

# **Sandison Development Plan City of Windsor**

***Report***

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*City of Windsor*

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*Submitted by*

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## **1.0 INTRODUCTION**

The City of Windsor retained Dillon Consulting Limited to prepare a development plan for the lands that are referred to as the “Sandison Development Area”. The development plan will form the basis of a Secondary Plan for the subject lands providing policy to facilitate the orderly development of the area. The Secondary Plan will be incorporated into the Official Plan as approved by the City of Windsor’s Council.

The Sandison Development Area is triangular in shape, approximately 75 ha (186 acres), located in the Southeast portion of the South Windsor Planning District and is bounded by the eastern limit of Howard Avenue, the Northern limit of Cabana Road East and the Western limit of the DRTP Principal Mainline (*refer to Figure 1 – Location Map*).

### **1.1 Plan Purpose and Objectives of the Study**

The preparation of the Sandison Development Plan is based on the need to address a number of outstanding issues related to the orderly development of the remaining vacant lands within the subject area. Those issues include the following:

- Planned roadway improvements for Howard Avenue and Cabana Road East found in the Howard Avenue Environmental Study Report (ESR) and the Cabana Road ESR. The Cabana Road ESR is subject to a number of Part 2 Orders (objections) filed by local residents. The Ministry of Environment is currently reviewing these orders and will provide a response to these orders sometime in the future.
- Reconstruction of the Howard Avenue / Cabana Road East intersection; and
- Fragmented ownership pattern hindering development of the area to its fullest potential.

The purpose of the study is to prepare a comprehensive development plan for the vacant lands found within the study area. Development pressure has resulted in the need to address land use patterns, servicing issues and land ownership, while soliciting feedback from concerned residents and property owners to support the preparation of a Secondary Plan for the Sandison Development Area.

Objectives of the study include the following:

- Identify future roadway connections between the existing and planned roadway network;
- Identify and integrate compatible land uses in accordance with the existing Official Plan goals, policies and objectives;
- Identify opportunities and constraints associated with the development of the subject lands; and

- Address servicing issues to allow vacant lands to connect to the existing municipal infrastructure.

## **2.0 STUDY AREA FEATURES**

The following is a discussion of the existing land uses, infrastructure, utilities, roadways, and ownership patterns found within the study area.

### **2.1 Existing Land Uses within the Planning Area**

Initial development in the Sandison Planning Area occurred in the early 20<sup>th</sup> Century with the division of land into residential lots fronting Howard Avenue. These lots were generally narrow and had depths of approximately 375m (1230ft) approaching 0.8 ha (2.0 acres) in size. Although these lands were originally used for agricultural purposes, they have now largely become uncultivated and, in some cases.

The majority of these original lots have been subdivided into narrower frontages. However, the depth of the lots have remained largely intact over the past century and it is this historical development pattern and continued fragmented ownership which has impeded development of the remaining undeveloped portions of this area.

The lands bounded by the DRTP Principal Mainline to the east and the deep Howard Avenue lots to the west, and fronting Cabana Road East were consolidated sometime ago and have been developed within the last 15 years. The development of the Cabana Road frontage, referred to locally as the Wonsch Lands, has resulted in the subdivision, on the eastern portion of the area, into residential lots with modern development standards (*refer to Figure 2 – Existing Land Use*). The Wonsch subdivision contains a number of land uses including: residential, open space and a stormwater management area.

Currently, the Sandison Development Area is approximately 65% developed.

#### **2.1.1 Residential Land Uses**

As previously mentioned the Sandison Development Area is approximately 65% developed. The developed area contains primarily low density residential dwellings with few multiple unit residences. The age and tenure of the area is mixed including residential uses, found on Howard Avenue with a mix of tenure types and others that range in age from the 1920's up to the present day. The majority of the low density residential uses found in the development area is new and has been constructed in the past 15 years as part of the Wonsch Development.

#### **2.1.2 Open Space**

Patrick Maguire Park, located along the southeastern corner of the study area and is currently the only large parcel of land developed as parkland in the area (*refer to Figure 2 – Existing Land Use*). Patrick Maguire Park is utilized as an active park site with a variety of playground equipment, basketball courts and a baseball

diamond. The park area also serves as a dry pond for storm events.

Roseland Public Elementary School is located in the southwest corner of the study area and while it is in the ownership of the Greater Essex County District School Board, neighbourhood children use the grounds on an informal basis.

There are no additional park facilities in the northern portion of the study area. However, Kenilworth Park is located on the west side of Howard Avenue and provides a natural area of 2.6 Ha (6.5 acres) and playground equipment adjacent to Whiteside Drive (*refer to Figure 2 – Existing Land Use*).

### **2.1.3 Stormwater Management Areas**

Currently, there is a small “wet pond” located in the middle of the development. This stormwater management area was constructed as part of the Wonsch Development. Patrick Maguire Park functions as the primary stormwater management facility in the area. The park site is considered to be a “dry pond” and will flood during heavy rain events.

### **2.1.4 Institutional Uses**

The subject lands are home to two institutional uses: Roseland Public Elementary School and the J.F. Cook Reservoir and Pumping Station.

Roseland Public Elementary School has served the neighbouring area since 1926 and occupies approximately 2.4 Ha (6.0 acres) of land. The school has undergone several renovations in the past; the most recent being the addition of a new wing to the school in 2003. The school presently (2005) has a student population of approximately 660 children and a staff of 55 teachers and support personnel.

The J.F. Cook Reservoir and Pumping Station is located in the northern portion of the study area and is approximately 3.5 ha (8.7 acres) in size. The purpose of the Windsor Utilities Commission facility is to provide potable water to South Windsor and the Town of LaSalle. There are two structures on the Windsor Utilities Commission property, a single storey pump station building and an underground water reservoir.

### **2.1.5 Commercial & Professional Office Uses**

There is one commercial/professional office use located on Howard Avenue at Sandison Street. The existing use is a dentist office and is located in a small one storey structure on the north-east corner of the intersection.

## **2.2 Adjacent Land Uses**

Similar to the study area, a range of land uses can be found in the surrounding area. The following is a brief discussion of those uses.

### **2.2.1 Transportation Uses**

Adjacent to the eastern limits of the study area is the DRTP Principal Mainline (formerly CN CASO Subdivision railway line). This rail line provides a connecting link between Canadian National Railway track in east Windsor via the Pelton Spur, Canadian National Railway track in central Windsor and the rail tunnel to the United States. The City of Windsor and a number of parties were involved in an Ontario Municipal Board Hearing to address permitted uses on railway lands. The hearing dealt with the requirement to apply for an Official Plan Amendment and Zoning By-law amendment for development of non-rail uses on rail corridors. In June of 2006, the Ontario Municipal Board rendered a decision regarding this issue. The results of that decision have not altered the components of this plan. The OMB decision has allowed all of the lands within the Sandison Development Plan Area to be regulated by the provisions of Zoning Bylaw 8600.

### **2.2.2 Commercial Land Uses**

The balance of the study area is serviced by commercial uses on the east side of Howard Avenue and Cabana Road. Beyond the limits of the study area, there are larger parcels of commercial development, including the two commercial plazas on the east and west corners of the intersection of Howard Avenue and Cabana Road East.

There are also several small pockets of commercial development along the east side of Howard Avenue with home occupation businesses and a commercial plaza at the corner of Howard Avenue and Kenilworth Drive. Additional highway commercial development is located to the east of the study area and DRTP Principal Mainline including several car dealerships and additional service commercial related uses. In addition, Dougall Avenue, Devonshire Mall (a regional shopping center) and the Walker Road commercial area are located less than 2 kilometres away from the study area.

### **2.2.3 Residential Land Uses**

The majority of the lands south and west of the study area have been developed as low density residential land uses. Similar to the Sandison Development Area, the initial development in the area began in the early 1920's. Subsequently, the area has developed over time into a mix of housing style and types. The majority of development activity has occurred in the past 15 years.

## **2.3 Infrastructure**

The study area is well serviced by trunk municipal infrastructure. There are full municipal services throughout the area including: sanitary, storm, water and hydro. These trunk services are generally found along the periphery of the study area and will be extended into the undeveloped portions of the study when development occurs. Final design and construction of the servicing of the current vacant lands will be undertaken by the developers of those lands.

## **2.4 Roadways**

Currently there are two arterial roads defining the perimeter of the Sandison Development Area, two collector roads connecting these two arterial roadways, and several local roads within the area (*refer to Figure 3 – Road Classifications*):

- **Howard Avenue** is designated as a Class II Arterial Road in the City of Windsor’s Official Plan. This roadway is a two lane asphalt surface with gravel shoulders. Its primary function is to carry high volumes of both passenger and commercial traffic north south through the city at moderate speeds. Howard Avenue is one of the main connections between the City of Windsor and the County of Essex.
- **Cabana Road East** is a two lane east-west Class II Arterial Road through the southern portion of the City of Windsor with gravel shoulders. It is also one of the main connections between the City of Windsor and the Town of LaSalle.
- **Holburn Street** is designated as a Class II Collector Road in the City of Windsor’s Official Plan. This roadway runs parallel to the DRTP Principal Mainline connecting Cabana Road East to the local streets within the Wonsch Development with a potential future connection to Howard Avenue.
- **Maguire Avenue** is designated as a Class II Collector Road in the City of Windsor’s Official Plan. This roadway runs parallel to the DRTP Principal Mainline connecting Cabana Road East to the local streets within the Wonsch Development as well as to Howard Avenue.

## **2.5 Ownership**

According to the most recent assessment roles, there are approximately 386 property owners in the study area. The majority of the lands are owned by private homeowners living in the area. The balance of the lands is owned by developers with the intention of developing the vacant parcels. Due to the physical characteristics of the existing lotting (narrow and relatively deep) the fragmented ownership has hindered development of the properties fronting Howard Avenue. Successful development of the area will require the consolidation of properties to permit cost effective servicing of the lands.

## **3.0 EXISTING PLANNING AND DEVELOPMENT POLICIES**

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

The City of Windsor’s Official Plan was adopted by Council on October 25, 1999 and approved by the Ministry of Municipal Affairs on March 28, 2000.

The Sandison Development Area is located within the South Windsor Planning District according to Schedule ‘A’: Planning Districts of the Official Plan for the City of Windsor.

The study area is primarily designated ‘Residential’ with the southwest corner designated ‘Commercial Corridor’ according to Schedule ‘D’: Land Use of the Official Plan (*refer to Figure 4 – Official Plan Designations*).

### **3.2 City of Windsor Zoning By-Law 8600**

The zoning of the area is predominantly Residential District (RD) with the exception of the northern most tip of the area zoned DRD1.1 (Development Reserve) and the Roseland Elementary School Site zoned ID 1.1 (Institutional). In addition, some lands are also subject to an additional zoning provision pertaining to railway restrictions contained in section 21(20) of Zoning By-law 8600. This section of the by-law requires that a separation of 30m be maintained between the limit of a rail corridor and a dwelling or a dwelling unit.

A portion of the zoning associated with the lands adjacent to the DRTP Principal Mainline was subject to an Ontario Municipal Board Hearing. In June of 20006, the Ontario Municipal Board rendered a decision regarding this issue. The OMB decision has allowed all of the lands within the Sandison Development Plan Area to be regulated by the provisions of Zoning Bylaw 8600.

### **4.0 PUBLIC AND AGENCY CONSULTATION**

In accordance with the policies established in the City of Windsor Official Plan, Section 10.6- Public Participation, a consultation process was undertaken to:

- Provide for the opportunity for affected Federal, Provincial and Municipal agencies to participate and ensure that their interests or concerns are considered during the preparation of the Plan; and
- Provide for the active participation of residents, property owners and organized interest groups in shaping and drafting detailed planning policies for the Study Area.

To accomplish this, a number of consultation opportunities and techniques were incorporated into the consultation process. These included:

- Public and agency notification of the project initiation;
- Public information through newspaper notices and individual mailings;
- A formal Public Information Centre; and
- Individual meetings and telephone discussions with affected City of Windsor Departments, government agencies and the public.

The following provides a brief description of the key components of the consultation process.

#### **4.1 Public and Agency Notification**

Notification of the public, including property owners, residents, interest groups, and affected government

agencies was accomplished through the placement of notices in the local newspaper (Windsor Star) and were distributed at key stages of the planning process:

- Project Initiation – the public and government agencies were notified of the study purpose, area and contacts; and
- Public Information Centre – a notice was placed in the newspaper and letters notified the public and government agencies of the Public Information Centre scheduled on October 6, 2004.

Refer to **Appendix A** for copies of the Notices and letters.

#### **4.2 Public Information Centre**

The public and affected agencies were invited to attend a Public Information Centre on October 6, 2004 at Roseland Public School, located at 620 Cabana Road East. The Public Information Centre provided an informal open forum for the public and affected agencies to review and comment on the background information collected and the recommendations made. There were several display boards available for review, including:

- Study Purpose and Objectives;
- Residential Policies;
- Commercial Corridor and Institutional Policies;
- Open Space Policies;
- Development Plan Process;
- Site Location Map;
- Official Plan Designations Map;
- Existing Zoning By-Law Map;
- Existing Land Use Map;
- Surrounding Land Use Photos;
- Issues and Constraints Map; and
- Conceptual Development Plan.

The Public Information Centre was attended by approximately 22 people. A questionnaire was available and completed by four of the attendees, as well as comment sheets which were completed by five others. The questionnaire and comment sheets provided an opportunity to comment on the draft policies, concept plan and issues presented at the Public Information Centre.

Based on the comments received during the Public Information Centre and the evaluation of the questionnaires, the following general observations were made:

- Need for Proper Infrastructure

There was a general consensus that the residents of the area have been waiting 20 years for proper infrastructure to be installed (i.e. curbs, gutters, sidewalks, etc.).

- Traffic on Howard Avenue and Cabana Road East

Property owners in the area were concerned with the existing high levels of traffic in the study area, especially along Howard Avenue. There was concern that the expected increase in the volume of traffic would negatively affect the character of the area. They requested that traffic calming measures and alternative routes be considered for the area.

- Protection of Green Space

There were strong feelings among several of the property owners and residents on the issues of protecting the existing green spaces and the creation of new areas dedicated to parkland and natural habitat rather than development. Generally, residents in the area want to see more green space and less residential development. They would like to see more areas with trees and natural areas and not just a ‘sea of asphalt’.

A copy of attendance sheets, display boards, the questionnaire and comment sheet, and a summary of the comments received from the public are located in **Appendix B**.

## **5.0 ISSUES, OPPORTUNITIES AND CONSTRAINTS**

This section provides a general overview of the key issues affecting the Sandison Development Area and describes how they were addressed in an attempt to transform “constraints” into potential “opportunities”.

### **5.1 Development Options**

Low scale residential development will be the focus of development with limited neighbourhood commercial uses at key intersections (i.e. Howard Avenue and Cabana Road East, Sandison Street and Howard Avenue and McGuire Street and Howard Avenue) that are in keeping with the existing Official Plan policies. Residential lot size will vary as well as type of use (i.e. single detached, semi-detached, townhomes, etc). Specific lotting plans will be developed during the development process.

Following input from the public information and consultation session, the development options were refined to reflect concerns from residents in the area and the Greater Essex County District School Board. The primary focus of the residents’ concerns centred on traffic congestion and need for an orderly plan for the area. The majority of the specific issues were related to the background traffic found on Howard Avenue and Cabana Road. To facilitate orderly development of the area the plan reflected concerns raised by those who attended the public information and consultation session, as well as, sound planning rationale.

connectivity for vehicular, bicycle and pedestrian traffic. The road pattern takes advantage of the vacant area, creating three new north-south roads and one new east-west extension (Holburn Street) (*refer to Figure 6*). In addition, the Preferred Development Concept allows for efficient servicing of the area in north-south orientation. The alignment of the street permits infrastructure to connect to existing municipally owned and operated assets (ie. Howard Avenue via Holburn and McGuire Streets).

The preferred development concept does not differ greatly from the original concept. While it was viewed as being advantageous to connect Sandison Street from east to west; the Greater Essex County District School Board indicated their reluctance to see the connection through the northern limit of the property. As a result, the future Sandison Street has been realigned to avoid crossing the schoolyard (*refer to Figure 6 – Preferred Development Plan*). As a result of this alignment, dwellings constructed on the Westside of the intersection of Sandison Street and Street ‘C’ (Clara Street) will be required to front Street ‘C’ Clara Street to avoid street numbering conflicts with the existing dwellings Sandison Street.

## **5.2 Fragmentation of Land Ownership**

As previously noted, the primary reason for the remaining undeveloped parcels found in the study is associated with property ownership in the area. With the exception of a few properties, the existing lots fronting onto Howard Avenue have not been assembled and consolidated for development purposes. At the present time there are limited development opportunities in the area. Following the development of the Wunsch lands, there has been only one Plan of Subdivision approved for development and at this time the ability to service the property (Krystal Tree Development) is in question.

## **5.3 Infrastructure Improvements**

Presently there are adequate services in the area to permit the development of the balance of the undeveloped lands. In one circumstance a developer has requesting the City of Windsor assist in the acquisition of lands to allow for the connection of the subdivision to the existing infrastructure (i.e. Roads, sanitary sewers, storm sewers, water, hydro, etc.).

## **6.0 THE CONCEPT PLAN**

### **6.1 Goals and Objectives**

The goals and objectives for the Sandison Development Area Plan have been influenced by the background analysis and the input at the public meetings. The following goals and objectives have been prepared:

#### **6.1.1 Goals**

- To establish amendments to current planning policies for the Sandison Development Area;
- Create condition to encourage development and revitalization of an underutilized area within the City of Windsor;

- Promote land use patterns that make use of existing services, resources and infrastructure;
- Promote land use patterns that are compatible with adjacent existing and proposed uses; and
- Develop an appropriate road network to ensure the safety of motorists, cyclists, pedestrians and facilitate effective public transit.

### **6.1.2 Objectives**

- To determine infrastructure needs for the provision of full municipal services;
- To determine appropriate noise attenuation measures for residential development areas adjacent to the DRTP Principal Mainline, Howard Avenue and Cabana Road; and
- To integrate future residential development with the natural environment where feasible.

## **6.2 The Development Concept**

Based on the background analysis and public input, a concept plan has been prepared (*refer to Figure 6 – Preferred Development Plan*). The intent of this plan is to achieve the previously described goals and objectives. A description of the plan components, planning and design principle follow.

### **6.2.1 Residential Land Use**

The concept plan provides for low-density residential development with no provisions for medium or high-density residential development. Low-density residential development may comprise of single detached, semi-detached, duplex, double duplex, converted dwellings, multiple dwellings containing a maximum of four dwelling units and street townhouses. The preservation of the unique character of Howard Avenue frontages will be promoted by maintaining lot depths of approximately 60m (300').

The maximum density in low density development areas shall be 10 units per hectare where reduced frontage lots, street townhouses or other forms of minor intensification are warranted.

### **6.2.2 Open Space**

The open space within the development area will be consolidated within a new park at the location shown on Figure 6. Existing parks, including Patrick Maguire Park, will be upgraded and additional parks and parkettes will be interspersed throughout the development. Open space will be comprised of both plantings and natural environment features, with walking/bike paths throughout. Where possible, Parkland will be adjacent to storm water management areas to maximize the size of naturalized areas and recreational uses. Under no circumstances should a storm water management facility be part of any lands dedicated for parks purposes.

### **6.2.3 Commercial Uses**

Existing commercial corridors and neighbourhood commercial areas will be maintained in the area, allowing for the character of the locale to be preserved. New commercial developments will be permitted, however, only in specified locations, such as, Howard Avenue at Cabana Road East, and the Maguire Street and Sandison Street intersections. Additional Commercial uses on Howard Avenue at the Maguire Street and Sandison Street intersections will be limited to those neighbourhood commercial uses contained within the Residential Designation of the City of Windsor Official Plan. Access to these developments will be consistent with the City of Windsor Standards.

