

**Development & Heritage Standing Committee Meeting**

**Date:** Tuesday, October 13, 2020

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

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

**Clerk's Note:** All members will be participating electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings during a declared emergency. The minutes will reflect this accordingly.

**MEMBERS:**

Ward 3 – Councillor Rino Bortolin (Chairperson)

Ward 4 – Councillor Chris Holt

Ward 5 – Councillor Ed Sleiman

Ward 7 – *vacant*

Ward 10 – Councillor Jim Morrison

Lynn Baker

Jolene Bulmer

Andrew Foot

Joseph Fratangeli

Anthony Gyemi

John Miller

Dorian Moore

Jake Rondot

## ORDER OF BUSINESS

- | Item # | Item Description  |
|--------|---|
| 1.     | <b>CALL TO ORDER</b>  |
| 2.     | <b>DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF</b>   |
| 3.     | <b>REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS</b>  |
| 4.     | <b>COMMUNICATIONS</b>   |
| 5.     | <b>ADOPTION OF THE <i>PLANNING ACT</i> MINUTES</b>  |
| 5.1.   | Minutes of the September 21, 2020 Development and Heritage Standing Committee meeting ( <i>Planning Act</i> Matters) ( <b>SCM 288/2020</b> )  |
| 6.     | <b>PRESENTATION DELEGATIONS (<i>PLANNING ACT</i> MATTERS)</b>   |
| 7.     | <b><i>PLANNING ACT</i> MATTERS</b>  |
| 7.1.   | Zoning By-law Amendment Application for 0 Hawthorne Dr., N/E CNR of Hawthorne Dr. and Enterprise Way intersection; Applicant: 2356976 Ontario Inc.; File No. Z-010/20, ZNG/6072; Ward 8 ( <b>S 134/2020</b> ) |
| 7.2.   | Rezoning - Baker Investments Ltd. – 8380-8474 Wyandotte Street East - Z-014/20 ZNG/6122 - Ward 6 ( <b>S 124/2020</b> )  |
| 7.3.   | Interim Control By-law Exemption 2020-11 - Airport Business Park Inc. - 4325-4445 County Road 42 - Ward 9 ( <b>S 130/2020</b> )   |
| 7.4.   | Zoning By-law Amendment - 1521 Pierre Avenue - Lester Group - Z016-20 [ZNG-6127] - Ward 4 ( <b>S 117/2020</b> )   |



8. **ADOPTION OF THE MINUTES**

- 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 21, 2020 (**SCM 279/2020**)

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

10. ***HERITAGE ACT MATTERS***

- 10.1. 436 Askin Avenue - Partial Demolition of a Heritage Listed Property (Ward 2) (**S 53/2020**)

11. **ADMINISTRATIVE ITEMS**

- 11.1. Economic Revitalization Community Improvement Plan (CIP) application submitted by Kadri Family Holdings Ltd. for 1567 Ouellette Avenue (Ward 3) (**S 112/2020**)
- 11.2. Economic Revitalization Community Improvement Plan (CIP) application submitted by St. Clair-Rhodes Development Corp. for 3355 Munich Court (Ward 9) (**S 129/2020**)

12. **COMMITTEE MATTERS**

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



**Committee Matters: SCM 288/2020**

**Subject: Minutes of the September 21, 2020 Development and Heritage Standing Committee meeting (*Planning Act* Matters)**

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

**Date: Monday, September 21, 2020  
Time: 4:33 pm**

**MEMBERS PRESENT:**

**Councillors:**

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

**Members:**

Member Gyemi  
Member Moore  
Member Rondot

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

**ALSO PRESENT ARE THE FOLLOWING FROM ADMINISTRATION:**

Shelby Askin Hager, City Solicitor  
Thom Hunt, City Planner  
Wira Vendrasco, Deputy City Solicitor  
Michael Cooke, Manager of Planning Policy & Deputy City Planner  
Rob Vani, Manager of Inspections & Deputy Chief Building Official  
James Chacko, Senior Manager of Parks  
Jeff Hagan, Transportation Planning Senior Engineer  
Patrick Winters, Development Engineer  
George Robinson, Planner II – Revitalization & Policy Initiatives  
Greg Atkinson, Planner III – Economic Development  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Planner III – Heritage  
Marianne Sladic, Clerk Steno Senior  
Sandra Gebauer, Council Assistant  
Anna Ciacelli, Supervisor of Council Services

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### Delegations—participating via video conference

- Item 7.1 Melanie Muir, Dillon Consulting
- Item 7.2 Jeff Libby, Manager, Windsor Operations, Titanium Trucking Services Inc.
- Item 7.3 Christian LeFave, President, Brotto Family Holdings Ltd., Suburban Construction & Mgt. Ltd.
- Item 7.3 Harry Froussios, Sr. Associate, and Rob MacFarlane, Planner, Zelinka Priamo Ltd.
- Item 7.3 Kevin McCaughley, area resident
- Item 10.1 Fr. Chadi Kattan, St. Peter's Maronite Catholic Church
- Item 10.2 Jerry Kavanaugh and Damian Kacprzak, Architectural Design Associates Inc., Architects
- Item 11.1 Ted Hopkins, area resident
- Item 11.3 Richard Chene, applicant
- Item 11.5 Melanie Muir, Dillon Consulting
- Item 11.6 Melanie Muir, Dillon Consulting
- Item 11.7 Stephen Berrill, ADA Architects

### 1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:33 pm.

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

None

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

**Item 7.1 – Rezoning Application for properties known as 3945 & 3985 Dougall Ave.**

**Applicant: 2319576 Ontario Ltd**

**File: Z-014/19 [ZNG/5898]**

**Ward 1**

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

THAT the report of the Senior Planner – Subdivisions dated September 5, 2020, entitled “Rezoning Application for properties known as 3945 and 3985 Dougall Avenue; Applicant: 2319576 Ontario Ltd.; File No. Z-014/19, ZNG/5898; Ward 1” **BE DEFERRED** to a future meeting of the Development and Heritage Standing Committee to allow for the applicant to address issues raised by administration and submit a revised application.

Carried.

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Report Number: S 39/2020

Clerk's File: ZB/13592

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:40 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 4:43 o'clock p.m.

### 4. COMMUNICATIONS

None

### 5. ADOPTION OF THE PLANNING ACT MINUTES

#### 5.1 Minutes of the Development & Heritage Standing Committee (*Planning Act Matters*) minutes held August 10, 2020.

Moved by: Councillor Sleiman

Seconded by: Member Moore

THAT the Minutes of the Development & Heritage Standing Committee meeting (*Planning Act Matters*) meeting held August 10, 2020 **BE ADOPTED** as presented.

CARRIED.

Report Number: SCM 273/2020

Clerk's File: MB2020

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

None

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### 7. PLANNING ACT MATTERS

#### 7.2 ICBL Exemption 2020-10 – Titanium Trucking Services Inc. 0 Devon – Rezoning Ward 9

Chair notes additional information submitted by Jeff Libby

Adam Szymczak (author), Planner III – Zoning, presents the application.

Jeff Libby, Manager of Windsor Operations – Titanium Trucking notes the company is actively seeking to purchase the property at the corner at 3324 Marentette, an abandoned warehouse complex. To accomplish this, both lands must be rezoned for trucking purposes. The lot in question is strictly for parking of trailers. There will be no offices or trucks/tractor trailers.

Member Gyemi inquires what the consequences of Option A or B would mean for the applicant. Mr. Libby advises that denial of the exemption would result in the cease and desist of the operation on the site and they would be required to exit the premises.

Member Gyemi to Administration seeks clarification for the Exemption when zoning will change in future which may allow for said operations. Chair Bortolin explains that is what the Exemption request is for. It is to allow the applicant to continue operating while a change of zoning for the area is in process, with the intent of allowing said operations as permissible. Mr. Gyemi is concerned that any additional mitigations would not be enforceable. Mr. Szymczak clarifies that the applicant is required to enter into an SPC Agreement, at which point SPC would require any additional mitigation measures. Denial at this stage stops operations immediately. Mr. Libby interjects advising any mitigation would be enforced. Titanium Trucking wants to be a good neighbour The lot has always been a trailer parking lot. There was never any thought there was a zoning issue.

Member Moore seeks clarification for the acquisition of the property on Marentette. Mr. Libby provides detailed information on the future prospects for the property and company's intent.

Councillor Sleiman inquires whether anyone in the community has responded or any complaints to their Councillor or the City regarding this site? Mr. Szymczak advises there have been no complaints received. Mr. Libby has also advised they have worked with the adjacent property owners to address any concerns

Councillor Holt inquires why some applications for Exemption have been deferred until a report has come to Council? Mr. Szymczak advises, there are only two choices; denial or approval. Deferral would be the same as denying the exemption. There is a Work Order on the property. The City would have to act on that Order.

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Motion to approve exemption

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 195**

### RECOMMENDATIONS

1) THAT the request of Titanium Trucking Services Inc. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 0 Devon Drive (east side of Devon Drive at Foster Avenue) **BE APPROVED.**

2) THAT Council **AMEND** By-law 78-2019 by adding to Section 6 the following:

j) 0 Devon Drive - East side of Devon Drive at Foster Avenue

Lots 26 to 28, Registered Plan 1629; PIN 01561-2468; Roll No. 070-080-01200

Motion CARRIED, UNANIMOUSLY

Report Number: S 110/2020

Clerk's File: SPL2020

### 7.3 Z-012/20 [ZNG/6081] & OPA 133 [OPA/6182] – Suburban Construction and Management Ltd.

#### 7887 Edgar St – Rezoning & Official Plan Amendment

#### Ward 6

George Robinson (author), Planner II – Revitalization & Policy Initiatives, presents the application.

Robert McFarlane (Zelinka Priamo), agent – they're in agreement with recommendations. Mr. McFarlane reads through and addresses comments from area residents. Those concerns being:

- 1) Traffic –  
Traffic Dept noted no issues. Sight line requirements will be adhered to. No major impact to the area.
- 2) Height –  
Requesting only 2 additional metres is generally to account for architectural design features, ie. Parapets. Also providing generous setbacks from the residences.
- 3) Compatibility and Site Design – Building's been pushed closer to the street and landscaping cut back in order to be more compatible with adjacent commercial properties and residential uses. Providing garages which provide buffer for residences.

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- 4) Services
- These will be addressed through SPC so not to adversely affect the area/residences. Sanitary, capacity, storm water all to be addressed.

Kevin McCully (resident) was online to provide feedback. Had computer issues. Chair Bortolin asks Mr. McCully to forward any issues/concerns in writing to Clerks and/or Council Members. Councillor Sleiman notes local residents' concerns regarding heights and especially services. Councillor inquires whether the area experienced flooding. Mr. Winters addresses these concerns and advises what will be required of the applicant through Site Plan Control to mitigate these factors. Councillor Sleiman inquires whether landscaping can be used to address the height concern. Mr. Robinson addresses this concern advising what Mr. McFarlane already expressed regarding a generous setback of 30m, building closer to the road, garage used as buffer and the additional 2 metres to be used for building esthetic purposes.

Member Gyemi inquires whether the garages have solid walls providing a visual block of car lights and noise? Mr. McFarlane confirms they are solid structures. Member Gyemi inquires what the additional 6 feet/2m is required for? Peaked roof? Mr. LeFave (applicant) looking to do a wood truss roof, but are also looking into concrete or steel, depending on costs. Looking to add parapets in order to provide a more residential look over a commercial look and make it esthetically appealing.

Member Gyemi inquires about the 3m setback requirement. Mr. Robinson advises there is no 3m setback requirement for commercial area. Noise Study was required for this application and noise mitigation will be addressed through Site Plan Control.

Councillor Holt inquires about the Cash in Lieu in regarding to trees. Are the requisite number of trees not going to be planted? Mr. Robinson advises there is a number of trees required and if the applicant is unable to plant the required number, a cash in lieu of is required. All to be addressed during Site Plan Control for the Landscaping Plan. Mr. McFarlane advises it is their goal to implement as many trees to the site as is physically possible.

Chair Bortolin, speaking on behalf of the resident (Kevin McCully), inquires about Traffic and entrance to the site. Are there any foreseeable issues regarding getting in and out of the site off Edgar. Mr. Hagan advises the size of the development did not warrant a Traffic Impact Study. In reviewing the application, Traffic saw no issues with the development to the surrounding neighbourhood. Chair advises the resident has noted the power goes out in the neighbourhood often. Would this development put further strain on utilities? Mr. Robinson notes the application was circulated to Enwin and they had no concerns with the proposed development. They will also likely be recirculated during the SPC phase.

Moved by: Member Gyemei  
Seconded by: Member Moore



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Member Gyemi spoke to the application in support. Chair Bortolin adds that residents will be able to provide their input during the future Council meeting and there will be a SPC process but believes many of concerns were addressed during this meeting.

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Decision Number: **DHSC 196**

### RECOMMENDATIONS

1. THAT Schedule D: Land Use of the City of Windsor Official Plan, Volume I **BE AMENDED** by designating the property described as Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020) as Residential.
2. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020), from CD2.1 to RD 3.1 and by adding a site specific provision to Section 20(1) as follows:

#### **“395 SOUTH SIDE OF EDGAR STREET, WEST OF LAUZON ROAD**

For the lands comprising Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, the following additional provisions shall also apply:

- a) Building Setback - minimum - 3.0 m from the northerly *lot line*;
- b) Building Height – maximum – 16 m
- c) Landscaped Open Space Yard – minimum – 29% of *lot area*;
- d) *Screening fence* minimum 1.8 metres in height and landscaping shall be installed along the westerly *lot line*.

[ZDM 14; ZNG/6081]”

3. THAT the following items **BE REFERRED** to the Site Plan Review Committee, for inclusion in a Site Plan Control Agreement:
  - i) Mitigation measures as identified in noise report by JJ Acoustic Engineering Ltd. dated April 9<sup>th</sup> 2020.
  - ii) A gratuitous land conveyance for a 6.1m x 6.1m corner cut-off at the intersection of Lauzon Road and Edgar Street.
  - iii) The owner is to provide a minimum total of thirty (30) 70mm caliper trees on the site as a condition of Site Plan Approval. If the owner's landscape plan cannot support the minimum requirement of trees, then any deficiency to that requirement is to be compensated with Cash-in-lieu to the Parks Department (for trees to be planted elsewhere in the city) at a rate of \$450 per tree that is not able to be planted on the site.

Motion CARRIED, UNANIMOUSLY.

Report Number: S 90/2020  
Clerk's File: ZO/13912

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### 8. ADJOURNMENT

There being no further business, the meeting of the Development & Heritage Standing Committee is adjourned at 5:39 p.m.

Moved by Councillor Holt

Seconded by Councillor Morrison

Motion CARRIED, UNANIMOUSLY

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Ward 3 – Councillor Bortolin  
(Chairperson)

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Thom Hunt  
(Secretary)

**Council Report: S 134/2020**

**Subject: Zoning By-law Amendment Application for 0 Hawthorne Dr.,  
N/E CNR of Hawthorne Dr. and Enterprise Way; Applicant: 2356976  
Ontario Inc.; File No. Z-010/20, ZNG/6072; Ward 8**

**Reference:**

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

Planning & Building Services  
Report Date: September 23, 2020  
Clerk's File #: ZB/13837

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

**Recommendation:**

- I. That the parcel described as Part of Block A, Registered Plan 1644, and designated as Part 2 on Reference Plan 12R-26956, situated on the northeast corner of Hawthorne Drive and Enterprise Way, **BE EXEMPT** from the provisions of Interim Control By-law 103/2020 and that further, Interim Control By-law 103/2020 **BE AMENDED** by adding to Section 5 the following paragraph:

- **Northeast Corner of Hawthorne Drive and Enterprise Way**  
Part 2, Plan 12R-26956; PIN 01379-0444; Roll No. 070-670-57502;

- II. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the northeast corner of Hawthorne Drive and Enterprise Way, described as Part of Block A, Registered Plan 1644, and designated as Part 2 on Reference Plan 12R26956, from Manufacturing District 1.2 (MD1.2) to Residential District 3.2 (RD3.2) in Zoning By-law 8600; subject to the following site specific zoning provision:

**“398. Northeast Corner of Hawthorne Drive & Enterprise Way**

For the lands comprising Part of Block A, Registered Plan 1644, designated as Part 2 on Reference Plan 12R26956, the maximum building height provision in section 20(1)97(iv) of By-law 8600, shall not apply to a multiple dwelling on the subject land. [ZDM 15; ZNG/6072]”

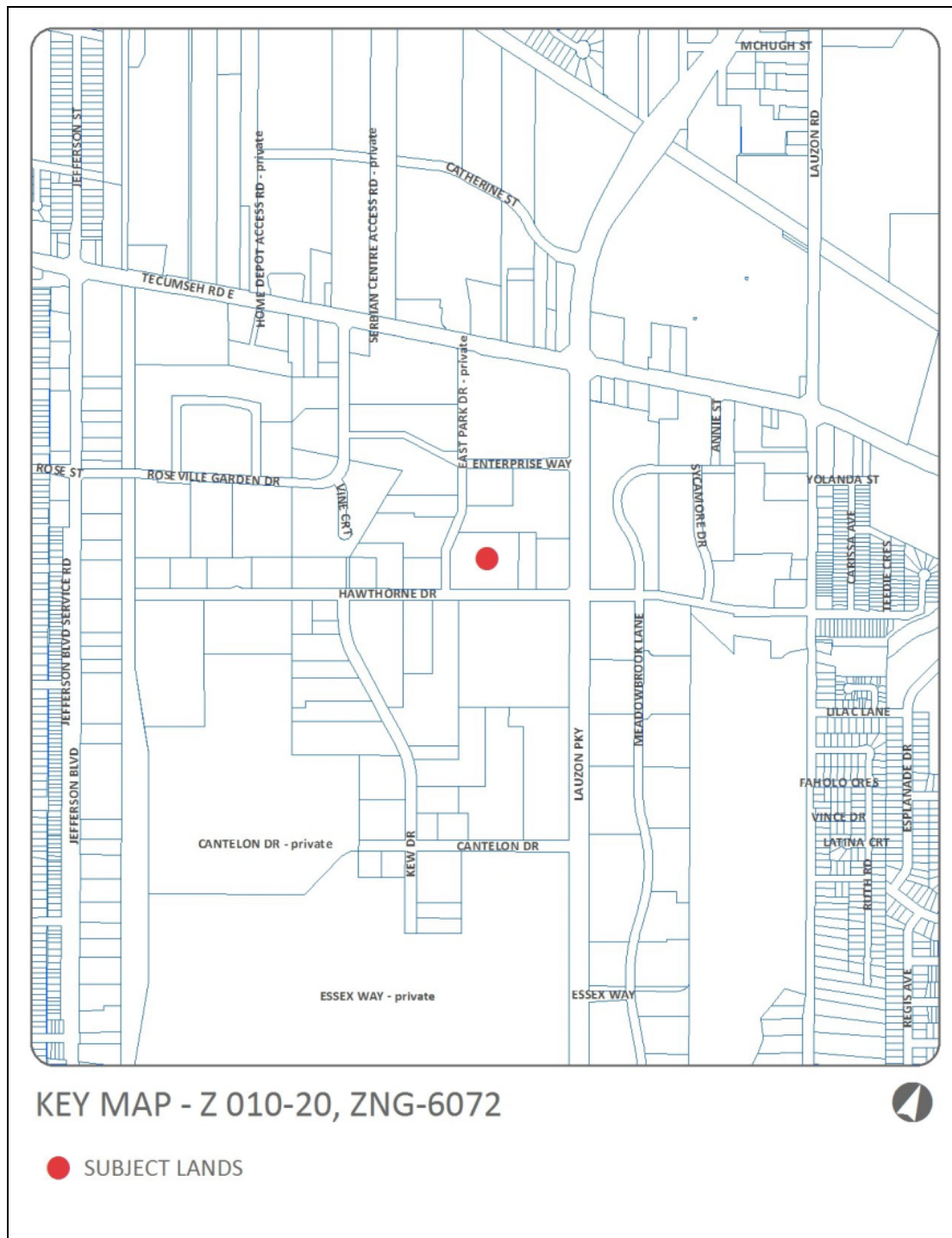
- III. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following in the site plan approval and the site plan agreement:
  - (a) Noise warning clause(s) and other noise abatement measures identified in the Noise Study dated December 19, 2019 and Revised September 21, 2020, prepared by Akoustic Engineering Limited; and
  - (b) The requirements and recommendations of municipal departments and agencies as noted in this report and detailed in Appendix D attached.

## Executive Summary:

N/A

## Background:

### 1. KEY MAP



## 2. APPLICATION INFORMATION

**LOCATION:** 0 Hawthorne Dr. [N/E CNR of Hawthorne Dr. and Enterprise Way]

**APPLICANT:** 2356976 ONTARIO INC. (c/o Dr. Bhan Garg)

**AGENT:** VIJAY VASANTGADKAR ARCHITECT INC. (c/o Vijay Vasantgadkar)

**REGISTERED OWNER:** SAME AS APPLICANT

**PROPOSAL:** To amend Zoning By-law 8600 for the land located on the northeast corner of Hawthorne Drive and Enterprise Way, so as to permit multiple dwellings on the subject land.

The subject land is designated Mixed Use on Schedule D: Land Use in the Official Plan and zoned Manufacturing District 1.2 (MD1.2) in Zoning By-law 8600. Special zoning provision S.20(1)97 also applies to the subject land and other lands within the immediate area.

The applicant proposes to change the zoning of the subject land from MD1.2 to RD3.2 (Residential District 3.2) to permit the construction of three 5-storey apartment buildings with a total of 182 dwelling units and 267 parking spaces as shown on the conceptual site plan attached as **Appendix A**. Vehicular access driveways are proposed from Hawthorne Drive and Enterprise Way.

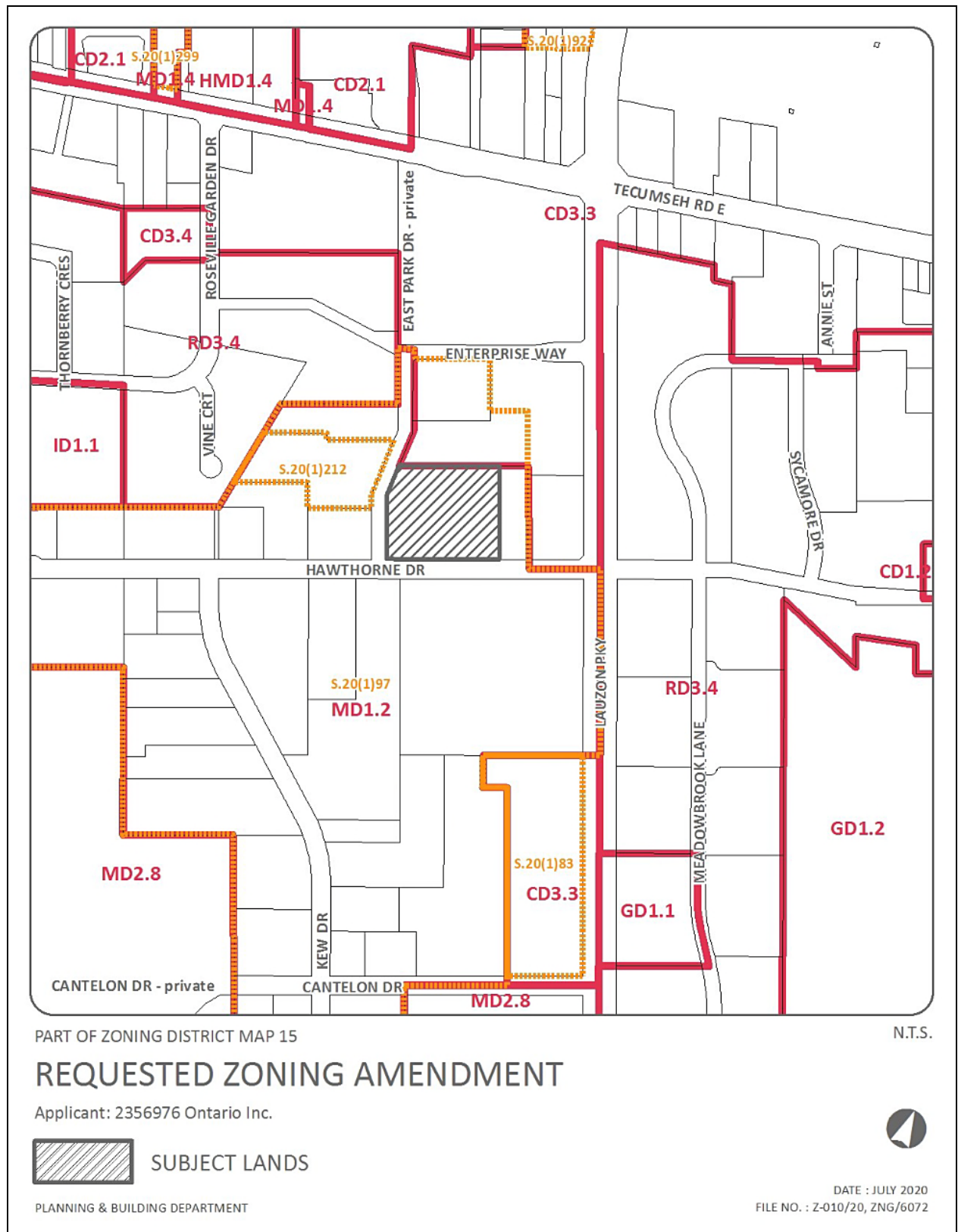
### SUBMISSIONS BY APPLICANT:

- Zoning By-law Amendment Application form
- Addendum to Zoning By-law Amendment [Revised, Sep 21, 2020]
- Conceptual Site Plan
- Property Deed
- Articles of Incorporation for 2356976 Ontario Inc.
- Noise Study [Revised Sep 21, 2020]
- Traffic Impact Study

## 3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
MIXED USE [Land Use]	MANUFACTURING DISTRICT 1.2 (MD1.2) with S.20(1)97; ZDM11	Vacant	Vacant
FRONTAGE	DEPTH	AREA	SHAPE
Enterprise Way 131.36m	Irregular [from Enterprise Way lot line]	19,820 sq. m.	Irregular
Hawthorne Drive 154.55m	127.97m [Measured from Hawthorne Drive lot line]		
Note: All measurements are approximate			

#### 4. REZONING MAP





## 5. NEIGHBOURHOOD CHARACTERISTICS



The surrounding area is characterised by a mix of commercial, industrial, institutional and residential uses nearby.



## **SURROUNDING LAND USE**

### **North & Northeast – Commercial uses**

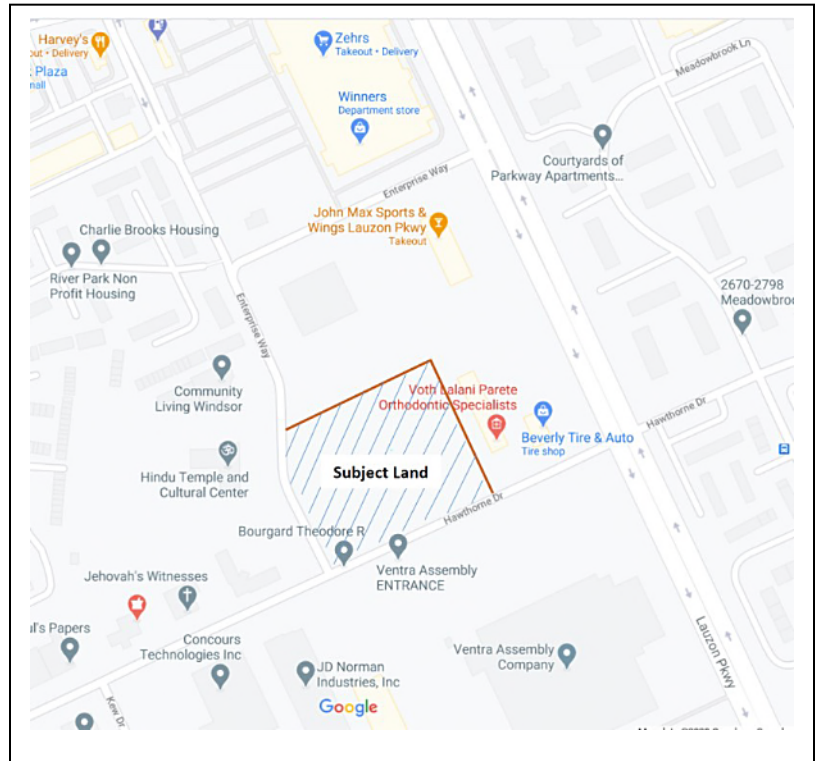
- Fairstone Financial; Renew Massage Clinic & Spa; The Denture Center; and Restaurant (John Max Sports & Wings), at 2601 Lauzon Parkway
- Health Studio (Planet Fitness) at 7155 Enterprise Way
- Major Commercial Center (Zehrs, Dollar Tree, Winners, Scotiabank and more) at 7191/7201 Tecumseh Rd. E.

### **Northwest – Residential uses**

- Charlie Brooks Housing Co-operative Inc. (townhome dwellings) at 6700-7064 Charlie Brooks Court
- River Park Non-Profit Housing Corporation (Windsor) at 6705-7087 Charlie Brooks Court
- Community Living Windsor at 7025 Enterprise Way

### **West – Institutional & Commercial uses**

- Place of Worship (Hindu Temple & Cultural Center) at 7025 Enterprise Way
- Eastside Dental Office at 6925 Enterprise Way
- Place of Worship (Jehovah's Witness Kingdom Hall) at 6870 Hawthorne Drive



### **Southwest – Industrial uses**

- J D Norman Industries Inc. at 6845 Hawthorne Drive
- Ventra Plastics Windsor at 2800 Kew Drive

### **South and Southeast – Industrial uses**

- Butcher Enterprises Windsor at 2755 Lauzon Parkway/7125 Hawthorne Drive

### **East – Commercial uses**

Law Office (Theodore R Bourgard) at 7150 Hawthorne Drive and  
Medical Office (Voth Lalani Parete Orthodontists) at 7150 Hawthorne Drive  
Good Year - Beverly Tire & Auto Services at 2651 Lauzon Parkway

## **MUNICIPAL INFRASTRUCTURE**

- The City's records show that there are municipal storm and sanitary sewers within the abutting roadways, available to service the subject lands. There is a
  - 300mm diameter polyvinylchloride (PVC) sanitary sewer on Enterprise Way.
  - 450mm diameter reinforced concrete pipe (RCP) sanitary sewer on Hawthorne Drive;
  - 900mm diameter reinforced concrete pipe (RCP) storm sewer on Enterprise Way; and
  - 1825mm diameter reinforced concrete pipe (RCP) trunk storm sewer on Hawthorne Drive.
- Municipal watermains, fire hydrants and LED streetlights are available along Enterprise Way and Hawthorne Drive.
- ENWIN has overhead primary distribution on the north side of Hawthorne, the west side of Enterprise Way and north of the subject site.

- There are curbs and gutter along Enterprise Way and Hawthorne Drive.
- Concrete sidewalks are available on the north side of Hawthorn Drive and on the north and west sides of Enterprise Way
- Transit Windsor Bus services are available in the nearby area. The closest transit service would be the Ottawa 4 route with a bus stop located on Meadowbrook at Hawthorne Southwest Corner, approximately 500 metres away from the subject property. There are other nearby bus stops within 600m of the subject land, on Hawthorne at Sycamore (an Ottawa 4 route) and on Tecumseh Rd East (Transit 1C and Ottawa 4 routes).
- Enterprise Way is classified as local road.
- Hawthorne Drive right-of-way (between Kew Drive and Lauzon Parkway) is classified as a Class II collector road.
- Lauzon Parkway is a nearby Arterial Road (Class I Arterial Rd) and is accessible from the subject lands through Hawthorne Drive and, alternatively, through Enterprise Way.

## Discussion:

### PLANNING ANALYSIS:

#### 1. PROVINCIAL POLICY STATEMENT (PPS) 2020

Provincial Policy Statement 2020 was issued under section 3 of the Planning Act and came into effect May 1, 2020. It replaces the Provincial Policy Statement issued April 30, 2014.

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

The amendment promotes residential intensification and infill in an area surrounded by commercial, residential and industrial activities. Therefore, the following policies of the PPS 2020 are deemed relevant for this planning analysis:

1.1.1 Healthy, liveable and safe communities are sustained by:

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- c) avoiding development and land use patterns which may cause environmental or public health and safety concerns;*
- d) avoiding development and land use patterns that would prevent the efficient expansion of settlement areas in those areas which are adjacent or close to settlement areas;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*
- f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*
- g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*
- i) preparing for the regional and local impacts of a changing climate.*

With respect to 1.1.1(a) & (b) – This zoning by-law amendment facilitates infill residential development on the existing vacant land. The amendment promotes efficient development that will accommodate three 5-storey multiple dwellings on the subject land. The lands within the immediate area accommodate a range and mix of commercial, residential (affordable & market-

based), institutional, and industrial uses as noted already in this report. See “Surrounding Uses” section of this report.

With respect to 1.1.1(c) – There are no known environmental or public health & safety concerns. The planning analysis provided by the applicant’s planning consultant in the revised application Addendum indicates that no adverse effects to the proposed land use are anticipated and no negative impact on adjacent land uses is anticipated. The revised Noise Assessment Report provided by Akoustik Engineering Limited concludes that the nearby industrial lands do not have an adverse impact on the proposed development. The noise report also assesses the environmental noise impacts from nearby road traffic and concludes that the noise impact on the proposed development is within the guideline limits set by the Ontario Ministry of the Environment, Conservation and Parks, and recommends that warning clauses be included for the required lots.

With respect to 1.1.1 (d) - The subject land is surrounded by existing developments and does not prevent the efficient expansion of the settlement area.

With respect to 1.1.1(e) & (f) – The amendment would achieve a cost-effective development pattern and minimize land consumption and servicing costs. Sidewalks improve *accessibility for persons with disabilities and older persons*. As noted already in this report, there are existing concrete sidewalks on Enterprise Way and Hawthorne Drive. The concept plan also shows proposed sidewalks within the development, connecting to the existing sidewalks.

With respect to 1.1.1(g) – The subject land is in an area of the City that is serviced by necessary infrastructure, electricity generation facilities and transmission and distribution systems, and public service facilities.

With respect to 1.1.1(i) – Regional and local impacts of climate change is best addressed at the time of site plan approval when the lot-grading provisions, stormwater management measures, servicing study, landscaping requirements and much more, could be discussed and incorporated in the site plan approval and site plan agreement.

The subject zoning by-law amendment will facilitate an efficient development, positively impact the financial well-being of the City of Windsor, minimize land consumption and servicing costs, accommodate a residential use that is in close proximity to existing residential, commercial, employment, and institutional uses, and will have no adverse impact on environmental or public health and safety concerns. The zoning by-law amendment is consistent with policy 1.1.1 of the PPS.

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

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

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

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

The subject lands are located within a settlement area - the City of Windsor, and this amendment creates opportunity for growth and development within the settlement area. This amendment promotes a land use that will make efficient use of land, resources and existing infrastructure. There are existing and planned active transportation options (such as sidewalks and bike lanes) and transit services adjacent to, or near the subject land. Taking into account existing building stock and area, the existing municipal services and utilities, the conclusions and recommendations of the Transportation Impact Study and Noise Study submitted for this amendment, it is factual to state that the subject land represents an appropriate location for intensification. The subject amendment is consistent with policies 1.1.3.1, 1.1.3.2 and 1.1.3.3 of the PPS.

*1.2.2 Planning authorities shall engage with Indigenous communities and coordinate on land use planning matters.*

The indigenous communities have been contacted by the Planning Department to initiate discussions on this zoning amendment. No response or comments have been received to date. The Planning Authority (The Corporation of The City of Windsor) has, in principle, satisfied the requirement to engage and coordinate; therefore, it makes sense to deem this amendment to be consistent with policy 1.2.2 of the PPS.

*1.2.6 Land Use Compatibility*

*1.2.6.1 Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.*

*1.2.6.2 Where avoidance is not possible in accordance with policy 1.2.6.1, planning authorities shall protect the long-term viability of existing or planned industrial, manufacturing or other uses that are vulnerable to encroachment by ensuring that the planning and development of proposed adjacent sensitive land uses are only permitted if the following are demonstrated in accordance with provincial guidelines, standards and procedures:*

- a) there is an identified need for the proposed use;*
- b) alternative locations for the proposed use have been evaluated and there are no reasonable alternative locations;*
- c) adverse effects to the proposed sensitive land use are minimized and mitigated; and*
- d) potential impacts to industrial, manufacturing or other uses are minimized and mitigated.*

The proposed residential development is a sensitive land use that could be potentially adversely impacted by odour, noise and other contaminants from the nearby industrial uses on the south and southwest of the subject land. However, the revised Noise Assessment prepared by Akoustik Engineering Limited, dated September 21, 2020, identified several potential sources of stationary noise located to the south and southwest of the subject lands and concludes that *“the identified industrial lands do not have an adverse impact on the proposed development”*. The acoustic report assessed the environmental noise impacts from nearby road traffic and recommends warning clauses and provision for the installation of central air conditioning in all east apartment building units. The acoustic report also shows that the noise impact on the proposed development is within the guideline limits set by the Ontario Ministry of the Environment, Conservation and Parks, and recommends the development be given approval with the understanding that the stated warning clauses be included for the required lots.

The revised Addendum prepared by Pilon Abbs Inc., dated September 21, 2020, analysed PPS Policies 1.2.6.1 & 1.2.6.2 and concludes that *“no adverse effects to the proposed land use are anticipated”* and *“no impacts to abutting lands are anticipated”*.

*1.4 Housing*

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

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

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

*b) permitting and facilitating:*

*1. all housing options required to meet the social, health, economic and well-being requirements of current and future residents, ...; and*

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

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

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

This amendment promotes infill development on a site that has been historically vacant in a developed area. 182 new dwelling units are proposed on the subject land, which is a higher density than currently exists, and results in a net increase in residential units or accommodation; therefore, we are dealing with a residential intensification of the subject site and area. The amendment will facilitate the municipality's ability to accommodate residential growth through intensification and will provide a form of housing that is appropriate in terms of range and mix, and will meet the social, health and well being of current and future residents. Appropriate level of infrastructure, active transportation and transit services are available or will be available in the subject area. This amendment is consistent with policy 1.4 of the PPS.

**1.6.6.2** *Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. Within settlement areas with existing municipal sewage services and municipal water services, intensification and redevelopment shall be promoted wherever feasible to optimize the use of the services.*

The subject lands are within an area that is serviced by municipal sewage services and municipal water services. The requested zoning by-law amendment is consistent with policy 1.6.6.2 of the PPS.

**1.6.6.7** *Planning for stormwater management shall:*

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

This amendment includes requirement for completion of stormwater management report at the time of Site Plan Approval. We note that the Essex Region Conservation Authority (ERCA) has concerns regarding the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on the subject lands. We also note that Recommendation III (b) of this report addresses ERCA's recommendation regarding stormwater quality and stormwater quantity for the subject lands. This amendment is consistent with policy 1.6.6.7 (f) of the PPS.

**1.7.1** *Long-term economic prosperity should be supported by:*

*b) encouraging residential uses to respond to dynamic market-based needs and provide necessary housing supply and range of housing options for a diverse workforce;*

*c) optimizing the long-term availability and use of land, resources, infrastructure and public service facilities*

Windsor has experienced historically low residential vacancy rate, according to CMHC data. This amendment encourages residential intensification by providing additional housing supply, which is an appropriate response to the market-based housing needs in the City of Windsor. The proposed development of three 5-storey multiple dwellings optimizes the availability and use of land and infrastructure by making use of a vacant parcel of land. The amendment is consistent with policy 1.7.1 of the PPS.

In summary, the above planning analysis demonstrates that the subject zoning by-law amendment is consistent with the relevant Policies of PPS 2020.

## 2. OFFICIAL PLAN (OP)

The site is designated “Mixed Use” in the Land Use Schedule D of City of Windsor Official Plan. Relevant excerpts from the Official Plan are attached as Appendix B.

Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development (section 6.9.2.1). The proposed residential use on the subject land is a large scale Low Profile Residential development containing three 5-storey multiple dwellings with 187 dwelling units.

Section 6.9.2.2 provides two forms of Mixed Use Areas and, based on the policy therein, the proposed development is considered to be in an area classified as *Mixed Use Center*.

*“Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.”*

Section 6.9.2.3 states that Mixed Use development shall be located where:

- (a) There is access to a Controlled Access Highway, Class I or II Arterial Roads or Class I Collector;
- (b) Full Municipal physical services can be provided;
- (c) Public transportation service can be provided; and
- (d) The surrounding development pattern is compatible with Mixed Use development.

The proposed Mixed Use development is located where there is access to a Class I Arterial Road (Lauzon Parkway) through Hawthorne Drive or Enterprise Way. Full municipal services are available and matters such as storm and sanitary sewer capacity will be further reviewed during site plan control process. Public transportation service is available, or planned for, as noted already in this report and in the comment provided by Transit Windsor. The surrounding development pattern is compatible with Mixed Use development and, where compatibility is a potential concern, mitigation measures can be further reviewed and incorporated in the site plan approval and agreement.

Section 6.9.2.4 lists criteria to be used in evaluating a mixed use development and requires the proponent to demonstrate, to the satisfaction of the municipality, that a proposed mixed use development satisfies the evaluation criteria. Addendum to the ZBA Application, dated June 1, 2020, was prepared by Pilon Abbs Inc., Land Use Consultant and revised September 21, 2020. The revised addendum analysed section 6.9.2.4, the Mixed Use Evaluation Criteria, of OP Volume 1, and demonstrates that the proposed Mixed Use development (Residential Apartments) meets the evaluation criteria set out in section 6.9.2.4 of the OP.

The Planning Department is satisfied with the consultant’s analysis of section 6.9.2.4 of the OP Vol. 1.

Section 6.9.2.5 lists design guidelines for evaluating a proposed mixed use development. Site Plan Control is a more appropriate tool to use when considering/implementing those guidelines.

Following Council’s approval of this amendment, the next step is for the proponent to submit an application for site plan approval, which will ensure that the proposed development is in keeping with the Official Plan built form policy for infill developments as in section 8.7.2.3, OP Vol. 1.

Zoning Amendment Evaluation Criteria s.11.6.3.3 of the OP:

Support studies were submitted as part of this application and the recommendations found in those studies are incorporated in this report. The requirements, comments and recommendations from municipal departments and circularized agencies have been considered, as noted in the consultation section of this report. This amendment promotes opportunity for residential intensification and infill, which creates a compact form of neighbourhood and ensures continuation of an orderly development pattern in the subject area. The subject zoning by-law amendment is consistent with the relevant policies of the PPS and conforms with the applicable objectives and policies of OP Vol. 1. The zoning by-law amendment will provide additional housing options and opportunities in the area. According to the applicant's planner, no impacts are anticipated on the nearby industrial and manufacturing properties. This amendment meets the evaluation criteria set out in s.11.6.3.3 of the OP.

Based on the analysis provided in this report, this zoning by-law amendment maintains conformity with the Official Plan, as required in s.11.6.3.1 of the OP.

### 3. ZONING

The subject land is zoned Manufacturing District 1.2 (MD1.2) in the City of Windsor Zoning By-law 8600. Special zoning provision S.20(1)97 applies to the subject land and other lands within the immediate area. The requested new zoning category is Residential District 3.2 (RD3.2) in the City of Windsor Zoning By-law 8600. **Appendix C**, attached to this report, contains relevant Excerpts from Zoning By-law 8600.

Permitted uses in the RD3.2 zoning category are Lodging House, Multiple Dwelling, Religious Residence, Residential Care Facility; any of the following existing dwellings: Double Duplex Dwelling, Duplex Dwelling, Semi-Detached Dwelling, Single Unit Dwelling; and any use accessory to any of the preceding uses.

The applicant requested an amendment from MD1.2 to RD3.2, but with no mention of the required compliance with S. 20(1)97. The zoning provisions under S.20(1)97 are as follows:

- i. minimum front yard depth – 9m
- ii. minimum side yard – 9m for exterior side yard and 6m for interior side yard
- iii. minimum rear yard depth – 6m
- iv. Maximum building – 14.5m for buildings and structures within 150m of a residential district
- v. Minimum building setback from Lauzon Parkway – 70m
- vi. Access area may cross a landscaped open space yard
- vii. Off-street loading or truck storage - Not permitted in any yard abutting Lauzon Parkway

The RD3.2 regulates lot frontage, lot area, lot coverage, building height, landscape open space and density, but does not regulate any of the above special provisions, except building height. Therefore, Planning Staff recommend keeping S.20(1)97(i) to (iii) & (v) to (vii) provisions on the subject land, and excluding (iv) – building height. Although S.20(1)97 (v) and (vii) will not apply to any development on the subject land due to its location, there is no concern in keeping those two provisions.

Addendum to the ZBA Application, dated June 1, 2020 and revised September 21, 2020, was prepared by Pilon Abbs Inc., Land Use Consultant. The report provides Zoning Analysis for the subject amendment and concludes that the proposed development on the subject land will comply with all zoning provisions set out in the RD3.2 zoning.

A review of the S.20(1)97 provisions is required, but was not provided by the planning consultant; however, compliance is required in order to receive a building permit. No minor

variance application will be processed for any development on the subject land within 2 years of approval of this amendment. For this reason, a site specific provision is recommended in this report to address maximum height provision, s.20(1)97 (iv).

The proposed 182 residential units will require parking at the rate of 1.25 parking spaces per unit; total required parking is 228 spaces. Proposed parking is 267 spaces.

A draft by-law is attached as **Appendix G**.

A Residential Interim Control By-law 103/2020 (RICBL) came into effect in the City of Windsor on July 13, 2020. RICBL applies to development proposals with 5 or more dwelling units. This zoning by-law amendment application was deemed complete on May 13, 2020, two months before the interim control by-law came into effect. There are currently no criteria when reviewing a request for an exemption. However, the proposed development will not impact the outcome of the related land use study. As such, an exemption from B/L 103/2020 is recommended.

#### 4. SITE PLAN

The proposed amendment is a “development” as defined in section 41(1) of the Planning Act; therefore, the applicant is required to submit an application for Site Plan Approval.

It should be noted that the Noise Assessment Report requires that any necessary warning clauses be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease.

The mitigation measures identified in the Noise Report, the Transportation Impact Study recommendation, and the various requirements of municipal departments and external agencies (particularly, those requirements noted below) are best incorporated in the site plan review and approval process.

Below are specific requirements from municipal departments and external agencies for consideration at the time of Site Plan Approval for the subject development:

**Engineering Requirements:** The applicant is required to enter into a Site Plan Agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

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

*Servicing Study* – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures. The Study is required to be finalized to the satisfaction of the City Engineer prior to the issuance of construction permits.

*Corner Cut-Off* – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6 m x 4.6 m (15' x 15') corner cut-off at the intersection of Hawthorne Drive and Enterprise Way in accordance with City of Windsor Standard Drawing AS-230.



**Transportation Planning Requirement:** The Transportation Impact Study (TIS) report makes some recommendations for restrictions on landscaping near the proposed site access on Enterprise Way; these recommendations should be taken into account in the site plan for the development.

**ERCA:** Stormwater management analysis be completed to the satisfaction of the Municipality. Stormwater quality and storm water quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

**Landscape Architect's Requirements:** The applicant is required to fulfill the following at the time of Site Plan Review –

- Submission of a tree survey identifying species, location, and condition of all trees on the subject lands; and
- Cash-in-lieu of parkland dedication as per By-law 12780, and the Planning Act, and Bill108

**Risk Analysis:**

N/A.

**Financial Matters:**

N/A

**Consultations:**

1. DEPARTMENT AND AGENCIES

**Appendix D**, attached to this report, contains comments from the municipal departments and external agencies. There are no objections to the proposed amendment. However, some municipal departments have noted some requirements, which could be addressed at the time of site plan approval. Below are highlights of some of the comments received. The full information can be found in Appendix D attached to this report.

**Canada Post:** The Canada Post multi-unit policy applies to the proposed development. See details in Appendix D attached

**Engineering & Geomatics Division:**

- A functional servicing study for full municipal services (sanitary, storm, water) is required.
- Existing connections should be utilized where possible to minimize work within the right-of-way, any redundant private drain connections are to be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3, to the satisfaction of the City Engineer.
- Stormwater management completed in accordance with the Windsor/Essex Region Stormwater Standards Manual.
- A sanitary sampling manhole will be required to the satisfaction of the City Engineer.
- A Right-of-Way permit is required for any work on the right of way. All driveway approaches shall be constructed to City Standard AS-204.

**ENWIN – Hydro:** ENWIN has overhead primary distribution on the north side of Hawthorne, the west side of Enterprise Way and north of the property. For clearance requirements to hydro distribution during the construction phase, the applicant should refer to the Occupational Health and Safety Act.

**Essex Region Conservation Authority (ERCA):** Has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the future proposed development on this site. ERCA recommends that stormwater quality and storm water quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of Environment (MOE, March 2003) and the “Windsor-Essex Region Stormwater Management Standards Manual”. ERCA further recommends that the stormwater management analysis be completed to the satisfaction of the Municipality.

**Landscape Architect:** There is a remnant hedgerow of trees and scrub undergrowth running north-south through the middle of the site. A tree survey identifying species, location, and condition of all trees on the subject lands, is required. The tree survey will be used at the time of Site Plan review to calculate urban forest canopy loss and compensation.

There is a requirement for cash-in-lieu of parkland dedication as per By-law 12780, and the Planning Act, and Bill108.

**Transportation Planning:** Overall, the Traffic Impact Study (TIS) report establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network without off-site improvements.

**Transit Windsor:** Our new Council approved Transit Master Plan does propose to have a new local route providing direct service to this property with service on both Enterprise Way and Hawthorne here.

## 2. PUBLIC NOTICE

The City will advertise the official notice in the Windsor Star Newspaper as mandated by the Planning Act.

The City will also mail courtesy notice to all properties within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

## Planner’s Opinion and Conclusion:

The applicant’s request to amend zoning by-law 8600 by changing the zoning of the subject land from MD1.2 to RD3.2 in order to facilitate an infill development containing three 5-storey multiple dwellings and 267 parking spaces, has been evaluated for consistency with the PPS and conformity with the OP.

After reviewing the required supporting studies submitted for this application, comments received from municipal department and external agencies, the relevant policies of the Provincial Policy Statement (PPS) 2020 and the Official Plan, it is my opinion that this zoning by-law amendment is consistent with the PPS 2020 and maintains conformity with the Official Plan. This amendment is good planning.

In my opinion, a decision to approve this zoning by-law amendment, as recommended, is consistent with the PPS 2020.

The recommendation is for approval of the applicant’s request as stipulated in the Recommendation section of this report.

## Planning Act Matters:

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

### Michael Cooke, MCIP, RPP

Manager, Planning Policy

### Thom Hunt, MCIP, RPP

City Planner

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

**SAH**, City Solicitor

**OC**, Chief Administrative Officer

## Approvals:

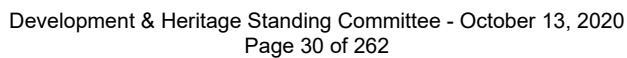
Name	Title
Michael Cooke, MCIP, RPP	Manager, Planning Policy / Deputy City Planner
Thom Hunt, MCIP, RPP	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

## Notifications:

Name	Address	Email
Abutting property owners, tenants/ occupants within 120 meter / 400		
Applicant/Registered Owner: 2356976 ONTARIO INC. (c/o Dr. E.	13796 Riverside Dr.	bgarg@gmail.com
Agent: Vijay Vasantgadka Architect Inc.	1614 Lesperance Road, Unit 8A.	vijaywindsor@yahoo.com
Councillor Gary Kaschak	350 City Hall Square West,	gkaschak@citywindsor.ca

## Appendices:

- 1 Appendix A - Concept Plan - Multiple Dwelling
- 2 Appendix B - Excerpts from the Official Plan
- 3 Appendix C - Excerpts from Zoning By-law 8600
- 4 Appendix D - Consultations Table
- 5 Appendix E - Summary of Required Support Studies
- 6 Appendix F - Site Photos
- 7 Appendix G - Draft By-law for Z-010-2020



## APPENDIX B – EXCERPTS FROM THE OFFICIAL PLAN

### OP Volume 1 – Primary Plan

## 6. Land Use

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### 6.9 Mixed Use

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

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

#### 6.9.1 Objectives

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

## 6.9.2 Policies

<i>PERMITTED USES</i>	6.9.2.1	Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.
<i>FORM OF MIXED USE AREAS</i>	6.9.2.2	<p>For the purpose of this Plan, Mixed Use development is further classified as follows:</p> <ul style="list-style-type: none"> <li>(a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and</li> <li>(b) Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.</li> </ul>
<i>LOCATIONAL CRITERIA</i>	6.9.2.3	<p>Mixed Use development shall be located where:</p> <ul style="list-style-type: none"> <li>(a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;</li> <li>(b) full municipal physical services can be provided;</li> <li>(c) public transportation service can be provided; and</li> <li>(d) the surrounding development pattern is compatible with Mixed Use development.</li> </ul>
<i>EVALUATION CRITERIA</i>	6.9.2.4	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development is:</p> <ul style="list-style-type: none"> <li>(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: <ul style="list-style-type: none"> <li>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;</li> </ul> </li> </ul>

- (ii) within a site of potential or known contamination;
  - (iii) where traffic generation and distribution is a provincial or municipal concern; and
  - (iv) adjacent to sensitive land uses and/or heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
  - (c) capable of being provided with full municipal physical services and emergency services;
  - (d) provided with adequate off street parking;
  - (e) pedestrian oriented;
  - (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
  - (g) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

*DESIGN  
GUIDELINES*

6.9.2.5

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

- (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan;
- (b) the mass, scale, orientation, form, and siting of the development achieves a compact urban form and a pedestrian friendly environment;
- (c) at least one building wall should be located on an exterior lot line and oriented to the street to afford direct sidewalk pedestrian access from the public right-of-way;
- (d) permanent loading, service and parking areas should be located so as not to significantly interrupt the pedestrian circulation or traffic flow on the public right-of-way or within a Mixed Use area;
- (e) mid-block vehicular access to properties is generally discouraged and is encouraged via a rear yard service road or alley;

- (f) parking areas shall be encouraged at the rear of buildings;
- (g) safe and convenient pedestrian access between buildings and public transportation stops, parking areas and other buildings and facilities should be provided;
- (h) the development is designed to foster distinctive and attractive area identity;
- (i) the public rights-of-way are designed to foster distinctive and attractive area identity and to provide for vehicle use, regular public transportation service as well as pedestrian and cycling travel; and
- (j) integration of the development with the surrounding uses to contribute to the unique character of the area.

*SITE PLAN  
CONTROL*

6.9.2.6

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

*REDUCED  
PARKING  
REQUIREMENT*

6.9.2.7

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



### 11.6.3 Zoning By-law Amendment Policies

**AMENDMENTS  
MUST CONFORM**

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

**REVIEW  
PROCEDURE**

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

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

**EVALUATION  
CRITERIA**

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

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

APPENDIX C – EXCERPTS FROM ZONING BY-LAW 8600

9.5 18.2 MANUFACTURING DISTRICT 1.2 (MD1.2)

18.2.1 PERMITTED USES

<i>Ambulance Service</i>	<i>Medical Appliance Facility</i>
<i>Building Materials Recycling Store</i>	<i>Micro-Brewery</i>
<i>Bulk Storage Facility</i>	<i>Public Parking Area</i>
<i>Business Office</i>	<i>Repair Shop - Heavy</i>
<i>Contractor's Office</i>	<i>Repair Shop – Light</i>
<i>Equipment Rental Shop</i>	<i>Self-Storage Facility</i>
<i>Food Catering Service</i>	<i>Towing Service</i>
<i>Food Processing Facility</i>	<i>Warehouse</i>
<i>Laundry Plant</i>	<i>Water Transportation Facility</i>
<i>Manufacturing Facility</i>	<i>Welding Shop</i>

Any of the following *Ancillary Uses*:

- Automobile Sales Lot*
- Car Wash Automatic*
- Car Wash Coin Operated*
- Club*
- Food Outlet - Drive-through*
- Food Outlet - Take-out*
- Gas Bar*
- Health Studio*
- Restaurant*
- Restaurant with Drive-through*
- Retail Store – Equipment & Supplies*
- Veterinary Office*
- Wholesale Store*

Any use accessory to any of the above uses, including a *Caretaker's Residence*,  
*Retail Store*, or *Transport Terminal*

### 18.2.3 PROHIBITED USES

Outdoor storage of *aggregate*  
*Transport Terminal* as a *main use*

### 18.2.5 PROVISIONS

.4	Building Height – maximum	14.0 m
.5	Front Yard Depth – minimum	6.0 m
.7	Side Yard Width – minimum	
	a) From a <i>side lot line</i> that abuts a <i>lot</i> on which a <i>dwelling</i> or <i>dwelling unit</i> is located	6.0 m
	b) From an <i>exterior lot line</i> :	3.0 m
.8	Landscaped Open Space Yard – minimum	15.0% of <i>lot area</i>
.10	Gross Floor Area – <i>Retail Store</i> – maximum	25.0% of the <i>GFA</i> of the <i>main building</i>

## 12.2 RESIDENTIAL DISTRICT 3.2 (RD3.2)

### 12.2.1 PERMITTED USES

*Lodging House*

*Multiple Dwelling*

*Religious Residence*

*Residential Care Facility*

Any of the following *existing* dwellings:

*Double Duplex Dwelling*

*Duplex Dwelling*

*Semi-Detached Dwelling*

*Single Unit Dwelling*

Any use accessory to any of the preceding uses

### 12.2.5 PROVISIONS

- |     |  |                              |
|-----|--|------------------------------|
| .1  | Lot Frontage – minimum   | 30.0 m                       |
| .2  | Lot Area – minimum   |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> : |                              |
|     | a) For the first 5 <i>dwelling units</i>   | 540.0 m <sup>2</sup>         |
|     | b) For the next 19 <i>dwelling units</i>   | 67.0 m <sup>2</sup> per unit |
|     | c) For each additional <i>dwelling unit</i>  | 44.0 m <sup>2</sup> per unit |
|     | For any other <i>lot</i> :   |                              |
|     | d) For the first 4 <i>dwelling units</i>   | 540.0 m <sup>2</sup>         |
|     | e) For the next 15 <i>dwelling units</i>   | 85.0 m <sup>2</sup> per unit |
|     | f) For each additional <i>dwelling unit</i>  | 55.0 m <sup>2</sup> per unit |
| .3  | Lot Coverage – maximum   | 35.0%                        |
| .4  | Main Building Height – maximum   |                              |
|     | <i>Corner Lot</i>  | 24.0 m                       |
|     | <i>Interior Lot</i>  | 18.0 m                       |
| .8  | Landscaped Open Space Yard – minimum   | 35.0% of <i>lot area</i>     |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum                                    |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i>   | 188 units per ha             |
|     | For any other <i>lot</i>   | 150 units per ha             |

- .50 A *Lodging House* for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the *Single Unit Dwelling* provisions of Section 10.1.5 and further, the whole of the *building* shall be used for a *Lodging House*, including any *accessory use*. [ZNG/5630]

(AMENDED by B/L 95-2019, Sept. 27/2019)

- .55 A addition to an *existing Double Duplex Dwelling*, *existing Duplex Dwelling*, *existing Semi-Detached Dwelling* or an *existing Single Unit Dwelling* and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.

## **SECTION 20 - SPECIFIC ZONING EXCEPTIONS IN CERTAIN AREAS**

### **(1) SITE SPECIFIC PROVISIONS**

97. For all lands generally bounded on the north by Enterprise Way, on the south by Quality Way, on the west by the Canadian National Railway right-of-way and on the east by Lauzon Parkway, being more specifically delineated on Zoning District Maps 11 and 15, the following regulations shall apply:

- |       |   |   |   |
|-------|---|---|---|
| (i)   | Minimum front yard depth  | - | 9 metres; a required front yard shall be maintained exclusively as a landscaped open space yard;                              |
| (ii)  | Minimum side yard depth   | - | 6 metres; provided that, a minimum set back of 9 metres shall be required for any side yard abutting a street;                |
| (iii) | Minimum rear yard depth   | - | 6 metres;   |
| (iv)  | Maximum building height   | - | 14.5 metres for any building or structure within 150 metres of a residential district, otherwise no height limit shall apply; |
| (v)   | Minimum building set back   | - | 70 metres from Lauzon Parkway   |
| (vi)  | An access area may cross a landscaped open space yard;                              |   |   |
| (vii) | No off-street loading or truck storage area shall be permitted in any yard abutting |   |   |

Lauzon Parkway. (ZDM 11, 15)

## APPENDIX D: CONSULTATIONS TABLE

### Comments from Municipal Departments & External Agencies

#### **ASSESSMENT MANAGEMENT OFFICER** - Jose Mejalli, June 25, 2020

No objection to the proposed change to the zoning of the subject land from MD1.2 to RD3.2 (Residential District 3.2) to permit the construction of three 5-storey apartment buildings with a total of 182 units with additional parking spaces.

#### **CALDWELL FIRST NATION** - Nikki van Oirschot, July 29, 2020

Confirming receipt of your communication.

#### **CANADA POST** - Bruno DeSando, June 25, 2020

See comment on pages 4 & 5

#### **ENGINEERING - DEVELOPMENT, PROJECTS & ROW** – Shannon Mills & Pat Winters, July 7, 2020

The subject lands are located at 0 Hawthorne Drive. The applicant is requesting an amendment to Zoning By-law 8600 to change the zoning of the subject lands from MD1.2 to RD3.2 to permit the construction of three, 5-storey apartment buildings with a total of 182 units and 267 parking spaces. We have reviewed the servicing requirements of the subject parcel and offer the following comments:

The site may be serviced by a 300mmØ PVC sanitary sewer on Enterprise Way and a 450mmØ RCP sanitary sewer on Hawthorne Drive. There is also a 900mmØ RCP storm sewer along Enterprise Way and a 1825mmØ RCP trunk storm sewer on Hawthorne Drive. A functional servicing study for full municipal services (sanitary, storm, water) is required. Existing connections should be utilized where possible to minimize work within the right-of-way, any redundant private drain connections are to be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3, to the satisfaction of the City Engineer. Storm water management completed in accordance with the Windsor/Essex Region Stormwater Standards Manual. A sanitary sampling manhole will be required to the satisfaction of the City Engineer.

