---------------------------</td>
<td>---</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Minimum rear yard depth</td>
<td>-</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>Minimum side yard widths</td>
<td>-</td>
<td>1.2 metres (one side) and 2.5 metres (other side), provided that where required parking spaces are in an attached garage, the minimum side yard width shall be 1.2 metres (each side).</td>
</tr>
</tbody>
</table>

(iv) Double Duplex Dwelling or Multiple Dwelling containing Three or Four Dwelling Units

<table>
<thead>
<tr>
<th>Minimum lot width</th>
<th>-</th>
<th>18 metres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maximum lot width</td>
<td>-</td>
<td>25 metres</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td>-</td>
<td>540 square metres with not less than 160 square metres for each dwelling unit</td>
</tr>
<tr>
<td>Maximum lot area</td>
<td>-</td>
<td>750 square metres</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td>-</td>
<td>50% of the lot area for all buildings</td>
</tr>
<tr>
<td>Minimum building height</td>
<td>-</td>
<td>2 storeys</td>
</tr>
<tr>
<td>Maximum building height</td>
<td>-</td>
<td>3 storeys</td>
</tr>
<tr>
<td>Minimum front yard depth</td>
<td>-</td>
<td>6 metres</td>
</tr>
<tr>
<td>Maximum front yard depth</td>
<td>-</td>
<td>7 metres</td>
</tr>
<tr>
<td>Minimum rear yard depths</td>
<td>-</td>
<td>7.5 metres</td>
</tr>
<tr>
<td>Minimum side yard widths</td>
<td>-</td>
<td>1.2 metres (one side) and 2.5 metres (other side)</td>
</tr>
<tr>
<td>(v) Townhome Dwelling</td>
<td></td>
<td></td>
</tr>
<tr>
<td>-----------------------</td>
<td>---</td>
<td>---</td>
</tr>
<tr>
<td>Minimum lot width</td>
<td></td>
<td>21 metres</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td></td>
<td>630 square metres with not less than 190 square metres for each dwelling unit</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td></td>
<td>50% of the lot area for all buildings</td>
</tr>
<tr>
<td>Maximum building height</td>
<td></td>
<td>3 storeys</td>
</tr>
<tr>
<td>Minimum front yard depth</td>
<td></td>
<td>6 metres</td>
</tr>
<tr>
<td>Maximum front yard depth</td>
<td></td>
<td>7 metres</td>
</tr>
<tr>
<td>Minimum rear yard depth</td>
<td></td>
<td>7.5 metres</td>
</tr>
<tr>
<td>Minimum side yard widths</td>
<td></td>
<td>2.5 metres (each side)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>(vi) Multiple Dwellings containing Five or More Dwelling Units</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum lot width</td>
<td></td>
<td>20 metres</td>
</tr>
<tr>
<td>Minimum lot area</td>
<td></td>
<td>600 square metres with not less than 166 square metres for each dwelling unit</td>
</tr>
<tr>
<td>Maximum lot coverage</td>
<td></td>
<td>50% of the lot area for all buildings</td>
</tr>
<tr>
<td>Minimum building height</td>
<td></td>
<td>2 storeys</td>
</tr>
<tr>
<td>Maximum building height</td>
<td></td>
<td>4 storeys</td>
</tr>
<tr>
<td>Minimum front yard depth</td>
<td></td>
<td>6 metres</td>
</tr>
<tr>
<td>Maximum front yard depth</td>
<td></td>
<td>7 metres</td>
</tr>
<tr>
<td>Minimum rear yard depth</td>
<td></td>
<td>7.5 metres</td>
</tr>
</tbody>
</table>
Minimum side yard widths - 2.5 metres (each side) or 40% of the building height, whichever is the greater

(vii)  General

(a)  For a townhome dwelling in which each dwelling unit fronts a public street, the required number of parking spaces shall be one parking space for each dwelling unit.

(b)  For all dwellings, except a multiple dwelling containing five or more dwelling units, the exterior walls facing a street shall be entirely finished in brick.

(c)  For all dwellings with an attached garage, no exterior wall enclosing the garage shall project more than one metre beyond the front or side walls of the dwelling.

(d)  The maximum lot coverage for an accessory building or use shall be 10% of the lot area.

(viii)  Supplementary Regulations:

- See Section
  21 re: Supplementary Use Regulations
  22 re: Supplementary Lot Regulations
  23 re: Supplementary Building Regulations
  24 re: Parking Space Regulations
  25 re: Parking Area Regulations
APPENDIX “G”: COMMENTS RECEIVED FROM MUNICIPAL DEPARTMENTS AND EXTERNAL AGENCIES

Parks and Facilities
No Objection from a Landscape Architectural perspective

Stefan Fediuk, Landscape Architect

Property Assessment
No objections – to maintain the integrity of the residential use.

Roger Lauziere, Assessment Data Analyst

Windsor Police Services
The Windsor Police Service fully supports this application. Given the long standing existence of residential homes within the subject area, changing the zoning and official plan designations away from industrial to be aligned with the residential situation that exists makes sound planning sense and would most definitely be in the best long term interests of the Ford City Neighbourhood.

Barry Horrobin

Union Gas
UNION GAS HAS NO ISSUE WITH THIS APPLICATION

Allison Bragnet, Drafter and Estimator

Enwin Utilities
Water Engineering has no objections.

Bruce Ogg, Water Engineering
No Objection with respect to planning and re-zoning

Enwin has existing 16kV and 120/240volt overhead hydro distribution in the area

*Hydro Engineering, Enwin Utilities*

**Heritage Planning**

Today we discussed a possible change to the Official Plan in an area of high archaeological potential: the block bounded by Wyandotte St E, St Luke Rd, Edna St and Albert Rd. The entire block is shown on the Archaeological Master Plan map to have high archaeological potential. The Archaeological Plan map is part of the Official Plan as Schedule C-1.

A change of the land use designation does not require that an archaeological study be undertaken. Such a study may be required before construction for redevelopment of part or all of the block.

*John Caithoun, Heritage Planner*

**Transportation Planning**

The applicant is requesting an amendment to Zoning By-law 8600 to prevent industrial uses on site and allow for single unit dwelling, duplex dwelling and multi-unit dwellings. No new development is proposed. After review of the subject lands pertinent to the subject application, Transportation Planning has the following comments:

- St. Luke Road is a municipal roadway classified as a Local road with an existing right-of-way width of 20.1 metres. The Official Plan requires a 20 metre right-of-way therefore a land conveyance is not required.

- The Official Plan classifies Albert Road as a Local roadway that requires a right-of-way width of 20 metres. The current right-of-way width is 20.1 metres. A land conveyance is not required.

*Janelle Bastien, Transportation Planner*

**Engineering- Development and Geomatics**

See attached
Memo

Date: March 10, 2016
To: Manager of Development Applications, Attn: Adam Szymczak
From: Adam Pillon, Right-of-Way Supervisor

Subject: The Corporation of the City of Windsor
800 Block of St. Luke and Albert Roads
Z-005/16 ZNG/4635

This Department has reviewed the servicing requirements for the subject lands pertinent to this zoning amendment application. Currently, Albert Road and the east side of St. Luke Road are zoned MD 1.1 and west side of St. Luke is zoned HMD1.4. The subject lands are located south of Wyandotte Street East. The applicant is requesting approval of a rezoning that would protect and maintain the existing residential character of the neighborhood, category RD2.5.

Please note the following comments have been based on the application for Rezoning of the subject lands.

Sewers
The properties on Albert Road are serviced by a 375mm diameter vitrified clay combined sewer below the centre line of the road. The properties on St. Luke Road are serviced by a 1975mm diameter reinforced concrete pipe storm sewer below the centre line of the road and a 375mm diameter PVC sanitary sewer located below the east side of the road. Existing connections should be utilized if possible in order to minimize work within the right-of-way.

Right-of-Way
Albert Road, St. Luke Road and Edna Street are classified as Local Roads with 20.1 meter ROW widths. According to Official Plan the ROW width for Local Roads is 20.0 meters; therefore, land conveyances are not required along Albert, St. Luke and Edna. Wyandotte Street East is classified as a Class 2 Arterial Road requiring a 32 meter ROW width according to Schedule X. The current ROW width is 24.5 meters; however, given the positioning of the buildings on the properties adjacent to Wyandotte Street East, land conveyances are not possible. In the event that these buildings are demolished in the future, land conveyances will be required.

A gratuitous land conveyance for a 4.6m x 4.6m (15’ x 15’’) corner cut-off is required at the intersection of Wyandotte Street East and St. Luke Road and the intersection of Wyandotte Street East and Albert Road, as per the official plan.
Street Opening Permits will be required for any new proposed driveway approaches as per AS-221 and AS-222. The driveways are to be constructed with straight flares and no raised curbs.

It should be noted that 895 Albert Road is owned by Windsor Auto Electric Ltd. and is currently operating as a auto repair shop.

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

**Corner Cut-Off** – The owners agree to gratuitously convey a 4.5m x 4.5m (15' x 15'), corner cut-off at the intersection of Wyandotte Street East and St. Luke Road (0 St. Luke and 810 St. Luke) and the intersection of Wyandotte Street East and Albert Road (807 Albert) in accordance with City of Windsor Standard Drawing AS-230.

If you have any further questions or concerns, please contact Rob Perissinotti, of this department at 519-255-6257, ext. 6615.

Adam Pillon
Right-of-Way Supervisor

RP/ad
<table>
<thead>
<tr>
<th>Time/Day</th>
<th>Caller</th>
<th>Address</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>January</td>
<td>Djuro Pandza</td>
<td>821 Albert</td>
<td>Inquired about what the rezoning/OPA meant, was concerned the rezoning would allow a new plaza in the block, was given confirmation the rezoning was to protect the residential use and no new commercial plaza would be built.</td>
</tr>
<tr>
<td>Monday</td>
<td>Kevin (Windsor Auto Electric)</td>
<td>895 Albert</td>
<td>Called with inquiries about what the change would mean for his existing commercial use, was given the information that his use would be allowed to continue as a legal non-conforming use. He then inquired if he chose to sell his property, he was then informed that he would only be allowed to sell the property as its existing use. (He had hoped all the previous MD1.1 uses would still apply).</td>
</tr>
</tbody>
</table>
| EMAIL    | Peter Crisp                     | 866-868 St. Luke | 1) The block has never been used primarily as industrial or commercial, and the rezoning of the block to residential reflects the true nature of the 'as-built' area.  
2) It is unlikely that a developer would be interested in buying up land in the area to assemble it for industrial use, when many other areas of the City of Windsor are available for such use;  
3) Next to the fourplex, at 852 St. Luke Road, is a house, I believe that it is zoned as a legal non-conforming duplex, but it has been used for several years as storage. This house has been on the target list for derelict houses in Windsor. We have had our tenants complain in the past about rats and unsightly property conditions, including abandoned vehicles. While mixed-use areas can work well, using a property as storage is not an appropriate use for the area. Since the building is not equipped with sprinklers and no one is normally at the property, the fire risk to the property and possibly to surrounding properties is significant. While rezoning would not fix this property immediately, in the long-term this kind of conflict would be reduced as properties are sold or re-developed.  
4) Rezoning would give confidence to owners such as myself to re-invest in the area, since it reduces uncertainty. There has already been a trend in the past 5 years to repair old buildings in the area, and rezoning would solidify the trend.  
5) While there are some impacts to the City of Windsor for removing an inventory of industrial land from the books, there is sufficient buffer space at the edge of the block, and to the south-west where a current brownfield site exists, to add appropriate mixed-use development to the area. This should partially compensate for this loss.  
6) Rezoning to a potentially higher density reflects some of the properties in the area (e.g. ours). More importantly, for the Ford City area to prosper, a safe, walkable residential community would be beneficial. To achieve this goal, a sufficient density is needed within walking distance. By supporting a mix of SFR and small MFR properties, this density is achievable. It also allows for the creation of good, affordable housing. Since a triplex or a fourplex would have to conform to parking, height and setback rules, only some lots would be appropriate for this kind of densification, so the result would be some densification, without ruining the current feel of the neighbourhood. I believe that this additional flexibility in zoning would be very helpful to create new infill housing that would generate positive cashflow. I am concerned that restricting the density too much may make some lots uneconomic to re-develop, leaving them as gaps. This would defeat the purpose of rezoning. I am actually considering the development of exactly this kind of infill in the area at some point.  
7) While the area is generally safe, there have been times when illegal activities have taken place in the neighbourhood. Part of the reason for this is a lack of 'eyeballs' due to the gaps between residential and industrial. By changing the nature of the block to a more residential character, there will be more vigilance to ensure that illegal activities are minimized. |
| EMAIL    | Eileen Sharp                    | 857 St. Luke | Is in support of the rezoning and OPA application. Belongs to a local resident action committee for the area. Also informed us that 852 St. Luke is planned to be demolished due to not upholding building standards and 839 St. Luke is vacant. In total, she is pleased this application has come forth |
| EMAIL    | Mark Conkey                     | 880 St. Luke | He believes the area is zoned properly and does not see the residential nature. He notes he has an auto garage behind him and a truck yard to the south and a car wash "200 m" away. He also brought forth the point that an HSR may be coming into town and if they do want to expand the railway line north of the property this block would be ideal. In his opinion we are restricting the potential of the neighbourhood. He notes also he owns a six-plex and wants to be able to continue his use as a 6-plex. His point on this was more that he is already low-density residential so why change it to low density residential to protect the existing residential character when there isn't any. |
| EMAIL    | Kevin (Windsor Auto Electric)   | 895 Albert   | Called back just checking up on the progress as this was the last day for public inquiry. Wanted to ensure he would receive notice of when this matter went to a public meeting |
TO: City Solicitor
FROM: Manager of Development Applications
RE: ZONING AMENDMENT BY-LAW FOR COUNCIL CONSIDERATION AT SAME TIME AS THEIR REVIEW OF THE APPLICATION

APPLICANT: Corporation of the City of Windsor
Phone:
Address:

AGENT: Phone:
Address:

OWNER: Multiple Owners
Address:

ASSESSMENT ROLL NO: See attached Table

LOCATION: 800 block of St. Luke and 800 block on the west side of Albert municipally known as 0, 810, 815, 817, 818, 830, 831, 842, 845, 852, 857, 866, 868 and 880 St. Luke Road and 807, 821, 833, 845, 861, 863 & 875 Albert Road

COUNCIL APPROVAL DATE: CR

ENCLOSURES:
☑ Schedule 1 - Draft Zoning Amendment
☐ Schedule 2 - Purpose and effect of the By-law and, if applicable, a Key Map

After approval, forward all schedules to City Clerk for submission to Council and public notification.

REQUIREMENTS PRIOR TO BY-LAW ENACTMENT AND NOTIFICATION:

1. Official Plan Amendment By-law Enactment: ☐ NO ☑ YES: Amendment No. 107(attached)

2. Executed Servicing Agreement: ☐ NO ☑ YES

3. Other:

SIGNED __________________________
DW:ms
BY-LAW NUMBER -2016

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

Passed the day of , 2016.

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 District Maps or parts thereof referred to in Section 3, 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>6</td>
<td>Lots 18-22 and Part Lot 23, Registered Plan 543 (800 block on the west side of St. Luke Road)</td>
<td>107</td>
<td>HMD1.4</td>
<td>RD2.5</td>
</tr>
<tr>
<td>2</td>
<td>6</td>
<td>Lots 11-17 Registered Plan 508 and Lots 9-14 and part of alley Registered Plan 507 (800 block on the east side of St. Luke Road and the west side of Albert Road)</td>
<td>107</td>
<td>MD1.1</td>
<td>RD2.5</td>
</tr>
</tbody>
</table>

DREW DILKENS, MAYOR

CLERK

First Reading - , 2016
Second Reading - , 2016
Third Reading - , 2016
1. By-law _________ has the following purpose and effect:

To amend the zoning of Lots 18-22 and Part Lot 23, Registered Plan 543, Lots 11-17 Registered Plan 508 and Lots 9-14 Registered Plan 507 to reflect the existing residential characteristics of the area. This application proposes to maintain the current residential uses and characteristics of this neighbourhood by proposing the following zoning changes from Manufacturing District 1.1 (MD1.1) (800 block on the east side of St. Luke Road and the west side of Albert Road) and Holding Manufacturing District 1.4 (HMD1.4) (800 block on the west side of St. Luke Road) to Residential District 2.5 (RD2.5). The area is comprised solely of single unit, duplex and converted multiple unit dwellings and no industrial uses exist or have existed on the subject blocks since the construction of the homes in the early 1900s. It is important to note that the existing service garage located at 895 Albert Road (at Edna Street) is the only exemption since it is being recommended that this parcel continue be zoned Manufacturing MD1.1 to recognize the existing use. Currently, all the homes on the subject blocks exist as legal non-conforming uses and the goal of this application is to change the zoning category and permitted uses to match the existing long standing uses.

2. Key map showing the location of the lands to which By-law _________ applies.
   (See map following page.)
REQUESTED ZONING AMENDMENT

APPLICANT: City of Windsor.

DATE: FEBRUARY, 2016
FILE NO: Z-08/16
Z08/4533
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Subject: Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held April 11, 2016
Members Present:

Chairperson
Chairperson Marra

Councillors
Ward 4 - Councillor Holt
Ward 9 - Councillor Payne
Ward 5 - Councillor Sleiman

Councillors-Regrets
Ward 7 – Councillor Kusmierczyk

Planning Act Citizens
Member Bjarneson
Member Gyemi
Member Moore

Heritage Act Citizens
Member Baker
Member Miller

Heritage Act Citizens-Regrets
Member DiMaio
Member Foot
Member Chamely

ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:

Thom Hunt, Executive Director Planning, Building Services/City Planner
Don Wilson, Manager Development Applications
Wira Vendrasco, Deputy City Solicitor
John Revell, Chief Building Official
Adam Pillon, Right of Way Supervisor
1. **CALL TO ORDER**

The Chairperson calls the meeting of the Planning, Heritage & Economic Development Standing Committee was called to order at 4:30 o'clock p.m.

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

None disclosed.

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

4. **COMMUNICATIONS**

None presented.

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

5.1. Planning Act Minutes of the meeting of the Planning, Heritage & Economic Development Standing Committee meeting held March 21, 2016

Moved by: Member Bjarneson
Seconded by: Member Moore

That the minutes of the Planning, Heritage and Economic Development Standing Committee (Planning Act Matters) meeting held March 21, 2016 BE ADOPTED as presented. Carried.
6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)

None presented.

7. PLANNING ACT MATTERS

None presented.

The meeting of the Planning, Heritage and Economic Development Standing Committee (Planning Act Matters) portion is adjourned at 4:31 o’clock p.m.

The meeting of the Planning, Heritage and Economic Development Standing Committee (Heritage Act Matters) is called to order at 4:32 o’clock p.m.

8. ADOPTION OF THE MINUTES

8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held March 21, 2016

Moved by: Member Baker
Seconded by: Councillor Sleiman

That the minutes of the Planning, Heritage and Economic Development Standing Committee meeting held March 21, 2016 BE ADOPTED as presented.
Carried.

Agenda Item: SCM 40/2016

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

See Administrative items 11.3 and 11.5

10. HERITAGE ACT MATTERS

There being no further business, the Heritage Act Matters portion of the Planning, Heritage & Economic Development Standing Committee meeting is adjourned at 4:32 o’clock p.m.

The chair calls the Administrative items portion of the Planning, Heritage & Economic Development Standing Committee meeting to order at 4:33 o’clock p.m.
11. ADMINISTRATIVE ITEMS


Thom Hunt, City Planner, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report entitled Status Update Report—Development Approval Business Process Review (BPI) implementation and provides an explanation of the additional information distributed. He indicates the BPI is approximately 80% complete. He suggests the improvements that have been implemented provide more customer satisfaction, and improved information for application completion. He advises, to complete the remaining portion more resources will have to be devoted and there is a technical component as well.

Councillor Payne inquires about the dynamic web service. Mr. Hunt indicates the user will be able to go onto the web page for their application and click to find out what stage their application process is at, in addition to other information that will be available. This would require IT input and new software as well as resources to complete. The application fee for street/alley closing is discussed.