### **6.2.4 Schools and Other Community Amenities**

No additional school sites have been allocated in the concept plan. The intention is to maintain the existing Roseland Elementary Public School, located on the north side of Cabana Road East between Howard Avenue and Clara Street, which would accommodate future demand and placement of new students.

### **6.2.5 Transportation Network**

The proposed road network has been designed to provide for safe and efficient ingress and egress to the Sandison Development Area.

A network of local roads, modeled after the original grid pattern, provides for traffic movement and access to residential areas, and is designed to accommodate non-commercial traffic at low speeds. As per both the Howard Avenue and Cabana Road ESR's, the signalization of any intersection along either thoroughfare, will require a warrant study and may not be limited to Maguire Street, as identified in the Howard Avenue ESR, or Holburn Street, as identified in the Cabana Road ESR.

The concept plan shows Holburn Street and Maguire Street, to the North of Holburn Street, as Class II Collector Roads, with connections to Howard Avenue. To further encourage vehicular flow, the concept plan also shows a connection where Sandison Street is currently separated. In the proposed concept plan, Sandison Street is shown as connected to provide another access to the Sandison Development Area. The connection of Sandison Street will take place around the existing schoolyard to minimize impact on the school. To keep traffic speeds at a low rate, traffic calming measures, as identified in the City of Windsor Traffic Calming policy, will be implemented.

In the City of Windsor's Bicycle Use Master Plan Study (BUMP) and Official Plan, both Holburn Street and Maguire Street are identified as signed bike routes. These have been identified on **Figure 3 – Road Classifications** and are subject to the policies contained in the BUMP report and the transit policies discussed in the City of Windsor's Official Plan.

### **6.2.6 Municipal Services**

In addition to the existing storm water management area located within the Wonsch Development, a second storm water management area is proposed along the DRTP Principal Mainline. Storm water management for the Sandison Development area will have to be reviewed and may be subject to future study as further development applications come forward.

### **6.2.7 Noise Mitigation**

The concept recognizes potential sources of noise pollution emanating from:

- DRTP Principal Mainline to the east;
- Cabana Road East to the south; and
- Howard Avenue to the west.

Any development within the Sandison Development area shall be subject to the policies set out in Sections 5.4.5 (Noise and Vibration Policies), 7.2.8 (Rail Transportation Policies) and 10.2.11 (Noise and/or Vibration Study) of Volume I of the City of Windsor Official Plan

## **7.0 STATEMENT OF POLICY**

The policies set forth in this document are designed to guide future development while observing provincial policy. The policies of the City of Windsor's Official Plan are applicable provided that they are not in conflict with the more specific objectives outlined herein. In the event of conflict, the objectives and policies set forth in this document take precedence.

### **7.1 Residential Area Policies**

Residential areas have been located in the Sandison Development Area to allow for safe and convenient access to community and commercial facilities, employment areas, open space and parks, schools, and major roads.

The following special detailed policies for the area shall apply:

- Low density, low profile residential development is encouraged and permitted;
- In accordance with the Official Plan, low density residential development shall consist of single detached, semi-detached, duplex, double duplex, converted dwellings, and street townhouse units;
- A noise impact study may be requested by the City to determine the appropriateness of the proposed land use and to incorporate appropriate noise control measures in the proposed development. Residential Development shall be subject to the provisions of Sections 5.4.5, 7.2.8, and 10.2.11 of Volume I of the City of Windsor Official Plan.

The following residential policies, as outlined in the Official Plan, shall also apply:

- Selective residential development, infill and intensification initiatives shall be promoted;
- These lands will form part of the land supply for residential and ancillary land uses that shall be available to accommodate future market demands within the 20 year period of the Official Plan;
- The Development Area shall permit low profile dwelling units such as single detached dwellings;
- Access to a collector or arterial road, full municipal services, adequate community services and open spaces, and public transportation services shall all be provided where the residential development is located; and
- Lands contained within the Transportation Corridor Constraint Area will be omitted from the plan. Notwithstanding, development plans receiving draft plan of subdivision and zoning bylaw approval prior to the appeal to the Ontario Municipal Board will be permitted to proceed independently of the transportation corridor issue.

## **7.2 Commercial Area Policies**

The commercial policies of the concept plan are to limit commercial activities to the periphery of the Sandison Development Area.

The following site specific policies shall apply:

- Commercial uses shall be promoted at the signalized intersection of Howard Avenue and Cabana Road East. Other neighbourhood commercial uses will be permitted at those streets intersecting with Howard Avenue;
- Direct access to Howard Avenue and Cabana Road East shall be permitted and in keeping with current Official Plan policies relating to access management;
- Land use, traffic and noise impact studies may be requested, by the city, to determine the appropriateness of the proposed use and its location; and
- All commercial development shall be subject to site plan control.

The following commercial corridor policies, as outlined in the Official Plan, shall also apply:

- Retail and service oriented land uses, and to a lesser extent, office uses, shall be permitted in the designated area; and

- Commercial Corridor and Neighbourhood Commercial development shall be located where there is access to Class I or II arterial roads or Class I collector roads, where full municipal services can be provided, and where commercial related traffic can be directed away from residential areas.

### **7.3 Institutional Policies**

The following institutional policies, as outlined in the Official Plan, shall apply:

- Institutional uses should be located in the City of Windsor to be both accessible and act as neighbourhood focal points;
- The development of institutional uses shall be compatible with adjacent land uses;
- Institutional uses shall be complimentary to the open space needs of nearby residents; and
- Minor institutional uses include elementary schools, day nurseries, and places of worship.

### **7.4 Open Space Policies**

The following open space policies, as outlined in the Official Plan, shall apply:

- Open spaces shall satisfy any on-going recreation and leisure needs of the City of Windsor residents;
- The City of Windsor's existing open space uses shall be protected and enhanced, while planning for future needs;
- The proper distribution, siting, and design of open space uses shall be ensured; and
- New open space shall compliment and, where possible, link to other components of the Greenway System.

### **7.5 Noise Mitigation Policies**

The following site specific policies shall apply:

- Any development within the Sandison Development area shall be subject to the policies set out in Sections 5.4.5, 7.2.8 and 10.2.11 of Volume I of the City of Windsor Official Plan.

## **7.6 Transportation Network Policies**

The following detailed policies for the Development Area shall apply:

- All proposed roads in the Sandison Development Area will serve as local roadways, with the exception of McGuire Street and Holburn Street which are to be defined as Class II Collector roads;
- A modified grid road pattern, using and extending the existing registered road right-of-ways, shall be encouraged;
- Access to Howard Avenue shall be restricted to the Sandison Street, Holburn Street, and Maguire Street intersections, as well as to the ‘Street D’ cul-de-sac entrance;
- If warranted, the City may Consider the signalization of Maguire Street at Howard Avenue;
- To minimize access to Cabana Road East or Howard Avenue, local roadways should be encouraged to be looped or cul-de-sac and temporary roadways should be discouraged. Access to Cabana Road East and Howard Avenue shall be limited to Holburn Street, MacGuire Street, Sandison Street and Clara Street;
- Sidewalks shall be provided according to City of Windsor policy; and
- All existing and future roadways shall be constructed or improved with regards to current City of Windsor regulations.

## **7.7 Municipal Services Policies**

The following policies shall apply:

- Phasing of development is dependent on the availability of municipal services;
  - a) All local watermains and storm and sanitary sewers shall be constructed by the developer of the subdivision; or
  - b) The extension of infrastructure, parkland conveyance and other municipal requirements shall be delivered by means of subdivision or servicing agreements.
- In the absence of storm sewers and permanent detention facilities, developers shall be encouraged to assemble land to install a temporary detention system until development of a permanent system has been completed. Underground temporary detention shall be encouraged, however, should it be above ground, then the detention facility shall be designed so as to be easily maintained and blend into the

proposed development. Reuse of the land associated with the temporary detention facility will be encouraged;

- In accordance with the Development Charges Act, all developments shall be subject to a development charge and shall be collected at the time of issuance of building permit;
- All servicing shall be undertaken in accordance with the requirements of the City of Windsor, the Windsor Utilities Commission, the Ministry of Environment, and other approving agencies;
- No natural water courses shall be blocked, abandoned, or altered during the course of construction of a new development unless approved by the City of Windsor's City Engineer; and
- The City of Windsor may assist development and servicing of lands by encouraging property consolidation to ensure the orderly development of the Sandison development area.

## **8.0 IMPLEMENTATION**

### **8.1 Implementation Policy**

#### **8.1.1 Official Plan Amendment**

The Sandison Development Plan policies shall be adopted by the City of Windsor through an Official Plan amendment. The City shall amend Volume 2 of the Official Plan to include the Sandison Secondary Plan. Further amendments may be initiated by the City where details are deemed to provide insufficient guidance due to changed physical conditions or new policy directives.

#### **8.1.2 Zoning By-law Amendments**

Amendments to Zoning By-law 8600 will be considered with respect to the development policies for the Sandison Development Area established by this amendment. Property owners or the City of Windsor may initiate zoning amendments.

#### **8.1.3 Plan of Subdivision**

Plans of Subdivision proposed for the Sandison Secondary Plan Area shall be reviewed using the policies set out in Section 11.4 Subdivisions and Consent of the City of Windsor Official Plan.

#### **8.1.4 Servicing Agreements**

Residential development and associated servicing may proceed by means of a servicing agreement with the City of Windsor.

### **8.1.5 Site Plan Control**

When applications for site plan approval are reviewed, the development policies for the Sandison Development Area established by this plan shall be considered.

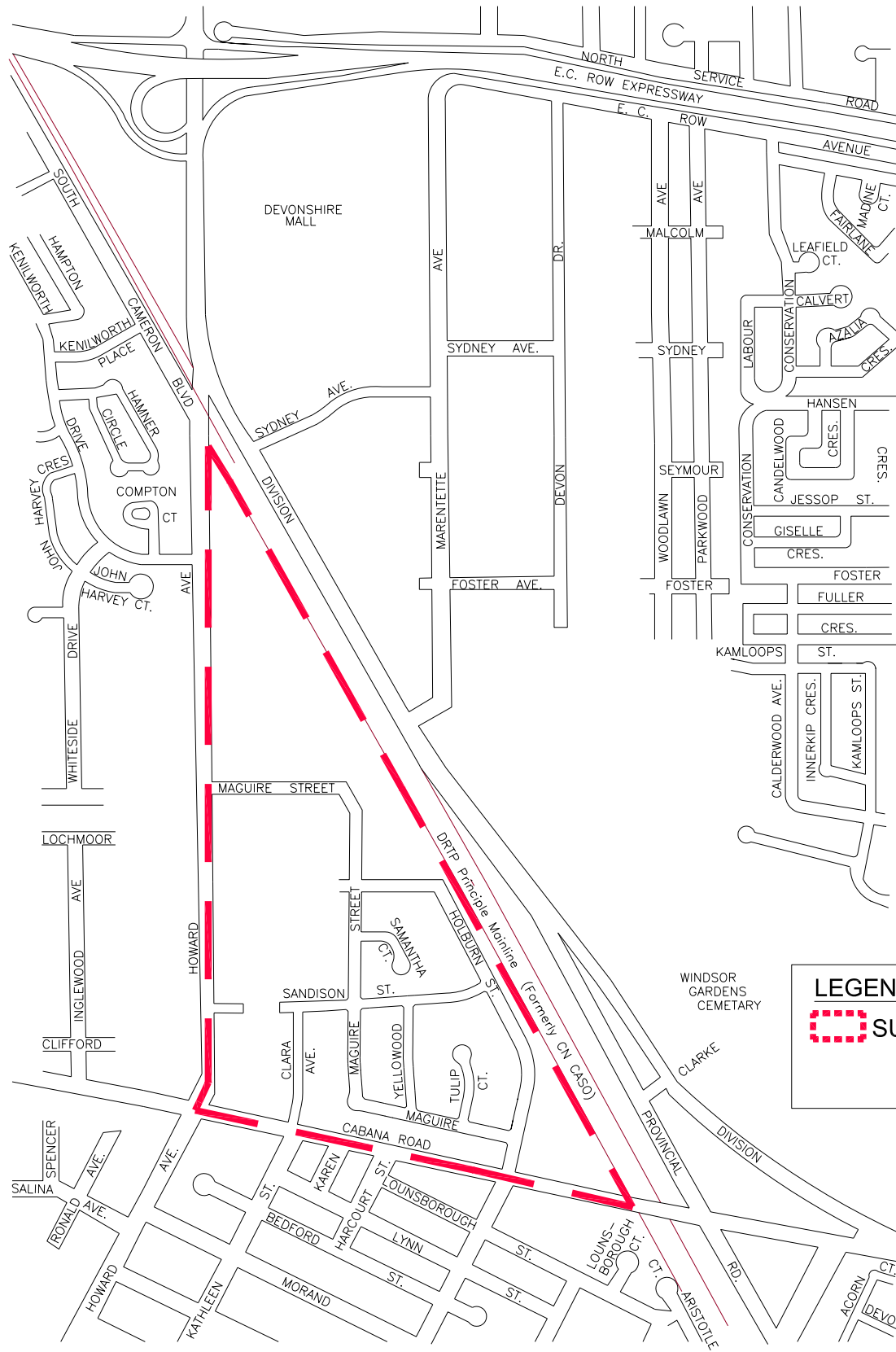
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## FIGURES

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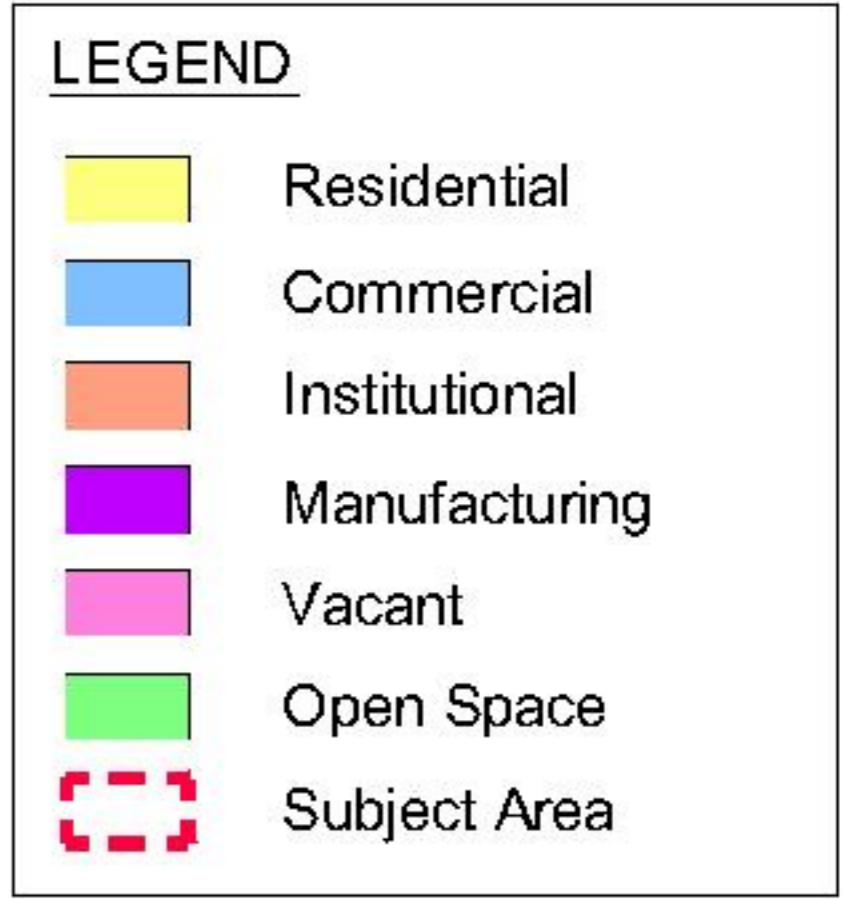
August 2006

Project No. 04-3609-1000

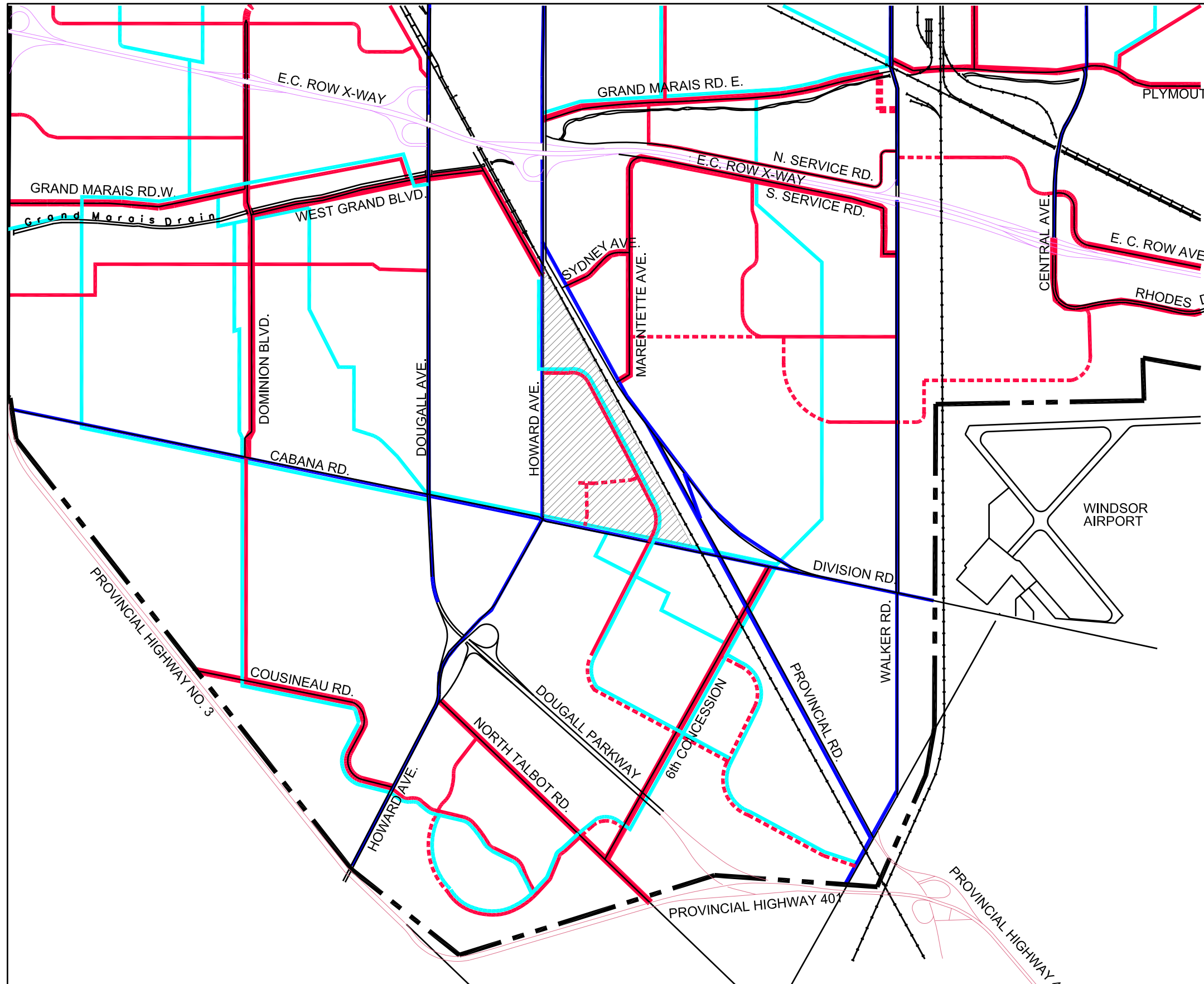
N. T. S.

