

APPENDIX D – CONSULTATION

BELL CANADA

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

Pre-consultation Circulations

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

Complete Application Circulations & Recirculations

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TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Transway 1C. The closest existing bus stop to this property is located on University at Caron Northwest Corner. This bus stop is approximately 140 metres from this

property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop. This will be maintained with Transit Windsor's City Council approved Transit Master Plan.

CANADA POST – BRUNO DESANDO

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

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

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

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

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

ENVIRONMENTAL SUSTAINABILTY – BARBARA LAMOURE

We previously requested an amended Energy Strategy for PC 010/23 - 2743331 ONTARIO INC. - 0, 666, 676, 684 & 696 Chatham St W & 0 Chatham ST. E on October 24th, 2023 as the developer's submission did not meet our objective of identifying opportunities to integrate local energy solutions that are efficient, low carbon, and resilient.

The Energy Strategy currently submitted for Z-009/24 [ZNG-7186] & OPA 186 [OPA-7187] - 2743331 Ontario Inc. | 0, 666, 676, 684 & 696 CHATHAM STREET WEST & 0 CHATHAM STREET WEST is the same Energy Strategy and it does not meet our expectations laid out in the terms of reference (<https://www.citywindsor.ca/residents/environment/climate-change-mitigation/community-energy-plan/energy-strategy-for-developers>). There were no calculations for baseline, high performance or zero emission scenarios. Opportunities for low-carbon energy solutions and energy resilience were not explored (as outlined in the Terms of Reference). No projections for future energy scenarios were assessed. The Energy Strategy Terms of Reference was developed to support [Section 1.8 \(f\) \(Energy Conservation, Air Quality and Climate Change\) of the Provincial Policy Statement](#).

The applicant will be required to meet the Energy Strategy Terms of Reference as outlined above at the time of SPC.

ENBRIDGE GAS – JOSE DELLOSA

After reviewing the provided drawing at Caron Ave & Chatham St W. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

Please Note:

1. **The shown piping locations are approximate and for information purposes only**
2. **The drawings are not to scale**

3. This drawing does not replace field locates. Please contact Ontario One Call for onsite locates prior to excavating, digging, etc

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

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

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

SPC

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation Stage 1 may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

TRANSPORTATION PLANNING – ELARA MEHRILOU

- All parking must comply with ZBL 8600, otherwise an application should be made to adjust the requirements with a supporting parking study.
 - All proposed Loading parking must be clearly indicated on the revised site plan.
 - All proposed bicycle parking must be clearly indicated on the revised site plan.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

WINDSOR FIRE – MICHAEL COSTE

Fire has no issue as long as it meets all the Fire Requirements for a high rise.

ENWIN

HYDRO ENGINEERING: Jerry Raniwsky

No Objection to Re-zoning, please note the following:

- Existing ENWIN 16kV primary overhead hydro distribution along the north side of Chatham St. W.
- Existing ENWIN 600/347V secondary overhead hydro distribution along the north side of Chatham St. W.

- Existing ENWIN 120/240V secondary overhead hydro distribution in N/S alley along the east limit of the site.
- City of Windsor streetlight associated overhead and/or underground conductors along northside of Chatham St. W. and in N/S alley along east limit of the site.

We recommend referring to the Occupational Health and Safety Act for minimum safe limits of approach during construction and also the Ontario Building Code for adequate clearance requirements.

WATER ENGINEERING: Bruce Ogg

ENWIN Water has no objections to the rezoning.

FORESTRY - Yemi Adeyeye

Forestry has Following comments on this property.

There are 4 city owned trees on this proposal.

696 Chatham W - 1 SPNO and 1 LOHO

666 Chatham W - 2 CANO

All four trees were in fair health at time of inspection. The developer create a tree root protection zone around these trees during construction as stated in our Site Plan Control. If tree damages are to occur, tree replacement cost will be applied.

NATURAL AREAS - Karen Alexander

Natural Areas has following comments on this liaison.

If the few trees on site are planned to be removed: No disturbing active bird nests (Migratory Bird Act)

PARKS - Hoda Kameli

Parks D&D has no objection to this Liaison.

ENGINEERING – ROB PERISSINOTTI

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

Sewers The site may be serviced by a 450mm brick combined sewer located within Caron Avenue right-of-way. If possible existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

A sanitary sampling manhole may be required on any new sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist.

A Sanitary Sewer Report, dated January 2023 and revised on February 2024 by Baird AE, has been received and reviewed. The applicant's consultant has confirmed that the existing 450mm combined sewer on Caron Avenue will effectively accommodate the site's sewer servicing needs. The study demonstrates that the municipal combined sewer have adequate capacity, and no adverse impacts are expected on the surrounding areas as a result of the proposed development.

The Sanitary Sewer Report has been deemed acceptable, and the proposed sanitary servicing strategy is supported by the Engineering Development department.

Please refer to appendix A for comments regarding the required stormwater management report to be submitted during the Site Plan Control stage.

Right-of-Way

Caron Avenue and Chatham Street West is classified as Local Road according to the Official Plan requiring a right-of-way width of 20m; the current right-of-way is 21.30 m. The current right-of-way is sufficient, therefore, no conveyance is required at this time.

The applicant/owner shall consult with the City Forester to discuss the preservation of city owned trees on the municipal right-of-way, to the satisfaction of the City Forester.

In summary we have no objection to the proposed development, subject to the following requirements:

If you have any further questions or concerns, please contact Robert Perissinotti, of this department at rperissinotti@citywindsor.ca

Appendix A

The applicant will be required to submit, prior to the issuance of building permits, a stormwater management plan in accordance with Windsor Essex Region Stormwater Management Standards Manual, restricting stormwater runoff to pre development levels.

The submission for a Storm Detention Scheme will include, at a minimum:

- a) Submission of stormwater management review fee,
- b) Stormwater management report stamped by a professional engineer
- c) Stormwater management check list (see link below)
- d) Site servicing drawings stamped by a professional engineer

Submission of a stormwater management report alone **will be deemed incomplete**, unless accompanied by the additional requirements specified above. Please visit the [City of Windsor Website](#) and the [ERCA Website](#) for additional information on stormwater management requirements.

Other than the general guidance as per above, the Consultant must include the following:

- Storage up to 80mm of runoff, if roof loading design can accommodate
- Detention between 12 to 24 hours.
- Provide a plan to show location of proposed roof drains, flow control devices (include spec sheets), and tamper proof devices (include spec sheets).
- Overflow features to be provided at the maximum design water level elevation.
- Use 2 & 100-yr storm event to determine maximum depth and storage volume Is this ok?

HERITAGE – KRISTINA TANG

The same studies have been submitted without revised date updates. Therefore my comments are substantially the same.

Archaeology:

The subject property is located within an area of high archaeological potential. A Stage 1 & 2 archaeological assessment has been submitted. However, the assessments are required to be entered into the Ontario Public Register of Archaeological Reports to the satisfaction of the City of Windsor and the Ontario Ministry of Citizenship and Multiculturalism indicating no further archaeological concerns, prior to any additional land disturbances. A final copy of these relevant archaeological reports, the Ministry's letter of entry into the Public Register of Archaeological Reports, and GIS study area must be submitted to the City of Windsor as a condition of the development approvals, at latest as part of SPC.

Heritage Considerations

The HERITAGE OVERVIEW: 666, 676, 684, AND 696 CHATHAM STREET WEST, WINDSOR, ONTARIO FINAL REPORT dated June 5, 2023 prepared by Stantec Consulting Ltd, and Urban Design Study prepared by BAIRD Architecture & Engineering dated May 2023 needs to consider the following Official Plan policies:

*EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD
DEVELOPMENT
PATTERN*

6.3.2.5(c) In existing neighbourhoods, compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas.

