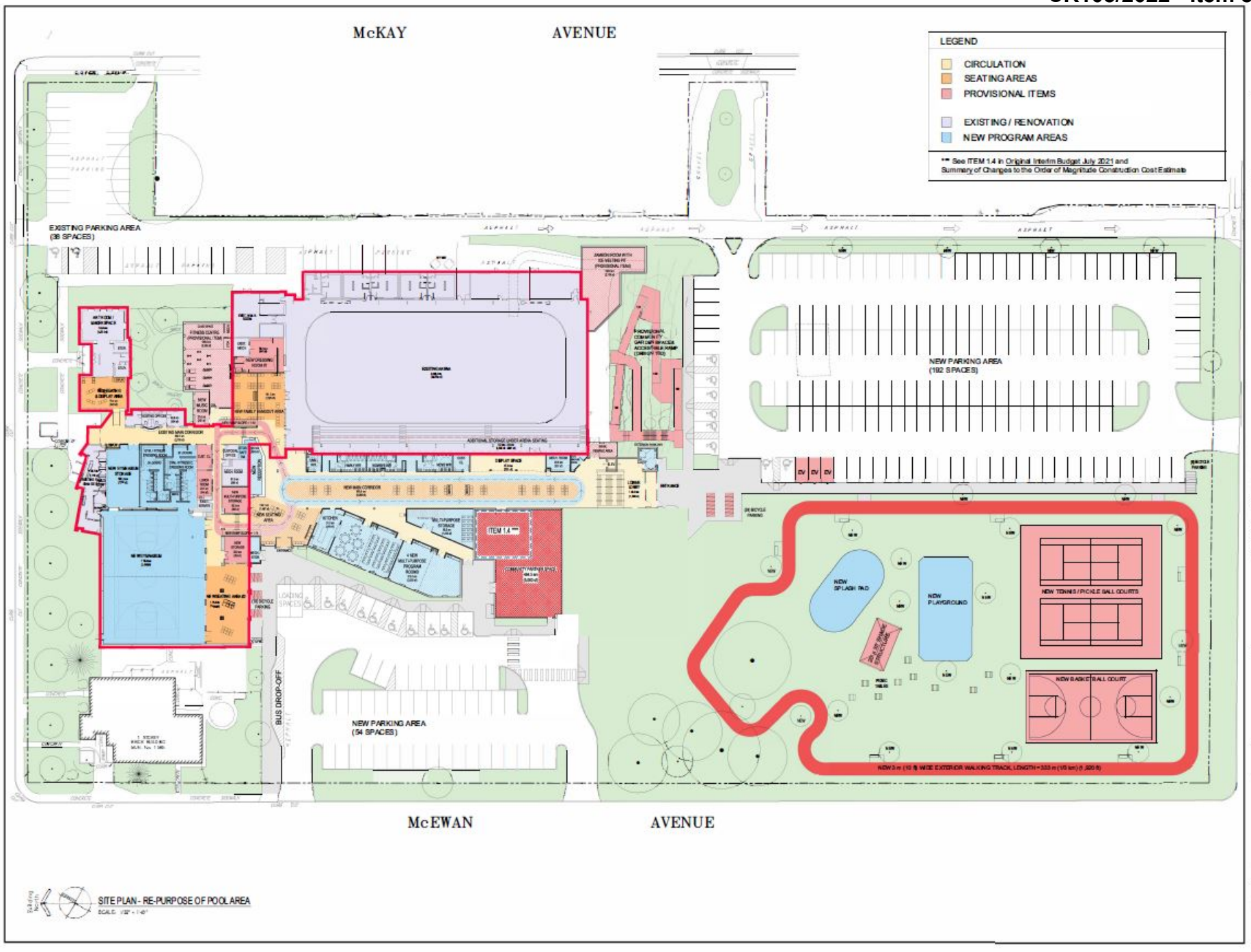


SITE PLAN - RE-PURPOSE OF POOL AREA
SCALE: 1/32" = 1'-0"

CLIENT:
CITY OF WINDSOR
DEPARTMENT OF RECREATION AND CULTURE

PROJECT:
ADIE KNOX HERMAN RECREATION COMPLEX ADDITION
FEASIBILITY STUDY
1551 WYANDOTTE STREET WEST

REVISED FOR ADMIN REPORT	12 JAN 2022
REVISION - REVISED FOR SITE PLANNING	26 NOV 2021
REVISION - REVISED FOR SITE PLANNING	15 JULY 2021
REVIEW - AGA	23 JUN 2021
REVIEW	20 MAY 2021
REVISION	03 MAY 2021
REVISION	17 SEP 2020
REVIEW	14 SEP 2020
ISSUE FOR	DATE

DRAWING TITLE:
REVISED CONCEPT PLAN - MARH 2022

Archon architects incorporated
1648 Wyandotte St E., Suite 300
Windsor, Ontario, Canada
N8Y 1C8
Tel. (519) 255-1600
Fax. (519) 252-6410
info@archonarchitect.com

THE CITY OF WINDSOR ONTARIO, CANADA

DRAWN BY: S.L.S.	CHECKED BY: A.J.C.
PRINT DATE: JAN. 12, 2022	SCALE: AS NOTED
CHECKED BY: A.J.C.	FILE: 693 SITE PLAN 10_REV
PROJECT NO.: 20-693	DRAWING NO.: A-2

APPENDIX D: CONSULTATIONS TABLE

Comments from Municipal Departments & External Agencies

ASSESSMENT MANAGEMENT OFFICER – Mejalli, March 30, 2021
No objection to the proposed land use designation change of the subject roll# from Industrial to Residential; to amend the zoning to permit a 7-storey residential building (Condo development) with 90 residential units dwellings.

CANADA POST - Bruno DeSando, March 31, 2021
Canada Post comments are found on pages 6 & 7 of this document.

ENBRIDGE GAS (Operating as UNION GAS) ***Analyst Land Support*** **–** Barbara M.J. Baranow, March 30, 2021
It is Enbridge Gas Inc.'s (operating as Union Gas) request that as a condition of final approval that the owner/developer provide to Union the necessary easements and/or agreements required by Union for the provision of gas services for this project, in a form satisfactory to Enbridge.

ENBRIDGE GAS - Construction & Growth - ***Drafter/Estimator*** **–** Gord Joynson, March 30, 2021
After reviewing the provided drawing at 11646 Tecumseh Rd E. and consulting our mapping system, please note that Enbridge Gas has active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

Enbridge Gas requires a minimum separation of 0.3m from all of our plant. Please ensure that this minimum separation requirement is maintained, and that the contractor obtains locates prior to performing any work and utilizes safe excavation practices while performing any work in the vicinity.

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

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

Enbridge Gas pdf drawing

ENGINEERING - DEVELOPMENT, PROJECTS & ROW – Robert Crescenzi & Pat Winters, April 13, 2021

The subject lands are located at11646 Tecumseh Road East, designated “Industrial” by the City of Windsor Official Plan and zoned Manufacturing District 1.2 (MD1.2) by Zoning By-Law 8600. The Applicant is proposing to change the land use designation from Industrial to Residential on the Official Plan and to change the zoning of the subject property from MD1.2 to RD3.1 to permit a 7-storey residential building (condo development) with 90 residential units. This department has previously provided comments on the proposed development under SPC002/21. Our comments remain consistent with those previously provided, which are included below for reference.

The site may be serviced by a 750mm concrete pipe storm sewer and a 375mm PVC sanitary sewer within Tecumseh Road East 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. Boulevard to be restored to the satisfaction of the City Engineer. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan completed in accordance with the regional guidelines are required. There is also an open ditch bordering the north property line of the site.

Tecumseh Road East is classified as a Class 2 Arterial road requiring a 38m ROW width according to Schedule X. The current ROW width is 36.6m. However, this property is within the limits of the previously completed Tecumseh Road East Improvements Class Environmental Assessment Study which does not identify a need for land conveyance, therefore none is required.

Driveways are to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer.

In summary, we have no objections to the proposed site plan application, subject to the following requirements:

Site Plan Control Agreement – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Redundant Curb Cuts – The owner agrees to remove and replace the redundant curb cut on Tecumseh Road with full height curb to the satisfaction of the City Engineer.

Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.
b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.
c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

If you have any further questions or concerns, please contact Robert Crescenzi, of this department by email at rcrescenzi@citywindsor.ca.

ENWIN UTILITIES (Hydro Engineering) – Technical Services Dispatch, April 13, 2021
Hydro Engineering: No Objection. However, ENWIN has an existing overhead distribution in the right of way along the south property boundary that include 27.6kV primary distribution and 120/240V & 600/347V secondary distribution. We recommend referring to the Occupational Health and Safety Act (Ministry of Labour) and the Building code to ensure that safe limits of approach and minimum clearance requirements are achieved both during and after construction.

ENWIN UTILITIES (Water Engineering) – Technical Services Dispatch, April 13, 2021
Water Engineering Has No Objections.

ESSEX REGION CONSERVATION AUTHORITY (ERCA) – Vitra Chodha, April 12, 2021
See comment on pages 8 & 9 of this document.

HERITAGE PLANNER– Tang Tracy, on behalf of Kristina Tang, April 20, 2021
No supporting information required.

There is no apparent built heritage concern with this property and it is located on an area of low archaeological potential.
Nevertheless, the Applicant should be notified of the following archaeological precaution.

1. Should archaeological resources be found during grading, construction or soil removal activities, all work in the area must stop immediately and the City's Planning & Building Department, the City's Manager of Culture and Events, and the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries must be notified and confirm satisfaction of any archaeological requirements before work can recommence.

2. In the event that human remains are encountered during grading, construction or soil removal activities, all work in that area must be stopped immediately and the site secured. The local police or coroner must be contacted to determine whether or not the skeletal remains are human, and whether the remains constitute a part of a crime scene. The Local police or coroner will then notify the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:
Windsor Planning & Building Department:
519-255-6543 x6179, ktang@citywindsor.ca, planningdept@citywindsor.ca
Windsor Manager of Culture and Events (A):
Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca
Ontario Ministry of Heritage, Sport, Tourism and Culture Industries
Archaeology Programs Unit, 1-416-212-8886, Archaeology@ontario.ca
Windsor Police: 911
Ontario Ministry of Government & Consumer Services
A/Registrar of Burial Sites, War Graves, Abandoned Cemeteries and Cemetery Closures, 1-416-212-7499, Crystal.Forrest@ontario.ca

LANDSCAPE ARCHITECT – Stefan Fediuk, April 30, 2021
The Landscape Architect does not object to the rezoning from Industrial MD1.2 to Residential RD3.1. From a climate change and over-intensification perspective, the landscape architect supports the Planner's comments and does not support the site specific proposed reductions in landscape area and setbacks.

In addition, the Development Proposal in Section 3.1 of the Planning Rationale Report recognizes the existing trees along the north property boundary adjacent to the railway line, and appears to preserve the healthy trees. It is recommended that the applicant be required to preserve the 2 Burr Oak (Trees #4 & 9) along the north property boundary, as well as one large Red Maple (Tree #6) near the east property boundary, as identified on the Tree Preservation Plan provided with this application.

MANAGER OF POLICY & REGULATORY SERVICES - Barbara Rusan, April 16, 2021
The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca.

TRANSIT WINDSOR – Jason Scott, March 31, 2021
Transit Windsor has no objections to this development. The closest existing transit route is with our Lauzon 10. The closest existing bus stop is located on Banwell at Tecumseh NE Corner. This bus stop is approximately 240 metres away from this property falling within our 400 metre walking distance guideline to a bus stop. This will be further enhanced with our Council approved Transit Master Plan as the current route is a one way loop where as the plan will introduce two way conventional transit service. Transit Windsor is pleased to see the building at the road, which will help promote active transportation, such as transit, by reducing the walking distance.

TRANSPORTATION PLANNER – Rania Toufeili, April 20, 2021

- The Official Plan classifies Tecumseh Road East as a Class II Arterial Road. The current right-of-way is sufficient as per the Tecumseh Road Environmental Assessment and Schedule X.
- The applicant will be responsible to remove any redundant curb cuts and accesses along the Tecumseh Road frontage.
- All new accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings.
- All exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).
- Comments on the TIS will be provided to the planner in a separate memo.

TRANSPORTATION PLANNING (Comment on Applicant's Transportation Impact Study (TIS)**)** – Jeff Hagan (Transportation Planning Senior Engineer) & Rania Toufeili (Transportation Planner) April 20, 2021

We have reviewed the transportation impact study report for the above-noted application ("11646 Tecumseh Road East Transportation Impact Study" dated January 2021, by RC Spencer Associates).

Detailed comments are as follows:

1. **Overall:** The report establishes that the traffic impacts of the proposed development can be accommodated by the existing surrounding road network without off-site improvements.

2. ~~**Author:** The author of the TIS is not identified and the TIS is not stamped. The author of the TIS should be identified. The TIS should be signed and stamped by the professional engineer taking professional responsibility for its contents.~~ *[This matter has been resolved].*

3. **Parking Deficiency:** 113 parking spaces are required for this proposal as per the City of Windsor Zoning By-Law 8600. This proposal plans to provide 90 parking spaces to serve the development. The following information is required:
    a. The study states that "based on local observations and proxy site studies, a 1:1 parking supply ratio should adequately accommodate the proposed higher-density mid-rise dwelling". The related studies and information must be provided to support this statement and the proposed parking reduction.
    b. The study justifies the reduction in parking supply ratio as a means to encourage active transportation. Recommendations must be provided on how active transportation will be promoted or enhanced with this proposed development. Potential recommendations for this proposal include; secure bike parking and providing a bike room, a connection to the multi use trail off of Banwell Road, and promoting transit ridership within the area serving this development.

VIA Rail Canada – John Walsh, P.Eng., August 9, 2021

VIA is not enthused about the introduction of a new high-density residential development abutting our busy railway corridor due to the obvious incompatibility. New industrial, commercial or manufacturing would be our preferred adjacent land uses.

We acknowledge the pressure for the expansion of new residential development in urban areas throughout Ontario. As a result the major Railways developed appropriate noise, vibration and safety mitigation measures due to such pressures and historically defended their implementation at the OMB throughout Ontario, including Windsor.

Any new residential development would be expected to address noise, vibration and safety measures to both the Municipality's and the Railway's satisfaction. Should the City of Windsor propose to approve the residential land use applications, VIA requests that the Zoning Amendment include our 30m building setback requirement, especially in the event that neighbouring lands may seek similar Amendments in the future. The Official Plan Amendment should include wording that compels the proponent to have regard for railway noise, vibration and safety measures when adjacent to railway corridors. I believe such provisions may already exist for other locations within the City of Windsor. I trust the above clarifies VIA's concerns.

