/cv
Monday, March 6, 2023 4:30 p.m.
Development & Heritage Standing Committee

ADDITIONAL INFORMATION

***Planning Act* Matters**

Item 7.3 Official Plan & Zoning Bylaw Amendments, Draft Plan of Subdivision Applications - Z 027-22 [ZNG-6832], OPA 163 [OPA-6833], SDN001/22 [SDN6834] - 1027458 Ontario Inc. - 0 Clover Avenue - NE Corner Florence & Beverly Glen - Ward 7

a) Kim Darroch, Essex Region Conservation Authority (ERCA), Team Lead, Planning Servicses submitting the ***attached*** letter dated August 15, 2022
b) Paul Charbachi, VIA Rail, submitting the ***attached*** email correspondence dated March 1, 2023
c) Enbridge Gas Inc., submitting the ***attached*** email correspondence dated February 9, 2023

DELEGATIONS:

***Planning Act* Matters**

Item 7. 1 Zoning By-law Amendment Application for property known as 478 Janette Avenue; Applicant: 1413600 Ontario Ltd.; File No. ZZ-029/22, ZNG/6847; Ward 3

a) Justina Nwaesei, Planner III, Subdivisions (PowerPoint)

Item 7.2 Approval of a Plan of Condominium with Exemption under Section 9(3) of the Condominium Act, 4755, 4775 & 4785 Walker Road; Applicant: 5042667 Ontario Ltd.; File # CDM 002-22 [CDM-6829]

a) Justina Nwaesei, Planner III, Subdivisions (PowerPoint)
b) Haider Habib, HD Development Group, available for questions (via Zoom)
c) Steve Berrill, ADA Architect, available for questions (via Zoom)

Item 7.3 Official Plan & Zoning Bylaw Amendments, Draft Plan of Subdivision Applications - Z 027-22 [ZNG-6832], OPA 163 [OPA-6833], SDN001/22 [SDN6834] - 1027458 Ontario Inc. - 0 Clover Avenue - NE Corner Florence & Beverly Glen - Ward 7

a) Jim Abbs, Senior Planner – Subdivisions (PowerPoint)
b) Karl Tanner, Dillon Consulting Limited, available for questions (via Zoom)

DELEGATIONS:
***Heritage Act* Items**

Item 10.1 436 Askin Avenue – Heritage Permit Request (Ward 2)
a) Allen Djordevic, applicant / area resident (via Zoom)
b) Frank Butler, area resident (in person)

DELEGATIONS:
Administrative Items

11.1. Closure of part of E. C. Row Avenue East right-of-way, west of Banwell Road, Ward 9, SAS-6835 **(C 155/2022)**
a) Wendy Victory, Victory Reproductive Care (in person)

Essex Region Conservation
the place for life

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

August 15, 2022

Mr. Jim Abbs, Senior Planner
City of Windsor
350 City Hall Square West, Suite 210
Windsor, Ontario, N9A 6S1

Dear Mr. Abbs:

RE: Request for Comments
Draft Plan of Subdivision (SDN-001-22)
Zoning By-Law Amendment (Z-027-22 [ZNG 6832]) & OPA 163 [OPA 6833]
0 BEVERLY GLEN ST
ARN 373906046021945, 373906046022045, 373906046021845;
PIN: 015961168, 015961169, 015961167
Applicant: 1027458 ONTARIO INC

Our office has reviewed this proposal based on the mandate of the Essex Region Conservation Authority and the following comments are provided.

The proposed development includes the construction of 117 townhome dwellings, and two 2 new rights-of-way, consisting of the extensions of Thunderbay Avenue and Ivanhill Avenue. The proposed development also includes a Greenway, which overlays the existing easement containing a trunk sewer that crosses the site. An Official Plan Amendment is proposed to change the land use designation on a portion of the subject site from Open Space and School Site to Residential Neighbourhood in the East Riverside Planning Area. The area set aside for School Sites were previously zoned to HRD2.3 to permit the same uses as those that currently exist in the North Neighbourhood Area. The former school sites that make up remainder of the subject site is designated as Residential Neighbourhood.

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

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

The above noted lands are subject to our *Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the* Conservation Authorities Act *(Ontario Regulation No. 158/06)*. The parcel falls within the regulated area of the Little River and Detroit River / Lake St. Clair.

The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority, prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

Essex Region Conservation Authority
sustaining the place for life

Mr. Abbs
August 15, 2022

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

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

SECTION 1.6.6.7 Stormwater Management (PPS, 2020)

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site.