Mr. Hunt indicates this undertaking will eventually make the whole application process more transparent and effectively communicated. The process will have limited interruptions and it will be a more positive process. There will also be clarity between what is asked and what is required. The review will allow the process to be more efficient and effective, and if there are redundancies this would have been determined during the process review. Councillor Marra thanks administration for a thorough report and the ongoing reporting on this project.

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: PHED 369
That the updated report BE RECEIVED for information and that the City Planner BE DIRECTED to report back to the Committee in 12 months regarding the continued progress on implementing the BPIs that remain.
Carried.

Agenda Item: S 57/2016
Clerk’s File: SPL2016
11.2. Interim Control By-law Exemption - 3230 to 3232 and 3236 to 3238 Sandwich St.

Kevin Alexander, Planner III Special Projects appears before the Planning, Heritage & Economic Development Standing Committee and provides background on the administrative report regarding Interim Control By-law Exemption – 3230 to 3232 and 3236 to 3238 Sandwich St.

Councillor Holt inquires whether this parking will affect the facade, main street look of the block. Mr. Alexander indicates the facades will not be impacted, parking will be at the rear and will not affect the front of the block.

Moved by: Councillor Sleiman
Seconded by: Councillor Payne

Decision Number: PHED 370
That an exemption from the Interim Control By-law 126-2015, BE GRANTED to 1433341 Ontario Inc, the owner(s) of the property located at 3230 to 3232 (Sandwich Brewing Co.) and 3236 to 3238 (Rock Bottom) Sandwich Street to construct a parking area for the existing commercial establishments, on condition that the Sandwich Heritage Conservation District Plan policies and Olde Sandwich Towne Community Improvement Plan, and the Olde Sandwich Towne Supplemental Development and Urban Design Guidelines be incorporated into this development. Carried.

Agenda Item: S 71/2015
Clerk’s File: ACO2016

11.3. Request under the Alley Closing Subsidy Program (ACSP) to close one north-south alley located between Albert Rd. and St. Luke Rd., south of Alice St. and north of Milloy St.; File No.: SAA/4370

Sahar Jamshidi, Planner II appears before the Planning, Heritage & Economic Development Standing Committee and provides a brief outline of the administrative report regarding Request under Alley Closing Subsidy Program (ACSP) to close part of the north-south Alley located between Albert Rd. and St. Luke Rd., South of Alice St. and North of Milloy St. She indicates that only the South end of the alley is closing as one resident at the North end, uses the alley behind his home.

Ron Colombe, applicant

Ron Colombe, applicant appears before the Planning, Heritage & Economic Development Standing Committee and is available for questions. He would like the whole alley closed due to safety concerns but he is aware that 1 resident is against it as he uses it.
Moved by: Councillor Sleiman  
Seconded by: Councillor Holt

Decision Number: **PHED 371**

I. That part of the north-south alley having the width of 4.27m (14ft), located between Albert Rd. and St. Luke Rd., south of Alice St. and north of Milloy St., as shown on Drawing CC-1681 attached hereto as Appendix “A”, **BE ASSUMED** for subsequent closure;

II. That part of the north-south alley having the width of 4.27m (14ft), located between Albert Rd. and St. Luke Rd., south of Alice St. and north of Milloy St., as shown on Drawing CC-1681 attached hereto as Appendix “A”, **BE CLOSED AND CONVEYED** to the abutting property owners subject to the following:

   i. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
      
         a. Bell Canada, Cogeco Cable Canada LP, Union Gas and Enwin Utilities Ltd (Hydro)

   ii. Conveyance Cost **BE SET** as follows:

      • Abutting properties zoned RD 1.3:

         1. $1.00 plus alley subsidy cost of $99.00 **during** the alley subsidy program;
         
         2. $1.00 plus alley subsidy cost of $99.00 **after** the expiration of the alley subsidy program

III. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1681, attached hereto as Appendix “A”

IV. That The City Planner, or designate, **BE AUTHORIZED** to publish the required legal notice

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
VIII. If the existing alley approach at the south end of the ally becomes obsolete after the alley closure, the City shall remove the existing southerly alley approaches in the future when budget funds exist. Alternatively should property owners that abut the southerly approach to the closed alley wish to retain the alley approach as driveways, permits from Public Works shall BE REQUIRED.

Carried.

Agenda Item: S 68/2015
Clerk’s File: SAA2016

11.4. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1109045 Ontario Limited for 775 Riverside Drive East (Ward 4)

Greg Atkinson, Planner III Economic Development, appears before the Planning, Heritage and Economic Development Standing Committee and provides a brief outline of the administrative report Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 1109045 Ontario Limited for 775 Riverside Drive East (Ward 4). He indicates the applicant has applied for a remediation grant and the property has been vacant since the early 1990’s.

Moved by: Councillor Sleiman
Seconded by: Councillor Holt

Decision Number: PHED 372

THAT the request made by 1109045 Ontario Limited to participate in the Brownfield Tax Assistance Program BE APPROVED for the proposed remediation and redevelopment at 775 Riverside Drive East for up to 3 years pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT, Administration BE DIRECTED to prepare a tax cancellation by-law to implement the Brownfield Tax Assistance Program in accordance with the Municipal Act and that the appropriate information and material be sent to the Minister of Finance requesting relief from the education portion of the taxes for 775 Riverside Drive East in accordance with the Provincial Brownfield Financial Tax Incentive Program; and

THAT the request made by 1109045 Ontario Limited 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 775 Riverside Drive East for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and

THAT, Administration BE DIRECTED to prepare an agreement between 1109045 Ontario Limited, and/or any future owner, and the City to implement the Brownfield Tax Assistance and Rehabilitation Grant Programs in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the
satisfaction of the City Planner as to technical content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

THAT, the CAO and City Clerk BE AUTHORIZED to sign the Brownfield Tax Assistance and Rehabilitation Grant Agreements.

Carried.

Agenda Item: SCM 39/2016
Clerk’s File: SPL/10759

11.5. Economic Revitalization Community Improvement Plan (CIP) application made by Windsor Mold Inc. for 4035 and 4011 Malden Road (Ward 2)

Greg Atkinson, Planner III Economic Development, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Economic Revitalization Community Improvement Plan (CIP) application made by Windsor Mold Inc. for 4035 and 4011 Malden Road (Ward 2) providing details of the application, including the expansion will accommodate new machines, the company will be adding new jobs and administration is recommending the approval of the application.

Dave Mastronardi, General Manager for Windsor Mold Group—Tooling Division

Dave Mastronardi, General Manager for Windsor Mold Group—Tooling Division appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Economic Revitalization Community Improvement Plan (CIP) application made by Windsor Mold Inc. for 4035 and 4011 Malden Road (Ward 2) and provides background regarding the application and the company including that they manufacture automotive plastic parts, there is a tooling division and they also design and build plastic injection molds. He indicates there was a necessity for more space for manufacturing and capital equipment as well as job creation and retention. Mr. Mastronardi concludes by indicating his company has made a significant investment in the community and in development.

Rakesh Naidu, CEO, WindsorEssex Economic Development Corporation

Rakesh Naidu, CEO, WindsorEssex Economic Development Corporation, appears before the Planning, Heritage and Economic Development Standing Committee regarding the administrative report Economic Revitalization Community Improvement Plan (CIP) application made by Windsor Mold Inc. for 4035 and 4011 Malden Road (Ward 2) indicating was an important significant investment the Mold Group has made to our region. Mr. Naidu concludes by suggesting this group’s application should be supported.

Councillor Sleiman inquires about the number of jobs anticipated to the area. Mr. Mastronardi indicates they are adding 27,000 square feet to their building and 29 jobs over the next 5 years. This will have an immediate impact on job creation in the area.

Councillor Marra thanks the company for investing in the community.
Minutes
Planning, Heritage & Economic Development Standing Committee
Monday, April 11, 2016

Moved by: Councillor Holt
Seconded by: Councillor Sleiman

Decision Number: PHED 373
THAT the request made by Windsor Mold Inc. 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 4011 and 4035 Malden Road 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

THAT, Administration BE DIRECTED to prepare an agreement between the City and Windsor Mold Inc. 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 technical content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

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

12. COMMITTEE MATTERS

None presented.

13. QUESTION PERIOD

None.
14. ADJOURNMENT

There being no further business the meeting of the Planning, Heritage and Economic Development Standing Committee is adjourned at 5:48 o’clock p.m.

Ward 8 Councillor Marra
(Chairperson)

Supervisor of Council Services
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 84/2016
Report Date: April 27, 2016

Author’s Contact:
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519-255-6543x6179
Kristina Tang
ktang@citywindsor.ca
519-255-6543x6435

Date to Council: May 9, 2016
Clerk’s File #: MB2016

To: Mayor and Members of City Council

Subject: Abar's Island View Hotel, 7880 Riverside Drive East - Request for Demolition (Ward 6)

RECOMMENDATION:
I. THAT City Council RECEIVE this report for information, thus allowing demolition of Abar's Island View Hotel, 7880 Riverside Drive East, a property listed on the Windsor Municipal Heritage Register; OR
II. THAT the Clerk BE AUTHORIZED to issue a Notice of Intention to Designate Abar's Island View Tavern, 7880 Riverside Drive East.

EXECUTIVE SUMMARY:
N/A

BACKGROUND:
Abar's Island View Hotel was listed on the Windsor Municipal Heritage Register by City Council in 2010.

On January 28, 2016, the Planning Department received an application for a Heritage Alteration Permit to demolish the building from Dauntless ULC, identifying as the owner. The required submission for demolition of a property listed on the Register was determined to be incomplete. Based on the direction provided by the City’s Heritage Planner, a revised application (Appendix ‘A’) was received on March 17, 2016 and was determined to be sufficient on April 15, 2016.
DISCUSSION:

Property Description

The subject property is located north of Riverside Drive East, at the intersection of Lauzon Road. The existing main building remaining on the property is a two and one half storey building that was purportedly constructed in 1904, with additions to the late 1960s.

Proposal

Demolition is requested as the owners state that the building is in a very poor condition and that the cost for repairs is prohibitive to repurpose the building for future use. No specific proposal has been provided in place of the present building, however the owners have requested the site be cleared for “higher and better” commercial use.

Legal Provisions

Demolition of a property that is listed on the Windsor Municipal Heritage Register, but not designated, requires the owner to file a notice of intent at least 60 days prior to the work, under provisions of the Ontario Heritage Act. Information about the history of the property must be submitted with the filing, and the 60 days starts when Administration determines that the submission is complete. During this 60 day period City Council, after consulting with the Heritage Committee, may initiate designation of the property. Once a property has a notice of intention to designate, demolition is halted through the process and/or through appeals including the Ontario Conservation Review Board. As an alternative, City Council could decide to take no action, which would have the effect of allowing demolition to occur.

A notice of intent to designate must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property. “Cultural heritage value or interest” is to be considered according to Ontario Regulation 9/06, prescribed for the purposes of clause 29 (1) (a) of the Ontario Heritage Act, Part IV [underlines for emphasis]:

“A property may be designated under section 29 of the [Ontario Heritage] 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 “heritage attributes of the property” are those features that are considered important to retain if any alterations to the property are proposed after designation. A draft statement of significance is included as Appendix ‘B’.

This property has sufficient heritage attributes that make it eligible for designation. Using the Brampton, Ontario priority scoring referenced by the City Council on February 2, 2015 (M34-2015), the Abar’s Island View Hotel building scores an ‘A’.

City Council, after review by the heritage part of the Planning, Heritage & Economic Development Standing Committee, has the option either to initiate a heritage designation or to allow the demolition to proceed. An owner may appeal a proposed designation to the Conservation Review Board, which after a hearing makes a recommendation to the City Council for a final decision.

Design or Physical Considerations
The Island View Hotel was reportedly constructed in 1904. Little is known about the physical appearance of the building back then. The earliest evidence of the appearance of the property is from photos dated in the 1920s.

1920s photo of front south view of property (left) and photo of rear view of property (right)

The original property appears to be constructed in a local vernacular style, with the main building being two or two and one-half storeys with a gabled roof with multiple windows on the front facing Riverside Drive. The porches to the east and west were open. The rear view of the building shows a long dock extended from the shoreline to accommodate yachts and boats. A large sign for “Island View Hotel” was on the building, surrounded by tall and mature vegetation. The 1924 Fire Insurance Plan confirms that the property was constructed of wood material, with the majority of the building being two and one-half storey and the front facing Riverside Drive being one and one-half storey. The porch wings on east and west sides were one storey. Additionally, there were four small buildings on the east boundary of the property which were individual dwelling units.
By the 1930s, it appears the property had undergone some renovations.

The large “Island View Hotel” sign had been removed from the street front and new awnings were installed, as well as the rear one-storey addition that extended further toward the water than the original main building.
It appears from historic aerial images that the small porch on the further east of the main building had been removed sometime between 1937 and 1947. Further, by 1953, stone (blue) and brick (red) veneer was installed on the street front of the building.

Building permits were issued in the late 1960s for a series of renovations. In 1966 permits were issued for a dining room, which appears to be on the east side of the property. In 1967, permits were issued for the removal of the third floor and rebuilding of the roof of the second floor. In 1970, a building permit was also issued to construct an enclosed concrete front porch. Later in 1998 a building permit was issued to erect an outdoor patio area.

The property has undergone multiple additions, removals and renovations. (More photos of the property today can be found in Appendix ‘C’.) It retains minimal
architectural integrity in its quality, design and construction. However it is in this building that the people and events that are part of Windsor’s past have occurred.

If this property is to be designated, the physical building needs to be conserved in some form. As such, some attributes of the building need to be included in the Statement of Significance of a designation by-law. The “character defining elements” of the draft Statement in Appendix ‘B’ lists features of the building shell. The intent is to require proposals for major exterior alterations to receive heritage approval, so that some of the historic character could be retained. No limit would be placed on interior changes.

**Historical or Associative Value**

Before the 1900s, Alex St Louis owned the area bounded by Detroit River, Lauzon Road, Front Road (now Riverside Drive East), and part of Lots 123-127 of Concession 1 of the Town of Sandwich East, of which the subject property is located on Concession 1 and the north east part of Lot 127. By 1900, it appears from Land Registry records that the land was owned by an Edward Bidijare (spelling on Land Registry) or Ed. Debejare (on assessment records). In the 1900 assessment records, this gentleman was listed as a hotel keeper. However, it is believed that the Abar’s Island View Hotel was founded by Albert Hebert and opened in 1904. Prior to being in the hotel/tavern business, Albert Hebert (1873-1939) had been a manager at Hiram Walker & Sons and lived at 115 Fifth Street also known as Monmouth Road (1901 City Directories). The ownership appears to have changed several times before it was finally owned by Albert Hebert in 1906. Assessment records in 1909 indicate that Albert Hebert owned the land which was worth $1000 and building valued at $800. By 1914, the assessment had increased substantially to $2250 for the land and $1500 for the building.

Island View Hotel was a roadhouse. The idea of a roadhouse was an inn located on a main road especially in a country area, where food and drink, and lodging were provided to travellers or for social gathering places. According to a Windsor Star news article dated May 16, 1939, the Island View Hotel installed posts on the front of Riverside Drive to allow for the hitching of expensive carriages and their steeds while their local and American patrons enjoyed the dining and services at the Island View Hotel. The bar in Albert Hebert’s days had brass rail and brass cuspidors. Meals were fish, frog legs or chicken dinners for thirty-five cents. The interior ground floor consisted of five rooms: the kitchen, small dining room, bar, reception room and washroom. There were four more rooms on the upper floor and two small porches on the front and back of the building. The maximum seating capacity was fifty people. The place, located across from Belle Isle (in Detroit), was formally known as the Island View Hotel, though the common name “Abar” had become the brand for their reputation of their fine food, beverage and hospitality. The story behind the name “Abar’s” was that it was derived from the Hebert family. Various sources report that a fisherman named Henri Hebert, who had significant fishing rights around the waterfront and Belle Isle area, registered the trade name “Abar’s” in 1893 for ease of English pronunciation of his French name.

According to *The Rumrunners: A Prohibition Scrapbook* by Marty Gervais (2009), in 1916 the Ontario Temperance Act banned bars, clubs and liquor shops during World War I. Furthermore, the federal legislation in March 1918 banned import of alcohol into the country or manufacture and transportation anywhere else in Canada where it was
illegal. Although the federal government later repealed their wartime ban in December 1919 and permitted distillers to manufacture alcohol again, Ontario voted to continue being liquor-free in October 20, 1919 to 1921, Ontario voted again to prohibit the transportation and sales of alcohol within the province unless under authorized permission. Simultaneously, in January 1920, the Volstead Act enacted in the United States banned the manufacture, sale and transportation of all alcoholic beverages. Prohibition in the United States lasted from 1920 to 1933, and in Ontario until 1927.

The Rumrunners: A Prohibition Scrapbook also affirms that the Prohibition on both sides of the border allowed businesses involved in the illegal selling of alcohol such as roadhouses to flourish. The distance between Windsor and Detroit was so close that the Detroit River became the main smuggling channel for Canadian alcohol into Michigan, Ohio and beyond. Police estimated that almost eighty percent of smuggled alcohol was delivered via the Detroit River and the ports surrounding Windsor, also known as the Border Cities. In the early years of Prohibition era, it was also estimated that a quarter of Windsor’s population was involved in the alcohol smuggling business. With export clearance papers for South America or Cuba, many rumrunners would in reality ship their goods to Detroit or to docks of roadhouses or private homes along the Border Cities. Many roadhouses were located along the water which made easy the transportation of illegal alcohol.

Based on “The Rumrunners” book, by the early 1900s, Abar’s had become a renowned waterfront nightspot attracting members of Detroit’s high society. Michigan customers travelled to these fancy speakeasies to dine, drink and gamble. Docks and slips were built behind these roadhouses for patrons to boat across the border. To maintain the upscale atmosphere of the restaurant, fine dressing was a requirement and local customers were sometimes rejected from dining at Abar’s. Mrs. Hebert was resplendently dressed to welcome her famous guests including the Fishers, the Horace Dodge family, the Fords, Jack Dempsey, High Dillman, Al Capone, Detroit Tigers, New York Yankees. Many of these customers were assured that their participation in illegal activities would be sufficiently warned by “spotters” stationed on upper floors who would promptly alert if they saw the police coming. False walls and hideaway cupboards were used to hide illegal goods and the delicious food served would provide a false front to the illegal activities ongoing. Some roadhouses deployed simple buzzer technology to warn of imminent police checks. Abar’s Island View was wired with four other roadhouses (the Edgewater Thomas Inn, The Rendezvous, the Golden House, and Tecumseh Tavern), who would have spotters activate the buzzer to alert the network of roadhouses about the raid.

By 1927, Ontario Liquor Control Act ended prohibition of alcohol in Ontario. Export docks and shipment of illegal alcohol to the United States was strictly shut down by the Mackenzie King Government in 1930, putting an end to the prosperous growth of the Border cities so heavily dependent on the export and sales of illegal alcohol.

According to the 1939 Windsor Star article, despite the end of the Prohibition Era, Abar’s clientele had continued to grow through the years. In the late 1930s, Leonard Hebert, son of Albert Hebert, took over management of the Island View Hotel, assisted by his mother Mrs. Margaret Hebert and sister Mrs. Dorothy Steep. Distinguished
patrons included those who participated in the Gold Cup Regatta rowing competitions. Island View Hotel adapted to the times and provided free parking facilities to accommodate the change in mode of transportation to automobiles. They also dredged the waterfront to create a safe harbour for yachts, and installed lights on the docks and spotlights on the building to make the property visible from across the river. The updates also included new awnings, screen porches and landscaping. Interior renovations increased the ground floor area to eight rooms and ten rooms on the second floor, with three wings. There were new dance floors and popular orchestras were invited to play at Abar’s. The renovations increased the seating capacity to 365 guests. The business was staffed by 22 persons and had changed their dining service to “Frankenmuth style” with no more minimum or cover charge.