Sandison Development Plan  
in the City of Windsor

FIGURE 1  
Site Location



 Dillon CONSULTING  The City of Windsor	<b>Sandison Development Plan</b> in the City of Windsor
	<b>FIGURE 2</b> Existing Land Use
October 2006 Project No. 04-3608-1000	



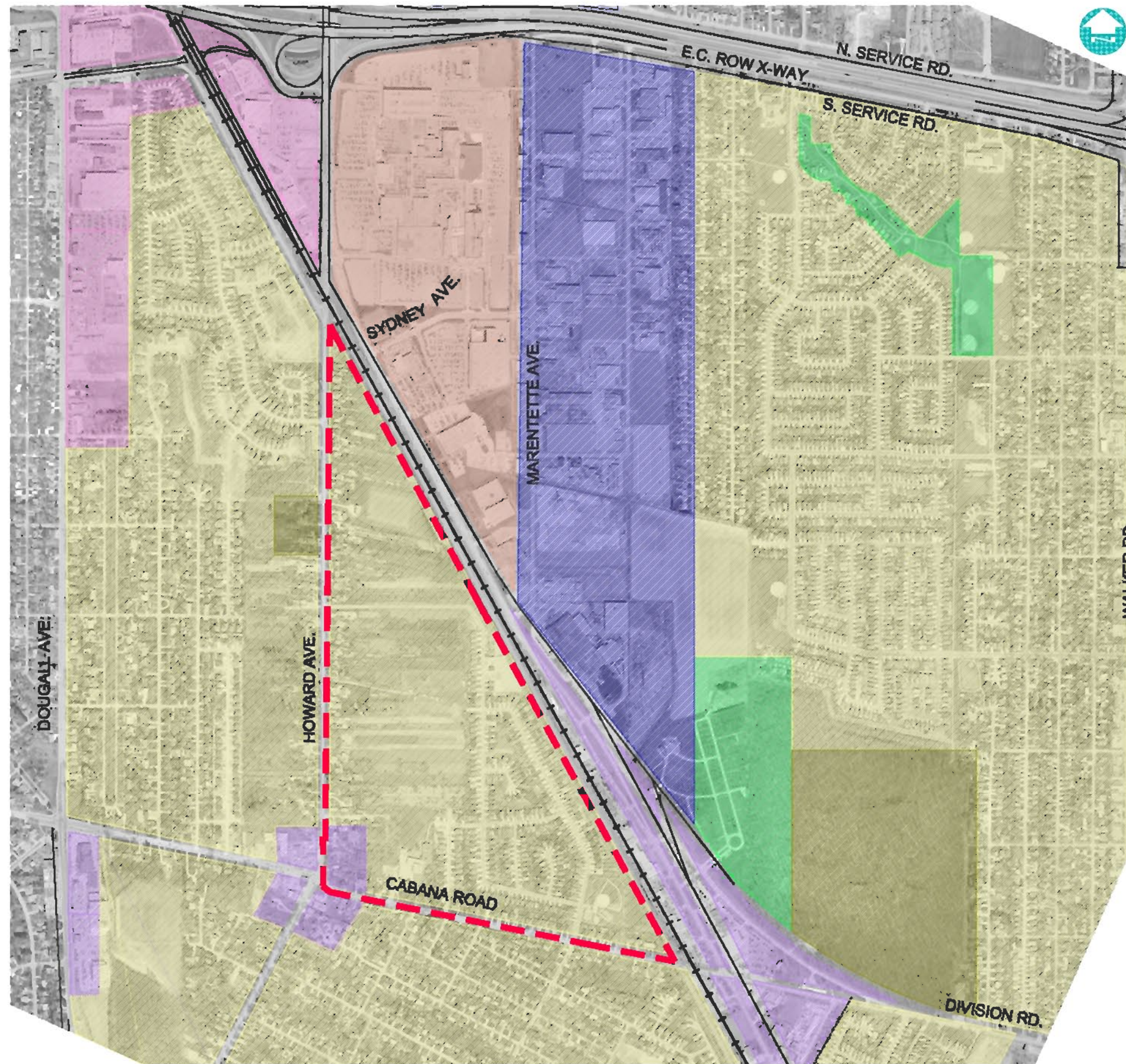
**LEGEND**

- STUDY AREA
- CLASS I ARTERIAL ROAD <sup>1</sup>
- CLASS II ARTERIAL ROAD <sup>1</sup>
- CLASS I COLLECTOR ROAD <sup>1</sup>
- CLASS II COLLECTOR ROAD <sup>1</sup>
- SCENIC DRIVE <sup>1</sup>
- BIKEWAY <sup>2</sup>
- CONTROLLED ACCESS HIGHWAYS
- PROVINCIAL HIGHWAYS



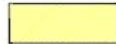





Notes:  
<sup>1</sup>All future roads are shown using a dashed line  
<sup>2</sup>The exact location of the Bikeway will be determined on a site specific basis

City of Windsor Official Plan: Volume I  
 Date of OMB Approval: September 25, 2000  
 (Schedule F: Roadways and Bikeways)

<p>DILLON CONSULTING</p>	<p>Sandison Development Plan in the City of Windsor</p>
	<p>FIGURE 3 Road Classifications</p>
<p>August 2006 Project No. 04-3609-1000</p>	

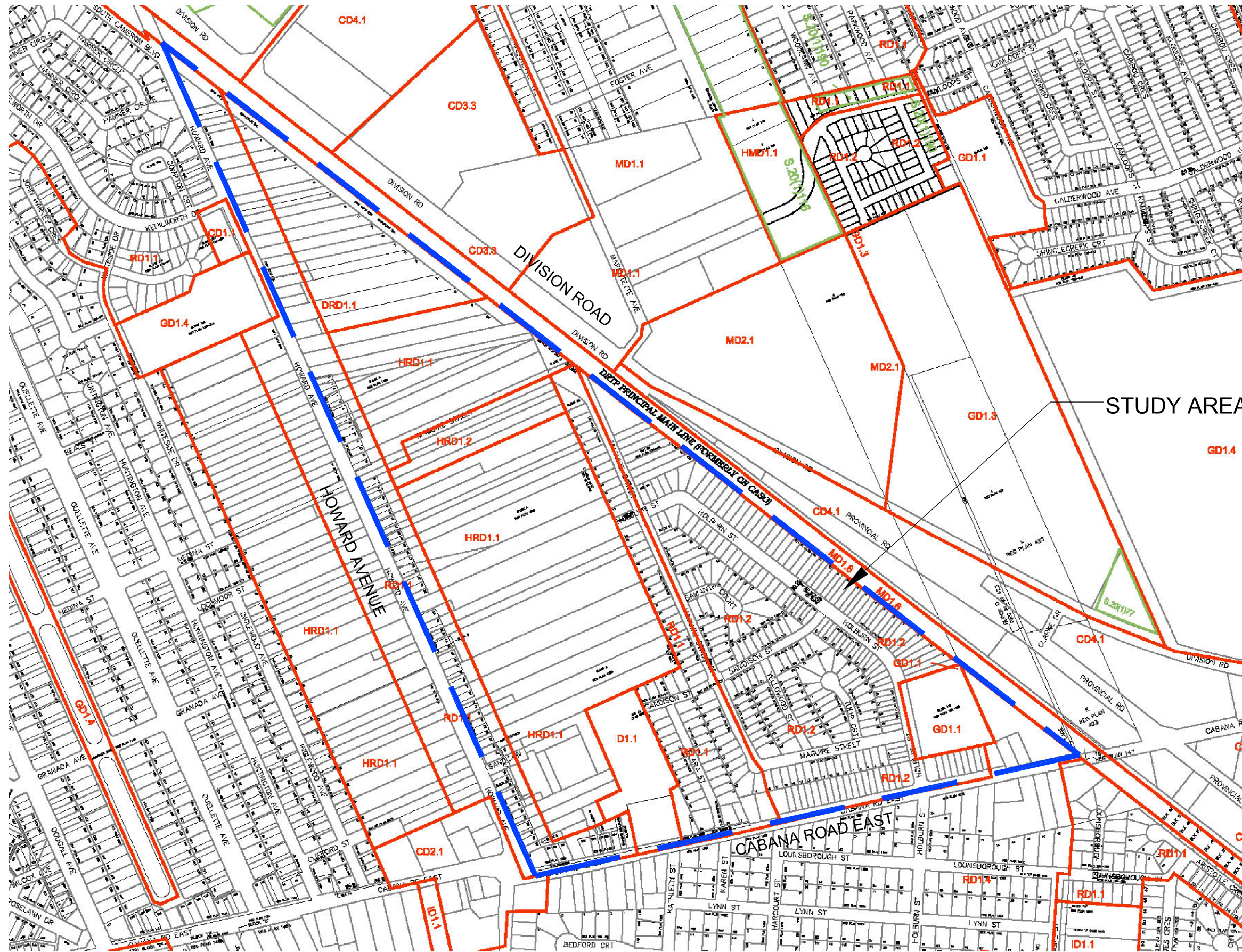


**SCHEDULE D:  
LAND USE**

	SUBJECT AREA		OPEN SPACE
	RESIDENTIAL		COMMERCIAL CENTRE
	MIXED USE		COMMERCIAL CORRIDOR
	NATURAL HERITAGE		INDUSTRIAL

City of Windsor Official Plan: Volume I  
Date of Approval: March 28, 2000

  August 2006 Project No. 04-3609-1000	<p>Sandison Development Plan in the City of Windsor</p> <p><b>FIGURE 4</b> Official Plan Designations</p>
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### LEGEND

- RD - Residential District
- CD - Commercial District
- GD - Green District
- ID - Institutional District
- MD - Manufacturing District
- H - Holding Category

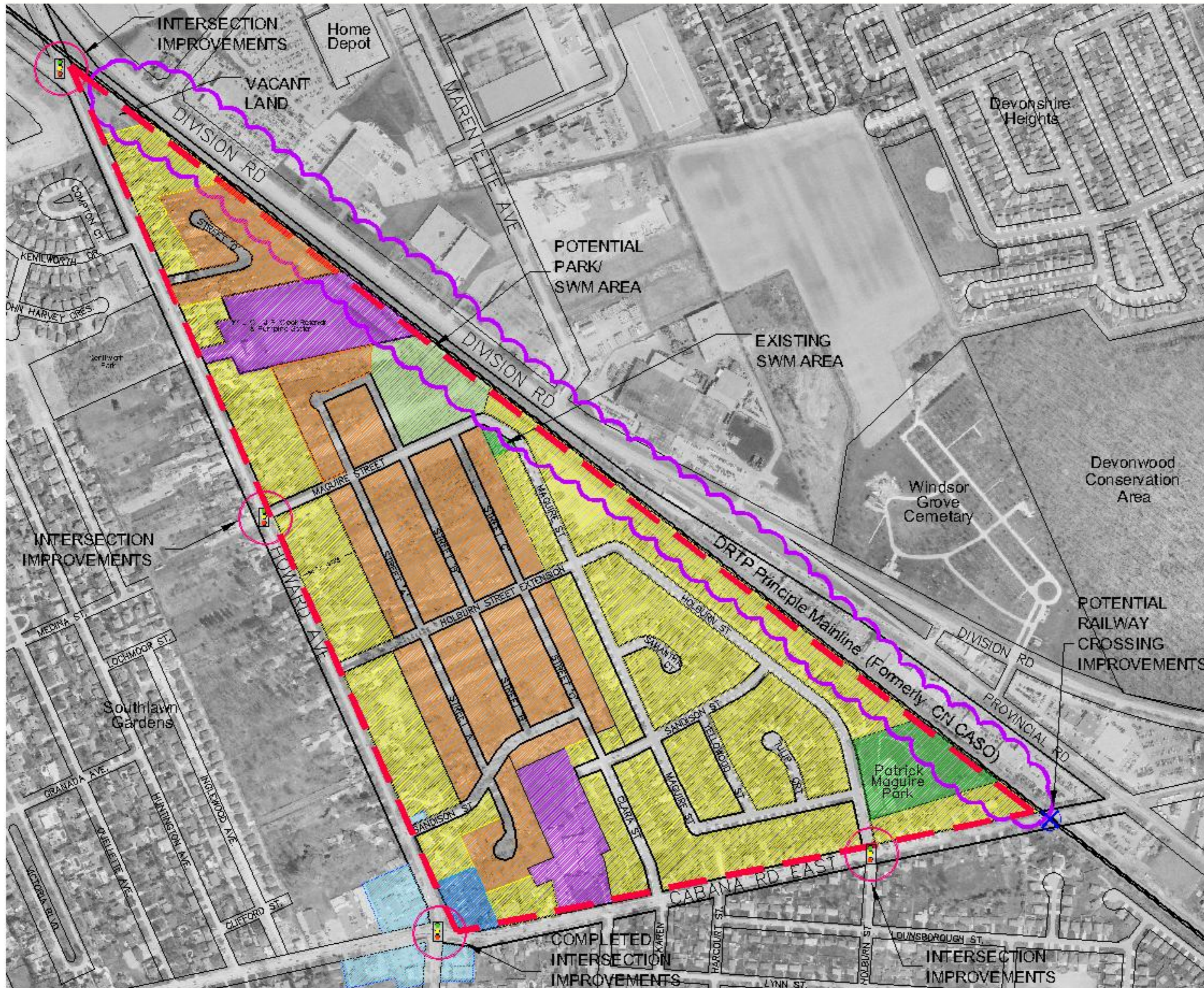
STUDY AREA




Sandison Development Plan  
in the City of Windsor

FIGURE 5  
Existing Zoning

October 2006  
Project No. 04-3609-1000



**LEGEND**

-  Existing Residential
-  Proposed Residential
-  Existing Institutional
-  Existing Commercial
-  Proposed Commercial
-  Existing Open Space/SWM Area
-  Proposed Open Space/SWM Area
-  Intersection Improvements
-  Noise/ Vibration Attenuation
-  Potential Railway Crossing Improvements
-  Study Area







Sandison Development Plan  
in the City of Windsor



FIGURE 6  
Preferred Development Plan

October 2006  
Project No. 04-3628-1000



**LEGEND**

-  PROPERTY CONSOLIDATION/ COOPERATION REQUIRED FOR SERVICING/DEVELOPMENT
-  POTENTIAL NOISE/VIBRATION ISSUES
-  COMMERCIAL DEVELOPMENT
-  STUDY AREA

October 2006  
Project No. 04-3609-1000

Sandison Development Plan  
in the City of Windsor

**FIGURE 7**  
Issues and Constraints

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**APPENDIX A**

**PUBLIC AND AGENCY NOTIFICATION**

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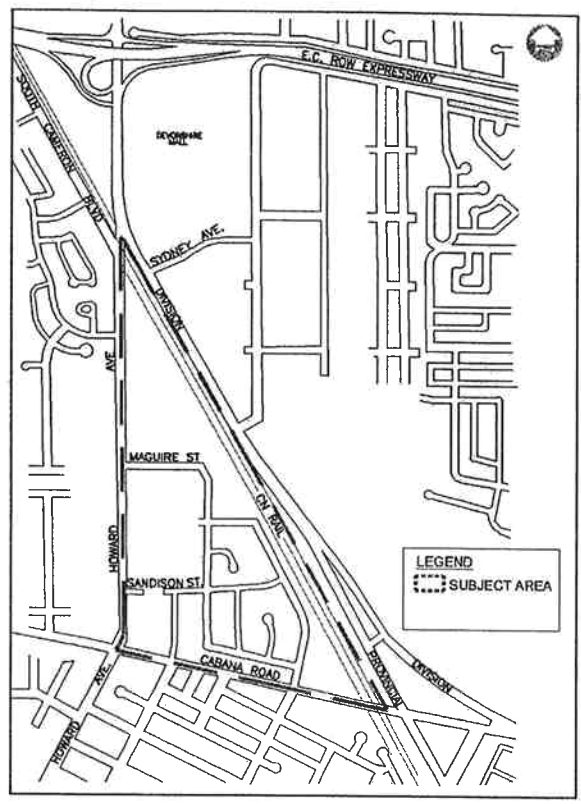


**City of Windsor  
Sandison Development Plan  
Notice of Public Information Centre**

Dillon Consulting Limited has been retained by the City of Windsor to complete a Development Plan for the Sandison Planning Area (see attached map). The area is located between Howard Avenue and the DRTTP Principal Mainline (formerly CN CASO) from Cabana Road East to the intersection of Howard Avenue and South Cameron Boulevard, and consists of existing residences, future residences, commercial uses and institutional uses located within this portion of the city.

The City of Windsor is conducting this project to formulate detailed planning policies for the development of this area and is holding a Public Information Session at the time and address noted below:

Wednesday October 6, 2004  
Roseland Public School  
620 Cabana Road East  
Windsor, ON  
4:30pm- 8:30pm



The public and affected agencies are invited to participate in this Information Session to review and provide input based on the alternative land use plans presented.

Further information can be obtained by contacting the representative listed below:

Mr. Haiqing Xu  
Corporation of the City of Windsor  
Strategic Services – Planning Department  
Telephone: (519) 255-6281 Ext. 6446  
Facsimile: (519) 255-6680  
Email: [hxu@city.windsor.on.ca](mailto:hxu@city.windsor.on.ca)

Mr. Karl Tanner  
Dillon Consulting Limited  
Senior Planner  
Telephone: (519) 948-5000 Ext. 256  
Facsimile: (519) 948-5054  
Email: [ktanner@dillon.ca](mailto:ktanner@dillon.ca)

This Notice issued October 2, 2004.

**Sandison Development Area  
Public Information Centre  
Mailing List**

Name	Mailing Address/Postal Code
Wendy Thompson	3687 Holburn Street Windsor, ON N9E 4T3
Pat & Winn Seguin	3233 Dominion Blvd. Windsor, ON N9E 2N6
Bruno Sfalcin	3661 Howard Avenue Windsor, ON N9E 3N6
Camille Pelchat	3783 Howard Avenue Windsor, ON N9E 3N8
Bill & Ingrid Taylor	995 Wallace Avenue Windsor, ON N9G 2P3
Peter Neice Community Planners Inc.	2109 Ottawa St. PO Box 24002 Windsor, ON N8Y 4Y9
Leonard Kent	555 Sandison Street Windsor, ON N9E 1R6
John Pritchard	3816 Tulip Court Windsor, ON N9E 4S8
Kathy Young	3828 Clara Windsor, ON N9E 4X6
Harriet Stone, Principal	Roseland Public School 620 Cabana Road East Windsor, ON Email: <a href="mailto:harriet_stone@gcdsb.on.ca">harriet_stone@gcdsb.on.ca</a>
Gordon Wonsch	345 Taylor Drive Windsor, ON N8N 4L5
Kenneth Wonsch	2865 Orion Ct. Windsor, ON N9E 2Z3
Pawel Lukawski	3953 Howard Avenue Windsor, ON N9G 1N9 Email: <a href="mailto:pawellukawski@sympatico.ca">pawellukawski@sympatico.ca</a>
Larry Cheshire	3390 Howard Avenue Windsor, ON N9E 3N5

Name	Mailing Address/Postal Code
Sean Delmore	3805 Maguire Windsor, ON N9E 4T2
Diane Kitowski	3884 Howard Avenue Windsor, ON N9G 1N7
A. Vitello	720 Lounsbrough Street Windsor, ON N9G 1E9
Vittorio & Rosa Lecce	831 Lounsbrough Street Windsor, ON N9G 1G2
Mario Marra	3338 Howard Avenue Windsor, ON N9E 3N5

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**APPENDIX B**

**PUBLIC INFORMATION CENTRE**

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Sandison Development Area  
Public Information Centre  
October 6, 2004

①

Record of Attendance  
(Please Print Neatly)

Name	Mailing Address/Postal Code
JENNY THOMPSON	3687 HOIBURN N9E 4T3
PAT & WINN SEGWIN	3233 DOMINION N9E 2N6
BRUNO SFALCINI	3661 HOWARD
CAMILLE PELOHAT	3783 HOWARD
BILL TAYLOR INGRID	995 WALLACE.
PETER NEICE	COMMUNITY PLANNERS INC. 2109 OTTAWA, P.O. BOX 24002 N8Y 4Y9.
LEONARD KENT	555 Sandison ST N9E 1R6
JOHN PRITCHARD	3816 TULIP COURT N9E 4S8
Kathy Yang	3828 Clara N9E 4X6
Harriet Stone	620 Cabana Rd East Rozeland School, Principal



Sandison Development Area  
Public Information Centre  
October 6, 2004

2

Record of Attendance  
(Please Print Neatly)

Name	Mailing Address/Postal Code
GORDON WONSCH	345 TAYLOR DR. WINDSOR N8N 4L5
PAWEL LUKAWSKI	3953 HOWARD AVE. N9G1N9 pawellukawski@sympatico.ca
KENNETH WONSCH	2865 ORION CR N9E 2Z3
LARRY CHESHIRE	3390 HOWARD AVE N9E 3N5



Sandison Development Area  
Public Information Centre  
October 6, 2004

3

Record of Attendance  
(Please Print Neatly)

Name	Mailing Address/Postal Code
SEAN DELMORE	3805 MAGUIRE N9E 4T2
Diane Kitowski	3884 Howard Ave. N9G1N7
A. Vitello	720 Chalmersborough N9G-1G7
VITTORIO ROSALECCE	831 HOUNSBOROUGH ST. N9G-1G2
MARIO MARBA	3338 HOWARD. 972-0647



**Sandison Development Area  
Public Information Centre  
October 6, 2004**

**Public Comments**

*Thank you for attending this public information centre. We trust you have found the information helpful in understanding the scope of this project. If you wish to provide further comments related to this project, you may complete this form and leave it at the door, or return to the address below.*

Please complete the following information for our records *(Please print neatly)*.

