PLANNING, HERITAGE & ECONOMIC DEVELOPMENT
STANDING COMMITTEE AGENDA

(updated as of October 7, 2016 – 2:00 p.m.)

Tuesday, October 11, 2016
4:30 o’clock p.m.
Council Chambers, 3rd Floor, Windsor City Hall

Members:

Ward 8 – Councillor Bill Marra (Chairperson)
Ward 4 – Councillor Chris Holt
Ward 7 – Councillor Irek Kusmierczyk
Ward 9 – Councillor Hilary Payne
Ward 5 – Councillor Ed Sleiman

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

(available also at www.citywindsor.ca)
1. CALL TO ORDER

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

4. COMMUNICATIONS

5. ADOPTION OF THE PLANNING ACT MINUTES
   5.1. Planning Act Minutes of the meeting held September 12, 2016 (SCM 164/2016)

6. PRESENTATION & DELEGATIONS (PLANNING ACT MATTERS)
   6.1 City of Windsor (St. Georges Church & Hall) - 1949 Devonshire Court - Rezoning - Z-008/16 ZNG/4715 - Ward 4 (S 175/2016)
      a) Raymond Colautti, resident of Ward 4
      b) Brian and Cherie Laughton, residents of Ward 4
      c) Antonio Buttice, resident of Ward 4
      Clerk’s Note: Raymond Colautti, Brian & Cherie Laughton, Antonio Buttice and Don Wilson submitting the attached emails as additional information

7. PLANNING ACT MATTERS
   7.1. Rezoning - City of Windsor - Housekeeping Amendment 2016-2 - Z-002/16 ZNG/4629 - City Wide (S 173/2016)
   7.2. Application for Approval of the Conversion of a Rental Property to Plan of Condominium – 2057458 Ontario Incorporated, 1400-1410 Ouellette Avenue -
7.3. Al Shipley - 356 Randolph - Rezoning Z-011/16 ZNG/4832 - Ward 2 (S 172/2016)
Clerk’s Note: Administration submitting the attached memo dated October 7, 2016 as additional information.

7.4. Official Plan and Zoning By-law– 3942 Turner Road & Easterly part of 3951 Walker Road - Ward 9 (S 176/2016)

8. ADOPTION OF THE MINUTES
8.1. Minutes of the Planning, Heritage & Economic Development Standing Committee meeting held September 12, 2016 (SCM 163/2016)

9. PRESENTATIONS AND DELEGATIONS (COMMITTEE & ADMINISTRATIVE MATTERS)

10. HERITAGE ACT MATTERS

11. ADMINISTRATIVE ITEMS
11.1. Closure of parts of Chappus Street, McKee Street, Sandwich Street and all of Water Street (AKA River Street), all located in the area around the 4000 block of Sandwich Street, north of Broadway St.; File No. SAS/4740; Ward No. 1; Applicant: The Corporation of The City of Windsor –Legal Department, Real Estate Services (S 168/2016)
Clerk’s Note: Administration submitting additional information memo dated October 6, 2016 (attached)

11.2. Azar Holdings Ltd. – Eastlawn Subdivision – Oversizing/Cost Sharing (S 174/2016)

12. COMMITTEE MATTERS

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

<table>
<thead>
<tr>
<th>REPORT #: S 174/2016</th>
<th>Report Date: 9/20/2016</th>
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<tbody>
<tr>
<td>Author’s Contact:</td>
<td>Date to Council: 10/19/2016</td>
</tr>
<tr>
<td>Patrick Winters</td>
<td>Clerk’s File #:</td>
</tr>
<tr>
<td>Development Engineer</td>
<td></td>
</tr>
<tr>
<td>519-255-6257 ext 6462</td>
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</tbody>
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To: Mayor and Members of City Council

Subject: Azar Holdings LTD. - Eastlawn Subdivision - Oversizing/Cost Sharing

RECOMMENDATION:

I. THAT Council **APPROVE** an Oversizing/Servicing Cost payment to Azar Holdings LTD. in the amount of $82,500, based on estimated costs (final payment to be based on actual construction costs following public tender), as the City’s share towards the construction of a new storm sewer on existing Eastlawn Avenue [Edgar Street south to the cul-de-sac] from the New Infrastructure Development Account (Project Number 7035119);

II. THAT Council **APPROVE** a payment to Azar Holdings LTD. in the amount of $434,969 plus accrued interest of $39,148 (using a rate of interest of 3%) for a total upset payment of $474,117, based on estimated costs (final payment to be based on actual construction costs following public tender), three (3) years following substantial performance of the construction of infrastructure to service lots on the west side on the Eastlawn Avenue extension (Lots 59 to 81 Registered Plan 835, Part Lots 51 to 54 Registered Plan 1211 [Part 2 - 12R9965]), less any payments made by the Eastlawn Avenue Property Owners prior to the expiry of the three year period, from the New Infrastructure Development Account (Project Number 7035119);

III. That CR84/2016 **BE AMENDED by deleting item 4 and substituting the following therefore:**

4.
a) THAT 0.3m on the WESTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 59 to 81, Registered Plan 835 and 0.3m on the EASTERLY limit of the existing Eastlawn Avenue Right of way adjacent to Lots 51 to 54, Registered Plan 1211, BE CLOSED by by-law for the purpose of creating a 0.3 metre reserve, until such time as the individual owners of Lots 59 to 81, Registered Plan 835 and Lots 51 through 54, Registered Plan 1211 have paid their proportionate share of costs for construction of infrastructure associated with the extension of Eastlawn Avenue. When a proportionate share of said infrastructure costs are paid, the appropriate portion of the 0.3m reserve BE DECLARED a public highway.

b) THAT in the event that not all of the Eastlawn Avenue Property Owners have developed their lots and made the payments referred to in subsection (a) herein, then the Corporation agrees to pay to the Owner the Owner’s servicing costs for the lands on the west side of the Eastlawn extension (Lots 59 to 81 Registered Plan 835, Part Lots 51 to 54 Registered Plan 1211 [Part 2 - 12R9965]) less any payments collected from the Eastlawn Property Owners The Corporation will pay these costs three (3) years following the substantial performance of this agreement, marked by the commencement of the maintenance period.

c) THAT simple interest at a rate of 0.25% monthly [3% annually] shall continue to accrue on the payments to be made by the Eastlawn Avenue Property Owners. The calculation of interest shall commence on the date that the services constructed under Phase 2 are accepted onto maintenance by the Corporation and continue until such time as an Eastlawn Property Owner obtains a construction permit for their individual lot.

IV. THAT the CAO and Clerk BE AUTHORIZED to sign an amended servicing agreement based on the updated conditions, satisfactory in technical content to the City Engineer and in Form to the City Solicitor.

EXECUTIVE SUMMARY: N/A

BACKGROUND:

Under CR84/2016 Council approved a rezoning/servicing application on the east side of Eastlawn Avenue from Edgar Street south to Tranby Avenue. The proposed servicing included two phases of construction; Phase 1, consisting of the redevelopment of the former St Maria Goretti elementary school into thirteen single family home sites fronting the existing 1100 block of Eastlawn, and Phase 2, consisting of the removal of the existing cul-de-sac, and extension of Eastlawn Avenue south to Tranby Avenue.
Special Provision S-5 of the servicing agreement between Azar Holdings LTD and the City [Registered as Instrument CE713205 on May 17, 2016] reads as follows:

“The Owner further agrees, in the event the Owner is required to oversize any services in order to service others lands, the Owner agrees that any oversizing costs to be paid by the Corporation to the Owner shall be based on a cost-sharing scheme and tender process satisfactory to the City Engineer. Any cost-sharing scheme agreed to will be subject to approval by the Corporation’s City Council. Benefitting landowners will be required to pay their share of servicing costs prior to the release of permits for benefitting lands.”