A Right-of-Way permit is required for any work on the right of way. All driveway approaches shall be constructed to City Standard AS-204.

In summary, we have no objections to this rezoning application, subject to the following: (Requirements can be imposed at the time of Site Plan Control):

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

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

**Servicing Study** – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures. The Study is required to be finalized to the satisfaction of the City Engineer prior to the issuance of construction permits.

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 4.6 m x 4.6 m (15' x 15') corner cut-off at the intersection of Hawthorne Drive and Enterprise Way in accordance with City of Windsor Standard Drawing AS-230.

If you have any questions or concerns, please contact Shannon Mills, of this department at [smills@citywindsor.ca](mailto:smills@citywindsor.ca)

**ENBRIDGE GAS (Operating as UNION GAS) – Gord Joynson, June 30, 2020**

Enbridge has no objection to this application.

**ENVIRONMENTAL SERVICES – Anne Marie Albidone, June 17, 2020**

No concerns from Environmental Services.

**ENVIRONMENTAL & SUSTAINABILITY COORDINATOR – Yared Meraal, September 1, 2020**

No comments from Pollution Control.

**ENWIN UTILITIES (Hydro Engineering) – Cecile Dalgleish, June 25, 2020**

Hydro Engineering: No Objection. ENWIN has overhead primary distribution on the north side of Hawthorne, the west side of Enterprise Way and north of the property. Attached is a sketch for reference. We recommend referring to the Occupational Health and Safety Act for clearance requirements to hydro distribution during the construction phase.

**ENWIN UTILITIES (Water Engineering) – Cecile Dalgleish, June 25, 2020**

Water Engineering has no objections to the rezoning.

**ESSEX REGION CONSERVATION AUTHORITY (ERCA) – Fernando Cirino, June 18, 2020:**

See comment on pages 6 & 7 of this Appendix D.

**HERITAGE PLANNER– Kristina Tang, September 1, 2020**

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

**Contacts:**

Windsor Planning & Building Department:



519-255-6543 x6179, [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)  
Windsor Manager of Cultural Affairs:  
Cathy Masterson, 519-253-2300x2724, [cmasterson@citywindsor.ca](mailto:cmasterson@citywindsor.ca)  
Ontario Ministry of Heritage, Sport, Tourism and Culture Industries  
Archaeology Programs Unit, 1-416-212-8886, [Archaeology@ontario.ca](mailto:Archaeology@ontario.ca)  
Windsor Police: 911  
Ontario Ministry of Government & Consumer Services  
Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499,  
[nancy.watkins@ontario.ca](mailto:nancy.watkins@ontario.ca)

**LANDSCAPE ARCHITECT – Stefan Fediuk, June 30, 2020**

Zoning Provisions for Parking Setback:

Concept plan provided complies with all Zoning Provisions related to landscape setbacks and open spaces.

Tree Preservation:

There is a remnant hedgerow of trees and scrub undergrowth running north-south through the middle of the site.

Require a tree survey identifying species, location, and condition of all trees on the subject lands. The tree survey will be used at the time of Site Plan review to calculate urban forest canopy loss and compensation.

Parkland Dedication:

There are no parkland implications beyond the usual requirement for cash-in-lieu of parkland dedication as per By-law 12780, and the Planning Act, and Bill108.

Detailed landscape requirements will be provided at the time of site plan review.

**TRANSIT WINDSOR – Jason Scott, June 18, 2020**

Transit Windsor has no objections to this development. Currently the closest transit service would be the Ottawa 4 route with a bus stop located on Meadowbrook at Hawthorne SW Corner. This bus stop is approximately 500 metres away from this property falling outside of our 400 metre walking distance average to a bus stop. Our new Council approved Transit Master Plan does propose to have a new local route providing direct service to this property with service on both Enterprise Way and Hawthorne here.

**TRANSPORTATION PLANNING SENIOR ENGINEER – Jeff Hagan, September 1, 2020**

We have reviewed the transportation impact study report for the above-noted application (“Hawthorne Drive Development City of Windsor Traffic Impact Study” dated May 5, 2019, by John Tofflemire and Aaron Blata of R.C. Spencer Associates Inc.) Our comments are below.

Overall, the report establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network without off-site improvements.

This report is also sufficient for the site plan control application for the proposed development, unless the proposed development size or site access configuration at the site plan control stage differs significantly from the conceptual site plan provided in the report.

The report recommends landscaping restrictions in the vicinity of the proposed access on Enterprise Way; these recommendations should be taken into account at the site plan control stage.

**WINDSOR FIRE & RESCUE SERVICES – John Lee, June 26, 2020**

WFRS has no concerns with rezoning for this project.

**CANADA POST - Bruno DeSando, June 25, 2020**



June 25, 2020

JUSTINA NWAESEI  
CITY OF WINDSOR  
350 CITY HALL SQUARE EAST, SUITE 210  
WINDSOR ON N9A 6S1

Reference: **Z-010/20**

Dear Justina,

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

*Bruno DeSando*

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



ADDRESSING AND DELIVERY PLANNING  
CANADA POST CORPORATION  
CANADAPOST.CA

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

### **Lock-Box Assembly Requirements**

*The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:  
[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)*

### **Compartments Size**

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

### **Heights**

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

### **Rear-loading Lock-boxes**

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

## Essex Region Conservation

the place for life



planning@erca.org

P.519.776.5209

F.519.776.8688

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

June 18, 2020

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

Dear Ms. Nwaesei:

RE: Zoning By-Law Amendment Z-010-20 7150 HAWTHORNE DR  
ARN 373907067057502; 373907067057500; PIN: 013790444  
Applicant: 2356976 Ontario Inc.

The following is provided as a result of our review of Zoning By-Law Amendment Z-010-20 to change zoning from Manufacturing District 1.2 (MD1.2) to Residential District (RD3.2) to permit construction of 3 (5 Storey) Apartment buildings, and parking lot.

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

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

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

### **WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

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

### **SECTION 1.6.6.7 Stormwater Management (PPS, 2014)**

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the future proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100



Page 1 of 2

Amherstburg / Essex / Kingsville / Lakeshore / LaSalle / Leamington / Pelee Island / Tecumseh / Windsor

Ms. Nwaesei  
June 18, 2020

year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality. We do not require further consultation on this file with respect to stormwater management.

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

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection or further comments to the application with respect to natural heritage policies.

#### **FINAL RECOMMENDATION**

ERCA has no objections to this Zoning Bylaw Amendment.

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

Sincerely,



Fernando Cirino, MUD  
Resource Planner  
/fc



## APPENDIX E - SUMMARY OF REQUIRED SUPPORT STUDIES

Support studies, information and materials may be required as a part of the development and infrastructure approval process or as a part of a more detailed planning study (s.10.2.1.1, OP Vol. 1). All support studies shall be prepared by qualified professionals to the satisfaction of the Municipality (s.10.2.1.3). All relevant mitigation recommendations included in a support study shall be considered as condition of approval to be implemented by the proponent of development (s.10.2.1.5).

The applicant submitted the following support studies, information and materials:

- ✓ Addendum to the Application (prepared by Pillon Abbs Inc., Land Use Planning Consultant);
- ✓ Transportation Impact Study (prepared by R. C. Spencer Associates Inc., consulting Engineers); and
- ✓ Noise Report (prepared by Akoustik Engineering Limited)

Below are highlights of each report/study submitted by the applicant:

- **Addendum to the ZBA Application**, dated June 1, 2020 and revised September 21, 2020, was prepared by Pillon Abbs Inc., Land Use Consultant. The report provided Zoning Analysis for the subject amendment and concluded that the proposed development on the subject land will comply with all zoning provisions set out in the RD3.2 zoning.

The report also provided Planning Analysis addressing PPS Policies 1.2.6.1 and 1.2.6.2 and Official Plan sections 6.9.2.4 and 11.6.3.3 (e). The analysis concluded that no adverse effects to the proposed land use are anticipated and no impacts to abutting lands are anticipated. Further, the analysis demonstrates that the proposed Mixed Use development (Residential Apartments) meets the mixed use evaluation criteria set out in section 6.9.2.4 of the OP and meets the zoning amendment evaluation criteria set out in s. 11.6.3.3 (e)

- **Transportation Impact Study**, dated May 2019, was prepared by RC Spencer Associates Inc. Consulting Engineers. The study examined the traffic implications of the proposed development on traffic operations in the area. It identified any traffic operations impact on peripheral intersections directly affected by the proposed development. Using recently obtained turning movement counts and applying the best available trip generation and distribution data and methodologies, an analysis was completed to measure the operational impact of the development on conditions on the adjacent intersections. The analysis was completed in consideration of existing, site generated, projected 2025 traffic growth, and projected 2030 traffic growth volumes.

After modelling the traffic network and extracting the relevant traffic operations metrics, a number of conclusions were made as shown in the report. It was recommended that the Westerly Site Access be allowed, but reviewed at the time of construction to ensure that the sight lines are clear of potential obstructions. The Engineer's opinion is that the proposed development would have a nominal effect on traffic operations in the area.



- **Noise Assessment Report**, dated Dec. 19, 2019 and revised September 21, 2020, was prepared by Akoustik Engineering Limited. The report is an acoustic assessment for the proposed residential apartment development to be located at Hawthorne Drive and Enterprise Way.

The report identified several potential sources of stationary noise located to the south and southwest of the subject lands and concludes that the identified industrial lands do not have an adverse impact on the proposed development. The report states that *“the proposed development is classified as a Class 2 area, given that the region exhibits features of both a Class 1 and Class 3 area, based on the environmental noise characteristics”*.

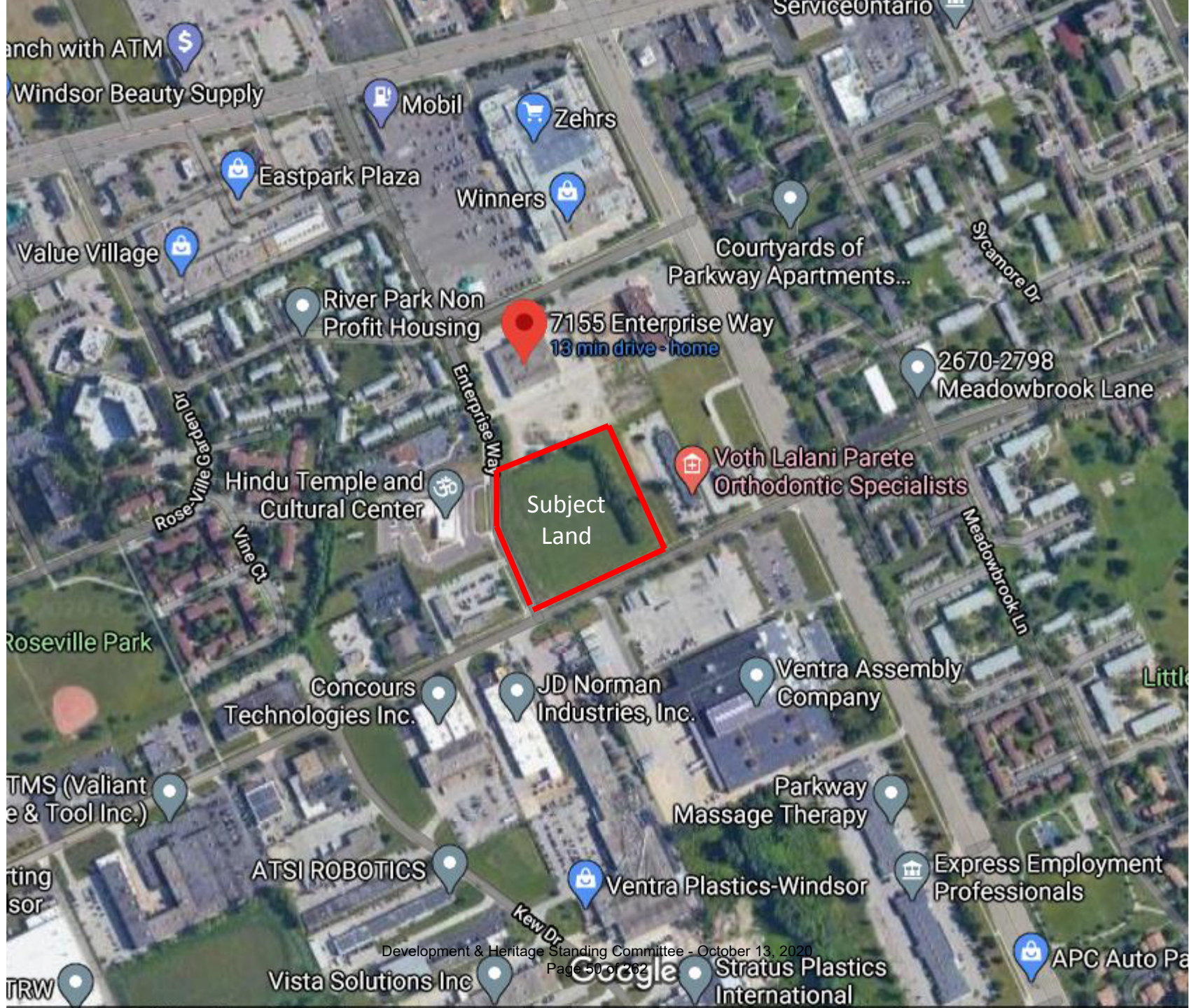
The report assesses the environmental noise impacts from nearby road traffic and summarizes the required warning clauses and building requirements in Table 3 below. The report concludes that *“given the predicted noise levels, the calculation of the minimum sound transmission class (STC) for the window and building wall components is not necessary for this development”*.

The report requires that any necessary warning clauses be implemented in all development agreements, offers to Purchase, and agreements of Purchase or Sale or Lease. The report also shows that the noise impact on the proposed development is within the guideline limits set by the Ontario Ministry of the Environment, Conservation and Parks, and recommends that the development be given approval with the understanding that the stated warning clauses be included for the required lots.

**Table 3: Summary of Warning Clauses and Building Component Requirements**

Units(s)	Noise Barrier Requirement (Y/N)	Warning Clause(s)	Building Component Requirement(s)	Ventilation Requirement(s)
All east apartment building units	N	Type C	Standard Building Requirements	Provision for the installation of central air conditioning
All west apartment building units	N	None	Standard Building Requirements	None









## SUBJECT LAND



**STREET VIEW FROM HAWTHORNE & ENTERPRISE INTERSECTION, LOOKING EAST TOWARDS LAUZON PARKWAY**





**STREET VIEW FROM HAWTHORNE & ENTERPRISE INTERSECTION, LOOKING NORTH**



**STREET VIEW FROM HAWTHORNE & ENTERPRISE INTERSECTION, LOOKING WEST**





**STREET VIEW FROM ENTERPRISE WAY, LOOKING SOUTH TOWARDS HAWTHORNE DRIVE**

And APPENDIX G – Draft By-law

BY - LAW NUMBER -2020

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

Passed the            day of            , 2020.

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

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

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	15	Part of Block A, Registered Plan 1644, designated as Part 2 on Reference Plan 12R-26956; (located at the northeast corner of Hawthorne Drive and Enterprise Way)	n/a	MD1.2	RD3.2

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

“398. Northeast corner of Hawthorne Drive & Enterprise Way

For the lands comprising Part of Block A, Registered Plan 1644, and designated as Part 2 on Reference Plan 12R-26956, the maximum building height provision in section 20(1)97(iv) of By-law 8600, shall not apply to a multiple dwelling on the subject land. [ZDM 15; ZNG/6072]”

DREW DILKENS, MAYOR

CLERK

First Reading - , 2020  
Second Reading - , 2020  
Third Reading - , 2020

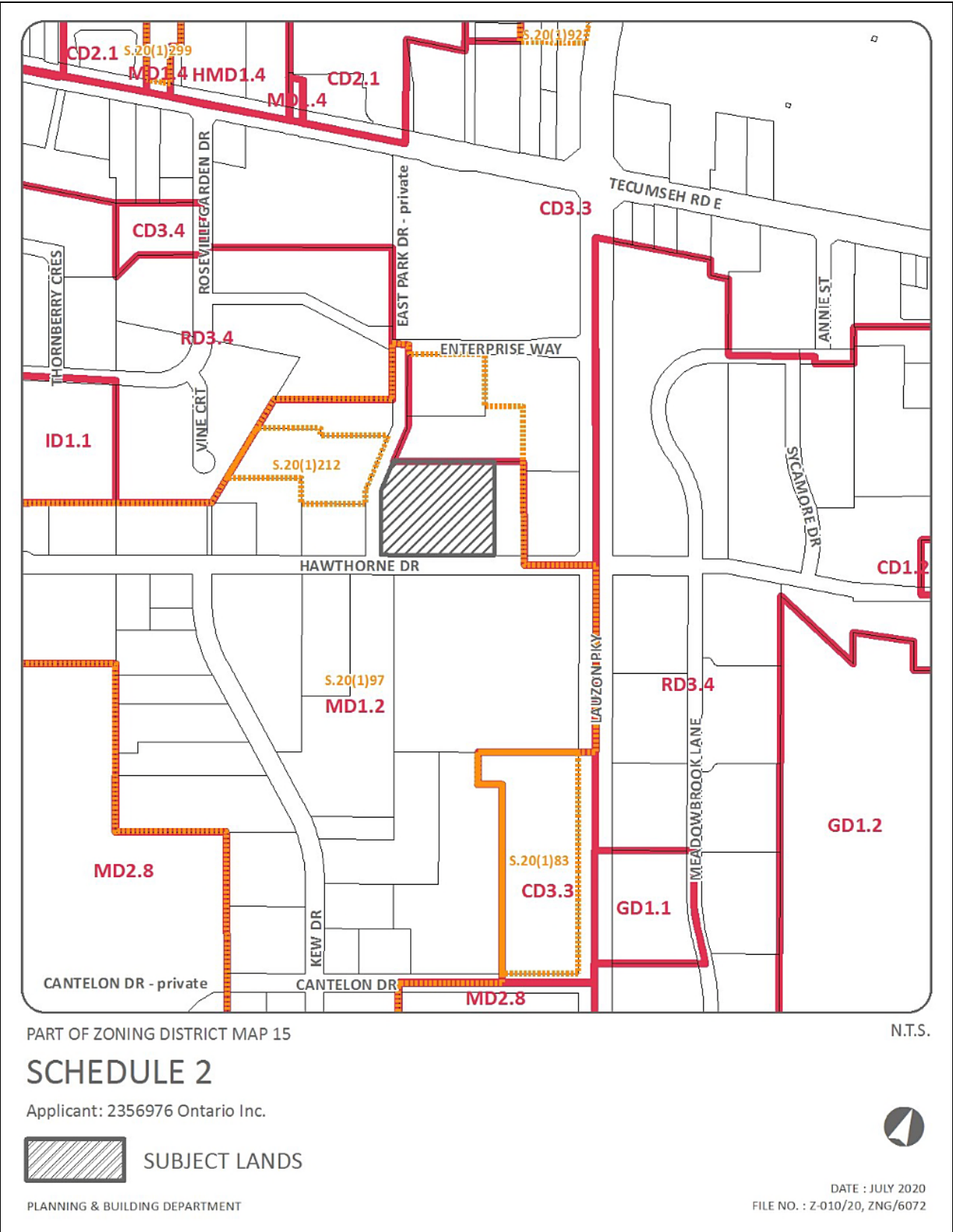
SCHEDULE 2

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

To amend the zoning of the land located at the northeast corner of Hawthorne Drive and Enterprise Way, described as Part of Block A, Registered Plan 1644, and designated as Part 2 on Plan 12R-26956, by changing the zoning from MD1.2 to RD3.2.

The zoning change will facilitate the development of a 5-storey multiple dwelling with 182 dwelling units on the subject vacant land. This amendment will result in a transit supportive development on the subject land.

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





**Council Report: S 124/2020**

**Subject: Rezoning - Baker Investments Ltd. – 8380-8474 Wyandotte Street East - Z-014/20 ZNG/6122 - Ward 6**

**Reference:**

Date to Council: October 13, 2020  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x 6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: September 8, 2020  
Clerk's File #: ZB/13898

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

**Recommendation:**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Block A, Registered Plan 1627 (8380-8474 Wyandotte Street East; Roll No.: 060-330-00300; PIN 01066-0242), located on the north side of Wyandotte Street East between Watson Avenue and Isack Drive, by adding a site specific provision to Section 20(1) as follows:

**396. NORTH SIDE OF WYANDOTTE STREET EAST BETWEEN WATSON AVENUE AND ISACK DRIVE**

For the lands comprising Part of Block A, Registered Plan 1627, a *Lodging House, Multiple Dwelling, Religious Residence, and Residential Care Facility* shall be additional permitted uses and the provisions of Section 12.2.5 shall apply to the additional permitted uses.

[ZDM 14; ZNG/6122]

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

- a) The comments from Office of the City Engineer - Engineering Department – Right-of-Way Division, dated August 25, 2020, regarding Site Servicing Plans, Servicing Study, Reciprocal Access and Services, and Land Conveyance.
- b) The comments from Canada Post Corporation, dated August 14, 2020, regarding Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility at their own expense.

3. THAT that portion of 8380-8474 Wyandotte Street East subject to rezoning Z-014/20 ZNG/6122 **BE EXEMPT** from Interim Control By-law 103-2020.



## Executive Summary:

N/A

## Background:

### Application Information:

**Location:** 8380-8474 Wyandotte Street East  
Part of Block A, Registered Plan 1627; PIN 01066-0242  
Roll No.: 060-330-00300

**Ward:** 6

**Planning District:** Riverside **Zoning District Map:** 14

**Applicant:** Baker Investments Limited

**Agent:** Architectural Design Associates Inc. (Stephen Berrill)

### Proposal:

The applicant is requesting an amendment to Zoning By-law 8600 to rezone a part of 8380-8474 Wyandotte Street East by adding a Multiple Dwelling as an additional permitted use.

The applicant proposes to construct a 5-storey Multiple Dwelling in the southeast corner of the parcel consisting of 63 dwelling units (16 1-bedroom units and 47 2-bedroom units) with a total of 81 parking spaces including 4 accessible parking spaces, and one loading space. The existing easterly-most driveway will be used for vehicular access and will be shared with the existing commercial development. The applicant intends to sever the parcel and apply for a Plan of Condominium in the future.

**Submitted Material:** Application Form, Site Plan (see Appendix A), Grading and Servicing Plan, Sanitary Sewer Study, Storm Water Management Report, Proof of Ownership.

### Site Information:

#### OVERALL PARCEL

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Mixed Use	Commercial District 2.1 (CD2.1)	Commercial Plaza & Vacant Land	N/A
LOT FRONTAGE	LOT DEPTH (AVG)	LOT AREA	LOT SHAPE
206.2 m	187.4 m	3.75 ha	Irregular
676.8 ft	614.9 ft	9.27 ac	
All measurements are approximate.			

**LANDS SUBJECT TO REZONING:**

OFFICIAL PLAN	ZONING	CURRENT USE	PREVIOUS USE
Mixed Use	Commercial District 2.1 (CD2.1)	Commercial Plaza & Vacant Land	N/A
LOT FRONTAGE	LOT DEPTH	LOT AREA	LOT SHAPE
76.0 m	107.1 m	6,732.8 sq m	Irregular
249.2 ft	351.5 ft	72,471.3 sq ft	
All measurements are provided by applicant and are approximate.			

**Neighbourhood Characteristics:**

Wyandotte Street East is a major east-west road that is commercial on the north side from the subject parcel towards Lauzon Road and on the south side from Watson Avenue to Lauzon Road. Northwest, north and northeast are predominantly single unit dwellings. St. John Vianney Catholic Elementary School is to the north on Cedarview Street, and M.S. Hetherington Public Elementary School is to the northeast on Menard. The Ganatchio Trail is located to the north along Clearview.

To the east towards Riverdale Avenue, on the north and south sides of Wyandotte Street, are several three to five storey apartment buildings. Further east is the Little River, a significant natural heritage and water feature with multi-use trails. To the southeast, south and southwest are low density dwellings and Riverside Secondary School. Immediately across from the subject land, are townhouse dwellings and multiple dwellings. Several Places of Worship exist in the surrounding neighbourhood.

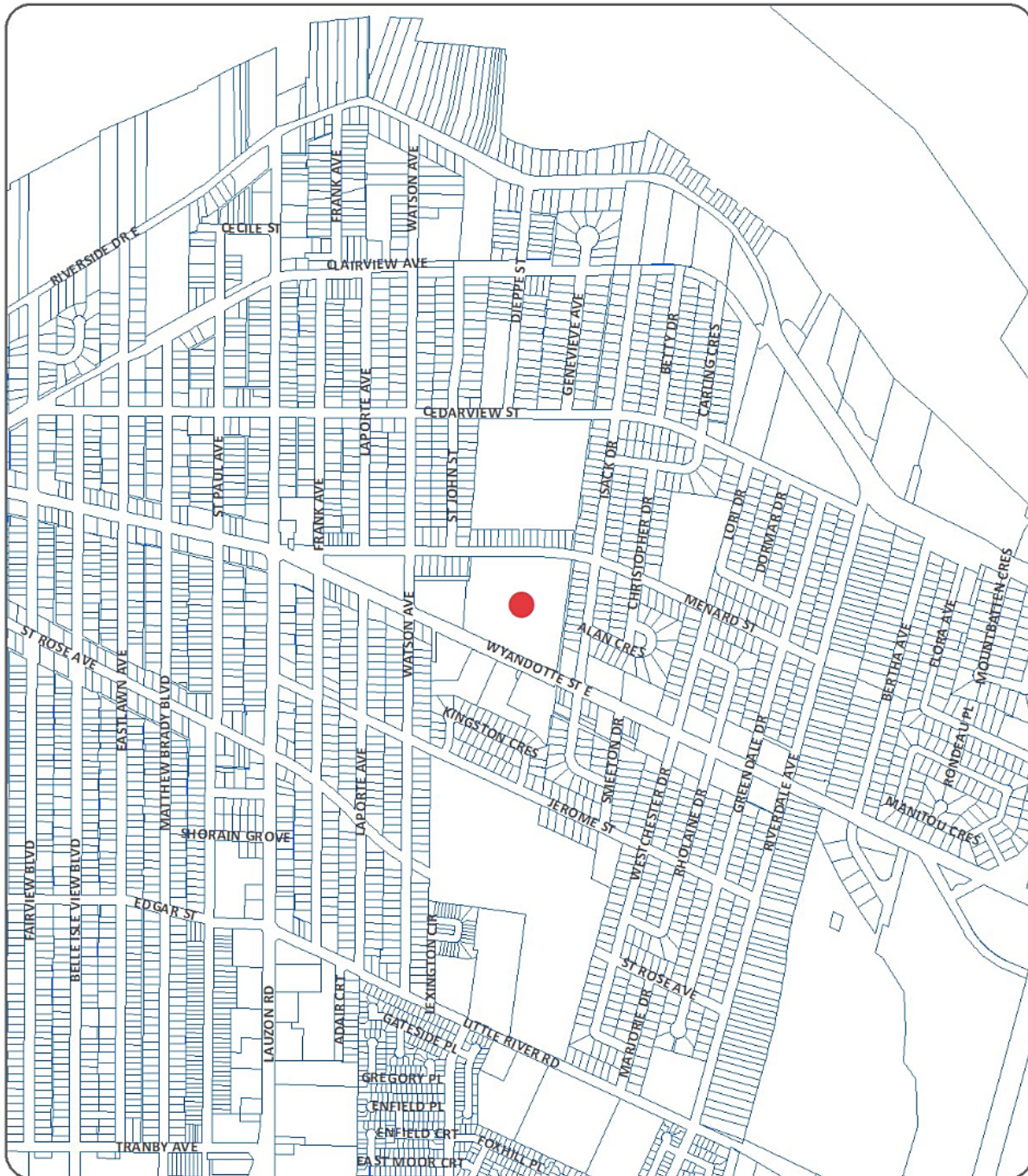
Wyandotte Street East is classified a Class II Arterial Road, has a two-lane cross-section with no on-street parking, and has sidewalks on both sides. The width of the Wyandotte Street right-of-way is sufficient; a conveyance is not required.

Existing water mains, storm sewers, sanitary sewers are in both Wyandotte Street East and Menard Street. The Right-of-way Division indicates storm detention is currently being provided by a dry pond on the overall parcel.

Public transit is available via the Lauzon 10 bus route (westerly direction only) with bus stops approximately 170 m to the west and 110 m to east. The Crosstown 2 bus route is accessible at Wyandotte and Lauzon, about 590 m to the west or at Wyandotte and Riverdale, about 535 m to the east. The Transit Master Plan proposes a local bus route will operate along this portion of Wyandotte Street and will provide access to Primary and Secondary Routes at the East End Terminal at Tecumseh Mall.

Cycling facilities are not currently available. The Active Transportation Master Plan identifies Wyandotte Street as a Regional Spine in the Bicycle Network and as a Multi-modal Corridor.

Figure 1: Key Map



KEY MAP - Z 014-20, ZNG-6122



● SUBJECT LANDS

**Figure 2: Subject Parcel - Rezoning**

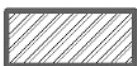


PART OF ZONING DISTRICT MAP 14

N.T.S.

## REQUESTED ZONING AMENDMENT

Applicant: Baker Investments Ltd



SUBJECT LANDS



REMAINING LANDS OWNED  
BY APPLICANT

PLANNING & BUILDING DEPARTMENT



DATE : AUGUST 2020  
FILE NO. : Z-014/20, ZNG/6122



**Figure 3: Neighborhood Map**



NEIGHBOURHOOD MAP - Z 014-20, ZNG-6122



SUBJECT LANDS



REMAINING LANDS OWNED  
BY APPLICANT

## Discussion:

### Provincial Policy Statement, 2020

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

Policy 1.1.1 of the PPS states:

*“Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*
- e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;”*

The proposed multiple dwelling 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 investments in transit. The requested zoning amendment is consistent with Policy 1.1.1 of the PPS.

Policy 1.1.3.1 of the PPS states:

*“Settlement areas shall be the focus of growth and development.”*

Policy 1.1.3.2 of the PPS states:

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

- a) efficiently use land and resources;*
- b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*
- e) support active transportation;*
- f) are transit-supportive, where transit is planned, exists or may be developed;”*

The subject parcel is located within the settlement area. The proposed multiple dwelling will make efficient use of land and existing infrastructure. Active transportation options and transit services are or will be located adjacent or near the parcel. The zoning amendment is consistent with PPS Policies 1.1.3.1 and 1.1.3.2.

The proposed amendment to Zoning By-law 8600 is consistent with the PPS.

**Official Plan:**

The subject property is located within the Riverside Planning District and is designated Mixed Use on Schedule D: Land Use of the City of Windsor Official Plan. Relevant excerpts from the Official Plan are attached as Appendix C.

Under Section 6, Volume I of the Official Plan, Objective 6.9.1.1 encourages multi-functional areas which integrate compatible commercial, institutional, open space and residential uses. Objective 6.9.1.2 encourages a compact form of mixed use development. Objective 6.9.1.5 seeks to ensure the long term viability of Mixed Use areas. The proposed Multiple Dwelling represents a compact, functional, and compatible use for an underutilized property that improves the viability of the area. The requested zoning amendment satisfies the objectives set out in Section 6.9.1 of OP.

Section 6.9.2.1 states that uses permitted in the Mixed Use designation are retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development. The Multiple Dwelling is a residential use and is compatible with existing commercial and residential uses along Wyandotte Street. No deficiencies in municipal physical services and emergency services have been identified (Section 6.9.2.4(c)). The proposed development provides adequate parking (Section 6.9.2.4(d)). The requested zoning amendment conforms to the policies set out in Sections 6.9.2.1 and 6.9.2.4 of the Official Plan.

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

**Zoning By-Law:**

Relevant excerpts from Zoning By-law 8600 are attached as Appendix D. The applicant is requesting an amendment to allow a multiple dwelling as an additional permitted use. The applicant indicated that they want to keep the existing CD2.1 zoning to give them flexibility in their development plans. Recommendation 1 adds a site specific exception for the parcel to allow the uses permitted in the RD3.2 zoning as additional permitted uses and makes those additional uses subject to the provisions (Section 12.2.5) of the RD3.2 zoning district. Essentially this part of the property can be developed as commercial per CD2.1 or as residential per RD3.2.

The applicant submitted a conceptual site plan and the proposed development complies with the minimum lot frontage, minimum lot area, maximum lot coverage, maximum main building height, and dwelling unit density provisions of RD3.2. The proposed parking area separation from Wyandotte Street is shown as 2.9 m which does not comply with the 3.0 m required by Section 25.5.20.1.2. The aisle has a width of 6.1 m which exceeds the minimum aisle width of 6.0 m. Reducing the aisle width by 0.1 m and adding it to the parking area separation brings the development into compliance.

**Site Plan Control:**

Site plan control will apply to the proposed development. Specific design issues or requirements will be considered during site plan review. Recommendation 2 directs the Site Plan Approval Officer to consider comments from City of Windsor – Engineering and Canada Post.

**Interim Control By-law 103-2020:**

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

Council Resolution 364/2020 directs that the land use study consider, among other things, residential density. Given the Mixed Use land use designation and existing higher density multiple dwellings along Wyandotte Street East, Planning does not anticipate any conflict between the proposed development and the land use study.

Section 2(1) of B/L 103-2020 exempts a parcel from the provisions of RICBL where an amending by-law to Zoning By-law 8600 to permit a dwelling with five or more dwelling units comes into force on or after January 1, 2017. Should this application be approved, and an amending by-law come into force, the proposed development will be automatically exempt from Interim Control By-law 103-2020. Notwithstanding the automatic exemption, Recommendation 3 confirms that the development will be exempt from Interim Control By-law 103-2020.

**Risk Analysis:**

N/A

**Financial Matters:**

N/A

**Consultations:**

Comments received from municipal departments and external agencies are attached as Appendix E. There are no objections. Specific requirements such as a site servicing plan, a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, and a land conveyance along Wyandotte Street East will be handled during the site plan approval process.

Public Notice: Statutory notice will be advertised in the Windsor Star, a local daily newspaper. A courtesy notice was mailed to property owners and residents within 120m of the subject parcel. The Development & Heritage Standing Committee is the public meeting as required by the Planning Act.

**Planner's Opinion:**

The *Planning Act* requires that a decision of Council in respect of the exercise of any authority that affects a planning matter, “*shall be consistent with*” Provincial Policy Statement 2020. The zoning amendment has been evaluated for consistency with the



Provincial Policy Statement 2020 and conformity with the policies of the City of Windsor Official Plan. Based on the documents submitted by the applicant and the analysis presented in this report, it is my opinion that the requested amendment to Zoning By-law 8600 is consistent with the PPS 2020, is in conformity with the City of Windsor Official Plan and constitutes good planning.

### **Conclusion:**

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

### **Planning Act Matters:**

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

*Neil Robertson, MCIP, RPP*  
*Manager of Urban Design*

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

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

SAH            OC

### **Approvals:**

<b>Name</b>	<b>Title</b>
Neil Robertson	Manager, Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

### **Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Jason Baker Baker Investments Ltd	615 Pelissier Street Windsor ON N9A 4L4	jason@bakerinvestmentsltd.com
Stephen Berrill Architectural Design Associates Inc.	1670 Mercer Street Windsor ON N8X 3P7	sberrill@ada-architect.ca
Councillor Jo-Anne Gignac		
Property owners and residents within 120 m of the subject lands		

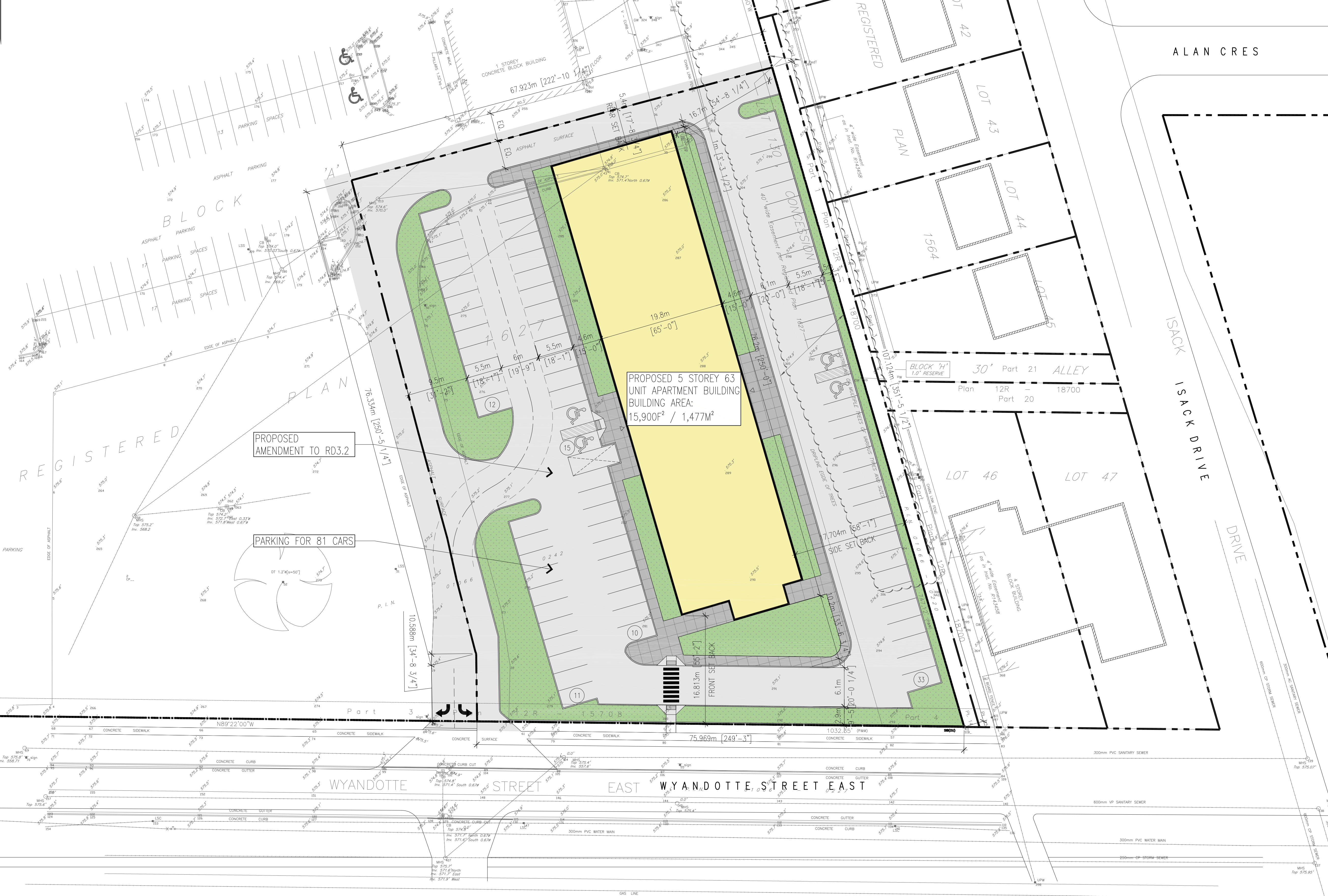
### **Appendices:**

- 1 Appendix A - Conceptual Site Plan
- 2 Appendix B - Site Images
- 3 Appendix C - Excerpts from Official Plan
- 4 Appendix D - Excerpts from Zoning By-law 8600
- 5 Appendix E - Consultations
- 6 Appendix F - Draft Amending By-law





EXISTING RETAIL PLAZA  
CD2.1



 **SITE PLAN**  
SCALE : 1 : 300


2020/05/25 ZBA

date (yyyy/mm/dd): issued for:

- general notes:
1. THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ARCHITECT.
  2. DRAWINGS SHALL NOT BE SCALED.
  3. CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTIFIED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
  4. ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARD TO SUBMISSION OF SHOP DRAWINGS.
  5. IN THE EVENT THE ARCHITECT IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
  6. CONTRACTORS SHALL PROMPTLY NOTIFY THE ARCHITECT IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
  7. THE ARCHITECT IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.

stamp:



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email - info@ada-architect.ca www.ada-architect.ca

project:  
BAKER APARTMENTS  
8400 WYANDOTTE STREET E.

client:  
BAKER INVESTMENTS LTD.

title:  
SITE PLAN

scale:  
AS SHOWN

drawn by:  
KW

checked by:  
SMB

date:  
MARCH 2020

comm. no.:  
2019-095

sheet no.:

A1.0



## APPENDIX B - SITE IMAGES

**IMAGE 1**



**Subject Land – SE corner of 8380-8474 Wyandotte Street East  
Looking Northeast**

**IMAGE 2**



**Looking North on Wyandotte Street East  
Subject land is in the middle of image  
On right side of image is 8570 Wyandotte St E**

**IMAGE 3**



**Looking east along Wyandotte Street East towards Isack Drive  
Recently built townhouse development on right side**

**IMAGE 4**



**Looking west along Wyandotte Street East towards Watson  
(subject land is off image to the right)**

## APPENDIX C – EXCERPTS FROM OFFICIAL PLAN

### 6. Land Use

#### 6.2 General Policies

<i>TYPES OF DEVELOPMENT PROFILE</i>	6.2.1.2	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: <ul style="list-style-type: none"> <li>(a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;</li> <li>(b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and</li> <li>(c) High Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.</li> </ul>
<i>TYPES OF DEVELOPMENT PATTERN</i>	6.2.1.3	For the purpose of this Plan, Development Pattern refers to an area bounded by the nearest Collector and/or Arterial roads and/or other major linear physical features. Accordingly, two categories of Development Pattern are provided for: <ul style="list-style-type: none"> <li>(a) a Neighbourhood which exhibits a characteristic lotting and/or development profile; and</li> <li>(b) an Undeveloped Area which does not have characteristic lotting or development profile.</li> </ul>

#### 6.9 Mixed Use

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

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

##### 6.9.1 Objectives

<i>MULTI-UNCTIONAL AREAS</i>	6.9.1.1	To encourage multi-functional areas which integrate compatible commercial, institutional, open space and residential uses.
<i>COMPACT FORM</i>	6.9.1.2	To encourage a compact form of mixed use development.
<i>SPECIAL IDENTITIES</i>	6.9.1.3	To provide opportunities to create and maintain special area identities and focal points within Windsor.
<i>STRATEGIC LOCATIONS</i>	6.9.1.4	To identify strategic locations which are highly visible and accessible for mixed use development.
<i>VIABLE AREAS</i>	6.9.1.5	To ensure the long term viability of Mixed Use areas.

<i>PUBLIC SPACES</i>	6.9.1.6	To provide public places for strolling, recreation, conversation and entertainment.
<i>TRANSPORTATION MODES</i>	6.9.1.7	To increase the use of walking, cycling and public transportation within the designated Mixed Use area by fostering a strong live-work-shopping-recreation relationship.

### 6.9.2 Policies

<i>PERMITTED USES</i>	6.9.2.1	Uses permitted in the Mixed Use land use designation include retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional, open space and residential uses, exclusive of small scale Low Profile residential development.
<i>FORM OF MIXED USE AREAS</i>	6.9.2.2	<p>For the purpose of this Plan, Mixed Use development is further classified as follows:</p> <ul style="list-style-type: none"> <li>(a) Mixed Use Corridors which occupy linear street frontages with commercial, institutional and open space uses located immediately adjacent to the public right-of-way and residential uses located above grade; and</li> <li>(b) Mixed Use Centres which are large sites developed according to a comprehensive development plan or nodal developments at the intersection of Controlled Access Highways and/or Arterial roads. This type of Mixed Use development provides a regional, community or neighbourhood focal point with a pedestrian oriented design.</li> </ul>
<i>LOCATIONAL CRITERIA</i>	6.9.2.3	<p>Mixed Use development shall be located where:</p> <ul style="list-style-type: none"> <li>(a) there is access to a Controlled Access Highway, Class I or Class II Arterial Roads or Class I Collector Road;</li> <li>(b) full municipal physical services can be provided;</li> <li>(c) public transportation service can be provided; and</li> <li>(d) the surrounding development pattern is compatible with Mixed Use development.</li> </ul>
<i>EVALUATION CRITERIA</i>	6.9.2.4	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed Mixed Use development is:</p> <ul style="list-style-type: none"> <li>(a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: <ul style="list-style-type: none"> <li>(i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;</li> <li>(ii) within a site of potential or known contamination;</li> <li>(iii) where traffic generation and distribution is a provincial or municipal concern; and</li> <li>(iv) adjacent to sensitive land uses and/or heritage resources.</li> </ul> </li> </ul>

- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) capable of being provided with full municipal physical services and emergency services;
- (d) provided with adequate off street parking;
- (e) pedestrian oriented;
- (f) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and
- (g) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).

*DESIGN  
GUIDELINES*

**6.9.2.5**

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

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

*SITE PLAN  
CONTROL*

**6.9.2.6**

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

# 11 Tools

## 11.0 Preamble

The achievement of the goals, objectives and policies of this Plan will occur through the use of specific planning tools and capital budgets. As supported by the Strategic Directions, this chapter of the Official Plan outlines the land use controls and other means available to Council through the authority given to it by the Planning Act.

### 11.6.3 Zoning By-law Amendment Policies

AMENDMENTS  
MUST CONFORM

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

REVIEW  
PROCEDURE

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

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

EVALUATION  
CRITERIA

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

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



## APPENDIX D – EXCERPTS FROM ZONING BY-LAW 8600

**For information purposes only. Current as Sep 8, 2020.**

### SECTION 3 – DEFINITIONS

**BUILDING** means a *structure*, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

**MAIN BUILDING** means a *building* used for the *main use* of the *lot* and may also include in combination therewith an *accessory use* subject to any applicable provisions for an *accessory use*.

**BUILDING HEIGHT** means:

1. For any *building* with a flat roof, a roof having a slope of less than 20.0 degrees, or a roof with at least two contiguous slopes, where the lowest slope is greater than the uppermost slope, the vertical distance in metres between the *grade* and the highest point of the roof.

Where a *building height* provision is expressed in storeys, the *building height* in metres shall be the number of storeys permitted multiplied by 4.0 metres.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m results in a maximum building height of 12.0 m.

2. For a *main building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the mid-point between the lowest eaves and the highest point of the roof.

Where *building height* is expressed in storeys, the minimum *building height* in metres shall be the number of storeys required multiplied by 4.0 metres, and the maximum *building height* in metres shall be the number of storeys permitted multiplied by 4.0 metres plus an additional 2.0 metres for the roof.

Example: If the maximum building height is 2 storeys, multiplying 2 storeys by 4.0 metres plus 2.0 m for the roof, results in a maximum building height of 10.0 m.

Example: If the minimum building height is 2 storeys and the maximum building height is 3 storeys, multiplying 2 storeys by 4.0 m results in a minimum building height of 8.0 m and multiplying 3 storeys by 4.0 m plus 2.0 m for the roof results in a maximum building height of 14.0 m.

3. For an *accessory building* with a roof other than that described in clause 1 of this subsection, the vertical distance in metres between the *grade* and the highest point of the roof.

**DWELLING** means a *building* or *structure* that is occupied for the purpose of human habitation. A *correctional institution*, *hotel*, *motor home*, *recreational vehicle*, *tent trailer* or *travel trailer* is not a *dwelling*.

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

**DWELLING UNIT** means a unit that consists of a self-contained set of rooms located in a *building* or *structure*, that is used or intended for use as residential premises, and that contains kitchen and bathroom facilities that are intended for the use of the unit only.

**GRADE**

1. For the purpose of Section 5.10.9, means the average elevation of the finished surface of the ground adjacent to the accessory building.
2. For the remainder of the By-law, means the average elevation of the crown of that part of the *street* abutting the *front lot line*. Where the elevation of a point on a *building* located on the *lot* is equal to the *grade* elevation, that point is deemed to be "at grade".

**HABITABLE ROOM WINDOW** means a window in any room or area designed for living, sleeping, eating or food preparation within a *dwelling*, *dwelling unit* or *mobile home dwelling*. It does not include a window in any room or area designed for personal care and grooming, maintaining or storing wardrobe items and household goods, operation of mechanical or utility systems, or parking of a motor vehicle.

**LANDSCAPED OPEN SPACE** means an area open to the sky and maintained with one or more of the following ground covers: bark; flowers; grass; mulch; ornamental stone, block or brick, excluding construction grade aggregate; shrubs; trees; water feature; wood chips; and may include outdoor recreational facilities accessory to a *dwelling* or *dwelling unit*.

**LOADING SPACE** means an area used for the temporary parking of a *motor vehicle* while goods are loaded thereon or unloaded therefrom.

**LOT** means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

**LOT AREA** means the total land area in square metres, as measured along a horizontal plane, within the *lot lines* of a *lot*, excluding any part of a *lot* permanently covered by water.

**LOT COVERAGE** means:

1. the percentage of *lot area* covered by all *buildings* at *grade*, combined with
2. the percentage of *lot area* covered by the vertical downward projection of all roofs, cantilevered building walls and other projecting features exclusive of the following: balconies; chimney breasts; cornices; decks; eaves; fire escapes; steps and ramps; a swimming pool open to the sky; the first 15.0 m<sup>2</sup> of a *sunroom*.

Lot coverage may also be indicated in square metres.

**LOT FRONTAGE** means the distance in metres measured on a horizontal plane between the *side lot lines*, such distance being measured at a right angle to the line joining the middle of the *front lot line* with either the middle of the *rear lot line* or the apex of the triangle formed by the *side lot lines*, and at a point thereon 6.0 metres distance from the *front lot line*.

**LOT LINE** means the boundary of a *lot*.

**EXTERIOR LOT LINE** means a *lot line* which parallels and abuts a *street*.

**FRONT LOT LINE** means the shortest *exterior lot line*. On a *corner lot*, where the *front lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *front lot line* shall be determined to extend to the mid-point on the curve where the *front lot line* and *side lot line* meet.

**INTERIOR LOT LINE** means a *lot line* which does not parallel and abut a *street*.

**REAR LOT LINE** means the *exterior lot line* or *interior lot line* which is farthest from the *front lot line*. On a *corner lot*, where the *rear lot line* curves to meet an exterior *side lot line*, for the purpose of the determination of length in metres, the *rear lot line* shall be determined to extend to the mid-point on the curve where the *rear lot line* and *side lot line* meet.

**SIDE LOT LINE** means any *exterior lot line* or *interior lot line* other than a *front lot line* or a *rear lot line*.

**SCREENING FENCE** means a fence designed and used to visually separate different property uses and to block off views and which is continuous or effectively continuous throughout its entire length in accordance with the provisions of the Fence By-law.

**YARD** means an open space, which is located on the same *lot* as a *building* or other *structure*, and is unoccupied and unobstructed from ground to sky except for any encroachments not prohibited by this by-law.

**LANDSCAPED OPEN SPACE YARD** means a *yard* used for *landscaped open space*, patios, terraces, decks and pedestrian walkways.

**REQUIRED YARD** means for the purpose of Section 5.30 any of *required front yard*, *required rear yard*, *required side yard* or *required landscaped open space yard*.

## 12.2 RESIDENTIAL DISTRICT 3.2 (RD3.2)

### 12.2.1 PERMITTED USES

*Lodging House*

*Multiple Dwelling*

*Religious Residence*

*Residential Care Facility*

Any of the following *existing* dwellings:

*Double Duplex Dwelling*

*Duplex Dwelling*

*Semi-Detached Dwelling*

*Single Unit Dwelling*

Any use accessory to any of the preceding uses

### 12.2.5 PROVISIONS

- |     |   |                              |
|-----|---|------------------------------|
| .1  | Lot Frontage – minimum  | 30.0 m                       |
| .2  | Lot Area – minimum  |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i> :  |                              |
|     | a) For the first 5 <i>dwelling units</i>  | 540.0 m <sup>2</sup>         |
|     | b) For the next 19 <i>dwelling units</i>  | 67.0 m <sup>2</sup> per unit |
|     | c) For each additional <i>dwelling unit</i>   | 44.0 m <sup>2</sup> per unit |
|     | For any other <i>lot</i> :  |                              |
|     | d) For the first 4 <i>dwelling units</i>  | 540.0 m <sup>2</sup>         |
|     | e) For the next 15 <i>dwelling units</i>  | 85.0 m <sup>2</sup> per unit |
|     | f) For each additional <i>dwelling unit</i>   | 55.0 m <sup>2</sup> per unit |
| .3  | Lot Coverage – maximum  | 35.0%                        |
| .4  | Main Building Height – maximum  |                              |
|     | <i>Corner Lot</i>   | 24.0 m                       |
|     | <i>Interior Lot</i>   | 18.0 m                       |
| .8  | Landscaped Open Space Yard – minimum  | 35.0% of <i>lot area</i>     |
| .13 | Dwelling Unit Density – <i>dwelling units</i> per hectare – maximum   |                              |
|     | For a <i>corner lot</i> having a minimum frontage of 30.0 m on each of the <i>exterior lot lines</i>  | 188 units per ha             |
|     | For any other <i>lot</i>  | 150 units per ha             |
| .50 | A <i>Lodging House</i> for the accommodation of 10 persons or less, and any use accessory thereto, shall comply with the <i>Single Unit Dwelling</i> provisions of Section 10.1.5 and further, the whole of the <i>building</i> shall be used for a <i>Lodging House</i> , including any <i>accessory use</i> . |                              |

[ZNG/5630]

(AMENDED by B/L 95-2019, Sept. 27/2019)

- .55 A addition to an *existing Double Duplex Dwelling, existing Duplex Dwelling, existing Semi-Detached Dwelling* or an *existing Single Unit Dwelling* and any use accessory to the preceding uses, shall comply with the provisions of Section 11.2.5.

## APPENDIX E - Consultations

**CANADA POST** - Bruno DeSando, August 14, 2020



August 14, 2020

ADAM SZYMCZAK, MCIP, RPP  
SENIOR PLANNER  
PLANNING DEPARTMENT  
CITY OF WINDSOR  
400 CITY HALL SQUARE EAST, SUITE 404  
WINDSOR ON N9A 7K6

Reference: **Z-014/20 [ZNG/6122] (8380-8474 WYANDOTTE ST E)**

Dear Adam,

This development, as described, falls within our centralized mail policy.

I will specify the condition which I request to be added for Canada Post Corporation's purposes.

- a) Canada Post's multi-unit policy, which requires that the owner/developer provide the centralized mail facility (front loading lockbox assembly or rear-loading mailroom [mandatory for 100 units or more]), at their own expense, will be in effect for buildings and complexes with a common lobby, common indoor or sheltered space.

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service.

If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

Regards,

*Bruno DeSando*

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



ADDRESSING AND DELIVERY PLANNING  
CANADA POST CORPORATION  
CANADAPOST.CA

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

### **Lock-Box Assembly Requirements**

*The complete Canada Post Standards Manual for Builders & Developers can be downloaded at:  
[https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual\\_en.pdf](https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf)*

#### **Compartments Size**

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

#### **Heights**

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

#### **Rear-loading Lock-boxes**

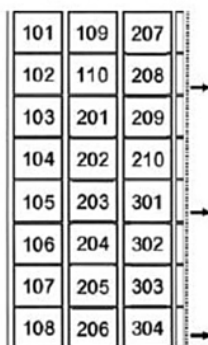
- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to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

#### **Access**

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

#### **Numbering**

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



#### **Grade-level Components**

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



**CITY OF WINDSOR – BUILDING DIVISION** - Barbara Rusan, Manager of Policy & Regulatory Services, August 26, 2020

The Building Code Act, Section 8(1) requires that a building permit be issued by the chief building official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project.

The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at [buildingdept@citywindsor.ca](mailto:buildingdept@citywindsor.ca)

**CITY OF WINDSOR – ENGINEERING DEPARTMENT – RIGHT-OF-WAY DIVISION** – Patrick Winters, August 25, 2020 (REVISED)

The site may be serviced by the 600mm Vitrified Clay sanitary sewer, 300mm PVC sanitary sewer, and the 250mm Concrete Pipe storm sewer located in the Wyandotte Street East Right of Way. A sampling manhole is required for any new sanitary private drain connection. Storm detention calculations, along with lot grading and site servicing plans are required. Post development storm water runoff is required to be restricted to pre development flows. A servicing study is required for this development to confirm capacity exists in the proposed sewer outlets from this site. The current overall site outlets to the 450mm Concrete storm sewer located on Menard Street, with storm detention being provided by the dry pond on site. The proposed civil drawings depict a new property line, if the intent is to sever a reciprocal agreement for access & services will be required.

Wyandotte Street East is classified as a Class 2 Arterial Road requiring a right-of-way of 28 meters (Schedule X). The current Right-of-Way is 27.5m therefore a 0.5m conveyance is required. A Right-of-Way permit is required for any work on the right of way. All driveway approaches shall be constructed to City Standard AS-204.

In summary, we have no objections to this rezoning application, subject to the following: (Requirements can be imposed at the time of Site Plan Control):

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

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

**Servicing Study** – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating measures and implementation of those measures. The Study is required to be finalized to the satisfaction of the City Engineer prior to the issuance of construction permits.

**Reciprocal Access & Services** – In the event of severance, the owner agrees to register a reciprocal agreement for access and services as required.

**Land Conveyance** – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, land sufficient to create a 28 metre wide right-of-way on Wyandotte St E. This conveyance shall be approximately 0.5 metres along the entire Wyandotte St E frontage of the subject lands.

Please contact Shannon Mills of this department at [smills@citywindsor.ca](mailto:smills@citywindsor.ca) for more information.

**CITY OF WINDSOR – HERITAGE PLANNER – Kristina Tang, August 26, 2020**

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential. Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

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

**Contacts:**

Windsor Planning & Building Department: 519-255-6543 x6179, [planningdept@citywindsor.ca](mailto:planningdept@citywindsor.ca)

Windsor Manager of Cultural Affairs:

Cathy Masterson, 519-253-2300x2724, [cmasterson@citywindsor.ca](mailto:cmasterson@citywindsor.ca)

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures,  
1-416-212-7499, [nancy.watkins@ontario.ca](mailto:nancy.watkins@ontario.ca)

**CITY OF WINDSOR - TRANSPORTATION PLANNING - Juan Paramo, June 16, 2020**

Overall, Transportation Planning supports the subject Official Plan and Zoning By-law amendment.

- Schedule X of the Official Plan classifies Wyandotte Street East as a Class 2 Arterial road with a required right-of-way width of 28 metres. The current right-of-way width is 27 metres, therefore a land conveyance of 0.5 metres is required along the frontage of the subject lot as per Section 7.2.6.23 of the Official Plan.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA).
- The minimum required number of bicycle parking spaces should be provided on the subject site.

**ENBRIDGE GAS** – Steph Bietola, September 9, 2020

After reviewing the provided drawing at 8380-8474 Wyandotte St. E and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A drawing has been attached for reference.

**Please Note:**

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

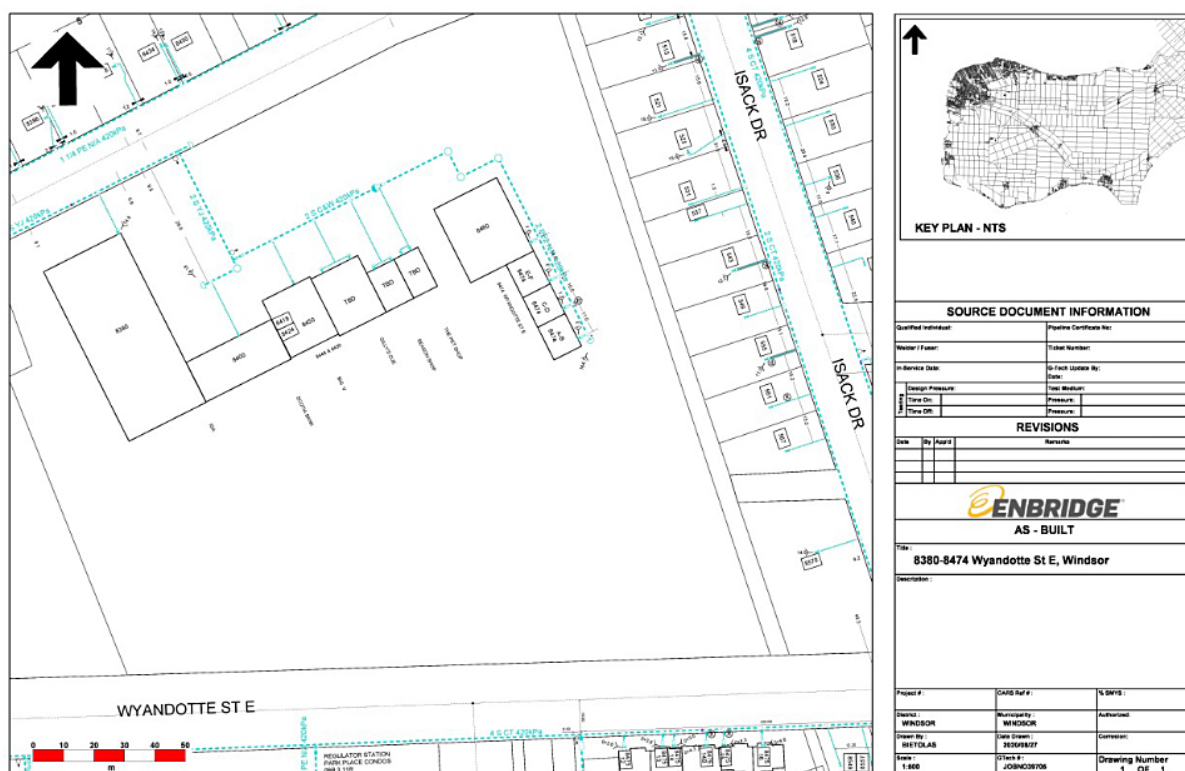
Enbridge Gas requires a minimum separation of 0.3m from all of our plant. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

Any pipe that is excavated, please assume that it is live

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

Please contact me if you have any further questions or concerns at [WindsorMapping@enbridge.com](mailto:WindsorMapping@enbridge.com)



**ENWIN UTILITIES - Hydro Engineering – Cecile Dalglish, August 21, 2020**

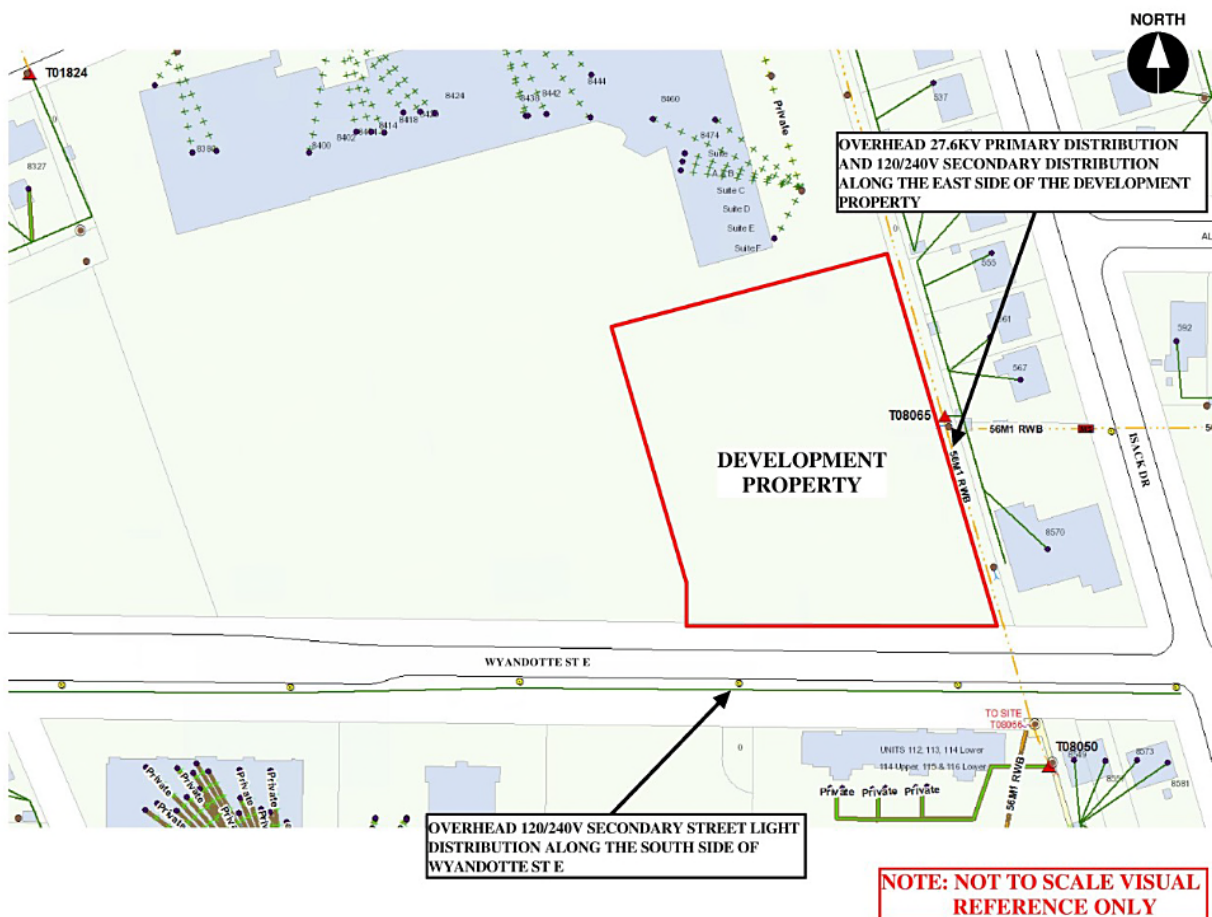
No Objection, provided clearances are achieved and maintained from our distribution plant.