In Mature Neighbourhoods as shown on Schedule A-1, compatible with the surrounding area, as noted above, and consistent with the streetscape, architectural style and materials, landscape character and setback between the buildings and streets;

Volume 1, Chapter 9 Heritage Conservation

9.3.7 Heritage Resources and Planning Initiatives

9.3.7.1 Council will integrate heritage conservation into the development and infrastructure approval process by:

APPROVAL PROCESS

(d) Utilizing the planning approval process (subdivisions / condominiums, official plan amendments, zoning amendments, site plan control, consent, minor variance, demolition control) to facilitate the retention of heritage resources, and to ensure any proposed development is compatible with heritage resources;

*URBAN DESIGN
CRITERIA*

(e) Having regard to the following factors when assessing applications such as zoning amendments, site plan control applications, demolition control and payment-in-lieu, which may impact heritage resources:

- (i) Respecting the massing, profile and character of adjacent buildings;
- (ii) Approximating the width and established setback pattern of nearby heritage buildings;
- (iii) Respecting the yards, gardens, trees and landscaped grounds associated with the heritage properties and districts which contribute to their integrity, identity, and setting;

- (iv) Maintaining, enhancing or creating views and vistas of heritage resources; and
- (v) Minimizing the impact of shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas.

The proposal has adopted common material elements in the surrounding heritage properties to increase compatibility in character. However, the scale of the proposal is significantly larger than the surrounding heritage properties. A reduced height of the proposed podium approximating the surrounding heritage properties would reduce the massing of the proposal from the street-level and allow it to be more compatible with its surroundings.

Construction Vibration

The Heritage Overview describes a conservative approach of 50m buffer to represent delineation of potential effects related to construction vibration.

Based on the Construction Vibration standards of 50m, the following heritage listed properties could be affected:

| | | | |
|--------------------|---------------------|--------|---|
| 163 Janette Ave | Commercial / Duplex | c1910s | Two-storey brick |
| 181 Janette Ave | House | c1909 | Two-storey, front bay, corner porch details |
| 187 Janette Ave | House | c1909 | Two-storey |
| 193-95 Janette Ave | Duplex | c1900 | Brick two storey, wraparound porch |
| 211 Janette Ave | House | 1902 | Two-storey, corner bay, wraparound porch |
| 631 Pitt St W | Commercial / Duplex | c1910s | Front bays, brick, two storey |
| 629 Chatham St W | Duplex | c1924 | Two-storey brick, wraparound bay |
| 639 Chatham St W | Duplex | c1924 | Two-storey brick, wraparound bay |

Soil & Materials Engineering Inc. in December 2022 prepared a Supplementary Letter of Raft Slab

Recommendations and Vibrations for the 16-Storey Mixed Used Development, North Corner of Caron Avenue and Chatham Street West, Windsor, Ontario. The Vibration letter provided discussed that “If a slab-on-grade raft foundation or cast-in-place concrete foundations are selected, then there will be no significant vibrations imparted from the construction process.” No conclusive foundation type has been selected or described yet, but has been recommended in the Heritage Overview Report.

The Supplementary Letter has not referenced the 50m buffer. Please revise the scope of work/report to include vibration monitoring in proximity to heritage buildings in question. The Letter will need to be verified for technical acceptance by City of Windsor staff. This can be addressed at SPC.

ZONING – CONNER O’ROURKE

Below is the zoning review summary for the above mentioned property

- **Current Zoning Designation: CD3.6**
- **Proposed Zoning Designation: CD3.6 with site specific provision**

Proposed Use: Multiple Dwelling with 88 dwelling units (proposed by-law amendment to permit use)

Section 16 – Zoning Provisions

- **Maximum Main Building Height:(16.6.5.4)**
 - 55.0m – Proposed (Required)
 - 53.3m (Provided)
- **Minimum - Amenity Area (16.6.5.9)**
 - 10.89m² – per dwelling unit - Proposed (Required)
 - 958.62m² (Required)
 - 975.56m² (Provided)

Section 24 – Parking, Loading, and Stacking Provisions

- **Minimum Size of Parking Space (24.20.10.1)**
 - 3.5 metres by 5.5 metres – Beside a wall or fence (Required)
 - 2.5 metres by 5.5 metres (Provided)
- **Minimum Size of Type A Accessible Parking Space: (24.24.10.1)**
 - 3.5 metres by 5.5 metres (Required)
 - 3.4 metres by 5.5 metres (Provided)
- **(24.26.1) For all dwellings or dwelling units in a combined use building, all required parking spaces, visitor parking spaces and accessible parking spaces shall be located on the same lot as the dwellings or dwelling units they are intended to serve.**
- **Required Number of Bicycle Parking Spaces: (24.30.1)**
 - 6 (Required)
 - 0 (Provided)
 - Bicycle parking spaces must be shown on drawings.

LANDSCAPE & URBAN DESIGN – STEFAN FEDIUK

While I appreciate that the rendering are more obvious as to how the materials associated with the podium are going to be compatible with the Old Town character, I too echo Kristina's comments that essentially, there has been no real effort to consider our suggestions and comments previously made. Therefore, my comments too repeat most of the comments made previously, as I see opportunity for this development to comply more appropriately with the objectives and polices of the OP. If those are considered I feel that the height could be supported, especially with the fourth floor terrace being oriented to the south side of the property.

Pursuant to the application for a zoning amendment (Z 009-24) and Official Plan Amendment (OPA 186) to permit a 16-storey, 88-unit dwelling with 70 parking on the subject and construction of a new surface parking lot containing 12 visitor parking spaces at the southeast corner of Caron Avenue and Chatham Street West, please note the following comments:

Over the last year the applicant has consulted administration in the Planning Department with respect to the heritage aspect of the Old Town district and the response to the Urban Character of the areas in relationship to this proposal. The applicant has provided an urban design study and rationale for their position. Suggestions from administration were made for improvement to align more appropriately with the objectives of the Official Plan, but the applicant has rejected any suggested alterations (with exception to some public realm features). As a result, our comment too remains the same.

Official Plan Provisions related to Urban Design:

1. **Scale of Building:** The development is proposed in a Medium Density Profile area as per the OP Schedule E: City Centre District Plan which restricts building height to a 6–storey maximum (O.P.8.7.2.4). The proposed development is 16-storeys which per Schedule E is a Very High Profile or two full steps above that which is allowed. Other development has been proposed in that area which may support this height, however, the intent of the Medium Density Profile in this area to not allow for any development to overpower the intimate character of Old Town. The applicant is proposing a 4-storey podium to address the character (O.P. 8.7.1.2 & O.P. 8.7.2.1) , however the proposed podium exceeds the height of the surrounding residential/mixed use buildings as demonstrated in the urban design study. It has been recommend to the applicant that the profile of the podium needs to be reduced to more align with the overall height of the surrounding area.
2. **Orientation:** The proposed development consists of 4-storeys of parking with a 12-storey residential tower above. The tower is narrower than the north-south axis of the proposed development resulting in an outdoor amenity space facing northwards towards the backside of the existing 16-storey residential tower at the corner of Riverside Dr. West and Caron Avenue as well as a proposed residential tower development at the corner of Riverside and Janette Avenue (see Building elevations). These towers essentially block any intended view of Detroit and given the orientation with the proposed residential tower of this development to the south of the amenity space, it would be in perpetual shade with exception to very early morning and late evening mid-summer. It is recommended that development of the residential tower be re-oriented to the north side of the development allowing for a more visible setback from Chatham Street above the 4-storey. This will allow for better solar gains to the roof-top amenity area as well a potential to provide a vegetative rooftop greenspace (OP 8.6.1.2). As setback along Chatham Street would also comply with the objectives found in the OP 8.7.2.7. This clause also identifies that setback is to occur after the third storey.
3. **Character:** The proposed development is located in the Old Town Neighbourhood which is a heritage district. The Sr. Urban Designer supports the comments made by the City's Heritage Planner. The applicant has, aside from scale, made valid attempts to provide cohesion between the Old Town Neighbourhood and the podium of the proposed development through material selection, colour palette and introduction of fixed awnings to address the datum lines established by the surrounding residential/mixed-use buildings.
4. **Public Realm:** The proposed development has provided for ample setback between the streets and the facades along Chatham Street and Caron Avenue. However, the renderings provided demonstrate a parklike setting as opposed to a more vibrant public area where people can meet or mingle, which would be characteristic of a downtown urban environment. The main floor uses could be converted to commercial with restaurants that may benefit from a more commercial-style sidewalk café appearance, similar to the mixed-use occupancies surrounding the development. Further to this, there are existing trees which will be required to be removed to accommodate this development. Therefore, replacement/compensation to the satisfaction of the City Forester and City Planner will be required. Replacement trees to be proposed must be