The Developer's Consulting Engineer has completed detailed servicing plans for the execution of the required site servicing, and together with Administration cost sharing terms acceptable to both parties have been negotiated. The purpose of this report is to bring these terms before Council for approval.

**DISCUSSION:**

St Maria Goretti School closed in June of 2014 and the property at 1166 Eastlawn Avenue was subsequently acquired in 2015 by Azar Holdings. The school site is located on the east side of the existing Eastlawn Avenue right-of-way between Edgar Street and Tranby Avenue. The developer is proposing to construct 32 new single detached residential dwelling units on the east side of the street. As part of the required site servicing Administration is recommending cost sharing to be provided to the Developer based on the circumstances and parameters described below.

**PHASE I INFRASTRUCTURE:**

The 1100 block of Eastlawn Avenue [Edgar Street south to the cul-de-sac] is fronted by 11 single detached residential dwellings on the west side of the street. During detailed design, a new storm sewer was required to be constructed in order accommodate the new development. The new sewer is designed based on current City standards and is sized to handle flows for both phases of the development. The City is responsible for the replacement of the storm sewer servicing the existing 11 single family homes on the west side of the street, and as such Administration recommends that the Developer be compensated for costs associated with this portion of the work. More specifically, Administration estimates the following as the City’s responsibility of the development:

<table>
<thead>
<tr>
<th>Item</th>
<th>Cost</th>
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<tbody>
<tr>
<td>i) New storm sewer to service the existing 1100 block of Eastlawn.</td>
<td>$55,000</td>
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ii) Re-connection of 11 existing storm
Private Drain Connections [PDC’s]

<table>
<thead>
<tr>
<th>Item</th>
<th>Benefitting Owners Share</th>
</tr>
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<tbody>
<tr>
<td>i) Sewer, Road and Watermain.</td>
<td>$342,179</td>
</tr>
<tr>
<td>ii) Sanitary and Storm PDC’s</td>
<td>$35,790</td>
</tr>
<tr>
<td>iii) Electrical Distribution and Streetlighting</td>
<td>$57,000</td>
</tr>
<tr>
<td><strong>TOTAL PHASE II COSTS [$2016]</strong></td>
<td><strong>$434,969</strong></td>
</tr>
<tr>
<td>Interest [3% per year 2018-2021]</td>
<td>$39,148</td>
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| **TOTAL Phase II Costs**                  | **$474,117**             

As specified, the total value of the City’s share of Phase I of the work is estimated to be $82,500.

**PHASE II INFRASTRUCTURE:**

Phase II of the subdivision requires the extension of Eastlawn Avenue and associated services from the existing cul-de-sac south to Tranby Avenue. Under the terms of the servicing agreement, the benefitting land owners on the west side of the street are required to pay their proportionate share of servicing costs. Payment is not required until such time as they wish to develop their land.

During cost sharing negotiations, the Developer has brought forward a request to include a timing clause for the recovery of initial capital expenditure provided on behalf of the owners of these properties. The overall amount is estimated to be $434,969.00. Past practice has seen Council approve similar timing clauses in servicing/subdivision agreements. As such, Administration recommends that a lump sum payment of the balance owing to the Developer to be made three (3) years following the substantial performance of the construction of infrastructure to service lots on the west side of the extension. Substantial performance is estimated to be completed in 2018 therefore payment would be required in 2021. Assuming no development of the benefitting land, under these circumstances a lump sum payment in the maximum amount of $474,117 would be required in the final quarter of 2021. A summary of the benefitting lands’ share of phase II construction costs is as follows:
This amount would be reduced by any payments made by the Eastlawn Avenue Property Owners prior to the expiry of the three year period. It should be noted that Administration is requesting that simple interest [3% annually] continue to be accrued on the amount owed by the Eastlawn Avenue Property Owners. This request is being brought forward so that Eastlawn Avenue Property Owners realize the true cost of servicing their lands should they choose to wait to develop them. The Eastlawn Avenue Property Owners will be required to pay these costs before permits on the respective properties are released. It is reasonable to assume that the City may wait a considerable amount of time before recovering all of these costs.