Around the 1940s, the property was sold to Nick Viatovich (spelling on assessment records) or Nick Vujatovich (on city directories) and wife Mildred, as well as a non-resident co-owner Eli Sukunda. According to assessment records, it appears Leonard and his wife Irene Hebert continued to live on the property as tenants and as the Manager of the property in 1944. Sometime between the years of 1949 and 1951, the ownership changed hands once again to John Jackson, who died in 1951. His widow Mary Jackson then sold the property to John Dutka, Lena Dutka, Anton Mislowski and Anatazia Mislowski in 1952. The Dutkas bought the other half share of the property and business a year later and the family owned and ran the business for close to five decades. A Windsor Star article dated October 23, 1982 interviewed Lena Dutka. Mrs. Dutka, originally from Manitoba, and her Austrian born Saskatchewan husband John Dutka incorporated the business around 1977 and had the help of their daughter Winnie Swatuk, son-in-law Russ Swatuk, son Walter Dutka, son Philip Dutka and grandson Larry Swatuk in running the business. According to Land Registry Office records, in 2002 the property was bought by the Canadian Transit Company (owner of the Ambassador Bridge), which transferred it to Central-Mckinlay International Ltd. (an associated company), which is indicated to be the current registered owner. Dauntless ULC, the applicants, are not identified as owners in the Land Registry Office. The property was leased to business owners who continued to serve customers up until the lease was discontinued in late 2015.

Abar’s Island View Hotel carries a rich amount of history as a prominent roadhouse in the Prohibition Era. It since evolved into a popular local bar place where many from the community continued to dine and enjoyed the views of the Detroit River and Belle Isle up until the closure of business in 2015. Today, Abar’s is the only roadhouse left standing in the City of Windsor, and few other roadhouses remaining in the region, with only the Chateau LaSalle in LaSalle remaining.

**Contextual Considerations**
The Abar’s Island View Hotel is situated at a prominent corner north west of Riverside Drive East and Lauzon Road, which even in the 19th century was the intersection of the road paralleling the Detroit River and a road that went for a long distance into the interior. It is known as a place that overlooks the Detroit River with a view of Belle Isle Park in Detroit. Abar’s has a long history and was a business that operated in the Riverside community for over a hundred years. The name and its location are well-known to the community and it is a landmark in the area.
Other Considerations
The Building Division’s comments:

The identified damage is a result of maintenance that could have been avoided had the building been maintained as weather tight in compliance with the City’s Property Standards By-law.

The application does not include any structural condition report prepared by a professional to substantiate the applicant’s claim that the building is in ‘very poor condition’. From the photos provided there does not appear to be any evidence of any serious structural concerns with the building, they appear more cosmetic than serious structural issues. There is water damage to interior finishes, roof framing, floors, windows canopies, soffits etc. as a result of the roof membrane, flashing and windows allowing moisture to penetrate the envelope of the building. Our complaint investigation that resulted in the “Order to Repair” being issued on December 16, 2015, addresses most of the issues identified in the photos. The Order was to repair the building not demolish the building; our position is that the building is structurally sound and could be repaired."

Therefore the present condition of the building should not be a mandate for demolition.

Planning Division is submitting to the Committee and Council the information about the only two options available, as provided in the Ontario Heritage Act: designate or allow demolition. The more typical heritage building is noted for its architecture, and owners have often been the leaders in commerce or civic affairs. In contrast, the Abar’s building has been enlarged from its compact (though vernacular) form into a large square with minimal exterior features, and it provided a place during Prohibition to violate the law, although it hosted notable persons and for decades served people from all walks of life. Its history has even been included in the Rum Runners bus tour, a tourist attraction. Although the property ownership is well known to be closely related to the Canadian Transit Company, owner of the Ambassador Bridge, the City’s decision needs to be based on the merits of the options without favour or prejudice to the owner. We believe we have presented the tools for decision-makers to form their own conclusions.

Official Plan:
The Windsor Official Plan 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.”

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”.

Page 9 of 11
The Official Plan also states that “Council will protect heritage resources by: Requiring that, prior to approval of any alteration, partial demolition, removal or change in use of a designated heritage property, the applicant demonstrate that the proposal will not adversely impact the heritage significance of the property …” (9.3.4.1.(c)) “Encouraging the adaptive reuse of architectural and/or historically significant buildings and structures” (9.3.4.1.(g))

(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”

(9.3.7.1) “Council will integrate heritage conservation into the development and infrastructure approval process by: … (f) utilizing the demolition control provisions of the Planning Act and the Heritage Act to assist in the protection of heritage buildings and structures”

**RISK ANALYSIS:**
A risk is that if not demolished, this building will undergo further neglect from an owner that wants it demolished. The Property Standards By-Law has minimum standards City-wide. For heritage designated (not just listed) buildings, it has a higher standard that requires maintenance of identified heritage features.

**FINANCIAL MATTERS:**
Annual municipal taxes for this property are approximately $23,450. If the building were demolished, taxes would be reduced by approximately $13,300. If the property received heritage designation, the owner could apply for rebates of up to 30% of the tax bill for repairs to heritage features.

Several vacant parcels extending about 170m (560 ft) to the east have the same or closely related owners to Abar’s. If the Abar’s parcel also became vacant, it could be added for a larger development, providing for additional tax revenues. However no proposals have been presented (nor required), and any substantial development could be limited by soil stability next to the shoreline, archaeological high potential, as well as zoning and site plan considerations.

**CONSULTATIONS:**
Rob Vani, Manager, Inspections / Deputy CBO
Roger Lauziere, Manager of Property Assessment

**CONCLUSION:**
This building has heritage significance without notable architectural value; yet Ontario regulations provide for heritage designation in such a case. City Council has the option to allow the demolition instead of requiring repairs to the building, and clearing for future use of the waterfront property. Alternatively, City Council could prevent demolition by initiating the process for heritage designation of Abar’s on the basis of its history, as the last local roadhouse during the prohibition era in Ontario and the United States, its reputation of involvement with “rum runners” and as an entertainment place for Americans seeking alcohol, and a landmark in Riverside.
PLANNING ACT MATTERS: N/A

APPROVALS:

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<tr>
<td>Michael Cooke</td>
<td>Manager of Planning Policy</td>
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<tr>
<td>Thom Hunt</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>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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NOTIFICATIONS:

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<tr>
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<tr>
<td>Dennis Schreibeis</td>
<td>PO Box 1480 Stn A</td>
<td><a href="mailto:dschreibeis@crownenterprisesinc.com">dschreibeis@crownenterprisesinc.com</a></td>
</tr>
<tr>
<td>Dauntless ULC</td>
<td>Windsor ON N9A 6R6</td>
<td></td>
</tr>
<tr>
<td>Jeff Gagnon</td>
<td>9519 County Rd 11</td>
<td><a href="mailto:gagndemo@mnsi.net">gagndemo@mnsi.net</a></td>
</tr>
<tr>
<td>Gagnon Demolitions Inc.</td>
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<tr>
<td>Canadian Transit Company</td>
<td>PO Box 869</td>
<td><a href="mailto:eklaus@ambassadorbridge.com">eklaus@ambassadorbridge.com</a></td>
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<tr>
<td></td>
<td>Warren MI 48090 USA</td>
<td><a href="mailto:dreause@ambassadorbridge.com">dreause@ambassadorbridge.com</a></td>
</tr>
<tr>
<td>Marty Gervais</td>
<td></td>
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<tr>
<td>Mark Dutka</td>
<td></td>
<td><a href="mailto:info@hungmeats.com">info@hungmeats.com</a></td>
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APPENDICES:

1. Appendix ‘A’ - Heritage Alteration Permit Application
2. Appendix ‘B’ - Statement of Significance
3. Appendix ‘C’ - Photos of Property
1. Applicant, Agent and Registered Owner Information

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address. If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

APPLICANT

Contact Name(s)   Dennis Schreibels

Company or Organization   Dauntless ULC

Mailing Address   PO Box 1480, Station A

Windsor, ON

Email   dschreibels@crownenterprisesinc.com

Postal Code   N9A 6R6

Phone(s)   519 977-0700

REGISTERED OWNER IF NOT APPLICANT

Contact Name(s)

Company or Organization

Mailing Address

Email

Postal Code

Phone(s)

AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION

Contact Name(s)   Jeff Gagnon

Company or Organization   Gagnon Demolitions Inc.

Mailing Address   9519 County Rd. 11

McGregor, ON

Email   gagndemo@mnsi.net

Postal Code   N0R 1J0

Phone(s)   519 726-5282

Who is the primary contact?

☒ Applicant  ☐ Registered Owner  ☐ Agent
HERITAGE ALTERATION PERMIT APPLICATION – page 2 of 4

Address of Work ___________________________ 7880 Riverside Dr. E, Windsor, ON

Designation By-Law No. or District ___________________________ Windsor Municipal Heritage Register

2. TYPE OF APPLICATION Check all that apply:
   □ Alteration  □ Addition  □ Demolition  □ Construction
   □ Erection  □ Maintenance  □ Removal  □ Repair

3. HERITAGE DESCRIPTION OF BUILDING (if attachments, if necessary) Describe the current design or appearance of locations on the building where work is requested. Include site plan, photographs, history, architectural description, number of storeys, style, features, etc.

   See Exhibits

4. DESCRIPTION OF WORK (if attachments, if necessary) The description should be more detailed and extensive depending on the project. Include a written summary of work to be done along with any elevations, drawings, measurements, paint samples, information on building materials, window sizes and configurations, decorative details proposed.

   Rational for demolition - building is in very poor condition. Cost is prohibitive to re-purpose building for future use.

   Future development on the property - clear site to make way for higher and better commercial use.

5. NOTES FOR DECLARATION The applicant agrees that the proposed work shall be done in accordance with this application, including attachments, and understands that the issuance of the Heritage Alteration Permit under the Ontario Heritage Act shall not be a waiver of any of the provisions of any By-Law of the Corporation of the City of Windsor, or the requirements of the Building Code Act, RSO 1980, c51.

   The applicant acknowledges that in the event a permit is issued, any departure from the conditions imposed by the Council of the Corporation of the City of Windsor, or plans and specifications approved is prohibited and could result in the permit being revoked. The applicant further agrees that if the Heritage Alteration Permit is revoked for any cause of irregularity, in the relation to non-conformance with the said agreements, By-Laws, acts or regulations that, in consideration of the issuance of the permit, all claims against the City for any resultant loss or damage are hereby expressly waived.

   Applicant Signature(s) ___________________________ Date 1/7/16

   By: ___________________________ Date ___________________________
HERITAGE ALTERATION PERMIT APPLICATION – page 3 of 4

SCHEDULE A

A. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the applicant is authorized to make the application must be included with this application form or the authorization below must be completed.

1. [Name of Registered Owner] am the registered owner of the land that is subject of this application for a Heritage Alteration Permit and I authorize [Name of Agent] to make this application on my behalf.

   [Signature of Registered Owner]

   [Date]

   If Corporation – I have authority to bind the corporation.

B. Consent to Enter Upon the Subject Lands and Premises

I, [Name], hereby authorize the members of the Windsor Heritage Committee, Planning Standing Committee and City Council and staff of the Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 3 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

   [Signature of Registered Owner]

   [Date]

   If Corporation – I have authority to bind the corporation.

C. Acknowledgement of Applicant

I understand that receipt of this application by the City of Windsor Planning Department does not guarantee it to be a complete application. Further review of the application will occur and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further understand that pursuant to the provisions of the Ontario Heritage Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

   [Signature of Applicant]

   [Date]
HERITAGE ALTERATION PERMIT APPLICATION – page 4 of 4

DO NOT COMPLETE BELOW – STAFF USE ONLY

Approval Record
Date Received by Heritage Planner: ___________________________ MAR 17 2016
Building Permit Application Date, if needed: ___________________________

☐ Approval requiring City Council:
  Windsor Heritage Committee: ___________________________
  Planning & Economic Development Standing Committee: ___________________________
  City Council: ___________________________

☐ Approval requiring City Planner:
  Heritage Planner: ___________________________
  Staff Decision Appealed to City Council: ___________________________
  If so, Date to City Council: ___________________________
  Council Decision Appealed: ___________________________
  Additional Notes: ___________________________

DECISION
Heritage Permit No.: ___________________________ Date: ___________________________
Council Motion or City Planner’s Signature: ___________________________

CONTACT INFORMATION

John R. Calhoun, AICP, Heritage Planner
Planning Department - Planning Policy
Corporation of the City of Windsor
Suite 404 - 400 City Hall Square East
Windsor ON N9A 7K8
jcalhoun@city.windsor.on.ca
519-255-6543 x 6179
519-255-6544 (fax)
http://www.citywindsor.ca
Exhibit A
History of Ownership
1905 - 2016
Abar’s Island View Hotel  
Island View Hotel  
Abars  
3342 Riverside E  
7880 Riverside E  

Ownership Listing  

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Exhibit A-1

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**Exhibit A-2**
Third Generation Of Heberts in Charge

TOMORROW Abar's Island View Hotel will open its season officially with an open-house observation from 8 until 10 p.m. It will be the 35th annual opening for the riverfront hotel, for 35 years ago the swankiest carriages and the best-looking steeds from both sides of the river were hitched to posts on Riverside drive. Today event automobiles, some of them with chauffeurs, take advantage of the free parking facilities.

SYMBOLIC OF HOSPITALITY

The hotel's historic hitching posts are still evident on the drive, and are symbols of the thing that has never changed through all the years, the old-fashioned genuine hospitality on which the inn has been renowned to all who know fine foods and beverages.

In 1894, the Abar's Island View Hotel, managed by Leonard E. Herbert, great-grandson of Henry Herbert, who founded the famous tradition in another facility on the riverfront, Mr. Herbert, assisted by his mother, Mrs. Albert Herbert, and a sister, Mrs. Dorothy Steep, was established. The change through the years has not been complete; many of the old-time features remain. There is now a seating capacity for 365 guests. Originally there was no accommodation for those who wanted to dance. Today there are two dance floors and music is provided by one of the city's most popular orchestras. The bar is ultra modern in its fixtures, and the personnel of the inn, beginning June 1, will be there. Today there are eight rooms on the main floor, 10 on the second floor. Three wings have been added since those early days when Albert Herbert was one of the best-known hosts on the riverfront, when distinguished guests related patent-leather shoes on the brass rail and inspected their swarthy moustaches in the gilt mirrors.

The decorations are ultra-modern as modern designers and decorators can make them. And in spite of the modernity, the old-fashioned idea of hospitality still prevails, just as it did in the horse and buggy decade.

FOOD STYLE CHANGES

'The style of food has changed as well. The 35-cent dinner has been replaced by the Frankenstein style, so popular with those who know fine foods and the best way to serve them. There is no minimum charge and no cover charge at any time. The Frankenstein style will become effective Sunday, May 21.

The third generation of well-known genial hosts, Leonard E. Herbert, or 'Leo,' as he is known to most guests, recently resigned his position with the purchasing department of the Pontiac Motor Company of Detroit to assume full charge of the inn, its cuisine and management, in the family style.

Yachtsmen are invited to avail themselves of the new dock facilities, and all those who like the finest in foods and beverages are invited to again make Abar's Island View their rendezvous during the warm months for dining and dancing where cool river breezes prevail, and in cooler months too, when it becomes a relief to leave the cares of business and to visit this beauty spot where relaxation is as easily and naturally accomplished.
### ASSSESSMENT ROLL 1944

**MUNICIPALITY OF THE TOWN OF RIVERSIDE**

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This Indenture

made (in duplicate) the Thirtieth day of May 1952,
In Pursuance of The Short Forms of Conveyances Act, and of The Devolution of Estates Act,

Between

MARY JACKSON

of the Town of Riverside in the
County of Essex, Widow, the Executrix of
the last Will and Testament of John Jackson,
late of the Town of Riverside in the
County of Essex, Hotelkeeper deceased,
and the said MARY JACKSON in her personal capacity,
hereinafter called the Grantor, of the First Part,

and

JOHN DUTKA, Hotelkeeper, LENA DUTKA, wife of the said John Dutka,
ANTON MISLOWSKI, Hotelkeeper, and ANATOLIA MISLOWSKI, wife of the
said Anton Mislowski,

all

of the City of Toronto in the
County of York, in the Province of Ontario,

hereinafter called the Grantees, of the Second Part.

WHEREAS the said John Jackson died on
or about the 28th of June 1951, having

duly made his last Will and Testament, probate whereof was granted to the Grantor

as Executrix thereof by the Surrogate Court of the County of Essex

on the 23rd day of November 1951,

and which probate was duly registered in the Registry Office for the Registry Division of

the County of Essex as No. 17281, G.R. on the 25th day of

July 1952.

AND WHEREAS a certified copy for the certificate for registration of the

Treasurer of Ontario dated the 5th day of June, A.D. 1952, was registered

in the Registry Office for the Registry Division of the County of Essex as G.R.

number 17316 on the 13th day of June, A.D. 1952.

AND WHEREAS the said John Jackson

was, at the time of his decease, seized and possessed of the lands hereinafter described,

and the payment of debts

AND WHEREAS for the purposes of administering the Estate of the said deceased it is

necessary to sell the said lands.
‘Ma Dutka’ rocks along with the kids

It’s quite probable that “Ma” Dutka — also known as “Ma Aboit” — is the best-known and best-liked lady running a Windsor waterfront restaurant since the legendary Berta Thomas.

The 75-year-old co-owner of the Island View Tavern on Waterfront Road West is still there herself, catering to her customers, particularly to the young crowd.

“I cook for the kids,” she proudly declares. “I love them. They love me.”

And when she takes time out from her kitchen, sitting room or garden to mingle with the patrons, she gets lots of reception.

“They clap for me and they kiss me. They’re all staring at me,” she says, with a blush.

It hasn’t been all fun and games for Lena Dutka, who has been called “Ma” almost since she arrived on the scene from Toronto in 1951.

The Manitoba native never took a lesson and never used a pattern, having won enough from 12 years of dressmaking in Toronto to finance her family’s move to the tavern business. Ma and her husband, John, started with a half-share of the old Riverside Aboit’s, established in 1895, and the family bought all the rest of the place.

“I worked hard, from 9 o’clock in the morning to 2 o’clock the next morning, doing dressmaking from home,” she recalled.

Even now she works from about 9 a.m. until 8 p.m. on weekdays and 1 to 3 p.m. on the weekends.

Ma, who has been a short-order cook since she arrived in town (I remember her full-bodied hamburgers of 30 years ago) has been in the kitchen for the past 20 years by her only daughter, Winnie Swatuk. Winnie quit her bookkeeping job to join her mother.

Ma’s oldest son, Walter, and her son-in-law, Russ Swatuk, share the bartending duties. Another son, Philip, a Chrysler Canada Limited employee, and a grand- son, Larry Swatuk, a university student, help on a part-time basis.

Working quietly in the background is Ma’s Austrian-born husband who has documentation saying he’s 84 but believes he’s really 88. John, a professional barber who gave up the trade when he became a tavern owner, is now a jack-of-all-trades. He has done all repairs and renovations around the tavern with his plumbing, electrical and carpentry skills.

His woodworking talents have carved items ranging from the present to a mandolin and a violin.

Ma’s the one who isn’t afraid to take chances with the business. “My husband is nervous about going into the hole. I’m a gambler,” she said, in relating how she plunged ahead in tearing down the tavern’s waterfront porch and building a large addition about 20 years ago.

And it was Ma who held out for a rock and roll band when son Wally, who used to sing songs of the 1940s, 50s and 60s, was opposed.

“I said get a rock and roll band. Get a rock and roll band,” Wally said “Don’t do that. People won’t like it.” But we didn’t make any mistake,” she said.

Regarding the short-lived popularity of disco, Ma declared “We didn’t go into it. It’s a good thing we didn’t get all those lights. She enjoys rapping with the many young people who converge on the tavern.

And she likes to get them up to the dance floor.

“If they don’t dance, I say ‘get up and dance — the band’s not playing for nothing.’

“I’m with the young people. I don’t feel old — until I look in the mirror.”

When they ask how old I am, I say 88. I’m reaching a hundred. They look at me. They don’t know what to think.

