

MISSION STATEMENT:

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

Author’s Name: Diana Radulescu	File No.: B-041/25
Author’s Phone: (519) 255-6543 ext. 6918	Report Date: July 7, 2025
Author’s E-mail: dradulescu@citywindsor.ca	Committee Meeting Date: July 10, 2025

To: Committee of Adjustment
Subject Application: Consent: create a new lot with easements
Owner: Gateway Village Inc.
Agent: Paul Kitson, Westdell Development Corporation
Location: 0 Huron Church Rd
Legal Description: CON 1 PT LOT 63 PT LOT 64; SANDWICH W RP 12R14334 PARTS 1 and 2

1. RECOMMENDATION:

That the consent application of Gateway Village Inc. for a consent for part of the above-described lands, also municipally known as 0 Huron Church Rd (parts 1 to 7 as shown on the draft reference plan attached to the application) and the related easements identified in Appendix D, **BE APPROVED** subject to the stipulation that subsection 50(3) and/or subsection 50(5) of the *Planning Act* shall apply to any subsequent conveyance or transaction and subject to the following conditions:

1. The registration of access easements as described in Appendix D, to the satisfaction of the City Planner.

Note:

Severance conditions must be fulfilled within TWO (2) years after consent has been granted. If a condition is not satisfied within required timeline, the application is deemed to be null and void. A new Committee of Adjustment application will be required for any expired application.

2. THE REQUESTED LAND SEVERANCE:

The land conveyance of part of the subject land for the purpose of a one-time consent with easements. A portion of land (identified as parts 1 to 4) is proposed to be severed from parts 5 to 9 on the draft reference plan attached to the application (Appendix C).

3. PLANNING ANALYSIS:

The subject property consists of CON 1 PT LOT 63 PT LOT 64;S ANDWICH W RP 12R14334 PARTS 1 and 2, also known municipally as 0 Huron Church Rd. The parcel is currently vacant. The proposed mixed-use development was approved via Site Plan Control with a Site Plan Agreement issued in 2024.

As requested during the Site Plan Approval process, easements are required for reciprocal access between the subject property and the property at 2640-2790 Tecumseh Rd W. These easements are further described in Appendix D.

The applicant is seeking to sever the subject property for the purpose of creating a new lot (Parts 1 to 4), as shown on the drawing attached to the application. Both severed and retained lots will remain under the same ownership and function as one property. The proposed severance is for mortgage/financing purposes and not for conveyance to a new owner / third party.

If the severed parcel was being conveyed to a third party, additional conditions would be recommended, including provision for reciprocal access and servicing easements and arrangements for shared parking. To ensure the current recommended consent is not relied on for a future subsequent conveyance to a third party under Section 50(12) of the *Planning Act* the recommendation includes the stipulation that section 50(3) and/or 50(5) shall apply to any future conveyances. By including that stipulation, any transfer to a new owner or third party would require a new consent application and the committee would have the opportunity to consider appropriate easements and conditions to ensure the two sites would function in the case of a transfer that separates ownership of the lots.

It is noted that there is a slight difference in design between the site plan submitted with this application and the one approved during the Site Plan Control process. It is the applicant's responsibility to finalize the design according to the Site Plan Approval process. The design difference does not have an impact on the proposed severance and easements.

The proposed severance will adhere to relevant provisions of the Official Plan and Zoning By-law 8600.

PLANNING ACT

Subsection 53(1) of the Planning Act gives council the authority to grant consent if satisfied that a plan of subdivision of land is not necessary for the proper and orderly development of the municipality. Council for the Corporation of the City of Windsor has delegated its consent authority to the Committee of Adjustment of the City of Windsor in accordance with Section 54(5) of the Planning Act.

Section 50(12) states that once a lot has been the subject of Planning Act consent, that consent remains valid for future conveyances of the identical lot, so that the same consent certificate can be relied upon to allow for future transfers even where the transferor retains ownership of abutting lands. In those cases, the prohibition under 50(3) and (5) of a transfer of part of a lot while retaining abutting lands no longer applies so long as the lands being transferred are identical to those for which the certificate has previously been issued. This rule has been described as "once a consent, always a consent".

However, section 50(12) also provides that the Committee may, in giving a consent, stipulate that 50(3) or 50(5) shall apply to any subsequent conveyance or transaction. This allows for a one-time consent certificate to be issued, valid for the approved transaction (e.g. mortgage/financing purposes), but which cannot be relied for future transactions (e.g. conveyance to a new owner or third party). Where 50(3) or 50(5) applies to a future transaction (i.e. a transfer is proposed where the transferor will still own abutting lands), a new consent would need to be obtained by the owner.

Subsection 51(25) of the Planning Act allows the approval authority to impose such conditions to the approval of an application as it considers reasonable having regard to the nature of the development proposed.