able to reach a large (majestic) height to help soften the scale of the development and help bring the height down to a more human comfort scale for those pedestrians along the street and in the public spaces surrounding the development.

5. **Parking:** The podium mentioned above, contains amenity spaces for the residential tower portion, along with 3 levels of parking, much of which is circulation space due to the constrained layout. The applicant is encouraged to further explore other options to bring down the height of the parking podium need to be considered including, acquisition of abutting parking areas surrounding the proposed development, underground parking structure, or redesign of the street frontages to provide a more residential character (i.e townhomes) with parking in the rear – concealed areas.

Tree Preservation:

The Sr. Urban Designer supports the comments from Park's City Forester related to the loss of the urban tree canopy, as a result of this proposed development.

There are five City Trees that will be affected by this development. Replacement will be required. The City will require that the developer is notified, in advance, of the City's tree replacement procedure: City Forestry follows the 'equivalent diameter' replacement methodology - for every unit diameter of tree removed (e.g. due to damages), a similar amount of new trees must be planted.

Parkland Dedication:

All requirements will be determined at the time a Site Plan application is received.

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BELL CANADA

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ENBRIDGE – SANDRO AVERSA

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

Please Note:

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

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

BUILDING – MIRELLA ALLISON

No issues with the site plan as far as spatial separation.
The interior could have issues with dead end corridors.

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Ottawa 4. The closest bus stop is directly across the street from this property on Giles at McDougall Southeast Corner providing direct transit access to this development. This will be maintained with Transit Windsor's City Council approved Transit Master Plan.

CANADA POST – BRUNO DESANDO

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

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

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

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

WINDSOR FIRE – MICHAEL COSTE

Fire has no issue

ENGINEERING – JUAN PARAMO

Site Servicing – The site may be serviced by a 750x1000mm combined sewer located within the McDougall Street right-of-way. If possible, existing connections should be utilized. Any redundant connections shall be abandoned in accordance with the City of Windsor Engineering Best Practice B.P 1.3.3.

A sanitary sampling manhole may be required on any new or existing sanitary connection at the property line to the satisfaction of the City Engineer, if one does not already exist.

A Sanitary Sewer Report, dated December 2023 and revised on January 2024 by Baird AE, has been received and reviewed. The applicant's consultant has confirmed that the existing 750mm combined sewer on McDougall Street will effectively accommodate the site's sewer servicing needs. The study demonstrates that the municipal combined sewer have adequate capacity, and no adverse impacts are expected on the surrounding areas as a result of the proposed development.

The Sanitary Sewer Report has been deemed acceptable, and the proposed sanitary servicing strategy is supported by the Engineering Development department.

Right-of-Way – McDougall Street is classified as a Collector Road in accordance with the Official Plan, requiring a right-of-way width of 24 meters. The current right-of-way is 13.40 meters, requiring a land conveyance of 1.5 meters along the McDougall Street frontage of 0 Giles Boulevard East, and a conveyance of 1 meter along the McDougall Street Frontage of 285 Giles Boulevard East.

A 6.1m x 6.1m corner cut-off is required along the south-east corner of Giles Boulevard and McDougall Street. An encroachment agreement will be required for the resulting parking lot area encroaching within the future right-of-way. Alternatively, the proponent may remove any encroaching elements.

In summary we have no objection to the proposed development, subject to the following requirements:

Encroachment Agreement – The owner agrees to submit application for and execute an agreement with the Corporation for the proposed no fee encroachment, as per the encroachment policy, into the right-of-way (after conveyance has been completed, the north west corner of the parking lot of 0 Giles Boulevard East will have a concrete curb encroaching) to the satisfaction of the City Engineer.

Driveway Approaches - Shall conform to City of Windsor Standard Engineering Drawings AS-204, which must be constructed with straight flares and no raised curbs within the right-of-way.

Remove and restore all redundant curb cuts for 285 Giles Boulevard East along Giles Boulevard East.

Land Conveyance – Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, 1.5 meters land conveyance along the entire McDougall frontage for the 0 Giles Boulevard property, and 1 meter along the entire McDougall frontage for the 285 Giles Boulevard property.

Corner Cut-Off – The owner(s) agrees, prior to the issuance of a construction permit, to gratuitously convey a 6m x 6m (20' x 20') corner cut-off at the intersection of the south east corner of Giles Boulevard and McDougall Street in accordance with City of Windsor Standard Drawing AS-230.

If you have any further questions or concerns, please contact Juan Paramo, of this department at jparamo@citywindsor.ca

ENVIRONMENTAL SERVICES – ANNE-MARIE ALBIDONE

I have no objection to the rezoning, however, the applicant should be advised to communicate with my division prior to finalizing design plans. The location of the garbage storage is indicated, but not the location the garbage would be placed for collection. I am concerned that the collection vehicles will not be able to access the garbage/recycling/organics.

ZONING – ZAID ZWAYYED

Below is the zoning review summary for the proposal:

1. Off-site parking compliance: The proposed separations on both sides of the access area along Giles Boulevard and the proposed north separation provided at the access area along McDougall Street must be bound by a curb and provided as landscaped open space yard (Section 25.5.40.7) the deficiency can be addressed during site plan approval process.
2. The proposal complies with the provisions of ZBL/8600, excluding the requested amendments (Sections 15.2.5.15, 24.26.1 and 25.5.20.6).

HERITAGE – TRACY TANG

No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.

Nevertheless, the Applicant should be notified of the following archaeological precaution.

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

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events (A):

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

mstaaedegaard@citywindsor.ca

Ontario Ministry of Citizenship and Multiculturalism

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

TRANSPORTATION PLANNING – ELARA MEHRILOU

- McDougall Ave is classified as a Class I Collector with a required right-of-way width of 24 metres per Schedule X of the Official Plan. The existing right-of-way is insufficient, therefore, a conveyance of 1 metre is required from 285 Giles. A 1.5 metre conveyance is required from 0 Giles.
- A corner cut off of 6.1m x 6.1m is required at the corner of Giles and McDougall from 0 Giles.
- All parking must comply with ZBL 8600
- A reciprocal agreement is required between the two parcels.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

FORESTRY - Yemi Adeyeye

Forestry has no comments on this property.

NATURAL AREAS - Karen Alexander

Natural Areas has no comments on this liaison.

PARKS - Hoda Kameli

Parks D&D has no objection to this Liaison.

SPC

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004.

Please note: There is currently a Pre-Consultation Stage 2 application with Site Plan.

