

September 15, 2023

TO THE MAYOR AND MEMBERS OF COUNCIL:

A special meeting of Council will be held on **Monday, September 18, 2023, at 2:45 p.m., in Room 139, 350 City Hall Square.** Council will at the special meeting adopt a resolution to authorize Council to meet in closed session, and the resolution shall contain the general nature of the matters to be considered in the closed session. The resolution must be adopted by a majority of Council present during the open special meeting before the meeting may be closed. An agenda for this meeting is enclosed under separate cover.

The **regular meeting** of Council will be held on **Monday, September 18, 2023 at 4:00 o'clock p.m., in the Council Chambers, 350 City Hall Square.**

BY ORDER OF THE MAYOR.

Yours very truly,



Steve Vlachodimos
City Clerk

/bm

c.c. Chief Administrative Officer

Consolidated City Council Meeting Agenda

Date: Monday, September 18, 2023

Time: 4:00 o'clock p.m.

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

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

MEMBERS:

Mayor Drew Dilkens

Ward 1 – Councillor Fred Francis

Ward 2 – Councillor Fabio Costante

Ward 3 – Councillor Renaldo Agostino

Ward 4 – Councillor Mark McKenzie

Ward 5 – Councillor Ed Sleiman

Ward 6 – Councillor Jo-Anne Gignac

Ward 7 – Councillor Angelo Marignani

Ward 8 – Councillor Gary Kaschak

Ward 9 – Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

ORDER OF BUSINESS

Item # Item Description
1. **ORDER OF BUSINESS**

2. **CALL TO ORDER** - Playing of the National Anthem

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

3. **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

4. **ADOPTION OF THE MINUTES**

4.1 Adoption of the Windsor City Council meeting minutes held September 5, 2023
(SCM 256/2023) (attached)

5. **NOTICE OF PROCLAMATIONS**

Proclamations

“British Home Children’s Day” – September 28, 2023

“Learning Disabilities Awareness Month” – October 2023

“National Disability Employment Awareness Month” – October 2023

“Healthy Workplace Month” – October 2023

“United Nations International Day for Elder Persons and Canada Seniors Day” – October 1, 2023

“Foster Parent Appreciation Week” – October 15, 2023 to October 21, 2023

Flag Raising Ceremony

“Franco Ontarian Day” – September 25, 2023

“United Nations International Day for Elder Persons and Canada Seniors Day” – October 4, 2023 to October 10, 2023

“International Day of the Girl” – October 11, 2023

Illumination

“British Home Children’s Day” – September 28, 2023

“Franco Ontarian Day” – September 25, 2023

“National Day for Truth and Reconciliation” – September 29, 2023 – September 30, 2023

“United Nations International Day for Elder Persons and Canada Seniors Day” – October 1, 2023 to October 6, 2023

6. **COMMITTEE OF THE WHOLE**

7. **COMMUNICATIONS INFORMATION PACKAGE** (This includes both Correspondence and Communication Reports)

7.1. Correspondence 7.1.1 through 7.1.9 **(CMC 12/2023) (attached)**

7.2. 2023 Sale of Lands for Tax Arrears - City Wide **(C 135/2023)**
Clerk’s Note: Administration submitting a P&C memo dated August 28, 2023 for Mayor and Council only.

8. **CONSENT AGENDA**

8.1. Applications for Tax Reductions under S. 357/358 of the Ontario Municipal Act 2001 - City Wide **(C 138/2023)**

8.2. Tax Relief 2022 - Extreme Poverty and/or Illness - City Wide **(C 136/2023)**
Clerk’s Note: Administration submitting a P&C memo dated August 31, 2023 for Mayor and Council only.

8.3. Bright Lights Set up and Tear Down– Ward 3 **(C 134/2023)**

8.4. City of Windsor Biosolids Management Strategy - Schedule C Municipal Class Environmental Study Report - City Wide **(C 122/2023)**

8.5. REportfolio Real Property Administration Software Upgrade **(C 139/2023)**

9. **REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS**

10. **PRESENTATIONS AND DELEGATIONS**

11. **REGULAR BUSINESS ITEMS** (Non-Consent Items)

11.1. Funding: Huron Lodge Facilities Improvements - 1881 Cabana Road West - Ward 1 **(C 137/2023)**

- 11.2. 2024 Capital Budget Pre-Approval **(C 131/2023) (attached)**
- 11.3. Provincial Road/Division Road Corridor Improvements Phase 3 – Noise Bylaw Exemption – Ward 9 **(C 142/2023) (attached)**

- 12. **CONSIDERATION OF COMMITTEE REPORTS**
 - 12.1. (i) Report of the Special In-Camera meeting or other Committee as may be held prior to Council (if scheduled)

- 13. **BY-LAWS (First and Second Reading) (attached)**
 - 13.1. **By-law 124-2023** A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 18TH DAY OF SEPTEMBER, 2023.

- 14. **MOVE BACK INTO FORMAL SESSION**

- 15. **NOTICES OF MOTION**

- 16. **THIRD AND FINAL READING OF THE BY-LAW**
By-law 124-2023

- 17. **PETITIONS**

- 18. **QUESTION PERIOD**

- 19. **STATEMENTS BY MEMBERS**

- 20. **UPCOMING MEETINGS**
Environment, Transportation & Public Safety Standing Committee
Wednesday, September 27, 2023
4:30 p.m., Council Chambers

Development & Heritage Standing Committee
Tuesday, October 3, 2023
4:30 p.m., Council Chambers

Community Services Standing Committee
Wednesday, October 4, 2023
9:00 a.m., Council Chambers

Windsor Licensing Commission
Thursday, October 5, 2023
9:00 a.m. Room 204, 350 City Hall Square West

City Council Meeting
Monday, October 16, 2023
4:00 p.m., Council Chambers

21. **ADJOURNMENT**



Committee Matters: SCM 256/2023

Subject: Adoption of the Windsor City Council meeting minutes held September 5, 2023

City Council Meeting

Date: Tuesday, September 05, 2023

Time: 4:00 o'clock p.m.

Members Present:

Mayor

Mayor Drew Dilkens

Councillors

Ward 1 - Councillor Fred Francis

Ward 2 - Councillor Fabio Costante

Ward 3 – Councillor Renaldo Agostino

Ward 4 - Councillor Mark McKenzie

Ward 5 - Councillor Ed Sleiman

Ward 6 - Councillor Jo-Anne Gignac

Ward 7 - Councillor Angelo Marignani

Ward 8 - Councillor Gary Kaschak

Ward 9 - Councillor Kieran McKenzie

Ward 10 - Councillor Jim Morrison

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1. ORDER OF BUSINESS

2. CALL TO ORDER

Following the playing of the Canadian National Anthem and reading of the Land Acknowledgement, the Mayor calls the meeting to order at 4:08 o'clock p.m.

3. DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF

Councillor Renaldo Agostino discloses an interest and abstains from voting on Item 8.12 being "546 and 548-550 Devonshire Road, Semi-Detached Houses – Heritage Permits & Community Heritage Fund Requests (Ward 4)", as it relates to a personal relationship with one of the applicants.

4. ADOPTION OF THE MINUTES

4.1. Minutes of the August 3, 2023 Special Meeting of Council Strategic Planning Session

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

That the minutes of the Special Meeting of Council held August 3, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 234/2023

4.2. Minutes of the August 8, 2023 City Council Meeting

Moved by: Councillor Fabio Costante
Seconded by: Councillor Fred Francis

That the minutes of the meeting of Council held August 8, 2023 **BE ADOPTED** as presented.
Carried.

Report Number: SCM 235/2023

5. NOTICE OF PROCLAMATIONS

Proclamations

“Suicide Awareness Month” – September 2023

Flag Raising Ceremony

“Independence of Mexico” – September 14, 2023 – September 19, 2023

Illumination

“World Suicide Awareness Day” – September 18, 2023 – September 22, 2023

“Independence of Mexico” – September 26, 2023 – September 27, 2023

“Prostate Cancer Awareness Month” – September 8, 2023 – September 15, 2023

6. COMMITTEE OF THE WHOLE

Moved by: Councillor Jo-Anne Gignac

Seconded by: Councillor Gary Kashack

That Council do now rise and move into Committee of the Whole with the Mayor presiding for the purpose of dealing with:

- (a) communication items;
 - (b) consent agenda;
 - (c) hearing requests for deferrals, referrals and/or withdrawals of any items of business;
 - (d) hearing presentations and delegations;
 - (e) consideration of business items;
 - (f) consideration of Committee reports;
 - (g) Report of Special In-Camera Meeting or other Committee as may be held prior to Council (if scheduled); and
 - (h) consideration of by-laws 107-2023 through 123-2023 (inclusive)
- Carried.

7. COMMUNICATIONS INFORMATION PACKAGE

7.1. Correspondence for Monday, September 5, 2023

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

Decision Number: CR349/2023

That the following Communication Items 7.1.1 through 7.1.4 and 7.1.6 through 7.1.7 be set forth in the Council Agenda **BE REFERRED** as noted; and that Item 7.1.5 be dealt with as follows:

7.1.5 Letter to Ontario’s Big City Mayors Regarding Infrastructure Funding from the Federal Government

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Moved by: Councillor Mark McKenzie
 Seconded by: Councillor Fred Francis

Decision Number: CR350/2023

That the letter from the Municipality of Chatham-Kent dated August 15, 2023 to the Ontario’s Big City Mayors (OBCM) regarding Infrastructure Funding from the Federal Government **BE RECEIVED**; and,

That administration **BE REQUESTED** to send a letter on behalf of Windsor City Council to the Minister of Housing Infrastructure and Communities in support of Minister Surma’s call to encourage the federal government to support the sustainability and growth of critical infrastructure in Ontario through a new round of flexible federal-provincial infrastructure funding.

Carried.

Clerk’s File: GM2023

No.	Sender	Subject
7.1.1	Ontario Land Tribunal	Proceeding commenced under subsection 26(1) of the <i>Expropriations Act</i> , Part of Lots 119 and 120, Concession 3, Case Number OLT-21-001159 Commissioner, Legal & Legislative Services City Planner Chief Building Official Deputy City Solicitor Senior Legal Counsel APM2023 Note & File
7.1.2	Ontario Land Tribunal	Proceeding commenced under subsection 34(19) of the <i>Planning Act</i> regarding By-law 67-2022 to permit a 4 storey multiple dwelling at 1913, 1925 & 1949 Devonshire Court Case Number: OLT-22-003819 and Memorandum of Oral Decision and Scheduling a hearing. Commissioner, Legal & Legislative Services Commissioner, Economic Development & Innovation City Planner Chief Building Official Deputy City Solicitor Senior Legal Counsel Development Applications Clerk ZB/14241

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No.	Sender	Subject
		Note & File
7.1.3	Ministry of the Environment, Conservation and Parks - Environmental Assessment Modernization Branch	<p>Letter and Notice of Amendments to modernize Ontario's environmental assessment (EA) program by moving to a Project List approach under the <i>Environmental Assessment Act</i> from the current framework</p> <p style="text-align: right;">Commissioner, Infrastructure Services Commissioner, Economic Development & Innovation Commissioner, Community Services GP2023 Note & File</p>
7.1.4	Ministry of Infrastructure – Infrastructure Programs and Projects Division	<p>Letter regarding update to Red Tape Reduction for Designated Broadband Projects and the <i>Less Red Tape, Stronger Economy Act, 2023</i></p> <p style="text-align: right;">Commissioner, Infrastructure Services Commissioner, Legal & Legislative Services Commissioner, Economic Development & Innovation Commissioner, Community Services CFO / City Treasurer Chief Building Official GP2023 Note & File</p>
7.1.5	Municipality of Chatham-Kent	<p>Letter to Ontario's Big City Mayors Regarding Infrastructure Funding from the federal government</p> <p style="text-align: right;">Commissioner, Infrastructure Services Commissioner, Economic Development & Innovation Commissioner, Corporate Services GM2023 Note & File</p>
7.1.6	MPAC – Municipal Property Assessment Corporation	<p>Letter to CFO regarding the extension of the current assessment cycle</p> <p style="text-align: right;">Commissioner, Corporate Services CFO/City Treasurer GM2023</p>
7.1.7	Committee of Adjustment Agenda	<p>Applications heard by the Committee of Adjustment/Consent Authority, Thursday August 24, 2023.</p>

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No.	Sender	Subject
		Z2023 Note & File

Carried.

Report Number: CMC 11/2023

7.2. 2024 Budget Process Update - City Wide

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

Decision Number: CR351/2023

That the report of the Chief Financial Officer & City Treasurer dated September 5, 2023 regarding the 2024 Budget Process Update **BE RECEIVED** for information.

Carried.

Report Number: C 124/2023

Clerk's File: AF/14585

7.3. Your Quick Gateway (Windsor) Inc. (YQG) - 2022 Financial Statements (Q2, Q3, Q4) and 2023 Financial Statements (Q1) - City Wide

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

Decision Number: CR352/2023

That City Council **RECEIVE FOR INFORMATION** Quarter 2, 3, 4 Variance and Performance Analysis for Your Quick Gateway (Windsor) Inc.; and further,

That City Council **RECEIVE FOR INFORMATION** the 2023 Quarter 1 Variance and Performance Analysis for Your Quick Gateway (Windsor) Inc.

Carried.

Report Number: C 126/2023

Clerk's File: AF/14399

8. CONSENT AGENDA

8.1. Municipal Capital Facility at 4000 County Road 42, Windsor – Ward 9

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR353/2023

I. That City Council **DECLARE** the Leased Lands at 4000 County Road 42 a Municipal Capital Facility ("**MCF**") for the purposes of the municipality and for public use; and,

II. That the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to execute a MCF agreement with AAR Aircraft Services - Windsor ULC, to be satisfactory in form to the City Solicitor and satisfactory in financial content to the City Treasurer; and

III. That the City Solicitor **BE DIRECTED** to prepare the necessary By-Law.
Carried.

Report Number: C 127/2023
Clerk's File: APM2023

8.2. Your Quick Gateway (Windsor) Inc. – Annual General Meeting of Shareholder – City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR354/2023

- I. That Council, acting as the shareholder for Your Quick Gateway (Windsor) Inc. ("YQG") **APPROVE** the resolutions presented by YQG; and,
- II. That the Chief Administrative Officer (CAO) and the City Clerk/Licence Commissioner **BE AUTHORIZED** to execute the shareholder's resolutions on behalf of The Corporation of the City of Windsor, in accordance with Council direction, with respect to all matters presented herein by YQG for the year 2022.

Carried.

Report Number: C 129/2023
Clerk's File: AL/14399

8.5. Minutes of the Essex-Windsor Solid Waste Authority Regular Board Meeting held Tuesday, May 24, 2023

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR357/2023 ETPS 948

That the Minutes of the Essex-Windsor Solid Waste Authority Regular Board meeting held May 24, 2023 **BE RECEIVED**.

Carried.

Report Number: SCM 209/2023 & SCM 200/2023

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Clerk's File: MB2023

8.6. Essex Windsor Solid Waste Authority (EWSWA) Annual Report - Essex-Windsor Residential Waste Diversion 2022

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR358/2023 ETPS 949

That the 2022 Annual Report of the Essex-Windsor Solid Waste Authority **BE APPROVED**.
Carried.

Report Number: SCM 210/2023 & SCM 201/2023
Clerk's File: MB2023

8.8. Response to CQ27-2021 - All-Way Stop Warrant - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR360/2023 ETPS 950

That the All-Way Stop policy **REMAIN** status quo for the time being; and,
That the report of the Senior Manager, Traffic Operations dated June 5, 2023, entitled "Response to CQ27-2021—All Way Stop Warrant-City Wide" as well as any changes to the All-Way Stop Policy **BE DEFERRED** to a future meeting of the Environment, Transportation & Public Safety Standing Committee to be considered in conjunction with the Vision Zero Report.
Carried.

Report Number: SCM 212/2023 & S 70/2023
Clerk's File: SW2023 & ACOQ2023

8.9. Alley Maintenance Standards - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR361/2023 ETPS 952

That the report of the Executive Direction, Operations, dated July 6, 2023 entitled Alley Maintenance Standards-City Wide **BE RECEIVED**; and,

That Scenario 1: One-time funding from Reserves as outlined in the administrative report of the Executive Director, Operations **BE APPROVED**; and further,

That Administration **BE REQUESTED** to report back to City Council with a specific proposed framework and work plan for the previously approved Alley Standards and Development Committee.

Carried.

Report Number: SCM 213/2023 & C 106/2023
Clerk's File: SW2023

8.10. Temporary Traffic Calming Measures For Class I Collector Roadways (CQ16-2023) - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR362/2023 ETPS 953

That Council **APPROVE** the updated Expedited Traffic Calming Procedure as listed in Appendix A.

That Council **PRE-COMMIT** \$100,000 in 2026 Pay-As-You-Go funding from the Traffic Calming Initiatives project, OPS-021-07, for immediate use.

Carried.

Report Number: SCM 214/2023 & S 83/2023
Clerk's File: ST2023

8.11. Update: Amendment to Sign By-law 250-04 related to Billboards and Electronic Billboards - City Wide

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR363/2023 DHSC 531

That the report of the Landscape Architect /Sr. Urban Designer titled "Update: Amendments to Sign By-law 250-2004 related to Billboards and Electronic Billboards – City Wide" dated July 6, 2023 **BE RECEIVED**.

Carried.

Report Number: SCM 216/2023 & CM 7/2023
Clerk's File: SPL2022

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8.12. 546 and 548-550 Devonshire Road, Semi-Detached Houses - Heritage Permits & Community Heritage Fund Requests (Ward 4)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR364/2023 DHSC 536

- I. That the Heritage Permit at 546 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Natalie Delia Deckard for the removal and replacement of the existing cedar wood roof, gable ends, and dormer walls shingles with Perfection cedar shingles; and,
- II. That the Heritage Permit at 548-550 Devonshire Rd, Semi-detached House, **BE GRANTED** to the Property Owner Scott Mayrand for the removal and replacement of the existing cedar wood roof and dormer walls shingles and synthetic gable ends siding with Perfection cedar shingles; and,
- III. That the City Planner or designate **BE DELEGATED** the authority to approve any further proposed changes associated with the roof replacement and gable ends and dormers cladding replacement; and,
- IV. That a total grant of 30% of the cost to an upset amount of \$18,224.76 for the cedar roof shingles and \$10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157), **BE GRANTED** to the Owner of the Semi-detached House at 546 Devonshire Rd, subject to:
 - a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;
 - b. Determination by the City Planner that the work is completed to heritage conservation standards;
 - c. Owner's submission of paid receipts for work completed;
 - d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.
- V. That a total grant of 30% of the cost to an upset amount of \$18,224.76 for the cedar roof shingles and \$10,645.03 for the cedar gable ends and dormer shingles, from the Community Heritage Fund (Reserve Fund 157) **BE GRANTED** to the Owner of the Semi-detached House at 548-550 Devonshire Rd, subject to:
 - a. Submission of conservation details, technical details and samples, to the satisfaction of the City Planner or designate prior to work start;

- b. Determination by the City Planner that the work is completed to heritage conservation standards;
- c. Owner's submission of paid receipts for work completed;
- d. That the Community Heritage Fund (Reserve Fund 157), grants approved shall lapse if the applicant has not completed the work and fulfilled the conditions within 2 years of the approval date.

Carried.

Report Number: SCM 217/2023 & S 86/2023
Clerk's File: MBA/14621

8.13. 160 Askin Avenue – Request for Partial Demolition of a Heritage Listed Property (Ward 2)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR365/2023 DHSC 537

- I. That Council **BE INFORMED** of the proposed removal of the rear detached garage structure, rear porch and canopy to facilitate the construction of a two-storey attached additional dwelling unit to the existing dwelling and erection of a detached two-storey additional dwelling unit at the rear of 160 Askin Avenue.

Carried.

Councillor Renaldo Agostino discloses an interest and abstains from voting on this matter.

Report Number: SCM 218/2023 & S 87/2023
Clerk's File: MBA/14622

8.14. Windsor Municipal Heritage Register: Strategies in Response to Provincial Bill 23 (City-wide)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR366/2023 DHSC 539

- I. That City Council **APPROVE** the Heritage Register Evaluation Strategies formulated in response to Provincial Bill 23; and
 - Strategy 1: Designation through Walkerville Heritage Conservation District Study
 - Strategy 2: Designation through Development Review and Incentive Programs

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- Strategy 3: Designation of properties of “strongest” and/or missing representation of Cultural Heritage Value/Interest:
 - Strategy 4: Exploring new ways to designate
 - Strategy 5: Protection of City-Owned Heritage resources through Council direction
 - Strategy 6: Protections through Demolition Control Bylaw
 - Strategy 7: Continued recognition of heritage properties through a Windsor Heritage Inventory; and,
- II. That Administration **BE DIRECTED** to implement the Heritage Register Evaluation Strategies to the existing 884 ‘listed’ properties on the Windsor Municipal Heritage Register; and,
- III. That City Council **COMMIT TO** protecting Heritage properties that are city-owned in the same fashion as pre-Bill 23, even if properties are removed as a result of Bill 23, and **TO ENCOURAGE** a high degree of heritage sensitivity by all City Departments in conformance with the City of Windsor Official Plan; and,
- IV. That Administration **BE DIRECTED** to keep a Municipal Heritage Inventory of all non-designated properties that are removed from the Heritage Register as a result of Bill 23 for recognition, records, and information purposes; and,
- V. That Administration **BE REQUESTED** to send a letter to the Premier along with all appropriate Ministers, local MPP’S, Association of Municipalities of Ontario (AMO), and any other advocacy organization indicating the challenges the City of Windsor is facing with respect to heritage assets in the context of the tight timelines regarding new *Heritage Act* legislation to address housing challenges in Ontario.

Carried.

Report Number: SCM 219/2023 & S 88/2023
Clerk’s File: MBA/14619

8.15. 1646 Alexis Road, Former Gordon McGregor School – Heritage Designation Report (Ward 8)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR367/2023 DHSC 539

- I. That the City Clerk **BE AUTHORIZED** to publish a Notice of Intention to Designate the Gordon McGregor, at 1646 Alexis Road, in accordance with Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value or Interest attached in Appendix ‘A’; and,

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- II. That the City Solicitor **PREPARE** the By-law for Council to designate the property after receipt of the legal description of the property from the Property Owner; and,
- III. That Council **AGREE** with Parway Inc, Property Owner of 1646 Alexis Road, that the restrictions set out in paragraph 2 of subsection 29(1.2), and paragraph 1 of subsection 29 (8) of *Ontario Heritage Act* for Designation by municipal by-law do not apply in respect of the Property at 1646 Alexis Road, to allow time for the designation process.

Carried.

Report Number: SCM 220/2023 & S 89/2023
Clerk's File: MBA/14620

8.16. Zoning By-law Amendment Application for the property at 3841 -3847 Howard Avenue; Applicant: Dior Homes; File No. Z-040/2022, ZNG/6903; Ward 9

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR368/2023 DHSC 532

- I. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of the land located on the southwest corner of Howard Avenue and Cabana Road East, described as Pt Lot 6, Concession 4, designated as PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], from CD2.1 to CD2.2, subject to the following site-specific zoning provisions:

"481" SOUTHWEST CORNER OF HOWARD AVENUE AND CABANA ROAD EAST

For the land comprising Part Lot 6, Concession 4, being PARTS 22, 23, and 24 on Plan 12R-22126, [PIN 01290 0213 LT], the following shall apply to a *Combined Use Building*:

- a) The provisions in section 15.2.5.
- b) Notwithstanding the provision in section 15.2.5.15, for a *Combined Use Building*, *dwelling units* can also be located alongside a *Business Office*, provided that the *Business Office* shall not be located above a *dwelling unit*,
- c) Any building erected shall have, at least, one building wall located on an *exterior lot line* and oriented to the *street*; and
- d) Parking - per *Dwelling Unit* – minimum 1 parking space per *dwelling unit*

[ZDM 9; ZNG 6903]

- II. That the Site Plan Approval Officer **BE DIRECTED** to incorporate the following and other requirements found in Appendix F of this Report, in the Site Plan Approval process and the Site Plan Agreement for the proposed development on the subject land:
 - a) Sanitary Servicing Study - retain a Consulting Engineer to provide a detailed servicing study report;

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- b) Parkland dedication (cash-in-lieu) - 5% for residential use and 2% for commercial per By-law 12780;
- c) Adequate clearance from existing ENWIN's pole lines and power lines;
- d) Canada Post multi-unit policy; and
- e) Record of Site Condition.

Carried.

Report Number: SCM 221/2023 & S 91/2023
Clerk's File: Z/14574

8.17. Rezoning – 5050542 Ontario Inc. – 3623, 3631 & 3637 Howard Avenue – Z-003/23 ZNG/6949 - Ward 9

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR369/2023 DHSC533 DHSC534

1. That Zoning By-law 8600 **BE AMENDED** by changing the zoning of Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431, situated on the west side of Howard Avenue, south of Maguire Street, known municipally as 3623, 3631 & 3637 Howard Avenue (Roll No.: 080-033-00100, 080-033-00200, 080-033-00300) from Residential District 1.1 (RD1.1 and HRD1.1) to Residential District 2.2 (RD2.2) and by adding a site specific exception as follows:

482. WEST SIDE OF HOWARD AVENUE, SOUTH OF MAGUIRE STREET

For the lands comprising Lot 12, N Pt Lot 12, T/W & S/T ROW and S Pt Lot 13, Registered Plan 1431:

1. A *Double Duplex Dwelling, Duplex Dwelling, Semi-detached Dwelling, or Multiple Dwelling* shall be additional permitted *main uses*;
2. The additional permitted *main uses* shall be subject to the provisions of Section 11.2.5.4, except that:
 - a) the *front lot line* shall be the longest *exterior lot line*;
 - b) the minimum *lot area* shall be 135.0 m² per *dwelling unit*;
 - c) for any *building* located within 58 m of the westerly *lot line*, the minimum *side yard width* as measured from the northerly *lot line* shall be 1.50 m.
3. For any additional permitted use, the following additional provisions shall apply:
 - a) Parking Area Separation from any *building* wall without a *garage* – minimum 0.90m
 - b) Parking Area Separation from any *building* wall with a *garage* – minimum 0.0 m
 - c) Loading Spaces – minimum 0
 - d) A minimum of four parking spaces shall be marked as visitor parking.

[ZDM 8; ZNG/6949]

2. That the westerly 58 metres of the subject parcel **BE SUBJECT** to a Holding Symbol and that the Holding Symbol **BE REMOVED** when:

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-
- a) The Owner has submitted an application to remove the holding symbol, including the fee; and,
 - b) When the following conditions have been satisfied:
 - 1) Adoption of a Guideline Plan for the area generally bounded by Howard Avenue, Cabana Road East, Inglewood Avenue/Whiteside Drive, and Kenilworth Park, by Council Resolution.
3. That the Site Plan Approval Officer **BE DIRECTED**:
- a) To incorporate the following into any site plan and site plan control agreement:
 - 1) Recommendations identified in the Traffic Impact Statement prepared RC Spencer Associates Inc. and dated April 2023, subject to any update and the approval of the City Engineer;
 - 2) Mitigation and protection measures identified in the Natural Heritage Evaluation and Tree Preservation Study prepared by Insight Environmental Solutions Inc. and dated December 22, 2022, subject to the approval of the City of Windsor Landscape Architect or the City Planner;
 - 3) Requirements of the City of Windsor - Engineering Department - Right-Of-Way Division in Appendix F to Report S 92/2023, subject to the approval of the City Engineer.
 - c) To review and consider the comments from municipal departments and external agencies in Appendix F to Report S 92/2023.
 - d) To consider improving pedestrian connectivity within, and access to, the development Carried.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR385/2023 **DHSC 534**

That Administration **PREPARE** for Council's consideration a plan to complete the engineering and design work for Howard Avenue between South Cameron and Cabana Road; and,

That Administration **CREATE** an accelerated financing option to be considered during the 2024 Capital Budget Process.

Carried.

Report Number: SCM 222/2023 & S 92/2023

Clerk's File: Z/14539

8.19. Closure of north/south alley located between Alexandra Avenue and Labelle Street, Ward 10

Moved by: Councillor Mark McKenzie

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Seconded by: Councillor Jim Morrison

Decision Number: CR371/2023 DHSC 540

- I. That the 4.57-metre-wide north/south alley located between Alexandra Avenue and Labelle Street, and shown on Drawing No. CC-1817 (*attached* hereto as Appendix “A”), and hereinafter referred to as the “subject alley”, **BE ASSUMED** for subsequent closure;
- II. That the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a. 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City’s standard form and in accordance with the City’s standard practice, be granted to:
 - i. Bell Canada to protect existing aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate an existing 16,000-volt pole line and associated distribution system and down guy(s); and
 - iii. MNSi to accommodate existing aerial facilities.
 - b. Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except that portion abutting 0 Longfellow Avenue (P.I.N. 01311-0965 LT), 2658 Longfellow Avenue, 2659 Alexandra Avenue, 2663 Alexandra Avenue, 2676 Longfellow Avenue and 2695 Alexandra Avenue in which case the middle of the alley shall be used; as well as those portions abutting 2724 Longfellow Avenue and 2799 Alexandra Avenue, in which case the full width of the alley shall be used if it is determined that the aforesaid properties do not have any encroachments in the subject alley.
- III. That Conveyance Cost **BE SET** as follows:
 - a. For alley conveyed to abutting lands zoned RD1.4, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1817, *attached* hereto as Appendix “A”.
- V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: S 81/2023
Clerk’s File: SAA2023

8.20. Closure of north/south alley located between Algonquin Street and 1429 Randolph Avenue, Ward 10

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR372/2023 DHSC518 DHSC541

- I. That the 4.27-metre-wide north/south alley located between Algonquin Street and the property known municipally as 1429 Randolph Avenue (legally described as Lot 9, Lots 513 to 515 & Block C, Plan 973) and shown on Drawing No. CC-1834 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;

- II. That the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
 - a) 3.0-metre-wide easement, measured 1.50 metres from either side of the following utility infrastructure, subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. Bell Canada to accommodate existing aerial facilities;
 - ii. ENWIN Utilities Ltd. to accommodate the existing overhead secondary 120/240-volt and 347/600-volt hydro distribution; and
 - iii. MNSi. to accommodate existing plant on the pole lines.
 - b) Easement over that portion of the subject alley abutting Lot 513, Plan 973, in favour of 1429 Randolph Avenue for access to repair and maintain the south face of the existing building on the property, **if** the owner of 1429 Randolph Avenue is unable to purchase the full width of the aforesaid portion of the subject alley abutting their property.
 - c) Ontario Land Surveyor be directed to use existing encroachments for determining the boundaries of the lands to be conveyed to each abutting property owner, save and except:
 - i. That portion located between 0, 1450 & 1466 St. Patrick Avenue (legally described as Lots 10 to 16, Plan 973), and 1429 & 1465 Randolph Avenue (legally described as Lots 9, 507 to 515 & Block C, Plan 973), in which case the middle of the alley shall be used.

