

Development & Heritage Standing Committee Meeting Agenda

Date: Monday, February 3, 2025

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

Location: Council Chambers, 1st Floor, Windsor City Hall

All members will have the option of participating in person in Council Chambers or electronically and will be counted towards quorum in accordance with Procedure By-law 98-2011 as amended, which allows for electronic meetings. The minutes will reflect this accordingly. Any delegations have the option to participate in person or electronically.

MEMBERS:

Ward 1 – Councillor Fred Francis

Ward 4 - Councillor Mark McKenzie

Ward 7 - Councillor Angelo Marignani

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison (Chairperson)

Member Anthony Arbour

Member Joseph Fratangeli

Member Daniel Grenier

Member John Miller

Member Charles Pidgeon

Member Robert Polewski

Member Khassan Saka

Member William Tape

ORDER OF BUSINESS

Item # Item Description
1. CALL TO ORDER

READING OF LAND ACKNOWLEDGMENT

We [I] would like to begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations, which includes the Ojibwa, the Odawa, and the Potawatomi. The City of Windsor honours all First Nations, Inuit and Métis peoples and their valuable past and present contributions to this land.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

- 3.1. Additional Information Memo for Report No. S 122/2023; Official Plan Amendment and Zoning By-law Amendment for the vacant land located on the southwest corner of Wyandotte St. E. and Florence Ave. intersection; Applicant: Ganatchio Gardens Inc.; File Nos. OPA 162 [OPA/6731]; Z-026/22 [ZNG/6730]; Ward 7 **(AI 2/2025)**

4. COMMUNICATIONS

5. ADOPTION OF THE *PLANNING ACT* MINUTES

- 5.1. Adoption of the Development & Heritage Standing Committee (*Planning Act*) minutes of its meeting held January 6, 2025 **(SCM 26/2025)**

6. PRESENTATION DELEGATIONS (*PLANNING ACT* MATTERS)

7. *PLANNING ACT* MATTERS

- 7.1. OPA & Rezoning – Rock Developments East Windsor Inc. – Catherine Street - OPA 192 OPA/7265 Z-042/24 ZNG/7264 - Ward 8 **(S 1/2025)**

7.2. Official Plan Amendment and Zoning By-law Amendment Applications for the property known as 0 North Service Road; Applicant: Dardevco Inc.; File Nos. OPA 191 [OPA/7261] and Z-029/24 [ZNG/7233]; Ward 8 (**S 5/2025**)

8. **ADOPTION OF THE MINUTES**

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

10. ***HERITAGE ACT* MATTERS**

11. **ADMINISTRATIVE ITEMS**

12. **COMMITTEE MATTERS**

12.1. Minutes of the International Relations Committee of its meeting held December 11, 2024 (**SCM 23/2025**)

12.2. Minutes of the Property Standards Committee of its meeting held November 7, 2024 (**SCM 24/2025**)

13. **QUESTION PERIOD**

14. **ADJOURNMENT**



Additional Information: AI 2/2025

Subject: Additional Information Memo for Report No. S 122/2023; Official Plan Amendment and Zoning By-law Amendment, southwest corner of Wyandotte St. E. by Florence Ave.; Applicant: Ganatchio Gardens Inc.; File Nos. OPA 162 [OPA/6731] and Z-026/22 [ZNG/6730]; Ward 7

Reference:

Date to Council: February 3, 2025
Author: Justina Nwaesei, MCIP, RPP
Senior Planner, Development
519 255-6543 ext. 6165
jnwaesei@citywindsor.ca

Report Date: January 13, 2025
Clerk's File #: Z/14606 & Z/14602

To: Mayor and Members of City Council

Recommendation:

THAT the request by Ganatchio Gardens Inc. to withdraw Report No. S 122/2023, File Nos. OPA 162 [OPA/6731] and Z-026/22 [ZNG/6730], **BE RECEIVED**, and

THAT Administration **BE DIRECTED** to close the file(s) pertaining to the subject application.

Additional Information:

The Planning Department prepared Report No. S 122/2023 dated September 14, 2023, in response to the OPA and ZBA applications submitted by Dillon Consulting Limited on behalf of the applicant (Ganatchio Gardens Inc). Report S 122/203 is herein attached as Appendix 2 to this Memo.

On October 3, 2023, the Development & Heritage Standing Committee (DHSC) considered the request from Melanie Muir of Dillon Consulting Limited (Applicant's Agent) to defer Report No. S 122/2023 (Item 7.1, October 3, 2023 DHSC Agenda.)

Below is the Committee members' motion in response to the request for deferral.

*Moved by: Councillor Kieran McKenzie
Seconded by: Councillor Fred Francis*

*THAT the report of the Senior Planner, Subdivisions dated September 14, 2023 entitled, "Official Plan Amendment and Zoning By-law Amendment for the vacant land located on the southwest corner of Wyandotte St. E. and Florence Ave. intersection; Applicant: Ganatchio Gardens Inc.; File Nos. OPA 162 [OPA/6731]; Z-026/22 [ZNG/6730]; Ward 7" **BE DEFERRED** to a future meeting of the Development & Heritage Standing Committee to allow for further discussions between administration and the proponent to take place.*

Carried.

*Report Number: S 122/2023
Clerk's File: Z/14606 & Z/1460*

It should be noted that the Applicant has had recent discussions with Planning staff, which resulted in a new application being submitted for consultation reviews. The new application is at the Stage 1 Planning Consultation level. Meanwhile, the applicant is requesting to formally withdraw the previous application / Report No. S 122/2023.

Attached as Appendix 1 is the letter received from Melanie Muir of Dillon Consulting requesting a withdrawal of the previous application / Report No. S 122/2023.

Approvals:

Name	Title
Greg Atkinson	Deputy City Planner - Development
Neil Robertson	Executive Director of Planning & Development / City Planner
David Simpson	Commissioner of Infrastructure Services and City Engineer
Aaron Farough	Senior Legal Counsel, Legal Services & Real Estate
Jelena Payne	Commissioner of Economic Development
Joe Mancina	Chief Administrative Officer

Appendices:

- 1 Appendix 1 - Request for Withdrawal
- 2 Appendix 2 - Report S 122-2023



Our File: 21-1691

January 10, 2025

The Corporation of the City of Windsor
Council Services Department
350 City Hall Square West, Room 530
Windsor, ON
N9A 6S1

Request for Withdraw of Application
Ganatchio Gardens Development
Florence Avenue at Wyandotte Street East
City of Windsor

3200 Deziel Drive
Suite 608
Windsor, Ontario
Canada
N8W 5K8
Telephone
519.948.5000
Fax
519.948.5054

On behalf of our client, Ganatchio Gardens Inc., we are requesting the withdrawal of the applications related to the aforementioned project, specifically OPA 162 (OPA/6731) and Z-026/22 (ZNG/6730). The applicant intends to redesign the site and initiate the planning process anew with a fresh application and submission package in the near future. The new design will differ significantly from the current application package, and after discussions with the City and Deputy City Planners, it was agreed that restarting the process would be the best course of action.

Should you have any questions, please contact the undersigned at (519) 791-2221 or mmuir@dillon.ca.

Yours sincerely,

DILLON CONSULTING LIMITED

A handwritten signature in blue ink, appearing to read "mmuir".

Melanie Muir, MCIP RPP
Associate

MAM:ldm
cc:

Wing On Li – Lankor Horizons Development Inc.
Ayman Haddad – Lankor Horizons Development Inc.
Neil Robertson – City of Windsor, Planning Department
Justina Nwaesei – City of Windsor, Planning Department
Greg Atkinson – City of Windsor, Planning Department

Dillon Consulting
Limited



Subject: Official Plan Amendment and Zoning By-law Amendment for the vacant land located on the southwest corner of Wyandotte St. E. and Florence Ave. intersection; Applicant: Ganatchio Gardens Inc.; File Nos. OPA 162 [OPA/6731]; Z-026/22 [ZNG/6730]; Ward 7

Reference:

Date to Council: October 3, 2023
Author: Justina Nwaesei, MCIP, RPP
Senior Planner, Subdivisions
519 255-6543 ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: September 14, 2023
Clerk's File #: Z/14606 & Z/14602

To: Mayor and Members of City Council

Recommendation:

I THAT the applicant's request for a site-specific Official Plan policy to add "High Profile Residential Building" as a permitted use on the land located at the southwest corner of Wyandotte and Florence, described as Part of Lot 138, Concession 1, **BE DENIED** for the reason(s) noted in this report;

II THAT the applicant's request for a site-specific Official Plan policy to permit a residential development within 300m of the Little River Pollution Control Plant, **BE DENIED** for the reason(s) noted in this report;

III THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of part of the land located at the southwest corner of Wyandotte and Florence described as Part of Lot 138, Concession 1, from Green District 1.5 (GD1.5) and Residential District 2.1 with a holding prefix (HRD2.1) to Residential District 2.5 with a holding prefix (HRD2.5), subject to the following additional site-specific holding provisions;

"490. SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND FLORENCE AVENUE

"For the lands comprising Part of Lot 138, Concession 1, the following additional provisions shall apply

- 1) *Multiple Dwelling* with 5 or more dwelling units,

Main building height - maximum	26.0 m
Required Parking Space – maximum	1.57 per dwelling unit
- 2) Sections 11.5.5.6.6 & 11.5.5.7.6 (Rear Yard Depth), shall be measured from the nearest building wall to the new south lot line of the subject lands after the conveyance of the 20.0 wide Archaeological Potential Zone

- 3) Section 11.5.5.6.7 & 11.5.5.7.7 (Side Yard Width), shall be measured from the nearest building wall to the new west lot line of the subject lands after the conveyance of the 4.4 m wide existing perimeter hedgerows
- 4) A *scenery loft* shall be an additional permitted facility on a *multiple dwelling* with five or more *dwelling units*, subject to the following:
 - (a) The "Exceptions To Maximum Building Height Provisions" in section 5.35 of By-law 8600 shall not apply to a *scenery loft* on the subject land; and
 - (b) The *Scenery Loft* Provisions in section 5.35.5 of By-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres.
- 5) Location of a *building* or *structure* within 300 metres of the east limit of the planned expansion of the Little River Sewage Treatment plant is prohibited. The distance shall be measured from the *lot line* of the property that will contain the expanded sewage treatment plant to the nearest wall of any building or structure located on the subject residential site.
- 6) An access area or direct vehicular access to Wyandotte Street East is prohibited.
- 7) Required parking for the townhome dwellings shall be located within attached garage and/or on the private driveway of each townhome dwelling unit.

[ZDM 14; ZNG/6730]"

IV THAT the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the 'H' symbol and the following condition is satisfied:

- 1) The Owner(s) gratuitously convey to the Corporation of The City of Windsor lands sufficient in width for the creation of a 22.0 m wide road allowance for the extension of Florence Avenue south of Wyandotte Street East;

V. THAT the Site Plan Approval Officer **BE DIRECTED** to incorporate the following requirements (detailed in the attached Appendix A to this report) and other requirements found in Appendix D of this Report, in the Site Plan Approval and Site Plan Agreement for the proposed development on the subject land:

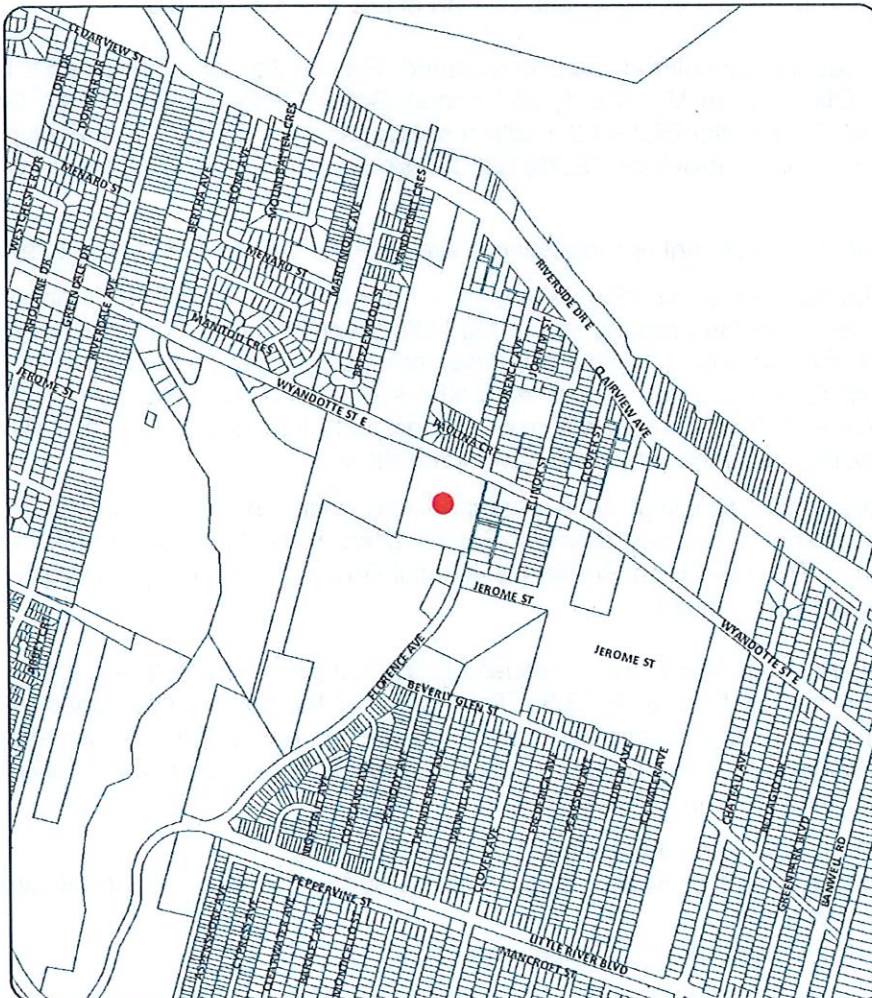
- A. Servicing Study
- B. Corner Cut-off (6.1m x 6.1m) at the southwest corner of the Wyandotte Street East and Florence Avenue intersection;
- C. Florence Avenue Construction
- D. Concrete sidewalks on both sides of Florence Avenue.
- E. Construct all sidewalks in conformity with the requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA).
- F. Access driveways: maintain a minimum clearance of 55.0 m from the nearest cross road with existing or planned signals.
- G. Oversizing and cost sharing
- H. \$129,000.00, Servicing fee for Sanitary Sewer Stub south of the subject lands.
- I. Servicing of vacant lots fronting on east side of Florence Avenue Extension.
- J. 0.3m Reserve and cost-sharing.
- K. Parkland Conveyance - convey the GD1.4 portion of the subject land.
- L. Species at Risk/ Habitat Protection.

- M. Protection and preservation of the Archaeological Potential Zone (APZ) portion of the subject land
- N. Installation of a non-permeable 1.8m (6ft) fence with no gates between the boundaries of the proposed dwellings and the proposed parkland.
- O. Warning clause for proximity to a Sewage Treatment Plant.
- P. Phase 2 Environmental Site Assessment completed in accordance with the Canadian Standards Association (CSA) standard

Executive Summary: N/A

Background:

1. KEYMAP



KEY MAP - Z-026/22, ZNG-6730, OPA 162, OPA-6731

● SUBJECT LANDS

2. APPLICATION INFORMATION:

LOCATION:

Southwest corner of Wyandotte St. E. and Florence Avenue intersection, more particularly described as Part of Lot 138, Concession 1, as in R1158427 save and except Part 1, Plan 12R-22261, geographic township of Sandwich East, now in the City of Windsor, County of Essex.

WARD: 7

PLANNING DISTRICT: EAST RIVERSIDE

ZDM: 14

APPLICANT: GANATCHIO GARDENS INC. (C/O WING ON LI)

AUTHORIZED AGENT: DILLON CONSULTING LIMITED (C/O MELANIE MUIR)

PROPOSAL: The applicant is requesting site-specific amendments to the City of Windsor Official Plan and Zoning By-law 8600 for the land located at the southwest corner of Wyandotte Street East and Florence Avenue intersection, described as Part of Lot 138, Concession 1.

The subject land is a vacant agricultural land, designated 'Residential' on Schedule D: Land Use, City of Windsor Official Plan Volume 1, and zoned Green District 1.4 (GD1.4), Green District 1.5 (GD1.5) and Residential District 2.1 with a holding symbol (HRD2.1) by Zoning By-law 8600. A site-specific zoning provision (S.20(1)383) also applies to the GD1.4 area of the subject land.

Official Plan Amendment: The applicant is requesting a site-specific Official Plan policy to permit

- (a) a reduction in the required separation distance from a Pollution Control Plant, from 300m to 230m measured from the property line of the Little River Pollution Control Plant to the property line of the proposed residential development. [Section 5.4.10.3 of the OP prohibits residential, commercial, mixed use and institutional development within 300m of a Pollution Control Plant, measured from the property line of the Pollution Control Plant to the property line of the proposed development]; and
- (b) 'High Profile Residential Building' as a permitted use under the Residential land use designation. According to the new Section 6.3.2.1 (Permitted Uses) of the OP, which was approved by OPA 159, 'High Profile Residential Buildings' are not permitted in the Residential land use designation.

Zoning By-law Amendment: The applicant is requesting to change the zoning of parts of the subject land from GD1.5 and HRD2.1 to RD3.3. The portion of the subject site zoned GD1.4 will be dedicated as parkland and its current zoning will remain unchanged. A site specific zoning by-law amendment is also being requested on the subject land to permit the following on the part of the subject land that is zoned residential:

- townhome dwelling as additional permitted use on the property,
- a maximum building height of 54.0m, instead of the 30.0m maximum height allowed in the RD3.3 district; and
- a scenery loft with no maximum gross floor area.

Proposed Development: To construct an L-shaped 16-storey multiple dwelling containing 275 dwelling units, a 2-storey clubhouse (for residents) on an elevated platform, along with 28 ground level townhomes and associated parking areas (both covered and open parking lots.)

- The proposed twenty-eight (28), 2-storey townhome dwellings are positioned along the Wyandotte Street East and future Florence Avenue extension rights-of-ways, and are intended to serve as a buffer and provide the appropriate transition from the existing low-density residential dwellings to the north and east of the Subject Site.
- Each townhome dwelling will feature two (2) parking spaces per unit via private driveways, as well as two (2) additional spaces within the attached garages. A sum total of four (4) parking spaces are proposed per townhome dwelling. Parking for the townhome dwellings is located at the rear of the units.
- The proposed one (1) 16-storey multiple dwelling building with a scenery lot loft is positioned along the south and west lot lines (rear lot line and interior side lot line). The proposed multiple dwelling is designed to include various amenities such as access to four (4) outdoor terraces resulting from stepping back the built form as the height of the building increases.
- The proposed scenery loft is an additional enclosed amenity area located above the uppermost storey of the building and is readily available to all future residential occupants. The scenery loft will also provide access to additional outdoor amenity space in the form of a rooftop garden.
- The proposed development includes a total of 544 parking spaces in the form of covered surface parking, open surface parking, private driveways, and attached garages. Of the 544 parking spaces, 432 are proposed in the form of both open and covered surface parking areas to service the proposed multiple dwelling. The covered surface parking allows for an outdoor terrace to be provided above the parking area.

Also included as part of the proposed development is the conveyance of 0.32 ha (0.79 ac) of land to the City of Windsor for the future extension of the Florence Avenue right-of-way north to provide connection to Wyandotte Street East.

SUBMISSIONS BY APPLICANT: Supporting materials were received for the subject application. Copy the link below to access and review the materials submitted by the applicant for the subject applications. <https://www.citywindsor.ca/residents/planning/Land-Development/Development-Applications/current-development-applications/Pages/0-Wyandotte-Sreet-East-Ganatchio-Gardens-Inc.aspx>

CONCEPT PLAN: See attached Appendix B to this report.

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
<ul style="list-style-type: none"> • EAST RIVERSIDE Planning District (Schedule A, OP Vol.1) • POLLUTION CONTROL PLANT – close by (Schedule C, OP Vol. 1) • FLOOD PLAIN AREA (Schedule C, OP Vol. 1) • RESIDENTIAL Land Use 	<ul style="list-style-type: none"> - HRD2.1, GD1.4 & GD1.5 - ZDM14 	Vacant	Agricultural

(Schedule D, OP Vol. 1)			
FRONTAGE	DEPTH	AREA	SHAPE
158.3m	irregular	3.296 ha	Irregular
Note: All measurements are approximate			

4. REZONING MAPS:



NEIGHBOURHOOD MAP - Z-026/22, ZNG-6730
& OPA 162, OPA-6731



SUBJECT LANDS

SURROUNDING LAND USE

- *North of the subject land:* Wyandotte Street right-of-way abuts the north limit of the subject land. Further north, there are low density residential uses, mostly single unit dwellings

along Paulina Court and Florence Avenue, a church (Calvary Baptist church) and a residential development (Border City Co-Operative homes).

- *South of the subject land:* Mainly Open Space use, including storm water management pond. There are two small parcels of residential lands on the north and south sides of Jerome Street westerly extension. Further south, about 3.6km from the subject land, at Clover by McHugh Street, there is St Joseph's Catholic High School.
- *West and southwest of the subject land:* Open space use, including a multi-use trail (Ganatchio trail) and municipal park (Riverside Kiwanis Park). Little River drain is within the Open Space Land Use area west of the subject land. Further west, there is the Windsor Little River Pollution Control Plant (approximately 420m distance from the subject land, measured from the most easterly existing sludge plant building), Riverside Secondary School (approximately 1.8km from the subject land) and MS Hetherington Public School (about 1.6km from the subject land).
- *East of the subject land:* To the immediate east of the subject land, there is an open north/south alley abutting the east limit of the proposed Florence Avenue extension. There are undeveloped lands immediately east of the open north/south alley. Further east, there are low density residential dwellings fronting on both sides of Elinor Street. A closed north/south alley exists between the undeveloped lands and the residential dwellings along Elinor Street.

Attached to this report as **Appendix C** are site photos taken on August 11, 2023.

MUNICIPAL INFRASTRUCTURE

- The City's records show that there are municipal storm and sanitary sewers within the abutting/nearby roadways, available to service the subject property.
 - Wyandotte Street East R.O.W. contains 1950mm Reinforced Concrete Pipe Storm Sewer;
 - Elinor Street contains 350mm Asbestos Cement Pipe Sanitary Sewer;
 - Florence Avenue (south of the subject development) contains 1500mm Reinforced Concrete Pipe Sanitary Sewer.
- There are municipal watermains, Telecommunications Fibre Optics, LED streetlights and fire hydrants along Wyandotte Street and Florence Avenue (north of proposed development). There is a fire hydrant at the southwest corner of Wyandotte Street east and Florence Avenue intersection.
- There are curbs and gutters, concrete sidewalks and bicycle lanes along both sides of Wyandotte Street pavement.
- Florence Avenue (north of proposed development) has curbs & gutters both sides of the pavement and concrete sidewalk on the west side of the pavement.
- Transit Windsor Buses, Lauzon 10, travel (north bound) through Wyandotte Street East. There is a bus stop across the street on the north side of Wyandotte Street East, west of Florence Avenue, at the northwest corner of Wyandotte & Florence intersection.
- Wyandotte Street is a Class II Arterial Road, and Florence Street is Class II Collector Road.

Discussion:

1. PROVINCIAL POLICY STATEMENT (PPS) 2020

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

PPS 2020 provides policy direction on matters of provincial interest related to land use planning and development and sets the policy foundation for regulating the development and use of land in Ontario. The Provincial Policy Statement 2020 applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after May 1, 2020.

This planning report recommends a Zoning By-law Amendment, which I will refer to as the *Recommended ZBLA* or *Recommended Amendment*. The Recommended Amendment in this planning report will promote residential intensification and infill in an area surrounded by residential, institutional and open space uses along with a sewage treatment plant. Therefore, in evaluating the subject Amendments for consistency with PPS 2020, a number of policies of the PPS 2020 are relevant for the discussion as evident in this report and in the Planning Justification Report (PJR) dated March 2023, prepared by the applicant's planning consultant (Dillon Consulting Limited). The PJR contains the planning consultant's key policy considerations of the PPS as it relates to the proposed development on the subject land. I have reviewed the PJR and I am providing independent and complementary planning analysis to what the planning consultant has already stated in their March 2023 PJR.

PPS Policy 1.1.1 states that *Healthy, liveable and safe communities are sustained by:*

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

With respect to 1.1.1(a) – The recommended Zoning By-law Amendment (ZBA) will promote and enhance the existing land use pattern. The proposed building layout demonstrates the applicant's intent to efficiently utilize the vacant/undeveloped subject land.

With respect to 1.1.1(b) –The surrounding land uses in the subject area include a mix of low-density, low profile residential dwellings (mostly single unit dwellings), vacant/undeveloped lands, and open space lands with multiuse trails and storm water facilities. The current

residential zoning districts in the immediate area permit low profile residential developments only. The recommended amendments will accommodate a mix in housing types and options ranging from low to high density residential developments comprising small scale, low profile residential developments and medium profile residential developments that are appropriate mix of residential types for the subject area. The Recommended Amendment is consistent with policy 1.1.1(b) of the PPS.

The applicant's proposed high profile residential development is **not appropriate** for the subject site as discussed later in the Official Plan and Zoning sections of this report.

With respect to 1.1.1(c) – There is no known environmental or public health and safety concern resulting from the recommended amendment or from the proposed development on the subject site. Odour from the treatment plant is an existing environmental, health, and safety concern in the immediate area. Consequently, appropriate warning clause is recommended for inclusion in any future Site Plan Agreement for a residential development on the subject land.

As noted in section 2.7.8.7 of OP Volume 2, "The plant is proposed to be expanded to the east, to accommodate projected growth in Windsor and adjacent municipalities. Due to odours which may emanate from the sewage treatment plant, *the Ministry of Environment and Energy has required, and the City of Windsor must comply with, a designated 300 metre buffer zone around the proposed plant expansion.* As such, only recreational and stormwater management facilities shall be permitted to locate within 300 metres of the existing and/or expanded Little River Sewage Treatment plant." The required separation of 300m between the sensitive land use and the treatment plant will help to minimize and mitigate public health and safety concerns (odour and potential noise) arising from proximity to the treatment plant.

The Phase 1 Environmental Site Assessment (ESA) dated July 2021 and prepared by Dillon Consulting, indicates that no actual environmental sources of contamination were identified at the site; however, *potential* sources of contamination to both soil and groundwater were identified. Consequently, the ESA recommends a soil sampling program in order to assess the potential impacts to soil from the former orchard operations at the site. To address the soil sampling requirement, this report recommends that at the time of Site Plan Control a Phase 2 Environmental Site Assessment be completed in accordance with the Canadian Standards Association (CSA) standard.

With respect to 1.1.1(d) – The proposed development is on land that is located within the inner part of the City of Windsor settlement area and surrounded by existing developments and other land holdings. Therefore, the proposed development does NOT prevent the efficient expansion of settlement areas.

With respect to 1.1.1(e) – The subject amendment will promote intensification, encourage the use of existing public transit and active transportation (multiuse trail and sidewalks) in the area and help minimize land consumption and servicing costs.

With respect to 1.1.1 (f) – Sidewalks provide safe pedestrian connection for the public to access available public services (such as parks, transit, schools, etc). Sidewalks also improve *accessibility for persons with disabilities and older persons*. As noted already in this report, there are existing concrete sidewalks on Wyandotte Street East and Florence Avenue on the north side of Wyandotte Street East. Additional sidewalks are required to be constructed along both sides of Florence Avenue extension to connect to existing sidewalks in the area and increase full participation in society, for older persons and people with disabilities.

With respect to 1.1.1(g) – The subject land is in an area of the city that is serviced by necessary infrastructure (such as sanitary and storm sewers, watermains, electricity generation facilities and transmission and distribution systems) and public service facilities (such as public parks). There are existing local park(s) with multi-use trails (Ganatchio trail), and nearby place of worship. The subject land appears to be within the area serviced by nearby schools.

With respect to 1.1.1(i) Consideration for climate change is addressed through various methods including lot-grading plans, stormwater management measures, tree planting requirements, landscaping requirements and more. Therefore, Regional and local impacts of climate change will be further assessed at the Site Plan Control stage when lot-grading, stormwater management, servicing study, landscaping are carefully reviewed prior to Site Plan approval and agreement. This report also contains zoning provisions that cap required number of parking spaces and increase required landscape buffers at the south and west limits of the property to help reduce the urban heat island effect created by extensive hard surface parking areas.

In summary, the recommended amendments will facilitate an efficient development that will positively impact the financial well-being of the City of Windsor. The amendments will help minimize land consumption and servicing cost and will increase the use of existing and planned public transit and active transportation services in the area. The recommended Official Plan and Zoning By-law amendments are consistent with policy 1.1.1 of the PPS.

11.1.3.1 Settlement areas shall be the focus of growth and development.

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

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

Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment in accordance with the criteria in policy 1.1.3.3, where this can be accommodated.

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

1.1.3.4 Appropriate development standards should be promoted which facilitate intensification, redevelopment and compact form, while avoiding or mitigating risks to public health and safety.

The subject land is located within a settlement area (the City of Windsor) and the Recommended Amendment creates opportunity for growth and development in the city through residential intensification. The recommended amendments promote a land use that is based on density and makes efficient use of land and existing infrastructure, including existing and planned active transportation options such as sidewalks, bike lanes, and multiuse trails. The proposed infill development will support existing active transportation options (such as sidewalks and multi use trail) and transit services adjacent to, or near the subject land.

With respect to 1.1.3.3, the recommendations of the Multi-Residential Interim Control By-law Study (2022) implemented by OPA 159 did not include the subject land as an area for high profile residential intensification. However, Planning Staff also recognise that the OPA 159 did not prohibit residential intensification on the said land. The recommended amendments will encourage residential intensification that considers existing building stock (mostly ranch style low-profile developments), infrastructure (existing and planned) and public service facilities in the subject area. The Recommended ZBLA signifies that the subject land represents an appropriate location for some form of intensification.

The Recommended ZBLA is consistent with PPS policies 1.1.3.1, 1.1.3.2, 1.1.3.3 and 1.1.3.4.

1.2.6 Land Use Compatibility

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

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

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

The nearest existing major facility in close proximity to the subject lands is the sewage treatment facility called Little River Pollution Control Plant (LRPCP), located approximately 420.0 m distance southwest of the subject residential land (measured from the existing property lines of both lands). Note, the existing property line of the LRPCP is considered to be the current east limit of the existing facility, prior to proposed expansion). Therefore, based on the current limit of the existing treatment plant property, the proposed development meets the 300m requirements (per s.5.4.10.3 of the OP) and provides the desired separation, which helps to mitigate adverse effects from odour, noise and other contaminants; thereby, minimizing the risk to public health and safety and achieving the required land use compatibility. However, as discussed already in this report, there is a secondary plan policy (s.2.7.8.7 of East Riverside Planning Area) that provides more details on the separation requirement and shows that the proposed development does not conform with the OP because the minimum separation (300m) required from the planned future expansion of the treatment plant is not provided.

The City has identified the need for a significant future expansion (easterly) of the LRPCP. The proposed future expansion is required to accommodate future growth. As a matter of background, the City's website confirms that in 2021, the City of Windsor initiated a master servicing plan for the Sandwich South Area geared towards providing the required municipal infrastructure in support of growth. The Sandwich South Master Service Plan, a Municipal Class EA discussed the capacity limitations of the existing LRPCP and recommended increasing the capacity to accommodate the future Sandwich South development. This will entail studying the abutting property to the east of the existing LRPCP to determine the best location to

accommodate new/additional treatment tanks and facilities. The future expansion of the LRPCP is subject to the requirements and approval of the Ministry of Environment Conservation and Parks (MECP). The Environmental Assessment (EA) for the proposed expansion has commenced, and is projected for completion by the end of the year 2024.

The City has serious concerns that the applicant's request to locate the proposed residential development at a reduced separation of 230m from the future treatment tanks would adversely impact the proposed expansion of the LRPCP and the servicing of the Sandwich South lands. This would unnecessarily limit options for the design/placement of the new facility, and would increase the cost of odour and noise mitigating equipment from both an operating and capital perspective. Therefore, to ensure that the proposed expansion of the treatment plant and the proposed residential development are appropriately designed, buffered and/or separated from each other per PPS policy 1.2.6.1, this report recommends against the reduced 230m separation from the LRPCP.

It should be noted that the applicant submitted an Odour Impact Assessment dated March 2023, prepared by Dillon Consulting Limited. The City did not accept the conclusion in the Odour report as the analysis is based on a number of assumptions, which may not be consistent with the recommendations of the Environmental Assessment that is currently being undertaken by the City for the planned expansion of the LRPCP.

There is an identified need for the proposed use. The subject land was recently approved for development of a residential subdivision with different site layout; therefore, it was not necessary to request alternative locations for the proposed new development. Adverse effects from the nearby LRPCP to the proposed sensitive land use will be minimized and mitigated as shown in the recommendation contained in this report. To minimize and mitigate potential impacts to the LRPCP, the recommendation in this report includes zoning provisions (separation) and site plan control provisions (such as odour warning clauses, separation and landscape buffer requirements) that are to be fulfilled at the time of Site Plan Control and construction permit. Potential impacts of the proposed residential development to the LRPCP are minimized and mitigated by maintaining the required 300m minimum buffer (separation) from the new easterly lot line of the proposed future expansion of the LRPCP. The required separation shall be measured from the closest wall of the residential building or structure to the new east lot line of the expanded plant property.

1.4 Housing

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

- b) *permitting and facilitating:*
 - 1. *all housing options required to meet the social, health, economic and well-being requirements of current and future residents, including special needs requirements and needs arising from demographic changes and employment opportunities; and*
 - 2. *all types of residential intensification, including additional residential units, and redevelopment in accordance with policy 1.1.3.3;*
- c) *directing the development of new housing towards locations where appropriate levels of infrastructure and public service facilities are or will be available to support current and projected needs;*
- d) *promoting densities for new housing which efficiently use land, resources, infrastructure and public service facilities, and support the use of active transportation and transit in areas where it exists or is to be developed;*

- e) *requiring transit-supportive development and prioritizing intensification, including potential air rights development, in proximity to transit, including corridors and stations;*

The Recommended Amendment will permit and facilitate

- a variety of low and medium profile housing options (single unit dwellings, semi-detached dwellings, duplexes, double duplexes, townhomes and multiple dwellings), and
- all types of residential intensification (including Additional Dwelling Units) that are appropriate in the subject neighbourhood.

The Recommended Amendment will

- bring new housing in an area that has appropriate level of infrastructure;
- promote a higher density residential development on the vacant subject land, thereby, efficiently using the land and infrastructure;
- provide a form of housing that is appropriate in terms of range and mix; and
- meet the social, health and well-being of current and future residents.

Appropriate level of infrastructure, active transportation and transit services are available or will be available in the subject area. This amendment is consistent with policy 1.4 of the PPS.

1.6 Infrastructure and Public Service Facilities

1.6.6 Sewage, Water and Stormwater

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

The subject land is within an area that is serviced by municipal sewage services and municipal water services. The recommended amendment will help optimize the use of existing municipal services and utilities in the area. The recommended amendment is consistent with policy 1.6.6.2 of the PPS.

1.6.6.7 Planning for stormwater management shall:

- c) *minimize erosion and changes in water balance, and prepare for the impacts of a changing climate through the effective management of stormwater, including the use of green infrastructure;*
- d) *mitigate risks to human health, safety, property and the environment;*
- e) *maximize the extent and function of vegetative and pervious surfaces; and*
- f) *promote stormwater management best practices, including stormwater attenuation and re-use, water conservation and efficiency, and low impact development.*

With respect to 1.6.6.7 (c) & (d) – The applicant submitted a Stormwater management report dated March 2023, by Dillon Consulting Limited. The Stormwater management report assessed the storm water management requirements for the proposed development. The report concludes that “The stormwater management design for the proposed development meets the established SWM criteria for the overall site, and no negative impacts due to the site development are anticipated in the existing system.”

With respect to 1.6.6.7(e) - The landscaped open space yard proposed by the applicant, the recommended reduction in paved surfaces and increased building setbacks from the south and

west limits of the property will help to maximize the extent and function of vegetative and pervious surfaces on the subject site.

With respect to 1.6.6.7 (f) - The applicant submitted a Functional Servicing Report (FSR), dated March 2023, prepared by Dillon Consulting Limited. The applicant's consulting Engineer concludes that the adjacent services are sufficient for the proposed development.

The recommended ZBA is consistent with policies 1.6.6.7 (c), (d), (e) & (f) of the PPS.

In summary, the above planning analysis demonstrates that the recommended ZBLA is consistent with relevant Policies of PPS 2020

2.1.1 Natural features and areas shall be protected for the long term.

2.1.7 Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements.

According to a Natural Site Features Inventory and Preservation Study, dated August 2018, submitted by Goodban Ecological Consulting Inc., the subject land was being used for agricultural purpose and largely free of natural features, except for hedgerows dominated by scattered Eastern Cottonwood and thickets of Gray Dogwood and Common Buckhorn. City's records show that in a 2017 written correspondence between Goodban and the Ministry of Natural Resources and Forestry (MNRF), MNRF confirmed that *"there are no known occurrences of Species at Risk (SAR) on the property, though there are known occurrences of SAR in the general project area with potential to also occur in the hedgerows and thicket on the property"*. MNRF further noted that *"if the hedgerows and thicket are proposed to be retained, the project will likely not contravene the Endangered Species Act, 2007 (ESA 2007)."*

This report recommends protection of the perimeter hedgerows and thicket on the property.

2.6.1 Significant built heritage resources and significant cultural heritage landscapes shall be conserved.

2.6.2 Development and site alteration shall not be permitted on lands containing archaeological resources or areas of archaeological potential unless significant archaeological resources have been conserved.

CRM Lab Archaeological Services prepared Stage 1 Archaeological Background Study and Stage 2 Archaeological Property Assessment Reports (Original Report and Supplementary Information) dated October 19, 2018, for the subject land. According to CRM Lab Archaeological Services, *"the results of the Stage 1-2 Archaeological Assessment indicate that despite the extensive disturbance in the northern portion of the subject property, the southern portion of the subject property still retains potential for subsurface archaeological resources of cultural heritage value or interest (CHVI) related to the Nicodemo-Dupuis Site located directly to the south of the subject property. There is a very high probability that the Nicodemo-Dupuis Site does extend into the southern portion of the subject property"*.

It was noted that further cultural heritage value or interest (CHVI) associated with the subject property would require further assessment prior to development of the southern portion of the subject property. Consequently, a Stage 3 Assessment was recommended along with options for avoiding the required Stage 3 assessment. The 2019 development proponent chose to protect a 20m wide land area along the southern portion of the subject property (marked as Archeological Potential Zone on the Map above) by conveying the said area to the Corporation of the City of Windsor as Parkland. The Ministry of Tourism, Culture and Sports was satisfied

with the recommended approach, provided they (MTCS) received a formal letter from the City indicating the following as per the recommendations:

- “1. The lands will be conveyed to the Municipality and that the Municipality is aware of the potential for the Nicodemo-Dupuis Site to be present in this location, and;
2. The Municipality will keep this area passive prohibiting activities that could impact the Nicodemo-Dupuis Site negatively within this Buffer area prior to additional Archaeological Assessment”.

The above is the appropriate wording for the protection of the Archaeological Potential Zone (APZ) on the subject site. Attached to this report as Appendix E, is a letter dated February 4, 2020, from the City to MTCS, which satisfied the requirement of MTCS regarding the protection of Archaeological Potential Zone on subject land.

A portion of the Archaeological Potential Zone extends into the future road allowance (Florence Avenue future extension), which would be conveyed to the Corporation of the City of Windsor; therefore, the City will also protect the cultural heritage value of the subject area and ensure that Stage 3 assessment is undertaken at the appropriate time. Based on the above discussion, the recommended amendment is deemed consistent with policies 2.6.1 & 2.6.2 of the PPS.

3.0 Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.

Essex Region Conservation Authority (ERCA) was consulted because the *parcel falls within the regulated area of the Little River and Lake St. Clair*. ERCA had no objections but required the property owner to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Based on ERCA’s comment, one can state that the zoning by-law amendment is consistent with policy 3.0 of the PPS or will be consistent with policy 3.0 of the PPS upon successfully completing ERCA’s development review process.

In summary, the Recommended ZBLA is consistent with the relevant Policies of the PPS 2020.

3. OFFICIAL PLAN:

The subject land abuts a city corridor, per Schedule J – Urban Structure Plan, of the City of Windsor Official Plan (OP).

The OP, in s.3.3.2.1 states “Residential development may include high profile (26 to 58 metres in height), medium profile (14 to 26 metres in height) and residential over retail at street, as well as row housing and lofts”.

The Applicant’s planning consultant cited s.3.3.2.1 in rationalizing the request for permission to develop a high-profile residential development on the subject land. However, this rationale which is a general non-area specific provision, is not supported by the recent council approved amendments to the OP as stated in OPA 159.

In 2022, the Planning Department completed a city-wide Residential Intensification review study resulting in the recommendations for city-wide Official Plan Amendment (OPA 159) and the

accompanying zoning by-law amendment (Z-019/22). On June 13, 2022, council adopted OPA 159 and approved file zoning amendment file Z-019-22, by CR264/2022. On July 11, 2022, Council passed By-law 100-2022, which adopted OPA 159, and passed By-law 101-2022 for Z-019/22.