CANADA POST
955 HIGHBURY AVE N
LONDON ON N5Y 1A3
CANADAPOST.CA

POSTES CANADA
955 HIGHBURY AVE N
LONDON ON N5Y 1A3
POSTESCANADA.CA

March 31, 2021

JUSTINA NWAESEI
CITY OF WINDSOR
350 CITY HALL SQUARE WEST, ROOM 210
WINDSOR ON N9A 6S1

Re: **File No.: Z-005/21 & OPA 143**

Dear Justina,

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

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

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

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

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

Regards,

Bruno DeSando

Bruno DeSando
CANADA POST CORPORATION
Delivery Planning
955 Highbury Avenue
LONDON ON N5Y 1A3
tel: 519-494-1596
fax: 519-457-5412
e-mail: bruno.desando@canadapost.ca

ADDRESSING AND DELIVERY PLANNING
CANADA POST CORPORATION
CANADAPOST.CA

ADRESSAGE ET PLANIFICATION DE LA LIVRAISON
SOCIÉTÉ CANADIENNE DES POSTES
POSTESCANADA.CA

Lock-Box Assembly Requirements

The complete Canada Post Standards Manual for Builders & Developers can be downloaded at: https://www.canadapost.ca/cpo/mc/assets/pdf/business/standardsmanual_en.pdf

Compartments Size

- Horizontal lock-box models used in mailrooms must have the following minimums:
  - Residential compartments must be at least 12.5 x 13.5 cm
  - Commercial compartments at least 13.5 x 30.5 cm
  - Parcel compartments at least 30.5 x 30.5 cm
- Vertical lock-box models must have min comp size of 25 x 12.5 cm. (Most models are 40 x 12.7 cm)

Heights

- All lock-box assemblies must be installed in a manner that will not require the delivery employee to reach higher than 170cm or lower than 45cm when delivering to the equipment. With respect to horizontal lock-boxes, the limits above will likely mean that maximum number of compartments that can be included in each column of residential compartments would be eight

Rear-loading Lock-boxes

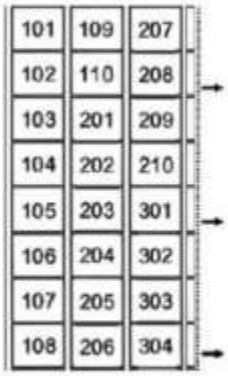
- Projects with more than 100 units are required to be serviced via a rear-loading lock-box assembly.
- There must be a width of at least 100cm of working space from the back of the boxes to the wall.
- A ledge under the bottom row of boxes is also recommended in rear-loading designs. This ledge is to be directly under the bottom row of boxes (no space between ledge and bottom of boxes) and must stick out at least 20cm from the back of the boxes.
- Mailroom door is required to provide a minimum 81cm opening
- Lighting should be at least 100 lux (measured 75 cm from floor)

Access

- All buildings where the lock-boxes are required to be serviced from inside the building are required to install a Canada Post Crown lock in the building intercom. The intercom is pre-fabricated with an internal housing for the lock. The lock can be obtained from the local deliver supervisor.
- If the building has more than 100 units, a rear-loading lock-box assembly will be installed. The door to the Canada Post delivery area must be fitted with a specific model of deadbolt. This is because Canada Post will supply a key cylinder made specifically for the Canada Post key that will fit inside the deadbolt purchased by the developer.

Numbering

- Compartments should be numbered vertically and left to right on the delivery side of the boxes



Grade-level Components

- If the development includes grade level retail or residential units, please take note that door-to-door delivery will not be provided to these units. Canada Post is happy to install a Community Mailbox to provide service to these units. Please coordinate a location with the Canada Post Delivery Planner for the area. If there is no room on the property for the Community Mailbox, service can be provided via another Community Mailbox in the area. Options to service the units from the tower (lobby) lock-boxes or via a front-loading lock box erected on the outside of the building can also be discussed with the Delivery Planner.

Essex Region Conservation

the place for life

planning@erca.org
P.519.776.5209
F.519.776.8688
360 Fairview Avenue West
Suite 311, Essex, ON N8M 1Y6

April 12, 2021

Ms. Justina Nwaesei, Senior Planner – Subdivisions
City of Windsor, Development Services
350 City Hall Square West
Windsor, Ontario, N9A 6S1

Dear Ms. Nwaesei:

RE: Application for Official Plan Amendment OPA 143 [OPA 6324]
and Zoning By-Law Amendment Z-005-21 [ZNG 6323]
11646 TECUMSEH RD E
ARN 373907073005850; PIN: 015970358
Applicant: THE LALLY GROUP LTD

The following is provided as a result of our review of the Notice of Public Meeting to Consider Application for Official Plan Amendment OPA 143 [OPA 6324], and Zoning By-Law Amendment Z-005-21 [ZNG 6323] for a proposed 7 storey condominium.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the *Planning Act* as well as our regulatory role as defined by Section 28 of the *Conservation Authorities Act*.

We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

Essex Region Conservation Authority

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

We note that the subject property is adjacent to (within 120 m of) a natural heritage feature that may meet the criteria for significance under the PPS. Section 2.1.8 of the PPS, 2020 states – "Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions."

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*. Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning By-Law Amendment and Official Plan Amendment.

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

Sincerely,

V. Vitra

Vitra Chodha
Resource Planner
/vc

Essex Region Conservation Authority

Excerpts from Reports / Studies received from the Applicant.

A. STORM WATER MANAGEMENT REPORT by Aleo Associates Inc., Jan 21, 2021

The proposed development has a drainage area of 5,866 m^2 (0.59 ha). The site drainage will discharge to the existing 750 mm diameter storm sewer located within the grass boulevard on the south side of Tecumeh Road East. The developed runoff coefficient for the stormwater management boundary area is 0.83 for both the 1:2 year and 1:100 year storm events.

We have carried out storm detention design for a 1:2 year and 1:100 year frequency storm event. The pre-development runoff coefficient was taken to be 0.25. The release rate from the site for both design storms is being restricted to the 1:2 year allowable discharge rate which is 23.6 L/s. The development flow will be restricted by a 100 mm diameter orifice installed on the 200 mm diameter storm outlet.

Storage has been provided above the catch basins on the surface of the asphalt paved parking lot, and within storm sewer pipe and structures. However, storage for the 1:2 year storm event will occur exclusively underground in storm pipe and structures. Please see the attached calculations showing the storage provided. The 1:2 year and 1:100 year storage elevations are 178.45 m and 178.66 m, respectively. The 1:100 year storage elevation is more than 0.3 m below the proposed floor elevation of 179.05 m. A total volume of 67 m^3 is required to be stored for the 1:2 year storm and 69 m^3 has been provided. A total volume of 211 m^3 is required to be stored for the 1:100 year storm and 215 m^3 has been provided.

Stormwater quality control is being accomplished by installing tee traps in all new catch basins to capture debris, sediments and oils floating at the surface and prevent them from entering the pipe and storm system. Trapped oil and sediments will be removed during routine catch basin cleaning.

B. VIBRATION REPORT by Akoustik Engineering Limited, Jan 11, 2021

Purpose:

condominium development at 11646 Tecumseh Road East, in the City of Windsor. The purpose of this study is to measure and report the ground-borne vibration levels resulting from the nearby railroad line on the proposed residential building. The revision reflects the updated location of the

Rail Vibration Criteria

There are no MECP guidelines for rail vibration limits on proposed sensitive land uses. Instead, the applicable guidelines for rail vibration impacts are given in the 2013 document published by the Federation of Canadian Municipalities (FCM) and the Railway Association of Canada (RAC), "Guidelines for New Development in Proximity to Railway Operations". From this, the overall vibration levels from the railway operations should not exceed 0.14 mm/s RMS, measured minimally between the frequency range of 4 Hz and 200 Hz, on and above the first floor of the residential dwelling.

Given that the proposed building has not been constructed, the measurements are conducted on the ground at the perimeter of the proposed building nearest to the rail right-of-way. The 0.14 mm/s RMS limit is based on the threshold limit for human perception of ground-borne vibration and is intended to ensure that vibration levels from the passing trains will not cause discomfort to the building occupants.

Conclusion

A vibration assessment of the nearby rail line operations, consisting of ground-borne vibration measurements, was carried out for the proposed 7-story residential condominium development to be located at 11646 Tecumseh Road East, in the City of Windsor. The measured vibration data has demonstrated that the ground vibration levels due to rail traffic on the nearby CP rail line do not exceed the Federation of Canadian Municipalities and the Railway Association of Canada's criteria of 0.14 mm/s RMS velocity. Given that the measured vibration levels are within compliance to the guideline, and that vibration abatement is not required to reduce the vibration levels at the proposed development, it is recommended that the development be given approval with respect to vibration impacts from the CN/VIA rail line.

C. **NOISE STUDY** by JJ Acoustic Engineering Ltd., dated Jan. 11, 2021; updated Sep. 18, 2021

The Study was prepared consistent with Ontario Ministry of the Environment, Conservation and Park (MOECP) NPC 300, "Environmental Noise Guideline, Stationary and Transportation Sources– Approval and Planning" dated August 2013.

This Study has determined that the potential environmental noise impact from road traffic and stationary noise is significant. The proposed development will need the following: a requirement for central air-conditioning, noise warning clauses and special building components. Road traffic noise control requirements for the Site were determined based on road traffic volumes provided by the City of Windsor and forecasted to 10 years from the date of this study.

RECOMMENDED NOISE WARNING CLAUSES IN SECTION 6 OF THE STUDY

Warning Clause C: "This dwelling unit has been designed with the provision for adding central air conditioning at the occupant's discretion. Installation of central air conditioning by the occupant in low and medium density developments will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Warning Clause D: "This dwelling unit has been supplied with a central air conditioning system which will allow windows and exterior doors to remain closed, thereby ensuring that the indoor sound levels are within the sound level limits of the Municipality and the Ministry of the Environment, Conservation and Parks."

Warning Clause E: VIA Rail Canada Inc. or its assigns or successors in interest has or have a right-of-way within 300 meters from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwellings(s). VIA will not be responsible for any complaints or claims arising from use of such facilities and/or operations on, over or under the aforesaid right-of-way.

Indoor Living Areas – Building Components (NPC 300, Section C7.1.3)

6. Recommendations

The road traffic noise impacts were above the NPC 300 requirements. Noise mitigation measures include:

- Warning Clause Type C for the South Façade from Levels 2 to Levels 7.
- Warning Clause Type D for all other façades and floors.
- Warning Clause Type E for all units within the building.
- Requirement for Air Conditioning for the entire building.
- A minimum of STC 34 windows for all windows on the North, East and West Facades as well as Level 1 on the South Façade.

These have been summarized in Attachment B under Table B1.

JJAE reviewed the noise impacts from the neighboring buildings and determined the noise impact to be below the NPC 300 requirements. Furthermore, JJAE reviewed the noise impact from the neighboring mechanic garage next door to the Site. JJAE had measured data for a similar sized mechanical garage on a previous project and added this data to our model. The data showed that with the garage door of the mechanic shop closed the noise impact was below the NPC 300 requirements and therefore, no further mitigation measures were required. Typically, these types of facilities operate with the garage door closed to minimize noise impacts as well as maintain temperate control. If the facility needs to operate with the garage door opens during hot days to minimize heat inside the garage space, an agreement should be made between the Site owner, the City, and the owner of the mechanic shop (called a Tri-party agreement) to have air conditioning installed at each of the garage locations (front and back locations) to ensure the garage doors remain closed. This process should be done at Site Plan and can be further discussed in the addendum reviewing the Site's mechanical equipment.

7. Conclusions

The results of this Study indicate that the potential environmental impact from road and rail traffic sources are significant. Mitigation measures will be required including ventilation requirements, special building components and noise warning clauses for each unit as summarized above.

D. **TRAFFIC INFORMATION STUDY** by RC Spencer Associates, Jan 2021

Purpose:

The purpose of this study is to examine the implications of the proposed development on traffic operations in the area, particularly on Tecumseh Road East and its signalized intersection with Banwell Road. The study will also assess the need for geometric or traffic control improvements at area intersections.

Conclusion:

Using recently obtained turning movement counts and applying industry-standard trip generation and distribution methodologies, an analysis was completed to quantify the development's impact on area traffic operations. Site generated traffic volumes were applied to all horizon scenarios; area background traffic was increased by 2% per year for the 2025 and 2030 horizon years. Upon completion of the analysis, it was concluded that:

- The signalized intersection of Banwell Road at Tecumseh Road East is currently performing satisfactorily; in all peak hour traffic scenarios, it is anticipated that the intersection will exhibit an overall LOS C; the effect of site generated traffic is nominal;
- The proposed stop-controlled intersection of the site access at Tecumseh Road East will operate satisfactorily into the future; even in the most critical traffic scenario, adequate storage is provided on-site, so it is anticipated that a single egress lane will sufficiently accommodate the projected traffic demand;
- The intersection of the Metro Access at Tecumseh Road East is operating at very good levels of service; this is expected to continue in all horizon scenarios;
- There is sufficient sight distance for safe egress from the proposed site access;
- The developer's proposed 1:1 parking supply ratio is in line with provincial trends aiming to encourage increased active transportation and transit use; however, the developer should ensure that appropriate active transportation infrastructure is integrated into the final site plan to support and encourage non-auto modes of travel.

Therefore, based on the results of the technical work, it is the engineers' opinion that the proposed development, as presented, will not adversely affect area traffic operations.

E. SPECIES AT RISK IMPACT ASSESSMENT, by Insight Environmental Solutions Inc, Jan 2020

This report provides an overview of the existing site conditions and applicable *Endangered Species Act* (ESA), 2007 policies, identifies any environmental constraints and opportunities, and provides recommendations with respect to the proposed project. The goal of this report is to attain the Ministry of the Environment, Conservation and Parks (MECP) Species at Risk Branch (SARB)'s review of the project documentation to ensure that the project is not likely to contravene Section 9 (Species Protection) or Section 10 (Habitat Protection) of the ESA 2007.

5.0 MITIGATION TO AVOID IMPACTS

The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation. The various mitigation measures are further discussed below.

5.4 Species at Risk Snake Mitigation

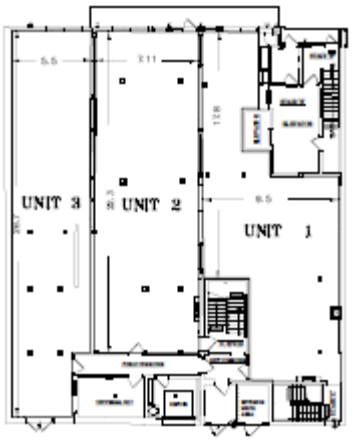
1. All on-site personnel must be made aware of the potential presence of SAR snakes, including Eastern Foxsnake, Massasauga and Butler's Gartersnake.
2. A construction barrier fence and/or a sediment and erosion control fence must be installed before any construction activity is to occur to ensure no harm to the natural system and to exclude snakes from the construction zone.
3. Specific features such as rotting logs or stumps, piles of organic material (such as compost, sawdust, or woodchips), rock piles, brush piles, and dump sites are likely to provide habitat functions for SAR snakes in the project area. If any of these features are found to occur, they must be protected from all disturbances that would result in damage or destruction of their habitat functions.
4. The development footprint should be visually marked with flagging tape to avoid encroachment into natural features.
5. Construction machinery and equipment that is left idle for over 1 hour or is parked overnight on the property between April 1st to November 30th must be surveyed for the presence of Eastern Foxsnake before (re)ignition. This visual examination should include all lower components of the machinery, including operational extensions and running gear.
6. Any SAR individual that is present on the property should be reported to the Ministry of Environment, Conservation and Parks (MECP) within 48 hours of the observation or the next working day, whichever comes first.
7. If an Eastern Foxsnake, Massasauga or Butler's Gartersnake is incidentally encountered, the snake must be allowed to disperse from the project site under its own ability, and project machinery and equipment must maintain a minimum operating distance of 30 meters from the individual. MECP must be contacted if this cannot be done.
8. If an injured or deceased SAR is found, the specimen must be placed in a non-airtight container maintained at an appropriate temperature and MECP staff must be contacted immediately.