PROVINCIAL PLANNING STATEMENT (PPS) 2024

Planning Staff have reviewed the relevant policies of the PPS, 2024. The requested consent is consistent with these policies as it will facilitate intensification within the settlement area and optimize existing and planned infrastructure and public service facilities.

OFFICIAL PLAN (OP)

The Consent Policies, Section 11.4.3 of the Official Plan provide evaluation criteria and conditions of approval for consent applications. Appendix “A” attached herein shows the Consent Policies 11.4.3.

This consent is for the conveyance of part of the subject land, as shown on the attachments to the application and this report, for the purpose of a consent. This represents an appropriate consent per Section 11.4.3.2(a).

The retained and severed lots have access to a public highway paved with a hard surface complying with Section 11.4.3.4. The nature of the one-time consent recommended in this report meets Section 11.4.3.5 for provision of municipal services and Section 11.4.3.6 regarding the continuation of an orderly development pattern in the neighbourhood.

The subject lands are designated Mixed Use Centre in the Official Plan. The proposed consent aligns with the applicable land use policies as amended by Council on June 12, 2023.

ZONING BY-LAW 8600

City Council has approved Zoning By-law and Official Plan Amendments for the subject lands on June 12, 2023 (Z 014-22 [ZNG-6736] & OPA 157 [OPA-6737]). As such, the applicable zoning district is considered to be Commercial District 3.3 (CD3.3), permitting a range of residential and commercial uses listed in Sections 16.3.1 and site specific uses included in Section 20(1)279 and 20(1)485-479 of Zoning By-law 8600. The proposed severance adheres to the relevant provisions of Zoning By-Law 8600.

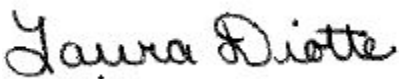
4. PLANNER’S OPINION:

This consent application is consistent with the Planning Act and Provincial Planning Statement 2024 and represents good planning. The requested consent complies with the Official Plan and Zoning By-law 8600. Planning Staff recommend the **approval** of the applicant’s request for consent and relevant easements noted in Appendix D with the listed conditions.



Diana Radulescu
Planner II – Development Review

I concur with the above comments and opinion of the Planner II.



Laura Diotte, MCIP RPP
Manager of Development Applications

CONTACT:

Name: Diana Radulescu
Phone: (519) 255-6543 ext. 6918

Fax: (519) 255-6544
Email: dradulescu@citywindsor.ca

APPENDICES:

Appendix "A"- Excerpts from the Official Plan Volume I

Appendix "B" - Comments received by the Secretary Treasurer of the Committee of Adjustment

Appendix "C" – Draft Reference Plan

Appendix "D" – Description of requested easements

11.4.3 Consent Policies

COMMITTEE OF ADJUSTMENT	11.4.3.1	Council has delegated by by-law the authority to grant consents to the Committee of Adjustment.
APPROPRIATE REASONS FOR CONSENTS	11.4.3.2	<p>Without limiting the relevant provisions of the Planning Act, Consents may only be granted where completing a subdivision process is deemed not to be necessary to ensure the proper and orderly development of the subject lands. The consent process will be used for matters such as granting easements and rights of way, leases or other interests in land lasting in excess of 21 years or lot line adjustments. Consents may be used for lot creation in the following circumstances;</p> <ul style="list-style-type: none"> a) Small scale Infilling or intensification for development that is compatible with the neighbourhood; b) Lot line adjustments; c) An entire parcel is being developed and there are no remaining lands; d) There is no need to extend or improve municipal services outside of the subject lands; e) Where there is no phasing of the development; and f) Where parkland dedication may be cash-in-lieu.
CONFORM WITH PERMITTED USES	11.4.3.3	Consents shall only be granted for the creation of lots which comply with the Official Plan and Zoning By-law.
ACCESS TO A PUBLIC HIGHWAY	11.4.3.4	Consents shall only be granted for lots that will have access to a public road that meets municipal standards for construction. Where the abutting road requires improvement, the City may require the land owner to contribute to the improvement costs.
MUNICIPAL SERVICES	11.4.3.5	All new lots created by consent shall be serviced by municipal sanitary sewer and water services and provide for stormwater management.
EVALUATION CRITERIA	11.4.3.6	<p>Without limiting the relevant provisions of the Planning Act, the approval authority shall evaluate applications for consent in the same manner as an application for plan of subdivision, including;</p> <ul style="list-style-type: none"> a) Provincial legislation, provincial policies and applicable provincial guidelines; b) Conformity with the policies of this Plan, Volume II: Secondary Plans and Special Policy Areas and other relevant municipal standards and guidelines; c) Conformity with the recommendations of any support studies prepared as part of the application; d) The continuation of an orderly development pattern and the lot pattern in the neighbourhood; e) Impact of the development on adjacent properties and the lot pattern and density in the community; and f) The requirements or comments of Municipal departments and public agencies or authorities.