The purpose of OPA 159 is to implement policies that will encourage the production of affordable and attainable housing within the City of Windsor. OPA 159 directs intensification to areas within the city where present and future residents will be in proximity to goods and services, public transportation and employment areas.

In the background discussion for OPA 159, it was noted that

- Low profile residential neighbourhoods should accommodate intensification in a manner that is compatible with the existing density and built form in those neighbourhoods.
- There is concern that uncontrolled intensification can adversely impact the character of existing residential neighbourhoods within the city.

Although OPA 159 contains policies which provide direction with respect to residential intensification in the City of Windsor, there are still areas or parcels within the city that could be appropriate for residential intensification but were not considered for residential intensification in OPA 159. Such lands will be evaluated on a site-by-site basis through site-specific Official Plan amendment applications and/or zoning by-law amendment applications brought forward by land owners.

With respect to Residential Intensification, here are three relevant policies in OPA 159, which help to direct residential intensification in the City of Windsor:

6.1.14, RESIDENTIAL INTENSIFICATION - To direct residential intensification to those areas of the city where transportation, municipal services, community facilities and goods and services are readily available.

6.3.1.3, INTENSIFICATION, INFILL & REDEVELOPMENT - To promote residential redevelopment, infill and intensification initiatives in appropriate locations in the city.

6.3.2.4, LOCATIONAL CRITERIA - Residential intensification shall be directed to the Mixed-Use Nodes and areas in proximity to those Nodes. Within these areas Medium Profile buildings, up 4 storeys in height shall be permitted. These taller buildings shall be designed to provide a transition in height and massing from low-profile areas. New residential development and intensification shall be located where:

- a) there is access to a collector or arterial road;
- b) full municipal physical services can be provided;
- c) adequate community services and open spaces are available or are planned; and
- d) public transportation service can be provided.

LAND USE DESIGNATION - The site is designated "Residential" in the Land Use Schedule D of City of Windsor Official Plan.

The objectives and policies of the Residential land use designation establish the framework for development decisions in Residential areas within the City of Windsor.

The Official Plan supports a complementary range of housing forms and tenures in all neighbourhoods (s.6.3.1.1); promotes compact neighbourhoods which encourage a balanced

transportation system (s.6.3.1.2); and promotes residential redevelopment, infill and intensification initiatives in appropriate locations in the City of Windsor (s.6.3.1.3).

The above noted objectives of the OP are satisfied by the Recommended ZBLA, which will permit the townhome development (low density) and complementary range of housing forms (semi-detached and single detached dwellings) and higher density development (medium profile multiple dwelling) on the subject land. The Recommended ZBLA will result in an infill development, which by its very nature promotes a compact neighbourhood.

CHAPTER 2, OP VOL. 1, "Development Profile refers to the height of a building or structure. There are four development profiles described in the Plan:

- a) Low Profile development is a building or structure generally no greater than fourteen (14) metres in height.
- b) Medium Profile development is a building or structure generally no less than fourteen (14) metres in height and generally no greater than twenty-six (26) metres in height;
- c) High Profile development is a building or structure generally no less than twenty-six (26) metres in height and generally no greater than fifty-eight (58) metres in height;
- d) Very High Profile development is a building or structure generally greater than fifty-eight (58) metres in height.

CHAPTER 6, OP VOL. 1, s.6.2.1.2 further defines development profiles as follows:

- (a) Low Profile developments are buildings or structures generally no greater than three (3) storeys in height;
- (b) Medium Profile developments are buildings or structures generally no greater than six (6) storeys in height; and
- (c) High-Profile developments are buildings or structures generally no greater than fourteen (14) storeys in height.

OPA 159 deleted the existing s.6.3.2.1 and replaced it with the following:

PERMITTED USES (s. 6.3.2.1) – Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low Profile and Medium Profile dwelling units.

High Profile Residential Buildings shall be directed to locate in the City Centre, Mixed Use Centres and Mixed Use Corridors.

S.6.3.2.1 makes it very clear where to direct high profile residential Buildings in the City of Windsor. The applicant's property is not in the City Centre, nor in the Mixed-Use Centre or Mixed Use Corridor. Therefore, the applicant's request for site-specific OPA to permit high/very high-profile residential development on the subject land does not conform to the recently amended mandatory policy direction of s.6.3.2.1. of the OP. Section 6.3.2.1 overrides the general non-area specific provision found in s. 3.3.2.1 relied on by the applicant's planning consultant. Therefore, the recommendation in this report is to deny the request for high profile building on the subject land.

As noted already in this report under s.6.3.2.4, new residential development and intensification shall be located where:

- a) *there is access to a collector or arterial road;*

The proposed development is on a property with access to an arterial road (Wyandotte Street East) as well as access to a proposed collector Road (Florence Avenue extension).

b) full municipal physical services can be provided;

As noted already in this report, there are existing full municipal physical services available to service the subject land.

c) adequate community services and open spaces are available or are planned; and
Existing community services, open spaces and public transportation are already in, and near, the neighbourhood and can service the new development.

d) public transportation service can be provided.

As noted already in this report, public transportation service is provided in the subject neighbourhood by Lauzon 10 transit buses, which travels through Wyandotte Street East in front of the subject land.

Although, the proposed development satisfies the locational criteria (s.6.3.2.4) of OP Vol. 1, the subject land is not within an intensification priority area identified by OPA 159 approved by Windsor City Council on July 11, 2022 (e.g. Mixed Use Centres; Mixed Use Corridors; and Mixed Use Nodes.)

The recommended intensification in this report is supported by the permitted uses in s.6.3.2.1 of the Residential land use designation. The recommended intensification is also a reflection of the zoning categories that currently exist in the immediate neighbourhood. The recommended zoning category will result in intensification that is similar to, and/or same as, what is approved on lands designated Residential in the immediate area.

Section 6.3.2 5 – Evaluation Criteria for a Neighbourhood Development Pattern -

In analysing conformity with section 6.3.2.5 (a) under the evaluation criteria, with respect to development constraints, it is important to note that the proposed development is within the Shoreline and Floodprone areas of the city and is in an area of High Archaeological Potential.

CRM Lab Archaeologist Services prepared Stage 1 and Stage 2 Archaeological Assessments Reports recommending mitigation measures, which have been incorporated in this report, to address archaeological findings summarized in their reports dated October 19, 2018.

The Essex Region Conservation Authority (ERCA) has advised that the parcel falls within the regulated area of the Little River and Lake St. Clair. ERCA requires the property owner to obtain a Permit and/or Clearance from their office prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act. Their office may provide further comment regarding Storm Water Management for this development at the time of application for Site Plan Control.

This report contains information confirming that the Recommended Amendment will result in a development that is feasible, having regard to the other provisions of the OP, provincial legislation, policies and appropriate guidelines and support studies. Therefore, the evaluation criterion set out under s.6.3.2.5(a) OP Vol. 1 is satisfied.

With respect to s.6.3.2.5 (b) of OP Vol. 1, the proposed development is required to be in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area. There is no guideline plan affecting the subject area, but the East Riverside Secondary Plan affects most of the surrounding area. Therefore, it is important to consider the following secondary plan policy:

The environmental policy 2.7.8.7 of East Riverside Planning Area, OP Vol. 2, states

"The plant is proposed to be expanded to the east, to accommodate projected growth in Windsor and adjacent municipalities. Due to odours which may emanate from the sewage treatment plant, the Ministry of Environment and Energy has required, and the City of Windsor must comply with, a designated 300 metre buffer zone around the proposed plant expansion. As such, only recreational and stormwater management facilities shall be permitted to locate within 300 metres of the existing and/or expanded Little River Sewage Treatment plant."

Based on the above, the proposed development must be located outside of the 300 m buffer of the existing and/or expanded LRPCP. The recommendation in this report satisfies the requirement to locate the proposed residential buildings outside of the 300 m buffer, per the Official Plan environmental policies 5.4.10.3, Vol. 1 and s.2.7.8.7, Vol. 2. Therefore, the recommended amendment satisfies s.6.3.2.5 (b).

With respect to s. 6.3.2.5 (c) of OP Vol. 1, the proposed 54m tall multiple dwelling is not compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and amenity areas. Consequently, the report recommends a zoning category and site-specific provisions with which the proposed development can be designed to achieve compatibility with the surrounding area, per s.6.3.2.5(c).

There is more off-street parking than required by the zoning by-law; therefore, s.6.3.2.5(d) is satisfied. It should be noted that at the September 8, 2022, Public Information Centre the area residents expressed concerns with respect to street parking and number of parking spaces being proposed. Thereafter, the applicant increased onsite parking from 482 to 544 spaces.

The proposed development on the subject site is capable of being provided with full municipal physical services and emergency services; therefore, s.6.3.2.5 (e) is satisfied.

Section 6.3.2.5(f) – *"facilitating a gradual transition from Low Profile residential development to Medium and/or High profile development and vice versa, where appropriate. In accordance with Design Guidelines approved by Council."*

The design guidelines in the Windsor Intensification Guideline, approved in 2022, indicate the City's expectations with respect to the character, quality, and form of new development in Windsor's mixed-use centres, nodes, and corridors, and stable and mature neighbourhoods. The following design guidelines are implemented in the applicant's concept plans and elevations for facilitating a gradual transition from low profile residential development to the medium and/or high profile development:

- a. *Locate less dense and lower scale residential buildings in locations adjacent (or closer) to existing low density neighbourhoods.*

The concept plan shows townhome dwellings closer to the lands containing existing or future low profile developments.

- b. *Provide rear and side step-backs for upper storeys to provide contextually appropriate transitions from the Medium and High Profile buildings to the surrounding low profile neighbourhoods;*

The applicant's concept plan and elevation drawings contain proposed step-backs. This planning report also contains zoning provisions that address step-backs for upper storeys.

- c. *Ensure new development is compatible with adjacent and neighbouring development by siting and massing new buildings to avoid undue adverse impacts on adjacent properties particularly in regard to adequate privacy conditions for residential buildings and their outdoor amenity areas.*

The proposed multiple dwelling was sited at the rear to minimize adverse impact on adjacent neighbouring residential developments. However, the siting requires adjustments in order to mitigate potential impact on the future expansion of the LRPCP.

Section 7.2.3.2 – Pedestrian Network, OP Vol. 1: The Official Plan requires the installation of sidewalks on both sides of proposed Florence Avenue extension within the proposed development. This report contains recommendations that ensure compliance with the sidewalk requirements under s.7.2.3.2 (a) of OP Vol. 1.

Section 7.3.4.4 of OP Vol. 1 states, “Council shall protect pollution control plants from incompatible development in accordance with the Environmental chapter of this Plan”.

The Official Plan in s.5.4.10.3 (Environmental Chapter) prohibits residential, commercial, mixed use and institutional development within 300m of a Pollution Control Plant and states “The 300m distance shall be measured from the property line of the Pollution Control Plant to the property line of the proposed development.”

The environmental policy 2.7.8.7 of East Riverside Planning Area, OP Vol. 2, states “The plant is proposed to be expanded to the east, to accommodate projected growth in Windsor and adjacent municipalities. Due to odours which may emanate from the sewage treatment plant, the Ministry of Environment and Energy has required, and the City of Windsor must comply with, a designated 300 metre buffer zone around the proposed plant expansion.”

As noted already in this report, the City plans to expand the existing LRPCP easterly. An Environmental Assessment (EA) is currently underway for an expansion to the Little River Pollution Control Plant. The EA will outline the recommended expansion. For more information on the Little River Pollution Control Plant Schedule ‘C’ Class Environmental Assessment, copy this link:

<https://www.citywindsor.ca/residents/Construction/Environmental-Assessments-Master-Plans/Pages/Little-River-Pollution-Control-Plant-Expansion-Schedule-C-Municipal-Class-Environmental-Assessment.aspx>

The applicant requests a site-specific OP Amendment to permit the proposed residential development at 230 m distance from the Pollution Control Plant future expansion. For a number of reasons noted already in this report, the requested reduction in separation/distance between the proposed residential development and the treatment plan cannot be supported. Below are some of the reasons for not supporting the reduction in separation.

Approval of the proposed development at a distance closer than 300m from the future plant expansion may limit options for placement of new facilities and increase the capital cost of required noise and odour mitigation equipment, which would have cost implications to the rate payers and the Corporation. See the Financial Section of this report, and comment below from the City’s Commissioner of Infrastructure:

“Odour buffers play a critical role in preventing unpleasant odours from sewage treatment plants and pumping stations from affecting nearby residential and sensitive areas. They serve several essential purposes, including mitigating odour-related issues for communities, protecting investments in wastewater facilities, and ensuring compatibility with future planning and development.

Reducing the odour buffer distance around the Little River Pollution Control Plant (LRPCP) is not recommended. Reducing the plant’s odour buffer distance could impose limitations on the plant’s

upcoming design possibilities, potentially leading to increased costs (both capital and operating) and a higher number of odour complaints from nearby residents.

Currently, the City receives 311 complaints from Riverdale residents regarding odours emanating from the LRPCP. If the odour buffer distance were reduced, it is anticipated that these complaints would likely increase. The annual expenditure on current odour control chemicals for the existing plant is approximately \$400,000. Doubling the plant's size would inherently double this cost, exceeding \$800,000 annually. A reduction in the odour buffer zone would only further escalate these expenses, placing additional strain on the annual operating budget and creating additional capital expenditures to mitigate odours. It's important to note that the increase in costs for odour control will be for the life of the facility and be borne by the sewage rate payer.

In addition, without full knowledge of the future sewage characteristic, as well as a recommended design and treatment science of a plant expansion that will result from the recently initiated EA, it is problematic to quantify the noise and odour disrupters that will be generated from this future facility at this time.

In an informal survey with Municipal peers there was consensus that reducing buffers has created both operating and capital issues for them, and it was recommended to maintain the existing buffer outlined in the OP"

Based on the above comment, to achieve the required compatibility between the proposed residential development and the LRPCP, the proposed development must be located outside of the 300 m buffer of the easterly limit of the proposed expansion of the LRPCP. The recommendation in this report implements Council approved Official Plan policy regarding the protection of pollution control plants from incompatible development.

Approval of the recommended amendment will ensure that the proposed residential development is designed in a manner that would be compatible with the existing and/or expanded LRPCP and avoid unnecessary additional capital and operational costs for the Corporation.

The recommended ZBLA maintains conformity with the Official Plan, based on the analysis provided in this report.

4. ZONING BY-LAW

As noted already in this report, the property is zoned Green District 1.4 (GD1.4), Green District 1.5 (GD1.5) and Residential District 2.1 with a holding symbol (HRD2.1) by Zoning By-law 8600. A site-specific zoning provision [S.20(1)383] also applies to the GD1.4 area of the subject land.

The applicant is requesting to change the zoning of parts of the subject land from GD1.5 and HRD2.1 to RD3.3 to permit the proposed 54m tall residential development on the subject site. The portion of the subject site zoned GD1.4 and S.20(1)383 will be conveyed to the City as parkland and its current zoning will remain unchanged.

The RD3.3 zoning district does not permit townhome dwellings. The permitted maximum main building height in the RD3.3 zone is as follows:

<i>Corner Lot</i>	30.0 m;	and	<i>Interior lot</i>	24.0 m
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Therefore, the applicant also requests a site specific by-law amendment to permit the following:

- townhome dwelling as additional permitted use on the property,

- a maximum building height of 54.0m, instead of the 30.0m maximum height allowed in the RD3.3 district; and
- a scenery loft with no maximum gross floor area.

The RD3.3 zoning district permits the following:

Lodging House
Multiple dwelling
Religious Residence
Residential Care facility

Any of the following existing dwellings:
Double Duplex Dwelling
Duplex Dwelling
Semi-Detached Dwelling
Single Unit Dwelling

Any use accessory to the preceding uses.

The existing zoning categories in the surrounding area are: RD1.1, RD1.2, RD2.3, RD2.5, DRD1.1, HRD2.3, HRD2.5, HRD1.2, GD1.1, and RD3.4. The existing zoning categories in the immediate area predominantly permit low profile residential developments such as new single unit dwellings and semi-detached dwellings. Townhome dwellings are permitted in the RD2.3, RD2.5 and RD3.4 zoning districts. Multiple dwellings are also permitted in the RD2.5 and RD3.4 zoning districts; however, a review of the locations and provisions of the RD3.4 zoning district leads to the conclusion that the RD3.4 zoning is not meant for new development proposals. The subject residential neighbourhood reflects the intent of OPA 159, which amendment permitted uses in Residential land use designations.

The applicant's proposed development of a 54m tall (high profile) residential building does not reflect the character of the neighbourhood. A medium profile residential development is deemed more appropriate for this neighbourhood and can help achieve a mix in residential types and densities. After much analysis of the provisions within the RD3.3 and RD2.5 zoning districts, it is the Planning Staff's opinion that a site-specific RD2.5 zoning is a more appropriate direction for development on the subject site. The RD2.5 zoning permits "Double Duplex Dwelling, Duplex Dwelling, Multiple Dwelling, Semi-Detached Dwelling, Single Unit Dwelling, Townhome Dwelling, and any use accessory to the above uses".

As indicated already in this report, medium profile developments are generally no greater than 6 storeys in height and medium profile developments are generally no less than 14.0 m in height and generally no greater than 26.0 m in height. The zoning by-law main building height provision is expressed in metric units; therefore, it is appropriate to work with the definition of medium profile development as presented in Chapter 2 of the OP.

RD2.5 permits a maximum building height of 18.0m for a multiple dwelling, which means medium profile developments are allowed in the RD2.5 zone. Based on the proposed site layout and the Shadow Impact Study submitted, it appears permitting a 26.0 m maximum building height on the subject land would help achieve good planning on the subject land.

Planning Staff support a change in zoning from HRD2.1 to HR2.5 with site-specific provision allowing a maximum height of 26.0 m for the multiple dwelling. The site-specific zoning will also address the proposed scenery loft on the property. The recommendation will permit the proposed uses (townhome and multiple dwelling), which are currently not permitted on the subject land. The proposed main building height of 54.0 m is a zoning provision that is excessive and inappropriate for the subject area.

RD2.5 zone permits the following density: Lot area per dwelling unit is 166.0 m² minimum for multiple dwelling with 5 or more units, and 190.0 m² minimum for a townhome dwelling. That

means the subject land (3.296 ha in size) can accommodate 28 townhome dwelling units and 166 multiple dwelling units. Therefore, the RD2.5 zone further addresses the concern of the area residents regarding proposed density on the subject land.

To ensure further protection of the hedgerows and the APZ (GD1.4 zone) per the comments of the Ministry of Natural Resources and Forestry (MNRF) and Ministry of Tourism, Culture and Sports (MTCS) regarding the existing hedgerows and APZ, site-specific zoning provisions are recommended that will impact the implementation of the minimum rear yard depth and side yard width provisions.

The applicant's proposal implements gradual transition policy (s.6.3.2.5(f)) of the OP by proposing low profile townhome dwellings closer to the existing low profile developments in the immediate area. The concept plan shows adequate separation of the multiple dwelling from the nearby existing low profile developments north and east of the subject land.

Building step back requirement was contemplated to maintain human scale for the users of the trail; however, as a result of the recommended height of 26.0 m, the required buffer created by the GD1.4 zone, it is not necessary to impose any further step back provision along the south and west walls of the proposed multiple dwelling.

Parking requirement for multiple dwelling with a minimum of 5 dwelling units is calculated at the rate of 1.25 parking spaces per dwelling unit; meaning 1.25×275 units. Therefore, the proposed 275 dwelling units will require a minimum of 343.75 spaces (i.e. 343 spaces, when you round down). With 166 dwelling units, minimum parking requirement is $166 \times 1.25 = 207.5$ spaces (i.e. 207 spaces, when you round down).

Townhome dwelling having an attached garage or carport requires a minimum of 1 parking space for each dwelling unit, whereas townhome dwelling without an attached garage or carport requires a minimum of 1.25 parking spaces for each dwelling unit. The proposed 28 townhome dwelling units have attached garage(s); therefore, required minimum parking is 28 spaces. Furthermore, s.11.5.5.7.50 states *"for a townhome dwelling unit that fronts a street, the required number of parking spaces shall be one parking space for each dwelling unit"*.

Total required minimum parking for is $343 + 28 = 371$ spaces but based on the recommended new zoning category (RD2.5), total minimum required parking would be reduced to $207 + 28 = 235$ spaces. The applicant proposes 544 parking spaces, which is excessive and depletes vegetative and pervious surface on the property.

PPS 2020 requires that vegetative covers be maximized to help in stormwater management. By reducing excess parking on the site, the development can be better designed to maximize vegetative covers, utilize land more efficiently, have greater separation from the sewage treatment plant, and still achieve higher density, medium profile residential development.

This report recommends a reduced building height and density, which will result in less dwelling units on the site and, consequently, less than 544 parking spaces on the subject site. Based on the neighbourhood demand for more parking on the subject site, the applicant's planning consultant proposed a parking ratio of 1.57 spaces per dwelling unit for the multiple dwelling, along with 4 parking spaces per townhome dwelling. The townhome parking spaces are proposed in the 2-car garages and on the private driveways. This report aims to limit the proposed parking to the 1.57 spaces maximum for each multiple dwelling unit, per the

applicant's Planning Justification Report, and restrict the townhome parking within the garage and on the private driveways, as proposed by the applicant.

A hold provision is recommended to ensure that development cannot occur on the site until the required land conveyance for Florence Avenue extension is fulfilled.

A draft by-law is attached as **Appendix F** to this report.

5. SITE PLAN

The recommended amendment will facilitate a development proposal that is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Therefore, Site Plan Approval and Execution of a Site Plan Agreement are required.

The applicant/developer may submit a request for Site Plan Control Pre-Consultation at <https://ca.cloudpermit.com/login>, following completion of the statutory public meeting of the Development and Heritage Standing Committee.

The following issues and recommendations contained in the Studies submitted by the applicant, along with the comments received from some of the municipal departments and external agencies are detailed in Appendix A hereto attached, and are best addressed at the time of Site Plan Approval. The requirements listed below, along with other conditions/requirements will be more appropriately included in the Site Plan Agreement:

- A. Servicing Study
- B. Corner Cut-off (6.1m x 6.1m) at the southwest corner of the Wyandotte Street East and Florence Avenue intersection;
- C. Florence Avenue Construction
- D. Concrete sidewalks on both sides of Florence Avenue.
- E. Construct all sidewalks in conformity with the requirements of the *Accessibility for Ontarians with Disabilities Act* (AODA).
- F. Access driveways: maintain a minimum clearance of 55.0 m from the nearest cross road with existing or planned signals.
- G. Oversizing and cost sharing
- H. \$129,000.00, Servicing fee for Sanitary Sewer Stub south of the subject lands.
- I. Servicing of vacant lots fronting on east side of Florence Avenue Extension.
- J. 0.3m Reserve and cost-sharing.
- K. Parkland Conveyance - convey the GD1.4 portion of the subject land.
- L. Species at Risk/ Habitat Protection.
- M. Protection and preservation of the Archaeological Potential Zone (APZ) portion of the subject land
- N. Installation of a non-permeable 1.8m (6ft) fence with no gates between the boundaries of the proposed dwellings and the proposed parkland.
- O. Warning clause for proximity to a Sewage Treatment Plant.
- P. Phase 2 Environmental Site Assessment completed in accordance with the Canadian Standards Association (CSA) standard. (See Appendix A for information on the soil sampling program).

Risk Analysis: See Climate Change risk analysis below
Climate Change Risks

Climate Change Mitigation:

Residential intensification minimizes the impact on the community greenhouse gas emissions. Development within existing communities and neighbourhoods use available infrastructure such

as sewers, sidewalks, and public transit and, as such, help to mitigate development impact. The proposed residential intensification on the subject land will encourage the use of existing and planned transit and active transportation in the neighbourhood, which will help to minimize the City's carbon footprint.

Climate Change Adaptation:

The proposed construction of town home dwelling units and multiple dwelling units provides an opportunity to increase resiliency for the development and surrounding area. The implementation of approved landscape plan, stormwater management measures and lot-grading plan for this proposed development will enhance the city's preparedness for climate change impact in the subject area.

Financial Matters:

"The Little River Pollution Control Plant will currently be spending approximately \$400,000.00 annually for odour control. The cost for odour control will increase substantially with the doubling of the plant. Any development will further increase the number of annual odour complaints to the City. Complaints could also result in orders filed by the Ministry of Environment, Conservation and Parks (MECP) against the City for costly retrofits or result in charges laid under s. 14 of the Environmental Protection Act.

Consultations:

1. OPEN HOUSE SESSION/Public Information Centre:

Held on September 8, 2022, and organized by the applicant to provide information to area residents on the proposed development, the required planning processes, and discuss/collect comments and questions relating to the proposed development. It was noted that top concerns from residents related to traffic, density, shadow and flooding. The applicant's planning consultant responded to the neighbourhood concerns in the document titled "Engagement Summary – September 2022" on the city's website using this link: [https://www.citywindsor.ca/residents/planning/Land-Development/Development-Applications/current-development-applications/Documents/0%20Wyandotte%20St%20E%20\(Ganatchio%20Gardens%20Inc\)%20-%20Public%20Information%20Centre%20Engagement%20Summary.pdf](https://www.citywindsor.ca/residents/planning/Land-Development/Development-Applications/current-development-applications/Documents/0%20Wyandotte%20St%20E%20(Ganatchio%20Gardens%20Inc)%20-%20Public%20Information%20Centre%20Engagement%20Summary.pdf)

2. DEPARTMENT AND AGENCIES

Comments received from municipal departments, service units and external agencies are included in **Appendix D**. The applicant/owner shall satisfy all items as set out in the Results of Circulation (Appendix D) attached. The City's Biodiversity Coordinator expressed concerns regarding the Environmental Evaluation Report submitted by the applicant. See Appendix D for details. It should be noted that Council, in 2020, approved a zoning by-law amendment and a draft plan of subdivision for the subject site. This report contains recommendations carried forward from the 2020 approval (CR54/2020) with respect to impact on Natural Areas.

Other municipal departments and external agencies have no objections; some are recommending approval of the amendments with conditions as noted in Appendix D attached to this report. The requirements of Engineering & Geomatics, Transportation Planning, Canada Post, and other agencies and municipal departments, as found in Appendix D, have mostly been addressed under Recommendation V of this report and will show up in a site plan agreement as special, or/and general, provisions.

Parkland Conveyance: The GD1.4 portion of the subject land will be conveyed to the Corporation for Parkland purposes as permitted in Section 51.1 of the Planning Act. It is understood that the conveyance of the GD1.4 portion will exceed the 5% required by the Planning Act, because the proposed parkland also serves the following additional purposes:

- (i) buffer zone from Little River Future Treatment Plant Expansion,
- (ii) protection of existing 4.4 m wide south and west hedgerows, and
- (iii) protection of the required 20.0 m wide Archaeological Potential Zone.

Species at Risk/ Habitat Protection: In a letter dated November 28, 2019, the Ministry of Municipal Affairs & Housing (MMAH) confirmed that the Ministry of Natural Resources & Forestry (MNR) provided comment on the subject development in July 2017 directly to the 2018 residential subdivision proponent and that MNR did not have any concerns with the proposed development at that time.

In the November 2019 Letter, MMAH also advised that the Ministry of Environment, Conservation & Parks (MECP) recommends that the City of Windsor consider imposing the following conditions of the Draft Approval:

'That the fully executed subdivision agreement between the Owner and the City of Windsor shall contain a provision requiring the Owner to design the subdivision such that the existing perimeter hedgerows are retained, and furthermore, that the shrub thicket to the south will not be disturbed in anyway. These measures to be incorporated for the purpose of "Species at Risk/ Habitat Protection."

Fast forward to this new development proposed on the subject land. A Subdivision agreement is not required for this new proposal, but a Site Plan Control agreement is required at the Site Plan Approval stage. Therefore, the MECP recommendation noted above is also included in the recommendation section of this report to be implemented as a zoning provision and incorporated in the Site Plan Control Agreement at the appropriate time in the planning process.

3. PUBLIC NOTICE

The City will advertise the official notice in the Windsor Star Newspaper, as mandated by the Planning Act. In addition, the City will mail courtesy notice to all property owners and tenants within 120m (400 feet) of the subject parcel, prior to the Development & Heritage Standing Committee (DHSC) meeting.

Planner's Conclusion and Opinion:

The discussion in this report contains reasons for not supporting the applicant's request for site-specific Official Plan Amendment (OPA). In my professional opinion, the requested OPA is not consistent with some policies of the PPS 2020, such as 1.2.6 and 1.1.3.3, and should be denied. The recommended denial of the applicant's request will protect the LRPCP from incompatible development.

This report does not support a high profile residential development on the subject land and recommends that the applicant's request for a 54m tall multiple dwelling be denied along with the proposed RD3.3 zoning. This report presents facts to support a medium profile development on the subject land and goes further to recommend a site-specific RD2.5 zoning category to permit the medium profile development at a maximum height of 26m.

The recommended zoning by-law amendment (ZBLA) will provide housing options/opportunities that will help improve housing supply in the City of Windsor. The recommended ZBLA will support the use of existing and planned active transportation and public transit in the area.

The recommended Zoning By-law Amendment (ZBLA) is consistent with the policies of the Provincial Policy Statement 2020. The recommended ZBLA will maintains conformity with the City of Windsor Official Plan. The recommended amendment constitutes good planning.

Administration is recommending that the Zoning By-law amendment be approved subject to site-specific zoning provisions and holding prefix as specified in the Recommendation section of this report.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
 Manager of Development / Deputy City Planner

Neil Robertson, MCIP, RPP
 Acting City Planner

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

JP

JM

Approvals:

Name	Title
Greg Atkinson, MCIP, RPP	Manager of Development / Deputy City Planner
Neil Robertson, MCIP, RPP	Acting City Planner
Chris Nepszy	Commissioner, Infrastructure Services
Wira Vendrasco	Deputy City Solicitor
Jelena Payne	Commissioner of Economic Development & Innovation
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Abutting property owners and tenants within 120 meter (400 feet) radius of the subject land		
Applicant/Owner: Ganatchio Gardens Inc. c/o Wing On Li	4510 Rhodes Dr., Suite 520, Windsor, Ontario N8W 5K5	Wingon.li@horizonv.ca
Agent: Dillon Consulting Limited c/o Melanie Muir	3200 Deziel Dr., Suite 608, Windsor, Ontario, N8W 5K8	mmuir@dillon.ca

Name	Address	Email
Councillor Angelo Marignani	350 City Hall Square W., Suite 530, Windsor, Ontario, N9A 6S1	amarignani@citywindsor.ca
Shannon Porcellini	10279 Paulina Court, Windsor, Ontario, N8P 1H6	fivepeasinapodd@gmail.com
Jim Roe	541 Breezewood Street, Windsor, Ontario, N8P 1H4	jimroe1@mnsi.net

Appendices:

- 1 Appendix A, Details of Requirements 'A' to 'P', Files Z-026-22 & OPA 162
- 2 Appendix B, Development Concept Plan
- 3 Appendix C, Site Photos
- 4 Appendix D, Consultations - Comments from Municipal Departments & External Agencies
- 5 Appendix E, City of Windsor Archaeological Protection Letter to MTCS, Feb 4, 2020
- 6 Appendix F, Draft By-law, Z-026/22

APPENDIX A, DETAILS OF REQUIREMENTS 'A' to 'P', FILES Z-026/22 & OPA 162

- A. Servicing Study: The Owner(s) shall
- i) retain a consulting engineer to review the existing and proposed sewer system for this development to determine its effect on the municipal sewer system. The Study shall be done to the satisfaction of the City Engineer and the Chief Building Official; and
 - ii) demonstrate, to the satisfaction of the City Engineer, that no negative impacts to existing properties will be realized by the surrounding community, before the proposed development will be allowed to proceed.
- B. Corner Cut-off: The Owner(s) shall, prior to issuance of a construction permit, gratuitously convey a 6.1m x 6.1m corner cut off at the southwest corner of the Wyandotte Street East and Florence Avenue intersection, in accordance with City of Windsor Standard Drawing AS-230, to the satisfaction of the City Engineer and City Solicitor;
- C. Florence Avenue Construction: The Owner(s) agrees to construct pavements, including curbs and gutters, driveway approaches and the necessary drainage facilities according to City of Windsor standard specifications, with sidewalks on both sides on the road. The owner further agrees that one (1) full winter shall elapse following the laying of base asphalt, prior to the laying of surface asphalt. All work to be to the satisfaction of the City Engineer.
- D. Sidewalks: The Owner(s) shall construct, at its expense, according to City of Windsor Standard Specifications and in a manner satisfactory to the City Engineer, concrete sidewalks on both sides of Florence Avenue.
- E. The Owner(s) shall construct all sidewalks in conformity with the requirements of the Accessibility for Ontarians with Disabilities Act (AODA) and to construct all accesses in conformity to the TAC Geometric Design for Canadian Roads and the City of Windsor Standard Engineering Drawings, to the satisfaction of the City Engineer.
- F. Access driveways: All access driveways shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings. The northerly driveway closest to Wyandotte Street East, shall maintain a minimum clearance of 55.0 m from the nearest cross road with existing or planned signals.
- G. Oversizing and cost sharing:
- i. The Owner(s) shall pay to the Corporation, prior to the issuance of a construction permit, its share of the costs as determined by the City Engineer for previously oversized services that were constructed to ensure that the subject lands could be serviced.
 - ii. In the event that the Owner is required to oversize any services in order to service other vacant lands, it is agreed that any oversizing costs to be paid by the Corporation to the Owner shall be based on a cost-sharing strategy satisfactory to the City Engineer. Any cost-sharing strategy agreed to at the time of Site Plan Control will be subject to the approval of the Corporation's City Council.

APPENDIX A, DETAILS OF REQUIREMENTS 'A' to 'P', FILES Z-026/22 & OPA 162

- H. Servicing fee for Sanitary Sewer Stub south of the subject lands: The Owner(s) shall pay the amount of \$129,000.00, being the required servicing fees for the construction of the sanitary sewer stub south of the subject lands in the Florence Avenue right-of-way.
- I. Servicing of vacant lots fronting on east side of Florence Avenue Extension: The Owner(s) shall, at its entire expense, install required municipal services to the lots along the east limit of the abutting north/south alley, being Lots 34 to 44 (incl.) on Registered Plan 1142. All work is to be completed to the satisfaction of the City Engineer.
- J. 0.3m Reserve and cost-sharing: Upon completion of the servicing work associated with abutting lots, the Owner(s) shall, prior to a construction permit, register a 0.3m wide strip of land across the frontage of the lands along the entire east limit of the north/south alley, being the west limit of lots 34 to 44 on Registered Plan 1142, to the satisfaction of the City Engineer and City Planner. The 0.3m reserve will not be removed until individual owners of the serviced lots have paid, their proportionate share of costs for construction of infrastructure associated with the extension of Florence Avenue. When a proportionate share of said infrastructure costs are paid, the City's Legal Department will be notified in writing by the Owner(s) and the City will DECLARE the appropriate portion of the 0.3m reserve a public highway.
- K. Parkland Conveyance: The Owner(s) shall, prior to the issuance of a construction permit, convey the GD1.4 portion of the subject land shown as a 4.4m wide strip along the west property boundary containing much of the natural vegetation abutting the Little River Corridor, and a 20m wide buffer along the south property boundary identified as Archaeological Potential Zone (having high potential for archeological artifacts) as Passive Parkland - only subject to minor maintenance or traditional agricultural practice, to the Corporation primarily for park purposes in accordance with Section 51.1 of the Planning Act, and for other purposes noted below, to the satisfaction of the Executive Director of Parks, City Engineer and City Planner:
- i. buffer zone from Little River Future Treatment Plant Expansion
 - ii. protection of existing hedgerows, per Ministry of Natural Resources & Forestry's guidelines
 - iii. protection of 20m-wide southerly Archaeological Potential Zone per Ministry of Heritage, Sport, Tourism and Culture Industries' guidelines.
- L. Species at Risk/ Habitat Protection: The Owner(s) shall design the development such that the existing perimeter hedgerows are retained, and furthermore, that the shrub thicket to the south will not be disturbed in anyway, to the satisfaction of the City Planner.
- M. Archaeological Potential Zone (APZ) - Protection and preservation of the APZ portion of the subject land per the recommendations made in the July 17, 2020 and July 10, 2020 letters filed with the Ministry of Heritage, Sport, Tourism and Culture Industries (MHSTCI);
- N. Fencing Requirement: The Owner(s) shall install a non-permeable 1.8m (6ft) fence with no gates between the boundaries of the proposed dwellings and the proposed parkland being conveyed to the City, to the satisfaction of the City's Landscape Architect.
- O. Warning clause for proximity to a Sewage Treatment Plant: The Owner(s) shall place the following warning clause(s) in all Offers to Purchase and Agreement of Purchase or Sale or lease

APPENDIX A, DETAILS OF REQUIREMENTS 'A' to 'P', FILES Z-026/22 & OPA 162

between the Owner(s) and all prospective home buyers, and in the title of each dwelling or dwelling unit within the subject development:

“Purchasers/tenants are advised that an existing sewage treatment plant is located west of the subject land and an easterly expansion of the treatment facility is anticipated in the future. As a result of the proximity of the existing and future treatment facilities to the proposed new developments, it is possible that the new treatment facilities could occasionally emit odours that could interfere with some activities of the dwelling occupants.”

P. Phase 2 Environmental Site Assessment completed in accordance with the Canadian Standards Association (CSA) standard, in lieu of the Soil Sampling Program recommended in the Phase 1 Environmental Site Assessment (ESA) dated July 2021, prepared by Dillon Consulting Limited to assess the potential impacts to soil from the former orchard operations at the site.

APPENDIX B



GANATCHIO GARDENS INC. WYANDOTTE STREET EAST AT FLORENCE AVENUE		CONCEPTUAL DEVELOPMENT PLAN FEBRUARY 16, 2023	
SUBJECT AREA (= 3.30ha / 8.15ac)	PROPOSED TOWNHOME UNITS (25 UNITS)	PROPOSED MULTI-UNIT RESIDENTIAL BUILDING (275 UNITS)	PROPOSED ELEVATED TERRACE
LAND CONVEYANCE (= 0.32ha / 0.79ac)	PROPOSED PARKLAND	PROPOSED LANDSCAPING	PROPOSED SIDEWALK
LIMITS OF DEVELOPMENT TOTAL TOWNHOME UNITS: 25 UNITS TOTAL MULTI-UNIT RESIDENTIAL UNITS: 275 UNITS TOTAL UNITS: 300 UNITS TOTAL GARAGE SPACES: 400 SPACES TOTAL ACCESSIBLE GARAGE SPACES: 172 SPACES TOTAL TOWNHOME PARKING SPACES: 2 UNITS TOTAL PARKING SPACES: 402 SPACES			
MARKING LEGEND 172 SPACES (TYPE A TYPE B) 400 SPACES (TYPE A TYPE B) 2 UNITS (TYPE A TYPE B)			
MAP DRAWING INFORMATION: THIS DRAWING IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR CONSTRUCTION. ALL DECISIONS ARE TO BE MADE BY THE LOCAL GOVERNMENT. CHECKED BY: WJL VERIFIED BY: WJL DESIGNED BY: WJL			
SOURCE: THE COUNTY OF ESSEX INTERACTIVE MAPPING (2019)			
SCALE: 1:1500 (1"=157')			
PROJECT: 21-1687 STATUS: DRAFT DATE: 2023/02/10			



Partial view of the subject land looking southeast from Wyandotte St.



Partial view of the subject land looking southwest from Wyandotte St.



Partial view of the subject land looking northwest from N/E CNR of the subject land



Partial View of the subject land looking southwest from N/E CNR of the subject land



View of Wyandotte Street east of Florence Avenue & subject land



View of north side of Wyandotte St. west of Florence Avenue, across from subject land



View of Florence Avenue north side of Wyandotte Street R.O.W.



View of Elinor Street north of Wyandotte Street



View of Elinor Street south of Wyandotte Street

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

ASSESSMENT MANAGEMENT OFFICER - JOSE MEJALLI

No objection to the zoning amendment to permit the following:
16-storey multiple dwelling containing 275 dwelling units, a 2-storeyclubhouse (for residents) on an elevated platform, along with 28 ground level townhomes

ENVIROMENTAL SERVICES - ANNE MARIE ALBIDONE

Environmental Services is not opposed to the rezoning however care should be give to the location designated for waste collection. The current location in the draft drawing does not appear to be adequate.

TRANSIT WINDSOR - JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Lauzon 10. The closest existing bus stop to this property is located directly across the street on Wyandotte at Florence Northwest Corner providing direct transit access. Transit Windsor's 2023 City Council approved Service Plan and Operating budget has a new local route replacing the Lauzon 10. This will be an improvement over the existing service as it will be a 2 way conventional transit route rather than the existing 1 way loop. This is proposed to change early 2024 and aligns with our City Council approved Transit Master Plan. The existing bus stop on Wyandotte at Florence Northwest Corner will move to the Northeast Corner as the bus route will be travelling along Florence between Riverside and Wyandotte. Another new bus stop is proposed on Wyandotte at Florence Southeast corner for travelling in the other direction.

CANADA POST - BRUNO DESANDO

Please see Canada Post's feedback regarding the proposal, below.

Service type and location

1. Canada Post will provide mail delivery service to the subdivision through centralized Community Mail Boxes (CMBs).
2. If the development includes plans for (a) multi-unit building(s) with a common indoor entrance, the developer must supply, install and maintain the mail delivery equipment within these buildings to Canada Post's specifications.

