

Final Consolidated City Council Meeting Agenda

Date: Monday, September 23, 2024

Time: 10:00 o'clock a.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 Bylaw 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
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1.	ORDER OF BUSINESS
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2.	CALL TO ORDER - Playing of the National Anthem
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READING OF LAND ACKNOWLEDGEMENT

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
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4.	ADOPTION OF THE MINUTES
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4.1.	Adoption of the Windsor City Council minutes of its meeting held September 9, 2024. (SCM 284/2024) (previously distributed)
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5.	NOTICE OF PROCLAMATIONS
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Proclamations

“Brentwood Recovery Home 60th Anniversary Celebration” – September 27, 2024

“British Home Children’s Day” – September 28, 2024

“Healthy Workplace Month” – October 2024

“National Disability Employment Awareness Month” – October 2024

“National Seniors Day” – October 1, 2024

“Fire Prevention Week” – October 6 to 12, 2024

“International Day of the Girl” – October 11, 2024

Flag Raising Ceremony

“Franco-Ontarian Day” – September 25, 2024

“National Day for Truth and Reconciliation” – September 27, 2024

“Iraqi Heritage Month” – October 3, 2024

“International Day of the Girl” – October 11, 2024

Illumination

“Beacons of Light for British Home Children & Child Migrants” – September 27, 2024

“National Day for Truth & Reconciliation” – September 28 – October 1, 2024

6. COMMITTEE OF THE WHOLE

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

7.1. Correspondence 7.1.1. through 7.1.7. (CMC 13/2024)

Clerk’s Note: Items 7.1.8 and 7.1.9 – Correspondence Items

No.	Sender	Subject
7.1.8	Ontario Land Tribunal	OLT-23-000965 – OLT Decision issued regarding 991 Morand Street – City of Windsor Commissioner, Community & Corporate Services City Solicitor City Planner Development Applications Clerk GP2024 Note & File
7.1.9	Ontario Land Tribunal	OLT-24-000259 – OLT Decision issued regarding 10950 Riverside Drive East – City of Windsor Commissioner, Community & Corporate Services City Solicitor City Planner Development Applications Clerk GP2024 Note & File

7.2. Response to CQ 12-2023: Public conduct policy and security screening options for City Hall and other municipal facilities - City-wide **(S 86/2024)** *(previously distributed)*

8. CONSENT AGENDA (previously distributed)

8.1. CAO By-Law Update - City Wide **(C 110/2024)**

8.2. Delegation of Authority Semi-Annual Report for Period January 1, 2024-June 30, 2024 (City Wide) **(C 111/2024)**

8.3. Tax Relief 2024 (for 2023 Taxes) - Extreme Poverty and/or Illness - City Wide **(C 114/2024)**

Clerk's Note: P&C memo provided to Mayor and members of Council only.

8.4. Applications for Tax Reductions under S. 357/358 of the Ontario Municipal Act 2001 - City Wide **(C 115/2024)**

8.6. Letter of Support - HART Hubs - City Wide **(C 119/2024)**

CONSENT COMMITTEE REPORTS

8.7. Zoning By-Law Amendment Z019-24 (ZNG/7215) - Architectura Inc. Architects – 1098 Albert Rd, Ward 5 **(SCM 269/2024) & (S 105/2024)**

8.8. Closure of west half of north/south alley located between Montrose Street and Tecumseh Boulevard West, Ward 3, SAA-4133 **(SCM 271/2024) & (S 85/2024)**

8.9. Closure of east/west alley located between Church Street and Dougall Avenue, Ward 3, SAA-7138 **(SCM 277/2024) & (S 89/2024)**

8.10. Part Closure of east/west alley located between Belleperche Place and Fairview Boulevard, Ward 6, SAA-7135 **(SCM 273/2024) & (S 92/2024)**

8.11. Closure of north/south alley, located between Clairview Avenue and Wyandotte Street East; and east/west alley located between Clover Street and Adelaide Avenue; Ward 7, SAA-6767 **(SCM 278/2024) & (S 97/2024)**

8.12. Closure of north/south alley located between Millen Street and Girardot Street, Ward 2, SAA-6996 **(SCM 272/2024) & (S 98/2024)**

8.13. Ford City CIP Application for 1306 Drouillard Road. Owner: Charbel Semaan (C/O: Maged Basilius) – Ward 5 **(SCM 279/2024) & (S 101/2024)**