- III. That Conveyance Cost **BE SET** as follows:
 - a) For alley conveyed to abutting lands zoned CD2.1, \$20.00 per front foot without easements plus HST (if applicable) and \$10.00 per front foot with easements plus HST (if applicable).

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- b) For alley conveyed to abutting lands zoned RD1.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description for that portion of the subject alley abutting the properties known municipally as 0 and 1466 St. Patrick Avenue.
- V. That The City Planner **BE REQUESTED** to supply the appropriate legal description for the remaining portion of the subject alley abutting the properties legally described as Lots 10 to 13, 17 to 31, 492 to 506 & 510 to 513, Plan 973.
- VI. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s) for each portion of the subject alley.
- VII. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.

Carried.

Report Number: SCM 225/2023 & S 57/2023

Clerk's File: SAA2023

8.21. Closure of north/south alley located between Laforet Street and 3217 Baby Street, Ward 2

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR373/2023 DHSC 542

- I. That the 5.49-metre-wide north/south alley located between Laforet Street and the property known municipally as 3217 Baby Street (legally described as Part of Lots P & Q, Plan 43; Part of Lot C, Plan 40; and Parts 1 to 3, RP 12R-26943) and shown on Drawing No. CC-1832 (*attached* hereto as Appendix "A"), and hereinafter referred to as the "subject alley", **BE ASSUMED** for subsequent closure;
- II. That the subject alley **BE CLOSED AND CONVEYED** to the abutting property owners and as necessary, in a manner deemed appropriate by the City Planner, subject to the following:
- a. 3.0-metre-wide easement (measured 1.50 metres from either side of the below mentioned infrastructure), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
- i. Bell Canada to accommodate existing aerial facilities;
- ii. Enbridge to accommodate existing underground infrastructure; and

-
- iii. ENWIN Utilities Ltd. to accommodate existing 120/240v secondary overhead hydro distribution pole line.
 - b. Easement over west half of the subject alley abutting the property known municipally as 3231 Baby Street (legally described as Part of Block R, Plan 43), subject to there being accepted in the City's standard form and in accordance with the City's standard practice, be granted to:
 - i. The owner of 3231 Baby Street for access to repair and maintain the east face of the existing accessory building on the said property **IF** they waive their right to purchase the abutting half of the subject alley;
- III. That Conveyance Cost **BE SET** as follows:
- a. For alley conveyed to abutting lands zoned RD3.1, \$193.75 per square metre (\$18.00 per square foot) without easements plus HST (if applicable), or \$96.87 per square metre (\$9.00 per square foot) with easements plus HST (if applicable). Survey cost and deed preparation fee included.
 - b. For alley conveyed to abutting lands zoned RD2.2, \$1.00 plus HST (if applicable), deed preparation fee and proportionate share of the survey costs as invoiced to The Corporation of the City of Windsor by an Ontario Land Surveyor.
- IV. That The City Planner **BE REQUESTED** to supply the appropriate legal description, in accordance with Drawing No. CC-1832, *attached* hereto as Appendix "A".
- V. That The City Solicitor **BE REQUESTED** to prepare the necessary by-law(s).
- VI. That The Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign all necessary documents approved as to form and content satisfactory to the City Solicitor.
- Carried.

Report Number: SCM 226/2023 & S 71/2023
Clerk's File: SAA2023

8.22. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Habitat for Humanity Windsor-Essex for 1067 Henry Ford Centre Drive (Ward 5)

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR374/2023 DHSC 543

- I. That the request made by Habitat for Humanity Windsor-Essex to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 1067 Henry

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Ford Centre Drive pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;

- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$11,350 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$11,350 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;
- IV. That should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 227/2023 & S 84/2023

Clerk's File: Z2023

8.23. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Investrade Developments (Ontario) Limited for 240 Albert Road (Ward 5)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR375/2023 DHSC 544

- I. That the request made by Investrade Developments (Ontario) Limited to participate in the Environmental Site Assessment Grant Program **BE APPROVED** for the completion of a proposed Phase II Environmental Site Assessment Study for property located at 240 Albert Road pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan;
- II. That the City Treasurer **BE AUTHORIZED** to issue payment up to a maximum of \$23,450 based upon the completion and submission of a Phase II Environmental Site completed in a form acceptable to the City Planner and City Solicitor;
- III. That the grant funds in the amount of \$23,450 under the Environmental Site Assessment Grant Program **BE TRANSFERRED** from the CIP Reserve Fund 226 to Brownfield Strategy Remediation (project 7069003) when the eligible work is completed to the satisfaction of the City Planner;

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- IV. That should the proposed Phase II Environmental Site Assessment Study not be completed within two (2) years of Council approval, the approval **BE RESCINDED** and the funds be uncommitted and made available for other applications.

Carried.

Report Number: SCM 228/2023 & S 85/2023

Clerk's File: Z2023

8.24. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by 2821383 Ontario Inc, for 75 Mill Street (Ward 2)

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

Decision Number: CR376/2023 DHSC 545

- I. That the request made by 2821383 Ontario Inc. to participate in the Brownfield Rehabilitation Grant Program **BE APPROVED** for 70% (or 100% if LEED certified) of the municipal portion of the tax increment resulting from the proposed redevelopment at 75 Mill Street for the earlier of up to 10 years or until 100% of the eligible costs are repaid pursuant to the City of Windsor Brownfield Redevelopment Community Improvement Plan; and,
- II. That Administration **BE DIRECTED** to prepare an agreement between 2821383 Ontario Inc., the City, and any persons legally assigned the right to receive grant payments to implement the Brownfield Rehabilitation Grant Program in accordance with all applicable policies, requirements, and provisions contained within the Brownfield Redevelopment Community Improvement Plan to the satisfaction of the City Planner as to content, the City Solicitor as to legal form, and the CFO/City Treasurer as to financial implications; and,
- III. That the CAO and City Clerk **BE AUTHORIZED** to sign the Rehabilitation Grant Agreement; and,
- IV. That the approval to participate in the Brownfield Rehabilitation Grant Program **EXPIRE** if the agreement is not signed by applicant within one year following Council approval. The City Planner may extend the deadline for up to one year upon request from the applicant.

Carried.

Report Number: SCM 229/2023 & S 80/2023

Clerk's File: Z2023

11.1. Declaration of a Vacant Parcel of Land Municipally Known as 542 Dougall Avenue Surplus and Authority to Offer Same for Sale – Ward 3

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

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Decision Number: CR378/2023

- I. That the following City of Windsor (the “City”) vacant parcel of land **BE DECLARED** surplus:
- Municipal address: **542 Dougall Avenue** – vacant land situate on the east side of Dougall Avenue, north of Wyandotte Street West
 - Legal Description: Lot 5 East Side Windsor Avenue on Registered Plan 82
 - Approximate Lot size: 30 feet (9.14m) x 90 feet (27.4m)
 - Approximate Lot area: 2,700 sq ft (250.8 m²) (herein the “**Subject Parcel**”); and,
- II. That the Manager of Real Estate Services **BE AUTHORIZED** to offer the Subject Parcel identified in Recommendation I for sale on the Multiple Listing Service (“**MLS**”) at a price to be determined by the Manager of Real Estate Services commensurate with an independent appraisal.

Carried.

Report Number: C 125/2023
Clerk’s File: APM2023

11.2. Renovation and Addition to the Administration Building of the Little River Pollution Control Plant- CITY WIDE

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR379/2023

That the following tender be **ACCEPTED**:

TENDERER:	Vince Ferro Construction Ltd. 200-3244 Walker Rd., Windsor, ON. N8W 3R8
TENDER NO:	61-23
TOTAL TENDER PRICE:	\$4,592,783.00, excluding HST
ACCOUNT CHARGED:	007 5410 9998 02942 7151016

and,

That the Chief Administrative Officer and City Clerk **EXECUTE** an Agreement with the tenderer, satisfactory in form to the Commissioner, Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services, and financial content to the Commissioner Corporate Services/CFO; and,

That additional funds totalling \$1,320,000 required for the Renovation and Addition to Administration Building at Little River Pollution Control Plant (LRPCP) **BE TRANSFERRED** to Project ID 7151016 accordingly:

- a. \$270,000 from Project 7211027 Dewatering Odour Control
- b. \$250,000 from Project 7231016 Plant 1 Chemical Pipe Chase
- c. \$800,000 from the Pollution Control Reserve, Fund 208

Carried.

Report Number: C 109/2023
Clerk's File: SW/14631

11.3. A By-law to authorize special charges being imposed on lots abutting the local improvement work completed under By-law 71-2021 on Randolph Avenue from Cleary Street to Northwood Street - Ward 10

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR380/2023

That Council **PASS** a By-law for the imposition of special charges on lots abutting on or immediately benefiting from the local improvement work completed under By-law 71-2021 on Randolph Avenue from Cleary Street to Northwood Street, in accordance with Section 30 of Ontario Regulation 586/06 (O. Reg 586/06), made under *Municipal Act* 2001.

Carried.

Report Number: C 103/2023
Clerk's File: SL2023

11.4. A By-law to authorize special charges being imposed on lots abutting the local improvement work completed under By-law 68-2021 on Mark Avenue from Campbell Avenue to Algonquin Street - Ward 10

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR381/2023

That Council **ADOPT** a By-law for the imposition of special charges on lots abutting on or immediately benefiting from the local improvement work completed under By-law 68-2021 on Mark Avenue from Campbell Avenue to Algonquin Street, in accordance with Section 30 of O. Reg. 586/06, made under *Municipal Act* 2001.

Carried.

Report Number: C 104/2023
Clerk's File: SPL2023

11.5. A By-law to authorize special charges being imposed on lots abutting the local improvement work completed under By-law 44-2023 on Curry Avenue from Norfolk Street to Richardie Boulevard - Ward 1

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Moved by: Councillor Mark McKenzie
Seconded by: Councillor Jim Morrison

Decision Number: CR382/2023

That Council **PASS** a By-law for the imposition of special charges on lots abutting on or immediately benefiting from the local improvement work completed under By-law 44-2023 on Curry Avenue from Norfolk Street to Richardie Boulevard, in accordance with Section 30 of O. Reg. 586/06, made under *Municipal Act* 2001.

Carried.

Report Number: C 105/2023
Clerk's File: SPL2023

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

8.3. Traffic Modifications - Traffic By-law 9148 –One Way Street- St. Rose Avenue from Wyandotte St. E to Riverside Dr. E North-bound Ward: 6

Moved by: Councillor Jo-Anne Gignac
Seconded by: Councillor Angelo Marignani

Decision Number: CR355/2023

That the report of the Senior Manager Traffic and Parking (A) dated September 5, 2023, entitled "Traffic Modifications – Traffic By-law 9148 – One Way Street-St. Rose Avenue from Wyandotte St. E to Riverside Dr. E North-bound Ward 6" **BE WITHDRAWN** due to the petition that was forwarded to the Clerk's Office.

Carried.

Report Number: C 121/2023
Clerk's File: ST2023

10. PRESENTATIONS AND DELEGATIONS

10.1. Windsor Symphony Orchestra - details on upcoming 2023/2024 season

Deborah Severs, WSO Board of Directors President and Robert Franz, WSO Music Director and Maestro

Deborah Severs, Windsor Symphony Orchestra Board of Directors President and Robert Franz, Windsor Symphony Orchestra Music Director and Maestro appear before City Council and provide details related to the WSO's success in the past season and provide a brief overview about the upcoming 2023/2024 season, the 10th anniversary for Maestro Robert Franz; 75th anniversary of WSO was just celebrated; Last season 27,000 people attended over 90 events; Last season Capitol Theater was booked 214 days; Proud partners with St. Clair College, University of Windsor and newly partnered with Windsor Essex County District School Board; New season partnerships

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will be made with the Multicultural Council, Children's Aid Society and the Family Respite Services; New season will include return visit by world renowned pianist Elaine Lefebvre, American Idol finalist Lakeisha Jones as well as a performance of Brahms German requiem with over 200 musicians on stage; This season will close the pop series with a musical nod to Marvel and DC comic book heroes and villains with scores from major motion pictures; and conclude by indicating that 125 concerts are planned for this season.

Moved by: Councillor Fred Francis

Seconded by: Councillor Kieran McKenzie

Decision Number: CR377/2023

That the presentation by Deborah Severs, Board of Directors President and Robert Franz, Music Director - Windsor Symphony Orchestra detailing the 2023/2024 upcoming season **BE RECEIVED**.

Carried.

Clerk's File: ACO2023

8.4. Frequency of Garbage Collection - City Wide

Caroline Taylor, Ward 2 resident

Caroline Taylor, Ward 2 resident appears before City Council and expresses concern with the administrative recommendation in the report "Frequency of Garbage Collection – City Wide" and provides statistics related to the lack of pro-active by-law enforcement and large quantities of garbage not being collected in Ward 2; and concludes by suggesting that Council not approve the recommendation implementing garbage pickup every 2 weeks as the City's neighbourhoods will be negatively impacted by this decision.

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Fabio Costante

Decision Number: CR356/2023

That Council **APPROVE** bi-weekly garbage collection, weekly organic collection, and bi-weekly leaf and yard waste collection from April until November, and that this service level **BE IMPLEMENTED** with the next waste collection contract expected to begin in 2025; and,

That Administration **BE DIRECTED** to report back to Council the results of the collection tender(s) and any additional costs related to the new SSO program, once available; and,

That Administration **BE DIRECTED** to implement a free program for diaper disposal drop off and/or pickup; and,

That an extra or special non-organics pickup around the holiday season **BE APPROVED**; and,

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That administration **REPORT BACK** to Council regarding the implementation of a comprehensive communication plan and process which includes community partners including post secondary institutions and communication mediums for residents who may not speak English.

Carried.

Report Number: C 120/2023

Clerk's File: EI/14640

8.18. Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10

Cynthia Williams, area resident

Cynthia Williams, area resident, appears before City Council and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and concludes by indicating that the residents don't want permit parking in the area and that being required to hook up to the sanitary sewer system would cause financial hardship to the residents in the area.

Jacky Ng, Applicant/Architectural Designer, Avant Group

Jacky Ng, Applicant/Architectural Designer, Avant Group, appears before City Council regarding the Administrative report "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and provides a brief overview of the proposed development including the sanitary connection; options related to outcomes should the application be denied; potential for incentive programs to connect to the sanitary sewer for residents; the number of proposed units; intensification strategies; and concludes by providing information related to pursuing building a single dwelling unit where no zoning amendments will be required to meet existing Ontario Building Code requirements.

Mayor Drew Dilkens leaves the meeting at 5:48 o'clock p.m. and Councillor Gary Kashak assumes the chair.

Mayor Drew Dilkens returns to the meeting at 5:51 o'clock p.m. and Councillor Gary Kashak returns to his seat at the Council Table.

Bruce Sheardown, area resident

Bruce Sheardown, area resident, appears before City Council and expresses concern regarding the proposed development application "Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10" and supports the Development & Heritage Standing committee's recommendation denying the Zoning By-law Amendment application as it is too dense for the area; the parking in the area wouldn't be sufficient; and concludes by suggesting many other properties in many other areas have septic systems and mandatory sanitary sewer hookup would benefit the developers not the homeowners in the area.

Lee Ann Robertson, area resident

Lee Ann Robertson, area resident, appears before City Council and expresses concern regarding the proposed development application “Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10” and cites concerns with undersized sewers, basement flooding with neighbours that are on the sewer system; and concludes by suggesting adding more homes to the system may overload it; the financial burden of having to connect to the sanitary sewer system is a concern for many residents and would benefit only the developer.

Gabe Singh, area resident

Gabe Singh, area resident, appears before City Council and expresses concern regarding the proposed development application “Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10” and concludes by suggesting the financial impacts are too great to area residents for this proposed project to be approved and the proposed project will only benefit the developer.

Theodore Kahiya, area resident

Theodore Kahiya, area resident, appears before City Council and expresses concern regarding the proposed development application “Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10” and agrees will all the concerns that the previous delegates have referred to; and concludes by indicating heavy rain on the empty lot causes flooding in his basement, and with the proposed development, it will cause further flooding, and the expense to connect to the sanitary sewer would be unaffordable; and that parking issues in the area would be increased causing security issues and inconvenience to area residents.

Mike Chen, area resident

Mike Chen, area resident, appears before City Council regarding and expresses concern regarding the proposed development application “Zoning By-law Amendment Application for 0 & 1466 St. Patrick Avenue, Z-037/22 [ZNG-6899], Ward 10” and reiterates the concerns related to negative financial impact to the area residents to connect to the sanitary sewer due to the proposed development; the financial impact that the City would incur; reduced green space for rain water runoff; and concludes by suggesting that the Provincial Government should reimburse the City for infrastructure costs for this development.

Moved by: Councillor Mark McKenzie
Seconded by: Councillor Fred Francis

That the Zoning By-law amendment application for 0 & 1466 St. Patrick Avenue—Ward 10 BE DENIED for the following reason:

1. Negative impact to surrounding neighbourhood due to financial implication of requiring sewer hook up not initiated by the residents.

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The motion is **put** and **lost**.

Aye votes: Councillors Mark McKenzie and Fred Francis

Nay votes: Councillors Fabio Costante, Renaldo Agostino, Ed Sleiman, Jo-Anne Gignac, Angelo Marignani, Gary Kaschak, Kieran McKenzie, Jim Morrison

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Angelo Marignani

Decision Number: CR370/2023

- I. That Zoning By-law 8600 **BE AMENDED** for the lands located on the east side of St. Patrick's Avenue, between Tecumseh Road West and Algonquin Street, described as Lots 14 to 16, Plan 973, by adding a site specific holding provision to permit a *Semi-Detached Dwelling* as an additional permitted use, subject to additional regulations:

472. EAST SIDE OF ST. PATRICK'S AVENUE, BETWEEN TECUMSEH ROAD WEST AND ALGONQUIN STREET

(1) For the lands comprising of Lots 14 to 16, Plan 973, PIN No. 01213-0284 LT & PIN No. 01213-0286 LT, a *Semi-Detached Dwelling* shall be an additional permitted use and the following shall apply:

1. Provisions in section 10.2.5, save and except s.10.2.5.1 and s.10.2.5.2

2. Lot Width - minimum 13.7 m

3. Lot Area - minimum 418.9 m²

[ZDM 4; ZNG/6899]

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

- a) Servicing Study

The owner shall, at its own expense, retain a Consulting Engineer to provide a detailed servicing study report on the impact of the increased flow to the existing municipal sewer systems, 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.

- b) Off-site Improvements

The owner shall obtain, prior to the issuance of a building permit,

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an Enhanced Permit from the Right-of-way Division of the Engineering Department to supply, construct and install at its entire expense all applicable right-of-way improvements identified by the Engineering Department, submit detailed design drawings and obtain street opening permits to the satisfaction of the City Engineer and the Transportation Planning Senior Engineer.

The Enhanced Permit shall include all of the applicable Servicing General Provisions, as updated from time to time. Prior to issuance of the Enhanced Permit the following will be required:

- i. A detailed design, prepared by an Engineer licensed in the Province of Ontario, for the approval of the Commissioner of Infrastructure Services;
- ii. A detailed cost estimate for the Offsite Improvements prepared by the engineer of record;
- iii. Approval by the Manager of Risk Management of all necessary securities and insurance;
- iv. Engineering Development Review fee in accordance with the current City of Windsor User Fee Schedule; and
- v. The following special provisions are to be included in the Enhanced Permit:

- Sewer Extension

- The owner(s) shall, prior to the issuance of a building permit and at their entire expense, extend the sanitary sewer on St. Patrick's Avenue to service the subject lands.
- All work to be completed to the satisfaction of the Commissioner of Infrastructure Services.

- c) Landscape Plan prepared by a Landscape Architect (OALA) is to be provided by the owner to demonstrate how the tree plantings will provide the necessary stormwater runoff, to the satisfaction of the City Planner.

[ZDM 4; ZNG/6899]

- III. That Council **APPROVE** a servicing agreement which includes a cost sharing payment with Tian Yao Investment Ltd. for sanitary sewer oversizing costs for St. Patrick's Avenue required to provide service for privately owned lands on St. Patrick's Avenue (Benefitting Properties) shown on Appendix 'C' (C-3743) as part of the sanitary sewer extension to service 0 & 1466 St. Patrick's Avenue, estimated at up to \$236,000, excluding HST (final

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payment to be based on actual construction costs and final cost sharing agreement between the City and Tian Yao Investment Ltd.) to be funded from Project ID #7035119 – New Infrastructure Development and to be payable upon receipt by the City of the servicing cost payment from the Benefitting Properties; and that the Chief Administrative Officer and City Clerk **BE AUTHORIZED** to sign the agreement approved as to content satisfactory to the City Engineer and form satisfactory to the City Solicitor.

- IV. That Administration **BE DIRECTED** to recover sanitary servicing costs related to the extension of a sanitary sewer as shown in enclosure 'C' (C-3743) from the Benefitting Properties at a rate in accordance with current City policies and by-laws plus an annual interest rate based on the Infrastructure Ontario Construction Loan rate (currently 6.26%), plus 1%, applied from a date no earlier than one year following substantial completion of the sanitary sewer construction, such date to be identified in a notice by the City Engineer.

Carried.

Councillors Mark McKenzie and Fred Francis voting nay.

Report Number: SCM 223/2023 & S 56/2023 & AI 10/2023

Clerk's File: Z/14541

11. REGULAR BUSINESS ITEMS (Non-Consent Items)

11.6. Disaster Mitigation & Adaptation Fund Program Update & St. Paul Pumping Station Upgrades Tender Award - City Wide

Moved by: Councillor Kieran McKenzie

Seconded by: Councillor Jo-Anne Gignac

Decision Number: CR383/2023

- I. That City Council **RECEIVE** for information this report as an overall status update on the progress of the Disaster Mitigation & Adaptation Fund (DMAF) 1 Program; and,
- II. That subject to the funding strategy outlined under Recommendation III (b), the following tender be **ACCEPTED** for the St. Paul Pumping Station Upgrades project:

TENDERER: North American Construction (1993) Ltd.
21 Queen Street, Morriston, ON, N0B 2C0

TENDER NO: 95-23

TOTAL TENDER PRICE: \$26,188,887.00, excluding HST; and,

That the Chief Administrative Officer and City Clerk **EXECUTE** an Agreement with the tenderer, satisfactory in form to the Commissioner, Legal & Legislative Services, in technical content to the Commissioner of Infrastructure Services, and financial content to the Commissioner Corporate Services/CFO; and,

- III. That with respect to the DMAF 1 Program:

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- a. That Administration **BE AUTHORIZED** to formally submit an amendment request to Infrastructure Canada (INFC) regarding the original DMAF 1 Agreement to explore the reduced scope option as identified herein, satisfactory in form to the Commissioner, Legal & Legislative Services, in financial content to the Commissioner, Corporate Services / Chief Financial Officer / City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,
 - b. That City Council **SUPPORT** the allocation, extension, and pre-commitment of \$4,000,000 annually for the incremental allocation to the Sewer Master Plan (SMP) approved as part of the 2023 Sewer Surcharge Budget in order to sufficiently address the funding required to support a reduced scope for the DMAF 1 Program such that:
 - i. \$4,000,000 from previously approved funding in 2023 Sewer Surcharge Budget allocated to the Sewer Master Plan be directed to the DMAF 1 Program; and,
 - ii. \$4,000,000 in annual funding from 2024-2027 be pre-committed so that these funds are available for immediate use within DMAF 1 Program; and,
 - iii. Placeholder funding of \$4,000,000 each year from 2028 to 2035 be approved and that once funding for each year is within 5 years it be deemed pre-committed and available for immediate use within the DMAF 1 Program; and,
 - c. That the CFO/City Treasurer **BE DIRECTED** to affect the above noted changes in the applicable 2024 - 2035 Budgets so that funds are available for immediate use; and,
 - d. That should an agreement on scope change from Infrastructure Canada (INFC) be received with no financial impact beyond that noted above, that Council **AUTHORIZE** the City Clerk and CAO to sign an amended DMAF 1 Agreement satisfactory in form to the Commissioner, Legal & Legislative Services, in financial content to the Commissioner, Corporate Services / Chief Financial Officer / City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,
- IV. That with respect to DMAF 4 Program:
- a. That City Council **APPROVE** the capital works required for the construction of the DMAF #4 – Large Scale Stream – RTB; and,
 - b. That City Council **AUTHORIZE** the creation of a new capital account titled “DMAF 4 – Large Scale Stream - RTB” be used to track and record capital expenditures related to the proposed project; and,
 - c. That City Council **AUTHORIZE** the use of debt as a funding alternative to address any additional municipal funding requirements for purposes of securing the long-term funding associated with the DMAF 4 Program, with principal and interest payments to be incorporated as a first charge against future Sewer Surcharge Budgets; and,

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- d. That the CFO/City Treasurer **BE DIRECTED** to report back to City Council with updated information, along with any additional funding requirements, needed to allow for the full implementation of the proposed funding strategy for DMAF 4 prior to use of debt; and,
 - e. That subject to the proposed financing strategy being supported by Council that Administration **BE AUTHORIZED TO ADVISE** Infrastructure Canada (INFC) that discussions with respect to the development of a Contribution Agreement for the award of funding under DMAF 4 can be restarted; and,
 - f. That, if required, the CAO and City Clerk **BE AUTHORIZED** to execute any agreements and or applications which are deemed necessary to commence the capital works for the DMAF 4 Program, satisfactory in form to the Commissioner, Legal & Legislative Services, in financial content to the Commissioner, Corporate Services / Chief Financial Officer / City Treasurer, and in technical content to the Commissioner of Infrastructure Services; and,
- V. That Administration **BE AUTHORIZED** to issue any change order(s) for any project agreement and/or contracts for any DMAF Program projects as may be required, provided that the amendment(s) are within approved budget amounts, satisfactory in financial content to the Chief Financial Officer/City Treasurer, and in technical content to the Commissioner of Infrastructure Services.

Carried.

Report Number: C 128/2023

Clerk's File: SW/13822 & GFG/12912 & SW/14642

8.7. Test Pilot of Garbage Relocation in Ward 3 - City Wide

Moved by: Councillor Fabio Costante

Seconded by: Councillor Mark McKenzie

That Administration **BE DIRECTED** to maintain alley garbage collection as per current collection practices.

At the request of Councillor Fabio Costante, a recorded vote is taken on this matter.

Aye votes: Councillors Angelo Marignani, Renaldo Agostino, Fabio Costante, and Mark McKenzie.

Nay votes: Councillors Jo-Anne Gignac, Jim Morrison, Kieran McKenzie, Ed Sleiman, Fred Francis, Gary Kaschak, and Mayor Drew Dilkens.

Abstain: None.

Absent: None.

The motion is **put and lost**.

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Moved by: Councillor Fred Francis

Seconded by: Councillor Jo-Anne Gignac

Decision Number: CR359/2023

That Administration **BE DIRECTED** to issue a Request for Proposal for curbside garbage collection and optional bidding for alley garbage collection in the alleys that garbage collection is being provided currently; and,

That Administration **BE DIRECTED** to report back to Council the results of the collection request for proposal and any additional costs related to the new SSO program, once available.

That Administration **BE DIRECTED** to conduct a pilot project in the Pelissier/Victoria alley between Tecumseh Rd. W. and Jackson St, as well as the Dougall/Church alley between Tecumseh Rd. W. and Wahketa St. whereby garbage will be temporarily relocated from alley collection to curbside collection for a minimum of 8 weeks; and,

That Administration **REPORT BACK** on the information learned during the pilot project; and,

That administration **BE DIRECTED** to provide a report during the 2024 budget deliberation process for a plan to increase funding for alley maintenance for paved alleys.

Carried.

Councillor Fabio Costante voting nay.

Report Number: SCM 211/2023 & S 82/2023 & C 69/2023 & AI 12/2023

Clerk's File: SW2023

12. CONSIDERATION OF COMMITTEE REPORTS

12.1. (i) Report of the Special In-Camera meeting held September 5, 2023

Moved by: Councillor Fabio Costante

Seconded by: Councillor Fred Francis

Decision Number: CR348/2023

That the report of the Special In-Camera meeting held September 5, 2023 **BE ADOPTED** as presented.

Carried.