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

We therefore request inclusion of the following draft conditions be included in the Notice of Decision and implementing Subdivision / Development Agreement:

1.That the subdivision agreement, between the Owner and the Municipality, contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulates, that prior to obtaining final approval, for any phase of the development, that the Owner, will finalize an engineering analysis, to identify stormwater quality and quantity measures, as necessary to control any increase in flows in downstream watercourses, in accordance with the *Windsor-Essex Region Stormwater Management Standards Manual* and any other relevant municipal/provincial, standards or guidelines, in consultation with the ERCA;

2.That the subdivision agreement between the Owner and the Municipality contain provisions, that requires, that the Owner, installs the stormwater management measures, for any phase of the development, identified in the final engineering analysis completed, as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Essex Region Conservation Authority;

3.That prior to final approval the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans, reports and requirements noted above; and

4.That prior to undertaking construction or site alteration activities, any necessary permits or clearances, be received, from the Essex Region Conservation Authority, in accordance with Section 28 of the *Conservation Authorities Act*. If the works are located within an area, not regulated by Section 28 of the *Conservation Authorities Act*, then a Development Review Clearance, must be obtained from the Essex Region Conservation Authority, prior to undertaking construction or site alteration activities.

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

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

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

Our information indicates that the subject property may support habitat of endangered species and threatened species. As per Section 2.1.7 of the PPS, 2020 – "*Development and site alteration shall not be permitted in habitat of endangered species and threatened species, except in accordance with provincial and federal requirements*". All species listed as endangered or threatened (aquatic species, plants, mammals, birds, reptiles, amphibians, etc.) as well as their related habitats, are protected under the Ontario *Endangered Species Act*.

Prior to initiating any proposed works on this property, it is the proponent's responsibility to contact the Species at Risk Branch of the Ontario Ministry of Environment, Conservation & Parks (MECP) to ensure all issues related to the *Endangered Species Act* are addressed. All inquiries regarding the *Endangered Species Act* should be made with Permissions and Compliance Section of the MECP (e-mail address: SAROntario@ontario.ca).

FINAL RECOMMENDATION

We have no objections to the development applications at this time, subject to the draft conditions noted above for the draft plan of subdivision.

We do ask that the City, in this case, to forward a copy of the Notice of Decision, Notice of Passing and Notice of Adoption for our records. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Kim Darroch

Kim Darroch, B.A.(Hons.), M.PL., RPP, MCIP
Team Lead, Planning Services
/kd

From: Paul Charbachi <Paul_Charbachi@viarail.ca>
Sent: Wednesday, March 1, 2023 3:37 PM
To: Dama, Janice <jdama@citywindsor.ca>
Subject: RE: PUBLIC NOTICE: Z 027-22 [ZNG-6832] & OPA 163 [OPA-6833] & SDN 001-22 [SDN-6834] - 1027458 ONTARIO INC. - NE CORNER FLORENCE & BEVERLY GLEN Clerk's Files: Z/14458 & ZO/13950

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.

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

- **Transport Canada**:
- *Railway Safety Act*, Part III, Sections 24 and 25.
- **For Clearance**:
- *Railway Right of Way Access Control Policy*;
- *Wire Crossings and Proximities Regulations* – C.R.C., c. 1195;
- *Standards Respecting Railway Clearances* – TC E-05;
- Notice of Railway Works Regulations, a copy of the notice must be sent to VIA.

- **Traffic control near a railways**:
- *Circular 13 Railway Association of Canada*

For Grade Crossings:

- *Grade Crossings Regulations*;
- The provisions that must be adhered to with respect to the creation of new entrance ways or intersecting roads from the nearest rail. Reference GCR Sub-Section 101(1) and Grade Crossings Standards Article 11.
- *Grade Crossings Standards*;
- *Transport Canada Standard for LED Signals Modules at Highway/Railway Grade Crossings* – TC E-14;
- *Minimum Railway/Road Crossing Sightline Requirements for All Grade Crossings Without Automatic Warning Devices* – G4-A.
- The requirements surrounding sightlines, of which any construction or activities (Duplex development) on the property or new properties must ensure they do not obstruct the required minimum grade crossing sightlines. (reference Section 21 of the GCR).

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

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

- **The Federation of Canadian Municipalities and the Railway Association of Canada**:
- *Guidelines for New Development in Proximity to Railway Operations*.
- **Other**:
- Proper fencing must be included or planned to be installed in order to avoid any trespassing or intrusions into the VIA right-of-way;
- All fence maintenance will be done on the Applicant expense.

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

- **Utilities**:
- Electrical and Gas Supply

VIA would like assurances from the City and the Applicant that the new development will not negatively impact on the capacity, availability, stability of the supply and future growth capability thereof.