6.0 CONCLUDING STATEMENT

Based on the results of this SAR Impact Assessment the following conclusions are presented:

1. The proposed project at 11646 Tecumseth Road East, Essex County, Windsor, Ontario.
2. The project proposes to construct a seven-story condominium building consisting of 90 units with the associated servicing and parking.
3. the subject property does not support any natural heritage features nor do any natural heritage features exist within 120m of the subject property.
4. Review of the literature and available data suggests that the only SAR that has potential to occur within the vicinity of the subject property based on available habitats is Eastern Foxsnake.
5. The suggested mitigation measures include ideal site selection, construction timing, contaminant and spill management, operation of machinery, a retaining wall and SAR snake mitigation.

Based on Species at Risk information gathering efforts conducted by IES it is argued that the project is not likely to contravene Section 9 or Section 10 of the ESA 2007. The proposed development will have no impact on any Endangered or Threatened species or their habitat if the mitigation measures stated in this report are implemented during construction activities.



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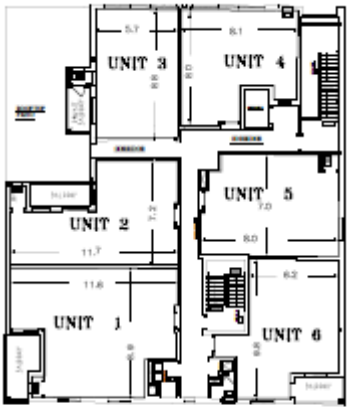
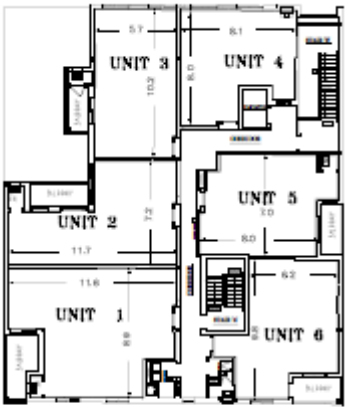
(COMMERCIAL)
LEVEL 1 (MAIN FLOOR)
SCALE = 1:200

UNIT 1 (COMMERCIAL)
LEVEL 1 (BASEMENT)
SCALE = 1:200

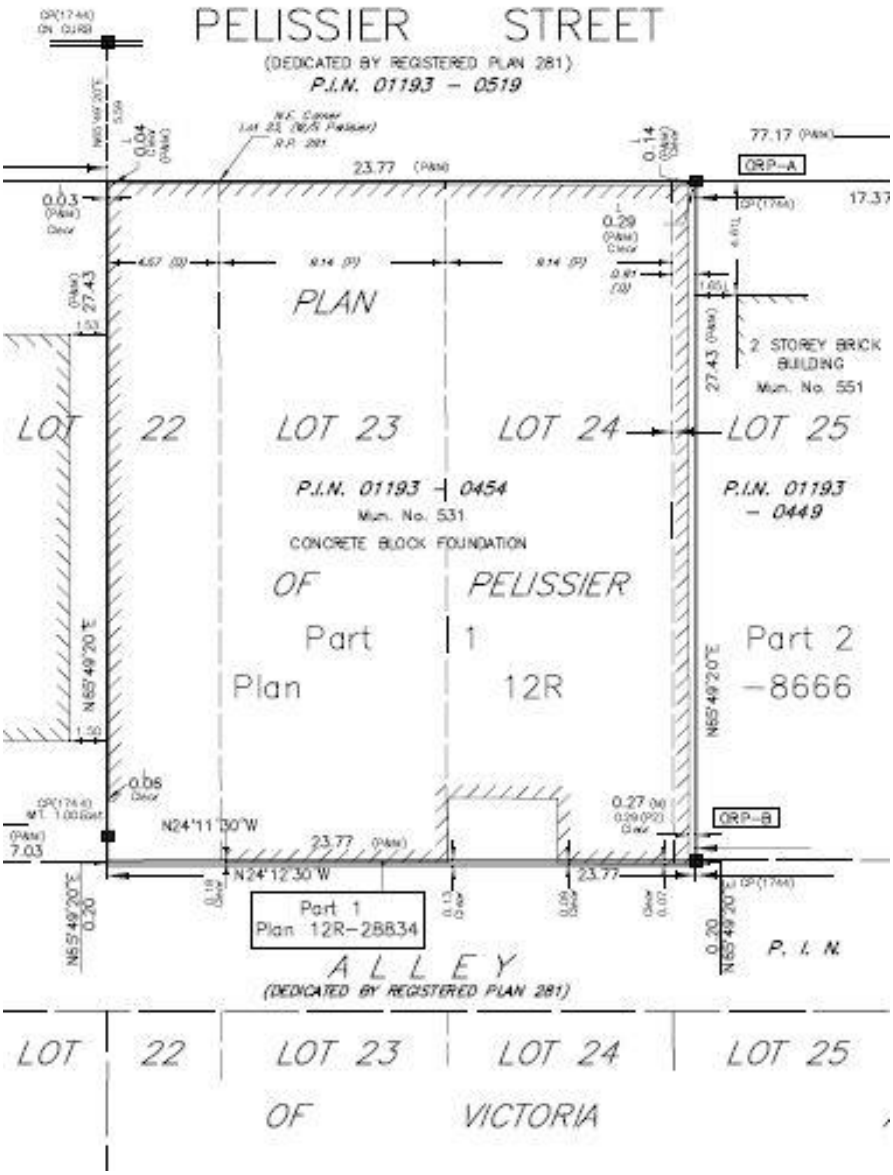


UNITS 1 to 6 (inclusive)
(RESIDENTIAL)
LEVEL 2
SCALE = 1:200

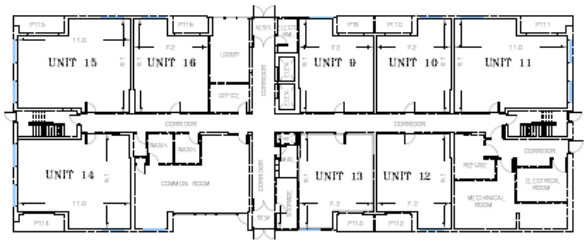


UNITS 1 to 6 (inclusive)
(RESIDENTIAL)
LEVELS 3, 4 AND 5
SCALE = 1:200

CDM-006/21-1


PELISSIER STREET
(DEDICATED BY REGISTERED PLAN 281)
P.I.N. 01193 – 0519
77.17 (PAM)
ORP-A
17.37
23.77 (PAM)
PLAN
2 STOREY BRICK BUILDING
Mun. No. 551
LOT 22
LOT 23
LOT 24
LOT 25
P.I.N. 01193 – 0454
Mun. No. 531
CONCRETE BLOCK FOUNDATION
P.I.N. 01193 – 0449
OF PELISSIER
Part 1 Plan 12R
Part 2 –8666
N65°49'20"E
N24°11'30"W
ORP-B
Part 1
Plan 12R–28834
ALLEY
(DEDICATED BY REGISTERED PLAN 281)
LOT 22
LOT 23
LOT 24
LOT 25
OF VICTORIA

CDM-006/21-2

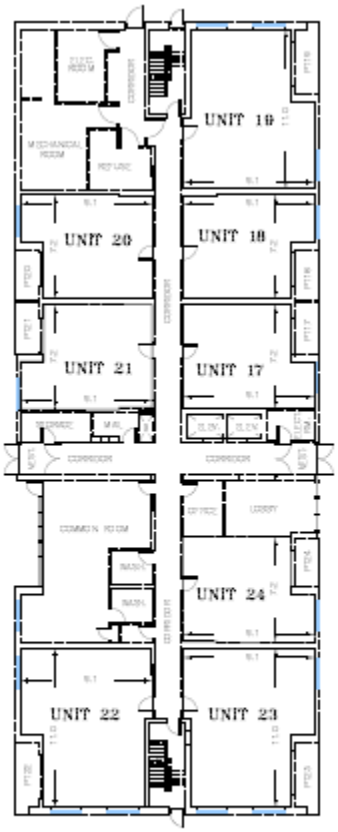


UNITS 9 to 16 (incl.) and
EXCLUSIVE USE PATIOS PT9 to PT16 (incl.)
LEVEL 1
(BUILDING 'B')
SCALE = 1:200

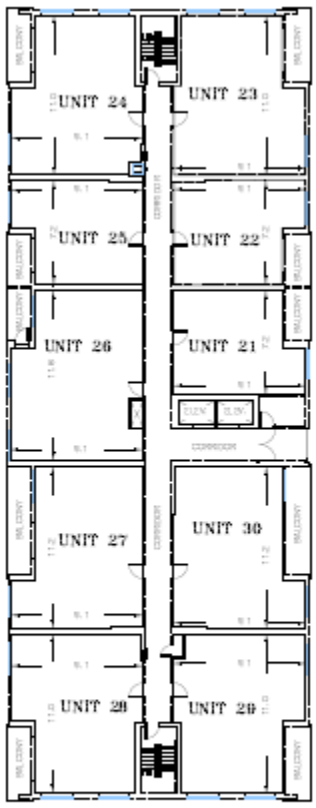
UNITS 11 to 20 (incl.)
LEVELS 2 to 6 (incl.)
(BUILDING 'B')
SCALE = 1:200

UNITS 1 to 8 (incl.) and
EXCLUSIVE USE PATIOS PT1 to PT8 (incl.)
LEVEL 1
(BUILDING 'A')
SCALE = 1:200

UNITS 1 to 10 (incl.)
LEVELS 2 to 6 (incl.)
(BUILDING 'A')
SCALE = 1:200



UNITS 17 to 24 (incl.) and
EXCLUSIVE USE PATIOS PT17 to PT24 (incl.)
LEVEL 1
(BUILDING 'C')
SCALE = 1:200



UNITS 21 to 30 (incl.)
LEVEL 2 to 6 (incl.)
(BUILDING 'C')
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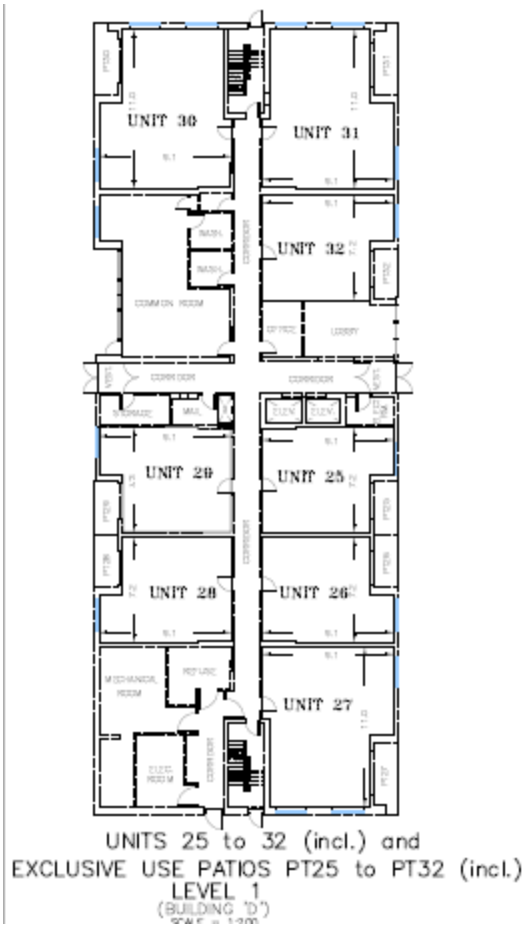
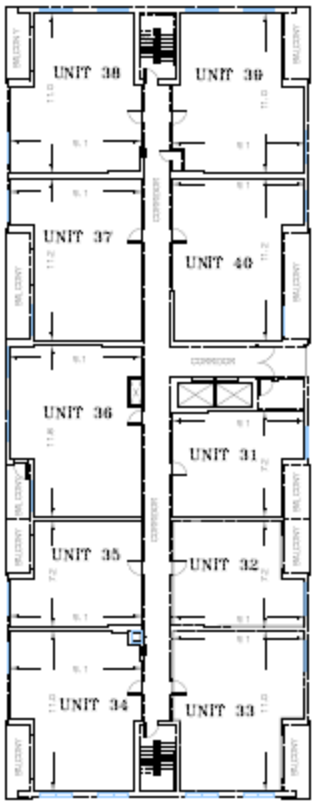


UNITS 25 to 32 (incl.) and
EXCLUSIVE USE PATIOS PT25 to PT32 (incl.)
LEVEL 1
(BUILDING 'D')



UNITS 31 to 40 (incl.)
LEVEL 2 to 6 (incl.)
(BUILDING 'D')
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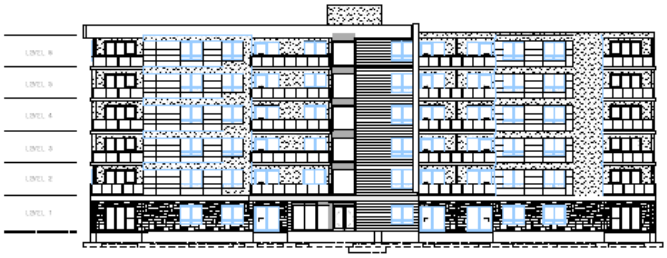