Clerk's File: ACO2023

13. BY-LAWS (First and Second Reading)

Moved by: Councillor Joe-Anne Gignac

Seconded by: Councillor Gary Kaschak

That the following By-laws No. 107-2023 through 123-2023 be introduced and read a first and second time:

107-2023 A BY-LAW TO APPOINT DEPUTY TREASURERS FOR THE CORPORATION OF THE CITY OF WINDSOR. Authorized by CR339/2023 dated August 8, 2023

108-2023 A BY-LAW TO AUTHORIZE THE CONSTRUCTION OF CURB AND GUTTER AND BOULEVARD RESTORATION ON CLEMENCEAU BOULEVARD FROM NORTH SERVICE ROAD EAST TO THE CANADIAN NATIONAL RAILWAY TRACKS, IN THE CITY OF WINDSOR, AS A LOCAL IMPROVEMENT. Authorized by CR185/2023 dated April 24, 2023

109-2023 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS DOMINION BOULEVARD IN THE CITY OF WINDSOR. Authorized by CR76/2011 dated February 28, 2011

110-2023 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR325/2023 dated August 8, 2023

111-2023 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BY-LAW". Authorized by CR324/2023 dated August 8, 2023

112-2023 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS MCROBBIE ROAD IN THE CITY OF WINDSOR. Authorized by CR76/2011 dated February 28, 2011

113-2023 A BY-LAW TO REGULATE OPEN AIR BURNING IN THE CITY OF WINDSOR. Authorized by CR316/2023 dated August 8, 2023

114-2023 A BY-LAW TO AMEND BY-LAW NUMBER 392-2002, BEING A BY-LAW TO ESTABLISH AND REQUIRE PAYMENT OF FEES AND CHARGES. Authorized by CR316/2023 dated August 8, 2023

115-2023 A BY-LAW TO AMEND BY-LAW 16-2022, BEING A BYLAW TO CLOSE, STOP UP AND CONVEY THE 3.66 METRE WIDE NORTH/SOUTH ALLEY LOCATED BETWEEN TECUMSEH ROAD WEST AND LEDUC STREET, EAST OF CAMPBELL AVENUE, CITY OF WINDSOR. Authorized by CAO166/2023, approved August 1, 2023

116-2023 A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 4.57 METRE NORTH/SOUTH ALLEY SOUTH OF SPRING GARDEN ROAD, NORTH OF YORKTOWN AVENUE AND EAST OF MALDEN ROAD, CITY OF WINDSOR. Authorized by CR319/2022, approved July 25, 2022

117-2023 A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 4.57 METRE NORTH/SOUTH ALLEY SOUTH OF SPRING GARDEN ROAD, NORTH OF YORKTOWN AVENUE AND EAST OF MALDEN ROAD, CITY OF WINDSOR. Authorized by CR319/2022, approved July 25, 2022

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118-2023 A BY-LAW TO FURTHER AMEND BY-LAW NUMBER 8600 CITED AS THE "CITY OF WINDSOR ZONING BYLAW". Authorized by CR 491/2022, November 28, 2022

119-2023 A BY-LAW TO ASSUME FOR SUBSEQUENT CLOSURE THE 2.25 METRE EAST/WEST ALLEY, EAST OF OAK STREET AND NORTH OF TECUMSEH BOULEVARD WEST, CITY OF WINDSOR. Authorized by CR 610/2020, December 7, 2020

120-2023 A BY-LAW TO CLOSE, STOP UP AND CONVEY THE 2.25 METRE EAST/WEST ALLEY EAST OF OAK STREET AND NORTH OF TECUMSEH BOULEVARD WEST, CITY OF WINDSOR. Authorized by CR 610/2020, December 7, 2020

121-2023 A BY-LAW TO ESTABLISH LANDS AS A PUBLIC HIGHWAY KNOWN AS MEIGHEN ROAD IN THE CITY OF WINDSOR. Authorized by CR 76/2011, February 28, 2011

122-2023 A BY-LAW TO APPOINT A DEPUTY CLERK FOR THE CORPORATION OF THE CITY OF WINDSOR. Authorized by By-law 98-2011, June 7, 2011

123-2023 A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 5th day of SEPTEMBER, 2023

Carried.

14. MOVE BACK INTO FORMAL SESSION

Moved by: Councillor Angelo Marignani

Seconded by: Councillor Kieran McKenzie

That the Committee of the Whole does now rise and report to Council respecting the business items considered by the Committee:

- 1) Communication Items (as amended)
- 2) Consent Agenda (as amended)
- 3) Items Deferred Items Referred
- 4) Consideration of the Balance of Business Items (as amended)
- 5) Committee Reports as presented
- 6) By-laws given first and second readings as presented

Carried.

15. NOTICES OF MOTION

None Presented.

16. THIRD AND FINAL READING OF THE BY-LAWS

Moved by: Councillor Mark McKenzie

Seconded by: Councillor Jim Morrison

That the By-laws No. 107-2023 through 123-2023 having been read a first and second time be now read a third time and finally passed and that the Mayor and Clerk **BE AUTHORIZED** to sign and seal the same notwithstanding any contrary provision of the Council.

Carried.

17. PETITIONS

None presented.

18. QUESTION PERIOD

18.1. CQ 25-2023

Moved by: Councillor Fabio Costante

Seconded by: Councillor Fred Francis

Decision Number: CR384/2023

That the following Council Question by Councillor Angelo Marignani **BE APPROVED**, and that Administration **BE DIRECTED** to proceed with the necessary actions to respond to the Council Question in the form of a written report, consistent with Council's instructions, and in accordance with Section 17.1 of the Procedure By-law 98-2011:

CQ 25-2023:

Assigned to: Commissioner, Infrastructure Services

Asks that Administration come back with a report explaining the need for traffic lights at the intersection of Robinet and Tecumseh Rd. To include details such as traffic volume, recent police incidents, and any growing trends in ward seven that indicates the necessity for traffic lights at this intersection. It was also requested that a meeting be set up with traffic department to discuss this concern as well as a follow up with the administration to check on the progress as soon as possible.

Carried.

Clerk's File: ACO2023

21. ADJOURNMENT

Moved by: Councillor Jo-Anne Gignac
Sweconded by: Councillor Gary Kaschak

That this Council meeting stand adjourned until the next regular meeting of Council or at the call of the Mayor.
Carried.

Accordingly, the meeting is adjourned at 7:55 o'clock p.m.

Mayor

City Clerk

Adopted by Council at its meeting held September 5, 2023 (CR 348/2023)
SV/bm

SPECIAL MEETING OF COUNCIL – IN CAMERA
September 5, 2023

Meeting called to order at: 2:45 p.m.

Members in Attendance:

Mayor Drew Dilkens
Councillor Renaldo Agostino
Councillor Fabio Costante
Councillor Fred Francis
Councillor Jo-Anne Gignac
Councillor Gary Kaschak
Councillor Angelo Marignani
Councillor Kieran McKenzie
Councillor Mark McKenzie
Councillor Jim Morrison
Councillor Ed Sleiman

Also in attendance:

Joe Mancina, Chief Administrative Officer
Andrew Daher, Commissioner, Human and Health Services
Chris Nepsy, Commissioner, Infrastructure Services
Janice Guthrie, Commissioner, Corporate Services CFO/City Treasurer
Shelby Askin-Hager, Commissioner, Legal and Legislative Services
Ray Mensour, Commissioner, Community Services
Jelena Payne, Commissioner Economic Development and Innovation
Steve Vlachodimos, City Clerk
Abe Taqtaq, Mayor's Chief of Staff
Norbert Wolf, Manager of Employee Relations (Items 3 and 4)
Tyson Cragg, Executive Director Transit Windsor (Item 3)
Greg Atkinson, Manager Development/Deputy City Planner (Item 9)
Wira Vendrasco, Deputy City Solicitor (Item 9)

**Verbal Motion is presented by Councillor Ed Sleiman, seconded by Councillor Fred Francis,
to move in Camera for discussion of the following item(s):**

Item No.	Subject & Section - Pursuant to <i>Municipal Act, 2001, as amended</i>
1	Property matter – sale of land, Section 139(2)(c)
2	Property matter – commence expropriation process, Section 139(2)(c)
3	Personal matter – labour negotiations update, Section 139(2)(d)
4	Personal matter – labour negotiations update, Section 139(2)(d)
5	Property matter – plan – letter of intent, Section 239(2)(k)
6	Property matter – commence expropriation process, Section 139(2)(c)
7	Property matter – lease of land, Section 139(2)(c)(k)
8	Property matter – lease update, Section 239(2)(c)(k)
9	Legal matter – advice subject to solicitor-

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client privilege (See Item 8.18 on open agenda) – VERBAL REPORT

Motion Carried.

Declarations of Pecuniary Interest:

Councillor Fabio Costante declares an interest and abstains from discussion and voting on Item 5 as he is a director on an affiliated board.

Discussion on the items of business.

Verbal Motion is presented by Councillor Jo-Anne Gignac, seconded by Councillor Ed Sleiman, to move back into public session.

Motion Carried.

Moved by Councillor Angelo Marignani, seconded by Councillor Kieran McKenzie, THAT the Clerk BE DIRECTED to transmit the recommendation(s) contained in the report(s) discussed at the In-Camera Council Meeting held September 5, 2023 directly to Council for consideration at the next Regular Meeting.

1. That the recommendation contained in the in-camera report from the Coordinator of Real Estate Services, Manager of Real Estate Services, Commissioner, Legal and Legislative Services and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – sale of land **BE APPROVED.**
2. That the recommendation contained in the in-camera report from the Manager of Real Estate Services, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – commence expropriation process **BE APPROVED.**
3. That the in-camera report from the Manager of Employee Relations, Executive Director of Transit Windsor, Executive Director of Human Resources, Deputy Treasurer, Financial Planning, Commissioner, Infrastructure Services and Commissioner, Corporate Services CFO/City Treasurer respecting a personal matter – labour negotiations update **BE RECEIVED.**
4. That the in-camera report from the Manager of Employee Relations, Fire Chief, Executive Director of Human Resources, Deputy Treasurer, Financial Planning, Commissioner, Legal and Legislative Services and Commissioner, Corporate Services CFO/City Treasurer respecting a personal matter – labour negotiations update **BE RECEIVED.**

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5. That the recommendation contained in the in-camera report from the Executive Initiatives Coordinator, Executive Director Parks and Facilities, Executive Director Recreation and Culture, Commissioner, Community Services, Commissioner, Corporate Services CFO/City Treasurer, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services and Commissioner, Economic Development and Innovation respecting a property matter – plan – letter of intent **BE APPROVED.**

At the request of Councillor Fred Francis, a recorded vote is taken on this matter.

Aye votes: Councillors Angelo Marignani, Jo-Anne Gignac, Renaldo Agostino, Jim Morrison, Kieran McKenzie, Ed Sleiman, Mark McKenzie, Gary Kaschak and Mayor Drew Dilken

Nay vote: Councillor Fred Francis

Abstain: Councillor Fabio Costante

Absent: None

6. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Manager of Real Estate Services, Commissioner, Legal and Legislative Services, Executive Director of Engineering/Deputy City Engineer, Commissioner, Infrastructure Services, Commissioner, Economic Development and Innovation and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – commence expropriation process **BE APPROVED.**

7. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services, Commissioner, Economic Development and Innovation and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease of land **BE APPROVED.**

8. That the recommendation contained in the in-camera report from the Senior Economic Development Officer, Commissioner, Legal and Legislative Services, Commissioner, Infrastructure Services, Commissioner, Economic Development and Innovation and Commissioner, Corporate Services CFO/City Treasurer respecting a property matter – lease update **BE APPROVED.**

9. The confidential verbal report from the Commissioner, Legal and Legislative Services respecting a legal matter – advice subject to solicitor-client privilege (Item 8.18 on open agenda) **BE RECEIVED.**

Motion Carried.

Moved by Councillor Renaldo Agostino, seconded by Councillor Jim Morrison,

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That the special meeting of council held September 5, 2023 BE ADJOURNED.

(Time: 3:57 p.m.)

Motion Carried.



Correspondence Report: CMC 12/2023

ATTACHMENTS

Subject: Correspondence Monday, September 18, 2023

No.	Sender	Subject
7.1.1	Dragun Corporation Environmental Advisors & Manager Environmental Quality	Response to Notice of Intention to Apply Non-Potable Groundwater Site Condition Standards Record of Site Condition – 245 Louis Avenue, Windsor. Dragun Project # C31225-04 Commissioner, Infrastructure Services Manager, Environmental Quality EV/11165 Note & File
7.1.2	Stephen Louis Romano, Manager of Environmental Services, City of Cornwall	Lou Romano, former Director of Pollution Control, City of Windsor - Acknowledgement APR2023 & ACO2023 Note & File
7.1.3	County of Essex, Senior Planner	Notice of Complete Application and Virtual Public Meeting for Official Plan Amendment – File Number OPA-03 – Community Improvement Plan Policies (CIP) Deputy City Solicitor City Planner Development Application Clerk Commissioner, Economic Development & Innovation Commissioner, Legal & Legislative Services GM2023 Note & File
7.1.4	Acting City Planner / Executive Director	Application for Zoning Amendment, Rosanna Gesuale, 3166 Ryan Street, to allow a Single Unit Dwelling in an existing front yard as well as the conversion of an existing Single Family Dwelling to an Additional Dwelling Unit (ADU). Z/14651 Note & File

No.	Sender	Subject
7.1.5	Acting City Planner / Executive Director	<p>Application for Zoning Amendment and Official Plan Amendment, 1027458 Ontario Inc., Banwell & McHugh (North A), to permit a mixed use development, including high profile multiple dwellings, a business office and a residential care facility.</p> <p style="text-align: right;">Z/14652 & Z/14653 Note & File</p>
7.1.6	Acting City Planner / Executive Director	<p>Application for Zoning Amendment and Official Plan Amendment, 1027458 Ontario Inc., Banwell & McHugh (North B), to permit a mixed use development, including high profile multiple dwellings, a business office and a residential care facility.</p> <p style="text-align: right;">Z/14654 & Z/14655 Note & File</p>
7.1.7	Acting City Planner / Executive Director	<p>Application for Zoning Amendment and Official Plan Amendment, 1027458 Ontario Inc., Banwell & McHugh (South), to permit a mixed use development, including high profile multiple dwellings, a business office and a residential care facility.</p> <p style="text-align: right;">Z/14647 & Z/14648 Note & File</p>
7.1.8	Acting City Planner / Executive Director	<p>Application for Zoning Amendment and Official Plan Amendment; City of Windsor, Windsor Airport Lands, to permit employment uses on lands located within the vicinity of the Windsor International Airport.</p> <p style="text-align: right;">Z/14649 & Z/14650 Note & File</p>
7.1.9	Committee of Adjustment Agenda	<p>Applications to be heard by the Committee of Adjustment/Consent Authority, Thursday September 28, 2023.</p> <p style="text-align: right;">Z2023 Note & File</p>

September 7, 2023

City Clerk
City of Windsor
350 City Hall Square
Room 530
Windsor, Ontario N9A 6S1

SUBJECT: Use of Non-Potable Site Condition Standards at
245 Louis Avenue
Windsor, Ontario
Dragun Project # C31225-04

Attention: City Clerk, City of Windsor:

Dragun Corporation (Dragun), on behalf of Hiatus House, has plans to submit a Record of Site Condition (RSC) for the property located at 245 Louis Avenue in Windsor, Ontario (the Property). It is our intention to use Table 3: Full Depth Generic Site Condition Standard in a Non-Potable Groundwater Condition as allowed in Ontario Regulation 153/04 (amended by O. Reg. 511/09).

Our decision to use the Non-Potable Site Condition Standards is based on the following conditions being met:

- Municipal water is available at this property, as well as all properties within 250 metres (m).
- According to water-well data from the MECP, there are 11 water-well records located within 250 m of the Property. These well records are located on sites east and northeast of the Property. The wells were installed at depths of 7.6 metres below grade level (mbgl) or less. Five of those wells were installed as monitoring wells. Records for the six remaining wells document abandonment procedures. Static water levels at these wells were not recorded. Based on review of the well boring logs, the surficial soils consisted of clayey silt.
- The Property is currently zoned RD2.2 Residential District – Medium Density.
- According to the MECP Source Protection Information Atlas, the Property is not located in a source protection area.
- The Property is not located in an area designated on a municipal official plan as an Environmentally-Sensitive Area.
- The soil pH is between five and nine.

City Clerk, City of Windsor

September 7, 2023

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- The soil thickness exceeds 2 m throughout the Property.
- No water body is located on, or adjacent to, the Property. The Detroit River is located 210 m to the north of the Property.

If requested, we can provide copies of the water-well data provided by the MECP.

Ontario Regulation 153/04 requires that written notification be given “to the clerk of the local municipality, and any upper tier municipality, of the proposal to use Non-Potable Site Condition Standards.”

If Dragun does not receive a written response objecting to the use of Non-Potable Site Condition Standards within thirty (30) days, we will presume that the City of Windsor does not object to the use of Non-Potable Site Condition Standards at the above-noted property.

To expedite receipt of any documentation, please e-mail any response to the attention of Kevin Ho at kho@dragun.com.

If you have any questions, or if additional information is required, please do not hesitate to contact us at 519-948-7300.

Sincerely,

DRAGUN CORPORATION



Kevin Ho, GIT
Environmental Scientist



Christopher G. Paré P. Geo
Hydrogeologist

KH/CGP/amr

From: Webb, Kevin <KWebb@citywindsor.ca>

Sent: Friday, September 08, 2023 2:13 PM

To: clerks <clerks@citywindsor.ca>; Kevin Ho <Kho@dragun.com>; 'Chris Pare' <cpare@dragun.com>

Cc: Ciacelli, Anna <aciacelli@citywindsor.ca>; Renaud, Jake <jrenaud@citywindsor.ca>

Subject: RE: Record of Site Condition - Use of Non-Potable Site Condition Standards

Hello Kevin and Chris,

In response to your attached correspondence, The City of Windsor has no objection to the use of the non-potable standards under Table 3: Full Depth Generic Site Condition Standard in a non-Potable Groundwater Condition as allowed in Ontario Regulation 153/04 (amended by O. Reg. 511/09), for the subject property 245 Louis Ave , Windsor, Ontario for a Record of Site Condition.

There is no objection with the application of these standards for this property.

Thanks and if you have any questions please let me know.

Kevin Webb | Manager Environmental Quality



Office of the Commissioner of Infrastructure Services | Pollution Control

4155 Ojibway Parkway | Windsor ON | N9C 4A5

Office: 519 253 7217 ext 3330

Cell: 519 791 7844

kwebb@citywindsor.ca

www.citywindsor.ca

Item No. 7.1.2

From: Stephen Louis Romano <sromano@cornwall.ca>
Sent: Wednesday, September 13, 2023 8:21 PM
To: Vlachodimos, Steve <svlachodimos@citywindsor.ca>
Cc: CAO Office (CCW) <caodept@citywindsor.ca>
Subject: City of Windsor Council Meeting - Sept 18, 2023 - Lou Romano Acknowledgement

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good Evening Mr. Vlachodimos,

Thanks again for allowing me the opportunity to communicate a few words at the upcoming Council Meeting.

A message from Stephen Louis Romano, Manager of Environmental Services at the City of Cornwall and grandson of former Director of Pollution Control at The City of Windsor, Lou Romano:

I would like to take a moment to acknowledge the life of my Nonno – a loving, intelligent, humble, family man and proud public servant to the City of Windsor for 30 years. My grandfather was born and raised in the City of Windsor and loved the Windsor community and his place of work to his very last day. He was so proud to be able to improve his City and make it a safer place, and one of the greatest honours he received was having the Water Reclamation Plant renamed after him when he retired. My grandfather had an innovative mind and was passionate about his work in municipal engineering. He shared this gift with all those around him and was a shining example of what a true mentor should be, although he would have never wanted the limelight. One of the highlights of his career was bringing Biological Aerated Filtration technology to Windsor for secondary wastewater treatment. His passion for his work, particularly wastewater treatment, was contagious, and is the reason all three of his grandsons went into engineering, and why I myself am in the exact same industry to this day, albeit a little further up the 401. As fate would have it, when I started in my position at the City of Cornwall, I was advised that they had recently upgraded their wastewater treatment plant to have Biological Aerated Filtration technology, and had visited the Lou Romano Water Reclamation Plant to see how it works. I would like to thank the Mayor, Council, and Administration for allowing me to acknowledge the great life of my grandfather today and for the powerful gesture of lowering the flags to half-mast. The excellent work you all continue to do after he left the City is commendable and you truly honour his legacy. The City of Windsor will always be a part of Lou Romano, and he will always be a part of the City of Windsor.

Thanks,



Stephen Romano M.Eng., P.Eng. (he/him)
Manager, Environmental Services
861 Second St W, Cornwall, ON K6J 1H5
T: 613 930-2787 x2582
Email: sromano@cornwall.ca

**NOTICE OF COMPLETE APPLICATION AND VIRTUAL PUBLIC MEETING
Official Plan Amendment - File Number OPA-03
Community Improvement Plan (CIP) Policies**

Wednesday, October 4, 2023, at 4:00 p.m.

Livestream on the County of Essex website: <https://video.isilive.ca/countyofessex/live.html>

Purpose

Essex County Council will hold a public meeting, through virtual means, pursuant to Sections 17 & 22 of the *Planning Act, R.S.O., 1990*, as amended, for the purposes of amending the County of Essex Official Plan to incorporate policies that would allow for the County to participate in grant programs of the County of Essex's seven (7) local municipalities that have Community Improvement Plans.

A Community Improvement Plan (CIP) is a tool enabled through the *Planning Act* that allows municipalities to provide tax assistance, grants, or loans to private property owners and tenants to assist in the revitalization of lands and/or buildings within a defined Community Improvement Project Area. CIPs are intended to encourage revitalization, support economic development, and/or stimulate development and redevelopment.

Under Section 28(7.2) of the *Planning Act*, the County has the ability to support local municipalities for the purpose of carrying out a CIP with grants and incentives, provided the Official Plan of the County of Essex contains provisions for policies related to making grants and incentives. The County does not have the ability to establish its own CIP.

The proposed Official Plan Amendment applies to all of the County of Essex, therefore a map has not been provided.

Members of the public who want to watch the meeting can view the livestream on the County of Essex website:

<https://video.isilive.ca/countyofessex/live.html>

**There is no in-person attendance available for this meeting.
Members of the public who wish to participate during the Public Meeting and provide their comments directly to Council on the**

Official Plan Amendment can do so virtually and must register with the Clerk's Office to be a delegate no later than 12:00 p.m. (noon) on Friday, September 29, 2023. Delegations will be limited to five minutes. To register as a delegate, please complete the online form at the following link <https://eforms.countyofessex.ca/Council-Services/2023-10-04-Delegation-Request-Form-Official-Plan> or by scanning the following QR code:



To participate virtually, you will need access to a computer or tablet with internet service or a telephone. There is no in-person attendance available for this meeting. Your application to participate as a delegate will be reviewed and you will be notified by the Clerk if your request has been approved. Only registered and confirmed delegates may bring forward presentations or information to be considered as part of the Official Plan Amendment process at the Public Meeting.

Your Input is Important

Any person may participate in the virtual Public Meeting and/or provide written or verbal representation. If you are unable to participate in the virtual meeting, you may provide written comments by submitting them to the address or email below. Please include your mailing address with your written comments.

By Mail: Rebecca Belanger, MCIP, RPP, Manager, Planning Services, County of Essex, 360 Fairview Avenue West, Essex, ON, N8M 1Y6

By Email: rbelanger@countyofessex.ca

If you wish to be notified of County Council's decision regarding the proposed Official Plan Amendment, you must make a written request to Rebecca Belanger, MCIP, RPP, Manager, Planning Services, at the address or email shown above and such request must include the name and mailing address to which such notice should be sent.

Additional Information relating to this matter, including information about appeal rights, can be made available to the public by contacting Rebecca

Belanger, MCIP, RPP, Manager, Planning Services, at rbelanger@countyofessex.ca or by calling 519-776-6441, ext. 1325.

Notice of Collection

Personal information collected as a result of this virtual public meeting is collected under the authority of the *Municipal Act*, the *Municipal Freedom of Information and Protection of Privacy Act (MFIPPA)*, the *Planning Act*, and all other relevant legislation, and will be used to assist in making a decision on this matter. All personal information (as defined by MFIPPA), including (but not limited to) names, addresses, opinions and comments collected will be made available for public disclosure to members of the public, at the meeting, through requests and through the County of Essex website. Questions regarding the collection, use and disclosure of this personal information may be directed to the Clerk, Essex County Civic Centre; 360 Fairview Avenue West, Essex, ON, N8M 1Y6.

PLANNING DEPARTMENT – DEVELOPMENT DIVISION

Memo

To: City Clerk
From: City Planner/Executive Director
Date: September 1, 2023
Subject: TRANSMITTAL OF NEW FILE **Our File Number: Z-019/23 [ZNG/7064]**
RE: Application For: Zoning Amendment Official Plan Amendment
 Part Lot Control Draft Plan of Subdivision/Condominium

Applicant: ROSANNA GESUALE

Location: 3166 RYAN STREET

Description: Application to amend Zoning By-law 8600 to allow a Single Unit Dwelling in an existing front yard, together with the conversion of an existing Single Family Dwelling to an Additional Dwelling Unit (ADU) which exceeds the maximum lot coverage for an accessory building on a lot having an area of less than 400.0 m².

The ZONING AMENDMENT application submitted by ROSANNA GESUALE for 3166 RYAN STREET has been deemed as complete on September 1, 2023.

Enclosures:

- 1 copy of Application Form
- 1 copy of Drawings
- 1 copy of Site Plan



Neil Robertson
Acting City Planner, Executive Director

/ap

September 1, 2023

Gino Gesuale
2160 Suzanne St.
Lasalle, ON N9H 2K3

Dear Agent,

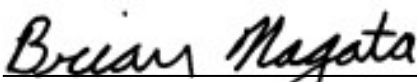
Re: REZONING APPLICATION
APPLICANT: ROSANNA GESUALE
LOCATION: 3166 RYAN STREET
FILE NO.: Z-019/23 [ZNG/7064]

This is to acknowledge receipt of the application for rezoning, which has been assigned the above-referenced file number. In accordance with the delegation authority as prescribed by By-Law 139-2013, the information and material required has been provided; therefore, the application was deemed COMPLETE on September 1, 2023 and processing has begun.

You will be advised prior to the Development & Heritage Standing Committee and Council meetings of the position of the Planning Department on the application and the dates of the public meetings.

Please email me at bnagata@citywindsor.ca, if you have any questions.

Yours truly,



Brian Nagata, MCIP, RPP
Planner II

BN/ap

ZONING BY-LAW AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca

TYPE OF REZONING AMENDMENT

DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

Minor Zoning Amendment

- Site zoned commercial, institutional, or manufacturing
 - Addition to the list of permitted uses
- Site already zoned
 - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
 - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
 - Site-specific zoning for a site with a lot area of less than 1,000.0 m²

Major Zoning Amendment

- Any other amendment not listed as minor.

ZONING BY-LAW AMENDMENT APPLICATION

ZONING BY-LAW AMENDMENT PROCESS

The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

ZONING BY-LAW AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS-005/22

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

ZONING BY-LAW AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: Rosanna Gesuale Contact: Rosanna Gesuale
Name of Contact Person

Address: 2160 Suzanne St. LaSalle, ON

Address: _____ Postal Code: N9H 2K3

Phone: (519) 995-2582 Fax: _____

Email: rgesuale@gmail.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Gino Gesuale Contact: Gino Gesuale
Name of Contact Person

Address: 2160 Suzanne St. LaSalle, ON

Address: _____ Postal Code: N9H 2K3

Phone: (519) 995-4466 Fax: _____

Email: ginogesuale@gmail.com

4. COMPANION APPLICATIONS

Are you submitting a companion Official Plan Amendment application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control application? NO YES

ZONING BY-LAW AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 3166 Ryan St. Windsor, ON N9C 1M9

Legal Description Lot 24, Plan 807 City Windsor County of Essex, Land Titles
Division of Essex No. 12

Assessment Roll Number 050-250-02100

If known, the date the subject land was acquired by the current owner: August 22, 2003

Frontage (m) 10.67 m Depth (m) 30.48 m Area (sq m) 325.22 sq m

Official Plan Designation Residential

Current Zoning Residential District RD1.3

Existing Uses Residential

If known, the lengths of time that the existing uses have continued: 100 years

Previous Uses Residential

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

Rosanna Gesuale
2160 Suzanne St. LaSalle, ON N9H 2K3

Are there any easements or restrictive covenants affecting the subject lands? NO YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO YES File: _____

An application for an amendment to a Zoning By-law: NO YES File: _____

An application for approval of a Site Plan: NO YES SPC- _____

A Minister's Zoning Order (Ontario Regulation): NO YES OR#: _____

ZONING BY-LAW AMENDMENT APPLICATION

6. DESCRIPTION OF AMENDMENT

Amendment to Zoning By-law from: Residential District 1.3 (RD1.3)

to: Site Specific Residential District 1.3 (RD1.3)

Proposed uses of subject land: Residential

Describe the nature and extent of the amendment(s) being requested:

Refer to Appendix B.

Why is this amendment or these amendments being requested?

The Applicant wishes to build a home with an accessory unit due to the

lack of student and family housing available in the area. Therefore,

the above mentioned reliefs are required.

Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report _____

The proposed use is already allowed to the site. The reliefs required do

not extend to the level of the Provincial Policy Statement.

Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report _____

If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report _____

See Official Plan Amendment _____

ZONING BY-LAW AMENDMENT APPLICATION

7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.

See attached Existing Plan or Sketch of Subject Land

100 year old Single Family Dwelling home - 3166 Ryan St.

Front lot line: 43'

Rear lot line: 1'11.75"

Side lot lines: 6" and 10.5"

Height of building: Single storey

Dimensions and floor area: 744 sq. ft. (69.12 sq m)

8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.

See attached Site Plan Conceptual

Proposed Two Storey House (1413 ft + 741 ADU)

ZONING BY-LAW AMENDMENT APPLICATION

9. ACCESS TO SUBJECT LAND

Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road Provincial Highway Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

Piche St.

10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

WATER – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other _____

SANITARY - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other _____

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

STORM DRAINAGE - Indicate whether storm drainage will be provided by:

- Sewers Ditches Swales Other Eavestrough

ZONING BY-LAW AMENDMENT APPLICATION

11. SKETCH OF SUBJECT LAND

Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

12. APPLICATION FEE & OTHER FEES

The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

APPLICATION FEE

Amendment Type	Code	<input checked="" type="checkbox"/> Minor Rezoning	<input type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$4,597.00	= \$6,187.40

OTHER FEES

- | | | | |
|--|------------|--|--|
| Re-Notification/Deferral Fee | Code 53016 | \$2,258.40 | |
| Required when an applicant requests a deferral after notice of a public meeting has been given. | | | |
| Legal Fee - Servicing Agreement | Code 63002 | \$597.64 plus \$50 per unit, lot, or block | |
| Required when the preparation of a servicing agreement is a condition of approval. | | | |
| Removal of the Holding Symbol Application | Code 53001 | \$1,536.00 | |
| It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol. | | | |
| Ontario Land Tribunal (OLT) Appeal Fee | | \$1,100.00 | |
| An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit https://olt.gov.on.ca for additional information | | | |

ZONING BY-LAW AMENDMENT APPLICATION

13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:


Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)

Open House Website Other _____

14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, Rosanna Gesuale, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Signature of Applicant


*Sign in the presence of a Commissioner
For Taking Affidavits*

Windsor, ON

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me



Signature of Commissioner

at the City of Windsor

Location of Commissioner

this 9th day of June, 2023

day

month

year

PLACE AN IMPRINT OF YOUR STAMP BELOW

READ & COMPLETE SCHEDULES A & E IN FULL & SIGN

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements


A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, Rosanna Gesuale, am the registered owner of the land that is
Name of Registered Owner

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Gino Gesuale to make this application on my behalf.
Name of Agent


 June 7, 2023
Signature of Registered Owner Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, Rosanna Gesuale,
Name of Registered Owner

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.