8.14. Closure of north/south alley located between Wyandotte Street West and Rooney Street, Ward 2, SAA-7032 **(SCM 280/2024) & (S 102/2024)**

- 8.15. Brownfield Redevelopment Community Improvement Plan (CIP) application submitted by Baird AE Inc. on behalf of Bullet Investments Inc. for 285 Giles Boulevard East (Ward 3) **(SCM 282/2024) & (S 106/2024)**
- 8.16. Minutes of the International Relations Committee of its meeting held July 10, 2024 **(SCM 283/2024) & (SCM 252/2024)**
- 8.17. Minutes of the Meetings of the Executive Committee and Board of Directors, Willistead Manor Inc., held June 13, 2024 **(SCM 234/2024) & (SCM 197/2024)**
- 8.18. Minutes of the Committee of Management for Huron Lodge of its meeting held June 27, 2024 **(SCM 258/2024) & (SCM 223/2024)**
- 8.19. Minutes of the Age Friendly Windsor Working Group of its meeting held June 13, 2024 **(SCM 261/2024) & (SCM 227/2024)**
- 8.20. Minutes of the Meetings of the Executive Committee and Board of Directors, Willistead Manor Inc., held May 9, 2024 **(SCM 262/2024) & (SCM 230/2024)**
- 8.21. Minutes of the Windsor Essex Regional Community Safety and Well-Being Plan's Regional Systems Leadership Table of its meeting held March 21, 2024 **(SCM 263/2024) & (SCM 231/2024)**
- 8.23. Response to CQ 3/2024 Geese Management - City Wide **(SCM 266/2024) & (S 107/2024)**
Clerk's Note: Administration is providing the *previously distributed* additional information **(AI 19/2024)**
- 8.24. Response to CQ 13-2024, CQ 16-2024 and CQ 30-2024 - Pickleball & Squash Courts within the City - City Wide **(SCM 267/2024) & (S 108/2024)**
- 8.25. Windsor Essex – Ontario Health Team (WE-OHT) Annual Report - City Wide **(SCM 265/2024) & (S 110/2024)**

9. REQUEST FOR DEFERRALS, REFERRALS AND/OR WITHDRAWALS

10. PRESENTATIONS AND DELEGATIONS

PRESENTATIONS (10 minutes)

- 10.1. Impact of Bill 185 Passed by the Provincial Legislature – City Wide **(SCM 270/2024) & (S 103/2024) (previously distributed)**
 - a) Aaron Farough, Senior Legal Counsel (in person) (PowerPoint)

DELEGATIONS (5 minutes)

