

## Development & Heritage Standing Committee Meeting Agenda

**Date:** Tuesday, September 3, 2024

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

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

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

**MEMBERS:**

Ward 1 – Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

## ORDER OF BUSINESS

**Item #      Item Description**  
**1.            CALL TO ORDER**

**READING OF LAND ACKNOWLEDGMENT**

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

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

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

**4.            COMMUNICATIONS**

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

5.1.        Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held August 6, 2024 (**SCM 251/2024**)

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

**7.            *PLANNING ACT* MATTERS**

7.1.        Zoning By-Law Amendment Z019-24 (ZNG/7215) - Architecttura Inc. Architects – 1098 Albert Rd, Ward 5 (**S 105/2024**)

7.2.        Impact of Bill 185 Passed by the Provincial Legislature – City Wide (**S 103/2024**)

**8. ADOPTION OF THE MINUTES**

- 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 6, 2024 (**S 242/2024**)

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

**10. HERITAGE ACT MATTERS**

**11. ADMINISTRATIVE ITEMS**

- 11.1. Closure of west half of north/south alley located between Montrose Street and Tecumseh Boulevard West, Ward 3, SAA-4133 (**S 85/2024**)
- 11.2. Closure of east/west alley located between Church Street and Dougall Avenue, Ward 3, SAA-7138 (**S 89/2024**)
- 11.3. Part Closure of east/west alley located between Belleperche Place and Fairview Boulevard, Ward 6, SAA-7135 (**S 92/2024**)
- 11.4. Closure of north/south alley, located between Clairview Avenue and Wyandotte Street East; and east/west alley located between Clover Street and Adelaide Avenue; Ward 7, SAA-6767 (**S 97/2024**)
- 11.5. Closure of north/south alley located between Millen Street and Girardot Street, Ward 2, SAA-6996 (**S 98/2024**)
- 11.6. Ford City CIP Application for 1306 Drouillard Road. Owner: Charbel Semaan (C/O: Maged Basilious) – Ward 5 (**S 101/2024**)
- 11.7. Closure of north/south alley located between Wyandotte Street West and Rooney Street, Ward 2, SAA-7032 (**S 102/2024**)
- 11.8. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 Giles Boulevard East (Ward 3) (**S 106/2024**)

**12. COMMITTEE MATTERS**

- 12.1. Minutes of the International Relations Committee of its meeting held July 10, 2024 (**SCM 252/2024**)

12.2. Report No. 53 of the International Relations Committee - Twin City Agreement with Arlington, Texas (**SCM 253/2024**)

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



**Committee Matters: SCM 251/2024**

**Subject: Adoption of the Development & Heritage Standing Committee minutes  
(*Planning Act*) of its meeting held August 6, 2024**

**Development & Heritage Standing Committee Meeting**

Date: Tuesday, August 6, 2024

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

**Members Present:**

**Councillors**

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

**Clerk's Note:** Councillor Kieran McKenzie participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

**Members**

Member Anthony Arbour

Member Joseph Fratangeli

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

**Members Regrets**

Member Daniel Grenier

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

Kristina Tang, Planner III - Heritage

Sandra Gebauer, Council Assistant

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

Joe Mancina, Chief Administrative Officer  
Jason Campigotto, Deputy City Planner - Growth  
Adam Szymczak, Acting Deputy City Planner – Development  
Patrick Winters, Manager, Development  
Jim Leether, Manager, Environmental Services  
Emilie Dunnigan, Manager, Development Revenue & Financial Administration  
Elara Mehrilou, Transportation Planner I  
Laura Strahl, Planner III – Special Projects  
Kevin Alexander, Planner III – Special Projects  
Natasha McMullin, Clerk Steno Senior  
Gabriel Lam, Waterloo – Co-op Planning  
Julia Wu, Waterloo – Co-op Planning  
Danielle Porier, Waterloo – Co-op Planning  
Liyue Qiu, Waterloo – Co-op Planning  
Anna Ciacelli, Deputy City Clerk

### **Delegations—participating via video conference**

Item 7.1. - Tracey Pillon-Abbs, RPP, Principal Planner  
Item 7.1. - Quan Yang, area resident

### **Delegations—participating in person**

Item 7.1. - Crystal McKenzie, area resident  
Item 7.1. - Joanne Verschraegen, area resident  
Item 7.1. - Rick Hobbs, area resident  
Item 7.1. - Linda MacKenzie, Neighbourhood Committee Representative

## **1. CALL TO ORDER**

The Chairperson calls the meeting of the Development & Heritage Standing Committee 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**

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None requested.

### 4. COMMUNICATIONS

None presented.

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

#### 5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held July 2, 2024

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held July 2, 2024 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 228/2024

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

See item 7.1.

### 7. *PLANNING ACT* MATTERS

#### 7.1. Zoning By-law Amendment Application for property known as 1920 Grove Avenue; Applicant: Olivia Construction Homes Ltd.; File No. Z-016/24, ZNG/7206; Ward 2

Adam Szymczak, Acting Deputy City Planner - Development, presents application on behalf of Justina Nwaesei, Planner III - Development

Tracey Pillon-Abbs (agent) is available for questions.

Tracey Pillon-Abbs states that the Applicant supports Administration's recommendations with the conditions. Ms. Pillon-Abbs addresses public comments raised and states that parking meets the City's regulations, the development is compatible, has appropriate housing density, supports in-filling and intensification for a site intended to be residential with no natural protected areas on site, and all required support studies have been completed.



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Crystal McKenzie (area resident) available for questions (in person).

Joanne Verschraegen (area resident) has concerns of parking, traffic and demographic changes. Ms. Verschraegen states that homes in the area have changed from single unit dwelling to student and family rentals, where landlords are adding the maximum number of bedrooms rentals to houses causing an increase in cars and decrease of on-street parking for residents. Ms. Verschraegen states this development does not have enough parking. Ms. Verschraegen states concerns with high traffic and the lack of visibility for child pedestrians walking to school and the neighbourhood has asked for traffic calming measures on Josephine.

Rick Hobbs (area resident) has concerns of a two-storey building in his backyard that does not compliment the surrounding neighbourhood, that the neighbourhood resident's have not had a say in regard to the development and not being notified in a timely manner, added traffic on Josephine Avenue and Partington Avenue, and asks about the proposed reconstruction of connecting Bridge Avenue and Grove Avenue.

Linda MacKenzie (area resident) has concerns that the proposed development has already been approved and the lack of public transparency. Ms. MacKenzie states that most of the neighbourhood is not opposed to the development but would like adjustments. Ms. MacKenzie adds that the planning rationale does not meet the specific needs of the area or match the surrounding neighbourhood, the increased student housing has caused parking problems, and the original plan proposed by the Applicant has changed the housing type. Ms. MacKenzie has concerns with the height of Buildings H and J proposed and the location near the lot lines where neighbouring properties are wanting to purchase abutting alleys. Ms. MacKenzie states that there was little to no notification regarding this meeting and the proposed development.

Chair Jim Morrison states that there was a twenty-day notification by law was given and the alley is not part of this application and there is a procedure to follow if the residents want to close the alley. Chair Morrison also states that this application will be presented again at a City Council meeting where residents are able to present their concerns.

Quan Yang (area resident) has concerns of changing the zoning to allow for a two-storey building and prefers a semi-detached dwelling, his backyard would be facing parking lot with lots of traffic creating noise, and garbage management with close proximity to his property.

Councillor Fred Francis asks Ms. MacKenzie what the residents main concerns are. Ms. MacKenzie questions the placement of Buildings H and J, and whether they should be placed where the cul-de-sac currently is or at the front of the development where the set back is larger and the buildings would not overlook properties. Ms. MacKenzie adds that height of the buildings is a community concern.

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Councillor Francis inquires whether Crystal McKenzie is in favour of the development. Ms. Crystal McKenzie states that she is against the proposed development.

Councillor Francis inquires whether Mr. Hobbs has any additional questions. Mr. Hobbs asks if he purchases the alley abutting his property will it move the edge of the Buildings H and J further into the property. Mr. Hobbs asks whether there are any issues regarding the water runoff and flooding from the parking lot.

Councillor Francis states that many issues raised tonight are not specific to this development and recommends contacting the Ward Councillor to address these issues.

Councillor Kieran McKenzie inquires whether the waste receptacles can be relocated. Ms. Pillon-Abbs states that garbage receptacles are subject to Site Plan Control and will be addressed at that time regarding layout of parking and garbage, as the current plans are conceptual. Ms. Pillon-Abbs states that the cul-de-sac is currently owned by the City, and the intention of the Applicant is to purchase that land and make it into green space.

Councillor Kieran McKenzie asks when the application is presented to City Council whether more concrete plans can be offered. Ms. Pillon-Abbs states that she will be able to answer those questions at a future date, and that the applicant is satisfied with the height recommendations.

Councillor Kieran McKenzie clarifies that this development is on a smaller scale than what the current zoning allows for. Ms. Pillon-Abbs agrees and states that the Applicant wants the development to blend in with the surrounding properties.

Councillor Kieran McKenzie inquires if there was a Public Information Centre held by the Applicant. Ms. Pillon-Abbs states an open house was not held for this application, as it was not required at the time the development was proposed. Councillor Kieran McKenzie clarifies if Administration had held an open house. Ms. Pillon-Abbs states that no open house was held by Administration.

Councillor Angelo Marginani inquires about the estimated cost per unit. Ms. Pillon-Abbs states that there is no set cost for the sale of units and what the market will allow for at this time.

Councillor Marginani asks if the conversion of the condominium corporation will be after the construction of the project. Ms. Pillon-Abbs states that the building units need to exist as a requirement of the City's Official Plan, that it follow the order of Site Plan Control, building permit, construction and then apply for condominium status so each unit can be individually sold.

Councillor Marginani asks if the height of the Building H and J be reduced to address the concerns of residents. Ms. Pillon-Abbs states that the intent is to stay at the proposed

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height and she would be able to answer questions if the Applicant would consider moving or adjusting the buildings. Ms. Pillon-Abbs states that an Urban Design brief was provided with a thorough review of the development.

Councillor Marginani inquires whether there will be a fence on the property line, if so, what will it be made of and what is the height. Ms. Pillon-Abbs states that this will be addressed during Site Plan Control and the Applicant would a privacy fence as required.

Councillor Marginani asks for clarification about the location of the alley. Ms. Pillon-Abbs state that the alley surrounds the property except for on Grove Avenue.

Councillor Marginani asks whether the parking can be increased by removing building H and J and would the Applicant be amendable to the option. Ms. Pillon-Abbs states that she will review with the Applicant but reiterates that there are six additional parking spaces. Ms. Pillon-Abbs states that to allow for more parking, a reduction in green space or a reduction in buildings H and J will be required.

Councillor Francis inquires if it would be agreeable, if the Committee were to approve the recommendation with the condition that an open house be provided by the Applicant prior to the City Council meeting. Ms. Pillon-Abbs agrees to holding an open house.

Councillor Marginani asks if Administration plans to sell the alley as part of this development. Adam Szymczak states that the alley is open and not available to be sold. Councillor Marginani clarifies the reference of an open alley. Mr. Szymczak states that only a small portion of the alley is closed but most of the alley is open. Chair Morrison clarifies that the normal process would be followed to close an alley. Mr. Szymczak agrees.

Councillor Marginani inquires about the parking amount for the development and whether this will cause parking issues for the neighbourhood. Mr. Szymczak states that he cannot confirm this, and that the development meets the requirements set by the zoning by-law. Councillor Marginani states that he believes this may cause problems with the neighbourhood.

Councillor Kieran McKenzie asks what the parking situation was when the site was operating as a school. Mr. Szymczak states that the information is unavailable.

Councillor Francis moves the motion with the requirement of an open house being held prior to the City Council meeting. Chair Morrison confirms if that this is possible prior to the next Council meeting. Councillor Francis states that it would be the responsibility of the Applicant to hold it, not the City.

Councillor Marginani states that he will not be supporting the motion based on parking concerns but will reconsider his vote if a compromise is provided by the Applicant.

Chair Morrison states that this a great development and the proposal is conservative in regard to housing density and height.

Moved by: Councillor Fred Francis  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 639**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the north side of Grove Avenue, between Josephine Avenue and Partington Avenue, described as Part Lot 68, Concession 1, PIN 01219-0447 LT, from Residential District 2.1 with a holding prefix (HRD2.1) to Residential District 2.5 (RD2.5) and adding the following site-specific zoning provisions:

**“511 NORTH SIDE OF GROVE AVENUE, BETWEEN JOSEPHINE AVENUE AND PARTINGTON AVENUE**

For the land comprising Part Lot 68, Concession 1, PIN 01219-0447 LT, all permitted uses shall be subject to the following additional provisions:

- |   |      |
|---|------|
| a) Main Building Height - maximum<br>m                            | 11.0 |
| b) Front Yard Depth – maximum<br>m                                | 20.3 |
| c) Rear Yard Depth – minimum<br>m                                 | 5.48 |
| d) Loading space – minimum  | 0    |
| e) Exterior finish for all dwelling types – minimum<br>face brick | 50%  |

[ZDM 4; ZNG/7206]”

- II. THAT the Site Plan Approval Officer **BE DIRECTED** to consider the municipal departments and external agencies’ requirements found in Appendix D of this Report in the Site Plan Approval process and incorporate the Engineering Department’s requirements and other appropriate/necessary requirements in the Site Plan Agreement for the proposed development on the subject land; and,

**Minutes**  
**Development & Heritage Standing Committee**  
**Tuesday, August 6, 2024**

III. THAT the Applicant **BE REQUESTED** to conduct an open house to discuss the concerns raised by area residents prior to this matter being considered by Council. Carried.  
Councillor Angelo Marignani voting nay.

Report Number: S 96/2024  
Clerk's File: ZB/13468

**8. ADJOURNMENT**

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 6:02 o'clock p.m.

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Ward 10 – Councillor Jim Morrison  
(Chairperson)

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Deputy City Clerk / Supervisor of  
Council Services



**Subject: Zoning By-Law Amendment Z019-24 (ZNG/7215) - Architecttura Inc. Architects – 1098 Albert Rd, Ward 5**

**Reference:**

Date to Council: September 3, 2024  
Author: Diana Radulescu  
Planner II – Development Review  
T. (519) 255-6543 x 6918  
E. dradulescu@citywindsor.ca  
Planning & Building Services  
Report Date: August 12, 2024  
Clerk's File #: Z/14833

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 106, Plan 865 situated at the northeast corner of Albert Road and Richmond Street, known municipally as 1098 Albert Road, by adding a site-specific exception to Section 20(1) as follows:

**512. NORTHEAST CORNER OF ALBERT ROAD AND RICHMOND STREET**

For the lands comprising of Lot 106, Plan 865 the following additional regulations shall apply:

- 1) The following are an additional permitted *main use*:  
One *Multiple Dwelling* containing a maximum of four *dwelling units*
- 2) The following additional provisions shall apply to an additional permitted *main use*:
  - a) Lot Width – minimum 9.0 m
  - b) Lot Area – minimum 327.0 m<sup>2</sup>
  - c) Lot Coverage – maximum 55%
  - d) Main Building Height – maximum 7.60 m
  - e) Front Yard Depth – minimum 4.5 m
  - f) Rear Yard Depth – minimum 7.5 m
  - g) Side Yard Width – minimum 0.25 m
  - h) Gross Floor Area – *Main Building* – maximum 364 m<sup>2</sup>

- i) Notwithstanding Section 5.2.20.20, a refuse bin shall be stored in a required *rear yard*.
- j) Notwithstanding section 24.20.5., three parking spaces shall be provided.
- k) Section 24.30.20.3.2 shall not apply.

II. THAT the H symbol **SHALL APPLY** to Lot 106, Plan 865 situated at the northeast corner of Albert Road and Richmond Street, known municipally as 1098 Albert Road and that Zoning By-law 8600 **BE FURTHER AMENDED** by adding the following clause to Section 95.20:

- (10) a) Conveyance of a 4.6 m by 4.6 m corner cut-off at the northeast corner of Albert Road and Richmond Street to the satisfaction of the City Engineer.

[ZNG/7215]

**Executive Summary:**

N/A.

**Background:**

**Application Information**

**Municipal Address:** 1098 Albert Rd

**Ward:** 5      **Planning District:** East Windsor      **Zoning District Map:** 6

**Applicant/Agent:** Architecttura Inc. Architects

**Owner:** Blocs Group, Dario Silvaggi

**Submitted Materials:** Attached to Report S 105/2024 as an Appendix:

Appendix A - Conceptual Site Plan

Appendix B - Conceptual Elevations

Appendix C - Conceptual Floor Plans

Appendix D - Planning Rationale Report

Appendix E – Comments

Appendix F – Site Photos

**Proposal:**

The Applicant is requesting an amendment to Zoning By-law 8600 to allow the conversion of the existing combined-use building into a multiple dwelling containing a maximum of four dwelling units.

The site is a two-storey, legal non-conforming combined use building with a former grocery store and three dwelling units. The entire building is currently vacant.

There are three parking spaces at the rear of the building with access from the alley. The applicant proposes to pave the parking area. There is an existing parking deficiency of one parking space as per Zoning Bylaw 8600. Four bicycle parking spaces will be provided.

The proposed development is not subject to Site Plan Control.

**Site Information**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Residential	Residential District 1.3	Legal Non-Conforming (commercial and residential mixed-use building)	Residential
LOT FRONTAGE	LOT DEPTH	LOT AREA	LOT SHAPE
9.75 m	33.53 m	326.9 m <sup>2</sup>	Rectangular
<i>All measurements are provided by the applicant and are approximate.</i>			



Figure 1: Key Map

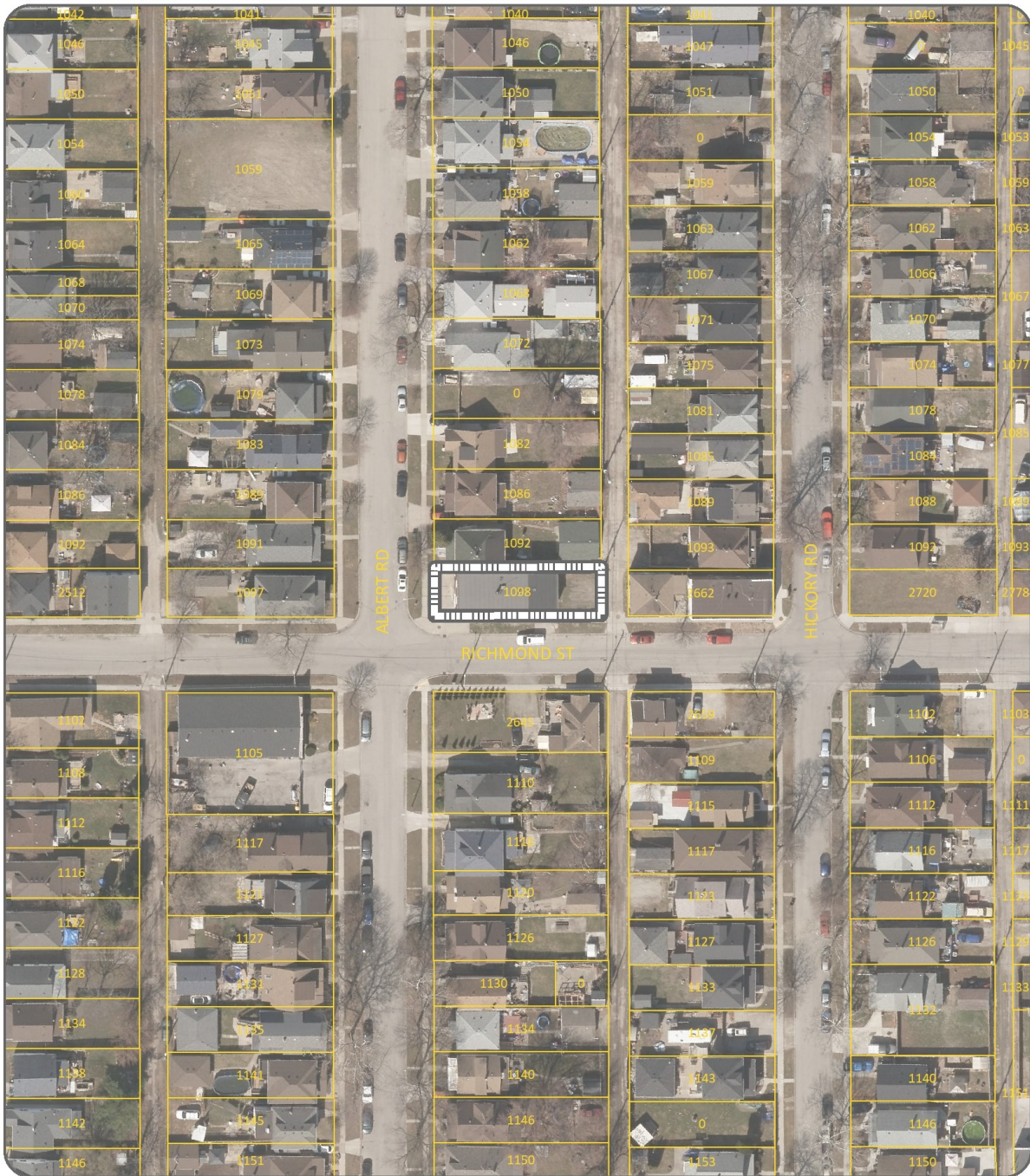


KEY MAP - Z-019/24, ZNG/7215



● SUBJECT LANDS

Figure 2: Neighbourhood Map



NEIGHBOURHOOD MAP - Z-019/24, ZNG/7215



SUBJECT LANDS

## Neighbourhood:

The subject land is in an established residential and combined use neighbourhood within the East Windsor Planning District. Site images are provided in Appendix F. Sections 2.2 and 2.3 in the Planning Rationale Report (see Appendix D) provide additional details including site photos.

Low-profile residential uses are located to the north, east, south, and west. Within this, there are a few combined use (commercial-residential) buildings. Further west between Walker Road and St Luke Road is a business park with a mix of industrial and commercial uses. To the northeast is the Mixed-Use Node at Wyandotte Street East and Drouillard Road. Further east is Drouillard Road which is recognized as a Mixed-Use Corridor as per *Schedule D – Land Use* and a Traditional Commercial Street as per *Schedule A-1 - Special Policy Areas* of the Windsor Official Plan.

The Essex Terminal Railway is located approximately 470m to the south.

The Site is located within the Ford City Community Improvement Plan (CIP) area.

There are several schools nearby including St Anne French Immersion Elementary 450m and Walkerville Collegiate Institute 550m to the west. There are several parks nearby including Garry Dugal Park 385m to the south, and Whelpton Parkette 220m and Bunny Park 450m northeast. The nearest library is Windsor Public Library's Seminole Branch 1.7 km southeast. The Gino and Liz Marcus Community Centre is 230m to the east.

Albert Road is classified as a Local Residential Road as per *Schedule F: Roads and Bikeways* and has two travel lanes with curbs and sidewalks on both sides of the road. Richmond Street is classified as a Class I Collector and has two travel lanes with curbs and sidewalks on both sides of the road. The subject land has pedestrian access to Albert Road and vehicular access to Richmond Street through an existing driveway and alleyway.

Dedicated active transportation infrastructure in the form of bikes lanes is available approaching the neighbourhood from the west along Wyandotte Street East (until St Luke Road). Bike parking is available at the Gino and Liz Marcus Community Centre on Drouillard Rd to the east. The City of Windsor Active Transportation Master Plan identified Drouillard Rd and Richmond St as high priorities and St Luke Road as a medium priority on the Proposed Bicycle Network. In addition, the neighbourhood streets are equipped with sidewalks that connect Drouillard Road with residential uses and further to Wyandotte Street East and Walker Road.

Public transit is currently available via the Central 3 route along Richmond Street and Crosstown 2 route along Wyandotte Street East. The closest existing bus stop to the subject property is at the northeast corner of Richmond Street and Hickory Road (Central 3 route). This bus stop is approximately 80 m from the subject property which falls within Transit Windsor's 400 m walking distance guidelines to a bus stop. This service will continue to be maintained with Transit Windsor's City Council-approved Transit Master Plan.

The site is serviced by an existing 600mm combined sewer on Albert Road and a 375mm storm sewer located on Richmond Street.

**Figure 3: Subject Parcel – Rezoning**



PART OF ZONING DISTRICT MAP 6

N.T.S.

## REQUESTED ZONING AMENDMENT

Applicant: Architectura Inc. Architects



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : JUNE, 2024  
FILE NO. : Z-019/24, ZNG/7215

## **Discussion:**

### **Planning Rationale Report (Pillon Abbs Inc. – March 8, 2024)**

The Planning Rationale Report (PRR), attached as Appendix D to Report S 105/2024, notes that the subject parcel is “*capable of accommodating the proposed development in terms of scale, massing, height and siting*”. It states that the proposed development is a “*low profile form of development which incorporates sufficient setbacks to allow for appropriate landscaping and buffering*” and “*has been designed to be compatible with the existing built-up area*”. The PRR further notes that “*the existing building is underutilized and provides an infilling opportunity*” for which the proposed development will “*help diversify housing options in the surrounding neighbourhood and will help supply the housing units that are needed in the area*”.

The PRR concludes that the proposal represents “*good planning as it addresses the need for the City to provide infilling, which contributes to a new housing choice and intensification requirements set out in the PPS and the OP*” and represents “*an efficient development pattern that optimizes the use of land.*” The Planning Department generally concurs with the PRR.

### **Parking Study (RC Spencer Associates Inc. – January 2024)**

The Parking Study notes that while the City’s Zoning Bylaw requires four spaces for the proposed development, there are three parking spaces proposed which are accessible through the alleyway to the east. The Parking Study notes that the deficiency of one parking space can be accommodated through on-street parking available on Albert Road and Richmond Street as well as the anticipated modal shift due to the site’s proximity to “*existing active transportation facilities and reliable transit options*”. The Study further notes that “*per the City of Windsor’s Active Transportation Master Plan, modal split for the site could be approximately 16% within a ten-year horizon and 22% by the year 2041. Accordingly, it is the engineer’s opinion that this anticipated modal split trend could result in a further lowering of the site’s peak parking demand.*”

The Study concluded that “*it is the engineer’s opinion that the proposed on-site parking supply of three parking spaces could adequately accommodate the anticipated peak parking demand for the subject four-unit residential development proposal*”.

### **Urban Design Study (Architectura Inc. Architects – March 8, 2024)**

The Urban Design Study noted that the proposed development “*is compatible, fits well in the surrounding neighbourhood and provides additional housing and increased density*” and will “*preserve the character and identity of this unique neighbourhood as defined under the Ford City CIP*”. It also noted that “*the proposal is a form of residential intensification that meets the social, health and wellbeing requirements of current and future residents, promotes increased densities which efficiently use lands, resources, infrastructure and public policies in the OP, particularly with the promotion of the complementary range of housing types and tenure and intensification initiatives*”.

The Urban Design Study concluded that “*based on extensive review, the proposed residential development is appropriate for the site and consistent with good planning and urban design principles*”.

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

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

The proposed development of up to four dwelling units represents an efficient development and land use pattern that will have no adverse impact on the financial well-being of the City of Windsor, land consumption and servicing costs, accommodates an appropriate range of residential uses, and optimizes existing investments in transit and infrastructure. Since the rezoning is for redevelopment of an existing building and located within an established settlement area, there are no anticipated environmental or public health and safety concerns with the proposed efficient use of land.

The requested zoning amendment is consistent with the “*Healthy, liveable and safe communities*” policies in Section 1.1.1 of the PPS.

The lot is located within a settlement area. The zoning amendment promotes a land use – a multiple dwelling with four dwelling units - that makes efficient use of land and existing infrastructure. The proposed rezoning is a redevelopment of an existing building, thereby not requiring settlement area expansion. Active transportation options and transit services are located near the parcel and include planned improvements. The zoning amendment is consistent with the “Settlement Areas” policies in Sections 1.1.3.1 and 1.1.3.2.

The subject proposal of redevelopment of an existing building will provide a form of housing that is appropriate in terms of range and mix of the surrounding neighbourhood context and is located where municipal infrastructure and public service facilities are available. The subject amendment is consistent with the housing policies in Section 1.4.3 of the PPS.

The subject proposal is on lands within an area that is serviced by municipal sewage and water services. The recommended zoning by-law amendment is consistent with the Infrastructure and Public Service Facilities policies in Section 1.6.6.2 of the PPS.

The agent indicates that the objectives of the PPS have been considered and have informed their professional planning opinion and concept design for the project site. These objectives are discussed in the Planning Rationale Report (Appendix D). The Planning Department generally concurs with this and is of the opinion that the proposed amendment to Zoning Bylaw 8600 is consistent with the PPS.

### **City of Windsor Official Plan**

The subject property is located within the East Windsor Planning District in *Schedule A – Planning Districts & Policy Areas* of Volume I of the Official Plan.

The subject property has a Residential land use designation in *Schedule D – Land Use Plan*. Section 6.3.2.1 stipulates that low profile and medium profile dwelling units are permitted within the Residential land use designation. The proposed development of a multiple dwelling

with four units is classified as a Low-Profile housing development under Section 6.3.2.3 (a) and is compatible and complementary with the surrounding land uses (Section 6.3.2.5 (c)). Through the proposal of low-profile residential dwelling units, the development is of a scale that is compatible with the profile and uses of the surrounding neighbourhood. No deficiencies in municipal physical and emergency services have been identified (Section 6.3.2.5 (e)). The proposed rezoning conforms to the policies in Sections 6.3.2 of the Official Plan.

The Official Plan has policies that encourage redevelopment and intensification. Objective 6.3.1.1 supports a complementary range of housing forms and tenures in all neighbourhoods. Objective 6.3.1.2 seeks to promote compact neighbourhoods and balanced transportation systems. Objective 6.3.1.3 seeks to promote selective residential redevelopment, infill and intensification initiatives. The proposed low profile residential multiple dwelling with four units represents a complementary and compact form of housing, redevelopment, and intensification that is located near active and public transportation. The proposed rezoning satisfies the objectives set out in Section 6.3.1 of the Official Plan.

The proposed amendment to Zoning By-law 8600 will conform to the general policy direction of the Official Plan. Planning and Development Services generally concurs with the Official Plan analysis in Section 5.1.2 of the PRR submitted by the Applicant.

### **City of Windsor Intensification Guidelines**

The City of Windsor Intensification Guidelines provide direction for infill and intensification within existing neighbourhood patterns. The intent is to guide new development to become distinctive, while relating harmoniously to the use, scale, architecture, streetscapes, and neighbourhoods of Windsor, as well as meeting the needs of its citizens and visitors.

The subject parcel is located within an established neighbourhood area but not within a defined Mature Neighbourhood or a Mixed-Use Corridor as per the Official Plan. The Applicant has included an analysis of the Windsor Intensification Guidelines in the PRR (Appendix D) and Urban Design Study (available [online](#)). The PRR notes that “the design and style of the existing building, along with the proposed renovations, will blend well with the scale and massing of the existing surrounding neighbourhood.”

Planning and Development Services is of the opinion that the proposed rezoning amendment is consistent with the general directives of the Windsor Intensification Guidelines.

### **Ford City Community Improvement Plan**

The Ford City Community Improvement Plan (CIP) was developed in consultation with community and neighbourhood stakeholders and created the following vision:

*Ford City will be a distinct, attractive, and pedestrian-centered neighbourhood where residents and visitors feel safe and have a sense of ownership. This ethnically diverse community builds on its culture and history as the birthplace of the automobile industry in Canada and encourages the arts, crafts and skills found in the neighbourhood and greater community.*

The subject parcel is located within the Ford City CIP area. Section 4.3 of the Urban Design Study includes an assessment of how the proposed development relates to the vision of the

Ford City CIP. Planning is of the opinion that the proposed rezoning amendment is consistent with the general directives of the CIP.

### **Zoning By-Law 8600**

The parcel is zoned Residential District 1.3 (RD1.3) which permits one single unit dwelling, an existing duplex dwelling and an existing semi-detached dwelling. The Applicant is requesting to amend the zoning to add a site-specific exception to RD1.3 that allows for a multiple dwelling containing a maximum of four units. Below is a discussion of relevant additional provisions.

**Permitted main use:** The building is a legal non-compliant use of a commercial unit (formerly a grocery store but currently vacant) and three residential units on the second floor (currently vacant). The legal non-conforming use was a result of a Committee of Adjustment minor variance decision from September 18, 1998 (file number A-229/96). The proposed first floor addition and proposed interior renovations would convert the commercial unit into residential use. In combination with the existing three dwelling units, the proposed redevelopment contains a total of four dwelling units.

**Parking:** A total of four parking spaces are required as per Zoning Bylaw 8600. There are three existing parking spaces at the rear of the property, accessible from the alleyway. The Applicant is proposing to pave the existing gravel parking location and continue providing three parking spaces. Given provisions for parking space dimensions in Zoning Bylaw 8600 and the available area for parking within the subject parcel, three parking spaces are the maximum that can be provided for the proposed redevelopment. The Parking Study (available [online](#)) suggests that three parking spaces can adequately serve the proposed redevelopment given that:

- on-street parking is available on Richmond Street and Albert Road;
- there are two Transit Windsor bus routes within 400m walk from the property;
- the neighbourhood is walkable and located in close proximity to a traditional commercial street as per *Schedule A-1 Special Policy Areas* and a mixed-use corridor as per *Schedule D – Land Use* of the Official Plan (Drouillard Road);
- the property is located between Drouillard Road and St Luke Road which are identified as high and medium priorities on the proposed bicycle network in the Windsor Active Transportation Master Plan; and
- the proposed redevelopment includes provision of four bicycle parking spaces (0 are required as per Zoning Bylaw 8600).

Site specific provision j) allows for the provision of three parking spaces. Site specific provision k) allows for bike parking to be in a required yard. The proposed redevelopment contains four bike parking spaces in the required rear yard.

**Refuse bin storage:** The proposed first floor addition on the south side of the property will eliminate the current storage space for refuse bins. Site specific provision i) allows for refuse bins to be stored in the required rear yard. This provision will ensure the proposed redevelopment also meets the requirements of By-law 2-2006, which requires that refuse bins be available to residents while not impeding access.



## Site Plan Control

The proposed multiple dwelling is not subject to Site Plan Control.

## Consultations:

A virtual Open House was held on March 7, 2024. Notification of this meeting was distributed to residents and property owners within 120m of the subject site. Two people attended and the feedback received is summarized in Section 3.2 of the PRR (Appendix D).

Comments received from municipal departments and external agencies are attached as Appendix E. Municipal departments have noted no objection to the proposed amendment. Statutory notice was advertised in the Windsor Star. A courtesy notice was mailed to property owners within 200m of the subject lands. Submitted documents were posted on the City of Windsor [website](#).

## Risk Analysis:

N/A

## Climate Change Risks

### Climate Change Mitigation:

The subject proposal makes use of an existing building footprint, located within an existing neighbourhood on existing municipal services, therefore reducing the impacts of climate change by locating within the existing built-up area. In general, residential intensification minimizes the impact on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using available infrastructure such as sewers, sidewalks, and public transit.

### Climate Change Adaptation:

The proposed redevelopment of an existing low profile residential multiple dwelling provides an opportunity to increase resiliency for the development and surrounding area through supporting a complementary and compact form of housing, redevelopment, and intensification that is near existing and future transit and active transportation options.

## Financial Matters:

N/A

## Consultations:

Type here

## Conclusion:

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement

2020. Based on the supporting documents submitted by the Applicant and the analysis in this report, it is my opinion that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2020 and is in conformity with the City of Windsor Official Plan.

The proposed amendment permits a low profile residential multiple dwelling containing up to four units which is compatible with existing uses in the surrounding neighbourhood. The proposed redevelopment represents an incremental increase in density and provides an opportunity for residential intensification, while also supporting a complementary form of housing located near various transportation options. The proposed design has considered the Windsor Intensification Guidelines and design transitions to the surrounding neighbourhood identified in the Ford City CIP.

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

**Planning Act Matters:**

*Diana Radulescu*

Planner II – Development Review

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

*Greg Atkinson, MCIP, RPP*

*Neil Robertson, MCIP, RPP*

Deputy City Planner - Development

City Planner

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

JP JM

**Approvals:**

Name	Title
Greg Atkinson	Deputy City Planner - Development
Neil Robertson	City Planner
Aaron Farough	Senior Legal Counsel
Jelena Payne	Commissioner of Economic Development
Joe Mancina	Chief Administrative Officer

**Notifications:**

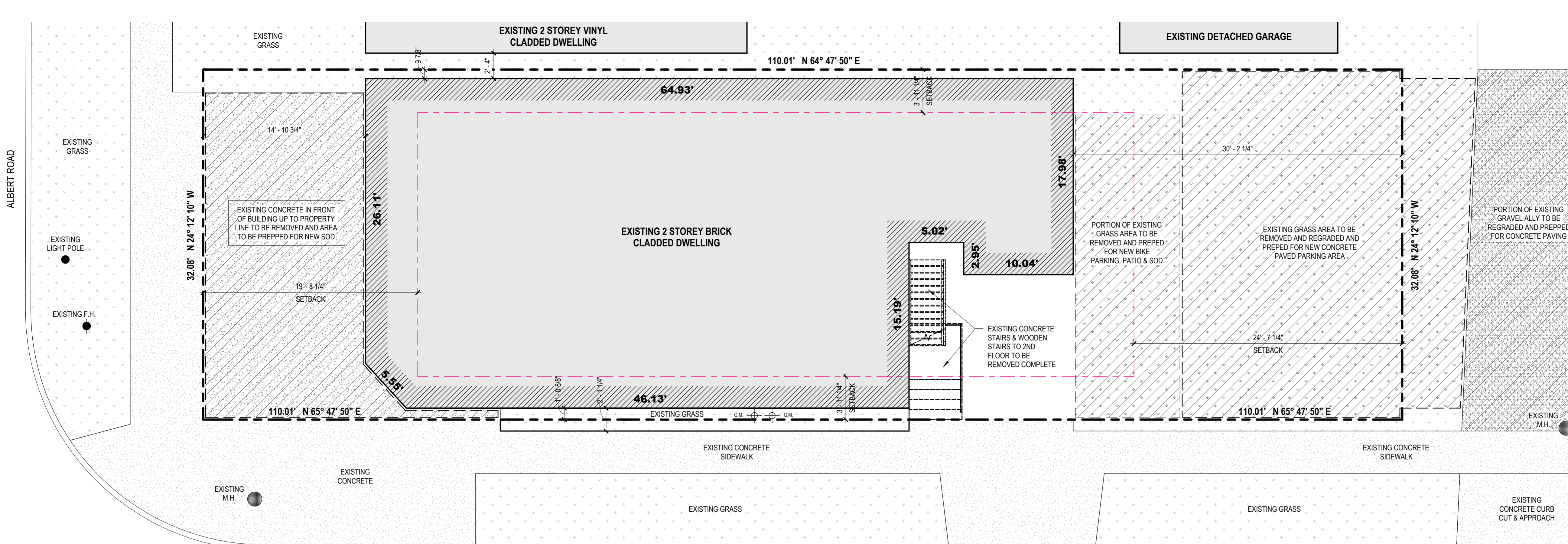
Name	Address	Email
Architectura Inc. Architects	180 Eugenie Street West,	<a href="mailto:dsoleski@architectura.com">dsoleski@architectura.com</a>

Name	Address	Email
Attn: Dan Soleski	Windsor ON, N8X 2X6	
Blocs Group Inc. Attn: Dario Silvaggi		
Councillor Ed Sleiman (Ward 5)		
Property owners and tenants within 200 m of the subject lands		

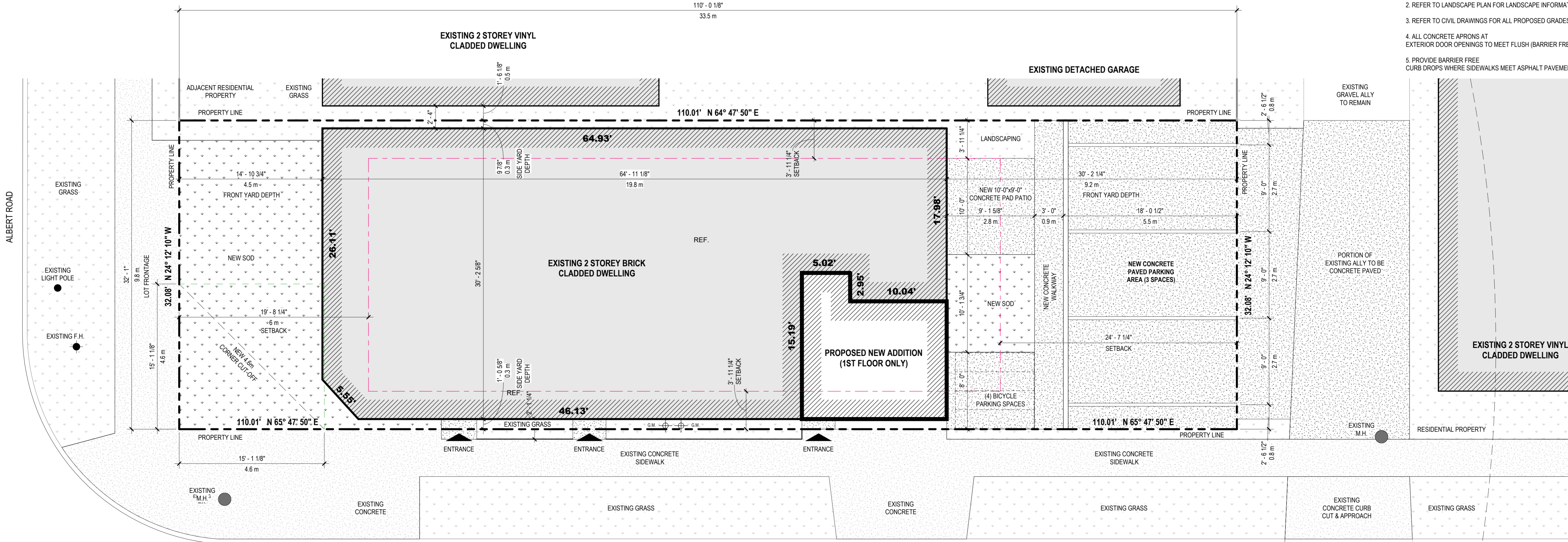
**Appendices:**

- 1 Appendix A - Conceptual Site Plan
- 2 Appendix B - Conceptual Elevations
- 3 Appendix C - Conceptual Floor Plans
- 4 Appendix D - Planning Rationale Report
- 5 Appendix E - Consultation Comments
- 6 Appendix F - Site Photos

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**OVERALL SITE PLAN - EXISTING**  
SCALE: 3/16" = 1'-0"



**OVERALL SITE PLAN - NEW WORK**  
SCALE: 3/16" = 1'-0"

SITE DATA MATRIX	
<b>BUILDING INFORMATION</b>	
BUILDING CLASSIFICATION	GROUP C 9.10.2.1.(1)
FACING STREET(S)	2
PRINCIPAL ENTRY	SEE PLAN
PRIMARY FIREFIGHTER'S ENTRY	SEE PLAN
BARRIER FREE ENTRY	SEE PLAN
<b>BUILDING AREA</b>	
FIRST FLOOR (FOOTPRINT)	1,954 SF / 181.53 SM
SECOND FLOOR	1,954 SF / 181.53 SM
TOTAL BUILDING	3,908 SF / 363.06 SM
<b>SITE INFORMATION</b>	
CURRENT ZONING	RD1.3
PROPOSED USE	RD1.3 SITE SPECIFIC* DOUBLE-DUPLEX DWELLING

SITE DATA MATRIX		
ZONING DATA	REQUIRED	PROVIDED
MINIMUM LOT AREA	360 sq m (3,875 sq ft)	327 sq m (3,520 sq ft)
MINIMUM LOT FRONTAGE	N/A	N/A
MINIMUM LOT DEPTH	N/A	N/A
<b>SETBACKS</b>		
FRONT YARD	6.0m (19'6")	4.52m (14' - 10")
INTERIOR SIDE YARD	1.20m (3'9")	0.25m (0' - 10")
EXTERIOR SIDE YARD	1.20m (3'9")	0.30m (1' - 0")
REAR YARD	7.50m (24'6")	9.19m (30' - 2")
MAX LOT COVERAGE	45%	55%
MAX BUILDING HEIGHT	9m (30')	7.52m (24' - 8")
<b>PARKING</b>		
PARKING SPACES	1 PER SUITE = 4	3 (MINOR VARIANCE REQUIRED)

LEGEND		
	LANDSCAPING (SEE LANDSCAPE DRAWINGS)	EXISTING BUILDING COVERAGE
	CONCRETE SURFACE	PROPERTY LINE
	ASPHALT SURFACE	PROPERTY LINE
	NEW BUILDING COVERAGE	

B.F. - "BARRIER FREE PARKING" SIGN  
 F.R. - "FIRE-ROUTE - NO PARKING" SIGN  
 B.D.O. - "BUS DROP OFF ZONE" SIGN  
 S.S. - "STOP" SIGN

REFER TO PLAN FOR LOCATION OF ALL SIGNAGE (REVIEW w/ ARCHITECT PRIOR TO FINAL PLACEMENT)

NOTES:

- REFER TO CIVIL DRAWINGS FOR ALL PAVEMENT MATERIAL PROFILES AND BASE MATERIALS
- REFER TO LANDSCAPE PLAN FOR LANDSCAPE INFORMATION.
- REFER TO CIVIL DRAWINGS FOR ALL PROPOSED GRADES.
- ALL CONCRETE APRONS AT EXTERIOR DOOR OPENINGS TO MEET FLUSH (BARRIER FREE).
- PROVIDE BARRIER FREE CURB DROPS WHERE SIDEWALKS MEET ASPHALT PAVEMENT.