“I say Ma, you dress better than I do. The bands all like me.”

Ma says there’s hardly a spot she can go in town without someone calling “Ma” or “grandma,” and that “some people older than me call me that.”

Ma offers this advice: “If you want to get along with the kids, don’t ask questions.”

She takes delight in the annual response to the Halloween party, for which she buys prizes for the best costumes.

“They all know that’s the place to be.”

LENNA MA DUTKA, 73, and son-in-law Russ Swatuk make running the Island View Tavern a family affair.

Ma confesses to being “outspoken” at times but says she means “I mean anything by it.”

“I LOVE the people. I never like to hurt people. I have the feeling they feel the motherly touch in me.”

Of husband John, she declares: “I should get a medal for living with him for 54 years.”

Asked about his reputation for drinking a quart of liquor daily, she replied: “He says, ‘He’s never drunk. He was crooked instead of ice cubes so it’s silent.’

Of her son-in-law and son, she says: “Russ always has something to say. Not Wally. He’s quiet. He’s a home person. He’s not like me at all.”

Ma gives credit to her husband and daughter for helping in the dressmaking business: “John made the sleeves and skins and Winnie did the pressing.”

John, who came to Saskatchewan from Austria when he was two years old,
History of Abar's Island View Hotel, Island View Hotel and Abar's Tavern

Island View Hotel was built sometime between 1904 and 1906 at the corner of Riverside Dr. E and Lauzon Rd. in the Township of Sandwich East. It became a leading nightspot that lured high society visitors from Detroit.

By 1924 the footprint of the building hadn't changed much.
The Prohibition Era (1920 - 1933) in the United States and in Ontario (1916 – 1927) was a big influence in the popularity of Abar's as a destination for liquor and gambling. The ease of crossing the river and the smuggling of liquor across the Detroit River led to Abar's being one of the destinations for an illegal cocktail. Among the alleged patrons were The Fisher Family, Horace Dodge Family, The Ford Family, Babe Ruth, Jack Dempsey and Hugh Dillman (a famous actor of the day). It is even rumoured that Al Capone visited the establishment. Old timers remember seeing Detroit Tigers and New York Yankees baseball teams visiting Abar's to avoid the restrictions that they were not to be seen at Detroit establishments during training.

Sometime before 1937 three wings were added. This made room for two dance floors and increased the seating capacity to 365.

1937 Fire Map
1939 – New awnings and screened porch

By 1953 it appears that another story was added.

1953 Fire Map
By the 1960's the façade changed. The awnings were removed except for the one over the entrance.

1964

Back addition added about 1962
Architectural Characteristics
7880 Riverside Dr. E, Windsor, ON
Bar built by John Dutka probably late 1950's or early 1960's
Reasons for Demolition
7880 Riverside Dr. E, Windsor, ON

This building was constructed around 1905. Many additions have been added to the original building but none have any notable architectural distinctions.

There is extensive damage to the exterior of the building.
Extensive roof damage
Damaged window casings

The interior has widespread damage.

Floors are warped
Abar’s Island View Hotel
7880 Riverside Drive East
(Concession 1, part of Lot 127)

Description of Historic Place

Abar’s Island View Hotel is located on the northwest corner of Riverside Drive East and Lauzon Road, and is the only remaining roadhouse in the City of Windsor. It consists of a two-and-one-half-storey building which was purportedly constructed in 1904 and since has undergone many additions (mostly one-storey) and renovations. It has a long history dating back from being one of the most prominent roadhouses during the Prohibition Era, and in the many years after as a popular community bar. It is a landmark in the Riverside community.

Cultural Heritage Value or Interest

Design or Physical Value:

The property was constructed in local vernacular style; however, after multiple additions and renovations, it has limited architectural integrity. The core of the building is a 2½-storey wood-frame section in the form of a house, constructed c1904, with steeply sloped hipped roof with hipped dormers on all sides. By 1924 there were one-storey wings to the east and west, with foundations of concrete-block shaped as faux stone, as well as a 1½-storey front section. By 1937 there was another one-storey addition to the west. By 1953 the east wing had been enlarged to two storeys, providing for more guest rooms and/or family residence. By 1970, additions increased the one-storey area to the square footprint of today, providing for a large dance floor with a gallery of windows overlooking the Detroit River.

Historical or Associative Value:

Abar’s was a business that operated in the Riverside community for over a hundred years. Records indicate the Island View Hotel business at this location beginning in 1904, then in Sandwich East Township. It was one of several roadhouses (rural inns with food and drink) during alcohol prohibition in the United States and Ontario. They hosted such American celebrities as the Fishers, the Horace Dodge family, the Fords, Jack Dempsey, High Dillman, and the Detroit Tigers and New York Yankees baseball teams, assuring them that they could safely drink illegally because spotters would warn the establishment if law enforcement were approaching.

Contextual Value:

The property is situated at a prominent corner north west of Riverside Drive East and Lauzon Road, and is known as a place of beverages and dining that overlooks the Detroit River and Bell Isle Park. The name and its location are well known to the community as a landmark in the area.
Character Defining Elements

Features that contribute to the design or physical value of Abar’s Island View Hotel:

- Centre section two-and-one-half storeys, with steeply sloped hipped roof and one hipped dormer on each of four sides
- South parts of east and west sides have foundations of shaped concrete block
- Two-storey addition on southeast corner
- One-storey additions on west, north and east sides, forming a square building
- Large windows on the north and west sides
- Horizontal siding throughout, except for south wall of brick

Features that contribute to the historical or associative value of Abar’s Island View Hotel:

- Established at this location about 1904 as a roadhouse inn and dining business
- The commonly-known name “Abar’s” as associated with the Hebert family name who were the original founders of the business
- Abar’s Island View Hotel’s rise to prominence through the Prohibition Era and its service to a large number of famous patrons from the United States
- Popular community tavern throughout the years of its operations
- Only remaining roadhouse in the City of Windsor

Features that contribute to the contextual value of Abar’s Island View Hotel:

- Location at the northwest corner of Riverside Drive East (adjacent to the Detroit River) and Lauzon Road (a road to the interior in the 19th century).
- Location on the Detroit River with a view of Belle Isle Park in Detroit.
Appendix ‘C’ – Photos of Property

Abar’s Island View Hotel
7880 Riverside Drive East
(Concession 1, part of Lot 127)

City of Windsor 2008 Aerial Photo of Property
Front View of Property facing Riverside Drive East.

East View of Property
East View of Property

East View of Property
Rear View of Property

Rear View of Property and Docks
Rear View of Property facing the Detroit River

West View of Property
West view of southwest corner of property

Front View of Property
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

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<td>Date to Council: May 9, 2016</td>
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<td>Samantha Leger</td>
<td>Clerk’s File #: ZS/12365</td>
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<tr>
<td>Development Section Research Assistant</td>
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<td>phone: 519-255-6543 ext. 6438</td>
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<tr>
<td>email: <a href="mailto:sleger@citywindsor.ca">sleger@citywindsor.ca</a></td>
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Co-Author’s Contact:
Justina Nwaesei
Planner II - Development Review
Phone: 519-255-6543, ext. 6165
email: jnwaesei@citywindsor.ca

To: Mayor and Members of City Council

Subject: Request to close part of Belleview Avenue and remnant north/south alley, south of Wyandotte Street East- KEK Investments Inc. - 3255 Wyandotte Street East- SAS/4627; Ward 5

RECOMMENDATION:

I. That the 15.2 metre (50 ft) wide Belleview Avenue right-of-way south of Wyandotte Street East, abutting 825 Belleview Avenue, 3191 Wyandotte Street East and 3255 Wyandotte Street East, shown as PART1 & PART 2 on Drawing No. CC-1688 attached hereeto as Appendix “A”, BE CLOSED AND CONVEYED to KEK Investments Inc subject to the following:
   i. Easements, subject to their being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
      A. Bell Canada, Enwin Utilities Ltd (Hydro), The Windsor Utilities Commission (Water) and Union Gas Ltd.

II. That the remnant 3.289 metre (10 ft) wide north/south alley south of Wyandotte Street East, with three sides abutting 3255 Wyandotte Street East, shown as PART 3 on Drawing No. CC-1688 attached hereeto as Appendix “A”, BE ASSUMED for subsequent closure;

III. That the remnant 3.289 metre (10 ft) wide north/south alley south of Wyandotte Street East, with three sides abutting 3255 Wyandotte Street East, shown as PART 3 on Drawing No. CC-1688 attached hereeto as Appendix “A”, BE CLOSED AND CONVEYED to KEK Investments Inc.;
IV. THAT Conveyance Cost BE SET as follows:

- For lands abutting properties zoned MD1.2- $2.50 per square foot without easements and $1.25 per square foot with easements plus deed preparation costs and survey costs.

V. THAT an easement for the sewer in the closed Belleview Avenue right of way BE RESERVED in favour of The Corporation of the City of Windsor.

VI. THAT the applicant BE REQUESTED to submit an application to amend the approved site plan (SPC-032-15) attached hereto as Appendix “B” so as to address driveway access and sidewalk requirements resulting from the above closures, to the satisfaction of the City Engineer.

VII. THAT The City Planner BE REQUESTED to supply the appropriate legal description, in accordance with Drawing Number. CC-1688, attached hereto as Appendix “A”.

VIII. THAT The City Planner, or designate, BE AUTHORIZED to publish the required legal notice.

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

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

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

BACKGROUND:

KEK investments, owner of the property known as 3255 Wyandotte Street East, applied to close the 15.2 metre (50ft) wide Belleview Avenue right-of-way south of Wyandotte Street East, abutting the applicant’s properties 825 Belleview Avenue and 3255 Wyandotte Street East, shown as PART 1 on Drawing No. CC-1688 attached hereto as Appendix “A”. This application was made as a condition of a Site Plan Approval in 2015 (SPC-032-15), approved site plan attached hereto as Appendix “B”.

The applicant provided the following reasons for requesting the closure: The application was made “in conjunction with site plan control”

This Site Plan Control Application has been approved.

The Planning Department, upon further review, decided that additional areas of closure were necessary in order to clean up the remnant portions of Belleview right-of-way and north/south alley south of Wyandotte Street East, shown as PART 2 and PART 3, respectively, on the Drawing No. CC-1688 attached hereto as Appendix “A”.

DISCUSSION:

With respect to the subject closure of part of Belleview Avenue right-of-way, there is no objection from any municipal department or external agency. Our permit records show that the previously existing house at 825 Belleview was demolished in 2015. A parking area is proposed as shown in the approved site plan (SPC-032-15) (attached hereto as Appendix “B”).
Transportation Planning requests that the applicant close the existing concrete driveway, in front of the portion of the alley fronting Wyandotte Street East.

Public Works, Engineering requires the applicant to remove the current road Belleview entrance to the subject property and install a driveway approach as per AS-204 and extend the existing sidewalk.

The Planning Department is of the opinion that the above requests would be more appropriately addressed through the Site Plan Approval Process. Although a site plan approval has already been granted to the applicant for the proposed development, it is important to resolve the issues arising from the requested closures. Therefore, the applicant would be required to submit an application to amend the approved site plan (SPC-032-15) in order to execute the driveway access and sidewalk requirements noted above.

Easement requests were submitted by four external agencies: Bell Canada, Enwin Utilities Ltd, The Windsor Utilities Commission (Water) and Union Gas Ltd.

The City will reserve an easement over PART 1 and PART 2 on Drawing No. CC-1688 for the maintenance and servicing of the existing sewer. This proposed easement will become an extension of the existing southerly easement on the former Belleview Avenue R.O.W. closed by By-law 4030 and By-Law 4099 in 1966.

Regarding the alley closure, there are no objections and no easement requested. The approved site plan (Appendix “B”) also shows the existing driveway approach in front of the subject alley would be of no use following the closure of the subject alley.

Planning Division supports the closure of the right-of-ways shown as PARTS 1, 2, and 3 on Drawing No. CC-1688 attached hereto as Appendix “A”.

**RISK ANALYSIS:**

From the City’s perspective, there are no obvious risks associated with the requested closures provided the easements are retained as needed. The approved site plan (SPC-032-15) (attached hereto as Appendix “B”) shows the applicant intends to acquire the former right of way.

**FINANCIAL MATTERS:**

For lands abutting properties zoned MD1.2- $2.50 per square foot without easements and $1.25 per square foot with easements plus deed preparation costs plus survey costs.

**CONSULTATIONS:**

Consultations were held with City Administrative Departments and Utility Companies, which resulted in the information outlined in attached hereto as Appendix “C”. Issues arising from the comments received have been addressed under “Discussion” section of this report.

**CONCLUSION:**

The Planning Division has reviewed the requested closures as well as the comments of the municipal departments and external agencies. The recommendation is for approval of the portion of Belleview Avenue and north/south alley shown as PART 1, PART 2, and PART 3 on
Drawing No. CC-1688 attached hereto as Appendix “A”, subject to easement on PART 1 and PART 2 of said drawing.

**APPROVALS:**

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<tr>
<td>Don Wilson</td>
<td>Manager of Development Applications</td>
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<td>Thom Hunt</td>
<td>City Planner</td>
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<tr>
<td>Wira Vendrasco</td>
<td>Deputy City Solicitor</td>
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<td>Shelby-Askin Hager</td>
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<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
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**NOTIFICATIONS:**

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**APPENDICES:**

1. Appendix A: CC Drawing
2. Appendix B: Approved Site Plan
3. Appendix C: Consultations
4. Appendix D: Site Photos
THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT
REQUESTED RIGHT OF WAY CLOSURE ON PART OF BELLEVIEW AVE. AND REQUESTED ALLEY CLOSURE SOUTH OF WYANDOTTE ST. EAST ABUTTING 3255 WYANDOTTE ST. EAST

APPLICANT:
KEK INVESTMENTS INC.

Marian Droullard, Manager of Geomatics

SCALE: 1:750
DATE: FEB. 2016
DWG. NO. CC-1688
<table>
<thead>
<tr>
<th>Agency</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire and Rescue Services</td>
<td>No issues.</td>
</tr>
<tr>
<td>Windsor Police Services</td>
<td>The Windsor Police Service has no concerns or objections with this requested closure.</td>
</tr>
<tr>
<td>Planning – Landscape Architect</td>
<td>No objections from a Parks or Landscape perspective.</td>
</tr>
<tr>
<td>Parks &amp; Facilities</td>
<td>No objections from a Parks or Landscape perspective.</td>
</tr>
<tr>
<td>Public Works – Engineering</td>
<td>The subject road closure is 15.2 meter right-of-way on Belleview Avenue south of Wyandotte Street East, and is composed of asphalt and concrete. There are sewers, street lights, sidewalks, curbs and catch basins within the right-of-way. The road serves as an entrance to 3255 Wyandotte Street East only. This right-of-way appears to have no useful purpose by CR146/2005; therefore we have no objections to the closure, subject to any sewer within the closure would become a private drain connection. An easement would only be required if the sewer within the closure does not become a private drain connection.</td>
</tr>
<tr>
<td></td>
<td>Received April 27, 2016</td>
</tr>
<tr>
<td></td>
<td>Public Works requires in addition to our original comments the applicant to remove the current road Belleview entrance to the subject property and install a driveway approach as per AS-204 and extend the existing sidewalk. The existing combined sewer is to become a private sewer since it only services 3255 Wyandotte Street East. No conveyance is required. The applicant is also required to close the existing concrete approach fronting the portion of the alley to be closed.</td>
</tr>
<tr>
<td>Public Works – Environmental</td>
<td>No concerns.</td>
</tr>
<tr>
<td>Public Works – Transportation</td>
<td>No Objections. This section of roadway is only required for access the applicants property.</td>
</tr>
<tr>
<td></td>
<td>As per the revised street and alley closure application, Transportation Planning requests that the applicant close the existing concrete driveway, farthest east, in front of the portion of the alley fronting Wyandotte Street East. It is also required that the applicant close the Belleview Avenue right-of-way to meet current standard, as per Public Works request.</td>
</tr>
<tr>
<td>Transit Windsor</td>
<td></td>
</tr>
<tr>
<td>Bell Canada</td>
<td>Bell Canada will require a transfer of easement over the Belleview Avenue right-of-way lands in order to protect our existing buried installations. Easement not required in alley.</td>
</tr>
<tr>
<td>Cogeco Cable Systems Inc.</td>
<td>No easement required for Cogeco on Belleview Street or alley.</td>
</tr>
<tr>
<td>Rogers Communications</td>
<td>Rogers Communications has no concern.</td>
</tr>
<tr>
<td>Telus Communications</td>
<td>Telus has no infrastructure in your area of study.</td>
</tr>
<tr>
<td>MNSi</td>
<td>MNSi has no issues or concerns with the closure of either the alley or the street as referenced. MNSi does not require an easement for either closure.</td>
</tr>
<tr>
<td>EnWin Utilities – Hydro</td>
<td>Bellevue Street: No objection, however, an easement named to Enwin Utilities Ltd. will be required to accommodate the existing 120/240 volt aerial service to 3191 Wyandotte St. E. and the 120 volt aerial duplex wire to an existing streetlight pole located in front of 825 Belleview. An option would be to relocate the aerial service wire feeding 3191 Wyandotte East off the pole to mid span to clear the area and to eliminate the aerial duplex feeding the streetlight should the light no longer be required when road is closed. Alley: No objection to closure of part of alley. Enwin has an existing 600/347 volt overhead service over the portion shown that currently supplies the applicant’s building at 3255 Wyandotte St. E., however, an easement for this will not be required since this is the dedicated service wire to the applicant’s property.</td>
</tr>
<tr>
<td>Windsor Utilities – Water</td>
<td>No objection. There is an existing 150mm watermain that runs into the property. This may service 3255 Wyandotte as well as 825 Belleview. If this watermain is needed then an easement may be required.</td>
</tr>
<tr>
<td>Union Gas</td>
<td>Union Gas has 1-1/4” plastic main, 420 kPa on the east and west side of Belleview Avenue. Easement is required in Belleview right-of-way.</td>
</tr>
<tr>
<td>Legal Department</td>
<td>For lands abutting properties zoned MD1.2 - $2.50 per square foot without easements and $1.25 per square foot with easements plus deed preparation costs plus survey costs</td>
</tr>
</tbody>
</table>
APPENDIX D: SITE PHOTOS

View of Belleview Avenue from North of Wyandotte Street East

View of Belleview Avenue from North of Wyandotte Street East, close up of proposed closure
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

REPORT #: S 85/2016
Report Date: 4/27/2016
Author’s Contact:
Greg Atkinson
519-255-6543 ext. 6582
gatkinson@citywindsor.ca

Date to Council: May 9, 2016
Clerk’s File #: SPL/10759

To: Mayor and Members of City Council

Subject: Economic Revitalization Community Improvement Plan (CIP)
Application Submitted by Cavalier Tool & Manufacturing Ltd for 3450 Wheelton Drive (Ward 9)

RECOMMENDATION:

THAT the request made by Cavalier Tool and Manufacturing Limited 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 3450 Wheelton Drive for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and

THAT, Administration BE DIRECTED to prepare an agreement between the City and Cavalier Tool and Manufacturing Limited 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 technical content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and

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

EXECUTIVE SUMMARY:
N/A
BACKGROUND:

City Council approved the Economic Revitalization Community Improvement Plan (CIP) at its January 31, 2011 meeting via CR 50/2011. The adopting By-law 30-2011 was passed by Council at its February 14, 2011 meeting.

The Economic Revitalization CIP provides financial incentives to encourage new investment in targeted economic sectors for the purposes of diversifying the local economy and creating/retaining jobs. The CIP allows the City to take a variety of measures to further the objectives of the Economic Revitalization CIP that would otherwise be prohibited by Ontario’s Municipal Act. This includes the acquisition and preparation of land; construction, repair, rehabilitation or improvement of buildings; the sale, lease or disposal of land and buildings; and the provision of grants to owners or tenants of land—all of which must conform with the objectives and policies contained within the CIP.