NORTH ELEVATION
(BUILDING 'A')
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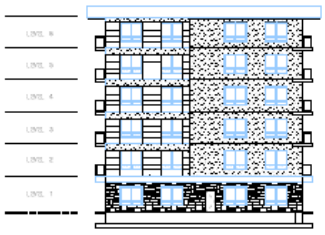
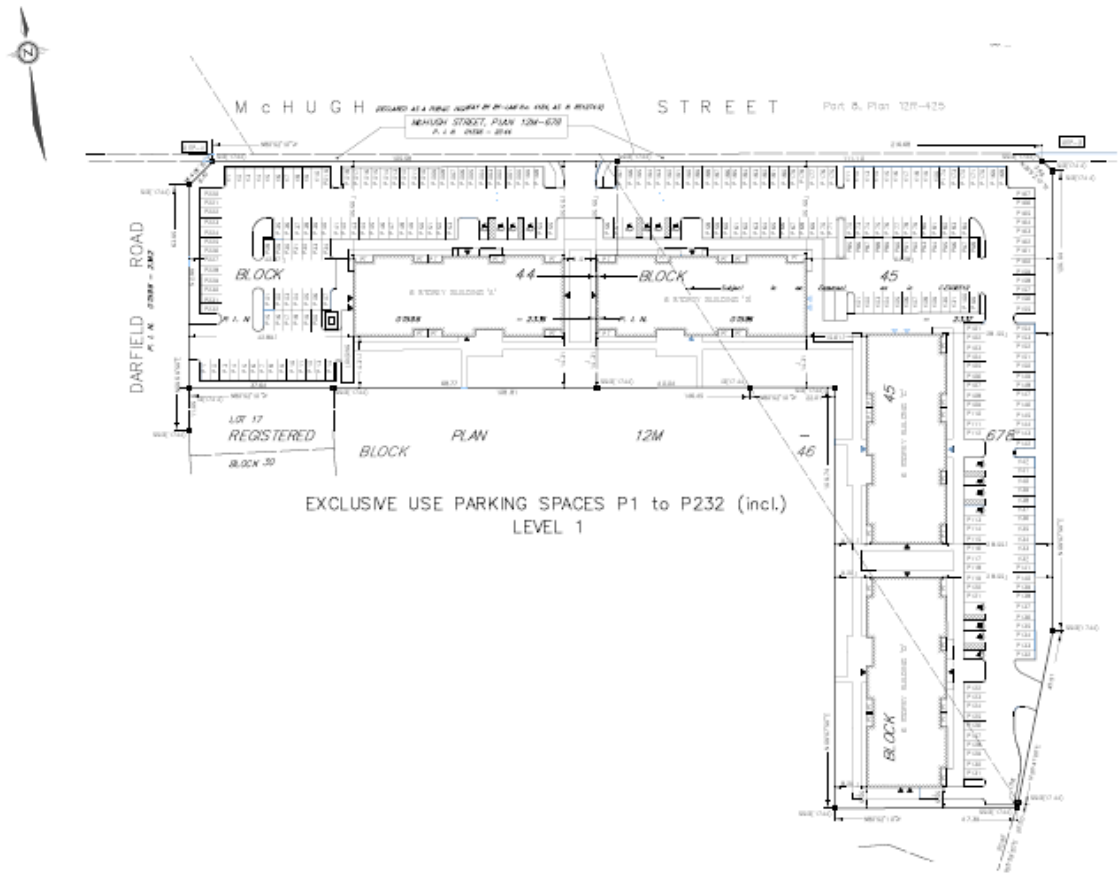


EAST ELEVATION
(BUILDING 'A')
SCALE = 1:200

CDM-005/21-1


McHUGH STREET
DARFIELD ROAD
BLOCK
44
BLOCK
45
LOT 17
REGISTERED
PLAN
12M
BLOCK
46
45
BLOCK
EXCLUSIVE USE PARKING SPACES P1 to P232 (incl.)
LEVEL 1

CDM-005/21-2

APPENDIX F - CONSULTATIONS

CANADA POST

This development, as described, falls within our centralized mail policy. I will specify the condition which I request to be added for Canada Post Corporation's purposes.

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

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

CITY OF WINDSOR – BUILDING DEPARTMENT – Barbara Rusan

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca.

CITY OF WINDSOR – ENGINEERING - Patrick Winters

The subject lands are located at 1913, 1925 & 1949 Devonshire Court, designated “Residential” by the City of Windsor Official Plan and zoned Residential District 1.1 (RD1.1) and S.20(1)340 by Zoning By-Law 8600. The applicant is requesting an amendment to Zoning By-law 8600 to allow a multiple dwelling as an additional permitted use subject to additional provisions. The applicant proposes to construct a multiple dwelling with a maximum building height of 15m with four storeys containing 23 dwelling units.

The site may be serviced by a 375mm x 500mm concrete pipe combined sewer on the alley south of the subject property. A 2725mm diameter reinforced concrete pipe trunk storm sewer is located in the center line of Kildare Road. Existing sewer connections are to be used wherever possible and redundant connections are to be capped as per Best Practice BP 1.3.3. It is the responsibility of the applicant to camera the existing sewer connections to ensure they are suitable for use prior to connection. Approved site servicing drawing(s), lot grading plan(s), and a stormwater management plan completed in accordance with the regional guidelines are required.

The City of Windsor Official Plan classifies Kildare Road and Devonshire Court as Local Roads requiring a right-of-way width of 20m. Both roads meet the required right-of-way width; therefore, land conveyance is not required. A Street Opening permit will be required for any work within the Right-of-Way. Driveway is to be constructed as per AS-221 or AS-222, complete with straight flares and no raised curbs within the right-of-way. Redundant curb cuts and sidewalks shall be removed and restored in accordance with City Standards to the satisfaction of the City Engineer. The applicant will be required to drain and re-pave the alley abutting the property. If the surrounding sidewalks or boulevard in the Right-of-Way are damaged during construction then they must be restored to the satisfaction of the City Engineer.

There is an existing fence encroachment in the Right-of-Way of Kildare Road and Devonshire Court that must be removed or an application for an encroachment will have to be submitted and executed.

The development is currently across three (3) separate properties. The properties should be merged, or reciprocal access and servicing agreements will be required.

In summary, we have no objections to the proposed rezoning application, subject to the following requirements:

Alley Paving – The owner shall agree to drain and pave at his entire expense, the alley abutting the subject lands. The minimum acceptable cross-section will be 230 mm Granular "A" and 75 mm surface course asphalt in accordance with Standard City of Windsor Specifications, Selected Granular Base Course (S4) and Hot Mix, Hot Laid Asphaltic Concrete (S-10). The geometrics of the pavement shall comply with City of Windsor Standard Drawing AS-201. All work shall be to the satisfaction of the City Engineer.

Encroachment Agreement – The owner agrees to remove encroachment or submit application for and execute an agreement with the Corporation for the existing fence encroachment into the Kildare Road and Devonshire Court right-of-way to the satisfaction of the City Engineer.

Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.

b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.

c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

Site Plan Control Agreement – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement.

Storm Detention –

1. Prior to the issuance of a construction permit, the owner shall agree to retain a Consulting Engineer for the design and preparation of drawings, satisfactory to the City Engineer and Chief Building Official, for an internal stormwater detention scheme to service the subject lands. The purposes of the said scheme will be to ensure that storm drainage being directed to the Corporation's storm, combined sewer or ditch as the case may be, from the subject lands in their improved state, be restricted to no greater than the present flow from the subject lands.
2. Upon approval of the drawings by the City Engineer and the Chief Building Official, the owner further agrees to construct at its entire expense the said storm detention scheme, in accordance with the approved drawings and to the satisfaction of the Chief Building Official.

Street Opening Permits – The owner agrees to obtain street opening permits for sewer taps, drain taps, flatworks, landscaping, curb cuts and driveway approaches from the City Engineer, prior to commencement of any construction on the public highway.

Video Inspection (Connection) – The applicant shall agree to conduct at its entire expense a video inspection or pay the cost of similar inspection, of any existing connections proposed for use to ensure the suitability of the connection for use, all to the satisfaction of the City Engineer.

CITY OF WINDSOR – ENVIRONMENT & SUSTAINABILITY COORDINATOR - Averil Parent

No comment

CITY OF WINDSOR - HERITAGE PLANNER – Kristina Tang

The subject property was the location of former Windsor Municipal Heritage Register resources (St George's Church), which had been approved by Council for demolition in 2016. The subject lands are located within the Walkerville Heritage Area identified in the City of Windsor Official Plan. The associated redevelopment discussions then included public open house consultations, along with evaluations of Official Plan (OP) policies and the Walkerville Heritage Area context, ultimately resulting in the rezoning of the subject lands into its current special zoning provisions permitting the three single unit dwellings and other specific parameters.

In Heritage Areas, development is to be of compatible height, massing, scale, setback and architectural style (OP s.9.3.5.1.a.ii). Further, there are several Windsor Municipal Heritage Register resources located in close proximity just north of the subject lands (ie. 1912, 1924, 1948 Devonshire Court). Section 9.3.7.1(e) of the Official Plan requires regard for the following Urban Design Criteria where heritage resources may be impacted, including:

(i) Respecting the massing, profile and character of adjacent buildings;

(ii) Approximating the width and established setback pattern of nearby heritage buildings;

(iii) Respecting the yards, gardens, trees and landscaped grounds associated with the heritage properties and districts which contribute to their integrity, identity, and setting;

(iv) Maintaining, enhancing or creating views and vistas of heritage resources; and

(v) Minimizing the impact of shadowing on adjacent heritage properties, particularly on landscaped open spaces and outdoor amenity areas.

(i) Requiring for all development proposals that abut or in the opinion of the City Planner are likely to materially affect a designated heritage building or structure, a Built Heritage Impact Study to the satisfaction of the City Planner;

In addition, OP policies section 10.2.15.1 state that the purpose of a Built Heritage Impact Study is to determine if any listed or designated heritage resources are impacted by development proposals and the potential need for mitigation measures. S. 10.2.15.2 elaborate on the study components to be:

(a) An analysis of the proposed development or site alteration that affects listed or designated heritage resources on adjacent lands;

(b) A demonstration that the heritage attributes of the listed or designated heritage resource will be conserved as part of the proposed development and site alteration; and,

(c) A commitment to mitigation measures and/or alternative development approaches in order to conserve the attributes of the listed or designated heritage resource affected by the adjacent development or site alteration.

A Built Heritage Impact Assessment, prepared by MacNaughton Hermsen Britton Clarkson (MHBC) was submitted as part of the rezoning application. Staff has reviewed the drawings and study provided and have the following comments that should be addressed as part of the rezoning application:

Windsor's Heritage Impact Assessment Guidelines request for provision of visual depiction of the subject proposal and streetscapes with neighbouring properties. The Study submitted includes *Section 5.2 Impact Analysis: Surrounding Heritage Properties and Section 5.3.1 Visual Contextual Analysis*, describing the varied massing and types of builds in Walkerville. The proposal has attempted to address and reduce the perception its building mass through vertical and horizontal articulation, projections and recessions, variety of glazing and building materials

and colours. Common elements such as dormers, brick facade with cornice and window sills are used to match the surrounding Heritage Area. Some remaining design details are to be reviewed through application to Site Plan Control:

- Consider providing a visually distinctive functional main entrance on the north facade facing Devonshire Court.
- Use high quality materials such as brick or stone to be more respectful of and compatible with the materials on existing nearby buildings. Vertical articulation on the second and third floors (white-cream accents) is acceptable however note that EFIS would not be a supported material choice for the Heritage Area.
- Consider continuation of the red brick appearance on the second and third floors to the ground floor instead of the grey cladding. The grey colour palette is not common in Walkerville Heritage Area. Alternatively, to brick, choose a cladding material in a heritage appropriate colour and material that can be found in the surrounding residential dwellings to provide stronger connection to the Walkerville context.
- Verify that none of the glazing uses reflective/mirrored glass and use profiled glazing.
- Provide coloured rendering or elevations with material labels and colour descriptions.
- Provide product information verification through provision of samples and product info sheet provision as a condition of Site Plan Control to the satisfaction of the City Planner or delegate.

CITY OF WINDSOR - LANDSCAPE ARCHITECT/URBAN DESIGN - Stefan Fediuk

The applicant is proposing to construct a multiple dwelling with a maximum building height of 15 m with four storeys containing 23 dwelling units on the subject, and will be subject to Site Plan Review and a Plan of Condominium application may also be submitted in the future. Pursuant to the application for a Zoning By-law Amendment (Z 034/21) to allow a multiple dwelling as an additional permitted use subject to additional provisions and change from the current Residential District 1.1 to a site specific Residential District 3.1, please note no objections.
Please also note the following comments:

Urban Design:

The Urban section supports the recommendations made by the Heritage Planner with respect to built form's appropriateness to the character of the neighbourhood. As some urban design comments have been consolidated into the Heritage Planner's recommendations and are to read in conjunction with the comments found in this section of the report.

Key elements to be considered at the time of Site Plan Review are:

- **Shadow patterns** of the proposed development on existing residential properties: Official Plan policy s.8.6.2.3 shadow studies can be required to evaluate impact of shadow cast to determine the appropriate design measures to reduce or mitigate any undesirable shadow conditions. A Shadow Impact Study showing impacts of the proposed building on surrounding properties was received and is found to be satisfactory. For the properties impacted by the early morning winter shadows, verify the number of daylight hours lost due to the increased height of the proposed development.
- **Proposed benches along Devonshire Court**: Benches which face Devonshire Court and look into the residential dwellings to the north are discouraged for privacy reasons. Alternatively, benches facing the park to the east would be more acceptable

- **Site furnishings:** Some of the renderings show proposed heritage-style pedestrian-scaled street lights components sited on both private and public lands. Details to the contributions of the streetscape infrastructure are to be confirmed at Site Plan Control.
- **Definition between parkland and private development:** A landscape buffer would be required as part of a future site plan, between the development and the existing residential/parkland properties surrounding the site. Similarly, an appropriate buffer would be required along the alley lands.

Zoning Setback Provisions for Separation/transitions between public and private realms: As found in section 5.1.3 of the Planning Rationale provided by Pillon Abbs Inc., the following variances to the requested RD3.1 designation are being proposed:

1. *Increase the maximum building height from the required 14m to 15m,*
2. *Decrease the minimum front yard depth from the required 6.0 m to 1.9 m,*
3. *Decrease the minimum rear yard depth from the required 7.5 m to 1.2 m, and*
4. *Decrease the minimum landscaped open space from the required 35% spaces to 27%.*

These proposed setback variances from the Zoning Bylaw could be supported with additional landscape considerations.

The applicant has proposed a courtyard fence (ornamental brick wall topped with an iron fence detail) surrounding the property, to help address the heritage character of the neighbourhood, while delineating between private and public realms. The plan and renderings seem inconstant. The plan shows the fence along the frontages of Devonshire Court, the frontage of Kildare limited to the proposed building facade, and between the parking spaces and the alley off Kildare. The renderings provided show the courtyard fence to be extended along the entire frontage of Kildare. Additionally it shows the separation between the alley and the parking lot as a taller vegetative wall/fence. It is strongly recommended that the details associated with the rendering provided be required to help address the neighbourhood character, provide adequate landscape transition from public to private realms and provide additional compensation for the reliefs being requested from the Zoning Bylaw for RD3.1.

In addition, to the site specific rezoning, the provision of a vegetative fence or low courtyard wall as landscape transition along the eastern boundary of the site between the subject land and the municipal parkland be required to provide adequate landscape transition from public to private realms.

Tree Preservation:

The site is encircled by 6 mature trees in the City right-of-way, ranging from 40 to 75 years. These trees are situated in close proximity to the property boundary would need to be protected as part of any construction on the subject property.