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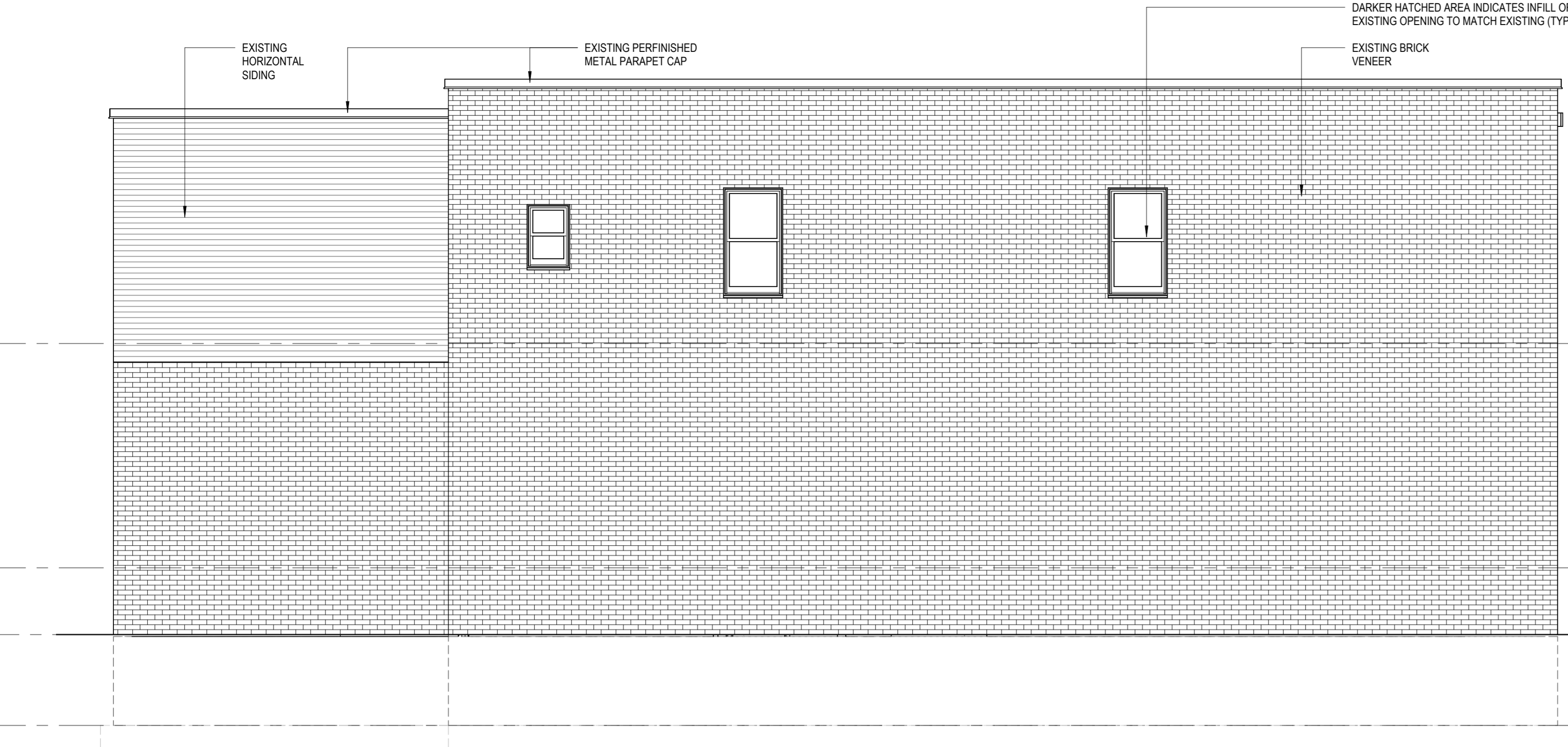
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**BLOC GROUP RENOVATION 4-PLEX**  
 1098 Albert Rd., Windsor, Ontario N8Y 3P3

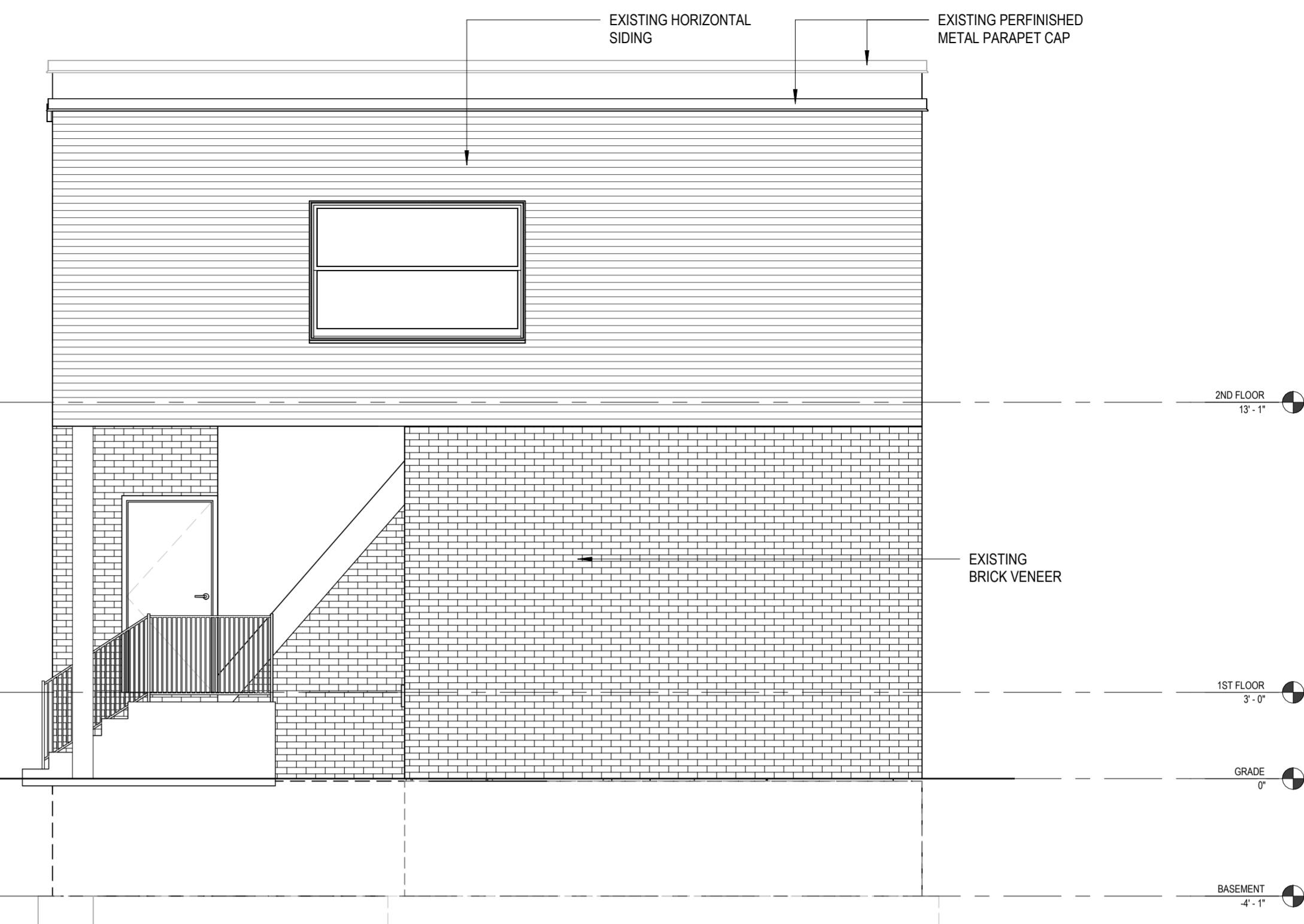
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 Checked By: AI  
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 Sheet No:

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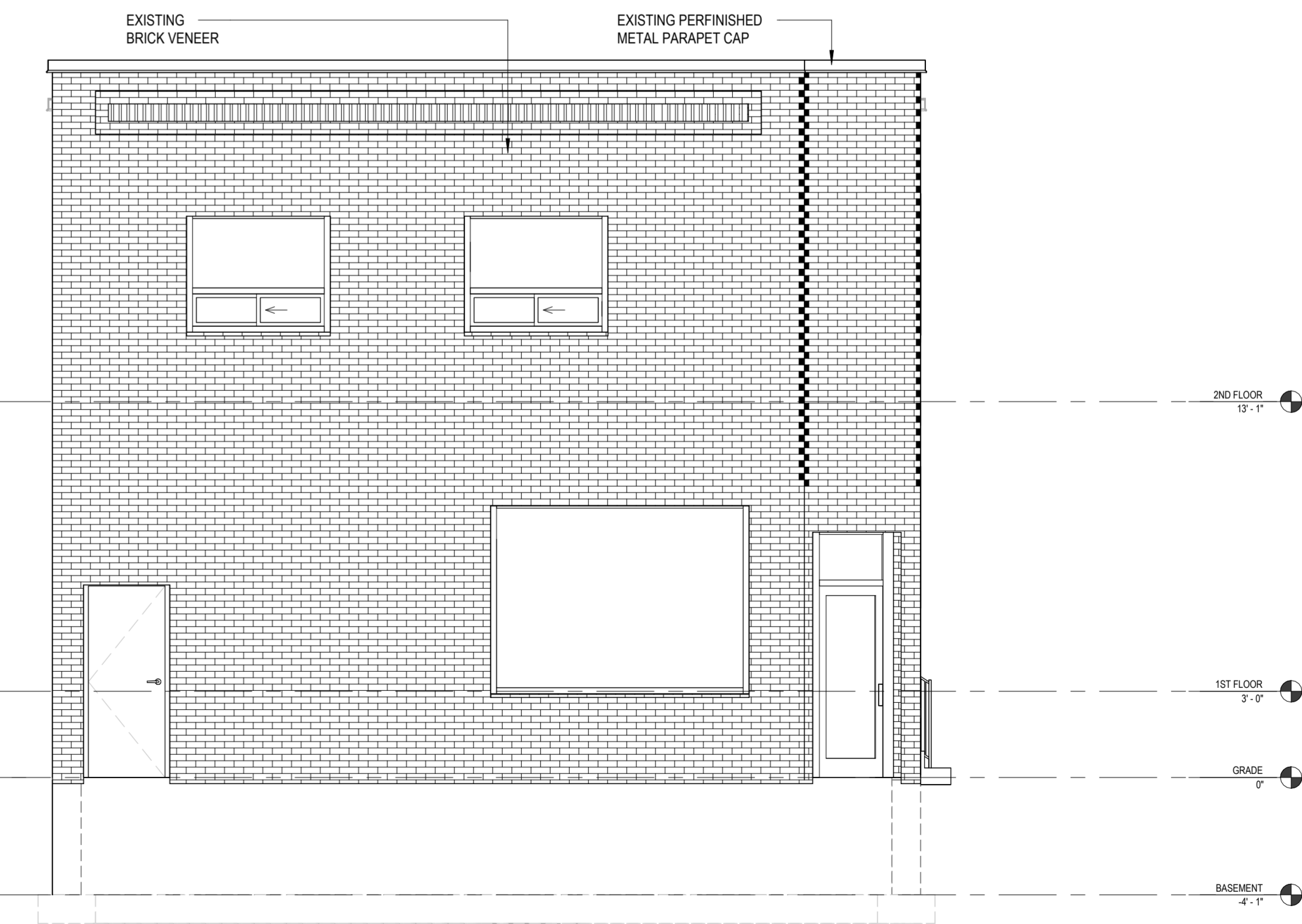
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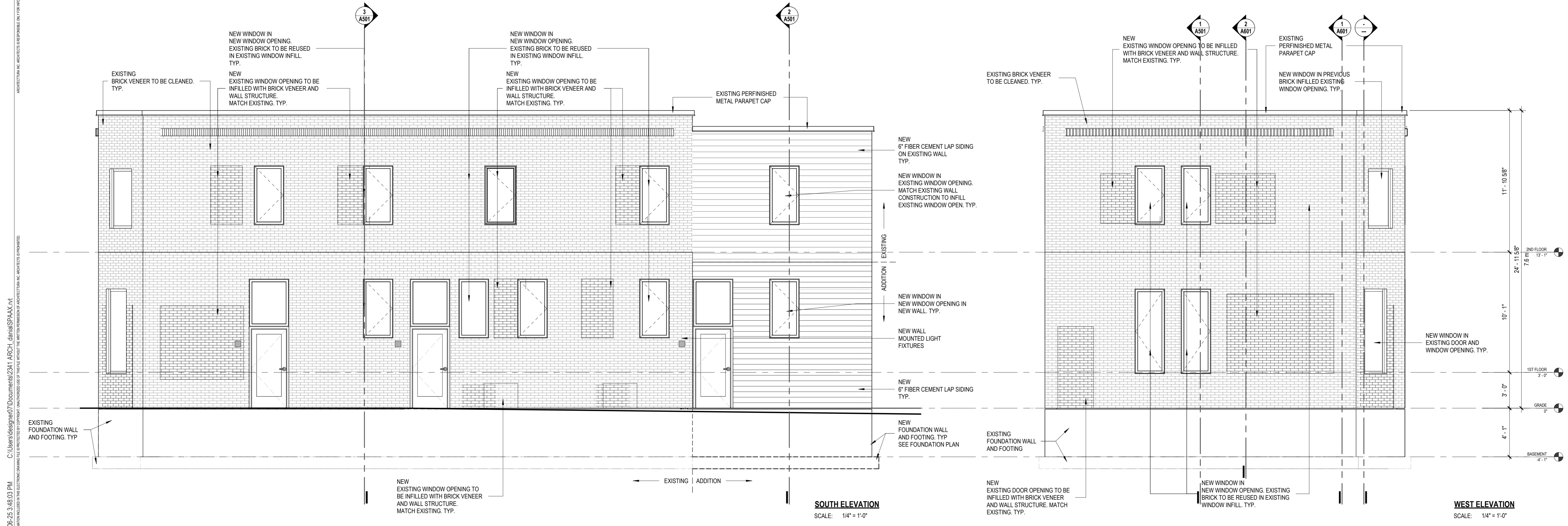
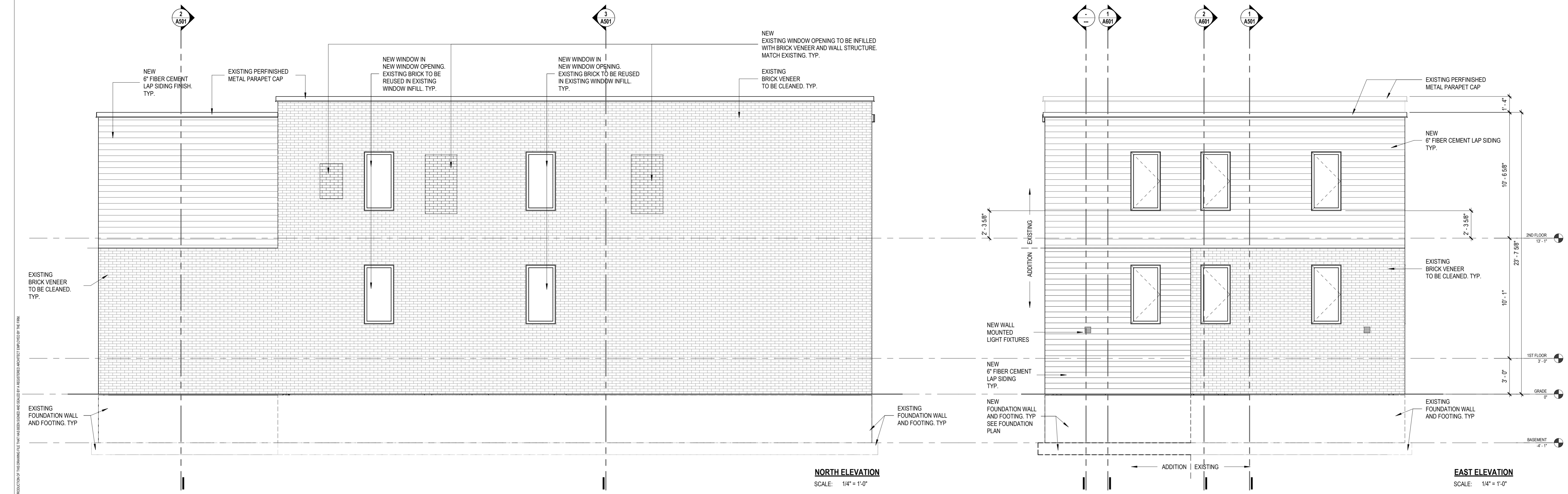
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SCALE: 1/4" = 1'-0"



**SOUTH ELEVATION - EXISTING**  
SCALE: 1/4" = 1'-0"



**WEST ELEVATION - EXISTING**  
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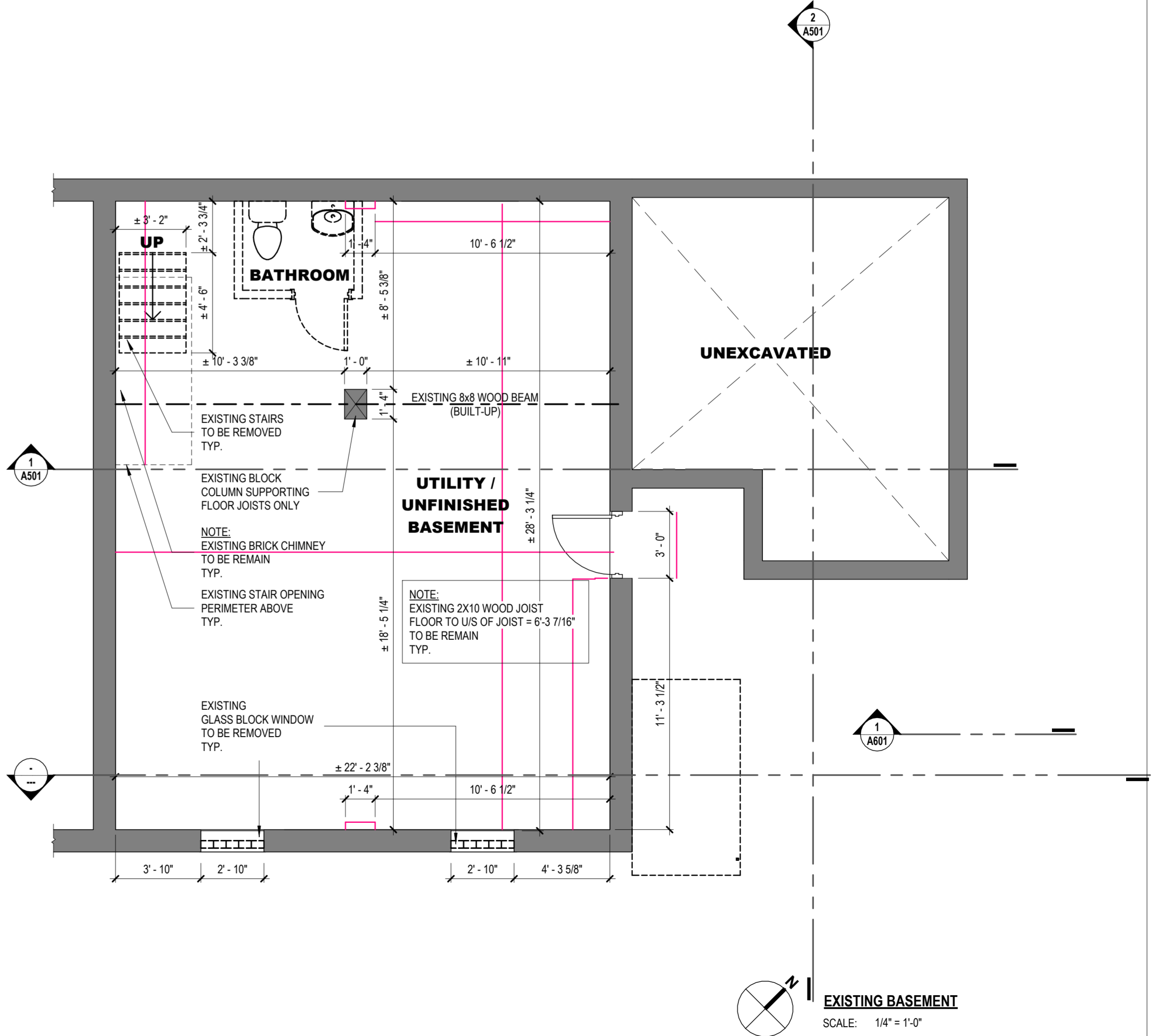
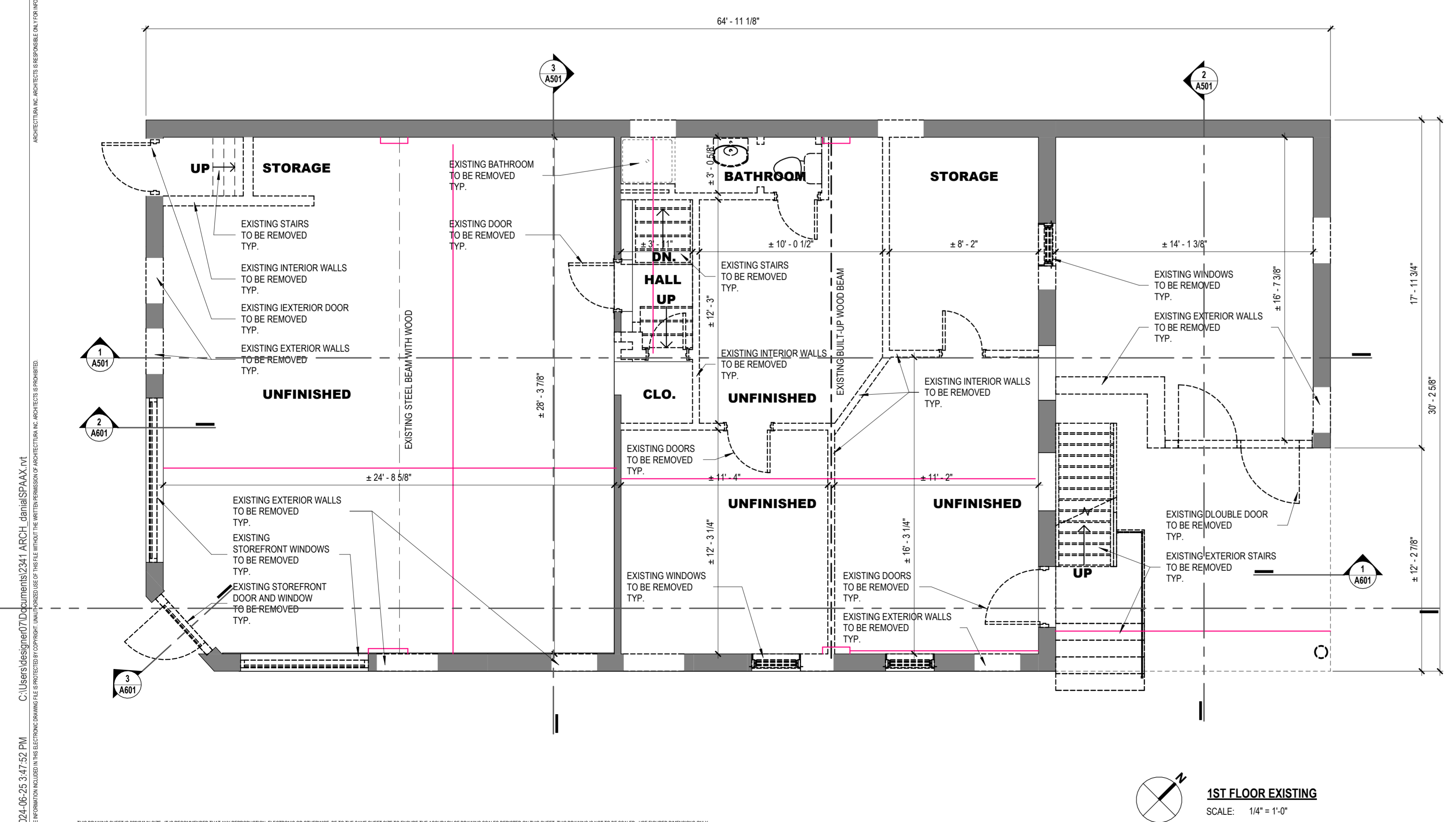
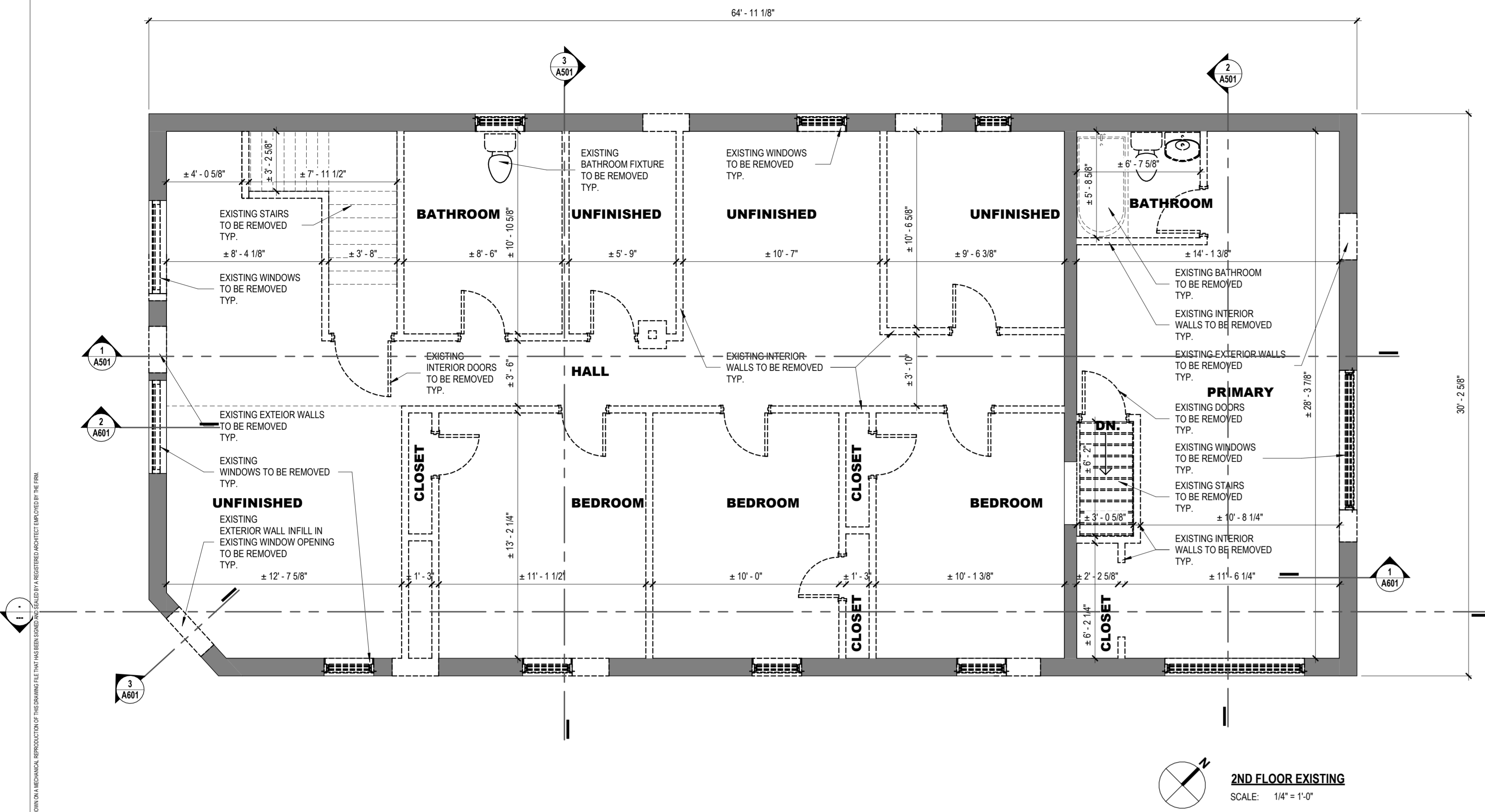


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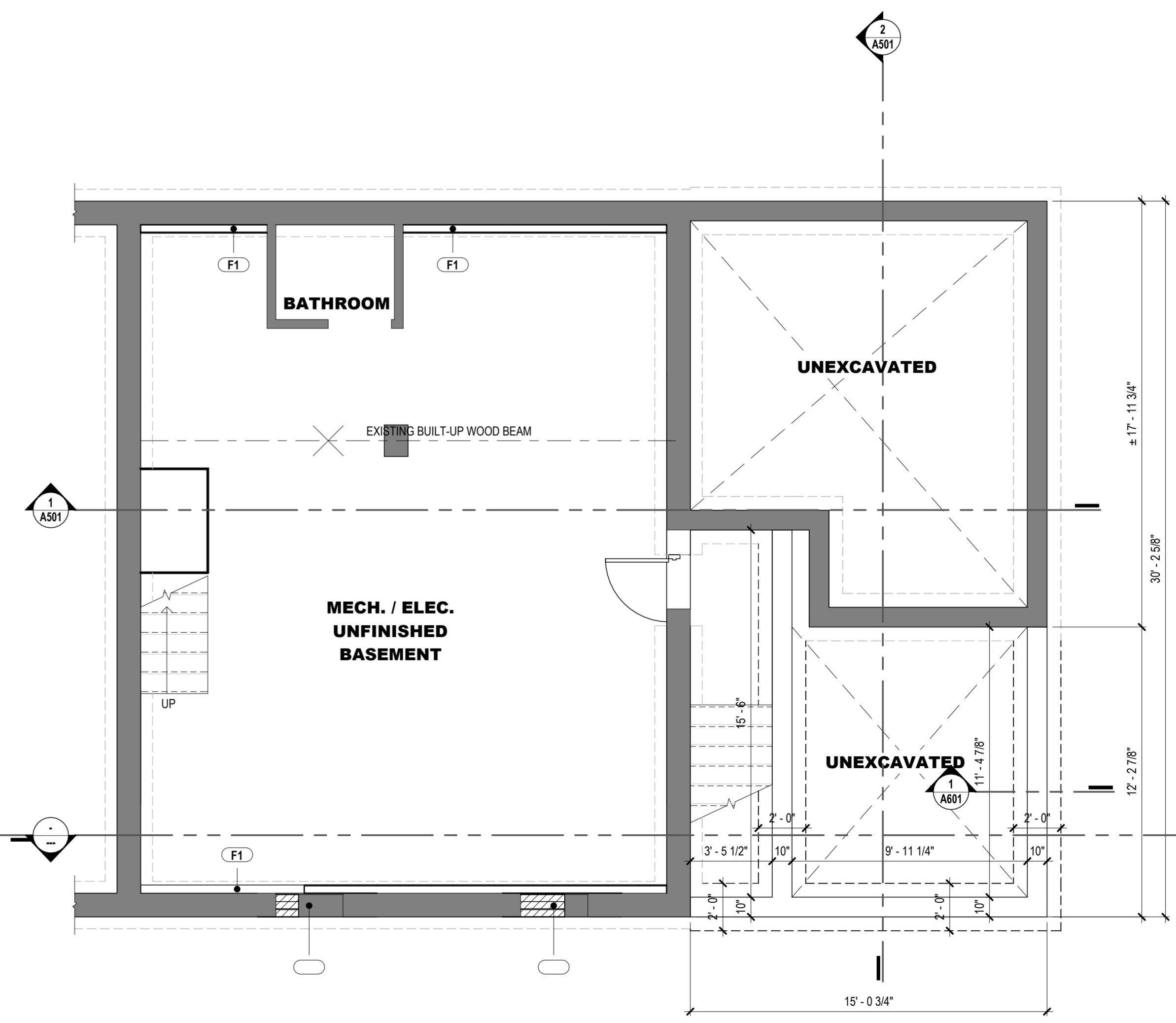
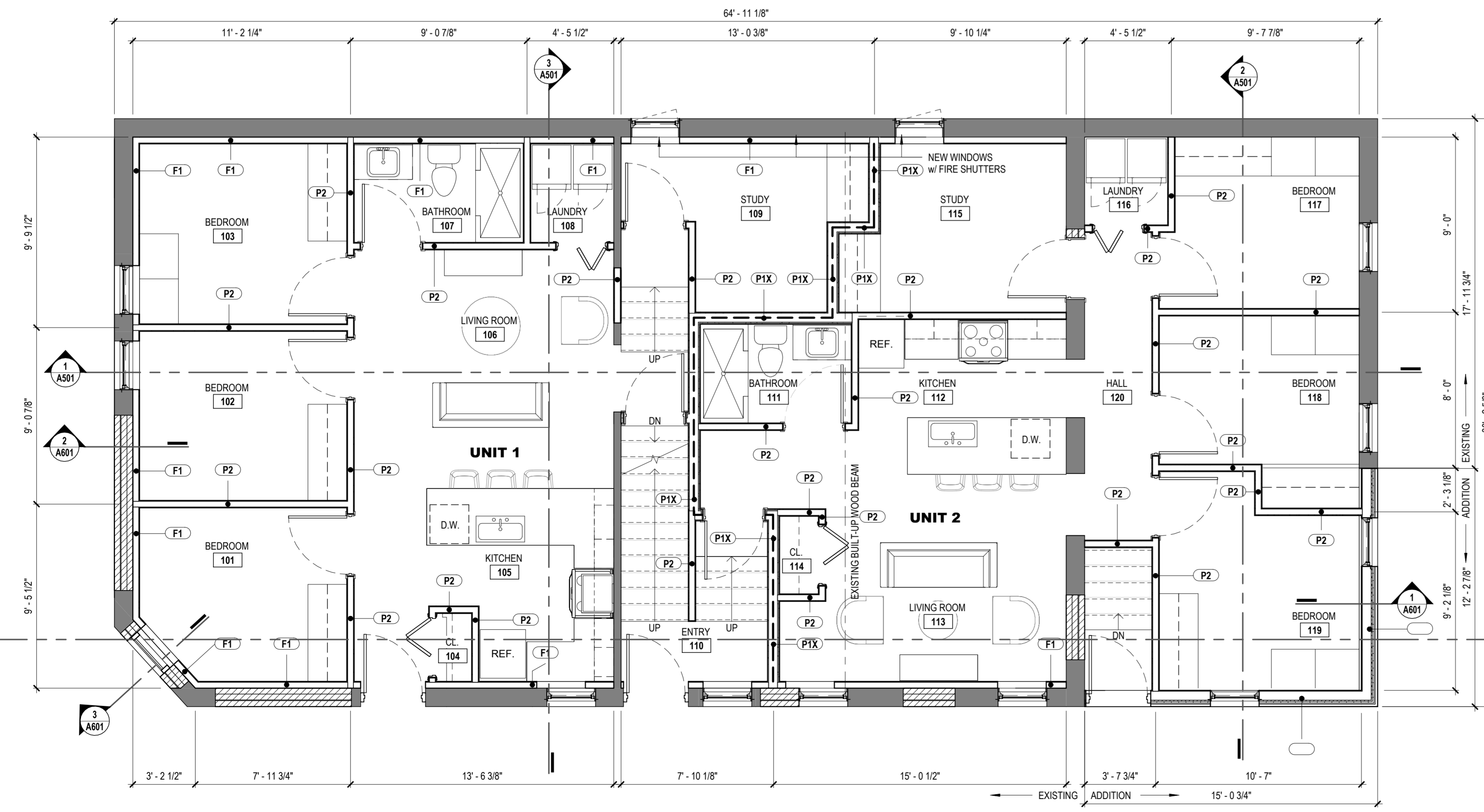
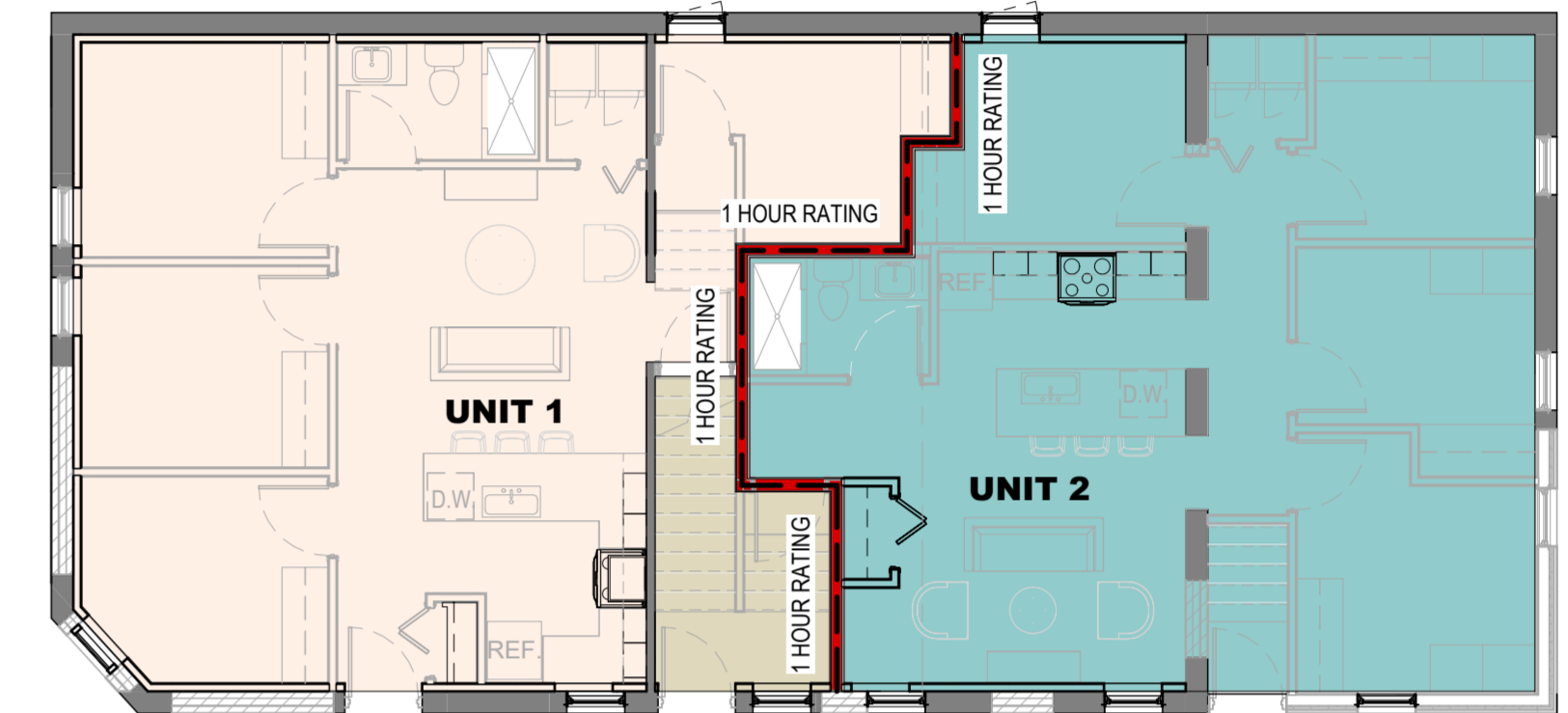
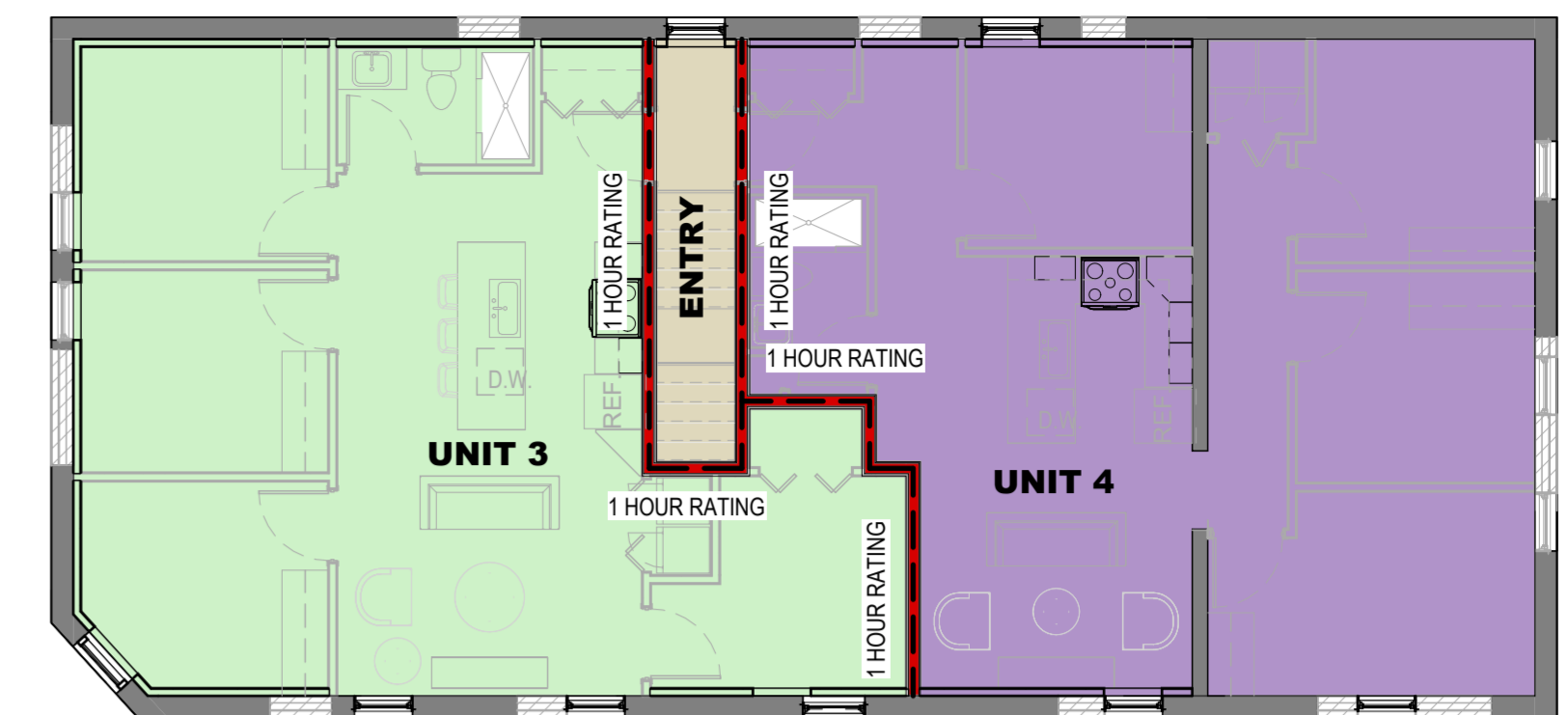
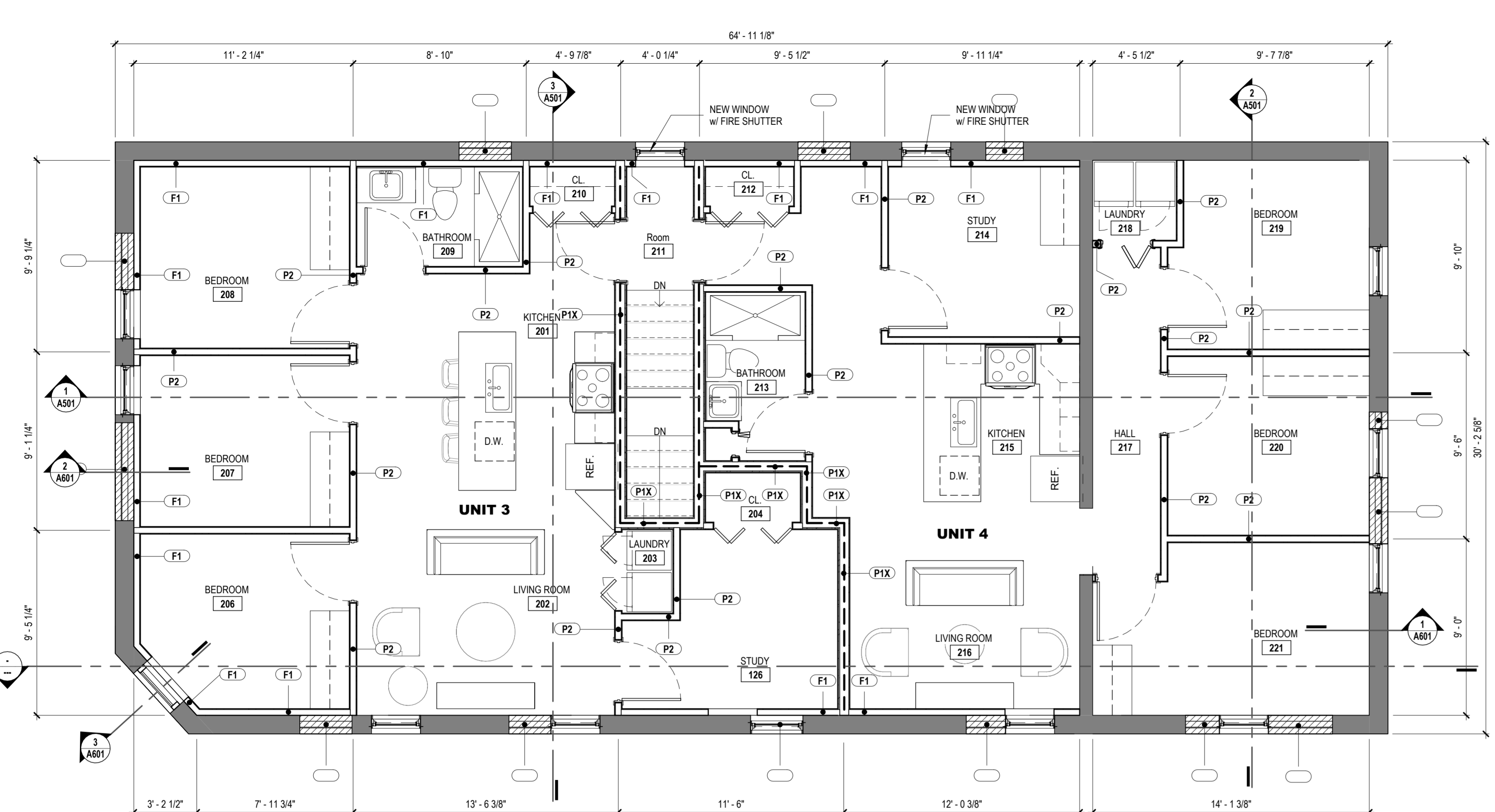
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**LEGEND**

	EXISTING WALL TO BE DEMOLISHED
	EXISTING WALL TO REMAIN
	EXISTING WINDOW TO BE DEMOLISHED
	EXISTING DOOR TO BE DEMOLISHED
	EXISTING STAIRS TO BE DEMOLISHED



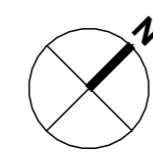
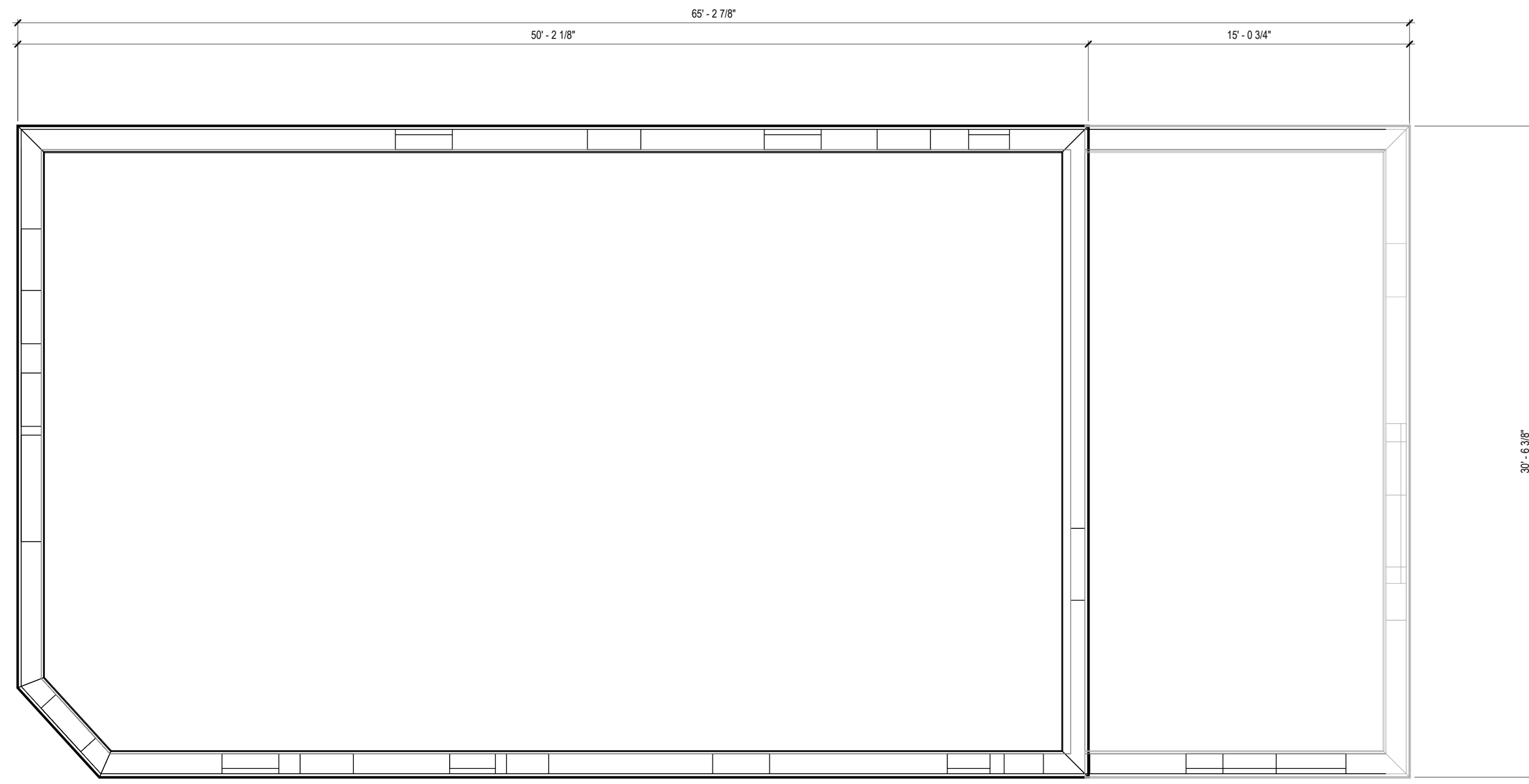
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ROOF PLAN

**BLOC GROUP**  
**RENOVATION 4-PLEX**  
1098 Albert Rd., Windsor, Ontario N8Y 3P3

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Checked By: Ai  
Project No: 2341  
Sheet No:

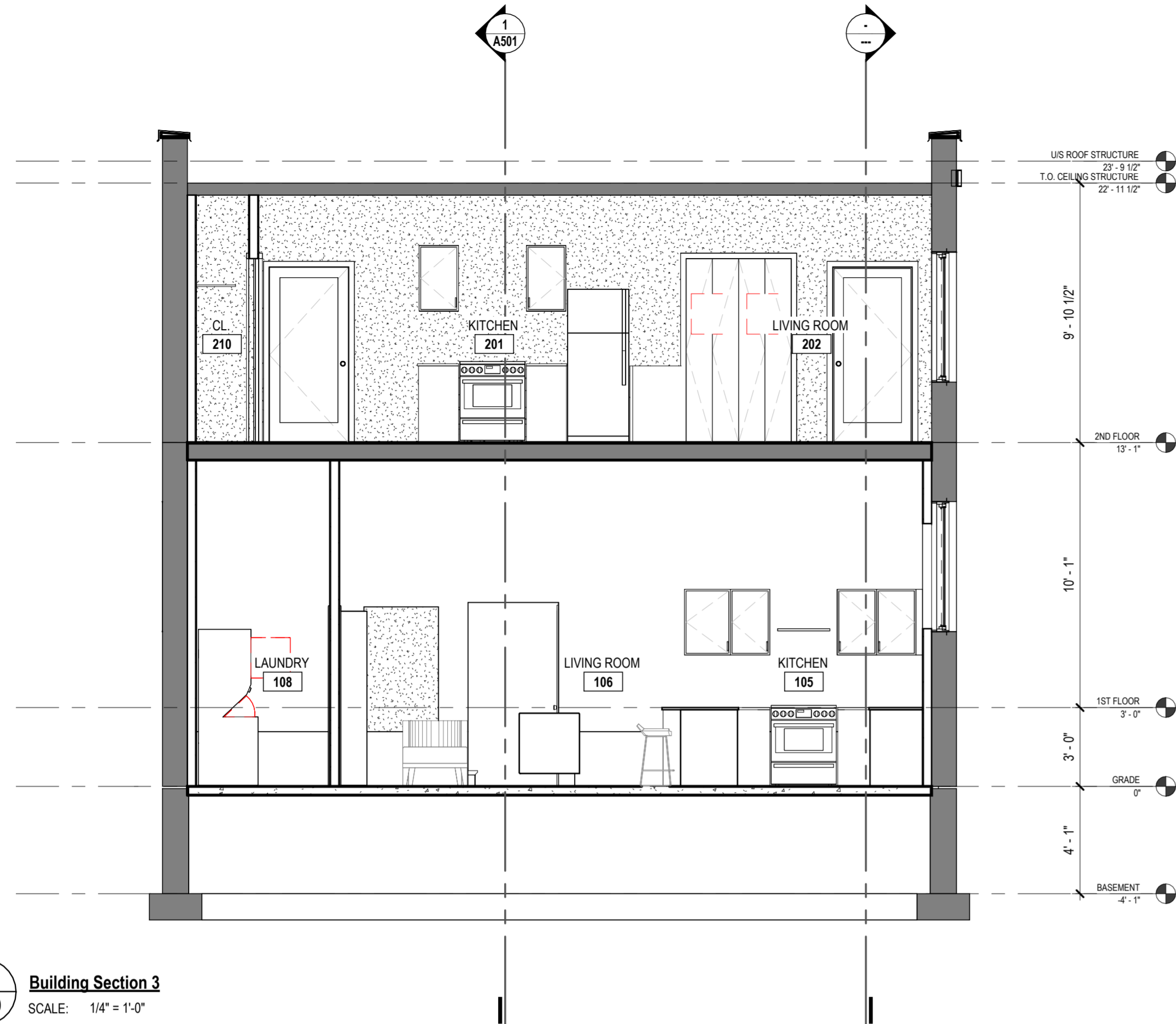
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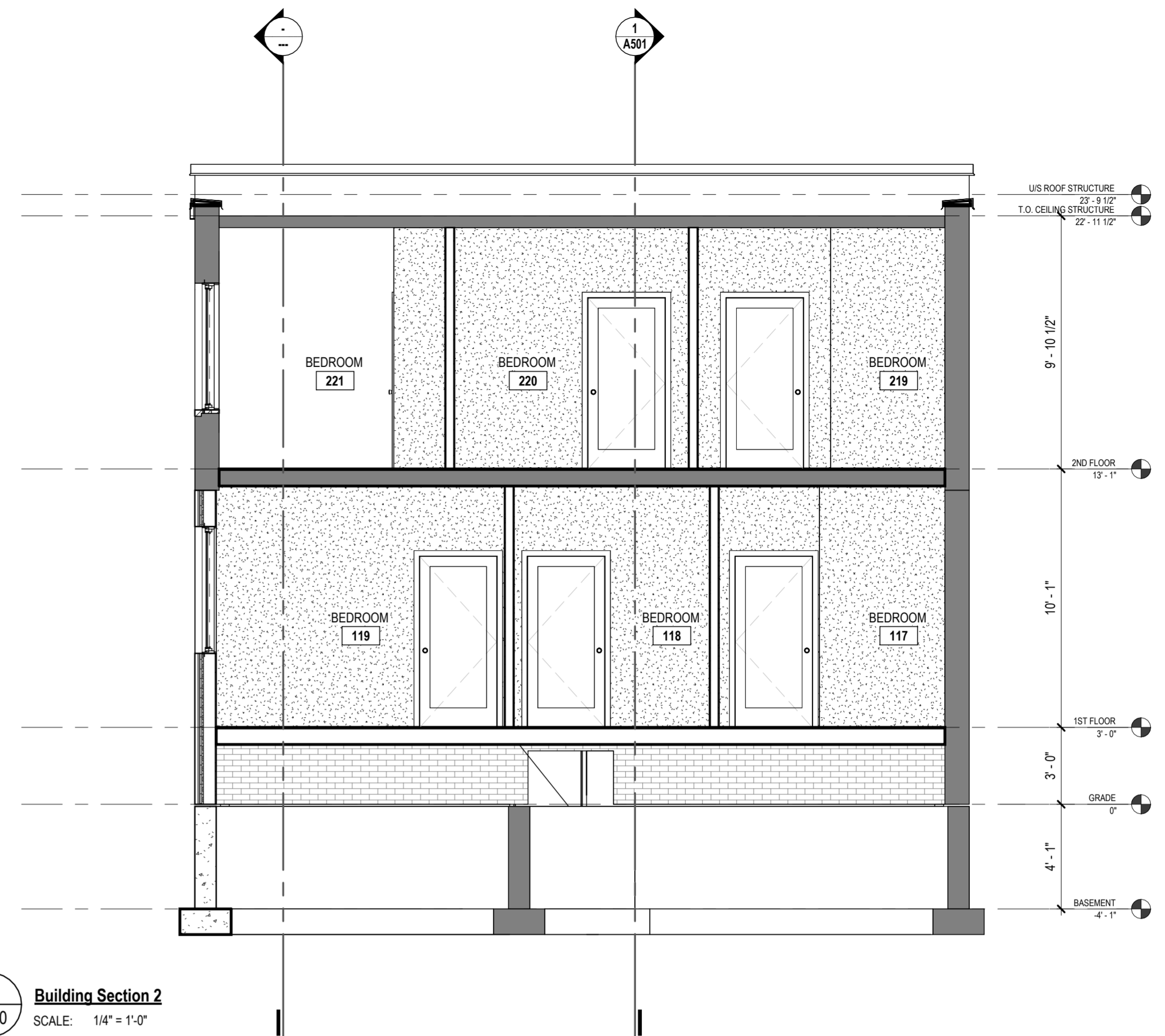
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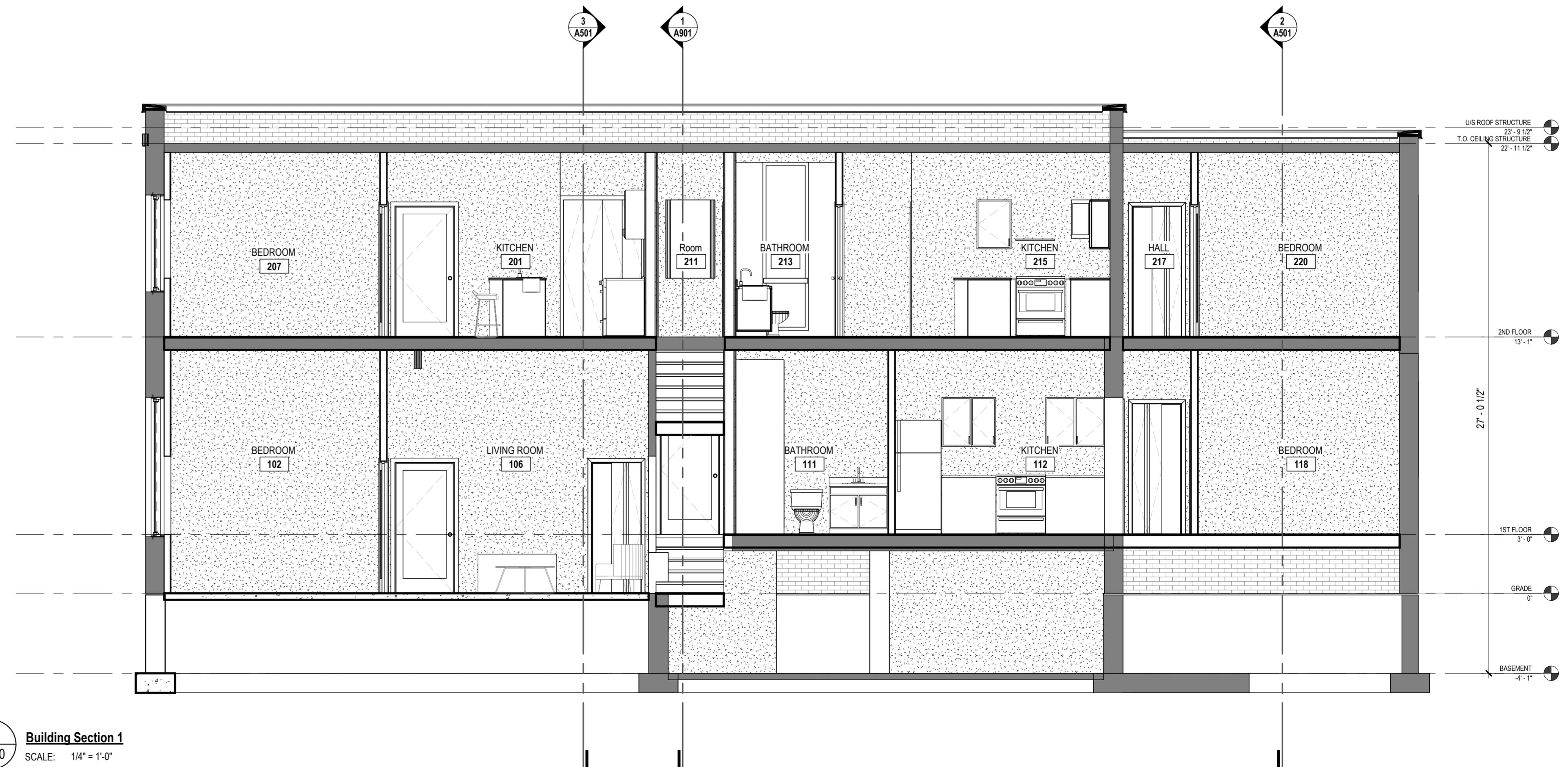
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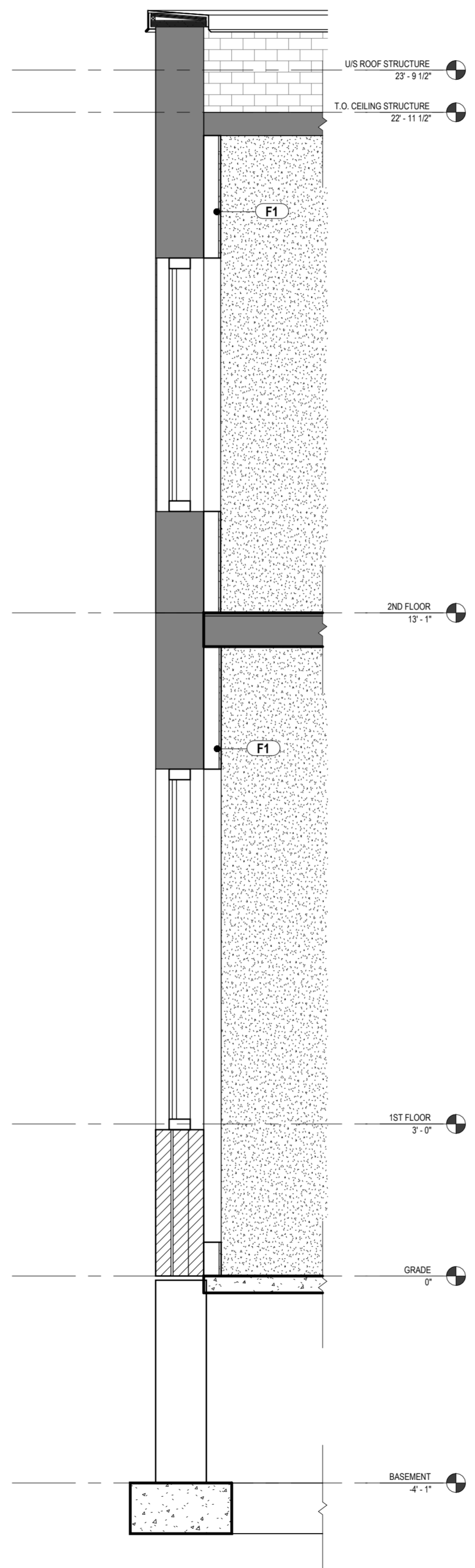


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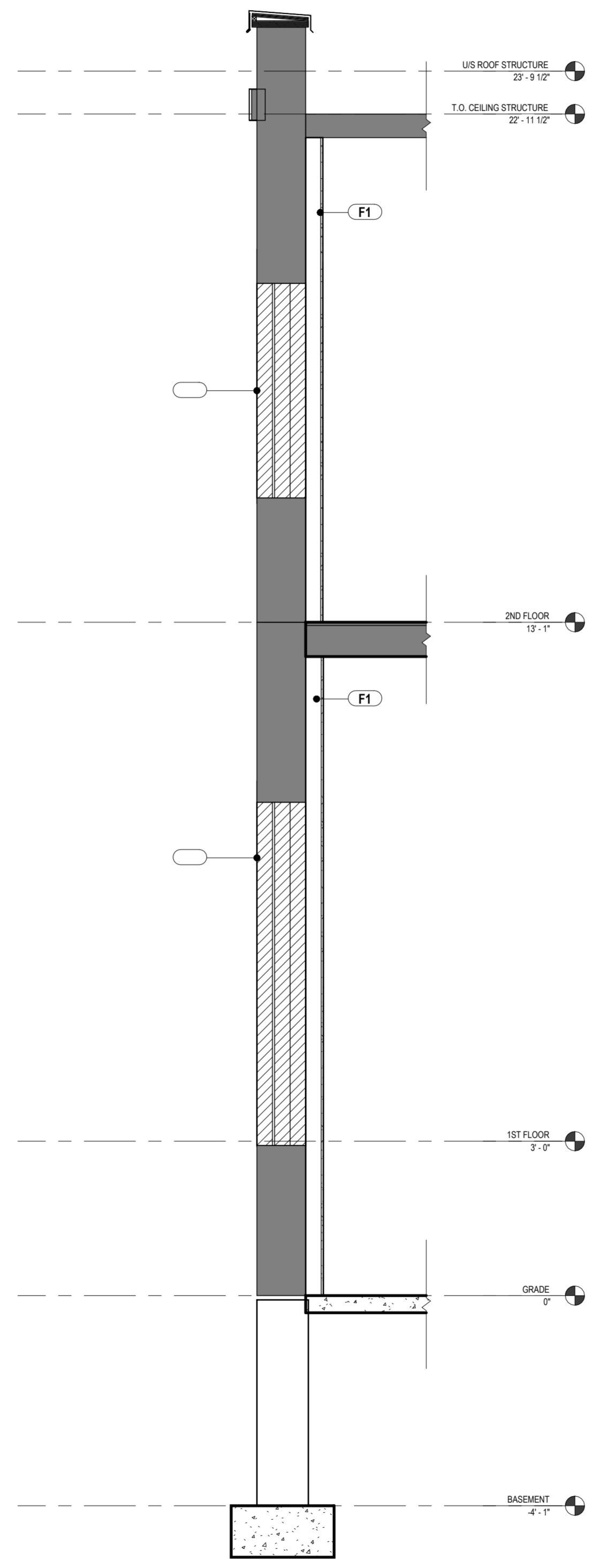


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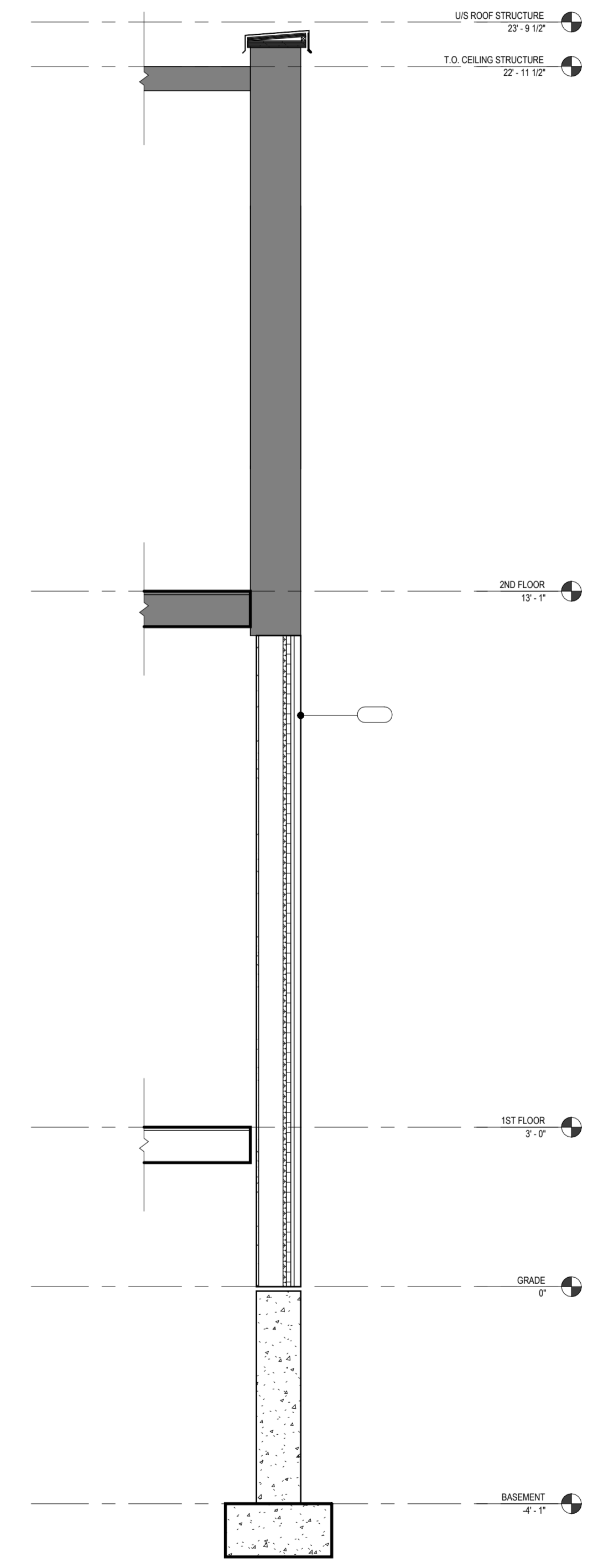




3 **Section 3**  
 A200 SCALE: 1/2" = 1'-0"



2 **Section 2**  
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1 **Section 1**  
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No.	Revision Schedule Description	Date

**WALL SECTIONS**

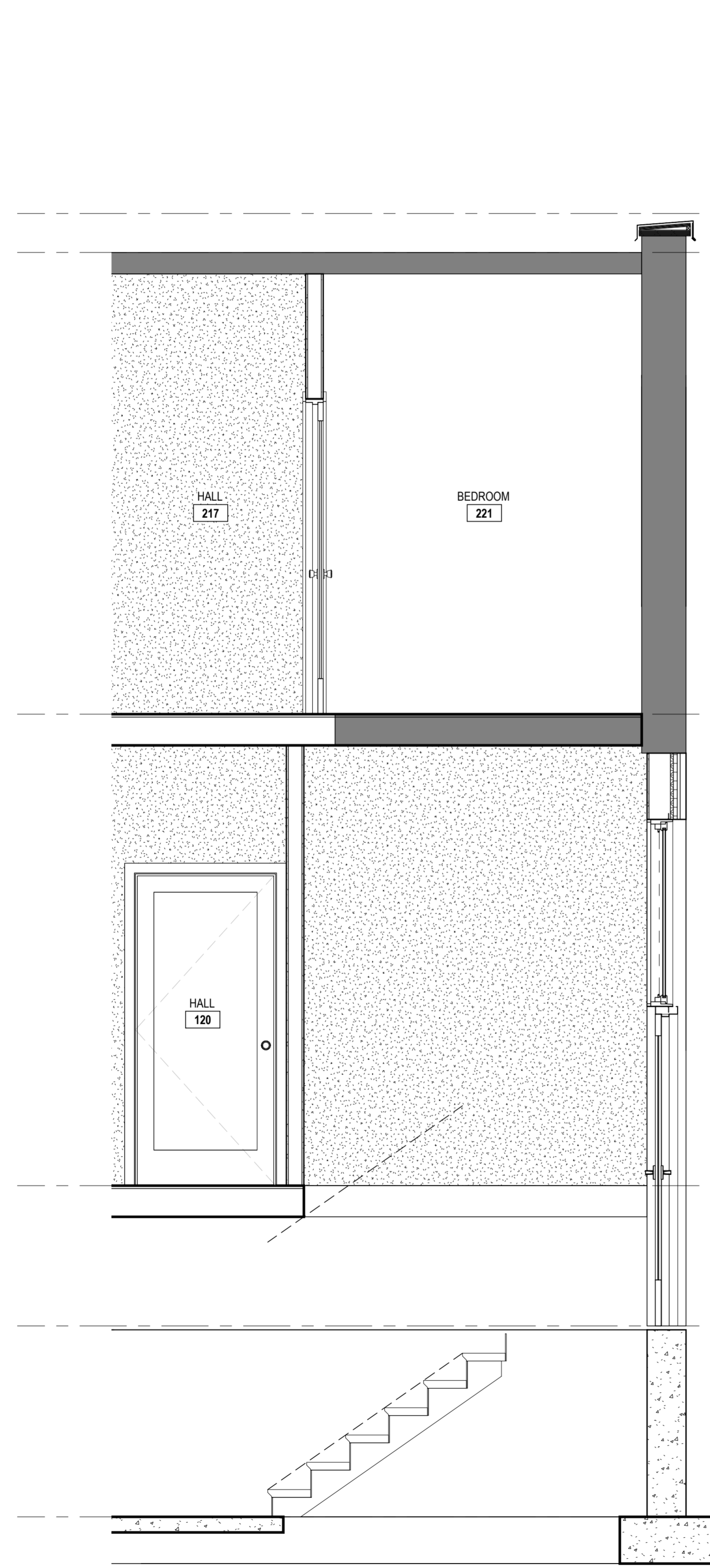
**BLOC GROUP**  
**RENOVATION 4-PLEX**  
 1098 Albert Rd., Windsor, Ontario N8Y 3P3

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 Checked By: AI  
 Project No: 2341  
 Sheet No:

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**2**  
**A200**  
**Stair Section 2**  
 SCALE: 1/2" = 1'-0"



**1**  
**A501**  
**Stair Section**  
 SCALE: 1/2" = 1'-0"



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No.	

**STAIR & ELEVATOR DETAILS**

**BLOC GROUP**  
**RENOVATION 4-PLEX**  
 1098 Albert Rd., Windsor, Ontario N8Y 3P3

Drawn By: Author  
 Checked By: Checker  
 Project No: 2341  
 Sheet No:

**A901**



EXISTING BRICK VENEER  
TO BE CLEANED.  
TYP.

EXISTING PERFINISHED  
METAL PARAPET CAP

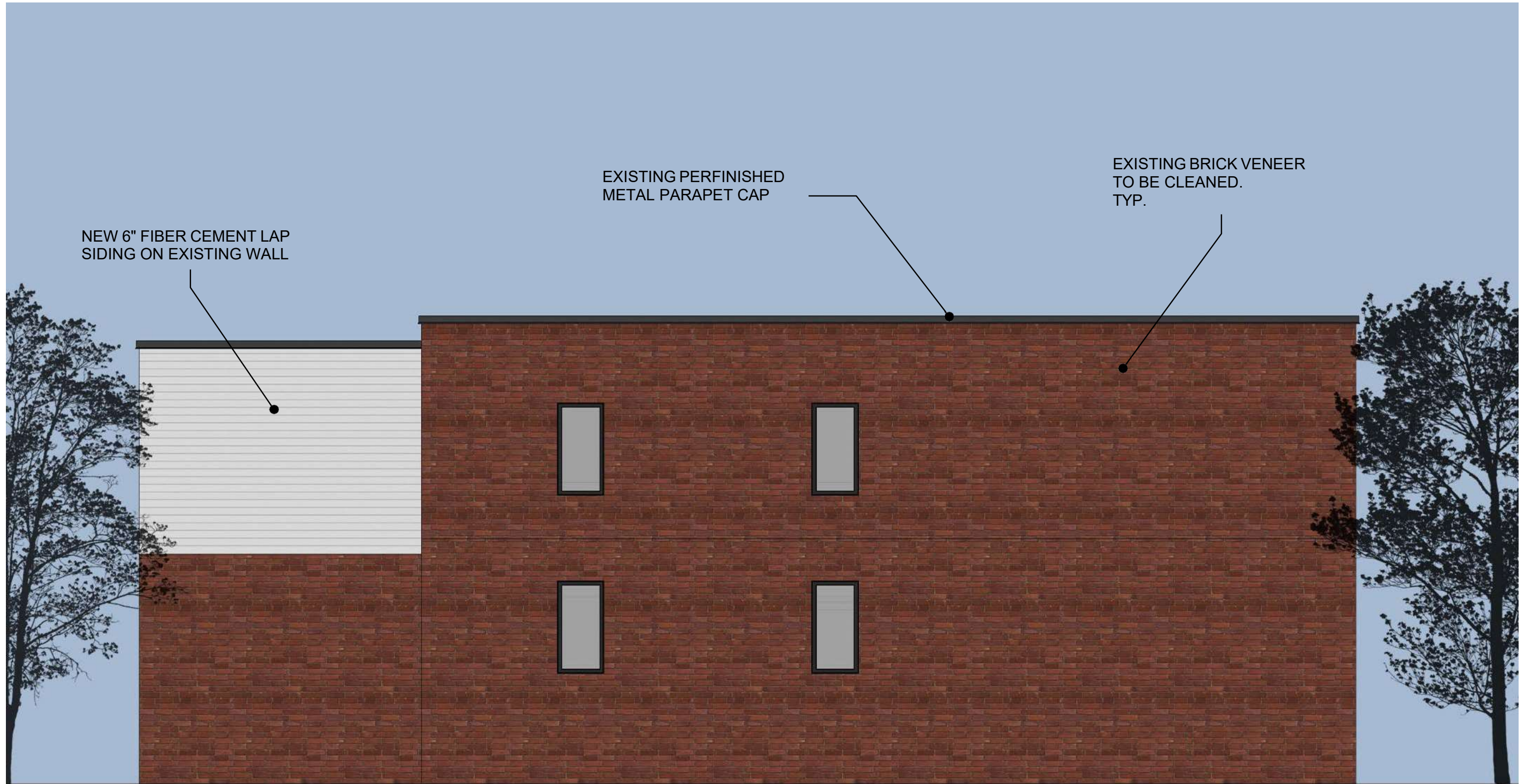
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SIDING ON EXISTING WALL

EXISTING PERFINISHED  
METAL PARAPET CAP

NEW 6" FIBER CEMENT LAP  
SIDING ON EXISTING WALL



EXISTING BRICK  
VENEER TO BE  
CLEANED.  
TYP.



EXISTING PERFINISHED  
METAL PARAPET CAP

EXISTING BRICK VENEER  
TO BE CLEANED.  
TYP.





# PLANNING RATIONALE REPORT

## ZONING BY-LAW AMENDMENT PROPOSED RESIDENTIAL DEVELOPMENT

1098 Albert Road  
Windsor, Ontario

**March 8, 2024**

**Prepared by:**



Tracey Pillon-Abbs, RPP  
Principal Planner  
23669 Prince Albert Road  
Chatham, ON N7M 5J7  
226-340-1232  
tracey@pillonabbs.ca  
www.pillonabbs.ca

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# 1.0 INTRODUCTION

I have been retained by BLOCS GROUP LTD. (herein the "Applicant") to provide a land use Planning Rationale Report (PRR) in support of a proposed development located at 1098 Albert Road (herein the "Site") in the City of Windsor, Province of Ontario.

The Site is made up of one (1) parcel of land in Ward 5 in the East Windsor Planning District.

The Site is also within the Ford City Community Improvement Plan (CIP) area.

The Site currently has a two (2) storey building with a partial basement.

It is proposed to renovate the existing building and create a multiple dwelling with four (4) residential units with on-site parking.

The Site has access to full municipal services.

An application for a Zoning By-law Amendment (ZBA) is required in order to permit the proposed multiple dwelling.

Once the ZBA has been approved, the Applicant will proceed with a building permit prior to any construction or site alterations.

Pre-consultation (stage 1) was completed by the Applicant. Comments dated January 8, 2023, and February 13, 2024 (City File #PC-061/23) were received and have been incorporated into this PRR.

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

This PRR will show that the proposed development is suitable, consistent with the PPS, conforms to the intent and purpose of the OP and ZBL, and represents good planning.

## 2.0 SITE AND SURROUNDING LAND USES

### 2.1 Description of Site and Ownership

The Site has been owned by BLOCS GROUP LTG. since June 2023. It is made up of one (1) rectangular-shaped corner parcel of land located on the east side of Albert Road and the north side of Richmond Street (see the area in red on Figure 1a – Site Location).



Figure 1a – Site Location (Source: City of Windsor GIS)

The Site is locally known as 1098 Albert Road and is legally described as Lot 106, Plan 865 Ford City; Windsor, PIN 01095-0011 LT (ARN 3739-010-090-02000).

### 2.2 Physical Features of the Site

#### 2.2.1 Size and Site Dimension

The Site, subject to the proposed development, consists of a total area of 327 m<sup>2</sup> (0.033 ha), with a lot width of 9.78 m along Albert Road and a lot depth of 33.53 m along Richmond Street.

#### 2.2.2 Existing Structures and Previous Use

The Site currently has a two (2) storey building with a partial basement. The building is currently vacant (see Figure 1b – Site Street View).



Figure 1b – Site Street View (Source: Pilon Abbs Inc.)

The previous use of the Site was for commercial purposes on the main floor and residential areas above.

The property is currently deemed as legal non-conforming with a combined use building which had a grocery store and 3 residential dwelling units (permitted in 1997).

### **2.2.3 Vegetation**

The Site has an existing grassed area. There are no trees located on the Site.

### **2.2.4 Topography, Drainage and Soil**

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

The Site is part of the Windsor Area Drainage.

The Site is impacted by Source Water Protection and is within an Event Based Area (EBA) 2.

The soil is made up of Brookstone Clay Loan (Bcl).

### **2.2.5 Other Physical Features**

There is an existing vehicle driveway along Richmond Street.

There is fencing along the portions of the Site boundary.

There is an existing gravel alley along the east side of the Site.

### **2.2.6 Municipal Services**

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

Albert Road is a north/south local residential road, and Richmond Street is an east/west local residential road.

There is on-street parking in the area of the Site.

There are streetlights or sidewalks along Albert Road and Richmond Street.

The closest fire hydrant is located directly in front of the Site on the northeast corner of Albert Road and Richmond Street.

The Site has access to transit with the closest bus stop located at the corner of Richmond Street and Hickory Road (89 m), Stop ID: 1456 (Bus #3).

The Site is in close proximity to major transportation corridors, including Wyandotte Street East and Walker Road.

### **2.2.7 Nearby Amenities**

There are several schools nearby, including King Edward Public School, St. Anne French Immersion and Walkerville Secondary School.

There are many parks and recreation opportunities in close proximity to the Site, including Whelpton Park, Garry Dugal Park and Willistead Park.

The nearest library is Windsor Public Library – Seminole Branch.

There is nearby shopping in the form of plazas and malls, as well as employment, places of worship and local amenities.

## **2.3 Surrounding Land Uses**

Overall, the Site is located in a mixed use area within an existing built up area in Ward 5, in the East Windsor Planning District.

The Site is also within the Ford City Community Improvement Plan (CIP) area.

A site visit was undertaken on January 30, 2024. Photos were taken by Pillon Abbs Inc..

**North** – The lands directly north of the Site are used for residential use, with access from Albert Road (see Photo 1 - North).



Photo 1 – North

**South** – The lands directly south of the Site are used for residential use, with access from Richmond Street and Albert Street (see Photo 2 - South).



Photo 2 – South

1098 Albert Road, Windsor, Ontario



**East** – The lands east of the Site (beyond the alley) are used for residential use, with access from the alley (see Photo 3 - East).



Photo 3 – East

**West** – The lands west of the Site are used for residential and commercial use, with access from Albert Road (see Photo 4 - West).



Photo 4 – West

1098 Albert Road, Windsor, Ontario

## **3.0 PROPOSAL AND CONSULTATION**

### **3.1 Development Proposal**

The property is currently deemed as legal non-conforming with a combined use building which had a grocery store and 3 residential dwelling units (permitted in 1997).

It is proposed that the Site will be developed for residential purposes.

The Site currently has a two (2) storey building with a partial basement.

It is proposed to renovate the existing building and create a multiple dwelling with four (4) residential units with on-site parking.

The commercial use will be removed.

A Concept Plan has been prepared by Architectura, Architects and Engineers (see Figure 2a – Concept Plan).

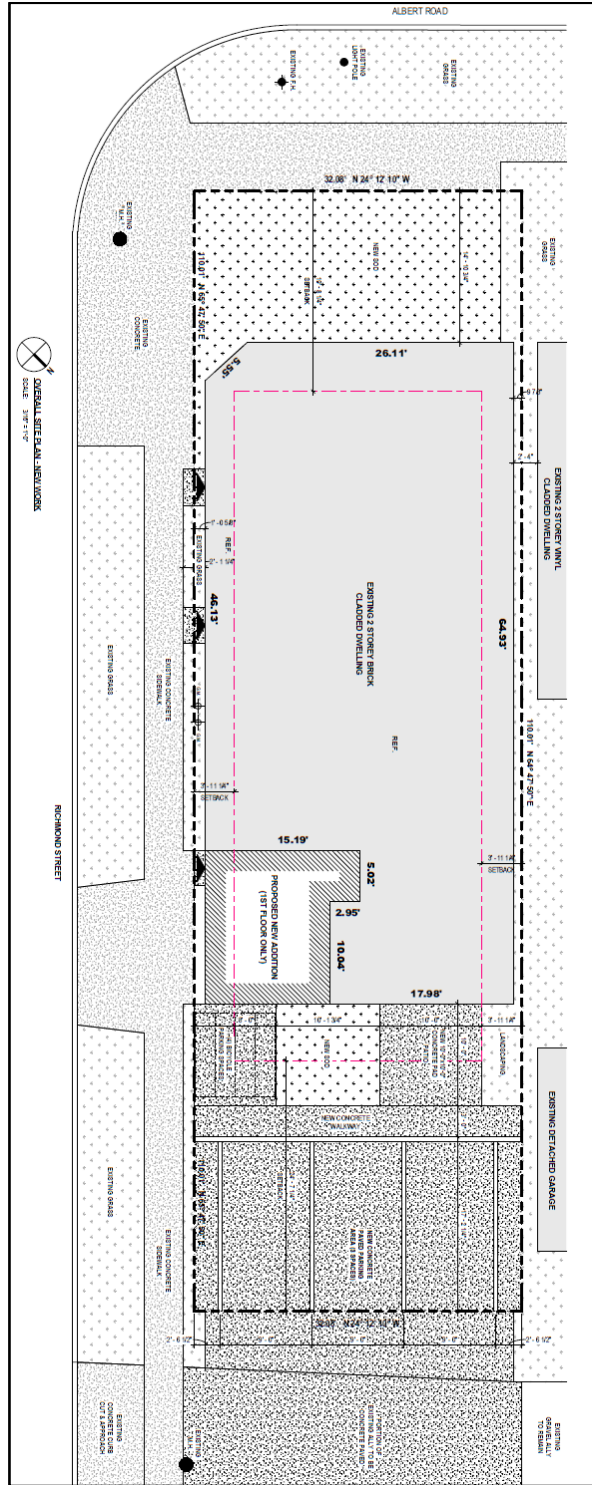


Figure 2a – Concept Plan

1098 Albert Road, Windsor, Ontario

The concept plan illustrates a preliminary proposal.

Renovations will include the interior of the existing building.

Based on the size of the Site (0.033 ha), and the number of proposed residential units (4) the proposed gross density will be 121.21 units per hectare (uph).

The tenure of the units is proposed to be rental.

The existing building is 7.52 m in height (2-storeys).

The new building footprint will be maintained within the existing building's overall parameters and massing.

A proposed first floor addition is planned for the rear of the building.

The gross floor areas are proposed as follows;

- Main floor area = 181.53 m<sup>2</sup>
- Second floor plan = 181.53 m<sup>2</sup>
- Basement storage floor = 65 m<sup>2</sup>

The total building area will result in a total lot coverage of 55%.

The partial basement area will be maintained for services and storage.

Exterior renovations are proposed (see Figure 2b – Elevations).

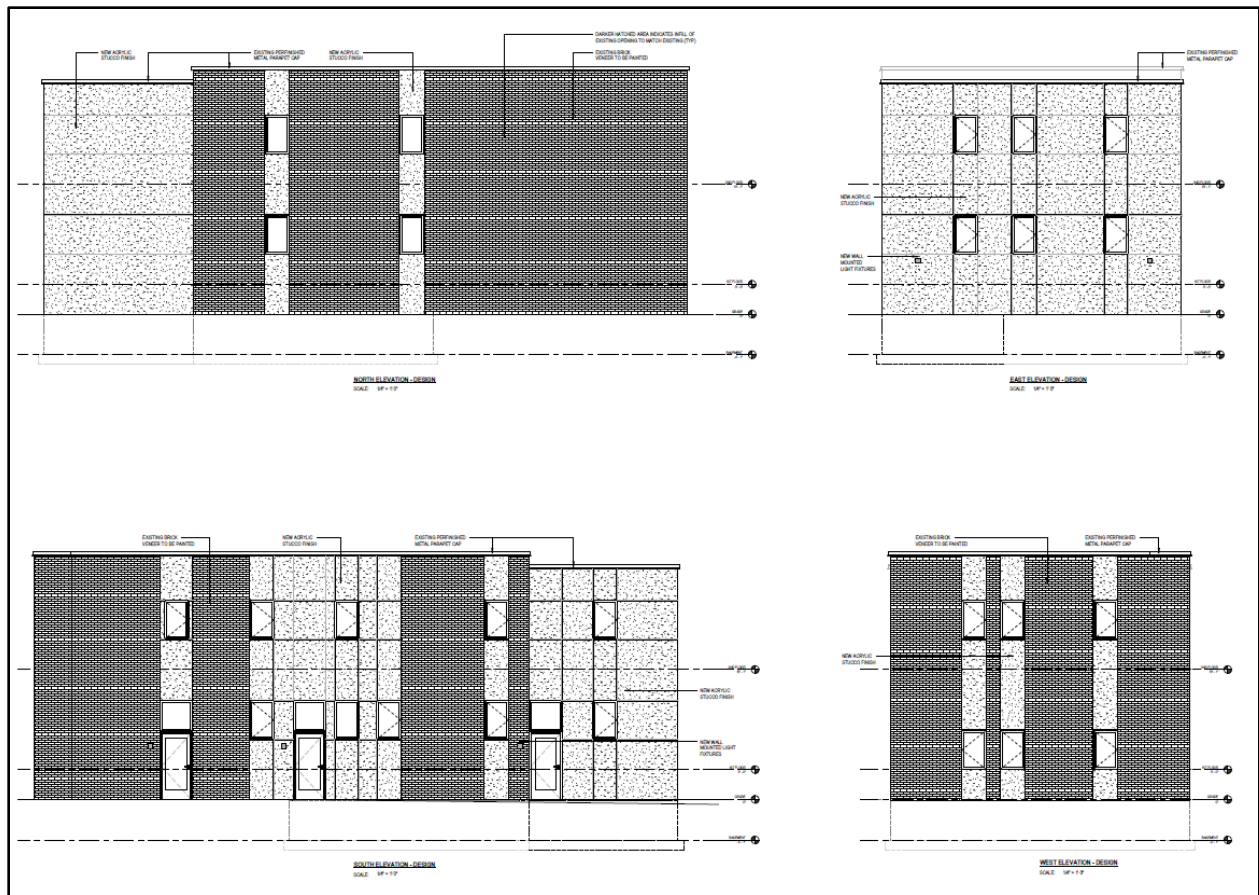


Figure 2b – Elevations

The elevations illustrate a preliminary design of the building.

The deteriorating vinyl siding is proposed to be replaced with an off-white acrylic stucco to emulate the tone of the limestone accents found in similar buildings in the area.

Windows will be black framed aluminum clad units.

Currently, the existing building possesses 3 entry points, which will be maintained.

Units range in size, with 3 bedrooms in each dwelling unit.

A new paved parking area with access from the alley is proposed. A total of 3 parking spaces are provided.

A total of 4 bicycle parking spaces will be provided.

Professional landscaping will be provided.

The concrete area in the front of the building will be removed and grass planted.

An outdoor amenity patio area will be provided in the rear yard.

Waste management (garbage and recycling) is handled indoors and will be brought to the curb.

The Site will be serviced with full municipal services, including water, storm and sewers.

## 3.2 Public Consultation Strategy

In addition to the statutory public meeting, the *Planning Act* requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, in addition to the statutory public meeting, an informal electronic public open house was held with area residents (120 m radius) and property owners on Thursday, March 7, 2024, from 6:00 pm to 7:00 pm.

A total of 134 notices were mailed out.

The open house provided members of the public with opportunities to review and comment on the proposed development.

In addition to City of Windsor Staff and the Applicant Team, a total of 2 people attended.

Emails were also received.

The following is a summary of the comments and responses from the public open houses:

Topic Item	Comments and Questions	Response
Existing Sign	Can I have the old sign?	Request sent to the property owner.
Concrete	Will the concrete at the front the building remain?	The concrete will be removed, and the area will be grassed.
North Wall	What does the north wall look like?	Elevation was provided. The north wall will have 4 windows.
Abutting Lands	We have plants and flowers. Will they be protected during construction?	The building will be informed to ensure there is no damage to the plants and flowers.
Overall Support	This is a good development for the area.	Noted.

## **4.0 APPLICATIONS AND STUDIES**

Pre-consultation (stage 1) was completed by the Applicant. Comments dated January 8, 2023, and February 13, 2024 (City File #PC-061/23) were received and have been incorporated into this PRR.

The proposed development requires an application for a Zoning By-law Amendment (ZBA) along with required support studies.

The following explains the purpose of the application and other required approvals as well as a summary of the required support studies.

### **4.1 Zoning By-Law Amendment**

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

The zoning for the Site is proposed to be changed from Residential District 1.3 (RD1.3) category to a site specific Residential District 1.3 (RD1.3 - S.20(1)(XXX)) category, as shown on Map 6 of the City of Windsor Zoning By-Law (ZBL).

In addition to the change in zoning for the permitted use of a multiple dwelling with 4 dwelling units as an additional permitted use, the proposed development will comply with all zone provisions set out in the RD1.3 Zone, except relief is required from certain provisions.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

### **4.2 Other Application**

Once the ZBA has been approved, the Applicant will proceed with a building permit prior to any construction or site alterations.

### **4.3 Supporting Studies**

The following studies have been prepared to support the application.

#### **4.3.1 Parking**

A Parking Study was prepared by RC Spencer Associates Inc., Consulting Engineers, dated January 2024.

The purpose of the report was to assess the impact of the proposed reduction of parking spaces in the area of the Site.

The report concluded that the proposed parking supply is in keeping with the current sustainable policies intended to encourage non-auto modes of travel and adequately accommodate parking demand.

### **4.3.2 Urban Design**

An Urban Design Brief (UDB) was prepared by Architectura, Architects and Engineers, dated February 1, 2024.

The purpose of the report was to assess the design of the building in order to be compatible with the area of the Site.

The Windsor Intensification Guidelines were taken into account in the design of the building.

The report concluded that the proposed residential development is appropriate for the area and consistent with good planning and urban design principles.



## 5.0 PLANNING ANALYSIS

### 5.1 Policy and Regulatory Overview

#### 5.1.1 Provincial Policy Statement

The Provincial Policy Statement, 2020 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

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

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

The Site is within a "Settlement Area", as defined by the PPS.

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

PPS Policy #	Policy	Response
1.0	.....Ontario's long-term prosperity, environmental health and social well-being depend on wisely managing change and promoting efficient land use and development patterns.....	Windsor has directed growth where the Site is located, which will contribute positively to promoting efficient land use and development patterns.  Residential use on the Site represents an efficient development pattern that optimizes the use of land.  The Site will provide for a new housing choice in an existing built-up area.
1.1.1	Healthy, liveable and safe communities are sustained by:  a) promoting efficient development and land use patterns which sustain the	The proposed development is consistent with the policy to build strong, healthy, and livable communities as it provides for a development

PPS Policy #	Policy	Response
	<p>financial well-being of the Province and municipalities over the long term;</p> <p>b) accommodating an appropriate affordable and market-based range and mix of residential types, employment, institutional, recreation, park and open space, and other uses to meet long-term needs;</p> <p>c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;</p> <p>d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;</p> <p>e) promoting.....cost-effective development patterns and standards to minimize land consumption and servicing costs;</p> <p>f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;</p> <p>h) promoting development and land use patterns that conserve biodiversity.</p>	<p>where people can live, work and play.</p> <p>The proposed development offers a new housing choice.</p> <p>There are no anticipated environmental or public health and safety concerns as the area is established.</p> <p>The development pattern does not require expansion of the settlement area as it is considered infilling and intensification.</p> <p>The proposed development will not change lotting or street patterns in the area.</p> <p>The Site has access to full municipal services and is close to existing local parks, places of worship, and schools.</p> <p>Accessibility of units will be addressed at the time of the building permit.</p> <p>Public service facilities are available, such as local schools.</p> <p>The development pattern is proposed to be an efficient use of the Site.</p>
1.1.2	Sufficient land shall be made available to accommodate an	The proposed development will help the City of Windsor

PPS Policy #	Policy	Response
	<p>appropriate range and mix of land uses to meet projected needs for a time horizon of up to 25 years.</p> <p>Within settlement areas, sufficient land shall be made available through intensification and redevelopment and, if necessary, designated growth areas.</p>	<p>meet the full range of current and future residential needs through intensification.</p> <p>The Site will provide for residential infilling within an existing settlement area.</p>
1.1.3.1	Settlement areas shall be the focus of growth and development.	<p>The proposal enhances the vitality of the Municipality, as the proposal is within an existing settlement area.</p> <p>There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.</p>
1.1.3.2	<p>Land use patterns within settlement areas shall be based on densities and a mix of land uses which:</p> <ul style="list-style-type: none"> <li>a) efficiently use land and resources;</li> <li>b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;</li> <li>c) minimize negative impacts to air quality and climate</li> </ul>	<p>The Site will provide for a new housing choice in an existing built-up area.</p> <p>The total density of the proposed development is considered appropriate.</p> <p>The Site provides for an infilling opportunity using an existing building.</p> <p>The existing building was underutilized and offers a new housing choice.</p> <p>The design and style of the building will blend well with the scale and massing of the</p>

PPS Policy #	Policy	Response
	<p>change, and promote energy efficiency;</p> <p>d) prepare for the impacts of a changing climate;</p> <p>e) support active transportation;</p> <p>f) are transit-supportive, where transit is planned, exists or may be developed; and</p> <p>g) are freight-supportive.</p>	<p>existing surrounding neighbourhood.</p> <p>Residents will have immediate access to local amenities, shopping, employment, recreational areas, and institutional uses.</p> <p>Transit is available for the area.</p> <p>The Site is located close to major transportation corridors.</p>
1.1.3.3	<p>Planning authorities shall identify appropriate locations and promote opportunities for transit-supportive development, accommodating a significant supply and range of housing options through intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.</p>	<p>The proposed development is located on a Site that is physically suitable.</p> <p>The Site is flat, which is conducive to easy vehicular movements.</p> <p>The intensification can be accommodated for the proposed development as it is an appropriate use of the Site.</p> <p>Parking will be provided on-site. Off-site parking is also available.</p>
1.1.3.4	<p>Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.</p>	<p>The proposed renovations will be built with a high standard of construction, allowing seamless integration with the existing area.</p>

PPS Policy #	Policy	Response
		<p>There will be no risks to the public as identified in the support studies.</p> <p>The Site is outside of the ERCA regulated area.</p>
1.1.3.5	<p>Planning authorities shall establish and implement minimum targets for intensification and redevelopment within built-up areas, based on local conditions.</p>	<p>The City has established targets for intensification and redevelopment. The proposed development will assist in meeting those targets as the Site is located in an existing built-up area.</p>
1.1.3.6	<p>New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.</p>	<p>The proposed development does have a built form that is compact.</p> <p>The existing building size will allow for the efficient use of land, existing building, vehicle access, and infrastructure.</p>
1.4.1 - Housing	<p>To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall:</p> <p>a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are</p>	<p>The proposed development will provide for an infill and intensification opportunity in the existing built-up area.</p> <p>The Site offers an opportunity for intensification in an area with a mix of uses.</p> <p>Municipal services are available.</p>

PPS Policy #	Policy	Response
	<p>designated and available for residential development; and</p> <p>b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.</p>	
1.4.3	<p>Planning authorities shall provide for an appropriate range and mix of housing options and densities to meet projected market-based and affordable housing needs of current and future residents of the regional market area.</p>	<p>The proposed density is compatible with the surrounding area.</p> <p>The Site is close to local amenities.</p> <p>There is suitable infrastructure, including transit.</p>
1.6.1 - Infrastructure	<p>Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.</p>	<p>The development can proceed on full municipal services.</p> <p>Electrical distribution will be determined through detailed design.</p> <p>Access to public transit is available.</p>
1.6.6.2 - Sewage, Water and Stormwater	<p>Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize</p>	<p>The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of</p>

PPS Policy #	Policy	Response
	<p>potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.</p>	<p>servicing for settlement areas.</p>
<p>1.6.6.7 - Stormwater</p>	<p>Planning for stormwater management shall:</p> <ul style="list-style-type: none"> <li>a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;</li> <li>b) minimize, or, where possible, prevent increases in contaminant loads;</li> <li>c) minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;</li> <li>d) mitigate risks to human health, safety, property and the environment;</li> <li>e) maximize the extent and function of vegetative and pervious surfaces; and</li> <li>f) promote stormwater management best practices, including stormwater</li> </ul>	<p>There will be no anticipated impacts on the municipal system, and it will not add to the capacity in a significant way.</p> <p>There will be no risk to health and safety.</p> <p>There are streetlights in the area of the Site.</p>

PPS Policy #	Policy	Response
	attenuation and re-use, water conservation and efficiency, and low impact development.	
1.6.7.1 - Transportation	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	The Site is in close proximity to major transportation corridors and has access to transit.  There are sidewalks in the area of the Site.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand management strategies, where feasible.	The proposed development contributes to the City's requirements for development within an existing built-up area.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	The proposed development contributes to the City's requirement for infilling and intensification within an existing settlement area.  The proposed density, scale, and building height will blend with the existing land use pattern.  The existing height of the proposed development is keeping in context with the surrounding area.
2.1.1 - Natural Heritage	Natural features and areas shall be protected for the long term.	There are no natural features that apply to this Site.
2.2.1 - Water	Planning authorities shall protect, improve or restore the quality and quantity of water.	The Site is outside the regulated area of ERCA.



PPS Policy #	Policy	Response
2.6.1 - Heritage	Significant built heritage resources and significant cultural heritage landscapes shall be conserved.	There are no cultural heritage features that apply to this Site.
3.0 - Health and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

### 5.1.2 Official Plan

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

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

The lands are designated "Residential" according to Schedule "D" Land Use attached to the OP for the City of Windsor (see Figure 3 –OP).

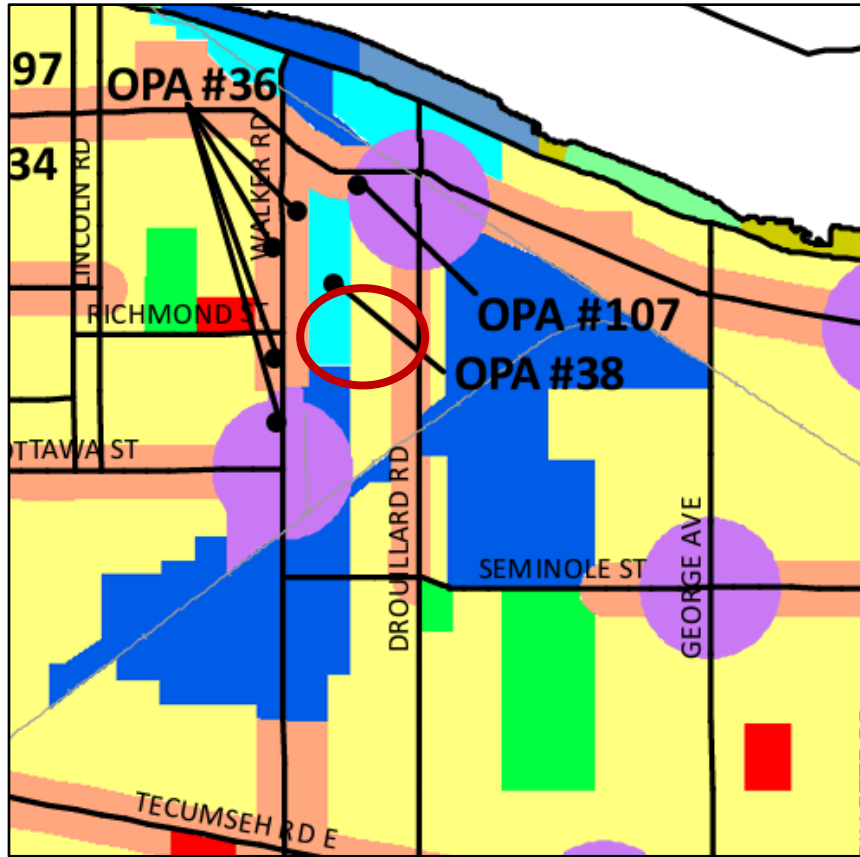


Figure 3 –OP

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

OP Policy #	Policy	Response
3.1	The planning of Windsor's future is guided by the following vision taken from Dream Dare Do – The City of Windsor Community Strategic Plan.	<p>The proposed development will support the City's vision by providing residential in an existing built-up area where citizens can live, work and play.</p> <p>The proposed development will incorporate design features to protect, maintain and improve the quality of life for present and future generations by integrating the</p>

OP Policy #	Policy	Response
		principles of sustainability and place making.
3.2.1.2 – Growth Concept, Neighbourhood Housing Variety	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	<p>The proposed development supports one of the City's overall development strategies of providing for a range of housing types in an existing neighbourhood.</p> <p>The Site will provide for a new housing choice in an existing built-up area.</p>
3.2.1.3 – Growth Concept, Distinctive Neighbourhood Character	Windsor will keep much of what gives its existing neighbourhoods their character – trees and greenery, heritage structures and spaces, distinctive area identities, parks, and generally low profile development outside the City Centre. Around the neighbourhood centres, the existing character of the neighbourhood will be retained and enhanced.	The Site will provide for a new housing choice in an existing built-up area.
4.0 - Healthy Community	The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.	<p>The proposed development will support the City's goal of promoting a healthy community.</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks.</p>
6.0 - Preamble	A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development	The proposed development supports the policy set out in the OP as it is suited for the residential needs of the City.