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

**Comments:** \_\_\_\_\_  
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**Mr. Karl Tanner, Senior Planner  
Dillon Consulting Limited  
3200 Deziel Drive  
Suite 608  
Windsor, Ontario  
N8W 5K8  
Telephone No.: (519) 948-5000  
Fax No.: (519) 948-5054  
email: [windsor@dillon.ca](mailto:windsor@dillon.ca)**



**SANDISON DEVELOPMENT AREA  
PUBLIC INFORMATION CENTRE**

**October 6, 2004**

**Questionnaire**

*Thank you for participating in this public information/consultation session. Your input is greatly valued and provides us with the insight and feedback we need to ensure the success of this project.*

*Please take a few minutes to complete this questionnaire. Your responses will provide us with additional information which will assist us with the preparation of the study.*

*Information from the questionnaires will be tabulated and incorporated as part of the study documentation.*

Please complete the following information for our records (**PLEASE PRINT**).

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Do you wish to be placed on our mailing list for future notification?      YES      NO

1. Which of the following best describes you?

- Property Owner in the Study Area
- Resident living in the Study Area
- Area Business representative
- Other: \_\_\_\_\_

2. In your assessment of the Sandison Development Area, please tell us what you believe are the best and worst aspects.

a) Best aspects:

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b) Worst aspects:

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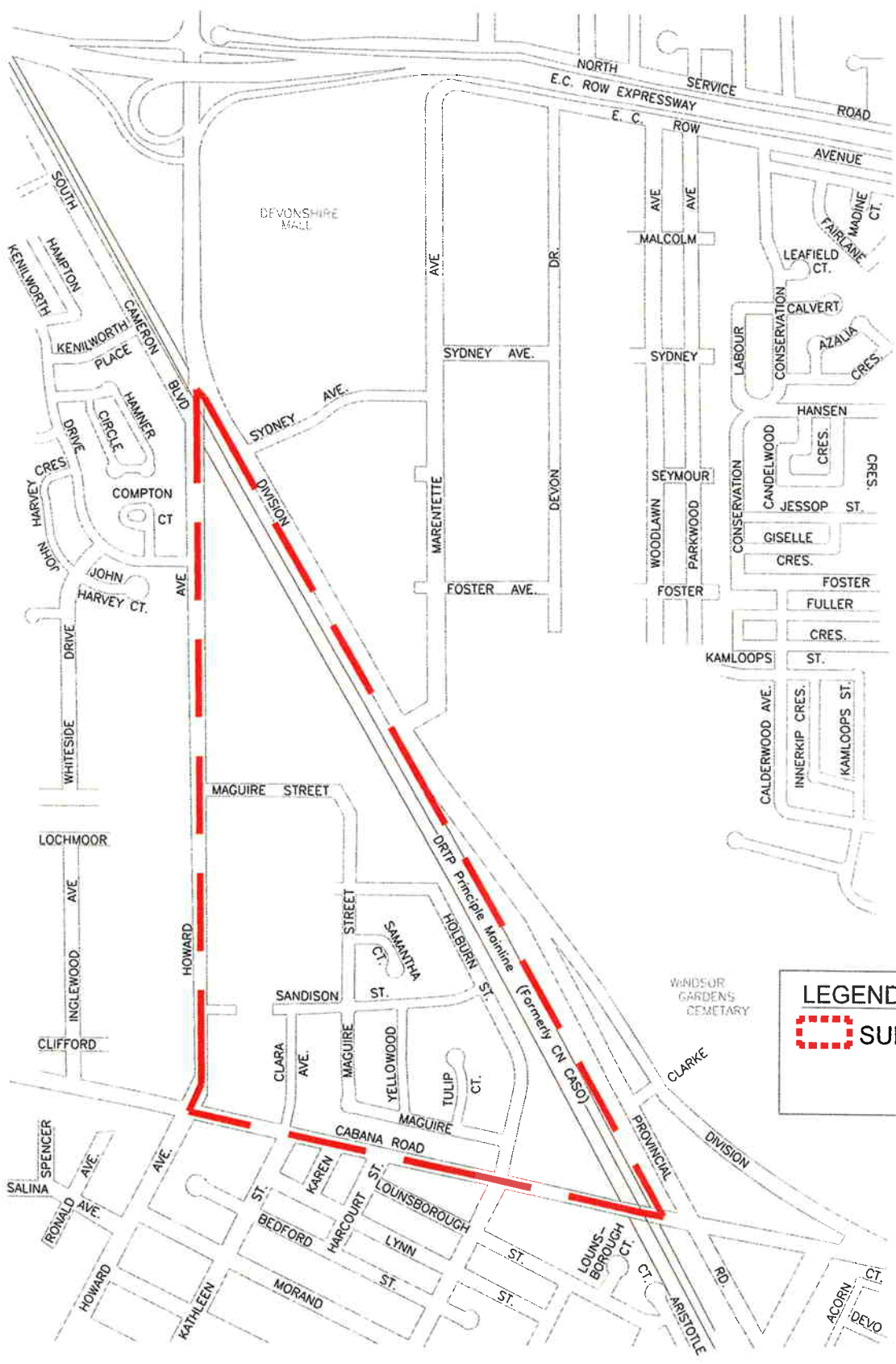
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**ADDITIONAL COMMENTS:**



**LEGEND**

 SUBJECT AREA

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September 28, 2004  
 Project No. 04-3609-1000  
 N.T.S.

**Sandison Development Plan**  
 in the City of Windsor

Site Location



## STUDY PURPOSE

The purpose of this study is to prepare background information necessary to support and prepare a secondary plan for the Sandison Development Area. This secondary plan will compliment the planning policies set out in the City of Windsor's Official Plan.

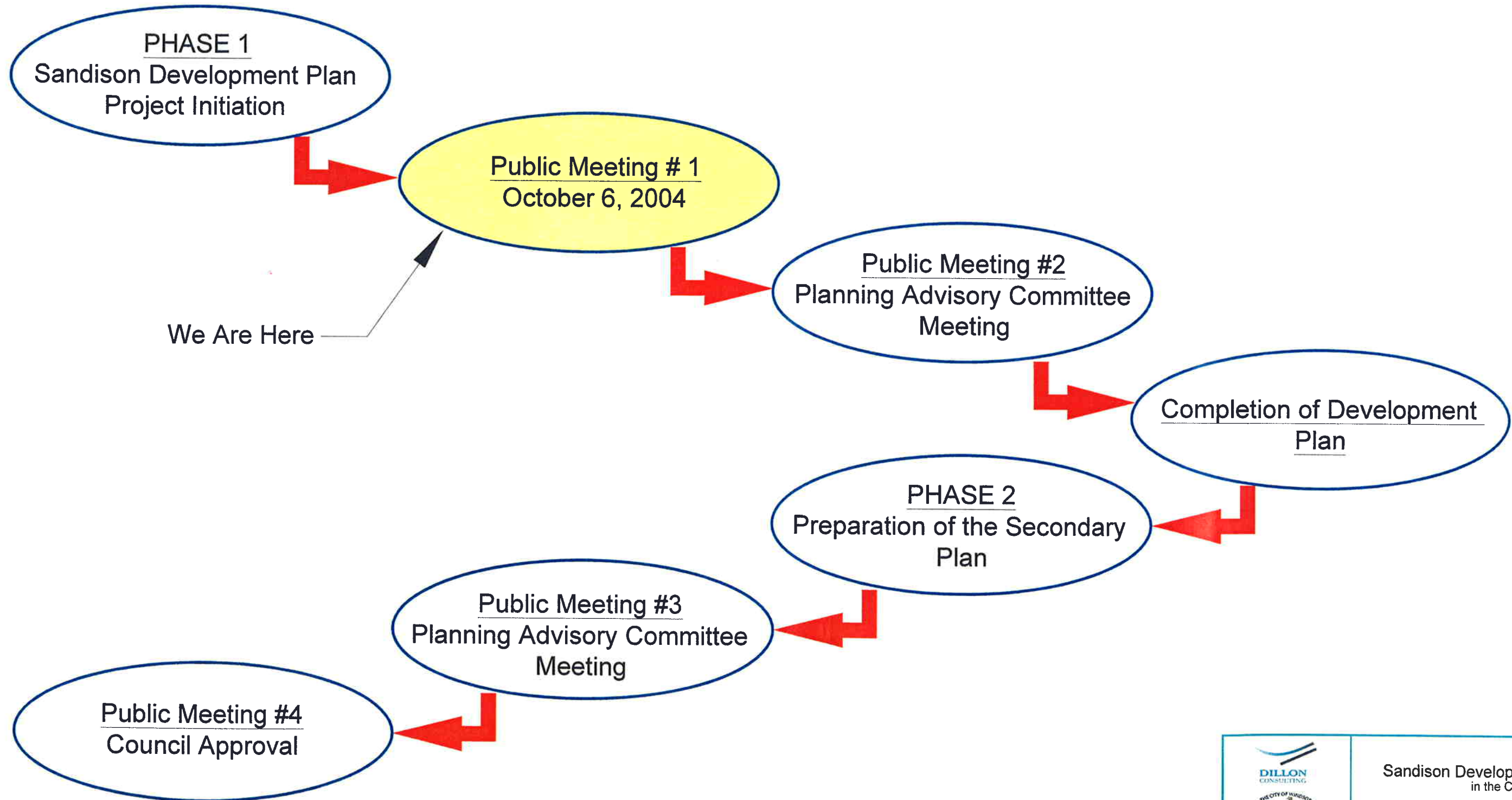
## STUDY OBJECTIVES

The objectives of this study are as follows:

- to apply existing planning directives as described in the City of Windsor's Official Plan;
- Provide guidelines for addressing planning issues specific to the Sandison Development Area;
- Ensure that any future development in the study area conforms to these policies/ guidelines and is done in an orderly and efficient fashion.

 	Sandison Development Plan in the City of Windsor
September 28, 2004 Project No. 04-3609-1000	Study Purpose and Objectives

# DEVELOPMENT PLAN PROCESS



Oct 06, 2004 - 9:41am C:\CAO\043609\3609-Policies.dwg

  September 28, 2004 Project No. 04-3609-1000	Sandison Development Plan in the City of Windsor
	Development Plan Process

## OPEN SPACE POLICIES\*:

- To satisfy the year-round recreation and leisure need of Windsor residents;
- To protect and enhance Windsor's existing Open Space, while planning for future recreation and leisure needs;
- To ensure the proper distribution, siting and design of Open Space;
- To ensure that new Open Space complements and, where possible, is linked to other components of the Greenway System.

- \* - Exerpts from the City of Windsor's Official Plan: Volume 1
- Date of Approval: March 28, 2000

  September 28, 2004 Project No. 04-3609-1000	Sandison Development Plan in the City of Windsor
	Open Space Policies

## COMMERCIAL CORRIDOR POLICIES\*:

- Land uses permitted within designation are primarily retail and service oriented land uses, and to a lesser extent, office uses;
- Commercial Corridor development shall be located where:
  - 1) there is access to Class I or II Arterial Roads or Class I Collector Roads;
  - 2) full municipal physical services can be provided; and
  - 3) commercial related traffic can be directed away from residential areas.

## INSTITUTIONAL POLICIES\*:

- To ensure that all institutional uses are strategically located within Windsor to be both accessible and act as neighbourhood focal points;
- To ensure that institutional uses are developed in a manner which are compatible with adjacent land uses;
- To encourage institutional uses to be complimentary to the open space needs of residents;
- Minor Institutional uses include elementary schools, day nurseries and places of worship.

- \* - Exerpts from the City of Windsor's Official Plan: Volume 1
- Date of Approval: March 28, 2000

 DILLON CONSULTING  THE CITY OF WINDSOR	Sandison Development Plan in the City of Windsor
	Commercial Corridor and Institutional Policies

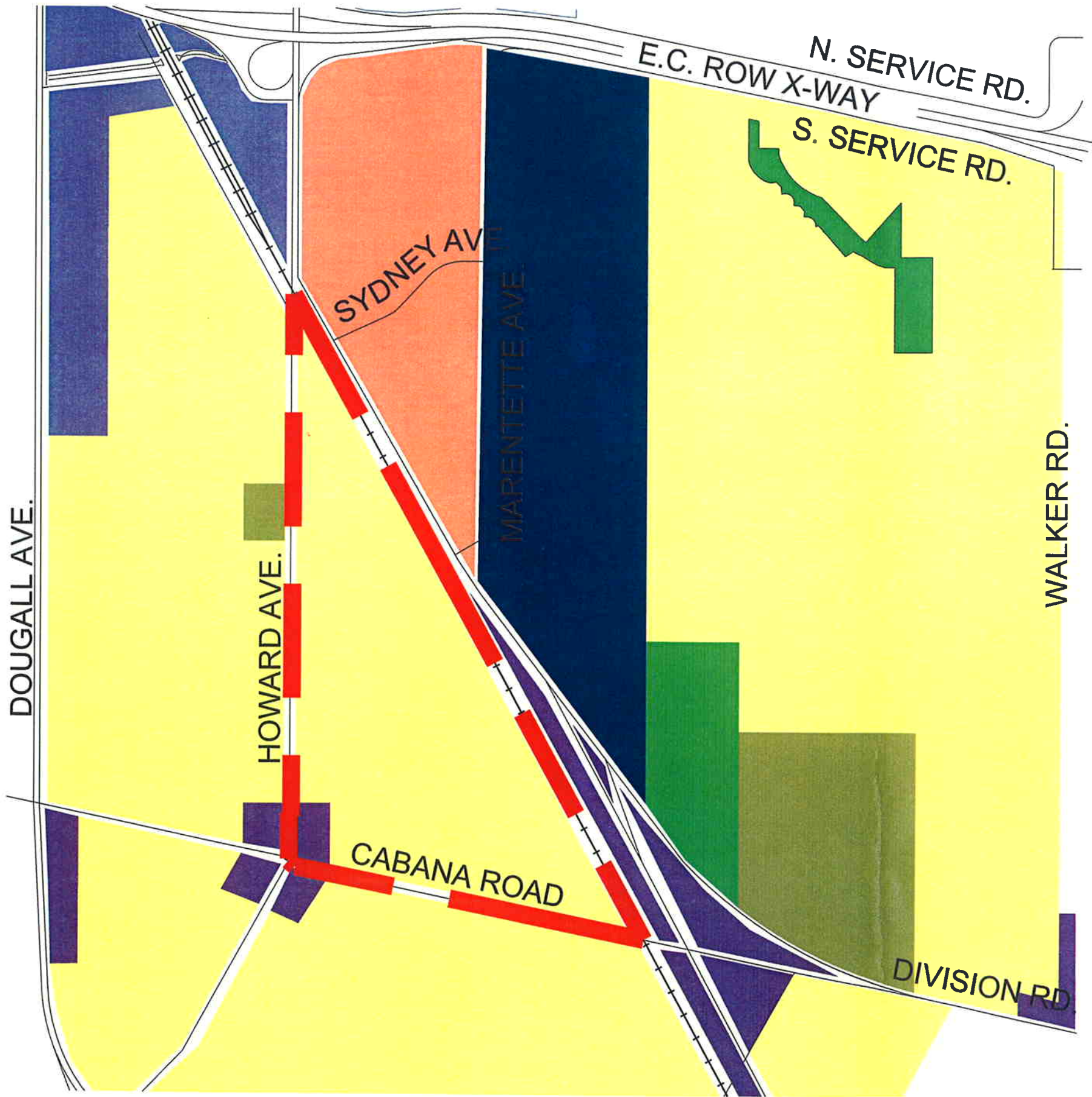
September 28, 2004  
Project No. 04-3609-1000

## RESIDENTIAL POLICIES\*:

- To promote selective residential redevelopment, infill and intensification initiatives;
- 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 the Official Plan;
- To permit low profile dwelling units in the development area;
  - i.e. Small scale forms such as single detached dwellings
- Residential development shall be located where:
  - 1) there is access to a collector or arterial road;
  - 2) full municipal services can be provided;
  - 3) adequate community services and open spaces are available or planned; and
  - 4) public transportation service can be provided.