There is also a stately mature 109cm diameter Red Oak immediately east of 1949 Devonshire Court, which would be well over 100 years old. While this tree appears to be within the property's eastern fence line, it appears that 6m of frontage along Devonshire Court actually lies within city-owned parkland. Regardless of the ownership, and given the significance of this tree the developer is to provide all necessary measures to preserve this tree and those identified on the municipal right-of-way to the satisfaction of the City Forester.

All tree preservations conditions of development, including but not limited to the above, would be provided at the time a Site Plan application is received.

Climate Change & Environmental Design:

As per the goals & objectives found in Chapter 5 Environment of Official Plan (2012), the City of Windsor's Climate Change Adaptation Plan (2012), as well as through the Vision Statement of the Provincial Policy Statement (2020) and Section 1.8 Energy conservation, Air Quality and Climate Change, resiliency to climate change is required.

As noted in the Tree Preservation comments above, there are existing trees to be retained. Preservation of established trees provide stronger mitigation measures to climate change, however, as they are organic and have a lifespan it is important to ensure that there is succession planned to fill in those voids once those trees have met their lifecycle. Provision of new younger trees will provide that long-term asset and are to be provided in appropriate locations within the development to provide shade from the south and westerly directions and to help reduce any potential heat island effect.

Parkland Dedication:

There is some inconsistencies identified between the area of land that has been fenced and what the survey show, as part of the subject property. There appears to be 6m of frontage of Devonshire Court Parkland enclosed with the fenced area. While there are no parkland implications beyond the usual requirement for cash-in-lieu of 5% parkland dedication for residential development, the appropriate property lines will need to be determined before the cash-in-lieu cam be assessed.

Detailed landscape requirements will be provided at the time of site plan review.

CITY OF WINDSOR – PARKS DEVELOPMENT & DESIGN - Sherif Barsom

Please note that after carefully reviewing of the sent planning application, Parks D&D has no comments at this stage except for one general comment as below:

- The Developer has to protect and keep it safe the existing street trees that located surrounding the subject 3 land lots on the street walkway side.

ENBRIDGE

After reviewing the provided drawing at Devonshire Crt & Devonshire Rd. and consulting our mapping system, please note that Enbridge Gas has no active infrastructure in the proposed area. A PDF drawing has been attached for reference.

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

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

ENWIN

Hydro Engineering: No Objection, provided clearances are achieved and maintained from our distribution plant.

Please note ENWIN has the following distribution around the development property:

1) Overhead 120/240V secondary street light distribution along the north side of the property development.
2) Overhead 600/347V and 120/240V secondary distribution along the south side of the development
3) Overhead 120/240V secondary street light distribution along the west side of the property development.

An acceptable clearance must be maintained from our existing pole lines and conductors to the proposed development area. Please refer to the Ontario Building Code for adequate clearance requirements. We also recommend referring to the Occupational Health & Safety Act for the minimum safe limits of approach during construction.

Sketch attached for reference only. This attachment does not replace the need for utility locates.

Water Engineering: Water Engineering has no objections to the rezoning.

TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit route is with the Ottawa 4. The closest existing bus stop to this property is located on Ottawa at Kildare NE Corner. This bus stop is approximately 70 metres from this property falling well within our 400 metre walking distance guideline to a bus stop. This will be maintained with our Council approved Transit Master Plan.

CASTLE GATE TOWERS SOUTH

PLANNING RATIONALE REPORT

Application of Official Plan and Zoning By-Law Amendments

4845 Walker Road, City of Windsor

Windsor, Ontario

January 24, 2022

Prepared by:

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1.0 INTRODUCTION

Pillon Abbs Inc. has been retained by the applicant, 1741078 Ontario Inc. and 115664 Ontario Inc. (Castle Gate Towers South), to provide a land use Planning Rationale Report (PRR) in support of a proposed mixed-use development located at 4845 Walker Road (herein the "Site") in the City of Windsor, Ontario.

The purpose of this report is to provide background and planning analysis in support of the applications. The report provides an overview of the Official Plan Amendment (OPA) and Zoning By-law Amendment (ZBA) applications and considers applicable documents, including Provincial Policy Statement (PPS) 2020, the City of Windsor Official Plan (OP) and the City of Windsor Zoning By-law (ZBL).

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

The Site subject to the OPA and ZBA applications is located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401 and locally known as 4845 Walker Road. The legal description is Concession 6; Part Lot 13; Registered Plan 12R-17667, in the City of Windsor, Windsor, Ontario. **Refer to Figure 1 – Location Map.**

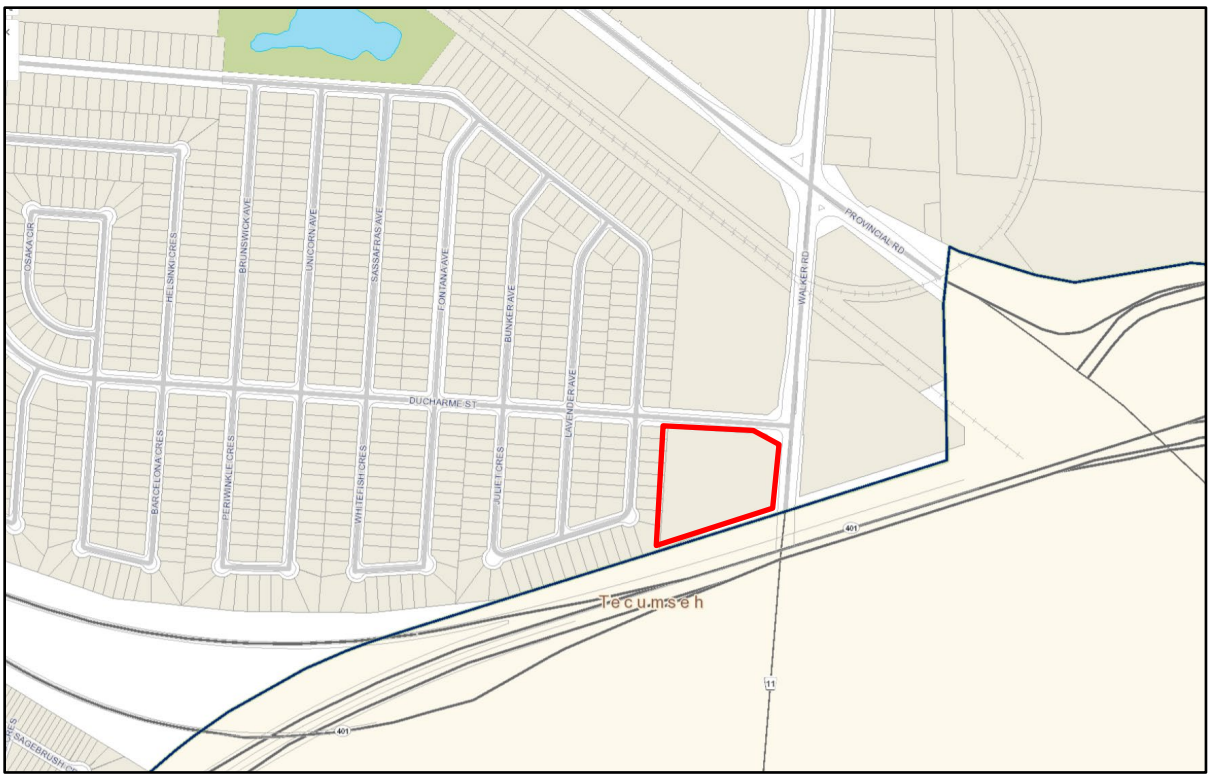

Figure 1 – Location Map

2.0 PURPOSE OF THE APPLICATIONS

The purpose of the OPA and ZBA application is to support the development of

On-site parking is provided. A total of 213 spaces are provided for the proposed residential use, and 21 spaces are provided for the proposed commercial use.

Specifically, the amendments seek to:

1. Re-designate the Site in the OP from “Commercial Corridor” (OPA #32) to a “Site Specific Commercial Corridor” policy, which is located on Schedule D: Land Use, in order to permit a combined use building with commercial on the main floor and residential above and a multiple dwelling, and
2. Re-zone the Site in the ZBL from “Commercial District 2.1 (CD2.1)” category to a “Site Specific Commercial District 2.2 (CD2.2 - S.20(1)(XXX))” category, which is located on Map 13. A multiple dwelling is requested to be permitted as an additional use. Relief is also requested for the following:

    a) Increase the maximum building height from the required 14 m to 22.4 m.

Exemption from the provisions of Interim Control By-law 103/2020 is also requested.

3.0 BACKGROUND AND NEED

The Site consists of a total area of approximately 14,105 m2 located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401.

The Site is currently vacant and is recognized and supported by the City of Windsor as an established settlement area.

The Site was previously developed with a farmhouse and associated agriculture as the prior use.

A previous OPA (#32) was approved for the Site, which received approval on April 24, 2003. The OPA changed the Site from “Business Park” to “Commercial Corridor” designation.

There is a recognized need for additional residential units and commercial gross floor area.

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, the applicant proposes the required public meeting.

4.0 PLANNING ANALYSIS

Within the context of the OPA and the ZBA applications, a comprehensive planning evaluation was undertaken consisting of the following:

- Surrounding land uses;
- Provincial and Municipal planning documents;
- Land use compatibility;
- Geotechnical investigation;
- Noise assessment;
- Servicing and storm water management;
- Traffic impact assessment; and
- Parking Justification Report.

4.1 Site and Surrounding Land Uses

The Site

The Site consists of a total area of 14,105 m2 located on the west side of Walker Road, south of Ducharme Street and north of Hwy 401.

The Site is currently vacant and is recognized and supported by the City of Windsor as an established settlement area.

The Site is level and is outside the regulated area of the Essex Region Conservation Authority (ERCA). There is no vegetation on the Site.

The property has access to municipal transit, water, storm, and sanitary services. There are several schools, places of worship and parks nearby. **Figure 2 – Property Features.**

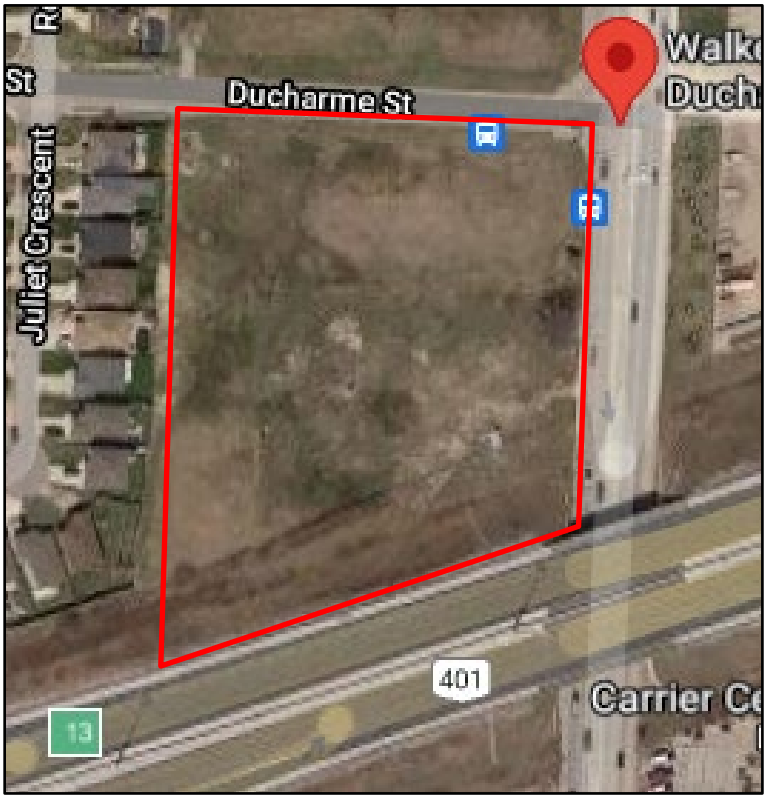

Figure 2 – Property Features

Surrounding Land Uses

The following surrounding land uses are located near the Site:

To the South:	Hwy 401.
To the East:	Industrial uses.
To the North:	Proposed mixed-use development.
To the West:	Residential uses.

Refer to **Figure 3 – Surrounding Land Use** for the specific locations.

Figure 3 – Surrounding Land Use

4.2 Provincial Policy Statement (PPS)

The Provincial Policy Statement (PPS), 2020 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 is issued under Section 3 of the Planning Act and came into effect on May 1, 2020. It applies to all land use planning matters considered after this date.

The PPS supports improved land use planning and management, which contributes to a more effective and efficient land use planning system.

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

PPS Policy #	Policy	Response
1.1.1	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, employment, institutional, 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	The proposed development is consistent with the policy to build strong healthy and livable communities as it provides for employment opportunities and a new affordable housing choice. There are no environmental or public health and safety concerns as the area is established. The development pattern does not require expansion of the settlement area as it is considered infilling. The Site has access to full municipal services and is close to existing local parks, places of worship, and schools. Accessibility of units will be addressed at the time of the building permit.

PPS Policy #	Policy	Response
	of settlement areas in those areas which are adjacent or close to settlement areas; e) promoting…….cost-effective development patterns 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;	Public service facilities are available, such as local schools and transit. The development pattern is proposed to be an efficient use of the vacant property. The proposed development provides a buffer/transition between the existing residences and the proposed commercial along Walker Road.
1.1.3.1	Settlement areas shall be the focus of growth and development.	The proposal enhances the vitality of the municipality, as the proposal is within an existing settlement area.
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	The total density of the proposed development is considered appropriate as most of the existing area is a mix of uses. Walker Road is an arterial road in the City of Windsor and provides for a high volume of car, pedestrian and bike traffic. The Site offers an opportunity for intensification by creating a new mixed-use building using the vacant property. The design and style of the building will blend well with

PPS Policy #	Policy	Response
	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.	the scale and massing of the existing surrounding area. Residents will have immediate access to shopping, employment, trails, active transportation, recreational areas and institutional uses. Transit is available for the area. Bike parking will be provided on-site. There are sidewalks along Walker Road to connect to Provincial Road. The Site is located close to major roadways. Walker Road provides direct access to Hwy 401, which is a controlled access highway.
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.	The development is a Site that is physically suitable as it pertains to size and location. The intensification can be accommodated for the proposed mixed-use development as it is an appropriate use of a vacant parcel of land. The Site is level which is conducive to easy vehicular movements. Parking will be provided on-site including space designated for visitors. Releid is requested. A Parking Justifcation Report

PPS Policy #	Policy	Response
		has been completed. Bicycle parking is also provided.
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 proposed mixed-use building will be built with a high standard of construction, allowing seamless integration with the existing area. There will be no risks to the public.
1.1.3.6	New development taking place in designated growth areas should occur adjacent to the existing built-up area and should have a compact form, mix of uses and densities that allow for the efficient use of land, infrastructure and public service facilities.	The proposed development is located within the settlement area. The proposed buildings do have a compact built form with a mix of commercial and residential uses. Parking will be located on-site. Relief for parking is not required. A Parking Justification Report has been completed.
1.2.6 - Compatibility	…..sensitive land uses shall be planned and developed to avoid, or if avoidance is not possible, minimize and mitigate and potential adverse effects……	A noise assessment has been completed. It was concluded that the proposed development could, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.
1.3.1 - Employment	Planning authorities shall promote economic	The proposed development offers commercial retail space, which will help

PPS Policy #	Policy	Response
	development and competitiveness……	provide employment opportunities.
1.4.1	To provide for an appropriate range and mix of housing options and densities required to meet projected requirements of current and future residents of the regional market area, planning authorities shall: a) maintain at all times the ability to accommodate residential growth for a minimum of 15 years through residential intensification and redevelopment and, if necessary, lands which are designated and available for residential development; and b) maintain at all times where new development is to occur, land with servicing capacity sufficient to provide at least a three-year supply of residential units available through lands suitably zoned to facilitate residential intensification and redevelopment, and land in draft approved and registered plans.	The proposed development will provide for a mixed-use opportunity in the existing built-up area. Municipal services are available. A Servicing Study concluded that the proposed development would not adversely impact the existing infrastructure.
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	The proposed density will have a positive impact on the area as it will blend well with the existing built form.