Please note ENWIN has the following distribution around the development property:

- 1) Overhead 27.6KV primary distribution and 120/240V secondary distribution along the east side of the development property
- 2) Overhead 120/240V secondary street light distribution along the south side of Wyandotte St E

An acceptable clearance must be maintained from our existing pole lines and conductors to the proposed development area. Please refer to the Ontario Building Code for adequate clearance requirements. We also recommend referring to the Occupational Health & Safety Act for the minimum safe limits of approach during construction.

Sketch attached for reference only. This attachment does not replace the need for utility locates.

**ENWIN UTILITIES - Water Engineering – Cecile Dalglish, August 21, 2020**

No objections

**ESSEX REGION CONSERVATION AUTHORITY - Michael Nelson, August 26, 2020**

The following is provided as a result of our review of Zoning By-Law Amendment Z-014-20 ZNG-6122. The purpose of the application is to amend the zoning by-law to allow for a multiple dwelling as an additional permitted use.

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

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

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Detroit River. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

It is recommended that the applicant contact our office to make an application for permit for the proposed development. An application for permit requires an application to be submitted directly to [regs@erca.org](mailto:regs@erca.org).

**WATERSHED BASED RESOURCE MANAGEMENT AGENCY**

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

**SECTION 1.6.6.7 Stormwater Management (PPS, 2020)**

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We therefore request inclusion of the following considerations to be reflect as a result of the amendment to the Zoning By-law:

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

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

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

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

**TRANSIT WINDSOR - Jason Scott, September 1, 2020**

Transit Windsor has no objections to this development. We currently have our Lauzon 10 route providing service to this area with a 1 way loop. The closest bus stop is located on Wyandotte at Isack NE Corner, approximately 110 metres away from this property, falling well within our 400 metre walking distance guidelines to a bus stop. This service will be further enhanced with our Council approved Transit Master Plan as there would be a new local route replacing the existing route with 2 way service rather than the existing 1 way loop.

**WINDSOR FIRE & RESCUE SERVICES – John Lee, August 18, 2020**

No Concerns

**NO COMMENT RECIEVED FROM:****CITY OF WINDSOR**

CHIEF BUILDING OFFICIAL  
ENGINEER/PLAN EXAMINER  
LANDSCAPE ARCHITECT  
PARKS DEVELOPMENT  
REAL ESTATE SERVICES  
SITE PLAN APPROVAL OFFICER  
ZONING CO-ORDINATOR

**BELL CANADA****CANADA MORTGAGE & HOUSING CORPORATION****COGECO CABLE****GREATER ESSEX COUNTY DISTRICT SCHOOL BOARD****WALPOLE ISLAND FIRST NATIONS****WINDSOR-ESSEX CATHOLIC DISTRICT SCHOOL BOARD****WINDSOR-ESSEX COUNTY HEALTH UNIT**

B Y - L A W   N U M B E R                      -2020

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

Passed the                      day of                      , 2020.

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

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

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	14	Part of Block A, Registered Plan 1627  (known municipally as 8380- 8474 Wyandotte Street East; Roll No.: 060-330-00300; PIN 01066- 0242, north side of Wyandotte Street East between Watson Avenue and Isack Drive)	-	CD2.1	RD3.2

DREW DILKENS, MAYOR

CLERK

First Reading            -                      , 2020  
Second Reading        -                      , 2020  
Third Reading           -                      , 2020



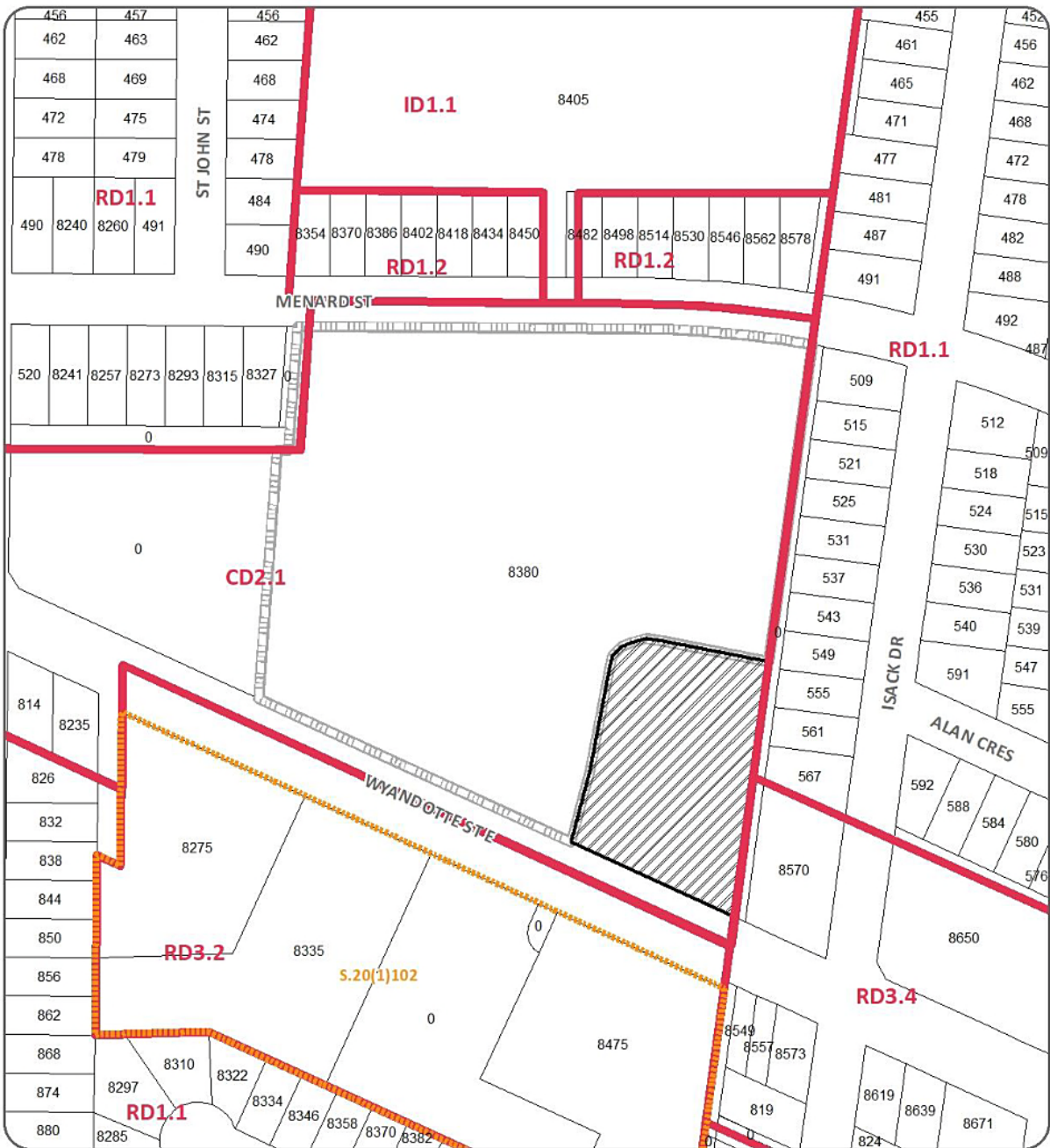
SCHEDULE 2

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

To amend the zoning of Part of Block A, Registered Plan 1627 (known municipally as 8380-8474 Wyandotte Street East; Roll No.: 060-330-00300; PIN 01066-0242), situated on the north side of Wyandotte Street East between Watson Avenue and Isack Drive, from Commercial District 2.1 (CD2.1) to Residential District 3.2 (RD3.2) to allow the construction of a Multiple Dwelling with 63 dwelling units, 81 parking spaces including 4 accessible parking spaces and one load space.

S 124/2020 ZNG/6122 Z-014/20

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

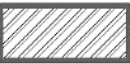


PART OF ZONING DISTRICT MAP 14

N.T.S.

SCHEDULE 2

Applicant: Baker Investments Ltd



SUBJECT LANDS



REMAINING LANDS OWNED  
BY APPLICANT

PLANNING & BUILDING DEPARTMENT



DATE : AUGUST 2020  
FILE NO. : Z-014/20, ZNG/6122



## Council Report: S 130/2020

**Subject: Interim Control By-law Exemption 2020-11 - Airport Business Park Inc. - 4325-4445 County Road 42 - Ward 9**

**Reference:**

Date to Council: October 13, 2020  
Author: Adam Szymczak, MCIP, RPP  
Senior Planner  
519-255-6543 x6250  
aszymczak@citywindsor.ca

Planning & Building Services  
Report Date: September 16, 2020  
Clerk's File #: Z/13528

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

**Recommendation:**

- 1) That Council **APPROVE** the request of D.C. McCloskey Engineering Ltd. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 4325-4445 County Road 42 (southwest corner of County Road 42 and 8<sup>th</sup> Concession Road).
- 2) That Council **AMEND** Interim Control By-law 78-2019 by adding to Section 6 the following:
  - k) 4325-4445 County Road 42  
  
Part Lot 17, Concession 7, Sandwich East;  
PIN 75235-0032; Roll No. 090-010-04950
- 3) That the Site Plan Approval Officer **BE DIRECTED** to consider the following matters for inclusion in an approved site plan:
  - a) The mitigation measures identified in the conclusion of the Acoustical Assessment Report dated August 5, 2020 and prepared by Akoustic Engineering Limited (attached as Appendix D to Report S 130/2020);
  - b) A setback of 11.3 m from the lot line adjacent to Baseline Road

**Executive Summary:**

N/A

## Background:

## Neighbourhood Map:



## Timeline

2018 November 19	Council approves Housekeeping Amendment 2017-3 which adds Transport Terminal definition and provisions to Zoning By-laws
2019 March 27	Building Division conducts city wide Transport Terminal enforcement blitz
2019 April 4	Building Division issues an Order to Comply (File 19-175469)
2019 June 3	Council approves Interim Control By-law 78-2019 (ICBL)
2020 August 19	D.C. McCloskey Engineering Ltd, on behalf of the property owner, Airport Business Park Inc., submits a request for an exemption from the ICBL. The agent also submitted an Application for Site Plan Control

## Enforcement

The Building Division conducted a citywide enforcement blitz on March 27, 2019 that identified 26 parcels, including the subject parcel, with Transport Terminals that violated the Zoning By-law or lacked site plan approval pursuant to the Site Plan Control By-law. An Order to Comply was issued on April 4, 2019.

The order is in abeyance pending Council's consideration of this exemption request and site plan approval.

## Interim Control By-law 78-2019

Section 38(1) of the *Planning Act* permits a municipality to pass an interim control by-law (ICBL) that prohibits the use of land, buildings or structures for such purposes as set out in the by-law. This “freezes” development on the lands (as described by the by-law) for a period not to exceed one year. An ICBL is an important planning tool that allows the municipality to rethink its current land use policies by suspending development that may end up conflicting with any new policy that may be developed.

On June 3, 2019, Council approved Interim Control By-law 78-2019 (see Appendix A) that prohibits the creation of a new Transport Terminal in any MD1. or MD2. zoning districts and M1 zones in the City of Windsor. This will allow Administration to study the extent of the challenges, propose possible solutions and provide revised policies and provisions that aim to balance the needs of Transport Terminal and shipping business owners, truck operators, and surrounding businesses and residents.

Council Resolution 291/2019, which approved Interim Control By-law 78-2019, states:

*That Council **MAY REVIEW**, on a case-by-case basis, any requested amendments to the Interim Control By-law where there is a determination that the creation of a new Transport Terminal would not conflict with the general purpose and intent of the Interim Control By-law,*

Amending By-law 55-2020, approved by Council on April 27, 2020, extended Interim Control By-law 78-2019 by one additional year. ICBL 78-2019 will expire on June 2, 2021 or earlier if repealed by Council.

### Request for Exemption from ICBL

D.C. McCloskey Engineering Ltd. (Mark E. McCloskey), on behalf of the property owner, Airport Business Park Inc, submitted a request (see Appendix B) for exemption from Interim Control By-law 78-2019 to allow the processing of a site plan control application (which was submitted concurrently) to allow the construction of a Transport Terminal on the subject parcel. A draft site plan is attached as Appendix C and an Acoustical Assessment Report is attached as Appendix D.

### Discussion:

All exemption requests will be evaluated against the following criteria:

**Consistency with the Official Plan and Zoning By-law** - The underlying Official Plan designation and zoning district will be considered. Specifically, whether the Transport Terminal is consistent with the Official Plan designation and is permitted as a main use by the zoning district;

**Impact on surrounding infrastructure** - What the impact may be on surrounding infrastructure, mainly roads, including potential wear and tear, as well as how the impact on the safety and functionality of the surrounding road network;

**Proximity to sensitive land uses** - The distance to the closest sensitive use will be considered; and,

**Likelihood of additional mitigation measures** - This criterion considers compatibility with surrounding uses. The Transport Terminal Study may recommend that additional mitigation measures be undertaken to permit a Transport Terminal on the property. Approval of the exemption request may prejudice the Study.

### **Analysis of Evaluation Criteria**

The subject parcel is designated Industrial on Schedule D: Land Use in the City of Windsor Official Plan. A Transport Terminal is consistent with the general policy direction, including permitted uses, locational criteria, evaluation criteria, and design guidelines, of the Industrial land use designation.

Excerpts from Zoning By-law 85-18 are attached as Appendix E. The parcel is zoned Industrial Zone (M1) which permits a range of industrial uses. M1 does permit a Transport Terminal as a main use. Any development is subject to site plan control.

**The exemption IS consistent with the direction of the Official Plan. A Transport Terminal IS permitted as a main use in the M1 zoning.**

The parcel has access to County Road 42, a Class II Arterial Road, and 8<sup>th</sup> Concession Road, a Class I Collector Road. County Road 42 is designated as a Truck Route and provide access to Highway 401 and E.C. Row Expressway via Manning Road to the east and Walker Road to the west.

**The proposed Transport Terminal will have MINIMAL impact on surrounding infrastructure.**

The Windsor Airport is located to the north on the north side of Country Road 42. To the east and south, on the east side of 8<sup>th</sup> Concession Road and south of the municipal drain south of Baseline Road, are agricultural uses.

Industrial uses are located to the west. The parcel is adjacent to residential uses to the west on the north side of Baseline Road and to the west and south on the south side Baseline Road. A cemetery is located to the south on the south side of Baseline Road. The residential uses are a sensitive land use.

**The proposed Transport Terminal IS proximate to a sensitive land use.**

The proximity of sensitive land uses is normally a concern. The potential conflict between the Transport Terminal use and the sensitive land uses is an issue that the Transport Terminal Study will examine. Staff report C 102/19 that recommended implementation of the Interim Control By-law stated that:

*“The main purposes of doing the study is to ensure that Transport Terminal is appropriately permitted or prohibited, that the provisions for a Transport Terminal are consistent with the policy direction of the Official Plan, and that a Transport Terminal is not detrimental to surrounding existing and potential land uses.”*

Additional mitigation measures may be required to allow a Transport Terminal development on the lot. This is an issue that the study will examine. However, the agent did engage an acoustical consultant, Akoustic Engineering Limited, to conduct an acoustical assessment (Appendix D) of the proposed Transport Terminal development on the parcel in terms of the performance standards in the Industrial Zone (M1) in Section 14.1.15 b) of Zoning By-law 85-18.

The consultant states “*the development meets all the sound level requirements at its property lines*”. Notwithstanding that the proposal meets the performance standards in Zoning By-law 85-18, the consultant recommends that:

*“the development be given approval with the understanding that a 1.65 metre berm or noise barrier fence must be constructed, centred 6.1 meters from the west property line. Further, the edge of the west parking area must be a minimum of 12.2 metres from the west property line.”*

The draft site plan is consistent with the acoustical consultant’s recommendations.

Further to those recommendations, the draft site plan has a setback of 11.3 m from the south lot line adjacent to Baseline Road, which complies with the Transport Terminal provisions in Section 5.49 of Zoning By-law 85-18. The acoustical consultant further notes that for the trailer storage area closest to Baseline Road, the trailers “will act a barrier for the noise at the south property line”.

**The draft site plan incorporates several mitigation measures including large setbacks, screening, and a berm, and is consistent with the conclusion of the acoustical assessment report and with the provisions of Zoning By-law 85-18.**

#### **Risk Analysis:**

N/A

#### **Financial Matters:**

N/A

#### **Consultations:**

Jason Campigotto, Site Plan Approval Officer

Wira Vendrasco, Deputy City Solicitor

Rob Vani, Manager of Inspections (BBO) / Deputy Chief Building Official



## Conclusion:

Approval of the exemption allows Administration to process a site plan application for a Transport Terminal the subject parcel.

Given that the agent has provided an acoustical assessment that indicates compliance with the performance standards in Zoning By-law 85-18 and the draft site plan is consistent with the recommendations of the Acoustical Assessment Report dated August 5, 2020, the Planning Department is supportive of the request for exemption from Interim Control By-law 78-2019.

## Planning Act Matters:

Thom Hunt, MCIP, RPP  
City Planner

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

## Approvals:

Name	Title
Neil Robertson	Manager, Urban Design
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

## Notifications:

Name	Address	Email
D.C. McCloskey Engineering Ltd. Attn: Mark McCloskey	200-5745 Wyandotte St E Windsor, ON N8S 1M6	mmccloskey@mccloskeyengineering.com jdeschaine@mccloskeyengineering.com
Airport Business Park Inc. Attn: Eduardo Conte	2045 Astor Crescent Oldcastle ON N0R 1L0	econte@tdegroupp.com\
Councillor McKenzie		
Property Owners within 120 m of subject parcel		

## Appendices:

- 1 Appendix A - Interim Control By-law 78-2019
- 2 Appendix B - Letter from Agent
- 3 Appendix C - Draft Site Plan
- 4 Appendix D - Acoustic Assessment Report Aug 05 2020
- 5 Appendix E - Excerpts from Zoning By-law 85-18

## BY-LAW NUMBER 78-2019

### A BY-LAW TO IMPOSE INTERIM CONTROL ON TRANSPORT TERMINALS WITHIN CERTAIN ZONING DISTRICTS AND ZONES OF THE CITY OF WINDSOR

Passed the 3<sup>rd</sup> day of June, 2019.

**WHEREAS** Section 38 of the Planning Act, R.S.O. 1990, Chapter p. 13, provides that the Council of a local municipality had by resolution, directed that a study be undertaken in respect of land use planning policies in the municipality or in a defined area thereof, the Council of the municipality may pass a by-law to be in effect for a period of time specified in the by-law, which period shall not exceed one year from the date of the passing thereof, prohibiting the use of lands, buildings, or structures within the municipality or within the defined area or areas thereof, for such purposes as may be set out in the by-law;

**AND WHEREAS** the Council of the Corporation of the City of Windsor has by resolution directed that a study and review of Zoning By-laws 85-18 and 8600 be undertaken in respect of land use planning policies related to a Transport Terminal within the areas designated as Manufacturing Districts 1. and Manufacturing Districts 2. in Zoning By-law 8600 and Industrial Zone (M1) in Zoning By-law 85-18 of the City of Windsor;

**AND WHEREAS** the Council of the Corporation of the City of Windsor deems it expedient and in the public interest to prohibit the use on all lands, buildings, and structures for a Transport Terminal other than those lawfully being carried out on the day of passage of this Interim Control By-law, in order to allow the municipality to review and, if deemed appropriate, implement the findings of the said study.

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

1. In this By-law,

**ACCESSORY USE** means a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot.

**BUILDING** means a structure, consisting of a wall, roof and floor, or any one or more of them, or a structural system serving the function thereof, including all the works, fixtures and service systems appurtenant thereto, but does not include the following: access area, collector aisle, driveway, parking aisle or parking space not in a parking garage; fence; patio; sign as defined by the Windsor Sign By-law.

**LOT** means a contiguous parcel of land under one ownership, the boundaries of which are on record in the Land Registry Office of the County of Essex (No. 12) in the Registry or Land Titles Division.

**MAIN USE** means the principal use or uses of a building, lot, premises or structure.

**MOTOR VEHICLE** means vehicle propelled, driven or pulled by other than muscular power. It does not include a power-assisted bicycle as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. or a train.

**PREMISES** means a lot, building, structure or any combination thereof where a use is carried on.

**STRUCTURE** means anything, including any component part, that is erected, built or constructed and affixed to or supported by the ground.

**TRANSPORT TERMINAL** means premises used to dispatch, park, repair, service, or store freight-carrying trucks and trailers including a transport truck and a transport trailer, and may include as an accessory use, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility or truck terminal is a transport terminal. A loading compound, motor vehicle dealership, outdoor storage yard, parking area, or towing facility is not a transport terminal.

**TRANSPORT TRAILER** means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a transport trailer. A cabin trailer, camping trailer, house trailer, mobile home, recreational vehicle, tent trailer or travel trailer is not a transport trailer.

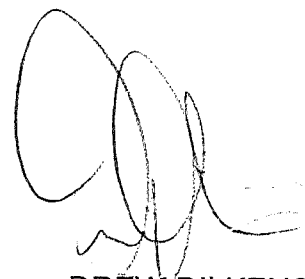
**TRANSPORT TRUCK** means a motor vehicle used to pull a transport trailer and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a transport truck.

**TRANSPORT STORAGE AREA** means that portion of a transport terminal located outdoors used to load, manoeuvre, park, repair, service, store, or unload a transport truck or transport trailer. A loading compound, loading space, motor vehicle dealership, outdoor storage yard, parking area, or towing facility is not a transport storage area.

## **USE**

1. when used as a noun means the purpose for which a building, lot, premises or structure is designed, maintained or occupied.
  2. when used as a verb means anything done by any person or permitted, either directly or indirectly by any person, for the purpose of making use of a building, lot, premises or structure.
2. Notwithstanding the permitted uses, prohibited uses, and provisions of Zoning By-law 8600 as amended, within any Manufacturing Districts 1. (MD1.) or any Manufacturing Districts 2. (MD2.) no land, building, or structure shall be used for a Transport Terminal except,
    - (1) The continued use of land, or building, or structure lawfully existing on the day of passage of this By-law provided such use is permitted on that land, or in that building or structure, by By-law 8600; and
    - (2) The repair of a building or structure lawfully existing on the day of passing of this By-law in order to comply with an order issued pursuant to the Property Standards By-law No. 147-2011.
  3. Notwithstanding the permitted uses, permitted buildings and other structures, regulations, special regulations, and provisions of Zoning By-law 85-18 as amended, within any Industrial Zone (M1) including Defined Area M1-11 and Defined Area M1-15, no land, building, or structure shall be used for a Transport Terminal except,
    - (1) The continued use of land, or building, or structure lawfully existing on the day of passage of this By-law provided such use is permitted on that land, or in that building or structure, by By-law 85-18; and

- (2) The repair of a building or structure lawfully existing on the day of passing of this By-law in order to comply with an order issued pursuant to the Property Standards By-law No. 147-2011.
4. That were any conflict exists between the provisions of this By-law and any other By-law of the Corporation of the City of Windsor, this By-law shall prevail.
5. This by-law shall come into force and take effect on the day of the final passing thereof.



DREW DILKENS, MAYOR



CITY CLERK

First Reading - June 3, 2019  
Second Reading- June 3, 2019  
Third Reading - June 3, 2019



# d.c. mccloskey engineering ltd.

Corporation of the City of Windsor  
Planning Department  
400 City Hall Sq. E.  
Windsor, ON N9A 7K6

19 August 2020  
Project No. M19-216

Attention: Mr. Adam Szymczak, MCIP, RPP,  
Senior Planner

## **Truck Terminal 4325-4445 County Road 42, Windsor, ON**

Dear Sir:

As the Agent of the property Owner, I am requesting an exemption from the Interim Control By-Law 78-2019 for the purpose of submitting an application for site plan control for a Transport Terminal be permitted on the property located at 4325-4445 County Road 42 in Windsor, ON.

As requested by your office, I am providing information on this property that will demonstrate this property is ideal for a truck terminal use. These items are:

1. The 19.3 acre property currently has several industrial buildings on site, any of which can be renovated to accommodate any size of warehouse required for the truck terminal use.
2. The property is located in an industrial area.
3. The property currently has a zoning permitting a truck terminal use.
4. Property located on County Road 42 with access to Highway 401 via County Road 19 to the east and to Highway 401 and the Ambassador Bridge via Walker Road / Provincial Road for westbound traffic.

We trust the above is satisfactory however, please contact us if you require anything further.

Yours truly,  
D.C. McCLOSKEY ENGINEERING LTD.



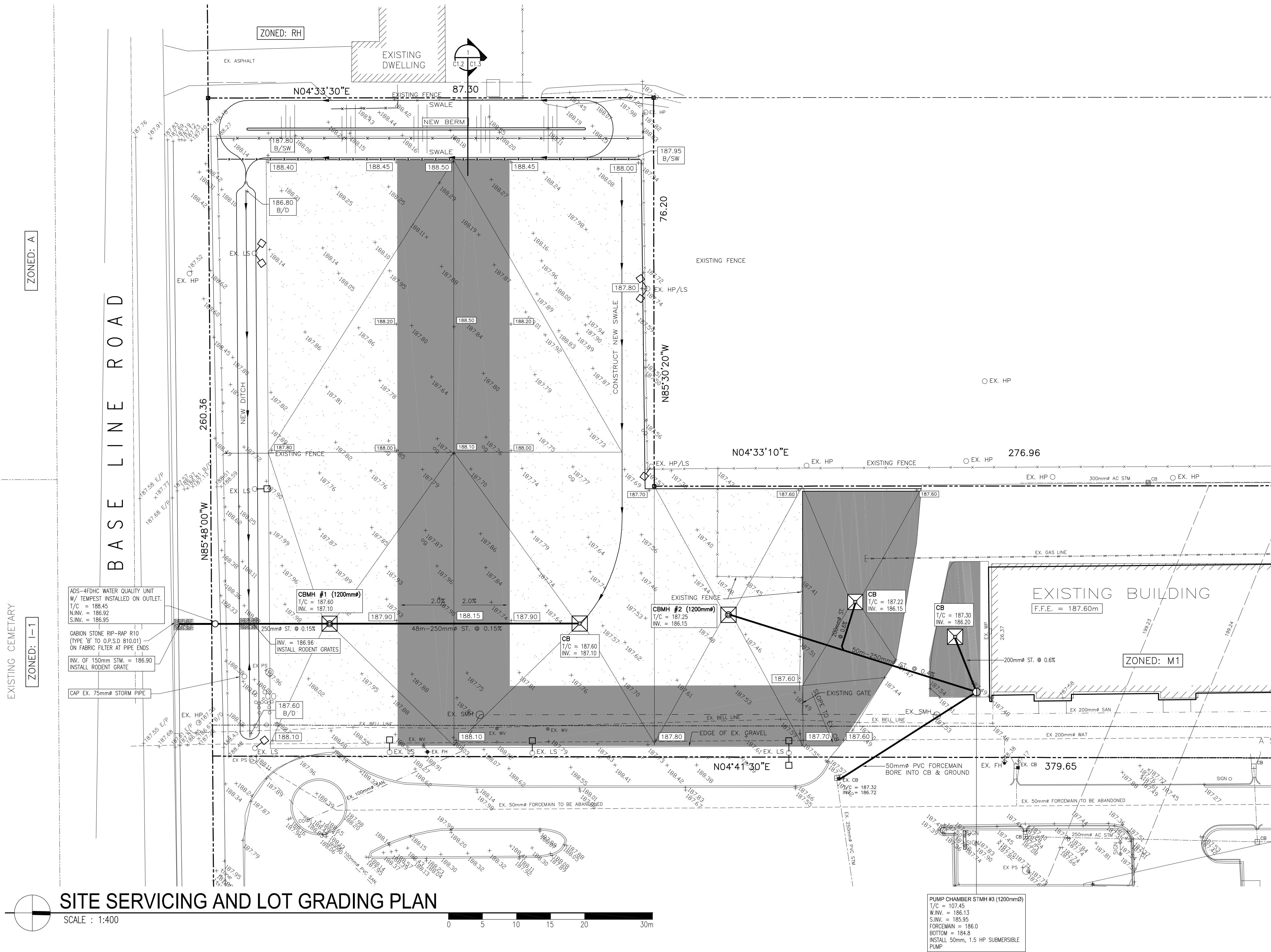
Mark E. McCloskey, P. Eng.

MEM/kj  
Attachments: Overall & Enlarged Site Plan  
CC: Eduardo Conte









SITE NOTES:

AFTER EXCAVATION TO PROPER GRADE, PROOF ROLL EXISTING SUBGRADE AND FOLLOW IMMEDIATELY WITH PLACEMENT OF GRANULAR BASE UPON APPROVAL OF GEOTECHNICAL ENGINEER.

ALL WORK TO COMPLY WITH THE LOCAL BYLAWS. ALL WORK TO BE PERFORMED IN ACCORDANCE WITH THE LATEST EDITION OF THE OCCUPATIONAL HEALTH AND SAFETY AND REGULATIONS FOR CONSTRUCTION PROJECTS.

THE OWNER, ENGINEER AND THE LOCAL MUNICIPALITY AND ITS AGENTS DO NOT GUARANTEE THE ACCURACY OF THE UTILITIES SHOWN ON THE DRAWINGS. OTHER UTILITIES MAY BE PRESENT OR UTILITIES MAY DIFFER IN SIZE OR LOCATION SHOWN. THE CONTRACTOR ASSUMES FULL RESPONSIBILITY TO CONTACT THE VARIOUS UTILITY COMPANIES PRIOR TO CONSTRUCTION TO LOCATE ALL UNDERGROUND UTILITIES. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE TO REPAIR ANY DAMAGE THAT HE MAY CAUSE TO THESE UTILITIES. THE CONTRACTOR FURTHER AGREES TO INDEMNIFY THE OWNER AND ENGINEER AGAINST ANY CLAIMS WHICH MAY ARISE FROM HIS ACTIONS.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING AND PAYING FOR ALL PERMITS AND INSPECTIONS REQUIRED FOR THIS WORK.

FIELD CHECK ALL EXISTING GRADE AND DIMENSIONS PRIOR TO COMMENCING ANY NEW CONSTRUCTION. NOTIFY ENGINEER OF ANY DISCREPANCIES.

REMOVE ALL DEBRIS INCLUDING EXCAVATED MATERIALS, BROKEN CONCRETE ETC. FROM THE SITE.

BACKFILL ALL EXCAVATIONS BELOW PAVEMENT WITH FULL DEPTH GRANULAR MATERIAL COMPACTED TO MINIMUM 100% SPMD. GRANULAR 'A' BASE SHALL BE A MINIMUM OF 300mm THICK UNLESS NOTED OTHERWISE.

ALL GRANULAR BASE ELEVATIONS BELOW CONCRETE SLABS TO A LEVEL WITHIN 10mm OF THE DESIGN ELEVATION.

ALL EXTERIOR CONCRETE TO BE 32 MPA CITY MIX WITH 6% + 1.1/2% AIR ENTRAINMENT.

ALL EXPOSED CONCRETE SURFACES TO BE COATED WITH A WHITE PIGMENTED CONCRETE CURING COMPOUND (SEALTIGHT WP-45) CURE ALL SITE PLACED CONCRETE.

GRANULAR 'A' TO OPSS 1010

ASPHALT PAVING TO CONSIST OF A BASE COURSE AND A SURFACE COURSE AS PER THE FOLLOWING TABLE AND MEETING THE REQUIREMENTS OF THE APPROPRIATE ONTARIO PROVINCIAL STANDARDS SPECIFICATIONS.

ASPHALT TABLE

OPTION #1
ASPHALT PAVING = 100mm HL4 ON 100mm GRAN. 'A' AS REQUIRED TO ACHIEVE DESIGN GRADES
OPTION#2
RECYCLED ASPHALT ON 100mm GRAN. 'A' AS REQUIRED TO ACHIEVE DESIRED GRADES

SEWER NOTES

CONTRACTOR TO FLUSH AND VIDEO PRIVATE STORM SEWERS AFTER CONSTRUCTION AND SUBMIT COPIES OF REPORT AND VIDEO TO D.C. MCCLOSKEY ENGINEERING LTD. OFFICE FOR REVIEW. ALL SEWERS TO BE PRESSURE AIR OR WATER TESTED AND THE RESULTS SUBMITTED TO THE PROJECT ENGINEER.

STORM SEWER PIPING TO BE PVC (SMOOTH WALL CSA B182.2 DR35 (PIPE SIZES 100mm - 600mm) OR HDPE (ANNULAR PROFILE PIPE - CSA B182.8)(PIPE SIZES 200mm-900mm)

ALL CATCHBASINS AND MANHOLES SHALL BE IN ACCORDANCE WITH DIVISION 700 OF THE ONTARIO PROVINCIAL STANDARD DRAWING (OPSD) SPECIFICATIONS.

#705.010 1200mm PRECAST CONCRETE MAINTENANCE HOLE  
#705.010 600mm x 600mm PRECAST CONCRETE CATCH BASIN  
#705.030 600mm x 60mm PRECAST CONCRETE DITCH INLET

CATCHBASIN MANHOLES (CBMH) TO HAVE FRAME AND COVER AS PER OPSD #400.010

CATCHBASINS TO HAVE P-TRAPS.

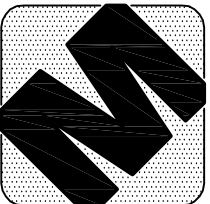
ALL STORM MANHOLES SHALL HAVE A MINIMUM 610mm DEEP SUMP BELOW THE LOWEST PIPE INVERT.

LEGEND

ADJ TO BE ADJUSTED	RWL RAINWATER LEADER w/ CLEANOUT
BC BOTTOM OF CURB	SAN SANITARY SEWER
BP BELL PEDESTAL	SMH SANITARY SEWER MANHOLE
BOL BOLLARD	ST STORM SEWER
B/D BOTTOM OF DITCH	STMH STORM SEWER MANHOLE
B/SW BOTTOM OF SWALE	TC TOP OF CURB
CB CATCH BASIN	T/C TOP OF COVER
CBMH CATCH BASIN MANHOLE	TL TRAFFIC LIGHT
C.O. CLEAN OUT	TMH TRAFFIC MANHOLE
CSP CORRUGATED STEEL PIPE	TRMH TRAFFIC SIGNAL ELECTRICAL MANHOLE
CS CURB STOP	TRC TRAFFIC CONTROL
CTV CABLE TELEVISION	UP UTILITY POLE
DCB DITCH INLET CATCH BASIN	VAC VACUUM
DS/CO DOWNSPOUT w/ CLEANOUT	VT VENT
DWS DOMESTIC WATER SERVICE	WCR WHEELCHAIR RAMP (CURB CUT)
E/P EDGE OF PAVEMENT	WP WALL PACK LIGHTING
E/SH EDGE OF SHOULDER	WV WATER VALVE
FDC FIRE DEPARTMENT CONNECTION	YD YARD DRAIN
FH FIRE HYDRANT	YD EXIST. GRADE
FP FLAG POLE	YD NEW GRADE
GM GAS METER	YD SLOPE LINES
GW GUY WIRE	YD PRIMARY BLDG. ENTRANCE
HP HYDRO POLE	YD SECONDARY BLDG. ENTRANCE
INV SEWER INVERT	YD HYDRO METER
LS LIGHT STANDARD	YD CATCHMENT AREA DESIGNATION
MWH WATER MANHOLE	YD BACKFLOW PREVENTER & CHAMBER
MW MONITORING WELL	YD OVERLAND FLOW
PV POST INDICATOR VALVE	YD BARRIER CURB
REL TO BE RELOCATED	YD CURB & GUTTER
REM TO BE REMOVED	

GAS LINE	---
BELL LINE	---
HYDRO LINE	---
SANITARY SEWER	---
WATER LINE	---
STORM SEWER	---
SUBRAIN	---
PROPERTY LINE	---

BENCHMARK #1:  
FINISHED FLOOR OF EXISTING BUILDING  
ELEVATION 187.60m (GEODETIC GPS)

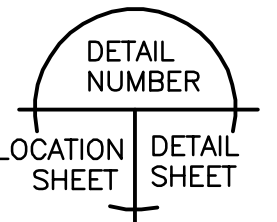


d.c. mcclloskey engineering ltd.  
200-5745 warden ave. unit 101, richmond hill, ontario L4B 1M6 Tel: (905) 977-6800



general notes:

- THIS PRINT IS AN INSTRUMENT OF SERVICE ONLY AND IS THE PROPERTY OF THE ENGINEER.
- DRAWINGS SHALL NOT BE SCALED.
- CONTRACTORS SHALL VERIFY AND BE RESPONSIBLE FOR ALL DIMENSIONS AND CONDITIONS ON THE JOB AND THIS OFFICE MUST BE NOTICED OF ANY VARIATIONS FROM THE DIMENSIONS AND CONDITIONS SHOWN BY THESE DRAWINGS.
- ATTENTION IS DIRECTED TO PROVISIONS IN THE GENERAL CONDITIONS REGARDING CONTRACTOR'S RESPONSIBILITIES IN REGARDS TO SUBMISSION OF SHOP DRAWINGS.
- IN THE EVENT THE ENGINEER IS RETAINED TO REVIEW SHOP DRAWINGS, SUCH REVIEW IS ONLY TO CHECK FOR CONFORMANCE WITH DESIGN CONCEPT AND WITH THE INFORMATION GIVEN IN THE CONTRACT DOCUMENTS.
- CONTRACTORS SHALL PROMPTLY NOTIFY THE ENGINEER IN WRITING OF THE EXISTENCE OF ANY OBSERVED VARIATIONS BETWEEN THE CONTRACT DOCUMENTS AND ANY APPLICABLE CODES OR BY-LAWS.
- THE ENGINEER IS NOT RESPONSIBLE FOR THE CONTRACTOR'S MEANS, METHODS AND OR TECHNIQUES IN THE CONSTRUCTION OF THIS FACILITY.



DATE (dd/mm/yy)	ISSUED FOR
31/10/19	SPA PRECONSULTATION
02/12/19	SPA PRECONSULTATION
	SITE PLAN APPROVAL
17/8/20	TENDER

PROJECT  
PARKING LOT ADDITION

4325-4445 COUNTY ROAD 42  
WINDSOR, ONTARIO

CLIENT  
AIRPORT BUSINESS  
PARK INC.

DRAWING TITLE  
SITE SERVICING AND  
LOT GRADING PLAN

DATE : SEPT 2019

SCALE : AS NOTED

DRAWN BY : JLD

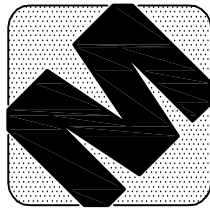
CHECKED BY : MEM

PROJECT FILE NO. M19-216

DRAWING NO.

C1.2

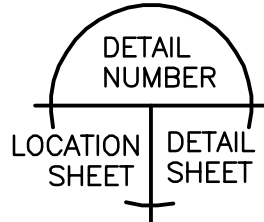




d.c. mccloskey engineering ltd.  
200-5745 wyandotte street east, windsor, ontario n9a 1m6 tel (519) 977 6800



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DATE (dd/mm/yy)	ISSUED FOR

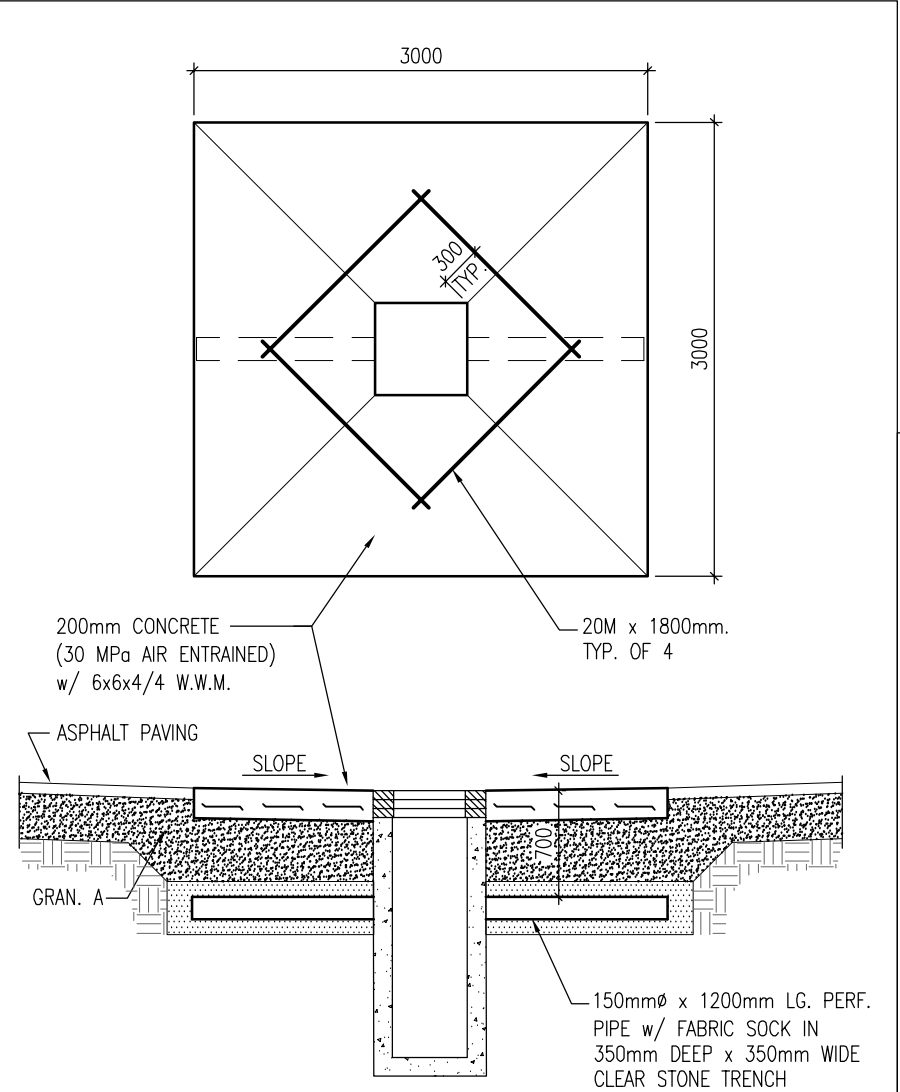
PROJECT  
  
PARKING LOT ADDITION  
  
  
4325-4445 COUNTY ROAD 42  
WINDSOR, ONTARIO

CLIENT  
  
AIRPORT BUSINESS  
PARK INC.

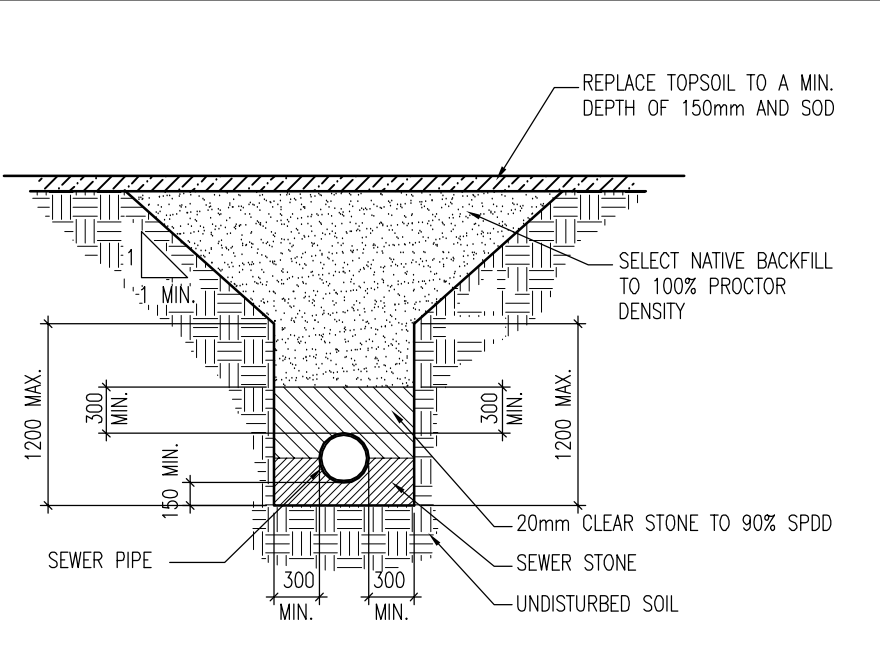
DRAWING TITLE  
  
SITE SERVICING DETAILS

DATE :	SEPT 2019
SCALE :	AS NOTED
DRAWN BY :	JLD
CHECKED BY :	MEM
PROJECT FILE NO.	M19-216
DRAWING NO.	

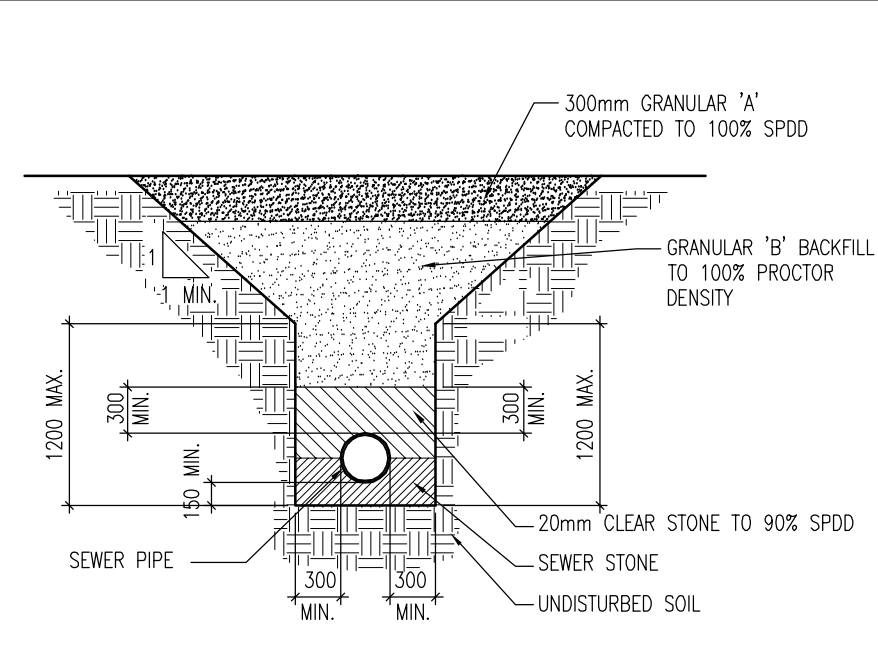
C1.3



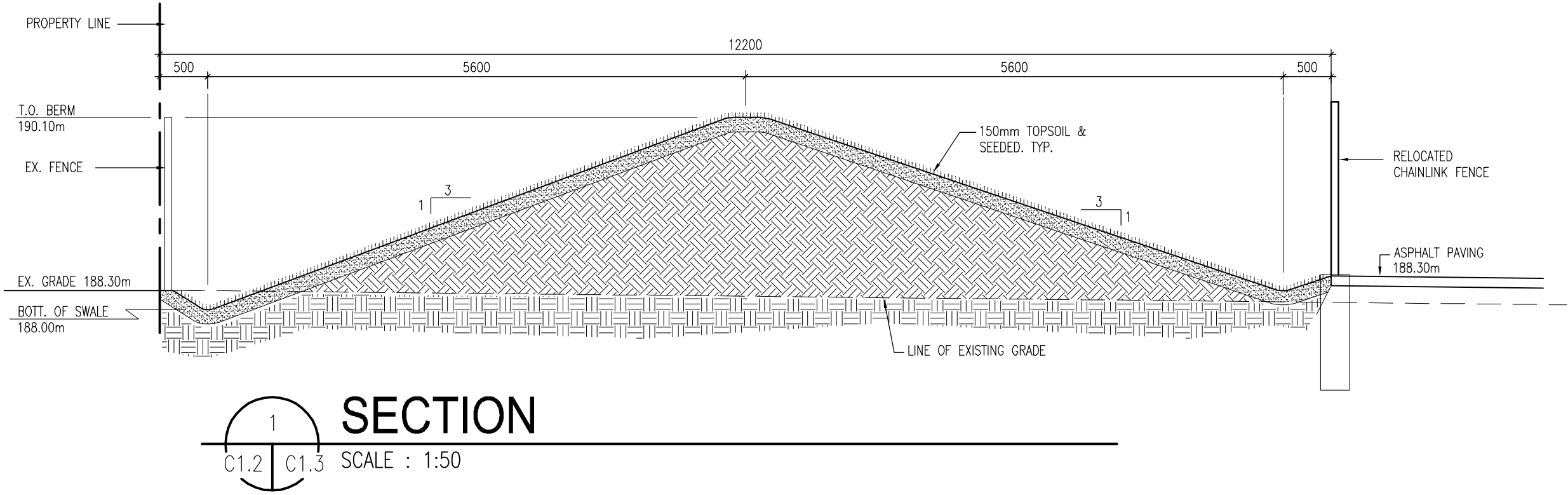
CATCHBASIN DETAIL



UTILITY TRENCH - LANDSCAPED



UTILITY TRENCH - GRAVEL AREA



August 05, 2020

Ms. Genevieve Belanger  
TDE Group  
[gbelanger@tdegroupp.com](mailto:gbelanger@tdegroupp.com)  
Phone: (519)968-1166 x733

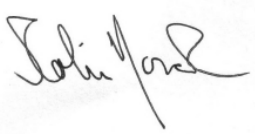
Re: Acoustic Assessment Report for the Proposed Transportation Terminal – 4325-4445 County Road  
42, City of Windsor

Dear Ms. Belanger,

Please find enclosed an acoustic assessment report for the proposed transportation terminal at 4325-4445 County Road 42, located West of County Road 8, in the City of Windsor. This assessment pertains to the noise impacts caused by the truck noise which will impact the residences near to the proposed site.

I trust that the enclosed information meets your requirements. Please do not hesitate to contact me if you have any questions.

Sincerely,



Colin Novak PhD, PEng

**Acoustic Assessment Report for the Proposed  
Transportation Terminal – 4325-4445 County Road 42,  
City of Windsor**



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TDE Group  
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## **Statement of Liability**

Akoustik Engineering Limited prepared this report for TDE Group. The material in it reflects Dr. Helen Ule's and Dr. Colin Novak's judgement considering the information available to them and Akoustik Engineering Limited at the time of the measurements, under the stated test conditions. Any use that a Third Party makes of this report, or any reliance on decisions made based on it, is the responsibility of such Third Parties. Akoustik Engineering Limited accepts no responsibility for damages, if any, suffered by any Third Party resulting from decisions made or actions based on this report.

## **Introduction**

This report is a noise assessment for the proposed transportation terminal development to be located along Baseline Road West of County Road 8, in the City of Windsor. The assessment pertains to the environmental noise impacts from truck noise at the property lines. An illustration of the geographical area with the proposed development area identified, as well as the proposed development layout is given in Appendix A: Site Location. The expected noise impacts have been evaluated for compliance to section 14.1.15 Performance Standards of the M1 Zoning District requirements. It should be noted that this assessment has not been performed for compliance to the noise levels and conditions identified in the Ministry of the Environment, Conservation and Parks (MECP) Noise Pollution Control documents, including NPC-300.

## **Identification of Noise Sources**

The proposed development is surrounded by residential housing to the west and south of the property and commercial development to the north and east. Baseline Road is located to the south and County Road 8 is located to the east of the property. The performance standard used for this assessment is section 14.1.15 Performance Standards of the M1 zoning district. The criteria states “No noise shall exceed 60 dBA during the day or 50 dBA at night at the boundaries of the lot provided that short intermittent noise peaks are permitted”. A zoning map of the area is given in Appendix B: Land-use Zoning Map of Area. All assumptions used in this report for the development of the noise model are itemized in Appendix C.

## **City of Windsor Noise Criteria – 14.1.15 Performance Standards**

In accordance to the Performance Standards of the M1 zoning district, the following sound level limits have been set for evaluation at all the property boundaries shown in Table 1. The proposed development is classified as a Class 2 area, given that the region exhibits features of both a Class 1 and a Class 3 area, based on the environmental noise characteristics.

**Table 1: Ministry of the Environment Noise Criteria for Roadway Noise**

<b>Location</b>	<b>Daytime <math>L_{eq}</math> [dBA]</b>	<b>Nighttime <math>L_{eq}</math> [dBA]</b>
Property boundary	60	50

From Table 1, daytime refers to the period from 07:00 to 23:00 and nighttime refers to the period from 23:00 to 07:00 hours.

The limits presented in Table 1 are the limits before noise control measures or out mitigation measures are required.

## **Noise Source Data**

A summary table showing all noise sources is provided in Table 2 below. In addition to the raw measurement data measured from a transport truck performing similar operations (driving through a \n industrial lot and parking a trailer), calculation tables which illustrate the calculation of the sound power levels from the measured one third octave sound pressure levels (if applicable), is included in Appendix D. Also included in the calculations are the necessary corrections for distance, directivity and other factors prior to inputting into the noise propagation model.

**Table 2: Noise Source Data Summary**

Source ID/Predictor Name	Source Description	Sound Pressure Level (dBA) at "X" distance	Sound Characteristics	Noise Control Measures
Truck	Truck traffic	70.3 at 5 m	S	U

Where:

N/N	No noise	C	Cyclic
N/A	Not available	Si	Silencer, acoustic louver, muffler
O	Located/installed outside the building	A	Acoustic lining, plenum
I	Located/installed inside building	Ba	Barrier, berm, screening
S	Steady	L	Lagging
Q	Quasi steady impulsive	E	Acoustic Enclosure
Im	Impulsive	Ot	Other
B	Buzzing	U	Uncontrolled
T	Tonal		

## **Identification of the Representative Receptor Locations**

Upon examination of the proposed development plan, the representative locations selected for assessment calculations for this development are identified as follows: POR1(point of reception 1), POR2 and POR3. These representative locations, which are located at the property line, are labelled on the proposed development layout in Appendix A: Site LocationProposed Development Layout. These locations were selected due to their proximity to the property line, the nearest truck parking spots and for the orientation of the sources of noise.

POR1 is located at the south east property line and assumes that a truck is in front of a trailer which would provide shielding of the truck from the property line. The noise assessment is performed at the south property line.

POR2 is located at the south west property line and assumes that a truck is backed into a north parking spot and that there is no trailer parked in the adjacent south parking spot. The noise assessment is performed at the south property line.



POR3 is located at the west property line and assumes that a truck is backed into a westmost parking spot (either north or south). The noise assessment is performed at the west property line.

The daytime and nighttime period impact heights are modelled at 1.5 meters to represent the outdoor points of reception at the property line.

## **Assessment Approach**

A noise propagation model to predict the noise levels at the representative locations was created to determine the extent of the noise control measures required (if any). The input data used to calculate the predicted sound level exposures at the selected locations on the property line, and the resulting outputs, are given in Appendix E: Predictor Output Results.

To predict the noise impacts at the property line locations, three scenarios were evaluated. The differences in these scenarios is the route that the truck enters and leaves the parking area as well as the location and orientation of the idling truck during pickup and drop off of trailers.

Three scenarios have been evaluated. These include:

1. Scenario 1: Truck enters lot and parks/retrieves trailer from the most south east parking location.
2. Scenario 2: Truck enters lot and parks/retrieves trailer from the most north west parking location.
3. Scenario 3: Truck enters lot and parks/retrieves trailer from the most south west parking location.

Various development layouts were evaluated to determine the nearest possible parking location to the west property line in order to meet the performance requirements set out by the City of Windsor. To achieve the requirements, it should be noted a 1.65 metre noise barrier or earth berm is required, located 6.1 metres from the west property line. Also, the nearest possible parking location to the west property line cannot be closer than 12.2 metres. It should be noted that for scenario 1, when a truck is either parking or picking up a trailer from the south parking spots, the trailer will act a barrier for the noise at the south property line.

Table's 3a through 3f are the Noise Impact Tables during the daytime and nighttime periods. The purpose of these tables is to present the predicted noise emission levels that the applicable noise sources, identified as significant in the Noise Source Summary Table (Table 2), have at the identified points of reception. The software used to predict the noise levels is the Brüel & Kjær Predictor Type 7810 software, which complies with the procedures specified by ISO 9613. As such, the prediction model considers the sound level attenuation of the inputted sound power data with distance as well as any attenuation provided by shielding, absorption etc. Any assumptions used in the development of the noise propagation model, including source heights, operating hours and duty cycles, acoustic ground absorption coefficient, etc. have been included in Appendix C.

Table 3a: Noise Impact Table – Daytime Period (07:00-23:00), 1.5 m impact height, Scenerio 1

	POR1 (dBA)	POR2 (dBA)	POR3 (dBA)
Truck - Movement	26.2	25.9	26.1
Truck - Idle	33.4	35.8	35.0

Table 3b: Noise Impact Table – Nighttime Period (23:00-07:00), 1.5 m impact height, Scenerio 1

	POR1 (dBA)	POR2 (dBA)	POR3 (dBA)
Truck - Movement	24.1	23.9	24.1
Truck - Idle	33.4	35.8	35.0

Table 3c: Noise Impact Table – Daytime Period (07:00-23:00), 1.5 m impact height, Scenerio 2

	POR1 (dBA)	POR2 (dBA)	POR3 (dBA)
Truck - Movement	32.3	32.0	28.2
Truck - Idle	34.8	40.5	39.3

Table 3c: Noise Impact Table – Nighttime Period (23:00-07:00), 1.5 m impact height, Scenerio 2

	POR1 (dBA)	POR2 (dBA)	POR3 (dBA)
Truck - Movement	30.2	30.0	26.1
Truck - Idle	34.8	40.5	39.3

Table 3d: Noise Impact Table – Daytime Period (07:00-23:00), 1.5 m impact height, Scenerio 3

	POR1 (dBA)	POR2 (dBA)	POR3 (dBA)
Truck - Movement	31.6	30.6	28.4
Truck - Idle	35.4	32.6	46.9

**Table 3d: Noise Impact Table – Nighttime Period (23:00-07:00), 1.5 m impact height, Scenerio 3**

	POR1 (dBA)	POR2 (dBA)	POR3 (dBA)
Truck - Movement	29.5	28.5	26.3
Truck - Idle	35.4	32.6	46.9

For the identified noise sources, the measured source sound pressures have been corrected for distance, directional characteristics, and other absorption effects before conversion to sound power level and subsequent prediction of the sound level at the points of reception. For this, the model uses the following general equation:

$$L_w = L_p + 20 \log(r) + 11 \pm DI_\theta \pm \text{ground \& atmospheric corrections}$$

Using the Brüel & Kjær Predictor software, the impact on the identified PORs from the truck noise sources, in absence of any ambient noise contributors from nearby road and rail traffic or other stationary noise sources was calculated. Appendix I contains the input values used for the Predictor model. Appendix E provides the output from one of the Predictor models, which includes the identifying labels for the three representative points of reception (PORs). It is worth noting that every effort was taken in the above analysis to present a worst-case scenario.

## **Results**

The following section details the assessment of the predicted noise levels at the representative locations.