OP Policy #	Policy	Response
	through an approach, which balances environmental, social and economic considerations.	
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.1 Safe, caring and diverse neighbourhoods.</p> <p>6.1.3 Housing suited to the needs of Windsor's residents.</p> <p>6.1.10 Pedestrian oriented clusters of <b>residential</b>, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for the intensification of residential offering a new housing choice.</p> <p>Care in the design of the multiple dwelling has taken into consideration the built form in the area.</p> <p>The development uses an existing building.</p>
6.1.14 – Residential Intensification	To direct residential intensification to those areas of the City where transportation, municipal services, community facilities and goods and services are readily available.	The Site has access to transportation, full municipal services and local amenities.
6.2.1.2 – General Policies, Type of Development Profile	<p>For the purpose of this Plan, Development Profile refers to the height of a building or structure. Accordingly, the following Development Profiles apply to all land use designations on Schedule D: Land Use unless specifically provided elsewhere in this Plan:</p> <p>(a) <b>Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</b></p> <p>(b) Medium Profile developments are buildings or</p>	<p>The proposed development is considered a low profile development as it is a 2 storeys existing building.</p> <p>The proposed development is in keeping with the neighbouring heights and densities found in the area.</p> <p>Renovations will include interior and exterior of the existing building.</p>

OP Policy #	Policy	Response
	<p>structures generally no greater than six (6) storeys in height; and</p> <p>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</p>	
6.3.1.1 – Range of Forms & Tenures (Residential)	To support a complementary range of housing forms and tenures in all neighbourhoods	<p>It is proposed to use the existing 2 storey building to create the additional unit.</p> <p>The proposed development will offer a new housing choice which will complement the existing neighbourhood.</p> <p>The Site is a corner lot, and the existing building has a street presence with parking behind the building.</p>
6.3.1.2 - Neighbourhoods	To promote compact neighbourhoods which encourage a balanced transportation system.	<p>The proposed development takes advantage of the entire Site and access from the alley.</p> <p>The Site has access to transit and is in close proximity to major transportation corridors.</p>
6.3.1.3 – Intensification, Infill & Redevelopment	To promote residential redevelopment, infill and intensification initiatives in locations in accordance with this plan.	<p>The proposed development is considered infill and intensification.</p> <p>The use of the existing building is appropriate for development.</p> <p>The Site is large enough to accommodate the additional parking.</p>
6.3.2.1 – Permitted Uses	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include	The proposed development is a permitted use in the OP as it is considered a low profile development.

OP Policy #	Policy	Response
	<p><b>Low Profile</b>, and Medium Profile dwelling units.</p> <p>High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.</p>	
6.3.2.4 – Location Criteria	<p>Residential intensification shall be directed to the Mixed Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas.</p> <p>New residential development and intensification shall be located where: a) there is access to a collector or arterial road; b) full municipal physical services can be provided; c) adequate community services and open spaces are available or are planned; and d) public transportation service can be provided.</p>	<p>The Site is located near major transportation corridors.</p> <p>Full services are available.</p> <p>Local amenities are close by.</p> <p>The proposed development is located close to nearby transit stops.</p>
6.3.2.5 – Evaluation of a Neighbourhood	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:</p> <p>(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate</p>	<p>This PRR has undertaken the required evaluation of provincial legislation.</p> <p>There are no development constraint areas that impact this Site.</p> <p>The Site will provide for a new housing choice in an existing built-up area.</p>

OP Policy #	Policy	Response
	<p>guidelines and support studies for uses:</p> <p>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;</p> <p>(ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;</p> <p>(iii) within a site of potential or known contamination;</p> <p>(iv) where traffic generation and distribution is a provincial or municipal concern; and</p> <p>(v) adjacent to heritage resources.</p> <p>(b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;</p> <p>(c) in existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas. In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;</p> <p>(e) capable of being provided with full municipal physical services and emergency services; and</p>	<p>No anticipated traffic or parking concerns.</p> <p>A parking study has been completed.</p> <p>The proposed development will be strategically located to provide efficient ease of access to the proposed parking area from the alley.</p> <p>The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.</p> <p>Interior and exterior renovations are proposed (no new building).</p> <p>Full municipal services can be provided.</p> <p>An outdoor amenity patio area will be provided and new grassed area.</p> <p>The existing setbacks and the design features incorporated into the proposed development provide for a transition between uses in the area.</p> <p>City of Windsor Intensification Guidelines, dated June 2022, can be followed.</p> <p>The Ford City CIP policies will be respected.</p> <p>An UDB has been completed.</p>

OP Policy #	Policy	Response
	(f) facilitating a gradual transition from Low Profile residential development to Medium and/or High Profile development and vice versa, where appropriate, in accordance with Design Guidelines approved by Council.	
7.0 - Infrastructure	The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.	The proposed development is close to nearby transit, off a major transportation corridor and has access to full municipal services.
8.7.2.3 – Built Form, Infill Development	<p>Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:</p> <ul style="list-style-type: none"> <li>(a) massing;</li> <li>(b) building height;</li> <li>(c) architectural proportion;</li> <li>(d) volumes of defined space;</li> <li>(e) lot size;</li> <li>(f) position relative to the road;</li> <li>(g) building area to site area ratios;</li> <li>(h) the pattern, scale and character of existing development;</li> <li>(i) exterior building appearance; and</li> <li>(j) Council adopted Design Guidelines that will assist in the design and review of</li> </ul>	<p>The Site provides for an infilling opportunity using an existing building.</p> <p>The proposed renovations will adhere to the Ford City IP policies.</p> <p><b>Massing</b> – The proposed development fits well into this Site, contributing to the overall architectural diversity in the area.</p> <p>The development is in keeping with the footprint extent of the existing second storey.</p> <p><b>Building height</b> – the height of the existing building is appropriate as it is located on a corner lot and provides for a transition between uses.</p>



OP Policy #	Policy	Response
	<p>applications for development in accordance with the policies noted above. (h) the pattern, scale and character of existing development; and</p> <p>(i) exterior building appearance,</p> <p>(j) Council adopted Design Guidelines that will assist in the design and review of applications for development in accordance with the policies noted above</p>	<p>The building's height and roofline will remain as it currently exists without change.</p> <p><b>Architectural proportion</b> – The proposed development will keep in character with the area through the proposed exterior renovations.</p> <p>The proposed development maintains a consistent street and block pattern.</p> <p><b>Volume of defined space</b> – The existing building maintains an active street frontage.</p> <p>The proposed development maintains a consistent and dominant percentage of original facebrick.</p> <p><b>Lot size</b> – This design approach strengthens the continuity and cohesive identity of the existing building on a corner lot.</p> <p><b>Building area</b> – The design considerations of the proposed development demonstrate a balance between fitting into the existing context and adding a unique architectural contribution to the area.</p> <p><b>Pattern, scale and character</b> – The Site is capable of accommodating the proposed development in terms of scale, massing,</p>

OP Policy #	Policy	Response
		<p>height and siting. The existing building will be used (no new building is proposed).</p> <p><b>Exterior building appearance</b> – The existing 2 storey residential development takes inspiration from the surrounding area for the design aesthetic.</p> <p>The proposed development maintains colour tones that reflect the existing red clay facebrick.</p>
<p>City of Windsor Intensification Guidelines, dated June 2022 – Section 1.2 – Purpose of the Design Guidelines</p>	<p>The objective of the Urban Design Guidelines is to provide direction for the design of future uses that respect the unique character of Windsor's neighbourhoods.</p>	<p>An UDB has been completed.</p> <p>The proposed development is consistent with the applicant guidelines set forth in the document.</p> <p>A low profile residential development is proposed, which is compatible with the area.</p> <p>The Site provides for an infilling opportunity, allowing a transition between uses within an existing established neighbourhood.</p> <p>The existing building height is in keeping with the zoning requirements.</p> <p>The design and style of the existing building, along with the proposed renovations, will blend well with the scale and massing of the existing surrounding neighbourhood.</p>

Therefore, the proposed development will conform to the City of Windsor OP, and an amendment is not required.

### 5.1.3 Zoning By-law

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

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

According to Map 6 attached to the ZBL the Site is currently zoned Residential District 1.3 (RD1.3) category (see Figure 4 – Zoning).

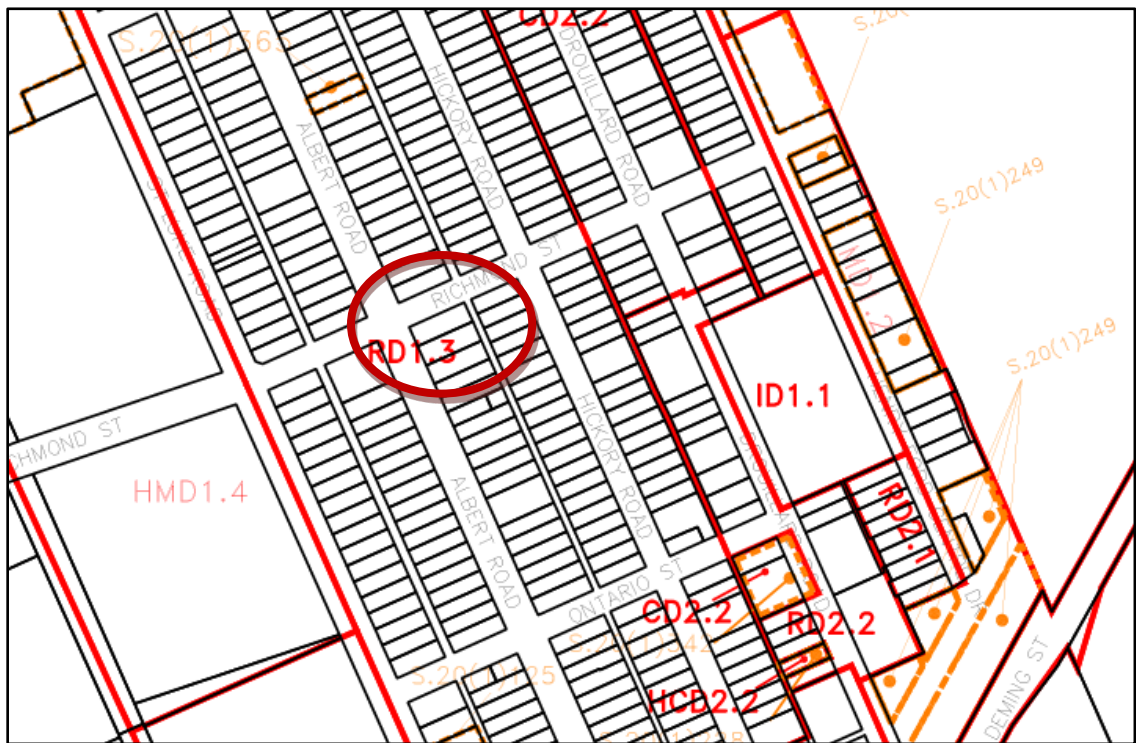


Figure 4 –Zoning

The property is currently deemed as legal non-conforming with a combined use building which had a grocery store and 3 residential dwelling units (permitted in 1997).

The zoning for the Site is proposed to be changed to a site specific Residential District 1.3 (RD1.3 - S.20(1)(XXX)) category as shown on Map 6 of the City of Windsor Zoning By-Law (ZBL) in order to permit a multiple dwelling with 4 dwelling units as an additional permitted use.

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

A review of the RD1.3 zone provisions, as set out in Section 10.3 of the ZBL is as follows:

<b>Zone Regulations (Section 10.3)</b>	<b>Required RD 1.3 Zone (using duplex dwelling)</b>	<b>Proposed</b>	<b>Compliance and/or Relief Requested with Justification</b>
Permitted Uses	Existing Duplex Dwelling Existing Semi-Detached Dwelling One Single Unit Dwelling Any use accessory to the preceding uses	Multiple dwelling with 4 dwelling units	A zoning amendment is required to permit the proposed development as an additional permitted use.  Similar to a double duplex.
Min. Lot Width	9.0 m	9.78 m along Albert Road - existing	Complies
Min. Lot Area	360.0 m <sup>2</sup>	327.0 m <sup>2</sup>	Relief required.  Relief is considered minor.  The lot is existing.
Max. Lot Coverage	45.0%	55.0 %	Relief required.  The building is existing. A small addition is proposed.  Interior and exterior renovation proposed.  The commercial use will be removed.  An outdoor amenity patio area will be provided.
Max. Building Height	9.0 m	7.52 m - existing	Complies
Min. Front Yard Depth	6.0 m	4.52 m	Relief required.  Relief is considered minor.

Zone Regulations (Section 10.3)	Required RD 1.3 Zone (using duplex dwelling)	Proposed	Compliance and/or Relief Requested with Justification
			The building is existing.
Min. Rear Yard Depth	7.50 m	9.19 m	Complies
Min. Side Yard	1.20 m	0.25 m – interior 0.30 m - exterior	Relief is required for both interior and exterior.  Relief is considered minor.  The building is existing.
Max. Gross Floor Area – main building	400 m2	363.06 m2 - total building	Complies
Min. Parking Spaces Required (Table 24.20.20.5.1)	Multiple Dwelling containing a maximum of 4 Dwelling units = 1.25 for each dwelling units  <b>= 5 Total</b>	3 parking spaces	Relief required.  Relief is considered minor.  A parking study has been completed.  A total of 4 bicycle parking spaces will be provided.
Min. Daylight Corner - 5.15.5	On a corner lot, any part of any building or structure shall have a <b>minimum separation of 6.0 metres from the point of intersection of any two streets</b> unless: .1 that part of the building or structure is elevated a minimum of 2.20 metres above grade; .2 that part of the building or structure consists exclusively of not more than one	Existing	Complies

Zone Regulations (Section 10.3)	Required RD 1.3 Zone (using duplex dwelling)	Proposed	Compliance and/or Relief Requested with Justification
	structural support column having a maximum outside diameter of 1.0 metre and a minimum height of 2.20 metres above grade.		

Therefore, in addition to the change in zoning for the permitted use of a multiple dwelling with 4 dwelling units, the proposed development will comply with all zone provisions set out in the RD1.3 Zone except for the following, which requires site specific relief:

1. *decrease minimum lot area from 360.0 m2 to 327.0 m2,*
2. *increase the maximum lot coverage from the required 45.0 % to the proposed 55.0%,*
3. *decrease the minimum front yard depth from 6.0 m to 4.52 m,*
4. *decrease the minimum side yard from 1.20 m to 0.30 m for the exterior and 0.25 m for the interior, and*
5. *decrease the minimum parking spaces from 5 to 3.*

## **6.0 SUMMARY AND CONCLUSION**

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

#### **6.1.1 Site Suitability**

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

- The land area is sufficient to accommodate the proposed development,
- The Site is generally level, which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic or parking concerns,
- There are no natural heritage concerns,
- There are no cultural heritage concerns,
- There are no hazards, and
- The location of the proposed development is appropriate.

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

The proposed development has been designed to be compatible with the existing built-up area.

The proposed development is a low profile form of development which incorporates sufficient setbacks to allow for appropriate landscaping and buffering.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.

The existing building will be designed to address compatibility within uses in the area.

The proposed development will help diversify housing options in the surrounding neighbourhood and will help supply the housing units that are needed in the area.

#### **6.1.3 Good Planning**

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

The existing building is underutilized and provides an infilling opportunity.

Residential use on the Site represents an efficient development pattern that optimizes the use of land.

The previous commercial space is no longer needed.

The proposed development will not change lotting or street patterns in the area.

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

The proposal does not have any negative natural environmental impacts.

#### **6.1.5 Municipal Services Impacts**

Full municipal services are available, which is the preferred form for development.

There are no parking or traffic concerns.

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

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

Infilling in an existing built-up area of the City contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

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

Based on the Site area, the proposed development will result in a total gross density, which is appropriate for the area.

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

There are no cultural heritage resources that impact the Site.

## **6.2 Conclusion**

In summary, it would be appropriate for Council for the City of Windsor to approve the ZBA to permit the proposed development on the Site.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the OP and ZBL and represents good planning.

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

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

- (a) Include a description of the proposal and the approvals required;*
- (b) Describe the site's previous development approval history;*



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

**Planner's Certificate:**

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



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



## APPENDIX E – CONSULTATION COMMENTS

### BELL CANADA

The information that municipalities provide to Bell Canada is instrumental to the provisioning of telecommunications infrastructure and we appreciate the opportunity to be proactively engaged in development applications and infrastructure and policy initiatives.

Bell Canada will provide a response should any comments / input be required on the information included in the circulation received. Bell Canada kindly requests that even if a specific comment is not provided at this time that you continue to circulate us at [circulations@wsp.com](mailto:circulations@wsp.com) on any future materials related to this development project or infrastructure / policy initiative so that we can continue to monitor its progress and are informed of future opportunities for engagement.

#### **1) Bell Canada Responses to Pre-Consultation & Complete Development Application Circulations:**

##### **Pre-consultation Circulations**

Please note that Bell Canada does NOT generally comment on pre-consultation circulations unless the information provided identifies that a future draft plan of subdivision, draft plan of condominium and/or site plan control application will be required to advance the development proposal.

##### **Complete Application Circulations & Recirculations**

Please note that Bell Canada does NOT generally comment on the following development applications - official plan and zoning by-law amendments, part lot control, temporary use and interim control by-laws. However, Bell Canada does generally comment on site plan approval, draft plans of subdivision and draft plan of condominium applications.

Bell Canada will generally comment on recirculations where the change modifies the proposed residential dwelling unit count and/or non-residential gross floor area in a draft plan of subdivision, draft plan of condominium and/or site plan control application.

#### **2) Bell Canada Responses to Infrastructure and Policy Initiative Circulations:**

If required, a follow-up email will be provided by Bell Canada to outline any input to be considered on the infrastructure / policy initiative circulation received at this time.

##### **Concluding Remarks:**

If you have any other specific questions, please contact [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca) directly.

We note that WSP operates Bell Canada's development tracking system, which includes the intake and processing of municipal circulations. **However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell**

**Canada, and not from WSP.** WSP is not responsible for the provision of comments or other responses.

### **ENBRIDGE – JOSE DELLOSA**

After reviewing the provided drawing at 1098 Albert Rd and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

#### **Please Note:**

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

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

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

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

Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

### **TRANSIT WINDSOR – JASON SCOTT**

Transit Windsor has no objections to this development. The closest existing transit route is with the Central 3 with direct service along Richmond. The closest existing bus stop to this property is located on Richmond at Hickory Northeast Corner. This bus stop is approximately 80 metres from this property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop. This will be maintained with Transit Windsor's City Council approved Transit Master Plan.

### **ENVIRONMENTAL SERVICES - ANNE-MARIE ALBIDONE**

The applicant must ensure compliance with both ZBL 8600 and By-law 2-2006 *A By-Law to Establish and Maintain a System for the Collection and Disposal of Waste in the City of Windsor.*

### **HERITAGE PLANNING – TRACY TANG**

Tracy Tang, Planner III – Economic Development (A) on behalf of Kristina Tang, Heritage Planner

## **Built Heritage**

The subject property is not recognized on the Windsor Municipal Heritage Register. However, it appears to be a traditional example of a c.1920s combined use building with historic red brick masonry units and details, particularly along the parapet. Please see below some general heritage best practices for your consideration.

- We are glad to see the intent to preserve and restore of the existing red brick cladding and façade details
- We discourage the painting of any previously unpainted masonry and details, including cast stone and parapet caps, as this can be very damaging to the building. It traps moisture in the masonry and causes deterioration in the long term
- A high-quality material like fibre cement board (E.g. James Hardie Board) or pre-engineered wood siding imitating traditional building materials for the horizontal lap siding is supported

## **Archaeology**

The subject property is located on an area of low archaeological potential. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

## Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

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

[mstaaedegaard@citywindsor.ca](mailto:mstaaedegaard@citywindsor.ca)

Ontario Ministry of Citizenship and Multiculturalism

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery

Closures, 1-416-212-7499, [Crystal.Forrest@ontario.ca](mailto:Crystal.Forrest@ontario.ca)

## **TRANSPORTATION PLANNING – ELARA MEHRILOU**

- The Official Plan classifies Albert Road as a Local/Residential Road with a required right-of-way width of 20 meters. The current right-of-way sufficient; therefore, no conveyance is required.
- The Official Plan classifies Richmond Street as a Class I Collector with a required right-of-way width of 15.2 meters per Schedule X. The current right-of-way sufficient; therefore, no conveyance is required.

- A 4.6-meter corner cut-off is required at the corner of Albert Road and Richmond Street.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All parking must comply with ZBL 8600.

Transportation Planning has reviewed the submitted Parking Study titled "1098 Albert Road Residential Windsor, ON" File Number "24-1551" dated "January 2024" conducted by RC Spencer Associate Inc.

- We agree this project as being on the transit route.
- Being approximate of VIA Rail Station is irrelevant to the parking deficiency of the project.
- Sustainable policies intended to encourage non-auto modes of travel, addresses reduction of numbers of auto -travel not reduction of the number of automobiles. Therefore, this does not address the parking space deficiency.

After confirming with Parking Department, *this area is currently very tight for on-street parking particularly in the evening. The spill-over from this development due to lack of parking will make a on-street parking situation worse.*

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

## **ZONING – CONNER O’ROURKE**

- **Current Zoning Designation: RD 1.3**
- **Proposed Zoning Designation: RD 1.3 (no change)**
- **Proposed Use:**
  - Multiple Dwelling with four Dwelling Units
  - Not permitted in RD 1.3
  - By-law Amendment requested to permit use
- **Section 5 – General Provisions**
  - COMPLIES
- **Section 10.3 – Residential District 1.3**
  - COMPLIES
- **Section 24 – Parking, Loading and Stacking Provisions:**
  - Minimum Size of Parking Space: (24.20.10)
  - COMPLIES
- **Section 25 – Parking Area Regulations:**
  - NOT APPLICABLE

## **ENGINEERING – DAN LOPEZ**

We have reviewed the subject Rezoning application and have the following comments:

### **Required Drawing Revisions:**

**1. Driveway Approaches** – Do not conform to City of Windsor Standards, which must be constructed with straight flares and no raised curbs within the right-of-way.

- o Modify as per Standard Engineering Drawing AS-204.
- o Redundant curb cut must be restored
- o A new entrance off Richmond to parking area is preferred.

**2. Sewer Connections** – All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.

- o Modify drawings to include all sewer connections and water services.
- o Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.

**3. Boulevard Restoration** – Concrete flatworks East of sidewalk along Albert Road to be removed and boulevard restored as per Best Practice B.P.3.2.2.

**4. Alley Paving** – Proposal includes access off existing alley. Alley must be paved according to City of Windsor best practice BP2.3.2. The owner must also demonstrate that paving the alley will not cause adverse effects to the drainage pattern of the existing gravel alley. The owner must:

- o Submit topographic survey showing existing alley drainage
- o Demonstrate that proposed grades of alley paving will promote positive drainage
- o If necessary to allow drainage, remove and reconstruct the existing concrete alley approach.
- o Existing manhole and frame may need to be adjusted to provide positive drainage.
- o A survey with existing and proposed grading is required prior to the issuance of a street opening permit.

#### **Right-of-Way Permit Requirements:**

**CCTV Sewer Inspection** – The Owner further agrees to provide at its entire expense CCTV inspection satisfying City of Windsor Standard Specification S-32, for all existing and newly constructed sanitary and storm sewer infrastructure. The inspection shall include both mainline sewers and private drain connections, and shall be required to be submitted prior to the issuance of construction permits;

**Driveway Approaches** – The Owner further agrees that driveway approaches shall be constructed in such width and location as shall be approved by the City Engineer, with straight flare driveway approaches and no raised curbs within the right-of-way. The Owner shall have the option of constructing said driveway approaches as follows:

1. Commercial
  - a. Unless otherwise noted, to construct all non-residential driveway approaches of concrete in accordance with City of Windsor Standard Drawing AS-204.
  - b. Concrete flatworks on East side of sidewalk along Albert to be removed and boulevard restored as per Best Practice B.P.3.2.2.

**Sewer Connections** – The site is serviced by a 600mm combined sewer located on Albert Rd and a 375mm storm sewer located within the Richmond Street right-of-way. All existing and proposed storm, sanitary and water services must be identified on the drawings, as well as the associated mainline sewers/water mains.

- o Modify drawings to include all sewer connections and water services.
- o Identify any redundant connections to be abandoned in accordance with Engineering Best Practice BP1.3.3.
- o Alley Paving – The owner shall agree to drain and pave at their entire expense, the alley abutting the subject lands. The minimum acceptable cross-section will be 300 mm

Granular "A" and 100 mm base and surface course asphalt in accordance with Standard City of Windsor Specifications, Selected Granular Base Course (S4) and Hot Mix, Hot Laid Asphaltic Concrete (S-10). The geometrics of the pavement shall comply with City of Windsor Standard Drawing AS-201. All work shall be to the satisfaction of the City Engineer. The property owner shall also agree to the following.

- o A new catch basin and storm service may need to be installed to drain the alley.
- o Existing manhole and frame may need to be adjusted to provide positive drainage.
- o A survey with existing and proposed grading is required prior to the issuance of a street opening permit.
- o Demonstrate that proposed grades of alley paving will promote positive drainage
- o If necessary to allow drainage, remove and reconstruct the existing concrete alley approach.

If you have any further questions or concerns, please contact Thomas Huynh, of this department at [thuynh@citywindsor.ca](mailto:thuynh@citywindsor.ca)

## **ENWIN**

**HYDRO ENGINEERING: Keegan Morency Kendall**

No Objection, provided adequate clearances are achieved and maintained.

Please note the following.

- 1- ENWIN has 16kV overhead primary conductors behind the property.
- 2- ENWIN has 120/240V overhead secondary conductors behind the property.
- 3- ENWIN has a pole line behind the property.

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

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

**WATER ENGINEERING: Bruce Ogg**

ENWIN water has no objections. The existing water service is 19mm which may not be an adequate size for the changes being proposed.





**PLANNING, SPECIAL PROJECTS – KEVIN ALEXANDER**

The use of the existing brick and the addition of the cement board is an improvement from the first set of drawings provided.

The brown/red brick and white/off-white cement board is consistent with the context of the area.

To date the applicant has not filled a Ford CIP grant application from. Please see the link below for the grant application form.

[Ford City Community Improvement Plan \(CIP\) | City of Windsor Extranet Portal \(citywindsor.ca\)](https://citywindsor.ca)

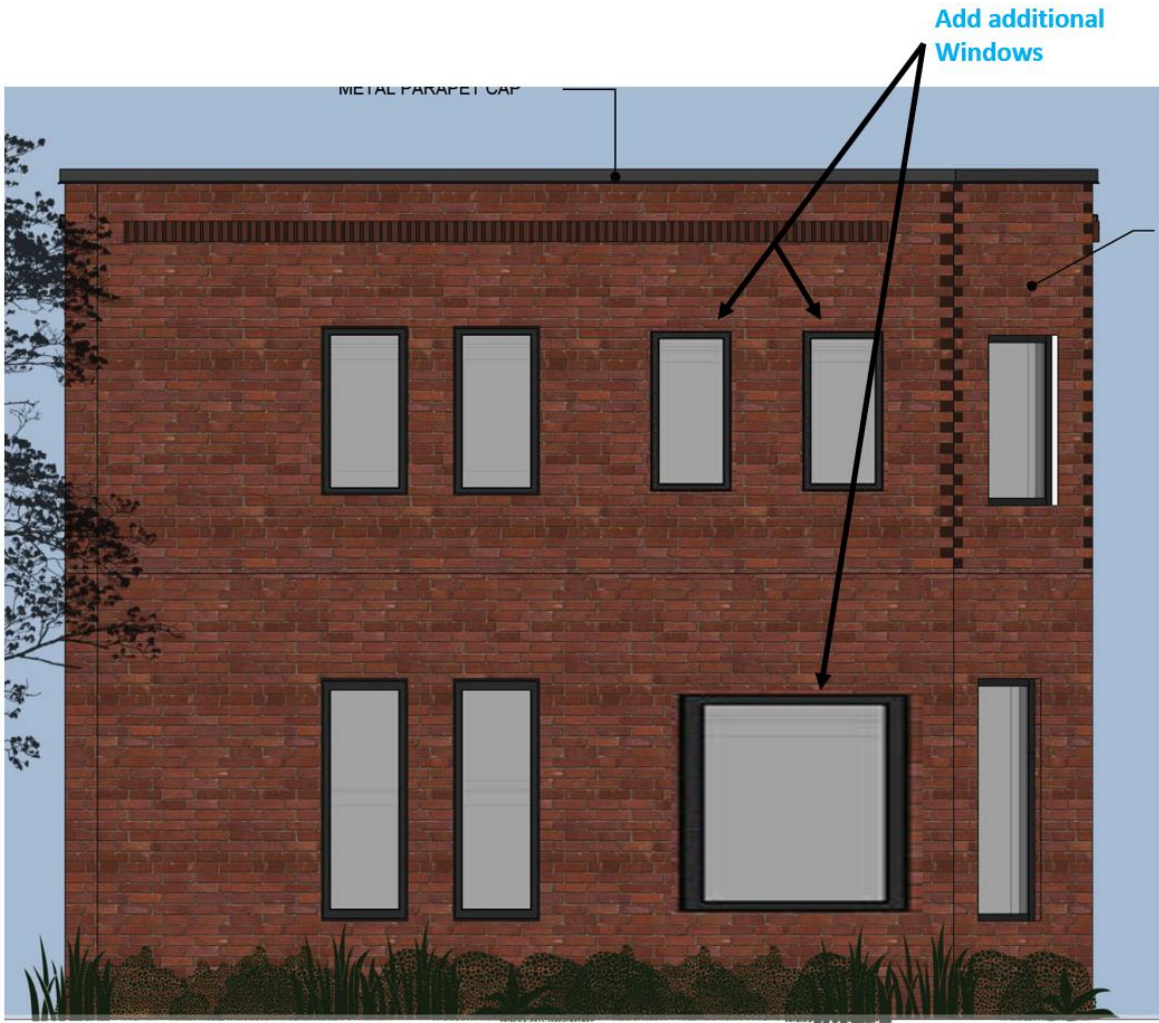
\*An application for any financial incentive program must be submitted to the City prior to the commencement of any works to which the financial incentive program will apply and prior to application for building permit.

As stated previously Richmond is a significant Gateway connecting Ford City to the Walkerville Heritage District. The subject is a significant building within the neighbourhood and should be developed as a secondary gateway marker between any gateway that is established on Richmond between Walker Rd and St Luke Rd, and Drouillard Rd as the main corridor of Ford City. Please provide the following changes:

- Address the corner of Richmond Street and Albert Road and the building as a gateway along the corridor by retaining the original corner entrance, key stone (if it still exists) at the top of the second floor, and windows on both sides of the original building entrance.



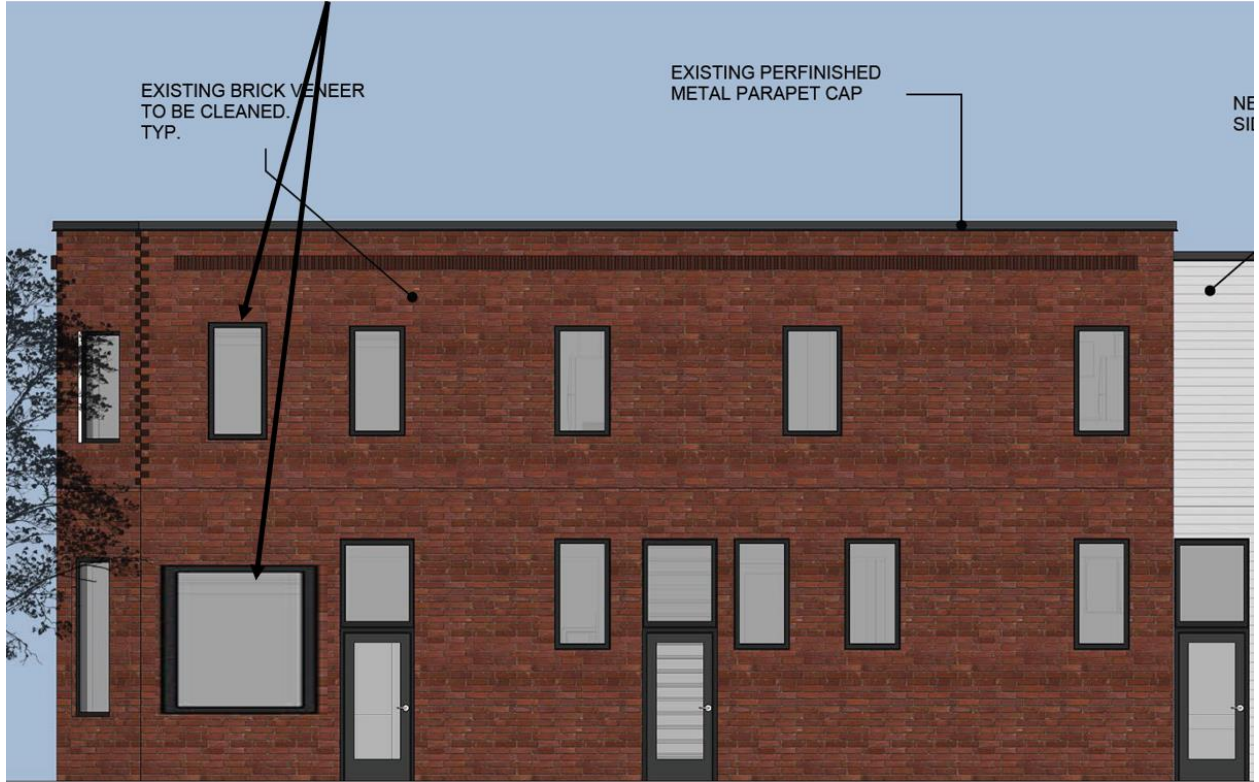
- Add additional windows on the second storey west and south facades facing

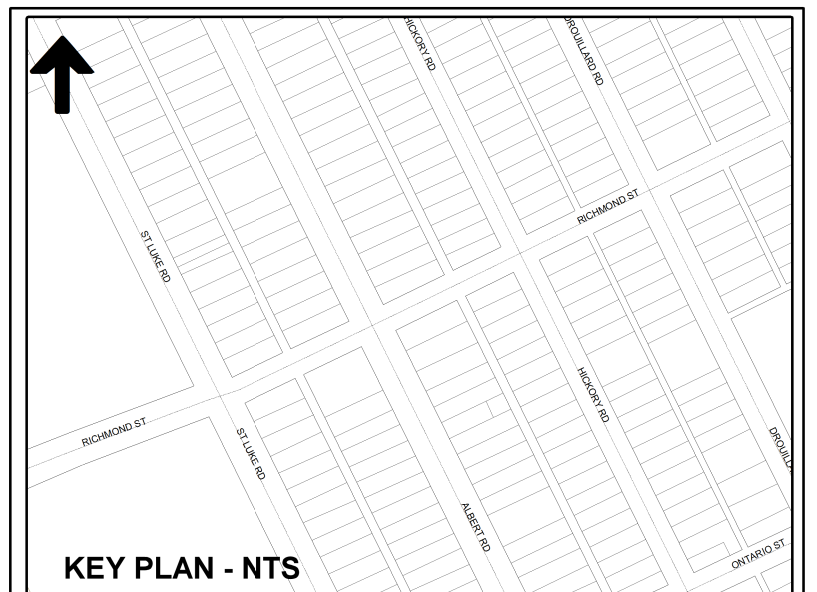
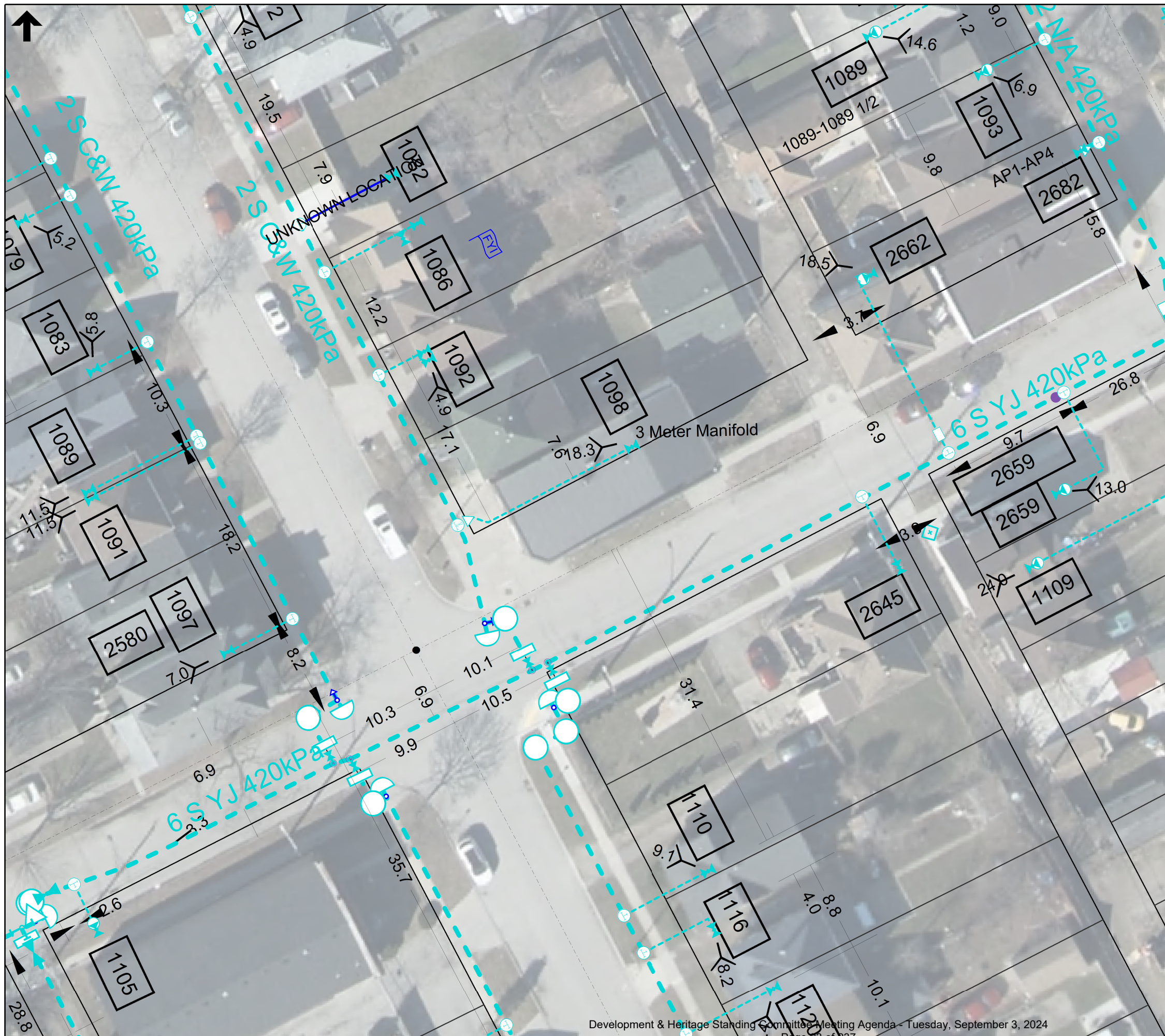


tura

WEST ELEVATION

**Add additional  
Windows**





**SOURCE DOCUMENT INFORMATION**

Qualified Individual:		Pipeline Certificate No:	
Welder / Fuser:		Ticket Number:	
In-Service Date:		G-Tech Update By:	
		Date:	
Design Pressure:		Test Medium:	
Time On:		Pressure:	
Time Off:		Pressure:	

**REVISIONS**

Date	By	App'd	Remarks



**AS-BUILT**

Title :  
**1098 Albert Rd**

Description :

Project # :	MAXIMO Ref # :	% SMYS :
District : <b>WINDSOR</b>	Municipality : <b>WINDSOR</b>	Authorized:
Drawn By :	Date Drawn : [SYSDATE]	Corrosion:
Scale :	GTech # : [G3E_IDENTIFIER]	<b>Drawing Number</b> OF

**APPENDIX F – SITE PHOTOS**



View northeast towards the subject parcel.



View from Richmond Street northeast towards the subject parcel.



View northwest towards the subject parcel.



View west towards the subject parcel.



**Subject: Impact of Bill 185 Passed by the Provincial Legislature – City Wide**

**Reference:**

Date to Council: September 3, 2024  
Author: Aaron Farough  
Senior Legal Counsel  
Phone Number: 519-255-6100 ext. 6850  
Email: afarough@citywindsor.ca  
Department: Legal and Real Estate Services  
Report Date: July 29, 2024  
Clerk's File#: GP2024

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

**Recommendation:**

- I. THAT City Solicitor's report on legislative changes resulting from provincial Bill 185 and related legislation **BE RECEIVED**;

**Executive Summary:**

N/A

**Background:**

On June 6, 2024, Bill 185 in the Ontario provincial legislature, titled the *Cutting Red Tape to Build More Homes Act* received royal assent. Bill 185 included amendments to existing legislation, such as the *Planning Act*, the *Municipal Act, 2011*, and the *Development Charges Act, 1997*. Bill 185 follows a number of recent legislation changes affecting municipalities, which include Bill 108, *More Homes More Choices Act, 2019*, Bill 109, *More Homes for Everyone Act, 2022* and Bill 23, *More Homes Built Faster Act, 2022*.

**Discussion:**

The following is a high-level summary of various changes resulting from Bill 185 which are expected to be the most relevant to the City of Windsor.

**Changes to the *Planning Act*:**



*i) Limiting Third Party Appeal Rights*

As a result of the province's Bill 185, the ability to appeal Zoning By-law Amendments (ZBAs) or Official Plan Amendments (OPAs) is now limited to the applicant, public bodies, registered owners of land to which the proposed ZBA or OPA would apply, and "specified persons". "Specified persons" is a term defined in the *Planning Act* and largely consists of various classes of utility providers. "Public bodies" includes hospitals, a ministry, department, board, commission, agency or official of a provincial or federal government or a First Nation. The general requirement remains that an appellant must have made oral or written submissions to council prior to the ZBA or OPA passing in order to be eligible to appeal.

This change means that parties who may otherwise wish to appeal, such as special interest groups, ratepayers groups, or neighbours can no longer appeal unless they fit into those limited categories named by the province. The City does not have jurisdiction to expand the list of eligible appellants from what is provided in the legislation. Administration has been updating its notices related to these types of development applications to ensure the public is aware of these new rules.

Past amendments to the *Planning Act* had limited the ability of third parties to appeal decisions on subdivision applications, severances, and minor variances. Bill 185 now reflects those changes for Zoning By-law Amendments and Official Plan Amendments as well.

*ii) Removing Mandatory Pre-Consultation*

Bill 185 removed the ability for municipalities to implement mandatory pre-consultation prior to an applicant submitting a development application. This is unlikely to result in much practical change, as applicants are still required to file a complete application, which may consist of studies and reports that identify the impacts of a proposed development. City Planning staff typically work with applicants through pre-consultation to identify required studies and reports and help ensure an application is complete prior to submission. Accompanying this change, municipalities are no longer required to refund application fees for not making a decision on a development application within statutory deadlines.

*iii) Lapsing Approvals*

Changes from Bill 185 further expand on a municipality's ability to attach lapsing provisions to site plan and draft plan of subdivision approvals. This provision is mandatory for draft plan of subdivision approvals. Going forward a municipality must provide that an approval of a draft plan of subdivision will lapse by a certain date, which may be prescribed by the province in the future, but is currently to be not less three years. Site Plan approvals issued by the City generally contain lapsing provisions and the timeline for such lapsing has been updated going forward to reflect the change in legislation.

*iv) Exemption of Post-Secondary Institutions from Planning Act Requirements*

New Section 62.0.2 of the *Planning Act*, which was added by Bill 185 now exempts undertakings of "publicly-assisted universities" or "colleges and universities federated or

affiliated with a publicly-assisted university” from *Planning Act* requirements, provided the undertaking is “for the objects of the institution”.

v) *Additional Residential Units or Additional Dwelling Units (“ADUs”)*

Over the last 15 years changes have been implemented at the provincial level dealing with Additional Dwelling Units (ADUs), which are self-contained residential units with their own kitchen and bathroom facilities within single detached, semi-detached, or townhome dwelling or within an accessory structure (e.g. dwelling unit above a detached garage).

Previous changes to the *Planning Act* required municipal Official Plans and Zoning By-laws to permit up to two ADUs per property (e.g. one ADU within the main building and one within an accessory building). This change required municipalities to permit up to three dwelling units, as-of-right, City-wide. Subsequent changes to the *Planning Act* then required municipalities to permit the establishment of up to three dwelling units on any serviced property in a number of configurations (e.g. three units in a main building or two units in a main building and one unit within an accessory building).

These numerous legislative changes concerning ADUs at the provincial level have tripled the as-of-right residential density within Windsor’s low profile neighbourhoods, which now permit up to:

- Three dwelling units per property where single detached dwellings are permitted;
- Six dwelling units where semi-detached dwellings are permitted; and
- Nine or more dwelling units where townhome dwellings are permitted (i.e. depending on how many townhome dwelling units are attached in a row).

Bill 185 now introduces new Section 49.3 to the *Planning Act* which is to come into force on a date to be proclaimed later by the Lieutenant Governor. That provision, when in force, would allow the province to introduce regulations to exempt or restrict the application of various planning mechanisms such as Zoning By-laws and Site Plan Control to ADUs.

### **Changes to the Development Charges Act, 1997**

- i) The *Development Charges Act, 1997* has been amended so that the costs of a development charge study are once again considered an eligible capital cost which can be included in the calculation of a municipality’s development charge rate.
- ii) Subsection 26.2 of the *Development Charges Act, 1997* allows for an applicant’s development charge rate to be “frozen” as at the date a complete application for zoning by-law amendment or site plan approval (whichever occurs later) is filed. As long as building permits are pulled and the development charges are paid within a certain amount of time from the approval of the relevant planning application, the freeze would apply. Bill 185 reduce this amount of time from 2 years to 18 months.

- iii) Bill 185 also removed a “mandatory phase-in” of development charges that was part of the changes introduced by Bill 23. Previously, for any development charge by-law passed after on or after January 1, 2022, any development charge imposed during the first, second, third and fourth years that the development charge by-law is in force could be no more than 80, 85, 90 and 95 per cent of the charge imposed. This is no longer the case.

### **Changes to the *Municipal Act, 2001***

The *Municipal Act, 2001* contains an “anti-bonusing” provision in Section 106 of the Act, which prohibits a municipality from directly or indirectly providing assistance to any manufacturing business or other industrial or commercial enterprise. There are some exceptions to this general rule and Bill 185 introduced a new potential exception as Section 106.1 of the Act.

The new Section 106.1 allows the Province to make regulations authorizing a municipality to grant assistance to a specified manufacturing business or other industrial or commercial enterprise during a specified period. The regulations may include details on the type of assistance to be granted, as well as any restrictions or conditions that may apply to the assistance.

### **Risk Analysis:**

Administration has been adjusting its forms and procedures to comply with any new requirements in the amended legislation.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

This report is for Council’s information and does not have a financial impact.

### **Consultations:**

Greg Atkinson, Deputy City Planner, Development  
Jason Campigotto, Deputy City Planner, Growth  
Neil Robertson, City Planner

**Conclusion:**

Bill 185 resulted in the amendment of several pieces of legislation which will impact development and development applications within the City of Windsor.

**Departments/Others Consulted:**

**Approvals:**

<b>Name</b>	<b>Title</b>
Aaron Farough	Senior Legal Counsel
Jelena Payne	Commissioner, Economic Development
Ray Mensour	Commissioner of Community and Corporate Services
Wira Vendrasco	City Solicitor
Janice Guthrie	Commissioner, Finance & City Treasurer
Joe Mancina	Chief Administrative Officer

**Notification:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

**Appendices:**

**Item No. 8.1**



**Committee Matters: SCM 242/2024**

**Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 6, 2024**

## Development & Heritage Standing Committee Meeting

Date: Tuesday, August 6, 2024

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

### **Members Present:**

#### **Councillors**

Ward 1 - Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

**Clerk's Note:** Councillor Kieran McKenzie participated via video conference, in accordance with Procedure By-law 98-2011 as amended, which allows for electronic participation.

#### **Members**

Member Anthony Arbour

Member Joseph Fratangeli

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

#### **Members Regrets**

Member Daniel Grenier

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

Kristina Tang, Planner III - Heritage

Sandra Gebauer, Council Assistant

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

Joe Mancina, Chief Administrative Officer

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## Development & Heritage Standing Committee Tuesday, August 6, 2024

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Jason Campigotto, Deputy City Planner - Growth  
Adam Szymczak, Acting Deputy City Planner – Development  
Patrick Winters, Manager, Development  
Jim Leether, Manager, Environmental Services  
Emilie Dunnigan, Manager, Development Revenue & Financial Administration  
Elara Mehriou, Transportation Planner I  
Laura Strahl, Planner III – Special Projects  
Kevin Alexander, Planner III – Special Projects  
Natasha McMullin, Clerk Steno Senior  
Gabriel Lam, Waterloo – Co-op Planning  
Julia Wu, Waterloo – Co-op Planning  
Danielle Porier, Waterloo – Co-op Planning  
Liyue Qiu, Waterloo – Co-op Planning  
Anna Ciacelli, Deputy City Clerk

### **Delegations—participating via video conference**

Item 7.1. - Tracey Pillon-Abbs, RPP, Principal Planner  
Item 7.1. - Quan Yang, area resident  
Item 11.3. - Shawna Petzold, General Manager, Permit World

### **Delegations—participating in person**

Item 7.1. - Crystal McKenzie, area resident  
Item 7.1. - Joanne Verschraegen, area resident  
Item 7.1. - Rick Hobbs, area resident  
Item 7.1. - Linda MacKenzie, Neighbourhood Committee Representative  
Item 10.1. - Peter Deck, property owner  
Item 10.2. - Xiaoliang Duan, property owner  
Item 10.3. - Robert & Melanie Polewski, property owners  
Item 11.3. - David Meikle, Signal Out of Home

## **1. CALL TO ORDER**

The Chairperson calls the meeting of the Development & Heritage Standing Committee 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**

None requested.

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## Development & Heritage Standing Committee Tuesday, August 6, 2024

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### 4. COMMUNICATIONS

None presented.

### 8. ADOPTION OF THE MINUTES

#### 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 2, 2024

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

THAT the minutes of the Development & Heritage Standing Committee meeting held July 2, 2024 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 205/2024

### 10. HERITAGE ACT MATTERS

#### 10.2. Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)

##### Xiaoling Duan, Property Owner

Xiaoling Duan appears before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)” and indicates that the cost of cedar roof shingles is much too expensive to be able to afford and wishes to replace the roof with asphalt shingles.

Councillor Angelo Marignani inquires how long the delegate has been living in the home. Ms. Duan indicates that there is not currently anyone living in the home as it needs repairs and then the plan is to rent it out.

Councillor Angelo Marignani inquires which roof style they prefer. Ms. Duan responds that asphalt shingles are preferred.

Councillor Kieran McKenzie comments that the reason for the delay of a decision is to consider all options for subsidizing the cedar shingles to preserve the heritage value of the home, and inquires if it is possible to work with a roofing company that doesn't specialize in the specific cedar roofing material or heritage-related construction work and if so, what subsidy could be offered to the applicant. Kristina Tang, Heritage Planner, appears via video conference before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled “Request for Heritage Permit – 567 Church Street, Revell-D'Avignon House (Ward 3)” and refers to



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## Development & Heritage Standing Committee Tuesday, August 6, 2024

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the cost summary, it was indicated that the cost of \$37,000 is for a composite material. There was not a quote for cedar wood shingles from that company. There is an example in Item 10.1 of this agenda that the company worked with administration to define the heritage specifications so that the owner and vendor were clear on the heritage standards required for installation. It could be done, but there is no indication here that ROC Home Improvement was ready to embark on this exercise.