 June 7, 2023
Signature of Registered Owner Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - *Continued*

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

June 7, 2023

Date

**END OF SCHEDULE A
COMPLETE SCHEDULE E ON NEXT PAGE**

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E – Environmental Site Screening Questionnaire

Previous Use of Property

- Residential Industrial Commercial Institutional
 Agricultural Parkland Vacant Other _____

- a) If previous use of the property is Industrial or Commercial, specify use:

- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
- Yes No Unknown
- * Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*
- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

SCHEDULE E CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E - CONTINUED

Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

Rosanna Gesuale

Name of Applicant (print)



Signature of Applicant

June 7, 2023

Date

Gino Gesuale

Name of Agent (print)



Signature of Agent

June 7, 2023

Date

END OF SCHEDULE E

ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application

Date Received Stamp

This application has been assigned to:

- | | |
|---|---|
| <input type="checkbox"/> Adam Szymczak (AS) | <input type="checkbox"/> Brian Nagata (BN) |
| <input type="checkbox"/> Frank Garardo (FG) | <input type="checkbox"/> Greg Atkinson (GA) |
| <input type="checkbox"/> Jim Abbs (JA) | <input type="checkbox"/> Justina Nwaesei (JN) |
| <input type="checkbox"/> Kevin Alexander (KA) | <input type="checkbox"/> Laura Strahl (LS) |
| <input type="checkbox"/> Simona Simion (SS) | <input type="checkbox"/> _____ |

Complete Application

This application is deemed complete on _____
Date

Signature of Delegated Authority

- | | | |
|---|---|--|
| <input type="checkbox"/> Neil Robertson, MCIP, RPP
Manager of Urban Design | <input type="checkbox"/> Michael Cooke, MCIP, RPP
Manager of Planning Policy | <input type="checkbox"/> Thom Hunt, MCIP, RPP
City Planner & Executive Director |
|---|---|--|

Internal Information

Fee Paid: \$ _____ Receipt No: _____ Date: _____

Payment Type: Cash Certified Cheque Credit Card Personal Cheque

NEW Zoning File No. ZNG/ _____ Z- _____

Previous Zoning File No. ZNG/ _____ Z- _____

Related OPA File No. OPA/ _____ OPA _____

Other File Numbers: _____

Notes: _____

THIS IS THE LAST PAGE OF THE APPLICATION FORM

Appendix B
Requested Amendments

- Permit a residential dwelling within a lot area of 10.67 by 30.48 m.
- Provide relief from provision 5.10.1 and permit for the current home, which will be converted to an ADU, to not have a minimum setback from the rear lot line equal to the minimum front yard depth required for a main building on the lot.
- Provide relief from provision 5.10.9.10 and permit for the lot coverage for all accessory buildings to be approx. 20% of the lot area.
- Provide relief from provision 5.10.9.15 and permit for an accessory building of 69 sq. m.
- Provide relief from Section 20: Specific Zoning Exceptions in Certain Areas 236.b.ii (permit for front yard parking) and iii (permit for Single Family Dwelling with accessory unit). (Refer to Figure 3 – Option 2).
- Provide relief from Section 20: Specific Zoning Exceptions in Certain Areas 236.b.ii (permit for rear yard parking) and iii (permit for Single Family Dwelling with accessory unit). (Refer to Figure 3 – Option 1).

Appendix C
City of Windsor – Official Plan Policies

<i>ECONOMIC OPPORTUNITY</i>	4.1.6	Economic opportunities throughout Windsor.
<i>STAY SAFE</i>	4.1.7	A safe environment throughout Windsor.
<i>BALANCED DECISION MAKING</i>	4.1.8	A decision making process that balances environmental, economic and social considerations.
	4.2	Objectives
	4.2.1	Healthy and Liveable City
<i>PLANNING & DESIGN</i>	4.2.1.1	To consider community health in the planning and design of Windsor and its neighbourhoods.
<i>ACTIVE LIFESTYLE</i>	4.2.1.2	To provide for activities and facilities which will foster an active lifestyle to improve community health.
<i>MONITOR HEALTH</i>	4.2.1.3	To regularly monitor community health.
<i>CLIMATE PROTECTION</i>	4.2.1.4	To protect against climate change and its possible adverse effects on human health, the physical environment, economy and quality of life.
<i>AGING IN PLACE</i>	4.2.1.5	To encourage a mix of housing types and services to allow people to remain in their neighbourhoods as they age.
<i>PEDESTRIAN SCALE</i>	4.2.1.6	To provide for pedestrian scale neighbourhood centres that serve the day-to-day needs of the local residents.
	4.2.2	Environmental Sustainability
<i>PLANNING & DESIGN</i>	4.2.2.1	To consider the environment in the planning and design of Windsor.
<i>ECOSYSTEMS</i>	4.2.2.2	To protect and restore ecosystems.
<i>SUSTAINABLE DEVELOPMENT</i>	4.2.2.3	To encourage community planning, design and development that is sustainable.
<i>COMPATIBLE DEVELOPMENT</i>	4.2.2.4	To promote development that meets human needs and is compatible with the natural environment.
<i>REDUCE ENVIRONMENTAL IMPACTS</i>	4.2.2.5	To reduce environmental impacts.

<i>RANGE OF FORMS & TENURES</i>	6.3.1.1	To support a complementary range of housing forms and tenures in all neighbourhoods.
<i>NEIGHBOURHOODS</i>	6.3.1.2	To promote compact neighbourhoods which encourage a balanced transportation system.
<i>INTENSIFICATION, INFILL & REDEVELOPMENT</i>	6.3.1.3	To promote selective residential redevelopment, infill and intensification initiatives.
<i>MAINTENANCE & REHABILITATION</i>	6.3.1.4	To ensure that the existing housing stock is maintained and rehabilitated.
<i>SERVICE & AMENITIES</i>	6.3.1.5	To provide for complementary services and amenities which enhance the quality of residential areas.
<i>HOME BASED OCCUPATIONS</i>	6.3.1.6	To accommodate home based occupations.
<i>SUFFICIENT LAND SUPPLY</i>	6.3.1.7	To ensure that a sufficient land supply for residential and ancillary land uses is available to accommodate market demands over the 20 year period of this Plan.

6.3.2 Policies

In order to facilitate the orderly development and integration of housing in Windsor, the following policies shall apply.

<i>PERMITTED USES</i>	6.3.2.1	Uses permitted in the Residential land use designation identified on Schedule D: Land Use include Low, Medium and High Profile dwelling units.
<i>ANCILLARY USES</i>	6.3.2.2	In addition to the uses permitted above, Council will encourage the achievement of diverse and self-sufficient neighbourhoods by permitting the following ancillary uses in areas designated Residential on Schedule D: Land Use without requiring an amendment to this Plan: (a) community services including libraries, emergency services, community centres and similar public agency uses; (Deleted by OPA #82 – June 20, 2011, B/L 117-2011)

- (a) ~~community services including libraries, emergency services, community centres and similar public agency uses, but does not include a Methadone Clinic;~~
(Deleted by OPA #106 – November 6, 2015, B/L 143-2015)
- (a) community services including libraries, emergency services, community centres and similar public agency uses;
(Amended by OPA #106 – November 6, 2015, B/L 143-2015)
- (b) home based occupations subject to the provisions of policy 6.3.2.7;
- (c) Neighbourhood Commercial uses subject to the provisions of policy 6.3.2.9;
- (d) Open Space uses subject to the provisions of section 6.7; and
- (e) Minor Institutional uses subject to the provisions of section 6.6.

*TYPES OF
LOW PROFILE
HOUSING*

6.3.2.3

For the purposes of this Plan, Low Profile housing development is further classified as follows:

- (a) small scale forms: single detached, semi-detached, duplex and row and multiplexes with up to 8 units; and
- (b) large scale forms: buildings with more than 8 units.

*LOCATIONAL
CRITERIA*

6.3.2.4

Residential development shall be located where:

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

*EVALUATION
CRITERIA FOR A
NEIGHBOURHOOD
DEVELOPMENT
PATTERN*

6.3.2.5

At the time of submission, the proponent shall demonstrate to the satisfaction of the Municipality that a proposed residential development within an area having a Neighbourhood development pattern is:

(e) Establishes the preferred solution and corresponding implementation measures; and

(f) Includes a comprehensive public participation program.

COOPERATION & COORDINATION 7.2.2.4 Council shall work to achieve the coordinated planning, expansion and maintenance of the transportation system in cooperation with other public agencies and private organizations to promote increased density of development.

ALTERNATIVE DEVELOPMENT PATTERNS 7.2.2.5 Council shall promote development patterns that support an increase in walking, cycling and public transportation in accordance with the Land Use and Urban Design chapters of this Plan.

BALANCED TRANSPORTATION SYSTEM 7.2.2.6 Council shall develop a balanced transportation system by:

- (a) Adopting strategies and programs that increase public transportation use, cycling and walking;
- (b) Implementing the land use policies of this Plan that provide for a more compact urban form and are intended to reduce the growth in home based trip making;
- (c) Maintaining a road level-of-service that optimizes the use of the existing network;
- (d) Directing the expansion of existing roads or the construction of new ones in association with the application of transportation demand management strategies; and
- (e) Implementing the urban design policies of this Plan that provide for an improved street environment.
- (f) Implementing traffic calming devices in existing neighbourhoods and requiring traffic calming in new neighbourhoods consistent with the Traffic Calming Policy.

TRAFFIC CALMING DEVICES 7.2.2.7 Council may require traffic calming devices on:

- (a) Existing roads;
- (b) All proposed development;
- (c) Infrastructure undertakings;

- (c) On street parking may be permitted on Class II Collector Roads and Local Roads provided there is sufficient paved road width.

RESTRICT ON-STREET PARKING

7.2.2.15 Council may restrict on-street parking in a manner that does not conflict with future and planned uses of the right of way by:

- (a) Removing on-street parking where the added roadway space is required to install left or right turn lanes;
- (b) Removing on-street parking where the added roadway space may be required to install bicycle lanes;
- (c) Removing on-street parking where the added roadway space is required for transit purposes;
- (d) Removing on-street parking where there is a need to move traffic more efficiently;
- (e) Removing on-street parking where the City has constructed off street lots to offset the loss of on-street parking.

ON STREET PARKING – STREET SCAPING

7.2.2.16 Council may permit on-street parking as part of a streetscaping plan designed to create a buffer between road traffic and pedestrian sidewalk areas.

BICYCLE PARKING

7.2.2.17 Council shall make provision for bicycle parking spaces by requiring bicycle spaces at all developments.

LAND USE AND TRANSPORTATION

7.2.2.18 Council shall recognize the link between land use and transportation systems by:

- (a) Focusing office development and high-density employment and high density residential in areas which have access to transit and pedestrian amenities;
- (b) Encouraging commercial and employment uses within 400 metres to 800 metres of residential areas to promote the use of active transportation and to promote transit service.

SUSTAINABLE SITE DESIGN

7.2.2.19 Council shall require the use of sustainable site design during the Site Plan Control process to ensure accessibility for all pedestrians and cyclists by:

- (a) Requiring buildings and access points to buildings be placed to provide convenient access to the public right of way;

encouragement of commuter and recreation cycling within Windsor;

(b) Provides principles, policies and strategic plans which address commuter and recreation cycling needs from a comprehensive perspective including the integration with other transportation modes and facilities; and

(c) Identifies priorities for new Bikeways and Recreationways.

SAFETY 7.2.4.5 Council shall encourage the separation of cyclists and pedestrians wherever possible to avoid potential conflicts.

7.2.5 Public Transportation Policies

PUBLIC TRANSPORTATION 7.2.5.1 Council shall require all proposed developments and infrastructure undertakings to provide facilities for public transportation wherever appropriate.

IMPROVE PUBLIC TRANSPORTATION 7.2.5.2 Council shall require that the design of development proposals and infrastructure undertakings facilitate easy access to public transportation. In this regard, Council shall:

- (a) Ensure that all new development patterns are supportive of public transportation in accordance with the land use and transportation policies in this Plan;
- (b) Require that the street pattern in new developments allows for the extension of public transportation services;
- (c) Require that sidewalks and other pedestrian facilities connect major traffic generators to public transportation services;
- (d) Encourage the provision of benches, lighting, rest areas and climate shelters for the safety, comfort and convenience of public transportation users;
- (e) Support the coordination and integration of local public transportation services and facilities with inter-regional, regional and international services and facilities;
- (f) Ensure that the design of roads accommodate the requirements of public transportation;
- (g) Encourage transit routes to be within new major employment areas;

- (h) Encourage transit stops to be located within a 400 metre walking distance of high density residential development.

**REGIONAL
PUBLIC
TRANSIT
SYSTEM**

7.2.5.3 Council encourages the creation of a Regional Public Transit System.

7.2.6 Road Network Policies

**ROAD
CLASSIFICATION**

7.2.6.1 The road network within Windsor is classified as follows:

- (i) Provincial Highways;
- (ii) Expressways;
- (iii) Class I Arterial Roads;
- (iv) Class II Arterial Roads;
- (v) Class I Collector Roads;
- (vi) Class II Collector Roads;
- (vii) Scenic Drives; and,
- (viii) Local Roads.

**PROVINCIAL
HIGHWAYS**

7.2.6.2 Council recognizes Provincial Highways as follows:

- (a) Provincial Highways shall be designated on Schedule F: Roads and Bikeways and in secondary plans, where appropriate; and
- (b) The Ministry of Transportation exercises its mandate adjacent to Provincial Highway corridors; as such land abutting Provincial Highways are subject to permit control process of the Ministry of Transportation.

EXPRESSWAYS

7.2.6.3 Council shall provide for Expressways as follows:

- (a) Expressways are designated on Schedule F, as controlled access highways and are to be designated in any secondary plan or master plan where appropriate.

7.3.1 Objectives

<i>COORDINATED, EFFICIENT AND COST EFFECTIVE</i>	7.3.1.1	To provide infrastructure in a coordinated, efficient and cost effective manner to accommodate projected needs.
<i>INTEGRATED PLANNING</i>	7.3.1.2	To integrate the planning for infrastructure with the planning for growth so that these are available to meet current and projected needs.
<i>MAXIMIZE USE OF EXISTING INFRASTRUCTURE</i>	7.3.1.3	To maximize and optimize the use of existing infrastructure and corridors prior to the extension and creation of new ones.
<i>MAINTAIN & UPGRADE</i>	7.3.1.4	To establish priorities for the maintenance and up-grading of existing infrastructure.
<i>SUFFICIENT SUPPLY</i>	7.3.1.5	To ensure that there is sufficient infrastructure to accommodate anticipated growth in Windsor.
<i>NATURAL & RECREATION OPPORTUNITIES</i>	7.3.1.6	To encourage the integration of natural and recreational opportunities with physical services.
<i>STORMWATER MANAGEMENT</i>	7.3.1.7	To manage stormwater to effectively control the quality and quantity of urban runoff.
<i>WATER QUALITY</i>	7.3.1.8	To protect, manage and enhance water quality and quantity.
<i>SOLID WASTE MANAGEMENT</i>	7.3.1.9	To provide for the minimization and management of solid waste.
<i>WATER CONSERVATION</i>	7.3.1.10	To promote water conservation measures.
<i>SEWAGE MANAGEMENT</i>	7.3.1.11	To provide and maintain sanitary sewers, pumping stations and sewage treatment plans with sufficient capacity to accommodate the existing and future development.
<i>NATURAL HERITAGE</i>	7.3.1.12	To direct infrastructure, where possible, away from Natural Heritage Features and Areas.

7.3.2 General Policies

- INFRASTRUCTURE DEFINITION* 7.3.2.1 For the purpose of this Official Plan, infrastructure include sewerage, stormwater management and water works, waste management systems, electric power, communications, telecommunications, transit corridors, transportation corridors, and oil and gas pipelines and associated facilities.
- MANAGEMENT PLAN* 7.3.2.2 Council may require the preparation, implementation and monitoring of an Infrastructure Management Plan for Municipally owned and/or operated infrastructure, such as sewerage and stormwater management works, as a basis to:
- (a) Prioritize strategies for the maintenance and rehabilitation of existing infrastructure and the provision of new infrastructure; and
 - (b) Monitor available capacity for new development.
- NEW DEVELOPMENT* 7.3.2.3 Council shall require all new developments to have full municipal infrastructure available, or agreements in place to provide such infrastructure, as a condition of approving a development proposal.
- INDIVIDUAL ON-SITE SEWAGE SERVICES* 7.3.2.4 Council shall not permit development on individual on-site sewage services beyond existing farm living lots.
- NEW INDIVIDUAL ON-SITE SEWAGE SERVICES* 7.3.2.5 Council shall not permit the installation of individual on-site sewage services in new developments.
- MONITOR CAPACITY* 7.3.2.6 Council shall monitor the available uncommitted reserve capacity of existing Municipally owned and/or operated infrastructure to ensure that they can accommodate projected long-term growth.

7.3.3 Infrastructure Provision Policies

- INFILLING GIVEN PRIORITY* 7.3.3.1 Council shall encourage the development of existing serviced, underutilized or undeveloped lands within Windsor prior to the extension of municipally owned and/or operated infrastructure to vacant areas within Windsor.
- EVALUATING A PROPOSED EXTENSION* 7.3.3.2 Council shall only approve the extension of municipally owned and/or operated infrastructure within Windsor when the following factors have been addressed:

MINIMUM
LANDSCAPING
STANDARD

8.5.2.6

Council may establish:

- (a) a minimum standard for landscaping; and
- (b) a minimum landscaped area.

TREE
CONSERVATION
AND
PROTECTION

8.5.2.7

Council will conserve and protect trees in accordance with the urban forestry policies of this Plan (see Environment Chapter).

ENERGY
CONSERVATION

8.5.2.8

Council will encourage energy conservation through various guidelines that promote:

- ~~(a) developments to incorporate energy efficient designs;
(Deleted by OPA #66-11/05/07-B/L209-2007)~~
- (a) energy efficient designs, materials and alternative energy sources such as water, wind and sun;
(Added by OPA #66-11/05/07-B/L209-2007)
- ~~(b) a compact pattern of development that clusters compatible uses within close proximity to one another;
(Deleted by OPA #66-11/05/07-B/L209-2007)~~
- (b) a compact, transit-oriented pattern of development that clusters compatible uses within close proximity to one another at densities that make transit service a viable investment;
(Added by OPA #66-11/05/07-B/L209-2007)
- (c) landscaping that can assist in reducing heating and cooling requirements;
- (d) the conversion and reuse of buildings; and
- (e) a sustainable, effective and efficient transportation system.

EFFICIENT USE
OF WATER

8.5.2.9

Council will encourage development to include features that reduce, control or treat site-runoff, use water efficiently and reuse or recycle water for on-site use when feasible.

(Added by OPA #66-11/05/07-B/L209-2007)

- (c) maintains and enhances valued heritage resources and natural area features and functions.
- (d) Encourages the creation of attractive residential streetscapes through architectural design that reduces the visual dominance of front drive garages, consideration of rear lanes where appropriate, planting of street trees and incorporation of pedestrian scale amenities. (added by OPA #60-05/07/07-B/L85-2007-OMB Decision/Order No.2667, 10/05/2007)

*REDEVELOPMENT
AREAS*

8.7.2.2

Council will ensure that the design of extensive areas of redevelopment achieves the following:

- (a) provides a development pattern that support a range of uses and profiles;
- (b) defines the perimeter of such an area by a distinct edge which may be formed by roads, elements of the Greenway System or other linear elements;
- (c) contains activity centres or nodes which are designed to serve the area and which may be identified by one or more landmarks;
- (d) provides transportation links to adjacent areas; and
- (e) maintains and enhances valued historic development patterns or heritage resources.
- (f) is complementary to adjacent development in terms of overall massing, orientation, setback and exterior design, particularly character, scale and appearance.
(Added by OPA #66-11/05/07-B/L209-2007)

*INFILL
DEVELOPMENT*

8.7.2.3

Council will ensure that proposed development within an established neighbourhood is designed to function as an integral and complementary part of that area's existing development pattern by having regard for:

- (a) massing;
- (b) building height;
- (c) architectural proportion;

**Appendix D
City of Windsor – Zoning By-laws Policies**

10.3 RESIDENTIAL DISTRICT 1.3 (RD1.3)

10.3.1 PERMITTED USES

- Existing Duplex Dwelling*
- Existing Semi-Detached Dwelling*
- One Single Unit Dwelling*
- Any use accessory to the preceding uses

10.3.5 PROVISIONS

	Duplex Dwelling	Semi-Detached Dwelling	Single Unit Dwelling
.1 Lot Width – minimum	9.0 m	15.0 m	9.0 m
.2 Lot Area – minimum	360.0 m ²	450.0 m ²	270.0 m ²
.3 Lot Coverage – maximum	45.0%	45.0%	45.0%
.4 Main Building Height – maximum	9.0 m	9.0 m	9.0 m
.5 Front Yard Depth – minimum	6.0 m	6.0 m	6.0 m
.6 Rear Yard Depth – minimum	7.50 m	7.50 m	7.50 m
.7 Side Yard Width – minimum	1.20 m	1.20 m	1.20 m
.8 Gross Floor Area – main building – maximum	400 m ²	400 m ²	400 m ²

(AMENDED by B/L 101-2022, July 11, 2022)

PLANNING DEPARTMENT – DEVELOPMENT DIVISION

Memo

To: City Clerk

From: City Planner/Executive Director

Date: September 1, 2023

Subject: TRANSMITTAL OF NEW FILE

**Our File Number: Z-022/23 [ZNG/7067]
& OPA 173 [OPA/7070]**

RE: Application For: (X) Zoning Amendment (X) Official Plan Amendment
() Part Lot Control () Draft Plan of Subdivision/Condominium

Applicant: 1027458 ONTARIO INC.

Location: BANWELL & MCHUGH (NORTH A)

Description: Application to amend Zoning By-law 8600 to permit a mixed use development, including high profile multiple dwellings, a business office and a residential care facility.

The ZONING AMENDMENT & OFFICAL PLAN AMENDMENT applications submitted by 1027458 ONTARIO INC. for BANWELL & MCHUGH (NORTH A) have been deemed as complete on JULY 18, 2023.

Enclosures:

- (X) 1 copy of Application Form
- () 1 copy of Drawings
- () 1 copy of Site Plan



Neil Robertson
Acting City Planner, Executive Director

/ap

July 21, 2023

Dillon Consulting Limited
ATTN: Theresa O'Neill
3200 Deziel Drive, Suite 608
Windsor, ON N8W 5K8

Dear Theresa O'Neill

Re: REZONING & OPA APPLICATION
APPLICANT: 1027458 ONTARIO INC.
LOCATION: BANWELL & MCHUGH (NORTH A)
FILE NO.: Z-022/23 [ZNG/7067] & OPA 173 [OPA/7070]

This is to acknowledge receipt of the application for a rezoning and an official plan amendment, which has been assigned the above-referenced file number. In accordance with the delegation authority as prescribed by By-Law 139-2013, the information and material required has been provided; therefore, the application was deemed COMPLETE on JULY 18, 2023 and processing has begun.

You will be advised prior to the Development & Heritage Standing Committee and Council meetings of the position of the Planning Department on the application and the dates of the public meetings.

Please email me at jabbs@citywindsor.ca, if you have any questions.



Jim Abbs, MCIP, RPP
Planner III - Subdivisions

JA/ap

ZONING BY-LAW AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca

TYPE OF REZONING AMENDMENT

DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

Minor Zoning Amendment

- Site zoned commercial, institutional, or manufacturing
 - Addition to the list of permitted uses
- Site already zoned
 - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
 - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
 - Site-specific zoning for a site with a lot area of less than 1,000.0 m²

Major Zoning Amendment

- Any other amendment not listed as minor.

ZONING BY-LAW AMENDMENT APPLICATION

ZONING BY-LAW AMENDMENT PROCESS

The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

ZONING BY-LAW AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS- 090/22

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

ZONING BY-LAW AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: _____

Email: jcoco@cocogroup.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: _____

Email: toneill@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Official Plan Amendment application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control application? NO YES

ZONING BY-LAW AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 0 Questa Drive (North 'A' Site)

Legal Description Part of block 1 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13317-0000

If known, the date the subject land was acquired by the current owner: +/- 25 years

Frontage (m) 161.1m Depth (m) Irregular Area (sq m) 14,322.52 sq m (1.43 ha / 3.54 ac)

Official Plan Designation Mixed Use Node (City of Windsor Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

Current Zoning General Commercial (East Riverside) (CD2.7) with S.20(1)218

Existing Uses Vacant

If known, the lengths of time that the existing uses have continued: +/- 40 years

Previous Uses Vacant / Agricultural

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

N/A

Are there any easements or restrictive covenants affecting the subject lands? NO YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO YES File: _____

An application for an amendment to a Zoning By-law: NO YES File: _____

An application for approval of a Site Plan: NO YES SPC- _____

A Minister's Zoning Order (Ontario Regulation): NO YES OR#: _____

ZONING BY-LAW AMENDMENT APPLICATION

6. DESCRIPTION OF AMENDMENT

Amendment to Zoning By-law from: General Commercial (East Riverside) (CD2.7) with S.20(1)218

to: Site-specific General Commercial (East Riverside) (CD2.7).

Proposed uses of subject land: Mixed use development including High Profile Multiple Dwellings, a Business Office, and a Residential Care Facility.

Describe the nature and extent of the amendment(s) being requested:

A site-specific General Commercial (East Riverside) (CD2.7) zone with added permitted uses and relief from maximum building height and minimum landscaped open space provisions

Added permitted uses of "Multiple Dwelling" and "Residential Care Facility" per Residential District 3.2 (RD3.2) with an increase in maximum building height from 30.0m to 35.0m, a reduction in minimum landscaped open space from 30.0% to 24.5% are requested to facilitate the proposed development.

Why is this amendment or these amendments being requested?

The amendment is requested to facilitate the development of two (2) six (6)-storey High Profile multiple dwelling residential buildings on North 'A' Site. Each building is proposed to have 78 dwelling units for a sum total of 156 dwelling units. 227 parking spaces are proposed in the form of a surface parking lot for a proposed parking ratio of 1.45 spaces per dwelling unit.

Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report _____

Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report _____

If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report

See Official Plan Amendment

N/A

ZONING BY-LAW AMENDMENT APPLICATION

7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
 - See attached Existing Plan or Sketch of Subject Land

8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
 - See attached Site Plan Conceptual

ZONING BY-LAW AMENDMENT APPLICATION

9. ACCESS TO SUBJECT LAND

Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road Provincial Highway Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

WATER – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other _____

SANITARY - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other _____

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

STORM DRAINAGE - Indicate whether storm drainage will be provided by:

- Sewers Ditches Swales Other _____

ZONING BY-LAW AMENDMENT APPLICATION

11. SKETCH OF SUBJECT LAND

Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

12. APPLICATION FEE & OTHER FEES

The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

APPLICATION FEE

Amendment Type	Code	<input type="checkbox"/> Minor Rezoning	<input checked="" type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$4,597.00	= \$6,187.40

OTHER FEES

- Re-Notification/Deferral Fee** Code 53016 \$2,258.40
Required when an applicant requests a deferral after notice of a public meeting has been given.
- Legal Fee - Servicing Agreement** Code 63002 \$597.64 plus \$50 per unit, lot, or block
Required when the preparation of a servicing agreement is a condition of approval.
- Removal of the Holding Symbol Application** Code 53001 \$1,536.00
It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.
- Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00
An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information

ZONING BY-LAW AMENDMENT APPLICATION

13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)

Open House

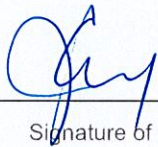
Website

Other _____

14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Signature of Applicant

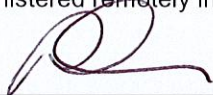
Sign in the presence of a Commissioner
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me



at the

TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6 day of APRIL, 20 23
day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

ROCK-ANTHONY COCO,
a Commissioner, etc., Province of Ontario,
for Coco International Inc.,
and its subsidiaries, associated companies,
and affiliates.

Expires May 18, 2025.

READ & COMPLETE SCHEDULES A & E IN FULL & SIGN

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements

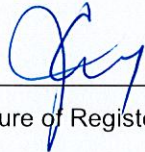
A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is
Name of Registered Owner

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.
Name of Agent



Signature of Registered Owner

April 6, 2023

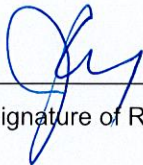
Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco,
Name of Registered Owner

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - *Continued*

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:




Signature of Applicant or Agent

April 6, 2023

Date

**END OF SCHEDULE A
COMPLETE SCHEDULE E ON NEXT PAGE**

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E – Environmental Site Screening Questionnaire

Previous Use of Property

- Residential Industrial Commercial Institutional
 Agricultural Parkland Vacant Other _____

- a) If previous use of the property is Industrial or Commercial, specify use:
N/A
- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
- Yes No Unknown
- * Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*
- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

SCHEDULE E CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E - CONTINUED

Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

1027458 Ontario Inc. c/o Jenny Coco

Name of Applicant (print)

Signature of Applicant

April 6, 2023

Date

Dillon Consulting Limited c/o Theresa O'Neill

Name of Agent (print)



Signature of Agent

March 31, 2023

Date

END OF SCHEDULE E

ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application

Date Received Stamp

This application has been assigned to:

- | | |
|---|---|
| <input type="checkbox"/> Adam Szymczak (AS) | <input type="checkbox"/> Brian Nagata (BN) |
| <input type="checkbox"/> Frank Garardo (FG) | <input type="checkbox"/> Greg Atkinson (GA) |
| <input type="checkbox"/> Jim Abbs (JA) | <input type="checkbox"/> Justina Nwaesei (JN) |
| <input type="checkbox"/> Kevin Alexander (KA) | <input type="checkbox"/> Laura Strahl (LS) |
| <input type="checkbox"/> Simona Simion (SS) | <input type="checkbox"/> _____ |

Complete Application

This application is deemed complete on _____
Date

Signature of Delegated Authority

- | | | |
|---|---|--|
| <input type="checkbox"/> Neil Robertson, MCIP, RPP
Manager of Urban Design | <input type="checkbox"/> Michael Cooke, MCIP, RPP
Manager of Planning Policy | <input type="checkbox"/> Thom Hunt, MCIP, RPP
City Planner & Executive Director |
|---|---|--|

Internal Information

Fee Paid: \$ _____ Receipt No: _____ Date: _____

Payment Type: Cash Certified Cheque Credit Card Personal Cheque

NEW Zoning File No. ZNG/ _____ Z- _____

Previous Zoning File No. ZNG/ _____ Z- _____

Related OPA File No. OPA/ _____ OPA _____

Other File Numbers: _____

Notes: _____

THIS IS THE LAST PAGE OF THE APPLICATION FORM

OFFICIAL PLAN AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine or confirm supporting information requirements and to assist in the review of the application.
- Section 6: Describe the amendment and answer all questions. If some of this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report". If the question is not applicable, check the box beside "Not Applicable".
- Section 7: Provide details about any other Planning Act applications by the applicant for the subject land or any land within 120 metres of it.
- Section 8: Provide information about water service and sanitary sewage disposal.
- Section 9: Check the appropriate box based on the pre-submission consultation with the Planner.
- Section 10: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 11: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Schedules: Read and complete Schedule A in full and sign.