To date, City Council has approved 17 applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism. Cavalier Tool and Manufacturing Limited (Cavalier Tool) has applied for financial incentives under the Business Retention and Expansion Grant Program.

Cavalier Tool & Manufacturing Ltd (Cavalier Tool) designs and builds molds for diverse applications, including products for the automotive, commercial, recreational and domestic industries. The company has been in business for 40 years and has one location at 3450 Wheelton Drive (See Map 1). The property is 0.94 hectares (2.33 acres) in size and contains two buildings that are 3,299 square meters (35,509 square feet) and 474 square meters (5,102 square feet) in size.

Both properties are designated ‘Industrial’ in the City’s Official Plan and zoned Manufacturing District (MD 2.7), which permits a wide range of industrial uses.

DISCUSSION:

Business Retention and Expansion Grant Program

The Business Retention and Expansion Grant Program is intended to stimulate investment in targeted economic sectors for the purpose of retaining and encouraging
existing businesses to grow in Windsor. Manufacturing businesses retaining a minimum of 50 jobs are eligible to apply under the program.

Successful applicants are eligible to receive an annual grant for up to 100% of the municipal property tax increase created by an investment in development or redevelopment of a building or property—provided it conforms with the Economic Revitalization CIP. The annual grants may continue, at Council’s discretion for up to 10 years or until up to 100% of the eligible investment costs are repaid.

Eligible Sector

Cavalier Tool is eligible under the manufacturing sector:

Manufacturing

Companies engaged in the fabricating, processing, assembling, packaging, producing or making goods or commodities, including ancillary repair, storage, wholesaling or office uses.

Employment

According to the CIP application the proposed development would retain 126 jobs at the existing manufacturing facility and add 20 new jobs over the lifespan of the grant program.

Proposed Construction

Cavalier Tool proposes to construct a 1,285 square metre (13,832 square foot) addition to its existing manufacturing facility at 3450 Wheelton Drive. The addition is required to accommodate growing manufacturing work—some of which is currently subcontracted to other businesses in southwest Ontario and Michigan.

CIP Objectives

The proposed expansion of the Cavalier Tool facility and recommended Business Retention and Expansion Grant supports the following CIP objectives:

• Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land’s potential;

• Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;

• Support investments in specified high potential economic sectors that contribute to the diversification of the local economy;

• Provide financial incentive programs that are attractive to potential investors and
corporate decision-makers, but are balanced with expectations of City taxpayers and the City’s ability to fund the financial incentive programs;

- Facilitate the development of the City’s vacant employment lands and other areas that have the potential to be new employment areas;

- Attract investment based on the community’s strengths and competitive advantages; and

- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

**RISK ANALYSIS:**

There is little risk associated with the approval of the CIP application. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the employment use and issuance of annual grants will also be required over the next ten years.

**FINANCIAL MATTERS:**

**Business Retention and Expansion Grant Program**

The tax increment portion of the Business Retention and Expansion Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by the Municipal Property Assessment Corporation (MPAC). Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on the actual assessed property value, tax class, and municipal tax rate.

**Summary of Potential Financial Incentives**

The applicant proposes to invest $1,800,000 on new building construction which is estimated to increase the cumulative property value assessment by $677,000. Planning and Finance staff have prepared pro-forma calculations (Figure 1) to provide an understanding of the potential grant magnitude.

The estimated annual increase in municipal tax levy would be $26,132—which would yield a total grant value of $261,321 over the 10 year lifespan of the program. This would represent approximately 14.5% of the eligible investment in the property made by Cavalier Tool.
Because the Business Retention and Expansion Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program, however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

Figure 1

<table>
<thead>
<tr>
<th>Year of Grant</th>
<th>Pre-Development Municipal tax Levy</th>
<th>Estimated Post-Development Municipal Tax Levy</th>
<th>Estimated Value of Grant</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$45,974</td>
<td>$72,106</td>
<td>$26,132</td>
</tr>
<tr>
<td>2</td>
<td>$45,974</td>
<td>$72,106</td>
<td>$26,132</td>
</tr>
<tr>
<td>3</td>
<td>$45,974</td>
<td>$72,106</td>
<td>$26,132</td>
</tr>
<tr>
<td>4</td>
<td>$45,974</td>
<td>$72,106</td>
<td>$26,132</td>
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<tr>
<td>5</td>
<td>$45,974</td>
<td>$72,106</td>
<td>$26,132</td>
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<tr>
<td>6</td>
<td>$45,974</td>
<td>$72,106</td>
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<tr>
<td>7</td>
<td>$45,974</td>
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<tr>
<td>8</td>
<td>$45,974</td>
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<td>$26,132</td>
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<tr>
<td>9</td>
<td>$45,974</td>
<td>$72,106</td>
<td>$26,132</td>
</tr>
<tr>
<td>10</td>
<td>$45,974</td>
<td>$72,106</td>
<td>$26,132</td>
</tr>
<tr>
<td>Total</td>
<td>$459,739</td>
<td>$721,059</td>
<td>$261,321</td>
</tr>
</tbody>
</table>

Details

| Current Property Value Assessment | $1,227,000 |
| Current Municipal Tax Levy       | $45,974    |
| Estimated Post-Development Property Value Assessment | $1,904,000 |
| Estimated Post-Development Municipal Tax Levy | $72,106 |
| Estimated Eligible Investment Costs | $1,800,000 |
| Percentage of Eligible Investment Offset by Grant | 14.52% |

CONSULTATIONS:

The Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province. Planning staff have consulted with the applicant prior to accepting the application for the Business Retention and Expansion Grant Program. Staff from the Planning, Finance, and Legal departments were consulted in the preparation of this report.
CONCLUSION:

Administration recommends that Council approve the request from Cavalier Tool to participate in the Business Retention and Expansion Grant Program. Specifically, that 100% of the municipal portion of the tax increment resulting from the planned development located at 3450 Wheelton Drive be provided as an annual grant for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

The planned expansion of the building conforms with the Economic Revitalization CIP, assists the City in the achievement of a number of the CIP objectives, and exemplifies the intent of the Business Retention and Expansion Grant Program.

PLANNING ACT MATTERS:

N/A

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Michael Cooke</td>
<td>Manager of Planning Policy</td>
</tr>
<tr>
<td>Thom Hunt</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>
</tr>
<tr>
<td>Don Nantais</td>
<td>FPA</td>
</tr>
<tr>
<td>Janice Guthrie</td>
<td>Deputy Treasurer</td>
</tr>
<tr>
<td>Joe Mancina</td>
<td>Chief Financial Officer</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>CAO</td>
</tr>
</tbody>
</table>

NOTIFICATIONS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brenda Quint</td>
<td></td>
<td><a href="mailto:brendaq@cavaliertool.com">brendaq@cavaliertool.com</a></td>
</tr>
<tr>
<td>Brian Bendig</td>
<td></td>
<td><a href="mailto:brianb@cavaliertool.com">brianb@cavaliertool.com</a></td>
</tr>
</tbody>
</table>
APPENDICES:

1. Map 1: Location
MISSION STATEMENT
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together.”

REPORT #: S 83/2016
Report Date: 4/11/2016
Author’s Contact:
Justina Nwaesei
Planner II - Development Review
519-255-6543, ext 6165
jnwaesei@citywindsor.ca

To: Mayor and Members of City Council

Subject: Request by Roman Lys (applicant) to close the north/south alley east of Buckingham Drive, north of Adstoll Avenue; SAA/4616; Ward No. 8

1. RECOMMENDATION:

THAT the request to close the 4.267 meters (14.0 feet) wide north/south alley east of Buckingham Drive, north of Adstoll Avenue, as shown on Drawing No. CC-1686 attached hereto as Appendix “A”, BE DENIED for the following reason:

- To ensure that the subject alley remains accessible for maintenance and servicing of the existing municipal sewer running through the entire length of the subject alley.

EXECUTIVE SUMMARY:
N/A

2. BACKGROUND:

Roman Lys, owner of 2486 Buckingham, Windsor, Ontario, applied to close the 4.267 meters (14.0 feet) wide north/south alley located east of Buckingham Drive, north of Adstoll Avenue as shown on Drawing No. CC-1686 attached hereto as Appendix “A”, and also shown on the aerial photo attached hereto as Appendix “B” for the reason summarized as follows: To prevent pedestrian traffic through backyard and stop unpleasant activities occurring in the subject alley. A full version of the applicant’s reasons can be found under Appendix “C” attached to this report.
The subject alley contains manholes, combined sewer, and catch basins. The alley is covered with grass and appears untraveled. There are hydro poles and overhead wires in the alley. The applicant’s property (2486 Buckingham Drive) appears to have encroachments (fences, concrete slab and materials) into the subject alley.

3. **DISCUSSION:**

Planning Department’s analysis of the requested alley closure:

The first test is to determine whether the subject alley is dispensable or not. To make such determination the guideline attached hereto as Appendix “D” would be relevant as shown below.

a. *Does the subject alley serve commercial properties or serve properties fronting on heavily traveled streets i.e. major arterial routes?* The answer is **NO**.

b. *Does the subject alley contain sewers, and must the alley remain accessible for servicing?* The answer is **YES**. There is combined sewer with three (3) manholes in the alley; therefore, the subject alley is indispensable and should not be closed.

c. *Does the subject alley serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive?* The answer is **NO**.

d. *Does the subject alley contain Fire Department connections that are deemed to be necessary for fire fighting access?* The answer is **NO**.

In consideration of the above analysis, it is clear that the objection from the Engineering Division of Public Works is consistent with the Street and Alley closing policy. The subject alley contains a municipal combined sewer. The requested closure of the alley will hinder the access required for maintenance and servicing of the sewer. Therefore, this alley does not meet the criteria for closure and should remain open.

It is important to note that a similar application was received in 2007 from the owner of 2495 Buckingham Drive for the closure of the north/south alley west of Buckingham Drive, north of Adstoll Avenue. The Engineering Division objected to the applicant’s request for closure of the westerly alley (File # SAA/9867) for the same reason as has been put forward for this new application (File SAA/4616). Our records confirm that in 2008 Administration prepared a report recommending denial of the applicant’s request to close the north/south alley west of Buckingham Drive, north of Adstoll Avenue. The matter went before the Planning Standing Committee and Council a number of times with varying changes to the recommendation/approvals. The final Council approval occurred at Council’s meeting of September 8, 2008 by the adoption of the following motions:
• M296-2008 to reconsider a June 16, 2008 decision by Council, and
• M297-2008 to approve the applicant’s request

Details of both motions are attached as Appendix “E” to this report.

It was brought to our attention that the September 8, 2008 Council approval (M297-2008) has been difficult to implement. Consequently, on April 8, 2016, Planning Staff met with Engineering and Operations Staff to discuss the impact of the 2008 approval (M297-2008). Operations staff noted that the 2008 approval to close the alley is a very significant liability to the Corporation because in the event of any emergency sewer problem, it would take a longer time for Operations staff to get to the source of the problem and provide the urgently needed solution. The gates / removable fences are problematic and cause delays. The Engineering Division and Operations Division of Public Works are not in support of a similar outcome for the current application (SAA4616) and strongly object to the proposed closure. Their position is in line with the Street & Alley Closing Evaluation Criteria set out in the Street and Alley Closing Policy, as shown in attached Appendix D.

To further explain their position, on April 14, 2016, Engineering Division sent an email with the following additional information regarding the combined sewer in the subject alley:

“The combined sewer in the alley is 375mm diameter at the south end and increases to 450mm diameter pipe at the north end. The sewer was constructed in 1955, has a storm drainage area of 3.80 hectares, and would provide a sanitary outlet for residents on the east side of Buckingham from Tecumseh to Rose Avenue.” It should also be noted that the subject sewer services, at least, 23 residential properties (23 homes) between Rose Avenue and Tecumseh Rd E.

In their email of April 14, 2016, Engineering Division also outlined the risk factors associated with closure of the said sewer (see Appendix “F”, attached to this report).

Then on April 22, 2016, the Right-of Way Supervisor (Engineering Division) sent another email with the following additional information:

1. There are plans for watermain improvement on Buckingham beyond 2019; however, no sewer projects are planned.

2. The combined sewer in the alley has required maintenance (flushing and eelung) 16 times in the last 12 years.

3. When a combined sewer in an alley is replaced with new sanitary and storm sewers they are usually installed in the road right-of-way. In the future when the combined sewer in the alley is removed or abandoned it would facilitate the closure of this alley.
4. **RISK ANALYSIS:**

There are no known risks associated with denying the request for closure. On the other hand, closure of the subject alley as shown on Appendix “A” would negatively impact the maintenance/servicing of the existing sewer in the subject alley. There will be a loss of access to and through the subject alley for sewer maintenance, and that would create additional liability to the Corporation. It is important to note that the subject sewer system is 61 years old meaning sewer service calls are expected from residents connected to the sewer system. The City’s records confirm maintenance activities (flushing and eeling) have already occurred 16 times in the past 12 years. Therefore, access to the subject sewer should be maintained to reduce liabilities for the City.

Based on information from Engineering Division, here are additional risk factors associated with the requested alley closure:

1) *The operational cost dramatically increases when access to the sewers is limited.*

2) *Liability increases because of access restrictions, issues cannot be resolved quickly.*

3) *Maintenance work is more complex when access is limited or cut off.*

4) *Operations can only flush sewer runs of 120 metres. The closure affects a sewer run of roughly 290 metres and 4 manholes.*

5. **FINANCIAL MATTERS**

   a. For land abutting properties zoned RD1.4 - $1.00 plus deed preparation fee and proportionate share of survey cost as invoiced by an Ontario Land Surveyor.

   b. For land abutting properties zoned CD2.1 and CD1.7 - $7.00 per square foot ($75.35 per square metre) without easements or $3.50 per square foot ($37.67 per square metre) with easements. Survey cost and deed preparation to be included.

6. **CONSULTATIONS:**

Consultations were held with City Administrative Departments and Utility Companies, which resulted in the information found in *attached Appendix “F”*. There were no objections from most of the municipal departments; however, there is strong objection from the Engineering Division of Public Works Department regarding the existing sewer within the subject alley. Their comments correctly state that the subject alley is indispensable at this time.
Bell Canada, Cogeco Cable Canada LP, Enwin Utilities Ltd (Hydro) and MNSi have requested easements within the subject alley.

7. **CONCLUSION:**

The subject alley is indispensable as per the guidelines attached in Appendix “D”; therefore, the subject alley should **not** be closed. The Planning Division recommends that the applicant’s request for the closure of the subject alley shown on the **attached** Appendix “A” **be denied** in order to preserve the existing access for sewer maintenance and servicing.

**APPROVALS:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Don Wilson</td>
<td>Manager of Development Applications</td>
</tr>
<tr>
<td>Thom Hunt</td>
<td>City Planner / Executive Director Planning &amp; Building</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor and Corporate Leader Economic Development and Public Safety</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>Councillor Bill Marra</td>
<td>350 City Hall Square; Room 203; Windsor, ON N9A 6S1</td>
<td><a href="mailto:bmarca@citywindsor.ca">bmarca@citywindsor.ca</a></td>
</tr>
<tr>
<td>Roman Lys [Applicant/Owner]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Julia Lys [Co-Owner]</td>
<td></td>
<td></td>
</tr>
<tr>
<td>All Abutting/Affected Property Owners</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**APPENDICES:**

1. Appendix “A”- Drawing No. CC-1686
2. Appendix “B”- EIS Drawing – Aerial Photo
3. Appendix “C”- Applicant’s Reason for Requested Closure
4. Appendix “D”- Extract from Street & Alley Closing Policy
6. Appendix “F” - Consultations
7. Appendix “G” - Site Photos (taken on March 23, 2016)
REQUESTED ALLEY CLOSURE

APPLICANT:
ROMAN LYS
2486 BUCKINGHAM DRIVE

EXISTING ALLEY CLOSURE
BY-LAW: WIN 7240

 existing alley closure by-law: 151-2009

LEGEND
REQUESTED ALLEY CLOSURE AREA
EXISTING ALLEY CLOSURE AREA
APPLICANT PARCEL
ENCROACHMENT INTO REQUESTED
ALLEY CLOSURE AREA

POSSIBLE ENCROACHMENT

THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT
REQUESTED ALLEY CLOSURE OF THE NORTH/SOUTH ALLEY
EAST OF BUCKINGHAM DRIVE, NORTH OF ADSTOLL AVENUE

Marian Drouillard, Manager of Geomatics

SCALE: 1:1500
DATE: FEB 2016

DWG. NO.
CC-1686
STREET AND ALLEY CLOSING
APPENDIX 'B'
APPLICANT: R. Lys.

SCALE: 1:500
DATE: January, 2016
FILE NO: SAA/616
MAP NO: 1

SUBJECT ALLEY
PLANNING & BUILDING DEPARTMENT - PLANNING DIVISION
Reasons for Requested Closure Alley

Teenagers and young adults are entering the alley through Adotoll Ave., randomly during evening or at night.

They hang out right behind my property, because it is very secluded, I have a 6 foot wooden fence and a shed, there are trees on both sides of the alley, and also there is an open field along the alley.

This is a good hiding spot for them, they organize small parties, where they drink alcohol and smoke marijuana, they leave trash, use alley as a restroom and spray graffiti.

I believe by a piece of the alley behind my property will solve the above mentioned issues.

Roman Lys
APPENDIX “D” - Extract from the Street & Alley Closing Policy

Street & Alley Closing Evaluation Criteria (see CR146/2005 below)

Classification of Alley:

(1) Alleys that are indispensable. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for fire fighting access.

(2) Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.

(3) Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.

(4) Alleys lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

Suitability for Closing:

Following are the criteria and suitability for closing alleys in each of the above classifications.

- Indispensable alleys should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof. They are essential from the viewpoint of fire protection, police protection, emergency services (i.e. ambulance) and loading or unloading of goods, refuse collection, servicing of blocked sewers and utility services. Without such alleys, the above noted services would at least be more costly if not impossible to complete or adequately access; and would noticeably interfere with street traffic, thereby reducing the access capacity of the adjacent arterial, collector, or street for business.

- Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.

- Alleys that serve no useful purpose should be closed if at all possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.

- Alleys that are clearly obsolete should not be closed unless there is a municipal need or specific development proposals acceptable to the City are submitted.

CR146/2005

I. That the Building and Development Department through the Street and Alley Technical Advisory Committee BE REQUESTED to continue to classify alleys under the current evaluation criteria and further CONFIRM that the City of Windsor may close public rights-of-way that are found to be surplus; and,

II. That the Planning Department, upon the current Official Plan review BE REQUESTED to consider the development of street and alley closing criteria within the Official Plan.

III. That the report of the Supervisor of Committees Team in response to CQ130-2003 (C) Street and Alley Closing Evaluation Criteria BE RECEIVED.

Carried.
APPENDIX “E” – M296-2008 & M297-2008, extract from Minutes for Sep. 8, 2008 Council meeting

Notices of Motion

(a) Motion by Councillor Lewenza

Moved by Councillor Lewenza, seconded by Councillor Dilkens,

Carried. SAA/9464

(b) Motion by Councillor Lewenza

Moved by Councillor Lewenza, seconded by Councillor Hatfield,
M296-2008 That the following resolution adopted by Council on June 16, 2008 BE RECONSIDERED:
CR268/2008 That the application to close the 4.3 metre (14 foot) wide north/south alley between Westminster Boulevard and Buckingham Drive from Adstoll Street to the south limit of the east/west alley south of Tecumseh Road East BE DENIED since the alley is required to remain open to permit access to the manholes for sewer maintenance programs, and further, the alley BE CLOSED by the placement of a
1 foot reserve at the south limit of Lot 163, R.P. 1214 (2495 Buckingham) and north limit of Lot 188, R.P. 1214 (2423 Buckingham) for the purposes of closing the alley with removable barriers to be installed at the expense of the property owners, subject to:

(a) the owners of 2495 and 2423 Buckingham entering into a maintenance agreement, at the homeowners’ expense, with the City of Windsor for the maintenance of the untravelled portion of the alley and to provide a certificate of insurance containing the following coverage:
- add the Corporation of the City of Windsor as an additional insured
- public liability and property damage insurance in the amount of $2 million dollars per occurrence
- cross liability clause
- 30 days prior to written notice to the City when the policy is being cancelled, altered or allowed to lapse;

(b) easements being retained in favour of:
- Bell Canada for poles and aerial facilities
- Cogeco Cable for overhead cables with 24 hour access
- Enwin Powerlines for a highline and secondary hydro wires
Corporation of the City of Windsor for the municipal sewer

and further, the Manager of Development BE AUTHORIZED to publish the required legal notice, the City Engineer BE REQUESTED to supply the appropriate legal description indicating the closure of the alley with two one-foot reserves, in accordance with Drawing CC-1564 and the City Solicitor BE REQUESTED to prepare the Grants of Easement, the By-law to close and the Maintenance Agreement and further, the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved in form and content satisfactory to the City Solicitor.