**Table 4: Acoustic Assessment Summary Table**

Scenario	POR ID	Predicted Daytime Sound Level at Property Line 1.5 m Height (dBA)	Predicted Nighttime Sound Level at Property Line, 1.5 m Height (dBA)	Performance Limit (LAeq) Day and Night at Property Line	Compliance with Performance Limits (Yes/No)
1	POR1	34.2	33.9	60 (Day) & 50 (Night)	Yes
	POR2	36.2	36.0	60 (Day) & 50 (Night)	Yes
	POR3	35.5	35.4	60 (Day) & 50 (Night)	Yes
2	POR1	36.7	36.1	60 (Day) & 50 (Night)	Yes



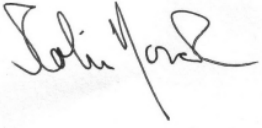
3	POR2	41.1	40.9	60 (Day) & 50 (Night)	Yes
	POR3	39.6	39.5	60 (Day) & 50 (Night)	Yes
	POR1	36.9	36.4	60 (Day) & 50 (Night)	Yes
	POR2	34.7	34.0	60 (Day) & 50 (Night)	Yes
	POR3	47.0	47.0	60 (Day) & 50 (Night)	Yes

### **Results Summary**

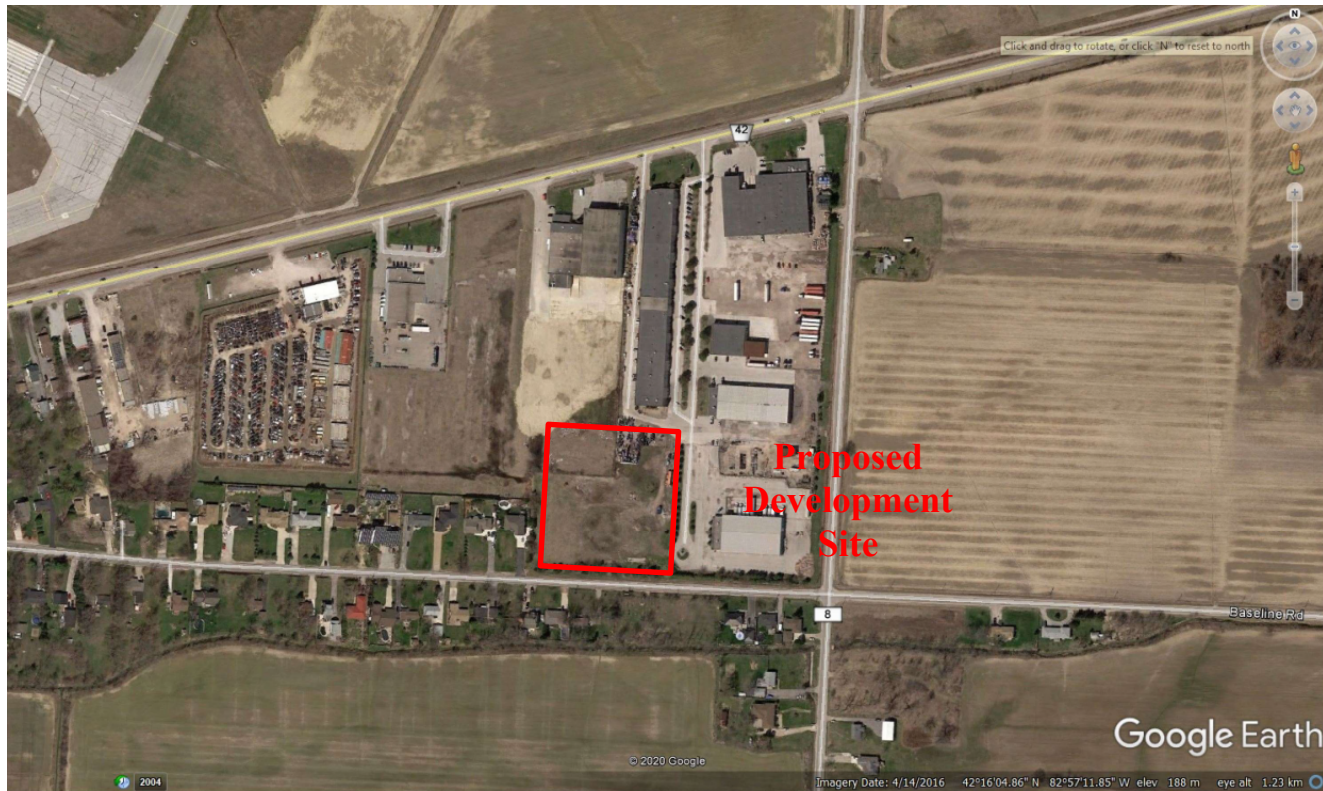
Table 4 summarizes the performance limits at the property lines for all parking locations within the proposed development. From this, the development meets all the sound level requirements at its property lines for the identified model inputs and assumptions.

### **Conclusion**

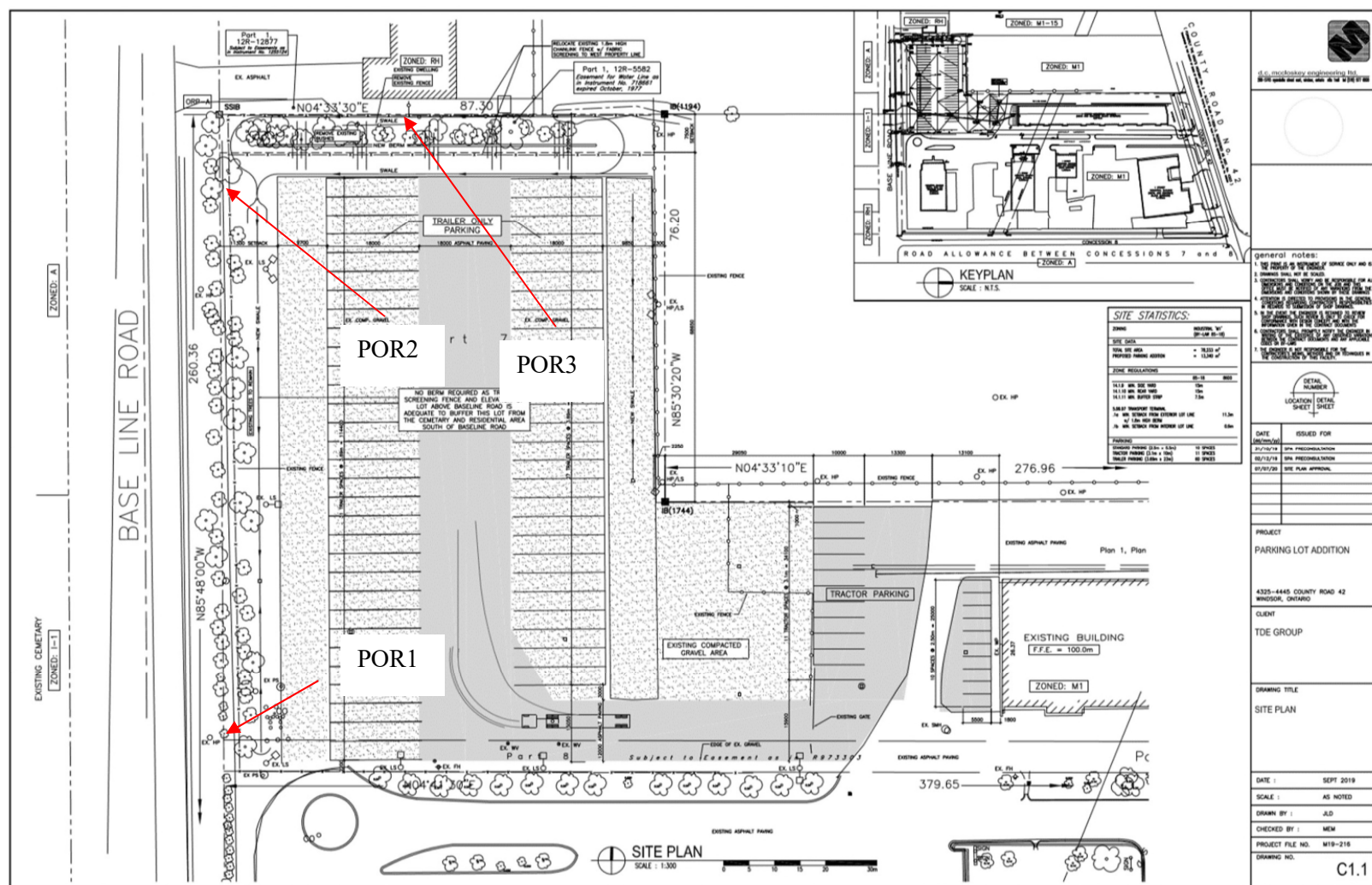
As the noise impact at the nearest property lines for the proposed development has been shown to be within the City of Windsor performance standards requirements, it is recommended that the development be given approval with the understanding that a 1.65 metre berm or noise barrier fence must be constructed, centred 6.1 meters from the west property line. Further, the edge of the west parking area must be a minimum of 12.2 metres from the west property line.

For  akoustik engineering limited		
	<b>Prepared by:</b> <b>Helen Ule, Ph.D., PEng</b>	<b>Reviewed by:</b> <b>Colin Novak, Ph.D., PEng</b>

## **Appendix A: Site Location**

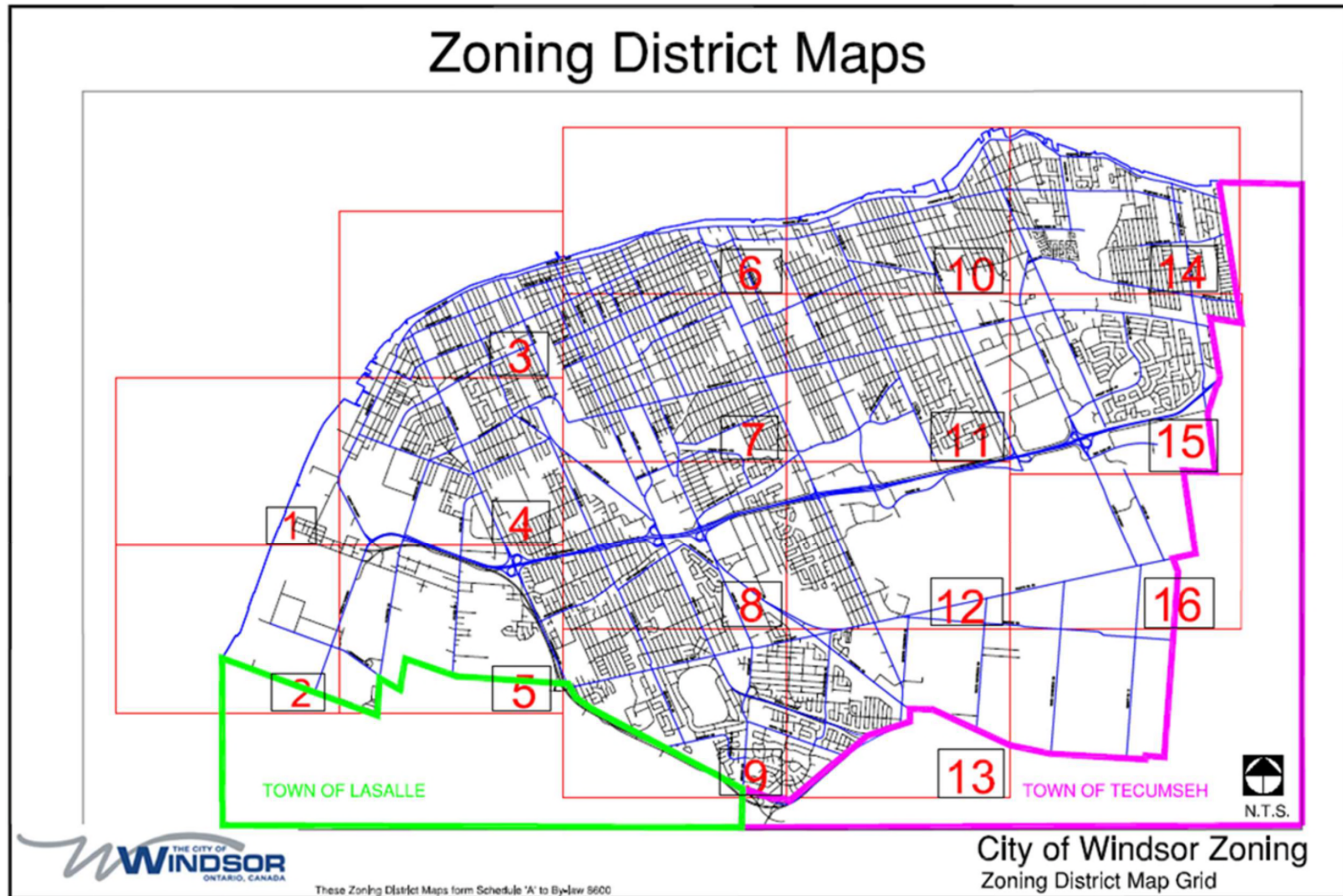


**A 1: General Location of Proposed Development and Surrounding Area**

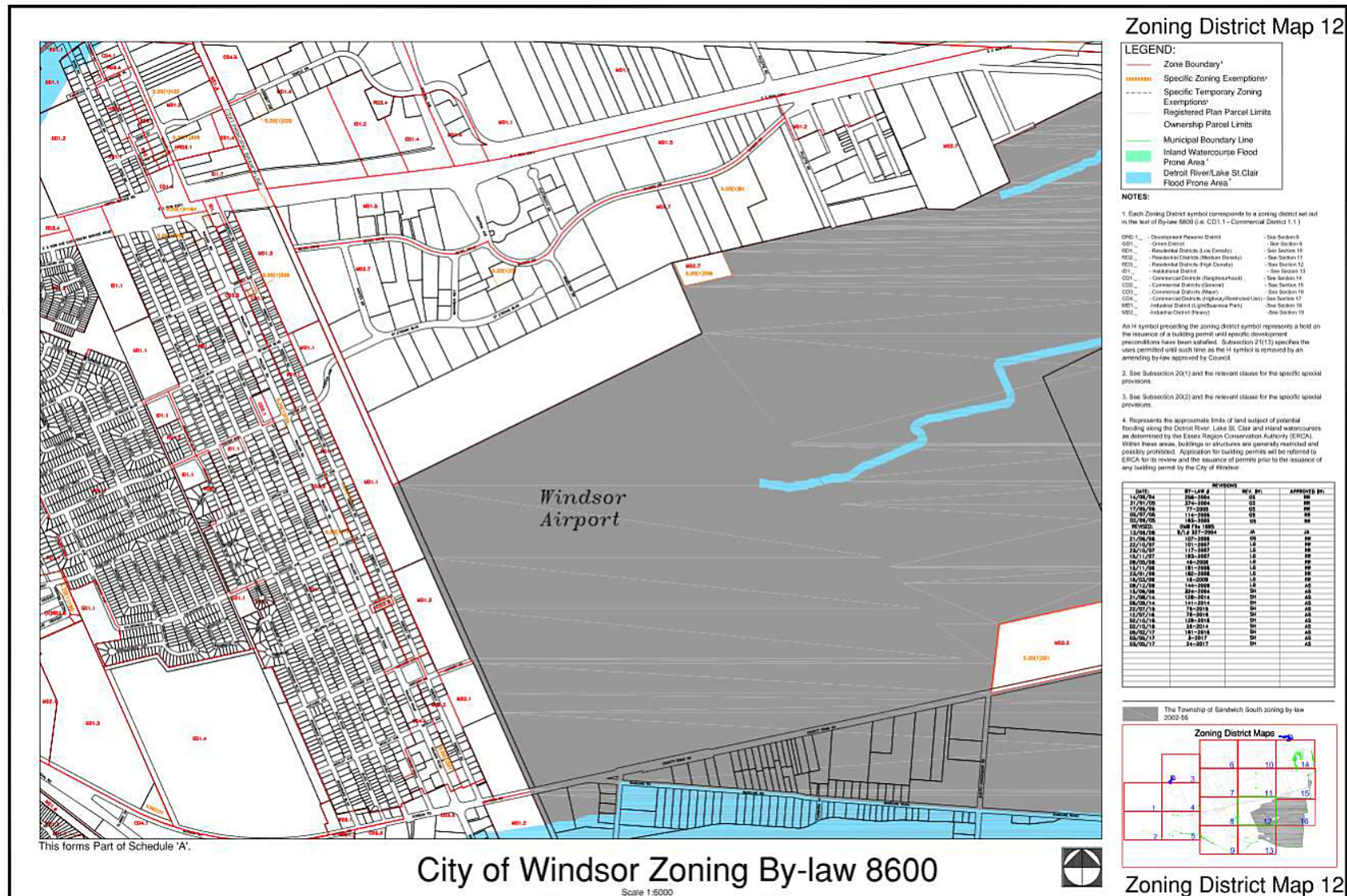




## Appendix B: Land-use Zoning Map of Area



B 1: City of Windsor Zoning – Zoning District Map Grid



B 2: City of Windsor Zoning Map 12

## **Appendix C: Report and Model Assumptions**

### **List of Assumptions**

TDE Group; 4325-4445 County Road 42; Windsor, ON

- All receptor locations taken at 1.5 m height
- Truck idles for approximately 17% of an hour while dropping off or picking up a trailer from a parking lot location
- Truck source height is 2 m
- Truck route has 16 trucks during the daytime and 5 trucks during the nighttime travelling at 15 km/h
- Facility is operating 24-hours per day

### **List of PORs**

- POR 1 – South property line (most easterly)
- POR 2 – South property line (most westerly)
- POR3 – West property line (most south)

## **Appendix D: Predictor Input Data**

**D 1: Raw Measurement Data and Sound Power Calculation – Truck**

Frequency	Surface Correction (dBA)	Measurement Distance (m)	Sound Pressure (dBA)	Sound Power (dBA)
25 Hz	3	5	15.04	37.0
31.5 Hz	3	5	31.0	53.0
40 Hz	3	5	24.39	46.4
50 Hz	3	5	32.87	54.8
63 Hz	3	5	48.84	70.8
80 Hz	3	5	42.84	64.8
100 Hz	3	5	51.05	73.0
125 Hz	3	5	49.54	71.5
160 Hz	3	5	50.78	72.8
200 Hz	3	5	48.01	70.0
250 Hz	3	5	50.2	72.2
315 Hz	3	5	53.63	75.6
400 Hz	3	5	56.22	78.2
500 Hz	3	5	55.6	77.6
630 Hz	3	5	59.89	81.9
800 Hz	3	5	59.55	81.5
1 kHz	3	5	60.22	82.2
1.25 kHz	3	5	61.1	83.1
1.6 kHz	3	5	62.09	84.1
2 kHz	3	5	62.11	84.1
2.5 kHz	3	5	59.51	81.5
3.15 kHz	3	5	54.45	76.4
4 kHz	3	5	54.07	76.0
5 kHz	3	5	50.16	72.1
6.3 kHz	3	5	47.92	69.9
8 kHz	3	5	46.66	68.6
10 kHz	3	5	38.9	60.9



Scenerio 3 - Source Closest at POR3  
 5 Aug 2020, 10:13



**D 2: Plot of Source Attributes and Points of Reception Locations**

### D3: Predictor Model Input Data

#### TDE Group Scenerio 3

Model: Source at POR3  
version of Area - Area  
Group: (main group)  
Listing of: Moving source, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Desc.	ISO H	ISO Terr.	HDef.	Flow(D)	Flow(E)	Flow(N)	Cb(D)	Cb(E)	Cb(N)	Avg.speed
Truck		2.00	0.00	Relative	12	4	5	27.82	27.82	29.86	15

Model: Source at POR3  
version of Area - Area  
Group: (main group)  
Listing of: Moving source, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Max.dist.	Lw 25	Lw 31	Lw 40	Lw 50	Lw 63	Lw 80	Lw 100	Lw 125	Lw 160	Lw 200	Lw 250
Truck	25.00	37.00	53.00	46.40	54.80	70.80	64.80	73.00	71.50	72.80	70.00	72.20

Model: Source at POR3  
version of Area - Area  
Group: (main group)  
Listing of: Moving source, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Lw 315	Lw 400	Lw 500	Lw 630	Lw 800	Lw 1k	Lw 1.25k	Lw 1.6k	Lw 2k	Lw 2.5k	Lw 3.1k	Lw 4k
Truck	75.60	78.20	77.60	81.90	81.50	82.20	83.10	84.10	84.10	81.50	76.40	76.00

Model: Source at POR3  
version of Area - Area  
Group: (main group)  
Listing of: Moving source, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Lw 5k	Lw 6.3k	Lw 8k	Lw 10k	Red 25	Red 31	Red 40	Red 50	Red 63	Red 80	Red 100	Red 125
Truck	72.10	69.90	68.60	60.90	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Model: Source at POR3  
version of Area - Area  
Group: (main group)  
Listing of: Moving source, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Red 160	Red 200	Red 250	Red 315	Red 400	Red 500	Red 630	Red 800	Red 1k	Red 1.25k	Red 1.6k	Red 2k
Truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Model: Source at POR3  
version of Area - Area  
Group: (main group)  
Listing of: Moving source, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Red 2.5k	Red 3.1k	Red 4k	Red 5k	Red 6.3k	Red 8k	Red 10k
Truck	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Model: Source at POR3  
version of Area - Area  
Group: (main group)  
Listing of: Point source, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Desc.	Height	Terrain L	HDef.	Type	DI	DI_Horz	DI_Vert	DI(0)	DI(10)
Truck Idle		2.00	0.00	Relative	Normal point source	none	0	0	0.0	0.0



Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Point sources, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	DI(20)	DI(30)	DI(40)	DI(50)	DI(60)	DI(70)	DI(80)	DI(90)	DI(100)	DI(110)	DI(120)	DI(130)
Truck Idle	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Point sources, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	DI(140)	DI(150)	DI(160)	DI(170)	DI(180)	Ca(D)	Ca(E)	Ca(N)	No refl.	No building	No ind.site
Truck Idle	0.0	0.0	0.0	0.0	0.0	7.70	7.70	7.70	No	No	No

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Point sources, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Lw 25	Lw 31	Lw 40	Lw 50	Lw 63	Lw 80	Lw 100	Lw 125	Lw 160	Lw 200	Lw 250
Truck Idle	37.00	53.00	46.40	54.80	70.80	64.80	73.00	71.50	72.80	70.00	72.20

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Point sources, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Lw 315	Lw 400	Lw 500	Lw 630	Lw 800	Lw 1k	Lw 1.25k	Lw 1.6k	Lw 2k	Lw 2.5k	Lw 3.1k
Truck Idle	75.60	78.20	77.60	81.90	81.50	82.20	83.10	84.10	84.10	81.50	76.40

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Point sources, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Lw 4k	Lw 5k	Lw 6.3k	Lw 8k	Lw 10k	Red 25	Red 31	Red 40	Red 50	Red 63	Red 80
Truck Idle	76.00	72.10	69.90	68.60	60.90	0.00	0.00	0.00	0.00	0.00	0.00

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Point sources, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Red 100	Red 125	Red 160	Red 200	Red 250	Red 315	Red 400	Red 500	Red 630	Red 800	Red 1k
Truck Idle	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Point sources, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Red 1.25k	Red 1.6k	Red 2k	Red 2.5k	Red 3.1k	Red 4k	Red 5k	Red 6.3k	Red 8k	Red 10k
Truck Idle	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Receivers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Desc.	Terrain L	HDef.	Height A	Height B	Height C	Height D	Height E	Height F	Façade
POR1		0.00	Relative	1.50	--	--	--	--	--	Yes
POR2		0.00	Relative	1.50	--	--	--	--	--	Yes
POR3		0.00	Relative	1.50	--	--	--	--	--	Yes

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Desc.	ISO H	ISO Terr.	HDef.	Use trans.	Floating	Refl.L 25	Refl.L 31	Refl.L 40	Refl.L 50
Barrier		1.65	0.00	Relative	No	No	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl.L 63	Refl.L 80	Refl.L 100	Refl.L 125	Refl.L 160	Refl.L 200	Refl.L 250	Refl.L 315	Refl.L 400
Barrier	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl.L 500	Refl.L 630	Refl.L 800	Refl.L 1k	Refl.L 1.25k	Refl.L 1.6k	Refl.L 2k	Refl.L 2.5k
Barrier	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl.L 3.1k	Refl.L 4k	Refl.L 5k	Refl.L 6.3k	Refl.L 8k	Refl.L 10k	Refl.R 25	Refl.R 31	Refl.R 40
Barrier	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl.R 50	Refl.R 63	Refl.R 80	Refl.R 100	Refl.R 125	Refl.R 160	Refl.R 200	Refl.R 250	Refl.R 315
Barrier	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl.R 400	Refl.R 500	Refl.R 630	Refl.R 800	Refl.R 1k	Refl.R 1.25k	Refl.R 1.6k	Refl.R 2k
Barrier	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl.R 2.5k	Refl.R 3.1k	Refl.R 4k	Refl.R 5k	Refl.R 6.3k	Refl.R 8k	Refl.R 10k	TL 25	TL 31	TL 40
Barrier	0.80	0.80	0.80	0.80	0.80	0.80	0.80	200.00	200.00	200.00

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	TL 50	TL 63	TL 80	TL 100	TL 125	TL 160	TL 200	TL 250	TL 315	TL 400	TL 500	TL 630	TL 800
Barrier	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Barriers, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	TL 1k	TL 1.25k	TL 1.6k	TL 2k	TL 2.5k	TL 3.1k	TL 4k	TL 5k	TL 6.3k	TL 8k	TL 10k
Barrier	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00	200.00

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Buildings, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Desc.	Height	Terrain L	HDef.	Designated use	Floating	Refl. 25	Refl. 31	Refl. 40	Refl. 50
Trailer		3.00	0.00	Relative		No	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Buildings, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl. 63	Refl. 80	Refl. 100	Refl. 125	Refl. 160	Refl. 200	Refl. 250	Refl. 315	Refl. 400	Refl. 500
Trailer	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Buildings, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl. 630	Refl. 800	Refl. 1k	Refl. 1.25k	Refl. 1.6k	Refl. 2k	Refl. 2.5k	Refl. 3.1k	Refl. 4k
Trailer	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80	0.80

Model: Source at POR3  
 version of Area - Area  
 Group: (main group)  
 Listing of: Buildings, for method Industrial noise - ISO 9613.1/2 (1/3 Octave)

Name	Refl. 5k	Refl. 6.3k	Refl. 8k	Refl. 10k
Trailer	0.80	0.80	0.80	0.80

## **Appendix E: Predictor Output Results**

**E1: Table of Predictor Results**

Scenario	Name	Height (m)	Day (LAeq)	Night (LAeq)
1	POR1	1.5	34.2	33.9
	POR2	1.5	36.2	36.0
	POR3	1.5	35.5	35.4
2	POR1	1.5	36.7	36.1
	POR2	1.5	41.1	40.9
	POR3	1.5	39.6	39.5
3	POR1	1.5	36.9	36.4
	POR2	1.5	34.7	34.0
	POR3	1.5	47.0	47.0

## **APPENDIX E**

### **EXCERPTS FROM ZONING BY-LAW 85-18**

#### **SECTION 3 – DEFINITIONS**

3.16 **BERM**, shall mean an earthen work or mound of earth of a specified height and width, and exhibiting sloping, landscaped sides, which is intended to act as a barrier or buffer strip. The height of a berm shall be the vertical distance in metres between the base and the highest point of the berm. The slope of the slides of the berm shall be stable and not prone to shifting and will be dependent upon the required height of the berm and shall in no case be greater than 45 degrees (2:1) to the horizontal.

3.18 **BUFFER STRIP**, shall mean an area used for no other purpose than for the erection of a solid fence, earth berm or the planting and maintaining of a continuous row of natural evergreen trees or a continuous unpierced hedgerow of natural shrubs, not less than two (2.0) metres (6.56') height, which will provide a year round visual barrier, and the remainder of which is used for landscaping and the planting of ornamental shrubs, flowering shrubs, flowerbeds, or a combination thereof. Any fence shall be decorative in nature and be designed and constructed to resist wind damage (e.g. alternating slats).

3.19 **BUILDING**, shall include any structure whether temporary or permanent, used or intended for sheltering any use or occupancy but shall not include a fence, trailer, camping trailer, truck camper, motor home, or tent.

3.20 **BUILDING, MAIN or MAIN STRUCTURE**, shall mean the building or structure designed for or in which is conducted the principal use of the lot on which it is situated. For clarity a dwelling accessory to an agricultural use is not a "main building" for the purpose of this By-law.

3.48 **FLOOR AREA**, shall mean the sum of the areas of all of the floors of a building or structure measured from the outside of all outside walls or from the centerline of common or party walls, exclusive of any attached accessory building, terrace, veranda, unfinished attic, basement, cellar, open or enclosed porch or sunroom, unless such sunroom or enclosed porch is an integral part of the building and habitable in all seasons, and excluding any floor area with a ceiling height of less than two (2.0) metres (6.5').

3.63 **INDUSTRIAL USE**, shall mean the use of any land, building or structure for the purpose of manufacturing, processing, assembling, making, preparing, inspecting, ornamenting, finishing, treating, altering, repairing, warehousing, storing, packaging or adapting for sale any goods, substance, article or thing, or any part thereof, and the storage of building and construction equipment and materials, as distinguished from the buying and selling of commodities and the supplying of personal services. Transportation terminals would also be considered an "Industrial Use".

3.68 **LANDSCAPING**, shall mean any combination of trees, shrubs, flowers, grass or other horticultural elements, together with decorative stonework, paving, screening or other architectural elements, all of which is designed to enhance the visual amenity of a property.

3.70 **LOADING SPACE**, shall mean a space or bay located on a lot which is used or intended to be used for the temporary parking of any commercial, industrial or institutional vehicle while loading or unloading persons, animals, goods, merchandise or materials used in connection with the main use of the lot or any building thereon, and which has unobstructed access to a street or lane.

3.72 **LOT**, shall mean a parcel or tract of land which,

a) is the whole of a lot on a registered plan of subdivision, so long as such registered plan is not deemed, pursuant to Section 49 of The Planning Act, S.O. 1983, not to be a registered plan of subdivision, or

b) is all of the land held or owned under distinct and separate ownership from the ownership of the fee or equity of redemption in abutting land.

3.73 LOT OF RECORD, shall mean a lot legally capable of being conveyed from one person to another person as of the date of the passing of this By-law.

3.74 LOT, AREA, shall mean the total horizontal area within the lot lines of a lot.

3.76 LOT FRONTAGE, shall mean the horizontal distance between the side lot lines of a lot measured at right angles, but where such lot lines are not parallel, the lot frontage shall be measured perpendicularly to the line joining the midpoints of the front and rear lot lines at a point seven and one-half (7.5) metres (24.50') back from the front lot line, and where such lot lines meet, the lot frontage shall be measured perpendicularly to the line joining the midpoint of the front lot line with the apex of the triangle formed by the side lot lines at a point seven and one-half (7.5) metres (24.60') back from the front lot line, and where such lot lines are curved, the lot frontage shall be measured along the line between the interior side lot line and the intersection of the tangents to the street lines, drawn through the extremities of the front lot line and exterior side lot line.

3.78 LOT LINES, shall mean the boundary lines of a lot defined as follows:

a) Front Lot Line, shall mean:

- in the case of an interior lot the lot line dividing the lot from the street;
- in the case of a corner lot the shorter lot line abutting the street unless each lot line is of equal length in which case the front lot line shall be the lot line where the principal access to the lot is provided;
- in the case of a through lot the front lot line shall be the lot line where the principal access to the lot is provided.

b) Rear Lot Line, shall mean the lot line farthest from and opposite to the front lot line;

c) Side Lot Line, shall mean a lot line other than a front or rear lot line;

d) Side Lot Line, Exterior, shall mean the side lot line which abuts the street on a corner lot;

e) Side Lot Line, Interior, shall mean the lot line which does not abut the street on a corner lot.

3.83 MOTOR VEHICLE, shall mean a wheeled self-propelling vehicle for the transportation of passengers and goods and without limiting the generality of the foregoing includes automobiles, trucks, buses, ambulances, hearses, motor homes and tractors.

3.91 OPEN SPACE, LANDSCAPED, shall mean unobstructed space on the site which is suitable for landscaping, including any part of the site occupied by recreational accessory buildings, any surfaced walk, patio or similar area, any sports or recreational area, any ornamental or swimming pool, and the roof or other part of a building or structure open to the air and suitable for landscaping and used as a recreational area, but excluding any driveway or ramp, whether surfaced or not, any curb, retaining wall, or motor vehicle parking area.

3.92 OUTSIDE STORAGE, shall mean the storage of goods in the open air and in unenclosed portions of buildings which are open to the air on the sides.

3.96 PARKING LOT, and AREA, shall mean an area for the parking of vehicles and may include aisles, parking spaces and related entrance and exit lanes, but shall not include any part of a public street.

3.97 PARKING SPACE, shall mean an area of 3 metres (9.84') by 6 metres (19.68'), exclusive of aisles or driveways, enclosed in a building, or unenclosed, and set aside for the purpose of parking a vehicle and shall not include any part of a public street.



3.117 SETBACK, shall mean the horizontal distance between the centerline of the road and the nearest part of any main wall of any building or structure, measured at right angles to such centerline, and extending the full width of the lot.

3.131a TRANSPORT TERMINAL means premises used to dispatch, park, repair, service, or store freight-carrying trucks including a semi-trailer, tractor trailer, transport trailer, transport truck, truck tractor, or truck trailer, and may include as an accessory use, the loading or unloading of goods or freight to or from, or transferring of goods or freight between, said trucks and trailers. A truck transportation facility, truck terminal or truck or transportation terminals is a transport terminal. A motor vehicle dealership, outdoor storage yard or parking area is not a transport terminal.

TRANSPORT STORAGE AREA means that portion of a transport terminal located outdoors and being used to load, manoeuvre, park, repair, service, store, or unload a transport truck or transport trailer. It does not include any landscaped open space.

TRANSPORT TRAILER means a trailer or a semi-trailer as defined in the Highway Traffic Act, R.S.O. 1990, c. H.8. A tractor trailer or truck trailer is a transport trailer. A cabin trailer, camping trailer, house trailer, mobile home, motor home, trailer or recreational vehicle, tent trailer, travel trailer, or truck camper is not a transport trailer.

TRANSPORT TRUCK means a motor vehicle used to pull a transport trailer and includes the tractor unit of a tractor-trailer combination or a semi-trailer truck or semi-tractor unit of semi-trailer combination. A truck tractor is a transport truck.

3.132 USE, (when used as a noun), shall mean the purpose for which any land, building or structure is designed, arranged or intended to be occupied or used, or for which it is occupied, used or maintained.

3.133 VEHICLE, includes a motor vehicle, trailer, traction engine, farm tractor, road-building machine, motorized snow vehicle and any vehicle drawn, propelled or driven by any kind of power, including a muscular power, but does not include a wheelchair.

3.134 VEHICLE, COMMERCIAL, shall mean a motor vehicle having permanently attached thereto a truck or delivery body and includes an ambulance, hearse, casket wagon, fire apparatus, police patrol vehicle, motor bus and tractor used for hauling purposes on the highway.

3.138 YARD, shall mean an open space on the same lot with a main building or structure, unoccupied, uncovered, and unobstructed from the ground upward except by such accessory buildings, structures or uses as are specifically permitted elsewhere in this By-law. In determining yard measurements the minimum horizontal distance between the main building or structure and the respective lot lines measured perpendicular from the lot line shall be used:

- a) Front Yard shall mean a yard extending across the full width of a lot between the front lot line and the nearest wall of the main building or structure on the lot;
- b) Rear Yard shall mean a yard extending across the full width of a lot between the rear lot line and the nearest wall of the main building or structure on the lot;
- c) Side Yard shall mean a yard between the side wall of the main building or structure on the lot and the side lot line and extending from the front yard (or front lot line if not front yard is required) to the rear yard (or rear lot line if no rear yard is required).

3.139 ZONE, shall mean an area delineated on a Zoning Map Schedule and established and designated by this By-law for a specific use or group of uses.

## SECTION 5 – GENERAL PROVISIONS

### 5.49 TRANSPORT TERMINAL

For a transport terminal, the following additional provisions shall apply:

- .1 A transport storage area shall be:
  - a) Setback from a front lot line or an exterior side lot line, a minimum of 11.30 m, said setback shall consist of a berm with a minimum width of 11.30 m and a minimum height of 1.80 m, and shall be maintained exclusively as a landscaped open space yard;
  - b) Setback from a rear lot line or an interior side lot line, a minimum of the required rear yard depth or the required side yard depth of the zone in which the lot is located in, the width of a required buffer strip, or 0.9 m, whichever is greater, and the setback shall be maintained exclusively as a landscaped open space yard.
  - c) Graded and drained into a municipal sewer system to prevent the runoff of surface water onto a street, alley, or abutting property;
  - d) Paved with asphalt, concrete or any combination thereof, for that portion of the transport storage area used to load, manoeuvre, repair, service, or unload a motor vehicle, transport truck or transport trailer. The remainder of the transport storage area shall be paved with asphalt or concrete, or covered in gravel or similar aggregate, or any combination thereof, and
  - e) Maintained in good condition.
- .3 The parking, repairing, servicing, storing of a motor vehicle, truck or transport trailer within a required yard, required buffer strip, or a landscaped open space is prohibited.
- .5 A curb shall bound the perimeter of the paved portion of the transport storage area. Any curb shall be constructed of poured in place concrete, shall be continuous and shall have a minimum width and height of 15.0 cm. Precast concrete, rubber, plastic or other curbing or a parking stop that is not continuous is prohibited. A curb cut or ramp for pedestrian or vehicular access, a curb cut for drainage, or a curb with a height of less than 15.0 cm as a transition between the paved and unpaved portions of a transport storage area, is permitted.
- .10 Vehicular access shall be from/to a street by way of a driveway. The provisions of Section 5.37 shall apply to such driveway and the requirement for an industrial use shall apply.
- .15 A parking area may be located within a transport storage area and the provisions of Section 5.34 shall apply, with necessary modifications for the safe and efficient operation of the transport storage area and parking area.
- .20 A refuse bin may be located within a transport storage area and shall be fully screened by a screening fence having a minimum height of 1.80 m.
- .25 Where an abutting lot is zoned Parks and Open Space Zone, Residential Zone 1 or Hamlet Residential Zone or occupied by a dwelling or dwelling unit, a screening fence with a minimum height of 1.80 m shall be provided along that part of the lot line for the lot on which the transport terminal is located.
- .30 Any lighting used to illuminate the transport terminal shall be full cut-off lighting.
- .50 Notwithstanding Section 5.33, for a transport terminal the required minimum number of parking spaces shall be 5 parking spaces, or 1 parking space for every 45.0 m<sup>2</sup> of gross floor area, whichever is greater.

## SECTION 14 – INDUSTRIAL ZONE (M1) REGULATIONS

### 14.1 GENERAL USE REGULATIONS

#### 14.1.1 Permitted Uses

No land, building, or structures shall be used or erected in the Industrial Zone (M1) except for non-effluent producing industrial uses as defined herein and shall include the following:

- a) automobile body repair shop;
- b) automobile repair garage;
- c) blueprinting and printing establishments;
- d) building supplies center or lumber yard;
- e) commercial grain handling and storage facility;
- f) concrete or wood products factory or manufacturing use, excluding a concrete batching plant;
- g) construction company;
- h) contractor's yard or shop;
- i) establishments for the storage or processing of agricultural produce;
- j) existing agricultural uses;
- k) food catering services;
- l) machine or welding shop;
- m) manufacturing of small electrical or machine components;
- n) metal fabricating;
- o) non-effluent producing industrial uses;
- p) offices and retail or wholesale outlets related to permitted industrial uses, carried on in the same building;
- q) repair depots including machine repair shops;
- r) existing salvage yards or scrap yards;
- s) service shop;
- t) tire repair shop
- u) tool and die companies;
- v) Transport Terminal  
[ZNG/5364] (Amended by B/L 168-2018, Dec. 19/2018)
- w) warehousing and supply or storage uses (outdoor and indoor);
- x) woodworking shops;
- y) accessory buildings or uses, including a dwelling or dwelling unit.

#### 14.1.2 Permitted Buildings and Other Structures

No building or structures shall be used or erected in the Industrial Zone (M1) except for the following purposes:

- a) buildings and structures for the permitted uses;
- b) accessory buildings and structures for the permitted uses.

#### 14.1.3 Minimum Lot Area

2000 square metres  
(21,529.5' sq.)

14.1.3	Minimum Lot Frontage	
	a) on a County Road	61 metres (200.13')
	b) on all other roads	30 metres (98.43')
14.1.5	Maximum Lot Coverage	40 percent
14.1.6	Minimum Landscaped Open Space	10 percent
14.1.7	Maximum Building Height	10.5 metres (34.40')
14.1.8	Minimum Front Yard Depth	12.0 metres (39.40')
14.1.9	Minimum Side Yard Width	
	a) Where the side yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones	15.0 metres (49.21')
	b) Where the side yard abuts the greenway	3.0 metres (9.84')
	c) All other cases	6.0 metres (19.68')
14.1.10	Minimum Rear Yard Depth	
	a) Where the rear yard fronts on a street opposite a residential zone, institutional zone or parks and open space zone or directly abuts said zones	15.0 metres (49.21')
	b) Where the rear yard abuts the greenway	3.0 metres (9.84')
	c) All other cases, except where the rear yard abuts a railway or railway spur, in which case no rear yard shall be required	7.5 metres (24.60')
14.1.11	Buffer Strip	
	A buffer strip with a minimum width of 7.5 metres (24.60') shall be provided abutting the side and rear lot lines, where they abut a residential, institutional or parks and open space zone in compliance with subsection 5.15	
14.1.12	Loading Space Regulations	
	In addition to the requirements specified in subsections 5.31 and 5.32 of this By-law, the following provisions shall apply:	
	a) Where a lot abuts an arterial road or county road, no loading space shall be located in nor open onto a front yard or any yard directly abutting a residential, institutional or parks and open space zone. If all yards abut such zones then the loading space shall be allowed to open onto a side or rear yard.	
14.1.13	Outside Storage	
	a) No outside storage shall be permitted in a front yard, however, display of goods may be permitted behind the required minimum front yard setback.	
	b) Outside storage shall be permitted in any side or rear yard provided it is to the rear of the front wall of any building, or where there is no building behind the minimum front yard setback.	
	c) No outside storage shall be permitted in any required minimum yard setback directly abutting a residential, institutional or parks and open space zone.	
	d) Any areas used for permitted outside storage shall be in addition to and separate from such areas as may be required by this By-law for the provision of off-street parking and loading spaces.	

- e) the maximum height for permitted outside storage (except for machinery, equipment and trucks that are stored as single units at grade) shall not exceed 5 metres (16.40').

14.1.14 Outside Lighting Facilities

Illuminated signs and exterior lighting installed on a lot to illuminate parking areas, driveways, loading areas, buildings or outside storage areas shall be so arranged as to direct light away from abutting lots and adjacent residential uses.

14.1.15 Performance Standards

All industrial uses within the Industrial (m1) Zone shall meet the following performance standards to ensure the safety and comfort of all persons within the Industrial (M1) Zone and in adjoining zones. The performance standards to be complied with shall include all municipal, provincial and federal regulations with respect to air and water pollution, industrial safety and work standards as well as the following specific standards:

- a) No dirt, dust or particulate matter shall be discharged into the air.
- b) No noise shall exceed 60 dBA (decibels) during the day or 50 dBA at night at the boundaries of the lot provided that short intermittent noise peaks are permitted.
- c) No toxic, obnoxious or corrosive fumes or gases shall be emitted.
- d) No odours shall be perceptible at the lot boundaries.
- e) Any drop or power hammer, punch press or stamping press shall be so controlled so as to prevent the transmission beyond the lot lines of ground vibrations perceptible without the aid of instruments.

14.1.16 Parking and Landscaping in Front Yard

Notwithstanding any other provision in this by-law to the contrary, no parking other than a maximum of six (6) visitor's parking spaces shall be permitted in the front yard and any front yard that is not used for driveways or visitor's parking spaces shall be used for landscaping.



**Council Report: S 117/2020**

**Subject: Zoning By-law Amendment - 1521 Pierre Avenue - Lester Group - Z016-20 [ZNG-6127] - Ward 4**

**Reference:**

Date to Council: October 13, 2020  
Author: George Robinson, MCIP, RPP  
Planner II - Revitalization & Policy Initiatives  
519 255-6543 x6531  
grobinson@citywindsor.ca

Planning & Building Services  
Report Date: September 28, 2020  
Clerk's File #: ZB/13897

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

**Recommendation:**

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 82, Plan 889; now designated as Part 2 on Reference Plan 12R28270, located on the west side of Pierre Avenue, south of Shepherd Street East (shown as the subject lands on Appendix D to Report S117/2020), from Residential RD 1.3 to RD 2.2 and by adding a site specific provision to Section 20(1) as follows:

**"397 WEST SIDE OF PIERRE AVENUE, SOUTH OF SHEPHERD STREET**

For the lands comprising Lot 82, Plan 889; now designated as Part 2 on Reference Plan 12R28270, for any permitted use in Section 11.2.1, save and except for a townhome dwelling, the following additional provisions shall also apply:

- a) Lot Width - minimum – 9.0 m;
- b) Lot Area – minimum – 336 m<sup>2</sup>
- c) Side Yard Width – minimum 1.20 m;
- d) *Screening fence* minimum 1.8 metres in height and landscaping shall be installed along the northerly *lot line* abutting the *rear yard*.

[ZDM 07; ZNG/6127]"

**Executive Summary:**

N/A



**Background:**

**Location:** Vacant lot, abutting 1521 Pierre Avenue  
(west side of Pierre Avenue, south of Shepherd Street East)

**Ward:** 4

**Planning District:** Walkerville

**Zoning District Map:** 7

**Applicant:** Scott Woodall of Lester Group

**Proposal:**

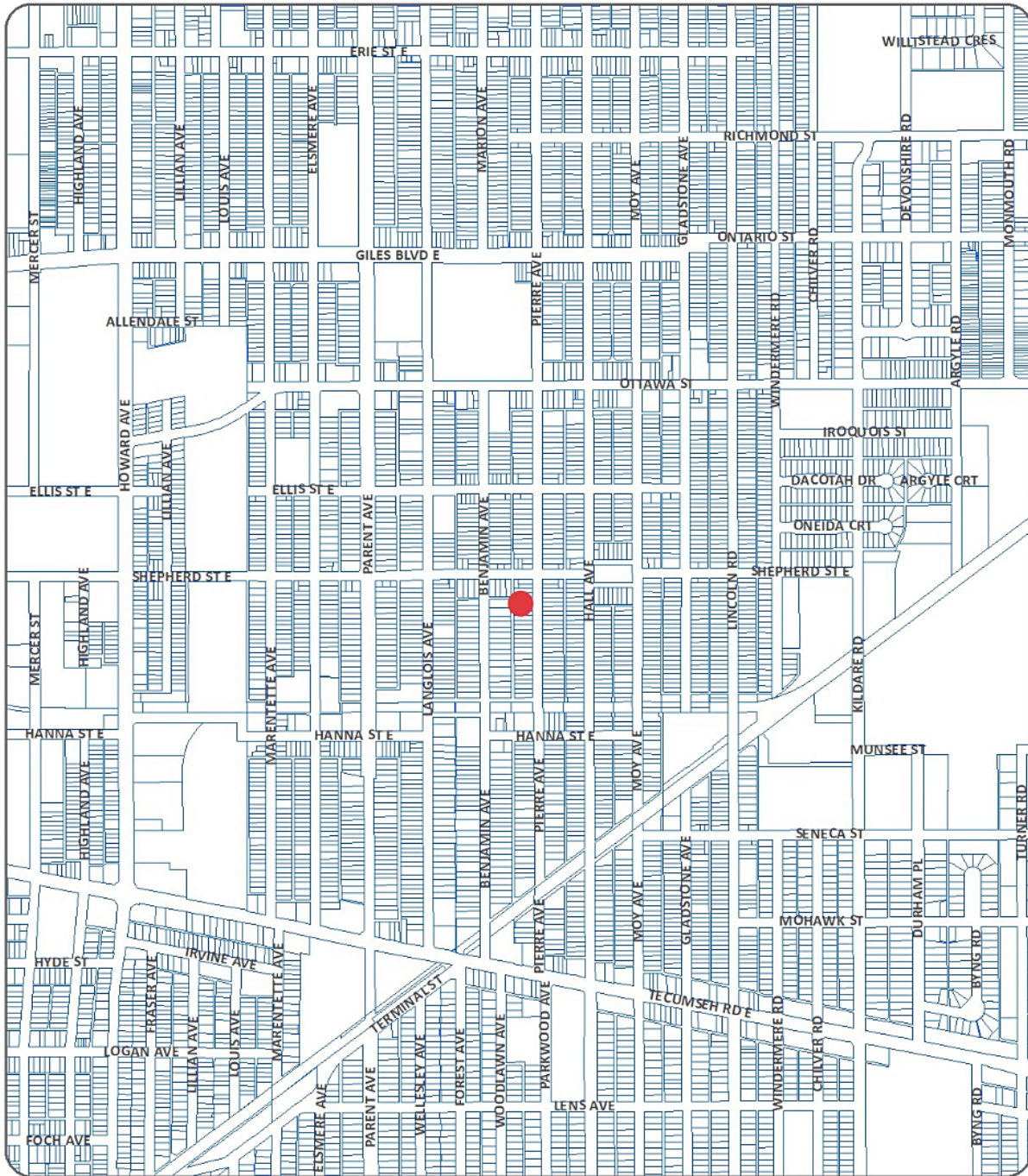
An application has been received for a Zoning By-law Amendment on the lands located at 1521 Pierre Avenue, legally described as Lot 82, Plan 889; now designated as Part 2 on Reference Plan 12R28270 (survey attached as Appendix B). The site area is 0.034 ha with 9 m of frontage on Pierre Avenue. The site is located within the “Residential” Land Use Designation within the City of Windsor Official Plan and is zoned Residential District 1.3 (RD1.3).

The applicant requests a Zoning By-law Amendment to permit a residential use building, proposing a two storey, 3 unit residential apartment building with associated parking as shown on Appendix A. Specifically, the applicant requests the following amendments to permit the proposed residential use building:

Zoning By-law Amendment: The subject properties are located within “Residential District 1.3” (RD1.3) zones within Zoning By-law 8600, as amended. The applicant is requesting that Zoning By-law 8600 be amended to a site specific “Residential District 2.2 (RD2.2)” with the following site specific special provisions:

- Minimum Lot Width of 9 m whereas Zoning By-law 8600 requires a minimum Lot Width of 18 m;
- Minimum Lot Area of 336 m<sup>2</sup> whereas Zoning By-law 8600 requires a Minimum Lot Area of 540 m<sup>2</sup>; and,
- Minimum Side Yard Width of 1.2 m whereas Zoning By-law 8600 requires a Minimum Side Yard Width of 1.8 m.
- A Screening fence minimum 1.8 metres in height and landscaping shall be installed along the northerly lot line.

## Location Maps:

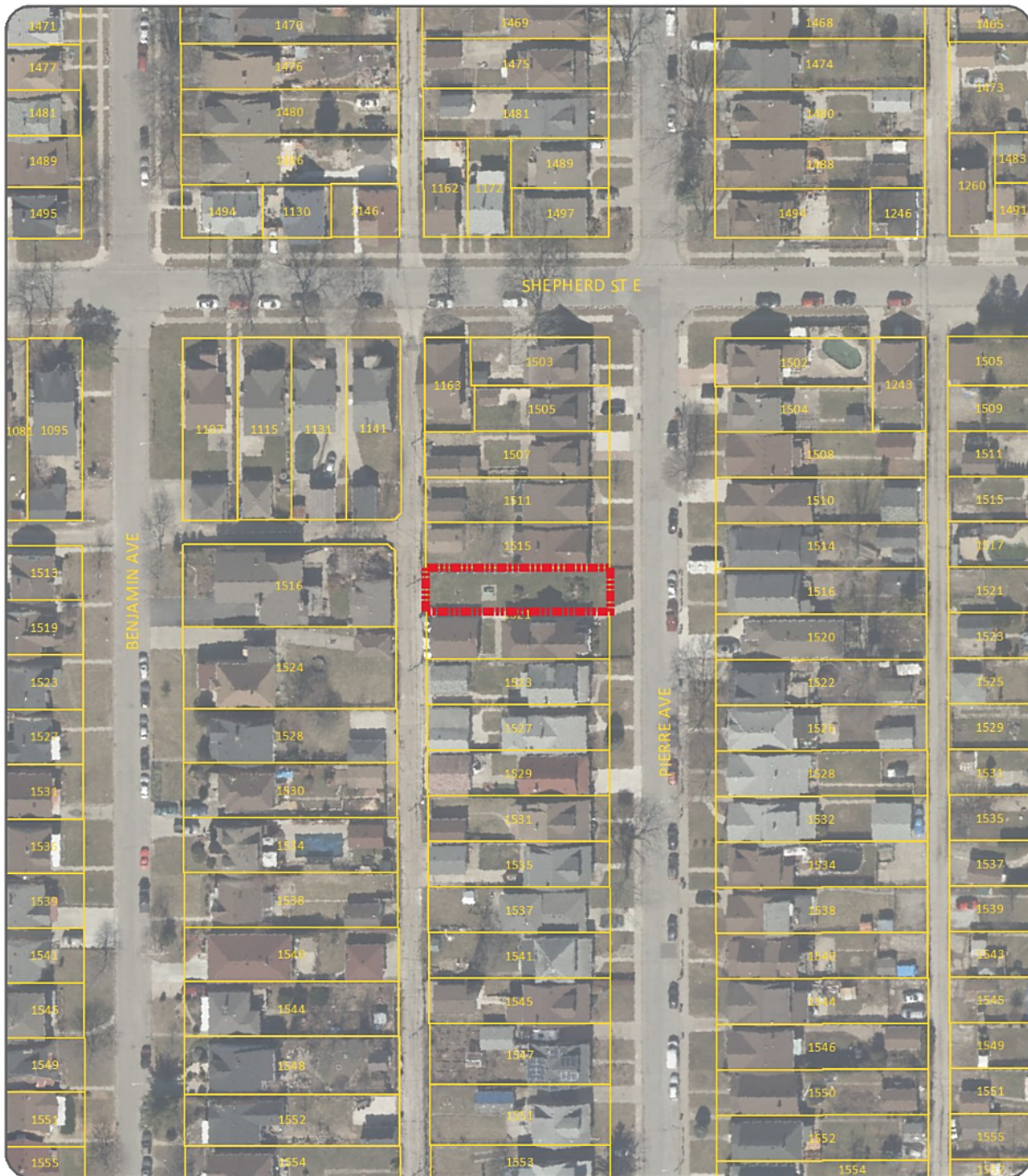


KEY MAP - Z 016-20, ZNG-6127



● SUBJECT LANDS





## NEIGHBOURHOOD MAP - Z 016-20, ZNG-6127



SUBJECT LANDS

## Site Information:

### Vacant lot, abutting 1521 Pierre Avenue

OFFICIAL PLAN	ZONING	CURRENT USE	<i>PREVIOUS USE</i>
Residential	RD1.3	Vacant	Residential (Duplex Dwelling) and vacant lot.
FRONTAGE	AVERAGE DEPTH	AREA	<i>SHAPE</i>
9.14 m	36.89 m	336 m <sup>2</sup>	Rectangle

## Neighbourhood Characteristics:

The site is located in a residential neighbourhood to the east and west, mainly occupied by single detached, duplex, and semi-detached residential dwellings, Commercial uses to the north along Ottawa Street, and manufacturing districts to the southeast in proximity to the Essex Terminal Railway (ETR) rail line. Specifically, the following land uses are present:

### North

Low rise Residential until main street Commercial buildings along Ottawa Street which contains a mix of retail stores, restaurants, and personal service businesses. Saint Mary and Saint Moses Coptic Orthodox Church is on the corner of Ottawa Street and Benjamin Avenue, across the street from Lanspeary Park.

### East

Clay Park is along Shepherd Street between Moy Avenue and Hall Avenue. Low rise Residential until manufacturing districts along the ETR line. Commercial businesses including a pharmacy, bingo hall, and credit union at the corner of Ottawa Street and Walker Road.

### South

Low rise Residential abutting the subject site to the immediate south. Main street Commercial buildings containing a variety of restaurants, personal service shops, retail, and office uses along Tecumseh Rd E. A municipal water tower at the corner of Hanna Street and Benjamin Avenue.

### West

Low rise Residential dwellings, Gignac Park, and Saint Alphonsus Roman Catholic Cemetery.

## Municipal Infrastructure

- The City's records show a combined sewer along Pierre Avenue.
- There are municipal watermains, fire hydrants and streetlights along Pierre Avenue.
- There are curbs and gutter along both sides of Pierre Avenue.
- There are sidewalks on both sides of Pierre Avenue.
- There are overhead pole lines along the east side of Pierre Avenue and in the alley abutting the site.
- Transit Windsor Buses: Parent 14 runs north/south along Parent Avenue, approximately 280 metres to the west. Walkerville 8 runs north/south along Lincoln Road approximately 390 metres to the east. Both lines terminate at the Windsor International Transit Terminal. The Ottawa 4 runs east/west along Ottawa Street approximately 430 metres to the north.
- Ottawa Street and Parent Avenue are both classified as a Class 1 Collector Roads and Truck Routes. Pierre Avenue is a local road.

## Discussion:

### Provincial Policy Statement, 2020

The Provincial Policy Statement, 2020 (PPS) provides direction on matters of provincial interest related to planning. The *Planning Act* requires that all land use decisions be consistent with the PPS. The following is an overview of the applicable PPS policies and how the recommendations in this report are consistent with the PPS.

#### *1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

##### *1.1.1 Healthy, liveable and safe communities are sustained by:*

*a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*

*b) accommodating an appropriate affordable and market-based range and mix of residential types (including single-detached, additional residential units, multi-unit housing, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

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

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

*e) promoting the integration of land use planning, growth management, transit-supportive development, intensification and infrastructure planning to achieve cost-effective development patterns, optimization of transit investments, and standards to minimize land consumption and servicing costs;*

*f) improving accessibility for persons with disabilities and older persons by addressing land use barriers which restrict their full participation in society;*

*g) ensuring that necessary infrastructure and public service facilities are or will be available to meet current and projected needs;*

*h) promoting development and land use patterns that conserve biodiversity; and*

*i) preparing for the regional and local impacts of a changing climate.*

The proposed amendment would permit a higher density of residential units, making more efficient use of land within the existing built up area. The residential dwellings proposed will be a different form that is currently available in the majority of the surrounding area and therefore will contribute to providing a range and mix of housing types.

The proposed amendments are consistent with Section 1.1.1. of the PPS.

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

The proposed amendments are within a settlement area therefore will contribute to the vitality and regeneration of existing the settlement areas.

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

*a) efficiently use land and resources;*

*b) are appropriate for, and efficiently use, the infrastructure and public service facilities which are planned or available, and avoid the need for their unjustified and/or uneconomical expansion;*

*c) minimize negative impacts to air quality and climate change, and promote energy efficiency;*

*d) prepare for the impacts of a changing climate;*

*e) support active transportation;*

*f) are transit-supportive, where transit is planned, exists or may be developed; and*

*g) are freight-supportive.*

The amendments would allow higher density of residential units on the subject lands. This would make more efficient use of the land and existing resources. The subject site has access to several collector streets and truck routes, with access proposed to the local road via alley (Shepherd Street). Additionally, the proposed development will be required to accommodate storm water onsite to predevelopment conditions. Therefore,



the proposed development makes more efficient use of existing municipal infrastructure. Increased residential units within the area will increase the demand for and use of the existing transit routes in proximity to the site.

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

The City of Windsor Official Plan contains an Urban Structure Plan showing a Neighbourhood Corridor along Ottawa Street and a Neighbourhood Node at the intersection of Ottawa Street and Walker Road, to the east of the subject site. Additionally, Ottawa Street is identified as a “Main Street” in the Civic Image in Schedule G. The policies that correspond to these identifications provide for higher density and a mix of uses.

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

The subject properties are located within the Walkerville Planning District as identified on Schedule A: Planning Districts & Policy Areas. The subject site is identified as “Residential” land use designation as shown on Schedule D: Land Use Plan to Volume I of the City of Windsor Official Plan. The proposal to change the zoning of the subject site does not require any changes to the planning district or the land use designation.

The Official Plan contains a Schedule J: Urban Structure Plan which identifies the key structural elements within the municipality. Schedule J: Urban Structure Plan identifies the intersection of Ottawa Street and Walker Road as a Neighbourhood Node. Schedule G: Civic Image identifies Ottawa Street as a Main Street. These elements provide the following:

**Nodes:** the subject site is west of a Neighbourhood Node, which are classified and defined in Chapter 3 of the Official Plan (policy 3.3.1).

*Smaller scale community and neighbourhood nodes play an important role in providing services to the surrounding neighbourhoods, providing a range of housing opportunities and, providing a recognized sense of place for these neighbourhoods.*

Allowing residential intensification in proximity to a Neighbourhood Node supports the vibrancy of these nodes.

**Corridors:** the subject site is south of Ottawa Street, which is classified as a Main Street in Schedule G: Civic Image, and as a Neighbourhood Corridor in Schedule J: Urban Structure Plan.

Corridor policies (policy 3.3.2 and policy 3.3.2.2) denotes:

*The purpose and function of neighbourhood corridors is to link street sections to neighbourhood nodes or as standalone sections of community retail and services. These corridors provide for the day to day needs of the immediate neighbourhood that*

*surrounds them. While employment is not the major focus, these corridors create a sense of community by providing places for residents to walk such as local retail businesses and services. Local services may also include pharmacies, convenience stores and retail to serve the day to day needs of residents.*

Neighbourhood policies (policy 3.3.3) denotes that these area are the most basic component on Windsor's urban structure, facilitating a range of "low-to-medium density residential" built forms, including "some medium-density intensification."

The Residential policies (policy 6.3.2.4 and 6.3.2.5) stipulates location and evaluation criteria for Residential development. The proposed development meets the locational criteria which includes access to a collector road, full services, adequate open spaces and community services, and public transportation service.

The subject property is not adjacent to any identified development constraints, a site of known contamination, and traffic generation and distribution is not a provincial or municipal concern. The proposed development is adjacent to residential uses which is considered a sensitive land use, however there is no change in Land Use.

The land use policies associated with the Residential Land Use designation support a complementary range of housing forms and tenures in all neighbourhoods, promote compact neighbourhoods which encourage a balanced transportation system, promote selective residential redevelopment, infill and intensification initiatives. The proposed development is a compatible residential housing type that will contribute to the types of housing forms in the neighbourhood.