LANDSCAPE & URBAN DESIGN – STEFAN FEDIUK

Pursuant to the application for a zoning amendment (**Z 013/24**) to permit the conversion and expansion of the existing 3 storey building into a combined use building, with offsite parking on the subject, please note the following comments:

Urban Design and Climate Change:

The concept plan provided does not include the amount of landscape open space provide. CD2.2 does not identify requirements for such areas. However, the site plan for the off-site parking area (C103) demonstrates several large areas identified with painted surface markings, for traffic control to comply with zoning regulations (i.e. traffic control islands, corner areas). These areas would better serve the site with vegetative islands, with the provision of trees to provide shade for users and help reduce the urban heat island that is created by the expansive asphalt parking surface. Therefore, it is recommended that there be the inclusion a site-specific zoning provision that requires that any areas not used for the parking or maneuvering of vehicles within the off-site parking be designated as soft-surface landscape open space.

Similarly, the concept plan C102 provided indicates that the majority of the outdoor amenity area (517.53sm) will be hard surface. As the proposed use is to provide residential dwelling units, the need for shade and vegetation is strongly recommended, especially as the proposed amenity area in situated on the southwest side of the existing building. The provision of vegetation (especially trees) has been proven to provide healthy environments for residences. Provincial Legislation supports that landscape enhancements for such improvement to modify extremes of air temperature and sustainable design practices, are to be encouraged as does the O.P. (Sect 8 – Urban Design).

Tree Preservation:

Per the pre-consultation stage, the building site had been characterized by dense overgrown plantings. The off-site parking site was encircled with several trees. All vegetation was removed by the owner, and it was found some of those trees (9 in total) were on city property. Those trees will need to be replaced to the satisfaction of the Sr. Urban Designer and City Forester. This can be accommodated through the Site Plan Control process which this development will be subject. Therefore, as a condition of the site plan process, a condition is to be added that identifies that in addition to the standard tree planting requirements, the owner will provide 9 additional 50mm caliper trees to the satisfaction of the City Forester and Planning Department.

Parkland Dedication:

All requirements will be determined at the time a Site Plan application is received.

ENWIN

HYDRO ENGINEERING: Tia McCloskey

No Objection to rezoning

Please note the following distribution and services for 285 Giles E.:

- Overhead 27.6kV primary distribution pole line and associated down guy wires/ anchors across the street to the North limit of the property.
- Overhead 27.6kV primary distribution pole line and associated down guy wires/ anchors across the street to the East limit of the property.
- Overhead 120/240V secondary triplex servicing 225 Giles E, adjacent to the West limit of the noted property above.
- Underground 120V streetlight duplex, adjacent to the North limit of the property noted above.
- Overhead 120/208V Transformer and distribution across the street to the East limit of the property.

- Overhead 120/240V secondary triplex distribution, across the street to the East.
- Overhead 120/240V secondary triplex distribution, serving 1225 McDougall St, adjacent to the South limit of the property.
- Overhead 120/208V secondary quadruplex distribution, serving the above noted address.
- Overhead 347/600V secondary quadruplex distribution, servicing 1225 McDougall St, adjacent to the South limit of the property.
- Overhead 347/600V secondary quadruplex distribution, servicing 1240 Windsor Ave, adjacent to the South limit of the property.

Please note the following distribution and services for 0 Giles E.:

- Overhead double 27.6kV circuit primary distribution pole line and associated down guy wires/ anchors adjacent to the West limit of the property.
 - Overhead 27.6kV primary distribution pole line and associated down guy wires/ anchors across the street to the North.
 - Overhead 120V streetlight duplex, adjacent to the North limit of the property.
 - Overhead 120V streetlight duplex across the street to the North limit of the property.
 - Overhead 120/208V Transformer and distribution adjacent to the West limit of the property.
 - Overhead 120/240V transformer distribution adjacent to the East limit of the property.
- Overhead 120/240V triplex serving the above noted property.

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

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

WATER ENGINEERING: Bruce Ogg

ENWIN Water has no objections to the rezoning.

APPENDIX “J”
Consultations

BELL CANADA

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

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

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

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

Complete Application Circulations & Recirculations

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

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

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

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

Concluding Remarks:

If you have any other specific questions, please contact planninganddevelopment@bell.ca directly. We note that WSP operates Bell Canada’s development tracking system, which includes the intake and processing of municipal circulations. However, all responses to circulations and requests for information, such as requests for clearance, will come directly from Bell Canada, and not from WSP. WSP is not responsible for the provision of comments or other responses.

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Central 3. The closest existing bus stop to this property is located on Industrial at Ambassador Southwest Corner. This bus stop is approximately 345 metres from this property falling within Transit Windsor’s 400 metre walking distance guidelines to a bus stop. This will be greatly enhanced with Transit Windsor’s City Council approved 2023 service plan where a new local route will be introduced to this area. A new bus stop will be located directly across from this property on Northwood at Daytona Northeast Corner providing direct transit access for this development. This will be maintained with Transit Windsor’s City Council approved Transit Master Plan.

ENVIRONMENTAL SERVICES – ANNE-MARIE ALBIDONE

When looking at the concept site drawing, it would be preferable if the garbage bin location were switched with the loading zone location (immediately next to it). I did not see any location designated for Recycling or for Source Separated organics (this will be coming to multi-res in the

not so distant future). These might be located in the same location as the garbage, but the information provided does not specify that.

Please don't hesitate to reach out to me or Jim Leether if there are any questions on the above.

ENBRIDGE – SANDRO AVERSA

After reviewing the provided information at Daytona Ave and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. PDF drawings have been attached for reference.

Please Note:

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

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

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

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

ENVIRONMENTAL SUSTAINABILITY – BARBARA LAMOURE

There are currently no comments from the Environmental Sustainability and Climate Change team. We are awaiting a revised Energy Strategy at the Site Plan Control.

TRANSPORTATION PLANNING – CHRIS GERARDI

- All parking must comply with ZBL 8600 otherwise a parking study would be required.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- Transportation Planning has reviewed the Traffic Impact Statement for the above-noted application "DAYTONA AVENUE APARTMENTS, 2240 DAYTONA AVENUE WINDSOR, ONTARIO" dated December 12 2023, by Shurjeel Tunio (P. Eng.) Senior Project Manager, and we find the Traffic Impact Statement satisfactory in its current form.

SPC

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Where preceding development applications are required, inclusive of Official Plan and Zoning By-law Amendments, request for Site Plan Control Pre-Consultation

Stage 1 may be made following completion of the requisite Development and Heritage Standing Committee meeting at <https://ca.cloudpermit.com/login>.

ZONING – CONNER O’ROURKE

Proposed Use: Multiple Dwelling with 20 Dwelling Units - Permitted

- Current Zoning Designation: RD2.2
- Proposed Zoning Designation: RD 2.5 with site specific provision

Section 5 - General Provisions

- o 5.2.20 the following are prohibited in any zoning district
 - .20 In any required yard, a refuse bin unless incidental to the erection, renovation or demolition of structures or the removal of waste on the same lot.