- 8.5. Windsor-Canada Utilities Ltd. – Annual General Meeting – City Wide (**C 120/2024**) **(previously distributed)**
Clerk's Note: Appendix B available at www.citywindsor.ca due to size
a) Garry Rossi, President & Chief Executive Officer & Matt Carlini, Chief Financial Officer & Paul Gleason, Chief Risk Officer, Windsor Canada Utilities Ltd., available for questions (in person)
- 8.22. Walker Homesite Park – Approval of the Masterplan – Ward 9 (**SCM 264/2024**) & (**S 109/2024**) **(previously distributed)**
a) Mark Ruttle, President, Walker Homesites Athletic Club (in person)
- 11.6. OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9 (**SCM 187/2024**) & (**S 66/2024**) **(previously distributed)**
Clerk's Note: The following written submissions were received from: Marc Masotti, Masotti Group, Mike Davis, Siv-ik Planning & Design Inc., & Andi Shallvari; Satvir Sandhu; Bianca Liam; Henna Murray; Meghan McKenzie; Amyra Pannu; Amber Ford; Adeel Ahmed; Jagwinder Pandher; Chintan Shah; Amandeep Kaur; Jagjeet Bal; Steve Fraley; Alia Khoury; Evelyn Davies; Emily Pearson; Mike Robinson; Amy Cooper; Andy Muller; Rebecca M. & Davis; Nav Singh; Simar Pandher; Kiranpreet Mangat; Gurveen Kaur; Rob Payne; Marla Sponarski; Darrin Messina; Jake Gazo; Sabreen Khalaf; Kiran Gill; Damanpreet Kaur; Aishwarya Ladwa; Muhammad Siddiqui; Afifa Rahman; Ranju & Sukhi Dhaliwal; Sandeep Kaur; Inderpal & Parvinder Bagga; Harshit Dave; Jitu Patel; Prashant Patel; Revathi Vigneshwaran; Chetan; Srinivas Vadapalli; Harleen Gill; Meghan McKenzie; Duncan Lam; Shikha & Anil Sharma; Jigar Patel; Aadithya Sridhar; Pinkal Patel; Vibhav Patel; Scott Fauteux; Guri Dhaliwal; Sam Pearson; Krunal Patel; Vamsi K Surapaneni; Ray Drilleau; TR Marketing; Andrew Simpson; Harneet Dhillon; Gurleen Mann; Carlos Grant; Jagraj Sandhu; Abdul Naboulsi; Aarti Pandya; Ameer Amir; Ameer Amir; Vladimir Drobnjakovic; Sumar Jasey-Savio; Pardeep Sidhu; Ibrahim Alsalkhadi; Ash; Cynthia Luong; Mehak Bal; Shams Ismail; Manaf Bargash; Jag Bal **(previously distributed)** The following written submissions were received from: Shahd Alsalkhadi; Kathy Moreland; Suzanne DeFroy **(attached)**
a) Marc Masotti, Masotti Group, Mike Davis, Siv-ik Planning & Design Inc., and Andi Shallvari (in person) (PowerPoint)
b) Satvir Sandhu, area resident (in person) (PowerPoint and video)
c) Bianca Liam, area resident (in person)
d) Sabreen Khalaf, area resident (in person)
e) Henna Murray, area resident (in person)
f) Meghan McKenzie, area resident (in person)
g) Amyra Pannu, area resident (in person)
h) Amber Ford, on behalf of parents who are area residents (in person)
i) Darrin, area resident (in person)
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j) Dan Bussey, area resident (in person)
k) Suzanne DeFroy, area resident (in person) (PowerPoint)

11. REGULAR BUSINESS ITEMS (Non-Consent Items) (previously distributed)

11.1. Ward Boundary Review - City Wide **(C 116/2024)**

11.2. Council Report re Declaration of a Vacant Parcel of Land Municipally Known as 0 Aylmer Avenue Surplus and Authority to Offer for Sale – Ward 3 **(C 117/2024)**

11.3. Renaming a Portion of County Road 42 and Division Road - Ward 9 **(C 97/2024)**

11.4. Response to CQ 36-2023 – Repurposing Lot 16 - City Wide **(SCM 89/2024) & (S 35/2024)**

Clerk's Note: Administration is providing the *previously distributed* additional information **(AI 18/2024)**

11.5. Extension of the Services Agreement for Parking Enforcement with Canadian Corps of Commissionaires Ottawa Windsor Division – City Wide **(C 100/2024)**

11.7. 2025 Capital Budget Pre-Approval - City Wide **(C 109/2024)**

12. CONSIDERATION OF COMMITTEE REPORTS (previously distributed)

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

12.2. Report of the Special In-Camera meeting of Council of its meeting held September 9, 2024 **(SCM 285/2024)**

12.3. Report of the In-Camera Striking Committee of its meeting held September 9, 2024 **(SCM 286/2024)**

12.4. Report of the Striking Committee of its meeting held September 9, 2024 **(SCM 287/2024)**

13. BY-LAWS (First and Second Reading) (previously distributed)

13.1. **By-law 149-2024** - A BY-LAW TO ESTABLISH THE POSITION OF THE CHIEF ADMINISTRATIVE OFFICER FOR THE CORPORATION OF THE CITY OF WINDSOR, See Item 8.1.

13.2. **By-law 150-2024** - A BY-LAW TO CONFIRM PROCEEDINGS OF THE COUNCIL OF THE CORPORATION OF THE CITY OF WINDSOR AT ITS MEETING HELD ON THE 23RD DAY OF SEPTEMBER, 2024.

14. MOVE BACK INTO FORMAL SESSION

15. NOTICES OF MOTION

16. THIRD AND FINAL READING OF THE BY-LAWS

By-law 149-2024 through 150-2024 inclusive.