Submit application form, supporting information, and application fee to the Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca.

Any timelines noted in this application form are subject to change.

The application is reviewed to ensure all prescribed information and the required fee have been submitted. Within 30 days of the receipt of the application, the applicant will be notified in writing that the application is deemed complete. If deemed incomplete, the application and fee will be returned. If deemed complete, the application fee is not refundable.

The applicant, agent and all other interested parties will be notified by Council Services of the date, time, and location of the Development & Heritage Standing Committee (DHSC) meeting and the Council meeting.

An application will be terminated without notice after 60 days of inactivity.

DATE RECEIVED STAMP

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

OFFICIAL PLAN AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS- 090/22

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other documents shall be provided in Word and PDF format. All PDF documents shall be flattened with no layers.

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual	<input checked="" type="checkbox"/> Sketch of Subject Land
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

OFFICIAL PLAN AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: N/A

Email: JCoco@cocogroup.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 of Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: N/A

Email: toneill@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Rezoning application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control Application? NO YES

OFFICIAL PLAN AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 0 Questa Drive (North 'A' Site)

Legal Description Part of block 1 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13317-0000

Frontage (m) 161.1m Depth (m) Irregular Area (sq m) 14,322.52 sq m (1.43 ha / 3.54 ac)

Current Official Plan Designation Mixed Use Node (Primary Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

What land uses are permitted by the Official Plan Designation? Mixed Use Node - Retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional open space and residential uses of up to four stories in height & Banwell Road Mixed Use Corridor - Retail and service establishments; commercial offices; restaurants, including outdoor cafes; cultural, recreational and entertainment uses; theatres and cinemas; community, social and institutional uses; residential apartments, multi-plexes and stacked townhouses; and public transportation facilities. (Secondary Plan).

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA)

Name of Official Plan proposed to be amended: The City of Windsor Official Plan

Amendment to Official Plan from Mixed Use Node & Banwell Road Mixed Use Corridor to Site Specific Mixed Use Node & Banwell Road Mixed Use Corridor

Purpose of the proposed OPA: To facilitate the development of the subject site for High Profile residential buildings.

The proposed multiple dwelling residential buildings are six (6)-storeys in height, each with 78 units.

What land uses will the proposed official plan amendment (OPA) authorize? Mixed Use Node land use permitting High Profile residential dwelling units as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Banwell Road Mixed Use Corridor permitting use of Community Institutions (per 2.7.4.1) as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Does the proposed OPA change, replace or delete a policy in the Official Plan? No Yes

If yes, the policy to be changed, replaced or deleted: N/A

Does the proposed OPA add a policy to the Official Plan? No Yes

OFFICIAL PLAN AMENDMENT APPLICATION

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA) - Continued

Does the proposed OPA change or replace a designation in the Official Plan? No Yes

If yes, the designation to be changed or replaced: _____

Site Specific Mixed Use Node (Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

If a policy is being changed, replaced or deleted or if a policy is being added, the text of the proposed OPA:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA changes or replaces a schedule in the Official Plan, the requested schedule and the text that accompanies it:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA alters all or any part of the boundary of an area of a settlement or establishes a new area of settlement, the current official policies, if any, dealing with the alteration or establishment of an area of settlement:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA removes the subject land from an area of employment, the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

Not Applicable See Planning Rationale Report See Attached

Explain how the proposed OPA is consistent with the Provincial Policy Statement:

See Planning Rationale Report See Attached

OFFICIAL PLAN AMENDMENT APPLICATION

7. OTHER APPLICATION INFORMATION

Is the subject land or land within 120 metres the subject of an application by the applicant under the Planning Act for:

A Minor Variance or Consent? No Yes

~~File number: _____ Status: _____~~

~~Approval authority: _____~~

~~Affected lands: _____~~

~~Purpose of Minor Variance or Consent: _____~~

~~Effect on the proposed OPA: _____~~

An amendment to an Official Plan, a Zoning By-law or a Minister's Zoning Order? No Yes

File number: PS 090-22 Status: Submitted; under review.

Approval authority: City of Windsor

Affected lands: North 'B' Site and South Site of the Banwell and McHugh Mixed Use Developments

Purpose of OP or ZBL amendment or Zoning Order: _____

To permit the development of High Profile residential dwellings; a business office; and a residential care facility.

Effect on the proposed OPA: N/A (applications are related)

Approval of a plan of subdivision or a site plan? No Yes

~~File number: _____ Status: _____~~

~~Approval authority: _____~~

~~Affected lands: _____~~

~~Purpose of plan of subdivision or site plan: _____~~

~~Effect on the proposed OPA: _____~~

OFFICIAL PLAN AMENDMENT APPLICATION

8. WATER & SANITARY SEWAGE DISPOSAL

WATER – Indicate whether water will be provided to the subject land by:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Publicly owned & operated piped water system
<input type="checkbox"/> Privately owned & operated individual well
<input type="checkbox"/> Privately owned & operated communal well | <input type="checkbox"/> A lake or other water body
<input type="checkbox"/> Other means: _____ |
|--|--|

SANITARY - Indicate whether sanitary sewage disposal will be provided to the subject land by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated sanitary sewage system
<input type="checkbox"/> Privately owned & operated individual septic system
<input type="checkbox"/> Privately owned & operated communal septic system | <input type="checkbox"/> A privy
<input type="checkbox"/> Other means: _____ |
|--|---|

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed submit a Servicing Options Report and a Hydrogeological Report.

9. TYPE OF AMENDMENT, APPLICATION FEE & OTHER FEES

TYPE OF OFFICIAL PLAN AMENDMENT (OPA)

The type of amendment is determined by the City Planner or their designate.

Minor OPA: A minor revision to the text of the Official Plan or a Site Specific Policy direction.

Major OPA: A change from one land use designation to another land use designation, a change to any Schedule in the City of Windsor Official Plan, or any other amendment not described above.

APPLICATION FEE

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa, or by Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

	<i>Code</i>	<input type="checkbox"/> Minor OPA	<input checked="" type="checkbox"/> Major OPA
Base Fee	63003	\$2,258.40	\$8,112.35
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$2,508.40	= \$8,462.35

OTHER FEES

Re-Notification/Deferral Fee 53016 \$2,258.40

Required when an applicant requests a deferral after notice of a public meeting has been given.

Ontario Land Tribunal (OLT) Appeal Fee \$1,100.00

An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information.

OFFICIAL PLAN AMENDMENT APPLICATION

10. PROPOSED PUBLIC CONSULTATION STRATEGY

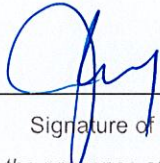
Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
- Open House Website Other _____

11. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 543/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



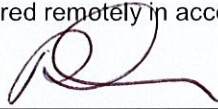
Signature of Applicant

Sign in the presence of a Commissioner
For Taking Affidavits

Toronto, Ontario

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me  at the TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6TH day of APRIL, 2023

day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

ROCK-ANTHONY COCO,
a Commissioner, etc., Province of Ontario,
for Coco International Inc.,
and its subsidiaries, associated companies,
and affiliates.
Expires May 18, 2025.

READ & COMPLETE SCHEDULE A IN FULL & SIGN

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgement

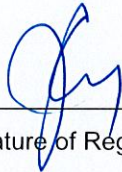
A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is
name of registered owner

subject of this application for an amendment to the City of Windsor Official Plan and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.
name of agent



Signature of Registered Owner

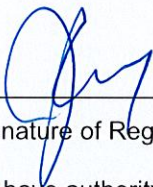
April 6, 2023

Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco, hereby authorize the Development and Heritage Standing Committee, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - Continued

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that once the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

END OF SCHEDULE A

OFFICIAL PLAN AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

Complete Application		
This application is deemed complete on _____ <div style="text-align: center;"><i>Date</i></div>		

<i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

Internal Information
Fee Paid: \$ _____ Receipt No: _____ Date: _____
Payment Type: <input type="checkbox"/> Cash <input type="checkbox"/> Certified Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Personal Cheque
NEW File No. OPA/ _____
Previous OPA File No. OPA/ _____
Related Zoning File No. ZNG/ _____
Other File Numbers: _____
Notes: _____

THIS IS THE LAST PAGE OF THE APPLICATION FORM

PLANNING DEPARTMENT – DEVELOPMENT DIVISION

Memo

To: City Clerk
From: City Planner/Executive Director
Date: September 1, 2023
Subject: TRANSMITTAL OF NEW FILE **Our File Number: Z-023/23 [ZNG/7068]
& OPA 174 [OPA/7071]**

RE: Application For: (X) Zoning Amendment (X) Official Plan Amendment
() Part Lot Control () Draft Plan of Subdivision/Condominium

Applicant: 1027458 ONTARIO INC.
Location: BANWELL & MCHUGH (NORTH B)
Description: Application to amend Zoning By-law 8600 to permit a mixed use development, including high profile multiple dwellings, a business office and a residential care facility.

The ZONING AMENDMENT & OFFICAL PLAN AMENDMENT applications submitted by 1027458 ONTARIO INC. for BANWELL & MCHUGH (NORTH B) have been deemed as complete on JULY 19, 2023.

Enclosures:

- (X) 1 copy of Application Form
- () 1 copy of Drawings
- () 1 copy of Site Plan



Neil Robertson
Acting City Planner, Executive Director

/ap

July 21, 2023

Dillon Consulting Limited
ATTN: Theresa O'Neill
3200 Deziel Drive, Suite 608
Windsor, ON N8W 5K8

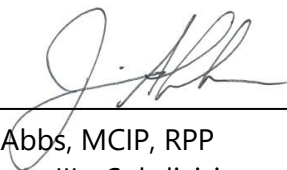
Dear Theresa O'Neill

Re: REZONING & OPA APPLICATION
APPLICANT: 1027458 ONTARIO INC.
LOCATION: BANWELL & MCHUGH (NORTH B)
FILE NO.: Z-023/23 [ZNG/7068] & OPA 174 [OPA/7071]

This is to acknowledge receipt of the application for a rezoning and an official plan amendment, which has been assigned the above-referenced file number. In accordance with the delegation authority as prescribed by By-Law 139-2013, the information and material required has been provided; therefore, the application was deemed COMPLETE on JULY 19, 2023 and processing has begun.

You will be advised prior to the Development & Heritage Standing Committee and Council meetings of the position of the Planning Department on the application and the dates of the public meetings.

Please email me at jabbs@citywindsor.ca, if you have any questions.



Jim Abbs, MCIP, RPP
Planner III - Subdivisions

JA/ap

ZONING BY-LAW AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca

TYPE OF REZONING AMENDMENT

DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

Minor Zoning Amendment

- Site zoned commercial, institutional, or manufacturing
 - Addition to the list of permitted uses
- Site already zoned
 - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
 - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
 - Site-specific zoning for a site with a lot area of less than 1,000.0 m²

Major Zoning Amendment

- Any other amendment not listed as minor.

ZONING BY-LAW AMENDMENT APPLICATION

ZONING BY-LAW AMENDMENT PROCESS

The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

ZONING BY-LAW AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS- 090/22

Staff Use Only

Signature of Staff Planner		Date of Consultation	
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander	<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei	<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____		

2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

ZONING BY-LAW AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: _____

Email: jcoco@cocogroup.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: _____

Email: toneill@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Official Plan Amendment application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control application? NO YES

ZONING BY-LAW AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 0 Banwell Road (North 'B' Site)

Legal Description Part of block 7 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13375-0000

If known, the date the subject land was acquired by the current owner: +/- 25 years

Frontage (m) 207.2m Depth (m) Irregular Area (sq m) 16,632.95 sq m (1.66 ha / 4.11 ac)

Official Plan Designation Mixed Use Node (City of Windsor Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

Current Zoning General Commercial (East Riverside) (CD2.7)

Existing Uses Vacant

If known, the lengths of time that the existing uses have continued: +/- 40 years

Previous Uses Vacant / Agricultural

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

N/A

Are there any easements or restrictive covenants affecting the subject lands? NO YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO YES File: _____

An application for an amendment to a Zoning By-law: NO YES File: _____

An application for approval of a Site Plan: NO YES SPC- _____

A Minister's Zoning Order (Ontario Regulation): NO YES OR#: _____

ZONING BY-LAW AMENDMENT APPLICATION

6. DESCRIPTION OF AMENDMENT

Amendment to Zoning By-law from: General Commercial (East Riverside) (CD2.7)

to: Site-specific General Commercial (East Riverside) (CD2.7).

Proposed uses of subject land: Mixed use development including High Profile Multiple Dwellings, a Business Office, and a Residential Care Facility.

Describe the nature and extent of the amendment(s) being requested:

A site-specific General Commercial (East Riverside) (CD2.7) zone with added permitted uses and relief from maximum building height and minimum landscaped open space provisions

Added permitted uses of "Multiple Dwelling" and "Residential Care Facility" per Residential District 3.2 (RD3.2) with an increase in maximum building height from 30.0m to 35.0m, a reduction in minimum landscaped open space from 30.0% to 24.5% are requested to facilitate the proposed development.

Why is this amendment or these amendments being requested?

The amendment is requested to facilitate the development of three (3) six (6)-storey High Profile multiple dwelling residential buildings on North 'B' Site. Two (2) of the buildings are proposed to have 78 dwelling units and one (1) building is proposed to have 24 units, for a sum total of 180 dwelling units. 270 parking spaces are proposed in the form of a surface parking lot and single car garages for a proposed parking ratio of 1.50 spaces per dwelling unit.

Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report _____

Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report _____

If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report

See Official Plan Amendment

N/A

ZONING BY-LAW AMENDMENT APPLICATION

7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
 - See attached Existing Plan or Sketch of Subject Land

8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
 - See attached Site Plan Conceptual

ZONING BY-LAW AMENDMENT APPLICATION

9. ACCESS TO SUBJECT LAND

Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road Provincial Highway Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

WATER – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other _____

SANITARY - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other _____

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

STORM DRAINAGE - Indicate whether storm drainage will be provided by:

- Sewers Ditches Swales Other _____

ZONING BY-LAW AMENDMENT APPLICATION

11. SKETCH OF SUBJECT LAND

Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

12. APPLICATION FEE & OTHER FEES

The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

APPLICATION FEE

Amendment Type	Code	<input type="checkbox"/> Minor Rezoning	<input checked="" type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ \$200.00	+ \$300.00
Total Application Fee		= \$4,597.00	= \$6,187.40

OTHER FEES

- Re-Notification/Deferral Fee** Code 53016 \$2,258.40
 Required when an applicant requests a deferral after notice of a public meeting has been given.
- Legal Fee - Servicing Agreement** Code 63002 \$597.64 plus \$50 per unit, lot, or block
 Required when the preparation of a servicing agreement is a condition of approval.
- Removal of the Holding Symbol Application** Code 53001 \$1,536.00
 It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.
- Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00
 An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information

ZONING BY-LAW AMENDMENT APPLICATION

13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
 - Open House
 - Website
 - Other _____
- _____
- _____
- _____

14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.




Signature of Applicant

Sign in the presence of a Commissioner
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me  at the TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6 day of APRIL, 2023

day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

ROCK-ANTHONY COCO,
a Commissioner, etc., Province of Ontario,
for Coco International Inc.,
and its subsidiaries, associated companies,
and affiliates.

READ & COMPLETE SCHEDULES A & E IN FULL & SIGN

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements

A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is
Name of Registered Owner

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.
Name of Agent

April 6, 2023



Signature of Registered Owner

Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco,
Name of Registered Owner

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - *Continued*

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

**END OF SCHEDULE A
COMPLETE SCHEDULE E ON NEXT PAGE**

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E – Environmental Site Screening Questionnaire

Previous Use of Property

- Residential Industrial Commercial Institutional
 Agricultural Parkland Vacant Other _____

- a) If previous use of the property is Industrial or Commercial, specify use:
N/A
- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*
- Yes No Unknown

** Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*

- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

SCHEDULE E CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E - CONTINUED

Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

1027458 Ontario Inc. c/o Jenny Coco

Name of Applicant (print)



Signature of Applicant

April 6, 2023

Date

Dillon Consulting Limited c/o Theresa O'Neill

Name of Agent (print)

Signature of Agent

March 31, 2023

Date

END OF SCHEDULE E

ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application		Date Received Stamp
This application has been assigned to:		
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)	
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)	
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)	
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)	
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____	

Complete Application		
This application is deemed complete on _____		
<i>Date</i>		

<i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

Internal Information			
Fee Paid: \$ _____	Receipt No: _____	Date: _____	
Payment Type: <input type="checkbox"/> Cash	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Personal Cheque
NEW Zoning File No. ZNG/ _____	Z- _____		
Previous Zoning File No. ZNG/ _____	Z- _____		
Related OPA File No. OPA/ _____	OPA _____		
Other File Numbers: _____			
Notes: _____			

THIS IS THE LAST PAGE OF THE APPLICATION FORM

OFFICIAL PLAN AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine or confirm supporting information requirements and to assist in the review of the application.
- Section 6: Describe the amendment and answer all questions. If some of this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report". If the question is not applicable, check the box beside "Not Applicable".
- Section 7: Provide details about any other Planning Act applications by the applicant for the subject land or any land within 120 metres of it.
- Section 8: Provide information about water service and sanitary sewage disposal.
- Section 9: Check the appropriate box based on the pre-submission consultation with the Planner.
- Section 10: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 11: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Schedules: Read and complete Schedule A in full and sign.

Submit application form, supporting information, and application fee to the Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca.

Any timelines noted in this application form are subject to change.

The application is reviewed to ensure all prescribed information and the required fee have been submitted. Within 30 days of the receipt of the application, the applicant will be notified in writing that the application is deemed complete. If deemed incomplete, the application and fee will be returned. If deemed complete, the application fee is not refundable.

The applicant, agent and all other interested parties will be notified by Council Services of the date, time, and location of the Development & Heritage Standing Committee (DHSC) meeting and the Council meeting.

An application will be terminated without notice after 60 days of inactivity.

DATE RECEIVED STAMP

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

OFFICIAL PLAN AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS- 090/22

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

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<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

OFFICIAL PLAN AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: N/A

Email: JCoco@cocogroup.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 of Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: N/A

Email: toneill@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Rezoning application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control Application? NO YES

OFFICIAL PLAN AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 0 Banwell Road (North 'B' Site)

Legal Description Part of block 7 on Plan 12M-407 and Part of Lots 143 and 144, Concession 1 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-13375-0000

Frontage (m) 207.2m Depth (m) Irregular Area (sq m) 16,632.95 sq m (1.66 ha / 4.11 ac)

Current Official Plan Designation Mixed Use Node (Primary Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

What land uses are permitted by the Official Plan Designation? Mixed Use Node - Retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional open space and residential uses of up to four stories in height & Banwell Road Mixed Use Corridor - Retail and service establishments; commercial offices; restaurants, including outdoor cafes; cultural, recreational and entertainment uses; theatres and cinemas; community, social and institutional uses; residential apartments, multi-plexes and stacked townhouses; and public transportation facilities. (Secondary Plan).

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA)

Name of Official Plan proposed to be amended: The City of Windsor Official Plan

Amendment to Official Plan from Mixed Use Node & Banwell Road Mixed Use Corridor to Site Specific Mixed Use Node & Banwell Road Mixed Use Corridor

Purpose of the proposed OPA: To facilitate the development of the subject site for High Profile residential buildings.

The proposed development includes two (2) multiple dwelling residential buildings that are six (6)-storeys in height, each with 78 units and one (1) multiple dwelling residential building that is six (6)-storeys in height, with 24 units.

What land uses will the proposed official plan amendment (OPA) authorize? Mixed Use Node land use permitting High Profile residential dwelling units as a permitted use and an increased building height from four (4)-storeys to 10-storeys and Banwell Road Mixed Use Corridor permitting use of Community Institutions (per 2.7.4.1) as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Does the proposed OPA change, replace or delete a policy in the Official Plan? No Yes

If yes, the policy to be changed, replaced or deleted: N/A

Does the proposed OPA add a policy to the Official Plan? No Yes

OFFICIAL PLAN AMENDMENT APPLICATION

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA) - Continued

Does the proposed OPA change or replace a designation in the Official Plan? No Yes

If yes, the designation to be changed or replaced: _____

Site Specific Mixed Use Node (Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

If a policy is being changed, replaced or deleted or if a policy is being added, the text of the proposed OPA:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA changes or replaces a schedule in the Official Plan, the requested schedule and the text that accompanies it:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA alters all or any part of the boundary of an area of a settlement or establishes a new area of settlement, the current official policies, if any, dealing with the alteration or establishment of an area of settlement:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA removes the subject land from an area of employment, the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

Not Applicable See Planning Rationale Report See Attached

Explain how the proposed OPA is consistent with the Provincial Policy Statement:

See Planning Rationale Report See Attached

OFFICIAL PLAN AMENDMENT APPLICATION

7. OTHER APPLICATION INFORMATION

Is the subject land or land within 120 metres the subject of an application by the applicant under the Planning Act for:

A Minor Variance or Consent? No Yes

~~File number: _____ Status: _____~~

~~Approval authority: _____~~

~~Affected lands: _____~~

~~Purpose of Minor Variance or Consent: _____~~

~~Effect on the proposed OPA: _____~~

An amendment to an Official Plan, a Zoning By-law or a Minister's Zoning Order? No Yes

File number: PS 090-22 Status: Submitted; under review.

Approval authority: City of Windsor

Affected lands: North 'A' Site and South Site of the Banwell and McHugh Mixed Use Developments

Purpose of OP or ZBL amendment or Zoning Order: _____

To permit the development of High Profile residential dwellings; a business office; and a residential care facility.

Effect on the proposed OPA: N/A (applications are related)

Approval of a plan of subdivision or a site plan? No Yes

~~File number: _____ Status: _____~~

~~Approval authority: _____~~

~~Affected lands: _____~~

~~Purpose of plan of subdivision or site plan: _____~~

~~Effect on the proposed OPA: _____~~

OFFICIAL PLAN AMENDMENT APPLICATION

8. WATER & SANITARY SEWAGE DISPOSAL

WATER – Indicate whether water will be provided to the subject land by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated piped water system | <input type="checkbox"/> A lake or other water body |
| <input type="checkbox"/> Privately owned & operated individual well | <input type="checkbox"/> Other means: _____ |
| <input type="checkbox"/> Privately owned & operated communal well | |

SANITARY - Indicate whether sanitary sewage disposal will be provided to the subject land by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated sanitary sewage system | <input type="checkbox"/> A privy |
| <input type="checkbox"/> Privately owned & operated individual septic system | <input type="checkbox"/> Other means: _____ |
| <input type="checkbox"/> Privately owned & operated communal septic system | |

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed submit a Servicing Options Report and a Hydrogeological Report.

9. TYPE OF AMENDMENT, APPLICATION FEE & OTHER FEES

TYPE OF OFFICIAL PLAN AMENDMENT (OPA)

The type of amendment is determined by the City Planner or their designate.

Minor OPA: A minor revision to the text of the Official Plan or a Site Specific Policy direction.

Major OPA: A change from one land use designation to another land use designation, a change to any Schedule in the City of Windsor Official Plan, or any other amendment not described above.

APPLICATION FEE

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa, or by Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

	<i>Code</i>	<input type="checkbox"/> Minor OPA	<input checked="" type="checkbox"/> Major OPA
Base Fee	63003	\$2,258.40	\$8,112.35
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$2,508.40	= \$8,462.35

OTHER FEES

Re-Notification/Deferral Fee 53016 \$2,258.40

Required when an applicant requests a deferral after notice of a public meeting has been given.

Ontario Land Tribunal (OLT) Appeal Fee \$1,100.00

An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information.

OFFICIAL PLAN AMENDMENT APPLICATION

10. PROPOSED PUBLIC CONSULTATION STRATEGY

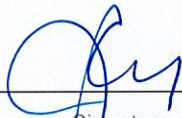
Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
- Open House Website Other _____
- _____
- _____

11. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 543/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



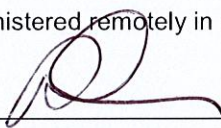
Signature of Applicant

Sign in the presence of a Commissioner
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me  at the TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6th day of APRIL, 2023

day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

ROCK-ANTHONY COCO,
a Commissioner, etc., Province of Ontario,
for Coco International Inc.,
and its subsidiaries, associated companies,
and affiliates.
Expires May 18, 2025.

READ & COMPLETE SCHEDULE A IN FULL & SIGN

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgement

A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is
name of registered owner

subject of this application for an amendment to the City of Windsor Official Plan and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.
name of agent



Signature of Registered Owner

April 6, 2023

Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco, hereby authorize the Development and Heritage Standing Committee, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - Continued

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that once the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

END OF SCHEDULE A

OFFICIAL PLAN AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

Complete Application		
This application is deemed complete on _____ <div style="text-align: right;"><i>Date</i></div>		
_____ <i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

Internal Information
Fee Paid: \$ _____ Receipt No: _____ Date: _____
Payment Type: <input type="checkbox"/> Cash <input type="checkbox"/> Certified Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Personal Cheque
NEW File No. OPA/ _____
Previous OPA File No. OPA/ _____
Related Zoning File No. ZNG/ _____
Other File Numbers: _____
Notes: _____

THIS IS THE LAST PAGE OF THE APPLICATION FORM

PLANNING DEPARTMENT – DEVELOPMENT DIVISION

Memo

To: City Clerk

From: City Planner/Executive Director

Date: September 1, 2023

Subject: TRANSMITTAL OF NEW FILE

**Our File Number: Z-024/23 [ZNG/7069]
& OPA 175 [OPA/7072]**

RE: Application For: (X) Zoning Amendment (X) Official Plan Amendment
() Part Lot Control () Draft Plan of Subdivision/Condominium

Applicant: 1027458 ONTARIO INC.

Location: BANWELL & MCHUGH (SOUTH)

Description: Application to amend Zoning By-law 8600 to permit a mixed use development, including high profile multiple dwellings, a business office and a residential care facility.

The ZONING AMENDMENT & OFFICAL PLAN AMENDMENT applications submitted by 1027458 ONTARIO INC. for BANWELL & MCHUGH (SOUTH) have been deemed as complete on JULY 20, 2023.

Enclosures:

- (X) 1 copy of Application Form
- () 1 copy of Drawings
- () 1 copy of Site Plan



Neil Robertson
Acting City Planner, Executive Director

/ap

July 21, 2023

Dillon Consulting Limited
ATTN: Theresa O'Neill
3200 Deziel Drive, Suite 608
Windsor, ON N8W 5K8

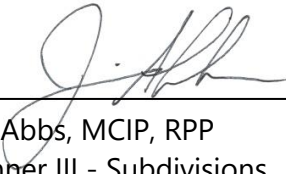
Dear Theresa O'Neill

Re: REZONING & OPA APPLICATION
APPLICANT: 1027458 ONTARIO INC.
LOCATION: BANWELL & MCHUGH (SOUTH)
FILE NO.: Z-024/23 [ZNG/7069] & OPA 175 [OPA/7072]

This is to acknowledge receipt of the application for a rezoning and an official plan amendment, which has been assigned the above-referenced file number. In accordance with the delegation authority as prescribed by By-Law 139-2013, the information and material required has been provided; therefore, the application was deemed COMPLETE on JULY 20, 2023 and processing has begun.

You will be advised prior to the Development & Heritage Standing Committee and Council meetings of the position of the Planning Department on the application and the dates of the public meetings.

Please email me at jabbs@citywindsor.ca, if you have any questions.



Jim Abbs, MCIP, RPP
Planner III - Subdivisions

JA/ap

ZONING BY-LAW AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan. If this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Check the appropriate box based on a valid Pre-Submission Letter or pre-submission consultation.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca

TYPE OF REZONING AMENDMENT

DATE RECEIVED STAMP

The type of amendment is determined by the City Planner or their designate.

Minor Zoning Amendment

- Site zoned commercial, institutional, or manufacturing
 - Addition to the list of permitted uses
- Site already zoned
 - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
 - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
 - Site-specific zoning for a site with a lot area of less than 1,000.0 m²

Major Zoning Amendment

- Any other amendment not listed as minor.