- Communications

VIA would like assurances from the City and the Applicant, that the new development will not impact VIA's operations as a result of potential alterations to the existing cellphone towers or any other fibre-optic infrastructures supplying the VIA station and property.

- **Water & Wastewater**:
- Drainage Sanitary/Storm

VIA would like assurances that the new development will not limit or interfere with its operations, specifically the main sanitary drainage that runs South-to-North from the Train Yards, through VIA's property towards the proposed development. Refer to the blue dashed line of Exhibit A, attached to this letter.

- Water supply

VIA would like assurances that the new development will not affect the supply and water pressure that is provided for the station.

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

Confirmation that the New Development access/exits, and traffic volumes will not affect or interfere VIA traffic circulation. VIA also needs confirmation that Avenue L (yellow dotted line shown on Exhibit A), as well as the access to it, will be kept for our operations and upcoming growth.

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

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

When and where the City's or the Applicant's actions, whether direct or indirect, negatively impact any of the above, VIA's operations, and or VIA's property, VIA wants assurances from the City and

the Applicant that they will take all necessary and possible steps to mitigate or eliminate those impacts.

In light of our requests, VIA requires the City and the Applicant to indemnify VIA against any and all claims, damages or proceedings (including legal costs and other costs and expenses) that may arise in relation to the non-compliance to any condition contained in this letter.

Should you have any questions or concerns, please feel free to contact the undersigned.

Sincerely,

Paul Charbachi
Infrastructure Engineer
M: 514-607-5833
Paul_Charbachi@viarail.ca

March 6, 2023
Development & Heritage Standing Committee
Item 7.3 - Written Submission

From: Dama, Janice
To: Vacheresse, Christina
Subject: RE: PUBLIC NOTICE: Z 027-22 [ZNG-6832] & OPA 163 [OPA-6833] & SDN 001-22 [SDN-6834] - 1027458 ONTARIO INC. - NE CORNER FLORENCE & BEVERLY GLEN Clerk"s Files: Z/14458 & ZO/13950
Date: Thursday, March 2, 2023 8:41:56 AM

From: Ontario Lands <ONTLands@enbridge.com>
Sent: Thursday, February 9, 2023 2:42 PM
To: Dama, Janice <jdama@citywindsor.ca>
Subject: RE: PUBLIC NOTICE: Z 027-22 [ZNG-6832] & OPA 163 [OPA-6833] & SDN 001-22 [SDN-6834] - 1027458 ONTARIO INC. - NE CORNER FLORENCE & BEVERLY GLEN Clerk's Files: Z/14458 & ZO/13950

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Thank you for your correspondence with regards to draft plan of approval for the above noted project.

It is Enbridge Gas Inc.'s request that as a condition of final approval that the owner/developer provide to Enbridge the necessary easements and/or agreements required by Enbridge for the provision of gas services for this project, in a form satisfactory to Enbridge.

Should you require any further information, please contact the undersigned.

Barbara M.J. Baranow
Analyst Land Support

Enbridge Gas Inc.
50 Keil Drive North, Chatham, ON N7M 5M1

Integrity. Safety. Respect.

From: Dama, Janice <jdama@citywindsor.ca>
Sent: Thursday, February 9, 2023 2:35 PM
To: 'Bell Canada' <circulations@wsp.com>; "Circulations Intake, MMM Group Limited ' ' <circulations@mmm.ca>; 'Cogeco Cable – Daniel Haggins' <Daniel.Haggins@cogeco.com>; "Conseil Scolaire Viamonde (French Public School Board) ' ' <planification@csviamonde.ca>; "CSC Providence' ' <blanjean@cscprovidence.ca>; Ontario Lands <ONTLands@enbridge.com>; "ERCA ' ' <planning@erca.org>; "Marvio Vinhaes ' ' <tsd@enwin.com>; "Ontario Power Generation ' ' <Executivevp.lawanddevelopment@opg.com>; "Shelley Armstrong, Superintendent of Business (Public School Board) ' ' <Shelley.Armstrong@publicboard.ca>; "Terry Lyons, Dir. of Ed. Catholic School Board ' ' <director@wecdsb.on.ca>; Paulic, Walter <wpaulic@citywindsor.ca>
Subject: [External] PUBLIC NOTICE: Z 027-22 [ZNG-6832] & OPA 163 [OPA-6833] & SDN 001-22 [SDN-6834] - 1027458 ONTARIO INC. - NE CORNER FLORENCE & BEVERLY GLEN Clerk's Files: Z/14458 & ZO/13950

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Janice Dama | Development Applications Clerk

THE CITY OF WINDSOR
ONTARIO, CANADA

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350 City Hall Square West, Room 530
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