17. PETITIONS

18. QUESTION PERIOD

19. STATEMENTS BY MEMBERS

20. UPCOMING MEETINGS

Environment, Transportation & Public Safety Standing Committee
Wednesday, September 25, 2024
4:30 p.m., Council Chambers

Environment, Transportation & Public Safety Standing Committee
Sitting as the Transit Windsor Board of Directors
Wednesday, September 25, 2024
Immediately following the Environment, Transportation & Public Safety Standing
Committee meeting
4:30 p.m., Council Chambers

Community Services Standing Committee
Wednesday, October 2, 2024
9:00 a.m., Council Chambers

Development & Heritage Standing Committee
Monday, October 7, 2024
4:30 p.m., Council Chambers

Windsor Accessibility Advisory Committee
Tuesday, October 8, 2024
10:00 a.m., via Zoom

Age Friendly Windsor Working Group
Thursday, October 10, 2024
9:00 a.m., Optimist Community Centre, 1075 Ypres Avenue

City Council Meeting
Tuesday, October 15, 2024
10:00 a.m., Council Chambers

21. ADJOURNMENT

Package D contains the *attached* written submissions to members of City Council for their meeting held Monday, September 23, 2024 regarding Item 11.6 - OPA and Rezoning – Generation Development Contractors Inc. – 3930 & 3950 Sixth Concession Road – OPA 185 OPA/7185 Z-008/24 ZNG/7184 - Ward 9 (**S 66/2024**) as part of the Consolidated Agenda.

-----Original Message-----

From: Shahd Alsalkhadi

Sent: Friday, September 20, 2024 11:34 PM

To: clerks <clerks@citywindsor.ca>

Subject: Dear Councillor, I am writing to express my deep apprehension about the multiplex proposal in our neighbourhood 3930 & 3950 sixth concession road . The road's open ditch, combined with the three other proposed multiplexes, creates a hazardous environm...

[You don't often get email from Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

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.

Shahd Alsalkhadi

Sent from my iPhone

September 23, 2024

City Clerk's Office

Mayor and City Councillors

Re: Council Meeting to Consider Amendments – ITEM 11.6

Zoning By-law 8600 [ZNG-7184] and Official Plan [OPA-7185]

3930 & 3950 Sixth Concession Rd.

I am writing to voice my concerns about the proposed rezoning of 3930 & 3950 6th Concession Rd. I will keep my comments as brief as possible:

1 An increase in density suggested by the develop's current plan is in contradiction of current Intensification Guidelines of June 2022.

- The current zoning for this property is RD 2.1- single detached, semi-detached, duplex, 4-plex/max 4 units and max 9m/30ft high, townhouse dwelling
- Changes to the zoning would **NOT BE COMPATIBLE WITH THE NEIGHBOURHOOD OF MOSTLY SINGLE DWELLINGS OF 1-2 STOREYS on both sides of 6th concession**. To suggest that this type of intensification will give seniors in the area a chance to continue to live in their neighbourhoods is absurd. They ARE LIVING IN THE HOMES THAT THEY HAVE LIVED IN FOR DECADES. I am surrounded by seniors in their 80's and 90's who intend to stay in their homes until they die. They have no desire to move.
- OPA 159–increased intensification of that specific corner will surely impact the character of the neighbourhood with increased traffic across Ducharme St. at 6th concession into the older portion of Roseland (in spite of the pork chop deterrent). This is a safety hazard for pedestrians and cyclists, many of them children on their way to school.. There is little to no law enforcement of ongoing traffic violations in the area already with illegal left turns, no stopping at stop signs and illegal entry across 6th concession from the newer section of Ducharme to the older section.
- The proposed development is not close to any public transit route. Nearest bus stops are ~0.5km away on Division Rd and Howard Ave. Residents of the proposed dwellings would have to walk/cycle along 2 lane roads with no sidewalks (neither Ducharme St or 6th Concession) and ditches (6th concession) to get to public transit.
- The current plan has little room for additional parking or garbage storage. 24 families leaving their garbage and recycling on the street will create safety hazards for pedestrians and traffic delays when pick ups occur.

2. The proposal does not meet the standard 4 tests under Section 45 of the OPA e.g.

- **The variance must be minor in nature.** It is too large to be considered minor!
- **The variance is desirable for the appropriate development or use of the land.** Desirable for whom? Definitely for the developers who already own the property through family. But is it desirable for the neighbourhood? It will also put undue pressure on the City to upgrade 6th concession ahead of schedule.