The Built Form policies in Chapter 8 of the Official Plan (policy 8.7.2.3) speaks to items that address compatibility of infill in established neighbourhoods. The proposed three unit multiple dwelling building is of comparable height and massing of other properties in the neighbourhood. The use of the existing lot fabric and building spacing supports the compatibility of the design with the low-rise character of the existing streetscape.

#### SECTION 11.6.3 OF OP VOL. 1 – ZONING BY-LAW AMENDMENT POLICIES

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

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

*(a) The relevant evaluation criteria contained in the Land Use Chapter of this Plan, Volume II: Secondary Plans & Special Policy Areas and other relevant standards and guidelines;*

- (b) Relevant support studies;*
- (c) The comments and recommendations from municipal staff and circularized agencies;*
- (d) Relevant provincial legislation, policies and appropriate guidelines; and*
- (e) The ramifications of the decision on the use of adjacent or similar lands.*

The recommended Zoning By-law Amendment maintains conformity with the Official Plan and, based on the analysis provided in this report in response to the respective policies in the land use designation chapters, the Zoning By-law Amendment meets the criteria set out above in section 11.6.3.3 of the Official Plan.

## **Zoning By-law**

The subject property is located within “Residential District 1.3” (RD1.3) zone (see Appendix D and F) within Zoning By-law 8600, as amended. The applicant is requesting that Zoning By-law 8600 be amended to a site specific “Residential District 2.2 (RD2.2)” with site specific special provisions. This is consistent with the conceptual site plan shown by the applicant in Appendix A.

The proposed Zoning By-law Amendment would permit a similar level of residential density to what the currently residential zoning permits, in a different built form. In accordance with Additional Dwelling Unit (ADU) policies and regulations, the applicant could construct a new single unit dwelling with an ADU in the main building (as a basement suite, for example) and an ADU in an accessory building, achieving 3 units on this parcel. As reviewed above, the Residential Land Use designation permits selective residential redevelopment, infill and intensification and given the location of the site in proximity to a Main Street, the proposed Zoning By-law Amendment is consistent with the Official Plan.

The proposed Zoning By-law Amendment is consistent with the City of Windsor Official Plan and Provincial Policy Statement, 2020.

## **Issues to be resolved:**

If this application is approved, any of the requirements raised by municipal departments and agencies regarding servicing the new development will be resolved through the Site Plan Control or building permit process.

## **Risk Analysis:**

N/A

## **Financial Matters:**

N/A

## **Consultations:**

Appendix C contains comments from departments and agencies. Furthermore, additional comments provided by Administrative Departments that pertain directly to the development of the site will be provided to the Site Plan or building permit process should this application be approved.

## **Public Notice:**

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

## **Conclusion:**

In my professional opinion, the Zoning By-law Amendment as proposed in the recommendations of this report are consistent with the Policies of the Provincial Policy Statement, 2020 and maintain conformity with the City of Windsor Official Plan.

The proposed residential building within a residential land use designation, in proximity to a Main Street is appropriate and will contribute to a mix of housing types, densities and uses.

## **Planning Act Matters:**

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

*Michael Cooke, MCIP, RPP*

*Manager of Planning Policy / Deputy City Planner*

*Thom Hunt, MCIP, RPP*

*City Planner*

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

*SAH*

*OC*

## Approvals:

Name	Title
Michael Cooke	Manager of Planning Policy / Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Onorio Colucci	Chief Administrative Officer

## Notifications:

Name	Address	Email
Scott Woodall of Lester Group		<a href="mailto:scott@lestergroup.ca">scott@lestergroup.ca</a>
Beau Dubois		<a href="mailto:peniorealestate@gmail.com">peniorealestate@gmail.com</a>
Stephen Berrill of Architectural Design Associates		<a href="mailto:sberrill@ada-architect.ca">sberrill@ada-architect.ca</a>
Residents within 120 metres.		
Councillor Chris Holt		<a href="mailto:cholt@citywindsor.ca">cholt@citywindsor.ca</a>

## Appendices:

- 1 Appendix A - Concept Development Plan
- 2 Appendix B - Survey
- 3 Appendix C - Comments
- 4 Appendix D - Zoning Map
- 5 Appendix E - Official Plan Policies
- 6 Appendix F - Zoning By-law 8600 Sections
- 7 Appendix G - Draft Amending Zoning By-law

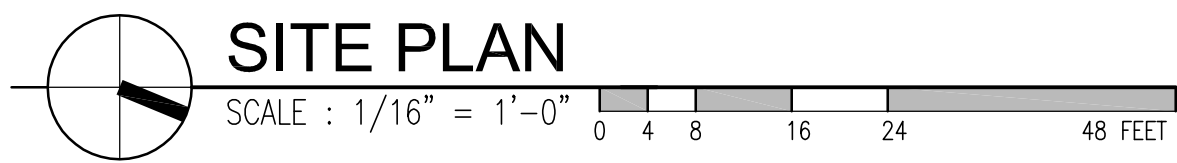
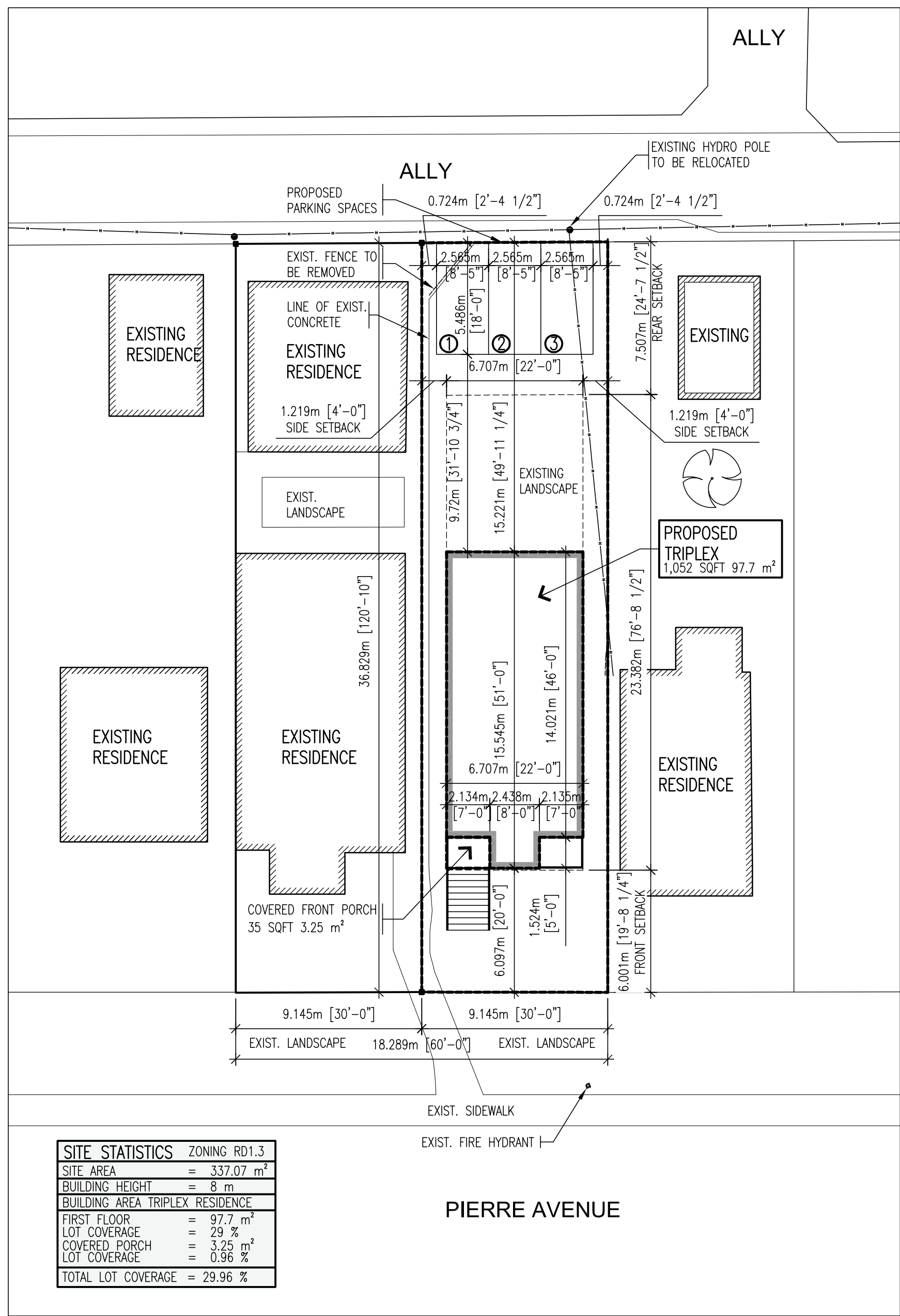
# PROPOSED THREE STOREY RESIDENTIAL TRIPLEX

FOR

LESTER GROUP  
WINDSOR, ONTARIO

Location:

1521 PIERRE AVENUE, WINDSOR, ON



SITE PLAN

SCALE : 1/16" = 1'-0"

FIRM NAME: ARCHITECTURAL DESIGN ASSOCIATES INC. ARCHITECT										
CERTIFICATE OF PRACTICE NUMBER : 3339 1670 MERCER STREET, WINDSOR, ONTARIO, N8X 3P7 PHONE: 519-254-3430, FAX: 519-254-3642										
NAME OF PROJECT: PROPOSED 3-STOREY TRIPLEX RESIDENCE										
LOCATION: 1521 PIERRE AVENUE, WINDSOR, ON										
ITEM	ONTARIO 2012 BUILDING CODE DATA MATRIX PARTS 3 or 9 DESIGNED UNDER COMPLIANCE PACKAGE D						OBC Reference References are to Division B unless noted [A] for Division A or [C] for Division C			
1	PROJECT DESCRIPTION			<input checked="" type="checkbox"/> NEW <input type="checkbox"/> ADDITION <input type="checkbox"/> CHANGE OF USE <input type="checkbox"/> ALTERATION		<input type="checkbox"/> PART 11 11.1 to 11.4	<input type="checkbox"/> PART 3 1.1.2.[A]	<input checked="" type="checkbox"/> PART 9 1.1.2.[A] & 9.10.1.3		
2	MAJOR OCCUPANCY(S) GROUP C – RESIDENTIAL						3.1.2.1.(1)		9.10.2	
3	BUILDING AREA (m2)		EXISTING: N/A NEW: XX TOTAL: XX		1.1.4.2.[A]		1.1.4.2.[A]			
4	GROSS AREA (m2)		EXISTING: N/A NEW: XX TOTAL: XX		1.1.4.2.[A]		1.1.4.2.[A]			
5	NUMBER OF STOREYS		ABOVE GRADE 2 BELOW GRADE 1		1.1.4.2.[A]&3.2.1.1		1.1.4.2.[A]& 9.10.4			
6	NUMBER OF STREETS / FIREFIGHTER ACCESS						3.2.2.10 & 3.2.5.		9.10.20.	
7	BUILDING CLASSIFICATION N/A						3.2.2.20. – .83		9.10.2.	
8	SPRINKLER SYSTEM PROPOSED <input type="checkbox"/> ENTIRE BUILDING <input type="checkbox"/> SELECTED COMPARTMENTS <input type="checkbox"/> SELECTED FLOOR AREAS <input type="checkbox"/> BASEMENT <input type="checkbox"/> IN LIEU OF ROOF RATING <input checked="" type="checkbox"/> NOT REQUIRED						3.2.2.20. – .83 3.2.1.5. 3.2.2.17. INDEX		9.10.8.2.   INDEX	
9	STANDPIPE REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.2.9.		N/A	
10	FIRE ALARM REQUIRED <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.2.4		9.10.18.	
11	WATER SERVICE – SUPPLY IS ADEQUATE <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO						3.2.5.7.		N/A	
12	HIGH BUILDING <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.2.6		N/A	
13	CONSTRUCTION RESTRICTIONS <input checked="" type="checkbox"/> COMBUSTIBLE PERMITTED <input type="checkbox"/> NON-COMBUSTIBLE REQUIRED <input type="checkbox"/> BOTH  ACTUAL CONSTRUCTION <input checked="" type="checkbox"/> COMBUSTIBLE <input type="checkbox"/> NON-COMBUSTIBLE <input type="checkbox"/> BOTH						3.2.2.20. – .83		9.10.6	
14	MEZZANINE(S) AREA (m2)		N/A				3.2.1.1.(3)–(8)		9.10.4.1	
15	OCCUPANT LOAD BASED ON		<input type="checkbox"/> m2 PER PERSON <input checked="" type="checkbox"/> DESIGN OF BUILDING				3.1.17.		9.9.1.3	
FLOOR PLAN OCCUPANCY			2 PER SLEEPING ROOM		LOAD 12 PERSONS					
TOTAL OCCUPANT LOAD			= 12 PERSONS							
16	BARRIER FREE DESIGN <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO (PER 9.5.2)						3.8		9.5.2	
17	HAZARDOUS SUBSTANCES <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO						3.3.1.2. &3.3.1.19.		9.10.1.3.(4)	
18	REQUIRED FIRE RESISTANCE RATING (FRR)	HORIZONTAL ASSEMBLIES FRR (HOURS)			LISTED DESIGN NO: OR DESCRIPTION (SB–2)			3.3.1.2. – .83 & 3.1.4.		9.10.8 9.10.9
		FLOORS	0.75	1 HOUR – 2 LAYERS 5/8" TYPE 'X' FIRE–RATED GYPSUM BOARD						
		ROOF	N/A	N/A						
		MEZZANINE	N/A	N/A						
		FRR OF SUPPORTING MEMBERS			LISTED DESIGN NO: OR DESCRIPTION (SB–2)					
		FLOORS	0.75	0.75 HOUR – LOADBEARING WALLS W/ 5/8" TYPE 'X' FIRE–RATED GYP. BOARD						
		ROOF	N/A	N/A						
		MEZZANINE	N/A	N/A						
19	SPATIAL SEPARATION – CONSTRUCTION OF EXTERIOR WALL						3.2.3		9.10.14	
WALL	AREA OF EBF(m2)	L.D. (m)	L/H or H/L	PERMITTED MAX. % of OPENINGS	PROPOSED % of OPENINGS	FRR (HOURS)	LISTED DESIGN OR DESCRIPTION	COMBUSTIBLE CONSTR.	COMBUSTIBLE CLADDING	NOTE:
NORTH	107.42	1.2	N/A	7	3.8	N/A	N/A	N/A	N/A	N/A
SOUTH	107.42	1.2	N/A	7	0	N/A	N/A	N/A	N/A	N/A
EAST	51.20	6.09	N/A	34	13.2	N/A	N/A	N/A	N/A	N/A
WEST	51.20	15.24	N/A	–	15.96	N/A	N/A	N/A	N/A	N/A
NOTE:										

## LIST OF DRAWINGS

A1.0	OBC MATRIX SITE PLAN	A3.1	ELEVATIONS
A1.1	BASEMENT PLAN MAIN FLOOR PLAN SECOND FLOOR PLAN	A4.1	SECTIONS
A1.2	ROOF PLAN DOOR & WINDOW SCHEDULE	A4.2	SECTIONS


2020/03/DD PERMIT

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project:

PROPOSED 3 STOREY  
RESIDENTIAL TRIPLEX

client:

LESTER GROUP

title:

O.B.C. MATRIX  
SITE PLAN

scale:

AS SHOWN

drawn by:

PH

checked by:

SMB

date:

MARCH 2020

comm. no.:

R-2019-013

sheet no.:

A1.0



- ⦿ VISUAL SIGNAL INTERCONNECTED AND BATTERY BACKUP SMOKE ALARM AS PER 9.10.19.3 AND 9.10.19.4 REQUIRED ON ALL FLOOR LEVELS - CARBON MONOXIDE DETECTOR REQUIRED AT BEDROOM AREAS
- ⦿ EXHAUST FANS AND DUCTS SHALL BE SIZED ACCORDING TO OBC PART 6 OR 9.32 - ALL FANS SHALL EXHAUST DIRECTLY OUTDOORS - KITCHEN EXHAUST SHALL BE NON-COMBUSTIBLE PIPE
- ⦿ ALL STAIRS, RAMPS, HANDRAILS AND GUARDS SHALL CONFORM TO SB-7 & 9.8. O.B.C.

- NOTE: ALL PARALLAM BEAMS TO BE ENGINEERED BY MANUFACTURER
- NOTE: TYPICAL INTERIOR PARTITION 2 x 4 @ 16" O.C. W/ 1/2" GYPSUM BD. EACH FACE
- NOTE: PROVIDE WATER RESISTANT GYPBD. AT ALL WASHROOM LOCATIONS
- NOTE: REFER TO A4.1 FOR WINDOW & DOOR SCHEDULES

- NOTE: PROVIDE DRAIN WATER HEAT RECOVERY UNITS PER O.B.C. SB-12 3.1.1.12
- NOTE: HRV REQUIRED IN ALL NEW CONSTRUCTION. EFFICIENCIES TO MATCH COMPLIANCE PACKAGE

**FLOOR TYPE F1a** STC 52 - PER SB-3  
1 HR. RATED

2 LAYERS 5/8" TYPE 'X' FIRE-RATED GYP. BD.  
1/2" RESILIENT CHANNEL @ 12" O.C.  
MIN. 6" SOUND BATT INSULATION  
11 7/8" TJI FLOOR JOISTS  
5/8" TYPE 'X' FIRE-RATED GYPSUM BOARD

**WALL TYPE W4** STC 51 - PER SB-3  
1 HR. RATED

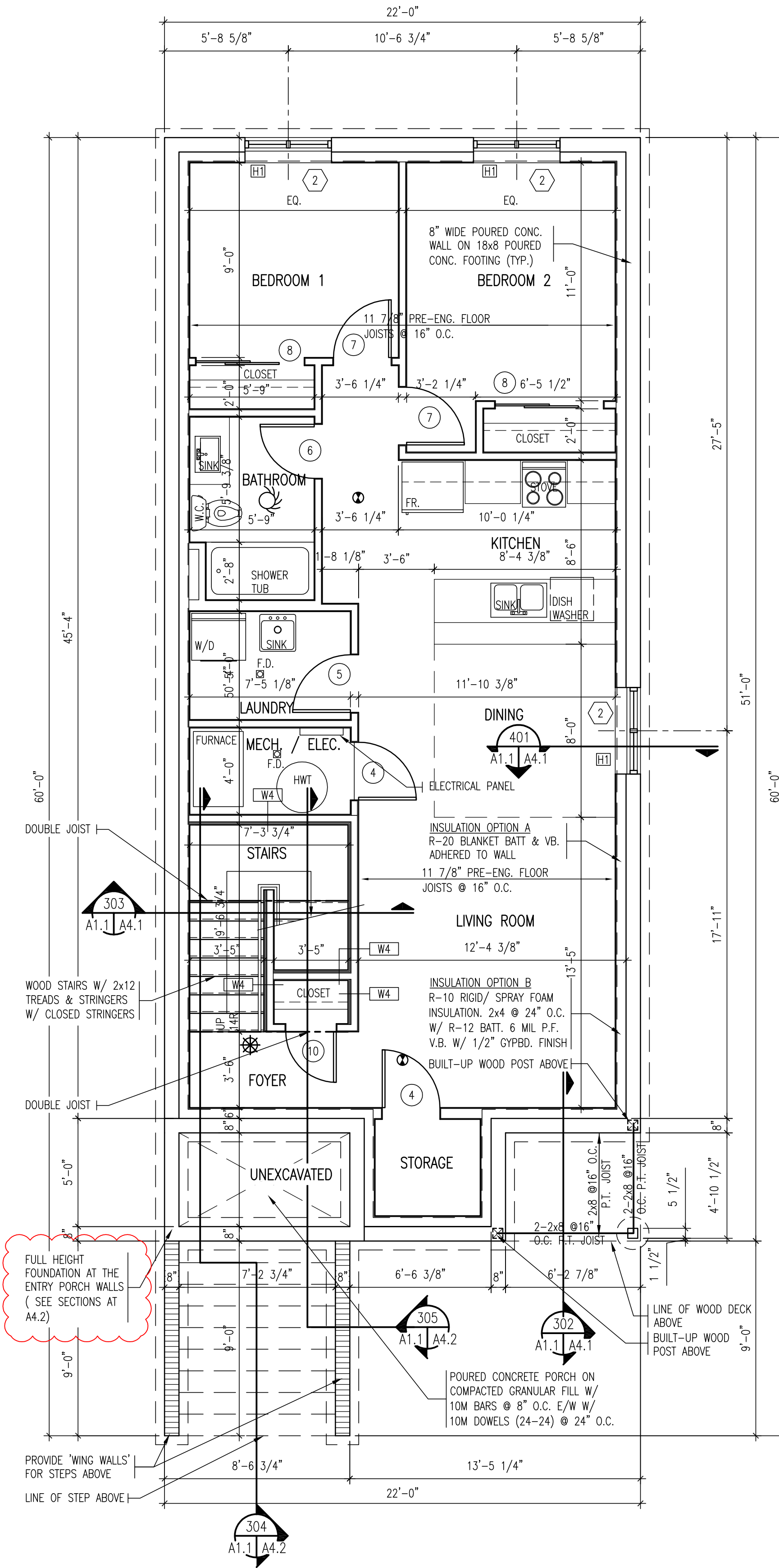
5/8" TYPE 'X' GYP. BD.  
2x4 @ 16" O.C.  
SOUND BATT INSUL.  
RESILIENT CHANNEL  
(2) LAYERS OF 5/8" TYPE 'X'

**HEADER SCHEDULE**  
HI 2-2 x 6 W/ SPACERS

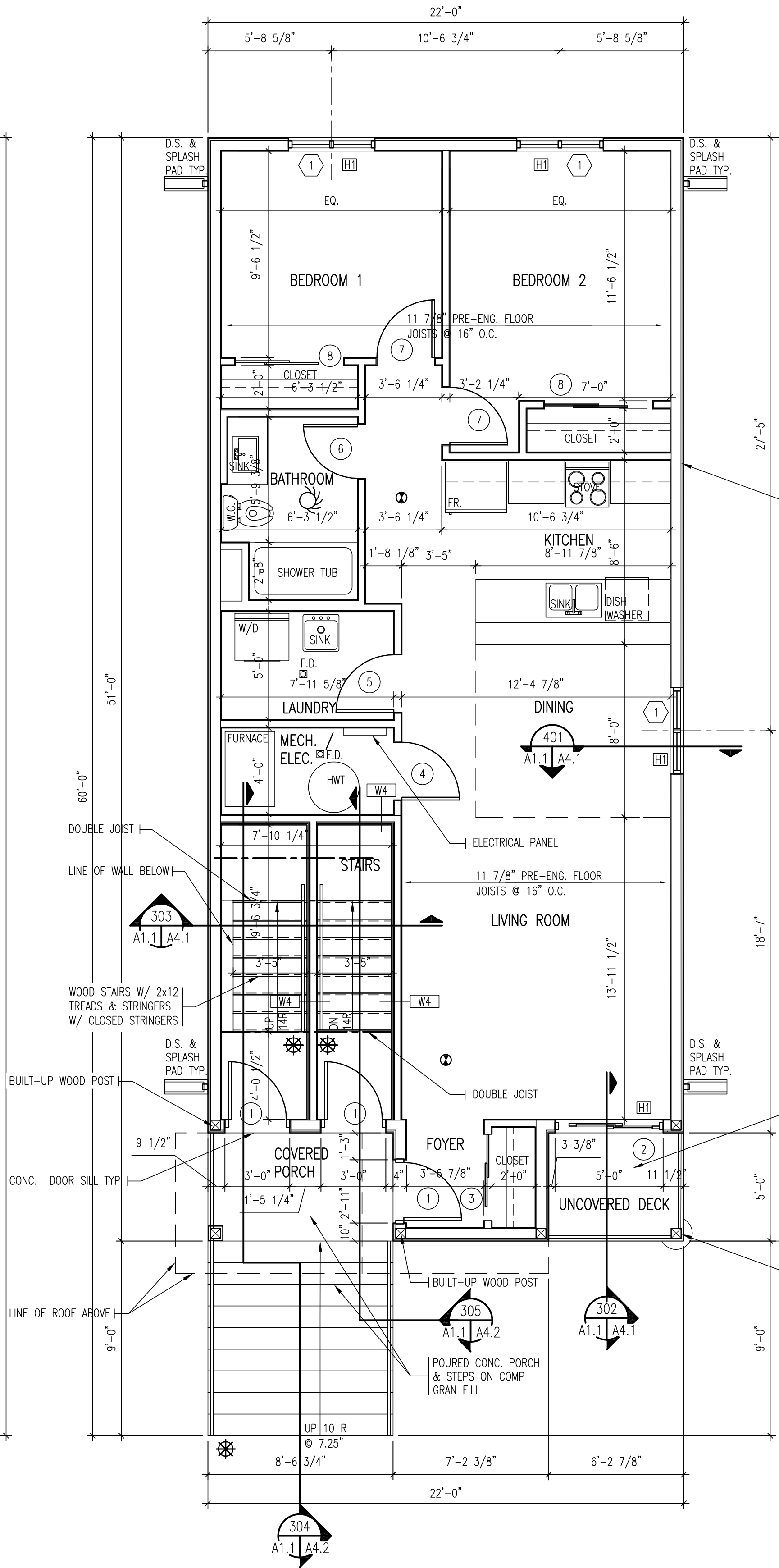
**LINTEL SCHEDULE**  
LI L3" x 3" x 1/4" BRICK LINTEL

NOTE: ALL LOAD-BEARING BEAMS, COLUMNS AND WALLS CLAD W/ MIN. 5/8" TYPE 'X' GYP. BD. SURROUND - FIRE RATED 45 min.

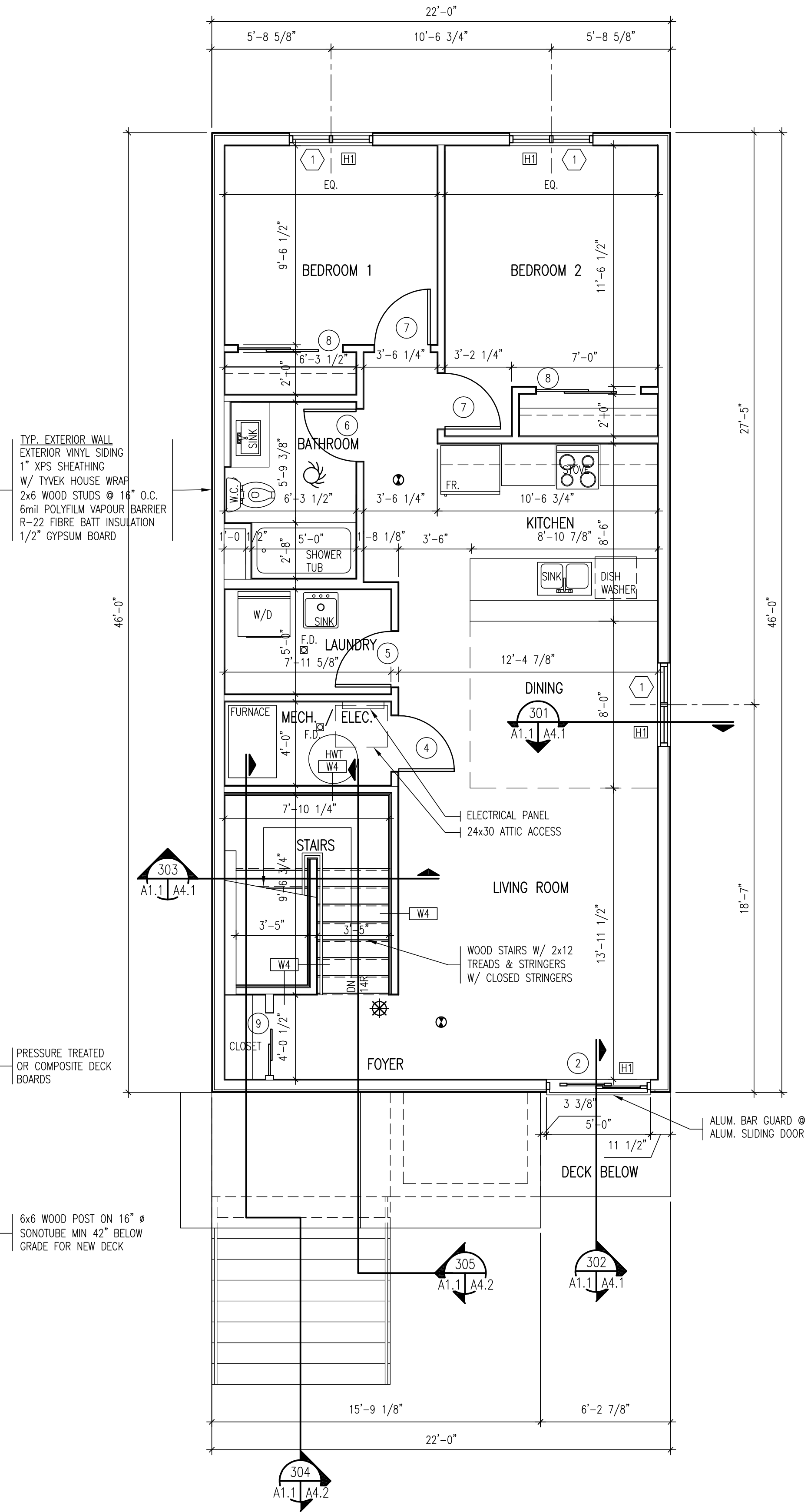
- NOTE: ALL FIRST FLOOR NON LOAD BEARING PARTITIONS TO U/S OF RATED CLG. OR PROVIDE GYP. @ TOP OF PARTITION TO MAINTAIN F/A CONSTRUCTION
- NOTE: STAIRS TO MEET STC RATING 50 - 6" INSUL. AND MEET F9c RATING



**BASEMENT FLOOR PLAN**  
SCALE : 1/4" = 1'-0"



**MAIN FLOOR PLAN**  
SCALE : 1/4" = 1'-0"



**SECOND FLOOR PLAN**  
SCALE : 1/4" = 1'-0"

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stamp:

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**D design**  
**A associates inc. architect**

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project:

**PROPOSED 3 STOREY  
RESIDENTIAL TRIPLEX**

client:

**LESTER GROUP**

title:

**FLOOR PLANS**

scale:

AS SHOWN

drawn by:

PH

checked by:

SMB

date:

MARCH 2020

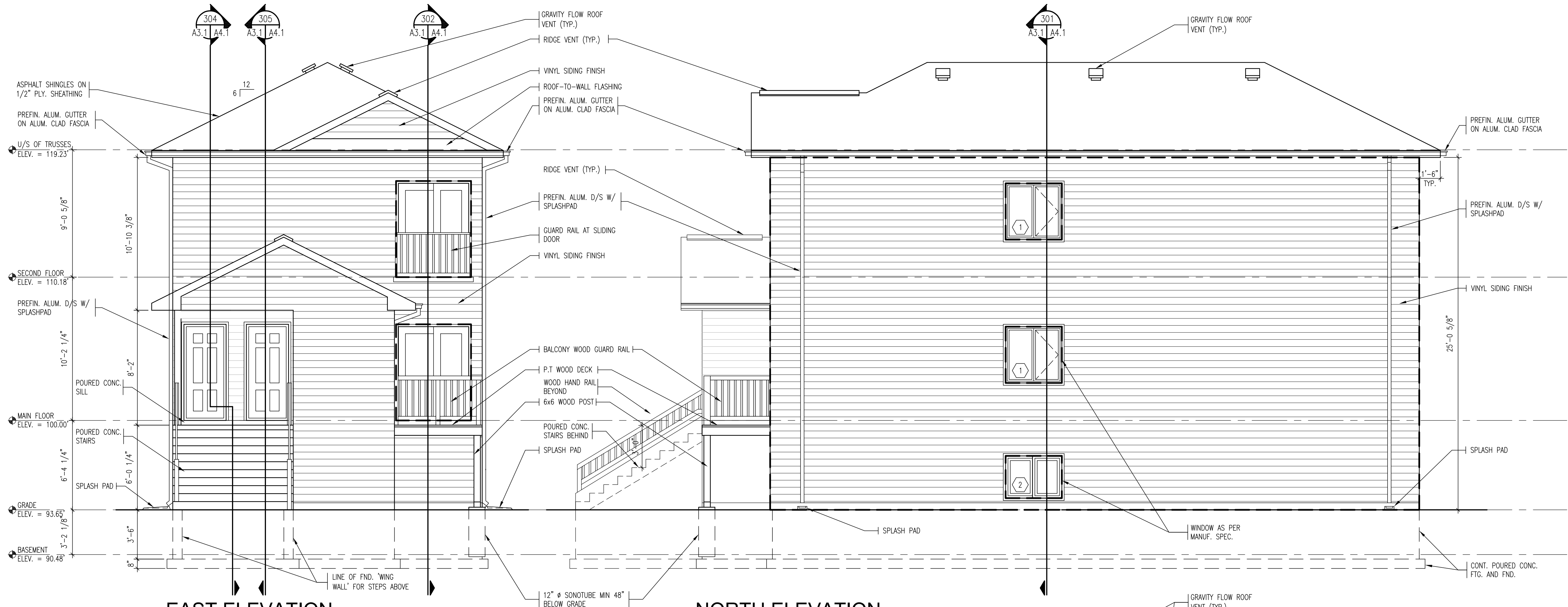
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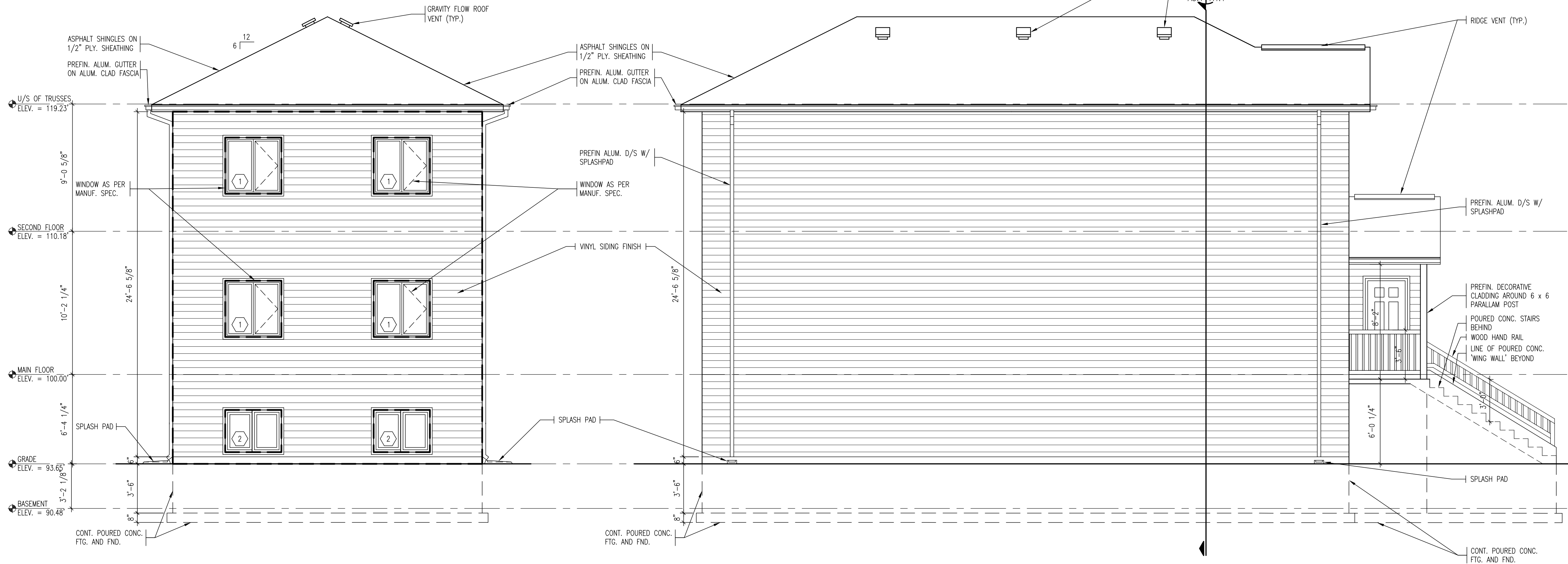


EAST ELEVATION

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

NORTH ELEVATION

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



WEST ELEVATION

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

SOUTH ELEVATION

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

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project:

PROPOSED 3 STOREY  
RESIDENTIAL TRIPLEX

client:

LESTER GROUP

title:

ELEVATIONS

scale:

AS SHOWN

drawn by:

PH

checked by:

SMB

date:

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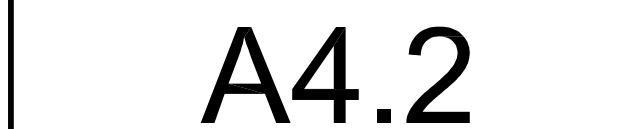
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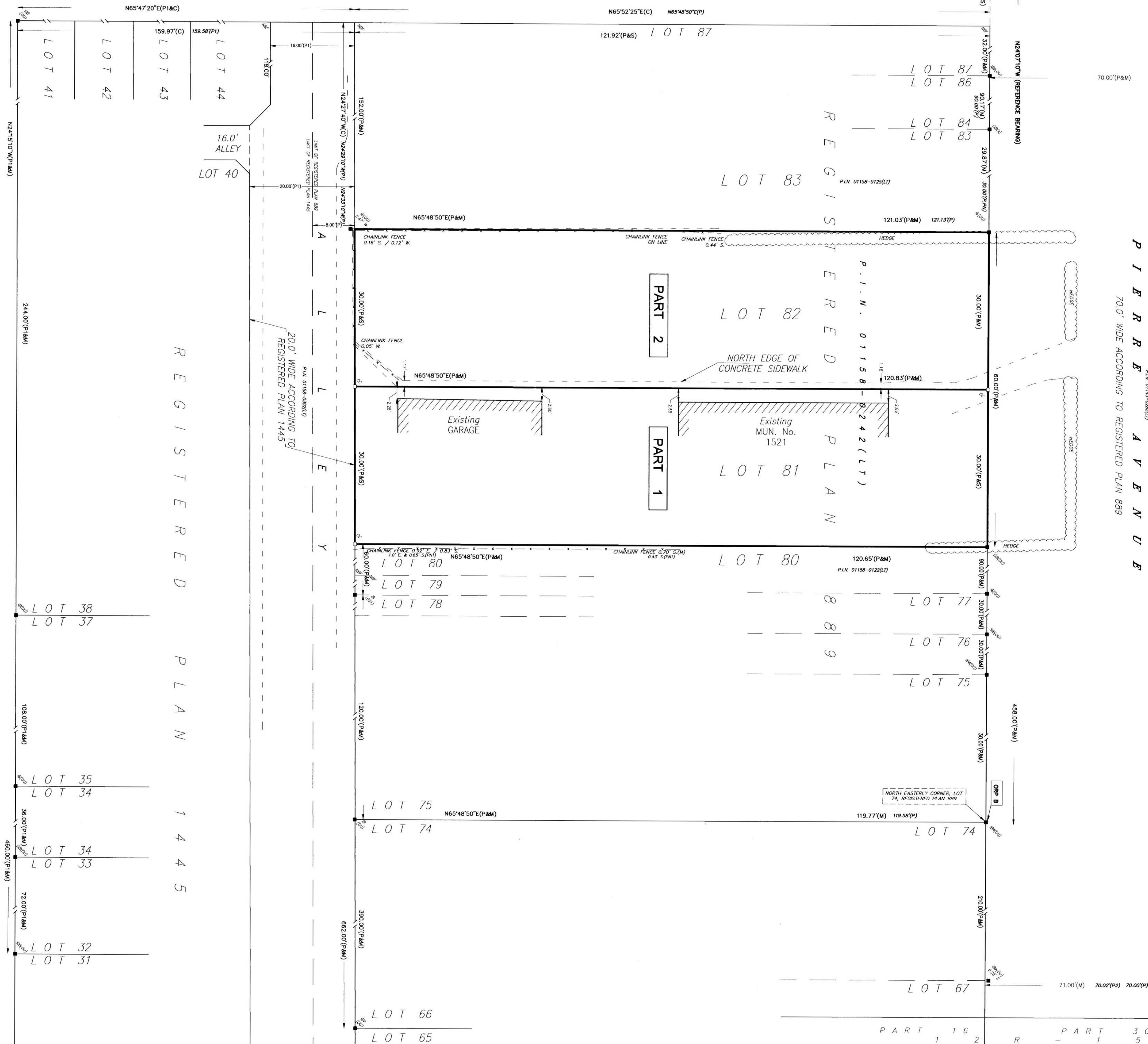
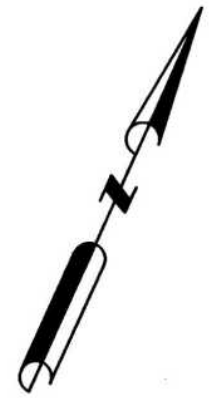




COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH  
CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.



PARTS 1 & 2 (INCLUSIVE) COMPRISES ALL OF PIN 01158-0242(LT)

Blon. Luthatun

DATE: JUNE 29, 2020

Blon. Luthatun

BLOSS J. SUTHERLAND  
ONTARIO LAND SURVEYOR

REPRESENTATIVE FOR LAND  
REGISTRAR FOR THE LAND TITLES  
DIVISION OF ESSEX (10)

RECEIVED AND DEPOSITED

DATE: 2080/07/08

"Linda Bursey"

REPRESENTATIVE FOR LAND  
REGISTRAR FOR THE LAND TITLES  
DIVISION OF ESSEX (10)

PLAN OF SURVEY  
OF  
LOTS 81 & 82, ON  
REGISTERED PLAN 889  
IN THE  
CITY OF WINDSOR  
COUNTY OF ESSEX, ONTARIO

TOTAL TECH SURVEYING INC.

SCALE : 1"=10'

0' 10' 20' 30'

FEET

**BEARING REFERENCE**

BEARINGS ARE UTM GRID, DERIVED FROM THE OBSERVED REFERENCE POINTS A AND B, BY REAL TIME NETWORK (RTN) OBSERVATIONS, NAD83 UTM ZONE 17, (CGPS), (2010).

A CLOCKWISE ROTATION OF 2'09"50" MUST BE APPLIED TO REGISTERED PLAN 889 FOR COMPARISON.

A CLOCKWISE ROTATION OF 1'20"50" MUST BE APPLIED TO REGISTERED PLAN 1445 FOR COMPARISON.

"IMPERIAL"	DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048
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# DISTANCES

DISTANCES HEREON ARE HORIZONTAL GROUND AND CAN BE  
CONVERTED TO GRID DISTANCES BY MULTIPLYING BY THE  
COMBINED SCALE FACTOR OF 0.9999087863

## LEGEND

SIB	DNOTES	1" x 1" x 4'-0" STANDARD IRON BAR	
SSIB	DNOTES	1" x 1" x 2'-0" SHORT STANDARD IRON BAR	
IB	DNOTES	3/4" x 3/4" x 2'-0" IRON BAR	
IB#	DNOTES	3/4" Diameter X 2'-0" ROUND IRON BAR	
#	DNOTES	SURVEY MONUMENT FOUND	
□	DNOTES	SURVEY MONUMENT SET AND MARKED 1858	
(CC)	DNOTES	CUT CROSS	
WIT.	DNOTES	WITNESS	
(S)	DNOTES	SET	(M) DNOTES PERPENDICULAR
(PROP)	DNOTES	SET PROPORTIONALLY	(C) DNOTES MEASURED
(U)	DNOTES	ORIGIN UNKNOWN	(C) DNOTES CALCULATED
(N1-S3)	DNOTES	LINE NOT TO SCALE	(LT) DNOTES LAND TILES
(D)	DNOTES	DEED REGISTRY	(INT) DNOTES SET BY INTERSECTION
(A)	DNOTES	C.G.R. ARMSTRONG, O.L.S.	(NEF)DNOTES NO BAR FOUND
(P)	DNOTES	REGISTERED PLAN 889	(P1) DNOTES REGISTERED PLAN 1445
(P2)	DNOTES	NOTES BY VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.	
	DNOTES	DATED MAY 20 1990	
(P3)	DNOTES	NOTES BY ROSS A. CLARKE LIMITED, O.L.S. DATED JUNE 18, 1973	
(P4)	DNOTES	PLAN 12R-15437	
(1528)	DNOTES	VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZARE INC., O.L.S.	

NOTE: AN SSIB HAS BEEN SET WHERE AN SIB NORMALLY WOULD HAVE BEEN SET, DUE TO  
NEAR SURFACE UNDERGROUND UTILITIES HAZARD.

AREAS SHOWN ON THIS PLAN ARE IN SQUARE FEET AND CAN BE CONVERTED TO SQUARE METERS BY DIVIDING BY 10.76391.

***SURVEYOR'S CERTIFICATE***

I CERTIFY THAT:

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THE SURVEY WAS COMPLETED ON THE 17 th DAY OF JUNE, 2020.

DATE: JUNE 29, 2020

Bloss J. Sutherland  
BLOSS J. SUTHERLAND  
ONTARIO LAND SURVEYOR  
for TOTAL TECH SURVEYING INC.



**Total  
Tech  
Surveying Inc.**

341 Talbot St. N.  
Units 2 & 3  
Essex, ON N8M 2W3  
(519) 776-9887

by: WRG	Checked by: BJS	Job No: 2019-241	Plan File No: C2-2
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## Appendix C - Comments

Agency/Department	Comment
Building Department	<p>The Building Code Act, Section 8.(1) requires that a building permit be issued by the chief building official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at <a href="mailto:buildingdept@citywindsor.ca">buildingdept@citywindsor.ca</a></p>
Heritage Planner	<p>This property and it is located on an area of low archaeological potential.</p> <p>Nevertheless, the Applicant should be notified of the following archaeological precaution:</p> <ol style="list-style-type: none"> <li>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 &amp; Building Department, the City's Manager of Cultural Affairs, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.</li> <li>2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.</li> </ol> <p>Contacts:  Windsor Planning &amp; Building Department:  519-255-6543 x6179, <a href="mailto:planningdept@citywindsor.ca">planningdept@citywindsor.ca</a>  Windsor Manager of Cultural Affairs:  Cathy Masterson, 519-253-2300x2724, <a href="mailto:cmasterson@citywindsor.ca">cmasterson@citywindsor.ca</a>  Ontario Ministry of Heritage, Sport, Tourism and Culture Industries  Archaeology Programs Unit, 1-416-212-8886, <a href="mailto:Archaeology@ontario.ca">Archaeology@ontario.ca</a>  Windsor Police: 911  Ontario Ministry of Government &amp; Consumer Services  Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, <a href="mailto:nancy.watkins@ontario.ca">nancy.watkins@ontario.ca</a></p>
Enbridge Gas	<p>After reviewing the provided drawing at 1521 Pierre and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area.</p> <p>Enbridge Gas requires a minimum separation of 0.3m from all of our plant. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity. Also, please note the following should you find any abandoned infrastructure in the area:</p> <ul style="list-style-type: none"> <li>• Any pipe that is excavated, please assume that it is live.</li> </ul>

## Appendix C - Comments

	<ul style="list-style-type: none"> <li>· 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.</li> <li>· 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.</li> </ul>
ENWIN Utilities	<p>Hydro Engineering: No Objection to rezoning only.</p> <p>Water Engineering: Water Engineering has no objections to the rezoning.</p>
Engineering Department Right-of-Way	<p>The site may be serviced by a 450mm x 600mm brick combined sewer along the Pierre Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3. The applicant will be required to submit site servicing drawings and storm detention calculations restricting storm water runoff to pre-development levels.</p> <p>Schedule X of the Official Plan classifies Pierre Avenue as a Local Road, requiring a right-of-way width of 20.1m. The current right-of-way is sufficient therefore a conveyance is not required. Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. The owner will also be required to contribute to the City of Windsor's alley maintenance fund in the amount of \$1000.00.</p> <p>In summary we have no objection to the proposed rezoning, subject to the following requirements (Requirements can be enforced during site plan control):</p> <p><b><u>Site Plan Control Agreement</u></b> – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.</p> <p><b><u>Alley Contribution</u></b> – The owner agrees, prior to the issuance of a Building Permit, to contribute the sum of \$1000.00 payable to the City of Windsor and deposited in the General Fund intended for the upkeep of alleys within the City of Windsor.</p> <p><b><u>Existing Sewers and Connections</u></b> - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:</p> <ol style="list-style-type: none"> <li>a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.</li> <li>b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.</li> <li>c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.</li> </ol>

## Appendix C - Comments

Parks and Landscape Architect	<p>No additional comments from a landscape architectural or Parks perspective. The development will be subject to Site Plan Review at which time Landscape Comments will be addressed.</p> <p>Should the development be exempt from Site Plan Review then, the required Parkland Dedication representing 5% of the subject lands, to the satisfaction of the Executive Director of Parks, as per By-law 12780 and the Planning Act and Bill 108 will be required at the time of Re-Zoning approval.</p>
Transportation Planning	<p>Overall, Transportation Planning supports the subject Zoning By-law amendment.</p> <ul style="list-style-type: none"><li>• The Official Plan classifies Pierre Avenue as a Local Road with a required right-of-way width of 20 metres. The existing right-of-way along the frontage of the subject property is sufficient, and therefore a land conveyance is not required.</li><li>• The minimum required parking spaces under the Zoning By-law 8600 shall be accommodated within private property and shown on a conceptual plan.</li><li>• All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.</li><li>• All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).</li></ul>

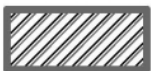


PART OF ZONING DISTRICT MAP 7

N.T.S.

## REQUESTED ZONING AMENDMENT

Applicant: Scott Woodall-Lester Group



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : AUGUST 2020  
FILE NO. : Z-016/20, ZNG/6127

## Appendix E - Official Plan Sections

<i>ENERGY EFFICIENCY</i>	3.2.3.5	Windsor will encourage the design and construction of energy efficient buildings and landscapes to reduce air, water and land pollution and environmental impacts of energy production and consumption.
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### 3.2.4 Responsive, Effective Local Government

<i>COMMUNITY BASED PLANNING</i>	3.2.4.1	People will be involved in the municipal processes that shape Windsor and its neighbourhoods. Residents will be encouraged to work with municipal staff to identify and resolve city-wide and neighbourhood issues. New ways will be found to build consensus within the community to ensure that Windsor advances toward its desired future.
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<i>SERVICE DELIVERY</i>	3.2.4.2	Windsorites want a planning process that is responsive, effective and fiscally responsible. Planning services will be efficiently delivered and carefully targeted to achieve the community vision.
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### 3.3 Urban Structure Plan

The Urban Structure Plan identifies the key structural elements within the municipality. These key structural elements and the linkages between these elements establish the strategic framework within which more detailed land use designations can be established.

#### 3.3.1 Nodes

Nodes in this context are existing or future locations of concentrated activity on the Urban Structure Plan that serve the societal, environmental and economic needs at a neighbourhood and/or regional scale. The most successful nodes are the ones that exhibit a wide variety of land uses, including higher density residential and employment uses, and have access to frequent public transit service. Smaller scale community and neighbourhood nodes play an important role in providing services to the surrounding neighbourhoods, providing a range of housing opportunities and, providing a recognized sense of place for these neighbourhoods.

<i>GROWTH CENTRES</i>	3.3.1.1	<p>Growth Centres are the highest in the hierarchy of nodes in Windsor due to their scale, density, range of uses, function and current or future identity. Growth Centres should be planned:</p> <ul style="list-style-type: none"><li>(a) To serve as focal areas for investment in institutional and region-wide public services, as well as commercial, recreational, cultural and entertainment uses;</li><li>(b) To accommodate and support major transit infrastructure;</li><li>(c) To serve as high density major employment centres;</li><li>(d) To accommodate a significant share of households and employment growth; and,</li></ul>
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- (e) To accommodate a minimum density of 200 residents and 200 jobs per net hectare;

The minimum density for new residential-only development is 80 units per net hectare.

**MAJOR  
ACTIVITY  
CENTRES**

- 3.3.1.2 Major Activity Centres are second in the hierarchy of nodes in Windsor. The following comprise Windsor's Major Activity Centres:

- (a) Regional Commercial Centres;
- (b) Regional Institutional Centres;
- (c) Regional Employment Centres; and
- (d) Regional Open Space System.

These types of nodes are considered to be sub-regional in the context of Windsor and were originally planned as single-use facilities that have evolved into multi-use urban areas with a variety of densities. Typically, these nodes are currently or have the potential to be important destinations within the regional public transit network. Future residential development and redevelopment at Major Activity Centres should be medium (30 units per net hectare) to high-density (80+ units per net hectare). Residential intensification is desired at or near Major Activity Centres. Development surrounding these locations will be subject to the preparation of a Secondary Plan or plan of subdivision.

- (a) Regional Commercial Centres

Regional Commercial Centres are a type of Major Activity Centre where commercial services are provided to residents across the city and region. This type of node also provides the location for serving the daily and weekly shopping needs of residents living within or near the node. Regional Commercial Centres may also function as employment centres providing population serving offices, retail, personal services and local institutions.

In the future these nodes should function as vibrant mixed-use commercial-residential neighbourhoods serving a higher density of population. Ideally, the predominant form of new or redeveloped housing should be medium and high-density residential buildings with ground floor and possibly second floor commercial uses and upper floor residential dwellings.

- (b) Regional Institutional Centres

Regional Institutional Centres are a type of Major Activity Centre where institutional services are provided to residents across the

city and region. This type of node typically serves as a location for the provision of hospital-based health care and/or major post-secondary institutions. Regional Institutional Centres can also function as employment centres providing jobs in the health care, education, research and development, offices, retail and personal service sectors.

(c) Regional Employment Centres

Regional Employment Centres are a type of Major Activity Centre where a large number of jobs are located. This type of node typically serves as a location for the large scale manufacturing or distribution of goods. Additionally, retail, office and personal service uses may be established as ancillary uses.

(d) Regional Open Space System

The Regional Open Space System includes the major natural and open space features that form part of a continuous system throughout Windsor. Some components of the Regional Open Space System are also designated as Natural Heritage in the Official Plan although not all Natural Heritage features are components of the Regional Open Space System. The Regional Open Space System includes an existing and future natural and naturalized corridor around Windsor with opportunities for future recreation and recreational pathways.

### **3.3.2 Corridors**

Corridors represent the backbones of the urban network structure. Neighbourhoods gravitate towards these corridors to serve their everyday needs or to connect with larger nodes, commercial centres and employment centres to access a wider range of services and opportunities. Corridors have opportunities for intensification that would provide a wider range of services and opportunities for adjacent neighbourhoods but also more opportunities to live and work in the area. Corridors may connect with nodes and extend along roadways radiating away from a central point. Some corridors exist without such connections and represent stand alone sections.

Corridors are located along transit routes, with City Corridors having the most frequent service. Ideally, corridors are walkable, providing neighbourhoods and those who use transit with easy access to services along main streets. Corridors provide residents with opportunities to travel by bus, bicycle or on foot to their desired destination within or

beyond their neighbourhood. Increased employment and residential densities along corridors support more frequent transit, and in turn more frequent transit supports and attracts higher density land uses along the corridor. This symbiotic relationship between transit, pedestrians and corridor intensification is key to the success of any corridor. Thus, corridors and transit should be planned and fostered together.

*CITY  
CORRIDORS*

**3.3.2.1** City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. City corridors radiate from these Centres following numerous high frequency transit corridors. City corridors connect to Regional Commercial Centres along selected arterial roads but do not extend as far outward or as numerous as corridors connected to the City Centre. These corridors are intended to provide services for those living in close proximity to the area but also those who may arrive by transit, bicycle and by car.

There are higher density employment and residential opportunities, with a significant amount of retail to support both every day needs, but also needs beyond the day such as furniture and appliance stores, home improvement stores, and stores that carry specialty items.

Pharmacies and medical service are available with multiple choices for specialized care including doctors who specialize in specific types of care.

Government services and buildings associated with the municipality, province or federal government are also found in these areas.

Entertainment facilities, designed to attract people from well beyond the immediate area are also found on corridors that radiate from the City Centre.

Transit service is frequent (10-20 minute peak headways) and offers multiple connections to other nodes and corridors throughout the city by a main transfer location or transit station. Regional transit connections are also available.

Residential development may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts.

*NEIGHBOURHOOD  
CORRIDORS*

**3.3.2.2** The purpose and function of neighbourhood corridors is to link street sections to neighbourhood nodes or as standalone sections of community retail and services. These corridors provide for the day to day needs of the immediate neighbourhood that surrounds them. While employment is not the major focus, these corridors create a sense of community by

providing places for residents to walk such as local retail businesses and services. Local services may also include pharmacies, convenience stores and retail to serve the day to day needs of residents.

Transit service is available and multiple routes may converge within the corridor and provide a few connections to other corridors and to Regional Commercial Centres.

### **3.3.3 Neighbourhoods**

Neighbourhoods are the most basic component of Windsor's urban structure and occupy the greatest proportion of the City. Neighbourhoods are stable, low-to-medium-density residential areas and are comprised of local streets, parks, open spaces, schools, minor institutions and neighbourhood and convenience scale retail services.

The three dominant types of dwellings in Windsor's neighbourhoods are single detached, semi-detached and townhouses. The density range for Windsor's neighbourhoods is between 20 to 35 units per net hectare. This density range provides for low and some medium-density intensification to occur in existing neighbourhoods. Multiple dwelling buildings with medium and high-densities are encouraged at nodes identified in the Urban Structure Plan.

### **3.3.4 Structural Elements in Neighbouring Communities**

Several urban structural elements are included for the neighbouring communities of Detroit, Michigan, United States of America; and the towns of Tecumseh and LaSalle in Essex County, Ontario. These communities are beyond Windsor Council's jurisdiction and the structural elements are included on Official Plan Volume I – Schedule 'J' for reference purposes only.

<i>RANGE OF FORMS &amp; TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL &amp; REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.
<i>MAINTENANCE &amp; REHABILITATION</i>	6.3.1.4	To ensure that the existing housing stock is maintained and rehabilitated.
<i>SERVICE &amp; AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
<i>HOME BASED OCCUPATIONS</i>	6.3.1.6	To accommodate home based occupations.
<i>SUFFICIENT LAND SUPPLY</i>	6.3.1.7	To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

### 6.3.2 Policies

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

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>ANCILLARY USES</i>	6.3.2.2	<p>In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan:</p> <p>(a) <del>community services including libraries, emergency services, community centres and similar public agency uses;</del> (Deleted by OPA #82 – June 20, 2011, B/L 117-2011)</p>

- (a) ~~community services including libraries, emergency services, community centres and similar public agency uses, but does not include a Methadone Clinic;~~  
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)
- (a) community services including libraries, emergency services, community centres and similar public agency uses;  
(Amended by OPA #106 – November 6, 2015, B/L 143-2015)
- (b) home based occupations subject to the provisions of policy 6.3.2.7;
- (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;
- (d) Open Space uses subject to the provisions of section 6.7;  
and
- (e) Minor Institutional uses subject to the provisions of section 6.6.

*TYPES OF  
LOW PROFILE  
HOUSING*

**6.3.2.3**

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

- (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and
- (b) large scale forms: buildings with more than 8 units.

*LOCATIONAL  
CRITERIA*

**6.3.2.4**

Residential development shall be located where:

- (a) there is access to a collector or arterial road;
- (b) full municipal physical services can be provided;
- (c) adequate community services and open spaces are available or are planned; and
- (d) public transportation service can be provided.

*EVALUATION  
CRITERIA FOR A  
NEIGHBOURHOOD  
DEVELOPMENT  
PATTERN*

**6.3.2.5**

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



- (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses:
  - (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan;
  - (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust;
  - (iii) within a site of potential or known contamination;
  - (iv) where traffic generation and distribution is a provincial or municipal concern; and
  - (v) adjacent to heritage resources.
- (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area;
- (c) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas;
- (d) provided with adequate off street parking;
- (e) capable of being provided with full municipal physical services and emergency services; and
- (f) facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate.

*EVALUATION  
CRITERIA FOR AN  
UNDEVELOPED  
AREA  
DEVELOPMENT  
PATTERN*

**6.3.2.6**

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

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

## 8.7 Built Form

### 8.7.1 Objectives

<i>VARIED DEVELOPMENT PATTERN</i>	8.7.1.1	To achieve a varied development pattern which supports and enhances the urban experience.
<i>COMPLEMENTARY DESIGN</i>	8.7.1.2	To achieve a complementary design relationship between new and existing development, while accommodating an evolution of urban design styles.
<i>VISUAL INTEREST</i>	8.7.1.3	To maximize the variety and visual appeal of building architecture.
<i>ART AND LANDSCAPING</i>	8.7.1.4	To integrate art and landscaping with the built form.
<i>UNIQUE CHARACTER</i>	8.7.1.5	To enhance the unique character of a district, neighbourhood, prominent building or grouping of buildings.
<i>SIGNS</i>	8.7.1.6	To ensure that signs respect and enhance the character of the area in which they are located.
	8.7.1.7	To achieve external building designs that reflect high standards of character, appearance, design and sustainable design features. (Added by OPA #66-11/05/07-B/L209-2007)

### 8.7.2 Policies

<del><i>NEW DEVELOPMENT</i></del>	<del>8.7.2.1</del>	<del>Council will ensure that the design of new development:</del> (Deleted by OPA #66-11/05/07-B/L209-2007)
<i>NEW DEVELOPMENT</i>	8.7.2.1	Council will ensure that the design of new development: (Added by OPA #66-11/05/07-B/L209-2007) <ul style="list-style-type: none"> <li><del>(a) is complementary to adjacent development in terms of its overall massing, orientation and setback;</del> (Deleted by OPA #66-11/05/07-B/L209-2007)</li> <li>(a) is complementary to adjacent development in terms of its overall massing, orientation, setback and exterior design, particularly character, scale and appearance; (Added by OPA #66-11/05/07-B/L209-2007)</li> <li>(b) provides links with pedestrian, cycle, public transportation and road networks; and</li> </ul>

- (c) maintains and enhances valued heritage resources and natural area features and functions.
- (d) Encourages the creation of attractive residential streetscapes through architectural design that reduces the visual dominance of front drive garages, consideration of rear lanes where appropriate, planting of street trees and incorporation of pedestrian scale amenities. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

*REDEVELOPMENT  
AREAS*

8.7.2.2

Council will ensure that the design of extensive areas of redevelopment achieves the following:

- (a) provides a development pattern that support a range of uses and profiles;
- (b) defines the perimeter of such an area by a distinct edge which may be formed by roads, elements of the Greenway System or other linear elements;
- (c) contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;
- (d) provides transportation links to adjacent areas; and
- (e) maintains and enhances valued historic development patterns or heritage resources.
- (f) is complementary to adjacent development in terms of overall massing, orientation, setback and exterior design, particularly character, scale and appearance.  
(Added by OPA #66-11/05/07-B/L209-2007)

*INFILL  
DEVELOPMENT*

8.7.2.3

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

- (a) massing;
- (b) building height;
- (c) architectural proportion;

- (d) volumes of defined space;
- (e) lot size;
- (f) position relative to the road; and
- (g) building area to site area ratios.
- (h) the pattern, scale and character of existing development;  
and,  
(Added by OPA #66–11/05/07-B/L209-2007)
- (i) exterior building appearance  
(Added by OPA #66–11/05/07-B/L209-2007)



*TRANSITION IN  
BUILDING  
HEIGHTS*

8.7.2.4

Council will ensure a transition among Very High, High, Medium and Low Profile developments through the application of such urban design measures as incremental changes in building height, massing, space separation or landscape buffer.

