

A meeting of the **Planning Standing Committee** is held this day commencing at 4:30 o'clock p.m. in Council Chambers there being present the following members:

Councillor Marra (Chair)
Councillor Maghnieh
Councillor Sleiman

Absent

Councillor Hatfield
Councillor Gignac

Citizens

Merrill Baker
Cheryl Cross-Leal
Barb Bjarneson

Also present are the following from Administration:

Thom Hunt, City Planner
Don Wilson, Manager of Development
Jim Abbs, Senior Planner
Kevin Alexander, Senior Planner
Kristina Tang, Co-Op Student
June Liu-Vajko, Engineering and Corporate Projects
Wira Vendrasco, Senior Legal Counsel
Lee Anne Doyle, Chief Building Official
Marianne Sladic, Steno Clerk Senior (A)
Agatha Armstrong, Deputy City Clerk

1. **CALL TO ORDER**

The meeting is called to order at 4:30 o'clock p.m.

2. **DISCLOSURES OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

Barb Bjarneson declares a conflict and abstains from voting on Item 1 "Rezoning, 1800 Talbot Road, Schlegel Villages, construct a long term care facility, assisted living units, multiple dwellings and associated accessory uses."

3. **ADOPTION OF MINUTES**

Moved by Barb Bjarneson, seconded by Councillor Sleiman,
That the minutes of the meeting of the Planning Standing Committee (Planning Act Matters)
held January 16, 2012 **BE ADOPTED** as presented.
Carried.

Moved by Councillor Maghnieh, seconded by Councillor Sleiman,
That the minutes of the meeting of the Planning Standing Committee held January 16, 2012
BE ADOPTED as presented.
Carried.

4. **REQUEST FOR DEFERRALS, REFERRALS, OR WITHDRAWALS**

None requested.

5. **COMMUNICATIONS**

None.

6. **PRESENTATIONS AND DELEGATIONS**

Delegates of the Planning Act Matter are included in Appendix "A".

7. **PLANNING ACT MATTERS**

Minutes for the Planning Act Matter are *attached* as Appendix "A".

Item 1 Rezoning, 1800 Talbot Road, Schlegel Villages, construct a long term care facility, assisted living units, multiple dwellings and associated accessory uses

Moved by Councillor Sleiman, seconded by Merrill Baker,

I) **THAT** an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of 1800 Talbot Road; (Part of Lot 2, Concession 4, (Geographic Township of Sandwich West) City of Windsor, near the intersection of Talbot Road and Cousineau Road.; from ID 1.3 to H ID 1.3, with site specific provisions as follows:

- (a) Additional Permitted Uses
 - (i) A residential care facility;
 - (ii) A multiple dwelling;
 - (iii) Any use accessory to the additional permitted uses.
- (b) Regulations for Additional Permitted Uses
 - (i) Maximum building height 36 metres
 - (ii) Maximum Gross Floor Area Ratio 1.5:1
 - (iii) Minimum Side Yard Depth adjacent to Talbot Road 0 m
 - (iv) Minimum Side Yard Depth adjacent to Ashfield Crescent 15m
 - (v) Minimum Landscaped Area 25%
 - (vi) Loading Spaces 2
- (c) for the Purpose of a Residential Care Facility or a Multiple Dwelling, the provisions of Section 21 (12) (a) (iv) shall not apply.
- (d) for the Purpose of a Residential Care Facility or a Multiple Dwelling adjacent to Talbot Road, the provisions of Section 25(6) (a) (2) shall not apply, and the Parking Area Separation

- adjacent to Talbot Road shall be 1m.
- (e) for the Purpose of a Residential Care Facility or a Multiple Dwelling adjacent to another Institutional Use, the provisions of Section 25(6) (a) (3) shall not apply.
 - (f) for the Purpose of a Residential Care Facility or a Multiple Dwelling with a Collector Aisle length greater than 50m, the Minimum Collector Aisle width shall be 6.1m.
- II) **THAT H (hold) provision BE REMOVED** when the following conditions are met:
- (i) an Archaeological assessment is completed to the satisfaction of Heritage Planner;
 - (ii) a Noise and Vibration study identifying required mitigation measures is completed to the satisfaction of the City Planner;
 - (iii) a Functional Servicing Report (Sanitary and Storm Sewer) is completed to the satisfaction of the City Engineer;
 - (iv) a Transportation Impact Study is completed to the satisfaction of City Engineer;
 - (v) the applicant has received and provided a copy of a MTO Access Permit for this development; and
 - (vi) the applicant has received and provided a copy of a MTO Land use Permit for this development.
 - (vii) an executed Site Plan Control agreement that includes any required mitigation measures identified in the studies outlined in (i) through (iv) above.
- III) Notification and consultation of the residents at time of the Site Plan Approval meeting.
Carried.
Barbara Bjarneson declares a conflict and abstains from voting on this matter.
Cheryl Cross-Leal voting nay.