- **The variance maintains the general intent and purpose of the Zoning By-law.** It does not. It is 40ft high and will hold 24 families/units. There will be minimal parking and minimal green space on the property.
- **The variance maintains the general intent and purpose of the Official Plan.** While it may help to increase the number of housing units in Windsor. They will NOT be affordable so I fail to see how this will help ease the housing burden in this City.

In conclusion, my main opposition to the rezoning of these properties are:

- Incompatible with the neighbourhood due to size, # of units and height
- Safety concerns re: traffic and lack of pedestrian/cyclists routes along Ducharme and 6th concession
- Increased traffic volume and disruptions due to 2 lane road and lack of garbage and parking accommodations on site

The need for affordable housing and housing in general is a huge issue. It is understandable that developers are going to try to make money in a more affluent area of the city than another (where affordable housing is needed). But—Municipal and provincial guidelines are in place for a reason. This site is being developed in order for one developer to tear down a perfectly good home that belongs to his family and make millions off the backs of his mother's former neighbours. No one in the area is against creating more housing. It must be done in a mindful way that does not desecrate the character of the neighbourhood or violate zoning laws and planning guidelines that are in place.

Thank you for your time and consideration.

Kathy Moreland

September 18, 2024

City Clerk's Office
Mayor and City Councillors

Re: Council Meeting to Consider Amendments – ITEM 11.6
Zoning By-law 8600 [ZNG-7184] and Official Plan [OPA-7185]
3930 & 3950 Sixth Concession Rd.

Transparent consultation and public opinion have been valued since farmland on this site was being developed in the 1990's. When a citizen looks deeper into how decisions finally reach the council floor today, they will see a step-by-step process that overlooks many of those who will be living with the decisions for years to come. Years can go by, after the developer has initial meetings with city planners and oftentimes a city councillor in the ward before those who live beyond the 120-metre notification zone are even aware of what is happening. This has become 'normal business practice'.

So, it was very confusing to read the Mayor's national CBC media release on the very morning before a decision was going to be made for 4170 – 4190 Sixth Concession, that "It's nearly impossible to deny new development applications that reach city council." [CBC News, Sep. 9, 2024]

I am left wondering why we even have elected officials who make promises to protect the citizens that voted for them. We have evolved into using an intentional process that developers now use to maximize their investment. Developers work with their own and city planners who are doing their job by completing a bureaucratic checklist that does not consider **lived experience**. Without widening the lens to include social, economic, and cultural impact, a lack of foresight will occur according to research on densification (Cavicchia, R., 2023, Apr.). Public servants are paid to do their job as taxpayer employees and **do not** hold the ultimate decision-making power. We **elect** politicians to do that and that is where the power and ultimate responsibility lies.

Red flags surface when wise planning decisions from the past are no longer applicable as a shift in housing policies begins to take place. Government politicians argue that **affordable housing** to meet the current crisis demands of will be met by the housing market, yet this argument is not taking into consideration the escalating homeless numbers or the fact that many people cannot afford rent let alone municipal tax increases. **It is a new world** that favours profit over

people, where paid employees hold decision making power and consultations are becoming contrived to meet political agendas.

However, there was a glimmer of hope on Dec. 13, 2023. We saw courage and visionary principles that were upheld. Mayor Dilkens defended council's decision Council not to bend to the federal condition of including fourplex development as a 'right'. to access the Housing Accelerator Fund [HAF]. At a **national** media briefing on January 19, 2024, he explained that the city's housing plan will limit **four-plexes** to certain areas along major transit routes and used a map to illustrate locations – the Sixth Concession was not included. The *Made in Windsor Housing Solution* would meet or exceed HAF benchmarks, "**while still respecting homeowners.**" Subsequent media releases have noted that this is happening, and **targets will be met** (Campbell, 2024, Sep. 6).

Today you are being asked to consider changes to one development that represents a shift in land use policy. This WILL be precedent setting because one after another proposal will come forward for a decision. It is nonsensical to think of this one you are deliberating on, in isolation without looking at the entire bigger picture as a 'city planner' or decision maker.

Three multi-plexes for Sixth Concession alone are in the works, this one – 3930 – 3950; 4088 – 4096; and 4170 – 4190. There is also 670 – 690 North Talbot and trees have been cleared with housing markers at the south-east corner entrance to Southwood Lakes that will bring hundreds of new residents into the Sixth Concession and North Talbot transportation corridor.