*CONTINUOUS  
BUILDING  
FACADES*

8.7.2.5

Council will require new development to support the creation of continuous building facades along Mainstreets through the street level presence of:

- (a) community facilities, retail shops, and other frequently visited uses; and
- (b) architectural features and elements which can be experienced by pedestrians.

**10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)****10.3.1 PERMITTED USES**

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

**10.3.5 PROVISIONS**

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	270.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m

**10.4 RESIDENTIAL DISTRICT 1.4 (RD1.4)****10.4.1 PERMITTED USES**

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

**10.4.5 PROVISIONS**

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	18.0 m
.2 Lot Area – minimum	360.0 m <sup>2</sup>	450.0 m <sup>2</sup>	540.0 m <sup>2</sup>
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	10.0 m	10.0 m	10.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.80 m

**11.2 RESIDENTIAL DISTRICT 2.2 (RD2.2)****11.2.1 PERMITTED USES***One Double Duplex Dwelling**One Duplex Dwelling**One Multiple Dwelling containing a maximum of four dwelling units**One Semi-Detached Dwelling**One Single Unit Dwelling**Townhome Dwelling*

Any use accessory to any of the preceding uses

**11.2.5 PROVISIONS****.1 Duplex Dwelling**

.1	Lot Width – minimum	12.0 m
.2	Lot Area – minimum	360.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

**.2 Semi-Detached Dwelling**

.1	Lot Width – minimum	15.0 m
.2	Lot Area – minimum	450.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

**.3 Single Unit Dwelling**

.1	Lot Width – minimum	9.0 m
.2	Lot Area – minimum	270.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.20 m

**.4 Double Duplex Dwelling or Multiple Dwelling**

.1	Lot Width – minimum	18.0 m
.2	Lot Area – minimum	540.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.80 m

**.5 Townhome Dwelling**

.1	Lot Width – minimum	20.0 m
.2	Lot Area – per <i>dwelling unit</i> – minimum	200.0 m <sup>2</sup>
.3	Lot Coverage – maximum	45.0%
.4	Main Building Height – maximum	10.0 m
.5	Front Yard Depth – minimum	6.0 m
.6	Rear Yard Depth – minimum	7.50 m
.7	Side Yard Width – minimum	1.50 m



APPENDIX G – DRAFT AMENDING BY-LAW

BY-LAW NUMBER -2020

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

Passed the            day of            , 2020.

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

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

1. By-law Number 8600 is further amended by amending the Zoning District Map identified in Column 2 so that the zoning district of the Lands Affected described in Column 3 shall be changed from that shown in Column 5 to that shown in Column 6:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Current Zoning District	6. New Zoning District
1	07	Lot 82, Plan 889; Part 2 on 12R-28270  (part of 1521 Pierre Avenue; Roll No. 030-410-09000-0000; part of PIN 01158-0242; west side of Pierre Avenue, south of Shepherd Street)	--	RD1.3	RD2.2

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

**397. WEST SIDE OF PIERRE AVENUE, SOUTH OF SHEPHERD STREET**

For the lands comprising Lot 82, Plan 889; now designated as Part 2 on Reference Plan 12R28270, for any permitted use in Section 11.2.1, save and except for a townhome dwelling, the following additional provisions shall also apply:

- a) Lot Width - minimum – 9.0 m;
- b) Lot Area – minimum – 336 m2
- c) Side Yard Width – minimum 1.20 m;
- d) Screening fence minimum 1.8 metres in height and landscaping shall be installed along the northerly lot line abutting the rear yard.

[ZDM 07; ZNG/6127]

3.       The said by-law is further amended by amending the Zoning District Map identified in Column 2 so that the Lands Affected described in Column 3 are delineated by a broken line and further identified by the specific zoning exception symbol shown in Column 5:

1. Item Number	2. Zoning District Map	3. Lands Affected	4. Official Plan Amendment Number	5. Specific Zoning Exception Symbol
1	07	Lot 82, Plan 889; Part 2 on 12R-28270  (part of 1521 Pierre Avenue; Roll No. 030-410-09000-0000; part of PIN 01158-0242; west side of Pierre Avenue, south of Shepherd Street)	--	S.20(1)397

**DREW DILKENS, MAYOR**

**CLERK**

First Reading       -           , 2020  
Second Reading   -           , 2020  
Third Reading     -           , 2020

SCHEDULE 2

1. By-law \_\_\_\_\_ has the following purpose and effect:
- To amend the zoning of Lot 82, Plan 889; Part 2 on 12R-28270 (known municipally as 1521 Pierre Avenue; Roll No. 030-410-09000-0000; Part of PIN 01158-0242), situated on the west side of Pierre Avenue, south of Shepherd Street, from Residential District 1.3 (RD1.3) to Residential District 2.2 (RD2.2) and by adding a site specific exception to Section 20(1) to allow a the construction of a duplex, semi-detached dwelling, or a multiple dwelling building on the subject parcel.
2. Key map showing the location of the lands to which By-law \_\_\_\_\_ applies.





**Committee Matters: SCM 279/2020**

**Subject: Adoption of the Development & Heritage Standing Committee minutes of its meeting held September 21, 2020**

## **Development & Heritage Standing Committee Meeting**

**Date: Monday, September 21, 2020**

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

### **Members Present:**

#### **Councillors**

Ward 3 - Councillor Bortolin (Chairperson)

Ward 4 - Councillor Holt

Ward 5 - Councillor Sleiman

Ward 7 - Vacant

Ward 10 - Councillor Morrison

#### **Members**

Member Baker

Member Bulmer

Member Foot

Member Fratangeli

Member Gyemi

Member Miller

Member Moore

Member Rondot

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

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

Shelby Askin Hager, City Solicitor

Thom Hunt, City Planner

Wira Vendrasco, Deputy City Solicitor

Michael Cooke, Manager of Planning Policy & Deputy City Planner

Rob Vani, Manager of Inspections & Deputy Chief Building Official

James Chacko, Senior Manager of Parks

Jeff Hagan, Transportation Planning Senior Engineer

Patrick Winters, Development Engineer

George Robinson, Planner II – Revitalization & Policy Initiatives

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## Development & Heritage Standing Committee Monday, September 21, 2020

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Greg Atkinson, Planner III – Economic Development  
Justina Nwaesei, Planner III – Subdivisions  
Adam Szymczak, Planner III – Zoning  
Kristina Tang, Planner III – Heritage  
Marianne Sladic, Clerk Steno Senior  
Sandra Gebauer, Council Assistant  
Anna Ciacelli, Supervisor of Council Services

### Delegations—participating via video conference

Item 7.1	Melanie Muir, Dillon Consulting
Item 7.2	Jeff Libby, Manager, Windsor Operations, Titanium Trucking Services Inc.
Item 7.3	Christian LeFave, President, Brotto Family Holdings Ltd., Suburban Construction & Mgt. Ltd.
Item 7.3	Harry Froussios, Sr. Associate, and Rob MacFarlane, Planner, Zelinka Priamo Ltd.
Item 7.3	Kevin McCaughley, area resident
Item 10.1	Fr. Chadi Kattan, St. Peter's Maronite Catholic Church
Item 10.2	Jerry Kavanaugh and Damian Kacprzak, Architectural Design Associates Inc., Architects
Item 11.1	Ted Hopkins, area resident
Item 11.3	Richard Chene, applicant
Item 11.5	Melanie Muir, Dillon Consulting
Item 11.6	Melanie Muir, Dillon Consulting
Item 11.7	Stephen Berrill, ADA Architects

## 1. CALL TO ORDER

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

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

None disclosed.



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## Development & Heritage Standing Committee

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

#### 7.1. Rezoning Application for properties known as 3945 and 3985 Dougall Avenue; Applicant: 2319576 Ontario Ltd.; File No. Z-014/19, ZNG/5898; Ward 1

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

THAT the report of the Senior Planner – Subdivisions dated September 5, 2020, entitled “Rezoning Application for properties known as 3945 and 3985 Dougall Avenue; Applicant: 2319576 Ontario Ltd.; File No. Z-014/19, ZNG/5898; Ward 1” **BE DEFERRED** to a future meeting of the Development and Heritage Standing Committee to allow for the applicant to address issues raised by administration and submit a revised application.

Carried.

Report Number: S 39/2020

Clerk's File: ZB/13592

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 4:40 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 4:40 o'clock p.m.

#### 11.1. Close and Convey Part of the North/South Alley Between Dougall Ave and Church St, From Liberty St to Beals St W - SAA/6064 - Applicant: Raminderpreet Sidhu - Ward 1

**Ted Hopkins, Area Resident**

Ted Hopkins, area resident, appears via video conference before the Development and Heritage Standing Committee and is available to provide comment regarding the administrative report “Close and Convey Part of the North/South Alley between Dougall Ave and Church St, From Liberty St to Beals St W - SAA/6064 - Applicant: Raminderpreet Sidhu - Ward 1”.

Moved by: Councillor Holt

Seconded by: Councillor Morrison

THAT the report of the Senior Planner – Policy & Special Studies dated September 1, 2020, entitled “Close and Convey Part of the North/South Alley Between Dougall Ave and Church St, From Liberty St to Beals St W - SAA/6064 - Applicant: Raminderpreet Sidhu - Ward 1” **BE**

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## Development & Heritage Standing Committee Monday, September 21, 2020

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**DEFERRED** to a future meeting of the Development and Heritage Standing Committee to allow for administration to address the concerns of area residents.

Carried.

Report Number: S 118/2020

Clerk's File: SAA2020

### **11.3. Close and Convey a Portion of the North/South Alley Between Crawford Avenue and Oak Street, From Montrose Street to Tecumseh Boulevard West and the East/West Alley Between 1370 Oak Street and 1380 Oak Street - SAA/4133 - Applicants: Richard & Adrienne Chene - Ward 3**

#### **Richard Chene, Applicant**

Richard Chene, Applicant, appears via video conference before the Development and Heritage Standing Committee and is available to provide comment regarding the administrative report "Close and Convey a Portion of the North/South Alley between Crawford Avenue and Oak Street, From Montrose Street to Tecumseh Boulevard West and the East/West Alley between 1370 Oak Street and 1380 Oak Street - SAA/4133 - Applicants: Richard & Adrienne Chene - Ward 3."

Moved by: Councillor Holt

Seconded by: Councillor Morrison

THAT the report of the Senior Planner – Policy & Special Studies dated September 1, 2020, entitled "Close and Convey a Portion of the North/South Alley Between Crawford Avenue and Oak Street, From Montrose Street to Tecumseh Boulevard West and the East/West Alley Between 1370 Oak Street and 1380 Oak Street - SAA/4133 - Applicants: Richard & Adrienne Chene - Ward 3" **BE DEFERRED** to a future meeting of the Development and Heritage Standing Committee to allow for administration to address the concerns of area residents.

Carried.

Report Number: S 120/2020

Clerk's File: SAA2020

### **11.4. Close and Convey Part of the North/South Alley East of Marentette Ave Abutting the West Side of 840 Wyandotte St E, From Wyandotte St E to Brant St - SAA/6060 - Applicant: Seiko Homes - Ward 4**

Moved by: Councillor Holt

Seconded by: Councillor Morrison

THAT the report of the Senior Planner – Policy & Special Studies dated September 1, 2020, entitled "Close and Convey Part of the North/South Alley East of Marentette Ave Abutting the West Side of 840 Wyandotte St E, From Wyandotte St E to Brant St - SAA/6060 - Applicant: Seiko

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## Development & Heritage Standing Committee Monday, September 21, 2020

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Homes, Ward 4" **BE DEFERRED** to a future meeting of the Development and Heritage Standing Committee to allow for administration to address the concerns of area residents.

Carried.

Report Number: S 121/2020

Clerk's File: SAA2020

There being no further business the meeting of the Development & Heritage Standing Committee (Administrative Items) portion is adjourned at 4:45 o'clock p.m.

The Chairperson calls the *Planning Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 4:45 o'clock p.m.

### 4. COMMUNICATIONS

None presented.

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

#### 5.1. Minutes of the Development & Heritage Standing Committee (*Planning Act*) meeting - August 10, 2020

Moved by: Councillor Sleiman

Seconded by: Member Moore

THAT the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held August 10, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 273/2020

Clerk's File: MB2020

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

See Items 7.2 and 7.3.

### 7. *PLANNING ACT* MATTERS

#### 7.2. Interim Control By-law Exemption 2020-10 - Titanium Trucking Services Inc - 0 Devon Drive - Ward 9

# Minutes

## Development & Heritage Standing Committee Monday, September 21, 2020

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Moved by: Councillor Holt

Seconded by: Councillor Sleiman

Decision Number: **DHSC 195**

1) THAT the request of Titanium Trucking Services Inc. for an exemption from the provisions of Interim Control By-law 78-2019 for the property at 0 Devon Drive (east side of Devon Drive at Foster Avenue) **BE APPROVED**.

2) THAT Council **AMEND** By-law 78-2019 by adding to Section 6 the following:

j) 0 Devon Drive - East side of Devon Drive at Foster Avenue

Lots 26 to 28, Registered Plan 1629; PIN 01561-2468; Roll No. 070-080- 01200

Carried.

Report Number: S 110/2020

Clerk's File: SPL2020

### **7.3. Official Plan Amendment and Zoning By-law Amendment - 7887 Edgar Street - Suburban Construction and Management Ltd. - Z012-20 [ZNG-6081] and OPA 133 [OPA-6082] - Ward 6**

Moved by: Member Gyemi

Seconded by: Member Moore

Decision Number: **DHSC 196**

1. THAT Schedule D: Land Use of the City of Windsor Official Plan, Volume I **BE AMENDED** by designating the property described as Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020) as Residential.

2. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, located on the south side of Edgar Street, west of Lauzon Road (shown as the subject lands on Appendix D to Report S90/2020), from CD2.1 to RD 3.1 and by adding a site specific provision to Section 20(1) as follows:

**"395 SOUTH SIDE OF EDGAR STREET, WEST OF LAUZON ROAD**

For the lands comprising Lots 21 & 22, Part Lots 20, 23 & 24 Plan 980; Part Closed Alley; Part Lot 127 Concession 1 Sandwich East, now designated as Parts 1, 7 and 8 on Reference Plan 12R24215, the following additional provisions shall also apply:

- a) Building Setback - minimum - 3.0 m from the northerly *lot line*;
- b) Building Height – maximum – 16 m

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- c) Landscaped Open Space Yard – minimum – 29% of *lot area*;
- d) *Screening fence* minimum 1.8 metres in height and landscaping shall be installed along the westerly *lot line*.

[ZDM 14; ZNG/6081]"

3. THAT the following items **BE REFERRED** to the Site Plan Review Committee, for inclusion in a Site Plan Control Agreement:

- i) Mitigation measures as identified in noise report by JJ Acoustic Engineering Ltd. dated April 9<sup>th</sup> 2020.
- ii) A gratuitous land conveyance for a 6.1m x 6.1m corner cut-off at the intersection of Lauzon Road and Edgar Street.
- iii) The owner is to provide a minimum total of thirty (30) 70mm caliper trees on the site as a condition of Site Plan Approval. If the owner's landscape plan cannot support the minimum requirement of trees, then any deficiency to that requirement is to be compensated with Cash-in-lieu to the Parks Department (for trees to be planted elsewhere in the city) at a rate of \$450 per tree that is not able to be planted on the site.

Carried.

Report Number: S 90/2020

Clerk's File: ZO/13912

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act* Matters) portion is adjourned at 5:39 o'clock p.m.

The Chairperson calls the *Heritage Act* Matters portion of the Development & Heritage Standing Committee meeting to order at 5:39 o'clock p.m.

## 8. ADOPTION OF THE MINUTES

### 8.1. Adoption of the Development & Heritage Standing Committee minutes of its meeting held July 13, 2020

Moved by: Member Baker

Seconded by: Member Foot

THAT the minutes of the Development & Heritage Standing Committee meeting held July 13, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 214/2020

Clerk's File: MB2020

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## Development & Heritage Standing Committee Monday, September 21, 2020

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### 8.2. Adoption of the Development & Heritage Standing Committee minutes of its meeting held August 10, 2020

Moved by: Member Baker

Seconded by: Member Foot

THAT the minutes of the Development & Heritage Standing Committee meeting held August 10, 2020 **BE ADOPTED** as presented.

Carried.

Report Number: SCM 244/2020

Clerk's File: MB2020

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

See Items 10.1, 10.2, 11.5, and 11.6.

### 10. HERITAGE ACT MATTERS

#### 10.1. 166 Tecumseh Rd W, St. Peter's Maronite Catholic Church (former Ste. Clare of Assisi Catholic Church)- Heritage Alteration Permit and Built Heritage Fund Request (Ward 3)

##### Fr. Chadi Kattan, St. Peter's Maronite Catholic Church

Fr. Chadi Kattan, St. Peter's Maronite Catholic Church, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "166 Tecumseh Rd W, St. Peter's Maronite Catholic Church (former Ste. Clare of Assisi Catholic Church) - Heritage Alteration Permit and Built Heritage Fund Request (Ward 3)" and is available for questions.

Councillor Holt remarks that structures such as this one are incredibly important to the community and adds that he looks forward to this building coming back to its original glory.

Moved by: Councillor Holt

Seconded by: Member Foot

Decision Number: **DHSC 197**

- I. THAT a total grant of an upset amount of \$78,535 from the Built Heritage Fund (Reserve Fund 155), **BE GRANTED** to St. Peter's Maronite Catholic Church, for conservation work for



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## Development & Heritage Standing Committee

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the roofing, flashing, windows, masonry and concrete, at 166 Tecumseh Road West, subject to:

- a. Submission of satisfactory product details
- b. Determination by the City Planner that the work is completed to heritage conservation standards and the City Building Official for building code compliance (if required);
- c. Owner's submission of paid receipts for work completed;
- d. That the Built Heritage Fund (Reserve Fund 155), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date;
- e. Any further minor changes to the scope of work be delegated to the City Planner; and,

II. THAT a Heritage Alteration Permit for the, 166 Tecumseh Rd W, **BE GRANTED**, for the following:

- a. Installation of flashing over the original windows to control water damage at the Church
- b. Alterations to the Victoria Avenue and Tecumseh Road West concrete entrances subject to further restoration of the entrances to be confirmed with the City Planner or designate.

III. THAT the City Planner or designate **BE DELEGATED** the authority to approve alteration details to the concrete entrances that are still to be determined, with the intent of restoration of the entrances, and approve minor changes to the heritage alterations associated with this phase and scope of conservation work as described for the property.

Carried.

Report Number: S 113/2020

Clerk's File: MBA/4897

### 10.2. 3203 Peter Street, Mason-Girardot Manor -Community Heritage Fund Request (Ward 2)

Moved by: Councillor Sleiman

Seconded by: Member Baker

Decision Number: **DHSC 198**

THAT the request by Aléthinos Properties Ltd, the owners of 3203 Peter Street, Mason-Girardot Manor, for a grant of an upset amount of \$23,943.54 from the Community Heritage Fund (Reserve Fund 157), for the repair and replacement of windows, **BE APPROVED**, subject to:

- a. Determination by the Chief Building Official (if part of building permit) and the City Planner that the work is completed to applicable codes and heritage conservation standards;
- b. Owner's submission of paid receipts for work completed;

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## Development & Heritage Standing Committee Monday, September 21, 2020

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- c. 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 115/2020

Clerk's File: MBA2020

There being no further business the meeting of the Development & Heritage Standing Committee (*Heritage Act* Matters) portion is adjourned at 5:44 o'clock p.m.

The Chairperson calls the Administrative Items portion of the Development & Heritage Standing Committee meeting to order at 5:44 o'clock p.m.

### 11. ADMINISTRATIVE ITEMS

#### 11.5. Close and Convey the North/South Alley Between Northwood Street and EC Row Expressway, East of Rankin Avenue and West of Partington Avenue - SAA/6065 - Applicant: South Windsor Development Co. - Ward 10

##### Melanie Muir, Dillon Consulting

Melanie Muir, Dillon Consulting, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Close and Convey the North/South Alley Between Northwood Street and E.C. Row Expressway, East of Rankin Avenue and West of Partington Avenue - SAA/6065 - Applicant: South Windsor Development Co. - Ward 10" and is available for questions.

Councillor Bortolin inquires whether the concerns of residents have been resolved. Councillor Morrison indicates that the alleys are vacant land which will increase the size of their properties. Councillor Morrison indicates there aren't any issues other than providing education to the residents regarding the process of purchasing the alley and he adds that people are not aware of the survey costs.

Moved by: Councillor Morrison

Seconded by: Councillor Holt

Decision Number: **DHSC 200**

- I. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Rankin Avenue and West of Partington Avenue, and shown on Drawing No. CC-1772 attached as Appendix "A", **BE ASSUMED** for subsequent closure.

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## Development & Heritage Standing Committee Monday, September 21, 2020

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- II. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Rankin Avenue and West of Partington Avenue, and shown on Drawing No. CC-1772 attached as Appendix "A", **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:
- a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
- Bell Canada, MNSi and Enwin Utilities Ltd.
- III. THAT Conveyance Cost **BE SET** as follows:
- a. For alley abutting lands zoned Residential RD1.1 or Holding Residential HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number CC-1772, *attached* as Appendix "A".
- V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.  
Carried.

Report Number: S 122/2020  
Clerk's File: SAA2020

### **11.6. Close and Convey the North/South Alley Between Northwood Street and EC Row Expressway, East of Partington Avenue and West of Roxborough Boulevard - SAA/6066 - Applicant: South Windsor Development Co. - Ward 10**

#### **Melanie Muir, Dillon Consulting**

Melanie Muir, Dillon Consulting, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Close and Convey the North/South Alley Between Northwood Street and E.C. Row Expressway, East of Partington Avenue and West of Roxborough Boulevard - SAA/6066 - Applicant: South Windsor Development Co. - Ward 10" and is available for questions.

Moved by: Councillor Morrison

Seconded by: Councillor Sleiman

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## Development & Heritage Standing Committee

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Decision Number: **DHSC 201**

- I. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Partington Avenue and West of Roxborough Boulevard, and shown on Drawing No. CC-1773 attached as Appendix "A", **BE ASSUMED** for subsequent closure.
  - II. THAT the portion of the 4.27 metre wide north/south alley located between Northwood Street and EC Row Expressway, east of Partington Avenue and West of Roxborough Boulevard, and shown on Drawing No. CC-1773 attached as Appendix "A", **BE CLOSED AND CONVEYED** in two equal halves, along the centre of the subject alley, to the abutting property owners, subject to the following:
    - a) Easement, subject to their being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
      - Enwin Utilities Ltd.
  - III. THAT Conveyance Cost **BE SET** as follows:
    - a. For alley abutting lands zoned Holding Residential HRD1.1 or Holding Residential HRD1.2: \$1.00 plus deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
  - IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number. CC-1773, *attached* as Appendix "A".
  - V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
  - VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
  - VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: S 123/2020  
Clerk's File: SAA2020

### 11.2. Close and Convey Part of Daytona Avenue, West of 2640 Sorrento Court, South of Grand Marais Road West - Applicants: Namir Chahine and Racha Younes - SAA/5916 - Ward 1

Moved by: Councillor Holt  
Seconded by: Councillor Sleiman

# Minutes

## Development & Heritage Standing Committee

Monday, September 21, 2020

Page 13 of 14

Decision Number: **DHSC 199**

- I. THAT the portion of the 7.01 metre wide north/south portion of Daytona Avenue located west of 2640 Sorrento Court and, south of Grand Marais Road West and shown as "Part 1" on Drawing No. CC-1763 *attached* as Appendix 'A', **BE ASSUMED** for subsequent closure.
  - II. THAT the portion of the 7.01 metre wide north/south portion of Daytona Avenue located west of 2640 Sorrento Court and, south of Grand Marais Road West and shown as "Part 1" on Drawing No. CC-1763 *attached* as Appendix 'A', **BE CLOSED AND CONVEYED** to the applicant, and adjusted as necessary, in a manner deemed appropriate by the City Planner.
  - III. THAT Conveyance Cost **BE SET** at \$217.55 per square metre.
  - IV. THAT The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing Number CC-1763, *attached* as Appendix "A".
  - V. THAT The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
  - VI. THAT The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
  - VII. THAT the matter **BE COMPLETED** electronically pursuant to By-law Number 366-2003.
- Carried.

Report Number: S 119/2020

Clerk's File: SAA2020

### **11.7. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2236278 Ontario Ltd for 6160 Tecumseh Road East (Ward 8)**

Councillor Bortolin inquires whether a plan for development is required for CIP incentives. Greg Atkinson, Senior Planner, appears via video conference before the Development and Heritage Standing Committee regarding the administrative report "Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2236278 Ontario Ltd for 6160 Tecumseh Road East (Ward 8)" and indicates a plan is not required for the Environmental Site Assessment Grant Program. Mr. Atkinson indicates that a Phase I Environmental Site Assessment is required as well as research into the background of the property that points to potential contamination. Once that is complete, then a cost estimate to do Phase II, which consists of soil and groundwater sampling, is completed. Mr. Atkinson provides details related to clean-up of contamination should it be required. Mr. Atkinson provides details related to the tax base program, which is the second phase of the brownfield incentives.

Moved by: Councillor Holt

Seconded by: Councillor Sleiman

# Minutes

## Development & Heritage Standing Committee

Monday, September 21, 2020

Page 14 of 14

Decision Number: **DHSC 202**

- I. THAT the request made by 2236278 Ontario Ltd. to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 6160 Tecumseh Road East pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. THAT the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$15,000 based upon the completion and submission of a Phase II Environmental Site Assessment Study completed in a form acceptable to the City Planner and City Solicitor to be funded from the Brownfield Strategy / Remediation Account (project # 7069003).

Carried.

Report Number: S 114/2020

Clerk's File: Z/8955

## 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 Matters) is adjourned at 5:52 o'clock p.m.

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Ward 3 - Councillor Bortolin  
(Chairperson)

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Supervisor of Council Services





**Council Report: S 53/2020**

**Subject: 436 Askin Avenue-Partial Demolition of a Heritage Listed Property (Ward 2)**

**Reference:**

Date to Council: October 13, 2020  
Author: George Robinson, MCIP, RPP  
Planner II- Revitalization & Policy Initiatives  
519-255-6543, ext. 6531  
grobinson@citywindsor.ca

Kristina Tang, MCIP, RPP  
Heritage Planner  
ktang@citywindsor.ca

Planning & Building Services  
Report Date: September 25, 2020  
Clerk's File #: MBA2020

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

**Recommendation:**

THAT the request for the proposed demolition of the enclosed porch and balcony at the rear of 436 Askin Ave by Allan Djordjevic to facilitate a rear addition and conversion to a semi-detached dwelling, **BE GRANTED**.

**Executive Summary:**

N/A

**Background:**

The property at 436 Askin was 'listed' on the Windsor Municipal Heritage Register on June 9, 2008. The Picturesque English Revival style house was constructed circa 1929.

The owner submitted an application to demolish the rear attached enclosed porch and balcony on the property (Appendix A). The initial application in March 2020 was deemed incomplete, further information was requested of the owner to satisfy Council policy. The additional required historical information was submitted and deemed complete by Planning staff on September 25, 2020 (Appendix B). The applicant is proposing to convert the building from a single detached house to a semi-detached dwelling and partial demolition of the rear attached enclosed porch with second floor balcony is required to facilitate this development (Appendix C- Drawings of the Proposal).

## Discussion:

### Property description:

The subject property is located in close proximity to the University of Windsor, the fourth house south of Fanchette Street on Askin Avenue. According to City records, the principal two storey dwelling was constructed circa 1929 in the Picturesque English Revival style.



Front elevation of 436 Askin Ave.

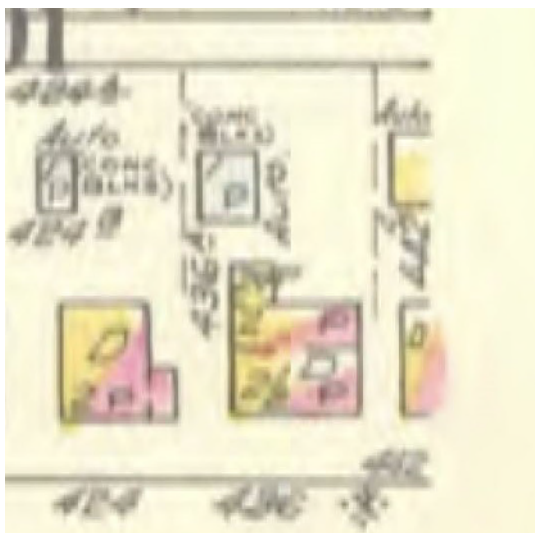
The request is to demolish the one storey enclosed porch with second story balcony at the rear of the existing house. It appears that the rear porch was not constructed the same year as the house, but some form of a rear deck or balcony is shown on the 1952 Fire Insurance Map and in aerial photography dating from 1969. Secondary buildings and structures more than forty years old are included in the Windsor Municipal Heritage Register unless otherwise stated.

In order to facilitate redevelopment of the site, the applicant will also be removing the spiral staircase which gives access to the second floor balcony above the rear enclosed porch. The staircase is not original to the building and has no heritage value. The rear uncovered deck to the south of the enclosed porch will also be removed but is not subject to any heritage restrictions. According to the applicant's plans, one existing second floor window is to be filled-in, the door which gives access to the balcony above the enclosed porch is to be converted to a window, and the sliding glass doors which currently provide access to the rear uncovered deck are to be filled in.



View of rear attached enclosed porch and fire escape staircase which is to be removed.

The site is currently zoned Residential District 2.1 (RD2.1) which permits Semi-detached dwellings. The proposed plans comply with zoning regulations. Other than the required Heritage notification process for the demolition of the rear attached enclosed porch and balcony, there are no Planning Act or Heritage Act processes that apply to the proposed development. A Building Permit is required for the removals and construction of the addition, which can be obtained after the Heritage Act process is completed.



1952 Fire Insurance Map showing subject property.



## Legal provisions:

The subject property is listed on the Windsor Municipal Heritage Register, but not designated. Section 27 of Part IV of the *Ontario Heritage Act* states that “the register may include property ... that the council of the municipality believes to be of cultural heritage value or interest”, without being designated. Also, “[T]he owner of the property shall not demolish or remove a building or structure on the property or permit the demolition or removal of the building or structure unless the owner gives the council of the municipality at least 60 days notice in writing of the owner’s intention to demolish or remove the building or structure or to permit the demolition or removal of the building or structure.”

During the 60 days after notice, City Council (with Committee consultation) may initiate designation, or decide to take no action. If a property is proposed for designation, a notice of intent to designate must include a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property, which are those features that are considered important to retain if any alterations to the property are proposed after designation. “Cultural heritage value or interest” is to be considered according to Ontario Regulation 9/06.

There is no explicit provision for the Committee or Council to comment on additions to or remodelling a heritage-listed, non-designated property, other than removal/demolition of structures from the Register under the *Ontario Heritage Act*. There is also no explicit provision for approval of demolition subject to stated conditions.

Heritage designation is not being considered at this time and is not part of this report.

## Heritage Considerations:

The rear attached enclosed porch to be demolished appears to have similar heritage/architectural style as the rest of the property. While the materials used to enclose the rear porch may not be original to the house, the brick pilings and door location on the exterior brick wall adjacent to the main floor kitchen suggests that there may have been a deck with or without the second floor balcony at original time of construction. A review of aerial photography shows a deck and balcony at this location in 1949.



Similar brick used on both exterior facade of main building and pilings for the rear enclosed porch.

The proposed rear addition will be clad with brick and stucco on the side facades in a similar style to the original, with brickwork around the windows of the original building to be replicated on the north side of the addition (see Appendix C). The proposed traditional matching design on the addition is strongly encouraged but not a requirement of this heritage process. The incorporation of traditional materials and its location as a rear addition with limited views from Askin Avenue will make the addition less noticeable.

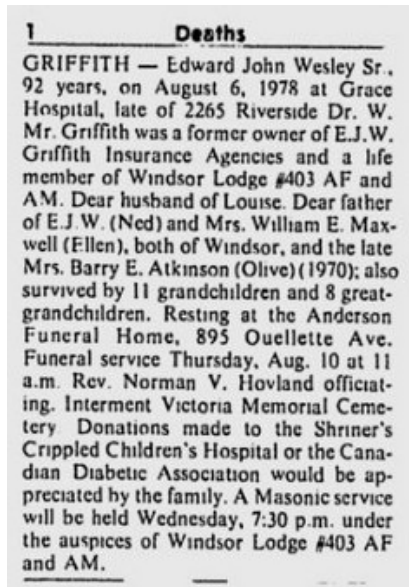


Front elevation views of subject property from Askin Avenue.

Ontario Regulation 9/06 contains criteria for determining cultural heritage value or interest when reviewing if a site is a good candidate for designation under Section 29 of the Ontario Heritage Act. The regulation speaks to three broad categories: design value or physical value, historical value or associative value, and contextual value.

436 Askin, with its steeply pitched cross-gabled roof, prominent chimney, oriel window, arched doorway, and decorative half-timbering at sides, is an example of Picturesque English Revival style (a variant of the more typical Tudor Revival style), and has physical/design value.

According to City records and historical research provided by the applicant, the existing building was constructed in 1929 by Edward and Louise Griffith, who purchased the property in Oct. 1926 for \$2500 and was a long-time owner, selling 436 Askin in Nov. 1951 for \$21000. Edward Griffith was an insurance salesman and mason who passed away in August 1978.



Obituary for Edward Griffith, August 8, 1978 Windsor Star, page 24.

While the building is an excellent example of early 20<sup>th</sup> century residential dwellings and masonry, there does not appear to be any outstanding historical/associative value to the property.

Contextually this building is of the same age as many other homes constructed in the area. Building permit records indicate that many of the original homes that remain on Askin Avenue were constructed in the mid-to-late 1920's. While craftsmen bungalows, American foursquare, and colonial revival styled homes are more common in the immediate area, Picturesque English Revival style homes of this time period are common in other areas of the city, including Walkerville and Riverside.

Although Council has the option to initiate designation which would put a halt on any building/demo application, it is not recommended by staff at this time.

### **Official Plan Policy:**

The Windsor Official Plan includes (9.0) "A community's identity and civic pride is rooted in physical and cultural links to its past. In order to celebrate Windsor's rich history, Council is committed to recognizing, conserving and enhancing heritage resources."

Objectives include (9.3.2.1) "Council will identify Windsor's heritage resources by: ... (c) Researching and documenting the history and architectural and contextual merit of potential heritage resources on an individual property basis; ... 9.3.3.4.(a) maintaining and updating the list of built heritage resources known as the Windsor Municipal Heritage Register."

### **Risk Analysis:**

The demolition of the rear attached porch and balcony would allow the proposed building of the addition and conversion into a semi-detached dwelling. The alternative is to initiate designation of the property which would put a hold on any building permits and require heritage alteration permit for alterations such as the addition proposed to the property to seek Council approval. Although designation of property does not



require the consent of the Owner, it is subject to appeals by the owner to the Conservation Review Board, following which City council still holds the final decision. Given the applicant's willingness to incorporate historically appropriate exterior finishing materials into the proposed addition, Administration is not recommending designation at this time. Additional research into the site and a subsequent report to the heritage committee could be requested should Council decide to pursue designation.

### **Financial Matters:**

There is no cost to the city; the property owner is paying the full cost for the proposed demolition of the porch and balcony, and construction of the addition. The proposed addition and conversion to a semi-detached dwelling may increase the assessed value of the property.

### **Consultations:**

Discussion took place mostly through the property owner. Planning and Building department staff were also consulted.

### **Conclusion:**

City staff recommends that the notification of the proposed demolition of the rear attached enclosed porch and balcony of the heritage listed property at 436 Askin Avenue be accepted.

### **Planning Act Matters: N/A**

### **Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/ Deputy City Planner
Thom Hunt	City Planner / Executive Director Planning & Building
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor / CLT
Onorio Colucci	Chief Administrative Officer

### **Notifications:**

<b>Name</b>	<b>Address</b>	<b>Email</b>
Allan Djordjevic		<a href="mailto:allandjordjevic@aol.com">allandjordjevic@aol.com</a>
Councillor Fabio Costante		<a href="mailto:fcostante@citywindsor.ca">fcostante@citywindsor.ca</a>

### **Appendices:**

Appendix A – Heritage demolition application  
Appendix B – Historical research and ownership records  
Appendix C – Drawings of the proposal



**CORPORATION OF THE CITY OF WINDSOR**  
**HERITAGE ALTERATION PERMIT APPLICATION** 05/2019

Planning Dept., Suite 320-350 City Hall Sq W, Windsor ON N9A 6S1  
519-255-6543 / 519-255-6544 fax / planningdept@citywindsor.ca

Address of Work 436 ASKIN AVE, WINDSOR N9B2X4

**1. Applicant, Agent and Registered Owner Information**

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

**APPLICANT**

Contact Name(s) Allan Djordjevic  
Company or Organization \_\_\_\_\_  
Mailing Address 13983 RIVERSIDE DRIVE  
TRUMBLETON, ON  
Email AllanDjordjevic@aol.com Postal Code N8N 1B7  
Phone(s) 248-495-6614

**REGISTERED OWNER IF NOT APPLICANT**

Contact Name(s) \_\_\_\_\_  
Company or Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

**AGENT AUTHORIZED BY REGISTERED OWNER TO FILE THE APPLICATION**

Contact Name(s) \_\_\_\_\_  
Company or Organization \_\_\_\_\_  
Mailing Address \_\_\_\_\_  
\_\_\_\_\_  
Postal Code \_\_\_\_\_  
Email \_\_\_\_\_ Phone(s) \_\_\_\_\_

**Who is the primary contact?**

☒ Applicant ☐ Registered Owner ☐ Agent

HERITAGE ALTERATION PERMIT APPLICATION – page 2 of 4

Address of Work 4360 ASKIN AVE, WINDSOR, N9B 2X4

Designation By-Law No. or District \_\_\_\_\_

**2. TYPE OF APPLICATION** Check all that apply:

- ☒ Alteration    ☒ Addition    ☐ Demolition    ☒ Construction  
☐ Erection    ☐ Maintenance    ☒ Removal    ☐ Repair

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

PICTURESQUE ENGLISH REVIVAL STYLE, Built in 1929,  
2 STORY BRICK AND TAPEL HOUSE

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

SEMI-ADDITION AT THE REAR OF EXISTING HOME, ADDED  
TO MATCH ARCHITECTURAL ELEMENTS OF EXISTING HOUSE

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

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

APPLICANT Signature(s) \_\_\_\_\_



Date \_\_\_\_\_

MARCH 10/2020

Date \_\_\_\_\_

HERITAGE ALTERATION PERMIT APPLICATION – page 3 of 4  
**SCHEDULE A**

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

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

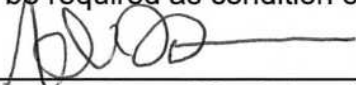
I, \_\_\_\_\_, am the registered owner of the land that is  
name of registered owner  
subject of this application for a Heritage Alteration Permit and I authorize  
\_\_\_\_\_ to make this application on my behalf.  
name of agent

\_\_\_\_\_  
Signature of Registered Owner  
If Corporation – I have authority to bind the corporation.

\_\_\_\_\_  
Date

**B. Consent to Enter Upon the Subject Lands and Premises**

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

  
Signature of Registered Owner  
If Corporation – I have authority to bind the corporation.

MARCH 10 2020  
Date

**C. Acknowledgement of Applicant**

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

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

  
Signature of Applicant

MARCH 10 2020  
Date

**DO NOT COMPLETE BELOW – STAFF USE ONLY**

**Approval Record**

Date Received by Heritage Planner: \_\_\_\_\_

Building Permit Application Date, if needed: \_\_\_\_\_

☐ Approval requiring City Council:

Windsor Heritage Committee: \_\_\_\_\_

Planning & Economic Development Standing Committee: \_\_\_\_\_

City Council: \_\_\_\_\_

☐ Approval requiring City Planner:

Heritage Planner: \_\_\_\_\_

Staff Decision Appealed to City Council: \_\_\_\_\_

If so, Date to City Council: \_\_\_\_\_

Council Decision Appealed: \_\_\_\_\_

Additional Notes: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**DECISION**

Heritage Permit No.: \_\_\_\_\_ Date: \_\_\_\_\_

Council Motion or City Planner's Signature: \_\_\_\_\_

**CONTACT INFORMATION**

Planning Department - Planning Policy  
Corporation of the City of Windsor  
Suite 320 - 350 City Hall Square West  
Windsor ON N9A 6S1  
planningdept@citywindsor.ca  
519-255-6543 x 6179  
519-255-6544 (fax)  
<http://www.citywindsor.ca>

TO MIKE CERVI  
FROM CAROL SLATER  
RE. DJORDJEVIC  
436 ASKIN

HISTORICAL SEARCH  
FROM 1923 TO PRESENT.

1046350 ONTARIO INC.

No. 493 DATE: Aug 30, 2020

TO: M. Cervi

REFERENCE: DJORDJEVIC  
436 ASKIN

- ☒ SEARCH TITLE - HISTORICAL  
☐ SUB-SEARCH  
☐ OBTAIN PHOTO  
☐ TO REGISTRATION  
☐ TO CLOSING  
☐ TO SHERIFF  
☐ UPDATE SEARCH  
☐ P.P.S.A.  
☐

  
Carol Slater  
532 Road 5 West, R.R. #3  
Cottam, Ont. N0R 1B0  
H.S.T. R138354196

FEE 75.00  
DISB. 70.00  
H.S.T. 18.85  
TOTAL 163.85



T/S 10976	DEED	MAR 12 1923	① CHITTLE, THOMAS ESTATE ③ SULLIVAN, MARGARET	② LEE, KING	TOWN OF SANDWICH LOTS 4, 5, 6 PLAN '828' EAST SIDE ASKIN
	\$ 3,250.00				
T/S 11246	DEED	JUNE 8 1923	① LEE, KING ③ LEE, WONG	② MASSEY, HAROLD	" "
	\$ 4,500.00				
T/S 16538	DEED	OCT 4 1926	① MASSEY, HAROLD ③ MASSEY, SARAH	② GRIFFITH, EDWARD J.W. GRIFFITH, LOUISE JANE	
	COPY ILLEGIBLE \$ 2500.00				
WW 55534	DEED	NOV. 15 1951	① GRIFFITH, EDWARD J.W. GRIFFITH, LOUISE JANE	② KENNEDY, JOSEPH ALOYSIUS KENNEDY, JULIETTE MARIE as JT	5 1/2 LOTS LOT 6 E/S ASKIN PLAN 828
	\$ 21,000.00				

R 368867	DEED	SEPT 30 1966	① KENNEDY, JOSEPH ALOYSIUS KENNEDY, JULIETTE MARIE	② THIBERT, NORMAN ERNEST THIBERT, MARY THERESE	C of W 5 1/2 LOT 5 ALL LOT 6. PLAN 828 E/S ASKIN BLD.
R 983572	DEED	AUG 3 1986	① THIBERT, NORMAN ERNEST THIBERT, MARY THERESE	② DINGLER, DANIEL WARD DINGLER, SUSAN STEINDORF	
R 1121061	TRANSFER	MAR 8 1990	① THIBERT, NORMAN ERNEST THIBERT, MARY THERESE	② DINGLER, DANIEL WARD DINGLER, SUSAN STEINDORF.	
CE 692607	TRANSFER PERSONAL REP.	DEC 11 2015	① ESTATE OF DINGLER, DANIEL WARD	② DJORDJEVIC, ALLEN DJORDJEVIC, CLORINDA.	

LAND  
REGISTRY  
OFFICE #12

01232-0190 (LT)

PAGE 1 OF 2  
PREPARED FOR CSlater01  
ON 2020/08/06 AT 20:16:08

\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

PROPERTY DESCRIPTION: LT 6 PL 828 TOWN OF SANDWICH; PT LT 5 PL 828 TOWN OF SANDWICH AS IN R1121061 ; WINDSOR

PROPERTY REMARKS:

ESTATE/QUALIFIER:  
FEE SIMPLE  
LT CONVERSION QUALIFIED

RECENTLY:  
RE-ENTRY FROM 01232-0438

PIN CREATION DATE:  
1999/05/28

OWNERS' NAMES  
DJORDJEVIC, ALLEN  
DJORDJEVIC, CLORINDA

CAPACITY SHARE  
JTEN  
JTEN

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
<p><b>**EFFECTIVE 2000/07/29 THE NOTATION OF THE "BLOCK IMPLEMENTATION DATE" OF 1996/01/08 ON THIS PIN**</b></p> <p><b>**WAS REPLACED WITH THE "PIN CREATION DATE" OF 1999/05/28**</b></p> <p><b>** PRINTOUT INCLUDES ALL DOCUMENT TYPES AND DELETED INSTRUMENTS SINCE 1999/05/28 **</b></p> <p><b>**SUBJECT, ON FIRST REGISTRATION UNDER THE LAND TITLES ACT, TO:</b></p> <p><b>** SUBSECTION 44(1) OF THE LAND TITLES ACT, EXCEPT PARAGRAPH 11, PARAGRAPH 14, PROVINCIAL SUCCESSION DUTIES *</b></p> <p><b>** AND ESCHEATS OR FORFEITURE TO THE CROWN.</b></p> <p><b>** THE RIGHTS OF ANY PERSON WHO WOULD, BUT FOR THE LAND TITLES ACT, BE ENTITLED TO THE LAND OR ANY PART OF</b></p> <p><b>** IT THROUGH LENGTH OF ADVERSE POSSESSION, PRESCRIPTION, MISDESCRIPTION OR BOUNDARIES SETTLED BY</b></p> <p><b>** CONVENTION.</b></p> <p><b>** ANY LEASE TO WHICH THE SUBSECTION 70(2) OF THE REGISTRY ACT APPLIES.</b></p> <p><b>**DATE OF CONVERSION TO LAND TITLES: 1999/05/31 **</b></p>						
R1116041	1990/01/17	CHARGE		*** COMPLETELY DELETED ***	THE TORONTO DOMINION BANK	
R1121061	1990/03/08	TRANSFER		*** COMPLETELY DELETED ***	DINGLER, DANIEL WARD DINGLER, SUSAN STEINDORF	
CE342514	2008/08/21	APL OF SURV-LAND		*** COMPLETELY DELETED *** DINGLER, SUSAN STEINDORF	DINGLER, DANIEL WARD	
CE691859	2015/12/07	TRANSMISSION-LAND		*** COMPLETELY DELETED *** DINGLER, DANIEL WARD	DINGLER, NOAH EBERHARD AMRAM DINGLER, DANIEL WARD - ESTATE	
CE692607	2015/12/11	TRANS PERSONAL REP	\$351,000	DINGLER, NOAH EBERHARD AMRAM	DJORDJEVIC, ALLEN	C

NOTE: ADJOINING PROPERTIES SHOULD BE INVESTIGATED TO ASCERTAIN DESCRIPTIVE INCONSISTENCIES, IF ANY, WITH DESCRIPTION REPRESENTED FOR THIS PROPERTY.

NOTE: ENSURE THAT YOUR PRINTOUT STATES THE TOTAL NUMBER OF PAGES AND THAT THE TOTAL NUMBER OF PAGES ALL ARE

LAND  
REGISTRY  
OFFICE #12  
\* CERTIFIED IN ACCORDANCE WITH THE LAND TITLES ACT \* SUBJECT TO RESERVATIONS IN CROWN GRANT \*

01232-0190 (LT)

PAGE 2 OF 2  
PREPARED FOR CSlater01  
ON 2020/08/06 AT 20:16:08

REG. NUM.	DATE	INSTRUMENT TYPE	AMOUNT	PARTIES FROM	PARTIES TO	CERT/ CHKD
CE692608	2015/12/11	CHARGE	\$351,000	DJORDJEVIC, ALLEN DJORDJEVIC, CLORINDA	DJORDJEVIC, CLORINDA  CANADIAN IMPERIAL BANK OF COMMERCE	C
CE696083	2016/01/11	DISCH OF CHARGE		*** COMPLETELY DELETED *** THE TORONTO DOMINION BANK		

T of S 10976

# This Indenture

made in duplicate the Nineteenth day of February  
in the year of our Lord one thousand nine hundred and twenty-three  
In Pursuance of the Short Forms of Conveyances Act and The Devolution of  
Estates Act.

Between

ANTOINE PHILIPPE EUGENE PANET of the City of  
Windsor in the County of Essex and Province of  
Ontario, Solicitor, the Executor of the last will  
of Thomas Chittle late of the said City of Windsor  
Insurance Broker, deceased,

hereinafter called the Grantor of the FIRST PART

KING LEE of the same place, Restaurant Keeper,

hereinafter called the Grantee of the SECOND PART

MARGARET SULLIVAN of the same place, Married Woman

~~Witnesseth~~ of the THIRD PART

Whereas the said Thomas Chittle died on or about the 6th. day of July  
1920, having duly made his last will and testament, Probate whereof  
was granted to the said Antoine Philippe Eugene Panet by the Surro-  
gate Court of the County of Essex on the 6th. day of August 1920 and  
was registered in the Registry Office of the County of Essex on the  
15th. day of September 1920 in Book "K" General Register as No. 4039;  
And whereas the said Thomas Chittle had agreed to sell the lands  
hereinafter described and all monies due under the said agreement  
have been paid

Witnesseth, that in consideration of the premises and the sum of One

lawful money of Canada now paid by the said grantee to the said grantor (the receipt  
whereof is hereby by him acknowledged) he the said grantor

DO TH Grant unto the said grantee in fee simple

ALL and Singular that certain parcel or tract of land and premises, situate, lying  
and being in the Town of Sandwich in the County of Essex and

Province of Ontario and being composed of Lots Four ( 4 ) Five ( 5 )  
and Six ( 6 ) according to registered plan No. 828, and more fully  
described as follows, being on the East side of Askin Boulevard,  
south of Fanchette Street.



TO HAVE AND TO HOLD unto the said grantee his heirs and assigns  
to and for their sole and only use forever, subject nevertheless  
to the reservations, limitations, provisos and conditions expressed  
in the original grant thereof from the Crown.

And the said grantor covenants with the grantee that he has done  
no act to incumber the said lands.

And the said grantor releases to the grantee all his claims upon  
the said lands.

And the party of the third part hereby releases to the said grantee  
all her claims upon the said lands.

IN WITNESS WHEREOF the said parties hereto have hereunto set their  
hands and seals

Signed Sealed and Delivered)

in the presence of

*Acck David*

*J. Phillips and N.  
Exector*

*Margaret Sullivan*



**Affidavit, Land Transfer Tax**In the Matter of an Act respecting the  
Taxation of Real Estate Transfers.Ontario  
County  
of EssexI King Lee  
of the City of Windsor  
in the County of Essex

To wit:

the

Grantor

(Grantee, Grantor or duly authorized Agent or Solicitor for Grantee or Grantor as the case may be)

named in the within Deed (or Transfer) make oath and say:

1. That I have personal knowledge of the facts herein deposed to.
2. That the full and true purchase price of the land and premises therein described, including existing encumbrances and the value of any property, security or thing given as a consideration, is Three thousand two hundred

700 + fifty - - - - - (\$3250.00) - - - - - Dollars, and no more.Sworn before me at the City  
of Windsor  
in the County  
of Essex  
this 5th day of MarchF. D. Woods  
A. D. 1973  
A. Commissioner etc.King Lee



T 86 S 11246

# This Indenture

made (in duplicate) the      Seventeenth      day of      May

one thousand nine hundred and      Twenty-three.

In pursuance of the Short Forms of Conveyances Act,

Between

KING LEE, of the City of Windsor, in the County of Essex  
and Province of Ontario, Restaurant Keeper, hereinafter  
called the Grantor.

OF THE FIRST PART.

HAROLD MASSEY, of the village of Petite Cote, in the County  
of Essex, Machinist, hereinafter called the Grantee.

OF THE SECOND PART.

-and-

WONG LEE, the wife of King Lee, hereinafter called the  
Party of the Third Part.

**Witnesseth**, that in consideration of the sum of four thousand  
five hundred.

Dollars of lawful money of Canada, now paid  
by the said Grantee to the said Grantor, the receipt whereof is hereby  
by him acknowledged, he the said Grantor Doth Grant unto  
the said Grantee in fee simple

**All and Singular** that certain parcel or tract of land and premises  
situate, lying and being  
in the Town of Sandwich, in the County of Essex  
and Province of Ontario and being composed of lots Four, Five  
and Six ( 4, 5 and 6 ) according to registered plan number 828,  
and more fully described as follows, being on the east side of  
Askin Boulevard south of Fanchette Street.



To have and to hold unto the said Grantee his heirs and assigns to  
and for his and their sole and only use forever,

Subject nevertheless to the reservations, limitations, provisoes and conditions  
expressed in the original grant thereof from the Crown.

The said Grantor Covenant<sub>s</sub> with the said Grantee That he has  
the right to convey the said lands to the Grantee notwithstanding any act of  
the said Grantor.

And that the said Grantee shall have quiet possession of the said lands, free  
from all incumbrances.

And the said Grantor Covenant<sub>s</sub> with the said Grantee that he will  
execute such further assurances of the said lands as may be requisite.

And the said Grantor Covenant<sub>s</sub> with the said Grantee that he has  
done no act to incumber the said lands.

And the said Grantor Release. to the said Grantee All his claims  
upon the said lands.

AND the said wife of the said Grantor hereby bars her dower  
in the said lands.

In Witness Whereof the said parties hereto have hereunto set their  
hands and seals.

Signed, Sealed and Delivered  
IN THE PRESENCE OF

*Louise Arthur*

*King Lee*

*Wong Lee*

## Affidavit, Land Transfer Tax

In the matter of an Act respecting the  
Taxation of Real Estate Transfers.

Ontario }  
of } Harold Massey  
To wit: } of the village of Petite Cote  
in the County of Essex

the Grantee

(Grantee, Grantor or duly authorized Agent or Solicitor for Grantee or Grantor as the case may be)

named in the within Deed (or Transfer) make oath and say:

1. That I have personal knowledge of the facts herein deposed to.
2. That the full and true purchase price of the land and premises therein described, including existing encumbrances and the value of any property, security or thing given as a consideration, is

\$4500.00

Dollars, and no more.

Sworn before me at the City  
of Windsor  
in the County  
of Essex

this 17th day of

May

A. D. 1923

*Galbo Clay*  
A Commissioner etc.



JUN 8 1925  
 11:16  
 SANDWICH, ONT.

I certify that the within instrument is  
 duly entered and registered in the  
 Registry Office of the Registry Divi-  
 sion of the County of Essex, in Book  
 of the Town  
 of Sandwich,  
 at 10 o'clock AM, on the 8th day  
 of June 1925.  
 Number 13246  
 Registrar

Dated 8th June 1925  
 A.D. 1925

Wong Lee

Harold Harvey

Deed of Grant

SITUATE

Town of Sandwich

United Typewriter Co., Limited, Toronto

191

858

14

TALBOT CLAY  
 REGISTRAR

TO WIT:  
 I, Louis Arthur, of the County of Windsor, in the Province of Ontario, do solemnly declare  
 THAT I was at the time of the execution and delivery by me of the within instrument  
 and of the full age of 21 years.  
 AND I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and  
 effect as if made under oath and by virtue of "The Canada Evidence Act".  
 DECLARED before me at the  
 day of  
 of  
 in the County  
 this day  
 A.D. 1925  
 Louis Arthur  
 17th day of May  
 1925  
 County of Essex  
 in the City of Windsor  
 SWORN before me at the City of Windsor  
 4. That I am a subscribing witness to the said instrument and Duplicate.  
 3. That I know the said parties at the City of Windsor.  
 That the said instrument and Duplicate were executed by the said parties  
 and executed by Wong Lee and Harold Harvey  
 1. That I was personally present and did see the within instrument and a Duplicate thereof duly signed, sealed  
 make oath and say:  
 Louis Arthur  
 of the County of Windsor  
 in the County of Essex  
 Stenographer  
 CANADA  
 Province of Ontario  
 County of Windsor  
 of the City of Windsor  
 in the County of Essex  
 do wit:



T06516538

# This Indenture

made (in duplicate) the [redacted] day of [redacted]

one thousand nine hundred and [redacted]

In pursuance of the Short Forms of Conveyances Act,

Between

[redacted]

[redacted]

[redacted]

[redacted]

[redacted]

Witnesseth, that in consideration of [redacted]

[redacted] Dollars of lawful money of Canada, now paid  
by the said Grantee to the said Grantor, the receipt whereof is hereby

by [redacted] acknowledged, the said Grantor Do Grant unto

the said Grantee in fee simple [redacted]

All and Singular the certain parcel or tract of land and premises

situate, lying and being

[redacted]

X  
65



馬壯  
馬中

LA

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

*[Faint, illegible handwritten notes]*

**Affidavit, Land Transfer Tax Act**In the Matter of the Land Transfer  
Tax Act, 1921 and 1922

PROVINCE OF ONTARIO

COUNTY OF *Essex*

I, *W. H. Furlong*  
 of the *city of Windsor*  
 in the County of *Essex*, solicitor  
 for the *grantor* named in the within (or  
 To wit (annexed) transfer make oath and say:

This affidavit may  
 be made by the  
 purchaser or ven-  
 dor or by any one  
 acting for them  
 under power of  
 attorney or by an  
 agent accredited in  
 writing by the  
 purchaser or ven-  
 dor or by the  
 solicitor of either  
 of them.

1. I am *solicitor for the grantor* named in the within (or annexed) transfer.
2. I have a personal knowledge of the facts stated in this affidavit.
3. The true amount of the moneys in cash and the value of any property or security included in the consideration is as follows:

(a) Moneys in cash paid *\$ 2500.00*

(b) Property transferred in exchange to the value of .....

(c) Securities transferred in the value of .....

Set out liens and  
 encumbrances in  
 detail.

4. The amount of liens and encumbrances subject to which such transfer is made is as follows: *9* .....

5. The total consideration in moneys, cash, property, liens and encumbrances is *\$ 2500.00*

and no more.

6. The only consideration for the within (or annexed) transfer is natural love and affection.

7. The relationship between the Grantor and Grantee is that of .....

When clauses 3, 4  
 and 5 are applic-  
 able, clauses 6 and  
 7 should be struck  
 out. When  
 clauses 4, 6 and 7  
 are applicable,  
 clauses 3 and 5  
 should be struck  
 out.

Sworn before me at the *city of**Windsor*, in theCounty of *Essex*this *2nd*day of *October* A.D. 192*6*

*W. H. Furlong*  
 Commissioner, etc.





# This Indenture

made in duplicate the Twenty-sixth day of September  
in the year of our Lord one thousand nine hundred and Fifty-one.

In Pursuance of the Short Forms of Conveyances Act:  
Between

EDWARD J. W. GRIFFITH, Manager, and LOUISE JANE GRIFFITH, his wife, as joint tenants and not as tenants in common, both of the City of Windsor, in the County of Essex and Province of Ontario, hereinafter called the GRANTORS

OF THE FIRST PART.

- and -

JOSEPH ALOYSIUS KENNEDY, King's Counsel and JULIETTE MARIE KENNEDY, his wife, as joint tenants, both of the said City of Windsor hereinafter called the GRANTEES

OF THE SECOND PART.

**Witnesseth** that in consideration of - - - - -

Twenty-one Thousand - - - - - dollar s of  
lawful money of Canada now paid by the said grantee to the said grantor (the receipt  
whereof is hereby by them acknowledged) they the said grantor DO  
**GRANT** unto the said grantee s in fee simple as joint  
tenants and not as tenants in common.  
ALL and Singular that certain parcel or tract of land and premises, situate, lying and  
being  
composed of the South half of Lot Number Five (5) and Lot Number (6) Six on  
the East side of Askin Boulevard, in the Town of Sandwich, in the County of  
Essex, according to Registered Plan #828, and which may be more particularly  
described as follows: COMMENCING on the East side of Askin Boulevard where  
the same is intersected by the Southerly limit of the said Lot 6; Thence  
Easterly along Southerly limit of said Lot 6 to the Easterly limit thereof;  
Thence Northerly along the Easterly limit of said Lots Six and Five a distance  
of Fifty feet (50'); Thence Westerly parallel to the Southerly limit of Lot  
Six to the Easterly limit of Askin Boulevard; Thence Southerly along said  
Easterly limit of Askin Boulevard Fifty feet (50') to the Place of beginning.



TO HAVE AND TO HOLD unto the said grantee s their heirs and assigns to and for their sole and only use forever, as joint tenants and not as tenants in common.

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said grantor s COVENANT with the said grantee s THAT they have the right to convey the said lands to the said grantees notwithstanding any act of the said grantor

AND that the said grantee s shall have quiet possession of the said lands free from all encumbrances.

AND the said grantors COVENANT with the said grantee s that they will execute such further assurances of the said lands as may be requisite.

AND the said grantor s COVENANT with the said grantee s that they have done no act to encumber the said lands.

AND the said grantors RELEASE to the said grantee ALL their claims upon the said lands.

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered  
IN THE PRESENCE OF

Nancy R. R. R.

E. Griffith

Louise J. Griffith



**Affidavit, Land Transfer Tax Act**  
IN THE MATTER OF THE LAND TRANSFER TAX ACT, 1921 AND 1922

PROVINCE OF ONTARIO  
COUNTY OF

I, William I. Tarrue  
of the City of Windsor  
in the County of Essex for the  
To Wit: Grantors named in the within (or annexed) transfer make oath and say:  
Grantors Solicitor

This affidavit may be made by the purchaser or vendor or by any one acting for them under power of attorney or by an agent accredited in writing by the purchaser or vendor or by the solicitor of either of them.