\* - Exerpts from the City of Windsor's Official Plan: Volume 1  
- Date of Approval: March 28, 2000

  September 28, 2004 Project No. 04-3609-1000	Sandison Development Plan in the City of Windsor
	Residential Policies

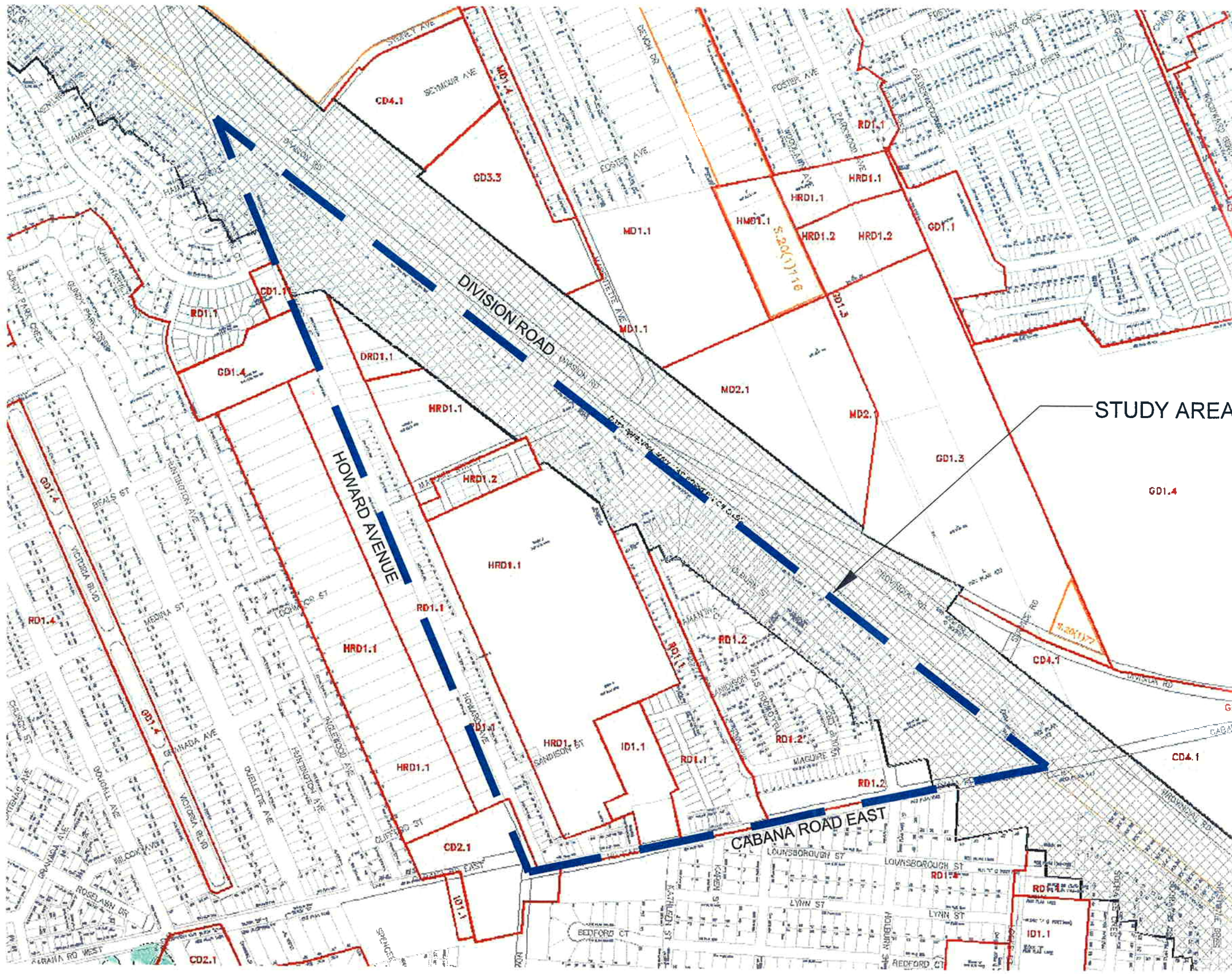


SCHEDULE D: LAND USE LEGEND			
RESIDENTIAL		OPEN SPACE	
WATERFRONT RESIDENTIAL		WATERFRONT RECREATION	
MIXED USE		NATURAL HERITAGE	
SUBJECT AREA		BUSINESS PARK	
		WATERFRONT PORT	
		INDUSTRIAL	
		MAJOR INSTITUTIONAL	
		COMMERCIAL CENTRE	
		COMMERCIAL CORRIDOR	

City of Windsor Official Plan: Volume I  
Date of Approval: March 28, 2000

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  September 28, 2004 Project No. 04-3609-1000	Sandison Development Plan in the City of Windsor
	Official Plan Designations





### LEGEND

- RD - Residential District
- CD - Commercial District
- GD - Green District
- ID - Institutional District
- MD - Manufacturing District
- H - Holding Category
- Railway Setback Areas (Lands subject to special provisions)

STUDY AREA

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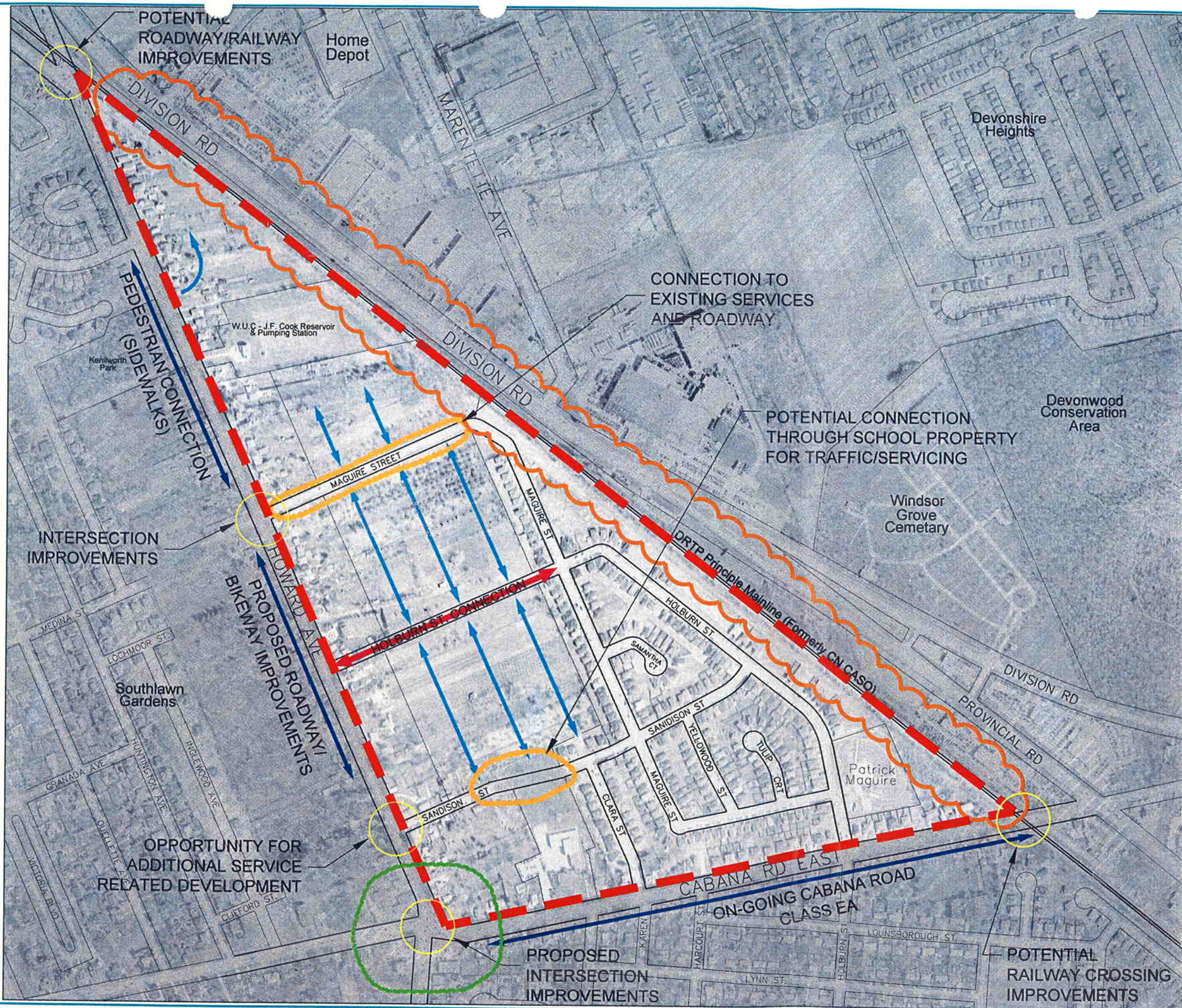



September 28, 2004  
Project No. 04-3609-1000





Sandison Development Plan  
in the City of Windsor



Existing Zoning

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**LEGEND**

-  PROPERTY CONSOLIDATION/ COOPERATION REQUIRED FOR SERVICING/DEVELOPMENT
-  POTENTIAL NOISE/VIBRATION ISSUES
-  COMMERCIAL DEVELOPMENT
-  STUDY AREA

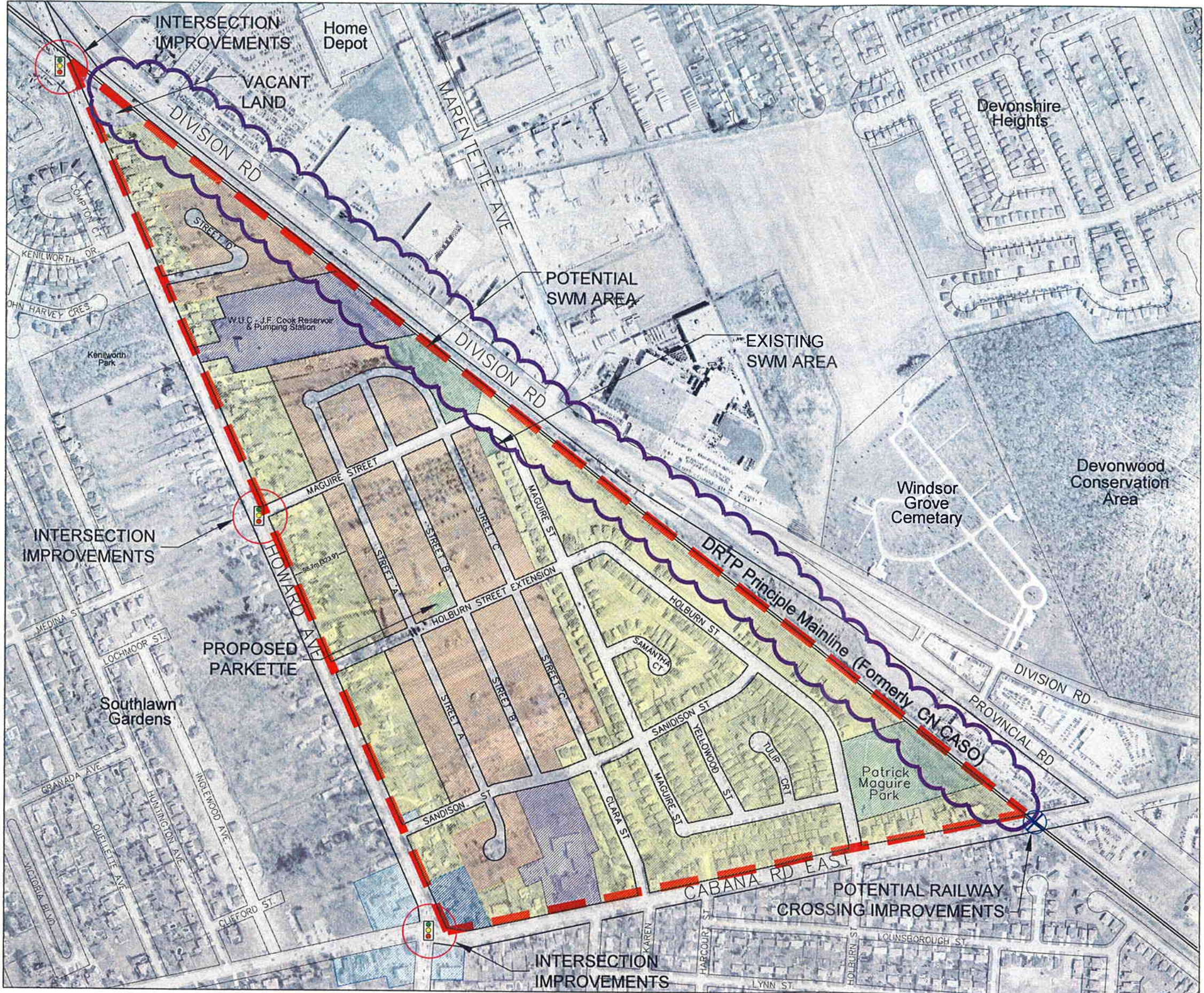



September 28, 2004  
Project No. 04-3609-1000












Sandison Development Plan  
in the City of Windsor

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Issues and Constraints



**LEGEND**

-  Existing Residential
-  Proposed Residential
-  Existing Institutional
-  Existing Commercial
-  Proposed Commercial
-  Existing Open Space/SWM Area
-  Proposed Open Space/SWM Area
-  Proposed Intersection Improvements
-  Noise/ Vibration Attenuation
-  Potential Railway Crossing Improvements
-  Study Area

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September 28, 2004  
Project No. 04-3609-1000

Sandison Development Plan  
in the City of Windsor

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Conceptual Development Plan



Photo 1 - Looking South Along Howard Avenue

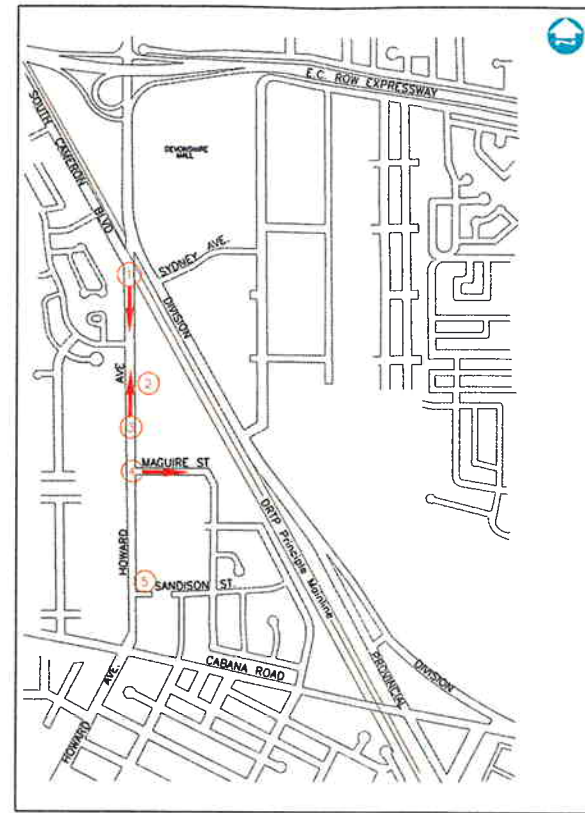


Photo 5- Existing Commercial Along Howard Avenue



Photo 2- J.F. Cook Reservoir and Pumping Station



Photo 3 -Looking North Along Howard Avenue



Photo 4- Howard Avenue at Maguire Street

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 <p>September 28, 2004 Project No. 04-3609-1000</p>	<p>Sandison Development Plan in the City of Windsor</p> <hr/> <p>Surrounding Land Use Photos</p>
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Photo 6 - Looking East Along Sandison Street



Photo 7- Howard Avenue/Cabana Road Intersection

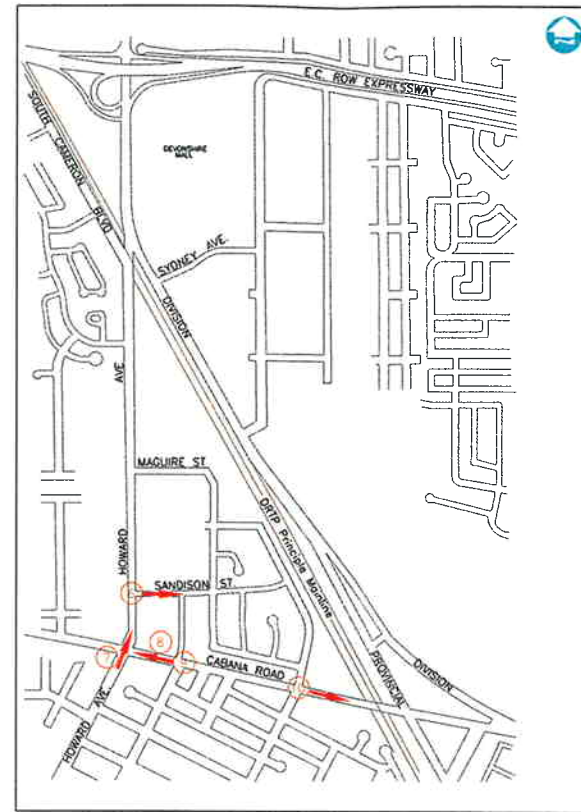


Photo 8 -Roseland Public School - 620 Cabana Road East



Photo 10- Looking East Along Cabana Road from Holburn Street



Photo 9- Looking West Along Cabana Road from Clara Avenue

Oct 06, 2004 - 8:37am C:\CAD\04\609\3609-Photos.dwg

DILLON CONSULTING  
THE CITY OF WINDSOR  
September 28, 2004  
Project No. 04-3609-1000

Sandison Development Plan  
in the City of Windsor

Surrounding Land Use Photos



Photo 11 - Maguire Park

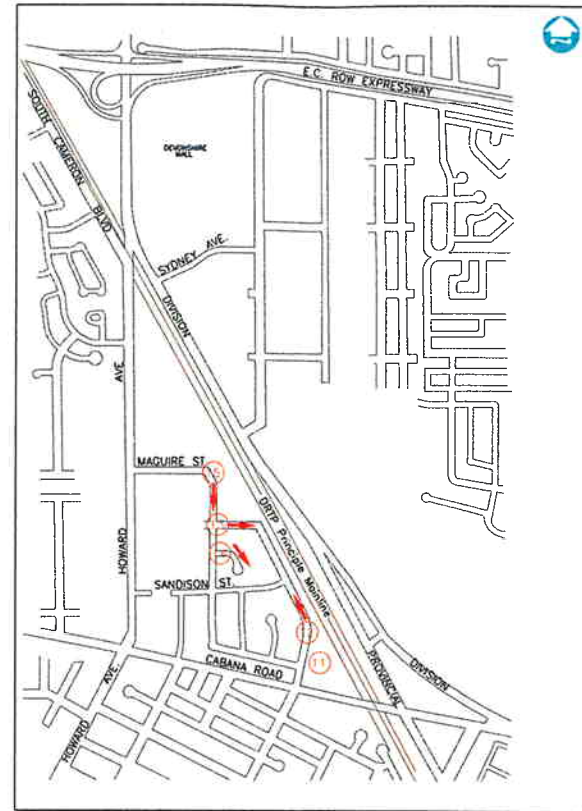


Photo 15- Looking South Along Maguire Street



Photo 12- Looking North on Holburn Street





Photo 13 -Holburn Street at Maguire Street



Photo 14- Looking East Along Samantha Ct.

Oct. 05, 2004 - 8:37am G:\CAD\04-3609\3609-Photos.dwg

  September 28, 2004 Project No. 04-3609-1000	Sandison Development Plan in the City of Windsor
	Surrounding Land Use Photos



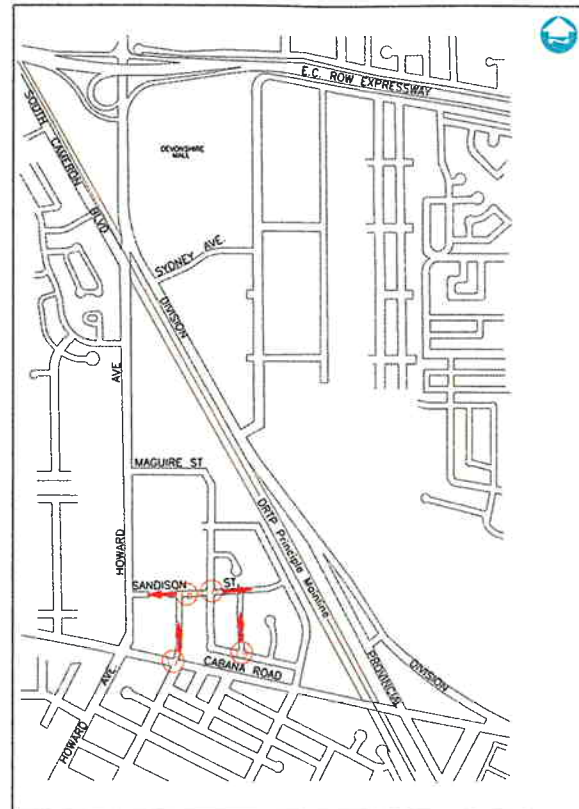
2004/07/30

Photo 16 - Sandison Street at Maguire Street



2004/07/30

Photo 17- Looking North on Clara Avenue



2004/07/30



Photo 19- Looking North Along Yellowood Street



2004/07/30

Photo 18 -Looking Southwest from Sandison Street

Oct 06, 2004 - 8:37am C:\CAD\043609\3609-Photos.dwg

  September 28, 2004 Project No. 04-3609-1000	<b>Sandison Development Plan</b> in the City of Windsor
	Surrounding Land Use Photos

Sandison Development Area  
Public Information Centre  
October 6, 2004

Public Comments

Thank you for attending this public information centre. We trust you have found the information helpful in understanding the scope of this project. If you wish to provide further comments related to this project, you may complete this form and leave it at the door, or return to the address below.

Please complete the following information for our records (Please print neatly).

Name: Larry Ct. Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: \_\_\_\_\_

- copy of ownership of Howard Ave - send him  
copy.

- Southameron Rd allowance next to rail line  
group near intersection @ Howard.