Arguments that support this explosive trend seems to rest on laws and planning guidelines made at the provincial level. The Sixth Concession and North Talbot transportation corridor has made sacrifices already and cannot be accused of NIMBY. Caution is urged in this municipal deliberation, and I would encourage future talks with Premier Ford's provincial government to support the citizens who are raising the red flags being presented today.

I have lived at 910 Ducharme for more than 25 years and was involved in the lengthy consultations that **respected homeowners** have taken place since 2000 when Sandwich South farmland was being developed for low profile housing. Other well attended 'open houses' were noted in the April 2016 Environmental Study prepared by Dillon Consulting for the City of Windsor. A different perspective at the time valued '**lived experience**' and shone light on existing problems – **NOT COMPLAINTS**.

We only need to go back to the February 14, 2019, Windsor Star article by Brian Cross where a principled position helped get our councillor elected: 'Councillor calls for \$7.5 M revamp of

Sixth Concession: To get out of the subdivisions where thousands of people now live, “You can’t walk or ride your bike, in my opinion, down that road safely,” says Kieran McKenzie.

Although it is categorized as a Class I Collector Road the Sixth Concession needs to be upgraded first. It is time reprioritize before taking this particular project you are considering today to the next stage and ask yourself why **safety considerations** that every resident raised has been dismissed as ‘negligible’? Interpreting and implementing guidelines that are drastically changing our official plan will be allowing an increased unsafe burden on this corridor. Is this what the citizens of the City of Windsor deserve?

I continue to rely on the **professional expertise** cited in **Dillon’s 2016 report that looked at the bigger picture – the entire Sixth Concession and North Talbot corridor as NOTHING HAS CHANGED!!!**

- As a result of the lengthy public consultations conducted in 2004, due to **traffic and safety concerns** intersections at Wallace, Scofield, Ducharme, Morand, and Socrates at Sixth Concession resulted in pork chop installations. In addition, a speed bump on Scofield and two all-way stops were located at Morand and Wallace. These all remain contentious.
- Drainage issues/rural cross sections **need upgrade** to urban cross sections on 6th Concession
- There is a lack of **active transportation facilities** (discontinuous sidewalks, cycling, and transit accommodations)
- Traffic control issues at Ducharme and 6th Concession continue to be problematic
- Speed, traffic volume and safety concerns identified
 - Non-compliance to ‘stop controls’
 - Non-compliance to ‘left turn restrictions’
- **Concerns** that any additional changes will encourage cut-through traffic into Old Roseland neighborhood west of 6th Concession

Report Recommendations:

- Enclosing drainage systems must be addressed.
- Traffic control issues for pedestrian and cyclist **SAFETY** and **reduced infiltration through the local road system** were also raised to find solutions. Suggested roundabouts at ALL intersections located at the 6th Concession, which was referenced in the amendment proposal to mediate this concern for the proposed project.

Many sound recommendations in Dillon’s report have **yet to be implemented** mostly due to budget constraints - as per information provided at the November 30th 2023 Ward 9 Public Meeting. A **major fear** is that someone, some day will be maimed or killed.

CONCERNS noted by experts in 2004 and 2016 HAVE ONLY BEEN MAGNIFIED by this proposal!

The issues have been acknowledged with traffic calming devices heralded as the solution. After the speed bump on-line survey for Ducharme in **2023** (*that was difficult to access and did not get approved*) I wrote letters to employees at City Hall including my councillor and I was told that another environmental impact study was going to be done of which I have not seen.

This proposal goes beyond a simple request for a minor variance and must be subjected to the standard traditional **'tests'** under section 45(1) of the Ontario Planning Act.