PPS Policy #	Policy	Response
	current and future residents of the regional market area.	The Site is close to nearby community amenities. There is suitable infrastructure.
1.6.1	Infrastructure and public service facilities shall be provided in an efficient manner that prepares for the impacts of a changing climate while accommodating projected needs.	The development can proceed on full municipal services. Electrical distribution will be determined through detailed design. Access to public transit is available.
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 proposed development will be serviced by municipal sewer, water and storm, which is the preferred form of serving for settlement areas.
1.6.6.7	Planning for stormwater management shall: a) be integrated with planning for sewage and water services and ensure that systems are optimized, feasible and financially viable over the long term;	A servicing study has been completed and concluded that the proposed development would not adversely impact the existing infrastructure. There will be no negative impacts on the municipal

PPS Policy #	Policy	Response
	b) minimize, or, where possible, prevent increases in contaminant loads; 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.	system and will not add to the capacity in a significant way. The Site provides for drainage. There will be no risk to health and safety.
1.6.7.1	Transportation systems should be provided which are safe, energy efficient, facilitate the movement of people and goods, and are appropriate to address projected needs.	A TIS has been completed noting no negative impact anticipated. The subject property is serviced by an efficient network of roadways.
1.6.7.2	Efficient use should be made of existing and planned infrastructure, including through the use of transportation demand	The proposed development contributes to the City's requirements for development within a built-up area.

PPS Policy #	Policy	Response
	management strategies, where feasible.	The area is serviced by transit.
1.6.7.4	A land use pattern, density and mix of uses should be promoted that minimize the length and number of vehicle trips and support current and future use of transit and active transportation.	The proposed development contributes to the City's requirement for infilling within a built-up area. The proposed density, scale, and building height will blend with the existing land use pattern. The proposed development will provide a buffer/transition between the existing neighbourhood and Walker Road.
2.2.1	Planning authorities shall protect, improve or restore the quality and quantity of water.	A servicing study has been prepared in support of the proposed development. The study concluded that the proposed development would not adversely impact the existing infrastructure.
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.	A noise assessment has been completed. There are no natural or human-made hazards.

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

4.3 Official Plan (OP)

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 designated "Commercial Corridor" according to Schedule "D" Land Use attached to the OP for the City of Windsor. **Figure 4 – Existing Official Plan Amendment.**

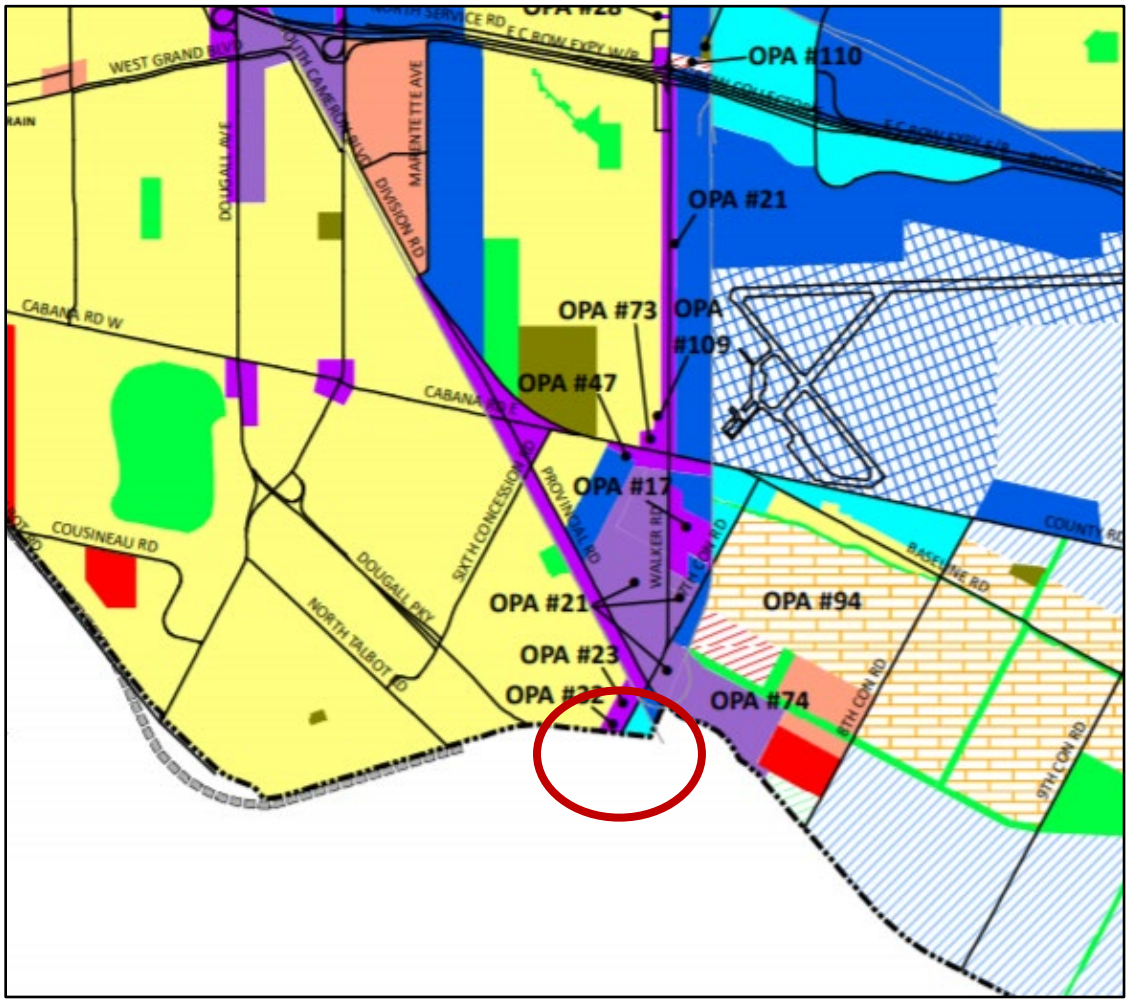

Figure 4 – Existing Official Plan Amendment

It is proposed to re-designate the Site to a site specific "Commercial Corridor" policy in order to permit a combined use building with commercial on the main floor and residential above and a multiple dwelling.

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

OP Policy #	Policy	Response
3.2.1.2	Encouraging a range of housing types will ensure that people have an opportunity to live in their neighbourhoods as they pass through the various stages of their lives.	The proposed development supports one of the City's overall development strategies of providing for a range of housing choices. The requested OPA and ZBA will allow for the addition of residential land use on the Site, which will create a mixed-use development. The two 6-storey buildings will provide a transition between the single detached dwellings and Walker Road. The mixed-use development will provide for an alternative housing choice as well as a new commercial facility.
3.3.2.1 (Development Strategies)	City Corridors serve to connect the City Centre Growth Centre and Regional Commercial Centres. City corridors radiate from these Centres following numerous high frequency transit corridors. City corridors connect to Regional Commercial Centres along selected arterial roads but do not extend as far outward or as numerous as corridors connected to the City Centre. These corridors are intended to provide services for those	The proposed residential and commercial mixed use development will have access to major roadways. The proposed commercial uses will be located close to the corner of the Site where there is exposure. Loading spaces are provided on-site.

OP Policy #	Policy	Response
	living in close proximity to the area but also those who may arrive by transit, bicycle and by car.	
4.0	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.	The proposed development will support the City's goal of promoting a healthy community (live, work and play). The proposed development is close to nearby transit, employment, shopping, local/regional amenities, and parks/trails.
6.0 - Preamble	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.	The proposed development supports the policy set out in the OP as it is suited for the residential and commercial needs of the City.
6.5.3.1 (Commercial Corridor Policies)	Uses permitted in the Commercial Corridor land use designation are primarily retail, wholesale store and service oriented uses and, to a lesser extent, office uses.	The proposed development will include main floor commercial and residential uses.
6.5.3.3	Council will encourage Commercial Corridor development to provide a continuous street frontage and presence. Accordingly, development along a Commercial Corridor shall be: (a) no more than two storeys in height, except on lands	The proposed development will face Walker Road. The proposed development provides a buffer/transition between the existing residences and the proposed commercial along Walker Road.

OP Policy #	Policy	Response
	immediately adjacent to an intersection with a Class I or Class II Arterial Road or Class I or Class II Collector Road where the height of the building(s) may be no more than six storeys in height; and (b) encouraged to locate the buildings at the street frontage lot line with parking accommodated at the rear of the site.	The development will be brought to the edge of the municipal space. The abutting road is a collector road. On-site parking will be provided. Relief is not being requested. A Parking Justification Report has been completed.
6.5.3.4	Council shall promote the infilling and consolidation of existing Commercial Corridors.	The proposal represents good planning as it addresses the need for the City of Windsor to provide infilling development, which contributes to affordability and intensification requirements set out in the PPS and the OP.
6.5.3.7 (Evaluation Criteria)	At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed commercial 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) within a site of potential or known contamination; (iii) where traffic generation and distribution is a provincial or municipal concern; and	There are no development constraints identified. There is no known contamination, as set out in the geotechnical investigations. A traffic assessment was completed, and no mitigation measures were required. A noise assessment was prepared for this Site to address sensitive land uses. Recommendations were made to provide mitigation measures.

OP Policy #	Policy	Response
	(iv) 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;	There are no secondary plans that impact this Site.
	(c) capable of being provided with full municipal physical services and emergency services;	A servicing study has been prepared and concluded that the proposed development would not adversely impact the existing infrastructure.
	(e) compatible with the surrounding area in terms of scale, massing, height, siting, orientation, setbacks, parking and landscaped areas; and	The Site offers an opportunity for intensification by creating a new mixed-use building using the vacant property. The design and style of the building will blend well with the scale and massing of the existing surrounding area. The proposed building will not negatively impact the private use and enjoyment of area residents. Parking will be located back from the street screened by the proposed buildings.
	(f) acceptable in terms of the proposal's market impacts on other commercial areas (see Procedures chapter).	No market assessment was required as the proposed commercial use in small scale and is permitted in the proposed site specific CD2.2 zone category.
6.5.3.8 (Design Guideline)	The following guidelines shall be considered when evaluating the proposed design of a Commercial Corridor development:	The proposed development will be constructed to be attractive and functional. The Site will be professionally landscaped and buffered.

OP Policy #	Policy	Response
	(a) the ability to achieve the associated policies as outlined in the Urban Design chapter of this Plan; (b) 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; (c) as a general rule, the height of buildings are consistent with the height of buildings which characterize the Commercial Corridor. Where Council deems it desirable that higher profile development be permitted in an existing Commercial Corridor, the development should be built at a human scale by utilizing one or both of the following measures: (i) treatment of the lower floors of building(s) to provide continuity; and/or (ii) setting back the upper floors of building(s) from the street to avoid overpowering effects at-grade; (d) where possible, parking is located in the rear of the property to encourage continuous building facades adjacent to the street; and (e) measures are taken in site design which provide for ease of access for pedestrians between the public sidewalk	The Site will be pedestrian friendly with a welcoming public space. Relief for parking is not being requested. Extra bike parking will be provided. The Site is close to transit. A Parking Justification Report has been completed. Height will be limited to 6-storeys in order to blend with the surrounding neighbourhood. Relief is requested from the required 14 m to 22.4 m. The building will provide for street level access, front and rear access and welcoming public spaces. The design and placement of the mixed-use building will support the design guidelines of the OP.

OP Policy #	Policy	Response
	and building main entrances in a manner which is distinguishable from access provided for vehicles.	
7.0	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.	The proposed development is close to nearby transit, off a major roadway and has access to full municipal services.

Therefore, the proposed development conforms to the City of Windsor OP with the proposed site specific amendment.

4.4 Zoning By-law (ZBL)

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 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 Map 13 attached to the ZBL the Site is currently zoned Commercial District 2.1 (CD2.1). Refer to **Figure 5 – Existing Zoning**.

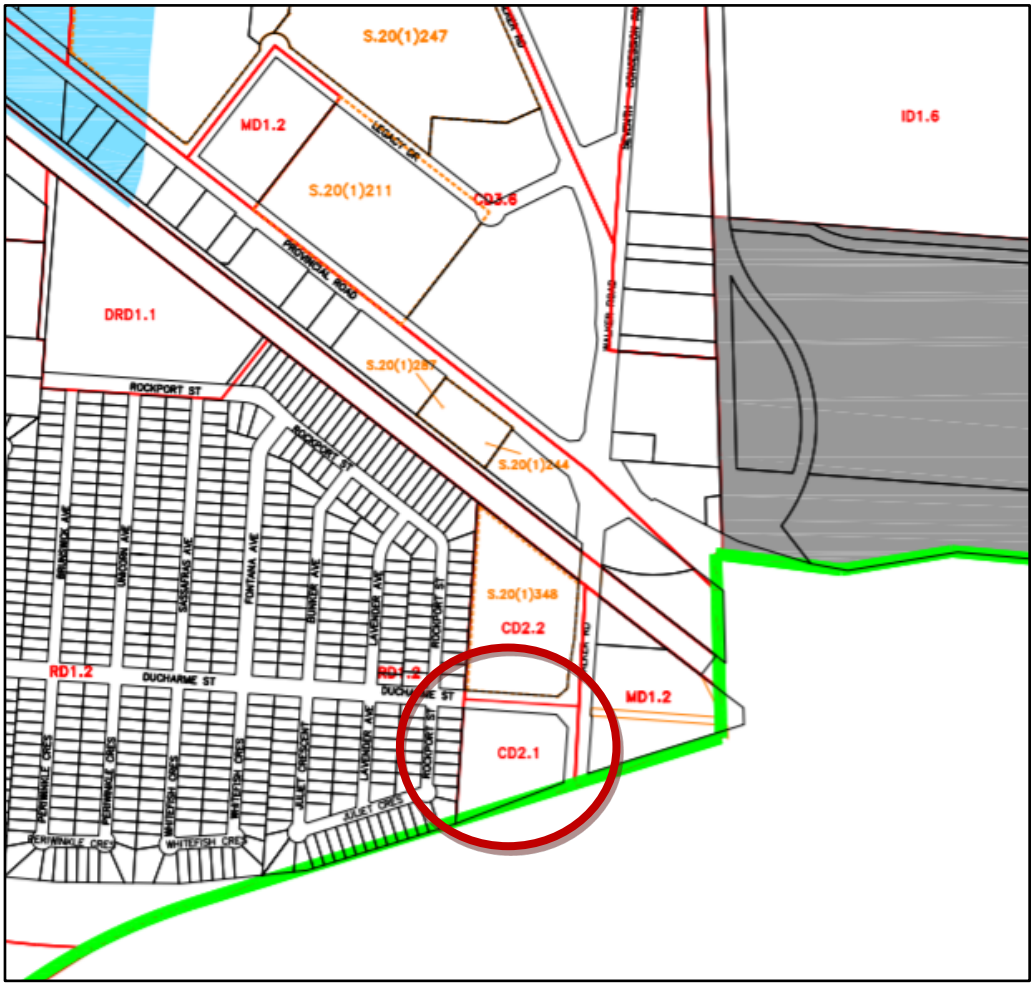

Figure 5 – Existing Zoning

A site specific ZBA is required for the proposed development. The zoning for the Site is proposed to be changed to a site specific Commercial District 2.2 (CD2.2 - S.20(1)(XXX)) category as shown on Map 13 of the City ZBL.