Carried.

Councillor Postma was absent from the meeting when the vote was taken on this matter. Councillor Marra discloses an interest and abstains from voting on this matter.

Moved by Councillor Lewenza, seconded by Councillor Valentinis,

That the 4.3 metre (14 foot) wide north-south alley between Westminster Boulevard and Buckingham Drive from Adstoll Street north to the south limit of the east-west alley south of Tecumseh Road East as shown on Drawing No. CC-1564 attached hereto as Appendix “A” BE CLOSED AND CONVEYED subject to the following:

a) The whole width of the alley be conveyed to either property owners on Westminster Blvd. or Buckingham Dr. to reduce the cost of the survey and subject to the property owners erecting gates or removable fences on the alley to permit the passage of vehicles required for the maintenance of the sewer in the alley;

b) The alley to be conveyed at $1.00 plus the cost of deed preparation and proportionate share of the cost of the survey as invoiced to the City of Windsor by an Ontario Land Surveyor;

c) Easements being retained in favour of Bell Canada for poles and aerial facilities; Cogeco Cable for overhead cables with 24 hour access; EnWin Powerlines for a highline and secondary hydro wires; Corporation of the City of Windsor for a sewer.

And further, the Manager of Development BE AUTHORIZED to publish the required legal notice, the City Engineer BE REQUESTED to supply the appropriate legal description in accordance with Drawing CC-1564 and the City Solicitor BE REQUESTED to prepare the Grants of Easement and the By-law to close, and the Chief Administrative Officer and City Clerk BE AUTHORIZED to sign all necessary documents approved in form and content satisfactory to the City Solicitor and the transaction BE COMPLETED electronically pursuant to By-Law 363-2003, and that the City Clerk RESCIND CR268/2008.

Carried.

Councillor Postma was absent from the meeting when the vote was taken on this matter. Councillor Marra discloses an interest and abstains from voting on this matter.
<table>
<thead>
<tr>
<th>Agency</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fire and Rescue Services</td>
<td>No concerns with alley closure.</td>
</tr>
<tr>
<td>Windsor Police Services</td>
<td>The Windsor Police Service has no objections to the requested closure. A site inspection carried out on 27 January 2016 revealed a completely grassed over alley that is not required for police patrol or incident response purposes in the surrounding neighbourhood. In its present configuration, the alley allows for discrete access to the rear of abutting residences, loitering, and other potentially unlawful activity. We therefore support its closure to help reduce the opportunity for these problems to occur.</td>
</tr>
<tr>
<td>Planning – Landscape Architect</td>
<td>No objections from a landscape perspective.</td>
</tr>
<tr>
<td>Parks &amp; Facilities</td>
<td>No objections.</td>
</tr>
<tr>
<td>Public Works – Engineering</td>
<td>The subject alley closure is approximately 4.60m (14.10ft) wide, appears to be untraveled and is composed of mud and grass. There are no approaches into the alley. There are 3 manholes located in the alley along with a combined sewer which runs along the alley. Storm sewers are also available on Adstoll Street. There are also 3 catch basins throughout the alley. There are wooden hydro poles, utility poles and overhead wires located on the west side of alley. Furthermore, there is one garage access into the alley and 5 gate accesses into the alley. Operations maintain the sewer in the alley on a regular basis and strongly object to the alley’s closure. The alley appears to be indispensable by CR146/2005, therefore we object to the closure of this alley. See email below for additional comments from R.O.W Supervisor</td>
</tr>
<tr>
<td>Public Works – Environmental</td>
<td>No objections. Garbage, yard waste and recycling is currently being collected curbside on Buckingham.</td>
</tr>
<tr>
<td>Public Works – Transportation</td>
<td>No objections. The applicant’s property is the only property with a garage door off of the alley. No other vehicular access required.</td>
</tr>
<tr>
<td>Transit Windsor</td>
<td>Bell Canada will require a transfer of easement over the lands to protect our existing aerial installations.</td>
</tr>
<tr>
<td>Bell Canada</td>
<td>Cogeco Cable will require an easement for the entire application.</td>
</tr>
<tr>
<td>Cogeco Cable Systems Inc.</td>
<td>Rogers Communications</td>
</tr>
<tr>
<td>Telus Communications</td>
<td>Telus has no infrastructure in the area of your proposed work.</td>
</tr>
<tr>
<td>MNSi</td>
<td>MNSi would like to be named on an easement for the full length of the alley closure to allow us future access to our plant on Enwin’s poles.</td>
</tr>
<tr>
<td>EnWin Utilities – Hydro</td>
<td>No objection, however, we will require an easement for the entire alley named to Enwin Utilities Ltd. upon closing to accommodate existing 16kv and 120/240v overhead distribution.</td>
</tr>
<tr>
<td>Windsor Utilities – Water</td>
<td>No objections. Easement not required.</td>
</tr>
<tr>
<td>Union Gas</td>
<td>Union Gas has no issues with this application and does not any facilities located within the proposed closure. Easement not required.</td>
</tr>
<tr>
<td>Legal Department</td>
<td>For land abutting properties zoned RD1.4 - $1.00 plus deed preparation fee and proportionate share of survey cost as invoiced by an Ontario Land Surveyor. For land abutting properties zoned CD2.1 and CD1.7 - $7.00 per square foot ($75.35 per square metre) without easements or $3.50 per square foot ($37.67 per square metre) with easements. Survey cost and deed preparation to be included.</td>
</tr>
</tbody>
</table>
Hi Justina,

Further to my comments below, please add the following to my list of concerns.

- There are plans for watermain improvement on Buckingham beyond 2019, however no sewer projects are planned.
- The combined sewer in the alley has required maintenance (flushing and eel ing) 16 times in the last 12 years.
- When a combined sewer in an alley is replaced with new sanitary and storm sewers they are usually installed in the road right-of-way. In the future when the combined sewer in the alley is removed or abandoned it would facilitate the closure of this alley.

Thanks,

Adam Pillon
Right-of-Way Supervisor

Hi Justina,

Further to our meeting to discuss the above noted alley closure, the following is a list of concerns with closing the alley:

1) The operational cost dramatically increase when access to the sewers are limited.
2) Liability increases because of access restrictions, issues cannot be resolved quickly.
3) Operations can only flush sewer runs of 120 metres. The closure affects a sewer run of roughly 290 metres and 4 manholes.
4) Maintenance work is more complex when access is limited or cut off.

Some additional information; the combined sewer in the alley is 375mm diameter at the south end and increases to 450mm diameter pipe at the north end. The sewer was constructed in 1955, has a storm drainage area of 3.80 hectares, and would provide a sanitary outlet for residents on the east side of Buckingham from Tecumseh to Rose Avenue. We have no record of as-built drawings for the sewer.

Phong, please provide any additional concerns with closing the subject alley.

Thanks,

Adam Pillon
Right-of-Way Supervisor
APPENDIX D- SITE PHOTOS (taken March 23, 2016)

FULL VIEW OF SUBJECT ALLEY FROM ADSTOLL AVENUE

PARTIAL VIEW OF SUBJECT ALLEY FROM ADSTOLL AVENUE

VIEW OF E/W ALLEY AT NORTH END OF SUBJECT ALLEY
Subject: Minutes of the International Relations Committee meeting held April 7, 2016
A meeting of the International Relations Committee is held this day commencing at 3:00 o’clock p.m. in Room 407, 400 City Hall Square East, there being present the following members:

Mayor Drew Dilkens (Ex-Officio) (arrives at 3:44 p.m.)
Councillor Fred Francis, Chair
Councillor Paul Borrelli
Councillor John Elliott
Councillor Irek Kusmierczyk
Bryan Bailey
Jerry Barycki
Maria Belenkova
Dr. Sushil Jain
Donika McFarlane
Blake Roberts

Regrets received from:

Wissam Aoun
Natasha Feghali
L.T. Zhao

Also present are the following resource personnel:

Will Foot, Council Assistant
Sandra Gebauer, Council Assistant
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

The Chair calls the meeting to order at 3:00 o’clock p.m. and the Committee considers the Agenda being Schedule “A” attached hereto, matters which are dealt with as follows:

The Chair welcomes Councillor John Elliott to the International Relations Committee.
ADDITIONS TO THE AGENDA

Moved by Councillor Borrelli, seconded by J. Barycki,
That Rule 3.3 (c) of the Procedure By-law 98-2011 be waived to add the following addition to the Agenda:

7.2 Dr. Sushil Jain to share some ideas about Bharat, India’s growing economic power and the relationship with Canada.

Carried.

2. MINUTES

Moved by Dr. S. Jain, seconded by J. Barycki,
That the minutes of the International Relations Committee of its meeting held September 17, 2015 BE ADOPTED as presented.
Carried.

3. DECLARATIONS OF CONFLICT

Dr. S. Jain discloses an interest on Item 5.2 as he is the President of the South Asian Centre of Windsor.

4. BUSINESS ITEMS

4.1 2016 Shona Fujisawa Citizens Marathon

S. Gebauer advises information relating to the 2016 Shonan Fujisawa Citizens Marathon was disseminated to local running clubs and the University of Windsor and St. Clair College Athletics Departments with minimal feedback.

In response to a request from Fujisawa for the donation of prizes for the male/female marathon winners, the City of Windsor provided two City of Windsor pens and two pewter City of Windsor medallions. Also sent were City of Windsor pins, key chains, a video greeting from Mayor Dilkens and a promotional video of the City of Windsor.

Moved by Councillor Borrelli, seconded by B. Bailey,
That the verbal update by S. Gebauer, Council Assistant regarding the 2016 Shona Fujisawa Citizens Marathon BE RECEIVED.
Carried.
4.2 **Lublin, Poland Delegation to Windsor – November 4-8, 2015**

J. Barycki provides an overview of the document entitled “Twentieth Anniversary Business Dinner” in Windsor of the Polish-Canadian Business and Professional Association held November 6, 2015 at the Dom Polski Hall. He notes articles regarding the Twentieth Anniversary Dinner were published in the Canadian Business and Professional Association of Windsor and in the Polish Times.

The Chair thanks the IRC members who attended the dinner. He also thanks J. Barycki and the Polish Community.

Moved by Dr. S. Jain and Councillor J. Elliott
That the verbal update by J. Barycki regarding the Twentieth Anniversary Business Dinner of the Polish-Canadian Business and Professional Association held November 6, 2015 at the Dom Polski Hall, Windsor **BE RECEIVED**.
Carried.

4.3 **Gunsan, South Korea Delegation to Windsor – November 4, 2015**

The Chair thanks the IRC members for welcoming and hosting the Gunsan, South Korea delegation to Windsor on November 4, 2015. He notes Dahee Kim who worked for the City of Windsor through an exchange program March 2015 for a 1 year term, was an asset to our city.

Moved by Councillor Borrelli, seconded by M. Belenkova,
That the verbal update by the Chair regarding the visit of the Gunsan, South Korea delegation to Windsor on November 4, 2015 **BE RECEIVED**.
Carried.

4.4 **Visit by Councillor Francis and Councillor Elliott to Mannheim, Germany – February 17-21, 2016**

The salient points of discussion/comments provided by Councillor Elliott and Councillor Francis relating to the visit to Mannheim, Germany on February 17-21, 2016 are as follows:

- All expenses including air fare, accommodations and meals were covered by the City of Mannheim.
- Several photos of the visit are provided including – Council Chambers in Mannheim, Mayor Kurtz, army base which now serves as housing for the Syrian migrants, Twin Cities group.
- The conference focused on migration and the Syrian refugees.
- “What cities need to be successful in the 21st century” to be part of the United Nations Manifesto.
• Currently, there are 12,000 refugees in Germany housed in three refugee camps.
• Hockey is very popular in Germany. Suggestion for hockey and student exchange.
• The City of Mannheim is enthusiastic to visit the City of Windsor in 2017.

Moved by J. Barycki, seconded by Councillor Borrelli,
That the verbal update by Councillor Francis and Councillor Elliott regarding their visit to Mannheim, Germany on February 17-21, 2016 BE RECEIVED.
Carried.

4.5 2017 Celebrations – City of Windsor’s 125th Birthday and Canada’s 150th Birthday

The following comments are provided relating to the City of Windsor’s 125th Birthday and Canada’s 150th Birthday:

• Administration has completed a grant application to the Department of Canadian Heritage for the City of Windsor’s 125th birthday.
• Suggestion to invite two representatives from each of the twelve Twin Cities to attend the festivities.
• Windsor’s Birthday celebration will be held on May 20, 2017 at Dieppe Gardens and may include events such as:
  o A Birthday Walk with Mayor Drew Dilkens and Special Guests
  o Arrival ceremony at Dieppe Gardens
  o Windsor Concert Band to welcome everyone with a big band rendition of Oh Canada
  o A representative from Windsor’s French-Canadian Community will share words of welcome in English and French.
  o A “Town Crier” will read the Act to incorporate the City of Windsor.
  o Windsor’s Poet Laureate, Marty Gervais will recite a new work of poetry in honour of Windsor’s 125th Birthday.
• Suggestion to involve industry/agencies/community partners to assist with the festivities.
• The Mayor’s Office will be sending invitations to the Twin Cities, i.e. “Save the Date Card” following the determination of budget, number of attendants, etc.
• Dinner with the Twin Cities to be held on a date to be determined.

B. Roberts leaves the meeting at 3:58 o’clock p.m.

The Chair requests S. Gebauer provide a “draft” budget for the scenario that two representatives from all of the 12 Twin Cities attend the City of Windsor’s 125th Birthday. The draft budget will also include hotel accommodations and transportation costs for a 3 to 4 day visit to Windsor.
In response to a question asked by Dr. S. Jain regarding the gift selection for representatives from the Twin Cities, the Chair responds the selection of the gifts will be coordinated with Administration and the Mayor's Office.

Moved by M. Belenkova, seconded by Councillor Borrelli,
That the verbal update by the Council Assistant relating to the City of Windsor's 125th Birthday and Canada's 150th Birthday BE RECEIVED.
Carried.

5. COMMUNICATIONS

5.1 E-mail from Yeonha An, Gunsan, Korea

It is generally agreed the e-mail dated February 29, 2016 from Yeonha An, Gunsan, Korea will be sent to the Mayor’s Office. The question posed in the e-mail is if Mayor Dilkens is planning to visit Korea at the invitation of the Yuhan Technical High School.

5.2 South Asian Centre – 30th Anniversary Dinner

Dr. S. Jain discloses an interest on this matter as he is the President of the South Asian Centre of Windsor.

Moved by J. Barycki, seconded by Councillor Borrelli,
That APPROVAL BE GIVEN to an expenditure in the upset amount of $240. for the purchase of four tickets ($60. each) for Mayor Dilkens and three IRC members to attend the South Asian Centre 30th Anniversary Dinner to be held on May 6, 2016 at the Caboto Club.
Carried.
Dr. S. Jain discloses an interest and abstains from voting on the matter.

6. CONFIRM AND RATIFY E-MAIL POLL

Moved by Councillor Borrelli, seconded by B. Bailey,
That the following motion BE CONFIRMED AND RATIFIED:
That APPROVAL BE GIVEN to an expenditure in the upset amount of $4,000 to host a delegation from Lublin, Poland to the City of Windsor from November 4-8, 2015.
Carried.

7. NEW BUSINESS
7.1 **Vision Brainstorming for the 2016-2018 Term**

M. Belenkova expresses concern the Twinning relationship with Satillo, Mexico is dormant due to a lack of interest.

The Chair indicates formal communication between Twin Cities is accomplished through contact via Mayor to Mayor.

J. Barycki states community involvement between the Twin Cities is necessary.

Discussion ensues regarding the removal of Satillo, Mexico as a Twin City and the methodology/policy on how to go about this. It is generally agreed this matter will remain as status quo at this time.

The Chair questions how to engage local communities, and suggests the creation of a subcommittee.

Councillor Elliott leaves the meeting at 4:22 o’clock p.m.

The following further comments are provided relating to the “vision brainstorming”:

- There is a need for IRC to be more active in the community to provide public awareness at events such as FINA, Windsor International Film Festival
- There are 111 Nations coming to Windsor for the FINA event. How do we envision the role of the IRC.
- Suggestion to send video/letter to Twin Cities. The video entitled “Windsor-Essex A Quiet Giant” is shown to the Committee.
- It is proposed that Twin City students to participate in an exchange program with Windsor.

J. Barckyi leaves the meeting at 4:30 o’clock p.m.

7.2 **Dr. Sushil Jain to share some ideas about Bharat, India’s growing economic power and the relationship with Canada**

Dr. Jain reports Bharat, India has a rapidly growing economy and educational system. He proposes an exchange program with the university in Bharat. He notes currently there are 437 Visa students from India attending the University of Windsor and states there is an opportunity for Windsor to build a relationship with Bharat.

Mayor Dilkens leaves the meeting at 4:40 o’clock p.m.
Moved by B. Bailey, seconded by Councillor Borrelli,
That the verbal update by Dr. S. Jain regarding Bharat, India BE RECEIVED.
Carried.

8. **DATE OF NEXT MEETING**

   The next meeting will be held at the call of the Chair.

9. **ADJOURNMENT**

   There being no further business, the meeting is adjourned at 4:45 o’clock p.m.

__________________________
CHAIR

_________________________
COMMITTEE COORDINATOR
AGENDA
and Schedule “A”
to the Minutes of the
INTERNATIONAL RELATIONS COMMITTEE
meeting held
Thursday, April 7, 2016
at 3:00 o’clock p.m.
Room 407, 400 City Hall Square East

1. CALL TO ORDER

2. MINUTES
Adoption of the minutes of the meeting held September 17, 2015 – attached.

3. DECLARATIONS OF CONFLICT

4. BUSINESS ITEMS
4.1 2016 Shona Fuisawa Citizens’ Marathon
E-mail from Hideomi Kawazoe dated February 24, 2016 and letter to Mayor Dilkens from Tsuneo Suzuki, Mayor of the city of Fujisawa dated February 26, 2016 – attached.

4.2 Lublin, Poland Delegation to Windsor – November 4-8, 2015

4.3 Gunsan, South Korea Delegation to Windsor – November 4, 2015
Letters to Mayor Drew Dilkens and to Councillor Fred Francis dated December 2, 2015 from Mayor Moon Dong-shin, Gunsan City – attached.

4.4 Visit by Councillor Francis and Councillor Elliott to Mannheim, Germany – February 17-21, 2016
Possible exchange program with Mannheim students ages 11-18.

4.5 2017 Celebrations – City of Windsor’s 125th Birthday and Canada’s 150th Birthday
The report of the Executive Initiatives Coordinator and the Manager of Cultural Affairs dated October 27, 2015 entitled “2017 Celebrations – City of Windsor’s 125th Birthday and Canada’s 150th Birthday” – attached.
5. **COMMUNICATIONS**

5.1 E-mail dated February 29, 2016 from Yeonha An, Gunsan, Korea regarding a possible visit by the Mayor to Gunsan – *attached*.

5.2 E-mail dated January 9, 2016 from the South Asian Centre inviting the IRC to attend the 30th Anniversary Dinner to be held on May 6, 2016 – *attached*.

6. **CONFIRM AND RATIFY E-MAIL POLL**

6.1 That APPROVAL BE GIVEN to an expenditure in the upset amount of $4,000 to host a delegation from Lublin, Poland from November 4-8, 2015 in Windsor.