8. **COMMITTEE MATTERS**

None.

9. **ADMINISTRATIVE MATTERS**

Item 2 Requests for Interim Control By-law Exemption – 477 Detroit Street, St. Francis Catholic School

Due to lack of quorum, this matter is being forwarded directly to Council for review and approval.

10. **DATE OF NEXT MEETING**

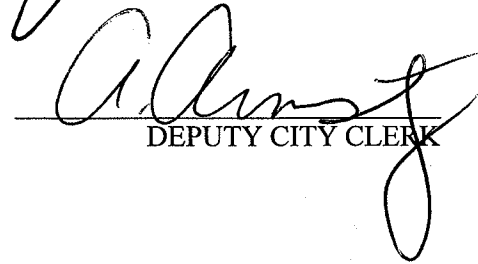
The next meeting of the Planning Standing Committee will be held on March 20, 2012 at 4:30 o'clock p.m. in Council Chambers.

11. **ADJOURNMENT**

There being no further business, the meeting is adjourned at 6:30 o'clock p.m.



CHAIR



DEPUTY CITY CLERK

**MINUTES OF THE CITY OF WINDSOR PLANNING STANDING COMMITTEE
(Planning Act Matters)**

February 13, 2012

A meeting of the Windsor Planning Standing Committee was held this day at 4:30 p.m. in the Council Chambers, Third Floor, City Hall, there being present:

Councillor B. Marra – Chair, Councillor E. Sleiman, Ms. C. Cross-Leal, Councillor A. Maghnieh, Mr. M. Baker and Ms. B. Bjarneson.

Regrets: Councillor Percy Hatfield and Councillor JoAnne Gignac

Also present are:

Mr. Thom Hunt – City Planner, Mr. Don Wilson - Manager of Development Applications & Secretary, Mr. Jim Abbs – Senior Planner, Mr. Kevin Alexander – Senior Planner, Ms. Kristina Tang (Co-Op Student) and Ms. Marianne Sladic – Senior Clerk, Planning Department; Ms. Agatha Armstrong – Supervisor of Council Services/Deputy City Clerk; Ms. June Liu-Vajko - Engineering & Corporate Projects Department; Ms. Lee Anne Doyle – Executive Director/Chief Building Official, Building Department; and Ms. Wira Vendrasco – City Solicitor, Legal Department.

GENERAL BUSINESS:

The Chair explains the rules of procedure of the Planning Standing Committee and that this is the required public meeting in accordance with the Planning Act. He asks if there are any disclosures of pecuniary interest. Hearing none, he asks members and the public present if there are any requests for deferral, referral or withdrawal. Hearing none, he proceeds with the meeting. The Chair indicates those interested in making submissions to Council must list to speak as a delegation with Council Services.

Ms. B. Bjarneson notes a conflict of interest on Item 1 (Schlegel Villages).

ADOPTION OF THE MINUTES

Moved by B. Bjarneson, seconded by Councillor Sleiman.

That the minutes of the Planning Advisory Committee (Planning Act Matters) meeting of January 16, 2012 **BE ADOPTED.**

Motion **CARRIED UNANIMOUSLY.**

The Chair introduces the first item on the agenda.

Item 1 – SCHLEGEL VILLAGES – 1800 Talbot Rd.

A Zoning By-law amendment has been requested for property located near the intersection of Talbot Road and Cousineau Road. The property is more particularly described as Part of Lot 2, Concession 4, (Geographic Township of Sandwich West) City of Windsor. (Municipally known as **1800 TALBOT ROAD**) The entire site is currently used as a College (St. Clair), however the area to be rezoned is currently used as a baseball diamond.

The subject land is presently zoned "ID1.3" – in By-law 8600 and is designated 'Major Institutional' in the City of Windsor Official Plan.

