

Report to the City of Windsor Planning Advisory Committee

March 26, 2007

Re: Development Constraints Corridor for the Detroit Windsor Tunnel

RECOMMENDATIONS:

I That the Detroit–Windsor Tunnel Development Constraints, as described in the Detroit–Windsor Tunnel Development Constraints Plan and Background Report, **BE ADOPTED** as an amendment to the Official Plan for the City of Windsor.

Aim:

To present Planning Advisory Committee with recommendations to incorporate a Development Constraints Corridor in the area of the Detroit Windsor Tunnel into the City of Windsor Official Plan.

Background:

The tunnel corridor begins at the Tunnel Portal at south of Park Street and extends northerly under Freedom Way, then under a number of structures toward the Detroit River. Currently, the City of Windsor Official Plan only identifies the general location of the tunnel and does not contain any policies that would serve to protect the tunnel from unintended impact from development in the immediate area.

Comment:

The purpose of the study and resulting Official Plan amendment is to identify potential development constraints above and near the Detroit-Windsor Tunnel and to identify measures required to protect the Tunnel from possible impacts from future development. The policies are not meant to preclude development near the Detroit-Windsor Tunnel, they are designed to balance the need to preserve this important asset and allow for the most appropriate use of the adjacent lands. To determine the appropriateness of that use, the scale and the proximity of the use and the building technique will require additional study, investigation and rationalization of the proposal. These requirements will be incorporated into the current Official Plan policies within the Infrastructure Section of the Plan. The draft policies are attached as Appendix A. The intent of these draft policies is to find a balance between the interests of future development and the protection of the Detroit-Windsor Tunnel.

Consultation

A Public Information Meeting was held at the Cleary International Centre on September 26, 2006 to present preliminary findings of the background report and to present possible policy direction

for the area near the Detroit-Windsor Tunnel, and receive comments from the public regarding the report and proposed policies. Thirteen people signed into the public meeting. Several attendees indicated they would appreciate knowing what the “ground rules” were for development in the area, one attendee was concerned that the development constraint area would prohibit development on his property.

Result of the Study

The study indicates that new construction in the area identified as the Detroit-Windsor Tunnel Development Constraint Area may have an impact on the structure of the tunnel. As a result, new development within the Detroit-Windsor Tunnel Development Constraint Area needs to be reviewed to take into consideration the possible impacts of any specific proposed development. The policies required to assess the impact of new development will be incorporated into the Official Plan.

RECOMMENDATIONS:

- I That the Detroit –Windsor Tunnel Development Constraints, as described in the Detroit-Windsor Tunnel Development Constraints Plan and Background Report, **BE ADOPTED** as an amendment to the Official Plan for the City of Windsor.

James Abbs, MCIP, RPP
Planner, Planning Policy

Thom Hunt, MCIP, RPP
Manager, Planning Policy

Attachment: Draft Official Plan Amendment

DEPARTMENTS/OTHERS CONSULTED

Greg St. Louis, Project Administrator, Corporate Projects

7.2.11 Detroit-Windsor Tunnel Constraint Area Policies

The following policies apply to lands identified on Schedule C: Development Constraints Area and Schedule E: City Centre Planning District and should be read in conjunction with Land Use and Infrastructure chapters of this Plan.

GENERAL BOUNDARIES

7.2.11.1 For the purpose of this plan, the Detroit-Windsor Tunnel Development Constraint Area is defined as the triangular area of land beginning at the portal of the Detroit-Windsor Tunnel and Park Street East, extending Northeast to the Detroit River, as shown on Schedule C: Development Constraints and Schedule E: City Centre Planning District.

INCOMPATIBLE DEVELOPMENT

7.2.11.2 Council shall protect the integrity of the Detroit-Windsor Tunnel from damage as a result of incompatible construction and maintenance activities in the Detroit-Windsor Tunnel Development Constraints Area

DEVELOPMENT CRITERIA

7.2.11.3 New Development, as well as renovations, minor additions and alterations to existing buildings adjacent to the Detroit-Windsor Tunnel is permitted provided that the development does not:

- (a) Negatively impact the structure of the Detroit- Windsor Tunnel;
- (b) Have a negative impact on the maintenance of the Detroit- Windsor Tunnel; and
- (c) Take place in a manner that the continued operation and maintenance of the Detroit-Windsor Tunnel does not have a negative impact on the proposed development.

MUNICIPAL WORKS

7.2.11.4 Any municipal works in the right-of-way within the Detroit-Windsor Tunnel Constraint Area shall be bound to the policies set forth in this section.

SUPPORT STUDIES

7.2.11.5 Proponents of development within or adjacent to the Detroit-Windsor Tunnel Development Constraint Area, as designated on Schedule C: Development Constraints and Schedule E: City Centre Planning District shall successfully complete a geotechnical study, prepared by a qualified professional, to confirm that the development will be compatible with the Detroit-Windsor Tunnel.

REVIEW PROCEDURE

7.2.11.6 The qualified professional who completed the required geotechnical investigation shall:

- (a) Sign and submit a statement, to the Municipality, confirming that the site is suitable for the proposed development; and
- (b) Submit all documentation to the Municipality regarding the geotechnical investigation for review and concurrence by an independent peer reviewer, prior to the issuance of any building permit.

7.2.11.7

Where an independent peer review is required by the Municipality, the proponent shall be required to pay for the review.

PEER REVIEW

DRAFT