Municipal requirements

1. Please update our office if the project description changes so that we may determine the impact (if any).
2. Should this subdivision application be approved, please provide notification of the new civic addresses as soon as possible.

Developer timeline and installation

1. Please provide Canada Post with the excavation date for the first foundation/first phase as well as the date development work is scheduled to begin. Finally, please provide the expected installation date(s) for the CMB(s).

Please see Appendix A for any additional requirements for this developer.

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

Appendix A

Additional Developer Requirements:

- *The developer will consult with Canada Post to determine suitable permanent locations for the Community Mail Boxes. The developer will then indicate these locations on the appropriate servicing plans.*
- *The developer agrees, prior to offering any units for sale, to display a map on the wall of the sales office in a place readily accessible to potential homeowners that indicates the location of all Community Mail Boxes within the development, as approved by Canada Post.*
- *The developer agrees to include in all offers of purchase and sale a statement which advises the purchaser that mail will be delivered via Community Mail Box. The developer also agrees to note the locations of all Community Mail Boxes within the development, and to notify affected homeowners of any established easements granted to Canada Post to permit access to the Community Mail Box.*
- *The developer will provide a suitable and safe temporary site for a Community Mail Box until curbs, sidewalks and final grading are completed at the permanent Community Mail Box locations. Canada Post will provide mail delivery to new residents as soon as the homes are occupied.*
- *The developer agrees to provide the following for each Community Mail Box site and to include these requirements on the appropriate servicing plans:*
 - *Any required walkway across the boulevard, per municipal standards*
 - *Any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications)*
 - *A Community Mailbox concrete base pad per Canada Post specifications.*

SITE PLAN CONTROL

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

ENWIN

HYDRO ENGINEERING:

No Objections, however please note there are City of Windsor streetlight poles with 120/240 volt underground distribution along Wyandotte St E, North of the property.

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:

Water Engineering has no objections.

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

ERCA – ALICIA GOOD

The City of Windsor has received an application for Official Plan Amendment 162 and Zoning By-Law Amendment Z-026-22 to support the future construction of a 16 storey building, a 2 storey clubhouse, 28 townhomes, and associated parking on the subject lands. The following comments are provided as a result of our review of this application.

NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

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

FINAL RECOMMENDATION

Our office has no objections to the proposed Official Plan Amendment 162 and Zoning By-law Amendment Z-026-22. Our office may provide further comment regarding Storm Water Management for this development at the time of application for Site Plan Control. Our office requests continued circulation for this proposed development.

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

BUILDING DEPARTMENT – BARBARA RUSAN

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for construction or demolition of a building.

The building permit review process occurs after a development application receives approval and once a building permit application has been submitted to the Building Department and deemed a complete application.

Due to the limited Ontario Building Code related information received, review of the proposed project for compliance to the Ontario Building Code has not yet been conducted.

It is strongly recommended that the owner and/or applicant contact the Building Department to determine building permit needs for the proposed project prior to building permit submission.

The City of Windsor Building Department can be reach by phoning 519-255-6267 or, through email at buildingdept@citywindsor.ca

HERITAGE PLANNING – KRISTINA TANG

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

The property has archaeological potential, though the current proposal shows the same study area as the P244-0124-2018 Report.

The Ministry's letter for review and entry into the Ontario Public Register of Archaeological Reports: Archaeological Assessment Report Entitled, "STAGE 1 ARCHAEOLOGICAL BACKGROUND STUDY & STAGE 2 ARCHAEOLOGICAL PROPERTY ASSESSMENT Wyandotte & Florence Development Part of Lot 138, Concession 1 – Geographic Township of Sandwich East City of Windsor, County of Essex REVISED REPORT", Dated Jul 7, 2020, Filed with MHSTCI Toronto Office on Jul 10, 2020, MHSTCI Project Information Form Number P244-0124-2018, MHSTCI File Number 0009005

"The report documents the Stage 1-2 archaeological assessment of the study area as depicted in Figures sA3, A8 and A9 of the above titled report and recommends the following:

1. *Should the Archaeological Potential Zone (APZ) portion of the subject property conveyed to the City of Windsor ever proposed to be impacted in any way, it is recommended that limited Stage 3 testing take place within the APZ given that there remains a high likelihood that the Nicodemo-Dupuis Site continues to the east and to the north of the known site limits. The Stage 3 testing should involve a series of 1x1m test units in the area of this buffer overlap to confirm that the Site does not extend into the subject property.*

a. *If no archaeological resources are found during the Stage 3 testing, the area should be considered sufficiently assessed and no further assessment for the Nicodemo-Dupuis Site within the Subject Property will be required.*

If archaeological resources are found, the limits of the Nicodemo-Dupuis Site will require adjustment to include this area and additional fieldwork, including Stage 4 Site Mitigation, may be required. Stage 4 mitigation may include an avoidance and longterm protection strategy which would reduce or eliminate additional (Stage 4) fieldwork; this is MHSTCI's preference (see Section 4.1 of the 2011 Standards & Guidelines).

2. *Recommended Test Unit Placement:*

a. *The Stage 3 test units should begin between 2.5 and 5m north of the southern property line (where the hedges will allow) and consist of two rows at a five metre interval (offset at a 2.5 metre interval).*

b. *Should significant archaeological resources be recovered within these two rows of test units, additional excavation lines will continue to the north until no significant archaeological resources are found within the APZ.*

3. *In addition to the above, Walpole Island First Nation should be engaged regarding the Stage 3 work plan and any short or long-term avoidance and protection strategy at Stage 3 or Stage 4 given that they have expressed interest in the Site, were engaged in the fieldwork of the portion of the Site to the south, and a component of this Site dates to the Woodland period (see MHSTCI Bulletin Engaging Aboriginal Communities in Archaeology Standard 2).*

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

4. *The remainder of the subject property outside the APZ is clear of archaeological concern and may proceed to development as no archaeological resources representing further cultural heritage value or interest (CHVI) were recovered in this area during the current fieldwork. “*

The request for further archaeological assessment may only be waived for the Parkland if the applicant is agreeable and able to demonstrate through the submitted application that the site plan and development conditions and agreements for the Archaeological Potential Zone would remain exactly the same as per reviewed in P244-0124-2018 (ie. The same recommended Archaeological Potential Zone is to be conveyed to the City as passive Parkland and only subject to minor maintenance or traditional agricultural practices. The applicant is also required to erect a non-permeable (no gates) 1.8m (6 ft) fence between the proposed residences and the proposed parkland as a Condition of the Subdivision agreement. Consent from City of Windsor Parks Department would be required for these proposed measures).

In addition, the portion of the area not identified as Parkland but identified as Land to be Conveyed for the development of Florence Avenue overlaps with the APZ (measuring 20.0 m from south property line). Since it would be impacted by road development, the proponent will be responsible for conducting the Stage 3 and any further required assessment on that portion, unless the City is prepared to accept the lands for Florence Avenue and conduct the required Archaeological assessment on it.

TRANSPORTATION PLANNING – CLARE AMICARELLI

- The Official Plan classifies Wyandotte St E as a Class 2 Arterial with a required right-of-way width of 30.9 metres. The current right-of-way width is not sufficient; however, a land conveyance is not required at this time.
- A review is currently underway to determine if an Environmental Assessment (EA) is required for the Florence Avenue extension.
- Per the Official Plan, a sidewalk is required on two sides of a Collector Road. A sidewalk construction is required on both sides of Florence Ave as per Engineering Right-of-Way's comments.
- A corner cut-off of 6.1 metres x 6.1 metres is required on the corner of Wyandotte St E and Florence Ave since the TIS submitted states that a traffic signal may be introduced in the future at this intersection.
- All parking must comply with ZBL 8600, otherwise a parking study may be required.
 - Bicycle parking must comply with ZBL for the dimensions and number of spaces.
 - Total GFA is required in order to determine if loading spaces proposed are sufficient according to the ZBL.
- Transportation Planning has reviewed the Transportation Impact Study titled, “Ganatchio Gardens Inc. Official Plan and Zoning By-Law Amendments Transportation Impact Study Southwest Corner of Florence Avenue and Wyandotte Street East Windsor, Ontario” conducted by Dillon Consulting Ltd. in March 2023. Transportation Planning has the following comments:

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

- Report is satisfactory in its current form
- 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.
 - Minimum clearance required between the northerly driveway and the nearest cross road is 20 metres for stop controls at the cross road. Distance shown on site plan provided shows about 25 metres, which complies with this requirement. However, the TIS submitted states that it may be necessary to reassess the northerly driveway location based on the findings of the Florence EA, and that it is anticipated that a traffic signal may be introduced in the future at this intersection. The minimum clearance required between the northerly driveway and the nearest cross road is 55 metres for signals at the cross road. Therefore, for safety purposes, the northerly driveway must be 55 metres away from the intersection based on that requirement.
 - The throat length shown on the conceptual plan for the southerly driveway access does not meet the suggested 25 metres as per TAC Guidelines; a comment is required from the Engineer.

ENVIRONMENTAL SUSTAINABILITY & CLIMATE CHANGE - KARINA RICHTERS

Pursuant to the application for a zoning amendment (**Z 026/26**) and Official Plan Amendment **OPA 162** for the proposed development on the southwest corner of Wyandotte Street East and Florence Avenue, please note the following comments:

Energy Conservation, Air Quality and Climate Change:

Energy Efficiency

In order to maximize energy efficiency and conservation as energy strategy is required. The City's energy strategy terms of reference are available for review.

The installation of EV chargers is highly encouraged, as electric vehicles continue to penetrate the personal car and truck market, and supported by federal targets for EV production.

Urban Heat and Access to Green Space

To mitigate the effects of the urban heat caused by the increase in hard surfaces, it is recommended that landscaping efforts be maximized and include the planting of trees. To promote tree growth near parking lots, engineered systems (e.g. Silva Cells or equivalent) are recommended.

Little River Pollution Control Plant

An Environmental Assessment (EA) will be underway shortly for an expansion to the Little River Pollution Control Plant. As the EA will outline the recommended expansion, it is recommended that consultation be conducted to minimize the impact on residents from the waste water treatment plant.

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

BIODIVERSITY COORDINATOR - CHRIS HART

JULY 28, 2023: After reviewing the EER, I have some comments regarding the timing and extent of the surveys and site visits conducted, and their ability to adequately identify the natural features, including SAR, of the site, particularly in its current state. While I understand that some time has passed between the original proposal and now, as I read the report, I am obligated to highlight certain aspects that could result in the development potentially negatively impacting natural features within the City.

The development plans were influenced by the MNRF's 2018 recommendation that by retaining the outer hedgerows, there would be no contravention of the ESA. This was based off of a 2017 March survey, at which time the site was still being farmed. The EER states the site was last farmed in 2020, and that the land to the immediate west and south of the site is classified as parkland/meadow habitat, as well as candidate Significant Wildlife Habitat (under multiple criteria). The most recent vegetation survey, conducted on March 10, 2022, had accounts of several native/meadow species which suggest potential regeneration is occurring on site. Although only a one-season vegetation survey was required in the Terms of Reference, results beyond winter could be more representative of the current state of this site.

Similarly, the Terms of Reference indicates that no formal snake surveys were required. The EER states that "No SAR were observed during the field reconnaissance and SAR surveys", however it should be noted that the two site visits were conducted on March 23, 2017 and March 10, 2022, with temperatures of 1 and 0°C, respectively. These conditions are unsuitable to look for snakes, and are also unlikely to present recent and representative vegetation cover of the site, i.e., potential habitat, during the SAR snake active period. As mentioned above, the surrounding habitats, including candidate for terrestrial crayfish (associated with SAR snakes), the possible regeneration of the site, and the MNRF's recommendation to keep the hedgerows, all suggest that a different survey protocol would have been more appropriate to assess the impact on SAR.

Without ERCA's support with the review of these inappropriate EER's, it falls on the City to require further work or consultation before permitting development. To confirm absence of Natural Heritage features, particularly the species at risk with potential habitat in this area, surveys really need to be done at the appropriate time of year. At this time, Natural Areas cannot recommend proceeding with this development until an appropriate EIA is complete.

SEPTEMBER 1, 2023: Although development plans were approved by the Ministry in 2018, site conditions were not maintained in a similar state as that reviewed. Farming of the site stopped in 2020, and roadside observations from July 2023 suggested that it was allowed to naturalize. Habitat can regenerate in only a few years, especially when adjacent to existing natural heritage features. In this case, these adjacent features include SAR habitat, which suggests protected wildlife could enter the site to make use of any new habitat. As stated in my previous email from July 28, 2023, and ERCA's email from August 2022, the site was not surveyed properly to sufficiently assess for SAR and SAR habitat. As such, the development was not recommended to prevent possible contravention of the Endangered Species Act and 2.1.7 of the Provincial Policy Statement ("Development and site alteration shall not be permitted in habitat of endangered species...").

Roadside observations from August 24, 2023 showed that the site had been recently mowed, and on August 26, 2023, it appeared the site had been tilled. This negates our initial request for further surveys of the site, however the concerns of PPS validity remain.

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

SEPTEMBER 5, 2023: It is the proponent's obligation to ensure that their activities do not contravene any policies and/or legislation, i.e., the Provincial Policy Statement, Endangered Species Act, Migratory Birds Convention Act and Fish and Wildlife Conservation Act. Despite the concerns stated in my previous email, there are currently no municipal policies, in the Official Plan or otherwise, that provide grounds for us to stop this development.

In contrast, the County of Essex Official Plan General Policy 3.4.6. a) viii) states "Removal of a natural heritage feature for the purpose of lowering the natural environment classification... will not be sufficient grounds for amending the planning documents to a lower classification and will invalidate the Environmental Impact Assessment." The Environmental Evaluation Report for this development sparked two separate recommendations for appropriate habitat/SAR surveys to be done on site, but the subsequent mowing and tilling has since removed any potential habitat, and thus reduced the practicality of those surveys. If the City had a policy similar to that mentioned above, which is implemented in the rest of the county, then we could likely consider further action.

ENGINEERING - ROB PERISINOTTI

We have reviewed the servicing requirements of the subject lands pertinent to this application, and offer the following comments:

ROADS AND RIGHTS-OF-WAY:

The section of Wyandotte Street East fronting the subject lands was constructed by the City in 2007 and currently has a right of way width of 24m; no conveyance is required. Florence Avenue, south of Wyandotte Street East is classified as a class 2 collector road and requires a right of way width of 22m. We note based on the information circulated that the existing open alley running parallel to Florence Avenue through the site is needed in order to achieve the required right of way. Through discussions with Planning and Transportation Planning we understand this alley will be closed and conveyed to the applicant for these purposes. A 6.1m x 6.1m corner cut off is required at the southwest corner of the Florence Avenue and Wyandotte Street East intersection. In accordance with the Official Plan sidewalks will be required on both sides of the Florence Avenue extension.

SEWERS:

This site is to be serviced by a future 250mm diameter sanitary sewer stub in the Florence Avenue right-of-way, south of the subject lands. This sub will be constructed as part of a proposed subdivision development. There are municipal storm sewers within the abutting road ways, available to service the subject property as follows:

Wyandotte St E

Storm Sewer: 1950mm RCP

Florence Ave

Future Sanitary Sewer: 250mm PVC, south of the subject lands

A sewer servicing study is required to demonstrate there is adequate capacity in the municipal storm and sanitary sewer networks and the impact based on the proposed development. The City has completed a re-assessment study for the North Neighbourhood Pond, the findings of which the applicant will be required to comply with.

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

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

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

For more information of SWM requirements, visit: link

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

<https://www.citywindsor.ca/business/buildersanddevelopers/Documents/Checklist-Rational-Method.pdf>

Cost Sharing/Oversizing:

The applicant is required to provide municipal services to the vacant lots fronting the east side of the Florence Avenue Extension. A 1ft reserve will be registered across the frontage of these lots preventing access to the services until such time as the owners have paid their proportionate share of the cost of the infrastructure constructed.

The applicant will be required to pay servicing fees for the future construction of the sanitary sewer stub in the Florence Avenue right-of-way, south of the subject lands, in the amount of \$129,000.00 (actual amount to be based on final construction cost), plus HST and applicable interest charges.

In summary, we have no objections to this application, subject to the following conditions:

Servicing Study – The applicant shall agree to retain a consulting engineer to review the existing and proposed sewer system for this development to determine its affect on the municipal sewer system. The study shall be done to the satisfaction of the City Engineer and the Chief Building Official. The applicant is required to demonstrate that no negative impacts will be realized by the existing surrounding community, before the proposed development will be allowed to proceed.

Alley Closing – Prior to the issuance of a Building Permit, the applicant shall apply to the Street and Alley Closing Committee to close the existing alley adjacent to the subject property.

Corner Cut Off – The applicant(s) agree, prior to the issuance of a construction permit, to gratuitously convey a 6.1m x 6.1m corner cut off at the southwest corner of the Wyandotte Street East and Florence Avenue intersection, in accordance with City of Windsor Standard Drawing AS-230.

Florence Avenue Construction – The owner agrees to construct pavements, including curbs and gutters, driveway approaches and the necessary drainage facilities according to City of Windsor standard specifications, with sidewalks on both sides on the road. The owner further agrees that one (1) full winter shall elapse following the laying of base asphalt, prior to the laying of surface asphalt. All work to be to the satisfaction of the City Engineer.

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

Servicing Agreement – The owner shall enter into a servicing agreement with the Corporation, to supply, construct of Florence Avenue through the subject lands at its own expense, in accordance with the manner, location and design to be approved by the City Engineer. Prior to the issuance of a construction permit, the owner shall ensure that:

- a) The servicing agreement between the owner and the Corporation for servicing of the surrounding lands, has been signed by all parties, and registered on the lands, and
- b) All necessary bonding and insurance has been approved by the Manager of Risk Management

Oversizing:

- (1) The Owner further agrees to pay to the Corporation, prior to the issuance of a construction permit, its share of the costs as determined by the City Engineer for previously oversized services that were constructed to ensure that the subject lands could be serviced.
- (2) In the event that the Owner is required to oversize any services in order to service other vacant lands, it is agreed that any oversizing costs to be paid by the Corporation to the Owner shall be based on a cost-sharing strategy satisfactory to the City Engineer. Any cost-sharing strategy agreed to will be subject to the approval of the Corporation's City Council.

Little River Pollution Control Plan Expansion Set Back – The applicant(s) agree to comply with Ministry of the Environment and Climate Change requirements relating to required set backs from the holding tanks to be constructed in the future when the Little River Pollution Control Plan is expanded.

If you have any questions or concerns, please contact Robert Perissinotti at 519-255-6257, ext. 6615.

SENIOR URBAN DESIGNER (A) & LANDSCAPE ARCHITECT - STEFAN FEDIUK

Pursuant to the application for a zoning amendment (Z 026-22) to permit Residential and Green Space on the subject, please also note the following comments:

Zoning Provisions for Parking Setback:

There are no additional zoning requirements from a landscape or urban design perspective.

Parkland Dedication:

Pursuant to the comments by the Heritage Planner and MNR, the applicant has proposed that the a 4.4m wide strip along the west property boundary containing much of the natural vegetation abutting the Little River Corridor, along with a 20.2m wide buffer along the south property boundary identified as high potential for archeological artifacts, is being dedicate to the City of Windsor as Parkland, and will remain undisturbed to ensure that natural habitat corridors are preserved.

Tree & Natural Habitat Preservation:

The applicant has provided an Environmental Evaluation Report (May 2022), Natural Site Features Inventory & Preservation Study (Aug 2018), Soil characterization Report (July 2021) and a Phase 1 Environmental Site Assessment (July 2021) for the subject site and proposed

APPENDIX D - CONSULTATIONS

[Comments from Municipal Departments & External Agencies; File Z-026/22; OPA 162]

development. These studies have been coordinated and vetted through MNR/MECP, ERCA, and City of Windsor Parks, Natural Areas and Forestry Departments.

Several potential SAR in the area, and confirmed SAR observations in the area.

A portion of an existing natural feature: Forest. Touches the south side of the property. The applicant is proposing to mitigate potential impacts through Parkland dedication along the south and west property boundaries. In addition, the SARs biophysical studies indicated that the presence of SRS, wetlands, and significant species exist primarily on the adjacent parkland of Little River Corridor. The former agricultural land where this development is proposed may have been foraging areas for these species. Mitigating measures as well as parkland dedication are outlined in Section 9 of the EER as a means to enhance the wildlife and natural character of the development and the area. The applicant is to provide evidence that these mitigation measures are being employed throughout the development process.

As identified by the City Forester, the development site is well treed. The Natural Site Features Inventory & Preservation Study (Aug 2018), cites a Tree Inventory and Preservation Plan (TIPP) where 114 trees were recorded with 41 trees scheduled for removal in addition to 2 hazardous trees. The proposed parkland dedication will preserve many of the trees found in hedgerows along the boundaries of the subject property. The applicant is to consult further with the City Forester for any further compensation required for the removal of any trees found on the property.

Urban Design & Climate Change:

The proposed 16-storey multi-residential development at the southwest corner of the subject lands adjacent to parkland will provide a more manageable development by reducing the potential for encroachment into parkland that would be experienced with lower density development.

To further reduce this potential, and to increase the sustainability of the development from a climate change perspective, it is also recommended that the applicant provide a vegetative buffer of taller growing trees between the proposed 16-storey residential building and the property boundaries.

The site development will be subject to a Site Plan Approval process where detailed landscape comments will be made to ensure that the development maintains a healthy, safe and environmentally sustainable approach while providing accessible design and resilience from climate change.

February 4, 2020

Ministry of Tourism, Culture and Sport

Attention: Shari Prowse - Archaeology Review Officer

As discussed relating to the Ministry of Tourism, Culture and Sport (MTCS) concern to ensure that the area depicted as the "Archaeological Potential Zone (APZ)" in Figure 9 attached is protected from any impacts until the Stage 3 archaeological assessment and if required, the Stage 4 mitigation is completed. As per this request by the Ministry's email related to the Wyandotte & Florence Development:

- 1) The developer will convey to the City of Windsor Block 35 that contains the "Archaeological Potential Zone (APZ)";
- 2) The City of Windsor understands that the block has the potential to contain archaeological resources associated with the Nicodemo-Dupuis Site (AbHr-19);
- 3) The City of Windsor will ensure that area marked as the "Archaeological Potential Zone (APZ)" will remain passive, only subject to minor maintenance (e.g. mowing and seeding) or traditional agricultural practices; and
- 4) The City of Windsor will insure that a Stage 3 archaeological assessment and if required, Stage 4 mitigative excavations will be conducted for this area and the site prior to any impacts being allowed within this area.

The City of Windsor's Parks, Recreation & Culture and Facilities Department (PRCF), recognizes that the lands proposed by the developer as Parkland Conveyance may constitute part of an archeologically significant parcel of land. PRCF is aware that the site may contain archeological artifacts as described in the Stage 1 Background Archeological Study Supplement conducted by CRM Lab in August 2018.

PRCF is also aware that the Ontario Ministry of Natural Resources and Forestry (MNRF) has recommended protection of a portion of land within the subject development and within the 20m buffer of Block 35, as well as a hedge row and natural drain along the west property boundary of the development parcel. PRCF is prepared to accept the Parkland Conveyance with no intention of developing it for purposes other than maintaining it as part of the Natural Area of the Little River Corridor as per REDISCOVER OUR PARKS (the City of Windsor's Parks and Outdoor Recreation Master Plan). In addition, PRCF has no intention to install any park amenity that would compromise the integrity of the archeological and natural significance.

Parks, Recreation, Culture and Facilities • City of Windsor • 2450 McDougall Windsor, ON

To accommodate MNRF's requests for protection of the hedgerow, the owner has also agreed to modify the polygon of Block 35 to include the drain and hedgerow to be conveyed to the City of Windsor. The City of Windsor through Bylaw 135-2004 is prepared to preserve the hedgerows within the Conveyed Parkland. To further protect the natural environment of the existing parkland of Little River Corridor and the Conveyed Parkland, the City of Windsor also requires the developer to erect a non-permeable (no gates) 1.8m (6ft) fence between the proposed residences and the proposed parkland as a Condition of the Subdivision Development.

As a final note, Block 35 is also to be redrawn with Block 36 as a Stormwater Retention area, which is to be managed by the City of Windsor through the Public Works Department. Block 36 will not be part of the Parkland Conveyance nor will PRCF have any development no operational responsibility on that parcel of land.

Sincerely,



Jan Wilson
Corporate Leader
Parks, Recreation & Culture and Facilities
Corporation of the City of Windsor

APPENDIX F

BY - LAW NUMBER -2023

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

Passed the day of , 2023.

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

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

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

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol	6. New Zoning Symbol
1	14	Part of Lot 138, Concession 1, located at the southwest corner of Wyandotte Street East and Florence Avenue.	-	GD1.4, GD1.5, & HRD2.1	GD1.4 & HRD2.5

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

“490 SOUTHWEST CORNER OF WYANDOTTE STREET EAST AND FLORENCE AVENUE

“For the lands comprising Part of Lot 138, Concession 1, the following additional provisions shall apply

- 1) *Multiple Dwelling* with 5 or more *dwelling units*,

Main building height - maximum	26.0 m
Required Parking Space – maximum	1.25 per dwelling unit
- 2) Building setback - minimum
 - a) from the nearest building wall to the new east lot line created by the conveyance of the 4.4 m wide existing perimeter hedgerows 10.0m
 - b) from the nearest building wall to the new south lot line created by the conveyance the 20.0 wide Archaeological Potential Zone 10.0 m
- 3) A scenery loft shall be an additional permitted facility on a multiple dwelling with five or more dwelling units, subject to the following:
 - (a) The “Exceptions To Maximum Building Height Provisions” shall not apply to a scenery loft on the subject land;
 - (b) The Scenery Loft Provisions in section 5.35.5 of by-law 8600 shall not apply, save and except the requirement for a maximum height of 4.0 metres; and
 - (c) The scenery loft enclosure(s) shall be designed to preclude views of the east side of the property.
- 4) No outdoor sitting/viewing area shall be permitted above 10m height of the multiple dwelling.
- 5) Location of a *building* or *structure* within 300 metres of the east limit of the planned expansion of the Little River Sewage Treatment plant, measured from the nearest wall of the building or structure, is prohibited.
- 6) An access area or direct vehicular access to Wyandotte Street East is prohibited.
[ZDM 14; ZNG/6730]”

3. The said by-law is further amended by changing the Zoning District Maps or parts thereof referred to in Section 1, of said by-law and made part thereof, so that the lands described in Column 3 are delineated by a broken line and further identified by the zoning symbol shown in Column 5:

1. Item Number	2. Zoning District Map Part	3. Lands Affected	4. Official Plan Amendment Number	5. Zoning Symbol
1	14	Part of Lot 138, Concession 1, located at the southwest corner of Wyandotte Street East and Florence Avenue.	-	S.20(1)H490

4. That the holding (H) symbol **BE REMOVED** when the applicant/owner submits an application to remove the holding (H) symbol and the following conditions are satisfied:

- (a) The Owner(s) gratuitously convey to the Corporation of the City of Windsor lands sufficient in width for the creation of a 22.0 m wide road allowance for the extension of Florence Avenue south of Wyandotte Street East.

DREW DILKENS, MAYOR

CLERK

First Reading - , 2023
 Second Reading - , 2023
 Third Reading - , 2023



Committee Matters: SCM 26/2025

Subject: Adoption of the Development & Heritage Standing Committee (Planning Act) minutes of its meeting held January 6, 2025

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

Date: Monday, January 6, 2025

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

Members Present:

Councillors

Ward 1 - Councillor Fred Francis
Ward 4 - Councillor Mark McKenzie
Ward 7 - Councillor Angelo Marignani
Ward 9 - Councillor Kieran McKenzie
Ward 10 - Councillor Jim Morrison (Chairperson)

Members

Member Anthony Arbour
Member William Tape
Member John Miller
Member Robert Polewski

**PARTICIPATING VIA VIDEO CONFERENCE ARE THE FOLLOWING FROM
ADMINISTRATION:**

Sandra Gebauer, Council Assistant

**ALSO PARTICIPATING IN COUNCIL CHAMBERS ARE THE FOLLOWING FROM
ADMINISTRATION:**

Jelena Payne, Commissioner, Economic Development
Wira Vendrasco, City Solicitor
Neil Robertson, City Planner
Greg Atkinson, Deputy City Planner – Development
Phong Ngy, Executive Director Operations/ Development City Engineer
Stacey McGuire, Executive Director Engineering / Deputy City Engineer
Matthew Johnson, Executive Director, Economic Development
Jason Campigotto, Deputy City Planner – Growth
Aaron Farough, Senior Legal Council
Joe Baker, Manager, Land Development and Growth
Gholamreza Sayyadi, Transportation, Planning Senior Engineer

Minutes

Development & Heritage Standing Committee Tuesday, September 3, 2024

Page 2 of 11

Tracy Tang, Acting Heritage Planner
Frank Gerardo, Planner III - Policy & Special Studies
Kevin Alexander, Planner III – Special Projects
Diana Radulescu, Planner II, Development Review
Brian Nagata, Planner II, Development Review
Elara Mehrilou, Transportation Planner I
Chris Gerardi, Policy Analyst
Natasha McMullin, Senior Clerk Steno
Anna Ciacelli, Deputy City Clerk

Delegations—participating via video conference

Item 7.2 – Tracey Pillon-Abbs, Planning Consultant/Agent
Item 7.4 - Tracey Pillon-Abbs, Planning Consultant/Agent
Item 10.1 - Ed van der Maarel, Partner, Principal Architect + Heritage Consultant and Alicia Lesniak, Architect, a+LiNK Architecture Inc
Item 10.1 - Tina Van Hinte, Area Resident

Delegations—participating in person

Item 7.1 – Jerry Kavanaugh & Olivia Byrne, Agents
Item 7.1 - Zeyad Rafih, Property Owner
Item 7.2 - Andi Shallvari, Property Owner
Item 7.3 - Jackie Lassaline, Planning Consultant/Agent
Item 7.4 - Andi Shallvari, Property Owner
Item 10.1 - Settimo Vilardi, Principal Architect/Prime Consultant
Item 10.1 - Jean-Yves Renaud, Area Resident
Item 10.1 - Albert Schepers, Area Resident
Item 10.1 - James Demers, Area Resident
Item 10.1 - Frank Providenti, Area Resident
Item 10.1 – Peter Marra, Area Resident
Item 10.1 – Catherine Archer, Area Resident
Item 10.1 – Lou Durnbeck, Area Resident
Item 10.1 - Chris Kruba, Area Resident

1. CALL TO ORDER

The Chairperson calls the meeting of the Development & Heritage Standing Committee to order at 4:30 o'clock p.m.

2. DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

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Development & Heritage Standing Committee Tuesday, September 3, 2024

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Councillor Fred Francis discloses an interest and abstains from voting on Item 7.1 being “Rezoning – Rafco Property Trust Ltd – 0 Howard Ave - Z-032/24 ZNG/7237 - Ward 1,” as his employer has a formal business relationship with Rafco Property Trust Ltd.

Member Wiliam Tape discloses an interest and abstains from voting on Item 10.1 being “Amendment to Heritage Designation By-law No. 281-2003 – 455 Kennedy Drive West, Roseland Golf Course (Ward 1),” as he provided fees for supporting city document development for New Club House.

3. REQUEST FOR DEFERRALS, REFERRALS OR WITHDRAWALS

None requested.

4. COMMUNICATIONS

None presented.

5. ADOPTION OF THE *PLANNING ACT* MINUTES

5.1. Adoption of the Development & Heritage Standing Committee (*Planning Act*) minutes of its meeting held December 2, 2024

Moved by: Member Anthony Arbour
Seconded by: Councillor Mark McKenzie

That the *Planning Act* minutes of the Development & Heritage Standing Committee meeting held December 2, 2024 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 391/2024

7. *PLANNING ACT* MATTERS

7.1. Rezoning – Rafco Property Trust Ltd – 0 Howard Ave - Z-032/24 ZNG/7237 - Ward 1

Greg Atkinson, Deputy City Planner – Development, is available for questions on behalf of Adam Szymczak.

Jerry Kavanaugh & Olivia Byrne (agents) is available for questions.

Zeyad Rafih (applicant) is available for questions.

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Councillor Kieran McKenzie inquires about the ingress and egress onto Tuson Way leading onto Howard Avenue and feedback on the traffic impact. Mr. Greg Atkinson states that there was no Traffic Impact Study required and there would be negligible impact on traffic volumes and defers technical question or concerns to the Public Works Department. Mr. Chris Gerardi states the proposal was evaluated and expect the volume from the proposal to be low and not to affect the operations of the intersection.

Councillor Kieran McKenzie inquires if any speed mitigation tools have been given to address the issue of speeding in the area for southbound traffic given the increased traffic volume. Mr. Gerardi states that if it is a preexisting condition that it would be dealt with our existing Traffic Calming programs and this would be out of the scope of this development.

Moved by: Councillor Angelo Marignani

Seconded by: Member Anthony Arbour

Decision Number: **DHSC 685**

1. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of PT LT 107 PL 1489, AS PT 1 ON PL 12R11254 EXCEPT PT 2 ON PL 12R23861 (PIN 01573-0748), bounded by Howard Avenue, Tuson Way and Howard Place and known municipally as 0 Howard Avenue (Roll No: 080-060-01100) from Commercial District 1.1 (CD1.1) to Residential District 3.3 (RD3.3) and by deleting and replacing S.20(1)272 with the following:

272. HOWARD AVENUE, TUSON WAY AND HOWARD PLACE

For the lands comprising Part of Lot 107, Registered Plan 1489, described as Part 1, Plan 12R11254 except Part 2, Plan 12R23861, and identified as PIN 01573-0748, for a *Multiple Dwelling*, the following additional provisions shall apply:

- a) *Lot Area* – minimum – 1,825.0 m²
- b) *Building Height – Main Building* – maximum – 10 m
- c) Notwithstanding Section 25.5.20.1.2, the minimum *parking area* separation from any *street* shall be 1.50 m.
- d) Notwithstanding Section 25.5.20.1.6, the minimum *parking area* separation from a *building wall* containing a *habitable room window* or containing both a main pedestrian entrance and a *habitable room window* facing the *parking area* where the *building* is located on the same *lot* as the *parking area* shall be 2.60 m.

[ZDM 9; ZNG/7237]

2. THAT, when Site Plan Control is applicable:

A. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updated information, into an approved site plan and an executed and registered site plan agreement:

- 1) Noise mitigation measures identified in Section 6 in the Road Traffic and Stationary Noise Impact Study prepared by JJ Acoustic Engineering Ltd., dated October 23, 2023,

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subject to the approval of the City Planner, Deputy City Planner, or Site Plan Approval Officer.

- 2) Requirements of the City of Windsor – Engineering and City of Windsor – Transportation Planning contained in Appendix B of Report S 148/2024, subject to the approval of the City Engineer.
- 3) Requirements of the City of Windsor – Forestry, City of Windsor – Natural Areas, and City of Windsor – Planning & Development – Landscape & Urban Design, contained in Appendix B of Report S 148/2024, subject to the approval of the City Forester and City Planner.

- B. The Site Plan Approval Officer **CONSIDER** all other comments contained in Appendix B of Report S 148/2024 and recommendations in the documents submitted in support of the application for an amendment to Zoning By-law 8600.

Carried.

Councillor Fred Fracis discloses an interest and abstains from voting on this matter.

Report Number: S 148/2024
Clerk's File: Z/14877

7.2. Zoning By-Law Amendment – Z036-24 (ZNG/7248) - Andi Shallvari – 552 Florence Avenue, Ward 7

Diana Radulescu (author), Planner II – Development Review, is available for questions.

Tracey Pillon-Abbs (agent) and Andi Shallvari (applicant) is available for questions.

Councillor Marignani inquires about the flooding and storm water mitigation in the area as Elinor Street is prone to flooding. He requests that Administration confirm that this development will not create larger flooding concerns for nearby resident. Ms. Stacey McGuire states that the development is anticipated to have negligible impact on the municipal sewer systems.

Councillor Marignani inquires if the development will cause additional stress to the area in terms of stormwater. Ms. McGuire states that there are no anticipated adverse effects.

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Mark McKenzie

Decision Number: **DHSC 686**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of PART LOTS 36 AND 37 PLAN 1094 RIVERSIDE, PART 1, 12R29488 and PART BLOCK B PLAN 1094 (PART ALLEY CLOSED BY R421154), PART 2, 12R29488 situated on the east side of Florence Avenue between Riverside Drive East and Wyandotte Street E, known municipally as 552 Florence Avenue, by adding a site-specific exception to Section 20(1) as follows:

522. EAST SIDE OF FLORENCE AVENUE, NORTH OF WYANDOTTE ST E

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For the lands comprising of PART LOTS 36 AND 37 PLAN 1094 RIVERSIDE, PART 1, 12R29488 and PART BLOCK B PLAN 1094 (PART ALLEY CLOSED BY R421154), PART 2, 12R29488; one *Semi-detached Dwelling* is an additional permitted *main use*.

(ZDM 14)

Carried.

Report Number: S 170/2024
Clerk's File: Z/14891

7.3. Zoning By-law Amendment Application for 2275 Wellesley Avenue, Z-026/24 [ZNG-7229], Ward 4

Brian Nagata (author), Planner II – Development Review, is available for questions.

Jackie Lassaline (agent) is available for questions.

Councillor Kieran McKenzie inquires whether a privacy fence can be placed at the back of the property or if it has to be open to Parent Park, and if regulations are the reason for the proposed wrought iron fence. Ms. Jackie Lassaline states that the concept is to provide an open space for the residents, and that there are no regulations restricting the use of certain materials.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fred Francis

Decision Number: **DHSC 687**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the northwest corner of Vimy Avenue and Wellesley Avenue, described as Block D, Plan 1119 (PIN No. 01323-0299 LT), from Institutional District 1.1 (ID1.1) Site Specific Provision 20(1)257, to Residential District 2.3 (RD2.3), subject to additional regulations:

520. NORTHWEST CORNER OF VIMY AVENUE AND WELLESLEY AVENUE

(1) For the lands comprising of Block D, Plan 1119, PIN No. 01323-0299 LT, the following additional provisions shall apply:

1. Notwithstanding Subsection .1 of Section 24.28.1.3, the total area of the required front yard occupied by a hard surface for the purpose of a walkway, driveway, access area or a parking space or any combination thereof for a lot having a width of 9.0 metres or greater shall not exceed 78%.
2. Notwithstanding Subsection .2 of Table 25.5.20.1, the minimum separation for a parking area from a street shall be 1.20 metres, subject to the following provisions:
 - a) 1.20-metre-high ornamental screening fence shall span the length of the separation, save and except that portion within 0.30 metres of an access area.

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- b) Notwithstanding provision a), for that portion of the ornamental screening fence located within the visibility triangle, as defined under Section 4.3 of Fence By-law 170-2012, the height shall be 0.90 metres.
3. 1.20-metre-high ornamental screening fence shall span the length of any parking area separations from the west interior lot line.
4. 1.20-metre-high ornamental screening fence shall span the length of the north limit of a parking area, east of the existing building.
[ZDM 7; ZNG/7229]

Carried.

Report Number: S 171/2024

Clerk's File: Z/14892

7.4. Zoning By-law Amendment Application for 0 Janette Avenue, Z-037/24 [ZNG-7249], Ward 3

Brian Nagata (author), Planner II – Development Review, presents application.

Tracey Pillon-Abbs (agent) is available for questions. Ms. Pillon-Abbs states that overall they are in support of the staff recommendations but not the parking requirements. Ms. Pillon-Abbs states that the development is short by three spaces, the City is proposing five spaces, and the applicant has proposed four spaces and ten bike spaces, where the parking study suggests between three and four spaces are sufficient for the proposed development. Ms. Pillon-Abbs continues that the parking study identifies that the area is a pedestrian friendly location with several bus stops near the subject property and is just outside of the downtown core where a parking exemption is imposed certain uses. Ms. Pillon-Abbs compares the development to a semi-detached dwelling which requires only two spaces and states that the development is similar in terms of the number of units and parking requirements.

Andi Shallvari (applicant) states that the City's new monthly Stormwater rates came into effect on January 1, 2025. Mr. Shallvari further states that the new rates are based on the amount of impervious area provided onsite. Mr. Shallvari indicates that the requested reduction in required parking spaces is to lower the monthly Stormwater fee to be assessed to the subject property. Mr. Shallvari inquires if his development can proceed with four parking spaces rather than five.

Councillor Kieran McKenzie inquires if there is a matrix used to allow for a reduction in parking spaces when there are bike parking spaces provided in lieu of vehicular parking, or is it evaluated based on each individual case. Mr. Brian Nagata states historically that bike parking spaces could be provided in lieu of vehicular spaces, but this is no longer the case and defers the question to Mr. Neil Robertson. Mr. Robertson states that a matrix does not exist and rather each development is evaluated based on context and the surrounding services such as transit routes and amenities, to demonstrate that there is no adverse impact. Mr. Robertson states that bike spaces provided are a factor in the decision and is encouraged but it is not a trade off, and each is evaluated on a case-by-case basis.