Section 11.5 – Zoning Provisions

- o Minimum Lot Area:
 - 90.38m² per dwelling unit - proposed
 - 1807m² – proposed (Required)
 - 1808m²(Provided)

Section 24 - Parking, Loading and Stacking Provisions

- o Curb Cut or Ramp for Accessible Parking Space
 - 24.24.20.1 Where a parking area is bounded by perimeter curbing which separates the principal pedestrian entrance of a building from the parking area, there shall be provided and maintained at least one curb cut or ramp that has a minimum width of 1.2 metres and a maximum slope of 1:8 where elevation is less than 7.5 cm or 1:10 where elevation is 7.5 cm to 20 cm.
 - Slope is too steep
- o Location of Parking Spaces
 - 24.26.5 A parking space, visitor parking space or accessible parking space is prohibited in a required front yard

Section 25 - Parking Area Provisions

- o Construction and Maintenance of Parking Area:
 - 25.5.10.5 Any curb shall be constructed of poured in place concrete, shall be continuous and shall have a minimum width and height of 15.0 centimetres. Precast concrete, rubber, plastic or other curbing or a parking stop that is not continuous is prohibited
 - 5.5.10.13 For any part of a parking area that is located less than 4.50 metres from a dwelling unit on an abutting lot, a screening fence with a minimum height of 1.20 metres shall be provided along the lot line on which the parking area is located
 - o Parking Area Separation from a building wall in which is located a main pedestrian entrance facing the parking area: (25.5.20.5)
 - 2.00m (Required)
 - 0.00m (Provided)
 - o Access Area:
 - 25.5.30.4
 - An access area needs to be 7.0m wide to permit two lane access
- 6.0 (Provided)

LANDSCAPE & URBAN DESIGN – STEFAN FEDIUK

Pursuant to the application for a zoning amendment (Z 010/24 & OPA 187) to permit RD2.5 Residential Zoning for a 4-storey multiple dwelling with 20 dwelling units with relief from lot area requirements on the subject, please note the following comments:

Zoning Provisions for Parking Setback:

The applicant has provided a 1.2m buffer between the proposed development and the single-family residential uses to the east along Northway Avenue. It is recommended that a site-specific zoning provision in conjunction with the amendment for change of permitted use, specifying a minimum 1.2 m landscape setback for parking areas in the Exterior Yard.

Tree Preservation:

Through the Committee of Adjustment process it was identified that the owner had removed City-owned tree without authority. The owner has compensated the city for the loss and should not have these included in any requirements through Site Plan Control. Only the minimum required number of trees as per Site Plan Control will be assessed through that process.

Parkland Dedication:

All requirements will be determined at the time a Site Plan application is received.

FORESTRY - Yemi Adeyeye

Forestry has no comments on this property.

There are no city owned trees on this development proposal.

NAUTRAL AREAS - Karen Alexander

Natural Areas has no comments on this liaison.

Just a request to ensure mowing continues until construction begins.

PARKS - Hoda Kameli,

Parks D&D has no objection to this Liaison.

ENWIN

HYDRO ENGINEERING: Keegan Morency Kendall

No Objection, provided adequate clearances are achieved and maintained.

Please note the following.

- 1- ENWIN has a three phase 300KVA, 27.6KV-347/600V transformer bank on the pole located across the street from 2240 Daytona Ave.
- 2- ENWIN has 27.6kV overhead primary conductors on the west side of the Daytona Ave and beside the property along Northwood St.
- 3- ENWIN has 347/600V overhead secondary conductors on the west side of the Daytona Ave.

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

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

WATER ENGINEERING: Bruce Ogg

ENWIN Water has no objections to the rezoning.

CANADA POST

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

Appendix A: CIP Approvals With No Expiry Recommended for Rescindment

| Council Approval Date | Council Resolution | Address | Project Description | CIP | Status/Recommendation |
|-----------------------|--------------------|------------------------|--|-------------------------|---|
| May 11, 2011 | CR168/2011 | 620 Sprucewood Ave | Addition to manufacturing facility | Economic Revitalization | <ul style="list-style-type: none"> • 10 years has passed with no agreement signed • Agreement sent to company on 2013 and 2015 with no response • RESCIND |
| August 29, 2011 | M208-20111 | 597 Ouellette Ave | Renovation of head office building | Economic Revitalization | <ul style="list-style-type: none"> • Agreement signed in 2012 • Company has sold the property • No assignment agreement received • 10 years has passed • RESCIND |
| November 7, 2011 | CR282/2011 | 703-711 Ouellette Ave | Renovation of building to create media studio | Economic Revitalization | <ul style="list-style-type: none"> • Business has relocated • 10 years has passed • No Agreement signed • RESCIND |
| January 23, 2012 | M42-2012 | 1680 Kildare Rd | Renovation of manufacturing facility | Economic Revitalization | <ul style="list-style-type: none"> • 10 years has passed • No Agreement signed • RESCIND |
| June 2012 | M320-2012 | 2001 Huron Church Rd | Conversion of warehouse to office space | Economic Revitalization | <ul style="list-style-type: none"> • 10 years has passed • No Agreement signed • RESCIND |
| February 3, 2014 | M72-2014 | 3400 Grand Marais Rd E | Construction of tourist destination (indoor soccer facility) | Economic Revitalization | <ul style="list-style-type: none"> • 10 years has passed • No Agreement signed • Letter re: rescinding sent on March 22, 2023 (no response) • RESCIND |
| March 9, 2015 | M133-2015 | 1207 Drouillard Rd | Renovation of building for microbrewery | Economic Revitalization | <ul style="list-style-type: none"> • No development • No agreement signed • Letter re: rescinding sent on April 5, 2023 (applicant confirmed project not proceeding) • RESCIND |
| April 18, 2016 | CR278/2016 | 2862 Kew Dr | Addition to manufacturing facility | Economic Revitalization | <ul style="list-style-type: none"> • Letter re: rescinding sent on April 5, 2023 • Applicant responded wishing to proceed |

| Council Approval Date | Council Resolution | Address | Project Description | CIP | Status/Recommendation |
|-----------------------|--------------------|--------------------|--|--|---|
| | | | | | <ul style="list-style-type: none"> Grant agreement sent April 28, 2023 No response received RESCIND |
| May 2, 2016 | CR303/2016 | 775 Riverside Dr E | File RSC for former fuel station property | Brownfield Redevelopment | <ul style="list-style-type: none"> Grant agreement signed Property sold Grant assignment agreement signed No development RESCIND |
| July 17, 2017 | CR399/2017 | 0 Edna | Redevelop industrial property for residential use | Brownfield Redevelopment (Feasibility Grant Program) | <ul style="list-style-type: none"> Work not completed RESCIND |
| August 8, 2017 | CR446/2017 | 0 Munich Crt | Construction of new manufacturing facility | Economic Revitalization | <ul style="list-style-type: none"> No development No Agreement signed Letter re: rescinding sent on April 5, 2023 (no response) RESCIND |
| October 7, 2017 | CR604/2017 | 2415 Division Rd | Construction of new warehouse facility | Economic Revitalization | <ul style="list-style-type: none"> No development No Agreement signed Letter re: rescinding sent on April 5, 2023 (no response) RESCIND |
| January 8, 2018 | CR11/2018 | 600 Tecumseh Rd E | Redevelop commercial property for residential use | Brownfield Redevelopment (Feasibility Grant Program) | <ul style="list-style-type: none"> Feasibility study not completed RESCIND |
| April 23, 2018 | CR238/2018 | 1568 Ouellette Ave | Construction of new head office (50% of floor area eligible) | Economic Revitalization | <ul style="list-style-type: none"> Signed grant agreement and required documents have been received. Waiting on in-person verification of eligible floor area No communication since April 2022. RESCIND |
| November 5, 2018 | CR591/2018 | 3505 Rhodes Dr | Renovation of existing budling | Economic Revitalization | <ul style="list-style-type: none"> Agreement circulated for signature – not response. Last contact March 2023. |