Councillor Kieran McKenzie inquires if the City were to propose to fund the difference between the cost of cedar vs asphalt shingles in the amount of approximately \$35,000, how often have we deviated from the policy to allow an exception to the standard funding. Ms. Tang responds that the community heritage fund was designed to cover up to 15%. In recent years, council has recognized the higher cost of heritage work and has provided around 30% which has been the recommendation of staff. The cap would usually be \$50,000. We may have deviated in major or specialized projects such as John Campbell School and Assumption Church where the City had granted about \$200,000 for copper roofing. The percentage amount of the entire project cost was less than 30%.

Councillor Angelo Marignani inquires whether the delegate plans any changes to the façade of the home with the replacement of the roof. Ms. Duan responds that the front of the home will not be changed, however the siding will be painted.

Councillor Angelo Marignani inquires whether the scaled shingles at the top window will remain. Ms. Duan responds that is correct.

Member William Tape inquires whether the delegate's plan is to make the property a rental property and not their main residence. Ms. Duan responds that is the intention.

Member William Tape inquires whether the delegate plans to sell the residence in the short-term. Ms. Duan indicates that it may be sold, but the current plan is to rent the property.

Councillor Angelo Marignani requests that administration provide a review of the three options provided. Ms. Tang indicates that the quotes have presented asphalt, composite and cedar shingles. Administration does not recommend the composite material because the pricing is similar to cedar but not authentic. The recommendation in the Administrative Additional Information memo is to approve the asphalt roof shingle or the cedar roof shingle.

Councillor Angelo Marignani requests that Ms. Tang confirm the asphalt material proposed. Ms. Tang responds that the material is not confirmed by the owner. In the new AI report, the owner provided quotes citing a different type of asphalt material. Should the committee approve the recommendation of asphalt shingles, administration would confirm the details of the materials used before work is to begin on the home.

Member Charles Pidgeon inquires whether the committee is setting a precedent that would allow other homeowners to use asphalt instead of cedar. Jason Campigotto, Deputy City Planner, appears before the Development & Heritage Standing Committee regarding the administrative report dated June 4, 2024, entitled "Request for Heritage Permit – 567 Church Street, Revell-

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## Development & Heritage Standing Committee Tuesday, August 6, 2024

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D'Avignon House (Ward 3)" and indicates that consideration of establishing precedent is taken. In this particular request, the roof is not identified as a heritage attribute on the designation by-law. When looking at this property from the street frontage, the roof is not a predominant feature. Administration is recommending support as this is a reversible improvement that could be changed at a later date to cedar shingles.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 641**

- I. THAT Council **BE INFORMED** of the various roof replacement options explored by the Owner of 567 Church Street as outlined in this report; and,
- II. THAT a Heritage Permit at 567 Church St, Revell-D'Avignon House, **BE GRANTED** to the Property Owners Xiaoliang Duan & Hao Cui for the repainting of the "fish-scale" shingles at the gable ends, midline band of the bay window, and wood siding of the property per details outlined in Report S 72/2024 Appendix B Heritage Permit Application; and,
- III. THAT a Heritage Permit at 567 Church St, Revell-D'Avignon House, **BE GRANTED** to the Property Owners Xiaoliang Duan & Hao Cui for the removal and replacement of the existing cedar wood roof material with Timberline HDZ asphalt shingles, subject to further review of scope of work, product information and compatible colour selection to the satisfaction of the City Planner or designate prior to work start; and,
- IV. THAT the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the roof replacement, gable ends, and ornamental strip between the two-storeys.

Carried.

Members William Tape, Joseph Fratangeli, and Charles Pidgeon voting nay.

Report Number: S 72/2024 & AI 17/2024

Clerk's File: MBA/2985

### 10.3. Request for Partial Demolition and Removal from Municipal Heritage Register for Heritage Listed Property – 232 Thompson Boulevard, House (Ward 6)

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 642**

- I. THAT Council **BE INFORMED** of the proposed partial demolition at 232 Thompson Boulevard to remove the existing roof, front porch, openings (doors/windows), and brick chimney to construct a second storey addition and new covered front porch; and,

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## Development & Heritage Standing Committee Tuesday, August 6, 2024

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- II. THAT the property at 232 Thompson Boulevard, identified as House – Arts & Crafts Bungalow, **BE REMOVED** from the Windsor Municipal Heritage Register, due to the existing lack of apparent cultural heritage value or interest in combination with the proposed extent of non-reversible alterations.

Carried.

Report Number: S 90/2024  
Clerk's File: MBA2024

### 10.1. Community Heritage Fund Request – 3069 Alexander Ave, Masson-Deck House (Ward 2)

Peter Deck appears before the Development & Heritage Standing Committee regarding the administrative report dated July 18, 2024, entitled “Community Heritage Fund Request – 3069 Alexander Ave, Masson-Deck House” and is available for questions.

Councillor Angelo Marignani inquires whether the aluminum flashing will be replaced with the same. Mr. Deck responds that the existing flashing is copper, but it was recommended that painted galvanized steel be used.

Moved by: Councillor Mark McKenzie  
Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 640**

- I. THAT a total grant of 30% of the cost to an upset amount of \$15,126.18 for the cedar roof shingles and the cedar dormer shingles, from the Community Heritage Fund (Reserve Fund 157), **BE GRANTED** to the Owner of the Masson-Deck House at 3069 Alexander Ave, subject to:
- a. Fulfillment of the conditions of Heritage Permit HP 09/2024 issued under delegated authority;
  - b. Determination by the City Planner that the work is completed to heritage conservation standards;
  - c. Owner's submission of paid receipts for work completed;
  - d. That the Community Heritage Fund (Reserve Fund 157) grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: S 99/2024  
Clerk's File: MBA/3801

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## Development & Heritage Standing Committee Tuesday, August 6, 2024

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There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act Matters*) portion is adjourned at 5:06 o'clock p.m.

The Chairperson calls the *Planning Act Matters* portion of the Development & Heritage Standing Committee meeting to order at 5:08 o'clock p.m.

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

#### 5.1. Adoption of the Development & Heritage Standing Committee minutes (*Planning Act*) of its meeting held July 2, 2024

Moved by: Councillor Angelo Marignani  
Seconded by: Councillor Mark McKenzie

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held July 2, 2024 **BE ADOPTED** as presented.  
Carried.

Report Number: SCM 228/2024

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

See item 7.1.

### 7. *PLANNING ACT MATTERS*

#### 7.1. Zoning By-law Amendment Application for property known as 1920 Grove Avenue; Applicant: Olivia Construction Homes Ltd.; File No. Z-016/24, ZNG/7206; Ward 2

Moved by: Councillor Fred Francis  
Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 639**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the north side of Grove Avenue, between Josephine Avenue and Partington Avenue, described as Part Lot 68, Concession 1, PIN 01219-0447 LT, from Residential District 2.1 with a holding prefix (HRD2.1) to Residential District 2.5 (RD2.5) and adding the following site-specific zoning provisions:

**“511 NORTH SIDE OF GROVE AVENUE, BETWEEN JOSEPHINE AVENUE AND PARTINGTON AVENUE**

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## Development & Heritage Standing Committee Tuesday, August 6, 2024

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For the land comprising Part Lot 68, Concession 1, PIN 01219-0447 LT, all permitted uses shall be subject to the following additional provisions:

- |   |                |
|---|----------------|
| a) Main Building Height - maximum                   | 11.0 m         |
| b) Front Yard Depth – maximum                       | 20.3 m         |
| c) Rear Yard Depth – minimum                        | 5.48 m         |
| d) Loading space – minimum                          | 0              |
| e) Exterior finish for all dwelling types – minimum | 50% face brick |

[ZDM 4; ZNG/7206]”

- II. THAT the Site Plan Approval Officer **BE DIRECTED** to consider the municipal departments and external agencies’ requirements found in Appendix D of this Report in the Site Plan Approval process and incorporate the Engineering Department’s requirements and other appropriate/necessary requirements in the Site Plan Agreement for the proposed development on the subject land; and,
- III. THAT the Applicant **BE REQUESTED** to conduct an open house to discuss the concerns raised by area residents prior to this matter being considered by Council.

Carried.

Councillor Angelo Marignani voting nay.

Report Number: S 96/2024  
Clerk’s File: ZB/13468

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 6:02 o’clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 6:02 o’clock p.m.

## 11. ADMINISTRATIVE ITEMS

### 11.3. Amendment to Sign By-law 250-04 for 2545 Howard Avenue, File No. SGN-001/24 - Ward 10

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## Development & Heritage Standing Committee

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### David Meikle, Signal Out of Home

David Meikle, Signal Out of Home, appears before Council regarding the administrative report dated July 9, 2024 entitled, "Amendment to Sign By-law 250-04 for 2545 Howard Avenue, File No. SGN-001/24 - Ward 10" and is available for questions.

### Shawna Petzold, General Manager, Permit World

Shawna Petzold, General Manager, Permit World, appears before Council via video conference regarding the administrative report dated July 9, 2024 entitled, "Amendment to Sign By-law 250-04 for 2545 Howard Avenue, File No. SGN-001/24 - Ward 10" and is available for questions.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 645**

- I. THAT the application for a Site Specific Amendment to By-law 250-2004, being a by-law respecting signs and other advertising devices in the City of Windsor, as amended (the "Sign By-law"), to allow for the installation of an Electronic Changing Copy Billboard Ground Sign on the private property at 2545 Howard Avenue, **BE APPROVED**; and,
- II. THAT Schedule "E" – "Special Provisions for Individual Signs" of the Sign By-law **BE AMENDED** by adding the following as a new section E. 22:

**E. 22** Despite the provisions of this By-law, that a BILLBOARD SIGN, that is both a GROUND SIGN and an ELECTRONIC CHANGING COPY SIGN, may be constructed on the property located west of Howard Avenue, east of Doty Place and south of the CP Rail Line underpass, subject to the following conditions:

- a. That the BILLBOARD SIGN does not include FLASHING ILLUMINATION, and that changing of the ELECTRONIC CHANGING COPY does not occur at intervals of less than 10 seconds;
- b. That the manufacturer of the BILLBOARD SIGN confirm compliance with the lighting restrictions in accordance with Section 3 for electronic message signs;
- c. That the BILLBOARD SIGN does not have any animation including scrolling letters, television or video message, or any moving sign message objects;
- d. That the illumination intensity of the BILLBOARD SIGN complies with subsection 3.3.1.(c) of this By-law, and that the brightness of the BILLBOARD SIGN be automatically controlled with an ambient light photo-sensor; and,

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## Development & Heritage Standing Committee

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e. That the BILLBOARD SIGN will only be illuminated between the hours of 6am and 11pm; and,

III. THAT the City Solicitor **BE DIRECTED** to prepare the by-law to amend the Sign By-law.

Carried.

Report Number: S 88/2024

Clerk's File: SB2024

### 11.1. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Riverside Horizons Inc. for 3251 Riverside Drive East (Ward 5)

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

Decision Number: **DHSC 643**

I. THAT the request made by Riverside Horizons Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 3251 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,

II. THAT Administration **BE DIRECTED** to prepare an agreement between Riverside Horizons Inc., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,

IV. THAT the approval to participate in the Brownfield Rehabilitation Grant Programs **EXPIRE** if the agreement is not signed by applicant within two years following Council approval.

Carried.

Report Number: S 91/2024

Clerk's File: SPL/14202

### 11.2. Downtown CIP Grant Application Amendment made by Fouad Badour (Owner) for 509, 515, 521, 527 Marentette Avenue, Ward 3

# Minutes

## Development & Heritage Standing Committee

Tuesday, August 6, 2024

Page 11 of 12

Moved by: Councillor Fred Francis

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 644**

- I. THAT Council Resolution 63/2024 adopted on February 12, 2024 **BE AMENDED** as follows:
  - i. by **DELETING** Resolutions V., VI., VII., VIII., IX., X., and XI. in their entirety, and **INSERTING** the following in their place:
    - “V. THAT the request made by Fouad Badour for the proposed development at 509, 515, 521, 527 Marentette Avenue as proposed in Report S87/2024, to participate in:
      - a) the Building/Property Improvement Tax Increment Grant Program **BE APPROVED** for 100% of the municipal portion of the tax increment resulting from the proposed development for up to five (5) years or until 100% of the eligible costs are repaid pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan; and,
      - b) the New Residential Development Grant Program **BE APPROVED** for \$30,000 towards eligible costs of twelve (12) new residential units (\$2,500 per new residential units) pursuant to the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
  - VI. THAT Administration **BE DIRECTED** to prepare the agreements between the City and Fouad Badour to implement the Building/Property Improvement Tax Increment Grant Programs at 509, 515, 521, 527 Marentette Avenue in accordance with all applicable policies, requirements, and provisions contained within the Downtown Windsor Enhancement Strategy and Community Improvement Plan.
  - VII. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Building/Property Improvement Tax Increment Grant Program agreements at 509, 515, 521, 527 Marentette Avenue to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications.
  - VIII. THAT the City Treasurer **BE AUTHORIZED** to issue payment of \$30,000 for grants under the New Residential Development Grant Program for 509, 515, 521, 527 Marentette Avenue to Fouad Badour upon completion of the twelve (12) new residential units subject to the satisfaction of the City Planner and Chief Building Official.
  - IX. THAT grant funds in the amount of \$30,000 under the New Residential Development Grant Program **BE TRANSFERRED** from the CIP Reserve Fund



# Minutes

## Development & Heritage Standing Committee

Tuesday, August 6, 2024

Page 12 of 12

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226 to the City Centre Community Development Planning Fund (Project #7011022) when work is completed.

- X. THAT the approval to participate in the Building/Property Improvement Tax Increment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within two years following Council approval of Report S87/2024.
- XI. THAT should the new residential units not be completed in two (2) years following Council approval of Report S87/2024, City Council **RESCIND** the approval under the New Residential Development Grant Program and the Building/Property Improvement Grant Program and that the funds under the New Residential Development Grant Program be uncommitted and made available for other applications.
  - ii. by **INSERTING** the following as a new Resolution XII:
    - “XII. THAT the grants approved in Resolution V under the Building/Property Improvement Tax Increment Grant Program and the New Residential Development Grant Program shall apply to the property legally described in the Property Location section of Report S87/2024, regardless of whether the municipal addresses or roll numbers should change.”

Carried.

Report Number: S 87/2024  
Clerk's File: SPL2024

## 12. COMMITTEE MATTERS

None presented.

## 13. QUESTION PERIOD

None registered.

## 14. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items Matters) is adjourned at 6:05 o'clock p.m. The next meeting of the Development & Heritage Standing Committee will be held on Tuesday, September 3, 2024.

Carried.

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Ward 10 – Councillor Jim Morrison  
(Chairperson)

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Deputy City Clerk / Supervisor of  
Council Services



**Subject: Closure of west half of north/south alley located between Montrose Street and Tecumseh Boulevard West, Ward 3, SAA-4133**

**Reference:**

Date to Council: September 3, 2024  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: July 3, 2024  
Clerk's File #: SAA2024

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the 2.44-metre-wide west half of the north/south alley located between Montrose Street and Tecumseh Boulevard West, and shown on Drawing No. CC-1849 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
    - i. Bell Canada to accommodate existing infrastructure;
    - ii. Enbridge Gas Inc. to accommodate existing underground infrastructure; and
    - iii. ENWIN Utilities Ltd. to accommodate existing aboveground infrastructure.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1849.

- 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

**Executive Summary:**

N/A



**STREET & ALLEY CLOSING (SAA/4133)**

1:750

APPLICANT : CITY OF WINDSOR



ALLEY CLOSED BY CR610/2020    
  FORMER ALLEY INADVERTENTLY SOLD BY CITY    
  RECOMMENDED ALLEY CLOSURE (CITY INITIATED)

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JUNE, 2024

## **Background:**

On December 7, 2020, Council approved the closure of the east half of the north/south alley located between Montrose Street and Tecumseh Boulevard West and shown on Drawing No. CC-1849 attached hereto as Appendix "A" and shown on the aerial photo attached hereto as Appendix "B" (CR610/2020 DHSC 219).

During the preparation of Reference Plan 12R-29404, it was discovered that the west half of the north/south alley, making up part of 10 properties ranging from 1304 Oak Street to 1370 Oak Street, had not been assumed and closed.

The west half of the north/south alley was established by By-law 310 on November 18, 1941. The alley is comprised of lands acquired by the City in 1932 via a Tax Arrears Certificate. Over the years, portions of the alley making up part of 1304 Oak Street, 1312 Oak Street, and 1356 Oak Street were inadvertently sold by the City with the respective properties, resulting in the City losing ownership over the lands. Regaining ownership of the lands through expropriation or a court order, only to convey them back to the property owners, is not a practical option, nor is it necessary. The portions of the alley making up part of the remaining seven (7) properties are still owned by the City and are being recommended for closure (the alley).

The alley is unmaintained (unpaved) and composed primarily grass, gravel and natural vegetation. The alley has been encroached on over the years by abutting properties with landscaping and a chain-link fence. There are no Encroachment Agreements on record for the use of the alley.

## **Discussion:**

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), attached hereto as Appendix "C". The document includes the following four classifications of alleys based on their usefulness and provides the following corresponding criteria for determining their suitability for closure. The use of the document is referenced under Part I of CR146/2005.

### **Classification of Public Right-of-Ways**

1. Alley that is indispensable.
  - a. Does the alley serve commercial properties?
    - i. The alley does not serve any commercial properties.
  - b. Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?
    - i. The alley does not serve properties fronting on heavily traveled streets.
  - c. Does the alley contain sewers, and must the alley remain accessible for servicing?
    - i. The alley does not contain any sewers.

- d. Does the 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?
  - i. The alley does not 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.
- e. Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?
  - i. The alley does not contain any Fire Department connections.
2. Alley that, has some usefulness, are nevertheless dispensable and may or may not be a complete liability.
  - a. The Engineering - Right-of-Way Department has deemed the alley to serve no useful purpose.
3. Alley that appears 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.
  - a. The Engineering - Right-of-Way Department has deemed the alley to serve no useful purpose.
4. Alley 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.
  - a. The alley does not lie within a Holding zone or similar undeveloped area.

### **Suitability for Closing**

1. Indispensable alleys should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. 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.
4. 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.

Based on the above, the Planning Department deems the alley “dispensable” and recommends its closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section

herein. Hence the recommendation is to close and convey the alley in **as is condition** to the abutting property owners, which is the standard manner of conveyance.

**Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.3 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The Planning Department has an operating budget of \$33,100.00 for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor in 2025.

The Finance Department has confirmed that funds allocated under Capital Fund 007 (Alley Closing Subsidy Program), as Expense 2950 (Other Prof Services-External) may be used for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. \$40,000.00 will be added annually to Expense 2950 until 2031, which may be used to cover survey invoices received in the corresponding year.

There are sufficient funds to cover the anticipated survey cost, expected to be invoiced in 2025.

**Consultations:**

Consultations were held with the Legal, Real Estate & Risk Management Department.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

**Conclusion:**

The Planning Department recommends closure of the alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, Enbridge Gas Inc., and ENWIN Utilities Ltd. as in Recommendation II.

The closed alley is to be conveyed in **as is condition** to the abutting property owners as in Recommendation II of this report.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP*  
*Manager of Development*

*Neil Robertson, MCIP, RPP*  
*City Planner*

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

*JP*

*JM*

<b>Name</b>	<b>Title</b>
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Council, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

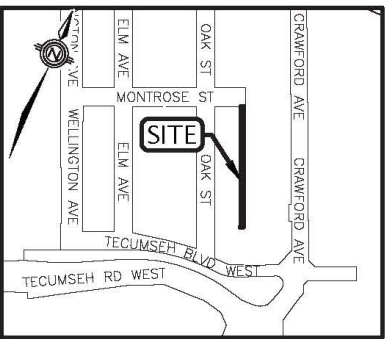
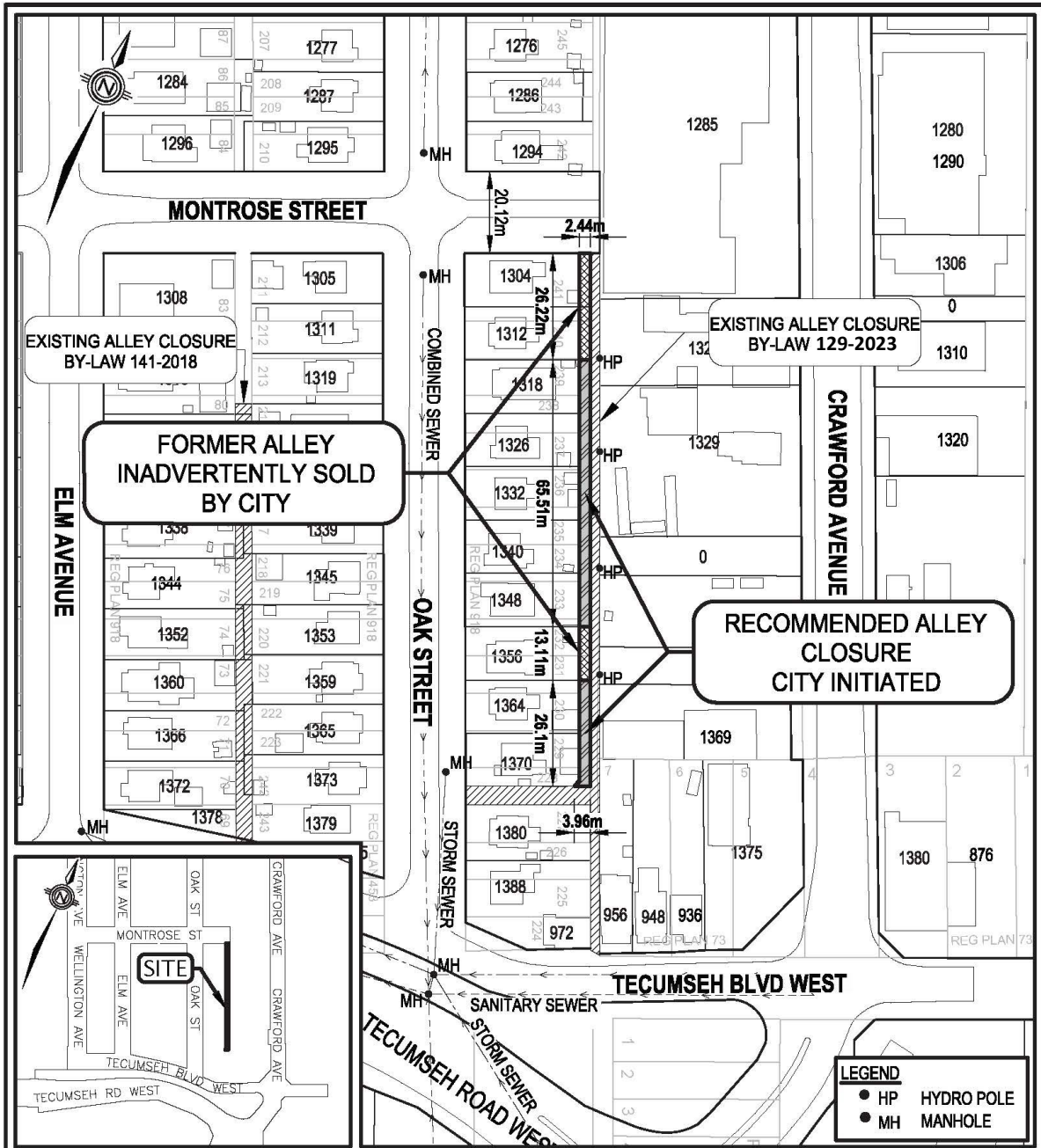
**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Ward 3 Councillor Renaldo Agostino	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	ragostino@citywindsor.ca
Owners of properties abutting the alley		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1849
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Classification of Alleys and Suitability for Closure

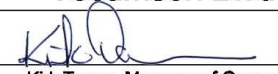
**APPENDIX "A"**  
**Drawing No. CC-1849**



LEGEND	
● HP	HYDRO POLE
● MH	MANHOLE

**THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT**

**Proposed Closure of Part of the North/South Alley From Montrose Street to Tecumseh Blvd West, Between Oak Street and Crawford Avenue**

 Kirk Tamm, Manager of Geomatics	SCALE: 1:1250	DATE: July 2024	REVISED: -	DWG. NO. <b>CC-1849</b>
	DWN BY: AZ	CHKD BY: PJU / BN	REVISION NO.: -	



### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/4133)

1:750

APPLICANT : CITY OF WINDSOR



 ALLEY CLOSED BY CR610/2020

 FORMER ALLEY INADVERTENTLY SOLD BY CITY

 RECOMMENDED ALLEY CLOSURE (CITY INITIATED)

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: JUNE, 2024

## **APPENDIX “C”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are indispensable. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

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

1. 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.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. 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.
4. 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.



**Subject: Closure of east/west alley located between Church Street and Dougall Avenue, Ward 3, SAA-7138**

**Reference:**

Date to Council: September 3, 2024  
 Author: Brian Nagata, MCIP, RPP  
 Planner II - Development Review  
 (519) 255-6543 ext. 6181

Planning & Building Services  
 Report Date: July 11, 2024  
 Clerk's File #: SAA2024

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the 4.57-metre-wide east/west alley located between Church Street and Dougall Avenue, and shown on Drawing No. CC-1843 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
    - i. Bell Canada to accommodate existing aboveground infrastructure;
    - ii. Cogeco Connexion Inc. to accommodate existing aboveground infrastructure;
    - iii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V and 600/347V hydro pole distribution;
    - iv. Managed Network System Inc. (MNSi.) to accommodate existing aboveground infrastructure;
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned CD2.1, \$20.00 per square foot without easements plus HST (if applicable) and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and a proportionate share of the survey costs as

invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- b. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1843.
- 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

**Executive Summary:**

N/A



STREET & ALLEY CLOSING (SAA/7138)

1:700

APPLICANT : 10741671 CANADA INC.

 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY

PLANNING DEPARTMENT - PLANNING POLICY

DATE: SEPTEMBER, 2023



## **Background:**

The applicant, 10741671 Canada Inc., owner of the property known municipally as 395 Tecumseh Road West (the subject property), applied to close the 4.57-metre-wide east/west alley located between Church Street and Dougall Avenue (the alley), and shown on Drawing No. CC-1843 attached hereto as Appendix "A", and shown on the aerial photo attached hereto as Appendix "B".

The applicant wishes to close the alley for the following reasons:

1. Eliminate ongoing vandalism to the commercial building on the subject property; and
2. Secure access to the commercial building's street level pedestrian entrance/exit off the alley.

The alley is unmaintained (unpaved) and composed primarily of grass, gravel and natural vegetation (overgrown hedgerow along south limit). The alley contains a curb cut off Church Street, overhead hydro and utility lines and a utility pole. The alley serves the subject property as a means of access to the street level pedestrian entrance/exit on the south face of the existing commercial building thereon. The alley has been encroached on over the years by abutting properties with HVAC equipment, landscaping, refuse bin storage area and telecommunications equipment. There are no Encroachment Agreements on record for the use of the alley.

The alley was established by Registered Plan of Subdivision No. 925, registered on April 6, 1920.

## **Discussion:**

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), attached hereto as Appendix "E". The document includes the following four classifications of alleys based on their usefulness and provides the following corresponding criteria for determining their suitability for closure. The use of the document is referenced under Part I of CR146/2005.

### **Classification of Public Right-of-Ways**

1. Alley that is indispensable.
  - a. Does the alley serve commercial properties?
    - i. The alley serves the subject property, providing a means of access to the street level pedestrian entrance/exit on the south face of the existing commercial building.
  - b. Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?
    - i. The subject property is located on Tecumseh Road West, a Class II Arterial Road.

- c. Does the alley contain sewers, and must the alley remain accessible for servicing?
    - i. The alley does not contain any sewers.
  - d. Does the 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?
    - i. The alley does not 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.
  - e. Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?
    - i. The alley does not contain any Fire Department connections.
2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
    - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
  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.
    - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
  4. Alley 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.
    - a. The alley does not lie within a Holding zone or similar undeveloped area.

### **Suitability for Closing**

1. Indispensable alleys should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. Alleys that serve no useful purpose should be closed if possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
4. 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.

Based on the above, the Planning Department deems the alley “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed in **as is condition** to the abutting property owners for the following reasons:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property’s street level pedestrian entrance/exit on the south face of the existing commercial building.
- This issue will be resolved by the applicant’s purchase of their half of the alley.

Hence the recommendation is to close and convey the alley in **as is condition** to the abutting property owners, which is the standard manner of conveyance.

### **Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

### **Climate Change Risks**

#### **Climate Change Mitigation:**

N/A

#### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned CD2.1 is assessed at \$20.00 per square foot without easements plus HST (if applicable) and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor, and \$10.00 per square foot with easements plus HST (if applicable) and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The rate for an alley conveyed to abutting lands zoned RD1.3 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The Planning Department has an operating budget of \$33,100.00 for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor in 2025.

The Finance Department has confirmed that funds allocated under Capital Fund 007 (Alley Closing Subsidy Program), as Expense 2950 (Other Prof Services-External) may be used for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. \$40,000.00 will be added annually to Expense 2950 until 2031, which may be used to cover survey invoices received in the corresponding year.

There are sufficient funds to cover the anticipated survey cost, expected to be invoiced in 2025.

**Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached hereto as Appendix “C”.

Notice of this application was issued to property owners abutting the alley by regular mail, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

**Conclusion:**

The Planning Department recommends closure of the alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, Cogeco Connexion Inc., ENWIN Utilities Ltd. and Managed Network System Inc. (MNSi.) as in Recommendation II of this report.

The closed alley is to be conveyed in **as is condition** to the abutting property owners as in Recommendation II report.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP  
Manager of Development*

*Neil Robertson, MCIP, RPP  
City Planner*

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

**Planning Act Matters:**

<b>Name</b>	<b>Title</b>
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Council, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Ward 3 Councillor Renaldo Agostino	350 City Hall Square West, Suite 220	ragostino@citywindsor.ca



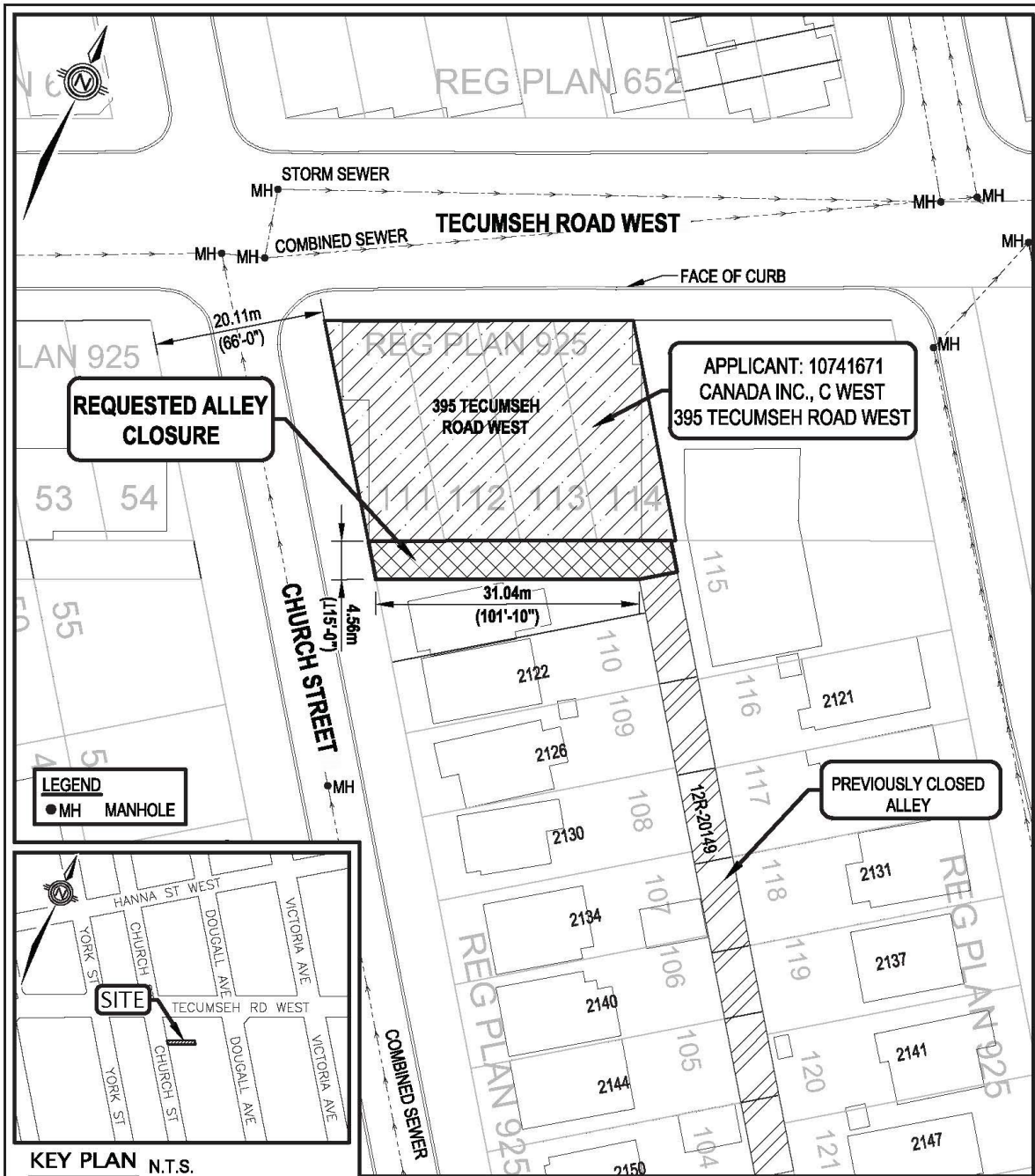
	Windsor, Ontario N9A 6S1	
10741671 Canada Inc.		
List of mailing labels for property owners abutting the alley issued to Clerks office		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1843
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations w Municipal Departments & Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

## APPENDIX "A"

### Drawing No. CC-1843

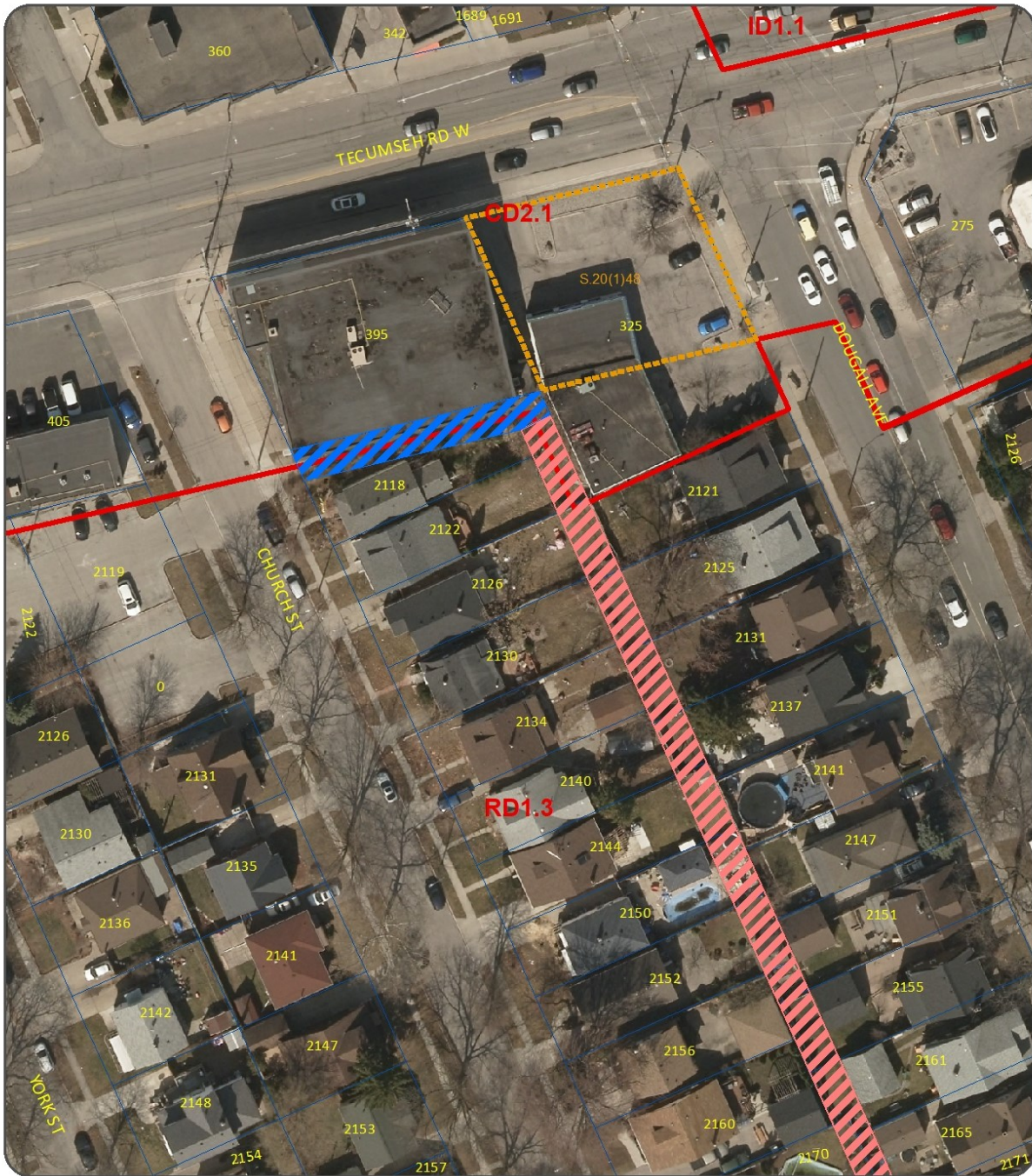


**THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT**

### Proposed Closure of the East/West Alley abutting 395 Tecumseh Road West

 Kirk Tamm, Manager of Geomatics	SCALE: 1:600	DATE: DEC 2023	REVISED: -	DWG. NO. <b>CC-1843</b>
	DWN BY: AZ	CHKD BY: PJU / BN	REVISION NO.: -	

### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/7138)

1:700

APPLICANT : 10741671 CANADA INC.

 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY



PLANNING DEPARTMENT - PLANNING POLICY

DATE: SEPTEMBER, 2023

## **APPENDIX “C”**

### **Consultations with Municipal Departments and Utility Companies**

#### **BELL CANADA**

No comments provided

#### **COGECO CONNEXION INC.**

Cogeco would need to be named on any easement for this section. We are aerial on the EnWin poles so we will just need access if we need to work on those attachments.

**[Daniel Haggins - Lead OSP Engineering Windsor and Essex]**

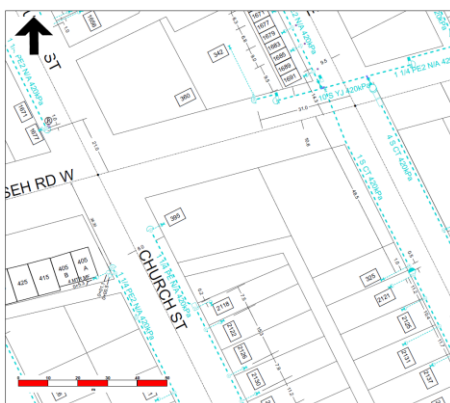
#### **ENBRIDGE GAS INC.**

After reviewing the provided drawing at 395 Tecumseh Rd W. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

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



**[Jose Dellosa - Drafter Estimator]**

**ENGINEERING (DEVELOPMENT & ROW)**

The proposed alley closure is approximately 4.6m (15'-2") wide and composed of grass. There is a wooden hydro pole and overhead wires located within the alley; an easement would be required for utilities. There is a driveway approach on the west side of the proposed closure. Should the abutting owners use this access, they will be required to obtain a permit to maintain the approach as per AS-204. If a permit is not issued, the driveway approach to the alley will be the responsibility of the city to remove in the future when funds exist. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure.

**[Adam Pillon - Manager of Right-of-Way]**

**ENGINEERING (OPERATIONS)**

No comments provided

**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

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

**ENWIN UTILITIES LTD. (HYDRO)**

No Objection provided clearances are maintained from our distribution plant. However, an easement named to ENWIN Utilities Ltd., will be required for East to the West limit of the property to accommodate for the existing overhead 120/240V and 600/347V hydro pole distribution.

Please note the following distribution and services:

- Overhead 16kV primary distribution pole line and associated down guy wires/anchors at the entrance of the alleyway.
- Existing 16kV - 120/240V Overhead transformer at the entrance of the alleyway.
- Overhead 120/240V secondary triplex distribution going down the alleyway.
- Overhead 600/347V Secondary quadruplex distribution going down the alleyway.
- Secondary pole line with associated down guys wires and anchors.
- Overhead 600/347V secondary quadruplex service to adjacent dwelling at 325 Tecumseh Rd W.

Proposed buildings and/or building additions must have adequate clearance requirements from all hydro distribution and services.

We recommend referring to the *Occupational Health and Safety Act* for minimum safe limits of approach during construction and the *Ontario Building Code* for adequate clearance requirements for New Buildings and/or Building Additions.

ENWINs easement guidelines:

Overhead

A 3 m (10 ft) Easement is required for a straight pole line 1.5 m (5 ft) (on each side). This takes into consideration a 0.3 m (1ft) pole diameter, 0.46 m (1.5 ft) primary insulator, and 0.9 m (3 ft) clearance from any nearby structure.

Guy and Anchor

The easement for the guy and anchor is 3 m (10 ft) wide easement is required into private property. This easement should extend 1 m (3.3 ft) into the property.

**[Tia McCloskey - Hydro Engineering Technologist]**

**ENWIN UTILITIES LTD. (WATER)**

Water Engineering has no objections to the alley closing.

**[Bruce Ogg - Water Project Review Officer]**

**LEGAL & REAL ESTATE SERVICES**

Alley abutting lands zoned RD1.3 - \$1.00 plus deed prep and proportionate share of new 12R. Alley abutting lands zoned CD2.1 - \$20/square foot without easements or \$10/square foot with Easements plus deed prep and proportionate share of new 12R.

**[Stephanie Santos - Coordinator Real Estate Services]**

**MANAGED NETWORK SYSTEM INC. (MNSi)**

MNSi will require an aerial easement through this closure

**[Dave Hartleib - Outside Plant Manager]**

**PLANNING (DEVELOPMENT)**

No comments provided

**ROGERS**

No comments provided

**TELECON (TELUS)**

TELUS has no underground infrastructure within the area of your proposed work. Permit expires six (6) months from approval date.

**[Meghna Patel - Permit Coordinator]**

**TRANSPORTATION PLANNING**

No parking would be allowed in the Right of way, else Transportation planning has no concerns with the closure of the alley.

**[Siddharth Dhiman - Transportation Planner I]**

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of this east-west alley that connects Church Street to the northern terminus of the previously closed north-south alley. The alley space in question, while relatively small and short in length, is visually discreet, making it more vulnerable to unlawful activity that is difficult to detect. Closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area, as this can still be accomplished for such purposes. Closure will help facilitate the capability to restrict/prevent discreet access that may lead to unlawful activity.

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

**APPENDIX "D"**  
**Site Photos (Google Street View - December 2020)**



*Figure 1 - Looking east towards alley from Church Street (395 Tecumseh Road West on left) (2118 Church Street on right)*



## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are indispensable. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

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

1. 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.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. 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.
4. 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.

**Subject: Part Closure of east/west alley located between Belleperche Place and Fairview Boulevard, Ward 6, SAA-7135**

**Reference:**

Date to Council: September 3, 2024  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: July 11, 2024  
Clerk's File #: SAA2024

To: Mayor and Members of City Council

**Recommendation:**

- I. THAT the 4.27-metre-wide west part of the east/west alley located between Belleperche Place and Fairview Boulevard, and shown on Drawing No. CC-1845 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
    - i. Bell Canada to accommodate to accommodate overhead utility infrastructure;
    - ii. Cogeco Connexion Inc. to accommodate overhead utility infrastructure;
    - iii. ENWIN Utilities Ltd. to accommodate existing overhead 27.6kV and 120/240-volt hydro distribution, poles and down guy wires; and
    - iv. Managed Network System Inc. (MNSi.) to accommodate overhead utility infrastructure.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1845.
- 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

**Executive Summary:**

N/A



**STREET & ALLEY CLOSING (SAA/7135)**

1:500

APPLICANT : CATHY COOKE

 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY



PLANNING DEPARTMENT - PLANNING POLICY

DATE: MARCH, 2024

## Background:

The applicant, Cathy Cooke, owner of the property known municipally as 824 Belleperche Place (the subject property), applied to close the 4.27-metre-wide east/west alley located between Belleperche Place and Fairview Boulevard, and shown on Drawing No. CC-1845 attached hereto as Appendix "A", and shown on the aerial photo attached hereto as Appendix "B".

The applicant wishes to close the alley since it has been used and maintained by the owners of the subject property for the past several decades. The subject property has used the alley as a driveway and an extension of its rear yard since at least 1957 (Historic Aerials - 1951-2020 Aerial Photography, 1969-2023 City of Windsor Aerial Photography). The single unit dwelling on the subject property was constructed around 1946 (Plan of Survey, dated December 2, 1946, identifies the single unit dwelling under construction).

The Planning Department has determined that the east part of the east/west alley abutting 7365 Wyandotte Street East is indispensable for the following reasons:

1. It serves as the only vehicular means of access to the rear detached garage serving the dwelling at 821 Fairview Boulevard, which has insufficient lot width for a side drive.
  - a. The garage has been in place since at least 1947 (1947 ERCA Aerial Photo)
  - b. There is no way to confirm if the garage was constructed with or required a building permit from the former Town of Riverside, as there are no pre-amalgamation property records on file.
2. It serves a property (7365 Wyandotte Street East) fronting on a heavily traveled street (namely Wyandotte Street East, a designated Class II Arterial Road).
  - a. The alley has provided access to the parking area serving the multiple dwelling on the said property since its erection around 1966 (Historic Aerials - 1966 Aerial Photo, 1969-2023 City of Windsor Aerial Photography).
  - b. There is no way to confirm if the multiple dwelling and parking area were constructed with a building permit from the former Town of Riverside, as there are no pre-amalgamation property records on file.

The Planning Department is therefore recommending that the remaining west part of the east/west alley located between Belleperche Place and Fairview Boulevard (the alley) be closed and conveyed.

The alley is unmaintained and composed primarily of an asphalt driveway and landscaped open space yard (concrete walkway, flowers, grass, shrubs). The alley contains a curb cut off Belleperche Place, and utility poles with guy wires and anchors supporting overhead hydro and utility lines. The alley has been encroached on over the years by the subject property with the aforesaid asphalt driveway and landscaping, as well as a wood fence constructed between 2019 and 2021 (2019 & 2021 City of

Windsor Aerial Photography). There are no Encroachment Agreements on record for the use of the alley.

The alley was established by Registered Plan of Subdivision No. 1152, registered on November 22, 1924.

### **Discussion:**

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), attached hereto as Appendix "E". The document includes the following four classifications of alleys based on their usefulness and provides the following corresponding criteria for determining their suitability for closure. The use of the document is referenced under Part I of CR146/2005.

### **Classification of Public Right-of-Ways**

1. Alley that is indispensable.
  - a. Does the alley serve commercial properties?
    - i. The alley does not serve any commercial properties.
  - b. Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?
    - i. The alley does not serve properties fronting on heavily traveled streets.
  - c. Does the alley contain sewers, and must the alley remain accessible for servicing?
    - i. The alley does not contain any sewers.
  - d. Does the 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?
    - i. The alley does not 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.
  - e. Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?
    - i. The alley does not contain any Fire Department connections.
2. Alley that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
  - a. The Engineering - Right-of-Way Department has deemed the alley to have no usefulness.

3. Alley that appears 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.
  - a. The Engineering - Right-of-Way Department has deemed the alley to have no usefulness.
4. Alley 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.
  - a. The alley does not lie within a Holding zone or similar undeveloped area.

### **Suitability for Closing**

1. Indispensable alley should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof.
2. Alley having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. Alley that serves no useful purpose should be closed if possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
4. Alley that are clearly obsolete should not be closed unless there is a municipal need or specific development proposals acceptable to the City are submitted.

Based on the above, the Planning Department deems the alley “dispensable” and supports the requested closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley in **as is condition** to the abutting property owners, which is the standard manner of conveyance.

Notwithstanding this recommendation, 7341 Wyandotte Street East’s half of the alley will be offered to the owner of the subject property. This is based on the owner of 7341 Wyandotte Street East not responding to the June 21, 2024, letter referenced under Consultations section of this report.

### **Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

### **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

## **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The Planning Department has an operating budget of \$33,100.00 for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor in 2025.

The Finance Department has confirmed that funds allocated under Capital Fund 007 (Alley Closing Subsidy Program), as Expense 2950 (Other Prof Services-External) may be used for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. \$40,000.00 will be added annually to Expense 2950 until 2031, which may be used to cover survey invoices received in the corresponding year.

There are sufficient funds to cover the anticipated survey cost, expected to be invoiced in 2025.

## **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley by regular mail, with no objections being received as of the date of writing this report.

A letter was issued to the owners of 7325 Wyandotte Street East and 7341 Wyandotte Street East on June 21, 2024, by regular email. The letter requested that each property owner confirm if they will be executing or waiving their right to purchase the alley by completing and returning the enclosed *Distribution of Alley - Form 1* or *Waiving Releasing Interest - Form 2* respectively. The letter requested that forms be submitted by July 10, 2024. The owner of 7325 Wyandotte Street East returned a completed Form 1. No response was received from the owner of 7341 Wyandotte Street East.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

## **Conclusion:**

The Planning Department recommends closure of the alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, Cogeco Connexion Inc. ENWIN Utilities Ltd. and Managed Network System Inc. (MNSi.), as in Recommendation II of this report.