Permitted uses in the CD2.2 include combined use buildings with any one or more of the commercial uses identified.

"COMBINED USE BUILDING means a building having, as main uses, at least one dwelling unit and at least one non-residential use. If a Combined use Building is occupied in part by a Minor Commercial Centre or a Major Commercial Centre, the total required number of parking spaces is the sum of the required number of parking spaces for each Dwelling Unit and for the Minor Commercial Centre of a Major Commercial Centre."

It is proposed to add the proposed residential dwelling as a permitted use in the form of a multiple dwelling.

"MULTIPLE DWELLING means one dwelling containing a minimum of three dwelling units. A double duplex dwelling, semi-detached dwelling, stacked dwelling, or townhome dwelling is not a multiple dwelling."

A review of the CD2.2 zone provisions, as set out in Section 15.2 of the ZBL is as follows:

Zone Regulations	**Required CD2.2 Zone**	**Proposed**	**Compliance and/or Relief Requested with Justification**
Permitted Uses	Dwelling Units in a Combined Use Building with any one or more of the permitted uses (listed in 15.2.1 of the zoning bylaw)	One 6-storey combined use building One 6-storey multiple dwelling	Will comply, subject to the ZBA applications. A multiple dwelling is requested to be permitted as an additional use.
Maximum Building Height	14 m	22.4 m	Relief required. A total is 10.4 m is requested. The Site is suitable for the proposed density. Appropriate buffering has been included in the concept plan, including keeping the proposed building close to the roadway and set back

			from abutting residential uses.
Minimum Amenity Areas – per dwelling unit	12 m2 per unit (12 x 171 = 2,052 m2)	5,557 m2	Complies.
Gross Floor Area – maximum per unit Bakery or Confectionary	550.0 m2	468 m2	Complies.
Other	For a Combined Use Building, all dwelling units, not including entrances thereto, shall be located above the non-residential uses.	One 6-storey combined use building with commercial on the main floor.	Combined use building complies. Multiple dwelling proposed is subject to the ZBA application.
Parking Spaces Required	**Combined Use Building, Dwelling Units and Multiple Dwellings – 1.25 for each dwelling unit:** 213 parking spaces required (1.25 x 171 = 213.75 parking spaces, rounded down 213) **Retail:** 1 for each 22.5 m² GFA: 20 parking spaces required, based on 468 m2 (20.8 parking spaces rounded down, 20)	213 residential parking spaces provided 21 commercial parking spaces provided	Residential and commercial parking complies. A total of 234 parking spaces are provided.

Visitor Parking – minimum (24.22.1)	15 percent of parking spaces marked = 31.95 parking spaces (based on 213 residential parking spaces, rounded down 31)	35	Complies.
Accessible Parking Spaces Required – Minimum (24.24.1)	For 201-1000 total number of Parking Spaces Type B - 1 space plus 1 percent of parking spaces:	25 spaces provided	Compiles
Bicycle Parking – minimum (24.30.1)	2 for the first 19 spaces plus 1 for each additional 20 parking spaces: 25 = 1 + 0.04 x234 spaces required	30 spaces provided	Complies.
Loading - minimum (24.40.3)	= 3 residential = 1 commercial	4 spaces provided	Complies.

Therefore, the proposed development will comply with all zone provisions set out in the CD2.2 Zone except for the following, which requires relief:

a) Increase the maximum building height from the required 14 m to 22.4 m.

4.5 Land Use Compatibility

The compatibility of land uses is an important and accepted principle of good land use planning. Although commonly used, there is no one widely accepted definition for “land use compatibility”. For the purpose of this review, the compatibility of land uses will be determined on the negative impact a use, activity or facility will have on another land use. The term negative impact is often characterized as having an “adverse effect” which may include but not limited to:

- Damage to property;
- Harm or discomfort to any person;

- Loss of enjoyment of normal use of property; and
- Interference with the normal conduct of business.

The proposed development will be strategically located to provide efficient ease of the proposed new access into the parking areas.

The proposed development will be limited to a two 6-storey, medium profile neighbourhood development, which is a compatible density with the surrounding area.

The Site can accommodate the proposed development in terms of scale, massing, height and siting. On-site parking and landscaping will be provided. Refer to **Figure 6 – Concept Plan**.

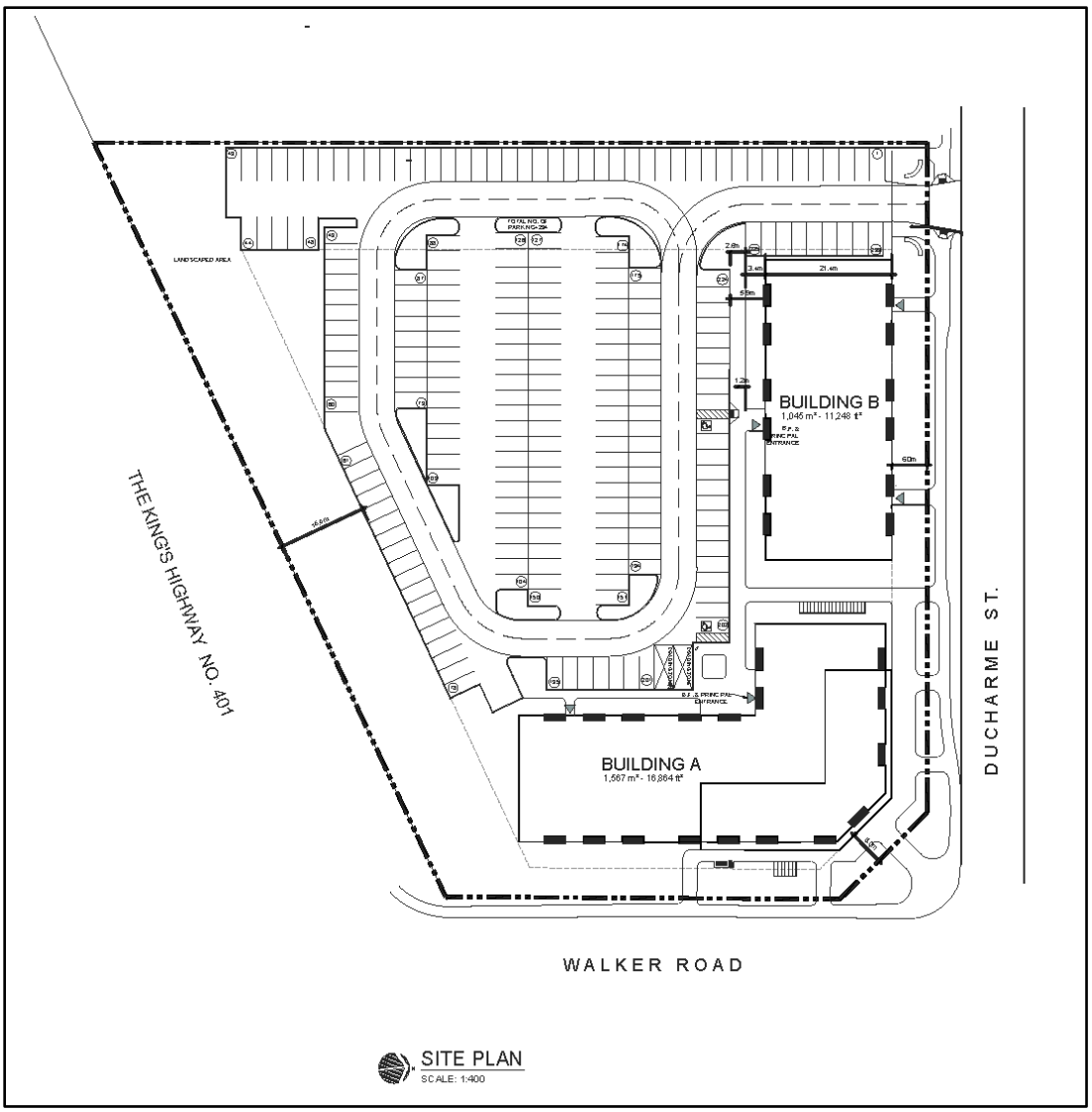

Figure 6 – Concept Plan

4.6 Traffic

A Traffic Impact Study (TIS) was prepared by Dillon Consulting, dated May 2019.

The study was completed to determine the existing and future operating conditions of intersections, traffic volumes and individual turning movements.

It should be noted that the TIS was for a conceptual development of three (3) buildings with approximately 276 residential units and over 1,000 m2 of GFA. The current proposal is much smaller in size.

It is concluded that all intersections within the study area currently operate at a reasonable level of service. No mitigation or signal calming changes have been identified for any of the study area intersections in order to accommodate the background traffic growth and new trips generated by the proposed development.

Further, sight distance requirements for this new access were reviewed and found to be acceptable and in accordance with current guidelines.

The following are recommendations/considerations:

- The proposed access to Ducharme Street should be centered with the proposed access found on the north side of Ducharme Street; and
- If not already present, consider introducing railway pre-emption technology at the Walker Road and Ducharme Street traffic signal due to southbound queues being forecast to extend up to and across CN Railway crossing.

4.7 Environmental

A Geotechnical Report has been prepared by CT Soils and Materials Engineering Inc, Consulting Engineers, dated June 15, 2005.

The geotechnical investigation was completed to determine relevant subsurface conditions at select test hole locations and to provide geotechnical recommendations for the building and pavement design of the proposed development.

The study provided recommendations for construction techniques.

4.8 Noise

A Road Traffic and Stationary Noise Impact Study was prepared by JJ Acoustic Engineering Ltd., dated January 14, 2021.

The study was based on road traffic noise and neighbouring buildings.

The report concluded that the potential for environmental noise impact from road traffic noise is significant. Mitigation measures are required and included the following:

- a requirement for central air-conditioning,
- noise warning clauses, and
- special building components.

Road traffic noise control requirements for the Site were determined based on road traffic volumes provided by the City of Windsor (City) and forecasted to 10 years from the date of this study.

It was concluded that the proposed development can, with the implementation of the recommendations, be designed to address impacts from surrounding noise sources.

4.9 Servicing

A Servicing Study was prepared by Haddad Morgan & Associates Ltd, Consulting Engineers, dated April 23, 2020.

The study provided a review and identified servicing requirements for the proposed development.

The study concluded that the proposed development will not adversely impact the existing infrastructure.

4.10 Parking

A Parking Justification Report was prepared by BairdAE, dated January 24, 2022.

The purpose of the study was to determine the adequacy of the proposed parking supply to meet the demand of the proposed mix-use development.

Originally, relief for parking was anticipated; however, the report has re-looked at the parking area layout and confirmed that the required parking could be provided, including visitor, barrier-free, bicycle, and loading spaces.

The report concluded that the proposed development would not adversely impact the neighboring street parking and that parking spaces are satisfactory.

5.0 CONCLUSION

The applicant intends to develop the Site for commercial and residential uses. Amendments to the City of Windsor Official Plan and Zoning By-law are being requested to recognize the proposed use in addition to the requested relief.

Based upon the analysis and the technical information which accompanies the applications, it is my professional planning opinion that the proposed residential and commercial uses are appropriate and represents “good planning”.

The applications to amend the Official Plan and Zoning By-law as submitted warrants favourable consideration for the following reasons:

- Consistent with the Provincial Policy Statement, 2020 and conforms with the intent and policies of the City of Windsor Official Plan;
- Conforms to the general intent and purpose of the City of Windsor Zoning By-law;
- There is a recognized need for additional residential units and commercial gross floor area;
- The Site’s soil and drainage conditions are suitable to permit the proposed development. Stormwater management will occur in an orderly and planned manner that is environmentally sound;
- The area’s road network can accommodate the project traffic generated by the proposal in a safe and efficient manner;
- The subject lands front onto two paved municipal roads which are in good condition;
- Servicing will be provided in an efficient and cost effective manner. The proposal will be serviced on full municipal sewage and water systems. Utilities are available adjacent to the Site. There is sufficient capacity for the proposed light industrial use;
- There are no anticipated traffic concerns,
- There are no environmental concerns,
- The location of the proposed development is appropriate in that it will blend well with the surrounding area, and
- Mixed-use on the Site represents an efficient development pattern that optimizes the use of land. The Site currently has a vacant building and is underutilized.

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

APPENDIX E- Results of Circulation

CITY OF WINDSOR – BUILDING DEPARTMENT - Barbara Rusan

The Building Code Act, Section 8.(1) requires that a building permit be issued by the Chief Building Official for any construction or demolition of a building. It is strongly recommended that the owner and/or applicant contact the Building Division to determine building permit needs for the proposed project. The City of Windsor Building Division can be reached by phone at 519-255-6267 or through email at buildingdept@citywindsor.ca

CITY OF WINDSOR - ENGINEERING – DESIGN AND DEVELOPMENT

Sewers – This site may be serviced by a combination of the 1800mm RCP storm sewer on Walker Road, a 250mm RCP sanitary sewer on Walker Road, a 300mm CP storm sewer on Ducharme Street and a 250mm PVC sanitary sewer on Ducharme Street. A functional servicing study for municipal services (sanitary & storm) is required. Site servicing and stormwater management, demonstrating compliance with the 7th Street Drain Diversion/Walker Road Project and the Windsor/Essex Region Stormwater Management Standards Manual are required.

ERCA approval is required, as a portion of the site is located within a hazard area regulated by the Conservation Authority.