| Council Approval Date | Council Resolution | Address | Project Description | CIP | Status/Recommendation |
|-----------------------|--------------------|-----------------------------|--|-------------------------|--|
| | | | for manufacturing | | <ul style="list-style-type: none"> • RESCIND |
| March 4, 2019 | CR103/2019 | 845 Wyandotte St W | Addition to manufacturing facility | Economic Revitalization | <ul style="list-style-type: none"> • Email sent September 23, 2020 withdrawing application. • RESCIND |
| March 4, 2019 | CR104/2019 | 6365 Hawthorne Dr | Addition to manufacturing facility | Economic Revitalization | <ul style="list-style-type: none"> • No agreement signed • Reminder email sent to applicant April 12, 2023 (no response) • RESCIND |
| May 6, 2019 | CR220/2019 | 1519 Wyandotte St E | Renovation of building for Performance Venue. | Economic Revitalization | <ul style="list-style-type: none"> • No development • No Agreement signed • Letter re: rescinding sent on April 5, 2023 (no response) • RESCIND |
| November 9, 2020 | CR554/2020 | 1567 Ouellette Ave | Construction of new business incubator | Economic Revitalization | <ul style="list-style-type: none"> • Agreement signed • No construction • Property Sold • No assignment agreement received • RESCIND |
| November 9, 2020 | CR555/2020 | 3355 Munich Dr | Renovate industrial building for head office (35% of floor area eligible) | Economic Revitalization | <ul style="list-style-type: none"> • Waiting on grant agreement from applicant • No communication since October 12, 2022 • RESCIND |
| June 04, 2018 | CR305/2018 | 0 Victoria Avenue | 120 unit residential apartment building with ground floor commercial units and underground parking | Downtown | <ul style="list-style-type: none"> • Applicant has made no progress on development. • RESCIND |
| December 17, 2018 | CR666/2018 | 659 to 665 Ouellette Avenue | Converting the upper storey of the existing building to eight | Downtown | <ul style="list-style-type: none"> • Property has changed ownership. • New owner has different proposal and has been |

| Council Approval Date | Council Resolution | Address | Project Description | CIP | Status/Recommendation |
|-----------------------|------------------------|----------------------|---|---------------|--|
| | | | (8) new residential units | | advised to submit new application for CIP grants. <ul style="list-style-type: none"> • RESCIND |
| June 1, 2020 | CR285/2020 | 773 Assumption | New detached ADU | Downtown | <ul style="list-style-type: none"> • Development complete. • Municipal taxes did not increase more than \$500, therefore ineligible for the grant. • RESCIND. |
| September 14, 2020 | CR461/2020 | 524 Bruce Avenue | New detached ADU. | Downtown | <ul style="list-style-type: none"> • Development complete. • Municipal taxes did not increase more than \$500, therefore ineligible for the grant. • RESCIND. |
| January 18, 2021 | CR37/2021 | 477 Pelissier Street | Reuse existing building for 7 new residential units. | Downtown | <ul style="list-style-type: none"> • Development complete. • Municipal taxes did not increase, therefore ineligible for the tax grant. • RESCIND tax grant (New Residential Development Grant paid out). |
| January 19, 2021 | CR38/2021 | 615 Pelissier Street | Facade improvements and convert upper storey to residential | Downtown | <ul style="list-style-type: none"> • Development complete. • Municipal taxes did not increase, therefore ineligible for the tax grant. • RESCIND tax grant (Upper Storey Residential Conversion and Facade Grants paid out). |
| July 5, 2021 | CR309/2021 | 747 Ouellette Avenue | Renovate existing building for pharmacy. | Downtown | <ul style="list-style-type: none"> • Applicant has advised they are not moving forward with proposal. • RESCIND. |
| March 9, 2020 | CR213/2020 DHSC 144 | 700 Brock | Interior/exterior renovations to existing building | Sandwich Town | <ul style="list-style-type: none"> • The project has not started and the building has been sold • RESCIND |
| March 21, 2022 | CR123/2022 | 357-359 Indian Road | Demolish existing building and recreate the building with some of the | Sandwich Town | <ul style="list-style-type: none"> • The property has been sold • RESCIND |

| Council Approval Date | Council Resolution | Address | Project Description | CIP | Status/Recommendation |
|-----------------------|---------------------|--------------------------------|--|---------------|--|
| | | | original building material | | |
| July 10, 2017 | CR445/2017 PHED 490 | 3822 Sandwich Street (Vollmer) | Addition to existing Industrial Facility | Sandwich Town | <ul style="list-style-type: none"> • Applicant is receiving TIF through Economic Development CIP • RESCIND Development and Building Fees Grant of +/- \$12,098.00 |

Appendix A

Ontario Land Tribunal
Tribunal ontarien de l'aménagement
du territoire



ISSUE DATE: May 01, 2024

CASE NO(S): OLT-24-000133

PROCEEDING COMMENCED UNDER subsection 7 of the *Expropriations Act*, R.S.O. 1990, c. E.26.

Expropriating Authority

City of Windsor

Property Owner

Nicas Investments Ltd. and 2349136
Ontario Limited

Description:

Expropriations Act – Request for Hearing of
Necessity

Property Address:

0 St. Etienne

Municipality/UT:

Windsor/ Essex

OLT Case No:

OLT-24-000133

OLT Lead Case No:

OLT-24-000133

OLT Case Name:

2349136 Ontario Limited v. Windsor (City)

Heard:

April 5, 2024 by Video Hearing (“Hearing”)

APPEARANCES:

Parties

Counsel

City of Windsor (“City”)

Aaron Farough

Nicas Investments Ltd. and 2349136
Ontario Limited (“Owner”)

Dante Gatti
Jeffrey Adey

DECISION DELIVERED BY WILLIAM MIDDLETON AND ORDER OF THE TRIBUNAL

INTRODUCTION

[1] This proceeding was a Hearing of Necessity conducted on Friday, April 5, 2024, at the request of the City made on Thursday, February 1, 2024, pursuant to subsections 6(1) and 7(5) of the *Expropriations Act*, R.S.O. 1990, c. E.26 (“EA”).

[2] The City had previously delivered a Notice of Application for Approval to Expropriate Land (“Expropriation”) with respect to the Owner’s lands municipally known as 0 St. Etienne Windsor, Ontario (Legally Described as Part Lot 100 (McNiff) Concession 3 Sandwich East Formerly Lot 99 (Iradell) Concession 3, Part 1, 12R15949 being PIN 01408-1052; and Part Lot 100 Concession 3 McNiffs (Formerly Lot 99 Concession 3 Iradell) Part 2, 12R19072 being PIN 01408-1968), subsequent to which on December 20, 2023, counsel for the Owners had requested the Hearing of Necessity.

[3] The materials before the Tribunal for the Hearing were:

- (a) Book of Documents, comprising of 46 pages;
- (b) Request for Hearing of Necessity, comprising of seven pages; and
- (c) Case: *McGillivray v. Township of Cornwall*, 18 O.R. (2d) 283 (CA), comprising of five pages.

SUMMARY OF EVIDENCE AND ARGUMENTS

[4] The City called two witnesses, Denise Wright and Jason Campigotto. Ms. Wright is the Manager, Real Estate Services for the City. Mr. Campigotto is the Acting Deputy City Planner and Manager of Growth. The Owner’s counsel did not call any evidence.

[5] Ms. Wright testified as follows:

- (a) The City acquired 3005 Deziel Drive, formerly owned by the Owner, due to accumulated tax arrears resulting in power of sale proceedings which concluded on December 12, 2022;
- (b) 3005 Deziel Drive encroaches on the adjacent parcel of land;
- (c) To facilitate dealing with 3005 Deziel Drive and the encroachment issue, in the absence of any other proposal by the Owner, the City initiated the Expropriation; and
- (d) The Owner has not expressed any interest in 3005 Deziel Drive, but the City remains willing to consider any reasonable proposal from the Owner should these circumstances change.

[6] Mr. Campigotto testified that:

- (a) He agreed with the evidence of Ms. Wright and also that the only reason that the City took ownership of 3005 Deziel Drive was due to the failure of the Owner to pay the accumulated tax arrears;
- (b) The City has no records of any planning applications or other activity in respect of the lands subject to the Expropriation;
- (c) The lands under the Expropriation constitute employment lands, and the City is interested in maximizing their future potential development pursuant to the City's Economic Revitalization Community Improvement Plan ("CIP");
- (d) Consolidation of the lands under Expropriation will better facilitate such

future potential development pursuant to the CIP; and

- (e) Consolidation will also improve the municipal servicing of the lands under Expropriation.