The applicant wishes to construct a long term care facility, assisted living units, multiple dwellings and associated accessory uses. The facility will be constructed in two phases. A 4 storey long-term care facility with 256 beds will comprise the initial (first) phase of development. The second phase will consist of a 10 storey apartment building with 5 floors containing 160 retirement home suites and 5 floors containing 60 senior's apartments. The apartment will have two adjoining 3 storey wings which flank each side of the 10 storey building. Phase 2 will also include a Town Square providing common amenities for residents and a health clinic. These uses conform to the policies of the City of Windsor Official Plan. The application contemplates adding long term care facility, assisted living units, and multiple dwellings as site specific additional uses. Due to the unique nature of the site, specific lot regulations will also be implemented.

Subsequent to preparation of the report, the Applicant has provided a Transportation Impact Study, Noise and Vibration Study and an Archaeological Assessment. These reports have not yet been reviewed by Administration. [Jim Abbs – Senior Planner]

The recommendation is for approval. Slight changes to Recommendation I are noted on the Blue Sheets.

James Schlegel – President Schlegel Villages – 325 Max Becker Dr., Kitchener, ON N2E 4H5. Mr. Schlegel gives a brief background on the Family owned operation, as well as giving his educational and work background and experience in this field. Mr. Schlegel begins a brief PowerPoint presentation (hard copy distributed) with the assistance of Mr. Wellings to discuss the type of facility and care they provide. Mr. Schlegel also provides a report entitled Schlegel-UW Research Institute for Aging – 5-Year Report (2005-2010). This is a Senate approved research institute, funded by their family. The intent is to bring researchers to the real life challenges of caring for seniors and improve their quality of life, not just in the facility, but anywhere in Ontario or Canada. Research is done on-site at each location. Also have actual classrooms to assist students with their course work, research findings are then incorporated in time to improve the lives of seniors at the facility. The information is also disseminated outside the facility to benefit other seniors in Ontario and Canada.

Glen Wellings – Wellings Planning Consultants – 564 Emerald St., Burlington, ON L7R 2N8. Mr. Wellings continues the presentation and advises the Committee and audience of the planned development, the intention and attention being given to the development, noting

full support of the recommendations provided by Mr. Abbs, and intend to comply fully. Mr. Wellings mentions the studies they have obtained, which will be forwarded to Mr. Abbs following the meeting. The Traffic and Noise studies have also been forwarded to the Ministry of Transportation, who at this point is opposed to the development. Mr. Wellings reviews information of the allowances of the current zoning for the benefit of the members and audience. Mr. Wellings mentions meetings held with residents and have taken into consideration the concerns of abutting neighbours and have done what they can to address their concerns and modify their site plan. A Shadow Impact Study was also done and shows the shadow does not impact any of the abutting properties during the summer months. With the assistance of an overhead picture, Mr. Wellings points out parking and delivery locations and their little to no impact to neighbours. Most concerns will also be covered during the Site Plan process. Mr. Wellings notes the economic benefits to the City regarding employment, as well as availability and benefits for seniors and their changing needs.

Councillor Sleiman inquires about the number of parking spots. Mr. Wellings advises there are 260 parking spaces, all located on the property (not shared with St. Clair College), staff parking separated (in rear).

Councillor Sleiman requests clarification regarding the comment of college student residence. Mr. Wellings advises the current zoning allows for student residences between 8 and 9 storeys.

Councillor Sleiman asks Mr. Abbs why the recommendation was changed from 30m to 36m as the maximum building height? Mr. Abbs advises he calculated the average storey at 3m, multiplied by 10 storeys, equals 30m. In speaking with the Applicant, he was notified the building height is 36m, therefore the adjustment was made.

Councillor Sleiman seeks clarification of the floor area ratio of 1.5:1. Mr. Abbs explains the floor area ratio advises how much floor area the buildings can have compared to the size of the site itself. They can have 1.5 times the area of the site in building floors. This is based on the land parcel in question, not the entire St. Clair College site.

Councillor Sleiman inquires about Recommendation I, c, d, and e; referring to *Section 21 (12) (a) (iv) shall not apply*, which prohibits construction on a Municipal street. Do they have any now? Mr. Abbs explains that when the Ministry of Transportation (MOT) purchased certain lands for the Windsor-Essex Parkway, a portion of those lands received was part of the Cousineau Road right-of-way. Because that right-of-way is now controlled by the MOT and not the City of Windsor, technically, under the zoning by-law, they do not have frontage on a Municipal street. The way the by-law is worded, Mr. Abbs had to relieve the Applicant from that requirement.

Councillor Maghnieh inquires what would the College be permitted to develop if this application goes through? Mr. Abbs advises the application refers to Schlegel's and the long-term care facility on the triangular piece of property. The application has no bearing on St. Clair College.