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Councillor Kieran McKenzie inquires about the context and how much of an additional challenge to the existing parking situation on Janette Avenue would the reduction represent with four parking spaces. Mr. Gerardi states that a Parking Study has been submitted at Stage 2 that justified the reduction of parking from seven parking spaces to five, and this was accepted by the Transportation Planning Department based on the presented factors. Mr. Gerardi states that at Stage 3 a revised Parking Study was submitted by the applicant to further justify the reduction and acknowledges the current parking situation on Janette Avenue with permit parking.

Councillor Kieran McKenzie inquires whether an analysis has been completed to determine how close the current parking is at capacity. Mr. Gerardi states that the Operations Department was asked to observe, and no formal study had been completed, but the current capacity conditions had been considered prior to approval.

Councillor Kieran McKenzie inquires about the deliberate intention to market the development to active transportation users and if that is a decision of future residents is based on available bike parking. Mr. Robertson states that we cannot comment on consumer behaviour and for this development the department is comfortable with the recommendation for a reduction of two parking spots.

Councillor Kieran McKenzie inquires whether parking spots will be available on a first come first serve basis. Mr. Shallvari states that the costs being added through Storm Water fees by having two additional spots, and whether if in the future consumers are willing to pay additional fees is something they are trying to determine.

Councillor Kieran McKenzie inquires if the development is required to have five parking spaces then would the bike parking spaces be reduced to two. Mr. Shallvari agrees.

Member Arbour inquires about whether the bike parking spaces would be covered, powered stations or if lockers will be provided to be useful for residents. Mr. Shallvari states he is open to any suggestion brought forward by the Committee and will add to the marketability of the development.

Councillor Marignani inquires why there is a difference between the number of residents notified of this meeting versus the preceding open house. Mr. Nagata states that 120 metres is the minimum stipulated notification range for Notice of Public Meeting under the *Planning Act*, however Development & Heritage Standing Committee has opted to use a range of 200 metres. Mr. Nagata states that the Planning Department has recently updated the notification range for Open Houses from 120 metres to 200 metres to coincide with Development and Heritage Standing Committee.

Councillor Kieran McKenzie inquires if there are tools to direct the type of facilities for bike parking to be implemented onsite. Mr. Nagata states that there are general bike parking provisions under the zoning by-law and that additional regulations to provide secure bike parking can be added through a site specific provision. Mr. Robertson states that a specific provision should be provided as part of the recommendation.

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Councillor Kieran McKenzie inquires if specific provision such as electrification were put in place would it jeopardise the project. Mr. Shallvari states that it would not.

Councillor Kieran McKenzie states he would move the administration recommendation as related to the parking and move that the developer be permitted to implement four vehicular spaces with a secure and electrified facility for ten bike parking spaces.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Margnani

Decision Number: **DHSC 686**

- I. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning for the lands located on the east side of Janette Avenue between Park Street West and Wyandotte Street West, described as Lot 73, Plan 274 (PIN No. 01195-0501 LT), by adding a site specific provision to allow *One Multiple Dwelling* containing a maximum of six *dwelling units* as an additional permitted *main use*, subject to the following additional regulations:

521. EAST SIDE OF JANETTE AVENUE BETWEEN PARK STREET WEST AND WYANDOTTE STREET WEST

(1) For the lands comprising of Lot 73, Plan 274, PIN No. 01195-0501 LT, one *Multiple Dwelling* containing a maximum of six *dwelling units* shall be an additional permitted *main use* subject to the following additional provisions:

1. The *Multiple Dwelling* provisions of Section 11.2.5.4 shall apply, save and except Sections 11.2.5.4.1, 11.2.5.4.2 and 11.2.5.4.4.
2. Lot Width - minimum 15.0 m
3. Lot Area - minimum 519.0 m²
4. Main Building Height - maximum 10.0 m
5. Landscape Open Space Yard - minimum 35.0% of lot area
6. Notwithstanding Table 24.20.5.1, for a *Multiple Dwelling* containing a minimum of 5 Dwelling Units, the minimum required number of *parking spaces* shall be 4;
7. Notwithstanding Table 24.30.1, the minimum required number of bicycle parking spaces shall be 10; and,
8. In addition to the provisions of Section 24.30.20:
 - a. Bicycle parking spaces shall be located within a secure area within the Multiple Dwelling, an Accessory Building, and/or fully enclosed Structure having a minimum height of 2.20 metres from the ground adjacent to the bicycle parking spaces; and,
 - b. Bicycle parking spaces shall meet the definition of *Long-term bicycle parking space* as defined under the *Bicycle Parking Standards and Guidelines* of the City's *Bicycle Parking Policy*, approved by Council Resolution CR363/2024 on September 9, 2024.
 - c. Each bicycle parking space shall be equipped with an electrical

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outlet with a receptacle sufficient for charging a *power-assisted-bicycle* as defined under Section 1(1) of the *Highway Traffic Act*, R.S.O. 1990, c. H.8.

[ZDM 3; ZNG/7249]; and,

- II. That the Applicant **BE REQUESTED** to provide a secure and electrified bicycle parking facility on site for this application.

Carried.

Report Number: S 172/2024
Clerk's File: Z/14890

7.5. Provincial Planning Statement (2024) Update

Frank Garardo, Planner III – Policy & Special Studies, presents application.

Councillor Kieran McKenzie inquires about the timeline for proposed updates for sustainable development pieces to be completed and understanding the new tools developed to reflect the changes. Mr. Garardo states that in strategic growth areas in designated growth areas, the our Official Plan (OP) does have an existing framework and it would mean putting in refinements to the OP, and some long term goals would be using zoning provisions to implement many of those changes.

Councillor Kieran McKenzie states that he inquires about timelines because some of the work would inform certain Task Forces to define what a designated growth area is and some other policies would help to inform decisions made around processes. Mr. Robertson states that the work and studies will inform the direction that we will establish in the OP and will be more iterative than one direction, and timelines will be established based on what is reasonable for the study. Mr. Robertson also states that a number of these projects are currently underway around the City.

Councillor Kieran McKenzie inquires about the evaluation of natural heritage, our current capacity and who will do the work with the changes at the Conservation Authority. Mr. Robertson states that we do not have the capacity to complete it where the work will have to be completed by a consultant. Mr. Robertson states that the budget has monies allocated for a comprehensive review of the OP and the natural heritage component through consultant work.

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: **DHSC 689**

- I. THAT the report on Ontario's Land Use Planning Document *Provincial Planning Statement, 2024* **BE RECEIVED**; and,
- II. THAT administration **BE DIRECTED** to review and refine Windsor's existing intensification framework of mixed use centres, nodes and corridors to include residential corridors and identify all of the areas identified for intensification as *Strategic Growth Areas* in conformity with section 2.4.1 of the *Provincial Planning Statement, 2024*; and,

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- III. THAT administration **BE DIRECTED** to investigate formally identifying the lands in Sandwich South as *designated growth areas* in the Official Plan consistent with Policy 2.3.1.5, and establish density targets for future Secondary Plans adopted in the Sandwich South lands; and,
 - IV. THAT administration **BE DIRECTED** to review and establish minimum affordable housing targets in conformity with *Provincial Planning Statement, 2024*; and,
 - V. THAT administration **BE DIRECTED** to review intensification targets in conformity with *Provincial Planning Statement, 2024*.

Carried.

Report Number: S 177/2024

Clerk's File: GP2025

8. ADJOURNMENT

There being no further business the meeting of the Development & Heritage Standing Committee (*Planning Act Matters*) portion is adjourned at 5:40 o'clock p.m.

Ward 10 – Councillor Jim Morrison
(Chairperson)

Deputy City Clerk / Supervisor of Council
Services



Subject: OPA & Rezoning – Rock Developments East Windsor Inc. – Catherine Street - OPA 192 OPA/7265 Z-042/24 ZNG/7264 - Ward 8

Reference:

Date to Council: February 3, 2025
 Author: Adam Szymczak, MCIP, RPP
 Senior Planner - Development
 519-255-6543 x 6250
 aszymczak@citywindsor.ca

Planning & Building Services
 Report Date: January 2, 2025
 Clerk’s File #: Z/14911 & Z/14912

To: Mayor and Members of City Council

Recommendation:

1. THAT Schedule “A” of Volume I: The Primary Plan of the City of Windsor Official Plan **BE AMENDED** by designating Part of Lots 119, 120, 121 & 122, Concession 1, designated as Parts 7, 8, 13, 14 and Part of Part 15, all on Plan 12R-26172 (known municipally as 6412 & 6560 Tecumseh Road East, 0 Catherine Street; Roll No. 070-680-00700, 070-680-00900, 070-680-01110, 070-680-01510), situated on the north side of Catherine Street between Jefferson Boulevard and Lauzon Parkway, as a Special Policy Area.

2. THAT Chapter 1 in Volume II: Secondary Plans and Special Policy Areas of the City of Windsor Official Plan **BE AMENDED** by adding a new Special Policy Area as follows:

1.X CATHERINE STREET

<i>LOCATION</i>	1.X.1	The property described as Part of Lots 119, 120, 121 & 122, Concession 1, designated as Parts 7, 8, 13, 14 and Part of Part 15, all on Plan 12R-26172, situated on the north side of future Catherine Street between Jefferson Boulevard and Lauzon Parkway, is designated on Schedule A: Planning Districts and Policy Areas in Volume I - The Primary Plan.
<i>ADDITIONAL PERMITTED MAIN USES</i>	1.X.2	Notwithstanding the designation of these lands as “Business Park” on Schedule FGN-2: Land Use Plan in the Forest Glade North Planning Area in Volume II – Secondary Plans and Special Policy Area, commercial uses shall be additional permitted main uses save and except for a child care centre and tourist home.

3. THAT Zoning By-law 8600 **BE AMENDED** by changing the zoning of Part of Lots 119, 120, 121 & 122, Concession 1, designated as Parts 7, 8, 13, 14 and Part of Part 15, all on Plan 12R-26172 (known municipally as 6412 & 6560 Tecumseh Road East, 0 Catherine Street; Roll No. 070-680-00700, 070-680-00900, 070-680-01110, 070-680-01510), situated on the north side of Catherine Street between Jefferson Boulevard and Lauzon Parkway from HMD1.4 to CD2.1 and by adding a site specific exception to Section 20(1) as follows:

523. **NORTH SIDE OF CATHERINE STREET BETWEEN JEFFERSON BOULEVARD AND LAUZON PARKWAY**

For the lands consisting of Part of Lots 119, 120, 121 & 122, Concession 1, designated as Parts 7, 8, 13, 14 and Part of Part 15, all on Plan 12R-26172, the following additional provisions shall apply:

a) Additional Permitted *Main Uses*:

Ambulance Service

Food Catering Service

Food Packaging Facility

Manufacturing Facility

Medical Appliance Facility

Research and Development Facility

Stormwater Management Facility

Warehouse

b) Prohibited Uses:

Child Care Centre

Tourist Home

(ZDM 10,11; ZNG/7264)

4. THAT, when Site Plan Control is applicable:

A. Prior to the submission of an application for site plan approval, at the discretion of the City Planner, Deputy City Planner, or Site Plan Approval Officer:

1) Those documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600 **BE UPDATED** to reflect the site plan for which approval is being sought, and any comments from municipal departments and external agencies.

2) For any building located with 75 metres of a rail corridor, **SUBMISSION** of a Vibration Study to the satisfaction of the City Planner.

B. The Site Plan Approval Officer **BE DIRECTED** to incorporate the following, subject to any updates or revisions, into an approved site plan and an executed and registered site plan agreement:

1) Any vibration control measures identified in a Vibration Study, subject to the approval of the Site Plan Approval Officer.

- 2) Requirements of the City of Windsor – Development Engineering and City of Windsor – Transportation Planning contained in Appendix D of Report S 1/2025, and in the approved Forest Glade North Municipal Class Environmental Assessment, subject to the approval of the City Engineer.
- 3) Submission of a clearance letter or permit from the Ministry of Environment, Conservation, and Parks confirming compliance with the Endangered Species Act to the satisfaction of the City Planner.
- 4) Subject to revisions required by the City of Windsor, the Ministry of Environment, Conservation and Parks, or other external agency, mitigation measures identified in Sections 5.0 through 8.0 of the Environmental Evaluation Report (EER) prepared by Insight Environmental Solutions Inc. and dated January 10, 2025, and in Sections 6.0 & 7.0 of the Species at Risk Impact Assessment prepared by Insight Environmental Solutions Inc. and dated January 10, 2025, subject to the approval of the City Planner.
- 5) Further to Section 6.0 in the Stage 2 Archaeological Assessment prepared by AS&G Archaeological Consulting Inc. and dated August 22, 2024, written confirmation from the Ministry of Citizenship and Multiculturalism confirming acceptance of the report in the Ontario Public Register of Archaeological Reports to the satisfaction of the City Planner and submission of GIS Shapefiles of the Study Area to the City of Windsor Heritage Planner.

C. The Site Plan Approval Officer **CONSIDER** all other comments contained in Appendix D of Report S 1/2025, and all recommendations in the documents submitted in support of the applications for amendments to the Official Plan and Zoning By-law 8600.

Executive Summary:

N/A

Background:

Location: 6412 & 6560 Tecumseh Road East, 0 Catherine Street; Concession 1, Part of Lots 119, 120, 121 & 122, further designated as Parts 7, 8, 13, 14 and Part of Part 15, all on Plan 12R-26172. (North side of Catherine Street between Jefferson Boulevard and Lauzon Parkway)

Roll No: 070-680-00700, 070-680-00900, 070-680-01110, 070-680-01510

Ward: 8 **Planning District:** Forest Glade **Zoning District Map:** 10, 11

Applicant: Rock Developments East Windsor Inc.

Owners: GEM Properties (6412 & 6560 Tecumseh Rd E), 803119 Ontario Inc./The Hearn Group (0 Catherine Street); Grachanica Serbian Eastern Orthodox Church (0 Catherine Street)

Agent: Pillon Abbs Inc. (Tracey Pillon-Abbs, MCIP, RPP)

Proposal: Develop the subject lands for commercial purposes consisting of approximately 24,428 m² GFA over multiple commercial pads, including a gas bar in multiple phases. Phase 1 consists of a 15,071 m² building with a gas bar. Phase 2 proposal is 9,537 m² in a separate building. All buildings will be one-storey height. A total of 1,385 parking spaces (Phase 1: 967 spaces; Phase 2: 418 spaces) and two

driveways to an extended Catharine Street are proposed. A Stormwater Facility is to be constructed at the north end of the lands. The applicant proposes to sever the lands into three parcels.

Submitted Materials:

Attached to Report S 1 /2025 as an Appendix:

- Appendix A – Planning Rationale Report (PRR)
- Appendix B – Concept Site Plan
- Appendix C – Concept Elevations

Not attached to this report: Application Official Plan Amendment, Application Zoning By-law Amendment, Archaeological Assessment Stage 1 Report, Archaeological Assessment Stage 2 Report, Environmental Evaluation Report, Environmental Site Assessment Phase I, Environmental Site Assessment Phase II, Functional Servicing Report, Geotechnical Investigation, Open House Display Items, Open House Notice, Ownership ON Lands Map, Plan of Survey 12R-26172, Plan of Survey Right of Ways 12R-29962, Species at Risk Impact Assessment, Topographic Survey, Transportation Impact Study

All documents are available [online](#) or by [email](#).

Site Information:

OFFICIAL PLAN	ZONING B/L 8600	CURRENT USE	PREVIOUS USE
Business Park (Schedule FGN-2)	Manufacturing District 1.4 (HMD1.4) Commercial District 2.1 (CD2.1)	Vacant Land	Vacant Land
LOT WIDTH AVERAGE	LOT DEPTH AVERAGE	LOT AREA	LOT SHAPE
260 m	225 m	14.6 ha	Irregular
<i>All measurements are provided by the applicant and are approximate.</i>			

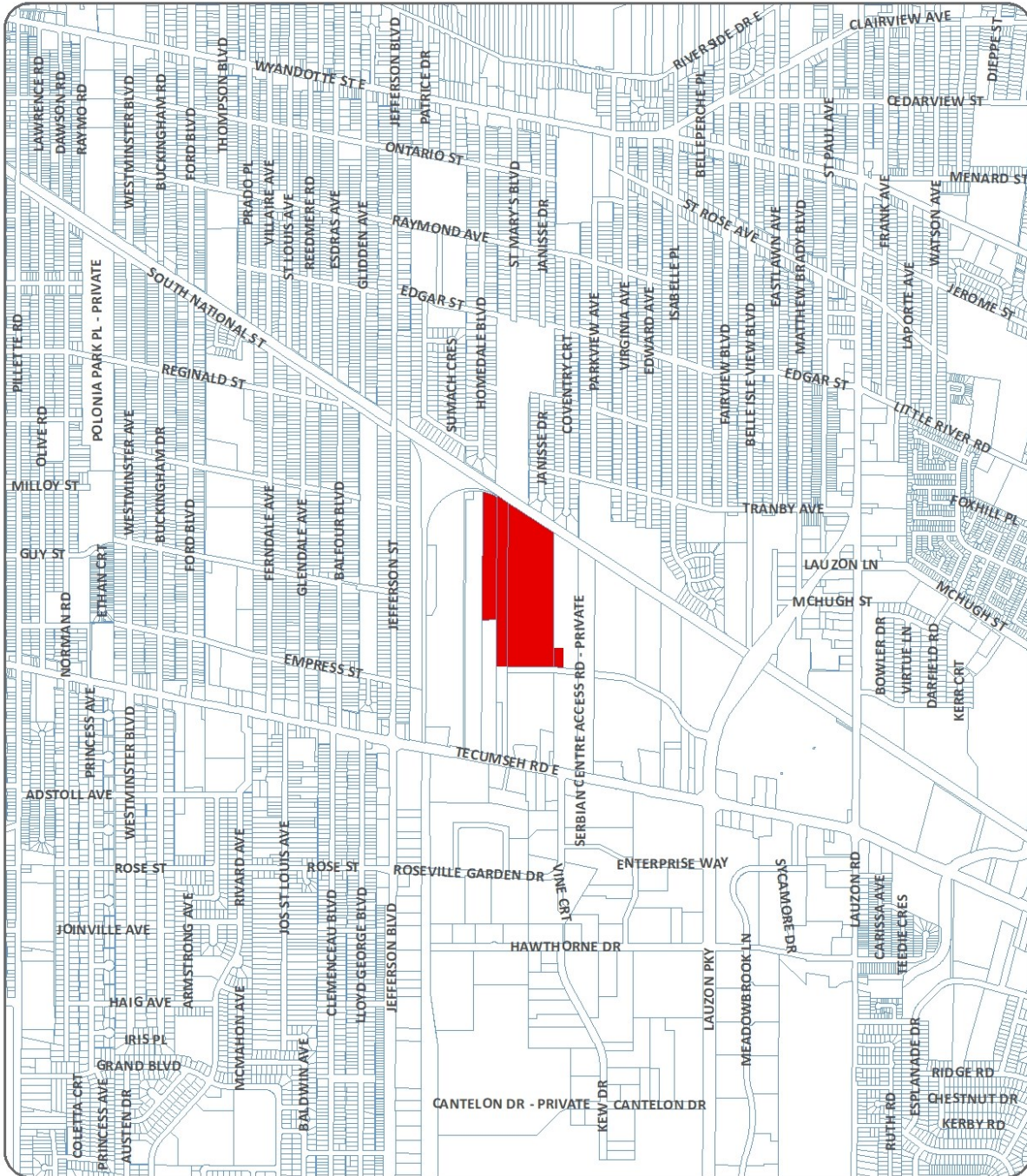
Neighbourhood:

Sections 2.2 and 2.3 in the PRR provide details about the physical features of the site and surrounding land use including site photos.

Public transit is available via the Transway 1C, Ottawa 4, and Route 418X along Tecumseh Road East with several stops within 400 m of the subject parcel. The Transit Master Plan will maintain similar or better transit service.

The site does not have services; however, infrastructure such as roads, sidewalks, sanitary and storm sewers, and stormwater management will considered in the Forest Glade North Municipal Class Environmental Assessment, stormwater management plans submitted during Site Plan Control (SPC), and any other agreements entered between the City of Windsor and the Applicant.

Figure 1: Key Map



KEY MAP - Z-042-24 ZNG-7264 & OPA-192, OPA 7265



● SUBJECT LANDS

Figure 2: Subject Parcel – Official Plan Amendment

SCHEDULE FGN-2

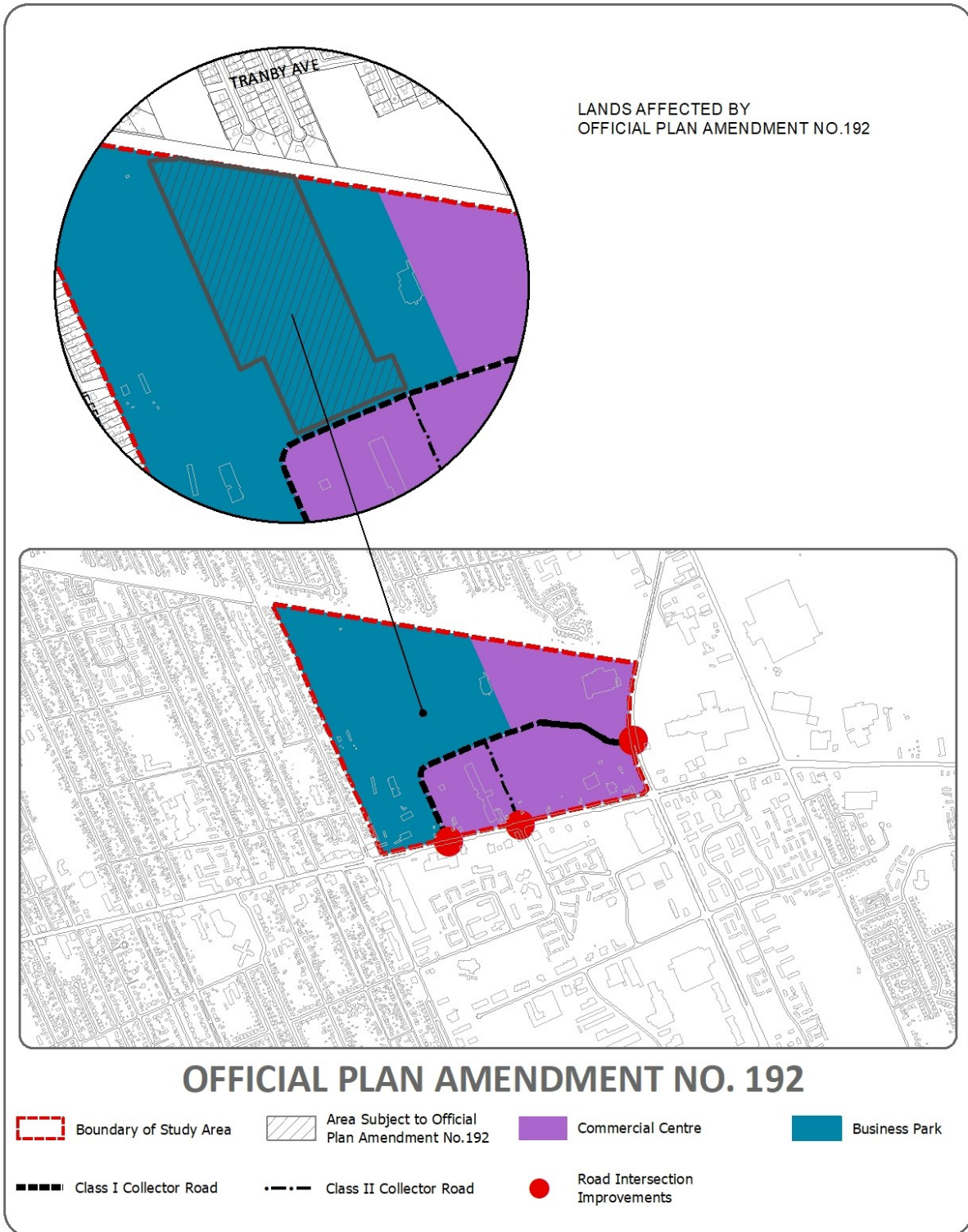
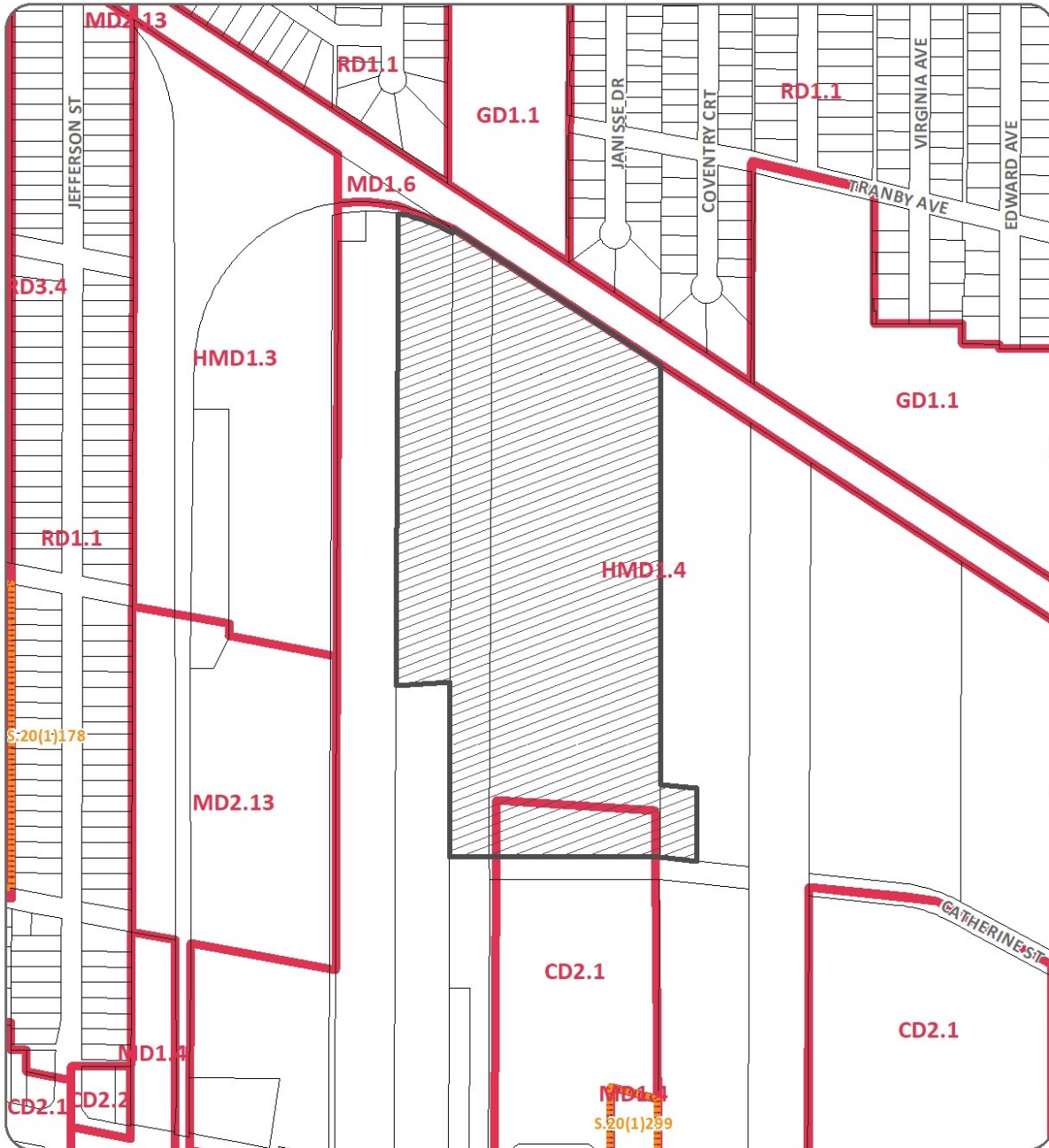


Figure 3: Subject Parcel - Rezoning



PART OF ZONING DISTRICT MAPS 10 & 11

N.T.S.

REZONING

Applicant: Rock Developments East Windsor Inc.



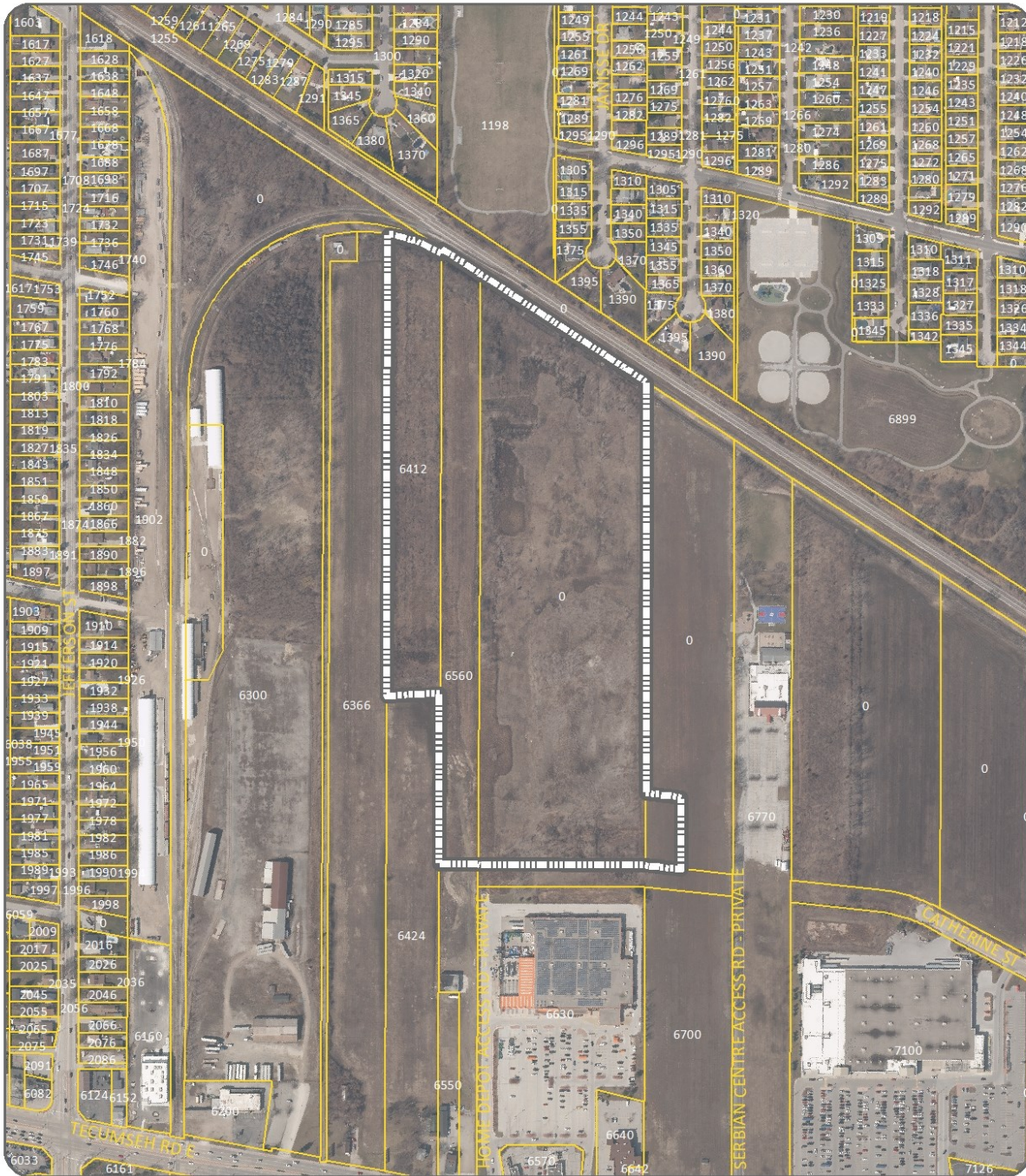
SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : DECEMBER, 2024
FILE NO. : Z-042/24, ZNG/7264

Figure 4: Neighborhood Map



NEIGHBOURHOOD MAP - Z-042-24 ZNG-7264 & OPA-192, OPA 7265



SUBJECT LANDS

Discussion:

Archaeological Assessment Stage 1 Report (Parslow Heritage Consultancy Inc., 2024 April 24) - The report recommends that those portions of the study area as retaining archaeological potential be subject to a Stage 2 archaeological assessment. Those portions of the study area that are described as having low archaeological potential are recommended to be considered free from further archaeological investigations.

Archaeological Assessment Stage 2 Report (AS&G Archaeological Consulting Inc., 2024 August 22) - The report concludes that *“test pits advanced in all areas produced no archaeological materials and no archaeological sites were identified. No artifacts or other archaeological resources were recovered during the pedestrian survey portion of the Stage 2 assessment.”* It recommends that *“no further Archaeological Assessment is required within the Study Area”*. The City of Windsor Heritage Planner requires a letter from the Ministry of Citizenship and Multiculturalism stating that there are no further concerns regarding alterations to archaeological sites by the proposed development and all GIS Shapefiles of the Study Area.

Environmental Evaluation Report DRAFT (EER) (Insight Environmental Solutions Inc., 2025 January 10) - The report states that *“before proceeding with the proposed development, it is necessary to consult with Regulatory Authorities to determine if any additional permits are needed. Engaging with these authorities will help ensure that the development complies with all relevant provincial and federal laws and policies”*. The EER lists mitigation measures to avoid impacts to natural heritage features (Section 5.0) and Species at Risk (Section 6.0) and lists next steps/required consultation (Section 7.0) and concluding statement (Section 8.0) that will be included as a condition of SPC approval.

Environmental Site Assessment Phase I (EXP Services Inc., 2024 January 18)
Environmental Site Assessment Limited Phase II (EXP Services Inc. 2024 April 11)
Geotechnical Investigation (EXP Services Inc., 2024 March 15)

The Phase I Environmental Site Assessment (ESA) identified *“fill material of unknown quality”* and *“historic metal products company south adjacent of Site with known historic impacts from solvents etc.”* and recommended the completion of a Phase II ESA.

The Phase II ESA states that *“elevated EC measurements detected in upper fill material or surficial soil are commonly from the application of road salt to the area, nearby walkways, parking lots, roadways etc”*. The Phase II ESA concludes that the *“exceeding EC measurement at the Site does not pose a significant environmental concern to the property considering the proposed commercial usage of the Site”*. EXP Services Inc. is of the opinion that *“this material can be left in place, encapsulated beneath the proposed parking lot or proposed structures”*.

The Geotechnical Investigation provides recommendations to the Applicant regarding *“site preparation, excess soil management, excavations, dewatering, foundations, slab-on-grade construction, bedding and backfill, earthquake design considerations, pavement recommendations, and curbs and sidewalks”*.

Functional Servicing Report (FSR) (Aleo Associates Inc., 2024 August 9) – City of Windsor Engineering Development deems the FSR acceptable. Servicing matters will be further reviewed during SPC and Building Permit stages. The Essex Region

Conservation Authority (ERCA) notes that the property owner will be required to obtain a permit from ERCA prior to any construction or site alteration, that a Risk Management Plan may be required, and that they will provide further comments during SPC. A regional retention pond to be owned by the City of Windsor will be located at the north end of the parcel. The FSR notes that the *“retention pond will provide both quantity and quality control”* for stormwater management.

Planning Rationale Report (PRR) (Pillon Abbs Inc., 2024 December 19) – The PRR notes that the subject parcel is *“ideally suited for a commercial development”* for the reasons listed in Section 6.1.1 of the PRR. The proposed development is *“compatible with the surrounding area ... in terms of scale, massing, height and siting”*. The PRR concludes that the proposal represents *“good planning as it addresses the need for the development of a vacant parcel of land, which contributes to providing employment opportunities in the area”*, represents an *“efficient development pattern that optimizes the use of land”*, and that the proposed development is *“consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning”*. Planning & Development Services generally concurs with the information, analysis and conclusions in the PRR.

Species at Risk Impact Assessment DRAFT (Insight Environmental Solutions Inc., 2025 January 10) – Section 6 lists the specific mitigation measures to reduce impacts to species at risk and their habitat that will be considered during SPC. Further, the report notes that *“consultation is required with MECP to determine if a permit under the Endangered Species Act is required. Next steps include the completion and submission of an Information Gathering Form (IGF) and an Avoidance Alternative Form (AAF) to the Ministry of Environment, Conservation and Parks (MECP) to discuss potential impacts to SAR snakes including Butler’s Gartersnake (END) and Eastern Foxsnake (END).”* Therefore, clearance from the Ministry of Environment, Conservation and Parks (MECP) will be a condition of SPC.

Transportation Impact Study (TIS) (Paradigm Transportation Solutions Limited, 2024 October Version 2.0.0) – The TIS states that that *“two access intersections are projected to operate with reasonable levels of service for all inbound/outbound turning movements during weekday and Saturday peak hours. Delays and poor levels of service are noted for the outbound left-turn movement during the weekday PM and Saturday peak hours”*. The TIS notes that eastbound left-turn lanes on Catherine Street are warranted at both access points, however, turn-lane storage requirements can be accommodated by the two-way centre-turn lane proposed on Catherine Street. Transportation Planning has a few concerns (Appendix D) with the TIS which are best handled through SPC.

Provincial Planning Statement 2024 (PPS):

The PPS 2024 provides policy direction on matters of provincial interest related to land use planning in Ontario. Section 5.1.1 in the PRR provides an analysis of the relevant PPS policies. The PRR concludes that the *“proposed development is consistent with the PPS and the Province’s vision for long-term prosperity and social well-being”*. Planning and Development Services concurs with this analysis and is of the opinion that the proposed commercial development and amendments to the Official Plan & Zoning By-law 8600 are consistent with the overall policy direction of the PPS.

City of Windsor Official Plan:

The subject parcel is designated “Business Park” on Schedule FGN-2 in the Forest Glade North Planning Area. The applicant is requesting an amendment by allowing a range of commercial uses as additional permitted uses. Section 5.1.2 in the PRR submitted by the Applicant has a complete review and analysis of appropriate Official Plan policies. The PRR concludes that the “*proposed development will conform with the purpose and intent of the City of Windsor OP*”. Planning and Development Services concurs with the analysis in the PRR. When Official Plan Amendment 192 is approved, the requested zoning amendment will conform to the direction of the Official Plan.

Zoning By-Law 8600:

The Applicant is requesting an amendment changing the zoning from HMD1.4 & CD2.1 to CD2.1 with a site specific exception to include the uses permitted in the MD1.4 zoning district and GD1.5 for the stormwater management facility. Planning & Development Services concurs with the change to CD2.1 with a site specific exception; however, we prefer adding a stormwater management facility as an additional permitted use in the site specific exception. This provides for flexibility in the design of the stormwater management facility during SPC and future severance.

Clause a) in the site specific exception adds as additional permitted main uses those uses that are listed in MD1.4 but not listed in CD2.1, and a stormwater management facility. All main uses will be subject to the provisions of the CD2.1 zone. Clause b) prohibits two sensitive land uses – child care centre and tourist home - that typically would trigger the submission of a noise study given proximity to the VIA rail corridor and a Record of Site Conditions (RSC) based on the sensitive nature of these uses. Given that the subject lands are large and vacant, it is expected that the proposed development will comply with all applicable zoning provisions. The proposed site specific exception is appropriate in terms of permitted use and provisions.

Site Plan Control:

SPC will be the primary planning tool to implement the direction of the PPS and the Official Plan, the provisions of Zoning By-law 8600, and the requirements and recommendations of municipal departments and external agencies. Recommendation 4 provides direction and guidance to the Site Plan Approval Officer.

Risk Analysis:

N/A

Climate Change Risks

Climate Change Mitigation:

In general, infill development and a broader mix of uses will minimize the impacts on community greenhouse gas emissions as these developments create complete communities and neighbourhoods while using currently available or planned infrastructure and facilities such as sewers, sidewalks, and public transit.

Climate Change Adaptation:

The proposed development will provide opportunities to increase resiliency for the development and surrounding area, including stormwater management.

Financial Matters:

N/A

Consultations:

An in-person Open House was held on July 23, 2024, from 6 pm to 7 pm at the Serbian Centre. 17 people attended the Open House. Emails and phone calls were also received. A summary of comments and responses from the Applicant are provided in Section 3.2 of the PRR. Statutory notice was advertised in the Windsor Star, a local newspaper. A courtesy notice was mailed to property owners within a 200 m of the subject lands. Comments from departments and agencies are attached as Appendix D.

Conclusion:

Based on the information presented in this report, and the documents submitted by the Applicant, it is my opinion that the requested amendment to the City of Windsor Official Plan adding a new Special Policy Area to provide specific policy direction regarding the land use designation is consistent with the PPS 2020 and is in general conformity with the Official Plan. The requested amendment to Zoning By-law is consistent with the PPS 2024 and will be in conformity with the Official Plan when OPA 192 is approved.

Site Plan Control is an appropriate tool to incorporate the requirements and comments of departments and agencies. The recommendations to amend the Official Plan and Zoning By-law 8600 constitute good planning.