ZONING BY-LAW AMENDMENT APPLICATION

ZONING BY-LAW AMENDMENT PROCESS

The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

ZONING BY-LAW AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS- 090/22

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

ZONING BY-LAW AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: _____

Email: jcoco@cocogroup.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: _____

Email: toneill@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Official Plan Amendment application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control application? NO YES

ZONING BY-LAW AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 0 McHugh Street (South Site)

Legal Description Part of Blocks 8 and 9, Plan 12M-425 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-04150-0010

If known, the date the subject land was acquired by the current owner: +/- 25 years

Frontage (m) 239.4m Depth (m) Irregular Area (sq m) 53,592.96 sq m (5.35 ha / 13.23 ac)

Official Plan Designation Mixed Use Node (City of Windsor Official Plan) & Business Park (East Riverside Secondary Plan)

Current Zoning Manufacturing District 1.4 (MD1.4) with S.20(1)112

Existing Uses Vacant

If known, the lengths of time that the existing uses have continued: +/- 40 years

Previous Uses Vacant / Agricultural

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

N/A

Are there any easements or restrictive covenants affecting the subject lands? NO YES

If yes, describe the easement or restrictive covenant and its effect:

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO YES File: _____

An application for an amendment to a Zoning By-law: NO YES File: _____

An application for approval of a Site Plan: NO YES SPC- _____

A Minister's Zoning Order (Ontario Regulation): NO YES OR#: _____

ZONING BY-LAW AMENDMENT APPLICATION

6. DESCRIPTION OF AMENDMENT

Amendment to Zoning By-law from: Manufacturing District 1.4 (MD1.4) with S.20(1)112

to: Site-specific General Commercial (East Riverside) (CD2.7).

Proposed uses of subject land: Mixed use development including High Profile Multiple Dwellings, a Business Office, and a Residential Care Facility.

Describe the nature and extent of the amendment(s) being requested:

A site-specific General Commercial (East Riverside) (CD2.7) zone with added permitted uses and relief from maximum building height and minimum landscaped open space provisions

Added permitted uses of "Multiple Dwelling" and "Residential Care Facility" per Residential District 3.2 (RD3.2) with an increase in maximum building height from 30.0m to 35.0m, a reduction in minimum landscaped open space from 30.0% to 24.5% are requested to facilitate the proposed development.

Why is this amendment or these amendments being requested?

The amendment is requested to facilitate the development of two (2) 10-storey High Profile multiple dwelling residential buildings each with 120 units; one (1) eight (8)-storey High Profile multiple dwelling residential building with 96 units; one (1) six (6)-storey High Profile multiple dwelling residential building with 72 units; a two (2)-storey business office with 1,860m² of GFA; and one (1) respite care home with 499m² of GFA on South Site. A sum total of 408 dwelling units are proposed with 603 parking spaces in the form of a surface parking lot for a proposed parking ratio of 1.30 spaces per residential dwelling unit.

Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report _____

Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report _____

If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report See Official Plan Amendment

N/A

ZONING BY-LAW AMENDMENT APPLICATION

7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
 - See attached Existing Plan or Sketch of Subject Land

8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
 - See attached Site Plan Conceptual

ZONING BY-LAW AMENDMENT APPLICATION

9. ACCESS TO SUBJECT LAND

Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road Provincial Highway Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

WATER – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other _____

SANITARY - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other _____

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

STORM DRAINAGE - Indicate whether storm drainage will be provided by:

- Sewers Ditches Swales Other _____

ZONING BY-LAW AMENDMENT APPLICATION

11. SKETCH OF SUBJECT LAND

Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

12. APPLICATION FEE & OTHER FEES

The amendment type is determined by the City Planner or their designate.

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

APPLICATION FEE

Amendment Type	Code	<input type="checkbox"/> Minor Rezoning	<input checked="" type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$4,597.00	= \$6,187.40

OTHER FEES

- Re-Notification/Deferral Fee** Code 53016 \$2,258.40
 Required when an applicant requests a deferral after notice of a public meeting has been given.
- Legal Fee - Servicing Agreement** Code 63002 \$597.64 plus \$50 per unit, lot, or block
 Required when the preparation of a servicing agreement is a condition of approval.
- Removal of the Holding Symbol Application** Code 53001 \$1,536.00
 It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.
- Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00
 An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information

ZONING BY-LAW AMENDMENT APPLICATION

13. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)

Open House

Website

Other _____

14. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 545/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Signature of Applicant

Sign in the presence of a Commissioner
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me

Signature of Commissioner

at the

TORONTO, ONTARIO

Location of Commissioner

this 6TH day of APRIL, 20 23
day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

ROCK-ANTHONY COCO,
a Commissioner, etc., Province of Ontario,
for Coco International Inc.,
and its subsidiaries, associated companies,
and affiliates.

READ & COMPLETE SCHEDULES A & E IN FULL & SIGN

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements

A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is
Name of Registered Owner

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.
Name of Agent


Signature of Registered Owner

April 6, 2023
Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco,
Name of Registered Owner

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.


Signature of Registered Owner

April 6, 2023
Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - *Continued*

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

**END OF SCHEDULE A
COMPLETE SCHEDULE E ON NEXT PAGE**

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E – Environmental Site Screening Questionnaire

Previous Use of Property

- Residential Industrial Commercial Institutional
 Agricultural Parkland Vacant Other _____

a) If previous use of the property is Industrial or Commercial, specify use:

N/A

b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?

- Yes No Unknown

c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?

- Yes No Unknown

d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?

- Yes No Unknown

e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?

- Yes No Unknown

f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?

- Yes No Unknown

g) Have the lands or adjacent lands ever been used as a weapons firing range?

- Yes No Unknown

h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?

- Yes No Unknown

i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?

- Yes No Unknown

j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

- Yes No Unknown

** Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*

k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

SCHEDULE E CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E - CONTINUED

Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

1027458 Ontario Inc. c/o Jenny Coco

Name of Applicant (print)

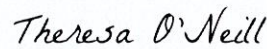
Signature of Applicant

April 6, 2023

Date

Dillon Consulting Limited c/o Theresa O'Neill

Name of Agent (print)



Signature of Agent

March 31, 2023

Date

END OF SCHEDULE E

ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

Complete Application		
This application is deemed complete on _____ <i>Date</i>		
_____ <i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

Internal Information			
Fee Paid: \$ _____	Receipt No: _____	Date: _____	
Payment Type: <input type="checkbox"/> Cash	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Personal Cheque
NEW Zoning File No. ZNG/ _____	Z- _____		
Previous Zoning File No. ZNG/ _____	Z- _____		
Related OPA File No. OPA/ _____	OPA _____		
Other File Numbers: _____			
Notes: _____			

THIS IS THE LAST PAGE OF THE APPLICATION FORM

OFFICIAL PLAN AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Pre-Submission consultation with a staff Planner is mandatory per By-law 199-2007. If you do not have a valid Pre-Submission Letter, you must meet with a staff Planner who must sign and date this section.
- Section 2: During Pre-Submission consultation a staff Planner will indicate what supporting information must be submitted with the application.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting companion applications with this application.
- Section 5: Provide information about the subject land. This information is used to determine or confirm supporting information requirements and to assist in the review of the application.
- Section 6: Describe the amendment and answer all questions. If some of this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report". If the question is not applicable, check the box beside "Not Applicable".
- Section 7: Provide details about any other Planning Act applications by the applicant for the subject land or any land within 120 metres of it.
- Section 8: Provide information about water service and sanitary sewage disposal.
- Section 9: Check the appropriate box based on the pre-submission consultation with the Planner.
- Section 10: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 11: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Schedules: Read and complete Schedule A in full and sign.

Submit application form, supporting information, and application fee to the Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca.

Any timelines noted in this application form are subject to change.

The application is reviewed to ensure all prescribed information and the required fee have been submitted. Within 30 days of the receipt of the application, the applicant will be notified in writing that the application is deemed complete. If deemed incomplete, the application and fee will be returned. If deemed complete, the application fee is not refundable.

The applicant, agent and all other interested parties will be notified by Council Services of the date, time, and location of the Development & Heritage Standing Committee (DHSC) meeting and the Council meeting.

An application will be terminated without notice after 60 days of inactivity.

DATE RECEIVED STAMP

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

OFFICIAL PLAN AMENDMENT APPLICATION

1. PRE-SUBMISSION CONSULTATION

By-law 199-2007 requires pre-submission consultation with a staff Planner to determine what supporting information is required, to verify fee payable, and to review the process. This application is incomplete unless you have a valid Pre-Submission Letter or a staff Planner signs below.

Valid Pre-Submission Letter? NO YES File Number: PS- 090/22

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> _____
<input type="checkbox"/> Greg Atkinson	<input type="checkbox"/> Frank Garardo
<input type="checkbox"/> Simona Simion	<input type="checkbox"/> Laura Strahl

2. REQUIRED SUPPORTING INFORMATION *(To be completed by a staff Planner)*

Unless you have a valid Pre-Submission Letter, a staff Planner will indicate below what supporting information must be submitted with the application during pre-submission consultation. The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

For each document, provide one paper copy, and where possible, one digital copy on a CD or USB flash drive. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other documents shall be provided in Word and PDF format. All PDF documents shall be flattened with no layers.

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual	<input checked="" type="checkbox"/> Sketch of Subject Land
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

OFFICIAL PLAN AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: 1027458 Ontario Inc. Contact: Jenny Coco
Name of Contact Person

Address: 271 Spadina Road

Address: Toronto, Ontario Postal Code: M5R 2V3

Phone: 416-891-5536 Fax: N/A

Email: JCoco@cocogroup.com

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 of Schedule A)

Name: Dillon Consulting Limited Contact: Theresa O'Neill
Name of Contact Person

Address: 3200 Deziel Drive, Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: 519-671-5807 Fax: N/A

Email: toneill@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Rezoning application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Are you submitting a companion Site Plan Control Application? NO YES

OFFICIAL PLAN AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 0 McHugh Street (South Site)

Legal Description Part of Blocks 8 and 9, Plan 12M-425 in the City of Windsor within the County of Essex

Assessment Roll Number 070-730-04150-0010

Frontage (m) 239.4m Depth (m) Irregular Area (sq m) 53,592.96 sq m (5.35 ha / 13.23 ac)

Current Official Plan Designation Mixed Use Node (Primary Plan) & Business Park (East Riverside Secondary Plan)

What land uses are permitted by the Official Plan Designation? Mixed Use Node - Retail and service commercial establishments, offices, cultural, recreation and entertainment uses, and institutional

open space and residential uses of up to four stories in height & Business Park - offices; Class 1 Industrial Facilities as defined by the Ontario; retail outlets ancillary to industrial uses; research, development and technology uses; large-scale warehouse type "big box"

retail establishments (having floor areas of between 4,000 and 20,000 square metres/43,000 and 215,000 square feet); public, separate or commercial schools, fitness centres, and restaurant; and other service commercial uses intended to serve employees of the area. (Secondary Plan).

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA)

Name of Official Plan proposed to be amended: The City of Windsor Official Plan

Amendment to Official Plan from Mixed Use Node & Business Park to Site Specific Mixed Use Node & Banwell Road Mixed Use Corridor

Purpose of the proposed OPA: To facilitate the development of the subject site for High Profile residential buildings.

The proposed development includes one (1) multiple dwelling residential building that is six (6)-storeys with 72 units; one (1) multiple dwelling residential building that is eight (8)-storeys with 96 units;

two (2) multiple dwelling residential buildings that are 10-storeys in height, each with 120 units; a two (2)-storey business office; and a residential care facility.

What land uses will the proposed official plan amendment (OPA) authorize? Mixed Use Node land use permitting High Profile residential dwelling units as a permitted use and an increased building height from four (4)-storeys to 10-storeys and

Banwell Road Mixed Use Corridor permitting use of Community Institutions (per 2.7.4.1) as a permitted use and an increased building height from four (4)-storeys to 10-storeys.

Does the proposed OPA change, replace or delete a policy in the Official Plan? No Yes

If yes, the policy to be changed, replaced or deleted: N/A

Does the proposed OPA add a policy to the Official Plan? No Yes

OFFICIAL PLAN AMENDMENT APPLICATION

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA) - Continued

Does the proposed OPA change or replace a designation in the Official Plan? No Yes

If yes, the designation to be changed or replaced: _____

Site Specific Mixed Use Node (Official Plan) & Banwell Road Mixed Use Corridor (East Riverside Secondary Plan)

If a policy is being changed, replaced or deleted or if a policy is being added, the text of the proposed OPA:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA changes or replaces a schedule in the Official Plan, the requested schedule and the text that accompanies it:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA alters all or any part of the boundary of an area of a settlement or establishes a new area of settlement, the current official policies, if any, dealing with the alteration or establishment of an area of settlement:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA removes the subject land from an area of employment, the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

Not Applicable See Planning Rationale Report See Attached

Explain how the proposed OPA is consistent with the Provincial Policy Statement:

See Planning Rationale Report See Attached

OFFICIAL PLAN AMENDMENT APPLICATION

7. OTHER APPLICATION INFORMATION

Is the subject land or land within 120 metres the subject of an application by the applicant under the Planning Act for:

A Minor Variance or Consent? No Yes

File number: _____ Status: _____

Approval authority: _____

Affected lands: _____

Purpose of Minor Variance or Consent: _____

Effect on the proposed OPA: _____

An amendment to an Official Plan, a Zoning By-law or a Minister's Zoning Order? No Yes

File number: PS 090-22 Status: Submitted; under review.

Approval authority: City of Windsor

Affected lands: North 'A' Site and North 'B' Site of the Banwell and McHugh Mixed Use Developments

Purpose of OP or ZBL amendment or Zoning Order: _____

To permit the development of High Profile residential dwellings; a business office; and a residential care facility.

Effect on the proposed OPA: N/A (applications are related)

Approval of a plan of subdivision or a site plan? No Yes

File number: _____ Status: _____

Approval authority: _____

Affected lands: _____

Purpose of plan of subdivision or site plan: _____

Effect on the proposed OPA: _____

OFFICIAL PLAN AMENDMENT APPLICATION

8. WATER & SANITARY SEWAGE DISPOSAL

WATER – Indicate whether water will be provided to the subject land by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated piped water system | <input type="checkbox"/> A lake or other water body |
| <input type="checkbox"/> Privately owned & operated individual well | <input type="checkbox"/> Other means: _____ |
| <input type="checkbox"/> Privately owned & operated communal well | |

SANITARY - Indicate whether sanitary sewage disposal will be provided to the subject land by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated sanitary sewage system | <input type="checkbox"/> A privy |
| <input type="checkbox"/> Privately owned & operated individual septic system | <input type="checkbox"/> Other means: _____ |
| <input type="checkbox"/> Privately owned & operated communal septic system | |

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed submit a Servicing Options Report and a Hydrogeological Report.

9. TYPE OF AMENDMENT, APPLICATION FEE & OTHER FEES

TYPE OF OFFICIAL PLAN AMENDMENT (OPA)

The type of amendment is determined by the City Planner or their designate.

Minor OPA: A minor revision to the text of the Official Plan or a Site Specific Policy direction.

Major OPA: A change from one land use designation to another land use designation, a change to any Schedule in the City of Windsor Official Plan, or any other amendment not described above.

APPLICATION FEE

Verify fees before submitting the application. Fees are subject to change and are not refundable when the application is deemed complete. Method of payment: Cash, Mastercard, Visa, or by Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

	<i>Code</i>	<input type="checkbox"/> Minor OPA	<input checked="" type="checkbox"/> Major OPA
Base Fee	63003	\$2,258.40	\$8,112.35
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$2,508.40	= \$8,462.35

OTHER FEES

Re-Notification/Deferral Fee 53016 \$2,258.40

Required when an applicant requests a deferral after notice of a public meeting has been given.

Ontario Land Tribunal (OLT) Appeal Fee \$1,100.00

An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information.

OFFICIAL PLAN AMENDMENT APPLICATION

10. PROPOSED PUBLIC CONSULTATION STRATEGY

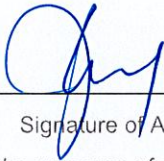
Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
- Open House Website Other _____

11. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, 1027458 Ontario Inc. c/o Jenny Coco, solemnly declare that the information required under Schedule 1 to Ontario Regulation 543/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.



Signature of Applicant

Sign in the presence of a Commissioner
For Taking Affidavits

TORONTO, ONTARIO

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me  at the TORONTO, ONTARIO

Signature of Commissioner

Location of Commissioner

this 6TH day of APRIL, 2023

day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

ROCK-ANTHONY COCO,
a Commissioner, etc., Province of Ontario,
for Coco International Inc.,
and its subsidiaries, associated companies,
and affiliates.
Expires May 18, 2025.

READ & COMPLETE SCHEDULE A IN FULL & SIGN

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgement

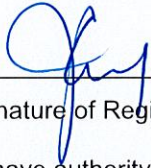
A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, 1027458 Ontario Inc. c/o Jenny Coco, am the registered owner of the land that is
name of registered owner

subject of this application for an amendment to the City of Windsor Official Plan and I authorize

Dillon Consulting Limited c/o Theresa O'Neill to make this application on my behalf.
name of agent



Signature of Registered Owner

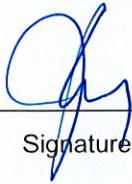
April 6, 2023

Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, 1027458 Ontario Inc. c/o Jenny Coco, hereby authorize the Development and Heritage Standing Committee, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.



Signature of Registered Owner

April 6, 2023

Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - Continued

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that once the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

April 6, 2023

Date

END OF SCHEDULE A

OFFICIAL PLAN AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Greg Atkinson (GA)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

Complete Application		
This application is deemed complete on _____ <div style="text-align: right;"><i>Date</i></div>		

<i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Michael Cooke, MCIP, RPP Manager of Planning Policy	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

Internal Information
Fee Paid: \$ _____ Receipt No: _____ Date: _____
Payment Type: <input type="checkbox"/> Cash <input type="checkbox"/> Certified Cheque <input type="checkbox"/> Credit Card <input type="checkbox"/> Personal Cheque
NEW File No. OPA/ _____
Previous OPA File No. OPA/ _____
Related Zoning File No. ZNG/ _____
Other File Numbers: _____
Notes: _____

THIS IS THE LAST PAGE OF THE APPLICATION FORM

PLANNING DEPARTMENT – DEVELOPMENT DIVISION

Memo

To: City Clerk
From: City Planner/Executive Director
Date: September 1, 2023
Subject: TRANSMITTAL OF NEW FILE **Our File Number: Z-027/23 [ZNG/7117] & OPA 177 [OPA/7118]**

RE: Application For: (X) Zoning Amendment (X) Official Plan Amendment
() Part Lot Control () Draft Plan of Subdivision/Condominium

Applicant: CITY OF WINDSOR

Location: WINDSOR AIRPORT LANDS

Description: Application to amend the Official Plan and Zoning By-laws 85-18 and 8600 to permit employment uses on lands located within the vicinity of the Windsor International Airport.

The OFFICIAL PLAN AMENDMENT and ZONING AMENDMENT applications submitted by CITY OF WINDSOR for WINDSOR AIRPORT LANDS Ave have been deemed as complete on AUGUST 31, 2023.

Enclosures:

- (X) 1 copy of Application Forms (OPA & ZBA)
- () 1 copy of Drawings
- () 1 copy of Site Plan



Neil Robertson
Acting City Planner, Executive Director

/ap

ZONING BY-LAW AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Before this application can be submitted, you must complete both Stage 1 and Stage 2 Planning Consultation Applications.
- Section 2: During the Stage 2 process, any required studies must be completed and submitted for review and comment. The final studies for Stage 2 must be included with this application and the proposal must remain unchanged.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting other companion applications with this application. Please note that an application to amend the Official Plan or an application for Plan of Subdivision/Condominium are the only applications that will be accepted for processing concurrently with a Zoning Amendment.
- Section 5: Provide information about the subject land. This information is used to determine supporting information requirements and to assist in the review of the application.
- Section 6: Indicate the amendment, proposed uses and describe the nature and extent of the amendment being requested. Indicate why the amendment is being requested and how it is consistent with the Provincial Policy Statement and conforms to the City of Windsor Official Plan.
- Section 7: If there are any existing buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows this information.
- Section 8: If you propose to build any buildings or structures on the subject land, provide the required information or submit a sketch, drawing or plan that shows the information.
- Section 9: Indicate how the property is accessed. Check all boxes that apply.
- Section 10: Provide information about water service, sanitary sewage disposal, and storm drainage.
- Section 11: Provide a sketch of the subject land showing, in metric units, the items listed or indicate if this information is provided on an existing plan or a conceptual site plan.
- Section 12: Please refer to the Stage 2 Planning Consultation letter for details regarding the fees needing to be paid.
- Section 13: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 14: Complete and sign in the presence of a Commissioner of Taking Affidavits.
- Other: Read, complete in full, and sign Schedules A & E.

Submit application form, supporting information, and application fee to Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca

TYPE OF REZONING AMENDMENT

DATE RECEIVED STAMP

The type of amendment is stated in the Stage 2 Consultation letter.

Minor Zoning Amendment:

- Site zoned commercial, institutional, or manufacturing
 - Addition to the list of permitted uses
- Site already zoned
 - Change to existing regulations or to zoning district boundary to match lot lines
- Site designated in the Official Plan for residential use
 - Rezoning to accommodate a maximum of six dwelling units
- Site designated in the Official Plan for the proposed use other than residential
 - Site-specific zoning for a site with a lot area of less than 1,000.0 m²

Major Zoning Amendment: Any other amendment not listed as minor.

ZONING BY-LAW AMENDMENT APPLICATION

ZONING BY-LAW AMENDMENT PROCESS

The application will be terminated without notice after 60 days of inactivity. The following is for your information only. Review the Planning Act and relevant regulations for statutory requirements. The processing of the application is subject to change. Direct all questions to the assigned Planner. The process is generally as follows:

1. The application is reviewed to ensure all prescribed and required information and the fee have been submitted. Within 30 days of the receipt of the application, you will be notified in writing that the application is deemed incomplete or complete.
2. If deemed incomplete, the application and fee will be returned. If deemed complete, fees are not refundable, the application is circulated to departments and external agencies for review and comment, and all submitted documents are made available to the public.
3. Following circulation, a draft staff report containing a recommendation and any conditions is prepared. The City Planner and other staff review the draft staff report.
4. When the staff report is approved by appropriate municipal staff, it will be scheduled for a future meeting of the Development and Heritage Standing Committee (DHSC).
5. The DHSC meeting is the public meeting required by the Planning Act. Public notice of the DHSC meeting is advertised in the Windsor Star, a local newspaper, at least 20 days in advance of the DHSC meeting. A courtesy notice may be mailed to property owners and/or tenants within 120 metres or more of the subject land.
6. 10 days prior to the DHSC meeting, the staff report is circulated to the applicant and DHSC members and made available to the public. All supporting documentation submitted by the applicant is available for review.
7. At the DHSC meeting, a staff planner may make a presentation. The applicant and other parties have an opportunity to provide verbal and/or written submissions. The DHSC may ask questions of staff, the applicant, agent, and other parties. The DHSC may decide to defer or recommend approval or denial of the application.
8. If deferred, the application along with any additional information or a new staff report will be considered at a future DHSC meeting. If recommended for approval or denial, the staff report, the minutes of the DHSC meeting, and the amending by-law are forwarded to City of Windsor Council for consideration at a future date. The applicant, agent and all interested parties will be notified by Council Services of the date, time, and location of the Council meeting. Call 311 or contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
9. The application may be placed on the Consent Agenda of the Council Meeting, a part of the meeting where Council approves several matters with a single motion. If the application is not on the Consent Agenda, the staff planner may introduce the application, review the staff recommendation and any additional information provided to Council, and advise Council of any differences between the staff and DHSC recommendations. The applicant and other interested parties have an opportunity to make verbal and/or written submissions. Council may decide to approve, deny, or defer the application. If Council approves the application, the amending by-law may be approved at the same Council meeting, otherwise it will be approved at a future Council meeting.
10. When the amending by-law is passed, Council Services will mail a notice of the passing of the amending by-law to property owners and various public agencies within 15 days. There is a 20-day appeal period commencing the day after this notice is given. The notice will include the last day to file an appeal. An appeal is made to the Ontario Land Tribunal (OLT) through Council Services. If no appeal is filed, the amending by-law is final and binding as of the date of Council's passing of the by-law. Contact Council Services at 519-255-6211 or clerks@citywindsor.ca.
11. If the rezoning is subject to a holding symbol, it is the responsibility of the property owner to satisfy the conditions to remove the holding symbol, to apply, and to pay the fee to remove the holding symbol.

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

ZONING BY-LAW AMENDMENT APPLICATION

1. PLANNING CONSULTATION – Completion of Stage 2

Planning Consultation (Stage 2 Application) must be completed before this application can be submitted.

Has the Planning Consultation Stage 2 Application been completed? NO YES File Number: PC- _____

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs <input type="checkbox"/> Brian Nagata <input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> Kevin Alexander <input type="checkbox"/> Justina Nwaesei <input type="checkbox"/> _____
<input type="checkbox"/> Tracy Tang <input type="checkbox"/> Simona Simion	<input type="checkbox"/> Frank Garardo <input type="checkbox"/> Laura Strahl

2. REQUIRED SUPPORTING INFORMATION as Identified in the Planning Consultation Stage 2 Process:

For each document, provide one paper copy, and where possible, one digital copy on a USB flash drive or by email. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. **All PDF documents shall be flattened with no layers.**

The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

If you are submitting a companion application submit only one set of documents.

Staff Use Only

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual <i>(see Section 8)</i>	<input checked="" type="checkbox"/> Sketch of Subject Land <i>(see Section 11)</i>
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

ZONING BY-LAW AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER, AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner, and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: The Corporation of the City of Windsor Contact: Joe Baker
Name of Contact Person

Address: 350 City Hall Square West, Suite 520

Address: Windsor, Ontario Postal Code: N9A 6S1

Phone: (519) 253-6100 ext. 6459 Fax: _____

Email: jbaker@citywindsor.ca

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 in Schedule A)

Name: Dillon Consulting Limited Contact: Amy Farkas
Name of Contact Person

Address: 3200 Deziel Drive Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: (519) 948-5000 ext. 5205 Fax: _____

Email: afarkas@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Official Plan Amendment application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Please note that if a development proposal requires site plan approval, that application can only be submitted after the zoning amendment has been considered by City Council and the appeal period has concluded.

ZONING BY-LAW AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 3200 - 4000 County Road 42

Legal Description CONCESSION 3; PT FARM LOTS 97 TO 123; PLAN 1197; LOTS 11 TO 67; RP 12R8737; PT PART 1; RP 12R24449; PARTS 4 TO 8 WINDSOR AIRPORT

Assessment Roll Number 3739-090-050-00100-0000

If known, the date the subject land was acquired by the current owner: _____

Frontage (m) 2309.71 m Depth (m) Irregular Area (sq m) 1,877,400 sq. m

Official Plan Designation Airport, Industrial, and Future Employment Area

Current Zoning Manufacturing District 2.2 (MD2.2) (City of Windsor Zoning By-law 8600)
Institutional (I) (Sandwich South Zoning By-law 85-18)

Existing Uses Solar Farm, Vacant

If known, the lengths of time that the existing uses have continued: 2016 (Solar Farm)

Previous Uses N/A

List the names and addresses of the holders of any mortgages, charges, or other encumbrances in respect of the subject land:

N/A

Are there any easements or restrictive covenants affecting the subject lands? NO YES

If yes, describe the easement or restrictive covenant and its effect:

N/A

If known, has the subject land ever been subject of: *(leave blank if unknown)*

An application for a Plan of Subdivision or Consent: NO YES File: _____

An application for an amendment to a Zoning By-law: NO YES File: _____

An application for approval of a Site Plan: NO YES SPC- _____

A Minister's Zoning Order (Ontario Regulation): NO YES OR#: _____

ZONING BY-LAW AMENDMENT APPLICATION

6. DESCRIPTION OF AMENDMENT

Amendment to Zoning By-law from: Manufacturing District 2.2 (MD2.2) (Zoning By-law 8600) and Institutional (I) (Zoning By-law 85-18)

to: Manufacturing District 1.4 (MD1.4) and Manufacturing District 2.2 (MD2.2) (Zoning By-law 8600)

Proposed uses of subject land: Employment Lands

Describe the nature and extent of the amendment(s) being requested:

The proposed Zoning By-law Amendment seeks to repeal the Sandwich South Zoning By-law 85-18, and to amend the zoning category under the City of Windsor Zoning By-law 8600.

Why is this amendment or these amendments being requested?

To support an increase of employment lands within the City of Windsor.

Explain how the amendment to the Zoning By-law is consistent with the Provincial Policy Statement:

See Planning Rationale Report Dated August, 2023.

Explain how the application conforms to the City of Windsor Official Plan:

See Planning Rationale Report Dated August, 2023.

If this application is to remove land from an area of employment, details of the official plan or official plan amendment that deals with this matter:

See Planning Rationale Report

See Official Plan Amendment

ZONING BY-LAW AMENDMENT APPLICATION

7. EXISTING BUILDINGS / STRUCTURES ON SUBJECT LAND

Are there any buildings or structures on the subject land?

- NO Continue to Section 8
- YES Indicate the type of building or structure, the date of construction (if known), and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure and its dimensions or floor area.
 - See attached Existing Plan or Sketch of Subject Land

Solar Panels are present to the north of the subject site (See location map).

8. PROPOSED BUILDINGS / STRUCTURES ON SUBJECT LAND

Do you propose to build any buildings or structures on the subject land?

- NO Continue to Section 9
- YES Indicate the type of building or structure and, in metric units, the setback from the front lot line, rear lot line and side lot lines, the height of the building or structure, and its dimensions or floor area.
 - See attached concept plan

The Zoning By-law Amendment may result in future development sought on the subject lands.

ZONING BY-LAW AMENDMENT APPLICATION

9. ACCESS TO SUBJECT LAND

Indicate if access to subject land is by: *(check all that apply)*

- Municipal Road Provincial Highway Another public road or a right-of-way
- Water - If access to the subject land is by water only, describe the parking and docking facilities used or to be used and provide the approximate distance in metric of these facilities from the subject land and the nearest public road:

County Road 42

10. WATER, SANITARY SEWAGE AND STORM DRAINAGE

WATER – Indicate whether water will be provided to the subject land by:

- Publicly owned & operated piped water system
- Privately owned & operated individual well
- Privately owned & operated communal well
- Other _____

SANITARY - Indicate whether sewage disposal will be provided to the subject land by:

- Publicly owned & operated sanitary sewage system
- Privately owned & operated individual septic system - See Note below
- Privately owned & operated communal septic system - See Note below
- Other _____

Note: If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4,500 litres of effluent would be produced per day as a result of the development being completed, you must submit a Servicing Options Report and a Hydrogeological Report.