The Chair clarifies Councillor Maghnieh's inquiry whether his question pertains to what the college is permitted if this application were not to go through? Councillor Maghnieh says yes. Mr. Abbs advises they are permitted general college uses. Anything that would or could be found on a college campus would be permitted. It's a major institutional use.

Councillor Sleiman inquires further in respect to the parking. With the 260 parking spaces allotted, will this be sufficient for all the phases? Mr. Wellings confirms. The Chair brings attention to the report which notes all the parking will be provided during the first phase, 70 of which are for employees. Mr. Wellings advises employee parking will be to the rear and will sufficiently accommodate shift changes. Mr. Abbs adds that the applicant is providing parking that exceeds the requirement in the zoning by-law for this use.

The Chair requests a timeline of the phases of development. Mr. Schlegel advises their hope to begin the first phase in the Spring of 2012. The second (and only other phase) [retirement home and assisted living apartments] will be dictated by the market need which they expect to be in the 5-10 year range.

Ms. Cross-Leal notes concern over the transportation impact, access and proximity to the highway. Ms. Cross-Leal also notes the applicant has shifted the site plan in order to alleviate some of the height concerns by residents. However, doesn't believe this satisfies the MOT. Has this been resolved? Mr. Abbs advises the current information provided indicates the MOT is not in support of the development. The MOT has a corridor and a setback requirement. The recommendations include a Holding symbol that affect the site until those issues (including MOT) are resolved. Two of the Holding provisions require resolution with MOT prior to construction. The Schlegel's are in process to resolve and obtain permits from MOT. Ms. Cross-Leal wants to ensure that satisfying the MOT will not negatively impact the residents. Mr. Abbs advises that from his perspective, whether the building is 7m or 15m away from the rear lot line on Ashfield Crescent, the MOT is not in support of the development. Mr. Wellings advises the MOT has been provided with the studies they've requested and they will continue to work closely with the MOT in order to obtain a resolution.

Lynda Pizzolitto (resident) – 4315 Ashfield Cres., Windsor, ON N9G 2G8 – Opposed to zoning changes. Ms. Pizzolitto states her concerns, as outlined in her email dated February 9, 2012, which was presented as Additional Comments to Committee Members.

- *No other buildings in South Windsor or LaSalle are that tall (10 stories). Buildings this tall are primarily found in the Central Business District, or on the waterfront, where they don't obstruct residential homes.*
- *A facility such as this should be located closer to similar buildings (closer the college campus itself, or as an example, Oakwood Public School and Community Centre).*
- *This is a residential area, and we feel that there should not be a structure in the neighbourhood, significantly different from other houses in the area.*
- *Afternoon sun for our backyard will be blocked, affecting the enjoyment of our backyard pool*

- *We're concerned over the increased pressure on infrastructure, particularly sewers. There are already problems with basement flooding in the area (we have had three instances in 2011 alone). The City of Windsor has recognized the problems in this area, and at this time, has not been able to articulate a solution.*

If the zoning change is allowed, we would like to see

- a) Additional distance between the edge of the building, and the property line, from 51 feet to 100 feet*
- b) A limit on the height of the building of three stories, to allow for afternoon sun on our homes and backyards.*
- c) That the buildings facing the backs of the six homes on Ashfield Crescent not have windows, to protect our privacy.*
- d) A berm separating the building from the homes, to block sight and sounds and light from the facility*
- e) A wooden privacy fence built in stages, that is, as the phases of the development are built, with the same access (ie gate) to the St. Clair fields, as is there currently.*
- f) We request that no additional development be allowed in the area, unless and until the current residential flooding situation has been rectified. Further, if the development is allowed to proceed, we request the City cover any additional flood damage of our (and adjacent) properties.*
- g) A drawing presented to us labeled "MP1 ALT 3" of 24 January 2012 indicates the required number of parking spots are 202 – however, the number of parking spaces allotted are 268. We request that the developer only be allowed the 202 spots required, and that the parking spots abutting the rear of the Ashfield Crescent properties be removed, and that the berm abuts the property line of the residents on Ashfield Crescent.*
- h) While construction is going on, that heavy equipment not be operated before 7:30 am and not after 5:00 pm, weekdays, and not at all, during Saturday or Sunday.*
- i) For reasons of security, that access to the college and as well as the new development, from Cousineau Road, be eliminated. If this is not permitted, then regular security patrols take place.*
- j) That lighting on the pedestrian walkway from Cousineau to the College (if it is allowed) be kept at a ground level (no higher than 4 feet from the ground).*
- k) Re: the medical clinic (called for in Phase II) – we'd like assurances that this will not be a methadone clinic, or drug rehabilitation treatment facility.*