Planning Act Matters:

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

*Greg Atkinson, MCIP, RPP
Deputy City Planner - Development*

*Neil Robertson, MCIP, RPP
City Planner*

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

JP

JM

Approvals:

Name	Title
Greg Atkinson	Deputy City Planner - Development
Jason Campigotto	Deputy City Planner - Growth
Neil Robertson	City Planner
Aaron Farough	Senior Legal Counsel

Name	Title
Joe Baker on behalf of Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Rocco Tullio Rock Developments East Windsor Inc.		
GEM Properties		
The Hearn Group		
Grachanica Serbian Eastern Orthodox Church		
Pillon Abbs Inc. Attn: Tracey Pillon-Abbs		
Councillor Kaschak (Ward 8)		
Councillor Gignac (Ward 6)		
Property owners within 200 m of the subject lands		

Appendices:

- 1 Appendix A - Planning Rationale Report
- 2 Appendix B - Site Plan
- 3 Appendix C - Elevations
- 4 Appendix D - Consultations

PLANNING RATIONALE REPORT

OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT PROPOSED COMMERCIAL DEVELOPMENT

Vacant Land

**North of Tecumseh Road East and West of Catherine Street
City of Windsor, Ontario**

December 19, 2024

Prepared by:



Tracey Pillon-Abbs, RPP
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1.0 INTRODUCTION

I have been retained by Rock Developments East Windsor Inc. (herein the "Applicant") to provide a land use Planning Rationale Report (PRR) in support of a proposed commercial development located on Vacant Lands (VL) on the north side of Tecumseh Road East and the west side of Catherine Street (herein the "Site") in the City of Windsor, Province of Ontario.

The Site, in Ward 8 and within the Forest Glade North Planning Area, is currently vacant.

The Site (subject to this application) is made up of three (3) parcels of land.

The Site will be developed for commercial uses.

It is proposed to construct approximately 24,428 m² of gross floor area over two commercial locations.

All proposed buildings will be one-storey in height.

On-site parking is provided.

Accesses are proposed from Tecumseh Road East and Catherine Street.

Pre-consultation (stage 1) was completed by the Applicant (City File # PC-063/23). Comments dated January 11, 2024, were received and have been incorporated into this PRR.

Pre-submission (stage 2) was completed by the Applicant (City File # PC-090/24). Comments dated September 20, 2024, were received and have been incorporated into this PRR.

A site-specific Official Plan Amendment (OPA) and site-specific Zoning By-law Amendment (ZBA) are required in support of the proposed development, in addition to requested support studies.

Once the OPA and ZBA applications have been approved, the Applicant will proceed with a consent application to sever and reconfigure the Site into a total of three (3) parcels of land along with any required easements.

The purpose of this report is to review the relevant land use documents, including the Provincial Planning Statement 2024 (PPS), the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

This PRR will show that the proposed commercial development is suitable, is consistent with the PPS, conforms to the intent and purpose of the OP and ZBL and represents good planning.

2.0 SITE AND SURROUNDING LAND USES

2.1 Legal Description and Ownership

The Site is in Ward 8 and within the Forest Glade North Planning Area.

The Site (subject to this application) is made up of three (3) parcels of land located on the north side of Tecumseh Road East, between Jefferson Street and Lauzon Parkway and on the west side of Catherine Street (see the area in red on Figure 1 – Site Location).

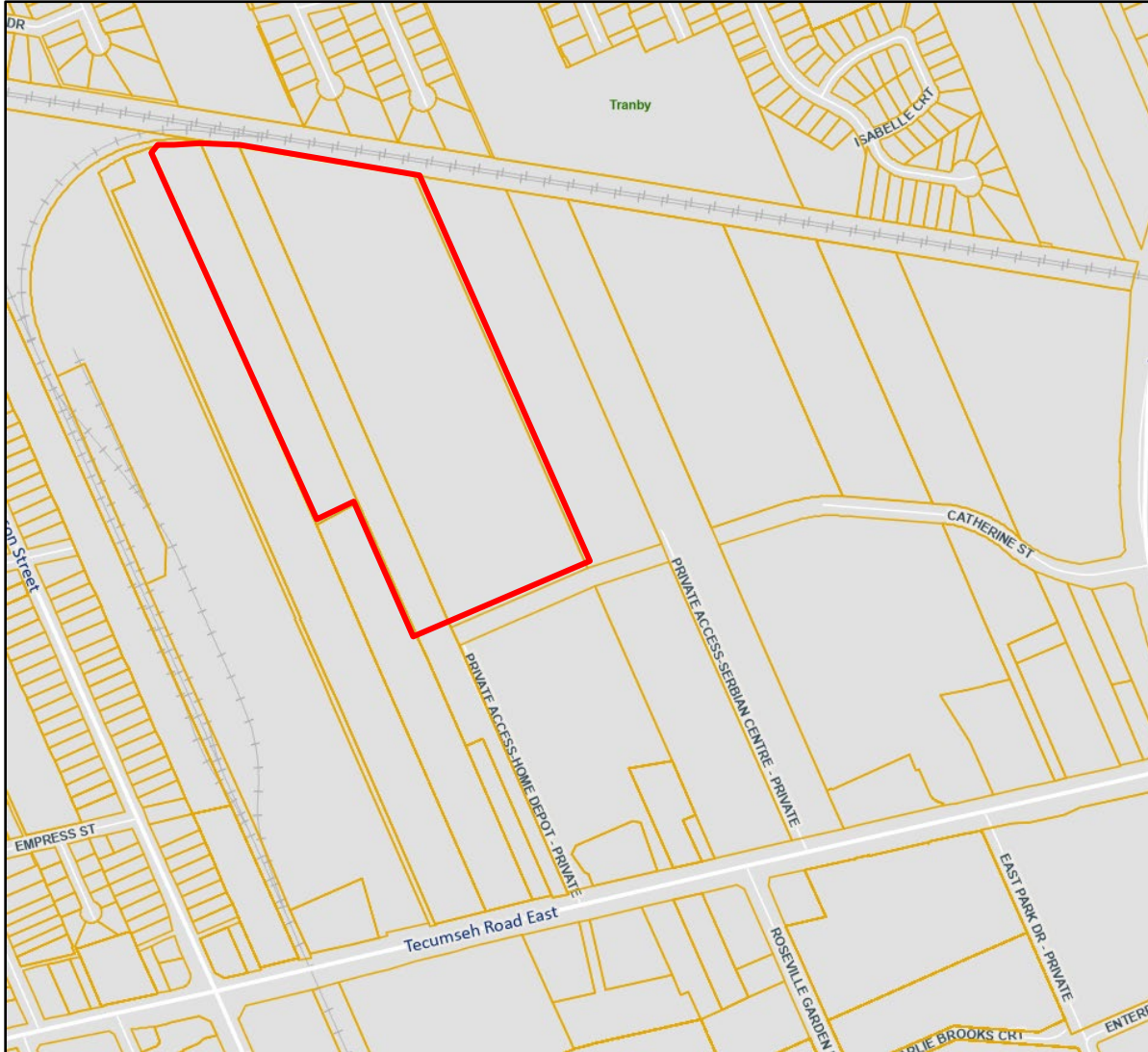


Figure 1 – Site Location (Source: City of Windsor GIS)

The Site is currently vacant and will be consolidated and reconfigured into three (3) parcels of land.

Rock Developments East Windsor Inc. will purchase the lands from the current owners.

The current ownership, address and legal description is as follows:

Municipal Address	ARN	Legal Description	PIN	Ownership	Purchase Status
6412 Tecumseh Rd E	070-680-00700	PT LT 119 CON 1 SANDWICH EAST AS IN R323787 EXCEPT THE EASEMENT THEREIN; WINDSOR	01585-0095	GEM PROPERTIES INC.	APS
6560 Tecumseh Rd E	070-680-00900	PT LT 120 CON 1 SANDWICH EAST PT 1, 12R2505; S/T EASE OVER PT 1 ON PLAN OF EXPROPRIATION CE411207; CITY OF WINDSOR	01585-0105	GEM PROPERTIES INC.	APS
0 Catherine St	070-680-01110	PT LTS 120,121 CON 1 SANDWICH EAST AS PTS 1,2,3,4 12R21709; S/T EASE OVER PTS 2,3,4 12R21709 AS IN CE122412; WINDSOR	01585-0330	803119 ONTARIO INC. Previously known as THE HEARN GROUP INC.	APS

2.2 Physical Features of the Site

2.2.1 Size and Site Dimension

The Site, subject to development, has a total area of approximately 14.6 ha with various frontages along Tecumseh Road East (25 m) and Catherine Street (22 m).

2.2.2 Existing Structures and Previous Use

The Site subject to the proposed development is currently vacant.

Past use includes agriculture and vacant land.

2.2.3 Vegetation and Soil

The property currently has farmland, mown lawn and scattered trees.

The soil is made up of Brookston Clay (Bc).

2.2.4 Topography and Drainage

The Site is relatively flat.

A portion of the north boundary is within the regulated area of the Essex Region Conservation Authority (ERCA).

The Site is within the Little River subwatershed area.

The Hawkins Drain flows east to the Little River Municipal drain with an eventual outfall at the Detroit River.

A portion of the Site is within a Source Water Protection Area, Event Based Area (EBA).

2.2.5 Other Physical Features

There is a Via Rail Canada Inc. rail corridor to the north of the Site.

There are no other physical features on the Site.

2.2.6 Municipal Services

The property has access to municipal water, storm, and sanitary services.

Fire hydrants are provided close to the Site.

Tecumseh Road East is classified as a Class 1 arterial road.

Catherine Street abuts the lands to the east and is a collector road.

Streetlights and sidewalks are located along Tecumseh Road East.

The Site has access to transit with the closest bus stop located along Tecumseh Road East at Walmart (Stop ID 1172, Buses 1C, 4 and 418X).

The Site is located close to major transportation corridors, including Lauzon Parkway and the EC Row Expressway.

2.2.7 Nearby Amenities

There are several schools, libraries, parks and recreation opportunities in close proximity to the Site.

The Site is close to existing residential uses.

There is nearby shopping in the form of plazas and malls, as well as employment, places of worship and local/regional amenities.

2.3 Surrounding Land Uses

Overall, the Site is located in an existing built up area of the City of Windsor.

The character of the area is primarily commercial, including Walmart, Home Depot, Staples, Serbian Centre, etc.

The Site is located immediately north of the existing Home Depot.

A site visit and photos were taken on March 26, 2024, by Pillon Abbs Inc.

North – The lands north of the Site, are used for rail, farmland, and residential (see Photo 1 – North).



Photo 1 – North

South – The lands south of the Site are used for commercial (see Photo 2 - South).



Photo 2 – South

East—The lands east of the Site are used for farmland and commercial purposes, including the Serbian Centre and Walmart Supercentre (see Photo 3—East).



Photo 3 – East

West – The lands west of the Site are used for commercial (see Photo 4 - West).



Photo 4 – West

3.0 PROPOSAL AND CONSULTATION

3.1 Development Proposal

The Site, in Ward 8 and within the Forest Glade North Planning Area, is currently vacant.

The Site is currently vacant and made up of three (3) parcels of land.

The Site will be consolidated and reconfigured into three (3) parcels of land.

The Site will be developed for commercial uses.

Commercial uses will include retail, fuel stations, restaurants, etc.

Sensitive land uses, including child care centres and tourist homes, will not be included in the list of permitted uses.

A concept plan was prepared (see Figure 2a – Concept Plan).

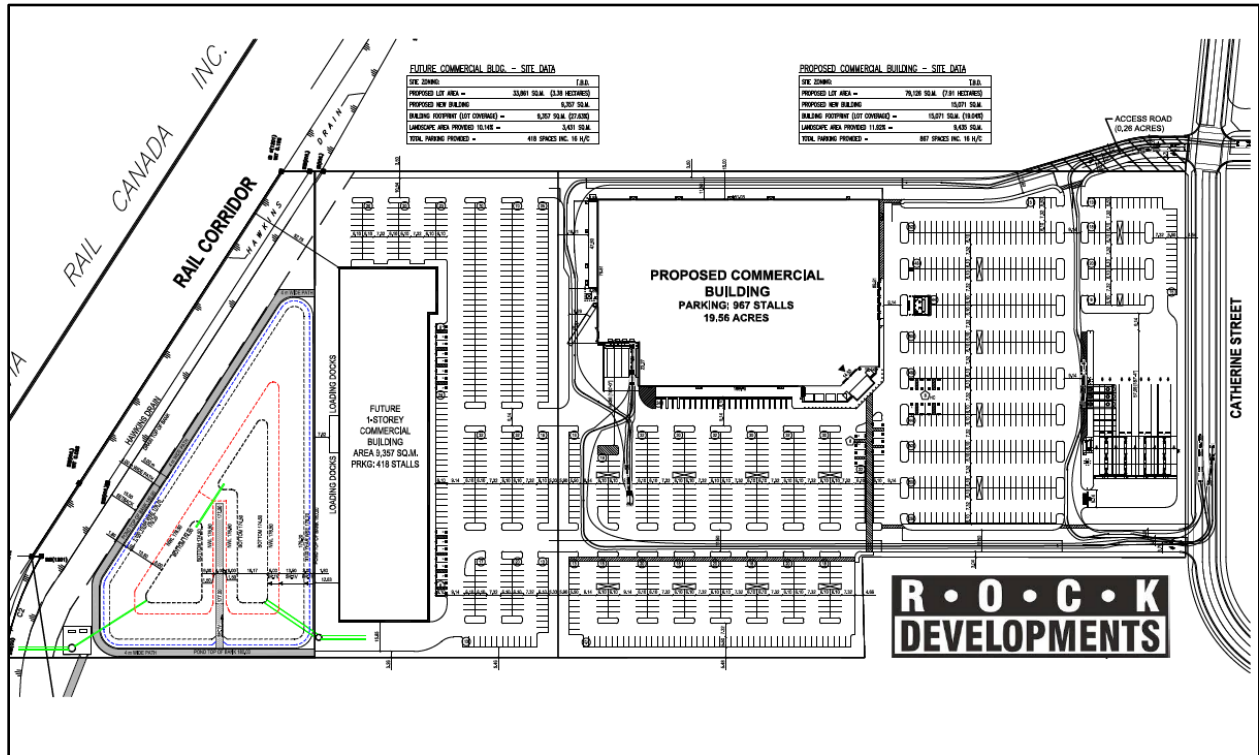


Figure 2a – Concept Plan

The Concept Plan is only preliminary in order to illustrate how the Site may be developed.

It is proposed to construct approximately 24,428 m² of gross floor area over two commercial locations.

A total of two commercial buildings are proposed, in addition to a gas bar.

The buildings will be constructed in phases. A 15,071 m² building with a gas bar will be constructed as the first phase (current) and a 9,537 m² will be constructed as the second phase (future).

Buildings will be constructed slab-on-grade.

All proposed buildings will be one-storey in height.

A conceptual elevation has been prepared for the current commercial building (see Figure 2b – Elevations)

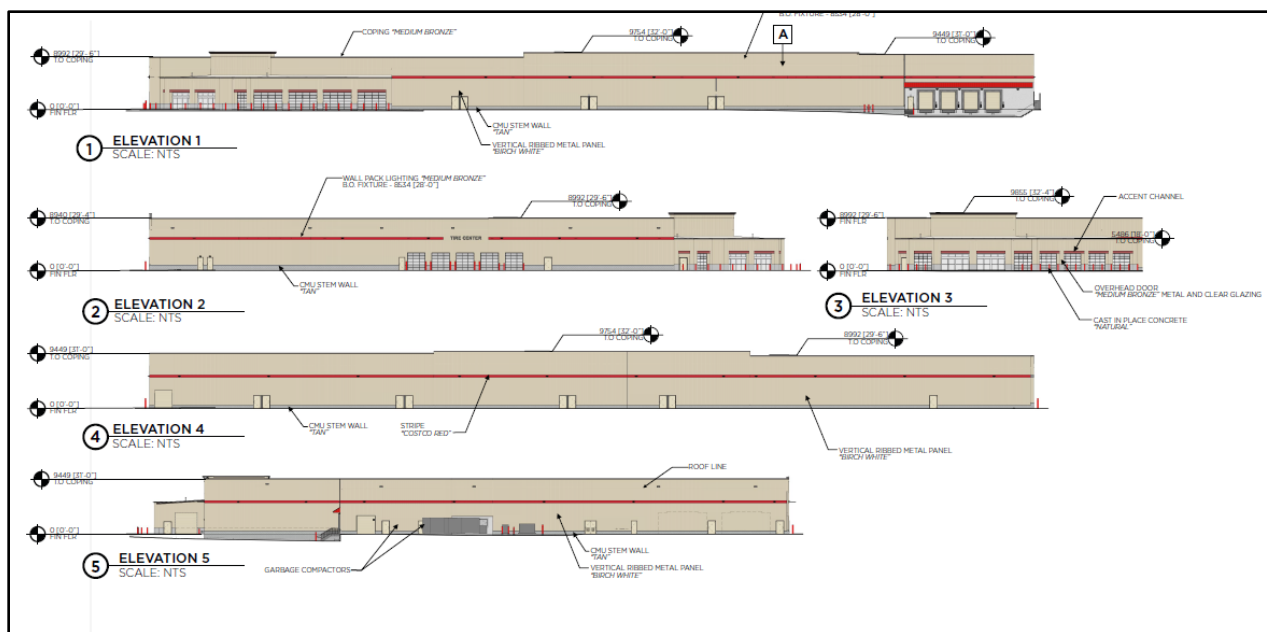


Figure 2b – Elevations

The elevations are only conceptual in order to illustrate what a commercial building may look like from the ground.

On-site parking is provided for a total of 1,385 spaces, including barrier free parking spaces. A total of 967 spaces are proposed for the current building, and 418 are proposed for the future building.

Accesses are proposed from Tecumseh Road East and Catherine Street.

New roadway connections will be created and conveyed to the City. The new roadways include two (2) proposed extensions and one (1) future road extension. One of Rose-Ville Garden Drive

to the south, one of Catherine Street to the east and the future extension from the Site to Tecumseh Road East.

The refuse from the commercial uses will be located on-site.

A fire route will be provided.

Loading spaces (loading docks) and cart return areas will be provided.

Bicycle parking will be provided.

The Site will be professionally landscaped with pedestrian connections from the building to the parking area and municipal right-of-way.

Fencing may be provided.

Full municipal services are proposed.

A new stormwater management facility will be constructed and conveyed to the City.

A Forest Glade North Servicing Master Plan (Environmental Assessment Act (EAA)) is currently underway in order to obtain approval for the extension of roads and infrastructure.

Development is anticipated to be completed in 2025 for the current phase.

3.2 Public Consultation Strategy

In addition to the statutory public meeting, the *Planning Act* requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, in addition to the statutory public meeting, an informal in-person public open house was held for area residents (200 m radius) and property owners on Tuesday, July 23, 2024, from 6:00 pm to 7:00 pm at the Serbian Centre.

A total of 106 notices were mailed out by the Applicant.

The purpose of the open house was to provide members of the public with opportunities to review, obtain information and comment on the proposed development.

In addition to the City of Windsor Staff, Councillors and the Applicant's team, a total of 17 residents signed in.

Emails and phone calls were also received.

The following is a summary of the comments and responses from the public open houses:

Topic Item	Comments and Questions	Response
Traffic	Lack of alternative transportation in the conceptual plan. Traffic in the area is a concern.	Subject to recommendations set out in the TIS.
Access	Rose-ville Garden Drive should follow the lot line	Subject to recommendations set out in the TIS.
Parking	Wasteland of concrete for parking spots. Consider reducing the number of proposed parking spaces.	The minimum parking requirements will comply.
Pedestrians and Cyclist	What facilities are in place for safely walking and biking to the businesses?	Subject to City of Windsor requirements.
New Roads	Do the proposed roads have dedicated bike lanes separated by a concrete barrier from traffic?	Subject to City of Windsor requirements.
Landscaping	I'd like to see the design incorporate areas for greenery, trees, etc.	Landscaping will be provided.
Buffering	Would like to see trees and fencing along the property lines.	Subject to SPC review.
Rail Crossing	Please consider a pedestrian bridge over the rail connecting Realtor Park or Tranby Park to the business parks on Tecumseh.	It would require permits from rail.
Natural Heritage	Protect the vegetation and wildlife.	A biologist has been retained to undertake an assessment of the Site subject to the development.
Lighting	Low level height would be nice.	Lighting is subject to SPC and will follow City guidelines.
Height	Prefer not 3 stories high.	All proposed buildings will be one-storey in height.
Sound/Noise	Potential sound wall or berm at the location of the loading docks near the tracks.	Subject to SPC review.
Loading Docks	Will all buildings have loading docks?	The final design of the buildings has yet to be confirmed.

Topic Item	Comments and Questions	Response
Construction	When will construction commence?	Development is anticipated to be completed in 2025 and may proceed in phases.
Drain	Do not cut grass or trees along the existing drain	Subject to SPC review.
Cost Sharing	Will the cost of the infrastructure be shared with other landowners?	TBD
Expropriation	What is the process?	Subject to the City of Windsor expropriation process.

4.0 APPLICATIONS AND STUDIES

Pre-consultation (stage 1) was completed by the Applicant (City File# PC-063/23). Comments dated January 11, 2024, were received and have been incorporated into this PRR.

Pre-submission (stage 2) was completed by the Applicant (City File # PC-090/24). Comments dated September 20, 2024, were received and have been incorporated into this PRR.

The proposed development requires an application for an Official Plan Amendment (OPA) and an application for a Zoning By-law Amendment (ZBA), in addition to requested support studies.

The following explains the purpose of the applications and a summary of the support studies required as part of the submission.

4.1 Official Plan Amendment

A site-specific Official Plan Amendment (OPA) is required in support of the proposed development.

The Site is currently designated "Business Park" and "Mixed Use Centre" according to Schedule D: Land Use attached to the OP for the City of Windsor.

The Site is part of the Forest Glade North Secondary Plan and designated "Business Park" and "Mixed Use Centre" according to Volume II, Chapter 6, Schedule FGN-2: Land Use Plan attached to the OP for the City of Windsor.

The OPA for the Site proposes to further amend the land use designation of the "Business Park" to permit commercial use as an additional permitted use.

Commercial uses will include retail, fuel stations, restaurants, etc.

The OPA justification is set out in Section 5.1.2 of this PRR.

4.2 Zoning By-Law Amendment

A site-specific Zoning By-law Amendment (ZBA) is required in support of the proposed development.

According to Maps 10 and 11 attached to the ZBL the Site is currently zoned Commercial District (CD 2.1) and Holding Manufacturing District 1.4 (HMD1.1) category.

The zoning for the Site proposes to be changed to Commercial District 2.1 (CD 2.1 - S.20(1)XXX) category in order to permit the proposed commercial uses in addition to the MD1.4 uses.

The SWM facility will be zoned to Green District 1.5 (GD1.5).

Commercial uses will include retail, fuel stations, restaurants, etc.

Sensitive land uses, including child care centres and tourist homes, will not be included in the list of permitted uses.

Relief from specific regulations is not being requested.

The ZBA is detailed, and the justification is set out in Section 5.1.3 of this PRR.

4.3 Other Applications

Once the OPA and ZBA applications have been approved, the Applicant will proceed with a consent application to sever and reconfigure the Site into a total of three (3) parcels of land along with any required easements.

Site Plan Control (SPC) application will be required prior to any site alterations and the issuance of a building permit. SPC will include any required fees or securities, lighting, buffering, landscaping, signage, etc.

4.4 Supporting Studies

The following supporting studies have been prepared as part of the OPA and ZBA applications.

4.4.1 Soils and Waste Disposal Site Report

A Phase I Environmental Site Assessment (ESA) was prepared by EXP Services Inc., dated January 18, 2024, and a Phase II Environmental Site Assessment (ESA) was prepared by EXP Services Inc., dated April 11, 2024.

The purpose of the Phase I report was to identify potential sources of environmental concern to the Site. Fill Material of unknown quality was identified. Historic metal products company south adjacent to the Site with known historic impacts from solvents, etc, may have impacted the soil. The report recommended the Phase II assessment.

The purpose of the Phase 2 report was to assess soil quality in the areas of potential environmental concern, which included borehole/monitoring well drilling, soil sampling, and chemical analysis.

It was concluded that the Site does not pose significant environmental concern to the property considering the proposed commercial usage of the Site. It was recommended that material can be left in place, encapsulated beneath the proposed parking lot or proposed structures.

In the event that the fill material is to be removed from the area for Site leveling or the construction of footings, concrete slabs etc., an option would be to berm the material on the north part of the property, near the railway tracks, buried at a depth below 1.5 metres.

A Record of Site Condition (RSC) is not required.

4.4.2 Noise and Vibration Study

It has been determined that a noise and vibration study is not required at this time.

Sensitive land uses including child care centre and tourist home will not be included in the list of permitted uses.

A vibration study will be required as part of SPC approval if any buildings are located within 75 m of the rail corridor.

4.4.3 Servicing

A Functional Servicing Report (FSR) was prepared by Aleo Associated Inc. Consulting Engineers, dated August 9, 2024.

The report was prepared to demonstrate how the proposed commercial development will be serviced for water distribution, wastewater, and storm drainage.

The report is provided to the City of Windsor to assess the impact of this development on the existing infrastructure in reviewing the planning applications for which this report is prepared.

The report concluded that servicing for the development can be provided.

4.4.4 Traffic

A Traffic Impact Study (TIS) was prepared by Paradigm Transportation Solutions Limited, dated October 2024.

The report was prepared to provide an analysis of existing and future traffic conditions.

The report concluded the following:

- existing traffic conditions are operating at acceptable levels of service,
- study area intersections are forecasted to operate at similar levels of service,
- site access points are proposed,
- a future north-south road connection is anticipated to be provided, and
- the study area road system can accommodate traffic over a 20 year period.

The report recommended that the development be considered for approval as proposed.

4.4.5 Biology

A draft Species at Risk Impact Assessment (SARS) and a draft Environmental Evaluation Report (EER) were prepared by Insight Environmental Solutions Inc. dated November 8, 2024.

The purpose of both reports was to assess any natural heritage features and functions on or adjacent to the Site. This involved surveying the existing flora and fauna and associated habitats within the Site.

The reports concluded that the proposed development is not likely to impact any endangered or threatened species or their habitat if mitigation measures are implemented.

Mitigation measures include the following:

- training,
- fencing,
- reporting, and
- machinery maintenance.

The reports will be filed with the Ministry.

4.4.6 Geotechnical

A Geotechnical Investigation was prepared by EXP Services Inc., dated March 15, 2024.

The report was prepared to support the proposed Site development.

Geotechnical comments were provided and recommendations regarding site preparation, excess soil management, excavations, dewatering, foundations, slab-on-grade construction, bedding and backfill, earthquake design considerations, pavement recommendations, and curbs and sidewalks were provided.

4.4.7 Archaeology

A Stage 1 Archaeological Assessment was prepared by Parslow Heritage Consultancy Inc., dated April 24, 2024.

The report was prepared to gather information, review past studies (Golder 2015) and assess the Site subject to the proposed development.

It was concluded that there was potential for archaeological resources, and a Stage 2 assessment was recommended.

A Stage 2 Archaeological Assessment was prepared by MCM Archaeological Consulting, dated August 22, 2024.

The report was prepared to support the recommendation set out in the Stage 1 assessment. The field assessment was complete.

Engagement with Indigenous communities was conducted, including the Caldwell First Nations and Chippewas of the Thames First Nation.

It was concluded that there were no archaeological materials, and no archaeological sites identified. No further archaeological assessment is required.

Both reports have been submitted to the Ministry.

5.0 PLANNING ANALYSIS

5.1 Policy and Regulatory Overview

5.1.1 Provincial Planning Statement

The Provincial Planning Statement, 2024 (PPS) provides policy direction on matters of provincial interest related to land use planning and development, providing for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environments.

The PPS was issued under Section 3 of the Planning Act and came into effect on October 20, 2024.

The following provides a summary of the key policy considerations of the PPS as it relates to the proposed development.

PPS Policy #	Policy	Response
Chapter 1 - Vision	A prosperous and successful Ontario will also support a strong and competitive economy that is investment-ready and recognized for its influence, innovation and diversity. Ontario's economy will continue to mature into a centre of industry and commerce of global significance. Central to this success will be the people who live and work in this province.	Windsor has directed growth where the Site is located, which will contribute positively to promoting efficient land use and development patterns. Commercial use on the Site represents an efficient development pattern that optimizes the use of land.
Chapter 2.1.1: Building Homes, Sustaining Strong and Competitive Communities	As informed by provincial guidance, planning authorities shall base population and employment growth forecasts on Ontario Population Projections published by the Ministry of Finance and may modify, as appropriate.	The proposed development will support the City's need for employment growth.
2.1.6	Planning authorities should support the achievement of complete communities by:	The proposed development will support the City's requirement to accommodate for

PPS Policy #	Policy	Response
	a) accommodating an appropriate range and mix of land uses, housing options, transportation options with multimodal access, employment , public service facilities and other institutional uses (including schools and associated child care facilities, long-term care facilities, places of worship and cemeteries), recreation, parks and open space, and other uses to meet long-term needs;	employment to meet long-term needs.
2.3.1.1 – Settlement Areas	Settlement areas shall be the focus of growth and development. Within settlement areas, growth should be focused in, where applicable, strategic growth areas, including major transit station areas.	The Site is located in an existing settlement area of the City of Windsor, which is where growth should occur.
2.3.1.2	Land use patterns within settlement areas should be based on densities and a mix of land uses which: a) efficiently use land and resources; b) optimize existing and planned infrastructure and public service facilities;	The proposed development promotes an efficient development and land use pattern as it uses an existing vacant parcel of land within a settlement area. The Site has access to full municipal infrastructure and close to nearby public service facilities which will support live, work and play.
2.8.1.1 - Employment	Planning authorities shall promote economic development and competitiveness by: a) providing for an appropriate mix and range of employment, institutional, and broader mixed uses to meet long-term needs; b) providing opportunities for a diversified economic base, including maintaining a range	The proposed development offers a new employment opportunity. There is a need for commercial uses in this area of the City. The proposed development will be suitable for the Site.

PPS Policy #	Policy	Response
	<p>and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses;</p> <p>c) identifying strategic sites for investment, monitoring the availability and suitability of employment sites, including market-ready sites, and seeking to address potential barriers to investment;</p> <p>d) encouraging intensification of employment uses and compatible, compact, mixed-use development to support the achievement of complete communities; and</p> <p>e) addressing land use compatibility adjacent to employment areas by providing an appropriate transition to sensitive land uses.</p>	<p>The proposed development uses the land in an appropriate way and is compact.</p> <p>Infrastructure will be provided.</p> <p>The proposed development has been designed to be compatible with the existing built-up area.</p>
2.8.1.2	<p>Industrial, manufacturing and small-scale warehousing uses that could be located adjacent to sensitive land uses without adverse effects are encouraged in strategic growth areas and other mixed-use areas where frequent transit service is available, outside of employment areas.</p>	<p>There are no sensitive land uses that immediately abut the Site.</p>
2.8.1.3	<p>In addition to policy 3.5, on lands within 300 metres of employment areas, development shall avoid, or where avoidance is not possible, minimize and mitigate potential impacts on the long term economic viability of employment uses within existing or planned employment areas,</p>	<p>The proposed development is appropriate for Site and does not cause any noise, dust, or vibration.</p>

PPS Policy #	Policy	Response
	in accordance with provincial guidelines.	
2.8.2.1 – Employment Areas	Planning authorities shall plan for, protect and preserve employment areas for current and future uses, and ensure that the necessary infrastructure is provided to support current and projected needs.	The Site will continue to be used for employment, which is what it was intended to be used for.
2.8.2.3	Planning authorities shall designate, protect and plan for all employment areas in settlement areas by: a) planning for employment area uses over the long-term that require those locations including manufacturing, research and development in connection with manufacturing, warehousing and goods movement, and associated retail and office uses and ancillary facilities;	The proposed development has been designated by the City in their OP and Secondary Plan for Business Park use. The addition of commercial uses to the designation will provide for more employment opportunities.
Chapter 3.1.1 – Infrastructure and Facilities	Infrastructure and public service facilities shall be provided in an efficient manner while accommodating projected needs.	The Site has access to infrastructure and nearby public service facilities.
3.5.1 – Land Use Compatibility	Major facilities and sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate any potential adverse effects from odour, noise and other contaminants, minimize risk to public health and safety, and to ensure the long-term operational and economic viability of major facilities in accordance with provincial guidelines, standards and procedures.	The proposed development is appropriate for Site and will not cause any noise, dust, or vibration.

PPS Policy #	Policy	Response
3.6.2 – Sewage, Water and Stormwater	Municipal sewage services and municipal water services are the preferred form of servicing for settlement areas to support protection of the environment and minimize potential risks to human health and safety. For clarity, municipal sewage services and municipal water services include both centralized servicing systems and decentralized servicing systems.	The proposed development can proceed with municipal services if required.
3.6.8	Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, retrofitted as appropriate, feasible and financially viable over their full life cycle; b) minimize, or, where possible, prevent or reduce increases in stormwater volumes and contaminant loads;	A storm water management facility is proposed.
4.1.1 – Natural Heritage	Natural features and areas shall be protected for the long term.	Various environmental studies have been conducted. The Ministry has been contacted regarding species at risk, and that mitigation measures will be a condition of SPC.
4.2.1 - Water	Planning authorities shall protect, improve or restore the quality and quantity of water by: a) using the watershed as the ecologically meaningful scale for integrated and long-term planning, which can be a foundation for considering	A portion of the Site is outside the regulated area of ERCA. Permits will be obtained, if required.

PPS Policy #	Policy	Response
	cumulative impacts of development; minimizing potential	
4.6.1 - Cultural Heritage and Archaeology	Protected heritage property, which may contain built heritage resources or cultural heritage landscapes, shall be conserved.	There are no cultural heritage features that apply to this Site. The required support studies have been completed.
Chapter 5.1.1 - Protecting Public Health and Safety	Development shall be directed away from areas of natural or human-made hazards where there is an unacceptable risk to public health or safety or of property damage, and not create new or aggravate existing hazards.	There are no natural or human-made hazards. A portion of the Site is outside the regulated area of ERCA. Permits will be obtained, if required.

Therefore, the proposed development is consistent with the PPS and the Province's vision for long-term prosperity and social well-being.

5.1.2 Official Plan

The City of Windsor Official Plan (OP) was adopted by Council on October 25, 1999, approved in part by the Ministry of Municipal Affairs and Housing (MMAH) on March 28, 2000, and the remainder approved by the Ontario Municipal Board (OMB) on November 1, 2002. Office consolidation version is dated September 7, 2012.

The OP implements the PPS and establishes a policy framework to guide land use planning decisions related to development and the provision of infrastructure and community services throughout the City.

The Site is currently designated "Business Park" and "Mixed Use Centre" according to Schedule D: Land Use attached to the OP for the City of Windsor (see Figure 3a – City of Windsor OP, Schedule D).

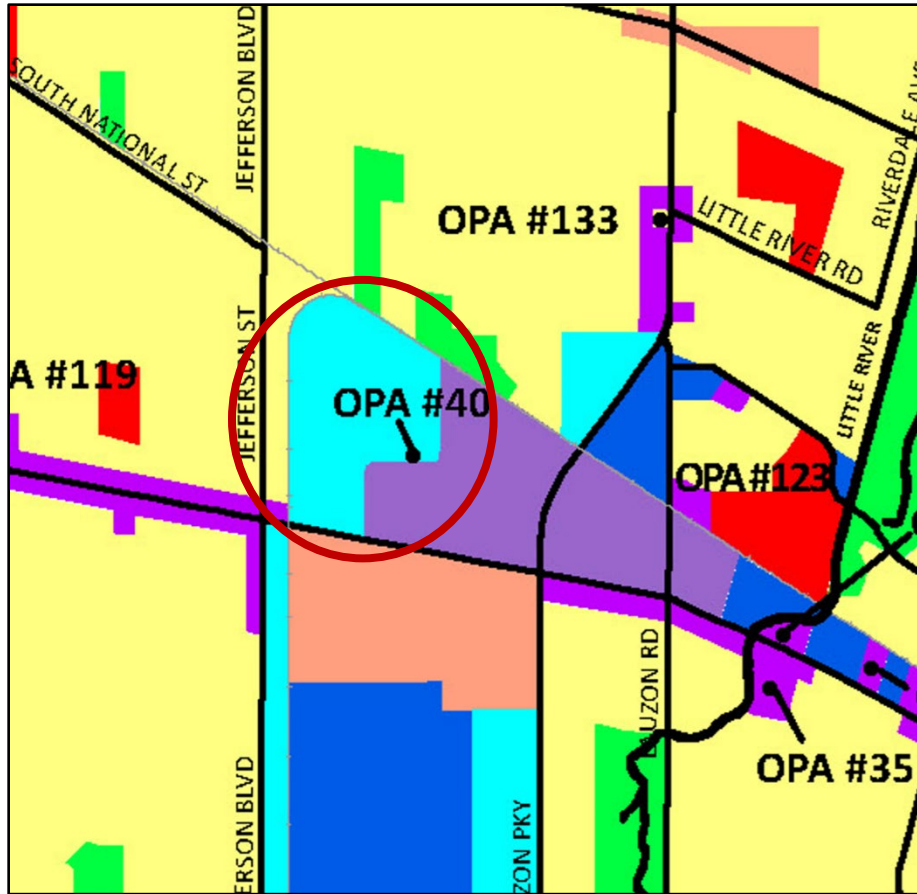


Figure 3a – City of Windsor OP, Schedule D

The Site is part of the Forest Glade North Secondary Plan and designated “Business Park” and “Mixed Use Centre” according to Volume II, Chapter 6, Schedule FGN-2: Land Use Plan attached to the OP for the City of Windsor (see Figure 3b – City of Windsor OP, Schedule FGN-2).

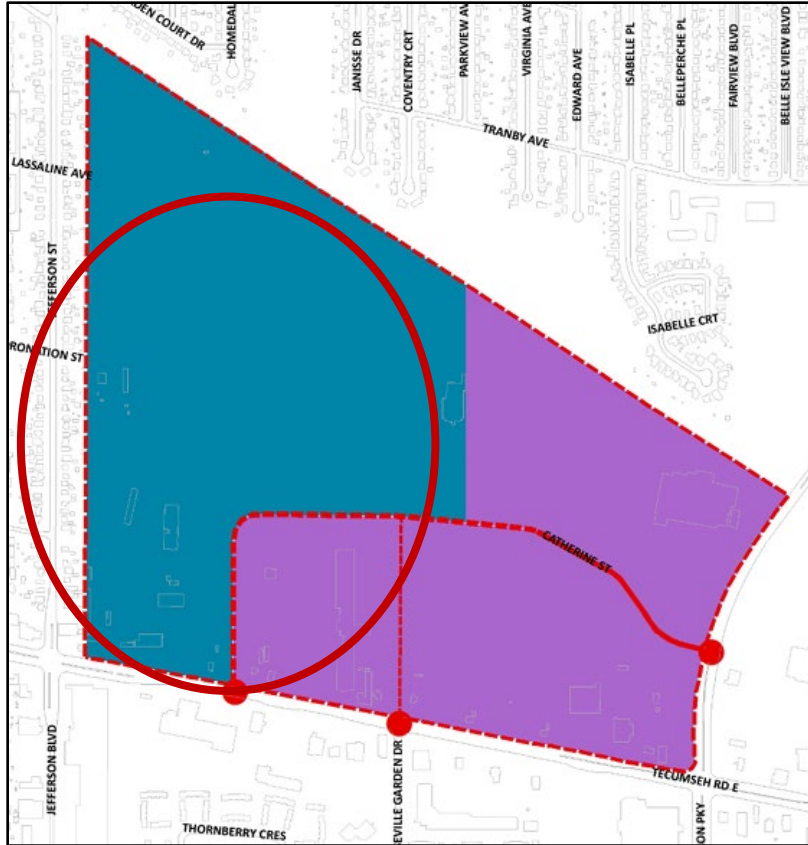


Figure 3b – City of Windsor OP, Schedule FGN-2

The Site is also impacted by the following:

- Schedule C: Development Constraint Areas - Known or Suspected Waste Disposal Sites; Environmental Policy Area B
- Schedule C-1: Archaeological Potential – “Archaeological Potential Zone (APZ)” - as revised by OPA 181 (2024 Windsor Archaeological Management Plan)
- Schedule F: Roads & Bikeways – Tecumseh Road East is a Class II Arterial
- Schedule F-1: Railways – Rail Corridor located to the north; Railyard located to the west
- Schedule G: Civic Image – Tecumseh Road East designated as a “Civic Way”
- Schedule FGN-3: Development Constraints – Environmental Policy Area B, Rail Yard; 75.0 m and 300.0 m Zone of Influence located on Subject Lands

The OPA for the Site proposes to further amend the land use designation of the "Business Park" to permit commercial use as an additional permitted use.

Commercial uses will include retail, fuel stations, restaurants, etc.

The following provides a summary of the key policy considerations of the OP as it relates to the proposed development.