- ~~up~~ north of pumping station

- width of rail line property - to rd allow -

Mr. Karl Tanner, Senior Planner  
Dillon Consulting Limited  
3200 Deziel Drive  
Suite 608  
Windsor, Ontario  
N8W 5K8  
Telephone No.: (519) 948-5000  
Fax No.: (519) 948-5054  
email: [windsor@dillon.ca](mailto:windsor@dillon.ca)



**Sandison Development Area  
Public Information Centre  
October 6, 2004**

**Public Comments**

*Thank you for attending this public information centre. We trust you have found the information helpful in understanding the scope of this project. If you wish to provide further comments related to this project, you may complete this form and leave it at the door, or return to the address below.*

Please complete the following information for our records (*Please print neatly*).

Name: Harriet Stone Address: 620 Cabana Rd E.  
Telephone: 969-3250 e mail: Harriet\_Stone@citysb.on.ca

**Comments:**

*As principal of Roseland School I am concerned about the proposal to push Sandison through to Howard. This would result in a substantial loss of school playground area and put a busy road as a boundary to an area where 620 children play daily.*

Mr. Karl Tanner, Senior Planner  
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Please complete the following information for our records *(Please print neatly)*.

Name: PAUL LUKAWSKI Address: 3953 HOWARD.

Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: • LOOK AT TRAFFIC GENERATION FROM THIS  
AREA

\* IMPACT ON CABALS / HOWARD.

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Please complete the following information for our records *(Please print neatly)*.

Name: Bill Ingrid Taylor Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: - COMMERCIAL AT MAGUIRE  
- ABILITY TO CONNECT TO MAGUIRE (ROADWAY & SERVICES).  
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Please complete the following information for our records *(Please print neatly)*.

Name: SEAN DELMORES Address: 3005 MAGUIRE

Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: DOESN'T WANT TO SEE SANDISON STREET TO  
GO THROUGH OR THE TRIP TO BE CONSTRUCTED

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Sandison Development Area  
Public Information Centre  
October 6, 2004

Public Comments

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Please complete the following information for our records (Please print neatly).

Name: BRUNO SFALCIN Address: 3661 HOWARD AVE.  
Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

- Comments:
- NEED MORE GREENSPACE IN THE AREA.
  - 5% PARKS - WANTS MORE THAN THE MINIMUM STANDARDS.
  - WANTS 12% ADDITIONAL ~~AREA~~ GREEN SPACE WITH TREE CANOPY (NATIVE TREES).
  - CONCERNED ABOUT COMMUNITY
    - DISCOURAGE TRAFFIC FROM OTHER AREAS OF THE CITY, LOCALS, ABERG, ETC.
    - RESIDENTIAL AREAS NOT AS THOROUGHLY FOR ABERG / LOCALS TRAFFIC SHOULD GO THROUGH CENTRE OF COMMUNITY (HOWARD / CABANA)
    - AREA ALREADY CONGESTED WITH TRAFFIC AND NO TRUCKS ON HOWARD / CABANA.
  - \* TAKE CARE OF THE ROADS FIRST BEFORE ROADS.
  - \* CITY SHOULD BE PROACTIVE WITH GREENSPACE AND ROADS.
  - \* CONCERNED ABOUT HEALTH, ~~VIABILITY~~ AND SAFETY.

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- MOVE TRAFFIC FROM HOWARD (SOUTH) TO DOUGALL. BYPASSED BY OUTSIDE TRAFFIC.



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Public Information Centre  
October 6, 2004**

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Please complete the following information for our records *(Please print neatly)*.

Name: Bruce Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: \_\_\_\_\_

- planning of future layouts promotes the developers  
to pressure residents into selling  
- original residents are important & should  
be listened to  
- lands are being 'stolen' from people in  
sneaky way & are forcing them out before  
they are ready.

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Sandison Development Area  
Public Information Centre  
October 6, 2004

Public Comments

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Please complete the following information for our records (Please print neatly).

Name: Bruno S. Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: \_\_\_\_\_

- smart growth = urban sprawl
- go back to sustainable dev
- dont steal assets from our children that belong to them
- green space should be high canopy trees - not to area
- need for sustainable future
- bike lanes/multi-use trails important
- less auto-oriented -> need to get to people oriented
- imp. in sidewalks

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Public Information Centre  
October 6, 2004**

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Please complete the following information for our records (Please print neatly).

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: \_\_\_\_\_

- waiting 20 yrs for proper infrastructure -
- pedestrians important
- downsize roadway.
- w/ commercial areas - need green space.
- balance west & east side of roads. (Howard)  
- lot depths
- save the area - "character"
- @ school - any land taken from school  
should be replaced along the  
side

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**Sandison Development Area  
Public Information Centre  
October 6, 2004**

**Public Comments**

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Please complete the following information for our records (Please print neatly).

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: \_\_\_\_\_

- Howard Ave - should be designated as collector rd - doesn't fit definition of arterial

- if individual want to designate their area as "green space"

- protect privately owned green spaces

- Cow - not protecting green space.

- corner of Howard & Cabana - keep Cow lands to East - leave as parkette - trees.

- Keep trees.

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**Sandison Development Area  
Public Information Centre  
October 6, 2004**

**Public Comments**

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Please complete the following information for our records (Please print neatly).

Name: \_\_\_\_\_ Address: \_\_\_\_\_

Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

**Comments:**

- protect 'Roseland Community'
- "Signs" - trees, space for residents
- cornerstone - like BIA (ie Old Sandwich)
- preserve 'character' - green space -  
- lg areas saved.
- need for environmental planner @ Cowi
- tree planting plans needed - old growth trees
- bike trails / Blvd to trees / lg sidewalks
- draw traffic away from Howard / Cab. trnt
- encouraging developers to harass owner to sell

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**Sandison Development Area  
Public Information Centre  
October 6, 2004**

**Public Comments**

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Please complete the following information for our records (Please print neatly).

Name: \_\_\_\_\_ Address: \_\_\_\_\_  
Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Comments: \_\_\_\_\_

- green spaces - not only parklands,  
- naturalized areas
- leave as deep lots where possible
- 500'-1000' lots on Howard - keep character - as lg - aspt
- regulations not to subdivide any further
- beauty of area important
- private areas - more likely to have bird habitats.
- less concrete
  
- waiting for proper infrastructure
  - curbs/gutters/sidewalks
  - 3 lane road
  - lg Blvd - tree areas

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**Sandison Development Area  
Public Information Centre  
October 6, 2004**

**Public Comments**

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Please complete the following information for our records *(Please print neatly)*.

Name: PAT SEGUIN Address: 3233 DOMINION BLVD  
Telephone: 969-4468 e mail: \_\_\_\_\_

Comments: \_\_\_\_\_  
\_\_\_\_\_  
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SANDISON DEVELOPMENT AREA  
PUBLIC INFORMATION CENTRE  
October 6, 2004  
Questionnaire

RECEIVED

OCT 13 2004

DILLON CONSULTING  
LIMITED

Thank you for participating in this public information/consultation session. Your input is greatly valued and provides us with the insight and feedback we need to ensure the success of this project.

Please take a few minutes to complete this questionnaire. Your responses will provide us with additional information which will assist us with the preparation of the study.

Information from the questionnaires will be tabulated and incorporated as part of the study documentation.

Please complete the following information for our records (PLEASE PRINT).

Name: CAMILLE PELCHAT Address: 3783 HOWARD AVE.  
Telephone: 969-8644 e mail: \_\_\_\_\_

Do you wish to be placed on our mailing list for future notification?

YES

NO

1. Which of the following best describes you?

- Property Owner in the Study Area  
 Resident living in the Study Area  
 Area Business representative  
 Other: \_\_\_\_\_

2. In your assessment of the Sandison Development Area, please tell us what you believe are the best and worst aspects.

a) Best aspects:

LOOKING AT THE POINT VIEW OF A DEVELOPER OR LOOKING TO DEVELOP AND UTELIZE EVERY GREEN SPACES WITHIN THIS COMMUNATY YOU HAVE PROVEN WITH YOUR PROPOSAL THAT IT CAN BE DONE

b) Worst aspects:

OUR COMMUNATY IS GETTING FURTHER IMPACTED WITH LOSE OF GREEN SPACE RECENTLY WE LOST CANDIDATE HERITAGE SIT #25, THE CORNER OF HOWARD AVE. AND CABANA SHOULD BECOME A GREEN SPACE A PEOPLE PLACE A PLACE TO PLANT TREES NOT COMMERCIAL DID WE LOOK AT THE PUBLIC TRANSPORTATION SIDE OF THIS PROPOSAL

ADDITIONAL COMMENTS:

I DONT DISAGRE WITH THIS PROCESS  
BUT I FIND ITS PUTTING PRESSURE ON  
THE RESIDENTS OF THE PROPOSED STUDY AREA.  
DEVELOPERS HAVE BEEN BUYING PROPERTIES  
AND APPROACHING RESIDENTS OF THIS  
NEIGHBORHOOD TO SELL THERE HOMES  
I HAVE SPOKEN TO MY NEIGHBORS AND  
VERIFIED THIS TO BE THE REALITY THAT  
EXISTS WITHIN THIS COMMUNITY  
A GAIN MONEY IS THE MOTIVATOR  
ITS TIME TO LOOK AT THIS OLD ESTABLISHED  
NEIGHBORHOODS WITHIN OUR CITY  
AND PRESERVE NOT DESTROY THEM.  
FOR THE UNIQUE CHARACTER OF THIS  
NEIGHBORHOOD IS IMPORTANT TO US  
OUR LARGE TREES AND  
OUR LARGE PRIVATELY OWNED GREEN SPACES  
MUST BE PROTECTED

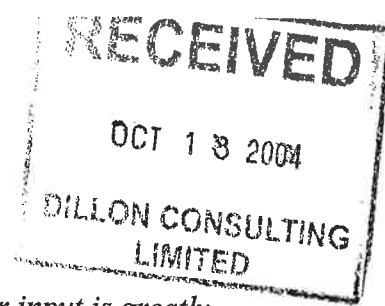
Camille Delo

OCT, 12 / 04

**SANDISON DEVELOPMENT AREA  
PUBLIC INFORMATION CENTRE**

**October 6, 2004**

**Questionnaire**



*Thank you for participating in this public information/consultation session. Your input is greatly valued and provides us with the insight and feedback we need to ensure the success of this project.*

*Please take a few minutes to complete this questionnaire. Your responses will provide us with additional information which will assist us with the preparation of the study.*

*Information from the questionnaires will be tabulated and incorporated as part of the study documentation.*

Please complete the following information for our records (**PLEASE PRINT**).

Name: D. Kitowski Address: 3884 Howard Ave.  
Telephone: \_\_\_\_\_ e mail: \_\_\_\_\_

Do you wish to be placed on our mailing list for future notification? YES NO

1. Which of the following best describes you?

- Property Owner in the Study Area
- Resident living in the Study Area
- Area Business representative
- Other: Resident

2. In your assessment of the Sandison Development Area, please tell us what you believe are the best and worst aspects.

a) Best aspects:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Worst aspects:  
\_\_\_\_\_  
Refer to addition/comments.  
\_\_\_\_\_  
\_\_\_\_\_

**SANDISON DEVELOPMENT AREA  
PUBLIC INFORMATION CENTRE  
October 6, 2004  
Questionnaire**

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*Information from the questionnaires will be tabulated and incorporated as part of the study documentation.*

Please complete the following information for our records (**PLEASE PRINT**).

Name: JOHN PRITCHARD Address: 3816 Tulip Court  
Telephone: 250-1871 e mail: \_\_\_\_\_

Do you wish to be placed on our mailing list for future notification?  YES  NO

1. Which of the following best describes you?

- Property Owner in the Study Area
- Resident living in the Study Area
- Area Business representative
- Other: \_\_\_\_\_

2. In your assessment of the Sandison Development Area, please tell us what you believe are the best and worst aspects.

a) Best aspects:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

b) Worst aspects:

- TAXES.  
\_\_\_\_\_  
- IN ALL THAT LAND THEY ONLY  
PUT IN ONE CULDESAC.  
CULDESACS ARE GREAT.  
\_\_\_\_\_

SANDISON DEVELOPMENT AREA  
PUBLIC INFORMATION CENTRE

October 6, 2004

Questionnaire

Thank you for participating in this public information/consultation session. Your input is greatly valued and provides us with the insight and feedback we need to ensure the success of this project.

Please take a few minutes to complete this questionnaire. Your responses will provide us with additional information which will assist us with the preparation of the study.

Information from the questionnaires will be tabulated and incorporated as part of the study documentation.

Please complete the following information for our records (PLEASE PRINT).

Name: Harriet Stone Address: 620 Cabana Rd. East  
Telephone: 969-3250 e mail: \_\_\_\_\_

Do you wish to be placed on our mailing list for future notification?  YES  NO

1. Which of the following best describes you?

- Property Owner in the Study Area
- Resident living in the Study Area
- Area Business representative
- Other: Principal, Roseland School.

2. In your assessment of the Sandison Development Area, please tell us what you believe are the best and worst aspects.

a) Best aspects:

Area is being examined.

b) Worst aspects:

Plan to push Sandison through to Howard Ave and therefore substantially reducing the area of our already crowded playground.

**Sandison Development Area  
Public Information Centre  
Comment Summary**

Name	Comment
Harriet Stone	<ul style="list-style-type: none"> <li>- As principal of Roseland School, I am concerned about the proposal to push Sandison through to Howard. This would result in a substantial loss of school playground area and put a busy road as a boundary for an area where 620 children play daily.</li> </ul>
Larry Cheshire	<ul style="list-style-type: none"> <li>- Requests a copy of Howard Avenue Ownership and the width of the railway property.</li> <li>- Noted that there is a Road allowance (S.Cameron) between the rail line and his property, north of the pumping station.</li> </ul>
Paul Lukawski	<ul style="list-style-type: none"> <li>- look at traffic generation from this area</li> <li>- impact on Cabana/Howard</li> </ul>
Bill & Ingrid Taylor	<ul style="list-style-type: none"> <li>- Commercial at Maguire</li> <li>- Ability to connect to Maguire (roadway &amp; services)</li> </ul>
Sean Delmore	<ul style="list-style-type: none"> <li>- doesn't want to see Sandison Street to go through or the DRTP to be constructed</li> </ul>
Bruno Sfalcin	<ul style="list-style-type: none"> <li>- need more green space in the area</li> <li>- 5% parks – wants more than the minimum standards</li> <li>- wants 12% additional green space with tree canopy (native trees)</li> <li>- concerned about community:               <ul style="list-style-type: none"> <li>- discourage traffic from other areas of the City, LaSalle, Amherstburg, etc.</li> <li>- residential area not a thoroughfare; A'burg, LaSalle traffic should not go through centre of community (Howard/Cabana)</li> <li>- area already congested with traffic and there should be no trucks on Howard/Cabana</li> </ul> </li> <li>- Take care of the existing roads first before building new ones</li> <li>- City should be proactive with green space and roads</li> <li>- Concerned about health and serenity</li> <li>- More traffic directed from Howard (South) to Dougall. Area bypassed by outside traffic</li> <li>- Planning of future layouts promotes the developers to pressure residents into selling, lands are being 'stolen' from people in sneaky ways and are forcing them out before they are ready</li> <li>- Original residents are important and should be listened to</li> <li>- smart growth = urban sprawl – go back to sustainable development</li> <li>- don't steal assets from our children that belong to them</li> <li>- green space should be a high canopy trees – native to the area</li> <li>- need bike lanes/multi-use trails/sidewalks – very important</li> </ul>

Name	Comment
Miscellaneous Comments	<ul style="list-style-type: none"> <li>- Residents have been waiting 20 years for proper infrastructure               <ul style="list-style-type: none"> <li>- i.e. curbs, gutters, sidewalks, 3 lane road, large boulevard with trees</li> </ul> </li> <li>- pedestrians are important</li> <li>- proposed Howard Ave. should be downsized</li> <li>- need green space within commercial areas</li> <li>- balance the west and east side of road (Howard) – similar lot depths</li> <li>- save the ‘character’ of the area</li> <li>- any land that is taken from the rear of the school should be replaced along the side</li> <li>- Howard Avenue should be designated as collector road – doesn’t fit the definition of arterial road</li> <li>- if individuals want to designate their lands as green space they should be allowed to               <ul style="list-style-type: none"> <li>- protect privately owned green space</li> <li>- City not protecting green space</li> </ul> </li> <li>- corner of Howard and Cabana – City lands – leave as parkette/treed</li> <li>- protect the Roseland Community – signs, trees, space for residents, similar to BIA’s (i.e. Olde Sandwich)</li> <li>- need for environmental planner at the City, tree saving plans, old growth tree areas</li> <li>- draw traffic away from Howard/Cabana Intersection</li> <li>- this is encouraging developers to harass owners to sell their lands</li> <li>- green spaces are not only parks but natural areas and should be protected</li> <li>- leave deep lots wherever possible (500-600’ deep)</li> <li>- need for regulations not to subdivide these properties any further</li> <li>- beauty of area important</li> <li>- bird habitats are often located in these long lots of nature area</li> <li>- parks should not be a ‘sea of concrete’</li> </ul>

# FACSIMILE

Telephone: (519) 948-5000  
Facsimile: (519) 948-5054  
Email Address: windsor@dillon.ca



3200 Deziel Drive,  
Suite 608, Windsor, Ontario,  
N8W 5K8

TO: Sante Salvador DATE: OCT 4, 2004  
ORGANIZATION: Mel Williams & Salvador FAX NO: 258-7384  
FROM: Melanie Laforet TOTAL PAGES: 2  
RE: Sandison Development Area  
DILLON PROJECT # 04.3609.1000

*This facsimile message is intended only for the named recipient(s) above and may contain information that is privileged, confidential and/or exempt from disclosure under applicable law. If you have received this message in error, or are not the named recipient(s), please immediately notify the sender at (519) 948-5000.*

As Requested  For Information  For Review/Comments  Other \_\_\_\_\_

Sante,

Please find attached a copy of the Notice of Public Info Centre for the Sandison Development Area, as it appeared in the Windsor Star on Saturday Oct. 2, 2004.

If you have any questions or concerns, please feel free to contact me.

Sincerely  
Melanie

cc: \_\_\_\_\_

## SERVICES

- Infrastructure**
  - Highways, Roads and Bridges
  - Solid and Hazardous Waste
  - Water Supply
  - Waste Water Treatment
  - Transit/Airports/Railways
  - Utilities
  - Power Distribution
  - Dams/Weirs/Channels
  - Ports/Harbours
  - Infrastructure Plans and Policies
  - Environmental Assessment
- Communities**
  - Community Plans and Policies
  - Transportation Plans and Policies
  - Land Development
  - Site Development/Redevelopment
  - Site Access and Parking
  - Traffic Management
  - Parks and Open Space
  - Tourism
  - Economic Development
- Environment**
  - Site and Facility Audit/ Remediation/ Rehabilitation
  - Hydrogeology
  - Terrestrial and Aquatic Habitats
  - Watersheds and Ecosystems
  - Water Resources
  - Cultural Resources
  - Mineral Aggregates
  - Training
  - Environmental and Resource Plans / Policies / Assessments
- Facilities**
  - Building Design
  - Architecture
  - Electrical
  - Mechanical
  - Instrumentation and Control
  - Process Waste Treatment
  - Industrial Hygiene
  - Air Pollution Control
  - Energy Management
  - Facility Management



**DILLON**  
CONSULTING

## City of Windsor Sandison Development Plan Notice of Public Information Centre

Dillon Consulting Limited has been retained by the City of Windsor to complete a Development Plan for the Sandison Planning Area (see attached map). The area is located between Howard Avenue and the DRTP Principal Mainline (formerly CN CASO) from Cabana Road East to the intersection of Howard Avenue and South Cameron Boulevard, and consists of existing residences, future residences, commercial uses and institutional uses located within this portion of the city.