Jim Chambers (resident) – 4325 Ashfield Cres., Windsor, ON N9G 2G8 – First states, what may be implied as a threat, that the College could build a 9-storey building, if it chose, under the current zoning by-law. Notes the College has not chosen to build any tall building in that vicinity and all their structures and parking are further away from residences and gives examples. Why then are they being forced to accept a building, which was originally 20 feet away now 50 feet away from the property line? Now they're left with parking abutting their backyards. Agrees that long-term care is required, but why is it being squeezed into that particular small parcel forcing Schlegel to building their buildings closer to the property line?

Mr. Chambers goes on to state that he and his neighbour utilize their backyard throughout the year with their dogs enjoying the afternoon sun and watching the sun set. Why isn't Aspen Village being expanded instead? And finally, where else in South Windsor is there a building of that height allowed that close to residents?

Edward Mailloux (resident) – 4307 Ashfield Cres., Windsor, ON N9G 2G8 – States he purchased his home because there was so much open space. Has put up with truck traffic which was finally alleviated by the depressed highway. Fought for obtaining green space. Now all that is for nothing because there will be a 4-storey and 10-storey building erected behind where there once was nothing but green space. Feels their privacy is being destroyed, green space gone, and no breeze coming in. The previous residents have stated most of what he had wanted to say. Why couldn't this development go on Cabana Road along with the others?

Paul MacIntyre (resident) – 4285 Mitchell Cres., Windsor, ON N9G 2G1 – States his property is two properties north of the Ashfield properties. His concern can be summarized with the word "flooding". Mr. MacIntyre experienced flooding five (5) times this past summer. They had several engineers come out to investigate. Through Council, they obtained a new sump pump and backwater valve as well as a new basement through the insurance company. However, in the backyard facing the college is a ditch that runs north and south and reflects the water line. As far as he knows, it drains to Cousineau Road to the south. Would like to know how this drainage is going to continue? Mr. MacIntyre agrees 150% with his neighbour's comments.

Catherine Lafrenier – 4321 Ashfield Cres., Windsor, ON N9G 2G8 – States full respect of her neighbours, but feels with due diligence everything possible would be done to alleviate any, if not all the concerns. She and her husband have a different perspective on this project. They are in favour of the re-zoning for this facility. It's a facility that's really needed. Don't really share the concerns, other than flooding, for privacy and shadow. She doesn't believe they enjoy perfect privacy as it is adjoining the St. Clair College parking lot. People can see directly into their dining room and backyard already. Seeing the response from Mr. Schlegel and his associates in response to the resident's concerns, she believes something will be put in place that will not be significantly disruptive to the neighbourhood.

David Hanna – 4115 Mount Royal, Windsor, ON N9G 2C3 – States he is not an abutting resident. Foresees the project going forward but would also like to see the location changed, perhaps on a Brownfield site or Cabana where it can be near existing facilities. Mr. Hanna mentions the concern over EMS noise. Again, that isn't a problem on Cabana. Mr. Hanna inquires why the college doesn't build a parking garage with this facility as a joint venture. Mentions the green parking garage being constructed by the University of Windsor. Wants to know what energy efficiencies are being incorporated, ie. green roof, solar, etc. How is stormwater treatment going to be handled here? What improvement is there? Feels the Schlegel's could've broadened their notification area and include more residents. As for the zoning change, what do the residents get back? Is there anything they can do for the neighbourhood in exchange for this extra height they're getting? What are the plans for a trail connection and plans for a sitting area for patients that may want to have another aspect other than the social area indoors? This could be a joint venture with the MOT as well.

Mr. Hanna inquires about the winged aspect of the building which will be for Alzheimer's patients. Is that the best area for them, facing the parking lot?

Tony Jovcevski – 2333 Ashfield Cres., Windsor, ON N9G 2G8 – From his understanding of the Schlegel facilities, they have one prototype and just find a property and fit that prototype to that property. Has there been any discussion in changing the prototype design to possibly shorten the building and provide a longer distance between the rear property line and the building? Also, if the 10-storey future building does not proceed, has there been any consideration if the Schlegel family were to sell that portion of the property and if so, are there any regulations as to who can purchase that property and what can be built on that property? Also has a concern about damages to current taxes for the neighbourhood. Will they increase? Would there be any further losses to the back area?