7. **NEW BUSINESS**

7.1 **Vision Brainstorming for the 2016-2018 Term**

8. **DATE OF NEXT MEETING**

To be determined.

9. **ADJOURNMENT**
Subject: Minutes of the Windsor BIA Advisory Committee of its meeting held March 3, 2016
A meeting of the Windsor BIA Advisory Committee is held this day commencing at 4:30 o’clock p.m. in Room 407, 400 City Hall Square East, there being present the following members:

Councillor Rino Bortolin, Chair
Councillor Paul Borrelli
Councillor Chris Holt
Debbie Croucher, Downtown Windsor BIA
David Grimaldi, Olde Sandwich BIA
Greg Plante, Pillette Village BIA
Jake Rondot, Walkerville BIA
Bridget Scheuerman, Ford City and Olde Riverside BIA’s

Guest in attendance:

Matt Couloufis

Also present are the following resource personnel:

Michael Cooke, Manager of Planning Policy
John Wolf, Senior Manager of Traffic Operations
Karen Kadour, Committee Coordinator

1. CALL TO ORDER

Councillor Borrelli (appointed Acting Chair at the July 23, 2015 meeting) calls the meeting to order at 4:31 o’clock p.m. and the Committee considers the Agenda being Schedule “A”, attached hereto, matters which are dealt with as follows:

2. ELECTION OF CHAIRPERSON

The Committee Coordinator calls for nominations from the floor for the position of Chairperson. J. Rondot nominates Councillor Bortolin, seconded by Councillor Holt. The Committee Coordinator asks if there are further nominations from the floor for the position of Chairperson. D. Grimaldi nominates B. Scheuerman, seconded by G. Plante for the position of Chairperson. The Committee Coordinator requests a show of hands which results in a tie. B. Scheuerman indicates support for Councillor Bortolin as Chair; withdraws from the Chairperson position, and offers to act as Vice Chairperson. The Committee Coordinator asks Councillor Bortolin if he accepts. Councillor Bortolin accepts the position of Chair.
Moved by J. Rondot, seconded by B. Scheuerman,
That Councillor Rino Bortolin BE ELECTED Chair of the Windsor BIA Advisory Committee.
Carried.

Councillor Bortolin assumes the Chair.

Moved by D. Grimaldi, seconded by G. Plante,
That Bridget Scheuerman BE ELECTED Vice Chair of the Windsor BIA Advisory Committee.
Carried.

**ADDITIONS TO THE AGENDA**

Moved by J. Rondot, seconded by B. Scheuerman,
That Rule 3.3 (c) of the Procedure By-law 98-2011 be waived to add the following addition to the Agenda:

5.5 E-mail from David Grimaldi dated February 29, 2016 regarding the voting membership of a BIA, and personal liability insurance for Executive Directors of BIA’s. Responses from the Manager of Risk and Insurance and from the City Clerk are also included.

Carried.

3. **DECLARATIONS OF CONFLICT**

None disclosed.

4. **ADOPTION OF THE MINUTES**

Moved by J. Rondot, seconded by Councillor Holt,
That the minutes of the Windsor BIA Advisory Committee of its meeting held July 23, 2015 BE ADOPTED as presented.
Carried.

5. **BUSINESS ITEMS**

5.1 **Increase in Patio Fees**

Mark Winterton, City Engineer is present and available to answer questions.
D. Croucher questions why City Council has not maintained their commitment to waive the sidewalk cafe fees until the year 2018. She states the City of Windsor has been the hardest hit in all of Canada and the fees are not reflective of this economic climate. She suggests the fees be waived to 2018, after which $1.50 increase and 50 cents per year thereafter until the cap of $3.00 is reached.

M. Winterton advises the City's budget is approved on an annual basis and notes the Schedule of Fees can be changed at any time, however, Council has mandated a zero percent tax increase and notes any variations would require a funding source.

Moved by D. Croucher, seconded by B. Scheuerman,
That City Council BE REQUESTED to consider waiving the sidewalk cafe permit and patio fees to the year 2018.
Carried.

Clerk's Note: The following information is provided subsequent to the March 3, 2016 WBIAAC meeting to apprise the Committee of Council's decision regarding this matter.

The report of the Right-of-Way Supervisor dated February 8, 2016 entitled “CQ6-2016 – Sidewalk Cafe Fees” is attached as Appendix “A”.

City Council at its meeting held March 7, 2016 adopted the following:

Moved by: Councillor Francis
Seconded by: Councillor Elliott
Decision Number: CR110/2016
That the report of the City Engineer dated February 18, 2016 entitled “CQ6-2016 – Sidewalk Cafe Fees” BE RECEIVED for information; and further,

That Option B as outlined in the report BE APPROVED, which is a phased approach with a $0.50 incremental increase over a six (6) year period.
Carried, Councillor Bortolin voting nay.

5.2 Removal of One-Hour Free Parking in the Municipal Parking Garages

The Chair states during the 2016 budget deliberations, City Council approved to remove the one hour free parking in the municipal parking garages.

D. Croucher requests the one-hour free parking be reinstated in the municipal parking garages as the Downtown BIA merchants advertise free one-hour parking.

M. Winterton indicates as some U of W/St. Clair College classes are approximately 40 minutes in length, students park in the municipal garage (free for the first hour) then, leave the garage and return for another hour of free parking.
J. Wolf states a report will be going to Council that will provide numerous options regarding sustainable funding in parking including the one-hour free parking. He notes after a period of time, the impact of the removal of the one-hour free parking will be realized.

D. Croucher expresses concern regarding the four hour accessible parking spots located in the downtown core. She states the users of the accessible parking spots work downtown, utilize the parking area for four hours, move the car and then park again for another four hours. J. Wolf suggests an amendment be made to the Parking By-law regarding this matter.

5.3 Way-Finding Initiative

Councillor Holt reports he attended a conference where consultants provided comprehensive information regarding way-finding for BIA's. He notes the way-finding initiative is included in the 20-Year Strategic Plan.

The report of the Commissioner of Traffic Engineering and the General Manager, Convention and Visitors Bureau dated March 22, 2000 entitled "Trailblazing" and CR366/2000 regarding the update Trailblazing and Identification Sign Policy is distributed and attached as Appendix “B”

The salient points of discussion regarding the way-finding initiative are as follows:
- Way-finding signage directs people to destination/individual areas.
- Many residents drive, park and leave unaware of other experiences Windsor has to offer.
- All trailblazing signage is paid for by the requestor.
- Suggestion for maps in the BIA's that identifies "you are here".
- Recommend Trailblazing Policy be updated. Suggestion to create a “program” for way-finding and not a “policy change”.
- Historically, the Traffic Department has provided layout of the signs, constructed the signs, installed the signs and provided maintenance.
- Way-Finding is not only signage but is marketing and cooperation between the BIA's.

Moved by Councillor Holt, seconded by G. Plante
That Administration BE REQUESTED to report back regarding the logistics of creating a Way-Finding Program that will help people to easily locate attractions and points of interest in the Business Improvement Areas by the use of signage.
Carried.
5.4 Potential Cost Savings

The Chair advises potential cost savings can be realized by sharing a staff member among the BIA's, or by sharing billboard space in the U.S.

D. Croucher reports the DWBIA is considering billboards in the U.S. and adds she will contact other BIA's to determine interest in this endeavour.

J. Rondot suggests working with MBA Students from the Odette School of Business to assist with strategic planning for the BIA's.

5.5 Voting Membership of a BIA, and Personal Liability Insurance for Executive Directors of a BIA

The e-mail from David Grimaldi dated February 29, 2016 regarding the voting membership of a BIA, and personal liability insurance for Executive Directors of BIA's, and the responses from the Manager of Risk and Insurance and the City Clerk is distributed and attached as Appendix "C".

In response to a question asked by D. Grimaldi regarding if an employee or volunteer of a BIA are covered by their Personal Liability Insurance in a lawsuit, the Manager of Risk and Insurance provides the following comments as outlined in the e-mail:

"Because the BIA is a separate legal entity from the Corporation of the City of Windsor, we cannot provide you with legal advice. Generally speaking, whether an official of an organization can face personal liability in a civil suit for their actions will depend on factors such as whether they were acting within the scope of their duties at the time, and whether the organization agrees to indemnify them. As was reported in the media regarding the Shores of Erie Wine Festival, when it comes to criminal or regulatory charges, hiding behind the organization does not appear to be an available option. If your Executive Directors have concern, I recommend the BIA seek independent legal advice on the matter."

In response to the question posed by D. Grimaldi in his e-mail dated February 29, 2016 regarding "who makes up the voting membership of a BIA", the City Clerk in her e-mail dated March 1, 2016 responded this matter has "been referred to our Legal Department for review and disposition."

6. NEW BUSINESS

None.
7. **DATE OF NEXT MEETING**

The next meeting will be held at the call of the Chair.

8. **ADJOURNMENT**

There being no further business the meeting is adjourned at 6:02 o'clock p.m.

______________________________
CHAIR

______________________________
COMMITTEE COORDINATOR
AGENDA
and Schedule "A"
to the minutes of the meeting of the
Windsor BIA Advisory Committee
held Thursday, March 3, 2016
at 4:30 o’clock p.m.
Room 407, 400 City Hall Square East

1. CALL TO ORDER

2. ELECTION OF CHAIRPERSON

3. DECLARATIONS OF CONFLICT

4. ADOPTION OF MINUTES
   Adoption of the minutes of the meeting held July 23, 2015—(attached)

5. BUSINESS ITEMS
   5.1 Increase in Patio Fees
       The City Engineer will be present to speak to this matter.

   5.2 Removal of One-Hour Free Parking in the Municipal Parking Garages
       The City Engineer will be present to speak to this matter.

   5.3 Way-Finding Initiative
       Discussion regarding a Way-Finding initiative to be undertaken and considered by the BIA’s.

   5.4 Potential Cost Sharing
       Discussion regarding the potential cost sharing of administrative expenses and services between the BIA’s.

6. NEW BUSINESS
7. **DATE OF NEXT MEETING**
   To be determined.

8. **ADJOURNMENT**
THE CORPORATION OF THE CITY OF WINDSOR
OFFICE OF THE CITY ENGINEER- Engineering

MISSION STATEMENT:
“Our City is built on relationships – between citizens and their government, businesses and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together.”

LiveLink REPORT #: 18129  Report Date: February 18, 2016
Author’s Name: Adam Pillon  Date to Council: March 07, 2016
Author’s Phone: 519-255-6100 ext. 6612  Classification #:
Author’s E-mail: apillon@citywindsor.ca

CITY OF WINDSOR MUNICIPAL SERVICES
COUNCIL AGENDA
COMMUNICATIONS
MAR 07 2016

To: Mayor and Members of City Council
Subject: CQ6-2016 – Sidewalk Cafe Fees

1. RECOMMENDATION:  City Wide: X  Ward(s): __

That the report entitled CQ6-2016 - Sidewalk Cafe Fees BE RECEIVED for information.

EXECUTIVE SUMMARY:

N/A

2. BACKGROUND:

During the February 2nd, 2016 City Council meeting, Councillor Gignac asked CQ6-2016, as follows:

Asks Administration to bring back a report outlining options to harmonize encroachment fees for patios across the city including number of patios, the increase since 2011 when the pilot was instituted etc.

Amendment by Councillor Francis, as follows:

That one of the options provided in the report prepared by Admin be the following as it relates to Encroachment Fees for Business Patios within the City of Windsor include the following:
A standardized rate across the City for all business with patios,
A phased in fee approach, specifically the following:
$0.50/sq ft in 2016 followed by a $0.50 increase in each following year up to 2021. Where the fee is capped at $3.00/sq ft for all business patio owners in the City of Windsor. What would the financial impact be for the City under this plan? How much revenue could be expected in each of
the years with the phased in fee structure and what if any budget shortfalls will that create as it relates to the current status quo?

Additional request by Councillor Bortolin, as follows:

- # of patios
- # of patios that are licensed vs cafe style (2 categories)
- How many patio permits were issued the last year of regular fees
- How is the fee structured developed
- Options with respect to fee options
- #Mini cafe

3. **DISCUSSION:**

Sidewalk cafe fees were in place until the end of the 2010 sidewalk cafe season. Prior to the fee reduction, sidewalk cafe required an encroachment agreement. The fees charged for sidewalk cafes included an application fee of $625.00 consisting of $275.00 application, $100 indemnity (refundable when agreement executed) and $250.00 legal preparation fee. The application fee of $625.00 was payable every three (3) years in the Downtown BIA area and every five (5) years in other parts of the City. The encroachment fee of $5.78 per sqft (DWBIA) or $4.57 per sqft (other BIA) or $3.31 per sqft (non-BIA) was applicable to the area of the right-of-way occupied by the patio. Furthermore, an annual fee of $1,132.00 was charged consisting of $132.00 permit fee and $1,000.00 refundable indemnity.

Below is the summary of fees prior to fee reduction in 2011:

<table>
<thead>
<tr>
<th>Application fee</th>
<th>$275.00</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal preparation fee</td>
<td>$250.00</td>
</tr>
<tr>
<td>Indemnity deposit</td>
<td>$100.00</td>
</tr>
<tr>
<td>Encroachment area fee</td>
<td>$5.78, $4.57 or $3.31 per square foot</td>
</tr>
<tr>
<td>Permit fee</td>
<td>$132.00</td>
</tr>
<tr>
<td>Indemnity deposit</td>
<td>$1,000.00</td>
</tr>
</tbody>
</table>

Council Resolution CR133/2011 (Appendix ‘A’) approved reducing sidewalk cafe fees to $1.00 plus an indemnity of $1,000.00. The elimination of an encroachment agreement for sidewalk cafes streamlined the sidewalk cafe process for applicants, and reduced wait times for permits.

The encroachment area fees approved in the 2016 budget are the same fees amounts charged in 2011, other than the 2% increase to the G.I.S. fee, from 5% to 7%, also approved in the 2016 Budget with Issue 2016-0098. The encroachment area fees date back to the 2005 user fee schedule and were established by the property analyst based on the market value for the land, similar to the encroachment land values.

The encroachment policy approved by M67-2015 on February 17th, 2015, governs the computation of encroachment fees and requirements. Commercial and residential property owners are required to enter into an encroachment agreement for any object (sign, fence,
building structure, footing, canopy, sewer, etc) above or below grade in the Municipal right-of-way. Eliminating fees for objects in the Municipal right-of-way for some users creates an inequitable situation. The table below are the current annual encroachment fee land values approved in the 2016 operations budget:

<table>
<thead>
<tr>
<th>Annual Encroachment Fee</th>
<th>Land Value (per square foot)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial</td>
<td>$10.25</td>
</tr>
<tr>
<td>Downtown</td>
<td>$15.25</td>
</tr>
<tr>
<td>Industrial</td>
<td>$1.75</td>
</tr>
<tr>
<td>Institutional</td>
<td>$4.00</td>
</tr>
<tr>
<td>Residential</td>
<td>$7.75</td>
</tr>
<tr>
<td>Parking</td>
<td>$244.50 per parking space (200 sq ft)</td>
</tr>
</tbody>
</table>

The following are the sidewalk cafe permits issued from 2007 to 2015, shown by the business improvement areas.

<table>
<thead>
<tr>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Wyandotte Towne Centre BIA</td>
<td>3</td>
<td>3</td>
<td>2</td>
<td>3</td>
<td>5</td>
<td>10</td>
<td>9</td>
<td>13</td>
<td>10</td>
</tr>
<tr>
<td>Erie St BIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Downtown BIA</td>
<td>17</td>
<td>14</td>
<td>12</td>
<td>16</td>
<td>21</td>
<td>28</td>
<td>19</td>
<td>21</td>
<td>21</td>
</tr>
<tr>
<td>Olde Sandwich BIA</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Walkerville BIA</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>Ottawa St BIA</td>
<td>2</td>
<td>2</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Non BIA</td>
<td>1</td>
<td>4</td>
<td>2</td>
<td>2</td>
<td>1</td>
<td>3</td>
<td>1</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td>24</td>
<td>24</td>
<td>20</td>
<td>24</td>
<td>28</td>
<td>44</td>
<td>30</td>
<td>38</td>
<td>38</td>
</tr>
</tbody>
</table>

The average number of sidewalk cafes following the fee reduction in 2011 has been 37 patios per year. In 2015, 51 applications were received with 38 sidewalk cafe permits issued with an average of 400 square feet per patio. Some of the cafes were on private property, applications were withdrawn and others failed to provide required documentation or an approved insurance certificate. The implementation of a non-refundable application similar to other Cities would increase projected revenue and deter application withdraws.

Three (3) sidewalk cafe permits were issued for mini-cafes which were approved by Council Resolution CR319/2010. Mini-cafes cannot serve alcohol, do not require railings, and the table and chairs must be removed from the right-of-way nightly. As per the approved 2016 budget mini cafes are required to pay the permit fee and the encroachment area fee.

The following are the number of mini cafes permits issued since approval by CR319/2010.

<table>
<thead>
<tr>
<th>Mini Sidewalk Cafes by year</th>
<th>2011</th>
<th>2012</th>
<th>2013</th>
<th>2014</th>
<th>2015</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>3</td>
<td>1</td>
<td>2</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>
The following are sidewalk cafe rates from other Cities in Ontario:

<table>
<thead>
<tr>
<th>City</th>
<th>Application Fee</th>
<th>Permit Fee</th>
<th>Additional Fee (per square foot/year)</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hamilton</td>
<td>$1,530.25</td>
<td></td>
<td></td>
<td>• Legal Survey Required ($1,200.00+/-)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Formal Agreement Required</td>
</tr>
<tr>
<td>London</td>
<td>$200.00</td>
<td></td>
<td>$2.00/sqft</td>
<td>• Formal Agreement Required</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Cafes may be year-round with no additional fee</td>
</tr>
<tr>
<td>Ottawa</td>
<td>$57.00</td>
<td>$159.00</td>
<td>$40.15/sqft</td>
<td>• Unlicensed</td>
</tr>
<tr>
<td></td>
<td>$311 or $520 public circulation</td>
<td></td>
<td></td>
<td>• Licensed</td>
</tr>
<tr>
<td>Niagara Falls</td>
<td>$500.00</td>
<td></td>
<td></td>
<td>• Legal Survey Required ($1,200.00+/-)</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Bistro patio</td>
</tr>
<tr>
<td>Oakville</td>
<td>$250.00</td>
<td></td>
<td></td>
<td>• Enclosed Boulevard Patio</td>
</tr>
<tr>
<td></td>
<td>$750.00</td>
<td></td>
<td></td>
<td>• Extended Patio – Parking Stall</td>
</tr>
<tr>
<td></td>
<td>$750.00</td>
<td></td>
<td></td>
<td>• $20.00/day lost parking revenue</td>
</tr>
<tr>
<td>Barrie</td>
<td>$400.00</td>
<td></td>
<td>$2.80/sqft</td>
<td>• First time applicant only pays $400 for first year</td>
</tr>
<tr>
<td>Oshawa</td>
<td>$10.00/Table (First Year) $500.00 (Subsequent Years)</td>
<td></td>
<td></td>
<td>• Licensed</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Compensation for loss of parking $0.00 – First 2 years. $700-$800/space/season - subsequent years</td>
</tr>
<tr>
<td>St. Catharines</td>
<td>$349.10</td>
<td></td>
<td>$3.60/sqft</td>
<td>• Formal Syr Agreement Required</td>
</tr>
<tr>
<td>Kitchener</td>
<td>&lt;10 people=$105.00 &gt;10 people=$336.00</td>
<td></td>
<td></td>
<td>• New Permit/change to existing patio design building permit fee is $190.00</td>
</tr>
<tr>
<td>Sudbury</td>
<td></td>
<td></td>
<td>$1.67/sqft</td>
<td>• Seasonal only (May-Oct)</td>
</tr>
<tr>
<td>Kingston</td>
<td>$109.30</td>
<td>$410.05</td>
<td></td>
<td>• Seasonal only (Apr-Oct)</td>
</tr>
<tr>
<td>Mississauga</td>
<td>$71.30</td>
<td>$250.00</td>
<td>$1.50/sqft</td>
<td>• Must apply for minor variance</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Compensation for loss of parking</td>
</tr>
<tr>
<td>Windsor</td>
<td>$0.00</td>
<td>$212.00</td>
<td></td>
<td>• Cafes may be year-round with no additional fee</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>• Sidewalk encroachment fees are pro-rated</td>
</tr>
</tbody>
</table>

As shown in the table above, most communities in Ontario charge fees for the commercial use of their lands. The City of Windsor rates are neither the highest nor the lowest fees.