STORM DRAINAGE - Indicate whether storm drainage will be provided by:

- Sewers Ditches Swales Other _____

ZONING BY-LAW AMENDMENT APPLICATION

11. SKETCH OF SUBJECT LAND

Provide a sketch showing, in metric units,

- a) the boundaries and dimensions of the subject land;
- b) the location, size, and type of all existing and proposed buildings and structures on the subject land, including their distance from the front lot line, rear lot line, and side lines;
- c) the approximate location of all natural and artificial features (for example, buildings, railways, roads, watercourses, drainage ditches, banks of rivers or streams, wetlands, wooded areas, wells and septic tanks) that are located on the subject land and on land that is adjacent to it, and in the applicant's opinion, may affect the application;
- d) the current uses of all land that is adjacent to the subject land;
- e) the location, width and name of any roads within or abutting the subject land, indicating whether it is an unopened road allowance, a public travelled road, a private road, or a right of way;
- f) if access to the subject land will be water only, the location of the parking and docking facilities to be used; and
- g) the location and nature of any easement affecting the subject land.

12. APPLICATION FEE & OTHER FEES

The amendment type and corresponding application fees are identified in the Planning Consultation Stage 2 process.

Fees may be subject to change and are not refundable once the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

APPLICATION FEE

Amendment Type	Code	<input type="checkbox"/> Minor Rezoning	<input type="checkbox"/> Major Rezoning
Base Fee	53001	\$4,347.00	\$5,837.40
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ \$200.00	+ \$300.00
Total Application Fee		= \$4,597.00	= \$6,187.40

The following fees are provided for information purposes. They are not due at this time but may be assessed depending on the type(s) of applications associated with the development proposal

OTHER FEES

- Re-Notification/Deferral Fee** Code 53016 \$2,258.40
Required when an applicant requests a deferral after notice of a public meeting has been given.
- Legal Fee - Servicing Agreement** Code 63002 \$597.64 plus \$50 per unit, lot, or block
Required when the preparation of a servicing agreement is a condition of approval.
- Removal of the Holding Symbol Application** Code 53001 \$1,536.00
It is the responsibility of the property owner to satisfy the conditions to remove the holding symbol and to apply and fee to remove the holding symbol.
- Ontario Land Tribunal (OLT) Appeal Fee** \$1,100.00
An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements

A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, The Corporation of the City of Windsor, am the registered owner of the land that is
Name of Registered Owner

subject of this application for an amendment to the City of Windsor Zoning By-law and I authorize

Dillon Consulting Limited c/o Amy Farkas to make this application on my behalf.
Name of Agent

Signature of Registered Owner

August 31, 2023
Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, The Corporation of the City of Windsor,
Name of Registered Owner

hereby authorize the Development and Heritage Standing Committee or their successor, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as a condition of approval. This is their authority for doing so.

Signature of Registered Owner

August 31, 2023
Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - *Continued*

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

I acknowledge that receipt of this application by the City of Windsor does not guarantee it to be a complete application, that further review of the application will occur, and that I may be contacted to provide additional information and/or resolve any discrepancies or issues with the application as submitted.

I further acknowledge that after the application is deemed complete, fees are not refundable, additional information may be requested, and that after 60 days of inactivity the City of Windsor may terminate the application without notice.

I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

Ontario's *Endangered Species Act* protects endangered and threatened species — animals and plants in decline and at risk of disappearing from the province by restricting activities that may affect these plants, animals or their habitats.

I acknowledge that it is my sole responsibility as the Applicant to comply with the provisions of the *Endangered Species Act, 2007, S. O. c.6*. This could require me to register an activity, get a permit or other authorization from the Ministry of the Environment, Conservation and Parks (MECP) prior to conducting an activity that could impact an endangered or threatened plant or animal or its habitat. I further acknowledge that any *Planning Act, R.S.O. 1990, c.P.13* approval given by the City of Windsor does not constitute an approval under the *Endangered Species Act*, nor does it absolve me from seeking the necessary authorization, approvals or permits from the MECP prior to conducting any activity that may affect endangered or threatened plant or animal or its habitat.

Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



August 31, 2023

Signature of Applicant or Agent

Date

**END OF SCHEDULE A
COMPLETE SCHEDULE E ON NEXT PAGE**

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E – Environmental Site Screening Questionnaire

Previous Use of Property

- Residential Industrial Commercial Institutional
 Agricultural Parkland Vacant Other _____

- a) If previous use of the property is Industrial or Commercial, specify use:

- b) Has the grading of the subject land been changed by adding earth or material? Has filling occurred on the subject land?
 Yes No Unknown
- c) Has a gasoline station and/or automobile service station been located on the subject land or adjacent lands at any time?
 Yes No Unknown
- d) Has there been petroleum or other fuel stored on the subject land or adjacent lands?
 Yes No Unknown
- e) Are there or have there ever been underground storage tanks or buried waste on the subject land or adjacent lands?
 Yes No Unknown
- f) Have the lands or adjacent lands ever been used as an agricultural operation where cyanide products may have been applied as pesticides and/or sewage sludge applied to the lands?
 Yes No Unknown
- g) Have the lands or adjacent lands ever been used as a weapons firing range?
 Yes No Unknown
- h) Is the nearest boundary line of the application within 500 metres (1,640 feet) of the boundary line of an operational/non-operational public or private waste disposal site, landfill or dump?
 Yes No Unknown
- i) If there are existing or previously existing buildings on the subject lands, are there any building materials remaining on site which are potentially hazardous to public health (e.g., asbestos, PCB's)?
 Yes No Unknown
- j) Is there reason to believe the subject lands may have been contaminated by existing or former uses on the site or adjacent sites?*

** Possible uses that can cause contamination include but are not limited to: operation of electrical transformer stations, disposal of waste minerals, raw material storage, and residues left in containers, maintenance activities and spills. Some commercial properties such as gasoline stations, automotive repair garages, and dry cleaning plants have similar potential. The longer a property is under industrial or similar use, the greater the potential for site contamination. Also, a series of different industrial or similar uses upon a site could potentially increase the number of chemicals that are present.*

- k) If current or previous use of the property is Industrial or Commercial, or if YES to any of a) to j) above, attach a previous use inventory showing all former uses of the subject land, or if applicable, the land(s) adjacent to the subject lands.

SCHEDULE E CONTINUES ON NEXT PAGE

ZONING BY-LAW AMENDMENT APPLICATION

SCHEDULE E - CONTINUED

Acknowledgement Clause

I hereby acknowledge that it is my responsibility to ensure that I am in compliance with all applicable laws, regulations, guidelines and the City's Official Plan policies pertaining to potentially contaminated sites, and to use all reasonable effort to identify the potential for contamination on the subject property.

I acknowledge that as a condition of approval of this application that the City may require me to file a Record of Site Condition signed by a qualified person in the provincial Environmental Site Registry, and provide verification to the City of Windsor of acknowledgement of this Record of Site Condition by the Ministry of Environment.

I acknowledge that the City may require the qualified person signing the Record of Site Condition to submit to the City a Declaration acknowledging that the City of Windsor may rely on the statements in the Record of Site Condition.

I acknowledge that the City of Windsor is not responsible for the identification and/or remediation of contaminated sites, and I agree, whether in, through, or as a result of any action or proceeding for environmental clean-up of any damage or otherwise, I will not sue or make claim whatsoever against the City of Windsor, its officers, officials, employees or agents for or in respect of any loss, damage, injury or costs.

The Corporation of the City of Windsor

Name of Applicant (print)

Signature of Applicant

August 31, 2023

Date



Dillon Consulting Limited c/o Amy Farkas

Name of Agent (print)

Signature of Agent

August 31, 2023

Date

END OF SCHEDULE E

ZONING BY-LAW AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application	Date Received Stamp
This application has been assigned to:	
<input type="checkbox"/> Adam Szymczak (AS)	<input type="checkbox"/> Brian Nagata (BN)
<input type="checkbox"/> Frank Garardo (FG)	<input type="checkbox"/> Tracy Tang (TT)
<input type="checkbox"/> Jim Abbs (JA)	<input type="checkbox"/> Justina Nwaesei (JN)
<input type="checkbox"/> Kevin Alexander (KA)	<input type="checkbox"/> Laura Strahl (LS)
<input type="checkbox"/> Simona Simion (SS)	<input type="checkbox"/> _____

Complete Application		
This application is deemed complete on _____ <div style="text-align: right;"><i>Date</i></div>		

<i>Signature of Delegated Authority</i>		
<input type="checkbox"/> Neil Robertson, MCIP, RPP Manager of Urban Design	<input type="checkbox"/> Greg Atkinson, MCIP, RPP Manager of Development	<input type="checkbox"/> Thom Hunt, MCIP, RPP City Planner & Executive Director

Internal Information			
Fee Paid: \$ _____	Receipt No: _____	Date: _____	
Payment Type: <input type="checkbox"/> Cash	<input type="checkbox"/> Certified Cheque	<input type="checkbox"/> Credit Card	<input type="checkbox"/> Personal Cheque
NEW Zoning File No. ZNG/ _____	Z- _____		
Previous Zoning File No. ZNG/ _____	Z- _____		
Related OPA File No. OPA/ _____	OPA _____		
Other File Numbers: _____			
Notes: _____			

THIS IS THE LAST PAGE OF THE APPLICATION FORM

OFFICIAL PLAN AMENDMENT APPLICATION

INSTRUCTIONS

Verify that you are using the most current application form.

- Section 1: Before this application can be submitted, you must complete both Stage 1 and Stage 2 Planning Consultation Applications.
- Section 2: During the Stage 2 process, any required studies must be completed and submitted for review and comment. The final studies for Stage 2 must be included with this application and the proposal must remain unchanged.
- Section 3: Provide the full name, address, phone number, fax number and email address of the applicant, agent, and registered owner. If any of these are a corporation, provide the full corporate name. Include the full name of the contact person. If there is more than one person, corporation, or registered owner, use additional sheets.
- Section 4: Indicate if you are submitting companion applications with this application. Please note that an application to amend the Zoning By-law or an application for Plan of Subdivision/Condominium are the only applications that will be accepted for processing concurrently with an Official Plan Amendment.
- Section 5: Provide information about the subject land. This information is used to determine or confirm supporting information requirements and to assist in the review of the application.
- Section 6: Describe the amendment and answer all questions. If some of this information is in a Planning Rationale Report, check the box beside "See Planning Rationale Report".
- Section 7: Provide details about any other Planning Act applications by the applicant for the subject land or any land within 120 metres.
- Section 8: Provide information about water service and sanitary sewage disposal.
- Section 9: Complete this section using the information provided in the Planning Consultation Stage 2 letter.
- Section 10: Explain your proposed strategy for consulting with the public with respect to the application.
- Section 11: Complete and sign in the presence of a Commissioner of Taking Affidavits.

Schedules: Read and complete Schedule A in full and sign.

Submit application form, supporting information, and application fee to the Senior Steno Clerk at Planning & Development Services, Suite 210, 350 City Hall Square West, Windsor ON N9A 6S1 or planningdept@citywindsor.ca.

Any timelines noted in this application form are subject to change.

The application is reviewed to ensure all prescribed information and the required fee have been submitted. Within 30 days of the receipt of the application, the applicant will be notified in writing that the application is deemed complete. If deemed incomplete, the application and fee will be returned. If deemed complete, the application fee is not refundable.

The applicant, agent and all other interested parties will be notified by Council Services of the date, time, and location of the Development & Heritage Standing Committee (DHSC) meeting and the Council meeting.

An application will be terminated without notice after 60 days of inactivity.

DATE RECEIVED STAMP

CONTACT INFORMATION

Planning & Development Services
Suite 210
350 City Hall Square West
Windsor ON N9A 6S1

Telephone: 519-255-6543
Fax: 519-255-6544
Email: planningdept@citywindsor.ca
Web Site: www.citywindsor.ca

OFFICIAL PLAN AMENDMENT APPLICATION

1. PLANNING CONSULTATION – Completion of Stage 2

Planning Consultation (Stage 2 Application) must be completed before this application can be submitted.

Has the Planning Consultation Stage 2 Application been completed?

NO YES File Number: PC- _____

Staff Use Only

Signature of Staff Planner	Date of Consultation
<input type="checkbox"/> Jim Abbs	<input type="checkbox"/> Kevin Alexander
<input type="checkbox"/> Brian Nagata	<input type="checkbox"/> Justina Nwaesei
<input type="checkbox"/> Adam Szymczak	<input type="checkbox"/> Tracy Tang
	<input type="checkbox"/> Frank Garardo
	<input type="checkbox"/> Simona Simion
	<input type="checkbox"/> Laura Strahl
	<input type="checkbox"/> _____

2. REQUIRED SUPPORTING INFORMATION as Identified in the Planning Consultation Stage 2 Process:

For each document, provide one paper copy, and where possible, one digital copy on a USB flash drive or by email. All drawings or plans shall be in letter size (8.5 x 11 inches) in JPG and PDF format. All other document shall be provided in Word and PDF format. Please ensure that all PDF documents are ‘flattened’ and contain no layers.

The City of Windsor reserves the right to require additional supporting information during the processing of the application. All supporting information submitted is made available for public review.

If you are submitting a companion application submit only one set of documents.

<input checked="" type="checkbox"/> Deed or Offer to Purchase	<input type="checkbox"/> Corporation Profile Report	<input checked="" type="checkbox"/> Site Plan Conceptual	<input checked="" type="checkbox"/> Sketch of Subject Land
<input type="checkbox"/> Archaeological Assessment – Stage 1	<input type="checkbox"/> Built Heritage Impact Study	<input type="checkbox"/> Environmental Evaluation Report	<input type="checkbox"/> Environmental Site Assessment
<input type="checkbox"/> Floor Plan and Elevations	<input type="checkbox"/> Geotechnical Study	<input type="checkbox"/> Guideline Plan	<input type="checkbox"/> Lighting Study
<input type="checkbox"/> Market Impact Assessment	<input type="checkbox"/> Micro-Climate Study	<input type="checkbox"/> Noise Study	<input type="checkbox"/> Planning Rationale Report
<input type="checkbox"/> Record of Site Condition <i>(see Schedule E)</i>	<input type="checkbox"/> Sanitary Sewer Study	<input type="checkbox"/> Species at Risk Screening	<input type="checkbox"/> Storm Sewer Study
<input type="checkbox"/> Storm Water Retention Scheme	<input type="checkbox"/> Topographic Plan of Survey	<input type="checkbox"/> Transportation Impact Statement	<input type="checkbox"/> Transportation Impact Study
<input type="checkbox"/> Tree Preservation	<input type="checkbox"/> Tree Survey Study	<input type="checkbox"/> Urban Design Study	<input type="checkbox"/> Vibration Study
<input type="checkbox"/> Wetland Evaluation Study	Other Required Information: _____		

OFFICIAL PLAN AMENDMENT APPLICATION

3. APPLICANT, REGISTERED OWNER AND AGENT INFORMATION

Provide in full the name of the applicant, registered owner and agent, the name of the contact person, and address, postal code, phone number, fax number and email address.

If the applicant or registered owner is a numbered company, provide the name of the principals of the company. If there is more than one applicant or registered owner, copy this page, complete in full and submit with this application.

All communication is with the Agent authorized by the Owner to file the application. If there is no Agent, all communication is with the Applicant.

Applicant

Name: The Corporation of the City of Windsor Contact: Joe Baker
Name of Contact Person

Address: 350 City Hall Square West, Suite 520

Address: Windsor, Ontario Postal Code: N9A 6S1

Phone: (519) 253-6100 ext. 6459 Fax: _____

Email: jbaker@citywindsor.ca

Registered Owner Same as Applicant

Name: _____ Contact: _____
Name of Contact Person

Address: _____

Address: _____ Postal Code: _____

Phone: _____ Fax: _____

Email: _____

Agent Authorized by the Owner to File the Application (Also complete Section A1 of Schedule A)

Name: Dillon Consulting Ltd Contact: Amy Farkas
Name of Contact Person

Address: 3200 Deziel Drive Suite 608

Address: Windsor, Ontario Postal Code: N8W 5K8

Phone: (519) 948-5000 ext. 5205 Fax: _____

Email: afarkas@dillon.ca

4. COMPANION APPLICATIONS

Are you submitting a companion Zoning Amendment application? NO YES

Are you submitting a companion Plan of Subdivision/Condominium application? NO YES

Please note that if a development proposal requires site plan approval, that application can only be submitted after the zoning amendment has been considered by City Council and the appeal period has concluded.

OFFICIAL PLAN AMENDMENT APPLICATION

5. SUBJECT LAND INFORMATION

Municipal Address 3200 - 4000 County Road 42

Legal Description CONCESSION 3; PT FARM LOTS 97 TO 123; PLAN 1197; LOTS 11 TO 67; RP 12R8737; PT PART 1; RP 12R24449; PARTS 4 TO 8 WINDSOR AIRPORT

Assessment Roll Number 3739-090-050-00100-0000

Frontage (m) 2309.71 m Depth (m) Irregular Area (sq m) 1,877,400 sq. m

Current Official Plan Designation Airport, Industrial, and Future Employment Area

What land uses are permitted by the Official Plan Designation? Civilian or military airport, airport terminal facilities and communications structures, uses permitted in employment areas, hotels and other related uses, industrial uses, agricultural uses, forestry and conservation uses, and public utilities.

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA)

Name of Official Plan proposed to be amended: *The City of Windsor Official Plan*

Amendment to Official Plan from Future Employment Area to Industrial or Business Park

Purpose of the proposed OPA: To support an increase of employment lands within the City of Windsor.

What land uses will the proposed official plan amendment (OPA) authorize?

Business Park will authorize establishments devoted to research, development and information processing, offices, services, industrial research and/or training facilities, communication, production uses, publishing, and select industrial uses. **Industrial** will authorize establishments which may exhibit features including large physical size of site or facilities, outdoor storage of materials or products, large production volumes or large product size, frequent or continuous shipment of products and/or materials, long hours of production and shift operations, likelihood of nuisances, multi-modal transportation facilities, and service and repair facilities.

Does the proposed OPA change, replace or delete a policy in the Official Plan? No Yes

If yes, the policy to be changed, replaced or deleted: _____

Does the proposed OPA add a policy to the Official Plan? No Yes

Amendment to Official Plan Volume II.

OFFICIAL PLAN AMENDMENT APPLICATION

6. DESCRIPTION OF OFFICIAL PLAN AMENDMENT (OPA) - Continued

Does the proposed OPA change or replace a designation in the Official Plan? No Yes

If yes, the designation to be changed or replaced: Future Employment Area to be changed to Industrial or Business Park.

If a policy is being changed, replaced or deleted or if a policy is being added, the text of the proposed OPA:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA changes or replaces a schedule in the Official Plan, the requested schedule and the text that accompanies it:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA alters all or any part of the boundary of an area of a settlement or establishes a new area of settlement, the current official policies, if any, dealing with the alteration or establishment of an area of settlement:

Not Applicable See Planning Rationale Report See Attached

If the proposed OPA removes the subject land from an area of employment, the current Official Plan policies, if any, dealing with the removal of land from an area of employment:

Not Applicable See Planning Rationale Report See Attached

Explain how the proposed OPA is consistent with the Provincial Policy Statement:

See Planning Rationale Report See Attached

OFFICIAL PLAN AMENDMENT APPLICATION

7. OTHER APPLICATION INFORMATION

Is the subject land or land within 120 metres the subject of an application by the applicant under the Planning Act for:

A Minor Variance or Consent? No Yes

File number: _____ Status: _____

Approval authority: _____

Affected lands: _____

Purpose of Minor Variance or Consent: _____

Effect on the proposed OPA: _____

An amendment to an Official Plan, a Zoning By-law or a Minister's Zoning Order? No Yes

File number: _____ Status: _____

Approval authority: _____

Affected lands: _____

Purpose of OP or ZBL amendment or Zoning Order: _____

Effect on the proposed OPA: _____

Approval of a plan of subdivision or a site plan? No Yes

File number: _____ Status: _____

Approval authority: _____

Affected lands: _____

Purpose of plan of subdivision or site plan: _____

Effect on the proposed OPA: _____

OFFICIAL PLAN AMENDMENT APPLICATION

8. WATER & SANITARY SEWAGE DISPOSAL

WATER – Indicate whether water will be provided to the subject land by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated piped water system | <input type="checkbox"/> A lake or other water body |
| <input type="checkbox"/> Privately owned & operated individual well | <input type="checkbox"/> Other means: _____ |
| <input type="checkbox"/> Privately owned & operated communal well | |

SANITARY - Indicate whether sanitary sewage disposal will be provided to the subject land by:

- | | |
|--|---|
| <input checked="" type="checkbox"/> Publicly owned & operated sanitary sewage system | <input type="checkbox"/> A privy |
| <input type="checkbox"/> Privately owned & operated individual septic system | <input type="checkbox"/> Other means: _____ |
| <input type="checkbox"/> Privately owned & operated communal septic system | |

If the application would permit development on privately owned and operated individual or communal septic systems, and more than 4500 litres of effluent would be produced per day as a result of the development being completed submit a Servicing Options Report and a Hydrogeological Report.

9. TYPE OF AMENDMENT, APPLICATION FEE & OTHER FEES

TYPE OF OFFICIAL PLAN AMENDMENT (OPA)

The amendment type and corresponding application fees are identified in the Planning Consultation Stage 2 process.

Fees may be subject to change and are not refundable once the application is deemed complete. Method of payment: Cash, Mastercard, Visa or Certified Cheque or Personal Cheque payable to The Corporation of the City of Windsor. If paying by Mastercard or Visa, contact the Senior Steno Clerk for further direction at planningdept@citywindsor.ca or 519-255-6543.

Minor OPA: A minor revision to the text of the Official Plan or a Site Specific Policy direction.

Major OPA: A change from one land use designation to another land use designation, a change to any Schedule in the City of Windsor Official Plan, or any other amendment not described above.

APPLICATION FEE

	Code	<input type="checkbox"/> Minor OPA	<input type="checkbox"/> Major OPA
Base Fee	63003	\$2,258.40	\$8,112.35
GIS Fee	63024	+ \$50.00	+ \$50.00
Essex Region Conservation Authority Fee	53023	+ <u>\$200.00</u>	+ <u>\$300.00</u>
Total Application Fee		= \$2,508.40	= \$8,462.35

The following fees are provided for information purposes. They are not due at this time but may be assessed depending on the type(s) of applications associated with the development proposal

OTHER FEES

Re-Notification/Deferral Fee 53016 \$2,258.40

Required when an applicant requests a deferral after notice of a public meeting has been given.

Ontario Land Tribunal (OLT) Appeal Fee \$1,100.00

An appeal is made through Council Services (519-255-6211 or clerks@citywindsor.ca). Fees, forms, and processes are subject to change. Visit <https://olt.gov.on.ca> for additional information.

OFFICIAL PLAN AMENDMENT APPLICATION

10. PROPOSED PUBLIC CONSULTATION STRATEGY

Select or describe your proposed strategy for consulting with the public with respect to the application:

- Required Public Consultation (Public Notice & Public Meeting as required per the Planning Act)
- Open House Website Other _____
- _____
- _____

11. SWORN DECLARATION OF APPLICANT

Complete in the presence of a Commissioner for Taking Affidavits. If the declaration is to be administered remotely, you must be able to see, hear and communicate with the Commissioner and show documentation that confirms your identity.

I, The Corporation of the City of Windsor, solemnly declare that the information required under Schedule 1 to Ontario Regulation 543/06 and provided by the applicant is accurate and that the information contained in the documents that accompany this application is accurate, that if this declaration was administered remotely that it was in accordance with Ontario Regulation 431/20, and I make this solemn declaration conscientiously believing it to be true, and knowing that it is of the same force and effect as if made under oath.

Signature of Applicant
*Sign in the presence of a Commissioner
For Taking Affidavits*

Location of Applicant at time of declaration

This declaration was administered remotely in accordance with Ontario Regulation 431/20

Declared before me _____ at the _____
Signature of Commissioner Location of Commissioner

this _____ day of _____, 20_____
day month year

PLACE AN IMPRINT OF YOUR STAMP BELOW

READ & COMPLETE SCHEDULE A IN FULL & SIGN

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgement

A1. Authorization of Registered Owner for Agent to Make the Application

If the applicant is not the registered owner of the land that is the subject of this application, the written authorization of the registered owner that the agent is authorized to make the application must be included with this application form or the authorization below must be completed.

I, The Corporation of the City of Windsor, am the registered owner of the land that is
name of registered owner

subject of this application for an amendment to the City of Windsor Official Plan and I authorize

Dillon Consulting Ltd. c/o Amy Farkas to make this application on my behalf.
name of agent

Signature of Registered Owner

August 31, 2023
Date

If Corporation - I have authority to bind the corporation

A2. Authorization to Enter Upon the Subject Lands and Premises

I, The Corporation of the City of Windsor, hereby authorize the Development and Heritage Standing Committee, City Council, and staff of The Corporation of the City of Windsor to enter upon the subject lands and premises described in Section 5 of the application form for the purpose of evaluating the merits of this application and subsequently to conduct any inspections on the subject lands that may be required as condition of approval. This is their authority for doing so.

Signature of Registered Owner

August 31, 2023
Date

If Corporation – I have authority to bind the corporation

SCHEDULE A CONTINUES ON NEXT PAGE

OFFICIAL PLAN AMENDMENT APPLICATION

SCHEDULE A – Authorizations & Acknowledgements - Continued

A3. Acknowledgements

Receipt, Fees, Additional Information, Termination, and Freedom of Information

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I further acknowledge that pursuant to the provisions of the Planning Act and the Municipal Freedom of Information and Protection of Privacy Act, this application and all material and information provided with this application are made available to the public.

Species at Risk

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Additional information can be found at:

<https://www.ontario.ca/page/development-and-infrastructure-projects-and-endangered-or-threatened-species>

or by contacting MECP at SAROntario@ontario.ca

Acknowledgement

I acknowledge that I have read and understand the above statements:



Signature of Applicant or Agent

August 31, 2023

Date

END OF SCHEDULE A

OFFICIAL PLAN AMENDMENT APPLICATION

DO NOT COMPLETE BELOW – STAFF USE ONLY

Receipt and Assignment of Application

Date Received Stamp

This application has been assigned to:

- | | |
|---|---|
| <input type="checkbox"/> Adam Szymczak (AS) | <input type="checkbox"/> Brian Nagata (BN) |
| <input type="checkbox"/> Frank Garardo (FG) | <input type="checkbox"/> Tracy Tang (TT) |
| <input type="checkbox"/> Jim Abbs (JA) | <input type="checkbox"/> Justina Nwaesei (JN) |
| <input type="checkbox"/> Kevin Alexander (KA) | <input type="checkbox"/> Laura Strahl (LS) |
| <input type="checkbox"/> Simona Simion (SS) | <input type="checkbox"/> _____ |

Complete Application

This application is deemed complete on _____
Date

Signature of Delegated Authority

- | | | |
|---|---|--|
| <input type="checkbox"/> Neil Robertson, MCIP, RPP
Manager of Urban Design | <input type="checkbox"/> Greg Atkinson, MCIP, RPP
Manager of Development | <input type="checkbox"/> Thom Hunt, MCIP, RPP
City Planner & Executive Director |
|---|---|--|

Internal Information

Fee Paid: \$ _____ Receipt No: _____ Date: _____

Payment Type: Cash Certified Cheque Credit Card Personal Cheque

NEW File No. OPA/ _____

Previous OPA File No. OPA/ _____

Related Zoning File No. ZNG/ _____

Other File Numbers: _____

Notes: _____

THIS IS THE LAST PAGE OF THE APPLICATION FORM

COMMITTEE OF ADJUSTMENT/CONSENT AUTHORITY AGENDA RECORD

The following applications are scheduled to be heard by the Committee of Adjustment/Consent Authority in the afternoon of Thursday, September 28, 2023 at the following location and in the order stated below. LOCATION: Via Electronic Participation

ITEM	TIME	ROLL #	FILE #	APPLICANT	LOCATION	REQUEST
1	3:30 PM	3739080190033100000	A-059/23	WEISHI XIE	2637 NORFOLK ST	RELIEF: To construct an addition with reduced minimum side yard with.
2	3:30 PM	3739060250129000000	A-060/23	DEREK DAVID ELLIOTT	444 BELLEPERCHE PL	RELIEF: Construct a detached accessory building exceeding the maximum building height.
3	3:30 PM	3739020060073000000	A-065/23	HABIB ZAIDI	773 LINCOLN RD	RELIEF: Construction of a detached Additional Dwelling Unit (ADU) in the rear yard with maximum accessory lot coverage and parking requirement for the main dwelling
4	3:30 PM	3739030040057100000	B-040/23	ADIAMMU REAL ESTATE INC.	870 WYANDOTTE ST E	CONSENT: Create a new Lot
5	3:30 PM	3739010360036000000	B-041/23	VICTORIA LYNN FRITZ	1864 LARKIN RD	CONSENT: Validation of Title
6	3:30 PM	3739070890027030000	A-061/23	ROBERT FERLAINO, ZORA FERLAINO	3025 MCROBBIE CRES	RELIEF: The construction of a single unit dwelling with reduced minimum Lot and side yard width and exceeding maximum garage width requirement
7	3:30 PM	3739070305056000000	A-062/23	COMMUNITY LIVING WINDSOR	2840 TEMPLE DR	RELIEF: Proposed construction of additional parking spaces with reduced minimum front yard depth.
8	3:30 PM	3739050390058000000	A-063/23	MICHAEL JAMES ROSS	904 FELIX AVE	RELIEF: Construct an addition to convert the existing single unit dwelling into multiple dwelling with four (4) dwelling units with reduced minimum front yard depth, minimum separation of an accessory from the dwelling wall, and exceeding maximum Lot coverage.

9	3:30 PM	3739060460194000000	B-042/23	JOSEPH ROBERT CHARBONNEAU	527 JARVIS AVE	CONSENT: Lot Addition
10	3:30 PM	3739060040099000000	A-064/23	ENRIQUE RABOY SALA	853 FORD BLVD	RELIEF: Creation of three lots with minimum Lot width for the retained, and severed lots, and minimum side yard width for the retained Lot

If a person or public body that files an appeal of a decision of the Committee of Adjustment in respect of the proposed consent does not make written submissions to the Committee of Adjustment before it gives or refuses to give a provisional consent, the Local Planning Appeal Tribunal may dismiss the appeal. In addition, if you wish to be notified of the decision of the Committee of Adjustment in respect of the proposed applications, you must make a written request to the Committee of Adjustment at the address shown below.