**RISK ANALYSIS:**

Associated risks to the Corporation resulting from the undertaking of this project include risks typical to facilitating private development, mainly non-performance by the Developer. These risks are mitigated through the terms of the agreement entered into, including the requirement of the Developer to provide performance securities and insurance. Performance securities can be drawn upon in the event the Developer breaches the terms of the agreement with the Corporation, and insurance will indemnify the Corporation against potential damage and claims which may arise during the construction and maintenance period.

Additional risks to the Corporation exist in the event Eastlawn Avenue Property Owners choose not to develop their lots once serviced. Under these circumstances the Corporation will not be able to recover upfront costs associated with the servicing. Administration views these as tolerable risks given the probability that the majority of owners will choose to develop eventually. These risks will be mitigated by tracking simple interest against the initial servicing costs so the City will realize actual costs should the benefitting owners wait to develop.

**FINANCIAL MATTERS:**

The City’s share for oversizing/servicing costs for Phase 1 is estimated at $82,500. The final payment will be based on actual costs following public tender for the work.

The New Infrastructure Development project id 7035119 has a current surplus of approx. $1 million. Traditionally, commitments have been made to Developers to compensate them for oversizing of services following the installation of said services. There are sufficient uncommitted funds available for the Phase I payment (estimated $82,500 – payment will be made once Phase I is deemed substantially performed and the project is accepted onto maintenance) and for Phase II infrastructure (estimated up
to $474,117 – payment of the outstanding balance related to the benefitting landowners) which is not anticipated to be required until the 4th quarter of 2021.

Upon payment to the developer, the City will continue to carry the cost until such time as property owners choose to develop their lands. Administration is recommending, based upon projected borrowing rates, that interest of 3% be accrued on any amounts which remain outstanding from said property owners.

CONSULTATIONS:

Wira Vendrasco – Deputy City Solicitor
Jim Abbs – Planner III – Subdivisions
Michael Dennis – Financial Planning Administrator
Victor Ferranti – Manager of Capital Budget & Corporate Reserves

CONCLUSION:

Administration recommends a cost sharing payment to Azar Holdings in the amount of $82,500 as compensation for the City’s share of servicing Phase I of the Eastlawn Subdivision. Further it is recommended that according to the terms outline above, that the City pay the outstanding balance owed to Azar Holdings as it relates to the benefitting land owners’ share of servicing estimated up to $474,117, less any payments made by the Eastlawn Avenue Property Owners prior to the expiry of the three year period. Payments to be funded from the New Infrastructure Development Project [7035119] based on the timing specified.

PLANNING ACT MATTERS: N/A

APPROVALS:

<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
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<tbody>
<tr>
<td>Patrick Winters</td>
<td>Development Engineer</td>
</tr>
<tr>
<td>France Isabelle-Tunks</td>
<td>Senior Manager Development, Projects &amp; Right of Way</td>
</tr>
<tr>
<td>Mark Winterton</td>
<td>City Engineer</td>
</tr>
<tr>
<td>Name</td>
<td>Title</td>
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<td>------------------------------</td>
</tr>
<tr>
<td>Shelby Askin Hager</td>
<td>City Solicitor</td>
</tr>
<tr>
<td>Janice Guthrie for Joe Mancina</td>
<td>City Treasurer</td>
</tr>
<tr>
<td>Onorio Colucci</td>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
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**NOTIFICATIONS:**