Mr. Wellings introduces Mr. Rick Spencer (Hanna, Ghobrial and Spencer Ltd.), the engineer of the project to speak on the issue of flooding. Mr. Richard Hammond (Cornerstone Architecture), architect for the project, will speak regarding the shadow study and some of the other initiatives.

Mr. Spencer speaks regarding basement flooding and storm drainage, the Ashfield Crescent sewer systems are separate and distinct from that of the College. The storm drainage from the College will not be directed into the Ashfield Crescent sewers, it'll be directed to the Cousineau drain that has adequate capacity and is quite deep. Also, sanitary drains will also be directed to the existing drains on Cousineau Rd. No drainage is being directed to the Ashfield Crescent systems. Also all the storm run-off and draining will be maintained to the present surface run-off which flows towards the Cousineau Drain.

Mr. Hammond presents the site plan on overhead and states they're impressed with the way MOT is proposing the parkway by submerging the highway and creating a pedestrian linkage to this area. The building is constructed so that the frontage can look towards that section as opposed to the residential area and are looking to link with the walkway. To respect the residents, the courtyards are designed with safety and privacy in mind. The centre courtyard is open to residents and visitors. Although the building will not be a certified green building, much of the components will be incorporated into the structure and he mentions several of them.

Mr. Hammond then shows a computer model of the building and the shadow study prepared. Mr. Hammond reveals the four season's equinox/solstice (spring, summer, autumn and winter) and the shadows expected in 2 hour intervals. The study reveals in winter there is more of a shadow across the back of residences. However, during spring and autumn, the shadows do not encroach too deep into the backyards, no more than the surrounding trees. In summer, the shadows just reach past the back property line, allowing full sun into the backyards of residences. Overall, the shadow effects are much less than what is permitted on the site.

The Chair brings forward a question raised by resident Tony Jovcevski regarding the template design of the building and can it be modified? Mr. Hammond advises it is a prototype

they've developed especially for the long-term care site. They continue to use it since it works very well and falls under the stringent standards set by the government. The facade of the main building goes beyond what the ministry requires. The second phase facility can be modified and is more flexible.

Mr. Baker inquires about the phase 2 portion. If there is more flexibility in that design, couldn't the 10-storey tower be reduced and the excess transferred to the book-end towers? Mr. Hammond advises it is possible, however, the shadow impact caused by increasing the storey height on the end towers would cause more shadow encroachment on the residences to the north.

Mr. Baker notes the concerns by residents regarding shadows and flooding. Have there been other shadow impact studies done on different building variations, for example an 8-storey? Mr. Hammond advises they hadn't looked at other options when the building was originally set closer to the property line. Distancing the building further has helped with reducing the shadow impact. The key impacts occur more so during Spring, Autumn and Winter from the 4-storey building after 4pm. But they can look at other possibilities.

Councillor Sleiman notes resident concerns over the sewers. What impact on the neighbourhood will this development have on the existing sewers? The Chair advises they're on a separate sewer system. Mr. Spencer advises they'll be using an existing sewer at Cousineau which was servicing the subdivision to the south. That subdivision has since been consumed by the Windsor-Essex Parkway. That system is different from the Ashfield Crescent system. The storm drainage is also separate. They are actually over restricting the site to a pre-condition of a 5-year event even under a 100-year storm.

Councillor Sleiman understands the building facing the neighbourhood has been pushed back another 30 ft. Is that from the lot line? Also requests clarifications of lot lines. Mr. Hammond confirms the distance from lot line to building as well as clarifies lot lines. Councillor Sleiman inquires the average depth of the backyards. Mr. Abbs advises the least rear yard depth is 25 ft. Councillor Sleiman estimates the distance between home and building is approximately 75 ft. Mr. Abbs won't characterize the concerns of residents but stating the distance is correct. Councillor Sleiman asks if any landscaping will be placed at the lot line? Mr. Hammond advises they will, which will be addressed in the Site Plan process and gives some examples of what may be considered along those lines.

Councillor Sleiman asks if the neighbours will be invited to the Site Plan process to discuss landscaping and other issues? The Chair advises that issue is dealt with through the Site Plan process and that the neighbours could be invited to attend and note their concerns. The Chair encourages the Councillor to add that as a direction at the time of resolution to be included.

The Chair also notes a request from Ms. Pizzolitto regarding 8 ft. fencing and pedestrian access. Mr. Hammond advises that is their intention. Through discussions with the adjacent property owners, their concerns and requests are being taken into consideration and the Schlegel's are willing to address those concerns by providing some of the features requested. The Chair inquires whether they (Applicant and associates) were given a copy of Ms.