The closed alley is to be conveyed in **as is condition** to the owner of the abutting properties as in Recommendation II of this report.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP  
Manager of Development*

*Neil Robertson, MCIP, RPP  
City Planner*

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

*JP JM*

**Planning Act Matters:**

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Council, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

**Notifications:**

Name	Address	Email
Ward 6 Councillor Jo-Anne Gignac	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	joagnac@citywindsor.ca
Cathy Cooke (Applicant)		
List of mailing labels for property owners abutting alley issued to Clerks office		

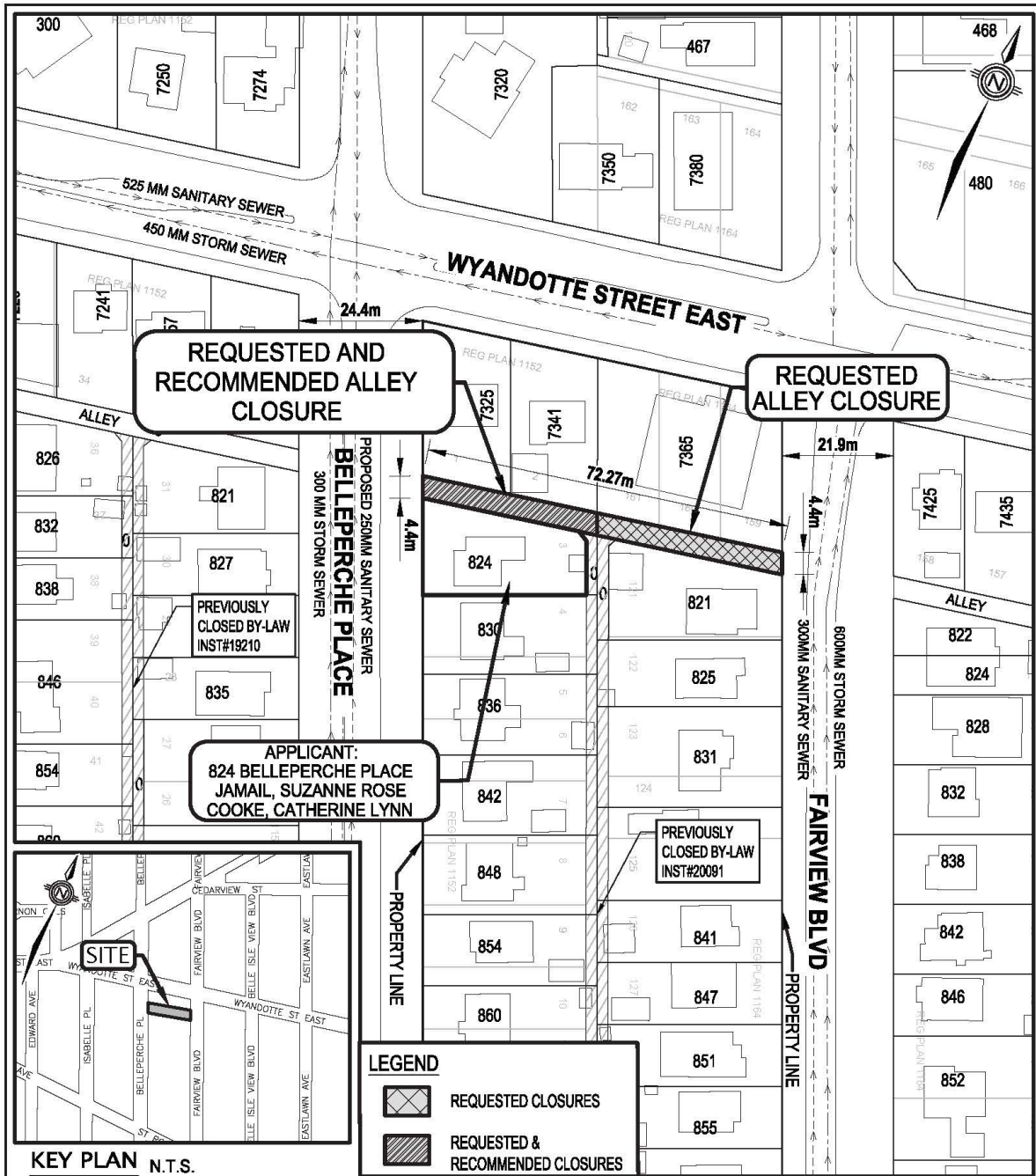
**Appendices:**

- 1 Appendix A - Drawing No. CC-1845
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations w Municipal Departments & Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure



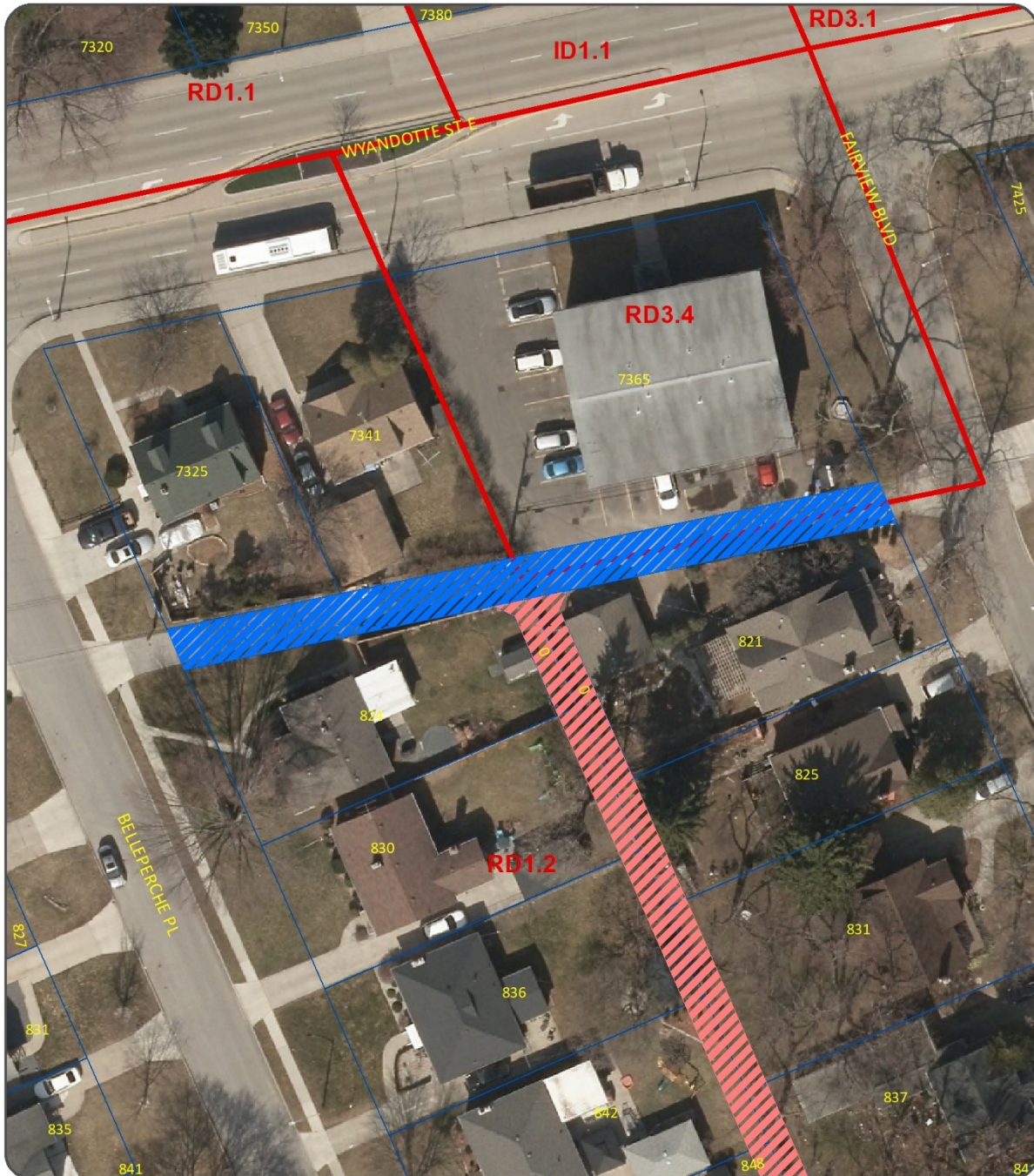
# APPENDIX "A"

## Drawing No. CC-1845



<b>THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT</b>			
<b>Proposed East/West Alley Closure Between Belleperche Place and Fairview Boulevard; South of Wyandotte Street East</b>			
Kirk Tamm, Manager of Geomatics	SCALE: 1:1000	DATE: APRIL 2024	REVISION NO.: --
	DWN BY: UT/ AZ	CHKD BY: PJU / SB	REVISION NO.: --
			DWG. NO. <b>CC-1845</b>

### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/7135)

1:500

APPLICANT : CATHY COOKE

 REQUEST FOR CLOSURE

 PREVIOUSLY CLOSED ALLEY



PLANNING DEPARTMENT - PLANNING POLICY

DATE: MARCH, 2024

## **APPENDIX “C”**

### **Consultations with Municipal Departments and Utility Companies**

#### **BELL CANADA**

No comments provided

#### **COGECO CONNEXION INC.**

Cogeco will need access to this alley after closure. We are on the EnWin/Bell poles that are there now.

Cogeco has put a green box over the area where our services are.



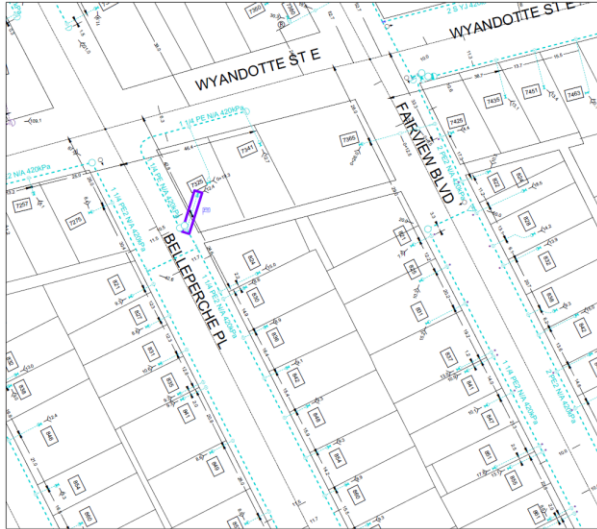
**[Daniel Haggins - Lead OSP Engineering Windsor and Essex]**

#### **ENBRIDGE GAS INC.**

After reviewing the provided drawing at 824 Belleperche PI and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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



**[Jose Dellosa - Drafter Estimator]**

### **ENGINEERING (Right-of-Way)**

The proposed closure is approximately 72 m long and 4.35 m wide and made partly of asphalt and grass. There are no sewers running through this alley. There are hydro poles, guy wires and overhead wires in this alley; an easement would be required for utilities. There is a residential driveway approach at the west end of this alley that appears to be used by 824 Belleperche Place. A permit may be required by the property owner to keep and maintain the driveway approach to City Standard AS-221 or AS-222 if the alley is closed. There is the encroaching wooden fence running perpendicular to the midpoint of the alley. There is a driveway approach on the east side of the alley that allows 821 Fairview Boulevard garage access and 7365 Wyandotte Street East parking lot access and maneuvering. A permit may be required by the property owner to keep and maintain the driveway approach to City Standard AS-203 or AS-204 if the alley is closed. This subject alley has no usefulness by CR146/2005; therefore, Public Works has no objections to the alley closure.

**[Adam Pillon - Manager of Right-of-Way]**

### **ENGINEERING (OPERATIONS)**

The east half of alley is used by the multi-family residence and the single family residence on Wyandotte St & Fairview Blvd, only the west half has been used by the applicant for his parking purpose, so only the east half can be permitted for the closure, other than that traffic don't have any objections with this.

**[Dinesh Kumar Dhamotharan - Traffic Technician]**

**ENVIRONMENTAL SERVICES**

No comments provided

**ENWIN UTILITIES LTD. (HYDRO)**

No Objection, however, an easement named to EnWin Utilities Ltd. is required upon closing along the entire north limit of the alley to accommodate existing overhead 27.6kV and 120/240 volt hydro distribution, poles, and down guy wires.

**[Anwar Nagar - Senior Hydro Engineering Technologist]**

**ENWIN UTILITIES LTD. (WATER)**

Water Engineering has no objections.

**[Bruce Ogg - Water Project Review Officer]**

**LEGAL & REAL ESTATE SERVICES**

The alley abutting 824 Belleperche Place is zoned RD1.2.

Conveyance price is \$1.00 plus deed preparation and survey costs.

(Also, the north/south alley abutting this property at 824 Belleperche was previously closed, however, the property owner did not purchase their portion. Aerial photos suggest their fence extends over the property line and encloses ½ of the alley.)

You'll note a possible encroachment over the portion of the alley at the rear of their property. It is still owned by the City, but they've enclosed their portion with a fence to include it in their rear yard.

**[Stephanie Santos - Coordinator Real Estate Services]**

**MANAGED NETWORK SYSTEM INC. (MNSi)**

MNSi will require an aerial Easement through this area as we are currently on the Poles in this Alley

**[Dave Hartleib - Outside Plant Manager]**

**PARKS**

Parks Design & Development has no objection to this alley closure.

**[Hoda Kameli - Landscape Architect]**

We have no comments to this alley closure.

**[Karen Alexander - Naturalist & Outreach Coordinator]**

There are no Forestry concerns with this alley closure.  
The only vegetation would be the lilac bushes the homeowner has planted

**[Yemi Adeyeye - City Forester / manager Forestry & Natural Areas]**

### **PLANNING (DEVELOPMENT)**

No comments provided

### **PLANNING (LANDSCAPE)**

There are no objections from a landscape architectural perspective to the closure.

However, from an urban design perspective, the eastern half of the alley proposed for closure is current used for access to both a single family residence at 821 Fairview as well as the multifamily residence at 7365 Wyandotte Street East.

It appears that the applicant is currently using the western half of the alley to facilitate parking of vehicles at their premises.

Therefore, it is recommended from an urban design perspective that ONLY the western half of the east-west alley between Belleperche Place and Fairview Blvd be allowed for closure and subsequently purchased by the applicant.

**[Stefan Fediuk - Planner III - Senior Urban Designer]**

### **ROGERS**

No comments provided

### **TELECON (TELUS)**

TELUS has no infrastructure between Pavement Centerline & ROW line on the same side as the proposal.

Consent expires six (6) months from approval date. If the location of your proposed design changes, it will be necessary to re-apply. no underground infrastructure in your proposed work.

### **Remarks:**

You are required to contact TELUS for route locates prior to digging/construction.

You must hand trench to expose TELUS' infrastructure at all locations, pressurized water technology (Hydro-Vacuuming) is not permitted as alternate form of hand trenching.

Please contact TELUS 72hrs prior to construction to witness hand trenching at all locations indicated (1-800-593-5558)

**[Frederic Sua - Design Specialist II - Access Engineering]**

**TRANSPORTATION PLANNING**

Transportation Planning has no concerns with closing the west portion of the alley. It seems vehicles are currently using the east portion of the alley to park.

There are two objections and a concern of the closing the east portion of the alley.

- 7365 Wyandotte has 15 parking spots. However, 7365 Wyandotte has access to 9 parking spots on west side of the property through Wyandotte St E; closing the east portion of the alley will result in losing the access to the 6 parking spots on the south side of the property.
- Closure of the east portion of the alley will prevent 821 Fairview Blvd from accessing their rear yard parking and the garage.
- There is utility pole located at southwest corner of 7365 Wyandotte, closing the east portion of the alley eliminate the access to this pole from the private property rather than from the right of way. Easement may be required to access utility pole if the alley is closed.

Please note that there is a closed section on east side of the applicant's property that they may interested of purchasing.

**[Elara Mehrilou - Transportation Planner I]**

**APPENDIX "D"**  
**Site Photos (Google Street View - February 2021)**



*Figure 1 - Looking northeast towards alley from Belleperche Place (824 Belleperche Place on right)*



*Figure 2 - Looking east towards alley from Belleperche Place (824 Belleperche Place on right)*



## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are indispensable. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

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

1. 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.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. 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.
4. 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.

**Subject: Closure of north/south alley, located between Clairview Avenue and Wyandotte Street East; and east/west alley located between Clover Street and Adelaide Avenue; Ward 7, SAA-6767**

**Reference:**

Date to Council: September 3, 2024  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: July 16, 2024  
Clerk's File #: SAA2024

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

**Recommendation:**

- I. THAT the 3.35-metre-wide north/south alley located between Clairview Avenue and Wyandotte Street East, and shown on Drawing No. CC-1815 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
    - i. Bell Canada for protection of existing facilities;
    - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240-volt distribution, poles and down guy wires; and
    - iii. Owner of the property known municipally as 10655 Clairview Avenue (legally described as Lot 3, Plan 1077, PIN No. 01596-0041 LT) to accommodate access to repair and maintain existing water service.
- III. THAT the 4.88-metre-wide east/west alley located between Clover Street and Adelaide Avenue, and shown on Drawing No. CC-1815 (attached hereto as Appendix "A"), **BE DENIED** for subsequent closure;
- IV. THAT Conveyance Cost **BE SET** as follows:

- a. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- V. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1815.
- VI. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VII. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VIII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003

**Executive Summary:**

N/A



Figure 1 - Location Map

## **Background:**

The applicant, Ruediger Fluit, owner of the property known municipally as 562 Clover Street (the subject property), applied to close the 3.35-metre-wide north/south alley located between Clairview Avenue and Wyandotte Street East, and the 4.27-metre-wide and 4.88-metre-wide east/west alleys located between Clover Street and Adelaide Avenue, and shown on Drawing No. CC-1815 attached hereto as Appendix "A", and also shown on the aerial photo attached hereto as Appendix "B".

The applicant wishes to close the alleys to enlarge the subject property. The closure is also necessary to address an Order to Comply (File No. VPW 22-122609) issued against the subject property for encroaching into the north/south alley.

The applicant sold the subject property to John Feldman on July 15, 2024. Mr. Feldman's lawyer confirmed by email that his client wishes to takeover this application and will serve as the new applicant.

The Planning Department has determined that the 4.88-metre-wide east/west alley is indispensable for the following reasons:

1. Serves as the only vehicular means of access to the rear garage at 540 Clover Street, which does not have sufficient lot width for a side drive.
2. The rear garage was constructed between 1967 and 1972 by Building Permit 67 B 26348, issued on November 2, 1967, and completed on March 17, 1972.

The Planning Department has confirmed that the 3.05-metre-wide east/west strip of land, together with the 1.22-metre-wide strip of land located between the north/south alley and the properties known municipally as 551 Adelaide Avenue, 561 Adelaide Avenue and 565 Adelaide Avenue, is a remnant parcel of Farm Lot 140, Concession 1, of the former Town of Riverside and previously the former Township of Sandwich East. The remnant parcel is neither a street nor an alley, so outside the scope of this report. It is unclear from the title search as to whether the lands belong to the City. Should the abutting owners desire to acquire any portion of these lands, they would need to work with the City's Real Estate Services Department.

Therefore, the Planning Department, will only recommending the closure and conveyance of the north/south alley (the alley).

The alley is unmaintained (unpaved) and composed primarily of dirt and grass and includes sporadic patches of natural vegetation. The alley contains overhead hydro and utility lines and utility poles with guy wires and anchors. The alley serves as the only vehicular means of access to a rear detached garage at 550 Clover Street. The alley has been encroached on over the years by abutting properties with buildings, landscaping and structures. There are no Encroachment Agreements on record for the use of the alley.

The alley was established by Registered Plan of Subdivision No. 1077, registered on May 3, 1923.

## Discussion:

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), attached hereto as Appendix "E". The document includes the following four classifications of alleys based on their usefulness and provides the following corresponding criteria for determining their suitability for closure. The use of the document is referenced under Part I of CR146/2005.

### Classification of Public Right-of-Ways

1. Alley that is indispensable.
  - a. Does the alley serve commercial properties?
    - i. The alley does not serve any commercial properties.
  - b. Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?
    - i. The alley does not serve properties fronting on heavily traveled streets.
  - c. Does the alley contain sewers, and must the alley remain accessible for servicing?
    - i. The alley does not contain any sewers.
  - d. Does the 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?
    - i. The alley does not 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.
    - ii. 550 Clover Street has an illegal rear detached garage off the alley.
      1. The garage was established without a Building Permit between 2010 and 2013 through an addition and interior alterations to an existing 17.8 m<sup>2</sup> shed.
      2. The addition does not comply with the minimum separation for an accessory building from a rear lot line provision of Zoning By-law 8600.
      3. Vehicular access off the alley would not have been permitted for the following reasons:
        - a. 550 Clover Street has a driveway off Clover Street.
        - b. The alley is unmaintained.
        - c. Physical access to Clover Street from the abutting portion of the alley has been cut off by encroaching fences since at least 2002.

- e. Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?
  - i. The alley does not contain any Fire Department connections.
2. Alley that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
  - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
3. Alley that appears 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.
  - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
4. Alley 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.
  - a. The alley does not lie within a Holding zone or similar undeveloped area.

### **Suitability for Closing**

1. Indispensable alley should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof.
2. Alley having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. Alleys that serve no useful purpose should be closed if possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
4. 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.

Based on the above, the Planning Department deems the alley “dispensable” and supports the requested closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley in **as is condition** to the abutting property owners, which is the standard manner of conveyance.

### **Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

### **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The Planning Department has an operating budget of \$33,100.00 for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor in 2025.

The Finance Department has confirmed that funds allocated under Capital Fund 007 (Alley Closing Subsidy Program), as Expense 2950 (Other Prof Services-External) may be used for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. \$40,000.00 will be added annually to Expense 2950 until 2031, which may be used to cover survey invoices received in the corresponding year.

There are sufficient funds to cover the anticipated survey cost, expected to be invoiced in 2025.

### **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley by regular mail, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

### **Conclusion:**

The Planning Department recommends closure of the alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, and ENWIN Utilities Ltd. and the owner of 10655 Clairview Avenue as in Recommendation II.

The closed alley is to be conveyed in **as is condition** to the abutting property owners as in Recommendation II of this report.

### **Planning Act Matters:**

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

Greg Atkinson, MCIP, RPP  
Manager of Development

Neil Robertson, MCIP, RPP  
City Planner

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

JP JM

**Planning Act Matters:**

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Counsel, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

**Notifications:**

Name	Address	Email
Ward 7 Councillor Angelo Marignani	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	amarignani@citywindsor.ca
John Feldman (Applicant)		
List of mailing labels for property owners abutting the north/south alley, east/west alley and remnant parcel issued to Clerks office		

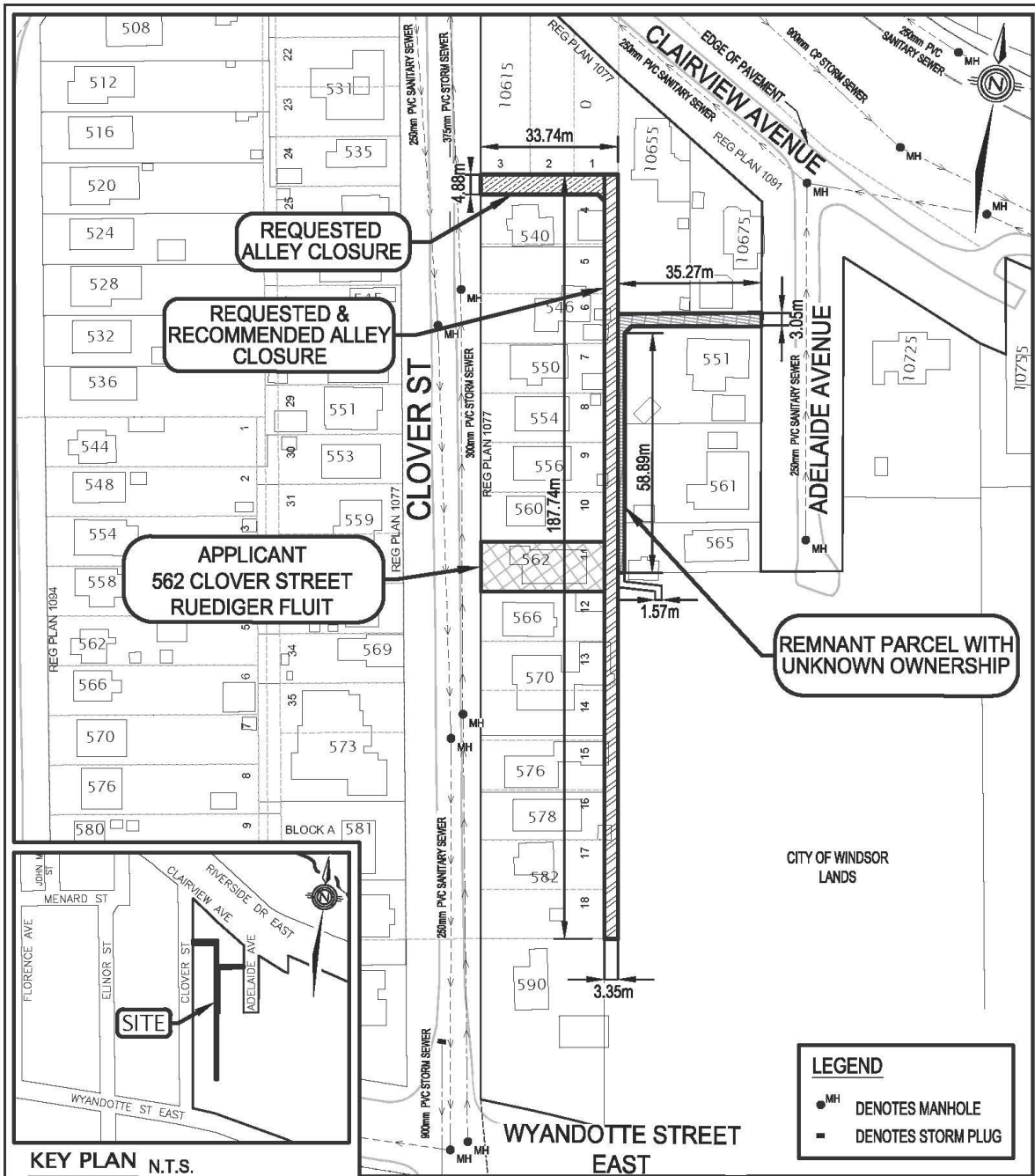
**Appendices:**

- 1 Appendix A - Drawing No. CC-1815
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations w Municipal Departments & Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure



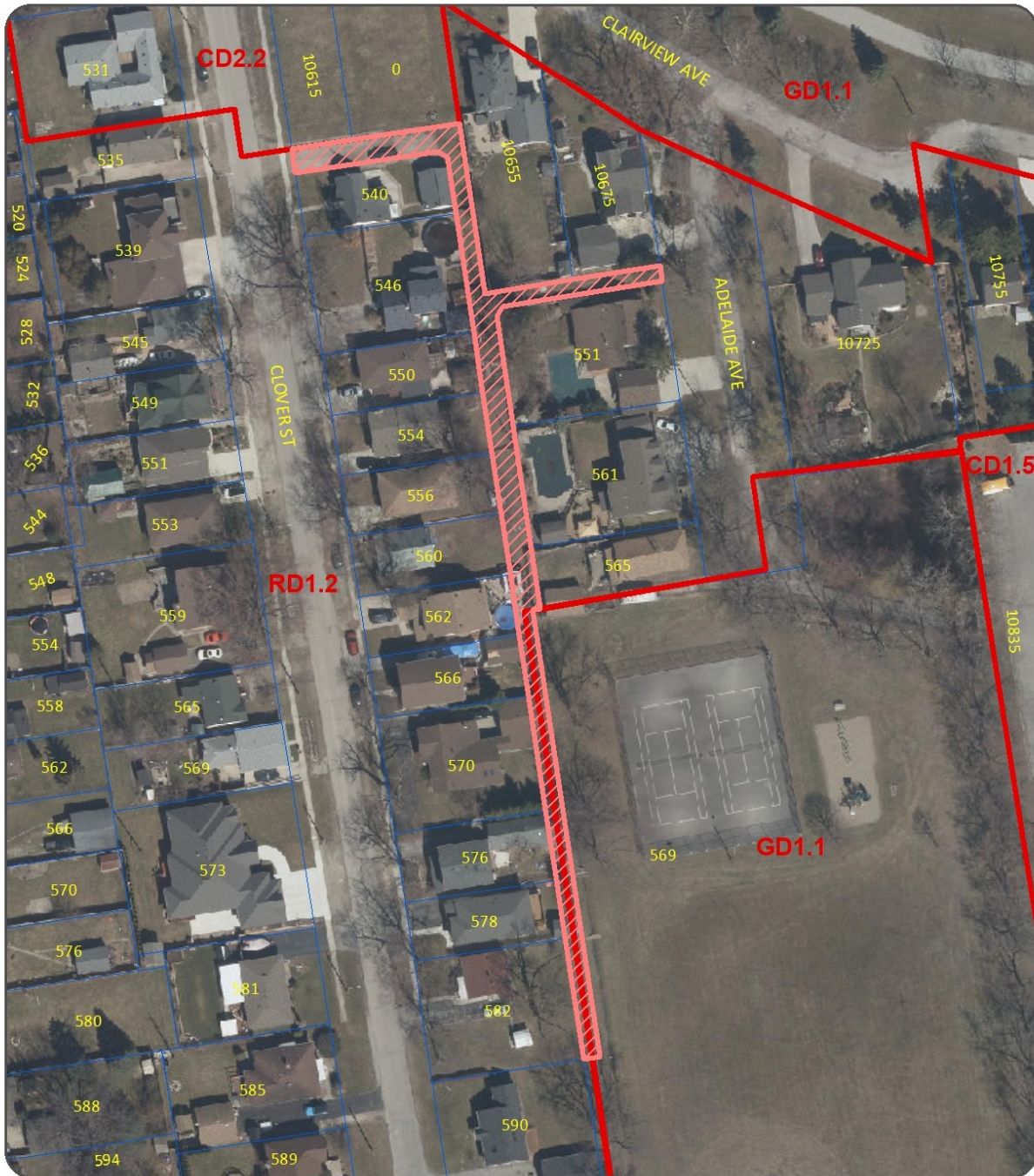
# APPENDIX "A"

## Drawing No. CC-1815



<b>THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT</b>			
<b>Proposed Closure of E/W Alley and N/S Alley between Clover St and Adelaide Ave, South of Clairview Ave, North of Wyandotte St East</b>			
Kirk Tamm, Manager of Geomatics	SCALE: 1:1250	DATE: July 2024	REVISED: —
	DWN BY: NB, AZ	CHKD BY: PJU / PU	REVISION NO.: —
			DWG. NO. <b>CC-1815</b>

### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6767)

1:1,000

APPLICANT : RUEDIGER FLUIT

 SUBJECT LANDS

PLANNING DEPARTMENT - DEVELOPMENT DIVISION

DATE: MAY, 2022



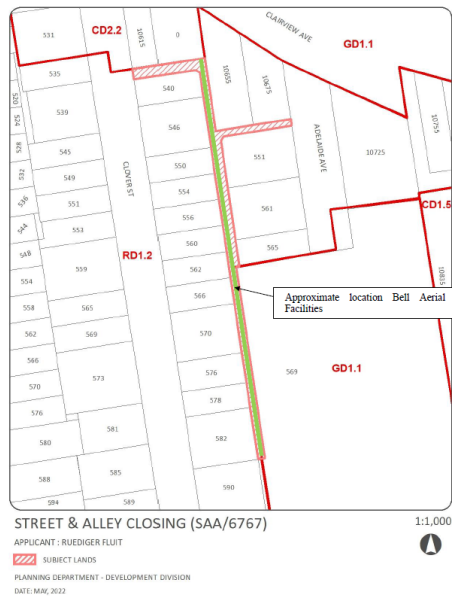
## APPENDIX “C”

### Consultations with Municipal Departments and Utility Companies

#### BELL CANADA

Bell Canada requests an easement over the entire alley.

#### [Charleyne Hall - Bell Canada External Liaison, Right of Way & Indigenous Relation]



#### COGECO CONNEXION INC.

No comments provided

#### ENBRIDGE GAS INC.

After reviewing the provided drawing at 540 Clover Street and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

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

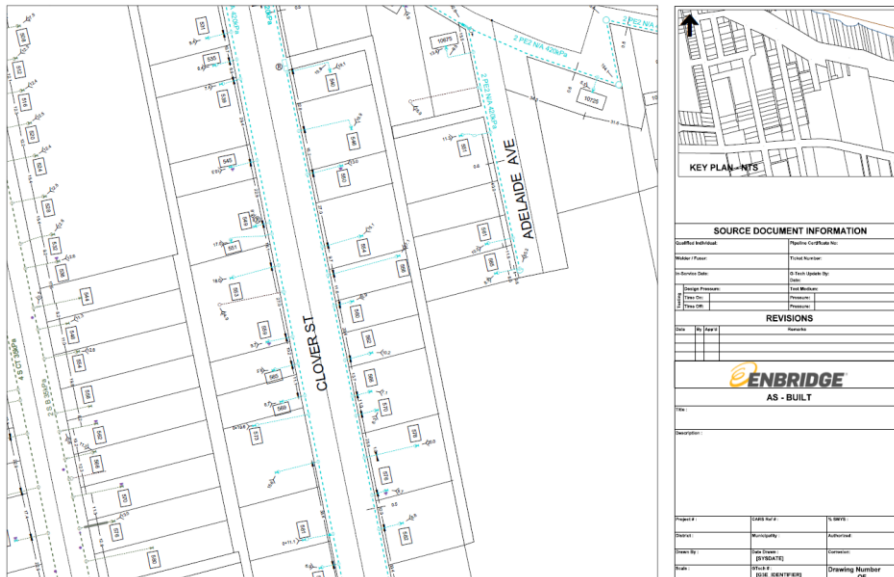
Enbridge Gas requires a minimum separation of 0.6m horizontal and 0.3m vertical from all our plant less than NPS 16 and a minimum separation 1.0m horizontal and 0.6m vertical between any CER-regulated and vital pipelines. For all pipelines (including vital pipelines), when drilling parallel to the pipeline, a minimum horizontal clearance

measured from the edge of the pipeline to the edge of the final bore hole of 1 m (3.3 ft.) is required. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

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

**[James Makhlof - Summer Student, Drafting]**



**ENGINEERING (DEVELOPMENT & ROW)**

There are no sewers or manholes located within the alley closure. There are no hydro poles or guy wires located within the alley. There is a driveway approach off Clover Street, the driveway approach is composed of gravel and is currently being used by 540 Clover Street. A driveway permit will be required by the property owner of 540 to keep and maintain the driveway approach to City Standard AS-221 or AS-222. This subject alley appears to have no usefulness by CR146/2005; therefore, we have no objections to the closure.

**[Adam Pillon - Manager of Right-of-Way]**

**ENGINEERING (OPERATIONS)**

The alley system shown has been cut off and inaccessible. The alley system is not necessary for pedestrian pathways, and only provides vehicular access to the garage at the rear of 540 Clover. 540 Clover would need enough of the ROW in order to complete a turning maneuver in/out of their garage – weather it remains City ROW or purchased by the owner. There are no concerns with closing the remainder of the alley system as shown.

**[Mike Spagnuolo - Signal Systems Analyst]**

**ENVIRONMENTAL SERVICES**

No concerns from Environmental Services.

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

**ENWIN UTILITIES LTD. (HYDRO)**

No Objection, however, an easement named to ENWIN Utilities Ltd is required upon closing along the entire west limit of the site to accommodate existing overhead 120/240-volt distribution, poles and down guy wires.

**[Steve Zambito - Senior Hydro Engineering Technologist]**

**ENWIN UTILITIES LTD. (WATER)**

Water Engineering has no objections. An easement to the owner of 10655 Clairview will be required as their water service goes from Clover through the alley to their property. See below.

**[Bruce Ogg - Water Project Review Officer]**



**LEGAL & REAL ESTATE SERVICES**

No comments provided

**MANAGED NETWORK SYSTEM INC. (MNSi)**

MNSi does not require an easement through the subject lands

**[Dave Hartleib - Outside Plant Manager]**

**PARKS**

**December 12, 2022**

After reviewing this Liaison again and all sent emails that forwarded to you now the answer is:

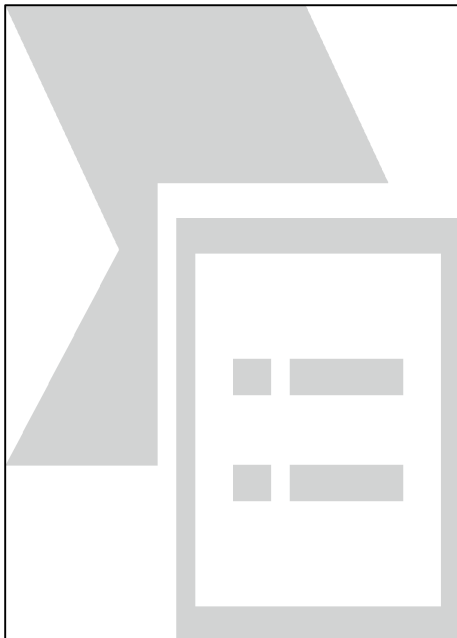
Allowing the abutting Clover Street properties, the right to purchase it.

**June 10, 2022**

After reviewing the SAA/6767 LIAISON and discussing the existing site conditions with Laura Ash, again Parks Development has no comments for this liaison.

**[Sherif Barsom - Landscape Architect]**

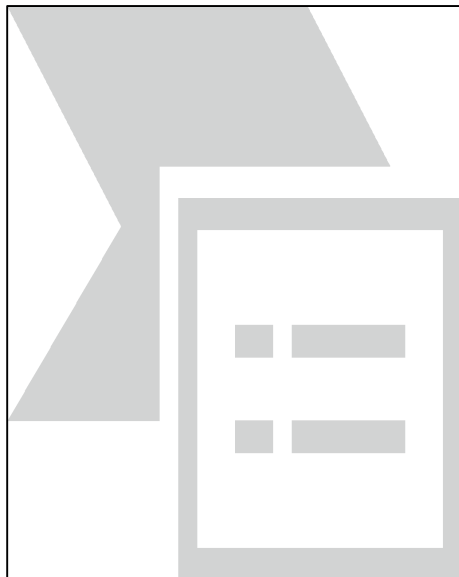
We had a public open house on May 19<sup>th</sup> to review the conceptual designs for the Sandpoint Beach Master Plan. Below is a snapshot of one of the display boards ([full set here](#)) showing a potential future parking area (yellow) in the privately owned vacant lot on the southeast corner of Clover and Clairview:



This property owner told me during the public meeting that he offered to sell this property to the City in the past but it wasn't purchased at that time, and he has plans to either sell or look into developing the lots for business/commercial. If another business is permitted here, and the beach is moved to the east, parking in the area may continue to be a problem unless other parking areas are considered.



From my perspective with respect to this project, it would be ideal to leave the e/w portion of the alley open until we know what will happen with the 2 vacant properties. It looks like the owner of 540 Clover is using that part of the alley already, but it could be useful if future parking is considered here.



**[Laura Ash - Supervisor, Parks Projects]**

**PLANNING (DEVELOPMENT)**

No comment provided

**PLANNING (LANDSCAPE)**

While the northern half of this proposed closure does not show an concern, the southern half (from 566 Clover) abuts East End Park. There appears to be encroachment in to the alley already by 570, 576, 578, 582 and 590 Clover. Parks has expressed no concern with the closure, abutting East End Park.

Therefore, there are no objections to the proposed closure from a landscape architectural or Parks perspective.

**[Stefan Fediuk - Landscape Architect]**

**PUBLIC WORKS - DESIGN**

We are completing a road and sewer rehabilitation on Clover and Clairview, approximate extent of construction including the fronting homes are shown below. Construction is tentatively proposed for Summer 2023. It appears there are two alley files SAA/6767 and SAA/6845. Also a few closed alleys within the project area.

Are you able to provide any details on the open alley files?

For the eastern alley access off of Clover, my initial thought is that this alley access would be replaced with a commercial concrete driveway approach. However, this may not be the recommendation if the alley is closed at the time of construction. The current access is granular.

All other alley access locations would be restored if grass as needed. They do not appear to be use for vehicular access today.

**[Ian Wilson - Engineer II]**





**ROGERS**

No comments provided

**TELECON (TELUS)**

TELUS has no underground infrastructure in your proposed work.

**[Meghna Patel - Permit Coordinator]**

**TRANSPORTATION PLANNING**

The east/west portion of the alley north of 540 Clover St is currently being used by 540 Clover St for parking and access to their garage in the rear. The portion of the alley used by 540 Clover St should still be accessible to them or sold to them. The remainder of the alley in question is not used for transportation purposes and there are no concerns with the proposed closure.

**[Shannon Deehan - Transportation Planning Coordinator]**

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of these sections of alleys. The result from this closure will not affect the ability of the police to provide incident response or other service delivery activities to the abutting or surrounding properties.

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

**APPENDIX "D"**  
**Site Photos (June 29, 2022)**



*Figure 1 - Looking east towards east/west alley from Clover Street (540 Clover Street on right)*



*Figure 2 - North/south alley looking south from east/west alley (540 Clover Street on right)*



*Figure 3 - North/south alley looking north (566 Clover Street on left) (565 Adelaide Avenue on right)*



*Figure 4 - Looking west towards east/west part of remnant parcel from Adelaide Avenue (551 Adelaide Avenue on left)*



*Figure 5 - East/west part of remnant parcel looking west (551 Adelaide Avenue on left) (10655 Clairview Avenue on right)*



*Figure 6 - North/south alley looking south (551 Adelaide Avenue on left) (remnant parcel runs along fence on left)*



*Figure 7 - North/south alley looking south (550 Clover Street on right)*



*Figure 8 - North/south alley looking south (556 Clover Street on right)*



*Figure 9 - North/south alley looking north (554 Clover Street on left)*



*Figure 10 - North/south alley looking north (546 Clover Street on left)*



*Figure 11 - East/west part of remnant parcel looking east (551 Adelaide Avenue on right)*



*Figure 12 - East/west part of remnant parcel looking east (551 Adelaide Avenue on right)*

## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are indispensable. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

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

1. 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.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. 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.
4. 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.





**Subject: Closure of north/south alley located between Millen Street and Girardot Street, Ward 2, SAA-6996**

**Reference:**

Date to Council: September 3, 2024  
 Author: Brian Nagata, MCIP, RPP  
 Planner II - Development Review  
 (519) 255-6543 ext. 6181

Planning & Building Services  
 Report Date: July 16, 2024  
 Clerk's File #: SAA2024

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

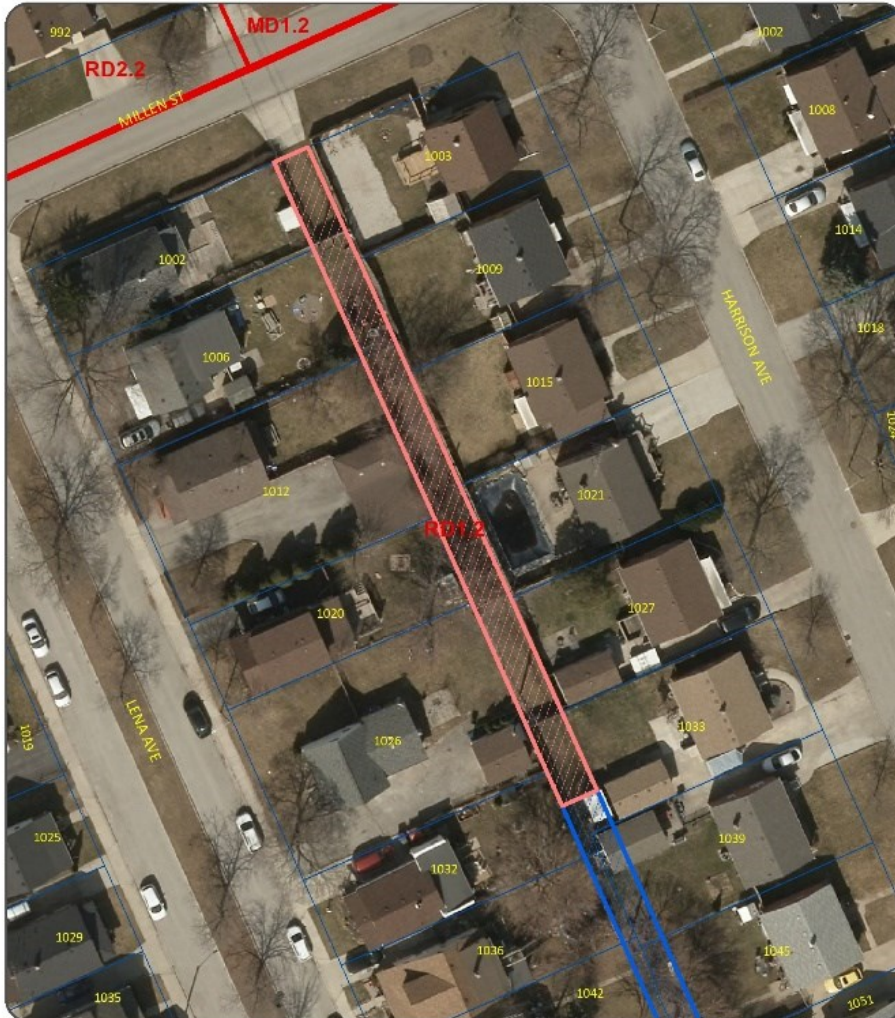
**Recommendation:**

- I. THAT the north/south alley located between Millen Street and the north limit of Lot 17, Plan 1208, and shown on Drawing No. CC-1833 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
    - i. Bell Canada to accommodate existing aerial facilities;
    - ii. ENWIN Utilities Ltd. to accommodate existing overhead 120/240V distribution; and
    - iii. Managed Network System Inc. (MNSi.) to accommodate existing aerial facilities.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1833.

- 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

**Executive Summary:**

N/A



**STREET & ALLEY CLOSING (SAA/6996)**

1:500

APPLICANT : KAELA MCLELLAN



REQUESTED CLOSURE



PREVIOUS CLOSURE

PLANNING DEPARTMENT - PLANNING POLICY

DATE: MARCH, 2023



## **Background:**

The applicant, Kaela McLellan, owner of the property known municipally as 1006 Lena Avenue (the subject property), applied to close the north/south alley located between Millen Street and the north limit of Lot 17, Plan 1208 (the alley), and shown on Drawing No. CC-1833 attached hereto as Appendix "A", and shown on the aerial photo attached hereto as Appendix "B". The remaining south portion of the north/south alley was closed by By-law 8651 in 1987.

The applicant wishes to close the alley for the purpose eliminating criminal activity that has occurred therein (i.e. theft, drug use, etc.).

The alley is unmaintained (unpaved) and composed primarily grass and natural vegetation. The alley contains a curb cut off Millen Street, overhead hydro and utility lines and utility poles with guy wires and anchors. The alley has been encroached on over the years by abutting properties with a building, landscaping and fences. There are no Encroachment Agreements on record for the use of the alley.

The alley was established by Registered Plan of Subdivision No. 1075, 1092 and 1208, registered on April 28, 1923, September 10, 1923, and March 19, 1926, respectively.

## **Discussion:**

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), attached hereto as Appendix "E". The document includes the following four classifications of alleys based on their usefulness and provides the following corresponding criteria for determining their suitability for closure. The use of the document is referenced under Part I of CR146/2005.

### **Classification of Public Right-of-Ways**

1. Alley that is indispensable.
  - a. Does the alley serve commercial properties?
    - i. The alley does not serve any commercial properties.
  - b. Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?
    - i. The alley does not serve properties fronting on heavily traveled streets.
  - c. Does the alley contain sewers, and must the alley remain accessible for servicing?
    - i. The alley does not contain any sewers.
  - d. Does the 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?

- i. The alley does not 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.
  - e. Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?
    - i. The alley does not contain any Fire Department connections.
- 2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
  - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
- 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.
  - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
- 4. Alley 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.
  - a. The alley does not lie within a Holding zone or similar undeveloped area.

### **Suitability for Closing**

- 1. Indispensable alleys should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof.
- 2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
- 3. Alleys that serve no useful purpose should be closed if possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4. 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.

Based on the above, the Planning Department deems the alley “dispensable” and supports the requested closure.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley in **as is condition** to the abutting property owners, which is the standard manner of conveyance.

## **Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

## **Climate Change Risks**

### **Climate Change Mitigation:**

N/A

### **Climate Change Adaptation:**

N/A

## **Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.2 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The Planning Department has an operating budget of \$33,100.00 for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor in 2025.

The Finance Department has confirmed that funds allocated under Capital Fund 007 (Alley Closing Subsidy Program), as Expense 2950 (Other Prof Services-External) may be used for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. \$40,000.00 will be added annually to Expense 2950 until 2031, which may be used to cover survey invoices received in the corresponding year.

There are sufficient funds to cover the anticipated survey cost, expected to be invoiced in 2025.

## **Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley by regular mail, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

## **Conclusion:**

The Planning Department recommends closure of the alley shown on attached Appendix "A", subject to easements in favour of Bell Canada, ENWIN Utilities Ltd., and Managed Network System Inc. (MNSi.) as in Recommendation II of this report.