OP Policy #	Policy	Response
3.1	<p>The planning of Windsor's future is guided by the following vision taken from Dream Dare Do – The City of Windsor Community Strategic Plan:</p> <p>"Windsor is a quality city full of history and potential, with a diverse culture, a durable economy, and a healthy environment where citizens share a strong sense of belonging and a collective pride of place."</p>	<p>The proposed development will support the City's economy by providing a new commercial development in an existing built-up area.</p> <p>The surrounding area is primarily commercial.</p>
4.0 – Healthy Community	<p>The implementing healthy community policies are interwoven throughout the remainder of the Plan, particularly within the Environment, Land Use, Infrastructure and Urban Design chapters, to ensure their consideration and application as a part of the planning process.</p>	<p>The proposed development will support the City's goal of promoting a healthy community in order to live, work and play.</p> <p>The proposed development is close to nearby transit, employment, shopping, local/regional amenities and parks/trails.</p>
6.0 - Preamble	<p>A healthy and livable city is one in which people can enjoy a vibrant economy and a sustainable healthy environment in safe, caring and diverse neighbourhoods. In order to ensure that Windsor is such a city, Council will manage development through an approach which balances environmental, social and economic considerations.</p>	<p>The proposed development supports the policy set out in the OP as it is suited for the commercial needs of the City.</p>

OP Policy #	Policy	Response
6.1 - Goals	<p>In keeping with the Strategic Directions, Council's land use goals are to achieve:</p> <p>6.1.4 The retention and expansion of Windsor's employment base.</p> <p>6.1.5 Convenient and viable areas for the purchase and sale of goods and services.</p> <p>6.1.10 Pedestrian oriented clusters of residential, commercial, employment and institutional uses.</p>	<p>The proposed development supports the goals set out in the OP as it provides for the development of a vacant parcel of land.</p> <p>The proposed commercial use will provide employment opportunities in an existing built-up area.</p> <p>The proposed commercial use is compatible with other land uses.</p> <p>The commercial units will offer a convenient retail opportunity that will cater to the residents of the area.</p> <p>The Site will be pedestrian-friendly, with access to nearby transit.</p>
6.4 – Employment Objectives	<p>The following objectives and policies establish the framework for development decisions in Employment areas.</p> <p>6.4.1.1 To ensure Windsor continues to be an attractive place to establish businesses and locate employees.</p> <p>6.4.1.2 To expand Windsor's assessment base by attracting employers and economic development</p> <p>6.4.1.3 To ensure that employment uses are developed in a manner which are compatible with other land uses.</p>	<p>The proposed development will expand the existing commercial area.</p> <p>The Site is underutilized and will bring more people to the area to support other commercial uses.</p> <p>Development will be in a manner that is compatible with its surroundings. The Site is located in an existing commercial area. Any sensitive lands uses will be respected.</p> <p>The proposed development will provide for new employment activities.</p>

OP Policy #	Policy	Response
	<p>6.4.1.4 To accommodate a full range of employment activities in Windsor.</p> <p>6.4.1.5 To enhance the quality of employment areas by providing for complementary services and amenities.</p> <p>6.4.1.6 To locate employment activities in areas which have sufficient and convenient access to all modes of transportation.</p> <p>6.4.1.8 To ensure that adequate infrastructure services are provided to employment areas.</p>	<p>The proposed commercial uses will be complementary to the existing uses in the area.</p> <p>The Site is located near major transportation corridors and transit.</p>
6.4.2.2 – General Policies	Council shall encourage businesses and industries to locate and expand in Windsor.	The proposed use is commercial and is a welcomed addition to the area.
6.4.2.4 – Site Plan Control	Council shall require all development within areas designated as Industrial and Business Park to be subject to site plan control, with the exception of Public Open Space uses.	<p>All development will be subject to SPC.</p> <p>SPC will include any required fees or securities, lighting, buffering, landscaping, signage, etc.</p>
6.4.2.7 – Areas in Transition	Council may support the redevelopment of older and/or abandoned Industrial or Business Park areas to other land uses provided: (a) the proponent can demonstrate that: (i) the redevelopment of the area would not be detrimental to other Industrial or Business Park uses still operating in the area; and (ii) the redevelopment of the area is in keeping with the long term transition of the entire area to similar uses; (b) the	<p>It is unlikely that the Site will be developed for manufacturing.</p> <p>It is appropriate for the land use to change to commercial uses to support the existing built-up area along Tecumseh Road East.</p> <p>Development will support the long-term transition of the area.</p> <p>There are no environmental concerns.</p>

OP Policy #	Policy	Response
	environmental conditions of the site do not preclude development; and (c) subject to an amendment to this Plan that is consistent with the appropriate policies for the desired land use.	The OPA will address adding commercial uses to the Business Park designation, as additional uses.
6.4.2.8 – High Quality Design	Council shall require a high standard of architectural and landscape design for Industrial and Business Park designations adjacent to the Highway 401 corridor given its visibility along an international gateway, in accordance with the Urban Design chapter of this Plan.	The proposed development will be constructed with high standards.
6.4.4.1 – Business Park Policies (permitted uses)	Uses permitted in the Business Park land use designation include: (a) establishments devoted to research, development and information processing, offices, services, industrial research and/or training facilities, communication, production uses, printing and publishing; and (b) selected industrial uses which: (i) do not create nuisances such as noise, dust, vibration or odour; (ii) confine industrial operations within a building and/or structure; and (iii) do not require outside storage.	Business Park uses will remain. The OPA for the Site proposes to further amend the land use designation to permit commercial use as an additional permitted use. Commercial uses will include retail, fuel stations, and restaurants.
6.4.4.2 – Ancillary Uses	In addition to the uses permitted above, Council may permit the following ancillary uses in areas designated Business Park on Schedule D: Land Use without requiring an amendment to this Plan:	Business Park ancillary uses will remain.

OP Policy #	Policy	Response
	<p>(b) convenience stores, gas bars, service stations, personal services, restaurants, warehouse, wholesale store and financial institutions which, by their size are designed to serve the employees in the Business Park and which have access to an Arterial or Collector road;</p> <p>(c) hotels or motels, provided that they meet all of the following criteria: (i) they are located adjacent to a Controlled Access Highway, Class I or Class II Arterial Road or Class I Collector Road; (ii) they are located at, or near, the periphery of a Business Park; (iii) the proponent demonstrates to the satisfaction of the Municipality that any market impacts on other commercial areas is acceptable (see Procedures chapter); and (iv) the evaluation criteria established in policy 6.5.3.7.</p> <p>(d) retail sale of goods produced on-site by a permitted use provided that such retail space does not exceed 20% of the gross floor area of the main use. This limitation may be reduced or eliminated by Council having given consideration to the following: (i) the evaluation criteria established in policy 6.5.3.7; and (ii) the proponent demonstrates to the satisfaction of the Municipality that any market</p>	

OP Policy #	Policy	Response
	<p>impacts on other commercial areas is acceptable.</p> <p>(f) Clubs, health studios.</p>	
6.4.4.3 – Locational Criteria	<p>Business Park development shall be located where: (a) the business park use can be sufficiently separated and/or buffered from sensitive land uses; (b) the site will be accessible and highly visible from Controlled Access Highway or a Class I or Class II Arterial Road; (c) full municipal physical services can be provided; (d) business park related traffic can be directed away from residential areas; (e) public transportation service can be provided; and (f) there is access to designated truck routes.</p>	<p>Buffering from nearby residential uses can be provided. This can include landscaping, fencing and setbacks.</p> <p>The Site has access to a Class 1 Road (Tecumseh Road East).</p> <p>Full municipal services are available.</p> <p>Traffic (current and future) has been assessed as part of the TIS. New roads are proposed. The Site has access to transit.</p> <p>Trucks can access the site for deliveries.</p>
6.4.4.4 – Evaluation Criteria	<p>At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed business park development is: (a) feasible having regard to the other provisions of this Plan, provincial legislation, policies and appropriate guidelines and support studies for uses: (i) within or adjacent to any area identified on Schedule C: Development Constraint Areas and described in the Environment chapter of this Plan; (ii) adjacent to sources of nuisance, such as noise, odour, vibration and dust; (iii) within a site of potential or known contamination; (iv) where traffic generation and</p>	<p>This PRR has addressed the PPS in Section 5.1.1.</p> <p>There are no development constraints that impact this Site.</p> <p>There will not be any nuisances created by the proposed development.</p> <p>A soil study has been prepared to address any potential contamination.</p> <p>Traffic has been addressed current and future operations.</p> <p>There are no cultural heritage concerns that impact this Site.</p>

OP Policy #	Policy	Response
	<p>distribution is a provincial or municipal concern; and (v) adjacent to sensitive land uses and/or heritage resources. (b) in keeping with the goals, objectives and policies of any secondary plan or guideline plan affecting the surrounding area; (c) capable of being provided with full municipal physical services and emergency services; (d) provided with adequate off-street parking; and (e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas.</p>	<p>The Site is part of the Forest Glade North Secondary Plan</p> <p>Full municipal services are available.</p> <p>Off street parking is provided (on site).</p> <p>The proposed development is compatible with the surrounding area.</p> <p>The Site is subject to SPC, which will address lighting, signage and landscaping.</p> <p>The Site is generally level, which is conducive to easy vehicular movements.</p>
6.4.4.5 – Design Guidelines	<p>The following guidelines shall be considered when evaluating the proposed design of a Business Park development: (a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan; (b) the massing and scale of buildings, and the extent to which their orientation, form and siting help to enhance the well landscaped setting of the business park; (c) the provision of functional and attractive signage; (d) the provision of appropriate landscaping or other buffers to enhance: (i) all parking lots, and outdoor loading and service areas; and (ii) the separation between the use and adjacent sensitive uses, where appropriate; (e)</p>	<p>The proposed buildings are proposed to be 1 storey.</p> <p>Landscaping will be provided.</p> <p>All zoning setbacks can be complied with.</p> <p>Signage will be attractive.</p> <p>Loading areas are provided, away from residential areas.</p> <p>The SWM facility will be located to the north of the Site.</p> <p>New roads are proposed for access to the Site.</p> <p>Pedestrian and cycling access will be provided.</p> <p>Fire routes are provided.</p>

OP Policy #	Policy	Response
	<p>motorized vehicle access is oriented in such a manner that business park related traffic will be discouraged from using Local Roads where other options are available; (f) loading bays and service areas are located to avoid conflict between pedestrian circulation, service vehicles and movement along the public right-of-way; (g) pedestrian and cycling access is accommodated in a manner which is distinguishable from the access provided to motorized vehicles and is safe and convenient; and (h) the design of the development encourages and/or accommodates public transportation services. (i) The design of the development encourages the retention and integration of existing woodlots, vegetation and drainage corridors where feasible to provide amenity areas for employees and to enhance the visual appearance of business parks in Windsor.</p>	<p>There are no anticipated traffic or parking concerns.</p>
7.0 - Infrastructure	<p>The provision of proper infrastructure provides a safe, healthy and efficient living environment. In order to accommodate transportation and physical service needs in Windsor, Council is committed to ensuring that infrastructure is provided in a sustainable, orderly and coordinated fashion.</p>	<p>The proposed development is close to nearby transit, off a major roadway, and has access to full municipal services.</p> <p>The Forest Glade North Servicing Master Plan is in progress.</p>

OP Policy #	Policy	Response
6.4.1 - Forest Glade North Secondary Plan (as amended by OPA 159)	It is the intent of the Plan to create a major Mixed Use Node and prestige employment generating business park within the City of Windsor. The development concept for the Planning Area is illustrated on Schedule FGN-2: Land Use Plan. The Planning Area is proposed to consist of residential, commercial and business park type uses, consolidated into larger, comprehensively developed commercial and business park blocks.	Commercial is permitted in the secondary plan area.
	Business Park uses are proposed within the northwestern portion of the Planning Area and are envisioned to consist of office development, light industrial uses and ancillary commercial uses, including restaurants, retail and personal services that serve the needs of the Business Park employees.	Business Park uses will remain. The OPA for the Site proposes to further amend the land use designation to permit commercial use as an additional permitted use. Commercial uses will include retail, fuel stations, restaurants, etc.
	Catherine Street is proposed to extend westerly through the Planning Area and accommodate two north south connections to Tecumseh Road East. The internal road network will be established through the development approvals process.	It is proposed that Catherine Street be extended, westerly. A future connection to Tecumseh Road East is proposed. A new internal road network is proposed.
6.5.1 - Revitalization	Create conditions to encourage development and revitalization of this underutilized area within the City of Windsor.	The Site is underutilized.
6.5.2 – Expand Mixed Use Centre	Expand the existing commercial centre to support	Development in an existing built-up area of the City contributes toward the goal of

OP Policy #	Policy	Response
	a complete community comprised of places to live, work and play as well as offering a full range of goods and services;	'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.
6.5.3 – Employment Opportunities	Create employment opportunities and generate municipal assessments from commercial and employment uses.	The proposed development will create new employment opportunities.
6.5.4 – Efficient Land Use	Promote land use patterns that make efficient use of existing services, resources and infrastructure.	The proposed development promotes efficient development and land use patterns, which sustains the financial well-being of the Municipality.
6.5.5 - Compatibility	Promote land use patterns and building forms that are compatible with adjacent existing and proposed uses.	The proposed development is compatible with the surrounding area.
6.5.7 – Road Network	Develop an appropriate road network to ensure the safety of motorists, cyclists and pedestrians and facilitate effective public transit.	A TIS has been prepared. A new road network is proposed.
6.5.8 - SWM	Encourage a comprehensive approach to stormwater management within the Planning Area.	The proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of servicing for settlement areas. A FSR has been completed and confirmed that services can be provided. The Forest Glade North Servicing Master Plan is in progress.
6.5.9 - Rail	Ensure that land uses adjacent to the rail infrastructure are compatible with railway activity.	It is anticipated that the proposed development will not interfere with the rail infrastructure.
6.6.2 – Business Park Objective	Provide for industrial type uses adjacent to the rail	Business Park uses will remain.

OP Policy #	Policy	Response
	corridors. Provide for office/prestige industrial and ancillary commercial type uses adjacent to the Collector Road and Tecumseh Road East frontage to offer a highly visible “address” and gateway into the Business Park.	<p>The OPA for the Site proposes to further amend the land use designation to permit commercial use as an additional permitted use.</p> <p>Commercial uses will include retail, fuel stations, and restaurants.</p>
6.7.3.1 – Business Park Policies	The Business Park designation on Schedule FGN-2: Land Use Plan shall be subject to the policies contained within Volume I: The Primary Plan and the policies of this Secondary Plan, where applicable. The policies promote high quality office and prestige employment uses within an integrated business park setting.	<p>The proposed development is appropriate for the Site.</p> <p>The Via Rail Canada Inc. rail infrastructure will be protected.</p>
6.7.3.2	Industrial uses are encouraged to locate within the rear portions of the Business Park designation, abutting the rail lines and rail yard.	If future industrial uses are planned, they will be located at the rear.
6.7.3.3	High quality office buildings, prestige industrial uses and ancillary commercial uses are encouraged to locate along Tecumseh Road East and the proposed Class I Collector Road.	<p>The proposed OPA will allow for commercial as an additional permitted use.</p> <p>The Site will have access to Tecumseh Rd E.</p>
6.7.3.4	A particularly high standard of design shall be required for the lands adjacent to Tecumseh Road East, with the objective of creating attractive streetscapes along this important civic way. Buildings shall be located in close proximity to the street in order	<p>The proposed development will be professionally designed.</p> <p>The Site will include pedestrian and cycling connections.</p> <p>Landscaping will be provided.</p>

OP Policy #	Policy	Response
	to promote pedestrian activity, create a defined street edge and screen parking areas. Landscape elements shall assist in creating an enjoyable pedestrian environment, defining the street edge and screening parking areas.	
6.7.3.5	Uses abutting the intersection of Tecumseh Road East and the proposed Class 1 Collector Road shall provide for a highly visible and aesthetic gateway into the Business Park.	The development will be set back from the road, behind other commercial uses.
6.7.3.6 – Ancillary Commercial Uses	Prestige office uses and ancillary commercial uses are envisioned along the Tecumseh Road East frontage, and may include a hotel/convention facility. Ancillary commercial uses along the Tecumseh Road East frontage are only permitted within the Business Park designation where they occupy the ground floor of a multi-storey building, and are subject to the urban design policies contained in Volume 1: The Primary Plan.	Business Park uses will remain. The OPA for the Site proposes to further amend the land use designation to permit commercial use as an additional permitted use. Commercial uses will include retail, fuel stations, and restaurants.

Therefore, the proposed development will conform to the purpose and intent of the City of Windsor OP with the proposed amendment to permit commercial as an additional permitted use.

5.1.3 Zoning By-law

The City of Windsor Zoning By-Law (ZBL) #8600 was passed by Council on July 8, 2002, and then a further Ontario Municipal Board (OMB) decision was issued on January 14, 2003.

A ZBL implements the PPS and the City OP by regulating the specific use of property and provide for its day-to-day administration.

According to Maps 10 and 11 attached to the ZBL the Site is currently zoned Commercial District (CD 2.1) and Holding Manufacturing District 1.4 (HMD1.1) category (see Figures 4a and 4b – City of Windsor Zoning Map 10 and Map 11).

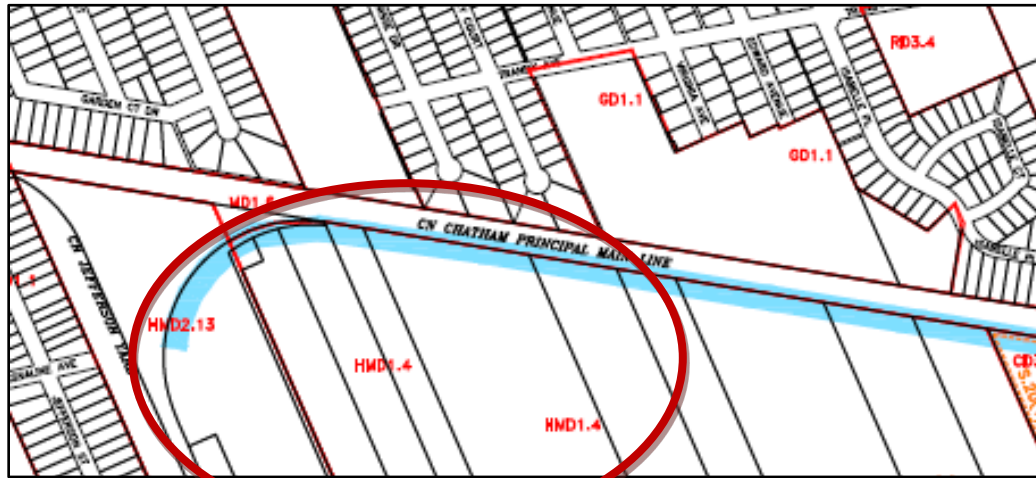


Figure 4a – City of Windsor Zoning Map 10

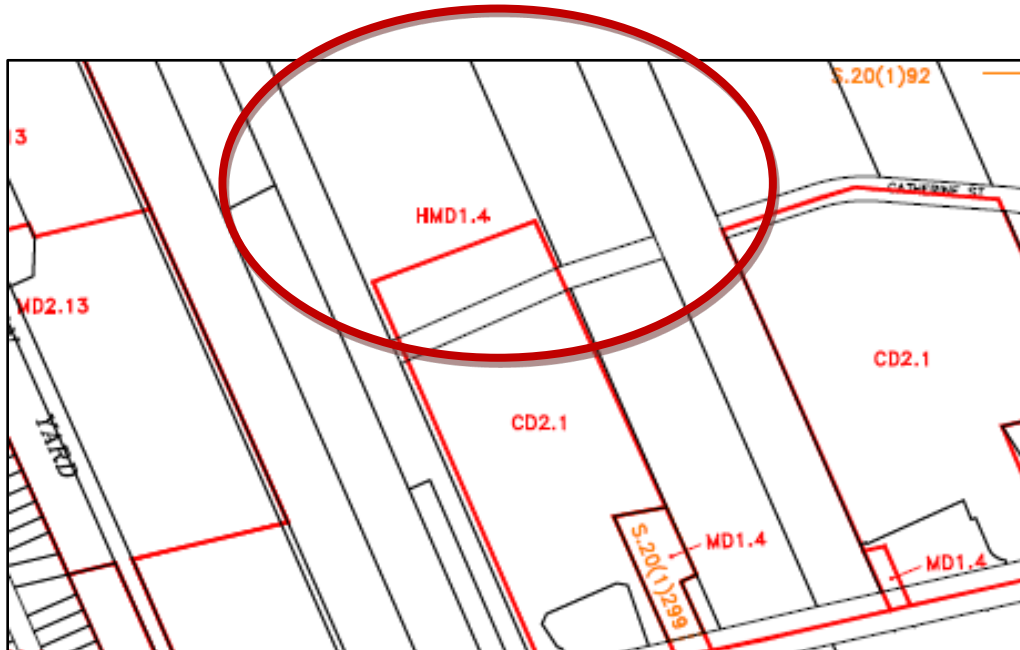


Figure 4b – City of Windsor Zoning Map 11

The zoning for the Site proposes to be changed to Commercial District 2.1 (CD 2.1 - S.20(1)XXX) category in order to permit the proposed development in addition to the MD1.4 uses.

The SWM facility will be zoned to Green District 1.5 (GD1.5).

A review of the CD2.1 zone provisions, as set out in Section 15.1 of the ZBL is as follows:

Zone Regulations	Required CD2.1 Zone	Proposed (retained lands)	Compliance and/or Relief Requested with Justification
Permitted Uses	Bakery Business Office Child Care Centre Commercial School Confectionery Food Outlet - Drive-Through Food Outlet - Take-Out Funeral Establishment Garden Centre Gas Bar Medical Office Micro-Brewery Parking Garage Personal Service Shop Place of Entertainment and Recreation Place of Worship Professional Studio Public Hall Public Parking Area Repair Shop – Light Restaurant Restaurant with Drive-Through Retail Store Temporary Outdoor Vendor's Site Tourist Home Veterinary Office Wholesale Store Existing Automobile Repair Garage Existing Service Station Any use accessory to any of	Uses permitted in the MD1.4 zone. Proposed commercial uses. Commercial uses will include retail, fuel stations, restaurants, etc. Child care centre and tourist home shall not be permitted.	Will comply subject to the ZBA.

Zone Regulations	Required CD2.1 Zone	Proposed (retained lands)	Compliance and/or Relief Requested with Justification
	the preceding uses. An Outdoor Storage Yard is prohibited, save and except, in combination with the following main uses: Garden Centre, Temporary Outdoor Vendor's Site, Existing Automobile Repair Garage.		
Building Height – maximum	14.0 m	9 m (1 storey)	Complies
Gross Floor Area – maximum Bakery or Confectionary	550.0 m ²	N/A	Complies
A Temporary Outdoor Vendor's Site is prohibited in a Business Improvement Area.	N/A	N/A	Complies
Parking Requirements 24.20.5.1	Major Commercial Centre – 1 for each 22.5 m ² GFA (24,428 m ²) = 1,085	Current building – 967 Future building – 418 Total - 1,385 provided	Complies
Accessible Parking Spaces 24.24.1	1,001 or more: Type A – 5 spaces plus 0.5 percent of parking spaces = 69+5=74 Type B – 5.5 spaces plus 0.5 percent of parking spaces = 69+5.5=74	TBD	Shall comply

Zone Regulations	Required CD2.1 Zone	Proposed (retained lands)	Compliance and/or Relief Requested with Justification
	Total = 149		
Bicycle Parking Spaces 24.30.1.1	20 or more: 2 for the first 19 spaces plus 1 for each additional 20 parking spaces Total = 2+68.3=70	TBD	Shall comply
Loading Space	Over 22,500 m ² : 4	TBD	Shall comply
Parking Area Separation 25.5.20	.3 an interior lot line or alley – 0.90 m	TBD	Shall comply

Therefore, the proposed development will comply with all zone provisions set out in the CD2.1 and no site-specific relief is required.

6.0 SUMMARY AND CONCLUSION

6.1 Context and Site Suitability Summary

6.1.1 Site Suitability

The Site is ideally suited for commercial development for the following reasons:

- The land area is sufficient to accommodate the proposed development,
- The Site is generally level, which is conducive to easy vehicular movements,
- The Site will be able to accommodate municipal water, storm and sewer systems,
- There are no anticipated traffic or parking concerns, and
- The location of the proposed development is appropriate.

6.1.2 Compatibility of Design

The proposed development is compatible with the surrounding area.

The design of the buildings will address compatibility as part of the SPC approval.

The Site is capable of accommodating the proposed development in terms of scale, massing, height and siting.

Parking, fire route, and landscaping will be provided.

All zone provisions set out in the CD2.1 zone can be complied with.

6.1.3 Good Planning

The proposal represents good planning as it addresses the need for the development of a vacant parcel of land, which contributes to providing employment opportunities in the area.

Commercial use on the Site represents an efficient development pattern that optimizes the use of land.

The proposed development will provide commercial use to the area's residents.

The Site is currently underutilized.

6.1.4 Environment Impacts

Various environmental studies have been conducted. The Ministry has been contacted regarding species at risk, and that mitigation measures will be a condition of the SPC.

6.1.5 Municipal Services Impacts

There will be no negative impacts on the municipal system as the proposed use will not add to the capacity in a significant way.

6.1.6 Social, Cultural and/or Economic Conditions

The proposed development does not negatively affect the social environment as the Site is in close proximity to major transportation corridors and nearby amenities.

Development in an existing built-up area of the City contributes toward the goal of 'live, work and play' where citizens share a strong sense of belonging and a collective pride of place.

The proposed development promotes efficient development and land use patterns, which sustains the financial well-being of the Municipality.

The proposal does not cause any public health and safety concerns.

The proposal represents a cost-effective development pattern that minimizes land consumption and servicing costs.

There will be no urban sprawl as the proposed development is within the existing settlement area and is an ideal infilling opportunity.

The Site will not impact any heritage resources.

6.2 Conclusion

In summary, it would be appropriate for the City of Windsor to approve the OPA and ZBA to permit the proposed commercial development on the Site.

The proposed development is an appropriate use of an underutilized vacant property and offers economic activity.

This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the City of Windsor OP and represents good planning.

Planner's Certificate:

I hereby certify that this report was prepared by Tracey Pillon-Abbs, a Registered Professional Planner, within the meaning of the Ontario Professional Planners Institute Act, 1994.


Tracey Pillon-Abbs, RPP
Principal Planner



VIA RAIL CANADA INC.
RAIL CORRIDOR

FUTURE COMMERCIAL BLDG. - SITE DATA

SITE ZONING:	T.B.D.
PROPOSED LOT AREA =	33,861 SQ.M. (3.38 HECTARES)
PROPOSED NEW BUILDING	9,357 SQ.M.
BUILDING FOOTPRINT (LOT COVERAGE) =	9,357 SQ.M. (27.63%)
LANDSCAPE AREA PROVIDED 10.14% =	3,431 SQ.M.
TOTAL PARKING PROVIDED =	418 SPACES INC. 16 H/C

PROPOSED COMMERCIAL BUILDING - SITE DATA

SITE ZONING:	T.B.D.
PROPOSED LOT AREA =	79,126 SQ.M. (7.91 HECTARES)
PROPOSED NEW BUILDING	15,071 SQ.M.
BUILDING FOOTPRINT (LOT COVERAGE) =	15,071 SQ.M. (19.04%)
LANDSCAPE AREA PROVIDED 11.92% =	9,435 SQ.M.
TOTAL PARKING PROVIDED =	967 SPACES INC. 16 H/C

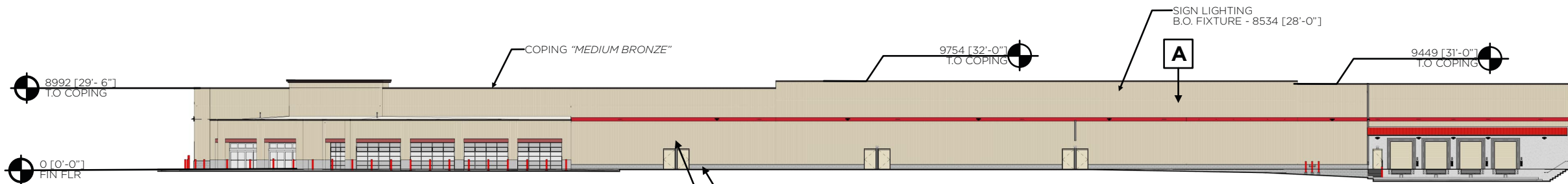
FUTURE
1-STOREY
COMMERCIAL
BUILDING
AREA 9,357 SQ.M.
PRKG: 418 STALLS

**PROPOSED COMMERCIAL
BUILDING**
PARKING: 967 STALLS
19.56 ACRES

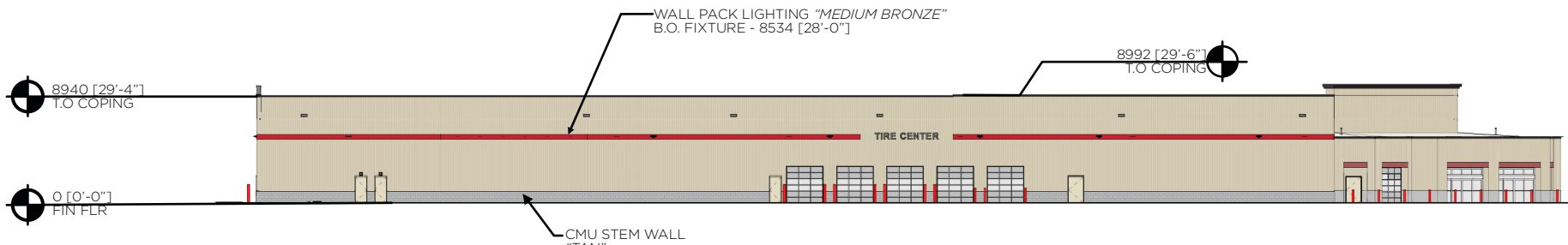
ACCESS ROAD
(0.26 ACRES)

CATHERINE STREET

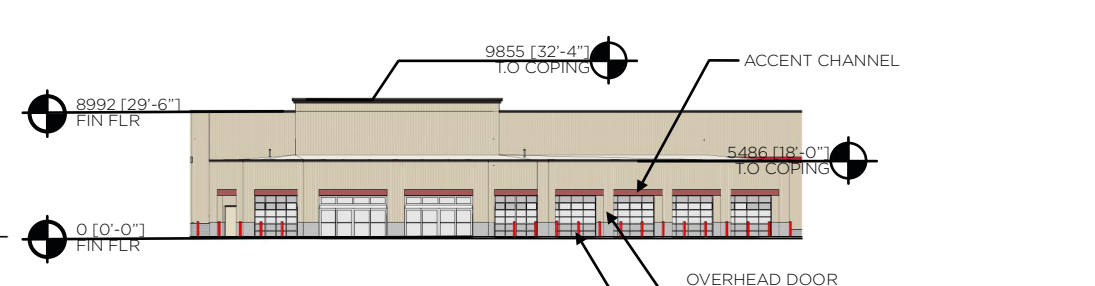
**R • O • C • K
DEVELOPMENTS**



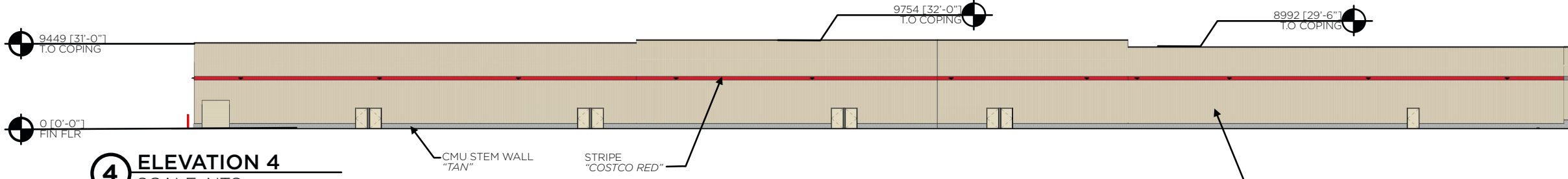
1 ELEVATION 1
SCALE: NTS



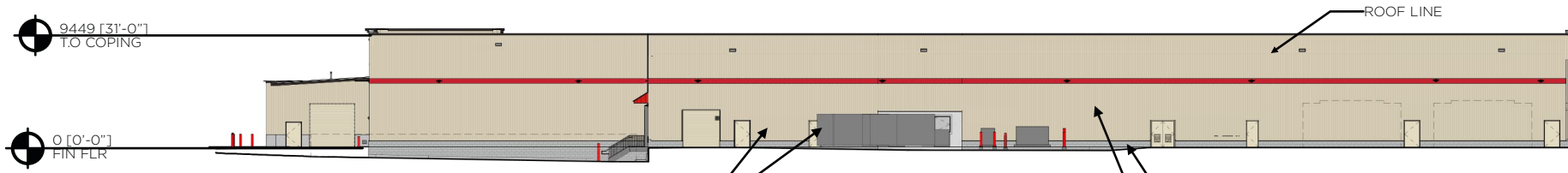
2 ELEVATION 2
SCALE: NTS



3 ELEVATION 3
SCALE: NTS



4 ELEVATION 4
SCALE: NTS



5 ELEVATION 5
SCALE: NTS

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CITY OF WINDSOR - DEVELOPMENT ENGINEERING – JUAN PARAMO

The Official Plan, under the Forest Glade North Secondary Plan, identifies the need for two new north-south collector roads to service the area north of Tecumseh Road East, between Jefferson Street and Lauzon Parkway. These collector roads will extend from Tecumseh Road to the anticipated Catherine Street extension. The location of the new intersections along Tecumseh Road East for Roseville Garden and Catherine Street north/south, aligns with the planning and construction recommendations from the approved Tecumseh Road East Environmental Assessment already implemented for the area.

Additional planning will be undertaken as part of the ongoing Forest Glade North Municipal Class Environmental Assessment (EA), which is currently being undertaken jointly by the applicant with the City as a co-proponent. Detailed engineering designs for all new infrastructure is being completed concurrently with the EA to ensure the Secondary Plan area is properly serviced to current standards.

The applicant will be required to enter into a cost-sharing agreement for the construction of all essential infrastructure, including roads, sewers, watermain, streetlighting and stormwater management facilities to service the entire Forest Glade North planning area. Under this agreement, the applicant will be responsible for the costs associated with servicing their site, while the City will cover the costs for servicing other land in the area. Most of the City's contribution towards these new services will eventually be recovered when development proceeds on the benefitting vacant lands.

In summary we have no objection to the proposed development:

The site will be serviced by new sewer infrastructure as part of the overall servicing strategy for the area, in accordance with the approved Forest Glade North Municipal Class Environmental Assessment (EA). The EA's findings will guide the specific servicing approach for this site. All new sewer infrastructure will be designed and constructed in accordance with current engineering standards, to ensure that any new development in the area will not negatively impact the existing surrounding sewer network.

Servicing and right-of-way needs specific to the subject development will be further addressed through Site Plan Control, in accordance with the Forest Glade North EA once finalized. The following requirements, based on the information available to date, would be part of the Site Plan Control agreement.

Construction of Rights-of-way – The owner and the City agree to cost-share and construct all infrastructure required to service the Forest Glade North Planning Area in accordance with the approved Forest Glade North Environmental Assessment and subsequent Engineering Detail Design. The servicing infrastructure detailed design shall, include the following components:

1. The owner will be responsible for the extension of the Catherine Street right-of-way from the current terminus to Tecumseh Road in accordance with the final recommendations of the Forest Glade North Servicing Environmental Assessment. The recommended cross-section includes concrete roadway, curb and gutter, sidewalk, multi-use trail, watermain, sanitary sewers, storm sewers, utilities, traffic and streetlighting infrastructure.
2. The owner will be responsible for the extension of the Roseville Garden right-of-way from Tecumseh Road to Catherine Street in accordance with the final recommendations of the Forest Glade North Servicing Environmental Assessment. The recommended

APPENDIX D – CONSULTATION

cross-section includes concrete roadway, curb and gutter, sidewalk, multi-use trail, watermain, sanitary sewers, storm sewers, utilities, traffic and streetlighting infrastructure.

3. The construction of a regional stormwater management facility to service the Forest Glade North Secondary Plan Area including a pond, pump station, storm sewers, and associated infrastructure.
4. The construction of traffic control infrastructure including:
 - a. Partial implementation of signalized intersections at Tecumseh and Catherine Street, and Tecumseh and Roseville Garden.
 - b. The construction of a full signalized intersections at Catherine Street and Roseville Garden. Land requirement for this new intersection will be determined during Site Plan Control.
 - c. The removal of the existing signalized intersection at Tecumseh Road and Home Depot private road.
5. The owner will be responsible for adjustments to existing infrastructure as required to implement the overall project including:
 - a. The removal of the existing cul-de-sac at the Catherine Street terminus,
 - b. Widening of the existing Catherine Street roadway
 - c. Construction of a multi-use trail, and sidewalks along the existing Catherine Street right-of-way.
 - d. Replacement and relocation of driveways for affected sites,
 - e. Reconstruction of the raised median along the Home Depot private road on Tecumseh as part of the removal of the signalized intersection work and in accordance with the approved Tecumseh Road East Environmental Assessment.

Land Conveyance - Prior to the issuance of a construction permit, the owner (s) shall agree to gratuitously convey to the Corporation, the following rights-of-way:

1. A 22.0m wide right-of-way for the Catherine Street extension across property 6770 Tecumseh Road East (Part of Lots 121 & 122, Conc. 1 being Part 7 on Plan 12R17987)
2. A 22.0m wide right-of-way for the Catherine Street extension across property 6560 Tecumseh Road East (Part of Lot 120, Conc. 1 being Part 9 on Plan 12R26172)
3. Lands sufficient for a regional stormwater management facility at the rear of the subject lands. The estimated conveyance is 6.24 acres and is to be confirmed through Site Plan Control.

Easement Conveyance - Prior to the issuance of a construction permit, the owner shall gratuitously convey to the Corporation an easement across the subject lands extending from Catherine Street to the block identified as the Stormwater facility for the purposes of:

1. Access
2. Utility corridor
3. Stormwater overland Flow – major system
4. Stormwater sewer
5. Construction and maintenance

The dimensions of the easement will be confirmed during the Site Plan Control process.

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Existing Watercourses and Natural Land Drainage - The owner agrees that no natural watercourses shall be blocked, abandoned, or otherwise altered during construction of this development unless approved by the City Engineer. No natural land drainage shall be cut off without adequate provision made for its interception, to the satisfaction of the City Engineer. The subject property currently has a drainage easement providing a stormwater outlet from the Home Depot site to the Hawkins Drain.

Sanitary Sampling Manhole - The owner agrees for all non-residential uses, to install a sanitary sampling manhole accessible at the property line of the subject lands to the City Engineer at all times. The determination of the requirement or interpretation if a sampling manhole exists or exceptions to such, will be to the satisfaction of the City Engineer.

Reciprocal Access – Prior to the issuance of a construction permit, the owner shall agree to provide reciprocal access for each lot over the adjacent lands, so that the rear lot has access to Catherine, in form satisfactory to the City Solicitor.

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

CITY OF WINDSOR - LANDSCAPE & URBAN DESIGN – HODA KAMELI

There is no objection to this zoning and official plan amendment.

Require a Tree Inventory and Protection plan identifying which trees are to be retained and proposed preservation techniques to be implemented. As per O.P. Subsection 5.3.6, removal of any trees will require to be replaced or compensated to the satisfaction of the City Forester.

Urban Design Study, and more design review will be needed at Site Plan Control application. Council shall require a high standard of architectural and landscape design for Industrial and Business Park in accordance with the Urban Design chapter of this Plan.

CITY OF WINDSOR – PARKS & FACILITIES – FORESTRY – MARC EDWARDS

The Forestry Department previously requested that the developer follow the City of Windsor's Site Control Plan section 3.1 under existing trees. To date we have not received a tree inventory.

CITY OF WINDSOR – PARKS & FACILITIES – NATURAL AREAS – KAREN ALEXANDER

EER for 0 Catherine St. - Naturalist Areas Review - Date: January 10, 2024

Significance: potential Significant Wildlife Habitat, potential Regulated Species at Risk habitat

Proposal: Development proposal

Recommendation: Further work required to address the comments below

1. Include more detail to demonstrate the appropriate regard to the PPS (2024) 4.1.7, development and site alteration shall not be permitted in habitat of endangered and threatened species, except in accordance with provincial and federal requirements. Specifically,

APPENDIX D – CONSULTATION

- a. The northwest corner of the project area extends into grid 17LG3987 which lists Willow-leaved Aster (Thr, S2), and Brindled Madtom (NAR, S2). These species need to be regarded within this EER.
- b. Restricted Species (Eastern Foxsnake) is identified in 3 adjacent grids, 17LG3985, 17LG4086, and 17LG4087. MECP consultation is required to determine if Habitat Regulations for this species apply.

CITY OF WINDSOR - PLANNING & DEVELOPMENT SERVICES - HERITAGE PLANNING – TRACY TANG

The City of Windsor is in receipt of the Stage 1 Archaeological Assessment called "Stage 1 Archaeological Assessment - 0 Catherine Street, Part of Lots 118 to 123, Concession 1 Petite Cote, former Township of East Sandwich, County of Essex, now City of Windsor, Ontario", PIF #P1056-0246-2024, dated April 24, 2024, as well as the Stage 2 Archaeological Assessment called "Stage 2 Archaeological Assessment 0 Catherine Street (Formerly Part of Lots 118 - 123, Concession 1 Petite Côte, Geographic Township of East Sandwich, Essex County) Now City of Windsor, Ontario", PIF #P354-0083-2024, dated August 22, 2024 with a recommendation of "No Further Work" for the Study Area.

However, we require a copy of the letter from the Ministry confirming acceptance of the report in the Ontario Public Register of Archaeological Reports, as well as GIS Shapefiles of the Study Area.

CITY OF WINDSOR - PLANNING & DEVELOPMENT SERVICES - SITE PLAN CONTROL

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>.