Pizzolitto's requests and can he address some of them. Mr. Hammond confirms they have a copy and notes the issue on privacy is a non-issue. The north wall will not have windows. Any windows on the north wall would be in the corridor only. Construction activity issue, they have control over that. Will try to limit hours of operation of heavy/noisy machinery within the hours requested. Lighting is a site plan issue that requires full cut-off in order not to disturb the neighbours. As for the clinic, it's specifically for the seniors only. It will have a dispensary so they can obtain their medication(s) and receive medical care. It is not for rehabilitation.

Councillor Maghnieh asks Ms. Pizzolitto whether shading is her only concern. She says no. She states the diagram shown on the overhead shows trees in back. She has no trees. (Mr. Hammond points to her property on the diagram which shows no trees). Her concern is that she'll receive shade over her pool area. The shadow study diagram shows very little encroachment (just over lot line) during the summer months on the property. The neighbouring trees provide more shade impact, but does not encroach on her yard.

The Chair asks Ms. June Liu-Vajko (Engineer-Public Works) to speak on the issue of flooding on Ashfield Crescent.

Ms. Liu-Vajko reconfirms the development will be using the Cousineau Drain. Public Works has requested a Service Study which the consulting engineer would review the impact on the existing sewer. For storm sewer, they require the storm run-off to run directly into the Cahill and Wolf drains, which won't impact the existing storm sewer. Also, all existing flows must not exceed pre-development flows.

Ms. Cross-Leal reconfirms the new development won't be affecting the neighbours, however, their current sewer situation isn't effectively doing its job. Could the residents alleviate some of their woes by them also tapping into the Cousineau Drain rather than the new development getting access? Ms. Liu-Vajko advises they are two different systems and a connection would have to be made through an empty portion on the school property. Ms. Liu-Vajko shows a diagram on the overhead to help explain. Mr. Schlegel advises they need not acquire new property in order to access the drain. They have purchased land to be used as a utility corridor for that purpose. Ms. Cross-Leal feels the residents could get access along the school lot-line in order to reach the Cousineau Drain. Mr. Schlegel advises a study by Public Works would have to be done in order to find a suitable outlet for the residents. Ms. Cross-Leal states if the site can use it then the residents cannot. Mr. Schlegel advises that's not necessarily true. The Chair advises this suggestion can be noted and brought forth to Council so that Public Works can address and provide further information since this is something that would have to be directed by the City as a future opportunity.

The Chair begins closing the question period and states that not all questions could be answered at this time, noting another question by Mr. Jovcevski regarding other possible development on site should Phase II not take place. Mr. Abbs interjects advising that should Phase II not occur, the land use is limited to the uses for the College as they exist and the additional uses that we're looking at are a residential care facility, and a multiple dwelling.

The Chair advises that Administration will be writing a report on additional information to bring forth to Council and all their concerns have been noted and will be brought forth as well.

The Chair also informs Ms. Pizzolitto that the Shadow report provided at their meeting is different from the Shadow report presented this evening due to the change in site plan following their meeting and concerns voiced at that time. The Chair continues to advise that the Committee can ensure that all the neighbours are notified and consulted for the Site Plan Approval process because many of their concerns will be vetted through that process. This evening's process deals strictly with the re-zoning of the land.

Councillor Sleiman notes the architect stated they are willing to limit the hours of operation of heavy equipment requested by Ms. Pizzolitto in her letter. What hours would those be? Mr. Hammond advises the suggested 7:30am to 5:30pm and not on weekends. Ms. Doyle advises the existing Noise By-Law states the time permitted is 7am to 9pm, which is beyond what is being suggested by the Applicant. Mr. Schlegel advises he is mindful of the resident's concerns over large equipment usage, but he is also under extreme pressure from the Ministry of Health and the Health Network to have the development built expeditiously. He is concerned about constraining the hours of operation too significantly. Would be pleased to comply with the current by-law and may consider to reduce the time to less than 9pm.

Councillor Sleiman advises the use of large equipment is restricted to backhoes and bulldozers which make a lot of noise. But once that initial job is complete, he doesn't believe any of the other equipment will project as much noise. Seeks confirmation. Mr. Schlegel advises difficulty in minimizing what large equipment will be used. There will be booms, lifts and tractors on site which assist in transporting material to the higher floors.