The City of Windsor is conducting this project to formulate detailed planning policies for the development of this area and is holding a Public Information Session at the time and address noted below:

Wednesday October 6, 2004  
Roseland Public School  
620 Cabana Road East  
Windsor, ON  
4:30pm- 8:30pm

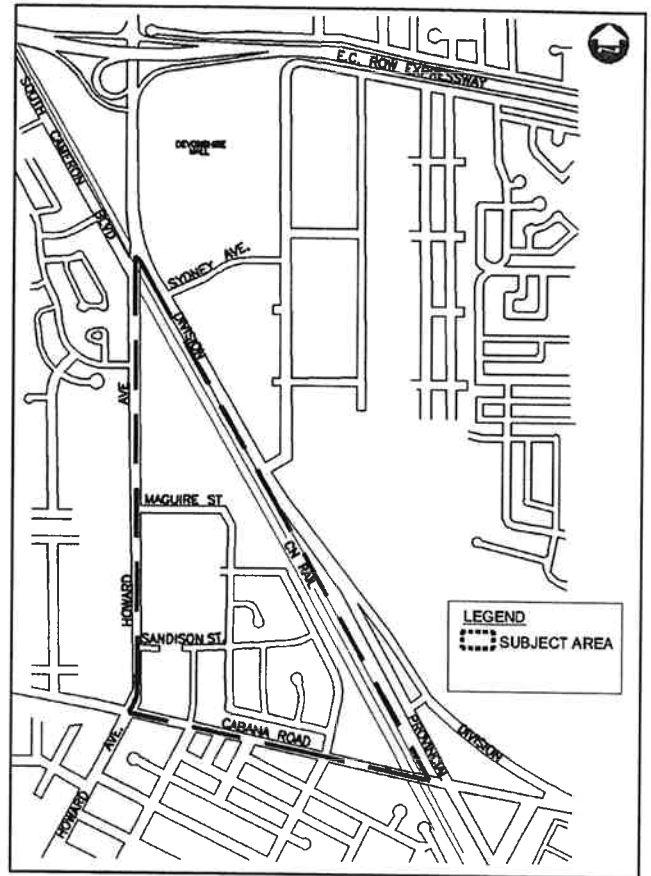
The public and affected agencies are invited to participate in this Information Session to review and provide input based on the alternative land use plans presented.

Further information can be obtained by contacting the representative listed below:

Mr. Haiqing Xu  
Corporation of the City of Windsor  
Strategic Services – Planning Department  
Telephone: (519) 255-6281 Ext. 6446  
Facsimile: (519) 255-6680  
Email: [hxu@city.windsor.on.ca](mailto:hxu@city.windsor.on.ca)

Mr. Karl Tanner  
Dillon Consulting Limited  
Senior Planner  
Telephone: (519) 948-5000 Ext. 256  
Facsimile: (519) 948-5054  
Email: [ktanner@dillon.ca](mailto:ktanner@dillon.ca)

This Notice issued October 2, 2004.



\*\*\*\*\*  
\*\*\* FAX TX REPORT \*\*\*  
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JOB NO. 4202  
DESTINATION ADDRESS 2587384  
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# FACSIMILE

Telephone: (519) 948-5000  
Facsimile: (519) 948-5054  
Email Address: windsor@dillon.ca



3200 Deziel Drive,  
Suite 608, Windsor, Ontario,  
N8W 5K8

TO: Sante Salvador DATE: Oct 4, 2004  
ORGANIZATION: McWilliams & Salvador FAX NO: 258-7384  
FROM: Melanie Laforet TOTAL PAGES: 2  
RE: Sandison Development Area  
DILLON PROJECT # 04.3609.1000

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As Requested  For Information  For Review/Comments  Other \_\_\_\_\_

Sante,

Please find attached a copy of the Notice of Public Info Centre for the Sandison Development Area, as it appeared in the Windsor Star on Saturday Oct. 2, 2004.

If you have any questions or concerns, please feel free to contact me.

Sincerely  
Melanie

## SERVICES

- Infrastructure**
  - Highways, Roads and Bridges
  - Solid and Hazardous Waste
  - Water Supply
  - Waste Water Treatment
  - Transit/Airports/Railways
  - Utilities
  - Power Distribution
  - Dams/Weirs/Channels
  - Ports/Harbours
  - Infrastructure Plans and Policies
  - Environmental Assessment
- Communities**
  - Community Plans and Policies
  - Transportation Plans and Policies
  - Land Development
  - Site Development/Redevelopment
  - Site Access and Parking
  - Traffic Management
  - Parks and Open Space
  - Tourism
  - Economic Development
- Environment**
  - Site and Facility Audit/ Remediation/ Rehabilitation
  - Hydrogeology
  - Terrestrial and Aquatic Habitats
  - Watersheds and Ecosystems
  - Water Resources
  - Cultural Resources
  - Mineral Aggregates
  - Training
  - Environmental and Resource Plans /

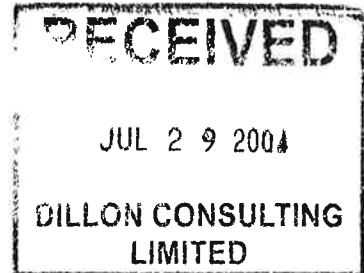


04.3609.1000

THE CORPORATION OF THE CITY OF WINDSOR

July 28, 2004

**Sante Salvador, LLB**  
P.O. Box 1449  
Bank of Commerce Building  
100 Ouellette Avenue  
Windsor, ON N9A 6R5



Dear Mr. Salvador:

**Re: Krystal Tree Enterprises Ltd. - Sandison Secondary Plan  
Initiation of Study**

I have received your letter of July 22, 2004 requesting that you be kept apprised of any future public meetings on the above-mentioned topic. I want to assure you that all public meetings, reports etc., dealing with the secondary planning process will be forwarded to you and your client.

Yours truly,

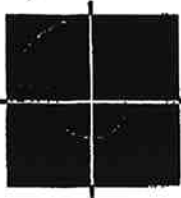
Thom Hunt, MCIP, RPP  
Manager of Planning Policy

TH/dr

cc: City Solicitor  
Karl Tanner, Dillon Consulting  
414968 Ontario Limited

**OFFICE OF THE CITY PLANNER**

350 City Hall Square West, P.O. Box 1607, Windsor, Ontario N9A 6S1  
Phone: (519) 255-6281 Fax: (519) 255-6680 Email: [planningdept@city.windsor.on.ca](mailto:planningdept@city.windsor.on.ca)



2109 Ottawa Street  
P.O. Box 24002  
Windsor, Ontario N8Y 4Y9

Tel: (519) 776-8293  
Fax: (519) 776-5765  
e-mail: windsor@communityplanners.com

**Community  
Planners Inc**

08 November, 2004

Mr. Haiqing Xu, PH.D., MCIP, RPP  
Policy Planner,  
Office of the City Planner  
City of Windsor  
4th Floor City Hall,  
350 City Hall Square West  
Windsor, ON N9A 6S1

Dear Sir:

**Re: Sandison Development Plan  
Comments Arising From Public Information Centre #1  
Howard Avenue, Cabana Road, DRTP Rail Line**

Our firm is writing as agent for the Greater Essex County District School Board with respect to further comments on this matter. We appreciated the opportunity to discuss the Board and school concerns with you and Harriet Stone, Principal, Roseland Public School at the PIC on October 6, 2004 and in a subsequent phone discussion October 8, 2004.

It has been five years since the School Board and its representatives last held discussions with City staff and the abutting developers of Clara Street and Cabana Estates as to the feasibility of the extension of Sandison Street across School Board property to Howard Avenue. At the time an estimated minimum of 1.0 acres of property would be required.

In previous correspondence with your Department (Nov. 27, 1998) the School Board indicated it was not opposed to consideration of the concept but it could only be considered if an equivalent amount of land could be provided in a suitable alternate location along with compensation for development costs for relocation of the playfields. As multiple ownerships were involved rendering land assembly difficult the matter was shelved.

The preparation of this Development Plan/Secondary Plan again raises the Sandison extension as an issue to be addressed.

To be clear the school property encompasses 6 acres. Aerial photos on display did not reflect the 8 classroom addition completed in 2003 to accommodate growth from nearby subdivisions. The school currently operates as a JK to Grade 6 school with an enrolment of 546 - 100% of its permanent capacity (including the addition). Grade 7 & 8 students attend Massey Elementary housed at Vincent Massey Secondary School.



Education Development Charges legislation mandates for a school of this enrolment a maximum site area of 6 acres assuming a school/park combination. Unfortunately, Maguire Park developed as part of the adjoining Cabana Estates does not abut the school property reinforcing the need for land for playfields. With continued development in the Roseland/South Windsor Planning Districts there is the need for construction of new school accommodation to relieve the space shortage and this assumes that the existing Roseland School remains open.

*If the Development Plan and future Secondary Plan policies include provision for the Sandison extension the School Board will require specific wording as to the conditions by which this would proceed e.g.*  
*. in the event of redevelopment of the school property should the school be closed and declared surplus to the Board's needs, or*  
*. where the school remains, only on condition a compensating amount of land is provided to the School Board at no cost including development costs to relocate the playfields.*

**We request written notice of any further action or decision on this matter.**

We look forward to further discussions at this matter proceeds. Please direct any questions to the writer at 776-8293.

Yours truly,

Peter Neice, MCIP, RPP  
Community Planners Inc.

Copy to: P. Allen, Superintendent of Business  
M. J. Gallagher, Director of Education  
S. Snider, Superintendent for Accommodation Planning  
D. Fox, Superintendent of Education  
H. Stone, Principal, Roseland Public School  
A. Cook, Manager of Facility Services  
  
K. Tanner, Dillon Consulting Limited



345 Taylor Drive  
Windsor, Ontario  
CANADA, N8N 4L5  
e-mail: wonsch@mnsi.net

Planning Department, City of Windsor  
C/O Haiqing Xu, Policy Planner  
Windsor, Ontario

DATE: Thursday, October 07, 2004  
NUMBER OF PAGES INCL. COVER SHEET: 2  
FROM: Gordon Wonsch  
Phone (519) 979-9601  
Fax Phone (519) 979-4393

PHONE:

FAX PHONE: 255-6680 OCT 07 2004

cc Spencer, Salvador

RECEIVED

PLANNING  
CITY OF WINDSOR

RE: Maguire Street Compensation - Sandison Secondary Plan

The conversation with you at the "Open House" held at the Roseland School last night leads me to believe that once again the City of Windsor might be willing to try to finalize issues as between Wonsch interests and neighbours abutting along the Maguire Street extension as the street runs some 1200 feet through their development area.

I find that somewhat encouraging, however, the history of the City of Windsor and Bill Taylor working together to advance Mr. Taylor's interests over Wonsch's interest makes me very suspect. In fact, this issue of the City of Windsor and Bill Taylor again working in concert is compounded by the fact that Bill Taylor has hired Dillon Consulting Limited (and only them) to do this study and is supported by the City of Windsor. One issue that might have to be examined as the secondary plan proceeds through approval stages is a conflict of interest issue.

Your suggestion last night that the Planning Department did not have to advise me of meetings concerning the Sandison Secondary Plan caught me a little by surprise. Thom Hunt, Manager of Planning stated in a letter that any reports, public meetings and any dealings with this stretch of property owned by Wonsch would be forwarded to both Sante Salvador and myself. I copy Thom Hunt's letter. The city solicitor was copied that letter as was Dillon Consulting.

We are shocked at the City of Windsor's to what amounts to backing one developer over another.

Again, I am encouraged by your approach to resolving these issues and look forward to your input.

Regards,

Gordon Wonsch per 414968 Ontario Limited and Wonsch Construction Company Limited

Mal  
Gto

This transmittal is intended only for the use of the addressee and may contain information that is privileged, confidential and exempt from disclosure by law. If the reader of this transmittal is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us by telephone and return the original to us by mail.

Our File: 04-3609-1000

October 13, 2004

Mr. Larry Cheshire  
3390 Howard Avenue  
Windsor, ON  
N9E 3N5

**Request for Additional Information  
Sandison Development Plan  
City of Windsor**

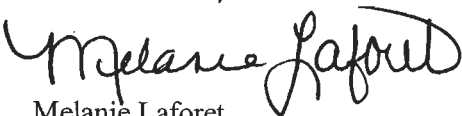
Dear Mr. Cheshire:

Thank you for your comments at the Public Information and Consultation Centre held on Wednesday October 6, 2004 at Roseland Public School. Further to your request, please find enclosed a copy of the ownership along the East side of Howard Avenue. Secondly, with regards to the DRTP property, located behind your home, the width is 30.6 m (100.4 ft).

Should you have any additional questions, please feel free to contact Mr. Karl Tanner, Mr. Haiqing Xu or myself at your convenience.

Yours sincerely,

**DILLON CONSULTING LIMITED**



Melanie Laforet  
Planner

MAL:mi

cc: Mr. Haiqing Xu



3200  
Deziel Drive  
Suite 608  
Windsor, Ontario  
Canada  
N8W 5K8  
Telephone  
(519) 948-5000  
Fax  
(519) 948-5054

**Dillon Consulting  
Limited**

ADDRESS	NAME	ROLL NUMBER
0 HOWARD AVE	GEREIGE FOUAD	070-090-08600
3840 HOWARD AVE	GRABIJAS MURRAY FRANCIS	070-090-08400
3836 HOWARD AVE	ASSEF RAYMOND JOHN	070-090-08300
3830 HOWARD AVE	HUTCHESON ETHEL ELIZABETH	070-090-08200
3828 HOWARD AVE	SNOWDON VICTOR LEON	070-090-08100
3824 HOWARD AVE	COLEMAN VICKI MICHELE	070-090-07900
3822 HOWARD AVE	EMERY NICOLE IRIS	070-090-07800
3818 HOWARD AVE	DINH KIM	070-090-07700
3800 HOWARD AVE	HARRIS LAWRENCE ALLEN	070-090-07600
3798 HOWARD AVE	RADOVICH STEVEN ROBERT	070-090-06900
3786 HOWARD AVE	MALANDRUCCOLO ANTHONY	070-090-06700
3780 HOWARD AVE	BURKE MARTIN PAUL	070-090-06600
3768 HOWARD AVE	MACOR LUIGI	070-090-06500
3762 HOWARD AVE	MACOR LUIGI	070-090-06400
3756 HOWARD AVE	THOMPSON MILDRED JEAN	070-090-06300
3744 HOWARD AVE	PASSEMENT GUILLERMO	070-090-06200
3738 HOWARD AVE	PALAZZOLO ALFONSO	070-090-06100
3726 HOWARD AVE	ROWLEY BRENDA	070-090-05900
0 HOWARD AVE	WINDSOR CITY	070-090-05800
3714 HOWARD AVE	SAAD JOHN	070-090-05700
3708 HOWARD AVE	SZADECZKY JULIA	070-090-05600
3702 HOWARD AVE	SAAD JOHN	070-090-05500
3694 HOWARD AVE	MILTON LEONA MARION	070-090-05400
3686 HOWARD AVE	MALISZA MARTA ELIZABETH	070-090-05300
3682 HOWARD AVE	PAQUIN MARIELLE BERNADETTE	070-090-05200
0 HOWARD AVE	ALBANO LUIGI SR	070-090-05100
3660 HOWARD AVE	MONACO GIOVANNI	070-090-04900
3654 HOWARD AVE	COOPER DAVID ASHLEY	070-090-04800
3642 HOWARD AVE	ZACCAGNINI ROBERT PAUL	070-090-04700
3638 HOWARD AVE	VARACALLI BRUNO CARMELO	070-090-04500
3630 HOWARD AVE	BENVENUTO MARIA	070-090-04400
3622 HOWARD AVE	ANDREWS DOROTHY MARY	070-090-04300
3614 HOWARD AVE	POWER JOHN ARTHUR	070-090-04200
0 HOWARD AVE	KRYSTAL TREE ENTERPRISES	070-090-04000
3592 HOWARD AVE	MOLLOY WAYNE WILLIAM	070-090-03900
3586 HOWARD AVE	MOLLOY WAYNE WILLIAM	070-090-03800
3580 HOWARD AVE	414968 ONTARIO LIMITED	070-090-03700
3568 HOWARD AVE	PEARSON WILLIAM HENRY	070-090-03500
0 HOWARD AVE	MAGDA JOANNE MARGARET PARENT	070-090-03300
3550 HOWARD AVE	MAGDA JOANNE MARGARET PARENT	070-090-03200
3538 HOWARD AVE	MESSINA MARIA ANTONIA	070-090-03000
3532 HOWARD AVE	FISICO CARMINE	070-090-02800
3520 HOWARD AVE	FISICO TOMMASINA	070-090-02700
3514 HOWARD AVE	IDONE ANTONIO	070-090-02600
3508 HOWARD AVE	IDONE ANTONIO	070-090-02500
3496 HOWARD AVE	GLAJCH ARCHIE JOE	070-090-02400
3492 HOWARD AVE	PIKNJAC MLADEN	070-090-02300
3488 HOWARD AVE	STACCONE MARIO	070-090-02200
3476 HOWARD AVE	SALIM JOSEPH	070-090-02100
3466 HOWARD AVE	WINDSOR UTILITIES COMMISSION	070-090-02000
3460 HOWARD AVE	MCDONALD MICHAEL PAUL	070-090-01901
3456 HOWARD AVE	ROSS MICHAEL ERIC	070-090-01900
3442 HOWARD AVE	DE MARCO FRANCESCO	070-090-01800
3434 HOWARD AVE	POLITI NICOLA	070-090-01700
3426 HOWARD AVE	OUELLETTE ROBERT DAVID	070-090-01600
3422 HOWARD AVE	MILLS DONALD HART	070-090-01500
3414 HOWARD AVE	MELOCHE RUSSELL JOSEPH	070-090-01400
3406 HOWARD AVE	POLITI VINCENZO	070-090-01300
3394 HOWARD AVE	SALIM JOSEPH	070-090-01200
3390 HOWARD AVE	CHESHIRE LARRY CHARLES	070-090-01150
3384 HOWARD AVE	CHESHIRE JESSIE	070-090-01100
3378 HOWARD AVE	BERGLUND KATHERINE HELEN	070-090-01000
3364 HOWARD AVE	RIBERDY MARK EDWARD	070-090-00900
3356 HOWARD AVE	GUENOT VERA DAISY	070-090-00800
3344 HOWARD AVE	GRAZIANO GIUSEPPE	070-090-00700
3338 HOWARD AVE	MARRA MARIO ANGELO	070-090-00600
3326 HOWARD AVE	IDONE ANTONINO	070-090-00500
3324 HOWARD AVE	MUGHRABI-KALOUTI KARIMAN	070-090-00400
3316 HOWARD AVE	SASSINE MICHEL SARKIS	070-090-00200
3310 HOWARD AVE	WINDSOR CITY	070-090-00100

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HOWARD AVENUE  
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Our File: 04-3609-1000 (Corr.) ✓



November 9, 2004

**VIA FACSIMILE ONLY**

Community Planners Inc.  
2109 Ottawa Street  
P.O. Box 24002  
Windsor, ON  
N8Y 4Y9

Attention: Mr. Peter Neice,  
Planner

3200  
Deziel Drive  
Suite 608  
Windsor, Ontario  
Canada  
N8W 5K8  
Telephone  
(519) 948-5000  
Fax  
(519) 948-5054

**Comments – Sandison Development Plan  
Greater Essex County District School Board**

Dear Sir:

Thank you for your comments related to the Sandison Development Plan on behalf of the Greater Essex County District School Board. We have noted your comments and will incorporate them into the final plan. Should additional consultation be required regarding the School Board's position, we will contact you directly.

Should you require any additional information, please contact the undersigned.