[7] In the Tribunal's view, the evidence of Ms. Wright and Mr. Campigotto was not successfully challenged during cross-examination.

[8] In closing submissions, the City argued that the planned Expropriation was in accordance with the City's stated intentions under the Notice of Application for Approval to Expropriate Land and was fair, sound, reasonably necessary, and reasonably defensible.

[9] Counsel for the Owner contended that the City's stated intentions for the Expropriation were not the "real reason" underlying the planned Expropriation and, therefore, that it was not fair and reasonable. Counsel for the Owner further argued that the decision of the Ontario Court of Appeal in *McGillivray v. Township of Cornwall*, 18 O.R. (2d) 283 (CA) ("*McGillivray*") should lead this Tribunal to rule against the City.

[10] In the Tribunal's view, the Court of Appeal's ruling in *McGillivray* is simply not relevant to the issues in this hearing. That case involved an application brought under s. 283 of the *Municipal Act*, R.S.O. 1970, c. 284, to quash By-law No. 3316 of the Corporation of the Township of Cornwall. The appellant attacked the legality of this by-law, which declares that his land in the respondent Township was required for municipal purposes of the Township of Cornwall. The basis of the appellant's argument was that the only reason for the passing of the by-law was the Municipality's intention to resell the premises, which had become vested in the Township due to tax arrears – an illegal purpose. This was not an expropriations proceeding.

[11] The Court of Appeal in *McGillivray* was satisfied that the proper inference to be made was that the by-law was enacted purely for the purpose of cutting off the

Appellant's right to redeem his premises and that s. 53(1) of the *Municipal Affairs Act* does not create any new right in a municipality to declare by by-law that land is required for the purposes of the municipality.

[12] This Tribunal sees no parallel between the circumstances in *McGillivray* and the situation here. Here, the EA solely governs (leaving aside the question of whether the statutory provisions cited in *McGillivray* even still exist). There is no by-law at issue here nor can any ill motive be imputed to the City. The Owner is not being deprived of any discernable right and may have the benefit of compensation in a future proceeding under the EA. In fact, the Owner offered no evidence in this Hearing. The City's acquisition of 3005 Deziel Drive due to the Owner's accumulated tax arrears is a prior fact that is not at issue in this proceeding.

**REPORT UNDER SUBSECTION 7(6) OF THE EXPROPRIATIONS ACT, R.S.O. 1990,
C. E.26**

[13] **THE TRIBUNAL FINDS THAT** the proposed expropriation by the City of Windsor of the lands municipally known as 0 St. Etienne Windsor, Ontario (Legally Described as Part Lot 100 (McNiff) Concession 3 Sandwich East Formerly Lot 99 (Iradell) Concession 3, Part 1, 12R15949 being PIN 01408-1052; and Part Lot 100 Concession 3 McNiffs (Formerly Lot 99 Concession 3 Iradell) Part 2, 12R19072 being PIN 01408-1968), is fair, sound and reasonably necessary in the achievement of the stated objectives of the City of Windsor.

"William Middleton"

WILLIAM MIDDLETON
VICE-CHAIR

Ontario Land Tribunal

Website: olt.gov.on.ca Telephone: 416-212-6349 Toll Free: 1-866-448-2248

The Conservation Review Board, the Environmental Review Tribunal, the Local Planning Appeal Tribunal and the Mining and Lands Tribunal are amalgamated and continued as the Ontario Land Tribunal ("Tribunal"). Any reference to the preceding tribunals or the former Ontario Municipal Board is deemed to be a reference to the Tribunal.

APPENDIX B

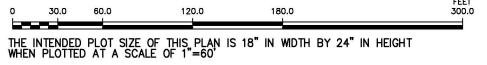
LEGAL DESCRIPTION OF LANDS TO BE EXPROPRIATED

Part of Lot 100 (McNiff), Concession 3, Sandwich East formerly Lot 99 (Iradell), Concession 3 being Part 1 on Plan 12R-15949, and Part of Lot 100 (McNiff), Concession 3, Sandwich East formerly Lot 99 (Iradell), Concession 3 being Part 2 on Plan 12R-19072, City of Windsor, County of Essex in fee simple.



DEZIEL Part 4, Plan 12R-5363
 (DECLARED AS PUBLIC HIGHWAY BY BY-LAW NO. 6601 AS IN INST. NO. 810120)
 (86' WIDE AS SHOWN ON PLAN 12R-5878)
 P.I.N. 01408-0990

PLAN OF SURVEY
 OF
 PART OF LOT 100, (McNiff's)
 CONCESSION 3
 GEOGRAPHIC TOWNSHIP OF SANDWICH EAST
 NOW IN THE
 CITY OF WINDSOR
 COUNTY OF ESSEX, ONTARIO
 © VERHAEGEN LAND SURVEYORS - A DIVISION OF J. D. BARNES LIMITED.
 SCALE : 1"=60'



THE INTENDED PLOT SIZE OF THIS PLAN IS 18" IN WIDTH BY 24" IN HEIGHT WHEN PLOTTED AT A SCALE OF 1"=60'

IMPERIAL DISTANCES SHOWN ON THIS PLAN ARE IN FEET AND CAN BE CONVERTED TO METRES BY MULTIPLYING BY 0.3048

LEGEND AND NOTES

BEARINGS ARE UTM GRID DERIVED FROM OBSERVED REFERENCE POINTS 'A' AND 'B' BY REAL TIME NETWORK OBSERVATIONS AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (2010.0).

DISTANCES ON THIS PLAN ARE GROUND AND CAN BE CONVERTED TO GRID BY MULTIPLYING BY THE COMBINED SCALE FACTOR OF 0.999901

ALL SET SSIB AND PB MONUMENTS WERE USED DUE TO LACK OF GROUND AND/OR PROXIMITY OF UNDERGROUND UTILITIES IN ACCORDANCE WITH SECTION 11 (4) OF O.REG. 525/91.

- DENOTES SURVEY MONUMENT FOUND
- DENOTES SURVEY MONUMENT SET
- SIB DENOTES STANDARD IRON BAR
- SSIB DENOTES SHORT STANDARD IRON BAR
- IB DENOTES IRON BAR
- PB DENOTES PLASTIC BAR
- WT DENOTES WITNESS
- M DENOTES MEASURED
- S DENOTES SET
- L DENOTES PERPENDICULAR
- D DENOTES DEED
- OU DENOTES ORIGIN UNKNOWN
- ORP DENOTES OBSERVED REFERENCE POINT
- (P) DENOTES PLAN 12R-26094
- (JDB) DENOTES J.D. BARNES LIMITED
- (1744) DENOTES VERHAEGEN LAND SURVEYORS

INTEGRATION DATA

COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE) NAD83 (CSRS) (1997.0).
 COORDINATE VALUES ARE TO AN URBAN ACCURACY IN ACCORDANCE WITH SECTION 14(2) O.REG. 216/10

| POINT ID | NORTHING | EASTING |
|----------|--------------|-------------|
| ORP-A | N15364062.90 | E1107087.01 |
| ORP-B | N15363483.61 | E1107090.34 |

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

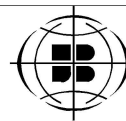
SURVEYOR'S CERTIFICATE

- I CERTIFY THAT:
- THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEYS ACT, THE SURVEYORS ACT, THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
 - THIS SURVEY WAS COMPLETED ON THE 4th DAY OF MARCH, 2023.