1. Is the proposal a **desirable and appropriate use of the subject property** – not only from the applicant's perspective – [client is Masotti Construction who commissioned Siv-ik Planning and Design] but, also whether **is it desirable from a planning and public interest point of view?**

Public comments were generated in 20 responses to 83 'postcards' inviting **ONLY** those living within **400 feet** of the location to 'virtual input sessions' not even considering the difficulties some may have in accessing this computer platform. Cited in the Siv-ik's Public Engagement report questions were raised, many left unanswered or not satisfactorily explained as to the underlying reasoning, simply that the requirements have been fulfilled based on the planner's opinion. Existing problems **WERE** raised that need to be addressed **before** additional pressures are placed on the affected neighbourhoods. Two years later, from my conversations with 100 neighbours, not one comment has been made for support of this proposal as indicated by the response to this meeting. Public interest has stated loud and clear it is not **desirable from a planning and public interest point of view!**

2. Would the general intent and purpose of the **official plan** be maintained?

This is a **MAJOR** request to change a **viable residential property** to be **removed** and replaced with 24 residences embedded in four separate units of **six plexes** that are 12 metres [40 feet] in height - therefore not compatible in structure or land use similar to other neighborhood properties. Parking for visitors and tree replacement will also be problematic based on the illustration. Other issues that contravene **the Official Plan** are highlighted in the reference below [sections 3.7.3.2; 3.7.3.3; 3.7.7.4].



[Picture listed on the internet]



[Developer's Drawing]

3. Will the general intent and purpose of the **zoning bylaw** be maintained?

Rezoning property for multiple dwellings and 'associated designs' of **four** separate buildings will **each provide six residences** [including the ADUs proposed] with a possibility of housing 72 or more people. It is my opinion that this is **new plan** being introduced, that although **site specific**, will be **precedent setting** and future developers can use to their advantage.

Finally, I referred to the **Ontario Superior Court Of Justice Divisional Court** judgement in a key case decision, which raised the question of '**special privilege**' being requested by the applicant that I would suggest are also applicable to making these major amendments for **zoning** and **official plan** changes to a '**site specific provision**' on a single property. The judgement cited the need to determine justification that is a genuine '**need or hardship**' by the **property's owner** before granting approval.

In this case and others along the Sixth Concession and North Talbot corridor that are coming before you **and** the public, the intended '**need or hardship**' by applicants is based on their monetary investment **BEFORE** the needs of those who will be impacted. Plans are set in motion long before citizens are aware of the destruction to the quality of life in their neighbourhood. This intentional process was set up by politicians and **can be changed** by politicians for the future.

As I said at the beginning, working with planners who are doing their job by completing a bureaucratic checklist that does not consider **lived experience** and the **social, economic, and cultural impact** is a big mistake and not logical. They are paid to do their job as taxpayer employees and do not hold decision making powers. We elect politicians to do that and that is where the power and ultimate responsibility lies.

This four 'townhouse development' is technically made up of six-plexes. Granting this request for special privilege will establish precedent setting change as one after another proposal comes forward for a decision. In addition, it is plain to see the Sixth Concession needs to be upgraded first before any other decisions can be made.

Caution is urged in these deliberations, and I encourage you to exercise your influence and hold future talks with Premier Ford's government by advocating on behalf of the citizens in the event this goes to the Ontario Land Tribunal. It is vital to ensure that decisions made by municipal bodies are fair and just, reflecting the careful and thoughtful consideration we owe one another in our community.

I can only hope you will have the same courage and foresight that you had last December. Reject this proposal as it stands before you.

Respectfully submitted,

Suzanne C. De Froy, EdD

Supported by my husband, Robert J. Bergoine

References and Notes

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“This secondary plan was prepared in accordance with the former City of Windsor Official Plan. The surrounding area in the vicinity of this study area is **primarily developed for low profile residential use.**”

3.7.3.2 - TOWNHOUSE OR APARTMENT LOCATION Townhouses or apartments proposed in the Mixed-Use area shall be located on **sites regular in shape and fronting** on Class I or Class II Collector Roads.

3.7.3.3 - SITE PLAN CONTROL The layout and design of any site for Mixed Use development **shall not create an abrupt change in scale** and form and shall not jeopardize the potential for Low Profile Residential development on adjacent lands. Such areas shall be subject to site plan control.

3.7.7.4 - 6 TH CONCESSION ROAD Sixth Concession Road is designated as a Class I Collector Road (24 metre wide right-of-way). Sixth Concession Road links North Talbot Road and Provincial Road. **Only limited access to adjoining properties shall be permitted. The location of Low-Profile Residential lot frontage shall be avoided along 6th Concession Road.**

Ontario Superior Court Of Justice Divisional Court. Vincent v DeGasparis [2005] O. J. No 2890.
<https://arris.ca/~arris2/ARCHIVE/DeGasparis%20-%20Vincent%20decision.pdf>

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