CITY OF WINDSOR - PLANNING & DEVELOPMENT SERVICES - ZONING COORDINATOR – CONNER O’ROURKE

Current Zoning: Holding – Manufacturing District 1.4 (HMD1.4)

Proposed Use: Major Commercial Centre / Retail Store / Gas Bar

Section 5 – General Provisions:

- Accessory Building [5.10]: Complies
- Exterior Finishing [5.37]: Complies
- Flood Protection & Natural Hazards Provisions [5.40]: Within ERCA regulated zone
- Railway Right-of-Way Provisions [5.60.1]:
 - [5.60.1.1] – minimum height of an earth berm (i.e. constructed continuously adjacent to the common boundary line between the lot and the railway right-of-way)
Required: minimum 2.50 m **Provided: 0.0 m**
 - [5.60.1.2] – minimum separation between railway right-of-way and commercial use:
Required: 30.0 m Provided: 54.0 m

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- [5.60.1.3] – minimum separation maintained between the railway right-of-way and an industrial use: Not applicable

Section 24 – Parking, Loading, and Stacking Provisions – Overall Proposal:

- Number of Parking Spaces [24.20.5.1]:
Required: 1,090 Provided: 1,361
- Number of Type A Accessible Parking Spaces [24.24.1]:
Required: 11 Provided: 32
- Number of Type B Accessible Parking Spaces [24.24.1]:
Required: 11 Provided: **0**
- Number of Bicycle Parking Spaces [24.30.1]:
Required: 56 Provided: **0**
- Number of Loading Spaces [24.40.1.9]:
Required: 7 Provided: **6**
- Number of Stacking Spaces [24.50.1]: **Please provide stacking spaces for the proposed gas bar**

Section 24 – Parking, Loading, and Stacking Provisions – Phase 1:

- Number of Parking Spaces [24.20.5.1]:
670 (Required) 943 (Provided)
- Number of Type A Accessible Parking Spaces [24.24.1]:
8 (Required) 16 (Provided)
- Number of Type B Accessible Parking Spaces [24.24.1]:
8 (Required) 0 (Provided)
- Number of Bicycle Parking Spaces [24.30.1]:
35 (Required) 0 (Provided)
- Number of Loading Spaces [24.40.1.9]:
4 (Required) 4 (Provided)
- Number of Stacking Spaces [24.50.1]: **Provide stacking spaces for the gas bar**

Section 24 – Parking, Loading, and Stacking Provisions – Phase 2:

- Number of Parking Spaces [24.20.5.1]:
420 (Required) 418 (Provided)
However, will comply with the additional parking spaces from Phase 1
- Number of Type A Accessible Parking Spaces [24.24.1]:
5 (Required) 16 (Provided)
- Number of Type B Accessible Parking Spaces [24.24.1]:
6 (Required) **0 (Provided)**
- Number of Bicycle Parking Spaces [24.30.1]:
23 (Required) **0 (Provided)**
- Number of Loading Spaces [24.40.1.9]:
3 (Required) **2 (Provided)**

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Section 25 – Parking Area Regulations – Phase 1:

- [25.5.10.3] – A curb shall bound the perimeter of a parking area and shall separate a landscaped open space yard.
- Access Area [25.5.30.4]: Required – Maximum: 9.00 m **Provided: 12.10m**

Section 25 – Parking Area Regulations – Phase 2:

- [25.5.10.3] – A curb shall bound the perimeter of a parking area and shall separate a landscaped open space yard.

CITY OF WINDSOR - TRANSPORTATION PLANNING – ELARA MEHRILOU

The Official Plan classifies Catherine Street as a Class 2 Collector, the EA will determine the required width. Per the Official Plan, a sidewalk is required on both sides of a Collector Road. The applicant shall agree to construct sidewalks, at their own expense, within the right-of-way, extending from the existing sidewalk fronting Catherine Street.

All parking must comply with ZBL 8600. Accessible parking spaces, bicycle parking spaces and loading spaces must comply with Zoning By-Law 8600 in quantity and dimensions.

The Phase 1 Retail Store requires 11 type A and 11 type B accessible parking spaces, 50 bicycle parking spaces and 4 loading spaces. Phase 2 retail requires 5 type A and 6 type B accessible parking spaces, 22 bicycle parking spaces and 3 loading spaces.

Transportation Planning received and reviewed the Transportation Impact Study memo project number 230538 dated 2024-08 -15 conducted by Paradigm Transportation Solutions limited:

- We are not satisfied that the right turn bay is not required for the west access. Also, the site plan shows that EBR trucks must occupy the opposite lanes to complete their maneuver. Having the right turn bay and a wider entrance/lane may solve this issue.
- Site plan shows, one of the commercial buildings is about 19.56 Acres while the TIS shows that about 158,000 sq. ft. Make sure the correct value is used in the site plan.
- It is not clear if active transportation facility e.g. sidewalk, is provided in the site plan, particularly to access to Phase 2. Providing suitable and safe access for commercial and consumer use for all proposed development is recommended.
- Please submit all simulation files, traffic counts in the original file format and excel.

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.

Curved curb not permitted within the right-of-way. The site plan to show the throat length.

ENWIN - HYDRO ENGINEERING: Keegan Morency Kendall

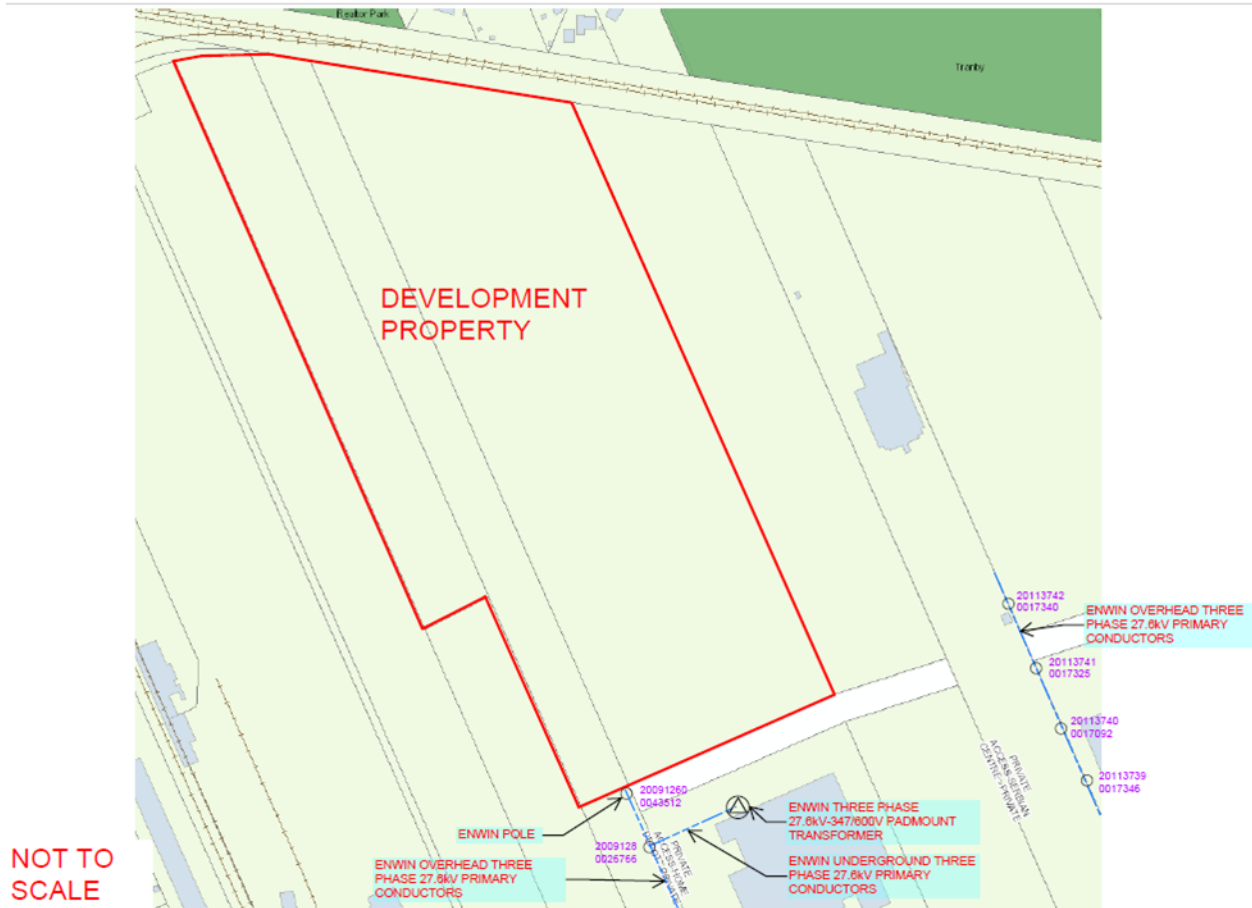
No objection provided adequate clearances are achieved and maintained. Please note the following.

- 1- ENWIN has three phase 27.6kV overhead primary conductors at the south west corner of the property.
- 2- ENWIN has three phase 27.6kV underground primary conductors servicing the Home Depot south of the property.
- 3- ENWIN has a pole line that ends at the south west corner of the property.

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- 4- ENWIN has three phase 27.6kV overhead primary conductors that will cross the proposed expansion of Catherine St, located east of the property, to provide service to the Serbian Centre.

Please request locates prior to starting construction to ensure the location of all underground conductors in the area. 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.



ENWIN - WATER ENGINEERING - Bruce Ogg

ENWIN Water has no objections.

ESSEX REGION CONSERVATION AUTHORITY (ERCA) – ALICIA GOOD

Natural Hazards and Regulatory Responsibilities Under the Conservation Authorities Act, O. Reg 686/21, PPS

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the

APPENDIX D – CONSULTATION

Hawkins Drain. The property owner will be required to obtain an approval from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Our office understands that the subject lands are proposed to be consolidated and reconfigured into three parcels through the Consent process. We additionally understand that the future developments will be subject to Site Plan Control.

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains.

Our office has no concerns with the proposed Official Plan Amendment to permit large scale commercial uses in the Business Park designation. Further, our office has no concerns with the proposed Zoning By-law Amendment to allow for commercial uses.

ERCA requires to be circulated with the Applications for Consent for this project. To support these consents, our office needs to have a level of confidence that the parcel containing the stormwater management facility is large enough to support the proposed developments. Our office requires to review the detailed design of the proposed stormwater management system at the time of circulation of the Applications for Consent. This design must also specify how the stormwater management of the individual sites will be addressed through the Site Plan Control process. Our office is happy to provide any further clarification regarding this matter through discussions with the applicant.

ERCA additionally requires to be circulated with the Applications for Site Plan Control for this project.

Final Recommendation - As noted above, our office has **no objection** to OPA 192 OPA-7265 and Z-042-24. We require to be circulated with the Applications for Consent for this project. Our office requires to review the detailed design of the proposed stormwater management system at the time of circulation of the Applications for Consent. We additionally require to be circulated with the Applications for Site Plan Control at the appropriate time.

TRANSIT WINDSOR – JASON SCOTT

Transit Windsor has no objections to this development. The closest existing transit routes to this property are with the Transway 1C, Ottawa 4, and Route 418X along Tecumseh Road East. The closest existing bus stop to this property is located on Tecumseh Road East at the Northeast Corner to the Home Depot property at the traffic signal. This bus stop is approximately 350 metres from this property falling within Transit Windsor's 400 metre walking distance guidelines to a bus stop.

It is proposed that once the roads are developed in this area to access this property, that Transit Windsor will alter one of its routes in this area to travel along the new roads to better service this development. Transit Windsor's City Council approved Transit Master also has an additional new secondary route further adding new service to this area. This would be subject to City Council operating budget approval for implementation. Timelines are unknown currently.

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VIA RAIL – PAUL CHARBACHI

The Applicant must submit engineering drawings signed and sealed by a certified professional. The engineering drawings will be reviewed by an engineering firm designated by VIA at the Applicant's expenses. The Applicant must also submit locates to VIA. The locates must be submitted to VIA electronically and physically. The Applicant must meet the following requirements:

Transport Canada: *Railway Safety Act*, Part III, Sections 24 and 25.

For Clearance:

- *Railway Right of Way Access Control Policy*;
- *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
- *Standards Respecting Railway Clearances* – TC E-05;
- Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.

Canadian Standards Association:

- CAN/CSA C22.3 No. 1 – Overhead Systems;
- CAN/CSA C22.3 No. 7 - Underground Systems;
- CAN/CSA Z662 – Oil and Pipeline Systems;
- CAN/CSA-B137.4 - Polyethylene Piping Systems for Gas Services.

VIA:

- *Buried Signal and Communication Guidelines*;
- *Guidelines for New Development*;
- *guidance which the Federation of Canadian Municipalities (FCM) has created on this topic specifically, you can find their guidance within the following link: Guidelines for New Development in Proximity to Railway Operations.*
- Adjacent landowners, buildings and overhead structures are not allowed to drain or modify existing drainage ways to divert water onto railway property without a hydraulic study and approval of the VIA Rail Infrastructure Department.
- All loads must be in compliance with Cooper E90;
- Inspection frequency and submittal
- Agreements signed between Via and the applicant

The Federation of Canadian Municipalities and the Railway Association of Canada:

- *Guidelines for New Development in Proximity to Railway Operations.*

Other:

- Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
- All fence maintenance will be done on the Applicant expense.

In addition, the Applicant must comply with the following areas of concern for which VIA request information, reassurances and/or commitments with regards to the application:

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Utilities:

- Electrical and Gas Supply - VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.
- Communications - VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

Water & Wastewater:

- Drainage Sanitary/Storm - VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development.
- Water supply - VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

Construction Disturbances:

- VIA requests a copy of the Pedestrian study (from New Development).
- VIA is concerned by the flow of people that will go through our premises (either interior or exterior) to access the station.

Neighbour Relationships:

- VIA requests the Applicant's monitoring and management plan of the impacts of its construction, including but not limited to:
 - Air contaminants / Dust pollution;
 - Noise pollution / Working hours;
 - Existing conditions;
 - and the impacts of vibrations.
- VIA requests the Applicant's communication and management plan for future tenants and or owners of the project with respect to VIA's active train station nearby, that may produce one or more of, but not limited to, the following: emission of noise, dust, vibration, fumes, odours and other gaseous or non-gaseous emissions that may affect the enjoyment of the development for which VIA shall not be held responsible.

VIA requests the Applicant's commitment to making all efforts not to interfere with VIA's operations, VIA's track infrastructure or use of VIA property. When in the vicinity of VIA property or Railway right-of-way, VIA requests the Applicant commitment to comply with and conform to all VIA, Department of Transport and Canadian Transportation Agency rules and regulations, or any other authority having jurisdiction.

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

Considering our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.



Subject: Official Plan Amendment and Zoning By-law Amendment Applications for the property known as 0 North Service Road; Applicant: Dardevco Inc.; File Nos. OPA 191 [OPA/7261] and Z-029/24 [ZNG/7233]; Ward 8

Reference:

Date to Council: February 3, 2025
Author: Justina Nwaesei, MCIP, RPP
Planner III - Development
519-255-6543, ext. 6165
jnwaesei@citywindsor.ca

Planning & Building Services
Report Date: January 15, 2025
Clerk's File #: Z/14913 & Z/14865

To: Mayor and Members of City Council

Recommendation:

I. THAT the City of Windsor Official Plan, Volume II, Part 1 – Special Policy Areas, **BE AMENDED** by adding site specific policies as follows:

1.X WEST SIDE OF NORTH SERVICE ROAD EAST, BETWEEN JEFFERSON BOULEVARD AND CLEMENCEAU BOULEVARD

1.X.1 The property described as Lot 205, Registered Plan 1153, [PIN 01562-0241 LT] located on the west side of North Service Road East, between Jefferson Boulevard and Clemenceau boulevard, is designated on Schedule A: Planning Districts and Policy Areas in Volume I – The Primary Plan.

1.X.2 Notwithstanding the policy in section 7.3.2.3 of the Official Plan, Volume I, a new development for self-storage facility shall be permitted on the property described as Lot 205, Registered Plan 1153, [PIN 01562-0241 LT] without municipal sanitary sewer and water infrastructure available to service the subject land, provided the self-storage facility has no office space, washroom/toilet, and no space(s) requiring municipal sanitary sewer and/or water service.

II. THAT Zoning By-law 8600 **BE AMENDED** for the land located on the west side of North Service Road East, between Jefferson Boulevard and Clemenceau boulevard, described as Lot 205, Registered Plan 1153, [PIN 01562-0241 LT], by adding the following site-specific zoning provision to Section 20(1);

“524. WEST SIDE OF NORTH SERVICE ROAD EAST, BETWEEN JEFFERSON BOULEVARD AND CLEMENCEAU BOULEVARD

For the lands comprising Lot 205, Registered Plan 1153, [PIN 01562-0241 LT], a *Self-storage facility* shall be an additional permitted use, and the following provisions shall not apply:

- a) Section 5.2.10 – with respect to availability of municipal sanitary sewer and municipal water service, provided the *self-storage facility* has no office space, washroom/toilet, and no space(s) requiring municipal sanitary sewer and/or water service;
- b) Sections 5.67.1 & 5.67.3.
- c) Sections 24.26.5 & 24.40.20.3.

[ZDM 11 & 15; ZNG/7233]”

III. THAT the holding zone provisions **SHALL APPLY** to the subject land described as Lot 205, Registered Plan 1153, [PIN 01562-0241 LT], save and except the use of the subject land for a self-storage facility that does not require sanitary sewer and water service.

IV. THAT the H symbol may be removed when the applicable holding conditions in Section 95.10 of By-law 8600 have been satisfied.

V. THAT the Site Plan Approval Officer **BE DIRECTED** to consider the comments in Appendix C attached to this report, and incorporate the items in paragraph (a) below in the Site Plan Agreement, along with other relevant requirements identified in the Site Plan Control approval process for the proposed development on the subject land:

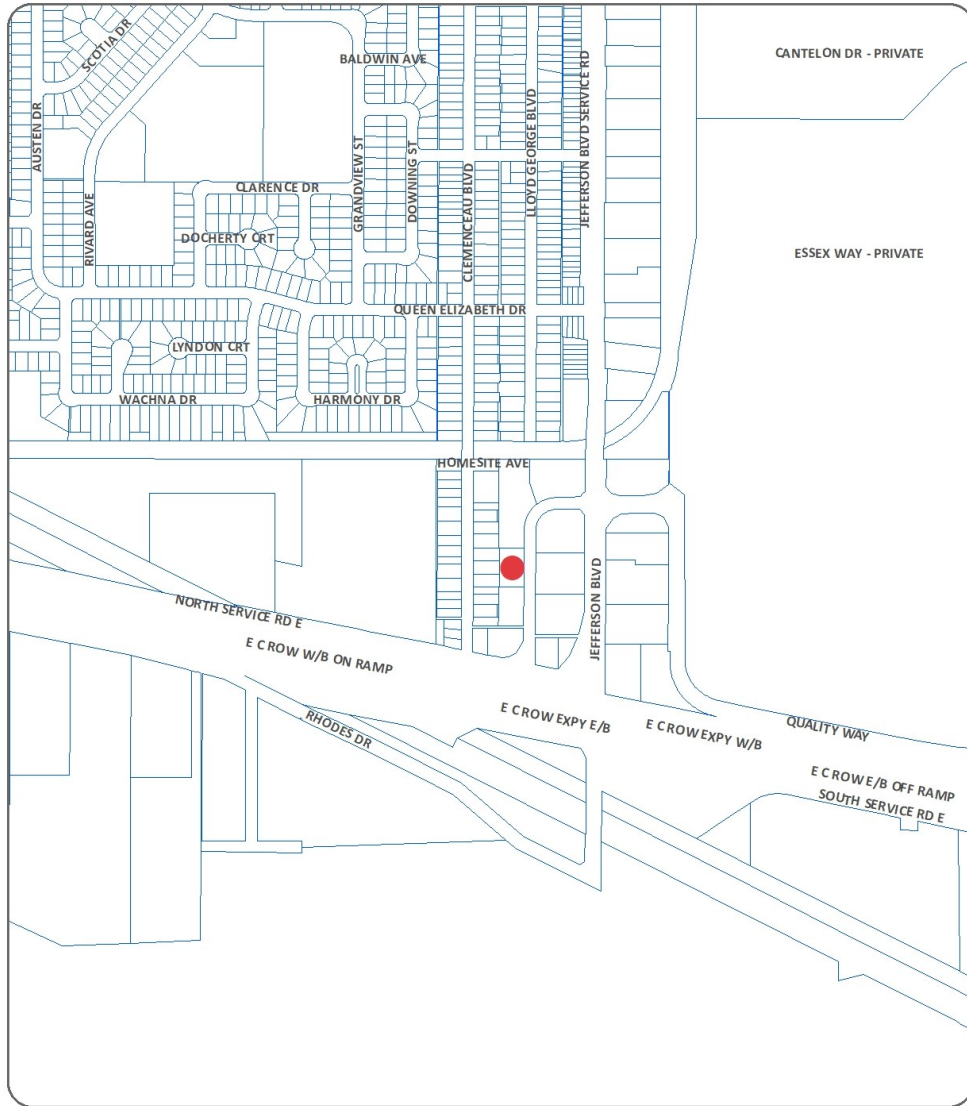
- a) The Site Plan Control Agreement shall incorporate the following:
 - *SIDEWALKS* – The Owner shall pay, prior to the issuance of a Building Permit, the sum of \$7,606.00 as contribution towards the future construction of a concrete sidewalk on the North Service Road East frontage of the subject land.
 - *STREET LIGHTING* - The Owner shall pay, prior to the issuance of a Building Permit, a sum to be determined by traffic operations towards the future construction and installation of streetlighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should the decorative poles be requested, the owner shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.

Executive Summary:

N/A

Background:

- 1. KEY MAP:



KEY MAP - Z-029/24, ZNG/7233 & OPA 191, OPA-7261



● SUBJECT LANDS

2. APPLICATION INFORMATION

LOCATION: 0 North Service Road (on the west side of North Service Road East between Jefferson Blvd and Clemenceau Blvd, abutting the north limit of the property municipally known as 6010 North Service Road East)

ROLL No.: 070-640-03100

APPLICANT: DARDEVCO INC. (c/o Michael Primeau)

AGENT: PILLON ABBS INC., (c/o Tracey Pillon-Abbs)

REGISTERED OWNER: SAME AS APPLICANT

PROPOSAL: The applicant proposes to amend the existing MD1.4 zoning district on the subject land to a site-specific MD1.4 to permit self-storage units (shipping containers) as an additional permitted use on the subject land.

The proposed amendment is intended to facilitate the construction of self-storage shipping container units for household use. Access to the site will be from North Service Road East with two (2) entrance locations. Each access will be gated with security features. Parking for a total of 3 parking spaces is provided (includes 1 barrier free space.)

The applicant also requests to amend the Official Plan by adding a site-specific policy direction to permit a new development with no sanitary sewer to service the subject land. The requested OPA is based on the fact that the proposed self-storage facility, as designed, does not require sanitary sewer service.

The development as proposed is subject to Site Plan Control.

SUBMISSIONS BY APPLICANT:

- Zoning By-law Amendment Application Form
- Official Plan Amendment Application Form
- Notice of Electronic Public Open House by Pilon Abbs Inc.
- Public Information Centre (PIC) Registration Report
- Open House PowerPoint Presentation by Pilon Abbs Inc.
- Concept Plan dated November 2023
- Planning Justification Report, dated December 3, 2024, by Pilon Abbs Inc.
- Building Elevations
- Tree Inventory and Preservation Plan, dated April 18, 2024, by Bezaire and Partners
- Topographic Plan of Survey, dated July 13, 2021

Copy the link below to access the above materials located on the City’s website:

<https://www.citywindsor.ca/residents/planning/land-development/development-applications/current-development-applications/0-north-service-road>

3. SITE INFORMATION

OFFICIAL PLAN	ZONING & ZDM	CURRENT USE(S)	PREVIOUS USE(S)
BUSINESS PARK [Sch. D: OP Vol. 1)	MANUFACTURING DISTRICT 1.4 (MD1.4); ZDM11&15	Vacant	unknown
FRONTAGE	DEPTH	AREA	SHAPE
66.14 m along North Service Rd	41.22m	2726.65 m ² . (0.674 acres)	Rectangular
Note: All measurements are approximate			

4. REZONING MAP



PART OF ZONING DISTRICT MAPS 11 & 15

N.T.S.

REQUESTED ZONING AMENDMENT

Applicant: Dardevco Inc.



SUBJECT LANDS

PLANNING & BUILDING DEPARTMENT



DATE : DECEMBER, 2024
FILE NO. : Z-029/24, ZNG/7233

5. NEIGHBOURHOOD CHARACTERISTICS

NEIGHBOURHOOD MAP



NEIGHBOURHOOD MAP - Z-029/24, ZNG/7233 &
OPA 191, OPA-7261



SUBJECT LANDS

The subject neighbourhood is characterized by a mix of uses comprising industrial, commercial, and low-profile residential developments.

SURROUNDING LAND USE

On the North side of the subject land, there is a plaza (Jefferson Commerce Centre) with variety of business activities at 3215 North Service Road East.

Northeast of the subject land contains an existing manufacturing facility (Force Automation) at 3215 Jefferson Blvd.

On the West side of the subject land, along both sides of Clemenceau Blvd, there are low profile residential developments of the single detached (single unit dwellings) form of housing. Further west is a Rail Yard owned by Canadian National Railway Company.

North Service Rd abuts the East side of the subject land, and employment uses (Mark's Plumbing HVAC and Sequel Tool and Mold) are next east, abutting the east limit of North Service Rd ROW.

An employment use (motorcycle dealer) abuts the South side of the subject land.

MUNICIPAL INFRASTRUCTURE

- The City's records show there is a 1,350 mm diameter RCP storm sewer within the North Service Road E. right-of-way.
- There are hydro poles in the closed alley at the rear, and fire hydrant on west side of North Service Road right-of-way.
- There are concrete curbs and gutters on the both sides of the North Service Rd right-of way all the way to the bend heading towards Clemenceau intersection, but there is no sidewalk.
- The closest existing transit route to the subject property is with the Central 3, which has direct service along North Service Rd E. The closest existing bus stop is located approximately 160 metres from the subject property to this property, along North Service Rd E, at the northwest Corner of Jefferson Blvd intersection.
- North Service Road is classified as Class 1 Collector Road, and Jefferson Blvd is a Class 2 Arterial Road.

Discussion:

PLANNING ANALYSIS:

1. PROVINCIAL PLANNING STATEMENT (PPS) 2024

The Provincial Planning Statement is a policy statement issued under the authority of section 3 of the Planning Act. The Provincial Planning Statement (PPS) 2024 came into effect on October 20, 2024. PPS 2024 applies to all decisions in respect of the exercise of any authority that affects a planning matter made on or after October 20, 2024.

In respect of the exercise of any authority that affects a planning matter, section 3 of the Planning Act requires that decisions affecting planning matters shall be consistent with policy statements issued under the Act, such as PPS 2024.

Comments, submissions or advice that affect a planning matter that are provided by the council of a municipality, a local board, a planning board, a minister or ministry, board, commission or agency of the government shall be consistent with the Provincial Planning Statement.

The applicant's consultant submitted a revised Planning Rationale Report (PRR) dated December 3, 2024, which addresses relevant policies of the Provincial Planning Statement (PPS) 2024. The PRR and other required support studies, reports, and information received for the subject applications can be accessed on the city's website by copying the this link: <https://www.citywindsor.ca/residents/planning/land-development/development-applications/current-development-applications/0-north-service-road>

The applicant's PRR explains salient details of the applications, provides an analysis of the key policy considerations of the PPS as it relates to the proposed development on the subject land, and provides information and supporting reasons why the OPA and ZBA applications should be considered and approved. According to the applicant's planning consultant, the proposed use will provide for the needs of nearby residences and businesses by providing storage opportunities.

The applicant's planning consultant analyzed the PPS policies in section 5.1 of the revised PRR dated December 3, 2024. I have reviewed the planning analysis in the revised PRR and deem the Planning Consultant's analysis to be acceptable.

The PRR confirms that full municipal infrastructure is available within the surrounding area but not along the frontage of the subject land. The PRR also confirms that full municipal services are not required for the proposed self storage use. Therefore, it is understood that the absence of municipal sanitary sewer and water service on the subject land will have no impact on the proposed development.

The applicant's planning consultant concludes as follows: *"This PRR has shown that the proposed development is consistent with the PPS, conforms with the intent and purpose of the OP and ZBL and represents good planning."*

2. OFFICIAL PLAN (OP):

The site is designated "Business Park" in Schedule D - Land Use, City of Windsor Official Plan (OP) Vol. 1. The Business Park land use designation provides for business and industrial uses of a similar quality and character to locate together in highly visible areas according to a comprehensive development plan. Copy the following link to access the Business Park Policies (s.6.4.4) of the OP:

<https://www.citywindsor.ca/documents/residents/planning/plans-and-community-information/windsor-official-plan/Chapter%206%20-%20Land%20Use.pdf>

The proposed self-storage facility is similar to a warehouse, in some ways. The Business Park land use designation lists a warehouse as a permitted ancillary use. Also, a self-storage facility does not cause dust, noise, or vibration, and there is no outside storage required or proposed. Therefore, it makes sense to accept a *self-storage facility* as an appropriate use of the subject land in the Business Park land use designation.

It should also be noted that in 2010, council adopted CR72/2010 to approve a *self-storage facility* as a site-specific additional permitted use on the property municipally known as 3215 Jefferson Blvd, situated northeast of the subject land and designated Business Park in the Land Use Schedule D of OP Vol. 1. See CR 72/2010 below:

*“That an amendment to Zoning By-law 8600 requested by KFJ Holdings Ltd. **BE APPROVED** changing the zoning of Lots 203 and 204, Part of Lots 223 and 216, Part of Block “C”, Part of Homesite Avenue, and Part of the alley (designated as Parts 1,2,3,4 and 5, 12R-18423), Registered Plan 1153 by adding a site-specific provision to permit the following additional uses:*

- *Athletic or sports facility; club; health studio;*
- *A place of entertainment and recreation; a private hall;*
- *Garden Centre;*
- *Micro-brewery;*
- *Self-storage facility”*

Council subsequently passed By-law 51/2010 to permit the above site-specific additional permitted uses on the property known as 3215 Jefferson Blvd.

Locational Criteria, s.6.4.4.3: Business Park development shall be located where:

(a) the business park use can be sufficiently separated and/or buffered from sensitive land uses; [The ZBA meets this requirement. The applicant’s PRR indicates that the proposed development will serve as a buffer between the residential uses to the west and the manufacturing uses to the east. There is a 6.1 m landscape buffer between the proposed development and the abutting residential uses at the rear.]

(b) the site will be accessible and highly visible from Controlled Access Highway or a Class I or Class II Arterial Road; [The ZBA meets this requirement. The subject land fronts on North Service Road and has access to a Class 2 Arterial Road (Jefferson Blvd). Visibility from Jefferson Blvd might be impaired by existing developments on the west side of Jefferson Blvd and east side of North Service Road.]

(c) full municipal physical services can be provided; [Full municipal services can be provided by extension of existing municipal watermain and sanitary sewer to the subject site. The level of available municipal services is sufficient for the proposed development. Therefore, the intent of this requirement is achieved by the recommended OPA & ZBA]

(d) business park related traffic can be directed away from residential areas; [The recommended ZBA meets this requirement]

(e) public transportation service can be provided; [The recommended ZBA meets this requirement. Transit Windsor Bus route, Central 3, provides direct service along North Service Rd E. There is a bus stop 160m away from the subject land]; *and*

(f) there is access to designated truck routes [The recommended ZBA meets this requirement. North Service Road, Jefferson Blvd, and some nearby ROWs are Truck Routes].

The applicant's PRR demonstrates that the proposed development meets the locational criteria (s.6.4.4.3, OP Vol. 1) and the Evaluation Criteria (s.6.4.4.4, OP Vol. 1). The Business Park design guideline in s.6.4.4.5, was also analyzed in the PRR, and further review of s.6.4.4.5 will occur at the time of Site Plan Control review and approval. The PRR also confirms that the Zoning By-law Amendment Evaluation Criteria in s.11.6.3.3 of OP Vol. 1, are satisfied.

The provision of infrastructure such as sewerage and stormwater management works and utilities allows all land uses to serve their intended function, and ensures a safe and healthy environment. In order to accommodate sustainable, efficient and effective infrastructure, Council will ensure that they are provided and maintained in an orderly and coordinated fashion [*Infrastructure Policy (s.7.3) of the OP, Vol. 1.*]

Infrastructure include sewerage, stormwater management and water works, waste management systems, electric power, communications, telecommunications, transit corridors, transportation corridors, and oil and gas pipelines and associated facilities [*per s.7.3.2.1, OP Vol. 1.*]

Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal. [*New Development Policy, s.7.3.2.3, of OP Vol. 1.*]

There is no sanitary sewer along the frontage of the lands abutting North Service Rd ROW from Jefferson to Clemenceau. The closest sanitary sewer trunks are found along Clemenceau Blvd, Jefferson Blvd, and the closed Homesite Avenue. Also, there is no watermain in front of the subject property. The watermain stops in front of 5950 North Service Road East, approximately 100 m from the south limit of the subject land.

Typically, lack of full municipal infrastructure, with no plan or agreement in place to provide the full municipal infrastructure, would be sufficient grounds to recommend against a development proposal. However, due to the nature of what is being proposed, city staff (both engineering and planning) are supporting the applicant's request for a site-specific OPA to allow the proposed development to proceed without full municipal services.

It should be noted that sanitary sewer will not be required for the proposed use. As per the requested Official Plan Amendment for this site, this development of a self-storage facility on the subject site is being supported as a site-specific business park use consisting of a self-storage facility with no sewer requirements and no watermain available to service the site. Any land use necessitating sanitary services and/or water

supply will require new sanitary services and watermain to be installed at the frontage of the property.

The recommended OPA is deemed consistent with PPS 2024, because there is full municipal servicing available within the subject area and this report contains recommendations to ensure that any proposed development on the subject land, besides self storage facility, cannot proceed without the extension of the nearby sanitary sewer and water service.

3. ZONING

The subject land is zoned Manufacturing District 1.4 (MD1.4) by City of Windsor Zoning By-law 8600. A copy of By-law 8600 can be found on the city's website by copying this link:

<https://www.citywindsor.ca/documents/city-hall/by-laws-online/Consolidated%20Zoning%20By-law%208600%202024%20DEC%2019.pdf>

PROPOSED DEVELOPMENT: Self-storage facility. The MD1.4 does not permit a self-storage facility; therefore, the recommended ZBA is necessary to permit the proposed development on the subject land.

Section 3.10 of By-law 8600 defines "SELF-STORAGE FACILITY" as follows:

"SELF-STORAGE FACILITY means a building divided into individual self-contained storage units, which are available to the public exclusively for the storage of their equipment or goods, and may include in combination with the lease or rental of a motor vehicle or trailer for the purpose of moving equipment or goods, the lease, rental, or sale of accessories, equipment, materials, or supplies for the purpose of packing, moving, storage, or towing, faxing, mailbox, packing, and the provision of mailbox, packing, shipping, or shredding services. A transport terminal or warehouse is not a self-storage facility."

REQUESTED SITE-SPECIFIC ZONING PROVISIONS: The applicant's conceptual plan is attached as Appendix A to this report. Several zoning issues have been identified, and the applicant has requested relief from the following sections of By-law 8600:

- a) **SECTIONS 24.26.5 & 24.40.20.3** - Parking and Loading space locations, respectively.
 - *"A parking space, visitor parking space or accessible parking space is prohibited in a required front yard or required landscaped open space yard, except on a lot occupied by a single-unit dwelling, semi-detached dwelling, duplex dwelling or a townhome dwelling unit, a parking space, visitor parking space or accessible parking space is permitted in a required front yard", per section 24.26.5.*
 - *"A loading space or access area thereto is prohibited in a required front yard", per section 24.40.20.3.*

- b) **SECTION 25.5.10.3** – Construction & Maintenance of Parking Area.
 - *"A curb shall bound the perimeter of a parking area and shall separate a landscaped open space yard, landscaped open space island or parking area separation from the parking area."*

It should be note that Zoning By-law 8600 defines a parking area as follows:

PARKING AREA means an area used for parking spaces, bicycle parking spaces and loading spaces and includes all collector aisles and parking aisles. A loading compound, outdoor storage yard, or transport storage area is not a parking area.

It should also be noted that Section 25 – Parking Area Provisions of By-law 8600 states in subsection 25.1.1, *“The provisions in this Section apply to the construction or maintenance of a **parking area containing five or more parking spaces, accessible parking spaces, visitor parking spaces or combination thereof in all zoning districts in this by-law.**”*

Take note that the concept plan for the proposed development shows only 3 parking spaces proposed; therefore, **the provision in s.25.5.10.3 does NOT apply.**

c) *SECTION 5.67 – Required Yard in Manufacturing District.*

- *5.67.1 - “A required yard shall be maintained exclusively as a landscaped open space yard, save and except that an access area may cross a required yard.”* In addition to the requested relief from s.5.67.1, it is also important to address the provision in s.5.67.3.
- *5.67.3 – “Within a required yard, a refuse container, a loading space, an outdoor storage yard, or the display, loading, parking, repairing, servicing, storing, or unloading of a commodity, equipment, material, motor vehicle, transport truck, or transport trailer is prohibited.”*

The proposed development is situated on a parcel that backs unto residential development. Section 6.4.4.5 - Design Guidelines, of the OP requires *“the provision of appropriate landscaping or other buffers to enhance: (i) all parking lots, and outdoor loading and service areas; (ii) the separation between the use and adjacent sensitive uses, where appropriate...”*

The MD1.4 requires a minimum Front Yard Depth of 9.0 m (applicant proposes 10.6m), and a minimum Rear Yard Depth of 6.0 m from a rear lot line that abuts a lot on which a dwelling or dwelling unit is located (applicant proposes 6.1m).

The proposed 6.1m rear yard depth is shown as a landscaped open space yard, but the proposed 10.6m front yard depth contains 1 loading space and 3 parking spaces. Therefore, the concept plan does not comply with section 5.67.1 and 5.67.3 of By-law 8600.

An analysis of adjacent lands (north, south, and east) zoned MD1.4 shows that, with respect to s.5.67, existing MD1.4 lands adjacent to the subject land exhibit the same non-compliance identified on the proposed development’s concept plan.

Planning staff support the applicant’s request for relief from s.5.67.1 and s.5.67.3.

d) *SECTION 5.2.10 – Prohibitions.*

- *“The erection of a building or structure on a lot is prohibited except where all of the following are available: a street paved to the satisfaction of the City Engineer; municipal storm water outlet; municipal sanitary sewer; municipal electrical service; and municipal water service.*
- *Notwithstanding the foregoing, a building permit may be issued for a building or structure provided that the lot upon which the building or structure is*

proposed to be located is within a registered plan of subdivision in which the street has not been assumed by the City of Windsor but in which the street is to be assumed under the terms of a registered subdivision agreement or a servicing agreement”.

As noted in this report, the closest sanitary sewer trunks are found along Clemenceau Blvd, Jefferson Blvd, and the closed Homesite Avenue. Also, the closest watermain is in front of 5950 North Service Road East, approximately 100 m from the south limit of the subject land. The sanitary sewer and watermain need to be extended to the front of the subject land.

The applicant’s request for relief from s.5.2.10 of the by-law is supported by municipal staff because of the nature of what is being proposed. The *self-storage facility*, as proposed, does not require sanitary sewer and water service. Secondly, the rest of the permitted uses on the subject land cannot move forward without the extension of the sanitary sewer and water service to the subject land.

PARKING: Zoning By-law 8600 requires a minimum of 2 (two) motor vehicle parking spaces for a *self-storage facility*. Three (3) parking spaces (total) are proposed (includes one barrier free space.)

Based on the analysis provided in this report, the recommended Zoning By-law Amendment is consistent with PPS 2024, and would maintain conformity with the Official Plan when OPA 191 comes into effect.

4. HOLDING PROVISION

A holding provision is recommended for this zoning by-law amendment to ensure that

- a. construction permit is not issued for any permitted use(s) in the existing MD1.4 zoning district (save and except the use of the subject land for a *self-storage facility* that does not require sanitary sewer and water service) until such time when municipal sanitary sewer and watermain are extended to the subject land;
- b. future developments on the subject land will have full municipal services.
- c. a decision to approve the amendments is consistent with PPS 2024.

The H symbol may be removed when the applicable holding conditions in Section 95.10 of By-law 8600 have been satisfied.

5. SITE PLAN

The development proposal is subject to Site Plan Control pursuant to the Planning Act and City of Windsor By-law 1-2004. Therefore, Site Plan Approval and Site Plan Agreement are required for the proposed development.

The items, issues, and comments, which are detailed in Appendix D attached to this report, are best addressed at the time of Site Plan Control Review/Approval and may be incorporated, as deemed necessary, within the Site Plan Control Agreement for the proposed development on the subject land.

At the time Site-Plan control, special consideration should be given to the following:

- stormwater detention scheme will be required to demonstrate a pre-development stormwater release rate post development.
- Stage 1 archaeological assessment and any further recommended 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, prior to any additional land disturbances. (See attached Appendix C for more details).
- The owner/developer is requested to provide a detailed tree inventory for all live trees over 10cm DBH on the lot, both city and privately owned. (See attached Appendix C for more details).
- The owner/developer is requested to provide a tree inventory and a detailed landscape plan identifying all existing and proposed trees and planting areas.
- It is crucial to incorporate trees and shrubs along the west property line to provide a screening buffer for the adjacent residential properties.