Yours sincerely,

**DILLON CONSULTING LIMITED**

Karl D. Tanner,  
Senior Planner

KDTd

Cc: Mr. T. Hunt, City of Windsor  
Mr. H. Xo, City of Windsor

**Dillon Consulting  
Limited**

Ontario  
Municipal  
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655 Bay St Suite 1500  
Toronto, ON M5G 1E5  
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Fax (416) 326-5370  
www.omb.gov.on.ca

Commission des  
affaires municipales  
de l'Ontario  
655 rue Bay Bureau 1500  
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JUN 09 2005

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CITY OF WINDSOR

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ZB/6755

04-3609-1000  
Sandison

CH

# Fax Transmittal

To: Gary Cian

Firm: City of Windsor

Fax: 1-519-255-9891

From: O. Archibald

Tel:

cc:

Date: June 8, 2005

Total # Pgs: 14 including cover

Case No. PL041065

File No.

Re: Decision

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Planning	SV
	CA
	C1
	C2

Message:

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- Referred to:
Planning
Legal

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**MEMORANDUM OF ORAL DECISION FROM A PRE-HEARING  
CONFERENCE HELD 18 MAY, 2005 DELIVERED BY R. ROSSI  
AND J. CHEE-HING AND ORDER OF THE BOARD**

The Appellants have appealed to the Ontario Municipal Board against the City of Windsor's Official Plan Amendment 43 and Zoning By-laws 324-2004 and 327-2004 that seek to define permitted non-rail uses on railway lands. The Appellants object to the OPA and the Zoning By-laws for a variety of reasons and they argue that non-rail uses provide a benefit that is within the public interest and that remain outside of the City's municipal planning jurisdiction to regulate.

At this second Pre-Hearing Conference (PHC), the Appellants submitted a "Draft Common Issues List" containing 12 main issues with related sub-issues. One of the Appellants, Canadian Transit Company, adopted this list and proposed two additional issues specific to its interests.

At this PHC, the Board heard from all Parties regarding their agreement on the following issues (attached to this decision): specifically, issues 1-4, 7(a) and (c), and 8-12. The City of Windsor (City) does not agree that items 5, 6 and 7(b) should be issues. The Board heard extensive submissions from all Counsel on issues 5, 6, and 7(b) and will refer to the relevant submissions only as it may be necessary for the proper disposition of the issues and the findings of the Board.

Issue 5 - *Has OPA 43 been adopted to attempt to pre-empt or frustrate the Bi-National Process being undertaken by the Detroit River International Crossing Project?*- Mr. Estrin suggested that the Appellants cannot frame an issue of bad faith on an agenda and they have recourse to expressing their frustration through the preceding issues. He submitted that it is premature to consider the Environmental Impact Study and it could sidetrack the Board with extensive evidence. He said that the four levels of government involved in the Study are not part of this process. He added that the Board should presume that officials have acted in good faith and this issue is subsumed in the previous four issues. Accordingly, if the Appellants wish to argue 'bad faith', they can do so at the conclusion of the hearing.

Mr. Swinkin submitted that the City's Counsel cannot suggest that Issue 5 is not an issue and at the same time suggest that the Appellants can argue it at the end of the hearing. The Appellants submitted that the Board cannot segregate this issue. It must be seen in the larger planning regime involving an international study and various municipalities. Mr. Hackl advised that removing an issue circumscribes the parties' ability to present their case. He argued that it is 'bad faith' planning that cannot simply be argued at the end of the day. Mr. Hackl said it is impossible to lead evidence if an issue is considered to be irrelevant and thus not included on the issues list. Mr. Hewitt said that this Issue 5 cannot be separated from the rest and must be part of the context of the hearing.

The Board is persuaded by the appellants' submissions that Issue 5 is a valid planning issue that it is relevant to their case and removing it would in fact limit their ability to present their case. Accordingly, Issue 5 will remain on the issues list.

All parties made extensive submissions and grouped Issues 6 and 7(b) together during their submissions. Issue 6 - *Is the City acting within its constitutional jurisdiction in adopting OPA 43 and enacting the Implementing by-laws: (a) with respect to railway land; (b) with respect to an international undertaking; and (c) with respect to non-rail uses of railway lands and if the answer to any of the foregoing is in the affirmative, might there be appropriate exceptions within the authorized sphere?* And Issue 7(b) - *Is the definition of railway in OPA 43 and the Implementing By-laws consistent with the definition of railway in Part III of the Canada Transportation Act?*

Mr. Estrin said there is no need for the Board to deal with the issue of constitutional jurisdiction as this is more properly dealt with by the courts. He submitted that the appeals raise the issue of the definition of 'railway' uses and that it would be better for all to agree as to what constitutes 'non-railway' uses, thereby removing any constitutional issue. He suggested that the Board could provide direction in respect of further discussions on this subject and possibly bring in a mediator to facilitate such discussions. He added that the appeals are not a basis for a stand-alone constitutional motion.

Mr. Estrin added that the OPA and the Zoning By-laws do not regulate the railway but rather, they are regulating any new, non-rail activities, which is quite proper. He suggested other ways for the Appellants to respond to the City's decision to regulate these activities. Mr. Estrin opined that in Issue 6, the Appellants are asking the Board to do something inappropriate since the courts should decide constitutional issues. He said that Issue 7 is part of the preceding issue. While Section 35 of the *Planning Act* gives the Board the authority to hear all questions of law and fact that are necessary for the Board to determine the propriety of an OPA in accordance with proper planning principles, the Appellants in this case are questioning the City's right to enact by-laws. Mr. Estrin said that only a court – and not the Board – can decide the validity of a By-law and he provided that Board with a Book of Authority focussing on this matter. He went through the various cases contained in this document to illustrate this point.

Mr. Swinkin said that Issues 6 and 7 are not freestanding matters; that this is not simply distinction between law and planning and that all of the issues must be heard properly in the context of a full hearing. He suggested that while the Board must turn its mind to planning issues, two of the twelve issues involve constitutional matters. The planning issues are bound up with some legal issues which are incidental to the appeals before the Board. The Board may consider these matters in Issue 6 and whether these municipal enactments are in conformity with the law.

Mr. Swinkin also provided the Board with a Book of Authority. He opined that a serious question for the Board to consider is whether these planning instruments encroach on federal jurisdiction. He said that courts have a concurrent jurisdiction in matters of law, but it is not an exclusive jurisdiction, so the matter properly belongs before the Board. He explained that the Appellants are asking the Board to test the subject OPA and By-laws on their planning merits and their place within the broader policy and legal framework.

Mr. Trottier (Essex Terminal Railway) disagreed with Mr. Estrin's submission that OPA 43 and the Zoning By-laws are instruments of general application which are not directed to any particular use. Mr. Trottier is concerned less with the general provisions than he is with the specific focus on the Appellants. He said that all of Mr. Estrin's cases in his Book of Authority deal with Charter impacts, while the case at hand is not a

Charter issue. Instead, he says it is a planning issue: what do we propose to do and what will be the impact.

Mr. Trottier stated he also disagreed with Mr. Estrin's suggestion that the Board should not pre-determine an issue by putting it on the issues list. Mr. Trottier said that to remove the constitutional issue from the list is to ignore it. He argued that this issue is important because the Board must determine its jurisdiction to hear the constitutional issue so as not to compromise or exceed its own jurisdiction. He also submitted that despite Mr. Estrin's suggestion that the Board cannot decide the Municipality's right to exercise its legislative function; the Board is not doing this. As a *de novo* hearing, the Board can replace the Council's decision by determining the limits of municipal authority in the case at hand and what this Municipality actually did.

He submitted that ultimately, it is the Board that must decide whether a railway can be defined differently from how it is currently defined, or how a non-rail use is defined.

Mr. Trottier says that the courts quite rightly encourage the Board to address these issues and to develop its ideas. The Appellants believe that the Board must make the determination as to the limits of this Municipality's ability to determine what is and is not a rail use, and whether the City of Windsor has the constitutional authority to determine rail lands as private transportation infrastructure without making a change to the Official Plan.

The constitutional issue is bound up within a planning appeal in this case. Mr. Trottier said that all of the cases that Mr. Estrin cited actually support the Appellants' position because the Board actually had to determine the constitutional issues. If the courts are asked to quash a by-law, they must determine whether to set aside the proper use of the OMB as the tribunal with the planning expertise.

Mr. Hackl said the Board should consider whether it represents good planning to allow provisions which the City has no authority to implement. He said that while the courts have the authority to create a remedy, the case at hand seeks no Charter remedy.

He also disagreed with Mr. Estrin's suggestion that the Board could direct the Parties to negotiate a better definition of rail or non-rail uses. He said this is an inappropriate issue for mediation. Mr. Hackl also outlined for the Board the chronology of events between his client and the City that has brought them to this level. He said that there is no level of trust between his client and the City that would lend to a fruitful negotiation or mediation on this point. He said the City cannot make its own definition because it has no constitutional authority to do so. It is the federal government's responsibility; not the City's or that of his own client. He said this would be wrong at law. Whether the City said it had no intention to exceed its jurisdiction is irrelevant – it has been done so it is an issue. He submitted that the City has exceeded its authority.

Mr. Hackl noted Mr. Estrin's desire that the Board not pre-determine an issue by putting it on the issues list. However, Mr. Hackl said that by not putting it on the list is, in fact, to pre-determine. He argued that it is to Mr. Estrin's benefit to leave all the issues on the list and hear the evidence. The Board should not pre-determine whether there is a jurisdictional issue today.

Mr. Hewitt said the constitutional issue must be heard. His client has been grouped with other Appellants into the definition of a railway; something which the CTC is not. He said that once they begin to define, then constitutional issues come into play, and the Board has the authority to consider these issues.

Mr. Estrin replied that the Board cannot determine constitutional issues in advance and the cases he put in front of the Board detail that quite clearly. He said that the Board could potentially deal with the OPA and the By-laws on their merits and render its decision but withhold its order. Then, if the Appellants felt they had a constitutional issue, they could go to court. He submitted that this is the best scenario because the Board would have adjudicated on the planning merits and the Appellants could then appeal to the court. He concluded that the concept of 'bad faith' can be a planning matter or a jurisdictional matter, but it is not the same as a constitutional issue. Further, a constitutional issue is not a planning issue.

On Issues 6 and 7(b), the Board has considered the comprehensive submissions of all Counsel. The Board finds the submissions of the Appellants to be compelling and places significant weight on their collective right to explore the issues they see necessary in the case at hand.

The Board finds merit in the appellants' proposition that the constitutional issue is bound up within the planning appeals of this case. While the cases presented in Mr. Estrin's Book of Authority are illuminating, the Board prefers to consider the jurisdictional dimensions or any limitations on its own authority in the context of all the evidence in a full hearing, and not before. Accordingly, Issue 6 will remain on the issues list. However, for purposes of neatness, the Board directs the parties to organize the hearing in such a manner that as much as possible, the question of jurisdiction can be heard in the September motion.

Regarding Issue 7(b), the Board does not consider it a fruitful exercise to direct Parties to engage in further discussions via mediation to explore possible concurrence on what constitutes "non-rail" uses. The Board is persuaded by, and agrees with, Mr. Hackl's submission that allowing all Parties to examine this matter for a 'better' definition is an inappropriate issue for mediation in the case at hand and may or may not exceed Parties' own jurisdiction to do so. Furthermore, the Board finds this issue – whether the definition of railway in OPA 43 and the Implementing By-laws is consistent with the definition of railway in Part III of the *Canada Transportation Act* – to be a relevant issue within the planning realm, and worthy of exploration in the context of the full hearing process. Accordingly, Issue 7(b) will remain on the issues list.

To summarize, the Board will entertain all fourteen issues put before it on 17 May 2005 in order to achieve a fair hearing. The Board finds that to deny one Party the right to present all of its evidence – a real possibility should that Party be prevented from articulating its concerns before the tribunal – is to hinder the principles of natural justice.

Accordingly, the Board approves the issues list attached hereto.

In respect of the two additional issues that the Canadian Transit Company's Counsel submitted, Mr. Estrin advised the Board by letter on 2 June 2005 that the City of Windsor has no objection to these being included on the list of issues. Accordingly, the Board approves the following two additional issues:

1. Are OPA 43 and the Implementing By-laws an unnecessary and improper restriction on the CTC's lands? That is, are they too broadly worded by capturing existing non-railway lands (i.e., CTC's property – the Ambassador Bridge and related facilities) in an amendment and by-laws purporting to deal with railway lands and railway corridors?
2. Does the lack of any policy direction for official plan amendments mandated by OPA 43 when any change of use is proposed for lands designated "Private Transportation Infrastructure" render OPA 43 and the Implementing By-laws void for uncertainty?

On a separate point, Mr. Estrin corresponded with the Board and made further submissions today in respect of the appeal of the Interim Control By-law (ICB). He said that although that appeal remains active, he submitted that the panel should not be seized with this appeal and it is an error in law to do anything with it until a final disposition of the OPA and the Zoning By-laws is provided. He said that the Board has no authority to deal with the ICBs while the subsequent OPA and Zoning By-laws are under appeal. He said that an ICB continues in effect until the Board disposes of the matter, so it cannot be a hearing into the ICB.

Mr. Trottier said his own reading of this Section 38 (6.1) of the *Planning Act* is different from that of Mr. Estrin. He submitted that the Interim Control By-law is in effect while appealing the subsequent Zoning By-laws, and the rule says nothing about staying an appeal of an ICB. One cannot deny the Appellants right to appeal the ICB, and the ICB is not final. Mr. Trottier said the Board's only choice is to incorporate the ICB appeal with the appeals to the OPA and the Zoning By-law, and it is wrong to suggest that this panel cannot be seized of these appeals.

Mr. Estrin suggested that the Board can consolidate these after the Board considers the planning merits of the OPA and Zoning By-laws. He interpreted this section of the *Planning Act* as ensuring there is no gap period, and it does not preclude an ICB appeal, and that the Appellants can appeal the ICB once the 'substantive' OPA and Zoning By-laws are disposed of.

The Board refers to Section 38 (6.1) of the *Planning Act* below:

If the period of time during which an interim control by-law is in effect has expired and the council has passed a by-law under section 34 consequent on the completion of the review or study within the period of time specified in the interim control by-law, but there is an appeal of the by-law under subsection 34(19), the interim control by-law continues in effect as if it had not expired until the date of the order of the Municipal Board or until the date of a notice issued by the secretary of the Board under subsection 34(23.1) unless the interim control by-law is repealed.

The Board has considered the Parties' submissions regarding the Interim Control By-law and recognizes its own authority to consolidate all of the appeals in the case at hand. The Board notes the Appellants' right to appeal the Interim Control By-law in concert with their appeals of the OPA and the Zoning By-laws. The Board finds nothing in this Section that requires it to set aside the ICB appeal until it rules on the OPA and Zoning By-law. The Board finds the Appellants have a right to appeal the ICB concurrently with the OPA and Zoning By-law appeals, even if these latter instruments supersede the ICB. The Board cannot deny the Appellants' right to appeal the ICB, because the issue is not the same as those under the OPA and Zoning By-law appeals – whether they represent good planning. By imposing an Interim Control By-law, the Municipality is able to freeze or protect an existing situation, and the Board is not called upon to determine whether that action is a matter of good planning. There are two distinct issues which result: whether the Interim Control By-law was valid and whether a constitutional issue arises from the City's perceived attempt to control non-rail uses on the subject lands. The Appellants are entitled to have their appeal of the ICB consolidated with the hearing into the OPA and Zoning By-laws.

As agreed at the first PHC on 21 April 2005, the Board has set aside four days in September 2005 which may be used should any Applicant decide to put forward a jurisdictional motion. The Board will retain these September dates in the event that it will be required.

The next PHC will take place in the City of Windsor on Thursday 9 June 2005 at 11:00 a.m. The Board directs all Parties to work collaboratively to draft an acceptable Procedural Order, which will be reviewed at the next PHC. Finally, the Board will also

give direction to all Parties on setting fixed dates for the upcoming hearing on the appeals. The Board may be spoken to on these matters in advance of the 9 June 2005 PHC.

So orders the Board.

"R. Rossi"

R. ROSSI  
MEMBER

"J. Chee-Hing"

J. CHEE-HING  
MEMBER

## ATTACHMENT "1"

### Approved Issues List

1. Is there a demonstrated need for OPA 43 and By-laws 324-2004 and 327-2004 (hereinafter referred to as the "Implementing By-laws"), i.e., could practical uses be established as-of-right without appropriate regulation and control in the absence of this policy amendment and the new restrictive zoning?
2. Does the Meridian Planning Study provide an appropriate rationale for OPA 43 and the Implementing By-laws?
3. (a) Do the amendments effected by OPA 43 and the implementing by-laws have proper regard for the policies in the Provincial Policy Statement (issued May 1996, as revised in February 1997) and matters of provincial interest enumerated in Section 2 of the *Planning Act*?
- (b) Specifically, do OPA 43 and the Implementing By-laws have proper regard for the policies in Section 1.1.3 of the Provincial Policy Statement, with specific reference to making provision for infrastructure to accommodate growth and providing for an efficient, cost-effective, reliable, multi-modal transportation system appropriate to address expected growth?
- (c) Specifically, do OPA 43 and the Implementing By-laws have proper regard for the policies in Section 1.3.2 and 1.3.3 of the Provincial Policy Statement, with specific reference to the protection of corridors and rights-of-way for significant transportation and infrastructure facilities, and the safety and efficiency of same?

4. Assuming proposed non-rail uses on rail lands will undergo an environmental assessment and that some may require other federal or provincial statutory approvals, are OPA 43 and the Implementing By-laws inappropriate or premature for these reasons?
5. Has OPA 43 been adopted to attempt to pre-empt or frustrate the Bi-National Process being undertaken by the Detroit River International Crossing Project?
6. Is the City acting within its constitutional jurisdiction in adopting OPA 43 and enacting the Implementing by-laws:
  - (a) With respect to railway land;
  - (b) With respect to an international undertaking; and
  - (c) With respect to non-rail uses of railway lands

and if the answer to any of the foregoing is in the affirmative, might there be appropriate exceptions within the authorized sphere?

7.
  - (a) Is the definition of railway contained in OPA 43 and the Implementing By-laws appropriate and consistent with contemporary rail operations?
  - (b) Is the definition of railway in OPA 43 and the Implementing By-laws consistent with the definition of railway in Part III of the *Canada Transportation Act*?
  - (c) Is the definition of railway in OPA 43 and the Implementing By-laws so vague and ambiguous as to render OPA 43 and the Implementing By-laws void for uncertainty?
8. Does the current Official Plan adequately recognize rail corridors?

9. Are OPA 43 and the Implementing By-laws in conflict with other policies in the Official Plan, including, but not limited to, Sections 3.2, 3.3, 4.1, 4.2, 6.1, 6.4, 6.10, 7.1, 7.2, 10.1, 10.2, 10.3 and 10.8?
10. Is there an appropriate planning and legal basis for distinguishing private from public infrastructure in the planning policy framework? If so, has that been appropriately effected in OPA 43?
11. Is the restriction on uses of rail corridor lands in the proposed MD 1.6 zone to the sole use of "operation of railway" and the proposed rezoning of rail corridor lands from MD 1.3 to MD 1.6 supported by a proper planning rationale?
12. Assuming the current OP and By-law provisions are not adequate, is the policy of OPA 43 requiring a standard of evaluation of the impacts of new "non-rail uses" in rail corridors on adjacent land uses, notwithstanding past or current use of the corridor for rail purposes, an appropriate land use planning policy?
13. Are OPA 43 and the Implementing By-laws an unnecessary and improper restriction on the CTC's lands? That is, are they too broadly worded by capturing existing non-railway lands (i.e., CTC's property – the Ambassador Bridge and related facilities) in an amendment and by-laws purporting to deal with railway lands and railway corridors?
14. Does the lack of any policy direction for official plan amendments mandated by OPA 43 when any change of use is proposed for lands designated "Private Transportation Infrastructure" render OPA 43 and the Implementing By-laws void for uncertainty?