1. I am named in the within (or annexed) transfer.
2. I have a personal knowledge of the facts stated in this affidavit.
3. The true amount of the monies in cash and the value of any property or security included in the consideration is as follows:
  - (a) Monies paid in cash \$ 15000
  - (b) Property transferred in exchange;  
Equity value \$ \_\_\_\_\_  
Encumbrance \$ \_\_\_\_\_
  - (c) Securities transferred to the value of \$ \_\_\_\_\_
  - (d) Balances of existing encumbrances with interest owing at date of transfer \$ \_\_\_\_\_
  - (e) Monies secured by mortgage under this transaction \$ 3000
  - (f) Liens, legacies, annuities and maintenance charges to which transfer is subject \$ \_\_\_\_\_Total consideration \$ 21000
4. If consideration is nominal, is the transfer for natural love and affection? \_\_\_\_\_
5. If so, what is the relationship between Grantor and Grantee? \_\_\_\_\_
6. Other remarks and explanations, if necessary, \_\_\_\_\_

Sworn before me at the  
of City of Windsor  
in the County of Essex  
this 13th  
day of Nov

A.D. 19 51

David J. Dixon  
A Commissioner, etc.

W. I. Tarrue

THE REGISTRY ACT

COUNTY OF

AFFIDAVIT AS TO MARRIAGE STATUS

TO WIT:

I,  
in the within instrument named make oath and say:

Strike out words and parts not applicable and initial

THAT at the time of the execution and delivery by me of the within instrument I was [married], [unmarried], [a widower], and of the full age of twenty-one years or

HUSBAND

THAT at the time of the execution and delivery by me of the within instrument I was legally married to \_\_\_\_\_, the person joining therein as my wife to bar her dower and was of the full age of twenty-one years or

WIFE

THAT at the time of the execution and delivery of the within instrument, I was legally married to \_\_\_\_\_, the person named therein as my husband, and he was of the full age of twenty-one years.

SWORN before me at the

of  
in the  
of

this day of

A.D. 19

A Commissioner for taking Affidavits, etc.

27 W 55534

Dated 1951

NOV 15 1951  
REGISTRY OF  
PROPERTY  
ESSEX CO.

3.30

I certify that the within and is duly entered and is a correct copy of the original as shown to me by the Registrar of the County of Essex, in Book 571 for the City of Windsor, W.D. 13/13/51, of the 15 day of November A.D. 1951  
Number 33534  
Jane Lorrain  
Registrar

EDWARD J. W. GRIFFITH et ux

JOSEPH ALOYSIUS KENNEDY et ux

436 Colborne Blvd  
Windsor

Part of Land

SITUATE

Remains of Gilbert Limited, Toronto

828  
E.H.S.

HARVEY & HOLLAND,  
Barristers and Solicitors,  
803 Canada Trust Building,  
Windsor, Ontario.

A Commissioner for taking Affidavits, etc.

Sworn before me at the City of Windsor in the County of Essex this 13th day of November A.D. 1951.  
W. J. Lorrain  
4. What I am a subscribing witness to the said instrument and duplicate  
3. What I know the said parties  
2. What the said instrument and duplicate were executed by the said parties  
1. What I was personally present and did see the within instrument and a duplicate duly signed, sealed and executed by Edward J. W. Griffith and Louise Jane Griffith, his wife  
the parties thereto make oath and say:

CANADA  
Province of Ontario  
Nancy Rushmore  
at the City of Windsor  
in the County of Essex  
Stenographer  
make oath and say:



368867

THIS INDENTURE made in duplicate the 27th day of  
September, in the year of our Lord one thousand nine hundred and  
sixty-six.

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT:

B E T W E E N :

JOSEPH ALOYSIUS KENNEDY, Queen's Counsel,  
and JULIETTE MARIE KENNEDY, his wife, both  
of the City of Toronto, in the County of  
York, (formerly of the City of Windsor, in  
the County of Essex), and Province of Ontario,  
as joint tenants and not as tenants in common,

hereinafter called the GRANTORS,

OF THE FIRST PART

- and -

NORMAN ERNEST THIBERT, of the said City of  
Windsor, Physician, and MARY THERESE THIBERT,  
his wife, of the same place, as joint tenants  
and not as tenants in common,

hereinafter called the GRANTEES,

OF THE SECOND PART

WHEREAS by Agreement for Sale dated September 6, 1956 and regis-  
tered September 18, 1959 as Instrument Number 206405, the Grantors  
agreed to sell to William A. T. Whittal, Executive, and Verlin  
Whittal, his wife, as joint tenants and not as tenants in common,  
the lands hereinafter described;

AND WHEREAS by Assignment dated September 16, 1959 and registered  
September 18, 1959 as Instrument Number 206406, the said William  
A. T. Whittal and Verlin Whittal assigned all their right, title  
and interest as Purchasers in the Agreement aforesaid to Norman  
Ernest Thibert and Mary Therese Thibert, the Grantees herein, as  
joint tenants and not as tenants in common;

AND WHEREAS the Grantees have paid all monies due under the



Agreement aforesaid and are entitled to a conveyance of the said lands;

NOW THEREFORE THIS INDENTURE WITNESSETH that in consideration of other good and valuable consideration and the sum of One Dollar (\$1.00) of lawful money of Canada now paid by the said Grantees to the said Grantors (the receipt whereof is hereby them acknowledged) they the said Grantors DO GRANT unto the said Grantees in fee simple, as joint tenants and not as tenants in common

ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, being composed of the South half of Lot Five (5), and all of Lot Six (6) according to Registered Plan No. 828, on the east side of Askin Boulevard, which said lands may be more particularly described as follows:

COMMENCING on the east side of Askin Boulevard where the same is intersected by the southerly limit of said Lot Six (6);

THENCE easterly along the southerly limit of said Lot Six (6) to the easterly limit thereof;

THENCE northerly along the easterly limit of said Lot Six (6) and Lot Five (5) a distance of Fifty Feet (50');

THENCE westerly parallel to the southerly limit of Lot Six (6) to the easterly limit of Askin Boulevard;

THENCE southerly along the said easterly limit of Askin Boulevard Fifty Feet (50') to the place of beginning. - - - -

TO HAVE AND TO HOLD unto the said grantees, their heirs and assigns to and for them and their sole and only use forever,

SUBJECT NEVERTHELESS to the reservations, limitations, provisoes and conditions expressed in the original grant thereof from the Crown.

The said grantor s COVENANT with the said grantees THAT they have the right to convey the said lands to the said grantee s notwithstanding any act of the said grantor s.

AND that the said grantee s shall have quiet possession of the said lands free from all encumbrances.

AND the said grantor s COVENANT with the said grantees that they will execute such further assurances of the said lands as may be requisite.

AND the said grantors COVENANT with the said grantee s that they have done no act to encumber the said lands.

AND the said grantor s RELEASE to the said grantee s ALL their claims upon the said lands.

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals.

Signed, Sealed and Delivered  
IN THE PRESENCE OF

*Joseph A. Lachance*

*Joseph Aloysius Kennedy*  
Joseph Aloysius Kennedy

*Juliette Marie Kennedy*  
Juliette Marie Kennedy



**AFFIDAVIT AS TO LEGAL AGE AND MARITAL STATUS**

Strike out words and parts not applicable and initial.

If Attorney see footnote.

PROVINCE OF ONTARIO  
COUNTY OF ESSEX

I/WE **Joseph Aloysius Kennedy**  
of the **City** of **Toronto**  
To Wit: in the County of **York**, **Queen's Counsel.**

in the within instrument named, make oath and say that at the time of the execution of the within instrument,

1. I was of the full age of twenty-one years;

2. And that **Juliette Marie Kennedy**

who also executed the within instrument WAS of the full age of twenty-one years

3. I was legally married to the person named therein as my wife ~~Richard~~

~~xxxxxx xxxxxxxx xxxxxxxx xxxxxxxx~~

SWORN before me at the **City**

of **Toronto**

in the **County**

of **York**

this **27th** day of **September**

A.D. 19 **66**

*[Signature]*  
A Commissioner for taking Affidavits, etc.

NOTE: If Attorney, substitute in space provided, "I am Attorney for \_\_\_\_\_ (State name) one of the parties named therein and he/she was of the full age of twenty-one years."

**Affidavit, Land Transfer Tax Act**  
IN THE MATTER OF THE LAND TRANSFER TAX ACT.

PROVINCE OF ONTARIO  
COUNTY OF ESSEX

I, **Joseph Aloysius Kennedy**  
of the **City of Toronto**  
in the **County of York**,

To Wit: named in the within (or annexed) transfer make oath and say:

This affidavit may be made by the purchaser or vendor or by any one acting for them under power of attorney or by an agent accredited in writing by the purchaser or vendor or by the solicitor of either of them.

1. I am one of the Grantors named in the within (or annexed) transfer;
2. I have a personal knowledge of the facts stated in this affidavit.
3. The true amount of the monies in cash and the value of any property or security included in the consideration is as follows:

(a) Monies paid in cash	\$25,000.00
(b) Property transferred in exchange;	
Equity value \$	\$ nil
Encumbrance \$	\$ nil
(c) Securities transferred to the value of	\$ nil
(d) Balances of existing encumbrances with interest owing at date of transfer	\$ nil
(e) Monies secured by mortgage under this transaction	\$ nil
(f) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil
Total consideration	\$25,000.00

All blanks must be filled in

4. If consideration is nominal, is the transfer for natural love and affection?
5. If so, what is the relationship between Grantor and Grantee?
6. Other remarks and explanations, if necessary

Sworn before me at the **City**  
of **Toronto**  
in the **County**  
of **York**  
this **27th**  
day of **September**

A.D. 19 **66**

*[Signature]*  
A Commissioner, etc.



SEP 30 4 09 PM '66  
REGISTRY  
OF ESSEX

ABST'D...  
INDEXED...  
COPIED...  
FILED...

368867

Number  
I certify that the within  
instrument is registered in  
the Registry Office for the  
County of Essex at  
P. M. of the 30 day of  
Sept 19 66

Registrar

CHECKED BY

Dated 27th September 1966

368867

JOSEPH ALOYSIUS KENNEDY and  
JULIETTE MARIE KENNEDY

TO

NORMAN ERNEST THIBERT and  
MARY THERESE THIBERT

436 Askin Boulevard  
Windsor, Ontario

Deed of Land

SITUATE

in the City of Windsor, in  
the County of Essex

Newcome and Gilbert, Limited, Toronto

MCPHERSON, PRINCE & CEDDES  
802 Canada Building  
WINDSOR, Ontario

A Commissioner for taking Affidavits, etc.

1. THAT I was personally present and did see the within or annexed Instrument and a duplicate thereof duly signed, sealed and executed by  
2. THAT the said Instrument and duplicate were executed by the said part  
3. THAT I know the said part  
4. THAT I am a subscribing witness to the said Instrument and duplicate.  
SWORN before me at the  
in the  
of  
of  
day of  
A.D. 19 66

A Commissioner for taking Affidavits, etc.

1. THAT I was personally present and did see the within or annexed Instrument and a duplicate thereof duly signed, sealed and executed by  
2. THAT the said Instrument and duplicate were executed by the said part, less at the  
3. THAT I know the said part less.  
4. THAT I am a subscribing witness to the said Instrument and duplicate.  
SWORN before me at the  
in the  
of  
of  
day of  
A.D. 19 66

1. THAT I was personally present and did see the within or annexed Instrument and a duplicate thereof duly signed, sealed and executed by  
2. THAT the said Instrument and duplicate were executed by the said part, less at the  
3. THAT I know the said part less.  
4. THAT I am a subscribing witness to the said Instrument and duplicate.  
SWORN before me at the  
in the  
of  
of  
day of  
A.D. 19 66

# Transfer/Deed of Land

Form 1 — Land Registration Reform Act, 1984

**A**

FOR OFFICE USE ONLY

983572

(1) Registry ☒ Land Titles ☐ (2) Page 1 of 3 pages

(3) Property Identifier(s) Block Property

Additional:  
See  
Schedule ☐

(4) Consideration **ONE**  
ONE HUNDRED AND SIXTY-TWO THOUSAND SEVEN HUNDRED  
AND FIFTY-----Dollars \$ 161,750.00

(5) Description This is a: Property Division ☐ Property Consolidation ☐

South half Lot 5, all of Lot 6,  
Plan 838, City of Windsor,  
County of Essex

as in Schedule attached

New Property Identifiers

Additional:  
See  
Schedule ☐

Executions

Additional:  
See  
Schedule ☐

(6) This Document Contains

(a) Redescription  
New Easement  
Plan/Sketch ☐

(b) Schedule for:

Description ☒

Additional  
Parties ☐

Other ☐

(7) Interest/Estate Transferred  
Fee Simple

(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that we are spouses of one another

Name(s)  
THIBERT, Norman Ernest

Signature(s)  
*Norman Ernest Thibert*

Date of Signature  
Y M D

1986 08 27

THIBERT, Mary Therese

*Mary Therese Thibert*

1986 08 27

(9) Spouse(s) of Transferor(s) I hereby consent to this transaction

Name(s)

Signature(s)

Date of Signature  
Y M D

(10) Transferor(s) Address  
for Service

206-3663 Riverside Drive East, Windsor, Ontario N8Y 4V3

(11) Transferee(s)

DINGLER, Daniel Ward

Date of Birth  
Y M D

1945 04 06

DINGLER, Susan Steindorf

1941 10 11

as joint tenants and not as tenants in common

(12) Transferee(s) Address  
for Service

436 Askin Blvd., Windsor, Ontario N9B 2X4

(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983.

Date of Signature  
Y M D

Date of Signature  
Y M D

Signature

Signature

Solicitor for Transferor(s) I have explained the effect of section 49 of the Planning Act, 1983 to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.

Date of Signature  
Y M D

Name and  
Address of  
Solicitor

Signature

Planning Act — OPTIONAL

(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (ii) of the Planning Act, 1983 and that to the best of my knowledge and belief this transfer does not contravene section 49 of the Planning Act 1983. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Date of Signature  
Y M D

Name and  
Address of  
Solicitor

Signature

(15) Assessment Roll Number  
of Property

Cty. Mun. Map Sub. Par.  
37 39 050 100 09100

(16) Municipal Address of Property

436 Askin Blvd.,  
Windsor, Ontario.  
N9B 2X4

(17) Document Prepared by:

*Corrent & Harri*  
BARRISTERS & SOLICITORS  
SUITE 300  
333 QUELLETTE AVENUE,  
WINDSOR, ONTARIO N9A 4J1

Fees and Tax

Registration Fee

Land Transfer Tax

Total



**Schedule**

Form 5 — Land Registration Reform Act, 1984

Page 2**S**

Additional Property Identifier(s) and/or Other Information

ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, being composed of the South half of Lot Five (5), and all of Lot Six (6) according to Registered Plan No. 828, on the east side of Askin Boulevard, which said lands may be more particularly described as follows:

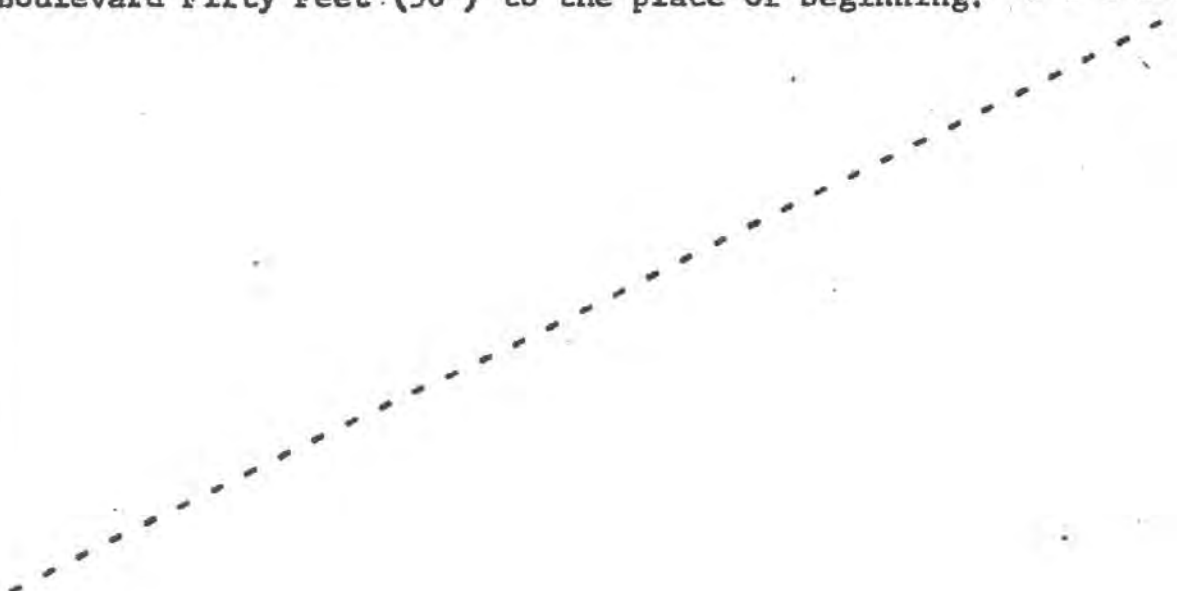
COMMENCING on the east side of Askin Boulevard where the same is intersected by the southerly limit of said Lot Six (6);

THENCE easterly along the southerly limit of said Lot Six (6) to the easterly limit thereof;

THENCE northerly along the easterly limit of said Lot Six (6) and Lot Five (5) a distance of Fifty Feet (50');

THENCE westerly parallel to the southerly limit of Lot Six (6) to the easterly limit of Askin Boulevard;

THENCE southerly along the said easterly limit of Askin Boulevard Fifty Feet (50') to the place of beginning. - - - - -

FOR OFFICE  
USE ONLY

THE MATTER OF THE CONVEYANCE OF (insert brief description of land) South half of Lot 5 and all of Lot 6,  
Registered Plan 828, east side of Askin Boulevard, City of Windsor,  
County of Essex,  
BY (print names of all transferors in full) Norman Ernest Thibert and Mary Therese Thibert  
TO (see instruction 1 and print names of all transferees in full) Daniel Ward Dingler and Susan Steindorf Dingler  
I, (see instruction 2 and print name(s) in full) Daniel Ward Dingler

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)
- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☐ (c) A transferee named in the above-described conveyance;
- ☐ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) \_\_\_\_\_  
\_\_\_\_\_ described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)
- ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s)) \_\_\_\_\_  
\_\_\_\_\_ described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraphs)
- ☒ (f) A transferee described in paragraph (c) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) Susan Steindorf Dingler who is my spouse described in paragraph (c) (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.
2. (To be completed where the value of the consideration for the conveyance exceeds \$250,000.)  
I have read and considered the definition of "single family residence" set out in clause 1(1)(j) of the Act. The land conveyed in the above-described conveyance
- ☒ contains at least one and not more than two single family residences. Note: Clause 2(1) (d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$250,000 where the conveyance contains at least one and not more than two single family residences.
- ☐ does not contain a single family residence.
- ☐ contains more than two single family residences. (see instruction 3)
3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5) none

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$ 161,750.00	
(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)	\$ nil	
(ii) Given back to vendor	\$ nil	
(c) Property transferred in exchange (detail below)	\$ nil	
(d) Securities transferred to the value of (detail below)	\$ nil	
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$ nil	
(f) Other valuable consideration subject to land transfer tax (detail below)	\$ nil	
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f))	\$ 161,750.00	\$ 161,750.00
(h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1990, c.454, as amended)	\$ 1,000.00	
(i) Other consideration for transaction not included in (g) or (h) above	\$ nil	
(j) TOTAL CONSIDERATION	\$ 162,750.00	

All Blanks  
Must Be  
Filed In.  
Insert "Nil"  
Where:  
Applicable.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6) \_\_\_\_\_
6. If the consideration is nominal, is the land subject to any encumbrance? \_\_\_\_\_
7. Other remarks and explanations, if necessary. \_\_\_\_\_

Sworn before me at the City of Windsor,  
in the County of Essex,  
this 28th day of August, 19 86.

A Commissioner for taking Affidavits, etc.

Daniel Ward Dingler

Property Information Record

- A. Describe nature of instrument: Deed to joint tenants
- B. (i) Address of property being conveyed (if available) 436 Askin Blvd., Windsor, Ontario, N9B 2X4
- (ii) Assessment Roll No. (if available) 050 100 09100
- C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7) 436 Askin Blvd., Windsor, Ontario, N9B 2X4
- D. (i) Registration number for last conveyance of property being conveyed (if available) 368867
- (ii) Legal description of property conveyed: Same as in D.(i) above. Yes ☒ No ☐ Not known ☐
- E. Name(s) and address(es) of each transferee's solicitor  
Holden & Moorhouse  
802 Canada Building  
Windsor, Ontario  
N9A 1A8

For Land Registry Office use only

REGISTRATION NO.

Land Registry Office No.

Registration Date



# Transfer/Deed of Land

Form 1 — Land Registration Reform Act, 1984

**A**

<div style="text-align: center; font-size: 24px; margin-bottom: 20px;">1121061</div> <div style="text-align: center; font-size: 18px; margin-bottom: 20px;">CORRECTED BY 3:41</div> <div style="text-align: center; font-size: 12px;">New Property Identifiers</div> <div style="text-align: center; font-size: 12px;">Additional: See Schedule <input type="checkbox"/></div> <div style="text-align: center; font-size: 12px;">Executions</div> <div style="text-align: center; font-size: 12px;">Additional: See Schedule <input type="checkbox"/></div>	(1) Registry <input checked="" type="checkbox"/> Land Titles <input type="checkbox"/>	(2) Page 1 of 3 pages									
	(3) Property Identifier(s) Block Property Additional: See Schedule <input type="checkbox"/>										
	(4) Consideration ONE ----- Dollars \$ 1.00										
	(5) Description This is a: Property Division <input type="checkbox"/> Property Consolidation <input type="checkbox"/>  South half of Lot 5, all of Lot 6, Plan 828, City of Windsor, County of Essex  see Schedule attached										
(6) This Document Contains (a) Redescription New Easement Plan/Sketch <input type="checkbox"/> (b) Schedule for: Description <input checked="" type="checkbox"/> Additional Parties <input type="checkbox"/> Other <input type="checkbox"/> (7) Interest/Estate Transferred Fee Simple											
(8) Transferor(s) The transferor hereby transfers the land to the transferee and certifies that the transferor is at least eighteen years old and that ..we are spouses of one another.  <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; border-bottom: 1px solid black;">Name(s)</td> <td style="width:40%; border-bottom: 1px solid black;">Signature(s)</td> <td style="width:30%; border-bottom: 1px solid black;">Date of Signature Y M D</td> </tr> <tr> <td>THIBERT, Norman Ernest</td> <td><i>Norman Ernest Thibert</i></td> <td>1990 01 31</td> </tr> <tr> <td>THIBERT, Mary Therese</td> <td><i>Mary Therese Thibert</i></td> <td>1990 01 31</td> </tr> </table>			Name(s)	Signature(s)	Date of Signature Y M D	THIBERT, Norman Ernest	<i>Norman Ernest Thibert</i>	1990 01 31	THIBERT, Mary Therese	<i>Mary Therese Thibert</i>	1990 01 31
Name(s)	Signature(s)	Date of Signature Y M D									
THIBERT, Norman Ernest	<i>Norman Ernest Thibert</i>	1990 01 31									
THIBERT, Mary Therese	<i>Mary Therese Thibert</i>	1990 01 31									
(9) Spouse(s) of Transferor(s) I hereby consent to this transaction Name(s) Signature(s) Date of Signature Y M D											
(10) Transferor(s) Address for Service 206-3663 Riverside Drive East, Windsor, Ontario, N8Y 4V3											
(11) Transferee(s) <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:70%; border-bottom: 1px solid black;">DINGLER, Daniel Ward</td> <td style="width:30%; border-bottom: 1px solid black;">Date of Birth Y M D</td> </tr> <tr> <td>DINGLER, Susan Steindorf</td> <td>1945 04 06</td> </tr> <tr> <td style="border-bottom: 1px solid black;">as joint tenants and not as tenants in common</td> <td style="border-bottom: 1px solid black;">1941 10 11</td> </tr> </table>			DINGLER, Daniel Ward	Date of Birth Y M D	DINGLER, Susan Steindorf	1945 04 06	as joint tenants and not as tenants in common	1941 10 11			
DINGLER, Daniel Ward	Date of Birth Y M D										
DINGLER, Susan Steindorf	1945 04 06										
as joint tenants and not as tenants in common	1941 10 11										
(12) Transferee(s) Address for Service 436 Askin Blvd., Windsor, Ontario, N9B 2X4											
(13) Transferor(s) The transferor verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene section 49 of the Planning Act, 1983. <table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:30%; border-bottom: 1px solid black;">Signature <i>Norman Ernest Thibert</i></td> <td style="width:30%; border-bottom: 1px solid black;">Date of Signature Y M D</td> <td style="width:30%; border-bottom: 1px solid black;">Signature <i>Mary Therese Thibert</i></td> <td style="width:30%; border-bottom: 1px solid black;">Date of Signature Y M D</td> </tr> <tr> <td>1990 01 31</td> <td></td> <td>1990 01 31</td> <td></td> </tr> </table> <p>Solicitor for Transferor(s) I have explained the effect of section 49 of the Planning Act, 1983 to the transferor and I have made inquiries of the transferor to determine that this transfer does not contravene that section and based on the information supplied by the transferor, to the best of my knowledge and belief, this transfer does not contravene that section. I am an Ontario solicitor in good standing.</p> <p>Name and Address of Solicitor Signature Date of Signature Y M D</p>			Signature <i>Norman Ernest Thibert</i>	Date of Signature Y M D	Signature <i>Mary Therese Thibert</i>	Date of Signature Y M D	1990 01 31		1990 01 31		
Signature <i>Norman Ernest Thibert</i>	Date of Signature Y M D	Signature <i>Mary Therese Thibert</i>	Date of Signature Y M D								
1990 01 31		1990 01 31									
(14) Solicitor for Transferee(s) I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in subclause 49 (21a) (c) (ii) of the Planning Act, 1983 and that to the best of my knowledge and belief this transfer does not contravene section 49 of the Planning Act 1983. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing. <p>Name and Address of Solicitor Signature Date of Signature Y M D</p>											
(15) Assessment Roll Number of Property Cty. Mun. Map Sub. Par. 37 39 050 100 09100											
(16) Municipal Address of Property 436 Askin Blvd. Windsor, Ontario, N9B 2X4		(17) Document Prepared by: Holden & Moorhouse 802 Canada Building Windsor, Ontario N9A 1A8 <i>ETAS</i>									
(18) Fees and Tax		FOR OFFICE USE ONLY									
Registration Fee 22.00		FOR OFFICE USE ONLY									
Land Transfer Tax 70.00											
Total 22.00											
Total 22.00											

# Schedule

Form 5 — Land Registration Reform Act, 1984

Page 2

Additional Property Identifier(s) and/or Other Information

ALL and Singular that certain parcel or tract of land and premises, situate, lying and being in the City of Windsor, in the County of Essex and Province of Ontario, being composed of the South half of Lot Five (5), and all of Lot Six (6) according to Registered Plan No. 828, on the east side of Askin Boulevard, which said lands may be more particularly described as follows:

COMMENCING on the east side of Askin Boulevard where the same is intersected by the southerly limit of said Lot Six (6);

THENCE easterly along the southerly limit of said Lot Six (6) to the easterly limit thereof;

THENCE northerly along the easterly limit of said Lot Six (6) and Lot Five (5) a distance of Fifty Feet (50');

THENCE westerly parallel to the southerly limit of Lot Six (6) to the easterly limit of Askin Boulevard;

THENCE southerly along the said easterly limit of Askin Boulevard Fifty Feet (50') to the place of beginning. - - - - -

Form 1 - Land Transfer Tax Act  
Affidavit of Residence and of Value of the Consideration  
Refer to all instructions on reverse side.

Page 3 of 3  
DYE & DURHAM CO. LIMITED  
Form No. 500  
(Amended Aug. 1, 1986)

IN THE MATTER OF THE CONVEYANCE OF (insert brief description of land) South half of Lot 5, all of Lot 6,  
Registered Plan 828, City of Windsor, County of Essex

BY (print names of all transferors in full) Norman Ernest Thibert and Mary Therese Thibert

TO (see instruction 1 and print names of all transferees in full) Daniel Ward Dingler and Susan Steindorf Dingler

I, (see instruction 2 and print name(s) in full) Daniel K. Moorhouse

MAKE OATH AND SAY THAT:

1. I am (place a clear mark within the square opposite that one of the following paragraphs that describes the capacity of the deponent(s)): (see instruction 2)

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;  
☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;  
☐ (c) A transferee named in the above-described conveyance;

☒ (d) The authorized agent or solicitor acting in this transaction for (insert name(s) of principal(s)) Daniel Ward Dingler and Susan Steindorf Dingler

described in paragraph(s) (b), (c) above; (strike out references to inapplicable paragraph(s))

☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for (insert name(s) of corporation(s))

described in paragraph(s) (a), (b), (c) above; (strike out references to inapplicable paragraph(s))

☐ (f) A transferee described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and am making this affidavit on my own behalf and on behalf of (insert name of spouse) who is my spouse described in paragraph ( ) (insert only one of paragraph (a), (b) or (c) above, as applicable) and as such, I have personal knowledge of the facts herein deposed to.

2. (To be completed where the value of the consideration for the conveyance exceeds \$250,000).

I have read and considered the definition of "single family residence" set out in clause 1(1)(ja) of the Act. The land conveyed in the above-described conveyance

- ☒ contains at least one and not more than two single family residences.  
☐ does not contain a single family residence.  
☐ contains more than two single family residences. (see instruction 3)

Note: Clause 2(1) (d) imposes an additional tax at the rate of one-half of one per cent upon the value of consideration in excess of \$250,000 where the conveyance contains at least one and not more than two single family residences.

3. I have read and considered the definitions of "non-resident corporation" and "non-resident person" set out respectively in clauses 1(1)(f) and (g) of the Act and each of the following persons to whom or in trust for whom the land is being conveyed in the above-described conveyance is a "non-resident corporation" or a "non-resident person" as set out in the Act. (see instructions 4 and 5) None

4. THE TOTAL CONSIDERATION FOR THIS TRANSACTION IS ALLOCATED AS FOLLOWS:

(a) Monies paid or to be paid in cash	\$	<u>1.00</u>	
(b) Mortgages (i) Assumed (show principal and interest to be credited against purchase price)	\$	<u>nil</u>	
(ii) Given back to vendor	\$	<u>nil</u>	
(c) Property transferred in exchange (detail below)	\$	<u>nil</u>	
(d) Securities transferred to the value of (detail below)	\$	<u>nil</u>	
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	\$	<u>nil</u>	
(f) Other valuable consideration subject to land transfer tax (detail below)	\$	<u>nil</u>	
(g) VALUE OF LAND, BUILDING, FIXTURES AND GOODWILL SUBJECT TO LAND TRANSFER TAX (Total of (a) to (f))	\$	<u>1.00</u>	\$ <u>1.00</u>
(h) VALUE OF ALL CHATTELS - items of tangible personal property (Retail Sales Tax is payable on the value of all chattels unless exempt under the provisions of the "Retail Sales Tax Act", R.S.O. 1980, c.454, as amended)	\$	<u>nil</u>	
(i) Other consideration for transaction not included in (g) or (h) above	\$	<u>nil</u>	
(j) TOTAL CONSIDERATION	\$	<u>1.00</u>	

All Blanks  
Must Be  
Filled In.  
Insert "Nil"  
Where  
Applicable.

5. If consideration is nominal, describe relationship between transferor and transferee and state purpose of conveyance. (see instruction 6) Transferors previously conveyed the land to transferees using incorrect description of land

6. If the consideration is nominal, is the land subject to any encumbrance? Yes

7. Other remarks and explanations, if necessary.  
Conveyance is given to correct error in description.

Sworn before me at the City of Windsor  
in the County of Essex  
this 8th day of March 1990

[Signature]  
A Commissioner for taking Affidavits, etc.

[Signature]  
signature(s)

Property Information Record

A. Describe nature of instrument: Deed to joint tenants

B. (i) Address of property being conveyed (if available) 436 Askin Boulevard, Windsor, Ontario N9B 2X4

(ii) Assessment Roll No. (if available) 37 39 050 100 09100

C. Mailing address(es) for future Notices of Assessment under the Assessment Act for property being conveyed (see instruction 7) 436 Askin Boulevard, Windsor, Ontario N9B 2X4

D. (i) Registration number for last conveyance of property being conveyed (if available) 368867

(ii) Legal description of property conveyed: Same as in D.(i) above. Yes ☒ No ☐ Not known ☐

E. Name(s) and address(es) of each transferee's solicitor  
Daniel K. Moorhouse  
Holden & Moorhouse  
802-374 Ouellette Avenue  
Windsor, Ontario  
N9A 1A8

For Land Registry Office use only

REGISTRATION NO.

Land Registry Office No.

Registration Date



Execution certificate 27412306-5402040B Clear - Michelle Osborne 2015/12/17

<i>PIN</i>	01232 - 0190 LT	<i>Interest/Estate</i>	Fee Simple
<i>Description</i>	LT 6 PL 828 TOWN OF SANDWICH; PT LT 5 PL 828 TOWN OF SANDWICH AS IN R1121061 ; WINDSOR		
<i>Address</i>	436 ASKIN AVENUE WINDSOR		

Consideration	\$351,000.00
---------------	--------------

The transferor(s) hereby transfers the land to the transferee(s).

Name	DINGLER, NOAH EBERHARD AMRAM
Address for Service	1095 Lincoln Avenue Phoenixville, PA 19460 USA

This document is not authorized under Power of Attorney by this party.

<i>Transferee(s)</i>		<i>Capacity</i>	<i>Share</i>
<i>Name</i>	DJORDJEVIC, ALLEN	Joint Tenants	
<i>Date of Birth</i>	1967 11 10		
<i>Address for Service</i>	13983 Riverside Dr., Tecumseh, ON N8N 1B7		
<i>Name</i>	DJORDJEVIC, CLORINDA	Joint Tenants	
<i>Date of Birth</i>	1970 03 18		
<i>Address for Service</i>	13983 Riverside Dr., Tecumseh, ON N8N 1B7		

The personal representative has the authority to transfer the land under the terms of the will, if any, the Estates Administration Act and the Succession Law Reform Act.

Title to the land is not subject to spousal rights under the Family Law Act

The debts of the deceased are paid in full

No consents are required for this transfer

STATEMENT OF THE TRANSFEROR (S): The transferor(s) verifies that to the best of the transferor's knowledge and belief, this transfer does not contravene the Planning Act.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEROR(S): I have explained the effect of the Planning Act to the transferor(s) and I have made inquiries of the transferor(s) to determine that this transfer does not contravene that Act and based on the information supplied by the transferor(s), to the best of my knowledge and belief, this transfer does not contravene that Act. I am an Ontario solicitor in good standing.

STATEMENT OF THE SOLICITOR FOR THE TRANSFEREE (S): I have investigated the title to this land and to abutting land where relevant and I am satisfied that the title records reveal no contravention as set out in the Planning Act, and to the best of my knowledge and belief this transfer does not contravene the Planning Act. I act independently of the solicitor for the transferor(s) and I am an Ontario solicitor in good standing.

Daniel Kenneth Moorhouse	1061 University Avenue West Windsor N9A 5S5	acting for Transferor(s)	Signed	2015 12 11
--------------------------	---	-----------------------------	--------	------------

Tel 519-258-5002  
Fax 519-258-0241

I am the solicitor for the transferor(s) and I am not one and the same as the solicitor for the transferee(s).

I have the authority to sign and register the document on behalf of the Transferor(s).

Signed 2015 12 11

Fax 519-258-9985

I am the solicitor for the transferee(s) and I am not one and the same as the solicitor for the transferor(s).

I have the authority to sign and register the document on behalf of the Transferee(s).

## MICHAEL CERVI

2015 12 11

Fax 519-258-9985

Statutory Registration Fee	\$62.85
Provincial Land Transfer Tax	\$3,740.00
<b>Total Paid</b>	<b>\$3,802.85</b>

## 1957-003

2015 11 24 02



**LAND TRANSFER TAX STATEMENTS**

In the matter of the conveyance of: 01232 - 0190 LT 6 PL 828 TOWN OF SANDWICH; PT LT 5 PL 828 TOWN OF SANDWICH AS IN R1121061 ; WINDSOR

BY: DINGLER, NOAH EBERHARD AMRAM

TO: DJORDJEVIC, ALLEN

Joint Tenants

DJORDJEVIC, CLORINDA

Joint Tenants

1. DJORDJEVIC, ALLEN AND DJORDJEVIC, CLORINDA

I am

- ☐ (a) A person in trust for whom the land conveyed in the above-described conveyance is being conveyed;
- ☐ (b) A trustee named in the above-described conveyance to whom the land is being conveyed;
- ☒ (c) A transferee named in the above-described conveyance;
- ☐ (d) The authorized agent or solicitor acting in this transaction for \_\_\_\_\_ described in paragraph(s) ( ) above.
- ☐ (e) The President, Vice-President, Manager, Secretary, Director, or Treasurer authorized to act for \_\_\_\_\_ described in paragraph(s) ( ) above.
- ☐ (f) A transferee described in paragraph() and am making these statements on my own behalf and on behalf of \_\_\_\_\_ who is my spouse described in paragraph( ) and as such, I have personal knowledge of the facts herein deposed to.

3. The total consideration for this transaction is allocated as follows:

(a) Monies paid or to be paid in cash	351,000.00
(b) Mortgages (i) assumed (show principal and interest to be credited against purchase price)	0.00
(ii) Given Back to Vendor	0.00
(c) Property transferred in exchange (detail below)	0.00
(d) Fair market value of the land(s)	0.00
(e) Liens, legacies, annuities and maintenance charges to which transfer is subject	0.00
(f) Other valuable consideration subject to land transfer tax (detail below)	0.00
(g) Value of land, building, fixtures and goodwill subject to land transfer tax (total of (a) to (f))	351,000.00
(h) VALUE OF ALL CHATTELS -items of tangible personal property	0.00
(i) Other considerations for transaction not included in (g) or (h) above	0.00
(j) Total consideration	351,000.00

**PROPERTY Information Record**

A. Nature of Instrument: Transfer By Personal Representative

LRO 12 Registration No. CE692607 Date: 2015/12/11

B. Property(s): PIN 01232 - 0190 Address 436 ASKIN AVENUE  
WINDSOR

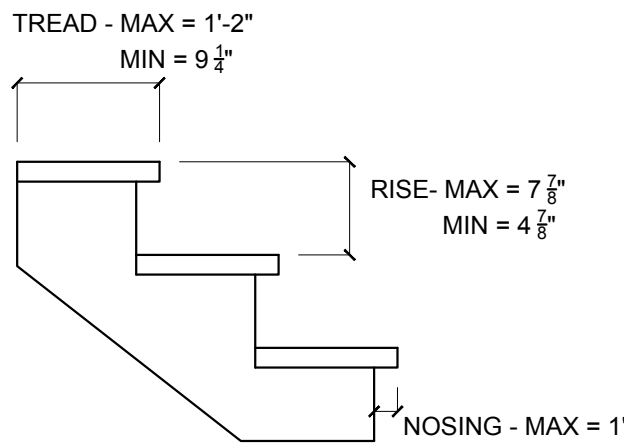
Assessment 3739050 -  
Roll No 100091000000

C. Address for Service: 13983 Riverside Dr., Tecumseh, ON N8N 1B7

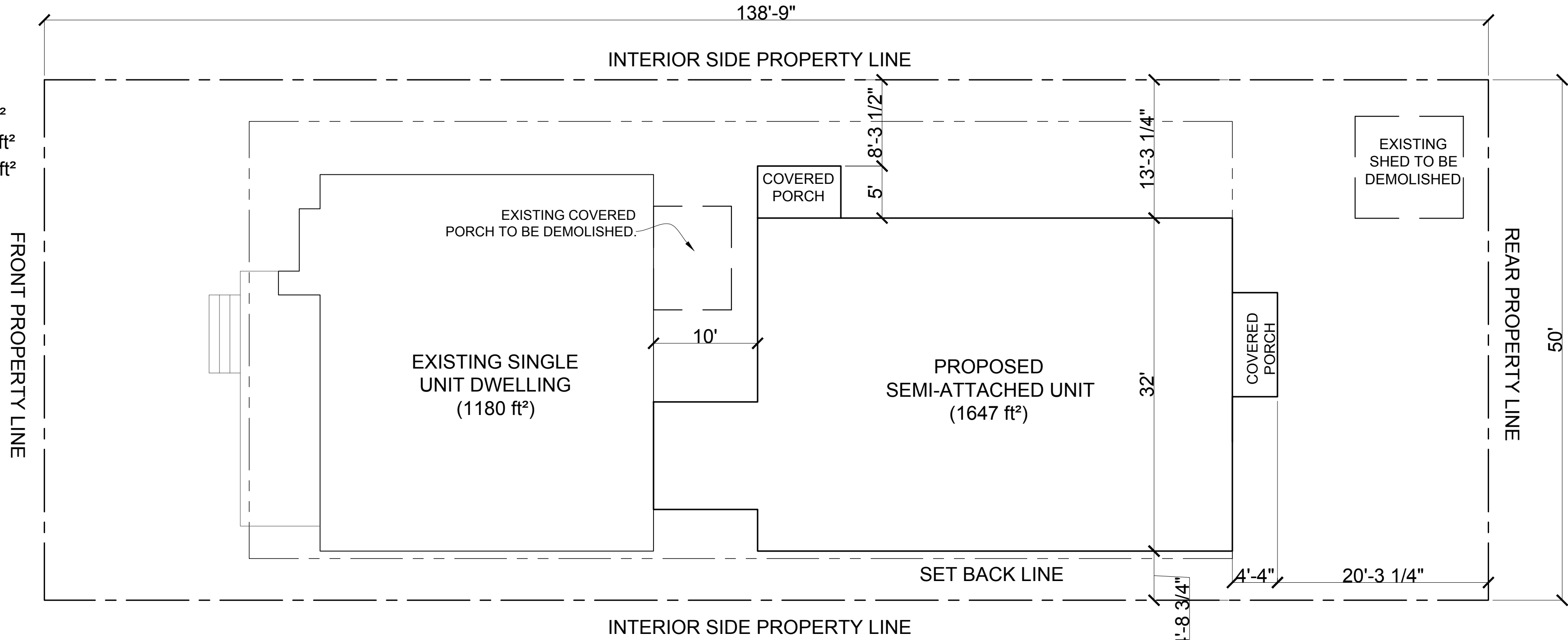
D. (i) Last Conveyance(s): PIN 01232 - 0190 Registration No. R1121061

(ii) Legal Description for Property Conveyed: Same as in last conveyance? Yes ☒ No ☐ Not known ☐

E. Tax Statements Prepared By: Fernando Michael Carmine Cervi  
400-1500 Ouellette Ave.  
Windsor N8X 1K7

GENERAL NOTES		STAIR AND GUARD INFORMATION
<p><u>CODE AND PROCEDURES</u></p> <p>THESE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE CURRENT EDITION OF THE ONTARIO BUILDING CODE. THE OWNER / BUILDER IS RESPONSIBLE FOR ENSURING THAT ANY CHANGES TO THE CODE ARE COMPLIED WITH AND ALL AMENDMENTS ARE INCORPORATED IN THE CONSTRUCTION OF THIS PLAN. ALL WORK SHALL CONFORM TO LOCAL CODES AND BYLAWS. IT IS THE OWNER/BUILDERS RESPONSIBILITY TO NOTIFY AG DESIGN OF ANY REQUIREMENTS THAT EXCEED THE ONTARIO BUILDING CODE.</p> <p><u>CONCRETE</u></p> <p>THE COMPRESSIVE STRENGTH OF CONCRETE AFTER 28 DAYS SHALL NOT BE LESS THAN:</p> <ul style="list-style-type: none"><li>- 32 MPA (4650 PSI) WITH 5 TO 8 % AIR ENTRAINMENT FOR GARAGE FLOORS, CARPORTS FLOORS AND ALL EXTERIOR FLATWORK.</li><li>- 20 MPA (2900 PSI) FOR INTERIOR FLOORS OTHER THEN THOSE FOR GARAGES AND CARPORTS</li><li>- 15 MPA FOR FOUNDATION WALLS, COLUMNS, FOOTINGS, PIERS AND OTHER APPLICATIONS</li></ul> <p>SITE BATCHED CONCRETE SHALL CONFORM TO THE ONTARIO BUILDING CODE REQUIREMENTS.</p> <p>WHEN THE AIR TEMPERATURE IS BELOW 5°C CONCRETE SHALL BE KEPT AT A TEMPERATURE OF NOT LESS THAN 10°C OR MORE THAN 25°C WHILE BEING PLACED AND MAINTAINED AT A TEMPERATURE OF NOT LESS THAN 10°C FOR 72 HOURS AFTER PLACING. NO FROZEN MATERIAL OR ICE SHALL BE USED IN THE CONCRETE.</p> <p><u>FOOTINGS</u></p> <p>FOOTINGS AND PADS ARE TO BE PLACED ON UNDISTURBED SOIL, ROCK, OR COMPACTED GRANULAR FILL, TO AN ELEVATION BELOW FROST PENETRATION WITH A MINIMUM SOIL BEARING CAPACITY OF 75 KPA. IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO VERIFY THE SOIL BEARING CAPACITY PRIOR TO CONSTRUCTION. IF A LESSER BEARING CAPACITY IS ENCOUNTERED IT IS THE RESPONSIBILITY OF THE OWNER/CONTRACTOR TO HAVE THE FOUNDATION REDESIGNED BY A QUALIFIED PROFESSIONAL TO SUIT SITE CONDITION.</p> <p>WHERE WATER TABLE LEVELS ARE WITHIN A DISTANCE BELOW THE BEARING SURFACE LESS THAN OR EQUAL TO THE WIDTH OF THE FOOTING, THE FOOTINGS SHALL BE DOUBLED IN WIDTH UNDER WALLS AND DOUBLED IN AREA UNDER POSTS.</p> <p><u>FOUNDATION WALLS</u></p> <p>FOUNDATION WALLS TO EXTEND A MINIMUM 8" ABOVE FINISHED GRADE.</p> <p>GRADE LINES ON PLANS ARE ASSUMED, OWNER/CONTRACTOR TO VERIFY.</p> <p>WHERE EXTERIOR FINISHED GROUND LEVEL IS AT A HIGHER ELEVATION THAN THE GROUND LEVEL INSIDE THE FOUNDATION WALLS SHALL BE DAMP PROOFED &amp; WHERE HYDROSTATIC PRESSURE OCCURS WATER PROOFING IS REQUIRED.</p> <p><u>WOOD FRAMING GENERAL</u></p> <p>ALL WOOD FRAMING SHALL COMPLY WITH SECTION 9.23 OF THE ONTARIO BUILDING CODE.</p> <p>ALL STRUCTURAL FRAMING LUMBER SHALL BE GRADE STAMPED AS SPRUCE - PINE - FIR (S-P-F) NO.2 OR BETTER WITH A MOISTURE CONTENT OF 19% OR LESS AT TIME OF CONSTRUCTION.</p> <p>WOOD FRAMING MEMBERS THAT ARE NOT TREATED WITH A WOOD PRESERVATIVE AND BEAR ON CONCRETE OR IN DIRECT CONTACT WITH THE GROUND SHALL BE SEPARATED WITH A 6 MIL POLY OR TYPE 'S' ROLL ROOFING.</p> <p>ALL NOTCHING AND DRILLING OF FRAMING MEMBERS SHALL CONFORM TO SUBSECTION 9.23.5 OF THE ONTARIO BUILDING CODE.</p> <p>FLUSHED FRAMED WOOD MEMBERS SHALL BE SUPPORTED WITH APPROPRIATE JOIST HANGERS AND FASTENERS.</p>	<p><u>ROOF FRAMING</u></p> <p>ROOF SHEETING SHALL BE INSTALLED WITH THE SURFACE GRAIN AT RIGHT ANGLES TO THE ROOF FRAMING JOINTS PERPENDICULAR TO ROOF RIDGE SHALL BE STAGGERED WITH EDGES SUPPORTED ON TRUSSES. IF TONGUED AND GROOVED EDGE PANEL TYPE SHEETING IS NOT USED THAN EDGES PARALLEL TO THE ROOF RIDGE SHALL BE SUPPORTED BY METAL 'H' CLIPS OR NOT LESS THAN 1.5"X1.5" BLOCKING SECURELY NAILED BETWEEN FRAMING MEMBERS.</p> <p>VENTILATION OF ROOF SPACE TO BE VENTED TO A MINIMUM OF OF 1/150 OF INSULATED ROOF AREA.</p> <p><u>MECHANICAL &amp; ELECTRICAL</u></p> <p>MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.</p> <p><u>STEEL BEAMS</u></p> <p>STEEL BEAMS SHALL MEET THE REQUIREMENTS FOR GRADE 350W STEEL IN CSA G40.21, "GENERAL REQUIREMENTS FOR ROLLED OR WELDED STRUCTURAL QUALITY STEEL"</p> <p><u>SMOKE ALARMS</u></p> <p>SMOKE ALARMS SHALL CONFORM TO CAN/ULC-S531 "SMOKE ALARMS"</p> <p>SMOKE ALARMS SHALL BE INSTALLED ON OR NEAR THE CEILING AND BE INSTALLED AS PER CAN/ULC-S553 "INSTALLATION OF SMOKE ALARMS"</p> <p>SMOKE ALARMS SHALL HAVE A VISUAL SIGNALLING COMPONENT CONFORMING TO THE REQUIREMENTS IN 18.5.3. OF NFPA 72, "NATIONAL FIRE ALARM AND SIGNALING CODE"</p> <p>SMOKE ALARMS SHALL BE INSTALLED WITH PERMANENT CONNECTIONS TO AN ELECTRICAL CIRCUIT. C/W BATTERY BACKUP AS PER O.B.C REQUIREMENTS</p> <p>ALL SMOKE ALARMS SHALL BE INTERCONNECTED SO THE ACTIVATION OF ONE ALARM WILL CAUSE ALL ALARMS TO SOUND</p> <p><u>STEEL LINTELS SUPPORTING MASONRY VENEER</u></p> <p>STEEL LINTELS SUPPORTING MASONRY VENEER OVER OPENINGS SHALL HAVE EVEN AND LEVEL BEARING AND SHALL HAVE NOT LESS THAN 6" LENGTH OF BEARING AT END SUPPORTS, AND BEAR ON MASONRY, CONCRETE OR STEEL.</p> <p>STEEL ANGLE LINTELS SHALL BE PRIMED OR PAINTED OR OTHERWISE PROTECTED FROM CORROSION</p> <p><u>DEADBOLT</u></p> <p>DOORS THAT REQUIRE A DEADBOLT SHALL BE EQUIP WITH A DEADBOLT LOCK WITH A CYLINDER HAVING NO MORE THAN FIVE PINS AND A BOLT THROW NOT LESS THAN 25MM LONG, PROTECTED WITH A SOLID OR HARDENED FREE-TURNING RING OR BEVELED CYLINDER HOUSING</p>	 <p>TREAD - MAX = 1'-2" MIN = 9 3/4"</p> <p>RISE- MAX = 7 7/8" MIN = 4 5/8"</p> <p>NOSING - MAX = 1"</p> <p><u>STAIR DIMENSIONS</u></p> <p>STAIRS SHALL HAVE A WIDTH OF NOT LESS THAN 34"</p> <p>THE CLEAR HEIGHT OVER STAIRS SHALL BE NOT LESS THAN 6'-4"</p> <p>RISERS SHALL HAVE A UNIFORM HEIGHT IN ANY ONE FLIGHT WITH A MAXIMUM TOLERANCE OF 3/8" BETWEEN ADJACENT TREADS AND 3/8" BETWEEN THE TALLEST AND SHORTEST RISERS IN A FLIGHT.</p> <p>TREADS SHALL HAVE A UNIFORM RUN WITH A MAXIMUM TOLERANCE OF 3/8" BETWEEN ADJACENT TREADS, AND 3/8" BETWEEN THE DEEPEST AND SHALLOWEST TREADS IN A FLIGHT</p> <p><u>HANDRAILS</u></p> <p>THE HEIGHT OF HANDRAILS ON STAIRS AND RAMPS SHALL BE NOT LESS THAN 34" AND NOT MORE THAN 38"</p> <p><u>GUARDS</u></p> <p>THE MINIMUM HEIGHT OF GUARDS SHALL BE NOT LESS THAN 36"</p> <p>ALL GUARDS SHALL BE CONSTRUCTED AS PER SB-7 REQUIREMENTS</p>

LOT AREA = 6937.5 ft²  
EXISTING DWELLING COVERAGE = 1180 ft²  
PROPOSED ADDITION COVERAGE = 1647 ft²  
TOTAL COVERAGE = 2842 ft²  
LOT COVERAGE = 41%



PROPOSED SITE PLAN  
SCALE: 1/8"=1'-0"

LEGEND

FW1

BITUMINOUS DAMP PROOFING  
10" POURED CONCRETE FOUNDATION WALL, R20 BLANKET INSULATION, ON 20"x8" POURED CONCRETE FOOTING ON UNDISTURBED SOIL

FW2

8" POURED CONCRETE FOUNDATION WALL ON 18" X 8" POURED CONCRETE FOOTING ON UNDISTURBED SOIL

LOAD BEARING INTERIOR WALL  
2X6 WOOD STUDS @ 16" O/C W/ SINGLE BOTTOM PLATE AND DOUBLE TOP PLATE OVER LINTELS 2X6 WOOD BLOCKING @ 3'-11" O/C HORIZONTAL ON 16" X 8" POURED CONCRETE FOOTING ON UNDISTURBED SOIL

FLOOR DRAIN

SP

SUMP PUMP C/W COVER TO RESIST REMOVAL BY CHILDREN AND SEALED TO MAINTAIN CONTINUITY OF THE AIR BARRIER SYSTEM

SD

DENOTES SMOKE ALARM C/W CO² DETECTOR. REFER TO GENERAL NOTES.

NOTES

1. ALL INTERIOR PARTITIONS TO BE P1 UNLESS NOTED OTHERWISE.

2. MECHANICAL AND ELECTRICAL SERVICES DONE BY OTHERS.

FINISHED LOWER LEVEL PLAN - 1067 SF

CONTRACTOR MUST VERIFY ALL DIMENSIONS ON THE JOB AND REPORT ANY DISCREPANCY TO DESIGNER BEFORE PROCEEDING WITH WORK.  
THIS DESIGNER ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ERRORS OR OMISSIONS NOT REPORTED BY THE CONTRACTOR OR HIS SUBMITTEES.  
THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE CONTRACTOR OR HIS SUBMITTEES' FAILURE TO CARRY OUT THE WORK ACCORDING TO THESE PLANS, SPECIFICATIONS AND RELATED DOCUMENTS.  
CONSTRUCTION MUST COMPLY WITH THE LATEST STANDARDS OF THE ONTARIO BUILDING CODE AND ANY OTHER APPLICABLE LAWS.  
ALL DRAWINGS AND SPECIFICATIONS ARE THE PROPERTY OF THE DESIGNER AND ARE PROTECTED BY COPYRIGHT.

Development & Heritage Standing Committee - October 13, 2020  
Page 233 of 262

I Ashley Kozachanko declare that I take responsibility for the design of this plan. I am qualified and registered with the Ministry of Municipal Affairs and Housing.

Individual BCIN: 37168 Firm BCIN: 43361

Windsor, ON  
Phone : 519-965-7176

SEMI-DETACHED ADDTION  
436 ASKING AVENUE  
Windsor, ON

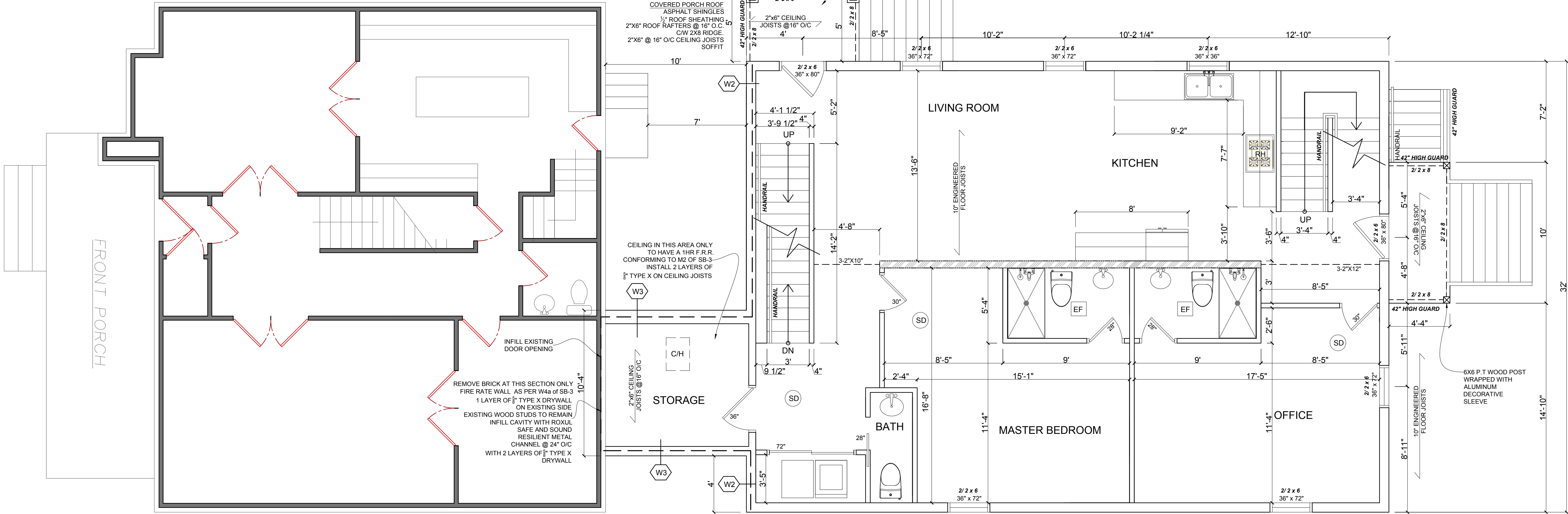
BASEMENT PLAN

Date : March 9, 2020  
Scale : 1/4" = 1'-0"  
Project No. : 061/19

Drawing No. :

A-1.0





FIRST FLOOR PLAN - 1180 SF

**DO NOT SCALE**

THIS DESIGNER ASSUMES NO RESPONSIBILITY OR LIABILITY FOR ERRORS OR OMISSIONS NOT REPORTED BY THE CONTRACTOR OR HIS SUBTRADEES.

THIS DESIGNER ASSUMES NO RESPONSIBILITY FOR THE CONTRACTOR OR HIS SUBTRADEES FAILURE TO CARRY OUT THE WORK ACCORDING TO THESE PLANS, SPECIFICATIONS AND RELATED DOCUMENTS.