CONDITIONS OF
APPROVAL

- 11.4.3.7 The approval authority may attach such conditions as it deems appropriate to the approval of a consent. Such conditions may include, but are not limited to, the following:
- a) The fulfillment of any financial requirement to the City;
 - b) The conveyance of lands for public open space purposes or payments-in-lieu thereof in accordance with the Open Space policies of this Plan;
 - c) The conveyance of lands for public highways or widenings as may be required;
 - d) The conveyance of appropriate easements;
 - e) The provision of municipal infrastructure or other services;
 - f) The completion of a development or servicing agreement with the City if required; and
 - g) Other such matters as the approval authority considers necessary and/or appropriate.

APPROPRIATE
CIRCUMSTANCES
FOR CONSENTS

- 11.4.3.8 Consents may only be granted when it is not necessary for the proper and orderly development of the city. Accordingly, consents will generally be limited to:
- a) Creation of lots for minor infilling;
 - b) The mortgaging or leasing of land beyond 21 years;
 - c) Lot boundary adjustments; and
 - d) Easements and rights-of-ways.

APPENDIX “B”
Comments received by the Secretary Treasurer of the Committee of Adjustment

PLANNING DEPARTMENT – ZONING

Required Minor Variances *

- n/a

Stefan Pavlica, Zoning Coordinator

PUBLIC WORKS DEPARTMENT - ENGINEERING AND GEOMATICS

Our comments remain consistent with SPC-2024-18. Any requirements will be addressed through this process. This department has no objection to the applicant's request.

Mark Schaffhauser, Technologist III

PUBLIC WORKS DEPARTMENT - TRANSPORTATION PLANNING

All parking must comply with ZBL 8600 for both retained lot and severed lot. Please note that the proposed severance will interlock the retained lot.

Elara Mehrilou, Transportation Planner

ENVIRONMENTAL POLICY

Environmental Policy staff advises that the development proposal is anticipated to have no negative impact on ecological features, areas, and functions. To maintain high regard for Natural Heritage in the City during development, the following applies:

1. Should Species at Risk or their habitat be found at any time on or adjacent to the site, cease activity immediately and contact MECP at SAROntario@ontario.ca for recommendations on next steps to prevent contravention of the Endangered Species Act (2007). The City of Windsor SAR hotline (519-816-5352) can also be used for relevant questions and concerns.
2. For a list of Species at Risk and other provincially tracked species with potential to be around the site, use the Natural Heritage Information Centre (NHIC) Make A Map tool, found at <https://www.ontario.ca/page/make-natural-heritage-area-map>
3. If trees or other vegetation (i.e., shrubs and unmaintained grasses) on/adjacent to the site are to be removed, damaged, or disturbed during the breeding bird season (April 1 – August 31), then sweeps for nesting birds should be conducted to prevent contravention of Migratory Bird Regulations (2022), the Migratory Birds Convention Act (1992), and section 7 of the Fish and Wildlife Conservation Act (1997). Visit <https://www.canada.ca/en/environment-climate-change/services/avoiding-harm-migratory-birds/reduce-risk-migratory-birds.html> for more information.
4. Beaver dams and dens of fur-bearing mammals are protected under section 8 of the Fish and Wildlife Conservation Act (1997) and are not to be damaged or destroyed without the proper authorization and/or license.
5. The City of Windsor is a Bird Friendly City. Bird Friendly Design is encouraged, particularly window collision mitigation. Options for integrating bird friendly design can be found here: www.birdsafe.ca and bird friendly guidelines can be found here: [Bird-Friendly Guidelines – City of Toronto](#).

Karen Alexander, Naturalist and Supervisor of Natural Areas

Averil Parent, Planner II – Development Review

WINDSOR POLICE SERVICES

The Windsor Police Service has no concerns or objections with any of the applications listed in this agenda. In reviewing them, all are relatively minor in terms of their potential impact to public safety and security. None of the applications to be considered are therefore anticipated to create outcomes that will negatively impact the ability of the Windsor Police Service to provide proper and adequate response to incidents and other service delivery requirements.