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<thead>
<tr>
<th>Name</th>
<th>Address</th>
<th>Email</th>
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<tbody>
<tr>
<td>Ward 6 Councillor Jo-Anne Gignac</td>
<td></td>
<td><a href="mailto:joagignac@citywindsor.ca">joagignac@citywindsor.ca</a></td>
</tr>
<tr>
<td>Azar Holdings LTD.</td>
<td>Attn: Tony Azar</td>
<td><a href="mailto:tonyazar333@gmail.com">tonyazar333@gmail.com</a></td>
</tr>
<tr>
<td>RC Spencer Associates Inc.</td>
<td>Attn: Rick Spencer</td>
<td><a href="mailto:rcspencer@rcspencer.ca">rcspencer@rcspencer.ca</a></td>
</tr>
<tr>
<td>Registered Owners Lots 59 to 81 Plan 835, Part Lots 51 to 54 Registered Plan 1211 [12R9965 Part 2]</td>
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**APPENDICES:**
MISSION STATEMENT:
“Our City is built on relationships – between citizens and their government, business and public institutions, city and region – all interconnected, mutually supportive, and focused on the brightest future we can create together”

Memo

To: Planning, Heritage & Economic Development Committee
From: Adam Szymczak, Senior Planner
Date: October 7, 2016

There is an error on the Draft Amending By-law attached to Report S 172/2016. On the first page of the draft amending by-law under paragraph 1, the words "duplex dwelling" shall be replaced with "dwelling with a maximum of two dwelling units". On the second page of the draft amending by-law under Schedule 2, the words "duplex dwelling" shall be replaced with "dwelling with a maximum of two dwelling units"

Adam Szymczak, MCIP, RPP
Planner III, Zoning

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

Don Wilson, MCIP, RPP
Manager of Development Applications

Thom Hunt, MCIP, RPP
City Planner

I am not a registered planner and have initialled as team leader.

SAH
AS/ms
OC
To: Mayor and Members of City Council  
Planning Heritage Economic Development Committee  

From: Don Wilson, Manager of Development Applications  

Today's Date: October 6, 2016  

Subject: REPORT S168/2016  
Closing of parts of Chappus Street and Sandwich Street, and all of McKee Street and Water Street (AKA River Street), all located in the area around the 4000 block of Sandwich Street, north of Broadway St.; File No. SAS/4740; Ward No. 1; Applicant: The Corporation of The City of Windsor – Legal Department, Real Estate Services

Further review of the proposed and recommended street closure for Sandwich Street noted an inadvertent error which requires a change to Recommendation VI and CC1700 (Appendix A) the following should be substituted and the reference be to the revised CC1700 drawing as attached.

"VI. That the portion of Sandwich Street right-of-way located on the north side of Broadway Street, going to the south limit of the property municipally known as 4280 Sandwich Street, and described as PART of PIN 01553-0378, all of PIN 01553-0356, all of PIN 01270-0245, PART of PIN 01590-0008, all of PIN 01270-0359, all of PIN 01270-0362, all of PIN 01270-0360 and PART of PIN 01590-0242, and shown as PART 1 on the Drawing No. CC-1700 attached hereto as Appendix "A" BE CLOSED AND CONVEYED to Her Majesty the Queen (Federal Government) for Gordie Howie International Bridge Project.

Justina Nwaesei  
Planner II – Development Review  
Planning & Building

Thom Hunt  
City Planner /Executive Director  
Planning & Building

Onoro Colucci  
Chief Administrative Officer

Don Wilson  
Manager of Development Applications  
Planning & Building

Shébly Askin Hager  
City Solicitor and Corporate Leader  
Economic Development and Public Safety
THE CORPORATION OF THE CITY OF WINDSOR - ENGINEERING DEPARTMENT

RECOMMENDED CLOSURE OF WATER STREET AND McKEE STREET,
PART OF CHAPPUSS STREET AND PART OF SANDWICH STREET

Marian Drouillard, Manager of Geomatics

UPDATED PHED Standing Committee
October 11, 2016
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