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Individual BCIN: 37168      Firm BCIN: 43361

**AG**  
DESIGN

Windsor, ON  
Phone : 519-965-7176

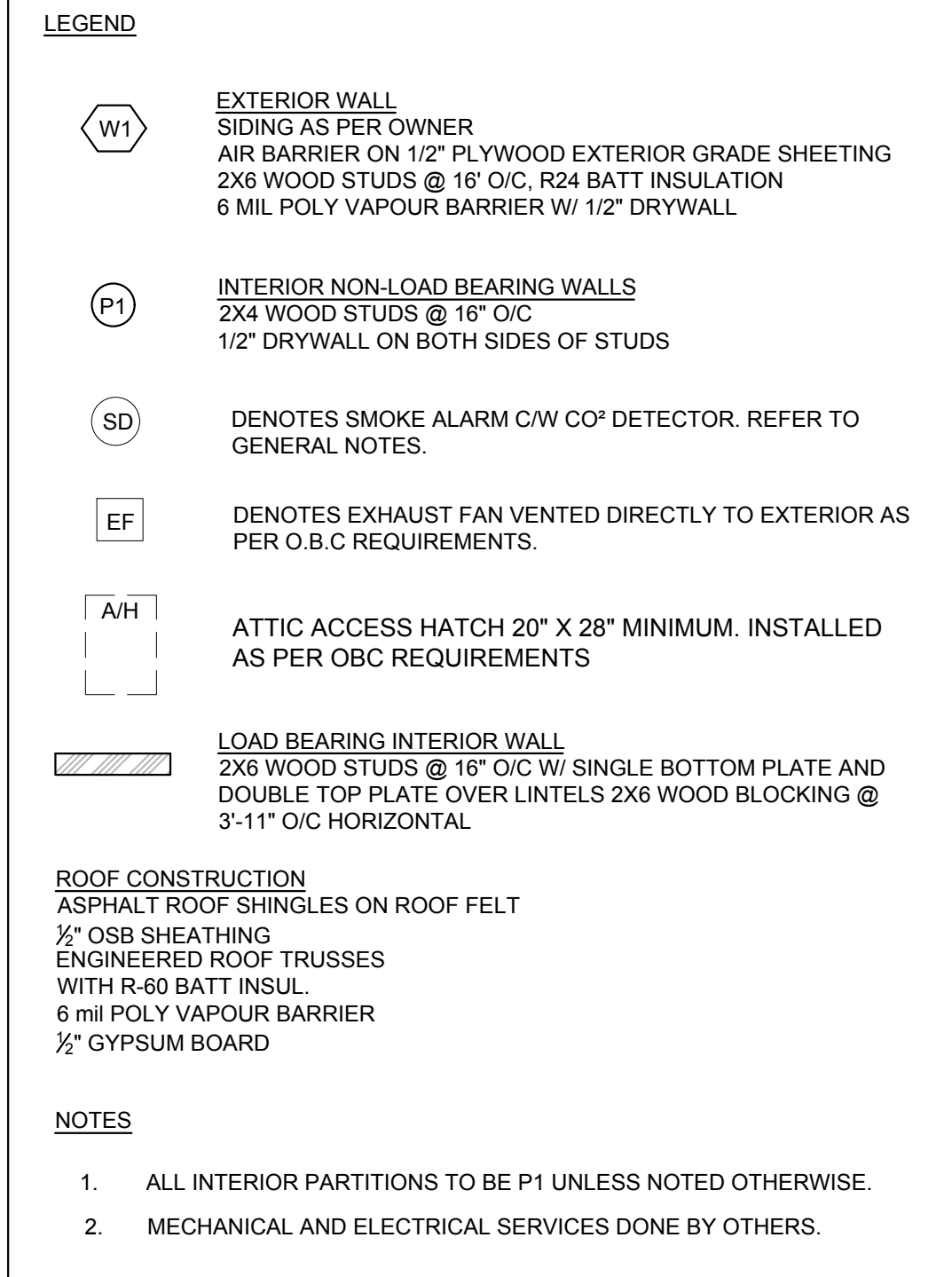
**SEMI-DETACHED ADDITION**  
436 ASKING AVENUE  
Windsor, ON

## MAIN FLOOR PLAN

Date : March 9, 2020  
Scale : 1/4" = 1'-0"  
Project No. : 061/19

Drawing No. :

## A-1.1



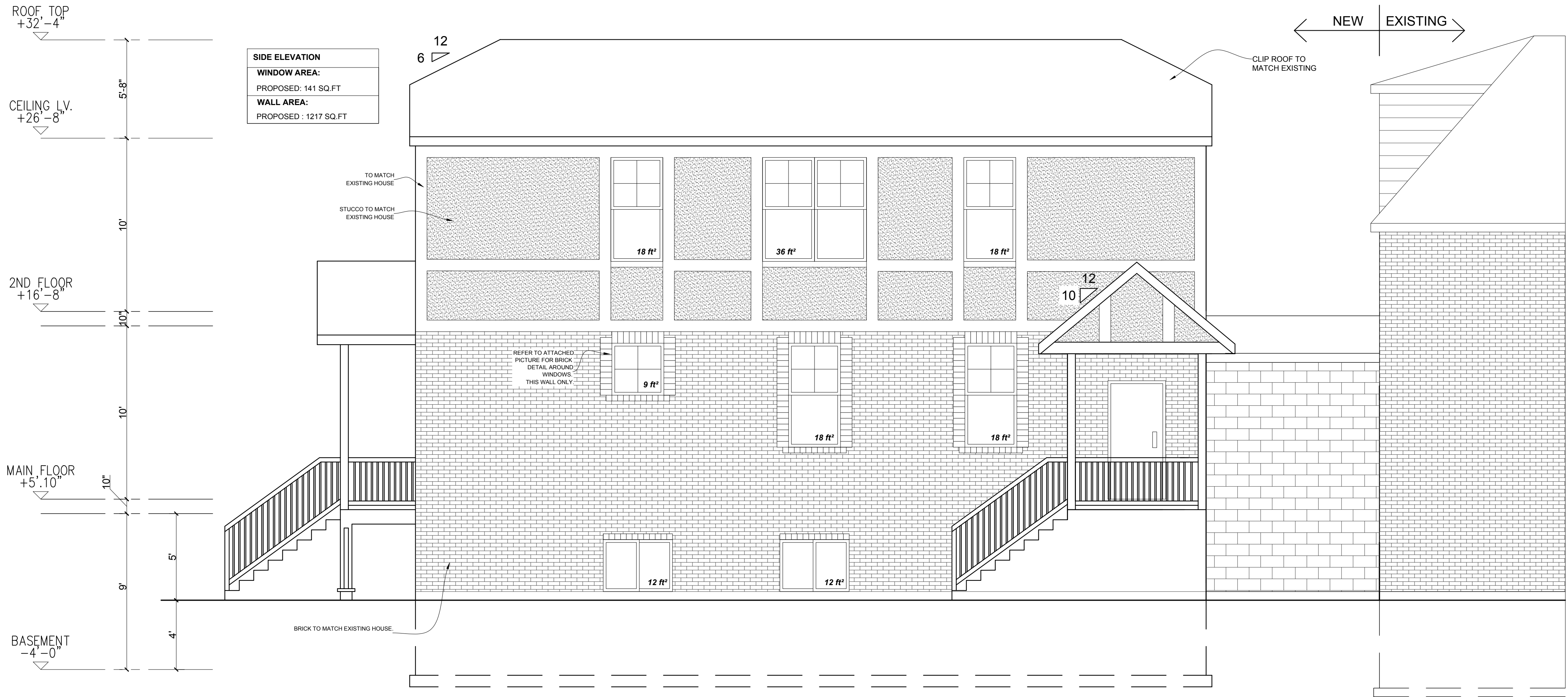




EXISTING BRICK DETAIL AROUND WINDOW REFERENCE

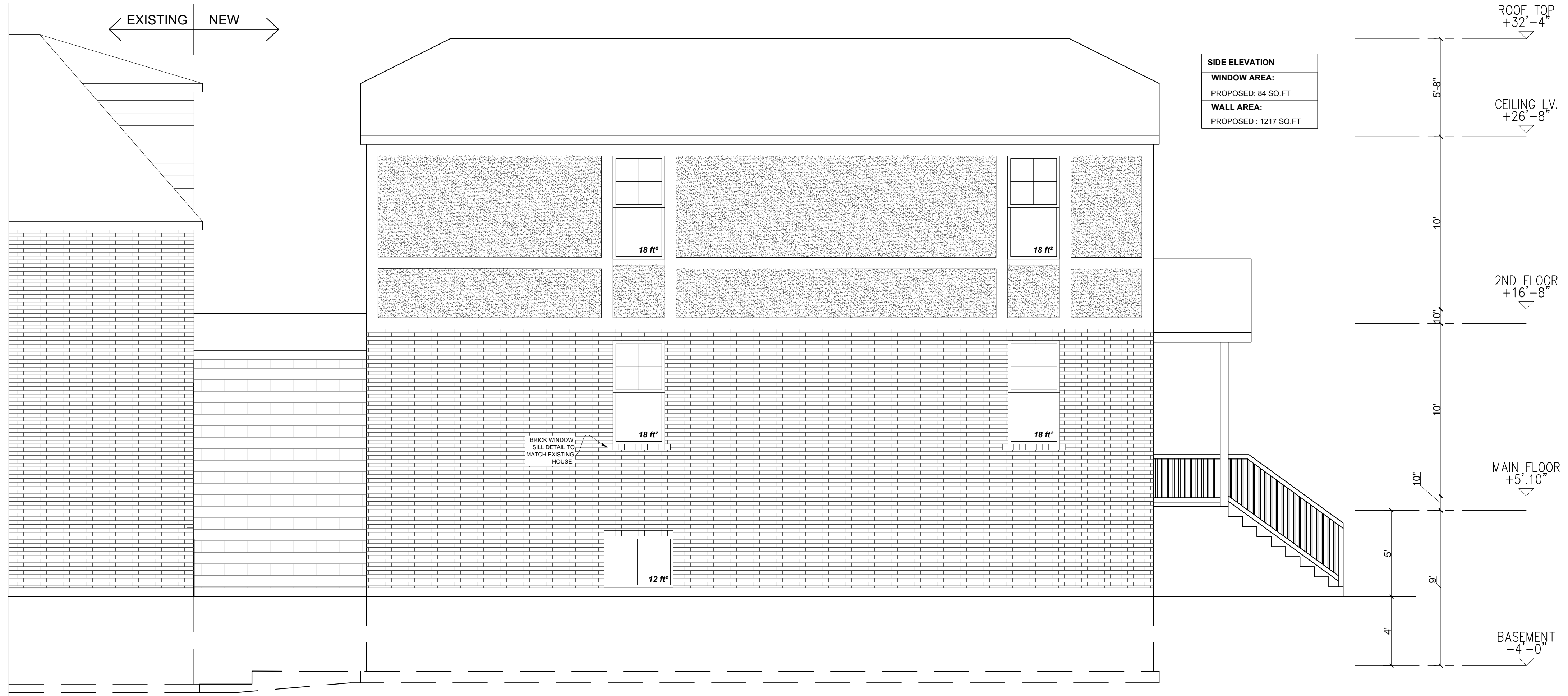


EXISTING BRICK WINDOW SILL DETAIL REFERENCE



SIDE ELEVATION

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



SIDE ELEVATION

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

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**AG**  
DESIGN

Windsor, ON  
Phone : 519-965-7176

**SEMI-DETACHED ADDTION**  
436 ASKING AVENUE  
Windsor, ON

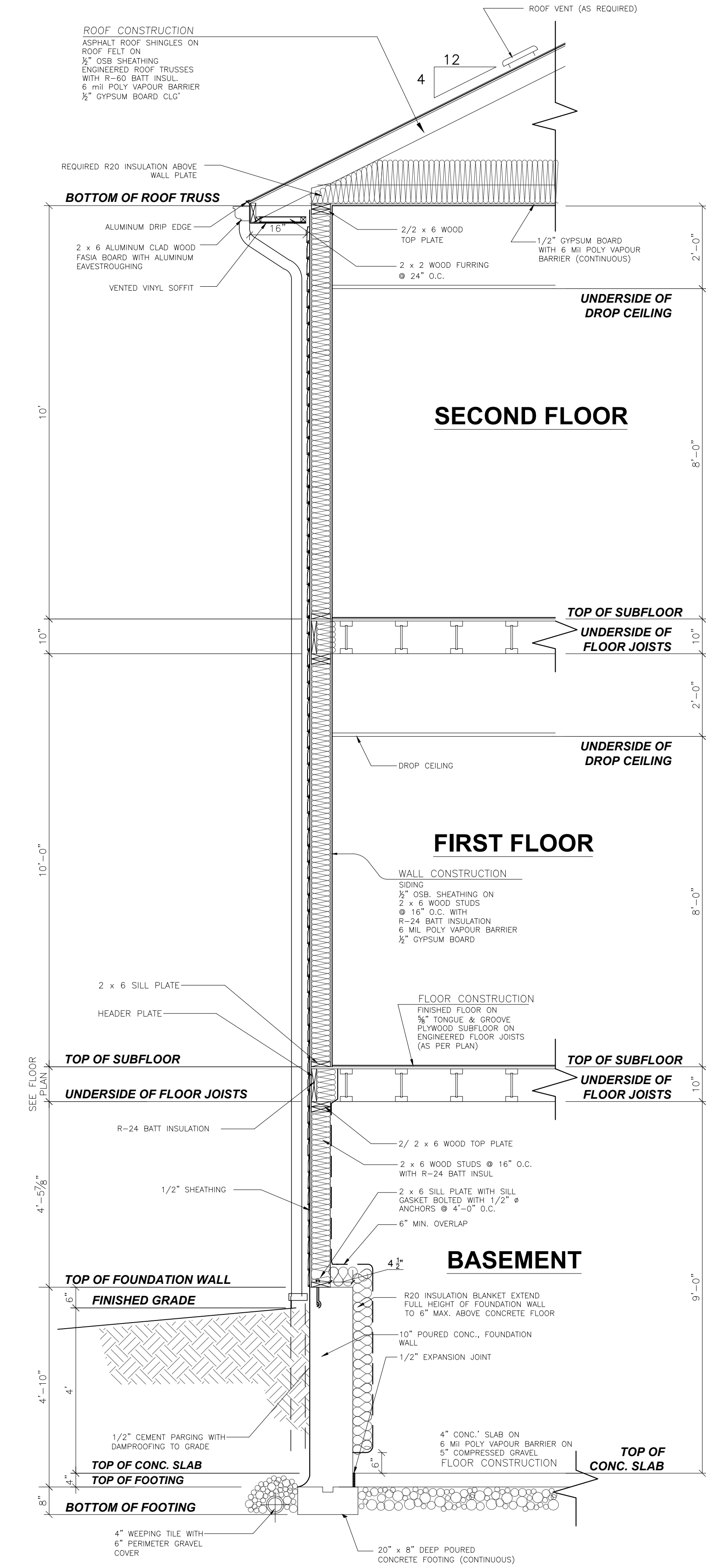
ELEVATIONS

Date : March 9, 2020  
Scale : 1/4" = 1'-0"  
Project No. : 061/19

Drawing No. :

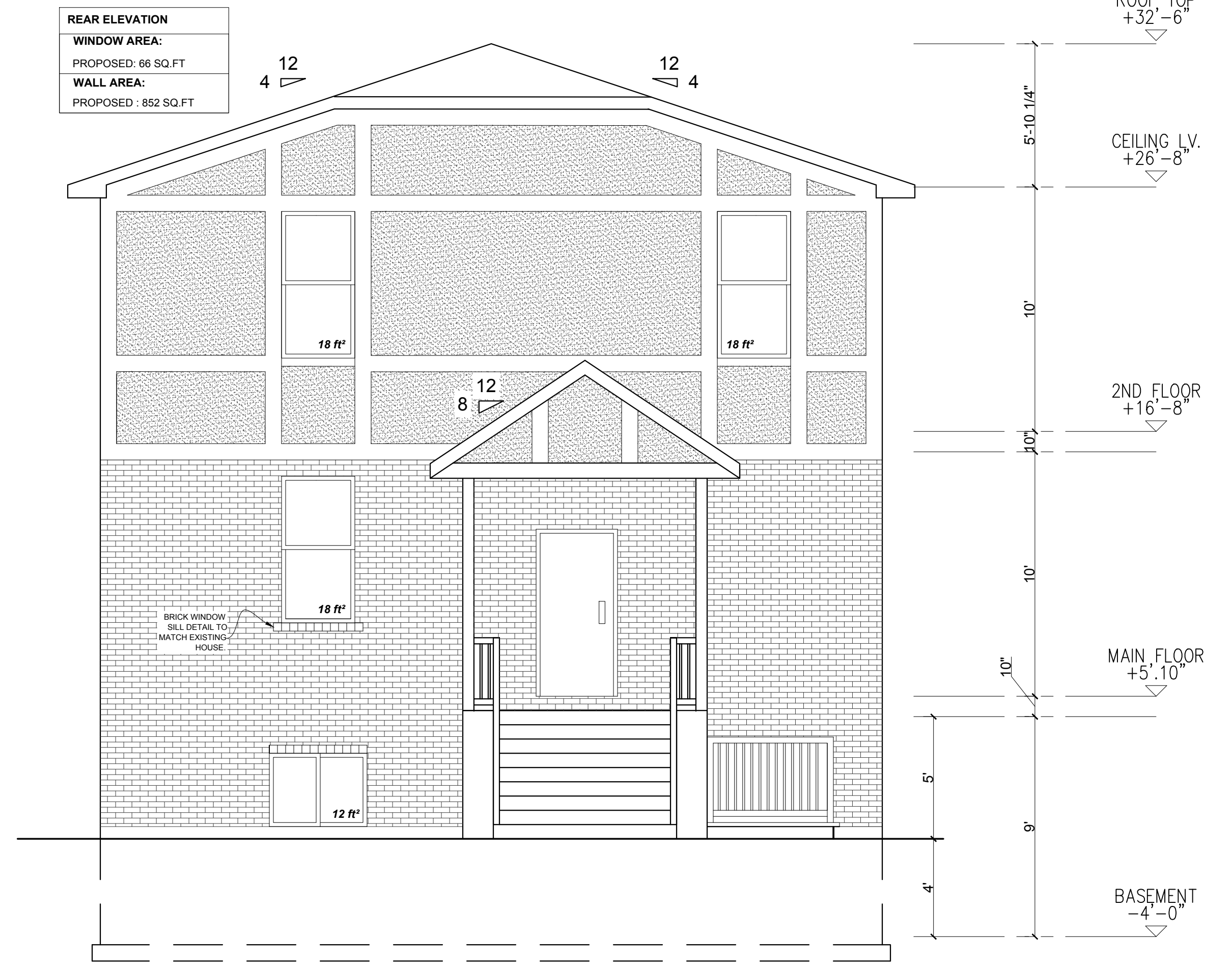
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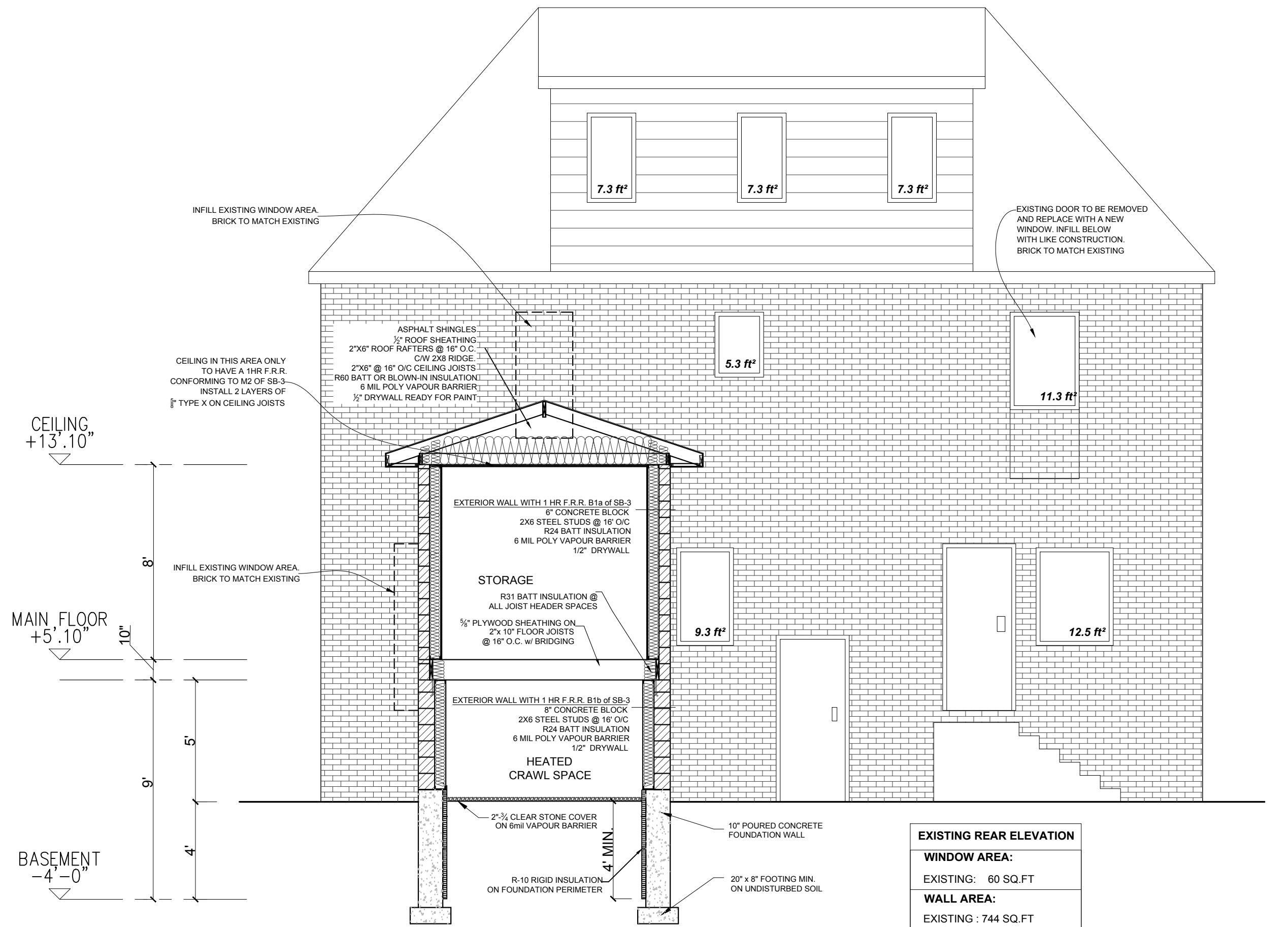
WALL SECTION

SCALE: 1/2"=1'-0"



REAR ELEVATION

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



EXISTING REAR ELEVATION

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

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Individual BCIN: 37168

Firm BCIN: 43361

**AG**  
DESIGN

Windsor, ON  
Phone : 519-965-7176

**SEMI-DETACHED ADDITION**  
436 ASKING AVENUE  
Windsor, ON

ELEVATIONS & SECTION

Date : March 9, 2020  
Scale : 1/4" = 1'-0"  
Project No. : 061/19

Drawing No. :

**A-2.1**







**Council Report: S 112/2020**

**Subject: Economic Revitalization Community Improvement Plan (CIP) application submitted by Kadri Family Holdings Ltd. for 1567 Ouellette Avenue (Ward 3)**

**Reference:**

Date to Council: October 13, 2020  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca  
Planning & Building Services  
Report Date: September 24, 2020  
Clerk's File #: SPL/10759

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

**Recommendation:**

- I. THAT the request made by Kadri Family Holdings Ltd. to participate in the Small Business Investment Grant Program **BE APPROVED** for the portion of the municipal tax increment resulting from the proposed development of a business incubator located at 1567 Ouellette Avenue for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT the grant payments:
  - a. **BE CALCULATED** based on the percentage of gross floor area within the building that is allocated to the business incubator use (i.e. estimated to be 50% based on the CIP application); or,
  - b. **BE CANCELLED** and approval to participate in the Small Business Investment Grant Program **BE RESCINDED** if the percentage of gross floor area within the building that is allocated to the business incubator use falls below 25%; and,
- III. THAT, Administration **BE DIRECTED** to prepare an agreement between the City and Kadri Family Holdings Ltd. and/or persons or companies that have legally been assigned the right to receive grant payments to implement the Small Business Investment Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,



- IV. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Small Business Investment Grant Agreement; and,
- V. THAT the approval to participate in the Small Business Investment Grant Program **EXPIRE** if the grant agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

**Executive Summary:** N/A

**Background:**

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

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

To date, City Council has approved a number of applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism.

Dillon Consulting (acting as agent) has applied for financial incentives under the Small Business Investment Grant Program on behalf of the property owner—Kadri Family Holdings Ltd. The holding company is jointly owned by Eddie Kadri and Rolla Halabi.

The subject property is located at 1567 Ouellette Avenue and is currently vacant (see Location Map). The property is 0.16 hectares (0.41 acre) in size, designated 'Mixed Use' in the City's Official Plan and zoned Commercial District 3.5 (CD 3.5), which permits a range of commercial, office, and residential uses.

**Discussion:**

*Small Business Investment Grant Program*

The Small Business Investment Grant Program is intended to stimulate investment in targeted economic sectors by small businesses that create or retain jobs in Windsor. Small businesses with less than 20 employees are eligible to apply—provided an investment results in an increase of at least \$25,000 to the assessed value of a



property.

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

### *Proposed Construction*

The applicant proposes to construct a one storey, 479 square metre (5,158 square foot) office building that would house a business immigration law office (Kadri Law) and business incubator (Start Up Central). Based on plans submitted by the owner approximately 50% of the gross floor area within the proposed building will be allocated to Start Up Central. The estimate cost of the proposed development is \$1.2M.

### *Eligible Sector*

Start Up Central proposes to provide prospective entrepreneurs with the resources, insight, and professional services needed to launch a business in Canada. Start Up Central is eligible under the Professional Services sector (defined below) Kadri Law is not an eligible use under CIP.

#### *Professional Services (Business Incubator)*

*Business Incubator: is a facility or building that provides a flexible, affordable working space in combination with an array of business support resources and services intended to accelerate the successful launch and early development of start-up companies. A Business Incubator must demonstrate to the satisfaction of the Municipality that its business model and services provided focus on one or more of the following:*

- *Creating jobs and wealth;*
- *Fostering Windsor's entrepreneurial climate;*
- *Technology transfer and commercialization;*
- *Building or accelerating growth of local industry clusters;*
- *Business creation and retention;*
- *Encouraging women or minority entrepreneurship;*
- *Identifying potential spin-in or spin-out business opportunities; and*
- *Contribute to community revitalization and economic diversification.*

### *Employment*

According to the CIP application, the proposed development would retain 6 jobs, which are currently based out of 110 Tecumseh Road East. 6-10 new jobs would be added over the lifespan of the grant program. Because the business has less than 20 employees—the application falls under the Small Business Investment Grant Program, which does not contain minimum job retention or creation requirements.

### *CIP Objectives*

The proposed redevelopment of the property located at 1567 Ouellette Avenue for use as business incubator and recommended Small Business Investment Grant supports the following CIP objectives:

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;
- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs;
- Attract investment based on the community's strengths and competitive advantages; and
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.

### **Risk Analysis:**

There is little risk associated with the approval of the CIP application. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the employment use and issuance of annual grants will also be required over the next ten years. Should Council refuse the CIP request Start Up Central may not be included as part of the development proposal.

### **Financial Matters:**

#### *Small Business Investment Grant Program*

The tax increment portion of the Small Business Investment Grant is not calculated or paid out until all eligible work is completed and the property is reassessed by MPAC. Reassessment of the property must result in an increase in assessment value. The grant amount is recalculated annually based on the actual assessed property value, tax class, municipal tax rate, and percentage of gross floor area within the building allocated to eligible uses.

Because the proposed development is not 100% eligible under the CIP the recommendations indicate that grant payments will be calculated based on the percentage of gross floor area within the building allocated to Start Up Central (i.e. 50% based on the information in the grant application). The area allocated to Start Up Central will be verified prior to grant payments being issued. If the area allocated to Start Up Central decreases to the point where the use is substantially ineligible—grant

payments would cease and approval to participate in the program would be rescinded. Administration recommend requiring a minimum 25% of the building gross floor area be allocated to Start Up Central in order to maintain eligibility under the Small Business Investment Grant Program.

### *Summary of Potential Financial Incentives*

The applicant proposes to spend a total of \$1.2M on the project. The current assessment value for the property is \$273,000 and the annual property taxes are \$6,748 with the municipal share being \$4,503. City staff anticipate the post-development assessment value to be \$800,000. Total property taxes on the increased assessment value would be \$34,034—an increase of \$27,285. The post-development annual municipal tax levy would be \$26,197—an increase of \$21,690.

Based on the percentage of the gross floor area within the building allocated to Start Up Central (i.e. approximately 50%) the annual grant payment would equal \$10,845 or \$108,450 over the lifespan of the 10-year grant program. This would offset approximately 9% of the eligible investment proposed by Kadri Family Holdings Ltd. The percentage of floor area dedicated to Start Up Central will be verified following construction and prior to the first grant payment. Should the percentage of gross floor area allocated to Start Up Central decrease to 25% the annual grant payment would be \$5,422 or a total of \$54,225 over the 10 year lifespan of the grant program. Should it fall below 25% the grant payments would cease.

<b>Figure 1: Estimated Grant Calculation - 1567 Ouellette Ave</b>				
<b>Year of Grant</b>	<b>Pre-Development Municipal Tax Levy</b>	<b>Estimated Post-Development Municipal Tax Levy</b>	<b>Estimated Value of Grant</b>	<b>Adjusted for 50% of eligible GFA</b>
1	\$4,504	\$26,194	\$21,690	\$10,845
2	\$4,504	\$26,194	\$21,690	\$10,845
3	\$4,504	\$26,194	\$21,690	\$10,845
4	\$4,504	\$26,194	\$21,690	\$10,845
5	\$4,504	\$26,194	\$21,690	\$10,845
6	\$4,504	\$26,194	\$21,690	\$10,845
7	\$4,504	\$26,194	\$21,690	\$10,845
8	\$4,504	\$26,194	\$21,690	\$10,845
9	\$4,504	\$26,194	\$21,690	\$10,845
10	\$4,504	\$26,194	\$21,690	\$10,845
<b>Total</b>	<b>\$45,040</b>	<b>\$261,941</b>	<b>\$216,901</b>	<b>\$108,451</b>

#### Details

Current Property Value Assessment	\$273,000
Current Municipal Tax Levy	\$4,504
Estimated Post-Development Property Value Assessment	\$800,000
Estimated Post-Development Municipal Tax Levy	\$26,194
Estimated Eligible Investment Costs	\$1,200,000
Percentage of Eligible Investment Offset by Grant	9.04%

Because the Small Business Investment Grant program does not cancel taxes, the

applicant must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program, however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

### **Consultations:**

The Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province.

Planning staff have consulted with the applicant prior to accepting the application for the Small Business Investment Grant Program. Staff from the Planning, Finance, and Legal departments were consulted in the preparation of this report.

### **Conclusion:**

Administration recommends that Council approve the request Kadri Family Holdings Ltd. to participate in the Small Business Investment Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed business incubator located at 1567 Ouellette Avenue be provided as an annual grant for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

Grant payments would be reduced based on the percentage of gross floor area within the building allocated to the business incubator and the grant payments would cease if the area falls below 25%. It is also recommended that approval to participate in the CIP expire if the grant agreement is not signed within one year following Council approval.

The planned development conforms with the Economic Revitalization CIP and assists the City in the achievement of a number of the CIP objectives.

### **Planning Act Matters:**

N/A

### **Approvals:**

<b>Name</b>	<b>Title</b>
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor

Don Nantais	FPA
Janice Guthrie	Deputy Treasurer
Joe Mancina	Chief Financial Officer
Onorio Colucci	CAO

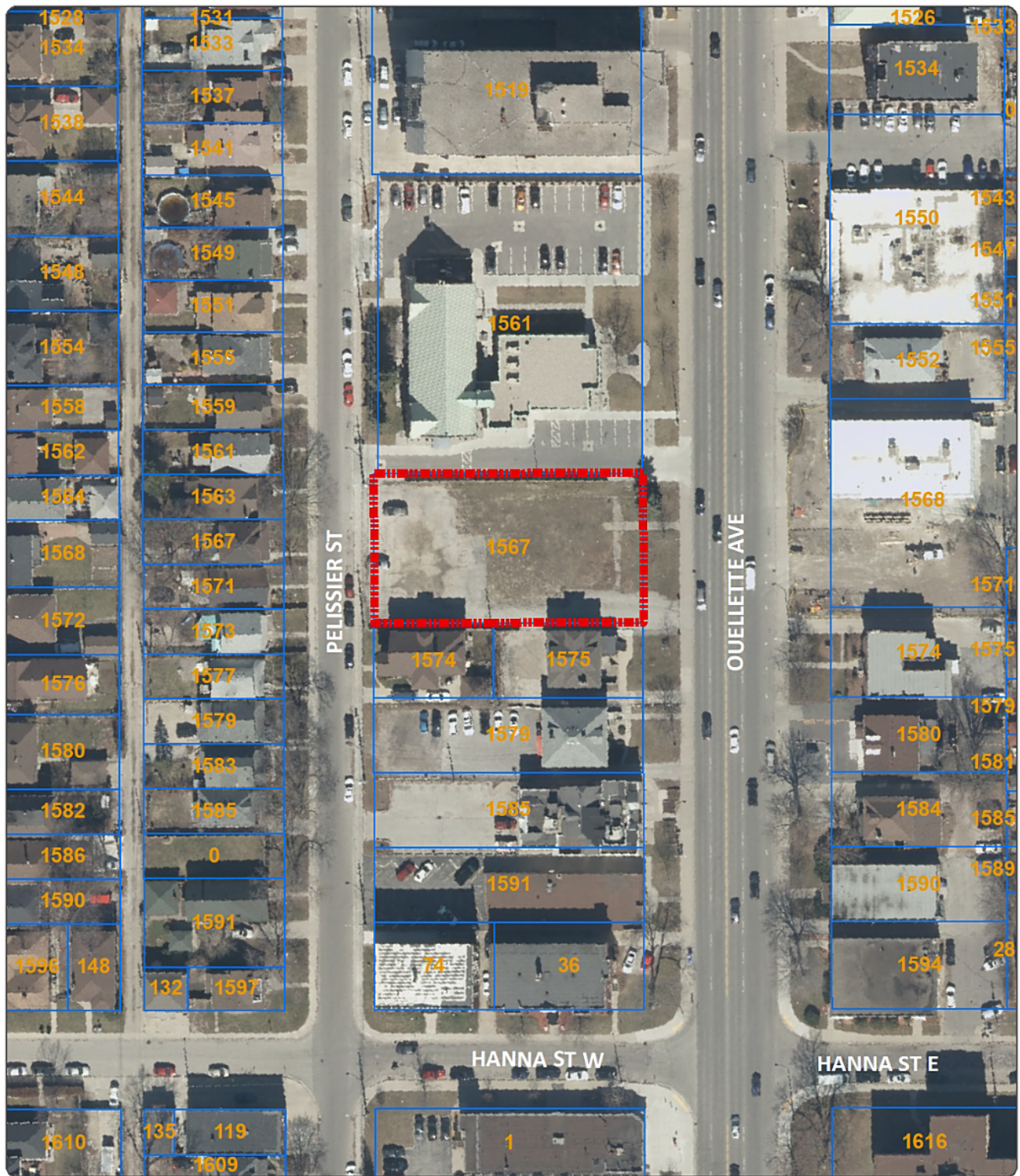
**Notifications:**

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		Jhurley-burns@dillon.ca

**Appendices:**

1. Location Map
2. Business Plan Summary





## LOCATION MAP: 1567 OUELLETTE AVENUE



SUBJECT PROPERTY

0 5 10 20 30 Meters





Global Immigration and Business Law



## SUMMARY OF KADRI LAW'S BUSINESS MODEL AND PROPOSED NEW FACILITY AT 1567 OUELLETTE AVE – CITY OF WINDSOR

### PREAMBLE

For more than 17 years in the City of Windsor, Kadri Law, has represented many of the world's leading multinational companies doing business in Canada. We have helped both small business and titans of industry expand their operations all over Canada, with many success stories along the way. Our clients have invested billions of dollars and creating thousands of jobs in Canada. Kadri Law is recognized on an international level given that we render services to global companies such as Siemens, Domino's Pizza, Samsung, Honda, Toyota, TRQSS, and Meridium. We have also acted for the City of Toronto, the City of Vancouver, the Canadian Space Agency, and locally St. Clair College and the University of Windsor.

Through the culmination of our experiences and the evolution of Kadri Law's specialized focus, we can proudly say we are not a traditional law firm in any respect. We do not practice in any area of law other than Immigration and related business law matters. Beyond just the practice of law itself, Kadri Law has narrowed our focus to the point where 85% of our business is now focused on a highly specialized business immigration practice we have created. Of particular interest has been my rapidly growing practice of helping young entrepreneurs from around the world launch their new businesses in Canada under various Canadian business immigration programs.



As the focus on entrepreneurs has shifted our practice towards a unique specialization, we have established Startup Central as part of Kadri Law's Business Incubation Ecosystem program. We now provide prospective entrepreneurs with all of the resources, insights, and professional services needed to successfully launch and accelerate the growth of their business in Canada, and specifically with a focus on the Windsor. With Startup Central and my proposed facility at 1567 Ouellette Ave, we have charted a path to create a dynamic new Business Incubator Ecosystem (BIE) for entrepreneurs that will empower Kadri Law with the resources to enable this proposed new facility. With the help of the CIP financial incentives, Kadri Law can continue to invest in our business while concurrently promoting the City of Windsor as a premier destination for entrepreneurs.

KADRI LAW PROFESSIONAL CORPORATION | KLPC | 110 Tecumseh Rd. East, Suite 200 | Windsor, ON CA | N8X 2P8  
TEL: (+) 519.258.8188 | CAN/US: 1.855.939.8877 | FAX: (+) 519.254.3658 | EMAIL: info@kadrilaw.com | WEB: www.kadrilaw.com



Law Society  
of Ontario | Barreau  
de l'Ontario



ONTARIO BAR ASSOCIATION  
L'ASSOCIATION DU BARREAU DE L'ONTARIO  
A Branch of the Canadian Bar Association  
Une division de l'Association du Barreau canadien



AMERICAN  
IMMIGRATION  
LAWYERS  
ASSOCIATION  
Global Migration  
Society



KADRI LAW  
Global Immigration and Business Law

Development & Heritage Standing Committee - October 13, 2020

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## **WHY ARE THE CITY OF WINDSOR CIP FINANCIAL INCENTIVES CRITICAL TO KADRI LAW'S PROPOSED NEW INVESTMENT AT 1567 OUELLETTE AVE.**

Our practice is currently located at 110 Tecumseh Road East where we lease a 1,200 square feet office. This proposed development is a significant expansion for us, but one that we can accomplish if able to access these financial incentives offered through the CIP.

Through the City of Windsor's CIP, the financial incentives offered to encourage new investment in targeted economic sectors are exactly what we would need to undertake this business expansion. We believe our proposed expansion and investment would not only enable us to create 5-10 jobs directly through the expansion of Kadri Law, but indirectly the businesses we are able to attract to the city of Windsor will also help diversify the local economy and create even further jobs for our local residents. Our ability to attract these entrepreneurs and investors to our city would be greatly enhanced by this proposed new investment in a facility that will be home to Kadri Law's Startup Central. Our firm will offer a full range of business incubator services and entrepreneurship training, including workshops & mentorship programs.

The proposed new facility at 1567 Ouellette Ave meets CIP eligibility with respect to the established definition of 'Business Incubator'. Further, it will allow Kadri Law to achieve the following critical objectives:

1. Optimize our current workload with the goal of expanding operations to create local wealth & jobs;
2. Recalibrate and expand operations in a new facility that will allow us to hire more employees;
3. Capitalize on the current global circumstances and promote Windsor's entrepreneurial climate in order to attract and retain entrepreneurs;
4. Resume our pre-COVID growth plans to increase investments to create a full business incubator ecosystem for entrepreneurs but with post COVID focus;
5. Provide increased opportunities for women and minority entrepreneurs;
6. Recruit entrepreneurs to our city that will create direct and indirect job growth;
7. Innovate and contribute to our city's revitalization and economic diversification post COVID19;

Our proposed new facility at 1567 Ouellette Ave. will promote a collaborative hands-on-approach to business incubation by providing access to an established network of leading professionals who will guide young entrepreneurs through the various stages of establishing and managing a successful business, while helping them achieve all of their Canadian Immigration objectives.

The proposed floor plan at 1567 Ouellette Ave is approx. 5,000 square feet. This is a 316%

increase over the size of our existing 1,200 sq. ft office where we currently operate from. This expansion would be a massive undertaking for us. The entire 5,000 square foot facility will be 100% integrated into fully operating and supporting Kadri Law's Startup Central Business Incubator Ecosystem for Entrepreneurs launching their businesses here in Windsor. All 4 corners of this proposed facility and everything in between will be deployed to offer designated space for furnished office units, boardrooms, conference and war rooms, and all the support services and professional services to be provided as part of Startup Central. Based upon our discussions during pre-consultation, I am requesting the entire area of the proposed new facility to be included in the calculation of eligible CIP financial incentives. The attached floor plan and this submission will seek to address the nature and extent of our fully integrated operations we are proposing to mobilize within this proposed dynamic new facility.

### **WHY KADRI LAW'S PROPOSED INVESTMENT IS IMPORTANT TO THE CITY OF WINDSOR**

Entrepreneurs and small business owners are, in many ways, an embodiment of the spirit and determination that built this great country. They can certainly help lead our city's recovery post COVID19. The more entrepreneurs we attract to the city, the more we diversify and strengthen the backbone of our economy. Among other things, Kadri Law will offer flexible and affordable furnished office spaces to nurture new business while providing on-site access to the critical business support, resources, and service needed to launch and grow new business.

This proposed new facility will act as a truly unique ecosystem for entrepreneurs who are critical to our local economy. As they succeed, they will create jobs and wealth for the residents of Windsor and the surrounding communities. This proposed new facility will offer everything they need to grow and expand in Windsor as Kadri Law's Startup central will seek to acclimate new entrepreneurs to the tremendous entrepreneurial climate in our city.

Our unique and functional workspaces are specifically designed to enable acceleration and growth. Accessibility to on-site management training, mentorship programs, and workshops for entrepreneurs will make our proposed facility truly unique and dynamic. At Kadri Law, we believe our proposed new facility will offer a truly collaborative environment while giving young entrepreneurs new to our city access to our network of leading professionals while connecting them to the brilliance of Windsor and all that it has to offer.

### **KADRI LAW'S PROPOSED INVESTMENT WILL ALSO PROVIDE A UNIQUE FOCUS ON WOMEN AND MINORITY ENTREPRENEURS**

**We are presently working with more and more women and minority entrepreneurs who would greatly benefit from our proposed investment at 1567 Ouellette Ave.**

We recognize the exceptional potential in women and minority entrepreneurs, but also recognize the obstacles they face as a result of racial, gender, or geographic inequalities. We have developed relationships within our network of leading professionals to provide business incubator services that focus on minorities and women with the entrepreneurial spirit and drive but who need the support and the opportunities they rightfully deserve.

Women and minority entrepreneurs have significant potential and if given the opportunity they can contribute to the revitalization of our community and the kind of economic diversification we need as a region to truly thrive. They deserve equal opportunity to pursue their dreams of

starting and growing a small business. We hope to provide more of those opportunities for women and minority entrepreneurs that can lead to economic self-sufficiency by realizing the power of their tremendous potential. We will also offer unique workshops and training programs specifically geared towards women and minority entrepreneurs.

Within our facility, we will offer programs designed to introduce entrepreneurs to the various aspects of Canadian entrepreneurship. We will incorporate industry experts and leading professionals to work with young entrepreneurs to help them set up and learn to run the different areas of their business. Our goal is to help entrepreneurs build the foundation for the success of their business by helping them create the blueprint needed to pursue that success. We want to empower entrepreneurs with the support structure they need to meet head-on the future challenges they may face



**Business Incubator Services for Entrepreneurs.** Through our Startup Central initiative, Kadri Law will be offering the following services for Entrepreneurs:

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> Business Advisory and Consulting Services      | <input checked="" type="checkbox"/> Business Plan Development                       |
| <input checked="" type="checkbox"/> Branding and Graphic Design Services           | <input checked="" type="checkbox"/> Website Design/Development and Online SEO       |
| <input checked="" type="checkbox"/> Legal Referrals and Guidance                   | <input checked="" type="checkbox"/> Public Relations and Communication Support      |
| <input checked="" type="checkbox"/> Tax, Accounting and Financial Advisory Support | <input checked="" type="checkbox"/> Commercial and Residential Real Estate Services |
| <input checked="" type="checkbox"/> HR, Staffing, and Bookkeeping Services         | <input checked="" type="checkbox"/> Sales and Marketing Services                    |
| <input checked="" type="checkbox"/> Market and Product Research Services           | <input checked="" type="checkbox"/> Furnished Office Spaces and Support             |
| <input checked="" type="checkbox"/> Financing and Capital Forming Services         | <input checked="" type="checkbox"/> Entrepreneurial Workshops & Mentorship Programs |

Within the context of our growing practice, Kadri Law has never passed on an opportunity to extol the virtues of Windsor as a great place to launch and start a business. While Windsor often receives serious consideration, it ultimately loses many opportunities to the GTA. We believe that within the context of what we seek to create at our proposed facility, a dynamic new Business Incubator Ecosystem for entrepreneurs will serve as a compelling selling point in our ability to attract and retain these new entrepreneurs to the city of Windsor.

One of the fastest growing industry segments in our practice is the tech sector. Overall, the Canadian tech sector is booming. While Toronto may still dominate Canada's tech sector, other dynamic markets across the country such as Waterloo are gaining recognition. However, cities like Windsor that border with large US cities have a unique opportunity in that they have been thrust into the spotlight as a result of US restrictions on highly skilled H1B workers. Given the low cost of living combined with diverse, vibrant, and safe communities, Windsor offers accessible corporate infrastructure for big and small employers while sitting in close proximity to North America's pre-eminent international US-CANADIAN border crossing. Startup Central will seek to highlight and promote Windsor as a premier tech destination.

Prior to COVID19, there was already an emerging battle among developed countries as they wage war to incentive and attract entrepreneurs to settle in their country. My belief is that COVID19 will only accelerate this fight as no country in the world has been spared from the economic disruption caused by COVID19. As countries grapple with developing plans to re-emerge and rebuild their economies, entrepreneurs will play an even more critical role in economic recovery, both nationally and on the local level for every Canadian city.



Kadri Law has been ahead of the curve on this issue and recent articles have captured our attempt to catapult Canada as a premier destination for business and entrepreneurs. In fact, we have leveraged our reputation within the global business community as a industry leading Canadian Immigration and Business Law Firm in order to advance innovative immigration visa solutions to address the uncertainty caused by COVID19 and President Trump's US Visa restrictions. We are laser focused on devising innovative cross border strategies that take full advantage of Canadian law. Kadri Law has been featured in prominent tech publications such as Yahoo Finance, Nearshore America, India Times, etc. [See Appendix A]

## **CONCLUDING STATEMENTS**

We firmly believe that both the City of Windsor and Kadri Law will benefit by having this proposed new facility, as the same is a critical step forward to implement our Business Model as summarized herein. Further, we have demonstrated eligibility with respect to the definition of 'Business Incubator' within the CIP. In order for Kadri Law to prosper in the new post COVID19 economy, our refocusing on Entrepreneurs, together with a coordinated effort to attract them to the city Windsor will match or exceed our competitors in large metropolitans like Toronto and Vancouver. The CIP incentives will help Kadri Law invest in the city to help achieve continued growth and increased revenues during an unprecedented expansion of our business that will create jobs and economic diversification in Windsor.

The Economic Revitalization Plan CIP incentives will play a significant role in our decision to undertake this investment. If approved, the grant program would allow Kadri Law to bring our vision of creating a dynamic and unique Business Incubator Ecosystem for Entrepreneurs right here in Windsor. In doing so, we can help create more jobs and wealth for our local residents. The relief offered through CIP will provide Kadri Law with the ability to help offset part of the substantial cost of new construction and focus on helping build a stronger local economy, one that is more diverse and strengthened by the drive and dedication of young entrepreneurs.

Sincerely;



Eddie H. Kadri  
Kadri Law



**Council Report: S 129/2020**

**Subject: Economic Revitalization Community Improvement Plan (CIP) application submitted by St. Clair-Rhodes Development Corp. for 3355 Munich Court (Ward 9)**

**Reference:**

Date to Council: October 13, 2020  
Author: Greg Atkinson, Senior Planner  
519-255-6543 ext. 6582  
gatkenson@citywindsor.ca  
Planning & Building Services  
Report Date: September 24, 2020  
Clerk's File #: SPL/10759

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

**Recommendation:**

- I. THAT the request made by Active Claims Management (2018) Inc. on behalf of property owner St. Clair-Rhodes Development Corp. to participate in the Business Retention and Expansion Grant Program **BE APPROVED** for the portion of the municipal tax increment resulting from the proposed development of eligible uses (i.e. Computer Software Developer, Corporate Office, and Canadian Head Office) located at 3355 Munich Court for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization Community Improvement Plan; and,
- II. THAT the grant payments:
  - a. **BE CALCULATED** based on the percentage of gross floor area within the building that is allocated to the eligible uses (i.e. estimate to be 35% based on the CIP application); or,
  - b. **BE CANCELLED** and approval to participate in the Business Retention and Expansion Grant Program **BE RESCINDED** if the number of employees associated with eligible uses falls below 35; and,
- III. THAT, Administration **BE DIRECTED** to prepare an agreement between the City, Active Claims Management (2018) Inc., St. Clair-Rhodes Development Corp., and/or persons or companies that have legally been assigned the right to receive grant payments to implement the Business Retention and Expansion Grant Program

in accordance with all applicable policies, requirements, and provisions contained within the Economic Revitalization Community Improvement Plan to the satisfaction of the City Planner for content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,

- IV. THAT, the CAO and City Clerk **BE AUTHORIZED** to sign the Business Retention and Expansion Grant Agreement; and,
- V. THAT the approval to participate in the Business Retention and Expansion Grant Program **EXPIRE** if the grant agreement is not signed by applicant and owner within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

### **Executive Summary:**

N/A

### **Background:**

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

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

To date, City Council has approved a number of applications made under the CIP representing a range of targeted economic sectors including manufacturing, research and development, creative industries, logistics, health & life sciences, and tourism.

Active Claims Management (2018) Inc. has applied for financial incentives under the Business Retention and Expansion Grant Program on behalf of the property owner—St. Clair-Rhodes Development Corp. Active Care Management (ACM) provides worldwide medical and non-medical assistance, medical case management, cost containment services and claims processing to the insurance industry and third party administrators. Its headquarters are currently located in Windsor at 3430 Wheelton Drive.

The subject property is located at 3355 Munich Court and is occupied by a 7,989 m<sup>2</sup> (85,993 ft<sup>2</sup>) industrial building (see Location Map). The property is 2.3 hectares (5.7 acres) in size, designated 'Industrial' in the City's Official Plan and zoned Manufacturing

District 2.4 (CD 2.4), which permits a range of industrial and office uses.

## **Discussion:**

### *Business Retention and Expansion Grant Program*

The Business Retention and Expansion Grant Program is intended to stimulate investment in targeted economic sectors for the purpose of expanding and diversifying Windsor's economy. Existing non-manufacturing business within an eligible sector that retain a minimum of 35 jobs or create a minimum of 20 jobs are eligible to apply under the program.

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

### *Proposed Construction*

The owner proposes to renovate the existing building to convert the use from industrial to office including a new roof, windows, facade, demolition of interior, and reconstruction of new office layout. The parking lot will be expanded and new landscaping will be installed.

### *Eligible Sector*

While insurance industry businesses do not fall into a targeted sector defined within the CIP, Active Care Management is a large business that currently employs 50 employees that do fall into eligible sectors. Approximately 20 of the current employees are eligible under Creative Industries Sector:

#### *Computer Software Developer*

*Companies that design, write, modify and test computer software for the mass market*

Approximately 30 of the current employees are eligible under Management of Companies and Enterprises Sector:

#### *Corporate Office*

*A facility or building that is the permanent working location of senior level management employees primarily engaged in administering, overseeing, and managing other establishments of the company or enterprise. These establishments normally undertake the strategic or organizational planning and decision making role of the company or enterprise.*

#### *Canadian Head Office*

*A facility or building that is the permanent working location of the company's executives and senior level management that are primarily engaged in providing general management and/or administering, overseeing, and managing other*

*establishments of the company or enterprise. A head office is only recognized as a production unit if it is located in a separate physical location than the rest of the company or enterprise.*

Because the proposed development is not 100% eligible under the CIP the recommendations indicate that grant payments will be calculated based on the percentage of gross floor area within the building allocated to eligible uses (i.e. 35% based on the information in the grant application). The area allocated to eligible uses (i.e. Computer Software Developer, Corporate Office, and Canadian Head Office) will be verified prior to grant payments being issued.

### *Employment*

According to the CIP application Active Care Management currently has 360 employees based out of its current facility located at 3430 Wheelton Drive in Windsor. 20 employees work as computer software developers, 30 employees serve a head office function (i.e. president, vice-president, senior management), and 310 employees make up the balance of the corporate office (i.e. medical professionals, claim administrators, primary assistance, and support services). The CIP application anticipates the hiring of 300 additional employees over the time frame of the grant program in all areas of the organization, including software developers & corporate head office staff.

Employment numbers will be verified prior to the issuance of grant payments. If the number of employees associated with eligible uses falls below 35 (i.e. the minimum threshold set out in the CIP) the grant payments would cease and approval to participate in the program would be rescinded.

### *CIP Objectives*

The proposed redevelopment of the property located at 3355 Munich Court for use as business incubator and recommended Small Business Investment Grant supports the following CIP objectives:

- Encourage investment that results in the productive use of lands and/or buildings for the purposes of establishing or maintaining a business enterprise, or the expansion of existing businesses to realize more effective use of the land's potential;
- Encourage capital investments that create new and/or maintain existing permanent jobs, as well as short-term construction jobs that contribute to the reduction of the unemployment rate;
- Support investments in specified high potential economic sectors that contribute to the diversification of the local economy;
- Provide financial incentive programs that are attractive to potential investors and corporate decision-makers, but are balanced with expectations of City taxpayers and the City's ability to fund the financial incentive programs; and
- Support investment and development that results in an increase in property assessment and grows the non-residential municipal tax base over the long-term.



## **Risk Analysis:**

There is little risk associated with the approval of the CIP application. Staff resources are required for the upfront administration of the grant program and finalization of the legal agreement. Limited staff resources related to on-going monitoring of the eligible employment uses and issuance of annual grants will also be required over the next ten years. Should Council refuse the CIP request Active Care Management may decide to expand in a different municipality, which is outlined in its business plan summary (see Appendix B) and include locations in LaSalle, Burlington, and Kingston as well as municipalities in Quebec, Manitoba, and British Columbia.

## **Financial Matters:**

### *Business Retention and Expansion Grant Program*

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

### *Summary of Potential Financial Incentives*

The applicant proposes to spend a total of \$13M on the project. The current assessment value for the property is \$3,752,000 and the annual property taxes are \$187,745 with the municipal share being \$140,845.

City staff anticipate the post-development assessment value to be \$11,400,000. Total annual property taxes on the increased assessment value would be \$515,766—an increase of \$328,021. The post-development annual municipal tax levy would be \$373,266—an increase of \$232,421. Based on the percentage of the floor area dedicated to the eligible uses (i.e. approximately 35%) this would result in an annual grant of \$81,347 or \$813,473 over the lifespan of the 10-year grant program. This would offset approximately 6% of the eligible investment proposed by Active Care Management. The percentage of floor area dedicated to eligible uses will be verified following construction and prior to the first grant payment.

<b>Figure 1: Estimated Grant Calculation - 3355 Munich Court</b>				
<b>Year of Grant</b>	<b>Pre-Development Municipal Tax Levy</b>	<b>Estimated Post-Development Municipal Tax Levy</b>	<b>Estimated Value of Grant</b>	<b>Adjusted for 35% of eligible GFA</b>
1	\$140,845	\$373,266	\$232,421	\$81,347
2	\$140,845	\$373,266	\$232,421	\$81,347
3	\$140,845	\$373,266	\$232,421	\$81,347
4	\$140,845	\$373,266	\$232,421	\$81,347
5	\$140,845	\$373,266	\$232,421	\$81,347
6	\$140,845	\$373,266	\$232,421	\$81,347
7	\$140,845	\$373,266	\$232,421	\$81,347
8	\$140,845	\$373,266	\$232,421	\$81,347
9	\$140,845	\$373,266	\$232,421	\$81,347
10	\$140,845	\$373,266	\$232,421	\$81,347
<b>Total</b>	<b>\$1,408,452</b>	<b>\$3,732,660</b>	<b>\$2,324,208</b>	<b>\$813,473</b>

#### Details

Current Property Value Assessment	\$3,752,000
Current Municipal Tax Levy	\$140,845
Estimated Post-Development Property Value Assessment	\$11,400,000
Estimated Post-Development Municipal Tax Levy	\$373,266
Estimated Eligible Investment Costs	\$13,000,000
Percentage of Eligible Investment Offset by Grant	6.26%

Because the Business Retention and Expansion Grant Program does not cancel taxes, the applicant must pay the full amount of property taxes annually and will subsequently receive a grant for the difference between the pre and post-development municipal taxes. The City will retain the amount of pre-development (base) municipal taxes throughout the lifespan of the grant program, however will be foregoing any incremental property taxes which could otherwise be used to offset future budget pressures.

### Consultations:

The Economic Revitalization CIP was subject to extensive stakeholder and public consultation as part of the approval process, including two public open houses, a statutory public meeting of Council and circulation among internal City staff and the Province.

Planning staff have consulted with the applicant prior to accepting the application for the Business Retention and Expansion Grant Program. Staff from the Planning, Finance, and Legal departments were consulted in the preparation of this report.

### Conclusion:

Administration recommends that Council approve the request Active Care Management (2018) Inc. on behalf of St. Clair Rhodes Development Corp. to participate in the Business Retention and Expansion Grant Program. Specifically, that the municipal portion of the tax increment resulting from the proposed development of eligible uses (i.e. Computer Software Developer, Corporate Office, Canadian Head Office) located at 3355 Munich Court be provided as an annual grant for up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Economic Revitalization CIP.

Grant payments would be calculated based on the percentage of gross floor area within the building allocated to the eligible uses. Grant payments would cease and approval to participate in the program would be rescinded if the number of employees working within eligible uses falls below 35. It is also recommended that approval to participate in the CIP expire if the grant agreement is not signed within one year following Council approval. The planned development conforms with the Economic Revitalization CIP and assists the City in the achievement of a number of the CIP objectives.

**Planning Act Matters:**

N/A

**Approvals:**

Name	Title
Michael Cooke	Manager of Planning Policy/Deputy City Planner
Thom Hunt	City Planner
Wira Vendrasco	Deputy City Solicitor
Shelby Askin Hager	City Solicitor
Don Nantais	FPA
Janice Guthrie	Deputy Treasurer
Joe Mancina	Chief Financial Officer
Onorio Colucci	CAO

**Notifications:**

Name	Address	Email
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		dacchione@active-care.ca

**Appendices:**

1. Location Map
2. Business Plan Summary



## LOCATION MAP: 3355 MUNICH COURT



SUBJECT PROPERTY

0 20 40 80 120 Meters





## **BUSINESS HISTORY & OVERVIEW**

CanAm Special Risk Agency (CanAm) was founded in 1994 in Windsor servicing the Canadian marketplace with Travel & Special Risk Insurance Policies. In 1999, David Rivelis, President of CanAm, partnered with another local organization (Cypher Systems Group) thus enabling further growth of the CanAm brand and expanding its product offerings. In 2007, CanAm purchased Active Care Management (ACM) bringing that organization and new jobs to Windsor. At the time of the ACM purchase, ACM employed less than 10 employees. In just over 10 years, ACM/CanAm grew to almost 300 employees who live in the Windsor/Essex County area. In 2018 ACM/CanAm became part of Global Excel Management (GEM) group of companies and remain a privately held Canadian entity. David Rivelis remains as President ACM/CanAm and is also GEM's President of Global Strategy. In addition to Mr. Rivelis' role within both organizations all senior managers have strategic, operational & decision-making impact to Windsor and other sites globally. Windsor roots, Global impact.

ACM has been providing worldwide medical and non-medical assistance, medical case management, cost containment services and claims processing to the insurance industry and third-party administrators for almost three decades.

ACM/CanAm are active corporate citizens within the community thru various charitable initiatives and a reciprocal business relationship with St. Clair College.

ACM/CanAm and the Global Excel Management group of companies are one of the largest independent health risk management companies in the world. We have more than 360 clients in 90 countries. Some of these partners are global insurance providers like Manulife Financial, CAA, and large Canadian banks.

Our vision is to transform and simplify access to quality healthcare worldwide. In order to do that we've had to transform and change as well, and even now we continue to evolve and adapt. At one of our recent international client conferences, we used the slogan "Rethink, Retool, Refine" and you'll find this philosophy continuously at work across all our teams. As an organization we try to continually adapt, adjust and improve – internally and externally.

## **PROJECT: NEW CORPORATE OFFICE/HEAD QUARTERS**

Since 2018, ACM/CanAm have grown in Windsor, from 200+ employees to 300+ employees and our footprint has expanded from one 28,000 square foot building to 2 buildings totaling 56,000 square feet. As we continue to grow our client base we are reaching a breakpoint in our brick & mortar capabilities. Our operational needs require further expansion and our business philosophy includes a close, relationship heavy work environment. As such, our best and only solution is to move into a larger building that can house our current employee base as well as provide continued growth potential.

## **SOLUTION**

ACM has extensively researched the Windsor region for a suitable home for our new, World Class, Corporate Office/Head Quarters. Our research included review of several existing Windsor properties, some of which include:

- Windsor Crossings - 1555 Talbot Road – up to 70,000 sq. ft. (Renovation)
- 700 Tecumseh Road East – up to 70,000 sq. ft. (Compete Renovation)
- 4000 Rhodes (New Build to Suite) – up to 120,000 sq. ft.
- 3355 Munich Crt – up to 102,000 sq. ft. (Complete Renovation)
- Dougall Plaza – 2477 Dougall Ave – up to 128,000 sq. ft. (Complete Renovation)



In addition to Windsor, we have researched other cities including but not limited to:

- Burlington, ON
- Kingston, ON
- Sherbrooke, QC
- Winnipeg, MB
- Abbotsford, BC
- Vernon, BC

All these properties would include a sizable incurred cost, by ACM/CanAm, to renovate the building, improve the property, upgrade/add technology, add electrical, add network cabling, add redundant fiber optic feeds, add furniture and move our employees, furniture, access controls, & technology to a new, larger location. As we are service provider, additional costs will be incurred in contractor overtime & off-peak time wages to ensure our move is completed with minimal to no impact to our service deliverables.

Our Senior Leadership and Steering Committee have concluded that 3355 Munich Crt. is our preferred choice. The land owner/developer can provide a flexible solution that can meet our current, short-term & long-term needs. In addition, the location provides high visibility and the property provides for a show piece, world class, facility that will benefit our recruiting, employee retention and client growth.

Additionally, although network technology continues to migrate to cloud based services, we, as a global service provider require an infallible infrastructure (redundancies to ensure business continuity) to support our servers, computers and phones. This new location will provide the ability to build an upgraded Data Centre that will act as backup/redundant site in conjunction with other global properties.

The CIP incentives specifically benefit this project as the Munich location would be converted from an Industrial to Commercial location thus affecting a projected tax levy increase. Tax relief provided through the CIP grant make this project economically viable & therefore becomes a catalyst for our growth.

## **EMPLOYMENT & GROWTH**

Our service offerings are interactional in nature, people supporting people. As such, we've continued to build a dedicated, professional team focused on Medical and Non-Medical Assistance, Medical Case Management, Cost Containment Services, Claims Processing and insurance Sales. In addition, we have in house developers and analysts that comprise our Innovation Group which is engaged by our business operations to ensure ongoing deployment of tools and services to keep pace with client and end user expectations. Our roadmap is focused on creating features which align with our underwriter's objectives and include Portfolio Optimization, Expense Efficiency, Accelerated Growth, Digital Customer Leadership, and a High Performing Team.

We estimate, based on client needs, that our employee headcount will grow to 500+ within the next 5 years. Additionally, as we continue to be an influential leader in our industry, we fully anticipate continued long-term growth (beyond 5 years). All of which will require additional Administrative, Recruiting & Human Resource employees to achieve our projected short and long-term growth. It is also important to note that our workforce is skilled. Ranging from Entry Level Customer Care to Senior Level Management and includes experts in technology, software development, analytics, business management, medical, insurance, project management, infrastructure and a long list of other (non-minimum wage) positions. Finally, we encourage growth from within. This not only helps us with employee retention but also provides for training and growth in our greatest asset and our future leaders.

## CONCLUSION

There is no doubt that ACM/CanAm need a long-term solution that will ensure our stability and provide for prosperous growth. We firmly believe that Windsor can be our world class, long-term home.

The Economic Revitalization CIP Grant ensures our growth remains in Windsor and, if approved, will be a catalyst for growth of skilled, vibrant, economy resistant employment. Additionally, the tax cost savings will help to offset the expansion costs associated with an upgraded/redundant network infrastructure, new technology, new furnishings and ultimately long-term economic stability in Windsor.