**Options:**

In addition to the status quo as approved by Council during the budget deliberations, three additional options have been developed for Council’s consideration.

**Option A:** A standardized option across the City of $4.64 per square foot a year ($4.55 per square foot a year as shown in the 2016-0390 budget issue (Appendix C) plus the GIS Surcharge increase from 5% to 7%), eliminating cost differences between BIA’s without affecting project revenues. Note the sidewalk encroachment fees are pro-rated, and three (3) season cafes (March 1 to November 30) would pay $3.48 per square foot. The pro-rated fee works out to $0.39 a
square foot per month given cafe operator’s flexibility to operate a cafe during certain months without paying for the entire year.
This option would increase fees for two (2) patios not within a business improvement area based on the approved 2016 budget, lowering fees for 36 of the 38 permits issued last year.

**Option B:** A phased approach with $0.50 incremental increases over a six (6) year period would yield the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Area fee</th>
<th>Average size patio (2015)</th>
<th>Anticipated sidewalk cafe permits in 2016</th>
<th>Revenue per year</th>
<th>Projected 2016 budget shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$0.50</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$9,000.00</td>
<td>($78,633.00)</td>
</tr>
<tr>
<td>2017</td>
<td>$1.00</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$18,000.00</td>
<td>($69,633.00)</td>
</tr>
<tr>
<td>2018</td>
<td>$1.50</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$27,000.00</td>
<td>($60,633.00)</td>
</tr>
<tr>
<td>2019</td>
<td>$2.00</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$36,000.00</td>
<td>($51,633.00)</td>
</tr>
<tr>
<td>2020</td>
<td>$2.50</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$45,000.00</td>
<td>($42,633.00)</td>
</tr>
<tr>
<td>2021</td>
<td>$3.00</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$54,000.00</td>
<td>($33,633.00)</td>
</tr>
</tbody>
</table>

Total $189,000.00 ($336,798.00)

The phased approach creates a shortfall of ($336,798.00) after six (6) years based on the total anticipated revenues, approved as part of 2016 operations budget, of $87,633.00 ($81,900.00 in encroachment revenues plus 7% GIS surcharge).

**Option C:** A harmonized approach using a rate of $3.31 (lowest current rate = non-BIA) over a six (6) year period would yield the following:

<table>
<thead>
<tr>
<th>Year</th>
<th>Area fee</th>
<th>Average size patio (2015)</th>
<th>Anticipated sidewalk cafe permits in 2016</th>
<th>Revenue per year</th>
<th>Projected 2016 budget shortfall</th>
</tr>
</thead>
<tbody>
<tr>
<td>2016</td>
<td>$3.31</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$59,580.00</td>
<td>($28,053.00)</td>
</tr>
<tr>
<td>2017</td>
<td>$3.31</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$59,580.00</td>
<td>($28,053.00)</td>
</tr>
<tr>
<td>2018</td>
<td>$3.31</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$59,580.00</td>
<td>($28,053.00)</td>
</tr>
<tr>
<td>2019</td>
<td>$3.31</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$59,580.00</td>
<td>($28,053.00)</td>
</tr>
<tr>
<td>2020</td>
<td>$3.31</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$59,580.00</td>
<td>($28,053.00)</td>
</tr>
<tr>
<td>2021</td>
<td>$3.31</td>
<td>400 sqft</td>
<td>45 permits</td>
<td>$59,580.00</td>
<td>($28,053.00)</td>
</tr>
</tbody>
</table>

Total $357,480.00 ($168,318.00)

The harmonized approach creates a shortfall of ($168,318.00) after six (6) years based on the total anticipated revenues, approved as part of 2016 operations budget, of $87,633.00 ($81,900.00 in encroachment revenues plus 7% GIS surcharge).

4. **RISK ANALYSIS:**

There is moderate reputation risks associated with altering the approved 2016 budget, which can be reduced by keeping the sidewalk cafe fees status quo. Financial risks are minor in nature and can be avoided by approving option A. Sidewalk cafes have a number of associated operational risks, such as placement of any objects on the right-of-way, outdoor heating devices not complying with the handbook, risk of not enforcing requirements, the risk of patios appearing abandoned and the risk of inequitable standards. These risks are low to moderate in severity and are well mitigated by existing permit conditions and insurance requirements.
5. **FINANCIAL MATTERS:**

Budget issue 2016-0331 and 2016-0390 (Appendix B and C) were based on anticipated revenue of forty five (45) sidewalk cafes. The anticipated revenue for reinstatement of both the sidewalk cafe permit fees and sidewalk encroachment fees is $91,260.00 in 2016, or $92,820 inclusive of the GIS surcharge.

The three options developed for Council's consideration would have the following financial impact:
- Option A, would not affect anticipated revenue currently or after six (6) years based on the total anticipated revenue, approved as part of the 2016 operations budget.
- Option B, the phased approach creates a shortfall of ($336,798.00) after six (6) years based on the total anticipated revenues, approved as part of 2016 operations budget.
- Option C, the harmonized approach creates a shortfall of ($168,318.00) after six (6) years based on the total anticipated revenues, approved as part of 2016 operations budget.

6. **CONSULTATIONS:**

City of Windsor – Engineering Department
City of Windsor – Finance Department
City of Windsor – Legal, Real Estate & Risk Management Department

7. **CONCLUSION:**

Administration has prepared this report on the basis of Council question CQ-6-2016 asked on February 2nd 2016. Three options, in addition to the status quo, have been presented for Council’s consideration.

Adam Pillon
Right-of-Way Supervisor

France Isabelle-Tunks
Senior Manager Development, Projects & Right-of-Way/Deputy City Engineer

Mark Winton
City Engineer and Corporate Leader
Environmental Protection and Transportation

Shelby Askin Hager
City Solicitor and Corporate Leader
Economic Development and Public Safety
**APPENDICES:**
Appendix 'A' – Council Resolution CR133/2011  
Appendix 'B' – Budget Issue 2016-0331  
Appendix 'C' – Budget Issue 2016-0390

**DEPARTMENTS/OTHERS CONSULTED:**
Name:  
Phone #: 519 ext.

**NOTIFICATION:**

<table>
<thead>
<tr>
<th>Name</th>
<th>Address</th>
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<td>Downtown Windsor BIA</td>
<td>419 Pelissier St</td>
<td><a href="mailto:dwbia@downtownwindsor.ca">dwbia@downtownwindsor.ca</a></td>
<td>(519) 252-5723</td>
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<tr>
<td>Ford City BIA</td>
<td>1076 Drouillard Rd</td>
<td><a href="mailto:fordcitybia@gmail.com">fordcitybia@gmail.com</a></td>
<td>(519) 563-7497</td>
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<td>Walkerville BIA</td>
<td>1519 Wyandotte St E</td>
<td><a href="mailto:info@walkervilledistrict.com">info@walkervilledistrict.com</a></td>
<td>(226) 346-9242</td>
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<td>Olde Riverside Town Centre BIA</td>
<td>2334 Cypress Rd</td>
<td><a href="mailto:bscheuerman@cogeco.ca">bscheuerman@cogeco.ca</a></td>
<td>(519) 962-6550</td>
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<tr>
<td>Olde Sandwich Towne</td>
<td>3118 Sandwich</td>
<td><a href="mailto:macyderman@hotmail.com">macyderman@hotmail.com</a></td>
<td>(519) 258-0361</td>
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<td>Ottawa Street BIA</td>
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<td><a href="mailto:karens4kids@hotmail.com">karens4kids@hotmail.com</a></td>
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<td><a href="mailto:greg_plant@imaginativeimaging.com">greg_plant@imaginativeimaging.com</a></td>
<td>(519) 962-1500</td>
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<td>Via Italia/Erie Street BIA</td>
<td>c/o 884 Erie St E</td>
<td><a href="mailto:tmancini@gmail.com">tmancini@gmail.com</a></td>
<td>(519) 999-1889</td>
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<td>495 Glengarry Ave</td>
<td><a href="mailto:caroline.postma@kotmail.com">caroline.postma@kotmail.com</a></td>
<td>(519) 253-8826</td>
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<td>(519)971-9330</td>
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<td>Bean's Ladel Eatery and Take out</td>
<td>2440 University Ave W, Windsor On N9B 1E7</td>
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<td>Blind Owl</td>
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<td>(519)816-7218</td>
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<td>Vicolo Bar &amp; Grill</td>
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<td>Il Gabbiano</td>
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<td>Sushi –One express Ltd</td>
<td>337 Ouellette Ave, Windsor ON N9A 4J1</td>
<td>(519)915-8290</td>
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<td>527 Ouellette Ave, Windsor ON N9A 2H5</td>
<td>(519)258-3291</td>
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<td>The Twisted Apron</td>
<td>1833 Wyandotte East, Windsor ON N8Y 1E2</td>
<td>(519)256-2665</td>
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<td>Blaks Bakery</td>
<td>1022 Langlois Ave, Windsor ON N8Y 1C9</td>
<td>(519)991-3977</td>
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<td>Travellers Pub &amp; Restaurant</td>
<td>899 Pillette Rd, Windsor ON N8Y 3B4</td>
<td>(519)567-6277</td>
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Appendix ‘A’

CR133/2011

That the Sidewalk Café Handbook that was adopted on February 21, 2005 BE AMENDED to include the changes described by this report; and

That the Sidewalk Café season BE EXTENDED by four weeks to cover the period of March 1st to November 30th annually; and

That Administration BE DIRECTED to charge $1.00 plus an indemnity fee of $1000.00 and to enter into agreement and all the insurance provisions with the larger sidewalk cafes that have an enclosure, pending a further report from Administration outlining the fee structure; and further

That Administration BE DIRECTED to refund all sidewalk cafes that have already submitted payment.

Carried.

Councillor Dilkens was absent when this vote was taken on this matter.
THE CORPORATION OF THE CITY OF WINDSOR

MISSION STATEMENT:
"The City of Windsor, with the involvement of its citizens, will deliver effective and responsive municipal services, and will mobilize innovative community partnerships."

DATE: March 22, 2000
TO: Chief Administrative Officer
FROM: Commissioner of Traffic Engineering
       General Manager, Convention & Visitors Bureau
       c/o Fire Chief
RE: TRAILBLAZING

AIM:
To recommend an updated policy for trailblazing and identification signs, in response to CR 1269/99.

BACKGROUND:
Windsor City Council adopted the following resolution at its meeting held November 29, 1999:

CR 1269/99 That a report BE SUBMITTED to Council on a mechanism and criteria to deal with the list of potential applicants for tourist-related trailblazing signage in the City.

Subsequently, we received two related requests, one from the University of Windsor to permit customized street name signs in the University area, and one from the City Centre Business Association to consider additional "district" trailblazing within the City Centre.

At the same meeting of November 29, 1999, Council also approved a system of identifying BIA's and this resolution has been incorporated into the updated policy.

For Council's reference, the existing policy on trailblazing, which dates back to 1988, is attached for information.

COMMENTS:
The intent of the existing policy is still valid and this basic content is preserved in the updated, streamlined version. Administration is of the view that only tourist attractions which have significant traffic volumes should be signed in the urban area. The application of the Provincial tourism signage policy is not practical within urban areas.

The request by the City Centre Business Association for areas or districts within the CCBA to be signed is more appropriately dealt with by streetscaping and pedestrian signage, not by signage intended for vehicular traffic, and should be referred to the City Centre Revitalization Task Force for review.

On the matter of customized street name signs, there are several examples around the City as listed in the Schedule. It should be noted, however, that the type of street name sign in Southwood Lakes does not meet a proper specification for reflective lettering, a requirement for emergency response. The street name signs around the Casino and in the City Centre are good examples of appropriate signs.

RECOMMENDATION:
That the updated trailblazing and Identification Sign Policy be APPROVED.

J. D. Willmott, P. Eng.,
Commissioner of Traffic Engineering

E. Harrel, G. M., Convention & Visitors Bureau

Chief Administrative Officer

APPENDIX "B"
COUNCIL AGENDA

ITEM: 8

ORIGIN OF ATTACHED REPORT/REQUEST:
Commissioner of Traffic Engineering
General Manager, Convention & Visitors Bureau

SUBJECT MATTER:
Tourist related trailblazing signage

NOTE: On March 27, 2000 City Council adopted CR300/2000 to table the report from the Commissioner of Traffic Engineering to the April 17, 2000 meeting to permit interested parties such as the University of Windsor, City Centre Business Association and Business Improvement Areas to comment.

RECOMMENDED DISPOSITION/RESOLUTION:
That the updated trailblazing and identification Sign Policy BE APPROVED.

ST/4493 m q
Basis Report 5435

Commissioner of Traffic Engineering-Tourist related trailblazing signage
CR366/2000
That the updated Trailblazing and Identification Sign Policy attached hereto as Appendix “A” BE APPROVED as amended to include Via Italia Business Improvement Area as a tourist attraction and further, the request of Via Italia (Frank Duralia, Director) for a maximum of ten (10) trailblazing signs BE APPROVED.

Carried, Councillors Cassivi, Williams, Masse and Carlesimo voting nay.

APPENDICES
Trailblazing and Identification Sign Policy

Internal Distribution
Commissioner of Traffic Engineering
General Manager, Convention & Visitors Bureau

External Distribution
Marilyn Hood, University of Windsor
Office of Public Affairs and Communications
401 Sunset
Windsor, Ontario N9B 3P4

ERIE STREET/VIA ITALIA BIA
Frank J. Duralia, Managing Director
573 Erie East
Windsor, Ontario N9A 3X8

ABSTRACT – DS – COPY OF POLICY FOR NEXT MEETING OF THE B.A.C.
POLICY BOOK
TRAILBLAZING & IDENTIFICATION SIGN POLICY

1. CITY WIDE TRAILBLAZING

Applicants requesting the provision of special guide signing must be primarily a tourist attraction. Retail-oriented developments such as shopping centres, restaurants, hotels and motels are not eligible.

To qualify, such an establishment must have a reception structure and controlled entrance, and must maintain an exclusive parking area containing not less than 500 parking spaces.

Regional and International Transportation Facilities also qualify. Facilities outside the City of Windsor boundary qualify for trailblazing from Bridge and Tunnel only.

Trailblazing signs shall consist solely of the name and/or symbol of the establishment, plus a separate directional arrow.

The appearance of the sign shall be generally consistent with standards used by road authorities. Signs shall be fabricated from standard gauge aluminum sign stock and shall preferably be reflectorized.

Schedule A lists currently approved facilities.

2. BUSINESS IMPROVEMENT AREAS

BIA’s may apply for trailblazing or identification signs according to the following criteria:

- maximum of four locations - jointly agreed between the BIA and the Commissioner of Traffic Engineering
- design (colour and wording) to satisfaction of BIA’s on 12" x 36" sign blank
- cost of production and installation (including on going maintenance and replacement) recovered from requesting BIA’s

3. STREET NAME SIGNS

District, Areas or Neighbourhood may apply for street names which may include a special colour scheme or identifying logo on a standard street name sign blank, with minimum 4 inch reflective lettering. Schedule B lists approved areas.

4. ADMINISTRATION OF THE PROGRAM

Guides signs shall be manufactured and erected by the City of Windsor Traffic Engineering Department at the applicant’s cost:

It shall be clearly understood by the applicant that if it shall subsequently be determined that the conditions originally warranting the erection of special guide no longer exist, that permission may be withdrawn and the signs removed at the applicant's cost.

All applications shall be reviewed by the Commissioner of Traffic Engineering and the General Manager of the Convention & Visitor’s Bureau, with approval by City Council.
SCHEDULE "A"

ATTRACTIONS INSIDE THE CITY
1. Jackson Park
2. Riverfront Parks (Windsor Sculpture Gardens, Dieppe Park, Peace Fountain)
3. City Centre
4. Art Gallery of Windsor
5. Casino Windsor
6. Windsor Raceway

ATTRACTIONS OUTSIDE THE CITY
1. Point Pelee National Park
2. Jack Miner's Bird Sanctuary

SCHEDULE "B"

AREAS FOR STREET NAME SIGNS
- Casino District
- Southwood Lakes
- City Centre
- University of Windsor
Kadour, Karen

Subject: WBIAAC MEETING

From: David Grimaldi [mailto:dgrimaldi@mdirect.net]
Sent: Tuesday, March 01, 2016 3:48 PM
To: Paladino, Dana
Cc: Caroline Postma; Bridget Scheuerman
Subject: RE: WBAC meeting

Hello Dana,

Thank you for your response.

In the case of the Shores of Erie Wine Festival you will note that the Executive Director of the organization was never charged. The directors of the Corporation were charged. I just think the conversation needs to take place at our meeting because we all are asked to produce events but our personal liability never gets discussed. At least most BIA if not all BIA’s carry Officer and Director Insurance which for the most part cover the Director unless it was criminal or regulatory in nature as you noted.

Even if we get named on a certificate of insurance (which would help) we may still have to defend ourselves up to some point – probably at least until the discovery process is completed.

Thank you for your help Dana.

Dave

From: Paladino, Dana [mailto:dpaladino@citywindsor.ca]
Sent: March 1, 2016 3:31 PM
To: 'dgrimaldi@mdirect.net'
Subject: RE: WBAC meeting

Hi Dave,

I was asked to address your inquiry regarding the personal liability of the BIA’s executive directors. Because the BIA is a separate legal entity from the Corporation of the City of Windsor, we cannot provide you with legal advice.

Generally speaking, whether an official of an organization can face personal liability in a civil suit for their actions will depend on factors such as whether they were acting within the scope of their duties at the time, and whether the organization agrees to indemnify them. As was reported in the media regarding the Shores of Erie Wine Festival, when it comes to criminal or regulatory charges, hiding behind the organization does not appear to be an available option.

If your Executive Directors have concern, I recommend the BIA seek independent legal advice on the matter.

Regards,
Good Afternoon Karen,

I was wondering if two items could be added to the agenda at the next WBAC meeting.

My first inquiry is who makes up the voting membership of a BIA? It is my understanding that a member must be on the most current BIA assessment levy listing but what if we have members who aren’t listed but are acting as officers and directors of the BIA? Example a tenant – what would they need in the way of documentation since they would not be listed?

Secondly – Executive Directors of BIA’s are organizing events for their respective areas. Do the Executive Director’s carry any personal liability especially since most are not considered employees of the BIA?

Would it please be possible to get the information that was sent out for the meeting on March 3, 2016? Apparently Sandwich BIA information went to Mary Ann Cuderman?

Thank you kindly,
Dave Grimaldi
Sandwich BIA
dgrimaldi@mdirect.net
cell: 519-792-3521
Good Afternoon Mr. Grimaldi:

Your email below has been forwarded to me for reply.

I believe the first question is akin to the one you asked of me last week and which has already been referred to our legal department for review and disposition.

The second question is also one that I will direct to the legal department as it is out of our area of expertise.

Best Regards,

Valerie Critchley
City Clerk & Licence Commissioner
Corporate Lead for Public Engagement & Human Services
City of Windsor
519-255-6100 x. 6434

Good Afternoon Karen,

I was wondering if two items could be added to the agenda at the next WBAC meeting.

My first inquiry is who makes up the voting membership of a BIA?
It is my understanding that a member must be on the most current BIA assessment levy listing – but what if we have members who aren’t listed but are acting as officers and directors of the BIA? Example a tenant – what would they need in the way of documentation since they would not be listed?

Secondly – Executive Directors of BIA’s are organizing events for their respective areas. Do the Executive Director’s carry any personal liability especially since most are not considered employees of the BIA?