Barry Horrobin, Director of Planning & Physical Resources

HERITAGE PLANNING

There is no apparent built heritage concern with this property, and it is not located within an Archaeological Potential Zone (APZ). 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 & Development Services 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 & Development Services Department:

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

Windsor Manager of Culture and Events (A):

Michelle Staaedegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

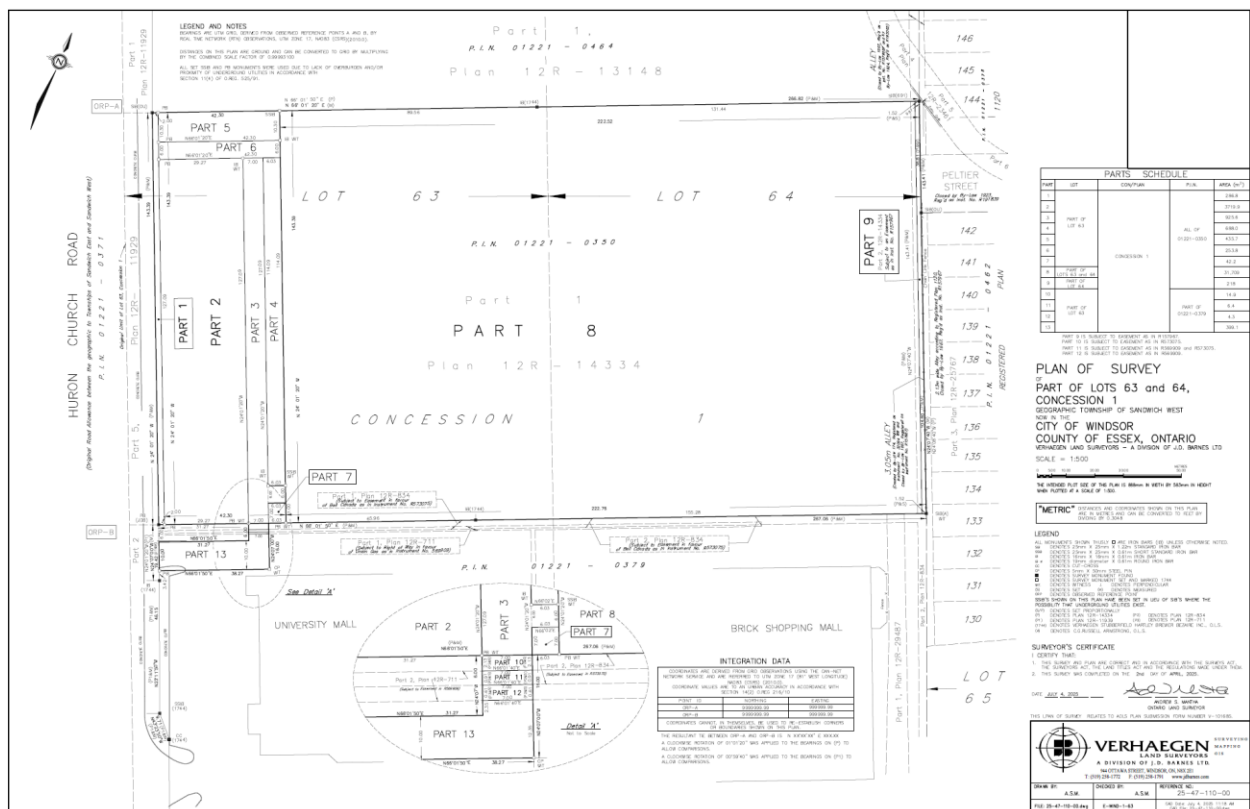
A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

Tracy Tang, Heritage Planner

BELL CANADA

No comments were received at the time of this report.

APPENDIX “C” Draft Reference Plan



APPENDIX “D”
Description of Requested Easements

The following easements have been described and requested by the applicant:

Easement 1:

Transferor:

Gateway Village Inc.
1701 Richmond Street Suite 3B, London ON N5X 3Y2
519-850-0000 #203

- Part 3 and 6 as per the draft reference plan in favour of the University Shopping Centre for proposed access between the two commercial sites.

Transferee:

University Shopping Centre Inc.
1701 Richmond Street Suite 3B, London ON N5X 3Y2
519-850-0000 #203

- Part 3 & 6 is the access across Gateway Village Inc., in favour of existing University Shopping Centre Inc. Plan Part 3 & 6 denotes the approximate location of the driveway from the North Entrance off Huron Church Road continuing South to connect with Plan Parts 10-13 from University Shopping Centre Inc. This easement is proposed for access between the two commercial sites.

Easement 2:

Transferor:

University Shopping Centre Inc.
1701 Richmond Street Suite 3B, London ON N5X 3Y2
519-850-0000 #203

- Parts 10-13 as per the draft reference plan in favour of Gateway Village for proposed access between the two commercial sites.

Transferee:

Gateway Village Inc.
1701 Richmond Street Suite 3B, London ON N5X 3Y2
519-850-0000 #203

- Parts 10-13 in favour of Gateway Village Inc., from University Shopping Centre Inc., for access from the existing Huron Church entrance. Part 13 denotes the approximate location of the existing driveway/entrance serving the centre. Part 10-12 were created to join Part 3 as there is an existing easement running East to West across the University shopping Centre lands, this easement is labelled on the provided severance sketch. This easement is proposed for access between the two commercial sites.