The Site Plan Control Agreement shall incorporate the following:

SIDEWALKS – The Owner shall pay, prior to the issuance of a Building Permit, the sum of \$7,606.00 as contribution towards the future construction of a concrete sidewalk on the North Service Road East frontage of the subject land.

STREET LIGHTING - The Owner shall pay, prior to the issuance of a Building Permit, a sum to be determined by traffic operations towards the future construction and installation of streetlighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should the decorative poles be requested, the owner shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.

Risk Analysis: N/A. See Climate Change Risks analysis below

Climate Change Risks

Climate Change Mitigation: As part of the SPC process, a stormwater detention scheme will be required to demonstrate a pre-development stormwater release rate post development. As part of the SPC Agreement, the applicant will be required to submit a stormwater management plan restricting stormwater runoff to pre-development levels. Implementation of approved servicing plan, and storm water management plan for the proposed development would help mitigate adverse impacts on climate change.

Climate Change Adaptation: Stormwater management also helps to support climate change adaptation.

Financial Matters: N/A

Consultations:

1. Planning Consultations

The application went through the Planning Consultation process, which resulted in the applicant's submission of the required supporting studies/reports and information noted in the *Application Information* section of this planning report.

2. PUBLIC OPEN HOUSE [Developer-led Public Information Centre (PIC)]

DATE: April 23, 2024; VENUE: Virtual; TIME: 6:00 pm to 7:00 pm

NEIGHBOURHOOD PARTICIPATION: Attended by 2 members of the public (neighbours). It is noted that 44 invitations were mailed to the landowners and tenants within a 120 m radius of the subject land.

Summary of comments/concerns/input from the area residents and the response from the applicant’s planning consultant can be found in **Appendix B** attached to this report.

3. DEPARTMENT AND AGENCIES

Attached as **Appendix C**, to this report, are comments from the municipal departments and external agencies. There are no objections. Note that this planning report takes into consideration the comments found in Appendices B and C hereto attached, and the planning analysis contained in the December 3, 2024, PRR submitted by the applicant.

Conclusion:

The applicant’s Planning Rationale Report (PRR) dated December 3, 2024, explains salient details of the applications and provides information and supporting reasons why the OPA and ZBA applications should be considered and approved.

The OPA and ZBA applications have been evaluated considering the PPS 2024, the OP policies, By-law 8600, the PRR, and comments found in Appendices B & C attached.

In my professional opinion, the recommended OPA and ZBA are consistent with the policies of the Provincial Planning Statement 2024. The ZBA will maintain conformity with the City of Windsor Official Plan when OPA 191 comes into effect.

Approval is recommended with a holding provision on the subject land, as stipulated in Recommendation III of this report.

Planning Act Matters:

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

Greg Atkinson, MCIP, RPP
Manager of Development/Deputy City Planner

Neil Robertson, MCIP, RPP
City Planner

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

JP

JM

Approvals:

Name	Title
Greg Atkinson	Manager of Development/Deputy City Planner
Neil Robertson	City Planner / Executive Director, Planning & Development
Aaron Farough	Senior Legal Counsel, Legal Services & Real Estate

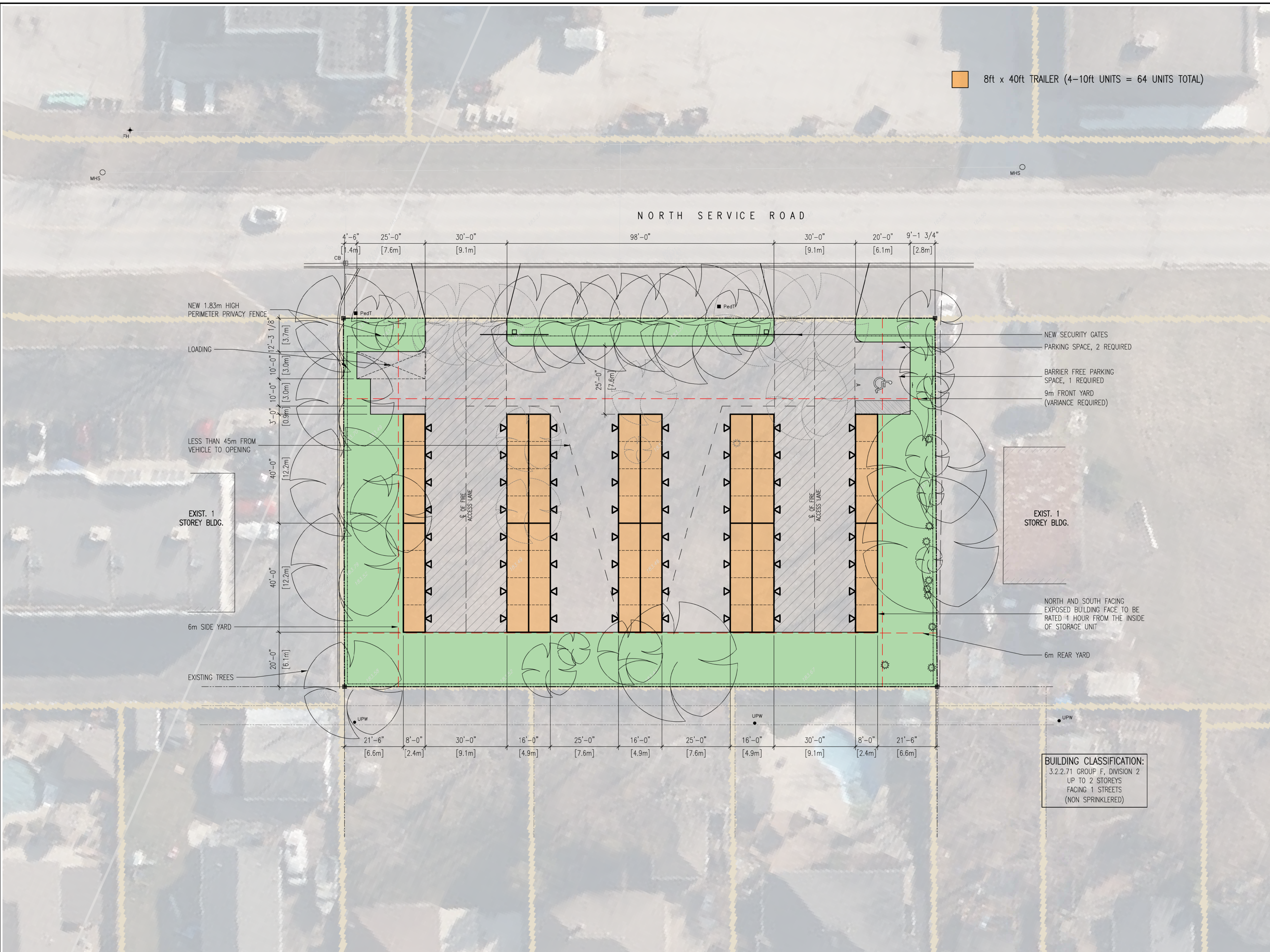
Name	Title
Jelena Payne	Commissioner, Economic Development
Joe Mancina	Chief Administration Officer

Notifications:

Name	Address	Email
Abutting property owners, tenants/ occupants within 200 meters (665feet) radius of the subject land		
Applicant / Registered Owner: Dardevco Inc., c/o Michael Primeau		
Agent: Pillon Abbs Inc., c/o Tracey Pillon-Abbs		
Councillor Gary Kaschak		

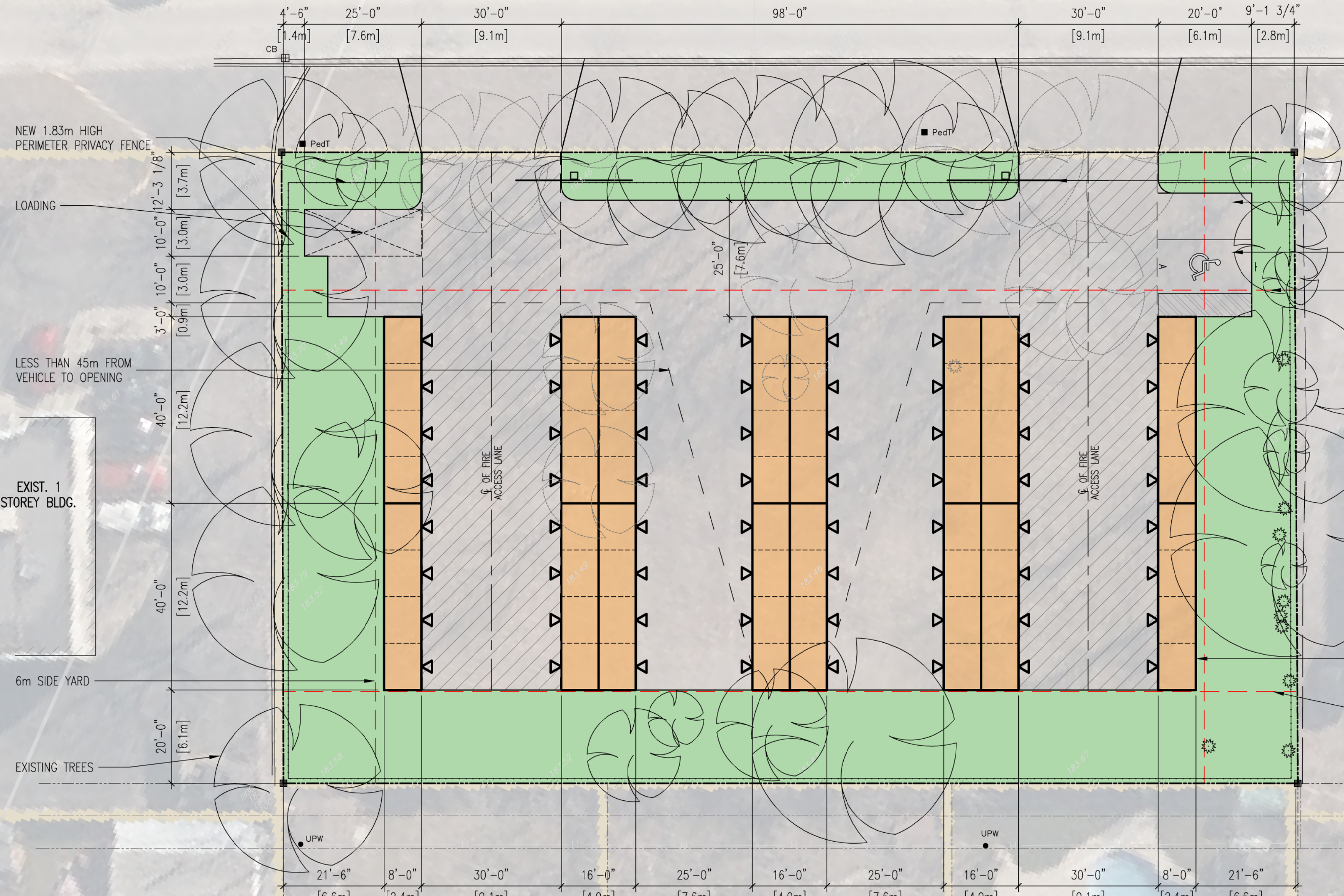
Appendices:

- 1 Appendix A - Concept Plan
- 2 Appendix B - Summary of Comments and Responses from the Public Open House
- 3 Appendix C - Results of Consultation with municipal departments & external agencies



8ft x 40ft TRAILER (4-10ft UNITS = 64 UNITS TOTAL)

NORTH SERVICE ROAD



NEW SECURITY GATES
PARKING SPACE, 2 REQUIRED
BARRIER FREE PARKING SPACE, 1 REQUIRED
9m FRONT YARD (VARIANCE REQUIRED)

NEW 1.83m HIGH PERIMETER PRIVACY FENCE
LOADING
LESS THAN 45m FROM VEHICLE TO OPENING
EXIST. 1 STOREY BLDG.
6m SIDE YARD
EXISTING TREES

EXIST. 1 STOREY BLDG.

NORTH AND SOUTH FACING EXPOSED BUILDING FACE TO BE RATED 1 HOUR FROM THE INSIDE OF STORAGE UNIT

6m REAR YARD

BUILDING CLASSIFICATION:
3.2.2.71 GROUP F, DIVISION 2
UP TO 2 STOREYS
FACING 1 STREETS
(NON SPRINKLERED)

2024/01/12 OWNER REVIEW

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

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

stamp:

A architectural
D design
A associates inc. architect

1670 mercer street
windsor ontario canada n8x 3p7
ph 519.254.3430 fax 519.254.3642
email - info@ada-architect.ca www.ada-architect.ca

project:
PROPOSED SELF-STORAGE DEVELOPMENT
NORTH SERVICE ROAD
WINDSOR, ON

client:
TELESONIC CANADA INC.

title:
SITE PLAN

scale:
AS SHOWN

drawn by:
JT

checked by:
JBK


date:
NOVEMBER, 2023

comm. no.:
2024-009

sheet no.:

SITE PLAN
SCALE : 1/16" = 1'-0"
0 4 8 16 24 48 FEET

A1.0

SITE DATA – SITE ZONING COMMERCIAL DISTRICT MD1.4 (BYLAW 8600)		
	REQUIRED	PROPOSED
a. LOT AREA		2,729.9 m ²
b. LOT FRONTAGE	MIN. 30.0 m	53.0 m
c. BUILDING AREA		475.6 m ²
d. BUILDING LOT COVERAGE		17.4 %
e. BUILDING HEIGHT	MAX. 20.0 m	3.0 m
f. BUILDING SETBACKS		
FRONT – EAST	MIN. 9.0 m	10.7 m
REAR – WEST	MIN. 6.0 m	6.1 m
SIDE INTERIOR – NORTH	MIN. 6.0 m	6.6 m
SIDE EXTERIOR – SOUTH	MIN. 6.0 m	6.6 m
g. NO. OF PARKING SPACES		
SELF-STORAGE FACILITY	2 SPACES	3 SPACES
h. NO. OF ACCESSIBLE PARKING SPACES		
1 TO 25 PARKING SPACES	1 SPACE	1 SPACE
i. NO. LOADING SPACES	1 SPACE	1 SPACE
k. PAVED AREA		1,338.9 m ²
COVERAGE		49.0 %
l. LANDSCAPED AREA		915.1 m ²
COVERAGE	MIN. 15.0 %	33.5 %
m. LINEAR CONCRETE CURB		180.3 m
<p><u>LEGEND</u></p>  <p>SOFT SURFACE LANDSCAPED AREA</p>		

APPENDIX B - Summary of the comments and responses from the public Open House

3.2 Public Consultation Strategy

In addition to the statutory public meeting, the *Planning Act* requires that the Applicant submit a proposed strategy for public consultation with respect to an application as part of the complete application requirements.

As part of a public consultation strategy, in addition to the statutory public meeting, an informal electronic public open house was held with area residents (120 m radius) and property owners on Tuesday, April 23, 2024, from 6:00 pm to 7:00 pm.

A total of 44 notices were mailed out.

The open house provided members of the public with opportunities to review and comment on the proposed development.

In addition to City of Windsor staff and the applicant representatives, a total of 2 people attended.

The following is a summary of the comments and responses from the public open houses:

Topic Item	Comments and Questions	Response
Timelines	When will construction start?	At a minimum 6-8 months.
Next Steps	What are the next steps?	Once the application is considered, the development is subject to SPC and then a building permit.
Hours	What are the hours of operation?	Hours are yet to be determined; however, daylight hours are preferred. There may be some special requests from time to time.
	Does the City regulate the hours?	Zoning cannot regulate the hours of operation.
Security	How will the security work?	Access cards will be provided. Surveillance cameras will be on-site.
Grass	Is there grass space?	Yes, as shown (in green) on the concept plan.
Paving	Is there paved space?	Yes, as shown (in grey) on the concept plan.
Lighting	How will the lighting be controlled?	As part of SPC approval, a lighting plan most likely will be required.
Fencing	Is fencing proposed	Existing privacy fencing will remain. New chain link is proposed.
Water	Is water being connected?	No, water will not be connected to the site.
Fire Suppression	If there is a fire, how will it be fought if there is no water?	The fire department will have access to nearby fire hydrants.

APPENDIX B - Summary of the comments and responses from the public Open House

Storage of Items	What types of items are allowed to be stored?	Individual units are kept personal and private. There are no controls over what can be stored.
Hazardous Material	What if someone has hazardous material stored in the units?	This would be dealt with similarly to when someone has items in their

APPENDIX C – CONSULTATION

CANADA POST – BRUNO DESANDO

Canada Post has no comments for application Z 029-24 [ZNG-7233] & OPA 191 [OPA-7261].

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 Central 3 route has a peak weekday frequency of 30 minutes. The closest existing bus stop to this property is located on North Service at Jefferson Northwest Corner. This bus stop is approximately 160 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.

DEVELOPMENT ENGINEERING – JUAN PARAMO

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

Sewers The site may be serviced by a 1350mm storm sewer located within the North Service Road E 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.

No sanitary sewers are available to service the site, however the City notes that sanitary servicing will not be required for the proposed use. As per the Official Plan Amendment on this site, this development is permitted to be a site-specific business park consisting of a self-storage facility with no sewer requirements. Any land use necessitating sanitary services will require new sanitary services to be installed at the frontage of the property.

At the time Site-Plan control, a stormwater detention scheme will be required to demonstrate a pre-development stormwater release rate post development.

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

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

For more information of SWM requirements, visit: link

<https://essexregionconservation.ca/wp-content/uploads/2018/12/WE-Region-SWM-Standards-Manual.pdf>.

<https://www.citywindsor.ca/business/buildersanddevelopers/Documents/Checklist-Rational-Method.pdf>

Right-of-Way

North Service Road East is classified as a Class 1 Collector Road according to the Official Plan requiring a right-of-way width of 28.0m; the current right-of-way is 20.1m,

however no conveyance is being requested at this time.

Please note that prior to issuance of a building permit, the City of Windsor requires contributions for the construction of future sidewalks and streetlighting infrastructure along the subject site frontage along North Service Road E.

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

Sidewalks -The owner(s) agrees, to:

- Pay to the Corporation, prior to the issuance of a Building Permit, the sum of \$7,606.00 being the Owner's contribution towards the future construction of a concrete sidewalk on the North Service Road East frontage of the subject lands.

Street Lighting – The owner agrees to:

- Pay to the Corporation, prior to the issuance of a Building Permit, a sum to be determined by traffic operations towards the future construction and installation of streetlighting including all poles, wiring, fixtures, and conduits with design, location and specifications satisfactory to the City Engineer and EnWin Utilities Ltd. Should the decorative poles be requested, the owner shall provide extra poles and/or funds in accordance with Council Resolution 743/2000.

If you have any further questions or concerns, please contact Daniel Lopez, of this department at dlopez@citywindsor.ca

ZONING COORDINATOR – STEFAN PAVLICA

FYI – below is the updated zoning review for this rezoning application. Section 25 is not applicable for this development proposal.

Below is the zoning review summary for the *above-mentioned property*; circulated on December 18, 2024:

- **Current Zoning Designation:** Manufacturing District 1.4 (MD1.4)
- **Proposed Zoning Designation:** Manufacturing District 1.4 (MD1.4) with site-specific condition to permit a *Self-Storage Facility* use, with units in *shipping container*, as an additional permitted use

- **Existing Use [as per historical Building Permit(s) / Planning Act Applications(s)]:**
 - o Vacant lot

- **Proposed Use:**
 - o *Self-Storage Facility w/ shipping container* units
 - **Not Permitted**

- **Section 5 – General Provisions:**
 - o Prohibitions [5.2.10]:
 - The erection of a *building* or *structure* on a *lot* is prohibited except where all of the following are available: a *street* paved to the satisfaction of the City Engineer; municipal storm water outlet; **municipal sanitary sewer**; municipal electrical service; and municipal water service.
 - o Exceptions to Maximum Building Height Provisions [5.35]:
 - **Please provide elevation drawings or schematics of the proposed shipping containers**

- Required Yard in Manufacturing District [5.67.1]:
 - In any MD1. Or MD2. zoning district, a required yard shall be maintained exclusively as a landscaped open space yard, save and except that an access area may cross a required yard.
 - The proposed minor variance (i.e. annotated on the applicant's site plan) for the relief of the 5.67.1 provision is too great to be considered through a minor variance. The applicant is proposed relief of approximately 65% change from the provision.

- **Section 18.4.5 – Manufacturing District 1.4 (MD1.4) Provisions:**
 - Minimum Lot Width [18.4.5.1]:
 - 30.0m (Required)
 - 66.1m (Provided)
 - Maximum Building Height [18.4.5.4]:
 - 20.0m (Required)
 - Unknown; please provide elevation drawings or schematics of the proposed shipping containers
 - Minimum Front Yard Depth [18.4.5.5]:
 - 9.0m (Required)
 - 10.7m (Provided)
 - Minimum Rear Yard Depth [18.4.5.6]:
 - From a rear lot line that abuts a lot on which a dwelling or dwelling unit is located:
 - 6.0m (Required)
 - 6.1m (Provided)
 - Minimum Side Yard Depth [18.4.5.7]:
 - From a side lot line that abuts a lot on which a dwelling or dwelling unit is located or from a side lot line that abuts a street:
 - 6.0m (Required)
 - Not applicable (Provided)
 - Minimum Landscaped Open Space Yard [18.4.5.8]:
 - 15.0% of lot area (Required)
 - 33.5% (Provided)
 - Maximum Gross Floor Area – Retail Store [18.4.5.10]:
 - 20.0% of the GFA of the main use (Required)
 - Not applicable (Provided)
 - 18.4.5.50 – All activities or uses shall take place entirely within a fully enclosed building. This provision does not apply to the following activity or use: child care centre, gas bar, loading space, outdoor eating area, parking area, parking space, sports facility, or refueling area.

- **Section 20 – Site Specific Zoning Exemptions:**
 - NOT APPLICABLE

- **Section 24 – Parking, Loading, and Stacking Provisions:**
 - Location of Parking, Visitor Parking or Accessible Parking Spaces [24.26.5]:
 - A parking space, visitor parking space or accessible parking space is prohibited in a required front yard or a required landscaped open space yard, except on a lot occupied by a single-unit dwelling, semi-detached dwelling, duplex dwelling or a townhome dwelling unit, a parking space, visitor parking space or accessible parking space is permitted in a required front yard.

- Location of Loading Space [24.40.20.3]:
 - *A loading space thereto is prohibited:*
 - a) *in a required front yard*
- **Section 25 – Parking Area Regulations:**
 - Not Applicable

ENVIRONMENTAL SUSTAINABILITY – NOLAN LACHANCE

Given that the applicant is requesting approval of no provision for full municipal infrastructure (sanitary sewer), we would like to suggest that design considerations be considered for surface water management to ensure minimal overland flooding in the area, given its proximity to residential homes. Natural management solutions such as rain gardens and rain barrels are recommended.

TRANSPORTATION PLANNING – ELARA MEHRILOU

- North Service Road is classified as a Class 1 Collector according to the Official Plan with a required right-of-way width of 26.2 meters per schedule X. However, the current right of way is not sufficient, and land conveyance is required; no land conveyance is requested at this time.

- A sidewalk contribution per Engineering Right-of-Way requirements is required along the property fronting North Service Road.

- All parking must comply with ZBL 8600.

- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.

- Transportation has concern about queuing and blocking the future sidewalk due to the location of the security gates. The security gates must be relocated to accommodate minimum of one car within the property.

- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

ENBRIDGE – SANDRO AVERSA

After reviewing the provided information, and consulting our mapping system, please note that Enbridge Gas has active infrastructure within the proposed area. A PDF drawing 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 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 any job, any pipe is found that is not on the locate sheet and conflicts with your work, please call our emergency number (1-877-969-0999), and one of our Enbridge 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.



SITE PLAN CONTROL

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>.

FORESTRY – YEMI ADEYEYE

There are 14 City owned trees on the Right-of-Way along the North Service road in front of this proposed development area.

The developer has already provided a tree survey and a Tree Root Protection Plan. In the survey it shows 10 trees with a total of 333 DBH will be removed to accommodate this project. The City will be seeking The Tree Canopy Recovery Cost.

The owner/developer is requested to provide a detailed tree inventory for all live trees over 10cm DBH on the lot, both city and privately owned. The inventory should identify ownership and provide sub-meter accuracy GPS location, species, diameter (DBH) and condition for each tree. For trees in proximity to a roadway, less than 10m, GPS location should be taken on the nearest road-side of the tree. Indication should be made for each tree if it is to be preserved &

protected or removed during development. A qualified, Arborist, Urban Forester or Landscape Architect should conduct the tree survey.

Forestry will require detailed site plans prior to construction that shows adequate Tree Root protection zones for each individual tree if they are to be preserved on-site through the development process. Details regarding the protection area required and type of fencing for Tree Root protection zones can be provided by Forestry.

If the trees are NOT to be preserved through the development process, and a request is made that specific trees be removed, the Removal & Canopy Replacement cost will be calculated based on a Diameter-for-Diameter replacement ratio for both City owned and Private trees. Forestry requests the opportunity to review landscaping plans in order to provide comment and suggestion that would maximize future on-site Tree Canopy and Tree Canopy Resilience. Please let us know if you have any further questions regarding Tree Protection and Replacement issues. Forestry will continue to monitor the progress of this construction work.

NATURAL AREAS – KAREN ALEXANDER

The parcel appears mowed with numerous trees.

Natural Areas comments:

- No harming active bird nests (Migratory Birds Act)
- Recommend using Best Management Practices to remove the Black Locust identified for removal, and consider removing the one planned to keep anyway & replace with a native tree. TechnicalBMP_BlackLocust.pdf (invasivespeciescentre.ca). Although it is not restricted or prohibited in the Invasive Species Act, it is an aggressive invasive species that can harm city natural areas and be costly to control.

LANDSCAPE & URBAN DESIGN

Pursuant to the application for a zoning amendment Z 029-24 [ZNG-7233] & OPA 191 [OPA-7261] - Dardevco Inc. | 0 North Service Rd.

There is no comments on Zoning and OPA from landscape and urban design lens.

On this subject, please consider the following comments to include in the SPC application stage:

A tree inventory and a detailed landscape plan, identifying all existing and proposed trees and planting areas. It is essential to include trees and shrubs along the west property line to create a screening buffer for the adjacent residential properties.

ENWIN

HYDRO ENGINEERING: Anwar Nagar

No Objection to the proposed self storage facility, provided adequate clearances are achieved and maintained. Enwin has an existing overhead pole line with 16 kV primary high voltage on the northwest corner of the property and a 120/240-volt secondary hydro distribution pole line on the west limit of the property.

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. There is no watermain in front of the property. The watermain stops in front of 5950 North Service Road East.



Committee Matters: SCM 23/2025

**Subject: Minutes of the International Relations Committee of its meeting held
December 11, 2024**

INTERNATIONAL RELATIONS COMMITTEE
Meeting held Wednesday, December 11, 2024

A hybrid meeting of the International Relations Committee is held this day commencing at 3:30 o'clock p.m. in Room 522a, 350 City Hall Square West, there being present the following members:

Councillor Angelo Marignani, Chair
Councillor Renaldo Agostini
Councillor Ed Sleiman
Lubna Barakat
Jerry Barycki
Saiful Bhuiyan
Ronnie Haidar
William Ma

Regrets received from:

Councillor Fred Francis
L.T. Zhao

Also present are the following resource personnel

Sandra Gebauer, Council Assistant
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 3:32 o'clock p.m. and the Committee considers the Agenda being Schedule A, attached hereto, matters which are dealt with as follows:

2. Declaration of Conflict

None disclosed.

3. Business Items

3.1 Update regarding Arlington, Texas and the request for a Twin City Agreement

The Chair advises that a virtual meeting was held on November 22, 2024, with Sheri Capehart, Program Director, Arlington Sister Cities, City of Arlington, himself, and Sandra Gebauer to discuss a potential partnership with Arlington, Texas.

The remarks as provided by Councillor Angelo Marignani, Chair are as follows:

- Windsor frequently receives partnership requests
- The IRC is interested in pursuing a relationship with Arlington.
- The **Friendship City Policy** was developed to allow for municipal driven partnerships and to manage precedents.
- The 5-year review period falls in line with the Draft Memorandum of Understanding (MOU) provided by Arlington.

Sheri Capehart, Arlington, Texas brought forward the following comments including options for a Windsor-Arlington relationship:

- Arlington is eager for a Sister city partnership in Canada and the City of Windsor as a border city was their first choice.
- A partnership should be a full twin/sister city partnership as per Sister Cities International (SSI).
- Sister City benefits include direct affiliation with SSI's global directory but no fee requirement for Windsor.
- **Sister City Partnership:**
 - Formal and long-term (typically 5+ years).
 - Requires alignment with SSI membership and program.
- **Alternative- Letter of Interest:**
 - Start with a mutual Letter of Interest to establish initial steps.
 - Delegation visits to Arlington/Windsor could:
 - Demonstrate commitment and build rapport.
 - Identify potential community or economic connections.
 - A shorter-term agreement (e.g., 1-2 years) could be proposed as a pilot
- **Exploration without formal Label:**
 - Initiate actions informally:
 - Exchange city staff for short periods to foster operational understanding.
 - Collaborate on mutual interests (tourism, economic development, cultural ties).

The Chair reports that the process will begin with a Letter of Interest from both parties which will demonstrate the City of Windsor's commitment to Arlington. He adds that the Letter of Interest will seek to identify potential community or economic connections that are outside of the municipal spectrum. Once the Letter of Interest has been received by both, delegation visits to Windsor and Arlington will be arranged. Sandra Gebauer advises that the possible next steps would be draft a Letter of Interest, outline the shared goals, and to position the letter as a flexible, exploratory agreement on a trial basis. Ultimately, Arlington, Texas is interested in being a Sister City.

Councillor Ed Sleiman questions if there is any financial commitment to this process. Sandra Gebauer responds that any financial costs would be derived from the visit by the Arlington delegation which would include accommodations, and meals. She adds that the cost of flights would be paid for outgoing delegations.

Councillor Ed Sleiman expresses concern that there may be an influx of cities that wish to be sister cities with the City of Windsor. Sandra Gebauer responds that many requests are received, and notes that the requests are vetted through the IRC.

Ronnie Haidar asks if Arlington is expecting a decision within the next few months. The Chair responds that Arlington expects this relationship to happen within the next year. Ronnie Haidar advises that this is a learning process for the IRC in terms of how we engage with new sister cities by beginning with the friendship city relationship.

Saiful Bhuiyan supports moving forward with this initiative with Arlington, Texas.

Jerry Barycki refers to the opening of the Gordie Howe Bridge and the Chair advises that the City of Windsor has the number one gross domestic product exchange border link in North America.

Sandra Gebauer adds that Sherri Capehart suggested a city staff exchange, i.e. if we are interested in sending city staff (economic development) to Arlington for a short period of time to foster operational understanding.

Moved by Councillor Renaldo Agostino, seconded by Councillor Ed Sleiman,
That City of Windsor Administration **BE REQUESTED** to prepare a Letter of Interest to be sent to Arlington, Texas to begin the process of exploring a Friendship City/Sister City relationship.
Carried.

4. Communications

E-mail to L.T. Zhao from Changchun, China – Inquiry about opportunities with the Windsor Chamber of Commerce

Sandra Gebauer advises in 2022, the IRC was approached by the former Chair of the Chamber of Commerce who asked if an introduction could be arranged between our Chamber of Commerce and our Twin Cities. A letter was drafted and sent to the Twin Cities to determine if there was interest in collaborating and becoming “pseudo” members. She adds that Mannheim, Germany responded to the Chamber of Commerce. She suggests reaching out to the Acting Chair of the Windsor Chamber of Commerce to establish if there is an interest in this initiative.

Moved by Councillor Renaldo Agostino, seconded by Saiful Bhuiyan,

That the initiative in 2022 of the Chamber of Commerce to reach out to the Twin Cities of the City of Windsor to determine if there is interest in collaborating with the Chamber of Commerce **BE RESENT** to the Acting Chair of the WindsorEssex Chamber of Commerce for a response.

Carried.

5. New Business

Jerry Barycki announces that Polish Heritage Month will be held in May 2025.

6. Date of Next Meeting

The next meeting will be held in January 2025 on a date to be determined.

7. Adjourned

There being no further business, the meeting is adjourned at 4:10 o'clock p.m.



Committee Matters: SCM 24/2025

**Subject: Minutes of the Property Standards Committee of its meeting held
November 7, 2024**

PROPERTY STANDARDS COMMITTEE

Meeting held November 7, 2024

A meeting of the Property Standards Committee is held this day commencing at 10:00 o'clock a.m. in Room 140, 350 City Hall Square West, there being present the following members:

Councillor Ed Sleiman, Chair
Councillor Fabio Costante
Councillor Mark McKenzie
Michael George
Dan Lunardi

Appellant in attendance:

Dr. Nasser Zaki, St. Paul Management Limited regarding ***Item 4.1***

Also in attendance are the following resource personnel:

Rob Vani, Deputy Chief Building Official – Inspections
Aaron Farough, Senior Legal Counsel
Karen Kadour, Committee Coordinator

1. Call to Order

The Chair calls the meeting to order at 10:00 o'clock a.m. and the Property Standards Committee considers the Agenda being Schedule A, attached hereto, matters which are dealt with as follows:

2. Disclosure of Interest

Councillor Ed Sleiman discloses an interest on this matter as Dr. Zaki is his personal physician.

3. Request for Deferral, Referral or Withdrawal

None.

4. Appeals

Rob Vani provides an overview of the Presentation entitled “747 Ouellette Avenue – OTR 24-027801, **attached** as Appendix “A’. He indicates that the last established use of the property was a restaurant and a bar. The records indicate that the property has been vacant since 2009 with the building boarded up in 2015. In 2020, St. Paul Management took possession of the property. As of 2024, the building is still boarded up with fencing at the front of the property. The defects to the property are reviewed. He asks that the Order be confirmed.

Dr. Nasser Zaki, St. Paul Management Limited provides the following comments relating to 747 Ouellette Avenue:

- It is the responsibility of the city to take care of Canadian citizens.
- The owner cannot control damage that is being done to the building.
- As there were two fires, they are in the process of suing the insurance company.
- The reason they cannot touch the building is that this is the crime scene”
- The insurance company visited the building a few months ago and advised that the owner cannot touch the building.
- They had a structural engineer visit the building and an application was submitted for demolition of the building, however, they cannot do any work at this time.
- Once approval has been provided by the lawyer that this is done, they will proceed with the demolition.

In response to a question asked by Michael George regarding the two fires, Dr. Zaki advises that the fires occurred in March and April 2022.

Councillor Fabio Costante asks if this building has heritage significance. Rob Vani states it does not, but there are some controls as it is in a BIA area. In response to a question asked by Councillor Fabio Costante regarding if a request for demolition was made, Rob Vani responds that a permit was approved for a partial demolition but was subsequently revoked as the owners did not move forward with the demolition.

Councillor Fabio Costante asks if the appellant has applied for a demolition permit. Dr. Zaki responds that he applied for a permit three days ago.

Councillor Fabio Costante inquires if there is an existing Order that is upheld on the building and Dr. Zaki moves to demolish the building sometime thereafter, what happens to those Orders. Rob Vani responds they would have to fulfill the requirements to demolish the building and restore the site to the requirements of the by-law and once, that is done, all the Orders go away.

Dan Lunardi asks the appellant if he is prevented from fixing the roof or removing the debris. Dr. Zaki responds that his lawyer advised him to not touch the building and to wait for the insurance company to do the inspection.

Moved by Councillor Fabio Costante, seconded by Michael George,
That the Administrative report and recommendation regarding 747 Ouellete Avenue
BE UPHELD in order that the defects **BE RECTIFIED**.
Carried.

Councillor Ed Sleiman abstains from voting on the matter.

Councillor Fabio Costante advises that the Committee is somewhat of a quasi-tribunal and must deal with whether the appellant has breached the Property Standards By-law. There are several breaches on the building as it exists today, and this body cannot make a decision on a future plan. He adds if the appellant proceeds with the demolition, at the conclusion of that process, all these Orders will go away.

5. Adjournment

There being no further business, the meeting is adjourned at 10:30 o'clock a.m.



747 OUELLETTE AVE – OTR 24-027801

Building By-law Officer: Nicole Brush

Date of Inspection: June 13, 2024

Date OTR Issued: June 17, 2024

Date of Appeal: October 24, 2024

Date of Re-Scheduled Appeal: November 7, 2024

- Zoning CD3.1
- Latest established use - RESTAURANT
- VACANT since before 2009
(google images in next slides)
- 2015 - Front door boarded
- 2017 - Front door and window boarded
- 2018 - Canopy removed and front façade fully boarded
- **2020, March – new owner - St. Paul Management**
- 2020, October – SPC started for proposed medical office use, but file not active;
- 2022, April – structure fire.
- 2023, February - Permit **issued** for partial demo of west portion of building
- 2024, June – Permit **revoked** for inactivity.
- 2024 – currently vacant, boarded & front façade fenced
- (18) Building Condition complaints since 2010

16.1 COMMERCIAL DISTRICT 3.1 (CD3.1)

16.1.1 PERMITTED USES

Business Office

Child Care Centre

Commercial School

Food Outlet – Take-Out

Hotel

Medical Office

Micro-Brewery

Personal Service Shop

Place of Entertainment and Recreation

Place Of Worship

Professional Studio

Repair Shop – Light

Restaurant

Retail Store

Dwelling Units in a Combined Use Building with any one or more of the above uses

Ambulance Service

Marina

Parking Garage

Public Hall

Public Parking Area

Any use accessory to any of the preceding uses. An *Outdoor Storage Yard* is prohibited, save and except, in combination with the following main uses:

Ambulance Service, Marina.



2023



June 2024





EAST (FRONT) SIDE OF BUILDING
FACING OUELLETTE AVE



EAST (FRONT) SIDE OF BUILDING (CLOSE UP)
FACING OUELLETTE AVE



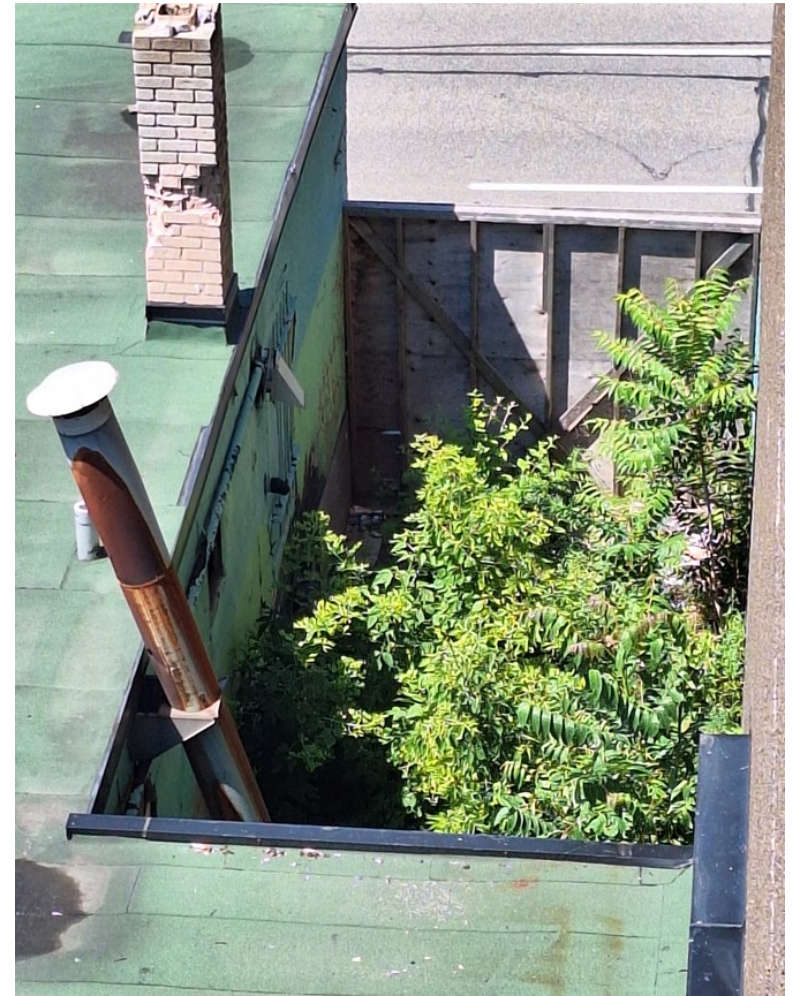
SOUTH SIDE OF BUILDING



WEST (BACK) SIDE OF BUILDING
FACING PELISSIER ST



VIEW OF ROOF – TOWARDS FRONT & REAR



HOLE IN ROOF; DETERIORATING CHIMNEY;
OVERGROWN SCRUB TREES

DEFECTS

DEFECT 1: EXTERIOR FACADE

Sections 1.7

Holes in exterior cladding (where signage was removed); Peeling paint; Defacement of front and rear walls;

DEFECT 2: WINDOWS & DOORS

Section 1.8

Doors & windows boarded up throughout the building;

DEFECT 3: ROOF & COMPONENTS

Section 1.14

Visible hole through flat roof (near rear of building); Brickwork on northwesterly chimney crumbling;

DEFECT 4: DEBRIS

Section 1.29

Debris and garbage accumulation on roof of building

DEFECT 5: FIRE HAZARD & UNSAFE CONDITION

Section 2.1

Exposed wiring on front and rear of building.



BUILDING AS OF OCTOBER 21, 2024