The closed alley is to be conveyed in **as is condition** to the abutting property owners as in Recommendation II report.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP  
Manager of Development*

*Neil Robertson, MCIP, RPP  
City Planner*

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

*JP JM*

**Planning Act Matters:**

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Counsel, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

**Notifications:**

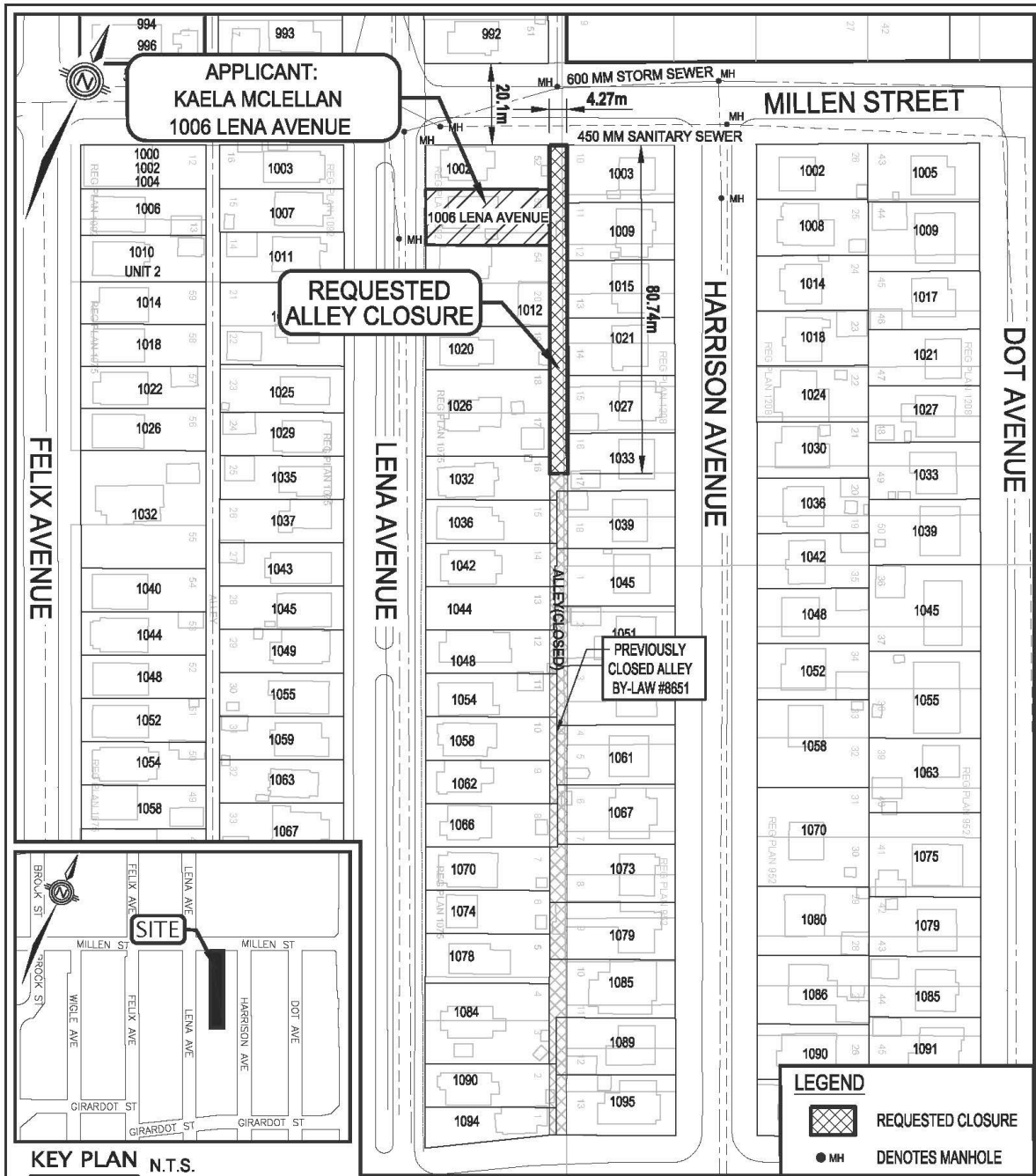
Name	Address	Email
Ward 2 Councillor Fabio Costante	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	fcostante@citywindsor.ca
Kaela McLellan (Applicant)		
List of mailing labels for property owners abutting the alley issued to Clerks office		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1833
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations w Municipal Departments & Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

## APPENDIX "A"

### Drawing No. CC-1833

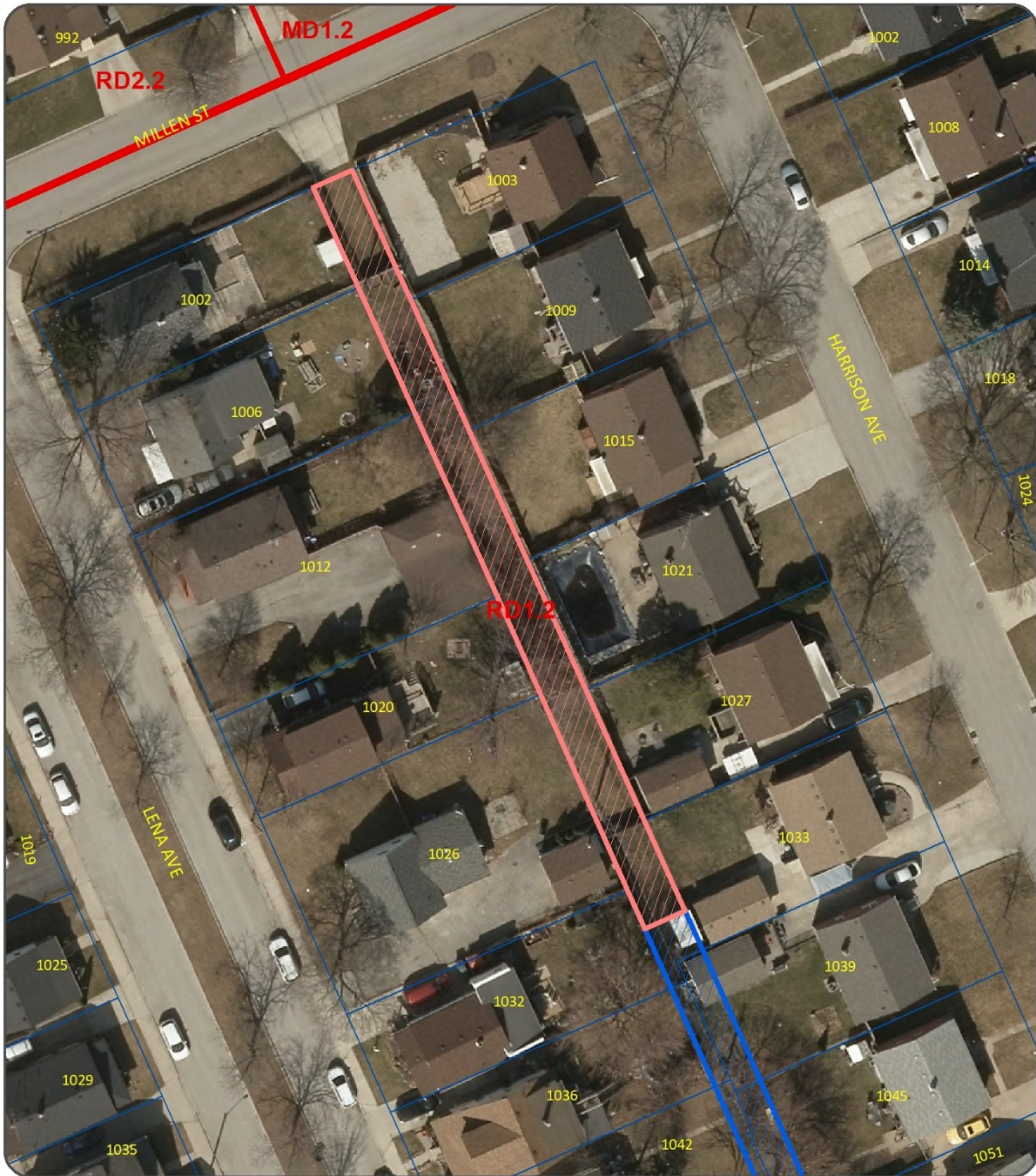


**THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT**

**Proposed Partial Alley Closure Between Lena Avenue and Harrison Avenue  
& South of Millen Street and North of Girardot Street**

 Kirk Tamm, Manager of Geomatics	SCALE: 1:1250	DATE: APRIL 2023	REVISED: --	DWG. NO. <b>CC-1833</b>
	DWN BY: UT	CHKD BY: PJU / MM	REVISION NO.: --	

### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/6996)

1:500

APPLICANT : KAELA MCLELLAN



REQUESTED CLOSURE



PREVIOUS CLOSURE



PLANNING DEPARTMENT - PLANNING POLICY

DATE: MARCH, 2023



## APPENDIX "C"

### Consultations with Municipal Departments and Utility Companies

#### BELL CANADA

Bell Canada requests a 3.0 m wide easement to measure 1.5 m on either side of existing aerial facilities. We would welcome an easement over the entire alley if our request cannot be accommodated.

#### [Charleyne Hall - Bell Canada External Liaison - R.O.W. & Indigenous Relations]



#### COGECO CONNEXION INC.

No comments provided

#### ENBRIDGE GAS INC.

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

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

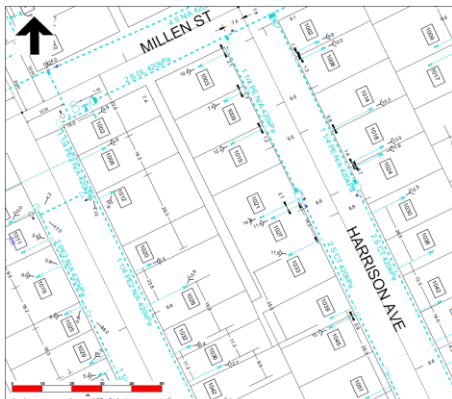
- Any pipe that is excavated, please assume that it is live
- If during any job, any pipe is found that is not on the locate sheet and conflicts with your work, please call our emergency number (1-877-969-0999), and one of

our Union Gas representatives will respond to determine if that plant is in fact live or dead

- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

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

**[Gord Joynson - Drafter Estimator]**



### **ENGINEERING (DEVELOPMENT & ROW)**

The subject alley closure is approximately 4.2 m (14.0 ft) wide, appears to be untraveled, and is composed of grass. There are no municipal sewers or manholes located in the closure. There are hydro poles, guy wires, and overhead wires. An easement will be required for the utilities. There are numerous encroaching objects within the closure. There is an existing alley approach off Millen Street; it may be the responsibility of the city to remove the curb cut in the future when funds exist. Should the abutting owners purchase the entire alley and plan to use this approach, they will be required to obtain a driveway permit to maintain the approach to City Standard AS-222. This alley appears to serve no useful purpose as per CR146/2005; therefore, we have no objections to the closure.

**[Adam Pillon - Manager of Right-of-Way]**

### **ENGINEERING (OPERATIONS)**

There is an existing fence preventing access at the south property line of 1002 Lena. The alley is not required for pedestrian or vehicular access. There are no objections to closing the alley as proposed.

**[Mike Spagnuolo - Signals System Analyst]**

### **ENVIRONMENTAL SERVICES**

No comments provided

**ENWIN UTILITIES LTD. (HYDRO)**

No Objection provided clearances are maintained from our distribution plant. However, an easement named to ENWIN Utilities Ltd., will be required for North to the South limit of the purposed alley closure to accommodate for the existing overhead 120/240V distribution.

ENWINs easement guidelines:

Overhead

A 3 m (10 ft) Easement is required for a straight pole line 1.5 m (5 ft) (on each side). This takes into consideration a 0.3 m (1 ft) pole diameter, 0.46 m (1.5 ft) primary insulator, and 0.9 m (3 ft) clearance from any nearby structure.

Guy and Anchor

The easement for the guy and anchor is 3 m (10 ft) wide easement is required into private property. This easement should extend 1 m (3.3 ft) into the property.

Underground Cable

A 0.6 m (2 ft) easement on either side of a duct bank is required for underground installations.

Please note the following.

1. ENWIN has 120/240V overhead secondary conductors along the back of the properties.
2. All poles in the alley are Bell owned poles.

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

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

**[Keegan Morency-Kendall - Hydro Engineering Technologist]**

**ENWIN UTILITIES LTD. (WATER)**

Water Engineering has no objections.

**[Bruce Ogg - Water Project Review Officer]**

**LEGAL & REAL ESTATE SERVICES**

\$1 plus deed preparation and proportionate share of survey costs.

**[Stephanie Santos - Coordinator Real Estate Services]**

**MANAGED NETWORK SYSTEM INC. (MNSi)**

MNSi would like an Aerial Easement through the subject properties please.

**[Dave Hartleib - Outside Plant Manager]**

**PARKS**

Parks Design & Development has no objection to this alley closure.

**[Sherif Barsom - Landscape Architect]**

Natural Areas has no objections to this alley closure.

**[Karen Alexander - Naturalist & Outreach Coordinator]**

Forestry has no objection to this alley closure.

There are a few trees/shrubs behind addresses in this alley: if the alley is not fully purchased these may become orphaned sections with no access available to forestry.

At this time this alley way is already blocked off by private fencing installed by homeowners across several sections of the alley.

No loss of access to any City owned Street or Park Trees

**[Yemi Adeyeye - City Forester / manager Forestry & Natural Areas]**

**PLANNING (DEVELOPMENT)**

No comments provided

**PLANNING (LANDSCAPE)**

I have no issues from a landscape or urban design perspective related to this application.

**[Stefan Fediuk - Planner III - Senior Urban Designer]**

**ROGERS**

No comments provided

**TELECON (TELUS)**

TELUS has no underground infrastructure in your proposed work. Permit expires six (6) months from approval date.

**[Meghna Patel - Permit Coordinator]**

**TRANSIT WINDSOR**

No comments from Transit.

**[Jason Scott - Manager Transit Planning]**

**TRANSPORTATION PLANNING**

The alley does not seem to be used by pedestrians or vehicles since the north end of the alley is blocked by a fence which is preventing access. Transportation Planning has no objections to the proposed alley closure.

**[Clare Amicarelli - Transportation Planning Coordinator]**

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of this alley. From Google Earth/Street View, the alley space in question appears to already be physically closed off to a large degree, greatly limiting random access. The closure, if approved, would presumably “clean up” the encroachment changes that have been made to date by abutting property owners. Closure will also not create any problems for police to otherwise gain access to affected properties for emergency incident response or vehicle patrol purposes within the immediate area as other options remain available to the police for such purposes.

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

**APPENDIX "D"**  
**Site Photos (April 20, 2023)**



*Figure 1 - Looking south towards alley from Millen Street (1002 Lena Avenue on right)*



*Figure 2 - Alley looking north towards Millen Street (1002 Lena Avenue on left)*



*Figure 3 - Millen Street looking west from Alley (1002 Lena Avenue on left)*



*Figure 4 - Millen Street looking east from Alley (1003 Harrison Avenue on right)*

## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are indispensable. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

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

1. 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.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. 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.
4. 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.





**Subject: Ford City CIP Application for 1306 Drouillard Road. Owner: Charbel Semaan (C/O: Maged Basilius) – Ward 5**

**Reference:**

Date to Council: September 3, 2024  
Author: Kevin Alexander, MCIP RPP  
Senior Planner-Special Projects  
519-255-6543 x. 6732  
kalexander@citywindsor.ca

Gabriel Lam  
Community City Development Planning Assistant  
519-255-6543 x. 6438  
glam@citywindsor.ca  
Planning & Building Services  
Report Date: July 23, 2024  
Clerk's File #: SPL2024

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

**Recommendation:**

- I. **THAT** the request for incentives under the Ford City CIP Financial Incentive Programs made by Charbel Semaan, (c/o: Maged Basilius), Owner of the property located at 1306 Drouillard Road for the construction of a two (2) storey auto body shop **BE APPROVED** for the following incentive programs:
  - i. Municipal Development Fees Grant Program to a maximum amount of \$30,000;
  - ii. Building/Property Improvement Tax Increment Grant Program for 100% of the municipal portion of the tax increment for up to 10 years in an estimated amount of \$16,358 per year.
  
- II. **THAT** Administration **BE AUTHORIZED** to prepare the agreement between the City and Charbel Semaan (C/O: Maged Basilius; Maged Basilius Architect) to implement the *Building/Property Improvement Tax Increment Grant Program* (only) in accordance with all applicable policies, requirements to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications;

- III. **THAT** the CAO and City Clerk **BE AUTHORIZED** to sign the Grant Agreement(s) in content satisfactory to the City Planner, in financial content to the satisfaction of the City Treasurer and in form satisfactory to the City Solicitor;
- IV. **THAT** funds in the amount of up to a maximum of \$30,000 under the *Municipal Development Fees Grant Program* **BE TRANSFERRED** from the CIP Reserve Fund 226 to the Ford City CIP Fund (Project #7181046) once the work is completed; and,
- V. **THAT** grants **BE PAID** to Charbel Semaan upon the completion of the of the auto body shop building from the Ford City CIP Fund (Project #7181046) to the satisfaction of the City Planner and Chief Building Official; and,
- VI. **THAT** should the construction of the two (2) storey auto body shop not be completed within three (3) years following Council approval of Report S101/2024, City Council **RESCIND** the approvals under the Municipal Development Fees Grant and the Building/Property Improvement Tax Increment Grant programs and that the funds under the Municipal Development Fees Grant Program **BE UNCOMMITTED** and returned to CIP Reserve Fund 226.

### **Executive Summary:**

N/A

### **Background:**

On November 19, 2018, City Council approved the Ford City Community Improvement Area and Ford City Community Improvement Plan (CIP) (CR625/2018 PHED 603) adopted through by-laws 171-2018 and 172-2018. These By-laws came into effect in January of 2019. In addition, on November 19, 2018, City Council activated the following financial incentive programs from the Ford City CIP:

1. Municipal Development Fees Grant Program
2. Building/Property Improvement Tax Increment Grant Program

### **Discussion:**

On May 15, 2023, Charbel Semaan (C/O: Maged Basiliou; Maged Basiliou Architect), owner of the property located at 1306 Drouillard Road, submitted an application for grants under the *Ford City CIP* Financial Incentive Programs for the construction of a two (2) storey auto body shop. The property is located within the Ford City CIP Area. The property is zoned Commercial District (CD) 4.1.

On July 13, 2021, a Demolition permit was issued to demolish the previous combined use building (completed a year later; July 13, 2022). The parcel is currently vacant, with a mix of residential and commercial lots within its proximity.

## Ford City CIP Financial Incentive Programs

The applicant is eligible for the following programs under the Ford City CIP Financial Incentive Programs:

*Municipal Development Fees Grant Program*—intended to encourage development within Ford City by providing an incentive to offset the costs associated with seeking the appropriate planning approvals and building permits for a project. Property owners will be eligible to receive a grant for 100% of the specified *Municipal Development Fees*, up to a maximum of \$50,000 per property. The Building Permit drawings have not been submitted and fees will need to be determined in the future. Recommendation I. i. of the report will include a maximum amount of \$30,000 to ensure that all fees are captured. Based on the information we have at the time of this report the following fees are required:

- Site Plan Control Application Fee—to be determined
- Building Permit Fee—to be determined
- Public Works Permit Fees—to be determined
- Parkland Dedication Fee—to be determined

### **TOTAL: To Be Determined to a maximum of \$30,000**

*Building/Property Improvement Tax Increment Grant*—intended to provide financial incentive for the physical improvements to properties whereby registered property owners and/or assignees would be eligible to receive a grant for 100% of the municipal portion of the tax increment generated from the improvements made to the building or property for up to 10 years.

To be eligible for the *Building/Property Improvement Tax Increment Grant*, improvements to the building/property must result in an annual grant (or tax increment) of at least \$500 for properties that are taxed at the Residential tax rate; and \$1,000 for properties taxed at all other tax rates.

The confirmed current value assessment of the property located at 1306 Drouillard Road is \$35,500. The owner currently pays annual property taxes of \$970.35 (\$678.49 for the municipal portion) based on a commercial tax rate only.

Based on the information and drawings provided by the applicant, Administration estimates the post project assessment value to be \$450,000. However, the actual amount of the new assessment will be dependent upon a full review of the building after the completion of renovations as determined by the Municipal Property Assessment Corporation (MPAC).

As identified in the table below, the estimated annual value of the grant is \$16,358. Over 10 years, this grant is estimated to be \$163,580.

The applicant indicates that the estimated eligible costs for the project is \$600,000. The *Planning Act* stipulates that the grants under a CIP cannot be more than the eligible costs. The total grant amount of \$163,580 plus developments fees is less than the estimated eligible costs.

<b>Estimated Building/Property Improvement Tax Increment Grant for 1306 Drouillard Rd</b>		
<b>Annual Pre Development Municipal Taxes</b>	<b>Annual Estimate Post Development Municipal Taxes</b>	<b>Annual Estimate Value of Grant</b>
\$ 678.49	\$ 17,036.62	\$ 16,358.00

**Assumptions**

Current Property Value Assessment (2024 – Commercial)	\$35,500
Estimate Post Development Property Assessment - Commercial	\$450,000

Because the Grant Program does not exempt the property from taxes, the owner must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre-development 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.

**Risk Analysis:**

The approval of these grants does not carry significant risk, as there are sufficient funds within the CIP reserve fund approved by Council on February 22, 2021. The applicant will not receive any grants until all work is completed and inspected to the satisfaction of the Planning and Building Department. As a requirement of Section 28 (7.3) of the Planning Act, Administration has confirmed that the grant amount does not exceed the total cost of the project.

**Climate Change Risks**

**Climate Change Mitigation:**

The construction of the auto body shop affects climate change, because the previous combined use building was demolished, and not repurposed and new materials will have to be brought in. However, the infill of the site contributes to the revitalization of Ford City by filling out the cityscape. The construction of the building will utilize modern building methods, which will conform to the Ontario Building Code concerning safety and energy efficiency.

Utilizing an existing lot and infrastructure in an existing built-up area of the City also promotes efficiency on the existing infrastructure network by not promoting development on greenfield land.

**Climate Change Adaptation:**

As temperatures increase and when considering the Urban Heat Island effect for the City of Windsor, the property appears to be located within a Heat Vulnerability area. However, the rehabilitation of the building will utilize modern building methods, which will conform to the Ontario Building Code in regards to energy efficiency.

## **Financial Matters:**

On February 22, 2021, Council approved the 2021 budget, which included a new reserve fund for all active CIPs in the City. As CIP grant applications are approved, the *approved grant amount will be transferred to the capital project account to be kept as committed funds, until the grant is ready to be paid out.* The current uncommitted balance of the CIP reserve fund is \$404,809.95 however this balance does not account for other CIP grant requests that are currently being considered by the standing committee or have been endorsed by the standing committee and are not yet approved by City Council

If approved, funds will be transferred from the CIP reserve fund to the Ford City CIP Fund (Project #7181046) to disperse the maximum amount of \$30,000 for the *Municipal Development Fees Grant Program.*

The *Building/Property Improvement Tax Increment Grant* would be based upon the municipal tax increase and will be calculated by the Finance Department in consultation with the Municipal Property Assessment Corporation (MPAC) once the project is completed.

## **Consultations:**

The owner and architect for the property located at 1306 Drouillard Road have been consulted regarding grants and the design of the building related to the improvements outlined in this report. The design of the building fits within the context of the Drouillard Road Main Street and other factory style buildings historically found within the area. The development addresses the design guidelines and goals and objective of the Ford City CIP.

Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects and Jose Mejalli Assessment Management Officer were consulted with respect to the Ford City CIP *Building/Property Improvement Tax Increment Grant.* Josie Gualtieri, Financial Planning Administrator was also consulted regarding the Ford City CIP grants, and related capital project/reserve fund balances.

## **Conclusion:**

The proposed auto body shop for 1306 Drouillard Road meets all eligibility criteria identified in this this report, for the *Municipal Development Fees Grant Program* and the *Building/Property Improvement Tax Increment Grant* through the *Ford City Community Improvement Plan.*

The improvements address the urban design guidelines and goals and objectives of the Ford City CIP. The development will contribute to the revitalization of Ford City, through the infill of an existing vacant lot in the area.

There are sufficient funds in the CIP reserve fund to provide grants for the proposed improvements. Administration recommends approval of the grants identified in this report.

## **Planning Act Matters:**

N/A

**Approvals:**

<b>Name</b>	<b>Title</b>
Kevin Alexander	Senior Planner – Special Projects
Emilie Dunnigan	Manager Development Revenue & Financial Administrator
Jason Campigotto	Deputy City Planner – Growth
John Revell	Chief Building Official
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Counsel, Legal & Real Estate
Jelena Payne	Commissioner of Economic Development
Lorie Gregg	Deputy Treasurer Taxation and Financial Planning
Dan Seguin	On behalf of Commissioner Finance/City Treasurer
Joe Mancina	Chief Administrative Officer

**Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>

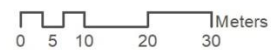
**Appendices:**

- 1 Appendix 'A' Location Map
- 2 Appendix 'B': Proposed Improvements; 1306 Drouillard Road

APPENDIX 'A' – Location Map and Existing Condition



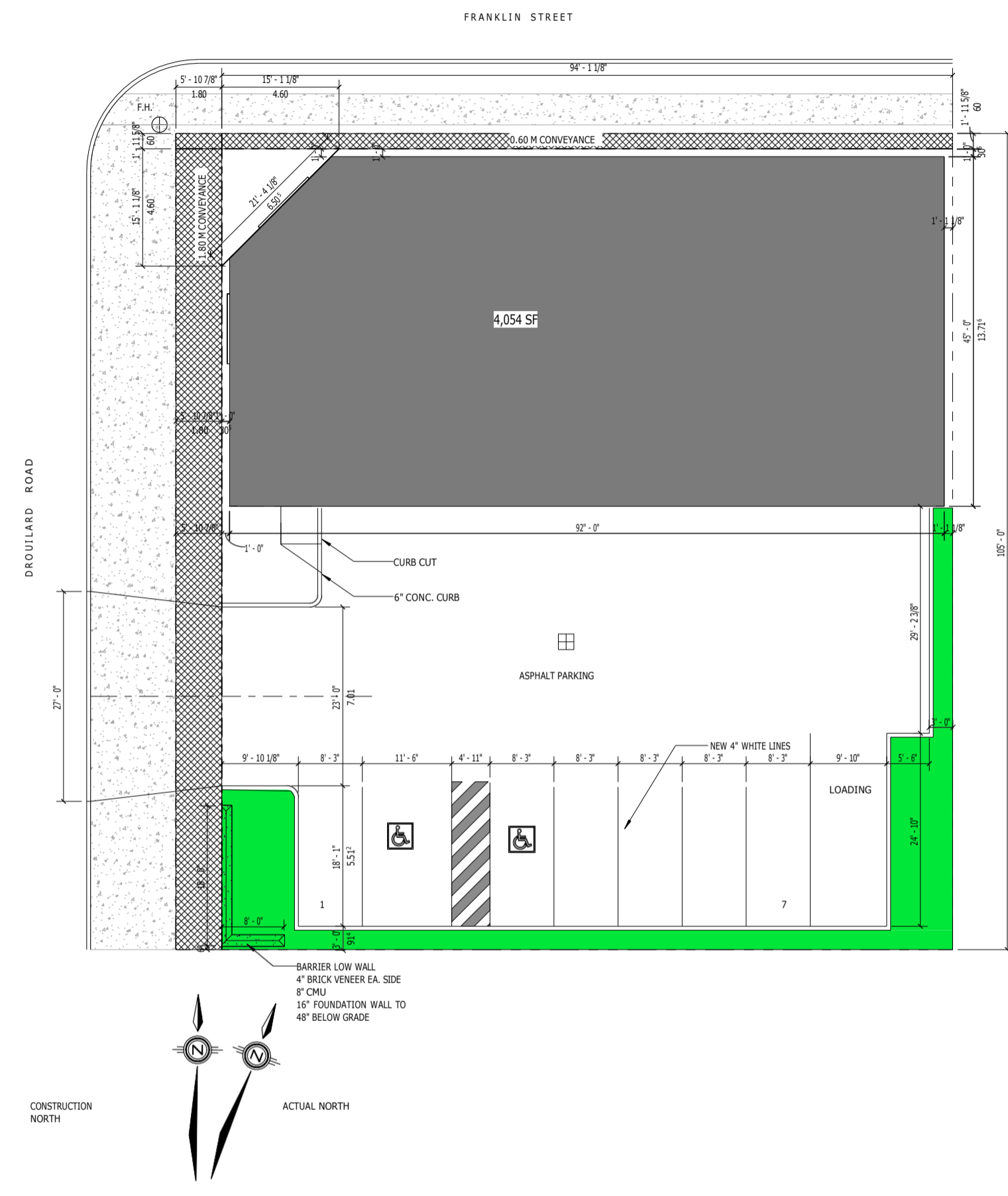
**LOCATION MAP: 1306 DROUILLARD ROAD**



**GENERAL NOTES:**

1. ALL WORK IN THIS PROJECT SHALL BE ACCORDING TO THE CITY OF WINDSOR STANDARDS.
2. REFER TO SITE GRADING & SERVICING SITE PLANS FOR ALL EXISTING & NEW LOCATIONS OF SERVICES AND ENTRY OF SERVICES INTO THE BUILDING ENVELOPE. ALL MECHANICAL & ELECTRICAL INFORMATION INDICATED ON ARCHITECTURAL SITE DWG IS FOR GENERAL REFERENCE AND CO-ORDINATION ONLY.
3. REFER TO SITE GRADING PLAN FOR PROPOSED FINAL FINISH GRADE ELEVATIONS AND DRAINAGE SLOPES.
4. TYPICAL DRIVEWAY & PARKING LOT CONCRETE CURBS AS INDICATED ON DRAWING REFER TO OPSD DETAILS IN SPEC'S. FOR TYPICAL CURB TYPES. SITE DIMENSIONS ARE TYPICALLY DIMENSIONED TO FACE OF CURB.
5. EXISTING TREES TO REMAIN TO BE PROTECTED DURING CONSTRUCTION. REFER TO LANDSCAPE SPECIFICATIONS AND DRAWINGS.
6. PROVIDE 4" (100mm) WIDE PAINTED PARKING STALL LINE MARKINGS, HANDICAP SYMBOLS AND CROSS MARKINGS ON TOP OF FINISHED ASPHALT LAYER.
7. ALL WORK INVOLVED IN THE CONSTRUCTION, RELOCATION, REPAIR OF MUNICIPAL SERVICES FOR THE PROJECT SHALL BE TO THE SATISFACTION OF THE CITY OF WINDSOR.
8. THE APPROVAL OF THIS PLAN DOES NOT EXEMPT THE OWNER'S BONDED CONTRACTOR FROM THE REQUIREMENTS TO OBTAIN THE VARIOUS PERMITS/APPROVALS NORMALLY REQUIRED TO COMPLETE A CONSTRUCTION PROJECT, SUCH AS, BUT NOT LIMITED TO THE FOLLOWING: BUILDING PERMIT, ROAD CUT PERMITS, APPROACH APPROVAL PERMITS, COMMITTEE OF ADJUSTMENTS, SEWER AND WATER PERMITS, RELOCATION OF SERVICES, ENCROACHMENT AGREEMENTS (IF REQUIRED).
9. THE APPLICANT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE ENGINEERING SERVICES DEPARTMENT, CITY OF WINDSOR, FOR THE PURPOSES OF VEHICULAR ACCESS TO THE PROPERTY, (ENTRANCE PERMIT), AND SERVICING EXCAVATIONS WITHIN THE MUNICIPAL ROAD ALLOWANCE, (ROAD OCCUPANCY PERMIT).
10. PRIOR TO THE COMMENCEMENT OF ANY WORKS ON THIS SITE, HOARDING SHALL BE INSTALLED AROUND THE PERIMETER AS PER GOOD CONSTRUCTION AND SITE SAFETY PRACTICE OR AS DETERMINED BY THE MANAGER, DEVELOPMENT ENGINEERING, UNTIL SUCH TIME AS OTHERWISE DIRECTED BY THE MANAGER, DEVELOPMENT ENGINEERING.
11. SITE SILTATION CONTROL MEASURES/FENCING SHALL BE ERECTED FROM COMMENCEMENT OF THE PROJECT THROUGHOUT THE DURATION OF THE PROJECT AS PER OPSD 219.110.

**Appendix 'B': Proposed Improvements  
Site Plan, Floor Plans, & Elevation Drawings**



1 Site Plan  
1" = 10'-0"



Maged Basilious Architect  
1635 Ottawa St.,  
Windsor, Ontario N9Y 1R2  
Phone: 519-969-0086  
e-mail: mbasilious@mbarchitect.ca

No.	Description	Date

**Auto Body Shop**  
**1306 Drouillard Rd.**  
**WINDSOR, ON**  
**Site Plan**

Project number	2259
Date	June 2022
Drawn by	A. B.
Checked by	M. B.

A 101

Scale	1" = 10'-0"
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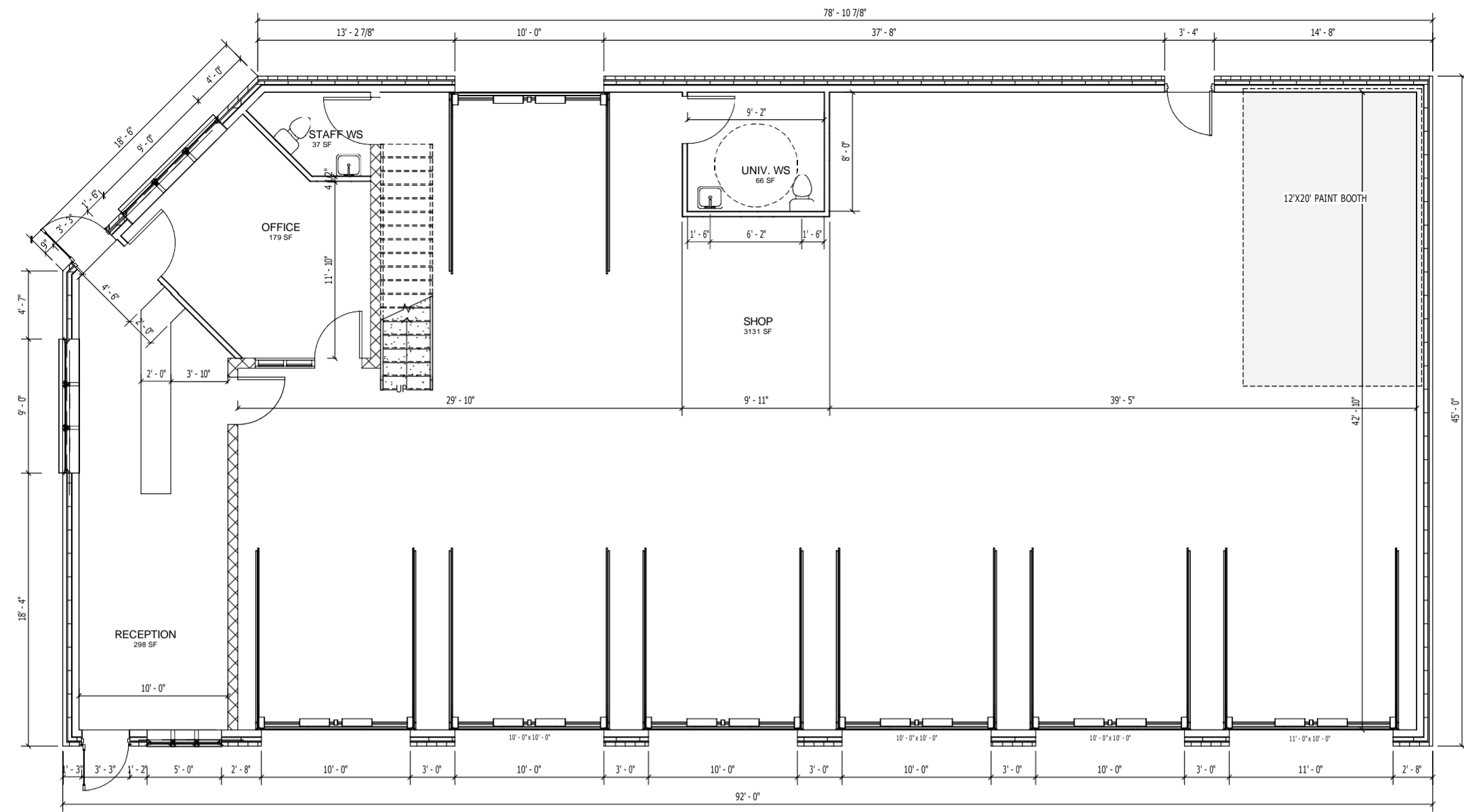




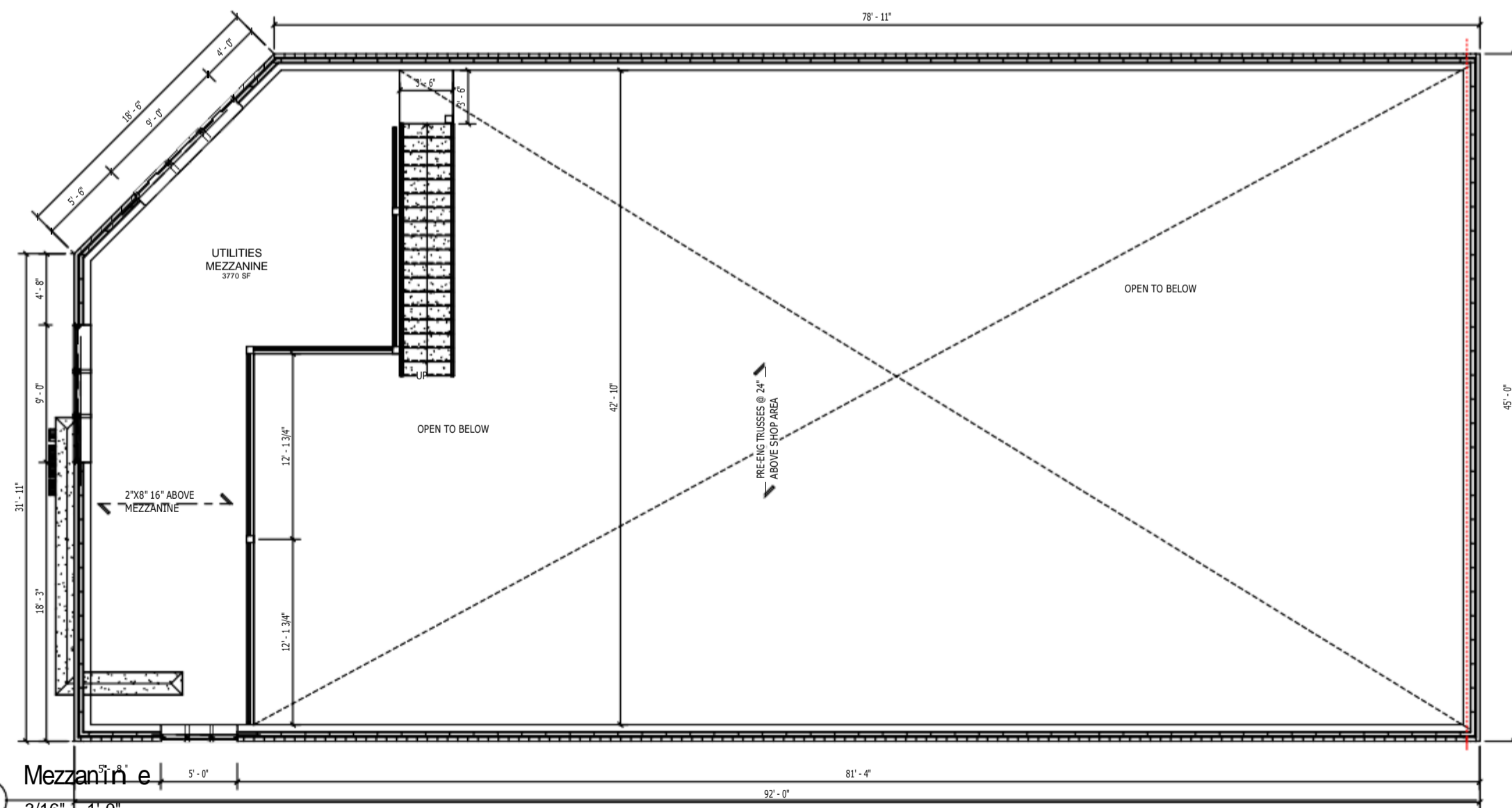
Maged Basilius Architect

www.mbarchitect.ca

Maged Basilius Architect  
1635 Ottawa St.,  
Windsor, Ontario N9Y 1R2  
Phone: 519-969-0086  
e-mail: mbasilius@mbarchitect.ca



1 First Floor  
3/16" = 1'-0"



2 Mezzanine  
3/16" = 1'-0"

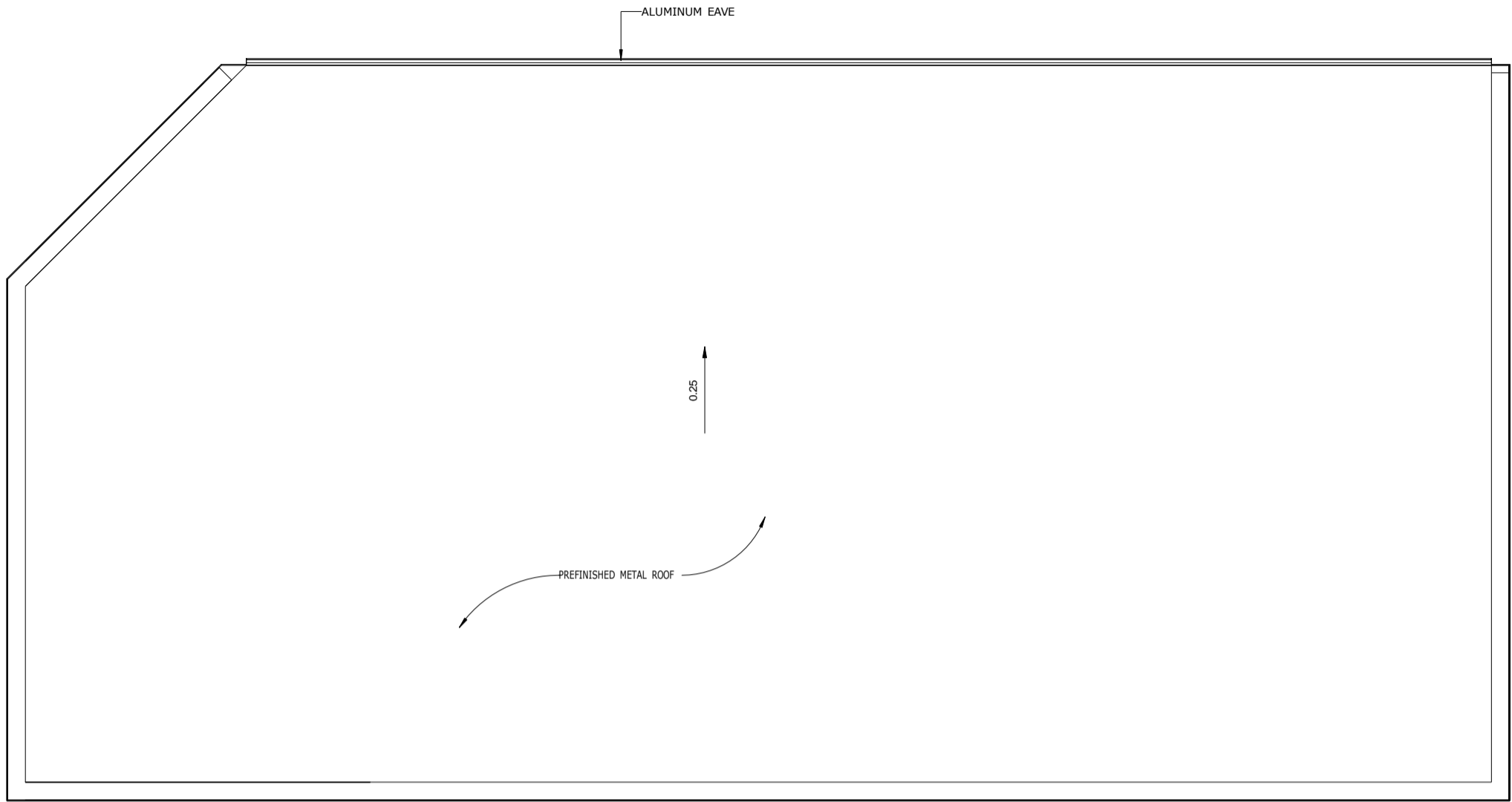
No.	Description	Date

**Auto Body Shop**  
1306 Drouillard Rd.  
WINDSOR, ON  
First & Mezzanine  
Floor Plans

Project number 2259  
Date June 2022  
Drawn by A.B  
Checked by M.B

**A 201**  
Scale 3/16" = 1'-0"

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1 Roof Plan  
3/16" = 1'-0"



Maged Basilius Architect

www.mbarchitect.ca

Maged Basilius Architect  
1635 Ottawa St.,  
Windsor, Ontario N9Y 1R2  
Phone: 519-969-0086  
e-mail: mbasilius@mbarchitect.ca

No.	Description	Date

**Auto Body Shop**

**1306 Drouillard Rd.  
WINDSOR, ON**

**Roof Plan**

Project number	2259
Date	June 2022
Drawn by	M. B.
Checked by	M. B.

**A 203**

Scale 3/16" = 1'-0"

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Maged Basilius Architect

www.mbarchitect.ca

Maged Basilius Architect  
 1635 Ottawa St.,  
 Windsor, Ontario N6Y 1R2  
 Phone: 519-969-0086  
 e-mail: mbasilious@mbarchitect.ca

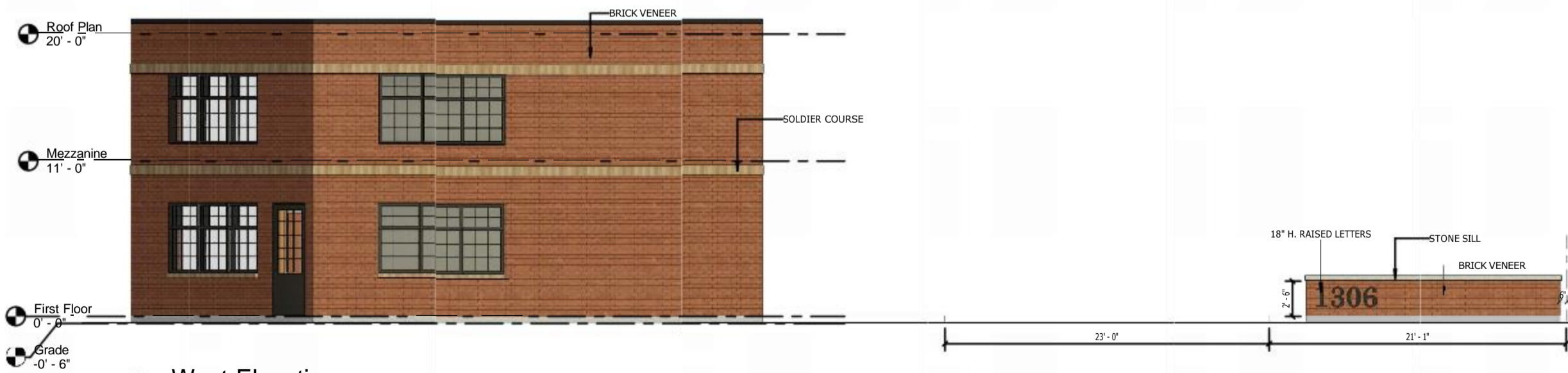


① South Elevation  
 3/16" = 1'-0"



② North Elevation  
 3/16" = 1'-0"

③ East Elevation  
 3/16" = 1'-0"



④ West Elevation  
 3/16" = 1'-0"

No.	Description	Date

**Auto Body Shop**

**1306 Drouillard Rd.  
 WINDSOR, ON**

**Elevations**

Project number	2259
Date	June 2022
Drawn by	A. B.
Checked by	M. B.

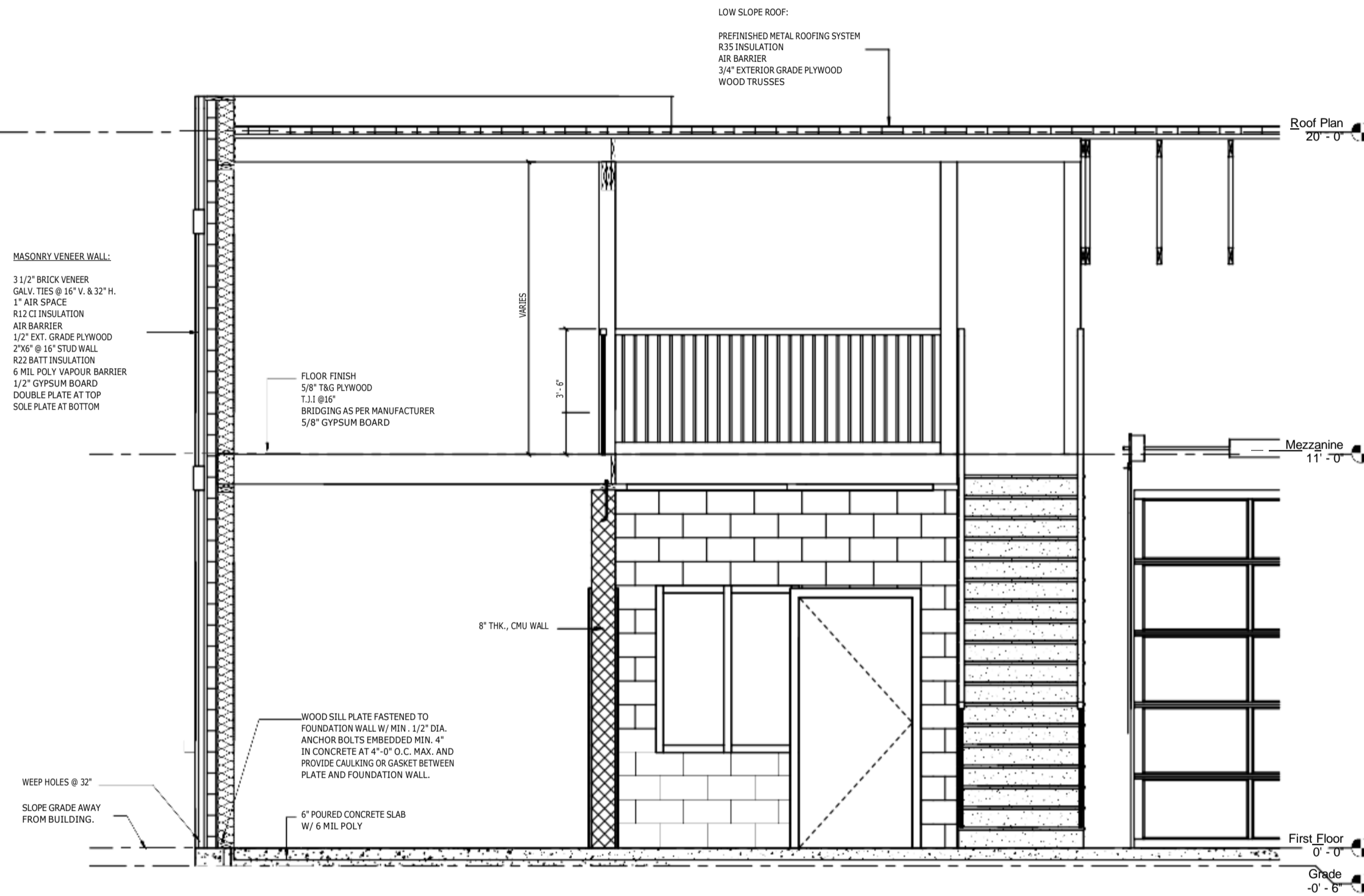
**A 301**

Scale 3/16" = 1'-0"



www.mbasiliusarchitect.ca

Maged Basilius Architect  
1635 Ottawa St.  
Windsor, Ontario N9Y 1R2  
Phone: 519-969-0086  
e-mail: mbasilius@mbarchitect.ca



1 Cross Section  
1/2" = 1'-0"

No.	Description	Date

Auto Body Shop

1306 Drouillard Rd.  
WINDSOR, ON

Wall Sections

Project number 2259  
Date June 2022  
Drawn by A. B.  
Checked by M. B.