Council Report: C 131/2023

Subject: 2024 Capital Budget Pre-Approval - City Wide**Reference:**

Date to Council: 9/18/2023

Author: Fahd Mikhael

Manager of Design

(519) 255-6257 ext. 6734

fmikhael@citywindsor.ca

Engineering

Report Date: 8/24/2023

Clerk's File #: AF/14585

To: Mayor and Members of City Council

Recommendation:

- I. THAT City Council **SUPPORT** the immediate use of an amount of \$19,438,240 in 2024 & 2025 funding, previously approved in principle in the 2023 10-Year Capital Budget, in order to take advantage of competitive bidding and to proceed with preliminary works for large projects as detailed in Appendix A and **DIRECT** the CFO/City Treasurer to pre-commit the required funds in the 2024 Capital Budget; and,
- II. THAT City Council **SUPPORT** the transfer and pre-commitment of funding as follows:
 - a. From ECP-002-10 – Banwell Rd. Infrastructure Improvements to ENG-003-23 – E.C. Row/ Banwell Interchange
 - i. \$73,718 in 2024 and \$2,180,642 in 2025 of Pay-As-You-Go funding (Fund 169)
 - ii. \$930,075 in 2024 and \$313,733 in 2025 of Service Sustainability Investment funding (Fund 221); and,
 - b. \$3,300,000 in 2024 Development Charges – Roads & Related (Fund 115) to EDG-001-11 – Lauzon Parkway & County Rd. 42 Infrastructure Improvements; and,
- III. THAT City Council **APPROVE** the transfer of one-time funding in the amount of \$750,000 from the Corporate Fleet Replacement Reserve Fund 136 and \$20,000 from the Off-Road Equipment Reserve Fund 197 to provide additional funding for approved 2022 and 2023 equipment replacements; and,

- IV. THAT the CFO/City Treasurer BE DIRECTED to affect the above noted changes in the applicable 2024 & 2025 Budgets so that funds are available for immediate use.

Executive Summary:

N/A

Background:

In the fall of each year, Administration brings forward a report requesting pre-approval of capital budget funding for specific projects that have been approved in principle for funding for the next year. Early approval of these capital projects by City Council, prior to the completion of the annual capital budget process, allows for:

- (i) The City to maximize the number of competitive bids, thus reducing the cost to the City; and,
- (ii) Various engineering and ministry approvals to be completed earlier; and,
- (iii) Construction to be completed during the best weather, reducing construction time costs, City exposure to claims and ensuring completion within the construction season; and,
- (iv) The City to obtain current model year build dates from dealers in order to submit their bids and allow for equipment to be available when required to meet corporate service delivery requirements; and,
- (v) Long-lead items to be purchased and delivered without impacting construction schedules; and,
- (vi) Preliminary works such as design, investigations, utility relocations and land acquisition to proceed in advance of total funding being available for construction for large projects that are funded over multiple years.

Discussion:

Administration is submitting this pre-approval report in order to allow preliminary works, tendering and construction of projects in a timely manner.

For 2024, the recommended projects include both road and sewer construction projects and fleet equipment replacements, are set out in Appendix "A", and identify a pre-approval requirement of \$19,438,240.

The Banwell/EC Row Interchange and Lauzon Parkway/County Road 42 projects are priority projects that directly relate to and support major development projects of significance, namely the NextStar electric vehicle battery plant and Windsor-Essex regional acute care hospital. Pre-approval of funding in the years 2024 and 2025 will allow these projects to proceed with preliminary works, including but not limited to detailed design, site investigations, land acquisition and preliminary utility relocation activities so as to expedite the overall project timelines to the extent possible using available funding.

The various other sewer, road, and parks projects identified are planned for construction during the 2024 construction season. In order to start this work as soon as possible, tendering in the fall of 2023 will allow for work to commence in spring 2024. Postponing the tendering will result in the work being pushed out and creates a risk of increased costs. Administration also seeks to spread out the sewer and road work planned each year considering the impacts of detours and available resources.

In addition to the projects noted above, a selected number of vehicles from the Fire First Response, Parks Equipment and Corporate fleet replacement plans are being recommended for pre-approval. Post pandemic conditions continue to result in delays, changes and cancellations in the automotive sector due to a lack of product availability. The unstable market has resulted in fluctuating and increased purchase prices on equipment in most cases.

Equipment is evaluated and condition is assessed annually prior to the development of the capital budget. Factors include age, usage, repair history, expected maintenance and repairs, departmental requirements, availability of parts, condition ratings, mileage, idle time, technological requirements, ergonomics, safety, and replenishment of the pool and resale value. All Fleet units identified for replacement in the report in Appendix A and B are at the end of their useful life and in poor condition. If the equipment fails, the department risks being able to maintain the level of service required and expected, and will likely result in an increased number of complaint calls to the City.

In addition to the equipment pre-approval request for 2024 replacements, Administration is also requesting approval for a one-time transfer of dedicated reserve funding to enable replacement of units previously approved for replacement for both the Corporate Fleet and Parks off-road equipment as outlined in Appendix "B". Current pricing for the approved replacements is greater than previously budgeted, and without a one-time increase in funding, Administration is unable to purchase the required equipment. The replacement costs identified in this report represent estimated costs, but given the significant inflationary pressures continuing in 2023, there is a risk that pricing may be higher than anticipated.

Purchasing By-law 93-2012 provides the following approval authority:

"Administrative Approval"

37. *The CAO may:*

(a) Approve a requisition and make an Award of up to \$150,000, provided the funds have been included in the Council-approved operating or capital budget.

(b) approve a requisition and make an award of and RFT of any dollar value provided the funds have been included in the council-approved operating or capital budget, and the RFT Response does not exceed that approved budget;

*(c) Delegate his or her authority in this section to any employee. **(Deleted and Replaced B/L 145-2014 August 25, 2014)***”

In accordance with normal practice, the above noted delegation of authority, and the pre-approval of the budget amount as noted herein, the procurements will be awarded to the successful bidder and reported within the semi-annual Delegation of Authority report by the CAO.

Risk Analysis:

Financial Risk:

Pre-approval allows for strategic timely issuance of procurements and acquisitions to take advantage of better pricing and allows construction to proceed in a timely manner.

If pre-approval is not granted, the noted 2024 Capital construction works will not be awarded until after the Capital Budget is approved.

Fleet units identified are at or near the end of their life cycle. Any delay may result in costly repairs and the various departments risk not being able to provide their expected levels of service. Significantly increased replacement costs have continued through 2023 and municipal discounts have been significantly reduced and/or eliminated. As a result, there is a risk of additional price increases over and above the budget estimates included in Appendices A and B, which are based on current market pricing available at the time of the preparation of this report.

If the one-time reserve funding allotment requests are not approved, equipment replacement priorities will need to be re-prioritized and the replacement of some units may not be possible. Current approved funding levels are insufficient, especially for the replacement of specialty equipment, as the costs for these vehicles are much higher than anyone anticipated. The increases for these specialized vehicles have been much higher than the general inflation.

The impacts of inflation and production issues will continue to affect the replacement of vehicles going forward in the 10-year capital replacement plans. As in previous years, Administration has updated the reserve projections to include as much of the known impacts as possible, based on the most recent pricing. The reserve projections will continue to be updated annually and any required budget adjustments will be brought forward as part of the annual budget process.

Resource Risk:

Tendering projects early allows Administration to maximize the number of competitive bids received. Tender prices tend to be lower earlier in the season as contractors are looking to secure the early contracts. Construction can proceed in a timely manner and dealers can obtain 2024 model year build dates, vehicles, and equipment.

If pre-approval is not granted, 2024 fleet replacements will not be tendered until after the Capital Budget is approved which will affect the ability to obtain 2024 model year vehicles and equipment.

Timing Risks:

Timing is key to securing the best bids from the most contractors possible. The later projects are tendered, the fewer the contractors that bid, and generally the higher the tender prices are.

Waiting until the entire Capital Budget is approved may affect these projects scheduled to be tendered in November, December, and January. This schedule is prime time to solicit bids for work to start as early as weather allows.

The pandemic has created supply chain issues that have affected the availability of vehicles and equipment and delayed delivery dates. Dealers have been limiting ordering windows. Waiting for 2024 budget approval jeopardizes the City's ability to place orders as well as the availability of equipment to be in service to meet their service delivery needs.

Community Impact Risk:

It is essential that tenders get out earlier in the season in order to ensure that a project can be completed within the construction season. If a tender cannot be awarded early enough, final restoration of grassed areas may be delayed until the following season.

Climate Risk:

Climate Change Mitigation Risk:

Construction will result in GHG emissions that are accounted for within the Community GHG emissions inventory. Construction emissions in general will be offset by improved drivability and functionality of the infrastructure. Upgrading various park fleet assets will result in more current technology, which generally should result in lower GHG emissions.

As vehicles are replaced, consideration is given to alternative fuel vehicles when available and operationally feasible. Integration of alternative fuel vehicles will have a positive impact on decreasing emissions and reducing the cost of fuel.

Climate Change Adaptation Risk:

The life and service levels of roads, sewer, and park infrastructure may be impacted by a number of climate variables including temperature extremes and precipitation. Sewer and drainage work should assist in maintaining these assets in good working condition during significant precipitation. Maintaining these assets in good/excellent condition increases the resiliency of the infrastructure.

Financial Matters:

The recommended projects noted in Appendix “A” total \$19,438,240 in 2024 & 2025 funding. The bulk of this funding was previously approved in principle in the 2023 10-Year Capital Budget, CR B5/2023.

It should be noted that the majority of the funding sources for the \$19,438,240, in particular sewer surcharge, development charges, reserve funds, and Canada Community – Building fund, have limited flexibility in the types of projects for which they are to be used. Appendix A provides details on the specific funding sources for each project. The pre-approval of this funding is consistent with the current capital budget guidelines in that these assets require replacement, and in some cases if they fail will reduce current service levels expected. In addition, tendering during the fall of 2023 will ensure better pricing than experienced for tenders in spring/summer.

Fleet replacements are funded by the appropriate and associated dedicated reserve fund. To ensure sustainability in each of these reserves, Administration completes a full review of all replacement plans and reserve projections annually during budget development. Administration has factored the one-time funding requests of \$750,000 from the Corporate Fleet Reserve Fund 136 and \$20,000 from the Off-Road Equipment Reserve Fund 197 into the 10-year reserve projections as prepared for the 2024 budget development. Given the recommendation to transfer additional funding from the dedicated reserves is based on estimated vehicle & equipment costs, any remaining surplus funds will be returned to the respective reserves to be used to fund future year acquisitions.

Consultations:

Carrie McCrindle – Financial Planning Administrator

Kathy Buis – Financial Planning Administrator - Engineering

Cindy Becker – Financial Planning Administrator – Public Works

Mark Friel – Financial Planning Administrator – Facility Operations

Erika Benson – Financial Planning Administrator – Parks

Natasha Gabbana – Senior Manager of Asset Planning

Tony Ardovini – Deputy Treasurer Financial Planning

Linda Mancina – Manager of Administration – Infrastructure Services

Alex Vucinic – Purchasing Manager

Colleen Middaugh – Manager of Corporate Projects

Derek Thachuk – Supervisor, Assets & Facilities Projects

Patrick Robitaille – Project Administrator

Ryan Langlois – Water/Wastewater Engineer

Charles Hartford – Contracts Coordinator

Chad Goebel – (A) Manager, Fleet Operations

Shawna Boakes – Executive Director of Operations/Deputy City Engineer

Wadah Al-Yassiri – Manager of Parks Development

James Chacko – Executive Director, Parks & Facilities

Chris Manzon – ENWIN Utilities

Conclusion:

In order to take advantage of competitive pricing for early 2024, to proceed with preliminary works and to secure fleet replacement pricing, it is recommended that Council approve the pre-commitment of \$19,438,240. The recommended projects are the result of an extensive review of the best projects for pre-approval balanced with the goal of approving the bulk of capital projects as part of the annual budget deliberations.

It is also recommended that Council approve one-time transfers of funding from the Corporate Fleet Replacement Reserve Fund 136 and Off-Road Equipment Replacement Reserve Fund 197 to provide additional funds needed for 2022 and 2023 approved replacements as a result of significantly higher vehicle and equipment costs.

Planning Act Matters:

N/A

Approvals:

Name	Title
Fahd Mikhael	Manager of Design
Michael Dennis	Finance Manager, Asset Planning

Name	Title
Stacey McGuire	Executive Director of Engineering /Deputy City Engineer
Chris Nepszy	Commissioner, Infrastructure Services
Ray Mensour	Commissioner, Community Services
Shelby Askin Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	Commissioner, Corporate Services CFO / City Treasurer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Chris Manzon EnWin Utilities - Water	3665 Wyandotte St E, Windsor, ON N8Y 1G4	cmanzon@enwin.com

Appendices:

- 1 Appendix 'A' - 2024 Captial Budget Pre-Approval Report
- 1 Appendix 'B' - One-Time Funding Requirements - Dedicated Reserves

APPENDIX “A”

Priority Tender Capital Budget Submission (2024)

2024 Capital Budget Pre-Approval – Engineering

Sewer Related Recommended 2024 Pre-Approval \$4,400,000

PROJECT	BUDGET	FUNDING SOURCE	QUESTICA ID
*City Wide Sewer Rehabilitation Program	\$4,400,000	Sewer Surcharge	ECP-035-07

** Use of pre-approved funding will allow design and/or tender to proceed on the most viable project available with prioritization considering the activation of works by coordinating with utilities. This will allow for synergies in resources and funding.*

2024 Capital Budget Pre-Approval – Corporate Projects

E.C. Row/ Banwell Interchange Pre-Approval \$3,498,168

Funding reallocations from ECP-002-10 – Banwell Rd. Infrastructure Improvements to ENG-003-23 – E.C. Row/ Banwell Interchange

PROJECT	PROJECT ID	AMOUNT	FUNDING SOURCE	FUNDING YEAR
E.C. Row/ Banwell Interchange	7233000	\$73,718	Pay-As-You-Go (F169)	2024
E.C. Row/ Banwell Interchange	7233000	\$2,180,642	Pay-As-You-Go (F169)	2025
E.C. Row/ Banwell Interchange	7233000	\$930,075	Service Sustainability Investment (F221)	2024
E.C. Row/ Banwell Interchange	7233000	\$313,733	Service Sustainability Investment (F221)	2025

2024 Capital Budget Pre-Approval – Development

Lauzon Parkway & County Rd. 42 Infrastructure Improvements Pre-Approval \$3,300,000

PROJECT	PROJECT ID	AMOUNT	FUNDING SOURCE
Lauzon Parkway & County Rd. 42 Infrastructure Improvements	7197000	\$3,300,000	Development Charges – Roads & Related (F115)

APPENDIX "A"

Priority Tender Capital Budget Submission (2024)

2024 Capital Budget Pre-Approval – Operations

Road Rehab (OPS-001-07) recommended 2024 Pre-Approvals \$4,324,800

STREET	FROM	TO	BUDGET	FUNDING SOURCE
Mercer	Shepherd	Hanna	\$1,400,000	Canada Community-Building Fund (CCBF) (Fund 176)
Moy	Tecumseh	Ypres	\$400,000	Canada Community-Building Fund (CCBF) (Fund 176)
Tecumseh Rd E	Central	Pillette	\$200,000	Canada Community-Building Fund (CCBF) (Fund 176)
Oak	Riverside	University	\$650,000	Canada Community-Building Fund (CCBF) (Fund 176)
Ellis	Gladstone	Parent	\$1,600,000	Canada Community-Building Fund (CCBF) (Fund 176)
	Non-Refundable HST Cost		\$74,800	Canada Community-Building Fund (CCBF) (Fund 176)

Fleet Replacements recommended 2024 Pre-Approvals \$2,031,272

UNIT	DESCRIPTION	FLEET AREA	BUDGET	FUNDING SOURCE	QUESTICA ID
3036	2015 F250 Crewcab 4x4 Pick up	Fire	\$77,520	Fire Major Equipment Reserve (Fund 163)	FRS-001-07
	Non-Refundable HST Cost		\$1,364	Fire Major Equipment Reserve (Fund 163)	FRS-001-07
		Fire Subtotal	\$78,884	Fire Major Equipment Reserve (Fund 163)	FRS-001-07
0276	2017 Chevrolet 2500 Cargo Van	Corporate	\$61,200	Equipment Replacement Reserve (Fund 136)	OPS-005-08
0405	2017 Dodge Caravan	Corporate	\$53,040	Equipment Replacement Reserve (Fund 136)	OPS-005-08
0651	2017 Silverado 2500 Crew Cab Pick up	Corporate	\$73,440	Equipment Replacement Reserve (Fund 136)	OPS-005-08
0654	2017 F150 Ext Cab Pick up	Corporate	\$58,140	Equipment Replacement Reserve (Fund 136)	OPS-005-08
3017-3018	2012 3500 Ext Cab 4X4 Pick ups	Corporate	\$183,600	Equipment Replacement Reserve (Fund 136)	OPS-005-08
0930-0931	2016 F550 4x4 Dump/Plow Trucks	Corporate	\$306,000	Equipment Replacement Reserve (Fund 136)	OPS-005-08
1228	2007 Aerial Bucket Truck	Corporate	\$418,200	Equipment Replacement Reserve (Fund 136)	OPS-005-08
1319	2011 International Sewer Vactor Tuck	Corporate	\$765,000	Equipment Replacement Reserve (Fund 136)	OPS-005-08

APPENDIX “A”

Priority Tender Capital Budget Submission (2024)

	Non-Refundable HST Cost		\$33,768	Equipment Replacement Reserve (Fund 136)	OPS-005-08
		Corporate Subtotal	\$1,952,388	Equipment Replacement Reserve (Fund 136)	OPS-005-08

Fleet submission above is based on preliminary capital replacement projections for 2024.

2024 Capital Budget Pre-Approval – Parks and Facilities

Parks and Facilities Related Recommended 2024 Pre-Approval \$1,884,000

PROJECT	BUDGET	FUNDING SOURCE	QUESTICA ID
Park Lighting Replacement	\$100,000	Service Sustainability Investment (Fund 221)	PFO-003-19
Parks & Recreation Service and Infrastructure Program	\$395,000	Service Sustainability Investment (Fund 221)	PFO-005-19
Park Bench Replacement	\$50,000	Service Sustainability Investment (Fund 221)	PFO-010-20
Parks Trails Capital Rehabilitation Program	\$100,000	Service Sustainability Investment (Fund 221)	PFO-012-12
Windsor International Aquatic Training Center – Ongoing Capital	\$150,000	WIATC Capital Maintenance Reserve (Fund 209) \$150,000	ENG-006-17
Corporate Facilities Roof Replacement Program	\$400,000	Service Sustainability Investment (Fund 221)	HCP-002-07
Fountain Restoration and Repairs	\$250,000	Service Sustainability Investment (Fund 221)	PFO-002-19
Park-Related Parking Lots Capital Upgrades	\$100,000	Pay As You Go Capital Reserve (Fund 169) \$25,000 Service Sustainability Investment (Fund 221) \$75,000	PFO-013-12
Parks Drainage Improvement	\$175,000	Sewer Surcharge (Fund 153)	PFO-002-21
Recycling Silos in Parks	\$64,000	Pay As You Go Capital Reserve (Fund 169)	PFO-006-19
Park Bridges/Shelters/Buildings/Capital Rehabilitation Program	\$100,000	Service Sustainability Investment (Fund 221)	PFO-009-12

Appendix B

One-Time Funding Requirements for 2022 and 2023 Approved Fleet Replacements

CORPORATE FLEET REPLACEMENTS							
Funded from the Corporate Fleet Equipment Replacement Reserve Fund 136							
Unit	Description	Previous Replacement Cost	Funding Approved 2022 Replacements	Funding Approved 2023 Replacements	Funding Approved 2022 Additions	Estimated 2023 Purchase Price	Additional Funding Required
Class 120 - CUBE VANS (Life Cycle 9 - 11 Years)							
304	2012 GMC SAVANA UNICELL VAN	46,655		61,200		95,000	33,800
Class 145 - MINI VANS (Life Cycle 7 - 9 Years)							
383	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
384	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
385	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
386	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
387	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
388	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
389	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
390	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
391	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
392	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
393	2014 DODGE GRAND CARAVAN	19,795	35,700		14,741	52,000	1,559
3025	2013 DODGE GRAND CARAVAN MINIVAN	18,594	-	45,900		52,000	6,100
Class 220 - REGULAR PICKUPS (Life Cycle 7 - 9 Years)							
719	2016 FORD F150 PICKUP REG CAB 8' BOX	32,081	-	40,800		52,000	11,200
720	2016 FORD F150 PICKUP REG CAB 8' BOX	32,081	-	40,800		52,000	11,200
721	2016 FORD F150 PICKUP REG CAB 8' BOX	32,081	-	40,800		52,000	11,200
722	2016 FORD F150 PICKUP REG CAB 8' BOX	32,081	-	40,800		52,000	11,200
723	2016 FORD F150 PICKUP REG CAB 8' BOX	32,081	-	40,800		52,000	11,200
Class 230 - SERVICE BODY UTILITY (Life Cycle 9 - 11 Years)							
750	2012 GMC SAVANA CUTAWAY STAHL HI-ROOF	54,847	-	76,500		130,000	53,500
751	2012 GMC SAVANA CUTAWAY STAHL HI-ROOF	54,847	-	76,500		130,000	53,500
752	2013 FORD F350 SUPER DUTY SERVICE TRUCK	51,802	61,200	-		110,000	48,800
753	2014 FORD F350 SUPER DUTY DUMP TRUCK	62,023	-	102,000		110,000	8,000
754	2014 FORD F350 SUPER DUTY DUMP TRUCK	46,713	-	61,200		125,000	63,800
Class 330 - 22000 TO 28000 GVW TRUCKS (Life Cycle 10 - 12 Years)							
946	2008 STERLING ACTERRA CHIPPER TRUCK	80,917	142,800	-		190,000	47,200
Class 360 - 33000 TO 35000 GVW TRUCKS (Life Cycle 10 - 12 Years)							
971	2010 NAVISTAR 7400 SFA DUMP SALTER PLOW	107,041	-	229,500		273,800	(4,500)
Class 603 - SEWER RODDERS - TRUCK MOUNTED (Life Cycle 12 - 15 Years)							
1360	1999 FORD F450 XL TRUCK	139,006	255,000	-		750,000	495,000
Class 608 - SEWER BUCKET MACHINES (Life Cycle 20 Years)							
1369	1985 SRECO PULLBACK SEWER BUCKET	21,583	-	91,800		-	(91,800)
1370	1985 SRECO LOADER	21,484	-	114,240		-	(114,240)
Class 640 - BRUSH CHIPPER (Life Cycle 10 - 15 Years)							
1439	2013 VERMEER BC1500 WOOD CHIPPER	49,594	-	122,400		160,000	37,600
Class 665 - LARGE SNOW PLOWS (Life Cycle 9 - 11 Years)							
0971P	2011 VIKING CHIVES MONASHEE LARGE PLOW	58,222	61,200	-		61,200	-
Class 710 - SNOWBLOWER DIESEL (Life Cycle 20 Years)							
1620	1978 VOHL SNOW BLOWER	76,072	-	234,600		250,000	15,400
Estimated Funding Required excluding HST							725,314
Add: Unrecoverable HST Cost							12,766
							738,079
Add: Contingency							11,921
Total Estimated One-Time Funding Requirement:							750,000

OFF-ROAD EQUIPMENT REPLACEMENTS
Funded from the Parks Off-Road Equipment Replacement Reserve Fund 197

Unit	Description	Previous Replacement Cost	Funding Approved 2022 Replacements	Funding Approved 2023 Replacements	Funding Approved 2022 Additions	Funding Approved Greening the Fleet	Estimated 2023 Purchase Price	Additional Funding Required
Class 5000 - ZAMBONIS - (LIFE CYCLE 8-10 YEARS)								
5004	2008 ZAMBONI RESURFACING ICE MACHINE	78,905	107,100		50,000		162,146	5,046
5007	2009 ZAMBONI RESURFACING ICE MACHINE	80,450		107,100		50,000	162,146	5,046
5012	2005 ZAMBONI RESURFACING ICE MACHINE	75,330	107,100		50,000		162,146	5,046
Estimated Funding Required excluding HST								15,139
Add: Unrecoverable HST Cost								266
								15,405
Add: contingency								4,595
Total Estimated One-Time Funding Requirement:								20,000



Council Report: C 142/2023

**Subject: Provincial Road/Division Road Corridor Improvements Phase 3
– Noise Bylaw Exemption – Ward 9**

Reference:

Date to Council: September 18, 2023

Author: Paul Mourad

519-255-6100 ext. 6119

pmourad@citywindsor.ca

Engineering - Design

Engineering

Report Date: September 8, 2023

Clerk's File #: SW/14454

To: Mayor and Members of City Council

Recommendation:

- I. That an exemption to Noise By-law 6716 (as amended), **BE GRANTED** to Green Infrastructure Partners for the operation of construction equipment required to complete the Provincial Road Phase 3 concrete pavement from Legacy Park Drive to just west of Sixth Concession Road from September 19, 2023 until November 10, 2023.
- II. That the Chief Administrative Officer **BE AUTHORIZED** to grant extensions to this exemption as may be required.

Executive Summary:

N/A

Background:

Tender 32-22 Provincial/Division Corridor Improvements, Phase 3, has been in construction since September 2022. Green Infrastructure Partners Inc. is the Contractor for this work, as per CAOP 105/2022 approval of the award of tender. The Phase 3 work on Provincial Road includes the construction of a four-lane concrete road including turning lanes, multi-use trails, trunk storm sewer, water main and upgraded street

lighting. The Contractor is currently working on the concrete pavement phase of construction from Legacy Park Drive to just west of Sixth Concession Road.

Discussion:

Noise By-Law 6716 includes the following prohibitions as per Table 3-1: *“The operation of any equipment in connection with construction with Prohibited Period of Time of 8:00 p. m. to 6:00 a.m.”*

The Contractor has requested an exemption to the Noise By-Law 6716 be granted to permit the operation of construction equipment required to complete the concrete pavement on Provincial Road Phase 3, from Legacy Park Drive to just west of Sixth Concession Road.

The request is tentatively scheduled for the period from September 19 to November 10. There will be a total of 4-5 night shifts during this time period with no more than 2 night shifts occurring consecutively. Once the north side of Provincial Road is completed, traffic would be shifted to the north side and concrete pavement work would commence on the south side of Provincial Road until completion.

Traffic volumes along this busy corridor impact the delivery of concrete to the site and delay production on any given day. Working at night would expedite the concrete delivery and therefore the concrete pavement work. This would also accelerate the overall construction schedule to reduce the potential impacts related to winter conditions, provide a better overall product and minimize construction impacts to local businesses.

Under this proposed scenario only one side of the road will be constructed at a time and no additional impacts to commuter traffic, business deliveries or emergency services are expected. Traffic, transit and emergency service impacts will continue to be mitigated and handled through approved Traffic Control Plans.

No additional impacts to properties are foreseen other than the potential noise impacts. Notifications will be delivered to all affected property owners and businesses prior to work commencing at each location.

Risk Analysis:

Approving the Noise By-Law exemption would decrease the impact to local businesses by reducing the overall construction duration, such decrease which would not be achieved should the exemption be denied. The risk of encountering winter conditions which could delay the construction and affect the concrete pavement quality and long-term maintenance costs may be mitigated by approving the Noise By-law exemption.

Climate Change Risks

Climate Change Mitigation:

This by-law exemption does not pose a risk to climate change.

Climate Change Adaptation:

N/A

Financial Matters:

The night work would add additional consulting costs for nightly inspection work but would expedite the overall construction work schedule. Therefore, it is anticipated there will be no impact on the approved contract value.

The costs for above noted contract continue to be charged to chartfield 007-5410-7P07-19003-7086003.

Consultations:

Dillon Consulting Limited

Field Operations

Conclusion:

If approved, the Contractor will plan to work night shifts for the Provincial Road concrete pavement work from Legacy Park Drive to just west of Sixth Concession Road starting September 19 to November 10. There will be a total of 4-5 night shifts with no more than 2 night shifts occurring consecutively during this time period.

Planning Act Matters:

N/A

Approvals:

Name	Title
Paul Mourad	Engineer III
Jane He	Acting Manager, Design
Kathy Buis	Financial Planning Admin.
Stacey McGuire	Executive Director of Engineering
Chris Nepszy	Commissioner, Infrastructure
Shelby Askin-Hager	Commissioner, Legal & Legislative Services
Janice Guthrie	Commissioner, Corporate Services, Chief Financial Officer
Joe Mancina	Chief Administrative Officer

Notifications:

Name	Address	Email
Chris Patten, Dillon Consulting Limited	3200 Deziel Drive, Suite 608 Windsor, Ontario N8W 5K8	cpatten@dillon.ca
Kendra Dupuis, Green Infrastructure Partners Inc.	485 Little Baseline Rd. Tecumseh, Ontario N8N 2L9	kdupuis@gipi.com

Appendices:

BY-LAW NUMBER 124-2023

A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 18th day of SEPTEMBER, 2023

Passed the 18th day of September, 2023.

WHEREAS it is deemed expedient that the proceedings of the Council of The Corporation of the City of Windsor at this meeting be confirmed and adopted by by-law;

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

1. The action of the Council of The Corporation of the City of Windsor in respect to each recommendation contained in the Report/Reports of the Committees and the local Boards and Commissions and each motion and resolution passed and other action taken by the Council of The Corporation of The City of Windsor at this special meeting is hereby adopted and confirmed as if all such proceedings were expressly in this by-law.
2. The Mayor and the proper officials of The Corporation of the City of Windsor are hereby authorized and directed to do all things necessary to give effect to the action of the Council of The Corporation of the City of Windsor referred to in the preceding section hereof.
3. The Mayor and the City Clerk are authorized and directed to execute all documents necessary in that behalf and to affix thereto the seal of The Corporation of the City of Windsor.

DREW DILKENS, MAYOR

CITY CLERK

First Reading - September 18, 2023
Second Reading - September 18, 2023
Third Reading - September 18, 2023