DATE MARCH 9, 2023

Roy A. Simone
 ROY A. SIMONE
 ONTARIO LAND SURVEYOR

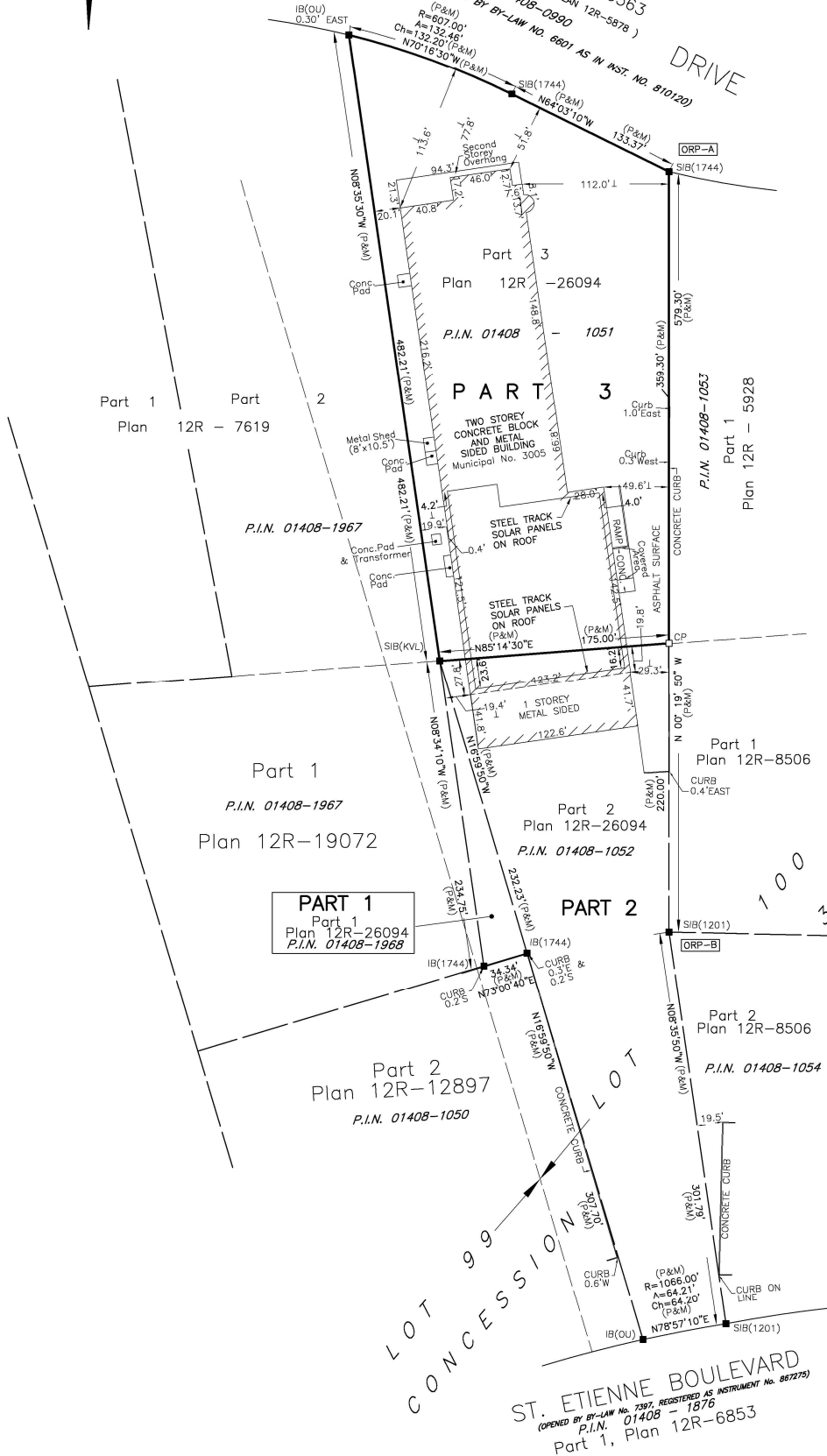
THIS PLAN OF SURVEY RELATES TO AOLS PLAN SUBMISSION FORM NUMBER 2204887.



VERHAEGEN SURVEYING
 LAND SURVEYORS MAPPING
 GIS
 A DIVISION OF J.D. BARNES LTD.
 944 OTTAWA STREET, WINDSOR, ON, N8X 2E1
 T: (519) 258-1772 E: (519) 258-1791 www.jdbarnes.com

| | | |
|---------------------|----------------------------|--------------------------------|
| DRAWN BY: A.J.M. | CHECKED BY: K.H./R.A.S. | REFERENCE NO.: 23-47-049-00 |
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| FILE: 23-47-049-00A.dwg | E-WND-3-100 | CAD Date: April 5, 2023 8:34 AM CAD File: 23-47-049-00A.dwg |
|-------------------------|-------------|--|



PART 1
 Part 1
 Plan 12R-26094
 P.I.N. 01408-1968

PART 2
 Part 2
 Plan 12R-26094
 P.I.N. 01408-1052

ST. ETIENNE BOULEVARD
 (OPENED BY BY-LAW No. 7397, REGISTERED AS INSTRUMENT No. 867275)
 P.I.N. 01408-1876
 Part 1, Plan 12R-6853

CR297/2024 - Item 11.4 - Appendix D
Appendix D

B Y - L A W N U M B E R -2024

A BY-LAW TO EXPROPRIATE THE LANDS KNOWN MUNICIPALLY AS 0 ST. ETIENNE
BOULEVARD

Passed the day of , 2024.

WHEREAS in accordance with the provisions of the *Expropriations Act*, R.S.O. 1990, c. E.26, an application was submitted to City Council as approving authority, for approval to expropriate a fee simple interest in the property municipally known as 0 St. Etienne Boulevard, legally described as Part of Lot 100 (McNiff), Concession 3, Sandwich East formerly Lot 99 (Iradell), Concession 3 being Part 1 on Plan 12R-15949, in fee simple and Part of Lot 100 (McNiff), Concession 3, Sandwich East formerly Lot 99 (Iradell), Concession 3 being Part 2 on Plan 12R-19072, City of Windsor, County of Essex (the “**Lands**”) for consolidation with municipal lands under the City of Windsor Economic Revitalization Community Improvement Plan;

AND WHERAS notice of such application was published and served on the registered owners of the Lands in accordance with the *Expropriations Act*;

AND WHEREAS pursuant to section 7 of the *Expropriations Act*, an inquiry hearing with respect to the proposed expropriation was held before the Ontario Land Tribunal on April 5, 2024; and

AND WHEREAS the Council of the Corporation of the City of Windsor, as approving authority, at its meeting held on July 8, 2024, has considered the report of the Ontario Land Tribunal dated May 1, 2024, concerning the proposed expropriation of the subject lands and has approved the application and has given leave to introduce and enact this by-law.

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

1. The expropriation of the fee simple interest in the Lands for the purposes of consolidation with municipal lands under the City of Windsor Economic Revitalization Community Improvement Plan is approved by the Council of The Corporation of the City of Windsor, as approving authority, and the Chief Administrative Officer and City Clerk and their respective designates are hereby authorized to execute a Certificate of Approval pursuant to the *Expropriations Act*.
2. The expropriation of the fee simple interest in the Lands for the purposes of consolidation with municipal lands under the City of Windsor Economic Revitalization Community Improvement Plan is authorized by the Council of The Corporation of the City of Windsor as expropriating authority and the Chief Administrative Officer and City Clerk and their respective designates are hereby authorized to execute the necessary plan of expropriation pursuant to the *Expropriations Act*;
3. The City Solicitor and designates, are hereby authorized to prepare, execute, serve, and file, as necessary, all other documents required to complete the expropriation and give effect to this bylaw, and to make an offer of compensation under section 25 of the *Expropriations Act* and issue payment accordingly.

DREW DILKENS, MAYOR

CLERK

First Reading - , 2024
Second Reading - , 2024
Third Reading - , 2024