**A 401**

Scale 1/2" = 1'-0"

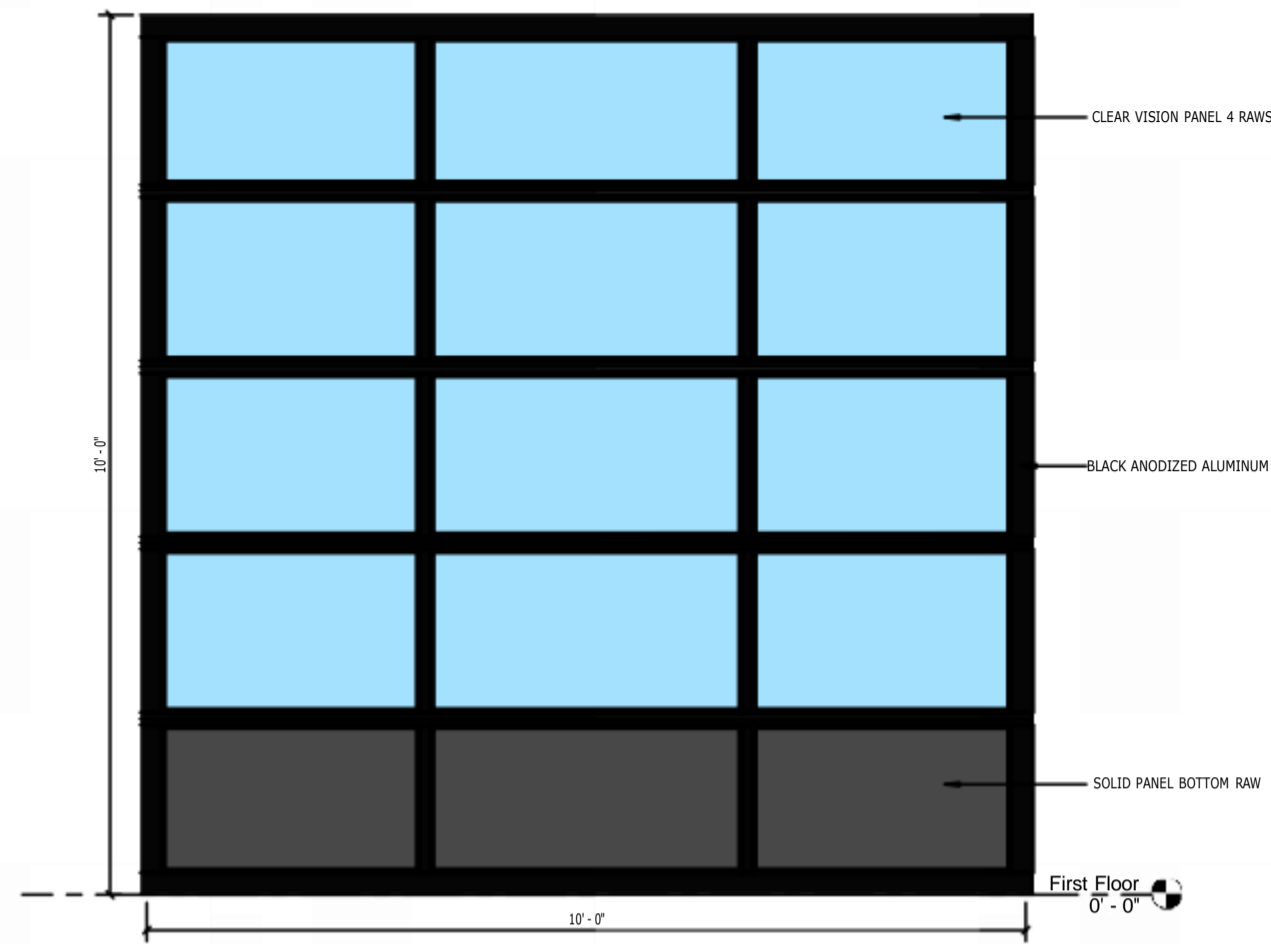
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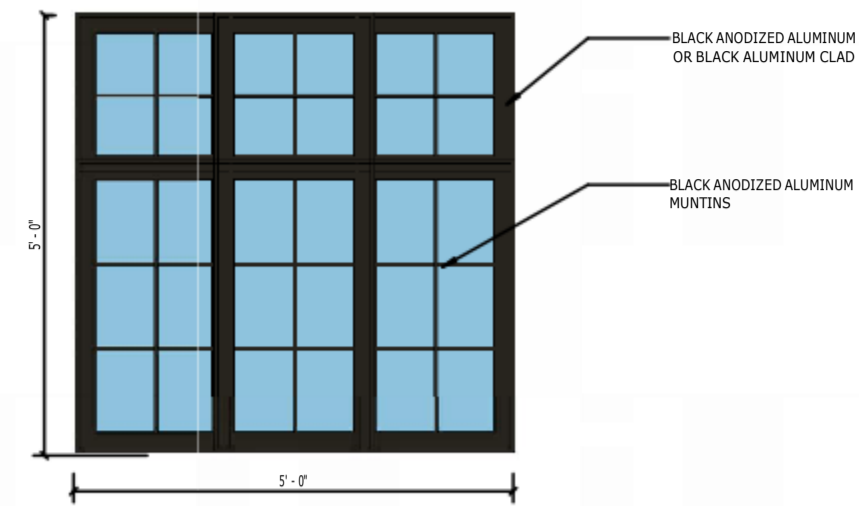
Maged Basilius Architect

www.mbarchitect.ca

Maged Basilius Architect  
1635 Ottawa St.,  
Windsor, Ontario N9Y 1R2  
Phone: 519-969-0086  
e-mail: mbasilius@mbarchitect.ca



① Sectional Overhead Door  
3/4" = 1'-0"



② W1 - Window Elevation  
3/4" = 1'-0"

No.	Description	Date

Auto Body Shop  
1306 Drouillard Rd.  
WINDSOR, ON  
Door & Window Details

Project number: 2259  
Date: June 2022  
Drawn by: A. B.  
Checked by: M. B.

A 402

Scale: 3/4" = 1'-0"

**Subject: Closure of north/south alley located between Wyandotte Street West and Rooney Street, Ward 2, SAA-7032**

**Reference:**

Date to Council: September 3, 2024  
Author: Brian Nagata, MCIP, RPP  
Planner II - Development Review  
(519) 255-6543 ext. 6181

Planning & Building Services  
Report Date: July 25, 2024  
Clerk's File #: SAA2024

To: Mayor and Members of City Council

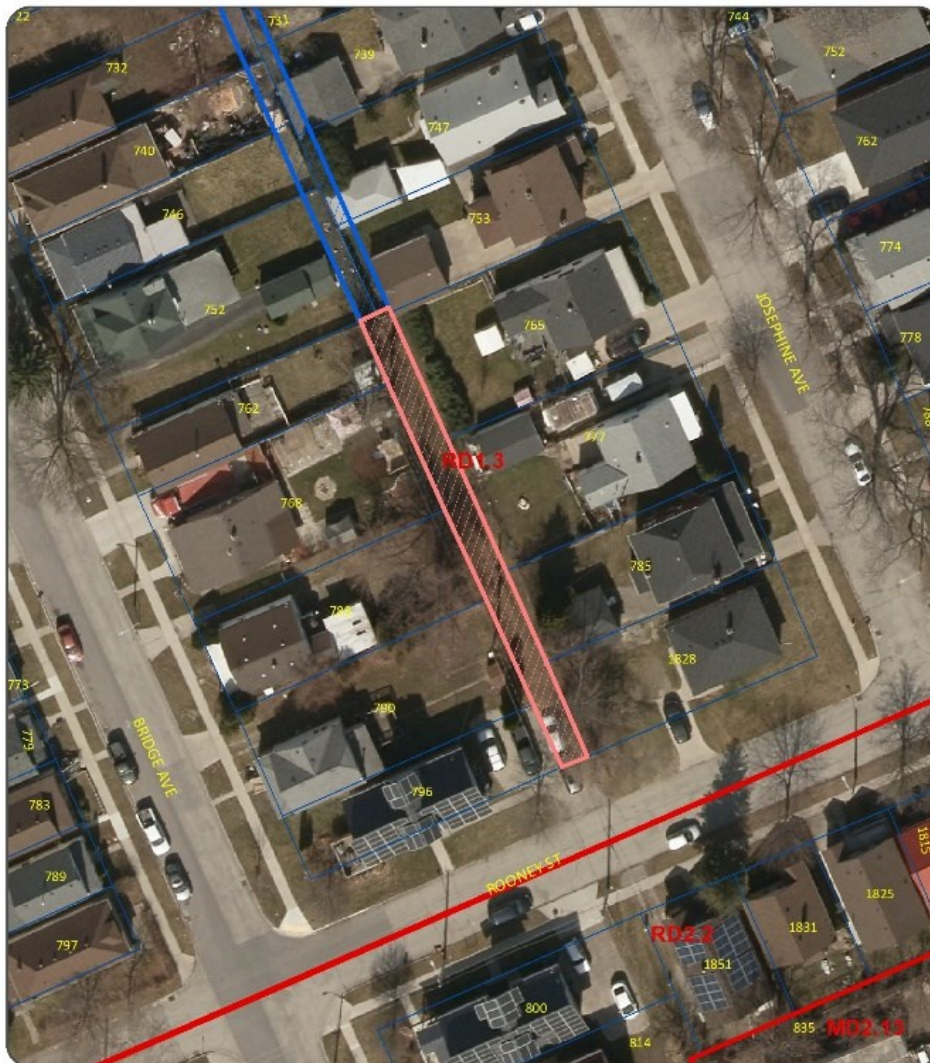
**Recommendation:**

- I. THAT the 3.05-metre-wide north/south alley located between Rooney Street and the south limits of Lot 102, Plan 369 and Lot 12, Plan 1042, and shown on Drawing No. CC-1840 (attached hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. THAT the subject alley **BE CLOSED AND CONVEYED** in **as is condition** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
  - a. Easements, subject to being accepted in the City's standard form and in accordance with the City's standard practice, being granted to:
    - i. Bell Canada to accommodate existing aerial facilities;
    - ii. ENWIN Utilities Ltd. to accommodate existing overhead 16kV and 120/240-volt distribution, poles and down guy wires; and
    - iii. Managed Network System Inc. (MNSi.) to accommodate existing aerial facilities.
- III. THAT Conveyance Cost **BE SET** as follows:
  - a. For alley conveyed to abutting lands zoned RD1.3, \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1840.

- 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

**Executive Summary:**

N/A



**STREET & ALLEY CLOSING (SAA/7032)**

1:500

APPLICANT : RICK GEBAL

 APPLICATION TO CLOSE

 PREVIOUS CLOSURE



PLANNING DEPARTMENT - PLANNING POLICY

DATE: MAY, 2023

## **Background:**

The applicant, Richard Gebal, owner of the property known municipally as 796 Bridge Avenue (the subject property), applied to close the 3.05-metre-wide north/south alley located between Rooney Street and the south limits of Lot 102, Plan 369 and Lot 12, Plan 1042 (the alley), and shown on Drawing No. CC-1840 attached hereto as Appendix "A", and shown on the aerial photo attached hereto as Appendix "B". The remaining north portion of the north/south alley was closed by By-law 8652 in 1987.

The applicant wishes to close the alley for purpose of eliminating criminal activity that has occurred therein (drug dealing, mischief, vandalism).

The alley is unmaintained (unpaved) and composed primarily of grass, gravel and natural vegetation. The alley contains a curb cut off Rooney Street, overhead hydro and utility lines and utility poles with guy wires and anchors. The alley serves as the only vehicular means of access to the rear gravel driveway on the subject property.

The alley was established by Registered Plan of Subdivision No. 369 and 1042, registered on October 29, 1890, and March 24, 1922, respectively.

## **Discussion:**

The decision to recommend closure of an alley is derived from the City's *Classification of Alleys and Suitability for Closure* guideline document (the document), attached hereto as Appendix "E". The document includes the following four classifications of alleys based on their usefulness and provides the following corresponding criteria for determining their suitability for closure. The use of the document is referenced under Part I of CR146/2005.

### **Classification of Public Right-of-Ways**

1. Alley that is indispensable.
  - a. Does the alley serve commercial properties?
    - i. The alley does not serve any commercial properties.
  - b. Does the alley serve properties fronting on heavily traveled streets i.e. major arterial routes?
    - i. The alley does not serve properties fronting on heavily traveled streets.
  - c. Does the alley contain sewers, and must the alley remain accessible for servicing?
    - i. The alley does not contain any sewers.
  - d. Does the 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?
    - i. The alley serves as the only vehicular means of access to the rear driveway on the subject property.



- ii. The subject property does not have sufficient lot width for a side drive.
    - iii. The rear driveway was established when the Single Unit Dwelling on the subject property was constructed in 2003.
  - e. Does the alley contain Fire Department connections that are deemed to be necessary for firefighting access?
    - i. The alley does not contain any Fire Department connections.
- 2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
  - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
- 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.
  - a. The Engineering - Right-of-Way Department has indicated that the alley appears to serve no useful purpose.
- 4. Alley 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.
  - a. The alley does not lie within a Holding zone or similar undeveloped area.

### **Suitability for Closing**

- 1. Indispensable alleys should not be closed, conveyed, reduced or otherwise jeopardized through minority interests unless a suitable substitute alley is opened in lieu thereof.
- 2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
- 3. Alleys that serve no useful purpose should be closed if possible, and in fact the owners abutting thereon should be encouraged to accept conveyance.
- 4. 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.

Based on the above, the Planning Department deems the alley “indispensable”.

Notwithstanding the alley being deemed indispensable, the Planning Department is recommending that it be closed and conveyed in **as is condition** to the abutting property owners for the following reasons:

- The aforesaid factors that deem the alley indispensable stem solely from the subject property’s use of the alley.

- The owner of the subject property intends to purchase his half of the alley, which will maintain access to the rear driveway from Rooney Street.
  - The owner of the property on the other side of the alley, 1828 Rooney Street, can not purchase this portion of the alley as it would eliminate access to the subject property's rear driveway.

It is our recommendation that, upon closure, the abutting property owners be given the chance to acquire the alley in the manner described in the Recommendation section herein. Hence the recommendation is to close and convey the alley in **as is condition** to the abutting property owners, which is the standard manner of conveyance.

**Risk Analysis:**

The recommended closure will divest the City of associated liability risks and maintenance costs. The recommended closure poses no known risk to City.

**Climate Change Risks**

**Climate Change Mitigation:**

N/A

**Climate Change Adaptation:**

N/A

**Financial Matters:**

The rate for an alley conveyed to abutting lands zoned RD1.3 is assessed at \$1.00 plus HST (if applicable), deed preparation fee and a proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.

The Planning Department has an operating budget of \$33,100.00 for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor in 2025.

The Finance Department has confirmed that funds allocated under Capital Fund 007 (Alley Closing Subsidy Program), as Expense 2950 (Other Prof Services-External) may be used for covering surveys invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor. \$40,000.00 will be added annually to Expense 2950 until 2031, which may be used to cover survey invoices received in the corresponding year.

There are insufficient funds to cover the anticipated survey cost, expected to be invoiced in 2025. Additional funding sources will need to be approved by Council to cover the survey cost before a survey can be ordered.

**Consultations:**

Consultations were held with Municipal Departments and Utility Companies, which resulted in the information found in attached hereto as Appendix "C".

Notice of this application was issued to property owners abutting the alley by regular mail, with no objections being received as of the date of writing this report.

Notice of Development & Heritage Standing Committee meeting and Council meeting are published in the Windsor Star prior to each of the meetings. In addition, notice of each of the public meetings will be mailed to the abutting/affected property owners prior to the meetings.

**Conclusion:**

The Planning Department recommends closure of the alley shown on attached Appendix “A”, subject to easements in favour of Bell Canada, ENWIN Utilities Ltd. and Managed Network System Inc. (MNSi.), as in Recommendation II of this report.

The closed alley is to be conveyed in **as is condition** to the abutting property owners as in Recommendation II report.

**Planning Act Matters:**

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

*Greg Atkinson, MCIP, RPP*  
*Manager of Development*

*Neil Robertson, MCIP, RPP*  
*City Planner*

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

*JP JM*

**Planning Act Matters:**

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development Services
Kate Tracey	Senior Legal Counsel, Legal Services & Real Estate
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

**Notifications:**

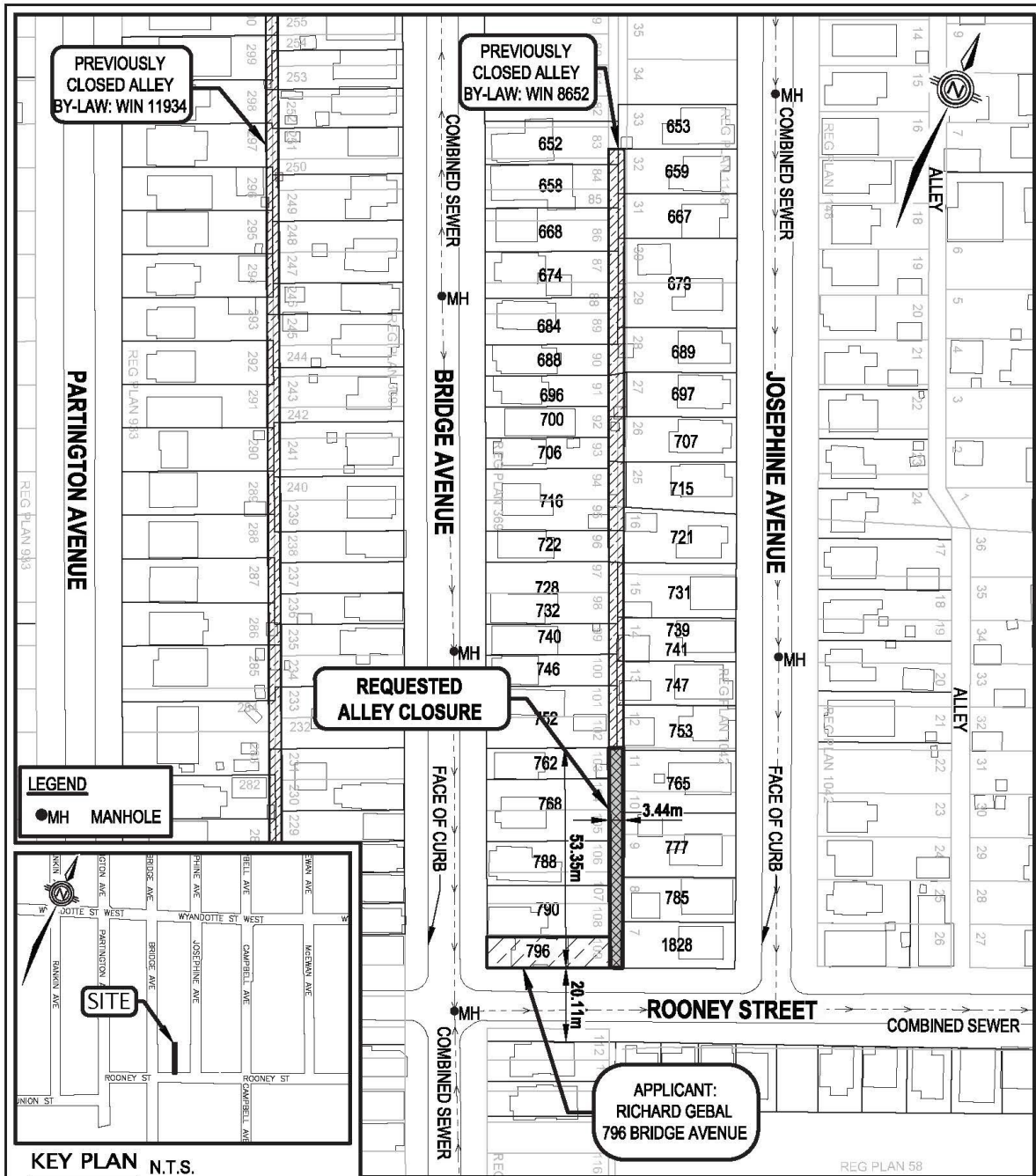
Name	Address	Email
Ward 2 Councillor Fabio Costante	350 City Hall Square West, Suite 220 Windsor, Ontario N9A 6S1	fcostante@citywindsor.ca
Richard Gebal (Applicant)		

**Appendices:**

- 1 Appendix A - Drawing No. CC-1840
- 2 Appendix B - EIS Drawing - Aerial Photo
- 3 Appendix C - Consultations with Municipal Departments & Utility Companies
- 4 Appendix D - Site Photos
- 5 Appendix E - Classification of Alleys and Suitability for Closure

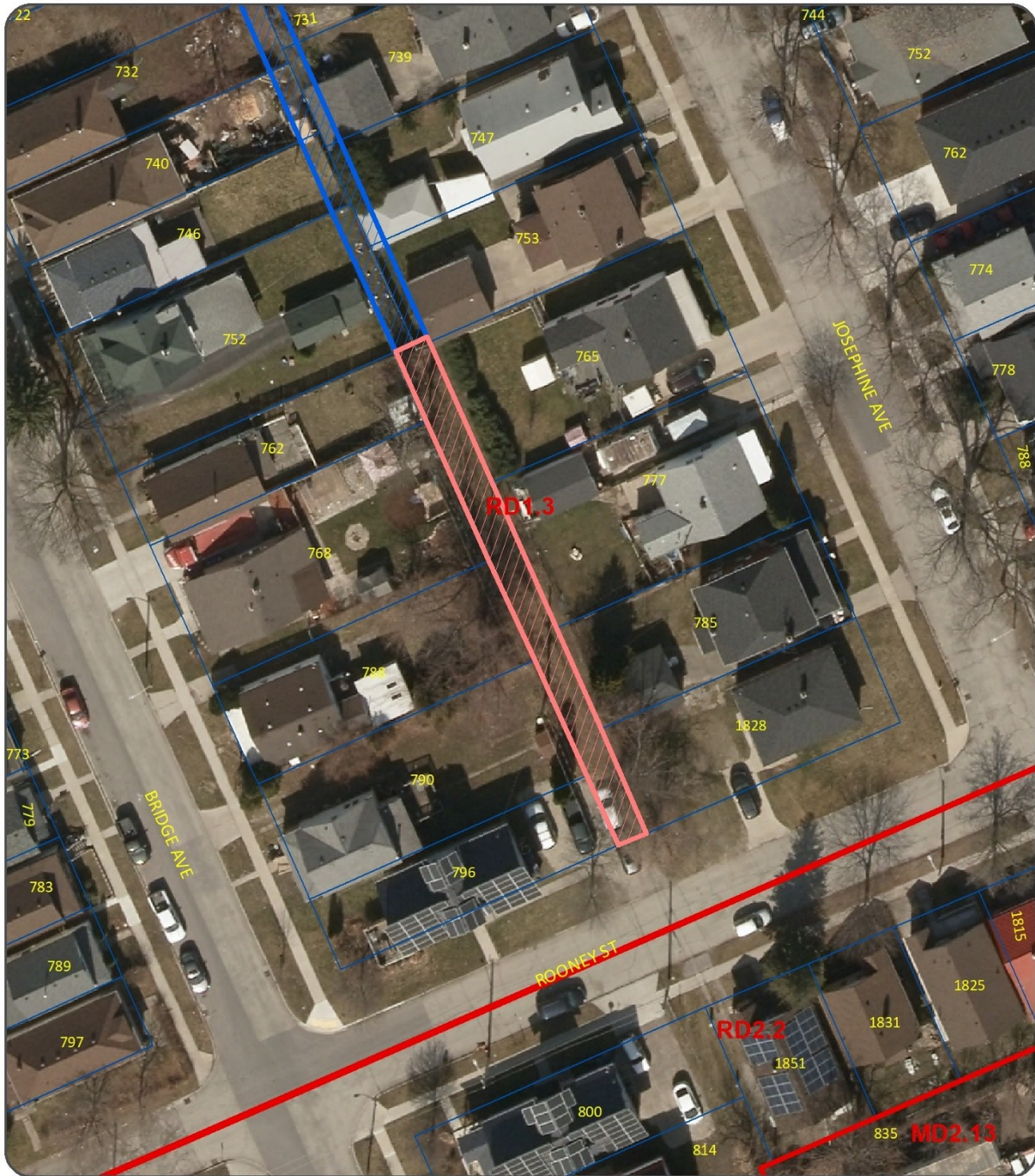
# APPENDIX "A"

## Drawing No. CC-1840



<b>THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT</b>			
<b>Proposed Closure of Part of the North/South Alley between Bridge Avenue and Josephine Avenue, North of Rooney Street</b>			
Kirk Tamm, Manager of Geomatics	SCALE: 1:1250	DATE: JULY 2024	REVISED: -
	DWN BY: AZ	CHKD BY: PJU / MM	REVISION NO.: -
			DWG. NO. <b>CC-1840</b>

### APPENDIX "B" EIS Drawing - Aerial Photo



## STREET & ALLEY CLOSING (SAA/7032)

1:500

APPLICANT : RICK GEBAL

 APPLICATION TO CLOSE

 PREVIOUS CLOSURE



PLANNING DEPARTMENT - PLANNING POLICY

DATE: MAY, 2023

## APPENDIX “C”

### Consultations with Municipal Departments and Utility Companies

#### BELL CANADA

Bell Canada requests a 3.0 m wide easement to measure 1.5 m on either side of existing aerial facilities, or over the entire closure area.

#### [Charleyne Hall - Bell Canada External Liaison - R.O.W. & Indigenous Relations]



#### COGECO CONNEXION INC.

No comments provided

#### ENBRIDGE GAS INC.

After reviewing the provided drawing at Rooney & Josephine alley closure and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area.

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

- Any pipe that is excavated, please assume that it is live
- If during any job, any pipe is found that is not on the locate sheet and is in conflict with your work, please call our emergency number (1-877-969-0999), and one of

our Union Gas representatives will respond to determine if that plant is in fact live or dead

- Please note that our Enbridge Gas representative will respond to the live or dead call within 1-4 hours, so please plan your work accordingly

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

**[Gord Joynson- Drafter Estimator]**

### **ENGINEERING (DEVELOPMENT & ROW)**

The subject alley closure is approximately 53.9 m (177 ft), appears to be untraveled and is composed mainly of grass. There are no municipal sewers or manholes located in the alley. There are hydro poles, and overhead wires located throughout the alley. There does not appear to be any garage access into the subject alley. If the alley closure is approved, property owners will be required to remove any encroaching items or ensure said items remain within their property limits. If the closure is not approved, the property owners will be required to remove the encroaching items or enter into an encroachment agreement. This alley appears to serve no useful purpose by CR146/2005; therefore, we have no objections to the closure of this alley.

**[Adam Pillon - Manager of Right-of-Way]**

### **ENGINEERING (OPERATIONS)**

No concerns with closing the alley as proposed.

**[Mike Spagnuolo - Signal Systems Analyst]**

### **ENVIRONMENTAL SERVICES**

No comments provided

### **ENWIN UTILITIES LTD. (HYDRO)**

No Objection, however, an easement named to ENWIN Utilities Ltd is required upon closing along the entire west limit of the site to accommodate existing overhead 16kV and 120/240 volt distribution, poles and down guy wires.

**[Steve Zambito - Senior Hydro Engineering Technologist]**

### **ENWIN UTILITIES LTD. (WATER)**

Water Engineering has no objections.

**[Bruce Ogg - Water Project Review Officer]**



**LEGAL & REAL ESTATE SERVICES**

No comments provided

**MANAGED NETWORK SYSTEM INC. (MNSi)**

Please allow for an aerial easement for MNSi through this request.

**[Dave Hartleib - Outside Plant Manager]**

**PARKS**

No concerns from Natural Areas and Parks Design & Development

**[Sherif Barsom - Landscape Architect]**

We have reviewed this internally and we are OK with the application moving forward without replacement cost considerations.

**[Yemi Adeyeye - City Forester / manager Forestry & Natural Areas]**

**PLANNING (DEVELOPMENT)**

No comments provided

**PLANNING (LANDSCAPE)**

I have no issues from a landscape architectural or urban design perspective.

**[Stefan Fediuk - Planner III - Senior Urban Designer]**

**ROGERS**

No comments provided

**TELECON (TELUS)**

TELUS has no underground infrastructure around your proposed work.

**[Meghna Patel - Permit Coordinator]**

**TRANSIT WINDSOR**

No issues from Transit Windsor.

**[Jason Scott - Manager, Transit Planning]**

**TRANSPORTATION PLANNING**

Transportation Planning has no concerns

**[Clare Amicarelli - Transportation Planning Coordinator]**

**WINDSOR FIRE**

No comments provided

**WINDSOR POLICE**

The Windsor Police Service has no concerns or objections with the closure of this section of alley extending northward from Rooney Street, between Bridge Avenue and Josephine Avenue to prevent the occurrence of illegal activity. The alley space in question is grassed over and heavily shrouded by significantly encroaching vegetation. In its current state, it lacks visibility, making it more vulnerable to unlawful activity that is difficult to detect. Closure will not create problems for police to otherwise gain access for emergency incident response or vehicle patrol purposes within the immediate area. The closure will still leave other options available to the police for such purposes. Closure will help facilitate improved physical measures by abutting property owners to restrict/prevent discreet access that may lead to the illegal activity cited as a concern by the applicant. The result from this closure will hopefully mitigate problems going forward.

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

**APPENDIX “D”**  
**Site Photos (June 2023 & November 2023, Respectively)**



*Figure 1 - Looking north towards alley from Rooney Street (796 Bridge Avenue on left)*



*Figure 2 - Looking northeast towards alley from Rooney Street (796 Bridge Avenue on left)*

## **APPENDIX “E”**

### **Classification of Alleys and Suitability for Closure**

#### **Classification of Public Rights-of-Ways:**

Currently streets and alleys fall into four classifications on the basis of their usefulness:

1. Alleys that are indispensable. These would be alleys serving commercial properties and properties fronting on heavily traveled streets i.e. major arterial routes and alleys which contain sewers and must remain accessible for servicing; alleys or streets which serve as the only vehicular means of access to rear parking areas and garages where the property has insufficient lot width for a side drive; and, alleys which contain Fire Department connections that are deemed to be necessary for firefighting access.
2. Alleys that, have some usefulness, are nevertheless dispensable and may or may not be a complete liability.
3. Alleys that appear to serve no useful purpose, either now, or anticipated. Such alleys are in residential areas and locations where generally the lots are wide enough for side drives, or those alleys abutting parks and other parcels of land that do not require any servicing from the alley. Remnant or stub-end streets which are dead-ended and do not serve as access to other streets.
4. Alleys lying in Holding zones and other similar undeveloped areas where the alley system is clearly obsolete and has never been developed, but where the City needs to keep its options open until new area plans are prepared and development is imminent.

#### **Suitability for Closing:**

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

1. 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.
2. Alleys having some usefulness should be considered for closing only upon request of abutting owners rather than by encouragement of the City.
3. 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.
4. 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.



**Subject: Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 Giles Boulevard East (Ward 3)**

**Reference:**

Date to Council: September 3, 2024  
Author: Tracy Tang, MCIP, RPP  
Planner III – Economic Development (A)  
ttang@citywindsor.ca  
519-255-6543 x 6449  
Planning & Building Services  
Report Date: August 14, 2024  
Clerk's File #: Z/14778

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

**Recommendation:**

- I. THAT the request made by Baird AE Inc. on behalf of Bullet Investments Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 285 Giles Boulevard 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,
- II. THAT Administration **BE DIRECTED** to prepare an agreement between Bullet Investments Inc., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the City Treasurer as to financial implications; and,
- III. THAT the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,
- IV. THAT the approval to participate in the Brownfield Rehabilitation Grant Programs **EXPIRE** if the agreement is not signed by applicant within two years following Council approval.

## **Executive Summary:**

N/A

## **Background:**

### **Brownfield Redevelopment Community Improvement Plan (CIP)**

Brownfield sites are properties that may be contaminated due to previous industrial or commercial uses such as a manufacturing facility or gas station. City Council approved a Brownfield Redevelopment CIP at its April 19, 2010 meeting for the purpose of encouraging the study, clean-up, and redevelopment of contaminated properties. The approval of the CIP was the result of nearly five years of study and consultation, which began in October 2005.

### **Importance of Brownfield Redevelopment**

Historically, there has been little interest in redeveloping brownfield sites due to the uncertainty surrounding the extent of contamination and the potential cost of clean-up. The Brownfield Redevelopment CIP was adopted in 2010 and provides financial incentives to undertake the necessary studies and remedial work necessary to redevelop brownfield sites and reduce the potential negative impacts to the City's environment and neighbourhoods.

The benefits associated with brownfield redevelopment go far beyond the boundaries of the property. For example, they are often strategically located within existing built-up areas of the City where services and other infrastructure, such as roads, schools, community facilities and public transit are already available; therefor

additional infrastructure costs are not incurred to service these areas. The redevelopment of these sites also removes the negative stigma often associated with brownfield properties, which increases the value of the subject property and adjacent properties.

### **Site Background**

The subject site 285 Giles Boulevard East is located at the southwest corner of the intersection of Giles Boulevard East and McDougall Street. The property parcel is 0.23 hectares (or 0.56 acres) in size and rectangular shaped. It is currently occupied by one vacant three-storey commercial office building. See Appendix 'A' for a location map.

In recent years, 285 Giles Boulevard East was used as an insurance company office. The Phase I Environmental Site Assessment (ESA) identified the first use of the parcel as the site of a Goodyear Tire commercial building in the late 1950s, followed by a service station in the late 1960s and a prescription service business in the 1970s.

The principal owner of Bullet Investments Inc. is Matt Baird. Bullet Investments Inc. intends to convert the existing commercial office building at 285 Giles Boulevard East for combined residential / commercial use, thus a Record of Site Condition (RSC) is required under Ontario Regulation 153/04. The property owner has undergone a Zoning By-law Amendment (approved in July 2024 through CR288/2024) to facilitate the redevelopment proposal. The subject property is designated 'Mixed Use Corridor' on Official Plan Schedule D: Land Use and zoned Commercial District CD2.2 (General Commercial, Combined Use Building) with special zoning provisions to allow for residential units on the same storey and below non-residential uses; permit required parking to be located off-site; and allow a parking area within 2 metres of a building wall containing habitable room windows.

Council approved an Environmental Site Assessment (ESA) Grant for this property in January 2024 through Council Resolution CR28/2024 for the completion of a Phase II ESA study and designated substances survey. The owner has since completed undertaking the Phase II ESA. The ESA grant totalling at \$18,450 was issued to the owner in June 2024.

The findings from the Phase II ESA sampling analysis revealed that contamination is present on the site, thus remediation is required. Baird AE Inc. has submitted the grant application on behalf of the current property owner. Bullet Investments Inc. is incurring the eligible remediation costs and, should the application be approved, would receive the grant payment.

## **Discussion:**

### **Brownfield Rehabilitation Grant Program**

The Brownfield Rehabilitation Grant Program encourages the remediation, rehabilitation, and adaptive re-use of brownfield sites by providing grants to help pay for remediation costs as well as non-environmental rehabilitation costs normally associated with brownfield site redevelopment (e.g. development application and building permit fees, and upgrading on-site / off-site infrastructure).

The program offers annual grants funded through the increase in municipal property tax levy created by the investment for up to 10 years to help offset eligible costs. The CIP specifies Brownfield Rehabilitation Grants will equal 70% of the municipal property tax increase for a project that employs standard construction methods and 100% of the municipal property tax increase for projects that achieve any level of Leadership in Energy and Environmental Design (LEED) certification.

Annual grants are paid out following the filing of a RSC, reassessment of the property and the payment of the property taxes for the year in which the grant is to be provided. Issuance of the first grant payment typically occurs at least two years after approval to participate in the program.

## **CIP Goals**

City staff are supportive of the application as it meets all the eligibility requirements specified within the Brownfield Redevelopment CIP. The proposed filing of a RSC and redevelopment of the property supports the following CIP goals:

- To promote the remediation, rehabilitation, adaptive re-use and redevelopment of brownfield sites throughout the City of Windsor in a fiscally responsible and sustainable manner over the long term;
- Improve the physical and visual quality of brownfield sites;
- Improve environmental health and public safety;
- Provide opportunities for new housing, employment uses, and commercial uses;
- Increase tax assessment and property tax revenues;
- Improve the land use compatibility of potential brownfield sites with surrounding land uses;
- Increase community awareness of the economic, environmental, and social benefits of brownfield redevelopment; and
- Utilize public sector investment to leverage significant private sector investment in brownfield remediation, rehabilitation, adaptive re-use, and redevelopment.

## **Policy Support**

The study of brownfield sites to support clean up and redevelopment is supported by policies within the 2020 Provincial Policy Statement, the City's Official Plan, and the City's Environmental Master Plan.

## **Risk Analysis:**

As with all brownfield sites, there is a degree of risk associated related to the potential presence of contamination. In this case, there is also a risk of the property remaining in a vacant state, which negatively affects the surrounding properties. The proposed study and remediation will assist in mitigating these risks. The City would retain a copy of the study for future reference.



## **Climate Change Risks**

### **Climate Change Mitigation:**

The proposed redevelopment implements Environmental Master Plan Objective C1: Encourage in-fill and higher density in existing built areas. In particular, the redevelopment would implement the action that supports the existing Brownfields Redevelopment Strategy and achieve its work plan.

### **Climate Change Adaptation:**

The proposed redevelopment may be affected by climate change, in particular with respect to extreme precipitation and an increase in days above 30 degrees. While not the subject of this report, any new construction would be required to meet the current provisions of the Building Code, which would be implemented through the building permit process. The site would also be required to incorporate storm water management best practices.

### **Financial Matters:**

Based on the proposed redevelopment plan submitted by the owner, administration estimates the post-development property value assessment to increase by \$4,120,000 (i.e. from \$1,800,000 to \$5,920,000). The post-development total annual tax levy is estimated to increase by \$42,938 (i.e. from \$83,987 to \$126,925), with the increase to the municipal portion of taxes totalling \$47,903 (and a decrease in educational taxes of \$4,965 as a result of the tax class change from commercial to mostly residential). As the Brownfield Rehabilitation Grant is calculated at 70% of the increase in municipal taxes, the estimated annual grant is \$33,532. This would yield a total grant value of \$335,320 over ten years under the Brownfield Rehabilitation Grant Program for standard construction.

The total eligible costs is estimated to total \$367,800. This includes \$330,350 for remediation and filing a RSC, \$20,000 for monitoring, maintaining, and operating controls/works, and \$17,450 in Phase II ESA costs that were not reimbursed through the ESA Grant Program.

The Brownfield Redevelopment grants are paid back to the applicant after redevelopment has occurred, property assessment value has been reassessed by MPAC, and total taxes as it relates to the redevelopment have been paid to the City in full. Assuming the building is constructed to comply with the minimum Building Code provisions the recommended grants would reimburse 96% of the eligible costs under the Brownfield Rehabilitation Grant Program. If constructed to LEED standard—100% of the eligible costs would be reimbursed.

Environmental Study Grant (approved through CR28/2024)	\$18,450.00
Brownfield Rehabilitation Grants (standard construction) (Years 1-10)	\$335,320.00
<b>Total</b>	<b>\$353,770.00</b>

Throughout the lifespan of the grant, the City would retain \$83,987 of the annual municipal taxes. After the grant program ceases, the full amount of increased annual municipal taxes or \$126,925, would be retained by the City in perpetuity.

**Consultations:**

The development and approval of the Brownfield Redevelopment CIP was subject to extensive stakeholder and public consultation, which sought input from a wide range of stakeholders and internal City departments.

Planning staff have consulted with the applicant prior to accepting the application for the Brownfield Rehabilitation Grant Program. Greg Atkinson, Manager of Development, Planning & Building Services Department; Jose Mejalli, Assessment Management Officer, Taxation & Financial Projects; Carolyn Nelson, Manager of Property Valuation & Administration, Taxation & Financial Projects; and Kate Tracey, Senior Legal Counsel, Legal Department were consulted in the preparation of this report.

**Conclusion:**

City Staff recommend Council approve the request from Bullet Investments Inc. to participate in the Brownfield Rehabilitation Grant Program. In the opinion of planning staff, the proposed remediation and redevelopment conforms to the Brownfield Redevelopment CIP and assists the City in the achievement of a number of the CIP goals.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Jason Campigotto	Deputy City Planner – Growth (A)
Neil Robertson	City Planner
Kate Tracey	Senior Legal Counsel, Legal Services &

Name	Title
	Real Estate
Lorie Gregg	Deputy Treasurer, Taxation & Financial Projects
Dan Seguin	On behalf of Commissioner, Finance and City Treasurer
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

**Notifications:**

Name	Address	Email

**Appendices:**

- 1 Appendix A - Location Map



# LOCATION MAP : 285 GILES BOULEVARD EAST



**SUBJECT PROPERTY**



**Item No. 12.1**



**Committee Matters: SCM 252/2024**

**Subject: Minutes of the International Relations Committee of its meeting held**

**July 10, 2024**

## International Relations Committee

Meeting held July 10, 2024

A hybrid meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. in Room 522a, 350 City Hall Square West, there being present the following members:

Councillor Angelo Marignani, Chair  
Councillor Renaldo Agostino  
Councillor Ed Sleiman  
Lubna Barakat (arrives at 3:45 o'clock p.m.)  
Jerry Barycki  
Saiful Bhuiyan  
Ronnie Haidar  
L.T. Zhao

***Regrets received from:***

Councillor Fred Francis

***Also present are the following resource personnel:***

James Chacko, Executive Director Parks & Facilities  
Sandra Gebauer, Council Assistant  
Karen Kadour, Committee Coordinator

### 1. Call to Order

The Chair calls the meeting to order at 3:34 o'clock p.m. and the Committee considers the Agenda being Schedule A attached hereto, matters which are dealt with as follows:

Verbal Motion is presented by Councillor Ed Sleiman, seconded by Councillor Renaldo Agostino,

That Rule 3.3 (c) of the Procedure By-law, 98-2011, **BE WAIVED** to add the following items to the Agenda:

- 4.5 Changchun International Marathon
- 4.6 2024 Changchun Green Agricultural Food Forum for International Cooperation
- 4.7 Poland to celebrate its 25<sup>th</sup> anniversary as a member of NATO.

Carried.

**2. Declaration of Conflict**

None disclosed.

**3. Adoption of the Minutes**

Moved by Ronnie Haidar, seconded by Councillor Ed Sleiman,  
That the minutes of the International Relations Committee of its meeting held May 8, 2024 **BE ADOPTED** as presented.

Carried.

**4. Business Items**

**4.1 Discussion regarding Strengthening the Relationship with Changchun, China**

The Chair states that our Sister City in China has one of the largest automotive battery plant manufacturing facilities in the world. He states there is a possibility for some collaboration and asks for input on how to strengthen and develop a better relationship with Changchun. In response to a question asked by the Chair to L.T. Zhao regarding if there is a possibility to liaise with the Chinese Community in Windsor, L.T. Zhao responds that this economic development perspective can be passed on to the Chinese Association.

L.T. Zhao advises that he will be visiting China in the coming days. He asks for a contact in Changchun to allow for the opportunity for a brief meet and greet with our Twin Cities government.

Sandra Gebauer remarks that she will assist in connecting L.T. Zhao with representatives in Changchun so that a meeting can be coordinated if his schedule permits. Ronnie Haidar offers to pick up and drop off some City of Windsor pins to L.T. Zhao.

Sandra Gebauer advises that a letter of introduction from our Mayor to the Mayor in China will be prepared by the Mayor's Office.

Moved by Ronnie Haidar, seconded by L.T. Zhao,  
That the discussion regarding strengthening the relationship with Changchun, China **BE RECEIVED**.

Carried.

#### 4.2 Arlington, Texas – Verbal Update on the Committee’s Friendship City Recommendation

Sandra Gebauer remarks that the IRC at its meeting held May 8, 2024 recommended a Friendship City relationship with Arlington Texas which was approved at the Development and Heritage Standing Committee and City Council. The City of Arlington was advised of Council’s decision and decided not to move forward with a Friendship City relationship and asked if the IRC would reconsider the decision.

The Chair asks if the IRC is interested in reconsidering the decision and to enter into a Sister City agreement. Jerry Barycki remarks that renewing the agreement every five years as outlined in the Friendship City relationship should not be a problem.

Councillor Renaldo Agostino asks what the impact would be if the IRC says no and asks for clarification. Sandra Gebauer responds the Committee requested that a Friendship City Policy be established.

Ronnie Haidar recalls a conversation at a previous meeting regarding how Sister Cities should be established. They should be community to community and not government to government.

Councillor Renaldo Agostino remarks that the rewards of a Twin City relationship with Arlington, Texas far outweigh the risks.

Moved by Councillor Renaldo Agostino, seconded by Saiful Bhuiyan,  
That the following motion **BE RECONSIDERED:**  
**CR 293/2024**

Moved by Councillor Fred Francis, seconded by Councillor Ed Sleiman  
That the International Relations Committee **RECOMMEND** that the City of Windsor and the City of Arlington, Texas enter into a Friendship City Agreement; and,  
That if approved by both parties, that the Mayor’s Office **BE REQUESTED** to sign a Friendship City Memorandum of Understanding for Arlington, Texas consistent with the process outlined in the Twin City/Friendship City Policy.  
Carried.

Moved by Councillor Renaldo Agostino, seconded by Lubna Barakat,  
That the International Relations Committee **RECOMMEND** that the City of Windsor and the City of Arlington, Texas enter into a Twin City Agreement; and,

That if approved by both parties, that the Mayor’s Office **BE REQUESTED** to sign a Twin City Memorandum of Understanding for Arlington, Texas consistent with the process outlined in the Twin City Policy.  
Carried.



### 4.3 Twin City Post Update – Verbal Update

James Chacko, Executive Director Parks & Facilities provides an update of the status of the Twin City Post as follows:

- This project that has taken seven years will soon be unveiled.
- The pole has been installed on the south side of the campus between 350 City Hall Square West and 400 City Hall Square East.
- The details of each individual sign for each of the twelve Sister Cities of the City of Windsor have been approved.
- The sign layout will include the city name, the country, the distance to the city, the flag of the country (the sign is tapered to look like the arrow) and each one of the signs will be orientated to point towards the actual Sister City.
- The pole is in excess of 30 feet high with the names of the Sister Cities beginning at the top which it will allow for sufficient space to add more Sister Cities as the current number of Sister Cities will only occupy eight feet.
- The order of the layout of the signs begins with the first Sister City at the top and proceeds downward according to the order in which they were approved.
- On Friday, July 26, 2024, there will be the Official Unveiling at 1:30 o'clock p.m.
- His Worship Mayor Dilkens will be on site to provide some remarks. The Misono High School Girls from Fujisawa, Japan will also be in attendance.
- It is an exciting event that recognizes the contribution of the International Relations Committee and the 12 Sister Cities.

The Chair adds that the Twin City Post exemplifies the diversity of the City of Windsor and shows our connection with our Sister Cities.

Moved by Councillor Renaldo Agostino, seconded by Ronnie Haidar,  
That the sequence of the Sister City signs on the Twin City Post originate at the top of the post identifying the oldest Sister City relationship and proceeding down to the most recent Sister City relationship **BE APPROVED.**

Carried.

### 4.4 2024 Children's Art Exhibition – Verbal Update

Sandra Gebauer advises that space has been reserved at Devonshire Mall for the display of the 2024 Children' Art Exhibition to be held from October 7, 2024 to October 13, 2024. She adds that the Twin Cities have been apprised of the date of the Children's Art Exhibition and states that local schools will be advised upon commencement of the new school term.

In terms of the display boards, Sandra Gebauer reports that samples were provided by the Recreation Department, at a cost of approximately \$1,500 per board and

it is noted that six boards will be required. She contacted Recreation to determine if there is an opportunity to cost share and notes there is a four week time frame for ordering.

The Chair summarizes that the cost for the boards will be approximately \$9,000 and is looking to share the cost with the Recreation Department.

Jerry Barycki suggests renting the boards.

Sandra Gebauer will look at other options including purchasing new foam core boards, similar to those that have been used in previous years.

Moved by Councillor Ed Sleiman, seconded by Councillor Renaldo Agostino,  
That the update regarding the 2024 Children's Art Exhibition to be held from  
October 7, 2024 to October 13, 2024 at Devonshire Mall **BE RECEIVED.**  
Carried.

#### **4.5 2024 Changchun International Marathon**

Sandra Gebauer advises that an invitation was received from Changchun, China for the 2024 International Marathon to be held on August 30, 2024. She states that in the past, this information was sent to the University of Windsor, St. Clair College and their local running clubs to determine if there is interest in sending someone to the event. If someone is interested in attending, the City of Changchun will cover the cost of accommodations while they are there, however, they would have to pay for their own round-trip travel.

#### **4.6 Green Agricultural Food Forum for International Cooperation, Changchun, China on August 15 – 18, 2024**

The Chair suggests reaching out to local greenhouse growers and Invest Windsor Essex to see if there is interest in attending this event

Saiful Bhuiyan advises he is associated with Rose City Gardening which has approximately 100 members.

Sandra Gebauer states that the invitation will be sent to Invest Windsor Essex who will forward this information to their contacts and also to the Rose City Gardening organization.

#### **4.7 Poland to celebrate the 24<sup>th</sup> Anniversary of its accession to NATO**

Jerry Barycki states that in 1997 a petition was undertaken to support Poland in becoming a member of NATO as it is important to keep security across the globe. NATO

will celebrate its 75th anniversary at the Summit on July 9-11, 2024 in Washington D.C. where its founding treaty was signed. At the same time, Poland will celebrate its 25<sup>th</sup> anniversary as a member of NATO.

Jerry Barycki advises he would like to meet with the Mayor of Lublin and present a letter from Mayor Drew Dilkens regarding the 25<sup>th</sup> Anniversary of the City of Lublin and the City of Windsor Sister City relationship.

Jerry Barycki refers to the anniversary dates with Windsor's Twin Cities and suggests inviting those Twin Cities to Windsor whose anniversary date is within the next few years.

The Chair agrees to look at the upcoming anniversary dates with our Sister Cities to determine how we can capitalize in strengthening those relationships.

Sandra Gebauer suggests that the Grand Opening of the Gordie Howe Bridge in 2025 could be considered as a celebratory event to invite those Twin Cities with impending anniversary dates.

The Chair suggests that a discussion be held to look at all upcoming anniversary dates of Twin Cities and to choose options as to how to address this as a Board moving forward.

Councillor Ed Sleiman asks that Jelena Payne, Commissioner Economic Development or an alternate be invited to attend occasional meetings of the International Relations Committee. The Chair concurs and suggests that Jelena Payne be invited to the next meeting to determine if there are economic development opportunities with our Sister Cities.

## **5. New Business**

None.

## **6. Date of Next Meeting**

The next meeting will be held on a date to be determined in September 2024.

## **7. Adjournment**

There being no further business, the meeting is adjourned at 4:29 o'clock p.m.

**Item No. 12.2**



**Committee Matters: SCM 253/2024**

**Subject: Report No. 53 of the International Relations Committee - Twin City  
Agreement with Arlington, Texas**

September 3, 2024

**REPORT NO. 53**  
of the  
**INTERNATIONAL RELATIONS COMMITTEE (IRC)**  
Meeting held July 10, 2024

**Present:** Councillor Angelo Marignani, Chair  
Councillor Renaldo Agostino  
Councillor Ed Sleiman  
Lubna Barakat  
Jerry Barycki  
Saiful Bhuiyan  
Ronnie Haidar  
L.T. Zhao

**Absent:** Councillor Fred Francis

Your Committee submits the following recommendation:

That the following motion **BE RECONSIDERED:**  
**CR 293/2024**

Moved by Councillor Fred Francis, seconded by Councillor Ed Sleiman,

That the International Relations Committee **RECOMMEND** that the City of Windsor and the City of Arlington, Texas enter into a Friendship City Agreement; and,

That if approved by both parties, that the Mayor's Office **BE REQUESTED** to sign a Friendship City Memorandum of Understanding for Arlington, Texas consistent with the process outlined in the Twin City/Friendship City Policy.

Carried.

Moved by Councillor Renaldo Agostino, seconded by Lubna Barakat,

That the International Relations Committee **RECOMMEND** that the City of Windsor and the City of Arlington, Texas enter into a Twin City Agreement; and,

That if approved by both parties, that the Mayor's Office **BE REQUESTED** to sign a Twin City Memorandum of Understanding for Arlington, Texas consistent with the process outlined in the Twin City Policy.

Carried.

<b>NOTIFICATION</b>		
Mayor's Office		
International Relations Committee	On file	