Moved by Councillor Sleiman, seconded by Mr. M. Baker as amended and also that the neighbourhood be notified to attend the Site Plan Control meeting.

That Recommendation I of PSC Report #43 **be replaced** with new Recommendation I, as follows:

- I) That an amendment to Zoning By-law 8600 **BE APPROVED** changing the zoning of 1800 Talbot Road; (Part of Lot 2, Concession 4, (Geographic Township of Sandwich West) City of Windsor, near the intersection of Talbot Road and Cousineau Road.; from ID 1.3 to H ID 1.3, with site specific provisions as follows:

(a) Additional Permitted Uses

- (i) A residential care facility;
- (ii) A multiple dwelling;
- (iii) Any use accessory to the additional permitted uses.

(b) Regulations for Additional Permitted Uses

- (i) Maximum building height 36 metres
- (ii) Maximum Gross Floor Area Ratio 1.5:1
- (iii) Minimum Side Yard Depth adjacent to Talbot Road 0 metres
- (iv) Minimum Side Yard Depth adjacent to Ashfield Crescent 15 metres
- (v) Minimum Landscaped Area 25%
- (vi) Loading Spaces 2

(c) For the Purpose of a Residential Care Facility or a Multiple Dwelling, the provisions of Section 21 (12) (a) (iv) shall not apply.

(d) For the Purpose of a Residential Care Facility or a Multiple Dwelling adjacent to Talbot Road, the provisions of Section 25(6) (a) (2) shall not apply, and the Parking Area Separation adjacent to Talbot Road shall be 1m.

(e) For the Purpose of a Residential Care Facility or a Multiple Dwelling adjacent to another Institutional Use, the provisions of Section 25(6) (a) (3) shall not apply.

(f) For the Purpose of a Residential Care Facility or a Multiple Dwelling with a Collector Aisle length greater than 50m, the Minimum Collector Aisle width shall be 6.1m.

II) That H (hold) provision be removed when the following conditions are met:

- (i) An Archaeological assessment is completed to the satisfaction of Heritage Planner;
- (ii) A Noise and Vibration study identifying required mitigation measures is completed to the satisfaction of the City Planner;
- (iii) A Functional Servicing Report (Sanitary and Storm Sewer) is completed to the satisfaction of the City Engineer;
- (iv) A Transportation Impact Study is completed to the satisfaction of City Engineer;
- (v) The applicant has received and provided a copy of a MTO Access Permit for this development; and
- (vi) The applicant has received and provided a copy of a MTO Land use Permit for this development.
- (vii) An executed Site Plan Control agreement that includes any required mitigation measures identified in the studies outlined in (i) through (iv) above.

III) Notification and consultation of the residents at time of the Site Plan Approval meeting.

Motion CARRIED.

Approved: Councillor Sleiman, Councillor Maghnieh and M. Baker
Opposed: C. Cross-Leal
Abstained: B. Bjarneson

Councillor Maghnieh thanks the residents for attending and their input. Also thanks Mr. Schlegel and associates for providing all their information. He doesn't believe everyone will be 100% satisfied but ensures the Committee and Council will do what they can for the best outcome. Appreciates the continued consultations with the neighbours that Schlegel intends to provide and do whatever they can to help mitigate as many of the concerns as have been raised. Councillor Maghnieh advises he supports the application and hopes that most of the issues will be resolved in Site Plan Control.

Ms. Cross-Leal advises she had supported the Aspen Lake facility and has no issue with the concept or that the City has need of these facilities. However, her issues are similar to that of MOT and neighbours concerning height, shadowing, parking, flooding and hasn't seen how these will be resolved. She feels it's too large a scale for the site, and understands the pressure from the province, but does not support the application in this scale and this site.

The Chair emphasizes what was brought forth by Ms. Cross-Leal and advises an "H" or holding has been recommended on the site in order to satisfy a number of the issues discussed this evening. The Chair further advises that all names and addresses have been documented and they will be notified when the report goes to Council. Due to the short amount of time before the report is brought to Council, the Chair requests anyone interested in attending also submit their email address at the end of the meeting to assist in communication.

The Chair asks Councillor Sleiman if he wanted to bring forth a motion regarding the large equipment. Ms. Doyle advises there is a by-law in place that can be provided as Communications at Council. They can provide clarity but the by-law does not break down in terms of machinery. The Chair advises Councillor Sleiman the discussion is best handled at Council.

Meeting adjourned: 6:30 pm

Councillor Bill Marra, Chair

Mr. Don Wilson, Secretary

/ms