Right-of-Way – Walker Road is classified by the Official Plan as a Class II Arterial road requiring a 42 metre right-of-way. This section of Walker Road was reconstructed in 2010; and all required property (easement and conveyances) fronting this site were acquired at that time. Schedule X of the Official Plan classifies Ducharme Street as a Class II Collector road with a required right-of-way width of 22 metres. The current right-of-way width is 22 metres; therefore a land conveyance is not required.

All driveway approaches to Ducharme Street shall be constructed as per City of Windsor Standard Engineering Drawing AS-204, with straight flares and no raised curbs with the right-of-way. Any redundant driveway approaches shall be restored to the satisfaction of the City Engineer. A Street Opening permit will be required for any work in the right-of-way.

A sidewalk shall be constructed on the south side of Ducharme Street and continue through the driveway approach, in accordance with City standards. Tactile surface indicators will not be required at this location.

In summary, we have no objections to the proposed rezoning and Official Plan amendment application, subject to the following requirements (requirements may be imposed as part of site plan control):

Site Plan Control Agreement – The applicant enters into an agreement with the City of Windsor for all requirements under the General Provisions of the Site Plan Control Agreement for the Engineering Department.

Site Servicing Plans – The owner agrees to submit a site servicing plan for the subject lands to the satisfaction of the Chief Building Official, the City Engineer, and ERCA in regulated areas, prior to the issuance of any construction permits for the subject lands.

Servicing Study – The owner agrees, at its own expense, to retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer system, satisfactory in content to the City Engineer and prior to the issuance of a construction permit. The study shall review the proposed impact and recommend mitigating

measures and implementation of those measures. The Study is required to be finalized to the satisfaction of the City Engineer prior to the issuance of construction permits.

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, interpretation if a sampling manhole exists, or exceptions to such, will be to the satisfaction of the City Engineer.

Existing Sewers and Connections - The owner further agrees, at its entire expense and to the satisfaction of the City Engineer:

a) To undertake a video inspection of the mainline sewers that will be used by the subject property and all connections to the mainline sewers that service the subject property.

b) Any redundant connections will be abandoned according to the City of Windsor Engineering Best Practice B.P.1.3.3.

c) Any new connections to combined sewers will follow City of Windsor Engineering Best Practice B.P.1.1.1.

Sidewalks – The owner(s) agrees to construct at their expense and according to City of Windsor Standard Specifications, a concrete sidewalk along the entire Ducharme Street frontage of the subject lands. All work to be to the satisfaction of the City Engineer.

ERCA Requirements – The owner further agrees to follow all drainage and flood proofing recommendations of the Essex Region Conservation Authority (ERCA) may have with respect to the subject land, based on final approval will obtain all necessary permits from ERCA with respect to the drainage works on the subject lands.

If you have any questions or concerns, please contact Shannon Mills, of this department at smills@citywindsor.ca

Patrick Winters, Development Engineer

CITY OF WINDSOR – ENVIRONMENTAL SERVICES

No concerns

CITY OF WINDSOR – HERITAGE PLANNER - KRISTINA TANG

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

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

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

Tourism and Culture Industries and the Registrar at the Ministry of Government and Consumer Services if needed, and notification and satisfactory confirmation be given by the Ministry of Heritage, Sport, Tourism and Culture Industries.

Contacts:

Windsor Planning & Building Department:

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

Windsor Manager of Culture and Events:

Michelle Staadegaard, (O) 519-253-2300x2726, (C) 519-816-0711, mstaadegaard@citywindsor.ca

Ontario Ministry of Heritage, Sport, Tourism and Culture Industries

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

Windsor Police: 911

Ontario Ministry of Government & Consumer Services

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

CITY OF WINDSOR – LANDSCAPE ARCHITECT - Stefan Fediuk

Pursuant to the application for a zoning amendment (Z 040/21) please note no objections from a Landscape Architectural or Urban Design perspective. Please also note the following comments:

Zoning Provisions for Parking Setback:

The proposed site development concept plan appears to provide the appropriate setback and landscape areas as per Zoning Bylaw. Therefore, all landscape comments will be reserved to the time of Site Plan Control.

Tree Preservation:

A large tree 130 cm in trunk diameter (measured 1.2 metres from surrounding grade) is situated near the Walker Rd right-of-way on the subject properties. It is recommended that this tree be preserved as part of the site development. Should the tree not be able to be preserved, as per the Landscape Manual for Development replace/compensation at a rate of caliper per caliper is to be applied. All tree replacement/compensation conditions will be provided at the time a Site Plan application is received.

Urban Design:

Fencing and/or hedge planting along the west property boundary may be required to provide privacy for the abutting residence given that the canopies of the existing coniferous trees do not extent below 1.5 metres from grade.

A dense landscape buffer with extensive tree planting would be required between the proposed residential development and the embankment of the King's Highway No.401. This buffer is to consist of coniferous (evergreen) trees is situated in several rows along with deciduous trees to provide visual and some level of noise protection through baffling the sound from the highway traffic.

Parkland Dedication:

There are no parkland implications beyond the usual requirement as per the Planning Act Section 42 (1) at a rate of 2% for Commercial and Industrial uses and 5% for all other uses. As per the Planning Act Section 42 (6), Payment in the form of cash-in-lieu may be acceptable where land is not required by the City for parks or other recreational purposes (i.e. public greenspace, bikeways, trails, streetscape development etc.) to be determined at the time of issuance of a permit by the Building Department.

CITY OF WINDSOR – TRANSPORTATION PLANNING – GENERAL COMMENTS

- Walker Rd. is a municipal roadway classified by the Official Plan as a Class II Arterial road requiring a 42 metre right-of-way. The Walker Road Environmental Assessment has been constructed for this section of Walker Rd and the approved design does not require any more land to be conveyed.
- Schedule X of the Official Plan classifies Ducharme Street as a Class II Collector road with a required right-of-way width of 22 metres. The current right-of-way width is 22 metres; therefore a land conveyance is not required.
- This development is in the MTO permit corridor control. The applicant should consult with MTO on their requirements.
- The parking variance for this development is not supported based on the previously submitted parking study. Comments have been provided to the applicant from Planning and parking supply mitigation and strategies should be addressed as discussed.
- Sidewalks must be constructed along the Ducharme Street frontage per Engineering Right-of-Way requirements.
- A TIS has been submitted with this application and is currently under review. Comments will be provided in a separate memo to the Planner on this file.
- All accesses shall conform to the TAC Geometric Design Guide for Canadian Roads and the City of Windsor Standard Engineering Drawings (AS-203 and AS-204).
- All new exterior paths of travel must meet the requirements of the Accessibility for Ontarians with Disabilities Act (AODA).

CITY OF WINDSOR – TRANSPORTATION PLANNING – TIS COMMENTS

We have reviewed the transportation impact study report for the above-noted application Castle Gate Towers South Development at 4845 Walker Road dated May 2019, by Mike Walters (P.Eng.) from Dillon Consulting.

Overall, the report establishes that the existing surrounding road network can accommodate the traffic impacts of the proposed development. It is recommended in the TIS that consideration should be made to introduce railway pre-emption technology at the Walker Road and Ducharme Street traffic signal, linking to the CN Railway crossing. This signal at this intersection is adaptive and will continue to be monitored by Traffic Operations in consultation with the railway to determine if any changes would be required in the future.

CANADA POST

This development, as described, falls within our centralized mail policy. I will specify the condition which I request to be added for Canada Post Corporation's purposes.

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

Should the description of the project change, I would appreciate an update in order to assess the impact of the change on mail service. If you have any questions or concerns regarding these conditions, please contact me. I appreciate the opportunity to comment on this project.

CN RAIL

It is noted that the railway corridor adjacent to the subject site is owned by Borealis Transportation Infrastructure Trust (DETROIT RIVER TUNNEL COMPANY). Please reach out to them for further comments. With respect to developments in proximity to the railway corridor, please refer to the policies developed by the Railway Association of Canada and the Federation of Canadian Municipalities. Please visit http://www.proximityissues.ca for more information.

ENBRIDGE - WINDSOR MAPPING

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

Please Note:

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

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

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

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

ENWIN

Hydro Engineering:

No Objection, provided adequate clearances are achieved and maintained.

ENWIN has existing underground along the north limits with 27,600 volt primary hydro distribution. ENWIN has existing switching unit along the north limits with 27,600 volt primary hydro distribution. ENWIN has existing overhead pole lines along the east limits with 27,600 volt primary and120/240 volt secondary hydro distribution.

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: No objections to the rezoning.

ESSEX REGION CONSERVATION AUTHORITY

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by 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 7th Street Drain. 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.

In addition, the proponent should have regard for any required building setbacks from any drains (covered or open). Please contact your local municipality’s drainage superintendent for more information or the Municipality's applicable Zoning By-law.

RISK MANAGEMENT AND SOURCE PROTECTION PLAN

The subject property may lie wholly or partially within the Event Based Area (EBA) of the Essex Region Source Protection Plan, which came into effect October 1, 2015. The Source Protection Plan was developed to provide measures to protect Essex Region's municipal drinking water sources. As a result of these policies, new projects in these areas may require approval by the Essex Region Risk Management Official (RMO) to ensure that appropriate actions are taken to mitigate any potential drinking water threats. Should your proposal require the installation of fuel storage on the site, please contact the RMO to ensure the handling and storage of fuel will not pose a significant risk to local sources of municipal drinking water. The Essex Region’s Risk Management Official can be reached by email at riskmanagement@erca.org or 519-776-5209 ext 214. If a Risk Management Plan has previously been negotiated on this property, it will be the responsibility of the new owner to contact the Essex Region Risk Management Official to establish an updated Risk Management Plan. For any questions regarding Source Water Protection and the applicable source protection plan policies that may apply to the site, please contact the Essex Region Risk Management Official.

Significant Groundwater Recharge Area

The property is located within a Significant Groundwater Recharge Area (SGRA). There are no associated Significant Drinking Water Threats (SDWTS) or policies with these areas because the municipal water treatment plant does not use groundwater as its supply. However, the proponent should consider the sensitive nature of this natural feature. These areas are at a greater risk for contamination from land use activities. Any future proposed activity on these properties at minimum should not result in increased risk of contamination of the recharge area.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 PPS, 2020 - Stormwater Management

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. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the Windsor-Essex Region Stormwater Management Standards Manual.

If this property is subject to Site Plan Control, we request to be included in the circulation of the Site Plan Control application.

We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

PLANNING ADVISORY SERVICE TO PLANNING AUTHORITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020

The following comments are provided from our perspective as an advisory service provider to the Planning Authority on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the Provincial Policy Statement of the Planning Act. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Planning Authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

FINAL RECOMMENDATION

With the review of background information and aerial photograph, ERCA has no objection to this application for Zoning by-law amendment and Official Plan Amendment at this time.

We reserve to comment further on storm water management concerns, until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

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

Sincerely,

Vitra Chodha, E.P, Resource Planner

ONTARIO MINISTRY OF TRANSPORTATION – Ryan Mentey

The Ministry of Transportation (MTO) has completed its review of the proposed OPA and ZBA to accommodate the proposed development that includes residential and commercial components located at 4845 Walker Road. The proposal has been considered in accordance with the *Public Transportation and Highway Improvement Act* (PTHIA) and MTO's access management guidelines.

MTO does not object to the proposed OPA, ZBA and the proposed development, however, the property is located adjacent to Highway 401 within MTO's Permit Control Area, and as such, MTO permits are required prior to any work taking place. As a condition of MTO permits, MTO provides the following:

- The Proponent shall submit an acceptable Site Plan, Grading Plan, Drainage Plan and Site Servicing Plan for MTO review and approval. MTO requires all buildings, structures and features integral to the site to be located a minimum of 14 metres from the highway property limit, inclusive of fire-lanes, parking and storm water management facilities.
- Storm Water Management - As a condition of MTO permits, to ensure that stormwater runoff from this property does not adversely affect our highway drainage system or highway corridor, MTO may require the owner to submit a Storm Water Management Report (SWMR) report along with the above-noted grading/drainage plans for the proposed development for our review and approval. MTO will provide further comments upon review of the grading/drainage plans.
- MTO is currently reviewing the Transportation Impact Study (TIS) dated May 2019, and will provide comments in the near future. If the TIS identifies a need for improvements to the highway/intersection, it is the responsibility (financially and otherwise) of the owner to design and construct the works in accordance with all ministry standards, specifications, and criteria. Any required improvements to the highway that cannot be geometrically accommodated, will not be permitted, and development permits will not be made available.
- All signs visible from Highway 401 shall be subject to MTO's review and approval and MTO Sign Permits are required prior to installation (including temporary development signs).
- Any encroachments and works identified within the Highway 401 property limits are subject to MTO conditions, approval and permits, prior to construction. All provincial highway property encroachments are strictly regulated and must meet all conditions set out by MTO.
- MTO will respectfully request a draft copy of the municipal Site Plan Agreement when available referencing all final plans and reports for review as a condition of consideration of MTO permits.

MTO looks forward to reviewing additional documents as the project progresses. Feel free to contact me with any questions or concerns you have.

ONTARIO MINISTRY OF TRANSPORTATION – TIS COMMENTS

The Ministry of Transportation (ministry) has reviewed the submitted Traffic Study dated May 10, 2019 (attached), and provides the following comments.

- The ministry disagrees with the study area outlined in the report. The study did not include the Provincial Rd – Walker Rd intersection.
- Queue and storage lengths for left turn and through movements for the ramp terminals at Highway 401 – Provincial Road and the south approach of Provincial Road – Walker Road

need to be calculated using the arrival rate method explained on MTO's Signal Timing Policy (attached). For queues/storage lengths for right turn movements please refer to Chapter 9 of TAC's Geometric Design Guide for Canadian Roads. Queue assessment shall include a review to determine if the thru queues impede access the free flow ramps/channelizations, auxiliary lanes or if they reach the adjacent intersection or the freeway. Volume distribution for queue/storage length assessment for multilane approaches:

  - 60/40 for dual left turn lanes,
  - 50/50 for through volumes distributed in a 2 lane cross section

- For Section 4.1 Trip Generation, please include all totals, directional distribution, and internal captures in Table 6 as extra rows and columns, rather than in the paragraphs below.
- Use the fitted curve equation to calculate the trip generation for both the Multi-Family Housing and the Shopping Centre.
- Double left turn lanes should be considered when the peak left turn volumes exceeds 300 vph .

Synchro

- Please use a PHF of 0.92.
- This review did not include the digital Synchro files. Synchro files will be reviewed in the next submission.

The Ministry looks forward to receiving additional materials as the project progresses.

TRANSIT WINDSOR

Transit Windsor has no objections to this development. The closest existing transit route to this property is with the Walkerville 8. There are 2 bus stops directly adjacent to this property located on Ducharme at Walker Southwest Corner and Walker at Ducharme Southwest Corner. There are no plans to move either one of these stops. If either stop needs to temporarily be closed for construction, Transit Windsor requires a minimum of 2 weeks notice. This will be maintained with our Council approved Transit Master Plan.